

Appendix 1: Asset Owners' Feedback

Asset Owner / Specialist Response

From: Neil Stone, Senior Development Planner, Auckland Transport

Date: 21/07/2022

Overall Summary:

Thank you for the opportunity to provide comment on the referral of the proposed 191 unit residential apartment building at 76 and 80 Great South Road, Remuera (Also known as Great South Road Stellar Projects) for consideration under the COVID-19 Recovery (Fast-track Consenting) Act 2020 (Covid 19 Recovery Act).

Based on the information provided Auckland Transport is neutral to this application being accepted for the fast-track consenting process. If the Minister were to decide to accept the application for referral, Auckland Transport request that the requirement for an Integrated Transport Assessment (ITA) is formally stated in the referral order to accompany any resource consent application for the Project lodged with the Environmental Protection Authority. Auckland Transport would also request the referral order specifically identifies Auckland Transport as a party which the Expert Consenting panel must invite comments from.

It is noted that the requirement for an Integrated Transport Assessment is already recognised in the transport assessment report prepared by Commute.

The site frontage along Great South Road is within Auckland Transport Designation 1618 for road widening, which extends for approximately 2.2km. Auckland Transport also, therefore, request that the applicant is required to apply to Auckland Transport as Requiring Authority pursuant so s176(1)(b) of the Resource Management Act 1991 for works within a designation, prior to lodging a consent application with the Environmental Protection Agency. This is prudent given consideration needs to be undertaken on the relevant RMA tests for such and resource consent will not be able to be exercised without having approval from Auckland Transport. It is considered poor resource management practice and to contrary to the benefits of the Fast Track consenting process if a consent was left unable to be implemented due to this approval not being granted.

Specific Comments

Site location and zoning

The Business – Mixed Use Zone is typically located around centres and along corridors served by public transport, it acts as a transition area, in terms of scale and activity, between residential and business areas. This zone requires development of a quality design that positively contributes to pedestrian amenity, movement, safety and convenience for people of all ages and abilities. Auckland Transport considers that in principle the development appears to be consistent with the proposed density in this zone and supports the predominant vehicular access from Mauranui Avenue subject to additional assessment requested through an ITA.

Auckland Unitary Plan and Integrated Transport Assessment

Auckland Transport notes that the application will trigger the requirement for an Integrated Transport Assessment as resource consent will be required for a restricted discretionary activity related to rule E27.6.1 of the Auckland Unitary Plan. The main objective of an ITA is to ensure

that the transportation effects of a new development proposal are well-considered, that there is an 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. An ITA provides a more comprehensive assessment than the transportation memo supporting this stage of the process.

Based on the material supplied to date key matters that the ITA should focus on include;

- Auckland Transport requests that the applicant provide a Road Safety Audit for the proposed vehicle access on Great South Road with the application.
- Justification for the requirement for direct access to Great South Road when alternative access to a side road is available and provided for. It is unclear why access to Great South Road is proposed where alternative access off a local road exists. The application should include an assessment of the effects of the service vehicles utilising the side road and also including options that have been considered such as left in left out. Section 6.3.1 of the transport assessment report covers vehicle access and suggests vehicle access to Great South Road, however, there appear to be enough manoeuvring space on site for not requiring access from a road where a vehicle access restriction applies in the first instance, the integrated transport assessment needs to explore this possibility and a full review of the proposed access and its potential effects is required.
- The ITA should provide further assessment on any potential safety and operational effects of the proposed vehicle crossing onto Great South Road. This assessment needs to consider the safety and efficiency of the bus lane across the frontage of the site and the safety of the use of this lane by cyclists.
- The transport assessment report does not comment on how the proposed loading and servicing vehicle access will be managed and how compliance with the proposed use of this crossing will be enforced. This matter needs to be assessed in the ITA and should include how any potential effects will be avoided, remedy or mitigated.
- An assessment of pedestrian and vehicle intervisibility at the proposed Mauranui Avenue and Great South Road vehicle crossings respectively. The footpath on Kurahaupo Road borders on boundary of the site which could result in visibility issues, therefore the assessment will need to demonstrate that intervisibility between pedestrians and vehicles exiting the site is achieved in accordance with the requirements of the Austroads and Waka Kotahi – NZ Transport Agency Pedestrian Planning and Design Guide. This assessment should also provide measures to avoid, remedy or mitigate any adverse effects identified.

Construction Traffic Management Plan

A draft Construction Traffic Management Plan has not been provided in the application and will be required as part of the full application for Auckland Transport's review. The draft Construction Traffic Management Plan must also include all actual and potential effects on the transport network for the entire length of the construction period and how any effects will be avoided, remedied or mitigated.

Auckland Transport Designation

Designation 1618 is for road widening and extends 2.74m depth from the road boundary for approximately 2.2km along the eastern side of Great South Road. Considering the scale of the road it is along, this must be taken into account and considered as part of any development of land subject to the designation. Auckland Transport requests the applicant be required to apply to Auckland Transport as Requiring Authority under s176 of the Resource Management Act 1991 (RMA) for works within a designation, prior to lodging a consent application with the EPA, and provide the outcome to the Panel of the application. Any works within the designation require

approval from Auckland Transport pursuant to s176(1)(b) of the RMA: <https://at.govt.nz/about-us/working-on-the-road/road-processes-for-property-owners/consent-for-works-in-an-at-designation-or-notice-of-requirement/>

Given the need to review any potential adverse effects on the transport network, Auckland Transport requests that any referral order for this project requires the Expert Consenting Panel to include Auckland Transport as a person who is to be invited to comment on the project.

