

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

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

*For office use only:*

Project name: Teal Park  
Application number: PJ-0000838  
Date received: 29/11/2022

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

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

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

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

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

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

## Part I: Applicant

### Applicant details

Person or entity making the request: Neil Construction Limited

Contact person: Trevor Canty

Job title: Senior Development Manager

Phone: s 9(2)(a)

Email: s 9(2)(a)

Postal address:

Neil Construction Limited

PO Box 8751

New Market

Auckland 1149

### Address for service (if different from above)

Organisation: Campbell Brown Planning Limited

Contact person: Philip Brown

Job title: Director

Phone: s 9(2)(a)

Email: s 9(2)(a)

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

Postal address:

Campbell Brown Planning Limited

PO Box 147001

Ponsonby

Auckland 1144

## Part II: Project location

The application: does not relate to the coastal marine area

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

Site address / location:

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

2-10, 11 & 12-18 Kauri Road, and 150-152 Bringham Creek Road, Whenuapai, Auckland

Legal description(s):

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

2-10 Kauri Road, Whenuapai: Lot 5 DP 64526 - NA21D/876 (6.0667ha), Allotment 481 Parish of Waipareira - NA1168/84 (1434m2) & Allotment 525 Parish of Waipareira - NA1334/9 (556m2) - Neil Construction Limited

11 Kauri Road, Whenuapai: Lot 2 DP 63550 - NA19B/777 (1351m2) - Neil Construction Limited

12-18 Kauri Road, Whenuapai: Lot 4 DP 64526 - NA21D/875 (4.0476ha) - Maraetai Land Development Limited

150-152 Bringham Creek Road, Whenuapai: Lot 6 DP 64526 - NA21D/877 (4.2366ha) - Neil Construction Limited

Registered legal land owner(s):

See above

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

The applicant, Neil Construction Limited ('NCL') and Maraetai Land Development Limited ('MLDL'), propose to develop the property as Joint Venture partners. MLDL and NCL collectively own the six subject titles. NCL will bring its considerable development experience to the project as part of The Neil Group which, along with its associated entities, has been involved in land development in the Auckland region for over 60 years. NCL and MLDL have been involved in multiple Joint Venture developments and have the financial capability and development expertise to deliver this project.

## Part III: Project details

### Description

Project name: Teal Park

Project summary:

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

It is proposed to develop a 14.6850ha site to accommodate 273 dwellings on residential lots, nine light industrial lots, and several jointly owned access lots along with public roads, infrastructure, drainage reserves and a recreation reserve which will include a public café, open space, playground area and car parking. The activities have been designed to achieve general compliance with the standards of the Residential - Mixed Housing Urban Zone and Business - Light Industry Zone of the AUP.

Project details:

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

It is proposed to develop a 14.6850ha site to accommodate 273 dwellings on residential lots, nine light industrial lots, and several jointly owned access lots along with public roads, drainage reserves and a recreation reserve which will include a public café, open space, playground area and car parking.

The development will also provide for the provision of infrastructure services (public and private) including stormwater discharge for the site.

The residential and industrial activities have been designed respectively to achieve general compliance with the development standards of the Residential - Mixed Housing Urban Zone and Business - Light Industry Zone of the Auckland Unitary Plan.

The proposal is a master-planned housing and industrial development and subdivision. Dwellings would be constructed on the residential lots in a variety of typologies, including terrace, duplex and standalone housing ranging between one and two storeys in height. Residential lot sizes will range from around 105m<sup>2</sup> to approximately 390m<sup>2</sup>. A small number of lots on the Brigham Creek Road frontage will range from around 650m<sup>2</sup> to 1,275m<sup>2</sup>; the additional land included in these lots will accommodate an intended future road widening designation, the extent of which has been indicated by Supporting Growth to the applicant (while acknowledging that no road widening notice of requirement has yet been notified).

The composition of typologies comprises 40 standalone dwellings, 82 duplex dwellings, and 151 terraced houses. Concept master plans of the proposed development are **attached**. These comprise a master plan and various house typology plans.

The location of the proposed light industrial area has been driven by the 2021 Whenuapai Airbase Engine Testing Noise Overlay contours developed for Plan Change 5 Draft Variation 1 (prepared by Tonkin and Taylor on behalf of NZDF). Plan Change 5 has been withdrawn by Auckland Council and therefore, whilst these contours have no

statutory weight, NCL has opted to account for them and the related PC5 provisions for this application and will seek consent conditions that reflect the relevant PC5 Var1 acoustic performance standards.

Bulk earthworks have already begun under land use consent (LUC60332020) to prepare the site for future development. The approved plans for these works are **attached**. The proposed earthworks consist of an area of 14.5ha with volumes of approximately 55,580m<sup>3</sup> and 59,260m<sup>3</sup> for cut and fill respectively.

The project will be undertaken in three stages, encompassing both the civil works and the construction of houses and industrial buildings, although the works will move from stage to stage sequentially without any hiatus. Further earthworks will be undertaken over the site to form final ground levels including creation of the proposed new residential blocks and roads to vest. The works will also encompass the installation of public infrastructure.

Earthworks and civil construction will commence in November 2023 and be completed in November 2026. House and industrial building and café construction will commence in mid-2025 and be completed in late 2027 or early 2028.

New public wastewater and stormwater reticulation services will be constructed to serve the development. An existing water main is located within Brigham Creek Road, the applicant proposes to upgrade the watermain as detailed within the attached Preliminary Engineering Memo. Watercare Services Limited (WSL) has confirmed that there is sufficient capacity to serve the development. Reticulated services will be provided to each lot, including wastewater, stormwater, and potable water.

