

COVID-19 Recovery (Fast-Track Consenting) Act 2020 – East Coast Heights, Silverdale – Request for further information – 18 July 2022

Request for further information	Response
Project Scope/Description	
1. Please confirm (with reference to specific clauses as applicable) that the Infrastructure Funding Agreement with the Botanic Limited Partnership, provided as further information, 'IFA agreement - 17 Small Road' on 23 June 2022, covers the earthworks proposed as part of the project on the property at 17 Small Road.	1. Please refer to the attached : a) letter from TBLP, which covers the Earthwork proposed in 17 Small Road. b) Fully signed neighbour agreement with 39 Small Road, which covers the earthwork c) Fully signed and unconditional sales agreement for 53 Small and BRL is taking over the ownership of this land in Oct 2022.
2. The records of title for properties at 17,39 and 53 Small Road are subject to a number of interests, including encumbrances and easements. Please advise whether any of these interests will prevent, limit or delay project delivery.	2. Please refer the attachment referenced in item 1, the neighbours have given Build Rich access to carry out the associated works. In addition, the interests, covenants mentioned in the RFI will not affect the development. The works are common urban activities (subject to any resource consents) and will better integrate the site and the adjoining landuses.
3. For our purposes, the project site will include the neighbouring properties affected by the proposed earthworks. Please can you clarify if the properties should be included in their entirety, or whether the project footprint will cover a smaller area. If so, please provide a map or shapefile of the project footprint.	3. ASC architects have overlaid the earthwork area over the masterplan, which shows the work area outside of our property for your reference. Due to attachment size limit, please download/view the overall masterplan from this google drive link: https://drive.google.com/file/d/1H6b8lWlCBkZdvQLwI8H-X16_rd3kLO-i/view?usp=sharing 
4. In our request for further information dated 7 June, we sought clarification as to whether any Overseas Investment Office approval/s were required for the project to proceed, and if so, their status. We also asked for comment on whether you anticipate this issue could potentially delay or otherwise impact on project	4. To clarify, the previously attached document confirmed the land was not a sensitive land at the time of acquisition. Therefore, the OIO approval was not required at the time of acquisition. We trust this clarifies and apologies for the confusion.

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delivery. You responded: “The applicant has obtained OIO consent when purchasing this land. Please refer to the attached certificate.” Please provide a copy of this certificate (which was not attached to your response). The certificate you did attach analysed elements of table 1 and 2 in Schedule 1 of the Overseas Investment Act 2005, rather than providing a copy of an OIO consent. Please clarify whether OIO approval/s are required and has/ve been obtained for the project to proceed.	
5. Please provide an assessment of how you expect the Project to meet the non-complying ‘gateway tests’ in section 104D of the Resource Management Act 1991	5. As a non-complying activity, consideration will need to be given to the gateway test contained in s104D RMA. In order for an application to pass the gateway test, a consent authority must be satisfied that the adverse effects of the activity on the environment will be minor <u>or</u> the activity will not be contrary to the objectives and policies of both a district plan and a proposed district plan (if both exist). Only one limb of the test needs to be met to provide jurisdiction to grant an application for a non-complying activity. It is considered that the effects of the proposal are no more than minor, for the reasons set out in the assessment of effects that accompanies this request for referral. The land has been identified for urban development and the nature of development proposed will not create any significant adverse effects. The development, being housing, is of a nature found throughout urban areas without any obvious adverse effects. Notably the status of consent is generally restricted discretionary activity with the only non-complying activity related to the works that are proposed within 100 metres of a natural wetland. It is noted that this wetland is located at the southern end of the site and it is proposed to be retained. Boffa Miskell are satisfied that any actual or potential ecological effects on the wetland will be minor. The proposal is considered to be consistent with the objectives and policies of the district plan. The site comprises residential zoned land and the proposal is in keeping with the requirements of the Silverdale 3 Precinct. The site will be developed in a comprehensive and integrated way to provide a high quality urban environment which is sought by the precinct. In this instance, it is considered that the effects of the proposal on the environment are clearly no more than minor, and the proposal will not be contrary to the objectives and policies of the district plan. Therefore, jurisdiction to grant resource consent is established.