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

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

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

This form is for 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)	Vignesh Divakar – Development Planner
	Email - s 9(2)(a)
	Ph - 021677519

Comment form

Please use the table below to comment on the application.

Project name	The North Project – 617-619 New North Road, Kingsland
General comment	**1. Overall Summary:** Thank you for the opportunity to provide comment on the consideration for a referral under the COVID-19 Recovery (Fast-track Consenting) Act 2020 (FTCA) for the proposed Mixed-Use development at 617-619 New North Road, Kingsland comprising of 34 visitor accommodation units, 44 residential units and a 66m^2 commercial unit. Based on the information provided, Auckland Transport is neutral as to this application being accepted for the fast-track consenting process. The subject site is located within the Business – Local Centre zone of the Auckland Unitary Plan – Operative in Part (AUP(OP)). The site frontage along New North Road is subjected to a road widening designation under Auckland Transport (Designation ID – 1609). From the documentation provided, the proposal would require consideration as an overall restricted discretionary activity under the AUP (OP). Should the application be accepted for Fast Track Consenting, Auckland Transport requests that additional information be required to be submitted with the application to the Environmental Protection Authority (EPA) as identified in this response. This should include an updated architecture plan and traffic assessment report that provides an assessment of transportation effects addressing the matters raised in this response, including how any adverse effects will be avoided, remedied and/or mitigated. Auckland Transport would also request the referral order specifically identifies Auckland Transport as a party which the Expert Consenting Panel must invite comments from. Specific comments relevant to the current proposal are outlined below.

2. Specific Comments

2.1. Initial pre-application feedback

The applicant, via their planning agent at Civix, requested initial feedback from Auckland Transport in October 2022. Auckland Transport reviewed the initial documents provided and responded to Civix (applicant's planner) with an initial feedback memorandum dated 18 November 2022. Auckland Transport's key concerns were highlighted to the applicant in the memorandum, which included the lack of provision of a pedestrian visibility splay at the vehicle crossing, details on the number of bicycle parking spaces proposed within the development as well as an assessment of alternative waste collection strategy for the development as opposed to the proposed kerbside private waste collection.

In summary, Auckland Transport noted that amendments to the proposed development on the aforementioned points would be required to address any potential adverse effects and for further review of the proposal. The proposal submitted for consideration by the Ministry for the Environment has not addressed Auckland Transport's concerns, apart from the bicycle parking provisions. Therefore, Auckland Transport's initial comments, excluding the confirmation for number of bicycle parking spaces onsite, remain applicable and are provided under sections 2.2 and 2.3 below.

With regards to works within the road widening designation and requirement for a s176 approval, no s176 approval will be required for the proposed development as presented, as works in the designation will either be temporary or in the form of underground services. The development is also setback from the designation boundary.

2.2. Vehicle Crossing Design and Pedestrian Safety

With regards to the proposed access arrangements to the site, the Traffic Impact Assessment report notes that a 6.7m two-way accessway will be provided from Western Springs Road, infringing the 6m maximum width required under the AUP standard E27.6.4.3.2 (T153). The infringement is considered to result in adverse effects on pedestrian safety as a wider vehicle crossing will result in higher approach speeds and pedestrians being exposed to turning traffic for an increased crossing distance.

In addition to a wider vehicle crossing, the traffic report noted that a pedestrian visibility splay cannot be provided as splays will be obstructed by the walls of the new proposed building until where the vehicle crossing meets the site boundary. The restricted visibility splay is considered to have adverse effects to the pedestrians since there is no back berm between the footpath and site boundary. To mitigate the identified pedestrian/vehicle intervisibility effect, the applicant has proposed a warning system to alert pedestrians that a vehicle is exiting the site. The proposal for the installation of a warning system is not considered appropriate at this location as this impacts pedestrian priority and will put the onus on the pedestrians to look out for vehicles. Pedestrian warning systems are only used in certain circumstances, where visibility splays cannot be achieved. For example, an existing heritage building which cannot be altered. However, considering that the proposal includes a new building, and the site currently does not have any splay restrictions, Auckland Transport considers that a pedestrian visibility splay could and should be provided on both sides of the vehicle crossing to ensure pedestrian and vehicle intervisibility is achieved.

