

24 March 2023

By email

Zen Gerente
Senior Analyst Fast Track Consenting Team
Ministry for the Environment
PO Box 10362
WELLINGTON 6143

Email: s 9(2)(a)

Dear Zen

**APPLICATION FOR REFERRAL FOR FAST-TRACK CONSENTING – TE PURU
BUSINESS PARK – RESPONSE TO REQUEST FOR INFORMATION**

1. We act for Knight Investments Limited ("**KIL**") in relation to the application for referral for fast-track consenting for Te Puru Business Park ("**Project**").
2. This letter and the attachments enclosed respond to your email dated 15 March 2023 requesting further information in relation to the Project.
3. The attachments are as follows:
 - (a) Attachment A: a summary table setting out KIL's responses;
 - (b) Attachment B: a letter from the applicant confirming funding arrangements and including a summary of other land development projects completed or underway;
 - (c) Attachment C: memorandum from Manukau Quarries on the existing quarry consents;
 - (d) Attachment D: consent notice details;
 - (e) Attachment E: conceptual subdivision plan;
 - (f) Attachment F: water memorandum from CivilPlan Consultants;
 - (g) Attachment G: planning memorandum;
 - (h) Attachment H: ecological assessment from RMA Ecology; and
 - (i) Attachment I: geotechnical assessment from LDE.

Partners

Frederick Ward
Malcolm Crotty
Joe Windmeyer
Guy Lethbridge
John Powell
Ed Crook
Tim Clarke
David Hoare
Matthew Kersey
David Butler
Craig Shrive
Deemle Budhia
Mei Fern Johnson
Daniel Jones
Polly Pope
Allison Arthur-Young
Christopher Curran
David Raudkivi
Tom Hunt
Kylie Dunn
Daniel Minihinnick
Troy Pilkington
Marika Eastwick-Field
Ian Beaumont
Joe Edwards
Benjamin Paterson
Emmeline Rushbrook
Anna Crosbie
David Weavers
Liz Blythe
Nathaniel Walker
William Irving
Kirsten Massey
Cath Shirley-Brown
Simon Pilkinton
Michael Taylor
Greg Neill
Emma Peterson
Sarah Blackmore
Jesse Fairley
Tom Gillespie
Petra Carey
Bradley Aburn
Natalie Steur
Doran Wyatt

3451-6402-9218

1 of 10

4. We trust the attached sufficiently responds to the further information request, but we would be happy to provide further details if required.

Yours faithfully

RUSSELL McVEAGH



Daniel Minhinnick | Patrick Senior

Partner | Senior Associate

Direct phone: s 9(2)(a)

Direct fax: +64 9 367 8163

Email: s 9(2)(a)

s 9(2)(a)

Enc: Attachments A-H

ATTACHMENT A

Attachment A: Fast Track Referral Application – Response to Information Request**Applicant:** Knight Investment Limited**Project:** Te Puru Business Park**Reference:** NA**Table 1- response information**

Information Request		Applicant Response	
Item	Requested Information	Person providing response	Response
1	<i>Whether any existing consents will be impacted by the project</i>	Knight Investment representative: Doyle Smith	Refer to the Memo from Manukau Quarries Limited Partnership (MQLP) provided in Attachment C.
2	<i>Whether any existing consent requirements may impact project delivery</i>		
3	<i>Whether any other approvals are required, have been obtained for works on land owned by others (i.e., road reserves) or for vesting of land included in the projects (i.e., Auckland Transport). If not, whether obtaining any required approvals would impact on the timing of the project and therefore the investment certainty objective of the FTCA.</i>	Planning: Renee Fraser-Smith (Tollemache)	As response to this item will be forthcoming, as a meeting was able to be undertaken with Auckland Transport and feedback is expected imminently.
4	<i>One of the titles has a registered consent notice. Provide details or a copy of the consent notice and comment whether this will have any impact on project delivery.</i>	Planning: Renee Fraser-Smith (Tollemache)	<p>A full copy of the consent notice is provided as Attachment D.</p> <p>The Consent Notice restricts buildings in the area identified on the plan referenced in the consent notice.</p> <p>The existing landscape bund occupies most of this area.</p>

