

Application for a project to be referred to an expert consenting panel

(Pursuant to Section 20 of the COVID-19 Recovery (Fast-track Consenting) Act 2020)

For office use only:

Project name: Nola Estate
Application number: PJ-0000715
Date received: 02/10/2020

This form must be used by applicants making a request to the responsible Minister(s) for a project to be referred to an expert consenting panel under the COVID-19 Recovery (Fast-track Consenting) Act 2020.

All legislative references relate to the COVID-19 Recovery (Fast-track Consenting) Act 2020 (the Act), unless stated otherwise.

The information requirements for making an application are described in Section 20(3) of the Act. Your application must be made in this approved form and contain all of the required information. If these requirements are not met, the Minister(s) may decline your application due to insufficient information.

Section 20(2)(b) of the Act specifies that the application needs only to provide a general level of detail, sufficient to inform the Minister's decision on the application, as opposed to the level of detail provided to an expert consenting panel deciding applications for resource consents or notices of requirement for designations.

We recommend you discuss your application and the information requirements with the Ministry for the Environment (the Ministry) before the request is lodged. Please contact the Ministry via email: fasttrackconsenting@mfe.govt.nz

The Ministry has also prepared [Fast-track guidance](#) to help applicants prepare applications for projects to be referred.

Part I: Applicant

Applicant details

Person or entity making the request: CPM 2019 Ltd

Contact person: Kieran Doe

Job title: Director

Phone: s 9(2)(a)

Email: s 9(2)(a)

Postal address:

s 9(2)(a)

Address for service (if different from above)

Organisation: Civix

Contact person: Nick Mattison

Job title: Director and Senior Planner

Phone: s 9(2)(a)

Email: s 9(2)(a)

Email address for service: s 9(2)(a)

Postal address:

Part II: Project location

The application: does not relate to the coastal marine area

If the application relates to the coastal marine area wholly or in part, references to the Minister in this form should be read as the Minister for the Environment and Minister of Conservation.

Site address / location:

A cadastral map and/or aerial imagery to clearly show the project location will help.

460 to 478 West Coast Road (excluding 466 West Coast Road) and 317 to 345 Glengarry Road, Glen Eden. Aerial and cadastral plans of the site are on pages 3 and 4 of the Application Document, attached. Copies of the certificates of title are in Appendix A, see pages 001 - 36

Legal description(s):

A current copy of the relevant Record(s) of Title will help.

Certificates of Title are in Appendix A, see pages 001 - 36

- NA29A/231, Lot 22 Deposited Plan 19309
- NA29A/232, Lot 23 Deposited Plan 19309
- NA29A/233, Lot 24 Deposited Plan 19309
- NA29A/234, Lot 25 Deposited Plan 19309
- NA29A/235, Lot 26 Deposited Plan 19309
- NA29A/236, Lot 27 Deposited Plan 19309
- NA29A/237, Lot 28 Deposited Plan 19309
- NA35A/1265, Lot 30 Deposited Plan 19309
- NA35A/1266, Lot 31 Deposited Plan 19309
- NA35A/1267, Lot 32 Deposited Plan 19309
- NA35A/1268, Lot 35 Deposited Plan 19309
- NA35A/1269, Lot 36 Deposited Plan 19309
- NA35A/1270, Lot 37 Deposited Plan 19309
- NA35A/1271, Lot 38 Deposited Plan 19309
- NA35A/1272, Lot 39 Deposited Plan 19309

- NA35A/1273, Lot 40 Deposited Plan 19309

Registered legal land owner(s):

There are two different owners. Nola Holdings Limited owns most of the land, but Lot 2 DP 155993 (NA93A/900) is separately owned by John Terrence Burley as executor of the estate of Brian Joseph Nola.

Detail the nature of the applicant's legal interest (if any) in the land on which the project will occur, including a statement of how that affects the applicant's ability to undertake the work that is required for the project:

See document titled "**Fast track consenting form - CPM 2019 Limited**" at **page 5**

The two Sale and Purchase Agreements for the land are included from **Appendix A page 037**.

CPM 209 Ltd is a site-specific development entity, which is ultimately owned by two of the partners of NFK & Co, Francois Marie Gilbert Beziac and Kieran Edward Doe, who are also the Directors. The other partner of NFK & Co Nathan James Treloar is a consultant on this project. Sirius Limited which owns part of CPM 2019 Limited represents the interests of Rene Malmezac who is a passive investor and not involved in the day to day running of the company and/or construction of dwellings.

CPM 2019 Ltd's accountant has prepared corporate structure diagrams of CPM2019 Ltd, Waimumu Road Ltd and Bruce McLaren Road Limited showing Mr Beziac and Mr Doe's common interests in those companies attached as **Appendix A pages 087 - 089**. CPM anticipates that this may be of interest to MfE in order to prove Mr Beziac and Mr Doe's track record in two other successful Kiwibuild projects (105 Waimumu Road, Massey, Auckland and 119 Bruce McLaren Road, Henderson, Auckland).

NFK & Co's development portfolio is included as **Appendix A page 090**. See also www.nfk.co.nz.

Part III: Project details

Description

Project name: Nola Estate

Project summary:

Please provide a brief summary (no more than 2-3 lines) of the proposed project.

The Project is an affordable housing focused Integrated Residential Development (IRD) of up to 249 units (some lots may be lost due to provision of increased communal space), a cafe, reserves, community centre and a local commercial centre with associated subdivision. The activity is not a prohibited activity; the activity status is discretionary. An explanation of what an IRD is, is set out further below.

Project details:

Please provide details of the proposed project, its purpose, objectives and the activities it involves, noting that Section 20(2)(b) of the Act specifies that the application needs only to provide a general level of detail.

The applicant has addressed this section in detail in the **Application Document attached, at pages 5 - 12**

In summary the proposal involves an Integrated Residential Development (IRD) of up to 249 units (some lots may be lost due to provision of increased communal space), a cafe and a local Commercial Centre with associated subdivision in Chapter H3- Residential Single House Zone ("Single House Zone" or "RSHZ") under the Auckland Unitary Plan Operative in Part (AUPOIP). The activity is not a prohibited activity; the activity status is discretionary. An explanation of what an IRD is, is set out further below.

Purpose and object of the proposal

The purpose of the project is to increase housing supply in the Auckland region, in particular, providing affordable housing to meet market demand, by optimising the efficient development of a large residentially zoned site in Auckland and bringing them to market quickly.

The dwellings are a mix of three-bedroom dwellings (144) and two-bedroom units (105) within a mix of two and three level dwellings, ensuring that the three level dwellings are located away from the peripheral interface boundaries to existing sites. Two bedroom units will be 64-68m², with 3 bedroom dwellings larger. Rev 10 also has some 4 bedroom dwellings. The two alternative proposed Master Plans (Rev 06 and Rev 10) are shown below and included in **Appendix A page 143 (Rev 06) and page 144 (Rev 10)**. These have been prepared with input from urban design, traffic, engineering, economic, and ecological experts. Reserve areas are shown where residents can recreate or gather, providing a communal facility of benefit to the neighbourhood.

Kiwibuild

It is intended that KiwiBuild be a partner to the development, with a share of about 150 lots and dwellings, and the remaining 99 lots and dwellings to be put on the private market. The two bedroom dwellings will have a GFA of between 67m² and 69m², 3 bedroom dwellings will be in the order of 81m² to 86m² and 4 bedroom dwellings in the order of 105m² GFA.

NFK have worked with KiwiBuild on two prior projects (105 Waimumu Road, Massey, Auckland and 119 Bruce McLaren Road, Henderson, Auckland). The application to KiwiBuild was filed on recently and a copy of a letter from KiwiBuild confirming receipt of the application and the success of NFK's existing KiwiBuild Projects is included at **Appendix A page 110**. KiwiBuild say that they have "been very pleased with these projects".

NFK have already engaged with KiwiBuild prior to filing the formal application and have received confirmation of general support for the project (though KiwiBuild were assessing a slightly earlier design, Rev 07), a copy of that report is attached as **Appendix A page 111**. It comments that the strengths are:

- Good location, including on-site amenities
- Known developer and solid looking design team
- Architectural precedents are encouraging
- Generally solid layouts
- Potential for universal design

It notes some weaknesses, being

- Unable to fully assess architecture and landscaping
- Site layout has potential for improvement e.g., some block orientations can be improved, central road could be deleted
- Blocks likely to need breaking up
- Site is clearly split between KB and market houses
- May be too many 2-bed type A houses (small)
- Unsure of appetite for Homestar

CPM is continuing to work on the design to address the weaknesses identified by KiwiBuild, which are largely matters of detailed design / contractual commitments.

