

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

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

Local authority providing comment	Auckland Council
Contact person (if follow-up is required)	Hailey Kim s 9(2)(a)
	Ian Smallburn s 9(2)(a)
	Click or tap here to enter text.

Comment form

Please use the table below to comment on the application.

Project name	Teal Park Stage 1
General comment – potential benefits	Will add additional housing supply and choice as well as industrial activities, which will generate employment opportunities, in the Auckland region. A local park is also added to the community.
General comment – significant issues	<p>It is considered that the proposal could potentially contribute to and exacerbate misalignment between the timing of transport infrastructure and the urbanisation of greenfield areas. This compromises the ability to sequence and deliver future urban development in a sustainable, coordinated, and cost-efficient way. Further details on this are contained in Auckland Transport's comments below.</p> <p>The application is inconsistent with the Auckland Unitary Plan and with the land use pattern identified in the Whenuapai Structure Plan 2016 (see the Plans and Places team's comments below).</p> <p>There is a risk that the vested assets Council may inherit are not consistent with the Council's standards or the community needs (see the Parks team's and the local board's comments).</p> <p>There are also potential reverse sensitivity issues due to the location of the proposed industrial lots adjacent to future identified residential land in accordance with the Whenuapai Structure Plan 2016.</p>
Is Fast-track appropriate?	<p>There are issues associated with the roading infrastructure needed to service this development which have not been resolved and would be ahead of the integrated provision of appropriate infrastructure (see comments from Auckland Transport).</p> <p>In addition, further investigation is required for the Council to review the appropriateness of the proposed park and works within the proposed and existing esplanade reserves from an asset owner's point of view.</p> <p>The Independent Māori Statutory Board (IMSB) noted that the AUP and the Whenuapai Structure Plan 2016 have been developed with intensive input from mana whenua of Tāmaki Makaurau. The application is not consistent with the abovementioned plans and therefore to ensure that appropriate engagements can be secured, the IMSB considers that the application should be processed through the existing RMA process.</p>

	<p>It is therefore Auckland Council's view is that the application should appropriately proceed through the existing RMA consenting processes. We consider the greenfield areas, where the subject site sits in, should have comprehensive and coordinated planning carried out before they are urbanised.</p>
Environmental compliance history	<p>Several abatement notices have been issued to Neil Construction Limited in relation to insufficient sediment controls and sediment discharges from construction sites.</p> <p>There are no significant outstanding compliance concerns for the parties above that we are aware of.</p>
Reports and assessments normally required	<ul style="list-style-type: none"> • An AEE • Acoustic assessment • Lighting impact assessment • Integrated transport assessment • Ecological impact assessment • Geotechnical assessment • Groundwater effects assessment • A contaminated land detailed site investigation Report/Site Validation Report • Water and wastewater capacity assessment • Stormwater infrastructure report including a stormwater management plan and flood assessment • Urban design assessment • Visual impact assessment • Construction and erosion and sediment effects assessment • Archaeological assessment • Economic assessment • Esplanade reserve assessment • Crime prevention through environmental design (CPTED) assessment • Cultural values assessment • Coastal erosion hazard assessment
Iwi and iwi authorities	<p>Ngāti Manuhiri Ngāti Manuhiri Settlement Trust</p> <p>Ngāti Maru Ngāti Maru Rūnanga Trust</p> <p>Ngāti Pāoa Ngāti Paoa Iwi Trust</p> <p>Ngāti Pāoa Ngāti Paoa Trust Board</p> <p>Ngāti Te Ata Te Ara Rangatū o Te Iwi o Ngāti Te Ata Waiohū</p> <p>Ngāti Whātua o Kaipara Ngā Maunga Whakahihi o Kaipara Development Trust</p>

	<p>Ngāti Whātua Ōrākei Ngāti Whātua Ōrākei Trust</p> <p>Te Ākitai Waiohūa Te Ākitai Waiohūa Iwi Authority</p> <p>Te Kawerau ā Maki Te Kawerau Iwi Settlement Trust</p> <p>Te Rūnanga o Ngāti Whātua Te Rūnanga o Ngāti Whātua</p>
Relationship agreements under the RMA	N/A
Insert responses to other specific requests in the Minister's letter (if applicable)	<ol style="list-style-type: none"> 1. This is answered above. Detailed reasons are available below. 2. This is answered above. 3. This is answered above. 4. The proposed works are likely to require a Landowner Approval(s) and Engineering Plan Approval(s). There are no set timeframes for an Engineering Plan Approval and a Landowner Approval, and the approval timeframe will differ based on complexity. We are unable to confirm the likely timeframe or whether any delays are anticipated in this process at this stage. 5. This is answered below in the Parks planner's response.
Other considerations	<p>The Resource Management (National Environmental Standards for Freshwater) Regulations 2020 has been amended on 05/01/2023 so we suggest the MfE ask the applicant to undertake a peer review of the consents triggered under the NES F Regulations.</p> <p>The proposed outfall is not adjacent to the CMA but is within the area described under part (b) of the definition of CEHA; We consider an assessment in this regard would be required.</p> <p>Coastal erosion hazard area</p> <p>Any land which is:</p> <ol style="list-style-type: none"> (a) within a horizontal distance of 20m landward from the top of any coastal cliff with a slope angle steeper than 1 in 3 (18 degrees); or (b) at an elevation less than 7m above mean high water springs if the activity is within: <ol style="list-style-type: none"> (i) Inner Harbours and Inner Hauraki Gulf: 40m of mean high water springs; or (ii) Open west, outer and Mid Hauraki Gulf: 50m of mean high water springs; or (c) within a lesser distance from the top of any coastal cliff, or mean high water springs, than that stated in (a) and (b), where identified in a site-specific coastal hazard assessment technical report prepared by a suitably qualified and experienced professional to establish the extent of land which may be subject to coastal erosion over at least a 100 year time frame.

