

# 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 Residential and Light Industrial Developments.  
Application number: PJ-0000839  
Date received: 02/12/2022

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](mailto:fasttrackconsenting@mfe.govt.nz)

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

## Part I: Applicant

### Applicant details

Person or entity making the request: Cabra Developments Limited

Contact person: Duncan Unsworth

Job title: General Manager

Phone s 9(2)(a)

Email s 9(2)(a)

Postal address:

P0 Box 197, Orewa, Auckland

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

Organisation:

Contact person:

Job title:

Phone:

Email:

Email address for service:

Postal address:

## 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.

15 Clarks Lane, Whenuapai – Site A

10 Sinton Road, Whenuapai – Site B

16 Sinton Road, Whenuapai – Site C

90 Trig Road, Whenuapai – Site D

All sites are located in Whenuapai. Sites A – C are located at the eastern peninsula, on the southern edge of the coastal marine area of the Waiarohia Inlet. Site D is located in-land, to the south west of the NZDF Whenuapai Airbase, on the western side of the intersection of Spedding and Trig Road.

Legal description(s):

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

- 15 Clarks Lane – Lot 2 Deposited Plan 92753
- 10 Sinton Road – Lot 25 Allotment 2 Parish of Waipareira
- 16 Sinton Road – Lot 9 Deposited Plan 57408
- 90 Trig Road – Lot 4 Deposited Plan 55087

Copies of these titles are included as **Appendix 1**.

Registered legal land owner(s):

Cabra Developments Limited and Cabra Investments Limited (“Cabra” or “Applicant”).

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:

Cabra owns all of the sites under one of two entities (listed above) and will undertake the development. Cabra has the financial capability and development expertise to deliver this project.

## Part III: Project details

### Description

Project name: Whenuapai Residential and Light Industrial Developments.

Project summary:

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

It is proposed to construct and subdivide 15 Clarks Lane and 10 and 16 Sinton Road, Whenuapai into approximately 227 standalone and terraced dwellings and to construct and subdivide 90 Trig Road, Whenuapai to provide at-grade industrial storage yard and two warehouse buildings.

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.

#### A. 15 Clarks Lane, Whenuapai

Cabra proposes to construct approximately 84 dwellings in a variety of typologies on the 3.4ha site with vehicular access from Clarks Lane. The masterplan is arranged to provide a 20m esplanade reserve along the coastal edge (including the possible construction of a pedestrian walkway), with a row of larger lots of at least 600m<sup>2</sup> behind, consistent with the Whenuapai Structure Plan 2016 ("WSP") (and former Plan Change 5 ("PC5")). The balance of the site is comprised of standalone and terrace dwellings in a layout and intensity akin to the Mixed Housing Urban zone, again consistent with the medium density outcome of the WSP. The internal road will be set back from the stream and wetland in the south eastern corner and a 20m (average) esplanade reserve provided along the stream, with landscaping and stream enhancement works proposed within the stream esplanade. A wastewater pump station is required at the north western corner (shown in red at **Appendix 1**). Stormwater will be treated prior to discharge via stabilised coastal outfall.

#### B. 10 Sinton Road, Whenuapai

Cabra proposes to construct approximately 62 dwellings in a variety of typologies on the 2.5ha site with vehicular access from Sinton Road. As with Site A, the masterplan is arranged to provide a 20m esplanade reserve along the coastal edge (including the possible construction of a pedestrian walkway), with a row of larger lots of at least 600m<sup>2</sup> behind, consistent with the WSP (and former PC5). The balance of the site is comprised of standalone and terrace dwellings in a layout and intensity akin to the Mixed Housing Urban zone, again consistent with the WSP. A paper road is located adjacent the eastern boundary from which the Applicant would prefer to take access (rather than Sinton Road) and, while initial consultation with Auckland Transport ("AT") indicates that access may be possible, further consultation is required to confirm AT's acceptance of this arrangement or otherwise. Until accepted by AT, the sole vehicle access is illustrated on the masterplan at **Appendix 1** as being provided from Sinton Road, with a T-shape layout within the site to futureproof access to neighbouring development sites. Wastewater connection will be provided from Site C (across 12 and 14 Sinton Road). Stormwater will be treated prior to discharge to the coast.

