

**DATE:** 18 March 2021

**TO:** Sarah Clarke (Manager, Fast-track Consenting Team)  
Jess Hollis (Contractor, Fast-track Consenting Team)

**FROM:** Philip Brown (Director, Campbell Brown Planning Limited)

**SUBJECT:** **FURTHER INFORMATION RESPONSE – BEACHLANDS PROJECT**

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I refer to your written request for further information under section 22 of the COVID-19 Recovery (Fast-track Consenting) Act 2020. Responses to the particular further information requests are set out below. I have also reproduced each request for clarity, numbered and in italics.

#### **Freshwater**

- 1. You will be aware that section 18(3)(a) of the FTCA states that a project must not include an activity that is described as a prohibited activity in the Resource Management Act 1991 (RMA), regulations made under that Act (including a national environmental standard), or a plan or proposed plan. Of relevance to your application, as you have identified, is whether there are any natural wetlands on the site, and whether the Project includes an activity that would be a prohibited activity under Regulation 53 of the Resource Management (National Environmental Standards for Freshwater) Regulations 2020.*

*The ecological assessment prepared by Biosearches details that six potential wetland areas within the site were assessed using the Clarkson (2013) methodology. The assessment concludes that there are no areas on the site that meet the criteria of a wetland under the RMA. The report also notes that the site has undergone vegetation clearance, including around the freshwater features. Our understanding is that the site may not represent 'normal circumstances' as referred to under the Wetland delineation protocols (Ministry for the Environment, 2020), and therefore that the Dominance Test and Prevalence Index alone may not be appropriate to determine whether wetlands exist on the site.*

*Please provide further supporting evidence/assessment from a suitably qualified and experienced ecologist (which may be Mr Delaney from Biosearches) that assesses the potential wetlands on the site in accordance with the Wetland delineation protocols (Ministry for the Environment, 2020). It is anticipated that this additional assessment will include full species lists for the vegetation and a hydric soil assessment throughout the areas that were identified as potential wetlands.*

The applicants' ecologist (Mark Delaney of Biosearches) has undertaken further field work and assessment in light of this query, including hydric soil and hydrology assessments. His findings are contained within the attached memorandum dated 15 March 2021. In summary, Mr Delaney concludes that none of the potential wetland areas on the site are assessed as a 'natural wetland'.

Mr Delaney notes that the vegetation clearance referred to in his original report was not in or around any of the potential wetland areas on the site and had no direct effects on those areas. As such, his assessment was carried out under 'normal circumstances'. Mr Delaney has also confirmed that the list of vegetation included in Appendix I of his original report is considered to represent a full species list of vegetation present within the potential wetland areas.

2. *The application contains limited assessment of the Project against the National Policy Statement for Freshwater Management 2020 (NPSFWM), with the exception of comment on clause 3.24. The Minister may decline an application for referral under the FTCA if the Project is inconsistent with a relevant national policy statement (section 23(5)(c)). Please provide further assessment of the Project against the objective and policies of the NPSFWM.*

The NPSFWM contains one objective and 15 policies. The objective is set out below:

- (1) *The objective of this National Policy Statement is to ensure that natural and physical resources are managed in a way that prioritises:*
  - (a) *first, the health and well-being of water bodies and freshwater ecosystems*
  - (b) *second, the health needs of people (such as drinking water)*
  - (c) *third, the ability of people and communities to provide for their social, economic, and cultural well-being, now and in the future.*

The most notable aspect of the objective is that it sets out a clear priority order for what is sought to be achieved, with the health and wellbeing of water bodies and freshwater ecosystems sitting above other matters that might otherwise compete.

As confirmed by Mr Delaney, the proposal does not affect any natural wetland features. However, stream reclamation is proposed for some reaches of the natural drainage network that extends across the site. Where that is proposed, significant offset mitigation is to be undertaken to ensure that there is no net environmental loss resulting from the removal of some areas of watercourse. On this basis, it is considered that the proposal will not result in an overall reduction in the health and wellbeing of water bodies and freshwater ecosystems.

The proposal manages the freshwater resources of the site in a way that does not have any direct affect on the health needs of people (clause (b)), but does assist in enabling people and communities to provide for their social, economic, and cultural well-being through the provision of additional housing and economic activity that will create jobs.

For these reasons, it is considered that the Beachlands project is consistent with the objective of the NPSFWM.

