





# 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.*

<b>Local authority providing comment</b>	Auckland Council
<b>Contact person (if follow-up is required)</b>	Kailas Moral § 9(2)(a)
	Cc Ian Smallburn § 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>	Whenuapai Business Park Extension
<b>General comment – potential benefits</b>	The project can provide additional urban development capacity (light-industrial zoned land) to the North-West area of the Auckland Region.
<b>General comment – significant issues</b>	<p>The project is to be located on land that is zoned Future Urban Zone (FUZ) in the Auckland Unitary Plan (Operative in Part) (AUP) which is applied to greenfield land that has been identified as suitable for urbanisation and is therefore considered a transitional zone. Land zoned FUZ may be used for a range of general rural activities but cannot be used for urban activities until the site is re-zoned for urban purposes. This restriction results from there being insufficient infrastructure, such as roading, reticulated stormwater, wastewater and water networks which is necessary for the efficient and effective operation and function of urban activities, such as that proposed. The infrastructure and zoning constraints are detailed in the comments below provided by Auckland Transport, Watercare Services and Auckland Council's Plans and Places.</p> <p>It is considered that it would be more appropriate for the project to go through the standard consenting processes under the RMA. The project will urbanise the development site and prematurely provide activities in the area which cannot operate or function efficiently due to the lack of infrastructure required to support the activities. An application proceeding on FUZ land could compromise future urbanisation options and lead to future reverse sensitivity issues for future resource consent applications, as there will not be an appropriate regulatory framework (i.e. Business zone) in place to manage those effects.</p> <p>I refer the reader to the concerns outlined by Auckland Council for the Whenuapai Business Park application (FTC000062) located at 69-71 Trig Road, 151 and 155-157 Brigham Creek Road, Whenuapai which specifies in detail the concerns Council has with development in this area of Whenuapai and the concern with urbanising FUZ land.</p>

	<p>If this proposed project is to proceed, Council recommends it should be processed with the Whenuapai Business Park application to ensure that all effects from both applications are considered jointly.</p>
<p><b>Is Fast-track appropriate? (Item 4)</b></p>	<p>It is not considered that the Fast track process is appropriate for the following reasons:</p> <ul style="list-style-type: none"> <li>• If this project is referred, the proposal will not meet Clauses 31 and 32 of Schedule 6 of the FTCA.</li> <li>• The project seeks to establish an urban activity on land that has not yet been zoned for urban purposes. Based on the information provided by the Applicant in the Application letter (PJ-0000844) dated 16/12/2022, the project seeks to apply the AUP Business - Light Industry zone permitted activities and standards to future land uses via a consent notice as per the Whenuapai Business Park application. This is not the correct regulatory framework to enable the development of the site as a consent notice does not succeed the operative provisions of the AUP (i.e. the FUZ zoning of the site). There are strong concerns the FUZ is not an efficient and effective zone for urban activities until the site is re-zoned.</li> <li>• There are infrastructure capacity constraints as detailed below, that are critical to the operation of the development site and any urban environment. The funding to provide the complete range of public infrastructure beyond that which has been proffered by the Applicant, is not available to be accommodated within Council's current funding. As the infrastructure installation/upgrade will not align with the timeframe of the proposed project, a well-functioning urban environment is not promoted and therefore the improvement to economic, employment and environmental outcomes and increase in productivity is not achieved.</li> </ul>
<p><b>Environmental compliance history (Item 5)</b></p>	<p>The only enforcement that has been taken is against Neil Construction Limited is for the lack of maintaining and installing appropriate erosion and sediment controls for a residential development site in 2020.</p> <p>Abatement Notices issued by Auckland Council to Neil Construction Limited have been complied with and have been closed with full compliance.</p> <p>There are no other significant outstanding compliance concerns for the abovementioned party that we are aware of.</p>
<p><b>Reports and assessments normally required</b></p>	<p>Please refer to the comments provided by our asset owners/SME's in conjunction with the list provided below.</p> <ul style="list-style-type: none"> <li>• An AEE assessing the effects of the proposal and it's fit with the policies and objectives of the AUP, Whenuapai Structure Plan, Future Urban Land Supply Strategy 2017.</li> <li>• Assessment against all relevant parts of the AUP Regional Policy Statement</li> <li>• Building plans</li> <li>• A lighting plan of roads, footpaths, accessways and parking areas.</li> <li>• Survey / subdivision scheme plans</li> <li>• Landscape Plans</li> <li>• Flight Depth Contour Plan (in relation to the NZDF Whenuapai Air Base)</li> <li>• Ecological Assessment</li> <li>• Watercourse Assessment</li> <li>• Arborist Report</li> </ul>

	<ul style="list-style-type: none"> <li>• A Contaminated Land (Detailed Site Investigation).</li> <li>• Archaeological Assessment</li> <li>• An Esplanade Reserve Assessment</li> <li>• Geotechnical Report (including hydrogeology/groundwater)</li> <li>• Economic Assessment</li> <li>• Stormwater Infrastructure Report including a Stormwater Management Plan and Flood Assessment.</li> <li>• Water and Wastewater Infrastructure and Capacity Report including Engineering Plans, Capacity assessment, Fire/Water supply-demand, connection points and Stream crossings.</li> <li>• Earthworks, cut and fill, and erosion/sediment management plan demonstrating compliance with Auckland Council GD05</li> <li>• Integrated Traffic Assessment</li> <li>• Road designs including landscaped berms, pedestrian access and cycle lanes.</li> <li>• Information on what infrastructure will be funded and built by the Applicant and how the remaining infrastructure will be funded.</li> <li>• An assessment of construction related effects including Traffic, Noise and Vibration and a Construction Management Plan</li> <li>• A Reverse Sensitivity Assessment</li> <li>• Urban Design Assessment</li> <li>• Landscape and Visual Assessment</li> <li>• A crime prevention through environmental design (CPTED) of any proposed parks and access (pedestrian and cycle) to them.</li> <li>• Acoustic Report</li> <li>• Communal Facilities Plan, operations and assessment of effects from this.</li> <li>• Records of iwi consultation and cultural value assessments from all mana whenua groups associated with this site (as listed below).</li> <li>• Details on the management and ownership structure of any common assets.</li> <li>• Draft conditions relating to staging of development until key infrastructure projects are delivered, subdivision design, land use requirements, engineering requirements.</li> </ul>
<b>Iwi and iwi authorities</b>	Ngāti Whātua o Kaipara, Te Rūnanga o Ngāti Whātua, Te Ākitai Waiohū, Ngāti Paoa, Te Kawerau ā Maki, Ngāti Whātua Ōrākei, Ngāti Manuhiri, Ngāti Te Ata, Ngāti Maru
<b>Relationship agreements under the RMA</b>	N/A
<b>Insert responses to other specific requests in the Minister's letter (if applicable)</b>	<p>Question 1: Please refer to the comments provided in summary under Item 4, above, and the comments provided by Auckland Council – Plans and Places, below.</p> <p>Question 2: Please refer to Item 5 above.</p> <p>Question 3: The Applicant was requested to provide further information under s92 of the RMA on 2/12/2022 for resource consent BUN60410316. The consent remains on hold until the Applicant provides the requested geotechnical investigation information to continue processing the consent. At this time we are unable to specify a decision date.</p>
<b>Other considerations</b>	Auckland Council considers the consent decision for FTC000062 – Whenuapai Business Park must be made prior to this project being determined for referral.

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.