Stormwater mitigation in the form of battered rain gardens is proposed for the roads, with detention tanks for the commonly owned access lots to provide the required detention for the difference between the pre-development and post-development runoff volumes from the 95th percentile over 24 hours of rainfall. A discharge permit will be required for two proposed stormwater discharge points; the disposal of stormwater into a nearby wetland and the discharge of water to the coastal Waiarohia stream network via a new outlet structure adjacent to the stream.

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

### Consents / approvals required

Relevant local authorities: Auckland Council

Resource consent(s) / designation required:

Land-use consent, Subdivision consent, Discharge permit

Relevant zoning, overlays and other features:

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

Legal description(s)	Relevant plan	Zone	Overlays	Other features
Lot 5 DP 64526 (NA21D/876), Allotment 481 Parish of Waipareira (NA1168/84) & Allotment 525 Parish of Waipareira (NA1334/9)  LOT 2 DP 63550 (NA19B/777)  Lot 4 DP 64526 (NA21D/875)	Auckland Unitary Plan	Future Urban Zone	The land is subject to the Natural Resources: High-Use Aquifer Management Areas Overlay – Kumeu Waitemata Aquifer and the Macroinvertebrate Community Index – 'Rural' and 'Exotic' control applies to 2-10 Kauri Road.	The land is subject to an Airspace Restriction Designation - ID 4311, 'Defence purposes - protection of approach and departure paths (Whenuapai Air Base)', in favour of the Minister of Defence.

Legal description(s)	Relevant plan	Zone	Overlays	Other features
Lot 6 DP 64526 (NA21D/877)				

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

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

Relevant plan / standard	Relevant rule / regulation	Reason for consent	Activity status	Location of proposed activity
H18.4.1(A2)(A28) H18.6.8 (A38) C1.7(1) C1.9(2) H.18.6.2 H.18.6.3.1 E3 Lakes, rivers, streams and wetlands E7 Taking, using, damming and diversion of water and drilling E8 Stormwater – Discharge and Diversion E9 Stormwater Quality - High contaminant generating car parks and high-use roads E11 Land Disturbance – Regional E12 Land Disturbance – District E15 Vegetation Management E23 Signs E26 Infrastructure E27 Transport E36 Natural Hazards and Flooding E39 Subdivision - Rural Resource Management (National Environmental Standards for Freshwater) Regulations 2020 ('NES-F')	Refer table in attached PDF of FTCA application	Refer table	Non-complying overall	Whenuapai

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

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

or a referred project, must withdraw that application or notice of requirement before lodging a consent application or notice of requirement with an expert consenting panel under this Act for the same, or substantially the same, activity.

The works enabled under approved resource consent LUC60332020 have been undertaken on the site. The approved works consisted of bulk earthworks to enable the future residential and light industrial development of the site and to complete site remediation works.

The approved plans, decision and site validation reports are attached.

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

There are no resource consent applications, notices of requirement for designations, or other approvals required that would be obtained by persons other than the applicant.

Whilst acknowledging that no notice of requirement for road widening has been advanced, the applicant has been working closely with SG and has designed its application to reflect the outcome of those discussions. The applicant has set back residential development from Brigham Creek Road to ensure that sufficient land can be made available for the potential widening of the Brigham Creek Road corridor in the future.

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

Corridor Access Requests will need to be approved by Auckland Transport for the works within the road reserve.

These permits will be applied for prior to the construction works occurring on site.

Land owner approval from Council's Parks team will be required for the installation of the riprap and associated discharge within the esplanade reserve that adjoins the Waiarohia Stream.

The applicant is not aware of any other legal authorisations that are required to undertake the project.

### **Construction readiness**

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

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

As already stated, bulk earthworks to enable the urban development of the site have already been completed under resource consent application LUC60332020. As such, the site is immediately ready for construction of infrastructure, roading and urban development aside from some minor reshaping.

The applicant anticipates that the remaining bulk earthworks will commence in November 2023. The civil works associated with the project will be undertaken in three stages, undertaken sequentially and continuously, and will include additional earthworks to allow for trimming of roads and building platforms and installation of retaining walls. Drainage works, roading formation, and installation of services will begin in 2023. The first stage will also be available for the commencement of house construction later in that year. It is expected that full build-out of houses will occur by late 2027 or early 2028.

Finance is in place for the entire project.

## **Part IV: Consultation**

### **Government ministries and departments**

Detail all consultation undertaken with relevant government ministries and departments:

The applicant has held discussions with staff from the Ministry of Defence for other fast-track consenting projects within the Whenuapai area. Discussions with the Ministry of Defence focus on a number of matters including ensuring that development does not constrain the activities of the NZDF and general cross-boundary issues. The applicant has an on-going relationship with the NZDF and is committed to working together to ensure that appropriate measures are in place to protect the NZDF activities. Of particular note, the applicant is open to providing measures that address the following key aspects:

- Noise
- Lighting and glare
- Bird strike
- Structure and obstacle heights

The applicant is also agreeable to the registration of no-complaint covenants on the titles of all proposed residential lots in the development.

From existing projects where the applicant is working with the NZDF, the applicant has been open and receptive to conditions that protect the NZDF activities from reverse sensitivity effects. The matters raised above can be appropriately addressed and would not constrain or undermine the viability of the project.

