



BRF-79

27 September 2021

Oyster Capital Limited  
c/- Nick Roberts  
Director  
Barker & Associates Limited  
s 9(2)(a)

Dear Nick Roberts

**COVID-19 Recovery (Fast-Track Consenting) Act 2020 - Notice of Decisions (Section 25) – Waihoehoe Precinct**

Thank you for Oyster Capital Limited's application under section 20 of the COVID-19 Recovery (Fast-track Consenting) Act 2020 (FTCA) seeking referral of the Waihoehoe Precinct project to an expert consenting panel (a panel) for consideration under the FTCA.

The project is to subdivide a 35 hectare (approximately) site to construct up to 376 residential units, nine balance lots, an open space park, and the construction of supporting infrastructure. The project site is located at 76, 76A and 116, 136 and 140 Waihoehoe Road, Drury, Auckland.

The purpose of the FTCA is to 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.

I can only refer the project to a panel for consideration under the FTCA if it meets the referral criteria in section 18 of the FTCA, which includes me being satisfied the project will help achieve the FTCA's purpose.

I have decided the project meets the referral criteria in section 18 of the FTCA and I consider it will help to achieve the FTCA's purpose as it has the potential to:

1. generate employment by providing an average of approximately 670 direct full-time equivalent jobs per year during the four-year planning and construction period
2. increase housing supply through the construction of approximately 376 new residential units
3. progress faster by using the processes provided by the FTCA than would otherwise be the case under standard Resource Management Act 1991 process, provided that the

applicant lodges their applications for resource consent in a timely manner following project referral.

Any actual and potential effects arising from the project, together with any measures to avoid, remedy, mitigate, offset or compensate for adverse effects, could be tested by a panel against Part 2 of the Resource Management Act 1991 and the purpose of the FTCA (section 4 and clause 31 Schedule 6).

Accordingly, I have decided to accept your application for referral under section 24(2) of the FTCA and refer all of the project to a panel.

*Information required to be submitted with your resource consent applications*

In accordance with section 24(2)(d) of the FTCA, I have also decided that you must provide the information listed in Appendix A of this letter with any resource consent application for the project lodged with the Environmental Protection Authority (EPA) under clause 2 Schedule 6.

I draw your attention to clause 14 Schedule 6 of the FTCA that details that the information must be provided in sufficient detail to correspond to the scale and significance of effects. You should therefore provide what you believe is a reasonable level of information, and if a panel requires further information, they can seek it from you under clause 25 Schedule 6 of the FTCA.

This information will inform a panel's assessment of the proposal's effects and whether to invite comment from persons or groups in addition to those specified in clause 17 Schedule 6 of the FTCA. This does not preclude a panel from requiring you to provide any additional information on any application lodged with the EPA under the FTCA.

*Persons or groups a panel must invite comments from*

In accordance with section 24(2)(e) of the FTCA, I have also decided that a panel must invite comments on any resource consent application for the project lodged with the EPA from the following persons or groups additional to those specified in clause 17 Schedule 6 of the FTCA:

1. Ngāti Koheriki Claims Committee
2. Waka Kotahi NZ Transport Agency
3. Auckland Transport
4. Watercare Services Limited.

This will allow those parties the opportunity to have input into the consideration of the application and enable a panel to better understand the potential effects of the proposal.

These directions do not preclude a panel from inviting any other parties to comment on any application lodged with the EPA under the FTCA.

I will progress an Order in Council through the Executive Council for the project. Once this Order is made you will be able to lodge your applications for resource consent with the EPA for a decision by a panel. The decision to approve or decline the resource consents is a matter for the panel appointed by the Panel Convener Judge L J Newhook. You should not take my decision to refer the project as an indication or direction that the determination of those approvals will be successful. Additionally, my decision does not in any way endorse any related or concurrent planning decisions such as zoning decisions that may affect the project.

Please do not publicly release my decision or this notice until the Order in Council for this project has been approved by Cabinet and notified in the New Zealand Gazette.