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

Asset Owner / Specialist Response

From: Tony Reidy

Senior Policy Planner

North, West and Islands,

Plans and Places

Auckland Council

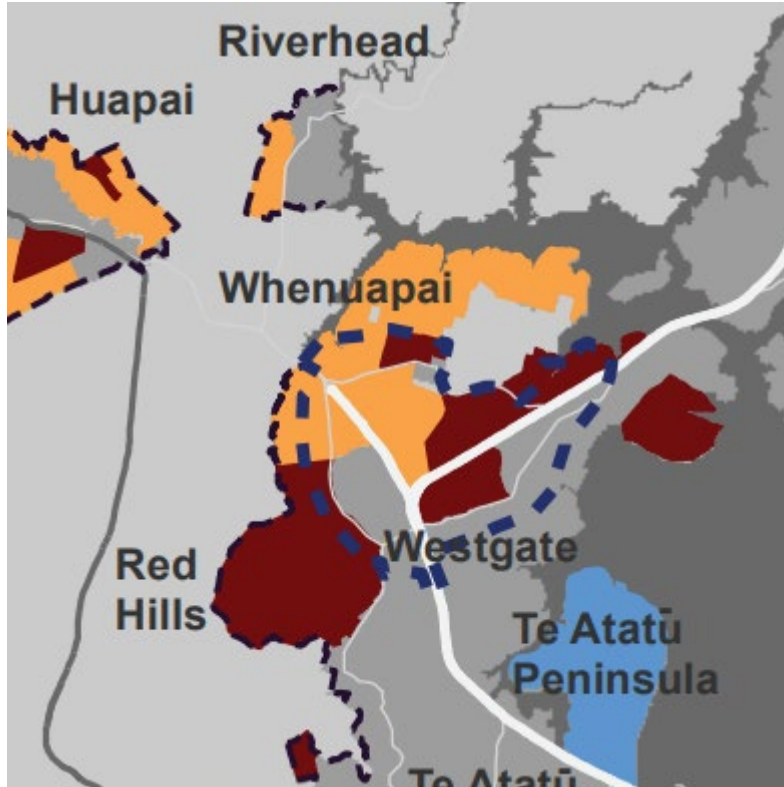
Date: 16 February 2023

Overall Summary:

These comments only relate to the land use policy issues. Comments on other aspects, such as traffic, landscaping, wastewater disposal etc should be obtained from the relevant experts.

Auckland Plan Development Strategy and Future Urban Land Supply Strategy

The Auckland Plan Development Strategy and the Future Urban Land Supply Strategy identify the Whenuapai future urban area to be development ready in the period 2018 – 2022 (Stage 1) and 2028 -2032 (Stage 2). They identify the land for residential and business land uses.





Auckland Unitary Plan

The site is zoned Future Urban in the AUP(OP).

At a broad level I have concern with any urban type activity occurring in the Future Urban Zone ahead of rezoning. The purpose of the Future Urban zone is to ensure any new development does not compromise future urban development of the area identified. The Future Urban zone includes objectives and policies that seek to protect the land for future urbanisation, as below:

H18.2 Objectives

- (3) *Future urban development is not compromised by premature subdivision, use or development.*

H18.3 Policies

- (3) *Require subdivision, use and development to maintain and complement rural character and amenity...*
- (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;....*

(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.

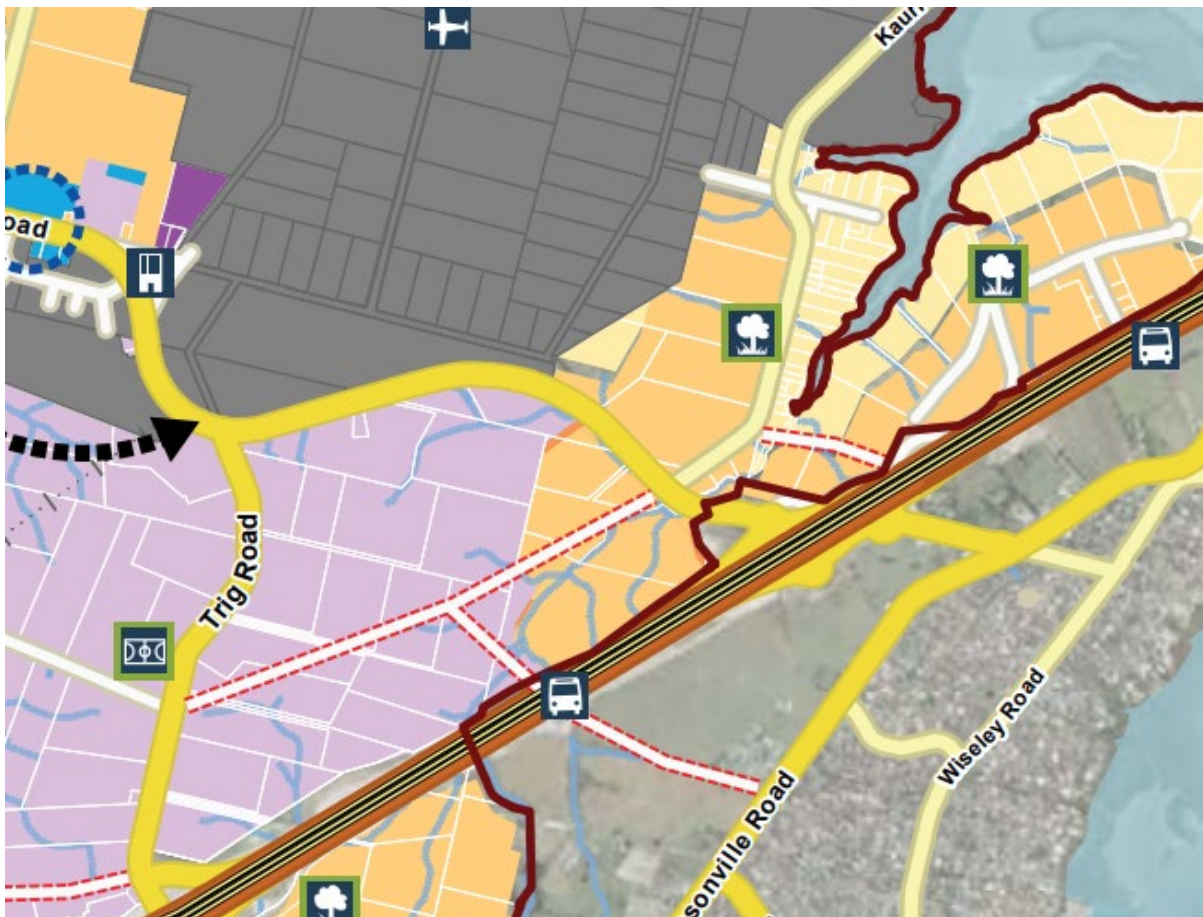
In my view the scale and nature of this proposal is contrary to the Future Urban Zone objectives and policies and could compromise the future urban development of the adjoining land in particular. Reverse sensitivity effects could also arise for the proposed industrial uses from future adjoining residential land uses.

