



BRF-919

21 March 2022

Trevor Canty  
c/- Philip Brown  
Director  
Campbell Brown Planning Limited  
s 9(2)(a)

Dear Philip Brown

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

Thank you for Neil Construction Limited's application under section 20 of the COVID-19 Recovery (Fast-track Consenting) Act 2020 (FTCA) seeking referral of the Whenuapai Business Park project to an expert consenting panel (a panel) for consideration under the FTCA.

The project to subdivide a 22.9 hectare site to create 21 industrial lots, balance lots intended for future residential development, and public roads and pedestrian accessways intended to vest in Auckland Council at 69-71 Trig Road and 151, 155-157 Brigham Creek Road. A stream crossing will be constructed to accommodate the main public road, and riparian margins will be planted and enhanced.

The purpose of the FTCA is to promote employment to support New Zealand's recovery from the economic and social impacts of COVID-19 and to support the certainty of ongoing investment across New Zealand, while continuing to promote the sustainable management of natural and physical resources.

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

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

1. have positive economic benefits for businesses and people affected by Covid-19 and promoting certainty of investment in light industry by progressing development of land for light industrial activity within an area identified by Auckland Council as suitable and ready for such development
2. have positive effects on social wellbeing by providing both short- and long-term employment opportunities in the Whenuapai area

3. generate employment through the provision of approximately 88 direct full-time equivalent (FTE) jobs and 97 indirect FTE jobs per year over the two years of Project construction
4. progress faster than would otherwise be the case under standard Resource Management Act 1991 process

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

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

*Information required to be submitted with your resource consent applications*

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

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

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

*Persons or groups a panel must invite comments from*

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

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

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

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

Once this Order is made you will be able to lodge your applications for resource consent with the EPA for a decision by a panel. The decision to approve or decline the resource consents is a matter for the panel appointed by the Panel Convener Judge L J Newhook. You should not take my decision to refer the project as an indication or direction that the determination of

those approvals will be successful. Additionally, my decision does not in any way endorse any related or concurrent planning decisions such as zoning decisions that may affect the project.

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

The FTCA requires that:

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

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

1. the submitters on Plan Change 5 to the Auckland Unitary Plan
2. Ngāti Koheriki Claims Committee
3. Ngaati Whanaunga Incorporated Society
4. Auckland Transport
5. Watercare Services Limited
6. Spark NZ Trading Limited
7. New Zealand Defence Force
8. Waka Kotahi NZ Transport Agency
9. Associate Minister for the Environment (Urban Policy)

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

Yours sincerely



Hon David Parker  
**Minister for the Environment**

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

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

Additional relevant Minister/s:

Associate Minister for the Environment (Urban Policy)

Local authority:

Auckland Council

Other parties:

The submitters on Plan Change 5 to the Auckland Unitary Plan  
(<https://www.aucklandcouncil.govt.nz/UnitaryPlanDocuments/pc5-summary-decisions-requested.pdf>)

Ngāti Koheriki Claims Committee  
Ngaati Whanaunga Incorporated Society  
Auckland Transport  
Watercare Services Limited  
Spark NZ Trading Limited  
Waka Kotahi NZ Transport Agency  
New Zealand Defence Force

Relevant iwi authorities:

Ngā Maunga Whakahii o Kaipara Development Trust  
Ngāti Maru Rūnanga Trust  
Ngāti Manuhiri Settlement Trust  
Ngāti Paoa Iwi Trust  
Ngāti Paoa Trust Board  
Ngāti Tamaoho Trust  
Ngāti Tamaterā Treaty Settlement Trust  
Ngāti Whātua o Ōrākei Trust Board  
Te Ākitai Waiohūa Iwi Authority  
Te Ara Rangatū o Te Iwi o Ngāti Te Ata Waiohūa  
Te Kawerau Iwi Settlement Trust  
Te Kupenga o Ngāti Hako Incorporated  
Te Rūnanga o Ngāti Whātua

Relevant Treaty settlement entities:

Hako Tūpuna Trust  
Ngā Maunga Whakahii o Kaipara Development Trust  
Ngāti Maru Rūnanga Trust  
Ngāti Tamaoho Settlement Trust  
Ngāti Tamaterā Treaty Settlement Trust  
Ngāti Whātua o Ōrākei Trustee Limited  
Te Ākitai Waiohūa Settlement Trust  
Te Kawerau Iwi Settlement Trust

Environmental Protection Authority

The Panel Convener

## **Appendix A – Requirements specific to application lodged by Neil Construction Limited for Whenuapai Business Park**

### ***Information required to be submitted with your application***

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

- a detailed assessment of:
  - the capacity of the local road network and state highway network to service the construction of the Project and the completed Project
  - what upgrading is required to the local road network to service the completed Project; and
  - how any upgrading is to be funded
- a detailed assessment of:
  - the capacity of the existing infrastructure for three waters services to service the completed Project; and
  - any upgrades that are likely to be required
- an integrated transport assessment, including:
  - assessment of effects on the local and state highway roading networks
  - information about discussions held, and agreements made with Auckland Transport
- a report which addresses potential adverse effects on NZDF Base Auckland, and which addresses:
  - whether no-complaints covenants should be imposed on the new titles
  - confirmation that no buildings or structures will breach the Obstacle Limitation Surface in AUP designation 4311 without the prior approval of NZDF
  - measures to avoid risk to flight safety and operations including bird strike, and lighting and glare

### ***Persons or groups a panel must invite comments from***

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

- the submitters on Plan Change 5 to the Auckland Unitary Plan
- Ngāti Koheriki Claims Committee
- Ngaati Whanaunga Incorporated Society
- Auckland Transport
- Waka Kotahi NZ Transport Agency
- Watercare Services Limited
- Spark NZ Trading Limited
- New Zealand Defence Force