



BRF-1050

21 March 2022

Neil Construction Limited and Maraetai Land Development Limited
c/- Philip Brown
Campbell Brown Planning Limited
s 9(2)(a)

Dear Philip Brown

COVID-19 Recovery (Fast-Track Consenting) Act 2020 – Notice of Decisions (Section 25) – Whenuapai Green

Thank you for the application from Neil Construction Limited and Maraetai Land Development Limited under section 20 of the COVID-19 Recovery (Fast-track Consenting) Act 2020 (FTCA) seeking referral of the Whenuapai Green project to an expert consenting panel (a panel) for consideration under the FTCA.

The project is to subdivide land and construct a housing development at 98-100 and 102 Totara Road, Whenuapai, Auckland. The project includes two development options, providing either approximately 459 residential lots and residential units, or approximately 354 residential lots and residential units, and a balance lot for future development of a primary school. Both options also provide private access lots, and public roads and reserves intended to vest in Auckland Council.

The purpose of the FTCA is to 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.

I can only refer the project to a panel for consideration under the FTCA if it meets the referral criteria in section 18 of the FTCA, which includes me being satisfied the project will help achieve the FTCA's purpose.

I have decided the project meets the referral criteria in section 18 of the FTCA and I consider it will help to achieve the FTCA's purpose as it has the potential to:

1. have positive effects on social well-being by generating employment and providing a diverse range of housing types, including terraced housing (which has the potential to be a lower-priced housing option)
2. generate employment by providing approximately 164 direct full-time equivalent (FTE) jobs per year over a 5-year design and civil construction period, approximately 22 direct

- FTE jobs in sales and marketing over a 5-year period, and approximately 342 direct FTE jobs over a 6-year residential unit construction period
3. increase housing supply through the provision of approximately 459 residential units (or approximately 354 residential units if a primary school is developed)
 4. progress faster than would otherwise be the case under standard Resource Management Act 1991 process

Any actual and potential effects arising from the project, together with any measures to avoid, remedy, mitigate, offset or compensate for adverse effects, could be tested by a panel against Part 2 of the Resource Management Act 1991 and the purpose of the FTCA (section 4 and clause 31 Schedule 6).

Accordingly, I have decided to accept your application for referral under section 24(2) of the FTCA and refer all of the project to a panel.

Information required to be submitted with your resource consent applications

In accordance with section 24(2)(d) of the FTCA, I have also decided that you must provide the information listed in Appendix A of this letter with any resource consent application for the project lodged with the Environmental Protection Authority (EPA) under clause 2 Schedule 6.

I draw your attention to clause 14 Schedule 6 of the FTCA that details that the above information must be provided in sufficient detail to correspond to the scale and significance of effects. You should therefore provide what you believe is a reasonable level of information, and if a panel requires further information, they can seek it from you under clause 25 Schedule 6 of the FTCA.

This information will inform a panel's assessment of the proposal's effects and whether to invite comment from persons or groups in addition to those specified in clause 17 Schedule 6 of the FTCA. This does not preclude a panel from requiring you to provide any additional information on any application lodged with the EPA under the FTCA.

Persons or groups a panel must invite comments from

In accordance with section 24(2)(e) of the FTCA, I have also decided that a panel must invite comments on any resource consent application for the project lodged with the EPA from the persons and groups, additional to those specified in clause 17 Schedule 6 of the FTCA, who are listed in Appendix A of this letter.

This will allow those parties the opportunity to have input into the consideration of the application and enable a panel to better understand the potential effects of the proposal.

These directions do not preclude a panel from inviting any other parties to comment on any application lodged with the EPA under the FTCA.

I will progress an Order in Council through the Executive Council for the project. The wording of the referral order may vary slightly from the statements and directions included in this letter, due to legal drafting requirements.

Once this Order is made you will be able to lodge your applications for resource consent with the EPA for a decision by a panel. The decision to approve or decline the resource consents

is a matter for the panel appointed by the Panel Convener Judge L J Newhook. You should not take my decision to refer the project as an indication or direction that the determination of those approvals will be successful. Additionally, my decision does not in any way endorse any related or concurrent planning decisions such as zoning decisions that may affect the project.

Please do not publicly release my decision or this notice until the Order in Council for this project has been approved by Cabinet and notified in the New Zealand Gazette.

The FTCA requires that:

1. I provide a copy of my decisions to the persons, entities and groups specified in section 25(1) and (2) of the FTCA
2. My decisions, the reasons for them, and the Section 17 Report will be published on the Ministry for the Environment's website in accordance with section 25(3) of the FTCA.

