

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: Whenuapai Business Park Extension
Application number: PJ-0000844
Date received: 16/12/2022

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

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: Neil Construction Limited

Contact person: Trevor Canty

Job title: Senior Development Manager

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Postal address:

Neil Construction Limited

PO Box 8751

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Auckland 1149

Address for service (if different from above)

Organisation: Campbell Brown Planning Limited

Contact person: Philip Brown

Job title: Director

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Campbell Brown Planning Limited

PO Box 147001

Ponsonby

Auckland 1144

Part II: Project location

The application: does not relate to the coastal marine area

If the application relates to the coastal marine area wholly or in part, references to the Minister in this form should be read as the Minister for the Environment and Minister of Conservation.

Site address / location:

A cadastral map and/or aerial imagery to clearly show the project location will help.

73 Trig Road, and 155-157 Brigham Creek Road, Whenuapai, Auckland

Legal description(s):

A current copy of the relevant Record(s) of Title will help.

73 Trig Road, Whenuapai - Lot 1 DP 117365 (NA66D/174) - 2.6085ha - Neil Construction Limited

155-157 Brigham Creek Road, Whenuapai - Lot 2 DP 334953 (Identifier 143112) - 3.6224ha - Neil Construction Limited

Registered legal land owner(s):

See above

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:

The applicant, Neil Construction Limited ('NCL'), proposes to develop the property for an industrial subdivision. NCL owns each title that makes up the land. NCL will bring its considerable development experience to the development as part of The Neil Group which, along with its associated entities, has been involved in land development in the Auckland region for over 60 years.

NCL has the financial capability and development expertise to deliver this project. NCL's purchase of 73 Trig Road was settled in May 2022 and was made under Overseas Investment Office Standing Consent 201900072. The purchase of 155-157 Brigham Creek Road (Lots 200 & 300) was made under OIO Consent 201900410 and settled in October 2020. However, under the OIO Consent 201900410, Lots 200 & 300 were intended to be developed for residential purposes. An application is now being submitted to the Overseas Investment Office for a variation to the consent to enable the land to be used for the now proposed light industry purposes. It is anticipated that the variation will be approved in the near future and will not inhibit the proposed development taking place on the site. Please refer to the attached OIO Status Memo.

However, in the event that the variation for 155-157 Brigham Creek Road is not granted and the proposed industrial use cannot be undertaken, the proposed development will proceed solely on 73 Trig Road and will not include 155-157 Brigham Creek Road. Whilst this scenario is considered unlikely to occur, the possible alternative option is considered the most logical way forward and ensures the proposed development of 73 Trig Road can still proceed.

Part III: Project details

Description

Project name: Whenuapai Business Park Extension

Project summary:

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

It is proposed to subdivide 73 Trig Road into three industrial lots and change the use of the proposed two lots on 155-157 Brigham Creek Road to industrial uses. The proposed subdivision includes a public road and pedestrian footpaths to vest. Consent is sought for the lots to be used for any permitted activities listed in the Auckland Unitary Plan ('AUP') Light Industry Zone Activity Table H17.4.1, and for any buildings to be constructed that meet the identified standards of the zone.

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.

Background

The neighbouring sites of 151 Brigham Creek Road and 69-71 Trig Road are part of the Whenuapai Business Park development, which is currently at the resource consent stage under the COVID-19 Recovery (Fast-track Consenting) Act 2020 ('FTCA'). The Whenuapai Business Park development also included 155-157 Brigham Creek Road and proposed two balance lots on the site (Lots 200 & 300). This application now proposes that the proposed lots on 155-157 Brigham Creek Road be utilised for industrial uses. For clarity, this application refers to the previous application as 'Whenuapai Business Park' and this application as the 'Whenuapai Business Park Extension'. The below figure shows the Whenuapai Business Park and Extension areas.

The application also refers to a bulk earthworks consent that has been lodged with Council for 73 Trig Road (BUN60410316) and is currently still being processed, with approval being anticipated in the near future.