The proposed subdivision and subsequent development is however, unlikely to compromise the future development of an interconnected local roading network as no “proposed roads” are identified on the Structure Plan in this vicinity.

The scale and character of the proposal also do not maintain and complement the current rural character and amenity.

Whenuapai Structure Plan 2016

A non-statutory Structure Plan for Whenuapai was approved in 2016. The subject lots are shown as “medium density residential” and a small portion as “low density residential” under that Structure Plan. Business zoning is identified to the south and west of Brigham Creek Road.



Whenuapai Structure Plan 2016

No plan change has been publicly notified to give effect to the entire structure Plan area. PC 5 was publicly notified but subsequently withdrawn. PC 69 – a decision has been released. This plan change only affects the “Spedding block” (23-27 and 31 Brigham Creek Road and 13 and 15-19 Spedding Road, Whenuapai) and is therefore not relevant/applicable to the proposed application.

While the Future Urban Land Supply Strategy 2017 identified that the land should be development ready in the period 2028- 2032, the structure plan revised the staging for parts of the area following more detailed investigations. The FULSS acknowledges that structure planning will determine what the appropriate staging and time frames of subsequent plan changes will be, having regard to the efficient and logical roll out of infrastructure.

The structure plan identified two stages (1A, 1B, 1C, 1D, 1E and 2). The land where this proposal is located is in the Stage 1B area in the Structure Plan staging plan. Stage 1 - identified as Stages 1(a) to 1(f), includes areas of residential and business land that can be development ready within the next 2-10 years.

In terms of the business land use identified by the structure plan, the proposal would not be consistent with the indicative zoning, namely the subdivision and development of the 9 light industrial lots and future construction of industrial units, north of Brigham Creek Road.

Other Matters

Other critical matters are listed below and need to be addressed by the respective experts:

- Transport, including the provision of active modes and public transport
- Wastewater and water
- Stormwater
- Proposed Open Space

Conclusion

In my view the proposal is contrary to the objectives and policies of the Future Urban zone and is not consistent with the land use pattern identified in the non-statutory Whenuapai Structure Plan 2016.

I am therefore of the view that the application should more appropriately proceed through the existing RMA consenting processes.

Upper Harbour Local Board Response

From Amanda Joicey, Personal Assistant/Office Manager, on behalf of the Upper Harbour Local Board

Date: 16 February 2023

Upper Harbour Local Board asks that this application for Teal Park for fast-track consent gets declined and goes through the regular resource consent process. Comments include

- Whenuapai is zoned for future urban but Auckland Council and Auckland Transport do not have the funds allocated for the required infrastructure. This development gives rise to concerns around enabling and supporting infrastructure.
- The site is also located within the recently withdrawn PC5 area, primarily due to lack of transport infrastructure. This won't be addressed by this plan change request
- Input has not been received by the Auckland Council Parks Team
- Input has not been received by Iwi
- Given recent flooding events, allowing up to 100% impermeability of surfaces in light industrial area seems a bit crazy. The stormwater systems should get reviewed in light of more frequent downpours.
- No detailed masterplanning of Whenuapai undertaken yet that takes into account greenways, accessways etc.
- Will the recreation area be properly developed and what size is it? The Whenuapai structure plan has a 'neighbourhood park' for that area, but the design of the café and open space are I don't think would be what would be expected of a neighbourhood park. We have examples of development where the 'recreation area' is not of high enough standard, or is just simply a blank piece of grass and the existing ratepayers of Auckland need to pay for playgrounds, trees, seats and general amenity
- Lack of bus services to Whenuapai, even though there will be a bus stop AT do not provide enough busses
- Auckland Council Stormwater infrastructure in the area is not being upgraded for many years.

If consent is given we ask that all the above issues are addressed in addition to the below.

- Council accepts vesting of all esplanade reserves and recreation reserves
- Restoration planting around the wetland should be required
- Walkways along esplanade reserves should be encouraged and planned in advance.
- Impermeable services are minimised and flooding risks are managed
- Maximum linkages for Public and Active Transport so we don't have another car dependent area.
- The plans shown did not have any trees shown. Request that 30% tree coverage is provided for throughout the development area. With this addition of street trees in particular to limit the 'heat island' effects.