The FTCA requires that:

1. I provide a copy of my decisions to the persons, entities and groups specified in section 25(1) and (2) of the FTCA
2. My decisions, the reasons for them, and the Section 17 Report will be published on the Ministry for the Environment's website in accordance with section 25(3) of the FTCA.

In addition, I have also decided to provide a copy of this decision to Ngāti Koheriki Claims Committee.

Please contact the Fast-track Consenting Team at the Ministry for the Environment (fasttrackconsenting@mfe.govt.nz) if you have any questions or wish to discuss this decision.

Yours sincerely



Hon David Parker  
**Minister for the Environment**

cc Ministers of/for:

Infrastructure; Māori Crown Relations—Te Arawhiti; Housing; Education; Arts, Culture, and Heritage; Treaty of Waitangi Negotiations; Local Government; Land Information; Defence; Transport; Conservation; and Climate Change; and Associate Minister for the Environment (Urban Policy)

Local authorities:  
Auckland Council

Other parties:  
Ngāti Koheriki Claims Committee  
Waka Kotahi NZ Transport Agency  
Auckland Transport  
Watercare Services Limited.

Relevant Iwi Authorities:  
Makaurau Marae Māori Trust  
Ngaati Whanaunga Incorporated Society  
Ngāi Tai ki Tāmaki Tribal Trust  
Ngāti Maru Rūnanga Trust  
Ngāti Paoa Iwi Trust

Ngāti Paoa Trust Board  
Ngāti Tamaoho Trust  
Ngāti Tamaterā Treaty Settlement Trust  
Te Ākitai Waiohūa Iwi Authority  
Te Ara Rangatū o Te Iwi o Ngāti Te Ata Waiohūa  
Te Whakakitenga o Waikato Incorporated

Treaty Settlement Entities:  
Hako Tūpuna Trust  
Ngaati Whanaunga Ruunanga Trust  
Ngāi Tai ki Tāmaki Trust  
Ngāti Maru Rūnanga Trust  
Ngāti Paoa Iwi Trust  
Ngāti Tamaoho Settlement Trust  
Ngāti Tamaterā Treaty Settlement Trust  
Te Ākitai Waiohūa Settlement Trust

Environmental Protection Authority

The Panel Convener

Released under the provision of  
the Official Information Act 1982

## **Appendix A – Requirements specific to applications lodged by Oyster Capital Limited for Waihoehoe Precinct**

### ***Information required to be submitted with your application***

In accordance with section 24(2)(d) of the FTCA, I have also decided that you must provide the following information with any application:

- an assessment of the key outcomes of the Drury – Opāheke Structure Plan:
  - how the Project will integrate with the other land uses envisioned in private plan changes
  - how the developments will be able to access and support a future public transport network
  - whether the proposed infrastructure is appropriately staged and able to be integrated into the infrastructure servicing requirements for the overall development
  - how the residents/users within the area will be able to access social infrastructure such as schools/community facilities before it is provided within the wider east Drury area
- subdivision and design assessment and plans, including location, design and uses of all intended easements and vested land (including open space), landscape plans (including hard and soft features) for all streetscapes and reserves, and urban design assessment of the housing typologies included in the Project scope
- a detailed assessment of the capacity of the existing roading infrastructure and/or upgrades to the infrastructure required to service the development (including interim roading works and funding), and including information on discussions held, and agreements made, with Auckland Council, Waka Kotahi and Auckland Transport
- an integrated transport assessment that includes options relating to enhancement of multi-modal connections and infrastructure, including a movement network plan of the availability and feasibility of safe spaces for active modes of transport, including walking and cycling
- a detailed assessment of the capacity of the existing three waters infrastructure and/or upgrades to the infrastructure required to service the development (including funding), and including:
  - an infrastructure report and plans with calculations of the expected water information demand and wastewater flows from the proposal, and the overall water supply and wastewater scheme to service the Project
  - flooding and hydrology design and detail reports that reflect the location of natural wetlands and streams and inform the on-site stormwater management strategy, including groundwater and infiltration testing across the project site and provision of copies of the hydrologic and hydraulic models
  - intended timing of delivery and funding of all major/shared infrastructure upgrades
  - discussions held, and agreements made, with Auckland Council and Watercare Services Limited.