



Tuesday, 17 January 2023

Ministry for the Environment
Fast-Track Consenting Team
Private Bag 10362
Wellington 6143

Attention: Madeleine Berry
Acting Manager

by Email

Dear Madeleine,

REQUEST FOR FURTHER INFORMATION RESPONSE – TEAL PARK PROJECT – STAGE 1

I refer to your letter detailing a request for further information received 12th December 2022.

This letter serves as a response to those requests, and is supported by accompanying documents, which should be read in conjunction with this letter:

Name	Author
Economic Technical Memo	Insight Economics

Our responses in reply to the comments are as follows:

1. Project Details/Scope

a) Part I of the application form states the applicant is Neil Construction Limited (NCL), however, in Part II, you have stated the applicants are Neil Construction Limited and Maraetai Land Development Limited (MLDL). Confirm the correct applicant/s for the referral application.

Neil Construction Limited (NCL) and Maraetai Land Development Limited (MLDL) are in joint partnership for this application, and therefore both are applicants for the project.

Due to limitations with the online lodgement form, only Neil Construction Limited was listed in Part 1.

b) Lot 2 DP 63550 (NA19B/777) is listed as one of the relevant properties for the project but is not included on the scheme plan. We note that the site is part of the Proposed Overall Stormwater Layout Plan where the outfall of the development will be located. Confirm if there is any proposed development on Lot 2 DP 63550 and/or if there is a plan to remove the house on this property.

The property at 11 Kauri Road (Lot 2 DP 63550 (NA19B/777)) is owned by NCL. The only works proposed on the site are to install the stormwater outfall to the esplanade reserve.

NCL intends to retain the house and sell the property once the public services are installed and the project completed.

Notwithstanding any of the above comments, removal of the existing house can occur as a **permitted** activity under the Auckland Unitary Plan and does not require resource consent.

c) Part III of the application form states the site is to be developed to accommodate 273 dwellings, a public cafe, open space, a playground area, parking areas, a drainage and recreation reserve and nine industrial lots. Please respond to the following:

i. will the applicant/s construct the dwellings and industrial buildings, or will these be on-sold as vacant lots and the buildings delivered by third parties?

The applicant will construct the industrial units.

The consented residential sites will be sold by NCL to its developer database on “builders’ terms”. NCL specialise in preparing and obtaining resource consent and development approvals for large-scale developments before passing the developments on to third parties to deliver the project on these “builders’ terms”.

This method of practice enables faster delivery of housing than otherwise would be the case. These ‘terms’ require NCL to effectively be ‘banker’ for the builders for a period of up to 12 months after issue of title. This sale and vendor financing structure has long been used by the NCL in conjunction with its extensive database of smaller builders, and has proven on many occasions to be an efficient and successful way to deliver completed housing on large-scale residential developments.

ii. will the applicant/s construct the public cafe and other amenities on the recreation reserve, or will these be delivered by third parties?

If the recreation reserve is vested with Auckland Council as a reserve, then the applicant will not develop the reserve to instead allow Auckland Council to design and deliver the recreational facilities on the reserve.

If it is not vested with Council as reserve, the applicant will construct the café and landscape the open space as detailed in the submitted plans. The open space area will be subject to a land covenant to protect its status as open space and managed by a residents' society in perpetuity.

2. Overlays

The list of relevant overlays in the application states that they only apply to 2- 10 Kauri Road. However, we note in the Auckland Unitary Plan the overlays also apply to other properties including 11 Kauri Road, 12-18 Kauri Road and 150-152 Bringham Creek Road. Please review and confirm the relevant overlays for the site and identify if there are any relevant additional rules and rule infringements associated with these overlays, including the applicable activity status

The following table details the overlays, controls and designations that apply to the 'site' (2-10 Kauri Road, 11 Kauri Road, 12-18 Kauri Road & 150-152 Bringham Creek Road) and also the area of the esplanade reserve (Waiarohia Esplanade - Main Pty) where the proposed stormwater outfall to the coastal Waiarohia stream network is to be constructed.

Other overlays, controls and designations applicable to the esplanade reserve but not within the area of proposed works have not been identified as they are therefore not relevant to the proposed works.

In summary, there are no relevant rules or rule infringements (i.e., reasons for consent) associated with these overlays, controls and designations that have not already been identified in the submitted FTCA application.

Table 1: AUP overlays, controls and designations that apply to the site.

Relevant Overlay, Control or Designation	Applicable Lots	Project Implications and Consenting Requirements
Natural Resources: High-Use Aquifer Management Areas Overlay - Kumeu Waitemata Aquifer	2-10 Kauri Road 11 Kauri Road 12-18 Kauri Road 150-152 Brigham Creek Road Waiarohia Esplanade - Main Pty	The project does not propose to take or use water from the aquifer. As such there are no relevant rules or rule infringements associated with the overlay that is applicable to the project and there are no reasons for consent required under the overlay.
Controls: Macroinvertebrate Community Index – Exotic	2-10 Kauri Road 12-18 Kauri Road 150-152 Brigham Creek Road <i>(Applies to Waiarohia Esplanade - Main Pty but not in identified area of works)</i>	The Macroinvertebrate Community Index - Exotic control under the Auckland Unitary Plan is not related to resource consenting matters. As such there are no relevant rules or rule infringements associated with the control that is applicable to the project and there are no reasons for consent required under the control.
Controls: Macroinvertebrate Community Index – Rural	2-10 Kauri Road 11 Kauri Road 12-18 Kauri Road 150-152 Brigham Creek Road <i>(Applies to Waiarohia Esplanade - Main Pty but not in identified area of works)</i>	The Macroinvertebrate Community Index - Rural control under the Auckland Unitary Plan is not related to resource consenting matters. As such there are no relevant rules or rule infringements associated with the control that is applicable to the project and there are no reasons for consent required under the control.
Designations: Airspace Restriction Designations - ID 4311, Defence purposes - protection of approach and departure paths (Whenuapai Air Base), Minister of Defence.	2-10 Kauri Road 11 Kauri Road 12-18 Kauri Road 150-152 Brigham Creek Road Waiarohia Esplanade - Main Pty	Written approval is not required from the New Zealand Defence Force under Designation 4311 as the site is not located within the area where land use and subdivision are subject to NZDF approval. Nothing in the proposed development will penetrate the obstacle limitation surfaces identified under the Airspace Restriction Designation - protection of approach and departure paths (Whenuapai Air Base). As such, the project complies with the restrictions of the designation.

