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

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

|   |                                  |
|---|----------------------------------|
| Local authority providing comment         | Auckland Council                 |
| Contact person (if follow-up is required) | Tony Bullard s 9(2)(a)           |
|   | Click or tap here to enter text. |
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## Comment form

Please use the table below to comment on the application.

|                                      |  |
|--------------------------------------|--|
| Project name                         | Whenuapai Business Park<br>69-71 Trig Rd and 151, 155, 157 Brigham Creek Rd Whenuapai  |
| General comment – potential benefits | Will add additional urban development capacity (light industrial and residential) to the Auckland region.  |
| General comment – significant issues | <p>There are severe capacity restraints on the roading network which will serve this area. Further details on this are contained in Auckland Transport's comments below. It is unclear whether there are other infrastructure restraints (water, stormwater and water) as little infrastructure information has been provided (see comments from Watercare and Healthy Waters below).</p> <p>The proposal is currently zoned Future Urban Zone (FUZ) and lies within an area subject to a council plan change and variation to that plan change (PC5/Var1). The proposal is contrary to the Auckland Unitary Plan including the FUZ zone provisions and the Regional Policy Statement.</p>   |
| Is Fast-track appropriate?           | <p>No because:</p> <ul style="list-style-type: none"> <li>There are significant issues associated with the roading infrastructure needed to service this development which have not been resolved (see comments from Auckland Transport and the Development Programme Office below).</li> <li>The proposal (in effect) establishes a plan change via a resource consent process while the PC5/Var1 has not been completed.</li> <li>The project creates new titles under a new planning regime but does not contain any actual landuse/construction activities apart from infrastructure to service the lots. Actual development of these lots and any consents that they require would not take place until some unspecified time in the future.</li> <li>There are numerous persons potentially affected including submitters opposing, supporting or wanting changes to original PC5 and their position and/or rights may be affected.</li> </ul> |

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| Environmental compliance history          | <p>The following company has been reviewed for previous compliance history:</p> <p><i>Neil Construction Limited</i></p> <p>There are 6 abatement notices issued by Auckland Council in 2019 and 2020 to Neil Construction Limited. All of these notices are associated with Auckland Council's 'Small Sites' project, where the Proactive Compliance team issue notices due to inadequate sediment and erosion controls on dwelling construction sites. Following discussion with the Proactive Compliance Project Lead, they have confirmed that there are no outstanding or on-going compliance concerns with Neil Construction Limited.</p> <p>There are no other significant outstanding compliance concerns for the abovementioned party that we are aware of.</p>   |
| Reports and assessments normally required | <ul style="list-style-type: none"> <li>• An AEE assessing the effects of the proposal and it's fit with the policies and objectives of the AUP.</li> <li>• Building plans</li> <li>• Survey plans</li> <li>• Urban design assessment</li> <li>• Geotechnical report</li> <li>• Stormwater infrastructure report including a stormwater management plan and flood assessment. Further details are in Healthy Water's and Auckland Transport's comments below.</li> <li>• An integrated traffic assessment. Further details are in Auckland Transport's comments below.</li> <li>• Water and wastewater infrastructure and capacity report including engineering plans, capacity assessment, fire/water supply-demand, connection points and stream crossings. Further details are in Watercare's comments below.</li> <li>• Road designs including landscaped berms, pedestrian access and cycle lanes. Further details are in Parks and Auckland Transport's comments below).</li> <li>• An assessment of construction related effects including traffic, noise and vibration and a construction management plan</li> <li>• Arboricultural report</li> <li>• Landscape and visual assessment</li> <li>• Acoustic report outlining acoustic treatment for all future dwellings affected by aircraft noise.</li> <li>• Communal facilities plan, operations and assessment of effects from this.</li> <li>• Records of iwi consultation and cultural value assessments from all mana whenua groups associated with this site (as listed below).</li> <li>• Earthworks, cut and fill, and erosion/sediment management plan</li> <li>• A lighting plan of roads, footpaths, accessways and parking areas.</li> <li>• Details on the management and ownership structure of any common assets.</li> <li>• A contaminated land detailed site investigation.</li> <li>• Archaeological assessment</li> <li>• Ecology assessment</li> <li>• An esplanade reserve assessment</li> <li>• A crime prevention through environmental design (CPTED) of any proposed parks and access (pedestrian and cycle) to them.</li> </ul> |

|   |  |
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| <b>Iwi and iwi authorities</b>  | Ngāti Whātua o Kaipara, Te Rūnanga o Ngāti Whātua, Te Ākitai Waiohūa, Ngāti Paoa, Te Kawerau Ā Maki, Ngāti Whātua Ōrākei, Ngāti Manuhiri, Ngāti Te Ata, Ngāti Maru |
| <b>Relationship agreements under the RMA</b>  | NA   |
| <b>Insert responses to other specific requests in the Minister's letter (if applicable)</b> | Questions 1, 2 and 3 are answered above and below. In relation to question 4: please note the comments made by Plans and Places below.                             |
| <b>Other considerations</b>   | Click or tap here to insert any other responses you consider relevant for the Minister to be aware of.   |

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

## Watercare's Response

**From:** Amir Karimi, Development Engineer, Watercare

**Date:** 16 November 2021

### Overall Summary:

There were no capacity assessment, fire/water supply-demand, or information on wastewater flow provided as part of this application. Based on limited data provided, Watercare has completed a high-level assessment for the proposed development at 69-71 Trig Road and 151, 155, 157 Brigham Creek Road, Whenuapai. It is proposed to subdivide a 22.8924ha site to accommodate 21 industrial lots, two residential superlots and two single residential lots.

Some capacity constraints have been identified in both water and wastewater network. The developer will need to address the constraints through public network extensions or upgrades, depending on the agreed solution with Watercare. The proposed pipe bridge below the 100-year flood level does not comply with the standard requirements. The developer will need to investigate other alternatives unless otherwise is agreed with Watercare.

### Wastewater:

The wastewater catchment of the subject site is proposed to be split into two sub-catchments. The first sub-catchment will discharge to the 450PE transmission wastewater line along the southern boundary to the Whenuapai Pump station (PS 68) with a satellite manhole within the subject site. Based on the available information, the inlet line to the transmission manhole seems to be a 180mm PE. The developer will need to conduct an asset survey to confirm the size and provide a capacity assessment to identify the required upgrades.

The rest of the site is proposed to discharge to the 315uPVC local wastewater line runs along Brigham Creek Road to the same pump station. The proposed network includes several pipe bridges. Watercare Code of Practice requires all the pipe bridges to be positioned clear of the 1% AEP flood levels. If the requirement cannot be met, the developer may need to consider other alternatives.

### Water Supply:

Capacity-The development is to be connected to the new 315OD PE water main. However, there is a network constraint (150mm) section at the BSP, which would need upgrading to a 355mm PE, as highlighted in Figure 1.