To avoid unnecessary repetition, the reasons for consent applied for under the Whenuapai Business Park development and the bulk earthworks consent for 73 Trig Road that are applicable for this application have not been

repeated. Rather, a summary document is attached that outlines all the reasons for consent applied for previously. The relevant assessment provided under these applications has also not been repeated. This application will then cover any additional reasons for consent and the relevant assessment required solely for what is proposed under this application. This is considered to provide a clear and consistent approach that avoids any unnecessary confusion or repetition.

Lastly, the only proposed change to the 155-157 Brigham Creek Road site is the use of the proposed lots. All other roading, infrastructure, site works, etc will be retained as outlined in the Stage 2 Resource Consent Application currently being processed under the FTCA.

Proposed development

It is proposed to subdivide 73 Trig Road (2.6085ha) into three industrial lots and change the use to industrial of the two lots (Lots 200 and 300) on 155-157 Brigham Creek Road (3.6224ha). The combined total site area is 6.2309ha. The subdivision of 73 Trig Road also includes a public road, upgrades to Trig Road (including two new bus stops), cycleway and pedestrian footpaths to vest with Council.

The proposal seeks consent for the five lots to be used for any permitted activities listed within the AUP's Light Industry Zone Activity Table H17.4.1, and for any buildings to be constructed on the industrial lots that meet the following development standards of the AUP's Light Industry Zone:

- H17.6.1 – Building height
- H17.6.2 – Height in relation to boundary
- H17.6.3 Maximum impervious area within riparian yards
- H17.6.4 – Yards
- H17.6.5 – Storage and screening

The lot sizes and proposed uses within the proposed subdivision are set out below:

73 Trig Road:

Lot 1: 11,006m² - Industrial Use

Lot 2: 5,707m² - Industrial Use

Lot 3: 6,954m² - Industrial Use

155-157 Brigham Creek Road:

Lot 200: 16,001m² - Industrial Use

Lot 300: 11,102m² - Industrial Use

A scheme plan of subdivision is attached.

A detailed construction timeline is attached. In summary, the civil works would begin on the site in 2023 and the building development would be completed by 2026.

As previously touched upon in this application, two development options are proposed for this proposal:

Option 1

The variation of the OIO Consent 201900410 to industrial uses is approved and the proposed development of both 73 Trig Road and 155-157 Brigham Creek Road will occur. This is considered the preferred option and is currently what is anticipated to occur.

Option 2

If the variation to the OIO Consent 201900410 for industrial purposes cannot be obtained, the proposed development of only 73 Trig Road will occur under this application and 155-157 Brigham Creek Road will be retained as proposed under the Whenuapai Business Park application.

An update on the variation to the OIO Consent 201900410 is anticipated in the near future. Please refer to the attached OIO Status document for further details.

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

Consents / approvals required

Relevant local authorities: Auckland Council

Resource consent(s) / designation required:

Land-use consent, Subdivision consent, Discharge permit

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
Lot 1 DP 117365 (NA66D/174)	Auckland Unitary Plan	Future Urban Zone	The land is subject to the Natural Resources: High-Use Aquifer Management Areas Overlay – Kumeu Waitemata Aquifer	The land is subject to an Airspace Restriction Designation - ID 4311, 'Defence purposes - protection of approach and departure paths (Whenuapai Air Base)', in favour of the Minister of Defence.
Lot 2 DP 334953 (Identifier 143112)			A Macroinvertebrate Community Index – 'Rural' control applies to the land. The entirety of the land is subject to an Aircraft Noise Overlay - Whenuapai Airbase - noise control area (55dBA) and a small portion of 73 Trig Road is also subject to the 65dBA area.	

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.

