



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

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

*For office use only:*

Project name: «project\_name»  
Application number: «project\_record\_id»  
Date received: «datetime\_Submitted»

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

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

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

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

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

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

## Part I: Applicant

### Applicant details

Person or entity making the request: Oyster Capital Limited

Contact person: Andrew McCarthy

Job title: Planning and Development Manager

Phone: s 9(2)(a)

Email: s 9(2)(a)

Postal address: PO Box 37846, Parnell, Auckland 1151

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

Organisation: Barker and Associates Limited

Contact person: Nick Roberts

Job title: Director

Phone: s 9(2)(a)

Email: s 9(2)(a)

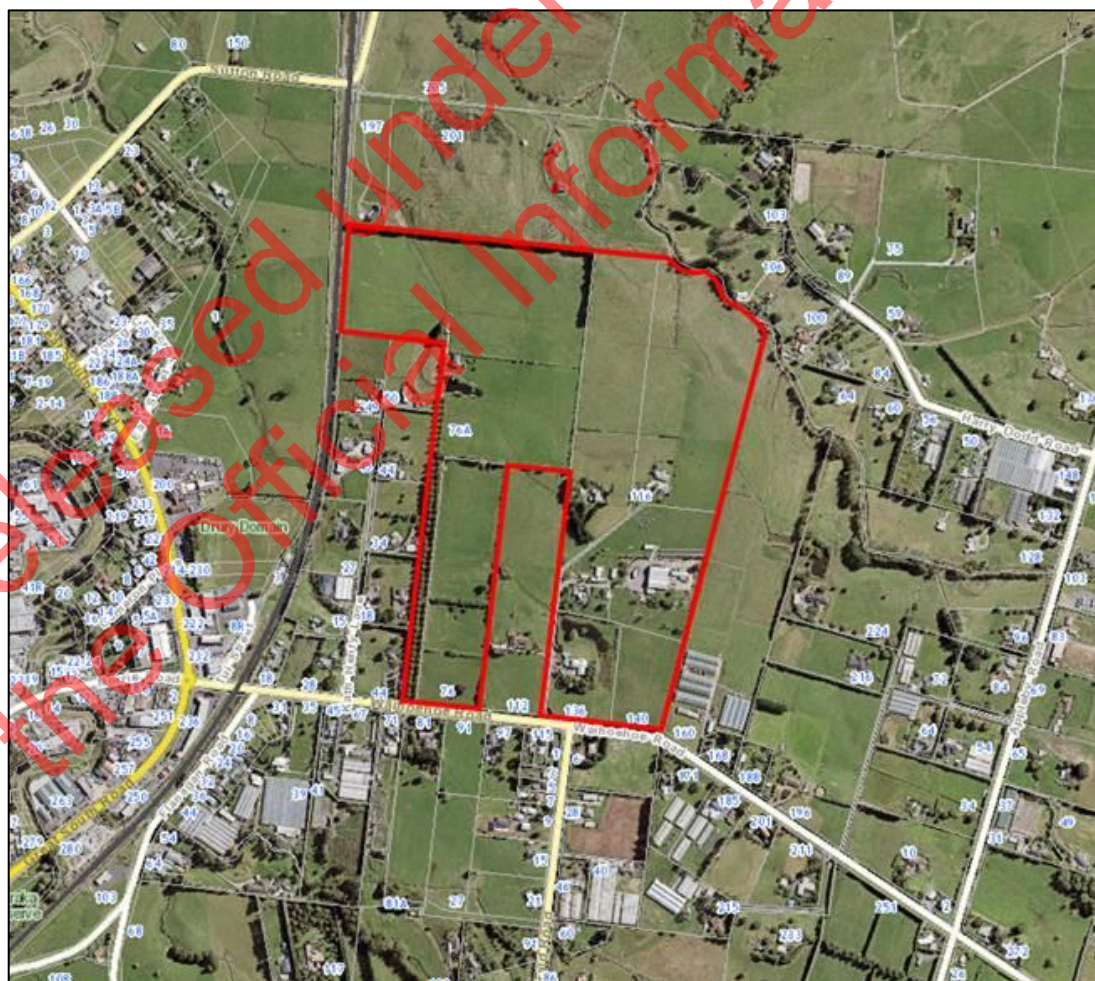
Email address for service: s 9(2)(a)

Postal address: PO Box 1986, Shortland Street, Auckland 1140

## Part II: Project location

The application: Does not relate to the coastal marine area

Site address / location: 76, 76A and 116, 136 and 140 Waihoehoe Road, Drury as outlined in red in the figure below.



Legal description(s):

76 and 76A Waihoehoe Road – Lots 2 and 3 DP 115881, Identifier NA65D/733

116 Waihoehoe Road - Pt Lot 1 DP 146189, Pt Lot 2 DP 146189, Lot 2 DP 173904, Lot 3 DP 173904, Identifier NA86C/816, NA86C/817, NA106D/61, NA106D/62

136 Waihoehoe Road – Lot 1 DP 371528, Identifier 289462

140 Waihoehoe Road – Lot 2 DP 371528, Identifier 289463

Refer to records of title at **Appendix 1**.

Registered legal land owner(s):

116, 136 and 140 Waihoehoe Road - Edith Gillian Robinson and Peter Horace Allen

76 and 76A Waihoehoe Road – Penelope Jane Ross and Susan Jane Ross

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

Oyster Capital Limited (Oyster) has an unconditional sale and purchase agreement for 116, 136 and 140 Waihoehoe Road and a sale and purchase agreement for 76 and 76A Waihoehoe Road.

Oyster has full control of the site for the purpose of rezoning and future residential development and is able to undertake site works as soon as all relevant approvals are approved.

## Part III: Project details

### Description

Project name: Waihoehoe Precinct

Project summary:

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

The Waihoehoe Precinct project involves the development of 34.65 hectares of Future Urban Zone land into a comprehensively planned transit-oriented development within close proximity to surrounding planned land uses and a fully funded new rail station to be constructed at Drury Centre by 2025. The project includes the sustainable delivery of up to 376 dwellings, a total of 9 superlots and supporting roading and servicing infrastructure. The superlots equate to approximately 7.2 hectares of land set aside for residential development with a projected future yield of approximately 270 dwellings. The project is estimated to provide up to approximately 980 jobs in the peak construction year, with a total which equates to up to 2,900 full time jobs created during the 4-year project (2021 – 2025). The project will provide a much-needed boost to employment opportunities and available housing stock in Auckland.

The project is associated with private Plan Change 50 (PC 50) submitted by Oyster to rezone the land from Future Urban to Terrace Housing and Apartment Building (THAB) Zone to enable an integrated and comprehensive residential development adjacent to a new transit orientated metropolitan centre around the funded Drury Central train station planned for completion in 2025. Underpinning the development of PC 50 is the Drury-Opaheke Structure Plan ("Structure Plan") which was endorsed by Auckland Council on 6 August 2019 following an extensive public consultation process. The Structure Plan sets out the pattern of land uses and the supporting infrastructure network for the future urban growth of Drury-Opaheke. The Waihoehoe Precinct project is consistent with the land use and roading pattern of the Structure Plan and, in effect, the project will give effect to the overall objectives and aspirations of the Structure Plan developed through an extensive public consultation process in an accelerated



delivery timeframe.

The location and extent of this project relative to boundaries of PC50, and applications for referred projects pursued by other Drury East Developers are illustrated in **Figure 1** below. Further information on the background of PC 50 is in **Appendix 12**.

Plans providing the open space and movement context of the project in relation to the other applications for referred projects by Kiwi Property and Fulton Hogan and the wider Drury-Opāheke Structure Plan area are attached at **Appendix 15**. These plans illustrate how development within the fast track development areas can successfully integrate with development within the wider Plan Change area and in a manner that gives effect to the Drury-Opāheke Structure Plan.



*Figure 1: Extent and location of land subject to the applications for referred projects by Kiwi Property, Oyster Capital and FHLDL relative to the private plan change boundaries.*

Project details:

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

This application for a referred project under the Act is to enable the accelerated construction and delivery of a large portion of the Waihoehoe Precinct which is considered to result in significant public benefit. These benefits include significantly bringing forward (by two to three years) employment generation in the construction sector and the provision of up to 376 additional dwellings to Auckland's housing stock. The project will also further enable increased housing supply through the delivery of 'ready for development' super lots and supporting infrastructure with an overall residential yield of approximately 270 dwellings. The project will enable the development of 34.65 hectares of land to provide a well-functioning urban environment in the form of an integrated, sustainable and comprehensively planned transit-oriented development within walking and cycling distance to the funded Drury Central Rail Station and the planned Drury metropolitan centre. The project will align the delivery of dwellings (and therefore an increased residential catchment) with the planned completion of the Drury Central Rail Station in 2025.

The Waihoehoe Precinct provides an exceptional opportunity for the development of a transit-oriented and comprehensively planned residential development. The project will be delivered by Oyster, an established developer with a successful track record in residential land development (e.g., Beachlands, Whenuapai Special Housing Area), and who are uniquely placed to deliver high quality and sustainably constructed subdivisions and dwellings at volume and pace through their partnership with Fletcher Living (Fletchers). As part of the development, Fletchers will use their panellisation plant (Clevercore) to deliver prefabricated and cost-effective dwellings quickly to the market. Once fully completed, the project will provide approximately 646 new dwellings. This development will be a catalyst for the transformation of Drury and the growing synergy of South Auckland which is expected to house an additional 120,000 people and 38,000 jobs over the next three decades.