Information Request		Applicant Response	
Item	Requested Information	Person providing response	Response
			<p>Final siting at resource consent stage of all buildings onsite will be clear of this area.</p> <p>Notwithstanding, MQLP have recently purchased Section 2 SO 487740 and intends to have the consent notice on Lot 2 DP 54701/Lot 2 DP 203289 cancelled (as its origin was to protect visual amenity of the previous owner of Section 2 SP 487740 from quarry buildings etc).</p> <p>For clarity it is confirmed that the consent notice will not impact the project delivery.</p>
4	<p><i>Details of how the project will be funded, including:</i></p> <ul style="list-style-type: none"> <i>i. whether any funding will be provided by third parties</i> <i>ii. high level information on the financial ability of those persons/entities who are providing funding to deliver the project, and/or their track record of delivering projects of a similar scale</i> <i>iii. if any funding is to be provided by third parties, details of any impacts on project timing or delivery</i> 	<p>Knight Investment representative: Doyle Smith</p>	Refer to the letter in Attachment B.
5	A plan that identifies the part of the land to be vested to Auckland Council as road reserve.	<p>Planning: Renee Fraser-Smith (Tollemache)</p>	Refer to Attachment E.

Information Request		Applicant Response	
Item	Requested Information	Person providing response	Response
6	<p>Details of the water supply, including:</p> <ol style="list-style-type: none"> <i>The water permit for use of the existing bore and water treatment plant</i> <i>Confirmation that it can be used by the proposed activities and is sufficient.</i> 	<p>Planning: Renee Fraser-Smith (Tollemache)</p>	<p>MQLP holds consents (BUN60325709) to take 248m³ per day and 61,285m³ per year from groundwater (via a Bore). The bundle of consents includes the onsite treatment of water (containerized water treatment facility), water storage tanks, and pumps. The types of activities able to use the water are not restricted and presently the water is piped to the road frontage "filling station" for bulk commercial sale/supply.</p> <p>Attachment F includes a Memo from CivilPlan Consultants confirming that the water take exceeds the demand of the Project. As confirmed by the referral application and reiterated by the letter provided in Attachment F there is agreement between MQLP and Knight Investment for the sale and distribution of the water between the parties to supply water to the Project.</p> <p>In addition, the application for referral identified that this was only one source of water, as roof water will also be collected for non-potable uses.</p> <p>The Project can be adequately serviced for water.</p>
7	<p>Details of the extent of the quarry still to be filled, the ability of the land to be used as proposed in the project scope, details of any restrictions and details of any resulting impact on timing of the project and therefore the investment certainty objective of the FTCA.</p>	<p>Planning: Renee Fraser-Smith (Tollemache)</p>	<p>This matter was addressed in the Project detail (paragraphs 5 and 7-8). In summary:</p> <ul style="list-style-type: none"> the Stage 2 area is still to be filled. The filling will be completed to meet the timeframes for the Project outlined in the referral application for Stage 2.

Information Request		Applicant Response	
Item	Requested Information	Person providing response	Response
			<ul style="list-style-type: none"> All land which has been subject to the quarry filling (being the yard spaces), whilst having some geotechnical challenges for future activities is still capable of accommodating activities such as low stacking storage yards (ie. machinery hire), builder yards, plant nurseries, vehicle parking (e.g motor vehicle sales, vehicle storage). LDE has confirmed that part of the site is suitable for yard-based end use. Attachment I is the geotechnical report provided by LDE. <p>To confirm:</p> <ul style="list-style-type: none"> the remaining area to be filled will not delay the Project delivery timeframe; the yard spaces can be adequately used for the intended Project scope activities; and The investment certainty objective of the FTCA is not impacted by these matters.
8	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.	Planning: Renee Fraser-Smith (Tollemache)	Refer to the attached planning memo (Attachment G) which confirms that the Project can meet the gateway tests of Section 104D of the RMA.
9	A copy of the ecological report for details of the delineation of the natural inland wetland	Planning: Renee Fraser-Smith (Tollemache)	Refer to the attached ecological letter/advice (Attachment H), which confirms the location of the natural inland wetland (located on Section 2 SO 487740 adjacent to its northern boundary).

