

APPLICATION FOR A PROJECT TO BE REFERRED TO AN EXPERT CONSENTING PANEL

Part I: Applicant

Applicant details

Neil Construction Limited and Maraetai Land Development Limited
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Address for service

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Attention: Philip Brown
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Part II: Project Location

Site Address/Location

- 98-100 and 102 Totara Road, Whenuapai, Auckland



Figure 1: Aerial photo of site at 98-100 and 102 Totara Road, Whenuapai, Auckland

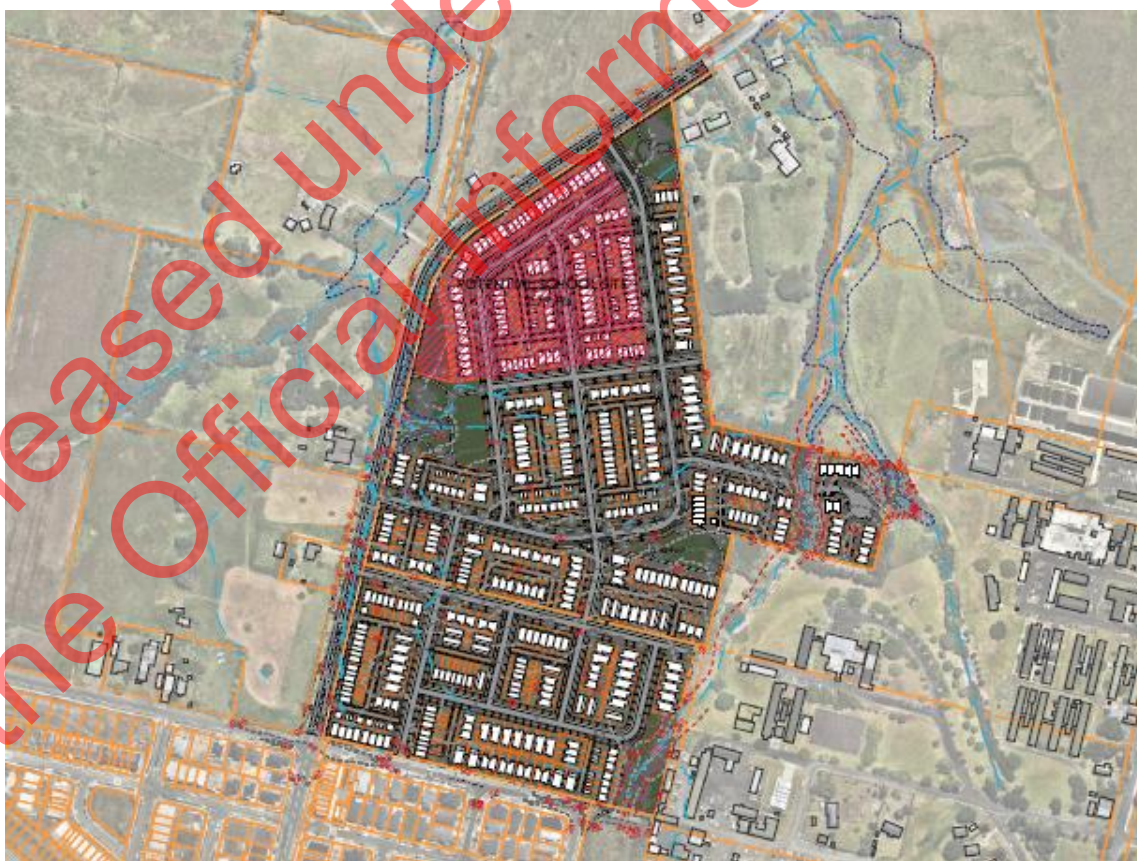


Figure 2: Proposed residential development masterplan at 98-100 and 102 Totara Road, Whenuapai, Auckland

Legal Description:

The site is comprised of two separate titles, as follows:

Street Address	Legal Description	Area	Registered Owner
98-100 Totara Road, Whenuapai	Lot 2 DP 81411 (NA38B/84)	11.6100ha	Roderick McCrae Harre and Andrea Elizabeth Flora Harre
102 Totara Road, Whenuapai	Lot 1 DP 53062 (NA4A/1477)	4.7551ha	Totara Gateway Trustee Limited as to a 1/2 share / Roderick McCrae Harre and Andrea Elizabeth Flora Harre as to a 1/2 share

Copies of the Records of Title are **attached**. Lot 2 DP 81411 is limited as to parcels. There are several interests noted on the titles, although none of these impact on the applicant's ability to develop the land.

Applicant's legal interest in site

- Detail the nature of the applicant's legal interest (if any) in the land on which the project will occur, including a statement of how that affects the applicant's ability to undertake the work that is required for the project.*

The applicant, Neil Construction Limited ('NCL') and Maraetai Land Development Limited ('MLDL'), propose to develop the property as Joint Venture partners. MLDL has an unconditional agreement to purchase the land and NCL will bring its considerable development experience to the project as part of The Neil Group which, along with its associated entities, has been involved in land development in the Auckland region for over 60 years.

NCL and MLDL have been involved in two Joint Venture developments and have the financial capability and development expertise to deliver this project.

Part III: Project Details

Project Name

Whenuapai Green

Project Summary

- 2-3 lines*

It is proposed to develop a 16.3651ha site to accommodate up to 453 residential lots, together with jointly owned access lots, and public roads, recreation reserves and drainage reserves to vest. The project also encompasses construction of dwellings on each of the lots. A second development option sets aside a balance lot (2.7900ha) at the northern end of the site for the Ministry of Education to construct a new school. In the event that the school is developed, the remaining land would be developed for 354 residential lots. The project is advanced on an either/or basis, with consent sought for the optimum residential development of the land but with an option of replacing some of the residential lots with the school site if that land is purchased for a school.