#### C. 16 Sinton Road, Whenuapai

Cabra proposes to construct approximately 81 dwellings in a variety of typologies on the 2.8ha site with vehicular access from Sinton Road. As with Sites A and B, the masterplan is arranged to provide a 20m esplanade reserve along the coastal edge (including the possible construction of a pedestrian walkway), with a row of larger lots of at least 600m<sup>2</sup> behind, consistent with the WSP (and former PC5). The balance of the site is comprised of standalone and

terrace dwellings in a layout and intensity akin to the Mixed Housing Urban zone, again consistent with the outcome previously intended by the WSP. Along the site's frontage, Sinton Road is formed insofar as is required to provide access to the existing dwelling, with a paper road the balance of the site's frontage. Unlike Site A, a short 10m extension of the formed Sinton Road is required to provide access in the location illustrated on the masterplan. In the event that AT does not support the short extension within the paper road, the masterplan can be readily amended to provide access from the existing formed road, at the north eastern corner. As with Sites A and B, stormwater will be treated prior to discharge to the coast. A wastewater pump station is required, within a planted area of open space (shown in red at **Appendix 1**), with a physical connection to Site B (across 12 and 14 Sinton Road).

#### **D. 90 Trig Road, Whenuapai**

Cabra proposes to subdivide the 4.96ha corner site into 11 lots to accommodate the following activities:

- Lots 1-6: at-grade industrial yard storage.
- Lot 7: at-grade industrial yard storage and stormwater basin.
- Lots 8-9: one warehouse building per site, with ancillary office at mezzanine level, each with a GFA of 2,260m<sup>2</sup> and 2,465m<sup>2</sup>
- Lot 200: private road to vest with Council.

New vehicle access will be required from both Trig Road and Spedding Road with a new internal road layout providing access to internal lots. On-site stormwater detention and treatment will be provided in the form of a basin within Lot 7 (to be retained in the private ownership of Cabra) prior to discharge to the existing network.

#### **Ancillary road upgrade works**

It is also proposed to undertake the following ancillary road infrastructure upgrade works, as set out within the Transport Memo at **Appendix 6**:

- Construct an urban pedestrian footpath with kerb/channel along the frontage of Sites A-D, and a footpath (not to full urban standard) along the frontage of 12 and 14 Sinton Road to facilitate pedestrian connectivity.
- Provide a pedestrian footpath along one side of Clarks Lane and Sinton Road, connecting to the Clarks Lane Overbridge at the southern (cul-de-sac) end of Clarks Lane, providing connection across Upper Harbour Highway to Hobsonville Town Centre and Hobsonville Road.
- Widen the vehicular carriageway at the south western end of Sinton Road to improve two-way manoeuvring.
- Extend the length of the formed Sinton Road to the south west, within the paper road, to provide access to Site C.

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

It is proposed to seek separate resource consent from the Environmental Protection Authority for each site, being a total of four joint land use and subdivision applications, lodged consecutively over Q1-Q2 of 2023. However, all works will generally occur concurrently, commencing October 2023 (earthworks season) if consents are granted. As such, while the consenting process will be staged for efficiency within the project team, the project itself will not be staged.

#### **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
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Legal description(s)	Relevant plan	Zone	Overlays	Other features
Please refer to Appendix 3: Planning Assessment (pages 4-7).	-	-	-	-

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
Please refer to Appendix 4: AUP Rule Compliance Checklist.				

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.

None.

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:

- Approval from AT will be required to undertake the proposed works within the road reserve, which will enhance pedestrian, cycle and vehicular connectivity. All works are located on land that is vested as 'road'. No private land is required to be taken to deliver the proposed upgrades. Preliminary discussions with AT indicate that approval would be considered favourably to construct a short extension to a formed road within a paper road, in principle. In the unlikely event that AT does not permit the extension of Sinton Road in the paper road, the access can be relocated to the north east, where the site's frontage adjoins an existing formed road. Refer Transport Memo prepared by Commute at **Appendix 6**. Consultation will continue with AT.
- Vehicle crossing permits will be required from AT prior to constructing the new crossings to the road that is proposed to be vested. These permits will be applied for prior to the construction works occurring on site.
- Approval from Watercare Services Limited will be required at Engineering Plan Approval stage, in respect of the proposed public assets, including water supply extensions, wastewater pump and drainage network.
- 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.

Funding confirmed: s 9(2)(b)(ii) direct expenditure over 2022-2026 including design & consent, civil construction and building construction.

If referred, it is the Applicant's intention to prepare four separate resource consent applications (one per site), to be lodged consecutively with the Environmental Protection Authority across Q1 – Q2 2023.

The following summarises the design and construction programme for Sites A-C, assuming resource consents are granted:

- Engineering Plan Approval: prepare and obtain EPA from Auckland Council for all sites Q2-Q3 2023.
- Detailed Design and Building Consent: commencing Q2 2023.
- Civil construction (including initial works, site clearance, civil works following resource consent): all sites commencing October 2023 (start of the earthworks season).
- Dwelling construction: mid 2024 - mid 2026.
- Project completion: mid 2026.