The development of the land would not give rise to any matters of particular interest to any other government ministries or departments that the applicant is aware of.

### **Local authorities**

Detail all consultation undertaken with relevant local authorities:

The applicant has engaged with Watercare Services Limited (the CCO that manages wastewater and potable water for Auckland Council). WSL was informed of the development intentions for the site, and subsequently advised that water supply is not seen as an issue as existing services could be extended. With regard to wastewater, WSL confirmed the existing network has the capacity to accommodate the discharge from the development. The applicant is exploring several connection options to determine the best practicable option for connection.

The application has engaged with Te Tupu Ngātahi Supporting Growth in relation to the future road widening/upgrading of Brigham Creek Road. The frontage of the development with Brigham Creek Road has been designed to accommodate the intended future works by Supporting Growth by setting the building platforms back from the road and placing a building line restriction over the frontage lots.

Auckland Transport has been consulted with in relation to the future road widening/upgrading of Brigham Creek Road, and has been advised of the applicant's intention to undertake other works within the road reserve consisting of the construction of a new signalised intersection with Brigham Creek Road, interim upgrading of Brigham Creek Road and Kauri Road, and construction of new bus stops on Kauri Road.

The applicant has engaged with Auckland Council's Parks Department in relation to the future ownership of the proposed Open Space recreation reserve and associated café, but is yet to receive a response.

Some engagement has occurred with Auckland Council's Healthy Waters team in respect of the existing box culvert under Brigham Creek Road, and constraints that this imposes on stream flow. Healthy Waters advised that Supporting Growth is proposing to replace the culvert at an undetermined future time, and that the applicant's flood modelling should assess whether interim flood attenuation is required within the immediate upstream catchment.

### **Other persons/parties**

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

It is considered that there are no other persons or parties that would be significantly affected by the proposal.

The site adjoins Brigham Creek Road and Kauri Road to the west, south and east.

Land to the north-west is part of the NZDF Whenuapai airbase, although the immediately adjoining land is used for the RNZAF Auckland Golf Club.

The site at 20-26 Kauri Road to the north-east was also identified for urban development under Plan Change 5. The applicant understands Fletcher Residential Limited is currently planning to purchase and develop the site.

Detail all consultation undertaken with the above persons or parties:

Refer above.

## Part V: Iwi authorities and Treaty settlements

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

### Iwi authorities and Treaty settlement entities

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

Iwi authority	Consultation undertaken
	<p>The applicant has commenced engagement with all Mana Whenua groups that hold an interest in the area in which the site is located. No response has been received to date.</p> <p>The applicant has recently lodged the Whenuapai Business Park Stage 2 fast-track consent application with the EPA for the land that is located opposite the subject site. Through this process the applicant is aware that Te Kawerau ā Maki holds Mana Whenua for the area and may indicate an interest in what is proposed. The applicant is committed to continuing to engage with Mana Whenua and will seek to obtain a Cultural Impact Assessment ('CIA'). The applicant is committed to working collaboratively with Te Kawerau ā Maki (and other Mana Whenua groups that indicate an interest) throughout the development phases of the project.</p>

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

Treaty settlement entity	Consultation undertaken
The applicant is not aware of any Treaty settlement entities with an interest in the area in which the project will occur.	

### Treaty settlements

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

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

There are no Treaty Settlement Statutory Acknowledgment areas identified over this site or immediately surrounding land (refer map in **Figure 8** below). A Statutory Acknowledgment area for a number of iwi groups is in place over the upper Waitemata Harbour that surrounds Whenuapai, but does not directly apply to the land.

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

### Customary marine title areas

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



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

The proposed activity will not occur in a customary marine title area.

### Protected customary rights areas

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

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

The proposed activity will not occur in a protected customary rights area.

## Part VII: Adverse effects

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

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

The assessment below considers the extent of the range of potential adverse effects, together with the methods that are proposed to avoid, remedy or mitigate any such effects and concludes that the proposal will not give rise to any significant adverse effects subject to appropriate conditions and mitigation.

**Stream and Wetland ecology:** The applicant has engaged Biosearches Limited to undertake a stream classification survey of the site, to determine the status of watercourses within the land as either permanent, intermittent, or ephemeral, and to identify if any natural wetlands are present. The results of the classification survey and a preliminary ecological report are **attached**, and the streams/ wetlands are depicted in **Figure 9** below. The AUP provides a level of protection for all permanent and intermittent streams, and for wetlands. In this instance, that protection will extend to the intermittent stream, freshwater wetland and coastal wetland identified in **Figure 9**. The applicant has designed the layout of the site to accommodate the length of the stream and wetland without significant disturbance, other than potential enhancement through weed removal, and planting. The stream and wetland will be contained within areas of drainage reserve or road reserve, and will not be subject to reclamation or earthworks. Direct effects of the proposed development will include the subdivision of the site, discharge of water within 100 m of natural and coastal wetlands, vegetation clearance, and the reclamation of the artificial pond. The botanical value of the site was considered to be of low ecological value and does not provide any significant value as habitat to indigenous fauna. The loss of vegetation within the site is expected to have a very-low level of effects on ecological values. The freshwater value of the site was considered to be of low ecological value, providing little habitat to indigenous fauna and lacked complexity and biodiversity. The reclamation of the pond is proposed, which represents the potential for the harm or mortality of indigenous fish. To mitigate the potential loss of aquatic life, a Native Fish Rescue and Relocation Plan will be undertaken in the days prior to pond works occurring. No works are proposed within the natural wetland or intermittent stream. The proposed development will result in the loss of upstream catchment and an increase in impervious surfaces within the wetland's contributing catchment. The hydrology of the wetland has been considered when designing the development. Hydrological mitigation is proposed through the reticulation and discharge of stormwater into the wetland to achieve net hydrological neutrality, to ensure that there is no drainage or partial drainage of the natural wetland. All other identified aquatic habitats and ecosystems within the site are proposed to be retained. No building infringements or removal of vegetation within the

