



Application for a project to be referred to an expert consenting panel

(Pursuant to Section 20 of the COVID-19 Recovery (Fast-track Consenting) Act 2020)

For office use only:

Project name: Whenuapai Business Park
Application number: PJ-0000770
Date received: 05/10/2021

This form must be used by applicants making a request to the responsible Minister(s) for a project to be referred to an expert consenting panel under the COVID-19 Recovery (Fast-track Consenting) Act 2020.

All legislative references relate to the COVID-19 Recovery (Fast-track Consenting) Act 2020 (the Act), unless stated otherwise.

The information requirements for making an application are described in Section 20(3) of the Act. Your application must be made in this approved form and contain all of the required information. If these requirements are not met, the Minister(s) may decline your application due to insufficient information.

Section 20(2)(b) of the Act specifies that the application needs only to provide a general level of detail, sufficient to inform the Minister's decision on the application, as opposed to the level of detail provided to an expert consenting panel deciding applications for resource consents or notices of requirement for designations.

We recommend you discuss your application and the information requirements with the Ministry for the Environment (the Ministry) before the request is lodged. Please contact the Ministry via email: fasttrackconsenting@mfe.govt.nz

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

Part I: Applicant

Applicant details

Person or entity making the request: Neil Construction Limited

Contact person: Trevor Canty

Job title: Senior Development Manager

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Postal address:

Neil Construction Limited

PO Box 8751

Symonds Street

Auckland 1150

Address for service (if different from above)

Organisation: Campbell Brown Planning Limited

Contact person: Philip Brown

Job title: Director

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Postal address:

Campbell Brown Planning Limited

PO Box 147001

Ponsonby

Auckland 1144

Part II: Project location

The application: does not relate to the coastal marine area

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

Site address / location:

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

69-71 Trig Road, 151 and 155-157 Brigham Creek Road, Whenuapai, Auckland

Legal description(s):

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

69 Trig Road, Whenuapai - Lot 3 DP 101583 and ½ share Lot 5 DP 101583 (NA55D/1228) - 5.7170ha - Neil Construction Limited

71 Trig Road, Whenuapai - Lot 2 DP 101583 and Lot 2 DP 117365 and ½ share Lot 5 DP 101583 (NA66D/175) - 6.9775ha - s 9(2)(a)

Access Lot - Lot 5 DP 101583 - 0.4485ha - ½ shares for above owners of 69 and 71 Trig Road

151 Brigham Creek Road, Whenuapai - Lot 4 DP 101583 (NA55D/1229) - 6.1270ha - Neil Construction Limited

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

Registered legal land owner(s):

See above

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

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

NCL has the financial capability and development expertise to deliver this project. NCL's purchase of the land was properly authorised through the Overseas Investment Office.

Part III: Project details

Description

Project name: Whenuapai Business Park

Project summary:

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

It is proposed to subdivide a 22.8924ha site to accommodate 21 industrial lots and two residential superlots and two smaller residential lots, together with public roads and pedestrian accessways to vest. A stream crossing would be constructed to accommodate the main public road, and riparian margins would be set aside and planted. One large industrial lot (Lot 20) is proposed to accommodate a substantial industrial building for a particular end user that requires a large and level site.

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.

It is proposed to subdivide a 22.8924ha site to accommodate 21 industrial lots, two residential superlots and two smaller residential lots, together with public roads and pedestrian accessways to vest. A stream crossing would be constructed to accommodate the main public road, and riparian margins would be set aside and planted. One large industrial lot (Lot 20) is proposed to accommodate a substantial industrial building for a particular end user that requires a large level site.