Asset Owner / Specialist Response

From: Katja Huls, Principal – Strategic Development, Growth and Development Team, Healthy Waters, Auckland Council

Date: 21/07/22

Overall Summary:

The development at 76 to 80 Great South Road comprising 200 apartments plus 4 commercial areas is generally acceptable from a stormwater perspective, but further clarification is required with regard to the management of overland flow paths and flood flows. We assume that the development will entail the amalgamation of the two existing lots and that all stormwater assets are to remain private.

OLFP and adjacent flood Plain

1. The extent and peak of the 100yr Annual Recurrence Interval plus Climate Change (ARI+CC) water level of the overland flow path (OLFP) in Mauranui Ave using the Newmarket Epsom Flood Hazard Mapping report. Healthy Waters can assist with this check, but it could not be completed in the time available to respond to the fast-track application.
2. If the Blue Barn calculation of the 100yr ARI OLFP peak water level of RL75.78m outside the basement vehicle crossing entrance in Mauranui Ave is correct, the proposed basement carparking entrance RL75.90m is too low. At least 300mm freeboard from the adjacent OLFP 100yr ARI+CC peak water level is required as per the Auckland Council Stormwater Code of Practice (SWCOP).
3. Review of the ground floor habitable and commercial floor levels against the adjacent peak 100yr ARI+CC water level is required to ensure compliance with freeboard in SWCOP. Limited floor level info for the Mauranui buildings was provided in the infrastructure report by Blue Barn.
4. A flood risk assessment report should be completed as per AUP E36.9.2.

Soakage disposal

1. The general soakage arrangement and flows are acceptable.
2. 20m³ of storage is required for Catchment 1. The applicant should consider an additional soak-hole to reduce on-site storage
3. Further review of the soakhole locations in relation to the proposed development is required to check compliance with the Stormwater Soakage and Groundwater Recharge in the Auckland Region manual ([TR40](#)). Clearance will be required at BC stage:
 - a. Are soakholes clear of buildings etc?
 - b. Is there sufficient width access from either Great South Road or Mauranui Ave for a drilling rig and sucker truck for cleaning and re-drilling of soakholes?
4. Please confirm the OLFP route in the event of soakage failure.

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 Limited
Contact person (if follow-up is required)	Shane Lawton, Head of Developer Services, s 9(2)(a) [REDACTED]
	Mark Iszard, Head of Major Developments, s 9(2)(a) [REDACTED]
	James Shao, Senior Development Engineer, s 9(2)(a) [REDACTED]

Comment form

Please use the table below to comment on the application.

Project name	Stellar Project
General comment	<p>Date: 21 July 2022</p> <p>Overall Summary</p> <p>The project is for land use consent to construct two mixed-use development buildings on site: 76 & 80 Great South Road, Remuera.</p> <p>The development will create 200 residential units plus some commercial floorspace plus.</p> <p>There are no water and wastewater supply-demand data were provided as part of this application.</p> <p>There are no wastewater catchment studies supplied in this application.</p> <p>Watercare's comment on the proposal</p> <p>Water supply: The watermains surrounding the development are at or nearing capacity, therefore, this development has potential to trigger upgrades of the 150mm CI watermain on Great South Road.</p> <p>The sprinkler flow is assumed to be FW2 with 25 litres/second flow. If the developer requires more than the assumed flow for firefighting purpose, Watercare will need to review this together with the potable water demand once the requirements are clearly defined with the necessary calculations.</p>

	<p>Wastewater: There are known wastewater network issues downstream of the proposed development. Those issues are related to frequent operation of several EOPs.</p> <p>At this stage, Watercare is doing some investigations to achieve reduction of the overflow frequency. This is most likely to be done by separation of the existing combined areas within this wastewater catchment.</p> <p>While the proposed development is not located in the combined area the additional flows from this development will most likely increase the overflow frequency, which is not acceptable. Therefore, some flow reduction needs to be achieved elsewhere to offset the additional flows from the proposed development.</p> <p>In this case, the developer may be asked to provide some contribution towards the separation works carried out in the combined area in the same wastewater catchment.</p>
Other considerations	Click or tap here to provide any information you consider relevant to the Minister’s decision on whether to refer the project to an expert consenting panel.
[Insert specific requests for comment]	Click or tap here to insert responses to any specific matters the Minister is seeking your views on.

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.

Appendix 2: Ward Councillor/Local Board feedback

From: s 9(2)(a)
To: s 9(2)(a) ; s 9(2)(a)
Cc: s 9(2)(a)
Subject: RE: Stellar Project – COVID-19 Recovery (Fast-Track Consenting) Act 2020
Date: Thursday, 21 July 2022 12:52:00 pm
Attachments: [Stellar Project Consultation Letter - Auckland Council \(includes Fleet Street Apartments\).pdf](#)
[094.01-application.pdf](#)

Hi Councillor Casey/Fletcher

The Auckland Council has received a request from the Ministry for the Environment for comments on an application that is under consideration for the COVID-19 Recovery (Fast-track Consenting) Act 2020. The project is described as follows:

Stellar Project

Address: 76 and 80 Great South Road, Remuera

The project is for land use consent to construct two mixed-use development buildings on a 4,173m² site. The development will include commercial floorspace, 200 residential units, pedestrian accessways, bicycle, car parking, landscaping, roof top and ground floor amenity areas.

At this point, MfE are obtaining comments from Council regarding the applicant's request for the inclusion of this development in the Referred Projects list under the COVID-19 Recovery (Fast-Track Consenting) Act 2020. We are currently obtaining feedback from agency leads, subject matter experts, and the relevant local board and Ward Councillors. If there are any concerns or red flags, we will collate these comments feed them back to MfE.

The site is zoned Business – Mixed Use under the AUP:OP. The surrounding context is well-established urban environment.

