



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: Selfs Road
Application number: PJ-0000784
Date received: 21/12/2021

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: Acanthus Limited

Contact person: Andrew Fawcett

Job title: Director

Phone: s 9(2)(a)

Email: s 9(2)(a)

Postal address:

49 Marine Parade

Herne Bay

Auckland 1011

Address for service (if different from above)

Organisation: Berry Simons

Contact person: Andrew Braggins

Job title: Partner

Phone: s 9(2)(a)

Email: s 9(2)(a)

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

Postal address:

Level 1, Old South British Insurance Building, 3-13 Shortland Street, Auckland 1010

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.

1 Sells Road, Papatoetoe, Auckland, 2025, New Zealand

The proposal is located at 1 Sells Road, Papatoetoe (street address) and the valuation address is 240 Portage Road, Papatoetoe.

Legal description(s):

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

Lot 1 DP 503731, Pt Lot 2 DP 34892 - 1 Sells Road / 240 Portage Road, Papatoetoe. See Appendix A.

Registered legal land owner(s):

The land is currently owned by Roger William Clark, Adriana Maria Self and John Owen Self as Trustees of the Beachlea Trust. This was listed on the market for sale on 16 March 2020. Acanthus Limited is currently signatory to a conditional agreement for sale and purchase of the property.

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:

The Sale and Purchase Agreement (SPA) for the property is dated 4 December 2020 (Appendix B). The SPA identifies Acanthus Ltd as the purchaser of the property. A variation to the SPA was executed by both parties on 1 April 2021 (Appendix C).

This confirms that Acanthus Ltd has sufficient legal interest in the land to be able to implement the proposed development. For comparison:

- The Resource Management Act 1991 does not require that an applicant be the owner; and
- The definition of 'owner' under the Building Act 2004 includes a person who has agreed in writing, whether conditionally or unconditionally, to purchase the land or any leasehold estate or interest in the land, or to take a lease of the land, and who is bound by the agreement because the agreement is still in force. Acanthus has an interest in land sufficient to be considered the owner under the Building Act 2004.

Andrew Fawcett, one of the directors of Acanthus Ltd, has confirmed that the applicant is able to secure funding to undertake this development. Mr Fawcett's letter confirming funding is at Appendix W.

Part III: Project details

Description

Project name: Selfs Road

Project summary:

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

The proposal is at 1 Selfs Road, Papatoetoe, with an area of approx. 3.64ha. The land is bisected from the remainder of Nga Kapua Kohuora/Crater Hill by State Highway 20. The proposal is to construct 115 residential dwellings in Chapter H4 - Mixed Housing Suburban Zone under the Auckland Unitary Plan (operative in part). The proposal requires consent for four or more dwellings, associated subdivision, and earthworks, as a restricted discretionary activity. It is not a prohibited activity.

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 purpose of the project is to undertake a carefully designed residential development which efficiently uses the land and enables Māori (through relevant iwi authorities) to substantially improve the opportunity to connect with their ancestral lands and other taonga by providing a pedestrian ridgeline walkway that looks out across Nga Kapua Kohuora / Crater Hill and incorporates iwi-led design elements such as kōwhiriwhiri and whakataukī. In doing so the designs also look to protect the visual integrity of the landscape, through a number of techniques, such as by keeping built form lower than the ridgeline when viewed from Nga Kapua Kohuora / Crater Hill, limiting the height of buildings and creating a built form which follows the topography. This carefully balanced approach enables a large site in the MHUZ and increase housing supply in the Auckland region, in particular, providing affordable housing to meet market demand, increasing construction employment and delivering other jobs.

The proposed dwellings are generally single level typologies of similar size, with some special designs in peripheral locations where the site shape requires a different design and response to the landform. The proposed architectural plans are prepared by Casa Architects (Appendix D). This has been a design-led project prepared with multi-disciplinary input from urban design, landscape design, traffic, engineering, economic, and geological experts. The architectural plans are still undergoing minor amendments and we anticipate some revision to small details.

The landscape concept for the proposal has been prepared by Boffa Miskell (Appendix E3). A draft cultural landscape plan (providing an indicative landscape plan for the ridgeline walkway) has been prepared by Boffa Miskell (Appendix E4). It is noted that this is for consultation purposes only, and is intended to facilitate discussions with the iwi authorities as a step towards including cultural elements into the design of the project. It is indicative only and remains a work in progress. This plan is included with the

application to demonstrate how design elements may incorporate components of value and significance to the iwi authorities which Acanthus is engaging with. Acanthus has also prepared draft conditions sets for land use and subdivision, and these have been circulated to the iwi authorities for consideration. It is hoped that these will be resolved in early 2022. Additionally, 3D renders have been prepared by DM Studios which serve to provide a helpful visual simulation of the intended final look of the development, showing the recessive colour palette, the effect of a single storey design only in terms of minimal visual impact (particularly from SH20) and the limited cut into the slope of the site (Appendix F). The internal roads will be private Commonly Owned Access Lots ("COALs"). There will be provision for one car park per unit.

An important aspect of the site and proposal is the Outstanding Natural Features overlay, with Crater Hill (Nga Kapua Kohuora) being identified as ID22. This is addressed by Shane Moore of Tonkin & Taylor (Appendix G) who has been on site, reviewed the Council records and provided a review of both the extent of the ONF and the values identified in the AUP for its listing (because it is those values which inform whether or not development is "inappropriate"). It is clear that the proposed development does not interfere with the values which lead to the ONF classification over the site because most of the values relate to attributes which are located on the other side of SH20 and the development is sympathetic to those values which do apply, for example - one of the AUP criteria is the potential value of the features of the site for public education and by providing public access to the only public viewpoint of Nga Kapua Kohuora/ Crater Hill, the application provides a significant and relevant benefit under the ONF scheduling criteria.

Zoning and overlay maps are included at Appendix H. MFE is likely aware that Crater Hill (Nga Kapua Kohuora) has previously been the subject of litigation (*Self Family Trust v Auckland Council* [2018] NZEnvC49). There are a number of important factors which mean that that the considerations in that case are quite different:

- Firstly, the Self Family Trust case was an appeal against a zoning decision made by Auckland Council in relation to the AUP, the IHP recommended an urban zoning and the Council disagreed and kept it rural. 1 Selfs Road is already urban with a Residential Mixed-Housing Suburban zone and this application is for a residential development seeking resource consent within a residential zone.
- Secondly, the land in the Self Family Trust was subject to the Puhinui Precinct which contains a strong directive about the mana whenua cultural landscape. This site is on the other side of SH20 and is not within that Precinct.
- Finally, here all of the relevant iwi have provided CVA's which are not opposed to the development. Also, the archaeological assessment is well informed, having been prepared by Mr Campbell who has substantial experience over the site, having presented evidence to the Environment Court for Auckland Council on the *Self Family Trust* case.

