

16 August 2022

Fast Track Consenting

Ministry for the Environment

By Email: fasttrackconsenting@mfe.govt.nz

**BUILD RICH LIMITED: "EAST COAST HEIGHTS – STAGE 5", GOLDWATER DRIVE, SILVERDALE, AUCKLAND
– RESPONSE TO REQUEST FOR FURTHER INFORMATION (REF BRF-1922)**

Thank you for your email dated 3 August in which you requested further information in relation to the consideration of Build Rich's application for Fast Track Consenting referral.

You requested a response to the following, noting we have used your headings and references for ease of understanding.

Project Delivery

- 1. The record of title for the underlying Lot 18 DP 545151 details several interests including a consent notice, caveats and easements, and copies of these have been provided. However, in the planning assessment (attachment 4, page 3) the relevant interests on the title are stated as "not reviewed". Please provide additional comment on the interests and whether you anticipate any of them could potentially prevent, limit or delay the issue of the new record of title for Lot 2 and project delivery.*

The following interests are listed on the underlying Lot 18 DP 545151:

- Gazette Notice declaring pt No 1 State Highway to be limited access road – N/A to the proposal given Lot 2 has no direct access to State Highway 1 (noting East Coast Road's former State Highway status has been revoked).
- Certificate declaring the adjoining road to be limited access road – again N/A per the above, and noting that East Coast Road is no longer part of the State Highway network, and further, no direct access into the site is proposed from East Coast Road, in accordance with the Silverdale 3 Precinct Plan.
- Consent notice (11735840.2) – this instrument sets out requirements for retaining walls, whereby any that exceed 1.5m in height must be stepped in construction at a minimum depth of at least 0.75m and max height of 1m, enabling intervening landscaping. Requirements for retaining wall subsoil drainage is also required by this consent notice. Finally, compliance with the geotechnical report as referenced is an ongoing requirement. The proposal is cognisant of all of these requirements and complies with the consent notice.
- Right of way over part marked A in favour of Auckland Council created by Easement (11735840.3) – this relates to access to and from the stormwater reserve to be vested in Auckland Council. The right of way will be surrendered when titles for Lots 1, 2 and 3 are issued as Alberto Lane will instead be a vested road, which itself will allow access to and from the stormwater reserve.
- Right to convey electricity over part marked B and C in favour of Vector Limited created by Easement (11735840.4) – these are discrete parcels adjacent the Goldwater Drive frontage on Lot 2, which are accounted for in the design and can be retained following this proposal.

- Caveat 12310095.1 by Vector Limited – associated with the above easement for right to convey electricity and accounted for.

For the above reasons, none of the existing interests or instruments give rise to any potential prevention, limitation or delay in project delivery in my opinion.

2. *Provide a copy of the resource consent decisions for the site that relate to Lot 2 (BUN60337961 (LUC60337692 and SUB60336990)) and provide comment on whether any conditions of the resource consents could potentially limit, delay or otherwise impact on project delivery.*

Please find attached a copy of the decision¹ as requested. Further, I note that the decision is not considered to limit, delay or otherwise impact on project delivery as proposed, noting that the consent authorised a superlot subdivision to create Lots 1, 2 and 3 of Stage 5 and associated enabling works including services installation and 2,400m² of cut and fill earthworks over an area of 5,250m². Refer below in response to Q3 with respect to progress made in satisfying conditions of consent.

3. *Advise what the anticipated timeframe is for completion of the subdivision and issue of a new record of title for Lot 2. This is relevant to the consideration of restrictions that may apply to the project site, and to the description of the land should the Minister decide to refer the project to a panel.*

Build Rich confirms that the superlot subdivision works are 95% complete. Build Rich have confirmed they would be able to obtain title now but have not sought to do so as the intent is to utilise Alberto Lane (Road 3) for private construction access for both Lots 1 and 2 in Stage 5 prior to its ultimate vesting as a public road, and thus that approach prevents title being issued at this time. Build Rich confirms this is scheduled to occur in conjunction with the construction works on Lot 2, which are anticipated to be completed by May 2023. To assist, I attach the section 223 LT Plan and a drone photo, both of which confirm progress.

Other Matters

4. *Are any Overseas Investment Office approval/s required for the project to proceed, given that the ultimate holding company for Build Rich Limited is registered overseas? If so, please advise the status of the approval/s and comment on whether you anticipate this issue could potentially delay or otherwise impact on project delivery.*

Build Rich confirms that no OIO approval was required at the time the land was purchased and no other approvals are required in relation to this proposal.

We trust the above and attached is sufficient to enable continued processing of this application. Please do not hesitate to contact me should you seek further clarification.

¹ Please note the description of works authorised on page 1 of the decision is an error, however the approved plans accurately depict the works authorised by this consent.

Yours Sincerely,

A handwritten signature in black ink, consisting of a large, stylized 'K' followed by a horizontal stroke and a small loop.

Kay Panther Knight

Director

Mob: s 9(2)(a)

Email: s 9(2)(a)

Attachments:

1. BUN60337961 Decision and Approved Plans
2. LT Plan
3. Drone Photo taken 4 August 2022