





# 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)	Russell Butchers
	s 9(2)(a)
	Date of response: 18 May 2022

## Comment form

Please use the table below to comment on the application.

Project name	Wellsford North
General comment – potential benefits	No comment.
General comment – significant issues	<ol style="list-style-type: none"> <li>Both sites include land zoned Future Urban Zone (FUZ). FUZ land is not zoned for residential use and therefore a structure plan and plan change is required to be approved and adopted before such land can be considered for urban use.</li> <li>The proposal is contrary to the objectives and policies of the Auckland Unitary Plan.</li> <li>The proposal is inconsistent with the Council's Future Urban Land Supply Strategy.</li> <li>Due to the land being FUZ, the sites are not served by appropriate levels of infrastructure (including water supply and wastewater) for such development.</li> </ol>
Is Fast-track appropriate?	No – this proposal should go through a Plan Change process and subsequent resource consent application. A resource consent application for urban uses on Future Urban Zoned land is not appropriate.
Environmental compliance history	The Council is not aware of any environmental compliance history.
Reports and assessments normally required	See response to the query on page 7 and 9.
Iwi and iwi authorities	Please refer to the Council's website: <a href="https://www.aucklandcouncil.govt.nz">Find mana whenua contacts for your area (aucklandcouncil.govt.nz)</a>
Relationship agreements under the RMA	N/A
Insert responses to other specific requests in the Minister's letter (if applicable)	Please see response to these questions on the following pages.
Other considerations	Feedback from the Rodney Local Board is included on page 9 of this response.

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.

## Answers to specific queries from the Minister:

- 1. Are there any reasons that you consider it more appropriate for the project, or part of the project, to proceed through existing Resource Management Act 1991 (RMA) consenting processes rather than the processes in the FTCA?**

The Council considers that this proposal should go through existing RMA consenting processes rather than through the FTCA. The Council recommends that the request for referral to a fast-track consenting panel be **DECLINED**. The reasons for this are summarised as follows:

1. Both sites include Future Urban Zone (FUZ) land. FUZ land is not zoned for urban use and therefore a structure plan and plan change is required to be approved and adopted before such land can be considered for urban use.
2. The proposal is contrary to the objectives and policies of the Auckland Unitary Plan.
3. The proposal is inconsistent with the Council's Future Urban Land Supply Strategy.
4. Due to the land being FUZ, the sites are not served by appropriate levels of infrastructure (including transport, water supply and wastewater) for such development.
5. The Council has significant concerns with regards to potential flooding and stormwater management effects and the applicant has not demonstrated that these effects can be managed.

These matters are further explored below:

Under the Auckland Unitary Plan (Operative in Part) (AUP(OP)), the sites are zoned as Future Urban Zone. This zone has identified land that is suitable for future urban development, but until such time that the zoning is changed through a plan change, the Future Urban Zone operates in a similar manner to that of the Rural – Rural Production Zone. Many of the objectives and policies seek to ensure land is used for rural production purposes until a plan change has been completed and specifically refer to the objectives and policies for the Rural – Rural Production Zone.

Timeframes within the Future Urban Land Supply Strategy (FULSS) put this area in the second half of decade one (2023-2027). Therefore, it is considered that the proposal is out of sequence and inconsistent, if not contrary, to the objectives and policies of the Future Urban and Rural – Rural Production Zones, and FULSS. Whilst the applicant may be working on plan change(s) and a structure plan, these cannot be considered as no decision has been made on either and the changes have not been adopted by Council's Planning Committee.

The proposed density of stage 1 is consistent with the Residential - Single House Zone character, however some of the residential lots spill over into the Rural - Countryside Living Zone. To subdivide below 2 hectares in the Rural – Countryside Living Zone would create a precedent and would undermine the Transferable Rural Site Subdivision (TRSS) provisions of the AUP(OP), whereby enabling subdivision in this zone without the required ecological benefit. Redesign of lot boundaries should be considered and should align with the zone boundary as to not encroach into the Rural – Countryside Living Zone.

The proposed density of stage 2 is inconsistent with the receiving environment. No decision has been made on this time as to whether Wellsford would contain qualifying matters that would exempt the area from the requirements of the government's Medium Density Residential Standards.

It is noted that the proposal could pre-emptively lock in a roading network and will then dictate future development within the Future Urban Zone. Auckland Transport do not support the project being accepted for fast-track consenting and further comments are deferred to AT in this regard. It is recommended that an Integrated Transport Assessment (ITA) is provided within any resource consent application in the future.