The following summarises the design and construction programme for Site D, assuming resource consent is granted:

- Engineering Plan Approval and Building Consent (prepare and obtain): Q2-Q3 2023.
- Civil construction (including initial works, site clearance, civil works following resource consent): commencing October 2023 (start of the earthworks season).
- At-grade yard storage: complete and ready to be occupied in early 2024.
- Industrial warehouse buildings: mid 2024 – complete late 2024.
- Project completion: end 2024.

## Part IV: Consultation

### Government ministries and departments

Detail all consultation undertaken with relevant government ministries and departments:

- Ministry for the Environment (“MfE”)
  - o The Applicant held a pre-application meeting with Ministry for the Environment staff on 25 October 2022 to discuss the FT Act process and the information that would be required to support an application. Ministry staff in attendance included Samantha Maxwell and Jess Hollis. A copy of the covering letter provided to MfE in advance of the pre-application meeting is provided at **Appendix 10E**.
- New Zealand Defence Force (“NZDF”)
  - o 8 August 2022 – meeting with Rebecca Davies, Principal Statutory Planner for NZDF, (Defence Estate and Infrastructure) to discuss the project and confirm all lots will have “no complaint” covenants and the conditions proposed by NZDF will be proffered by the Applicant.
  - o September – November 2022 – Iterative correspondence and sharing updated plans.
  - o 21 November 2022 – Applicant issued final plans to Ms Davies.
  - o Latest correspondence from NZDF received 1 December 2022, appended at **Appendix 10A**. A copy of the conditions and wording of the covenant are also enclosed at **Appendix 10A**.
  - o The Applicant will continue to consult with Ms Davies and any further correspondence will be supplied to MfE as and when received.
- Waka Kotahi
  - o Commute Transportation have commenced preliminary discussions with Waka Kotahi in respect of the Proposal having regard to the nearby roundabout interchange at SH18 / Brigham Creek Road /

Sinton Road. The Transport Memo at **Appendix 6** confirms the interchange has capacity to accommodate the anticipated traffic generation arising from the proposed development, however early engagement has commenced to familiarise the Agency with the proposal given the proximity of the interchange to Sites A-C.

- Supporting Growth Alliance (AT and Waka Kotahi)
  - Cabra has met with the Supporting Growth Alliance in respect of the proposed roundabout at the intersection of Trig and Spedding Roads. The layout shown on the drawings for Site D includes Supporting Growth's indicative layout, being the proposed long-term (30 year) design, which illustrates the corner of Site D is required to be taken by the Alliance to deliver the intersection. Cabra has not advised the Alliance of its intention to seek FT referral, but the Alliance is listed here to confirm the Applicant is aware of those long-term plans and to illustrate the proposed layout has been designed to accommodate those outcomes. The Transport Memo at **Appendix 6** confirms the project can wholly operate within the current road layout without resulting in adverse effects upon the (unsignalized) intersection, and/or when the intersection is signalised as part of the recently approved PC69 works (refer to **Appendix 3** for further background), which will provide a medium-term solution until such time that the Supporting Growth Alliance constructs the roundabout shown on the site plan.

## Local authorities

Detail all consultation undertaken with relevant local authorities:

- Auckland Council
  - The Applicant has not undertaken a formal pre-application meeting with Auckland Council in respect of the proposed development; however Council's policy team is familiar with Sites A-C and the intended residential use given Cabra's involvement with PC5. A telephone conversation between the Applicant's planning consultant and Mr Todd Elder (Policy Planner) occurred on 28 November 2022 for the purpose of providing Auckland Council advance notice of the application. This consultation is ongoing.
- Watercare
  - Cabra has received preliminary feedback from Watercare confirming the proposed arrangement is acceptable, particularly in respect of wastewater pumps (which will be sized to accommodate future development on adjacent lots). A copy of the correspondence with Watercare is attached to the Engineering Memo at **Appendix 5**.
- Auckland Transport ("AT")
  - Commute Transportation have commenced preliminary discussions with AT in respect of the Proposal including works within the road reserve. AT have indicated that the construction of a road within a paper road is suitable in principle, noting however the proposed plans have not been supplied to AT at this stage. This consultation is ongoing.

## Other persons/parties

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

No persons are considered to be adversely affected by the Proposal as the layout and design of the development of Sites A-C appropriately manages the interface with adjoining existing residential dwellings, and is otherwise separated from adjacent land uses either by road boundaries, the coastal riparian esplanade, and natural features such as the stream and boundary vegetation. Cabra is required to construct a wastewater line between Sites B and C, across 14 and 16 Sinton Road, which will be sized to accommodate future development of the intervening lots. Consultation with these owners to date is set out below.