10 m setback of the wetland, or 10 m riparian yard of the intermittent stream is proposed. Indirect adverse effects, for example, erosion, scouring, sedimentation and stormwater contaminants, are proposed to be mitigated through appropriate controls and following best practice guidelines to ensure adverse effects on aquatic life are no more than minor. Additionally, the project proposes to discharge water within 100 m of a natural coastal wetland. The outfall does not extend into the mangrove forest, and the removal of wetland vegetation will not be required. As the wetland is coastal, and therefore primarily hydrologically supported by the tidal regime, the discharge of stormwater will have a negligible magnitude of effects on the hydrological regime of the coastal wetland. The construction of the stormwater outfall and rip-rap apron will require minor land disturbance and vegetation removal/alteration adjacent to the Waiarohia Stream. This disturbance will be minimal in extent and only what is necessary to construct the stormwater infrastructure. Any works within the adjacent SEA-T area would be no more than a few square metres. Any vegetation disturbance can be remediated with replanting. It is intended construction of the culvert will comply with the relevant freshwater standards. Stormwater flows will be attenuated through the implementation of erosion control through rip rap and a scruffy dome. Therefore, potential erosion and scour at the outfall will be minimised, and reduce the level of fine sediments entering the coastal wetland. The discharge will not represent a change in the hydrological regime of the coastal wetland and will not adversely affect the extent and function of the coastal wetland or result in the partial or complete drainage of the wetland. The proposed development has the opportunity to significantly increase the ecological value of the natural wetland through appropriate native riparian planting and restoration planting within the wetland body. The stormwater quality treatment that is proposed, together with enhancement planting in the riparian corridors, will ensure that the ecological values of the stream and wetlands are not diminished and are likely enhanced.

**Traffic/transport:** The applicant has engaged TEAM to undertake a preliminary assessment of the potential transport implications of the proposed residential and light industrial development. The assessment includes consideration of the roading network, traffic generation, parking, and pedestrian/cyclist amenity. A copy of the TEAM Preliminary Transport Assessment is **attached**. The proposal seeks to integrate with the surrounding neighbourhood, with one road connection providing access to and from Brigham Creek Road. A new transportation network is provided within the site, including two additional road connections providing future access to adjoining future urban land. These road connections are consistent with the indicative roading network identified in PC5/Variation 1. Pedestrian and cycling connections are also proposed throughout and to the existing network. Allowance has been made for the future internal networks to integrate with existing roads surrounding the site. The sections of Brigham Creek Road and Kauri Road adjacent to the site are to be upgraded on the subject site's side of the road centreline to a current roading standard consisting of wider traffic lanes, kerbing and off-street separated footpath and cycleway. In addition, bus stops on both sides of Kauri Road are proposed to enable future residents and workers to conveniently access the existing bus service on Kauri Road. The traffic lanes on Brigham Creek Road and Kauri Road adjacent to the site and on the internal roads will be wide enough to accommodate their intended mix of traffic and volume. A signalised intersection on Brigham Creek Road will be established as part of a separate application by NCL on the southern side of Brigham Creek Road to the site (Whenuapai Business Park) and this provides the main access for the proposed development. Future roading extensions to the north to eventually connect to Kauri Road are allowed for when these neighbouring properties are developed. Additionally, the proposed transport network for the proposal has been developed to align with the Te Tupu Ngatāhi Supporting Growth's Northwest Indicative Strategic Transport Network plan (April 2022). The TEAM report notes that new bus stops on Kauri Road adjacent to the development have been designed for convenient access to an existing bus route serving Whenuapai. TEAM has also undertaken a high-level traffic generation and network capacity assessment to determine whether the proposal would create adverse traffic effects beyond the site. The assessment finds that the number of additional vehicle movements that would be generated will be insignificant in the context of the wider network and unlikely to contribute in any appreciable way to congestion. Overall, TEAM concludes that the site is well-positioned for the proposed residential activities from a transport perspective as: The proposed road cross sections and network will provide for ready and convenient accessibility of the site by all transport modes: walking, cycling, bus and private vehicle, the proposal consisting of 9,270m<sup>2</sup> GFA of light industrial activities and 273 medium density residential dwellings is consistent with, and will give effect to, national, regional and district transport policies, the proposed transport network to support the development aligns with the Te Tupu Ngatāhi Supporting Growth's Northwest Indicative Transport Network goals, the extent of development can be accommodated by the surrounding road network while maintaining acceptable levels of safety and performance, given new traffic signals to be established as part of a separate development (Whenuapai

Business Park), and upgrades to Brigham Creek Road and Kauri Road as part of the proposed Teal Park development and the effects of the development at the SH18 and SH16 interchanges with Brigham Creek Road are acceptable. Accordingly, it is concluded that there is no traffic engineering or transportation planning reason to preclude acceptance of this proposal, since the full extent of development enabled by the proposed light industry and residential development will be appropriately supported by a new road network and upgrades to existing roading to maintain appropriate levels of safety and efficiency on the surrounding road network.