There are significant infrastructure constraints within the Wellsford area. It is noted by Watercare that future upgrades to the Wellsford Wastewater Treatment Plan are planned for completion by the end of 2025 and could cater for an additional 200 households or equivalent. However further upgrades are not currently planned. Additionally, Watercare notes that there are existing pipe capacity constraints in Wellsford, and a new water treatment plant is planned for completion by the end of 2025 that can accommodate a further 650 dwellings. It is therefore concluded that sufficient infrastructure to cater for the proposed development will not be available until 2025 at the earliest and may result in taking away current infrastructure capacity for infill development within Wellsford that is already zoned as Residential – Single House Zone.

As the site is currently relatively undeveloped, the additional impervious surfaces will increase stormwater flows, timings and volumes from the site that have the potential to increase the risk to the immediate downstream properties which are already predicted to be at risk of State Highway 1 overtopping in flood events.

A flood model has been developed, however, to date this model has not been reviewed or any analysis has been done to understand and mitigate the flooding risks or justify why this is the Best Practical Option (BPO). The current proposal does not propose any flood management or mitigation regarding the increased flooding risk of the downstream properties and infrastructure.

The location of the Monowai Street/Wellsford North Development within the wider stormwater catchment is such that; unless an integrated approach to Stormwater Management and flood mitigation is taken for the entire upstream of SH1 culverts, any standalone development risks increasing the flood risk of the downstream sites and infrastructure.

Overall, the proposal presents significant issues given the lack of an adopted structure plan for Wellsford or a plan that has been approved to change the zoning of this land. It is uncertain as to the level of housing density that is anticipated to occur in this locality. This development could therefore lead to ad-hoc planning and development in the Future Urban Zone.

Progression of this proposal through the fast-track consenting process is not recommended.

## **2. What reports and assessments would normally be required by the Council for a project of this nature in this area?**

**Noise assessment:** The Council highlights the potential impacts of traffic demand from Stage 2 on the safe and efficient operation of State Highway 1. In addition to traffic demand, reverse sensitivity effects will arise on State Highway 1 from residential land uses (being activities sensitive to noise) abutting the state highway. A noise report should be prepared to support the application and consultation with Waka Kotahi/NZTA is recommended.

**Infrastructure report:** Detailing the provision of all infrastructure to the site, including water supply, wastewater, stormwater and utilities.

**Geotechnical assessment:** In terms of natural hazards, the subject sites are underlain by allochthonous soils. The Auckland Unitary Plan (Operative in Part) classifies any land with a gradient of, or exceeding,

1 in 7, to be “*land which may be subject to instability*”. The FULSS also recognises the geotechnical constraints and notes that further geotechnical testing is required due to ground instability in some areas. Therefore, there is potential risk of land instability on the subject site, where the Geotechnical Investigation Report must address these risks.

**Earthworks and sediment control report:** Detailed earthworks plans and erosion and sediment control plans should be provided with an application to understand the nature of earthworks and diversion/discharge in proximity to the natural wetland.

**Hydrological report:** A hydrological assessment/report should also be provided with an application to ensure that the works within proximity to the natural wetland (i.e. earthworks to change landform and diversion of water) do not result in any drainage of natural wetlands.

**Ecology assessment:** A full ecology impact assessment report should be provided with the application detailing how the wetland area was delineated including the location of both vegetation plots and soil investigations.

**Subdivision plans:** Identifying public assets to be vested, including any esplanade reserves (where required).

**Landscaping details:** Including details of any public landscaping to be vested, and planting plans with a schedule of species.

**Integrated Transport Assessment (ITA):** The main objective of an ITA is to ensure that the transportation effects of a new development proposal are well-considered, that there is an emphasis on efficiency, safety and accessibility to and from the development by all transport modes where practical; and that the adverse transport effects of the development have been effectively avoided, remedied or mitigated.

**Flood modelling:** This is required to understand the downstream effects of flooding.

**Stormwater Management Plan (SMP):** An SMP will ensure that the proposed stormwater management for the development is integrated and aligned with the wider catchment objectives and issues. The SMP must specifically identify the proposed stormwater management approaches for stormwater quality and quantity at a sub-catchment level based on the topography and at a minimum what assets/approaches will be implemented via private and/or public interventions.