**Figure 1:** Section of 150mm watermain to be upgraded



Water Quality Considerations - The proposed development is a dead-end and does not reconnect with only a single road / WMs. This represents a water quality issue based on the size of the water mains. However, typical low demand is a concern being commercial, and options would need to be investigated to address this. Options could be but are not limited to:

- Vesting of the road through 141 Brigham Creek Road with water mains connecting back to the 315mmPE on Brigham Creek Road.
- Temporary water main through 141 Brigham Creek Road with an easement.

The proposed 225mm is not a typical water pipe size when considering standard valves sizes etc. the pipe sizes need to be reassessed as per CoP 6.3.10.1 Standard pipe sizes.

## Parks Response

**From:** Leandra Raats, Parks Planner

**Date:** 16.11.2021

### Overall Summary:

### Background information

This response is prepared based on the information received as outlined in the letter, dated 8 November 2021, reference BRF-772 from Stephanie Frame, Manager, Fast-Track Consenting Team, Ministry for the Environment and the Application prepared for Neil Construction Limited by Campbell Brown Planning Limited.

### Positives of application

From the draft subdivision layout plans provided by the applicant it can be determined that:

- The design of the roads incorporate landscaped berms, pedestrian access and cycle lanes.
- The pedestrian accessways is in general accordance with Council's standards.
- Low and permeable fencing has been proposed along the pedestrian walkway to the future park. \*

\*See concerns below regarding vehicular access restrictions.

### Key Issues from a Parks Planning Perspective

The key issue with the project going through the COVID-19 Recovery Act 2020 fast track consenting process is the potential for Auckland Council to inherit parks assets where they have not had the opportunity to assess and comment on prior to receiving them. There is a risk that the vested assets Council may inherit are not to the same standard or consistent with those assets which go through the normal resource consent and engineering plan approval process, resulting in a financial burden not anticipated.

### Parks Planning information, reports and assessment requirements:

- a) Subdivision plans identifying public assets to be vested, including esplanade reserves (where required).
- b) Landscape plans sufficiently detailed to properly assess any proposed assets in the streetscape, reserves to be vested, accessways, and boundary treatment adjoining open space.
- c) Planting plans with a schedule of species to understand the extent of landscaping proposed or mitigation provided. These should be in accordance with the Infrastructure Code of Practice – Chapter 7.
- d) Assessment to demonstrate width of the streams on site in accordance with s230(4), particularly around Lots 21, 200, 300 and 400.
- e) Subject to stream width assessment results, an assessment against the requirements for an esplanade reserve under s230 of the RMA and the Auckland Unitary Plan (Operative in Part) Chapter E38<sup>1</sup>. Esplanade reserves of 20m on both sides of the stream would be required for qualifying streams/rivers.

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<sup>1</sup> If consent is sought following the acceptance of Plan Change 5, an esplanade reserve may be required under Chapter E38 of the Auckland Unitary Plan. If consent is sought prior to effect of Plan Change 5, esplanade reserves may be required under Chapter E38 instead. This assessment has however focused on the current operative rules.

- f) An assessment to demonstrate suitable access from the development to the proposed park.

This would provide Council with the means to determine factors such as:

- Whether open space, walkways, stormwater and streetscape assets are to be public or privately owned.
- Whether an esplanade reserve is required as per the requirements under s230 of the RMA and Rule E38.4.1(A8) of the AUP.
- Whether streetscape planting is appropriate. Council has significant experience in this area as an asset owner and promotes the Auckland Council Urban Ngahere (Forest) Strategy, species which provide attractive streetscapes including species which are also suitable from a maintenance perspective and are practical in their chosen location such as where it will not impact on services in the road reserve (above or underground), hinder the sight lines of drivers or reduce usability of footpaths over time.
- Whether any aspects of the design would require the approval of the Local Board or Governing Body to accept any proposed assets as delegated decision makers.
- Whether access ways to parks and reserves are suitable from a crime prevention through environmental design (CPTED) perspective. This includes assessing building orientation and fencing on properties adjoining parks and park accessways to ensure appropriate passive surveillance over these areas is provided. Accessway widths and gradients are also important for the safe movement of walkers and cyclists.
- Hard assets such as stormwater outfalls or retaining walls are designed and located where they do not reduce the amenity of the parks or reserves.
- How the development meets (or otherwise) the objectives and policies of the Future Urban Zone, and potential zones of Plan Change 5: Business – Light Industry Zone and Residential – Single House Zone. Development may impact on the amenity and use of open spaces provided and sufficient detail is to be provided to properly assess any adverse effects or potential adverse effects.
- Whether sufficient vehicular and pedestrian access is provided to the proposed park.

### Acquisition of land

If a pedestrian walkway to the park is proposed, it would be expected that this is vested to Council as a Local Purpose (Access) Reserve. See comments below regarding vehicular access concerns.

### Overall position of Parks Planning

Overall, it is considered that measures will need to be put in place under the COVID-19 Recovery Act 2020 fast track consenting process to ensure Council is able to provide sufficient input to decisions around the acquisition of land and the acceptance of vested assets. This is to ensure Auckland Council receives vested park, reserve and streetscape assets that are to an acceptable standard and consistent with those that have gone through a normal resource consent process.

The proposed development can have a significant effect on the planned future park. The layout of industrial sites against the park with limited pedestrian access results in a suboptimal outcome for future park development. A road frontage against the park is desired for optimal boundary treatment. The proposed development also further limits vehicular access to the future park through the current design, therefore a cul-de-sac at minimum is required as a road extension between Lots 7 and 8. We are in general support of the design of the roads where it relates to the berms, landscaping, pedestrian and cycle lanes, however we require further road connections to the park to enable future development of the park and to facilitate its intended use.

Future low and visually permeable fencing is also supported for any pedestrian accessways, and will be required for any properties adjoining the proposed park.

The requirement for an esplanade reserve is still unclear and a stream width assessment followed by the requirement for provision of esplanade reserves under s230 of the RMA 1991 must be undertaken. Vesting of assets must also be confirmed.

## **Conclusion**

Should the EPA decide to allow the development to go through the Covid-19 Fast Track process, it is recommended that the proposal address all information requirements from a Parks perspective supplemented by a suitable assessment for the matters of concern. The applicant should also be made aware of any political decisions that are required for proposed vested assets (off-setting mitigation on asset owner land or proposed land for vesting, land acquisition, easements, reserve embellishments etc.) which may impact on the delivery of the project.

## Healthy Waters Response

**From:** Danny Curtis, Principal Catchment Planning – Auckland Council, Healthy Waters

**Date:** 12/11/2021

### Overall Summary:

There were previous discussions around this development back in March 2021 at a very high level between the applicant, Plans & Places and Healthy Waters.