Accordingly the legal test and scope of relevant considerations is very different to the *Self Family Trust* case.

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

In terms of the Covid-19 Recovery (Fast-track Consenting) Act, the project will be rolled out as a single project. It is intended that subdivision will follow the land use consent. In terms of construction, works are intended to progress in a single stage. Earthworks are anticipated to commence on 1 October 2022, with a 12 month programme of works.

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 |
|----------------------|-----------------------|---|--|--|
| Lot 1 DP 503731 | Auckland Unitary Plan | Residential - Mixed Housing Suburban Zone | <p>Natural Resources: High-Use Aquifer Management Areas Overlay [rp] - Manukau Southeast Kaawa</p> <p>Natural Heritage: Outstanding Natural Features Overlay [rcp/dp] - ID 22, Crater Hill</p> <p>Infrastructure: Aircraft Noise Overlay - Moderate aircraft noise area (MANA), Auckland Airport - moderate aircraft noise area</p> <p>Infrastructure: Aircraft Noise Overlay - Aircraft noise notification area (ANNA), Auckland Airport - aircraft noise notification area</p> | <p>Controls: Macroinvertebrate Community Index - UrbanDesignations: Designations - 6709, State Highway 20: To undertake maintenance, operation, use and improvement to the State Highway network., Designations, New Zealand Transport Agency</p> <p>Designations: Airspace Restriction</p> <p>Designations - ID 1102, Protection of aeronautical functions - obstacle limitation surfaces, Auckland International Airport Ltd</p> |

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 | H4.4.1(A4) Four or more dwellings in the MHSZ | Proposal seeks to construct 115 single storey stand alone dwellings. | Restricted Discretionary Activity | Across the site |
| Auckland Unitary Plan | H4.4.1(A34) New buildings | Same as above. | Restricted Discretionary Activity | Across the site |
| Auckland Unitary Plan | D10.4.2(A1) New Buildings in ONF ID 22 – Crater Hill (Nga Kapua Kohuora) | Proposal seeks to construct 115 single storey stand alone dwellings. | Restricted Discretionary Activity | Across the site |
| Auckland Unitary Plan | E27.4.1(A2) Traffic generation from more than 100 new | Traffic movements | Restricted Discretionary Activity | Across the site |

| | | | | |
|-----------------------|---|---|-----------------------------------|--|
| | dwelling does not comply with Standard E27.6.1.1(T1) | | | |
| Auckland Unitary Plan | E27.4.1(A2) Reverse manoeuvring onto JOAL's serving more than four lots does not comply with Standard E27.6.3.4. | Reverse manoeuvring | Restricted Discretionary Activity | See location of proposed vehicle crossings on the MasterPlan |
| Auckland Unitary Plan | E38.4.2(A31) Any subdivision listed in this activity table not meeting the standards in E38.8 Standards for subdivision in residential zones | Infringes E38.8.1.2. Access to rear sites | Discretionary Activity | COALS will have more than 10 lots accessing off them |
| Auckland Unitary Plan | E27.4.1(A2) A loading bay is required for the residential development which has more than 5,000m ² GFA and none is provided, not complying with Standard E27.6.2.7 | Insufficient loading bays | Restricted Discretionary Activity | Not provided. |
| Auckland Unitary Plan | E8.4.1(A5) Stormwater discharges from greater than 5,000m ² of roads which comply with Standards E8.6.1 and Standard E8.6.4.1. | Extent of impervious surface from COALS | Restricted discretionary activity | Discharges from the commonly owned access lots. |
| Auckland Unitary Plan | E11.4.1(A4) Earthworks greater than 1ha up to 5ha where land has a slope less than 10 degrees. | Earthworks greater than 1ha are proposed, and the site has a slope less than 10 degrees | Controlled Activity | Across the site |
| Auckland Unitary Plan | E12.4.1(A6) Earthworks greater than 2,500m ² | Earthworks exceeding 2,500m ² are proposed | Restricted discretionary activity | Across the site |
| Auckland Unitary Plan | E12.4.1(A8) Earthworks greater than 2,500m ³ | Earthworks exceeding 2,500m ³ are proposed | Restricted discretionary activity | Across the site |
| Auckland Unitary Plan | E12.4.3(A41) Earthworks in ONF ID22 – Crater Hill greater than 50m ³ | Earthworks greater than 50m ³ are proposed. | Restricted discretionary activity | Across the site |
| Auckland Unitary Plan | D24.4.3(A38) Dwellings in the Aircraft Noise Overlay - Moderate Aircraft Noise Area (MANA) where the average density exceeds one dwelling per 400m ² | MANA overlay, density trigger | Restricted discretionary activity | Across the site |
| Auckland Unitary Plan | D24.4.3(A38) Dwellings within the Aircraft Noise Notification | ANNA overlay density trigger | Restricted discretionary activity | Across the site |

| | | | | |
|---|--|--|-----------------------------------|-----------------|
| | Overlay – Aircraft noise notification area (ANNA). Note: The ANNA is defined as “the area generally between the 55db Ldn and 60dB Ldn future noise contours as shown on the Aircraft Noise Overlay Map for Auckland International Airport. | | | |
| 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 115 freehold lots. Additional commonly held lots will also be included. | Restricted discretionary activity | Across the site |
| National Environmental Standards 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. | Unknown | 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 other resource consents or notices of requirement have already been lodged on the same or similar project.

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

No designations are required for this proposal. No prohibited activities apply to this proposal. As the title that makes up the site is to be owned by the applicant (noting the sale and purchase agreement set out above) no other persons are required to obtain any consents. No other resource consents or designations are required for the project by someone else other than the applicant.

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:

Acanthus has engaged archaeologist Mat Campbell to prepare an archaeological assessment of the site (Appendix Y). Mr Campbell undertook two site visits and identified that while the site is part of the wider archaeological landscape, no archaeological deposits or features were found on the site, aside from one archaeological site recorded on the property, formally recorded as R11/654. However, Mr Campbell’s assessment was that it was highly likely that there would be archaeological features present, particularly along the crater rim. On this basis, Mr Campbell recommended that an authority to damage or destroy recorded archaeological feature R11/654

be obtained from Heritage New Zealand Pouhere Taonga. As noted above, Mr Campbell presented evidence to the Environment Court for Auckland Council on the *Self Family Trust* case.

Mat Campbell has contacted Heritage New Zealand Pouhere Taonga for a pre-application meeting which is anticipated to occur in January with an application for an authority anticipated to be filed in February. Acanthus would have preferred to commence this work earlier, but needed to resolve all of the cultural values assessments before engaging with HNZPT in detail. Mr Michael Nixon has indicated that some minor line marking to remove on street parking will be to be removed from Sells Road, which requires separate permission from Auckland Transport (Appendix M).