	A revised assessment of pedestrian safety and amenity is required including measures to avoid, remedy or mitigate any effects identified. It is recommended that a 5m x 2m visibility splay in accordance with Waka Kotahi – Pedestrian Planning and Design Guide on both sides of the vehicle crossing be provided to ensure pedestrian safety is maintained. 2.3. Refuse collection strategy Section 5.4 of the traffic report states that waste will be collected three times a week. The Transport Assessment report notes that on-site waste collection will be difficult to achieve on site due to the proposed internal layout and as such, private kerbside collection is proposed for the development. The proposed development comprises of 44 residential units, 34 visitor accommodation units and a commercial unit, and the magnitude of bins placed at the site frontage during collection days is estimated to a minimum of 88 bins (2 bins per residential unit + the number of bins required for the 34 visitor accommodation units and commercial unit). This would likely block an excessive area of the footpath during the collection day which reduces pedestrian amenity. On the collection days, a rubbish truck would need to refuge in the live lane on Western Springs Road if on-street parking spaces are occupied, resulting in obstructing the live traffic lane. This could result in adverse effects on user safety and the operation of Western Springs Road. Should the proposal proceed, an updated design of the proposed development enabling on-site waste collection in accordance with Auckland Waste Management and Minimisation Bylaw 2019 would be required, in conjunction with an assessment on how any potential adverse effects to the transport network and user safety will be avoided, remedied or mitigated. **3. Conclusion** Given the need to review any potential adverse effects on the transport network, including the matters raised above, Auckland Transport requests that any referral order for this project requires the Expert Consenting Panel to include Auckland Transport as a person who is to be invited to comment on the project.
Other considerations	Click or tap here to provide any information you consider relevant to the Minister's decision on whether to refer the project to an expert consenting panel.
[Insert specific requests for comment]	Click or tap here to insert responses to any specific matters the Minister is seeking your views on.

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

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)	Huda Majeed, Senior Planner , Resource Consent Central
	s 9(2)(a)
	Tel: s 9(2)(a)

Comment form

Please use the table below to comment on the application.

Project name	The North Project
General comment – potential benefits	The proposal will deliver a mixed-use residential apartment building of 44 residential units, 34 visitor accommodation units, and ground level café/bar fronting New North Road . This will result in a range of apartment and hotel units within a close proximity to CBD, two railway stations and good connection to bus network. Due to the increase of residential Units in this location , the project will have positive effects on the businesses within the CBD and surrounding centres as been confirmed by an economic cost/benefit analysis prepared by Adam Thompson of Urban Economics.
General comment – significant issues	Significant issues are identified with this project as follows: • The proposed building will exceed the maximum height standards of the zone by 13.3m. • The effects on a heritage site (615 New North Road).
Is Fast-track appropriate?	The fast-track is appropriate as the proposal is not contrary to the objectives and policies of the zone under the AUP(OP) and is not inconsistent with any relevant National Policy Statement. In addition, the applicant has indicated that the project will have positive effects on the economy. Also, the Stormwater solution needs to be resolved , however, as the proposed activity is restricted discretionary in the business zone, stormwater is not a matter of discretion that Council can consider, so capacity issues and network would be dealt with by the Stormwater Asset Owner.
Environmental compliance history	Auckland Council has no records of environmental compliance complaints or actions taken against the applicant, CIVIX Limited, or its named Directors.
Reports and assessments normally required	For an application of this nature, the following reports would be required: • Assessment of Environmental Effects in accordance with Schedule 4 of the RMA; • Geotechnical report, including groundwater assessments; • Draft Construction Management Plan • Draft Construction Traffic Management Plan;