KiwiBuild's commitment to the project is, as always, subject to final sign off and NFK anticipate that the formal approval process with KiwiBuild will be finalised in early 2021. This is about the same time that, should it receive Ministerial approval for this project, the Applicant expects to file its application with the Expert Consenting Panel.

Benchmarking against conventional residential subdivision

As a result of its zoning the site is capable of being developed into 106 dwellings (houses and minor dwellings combined) if developed as a conventional subdivision, which would result in similar GFA and coverage figures with greatly reduced number of bedrooms. A plan of this is included in **Appendix A at page 241**. More specifically see table at **pages 9- 10** of the document titled "**Fast track consenting form - CPM 2019 Limited**". This table is very informative.

Benchmarking against other IRDs which Auckland Council have granted consent to

It is also notable that while the Council raises concerns about the intensity of this project, it actually compares quite favourably to the intensity of development which the Council has granted consent to for other IRDs. While we do not know all of the IRDs that Auckland Council has consented under the AUP, the following section provides a comparison between the Nola Estate and a small subsection of IRDs (where consent was granted) that we are aware of. Inevitably, there will be more examples of granted IRDs across Auckland. More specifically see table at **page 11** of the document titled "**Fast track consenting form - CPM 2019 Limited**". This table is very informative.

Where applicable, describe the staging of the project, including the nature and timing of the staging:

The civil engineering and construction element of the project (e.g. roading and infrastructure) will be completed in a single stage, however the residential units and commercial area will be completed over three stages with a roughly equal division of homes to be constructed within each stage.

It is proposed that horizontal construction to start late March 2021 with a clear objective of completing the civil construction program within nine months from the start date. It is expected that there will be sufficient civil construction activity within the first six months to allow vertical construction to occur within part of the site.

Vertical construction will progress from October 2021 and it is expected that the construction of 249 homes and 400m² of commercial plus 100m² of community centre will conclude within 27 months from the start date.

It is also anticipated that CPM will work with two construction companies. That way CPM spreads a greater workload within the industry and acknowledge the work and effort put in by our existing construction companies, GJ Gardner and Olive Homes/Hero International.

Consents / approvals required

Relevant local authorities: Auckland Council

Resource consent(s) / designation required:

Land-use consent, Subdivision consent, Discharge permit

Relevant zoning, overlays and other features:

Please provide details of the zoning, overlays and other features identified in the relevant plan(s) that relate to the project location.

Legal description(s)	Relevant plan	Zone	Overlays	Other features
Lots 22 - 28 and 30 - 32 and 35-40 Deposited Plan 19309	Auckland Unitary Plan	Residential- Single House Zone	None	Controls: Macroinvertebrate Community Index - Urban West Coast Road is an arterial in part

Rule(s) consent is required under and activity status:

Please provide details of all rules consent is required under. Please note that Section 18(3)(a) of the Act details that the project **must not include** an activity that is described as a prohibited activity in the Resource Management Act 1991, regulations made under that Act (including a national environmental standard), or a plan or proposed plan.

Relevant plan / standard	Relevant rule / regulation	Reason for consent	Activity status	Location of proposed activity
Auckland Unitary Plan	H3.4(A9) Integrated Residential Development in the RSHZ	The proposal is a mix of residential and commercial development. Note,	Discretionary	Across the site

		while this rule does not specify any development controls to be complied with, to assist assessment this consent will cover off all internal permitted activity infringements (height in relation to boundary yard, maximum impervious area, landscaped area, walls as set out in H.3.6.7 to 3.,6.12). Potentially some three-storey buildings could include minor height infringements of roof form (H3.6.6) up to 9.5.m. Minor front yard infringements with respect to the internal roads to be vested may also arise.		
Auckland Unitary Plan	H3.4(A36) New buildings	Construction of 249 residential units and one commercial unit	Discretionary	Across the site
Auckland Unitary Plan	E38.4.2(A14) Subdivision in accordance with an approved land use consent complying with Standard E38.8.2.2.	Subdivision of approximately 250 freehold lots (additional commonly held lots will also be included, e.g. reserves)	Restricted Discretionary	Across the site
Auckland Unitary Plan	E27.4(A5) New vehicle crossing to a vehicle access restriction road	West Coast Road is shown as an arterial road in GIS.	Restricted Discretionary	West Coast Road - See location of proposed vehicle crossings on the MasterPlan
Auckland Unitary Plan	E11.4.1(A9) Earthworks greater than 2,500m2 within the Sediment Control Protection Area	Earthworks exceeding 2,500m2 are proposed	Restricted Discretionary	Across the site
Auckland Unitary Plan	E12.4.1(A6) Earthworks greater than 2,500m3	Earthworks exceeding 2,500m3 are proposed.	Restricted Discretionary	Across the site
Auckland Unitary Plan	E12.4.1(A10) Earthworks greater than 2,500m3	Earthworks exceeding 2,500m3 are proposed	Restricted Discretionary	Across the site
Auckland Unitary Plan	E8.4.1(A10) Stormwater discharges from impervious areas exceeding 5,000m2	Stormwater discharges from impervious areas exceeding 5,000m2 are proposed.	Restricted Discretionary	Across the site
Auckland Unitary Plan	E30.4.1(A6) Discharges of contaminants from disturbing soil on land containing elevated	land may be contaminated from horticultural use	Controlled	Across the site

	levels of contaminants. (Subject to assessment after completion of a Detailed Site Investigation for soil contamination.)			
National Environmental Standard for Assessing and Managing Contaminants in Soil to Protect Human Health 2011	Clause 5(5) and 5(6)	subdivision and change of use of land	Restricted Discretionary	Across the site

Resource consent applications already made, or notices of requirement already lodged, on the same or a similar project:

Please provide details of the applications and notices, and any decisions made on them. Schedule 6 clause 28(3) of the COVID-19 Recovery (Fast-track Consenting) Act 2020 details that a person who has lodged an application for a resource consent or a notice of requirement under the Resource Management Act 1991, in relation to a listed project or a referred project, must withdraw that application or notice of requirement before lodging a consent application or notice of requirement with an expert consenting panel under this Act for the same, or substantially the same, activity.

No applications for resource consent or notices of requirement have been lodged relating to the Site. For completeness the Applicant is preparing separate resource consent applications for bulk earthworks and site preparation in order to facilitate construction in 2021.

Resource consent(s) / Designation required for the project by someone other than the applicant, including details on whether these have been obtained:

N/A

Other legal authorisations (other than contractual) required to begin the project (eg, authorities under the Heritage New Zealand Pouhere Taonga Act 2014 or concessions under the Conservation Act 1987), including details on whether these have been obtained:

The site is not identified by the AUP as having any heritage or cultural items of significance. Zoning and overlay maps are included at **Appendix A page 256**. However, the works will be subject to consent conditions requiring works to cease (i.e. identification and protection protocols) should any items of cultural or heritage significance be discovered, with notification to Heritage New Zealand and iwi made to enable appropriate actions prior to re-commencing works-subject to consultation with iwi that identification and protection protocols can be activated. To the extent that Auckland Transport require improvements to the surrounding road corridor, then Auckland Transport will need to provide permission to undertake work. Further, as part of the site adjoins a restricted access road (part of West Coast Road), the approval of Auckland Transport will be required in this regard.

Construction readiness

If the resource consent(s) are granted, and/or notice of requirement is confirmed, detail when you anticipate construction activities will begin, and be completed:

Please provide a high-level timeline outlining key milestones, e.g. detailed design, procurement, funding, site works commencement and completion.

It is proposed that horizontal construction start in late March 2021 with a clear objective of completing the civil construction programme within nine months from the start date. It is expected that there will be sufficient civil construction activity within the first six months to allow vertical construction to occur within part of the site. Vertical

construction will progress from October 2021 and it is expected that the construction of 249 residential units and the local Commercial Centre will conclude within 27 months from the start date.

Part IV: Consultation

Government ministries and departments

Detail all consultation undertaken with relevant government ministries and departments:

None, no Government ministries or departments are affected.

CPM is engaging with Kiwibuild, who are positive about the application and their feedback is separately recorded.

Local authorities

Detail all consultation undertaken with relevant local authorities:

Auckland Council: A pre-application meeting was requested to be held with Auckland Council to obtain feedback from various council specialists. CPM consider this provides a further critique of the proposal while not restricting the preferred course of action for fast track assessment.

The pre-application meeting with Auckland Council occurred on Wednesday 9 September. Minutes are noted earlier and are attached as **Appendix A page 145**. It is noted that this is Auckland Council's own record of the minutes and CPM's advisors consider that they do not accurately reflect what was stated at the meeting.