The reasons for consent set out by the applicant include:

- Construction of a new building
- Exceedance of the maximum allowable height in the zone by 19.5m
- Infringement on the maximum tower dimension and separation (not complying with the required 6m from the rear boundary)
- Minor exceedance in the wind speeds
- Diversion of stormwater from impervious areas greater than 1,000m² and up to 5,000m²
- Earthworks exceeding 2,500m³ and greater than 2,500m² in areas
- Exceedance in construction noise and vibration standards
- Disturbance of potentially contaminated soils under the National Environmental Standard for Contaminated Soils

Please note that this proposal has not been the subject of a resource consent application to date.

Please note that I must receive your comments by COB Monday 25 July 2022 and that this deadline reflects the timeframes in the COVID-19 Recovery (Fast-track Consenting) legislation and is not negotiable and cannot be extended.

Please find attached the following information:

- Ministry for the Environment consultation letter
- Application form/covering report

A full copy of the application with all attachments that have been supplied to the council can be downloaded from: Stellar Project – s 9(2)(a)

Please let me know if you have any queries.

**Tommy Ma | Principal Specialist – Planning (Central)
Central Resource Consents**

Mobile s 9(2)(a)

Te Kaunihera o Tāmaki Makaurau / Auckland Council
Level 6, 135 Albert Street, Auckland

Visit our website: aucklandcouncil.govt.nz

From: s 9(2)(a)
To: s 9(2)(a)
Cc: [RES Local Board Orakei](#)
Subject: RE: Stellar Project – COVID-19 Recovery (Fast-Track Consenting) Act 2020
Date: Thursday, 21 July 2022 9:29:13 am

We do NOT agree this development proposed by the Dilworth trust Board is suited for under consideration for the COVID-19 Recovery (Fast-track Consenting) Act 2020. It should be processed under orthodox RMA channels.

A build to rent mixed use development is not atypical from some Kainga Ora developments with similar infringement activity that are processed through RMA channels. There is NO justification for this project to be distinguished, and we see no difference for the construction industry being impacted by Covid issues for such a scale of project being done by Dilwoth Trust or Kainga Ora or other large project developer.

With thanks

Troy Churton | Local Board member
Orakei Local Board

Office: 25 St Johns Road, Meadowbank Village

Email: s 9(2)(a)

Visit our website: aucklandcouncil.govt.nz

From: Tommy Ma s 9(2)(a) >
Sent: Thursday, 21 July 2022 8:42 AM
To: Troy Churton (Orakei Local Board) <s 9(2)(a) >
Cc: RES Local Board Orakei <OrakeiLocalBoard@aucklandcouncil.govt.nz>
Subject: RE: Stellar Project – COVID-19 Recovery (Fast-Track Consenting) Act 2020

Hi Troy

Just as a quick reminder that the comments from the Orakei Local Board are due **CoB today**.

If you do have any comments/feedback please let me know in an email.

Thanks

Tommy Ma | Principal Specialist – Planning (Central)
Central Resource Consents

From: Tommy Ma
Sent: Friday, 15 July 2022 3:46 pm
To: Troy Churton (Orakei Local Board) <s 9(2)(a) >
Cc: RES Local Board Orakei <OrakeiLocalBoard@aucklandcouncil.govt.nz>
Subject: Stellar Project – COVID-19 Recovery (Fast-Track Consenting) Act 2020

Tēnā koutou katoa,

The Auckland Council has received a request from the Ministry for the Environment for comments on an application that is under consideration for the COVID-19 Recovery (Fast-track Consenting) Act 2020. The project is described as follows:

Stellar Project

Address: 76 and 80 Great South Road, Remuera

The project is for land use consent to construct two mixed-use development buildings on a 4,173m² site. The development will include commercial floorspace, 200 residential units, pedestrian accessways, bicycle, car parking, landscaping, roof top and ground floor amenity areas.

The project involves the following activities:

- works within street tree/street tree removal
- stormwater discharge from the creation of impervious areas exceeding 1,000m² up to 5,000m²
- dwelling construction
- disturbance of contaminated soils
- associated earthworks
- Construction noise and vibration exceedances

Please note that this proposal has not been the subject of a resource consent application to date.

You are being contacted to provide comments on the proposal as Local Board Councillor.

Please note that I must receive your comments by COB Thursday 21 July 2022 and that this deadline reflects the timeframes in the COVID-19 Recovery (Fast-track Consenting) legislation and is not negotiable and cannot be extended.

A full copy of the application with all attachments that have been supplied to the council can be downloaded from: Stellar Project – s 9(2)(a)

Your comments on this proposal are sought by way of return email which must be received by **COB Thursday 21 July 2022**.

Please let me know if you have any queries.

Tommy Ma | Principal Specialist – Planning (Central)

Central Resource Consents

Mobile 027 226 7795

Te Kaunihera o Tāmaki Makaurau / Auckland Council

Level 6, 135 Albert Street, Auckland

Visit our website: aucklandcouncil.govt.nz

Appendix 3: Council Expert feedback

Asset Owner and Specialist Input Request Details – Comments to MfE on consideration of a COVID-19 Fast-track consent application referral

From		Tommy Ma Principal Specialist - Planning	
Date that invitation from the EPA was received:	Current Working Days	Brief sent	Asset Owner / Specialist report due
14/07/2022	1	15/07/2022	22/07/2022
Proposal		<p>The project is for land use consent to construct two mixed-use development buildings on a 4,173m² site. The development will include commercial floorspace, 200 residential units, pedestrian accessways, bicycle, car parking, landscaping, roof top and ground floor amenity areas.</p> <p>The project involves the following activities:</p> <ul style="list-style-type: none"> • works within street tree/street tree removal • stormwater discharge from the creation of impervious areas exceeding 1,000m² up to 5,000m² • dwelling construction • disturbance of contaminated soils • associated earthworks • Construction noise and vibration exceedances <p>The applicant is seeking land use consents and discharge permit for the project, under the Auckland Unitary Plan and Resource Management (National Environmental Standard for Assessing and Managing Contaminants in Soil to Protect Human Health) Regulations 2011 through this process.</p>	
Site address and Legal Description:		76 Great South Road, Remuera (Lot 42 Deeds Reg 976) 80 Great South Road, Remuera (Lot 1 DP 119624)	
Applicant		Dilworth Trust Board	
Related applications and consents (old Regional Permits, related current consents or applications)		No applications or consents appear to be relevant to this specific enquiry	
Link to plans and relevant information		s 9(2)(a) 	