This proposal seeks consent for Lots 1-21 to be used for any permitted activities listed in the AUP's Light Industry Zone Activity Table H17.4.1, and for any buildings to be constructed on the industrial lots that meet the following development standards of the AUP's Light Industry Zone:

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

The proposal seeks consent for residential uses on superlots 200 and 300 and smaller residential lots 400 and 401 that are permitted activities in AUP Single House Zone Activity Table H5.4.1, and that meet the following development standards:

- H3.6.6 - Building height
- H3.6.7 - Height in relation to boundary
- H3.6.8 - Yards
- H3.6.9 - Maximum impervious area
- H3.6.10 - Building coverage
- H3.6.11 - Landscaped area
- H3.6.12 - Front, side and rear fences and walls

In addition, the applicant offers a condition of consent that would require acoustic treatment for any activities sensitive to aircraft noise that would be located wholly or partially within the 57dB Ldn engine testing noise contour shown on Auckland Council's proposed Variation 1 Precinct Plan 3.

A scheme plan of subdivision is **attached**.

The civil works associated with the project will be undertaken in a single stage. Bulk earthworks have been completed (or are close to completion) across most of the site as a result of earthworks consents obtained from the Council. The earthworks will need to be extended to allow for trimming of roads and building platforms, installation of retaining and the new bridge structure, and installation of public infrastructure. Civil construction will commence in late 2022 and be completed in 2023. Construction of buildings will commence in 2023 and it is expected that the development will be built out by 2026 (depending on demand from purchasers).

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 existing piped network to accommodate wastewater flows from the site. Stormwater would be disposed of to the watercourses that exist on the site, following stormwater detention and quality treatment through stormwater devices including raingardens and proprietary filters. A discharge permit will be required for the disposal of stormwater into the stream network.

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

N/A

Consents / approvals required

Relevant local authorities: Auckland Council

Resource consent(s) / designation required:

Land-use consent, Subdivision consent, Discharge permit

Relevant zoning, overlays and other features:

Please provide details of the zoning, overlays and other features identified in the relevant plan(s) that relate to the project location.

Legal description(s)	Relevant plan	Zone	Overlays	Other features
Lot 3 DP 101583 and ½ share Lot 5 DP 101583 (NA55D/1228)	Auckland Unitary Plan	Future Urban Zone	<ul style="list-style-type: none"> The land is subject to a High-Use Aquifer Management Areas Overlay - Kumeu Waitemata Aquifer; The land subject to an Aircraft Noise Overlay - Whenuapai 	The land is subject to an Airspace Restriction Designation - ID 4311, 'Defence purposes - protection of approach and departure paths (Whenuapai Air Base)', in favour of the Minister of Defence.
Lot 2 DP 101583 and Lot 2 DP 117365 and ½ share Lot 5 DP 101583 (NA66D/175)				
Lot 5 DP 101583				

Legal description(s)	Relevant plan	Zone	Overlays	Other features
Lot 4 DP 101583 (NA55D/1229)			Airbase - noise control area (55dBA);	
Lot 2 DP 334953 (Identifier 143112)			<ul style="list-style-type: none"> A Macroinvertebrate Community Index – 'Rural' control applies to the land; <ul style="list-style-type: none"> 	

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
H18.4.1(A2)(A28) H18.6.8 C1.7(1) C1.9(2) H.18.6.2 H.18.6.3.1 D24 Aircraft Noise Overlay E8 Stormwater – Discharge and Diversion E11 Land Disturbance – Regional E12 Land Disturbance – District E15 Vegetation Management E36 Natural Hazards and Flooding E39. Subdivision - Rural	Refer table	Refer table	Non-complying overall	Whenuapai

Resource consent applications already made, or notices of requirement already lodged, on the same or a similar project:

Please provide details of the applications and notices, and any decisions made on them. Schedule 6 clause 28(3) of the COVID-19 Recovery (Fast-track Consenting) Act 2020 details that a person who has lodged an application for a resource consent or a notice of requirement under the Resource Management Act 1991, in relation to a listed project or a referred project, must withdraw that application or notice of requirement before lodging a consent application or notice of requirement with an expert consenting panel under this Act for the same, or substantially the same, activity.

The bulk earthworks component of this project has been, or is in the process of being, consented by Auckland Council. Auckland Council has granted resource consent LUC60350837, which provides for bulk earthworks over 69 Trig Road, 151 Brigham Creek Road, and 155-157 Brigham Creek Road. Those earthworks are currently being undertaken on the land.