The proposed industrial activity provides for storage and warehouse activities, thus not giving rise to noxious discharges nor other adverse effects upon the adjoining horticultural property to the south (occupied by one dwellings separated 30m from the shared boundary) nor the nursery and bark/soil activity to the west. The site otherwise

fronts two road boundaries, sufficiently separating the storage / warehouse activity from the rural activities to the east and north.

With respect to the potential for reverse sensitivity effects on specified identified parties, these are discussed further in this application and it is concluded no person or property is adversely affected beyond a less than minor degree. The Applicant has undertaken consultation with NZDF who have supplied a copy of their preferred wording of a 'no complaints' covenant and conditions of consent to manage the design of the Proposal (such as landscaping and stormwater basin design) and on-site amenity, particularly in respect of residential amenity. The Applicant proposes to adopt the wording of both the covenant and conditions, and on this basis, it is considered that the Proposal will appropriately manage reverse sensitivity effects on the Whenuapai Airbase.

It is acknowledged that, if referred, the Panel may invite comment on the Proposal from adjacent properties as part of any fast track consent application process.

Detail all consultation undertaken with the above persons or parties:

While not considered to be affected by the proposal, Cabra has engaged two adjoining landowners situated between Sites B and C, in respect of the access and construction of a wastewater line:

- 12 Sinton Road:
  - The Civil Engineering Memo (refer **Appendix 5**) illustrates the proposal to construct a wastewater pipe across the property at 12 Sinton Road to provide an integrated drainage network between Sites B and C, owing to the slope of the land and gravity-led design of the engineering concept. The pipe will be sized to accommodate future development within 12 Sinton Road.
  - Cabra has received written confirmation from the owner of 12 Sinton Road that the property can be accessed for the purpose of constructing the wastewater pipe. Refer **Appendix 10C**.
- 14 Sinton Road
  - As with 12 Sinton Road, access is required across this property to construct and connect the wastewater network between Sites B and C. The pipe will be sized to accommodate future development within 14 Sinton Road.
  - Cabra has received written confirmation from the owner of 14 Sinton Road that the property(s) can be accessed for the purpose of constructing the wastewater pipe. Refer **Appendix 10D**.

## 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
Ngāti Manuhiri – Ngāti Manuhiri Settlement Trust	Email sent 14 September 2022 (refer Appendix 10B) – response requested by 28 September; no response had been received at the time of writing. awaited.
Ngāti Maru – Ngāti Maru Rūnanga Trust	Email sent 14 September 2022 – response awaited.
Ngāti Pāoa Iwi Trust	Email sent 14 September 2022 – response awaited.
Ngāti Pāoa Trust Board	Email sent 14 September 2022 – response awaited.
Ngāti Tamaterā – Ngāti Tamaterā Settlement Trust	Email sent 14 September 2022 – response awaited.
Ngāti Te Ata – Te Ara Rangatu o Te Iwi o Ngāti Te Ata Waiohū	Email sent 14 September 2022 – response awaited.
Te Ākitai Waiohū – Te Ākitai Waiohū Iwi Authority	Email sent 14 September 2022 – response awaited.

Te Kawerau ā Maki – Te Kawerau Iwi Settlement Trust	Email sent 14 September 2022 – response awaited.
Ngāti Whātua o Kaipara – Ngā Maunga Whakahihi o Kaipara Development Trust	Email sent 14 September 2022 – response awaited.
Ngāti Whātua Ōrākei Trust	Email sent 14 September 2022 – response awaited.
Te Rūnanga o Ngāti Whātua	Email sent 14 September 2022 – response awaited.
Ngāi Tai ki Tamaki	Email sent 14 November 2022 – response awaited.

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 Auckland Council Geomaps indicate that no part of the project is located within Treaty settlement land.	N/A

### 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.

No part of the proposal is located within Treaty settlement land.

However, the Auckland Council maps identify two statutory acknowledgement overlay areas within the Coastal Marine Area (“CMA”) adjacent to the location of the project, with a sliver of the Ngāi Tai ki Tamaki statutory acknowledgement area overlaying the rear boundary of Site C, as follows:

#### Ngāi Tai ki Tamaki Statutory Acknowledgement Area

The Auckland Council maps indicate the statutory acknowledgement area of Ngāi Tai ki Tamaki is situated within the CMA to the rear boundary of Sites A-C, overlapping the rear boundary of Site C by a depth of up to 15m.

The proposal involves the construction of a stabilised coastal outfall within the overlay (to provide for the discharge of treated stormwater) and the vesting of esplanade reserve (for a depth of 20m), wholly encompassing the extent of land within the overlay. No subdivision or residential development is located within the statutory acknowledgement area. No physical works are proposed within the statutory acknowledgement area, except to construct the stabilised coastal outfall, the enhancement of native vegetation and a pedestrian path within the esplanade reserve (exact location TBC).