Information Request		Applicant Response	
Item	Requested Information	Person providing response	Response
			As confirmed in the planning memo in (Attachment G) no prohibited activities (including those associated with natural inland wetlands) are proposed by the Project.
10	Confirmation of all Consents/Approvals required (i.e., subdivision, discharge). The application only lists land use consent and water permit.	Planning: Renee Fraser-Smith (Tollemache)	<p>A comprehensive list of all consents was provided with the referral application and is repeated in the planning memo in (Attachment G). In summary consents are sought for:</p> <ul style="list-style-type: none"> • Land disturbance works, (earthworks, vegetation removal, groundwater diversion during construction works (if encountered)) • Land use activities on the site (roading, construction of buildings, future industrial activities, activities in a hazard zone) • Infringements to the noise and vibration standards during construction works • Subdivision to create road to vest (it is envisaged that only that portion of road to from the roundabout will be vested), the remaining part including the various industrial sites will be private and subject to public access easements which will from conditions of the consent) • Diversion of stream and associated riparian planting • Wastewater discharge • Stormwater discharge • Contaminated land activities (NES and AUP) • Activities in proximity to a natural inland wetland (NES)

ATTACHMENT B

23 March 2023

Zen Gerente
Senior Analyst Fast Track Consenting Team
Ministry for the Environment
PO Box 10362
WELLINGTON 6143

Te Puru Business Park Funding Availability

Knight Investments Limited has excellent relationships with several first-tier lenders. Knight Investments intends to develop the Te Puru Business Park using a combination of private equity and first-tier lender finances. This funding structure is the same as previous land development and investment projects delivered by Knight Investments.

Knight Investments has relevant experience in delivering large development and construction projects and is one of a number of companies within the wider Nakhle Group of companies that has property development as well as industrial and residential construction experience.

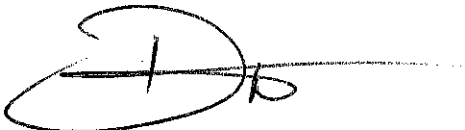
Some examples of developments that have been delivered are:

- Green Desert Trust – an industrial subdivision in Mangere (8Ha – 7 lots)
- Darley Investments Limited - multiple stages of residential subdivisions in Papakura (172 lots)
- Cazadora Holdings Limited - The Gardens subdivision Totara Park, (700+ lots) and
- Knight Investments Limited - Clarks Beach (250 of 700+ lots).

I confirm that funds are or will be available and these will enable the development and construction of the project to completion.

I can also confirm that Knight Investments have agreement from Manukau Quarries Limited Partnership for the use of the potable water supply for use in the Te Puru Business Park development.

Yours faithfully



Daniel Nakhle
Director – Knight Investments Limited

ATTACHMENT C

22 March 2023

Knight Investments Limited

420 Airfield Road

Ardmore

Auckland 2582

Attention: Daniel Nakhle – Director - Knight Investments Limited

RE: FAST TRACK APPLICATION – TE PURU BUSINESS PARK

Manukau Quarries Limited Partnership (MQLP) have been asked to respond to queries raised by the Ministry for the Environment, in respect of the application made by Knight Investments Limited for a Fast Track Referral under the COVID-19 Recovery (Fast-track Consenting) Act 2020 for the Te Puru Business Park. Specifically, we have been asked to respond to the following:

Information Request	
Item	Requested Information
1	<i>Whether any existing consents will be impacted by the project</i>
2	<i>Whether any existing consent requirements may impact project delivery</i>

The MQLP holds six consents related to the quarrying and associated quarry rehabilitation works. These consents are listed below:

Consent	Detail	Consent Impacted By Project	Consent Requirements Impacted by Project
Permit 32855	Land Use Consent for Sediment Control (for quarrying and filling)	The consent (or its requirements) will not be impacted by the Project. All monitoring and other obligations can continue to be fulfilled during the Stage 1 Project works. At the completion of filling works the consent can be surrendered and there are no long term monitoring or other requirements under this consent. It is acknowledged that the Bond conditions (36-39) state that the bond shall be held for adverse effects under this consent until one year after expiry (27 January 2047) – however this is not considered to impact the ability to cease operations earlier (and the bond could be held up to one year after completion of works to align with the intent of the condition	