Other persons/parties

Detail all other persons or parties you consider are likely to be affected by the project:

Te Kawerau A Maki

Auckland Transport (the site requires a vehicle crossing to a restricted access road)

Waitakere Ranges Local Board

Detail all consultation undertaken with the above persons or parties:

Māori

The site is located within the Te Kawerau a Maki Statutory Acknowledgement Area. Consultation will be required. Consultation with iwi has been initiated, with details sent to mana whenua identified by Auckland Council for this location. The email and information provided is included in **Appendix A page 259**.

An on-site meeting with Te Kawerau A Maki took place on Wednesday 9 September 2020, and details of consultation will be recorded for provision through the process. The written feedback will be provided once it has been received. CPM's advisors have followed up numerous times since the meeting. **Auckland Transport (the site requires a vehicle crossing to a restricted access road)**

Auckland Transport will be included in the pre-application meeting with Auckland Council. Initial discussions have occurred between TPC and Auckland Transport, noting general support, but suggesting areas of road improvements both externally and internally. These can be readily addressed though the course of detailed design under the resource consent process. A letter from TPC setting out the outcomes of discussions to date is noted earlier and included in **Appendix A page 246. Watercare**

Civix Ltd engineers have requested a pre-application meeting with Watercare regarding network capacity matters. **Waitakere Ranges Local Board**

Details of the proposal have been sent to the Waitakere Ranges Local Board for feedback, they have advised that their input will be included with Auckland Council's feedback at the appropriate time. The email and information sent are included in **Appendix A page 270**.

Part V: Iwi authorities and Treaty settlements

For help with identifying relevant iwi authorities, you may wish to refer to Te Kāhui Māngai – Directory of Iwi and Māori Organisations.

Iwi authorities and Treaty settlement entities

Detail all consultation undertaken with Iwi authorities whose area of interest includes the area in which the project will occur:

Iwi authority	Consultation undertaken
Te Kawerau a Maki	Consultation with iwi has been initiated, with details sent to mana whenua identified by Auckland Council for this location. The email and information provided is included in Appendix A page 259. Te Kawerau a Maki have responded that they have cultural interests in the area and wish to engage with this project. A copy of their email response is included in Appendix A page 281. A meeting with Te Kawerau a Maki is scheduled on Wednesday 9 September 2020.
Ngāti Tamaoho	Consultation with iwi has been initiated, with details sent to mana whenua identified by Auckland Council for this location. The email and information provided is included in Appendix A page 259. Ngāti Tamaoho have advised us that they “defer this application to our whanaunga Iwi: Nga Maunga Whakaahii and Te Kawerau a Maki.” A copy of their email response is included in Appendix A page 283.
Ngāti Whātua o Kaipara	Consultation with iwi has been initiated, with details sent to mana whenua identified by Auckland Council for this location. The email and information provided is included in Appendix A page 259. Ngāti Whātua o Kaipara have advised us that they defer to Te Kawerau a Maki. A copy of their email response is included in Appendix A page 285.
Ngāti Whātua Ōrākei	Ngāti Whātua Ōrākei have advised us that they “do not need involvement in this instance but would defer and support our whanaunga of Te Kawerau a Maki as the lead Iwi for direct consultation moving forward on this project.” A copy of their email response is included in Appendix A page 287.
Te Ākitai Waiohau	Consultation with iwi has been initiated, with details sent to mana whenua identified by Auckland Council for this location. The email and information provided is included in Appendix A page 259. The Applicant did not receive a response within 15 working days and it is anticipated that Te Ākitai Waiohau have deferred to Te Kawerau a Maki, which is the usual approach for development in this part of Auckland.
Te Rūnanga o Ngāti Whātua	Consultation with iwi has been initiated, with details sent to mana whenua identified by Auckland Council for this location. The email and information provided is included in Appendix A page 259. The Applicant did not receive a response within 15 working days and it is anticipated that Te Rūnanga o Ngāti Whātua have deferred to Te Kawerau a Maki, which is the usual approach for development in this part of Auckland.
Waikato – Tainui	Consultation with iwi has been initiated, with details sent to mana whenua identified by Auckland Council for this location. The email and information provided is included in Appendix A page 259. The Applicant did not receive a response within 15 working days and it is anticipated that Waikato – Tainui have deferred to Te Kawerau a Maki, which is the usual approach for development in this part of Auckland.

Detail all consultation undertaken with Treaty settlement entities whose area of interest includes the area in which the project will occur:

Treaty settlement entity	Consultation undertaken
Te Kawerau a Maki Statutory Acknowledgement Area	Te Kawerau a Maki have responded that they have cultural interests in the area and wish to engage with this project. A copy of their email response is included in Appendix A page 281.

Treaty settlements

Treaty settlements that apply to the geographical location of the project, and a summary of the relevant principles and provisions in those settlements, including any statutory acknowledgement areas:

Section 18(3)(b) of the Act details that the project **must not include** an activity that will occur on land returned under a Treaty settlement where that activity has not been agreed to in writing by the relevant land owner.

Treaty Settlement issues have been addressed in the Document Titled "Fast track consenting form - CPM 2019 Limited" attached at pages 17-20.

While the land is not treaty settlement land, it is however part of a statutory acknowledgment area.

The Treaty of Waitangi Act 1975 at s 6(4A) states that the Waitangi Tribunal shall not recommend the return to Maori ownership of any private land or the acquisition by the Crown of any private land. The site is privately owned land. Consequently, the site cannot be subject to a Treaty settlement claim, at present or in the future, see Treaty of Waitangi Act 1975 s 6(4A).

The "Te Kāhui Māngai – Directory of Iwi and Māori Organisations" lists a number of Iwi as having interests in the area in which the Site is located. However, the AUPOIP through its "Treaty Settlements – Statutory Acknowledgments" layer provides more specificity. The AUPOIP confirms that the Site is located within the Te Kawerau ā Maki Statutory Acknowledgement Area only. In reliance on this source, it is considered that there are no other relevant overlapping Iwi interests in the Site.

Appendix 21 of the AUPOIP contains further details on the treaty settlement legislation and statutory acknowledgement areas. The Act that relates to Te Kawerau ā Maki is the Te Kawerau ā Maki Act Claims Settlement Act 2015 ("Settlement Act"). The purpose of the Settlement Act is:

- To record in English and te reo Māori the acknowledgements and apology given by the Crown to Te Kawerau ā Maki in the deed of settlement; and
- To give effect to certain provisions of the deed of settlement that settles the historical claims of Te Kawerau ā Maki.

Consultation with iwi will be required as part of the application process.

Part VI: Marine and Coastal Area (Takutai Moana) Act 2011

Customary marine title areas

Customary marine title areas under the Marine and Coastal Area (Takutai Moana) Act 2011 that apply to the location of the project:

Section 18(3)(c) of the Act details that the project **must not include** an activity that will occur in a customary marine title area where that activity has not been agreed to in writing by the holder of the relevant customary marine title order.

N/A

Protected customary rights areas

Protected customary rights areas under the Marine and Coastal Area (Takutai Moana) Act 2011 that apply to the location of the project:

Section 18(3)(d) of the Act details that the project **must not include** an activity that will occur in a protected customary rights area and have a more than minor adverse effect on the exercise of the protected customary right, where that activity has not been agreed to in writing by the holder of the relevant protected customary rights recognition order.

N/A

Part VII: Adverse effects

Description of the anticipated and known adverse effects of the project on the environment, including greenhouse gas emissions:

In considering whether a project will help to achieve the purpose of the Act, the Minister may have regard to, under Section 19(e) of the Act, whether there is potential for the project to have significant adverse environmental effects. Please provide details on both the nature and scale of the anticipated and known adverse effects, noting that Section 20(2)(b) of the Act specifies that the application need only provide a general level of detail.

Adverse effects are addressed in detail in the Document Titled "Fast track consenting form - CPM 2019 Limited" attached at pages 21 - 25.

Known and anticipated adverse effects In terms of sustainable use, the proposed use responds with a significantly greater positive environmental outcome than if the site remains as currently used. The site is zoned for residential development. The current use of this site is mostly as an orchard with a small orchard stall. There is also a small café, and seven dwellings on the total site area of approximately 4.3ha. The current use of the majority of the site as an orchard represents use of a financially unviable activity over land zoned for residential development. In this regard, the proposed change in use to provide for 249 residential units targeted as affordable dwellings to assist to address the affordable housing shortfall in Auckland has a **substantial net positive environmental effect**. The **potential** adverse effects are those typically associated with every large scale residential development, those relating to:

- Increased local traffic on the road network.
- Perceived amenity effects from the increased use on surrounding residential neighbours.
- Temporary works during the construction and development of the site – i.e. noise, vibration, traffic, and odour.
- Infrastructure effects in terms of wastewater and water supply demand and capacities, and stormwater discharges – including effects on the overland flowpath shown on Council's GIS.
- Risk associated with contamination from historic horticultural (orchard) use of the site.