Relevant plan / standard	Relevant rule / regulation	Reason for consent	Activity status	Location of proposed activity
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H18.4.1(A2), H18.41 C1.7(1), C1.9(2), H18.6.2, H18.6.3.1 E8 Stormwater - Discharge and Diversion E9 Stormwater Quality - High contaminant generation car parks and high use roads E11 Land Disturbance - Regional E12 Land Disturbance - District E36 Natural Hazards and Flooding E39 Subdivision - Rural	Refer table in attached PDF of FTCA application (supplementary information)	Refer table in attached PDF of FTCA application (supplementary information)	Non-complying overall	Whenuapai
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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.

The bulk earthworks component of this project has been, or is in the process of being, consented by Auckland Council. Auckland Council has granted resource consent LUC60350837, which provides for bulk earthworks over 155-157 Brigham Creek Road. Those earthworks are currently being undertaken on the land.

An application has also been made for bulk earthworks on 73 Trig Road, as this property was acquired later than the other sites. That application is currently being processed by Auckland Council. The Auckland Council reference number is BUN60410316.

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

There are no resource consent applications, notices of requirement for designations, or other approvals required that would be obtained by persons other than the applicant.

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:

Asset owner approval will be required from Auckland Transport prior to undertaking road upgrading works within the legal road reserve, including formation of the new intersection for the 73 Trig Roadsite. These authorisations will be applied for prior to the construction works occurring on site.

The applicant is not aware of any other legal authorisations that are required to undertake 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.

The applicant anticipates that the remaining bulk earthworks will take place in late 2023/early 2024 under Auckland Council consents. The development will be completed from 2023 to 2026, which will include engineering design and civil construction. Completion reports will be provided by early 2025 and titles are anticipated to be issued by May 2025 (depending on demand from purchasers).

Finance is in place for the entire project. It is noted that Neil Construction does not rely on bank funding to undertake or complete its projects. As a consequence, there is no prospect of the project not proceeding as a result of funding issues or requirements from third parties involved in financing.

Part IV: Consultation

Government ministries and departments

Detail all consultation undertaken with relevant government ministries and departments:

The applicant has not held discussions with staff from any government ministries or departments at this stage. It is considered that development of the land would not give rise to any matters of particular interest to government ministries or departments.

Local authorities

Detail all consultation undertaken with relevant local authorities:

The applicant has undertaken a range of consultation with varying bodies and organisations. This includes consultation with Auckland Council, Auckland Transport, and Supporting Growth to understand the Trig Road upgrades, including pedestrian and cycling infrastructure, and the wider surrounding area upgrades. Consultation is also on-going with SG regarding the Building Line Restriction location on 73 Trig Road to determine its final position, and are proposed with regard to the alternative alignment for the designation. The roading plans and scheme plan showing the BLR are attached.

No additional consultation has been undertaken with the Council. With regard to development contributions or financial contributions for the funding of infrastructure within the Whenuapai area and wider catchments, NCL will pay all development contributions that are in place. It is also committed to installing, at its cost, the intersection on Trig Road and any associated road upgrading. Those works go well beyond what is required solely to serve the site, thereby ensuring that NCL is paying at least an equitable and fair contribution for infrastructure upgrading that is commensurate with the effects of the proposal. NCL would be prepared to discuss an infrastructure funding agreement with Auckland Council.

Other persons/parties

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

It is considered that there are no other persons or parties that would be significantly affected by the proposal. Surrounding land generally to the south and west is similarly zoned but held in smaller landholdings. Most of this land is owned by prospective developers and land bankers, who are likely to have similar development aspirations to the applicant and would be expected to support accelerated development.

Land to the north of the site, on the opposite side of Brigham Creek Road, is either owned by NCL or forms part of the NZDF airbase. NZDF is generally concerned with managing reverse sensitivity effects associated with the use of land around the airbase, and these effects are primarily managed through requirements for acoustic insulation of residential buildings within the airbase runway approach path and within the engine noise testing contours. The proposal does not involve residential development, and the industrial activities proposed on the site do not have any appreciable potential to give rise to reverse sensitivity issues.

Detail all consultation undertaken with the above persons or parties:

Refer above.