**Urban design and neighbourhood character:** While the land is currently rural in character, it is identified within the Future Urban Zone so is planned for urban development of the nature that is proposed. The proposed development of the site is broadly consistent with the use that is anticipated within the Whenuapai Structure Plan. In addition, the Future Urban Land Supply Strategy (FULSS), adopted by the Council in July 2017, identified Whenuapai Stage 1 (which includes the site) as 'development ready' in 2018–2022. Stage 1 in the FULSS is the same area as the PC5 area. The site is also located within the recently withdrawn PC5 area. PC5 followed an extensive planning process that evaluated the most appropriate urban outcomes for the Whenuapai area. There is no significant debate about the future of Whenuapai, but rather the issue is simply about timing as PC5 has been delayed due to perceived infrastructure constraints. The proposed land use, layout and form of the development is entirely consistent with Variation 1 to PC5 and there are no infrastructure constraints identified with this site. Specialist urban design input has shaped the master plan that has been established for the site. The resultant site layout and development pattern incorporates a number of desirable urban design outcomes, including: A connected movement network with minimal cul-de-sac use, and a legible street layout; Retention and enhancement of natural site features, with particular reference to the stream that traverses the land and the area of natural wetland; Planted riparian margins along stream and wetland features; Use of back lanes to ensure active frontages to public streets and limited number of vehicle crossings; Provision of appropriate areas of public open space, including a recreation reserve with onsite amenity features including a café, playground, and car parking. Each area of open space has extensive frontage to public streets and active surveillance from adjacent dwellings; A mix of residential typologies, providing for a range of homes of varying sizes and formats including terraced, duplex and standalone; Careful consideration of street orientation to provide good access to sunlight for each proposed lot; Provision of pedestrian and cycling access internally and to the surrounding roading network; Provision of an appropriate buffer between industrial and residential land uses through the collector road and associated planting; A mix of industrial lot sizes; Pylon signage will be of an appropriate and reasonable size to support the industrial land use without being overly large or dominant; Connection to the new signalised intersection on Brigham Creek Road (which contributes to necessary upgrading of key transport infrastructure within the surrounding area). For these reasons, the proposal is considered to have no adverse effects in terms of urban design and neighbourhood character.

**Stormwater disposal:** Given the Future Urban zoning of the site, private stormwater discharge consent is required. The stormwater management strategy follows the approach outlined within the Auckland Council Network Discharge Consent to ensure that it is consistent with the desired Council outcomes. A detailed specific stormwater management plan is provided. The proposed public stormwater pipelines shall accommodate the 10% AEP storm event for the Maximum Probable Development (MPD) Scenario. The maximum impervious area is not limited in the light industrial zone while 60% is recommended in the residential zone. It is proposed to treat and attenuate stormwater runoff on the site so that the flow of stormwater runoff post-development will be consistent with the existing pre-development flows. Stormwater discharging from the industrial area with a small portion of the residential area of the subject site will be discharged to the existing wetland. Outlet structures are proposed to minimise the flow effects to the wetland. The flow from the remaining portion will be discharged to Waiarohia Stream through a proposed outlet structure in the existing esplanade reserve adjacent to the eastern boundary of 11 Kauri Road. Scruffy dome manhole inlets are proposed at the outlet of the minor stream and at the ponding area adjacent to Kauri Road, to collect the increased 100yr flow through the proposed reticulation before discharging to the Waiarohia Stream. This will minimise the flooding effects on Brigham Creek Road and Kauri Road carriageways. Energy dissipation at the outlet structures is proposed to minimise scouring. Bioretention (battered raingardens) are proposed for the roads with detention tanks for the commonly owned access lots, to provide the required detention for the difference between the pre-development and post-development runoff volumes from the 95th percentile over 24 hours rainfall. Retention and detention volumes shall be provided in stormwater tanks for individual lots. Raingardens are proposed to provide the required stormwater treatment. For the accessways in the residential area where the impervious area is over 1000m<sup>2</sup> or with carparks over 30, stormfilters or similar devices will be provided to treat the runoff. Stormfilters with gross

pollutant traps or similar devices shall be provided for the industrial lots. Overall, the proposed stormwater proposals will meet the required water quality treatment standards of Auckland Council's GD01 technical document. In addition, the resultant post-development outflows from the site to the downstream catchment will be consistent with the pre-development flows and consequently the proposal will have no significant adverse effects on the water quality and hydrological flows within the stream network. The existing intermittent stream and wetland will be retained within the proposed drainage reserves or roads to vest. The riparian areas will also be replanted. These works will further contribute to the long-term water quality of the streams and their riparian habitat. The proposal provides for recharge of the wetland, to maintain existing hydrology. In summary, the proposal to discharge stormwater to the existing wetland on site and the outlet structure within the esplanade reserve (adjacent to the eastern boundary of 11 Kauri Road) would have no appreciable adverse effects on the water quality and the physical integrity of the wetlands and riparian margins.