**3. Does the applicant, or a company owned by the applicant, have any environmental regulatory compliance history in your region?**

No.

**4. The applicant provided an ecology assessment that identified a natural wetland on the project site. No development is proposed within the wetland area, however earthworks will occur within 100 metres of it. Please provide comment on the location and extent of the natural wetland identified in the applicant’s ecology assessment,**

**including whether consent for the project is likely to be required under the Resource Management (National Environmental Standards for Freshwater) Regulations 2020 (NES-F), and whether any proposed works are prohibited activities under the NES-F.**

Earthworks are located outside of the delineated wetland area but within a 100m setback. Based on this, the earthworks would not be prohibited. However, they would require consent under regulation 54c of the NES for Freshwater (2020) for diversion and discharge of water including temporary activities ancillary to erosion and sediment control.

The ecology memo is noted as a high-level document. More information is required on how the wetland area was delineated to ensure the correct extent of wetland has been identified and subsequently confirm no prohibited activities. The extent of wetland identified should have had hydric soils analysis to define the boundaries of the wetland. A full ecology impact assessment report should be provided with the application detailing how the wetland area was delineated including the location of both vegetation plots and soil investigations.

Ephemeral flow paths A, B & C within area 2 were discounted as natural wetlands due to the dominance of upland plant species and no 'evident wetland hydrology', however, these areas are noted as being actively grazed. Subsequently, no hydric soils analysis were undertaken within these areas. Site aeriels shows a distinct vegetation shift and defined flow path within these areas. More detail surrounding the lack of wetland hydrology and hydric soils analysis is required to confirm that these areas do not qualify as natural wetland.

Dated photos from each site visit would also be useful (as site visits are noted being undertaken in both winter and summer; October 2018, July 2019 and December 2021. It is unclear whether the photos in the memo are from summer or winter, where seasonal wetlands are best identified during winter).

A hydrological assessment/report should also be provided with an application to ensure that the works within proximity to the natural wetland (i.e. earthworks to change landform and diversion of water) do not result in any drainage of natural wetlands.

### **Feedback from Rodney Local Board**

The Rodney Local Board has provided the following feedback on the referral request:

*The Rodney Local Board does not support these applications for a fast-track referral due to the inappropriateness of the application in this area. The Rodney Local Board has advocated for many years to prevent ad hoc residential development ahead of correct planning being undertaken, and especially ahead of appropriate infrastructure being funded and implemented. The residential subdivisions are proposed for Future Urban Zones so this makes the applications inappropriate for the fast track process.*

*We seek that the application for fast tracking be declined.*



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<b>Organisation providing comment</b>	Auckland Transport
<b>Contact person (if follow-up is required)</b>	Matthew Richards- Manager Development Planning
	s 9(2)(a)
	s 9(2)(a)

## Comment form

Please use the table below to comment on the application.

<b>Project name</b>	Wellsford North Project
<b>General comment</b>	<p>Thank you for the opportunity to provide comment on the referral of Wellsford North (the Project) for consideration under the COVID-19 Recovery (Fast-track Consenting) Act 2020 (Covid 19 Recovery Act).</p> <p>Auckland Transport considers it more appropriate for the Project to proceed through existing RMA private plan change processes rather than the COVID-19 Recovery (Fast-track Consenting) Act 2020 (Covid Act).</p> <p>Auckland Transport requests that, should the project be accepted for Fast-track consenting, the requirement for an Integrated Transport Assessment (ITA) is formally stated in the referral order to accompany any resource consent application for the Project lodged with the Environmental Protection Authority. Auckland Transport would also request the referral order specifically identifies Auckland Transport as a party which the Expert Consenting panel must invite comments from.</p>
<b>Other considerations</b>	<p>The application notes this proposal forms the first stage of an overall subdivision development that proposes to construct 650 lots and a small neighbourhood centre across several property titles that are all owned by the applicant. The first stage of the subdivisional development comprises of subdividing Development Site 1 (Lot 4 Monowai Street) and Development site 2 (338 Rodney Street) to form a total of 84 residential lots. The applicant intends to lodge a plan change with Auckland Council in late 2022 to rezone the land from Future Urban Zone to residential zones along with a Neighbourhood Centre, to implement the later stages of development. The applicant has begun preparing a Structure Plan (noting a draft is included in Appendix 10 of the application documents) to support the Wellsford North future urban area and subsequent plan change application.</p> <p>Development site 1 is zoned Single House, Future Urban, and Countryside Living and Development Site 2 is zoned Future Urban under the Auckland Unitary Plan (Operative in Part) (AUP(OP)). The AUP(OP) states that Future Urban zoned land should not be developed for urban purposes until it has been through a structure planning and plan change process (refer Policy B2.2.2(3), Objective H18.2(1) of AUP(OP)). A structure plan has not completed for the Wellsford North future urban area. No private plan change application has been lodged.</p>

