s 9(2)(f)(ii), s 9(2)(g)(i)

s 9(2)(f)(ii), s 9(2)(g)(i)

s 9(2)(f)(ii), s 9(2)(g)(i)

s 9(2)(f)(ii), s 9(2)(g)(i)

s 9(2)(f)(ii), s 9(2)(g)(i)

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)	Ian Smallburn s 9(2)(a)
	Stelios Smilas s 9(2)(a)
	Click or tap here to enter text.

Comment form

Please use the table below to comment on the application.

Project name	Stevensons Crescent
General comment – potential benefits	Will generate additional employment in the local region during the construction phase. Will add additional housing supply in the Auckland region.
General comment – significant issues	1. The proposal is contrary to the objectives and policies of the Future Urban Zone. It is likely that under the existing AUP planning regime, the application would be publicly notified as it is significantly out of character to the current existing and planned character. 2. No Private Plan change lodged prior to the proposal being referred to the Fast-track consenting process; and the proposal does not include a Structure Plan as required under AUP. 3. Auckland Transport imminent route protection Notice of Requirement (NoR) for the upgrade of Dairy Flat Highway and widening the roads (eta: May 2023) – see Auckland Transport's Comments below. 4. Proposal is not aligned with the current planning documents and regional strategic documents. 5. Potential wetland areas within the site and along the proposed access (road to vest), (insufficient information currently) could result in prohibited activities. 6. Stormwater design, management, and discharges (see Healthy Waters comments attached below).
Is Fast-track appropriate?	Fast-track is not considered appropriate for this proposal as: ▪ it may involve prohibited activities. ▪ the proposal (in effect) establishes a private plan change on future urban land that is premature and does not fully address the potential consenting, servicing, and environmental issues as covered under the Schedule 1 process of the RMA. ▪ The existing public reticulated infrastructure is constrained and there is no indignation that the existing network is of sufficient capacity to cater for the proposed development.

	▪ Given the route protection NoR for the adjacent roading network, any proposed activities will have to have approval from AT prior to being constructed and will compromise the project.
Environmental compliance history	Council's compliance monitoring team have looked at the compliance enforcement history of: • **Mansion Rear Limited** • **Junge XU** To be thorough compliance monitoring have reviewed compliance history for multiple other companies where the applicant is a director/ shareholder. The only enforcement that has been taken is against Mansion Rear Limited for one of their sites in Ranui. The abatement notice is for installing and maintaining erosion and sediment controls on site. The legal notice was issued in December 2022 and is still active for the site until the works are complete. There are no significant outstanding compliance concerns for the parties above that Council is aware of.
Reports and assessments normally required	• An AEE, identifying all reasons for consent, assessing the effects of the proposal and it's fit with the policies and objectives of the AUP. • A deposited plan showing the publicly owned land within the subject site (Department of Conservation) and an assessment of any works within that portion of the site. • Architectural plans. • Survey plans. • Urban design assessment including housing typology testing assessment. • Landscape and visual assessment • An integrated transport assessment – see AT's comments below. • Road designs including landscaped berms, pedestrian access and cycle lanes. • A lighting plan for roads, footpaths, accessways and parking areas. • A crime prevention through environmental design (CPTED) of any proposed access (pedestrian and cycle). • Engineering/Infrastructure assessment (Water and wastewater infrastructure and capacity report including engineering plans, capacity assessment, fire/water supply-demand, connection points & stream crossing.) • Stormwater infrastructure report including a stormwater management plan and flood assessment. • Geotechnical report, including but not limited to groundwater effects assessment and slope stability. • Earthworks, cut and fill, and erosion/sediment management plans • Heritage Impact Assessment • Ecological Impact Assessment (terrestrial ecology) • Freshwater Assessment (freshwater ecology – assessment of wetlands and waterbodies on the site and surrounding area) • An esplanade reserve provision and assessment • Arboricultural report • Acoustic & vibration report • An assessment of noise (effects on surrounding activities sensitive to noise) and vibration from construction and use activities). • An assessment of construction related effects including traffic and a construction management plan • A contaminated land detailed site investigation & Remediation Action Plan • Communal facilities plan (including waste management plan), operations and assessment of effects from this.

	• Details on the management and ownership structure of any common assets.
	• Economic assessment that includes but not limited to:
	  ○ an analysis in the context of the COVID-19 Recovery (Fast-track Consenting) Act 2020;
	  ○ enabled residential capacity of the AUP OP
	  ○ an outline of the likely location where future residents will access key amenities and work opportunities.
	• Reverse sensitivity assessment
	• Records of iwi consultation and cultural value assessments from all mana whenua groups associated with this site (as listed below).

Iwi and iwi authorities	Ngāi Tai ki Tāmaki Ngāti Manuhiri Ngāti Maru Ngāti Pāoa Ngāti - Paoa Iwi Trust Ngāti Pāoa Ngāti - Paoa Trust Board Ngāti Te Ata Ngāti Whanaunga Ngāti Whātua o Kaipara Ngāti Whātua Ōrākei Te Ākitai Waiohua Te Kawerau ā Maki Te Rūnanga o Ngāti Whātua
Relationship agreements under the RMA	N/A
Insert responses to other specific requests in the Minister's letter (if applicable)	Questions 1- and 2 are answered above and below.
Other considerations	Click or tap here to insert any other responses you consider relevant for the Minister to be aware of.

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.

Auckland Council - Specialist Response (Plans and Places - Policy)

From: Todd Elder, Senior Planner, Regional, North, West, and Islands

Date: 17 April 2023

Overall Summary:

1) The following is Plans and Places comments on the Stevensons Crescent 'COVID-19 Recovery (Fast-track Consenting) Act 2020 ("FCTA"), requested by the Resource Consents Department of Auckland Council.

2) Plans and Places considers that this resource consent application has been proposed out of sequence with the Future Urban Land Supply Strategy, and before the necessary structure plan and plan change processes.

3) If the resource consent application is to proceed under the FCTA, this will urbanise the Site and influence the land-use of the site for more than the lifetime of the Auckland Unitary Plan (Operative in part) ("AUP").