Asset Owner / Specialist Response

From: Paul Crimmins, Senior Specialist (Soil Contamination)

Date: 19 July 2022

Overall Summary:

I consider that soil contamination is likely to pose a low risk for this project. As such, I recommend the soil contamination aspect can be assigned a 'Green Flag' for the risk profiling process.

Engeo Ltd's SQEPs (suitably qualified and experienced contaminated land practitioners) have undertaken a Detailed Site Investigation (DSI) of the sites at 76 & 80 Great South Rd for soil contamination, which is included as an appendix of the application material. I consider the DSI adheres to the requirements of the NES:CS and the *Contaminated Land Management Guidelines Nos. 1&5* (Ministry for the Environment, revised 2021).

The DSI concludes that the site is a 'piece of land' under Regulation 5(7) of the NES:CS as an activity included on the Hazardous Activities and Industries List (Ministry for the Environment, 2011; *HAIL item 1: soil contamination from any other source in sufficient quantity that it could be a risk to human health or the environment*) is more likely than not to have occurred. This HAIL activity is a result of 'standard residential' type activities, with a relatively low risk of significant soil contamination to be present.

Soil contamination sampling did not identify any contamination exceeding the relevant Soil Contaminant Standards for the protection of human health (high density residential exposure scenario). A single sample exceeded the AUP(OP) Permitted Activity soil acceptance criteria of standard E30.6.1.4 for contaminant discharges. However, I agree that the soil contamination profile does not necessitate a contaminant discharge consent under AUP(OP) Chapter E30 given the site's overall compliance with this standard (at the 95th percentile upper confidence interval).

The DSI's Conceptual Site Model concludes that there are no unacceptable risks to human health or the environment arising from the proposal due to soil contamination. A Contamination Site Management Plan is proposed to be submitted prior to the commencement of earthworks to detail how the 'low-level' soil contamination risks are to be managed during the works.

A Controlled Activity consent under NES:CS Regulation 9 is proposed for the soil disturbance activity. I agree with this reason for consent and consider that such a Controlled Activity consent could be granted with 'standard' conditions relating to the management of soil contamination and provision of a Contamination Site Management Plan and Works Completion Report to detail how contamination was managed.

Given the low risk of soil contamination effects (human health or environmental) in this case, I do not consider soil contamination poses an impediment to the proposal. I recommend that offered consent conditions regarding soil contamination would benefit the processing under the COVID-19 Recovery (Fast-track Consenting) Act 2020.

Asset Owner / Specialist Response

From: Andrew Gordon, Senior Specialist, Contamination, Air & Noise Team, Specialist Input team, Resource Consents Department, Auckland Council

Date: 21/07/2022

Overall Summary - Noise and vibration

The applicant has submitted an operational noise and vibration assessment to support an application to develop the 4,173m² site to accommodate a 'build-to-rent' mixed use development, arranged across two 9-storey buildings and accommodating approximately 200 apartments, roof top and ground floor amenity areas, commercial floorspace, pedestrian accessways, bicycle and car parking, and landscaping.

AUP (OP) E25

Relevant E25 Standards are: -

- E25.6.8 (operational noise received on other sites zoned Business – Mixed Use)
- E25.6.9 (noise transmitted between adjoining units within the proposed building)
- E25.6.10 (noise sensitive spaces in residential units)
- E25.6.27 (construction noise)
- E25.6.30 (1) (a) and (b) (construction vibration)

And;

As the application site is adjacent to the North Island Main Trunk Railway Line and State Highway 1, the nearest noise sensitive spaces may be subject to unreasonable noise and vibration from traffic and train pass-bys, in particular at night.

Although the AUP does not include any specific standards for traffic or rail noise and vibration I note the following E25 objective and policy are relevant:-

E25.2 (3) Existing and authorised activities and infrastructure, which by their nature produce high levels of noise, are appropriately protected from reverse sensitivity effects where it is reasonable to do so.

E25.3 (7) Require activities to be appropriately located and/or designed to avoid where practicable or otherwise remedy or mitigate reverse sensitivity effects on: existing or authorised infrastructure;

It is important the façade design of apartments consider the cumulative noise effects from road and rail infrastructure on noise sensitive spaces.

E25.6.8

The proposal is predominantly an activity sensitive to noise with complementary commercial and retail activities.

I agree the buildings mechanical plant and equipment would comprise a significant noise source. Consideration must be given at the detailed design stage to ensure appropriate acoustic mitigation measures are adopted.

Overall, I expect compliance will be achieved without any practical difficulty. Conditions of consent should be included to demonstrate compliance prior to occupation.

E25.6.9

Units sharing common building elements must be designed to ensure reasonable internal noise levels are achieved, specifically between residential and non-residential activities.

Overall, a new building which is designed to be fit for purpose will achieve compliance without any practical difficulty. Conditions of consent should be included to demonstrate compliance prior to occupation.

E25.6.10

To provide reasonable internal noise levels in bedrooms and other habitable rooms, the building façade must incorporate acoustic design measures to mitigate external noise based on the maximum permitted level of noise for the Mixed Use Zone. Thicker than "normal" width glazing is required to achieve compliance, in particular to achieve compliance with the 63 Hz low frequency noise standard at night. An example glazing specification is provided. I agree non-glazed facades must meet a similar level of mitigation.