<b>Auckland Transport Response</b>
<b>From: Nadine Perera, Principal Planner, Auckland Transport</b>
<p><b>Overall Summary:</b></p> <p>Auckland Transport does not support the project being accepted for Fast-track consenting. Both sites are currently zoned Future Urban zone (FUZ) under the Auckland Unitary Plan Operative in Part (AUPOP). A stream flows through the Brigham Creek Road site west to east and this together with various coalescing overland flow paths and flood plains commencing and flowing over the Trig Road site drain towards Waiairohia Inlet in the east. The two road frontages form part of the Notices of Requirement (NoR W1 and NoR W3) lodged with Auckland Council by Auckland Transport and publicly notified on 23 March 2023 for route protection to enable future upgrades (widening and realignment) of Brigham Creek and Trig Roads. These projects form part of the Supporting Growth Alliance's (a partnership of Auckland Transport and Waka Kotahi NZ Transport Agency) North West Local Arterials Project and are to be carried out in stages as urban development occurs surrounding the Project area.</p> <p>The AUPOP 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)). While a structure plan has been completed for FUZ zoned land at Whenuapai, the land has not been rezoned for urban use. Plan Change 5 (PC5), and Variation 1 to PC5, initiated by the Council and withdrawn in June 2022 over infrastructure funding concerns, sought to rezone 360 hectares of mostly Future Urban zoned land to a mix of business and residential zones. As PC5 and Variation 1 have been withdrawn the Whenuapai Business Park Extension requiring subdivision, land use, discharge and diversion consents must be considered under the existing AUPOP provisions. Under the AUPOP, the overall activity status of the proposed development is non-complying.</p> <p>The Auckland Plan, Future Urban Land Supply Strategy (FULSS) and the AUPOP provide the Development Strategy for Auckland, including the sequencing and timing for when future urban areas will be ready for development to commence which requires necessary underpinning zoning and bulk infrastructure to be in place. Although the FULSS identifies the sites as intended to be development ready in 2018-2022 the funding of, and delivery plan for, infrastructure needed to enable growth have not been confirmed. Accordingly, the project has the potential to contribute to and exacerbate misalignment between the timing of transport infrastructure and services and the urbanisation of greenfield areas. Without this alignment there is no certainty about delivery of the strategic transport network and development network demands to mitigate adverse effects and achieve a well-functioning urban environment. This compromises the ability to sequence and deliver future urban development in a sustainable, coordinated, and cost-efficient way. Therefore, the project does not align with the AUPOP and does not provide a well-functioning urban environment. The Applicant proposes paying for and upgrading Trig Road including provision for pedestrians, cyclists and bus stops and has recognised that road frontage land is required to provide upgrades outlined in the Auckland Transport NoR W1 Trig Road publicly notified in March 2023.</p> <p>Given a previous Fast-track application for the Whenuapai Business Park for which consent has yet to be granted provides for some upgrading and route protection of Brigham Creek Road there are no works outlined in the project which meet the requirements of NoR W3 Brigham Creek. The Extension project under consideration relies on this other project being granted consent and being constructed.</p> <p>Auckland Transport does not have sufficient funding identified in the Regional Land Transport Plan (10- year plan for Auckland's transport network for 2021-2031) to meet the shortfall in the strategic network infrastructure needed to support such growth identified, nor is there any agreed infrastructure and implementation plan with developers. Auckland Transport does, however, acknowledge that the subdivision/development of the land for business purposes as sought will enable a purpose-built industrial development and additional industrial sites that will increase local employment choice and subsequently lead to reduced travel demand associated with employment opportunities outside the area.</p> <p>The application material and Transport Memo by Traffic Engineering and Management Ltd provides initial commentary on the application and the effect of the project on the efficient operation of the surrounding proposed</p>

transport network. The available project information relies on roading works proposed as part of the separate Whenuapai Business Park application which has not been consented. Therefore, the project does not adequately consider:

- Lot boundaries in regard to the Brigham Creek NoR W3 and Trig Road NoR W1 Notices of Requirement lodged with Auckland Council (NoR W1 and NoR W3). Current drawings do not indicate the NoR W1 and NoR W3 boundaries and how the proposed collector road at 73 Trig Road and proposed change in land use with frontage to Brigham Creek Road integrates with these NoRs;
- The effect on the road network of the proposed subdivision and change in land use in respect to the proposed NoRs as referenced above.
- The effect on the road network of the proposed subdivision and change in land use if the proposed intersection and upgrading works provided for in the separate Whenuapai Business Park application do not occur.
- The proposed timing of the required roading network upgrades, subdivision, and development.
- Provision of a footpath and cycleway along the eastern side of Trig Road in general accordance with the Trig Road NoR W1 as referenced above.
- A footpath and cycleway along the south side of Brigham Creek Road in general accordance with the Brigham Creek NoR W3 as referenced above.
- Provision of a pair of bus stops on each side of Trig Road including a safe pedestrian crossing facility on Trig Road close to the bus stops.

The project has potential to contribute to and exacerbate misalignment between the timing of transport infrastructure and services and the urbanisation of greenfield areas. Without this alignment there is no certainty about delivery of the transport network to mitigate adverse effects and achieve a well-functioning urban environment. This compromises the ability to sequence and deliver future urban development in a sustainable, coordinated, and cost-efficient way. For the reasons above Auckland Transport does not consider there is sufficient information to assess the effects of the Project and considers it more appropriate for the Project to proceed through a private plan change and subsequent resource consent process, rather than through the Covid Recovery Act.

#### Transport Assessment

Auckland Transport requests that, should the Project be accepted for Fast-track consenting, the full application material include an Integrated Transport Assessment (ITA). The main objective of an ITA is to ensure that the potential adverse transport effects of a development proposal are well considered and addressed with particular consideration of the provision of the required infrastructure and facilities to service the transport network demands of the development, accessibility to and from the development, as well as of safety and efficiency effects. Such an assessment also needs to consider the impacts of the proposal in the context of present and future indicative roading networks. The assessment should ensure that any potential adverse transport effects of the development have been effectively avoided, remedied or mitigated. This is reinforced by the Regional Policy Statement (RPS) of the Auckland Unitary Plan. For instance, B3.3.2(5)(f) of the RPS requires activities adjacent to transport infrastructure avoid, remedy or mitigate effects which may compromise the efficient and safe operation of such infrastructure. If accepted for assessment under the Covid Recovery Act, Auckland Transport requests the following matters form part of the requested ITA:

- Whether the Project meets the relevant objectives and policies of the Auckland Unitary Plan as they relate to transport.
- An assessment of potential adverse safety effects on the surrounding transport network and how these effects will be avoided, remedied or mitigated.
- An assessment of potential (including cumulative) adverse effects on the efficient operation of the surrounding transport network (existing and proposed including consideration of the integration of the subdivision and changes to land use in regard to the NoRs W1 and W3 as notified in March 2023) and how these effects will be avoided, remedied or mitigated. There should be particular emphasis on key intersections, including but not limited to Trig and Brigham Creek Roads, and the staging and funding of development in relation to the required construction of the signalised new collector road and its intersection with Brigham Creek Road. It is important that certainty is achieved around the delivery of this new signalised intersection and referred to in the ITA. Otherwise, mitigation relied upon in approving the proposal may not be implemented and will result in adverse and potentially cumulative effects which are unanticipated.



