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Comments on applications for referral under the COVID-19 Recovery (Fast-track Consenting) Act 2020

This form is for local authorities to provide comments to the Minister for the Environment on an application to refer a project to an expert consenting panel under the COVID-19 Recovery (Fast-track Consenting) Act 2020.

Local authority providing comment	Auckland Council
Contact person (if follow-up is required)	Sarah Gambitsis
	Matthew Paetz
	Ian Smallburn

Comment form

Please use the table below to comment on the application.

Project name	Selfs Road, Papatoetoe
General comment – potential benefits	Provision of additional housing is seen as a positive for the region, however significant concerns existing with the proposal.
General comment – significant issues	<p>As outlined in the attached documents, the following experts have raised significant concerns with the proposal: natural heritage, landscape, planning, water supply and wastewater. In addition, the following Council Controlled Organisations have raised significant concerns with the proposal: Watercare, Auckland Transport.</p> <p>The key issues relate to the inappropriate level of development being proposed which would destroy the Outstanding Natural Feature (ONF) values within most of the subject site. That this is contrary to the relevant AUP(OP) provisions and section 6(b) of the RMA which are to protect ONFs from inappropriate development. Associated landscape effects. Also the uncertainty and lack of appropriate water supply and wastewater infrastructure in the area to support the project, transportation effects and potential effects of stormwater.</p> <p>It is noted that other significant issues may exist, but no other specialists were engaged by Auckland Council to consider this initial stage.</p>
Is Fast-track appropriate?	Fast track is not appropriate for this application for a number of reasons, the key one being that the proposed level of development is inappropriate, would result in significant adverse effects on the ONF and does not adequately provide for the protection of the ONF. Furthermore, given the contentious nature of the proposal, it is considered more appropriate that this be dealt with through a Private Plan Change as opposed to a fast track or the standard resource consent process.
Environmental compliance history	No enforcement action has been taken against Acanthus Limited. However, abatement notices relating to sediment and erosion controls have been issued in the past to <i>Western City Holdings Limited</i> and <i>Callisto One Limited</i> with some still active. There is also an active 'notice to fix' issued to <i>West Village Capital Partners Limited</i> . These are companies where the applicant (<i>Andrew Fawcett of Acanthus Limited</i>) is a director/ shareholder.
Reports and assessments normally required	In addition to the information summarised in the attached documents, we would also expect assessments on MANA overlay density rule, contamination (including assessment against NES-CS), acoustic and mechanical (related to D24.6.3), ITA, infrastructure, geotechnical, urban design, archaeological and outcome of consultation with mana whenua.

Iwi and iwi authorities	Refer to Auckland Council website which contains all the latest iwi information: https://www.aucklandcouncil.govt.nz/building-and-consents/resource-consents/prepare-resource-consent-application/Pages/engaging-with-mana-whenua.aspx .
Relationship agreements under the RMA	Click or tap here to summarise any JMAs, Mana Whakahono a Rohe, transfers of power, MOUs, accords or other relationship agreements under the RMA. Include the parties involved.
Insert responses to other specific requests in the Minister's letter (if applicable)	Click or tap here to insert responses to any specific matters the Minister is seeking your views on.
Other considerations	If the decision is made to refer this to the expert consenting panel, then notice of the application should be served on (i) Auckland International Airport Limited to enable them to comment with regard to the reverse sensitivity effects of the proposed development on their operations (if proposal still exceeds MANA density rule) and (ii) the iwi groups (Ngāti Te Ata, Te Ākitai Waiohū, Ngāti Tamaoho, Ngāāti Whanaunga, Ngāāti Te Ata Waiohū) that have expressed an interest to date to enable them to submit their views on the full and final application.

Note: All comments, including your name and contact details, will be made available to the public and the applicant either in response to an Official Information Act request or as part of the Ministry's proactive release of information. Please advise if you object to the release of any information contained in your comments, including your name and contact details. You have the right to request access to or to correct any personal information you supply to the Ministry.

The Minister for the Environment
c/o Environmental Protection Authority
Private Bag 63002
Waterloo Quay
Wellington 6140

Your reference: BRF-1071

15 February 2022

Dear Minister Parker,

RE: COVID-19 Recovery (Fast-Track Consenting) Act 2020 – Selfs Road, Papatoetoe Project – Comments sought

We are responding to your invitation for comments on an application before you for referral to the Expert Panel under the COVID-19 Response (Fast Track Consenting) Act 2020.

The application to Ministry for the Environment is made by Acanthus Limited and is located at 1 Selfs Road, Papatoetoe, Auckland (Lot 1 DP 503731).

In response to the information requirements stated in your letter referenced BRF-1071:

1. *Are there any reasons that you consider it more appropriate for the project, or part of the project, to proceed through existing Resource Management Act 1991 (RMA) consenting processes rather than the processes in the FTCA?*

This is a contentious proposal that would result in significant adverse effects on the volcanic landform of Crater Hill volcano, an Outstanding Natural Feature scheduled for protection under the Auckland Unitary Plan in accordance with s. 6(b) of the Resource Management Act.

The proposal involves housing development and associated earthworks modification that would destroy the Outstanding Natural Feature (ONF) values within most of the subject site at 1 Selfs Road. This application proposes more intensive development than a previous proposal from the current landowners that Council staff advised would not be considered acceptable under the ONF provisions. The current proposal does not adequately provide for protection of the ONF. This is explained further in the Council's Natural Heritage and Landscape Specialists responses attached. Given the extent of the proposal and the differences of opinion between Council's and the applicant's specialists in terms of the ONF values that this site holds, it is considered more appropriate that this be dealt with through a Private Plan Change as opposed to a fast track or the standard resource consent process.

There is also uncertainty over the effects of the proposal on key infrastructure. It is considered that this proposal will benefit from being processed through the typical Resource Management process to enable the applicant to work with Auckland Council infrastructure and asset owners to manage constraints on the networks from this proposal (in particular Watercare, Healthy Waters and Auckland Transport). We

consider this necessary to ensure the effects of the proposal are appropriate and can be managed/mitigated.

In addition, at the northern end of the site, the proposed development exceeds the MANA Overlay density rule and has the potential to result in reverse sensitivity effects for Auckland International Airport Limited (AIAL). While mitigation in the form of acoustic treatment has been proposed this does not mitigate the effect of the exceedance of the density provisions. AIAL have advised Council they do not support departures from the MANA Overlay density rule as this could result in increased reverse sensitivity effects on their operations. If the decision is made to refer this to the expert consenting panel, then notice of the application should be served AIAL to enable them to comment with regard to the reverse sensitivity effects of the proposed development on their operations.