Stormwater management proposed for the development will include:

- GD01 water quality through;
  - raingardens within the road reserve, and
  - at-source where development provides more than 1,000m<sup>2</sup> of impervious areas or car park areas with more than 30 spaces
  - As this features an industrial land use there is potential for Industrial Trade Activity (ITA) rules and requirements to be implemented.
- SMAF1 hydrology mitigation
  - Detention only due to poor soakage.
  - Provided within the raingardens in the road reserve, and
  - Private tanks within lot areas
- 10% Annual Exceedance Probability (AEP) Flow Management
  - Pipe infrastructure designed to convey the 10% AEP event
- 1% AEP Flow Management
  - Existing and proposed overland flowpaths will be managed to avoid any detrimental effects on neighbouring properties and downstream environment.
  - Subject to detailed flood management modelling later in the design process.

There is no Stormwater Management Plan (SMP) provided with this application, but available documentation states that one will be prepared in line with Schedule 4 of the nationwide Network Discharge Consent (NDC) for Large Brownfield development.

The land covered by this application is currently zoned Future Urban in the Unitary Plan and as such this would be treated as a non-complying land use consent, and we would be unable to authorise the discharge from the site under the NDC.

That said, the stormwater management proposed in the provided documentation does go some way to meeting the requirements of Schedules 2 and 4 of the NDC.

The primary method of stormwater management within public land is proposed to be raingardens within the road berm. These should be optimised in line with Auckland Transport's Technical Design Guide (TDG) to minimise ongoing operation and maintenance costs.

The Supporting Growth Alliance (SGA) are proposing to replace the existing box culvert beneath Brigham Creek Road with a bridge, which will increase conveyance capacity and will reduce potential flood risk upstream. There is currently no delivery timeframe for this project at present and designations are soon to be applied for. In the flood modelling to support this development the assessment of whether interim flood attenuation is required should be considered until such time as the bridge is constructed.

The development appears to lie within Whenuapai Plan Change 5. This is a Council led plan change and I understand is in the process of being notified to reflect variations to the original application. I am unaware of the status of this plan change at this time.

A high-level stormwater management memo has been produced by Cato Bolam and sets out at a high level the method of stormwater management that the development will provide. There are no calculations supplied or results from flood modelling. It would be expected that details of specific device location and sizing would be provided for a subdivision. In addition it is expected that the proposed flood management strategy would be presented, together with a discussion on effects.

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## Auckland Transport's Response

**From:** Tessa Craig, Major Developments Interface Lead, Auckland Transport

**Date:** Wednesday 17th November 2021

### Overall Summary:

Auckland Transport does not support the Project being accepted for fast-track consenting. The site is located in Future Urban zoned land under the Auckland Unitary Plan (Operative in Part) (AUP(OP)). The AUP(OP) states that Future Urban zoned land should not be developed for urban purposes until it has been through a structure planning and plan change process (refer Policy B2.2.2(3), Objective H18.2(1) of AUP(OP)). While a structure plan has been completed for Future Urban zoned land at Whenuapai, the land has not yet been rezoned for urban use. The Auckland Plan, and the Future Urban Land Supply Strategy (FULSS) provide the Development Strategy for Auckland, including the sequencing and timing for when future urban areas will be ready for development to commence which requires necessary underpinning zoning and bulk infrastructure to be in place. It is considered more appropriate for the Project to proceed through existing RMA private plan change processes rather than the COVID-19 Recovery (Fast-track Consenting) Act 2020 (Covid Act). The project does not align with the Auckland Unitary Plan (Operative in Part) (AUP(OP)), or the National Policy Statement on Urban Development 2020 (NPS UD).

The site is in land included in Plan Change 5 (PC5), a plan change initiated by Auckland Council seeking to rezone 360 Ha of mostly Future Urban zoned land to a mix of business and residential zones. PC5 has not been determined yet and there are concerns about infrastructure funding. The FULSS identifies this area as intended to be development ready in 2018-2022. However, the funding of infrastructure needed to enable growth has not been confirmed.

Strategic transport infrastructure is needed to service the whole growth area as identified in FULSS and by Supporting Growth Alliance (a partnership of Auckland Transport and Waka Kotahi). The FULSS informs the Auckland Plan Development Strategy, the spatial plan for Auckland as per the Local Government (Auckland Council) Amendment Act 2010. The FULSS and Development Strategy helps to inform wider network infrastructure asset planning and funding priorities and, in turn, enables development capacity to be identified in a coordinated and cost-efficient way. Any misalignment between the timing of infrastructure and services and the urbanisation of greenfield areas brings into question whether the proposed development area is "development ready".

Whilst the proposal is in general accordance with the land use zonings proposed in PC5 (as proposed to be amended in draft variation) and the proposed roading layout is also consistent, the Applicant should fund a proportional share of transport infrastructure required to service growth at Whenuapai (which will include land outside of their ownership). The mechanism for funding a proportional share is not in place/agreed yet. The Applicant proposes paying for and installing the signalised intersection at Brigham Creek Road and is open to entering into an Infrastructure Funding Agreement with Council but given funding for the wider suite of infrastructure upgrades is not yet agreed, it is unclear whether this would meet what is required.

Auckland Transport does not have sufficient funding identified in the Regional Land Transport Plan (10-year plan for Auckland's transport network for 2021-2031) to meet the shortfall in required infrastructure needed to support such development, nor is there any delivery agreement with developers. Allowing the site to be developed ahead of the infrastructure required to support sustainable development will promote a car dependent lifestyle and therefore will not provide a well-functioning urban environment result as under Sections 19(d)(iii) & (vii) of the Covid Act.

### Transport Assessment

Auckland Transport requests that should the Project be accepted for fast-track consenting, the requirement for an Integrated Transport Assessment (ITA) is formally stated in the referral order to accompany any resource consent application for the Project lodged with the Environmental Protection Authority.

The application material has included an ITA, however, does not include sufficient detail given the scale of the development. The main objective of an ITA is to ensure that the transportation effects of a new development proposal are well considered, that there is an emphasis on efficiency, safety and accessibility to and from the development by all transport modes where practical; and that the adverse transport effects of the development have been effectively avoided, remedied or mitigated. An ITA provides comprehensive assessment, with an emphasis on considering the full range of transport modes and considers measures to reduce travel demand, how to utilise the existing network more efficiently, encouragement of other modes and then finally adding road capacity as a last resort. [Guidance](#) to assist in preparing an ITA is available, along with a draft template, on the Auckland Transport website.

Assessing the full range of transport modes and the utility provided by each mode is crucial in determining the forecasted transport effects, by mode, of this development. The most suitable way to determine an appropriate trip rate and modal split for the proposed development, and its proposed uses, is to undertake surveys of similar occupied and operational developments within the vicinity of the site, as the travel behaviours and mode choices would be reflective of such a development in the area, and the feasibility of any proposed modal splits for trips generated.

For this development it is also considered that more detailed modelling is required than what has been provided in the material provided so far.