These potential adverse effects can be readily addressed through:

- Accessibility to public transport. Moreover:
 - The site is approximately 150-200m to bus stop 5439 which has an express bus service into the Auckland CBD via New Lynn;
 - At New Lynn, there is access to the Auckland rail network as well as all of the shops and services expected in a city centre; and
 - The Glen Eden Rail Park and Ride and Commercial Centre which are only a 20-minute walk approximately 2km to the east along West Coast Road.
- The limited parking available on site, the capacity of the existing roading network to absorb additional traffic and some modest upgrades to the local traffic infrastructure which are being discussed with Auckland Transport. These upgrades are relatively typical for a development of this size.
- A high standard of urban design providing a higher intensity of residential use at a scale complementary to the surrounding area, whilst ensuring that boundary interface effects are avoided by:
 - Ensuring that dwellings which are positioned at the border with other residentially zoned land fully complies with the amenity standards specified in the district plan (as explained in more detail below).
 - Achieving intensification in the centre of the site where this does not impact on the existing surrounding residential environment.
- Otherwise addressing anticipated effects of the development through assessment against the provisions of the Single House Zone and imposing conditions on design and layout.
- Use of standard engineering methods for earthworks and construction of infrastructure (roads and services) as well as conditions of consent, which will require or impose the following:
 - Limits on construction hours and total construction noise and vibration;

- Construction Noise and Vibration Management Plan (required to be prepared and complied with as a condition of consent); and
- Construction Traffic Management Plan (required to be prepared and complied with as a condition of consent).
- Upgrading of local infrastructure services as needed (again, typical of a development of this size) and managing potential overland water flows through the site through design decisions (align flow direction with provision of recreational park).
- Undertaking preliminary and detailed site investigations of contamination risks and implementing the recommendations of those reports.

A preliminary assessment of the public stormwater, wastewater, and water supply servicing for the site has been undertaken by Joshua Symons, civil engineer at Civix (**Appendix A page 422**) indicating some local upgrades are required to respond to capacity requirements, but there are no significant downstream network upgrades required. Further, a meeting with Watercare has been requested for more detailed information on the capacity of the downstream wastewater network. An assessment of the overland flow path in terms of its watercourse classification has been completed by Nicky Kerr, freshwater ecologist at Bioresarches (**Appendix A page 423**) which concludes that it is highly likely that the overland flowpath has been piped, and that works to be undertaken within this can comply as a permitted activity under AUPOIP Rule E3.4.1(A53) (refer page 3 of the assessment).

Jamie Rhodes, an environmental engineer at ENGEO Ltd, an engineering firm specialising in geotechnical engineering as well as contamination investigation and remediation have undertaken a Preliminary and Detailed Site Investigation (PSI and DSI) to satisfy the requirements of the Resource Management (National Environmental Standard for Assessing and Managing Contaminants in Soil to Protect Human Health) Regulations 2011, herein referred to as the "NES" (NES, 2011). (This report is included in **Appendix A page 490**). A Remediation Action Plan ("RAP") has also been prepared (**Appendix A page 428**). The RAP presents management procedures to assist in (1) achieving a safe working environment for all relevant personnel and (2) protecting the environment from contaminants in site discharges during the redevelopment works.

In essence:

- A remedial action plan is required.
- Contaminated land related consents are required.
- Completion reporting and Site Validation Report is required.
- The nature, level and extent of contamination found is not unexpected for a site such as this and is readily able to be remediated for residential use using known techniques that are commercially available in Auckland.

Auckland Unitary Plan Operative in Part - Anticipated effects assessment With regard to effects anticipated under the RSHZ, the following sets out the key Zone Statement, Objectives and Policies, and provisions in support of this proposal. These provisions relate to "Integrated Residential Development". This is a defined term in the AUPOIP and is set out above.

Activity status

The AUPOIP Activity Table Rule H3.4.1(A9) states that an Integrated Residential Development is a **Discretionary Activity**. The Activity Table does not specify any development standards to be met.

As noted above, Auckland Council consider that AUPOIP Activity Table Rule H3.4.1(A6) also applies:

As neither rule (the IRD rule under (A9) in Table H3.4.1 or the more than one dwelling under rule (A6) in Table H3.4.1) excludes the application of the other, both rules apply to the application. Under rule (A6) the application is considered non-complying. Under the bundling principle, the activity should therefore be assessed as a non-complying activity.

CPM's lawyers and planners disagree with this view. The definitions section of the AUP and nested table define IRD's separately to dwellings, which makes sense otherwise every IRD with two or more dwellings would be classified as a non-complying activity. In any event the classification may not matter much because the Fast Tracking Act allows for projects with non-complying activities to be fast tracked.

Objectives and policies Without exhaustive listing of the objective and policies, they can be summarised as:

- Complementing established **or planned** residential character of predominantly one to two storey dwellings.
- Provision of quality on-site and off-site residential amenity through urban design, landscaping, and safety (e.g. encouraging passive surveillance of public spaces).

- Non-residential activities provide for the community's social, economic, and cultural well-being, while keeping in scale with the character of development **anticipated** by the zone.
- Mitigating adverse effects on water quality through controlling impervious areas.
- To **provide for** integrated residential development on larger sites.

It is considered that IRD's and this IRD application in particular finds strong support in Chapter B2 of the RPS. More specifically:

- 1(3) identifies, as an issue, the need for growth to be provided in a way which optimises the efficient use of the existing urban area. IRDs are a mechanism for enabling optimised development of large sites, and CPM has shown above that much greater residential capacity can be achieved through this IRD than a conventional residential development.
- 2.1(2), identifies as an objective that urban growth is primarily accommodated within the 2016 urban area. By optimising development intensity IRDs assist to reduce pressure to expand beyond the 2016 urban area.
- 3.1 identifies the object of a quality built environment. More specifically:
 - Responding to the intrinsic qualities and physical characteristics of the site – the Nola site is well suited to intensification because it is not subject to any material overlay controls (SEA, heritage etc);
 - The development does not challenge the hierarchy of centres and corridors, which is a retail location/hierarchy issue;
 - It contributes to a diverse mix of choice and opportunity for people and communities by providing a significant increase in the range of affordable houses in a location that has a shortage of such housing, as demonstrated by the economic assessment;
 - It maximises resource and infrastructure efficiency by providing a greater residential intensity than a conventional subdivision and it is close to public transport; and
 - It responds to the effects of climate change, in that the site is sufficiently distant from the sea or watercourses to be low risk and the overland flow path (1:10+ years) is enabled through the site.
- 4.2(11) seeks to enable a sufficient supply and diverse range of dwelling types and sizes that meet the housing needs of people and communities, including households on low to moderate incomes. The proposed IRD achieves this outcome to a significant extent and in a location which needs more affordable housing. A conventional subdivision would create little or no affordable housing.

It is of course acknowledged that the RPS and zone provisions recognise the need to manage effects of residential intensity. The IRD largely achieves that by having less coverage than a conventional subdivision with a slightly higher GFA, along with substantial compliance with the relevant zone development controls as explained below. The detailed assessment of amenity effects will be addressed by the expert consenting panel.

Standards and application approachAs a discretionary activity, there are no specific matters for which assessment is restricted to. Therefore, proposals are guided by the outcomes anticipated under the objectives and policies, and for the activity as defined. It is noted that the Activity Table does not specify any development standards to be met, signalling that proposals can be designed according to best practicable outcomes, rather than being restricted by specific adherence to standards. There is no explanation provided in the AUPOIP RSHZ for not referring to standards. However, it is reasonable to consider that flexibility in design is intentional to best help accommodate additional provision of affordable housing in Auckland. Despite the absence of specified development standards, it is proposed that the allotments adjoining existing residential properties will be designed and constructed to meet the amenity expectations of the RSHZ, i.e. they will comply with:

- Height in relation to boundary at the external / interface boundary;
- Maximum height (largely, some buildings may be 9.5m);
- Relevant external / interface yard (side or rear boundary); and
- Building coverage.

The application approach as directed by the AUPOIP RSHZ is therefore to design a proposal which:

- Responds to Policy H3.3(8) of **providing for** integrated residential development on larger sites;
- Responds to an appropriate scale of built form complementary to the RSHZ anticipated character;
- Achieves high amenity outcomes through high quality urban design;
- Provides supporting communal facilities (such as recreation and leisure facilities – i.e. reserves as proposed along with a community commercial hub similar in nature to Local Neighbourhood zones across Auckland);
- Can be serviced by existing public infrastructure (roads and underground services);

- Respects matters of significance to iwi (consultation has been sought); and
- Is responsive to effects on natural resources such as watercourses and natural features.