This project is for the development of a land area of 34.65 hectares and will involve the subdivision and development of this land to provide the following:

- Up to 376 new dwellings comprised of standalone and terrace housing in a variety of sizes and designs;
- 9 superlots totalling 7.2 hectares of land for residential development, which will enable the development of approximately 270 dwellings on the western portion of the site. This involves the construction of roads and servicing / infrastructure required to facilitate future development of the superlots (i.e., making these 'development ready');
- The construction of a new collector road off Waihoehoe Road (to be fully funded and constructed by Oyster as part of this project) which will form part of Auckland Council's planned Opaheke North South Arterial Road;
- Formation of ancillary roads and laneways;
- Construction of reticulated stormwater, wastewater and water supply networks;
- 12.1 hectares of open space and reserves throughout the development, adjacent to streams and within known flood plains; and
- A suite of transport upgrades to the surrounding road network as illustrated in **Figure 2** below and safety upgrades to the Great South Road and Waihoehoe Road intersection (to provide safe crossing facilities for pedestrians and cyclists on all approaches). The Fitzgerald Road and Waihoehoe Road intersection (signalization) upgrade and upgrades to Waihoehoe Road will also be undertaken. Construction of an arterial road through the site in general alignment with the Structure Plan which will be fully funded and constructed by Oyster. All necessary transport upgrades for the project will either be fully funded by Oyster or on a joint basis with the other Drury East developers.

In terms of whether transport infrastructure will be designed to meet the demand of the three plan changes and the wider Drury-Opaheke catchment, we note that transport modelling for the Drury East Plan Changes (PC48, PC49 and PC50) takes a very conservative approach, assuming a 'worst case' full buildout of the Drury, Pukekohe and Paerata area. It also assumes the SGA upgrade works will not proceed. That modelling confirms that with the interim upgrades proposed by the developers in place, the developments can proceed without the need for major upgrades. In terms of three waters, as noted in **Table 1** below, the required wastewater and water upgrades have already been substantially constructed.



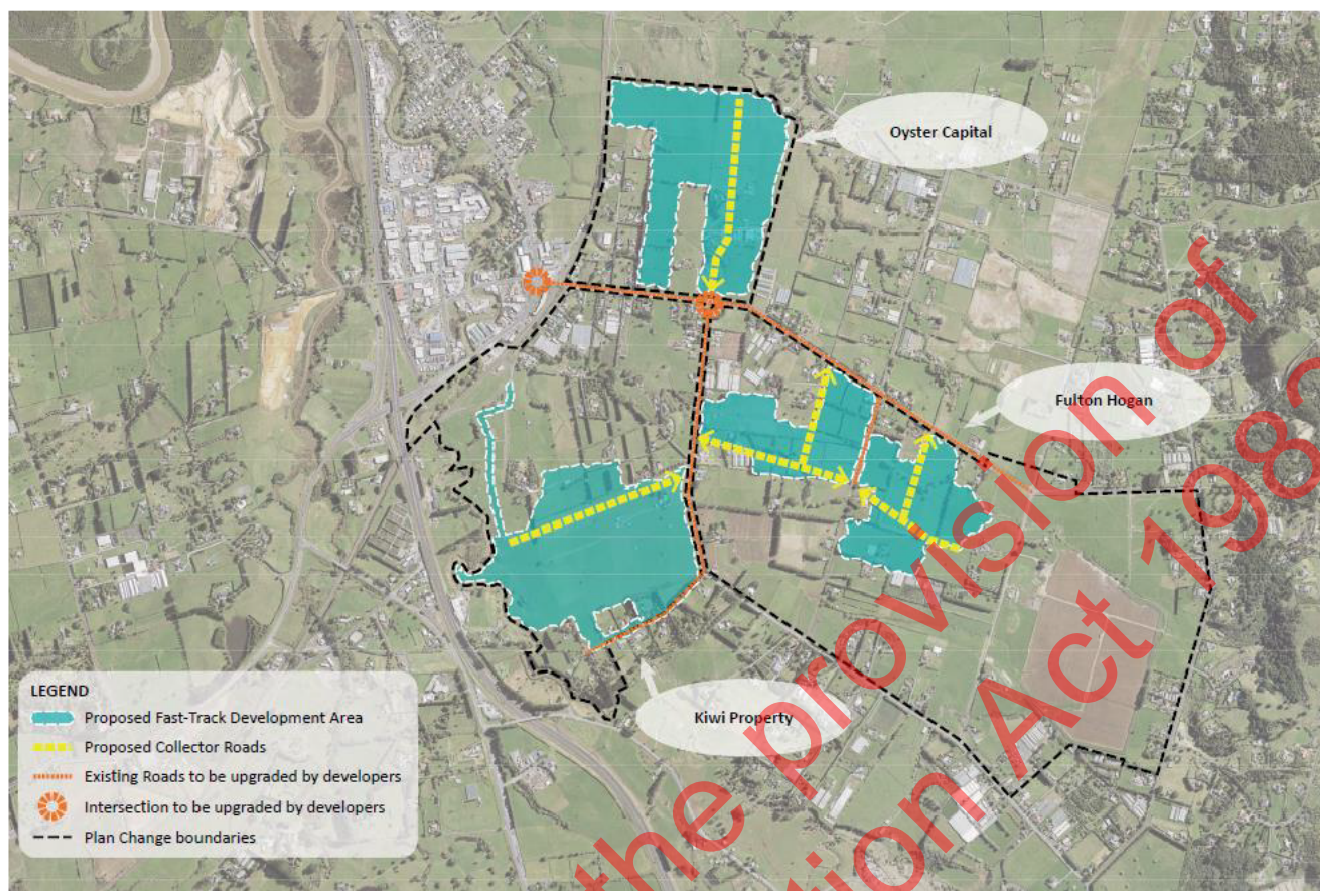


Figure 2: Suite of local transport upgrades to be fully funded by Oyster Capital and other Drury East developers in relation to the referred project applications.

#### Infrastructure Requirements

Oyster is aware of the reported funding shortfall alluded to by the Auckland Council (the “Council”) in their submission to PC 50 and in various media statements. Oyster are engaged in ongoing discussions with the Council to understand Councils concern on how Council may fund the full build out of Drury in / by 2048.

These issues are considered to be irrelevant to this project because all the necessary transport and civil infrastructure to service this project (and others pursued by other Drury East developers) are either already in place or near completion to sufficiently service the project, or will be fully funded and delivered by Oyster or on a joint basis with Drury East developers at no cost to the Council. This infrastructure provision has been planned in an integrated manner to coordinate with the proposed land uses in this project and those of other Drury East developers such that the projects will be adequately and appropriately serviced with infrastructure with no reliance on the Council to deliver that infrastructure. This is summarised in **Table 1** below.

Further, we note that irrespective of the order of the delivery of the projects, the developers are in the process of formalizing an agreement for the construction of the required upgrades. Therefore, the projects are not dependent on others to proceed.

Table 1: Summary of infrastructure upgrades and funding arrangement for the project

Infrastructure	Upgrades Required	Implementation/Funding	Cost to Council
Transport	<ul style="list-style-type: none"> <li>Construction of a portion of the planned Opaheke North-South Road</li> <li>Upgrade of the Great South Road and Waihoehoe Road intersection</li> <li>Upgrades to Waihoehoe Road</li> </ul>	To be privately constructed and funded by the developers on a joint basis	Nil

<b>Water Supply</b>	<ul style="list-style-type: none"> <li>Construction of a reticulated water supply network to service the development area</li> <li>Offsite upgrades include the construction of a public watermain from the bulk supply point on Flanagan Road to the development area</li> </ul>	Both the reticulated water supply network and offsite upgrades are To be privately constructed and funded by the developer	Nil
<b>Stormwater</b>	<ul style="list-style-type: none"> <li>Construction of a reticulated stormwater network to service the development area</li> <li>No offsite upgrades are required for stormwater</li> </ul>	To be privately constructed and funded by the developer	Nil
<b>Wastewater</b>	<ul style="list-style-type: none"> <li>Construction of a reticulated wastewater network to service the development area</li> <li>Offsite upgrades include the construction of a gravity sewer to link the development site to the recently constructed trunk main located at 91 Fitzgerald Road</li> </ul>	Both the reticulated wastewater network and offsite upgrades are to be privately constructed and funded by the developer	Nil
<b>Parks / Community Facilities</b>	<ul style="list-style-type: none"> <li>No site upgrades are specifically required with wider open space and community resource provision to be funded through the standard development contribution process</li> </ul>	To be funded by development contributions	Nil

Oyster is committed to undertaking sustainable land development works by sourcing materials locally where possible, and employing local workers to support the development team. This is primarily achieved through strategic partnerships with civil contractors (such as Dempsey Wood) and house builders (Fletcher Living) who share Oyster's values, and are capable to delivering quality outputs with local labour and locally sourced materials.

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

Should the project be accepted, the engineering design for the bulk earthworks and stormwater will immediately commence in Q1 of 2021, with infrastructure and building design commencing shortly after this. These phases will occur concurrently to expedite design and consenting processes. These are planned for completion by the end of Q3 of 2021.

In terms of staging, the project will be constructed over four stages as shown on the masterplan at **Appendix 2**. Stages 1 – 3 comprises the staged land development and associated dwelling construction on the eastern portion of the site and Stage 4 comprises land development works to create the residential superlots on the western portion of the site.