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The proposed development is a Non-Complying Activity in the AUP(OP). Two of the objectives of the Future Urban zone in the AUP(OP) are 'Future urban development is not compromised by premature subdivision, use or development'; and 'Urbanisation on sites zoned Future Urban Zone is avoided until the sites have been rezoned for urban purposes' (H18.2. (3) and (4)). Policies of the Future Urban zone require subdivision to maintain and complement rural character and amenity, avoid fragmentation compromising future urban development; and avoid subdivision, use and development which will compromise the efficient and effective operation of the local and wider transport network.

It is considered more appropriate for the Project to proceed through existing RMA private plan change processes rather than the COVID-19 Recovery (Fast-track Consenting) Act 2020 (Covid Act). Auckland Transport does not support the piecemeal approach of applying for a resource consent to develop a part of this land. Rather, Auckland Transport supports the approach of structure planning being undertaken first for all of the Future Urban zoned land in Wellsford and then appropriate rezoning through a plan change.

If/when the Wellsford North structure plan is completed by the applicant and provided for as part of their private plan change application as referred to in the application material, Auckland Transport will consider whether such a proposal provides for a well-connected transport network, with land development and infrastructure delivered in a highly coordinated manner. Infrastructure investment and implementation plans from the applicant will be key to achieving this. The consenting / implementation of the project progressing after this process has been completed is a more effective and comprehensive way to ensuring and achieving land use transport integration, including integration with the existing Wellsford area.

The application states that the project will create a well-functioning urban environment in the form of a sustainable, well-connected, liveable development with a walkable neighbourhood centre that includes a commercial and retail component to it. The application also states that a road network and active transport connections are designed to maximise connectivity within the overall development area. However, because this application is proposed in a piecemeal manner, the applicant is assuming the future plan change to implement the later stages of development (including the local centre and transport connections) will be approved.

There is no guarantee the structure plan will progress as it is currently drafted, and the wider transport network will progress as proposed. The Draft Structure Plan Summary (provided for in Appendix 10 of the application documents) is brief and there are no technical assessments provided to support the assumptions made in the Draft Plan. The lack of analysis and evidence to support the Structure Plan calls into question the feasibility of implementing the Plan. If the fast-track consent is accepted and the subsequent plan change is not approved in the form envisaged by the applicant, this project will go against the principles of a well-functioning urban environment due to the lack of public transport and active mode travel options. Policy 1 of the National Policy Statement – Urban Development (NPS-UD) requires urban environments to have good accessibility for all people between housing, jobs, community services, natural spaces, and open spaces, including by way of public or active transport. The applicant has acknowledged the area currently has poor access to public transport and a lack of safe and attractive walking and cycling access. The applicant has stated that existing bus services could be extended through the site, but this is not currently funded or planned. The applicant assumes provision of alternative travel modes will be provided as the area develops, however, there is no guarantee that the pattern of land uses and supporting infrastructure network suggested in the early draft of the Structure Plan can feasibly be delivered.

Development occurring ahead of appropriate infrastructure will lead to a car dominated development, contributing to carbon emissions, and poor land use outcomes, and the potential for network safety issues. Allowing the site to be developed ahead of the infrastructure required to support sustainable development will not cultivate a less car dependent lifestyle, which is

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considered essential for future development in Wellsford, nor will a well-functioning urban environment result as under Sections 19(d)(iii) & (vii) of the Covid Act.

Wellsford is not a spatial priority area for the Council. Therefore, there is no planning being undertaken to identify the strategic transport network required to support growth. There is no funding allocated for planning and delivery of future strategic transport projects in Wellsford.

The Regional Policy Statement (RPS) contains objectives and policies relating to rural and coastal towns and villages. Objective B2.6.1(2) seeks that there is adequate infrastructure. Policy B2.6.2(1)(b) and (g) requires expansion of existing rural and coastal towns and villages to be undertaken in a manner that incorporates adequate provision for infrastructure and provides access to the town or village through a range of transport options including walking and cycling. This is a matter that has not been adequately addressed through this proposal and Development Site 2 is particularly disconnected by way of active and public transport.