Consent	Detail	Consent Impacted By Project	Consent Requirements Impacted by Project
		– this could be dealt with during the surrender process).	
Permit 33120	Discharge of contaminants to air (dust)	<p>The consent (or its requirements) will not be impacted by the Project.</p> <p>All monitoring and obligations can continue to be fulfilled during the Stage 1 Project works. At the completion of filling works the consent can be surrendered and there are no long term monitoring or other requirements under this consent.</p>	
Permit 33121	Works in a Watercourse (culverts and diversion)	<p>The consent is for staged relocation of the watercourse. It is expected that the Fast Track Project would relocate this watercourse and that the realignment would meet current best practise standards for fish passage and riparian planting.</p>	
Permit 33685	Diversion of groundwater	<p>The consent (or its requirements) will not be impacted by the Project.</p> <p>All monitoring and other obligations can continue to be fulfilled during the Stage 1 Project works. At the completion of filling works the consent can be surrendered and there are no long term monitoring or other requirements under this consent.</p>	
DIS60319240	Managed fill	<p>Specific conditions for DIS60319240 will not be impacted by the Project.</p> <p>The conditions require that within 3 months of completion for filling that a contaminated sites closure report be provided. This includes any ongoing monitoring that this required of the fill.</p> <p>There is no reason that the completion report could not be applied for in two parts to align with the staging of the Project.</p>	
LUC60270241	Quarrying activities/managed fill	<p>The consent (or its requirements) will not be impacted by the Project.</p> <p>It is acknowledged that the conditions require that the consent holder engages with Auckland Council and adjoining landowners on an end use plan no later than 5 years before expiry of consent or completion of filling (whichever is earlier). We have had several discussions with differing parts of Auckland Council (and CCO Watercare) on the intended end use for industrial type activities since circa early 2022. Discussions with various landowners have begun and will continue if the Referral application is</p>	

Consent	Detail	Consent Impacted By Project	Consent Requirements Impacted by Project
		approved. The timing for full closure based on the Project delivery is likely to be end of the 2026-2027 earthworks season. We do not consider that the timeframe for end use discussion necessitates a variation of this consent.	

MQLP also holds resource consent (BUN60325709) to take 248m³ per day and 61,285m³ per year from groundwater (via a Bore). The consent includes the onsite treatment of water (containerized water treatment facility), water storage tanks, and pumps. The consent allows for the water to be piped to the road frontage "filling station" for bulk commercial sale/supply.

The Project works do not impact on the current bore piping and filling station. Should the referral be approved (and consent ultimately granted for industrial uses), it is our intention to relocate our current treatment plant facility and water storage tanks (and likely our filling station) to one of the "yard spaces", as we believe that this is the best location and outcome for our activities. As our activities are industrial in nature they would fall in the scope of activities being sought by the Project. However, we confirm that our operation can continue unencumbered without relocating.

Sincerely,



Bruce Bowie

22/3/23

Quarry Manger – Manukau Quarries LP

ATTACHMENT D



COMPUTER FREEHOLD REGISTER UNDER LAND TRANSFER ACT 1952




R.W. Muir
Registrar-General
of Land

Search Copy

Identifier NA131D/767
Land Registration District North Auckland
Date Issued 19 December 2000

Prior References

NA6C/1173 NA6C/1174

Estate Fee Simple
Area 9.1141 hectares more or less
Legal Description Lot 2 Deposited Plan 54701 and Lot 2
Deposited Plan 203289