The timing of the stages is anticipated to be:

- Stage 1
  - Earthworks and civil works – October 2021 - May 2022
  - Delivery of core dwelling components and construction on site – December 2022 – July 2023
- Stage 2
  - Earthworks and civil works – October 2022 - May 2023
  - Delivery of core dwelling components and construction on site – December 2023 – July 2024
- Stage 3
  - Earthworks and civil works – October 2023 - May 2024
  - Delivery of core dwelling components and construction on site – December 2024 – July 2025
- Stage 4
  - Earthworks and civil works for superlots – October 2024 – May 2025



We note that as Stage 4 is solely for land development works to establish the residential superlots. This may occur concurrently to development in stages 1 – 3 (i.e. it may occur before the anticipated dates listed above).

## Consents / approvals required

Relevant local authorities: Auckland Council

Resource consent(s) / designation required:

Section 9 land use consent; section 11 subdivision consent; section 13 consent under the National Environmental Standard for Freshwater; and potentially section 15 discharge consent under Resource Management Act (RMA) 1991 and potential consent under the National Environmental Standards for Assessing and Managing Contaminants to Soil to Protect Human Health Regulations

Relevant zoning, overlays and other features:

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

Legal description(s)	Relevant plan	Zone	Overlays	Other features
76 and 76A Waihoehoe Road – Lots 2 and 3 DP 115881, Identifier NA65D/733	Auckland Unitary Plan (Operative in Part)	Future Urban	Natural Resources: High-Use Aquifer Management Areas Overlay [rp] - Drury Sand Aquifer Natural Resources: Quality-Sensitive Aquifer Management Areas Overlay [rp] - Drury Sand Aquifer Controls: Macroinvertebrate Community Index - Rural	Streams Overland flow paths Flood prone areas Flood plains  'Piece of land' under the National Environmental Standard for Assessing and Managing Contaminants in Soil to Protect Human Health (NESCS)
116 Waihoehoe Road - Pt Lot 1 DP 146189, Pt Lot 2 DP 146189, Lot 2 DP 173904, Lot 3 DP 173904, Identifier NA86C/816, NA86C/817, NA106D/61, NA106D/62	Auckland Unitary Plan (Operative in Part)	Future Urban	Natural Resources: High-Use Aquifer Management Areas Overlay [rp] - Drury Sand Aquifer Natural Resources: Quality-Sensitive Aquifer Management Areas Overlay [rp] - Drury Sand Aquifer Controls: Macroinvertebrate Community Index - Rural	Streams Overland flow paths Flood plains  'Natural wetland' under the National Environmental Standard for Freshwater 2020 (NESF)  'Piece of land' under the NESCS
136 Waihoehoe Road – Lot 1 DP 371528, Identifier 289462	Auckland Unitary Plan (Operative in Part)	Future Urban	Natural Resources: High-Use Aquifer Management Areas Overlay [rp] - Drury Sand Aquifer Natural Resources: Quality-Sensitive Aquifer Management Areas Overlay [rp] - Drury Sand Aquifer Controls: Macroinvertebrate Community Index - Rural	Overland flow paths Flood prone areas Flood plains  'Natural wetland' under the NESF  'Piece of land' under the NESCS
140 Waihoehoe Road – Lot 2 DP 371528, Identifier 289463	Auckland Unitary Plan (Operative in Part)	Future Urban	Natural Resources: High-Use Aquifer Management Areas Overlay [rp] - Drury Sand Aquifer Natural Resources: Quality-Sensitive Aquifer Management Areas Overlay [rp] - Drury Sand Aquifer Controls: Macroinvertebrate Community Index - Rural	Overland flow paths



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

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

The following table provides a detailed list of the proposal's reasons for consent under the Auckland Unitary Plan (Operative in Part) 2016 and the relevant National Environmental Standards.

The overall consenting strategy is to seek land use and subdivision consents for the 376 dwellings at 116, 136 and 140 Waihoehoe Road, which will be a non-complying activity under the Future Urban zone. In the absence of a 'live' urban zoning, the zoning framework identified for the site in the Drury-Opaheke Structure Plan, being the THAB zone, will be used to inform the design of dwellings on the site. Consistent with this, terrace housing is proposed, with provision for a small number of detached dwellings. No submissions on PC50 have sought to amend the THAB zoning on the site and it is therefore not a matter in contention.

Subdivision consent will be sought for the nine super lots at 76 and 76A Waihoehoe Road, which will also be a non-complying activity under the Future Urban zone. Land use consents for buildings on these sites do not form part of this proposal. The superlots are of a size and dimension to accommodate terrace housing and/or apartments, consistent with the policy intent of the THAB zone. Resource consent(s) for dwellings and subdivision of the superlots will be made to Auckland Council either under the current FUZ provisions, or under the new zoning framework once PC50 becomes operative.

Relevant plan / standard	Relevant rule /	Reason for consent	Activity status	Location of proposed activity
National Environmental Standard for Assessing and Managing Contaminants in Soil to Protect Human Health 2011	Regulation 10(2)	Soil disturbance on a piece of land exceeding 25m <sup>3</sup> per 500m <sup>2</sup> and removal of soil exceeding 5m <sup>3</sup> per 500m <sup>2</sup>	Restricted discretionary	Application site
National Environmental Standard for Assessing and Managing Contaminants in Soil to Protect Human Health 2011	Regulation 10(2)	Subdividing and changing use of a piece of land which is not a permitted or controlled activity	Restricted discretionary	Application site
National Environmental Standard for Freshwater 2020	Regulation 54(a)	Vegetation clearance within, or within a 10m setback from, a natural wetland	Non-complying	116 Waihoehoe Road 136 Waihoehoe Road

National Environmental Standard for Freshwater 2020	Regulation 54(b)	Earthworks within, or within a 10m setback, from a natural wetland (which does not result in the complete or partial drainage of all or part of a natural wetland)	Non-complying	116 Waihoehoe Road 136 Waihoehoe Road
Auckland Unitary Plan (Operative in Part)	E8.4.1(A11)	Diversion and discharge of stormwater runoff from an existing or a new stormwater network	Discretionary	Application site
Auckland Unitary Plan (Operative in Part)	E9.4.1(A7)	Development of a high use road greater than 5,000m <sup>2</sup>	Controlled	Application site
Auckland Unitary Plan (Operative in Part)	E11.4.1(A5)	General earthworks greater than 50,000m <sup>2</sup> outside the Sediment Control Protection Area	Restricted discretionary	Application site
Auckland Unitary Plan (Operative in Part)	E11.4.1(A9)	General earthworks greater than 2,500m <sup>2</sup> within the Sediment Control Protection Area	Restricted discretionary	Application site
Auckland Unitary Plan (Operative in Part)	E12.4.1(A6)	General earthworks exceeding 2,500m <sup>2</sup>	Restricted discretionary	Application site
Auckland Unitary Plan (Operative in Part)	E12.4.1(A10)	General earthworks exceeding 2,500m <sup>3</sup>	Restricted discretionary	Application site
Auckland Unitary Plan (Operative in Part)	C.1.9(2)	For an infringement to the following standards of E12 Land disturbance – District: <ul style="list-style-type: none"> <li>E12.6.2(1) Earthworks exceeding 5m<sup>2</sup> and 5m<sup>3</sup> within riparian yards</li> </ul>	Restricted discretionary	Application site
Auckland Unitary Plan (Operative in Part)	E23.4.2(A53)	Comprehensive development signage	Restricted discretionary	Application site
Auckland Unitary Plan (Operative in Part)	E25.4.1(A2)	For an infringement to the following standard of E25 Noise and Vibration: <ul style="list-style-type: none"> <li>E25.6.27 Construction noise levels</li> </ul>	Restricted discretionary	Application site

Auckland Unitary Plan (Operative in Part)	E27.6.1.1(A3)	Exceedances to trip generation standard E27.6.1.1(T1), being greater than 100 dwellings	Restricted discretionary	Application site
Auckland Unitary Plan (Operative in Part)	E30.4.1(A6)	Potential discharges of contaminants into air, or into water or into land not meeting the permitted activity standards	Controlled	Application site
Auckland Unitary Plan (Operative in Part)	E36.4.1(A37)	All other new structures and buildings within the 1 per cent AEP floodplain	Restricted discretionary	Application site
Auckland Unitary Plan (Operative in Part)	E36.4.1(A38)	Use of new building to accommodate more vulnerable activities within the 1 per cent AEP floodplain	Restricted discretionary	Application site
Auckland Unitary Plan (Operative in Part)	E36.4.1(A41)	Diverting the entry or exit point of an overland flow path	Restricted discretionary	Application site
Auckland Unitary Plan (Operative in Part)	E36.4.1(A42)	Buildings or structures, including retaining walls, located within or over an overland flow path	Restricted discretionary	Application site
Auckland Unitary Plan (Operative in Part)	E39.4.3(A28)	Subdivision in the Future Urban Zone for open spaces, reserves or road alignment	Discretionary	Application site
Auckland Unitary Plan (Operative in Part)	E39.4.3(A29)	Subdivision in the Future Urban Zone not provided for	Non-complying	Application site
Auckland Unitary Plan (Operative in Part)	H18.4.1(A2)	New buildings for dwellings	Non-complying	Application site
Auckland Unitary Plan (Operative in Part)	H18.4.1(28)	Dwellings that do not comply with Standard H18.6.8 (which permits a maximum of one dwelling per site)	Non-complying	Application site

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

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



N/A - no applications for resource consent applications or a notice or requirement under the Resource Management Act 1991 have been lodged in relation to this application for a referred project.