4) Plans and Places oppose this application, and request that this application goes through the Schedule 1 process of the Resource Management Act 1991 ("RMA"). Once that prior process has been progressed, the proposal can then obtain resource consent through the AUP.

Auckland Unitary Plan (Operative in Part 2016)– Auckland Councils Policy Position

5) It is the Council's understanding that this application is for "…land modification and construction works required to prepare the site for a residential and mixed-use development, with subsequent subdivision" at 8 Stevenson Crescent which is currently zoned a Future Urban Zone (FUZ). In the Council's view, this application is premature. It precedes the necessary strategic planning for the site, and is more of the nature of a plan change request than a resource consent.

6) Regional Policy Statement – this application has provided no AUP RPS assessment and therefore it is not clear if this application meets the RPS. Further, the Council considers that the information provided only addresses the environmental effects of the application, but provides no section 32 style justification on why the site is suitable for both residential and mixed-use.

7) One aspect of the RPS that must be addressed (but not the sole matter) is that the FUZ land adjacent to Stevenson Crescent has not had a structure plan completed. Nor has the Applicant provided the appropriate strategic analysis. This is a requirement of Chapter B2 of the RPS AUP. Policy B2.2.2(2)(f) and B2.2.2(3), states:

Policy B2.2.2 (2)(f)	*Ensure the location or any relocation of the Rural Urban Boundary identifies land suitable for urbanisation in locations that:* *….* *(f) follow the structure plan guidelines as set out in Appendix 1;*
Policy B2.2.2(3)	*Enable rezoning of future urban zoned land for urbanisation following structure planning and plan change processes in accordance with Appendix 1 Structure plan guidelines.*

8) Another requirement of the RPS is Chapter B3 Infrastructure, transport and energy of which sets out that under Policy B3.3.2(4)(a) that:

B3.3.2(4) *Ensure <u>that transport infrastructure is designed</u>, located and managed to:*
(a) <u>integrate with adjacent land uses</u>, <u>taking into account their current and planned use, intensity, scale, character and amenity</u>; and [emphasis added]

9) The surrounding sites that are also FUZ, that may be dependent on the access from Stevenson Crescent, are not planned and nor have been structure planned to understand what infrastructure requirements might be required. Further, Appendix F, Transport Assessment prepared by Traffic Engineering & Management Limited, dated 21 February 2023, states Sidra modelling of traffic generation has been undertaken and this has stated that Stevenson Crescent/Dairy Flat Highway intersection has capacity to enable this development.

10) No figures or level of service have been provided, nor does this assessment indicate if it considers the FUZ build out area in full. Therefore, with the information available, there is uncertainty whether intersection upgrades might be required for the full FUZ area. This is a concern to the Council as it raises the risk of the remaining FUZ in the area being responsible for the potential intersection upgrade of Stevenson Crescent/Dairy Flat Highway intersection.

11) Section 3.2 of the Transport Assessment also acknowledges there is limited public transport services in the vicinity of the site, with one bus route passing the site. There is no analysis of frequency of this bus service. The Transport Assessment does state that there are services within walkable and cycle distance, but has not provided these distances. Section 3.3 of the Transport Assessment also states there are 'physical constraints' on the pedestrian and cycle connection.

12) The Transport Assessment does acknowledge that Dairy Flat Highway is intended to be upgraded by Auckland Transport. This project is included in the Auckland Transport 'Regional Land Transport Plan'. The project name is 'Dairy Flat Highway/The Avenue intersection'. The Regional Land Transport Plan 2021 - 2031 (RLTP) is Auckland Transport plan for investment for the 10-year period.

13) It is not certain when this project will be delivered, but in Council's view, this indicates that the site is poorly serviced by public transport and will result in dependency on private car usage. This indicates that the proposal is currently inconsistent with the RPS Policy B3.3.2 (5)(b):

B3.3.2(5) Improve the integration of land use and transport by:

(b) encouraging land use development and patterns that reduce the rate of growth in demand for private vehicle trips, especially during peak periods;

14) In addition, the proposal is currently inconsistent with the National Policy Statement for Urban Development Policy 2020 Policy 1:

Policy 1: Planning decisions contribute to well-functioning urban environments, which are urban environments that, as a minimum:

…

(c) have good accessibility for all people between housing, jobs, community services, natural spaces, and open spaces, including by way of public or active transport; and

15) In the Council's view, the site is not development ready as the application:
   a. does not provide any strategic information;
   b. does not include a structure plan for the site or wider FUZ area (including a master plan);
   c. has the potential to fragment the remaining FUZ;
   d. is unclear in whether the existing or proposed infrastructure can facilitate the remaining FUZ; and
   e. does not address that the site has poor walking/cycling facilities and poor public transport access.

16) Therefore, the Council does not consider that this application meets section 19(d)(iii) of the FCTA which states:

> *19(d)(iii) whether the project may result in a public benefit by, for example,— contributing to well-functioning urban environments:*

17) The Council also considers that this application, as previously stated, is implementing a residential and mixed-use land use which is more consistent with a plan change request. The Council therefore considers that this application should not proceed through the FCTA as Part 1 of Schedule 6 Applications identifies these 'Applications for resource consents and notices of requirement for designations'. As previously stated, the nature of this project is similar to a plan change, not a resource consent or Notice of Requirement.

Auckland Unitary Plan (AUP OP) – Auckland Council FUZ Policy Position

18) Reverse Sensitivity - If this is to proceed, this application must take a strategic approach to all resource management matters as occurs in the Schedule 1 process of the RMA.

19) In the Councils view, the application is not consistent with the Objectives and Policies of the Regional Policy Statement ("RPS") and the FUZ. This includes two separate aspects of the FUZ being:
   a. The establishment of an urban activity in FUZ without the land being rezoned;
   b. The activity being established with conflicting RMA frameworks (urban uses in a zone that does not manage urban development and land use) to ensure land use continues to be managed effectively and efficiently post this resource consent decision (if it is approved).