	• Construction Noise and Vibration Management Plan; • Infrastructure Report; • Integrated Traffic Management Plan; • Landscape Visual Assessment; • Urban Design Assessment, including signage and lighting; • Preliminary and Detailed Site Investigation Report; • Erosion and Sediment Control Plan. • Memorandum Heritage Effects
Iwi and iwi authorities	Given the activity is restricted discretionary, the Iwi consultation is not triggered under the AUP, but the applicant has consulted in good faith. Furthermore, the activity: • does not occur on land returned under a Treaty settlement. • does not occur in a customary marine title area. • does not occur in a protected customary rights area. And • directing the project to a panel would not be inconsistent with a Treaty settlement. • the proposed project does not involve an activity that would occur on land that the Minister for Treaty of Waitangi negotiations considers necessary for Treaty settlement purposes.
Relationship agreements under the RMA	There are no joint management agreements, Mana Whakahono ā Rohe, transfer of power, memorandum of understanding, or other relationship agreements under the RMA which are applicable.
Insert responses to other specific requests in the Minister's letter (if applicable)	All specific questions in the Minister's letter are addressed above.
Other considerations	Other considerations are summarized below, with detailed comment: **Healthy Water`s response to the proposal :** Auckland Council Healthy Waters are the stormwater network asset owner. The proposed development will be classified as a small brownfield under the Regional Stormwater Network Discharge Consent , since the impervious will be well under 5000m2 and titles will be held under unit title. However, Healthy Waters does not recommend a fast-track process for the following reasons: - There is no formal stormwater discharge method from the existing development /impervious areas; - The nearest adequate stormwater system is more than 100 meters away along the road, the extension of which will be expensive and complex. The applicant is the person responsible for any costs and construction work of this required SW pipe. - Other methods of stormwater disposal will require to be supported by investigation and consultation with multiple stakeholders. **Overland Flow Path** The overland flowpath along the road reserve is for an upstream catchment of approximately 1.2 hectares. The Geomaps show that the OLFP is outside the site boundary, but a site specific topo survey and flood assessment must be carried out to confirm that proposed development will not be affected by the OLFP.

	Watercare's response to the proposal *Wastewater* The WW network has sufficient capacity to cater to the additional flows from the proposed development. The developer must connect the Wastewater line with a MH ensuring a 150mm connection. The existing network should be surveyed to ensure there is enough space for proposing a WWMH at the connection point. Detailed engineering plans showing the connection design should be provided at the RC stage. As mentioned above, CCTV inspection should be undertaken to ensure the pipe's condition. *Water* The developer must connect the proposed water connection to the existing 200mm Watermain along the New North Road. A bulk meter arrangement will be required to cater to this development.

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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	Heritage New Zealand Pouhere Taonga
Contact person (if follow-up is required)	Charlotte Steel
	Policy Advisor
	s 9(2)(a)

Comment form

Please use the table below to comment on the application.

Project name	The North, Morningside, Auckland
General comment	Based on the information provided, Heritage New Zealand Pouhere Taonga objects to this project being referred to an expert consenting panel as the proposed development is not acceptable from a heritage protection perspective. In our view, the application does not meet the requirements for referral (s 18), as outlined below. Further information/assessment is required for some aspects. <u>Summary:</u> Due to the archaeological and heritage concerns, the project does not promote the protection of historic heritage, which is to be considered as to whether a project helps achieves the purpose of the Act (s 19(d)(viii). There is existing historic heritage on the subject site: the pre-1900 wooden building, the recorded archaeological site and the high potential for subsurface archaeological features to be present. HNZPT does not support the conclusions in the assessment of environment effects (included in Appendix 3), built heritage and archaeological assessments that state: • "the proposal will not give rise to significant adverse effects on neighbouring character, streetscape and amenity that are inappropriate for the context and locality of the site" (p. 8, Appendix 3) • the proposal will be "appropriate with regards to effects on the adjacent historic heritage values" (p. 6, Appendix 25) • "unavoidable adverse effects" could be mitigated through recovery, monitoring and recording of archaeological materials under an archaeological authority (p. 24, Appendix 6)

The application includes an assessment of the historic heritage of the site, but the focus is on the anticipated zoning expectations and how the proposed building will not impact on the surrounding environment and reflect the direction of the NPS-UD. HNZPT considers greater evaluation is required to be applied to the historic heritage of the site and its surrounds to determine the impact and potential loss of the identified historic heritage existing on the site as a well as on the surrounding scheduled heritage building and general setting.

We look forward to providing comments on future historic heritage reports and any effects of the project on historic heritage if the project is referred, and if we are notified by an expert panel.

Planning:

The proposal is located within an area that is not included in the Auckland Council's IPI Plan Change process (Plan Change 78 – Intensification). 617 New North Road is within the area identified by council as 'Deferred Auckland Light Rail Corridor'. Council intends to undertake a variation to Plan Change 78 in 2023. As a result, the AUP Operative in Part planning provisions apply, the site is zoned Local Centre Zone. The specific objective for the Local Centre Zone is for:

- H11.2 (6) Local centres enable commercial activity which primarily services local convenience needs and provides living opportunities
- H11.2 (7) The scale and intensity of development within local centres is in keeping with the planning outcomes identified in this Plan for the surrounding environment
- H11.2 (8) Local centres are an attractive place to live, work and visit.

