

Specialist Response Template – Fast-track Approvals Act 2024 – Substantive Application

Template Actions

Yellow text – Provided for information purposes only - specialists to provide required details, delete the text and this **first page** from their final memo

Guidance for Specialist Input under the Fast-track Approvals Act 2024

This template is intended to guide your specialist response to a project referred under the Fast-track Approvals Act 2024 (FTAA). The FTAA establishes an expedited consenting pathway for projects of national or regional significance. The decision-making body is an Expert Consenting Panel appointed by the Environmental Protection Authority (EPA), not the Council. However, Council plays a critical advisory role in the process.

Under section 53 of the FTAA, the EPA must invite Auckland Council to provide comments on a fast-track application. Your specialist input will form part of Auckland Council’s written comments to the Panel, and may be shared directly with the Panel and the applicant. These comments must be provided within strict statutory timeframes and should be clear, concise, and focused on the matters relevant to your area of expertise.

When preparing your comments, please:

- **Focus on your area of technical expertise**, clearly identifying any actual or potential effects of the proposal.
- **Identify any concerns, constraints, or deficiencies in the application**, including where information is lacking or assessments are inadequate.
- **Provide practical recommendations or conditions** to avoid, remedy, or mitigate adverse effects, where relevant. Where appropriate, give particular consideration to whether any proposed conditions should operate as conditions precedent—for example, deferring the commencement of certain activities until specific requirements are met or independent actions (e.g. approvals, certifications, or assessments by a third party) have been completed.
- **Be explicit where you support or oppose aspects of the proposal**, and state the reasons for your position with reference to relevant policies, plans or best practice standards.
- Use professional judgement to distinguish between matters that are significant and those that are minor or resolvable.
- **Section 85 FTAA – Adverse Impacts:** If any effects or matters identified are considered to be adverse impacts that may be sufficiently significant to weigh against the approval (in terms of s85(3) FTAA), please clearly highlight these. While the final determination rests with the Panel, specialists are encouraged to signal any such impacts that could, in their view, be out of proportion to the regional or national benefits of the project, even after considering potential conditions or mitigation.

Our aim is to provide constructive, balanced, and solution-focused advice that supports robust decision-making by the Expert Consenting Panel.

Template below

Technical Specialist Memo – Healthy Waters and Flood Resilience

1.0 APPLICATION DESCRIPTION

Application and property details

Fast-Track project name: The Point Mission Bay

Fast-Track application number: FTAA-2511-1133

2.0 Technical Specialist Memo - Healthy Waters and Flood Resilience

To: Angelika Vaze (Lead Planner) & Warwick Pascoe (PPL)

From: Hillary Johnston – Healthy Waters Fast-Track Lead

Qualifications & Relevant Experience:

I hold the qualification of Bachelor of Science in Environmental Science and Geography and have 12 years of experience in regulatory stormwater assessments.

I am a Certified Environmental Practitioner, a full member of the Environmental Institute of Australia and New Zealand, a member of WaterNZ, and an associate member of Engineering New Zealand. I have prepared expert evidence and technical assessments for resource consent applications, plan changes, notices of requirement for designation, and fast-track applications, and have appeared as an expert witness for Council before consent authorities and the Environment Court on multiple occasions.

Preparation in Accordance with the Code of Conduct:

I confirm that I have read the Environment Court Practice Note 2023 – Code of Conduct for Expert Witnesses ([Code](#)), and have complied with it in the preparation of this memorandum. I also agree to follow the Code when participating in any subsequent processes, such as expert conferencing, directed by the Panel. I confirm that the opinions I have expressed are within my area of expertise and are my own, except where I have stated that I am relying on the work or evidence of others, which I have specified.

Signature:

H Johnston

Date: 9 March 2026

3.0 Documents Reviewed

The following documents have been reviewed in preparing this memorandum:

- *Substantive Application for The Point Mission Bay to Construct and Operate a Comprehensive Retirement Village (Integrated Residential Development)* dated November 2025 and prepared by Bentley and Co