The Applicant contacted Ngāi Tai ki Tamaki on 14 November 2022, however no response has been received to date. Insofar as the statutory acknowledgement area relates to the coastal environment, Appendix 21 (Treaty Settlement Legislation) of the AUP states as follows, noting Ngāi Tai ki Tamaki’s longstanding connection with the coastal environment:

*“Ngāi Tai Ki Tāmaki are a maritime people without boundaries and have been voyagers since ancient times. Ngāi Tai ki Tāmaki are acknowledged as being amongst the original inhabitants of Aotearoa. It is inevitable that some of the most significant sites of arrival, ritual, landmark and subsequent habitation, both seasonal and permanent, are now shared with others, others with whom we share close links through whakapapa and shared histories, others who through the passage of time and history hold ahi kaa in different places. Ngāi Tai hold fast to the knowledge of our associations to the places and the people as taonga tuku iho. From Te Arai out to Hauturu out to Aotea and throughout Hauraki and Tāmaki Makarau and all the islands within, Ngāi Tai have significant multiple, and many layered associations.” (page 60)*

...

*Through Ngāti Taihaua ancestry shared with other close relations there emerged the later descent groups of Ngāti Kahu and Ngāti Poataniwha through whom Ngāi Tai ki Tāmaki established shared occupation of the North Shore and Upper Waitemata Harbour, going on to extend mutual interests along the Mahurangi coastline as far north as Orewa*

*and Te Arai Point. Through Ngāti Taihaua, Ngāti Kahu and Ngāti Poataniwha ancestry, Ngāi Tai Ki Tāmaki and others hold shared interests in the adjacent islands of Rangitoto, Tiririmatangi and Te Kawau Tu Maro o Toi. It is a Ngāi Tai Tradition that through the relationships of Taihua with subsequent aggressors Ngāi Tai enjoyed ongoing occupation of those places. During hearings into land transactions that were ongoing post 1840 Ngāi Tai Rangatira continued to assert their whakapapa and claims to this entire area and to these motu.” (pages 66-67)*

Little is discussed in respect of the former uses or values of the coastal environment specifically, however Appendix 21 refers to various locations of arrival and occupation, and of fishing activities. In this regard, no physical works are located within the overlay and the front 20m of the coastal edge will be vested to Auckland Council following vegetation enhancement. All stormwater will be treated and the land surrounding the outfall stabilised prior to stormwater discharge to the coast, thus maintaining the quality of the marine and biodiversity environment adjacent to and within the acknowledgement area.

#### **Te Kawerau ā Maki Statutory Acknowledgement Area**

The statutory acknowledgement area of Te Kawerau ā Maki is generally located within the CMA along the rear boundaries of Sites A-C and does not enter the project area. The overlay is identified here for completeness as it is proposed to discharge treated stormwater into the CMA, from a stabilised coastal outfall structure on each site. No physical works are proposed within the statutory acknowledgement area.

The Applicant contacted Te Kawerau ā Maki on 14 November 2022, however no response has been received to date. Insofar as the statutory acknowledgement area relates to the coastal environment, Appendix 21 (Treaty Settlement Legislation) of the AUP states as follows, noting the coastal acknowledgement areas adjacent west Auckland are of particular relevance to Te Kawerau ā Maki including the upper reaches of the Waitematā Harbour (emphasis added): *“The coastal marine area and the coastline adjoining it are of central importance to the identity of Te Kawerau ā Maki, particularly in relation to the area adjoining the heartland of the iwi in West Auckland. Te Kawerau ā Maki hold a long and enduring ancestral and customary relationship with the coastal marine area bordering the northern shores of the Manukau Harbour, the west coast of the Waitākere Ranges and the upper Waitematā Harbour. (page 50)*

...

*The upper harbour area was well known for its diversity of fish resources, shellfish, eels found in its muddy estuaries like Waikōtutukutu, and as a place from which to harvest sea birds. Tahingamanu, an extensive area of tidal flats near present day Hobsonville, was particularly valued by Te Kawerau ā Maki until well into the twentieth century as a place to catch the kūaka (godwit) which flocked there in large numbers during late summer. Another coastal bird that was caught on the shores of Te Wairoa ō Kahu was the kororā (little blue penguin). It was caught during the brief period in autumn when its low oil content made the bird palatable. A favourite spot for catching the penguin was Ana Kororā, near present day Greenhithe.*