Notwithstanding the above, given the contentious nature of the proposal, it is considered more appropriate that the application be dealt with through the normal RMA resource consent process or even through a private plan change than through the fast track consenting process.

2. *What reports and assessments would normally be required by the Council for a project of this nature in this area?*

- Assessment of Environmental Effects.
- Subdivision application plans.
- Dwelling design plans.
- Assessment of the proposal against relevant provisions of the AUP(OP) including ONF and MANA Overlays.
- Assessment of compliance of proposal with the MANA Overlay density rule.
- Noise report.
- Mechanical engineering report addressing requirements of standard D24.3.6(1)
- Detailed Site Investigation (DSI) report together with a Site Management Plan (SMP)/ Remedial Action Plan (RAP).
- An assessment against the Resource Management (National Environmental Standard for Assessing and Managing Contaminants in Soil to Protect Human Health) Regulations 2011 and Chapter E30 Contaminated Land of the AUP(OP).
- An assessment against the National Policy Statement - Urban Development.
- Integrated Transport Assessment.
- Infrastructure report and engineering plans.
- Details of expected water supply and wastewater demands including fire-fighting requirements.
- Wastewater network capacity assessment.
- Details of the proposed water supply and wastewater extensions, upgrades and connections.
- Stormwater Management Plan.
- Arboricultural Assessment as part of detailed design.
- Detailed geotechnical investigation as part of detailed design.
- Urban design assessment of the housing typologies for which consent is sought.
- Outcomes of consultation with mana whenua.
- Archaeological assessment as part of detailed design.

3. *Does the applicant, or a company owned by the applicant, have any past or current breaches/notices or litigation related to environmental regulatory compliance that you are aware of?*

No enforcement action has been taken against Acanthus Limited. However, abatement notices relating to sediment and erosion controls have been issued in the past to *Western City Holdings Limited* and *Callisto One Limited* with some still active. There is also an active 'notice to fix' issued to *West Village Capital Partners Limited*. These are companies where the applicant (*Andrew Fawcett of Acanthus Limited*) is a director/ shareholder.

Yours sincerely,

Ian Smallburn
General Manager – Resource Consents
Auckland Council

Enclosed:

- Attachment A: Comments from Auckland Council Specialists
- Attachment B: Comments from Auckland Council Asset Owners
- Attachment C: Independent Maori Statutory Board

Asset Owner Response:

From: Hannah Miln, Senior Development Planner, Auckland Transport

Date: 09 February 2022

Overall Summary:

Thank you for the opportunity to provide comment on the referral of 1 Selfs Road, Papatoetoe for consideration under the COVID-19 Recovery (Fast-track Consenting) Act 2020. Auckland Transport does not currently have enough information to comprehensively assess the effects of the Project.

The subject site is located within the Residential – Mixed Housing Suburban Zone under the Auckland Unitary Plan Operative in Part (AUP(OP)). The proposed 115 residential dwellings over the site can reasonably be expected within this zoning (not accounting for relevant overlays).

The Project is located in close proximity to public transport facilities. Bus stops are located on Portage Road northeast from the site. This route (326) connects Mangere Town Centre to Otahuhu Station and Town Centre. This route runs every 30 minutes during weekday peak hours, with the frequency planned to increase in the future. The site is slightly further from the 313 bus route (300-500m north west of the site) which connects Manukau Station to Mangere Town Centre. This route runs every 20 – 30 minutes during the weekday peak hours. In addition, the school bus route runs along Selfs Road.

An initial Traffic Assessment has been provided however it does not contain enough detail for Auckland Transport to comprehensively assess the effects of the Project. Given the nature of trip generation and safety considerations (discussed further below), an Integrated Transport Assessment (ITA) is appropriate for the scale of the project. Auckland Transport requests that should this Project be accepted for fast-track consenting, the requirement for an ITA is formally stated in the referral order to accompany any resource consent application for the Project lodged with the Environmental Protection Authority.

Integrated Transport Assessment

The ITA for the Project should include assessment on the following key areas:

- **Public transport:** an ITA should consider future residents demand for the existing bus services and desire lines for residents to access existing bus stop facilities. The project should consider whether any pedestrian facilities are required to support these desire lines and bus patronage demand for residents.
- **Modelling:** the applicant had advised that modelling had been undertaken and localised intersection upgrades were not required. Auckland Transport cannot confirm this assessment as modelling has not been provided at this stage. Transport modelling is required to support any future application.
- **Pedestrian facilities:** currently, no pedestrian facilities (pram crossings) are provided along the Selfs Road frontage and the Portage Road/Selfs Road intersection. To support the intensification of the Project, it is considered that pram facilities and formal pedestrian crossing facilities along Selfs Road and the Portage Road/Selfs Road intersection is required to support the intensification.
- **Waste collection:** tracking is required for waste collection trucks, including truck manoeuvring within proposed turning heads. Turning heads should be designed to Auckland Transport engineering standards.
- **Accessway visibility:** Selfs Road contains a vertical and horizontal curve in the road where southern accessways are located. This will limit visibility from these accessways in

a critical location. Mitigation should be provided in the instance where visibility cannot be met.

- **Speed calming:** Auckland Transport is aware that there is potentially high operating speeds on Sels Road. The Project will create greater trip demand, pedestrian demand and accessways along Sels Road. Any future application should consider speed calming on Sels Road to mitigate the effects of the Project and improve safety for the proposed residential land use.
- **Traffic surveys:** provide traffic survey details to support a future application.
- **Crash data:** crash data and an assessment on road safety in the surrounding transport network is required with any future application. This includes identifying whether any mitigation measures are required.
- **Certificate of Title interest 18804:** provide the Title interest (relating to the middle line of the motorway) and detail whether this interest impacts the proposed residential development.

Aspects unlikely to be supported by Auckland Transport

The initial assessment of the Transport Assessment identified that safety platforms for JOALs have not been provided. Auckland Transport flags this as a potential safety effect for pedestrians. We note some JOALs have steep grades (up to 17.5%) and provide for two-way movements. The wider JOAL widths allow for greater entry and exit speeds, and when these factors are combined, it can create undue effects for pedestrians. Auckland Transport strongly recommend any future application provides the necessary safety platforms for JOALs.

Aspects supported by Auckland Transport

A footpath is included along the site frontage which is required and supported by Auckland Transport. A full frontage upgrade is required to support the Project (including lamp posts and other critical road elements) to align with Chapter E38 Subdivision of the AUP(OP). Chapter E38 seeks to ensure developments have appropriate infrastructure to support development/subdivision and meet the long-term needs of residents. Upgrades contribute toward reducing trip generation effects by providing safe and accessible alternative facilities. We note that any footpath would need to tie into the existing footpaths and meet the relevant Auckland Transport engineering standards.