While no resource consent applications have been made for the same project, the applicant has lodged a request for a private plan change (PC50) to Auckland Council for the rezoning of land from Future Urban to Terrace Housing and Apartment Building (in line with the intended zoning contained in the Council approved Drury Opaheke Structure Plan). Further background information and progress to date on PC50 is provided in **Appendix 12**.

A Notice of Requirement (NoR) has recently been lodged by Auckland Transport (AT) for the Opaheke North-South Frequent Transit Network (FTN) Arterial, which runs through the project site. The proposed north-south collector road aligns with the NoR and this section of the Opaheke N-S Road within the project area will be delivered by the applicant at no cost to Auckland Council. The remaining sections of the Opaheke North-South Frequent Transit Network (FTN) Arterial will be delivered by the requiring authority. As such, the NoR will not affect the delivery of the project.

A NoR has also been lodged for the widening of Waihoehoe Road, including land along the southern road frontage of the site. The proposal is designed ensure that dwellings are set back outside of this proposed designation area to ensure that the delivery of the NOR is not compromised (in the event the NOR is approved).

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

N/A – there are no other resource consents or designations required for the project that have been lodged or obtained by persons other than the applicant. All proposed works can be delivered by the applicant, subject to obtaining the necessary resource consents as a referred project under this Act.

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

An Authority to Modify under the Heritage New Zealand Pouhere Taonga Act 2014 will be obtained prior to commencing works. Due to the location of the known archaeological feature (R12/1122 Drury Tramway) in the very far, south-western corner of the site, works will only involve the creation of one superlot on the edge of the project area (refer to **Figure 3** below). Due to the location of the archaeological site and nature of works in this location (i.e. superlot formation only), this will not preclude the remainder of development to commence or progress while the Authority to Modify is obtained.



Figure 3: Map showing location of R12/1122 Drury Tramway in relation to the proposed development.

Building consents for the dwellings under the Building Act 2004. These consents have not been obtained but will be in due course as the project advances to the detailed design stages required to prepare and compile all the consent documentation.

Fletchers (Oyster's build partner) are part of the Auckland Council Qualified Partner Programme, which provides Fletchers with ongoing support from Council. There are agreements in place through this process to ensure expedited processing times for building consents. Through this programme, Fletchers' building consents for their modular dwellings are generally processed within 10 working days. As such, obtaining building consent for the dwellings will not delay delivery of the project.

### Construction readiness

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

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

Oyster is an established land developer with a proven track record in greenfield residential development (refer to Oyster company profile within the planning attachment as **Appendix 12**). Therefore, Oyster have the expertise and experience to successfully deliver the project. Oyster have sale and purchase agreements for all land where this project will occur. Oyster has the means to fund and deliver the project.

We confirm this project is construction ready, subject to obtaining resource consent allowing for the enabling and site works to commence, building consent allowing for physical construction of the buildings and EPAs for the necessary infrastructure. The consultant team to prepare all the necessary documentation for the resource consent has already been appointed and, should this project be successfully referred by the Minister, the consultant team will immediately commence preparation of the resource consent application in Q1 or Q2 2021.

Target dates for key milestones of the project are as follows:

- Construction (civil and earthworks) is scheduled to begin at the beginning of Q4 2021 (October 2021)
- Construction of the core components of the dwellings will occur concurrently at Fletcher's panellisation plant
- Completion of the new north-south road by end of Q2 2022 (June 2022)
- Delivery of the core components and construction of the dwellings will occur at the beginning of Q3 2022 (July 2022)
- First dwellings ready for occupation at the end of Q4 2022 (December 2022)

Please refer to the staging outlined in Part III above.

A high-level timeline outlining the proposed stages and milestones of the project has been included as **Appendix 4**. The full delivery team from consenting and design through to construction is included as **Appendix 3**.

## Part IV: Consultation

### Government ministries and departments

Detail all consultation undertaken with relevant government ministries and departments:

A pre-application meeting was held with the Ministry for the Environment in respect of this project on 3 February 2021.

The Ministry of Housing and Urban Development (MHUD) made a submission in support of PC50.

A site walkover with the Minister of Housing, Energy and Resources, and Research, Science and Innovation, Hon Dr Megan Woods, was also carried out on 27<sup>th</sup> January 2021 to discuss this project and the projected number of dwellings this could enable.

Detail all consultation undertaken with relevant local authorities:

Since the signing of Oyster's unconditional purchase agreement in 2017, the applicant has been actively engaging with Auckland Council and relevant CCO's in the preparation of the developer led Drury-Opaheke Structure Plan in 2018 (formally adopted by Auckland Council in 2019) and lodgement of the Waihoehoe Precinct Private Plan Change Request (PC50) in December 2019.

Over the course of three years, extensive consultation has been undertaken with Auckland Council, Auckland Transport and the Supporting Growth Alliance (SGA) as part the wider developments in Drury which this project forms part of.

Oyster intends to continue consultation with relevant local authorities, with meetings scheduled with Auckland Council and Auckland Transport for the first week of March to discuss their submissions on the plan changes.

A summary of submissions received in respect of PC50 from local authorities can be found in **Appendix 12**.

### Other persons/parties

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

Key stakeholders for the project include iwi, Auckland Council, the local community, adjacent residential owners' and the local businesses with existing operations adjoining the development.

Detail all consultation undertaken with the above persons or parties:



Extensive consultation has been undertaken with the wider community as part of the Drury Structure Plan process (refer **Appendix 13**).

A summary of the submissions received in respect of PC50 from the local community can be found in **Appendix 12**.

## Part V: Iwi authorities and Treaty settlements

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

### Iwi authorities and Treaty settlement entities

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

Iwi authority	Consultation undertaken
Ngati Te Ata Ngati Tamaoho Te Akitai Waiohua Ngaitai ki Tamaki Ngaati Whanaunga	<p>This project for Waihoehoe Precinct has an association with PC50 and Oyster have actively engaged and consulted with these iwi authorities since 2017 on a continual basis.</p> <p>The consultation undertaken to date includes an introduction to the project, several hui (a total of 11 thus far) and site visits to examine the streams and wetlands on site. Cultural Values Assessments for PC50 have also been prepared by Ngati Te Ata, Ngati Tamaoho, Te Akitai Waiohua and Ngaitai ki Tamaki.</p> <p>Hui with mana whenua in respect of this project were held on 1 March 2021, 15 March 2021 and most recently on 29 March 2021. At the most recent hui on 29 March 2021, positive discussions were held around design initiatives which give effect to cultural awareness and aspirations within the site.</p> <p>A summary of the iwi consultation undertaken to date is included at <b>Appendix 13</b>.</p>

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

Treaty settlement entity	Consultation undertaken
<p>The project will not occur on land returned under Treaty Settlement.</p> <p>The land, however, is located in two Treaty Settlement Statutory Acknowledgement area and the settlement party for both of these is Ngati Tamaoho. The statutory acknowledgements are in relation to 'Otūwairoa Stream and its tributaries (includes Waipokapū Stream, Mangapū Stream and Waihoehoe Stream)' (plan reference OTS-129-22) and 'Hingaia Stream and its tributaries' (plan reference OST-129-06).</p>	<p>Ngati Tamaoho have been consulted on the Waihoehoe Precinct project as part of PC50 since 2017. This consultation is ongoing and representative(s) from Ngati Tamaoho attended the hui in relation to this project on 11<sup>th</sup> February 2020.</p> <p>Ngati Tamaoho also prepared a Cultural Value Assessment (CVA) for PC50. The overall position of this CVA is neutral and provides a list of recommendations found on their environmental values. These environmental values are embodied in the philosophy of the masterplan for this project.</p> <p>Further consultation and engagement with Ngati Tamaoho will be undertaken as part of the resource consent if this project is successfully referred by the Minister.</p>

### Treaty settlements

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

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

The project would not occur on land under a Treaty Settlement.

However, as noted above, the land is located in two Treaty Settlement Acknowledgement areas related to 'Otūwairoa Stream and its tributaries (includes Waipokapū Stream, Mangapū Stream and Waihoehoe Stream)' (plan reference OTS-129-22) and 'Hingaia Stream and its tributaries' (plan reference OST-129-06). These are shown in the figures below. The settlement party for these statutory acknowledgements is Ngati Tamaoho.