**Earthworks:** The construction of bulk earthworks is progressing under LUC60332020. Further earthworks are proposed across the entire development site in order to create the building platforms, roads, driveways, and provide for the installation of infrastructure. The majority of the earthworks across the site will occur during a single earthworks season, associated with the early stages of the proposed development. Undertaking the earthworks in a single season will minimise the time during which earth and soil will be exposed to the elements. The earthworks will form the roads and residential blocks, and will stabilise the site by easing contour. The site will be progressively covered and grassed upon completion of bulk earthworks, thereby minimising the potential for sediment loss from the site into the stormwater network including the open streams. The proposed earthworks will be appropriate and consistent with the scale of the proposed development and subdivision. With appropriate site management and monitoring, the proposed earthworks will be undertaken in a way that ensures that any potential adverse effects from the physical earthworks will be less than minor. The proposed earthworks will enable the urban development of the site, as anticipated by the AUP Future Urban zoning. Overall, any long-term adverse effects of the proposed earthworks on the landscape character of the site would not be significant.

**Infrastructure servicing:** The proposed residential and light industrial subdivision will provide all the required infrastructure to serve the development, including roading, water supply, wastewater and stormwater, and other private utility services. The proposed roads have been designed to connect seamlessly with the existing surrounding road network and accommodate a suitable carriageway, footpaths, berms, parking, and space for street trees. The proposed stormwater network will be designed to maintain post development discharge flow in line with the pre-development flow. As a consequence, any effects on the downstream network would be minimal. New wastewater reticulation is proposed to service this development and provide a connection for the future development of the neighbouring property to the north of the subject site. Consultation with Watercare Services Limited has confirmed that the existing Brigham Creek Road pump station should have adequate capacity to accommodate the discharge from the proposed development at the time of construction. Various proposed options for connection to the pump station are being investigated. Four options are presented within the Engineering memo. A detailed investigation/hydro-survey to locate the existing services within Brigham Creek Road is currently being undertaken. The best practicable option will be determined when the results of this investigation are at hand. The options demonstrate that the proposed development can be serviced with wastewater reticulation. The applicant has consulted with WSL regarding water supply. The public watermain will be upgraded and extended. The Engineering memo confirms that connections are available to the public water supply reticulation system, and that it has sufficient capacity to serve development on the site. Power and telecommunication services exist around the site and are available for use.

Please refer to the attached FTCA application PDF for the archaeological, soil contamination, geotechnical, construction noise and nuisance, Maori cultural values and flooding assessments.

## Part VIII: National policy statements and national environmental standards

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

**National Policy Statement for Freshwater Management 2020 (NPSFWM2020) and Resource Management (National Environmental Standards for Freshwater) Regulations 2020 (NESFW2020)**

Bioresearches has undertaken a high-level ecological assessment of the site and identified the presence of an induced wetland on the site which is classified as a 'natural wetland' (as defined in the NPSFWM2020). Natural coastal wetlands have also been identified at the proposed stormwater discharge point to the coast.

No other natural hydrological features are present on the site.

The proposed urban development has been designed to retain the existing wetland on the site and avoid any works within the wetland. No vegetation clearance or land disturbance is proposed within 10m of the wetland. The development will alter the upstream catchment of the wetland and proposes stormwater discharge to the wetland. However, hydrology mitigation will be provided for the stormwater discharge to achieve net hydrological neutrality for the wetland ensuring no drainage or partial drainage of the wetland occurs. Any indirect adverse effects such as erosion, scouring, sedimentation and stormwater contaminants, are proposed to be mitigated through appropriate controls and following best practice guidelines to ensure adverse effects on aquatic life are no more than minor. The stormwater outfall to the coast does not extend into the coastal mangrove forest and avoids removal of any wetland vegetation. The discharge of stormwater into the wetland will have a negligible magnitude of effects in relation to the coastal/tidal nature of the wetland, and stormwater flows will be attenuated through the implementation of erosion control.

The above approaches are consistent with the 'effects management hierarchy' from the NPSFWM2020, which is copied below:

***Effects management hierarchy***, in relation to natural inland wetlands and rivers, means an approach to managing the adverse effects of an activity on the extent or values of a wetland or river (including cumulative effects and loss of potential value) that requires that:

- (a) adverse effects are avoided where practicable; and
- (b) where adverse effects cannot be avoided, they are minimised where practicable; and
- (c) where adverse effects cannot be minimised, they are remedied where practicable; and
- (d) where more than minor residual adverse effects cannot be avoided, minimised, or remedied, aquatic offsetting is provided where possible; and
- (e) if aquatic offsetting of more than minor residual adverse effects is not possible, aquatic compensation is provided; and
- (f) if aquatic compensation is not appropriate, the activity itself is avoided

In this instance, adverse effects on the natural induced wetland on the site are avoided in accordance with (a) above, as the wetland is to remain in place and works to disturb the wetland are avoided. Any indirect adverse effects related to the stormwater discharge will be minimised through following best practice guidelines in relation to the discharge.

The stormwater discharge to the coastal wetland avoids vegetation disturbance within the wetland and the extent of hydrological effects from the discharge into the wetland will be insignificant. Any indirect adverse effects related to the stormwater discharge will be minimised through following best practice guidelines in relation to the discharge. It is therefore considered that the proposed development is consistent with the policy direction of the NPSFWM2020.

**New Zealand Coastal Policy Statement 2010 (NZCPS)**

The relevant provisions of the NZCPS must be given regard to for any resource consent application related to the coastal environment. The general intent of the NZCPS is to safeguard, preserve, maintain and enhance the New Zealand coastline.