Auckland Transport support a public active modes connection at the southwestern boundary of the site however request that the public accessibility and way finding is provided for. This includes easements over land favouring Auckland Council / the public, clarification as to whether pedestrians can access paths along the JOALs and way finding for the public.

Asset Owner Response:

From: Lakshmi Nair, Senior Specialist, Healthy Waters, Auckland Council

Date: 08/02/2022

Overall Summary:

The proposed development will be considered as a Large Brownfield Development as per schedule 4 of the Regional Network Discharge Consent for stormwater discharge and diversion. Accordingly, a stormwater management plan will be required to demonstrate the stormwater management techniques that will be adopted to mitigate the effects of the development on downstream properties and the stormwater network.

This site is located within "Pukaki Waokauri" Stormwater Catchment. The following constraints will need to be addressed as part of the development application:

Stormwater infrastructure for connection

Auckland Council Geomaps indicate that the site has a natural fall towards the Selfs Road boundary. Accordingly, there are available pipe networks that can be extended into the site for the stormwater discharge. Geomaps also indicate that there is considerable flooding that affects a significant number of existing residential buildings and yards and roads downstream of the site before discharging into sensitive aquatic environment. The application will need to include an assessment of the impact of this development and mitigation solutions for any adverse effects during the 10% or 100% AEP storm events.

Water Quality

The development will be discharging to sensitive aquatic environment, so water quality treatment of all impervious areas will be required.

Stream hydrology

The development will be discharging to an open watercourse/stream through a network, which will trigger hydrology mitigation from the impervious areas.

Asset Owner Response:

From: Kizito Essuman, Development Engineer, Watercare Services Ltd

Date: 09th February 2022

Overall Summary:

Watercare has assessed the proposed development for 115 single-storey detached residential dwellings at 1 Sels Road, Papatoetoe.

No infrastructure report, engineering plans, capacity assessments, fire/water supply-demand, or information on wastewater flow and connection points were provided as part of this application. Based on the very limited information provided to MfE, Watercare has undertaken a very high-level assessment for the proposed development.

Water supply: The water network is currently operating near its capacity. The proposed development will trigger the need for a significant local network extension and upgrades.

Wastewater: There are potentially significant capacity constraints in the downstream wastewater network. The capacity constraints in the wastewater network will need to be mitigated by the developer through public network extensions or upgrades. The solution will need to be agreed upon with Watercare as part of the next stage or Resource Consent stage.

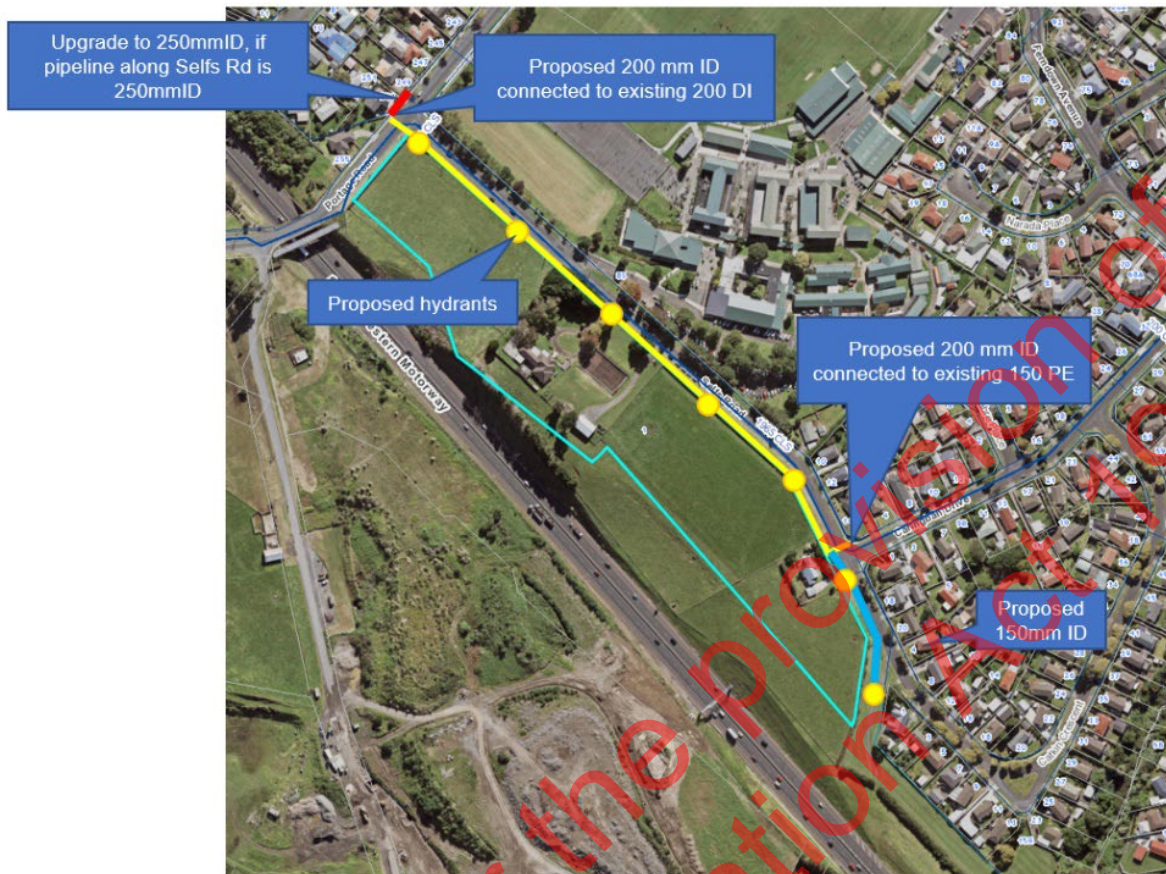
The point of supply options for both water and wastewater will need to be investigated in detail to determine the best servicing option for this development. All local network upgrades or extensions required to service this development must be fully funded by the developer.

Water Supply:

There is no watermain available in the southern part of Sels Rd close to the development. Based on a high-level flow estimation, Watercare's model predicts that the water network is currently operating near its capacity; therefore, the proposed development will trigger a requirement for a significant local network extension.

Overall, watermain pipe upgrades and extensions would be required as per the information below:

- Three points of connection to the existing watermains are on Portage Road (250mm ID), Caringbah Rd (200mm ID) and Sels Rd (150mm ID).
- Pipe upgrades and extensions for water connections and firefighting requirements would be required as shown below.