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.*
- *Where applicable, describe the staging of the project, including the nature and timing of the staging*

It is proposed to develop a 16.3651ha site to accommodate up to 453 residential lots, together with jointly owned access lots, and public roads, recreation reserves and drainage reserves to vest. The project also encompasses construction of dwellings on each of the lots. A second development option sets aside a balance lot (2.7900ha) at the northern end of the site for the Ministry of Education to construct a new school. In the event that the school is developed, the remaining land would be developed for 354 residential lots.

The proposal is a master-planned housing development and subdivision. Dwellings would be constructed on the residential lots in a variety of typologies, including terrace, duplex and standalone housing ranging between one and two storeys in height. Residential lot sizes will range from around 88m² to approximately 243m². The composition of typologies comprises 76 standalone dwellings, 32 duplex dwellings, and 345 terraced houses. Concept master plans of the proposed development are **attached**. These comprise a master plan and various house typology plans.

The applicant has been approached by the Ministry of Education regarding the possible purchase of part of the land for a future school site. To accommodate this, the applicant has advanced the proposal on the basis of two alternative options – one involving the full build-out of the site for residential use, and the other setting aside a 2.9700ha site to accommodate a school. Consent is sought for both options. If the school site option is ultimately progressed, the school would take the place of 99 dwellings and two lengths of public road. All other aspects of the master plan remain the same.

Both options provide for the creation of a recreation reserve and drainage reserves around sections of the intermittent stream that crosses the eastern areas of the site, and other areas of land known to be prone to flooding in the east and west sides of the site.

The project will be undertaken in stages, encompassing both the civil works and the construction of houses. Earthworks will be undertaken over the site to create proposed new residential blocks, roads to vest and the installation of public infrastructure and suitable building platforms. Earthworks and civil construction will commence in late 2022 and be completed in 2024. House construction will commence in 2023 and be completed in 2026.

Reticulated services will be provided to each lot, including wastewater, stormwater, and potable water. A preliminary infrastructure assessment has confirmed that there is sufficient capacity in the piped network to accommodate wastewater flows from the site. Stormwater would be disposed of to new stormwater ponds that will then discharge to the watercourse that will remain in the eastern part of the site. A discharge permit will be required for the disposal of stormwater into the stream network.

Consents/Approvals Required

- *Relevant local authority and type of consent (Water permit, Subdivision consent, Discharge permit, Coastal permit, Designation, Alteration to designation)*

The proposal requires the following types of resource consent:

- Land use consent
- Discharge permit
- Subdivision consent

The relevant local authority is Auckland Council.

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*

Auckland Unitary Plan, Operative in Part ('AUP')

- The land falls within the Future Urban Zone under the AUP;
- The land is subject to a High-Use Aquifer Management Areas Overlay - Kumeu Waitemata Aquifer;
- 98-100 Totara Road is subject to an Historic Heritage Overlay Extent of Place - 232, Officers' Mess;
- 98-100 Totara Road is subject to an Aircraft Noise Overlay - Whenuapai Airbase - noise control area (55dBA);
- A Macroinvertebrate Community Index – 'Rural' control applies to the land;
- A Macroinvertebrate Community Index - Exotic applies to 102 Totara Road;
- The land is subject to an Airspace Restriction Designation - ID 4311, 'Defence purposes - protection of approach and departure paths (Whenuapai Air Base)', in favour of the Minister of Defence.

None of the controls, overlays, or the designation, would impose any significant constraint on the use of the land for the proposed purpose.

Rule(s) consent is required under and activity status

- *Please provide details of all rules consent is required under (Relevant plan / standard, Relevant rule / regulation, Reason for consent, Activity status, Location of proposed activity)*

The following table summarises the AUP rules and standards that consent is required under. It is possible that there may be other small infringements that arise as the project is refined through the process, although it is considered that the summary below captures all the significant consenting matters.

H18. Future Urban Zone		
Rule	Reason	Activity Status
H18.4.1	Activity Table	
(A2)	New buildings, building additions and accessory buildings. The same activity status and standards as applies to the land use activity that the new building, building addition or accessory building is designed to accommodate.	
(A28)	Dwellings that do not comply with Standard H18.6.8	Non-complying Activity
H18.6.8	Dwellings (1) A proposed dwelling must not be located on a closed road or road severance allotment. (2) No more than one dwelling is permitted on any site.	Infringement
C1.9(2)	Infringement to Standards	Restricted Discretionary Activity
H.18.6.2	Maximum Building Height Dwellings – 9m	Permitted
H.18.6.3.1	Yards 10m Front Yard; 6m Side and Rear Yards for dwellings; 20m from the edge of permanent and intermittent streams.	Infringement

D17. Historic Heritage Overlay		
Rule	Reason	Activity Status
D17.4.1	Activity Table Activities within the scheduled extent of place of Category B places	Historic Heritage Overlay Extent of Place - 232, Officers' Mess
(A10)	New buildings or structures	Restricted Discretionary Activity
(A17)	Subdivision of land within the scheduled extent of place	Discretionary Activity

Auckland – wide Rules		
Rule	Reason	Activity Status
E8 Stormwater – Discharge	E8.4.1 Activity Table Diversion and discharge of stormwater runoff from impervious areas involving a stormwater	

Auckland – wide Rules		
Rule	Reason	Activity Status
and Diversion	network onto land or into water or to the coastal marine area pursuant to sections 14 and 15 of the Resource Management Act 1991 (A11) Diversion and discharge of stormwater runoff from an existing or a new stormwater network.	Discretionary Activity
E11 Land Disturbance – Regional	E11.4.1 Activity Table (Future Urban Zone) (A5) Greater than 50,000m² where land has a slope less than 10 degrees outside the Sediment Control Protection Area. (A8) Greater than 2,500m² where the land has a slope equal to or greater than 10 degrees. (A9) Greater than 2,500m² within the Sediment Control Protection Area	Restricted Discretionary Activity Earthworks across the 16.3651ha site.
E12 Land Disturbance – District	E12.4.1 Activity Table (Future Urban Zone) (A6) Earthworks greater than 2,500m² (A10) Earthworks greater than 2500m³	Restricted Discretionary Activity Earthworks across the 16.3651ha site.
E15 Vegetation Management	E15.4.1 Auckland-wide vegetation and biodiversity management rules. (A19) Vegetation alteration or removal within 10m of urban streams.	Restricted Discretionary Activity Removal of weed species prior to replanting.
E17 Trees in Roads	E17.4.1 Activity Table (A10) Tree removal of any tree greater than 4m in height or greater than 400mm in girth.	Restricted Discretionary Activity Removal of several trees within the road reserve of Totara Road.
E36 Natural Hazards and Flooding	E36.4.1 Activity Table Activities in overland flow paths (A41) Diverting the entry or exit point, piping or reducing the capacity of any part of an overland flow path.	Restricted Discretionary Activity