20) Regarding the first point raised under paragraph (18), it is considered that the application is inconsistent with the following, but not limited to, objectives and policies are relevant:

RPS Objective B2.2.2(3)	*Enable rezoning of future urban zoned land for urbanisation following structure planning and plan change processes in accordance with Appendix 1 Structure plan guidelines.*
RPS Objective B2.2.2(8)	*Enable the use of land zoned future urban within the Rural Urban Boundary or other land zoned future urban for rural activities until urban zonings are applied, provided that the subdivision, use and development does not hinder or prevent*

the future urban use of the land.

Objective H18.2(4)	*Urbanisation on sites zoned Future Urban Zone is avoided until the sites have been rezoned for urban purposes.*
Policy H18.3(3)	*Require subdivision, use and development to maintain and complement rural character and amenity*
Policy 18.3(4)	*Avoid subdivision that will result in the fragmentation of land and compromise future urban development.*
Policy H18.3(6)	*Avoid subdivision, use and development of land that may result in one or more of the following:* *(a) structures and buildings of a scale and form that will hinder or prevent future urban development;* *(b) compromise the efficient and effective operation of the local and wider transport network;* *(c) require significant upgrades, provisions or extension to the wastewater, water supply, or stormwater networks or other infrastructure;* *(d) inhibit the efficient provision of infrastructure;* *(e) give rise to reverse sensitivity effects when urban development occurs;* *(f) give rise to reverse sensitivity effects in relation to existing rural activities or infrastructure;* *(g) or undermine the form or nature of future urban development.*

21) Regarding the RPS objectives and policies that are considered relevant, as previously stated, the site has not been structure planned and clearly does not meet Policy B2.2.2(3).

22) Regarding Objective H18.2(4), the application does not avoid the creation of urban land use activities. This will 'urbanise' the site. and fails to meet H18.2(4).

23) Regarding the FUZ policies, Policy H18.3(1) provides FUZ for use and development which supports the policies of the Rural - Rural Production Zone, unless that use and development is inconsistent with policies H18.3(2) to (6). Policy H18.3(1) applies to rural activities, if they are inconsistent with the listed policies under H18.3(6). In this circumstance, the Council considers that the proposed activity is inconsistent with the some of the listed policies and is urban in nature. Therefore, this application is inconsistent with Policy H18.3(1).

24) Policy H18.3(3) seeks for subdivision, use and development to maintain and complement rural character and amenities. As this application is an urban activity that proposes to provide infrastructure in it's 'planned urban' state, and it does not meet Policy H18.3(3).

25) Policy H18.3(4) seeks to avoid subdivision that will result in fragmentation of land and compromise future urban development. The scale and size of the application could avoid fragmentation of the land. However, unless the development provides the infrastructure required to service the site (which could include the wider FUZ); and the application provides a method to undertake effective and efficient land use management to avoid reverse sensitivity effects, the application fails to meet policy H18.3(4) in part.

26) Policy H18.6, the resource consent application is required to avoid subdivision, use and development unless it meets all sub-policies listed.

    a. In terms of 18.3(6)(b). the application does propose to provide some infrastructure to manage effects of the proposal. This development may not compromise the operation of the infrastructure and therefore may not be inconsistent with Policy H18.(3)(6)(b), however, this needs further assessment to clarify as discussed below, the Applicants Transport assessment sets out a lack of public transport, walking and cycling facilities to the site.
    b. Policy H18.3(6)(c) of which seeks to avoid subdivision, use and development if significant infrastructure is required to facilitate the land use. As discussed previously, the level of infrastructure to service the site does not seem to be at a urban standard, therefore infrastructure upgrades are likely and the Council considers Policy H18.3(6) is not met.
    c. Policy H18.3(6)(d) is for development that will inhibit the efficient provision infrastructure. This application may not meet this objective if it conflicts with the identified Dairy Flat Highway upgrade (identified above).
    d. Regarding Policies H18.3(6)(e)-(g), the Council does not consider the proposed resource consent can provide a framework that is effective of efficient for the future management of the land. Therefore, there is uncertainty on the land management, which leaves the Council uncertain about any potential compliance matters.

27) The process to urbanise land required by the AUP occurs in three distinct stages, being structure planning - followed by plan change(s) to rezone for urban purposes – followed by resource consent proposals for specific subdivision and land use development. The first stage (structure planning) is usually at a more generalised conceptual level and often shows indicative elements and preferred future development. The second stage of a plan change seeks to rezone land and is required to be supported by more in-depth analysis and refines the development concepts identified in the structure plan. The plan change stage requires the supporting comprehensive s.32 analysis. Finally, the applications for subdivision and development are site-specific and the most detailed with specific conditions of consent tailored to the proposal.

28) These three stages are complementary and build-on one another. Following through all three stages is particularly important to planning, designing and providing for infrastructure that is efficient, effective and integrated with urban development for the wider area. It is quite common for the in-depth analysis carried out at the plan change stage to result in significant changes and refinements to the structure plan (so therefore the structure plan guides development, but is not the definitive development framework).

29) In addition to infrastructure planning, the plan change stage is also important as it sets up the regulatory framework to manage the on-going use and development of the land. This includes (for example) the

application of methods including zones, precincts, overlays, classes of activities, development standards, assessment criteria (including objectives and policies) and subdivision requirements.

30) An application proceeding on FUZ land could lead to future reverse sensitivity issues for future resource consent applications, as there will not be an appropriate regulatory framework (i.e., An urban residential zone or business zone) in place to manage those effects.

31) If the activity is legally established through the FCTA, any future land use consents will be considered against the FUZ objectives and policies. The nature of the FUZ objectives and policies are to enable rural use of the land until a site has been through the plan change process. The FUZ is not an efficient and effective zone for these types of development until the site is re-zoned for urban purposes.

32) It should not be anticipated that the Council will initiate a plan change to urbanise this site, as the current Covid Recovery Budget means that it is unlikely to become a priority for the Council.

33) If this application is approved for processing, the non-infrastructural economic and social benefits should not be counted as contributing to the current shortfall of funding for infrastructure projects in the region. For certainty on this matter, the Applicant should fund the infrastructure required in full and not anticipate any funding from the Council.