Part VIII: National policy statements and national environmental standards

General assessment of the project in relation to any relevant national policy statement (including the New Zealand Coastal Policy Statement) and national environmental standard:

Relevant NPS and NES have been addressed in detail in the document Titled "Fast track consenting form - CPM 2019 Limited" attached at pages 25 - 29.

National Policy Statement on Urban Development (NPSUD)

The overall intent of the NPSUD is clear in that where intensification is practical, Councils are required to be responsive to such proposals – particularly in relation to proposals that would supply significant development capacity, as set out in **Objective 6, Policy 6, and Policy 8**. The clear direction for increased intensity in appropriate locations is further obviated under **Policy 3** which, for Tier 1 urban environments, seeks that planning documents **enable** building heights maximising intensification as much as possible. Policy 3(c)(i) seeks to enable building heights of at least six storeys within at least a walkable catchment of existing and planned rapid transit stops. To an extent, this applies to this proposal, being within a short walk to a bus stop with express peak hour services (150 – 200m) and 20-minute walk to the Glen Eden Park and Ride and rail station, although the proposed building heights are lesser being two and three storeys. *Assessment* The proposed IRD 249 lots will provide a significant increase in development capacity for residential dwellings by a further 242 units over the site area. If the site were to be subdivided under standard subdivision of lots of 600m² a yield of approximately 53 lots / 106 dwellings (using a combination of dwellings and minor households) (Approximated by 4.3ha minus 20% for roads divided by 600) could be obtained, being 191 lots less than proposed as IRD. It is intended that the units be a mix of two-bedroom and three-bedroom units (Rev 10 also has 4 bedroom units), with about 150 units dedicated to KiwiBuild, and 99 units to go on the open market. This variation of housing typologies and markets is highly responsive to the provision of a variety of options for different levels of affordability and dwelling occupancy. The revised development proposal which includes more communal space has a slightly lower yield and some 4 bedroom units. The location is close to public open spaces, Glen Eden commercial centre, and rapid transport services. The proposed design responds in terms of anticipated residential amenity under the AUPOIP provisions relating to integrated residential developments in the RSHZ. There are no significant natural features or watercourses on the site which will be affected, and there are no identified heritage or items of cultural significance to Māori. The proximity to public transit will discourage unnecessary vehicle trips, to some degree mitigating potential greenhouse effects by reducing potential emissions from vehicles. The proposal aligns strongly with the outcomes anticipated under the NPSUD. **National Policy Statement for Fresh Water Management 2014 (Amended 2017 – noting the August 2020 NPS to take effect on 3 September 2020) (NPSFWM)**

This sets out the objectives and policies for freshwater management, including:

- Recognition of Te Mana o te Wai in freshwater management;
- Reflection of tangata whenua values and interests in decision making;
- Improving degraded water bodies using bottom lines as defined in the NPS;
- Safeguarding and enhancing the life-supporting capacity of water and associated ecosystems, including threatened ecosystems;
- Working towards targets for fish abundance, diversity and passage; and
- An integrated approach to management of land and freshwater and coastal water.

Assessment

The site contains no significant waterbodies. An ecological assessment of the overland flowpath identified on the Council's GIS system shows this is not classified as a watercourse, given the absence of flowing water and wetland species and other items for consideration under the AUPOIP identification of what constitutes a watercourse. The proposal will be readily able to control any sediment runoff into any waterbodies, given the flat topography, and the application of appropriate sediment control measures.

The proposal does not compromise any outcomes anticipated in the NPSFWM. **New Zealand Coastal Policy Statement 2010 (NZCPS)** The purpose of the NZCPS is to state policies in order to achieve the purpose of the Resource Management Act 1991 in relation to the coastal environment of New Zealand.

The Site's closest proximity to the coast is approximately 3km to the north-west at an inlet adjacent to Rerewai Reserve. The only consideration in this regard is any potential effect on coastal water quality from discharges.

The works to develop the site will be in accordance with best engineering practice in terms of erosion and sediment control, consistent with the AUP and relevant standards (GD05).

Stormwater and wastewater discharges are managed through discharge to public infrastructure.

The proposal does not compromise any outcomes anticipated in the NZCPS.

Assessment The proposed IRD aligns with the NZCPS 2010.

National Policy Statement for Renewable Electricity Generation

This is not relevant to this proposal.

National Policy Statement on Electricity Generation

This is not relevant to this proposal.

National Environmental Standard for Air Quality 2004

The Air Quality NES are regulations made under the Resource Management Act 1991. They aim is to set a guaranteed minimum level of health protection for all New Zealanders.

This includes provisions controlling the effects of air discharges from certain activities, e.g. prohibition on discharges from burning of certain materials (e.g. tyres, bitumen etc.). It also addresses effects of discharges in the ambient air quality of certain environments – including carbon monoxide from vehicles.

While the proposed development will result in additional traffic movements, it is unlikely that these would exceed the levels specified in the Air Quality NES.

Other potential air discharges may relate to the use of wood-burners from dwellings once constructed. These are required to be designed in order to control emissions within the Design Standard specified in Clause 23.

Assessment

The proposal will not likely result in discharges exceeding specified standards in the Air Quality NES, particularly as this is already residentially zoned land.

National Environmental Standard for Assessing and Managing Contaminants in Soil to Protect Human Health (NESCS)

The National Environmental Standard for Assessing and Managing Contaminants in Soil to Protect Human Health (NESCS) is a nationally consistent set of planning controls and soil contaminant values. It ensures that land affected by contaminants in soil is appropriately identified and assessed before it is developed - and if necessary, the land is remediated, or the contaminants contained to make the land safe for human use.

As the site is subject to use as an orchard, it is necessary to complete a Detailed Site Investigation (DSI) to determine the levels of contaminants from the use of horticulture related chemicals. This has been undertaken and has been explained above. In summary Jamie Rhodes, an environmental engineer at ENGEO Ltd, an engineering firm specialising in geotechnical engineering as well as contamination investigation and remediation have undertaken a Preliminary and Detailed Site Investigation (PSI and DSI) to satisfy the requirements of the Resource Management (National Environmental Standard for Assessing and Managing Contaminants in Soil to Protect Human Health) Regulations 2011, herein referred to as the "NES" (NES, 2011). (This report is included in **Appendix A page 490**).

The report identifies some contamination which needs to be addressed through a remediation action plan, resource consents and a site validation report. The nature, level and extent of contamination found is not unexpected for a site such as this and is readily able to be remediated for residential use using known techniques that are commercially available in Auckland.

Assessment

Should any contaminants exceed specified levels, remediation and validation will assure outcomes anticipated under the NESCS as is standard practice for a development of this type and scale.

National Environmental Standard for Sources of Drinking Water This is not relevant to this proposal.

National Environmental Standard for Telecommunication Facilities This is not relevant to this proposal.

National Environmental Standards for Electricity Transmission Activities This is not relevant to this proposal.

National Environmental Standards for Plantation Forestry This is not relevant to this proposal.

Part IX: Purpose of the Act

Your application must be supported by an explanation how the project will help achieve the purpose of the Act, that is to “urgently promote employment to support New Zealand’s recovery from the economic and social impacts of COVID-19 and to support the certainty of ongoing investment across New Zealand, while continuing to promote the sustainable management of natural and physical resources”.

In considering whether the project will help to achieve the purpose of the Act, the Minister may have regard to the specific matters referred to below, and any other matter that the Minister considers relevant.

Project’s economic benefits and costs for people or industries affected by COVID-19:

The proposal’s economic costs and benefits have been assessed by Adam Thompson of Urban Economics, and this is included in **Appendix A page 468**, with a section specifically responding to the project’s economic benefits and costs for people or industries affected by COVID-19.

The summary of this assessment is that the impact of Covid-19, being a downturn in the economy generally due to the impact of government-imposed lockdowns coupled with the closing off of the border to non New Zealand citizens and residents, is likely to result in a decline of houses demanded and constructed, placing considerable pressure on the construction sector over coming years.

This proposal would create a considerable number of jobs within the construction industry, with an estimated 609 Full Time Equivalent jobs created on an annualised basis (i.e. if construction takes two years then 305 Full Time Equivalent Jobs would be created in each year.) This project would provide employment to people working within an industry affected by the economic downturn as a result of Covid-19. Not only that, but the project would contribute to the wider economy in that the construction industry has a value added figure of \$133,000 per FTE employee. This equates to a GDP contribution of \$81m for 609 FTE’s.