Auckland – wide Rules		
Rule	Reason	Activity Status
	(A42) Any buildings or other structures, including retaining walls (but excluding permitted fences and walls) located within or over an overland flow path.	Restricted Discretionary Activity
E36 Natural Hazards and Flooding	E36.4.1 Activity Table Activities in the 1 per cent annual exceedance probability (AEP) floodplain. (A37) All other new structures and buildings (and external alterations to existing buildings) within the 1 per cent annual exceedance probability (AEP) floodplain	Restricted Discretionary Activity
E39. Subdivision - Rural	Activity Table E38.4.1 Subdivision for specified purposes (A8) Subdivision of land within any of the following natural hazard areas: • 1 per cent annual exceedance probability floodplain	Restricted Discretionary Activity
	Table E39.4.3 Activity table - Subdivision in Future Urban Zone (A28) Subdivision for open spaces, reserves or road realignment. (A29) Any other subdivision not provided for in Table E39.4.1 or E39.4.3	Discretionary Activity Non-Complying Activity

As a non-complying activity, consideration will need to be given to the gateway test contained in s104D RMA. In order for an application to pass the gateway test, a consent authority must be satisfied that the adverse effects of the activity on the environment will be minor or the activity will not be contrary to the objectives and policies of both a district plan and a proposed district plan (if both exist). Only one limb of the test needs to be met to provide jurisdiction to grant an application for a non-complying activity.

It is considered that the effects of the proposal are no more than minor, for the reasons set out in the assessment of effects that accompanies this request for referral. The land has been identified for urban development and the nature of development proposed will not create any significant

adverse effects. The development, being housing, is of a nature found throughout urban areas without any obvious adverse effects.

The proposal may not be entirely consistent with the objectives and policies of the district plan. While the AUP identifies the land as Future Urban zone and the proposal seeks to give effect to urban development, the objectives of the Future Urban zone state (among other things) that future urban development is not compromised by premature subdivision, use or development and urbanisation on sites zoned Future Urban Zone is avoided until the sites have been rezoned for urban purposes. It is considered that the proposal will not compromise future development because it is consistent with what is intended for the land (as set out in the Whenuapai Structure Plan). However, the proposal does not avoid urbanisation until rezoning has occurred.

However, for the purposes of s104D, it is not necessary to resolve the question as to whether the proposal is contrary to the objectives and policies of the operative district plan. Only one of the two limbs of s104D must be passed for an application to be eligible to be considered on its merits in accordance with the matters set out in s104. In this instance it is considered that the effects of the proposal on the environment are clearly no more than minor, therefore jurisdiction to grant consent is established.

A number of the overlays, controls and designations under the AUP impose no significant constraints, as discussed below.

No water take is proposed from the Kumeu Waitemata Aquifer, that is managed through the High-Use Aquifer Management Areas Overlay.

While the site is subject to an Historic Heritage Overlay Extent of Place (232, Officers' Mess), that relates to the adjoining airbase and is mapped only at the very edge of the site (refer Figure 3 below).



Figure 3: Historic Heritage Overlay Extent of Place. Yellow circle indicates area within the site

Resource consent will be required for works in the Historic Heritage Overlay 'Extent of Place' shown above, and for subdivision of land that is subject to the Extent of Place.

The land is subject to an Aircraft Noise Overlay - Whenuapai Airbase - noise control area (55dBA). However, the Aircraft Noise Overlay crosses the northern tip of the site (refer **Figure 4** below) and will have no effect on the development as a result. The proposal has been designed to avoid residential dwellings beneath this overlay. The area at the northern tip of the site is allocated as public drainage reserve, so will not contain any residential dwellings.

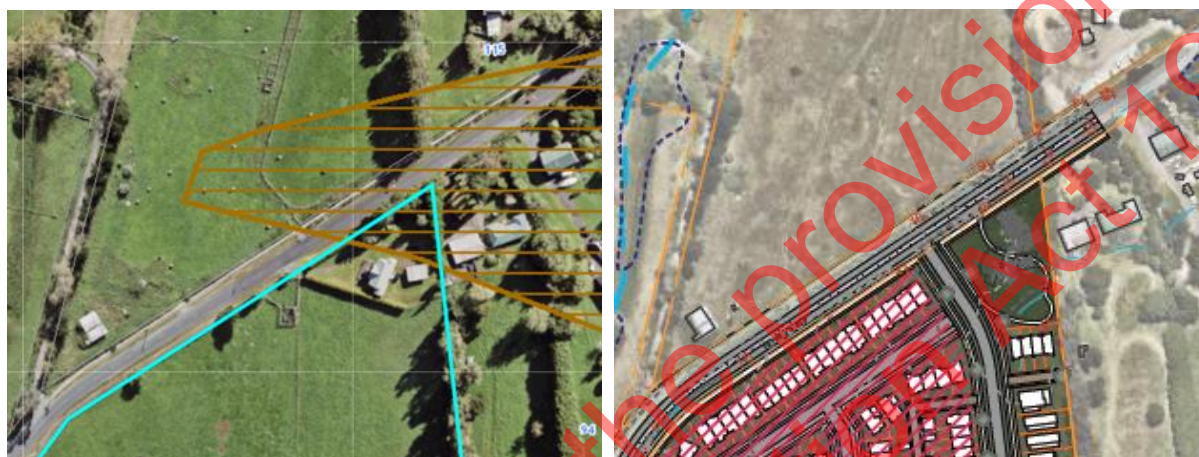


Figure 4: Left: Aerial Photo of northern tip of site with Aircraft Noise Overlay shown (brown hatching). Right: Proposed master plan with public drainage reserve beneath overlay

It is considered that consent is not required under the Resource Management (National Environmental Standards for Freshwater) Regulations 2020, as all streams are to be retained and restored.