Strategic Documents – Infrastructure constraints – Auckland Councils Policy Position

34) Future Urban Land Supply - Council is currently drafting Auckland's Future Development Strategy (as required by the National Policy Statement on Urban Development 2020 and the Local Government (Auckland Council) Act 2009) which will provide updated information on the timing and sequencing of all Future Urban Areas that align with key infrastructure requirements.

35) The FULS does indicate that the Albany Village FUZ area will require new water services capacity (North Harbour watermain) and road upgrading. This is anticipated by the FULS to be staged in Decade One, second half (2023 – 2027).

36) A contributions policy which reflects the infrastructure needed to urbanise the Albany area has not yet been developed and will likely be behind the developer's timeframe for development. This policy will ensure that the cost of new infrastructure is fairly shared between developers and ratepayers on the basis of who causes the need for and who benefits from the investment. Allowing this development to proceed ahead of an updated contributions policy will result in future wider network infrastructure upgrades required for this development to be borne by the ratepayer under the current policy setting. This is assuming funding becomes available to deliver these upgrades.

Summary:

37) Auckland Council opposes Stevenson's Crescent project.

38) The Council's view is that this application should not proceed down the COVID-19 Recovery (Fast-track Consenting) Act 2020 as it does:

a. not meet Schedule 6 of the COVID-19 Recovery (Fast-track Consenting) Act 2020, as the nature of the project is more of a plan change request than a resource consent application;
b. not address the infrastructure shortfall for the area, and implement an ongoing RMA planning framework and therefore will not contribute to a well-functioning urban environment, which is contrary to section 19 of the COVID-19 Recovery (Fast-track Consenting) Act 2020
c. not include a Structure Plan as required by the Regional Policy Statement of the Auckland Unitary Plan

39) If this application is to proceed, the Council seeks the following information to be included in the application:

Information required (but not limited to):

a. Include a structure plan for the FUZ in Albany

b. Include in the Assessment of Environmental Effects:
    i. Auckland Councils Strategic Framework, including an assessment against the, Auckland Plan 2050, Future Urban Land Supply 2017
    ii. An assessment of required infrastructure, to an urban standard, to be provided to facilitate this development.

c. An assessment against all relevant parts of Auckland Unitary Plan's Regional Policy Statement, noting that an assessment only against 'Chapter B2 urban Growth and form' is not sufficient for a strategic decision.

d. Economic assessment, that includes:
    i. an analysis in the context of the COVID-19 Recovery (Fast-track Consenting) Act 2020;
    ii. enabled residential capacity of the AUP OP
    iii. an outline of the likely location where future residents will access key amenities and work opportunities.

e. Integrated Transport Assessment:
    i. that includes information on Public Transport services, including future upgrades and current level of service;
    ii. infrastructure upgrades required to facilitate the development including any network upgrades that may be required for the wider area
    iii. an assessment against the Regional Policy Statement objectives and policies of the AUP
    iv. an assessment against the objectives and policies of the National Policy Statement on Urban Development.

f. a set of draft conditions for staging development until key infrastructure projects are delivered.

g. how future land use will be managed in an effective and efficient manner

h. information on what infrastructure will be funded and built by the applicant and how all remaining infrastructure will be funded that is not being funded by the applicant, noting that Auckland Council does not have any allocated funding for the Albany FUZ area.

Auckland Transport - Asset Owner Response

From: Nadine Perera, Principal Planner, Auckland Transport

Date: 14 April 2023

Overall Summary:

The project involves the subdivision of 8 Stevensons Crescent Albany (Pt Allot 27 Parish of PAREMOREMO, Pt Allot 299 Parish of PUKEATUA) and the construction of approximately 138 dwellings.

Auckland Transport does not support the project being accepted for Fast-track consenting. Under the Auckland Unitary Plan Operative in Part (AUPOP) the site lying at the northern end of Albany Village with road frontage to Dairy Flat Highway and Stevensons Crescent is currently zoned Future Urban zone (FUZ). A stream flows through the site from west to east. This together with various coalescing overland flow paths and flood plains on the site and surrounding environment including the transport network drain to Lucas Creek.

There is a Supporting Growth Alliance project (SGP) affecting the site that requires route protection. This comprises the upgrade (widening) of Diary Flat Highway which involves major contributions to a strategic walking and cycle network. Dairy Flat Highway forms an important north-south connection for North Auckland. In the future the Highway will continue to provide facilities for all modes of transport. It will also provide resilience to the rest of the network, as an alternative to State Highway 1 (SH1) if needed. The Supporting Growth North -Silverdale, Orewa, Wainui and Dairy Flat- Indicative Business Case for Route Protection Version 1.3 16 July 2019 (IBC) provides background for this work. Within the IBC the site is located alongside the Strategic Road Connection known as SR11-1 where upgrades are proposed to increase capacity and improve safety and operational performance to align with strategic movements. The SR11-1 project terminates at the intersection of Dairy Flat Highway and Stevensons Crescent and specifically includes safety upgrades and walking and cycling facilities.

The SGP and the ST11-1 project in particular are still in the draft stage. The current timetable is to commence consultation with landowners in May this year by sharing a plan showing how individual sites are affected by the proposed designation boundaries. Lodgement of a route protection notice of requirement (NoR) is then planned for lodgement with Council in August. Although the exact designation boundary has yet to be determined the SGP works will involve designation of the southern corner of the project site with a width of approximately 30m to provide for construction areas. Once the NoR has been lodged any works proposed within the designation will require approval from Auckland Transport in accordance with s176 or s178 of the Resource Management Act.

The AUPOP states that Future Urban zoned land should not be developed for urban purposes until it has been through a structure planning and plan change process (refer Policy B2.2.2(3), Objective H18.2(1) of AUP(OP)). No Auckland Council initiated structure plan has been completed for this FUZ zoned land and the land has not been rezoned for urban use.