Natural Resources: Significant Ecological Areas Overlay - SEA_T_4733, Terrestrial	Waiarohia Esplanade - Main Pty	<p>The project proposes to construct a new stormwater outfall within the esplanade reserve besides the Waiarohia stream network.</p> <p>It is expected some minimal vegetation and tree alteration and/or removal as well as some minimal land disturbance for construction of this infrastructure will occur within the edge of the SEA-T overlay.</p> <p>These activities require resource consent as Restricted Discretionary activities under section E26. Infrastructure of the Auckland Unitary Plan. These reasons for consent and their activity status have already been identified in the submitted FTCA Application.</p>
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3. National Policy Statement for Freshwater Management 2020

You have provided a summary assessment against the National Policy Statement for Freshwater Management 2020 (NPS-FM), however given the project involves works in proximity to a natural wetland and stream, provide further assessment against the objectives and policies of the NPS-FM.

The NPS-FM contains one objective and 15 policies. The objective is set out below:

- (1) The objective of this National Policy Statement is to ensure that natural and physical resources are managed in a way that prioritises:*
- a. first, the health and well-being of water bodies and freshwater ecosystems*
 - b. second, the health needs of people (such as drinking water)*
 - c. third, the ability of people and communities to provide for their social, economic, and cultural well-being, now and in the future.*

The most notable aspect of the objective is that it sets out a clear priority order for what is sought to be achieved, with the health and wellbeing of water bodies and freshwater ecosystems sitting above other matters that might otherwise compete.

As confirmed in the Ecological Impact Assessment prepared for the project, the proposed development has avoided the reclamation of natural aquatic features and drainage or partial drainage of the identified natural wetlands.

The design of the development has mitigated potential adverse stormwater effects on the natural wetland and the coastal natural wetland. The hydrology of the natural wetland has been considered when designing the development to achieve net hydrological neutrality. The discharge to the coastal natural wetland will not represent a change in the hydrological regime of the wetland.

Further, a restoration planting plan for the riparian margins of the natural wetland will be prepared and included as part of the Teal Park - Stage 2 application to enhance the health and well-being of the wetland. A remedial planting plan for the works area in the esplanade reserve will also be prepared and included as part of the Teal Park - Stage 2 application to mitigate any adverse effects from the construction of the outfall and maintain the health and well-being of the wider freshwater ecosystem.

On this basis, it is considered that the proposal will not result in an overall reduction in the health and wellbeing of water bodies and freshwater ecosystems (clause (a)).

The proposal manages the freshwater resources of the site in a way that does not have any direct effect on the health needs of people (clause (b)), but does assist in enabling people and communities to provide for their social, economic, and cultural well-being through the provision of additional housing and economic activity that will create jobs.

For these reasons, it is considered that the project is consistent with the objective of the NPS-FM. It is also considered that the proposal is consistent with the relevant policies of the NPS-FM, as noted below:

- The applicant will prepare plans as part of the Teal Park - Stage 2 FTCA application for the restoration planting of the riparian margins around the natural wetland and remedial planting around the area of works near the coastal wetland to ensure that the overall health and well-being of the freshwater resource is maintained or enhanced. This accords with, and gives effect to, the concept of Te Mana o te Wai (Policy 1);
- The applicants are actively engaging with mana whenua with regard to the project, including inviting provision of cultural values assessments and recommendations, to ensure that Māori freshwater values are effectively identified and provided for through the project (Policy 2);
- The restoration planting will enhance the riparian margins of the natural wetland and the vesting of the wetland will ensure its permanent protection, to provide for integrated management of the freshwater resource across the site and catchment.
The design and location of the stormwater outfall in relation to the coastal natural wetland ensures 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 (Policy 3);
- Overland flows and 1% AEP flood plains on site will be managed to protect against the risks associated with flooding, and have been modelled to make additional allowance for the future effects of climate change. Substantial planting, to be detailed under the Teal Park - Stage 2 application, around the natural wetland will be of benefit in offsetting carbon release arising from development activity (Policy 4);
- The current natural wetland on the site is degraded and considered to be of low biodiversity. The proposal seeks to preserve and substantially enhance the natural wetland on the site. The health and well-being of the coastal natural wetland will be maintained by the development (Policy 5);
- The proposal will not result in the loss (or reduction in extent) of any natural wetlands. The natural wetland is to be retained, improved by the restoration planting, and permanently protected by being located within a Local Purpose Reserve (Drainage) to be vested (Policy 6);
- The site does not contain any existing water bodies that could be categorised as outstanding (Policy 8);
- The natural wetland, post-development and after the restoration planting, is expected to provide a better habitat for indigenous freshwater species than the existing state of the wetland (Policy 9);
- Overall, the project enables communities to provide for their social, economic, and cultural wellbeing (through the establishment of residential and industrial land capacity) and in a way that is consistent with the NPS-FM (Policy 15).