The Applicant intends to employ local contractors Hero International and GJ Gardner Homes (West Auckland) for the development. Hero International will construct 149 dwellings and GJ Gardner Homes (West Auckland) will construct 100 dwellings.

Hero International

Specific to the proposal, Hero International anticipate the employment of between 136 and 198 staff (this includes subcontractors who they directly employ) for the development. Prospective job applicants are anticipated to be those living close to the site, within the West Auckland region. Hero International expect to employ approximately the following breakdown of staff:

- Project Managers/Supervisors/Team leads – 10-20 required;
- Carpentry (including cladding and roofing) – 70-90 required;
- Brick and block layers – 6-8 required;
- Plasterers (stoppers) – 6-8 required;
- Electricians – 6-8 required;
- Plumbers – 6-8 required;
- Painters – 6-8 required;
- Tilers – 6-8 required;
- Office support – 10-20 required; and
- Other professionals/skills/disciplines – 10-20 required.

In addition, for the subcontractors they do not directly employ, Hero International will be looking to approximately employ the following external subcontractors:

- Scaffolders – 5 subcontracting teams required (approximately 3-5 per team);
- Joiners – 5 subcontracting teams required (approximately 2-4 per team);
- Carpet fitters – 5 subcontracting teams required (approximately 2-3 per team); and
- Landscapers – 5 subcontracting teams required (approximately 2-4 per team).

In all, the construction by Hero International will result in employment of between 145 and 214 people per year.

GJ Gardner Homes

GJ Gardner Homes anticipate the employment of 4 staff (two project managers and two quantity surveyors) and approximately 100 subcontractors for the development. Due to the need for the roles to be present on site, prospective job applicants are anticipated to be those living close to the site, within the West Auckland region. The construction by GJ Gardner Homes (West Auckland) will result in employment of approximately 104 people per year.

A letter from each of the above companies confirming the above is included in **Annexure A page 474**.

In addition to the economic benefits accruing from construction employment, are spin-off effects to the local retail economy (particularly the Glen Eden commercial centre) from having more people introduced to the area.

Project's effects on the social and cultural wellbeing of current and future generations:

The social and cultural well-being of current and future generations has been assessed by Urban Economics, and this is included in **Appendix A page 468**, with a section specifically responding to the project's effects on the social and cultural wellbeing of current and future generations.

The summary of this assessment is that due to the provision of employment (discussed above) along with a development which provides the market with a diverse range of housing types, the proposal will have a positive impact with the provision of jobs in the construction sector (expected to be directly affected economically by Covid-19) and an increase in the supply of affordable housing to the local area.

The impact of this on the social and cultural wellbeing of current and future generations is that by providing a mix of KiwiBuild and private market dwellings, together with the range of two-bedroom and three-bedroom dwellings, this will reduce the social pressures caused by inadequate housing supply and quality. For example, illness due to damp or poorly ventilated homes or increased pricing of housing due to insufficient supply.

In addition to the economic well-being provided by an increased supply of affordable housing, are the social and cultural benefits primarily stemming from the site's close proximity to community and cultural facilities which will enable residents to become active members of the community and have convenient access to the facilities and services they need. For example:

- being part of a localised community with access to internal recreation reserves, also in proximity to the nearby Parrs Park (which includes a swimming centre); and
- close to local bus services (150 – 200m);
- less than 1.5km from local primary and intermediate schools;
- less than 500m from the Te Kura Kaupapa Māori o Hoani Waititi Marae complex, which includes is an active urban marae that serves the greater Māori community in West Auckland. This complex also has two kōhanga reo (Māori immersion early childcare centres), and
- dwellings located 2kms to Glen Eden Centre park-and-ride for rail and bus, with retail, medical and educational facilities in proximity to this.

The design of the proposal, together with the benefits of its location, substantially provides for the social and cultural well-being of future generations without adversely affecting current residents in the area.

Whether the project would be likely to progress faster by using the processes provided by the Act than would otherwise be the case.

CPM understands, based on feedback from the Ministry for the Environment, that the Ministry's 'best case' assessment of timeframes is now three months for the Minister's approval, plus four months for the EPA/Expert Consenting Panel process. Therefore, the fast-track consenting process is anticipated to take a total of seven months and if resource consent is granted it would take place in approximately June / July 2021 in time for the summer construction season 2021/2022. By contrast under the RMA the Project is anticipated to be ready for resource consent lodgement until February / March 2021 and with 12 - 18 months it is likely not to be consented until mid 2022, about a year later (assuming no Environment Court appeals).

The application has been filed on 2 October 2020 and so, allowing for a seven-month processing timeframe, the granting of the application around June/July 2021 (allowing for the reduction in working days over the December and January period) is expected to fall well within the period prior to the repeal of the Act. Even if those anticipated timeframes are extended, particularly the timeframe for the Ministers approval which is not subject to any statutory timeframes, there remains a period of 12 months between June and the repeal of the Act in July 2022 which would be

more than enough time for the application to be decided in line with statutory timeframes by the EPA/Expert Consenting Panel.

Auckland Council, based on present experience, would be expected to take at least 12 months to process an application of this type. More realistically it would take 18 months – 2 years.

A project the applicant's planner is currently working on is an application for 51 dwellings on a site at 8-14 Cherry Road, Highland Park, Auckland. There was a pre-application meeting with Auckland Council in October 2019 and the application was lodged with Auckland Council on 10 February 2020. To date, the Council have not yet made a decision on notification. In that case, the matter will have to go to a hearing and, while this could occur prior to Christmas, it is likely that a decision will be received on or after February 2021 – around a year after the application was lodged.

Further, another recent project the applicant's planner has worked on was a three-storey three-unit development in Parnell, Auckland. The application was lodged with Auckland Council on 25 October 2019 and proceeded with limited notification to six properties. The hearing took place on 30 and 31 July 2020 and consent was granted in October 2020.

In another example, a consent for additions and alterations to a dwelling subject to a special character overlay was lodged with Auckland Council on 16 August 2019. The hearing took place on 21 September 2020 and consent was granted in October 2020. This example is a consent where the matters are constrained to two issues only, heritage and special character effects. This demonstrates that simple matters are presently subject to significant delays which does not bode well for complex matters such as the present application, being a large multi-unit development. Furthermore, recent changes to the Resource Management Act 1991 have amended s 95A and removed the preclusion of public notification for restricted discretionary or discretionary residential developments (per the Resource Management Amendment Act 2020, effective 30 September 2020). Given the intensity of the development proposed (over 100 dwellings), in our experience, Auckland Council is likely to consider that the application will require public notification (and this was certainly the impression gained from the pre-app meeting). Should Auckland Council proceed on a limited notified basis, CPM is advised that that the application would be notified to a high number of parties such that (in a practical sense) it is likely that the outcome of the limited notification process would be the same as if it had been publicly notified. This amendment to the Act will mean that the processing time for Auckland Council is even more likely to be at the higher end of our estimate, being 18 months – 2 years from lodgement (i.e. March 2023).

With regards to potential neighbouring opposition, the Applicant notes that the development is no more intense than what could reasonably be expected for the site (see assessment of coverage and GFA), and that the potential effects on the number of neighbouring properties are minimised due to the inherent boundary treatment of the site, having roads on two boundaries and existing housing alongside one boundary. Where there is housing, the back yards of the proposed development meet the back yards of the existing housing. In this way, it is considered that because of the permitted baseline of effects on the site any neighbours do not have reasonable grounds for objection. Therefore, the applicant is choosing the fast-track process over the ordinary RMA process in order to significantly speed up the consenting process, save unnecessary costs, and provide certainty of process.

Whether the project may result in a 'public benefit':

Examples of a public benefit as included in Section 19(d) of the Act are included below as prompts only.

Employment/job creation:

This matter overlaps with comments above regarding additional employment in the construction industry. Of particular relevance is the fact that the project will result in the creation of an estimated 609 Full Time Equivalent jobs, created on an annualised basis (i.e. if construction takes two years then 305 Full Time Equivalent Jobs would be created in each year.) Job creation would not be limited to construction jobs only, and other roles such as roading, landscaping, planting, land surveying, administration and support services, and other related industries would be created.

Not only would this project provide employment to people working within an industry affected by the economic downturn as a result of Covid-19, but the project would contribute to the wider economy in that it would equate to a GDP contribution of s 9(2)(b)(iii) for 609 FTE's (based on the construction industry having a value added figure of s 9(2)(b)(ii))

per FTE employee). This GDP contribution is a public benefit in that it contributes to the productivity of the wider economy.