The Auckland Plan, Future Urban Land Supply Strategy (FULSS) and the AUPOP provide the Development Strategy for Auckland, including the sequencing and timing for when future urban areas will be ready for development to commence which requires necessary underpinning zoning and bulk infrastructure to be in

place. The FULSS identifies the project site as intended to be development ready in the period 2023-2027. Although the funding of, and delivery plans for, infrastructure needed to enable growth have not been confirmed. Accordingly, the project has the potential to contribute to and exacerbate misalignment between the timing of transport infrastructure and services and the urbanisation of greenfield areas. Without this alignment there is no certainty about delivery of the strategic transport network and development network demands to mitigate adverse effects and achieve a well-functioning urban environment. This compromises the ability to sequence and deliver future urban development in a sustainable, coordinated, and cost-efficient way. The proposal precedes the formation of the arterial road network required to support urban development and does not currently provide any transport network upgrades. Therefore, the project does not align with the AUPOP and does not provide a well-functioning urban environment.

Auckland Transport does not have sufficient funding identified in the Regional Land Transport Plan (10 year plan for Auckland's transport network for 2021-2031 RLTP) to meet the shortfall in the strategic network infrastructure needed to support such growth identified, nor is there any agreed infrastructure and implementation plan with developers. In addition to funding to provide for proposed route protection for the Dairy Flat Highway being the SGA project referred to above the RLTP identifies the need for upgrade works to the Dairy Flat Highway if additional funding is available. With regard to the project site the RLTP identifies footpath upgrades to the nearby intersection of Dairy Flat Highway and the Avenue to occur if additional funding is available. A plan to install a raised zebra crossing and upgrade to footpaths at this intersection, originally planned for completion in December 2022 with a delayed construction target of January to March this year due to funding related challenges, is still not complete.

The referral material and Transportation Assessment by Team Traffic Engineering and Management Limited provides initial commentary on the application and the effect of the project on the efficient operation of the existing surrounding transport network. The available project information does not adequately consider:

- The proposed transport network identified by the Supporting Growth Alliance (SGA) and location of route protection requirements as outlined in the IBC for the Dairy Flat Highway.
- The protection of the existing and proposed transport network given the proposed development is occurring on a site traversed by various overland flow paths, a stream, and a flood plain.
- The upgrading of the road frontage to Dairy Flat Highway and Stevensons Crescent to full urban standard where it adjoins the site.
- The interface and integration of the proposed development with Dairy Flat Highway including completion of an upgraded intersection to Dairy Flat Highway and Stevensons Crescent.
- The practical use of proposed local and collector roads within the development for service vehicles.
- Construction traffic.

The project has potential to contribute to and exacerbate misalignment between the timing of transport infrastructure and services and the urbanisation of greenfield areas. Without this alignment there is no certainty about delivery of the transport network to mitigate adverse effects and achieve a well-functioning urban environment. This compromises the ability to sequence and deliver future urban development in a sustainable, coordinated, and cost-efficient way.

For the reasons above Auckland Transport does not consider there is sufficient information to assess the effects of the Project and considers it more appropriate for the Project to proceed through a private plan change, rather than through the Covid Recovery Act.

Auckland Transport requests that, should the Project be accepted for fast-track consenting, the full application material include an Integrated Transport Assessment (ITA). The main objective of an ITA is to ensure that the potential adverse transport effects of a development proposal are well considered and addressed with particular consideration of the provision of the required infrastructure and facilities to service the transport network demands of the development, accessibility to and from the development, as well as of safety and efficiency effects. Such an assessment also needs to consider the impacts of the proposal in the context of future indicative roading networks.

The assessment should ensure that any potential adverse transport effects of the development have been effectively avoided, remedied, or mitigated. This is reinforced by the Regional Policy Statement (RPS) of the Auckland Unitary Plan. For instance, B3.3.2(5)(f) of the RPS requires activities adjacent to transport infrastructure avoid, remedy, or mitigate effects which may compromise the efficient and safe operation of such infrastructure.

If accepted for assessment under the Covid Recovery Act, Auckland Transport requests the following matters form part of the requested ITA:

- Whether the Project meets the relevant objectives and policies of the AUP as they relate to transport.

- An assessment of potential adverse safety effects on the surrounding transport network and how these effects will be avoided, remedied, or mitigated.

- An assessment of potential (including cumulative) adverse effects on the efficient operation of the surrounding transport network (existing and indicative as depicted in the Supporting Growth North - Silverdale, Orewa, Wainui and Dairy Flat- Indicative Business Case for Route Protection Version 1.3 16 July 2019 (IBC) and/or any subsequent notices of requirement NoR) and how these effects will be avoided, remedied, or mitigated. There should be particular emphasis on key intersections, including (but not limited to) Stevensons Crescent and Dairy Flat Highway and the nearby downhill speed restriction limitation/reduction of 80kmh to 50kmh on Dairy Flat Highway to the north of the site for southerly flowing traffic.

- An assessment identifying the transport demands of the project in terms of the existing and proposed Supporting Growth Alliance transport network and how these demands are to be met. The ITA needs to give specific consideration to;

    - Entry speeds into Stevensons Crescent from the north given the change in speed from 80kmh to 50kmh on a downward slope, the wide entry to Stevensons Crescent and the use of traffic calming methods, and

    - The short right turning bay located on a bend and its accommodation of additional northerly traffic turning from Dairy Flat Highway into Stevenson Crescent.

- Whether the proposed roading network, including cycle and pedestrian paths and linkages within and across the site, is consistent and integrates with the required network contained within the Dairy Flat

IBC There should be particular emphasis on provision of/for the widening of Dairy Flat Highway (approximately 30m wide in the southern corner of the site).

- Whether the proposed roading network including roads to vest, cycle and pedestrian paths, and linkages within and across the site is consistent with relevant transport standards of the Auckland Code of Practice for Land Development and Subdivision - Chapter 3 Transport (and relevant chapters of the Auckland Transport 'Urban street and Road Design Guide'), the Code of Practice standards should take precedence. Emphasis should be given to;

    - Stevensons Crescent and Dairy Flat Highway being brought up to full urban standard with protected cycleway where it adjoins the site.

    - The intersection of Stevensons Crescent and Dairy Flat Highway being brought up to full urban standard and completed in its entirety to its final form with protected cycleway and pedestrian access including crossing facilities. It is important that certainty is achieved around the delivery of an upgraded intersection to Stevensons Crescent and Dairy Flat Highway and that this is referred to in the ITA. Otherwise, necessary mitigation may not be implemented and will result in adverse and potentially cumulative effects.