An application has also been made for bulk earthworks on 71 Trig Road, as this property was acquired later than the other sites. That application is currently processing and consent is expected in the near future. The Auckland Council reference number is LUC60376543.

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

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

Other legal authorisations (other than contractual) required to begin the project (eg, authorities under the Heritage New Zealand Pouhere Taonga Act 2014 or concessions under the Conservation Act 1987), including details on whether these have been obtained:

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

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

Construction readiness

If the resource consent(s) are granted, and/or notice of requirement is confirmed, detail when you anticipate construction activities will begin, and be completed:

Please provide a high-level timeline outlining key milestones, e.g. detailed design, procurement, funding, site works commencement and completion.

The applicant anticipates that the remaining bulk earthworks will commence in late 2021 under Auckland Council consents. The civil works associated with the project will be undertaken in a single stage, and will include additional earthworks to allow for trimming of roads and building platforms, installation of retaining and the new bridge structure, and installation of public infrastructure. Civil construction will commence in late 2022 and be completed in 2023. Construction of buildings will commence in 2023 and it is expected that the development will be built out by 2026 (depending on demand from purchasers).

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

Part IV: Consultation

Government ministries and departments

Detail all consultation undertaken with relevant government ministries and departments:

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

Local authorities

Detail all consultation undertaken with relevant local authorities:

The applicant has 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 did not raise any concerns with servicing the land for wastewater disposal and water supply, or identify any capacity issues. WSL provided advice as to the most appropriate means of connecting the land to services.

The applicant has maintained contact with the Council's Plans and Places team to stay up to date with progress relating to PC5 and Variation 1. NCL is a submitter to PC5, generally in support, so has been actively involved in the hearings and other aspects of the plan change process.

Consultation has taken place with Auckland Council, Auckland Transport and Supporting Growth Alliance to understand the Brigham Creek Road upgrading and intersection design requirements, together with other transportation requirements such as cycling and connectivity to surrounding amenities.

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

Other persons/parties

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

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

It is understood that a large parcel of land immediately adjacent and to the east of the site has been acquired by the Council for a recreation reserve. There is nothing inherent in the applicant's development proposal that would impact adversely on the development of that land for park and open space purposes.

Land to the north of the site, on the opposite side of Brigham Creek Road, is either owned by NCL or forms part of the NZDF airbase. NZDF is generally concerned with managing reverse sensitivity effects associated with the use of land around the airbase, and these effects are primarily managed through requirements for acoustic insulation of residential buildings within the airbase runway approach path and within the engine noise testing contours. The proposal offers conditions to acoustically insulate all buildings to be used for activities sensitive to aircraft noise.

Detail all consultation undertaken with the above persons or parties:

See above.

Part V: Iwi authorities and Treaty settlements

For help with identifying relevant iwi authorities, you may wish to refer to Te Kāhui Māngai – Directory of Iwi and Māori Organisations.

Iwi authorities and Treaty settlement entities

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

Iwi authority	Consultation undertaken
Te Kawerau ā Maki	CIA obtained

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
No details	

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.

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

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

Customary marine title areas

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

Section 18(3)(c) of the Act details that the project **must not include** an activity that will occur in a customary marine title area where that activity has not been agreed to in writing by the holder of the relevant customary marine title order.

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

Protected customary rights areas

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

Section 18(3)(d) of the Act details that the project **must not include** an activity that will occur in a protected customary rights area and have a more than minor adverse effect on the exercise of the protected customary right, where that activity has not been agreed to in writing by the holder of the relevant protected customary rights recognition order.

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

Part VII: Adverse effects

Description of the anticipated and known adverse effects of the project on the environment, including greenhouse gas emissions:

In considering whether a project will help to achieve the purpose of the Act, the Minister may have regard to, under Section 19(e) of the Act, whether there is potential for the project to have significant adverse environmental effects. Please provide details on both the nature and scale of the anticipated and known adverse effects, noting that Section 20(2)(b) of the Act specifies that the application need only provide a general level of detail.