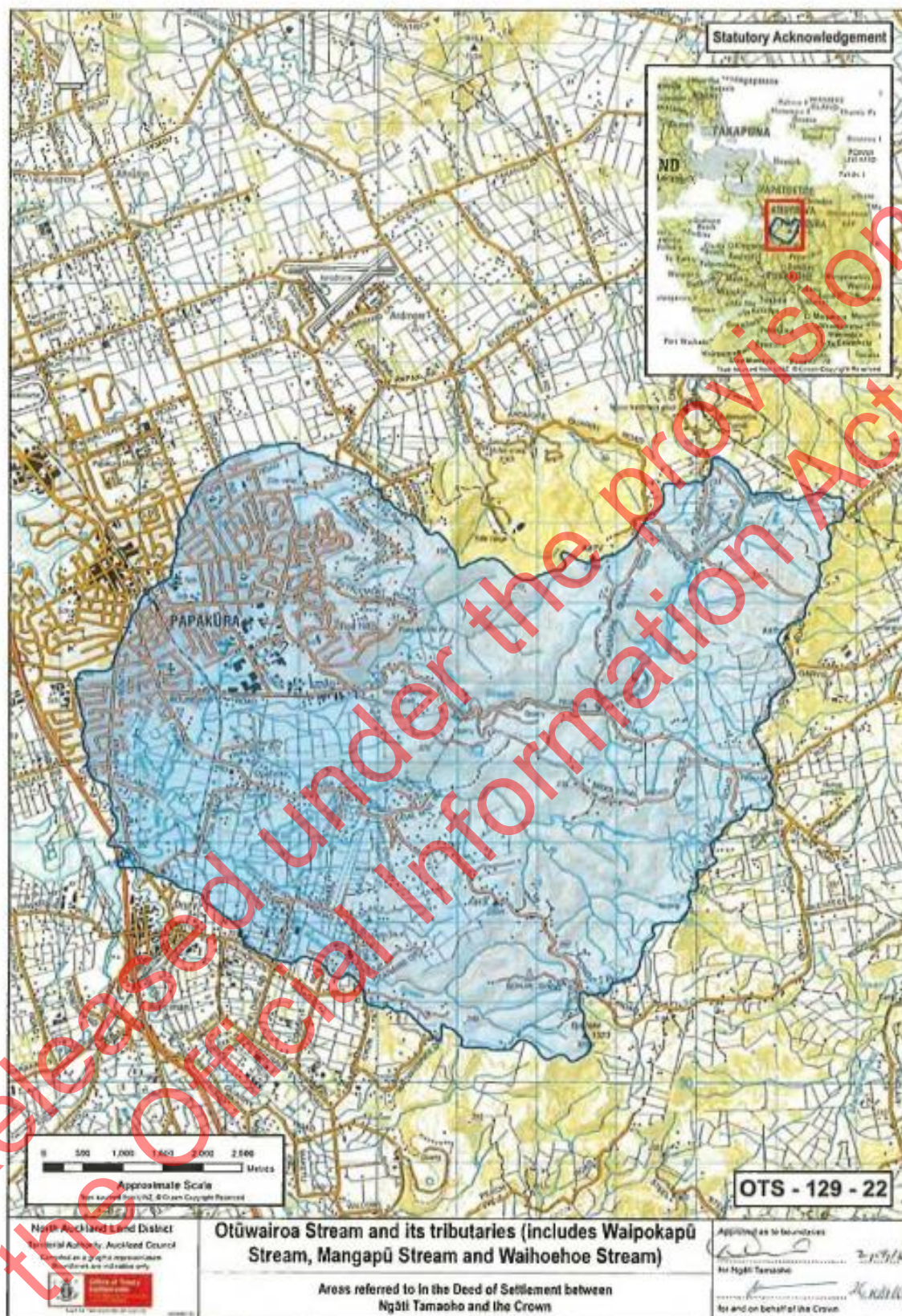
As noted above, the applicant will undertake further engagement with Ngati Tamaoho as part of the resource consent if this project is successfully referred by the Minister.

Maps illustrating the geographical extent of these statutory acknowledgement areas is provided overleaf.

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the Official Information Act 1982

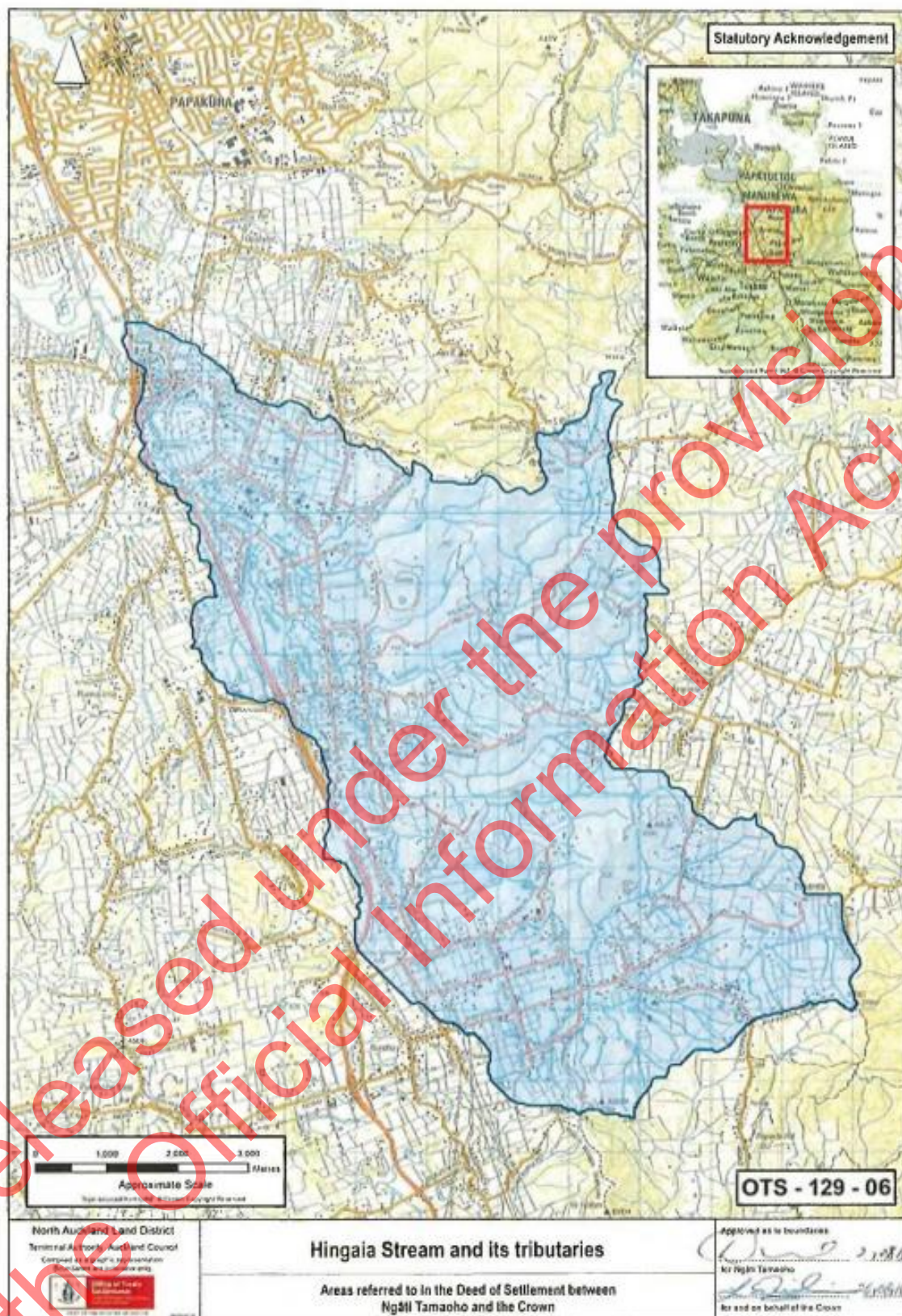


**Otūwairoa Stream and its tributaries (includes Waipokapū Stream, Mangapū Stream and Waihoehoe Stream) (OTS-129-22)**





# Hingaia Stream and its tributaries (OTS-129-06)



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

### Customary marine title areas

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

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

N/A – the project would not occur in a customary marine title area under the Marine and Coastal Area (Takutai Moana) Act 2011.

### Protected customary rights areas

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

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

The project would not occur in a protected customary rights area.

## Part VII: Adverse effects

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

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

The project is not considered to result in any long term, adverse effects on the environment, noting that the site is earmarked for urban rezoning and future urban development by its Future Urban zoning. The project seeks to bring this development forward to allow for immediate public benefits, including much needed housing stock and employment opportunities to assist with New Zealand's recovery from the economic and social impacts of COVID-19.

Key potential adverse effects are addressed in general below and should be reviewed in conjunction with the supporting technical assessments accompanying this application.

### Earthworks

The project will require bulk earthworks to prepare the site for the proposed dwellings and residential super lots, the construction of roads and necessary infrastructure. As outlined in the civil engineering memo prepared by Crang Civil (**Appendix 8**), earthworks will be carried out in accordance with best practice appropriate erosion and sediment control measures to ensure that the potential for sediment to discharge into receiving waters is avoided or minimised. Earthworks will be carried out during the summer earthworks seasons to further reduce the potential discharge of sediment to receiving waters.

### Servicing and infrastructure

The infrastructure memo prepared by Crang Civil in (**Appendix 8**) confirms that the nature and level of development in this project will be sufficiently serviced in respect of wastewater, water supply and telecommunications. This memo



confirms that a trunk water and wastewater reticulation was recently constructed by Watercare Services Limited ("Watercare"). Discussions with Watercare also confirm that this project can also be fully serviced with the necessary infrastructure.

#### Geotechnical

Further to the earthworks assessment above, a geotechnical memo has been prepared by Lander Geotechnical (**Appendix 10**), which confirms that the site is suitable for the proposed development with no known liquefaction risks. Based on this, it is considered that the proposal can be appropriately managed to avoid any adverse land instability effects on the site and on adjacent properties.

#### Contamination

As per the contaminated land memo prepared by Focus Environmental (**Appendix 9**), background investigations, including a Preliminary Site Investigation (PSI) have identified that the site currently, or has previously, accommodates potentially contaminating activities. A Detailed Site Investigation (DSI) will be undertaken which will identify those areas containing elevated levels of contaminants, which will be remediated in accordance with a Remediation Action Plan (RAP). As concluded by Focus Environmental, this is considered to sufficiently mitigate potential adverse effects on human health and the environment.