The SIDRA results provided do not have all the details normally provided. If the Project is accepted for fast-track consenting, the Movement Summary Table, the Phase Timing Summary Table, and the Output Phase Sequence Diagrams from SIDRA for the intersection need to be included in the ITA. This will allow queue lengths to be checked, confirmation the phasing is safe and appropriate, and to check the traffic volumes used. An explanation of the calculation of the trip generation rates has not been provided. There is no explanation of how the GFA was determined and therefore it is not possible to determine whether the trip generation rate is appropriate. Given the high trip generation rate, an assessment of the effects on nearby intersection is expected but has not been provided.

The ITA assumes that the intersection on Brigham Creek Road will be signalised. It doesn't include any explanation/assessment of why signals would be better here than any alternative intersection treatment. The ITA should include an assessment of intersection type, to determine the most suitable design. Where mitigation is identified it is important that certainty is achieved around the delivery of that transport infrastructure. At this time given a financially constrained environment, the development which relies on infrastructure investment and projects, should provide information on how projects will be funded as part of the ITA, if they are not part of existing planned expenditure in the RLTP. Otherwise, mitigation relied on in approving the proposal may not be implemented, which will result in adverse and potentially cumulative effects which are unanticipated.

The alignment of Roads 1 and 20 at the signalised intersection creates an 'S' bend, rather than meeting at right angles. The proposed alignment means:

- The signalised pedestrian crossing across the Road 1 leg needs to be very long. This results in longer crossing distance for pedestrians, and can also effect intersection capacity as the minimum length of the phase where the crossing runs is determined by the crossing distance.
- The whole intersection is larger meaning higher clearance times and reduced capacity.
- The right turn / through lane on the Road 1 approach needs to be set back a long way from the intersection to allow for vehicle tracking.

### Bridge Detail

Very little detail regarding the bridge on Road 1 has been provided. As a minimum a typical cross-section, as well as some preliminary design information on the bridge barriers / handrails should be provided. The future entrance shown on the north-west side corner of the bridge appears to be very close and may interfere with providing an approved barrier terminal type. Should the Project be accepted for fast-track consenting, this detail will need to be supplied for review.

### Stormwater

Alternative options for stormwater management have not been discussed or documented in the proposed application. It is unclear how the Applicant came to the conclusion that the currently proposed method of managing stormwater to be the best option for this site, in alignment with the Water Sensitive Design principles as outlined in Auckland Councils GD04 document. Similarly, it is not clear how this solution was identified as the most cost-effective, operable, and maintainable solution in the long term, with consideration to Whole of Lifecycle Costs. Consideration of alternatives is necessary to assess whether the design of the development is the most appropriate to meet the relevant principles of the AUP(OP), GD04, and Auckland Councils Code of Practice.

It appears there may be missed opportunities to integrate stormwater management within this development to the existing natural features within the site, as is recommended under Auckland Councils GD04: Water Sensitive Design Guide. For example, the development appears to be disconnected from the existing watercourse which runs through the site. Potential options comprising stormwater infrastructure that connects the roads and the public to this stream have not been considered. As an example, a stormwater wetland or large 'bottom of catchment bioretention device (BCBRD)', could be utilised to connect the road to the watercourse, between Lots 19 and 20, collecting runoff from Roads 2, 3 and 4, potentially also providing the treatment and hydrology mitigation requirements for the new industrial lots as well.

Within the context of the above, whilst the raingardens are designed as relatively few larger devices, many of the raingardens within the development are on roads approaching 5%, where stormwater treatment functionality begins to need to compromise to ensure devices are safe (in this case by 'cascading' flow through multiple cells). Large, centralised raingardens located at the bottom of sub-catchments, prior to discharge to receiving watercourses may be able to be designed to be more effective, resilient, operable, maintainable, and safe. If the Project is accepted for fast-track consenting, it is requested that documentation outlining the basis for the currently proposed stormwater management solution for this site be provided.

Further it is noted that future roads will likely exceed the 5% road slope limit specified in the Transport Design Manual for roadside raingardens. By constructing the downstream extents of these roads within this catchment as roadside devices, this precludes the wider sub-catchment from implementing any kind of centralised downstream stormwater solution. It will therefore become very difficult for upstream development to provide a compliant stormwater management solution given the steeper roads.

## Plans and Places Response

Plan Change 5 remains adjourned having been partly heard in 2018. The proposed zoning contained within the Whenuapai Business Park does align with Proposed Plan Change 5 Draft Variation 1. What this means is that the application seeks to establish industrial activities on the sites that are proposed to be zoned for that type of activity, and residential development where that type of activity is proposed. This alignment between the draft Variation 1 and the application is based upon the Draft Variation, and this Draft may change if and or when the variation is publicly notified and following any decisions made by the hearings commissioners. This Variation has not been publicly notified, and has no statutory weight. The matter of the funding of infrastructure is yet to be resolved, as understanding the nature of infrastructure requirements for the wider transport network are still being identified and costed (refer Auckland Transport comments). It is therefore not possible to calculate the contributions that this application would make to the costs of upgrading the wider networks.

Plan Change 5 as proposed does not meet the requirements of Schedule 3 of the Resource Management (Enabling Housing Supply and Other Matters) Amendment Bill 2021, which is currently before Parliament.

Plan Change 5 does not meet the requirements of Part 4 of Schedule 12, and if it is enacted, the Bill indicates that Plan Change 5 must be withdrawn. The relevant part of the Bill is provided below.

### Schedule 3 New Part 4 inserted into Schedule 12

s 16

- Part 4**
- Provision relating to Resource Management (Enabling Housing Supply and Other Matters) Amendment Act 2021**
- 31 Status of partly completed proposed plans and private plan change requests in tier 1 urban environments**
- (1) This clause applies to the following in relation to the district plan of a tier 1 territorial authority:
- (a) a proposed district plan;
  - (b) a private plan change accepted under clause 25(2)(b) of Schedule 1.
- (2) **Subclause (3)** applies if the instrument containing the proposed district plan or private plan change referred to in **subclause (1)**—
- (a) does, in whole or in part, 1 or more of the following things:
    - (i) gives effect to policy 3 or 4;
    - (ii) proposes changes to a relevant residential zone and those changes do not incorporate the MDRS;
    - (iii) creates a new residential zone that does not incorporate the MDRS; and
  - (b) has been notified on or before the commencement of this clause but a hearing under clause 8B of Schedule 1 is not completed on or before 20 February 2022.
- (3) If this subclause applies,—
- (a) the territorial authority must withdraw the part or whole of the proposed plan as relevant under clause 8D of Schedule 1; or
  - (b) in a case where a private plan change has been accepted, the applicant must withdraw the request under clause 28 of Schedule 1.

Consequently the assessment of any application (either under the usual RMA consenting process or the FTCA) cannot assign any weight to Proposed Plan Change 5 and Draft Variation 1, or use the Draft zoning contained in Draft Variation 1 as the basis for supporting the development proposals. The Future Urban Zone and the provisions of the Auckland Unitary Plan Regional Policy Statement are the applicable provisions. These

provisions make the proposed activities a non-complying activity, and the proposal is not supported by the Plans and Places Department for that reason.