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

Stream ecology

The applicant has engaged Bioresarches 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, and to identify if any natural wetlands are present. The results of the classification survey and a preliminary ecological report are attached, and the streams/wetlands are depicted in Figure 9 below.

The AUP provides a level of protection for all permanent and intermittent streams, and for wetlands. In this instance, that protection will extend to the watercourses identified as WC1, WC2 and wetlands identified as WL1 and WL2 in

Figure 9. The applicant has designed the layout of the site to accommodate all lengths of stream and wetland features without significant disturbance, other than enhancement through weed removal, enhancement planting, and a road culvert or bridge across WC1/WL1. The AUP provides for a culvert in a watercourse as a permitted activity, subject to meeting specified standards. Each of the streams and wetlands will be contained within areas of protected riparian margin or road reserve, and will not be subject to reclamation or earthworks. Consent is required under the NES-F for works within 10m of the wetland that exists in the vicinity of the proposed road bridge/culvert. However, no physical works will take place in the wetland as the design provides for all support structures to sit outside of the extent of the wetland.

Stormwater that will be diverted to the streams on the site will be treated within rain gardens or other treatment facilities to be located within the road reserves. The stormwater quality treatment that is proposed, together with enhancement planting in the riparian margins, will ensure that the ecological values of the streams and wetlands are not diminished and are likely enhanced.

Traffic/transport

The applicant has engaged Team to undertake an integrated transport assessment of the potential transportation implications of the proposed development. The assessment includes consideration of roading network, traffic generation, parking and pedestrian/cyclist amenity. A copy of the Team report is attached.

The proposal seeks to integrate with the surrounding future neighbourhood, with one road connection providing access to and from Brigham Creek Road, and four additional road connections providing future access to adjoining future urban land. These road connections are consistent with the indicative roading network identified in PC5/Variation 1. Pedestrian and cycling connections are also proposed to Trig Road and to the future reserve land immediately to the east. The Team report notes that bus services operate on Brigham Creek Road, within walking distance of the site. That bus route links with other public transport services at the Hobsonville Ferry Terminal and Westgate.

The Team report identifies the significant intersection proposed for the Brigham Creek Road frontage and provides a design for that work that will accommodate future traffic volumes at an acceptable level of service and safety. It also notes that internal roads have been designed to recognised industrial standards and can accommodate the intended level and type of industrial traffic including pedestrians and cyclists.

Overall, the Team report concludes that the proposed subdivision is acceptable from a traffic engineering perspective and aligns with the intended outcomes of PC5/Variation 1. The proposal will not give rise to any adverse transportation effects.

Site Layout and Urban design

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. PC5 follows an extensive structure planning process that has evaluated the most appropriate urban outcomes for the Whenuapai area. There is no significant debate about the future of Whenuapai, but rather the issue is simply about timing as PC5 has been delayed. The proposed land use, layout and form of the development is entirely consistent with Variation 1 to PC5.

The resultant site layout and development pattern incorporates a number of desirable urban design outcomes, including:

- A connected movement network with no cul-de-sac use (once surrounding land is also developed), and a legible street layout;
- Retention and enhancement of natural site features, with particular reference to the stream system that traverses the land and the two areas of natural wetland;
- Planted riparian margins along stream features;
- Provision of pedestrian and cycling access to future areas of public open space (to the east of the land);
- A mix of industrial lot sizes, including a large level site intended for a specific industrial land use;
- Provision of an appropriate buffer between industrial and residential land uses through the stream corridor and associated riparian margins; and
- Establishment of a new signalised intersection on Brigham Creek Road that contributes to necessary upgrading of key transport infrastructure within the surrounding area.

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

Stormwater disposal

It is proposed to treat and attenuate stormwater runoff on the site so that the flow of stormwater runoff post-development will achieve AUP Stormwater Management Area Flow 1 requirements. 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 raingardens to be located within the road reserves. Stormfilters will be utilised for the major road intersection on Brigham Creek Road due to constraints on the space that is available. The raingardens will provide water quality treatment as well as detention and attenuation of stormwater runoff, with treatment only provided by the stormfilters.

