

Invitation for Comment on Nola Estate

Nola Estate is a Referred Project under the COVID-19 Recovery (Fast-track Consenting) Act 2020

Application name	Nola Estate
EPA reference	FTC000025
Applicant/s	CPM 19 Limited
Comments due by	11 June 2021
Accessing the application	https://www.epa.govt.nz/fast-track-consenting/referred-projects/nola-estate/the-application/

An application has been made by CPM 19 Ltd (the applicant) under the COVID-19 Recovery (Fast-track Consenting) Act 2020 (the Act) for resource consent for Nola Estate (the project).

To comment on the project application, please fill in the details on the attached form and:

- **Email** the form to NolaEstatefasttrack@epa.govt.nz. Please mark in the subject line: "Comments on Nola Estate Fast Track Application (Your name/organisation)" by **11 June 2021**; or
- **Post** the form to Nola Estate Fast Track Application, Environmental Protection Authority, Private Bag 63002, Waterloo Quay, Wellington 6140 in time for the form to be received by the **11 June 2021**; or
- **Deliver in person** to Environmental Protection Authority, Grant Thornton House, Level 10, 215 Lambton Quay, Wellington by **11 June 2021**. Please note that due to potential changes in COVID-19 Alert Levels our reception may not be open to the public. We suggest phoning ahead to check.

Comments must be received by the EPA, on behalf of the Nola Estate Expert Consenting Panel, no later than 11 June 2021.

If your comment is not received by the EPA by **11 June 2021** the Panel is not required to consider your comment (although it may decide to). Under the Act there is no right to seek a waiver of the time limit.

If you are an iwi authority you may share the consent application with hapū whose rohe is in the project area in the application, and choose to include comments from the hapū with any comments you may wish to provide.

Important information

Your personal information will be held by the EPA and used in relation to the project consent application process. You have the right to access and correct personal information held by the EPA.

A copy of your comments, including all personal information, will be provided to the Expert Consenting Panel and the applicant.

All comments received on the application will be available on the EPA website.

If you are a corporate entity making comments on this application, your full contact details will be publicly available. For individuals, your name will be publicly available but your contact details (phone number, address, and email) will not be publicly available.

Please do not use copyright material without the permission of the copyright holder.

All information held by the EPA is subject to the Official Information Act 1982.

More information on the fast-track consenting process can be found at <https://www.epa.govt.nz/fast-track-consenting/about/>.

Comment on the Nola Estate Fast Track Application

All sections of this form with an asterisk (*) are mandatory.

1. Contact Details

Please ensure that you have authority to comment on the application on behalf of those named on this form.

Organisation name (if relevant)	Auckland Council		
*First name	Ian		
*Last name	Smallburn		
Postal address	Private Bag 92300, Victoria Street West, Auckland 1010		
*Home phone / Mobile phone	027 675 2975	*Work phone	n/a
*Email (a valid email address enables us to communicate efficiently with you)	Ian.Smallburn@aucklandcouncil.govt.nz Please cc: Brogan.McQuoid@aucklandcouncil.govt.nz Matthew.Paetz@aucklandcouncil.govt.nz		

2. *We will email you draft conditions of consent for your comment about this application

<input checked="" type="checkbox"/>	I can receive emails and my email address is correct	<input type="checkbox"/>	I cannot receive emails and my postal address is correct
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3. Please provide your comments on this application (Nola Estate Fast Track Application)

We are responding to your invitation for comments on an application before you under the COVID-19 Response (Fast Track Consenting) Act 2020.

The application is made by CPM 2019 Ltd and is located at [REDACTED].

Having reviewed the application material provided, we can advise that Auckland Council continues to have significant concerns with the proposed development as per our initial response to the Minister for the Environment when the proposal was being considered for acceptance as a Fast Track consent. We outline our concerns as follows:

Auckland Council's Comments on the Nola Estate Fast Track Application are broken down into the following categories, which the council consider to be most relevant to this proposal:

- Planning
- Urban Design

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- Landscape
 - Transport
 - Stormwater
 - Wastewater
 - Parks
 - Local Board
 - Ward Councillors