*Places of particular spiritual and historical importance to Te Kawerau ā Maki in this coastal environment are the fortified pā, Panepane Kōkōwai and Tauhinu. Another landmark of significance is Te Ure tū ā Hape, a rock standing off the entrance to the Ōruāmō Creek. It is a treasured reminder of the ancestor Rakataura (Hape) and his association with Te Wairoa ō Kahu and the surrounding area. This area of the harbour is especially significant as one of the homes of Mōkai ō Kahu, the guardian taniwha associated with the mid and upper Waitematā Harbour. His lair at the mouth of the Ōruāmō Creek is known in the traditions of Te Kawerau ā Maki as Ō-rua-ā- Mōkai-ō-Kahu.” (Pages 54-55)*

No construction works are proposed within the statutory acknowledgement area, except the pedestrian boardwalk / walkway in some locations. In this regard, a sliver of land subject to the overlay will be vested to Auckland Council as esplanade reserve (Site C) and Cabra intends to construct a pedestrian boardwalk / walkway to futureproof the vesting of esplanade to the east and west. Vegetation within this part of the acknowledge area will be enhanced through weed removal and additional native planting. Stormwater will be diverted from Sites A, B and C, treated using a combination of devices such as raingardens or proprietary devices, prior to discharge via a stabilised coastal outfall. As such, it is considered the values of the identified fish resources, shellfish, eels and birdlife will be maintained and enhanced by the proposed treatment and vegetation.

## 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 proposal 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 proposal 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.

Please refer to **Appendix 3: Planning Assessment** (pages 24-27).

## 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:

Please refer to **Appendix 3: Planning Assessment**, section 4 for an assessment of the relevant national policy statements and national environmental standards.

## Part IX: Purpose of the Act

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

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

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

The proposal squarely gives effect to the purpose of the FT Act to respond to the effects of COVID-19, particularly by providing significant and urgent public benefits in respect of employment, economic development, and housing while strengthening environmental, economic and social resilience and avoiding significant adverse environmental effects, as evidenced in this application and accompanying plan package and associated technical reports. With regard to employment, the land development works will provide full time employment for tradespeople (across all building and construction trades), disciplines relating to materials manufacturing and supply, design, planning, environmental, ecological, civil engineering, and geotechnical assessment, monitoring and reporting urban designers, planners, civil engineering designers, surveyors, project managers, administrators and sales staff. This will provide for a certain and continual workstream of approximately **154 direct jobs averaged over the course of the proposed development (2022 – 2026)**.

The proposal will generate **s 9(2)(b)(ii)** in direct expenditure over the coming decade, \$163m in GDP and 1,644 FTE employment years between 2022 and 2026 in the Auckland economy (of which 615 would be directly employed on the Cabra sites).

As the residential development is completed the impact will stabilise at around \$2.8 million in GDP per annum and approximately 39 jobs in the Auckland economy, namely occurring on and in relation to the proposed storage and warehouse activities at 90 Trig Road, and to a lesser extent, is generated by the on-going spending by new residents.

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

The Site is adjacent to nearby established urban activities and the proposal will deliver sites that are well serviced by infrastructure. Infrastructure costs are likely to be lower than comparably-sized developments in greenfield locations that are not yet serviced by water and wastewater. This outcome would improve the productivity of the economy by reducing the amount of resources needed to accommodate new growth.

The project is close to major transport infrastructure (including the Upper Harbour Highway, bus routes along Hobsonville Road, Hobsonville Ferry Terminal and Westgate bus interchange) and to significant and established retail, commercial and employment areas 1-3km of the Site including Hobsonville and Westgate town centres. This means that households and industrial tenants will be able to travel more sustainably and efficiently and better access their needs locally than comparably-sized developments in greenfield locations further afield, in other Future Urban Zone locations. This superior access to local businesses will contribute to mitigating transport costs and greenhouse gas emissions, relative to development in many alternative locations, resulting in better transport outcomes and associated public benefits. Clarks Lane/Sinton Road is identified in the WSP as a future bus route, indicating public transport will be accessible closer to Sites A-C in the long-term. This has a positive social wellbeing outcome.

The development will contribute to a well-functioning urban environment. The proposal is an appropriate location to enable higher density residential growth because it is nearby to established residential areas (southern side of Upper Harbour Highway), and is close to various public transport facilities and a range of other services and employment areas. Locations with those characteristics are an ideal place for higher density residential activity to establish. The development can be expected to positively impact the local businesses in the area, and contribute to the efficient functioning and

vitality of Westgate and Hobsonville town centres. The additional households would be expected to shop and visit services within the local area, which will improve the viability of existing business and also potentially attract more businesses and community services to the area. This additional activity can be expected to improve the level of amenity in the town centres, which will positively contribute to a well-functioning urban environment. This again is considered to have a positive social wellbeing outcome.