The entire site and surrounding Whenuapai area is beneath the Airspace Restriction Designation - protection of approach and departure paths (Whenuapai Air Base).

The designation imposes the following conditions on uses of land:

Conditions

Restrictions Relating to Approach Paths

1. The approval in writing of the New Zealand Defence Force is required prior to the erection of any building, change in use of any land or building, or any subdivision of land, and prior to any building or resource consent application for such works/activities, within the areas of the designation shown on the planning maps as 'land use and subdivision subject to NZDF approval'. These areas are generally within 1,000 metres of the runways.
2. No obstacle shall penetrate the approach and departure path obstacle limitation surfaces shown on the planning maps and explained by the text "Explanation of Protection Surfaces Whenuapai Airfield" and Diagram MD1A below without the prior approval in writing of the New Zealand Defence Force. This restriction shall not apply to any building being erected which has a height of not more than 9.0 metres above natural ground level.

The establishment of buildings, subdivision and change of use in the northern part of the land is subject to the written approval of NZDF, as required under Condition 1 of the designation. NZDF has provided conditional guidelines for approval in such circumstances, and it is considered that the proposal will be consistent with those guidelines. Discussions are ongoing. The area affected by this restriction is identified in **Figure 5** below, and accounts for around 8% of the site.

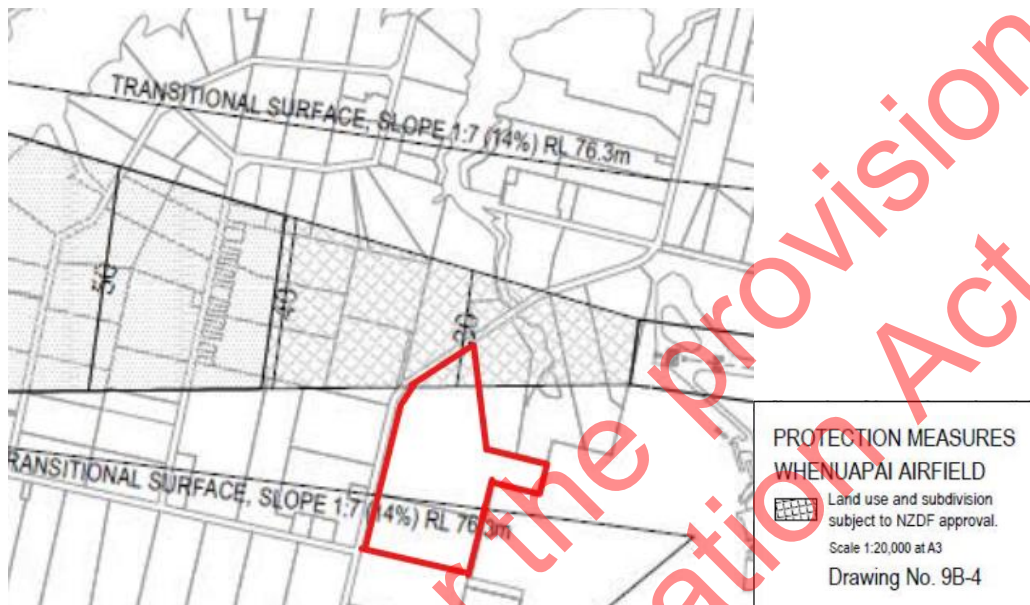


Figure 5: Area of the site where land use and subdivision is subject to NZDF approval

The restrictions of the designation in relation to building height do not apply to buildings that are no more than 9m in height, as stipulated by Condition 2 of the Designation.

Previous resource consent or notice of requirement applications

- *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*

There have been no previous resource consent applications made for the development of this land.

Consents / designations by other parties

- *Resource consent(s) / Designation required for the projects 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

- *Provide details of other legal authorisations (other than contractual) required to begin the project (e.g. authorities under the Heritage New Zealand Pouhere Taonga Act 2014 or concessions under the Conservation Act 1987), including details on whether these have been obtained*
- Asset owner approval will be required from Auckland Transport for the removal of wilding pine trees along Totara Road in order to construct the new road berm and proposed vehicle crossings. This will be applied for in parallel to the resource consent application.
- Vehicle crossing permits will be required from Auckland Transport prior to constructing the new crossings. These permits will be applied for prior to the construction works occurring on site.

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

Construction readiness

- *Please provide a high-level timeline outlining key milestones, e.g., detailed design, procurement, funding, site works commencement and completion. If the resource consents(s) are granted, and/or notice of requirement is confirmed, detail when you anticipate construction activities will begin, and be completed.*

The applicant anticipates that bulk earthworks will commence in October 2022. Drainage works, roading formation, and installation of services will follow in 2023. The first stage will also be available for the commencement of house construction later in that year. It is expected that full build out of houses will occur by 2026.

Finance is in place for the entire project.

Part IV: Consultation

Government ministries and departments

- *Detail all consultation undertaken with relevant government ministries and departments*

The applicant has held discussions with staff from the Ministry of Defence and the Ministry of Education.

Discussions with the Ministry of Defence focused on a number of matters including ensuring that the development did not constrain the activities of the NZDF, canvassing the possibility of a new road access into the airbase, and general cross-boundary issues. Discussions were productive and there was no matter raised that would constrain or undermine the viability of the project.

Discussions with the Ministry of Education addressed the Ministry's interest in establishing a school on the site. The proposal includes an option to accommodate a school that meets the Ministry's requirements, should that be pursued.

Local authorities

- *Detail all consultation undertaken with relevant local authorities*

The applicant has engaged with Watercare Services Limited (the CCO that manages wastewater and potable water for Auckland Council). WSL was advised of the development intentions for the site.