All noise sensitive spaces must be mechanically ventilated and/or air conditioned to ensure compliance with internal noise standards. Permitted activities must comply with ventilation requirements specified in E25.6.10 (3). An acceptable internal noise level from operation of a ventilation system is 35 dB LAeq in bedrooms and 40 dB LAeq in other noise sensitive spaces when measured 1m from the diffuser at the minimum air flows required to achieve the design temperatures and air flows in this Standard.

Overall, I expect compliance will be achieved without any practical difficulty. Conditions of consent should be included to demonstrate compliance at the building consent application stage and/or prior to occupation of residential units.

E25.6.27 and E25.6.30(1)

Unfortunately the assessment of construction noise and vibration effects is not contained in the application documents file.

However, based on my experience, given the scale and nature of proposed construction works, it will not be practical to manage works to ensure construction noise and vibration standards are met at all times.

I expect effects will be similar to the consented (and now completed) development at 64 Great South Road (R/LUC/2016/5360) which I reviewed.

A Construction Noise and Vibration Management Plan must be adopted and is common for large construction projects.

The CNVMP must include a high level of notification and consultation with occupants at 31 Mauranui Ave (apartments), 70 Great South Rd (motel) and 83 Great South Rd (commercial/office) which will be exposed to the highest levels of construction noise and vibration.

Predicted construction noise and vibration levels must be checked once the contractor, equipment, and methodology is confirmed in a CNVMP, and validated by onsite noise and vibration monitoring when the noisiest works commence (e.g. earthworks, piling and rock breaking).

A CNVMP is the most appropriate method for managing temporary construction noise and vibration. An updated CNVMP should be submitted to council for certification prior to commencement of any works on the site. This should be managed by a condition of consent.

Overall, as a CNVMP should be submitted to council to demonstrate best practice will be adopted, in my view effects are reasonable in regard to s16 of the RMA.

Implementing a CNVMP aligns with the relevant E25 objective and policy which enables works to go ahead if permitted standards cannot be practicably met, but controls are in place to manage adverse effects.

Conclusion

I do not object to the application as a detailed operational assessment of noise and vibration effects has been submitted which demonstrates that with adoption of the best practicable option, in regard to site layout and building design, noise and vibration effects will be avoided and/or mitigated to a reasonable level. Effects can be adequately managed by the imposition of conditions.

21/07/2022

From: s 9(2)(a)
To: s 9(2)(a)
Subject: RE: Stellar Project – COVID-19 Recovery (Fast-Track Consenting) Act 2020
Date: Monday, 18 July 2022 4:18:31 pm

Hi Tommy,

Upon request compliance monitoring have looked at the compliance enforcement history of:

- *Dilworth Trust Board.*

The *Dilworth Trust Board* is a registered charity and has the following current trustees:

- *Aaron Peter Snodgrass*
- *Jonathan Mason*
- *Simon Patrick McCrea Curran*
- *Leopino Sosefo Foliaki*
- *Peter John Alexander*

No enforcement action has been taken against *Dilworth Trust Board*.

To be thorough we have also checked the current trustees and companies that they are directors / shareholders (to the extent possible with the information provided).

There are no significant outstanding compliance concerns for the parties above that I am aware of.

Regards,
Sian

**Sian Farrell | Team Leader Compliance Monitoring Region-wide
Licensing & Regulatory Compliance**

Phone (09) 301 0101 | Mobile 021 428 638

Auckland Council, Level 7, 135 Albert Street, Auckland Central

Visit our website: www.aucklandcouncil.govt.nz

Useful Council contact numbers:

24 hr Pollution Hotline: 09 377 3107

Call Centre: 09 301 0101

From: Tommy Ma s 9(2)(a) >
Sent: Friday, 15 July 2022 3:46 pm
To: Sian Farrell s 9(2)(a) >
Subject: Stellar Project – COVID-19 Recovery (Fast-Track Consenting) Act 2020

Hi Sian

The Auckland Council has received a request from the Ministry for the Environment for comments on an application that is under consideration for the COVID-19 Recovery (Fast-track Consenting) Act 2020. The project is described as follows:

Stellar Project

Address: 76 and 80 Great South Road, Remuera

The project is for land use consent to construct two mixed-use development buildings on a 4,173m² site. The development will include commercial floorspace, 200 residential units, pedestrian accessways, bicycle, car parking, landscaping, roof top and ground floor amenity areas.

The project involves the following activities:

- works within street tree/street tree removal
- stormwater discharge from the creation of impervious areas exceeding 1,000m² up to 5,000m²
- dwelling construction
- disturbance of contaminated soils
- associated earthworks
- Construction noise and vibration exceedances

You are being contacted to undertake a background check on the applicant on compliance records. Specifically MfE have asked whether the applicant, or a company owned by the applicant, have any environmental regulatory compliance history.

Please note that I must receive your comments by COB Thursday 21 July 2022 and that this deadline reflects the timeframes in the COVID-19 Recovery (Fast-track Consenting) legislation and is not negotiable and cannot be extended.

Please find attached the following information:

- Ministry for the Environment consultation letter
- Application form/covering report

A full copy of the application with all attachments that have been supplied to the council can be downloaded from: Stellar Project – s 9(2)(a)

If you are having any difficulty accessing this link, please let me know as soon as possible so that I can try another method of delivery to you.

Your comments on this proposal are sought by way of return email which must be received by **COB Thursday 21 July 2022**.

Please let me know if you have any queries.