#### Transport

The transportation memo prepared by Stantec in **Appendix 5** has carried out a high-level trip generation assessment of the project and this appropriately takes into account the densities of residential development proposed in other applications for referred projects in the surrounding Drury area (i.e. Kiwi Property and Fulton Hogan) to enable a holistic consideration of transportation effects on the surrounding road network. In summary, the trip generation assessment carried out by Stantec confirms that there is sufficient capacity in the existing transport network to accommodate the projected vehicle trips during the morning, afternoon and weekend peak periods without the need for any major capacity upgrade of the existing local road network. A series of upgrades will be implemented along Waihoehoe Road, Fitzgerald Road and Brookfield Road with the provision of footpaths and cycling facilities to encourage active modes and support the overall philosophies of the project as a transit orientated development. Importantly, the analysis by Stantec confirms that these upgrades can be achieved within the existing public road corridor without any reliance on private land owned by third parties. The Great South Road/Waihoehoe Road intersection will also be upgraded by installing raised pedestrian and cycling crossings at each arm.

#### Ecology

A memo considering the ecological effects of the proposal has been prepared by Freshwater Solutions (**Appendix 6**), which notes that the site contains low ecological values and highly modified watercourses which are characteristic of rural landscapes. There are also two National Policy Statement for Freshwater Management 2020 (NPSFM) qualifying wetlands on the site, identified in the ecological memo as wetland W1 and W2 (noting that wetland W1 is an induced wetland). The proposal has been designed to minimize potential adverse ecological effects on the site by maintaining and protecting the hydrology of intermittent streams and both wetlands within the site. Overall, Freshwater Solutions consider that the proposal will adequately minimize potential adverse ecological effects and will generate positive ecological benefits.

#### Stormwater

The potential stormwater effects of the proposal have been considered in a memo prepared by Tonkin and Taylor (T&T) (**Appendix 7**). The stormwater management principles proposed in the Stormwater Management Plan (SMP) for PC50 can be successfully implemented to manage the quality and flow of stormwater generated by the development. T&T have also considered the stormwater management approach required to maintain the hydrology of wetlands W1 and W2, concluding that this will be achieved by maintaining surface and groundwater catchments to the wetlands, infiltration of stormwater (i.e., mitigate effects from increased impervious surfaces) and detention of stormwater to reduce flow rates to the wetlands (among other measures). The proposal will be designed with these measures to maintain the hydrological function of wetlands W1 and W2 and will not result in the partial or complete drainage of these. T&T's memo concludes that stormwater effects from the site can be managed safely and without adverse



impacts to the receiving environment.

#### Cultural

As noted earlier, the site is within two statutory acknowledgement areas in relation to 'Otūwairoa Stream and its tributaries (includes Waipokapū Stream, Mangapū Stream and Waihoehoe Stream)' (plan reference OTS-129-22) and 'Hingaia Stream and its tributaries' (plan reference OST-129-06). Ngati Tamaoho is the settlement party for these statutory acknowledgements. Otuwaira Stream and its tributaries are of significance to Ngati Tamaoho because of their traditional use and location. Hingaia Stream and its tributaries are significant to Ngati Tamaoho as it connects several of Ngati Tamaoho's important sites of occupation and was a key travel route in the area. Consultation with Ngati Tamaoho commenced in 2017 and is on-going. Should this application for a referred project be accepted, further engagement with Ngati Tamaoho regarding the project will be undertaken to ensure that potential adverse effects on cultural values are avoided.

#### Heritage

A very small extent of the Drury Tramway (R12/1122) is located within the site, within the south-western corner of 76 Waihoehoe Road (refer to **Figure 3** above). Any earthworks within the extent of R12/1122 will be monitored by an archaeologist. Due to the location of R12/1122 and the nature of works in this location, the presence of R12/1122 and the process of obtaining an Authority to Modify will not preclude or delay development of the remainder of the site. The site does not contain any other identified archaeological features. A field survey of the project area was recently undertaken by Clough and Associates where no archaeological or historical indicators were identified. On this basis, the adverse effects of the proposal on heritage / archaeological values are considered to be appropriately managed.

#### Landscape and Visual

Any adverse landscape and visual effects associated with the enabling works (civil and earthworks) will be temporary. The proposal has been designed in an integrated and coordinated manner with what has been proposed in PC50 and which generally maintains key landscape attributes, such as ridgelines and waterways. The proposal will result in a significant change to the landscape and visual character of the site. However, this change is not considered to be adverse in nature, noting that the future urban development of this land is anticipated by the FULSS and Future Urban zoning under the AUP, and the development proposed will be consistent with that anticipated in the Drury-Opaheke Structure Plan.

#### Greenhouse gas emissions

The project supports the reduction in greenhouse gas emissions through the proximity of the development to planned public transport infrastructure (Drury Central Rail Station).

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

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

The project is considered to be consistent with, and give effect to, the following national policy statements and environmental standards for the following reasons:

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

The proposal is entirely consistent with the objectives and policies of the NPSUD as it will provide well-functioning urban environments that enable all people and communities to provide for their social, economic and cultural well-being (Objective 1, Policy 1). In particular, the project is a comprehensively planned, transit-oriented development which will deliver dwellings of a range of typologies and sizes to contribute to a diverse and vibrant community. The development will provide development ready residential super lots to provide residential capacity in the medium term (Policy 2) for housing stock within walking and cycling distance to the Drury Central Rail Station which is due for completion in 2025 (Objective 3, Policy 3). Though the proposal is out of sequence with planned land release, the early

release of land is supported by significant background analysis to date and the proposal will significantly add to development capacity and contribute to well-functioning urban environment (Policy 8).

National Policy Statement for Freshwater Management 2020 (NPSFM)

The purpose of the NPSFM is to provide local authorities with direction on how to manage freshwater under the RMA. In particular, the NPSFM seeks to ensure that:

- Tangata whenua are actively engaged in freshwater management and Maori freshwater values are identified and provided for (Policy 2);
- Freshwater is managed in an integrated way that considers the effects of the use and development of land on a whole-of-catchment basis (Policy 3);
- The health and well-being of degraded water bodies and freshwater ecosystems is improved (Policy 5);
- There is no further loss of extent of natural inland wetlands, their values are protected and restoration promoted (Policy 6);
- The loss of river extent and values is avoided to the extent practicable (Policy 7); and
- Communities are able to provide for their social, economic and cultural wellbeing (Policy 15).

The proposal is consistent with the NPSFM, and in particular the relevant policies above. With respect to tangata whenua engagement (Policy 2), on-going consultation has occurred between Oyster and iwi authorities since 2017 which has enabled the active involvement by tangata whenua in freshwater management. Agreements have been made with iwi regarding streams and stormwater treatment which are reflected in the project.

In terms of managing stormwater in an integrated way (Policy 3) and improving the health of freshwater ecosystems (Policy 5), the stormwater management principles proposed in the Stormwater Management Plan (SMP) for PC50 will be applied to the project area. This will ensure that freshwater is managed in an integrated manner and whole of catchment basis, with stormwater treatment, hydrological mitigation, stormwater conveyance and flood risk management measures proposed. For example, freshwater quality will be maintained by minimising the generation of contaminants (e.g., by using inert building materials), and where contaminants are generated, by using green infrastructure for treatment of contaminants close to the source.

The proposal will not result in the loss of natural inland wetlands, with roading and lot boundaries designed to ensure that these will be maintained (Policy 6). Similarly, the proposal does not propose the loss of rivers or streams (Policy 7).

The proposal is also considered to provide for the social, economic and cultural-well-being of people and communities as it will deliver housing and employment, while meeting the purpose of the NPSFM (Policy 15).

National Environmental Standards for Assessing and Managing Contaminants in Soil to Protect Human Health 2011 (NESCS)

The purpose of the NESCS is to ensure that land affected by contaminants in soil is appropriately identified and assessed before it is developed (and remediated if necessary). The proposal is consistent with the intent of the NESCS as the site will be remediated to protect human health.

National Environmental Standards for Freshwater 2020 (NESF)

The NESF sets out requirements for carrying out certain activities that pose risks to freshwater and freshwater ecosystems. In relation to the project, the NESF seeks to protect existing inland wetlands. The proposal is consistent with the intent of the NESF as the assessment above confirms the project is consistent with the policy framework of the NPFM, and as the project has been designed to protect freshwater systems and wetlands (refer to adverse stormwater and ecological effects assessments above). The proposal does not involve the complete or partial drainage of a natural wetland.

## Part IX: Purpose of the Act

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

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

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

The project will offer accelerated economic benefits for people and industries affected by COVID-19, noting the wide range of industries that would be involved in the design and delivery phases of the project.

Fletchers’ Clevercore factory in Wiri has recently created 36, new full-time manufacturing jobs, providing job opportunities for those affected by COVID-19 who do not have construction sector related backgrounds or qualifications.

Fletchers are also involved with a number of community initiatives and training schemes to encourage people to enter the construction industry, such as:

- The Tupu Toa internship programme – Fletchers are a principal partner of the Tupu Toa internship programme which provides professional opportunities (via internships) for Maori and Pacific tertiary students in a wide range of disciplines, including in the construction sector; and
- First Foundation – Fletchers is a scholarship partner of First Foundation, which assists students from low socio-economic areas by providing financial assistance, mentoring and paid work experience.