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.

Mr Fawcett has confirmed that Acanthus is able to secure funding to be able to undertake this development (Appendix W). Mr Fawcett has confirmed that Acanthus will be using its own capital, along with first mortgage funding, to complete the project. On the basis that site works can commence as soon as resource consent is granted, with no additional time required to secure funding, site works commencement is anticipated to be at the start of the 2022 earthworks season 1 October 2022. Works are anticipated to be undertaken in a single stage of development under the land use consent, with a 12 month programme of works.

Part IV: Consultation

Government ministries and departments

Detail all consultation undertaken with relevant government ministries and departments:

No consultation has been undertaken yet with government ministries and departments.

Local authorities

Detail all consultation undertaken with relevant local authorities:

No pre-application meetings have been held with Auckland Council.

Other persons/parties

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

Māori

Consultation efforts have been focussed on engaging with the relevant iwi authorities. A much greater level of work has been undertaken in this regard than is required at this step of the process (obtaining cultural values assessments for example). Until this is fully resolved Acanthus is not going to prioritise consultation with other parties.

Consultation with iwi was initiated in March 2021, early on in the process, noting the significance of the site within a wider cultural landscape, and particularly in recognition that the other side of Crater Hill (Nga Kapua Kohuora) (south west of the motorway) had already been the subject of Environment Court litigation.

Details of the proposal were sent to the mana whenua identified by Auckland Council for this location. Copies of maps confirming that the subject site is within the area of interest for the below listed iwi from both the Te Kahui Mangai directory and Auckland Council: The Auckland

Plan 2050: Māori Identity and Wellbeing – Tangata Whenua interactive map are included at **Appendix I**. The email and information provided is included in **Appendix J**. A collection of preliminary responses from iwi authorities is included in **Appendix K1**.

A site visit was held on 20 April 2021 with representatives from the following iwi in attendance:

- Te Ākitai Waiohua (Jeff Lee)
- Ngāti Tamaoho (Zachary Rutherford-Sirrett)
- Ngāti Te Ata Waiohua (Karl Flavell and David Fraser)
- Ngāti Whanaunga (Michael Heke)

Certain members of the Acanthus' development team were also in attendance:

- Andrew Fawcett on behalf of Acanthus Limited;
- Lance Hessell from Civix;
- Rachel de Lambert from Boffa Miskell;
- Djordje Petkovic from CASA; and
- Mat Campbell from CFH.

This meeting was positive and constructive. A second site visit was held on 10 May 2021, hosted by Mat Campbell of CFG Heritage for the purposes of undertaking his site visit to inform his archaeological assessment. This was attended by Andrew Fawcett of the Acanthus' development team. Nigel Denny of Te Ākitai Waiohua also attended the site visit. Following the site visits and issue of Mr Campbell's initial archaeological report, on 10 June 2021 a high level package of documentation was sent to the four iwi authorities identified above requesting that the iwi issue a fee proposal for preparing a Cultural Values Assessment. Copies of the letters sent to these iwi authorities are **attached as Appendix L1**.

A further letter was sent to the four identified iwi on 5 July 2021 providing further summary of the proposal, with key documents and plans of interest, and inviting those iwi to discuss matters further prior to the finalisation of a CVA. A copy of this letter is **attached as Appendix L2**. An important component of this correspondence as a package of documents included at page 16 of Appendix L2, which set out the key planning mechanisms under the Auckland Unitary Plan that apply to Crater Hill (Nga Kapua Kohuora) which indicate the protections and reasons for those protections as they apply to the wider landscape on the western side of SH22, and the distinction between Crater Hill (Nga Kapua Kohuora) site and the 1 Selfs Road site, in light of its live zoning. The purpose of this correspondence was to clearly show the different planning protections and provisions that apply to the Crater Hill (Nga Kapua Kohuora) feature and the landscape west of SH22, and the different zoning and provisions applying to 1 Selfs Road.

Further consultation continued between Acanthus and iwi authorities individually over the months of July to December 2021, with a view to assisting them to complete the CVA's that were commissioned.

The CVA's for Te Ākitai Waiohua, Ngāti Te Ata, Ngāti Tamaoho and the CIA for Ngaati Whanaunga have now been completed. These documents are attached for the benefit of the Ministry for the Environment as Appendices Z1-Z4 respectively. Additionally, fully redacted copies of the assessments have been provided. It is noted that the assessments are largely supportive of the project, and make helpful recommendations for certain procedures for adoption and specific design elements for inclusion, along with a request for ongoing consultation and input into the project. Further detail is also provided in the planning memorandum at **Appendix T**.

It is currently proposed that features and items requested by the iwi authorities to protect and preserve the cultural values they have identified through their assessments, and to ensure an ongoing relationship of the iwi authorities with the land, be provided for by consent conditions. As such, Acanthus Ltd is currently preparing a preliminary draft of consent conditions, for consultation and input by all iwi authorities. It is intended that these conditions will continue to be worked through and it is hoped that draft conditions will be resolved with all four iwi authorities by early 2022. This is addressed in **Appendix 00**.

Detail all consultation undertaken with the above persons or parties:

Auckland Transport: Michael Nixon in his traffic assessment (Appendix M) identified that separate consultation with Auckland Transport would be required to undertake minor line marking changes on the Portage Road / Sels Road intersection to remove on-street parking. Consultation has not yet been initiated but it is intended that this will occur imminently.

Watercare: Consultation has not yet been initiated with Watercare.

Local Board: Consultation has not yet been initiated with the Ōtara-Papatoetoe Local Board.