Consultation with iwi is ongoing to ascertain how the proposal can deliver positive cultural wellbeing outcomes.

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

Given the land is Future Urban Zone, it is likely the proposal would otherwise result in public notification if it were to proceed under the traditional RMA consenting pathway and would therefore experience considerable delay through a submission period and hearings process, which could take up to 2 years, or longer if each consent were lodged and heard separately.

The use of the FT Act is likely to bring the project forward by at least 12 months, as confirmed by the Economic Assessment (**Appendix 9**, page 2).

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

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

Employment/job creation:

The Economic Assessment by Formative (**Appendix 9**) confirms that the proposal will provide a certain and continual workstream of approximately **154 direct jobs averaged over the course of the proposed development (2022 – 2026)**.

Further, Formative states (page 30):

*Together the direct, indirect and induced economic impact of the Cabra development would support:*

- *\$163.0 million in GDP and approximately 1,818 employment years (equivalent to 1,644 FTE employment years) over the development period in the Auckland economy. The peak of activity will be in 2024, with \$80.3 million in GDP and employment of 902 for that year.*
- *As the development is completed the impact will stabilise at around \$2.8 million in GDP per annum and approximately 39 jobs in the Auckland economy.*

Housing supply:

The proposal will supply around 227 new homes to contribute to the housing supply in Auckland with a range of housing typologies. The range of housing typologies proposed will provide more housing choice in a market attractive area at a time when house prices have been escalating and moving beyond the reach of many Auckland residents. In particular, the majority of new dwellings will be terraces, which are inherently smaller in size than a) other standalones within the proposed development, and b) existing housing stock in Whenuapai and surrounds which generally comprises large family houses on larger lot sizes (and thus greater in price).

Provision of more homes in this location will also assist to support local businesses in the adjacent Westgate Metropolitan Centre to the west and Hobsonville Town Centre to the east, and reinforce the public transport provision in both nearby centres, namely the bus interchange at Westgate and ferry terminal at Hobsonville.

Contributing to well-functioning urban environments:

The proposal will contribute to a well-functioning urban environment, as it provides for increased residential density within walking distance to public transport that provides

access to the commercial, retail and employment opportunities at Hobsonville and Westgate centres and other the transport facilities (Hobsonville Ferry and Westgate bus interchange), and provides a high-quality urban design response to the site without creating adverse effects on the environment while achieving genuine environmental and economic sustainability. Refer to the Planning Assessment at **Appendix 3** for a full assessment in this regard (specifically the NPS-UD assessment in section 4).

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

The sites are located in an appropriate location to enable higher density growth (and associated infrastructure) as it is accessible to various public transport options including the existing bus station (and the proposed interchange) at Westgate and the Hobsonville Ferry Terminal, and nearby employment areas, commercial services and community facilities. The Whenuapai area will continue to intensify over time in line with the WSP, either by way of private or public plan change, or resource consents. The ancillary transport infrastructure upgrades along Clarks Lane and Sinton Road will deliver infrastructure that benefits future residents within Sites A-C as well as existing and future residents within the peninsular, improving environmental outcomes by reducing reliance on vehicular access to the Hobsonville town centre and bus stops along Hobsonville Road, as well as improving access to local commercial activities and sources of employment.

Site D will provide local opportunities for employment and therefore reducing commute times for employees, improving productivity and reducing greenhouse gas emissions accordingly.

The proposal will enable high levels of both land and infrastructure efficiency to be achieved within an urban development-ready area.

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

Environmental benefits are as detailed in the other sections and within the Planning Assessment at **Appendix 3**, the most significant being the treatment of stormwater from trafficked areas prior to discharge via the stabilised coastal outfall from Sites A-C and the on-site stormwater treatment and detention basin at Site D prior to discharge. Riparian esplanades along the coast and stream are to be enhanced with additional landscaping to enhance the indigenous biodiversity, as set out in the Landscape Memo at **Appendix 8**.

The natural wetland and stream features at Site A will be retained and enhanced through vegetation and maintenance.

All construction works will be undertaken in accordance with sediment and erosion control measures to maintain coastal and freshwater quality, and air quality during construction works.

The proposed road environment will comprise street trees and each site comprise comprehensive landscaped planting in an urban setting that will contribute to improved biodiversity and urban ngahere.

Minimising waste:

Waste minimisation during construction will be signalled in the build tender documentation to ensure it is built into the final methodology. Waste collection will comprise recycling facilities.

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):

Overall, it can be expected that the proposed pedestrian and cycle connection to the Clarks Lane Overbridge will encourage active-modes of transport, and the use of public transport to access local retail, commercial and employment activities, increasing the demand for and efficiency of public transport services.