**Tommy Ma | Principal Specialist – Planning (Central)
Central Resource Consents**

Mobile 027 226 7795

Te Kaunihera o Tāmaki Makaurau / Auckland Council

Level 6, 135 Albert Street, Auckland

Visit our website: aucklandcouncil.govt.nz

Asset Owner / Specialist Response

From: Nicola Livingston, Stormwater and Industrial & Trade Activity Senior Specialist, Specialist Unit, Resource Consents, Auckland Council

Date: 21 July 2022

Overall Summary:

My comments relate to the management of stormwater runoff from the proposed impervious areas associated with the development, specifically water quality and water quantity, and how this aligns with the stormwater provisions of the Auckland Unitary Plan (AUP(O-P)). This assessment is based on the indicative stormwater design details provided in the supporting information.

The applicant is proposing to manage stormwater runoff from the development via borehole soakage. The development overlies the Auckland Isthmus Volcanic Aquifer. A private stormwater diversion and discharge consent under Chapter E8 of the AUP(O-P) would be required as the proposed impervious area is over 1,000m², in an urban area, and would not be authorised under Auckland Council's regionwide Network Discharge Consent (NDC).

Stormwater quantity

Testing found that the site generally has good soakage capability in the vicinity of the proposed three boreholes due to underlying fractured basalt rock. Flows in excess of the 1 in 10-year storm will be detained on site using two underground tanks, and retention is also proposed via irrigation of landscaped areas during dry periods.

Although flooding is considered under Chapter E8, further technical assessment of the suitability of the selected devices, as they relate to any potential flooding effects, has not been addressed here as this matter is predominately addressed by other specialists within Council. However, I do note the applicant's rational reasoning that given an overall decrease in impervious area across the site the proposed development will reduce stormwater runoff from the site when compared to the existing situation, and as such this would likely have an overall positive impact on any downstream flooding.

From a quantitative perspective the stormwater management proposal generally aligns with the intent and overall requirements of the AUP(O-P) and Auckland Council's GD07 which provides specific requirements for ground soakage design and performance. GD07 states that stormwater disposal in such areas is a preferred option if satisfactory soakage rates can be achieved.

Chapter E10 water quantity requirements would not be triggered as the site is not within a SMAF area.

Chapter E7 requirements for drilling and use of holes and bores for stormwater disposal as it relates to stormwater diversion is a permitted activity.

Stormwater quality

The site is not located within the Quality-Sensitive Aquifer Management Area Overlay. However, in considering the scale of the development as it relates to traffic movement via accessways down to the basement car parks (83 car parks) as well as other vehicles visiting the

site, treatment of stormwater from uncovered trafficked areas of the site, is expected prior to discharge to the underlying aquifer, as referenced below:

- Controlled activity standard E8.6.3.1(2) requires that stormwater management devices must be provided to reduce or remove contaminants from impervious areas to the maximum extent applying best practicable options.
- General standard E8.6.1(6) requires that where stormwater diversion and discharge is to ground soakage any existing requirements for ground soakage including devices to manage discharges or soakage must be complied with. GD07 states anti-clogging measures should be incorporated into the design as pre-treatment for all soakage devices to minimise maintenance requirements and ensure long term operation.
- Policy E1.3(15)(c) states that when utilising stormwater discharge to ground soakage, stormwater quality treatment is implemented, to minimise effects on water quality of the underlying aquifer system.

The stormwater management approach for water quality treatment was not addressed in the supporting information. It is expected that quality treatment of stormwater discharge is required not only to provide for anti-clogging measures but also to provide stormwater treatment to treat potential contaminants, such as hydrocarbons associated with the uncovered trafficked areas, from reaching the underlying receiving aquifer.

Chapter E9 water quality requirements for a *high contaminant generating carpark* would not trigger for this proposal in that the proposed carparking is covered and at basement level.

Operations and maintenance

Ongoing maintenance of proposed stormwater devices is crucial to ensuring that effects continue to be mitigated, however this detail is not addressed in the supporting information. A body corporate or equivalent management structure should be held responsible for the long-term operation and maintenance of the stormwater management system.

Conclusion

The applicant has utilised a design for the on-site management of stormwater that is aligned with the AUP(O-P) requirements to achieve a resilient and sustainable outcome utilising the principles of water sensitive design by managing the impact of stormwater quantity by disposing of stormwater to ground. Apart from the omission of information relating to stormwater quality treatment, I generally support this proposal as it relates to the selected stormwater management approach.

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

25th July 2022

Dear Minister Parker

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 ('FTCA').

The application is made by Dilworth Trust Board and is located at 76 and 80 Great South Road, Remuera (Lot 42 Deeds Reg 976 and Lot 1 DP 119624). Having reviewed the application material provided, Auckland Council, on balance, does not support the referral of this application.

The full commentary provided by the asset owners, ward councillor, local board and Council experts are included in the following appendices:

- **Appendix 1:** Asset owners' feedback
- **Appendix 2:** Ward councillor / local board feedback
- **Appendix 3:** Council expert feedback

We make the following key points:

Benefits of the proposal to the district and region

The proposed development will provide additional housing opportunities to meet current housing demands and contribute to the intensification of the urban environment.

The proposal has been reviewed by the Auckland Urban Design Panel ('AUDP'). The panel ultimately concluded that the design was exemplary, and the proposed exceedance in building height was justifiable.

Issues arising from the project

Despite support from the AUDP, additional information regarding the proposed shading effects has not been provided. As such, potential effects on adjoining properties resulting from the proposed height infringement cannot be determined.

Watercare Services Limited ('WSL') have indicated that the water supply infrastructure in the area is nearing capacity. Given the scale of the proposed development, upgrades to the existing 150mm CI watermain on Great South Road will likely be required. Potable water demand calculations will also need to account for sprinkler flows for firefighting purposes.