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
Te Kawerau ā Maki	<p>The applicant has commenced engagement with all Mana Whenua groups that hold an interest in the area in which the site is located, via an email invitation to engage. Of these groups, only Te Kawerau ā Maki has indicated an interest in what is proposed so far. Te Kawerau ā Maki has confirmed that a Cultural Impact Assessment ('CIA') will not be required, and a site visit will be sufficient. Please refer to the attached correspondence.</p> <p>The applicant is committed to working collaboratively with Te Kawerau ā Maki throughout the development phases of the project to consider how any required mitigation can be effectively implemented. NCL is also prepared to work with any Mana Whenua groups that express an interest in the project.</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
The applicant is not aware of any Treaty settlement entities with an interest in the area in which the project will occur.	

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.

There are no Treaty Settlement Statutory Acknowledgment areas identified over the site or immediately surrounding land (refer map in Figure 8 below). A Statutory Acknowledgement area for a number of iwi groups is in place over the upper Waitemata Harbour that surrounds Whenuapai but does not directly apply to the land.

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.

The proposed activity will not occur in a customary marine title area.

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 proposed activity will 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 scale and nature of the proposal means that it has the potential to give rise to some adverse environmental effects. The assessment below considers the extent of the range of potential adverse effects, together with the methods that are proposed to avoid, remedy, or mitigate any such effects. Overall, it is concluded that the proposed development will not give rise to any significant adverse effects subject to appropriate mitigation and imposition of conditions of consent.

Stream ecology

In regard to 73 Trig Road, the applicant engaged Biosearches Limited to conduct an ecological assessment of the site to determine the status of any ecological features present. The site investigation found that there are no freshwater features such as watercourses or wetlands present on the site, and no indigenous vegetation was found. The overland flow paths shown to encroach the site were found to be either absent or ephemeral. The below figure shows that no wetlands are present within 100m of the site. Therefore, the proposal is not considered to give rise to any adverse ecological effects.

Traffic/transport

A Traffic Engineering Statement has been prepared by Team Consultants to address the proposed transport infrastructure and is attached as part of this application.

The proposed transport infrastructure for the proposal includes a proposed intersection on to Trig Road. The proposed intersection will be a standard urban T-intersection with a right turning bay and will provide access to the proposed road on 73 Trig Road and to the wider Whenuapai Business Park area. An urban upgrade along the site's Trig Road frontage will also be undertaken to provide footpath and cycleway connections to an existing footpath and cycleway network along Brigham Creek Road. New bus stops are also proposed on both side of Trig Road to access an existing bus route and are considered to provide sufficient opportunities to public transport options. Whilst it is noted that Plan Change 5 has been withdrawn, the proposed Trig Road access aligns with Plan Change 5's roading network plans.

The resulting traffic distribution generated by the proposed Trig Road intersection balances the additional traffic generated by this proposal onto the surrounding roading network with the expected peak hour traffic distribution outcomes for the proposal shown on the traffic distribution plans within the provided statement. The proposed intersection is considered to reflect normal daily traffic variations and is not expected to have adverse impacts. The traffic generated by the proposal is considered to be able to be accommodated both internally within the site and in the surrounding existing roading network at an acceptable level of service and safety.

Overall, it is considered that the proposed development is well-positioned from a transport perspective and is not considered to give rise to any adverse transport effects.

Site layout

Whilst it is noted that the land is currently rural in nature, the site is identified within the Future Urban Zone, so is anticipated to undergo urban development to that or similar to that of which is proposed. As previously touched upon, the proposal is considered to be generally in keeping with what is proposed under the Auckland Council approved structure plan for Whenuapai and will achieve what is envisaged for the area.