In relation to stormwater discharge, Policy 23 Discharge of Contaminants states that:

*"(4) In managing discharges of stormwater take steps to avoid adverse effects of stormwater discharge to water in the coastal environment, on a catchment by catchment basis, by:*

- (a) avoiding where practicable and otherwise remedying cross contamination of sewage and stormwater systems;*
- (b) reducing contaminant and sediment loadings in stormwater at source, through contaminant treatment and by controls on land use activities;*
- (c) promoting integrated management of catchments and stormwater networks; and*
- (d) promoting design options that reduce flows to stormwater reticulation systems at source."*

The development provides separated stormwater and wastewater networks to ensure there is no potential for cross-contamination of sewage into the stormwater systems. Rain gardens are proposed to treat the majority of

stormwater runoff from the proposed roads while stormfilters or similar devices will be provided to treat the runoff. Stormfilters with gross pollutant traps or similar devices will be provided for the industrial lots. To reduce the flows, retention and detention volumes shall be provided in stormwater tanks for individual lots and detention for the proposed COALs.

These approaches are considered consistent with Policy 23 of the NZCPS, and therefore the stormwater discharge is considered consistent with the wider purpose of the NZCPS.

#### **National Policy Statement on Urban Development 2020 (NPSUD)**

The NPSUD applies to planning decisions by any local authority that affect an urban environment. The NPSUD represents a significant change to national planning policy and affects all district plans for growth areas and all decisions made by planning authorities in those areas. Section 75(3)(a) of the RMA states that district plans must give effect to a national policy statement, and s104(1)(b)(iii) states that a consent authority must have regard to any relevant provisions of a national policy statement when considering an application for resource consent.

Objective 2 of NPSUD seeks that planning decisions improve housing affordability by supporting competitive land and development markets. Objective 6 seeks that planning decisions on urban development are (amongst other things) responsive, particularly in relation to proposals that would supply significant development capacity.

The objectives are given effect to by the more directive NPSUD policies. In particular, Policy 1 directs that planning decisions contribute to well-functioning urban environments that enable a variety of sites that are suitable for different business sectors and homes that meet the needs, in terms of type, price, and location, of different households. The proposal provides for a range of industrial sites. The residential component will contribute to a well-functioning urban environment by providing a variety of housing typologies, at different price points including relatively affordable dwellings. The housing will be well-designed and energy efficient, and the location will be accessible to a range of employment, services, and amenities. The provision of a significant number of new homes will assist the competitive operation of land and development markets.

Policy 6 seeks that decision makers should have particular regard to any relevant contribution that will be made to meeting the requirements of the NPSUD to provide or realise development capacity. That policy also makes it clear that significant changes to planned urban built form are likely to arise in order to give effect to the NPSUD (such as by providing increased and varied housing densities and types) and that such changes may detract from amenity values but are not of themselves an adverse effect.

Although the applicant's development proposal is worthy of consent on its merits under the existing AUP policy framework, it is nonetheless clear that the NPSUD requires a 'step change' in planning for urban areas that are experiencing rapid growth. The Auckland region is experiencing significant pressure in terms of suitable business land provision and housing demand. The proposal will make a valuable contribution to the provision of desirable industrial sites and assist the Auckland housing market by providing another 273 houses in a variety of formats and sizes, including smaller terraces that are able to address affordability issues.

This is an outcome that is consistent with the NPSUD and can occur without giving rise to any appreciable adverse effects.

## **Part IX: Purpose of the Act**

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

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

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

It is considered that the project will give effect to the purpose of the COVID-19 Recovery (Fast-track Consenting) Act 2020 and provide significant public benefits in respect of employment, economic development, and provision of business land and housing.

With regard to employment, the land subdivision works will assist in maintaining full time employment for urban designers, civil engineering designers, surveyors, project managers, administrators and sales staff. This will involve around 25 people within The Neil Group as the project will provide for a continual workstream throughput for the business. In addition, external consultants will be employed in disciplines relating to planning, environmental, ecological, and geotechnical assessment, monitoring and reporting. The applicant's legal representatives will handle all legal property matters and, like the other consultants, that will lead to continued full time workstreams for those practices.

The civil contract work will be undertaken by specialist contractors for earthworks, civil engineering and landscaping together with those parties providing specialist services to the subdivision including communications and power supply. At its peak, it is estimated that full time work will be generated for approximately 62 people in the building of the subdivision, for each year of a three-year period.

The building development works will also generate further full-time employment for project management staff along with sub-contracted design and construction personnel. Estimated direct FTE numbers will peak at more than 70 in a year and indirect FTE numbers are expected to peak at 342, contributing to over 400 FTE jobs being created in the peak year of the development. During the design and construction of the dwellings and industrial buildings it is expected that around 150 contracting and supply companies would also be involved in delivering the completed project.

Providing approximately 9,000 m<sup>2</sup> of commercial space and café, the project is expected to create approximately 110 FTE jobs in Whenuapai. This local provision of employment and business will significantly reduce commute distances for companies currently located elsewhere. There is an ongoing shortage of business premises in the Northwest of Auckland, which this project will go some way to alleviating.

The proposal will also supply up to 273 houses to the market, in a number of different typologies. The range of housing typologies proposed will also provide more affordable homes at a time when house prices are rapidly escalating and moving beyond the reach of many Auckland residents. Terrace house formats in particular provide an affordable option due to the smaller lot sizes and the resultant lower land component in the overall housing cost. Provision of more houses in this location will assist to support local businesses in the Whenuapai village, Westgate and Hobsonville commercial centres.

The additional industrial land will address a strong and growing body of market evidence that conclusively reveals a distinct lack of available supply. That deficit in supply has caused industrial land prices in this part of Auckland to increase by 36% over the last 12 months. The industrial land will create local employment opportunities.