Asset Owner / Specialist Response

From: Nita Dharmadhikari
Senior Development Engineer
Watercare Services Limited

Date: 17/02/2023

Overall Summary:

Watercare has reviewed the updated information package about the water and wastewater servicing for this development, including a mixture of light industrial and residential subdivisions at 150-152 Brigham Creek Road, 2-10 Kauri Road and 12-18 Kauri Road in Whenuapai, Auckland.

The proposed subdivision is a mixture of light industrial and residential development. The proposal is to create 9 Industrial lots, 273 residential lots, a recreation reserve and two drainage reserves development. There will be 40 standalone dwellings, 82 duplex dwellings, and 151 terraced houses.

The infrastructure report and the design drawings by Cato Bolam Consultants (Refer: 120.11 Civil Drawings and 120.18 Engineering-flooding_and_infrastructure report)

Based on the information submitted at this stage, we can confirm the following:

Wastewater :

The principle of servicing this development via the Whenuapai pumping station is accepted, with the exact servicing methodology to be agreed upon as part of the RC and EPA process.

This will align with our CoP; servicing will be via the existing 315 wastewater pipeline gravity unless it can be demonstrated that this is not feasible. The developer will need to provide capacity details of the proposed flows from their development and design details of any pumping stations as it progresses, as no flow details have been provided to date.

The downstream infrastructure can support this development. The exact details of the infrastructure to be provided will be confirmed through the RC process.

Water Supply:

In principle, there is capacity in an existing 315PE water mains within Brigham Creek Road—the existing 150AC pipe is to be abandoned. Therefore, the proposed pipelines will be extended from the existing 315PE at the proposed road intersection with Brigham Creek Road to service development. A current 150AC water main along Kauri Road extends to the junction of Kauri Road and Rata Road through neighbouring properties and connects to an existing 180 PE pipe at the Rata Road intersection.

Two 250OD PE water mains are proposed at both sides of proposed Road 1 to service the development. These pipes can also provide the capacity for future development in the neighbouring properties to the north, up to Rata Road. A new 180PE water main with fire hydrants is proposed to be installed at the western side of Kauri Road from the existing 315PE at the intersection of Brigham Creek Road and Kauri Road. It is proposed a new 180PE water main be temporarily connected back to the 150AC pipe at the northeastern corner of the site. The existing 150AC pipe within the subject site is to be removed after the new 180PE pipe is commissioned. The site layout with the proposed water mains is Hydrants are proposed within the site at a maximum distance of 135m as per SNZ PAS 4509:2008.

Asset Owner / Specialist Response

From: Lucy Cooper, Major Developments Interface Lead, Auckland Transport

Date: 17/02/2023

Overall Summary:

The project site has road frontage to Brigham Creek Road on the southern boundary, Kauri Road on the eastern boundary, and the New Zealand Defence Force Whenuapai Airfield to the north and west. The site is currently zoned Future Urban Zone (FUZ). Brigham Creek Road is classified as an arterial route and is a key east-west connection through Whenuapai, providing access to State Highway 18 (SH18) at its eastern end and State Highway 16 (SH16) at its western end.

The Brigham Creek Road Widening Project identified by the Support Growth Alliance (SGA) to accommodate walking, cycling and public transport infrastructure to support urban growth affects the project site. It will impact on approximately six proposed dwellings within the designated site frontage on Brigham Creek Road. The Notice of Requirement (NoR) application for this project was lodged by SGA with Auckland Council in December 2022. The applicant has engaged with Auckland Transport (AT) prior to seeking referral for Fast Track status. As part of those discussions, SGA indicated that further review of the NoR boundary could be contemplated by SGA if expectations regarding urban frontage and active mode provision are met. Accordingly, if this project is accepted for assessment under the Covid Recovery Act, Auckland Transport requests:

- *Assurance is provided that the developer will be responsible for constructing the active modes facilities (footpath and cycle facilities) along the property frontage (within the road reserve and to achieve SGA's current NoR designation cross section).*
- *The delivery of this infrastructure account and provide for the ultimate Brigham Creek Road upgrade works so to ensure the active mode facilities do not have to be removed and replaced at the time of the full upgrade. This should include, but not be limited to:*
 - *The delivery of kerb and channel, footpath and bi-directional cycleway in the ultimate location on the northern side of Brigham Creek Road.*
 - *Earthwork levels that are maintained to levels suitable for the future road upgrade.*

Notwithstanding outcomes explored during pre-application discussions, Auckland Transport considers it more appropriate for Teal Park to proceed through a private plan change rather than through the Covid Recovery Act. This is because of the project's potential to contribute to and exacerbate misalignment between the timing of transport infrastructure and services and the urbanisation of greenfield areas. Without this alignment there is no certainty about delivery of the strategic transport network and development network demands to mitigate adverse effects and achieve a well-functioning urban environment. This compromises the ability to

sequence and deliver future urban development in a sustainable, coordinated, and cost-efficient way.

Auckland Transport requests that, should the project be accepted for fast-track consenting, the requirement for an Integrated Transport Assessment (ITA) and a comprehensive Stormwater management Plan (SMP) is formally stated in the referral order to accompany any resource consent application for the Project lodged with the Environmental Protection Authority. Auckland Transport also requests the referral order specifically identifies Auckland Transport as a party which the Expert Consenting Panel must invite comments from. Additionally, AT requests the following also be reflected in the proposals:

- The need to not hinder or undermine the anticipated outcomes of Brigham Creek Road widening project.*
- Provide for future connections, including for active modes, to adjacent sites.*
- Take into account other development occurring (e.g. in respect of traffic modelling and intersection design), and in particular Whenuapai Business Park to the south and west of the project site.*
- Appropriate traffic modelling.*
- Providing for active modes within and beyond the site*
- Ensuring that subdivision and development is integrated with the required transport infrastructure.*
- Providing for public transport, including bus stops on Kauri Road, and the provision of safe, accessible pedestrian and cycling access to those bus stops.*
- Avoid or minimise vehicle crossings where there are arterial roads, or collector roads with cycle facilities.*
- Provide assurance of acoustic mitigation for residential development adjacent to or near Brigham Creek Road to an appropriate standard to ensure activities sensitive to noise adjacent to arterial roads are designed to protect people's health and residential activity while they are indoors.*
- An assessment as to whether the Project meets the relevant objectives and policies of the Auckland Unitary Plan as they relate to transport.*
- An assessment of potential adverse safety effects on the surrounding transport network and how these effects will be avoided, remedied or mitigated.*
- A Draft Construction Traffic Management Plan (CTMP) is also required, covering an assessment of effects on construction traffic (including measures to maintain safe and efficient operation for all road users), the construction period and associated earthworks.*

The project site contains both Overland Flow Paths (OLFPs) and flood plains affecting AT road corridors. However, the documents supplied were insufficient to understand the potential adverse effects related to stormwater management on the proposed and surrounding roading network. Consequently, if this project is accepted for assessment under the Covid Recovery Act, Auckland Transport requests:

- A comprehensive SMP specifying the stormwater management requirements and outcomes.*

- *An options assessment of stormwater management options demonstrating the proposed stormwater management strategy will result in the best practicable option. AT note the existing proposal (of multiple roadside raingardens) will result in significantly higher operational and maintenance costs compared to a consolidated bottom of catchment device.*
- *A flood hazard assessment demonstrating Auckland Council and Auckland Transport's requirements are met in chapter E36 (Natural hazards and flooding) of the Auckland Unitary Plan.*

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

Parks Asset Owner / Specialist Response

From: *Roja Tafaraji, Senior Parks Planner, Auckland Council*

Date: 16.02.2023

Background information:

Zone: Future Urban Zone

Modification: Notice of Requirements, Brigham Creek Road Upgrade - Auckland Transport, Designations, View PDF, Lodged

Precinct: N/A

Overlays: Natural Resources: High-Use Aquifer Management Areas Overlay [rp] - Kumeu Waitemata Aquifer

Controls: Macroinvertebrate Community Index – Exotic
Macroinvertebrate Community Index – Rural

Designations: Airspace Restriction Designations - ID 4311, Defence purposes - protection of approach and departure paths (Whenuapai Air Base), Minister of Defence

Background information:

This response is prepared based on the information received as outlined in the email from Hailey Kim, Senior Planner, North West Resource Consenting dated 14 February 2023.

The proposal is to construct a master-planned residential development of 273 dwellings at 2-10, 11 and 12-18 Kauri Road, and 150-152 Brigham Creek Road, Whenuapai, Auckland, and subdivide the site in three stages to create 273 residential lots and 9 industrial lots.

As part of the proposal, public roads, a recreation reserve and a drainage reserve (local purpose) are proposed to be vested to Auckland Council.

Positives of application

From the plans provided by the applicant it can be determined that:

- The design of the roads to be vested incorporate pedestrian access and cycle lanes.
- The pedestrian accessways is in general accordance with Council's standards.
- Landscape Plans and Planting Plans are provided for the proposed recreation reserve and the industrial area.
- The proposal provides an opportunity to provide for recreational open space on the site where there is an identified demand for a neighbourhood park.

Key Issues from a Parks Planning Perspective

The key issue with the project going through the COVID-19 Recovery Act 2020 fast track consenting process is the potential for Auckland Council to inherit park's assets where they have not had the opportunity to assess and comment on prior to receiving them. There is a risk that the vested assets Council may inherit are not to the same standard or consistent with those assets which go through the normal resource consent and engineering plan approval process, resulting in a financial burden not anticipated.

The Whenuapai Structure Plan indicates a 'neighbourhood park' in close vicinity of the subject site of this application. However, it is important to understand whether the proposed amenity and design of the recreation reserve to be vested meet Council standard as well as the community needs.

Parks Planning information, reports and assessment requirements:

- a) Subdivision plans identifying public assets to be vested, including esplanade reserves (where required).
- b) Landscape plans sufficiently detailed to properly assess any proposed assets in the streetscape, reserves to be vested, accessways, and boundary treatment adjoining open space.
- c) Planting plans with a schedule of species to understand the extent of landscaping proposed or mitigation provided. These should be in accordance with the Infrastructure Code of Practice – Chapter 7.
- d) Assessment to demonstrate width of the streams on site in accordance with s230(4), particularly around the proposed Lots on the southern boundary of the subject site adjacent to Brigham Creek Road.
- e) Subject to stream width assessment results, an assessment against the requirements for an esplanade reserve under s230 of the RMA and the Auckland Unitary Plan (Operative in Part) Chapter E38¹. Esplanade reserves of 20m on both sides of the stream would be required for qualifying streams/rivers.
- f) An assessment to demonstrate suitable access from the development to the proposed park.

¹ If consent is sought following the acceptance of Plan Change 5, an esplanade reserve may be required under Chapter E38 of the Auckland Unitary Plan. If consent is sought prior to effect of Plan Change 5, esplanade reserves may be required under Chapter E38 instead. This assessment has however focused on the current operative rules.