The AEE sets out the statutory expectations and the applicant's argument that Auckland Council has incorrectly excluded this area from PC78 and that the applicant has made submissions to the IPI process on those issues. HNZPT considers that these matters will be appropriately addressed through either the existing IPI hearing process or through the proposed future variation. Accordingly, this application should be considered against the existing AUP provisions, the maximum permitted height is set out in Rule H11.6.1.2 and H11.6.1.2. The operative planning intent for this zone is to "typically enable buildings up to four storeys high, enabling residential use at upper floors" (AUP, H11 Business – Local Centre Zone, H11.1 Zone Description). As the subject site is outside of a walkable catchment and not in a Height Variation Control area, the permitted maximum height for the 'occupiable building height' under Rule H11.6.1.2 afforded the subject site is 16 metres (4 storeys).

While HNZPT concurs with the statement in the AEE, "the proposal will result in a high visual changed to what currently existing on sites", we strongly disagree with the next statement, that the "change is not a significant departure from what could reasonably be expected in the zone" (p. 4, Appendix 3). Policy H11.3(14) AUP identifies that if the standard zone height would significantly impact on identified special character, identified landscape features or amenity buildings, the height should be reduced. HNZPT is concerned the impacts the proposed building's height, bulk and scale will have on the surrounding

environment, including the adjoining Scheduled heritage building (former Mount Albert Borough Council Chambers, Schedule 14.1 ID02809, AUP).

The proposed 9-storey building is not located in either a walkable catchment or in a Height Variation Control area. Alongside exceeding the permitted building height, the present application infringes a number of the permitted standards for the Local Centre Zone, bulk, height and scale, which is of concern to HNZPT.

Adjoining Built Heritage - former Mount Albert Borough Council Chambers, Schedule 14.1 ID02809, AUP:

This proposal is beside the former Mount Albert Borough Council Chambers, a scheduled heritage building. The proposal is in a position, and of a bulk, height and scale, that dominates the heritage building.

The proposed building will be located forward of the heritage building (e.g., closer to the street than the heritage building), meaning that the heritage building will be cut off visually when approaching along the street from the northeast and for much of the time it will sit in the proposed building's shadow.

Notwithstanding some referential material consideration, HNZPT is concerned the proposed development does not effectively respond to the heritage building as both its side walls are designed in a similar manner (not articulated on the heritage side to respond in a positive way). HNZPT disagrees with the opinion of Archifact relating to the adjoining scheduled site at 615 New North Road set out in the 2022 Built Heritage Memo (Appendix 25). Archifact state that the proportion and scale of window openings are generally informed by those in the heritage building. Also, we do not agree that design references for the proposed building reflect the heritage building in terms of horizontal alignments, corner banding and quoin detailing (Appendix 25). In HNZPT's opinion, the proposal has not been designed in a manner to sit companionably or sympathetically to the scheduled heritage place.

Archaeology:

Clough & Associates state the presence of recorded archaeological features or deposits relating to Māori occupation is considered very low.

The subject site is a recorded archaeological site (R11/3418) and has acted as a 1880s store and house (Appendix 25, p. 2). The 2022 archaeological assessment prepared by Clough & Associates (Proposed Residential Development 617-619 New North Road, Kingsland, Auckland: Archaeological Assessment, Appendix 6) identifies the site (and building) within a known pattern of early European settlement and considers that the site (R11/3418) has moderate archaeological value. HNZPT notes the site record (R11/3418) shows the whole property as the extent, referring specifically to the building, it does not reference the potential for further subsurface features at the rear of the property as outlined in the assessment.

HNZPT's inventory assessment considers the site's heritage comprises an extant 19th century commercial store frontage and attached residential building, the