It is therefore considered that the proposed development is consistent with the objectives and policies of the NPS-FM2020.

4. Economic Assessment

Advise whether an economic assessment has been prepared by a suitably qualified person in support of the referral application and provide a copy if this is available. If this has not been undertaken, confirm that Insight Economics Limited (or a suitably qualified expert in the field of economics) has reviewed the supporting document containing details of project employment to confirm that the methodology, including spending multipliers, and estimated direct and indirect full-time equivalent job numbers are appropriate.

Insight Economics Limited has reviewed the economic impacts of the proposed development and prepared a technical memo (attached) that includes:

- A brief description of the methodology used to calculate one-off economic impacts;
- A summary of the assumed costs of land development and building construction;
- The estimated impacts of the development on GDP, jobs, and wages;
- The project's support for Covid-affected workers; and
- Commentary on the likely extent of project acceleration via the Fast Track pathway.

Please refer to the attached memo provided by Insight Economics that responds to the above.

5. Infrastructure

With respect to three-waters infrastructure, please advise:

a. Proposed wastewater discharge Option 4 relies on the construction of the new Whenuapai Business Park Pumping Station. Does the project include the construction of this new pumping station, or is it reliant on yet to be consented or delivered infrastructure under the Whenuapai Business Park Project?

Based on expected timeframes for both the Whenuapai Business Park Project and Teal Park Project, the project intends to rely on the pumping station being constructed and delivered under the Whenuapai Business Park Project.

If the pumping station is not delivered by the Whenuapai Business Park Project, the applicant wishes to include the delivery of the pumping station within the scope of this consent.

b. Will the applicant/s fully fund and deliver all off-site infrastructure detailed in the infrastructure report?

Yes, the applicants intend to fully fund and deliver all off-site infrastructure detailed in the infrastructure report.

c. Are additional approvals required from third parties (Auckland Council, Auckland Transport, Watercare Services Limited, etc) to undertake off-site infrastructure works, and will such approvals potentially impact on timing or delivery of the project?

Additional approvals will be required from third parties to deliver the project but acquiring these approvals will be provided for within the project delivery schedule and will not impact the timing/delivery of the project.

The additional approvals will include such items as Corridor Access Requests for works within the road reserve, Land Owner Approval for works within the esplanade reserve, etc. These are standard requirements that apply in the case of any significant development projects, and such approvals generally intended only to ensure that works are undertaken to the appropriate standard and/or appropriately managed in public areas.

6. Time Saved

The application is not specific with respect to how much time is anticipated to be saved using the FTCA process rather than standard processes under the Resource Management Act 1991 (i.e., in years/months). Please clarify.

The FTCA process will save significant time during the project preparation and pre-development stages. As per the anticipated timeline below, the FTCA process is expected to bring forward the project development and the associated significant economic benefits by more than 2 years.

Table 1: Anticipated Development Timeframes under FTCA Process vs Standard RMA Processes.

FTCA Process		Standard RMA Processes	
1 Year	Project is at this stage	Approx. six months to prepare an FTCA application	
	Approx. six months for Fast-Track Consenting Process.		
2 Years	Subdivision works can begin after a minimum 6 months. Building construction can begin once subdivision works are completed.		Approx. 2 years to prepare and lodge a Private Plan Change.
3 Years		Approx. 1.5 years to prepare and lodge multiple resource consent applications. This may take up to 2 years if consents are notified. Site preparatory works may begin during this time.	Approx. 1 additional year if the PPC is appealed.
4 Years	Subdivision works can begin after a minimum 3.5 years. Building construction can begin once subdivision works are completed.		Approx. 1.5 years to prepare and lodge multiple resource consent applications. This may take up to 2 years if consents are notified. Site preparatory works may begin during this time.
5 Years	Subdivision works can begin after a minimum 4.5 years. Building construction can begin once subdivision works are completed.		

7. Other Approval

The application identifies that Overseas Investment Office approval is potentially required by Neil Construction Limited to deliver this project if entering the joint venture is deemed to create an interest by NCL in the MLDL land. Advise whether you anticipate this could potentially delay or otherwise impact on project delivery.

It is not expected that this will delay or otherwise impact the project delivery.

An OIO Certificate dated 27 June 2022 for the MLDL owned Kauri Road property identifies it as 'Residential Land that is not otherwise sensitive', and NCL have a standing consent from the OIO that allows for an interest to be acquired in non-sensitive development land.

If entering the joint venture with MLDL is deemed by the OIO to create an 'interest' by NCL in the MLDL land then NCL can immediately exercise their standing consent.

8. Auckland Unitary Plan

For the Minister to accept a project for referral, he must be satisfied that the project will help to achieve the purpose of the FTCA under section 4, being 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. As the project proposes urban development within a Future Urban zone (that is yet to be live-zoned), provide a more detailed assessment against the objectives and policies of the Auckland Unitary Plan.

For context, the proposed urban development of the Teal Park site is considered to be in alignment with the Auckland Plan, the Future Urban Land Supply Strategy (FULSS), Auckland Council's Plan Change 5: Whenuapai Plan Change (notwithstanding its withdrawal) and the Auckland Unitary Plan (AUP).