This would provide Council with the means to determine factors such as:

- Whether open space, walkways, stormwater and streetscape assets are to be public or privately owned.
- Whether an esplanade reserve is required as per the requirements under s230 of the RMA and Rule E38.4.1(A8) of the AUP.
- Whether drainage reserve is acceptable and approved to be managed by Healthy Waters after vesting.
- Whether streetscape planting is appropriate. Council has significant experience in this area as an asset owner and promotes the Auckland Council Urban Ngahere (Forest) Strategy, species which provide attractive streetscapes including species which are also suitable from a maintenance perspective and are practical in their chosen location such as where it will not impact on services in the road reserve (above or underground), hinder the sight lines of drivers or reduce usability of footpaths over time.
- Whether any aspects of the design would require the approval of the Local Board or Governing Body to accept any proposed assets as delegated decision makers.
- Whether access ways to parks and reserves are suitable from a crime prevention through environmental design (CPTED) perspective. This includes assessing building orientation and fencing on properties adjoining parks and park accessways to ensure appropriate passive surveillance over these areas is provided. Accessway widths and gradients are also important for the safe movement of walkers and cyclists.
- Hard assets such as stormwater outfalls or retaining walls as well as the proposed café and playground are designed and located where they do not reduce the amenity of the parks or reserves.
- Whether the development meets (or otherwise) the objectives and policies of the Future Urban Zone, and align with the vision and key elements of Whenuapai Structure Plan 2016. Development may impact on the amenity and use of open spaces provided and sufficient detail is to be provided to properly assess any adverse effects or potential adverse effects.
- Whether sufficient vehicular and pedestrian access is provided to the proposed park.

Acquisition of land

The Parks Provision team would need to do an assessment of the acquisition of the proposed recreation reserve. A decision on whether to acquire the proposed park area as land in lieu of reserve under the Local Government Act 2002 would be made by the relevant Local Board and Council's governing body.

Open space acquisition team would also need to do a strategic assessment of the proposed recreation reserve to vest in Auckland Council to determine whether to acquire the park land and to what form, function that is in accordance with the Open Space Provision Policy.

In regard with the proposed drainage reserve to vest, Healthy Waters would normally decide whether to accept the drainage reserves. Parks planning has delegation authority to accept and conditions drainage reserves subject to Healthy Water Approval. While Parks Planning provides specific inputs on landscaping and hard assets, e.g. shared paths within drainage reserves to vest, ultimately Healthy

Water (HW) determines if the size and function of the drainage reserve is appropriate for stormwater functions.

Drainage reserve is to mitigate the effect of stormwater. The reserves act limits the use to that function. Therefore, there are not to serve the amenity needs of the community.

If a pedestrian walkway to the park is proposed, it would be expected that this is vested to Council as a Local Purpose (Access) Reserve.

Works proposed on a reserve

Where any services, structures or any type of encumbrance is proposed on the Council-owned land (reserve) it would require Land Owner or Asset Owner approval and are not for Parks Planning and should be referred to the Land Advisors.

The applicant is required to apply for Asset owner Tree removal for any proposed tree works on council-owned land (trees within existing streetscape or open spaces).

Overall position of Parks Planning

Overall, it is considered that measures will need to be put in place under the COVID-19 Recovery Act 2020 fast track consenting process to ensure Council is able to provide sufficient input to decisions around the acquisition of land and the acceptance of vested assets. This is to ensure Auckland Council receives vested park, reserve and streetscape assets that are to an acceptable standard and consistent with those that have gone through a normal resource consent process.

The proposed development can have a significant effect on the planned future park. The layout of industrial sites against the park with limited pedestrian access results in a suboptimal outcome for future park development. A road frontage against the park is desired for optimal boundary treatment.

We are in general support of the design of the roads where it relates to the landscaping, pedestrian and cycle lanes, however, we require further information of the proposed trees species, size and density together with appropriate berm width and soil types. We also encourage for further pedestrian/cycle connectivity to the park to enable future development of the park and to facilitate its intended use.

Future low and visually permeable fencing is also supported for any pedestrian accessways and will be required for any properties adjoining the proposed park.

The requirement for an esplanade reserve is still unclear and a stream width assessment followed by the requirement for provision of esplanade reserves under s230 of the RMA 1991 must be undertaken.

Vesting of assets must also be confirmed.

Conclusion

Should the EPA decide to allow the development to go through the Covid-19 Fast Tack process, it is recommended that the proposal address all information requirements from a Parks perspective supplemented by a suitable assessment for the matters of concern. The applicant should also be made aware of any political decisions that are required for proposed vested assets (off-setting mitigation on asset owner land or proposed land for vesting, land acquisition, easements, reserve embellishments etc.) which may impact on the delivery of the project.

Asset Owner / Specialist Response

From: Sam Clare, Senior Healthy Waters Specialist, Growth & Development Team, Healthy Waters, IES, Auckland Council

Date: 17 February 2023

Overall Summary:

Healthy waters has not had the opportunity to review this fast track application until this morning, or in detail due to:

- Management and staff involvement in the emergency response to flooding caused by Auckland's recent rainfall events*
- The Healthy Waters stormwater catchment planner for this catchment being on leave until 27 February.*

From a rapid review of selected documents:

- 1. Based on Healthy Waters would generally support the development provided that it is properly considerate of the future planning for the surrounding catchment.*

Notable specific observations are:

- 2. There is nothing obvious here to specifically suggest that a new esplanade reserve stormwater outfall to Waiarohia Stream (via 11 kauri Road) would take longer for our asset owner Engineering Plan Approval (EPA) than would ordinarily be the case for a similar new stream outfall of similar size. We are unable to advise timeframe in respect of Parks land owner approval.*
- 3. The current rainfall runoff via overland flowpaths and sheet flow discharges in various directions to GeoMaps identified flood plains. There is no clear abundance of designed detention in the application design drawings to attenuate 1% AEP runoff but this may be because the aggregated minor storage locations (e.g., roadside rain gardens) will be sufficient.*
- 4. Attenuation will need to be demonstrated for all events up to 1%AEP + climate change rainfall event. It should be anticipated that a climate change of 3.8 degrees will apply for a future application.*
- 5. The existing wetland appears to receive flow from various sources, including vehicular areas, some of which are not first treated other than by catchpits. There is likely opportunity to improve pre-treatment for this wetland.*
- 6. The application notes that an intermittent stream exists in the area of the wetland but it is not clear whether this extends above the wetland. However, it looks like there is an existing ponding area immediately upstream of the wetland which may be providing significant frequent attenuation. It is understood that this wetland will be preserved*

intact so the development will need to ensure that flows are suitably detained to avoid damaging the wetland (raingardens may help/suffice)