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 Ākitai Waiohū | Initial contact made on 24 March 2021, and a representative attended the first site visit on 20 April 2021. Formally engaged to prepare a CIA. Consultation is ongoing as at date of submitting application. See Appendix K1 and K2. See CVA at Appendix Z2. |
| Ngāti Te Ata Waiohū | Initial contact made on 24 March 2021, and a representative attended the first site visit on 20 April 2021. Formally engaged to prepare a CIA. Consultation is ongoing as at date of submitting application. See Appendix K1 and K2. See CVA at Appendix Z1. |
| Ngāti Tamaoho | Initial contact made on 24 March 2021, and a representative attended the first site visit on 20 April 2021. Formally engaged to prepare a CIA. Consultation is ongoing as at date of submitting application. See Appendix K1 and K2. See CVA at Appendix Z3. |
| Ngāti Whanaunga | Initial contact made on 24 March 2021, and a representative attended the first site visit on 20 April 2021. Consultation is ongoing as at date of submitting application. See Appendix K1 and K2. See CIA at Appendix Z4 |
| Te Kawerau ā Maki | Correspondence sent on 24 March 2021, 9 April 2021, 14 April 2021, 19 April 2021, 20 April 2021, 28 April 2021. No response received to date. See Appendix K2. |
| Ngāi Tai ki Tāmaki | Correspondence sent on 24 March 2021, 9 April 2021, 14 April 2021, 19 April 2021, 20 April 2021, 28 April 2021. No response received to date. See Appendix K2. |
| Ngāti Te Ahiwaru – Waiohū | Correspondence sent on 24 March 2021, 9 April 2021, 14 April 2021, 19 April 2021, 20 April 2021, 28 April 2021. Response received 20 April 2021. See Appendix K1 and K2. |
| Ngāti Tamatera | Correspondence sent on 24 March 2021, 9 April 2021, 14 April 2021, 19 April 2021, 20 April 2021, 28 April 2021. No response received to date. See Appendix K2. |
| Ngāti Maru | Correspondence sent on 24 March 2021, 9 April 2021, 14 April 2021, 19 April 2021, 20 April 2021, 28 April 2021. No response received to date. See Appendix K2. |
| Waikato - Tainui | Correspondence sent on 24 March 2021, 26 March 2021, 9 April 2021, 14 April 2021 and 20 April 2021. Response received on 25 March 2021 advising that they defer to mana whenua. See Appendix K1 and K2. |

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 |
|--------------------------|-------------------------|
| No details | |

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.

The site is not treaty settlement land, and is not located within any iwi statutory acknowledgment area. Acanthus was made aware that a Deed of Settlement between Te Ākitai Waiohū and the Crown had been signed on 23 December 2020. As Te Ākitai Waiohū is one of the iwi authorities identified as having an interest in the site and who was being sought for consultation, a review was undertaken of the Deed of Settlement documents to ascertain whether the site was within an area identified as a statutory acknowledgment area. That review has confirmed that the site is not subject to a statutory acknowledgment area under the Te Ākitai Waiohū Deed of Settlement.

However, Acanthus understands that Te Ākitai Waiohū is an iwi whose wider area of interest centres on Māngere and the wider South Auckland Area. Te Ākitai Waiohū principal marae, Pūkaki, is located in Māngere. Additionally, the fringe of Crater Hill (Nga Kapua Kohuora) is in the Coastal Marine Area, and is therefore potentially included in the coastal statutory acknowledgement area depicted at plan OMCR 131-037 of the Deed of Settlement Attachment Documents. However, the site itself is not within the coastal marine area and so is not affected by this statutory acknowledgement area.

Acanthus has been in ongoing consultation with Te Ākitai Waiohū in particular recognition of the significance of Crater Hill (Ngā Kapua Kohuora) to the wider cultural landscape.

Of the above identified iwi, the following four iwi continue to be involved and have each prepared a Cultural Values Assessment (CVA):

- Te Ākitai Waiohū
- Ngāti Te Ata;
- Ngāti Tamaoho; and
- Ngāti Whanaunga

Acanthus will continue its collaborative engagement with the above iwi. This is described above in Part IV and addressed in the Iwi Consultation Schedule included in **Appendix K2**.

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.

The proposal is not located in the Coastal Marine Area, so this is not applicable.

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.

The proposal is not located in the Coastal Marine Area, so this is not applicable.

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.

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 state of this site is bare land, primarily unused. There are two dwellings on the total site area of approximately 3.6ha. The proposed change in use of this site to provide for 115 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 mainly those typically associated with every large-scale residential development and development within an ONF, those relating to:

- Effects on the geological ONF overlay.
- Visual effects of the intensification of the site.
- Increased local traffic on the road network.
- 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 over land flow path shown on Council's GIS.
- Cultural value impacts (noting though that, from a technical planning perspective, the reasons for the ONF on this site do not relate to cultural values).

These potential adverse effects can be addressed through:

- Careful design, including a high standard of urban and landscape design providing a high intensity of residential use at a scale complementary to the surrounding area. This is particularly addressed in Boffa Miskell's landscape concept, which specifically details the use of planting along the JOALs and internal roading to soften the interface between the buildings, and also ensuring minimal visibility of the development from SH20.
- Limiting dwellings to one storey in height and follow the topography and slope of the land to minimise potential visual impacts on Crater Hill and to avoid adverse built form effects.
- Respecting the intrinsic values of the ONF by retaining native trees, avoiding visual prominence of the ridgelines, and avoiding undue disturbance of the area of the localised Tuff Ring.
- Engaging with iwi authorities and identifying ways to enhance the mana of Crater Hill (Nga Kapua Kohuora), such as by providing public access, view-points and other forms of cultural recognition.
- Assessment against anticipated effects of activities provided for in the MHSZ.

- In terms of the ability of the road network to absorb additional traffic, access to public transport:
 - o The site is <100m from bus stops 2485 at 247 Portage Road, and 2323 at Portage Road near Skipton Street, which services the 326 service from Mangere and to Otahuhu.
 - o The site is just <400m from bus stops 6469 and 6454 on Ferndown Avenue, which services 313, to Mangere Town Centre and to Manukau, and various school services 027 and 054. The 313 service stops at the Manukau Bus Station, which is a major transport hub.
 - o Additionally, there is a bus stop 2346 at 8 Sells Road, which facilitates service 003 and 004, both of which are school services, which service schools including (but not limited to) Holy Cross School, Kedgley Intermediate, Papatoetoe North Primary, Papatoetoe West Primary, and Seventh Day Adventist Primary, as well as Aorere College (which is opposite the site) and De La Salle College.
- 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:
 - o Limits on construction hours and total construction noise and vibration;
 - o Construction Noise and Vibration Management Plan (required to be prepared and complied with as a condition of consent); and
 - o Construction Traffic Management Plan (required to be prepared and complied with as a condition of consent).
- Undertaking preliminary and detailed site investigations of contamination risks and implementing the recommendations of those reports.

A landscape effects assessment has been completed by Julia Wick and Rachel de Lambert of Boffa Miskell (**Appendix E1**), which considers the assessment in the context of the existing environment and the nature and character of the surrounding landscape. The conclusions of that assessment is that the proposal is considered to be appropriate in the context of the zoning of the site, and in respect of the landscape values of Crater Hill (Nga Kapua Kohuora) ONF. It is considered that the proposal will provide a strong vegetated framework, and provides protection for the landform and existing vegetation associated with the site. Overall, it is considered that low-moderate adverse landscape effects, and low to very low visual effects will be generated by the proposal, while beneficial effects in terms of public access and availability of views to Nga Kapua Kohuora will be created. The landscape effects assessment is also supplemented with a graphic supplement, included as **Appendix E2**.