WSL has advised that water supply is not seen as an issue as existing services could be extended. With regard to wastewater, WSL advised that the site can be serviced although provision of a wastewater connection is reliant on the construction of the proposed 'Slaughterhouse' pump station in Bringham Creek Road, which is being constructed and is expected to be operational before the end of 2024. This timeframe is aligned with the project timeline for the construction of houses and people moving in. If services were needed earlier, WSL advised that holding tanks could be established and utilised as an interim measure.

No additional consultation has been undertaken with the Council.

Other persons/parties

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

It is considered that there are no other persons or parties that would be significantly affected by the proposal.

Land immediately to the south is already developed for urban residential purposes, in a manner that is similar to that proposed for the site, and is separated by an existing road formed along the boundary (McCaw Avenue). Land uses that are currently rural in character (although also identified as Future Urban Zone) are situated to the west and north-east boundaries of the site. None of the properties in these areas are used for horticultural production and most are relatively small by rural standards, so there is no prospect of adverse reverse sensitivity effects. The land to the west is also separated from the site by Totara Road.

Land to the south-east is part of the NZDF Whenuapai airbase, although there are few buildings or activities close to the boundary.

Part V: Iwi authorities and Treaty settlements

Iwi authorities

- *Detail all consultation undertaken with Iwi authorities whose area of interest includes the area in which the project will occur*

The applicant has commenced engagement with all Mana Whenua groups that hold an interest in the area in which the site is located. Of these groups, only Te Kawerau ā Maki has indicated an interest in what is proposed. Te Kawerau ā Maki has prepared a Cultural Impact Assessment ('CIA').

The CIA identified five potential cultural impacts, but noted that these would be minor to moderately beneficial overall if mitigation is incorporated, and a net benefit from a cultural perspective. The mitigation measures include a mixture of stream restoration, native planting, stormwater treatment, and place-naming/interpretation. These can all be readily incorporated into the design, and the applicant is committed to working collaboratively with Te Kawerau ā Maki throughout the development phases of the project.

Treaty settlement entities

- *Detail all consultation undertaken with Treaty settlement entities whose area of interest includes the area in which the project will occur*

The applicant is not aware of any Treaty settlement entities with an interest in the area in which the project will occur.

Treaty settlements

- *Treaty settlements that apply to the geographical location of the project, and a summary of the relevant principles and provisions in those settlements, including any statutory acknowledgement areas*

There are no Treaty Settlement Statutory Acknowledgement areas identified over this site or immediately surrounding land (refer map in **Figure 6** below). A Statutory Acknowledgement area for a number of iwi groups is in place over the upper Waitemata Harbour that surrounds Whenuapai, but does not directly apply to the land.

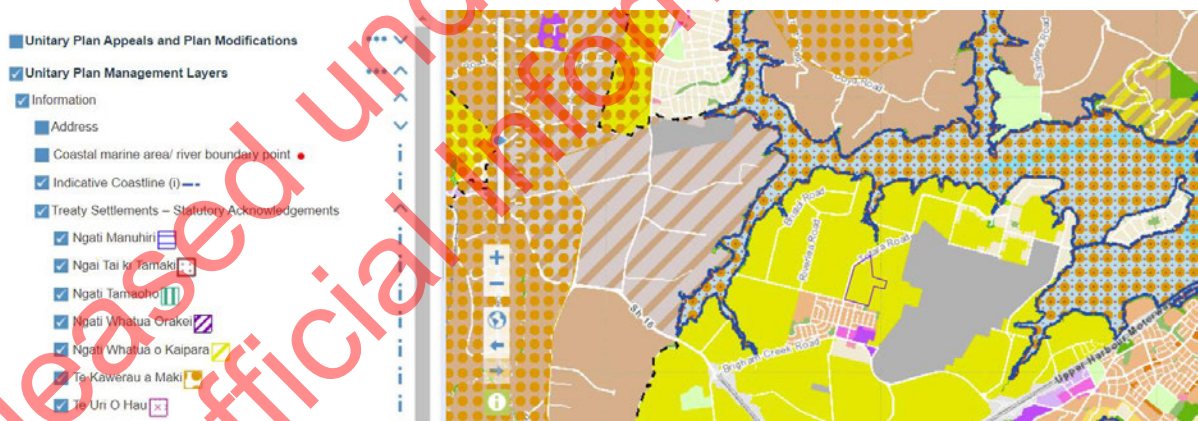


Figure 6: Treaty Settlement Statutory Acknowledgement Areas (Source: Auckland Council GIS)

Part VI: Marine and Coastal Area (Takutai Moana) Act 2011

Customary marine title areas

- *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. Customary marine title areas under the Marine and Coastal Area (Takutai Moana) Act 2011 that apply to the location of the project*

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

Protected customary rights areas

- *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. Protected customary rights areas under the Marine and Coastal Area (Takutai Moana) Act 2011 that apply to the location of the project*

The proposed activity will not occur in a protected customary rights area.

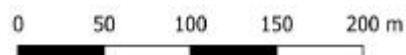
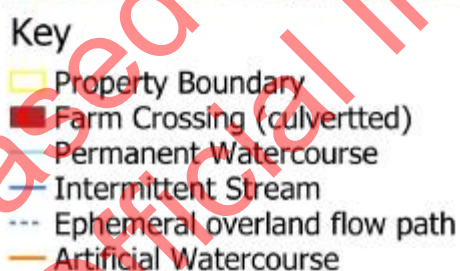
Part VII: Adverse effects

In considering whether a project will help to achieve the purpose of the Act, the Minister may have regard to, under Section 19E 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. Description of the anticipated and known adverse effects of the project on the environment, including greenhouse gas emissions

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

Stream ecology

The applicant has engaged Bioresearches Limited to undertake a stream classification survey of the site, to determine the status of watercourses within the land as either permanent, intermittent, or ephemeral. The results of the classification survey are **attached** and depicted in **Figure 7** below.