The economic benefits and costs of the project are described in the economics memo prepared by Property Economics, attached as **Appendix 11**. Property Economics note that the project is estimated to provide up to approximately 980 jobs during the peak construction year, with a total number of FTE’s at approximately 2,900. The value of the project to Auckland’s economy is estimated to be in the order of approximately \$373 million. As such, the project is considered to provide a significant opportunity to provide additional job opportunities and income, as well as additional competitive residential opportunities.

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

The project will result in positive effects on the social and cultural wellbeing of current and future generations. In terms of the current generation, the proposal will provide much needed employment opportunities in the construction sector and will significantly contribute to Auckland’s housing stock. With a range of housing sizes and types proposed, the development will attract people and households of varying ages and backgrounds to create a vibrant, diverse community which will also benefit future generations.

As part of their residential development at Beachlands, Oyster Capital has been working with Ngai Tai Umupuia Te Waka Totara Trust to undertake stream restoration and enhancement works along a 450m length of watercourse at the Umupuia Marae. As part of the initial planting undertaken Oyster worked with the Marae committee to ensure traditional native species for harvesting were incorporated into the overall scheme, including eco sourced heritage species. Rather than appointing ongoing maintenance contracts to a private landscape company, Oyster supported Ngai Tai Umupuia Te Waka Totara Trust’s preference to maintain the plantings via the Trust’s horticulture / traditional gardening education programme. The outcomes have been successful, with Oyster helping to support Ngai Tai Umupuia Te Waka Totara Trust’s education programme, whilst enabling the Marae to manage the ongoing maintenance of the restoration project themselves. This demonstrates Oyster’s commitment to supporting the cultural wellbeing of current and future generations. If this project is successfully referred, Oyster will explore further similar opportunities to support the current and future cultural wellbeing of iwi groups that have a registered interest in this locality as part of this project.



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

The proposal is anticipated to progress at least two to three years faster by using the processes provided by the Act than would otherwise be the case.

The first phase of bulk earthworks and civil works (to enable subdivision and dwelling construction) would be carried out from Q4 2021 to the beginning of Q3 2022. Fletcher's Clevercore factory in Wiri would be utilized to construct the core structural components of dwellings at the same time as the first phase of civil and earthworks. This would ensure that core components of dwellings are constructed and ready to be delivered to the site immediately upon completion of civil works at the beginning of Q3 2022. Fletcher's panelised dwellings are able to go from concrete slab to weather-tight buildings within 48 hours of dwelling components being delivered to site, with a further six to ten weeks for the dwellings to be fully completed ready for the Code of Compliance (CCC) to be issued by Council. The first dwellings are estimated to be ready for occupation by the end of Q4 2022.

In terms of the residential superlots, utilizing the processes provided by the Act will allow enabling works (such as earthworks, construction of roads and servicing / infrastructure) to occur while PC50 is processing. This will result in development ready land which will provide for the construction of dwellings either once live zoning is in place, or if the site is still FUZ, via non-complying resource consents under H18.4.1(A28) of the AUP for dwellings within the FUZ that do not comply with the standards.

The timeline at **Appendix 4** and shown in **Figure 4** below illustrates the proposed staging and timing of the project in relation to the delivery of the first dwellings, and also compares this to the project timelines anticipated under the standard consenting process. The timeline shows that under the process offered under the Act and by utilizing Fletcher's Clevercore technology, employment opportunities will be provided by Q3 2021 (as opposed to Q3 2023) and the first dwellings will be ready for occupation by the end of Q4 2022 / start of Q1 2023. This brings forward employment opportunities (and housing stock) which are needed right now by two to three years.

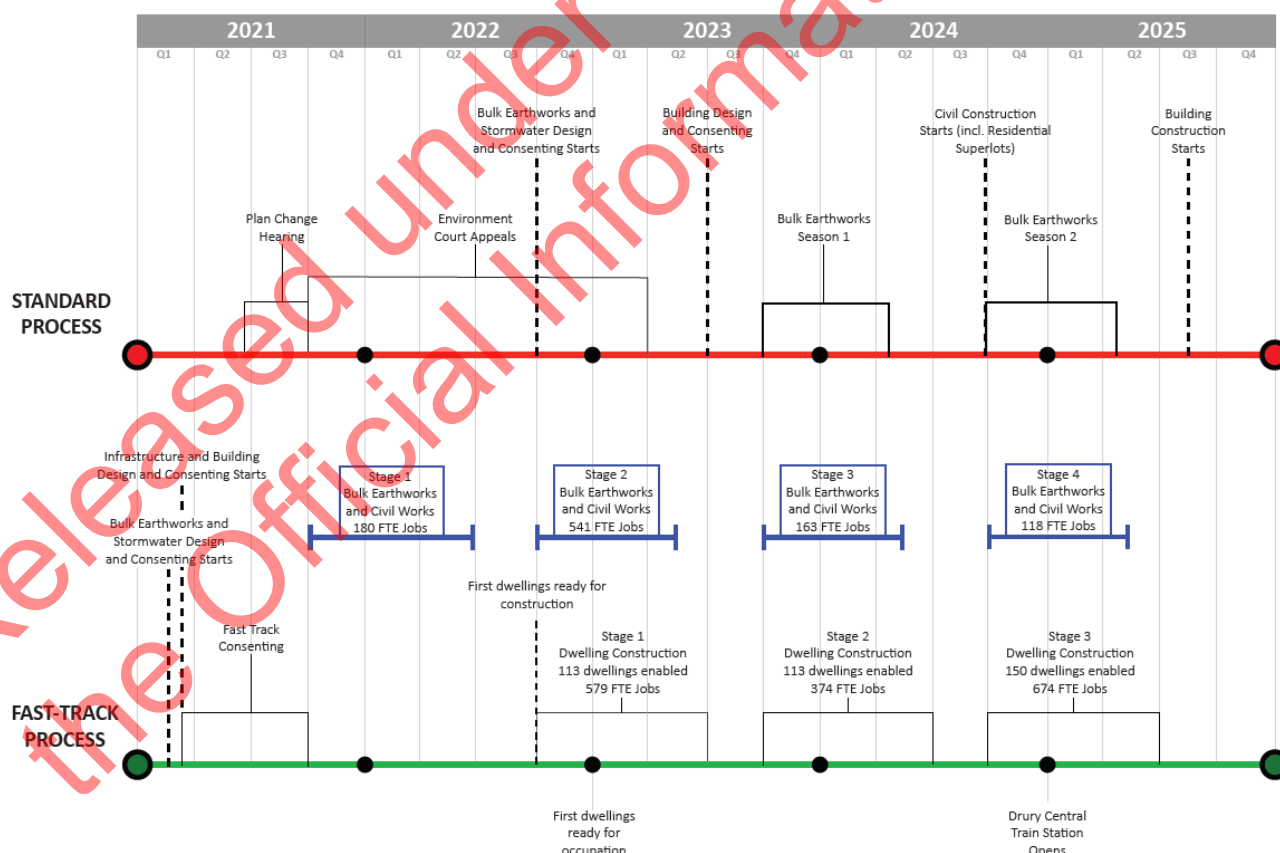


Figure 4: Timeline showing the delivery of the project under the fast-track process versus the standard consenting process

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

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

Employment/job creation:

The project will support employment and job creation in the construction sector for the reasons described above and in Part VII above.

The project will bring forward significant employment opportunities in the civil and residential construction sectors, with construction being one of the key sectors filling the unprecedented unemployment generated by the COVID-19 pandemic. The project will generate approximately 980 jobs during the peak construction year, with a total number of FTE's at approximately 2,900.

The project will bring these essential employment opportunities forward to the start of Q4 2021, noting that these jobs are needed immediately, rather than the start of Q4 2023 as forecast under the standard process (refer to timeline in **Appendix 4**).

Housing supply:

The project will significantly bring forward the availability of housing stock (a total of approximately 376 dwellings and 9 construction ready residential super lots) to the constrained residential market.

The use of the consenting process offered under the Act, together with Oyster's partnership with Fletchers to deliver the houses, which will be sustainably built at pace using their panellisation plant in Wiri, will mean the first dwellings will be ready for occupation at the end of Q4 2022, versus post 2025. This brings the completion of dwellings forward by at least two to three years.

The panellisation plant means build times can be reduced by approximately 60%, with core components of buildings constructed at the plant within 4 months, and fitted onsite within 24-48 hours making the dwellings making the dwellings watertight much faster than traditional building methods. This, together with the processes in place with building officers/department at Auckland Council regarding consenting for prefabricated dwellings, significantly reduces the standard residential construction and delivery timeframe.

Contributing to well-functioning urban environments:

The project has been comprehensively designed, is within walking and cycling distance to planned public transport and provides a range of dwelling typologies and sizes to contribute to well-functioning urban environments. In particular, we note that the project will deliver dwellings before the planned completion of the Drury Central Rail Station in 2025 to ensure there is an established residential catchment to support the new rail station.

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

The project includes the delivery of a suite of transport infrastructure upgrades on the surrounding road network that would be funded by Oyster and in conjunction with other developers in Drury East (refer to Part III). These infrastructure upgrades will improve the safety and efficiency of the transport network and thereby increase the productivity of people with faster journey times, and will also contribute to improved environmental outcomes by the use of active and more sustainable travel modes. In turn, this will also support the use and success of the new Drury Central train station as a preferred mode of sustainable transport to the wider Auckland region and thereby improving environment outcomes with reduced private vehicle use.