In addition, I have also decided to provide a copy of this decision to the following parties:

1. Ngāti Kōheriki Claims Committee
2. Te Kupenga o Ngāti Hako Incorporated
3. Ngaati Whanaunga Incorporated Society
4. New Zealand Defence Force
5. Waka Kotahi NZ Transport Agency

Please contact the Fast-track Consenting Team at the Ministry for the Environment (fasttrackconsenting@mfe.govt.nz) if you have any questions or wish to discuss this decision.

Yours sincerely



Hon David Parker
Minister for the Environment

cc Relevant Ministers of/for portfolios specified in section 21(6)(a)–(m) FTCA:

Infrastructure; Māori Crown Relations—Te Arawhiti; Housing; Education; Arts, Culture, and Heritage; Treaty of Waitangi Negotiations; Local Government; Land Information; Defence; Transport; Conservation; and Climate Change

Additional relevant Ministers:

Associate Minister for the Environment (Urban Policy)

Local authority:

Auckland Council

Other parties:

Auckland Transport
Watercare Services Limited
Ngāti Kōheriki Claims Committee
Te Kupenga o Ngāti Hako Incorporated
Ngaati Whanaunga Incorporated Society
New Zealand Defence Force
Waka Kotahi NZ Transport Agency

Relevant iwi authorities:

Ngā Maunga Whakahii o Kaipara Development Trust
Ngāi Tai ki Tāmaki Tribal Trust
Ngāti Maru Rūnanga Trust
Ngāti Manuhiri Settlement Trust
Ngāti Paoa Iwi Trust
Ngāti Paoa Trust Board
Ngāti Tamaoho Trust
Ngāti Tamatera Treaty Settlement Trust
Ngāti Whātua Ōrākei Trust Board
Te Ākitai Waiohua Iwi Authority
Te Ara Rangatū o Te Iwi o Ngāti Te Ata Waiohua
Te Kawerau Iwi Settlement Trust
Te Rūnanga o Ngāti Whātua

Relevant Treaty settlement entities:

Ngā Maunga Whakahii o Kaipara Development Trust
Ngai Tai ki Tāmaki Trust
Ngāti Maru Rūnanga Trust
Ngāti Tamaoho Settlement Trust
Ngāti Tamatera Treaty Settlement Trust
Ngāti Whātua Ōrākei Trustee Limited
Te Ākitai Waiohua Settlement Trust
Te Kawerau Iwi Settlement Trust

Environmental Protection Authority

The Panel Convener

Appendix A – Requirements specific to application lodged by Neil Construction Limited and Maraetai Land Development Limited

Information required to be submitted with your application

In accordance with section 24(2)(d) of the FTCA, I have also decided that you must provide the following information with any application:

- a detailed infrastructure assessment of:
 - the capacity of the existing infrastructure for three-waters services to service the completed Project
 - what upgrading is required to that infrastructure to service the completed Project
 - how any upgrading is to be funded
- a detailed transport infrastructure assessment of:
 - the capacity of the local road and state highway network to service the construction of the Project and the completed Project
 - what upgrading is required to the local road network to service the completed Project
 - how any upgrading is to be funded
- a stormwater assessment and a draft stormwater management plan, and information about discussions held and any agreements made with the Auckland Council Healthy Waters department regarding stormwater management
- an integrated transport assessment, including:
 - an assessment of how the Project will support both public modes of transport and active modes of transport such as cycling and walking
 - information about discussions held and any agreements made with Auckland Transport
 - an assessment of effects on the local road and state highway network
- a report which addresses potential adverse effects on NZDF Base Auckland, including:
 - measures to address reverse sensitivity and whether no-complaints covenants should be imposed on any new records of title for the Project site
 - confirmation that no buildings or structures will breach the Obstacle Limitation Surface in AUP designation 4311 without the prior approval of the New Zealand Defence Force
 - measures to avoid risk to flight safety and operations including bird strike, and lighting and glare
- a heritage assessment and details of how adverse impacts on historic heritage values will be avoided, remedied, or mitigated
- in relation to the land in the Project site, a report on a preliminary site investigation and, if required, on a detailed site investigation, within the meaning of the Resource Management (National Environmental Standard for Assessing and Managing Contaminants in Soil to Protect Human Health) Regulations 2011, that shows how the requirements of those regulations will be met.

Persons or groups a panel must invite comments from

In accordance with section 24(2)(e) of the FTCA, I have also decided that a panel must invite comments on any consent application for the project from the following additional persons or groups:

- Ngāti Kōheriki Claims Committee
- Te Kupenga o Ngāti Hako Incorporated
- Ngaati Whanaunga Incorporated Society
- Auckland Transport
- Watercare Services Limited
- New Zealand Defence Force
- Waka Kotahi NZ Transport Agency
- Associate Minister for the Environment (Urban Policy)

Released under the provision of
the Official Information Act 1982