    - The need for turning heads at the end of proposed future linkage roads to enable interim use by service/waste disposal vehicles.

    - Provision for active mode linkages to full urban standards along the project site's road frontage for its entire length and its integration with existing and proposed linkages along Dairy Flat Highway including the proposed footpath and crossing upgrades to the Avenue and Dairy Flat Highway intersection.

Given the need to review any potential adverse effects on the transport network, Auckland Transport requests that any referral order specifically identifies Auckland Transport as a party which the Expert Consenting Panel must invite comments from.

Watercare - Asset Owner Response

From: Ameya Bhiwapurkar, Development Engineer, Watercare Services Ltd.

Date: 14/04/2023

Overall Summary:

The subject site is currently located within a Future Urban Zone as per the Auckland Unitary Plan (AUP). The following information for the site has been taken from the Auckland Council Geomaps system (AC GIS):

- Legal Description: Pt Allot 27 Parish of PAREMOREMO, Pt Allot 299 Parish of PUKEATUA
- Record of Tittle: NA1B/809
- Area: 2.6848 Ha

The subject site is mostly greenfield, with two residential dwellings and ancillary buildings located within site. The property has been identified as a Greenfield area for future urban development.

The proposed development consists of designing and constructing approximately 138 residential units with associated commercial/retail areas, tenancies, and subdivisions.

Proposal

Wastewater

DHC confirms that the existing wastewater network can service the proposed development by providing a gravity extension of the public system and private pump stations.

Water

A 150mm dia. extension of the water supply public network will be required along the public footpaths of Dairy Flat Highway (refer to Appendix A for layout). New water meters for water supply and fire hydrants for firefighting will need to be installed as required.

A hydrant test is recommended to be carried out at the design stage to confirm existing network pressure.

Watercare's comments on the proposal

Wastewater

Based on the information available, including the static capacity assessment undertaken by the developer, the proposed development site is not expected to affect the system performance of the connecting downstream network significantly and can be approved.

The developer must conduct a survey for the entire downstream local network until MH 19 (GIS ID: 257494) confirming the pipe sizes. Given that the below network from **MH GIS ID:399517 to Transmission MH GIS ID: 2574794** is 225mm or more, the existing network has enough capacity to cater to this development.

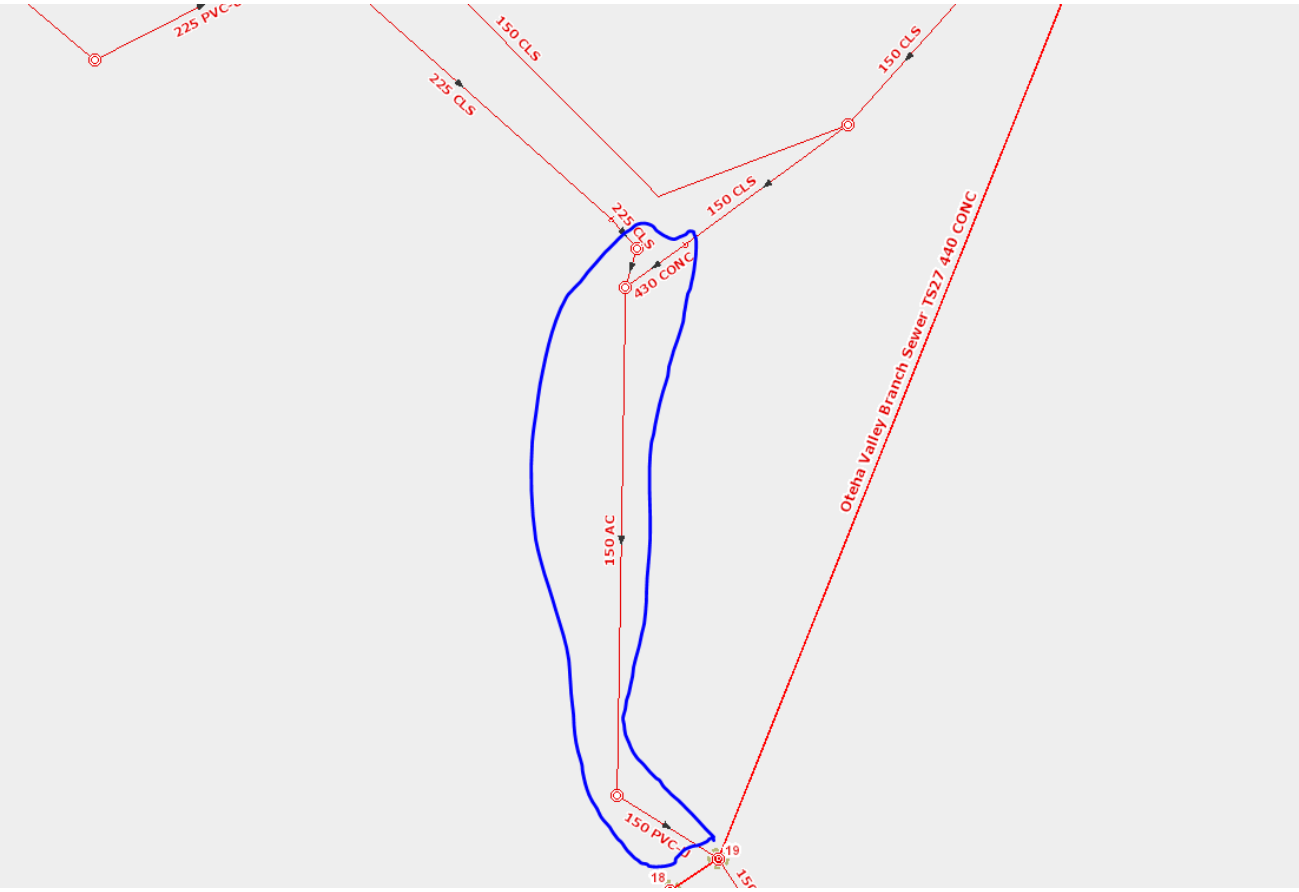

Figure 1: Wastewater network to be ensured as 225mm or more

<u>Water</u>

Watercare has conducted the assessment for the proposed 138 residential dwellings, and we confirm that the proposed watermain extension along the Dairy Flat Highway shall have enough capacity to cater to the proposed development.