Bioresearches
A Babbage Company

Figure 7: Stream classification survey

The AUP provides a level of protection for all permanent and intermittent streams. In this instance, that protection will extend to the watercourses identified as A, B and E in Figure 7. The applicant has designed the layout of the site to accommodate all three lengths of stream without significant disturbance, other than enhancement through weed removal, enhancement planting, and a road culvert or bridge across stream B. The AUP provides for a culvert in a watercourse as a permitted activity, subject to meeting specified standards. Each of the streams will be contained within areas of drainage reserve or road reserve, and will not be subject to reclamation or earthworks.

Stormwater that will be diverted to the streams on the site will be treated within dry ponds, rain gardens, or other treatment facilities to be located within the streets or drainage reserves. Ponds with permanent water are not favoured in this location due to the proximity of the airbase and the potential for bird strike. The stormwater quality treatment that is proposed, together with enhancement planting in the riparian corridors, will ensure that the ecological values of the streams are not diminished and are likely enhanced.

Traffic/transport

The applicant has engaged Abley to undertake a preliminary assessment of the potential transport implications of the proposed residential development. A copy of the Abley Preliminary Transport Assessment is **attached**.

The proposal seeks to integrate with the surrounding neighbourhood, with three road connections to Totara Road, a road connection to McCaw Avenue, and two road connections to the east (including the Whenuapai airbase and adjacent future urban land. Pedestrian and cycling connections are also proposed to adjacent existing roads. The Abley report notes that the site is currently served by a bus route along Totara Road, which links with other public transport services at the Hobsonville Ferry Terminal and Westgate.

The Abley report identifies the significant transport upgrades that are proposed in the Whenuapai area. These upgrades are required in order to address the future growth that is anticipated in the local area, and are focused on walking, cycling and public transport to ensure that future residents are provided with transport choice.

Road design within the development encourages low speeds and, as a result, provides for a safer road environment for all modes of transport. Abley's assessment of the local road network does not reveal any underlying safety concerns that would be exacerbated by the proposed development.

Abley has also undertaken a high-level traffic generation and network capacity assessment to determine whether the proposal would create adverse traffic effects beyond the site. The assessment finds that the number of additional vehicle movements that would be generated will be insignificant in the context of the wider network and unlikely to contribute in any appreciable way to congestion.

Overall, Abley concludes that the site is well-positioned for the proposed residential activities from a transport perspective as:

- The proposed development will be well served by public transport, walking and cycling connections in the near future, which are currently being planned by Supporting Growth Alliance and Waka Kotahi;
- The proposed development will integrate well with the local transport network, with no inherent safety concerns;
- There is excellent accessibility to key activities and services by all modes; and
- The site is well-served by SH16 and SH18, resulting in negligible increases in traffic across the wider network.

Urban design and neighbourhood character

While the land is currently rural in character, it is identified within the Future Urban Zone so is planned for urban development of the nature that is proposed. The immediately adjoining land to the south is developed for residential uses in a manner that is entirely consistent with that proposed for the land.

Specialist urban design input has shaped the master plan that has been established for the site. The resultant site layout and development pattern incorporates a number of desirable urban design outcomes, including:

- A connected movement network with minimal cul-de-sac use, and a legible street layout;
- Retention and enhancement of natural site features, with particular reference to the stream system that traverses the land;
- Use of back lanes to ensure active frontages to public streets and limited number of vehicle crossings;
- Provision of appropriate areas of public open space, which extensive frontage to public streets and with active surveillance from adjacent dwellings;
- A mix of residential typologies, providing for a range of homes of varying sizes and formats including terraced, duplex and standalone;
- Careful consideration of street orientation to provide good access to sunlight for each proposed lot; and
- Extensive road frontage for the potential school site, if that option is progressed.

For these reasons, the proposal is considered to have no adverse effects in terms of urban design and neighbourhood character.

Stormwater disposal

It is proposed to treat and attenuate stormwater runoff on the site so that the flow of stormwater runoff post-development will be consistent with the existing pre-development flows. Stormwater discharging from the site will follow the existing watercourses that flow toward the north, ultimately reaching the Upper Waitemata Harbour.

Stormwater treatment and flow attenuation will occur primarily through new stormwater ponds within the identified drainage reserve areas. These ponds will provide water quality treatment as well as detention and attenuation of stormwater runoff, with additional treatment provided by mechanisms such as raingardens. Ponds will not have standing water to avoid encouragement of bird roosting in the area, as this is not compatible with flight operations on the adjacent NZDF airbase.

Overall, the proposed stormwater proposals will meet the required water quality treatment standards of Auckland Council's GD01 technical document. In addition, the resultant post-development outflows from the site to the downstream catchment will be consistent with the pre-development flows and consequently the proposal will have no significant adverse effects on the water quality and hydrological flows within the stream network.

All of the existing permanent or intermittent streams will be retained within the proposed drainage reserves or roads to vest. The riparian areas will also be replanted. These works will further contribute to the long-term water quality of the streams and their riparian habitat.

In summary, the proposal to discharge stormwater to the streams on site would have no appreciable adverse effects on the water quality of the streams and the physical integrity of the stream beds and riparian margins.

Earthworks

The proposed earthworks will occur across the entire development site in order to create the building platforms, roads, driveways, stormwater ponds and provide for the installation of infrastructure. The majority of the earthworks across the site will occur during a single earthworks season, associated with the early stages of the proposed development.

Undertaking the earthworks in a single season will minimise the time during which earth and soil will be exposed to the elements. The earthworks will form the roads and residential blocks, and will stabilise the site by easing contour and removing steeper slopes. The site will be progressively covered and grassed upon completion of bulk earthworks, thereby minimising the potential for sediment loss from the site into the stormwater network including the open streams.

The proposed earthworks will be appropriate and consistent with the scale of the proposed residential development and subdivision. With appropriate site management and monitoring, the proposed earthworks will be undertaken in a way that ensures that any potential adverse effects from the physical earthworks will be less than minor.