GIS screenshot showing the proposed development's site and the water extensions and upgrades

The developer must carry out the upgrades and extensions based on the agreed solution at no cost to Watercare.

Wastewater:

The applicant needs to provide Watercare with detailed information on expected water supply and wastewater demand. Based on this information, Watercare needs to assess the development's proposed demand/flows calculations and a catchment analysis investigation before confirming the impact on the wastewater infrastructure.

An Initial high-level assessment was carried out by Watercare based on the data available which indicates overflow issues in the downstream network from the proposed discharge manhole.

A comprehensive asset survey including CCTV footage and report as well as on-site investigation will be required to confirm what mitigation measures or network upgrades may be required to enable this development.

The applicant needs to provide Watercare with a complete capacity assessment for the entire length of the wastewater network starting from the proposed discharge manholes to the nearest 300mm pipe and existing wastewater pump station as per Watercare's Code of Practice (CoP).

This is required to identify the exact impact of the development on the wastewater network and the upgrades linking to the proposed development. It will also further confirm the extent of any network upgrades required.

Servicing options will need to be investigated in detail in a design report to determine the best option for this development. All local upgrades required to service this development must be fully funded by the developer.

Works Over

The wastewater/water assets that may be traversing the site may need to be relocated to achieve Watercare's works over requirements. Also, network extensions over the watermain transmission pipe (Hunua 4) may require works over approval. The relocation and building of these assets will be at the developer's cost.

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Specialist Response:

From: Sarah Gambitsis, Senior Planner, Resource Consents Department, Auckland Council

Date: 14/02/2022

Overall Summary:

The proposal involves housing development and associated earthworks modification to enable 115 dwellings on the subject site. It is considered that the level of development is inappropriate and would result in significant adverse effects on the Outstanding Natural Feature (ONF) and does not adequately provide for protection of the ONF. Due to this and other complexities, we do not consider that this should be put through the fast-track process. Further, given the extent of the proposal and the differences of opinion in terms of the ONF values that this site holds, it is considered more appropriate that this be dealt with through a Private Plan Change as opposed to a fast track or resource consent process.

Auckland Unitary Plan (Operative in Part) Zoning

The proposal is to construct 115 single storey detached residential dwellings followed by the associated freehold subdivision (integrated land use and subdivision). The lots are to be accessed via commonly owned access lots and it is proposed to provide a public pedestrian access along the ridgeline and to retain existing large native trees fronting Sells Road.

The site itself is zoned Residential – Mixed Housing Suburban. The site also notably falls within the Outstanding Natural Features Overlay (ONF) - Crater Hill, ID 22 and the northern part of the site falls within the Aircraft Noise Overlay – Moderate aircraft noise area (MANA). Designation 6709, *State Highway 20: To undertake maintenance, operation, use and improvement to the State Highway network* for NZTA abuts the western boundary of the site.

The Residential – Mixed Housing Suburban Zone is the most widespread residential zone in Auckland covering many established suburbs and some greenfield areas. The zone enables intensification, while retaining a suburban built character.

The built form of the proposal consists of single storey dwellings. This is well within what is anticipated by the Residential – Mixed Housing Suburban zone provisions and as such the proposal is considered generally consistent with the intent of the MHS zoning.

However, we are not just considering this in terms of the residential zoning which is permissive, but also need to balance this against the other provisions of the AUP (specifically the ONF Overlay and MANA Overlay) which are more restrictive.

The site is part of the ONF overlay covering Crater Hill (ID 22) (known as Ngā Kapua Kohuora to Iwi, a site of some significance to a number of iwi, as noted by their CVAs). The site contains part of the crater rim and outer slope of the volcano. The listing in Schedule 6 of the AUP states: "*Crater Hill is the only remaining explosion crater in the Auckland field where the external slopes of the volcano outside the crater rim are nearly entirely intact and unmodified.*"

A pre-application meeting was held between Council officers and the applicants in October 2020. The meeting minutes are attached to this memorandum.

While the proposal presented at the pre application meeting differs to that now being proposed, the comments with regard to the ONF still stand.

The current proposal for 115 dwellings goes well beyond what was initially proposed. This proposal has been referred to the same Council Specialists for further comment and are provided in the attached responses.

However, in summary the Council's Natural Heritage Specialist is not supportive of the proposal as the proposal *would result in significant adverse effects on the volcanic landform of Crater Hill volcano, an Outstanding Natural Feature scheduled for protection under the Auckland Unitary Plan in accordance with s. 6(b) of the Resource Management Act. The proposal involves housing development and associated earthworks modification that would destroy the Outstanding Natural Feature (ONF) values within most of the subject site at 1 Sells Road.*

Furthermore, the Council's Landscape Specialist considers *the proposal, and specifically the extent of earthworks and building coverage, to represent an inappropriate over-development of the site that will negatively impact the existing landscape values of Crater Hill volcano / Ngā Kapua Kohuora that the ONF overlay requires to be protected from.*

The northern end of the site also falls within the Moderate Aircraft Noise Area (MANA) Overlay. The proposed development in that portion of the site would exceed the permitted average density (rule D24.4.1(A38)) of one dwelling per 400m² and requires consent. NB: No density assessment has been provided as part of this application. This would need to be notified to Auckland International Airport Ltd (AIAL). AIAL have advised Council they do not support departures from the MANA density standard. Within MANA Overlay all new dwellings need to meet the acoustic and mechanical standards as a requirement, but this in and of itself is not mitigation of the infringement of the density control. Density controls are imposed as the noise outside of the dwelling from aircraft cannot be avoided and this is the only means by which the AIAL can meaningfully limit reverse sensitivity effects on their operations. Ignoring the density requirement would create a precedent for further intensification within the MANA overlay which has the potential to result in reverse sensitivity effects which would be detrimental to the ongoing operation of the Auckland International Airport. It also relies on future occupants keeping their windows closed, which is not realistic and would hinder their amenities. The density control is considered essential to minimise reverse sensitivity effects for AIAL.

Weighting of the provisions

The land use proposal would be a restricted discretionary activity overall and the subdivision a restricted discretionary activity except for one infringement that makes the subdivision a discretionary activity overall.

When considering an application for resource consent for an activity that is classed as a restricted discretionary activity, the Council is required to consider all relevant overlay, zone, Auckland-wide and precinct objectives and policies that apply to the activity or to the site or sites where that activity will occur.

Where the activity status is the same under the relevant overlay and zone provisions (as in this case), we are required to take a purposive approach to reconciling the provisions.