The proposed site layout and development pattern is considered to achieve a number of desirable urban design outcomes. The proposal provides cycling and pedestrian infrastructure upgrades that will enhance and improve the appearance and connectivity of the street frontage. The proposed road is suitably located on the site and enables three sufficiently large lots to be provided that are not disjointed by the proposed roading or other required infrastructure. The lot configuration and layout are considered to be the most logical linear formation and provides frontages for all lots. Rain gardens and other features are proposed along the new internal road to further enhance the site. A pedestrian refuge island is also proposed towards the Trig Road and Brigham Creek Road intersection to further improve pedestrian safety in the area.

Overall, it is considered the proposal does not give rise to any adverse effects in terms of site layout and design.

Stormwater disposal

A stormwater management strategy has been prepared to support the proposal and is provided in the attached infrastructure memo by Cato Bolam. It is proposed to extend the proposed stormwater line proposed under the Whenuapai Business Park in order to service this proposal. The extension will be located along the northern boundary of the site and will also provide a separate stormwater line that will run along the proposed road for collecting the stormwater runoff via catch pits. The runoff from the site will be discharged to the unnamed stream in 71 Trig Road throughout the proposed development's outlet structure.

The stormwater management for the site follows the approach outlined within the Auckland Council Network Discharge Consent to ensure that it is consistent with the desired Council outcomes. The stormwater mitigation proposed is in accordance with the requirement of Schedule 4 of the network discharge consent. Treatment systems will be provided to treat runoff from the impervious areas. The proposed stormwater line along the northern boundary is designed to cater for the overland flow generated by a 10% AEP storm event via a high flow inlet (scruffy dome) on a 1350mm manhole. The downstream catchment has also been sized to accommodate the additional flow and this results in reducing the 1% AEP storm runoff to predevelopment levels. Bioretention (in the form of rain gardens) is proposed in the front berm of the road to provide the required detention for the pre and post development runoff volumes and to provide the required treatment. The required retention for the impervious area in the road will also be compensated with the detention volume in accordance with the relevant AUP standards. In summary, the proposed stormwater network will sufficiently convey the 10% AEP stormwater runoff from the proposed development and the appropriate stormwater mitigation has been provided. The runoff from all proposed impervious areas will be appropriately treated on site before discharging to the stormwater network. As a result of the proposed stormwater infrastructure, the site can be sufficiently serviced, and the downstream catchments will have no appreciable adverse effects on the water quality of the streams.

Earthworks

As previously touched on, the vast majority of the required earthworks have been covered under the lodged bulk earthworks consent or the Whenuapai Business Park application. However, due to the proposed roading and other infrastructure now proposed for 73 Trig Road, additional earthworks may be required. For the sake of clarity and due to the bulk earthworks consent not being approved by Council yet for 73 Trig Road, the level of earthworks provided for in this proposal covers all earthworks required on 73 Trig Road. The proposed earthworks consist of an area of 3.2ha, with volumes of approximately 10,958m³ and 24,204m³ for cut and fill.

Earthworks are proposed to form the proposed roads and to reshape the lots to the final levels as required. The construction of all earthworks will be carried out in accordance with all relevant Auckland Council standards. Erosion and sediment controls will be provided and constructed in accordance with GD05 to minimise effects to the downstream environment. The erosion and sediment controls will be reviewed, adjusted, and maintained as the works progress. The completed surface will be progressively stabilised to reduce the exposed areas.

The proposed earthworks will enable the development of the site, as anticipated by the site's Future Urban zoning under the AUP. The proposed earthworks have been designed to not drastically change the topography of the site and will enable more effective management of the existing overland flow paths, flood prone and floodplain areas. Overall,

any long-term adverse effects of the proposed earthworks on the landscape character and form of the site would not be significant.

Infrastructure servicing

The proposed subdivision will provide for the required infrastructure to service the development, including roading, water supply, wastewater, stormwater, and other utility services. An infrastructure memo is provided in support of this application and is attached.