The proposed earthworks will enable the urban development of the site, as anticipated by the AUP Future Urban zoning. The proposed earthworks will not significantly change the topography of the site, given that it is relatively flat throughout with a gradient of around 1 in 60 over its length from north to south. Overall, any long-term adverse effects of the proposed earthworks on the landscape character of the site would not be significant.

Infrastructure servicing

The proposed residential subdivision will provide all the required infrastructure to serve the development, including roading, water supply, wastewater and stormwater, and other private utility services.

The proposed roads have been designed to connect seamlessly with the existing surrounding road network and accommodate a suitable carriageway, footpaths, berms, parking, and space for street trees.

The proposed stormwater network will be designed to maintain post development discharge flow in line with the pre-development flow. As a consequence, any effects on the downstream network would be minimal.

The subdivision will connect to the existing public wastewater reticulation network which has been assessed to have sufficient capacity to accommodate the proposed additional residential demand, subject to the commissioning of a proposed pump station within the catchment. The timing of that work aligns with the anticipated timeframe for development of the site, and WSL has confirmed that

an interim solution would be possible if there is a disconnect between the pump station construction and occupation of the site by residents.

WSL has confirmed that connections are available to the public water supply reticulation system, and that it has sufficient capacity to serve development on the site.

Power and telecommunication services exist around the site and are available for use.

Geotechnical/stability

The applicant has had a preliminary geotechnical investigation completed, by CMW Geosciences (**attached**). The investigation relates specifically to 102 Totara Road, but that site has very similar characteristics to the balance of the land. Site investigations included drilling five boreholes to confirm soil strength and composition, and to ascertain groundwater depths.

The investigation has concluded that the site is considered generally suitable for a future residential subdivision, and the soils are suitable for normal bulk earthworks operations.

On the basis of the geotechnical investigation, there are not expected to be any stability issues that might curtail or impede development of the land as proposed.

Soil contamination

A site investigation was undertaken by Geosciences Limited to ascertain whether there is, or is likely to be, any contaminated soil on the site. The site investigation report relates specifically to 102 Totara Road but historical land use and farming practices are similar across the two pieces of land that comprise the site, given that all of the land has been owned and managed as one farm. A copy of the report is **attached**. Investigations included a review of historical aerial photographs and the property records for the site.

Information obtained indicated that the land has consistently been used for grazing and pastoral farming. There is no evidence of past use for horticultural activities, which are included in the Ministry for the Environment's Hazardous Activities and Industries List. The only other possible sources of contamination that were identified relate to asbestos containing materials in the remaining buildings and the potential for use of lead-based paints. Both of these matters can be examined further to determine whether contamination is present at levels that would give rise to any consenting requirements in respect of soil contamination under with the AUP or the Resource Management (National Environmental Standard for Assessing and Managing Contaminants in Soil to Protect Human Health) Regulations 2011.

On the basis of the information provided by the site investigation, there are no widespread contaminated soils on the site that may create potential for adverse environmental effects when soil is disturbed by earthworks. Any contamination associated with the use of lead-based paints or from asbestos containing materials can be readily identified, contained and removed from site for appropriate disposal.

Construction noise and nuisance

There will inevitably be some aspects of the construction process that create a level of nuisance within established communities around the site. These effects might include construction noise, dust, heavy vehicle traffic, and contractors' parking. The area most likely to be impacted is the established residential area to the south of McCaw Avenue.

These issues are typically addressed through management plans and practices, and by adherence to standards. In respect of noise, all activities will need to comply with the relevant AUP noise provisions and the New Zealand Standard for construction noise. It is also expected that a construction noise and vibration management plan would be required to put in place operational techniques that will mitigate nuisance and disturbance from construction.

A construction traffic management plan will be prepared, post-consent, for certification by the consent monitoring agency. That management plan will detail measures to be implemented to manage access and queueing of heavy vehicles and associated deliveries of building materials, together with the parking of contractors' vehicles.

The combination of carefully prepared construction management plans and adherence to regulatory standards will ensure that any construction-related effects of the project can be appropriately managed.

Archaeological

The applicant has engaged Clough and Associates Limited to undertake a preliminary archaeological survey of the site. A copy of the report is **attached**.

There are no recorded archaeological sites within or in close proximity to the site, and a field survey did not identify any archaeological sites within the property. The archaeological report confirms that there is a low potential for unidentified subsurface archaeological remains to be present on the site.

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

Effects on Maori cultural values

As noted earlier, the applicant has engaged with Mana Whenua. Interest in the site and proposal was expressed by Te Kawerau ā Maki but no other Mana Whenua groups. Te Kawerau ā Maki has prepared a CIA, which concludes that cultural effects would be net positive overall if mitigation measures are implemented. The applicant intends to work collaboratively with Te Kawerau ā Maki to ensure that appropriate mitigation is incorporated into the development.

Part VIII: National policy statements and national environmental standards

General assessment of the project in relation to any relevant national policy statement (including the New Zealand Coastal Policy Statement) and national environmental standard

National Policy Statement for Freshwater Management 2020 (NPSFWM2020) and Resource Management (National Environmental Standards for Freshwater) Regulations 2020 (NESFW2020)

The Bioresarches stream classification survey did not identify the presence of any wetlands (as defined in the RMA and NPSFWM2020) on the site.

The proposed residential development has been designed to retain all of the existing natural permanent or intermittent streams on the site. This approach is consistent with the 'effects management hierarchy' from the NPSFWM2020, which is copied below:

in relation to natural inland wetlands and rivers, means an approach to managing the adverse effects of an activity on the extent or values of a wetland or river (including cumulative effects and loss of potential value) that requires that:

- (a) adverse effects are avoided where practicable; and*
- (b) where adverse effects cannot be avoided, they are minimised where practicable; and*
- (c) where adverse effects cannot be minimised, they are remedied where practicable; and*
- (d) where more than minor residual adverse effects cannot be avoided, minimised, or remedied, aquatic offsetting is provided where possible; and*
- (e) if aquatic offsetting of more than minor residual adverse effects is not possible, aquatic compensation is provided; and*
- (f) if aquatic compensation is not appropriate, the activity itself is avoided*

In this instance, adverse effects on the natural stream system that flows across the site are avoided in accordance with (a) above, as the streams are to remain in place and be enhanced with planting and weed removal.