With regards to the wastewater network, WSL notes that there are known downstream issues related to frequent operation of engineered overflow points ('EOPs'). WSL are currently investigating solutions to reduce overflow frequencies; likely resulting in separation of the existing combined areas. WSL will likely request that the applicant contribute to the planned separation works despite not being located within the combined network area, as the proposed development will likely result in an increase in overflow frequency.

The application does not address water quality treatment. Despite not being located within the Quality-Sensitive Aquifer Management Area overlay, the scale of the development and the traffic movements generated via the accessways will require treatment of stormwater runoff from uncovered trafficked areas of the site. Treatment of stormwater discharged is required for anti-clogging measures and potential contaminants such as hydrocarbons associated with uncovered trafficked areas. On-going maintenance of any proposed stormwater devices will also need to be addressed in the application.

The proposed basement parking entrance does not comply with the 300mm freeboard required to comply with Auckland Council's Stormwater Code of Practice ('SWCOP'). The predicted peak flood level provided by Blue Barn indicates that the 100-year ARI Overland Flowpath ('OLFP') level will be RL75.78m. The proposed level of the entrance of the basement parking is proposed to be RL75.90m; proposing a freeboard of 120mm.

While the use of soakholes is considered acceptable for this application, Healthy Waters suggests that the applicant consider an additional soakhole to further reduce on-site stormwater storage. Furthermore, additional information is required to confirm that suitability of the soakhole location as well as confirm the OLFP route in the event of soakage failure.

Auckland Transport ('AT') note that there is an existing road widening designation along the frontage of the site (Designation 1618). Written approval pursuant to s176 of the RMA will be required from AT as the requiring authority for the designation. It is recommended that this process be initiated prior to lodgement of the consent.

AT note that additional assessment is required to explore the suitability of allowing direct access onto Great South Road; particularly given the availability of access onto Mauranui Avenue. The assessment would need to explore impacts on safety and efficiency of the existing traffic network resulting from the additional traffic volumes; including the operation of the bus lanes and safety of cyclists.

No construction noise and vibration assessment has been provided with the application package. Based on the scale of the development and the experience of the Council acoustic specialist, it will not be practical to manage the construction effects to ensure compliance with the noise and vibration standards. A Construction Noise and Vibration Management Plan ('CNVMP') is required to outline best practice for managing such effects. The CNVMP is expected to outline a robust consultation and notification process prior to commencement of construction activities; particularly for the tenants of 31 Mauranui Avenue, 70 Great South Road and 83 Great South Road.

Views on the appropriateness of the project or part of the project to go through the standard RMA consenting or designation process

Given the existing infrastructure constraints, the standard RMA consenting process provides better opportunity for the applicant to liaise the relevant asset owners and collaborate towards a catchment-wide outcome. Furthermore, given the unknown effects on adjoining properties such as construction noise and vibration as well as shading, the standard RMA consenting process may provide a more robust process.

We also note that local board have stated their opposition to the referral of this application to the Expert Panel under the FTCA. In particular, the local board do not consider there is sufficient justification or benefit to circumventing the standard RMA process for a development of this scale and nature.

Environmental regulatory compliance history

The compliance enforcement history of the Dilworth Trust Board was reviewed.

No enforcement action has been taken against any of the parties and there are no significant outstanding compliance concerns.

Information normally required by Council for projects of such a scale and nature

The project would normally require the following list of the technical reporting and assessment in order to enable a robust planning decision to be made:

- Assessment of effects on the environment
- Detailed site investigation
- Contamination site management plan
- Landscape and visual assessment
- Urban design assessment
- Integrated Transport Assessment
- Road safety audit
- Section 176 written approval
- Draft construction traffic management plan
- Infrastructure report
- Flood report
- Erosion and sediment control plans
- Geotechnical investigation report
- Construction noise and vibration assessment
- Draft construction noise and vibration management plan
- Waste management plan
- Detailed shading analysis
- Mana whenua assessment

Yours faithfully

A handwritten signature in blue ink, appearing to read 'Ian Smallburn', written in a cursive style.

Ian Smallburn
General Manager – Resource Consents

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)	Neil Stone – Senior Development Planner
	s 9(2)(a)
	s 9(2)(a)

Comment form

Please use the table below to comment on the application.

Project name	Stellar Projects – 76 & 80 Great South Road, Remuera
General comment	<p>Overall Summary</p> <p>Thank you for the opportunity to provide comment on the referral of the proposed 191 unit residential apartment building and ground floor mixed use development at 76 and 80 Great South Road, Remuera (also known as Great South Road Stellar Project) for consideration under the COVID-19 Recovery (Fast-track Consenting) Act 2020 (Covid 19 Recovery Act).</p> <p>Based on the information provided, Auckland Transport is neutral to this application being accepted for the fast-track consenting process. If the Minister were to decide to accept the application for referral, Auckland Transport requests that the requirement for an Integrated Transport Assessment (ITA) is formally stated in the referral order to accompany any resource consent application for the Project lodged with the Environmental Protection Authority. It is noted that the requirement for an Integrated Transport Assessment is already recognised in the transport assessment report prepared by Commute on behalf of the applicant.</p> <p>Auckland Transport would also request the referral order specifically identifies Auckland Transport as a party which the Expert Consenting panel must invite comments from.</p> <p>The site frontage along Great South Road is within Auckland Transport Designation 1618 for road widening, which extends for approximately 2.2km. Auckland Transport notes that the site plan shows the development set back. Auckland Transport recommends that the applicant be required to discuss this specifically with Auckland Transport for determination of whether there is a need to apply to Auckland Transport as Requiring Authority pursuant to s176(1)(b) of the Resource Management Act 1991 for works within a designation, prior to lodging a consent application with the Environmental Protection Authority. This is prudent given consideration needs to be undertaken on the relevant RMA tests for such and resource consent will not be able to be exercised without having any necessary approval from Auckland Transport. It is considered poor resource management practice and contrary to the benefits of the Fast Track consenting process if a consent was left unable to be implemented due to this approval not being granted.</p>

Specific Comments

Site location and zoning

The Business – Mixed Use Zone is typically located around centres and along corridors served by public transport, and can act as a transition area, in terms of scale and activity, between residential and business areas. This zone requires development of a quality design that positively contributes to pedestrian amenity, movement, safety and convenience for people of all ages and abilities. Auckland Transport considers that, in principle, the development appears to be consistent with the proposed density and development intentions for this zone.