Boffa Miskell has also prepared a draft cultural landscape plan (**Appendix E4**) which is intended to form the basis for continued discussions with iwi authorities around cultural design components to be incorporated into the design of the proposal. Acanthus appreciates the sensitivity of proposed development on the ONF, as addressed by the reports prepared by Boffa Miskell and Tonkin&Taylor. However, even if there are concerns around these assessments, the Acanthus' view is that there is still a strong net benefit, primarily in terms of housing, and enabling public access to the ridgeline for views out over Nga Kapua Kohuora and the wider landscape. The success in obtaining three CVA's and one CIA which are largely supportive of the proposal is a testament to the significant positive effects that stand to be realised by this project.

Concerns may be raised by Auckland Council about the effect of the development on the ONF, notwithstanding the specialist reports obtained by Acanthus. Auckland Council (including the local board), the relevant iwi authorities and other well-known community organisations will be well placed to identify and raise those matters if they are a concern (and the Minister can identify such organisations as being mandatory persons for the expert consenting panel to consult with). Thus the fast-tracking process and the expert consenting panel will be able to obtain the same scope of information compared to if the application proceeded under the standard RMA process. Bearing in mind that this is privately owned land, which has been live zoned Mixed Housing Suburban and is boarded by roads on all sides, there is unlikely to be wider public interest which would make fast-tracking inappropriate.

A preliminary assessment of the traffic effects prepared by Mr Mike Nixon of Commute Transportation Consultants is referred to above at **Appendix M**. As an overview, Mr Nixon's assessment concludes that the proposed development is acceptable in terms of proposed parking, servicing and access provisions.

A preliminary assessment of the public stormwater, wastewater, and water supply servicing for the site has been undertaken by Marcus Oliveira of Civix Limited (**Appendix N**). Mr Oliveira confirms that stormwater, wastewater, and water supply servicing for the site is available and there is sufficient capacity within the existing networks. This assessment also confirms that there are no overland flow paths and no significant water bodies on the site.

With respect to amenity, Jason Evans has undertaken an assessment of the urban design principles adopted to develop the design, layout, intended interface and characteristics of the proposal (**Appendix O**). Mr Evans identifies that the elevation facing onto Selfs Road creates spacious visual character. Mr Evans concludes that the proposed outcomes for private amenity is acceptable and represents a good urban design outcome. Mr Evans' assessment is that in terms of built character the proposal introduces modern variations on typical housing stock, providing some choice in house style, and creating visual interest and variety. Mr Evans concludes that the proposal provides an appropriate urban design outcome by limiting block sizes and arranging dwellings with a positive frontage to the street, maintaining wide dwelling width creating generous separation, and visual diversity. A geotechnical assessment has also been prepared by Andrew Langbein of Tonkin & Taylor, which is at **Appendix P**. Mr Langbein assesses the site stability, groundwater and earthworks components of the proposal. A key conclusion and recommendation is that there may be an issue around site stability, but Mr Langbein's opinion is that this can be managed with careful earthworks if it site stability becomes an issue.

Mr Shane Moore of Tonkin & Taylor has undertaken a Preliminary Site Investigation (PSI) 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" (**Appendix Q**). Mr Moore's preliminary assessment identifies that some small-scale contamination sources are anticipated, due to the site's historical use for residential and farming activities, though expected to be localised and limited to shallow soils.

A noise assessment has been undertaken by Jon Styles of Styles Group Acoustic Engineers (**Appendix R**). Mr Styles confirms that the proposal does not present any challenges in terms of methodology to respond to noise and vibration considerations, and if necessary, then suitable mitigation measures can be adopted.

Sean McBride of The Tree Consultancy Company has prepared a memorandum addressing at a general level the potential adverse effects of the proposed development and layout to protected vegetation. Mr McBride assesses two groups of trees identified on the site, being one group of approximately 750m² of mature native vegetation, and a single mature puriri with a canopy measuring approximately 150m². Mr McBride in his concluding comments identifies that the layout of the development has been designed to retain the trees, but also provides sufficient space to enable them to continue to grow. Mr McBride considers this an excellent arboricultural outcome. His assessment is at **Appendix S**.

Auckland Unitary Plan Operative in part - Anticipated effects assessment

With regard to effects anticipated under the MHSZ, the following sets out the key Zone Statement, Objectives and Policies, and provisions in support of the proposal. For further detail, see the planning assessment prepared by Lance Hessell of Civix at **Appendix T**.

Activity status

The AUPOIP Activity Table Rule H4.4.1(A4) four or more dwellings in the MHSZ and H4.4.1(A34) new buildings confirms that the proposal in seeking to develop 115 new dwellings is a **Restricted Discretionary Activity**. The proposed land use complies with these standards. The activity status for subdivision pursuant to Rule E38.4.2(A14) of the AUP is also **Restricted Discretionary**. The application of rule E38.4.3(A31) means that the subdivision consent is a **Discretionary Activity**. However, landuse can be unbundled from subdivision and considered independently, as subdivision follows land use. Subject to confirmation of contamination activity status, the overall activity status for the landuse component of the application is **restricted discretionary**, and the overall activity status for the subdivision component of the application is **discretionary**.

The reasons for consent are set out in more detail in the planning assessment prepared by Lance Hessell (**Appendix T**).

Acanthus confirms that:

- The project does not include any of the activities set out in clause 2(4) of Schedule 6 of the Act; and
- There are no other activities that are part of the proposal to which the application relates (Schedule 6, clause 9(1)(e)).

Mr Hessel in his planning assessment also confirms that the project does not include any activities with a Prohibited activity status (**Appendix T**).

Objectives and policies

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

- Housing capacity, intensity and choice in the zone is increased.
- The proposed development is in keeping with the neighbourhood's planned suburban built character, by offering storeys of only a single storey typology.
- The development will provide quality on-site residential amenity for residents and adjoining sites and the street through urban design, landscaping and safety (e.g. passive surveillance of public spaces).
- The planned suburban built character of the zone will be achieved with this development, by limiting the height, bulk and form of development, and managing the design of appearance of multiple unit residential development, as well as incorporating sufficient landscaped areas.
- Usable, accessible, and landscaped outdoor areas are provided.
- Non-residential activity, being the provision of access to the tuff ring and significant views of Crater Hill (Nga Kapua Kohuora, also make provision for activity that support the social and economic wellbeing of the community.

These are addressed in greater detail in the planning assessment prepared by Lance Hessel of Civix (**Appendix T**).

See Appendix ZZ - Supplementary Information Appendix.