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## Development Programme Office Response

The following is a very high-level response on infrastructure funding agreements and Council's position in relation to this development:

1. Although the site is located in Future Urban zoned land under the Auckland Unitary Plan (Operative in Part) (AUP(OP)), the development of the land has not been subject of a structure planning and plan change process.
2. The site is in land included in Plan Change 5 (PC5), a plan change initiated by Auckland Council. The proposal is generally in accordance with the land use zonings proposed in PC5 (as proposed to be amended in draft variation). The proposed roading layout is also considered consistent, but the applicant will have to fund mitigation infrastructure as well as a proportional share of cumulative and wider transport infrastructure, required to service growth at Whenuapai. PC5 has however not been determined yet, and significant concerns about infrastructure funding has not been resolved.
3. Mechanisms for funding a proportional share is not in place / agreed yet, and the funding of infrastructure needed to enable growth, to get the area development ready in 2018-2022, as identified in the FULSS, has not been confirmed.
4. Auckland Transport does not have sufficient funding identified in the Regional Land Transport Plan (10-year plan for Auckland's transport network for 2021-2031) to meet the shortfall in required infrastructure needed to support such development, nor is there any delivery agreement with developers.
5. The following therefore needs to be noted and taken into consideration:
  - a. Financial constraints, poses a material risk to members of the Auckland Council Group that they may become encumbered with unfunded infrastructure need and costs.
  - b. As the cumulative infrastructure needed, and the costs thereof are currently unknown, and therefore unbudgeted, Auckland Council cannot consider entering into any Infrastructure Funding Agreements with developers for the delivery of the same.
  - c. Auckland Council is currently developing a mechanism that may help with bridging the funding and budgetary gap on 'out of sequence' infrastructure.

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

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

|   |  |
|---|--|
| Organisation providing comment            | Auckland Transport   |
| Contact person (if follow-up is required) | Tessa Craig  |
|   | Major Developments Interface Lead, Planning and Investment |
|   | s 9(2)(a)  |

## Comment form

Please use the table below to comment on the application.

|                 |  |
|-----------------|--|
| Project name    | Whenuapai Business Park (the Project)  |
| General comment | <p>Thank you for the opportunity to provide comment on the referral of Whenuapai Business Park for consideration under the COVID-19 Recovery (Fast-track Consenting) Act 2020 (<b>Covid 19 Recovery Act</b>).</p> <p>Auckland Transport does not support the Project being accepted for fast-track consenting. The site is located in Future Urban zoned land under the Auckland Unitary Plan (Operative in Part) (<b>AUP(OP)</b>). The AUP(OP) states that Future Urban zoned land should not be developed for urban purposes until it has been through a structure planning and plan change process (refer Policy B2.2.2(3), Objective H18.2(1) of AUP(OP)). While a structure plan has been completed for Future Urban zoned land at Whenuapai, the land has not yet been rezoned for urban use. The Auckland Plan and the Future Urban Land Supply Strategy (<b>FULSS</b>) provide the Development Strategy for Auckland, including the sequencing and timing for when future urban areas will be ready for development to commence which requires necessary underpinning zoning and bulk infrastructure to be in place. It is considered more appropriate for the Project to proceed through existing RMA private plan change processes rather than the Covid 19 Recovery Act.</p> <p>The Project does not align with the Auckland Unitary Plan (Operative in Part) (<b>AUP(OP)</b>), or the National Policy Statement on Urban Development 2020 (<b>NPS UD</b>).</p> <p>The site is in land included in Proposed Plan Change 5 (<b>PC5</b>), a plan change initiated by Auckland Council seeking to rezone 360 Ha of mostly Future Urban zoned land to a mix of business and residential zones. PC5 has not been determined yet and there are concerns about infrastructure funding. The FULSS identifies this area as intended to be development ready in 2018-2022, however, the funding and financing of infrastructure needed to enable growth has not been addressed and so there is no confirmation of timing for the provision of such.</p> <p>Strategic transport network infrastructure is needed to service the whole growth area as identified in FULSS and by Supporting Growth Alliance (a partnership of Auckland Transport and Waka Kotahi). The FULSS informs the Auckland Plan Development Strategy, the spatial plan for Auckland as per the Local Government (Auckland Council) Amendment Act 2010. The FULSS and Development Strategy helps to inform wider network infrastructure asset planning and funding priorities and, in turn, enables development capacity to be identified in a coordinated and cost-efficient way. Any misalignment between the timing of infrastructure and services and the urbanisation of greenfield areas brings into question whether the proposed development area is "development ready".</p> |

|                      |  |
|----------------------|--|
|                      | <p>Whilst the proposal is in general accordance with the land use zonings proposed in PC5 (currently under consideration to be amended in a draft variation) and the proposed roading layout is also consistent, the Applicant should fund a proportional share of transport infrastructure required to service growth at Whenuapai (which will include land outside of their ownership). The mechanism for funding a proportional share is not in place/agreed yet. The Applicant proposes paying for and installing the signalised intersection at Brigham Creek Road and is open to entering into an Infrastructure Funding Agreement with Council but given funding for the wider suite of infrastructure upgrades is not yet agreed, it is unclear whether this would provide for all the Project's network demands.</p> <p>Auckland Transport does not have sufficient funding identified in the Regional Land Transport Plan (RLTP) (10-year plan for Auckland's transport network for 2021-2031) to meet the shortfall in required infrastructure needed to support such development, nor is there any delivery agreement with developers. Allowing the site to be developed ahead of the infrastructure required to support sustainable development will promote a car dependent lifestyle and, therefore, will not provide a well-functioning urban environment outcome as under Sections 19(d)(iii) &amp; (vii) of the Covid 19 Recovery Act.</p>   |
| Other considerations | <p><u>Transport Assessment</u></p> <p>Auckland Transport requests that should the Project be accepted for fast-track consenting, the requirement for an Integrated Transport Assessment (ITA) is formally stated in the referral order to accompany any resource consent application for the Project lodged with the Environmental Protection Authority.</p> <p>The application material has included a transport assessment; however, it does not include sufficient detail given the scale of the development. The main objective of an ITA is to ensure that the transportation effects of a new development proposal are well considered, that there is an emphasis on efficiency, safety and accessibility to and from the development by all transport modes where practical; and that the adverse transport effects of the development have been effectively avoided, remedied or mitigated. An ITA provides a comprehensive assessment, with an emphasis on considering the full range of transport modes and considers measures to reduce travel demand, how to utilise the existing network more efficiently, encouragement of other modes and then finally adding road capacity. An ITA (and application material) will also need to clearly identify how the required transport infrastructure is being provided to ensure certainty that the development will provide for its network demands. Guidance to assist in preparing an ITA is available, along with a draft template, on the Auckland Transport website.</p> <p>For this development, it is also considered that more detailed analysis and modelling is required than what has been provided in the material provided so far. Assessing the full range of transport modes and the utility provided by each mode is crucial in determining the forecasted transport effects, by mode, of this development. The most suitable way to determine an appropriate trip rate and modal split for the proposed development, and its proposed uses, is to undertake surveys of similar occupied and operational developments within the vicinity of the site, as the travel behaviours and mode choices would be reflective of such a development in the area, and the feasibility of any proposed modal splits for trips generated.</p> <p>The SIDRA results provided do not have all the details normally provided. If the Project is accepted for fast-track consenting, the Movement Summary Table, the Phase Timing Summary Table, and the Output Phase Sequence Diagrams from SIDRA for the intersection need to be included in the ITA. This will allow queue lengths to be checked, confirmation the phasing is safe and appropriate, and to check the traffic volumes used. An explanation of the calculation of the trip generation rates has not been provided. There is no explanation of how the GFA was determined and therefore, it is not possible to determine whether the trip generation rate is appropriate. Given the high trip generation rate, an assessment of the effects on nearby intersection(s) is expected but has not been provided.</p> <p>The ITA assumes that the intersection on Brigham Creek Road will be signalised. It does not include any explanation/assessment of why signals would be better here than any alternative intersection treatment. The ITA should include an assessment of intersection type, to determine the most suitable design. Where mitigation is identified it is important that certainty is achieved around the delivery of that transport infrastructure. Given a financially constrained environment, the development which relies on infrastructure investment and projects, should provide information on how projects will be funded as part of the ITA, if they are not part of existing planned expenditure in the RLTP. Otherwise,</p> |