The Auckland Plan and the FULSS identify and specifically address the importance of staged release of greenfield areas to support well-planned and efficient urban growth and expansion of Auckland. The FULSS was developed to achieve the Auckland Plan and Development Strategy.

Teal Park is within the Rural Urban Boundary (RUB) identified by the Development Strategy of the Auckland Plan. The Development Strategy specifically recognises that up to 40% of Auckland's urban growth will need to be provided via greenfield areas. The RUB identifies the boundary between urban and rural land, and anticipates that land within the boundary will undergo future urban development. Therefore, the urban development of the site is both anticipated and provided for by the Auckland Plan.

Currently the delivery of the urban development of the site has fallen behind the timeframes identified by the FULSS. The FULSS planned for the 'live zoning' of Whenuapai Stage 1 (in which

the Teal Park site is located) to residential zoning to occur between 2018-2022. The delivery of the site for urban development is therefore up to 5 years behind schedule. This FTCA application is therefore achieving the purpose and direction of the FULSS.

Proposed timing – Development ready (Large future urban areas)	Area^
Actuals, contracted or planned 2012 - 2017	Live Zoned Areas and Special Housing Areas
	Warkworth North Wainui East Whenuapai Scott Point Red Hills Kumeu Huapai Puhinui Hingaia Takanini (Walters Rd) Bellfield Rd (Opaheke) Drury South Bremner Rd (Drury West) Wesley (Paerata) Belmont (Pukekohe)
Decade One 1st half 2018 – 2022	Warkworth North* Silverdale - Dairy Flat (business) Whenuapai Stage 1 Drury West Stage 1* Paerata (remainder)

Figure 2: Excerpt from the FULSS 2017 identifying timeframe for urban zoning of the Teal Park site.

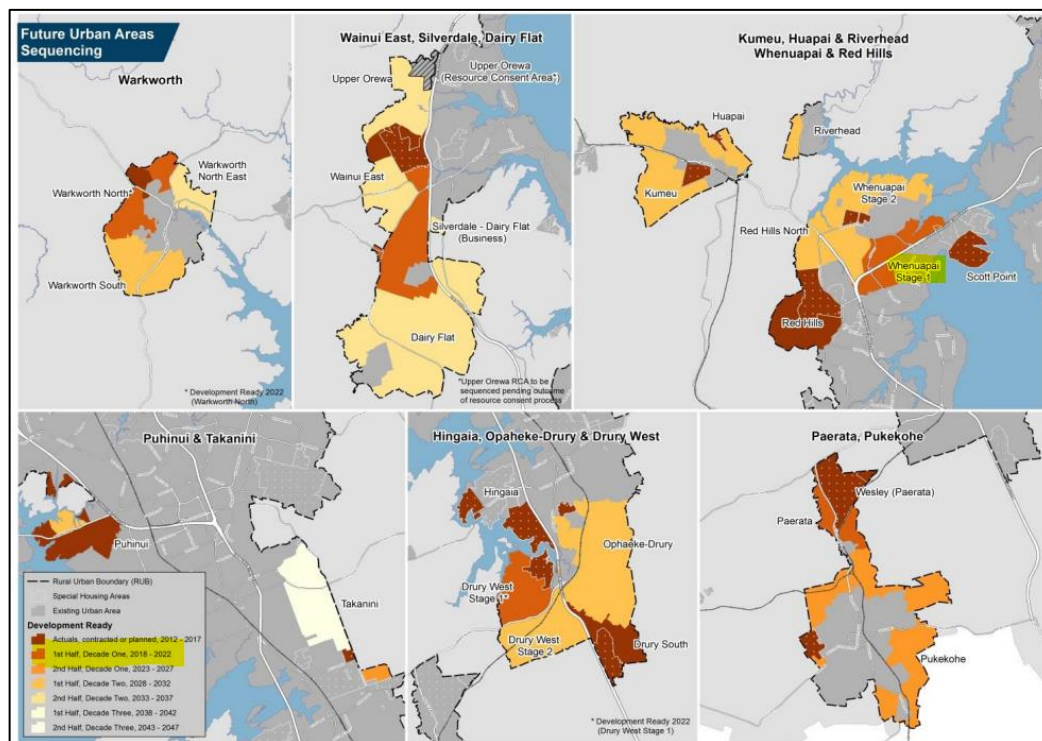


Figure 3: Map excerpt from the FULSS 2017 showing location of Teal Park site within the Whenuapai Stage 1 area.

Proposed Plan Change 5, notified in 2017, sought to achieve the FULSS by rezoning approximately 360 hectares of mostly Future Urban zoned land to a mix of business and residential zones including the Whenuapai Stage 1 area and the Teal Park site. PC5 was withdrawn by Auckland Council on 16 June 2022 due to infrastructure funding reasons which the Teal Park application addresses.

The purpose of the Stage 1 fast-track consent application process is to assess whether the project meets the eligibility criteria in sections 18(2) and 18(3) of the COVID-19 Recovery (Fast-track Consenting) Act 2020 (FTCA). Should the Minister be satisfied that the application meets the eligibility criteria, it may be referred to a Panel by an amendment to the COVID-19 Recovery (Fast-track Consenting) Referred Projects Order 2020, subject to Cabinet's agreement. This allows the applicant to lodge a resource consent application with the Environment Protection Authority (EPA) for consideration by an Expert Consenting Panel (Stage 2).

Before granting RMA approvals as part of the Stage 2 process, it is the Expert Consenting Panel's role to conduct a merits-based assessment of the project's actual and potential effects and test these against the requirements of both Part 2 of the RMA and the purpose of the FTCA.