- Attachment 7A – 7D: *Infrastructure Report* (including appendices), Prepared for Ngāti Whātua Ōrākei Whai Rawa Ltd and Generus Living Group Ltd, The Point Retirement Village, Mission Bay (Revision H) dated 13 November 2025 and prepared by CLC Consulting Group Ltd
- Attachment 23: *Proposed Conditions of Consent*
- Attachment 26: *Flood Risk Assessment, Prepared for Ngāti Whātua Ōrākei Whai Rawa Ltd and Generus Living Group Ltd, The Point, 217 Kupe Street, Mission Bay* (Revision B) dated 17 November 2025 and prepared by CLC Consulting Group Ltd
- Attachment 31: *Rule Compliance Assessment*

4.0 Additional Reasons for Consent Not included in AEE / Incorrect Reasons for Consent

Auckland Unitary Plan - Chapter E8: Stormwater Diversion and Discharge

The Applicant's Agent has not identified that a stormwater diversion and discharge consent under Chapter E8 is required.

Section 19.26 of the Assessment of Environmental Effects outlines '*The discharge of stormwater from the Site will occur via the public reticulated network, and Auckland Council holds a Network Discharge Consent which authorises the discharge of stormwater from this network to the receiving environment, including the coastal environment.*' It appears that it is the intent to authorise the diversion and discharge of stormwater under Healthy Waters Region Wide Network Discharge Consent (RWNDC).

A Stormwater Management Plan (SMP) which demonstrates compliance with Schedule 4 of the RWNDC has not been provided to Healthy Waters & Flood Resilience (HWFR) for assessment. Without submission of a suitable SMP and adoption under the RWNDC, stormwater runoff from the development should be authorised by a private diversion and discharge consent.

As it is intended to service the development by public stormwater network, an interim solution could include the acceptance of a condition requiring that adoption of a SMP be secured prior to the application for Engineering Plan Approval. The recommendation of this condition does not itself constitute approval of an SMP under the RWNDC.

It is acknowledged that the Applicant proceeds at their own risk without adoption of an SMP under the RWNDC and or without obtaining a private diversion and discharge consent as part of the fast-track Application.

5.0 Specialist Assessment

The Applicant has applied for consents to construct and operate a comprehensive retirement village at the site. Five new building are proposed to be constructed on the site as well as new internal accessways, carparks, and footpaths. The site redevelopment works will include replacement of existing stormwater infrastructure as well as implementation of new private stormwater management devices.

Existing Environment

The site is serviced by existing public stormwater network of varying age and sizes which discharge to the north and to the east of the Site. The Applicant's Engineer has summarised within the Infrastructure Report:

- *Network 1: This network is located towards the centre of the site. This network consists of a series of 225mm diameter concrete pipes, before increasing in size up to 375mm and extending to the northeast (within Takaparawhau / Michael Joseph Savage Memorial Park). This network ultimately flows into an open channel which discharges towards the west of Selwyn Reserve at Mission Bay, and ultimately discharges to the sea.*
- *Network 2: This is located in the north-east corner of the site and the existing apartment buildings on Aotea Street drain to this network. This network drains to the east and connects into an existing 1500 mm diameter concrete pipe within the western berm of Atkin Avenue.*
- *Network 3: This is located in the southwest portion of the site. This network services road catchpits on Kupe Street and the existing aged care facility within the western portion of the site by a series of 225mm and 300mm concrete pipes. The network traverses under properties on Te Arawa Street, Rukutai Street and Aotea Street, collecting stormwater from residential dwellings before connecting to a 1445mm concrete pipe within the berm on Nihill Crescent. This network flows north along Atkin Avenue and ultimately discharges towards the west of Selwyn Reserve at Mission Bay and ultimately discharges to the sea.*

The downstream environment is subject to significant existing flood hazards, including both floodplain and flood prone areas, where existing housing and habitable floor levels are at risk (Figure 1).



Figure 1. Existing Stormwater Network and Flood Hazards (Auckland Council GeoMaps, extracted March 2026)

Engagement with the Applicant

HWFR has been actively involved in pre-application feedback with the Applicant's Team.

As part of pre-application discussions, the Applicant's Engineer sought to confirm mitigation requirements in respect of the existing flood hazards and any onsite attenuation that may be required. HWFR advised via email (3

November 2025) that due to the existing significant flood hazards downstream, stormwater management for the development should include attenuation of peak flows back to predevelopment level within the 10% AEP and 1% AEP storm events. This is acknowledged by the Applicant’s Engineer within Section 3.3. of the Infrastructure Report.