Additionally, with respect to the consultants required to prepare and manage the application we expect that this will result in approximately 5-6 FTEs for the course of a year, along with additional employment of lawyers at around 2 FTEs for the course of a year.

Housing supply:

The public benefit of increasing affordable housing supply has been assessed by Urban Economics, and this is included in **Appendix A page 468**, with a section specifically responding to Section 19(d)(ii). This notes that the proposal would provide housing in currently undersupplied price brackets, providing an analysis identifying that the proposal would provide additional housing within the s 9(2)(b)(ii) price brackets which are currently undersupplied in the catchment (being properties within a 6.5km radius of the site). In more general terms, and in relation to the shortage of housing supply in Auckland identified by the Urban Growth Agenda (UGA) and referred in the National Policy Statement on Urban Development, the proposed IRD of approximately 249 lots will increase development capacity for residential dwellings by a further 242 units over the site area currently containing seven existing dwellings. **Over 200 of these will be affordable.** If the site were to be subdivided under standard subdivision rules for lots of 600m², a yield of approximately 53 lots could be obtained, being 196 lots less than proposed as IRD. This increased yield of residential lots with the resulting price points is clearly a significant public benefit as opposed to standard subdivision and development.

Contributing to well-functioning urban environments:

As explained above, the proposal is set in a location in reasonable proximity to public reserves, Glen Eden town centre, bus stops in the immediate proximity as well as rail and bus park and ride facilities 2km to the east, kura kaupapa and schools, and other essential community services such as a medical centre (Westview Medical Centre) and places of worship. The applicant sought advice on the proposal from experienced urban planner and urban designer Ian Munro, who has provided a brief qualified summary of the proposal in urban design terms, included in **Appendix A page 482**. This sets out how the design achieves high amenity, safe, and functional living, recreational, and accessibility solutions which supports the social and economic well-being of the community. For example, he considers that a key urban design characteristic of the concept is the division of the site into a series of conveniently-walkable blocks that legibly divide the site into public 'fronts' and private 'backs'; a fundamental building block of contemporary urban design. Additionally, his opinion is that the rear-lane network with their accommodation of parking and servicing needs away from the public eye ensures the streets are well-activated, attractive spaces to be in. The proposal also includes privately owned recreational reserves which will be accessible to the public. He concludes that the proposal will result in a high-amenity, high-quality new neighbourhood.

The applicant also sought advice on the proposal from a landscape architect, Helen Mellsop who has provided a brief comment of the proposal, included in **Appendix A page 485**. Ms Mellsop considers that the landscape strategy is intended to achieve three outcomes:

- a high level of amenity for streets, lanes and parking areas;
- the provision of attractive accessible and usable open space areas for neighbourhood use and visual relief; and
- Providing vegetation to soften and integrate the new dwellings, particularly when viewed from existing and proposed streets and adjoining residential areas, and to enhance privacy for outdoor living areas.

Lastly, the applicant engaged an expert from Visitor Solutions, Craig Jones to comment on the community, recreation, and leisure facility components of the proposed concept. Mr Jones has also provided a brief comment of the proposal, included in **Appendix A page 239**. Mr Jones considers that *"The current concept has undergone several iterations to arrive at an optimised plan. I believe this concept reflects best practice in functional community leisure and recreational planning. Additional fine tuning will be undertaken in future, more detailed, design stages to further maximise community recreation and leisure benefits. For example, as the MUGA, community space, and potential community garden is conceptualised in greater detail."*

In a financial sense, the proposal will generate substantial development contributions toward services infrastructure, roading and reserves, and increase the patronage of public transport, making those facilities more efficient and/or enabling transport providers to provide additional services profitably (thereby increasing convenience for all patrons). Providing infrastructure to improve economic, employment, and environmental outcomes, and increase productivity.

Providing infrastructure to improve economic, employment, and environmental outcomes, and increase productivity:

The proposal includes privately owned recreation reserve areas of 1,538m² (maintained via a resident's association or similar body) which will be accessible to the public. The reserve areas are to be landscaped to a high standard providing a high level of amenity for users.

Stormwater, Wastewater and Water Supply servicing for the site are available via the existing public networks adjacent to the site. Civix Ltd is currently working through a detailed capacity assessment for the surrounding networks, and initial results indicate some local asset upgrades being required but no significant downstream network upgrades have been identified.

Improving environmental outcomes for coastal or freshwater quality, air quality, or indigenous biodiversity:

The proposal does not present any significant adverse environmental effects in terms of freshwater quality or air quality. Regarding indigenous biodiversity, it is proposed to replace areas of orchard plantings with indigenous species in the landscaped areas of road and recreational reserves.

Attached as **Appendix A page 485** is a letter from Helen Mellsop regarding the proposed landscaping treatment of the site.

An ecological analysis by BioResearches on the status of the watercourses is also provided at **Appendix A page 423**

Minimising waste:

It is proposed that contractors minimise waste during construction, recycling material where possible.

The proposed use of the site and dense urban form leaves little or no opportunity to re-use existing buildings on site. Additionally, some of the buildings on-site have been damaged by a fire (December 2018).

Earthworks will be designed to try and achieve a cut to fill balance and the relatively flat topography will limit the amount of earthworks required. However, if there is contamination from the orchard use, some earth will have to be relocated off-site.

In terms of sustainability, Hero International, where possible, specify building products of recycled, secondary or sustainable sources, for example responsibly sourced timber through the Forest Stewardship Council (FSC) certification scheme. Hero International monitor their key local suppliers in terms of the Environmental Management Systems they have in place, to better understand how their local suppliers are operating with environmental responsibility and minimising their environmental impact.

GJ Gardner Homes (West Auckland) aims to minimise their impact on the environment through the choice of building materials. Wherever possible they choose environmentally friendly products from recycled or renewable sources. They ensure all of their building material selections are managed in a balanced way, to promote environmental friendliness whilst ensuring long term durability and value. GJ Gardner Homes (West Auckland) also assess their supply chain to ensure they are manufacturing and distributing their products in both socially and environmentally responsible ways. This includes considerations such as:

- Are there clear Environmental Policy Statements in operation;
- Is sustainability part of corporate strategy and decision making processes;
- Are human rights respected during manufacture and supply; and
- Is there a commitment to continual improvement in environmental performance.

Waste generated by residents will be managed as possible by the Auckland public waste collection services, which includes extensive opportunity for recycling.

Contributing to New Zealand's efforts to mitigate climate change and transition more quickly to a low-emissions economy (in terms of reducing New Zealand's net emissions of greenhouse gases):

Greenhouse gasses will be emitted in two different stages of the project:

- Construction of the dwellings and commercial buildings; and
- Residential occupation of the dwellings and businesses operating out of the commercial buildings.

In terms of greenhouse gasses from construction work:

- The site is relatively flat which limits the amount of earthworks required and therefore the amount of hydrocarbons used in preparing the site for development. Some soil may need to be removed from the site if it exceeds contamination standards set by the NPSUD, however given the cost of disposing contaminated soil, there will not be unnecessary removal of soil from the site.
- In terms of construction materials, there is limited scope to avoid the use of greenhouse gas producing construction materials, such as concrete (particularly given infrastructure requirements of Auckland Transport, Auckland Council's engineering standards and the requirements of the Building Code), whilst still delivering affordable housing.
- However, by designing the development to optimise intensity, a greater amount of housing can be provided for equivalent concrete and building materials than would be the case with a standard residential development. More specifically:
 - As noted above, the proposed development anticipates almost 249 dwellings, by comparison, if the site were to be subdivided under standard subdivision of lots of 600m² a yield of approximately 53 lots would be achieved with 106 dwellings if each had a minor household unit.
 - The size of houses on such large lots (for a standard residential subdivision) would also be much larger, although the size of the families being housed would be unlikely to be much larger, so there would be much greater consumption of resources (steel, concrete, glass, wood) to house the same number of people. By comparison, the houses proposed are 65-68m² for 2 bedroom houses and larger for 3 bedrooms.
 - Terrace housing is inherently more energy efficient than stand-alone houses due to the houses insulating one another through the shared use of party walls, and reducing the external surface area available for heat loss.
 - Therefore, on a per house basis, the development will produce much less greenhouse gas than a typical residential subdivision in the zone.
 - In addition, CPM is mindful of the construction companies it uses to undertake development, particularly in light of their environmental policies and practises. Attached as **Appendix A page 487** is a sustainability statement from Olive + Hero (Hero International) which states that:

Sustainability: Hero International works closely with many leading New Zealand suppliers to ensure their construction materials come from sustainable, ethical sources (such as FSC or similar timber). Hero International has a Responsible Sourcing document available, listing the Environmental Management Systems in operation at many of their key local suppliers.