The project also includes an extension of Monowai Street, which assumes this road will connect with, and provide access to, subsequent development on adjoining land currently zoned Countryside Living. Since this development is proceeding in a piecemeal manner, there is no guarantee this connection will be approved to go through the Countryside Living zone. Rather, the extension should be designed to provide a connection to adjacent Future Urban zoned land which has been identified as suitable for future urban growth. This is of critical concern as the Monowai extension forms part of the main transport route through the future plan change area.

Auckland Transport requests that, should the Project be accepted for fast-track consenting, the requirement for an Integrated Transport Assessment (ITA) is formally stated in the referral order to accompany any resource consent application for the Project lodged with the Environmental Protection Authority.

The main objective of an ITA is to ensure that the transportation effects of a new development proposal are well-considered, that there is an emphasis on efficiency, safety and accessibility to and from the development by all transport modes where practical; and that the adverse transport effects of the development have been effectively avoided, remedied or mitigated.

An ITA provides a more comprehensive assessment than a Transportation Memo (as provided in Appendix 5 of the application material), with an emphasis on considering the full range of transport modes. The current Transportation Memo is brief, and a more robust analysis is required. An ITA considers measures to reduce travel demand, how to utilise the existing network more efficiently, encouragement of other modes and then finally adding road capacity. An ITA (and application material) will also need to clearly identify how the required transport infrastructure is being provided (including implemented and funded) to ensure certainty that the development will provide for its network demands.

Both development sites 1 and 2 are proposing to construct a new road connection to connect the two sites to the existing transport network. The two connection points include the extension of Monowai Street and a new intersection on Rodney Street (SH1). The new road connections will generate site specific effects on the transport network, which have not been appropriately assessed. The safe and efficient operation of Auckland's land transport system is a key priority for Auckland Transport and must not be compromised by ad-hoc development. The applicant will need to assess the effects generated at each development site as part of any future ITA, to justify the feasibility of the connections and any mitigation that is required.

Assessing the full range of transport modes and the utility provided by each mode is crucial in determining the forecasted transport effects, by mode, of this development. The most suitable way to determine an appropriate trip rate and modal split for the proposed development, and its

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	proposed uses, is to undertake surveys of any similar occupied and operational developments such as within the general vicinity of the site, as the travel behaviours and mode choices would be reflective of such a development in the area, and the feasibility of any proposed modal splits for trips generated.
	<a href="#">Click or tap here to insert responses to any specific matters the Minister is seeking your views on.</a>

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.





















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

## Comment form

Please use the table below to comment on the application.

<b>Project name</b>	Wellsford North Project
<b>General comment</b>	<p>The application site is zoned Future Urban Zone (FUZ) which is a transitional zoning feature for land deemed favourable for future urbanisation. To release this land for urban development, structure plan/s and a publicly notified plan change process is required under the RMA. This process allows for a holistic analysis to achieve, inter alia, transport and land-use integration.</p> <p>If the project were referred under the fast-track process it would limit the usual ability to reach a good integrated transport and land use solution.</p> <p>There is not enough information to support recommending this project to the fast-track process.</p>
<b>Other considerations</b>	<p>Given the current zoning of the site, any proposals for urban development should be subject to the robust and participatory plan change process so that all effects can be appropriately considered and assessed.</p> <p>The proposal relies on forming a new State Highway 1 (SH1) access to service part of the application area. Given the surrounding FUZ land has to be serviced from SH1 also, this access would need to later service the outstanding Wellsford North FUZ environment. Agreeing to an intersection location and access treatment for the fast-track application without understanding whether the form or location would be suitable to serve a wider area of land could prejudice the development of the remainder of the Future Urban Zone land and realisation of the potential of this area.</p> <p>This project should not be referred to the fast-track process as it undermines both the structure plan and plan change process and would allow urban development to occur in a piecemeal manner. Allowing this development to be accepted via the fast-track process provides a significant risk of pre-empting the existing and well-established plan change process regarding the balance of the adjacent FUZ land and therefore, the pathway proposed is not supported by Waka Kotahi.</p>
<b>[Insert specific requests for comment]</b>	N/A

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.