Proprietors

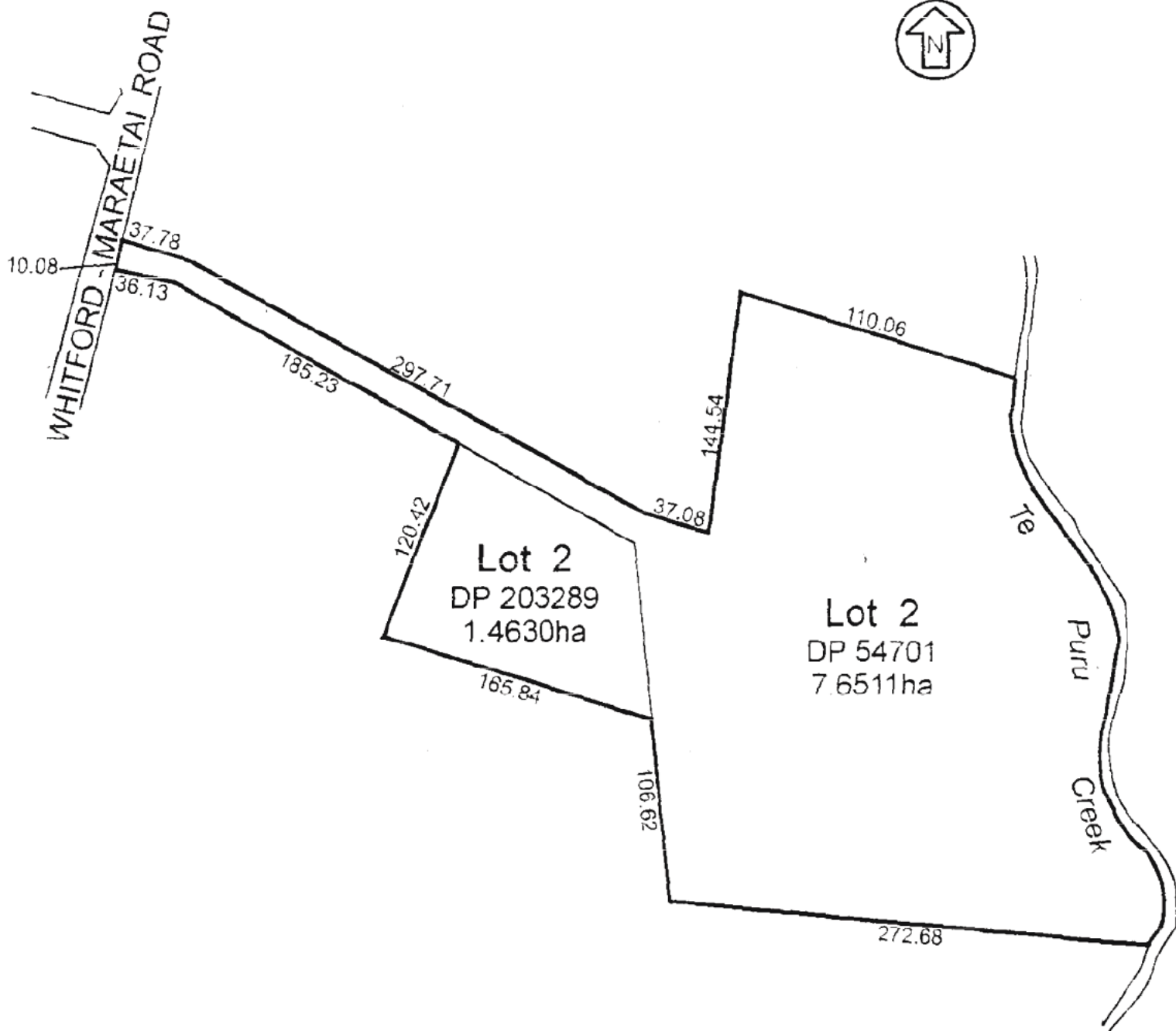
Manukau Quarries Limited Partnership

Interests

Subject to Section 241(2) Resource Management Act 1991 (affects DP 203289)

D562236.4 Consent Notice pursuant to Section 221(1) Resource Management Act 1991 - produced 30.11.2000 at 3.35 pm and entered 19.12.2000 at 9.00 am

10204882.4 Mortgage to Bank of New Zealand - Produced 7.10.2015 at 5:06 pm and Entered 18.12.2015 at 7:01 am



D 562236.4 CONO

IN THE MATTER of the Resource
Management Act 1991

AND

IN THE MATTER of a subdivision of land in
the North Auckland Land
Registration District
shown on DP 203289

CONSENT NOTICE

PURSUANT TO SECTION 221 OF THE ACT

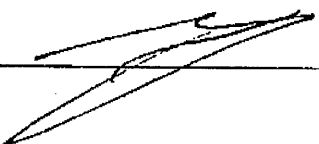
I hereby certify that THE MANUKAU CITY COUNCIL granted its consent to the subdivision of Lot 3 DP 54701, shown on DP 203289 subject to conditions, including the requirement that the owners of Lot 2 DP 203289 comply with the following condition on a continuing basis at no cost to the Council.