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:

National Policy Statement on Urban Development (NPSUD): The NPSUD was gazetted on 23 July 2020 and is effective from 20 August 2020. It replaces the National Policy Statement on Urban Capacity 2016. The NPSUD sets out the objectives and policies for planning for well-functioning urban environments under the Resource Management Act 1991 and seeks the provision of sufficient development capacity to meet the different needs of people and communities. It contributes to the Urban Growth Agenda (UGA) which aims to remove barriers to the supply of land and infrastructure to make room for cities to grow up and out. The NPSUD addresses constraints in our planning system to ensure growth is enabled and well-functioning urban environments are supported. The MFE website on the NPSUD states that it contains objectives and policies that Councils must give effect to in their resource management decisions. The NPSUD sets out time frames for implementing objectives and policies for three "Tiers" of Councils, with Auckland Council being a "Tier 1" Council.

The summary structure and timeframes of the NPSUD are:

- Objectives and policies take immediate effect;
- Plan changes implementing intensification policies must be notified within two years for Tier 1 and 2 Councils, although Housing and Business Assessments (HBAs) on capacity, and Future Development Strategies (FDSs) to inform plan changes, are required to be completed in time to inform 2024 long term plans;
- Plan changes are to follow as soon as monitoring of development supply against demand is completed (being annually), with plan changes to supply additional capacity where needed to be provided within 12 months of the relevant monitoring report. This means new rules in Council plans addressing additional supply are in the order of six years away;

- Planning is required to be responsive to proposals addressing development capacity, including unanticipated or out of sequence development; and
- Councils are required to prepare a Future Development Strategy (FDS) every six years and update them every three years and provide an implementation plan for their FDS.

While the timeframes for plan changes implementing rules through plan changes are some way off, the NPSUD requires adequate consideration of its objectives and policies now. In this regard, there are several objectives and policies in support of intensification satisfying certain criteria such as:

- Provision of a variety of homes in terms of price, location, and different households.
- Enabling Māori to express their cultural traditions and norms.
- Proximity to urban centres or rapid transport.
- Supporting reductions in greenhouse gas emissions.
- **Responding to the effects of climate change.**

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. While the building heights are restricted to single level to respect the ONF values and also meet iwi concerns with regard to this, the development is within short walking distance to public transport services as set out above in Part VII.

Assessment

Employment: Adam Thompson of Urban Economics has stated in his assessment that the proposal will contribute to employment and create a considerable number of jobs across several industries (Appendix U). Mr Thompson has estimated that the construction of this proposal would create 327 FTE jobs, with 110 FTEs involved directly in the project, and an additional 217 FTE's created as a flow on effect in other related industries. Mr Thompson has broken this down at Figure 8 in his assessment to provide an annualised estimate of job creation, being approximately as follows:

Direct FTE

Flow on FTE

Year 1

67

107

Year 2

21

55

Year 3

21

55

TOTAL

110

217

TOTAL FTE

327

Housing Supply: With respect to housing supply, Mr Thompson in his economic assessment that the proposal makes a significant contribution to the housing supply in Auckland, and particularly to affordable housing levels, by proposing to market all 115 dwellings within an affordable price bracket. Mr Thompson sets out at Figure 9 the composition of the unit supply, noting the difference in price range for the 3 bedroom dwellings being due to section sizes. This is a positive impact, by offering different housing typologies and styles, at a range of prices, to suit different needs. The design as demonstrated in the architectural plans at Appendix D shows that the houses have been designed differently with different layouts according to section size and shape, demonstrating that not only is the proposal a significant

contribution in terms of number of dwellings, but of variety of dwelling configurations within a relatively affordable price range.

Well-functioning urban environments: Mr Thompson also assesses the proposal against the NPS-UD 2020 objective of contributing to well-functioning urban environments, being environments which have housing of a range, type and price that meets demand. Mr Thompson concludes that the proposal helps to achieve this objective by providing a range of housing, within an affordable price bracket, which he has assessed as being undersupplied in the region.

See Appendix ZZ - Supplementary Information Appendix.

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 U**, with a section specifically responding to the project’s economic benefits and costs for people or industries affected by COVID-19.

Mr Thompson has provided an overview of the impact of Covid-19 on the construction sector, noting that Covid-19 in forcing New Zealand’s borders to close and immigration being reduced to near zero, is likely to result in a decline in the number of houses demanded and constructed and will place pressure on the construction centre.

In response to this, Mr Thompson has stated that the project would create jobs across several industries, and has estimated that the construction of this project would generate 327 FTE (“full time equivalent”) jobs, with 110 FTEs involved directly in the project and an additional 217 FTEs created as a “flow on impact” in other industries. Other industries include professional services, manufacturing, research and statistical services, and legal and accounting services, particularly as the project progresses. Mr Thompson in Figure 8 provides a detailed breakdown of the anticipated number of jobs created across these industries in each year of the proposal, and the estimated expenditure in those industries, showing the valuable economic contribution the project will make to a variety of industries, including beyond construction and building jobs ‘on the ground’ and has significant employment benefits, in accordance with the purpose of the Act. It also seeks to ensure sustainable use of land, by developing live-zoned land in an optimal location in terms of services and accessibility.

On the basis of the construction sector having an \$18.5B contribution to national GDP on the basis of 139,800 FTE, being a value added of \$133,000 per FTE employee, then the proposal’s generation of 110 direct FTE would create a GDP contribution of \$15,378,000.

There will also be associated economic benefits to the local retail economy, from having more people introduced to the area.

Chancellor Homes has also prepared a memorandum, and confirmed that they estimate that they will be required to employ approximately 150 tradespeople for the construction of the proposal, and will additionally need to employ external subcontractors for services including scaffolding, carpentry, roofing, joinery, etc. Chancellor Homes’ memorandum is at **Appendix V**.

The project is consistent with the objective and purpose of the Act, in urgently promoting employment in a variety of industries, with clear estimated economic benefits and expenditure that will be incurred in implementing the development, while also seeking to use the live-zoned land sustainably and to deliver a high quality residential development that will also contribute to the housing shortage.

The provision of additional housing, in a housing crisis is also strongly aligned with promoting the sustainable management of natural and physical resources, as is the efficient development of the site. While the need to carefully manage effects on the ONF is recognised, under-developing urban land (well with Auckland's borders) zoned Mixed Housing Suburban would not represent an efficient or sustainable use of a scarce natural resource (urban development land) and so the proposed scale of the development is considered to represent sustainable management. To the extent that a design change is needed to better respond to the ONF – that can be considered by the expert consenting panel.

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

Adam Thompson has considered in his economic assessment at **Appendix U** the impact of the proposal on social and cultural wellbeing.