The proposed road on 73 Trig Road has been designed to seamlessly connect to the roading proposed under the Whenuapai Business Park. The road will then connect with Trig Road to form a new Tintersection. The existing Trig Road frontage will be upgraded along the frontage starting from the southern boundary of 73 Trig Road. A new flush median, kerb and channel, footpath and cycle lane are proposed. Two new bus stops are also proposed on either side of Trig Road to further improve public transport connections. An indicative building restriction line is located on the south-western corner of the site in recognition of a proposed designation for future road geometry under Auckland Transport and Supporting Growth. Discussions are still underway about the exact location and area that will be utilised for the proposed alignment for the designation.

The proposed stormwater management strategy been designed to manage and treat discharge flows in accordance with Auckland Council's Network Discharge consent and is consistent with the desired Council outcomes. In light of this, any effects on the downstream network are considered to be minimal. The proposal will be sufficiently serviced for wastewater via a wastewater line extension along the eastern boundary to service the proposed lot 1 and 2, with a separate wastewater line being extended along the proposed road to service lot 3. Watermains will be extended along the proposed road and will connect to the existing watermain on the Trig Road frontage. Three new water connections are then proposed to service the proposed lots. Power and telecommunication services are currently located within the road reserve of Trig Road in front of the site. The power and telecommunications will be extended throughout the proposed development to serve each of the proposed lots.

Geotechnical/stability

The applicant has had geotechnical investigations completed for the site previously, undertaken by GMW Geosciences (attached). The reports concludes that the land is generally suitable for development and free of stability hazards. The bulk earthworks consent for 73 Trig Road and the Whenuapai Business Park application have addressed all geotechnical and stability related matters.

Soil contamination

Detailed site investigations have been completed for the site previously (under the Whenuapai Business Park application), undertaken by Geosciences Limited and are attached. The contamination works required were in regard to the 71 Trig Road site, that forms part of the Whenuapai Business Park application, and all works to resolve the contamination matters have been undertaken. The site is no longer deemed a HAIL site and NESCS consent is not required.

The bulk earthworks consent for 73 Trig Road that is currently being processed has addressed contamination matters. A controlled activity consent has been applied for under the bulk earthworks consent due to the historic use of the site and the volume of earthworks required. This was considered a conservative approach as the attached DSI found that the risk for actual or potential contamination on the site is low.

Construction noise and nuisance

There will inevitably be some aspects of the construction process that create a level of disturbance for residents living on properties around the site. These effects may include construction noise, dust, heavy vehicle traffic and contractors' parking for the properties adjoining the sites. These issues are typically addressed through management plans and practices, and by adhering to best practice standards. In respect of noise, all activities will be required to comply with the relevant AUP noise provisions and the New Zealand Standard for construction noise. Noise associated with the development works will also be temporary in nature. Conditions of any future consent will effectively manage noise and dust nuisance to reasonable levels. Individual building projects on the proposed lots would also need to comply with construction noise standards. The future development of the site may also require that a construction traffic management plan be provided. A management plan of this nature would outline measures to be followed to manage access and queuing of heavy vehicles and associated traffic, such as deliveries, to minimise the impact of construction traffic.

The opportunity to impose conditions that require adherence to regulatory standards and/or management plans will ensure that any construction-related effects of the project can be appropriately mitigated.

Noise

An acoustic memo has been prepared by Marshall Day Acoustics for the proposal and is attached. Part of the proposal is located within the Aircraft Noise Overlay 55 and 65dB Ldn boundaries and a small triangular area located in the north-western corner of 73 Trig Road is within the 65dB Ldn boundary. Regarding this area of the business park within the 65dB Ldn boundary, no activities sensitive to aircraft noise are proposed within this area and are prohibited under the AUP.

Whilst the majority of activities that can occur within the Light Industry zone are not considered activities sensitive to aircraft noise, activities such as worker's accommodation, tertiary education facilities, care centres and hospitals fall under activities that are sensitive to aircraft noise. If any of these activities were to be established in the future, they would then require resource consent as a restricted discretionary activity and would be subject to the relevant assessment. Any future development that is considered to be sensitive to aircraft noise will also be required to provide acoustic insulation in accordance with the AUP. Any other activities established within the Light Industry zone are not considered to be activities sensitive to noise and do not require consent to be applied for under the overlay. It is therefore considered that due to any activities that are deemed sensitive to aircraft noise requiring additional reason consent in the future, the ability to implement consent conditions and no development occurring in the area of the site within the 65dB Ldn boundary, that any adverse noise effects can be effectively managed and mitigated to retain a sufficient level of amenity for the site.