	construction of which appears to have been in two/three phases. While the age has not been estimated, historic images indicate to be at least 1880's and the shop appears to have been on site at the time of the 1880's subdivision. HNZPT does not consider the building to be a common type of 1880's residential villa as identified in the archaeological assessment. It's arguably, the only surviving intact wooden 19th century example of a commercial store/attached residential dwelling left standing in the New North Road and perhaps Morningside from this period. HNZPT concurs with Clough & Associates and Architfact that the building/site is within an early European settlement. The historical narrative identifies this area as part of the prescribed "village" setting that Kerr Taylor sought to achieve in his wider Alberton Estate, centred around a church (St Luke's), when the lots were first developed. Therefore, the greater contextual historic value of both the building and subsurface remains that may be associated with the property as a whole and its setting should be fully considered in determining the proposed loss of heritage through the proposed development. There is also a high potential for subsurface archaeological features underneath the existing building. Accordingly, further information is required about the impact on historic heritage values. HNZPT advised the applicant of this requirement at a pre-application meeting in August 2022, and concurs with Clough & Associates' opinion that "there will almost certainly be archaeological features relating to the 19th century occupation of the former store and associated house" (p. 22, Appendix 6) as well as advising that an archaeological authority is required under the Heritage New Zealand Pouhere Taonga Act 2014. HNZPT advises that the applicant has not yet applied for/or obtained an archaeological authority for the project. Neither a detailed recording of the pre-1900 building's archaeology and above-ground fabric has been undertaken. Therefore, the heritage values of the building are presently not fully known. HNZPT is also concerned the referral application does not provide the necessary clarity on what is actually proposed for the existing building on the subject site. The application states it will be removed but does not set out how or whether it will actually be relocated or demolished. Therefore, there is a potential the building will be demolished resulting in the wholesale loss of heritage values. As part of the archaeological authority, where a pre-1900 building is proposed to be demolished or relocated without the intent to reinstate and preserve elsewhere, a detained recording of the building in accordance with the HNZPT guidelines[1] is required. This also assists with the formation of an archaeological research strategy needed as part of the archaeological application.
Other considerations	If the project is referred to an expert panel, we recommend additional heritage and archaeological assessments, and these should be included in the Order in Council: • A built heritage impact assessment by a suitably experienced and qualified professional in built heritage conservation of the existing building identified

[1] HNZPT, "Investigation and recording of buildings and standing structures", https://hnzpt-prod-web.azurewebsites.net/media/zd2hcil2/ags1-building-recording-nov-2018-3.pdf.

	for removal, where it is being relocated to and how the building is proposed to be protected, what is to be removed and reused, what is being demolished, and how the removal will be recorded • An assessment of archaeological values associated with the building above-ground fabric (material use, technological change, construction methods, use of space, original fixtures, and fittings) as well as focusing on the subsurface recording of inground remains post removal • An updated archaeological assessment following the heritage and archaeological assessment of the buildings to determine the recording levels. We note the applicant engaged with 14 iwi groups in December 2022. Ngati Whatua Orakei advised the applicant that further information would be required before appropriate comments could be provided. In the application it states further input will be sought as part of the next stage of the project. If the project is referred, HNZPT would encourage the applicant to continue consulting with iwi entities who have a connection to this landscape.
[Insert specific requests for comment]	

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

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

Organisation providing comment	Watercare Services Ltd.
Contact person (if follow-up is required)	Shane Lawton, Head of Developer Services, s 9(2)(a)
	Mark Iszard, Head of Major Developments, s 9(2)(a)
	Ameya Bhiwapurkar, Development Engineer, s 9(2)(a)

Comment form

Please use the table below to comment on the application.

Project name	The North
General comment	**Summary** The proposal is for a mixed-use residential apartment building comprising retail tenancy on the ground floor, 34 visitor accommodation units, and 44 dwelling units across a total of 9 storeys. The proposal will also provide basement car parking, including associated earthworks, servicing, unit title subdivision, and groundwater diversion. Wastewater The Wastewater for the proposed development will be connected to an existing 150mm diameter public wastewater pipe running outside of the southern site boundary. The proposed development will discharge into this existing wastewater pipe by installing a new wye junction. A CCTV inspection will be undertaken to determine the existing condition and confirm the material as well as the diameter of the pipe. Should the pipe's condition be poor, appropriate actions will be taken in consultation with Watercare. Water There are existing 100mm dia and 200mm dia public water mains running north and south of the site, respectively. In the existing scenario, it appears that the northern half of the site is connected to a 100mm dia while the southern half is connected to a 200mm dia watermain. **Watercare's response to the proposal**

	Wastewater The WW network has sufficient capacity to cater to the additional flows from the proposed development. The developer must connect the Wastewater line with a MH ensuring a 150mm connection. The existing network should be surveyed to ensure there is enough space for proposing a WWMH at the connection point. Detailed engineering plans showing the connection design should be provided at the RC stage. As mentioned above, CCTV inspection should be undertaken to ensure the pipe's condition. Water The developer must connect the proposed water connection to the existing 200mm Watermain along the New North Road. A bulk meter arrangement will be required to cater to this development.
Other considerations	
[Insert specific requests for comment]	

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