The objectives and policies in Chapters B4.2 and D10 are more stringent and directive in terms of requiring that Outstanding natural features are *protected from inappropriate subdivision, use and development, and avoiding the adverse effects of inappropriate subdivision, use and development on the natural characteristics and qualities that contribute to an outstanding natural features values* (refer specifically Objective B4.2.1(1), Policies B4.2.2(6), B4.2.2(7), B4.2.2(8), Objective D10.2(1), Policies D10.3(3), D10.3(4)).

This is also a matter of national importance (refer section 6(b) of the RMA 1991).

In my opinion, the more directive objectives and policies of the ONF overlay, and its importance as a matter of national importance under RMA s6, give the ONF greater weight than the zone provisions and the need to provide for greater density under the NPS-UD. The inclusion of RMA s6 as qualifying matters in the NPS-UD support this.

Council's Natural Heritage and Landscape Specialists are not supportive of the level of development that is being proposed as they are of the view that this will destroy much of the ONF values held by this site.

The ONF provisions support retaining ONF and their visual integrity. If this can be achieved through a less intensive form of development, that should be preferred over the density provided by the zone.

Key effects and summary

The key actual and potential adverse effects of the proposal are from:

- adverse physical effects on the geology/ landform of Crater Hill which is an identified/ scheduled outstanding natural feature (ID 22) in the Unitary Plan
- adverse visual and landscape effects on the outer rim of Crater Hill which is an identified/ scheduled outstanding natural feature (ID 22) in the Unitary Plan
- the exceedance of the MANA density rule and potential reverse sensitivity effects;

These effects do not currently appear to be avoided or mitigated by the proposal.

Given the adverse effects on the outstanding natural feature and the proposed exceedance of the MANA density provisions and the potential reverse sensitivity effects for AIAL it is highly likely that the proposal would trigger the need for full public notification.

The adverse effects outlined above will need to be balanced against the positive effects of the proposal which includes the delivery of 115 residential units (likely to be reduced in the MANA area of the site) and the associated economic benefits.

If the application proceeds to the next stage, it is recommended that the panel consult with AIAL so that they can address the matter of reverse sensitivity effects on their operations.

However, in summary, the ONF overlay exists over this property at the present time (it is operative). What the applicant is seeking to do is to develop most of the property which will in the opinion of Council's Natural Heritage and Landscape specialists destroy the Outstanding Natural Feature (ONF) values within most of the subject site at 1 Selfs Road. There is a difference of professional opinion in terms of the ONF values that this site holds. This is a complex matter and needs to be dealt with through the proper forum. Therefore, not only do we think it is not appropriate that it go through the Fast Track process, but also given the extent that they are seeking to develop the site and that they are calling into question the ONF values of this site, we are of the opinion that it is more appropriate that it go through a Private Plan Change as opposed to a resource consent process.

Specialist Response:

From: Alastair Jamieson, Principal Advisor Biodiversity. Auckland Council.

Date: 10 February 2022

Overall Summary:

This is a contentious proposal that would result in significant adverse effects on the volcanic landform of Crater Hill volcano, an Outstanding Natural Feature scheduled for protection under the Auckland Unitary Plan in accordance with s. 6(b) of the Resource Management Act.

The proposal involves housing development and associated earthworks modification that would destroy the Outstanding Natural Feature (ONF) values within most of the subject site at 1 Selfs Road. This application proposes more intensive development than a previous proposal from the current landowners that Council staff advised would not be considered acceptable under the ONF provisions. In summary, the current proposal does not adequately provide for protection of the ONF and is therefore not considered suitable for fast-track processing.

Background to the Outstanding Natural Features overlay

The protection of Outstanding Natural Features (ONFs) from inappropriate subdivision, use and development is a matter of national importance under s.6(b) of the Resource Management Act 1991.

The Auckland Unitary Plan identifies outstanding natural features in accordance with a set of factors under policies B4.2.2(4) of the Regional Policy Statement within the Auckland Unitary Plan (AUP)¹. The ONF overlay forms an operative part of the Auckland Unitary Plan.

Those features identified in the Unitary Plan maps² and listed in Schedule 6 Outstanding Natural Features³ are subject to the following Regional policies of the AUP:

B4.2.2(6) Protect the physical and visual integrity of Auckland's outstanding natural features from inappropriate subdivision, use and development.

B4.2.2 (7) Protect the historic, archaeological and cultural integrity of regionally significant volcanic features and their surrounds.

B4.2.2 (8) Manage outstanding natural landscapes and outstanding natural features in an integrated manner to protect and, where practicable and appropriate, enhance their values.

While Schedule 6 only provides a brief summary description of the listed ONFs, importantly the ONF overlay maps define the ONF extent and determine the area where ONF policies and rules apply. Detailed provisions for ONFs are found in various parts of the AUP, but the key ONF rules relating to this application are contained in Chapter D10 - Outstanding Natural Features Overlay and Outstanding Natural Landscapes Overlay and Chapter E12 - Land disturbance (District) of the Plan.

In the Auckland context, the volcanic landforms and geological features of the Auckland Volcanic Field are among the region's most important and recognisable outstanding natural

¹<https://unitaryplan.aucklandcouncil.govt.nz/Images/Auckland%20Unitary%20Plan%20Operative/Chapter%20B%20RPS/B4%20Natural%20heritage.pdf>

² <https://unitaryplanmaps.aucklandcouncil.govt.nz/upviewer/>

³<https://unitaryplan.aucklandcouncil.govt.nz/Images/Auckland%20Unitary%20Plan%20Operative/Chapter%20L%20Schedules/Schedule%206%20Outstanding%20Natural%20Features%20Overlay%20Schedule.pdf>

features. However, Auckland is the most urbanised region in the country, so development activities have caused extensive loss and modification of its volcanic landforms.

Auckland's basalt scoria cones are perhaps the most distinctive landforms produced by eruptions from the Auckland Volcanic Field. Of the 38 original basalt volcanoes with intact scoria cones, only two (Rangitoto and Motukorea/ Browns Island) have escaped much modification, while 15 have been entirely quarried away.

Alongside scoria cones and lava flows, large explosion craters with surrounding tuff rings resulting from explosive eruptions are the other major landform type characteristic of the Auckland Volcanic Field. Prior to establishment of the city, 19 of Auckland's volcanoes had the explosion craters with surrounding tuff rings resulting from explosive eruptions essentially intact. Now, none of these features have escaped modification by activities such as quarrying or urban development.

Crater Hill volcano / Ngā Kapua Kohuora

Crater Hill volcano is identified as Outstanding Natural Feature #22 in Schedule 6 of the AUP. The ONF encompasses one of the best-preserved volcanic explosion craters with its associated tuff ring remaining in Auckland. The scheduled extent of Crater Hill volcano includes the complex explosion crater with the surrounding tuff ring and largely unmodified portions of the outer slopes of the volcano. Within the ONF are number of smaller features of importance, including two lava caves.