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

The project will improve environmental outcomes for freshwater quality as it will remove farm animals from the site (and therefore the adverse effects associated with this such as modification of waterways due to stock crossings), maintenance and where possible the enhancement of natural streams and wetlands through riparian planting. Artificial ponds will be removed from the site. While the site has very low indigenous biodiversity values, the planting

of native species, particular in riparian areas, can contribute to improving indigenous biodiversity across the site.

Fletchers have environmentally friendly paint wash down stations at all construction sites to avoid paint from entering the stormwater system and receiving coastal and freshwater environments.

Furthermore, Fletchers are phasing out the use of construction materials which are harmful to the environment, such as polystyrene, in favour of products such as Firth RibRaft® X-Pod® Foundation system, which is manufactured from 100% recyclable materials, is 100% recyclable and polystyrene free.

#### Minimising waste:

Oyster's build partner for this project, Fletchers, are committed to being New Zealand's leader in using sustainable building products and ensuring their residential construction projects are sustainable. In terms of minimizing waste:

- The core structural components of the dwellings will be constructed at Fletchers' Clevercore factory in Wiri. The panellisation plant generates less than one bag of rubbish per home constructed on site due to Fletchers' sustainable initiatives (e.g., wood chips generated onsite are shipped to Golden Bay where they are used at a Fletchers Energy Plant);
- Fletchers recently completed waste reduction trials, where the construction of two homes in Hobsonville Point, Auckland achieved a 60% waste diversion rate. A plasterboard separation trial on one home in Hobsonville Point successfully diverted 700kg of waste from landfill; and
- Fletchers partners with Green Gorilla Waste Management to ensure plasterboard separation bags at all their developments which are reused for fertilizer, compost or cement additive. Green Gorilla also achieve a 70% diversion rate, saving approximately 75,000 tonnes of waste from landfill.

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

Oyster's build partner for this project, Fletchers, are committed to New Zealand's commitment to achieving a goal of net zero carbon emissions by 2050. This is demonstrated through their commitment to developing low energy, low carbon homes, which are healthy and resilient to climate change and weather extremes, and which require less energy to heat and cool than a conventional New Zealand home.

#### Promoting the protection of historic heritage:

There are no known historic heritage features on the site. As noted in Part VII above, additional archaeological field surveys will be undertaken of 76 and 76A Waihoehoe Road to confirm that there are no unknown historic heritage features or values that will be affected by the development.

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

The project has been designed to maintain the capacity of the Slippery Creek flood catchment located to the north, with the northern part of the site being maintained as reserve. Areas adjacent to streams and wetlands have also been maintained to reduce risks to people from natural flood hazards.

#### Other public benefit:

The project will boost employment opportunities in the construction sector, which has been identified as one of the key sectors in assisting with the social and economic recovery of COVID-19. It will provide employment opportunities for people who were working in industries hit hardest by COVID-19, such as hospitality and tourism.

The project will result in the delivery of much needed housing stock to Auckland.

The project will provide a residential catchment ahead of the delivery of the Drury Central Rail Station in 2025. An established residential catchment will be critical to the success of the rail station. It is noted that without the process offered under the Act, that it would be highly unlikely that there would be any residential development or catchment



within Drury East to support the Drury Central Rail Station before its planned completion in 2025.

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

We do not consider that there would be any significant adverse environmental effects. The adverse effects assessment at Part VII and supporting technical memos confirm that potential adverse effects of the project can be avoided, managed or remedied.

Whether the proposal promotes the sustainable management of natural and physical resources:

A referral application under Section 20 of the Act does not require an assessment under Section 104D or 104 of the RMA as this stage of the process is not concerned with a “merits assessment” of the proposal. However, given the Future Urban zone and the non-complying activity status of the project, we have turned our mind to the assessment required under Section 104D (the “gateway test”) and Section 104 and provide commentary below for completeness.

Before granting an application for a non-complying activity, a council must be satisfied that the proposal passes the “gateway test”, which requires the proposal to pass at least one of the following tests in order to be eligible for approval:

- The adverse effects of the activity on the environment will be minor (s104D(1)(a)); or
- The proposed activity will not be contrary to the objectives and policies of a proposed plan and/or plan (s104D(1)(b)).

*Section 104D(1)(a) – Adverse effects of the activity on the environment will be minor*

To pass the test under s104D(1)(a), a proposal must demonstrate that the adverse effects of the activity on the environment will be minor. We understand that the effects evaluation required under section 104D(1)(a) is to be undertaken on a holistic basis looking over the entire application and the range of effects, not only discrete aspects of it. Consequently, an activity can still pass the effects threshold even if, considered in isolation, there are some adverse effects arising from it that are more than minor. The initial technical investigations undertaken thus far (as assessed in Part VII above and in the appended technical memos) indicate that the projects are feasible and that there will be no adverse effects on the environment that are more than minor.

*Section 104D(1)(b) – Activity will not be contrary to the objectives and policies of a plan*

To pass the test under s104D(1)(b), it must be demonstrated that the proposal will not be contrary to the objectives and policies of the AUP. We understand that the evaluation required under s104D(1)(b) is not whether the proposal complies entirely with each and every relevant objective and policy, but rather whether, reading the relevant objectives and policies, it can be said that the proposal is contrary to them as a whole. In addition, the absence of support for an activity in the objectives and policies of a plan does not equate with “contrary to”, which requires repugnancy or opposition. Therefore, the assessment under s104D(1)(b) should be taken as a whole, rather than considering whether the activity is not contrary to each and every relevant objective and policy.

While an assessment against the objectives and policies of the AUP is not strictly required in this referral application, a high-level assessment has been provided at **Appendix 12** of the proposal against the key FUZ objectives and policies, as well as commentary on other relevant AUP objectives and policies. In our view, this assessment confirms that the project is not contrary to the AUP objectives and policies as a whole.

There may be concern that the Future Urban zone does not contemplate urban development until a ‘live’ urban zoning is in place, and that enabling development ahead of the Plan Change process will lead to uncoordinated and piecemeal development. In our view, this will not be the case and the processes will be complementary, given that the project has been specifically designed to successfully integrate with development in the wider Drury East area.

While Objective H18.2 seeks to avoid urbanization until land has been rezoned, this is in the context of Objective H18.2(3), which seeks to ensure that urbanization is not compromised by *premature* subdivision, use and development [emphasis added]. In our view, this proposal does not constitute premature subdivision, given that it accords with the Drury-Opāheke Structure Plan and AUP policy framework overall, and can be serviced with appropriate infrastructure

that can integrate with development in the wider area. This is illustrated by the context analysis included at **Appendix 11**.

#### Section 104 – Consideration of Applications

In addition to the requirements of s104D, the RMA requires applications for resource consent to be considered more widely under s104. This is a broader assessment of the actual and potential effects of the environment (including positive and adverse effects), the relevant provisions of policy statements and plans, and any other matters the authority considers relevant. This is a holistic assessment of the application and requires a balanced consideration of the effects of the proposal on the environment and the relevant policy documents. While the Future Urban zone objectives and policies will form an important part of the assessment, they are not the only consideration.

Notwithstanding our conclusion regarding the degree of consistency with the Future Urban zone policy framework, when viewed in the wider context of s104, in our view, the proposal will have positive effects on the environment. It will expedite the provision of residential 'development ready' land while avoiding or mitigating any adverse effects on the environment (refer to Part VII above). It will also be consistent with the relevant national direction, including the NPS-UD in particular, and the AUP policy framework as a whole.

## Part X: Climate change and natural hazards

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

Flooding is the only natural hazard / effect of climate change that would directly affect the project, which has been taken into account in the flood modelling undertaken by T&T (refer to **Appendix 7**). The project has been designed with this in mind, with full mitigation provided in the masterplan and stormwater design for the development.

## Part XI: Track record

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

Local authority	Compliance/Enforcement Action and Outcome
N/A	

## Part XII: Declaration

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

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

Andrew McCarthy

26/02/2021

Signature of person or entity making the request

Date

## Important notes:

- Please note that this application form, including your name and contact details and all supporting documents, submitted to the Minister for the Environment and/or Minister of Conservation and the Ministry for the Environment, will be publicly released. Please clearly highlight any content on this application form and in supporting documents that is commercially or otherwise sensitive in nature,

and to which you specifically object to the release.

- Please ensure all sections, where relevant, of the application form are completed as failure to provide the required details may result in your application being declined.
- Further information may be requested at any time before a decision is made on the application.
- Please note that if the Minister for the Environment and/or Minister of Conservation accepts your application for referral to an expert consenting panel, you will then need to lodge a consent application and/or notice of requirement for a designation (or to alter a designation) in the approved form with the Environmental Protection Authority. The application will need to contain the information set out in Schedule 6, clauses 9-13 of the Act.

## Checklist

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

«udf_correspondence_from_the_registered_l»	Correspondence from the registered legal land owner(s)
«udf_correspondence_from_persons_or_parti»	Correspondence from persons or parties you consider are likely to be affected by the project
«udf_written_agreement_from_the_relevant_»	Written agreement from the relevant landowner where the project includes an activity that will occur on land returned under a Treaty settlement.
«udf_written_agreement_from_the_holder_of»	Written agreement from the holder of the relevant customary marine title order where the project includes an activity that will occur in a customary marine title area.
«udf_written_agreement_from_the_holder_of»	Written agreement from the holder of the relevant protected customary marine rights recognition order where the project includes an activity that will occur in a protected customary rights area.