- 7. The applicant has noted previous discussion with Healthy Waters regarding the under-capacity of the existing box culvert at Brigham Creek Road; the applicant's stormwater/flood modelling and design will likely need to assume that council have no plans to upgrade this culvert until some years after the proposed development is completed.*
- 8. The proposed extensive use of raingardens in road berm may or may not be supported by HW and AT; these have potential maintenance and structural implications for surrounding road and buried utility assets that might not be considered best practice.*

Response from the Secretariat of the Independent Māori Statutory Board

From: Theresa Roigard

General Manager - Advisory and Performance

Date: 17/02/2023

Please note feedback from the **Secretariat** of the Independent Māori Statutory Board on the Teal Park: Fast Track referral.

- The Auckland Unitary Plan. Notably the Future Urban Zone, which is described in the AUP as “...a transitional zone [where] land may be used for a range of general rural activities but cannot be used for urban activities until the site is re[1]zoned for urban purposes, and Objective H18.2 is that “Future urban development is not compromised by premature subdivision, use or development.”
- The structure plan previously developed for the area

And premature / out of sequence with:

- the Auckland Plan Development Strategy; and,
- Future Urban Land Supply Strategy

All of the above plans and strategies have been developed with intensive input from mana whenua of Tāmaki Makaurau. I would have thought it is not appropriate to over-ride them without input from mana whenua.

It is also apparent that the proposal may have stormwater management issues which are not adequately addressed, this will also be a matter of significant concern for mana whenua.

Input from mana whenua to date appears very limited, with the only response documented being a reply from Te Kawerau a Maki to a consultation circular email, in which they indicate desire to engage and ask for timeframes.

The Covid-19 Recovery (Fast-track Consenting) Act 2020 (“**CRA**”) constrains opportunities for public participation, precluding the requirements for public or limited notification of an application. Appeals against a panel decision on a consent application are limited to a point of law appeal to the High Court. Whilst relevant iwi groups are required to be consulted, timeframes are constrained.

All told, we are of the opinion that it is not appropriate to circumvent the agreed direction of the AUP and associated plans and strategies via the abridged consenting process of the CRA – we consider the more appropriate route to consider the proposals to be via a plan-change process, through which

due process in public and stakeholder engagement can be secured. We do not see an over-riding urgency for this matter in line with the purpose of the CRA.

Ngā mihi

Theresa

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

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

Organisation providing comment	Auckland Transport
Contact person (if follow-up is required)	Lucy Cooper
	s 9(2)(a)
	s 9(2)(a)

Comment form

Please use the table below to comment on the application.

Project name	Teal Park Project – Stage 1
General comment	<p>Thank you for the opportunity to comment on the proposal to develop 273 dwelling units and 9,270m² gross floor area of light industry activity at 150-152 Brigham Creek Road and 2-10, 11 and 12-18 Kauri Road, Whenuapai, Auckland (referred to as Teal Park).</p> <p>The project site has road frontage to Brigham Creek Road on the southern boundary, Kauri Road on the eastern boundary, and the New Zealand Defence Force Whenuapai Airfield to the north and west. The site is currently zoned Future Urban Zone (FUZ). Brigham Creek Road is classified as an arterial route and is a key east-west connection through Whenuapai, providing access to State Highway 18 (SH18) at its eastern end and State Highway 16 (SH16) at its western end.</p> <p>Te Tupu Ngatahi Supporting Growth Alliance (SGA) is involved in supporting the growth and development of the North West of Auckland, including Kumeū-Huapai, Riverhead, Redhills, Hobsonville and Whenuapai, through the identification of sustainable transport network options. The Brigham Creek Road Widening Project identified by SGA to accommodate walking, cycling and public transport infrastructure to support urban growth affects the project site. It will impact on approximately six proposed dwellings within the designated site frontage on Brigham Creek Road. SGA began consultation and engagement on transport network options in 2016 and lodged the Notice of Requirement (NoR) application for the preferred option with Auckland Council for Auckland Transport in December 2022.</p> <p>The applicant has engaged with Auckland Transport prior to seeking referral for Fast Track status. As part of those discussions, SGA indicated that further review of the NoR boundary could be contemplated by SGA if expectations regarding urban frontage and active mode provision are met. SGA have also reviewed the information supplied and remain of this view.</p>