Whilst an assessment of the objectives and policies of the Auckland Unitary Plan (Operative in Part) (AUP) at Stage 1 of the process is not generally required, the applicant understands that this request has arisen given the recent Flint's Park, Ladies Mile – Te Pūtahi Project (Flint's Park Project) decision, dated 30 November 2022. We note that this decision has subsequently been appealed to the High Court.

The applicant has reviewed and is familiar with the Flint's Park decision. We note there are a number of key differences between the Flint's Park project and the Teal Park project that distinguish the two proposals, and we highlight these below:

In summary, the Flint's Park Expert Consenting Panel determined that:

- (a) The Flint's Park project is contrary to a set of important and directionally worded objectives and policies in the Proposed District Plan (PDP). Those provisions inter alia seek to:*
 - (i) Avoid the urbanisation of rural land outside the Urban Growth Boundary (UGB), such as the Application site, until the PDP is changed to amend the UGB and re-zone additional land for urban development purposes; and*
 - (ii) Protect the landscape values of ONFs, such as Slope Hill.*
- (b) The Project will have adverse effects on the environment that are more than minor. Specifically, the Panel has determined that the Project will have adverse landscape and*

visual effects and adverse traffic and transport effects that are more than minor, including when taking into account potential mitigation.

(c) Consequently, neither limb of the gateway test in s 104D of the RMA is passed and the Panel cannot grant resource consent for the Project.

It is important to note that each application must be assessed on its merits. Whilst the Teal Park project proposes residential and industrial development on Future Urban Zoned Land (that is yet to be live zoned), we note the following key differences:

- The proposed Teal Park project will be undertaken well within the Rural Urban Boundary (the Flint's Park Project was proposed on rurally zoned land outside of the Urban Growth Boundary).
- No development will be undertaken within an Outstanding Natural Feature.
- The application does not rely on new or upgraded infrastructure of wider transport networks by a third party, the applicant is funding all transport upgrades required as part of this project. The traffic and transport effects of the project will be less than minor.
- The landscape and visual effects of the project will be less than minor.
- The proposed development of the site is broadly consistent with the use that is anticipated in the Whenuapai Structure Plan 2016, and is consistent with the intended development outcome for land that is within the Future Urban Zone. 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.

In terms of s104D, it is not necessary to resolve the question as to whether the proposal is contrary to the objectives and policies of the operative district plan. Only one of the two limbs of s104D must be passed for an application to be eligible to be considered on its merits in accordance with the matters set out in s104. In this instance it is considered that the effects of the proposal on the environment are clearly no more than minor, therefore jurisdiction to grant consent is established. Notwithstanding this we have undertaken an assessment (below) of the relevant objectives and policies of the AUP and consider that the project is consistent with these.

As discussed with Zen Gerente (Senior Analyst, Fast Track Consenting Team) the assessment has focussed on Urban Growth and Form, Future Urban Zone and Subdivision objectives and policies. We are confident that the Teal Park project will achieve the purpose of the FTCA and Part 2 of the RMA. We note that both laws shall be applied equally in the consideration of the application at Stage 2.

Auckland Unitary Plan (Operative in Part) 2016

The Auckland Unitary Plan (Operative in Part) 2016 (AUP) comprises Auckland’s Regional Policy Statement (RPS), and regional and district plans.

The RPS sets out the overall strategic statutory framework to achieve integrated management of the natural and physical resources of the Auckland Region. The RPS broadly gives effect to the strategic direction set out in the Auckland Plan.

Regional Policy Statement

In terms of the Regional Policy Statement, Part 1, Chapter B of the Plan sets out the strategic RMA framework for the identified issues of significance and resultant priorities and outcomes sought. These also align with the strategic direction contained within the Auckland Plan.

The primary approach of Section B2 (Urban Growth and Form) is a focus on residential and business growth in centres, within neighbourhoods, and along frequent transport routes. With regard to Chapter B2 Tāhuhu whakaruruhau ā-taone - Urban growth and form, in the RPS, it is considered the proposed development addresses the following issues outlined in Chapter B2.1:

Growth needs to be provided for in a way that does all of the following:

- (1) enhances the quality of life for individuals and communities;*
- (2) supports integrated planning of land use, infrastructure and development;*
- (3) optimises the efficient use of the existing urban area;*
- (4) encourages the efficient use of existing social facilities and provides for new social facilities;*
- (5) enables provision and use of infrastructure in a way that is efficient, effective and timely;*
- (6) maintains and enhances the quality of the environment, both natural and built;*

....

With regard to the Objectives set out in B2.2.1, the proposal would contribute to a quality compact urban form that enables a high-quality urban environment, economic growth, and better use of existing infrastructure and efficient provision of new infrastructure. It would provide additional development capacity and land supply, and the growth is contained within the Rural Urban Boundary. The proposed development is integrated with the provision of appropriate infrastructure.

It is considered that Policy B2.2.2(1) and Policy B2.2.2(7) are of particular relevance to this application:

B2.2.2. Policies

Development capacity and supply of land for urban development

- (1) *Include sufficient land within the Rural Urban Boundary that is appropriately zoned to accommodate at any one time a minimum of seven years' projected growth in terms of residential, commercial and industrial demand and corresponding requirements for social facilities, after allowing for any constraints on subdivision, use and development of land.*

....