Potential Effects and Proposed Mitigation

Peak Flow Mitigation

Within Section 3.3 of the Infrastructure Report, the Applicant’s Engineer has outlined that impervious area will increase by 15%, from 54% in a predevelopment scenario to 69% post development. Stormwater attenuation tanks have been proposed to mitigate the increase in impervious area and ensure post development flow in the 10% AEP and 1% AEP events does not exceed predevelopment levels.

The Applicant’s Engineer has proposed five 22.5m³ tanks to achieve this, providing a combined volume of approximately 112m³. The Applicant’s Engineer has outlined that *‘approximately 87m³ will be required for peak flow mitigation with the remaining 25m³ being a combination of dead storage for sediment collection at the base of the tanks and for water retention volume to be utilised for irrigation (to be plumbed to the community garden area)’*.

The Applicant’s Engineer has undertaken an assessment of their proposed mitigation which has outlined that the proposed stormwater tanks will result in a reduced post development peak flow rate (Figure 2).

Peak Flowrate	Pre Development (m ³ /s)	Post Development (m ³ /s)
10% AEP	0.394	0.383
1% AEP	0.768	0.766

Figure 2. Infrastructure Report - Table 6: Peak Flowrates

HWFR acknowledges the intent of the proposed mitigation measures however, concern remains regarding the implementation, specifically how flow in the post-development 1% AEP event would be conveyed into the proposed attenuation tanks and how it would discharge to the receiving environment at the target rate. The expectation is that the onsite stormwater network would be designed to accommodate the 1% AEP event including provisions for potential network blockages to ensure the tanks operate as intended.

Notwithstanding potential limitations with the implementation of the proposed mitigation, HWFR are confident that an onsite solution is possible. The specific method by which the stormwater mitigation is achieved onsite can be confirmed at the detailed design stage and would be subject to HWFR approval as part of the Engineering Plan Approval (EPA) process for connection to the existing network.

Flood Risk Assessment

In addition to the Infrastructure Report, the Applicant’s Engineers have also provided a Flood Risk Assessment which provides a more detailed indication of potential effects from the development on existing flood hazards downstream.

Section 5.3 of the Flood Risk Assessment has summarised that the proposed development has negligible effects on downstream properties. The summary table provided indicates increases in depth in the order of 4-10mm and increases in peak velocity of 0.030-0.041m/s at 33 & 35 Atkin Avenue. The summary table indicates that reserve area upstream of 35 Atkin Avenue may experience increases in depth of up to 57mm and an increase in peak velocity of 0.023m/s. Other areas of increased depth peak velocity include the Aotea Street road corridor (6-9mm, 0.349-0.523m/s), the Rukutai Street road corridor (26mm, 0.170m/s) and 106 Rukutai Street (28mm, 1.4m/s – it is

noted that this property forms part of the development site). The Flood Risk Assessment further outlines that any changes to the flood hazards do not increase the flood hazard classification of any properties downstream.

It is unclear whether the Flood Risk Assessment has accounted for the proposed peak flow mitigation as described above. Increases are shown adjacent to existing dwellings and it is unclear whether these are affected by the observed increases in flooding. The Flood Risk Assessment is also limited to properties immediately downstream of the development site. The potential impacts on the wider flood-prone area downstream of the site are currently not clear.

Without this information, HWFR cannot confirm that the potential effects on downstream properties are negligible or that the development will meet the Schedule 2 objectives of the RWNDC. It should be noted that the development will not be able to be authorised by the RWNDC where impacts on downstream properties have been identified and where these do not meet Schedule 2 objectives.

6.0 Section 67 Information Gap

At the time of writing this Memo I have identified the following information gaps:

Description of Missing Information

It is unclear whether the Flood Risk Assessment has accounted for the proposed peak flow mitigation. The Applicant's Engineer is to confirm whether the proposed peak flow mitigation has been incorporated into the Flood Risk Assessment and whether the observed increases in flooding downstream will affect existing habitable floors.

The Flood Risk Assessment is also limited to properties immediately downstream and does not assess potential impacts on the wider flood-prone and floodplain area downstream. The flood-prone area is sensitive and complex. An assessment of potential impacts on the broader flood-prone and floodplain areas downstream is needed.

Why is this Information Essential?

This information is required to demonstrate that the proposed development will not cause or increase adverse downstream effects, including increased flood levels or inundation of existing habitable floors within the wider downstream flood-prone and floodplain areas.