Healthy Waters - Asset Owner Response

From: Hillary Johnston – Consultant Stormwater Specialist, Growth & Development, Healthy Waters
Date: 14th April 2023
Overall Summary:

Mansion Rear Limited have submitted a Fast-Track application for the development of 138 residential units as well as mixed use and commercial and retail development within the site. The development site is 2.6848ha and is located at 8 Stevenson Crescent, to the north west of Albany Village.

The assessment herein presents comments from the perspective of Healthy Waters as an asset owner, as well as from the perspective of a regulatory stormwater specialist.

The following application documents have been reviewed as part of this assessment:

- Residential and Mixed-Use Development and Subdivision – Planning review of applicable planning rules and prohibited activities; consideration of 104D gateway test provisions in relation to a referral application for a fast track by Mansion Rear Ltd. dated 23.02.2023

- 8 Stevensons Crescent, Albany – Civil Engineering Feasibility Assessment to Support Covid-19 Fast Track Consent Process dated 22.02.2023
- 8 Stevensons Crescent, Albany Heights: Fast Track Referral: Ecology assessment dated 19.02.2023

The proposal has been discussed with the following additional specialists:

- Wui-Shen Tay – Specialist, Catchment Planning, Healthy Waters
- Danny Curtis – Principal, Catchment Planning, Healthy Waters

Limited information has been provided in respect of the management and authorisation of stormwater runoff from the proposed development. Sufficient information to understand completely the effects of the proposed development in relation to stormwater, or how potential effects would be avoided, remedied, or mitigated has not yet been provided.

Authorisation

The site is within the Future Urban Zone under the Auckland Unitary Plan. Healthy Waters Department holds a network discharge consent which authorises the discharge of stormwater runoff from existing and future proposed public stormwater networks within urban zoned land. As the development is within the Future Urban Zone, authorisation for the discharge of stormwater under the Region Wide Discharge Consent cannot be sought. Although the engineering assessment identifies that the site is a 'Greenfields' development and includes an assessment against Schedule 4 of the Region Wide Network Discharge Consent, a private diversion and discharge consent is required under Chapter E8 of the Auckland Unitary Plan. The planning assessment in support of the application has identified consent is likely required under Chapter E8.

Granting of the EPA Fast-Tack consent does not guarantee that public assets can and/or will be vested to Auckland Council Healthy Waters. Any proposed public stormwater infrastructure will need to meet the requirements of the Stormwater Code of Practice, and any other design guidance relevant to stormwater infrastructure and intended asset owner.

Water Quality

The proposed development will result in increased impervious area, increases in runoff flowrates, and increase in contaminant loading. The receiving environment includes areas which are subject to the Significant Ecological Area Overlay of the Auckland Unitary Plan. In line with the requirements of E1 of the AUP the downstream environment should be protected and where possible, enhanced.

The engineering assessment outlines that it is proposed to treat all stormwater runoff from the proposed paved areas via devices which are designed in accordance with the GD01, which could include stormwater filters, raingardens or other devices as specified within GD01. The engineering assessment also proposed to include gross pollutant traps for waste storage areas.

The proposed methods of treatment include proprietary devices which is contrary to the expectations outlined within Section 4.3.6.1 of the Code of Practice. This section outlines proprietary devices are not recommended for Greenfield developments (particularly if they are public).

No further information is provided on the location, type or performance standards of any devices proposed to provide treatment. Intended ownership or operation and maintenance responsibility of future stormwater quality management devices has not been clarified.

Hydrology Mitigation

The site is within the Future Urban Zone and is therefore not subject to a Stormwater Management Area – Flow (SMAF) overlay. Urban zoned land immediately adjacent to the site is subject to a SMAF overlay. Stormwater runoff from the proposed development will discharge to a stream receiving environment. The engineering assessment outlines that it is proposed to achieve SMAF-1 hydrology mitigation of runoff from the development by devices which have been designed in accordance with GD01 that could include stormwater tanks, bio-retention devices, ponds or other devices. Further information clarifying the location, type, or performance standard of any devices proposed to achieve SMAF-1 mitigation has not been provided. Intended ownership or operation and maintenance responsibility of future stormwater management devices which will achieve SMAF-1 mitigation has not been clarified.

Although hydrology mitigation is proposed, given the proximity to the stream receiving environment, and given the presence of natural wetlands within the site, achieving SMAF 'retention' outcomes through the discharge of stormwater to ground should be considered a priority in the development of the design of stormwater management for the site. This would likely have hydrological benefits in terms of maintaining pre-development conditions with a delayed runoff response, further water quality enhancement, temperature benefits, and promote groundwater interflow.

Wetlands

Three wetlands which meet the definition of a 'natural wetland' under the NES-F(2020) have been identified within the site. The engineering assessment identifies that stormwater runoff from the northern portions of the development will discharge to the identified wetlands and that existing overland flow to the wetlands will be maintained. The engineering assessment clarifies that stormwater mitigation is proposed that will ensure no appreciable change to overall catchment area and flow rates currently discharging to these wetlands. Supporting plans or calculations in this regard have not been provided. It is recommended that a condition in this regard is included. Any direct discharges to the natural wetlands should be protected from localised erosion through appropriate erosion protection measures, preferably green outfalls.

Conveyance

The engineering assessment outlines that upstream catchments and contributing areas to the west of the proposed development site are also zoned Future Urban, however clarifies that future network design within the site is to allow for upstream catchment areas, future development, and connection from these areas.

An existing 300 dia. public stormwater pipe is located adjacent to the south eastern site boundary within Stevenson Crescent road reserve, which connects to a further 525 dia. public stormwater pipe beneath the Stevenson Crescent caul-de-sac and discharges to the upper reaches of the Lucas Creek 26 metres to the east of the site.