- (7) *Enable rezoning of land within the Rural Urban Boundary or other land zoned future urban to accommodate urban growth in ways that do all of the following:*
- (a) *support a quality compact urban form;*
 - (b) *provide for a range of housing types and employment choices for the area;*
 - (c) *integrate with the provision of infrastructure; and*
 - (d) *follow the structure plan guidelines as set out in Appendix 1.*

In addition, there are a number of objectives and policies that relate to residential growth that are of particular relevance:

B2.4.1. Objectives

- (1) *Residential intensification supports a quality compact urban form.*
- (2) *Residential areas are attractive, healthy and safe with quality development that is in keeping with the planned built character of the area.*
- (3) *Land within and adjacent to centres and corridors or in close proximity to public transport and social facilities (including open space) or employment opportunities is the primary focus for residential intensification.*
- (4) *An increase in housing capacity and the range of housing choice which meets the varied needs and lifestyles of Auckland's diverse and growing population.*

....

B2.4.2. Policies

Residential intensification

- (1) *Provide a range of residential zones that enable different housing types and intensity that are appropriate to the residential character of the area.*
- (2) *Enable higher residential intensities in areas closest to centres, the public transport network, large social facilities, education facilities, tertiary education facilities, healthcare facilities and existing or proposed open space.*

- (3) Provide for medium residential intensities in area that are within moderate walking distance to centres, public transport, social facilities and open space.*

....

- (6) Ensure development is adequately serviced by existing infrastructure or is provided with infrastructure prior to or at the same time as residential intensification.*

- (7) Manage adverse reverse sensitivity effects from urban intensification on land with existing incompatible activities.*

....

- (11) Enable a sufficient supply and diverse range of dwelling types and sizes that meet the housing needs of people and communities, including:*

- (a) households on low to moderate incomes; and*
- (b) people with special housing requirements.*

The proposal enables the provision of additional housing capacity in a location where land for this function is in high demand. While the land is currently identified as being within the FUZ rather than a 'live' residential zone, it has been identified for that purpose through the Council's planning work and the proposed land use is broadly consistent with the Whenuapai Structure Plan.

The proposal provides for development that has been determined to be appropriate following a structure planning exercise undertaken in accordance with AUP Appendix 1. The residential growth is needed in this location to assist in meeting significant demand, particularly given that the withdrawal of PC5 means that Council is unable to deliver the housing capacity that was identified and relied upon in the FULSS. The proposal will promote economic development and provide for efficient use of the land. It is also considered that the Teal Park site is located in relatively close proximity to a significant sub-regional centre at Westgate and is well-served by, and has efficient access to, the Auckland motorway network via SH18. In addition, public transport services directly pass the site, and the development proposed can be effectively served by (and integrated with) existing and proposed infrastructure.

The proposed housing provides new/additional housing type and intensity that is appropriate to the character of the area and density anticipated within the Whenuapai Structure Plan.

It is also noted that the site does not impact in any significant way on matters pertaining to B4 Natural Heritage, B5 Historic Heritage, B6 Mana Whenua, B7 Natural Resources, B9 Rural Environment, or B10 Environmental Risk.

For these reasons, it is considered that the proposal fully accords with the approach set out in the relevant Regional Policy Statement objectives and policies. It will provide for growth in a quality compact urban form and will satisfy the relevant objectives and policies in Chapter B. The proposal delivers on the need to provide for housing growth within Auckland in an appropriate location, with ready access to a range of transport options and community services. At the same time, the proposal will avoid effects on those features and qualities that require protection.

In addition, there are a number of objectives and policies that relate to commercial and industrial growth that are of particular relevance:

B2.5.1. Objectives

- (1) Employment and commercial and industrial opportunities meet current and future demands.*
- (2) Commercial growth and activities are primarily focussed within a hierarchy of centres and identified growth corridors that supports a compact urban form.*
- (3) Industrial growth and activities are enabled in a manner that does all of the following:*
 - (a) promotes economic development;*
 - (b) promotes the efficient use of buildings, land and infrastructure in industrial zones;*
 - (c) manages conflicts between incompatible activities;*
 - (d) recognises the particular locational requirements of some industries;*
and
 - (e) enables the development and use of Mana Whenua's resources for their economic well-being.*
-*
- (7) Enable the supply of land for industrial activities, in particular for land-extensive industrial activities and for heavy industry in areas where the character, scale and intensity of the effects from those activities can be appropriately managed.*
- (8) Enable the supply of industrial land which is relatively flat, has efficient access to freight routes, rail or freight hubs, ports and airports, and can be efficiently served by infrastructure.*

The proposal enables the provision of additional industrial capacity in a location where land for this function is scarce. While the land is currently identified as being within the FUZ rather than the Light Industry Zone, it has been identified for that purpose through the Council's planning work. 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

The industrial growth is needed in this location to assist in meeting significant demand, particularly for land-extensive industrial activities. As such, the proposal will promote economic development and provide for efficient use of the land. It is also considered that the site has efficient access to freight routes (the Auckland motorway network via SH18) and can be effectively served by existing and proposed infrastructure.

It is also noted that the site does not impact in any significant way on matters pertaining to B4 Natural Heritage, B5 Historic Heritage, B6 Mana Whenua, B7 Natural Resources, B8 Coastal Environment, B9 Rural Environment, or B10 Environmental Risk.

For these reasons, it is considered that the proposal fully accords with the approach set out in the relevant objectives and policies. It will provide for growth in a quality compact urban form and will satisfy the relevant objectives and policies in Chapter B. The proposal delivers on the need to provide for business growth within Auckland in an appropriate location, with ready access to a range of transport options. At the same time, the proposal will avoid effects on those features and qualities that require protection.