Overall, the proposed stormwater proposals will meet the required water quality treatment standards of Auckland Council's GD01 technical document and detention requirements for SMAF 1 under the AUP. All of the existing permanent or intermittent streams and the wetlands will be retained within the site. 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. As a result, the post-development stormwater flows from the site to the downstream catchment will have no appreciable adverse effects on the water quality of the streams and the physical integrity of the stream beds and riparian margins will be maintained and enhanced.

Earthworks

The bulk earthworks required to facilitate the development will occur across the entire development site in order to create the building platforms, roads, and provide for the installation of infrastructure. The majority of the bulk earthworks across the site have been, or will be, consented by Auckland Council. Some further earthworks are required to trim roads and provide for pipes and services to be installed.

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 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 has a gentle contour with a gradient of around 1 in 25 over its length from south to north. 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. An infrastructure report addressing these matters is attached.

The proposed roads have been designed to connect seamlessly with the existing and proposed surrounding road network, in a manner that is consistent with the indicative road network illustrated in PC5/Variation 1. Road cross-sections can accommodate a suitable carriageway, footpaths, berms, parking, raingardens, and space for street trees. The proposed stormwater network will be designed to manage discharge flow from the site in a way that achieves SMAF1 requirements. 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 demand. Some extension of the public network will be required, with such work being funded and undertaken by the applicant.

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 geotechnical investigations completed for the land, by CMW Geosciences (attached). The investigations relate to all of the land, although the more recently acquired site at 71 Trig Road has been assessed only at a pre-purchase due diligence level. That site however has very similar characteristics to the balance of the land. Site investigations included drilling boreholes to confirm soil strength and composition, and to ascertain groundwater depths.

The investigation has concluded that existing and proposed slope stability across the site demonstrates factors of safety above minimum Auckland Council requirements. Liquefaction is not considered to be a factor for the soil types encountered on the land. The geotechnical investigation notes that the land is generally suitable for a future subdivision and development as anticipated under the proposal. Geosciences note that the soil conditions will not provide for significant soakage from raingardens, but acknowledge that these features will still provide for some detention and stormwater quality outcomes.

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

Soil contamination

Site investigations were undertaken by Geosciences Limited to ascertain whether there is, or is likely to be, any contaminated soil on the site. The site investigation reports address the land in two parcels, being 71 Trig Road and the balance of the land. The distinction arises simply because 71 Trig Road was acquired at a later date than the rest of the land. Soil contamination investigations include a Preliminary Site Inspection (PSI), a Detailed Site Inspection (DSI) and a Site Management Plan (SMP).

Copies of the various reports are attached. Investigations included a review of historical aerial photographs and the property records for the site, together with soil sampling and laboratory analysis. The reporting has been undertaken to meet the requirements of the NES-SC and Chapter E30 of the AUP.

Information obtained indicated that the land has generally been used for grazing and pastoral farming, although part of the land has been subject to past use for horticultural activities. Horticulture is included in the Ministry for the Environment's Hazardous Activities and Industries List due to the bulk storage and use of persistent pesticides. The other possible sources of contamination that were identified relate to asbestos containing materials in the remaining buildings, the potential for use of lead-based paints, unverified fill material, and abandoned septic tanks and associated effluent disposal fields.

Analysis of soil sampling revealed that the proposed change of land use will be a permitted activity under the NES-SC, although some minor consenting (as a controlled activity) will be required under NES-SC Regulation 9 due to soil disturbance. Consent is not required under the rules and standards of AUP Chapter E30.

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. Geosciences concludes that the proposed change in land use, subdivision, and development are highly unlikely to result in any risk to human health or the environment.

Construction noise and nuisance

There will inevitably be some aspects of the construction process that create a level of nuisance for residents living on properties around the site. These effects might include construction noise, dust, heavy vehicle traffic, and contractors' parking. The locations most likely to be impacted are the nine dwellings situated on immediately adjacent properties (refer Figure 10).