#### Promoting the protection of historic heritage:

The proposal will not impact historic heritage. There are no listed sites or requirement for archaeological authority.

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

The proposal represents the opportunity to deliver around 227 new dwellings to the competitive housing market in a location proximate to existing infrastructure, including public transport, centres and commercial activity including employment areas.

The Planning Assessment at **Appendix 3** addresses the natural hazards and effects on climate change as they relate to the proposal:

- No works are proposed within the Coastal Inundation (plus 1m sea level rise) Overlay.
- All buildings will be set back at 26m from the existing rear boundary of Sites A-C to provide a resilient building interface along the CMA. The 26m distance is derived from PC5, being the distance agreed by all parties, including Council, prior to its withdrawal. This distance was not a matter of contention nor did the withdrawal of PC5 relate to this matter in any way.
- While the sites are not known to be unstable, Geotechnical Investigation Reports will be undertaken in respect Sites A-D as part of the resource consent process, and consent notices will be attached to any relevant lots in this regard. Any recommendations of those reports will be adopted as part of the detailed design of the site, including in respect of retaining walls to ensure stability site-wide and at the coastal interface.
- The Masterplans shown at **Appendices 1 and 2** take into account flood plains and maintain the entry / exit point of identified overland flow paths (including when sea level rise is accounted for). Further assessment will be provided at resource consent stage to confirm freeboard requirements to ensure the safe egress of residents. Risk Hazard Assessments will be provided accordingly. The Proposal will be designed to avoid the displacement of flood water onto neighbouring properties, or generate any adverse effects up or down stream.

The proposal will strengthen the stability of the land through further geotechnical investigation and mitigate coastal erosion by setting buildings back from the CMA, thus strengthening the environmental and economic outcomes on the site relative to risks arising from natural hazards and climate change. All buildings will be designed to provide safe egress during a 1% AEP flood event, strengthening the social resilience and safety of residents during these storm events.

#### Other public benefit:

The proposal directly responds to the FT Act and the NPS-UD. A decision by the Minister to refer this to the fast track process will allow the project to continue at speed to deliver the benefits outlined above.

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

The proposal is not considered to result in any significant adverse effects. The potential effects addressed in the Planning Assessment at **Appendix 3** are all considered to be less than minor.

## Part X: Climate change and natural hazards

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

The proposal will not be affected by climate change and natural hazards as the design has accounted for coastal erosion, inundation, flooding and overland flow paths as described in the Planning Assessment at **Appendix 3**.

## 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	Cabra has never had any compliance and/or enforcement actions taken against them by Auckland Council, nor any other local authority, subsidiary or CCO.
Auckland Council	<p>Cabra is a land development company established in 1987 and specialises in greenfield subdivision within the western and northern parts of the Auckland region. Cabra is committed to contributing to responding to the demand for housing through providing for additional serviced lots for residential development to the private market, to facilitate housing supply and enable growth and intensification within Auckland.</p> <p>Cabra is very familiar with the opportunities that well-integrated and comprehensive planning and decision-making can make to achieving good quality outcomes, that are both efficient and affordable, and which in turn facilitate and enable the intensification and form of development intended by the AUP in a timely manner.</p> <p>To this end, Cabra has successfully undertaken the subdivision of several large land parcels in the region (including in Huapai, Riverhead, Orewa, Greenhithe, Papakura, Snells Beach and Whangaparaoa) and has a proven track record in the delivery of quality residential outcomes. For example, in the past 5-7 years, Cabra has delivered the following key projects:</p> <ul style="list-style-type: none"><li>- Huapai: Huapai Triangle Special Housing Area, 700 dwellings; Huapai Country Club Retirement Village, 213 ILUs, 24 care suites, on-site amenities and facilities; and Huapai North, 350 dwellings;</li><li>- Riverhead: 130 dwellings;</li><li>- Orewa (Grand Terraces): 120 dwellings;</li><li>- Stanmore Bay (Karepiro Drive): 109 dwellings;</li><li>- Whangaparaoa (Woodridge Villas): 78 dwellings;</li><li>- Matakana: 33 dwellings; and</li><li>- Papakura: 150 dwellings.</li></ul> <p>Cabra is the sole owner of all four subject landholdings (Sites A-D) and indeed welcomes the opportunity to commence works on the sites as soon as possible given the delay incurred to date. Thus, Cabra intends to give effect to each forthcoming consent within the two year lapse date.</p>

## 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.

Claire Wills

02/12/2022

**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](http://www.ombudsman.parliament.nz).

## Checklist

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

No	Correspondence from the registered legal land owner(s)
No	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.