Crater Hill is considered to be a nationally important example of an explosion crater with the surrounding tuff ring and outer slopes comparatively intact (Figure 1). Other volcanic explosion craters with tuff rings identified as ONFs in the Auckland Volcanic Field have a far greater level of modification, which detracts from their physical and visual values. In particular, the outer slopes of nearly all of Auckland's explosion craters have been lost beneath urban development. For example, Lake Pupuke, Orakei Basin, Tank Farm, Onepoto, and Panmure Basin volcanoes are all modified and concealed by extensive development, except for the interior portions of their craters, which are identified in the ONF overlay.

The Application

Auckland Council staff have met with the current owners of 1 Selfs Road on several occasions to discuss their aspirations for development of the property. This progressed as far as a resource consent pre-application meeting in November 2020 concerning a subdivision and development proposal similar to the present application. Staff feedback is clear that the extent of development proposed at that time was considered unacceptable due to the damage it would cause to the ONF (see pre-application meeting notes attached). On that occasion, the applicants were advised that a much lower level of development confined to the eastern edge and previously earthworked areas of the site would be more appropriate with respect to the ONF values and constraints on the site.

The present application has not incorporated this advice. The proposal involves extensive earthworks and housing development across most of the subject site that would effectively destroy the ONF landform within the area.

Against the background of loss of Auckland's volcanic features, it is particularly important that remaining examples are protected from inappropriate development. This applies to the portion of tuff ring and outer slope of Crater Hill volcano within the subject site, which would be irreversibly damaged by the extensive earthworks and development proposed in this application.

While the geological assessment accompanying the application attempts to dissect and diminish the values of the ONF, its status as an ONF is not in contention. The present landowners appealed aspects of the Unitary Plan zoning for the broader site to the Environment Court, however its identification as an Outstanding Natural Feature was not challenged.

The geological assessment report does not recognise that the principal value of the Crater Hill volcano ONF is its importance as a volcanic landform. Although the volcano has been damaged by quarrying and the construction of the State Highway 20, the landform values within the subject site at 1 Selfs Road are still largely intact and require protection from inappropriate development.

The development proposed in this application does not adequately address the protection of the ONF from adverse effects as required by s. 6(b) of the Resource Management Act and the Auckland Unitary Plan. Therefore, it is recommended that the application is unsuitable for fast-tracking and should not be referred to a consenting panel under the COVID-19 Recovery (Fast-track Consenting) Act 2020.



Figure 1: Aerial view of Crater Hill volcano from the east in 2017, with the 1 Selfs Road property in the foreground. The property contains the eastern part of the tuff ring rim and outer slope of the volcano. While this portion is artificially separated by State Highway 20 from the rest of the volcano crater, the image illustrates that the tuff ring and outer slopes are comparatively intact.

Specialist Response:

From: Stephen Quin, Principal Landscape Architect. Auckland Council.

Date: 10 February 2022

Overall Summary:

1. The site is legible as being outer slopes of Crater Hill volcano / Ngā Kapua Kohuora. The unmodified slopes are an important landform in themselves with few outer slopes of volcanic craters in Tāmaki Makaurau being preserved intact. Through their lack of modification, and their expansive sloping topography dropping away from the ridge of the inner crater, the outer slopes enhance the legibility of the inner crater that is immediately adjacent to the site. The unmodified outer slopes help to visually connect this part of the crater to the larger volcano on the west side of SH20 to be legible as the same feature.
2. This inner crater and outer slopes landform within and immediately adjacent to the site is appreciated in views from streets and adjoining properties surrounding the site (Selfs Road and parts of Portage Road, Caringbah Drive and Catkin Crescent) and from SH20, as well as from the larger part of the intact crater on the west side of SH20 that is zoned as Open Space – Conservation Zone and Rural - Rural Production Zone.
3. SH20 and the quarrying activity has removed a portion of the volcanic landform, and these are excluded from the ONF. However, as the motorway is trenched below natural ground levels, the rising slopes within the site elevated above the motorway can be readily appreciated as part of the volcano landform. Accordingly, whilst the motorway cuts through the volcano, the outer slopes within the site remain legible as being part of the overall volcano landform.
4. More broadly, Crater Hill volcano / Ngā Kapua Kohuora is visually connected to Te Pane o Mataoho / Te Ara Pueru / Māngere Mountain, and more distantly to other maunga, which further enhances the legibility of the volcanic landform, including the site, as a part of the volcanic landscape of Tāmaki Makaurau.
5. In my opinion, the proposed coverage of built form across the site will significantly reduce the natural landscape values related to the volcanic landform within the site, and by substantially reducing the extent of currently unmodified landform related to the volcano, will adversely impact the physical and visual integrity of the Crater Hill volcano / Ngā Kapua Kohuora overall.
6. This physical and visual degradation of the volcanic landform will occur as a result of the earthworks that will bench terraces across almost the full extent of the site, thereby irreversibly modifying the natural volcanic landform. In addition, the built form, whilst coarsely following the gradient of the sloping topography, will introduce a busy patterning of built elements that introduces a suburban built character to the site. This will represent a significant change to the currently unmodified topographical and geological characteristics of the site. In my opinion, as a consequence of this change, the legibility of the slopes as a volcanic landform will be significantly reduced. This will, in turn, reduce the legibility of the current extent of Crater Hill volcano / Ngā Kapua Kohuora.
7. I have read the cultural values and impact assessments provided with the application and understand that Crater Hill volcano / Ngā Kapua Kohuora has significant cultural

landscape values to Mana Whenua. I consider it appropriate for Mana Whenua to determine how the proposal will impact on their cultural landscape values. However, I note the comment in the report of Ngaati Te Ata Waiohua (page 28) that states *"Acanthus acknowledges that there will be substantial change to the outer slopes of Nga Kapua Kohuora, however, on balance the proposal goes to significant lengths to respect the land form and to maintain open and visually unobtrusive views to the ridgeline from the crater toward the site, and to maintain public access along this ridge line in perpetuity. This is considered a good outcome given the Mixed Housing Suburban Zoning and the alternative outcomes possible for the site should other developers have opportunity here."* The Landscape Effects Assessment, prepared by Boffa Miskell, included with the application also gives regard to the development potential of the zone provisions, and in this regard has assessed the adverse physical landscape effects, including those created by the proposed earthworks, as being of a low degree. Conversely, I consider the ONF overlay should be given greater regard to in the assessment of potential landscape effects.