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. Much of the potential noise would be generated through earthworks that are in the process of being undertaken and have been approved by the Council through a resource consent application.

Conditions of consent are in place to manage noise and dust nuisance to reasonable levels. Individual building projects on each lot would also be required to comply with construction noise standards, and would be potentially of a scale that required a construction noise and vibration management plan or other operational techniques that will mitigate nuisance and disturbance from construction.

Depending on the nature of future development on the lots, there is also a possibility that a construction traffic management plan will be required, post-consent, for certification by the consent monitoring agency. A management plan of this nature would 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 opportunity to impose conditions that require adherence to regulatory standards and/or management plans will ensure that any construction-related effects of the project can be appropriately mitigated.

Archaeological

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

There are no recorded archaeological sites within or in close proximity to the site. The archaeological report confirms that there is a low potential for unidentified subsurface archaeological remains to be present on the site. In the unlikely event that archaeological artefacts are encountered during works, the accidental discovery protocols of the AUP would apply to ensure any adverse effects were mitigated.

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

Effects on 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 not from any other Mana Whenua groups at this stage. Te Kawerau ā Maki has prepared a CIA, and the applicant intends to work collaboratively with Te Kawerau ā Maki to ensure that any adverse Maori cultural effects arising from the development are appropriately mitigated.

Part VIII: National policy statements and national environmental standards

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

National Policy Statement for Freshwater Management 2020 (NPS-FM) and Resource Management (National Environmental Standards for Freshwater) Regulations 2020 (NES-F)

The Bioresurveys stream classification survey identified the presence of two natural wetlands (as defined in the RMA and NPS-FM) on the site. Both are located within 155-157 Brigham Creek Road, which is the area of the land to be developed for residential purposes.

The proposed development has been designed to retain all of the existing natural permanent or intermittent streams on the site, and both natural wetlands. This approach is consistent with the 'effects management hierarchy' from the NPS-FM, 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 and on the two natural wetlands are avoided in accordance with (a) above, as the streams and wetlands are to remain in place and the streams will be enhanced with planting and weed removal. The road crossing of the wetland has been designed to avoid any direct disturbance to the wetland from earthworks, land disturbance or vegetation removal. Stormwater discharges to the stream are proposed but will be designed to manage potentially erosional flows and provide quality treatment.

It is therefore considered that the proposed development is consistent with the policy direction of the NPS-FM.

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 sites that are suitable for different business sectors in terms of location and site size, and enable a variety of homes. The proposal provides for a range of industrial sites, including larger sites that are in short supply and desirable in the market as a consequence. Additional residential land would also be provided, with the Single House zone catering for a component of the general population that is seeking larger sites with standalone houses.

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

Although the applicant's development proposal is worthy of consent on its merits under the existing AUP policy framework, and is entirely consistent with the Auckland Council's intentions for the land under PC5/Variation 1, it is nonetheless clear that the NPSUD requires a 'step change' in planning for urban areas that are experiencing rapid growth. The Auckland region is experiencing significant pressure in terms of suitable business land provision and housing demand. The proposal will make a valuable contribution to the provision of desirable industrial sites (including a rare large level site required for a specific user) and assist with providing more housing. These outcomes are consistent with the NPSUD and can occur without giving rise to any appreciable adverse effects, particularly as they are aligned with the Council's development intentions for the Whenuapai area.

Part IX: Purpose of the Act

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

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

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

It is considered that the project will give effect to the purpose of the COVID-19 Recovery (Fast-track Consenting) Act 2020 and provide significant public benefits in respect of employment, economic development, and provision of business land and housing. The economic effects and benefits of the proposal are set out in the attached report by Insight Economics.

The economic assessment report identifies that the project will deliver 14 direct and indirect FTE jobs during the planning, design and consenting phases of the development, projected to occur mainly in 2021 and 2022.

The civil contract work and infrastructure provision will be undertaken by specialist contractors for earthworks, civil engineering and landscaping together with those parties providing specialist services to the subdivision including communications and power supply. It is estimated that this phase of the development project will create 79 direct FTE jobs and 92 indirect FTE jobs.