It is therefore considered that the proposed development is consistent with the policy direction of the NPSFWM2020.

National Policy Statement on Urban Development 2020 (NPSUD)

The recently released NPSUD applies to planning decisions by any local authority that affect an urban environment. The NPSUD represents a significant change to national planning policy and affects all district plans for growth areas and all decisions made by planning authorities in those areas. Section 75(3)(a) of the RMA states that district plans must give effect to a national policy statement, and s104(1)(b)(iii) states that a consent authority must have regard to any relevant provisions of a national policy statement when considering an application for resource consent.

Objective 2 of NPSUD seeks that planning decisions improve housing affordability by supporting competitive land and development markets. Objective 6 seeks that planning decisions on urban development are (amongst other things) responsive, particularly in relation to proposals that would supply significant development capacity.

The objectives are given effect to by the more directive NPSUD policies. In particular, Policy 1 directs that planning decisions contribute to well-functioning urban environments that enable a variety of homes that meet the needs, in terms of type, price, and location, of different households. The proposal will contribute to a well-functioning urban environment by providing a variety of housing typologies, at different price points including relatively affordable dwellings. The housing will be well-designed and energy efficient, and the location will be accessible to a range of employment, services, and

amenities. The provision of a significant number of new homes will assist the competitive operation of land and development markets.

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

Although the applicant's development proposal is worthy of consent on its merits under the existing AUP policy framework, it is nonetheless clear that the NPSUD requires a 'step change' in planning for urban areas that are experiencing rapid growth. The Auckland region is experiencing significant housing pressure in terms of both demand and affordability. The proposal will make a valuable contribution to the constrained Auckland housing market by providing another 453 houses in a variety of formats and sizes, including smaller terraces that are able to address affordability issues.

This is an outcome that is consistent with the NPSUD and can occur without giving rise to any appreciable adverse effects.

Part IX: Purpose of the Act

Your application must be supported by an explanation of 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*
- *Project's effects on the social and cultural wellbeing of current and future generations*
Whether the project would be likely to progress faster by using the processes provided by the Act than would otherwise be the case

Public Benefit

- *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*
 - *Housing supply*
 - *Contributing to well-functioning urban environments*
 - *Providing infrastructure to improve economic, employment, and environmental outcomes, and increase productivity*
 - *Improving environmental outcomes for coastal or freshwater quality, air quality, or indigenous biodiversity*
 - *Minimising waste*

- *Contributing to NZ's efforts to mitigate climate change and transition more quickly to a low emissions economy (in terms of reducing NZ's net emissions of greenhouse gases)*
- *Promoting the protection of historic heritage*
- *Strengthening environmental, economic, and social resilience, in terms of managing the risks from natural hazards and the effects of climate change*
- *Other public benefit*
- *Whether there is potential for the project to have significant adverse environmental effects*

It is considered that the project will give effect to the purpose of the COVID-19 Recovery (Fast-track Consenting) Act 2020 and provide significant public benefits in respect of employment, economic development, and housing provision.

With regard to employment, the land subdivision works will assist in maintaining full time employment for urban designers, civil engineering designers, surveyors, project managers, administrators and sales staff. This will involve around 25 people within The Neil Group as the project will provide for a continual workstream throughput for the business. In addition, external consultants will be employed in disciplines relating to planning, environmental, ecological, and geotechnical assessment, monitoring and reporting. The applicant's legal representatives will handle all legal property matters and, like the other consultants, that will lead to continued full time workstreams for those practices.

The civil contract work will be undertaken by specialist contractors for earthworks, civil engineering and landscaping together with those parties providing specialist services to the subdivision including communications and power supply. It is estimated that full time work will be generated for approximately 60 people in the building of the subdivision, over a two-year period.

The building development works will also generate further full-time employment for project management staff of 14 people along with 85-105 sub-contracted design and construction personnel. During the design and construction of the dwellings it is expected that around 200 contracting and supply companies would also be involved in delivering the completed project.

The proposal will also supply up to 453 houses to the market, in a number of different typologies. The range of housing typologies proposed will also provide more affordable homes at a time when house prices are rapidly escalating and moving beyond the reach of many Auckland residents. Terrace house formats in particular provide an affordable option due to the smaller lot sizes and the resultant lower land component in the overall housing cost.

Provision of more houses in this location will assist to support local businesses in the Whenuapai village, Westgate and Hobsonville commercial centres.

It is also considered that the proposed development contributes to a well-functioning urban environment, as it provides for increased residential density around established centres and transport facilities, and provides a high-quality urban design response to the site.

Although vehicle movements associated with the project will generate greenhouse gas emissions, these would arise wherever the residential land uses were to occur. However, the proposed

location of the site is such that greenhouse gas emissions are likely to be less than would arise in many alternative locations due to the close proximity of the land to the transport network (SH16/SH18 motorways, and the public transport options of bus and ferry that are available).

Significantly, the project would progress considerably faster by using the processes provided by the Act than would otherwise be the case. At this stage, the Auckland Council's Future Urban Land Supply Strategy 2017 identifies that this land will be released for urban development in the period from 2028-2032 – at least seven years from now. The processes enabled by the COVID-19 Recovery (Fast-track Consenting) Act 2020 would facilitate physical work on the site commencing in 2022.

There will be no adverse consequences of the land being released and developed ahead of the current Auckland Council timing. Services are in place and structure planning has been completed. There is no reason to suggest that the development cannot commence earlier than anticipated by the Council. The applicant will be obliged to pay development contributions to fund the costs of growth and will be required to upgrade the Totara Road frontage from a rural road standard to an urban standard.

Part X: Climate change and natural hazards

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

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

Part XI: Track record

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*

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

Further information:

The applicant has obtained a number of technical and specialist assessments to support the development of the project and would be happy to provide copies of any of those documents that may be of assistance.

Released under the provision of
the Official Information Act 1982