mitigation relied on in approving the proposal may not be implemented, which will result in adverse and potentially cumulative effects which are unanticipated, including safety effects.

The alignment of Roads 1 and 20 at the signalised intersection creates an 'S' bend, rather than meeting at right angles. The proposed alignment means:

- The signalised pedestrian crossing across the Road 1 leg needs to be very long. This results in longer crossing distance for pedestrians, and can also effect intersection capacity as the minimum length of the phase where the crossing runs is determined by the crossing distance.
- The whole intersection is larger meaning higher clearance times and reduced capacity.
- The right turn / through lane on the Road 1 approach needs to be set back a long way from the intersection to allow for vehicle tracking.

Should the Project be accepted for fast-track consenting, given there are safety concerns with the proposed intersection arrangement, a [Safe Systems Assessment Framework](#) (SSAF) analysis for all intersection options to determine the most suitable outcome/upgrade required, should be prepared.

#### Bridge Detail

Very little detail regarding the bridge on Road 1 has been provided. As a minimum, a typical cross-section should be provided, as well as some preliminary design information on the bridge barriers / handrails. The future entrance shown on the north-west side corner of the bridge appears to be very close and may interfere with providing an approved barrier terminal type. Should the Project be accepted for fast-track consenting, this detail will need to be supplied for review.

#### Stormwater

Alternative options for stormwater management have not been discussed or documented in the proposed application. It is unclear how the conclusion was reached that the Project's proposed method of managing stormwater would be the best option for this site nor how it would align with the Water Sensitive Design principles as outlined in Auckland Councils GD04 document. Similarly, it is not clear how the proposed solution was identified as the most cost-effective, operable, and maintainable solution in the long term, with consideration to Whole of Lifecycle Costs. Consideration of alternatives is necessary to assess whether the design of the development is the most appropriate to meet the relevant principles of the AUP(OP), GD04, and Auckland Council's Code of Practice.

It appears there may be missed opportunities to integrate stormwater management within this development to the existing natural features within the site, as is recommended under Auckland Councils GD04: Water Sensitive Design Guide. For example, the development appears to be disconnected from the existing watercourse which runs through the site. Potential options comprising stormwater infrastructure that connects the development (and therefore the public) to this stream have not been considered. As an example, a stormwater wetland or large 'bottom of catchment bioretention device (BCBRD), could be utilised to connect the road to the watercourse, between Lots 19 and 20, collecting runoff from Roads 2, 3 and 4, potentially also providing the treatment and hydrology mitigation requirements for the new industrial lots as well.

Within the context of the above, whilst the raingardens are designed as relatively few larger devices, many of the raingardens within the development are on roads approaching the 5% gradient limit, where stormwater treatment functionality begins to need to compromise to ensure devices are safe (in this case by 'cascading' flow through multiple cells). Large, centralised raingardens located at the bottom of sub-catchments, prior to discharge to receiving watercourses may be able to be designed to be more effective, resilient, operable, maintainable, and safe. If the Project is accepted for fast-track consenting, it is requested that documentation outlining the basis for the application's proposed stormwater management solution for this site be provided.

Further it is noted that future roads will likely exceed the 5% road gradient limit specified in the Transport Design Manual for roadside raingardens. By constructing the downstream extents of these roads within this catchment as roadside devices, this precludes the wider sub-catchment from implementing any kind of centralised downstream stormwater solution. It will therefore become very difficult for upstream development to provide a compliant stormwater management solution given the steeper roads.

**[Insert specific requests for comment]**

Click or tap here to insert responses to any specific matters the Minister is seeking your views on.