The engineering assessment identifies this existing network as the most practicable means of servicing the southern portion of the proposed development. The engineering assessment assess that this network likely has sufficient capacity to service the southern portion of the development and other upstream catchment areas in a Maximum Probable Development Scenario (MPD) however the preliminary calculations provided utilise the Rational formula. This is not in accordance with Section 4.3.4 of the Stormwater Code of Practice which requires calculations in accordance with TP108. Further inconsistencies within the preliminary calculations have been identified including rainfall depths and catchment areas.

In the event the existing downstream networks are identified as insufficiently sized to service the southern portion of the development, it is proposed to upgrade the existing networks or provide detention of the 10-

year storm event within the development site. Healthy Waters will have a further opportunity for review of the proposed servicing of this area of the site at engineering plan approval stage.

Erosion Mitigation

The proposed development and increased impervious area will result in increased flow rates at the outfall locations. Erosion protection should be implemented at the outfall locations that is sensitive to the stream receiving environment. 'Green outfalls' should be considered where possible. The detailed design of erosion protection will be developed in future and it is recommended that an ecological specialist provides input to the design.

Natural Hazards

The environments both upstream and downstream of the development site, as well as areas adjacent to the stream within the eastern most portion of the site are subject to the 1% AEP floodplain. The engineering assessment clarifies that upstream Future Urban Zoned areas will be considered during the design of management of flood hazards. It is proposed that appropriate freeboard levels are achieved within the development site in accordance with the Stormwater Code of Practice, the entry and exit points of overland flow paths is not proposed to be changed. No further mitigation of existing flood hazards has been proposed.

An assessment of potential effects of the proposed development on existing downstream flood hazards has not been provided with the application. The flood levels within the southern portions of the development site will need to recalculated based on the proposed earthwork levels. The proposed earthworks should not result in increased flooding upstream or downstream. It is unclear whether the development will result in a material increase in predicted food levels downstream of the development site. This should be assessed further.

Auckland Council - Specialist Response (Earthworks/Streamworks)

From: Fiona Harte – Senior Specialist (Earth, Streams and Trees Team – Specialist Unit, Resource Consent)

Date: 06/04/2023

Overall Summary: No red flags are identified, and the application could be accepted for the matters listed below, however, further detail is required for some matters as discussed below.

Earthworks:

The proposed earthworks avoid any streams or wetlands, and potential sediment discharges can be managed via best practice (GD05) erosion and sediment controls, as proposed. The final application would need to provide an Erosion and Sediment Control Plan to demonstrate how sediment related effects would be managed during earthworks.

Streamworks:

Further detail is required for the classification of the 'stream A' area. Site aerials indicate part of 'stream A' could be a wetland as opposed to a stream. No photos or assessment against the intermittent stream classification criteria are provided to confirm the stream status.

Earthworks in a natural inland wetland that results in drainage for a culvert crossing would be a prohibited activity under regulation 53, as opposed to a culvert within a stream being a discretionary activity under regulation 71 of the NES-FW. However, if a bridge is proposed, this will avoid direct impact and no disturbance

of the 'stream A' area would be required. The final design could avoid these effects, but further detail is needed to confirm.

The application notes consent required for culverts over 30m. Design consideration should be given to constructing the culvert to the minimum size necessary to limit stream bed loss. The application should detail any culvert design and supporting rationale. This application does note a culvert or bridge will be constructed – a bridge would be more favourable as it avoids direct loss of the freshwater body.

Wetlands:

A detailed hydrological assessment should be provided to determine any effects of the proposed change in landuse (including during earthworks, impervious surfaces and the final stormwater design) could have on the adjacent wetlands. The final design could avoid these effects, but further detail would be needed to confirm.

Upper Harbour Local board comments

The following are Upper Harbour Local Board comments on the Stevensons Crescent Project under the COVID-19 Recovery (Fast-track Consenting) Act 2020 ("FCTA"), requested by the Resource Consents Department of Auckland Council.

From: Anna Atkinson (Upper Harbour Local Board - Chairperson)
John Mclean (Upper Harbour Local Board Member)
Callum Blair (Upper Harbour Local Board Member)

Specific Question One.
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?

The Local Board oppose this fast-track application. We recommend this fast-track consent is declined and request that the application go through the existing Resource Management Act process for the following reasons:

We believe that the Fast Track consenting process is too rushed to enable appropriate consideration of many aspects of the development. Our concerns include the following issues; hence we believe that a full RMA process is the correct approach.

- Stream A. We are concerned about the culvert of stream A, especially given the recent rain events that have occurred.
- Receiving environment. We are concerned about the receiving environment for stormwater runoffs both during and after construction.
- Traffic. The area around Stevenson Road is very congested. There is a narrow bridge leading into Albany and cars frequently back up about 1km past this up to Lonely Track Road. We think that implications on traffic are better dealt with through the standard RMA process.
- Finances. Currently we are not aware of funding to upgrade Dairy Flat Highway, hence this development will just create even more congestion. This development may lead to Auckland Council needing to provide an upgrade which existing ratepayers would have to pay for if an upgrade happens at all.
- The land is part of the Lucas Creek Catchment which leads into the Waitemata harbour. We are concerned about more sediment entering this important environment.

- We note that only 5m has been allowed from the wetlands. Given the recent rain events are concerned if this is large enough.
- We are concerned about the tree cover in the area under consideration. Our adopted Ngahere Strategy aims for 30% tree cover, and this is not provided.
- We are concerned about the quantity of impermeable surfaces in this plan. There seems to be a lot of hard impermeable surfaces in this plan which will lead to increased run off and sediment.
- We would want to know about water flows. Rain gardens / stormwater detention and retention etc.
- Lack of structure plan for the area. This has not been done so this project is out of sync.
- The intensity and scale of the consent required lead us to believe that the standard RMA process is more appropriate.

We are not against development but believe that the appropriate way of ensuring all issues are captured and responded to is through the standard RMA process.

s 9(2)(f)(ii), s 9(2)(g)(i)

s 9(2)(f)(ii), s 9(2)(g)(i)

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s 9(2)(f)(ii), s 9(2)(g)(i)