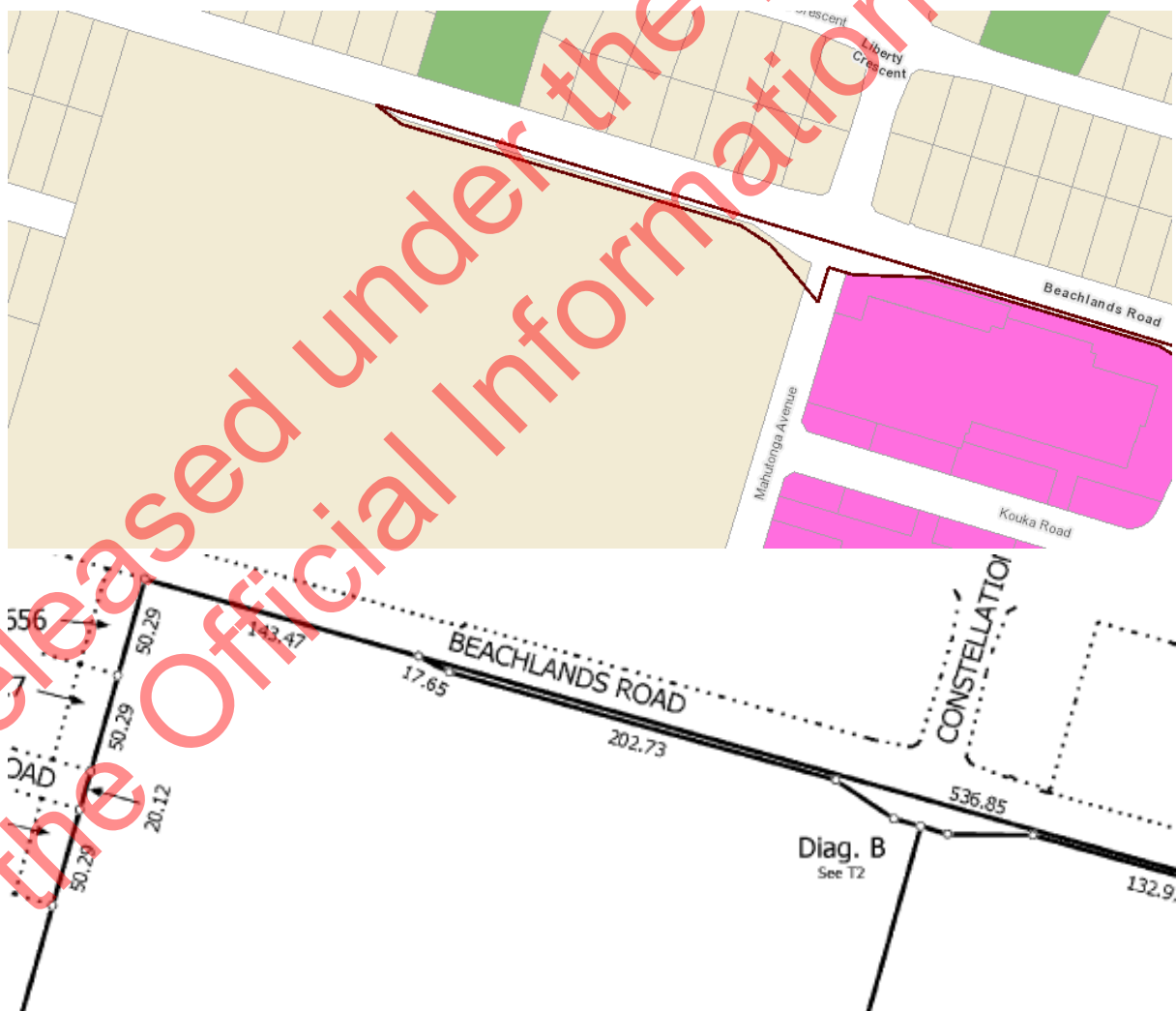
It is also considered that the proposal is consistent with the relevant policies of the NPSFWM, as noted below:

- The offsetting of effects from stream removal, through extensive planting along other stream reaches in accordance with SEV methodology, will ensure that the overall health and well-being of the freshwater resource is maintained or enhanced. This accords with, and gives effect to, the concept of Te Mana o te Wai (Policy 1);
- The applicants have actively engaged with mana whenua with regard to the project, who will be providing a cultural values assessment if they deem that is required. This will ensure that Māori freshwater values are effectively identified and provided for through the project (Policy 2);
- The proposal will include substantial planting and enhancement of the remaining stream network on the site, and its permanent protection through the management of surrounding open space that is proposed. Additional enhancement planting and stream restoration works will be undertaken off site (within the catchment if possible) to provide for integrated management of the freshwater resource across the site and catchment (Policy 3);
- The 1%AEP flood plains associated with the streams on site will be set aside as drainage reserves to protect against the risks associated with climate change. The flood plain will be modelled conservatively, making additional allowance for the future effects of climate change. Substantial planting that is proposed around the stream network will be of benefit in offsetting carbon release arising from development activity (Policy 4);
- The current stream network on the site is degraded from pastoral farming use and access of stock. The proposal seeks to preserve and substantially enhance the majority of streams on the site, together with similar offsetting mitigation planting for freshwater resources beyond the site boundaries (Policy 5);
- The proposal will not result in the loss (or reduction in extent) of any natural wetlands (Policy 6);
- While some areas of the stream network on the site will be reclaimed, the majority of freshwater features are to be retained, improved, and permanently protected through their location within areas of drainage and/or recreation reserve. It is not practicable in this instance to retain all existing freshwater features on the site, given the relatively extensive distribution of such features across the land, but any loss is to be appropriately mitigated or offset (Policy 7);
- The site does not contain any existing water bodies that could be categorised as outstanding (Policy 8);
- The existing degraded condition of the streams on site, and the presence of stock, does not provide a habitat conducive to indigenous freshwater species. The freshwater network on site, post-development and enhancement planting, is expected to provide a far better habitat for indigenous freshwater species (Policy 9);
- Overall, the project enables communities to provide for their social, economic, and cultural wellbeing (through the establishment of a substantial number of new homes) and in a way that is consistent with the NPSFWM (Policy 15).