Vehicle Access

Great South Road is a primary arterial, prominent frequent transport corridor with a regional cycling function. Therefore, the user safety and operation of this corridor should be considered a top priority. The transport assessment report provided does not consider access from the local road for servicing as required by the Auckland Unitary Plan (Operative in Part) which is discussed in the section below. It should be noted that Auckland Transport supports in principle vehicular access for all movements to and from Mauranui Avenue, subject to the additional assessment requested through an Integrated Transport Assessment (ITA).

Auckland Unitary Plan and Integrated Transport Assessment

Auckland Transport notes that the application will trigger the requirement for an ITA as resource consent will be required for a Restricted Discretionary activity related to rule E27.6.1 of the Auckland Unitary Plan. The main objective of an ITA is to ensure that the transportation effects of a new development proposal are well-considered, that there is an 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. An ITA provides a more comprehensive assessment than the transportation memo supporting this stage of the process.

Based on the material supplied to date, key matters that the ITA should focus on include, but are not limited to the following:

- Justification for direct access to Great South Road when alternative local road access is available and provided for. It is unclear why access to Great South Road is proposed where alternative access off a local road is available, and where internal manoeuvring space seems possible. The application should include an assessment of the effects and feasibility of service vehicles utilising access from the side road. In the first instance, the ITA needs to explore no arterial road access and a full review of the proposed access and its potential effects is required;

In addition, to the above, the ITA should include an assessment on any potential safety and operational effects of the proposed vehicle crossing onto Great South Road, considering the safety and efficiency of all users of Great South Road, the proposed accessway and public transport. The ITA should also take into account the new desire line from Great South Road to the State Highway pedestrian bridge crossing created by the accessway and assess how the effects of the vehicle crossing on the use of this accessway by pedestrian and cyclists;
- The transport assessment report does not comment on how the proposed loading and servicing vehicle access will be managed and how compliance with the proposed use of this crossing will be enforced. This matter needs to be assessed in the ITA and should include how potential effects will be avoided, remedied or mitigated;
- An assessment of pedestrian and vehicle intervisibility at the proposed Mauranui Avenue and Great South Road vehicle crossings respectively need to be addressed. The footpath on Mauranui Road borders on the boundary of the site which could result in pedestrian/vehicle visibility issues. The assessment will need to demonstrate that intervisibility

between pedestrians and vehicles exiting the site is achieved in accordance with the requirements of the Austroads and Waka Kotahi – NZ Transport Agency Pedestrian Planning and Design Guide. This assessment should also include measures to avoid, remedy or mitigate any adverse effects identified. The assessment should consider the road widening that will occur through Designation 1618 which will result in the footpath abutting the site.

Road Safety Audit

Auckland Transport requests that the applicant be required to engage an independent and suitably qualified Safety Engineer to undertake and complete a Preliminary Design Road Safety Audit of all site access points and layout changes associated with the development. The Road Safety Audit should include, but not be limited to, the safety and operation of the proposed vehicular accesses on Great South Road.

Construction Traffic Management Plan

A draft Construction Traffic Management Plan has not been provided in the application and will be required as part of the full application for Auckland Transport's review. The draft Construction Traffic Management Plan must also include all actual and potential effects on the transport network for the entire length of the construction period and how any effects will be avoided, remedied or mitigated.

Auckland Transport Designation

Designation 1618 is for road widening and extends 2.74m depth from the road boundary for approximately 2.2km along the eastern side of Great South Road. Considering the scale of the road it is along, this must be taken into account and considered as part of any development of land subject to the designation. Auckland Transport notes that the site plan shows the development set back. Auckland Transport recommends that the applicant be required to discuss this specifically with Auckland Transport for determination of whether there is a need to apply to Auckland Transport as Requiring Authority pursuant to s176(1)(b) of the Resource Management Act 1991 for works within a designation, prior to lodging a consent application with the Environmental Protection Authority. T

Any works within the designation require approval from Auckland Transport pursuant to s176(1)(b) of the RMA: <https://at.govt.nz/about-us/working-on-the-road/road-processes-for-property-owners/consent-for-works-in-an-at-designation-or-notice-of-requirement/>

Street Tree Removal

Auckland Transport highlights the requirement for an assessment for mature tree removal in accordance with E17.4.1 of the Auckland Unitary Plan for the proposed street tree removal, dependent on their height. This will need to be addressed in any application to the Environmental Protection Authority or to Auckland Council if not addressed as part of this consent assessment process. Landowner approval from Auckland Council will be required for these works and a Corridor Access Request approval is required from Auckland Transport prior to any work taking place in the road corridor.

Given the need to review any potential adverse effects on the transport network, Auckland Transport requests that any referral order for this project requires the Expert Consenting Panel to include Auckland Transport as a person who is to be invited to comment on the project.

Other considerations

Click or tap here to provide any information you consider relevant to the Minister's decision on whether to refer the project to an expert consenting panel.

[Insert specific requests for comment]

Click or tap here to insert responses to any specific matters the Minister is seeking your views on.

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?			X
Is there the potential for significant adverse environmental effects to occur?	X		
Other comments?			