Mr Thompson considers that the proposal would provide employment, and a diverse range of housing types, which would have a positive impact on social and cultural wellbeing by providing affordable family housing. This is on the basis that the properties are intended to be marketed within an affordable house price range. Additionally, all 115 dwellings comprise 3 bedrooms, but will be sold at a range of price points to reflect housing typology and section size, which enables a scale of choice even within an affordable price bracket.

Additionally, there are social and cultural benefits associated with the site's proximity to community and cultural facilities, which will enable new residents to become active members of the community. As an example:

- The site is very close to a number of educational facilities. The site is directly opposite Aorere College, and close to Aorere Pre School and Aorere Kindergarten, as well as Kedgley Intermediate, Immanuel Preschool and Mataliki Preschool also in close proximity. The area is well serviced with educational institutions, and thus reduces any need for significant travel for schooling needs.
- The site is proximate to public transport services.
- Also in proximity are the Papatoetoe Islamic Centre, as well as the Auckland Māori Seventh Day Adventist Church, providing nearby religious services of different faiths.
- The site is close to Aorere Park and Kohuora Park, as well as the Manukau Memorial Gardens. The site is close to SH22 connections, and is also proximate to the Papatoetoe urban centre and will be well serviced by commercial and retail services, as well as proximate to Auckland Airport.

The design of the proposal together with the benefits of the location, provide for the social and cultural wellbeing of future generations without adversely affecting current residents in the area.

A key component of the proposal will be important cultural design elements, which are currently the subject of consultation with the four iwi authorities who have an interest in this project. These include design elements that seek to identify those iwi and establish a sense of place, with proposals including kowhaiwhai designs, planting species, and names for the roads and accessways being discussed and considered. Additionally, a key component of the project is the protection of the ridgeline for the purposes of pedestrian access, intended to be preserved as undeveloped, landscaped open space available to the public, with views out over Nga Kapua Kohuora and the wider landscape. This will enable educational opportunities and Acanthus hopes that enabling access to the ridgeline will enable iwi relationships with the wider landscape to be retained and enhanced, and provide for cultural wellbeing. In addition to this is the protection of two vegetation protection areas where large puriri are located. These will further assist to preserve natural aspects of cultural significance while also providing significant landscape amenity for the development.

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

It is understood that the Ministry's "best case" assessment of time frames is now three months for the Minister's approval, and a further four months for the EPA / Expert Consenting Panel process. Therefore, at best, the fast track consenting process is anticipated to take a total of seven months.

If the application is filed with the Minister on or about September 2021, allowing for a seven month process, the granting of the application can be expected at the earliest to be around February to March 2022, falling within the period prior to the repeal of the Act. Even if those timeframes are extended, there remains a period of a further few months before the repeal of the Act in July 2022.

Conversely, based on experience with Auckland Council, the Council process would be expected to take at 12+ months as a conservative estimate with an application of this type and particularly noting the cultural landscape. There is a risk that Auckland Council would determine that this application needs to be processed on a notified basis and a hearing held, which will significantly delay the consenting process. Mr Thompson in his report (**Appendix U**) also addresses this, noting that the Council process, particularly if it were to result in an Environment Court appeal, could take 2-3 years.

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:

As noted above, Adam Thompson in his report at **Appendix U** has calculated that the project would create an estimated 110 direct FTE jobs, in roading, construction, landscaping, planting, land surveying, administration, and support services and other related activities. An additional 217 FTE jobs will be created as a flow on effect throughout the wider economy, indicating that this proposal will deliver a great number of jobs created and increase employment in the area.

Housing supply:

As noted above, Mr Thompson in his assessment at **Appendix U** has confirmed that the project will increase the housing supply, by supplying 115 new 2, 3 and 4 bedroom dwellings. The proposal will contribute to housing supply in currently undersupplied price brackets, being within the **§ 9(2)(b)(ii)** price range.

It is noted that the recently introduced Resource Management (Enabling Housing Supply and Other Matters) Bill 2020 intends to expedite the implementation of the NPSUD, and will also introduce Medium Density Residential Standards ("MDRS") which will be required to be implemented by Tier 1 Councils (which includes Auckland Council). The proposal seeks to develop 112 new residential houses. The matter of density has been a finely balanced consideration, in seeking to maximise yield and density while achieving positive landscape and amenity values, and particularly seeking to respect the landform and integrity of the topography by adopting a single-storey dwelling design only to minimise visual intrusion, as well as retaining the proposed pedestrian public access to achieve net positive environmental benefits that seek to enable the community to provide for their cultural and social wellbeing. As such, Acanthus' view is that the development design is appropriate in seeking to obtain the maximum available density for the site area as balanced against amenity, landscape, and cultural considerations, and therefore is consistent with the intention and direction that is proposed by the Bill.

Contributing to well-functioning urban environments:

The National Policy Statement for Urban Development 2020 requires that planning decisions contribute to "well functioning urban environments". Adam Thompson has stated in his economic assessment that the proposal helps achieve the NPS-UD objectives by increasing the range of housing available to the market within the **§ 9(2)(b)(ii)** price range, which are currently undersupplied. Additionally, the provision of new affordable dwellings constructed in accordance with modern building standards reduces the social pressures caused by inadequate housing.

The proposal is located in an area proximate to public reserves and parks, public transport connections, educational facilities, religious facilities, State Highway 22, is proximate to the Mangere and Papatoetoe urban centres, and other public services and infrastructure, and will introduce more people to the area bringing more economic benefit, and will enable new residents to fully integrate into the community.

Mr Evans in his urban design assessment (**Appendix O**) finds that the proposal will result in the supply of additional housing choice to the area and thus supports diversity, and the proposed density will provide for the sustainable use of land and in a form that does not result in adverse effects.

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

The proposal will contribute to the local economy through increasing population.

Stormwater, wastewater, and water supply servicing are all available via the existing public networks. However, Civix is still working through a detailed assessment confirming network capacity to accommodate the site.

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

The proposal will not create any significant adverse environmental effects in terms of freshwater terrestrial ecology or air quality.

Minimising waste:

Chancellor Homes (Acanthus' building consultant) have confirmed that where possible, they specify buildings of recycled, secondary or sustainable sources. They have also confirmed that they have completed a number of Green Star 6 rating housing developments in Auckland and are well practiced at operating in an environmentally friendly and sustainable manner, at **Appendix V**.

The existing use of the site, comprising only two dwellings, means that there is no opportunity to reuse buildings for the purposes of the residential component.

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):

The construction of modern new houses to a high quality will mean that people can move out of old houses that are not as energy efficient. This will have a net positive effect on the environment with regards to mitigating climate change. These houses will be better insulated and require less energy for heating.

Public transport and the proximity of a number of facilities and services as addressed above will mean that residents can utilise public transport effectively, thus reducing dependence on individual cars. This will also result in positive contributions to efforts to mitigate climate change and lower emissions.