7.0 Recommendation

Overall, based on the information provided, we consider there is a strong basis for supporting the Application subject to further information verifying that the mitigation proposed by the Applicant's Engineer can appropriately manage the effects on the downstream environment and that the development will not cause or increase adverse downstream effects, including increased flood levels or inundation of existing habitable floors within the wider downstream flood-prone and floodplain areas.

8.0 Proposed Conditions

The conditions put forward as Attachment 23 are generally supported subject to the following suggested additions and amendments (in green).

Stormwater Reticulation Connection to Public Network

60. The consent holder must design and construct (relative to staging of the works) the proposed public connections to the existing public stormwater reticulation network to serve the development in general accordance with the Proposed Overall Service Plans prepared by CLC and referenced in **Attachment 2**. Written confirmation from the Council's Healthy Waters team that the works have been undertaken in accordance with all relevant codes of practice and regulatory requirements must be provided to the Council at the completion of the works.

Advice note: Alterations to the public stormwater reticulation network require Engineering Plan Approval. Plans approved under Resource Consent do not constitute an Engineering Plan Approval and should not be used for the purposes of constructing public reticulation works in the absence of that approval.

Comment: The addition of an advice note clarifies that Engineering Plan Approval may be required for works that involve the public reticulated stormwater network. The advice note will ensure that it is clear that works may need to be approved by Council *prior* to being constructed and not only after they have been undertaken.

Stormwater Management

- X. Prior to the lodgement of any application for Engineering Plan Approval relating to the stormwater network, a Stormwater Management Plan shall be adopted by Auckland Council Healthy Waters under the Region Wide Network Discharge Consent.

Comment: As it appears it is intended to authorise the proposed development under HWFR RWNDC, a new condition has been recommended requiring that adoption of an SMP be secured prior to the application for Engineering Plan Approval. The recommendation of this condition does not itself constitute approval of an SMP under the RWNDC.

If a private diversion and discharge consent is sought, this condition would not be required.

64. The consent holder must ensure that stormwater runoff from impervious areas is managed in accordance with the Infrastructure Report prepared by CLC Consulting Group Ltd, submitted with the application documents, to ensure that the ~~hydrology mitigation~~ flood mitigation requirements specified in the report are achieved.

Comment: 'Hydrology mitigation' often refers to retention and detention that is implemented to achieved SMAF mitigation targeted at stream erosion impacts. 'Flood mitigation' would be more appropriate to describe mitigation for flood impacts.

64A. The stormwater management system that is implemented to achieve the objectives of the Infrastructure Report prepared by CLC Consulting Group Ltd shall remain in private ownership and shall not be vested in Auckland Council unless otherwise agreed in writing by the Council.

64B. The consent holder shall be responsible for the ongoing operation and maintenance of the stormwater management system that is implemented to achieve the objectives of the Infrastructure Report prepared by CLC Consulting Group Ltd. The stormwater management device or system must be operated and maintained in accordance with best practice for the device or system.

Comment: Additional conditions are sought to clarify that the mitigation onsite that achieves the objectives of the Infrastructure Report will not be vested to Council, unless otherwise agreed and that this will be maintained by the Consent Holder.

64. The stormwater management device or systems to achieve the ~~hydrology mitigation flood mitigation~~ requirements specified in the Infrastructure Report prepared by CLC and referenced in **Attachment 1** must be installed or built by a SQEP generally in accordance with the design specifications in accordance with the Infrastructure Report prepared by CLC Consulting Group Ltd, submitted with the application documents.

Comment: 'Hydrology mitigation' often refers to retention and detention that is implemented to achieved SMAF mitigation targeted at stream erosion impacts. "Flood mitigation' would be more appropriate to describe mitigation for flood impacts

65. Within three (3) months of the practical completion of each stage of the works, the consent holder must provide the following to the Council:
- (a) Written evidence in the form of a validation report that the stormwater management device or system was installed or built generally in accordance with the design specifications in accordance with the Infrastructure Report prepared by CLC Consulting Group Ltd and by a suitably qualified service provider; and
 - (b) As-built plans of the stormwater management device or system, certified (signed) by a SQEP as a true record of the stormwater management system.

~~The stormwater management device or system must be operated and maintained in accordance with best practice for the device or system.~~

Comment: It is preferable that the As-Built condition is separate to the Operation and Maintenance condition. The operation and maintenance reference above is instead suggested to be transferred into new Condition 64B.