The proposed development contributes to a well-functioning urban environment, as it provides for additional employment uses in an area of significant projected population growth. It also provides increased residential density near established centres and transport facilities and a high-quality urban design response to the site. The provision of jobs in close proximity to where people live will reduce the need for long distance commuting, with resultant economic, environmental, and social benefits.

Although vehicle movements associated with the project will generate greenhouse gas emissions, these would arise wherever the residential land uses were to occur. However, the proposed location of the site is such that greenhouse gas emissions are likely to be less than would arise in many alternative locations due to the close proximity of the land to the transport network (SH16/SH18 motorways, and the public transport options of bus that is available) and the potential to live and work in the same neighbourhood.

Significantly, the project would progress considerably faster by using the processes provided by the Act than would otherwise be the case. The timeframe would also be more certain. Auckland Council issued a Structure Plan for Whenuapai in September 2016. Its Future Urban Land Supply Strategy 2017 identified this land to be "development ready" in the period from 2018-2022 and initiated a Plan Change in 2017 to that effect. Auckland Council withdrew Proposed Plan Change 5 (Whenuapai) in June 2022 citing a lack of infrastructure funding, a matter the applicant is directly addressing. The applicant has already completed 75% of the bulk earthworks required for this project under an existing land use consent. The processes enabled by the COVID-19 Recovery (Fast-track Consenting) Act 2020 would facilitate the additional civil works for forming the subdivision commencing on the site late-2023, and provide greater certainty around the timing. The alternative option for progressing the urban development of the land is a private plan change, which would likely take at least two years to progress and have an outcome that is uncertain. There will be no adverse consequences of the land being released and developed. Services are in place and structure planning has been completed. The timing of the development is consistent with that anticipated by the Council as set

out in the FULSS. The applicant will be obliged to pay development contributions to fund the costs of growth and will be required to upgrade the Brigham Creek Road and Kauri Road frontages from a rural road standard to an urban standard.

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

See above.

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

See above.

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

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

Employment/job creation:

See above.

Housing supply:

See above.

Contributing to well-functioning urban environments:

See above.

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

See above.

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

See above.

Minimising waste:

See above.

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

See above.

Promoting the protection of historic heritage:

See above.

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

See above.

Other public benefit:

See above.

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

There is no potential for the project to have significant adverse environmental effects.



## Part X: Climate change and natural hazards

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

Climate change does not raise any particular concerns or threats to the project or the site, beyond those that apply to all land. The site is subject to natural hazards, in the form of overland flow paths and a few small parts of the land that fall within the 1% AEP flood plain. These natural hazards are generally to be contained within areas set aside as open space or road. Where that is not the case, the hazards can be appropriately managed by engineering solutions such as ground recontouring and drainage works.

## Part XI: Track record

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

Local authority	Compliance/Enforcement Action and Outcome
Auckland Council	The Neil Group and its associated entities have been involved in land development in the Auckland region for over 60 years. In the last five years, Neil Group has had only one compliance or enforcement action initiated against it by a local authority under the Resource Management Act 1991. This involved an abatement notice. The minor issue, which related to problems with the installation of erosion and sediment controls, was immediately dealt with to the satisfaction of Auckland Council.

## Part XII: Declaration

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

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

Philip Brown

29/11/2022

**Signature of person or entity making the request**

**Date**

## Important notes:

- Please note that this application form, including your name and contact details and all supporting documents, submitted to the Minister for the Environment and/or Minister of Conservation and the Ministry for the Environment, will be publicly released. Please clearly highlight any content on this application form and in supporting documents that is commercially or otherwise sensitive in nature, and to which you specifically object to the release.
- Please ensure all sections, where relevant, of the application form are completed as failure to provide the required details may result in your application being declined.
- Further information may be requested at any time before a decision is made on the application.
- Please note that if the Minister for the Environment and/or Minister of Conservation accepts your application for referral to an expert consenting panel, you will then need to lodge a consent application and/or notice of requirement for a designation (or to alter a designation) in the approved form with

the Environmental Protection Authority. The application will need to contain the information set out in Schedule 6, clauses 9-13 of the Act.

- Information presented to the Minister for the Environment and/or Minister of Conservation and shared with other Ministers, local authorities and the Environmental Protection Authority under the Act (including officials at government departments and agencies) is subject to disclosure under the Official Information Act 1982 (OIA) or the Local Government Official Information and Meetings Act 1987 (LGOIMA). Certain information may be withheld in accordance with the grounds for withholding information under the OIA and LGOIMA although the grounds for withholding must always be balanced against considerations of public interest that may justify release. Although the Ministry for the Environment does not give any guarantees as to whether information can be withheld under the OIA, it may be helpful to discuss OIA issues with the Ministry for the Environment in advance if information provided with an application is commercially sensitive or release would, for instance, disclose a trade secret or other confidential information. Further information on the OIA and LGOIMA is available at [www.ombudsman.parliament.nz](http://www.ombudsman.parliament.nz).

## Checklist

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

Yes	Correspondence from the registered legal land owner(s)
Yes	Correspondence from persons or parties you consider are likely to be affected by the project
No	Written agreement from the relevant landowner where the project includes an activity that will occur on land returned under a Treaty settlement.
No	Written agreement from the holder of the relevant customary marine title order where the project includes an activity that will occur in a customary marine title area.
No	Written agreement from the holder of the relevant protected customary marine rights recognition order where the project includes an activity that will occur in a protected customary rights area.