Regional and District Objectives and Policies

There are a number of objectives and policies from the AUP that are particularly relevant to this application. The following comments are made in respect to the relevant and pertinent objectives and policies of the AUP.

Future Urban Zone (Chapter H18)

The AUP states that *“the Future Urban Zone is applied to greenfield land that has been identified as suitable for urbanisation. The Future Urban Zone is a transitional zone. Land may be used for a range of general rural activities but cannot be used for urban activities until the site is rezoned for urban purposes.”*

It is clear from this zone description that the FUZ exists only to facilitate the transition from rural land use to urban land use for an area that has been accepted as being suitable for urbanisation. The FUZ is focused on ensuring that the transition is orderly and efficient, by preventing fragmentation or intensification of land prior to urban use and by enabling rural uses in the interim.

The objectives and policies are as follows:

H18.2. Objectives

- (1) Land is used and developed to achieve the objectives of the Rural – Rural Production Zone until it has been rezoned for urban purposes.*
- (2) Rural activities and services are provided for to support the rural community until the land is rezoned for urban purposes.*
- (3) Future urban development is not compromised by premature subdivision, use or development.*
- (4) Urbanisation on sites zoned Future Urban Zone is avoided until the sites have been rezoned for urban purposes.*

H18.3. Policies

- (1) Provide 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).*
- (2) Enable activities that are reliant on the quality of the soil or require a rural location to operate or which provide for the day to day needs of the local rural community.*
- (3) Require subdivision, use and development to maintain and complement rural character and amenity.*
- (4) Avoid subdivision that will result in the fragmentation of land and compromise future urban development.*
- (5) Prevent the establishment of more than one dwelling on a site except for the provision for minor dwellings and workers' accommodation.*
- (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; or*
 - (g) undermine the form or nature of future urban development.*

The objectives of the FUZ provide for interim rural land uses, prior to urbanisation, and seeks to avoid subdivision that may compromise future urban development. The wording in three of the four objectives reflects the transitional nature of the zone by stating that any development restrictions apply only until such time as the land has been “*rezoned for urban purposes*”. While the application does not seek to “*rezone*” the land, it is in sequence and consistent with what is intended for the land (as set out in the Whenuapai Structure Plan and the Council’s Future Urban Land Supply Strategy 2017). It is considered that the FTCA provides an alternative pathway to a substantially similar outcome and therefore will be consistent with the objectives and policies. The application effectively provides for the result that the FUZ is intended to achieve, but utilises a process that did not exist when the objectives were drafted so could not be referenced in the specific wording used in the objectives.

The policies are similar in their approach. Policies 1-3, and 5, are not relevant to the proposal as they are intended to apply to ongoing rural activities. Policy 4 seeks to avoid subdivision that will compromise future urban development. In this instance, it is considered that the proposal is consistent with Policy 4 because it provides for and enables the final form of urban development and is not an interim step that might be misaligned with the optimum future urban land use. The land use that is enabled and the pattern of subdivision are broadly consistent with the Whenuapai Structure Plan outcomes for the Teal Park land. In addition, 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.

With regard to Policy 6, it is considered that the proposal will not hinder or prevent future urban development, compromise the operation of the transport network, require upgrades to infrastructure or inhibit infrastructure provision (all upgrades are either funded and underway or will be paid for by the applicant), create reverse sensitivity effects, or undermine the form or nature of future urban development. The reference to reverse sensitivity effects is clearly in the context of avoiding rural activities that might compromise urban development (such as a poultry farm) or other rural uses in the interim. For these reasons, it is considered that the requirements of Policy 6 are satisfied by the proposal.

On the basis of the above discussion, it is considered that the proposal is consistent with the objectives and policies of the FUZ.

Subdivision (Chapter E39)

A fundamental aspect of the proposal is subdivision of the land to create residential and industrial/commercial lots around the proposed housing, industrial/commercial units, roads and reserves to vest. The provisions of Chapter E39 apply to subdivision in the FUZ. Key objectives and policies are as follows:

E39.2 Objectives

- (1) Land is subdivided to achieve the objectives of the zones, the relevant overlays and Auckland-wide provisions.*
- (2) Land is subdivided in a manner that provides for the long-term needs of the community and minimises adverse effects of future development on the environment.*
- (3) Land is vested to provide for esplanades, reserves, roads, stormwater, infrastructure and other purposes.*
- (4) Infrastructure supporting subdivision and development is planned and provided for in an integrated and comprehensive manner and provided for to be in place at the time of the subdivision or development.*

E39.3 Policies

- (1) Provide for subdivision which supports the policies of the zones.*
- (2) Require subdivision to manage the risk of adverse effects resulting from natural hazards in accordance with the objectives and policies in E36 Natural hazards and flooding, and to provide safe and stable building platforms and vehicle access.*
-*
- (5) Provide for subdivision around existing development and subdivision where it enables creation of sites for uses that are in accordance with an approved land use resource consent, where there is compliance with Auckland-wide and zone rules and appropriate provision is made for areas of common use.*
-*
- (29) Require all sites capable of containing a building, in areas where service connections are available to a public reticulated network, to be able to connect to the following networks:*
 - (a) wastewater;*
 - (b) stormwater; and*
 - (c) potable water.*
-*

The objectives and policies are primarily concerned with protection of rural character and amenity, given that they relate to land in rural areas. In this context, the proposal is not a comfortable fit because it is proposing urban subdivision of land identified for that purpose in

strategic planning documents. However, there are some principles that can be derived from the objectives and policies that are more general and are relevant therefore to the proposed subdivision.