8. As per previous pre-application comments (reference PRR000356699), I consider that some development could be appropriate within the previously modified parts of the site and along the Selfs Road frontage between the two existing houses, thereby retaining substantial areas of the unmodified slopes. I consider the proposal, and specifically the extent of earthworks and building coverage, to represent an inappropriate over-development of the site that will negatively impact the existing landscape values of Crater Hill volcano / Ngā Kapua Kohuora that the ONF overlay requires to be protected from.

Auckland Council Independent Maori Statutory Board Comments:

From: Theresa Roigard, General Manager – Advisory and Performance, Independent Maori Statutory Board (IMSB), Auckland Council

Date: 09/02/2022

Overall Summary:

It is clear from the CVAs provided that Ngā Kapua Kohuora/Crater Hill is attributed significant cultural value. The extent to which the proposed development will adversely affect mana whenua values is a matter the decision maker should consider when assessing the application.

That assessment should occur in the context of the following AUP provisions which are not explicitly acknowledged in the planning assessment provided in support of the application (emphasis added):

D10.2. Objectives [rcp/dp]

- (2) The ancestral relationships of Mana Whenua with outstanding natural features and outstanding natural landscapes are recognised and provided for.

D10.3. Policies [rcp/dp]

- ...
- (3) Protect the physical and visual integrity of outstanding natural features, including volcanic features that are outstanding natural features, by:
- (a) avoiding the adverse effects of inappropriate subdivision, use and development on the natural characteristics and qualities that contribute to an outstanding natural feature's values;
 - (b) ensuring that the provision for, and upgrading of, public access, recreation and infrastructure is consistent with the protection of the values of an outstanding natural feature; and
 - (c) avoiding adverse effects on Mana Whenua values associated with an outstanding natural feature.

The CVAs and application suggest an acceptable outcome is being worked through between the applicant and mana whenua. However, that process is ongoing and specific outcomes are not yet agreed. The fast-track process needs to acknowledge and provide for the importance of the cultural values attributed to this environment and the planning framework which acknowledges and protects those values.

This process and any outcomes need to be locked in through conditions so there is certainty for the relevant mana whenua and Council that this occurs. Council may want to consider suggesting a person with cultural expertise be appointed to the expert consenting panel given the important cultural values attributed to this environment.

Comments on applications for referral under the COVID-19 Recovery (Fast-track Consenting) Act 2020

This form is for persons requested by the Minister for the Environment to provide comments on an application to refer a project to an expert consenting panel under the COVID-19 Recovery (Fast-track Consenting) Act 2020.

Organisation providing comment	Auckland Transport
Contact person (if follow-up is required)	Hannah Miln – Senior Development Planner
	s 9(2)(a)

Comment form

Please use the table below to comment on the application.

Project name	Selfs Road (PJ-0000784) – 1 Selfs Road, Papatoetoe
General comment	<p>Thank you for the opportunity to provide comment on the Selfs Road Development (the Project) for consideration under the COVID-19 Recovery (Fast-track Consenting) Act 2020 (Covid 19 Recovery Act). Auckland Transport has reviewed the application documents submitted with the Project including the interim transport assessment supplied on 31 January 2022.</p> <p>The subject site is located within the Residential – Mixed Housing Suburban zone under the Auckland Unitary Plan Operative in Part (AUPoP). The proposed 115 residential dwellings over the site can reasonably be expected within this zoning (not accounting for the relevant overlays). Auckland Transport notes that the site has connections to existing bus routes.</p> <p>The application material does not contain sufficient detail to enable Auckland Transport to fully assess the effects of the Project. Given the nature of the 'other considerations' mentioned below, particularly the scale of traffic movements (triggering consent under the AUPoP) and safety considerations, an Integrated Transport Assessment (ITA) is appropriate for the scale of the Project. The specific request for an ITA to be supplied and specifically referenced in the referral order is outlined in more detail in the section below.</p> <p>Auckland Transport requires the upgrade of the site frontage to urban standards which includes a footpath, street lighting and other critical road elements. This is in line with Chapter E38 Subdivision of the AUPoP which seeks to provide appropriate infrastructure to support subdivision/development, meet the long term needs of residents and provide for pedestrian safety. Frontage upgrades contribute toward mitigating trip generation effects by providing safe, accessible facilities to promote alternative modes of transport (such as walking). It is noted that any upgrades need to tie into the surrounding pedestrian footpath network and will need to meet the Auckland Transport engineering standards.</p>
Other considerations	<p>The following aspects need to be addressed within an ITA should this application be accepted for fast-track consenting:</p> <ul style="list-style-type: none"> Public transport: an ITA should consider future residents' demand for the existing bus services and desire lines for residents to access existing bus stop facilities, as well as demands for additional services or facilities. The Project should consider whether any pedestrian facilities are required to support these desire lines and bus patronage demand for residents. Modelling: the applicant has advised that modelling has been undertaken and that localised intersection upgrades were not required. Auckland Transport cannot confirm this

	<p>assessment as modelling has not been provided. Transport modelling is required to support the application.</p> <ul style="list-style-type: none"> • Pedestrian and cyclist facilities: currently there are no pedestrian facilities (such as pram crossings) at the Sels Road/Portage Road intersection, nor formal pedestrian crossing facilities along Sels Road. It is considered that pedestrian facilities in these locations are required to support the pedestrian demand associated with the Project. Footpath demands/requirements should also be addressed, as well as requirements for cyclists. • Waste collection: tracking is required to demonstrate private waste collection can occur within the Joint Owned Access Lots (JOALs). It is noted that turning heads should comply with Auckland Transport engineering standards. • Accessway visibility: there is a vertical and horizontal curve in Sels Road in proximity to the southern JOALs. This will affect the visibility from JOALs onto Sels Road. Mitigation should be provided in any instance where visibility requirements cannot be met. • Speed calming: Auckland Transport is aware that there is potentially high operating speeds on Sels Road. The Project will create greater trip demand, pedestrian demand and accessways along Sels Road (with the plans showing 10 proposed JOALs). Any future application should consider speed calming on Sels Road to mitigate the effects of the Project's demand/requirements and improve road safety for the proposed works. • Traffic surveys: traffic survey details were not included in the application material provided. Should this application be accepted for fast-track consenting, traffic survey details should be provided. • Crash data: crash data and road safety assessment is required to be included should this application be accepted for fast-track consenting. This includes the identification of effects and mitigation required. <p>Auckland Transport notes the lack of safety platforms for the JOALs over Sels Road as a potential safety effect for pedestrians. The JOALs have steep grades (up to 17.5%) and provide for two-way movements. The wider JOAL widths allow for greater entry and exit speeds. When these factors are combined, it can create undue safety effects for pedestrians. Auckland Transport recommends that should this application be accepted for fast-track consenting, the necessary safety platforms for the JOALs are provided where they adjoin Sels Road.</p>
[Insert specific requests for comment]	<p>Auckland Transport requests that, should the Project be accepted for fast-track consenting, the requirement for an ITA is formally stated in the referral order to accompany any resource consent application for the Project lodged with the Environmental Protection Authority.</p> <p>The main objective of an ITA is to ensure that the transportation effects of a new development proposal are comprehensively considered; that there is emphasis on efficiency, safety and accessibility to and from the development by all transport modes where practical; and that the adverse transport effects of the development have been effectively avoided, remedied or mitigated.</p> <p>An ITA provides a more comprehensive assessment than a Traffic Impact Assessment (TIA), with an emphasis on considering the full range of transport modes (walking, cycling, public transport and private vehicles). An ITA considers measures to reduce travel demand, how to utilise the existing transport network more efficiently, encouragement of alternative transport modes, and then finally adding road capacity. An ITA (and application material) will also need to clearly identify how the required transport infrastructure is being provided to ensure certainty that the development will provide for its network demands.</p> <p>Assessing the full range of transport modes and utilities provided by each mode is crucial in determining the forecasted transport effects, by mode, of this development. The most suitable way to determine an appropriate trip rate and modal split for the Project is to undertake surveys of any similar occupied and operational residential developments within the vicinity of the site, as the travel behaviours and mode choices would generally be reflective of the proposed land use, and the feasibility of any proposed modal splits for trips generated.</p>