- Whether the proposed roading network to vest including cycle and pedestrian paths and linkages within and across the site is consistent with the Structure Plan including the indicative roading network, and relevant transport standards of the Auckland Code of Practice for Land Development and Subdivision - Chapter 3 Transport (and relevant chapters of the Auckland Transport 'Urban Street and Road Design Guide'), the Code of Practice standards should take precedence. Emphasis should be given to provision of a safe pair of bus stops with shelters and foot paths through to the collector road on Trig Road with safe pedestrian crossing facilities near the collector road.
- An assessment of street design, including the design philosophy for the extension to the proposed new roads, supporting the spatial allocation for each mode and outlining how the design appropriately and safely provides for all transport users.
- An assessment identifying the protection mechanisms to be utilised to safeguard the existing and proposed transport networks given the project's location on two sites traversed by various overland flow paths and a flood plain.
- A comprehensive stormwater management plan (SMP) specifying the stormwater management requirements and outcomes, an options assessment of stormwater management options demonstrating how the proposed stormwater management strategy will result in the best practicable option, and a flood hazard assessment demonstrating that the Project meets Auckland Council and Auckland Transport's requirements set out in chapter E36 (Natural Hazards and flooding) of the AUP.
- An assessment of effects for any other reason for consent under Chapter E26 Infrastructure and Chapter E27 Transport of the Auckland Unitary Plan.
- A Draft Construction Traffic Management Plan (CTMP) is also required, covering an assessment of effects on construction traffic (including measures to maintain safe and efficient operation for all road users), the construction period and associated earthworks.

Given the need to review any potential adverse effects on the transport network, Auckland Transport requests that any referral order for this project requires the Expert Consenting Panel to include Auckland Transport as a person who is to be invited to comment on the project.

## Auckland Council – Healthy Waters Asset Owner Response

**From: Sam Clare, Senior Healthy Waters Specialist, Healthy Waters**

### General comments:

Healthy Waters have inspected Engineering Plans and an “Engineering, Flooding & Infrastructure” technical memo; comments have been prepared relating only to the particular stormwater management that is proposed for the two application sites.

The two sites are not contiguous; they each border the overall site of a separate “Whenuapai Business Park” FastTrack application (at 69-71 Trig Rd and 151, 155, 157 Brigham Creek Rd Whenuapai). The interdependence of designs across these two separate applications introduces some uncertainty as to what this particular application may be reliant upon, or impacted by; the other application has not been reviewed as part of this current FastTrack review exercise.

### Stormwater Management:

Section 8.3.1 of the Infrastructure Report states that stormwater management will meet the requirements of Schedule 4 of the council’s regionwide NDC, and then (almost) correctly sets out complaint performance standards for treatment, hydrology mitigation and 10% & 1% AEP flood assessment. However, Section 8.3.3 then appears to contradict this by stating that only HCGA car parks and impervious areas over 1,000m<sup>2</sup> will require treatment.

That is the extent of the stormwater management information supplied to be honest; what is proposed for lots is not appropriate for any new development, let alone a greenfield development.

### Flood Assessment:

Downstream catchment (including adjacent property) is shown to be at risk of flooding (council’s GeoMaps system). Healthy Waters cannot properly provide input into the appropriateness of the application’s flood assessment as there is insufficient information provided. Although a flood assessment has been completed, without seeing the model Healthy Waters cannot actually know how the HEC-RAS model has considered, predicted and incorporated proper understanding of the site, runoff and flooding (there is not sufficient information provided in the infrastructure memo, which also appears to confuse flow path and floodplain). The flood assessment seems to be considered with routing flowpaths through the development area and keeping them free from flooding; it does not appear to identify what the actual effect of development will be on infrastructure and properties downstream of the project site.

### Overall Summary:

- The application contains inconsistencies and lacks sufficient detail for proper assessment.
- No Stormwater Management Plan has been provided; what is proposed for lots is not appropriate for a new Greenfield development.
- The appropriateness of flood assessment is not evident.
- The application does not actually appear to satisfy the requirements of the AUP, GD01 or the Regionwide NDC.
- We note that private discharge consent would be required for all discharges, including any Auckland Transport road treatment devices. The land covered by this application is currently zoned Future Urban in the Unitary Plan and as such this would be treated as a non-complying land use consent, and so council would be unable to authorise the discharge from the site under our Regionwide NDC.

## Watercare Services Limited Response

From: Ameya Bhiwapurkar, Development Engineer, Watercare Services Ltd

### Overall Summary:

NCL intends to subdivide 73 Trig Road to accommodate three industrial lots and a road connection to Trig Road. 155 – 157 Bringham Creek Road is currently included within the Whenuapai Business Park fast-track consent application (Schedule 52) as balance lots 200 and 300. The proposal seeks consent for Lots 1-3 (73 Trig Road) and Lots 200 and 300 (155-157 Bringham Creek Road) to be used for any permitted activities listed in the Auckland Unitary Plan (AUP) Light Industry Zone and for any buildings to be constructed on the industrial lots that meet the identified bulk and location standards of the Auckland Unitary Plan's Light Industry Zone. No residential development is proposed.

### Watercare's comments on the proposal

#### Wastewater

The wastewater catchment of the subject site will be divided into two sub-catchments. Additional industrial units need to be considered for sizing the new Pump station, ensuring it has enough capacity.

For catchment 1, gravity reticulation is proposed to connect to the existing satellite manhole within the site for the western and southern catchments.

The existing 180mm diameter pipeline from the satellite manhole over the existing 450mm PE transmission wastewater line needs to be upgraded to a 225mm diameter pipe by the developer with no cost to Watercare.

For catchment 2, a pump station is proposed to service the northern and middle sections of the development and 153 Bringham Creek Road. A 225OD PE rising main will be proposed to discharge the flow to the proposed gravity reticulation connecting to the existing 450mm PE transmission pipeline. The acceptance of a pumped station for the second catchment will be subject to meeting Watercare requirements for pumping stations. The number of connections and the flow rate were not provided during the assessment. Hence, depending on the information, Watercare has yet to decide to accept the proposed pump station as a public asset.

For the new pump station, some of the key considerations are:

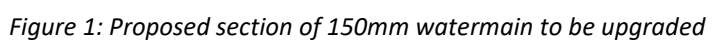
- The new pump station's rising main and discharge location must be suitably designed and built to work with original servicing considerations and the existing infrastructure. Particular attention must be given to the likelihood of high hydrogen sulphide levels at the discharge location, particularly if there are multiple rising main discharges.
- The discharge location will depend on a detailed design and a capacity assessment of the downstream infrastructure. However, this is subject to confirmation of suitable capacity in the downstream network and design considerations within the manhole capable of supporting an additional rising main discharge.
- An emergency overflow to stormwater or directly to the receiving environment must be constructed and authorized by network discharge consent.
- The applicant must obtain the approvals required to meet the conditions of the Watercare Network Discharge Consent.

#### Water

Watercare confirms that the network's capacity will be sufficient for the proposed development after upgrading the network based on the recommendations outlined earlier.

Watercare can provide **FW3** for the proposed site based on the information provided.

The development is to be connected to the new 315OD PE water main. As notified earlier, a network constraint (150mm) section at the BSP would need upgrading to a 355mm PE, as highlighted in Figure 1. The developer should execute the upgrades at no cost to Watercare.