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

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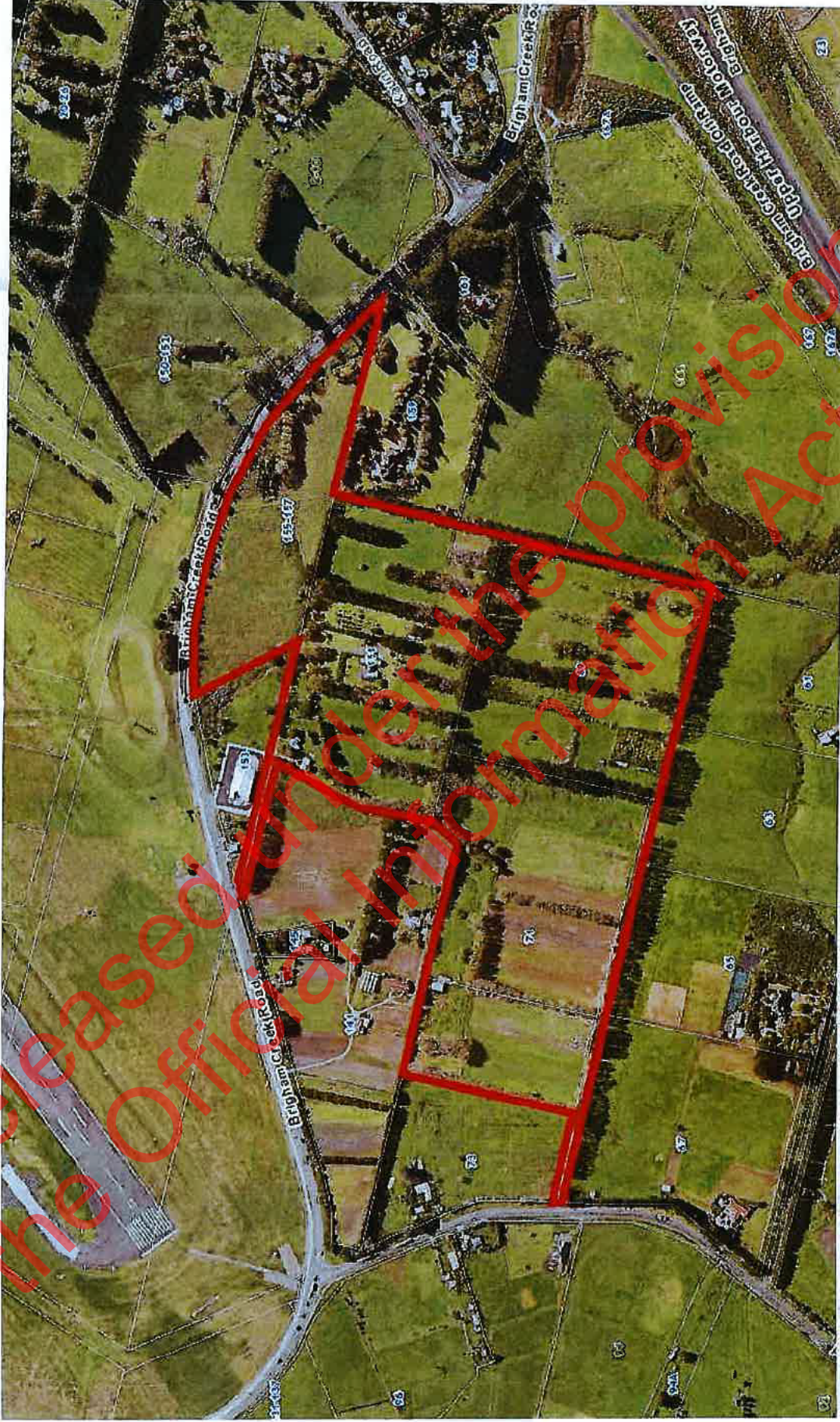
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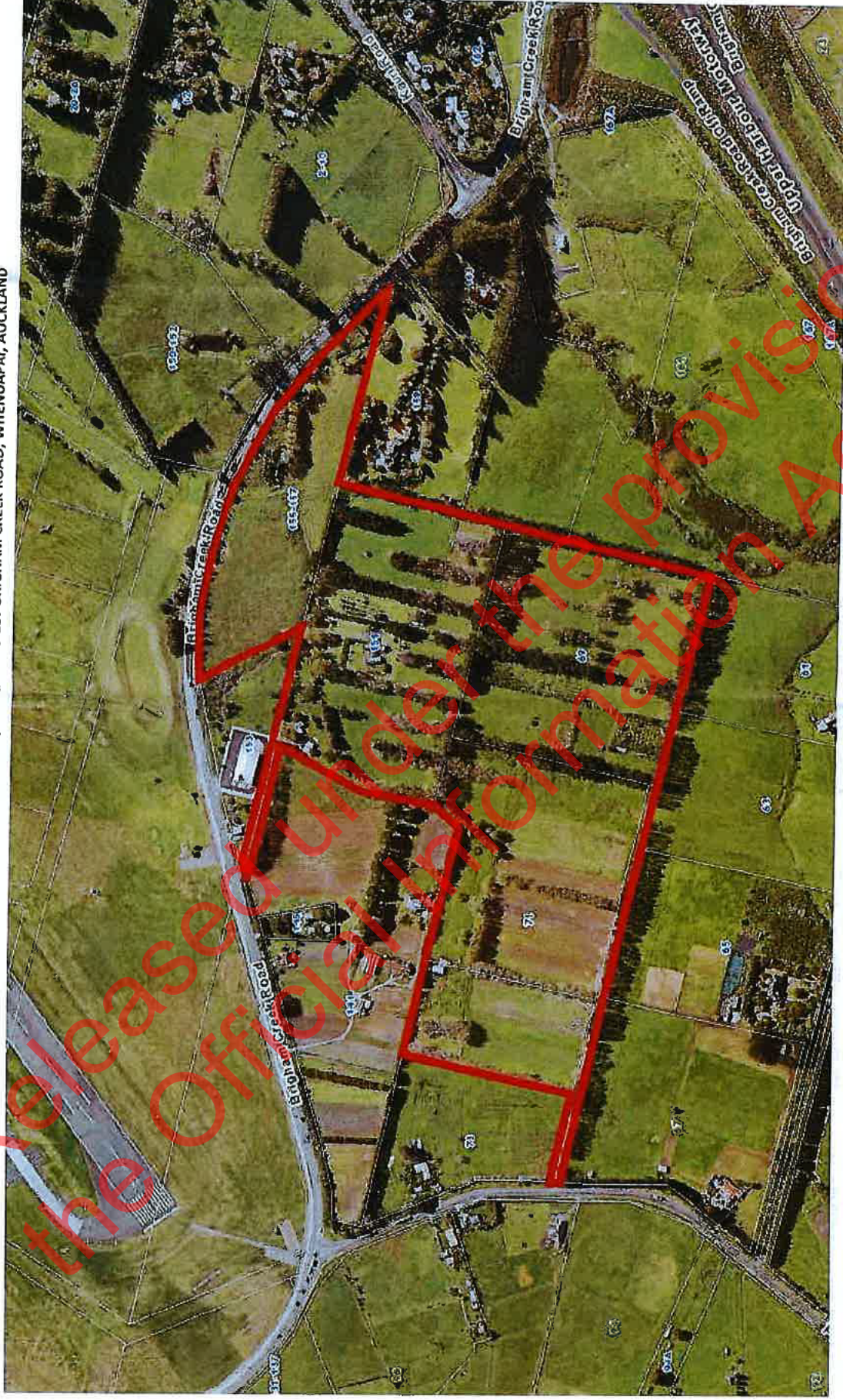
ENCLOSURE 1 TO  
NTM 2021-361

SITE MAP - AERIAL PHOTO OF SITE AT 69-71 TRIG ROAD, 151 AND 155-157 BRIGHAM CREEK ROAD, WHENUAPAI, AUCKLAND



IN CONFIDENCE

SITE MAP - AERIAL PHOTO OF SITE AT 69-71 TRIG ROAD, 151 AND 155-157 BRIGHAM CREEK ROAD, WHENUAPAI, AUCKLAND



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

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

|   |                                   |
|---|-----------------------------------|
| Organisation providing comment            | Spark New Zealand Trading Limited |
| Contact person (if follow-up is required) | Fiona Matthews / Brendon Ng       |
|   | s 9(2)(a) / s 9(2)(a)             |
|   | Private Bag 92028, Auckland 1010  |

## Comment form

Please use the table below to comment on the application.