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

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

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

Although vehicle movements associated with the project will generate greenhouse gas emissions, these would arise wherever the industrial and 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 most alternative locations due to the close proximity of the proposed industrial land to the freight network (SH18/the Auckland motorways), the consumer (the population of the Auckland metropolitan area) and a large employment source comprised in the substantial residential areas close to the site.

Significantly, the project would progress considerably faster by using the processes provided by the Act than would otherwise be the case. The timeframe would also be more certain. At this stage, PC5 is unlikely to be determined by the Council before the second half of 2022 and may be subject to appeals or other further delays. The processes enabled by the COVID-19 Recovery (Fast-track Consenting) Act 2020 would facilitate civil works for forming the subdivision commencing on the site in the middle of 2022 and provide greater certainty around the timing.

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

See above

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

See above

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

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

Employment/job creation:

See above

Housing supply:

See above

Contributing to well-functioning urban environments:

See above

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

See above

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

See above

Minimising waste:

See above

Contributing to New Zealand's efforts to mitigate climate change and transition more quickly to a low-emissions economy (in terms of reducing New Zealand's net emissions of greenhouse gases):

See above

Promoting the protection of historic heritage:

See above

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

See above

Other public benefit:

See above

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

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

Part X: Climate change and natural hazards

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

Climate change does not raise any particular concerns or threats to the project or the site, beyond those that apply to all land. The site is subject to minimal natural hazards, in the form of overland flow paths and a few small parts of the land that fall within the 1% AEP flood plain. These natural hazards are generally to be contained within areas set aside as riparian margins 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

A summary of all compliance and/or enforcement actions taken against the applicant by a local authority under the Resource Management Act 1991, and the outcome of those actions:

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

Part XII: Declaration

I acknowledge that a summary of this application will be made publicly available on the Ministry for the Environment website and that the full application will be released if requested.

By typing your name in the field below you are electronically signing this application form and certifying the information given in this application is true and correct.

Philip Brown

05/10/2021

Signature of person or entity making the request

Date

Important notes:

- Please note that this application form, including your name and contact details and all supporting documents, submitted to the Minister for the Environment and/or Minister of Conservation and the Ministry for the Environment, will be publicly released. Please clearly highlight any content on this application form and in supporting documents that is commercially or otherwise sensitive in nature, and to which you specifically object to the release.
- Please ensure all sections, where relevant, of the application form are completed as failure to provide the required details may result in your application being declined.
- Further information may be requested at any time before a decision is made on the application.

- Please note that if the Minister for the Environment and/or Minister of Conservation accepts your application for referral to an expert consenting panel, you will then need to lodge a consent application and/or notice of requirement for a designation (or to alter a designation) in the approved form with the Environmental Protection Authority. The application will need to contain the information set out in Schedule 6, clauses 9-13 of the Act.
- Information presented to the Minister for the Environment and/or Minister of Conservation and shared with other Ministers, local authorities and the Environmental Protection Authority under the Act (including officials at government departments and agencies) is subject to disclosure under the Official Information Act 1982 (OIA) or the Local Government Official Information and Meetings Act 1987 (LGOIMA). Certain information may be withheld in accordance with the grounds for withholding information under the OIA and LGOIMA although the grounds for withholding must always be balanced against considerations of public interest that may justify release. Although the Ministry for the Environment does not give any guarantees as to whether information can be withheld under the OIA, it may be helpful to discuss OIA issues with the Ministry for the Environment in advance if information provided with an application is commercially sensitive or release would, for instance, disclose a trade secret or other confidential information. Further information on the OIA and LGOIMA is available at www.ombudsman.parliament.nz.

Checklist

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

Yes	Correspondence from the registered legal land owner(s)
Yes	Correspondence from persons or parties you consider are likely to be affected by the project
Yes	Written agreement from the relevant landowner where the project includes an activity that will occur on land returned under a Treaty settlement.
Yes	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.
Yes	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.