	<p>Notwithstanding outcomes explored during pre-application discussions, Auckland Transport considers it more appropriate for Teal Park to proceed through a private plan change rather than through the Covid Recovery Act. This is because of the project's potential to contribute to and exacerbate misalignment between the timing of transport infrastructure and services and the urbanisation of greenfield areas. Without this alignment there is no certainty about delivery of the strategic transport network and development network demands to mitigate adverse effects and achieve a well-functioning urban environment. This compromises the ability to sequence and deliver future urban development in a sustainable, coordinated, and cost-efficient way.</p> <p>Auckland Transport requests that, should the project be accepted for fast-track consenting, the requirement for an Integrated Transport Assessment (ITA) and a comprehensive Stormwater Management Plan (SMP) is formally stated in the referral order to accompany any resource consent application for the Project lodged with the Environmental Protection Authority. More detail is provided in 'other considerations' below.</p>
Other considerations	<p>Auckland Transport is part of Te Tupu Ngātahi, Supporting Growth Alliance, which is a collaboration between Auckland Transport and Waka Kotahi to plan and route protect the preferred transport network in future growth areas such as Whenuapai. Six proposed dwellings indicated on the drawings are impacted by the SGA NoR boundary. Further review of the NoR boundary could be contemplated by SGA if expectations regarding urban frontage and active mode provision are met. Accordingly, if this project is accepted for assessment under the Covid Recovery Act, Auckland Transport requests:</p> <ul style="list-style-type: none"> • Assurance is provided that the developer will be responsible for constructing the active modes facilities (footpath and cycle facilities) along the property frontage (within the road reserve and to achieve the current NoR designation cross section). • The delivery of this infrastructure accounts and provides for the ultimate Brigham Creek Road upgrade works so to ensure the active mode facilities do not have to be removed and replaced at the time of the full upgrade. This should include, but not be limited to: <ul style="list-style-type: none"> ○ The delivery of kerb and channel, footpath and bi-directional cycleway in the ultimate location on the northern side of Brigham Creek Road. ○ Earthwork levels that are maintained to levels suitable for the future road upgrade. <p>Additionally, Auckland Transport requests the following principles also be reflected in the application:</p> <ul style="list-style-type: none"> • The need to not hinder or undermine the anticipated outcomes of Brigham Creek Road widening project. • Provide for future connections, including for active modes, to adjacent sites. • Take into account other development occurring (e.g. in respect of traffic modelling and intersection design), including the Whenuapai Business Park to the south and west of the project site. • Appropriate traffic modelling. • Providing for active modes within and beyond the site. • Ensuring that subdivision and development is integrated with the required transport infrastructure.

	<ul style="list-style-type: none"> • Providing for public transport, including bus stops on Kauri Road, and the provision of safe, accessible pedestrian and cycling access to those bus stops. • Avoid or minimise vehicle crossings where there are arterial roads, or collector roads with cycle facilities. • Provide assurance of acoustic mitigation for residential development adjacent to or near Brigham Creek Road to an appropriate standard to ensure activities sensitive to noise adjacent to arterial roads are designed to protect people's health and residential activity while they are indoors. • An assessment as to whether the Project meets the relevant objectives and policies of the Auckland Unitary Plan as they relate to transport. • An assessment of potential adverse safety effects on the surrounding transport network and how these effects will be avoided, remedied, or mitigated. • A Draft Construction Traffic Management Plan (CTMP) is also required, covering an assessment of effects on construction traffic (including measures to maintain safe and efficient operation for all road users), the construction period and associated earthworks. <p>The project site contains both Overland Flow Paths (OLFPs) and flood plains affecting Auckland Transport road corridors. The application documents are insufficient to understand the potential adverse effects related to stormwater management on the proposed and surrounding roading network. Consequently, if this project is accepted for assessment under the Covid Recovery Act, Auckland Transport requests:</p> <ul style="list-style-type: none"> • A comprehensive SMP specifying the stormwater management requirements and outcomes. • An options assessment of stormwater management options demonstrating the proposed stormwater management strategy will result in the best practicable option. Auckland Transport notes the applicant's proposal (of multiple roadside raingardens) will result in significantly higher operational and maintenance costs compared to a consolidated bottom of catchment device. • A flood hazard assessment demonstrating Auckland Council and Auckland Transport's requirements are met in chapter E36 (Natural hazards and flooding) of the Auckland Unitary Plan. <p>Given the need to review any potential adverse effects on the transport network, Auckland Transport requests that any referral order for this project requires the Expert Consenting Panel to include Auckland Transport as a person who is to be invited to comment on the project.</p>
[Insert specific requests for comment]	Click or tap here to insert responses to any specific matters the Minister is seeking your views on.

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

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

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

Organisation providing comment	Waka Kotahi
Contact person (if follow-up is required)	Sonya McCall – Waka Kotahi, Team Lead, Environmental Planning
	s 9(2)(a)
	Click or tap here to enter text.

Comment form

Please use the table below to comment on the application.

Project name	Teal Park Stage 1
General comment	<p>Waka Kotahi advises that there is not enough information to support recommending this project through to the fast-track process.</p> <p>Waka Kotahi does not support premature out of sequence development.</p> <p>The development does not provide a comprehensive public transport and mode shift solution which is necessary to support the development of the wider area.</p>
Other considerations	<p>The proposal lies a short distance from the State Highway 18 interchange with Brigham Creek Road. Given the surrounding Future Urban Zone (FUZ) land and the timing of release of urban land under Auckland Council's Future Urban Land Strategy, Waka Kotahi recognises and acknowledges that there will be a significant uplift in traffic volumes through the interchange. Waka Kotahi relies on traffic modelling to assess any potential effect on the interchange. The traffic modelling submitted for this development is insufficient for Waka Kotahi to fully understand:</p> <ul style="list-style-type: none"> the potential effects generated by this development If the proposed intersection location and access treatment provides for the future wider traffic needs. <p>Waka Kotahi considers that the processing of the application via the fast-track process could prejudice the development of the remainder of the FUZ from a transport perspective, as the intersection and treatment could potentially be designed and located in a less than optimal fashion.</p>

	<p>Waka Kotahi suggests that the proposal be referred to Auckland Council where it will be subject to a robust and participatory plan change process. This process will ensure that transport effects as they relate to the release of the FUZ will be appropriately considered and assessed.</p> <p>Waka Kotahi note that the application is cognisant of future local road layouts anticipated within the Supporting Growth Alliance North-West Notices of Requirement (NoR) lodged by Auckland Transport with Auckland Council.</p>
[Insert specific requests for comment]	<p>If the proposal is accepted for processing under the COVID-19 Recovery (Fast-track Consenting) Act 2020 and an application is lodged with the EPA, Waka Kotahi would appreciate the opportunity to review the entire package and provide further comments on the transport matters identified above.</p>

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