|                 |  |
|-----------------|--|
| Project name    | Whenuapai Business Park  |
| General comment | <p>Spark New Zealand Trading Limited (Spark) is the owner of land at 153 Brigham Creek Road, Whenuapai, as contained and described in record of title 143111.</p> <p>The land is used as a cable station for the Southern Cross Cable, a nationally significant cable infrastructure, vital to New Zealand's connectivity to the World. This core network carries all services, mobile/landline, voice/data, it is considered a lifeline utility. The Civil Defence Emergency Management Act 2002 is the only over-arching legislation for all lifeline utility sectors; this has a requirement for lifeline utilities to "function to the fullest possible extent" following an emergency. In addition, the site is afforded protection by a Designation in the Auckland Unitary Plan (Reference 7504).</p> <p>The land owned by Spark has the benefit of a land covenant (instrument T6085470.1) which binds the owner of the adjoining land (being part of the land comprising the proposed Whenuapai Business Park). The terms of the covenant seek to protect the on-going use of Spark's land as a telecommunications network site by preventing any interference with the operation of Spark's infrastructure, and to protect against objections made by owners of the burdened land in relation to the effects of Spark's activities on its land.</p> <p><u>Whenuapai Business Park</u></p> <p>Spark has not reached a view on the proposed Whenuapai Business Park project as yet. Spark has had initial discussions with the developer however is currently reviewing information that it has been provided.</p> |

|                                    |  |
|------------------------------------|--|
|                                    | <p>Given that Spark has not reached a view on the proposed project, the scale of the project, the various affected parties and the potentially complex environmental issues that the project raises, Spark is of the view that without further information on potential project effects namely, traffic, security, noise, freshwater management and how these effects might best be managed Spark cannot comment further on the project.</p> <p>In addition, Spark recognise that the Auckland Growth Alliance project for the North West, which includes upgrades and amendments to Brigham Creek Road has not been notified or confirmed so the two projects may have implications for our infrastructure and would need to be considered holistically and consequential effects of either project considered in view of our infrastructure.</p> <p>If the project proceeds, and the road as shown on Drawing 44315-DR-PLN-1250-G dates April 2021 'Scheme Plan Rev G' to the East of Lot(s) 20 &amp; 200, and to the West of Lot(s) 1-8 &amp; 300 is constructed and vested via s238 of the Resource Management Act to the Territorial Authority ("Parcel"), Spark can confirm the land covenant referred to above could be removed from the Parcel.</p> <p>Spark reserves the right to fully assess the proposal prior to consideration of removal of its interests over any other part of the proposal.</p>   |
| <p><b>Other considerations</b></p> | <p>If the Minister is minded to approve the proposed Whenuapai Business Park as a referred project, Spark has at this early stage of its review identified possible issues of concern that should be specifically addressed as part of any resource consent application for that project:</p> <ol style="list-style-type: none"> <li>1. <u>Traffic effects of the project</u>. Spark wishes to ensure that specific consideration is given to the actual and potential traffic effects of the proposed roading on the safety and efficiency of the surrounding transport network, in particular the safe access for all vehicles to and from Spark's site.</li> <li>2. <u>Reverse sensitivity matters</u>. Spark wishes to manage the effects of all third-party activity that could impact on our site or the network. Effects relating to noise or building heights that may cause interference which are authorised but can nevertheless give rise to issues of reverse sensitivity. Spark wishes to ensure that the potential for reverse sensitivity effects (which must be considered notwithstanding any protection afforded by the land covenant) is addressed in any consent application for the project, and if required, that conditions are proposed to manage those effects appropriately.</li> <li>3. <u>Stormwater</u>. Spark wishes to ensure that the site is not adversely affected by surrounding land development and any effects on the existing watercourse from increased runoff and stormwater, not limited to but including capacity and quality of the existing watercourse, through both construction and final development.</li> </ol> |

|  |  |
|--|--|
|  | <p><u>Communication.</u> Spark is consulted with throughout the Project, to ensure that our infrastructure is protected, and telecommunications is recognized as essential infrastructure.</p> |
| [Insert specific requests for comment] | N/A  |

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

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

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

|   |                            |
|---|----------------------------|
| Organisation providing comment            | Watercare Services Limited |
| Contact person (if follow-up is required) | s 9(2)(a)                  |
|   | s 9(2)(a)                  |
|   | s 9(2)(a)                  |

## Comment form

Please use the table below to comment on the application.

|                      |   |
|----------------------|---|
| Project name         | Whenuapai Business Park   |
| General comment      | <p>There were no capacity assessment, fire/water supply-demand, or information on wastewater flow provided as part of this application. Based on limited data provided, Watercare has completed a high-level assessment for the proposed development at 69-71 Trig Road and 151, 155, 157 Brigham Creek Road, Whenuapai. It is proposed to subdivide a 22.8924ha site to accommodate 21 industrial lots, two residential superlots and two single residential lots.</p> <p>Some capacity constraints have been identified in both water and wastewater network. The developer will need to address the constraints through public network extensions or upgrades, depending on the agreed solution with Watercare. The proposed pipe bridge below the 100-year flood level does not comply with the standard requirements. The developer will need to investigate other alternatives unless otherwise is agreed with Watercare.</p>   |
| Other considerations | <p><b>Wastewater:</b></p> <p>The wastewater catchment of the subject site is proposed to be split into two sub-catchments. The first sub-catchment will discharge to the 450PE transmission wastewater line along the southern boundary to the Whenuapai Pump station (PS 68) with a satellite manhole within the subject site. Based on the available information, the inlet line to the transmission manhole seems to be a 180mm PE. The developer will need to conduct an asset survey to confirm the size and provide a capacity assessment to identify the required upgrades.</p> <p>The rest of the site is proposed to discharge to the 315uPVC local wastewater line runs along Brigham Creek Road to the same pump station. The proposed network includes several pipe bridges. Watercare Code of Practice requires all the pipe bridges to be positioned clear of the 1% AEP flood levels. If the requirement cannot be met, the developer may need to consider other alternatives.</p> <p><b>Water Supply:</b></p> <p>Capacity-The development is to be connected to the new 315OD PE water main. However, there is a network constraint (150mm) section at the BSP, which would need upgrading to a 355mm PE, as highlighted in Figure 1.</p> |

Figure 1: Section of 150mm watermain to be upgraded



Water Quality Considerations - The proposed development is a dead-end and does not reconnect with only a single road / WMs. This represents a water quality issue based on the size of the water mains. However, typical low demand is a concern being commercial, and options would need to be investigated to address this. Options could be but are not limited to:

- Vesting of the road through 141 Brigham Creek Road with water mains connecting back to the 315mmPE on Brigham Creek Road.
- Temporary water main through 141 Brigham Creek Road with an easement.

The proposed 225mm is not a typical water pipe size when considering standard valves sizes etc. the pipe sizes need to be reassessed as per CoP 6.3.10.1 Standard pipe sizes.

[Insert specific requests for comment]

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