Planning

- The subject site is zoned Single House Zone (SHZ) under the Auckland Unitary Plan Operative in Part (AUPOIP).
- The application describes the proposed development as being classified as an 'Integrated Residential Development' (IRD) under the AUPOIP. A memo prepared by Auckland Council's Plans and Places unit is attached as Appendix B. The memo addresses the question of whether the proposed activity constitutes an IRD under the AUPOIP.
- Overall, the proposed development is considered to fall within the definition of an IRD, however notwithstanding this the memo from Plans and Places raises some concerns with some specific legal / management / subdivision elements of the proposal.
- It is critical to note that a classification of the proposed activity as an IRD does not mean that the considerations around character of the SHZ, promoted by its objectives and policies, is put to one side. Rather, this policy framework forms a central element of the assessment of an IRD application.
- Related to this, we also note that council's position is that an application is also required for more than one dwelling per site, which is a non-complying activity in the SHZ. Importantly this triggers non-compliances under C1.9(2) of the AUPOIP with core standards and further raises on-site amenity concerns in addition to height in relation to boundary infringements and shading impacts on adjacent sites. The shading analysis provided does not provide a comparison with a compliant building envelope so doesn't assist in understanding additional effects on adjacent persons.
- It is considered that the assessment of the proposed activity against the objectives and policies of SHZ is insufficient and flawed. In paraphrasing these objectives and policies, the assessment omits a number of important elements in these provisions, including but not limited to omitting reference to '*existing suburban built character*' and '*generally spacious setting*'. It also over-emphasises Policy H3.3(8) (*To provide for integrated residential development on larger sites*), highlighting this in isolation of the balance of objectives and policies. Rather, the objectives and policies as a *whole* must be considered.
- It is acknowledged that there may be opportunities for IRD's for densities greater than those normally anticipated in the SHZ, by virtue of the scale of IRD's on larger sites, offering the ability to internalise density and impacts on character. Indeed, through the pre-application process Council Planners and Urban Designers made suggestions to this effect, which were again reiterated in the Auckland Urban Design Panel recommendations, including suggestions of three storey building scale within the core of the development site, but framed with lower density built form edges at the eastern, northern and western interfaces. This suggestion has not been taken up by the applicant.
- The application has been reviewed by Council's Urban Designer and Landscape Architect, and their assessments are attached as Appendix C and D respectively. These assessments follow a robust assessment methodology, and should be referred to for greater detail.

- The proposed development includes non-residential aspects with the notable inclusion of a café and shops in the north-eastern corner of the site. These activities share a boundary with residentially zoned and used land. No acoustic assessment has been included with the lodged information as was recommended in the pre-application stage. We note that these aural effects should be addressed upfront with regards to the adjacent sensitive noise receivers and whether effects can be appropriately mitigated, we do not see this as appropriate to be dealt with as a condition of consent.
- With regard to proposed non-residential activities, it does not appear that the applicant has applied for consent for signage.
- We note that while the framework for the Expert Panel's decision making is different to (and broader than) normal Resource Management Act processes, considerations of the AUPOIP remain central to the decision -making framework under the COVID-19 Recovery (Fast-track Consenting) Act 2020.

Urban Design

In the Executive Summary of Melanie McKelvie's urban design assessment attached as Appendix C, she states:

The proposed development of 246 units as an Integrated Residential Development is considered to be of an intensity, form and character fundamentally different to that observed in the surrounding established Single House Zone (SHZ) neighbourhood, or that which could be reasonably interpreted as the planned suburban character of the zone. The proposal is not supported from an urban design perspective and considered to be contrary to the relevant SHZ objectives and policies.

Landscape

In the Executive Summary of Gabrielle Howdle's landscape assessment attached as Appendix D, she states:

From a landscape perspective, including visual effects, I am of the opinion that the proposed development...will result in significant adverse landscape character effects and would be contrary to the anticipated character of the Residential Single House Zone and / or the existing residential character. Specifically in regard to "require an intensity of development that is compatible with either the existing suburban built character where this is to be a maintained or the planned suburban built character of predominantly one to two storey dwellings." (Policy H3.3(1))

Transport

- Auckland Transport (AT) have raised a number of concerns in their assessment attached as Appendix E. In their assessment summary they state:

Matters raised at pre-application stage have not yet been appropriately addressed within the fast track application material and therefore the effects of the Project have not been adequately considered or addressed. In particular, the applicant should provide tracking details to confirm all intersections will work, review and provide for safe crossing points at the roundabout and provide the Overland Flow Path risk assessment flooding calculations currently exceed limits for stormwater depths and velocity within the road reserve.

- AT's assessment should be referred to for more detail on their concerns. Regarding access to public transportation, proposed solid median, need for bus stop upgrades, traffic engineering/road safety, tracking and internal intersections, traffic modelling and trip generation, stormwater and pedestrian links.
- Auckland Council's Traffic Engineer has raised a number of concerns in their assessment attached as Appendix F noting support of the concerns AT have raised within their assessment as well as raising additional concerns regarding on-street parking supply, the need for no stopping yellow lines, lack of parking for two of the commercial units, lack of sensitivity analysis having been undertaken and discussion on infrastructure upgrade needs, vehicle crossing standard used in plans, manoeuvring ability from some of the parking spaces, and loading for the commercial units.