<b>Auckland Council – Plans and Places Response</b>
<b>From: Todd Elder, Senior Policy Planner, Plans and Places</b>
<p><b>Overall Summary:</b></p> <ol style="list-style-type: none"> <li>(1) The following is Plans and Places initial comments on the Whenuapai Business Park Extension application under the COVID-19 Recovery (Fast-track Consenting) Act 2020 (“FCTA”), requested by the Resource Consents Department of Auckland Council.</li> <li>(2) It is understood that this extension will effectively include 151, 155-157 Brigham Creek Rd, 71 Trig Rd and 73 Trig Rd, Whenuapai in the current ‘Whenuapai Business Park’ application currently in front of the FCTA panel. Plans and Places have provided comments on this application and these are attached as <b>Attachment 1</b>.</li> <li>(3) Plans and Places considers that if this application is to proceed under the FCTA, this will potentially urbanise the Site and influence the land-use of the site for more than the lifetime of the Auckland Unitary Plan (Operative in part) (“AUP”). If the proposed extension is to the ‘Whenuapai Business Park application’ proceed, it should be done jointly with the Whenuapai Business Park application to ensure that all effects from both applications are considered jointly.</li> <li>(4) If this is to proceed, this application must take a strategic approach to all resource management matters like those required to be assessed under the Schedule 1 process of the RMA.</li> <li>(5) The Whenuapai Structure Plan (WSP) indicates the site is in ‘stage 1’ of development, which is identified in the Future Urban Land Supply Strategy 2017 (FULSS) as being development ready between “...the next 2 – 10 years” (Starting 2016). The FULSS informs the Council’s infrastructure funding priorities, and informs the Council’s long-term plans, annual plans, and other strategic documents.</li> <li>(6) A contributions policy which reflects the infrastructure needed to urbanise the Whenuapai area has not yet been developed and will likely be completed after the developer’s timeframe for development. This policy will ensure the cost of new infrastructure is fairly shared between developers and ratepayers, based on who causes the need for and who benefits from the infrastructure investment. Allowing this proposed development to proceed ahead of an updated contributions policy will result in future wider network infrastructure upgrades required for this development to be borne by the ratepayer under the current policy setting. This is assuming funding becomes available to deliver these upgrades.</li> <li>(7) An application proceeding on Future Urban Zoned (FUZ) land could also lead to future reverse sensitivity issues for future resource consent applications, as there will not be an appropriate regulatory framework (i.e. Business zone) in place to manage those effects.</li> <li>(8) If the activity is legally established through the FCTA, any future land use consents will nevertheless be considered against the FUZ objectives and policies. The nature of the FUZ objectives and policies are to enable rural use of the land until a site has been through the plan change process that applies an urban zone. There are strong concerns the FUZ is not an efficient and effective zone for urban activities until the site is re-zoned.</li> <li>(9) It should not be anticipated that the Council will initiate an (currently un-budgeted) plan change to urbanise this area, and with the current Covid Recovery Budget, it is unlikely to be come a priority for the Council. Further, the applicant should provide all necessary infrastructure to enable this development.</li> </ol>
<p><b>Information required (but not limited to):</b></p> <ol style="list-style-type: none"> <li>a) Include in the Assessment of Environmental Effects: <ol style="list-style-type: none"> <li>i. Auckland Councils Strategic Framework, Including an assessment against the Whenuapai Structure Plan, Auckland Plan 2050, Future Urban Land Supply Strategy 2017</li> </ol> </li> <li>b) An assessment against all relevant parts of Auckland Unitary Plan’s Regional Policy Statement, noting</li> </ol>

that the application's assessment only against '*Chapter B2 urban Growth and form*' is not sufficient for an informed decision.

- c) Economic assessment, that includes:
  - i. Analysis in the context of the COVID-19 Recovery (Fast-track Consenting) Act 2020;
- d) Integrated Transport Assessment:
  - i. That includes information on Public Transport services, including future upgrades and current level of service
  - ii. Infrastructure upgrades required to facilitate the development
  - iii. An assessment against all relevant Regional Policy Statement objectives and policies
  - iv. An assessment against the objectives and policies of the National Policy Statement on Urban Development.
- e) Set of draft conditions for staging development until key infrastructure projects are delivered.
- f) Information on what infrastructure will be funded and built by the applicant and how all remaining infrastructure that is not being funded by the applicant will be funded, noting that Auckland Council does not have any allocated funding for the Whenuapai FUZ area.

(10) If this application is approved, the non-infrastructure economic and social benefits should not be counted as contributing to the current shortfall of funding for infrastructure projects in the region. For certainty on this matter, the Applicant should fund the infrastructure required in full and not anticipate any funding from the Council.

## **Attachment 1 – Plans and Places Comments for Whenuapai Business Park**



## Memorandum

14 March 2023

**Subject: Whenuapai Business Park**

**From: Todd Elder, Senior Policy Planner, Plans and Places**

**Contact information:** s 9(2)(a)

- (1) The following is Plans and Places advice on the Whenuapai Business Park (“WBP”) application under the COVID-19 Recovery (Fast-track Consenting) Act 2020 (“FCTA”), requested by the Regulatory Department of Auckland Council.
- (2) Plans and Places considers that if this consent is granted under the FCTA, this will urbanise the Site and influence the land-use of the site for more than the lifetime of the AUP. Plans and Places opposes this application, but if the Panel proceeds to assess this application, a strategic approach is taken which is like the Schedule 1 process of the Resource Management act 1991 (“RMA”).
- (3) Plans and Places acknowledges that this application could be aligned with the purpose of the FCTA, but would like to raise the economic and social benefit (from the WBP) should not contribute to the current shortfall of funding for infrastructure projects in the region. For certainty on this matter, the Applicant should fund the infrastructure required in full.

### ***Strategic Documents***

- (4) The site is located in area 1E of the WSP, which was included in PC5. The WSP identified that the areas in Stages 1A to 1F are development ready between the next 2 – 10 years (starting from 2016). It should be identified that the WSP has not been updated since the Council’s withdrawal of PC5 but is still the relevant strategic document for the area.
- (5) The Future Urban Land Supply Strategy (FULSS) informs the Council’s infrastructure funding priorities and feeds directly into the Council’s long-term plans, annual plans, and other strategic documents. The Council’s Future Urban Land Supply Strategy was refreshed in July 2017.
- (6) As outlined above, the land subject to this application is within an area identified as being “development ready” between 2 – 10 years and 2032. In terms of the steps required for development, it is noted that the land has Future Urban zoning under the Auckland Unitary Plan and a structure plan has been completed. However, most bulk infrastructure is not planned for or funded and financed at this time.

### ***Infrastructure Funding and Financing***

- (7) There is currently no funding and financing solution to deliver infrastructure in Whenuapai. Without the ability to pay for the infrastructure required to deliver the development, the project relies on the Applicant for it to proceed. Without the infrastructure, it will not be possible to achieve a ‘well-functioning urban environment’ as the area is still considered ‘Rural’ as it is



zoned Future Urban Zone (FUZ).