## Designation

3. The application acknowledges that a road widening designation (Designation 1806 – Auckland Transport) extends across the eastern portion of the Beachlands Road frontage. The plans provided with the application do not clearly show the location of Designation 1806, however the Project appears to include works/development on land that is subject to the designation. Please provide comment on whether approval under Section 176 of the Resource Management Act 1991, or any other approvals required, has been sought/obtained from Auckland Transport, and if not, whether obtaining this approval will impact on Project timing and therefore the investment certainty objective of the FTCA.

The road widening designation across the eastern portion of the Beachlands Road frontage is part of a wider designation that relates to the upgrading of Whitford Maraetai Road. The land comprised in the designation has already been taken from the site a number of years ago (please refer to the land transfer plan attached). **Figure 1** below illustrates that the shape of the current designation across the site's Beachlands Road boundary is consistent with the shape of the lot that has been removed from the site and vested as road.



**Figure 1:** Designation shown in AUP maps (top) and corresponding shape of lot vested as road (bottom)

Even if that were not the case, and there was still land to be removed from the site for road widening purposes, there is nothing in that situation that would impact on the timing or investment certainty of the project. This is a normal situation for development land that is subject to a road widening designation and simply involves the designated land being identified on the scheme plan of subdivision as a lot to vest in Council (Auckland Transport in this case). If, for whatever reason, Auckland Transport did not want to accept an area of land for vesting as road, it would simply remain with a site and be available for development.

### Water supply

4. *Please advise whether the new water supply reticulation infrastructure required for the proposed development will be privately owned and operated. If the proposed water supply infrastructure is to be private and will be located within proposed legal roads to vest, please advise whether approval is required from Auckland Council or other bodies for this to occur, and if so, whether obtaining this approval will impact on Project feasibility or timing and therefore the investment certainty objective of the FTCA.*

The applicants have entered into an agreement with Pine Harbour Water for the supply of water to the development. This includes provision of new water supply reticulation infrastructure on private and public land.

Pine Harbour Water is a network utility operator under s166 of the RMA. Like other similar network utility operators providing a range of services (telecommunications and electricity for example), it already has a reticulated network in the immediate area that is located within the road corridor. While it is expected that Council will require engineering details of the proposed reticulation within the road corridor, to avoid conflict with any existing infrastructure, the applicants do not anticipate any obstacle to installation of the extended water supply reticulation.

### Other approvals required

5. *The Project includes the creation of drainage and recreation reserves to vest. Please advise whether Local Board or Council governing body approval will be required under the Local Government Act 2002 (or other legislation) to vest these assets, and if so, whether obtaining the approval/s will impact on Project feasibility or timing and therefore the investment certainty objective of the FTCA.*

Council agreement is required for any proposal to vest land as drainage or recreation reserve. Council will generally accept drainage reserve (land within the 1%AEP flood plain) as it enables it to properly manage flood risks within the catchment. Drainage reserve vests without compensation being payable to the landowner. The Council may not accept proposed areas of recreation reserve, as it will be required to pay market value for that land.

However, neither the timing of the project or the certainty of investment will be affected by the outcome of any Council decisions to accept the land as reserve. In the event that the Council did not want to accept the reserve land, it would remain within the ownership of the applicants and either be developed for housing or be set aside as private communally owned open space.

#### **Overseas Investment Office approval**

6. *You have previously advised that Fletcher Residential Limited was awaiting the outcome of a new application for a standing consent for land acquisition from the Overseas Investment Office, and that approval was expected late February 2021. Please provide an update on the status of that application/approval.*

Approval has now been granted by the Overseas Investment Office for Fletcher Residential Limited's application for a standing land acquisition consent. A copy of the summary approval is attached for your information.

I trust that this further information is of assistance. Please contact me if any additional clarification is required.

Philip Brown  
Director  
Campbell Brown Planning Limited

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the Official Information Act 1982

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