Note: All comments, including your name and contact details, will be made available to the public and the applicant either in response to an Official Information Act request or as part of the Ministry's proactive release of information. Please advise if you object to the release of any information contained in your comments, including your name and contact details. You have the right to request access to or to correct any personal information you supply to the Ministry.

Released under the provision of
the Official Information Act 1982

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Comments on applications for referral under the COVID-19 Recovery (Fast-track Consenting) Act 2020

This form is for persons requested by the Minister for the Environment to provide comments on an application to refer a project to an expert consenting panel under the COVID-19 Recovery (Fast-track Consenting) Act 2020.

Organisation providing comment	Watercare Services Ltd
Contact person (if follow-up is required)	Kizito Essuman S 9(2)(a)
	Development Engineer
	Watercare Services Ltd

Comment form

Please use the table below to comment on the application.

Project name	Covid-19 Fast-track Consenting Response – 1 Selfs Road Papatoetoe
General comment	<p>Watercare has assessed the proposed development for 115 single storey detached residential dwellings at 1 Selfs Road, Papatoetoe.</p> <p>No infrastructure report, engineering plans, capacity assessments, fire/water supply-demand, or information on wastewater flow and connection points were provided as part of this application. Based on the very limited information provided to MfE, Watercare has undertaken a very high-level assessment for the proposed development.</p> <p>Water supply: The water network is currently operating near its capacity. The proposed development will trigger the need for a significant local network extension and upgrades.</p> <p>Wastewater: There are potentially significant capacity constraints in the downstream wastewater network. The capacity constraints in the wastewater network will need to be mitigated by the developer through public network extensions or upgrades. The solution will need to be agreed upon with Watercare as part of the next stage or Resource Consent stage.</p>
Other considerations	The point of supply options for both water and wastewater will need to be investigated in detail to determine the best servicing option for this development. All local network upgrades or extensions required to service this development must be fully funded by the developer.

[Insert specific requests for comment]

Water Supply:

There is no watermain available in the southern part of Selfs Rd close to the development. Based on a high-level flow estimation, Watercare's model predicts that the water network is currently operating near its capacity; therefore, the proposed development will trigger a requirement for a significant water network extension.

Overall, watermain pipe upgrades and extensions would be required as per the information below:

- Three Points of connection to the existing watermain are on Portage Road (250mm ID), Caringbah Rd (200mm ID) and Selfs Rd (150mm ID).
- Pipe upgrades and extensions for water connections and firefighting requirements would be required as shown below.



GIS screenshot showing the proposed development's site and the water extensions and upgrades

The developer must carry out the upgrades and extensions based on the agreed solution at no cost to Watercare.

Wastewater:

the applicant needs to provide Watercare with detailed information on expected water supply and wastewater demand. Based on this information, Watercare needs to assess the development's proposed demand/flows calculations and a catchment analysis investigation before confirming the impact on the wastewater infrastructure.

An Initial high-level assessment was carried out by Watercare based on the data available which indicates overflow issues in the downstream network from the proposed discharge manhole.

A comprehensive asset survey including CCTV footage and report as well as on-site investigation will be required to confirm what mitigation measures or network upgrades may be required to enable this development.

The applicant needs to provide Watercare with a complete capacity assessment for the entire length of the wastewater network starting from the proposed discharge manholes to the nearest 300mm pipe and existing wastewater pump station as per Watercare's Code of Practice (CoP). This is required to identify the exact impact of the development on the wastewater network and the upgrades linking to the proposed development. It will also further confirm the extent of any network upgrades required.

Servicing options will need to be investigated in detail in a design report to determine the best option for this development. All local upgrades required to service this development must be fully funded by the developer.

Works Over

The wastewater/water assets that may be traversing the site may need to be relocated to achieve Watercare's works over requirements. Also, network extensions over the watermain transmission pipe (Hunua 4) may require works over approval. The relocation and building of these assets will be at the developer's cost.

Note: All comments, including your name and contact details, will be made available to the public and the applicant either in response to an Official Information Act request or as part of the Ministry's proactive release of information. Please advise if you object to the release of any information contained in your comments, including your name and contact details. You have the right to request access to or to correct any personal information you supply to the Ministry.

COVID-19 Recovery (Fast-track Consenting) Act 2020 –

Red Flag Checklist

Guidance Note – Red Flag should be ticked where the criteria question is categorically answered in the affirmative. Amber should be ticked if the question is not categorically answered in the affirmative, but where there are one or two potential issues or uncertainties which mean Green cannot be confidently selected.

Green should be selected where it is clear that there are no issues with regard to the criteria question.

Criteria Question	Red Flag	Amber	Green
Is the application clearly inconsistent with the Auckland Unitary Plan and/or not aligned with the outcomes in the Auckland Plan 2050?		X	
Is the application out of sequence with the Auckland Plan Development Strategy and Future Urban Land Supply Strategy?		X	
Is there insufficient infrastructure to support the application and/or significant infrastructure spend is required to support the project?	X		
Is there a significant impact on Auckland Council / CCO and/or third-party infrastructure?		X	
Is the application a notice of requirement?			
Is there the potential for significant adverse environmental effects to occur?			
Other comments?			