- (8) Note is made that FUZ land was applied to greenfield land and is a transitional zone. FUZ land is used for a range of general rural activities but cannot be used for urban activities until the site is rezoned for urban purposes.
- (9) It is understood that in this scenario, the Applicant is seeking to fund the infrastructure required.
- (10) While any granted application will be liable for Development Contributions, these only cover projects that are listed in the Council's 10-year Long Term Plan. The infrastructure required to support the development would include various projects that are not currently in the Long-Term Plan. That means that any development contributions from the development would not contribute to these infrastructure projects.
- (11) Auckland Council's Recovery Budget 2021-2031 acknowledges that as Auckland continues to rapidly grow and change, we face major challenges in relation to providing infrastructure to accommodate growth. The Recovery Budget works to balance the pressures to spend more with the reduced capacity to fund those pressures by prioritising the spend for new infrastructure to four key priority areas which have been agreed with government. Those areas are:
  - Auckland Housing Programme (Mt Roskill, Oranga, Mangere and Northcote) & Tamaki
  - North West (including Red Hills, Whenuapai and Westgate)
  - Drury
  - CRL Stations (Mt Eden and Karangahape)
- (12) While Whenuapai is listed as a North West location, this is limited to the existing zoned land
- (13) Plans and Places acknowledges since the withdrawal of PC5, other significant developments in the region have managed to take a staging approach with 'triggers' in response to the lack of funding for infrastructure. These triggers have been integrated into the AUP via site-specific precincts to allow the release of land when certain infrastructure projects have been delivered.
- (14) It is acknowledged that the Applicant has identified infrastructure projects that they are willing to build and fund to allow for their development to proceed. The Assessment of Environmental Effects ('AEE') prepared by Campbell Brown Planning LTD also suggests that what the Applicant is proposing covers their 'fair share' of the infrastructure costs in the area.
- (15) In Plans and Places view, the Panel making a decision on this application need to be confident that:
  - a) Further infrastructure is not required to facilitate the development.
  - b) If further infrastructure is required, its construction is integrated within the conditions to stage the development; and
  - c) The infrastructure required for this development is fully funded by the applicant and will not require an un-budgeted investment from the Council or its CCOs.
- (16) It is also noted that a future plan change will be required as the consenting of this development will generate the land-use to be inconsistent with the FUZ. This could lead to administrative issues for future occupiers. There is no plan change on the Council work program for this area.

### ***Assessment of Environmental Effects (AEE)***

- (17) Section 5 of the AEE, addresses the Whenuapai Structure Plan 2016 (WSP), Plan Change 5 (PC5) and the draft Variation 1 to Plan Change 5 (V1-PC5). In summary, the report compares the WBP against these three projects. I assisted on the PC5, and was the reporting officer on Variation 1 to PC5, I will make comments on:
- d) Proposed activity or future zoning applied
  - e) Rooding layout.
- (18) The land use proposed will result in activities that are consistent with the WSP indicative zoning outcomes and manage the known environmental constraints that were outlined during the WSP and PC5 processes. This includes aircraft engine testing associated with Whenuapai Airbase, which is not managed in the AUP as a control. The Applicant has appropriately identified these constraints and considered management methods.
- (19) Regarding the rooding layout, which is commented on page 46 of the AEE, the Applicant raises the matter that the preferred rooding layout is different to WSP and PC5.
- (20) The WSP and PC5 (including the draft variation to PC5) identified roads as 'indicative', noting that a future assessment would be required in the resource consent development stage. These roads were included for identification purposes setting out that 'these roads' are required to service the urban environment for the WSP area. These roads relate to Appendix 4<sup>1</sup> of the WSP which is a full list of infrastructure for the WSP.
- (21) Plans and places are neutral on the rooding layout, provided that the road is designed to manage the future urban transport environment.

### ***Regional Policy Statement – Auckland Unitary Plan (RPS-AUP)***

- (22) Section 12.6.1 of the Regional Policy Statement, as mentioned in the AEE, is presented as supporting the WBP. The RPS-AUP assessment does not recognize Chapter B3 *Ngā pūnaha hanganga, kawekawe me ngā pūngao - Infrastructure, transport and energy*.
- (23) This application needs to address the relevant objectives and policies of Chapter B3, as these objectives and policies cover infrastructure and transport.

### ***Summary***

- (24) In summary, Plans and Places:
- a) Opposes this application, but if the Panel proceeds to assess this application, a strategic approach is taken which is like the Schedule 1 process of the Resource Management Act 1991
- (25) if this application proceeds it is considered:
- a) The development of the site provides economic and social benefits but does not worsen the Council's current funding gap and all infrastructure is funded by the applicant and will not result in unbudgeted investment by the Council.
  - b) The development is consistent with the Whenuapai Structure Plan
  - c) A future plan change will be required, and no plan change is on the Councils work program for this area.
-



## Parks Asset Owner / Specialist Response

**From:** Hester Gerber, Parks Planning Team Leader

**Date:** 4 April 2023

### Overall Summary:

Upon reviewing the Whenuapai Business Park (WBP) Extension proposal, our high-level view is that the project is generally acceptable from a Parks Planning perspective. The project involves the subdivision of 73 Trig Road into three industrial lots and changing the use of the proposed two lots on 155-157 Brigham Creek Road to industrial uses. The proposal includes the construction of a new public road and pedestrian footpaths that will vest in the council. These works are in effect a variation/addition to the WBP proposal currently being considered by the COVID Fast Track panel.

As the future maintenance provider, we support the proposed streetscape for the road extension through 71-73 Trig Road. However, we have some concerns and recommendations as an asset owner:

1. Street gardens and planted berms can not be accepted by Parks. These will need to be omitted from the road extension proposed to 71-73 Trig Road.
2. We support grassed berms and street trees along proposed roads and encourage the use of rain gardens where appropriate, in consultation with Healthy Waters.

We would intend to recommend conditions to ensure consistency with the approach for the WBP application currently being considered by the COVID Fast Track panel.

In conclusion, we have no specific concerns or fundamental problems that would warrant the project or any part of it to proceed through existing Resource Management Act 1991 (RMA) consenting processes rather than the processes in the FTCA. Our recommendations aim to enhance the proposal's compatibility with our Parks requirements and ensure consistency with the wider WBP proposal that is being considered in parallel (should it be granted).



**Prepared by:**

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**Daniel Kinnoch,  
Consultant Parks Planner  
Parks, Sports and Recreation**



**Parks Agency Lead:**

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**Hester Gerber  
Parks Planning Team Leader  
Parks, Sports and Recreation**

## Upper Harbour Local Board Response

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

**Answer:** We believe that the fast-track consent should be declined and request that the application go through the existing Resource Management Act process for the following reasons:

The Local Board oppose this fast-track application. We recommend decline and go through the existing RMA process for the following reasons:

- A) This development is so large and of such a scale it's important to ensure that it is done correctly to maximise the outcome and to minimise negative consequences. There are far reaching consequences that are far better explored and resolved through the existing RMA process.
- B) We have a responsibility to ensure developments are climate resilient and have good infrastructure to develop good urban outcomes.
- C) We are concerned about lack of community access to freshwater and require details of esplanade reserves (size and access). This is better dealt with in the existing RMA process.
- D) We express concerns about out of sequence development and the need for supporting infrastructure and to avoid any potential adverse effects. This is more appropriately dealt with through the RMA than Fast Track Consent.
- E) Note that the proposal is currently zoned Future Urban Zone (FUZ) and lies within an area Plan Change 5 / Variation 1 which was withdrawn primarily due to infrastructure constraints, (PC5/Var1). This proposal is contrary to the Auckland Unitary Plan including the FUZ zone provisions and the Regional Policy Statement. This is more appropriately dealt with through the RMA than Fast Track Consent.
- F) Note our concern that the Whenuapai Business Park Project (not the extension) was red flagged by both Watercare and Auckland Transport.
- G) Express concern that with the Whenuapai Business Park project the following applied. Believe the following apply to this project too.
  - 1) there is no immediate funding solution to respond to the cumulative effects of increased traffic on the wider north western transport system
  - 2) there is no likelihood of being able to agree on funding amounts, until the work by the Supporting Growth Alliance in the North West is completed
- H) Endorse the following concern from Auckland Council with relation to the Whenuapai Business Park project. "There are significant issues associated with the roading infrastructure needed to service this development which have not been resolved". This is more appropriately dealt with through the RMA than Fast Track Consent.
- I) Note with concern comments from Watercare related to the Whenuapai Business Park Project that they identified capacity constraints in the water and wastewater network. This is more appropriately dealt with through the RMA than Fast Track Consent.
- J) Request that given recent flooding events we need to ensure new developments and industrial areas are built fit for the future and do not cause environmental degradation. We request reassessment of flood risks and overland flow paths to ensure all parties are satisfied. This is more appropriately dealt with through the RMA than Fast Track Consent.
- K) We are concerned about the impermeable surfaces in this business park leading to excess stormwater runoff and negative environmental outcomes. This will have a major effect on climate resilience and on the ongoing community well-being. There seem to be a lack of water sensitive design.
- L) consider financial concerns including:
  - 1) This proposal could have a financial implication for the local board. Currently there is no mechanism to ensure the development pays for it's proportional share of cumulative effects on the wider transport and other infrastructure.
  - 2) Supporting Growth have plans to upgrade Brigham Creek Road but this is not in the RLTP. There are currently no funds allocated towards this upgrade.

3) Full costs of the infrastructure for the wider network are unable to be determined at this time and are likely to take some time to be calculated. The shortfall in funding of the infrastructure costs is not provided for in the Long-Term Plan 2021-2031. Therefore, the council is unable to recover the costs of future infrastructure via either the Development Contributions Policy or by having another funding mechanism in place. Should the development go ahead without these matters being resolved, this could put pressure on funding identified for other development areas.

M) consider that the connections in The Upper Harbour Greenway Plan 2019 should be provided prior to or during development and approval of plan. The Upper Harbour Greenway Plan 2019 shows Brigham Creek Road as a “Key Route”.

N) express concern that this development may result in the removal of mature trees as the adopted Urban Ngahere 10 year action plan shows that Whenuapai currently has less than 10% tree cover, whereas the goal for each local board area is 30%.

O) express concern that the poor bus service experienced by local residents in Whenuapai and lack of cycle lanes would mean residents of the new development are more likely to drive. The 114 bus currently has only 4 buses between and including 7:06 am and 9:06 am and during the day the buses are hourly.

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

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

<b>Organisation providing comment</b>	Auckland Transport
<b>Contact person (if follow-up is required)</b>	Nadine Perera
	s 9(2)(a)
	s 9(2)(a)

## Comment form

Please use the table below to comment on the application.

<b>Project name</b>	Whenuapai Business Park Extension (The Project)
<b>General comment</b>	<p>Thank you for the opportunity to provide comment on the Whenuapai Business Park Extension. The project involves subdivision, landuse changes and building construction to provide for future industrial development on two separate sites each with road frontage at 71 and 73 Trig Road, and 151, 155-157 Brigham Creek Road.</p> <p>On the Brigham Creek Rd site, the project is to construct two industrial buildings and associated site development including yard, access, parking, and manoeuvring areas. The works at 151 Brigham Creek Road are limited to the formation of vehicle access. Subdivision consent is not sought for the Brigham Creek Road site which contains two balance lots and access roading proposed to be created as part of the separate Whenuapai Business Park Application currently under consideration by the Environmental Protection Authority.</p> <p>On the Trig Rd site, the project is to subdivide land to create three lots for industrial development and includes the construction of supporting infrastructure, including a road intended to vest with Auckland Council, and three-waters services. The project will include upgrade works such as road widening, bus stops and a cycleway and footpath within the Trig Road road reserve.</p> <p>Consent is also sought for the land on both sites to be utilised for any permitted activities listed in the Auckland Unitary Plan ('AUPOP') Light Industry Zone Activities Table H17.4.1, and for any buildings to be constructed on the industrial lots that meet identified bulk and location standards of the AUPOP Light Industry Zone. The applicant intends to apply for land use consent for light industrial activities on the three lots, however construction will be undertaken by third parties</p> <p>Auckland Transport does not support the project being accepted for Fast-track consenting. Both sites are currently zoned Future Urban zone (FUZ) under the Auckland Unitary Plan Operative in Part (AUPOP). A stream flows through the Brigham Creek Road site west to east and this together with various coalescing overland flow paths and flood plains commencing and flowing over the Trig Road site drain towards Waiarohia Inlet in the east. The two road frontages form part of the Notices of Requirement (NoR W1 and NoR W3) lodged with Auckland Council by Auckland Transport and publicly notified on 23 March 2023 for route protection to enable future upgrades (widening and realignment) of Brigham Creek and Trig Roads. These projects form part of the Supporting Growth Alliance's (a partnership of Auckland Transport and Waka Kotahi NZ Transport Agency) North West</p>

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Local Arterials Project and are to be carried out in stages as urban development occurs surrounding the Project area.

The AUPOP 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)). While a structure plan has been completed for FUZ zoned land at Whenuapai, the land has not been rezoned for urban use. Plan Change 5 (PC5), and Variation 1 to PC5, initiated by the Council and withdrawn in June 2022 over infrastructure funding concerns, sought to rezone 360 hectares of mostly Future Urban zoned land to a mix of business and residential zones. As PC5 and Variation 1 have been withdrawn the Whenuapai Business Park Extension requiring subdivision, land use, discharge and diversion consents must be considered under the existing AUPOP provisions. Under the AUPOP, the overall activity status of the proposed development is Non-Complying.

The Auckland Plan, Future Urban Land Supply Strategy (FULSS) and the AUPOP provide the Development Strategy for Auckland, including the sequencing and timing for when future urban areas will be ready for development to commence which requires necessary underpinning zoning and bulk infrastructure to be in place. Although the FULSS identifies the sites as intended to be development ready in 2018-2022 the funding of and delivery plans for infrastructure needed to enable growth have not been confirmed. Accordingly, the project has the potential to contribute to and exacerbate misalignment between the timing of transport infrastructure and services and the urbanisation of greenfield areas. Without this alignment there is no certainty about delivery of the strategic transport network and development network demands to mitigate adverse effects and achieve a well-functioning urban environment. This compromises the ability to sequence and deliver future urban development in a sustainable, coordinated, and cost-efficient way. Therefore, the project does not align with the AUPOP and does not provide a well-functioning urban environment. The Applicant proposes paying for and upgrading Trig Road including provision for pedestrians, cyclists and bus stops and has recognised that road frontage land is required to provide upgrades outlined in the Auckland Transport NoR W1 Trig Road publicly notified in March 2023.

Given a previous Fast-track application for the Whenuapai Business Park for which consent has yet to be granted provides for some upgrading and route protection of Brigham Creek Road there are no works outlined in the project which meet the requirements of NoR W3 Brigham Creek. The Extension project under consideration relies on this other project being granted consent and being constructed.

Auckland Transport does not have sufficient funding identified in the Regional Land Transport Plan (10- year plan for Auckland's transport network for 2021-2031) to meet the shortfall in the strategic network infrastructure needed to support such growth identified, nor is there any agreed infrastructure and implementation plan with developers. Auckland Transport does, however, acknowledge that the subdivision/development of the land for business purposes as sought will enable a purpose-built industrial development and additional industrial sites that will increase local employment choice and subsequently lead to reduced travel demand associated with employment opportunities outside the area.