Promoting the protection of historic heritage:

Promoting the protection of the historic heritage values of the Crater Hill (Nga Kapua Kohu Ora) landscape has been a particular focus in the design and preparation of this proposal. Significant iwi consultation has been undertaken from a very early stage by Acanthus, to better understand the issues and matters of importance to iwi, and a specific design approach has been taken to respect the natural landform to the greatest extent possible, as well as to minimise visual impact of development as viewed from either State Highway 20 or the Crater Hill (Nga Kapua Kohu Ora) site.

The preliminary geotechnical assessment (**Appendix P**) confirms that the proposal specifically has been designed to involve benching into the existing slope, to form level and generally northeast-southwest oriented building platforms, stepping up from Selfs Road. The platforms are proposed to be supported by low retaining walls and batters. Cut depths has been designed to be typically less than 1m. The architectural plans also demonstrate this, and the 3D renders prepared by David Moore also show the low level design of the houses to reduce visual impact. Acanthus understands that modifying the landform (in terms of cut and modification of the slope) is of importance to mana whenua, and the design has specifically taken this on board.

As can be seen on the architectural and landscape plans, a key component of the proposed design is to retain green space at the top of the crest, which serves two purposes: the first being to set the

development back from the crest of the ridgeline, to minimise visual impact and visibility of the development from SH20, as well as to provide a public accessway to the ridgeline to enable the public to view the Crater Hill (Nga Kapua Kohu Ora) landscape. This was done specifically in recognition of the value of the Crater Hill (Nga Kapua Kohu Ora) landscape; it is not a requirement of the MHUZ or under the RPS. Acanthus is also hoping that the CVA assessments prepared by mana whenua will assist in identifying other ways in which cultural and heritage values can be represented or provided for in the development.

Acanthus also engaged Shane Moore to prepare a specific geological assessment, to identify the extent and value of the geological landform of Crater Hill (Nga Kapua Kohu Ora). The proposal has been prepared to cause minimal modification of the landform in recognition of its status as a geological feature. Mr Moore notes that the outer tuff ring, having been dislocated from the wider Crater Hill (Nga Kapua Kohu Ora) volcanic centre by SH20, does not warrant the same level of protection. Mr Moore notes that the proposal seeks to protect the inner slope and rim of the tuff ring, and that the overall form of the tuff ring will be "maintained in a manner that is sympathetic to its original form and consistent with neighbouring sites", and that there will be no loss of geological value as a result. Mr Moore also notes the benefits of the proposal in providing public access to enable views over the volcanic field, offering educational value. Finally, during site works, heritage protection protocols will apply. An application for an authority under the Heritage NZ Pouhere Taonga Act 2014 will be made as soon as the CVAs are complete.

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

The project will be designed in accordance with current building code standards. Although the site is proximate to the coastal margin on the Manukau Harbour, there is sufficient setback (~0.5km) to ensure mitigation of any risks from any oceanic natural hazards or coastal erosion as a result of climate change. The buildings being in accordance with modern building standards will ensure the dwellings are more resilient to climate change than the bulk of Auckland's housing stock which contains many older houses which are not well insulated and/or not built to current earthquake and flood risk standards. In terms of economic and social resilience, adding substantial number of residents to the Papatoetoe/Puhinui areas will increase local demand for shops and other services within these centres, and improve viability and vibrancy of these centres. Additionally, the site is well linked to public transport and has convenient bus access to social infrastructure including recreation activities, shopping centres and schools.

Other public benefit:

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

- Seeking to promote and protect historical and cultural heritage, by maintaining the ridgeline as preserved undeveloped open space available for public access to preserve views out across Nga Kapua Kohuora and the wider landscape, and utilising this space as an opportunity for education, and preserving cultural connections with the land;
- Protecting the views from Nga Kapua Kohuora by designing the project to ensure visual intrusion of built form from viewpoints on the opposite side of SH20 on Nga Kapua Kohuora is minimised.
- 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 \$15,378,000 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;
- 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 have significant adverse environmental effects, including greenhouse gas emissions.

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. Potentially applicable natural hazards include ground stability and overland flow paths.

In reliance on Auckland Council Geomaps service, there are no overland flow paths on the site. The site is not a flood sensitive area, is not within a floodplain, and there are no other waterbodies on the site. There is no unusual risk to the development in terms of flooding effects from within the site or its immediate surrounds.

The geotechnical report (Appendix P) confirms that there is a slight risk of stability on the slop beyond the southwestern boundary but also finds appropriate stable building platforms can readily be formed with careful earthworks. As noted in the geotechnical report, the topography and contours of the site are gentle slopes. As no development is proposed on the steepest part of the site, being the outer rim of the tuff ring, due to mana whenua interests and in the interests of minimising impact on the cultural and geological landscape, development is not proposed on parts of the site which might be subject to site stability issues.

With regard to climate change, one of the main considerations is development levels for dwellings and access in terms of sea level rise. The site is proximate to the coastline, specifically the Manukau Harbour. The site is located approximately 0.5km away from the coast at its closest point, and therefore well set back from the coast mitigating any risk of sea level rise or coastal erosion.

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 | Acanthus is a development entity incorporated in 2013, and has only undertaken one previous development at Redhills Road, Westgate. It is related to investment and development entity Myland Partners, which is an experienced development company, as shown in the project profile prepared by Mr Fawcett (Appendix W). We understand that Acanthus Limited, and other developments undertaken by Myland Partners, may have had compliance and enforcement action brought against them, regarding issues of sediment control. We understand that any such enforcement action was not substantial and has not led to prosecution. An official information request under the Local Government Information and Meetings Act 1987 (LGOIMA) was lodged with Auckland Council to confirm whether any of Acanthus' related activities has previously been subject to enforcement or compliance actions. The response received from Auckland Council is included as Appendix X and confirms no enforcement action has been brought against Acanthus Ltd, Myland Partners, or any of the properties provided. |

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 will be released if requested.

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.

Olivia Manning, Berry Simons

21/12/2021

Signature of person or entity making the request

Date

Important notes:

- Please note that this application form, including your name and contact details and all supporting documents, submitted to the Minister for the Environment and/or Minister of Conservation and the Ministry for the Environment, will be publicly released. Please clearly highlight any content on this application form and in supporting documents that is commercially or otherwise sensitive in nature, and to which you specifically object to the release.
- 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.

| | |
|----|--|
| No | Correspondence from the registered legal land owner(s) |
| No | Correspondence from persons or parties you consider are likely to be affected by the project |
| No | Written agreement from the relevant landowner where the project includes an activity that will occur on land returned under a Treaty settlement. |

| | |
|----|--|
| No | 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. |
| No | 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. |

Released under the provision of
the Official Information Act 1982