Stormwater

- Healthy Waters (HW) have been involved in discussions with the applicant since the application was lodged with the EPA. This has involved verbal agreements with regards to changes to proposed stormwater disposal. Both HW and Auckland Transport are not supportive of the proposed rain garden design, as lodged, due to the proliferation of smaller rain gardens across the development site. An agreement was reached that based on an options analysis presented by the applicant, that the option below was to be developed into a finalised SW design and further plans provided.

ID	Description	Comments
2	<p>Consolidated Raingarden Proposal: Raingardens consolidated within the road corridor, the other disciplines (catchpit spacing, lighting and landscaping) to be updated to avoid raingarden locations. Essentially this is a "raingarden first" design with other roading layout considerations working around the required raingarden areas.</p>	<ul style="list-style-type: none"> • Number of raingardens: 12-15 • Average surface area per raingarden: 40 – 47 m² • Minimum raingarden area: 11 m² (this is dictated by the small section of roadway draining to West Coast Rd, these raingardens are required in all options.) • Pram Crossings and Catchpits redesigned to allow flow past them to Austroads standards (meets requirements but is not best practice) • Street trees relocated in some locations to allow more connected areas of raingardens. • Parking areas shifted to allow more connected areas of raingardens. This means larger blocks of parking at the top of the catchment and larger areas of raingardens at the bottom of the catchment. • Raingardens span pipe assets in some locations to reduce the number of raingardens.

- HW also raised initial concerns with the proposed bridging design for the proposed units due to impacts on ability to undertake maintenance. The applicant should be designing outside the zone of influence. The applicant was encouraged to move pipes into the private road (COAL) environment.

- No formal agreements have been reached at this stage and further documentation has not been presented back to HW or lodged as revised information to the EPA, this is reflected in the comments from HW attached as Appendix H.

Wastewater

- Watercare Services Limited (WSL) have raised a number of concerns in their assessment attached as Appendix I. The summary points from their assessment note that the water supply network needs to be upgraded to ensure sufficient reliance of supply, fire fighting water supply for the commercial units needs to be provided through private measures, and the downstream wastewater network does not have sufficient capacity for expected flow from this development.

Parks Planning

Council's Parks Planners assessment is attached as Appendix J, and has raised concerns around the connectivity of the proposed development via safe pedestrian and cycling links to Parrs Park, the need for legal mechanisms for ensuring ongoing private maintenance of the private parks and mechanisms to make the public aware of the private ownership and maintenance.

Waitakere Ranges Local Board

The Waitakere Ranges Local Board (WRLB) have also raised a number of concerns in relation to the proposal and these are also attached as Appendix K, noting the WRLB remain opposed to the development due to the scale and density of the development as it sits in the SHZ, the non-notification parameters of the fast track process, insufficient visitor parking, pressure on existing public open space, impacts on the road network, access to local schools, precedent setting. The local board do support the community hub concept.

Waitakere Ward Councillors

The Waitakere Ward Councillors have also raised a number of concerns in relation to the proposal and these are also attached as Appendix L. The concerns relate to the visual amenity and character of the development in terms of the proposed density, length and repetitive nature of the building frontages on the edges, increased traffic congestion, and privatisation of open space within the proposed development and impacts on maintenance, pressure on local public open space, and impacts on the local school.

Further information and technical memos

In addition to the summarised information above, the following Appendices containing technical memos are provided as part of this response:

- A. Planning considerations (prepared by Matthew Paetz, Principal Specialist Practice & Training and Brogan McQuoid, Team Leader Resource Consents)
- B. Plans and Places (prepared by Ciaran Power, Policy Planner)
- C. Urban design (prepared by Melanie McKelvie, Team Leader Design Review)
- D. Landscape (prepared by Gabrielle Howdle, Specialist Landscape Architect)
- E. Auckland Transport (prepared by Tessa Craig, Major Development Interface Lead)
- F. Traffic (prepared by Wissam A. Shumane, Traffic Engineer)
- G. Development Engineering (prepared by Ethan Fu, Senior Development Engineer)
- H. Healthy Waters (prepared by Mark Iszard, Growth and Development Manager)
- I. Watercare (prepared by Amir Karimi, Development Engineer)
- J. Parks planning (prepared by Hester Gerber, Parks Planning Team Leader)
- K. Waitakere Ranges Local Board comment
- L. Waitakere Ward Councillors

Consent conditions

Should the Panel be minded to grant consent, the council refers to the recommended conditions contained within some of the specialist/CCO attachments provided to the EPA with this response.

Noting that not all CCO's/ specialists were in a position to review and respond to the proposed draft conditions from the applicant.

It is also recommended that the Panel refers to the council's 'Consent Conditions Manual' for standard conditions which may be appropriate for this development. The Consent Conditions Manual can be accessed at the following URL: <http://www.aucklanddesignmanual.co.nz/regulations/consent-conditions-manual>.

The council would like to have the opportunity to further comment on the draft conditions prior to any decision being issued.