The proposal would facilitate a subdivision that is consistent with the objectives of the FUZ, as it seeks to enable urban use and development of the land, provides for the long-term needs of the community, and minimises adverse effects from development that will occur on the lots. It also provides for the vesting of roads, reserves, and other new infrastructure that will be established as part of the subdivision. Safe and stable building platforms and vehicle access will be provided to all lots. Each residential and industrial/commercial lot will be provided with reticulated public services including wastewater, stormwater, and potable water.

Overall, it is considered that the application will be consistent with the relevant objectives and policies because it enables subdivision that supports the outcome anticipated in the FUZ, being the development of land for urban purposes of a nature and pattern that is consistent with an approved structure plan, with services in place.

Conclusion

Based on the above, it is considered that the proposal will be consistent with (and give effect to) the objectives and policies of the FUZ and the Auckland-wide policy framework.

9. Other Matters

We have noted that three of the supporting documents - 3D renders of boundaries, revised designation plan, and site sections, are marked as 'confidential'. Please clarify the need for these documents to be marked and treated as confidential for the purpose of this referral application, noting that all documents that form part of the application are subject to disclosure under the Official Information Act 1982 as detailed on the application form.

The applicants are happy for the documents to be included in the application (and in future public disclosure of the application).

10. Works within the Coastal Marine Area (CMA)

Referral decisions must be made jointly by the Minister for the Environment and the Minister of Conservation, if any part of the project would occur in the coastal marine area (CMA) under Section 16 of the COVID-19 Recovery (Fast-track Consenting) Act 2020.

You have confirmed that both Teal Park and Totara Landing will discharge stormwater to the CMA. Please add in your RFI response a statement that the application relates to the CMA in part to serve as an amendment to your original application.

No consent is being sought for any activity within the CMA. The proposed stormwater discharge and stormwater outlet structure east of 11 Kauri Road will be located adjacent to the Waiarohia Stream network outside the Coastal Marine Area as identified by the Auckland Unitary Plan. Consent is sought for the discharge of the water as the discharge point to the Waiarohia Stream is located within 100m of the mangrove coastal wetlands to the north.

As such, no works or discharge are proposed within the coastal marine area. The application only relates to the CMA insofar as the Waiarohia Stream network (and therefore the discharged stormwater) flows into the CMA north of the proposed point of discharge.

Please see the below engineering drawing excerpt from Drawing 44314-DR-C-5002 – Proposed Enlarged Stormwater Layout Plan Sheet 2 of the submitted Civil Plans prepared by Cato Bolam showing the location of the discharge point (outlined in red). The Auckland Unitary Plan zoning and coastal boundary has been overlaid over the drawing showing that the stormwater outlet structure and discharge point will be located outside the CMA (identified by dark blue dashed line).

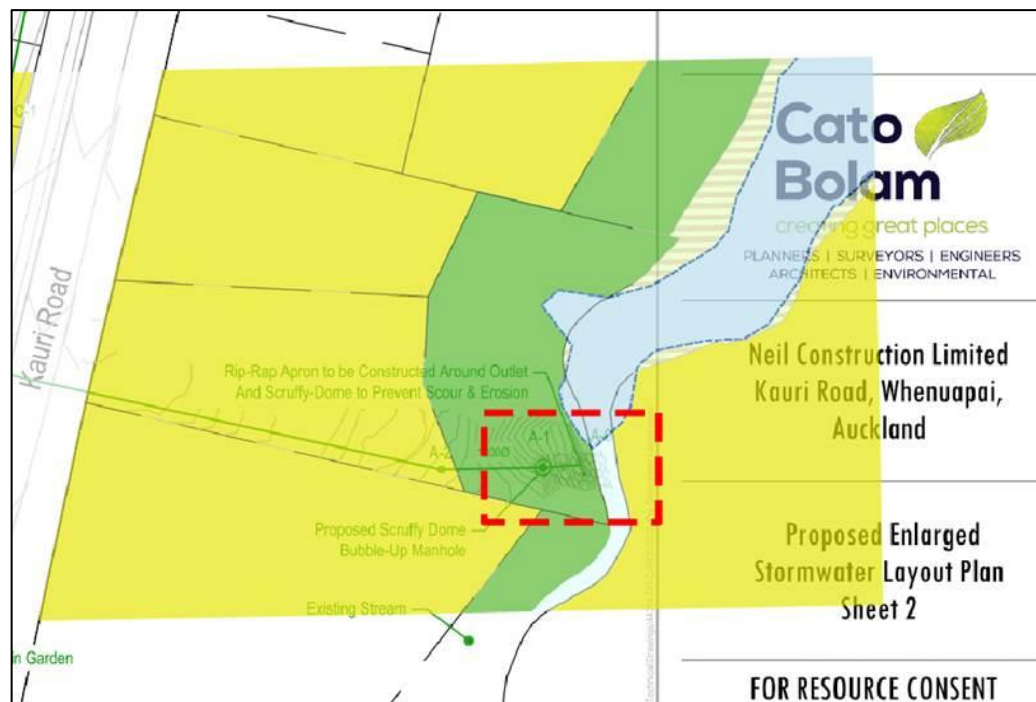


Figure 4: Excerpt from lodged engineering plans.

Conclusion

I trust that this information is sufficient to address the above issues. We are happy to discuss further if necessary.

Yours sincerely,



Philip Brown

Director / BTP/ MNZPI

Campbell Brown Planning Limited