Archaeological

The applicant has engaged Clough and Associates Limited to undertake a preliminary archaeological survey of the site. Copies of the reports are attached.

The survey results found that there are no recorded archaeological sites within the property areas or within close proximity to the site. Almost all of the recorded archaeological sites in the wider area are located close to the coast and waterways. The likelihood of encountering intact archaeological deposits during future development of the property is considered to be low. Any future development of the site was found to have no adverse effects on any known archaeological values as no archaeological sites have been identified within the property boundaries. In the unlikely event that, archaeological artefacts are encountered during works, the accidental discovery protocols of the AUP would apply to ensure any adverse effects were mitigated.

For these reasons, it is considered that the proposed development will have no adverse effects on archaeological values or remains.

Effects on Māori cultural values

As noted earlier, the applicant has engaged with Mana Whenua. Response from Te Kawerau ā Maki has been received but other responses have yet to be received. Te Kawerau ā Maki confirmed that they will undertake a site visit in the near future but that a CIA is not required. The applicant will continue with on-going engagement and work collaboratively to ensure any adverse Māori cultural effects arising from the proposed development are appropriately mitigated.

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:

National Policy Statement on Urban Development 2020 (NPSUD)

The recently released NPSUD applies to planning decisions by any local authority that affect an urban environment. The NPSUD represents a significant change to national planning policy and affects all district plans for growth areas and all decisions made by planning authorities in those areas. Section 75(3)(a) of the RMA states that district plans must give effect to a national policy statement, and s104(1)(b)(iii) states that a consent authority must have regard to any relevant provisions of a national policy statement when considering an application for resource consent. Objective 6 seeks that planning decisions on urban development are (amongst other things) responsive, particularly in relation to proposals that would supply significant development capacity.

The objectives are given effect to by the more directive NPSUD policies. In particular, Policy 1 directs that planning decisions contribute to well-functioning urban environments that enable a variety of sites that are suitable for different business sectors in terms of location and site size. The proposal provides for a range of industrial sites, including larger sites that are in short supply and desirable in the market as a consequence.

Policy 6 seeks that decision makers should have particular regard to any relevant contribution that will be made to meeting the requirements of the NPSUD to provide or realise development capacity. That policy also makes it clear that significant changes to planned urban built form are likely to arise in order to give effect to the NPSUD and that such changes may detract from amenity values but are not of themselves an adverse effect.

Although the applicant's development proposal is worthy of consent on its merits under the existing AUP policy framework and is entirely consistent with the Auckland Council's intentions for the land under the Whenuapai Structure Plan, it is nonetheless clear that the NPSUD requires a 'step change' in planning for urban areas that are experiencing rapid growth. The Auckland region is experiencing significant pressure in terms of suitable business land provisions and the proposal will make a valuable contribution to the provision of desirable industrial sites.

These outcomes are consistent with the NPSUD and can occur without giving rise to any appreciable adverse effects, particularly as they are aligned with the Council's development intentions for the Whenuapai area.

No other NPS's and NESs are considered applicable for this application and, where required, have already been covered under the previously referenced applications.

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:

It is considered that the project will give effect to the purpose of the COVID-19 Recovery (Fast-track Consenting) Act 2020 and provide significant public benefits in respect of employment, economic development, and provision of business land and housing. The economic effects and benefits of the proposal are set out in the attached report. The economic assessment report identifies that the project will overall, employ 470 FTE jobs during the planning, design, and consenting phases of the development, projected to start in 2023.