The application material and Transport Memo by Traffic Engineering and Management Ltd provides initial commentary on the application and the effect of the project on the efficient operation of the surrounding proposed transport network. The available project information relies on roading works proposed as part of the separate Whenuapai Business Park application which has not been consented. Therefore, the project does not adequately consider:

- Lot boundaries in regard to the Brigham Creek NoR W3 and Trig Road NoR W1 Notices of Requirement lodged with Auckland Council (NoR W1 and NoR W3), Current drawings do not indicate the NoR W1 and NoR W3 boundaries and how the proposed collector road at 73 Trig Road and proposed change in land use with frontage to Brigham Creek Road integrates with these NoRs;
- The effect on the road network of the proposed subdivision and change in land use in respect to the proposed NoRs as referenced above;
- The effect on the road network of the proposed subdivision and change in land use if the proposed intersection and upgrading works provided for in the separate Whenuapai Business Park application do not occur.
- The proposed timing of the required roading network upgrades, subdivision, and development.
- Provision of a footpath and cycleway along the eastern side of Trig Road in general accordance with the Trig Road NoR W1 as referenced above.



	<ul style="list-style-type: none"> <li>• A footpath and cycleway along the south side of Brigham Creek Road in general accordance with the Brigham Creek NoR W3 as referenced above.</li> <li>• Provision of a pair of bus stops on each side of Trig Road including a safe pedestrian crossing facility on Trig Road close to the bus stops.</li> </ul> <p>The project has potential to contribute to and exacerbate misalignment between the timing of transport infrastructure and services and the urbanisation of greenfield areas. Without this alignment there is no certainty about delivery of the transport network to mitigate adverse effects and achieve a well-functioning urban environment. This compromises the ability to sequence and deliver future urban development in a sustainable, coordinated, and cost-efficient way. For the reasons above Auckland Transport does not consider there is sufficient information to assess the effects of the Project and considers it more appropriate for the Project to proceed through a private plan change and subsequent resource consent process, rather than through the Covid Recovery Act.</p>
<b>Other considerations</b>	<p><u>Transport Assessment</u></p> <p>Auckland Transport requests that, should the Project be accepted for Fast-track consenting, the full application material include an Integrated Transport Assessment (ITA). The main objective of an ITA is to ensure that the potential adverse transport effects of a development proposal are well considered and addressed with particular consideration of the provision of the required infrastructure and facilities to service the transport network demands of the development, accessibility to and from the development, as well as of safety and efficiency effects. Such an assessment also needs to consider the impacts of the proposal in the context of present and future indicative roading networks. The assessment should ensure that any potential adverse transport effects of the development have been effectively avoided, remedied or mitigated. This is reinforced by the Regional Policy Statement (RPS) of the Auckland Unitary Plan. For instance, B3.3.2(5)(f) of the RPS requires activities adjacent to transport infrastructure avoid, remedy or mitigate effects which may compromise the efficient and safe operation of such infrastructure. If accepted for assessment under the Covid Recovery Act, Auckland Transport requests the following matters form part of the requested ITA:</p> <ul style="list-style-type: none"> <li>• Whether the Project meets the relevant objectives and policies of the Auckland Unitary Plan as they relate to transport.</li> <li>• An assessment of potential adverse safety effects on the surrounding transport network and how these effects will be avoided, remedied or mitigated.</li> <li>• An assessment of potential (including cumulative) adverse effects on the efficient operation of the surrounding transport network (existing and proposed including consideration of the integration of the subdivision and changes to land use in regard to NoRs W1 and W3 as notified in March 2023) and how these effects will be avoided, remedied or mitigated. There should be particular emphasis on key intersections, including but not limited to Trig and Brigham Creek Roads, and the staging and funding of development in relation to the required construction of the signalised new collector road and its intersection with Brigham Creek Road. It is important that certainty is achieved around the delivery of this new signalised intersection and referred to in the ITA. Otherwise, mitigation relied upon in approving the proposal may not be implemented and will result in adverse and potentially cumulative effects which are unanticipated.</li> <li>• Whether the proposed roading network to vest including cycle and pedestrian paths and linkages within and across the site is consistent with the Structure Plan, IBC and SGITA including the indicative roading network, and relevant transport standards of the Auckland Code of Practice for Land Development and Subdivision - Chapter 3 Transport (and relevant chapters of the Auckland Transport 'Urban Street and Road Design Guide'), the Code of Practice standards should take precedence. Emphasis should be given to provision of a safe pair of bus stops with shelters and foot paths through to the collector road on Trig Road with safe pedestrian crossing facilities near the collector road.</li> <li>• An assessment of street design including the design philosophy for all new roads supporting the spatial allocation for each mode and outlining how the design appropriately and safely provides for all transport users.</li> <li>• An assessment identifying the protection mechanisms to be utilised to safeguard the existing and proposed transport networks given the project's location on two sites traversed by various overland flow paths and a flood plain.</li> </ul>

	<ul style="list-style-type: none"> <li>• A comprehensive stormwater management plan (SMP) specifying the stormwater management requirements and outcomes, an options assessment of stormwater management options demonstrating how the proposed stormwater management strategy will result in the best practicable option, and a flood hazard assessment demonstrating that the Project meets Auckland Council and Auckland Transport's requirements set out in chapter E36 (Natural Hazards and flooding) of the AUP.</li> <li>• An assessment of effects for any other reason for consent under Chapter E26 Infrastructure and Chapter E27 Transport of the Auckland Unitary Plan.</li> <li>• A Draft Construction Traffic Management Plan (CTMP) is also required, covering an assessment of effects on construction traffic (including measures to maintain safe and efficient operation for all road users), the construction period and associated earthworks.</li> </ul> <p>Given the need to review any potential adverse effects on the transport network, Auckland Transport requests that any referral order for this project requires the Expert Consenting Panel to include Auckland Transport as a person who is to be invited to comment on the project.</p>
<b>[Insert specific requests for comment]</b>	Click or tap here to insert responses to any specific matters the Minister is seeking your views on.

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







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

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

<b>Organisation providing comment</b>	Spark New Zealand Limited
<b>Contact person (if follow-up is required)</b>	Graeme McCarrison c/o Incite
	PO Box 3082, Auckland 1140
	s 9(2)(a)

## Comment form

Please use the table below to comment on the application.