- Hero International and GJ Gardner Homes contractors source their building materials from local building merchants, including ITM, Placemakers, Chesters Plumbing, Pink Batts and Mico. For example, ITM and Mico have branches at Henderson, a 15 minute drive from the site while Placemakers and Chesters Plumbing have branches in New Lynn, under ten minutes' drive to the site. In this way, this reduces the amount of greenhouse gases used transporting materials from the supplier to the site.
 - CPM will also seek that its other main building partner, GJ Gardner Homes achieve similar outcomes

In terms of greenhouse gasses from the development once complete and people are living in it:

- The site has good access to the local public transport network and reasonably convenient (including easy cycling access) to the Auckland Rapid Transit Network (or a long walk), thereby minimising the reliance on private motor vehicles. A park and ride rail and bus station is 2km to the east at the Glen Eden town centre, and access to bus stop 5053 only three minutes' walk away at Parrs Cross Road. This will assist with reduction of vehicle emissions as a consequence of an increase in density of development on the site.
- It is proposed that the number of car parks in the proposal are limited to 260, with units allocated one park per unit, and 11 street parks for visitors. This capping of car parks encourages the use of alternative modes of transport.
- The assessment in relation to the economic and social wellbeing has highlighted that this development has good access to the day to day products and services which people need, thereby minimising the distance they

need to travel and enabling them to access their day to day needs by either walking or cycling. In this way the use of the site will have a relatively lower level of greenhouse gas emissions compared to other forms of residential development or other sites.

- In addition, by providing new affordable accommodation, people on modest incomes will be able to live in new buildings which are designed and built to achieve modern insulation and energy efficiency standards. They will therefore use less energy to heat their homes and will be able to do so using less electricity (e.g. with heat pumps rather than inefficient heating sources).
- Electric car chargers will be provided on-site, facilitating and encouraging the use of electric vehicles over fossil-fuel based vehicles.

Promoting the protection of historic heritage:

N/A

Strengthening environmental, economic, and social resilience, in terms of managing the risks from natural hazards and the effects of climate change:

The site is gently sloping and not subject to significant geotechnical constraints to the extent that natural hazards might be presented regarding land stability. As the site is currently used as an orchard, it will be necessary to investigate and remediate any soil discovered to have contamination levels requiring remediation. This could have some benefit to immediately surrounding properties at the outer boundary interface. The overland flowpath through the site is not classed as a watercourse, being ephemeral and no associated flood plain areas are shown on the Council's GIS. Overall, the site does not present any risk in terms of climate change or natural hazards, with possibly a positive outcome from site contamination remediation if necessary.

With regards to minimising the effects of climate change (decreased rainfall), all bathrooms will be fitted with dual flushing toilets and controlled shower heads ensuring that water is not wasted and use is minimised.

Other public benefit:

Public benefit matters have been addressed in sections above. A summary of these is:

- Provision of affordable housing in a catchment currently undersupplied for the price points available;
- Provision of additional housing stock in response to the housing supply shortage in Auckland, assisting to address the associated adverse social and well-being effects;
- Creating employment opportunities in the construction sector;
- An estimated $s\ 9(2)(b)(ii)$ GDP contribution as a consequence of the increase in employment opportunities;
- Spin-off economic effects to the local retail sector;
- Provision of additional safe and high amenity recreational reserve areas available for public use;
- Associated upgrades of local infrastructure; and
- Funding provided for wider infrastructure and reserve benefits by way of development contributions.

Whether there is potential for the project to have significant adverse environmental effects:

The proposal does not present any significant adverse environmental effects, including greenhouse gas emissions. As discussed above, the cap on car parking combined with the proximity of public transport rapid transit park and ride facilities assists to reduce the number of vehicles on roads, and associated emissions. Any other activities such as wood burners, are required to comply with the standards set out in the Air Quality NES discussed above at page 20.

Part X: Climate change and natural hazards

Description of whether and how the project would be affected by climate change and natural hazards:

The site is highly suitable for development in terms of natural hazards and climate change.

The natural hazards that could potentially apply to the site relate to ground stability and an overland flowpath. Regarding site stability, this is highly unlikely to be an issue given that the site has gentle slopes, and given

the degree of existing development surrounding the site, any geotechnical stability matters are likely to be minor and readily addressed through assessment, construction, and foundation recommendations. The initial geotechnical report (attached as **Appendix A page 490**) confirms that:

“Our assessment has indicated the majority of the soils within the site over the test locations are non- liquefiable in a SLS seismic event. However, soils were identified to liquefy at depth in a ULS event. We consider that that any ground surface expressions in a ULS seismic event would be negligible due to the depth of liquefiable soils. As such, we consider that the risk of liquefaction induced settlement for the future development (i.e. residential units and small commercial structures) to be low.”

While the site has an overland flowpath shown through it, this has been investigated as not meeting the definition of a watercourse, and there are no associated flood plain areas shown on the Council’s GIS system, noting it is common for overland flowpaths to be associated with surrounding flood plain areas. Therefore, there is no unusual risk to the development in terms of flooding effects within the site, or from its immediate surrounds. Further the flow of the overland flow path is provided for as part of the reserve to be created.

With regard to climate change, one of the main considerations is development levels for dwellings and access in terms of sea level rise. In this regard, the site’s lowest contour from the Council’s GIS system is 35m at the north-east corner adjacent to West Coast Road. The Site’s closest proximity to the coast is approximately 3km to the north-west at an inlet adjacent to Rerewai Reserve. In this regard, effects of sea level rise to the proposed development site are negligible, even when potential inland watercourse levels may rise as a result.

Part XI: Track record

A summary of all compliance and/or enforcement actions taken against the applicant by a local authority under the Resource Management Act 1991, and the outcome of those actions:

Local authority	Compliance/Enforcement Action and Outcome
Auckland Council	NFK is not a company just the brand and each development has its own entity for the development. In this regard, CPM 2019 Ltd is a site specific development entity which some of the partners of NFK are using for this development. Francois Beziac and Kieran Doe advise that: • CPM 2019 Ltd has not been subject to any compliance or enforcement action under the Resource Management Act 1991. • They have not been subject to any compliance or enforcement action under the Resource Management Act 1991. • That their respective shareholding companies (Aedifica NZ Limited and Vinegar Lane Corporate Trustee) have not been subject to any compliance or enforcement action under the Resource Management Act 1991. • That the site specific construction companies used by NFK such as, but not limited to Waimumu Road Limited and Bruce McLaren Road Limited have not been subject to any compliance or enforcement action under the Resource Management Act 1991.

Part XII: Declaration

I acknowledge that a summary of this application will be made publicly available on the Ministry for the Environment website and that the full application may be released if requested under the OIA.

By typing your name in the field below you are electronically signing this application form and certifying the information given in this application is true and correct.

Andrew William Braggins

02/10/2020

Signature of person or entity making the request

Date

Important notes:

- Please ensure all sections, where relevant, of the application form are completed as failure to provide the required details may result in your application being declined.
- Further information may be requested at any time before a decision is made on the application.
- Please note that if the Minister for the Environment and/or Minister of Conservation accepts your application for referral to an expert consenting panel, you will then need to lodge a consent application and/or notice of requirement for a designation (or to alter a designation) in the approved form with the Environmental Protection Authority. The application will need to contain the information set out in Schedule 6, clauses 9-13 of the Act.
- Information presented to the Minister for the Environment and/or Minister of Conservation and shared with other Ministers, local authorities and the Environmental Protection Authority under the Act (including officials at government departments and agencies) is subject to disclosure under the Official Information Act 1982 (OIA) or the Local Government Official Information and Meetings Act 1987 (LGOIMA). Certain information may be withheld in accordance with the grounds for withholding information under the OIA and LGOIMA although the grounds for withholding must always be balanced against considerations of public interest that may justify release. Although the Ministry for the Environment does not give any guarantees as to whether information can be withheld under the OIA, it may be helpful to discuss OIA issues with the Ministry for the Environment in advance if information provided with an application is commercially sensitive or release would, for instance, disclose a trade secret or other confidential information. Further information on the OIA and LGOIMA is available at www.ombudsman.parliament.nz.

Checklist

Where relevant to your application, please provide a copy of the following information.

Yes	Correspondence from the registered legal land owner(s)
Yes	Correspondence from persons or parties you consider are likely to be affected by the project
Yes	Written agreement from the relevant landowner where the project includes an activity that will occur on land returned under a Treaty settlement.
Yes	Written agreement from the holder of the relevant customary marine title order where the project includes an activity that will occur in a customary marine title area.
Yes	Written agreement from the holder of the relevant protected customary marine rights recognition order where the project includes an activity that will occur in a protected customary rights area.