The civil contract work and infrastructure provision will be undertaken by specialist contractors for earthworks, civil engineering, and landscaping together with those parties providing specialist services to the subdivision including communications and power supply.

The additional industrial land will address a strong and growing body of market evidence that conclusively reveals a distinct lack of available supply. That deficit in supply has caused industrial land prices in this part of Auckland to increase by 36% over the last 12 months.

Part of the site is directly adjacent to the Whenuapai Cable Landing Station (located at 153 Bringham Creek Road), which is one of the key termination points for the Southern Cross internet cable. This proximity means that prospective future uses of the will experience ultra-low latency, which is critically important for businesses that rely on extremely fast and reliable internet access, such as datacentres for example.

It is also considered that the proposed development contributes to a well-functioning urban environment, as it provides for additional employment uses in an area of significant projected population growth. The provision of jobs in close proximity to where people live will reduce the need for long distance commuting, with resultant economic, environmental, and social benefits.

Although vehicle movements associated with the project will generate greenhouse gas emissions, these would arise wherever the industrial land uses were to occur. However, the proposed location of the site is such that greenhouse gas emissions are likely to be less than would arise in most alternative locations due to the close proximity of the proposed industrial land to the freight network (SH18/the Auckland motorways), the consumer (the population of the

Auckland metropolitan area) and a large employment source comprised in the substantial residential areas close to the site.

Significantly, the project would progress considerably faster by using the processes provided by the Act than would otherwise be the case. The timeframe would also be more certain. The processes enabled by the COVID-19 Recovery (Fast-track Consenting) Act 2020 would facilitate civil works for forming the subdivision commencing on the site in October 2023 and provide greater certainty around the timing. It is considered that the Fast Track process will have a time saving of approximately 18 months.

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

See above.

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

See above.

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:

See above.

Housing supply:

See above.

Contributing to well-functioning urban environments:

See above.

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

See above.

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

See above.

Minimising waste:

See above.

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):

See above.

Promoting the protection of historic heritage:

See above.

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

See above.

Other public benefit:

See above.

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

There is no potential for the project to have significant adverse environmental effects.

Part X: Climate change and natural hazards

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

Climate change does not raise any particular concerns or threats to the project or the site, beyond those that apply to all land. The site is subject to minimal natural hazards, in the form of overland flow paths and a few small parts of the land that fall within the 1% AEP flood plain. The hazards can be appropriately managed by engineering solutions such as ground recontouring and drainage works

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
Auckland Council	The Neil Group and its associated entities have been involved in land development in the Auckland region for over 60 years. In the last five years, Neil Group has had only one compliance or enforcement action initiated against it by a local authority under the Resource Management Act 1991. This involved an abatement notice. The minor issue, which related to problems with the installation of erosion and sediment controls, was immediately dealt with to the satisfaction of Auckland council.

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.

Philip Brown

16/12/2022

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.
- Information presented to the Minister for the Environment and/or Minister of Conservation and shared with other Ministers, local authorities and the Environmental Protection Authority under the Act (including officials at government departments and agencies) is subject to disclosure under the Official Information Act 1982 (OIA) or the Local Government Official Information and Meetings Act 1987 (LGOIMA). Certain information may be withheld in accordance with the grounds for withholding information under the OIA and LGOIMA although the grounds for withholding must always be balanced against considerations of public interest that may justify release. Although the Ministry for the Environment does not give any guarantees as to whether information can be withheld under the OIA, it may be helpful to discuss OIA issues with the Ministry for the Environment in advance if information provided with an application is commercially sensitive or release would, for instance, disclose a trade secret or other confidential information. Further information on the OIA and LGOIMA is available at www.ombudsman.parliament.nz.

Checklist

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

Yes	Correspondence from the registered legal land owner(s)
Yes	Correspondence from persons or parties you consider are likely to be affected by the project
No	Written agreement from the relevant landowner where the project includes an activity that will occur on land returned under a Treaty settlement.
No	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.
No	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.