<b>Project name</b>	Whenuapai Business Park
<b>General comment</b>	Spark New Zealand Limited is neutral in their views toward the proposal subject to the comments below being considered.
<b>Other considerations</b>	Click or tap here to provide any information you consider relevant to the Minister's decision on whether to refer the project to an expert consenting panel.
<b>[Insert specific requests for comment]</b>	<p>Spark has an interest in the Project as they are the owner of adjoining land at 153 Bringham Creek Road, Whenuapai, as contained and described in record of title 143111. The land is used as an international cable station and is currently where the Southern Cross Cable from Australia is terminated, this is a nationally significant cable infrastructure network, vital to New Zealand's connectivity to the World. This core network carries all international services, mobile/landline, voice/data and as such plays a significant role in our everyday lives, the general economy and future growth of New Zealand, it is considered a lifeline utility. The Civil Defence Emergency Management Act 2002 is the only over-arching legislation for all lifeline utility sectors; this has a requirement for lifeline utilities to "function to the fullest possible extent" following an emergency. In addition, the site is afforded protection by a Designation in the Auckland Unitary Plan (Reference 7504).</p> <p>It is noted that Spark have previously provided comments in relation to a previous iteration of this proposal in November 2021. Please consider the following comments in addition to any previously provided.</p> <p>The neighbouring property at 155-157 Bringham Creek Road is subject to conditions of a transfer notice (T6085470.1) which place restrictions on the property so as to not result in interference with the operation of Spark's telecommunications activities. It is understood that this notice will continue to apply to any resultant lots of the proposed subdivision (Lots 1, 200 &amp; 300) however Spark would like to raise this matter to ensure that these conditions continue to apply in perpetuity to proposed Lots 1, 200 &amp; 300 and any future lots that may result due to subdivision.</p> <p>The eastern extent of Spark's property (shown below) accommodates the earthing system associated with the cable station. The earthing system is a critical component for the operation of the cable station. To effectively function, the land in which the earthing system is located has to remain "wet" which is currently provided for given the stream and wetland present. While it is understood the proposal will not drain this area, Spark is raising this matter to both bring attention to their requirements with respect to this area of their property as well as seeking confirmation from the applicant that the hydrology for the stream will not be affected in such a manner that this area will be drained.</p>



It is noted in the applicant's assessment of environmental effects that Spark is agreeable to removing the land covenant from the 'road' proposed to bisect Lots 200 & 300 to enable a s238 transfer to occur. On the understanding that this area of land will be for a road and that the land covenant and land transfer conditions will continue to apply to Lots 1, 200 & 300, Spark is agreeable to this approach.

Further to the above, Spark is in ongoing negotiations with the applicant in relation to reticulation of electricity services which may be required to be located on Spark's property. This is considered a matter separate to the resource consent application and can appropriately be dealt with at the detailed engineering stage.

While separate from the current Project, Spark is in continuing discussions with the Supporting Growth Alliance in relation to the North West Local Network project given the potential for this project together with the applicant's Project to impact on the efficient operation of Spark's cable station, the Southern Cross Cable and any future international cables which may terminate in the sites.

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





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

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

Organisation providing comment	Waka Kotahi
Contact person (if follow-up is required)	Sonya McCall – Waka Kotahi, Team Lead, Environmental Planning
	environmentalplanning@nzta.govt.nz
	Click or tap here to enter text.

## Comment form

Please use the table below to comment on the application.

Project name	Whenuapai Business Park Extension
General comment	<p>This site proposes to develop two separately located sites that are zoned for future urban purposes at 71 and 73 Trig Road, and 15, 155-157 Brigham Creek Road and adjoins a previous fast-track application for “Whenuapai Business Park” for which consent has yet to be granted.</p> <p>The development of this area would normally require a structure plan and publicly notified plan change process to be undertaken prior to being released for urban development. Without the wider assessment and implementation plan that is needed to support a plan change process, this proposal has the potential to result in piecemeal development, a lack of consideration of the wider effects resulting from this development (and other developments in the area) or required mitigation measures and their required implementation timing on the transport network.</p>
Other considerations	<p>The two road frontages form part of the Notices of Requirement (NoR W1 and NoR W3) lodged with Auckland Council by Auckland Transport and publicly notified on 23 March 2023 for route protection to enable future upgrades of Brigham Creek and Trig Roads however the timing for implementation of these upgrades and wider infrastructure requirements is yet to be determined. It is also noted that there are multiple sites/proposals in the area which access Brigham Creek Road, there needs to be a cumulative assessment of the proposals and understanding on how this will effect the transport network and how best to avoid, remedy or mitigate the effects.</p>

	<p>An integrated approach is critical to achieve a well-functioning urban environment, understanding land use and transport system requirements, and the necessary timing of implementation. Therefore there is insufficient information to support recommending this project to the Fast-track process.</p> <p>Waka Kotahi recommends that an integrated approach is critical to achieve a well-functioning urban environment, understanding land use and transport system requirements (including cycle/pedestrian paths), and the necessary timing of implementation.</p> <p>■ There is insufficient information to support recommending this project to the Fast-track process and referral of the project to an expert consenting panel under the COVID-19 Recovery (Fast-track Consenting) Act 2020 is not supported.</p>
<b>[Insert specific requests for comment]</b>	<p>Given the need to review any potential adverse effects on the transport network Waka Kotahi requests that any referral order for this project requires the Expert Consenting Panel to include Waka Kotahi as a person who is invited to comment on the project.</p>

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

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

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

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

## Comment form

Please use the table below to comment on the application.

<b>Project name</b>	Whenuapai Business Park Extension
<b>General comment</b>	<p>Overall Summary:</p> <p>NCL intends to subdivide 73 Trig Road to accommodate three industrial lots and a road connection to Trig Road. 155 – 157 Brigham Creek Road is currently included within the Whenuapai Business Park fast-track consent application (Schedule 52) as balance lots 200 and 300. The proposal seeks consent for Lots 1-3 (73 Trig Road) and Lots 200 and 300 (155-157 Brigham Creek Road) to be used for any permitted activities listed in the Auckland Unitary Plan (AUP) Light Industry Zone and for any buildings to be constructed on the industrial lots that meet the identified bulk and location standards of the Auckland Unitary Plan's Light Industry Zone. No residential development is proposed.</p> <p>Watercare's comments on the proposal</p> <p>Wastewater</p> <p>The wastewater catchment of the subject site will be divided into two sub-catchments. Additional industrial units need to be considered for sizing the new Pump station, ensuring it has enough capacity.</p> <p>For catchment 1, gravity reticulation is proposed to connect to the existing satellite manhole within the site for the western and southern catchments.</p> <p>The existing 180mm diameter pipeline from the satellite manhole over the existing 450mm PE transmission wastewater line needs to be upgraded to a 225mm diameter pipe by the developer with no cost to Watercare.</p>

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For catchment 2, a pump station is proposed to service the northern and middle sections of the development and 153 Brigham Creek Road. A 225OD PE rising main will be proposed to discharge the flow to the proposed gravity reticulation connecting to the existing 450mm PE transmission pipeline. The acceptance of a pumped station for the second catchment will be subject to meeting Watercare requirements for pumping stations. The number of connections and the flow rate were not provided during the assessment. Hence, depending on the information, Watercare has yet to decide to accept the proposed pump station as a public asset.

For the new pump station, some of the key considerations are:

- The new pump station's rising main and discharge location must be suitably designed and built to work with original servicing considerations and the existing infrastructure. Particular attention must be given to the likelihood of high hydrogen sulphide levels at the discharge location, particularly if there are multiple rising main discharges.
- The discharge location will depend on a detailed design and a capacity assessment of the downstream infrastructure. However, this is subject to confirmation of suitable capacity in the downstream network and design considerations within the manhole capable of supporting an additional rising main discharge.
- An emergency overflow to stormwater or directly to the receiving environment must be constructed and authorized by network discharge consent.
- The applicant must obtain the approvals required to meet the conditions of the Watercare Network Discharge Consent.

#### Water

Watercare confirms that the network's capacity will be sufficient for the proposed development after upgrading the network based on the recommendations outlined earlier.

Watercare can provide FW3 for the proposed site based on the information provided.

The development is to be connected to the new 315OD PE water main. As notified earlier, a network constraint (150mm) section at the BSP would need upgrading to a 355mm PE, as highlighted in Figure 1. The developer should execute the upgrades at no cost to Watercare.



Figure 1: Proposed section of 150mm watermain to be upgraded

Other considerations	
[Insert specific requests for comment]	

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.