CONDITION

That building shall not be permitted on Lot 2 within the area denoted "A" - Restrictive Covenant of the Land Transfer Plan DP 203289.

Dated at Manukau City this 11th day of July 2000

Authenticated by the Council
by the Principal Administrative
Officer of the Council pursuant
to Section 252 of the Local
Government Act 1974


C R Dundass

LINZ COPY

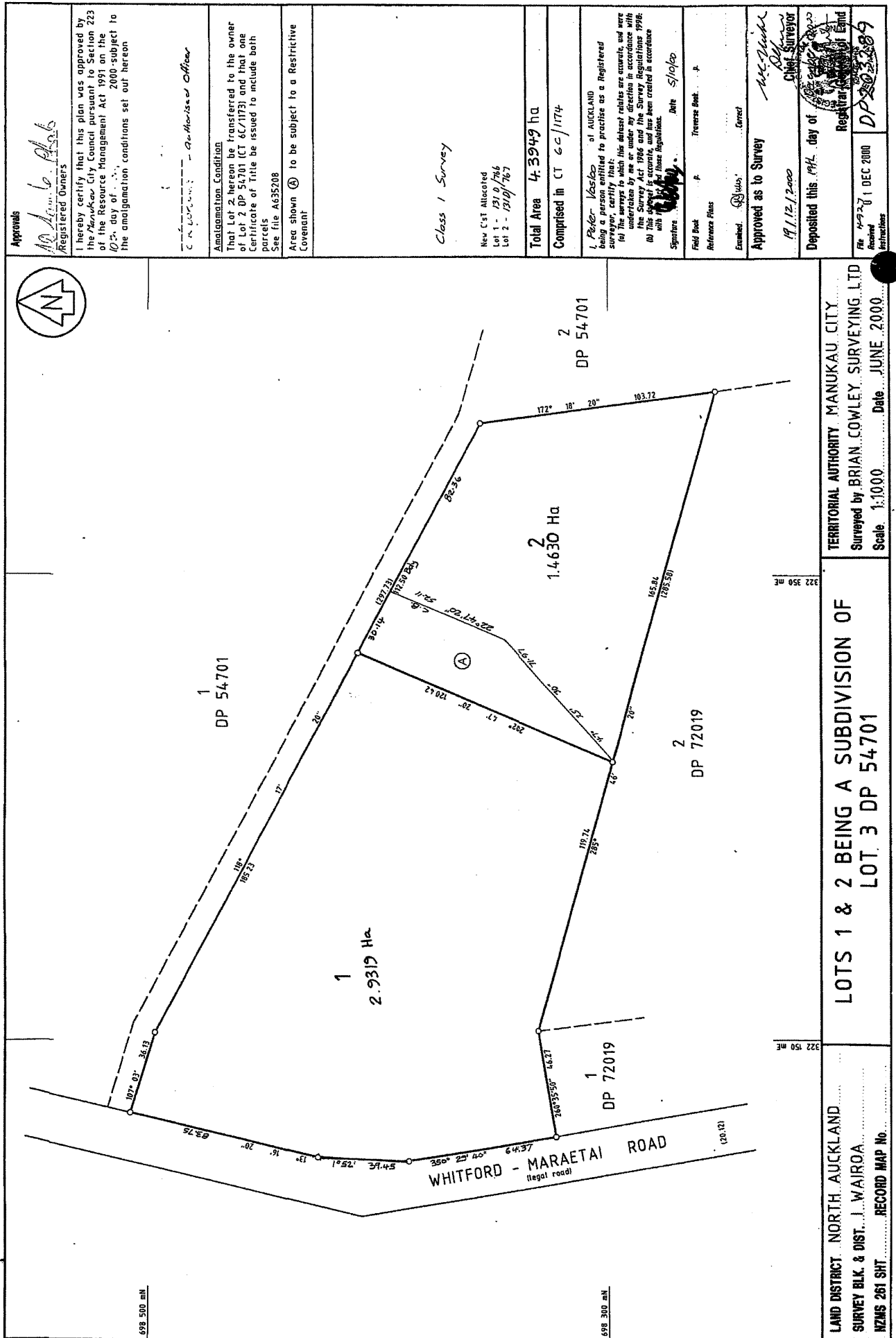


PRODUCED
ENTERED

335 30 NOV 00 D 562236.4

19/12/2000 at 9:33
PARTICULARS ENTERED IN LUTSII
LAND REGISTRY MONTHLY
for REGISTRAR-GENERAL OF LAND





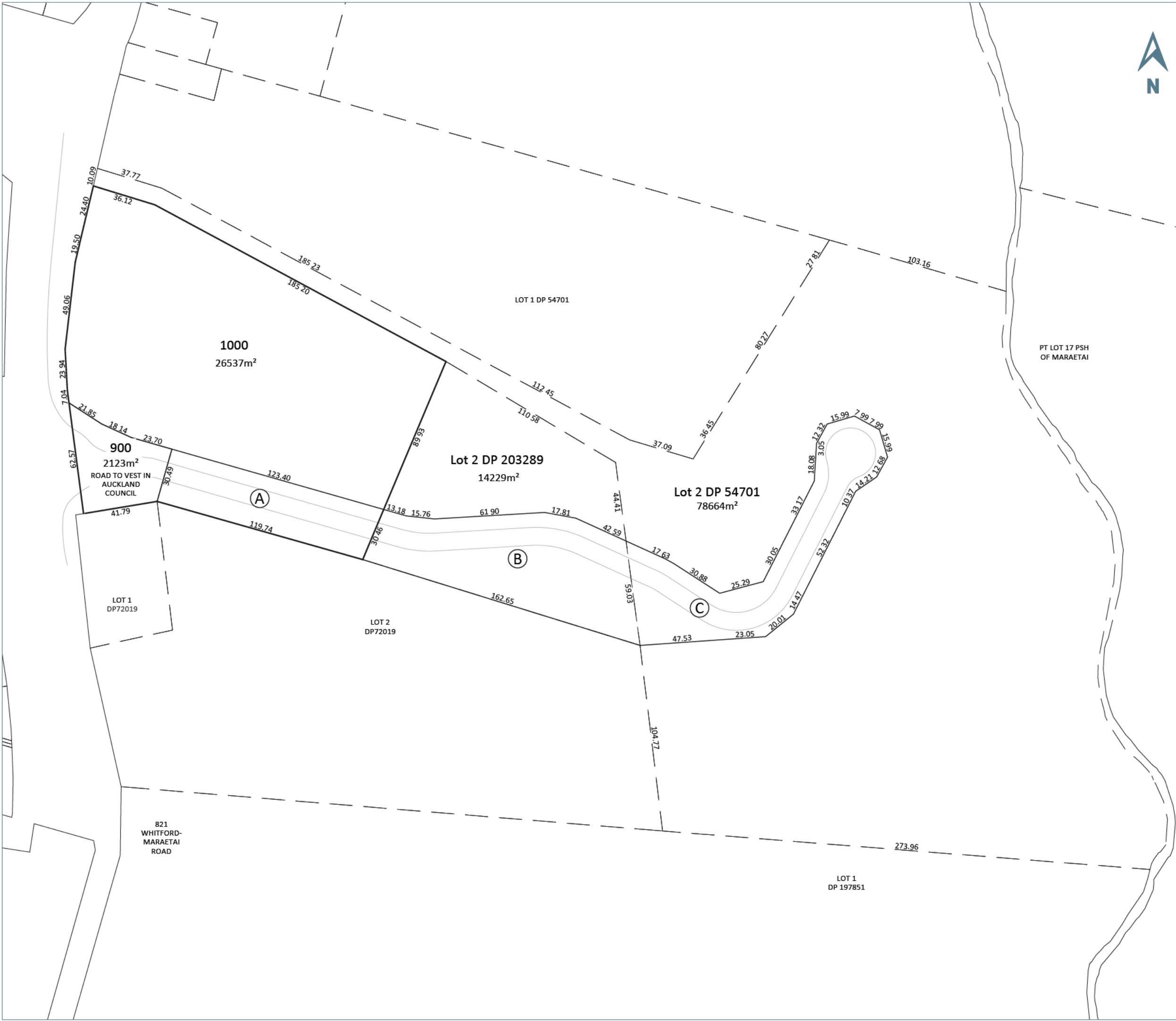
Approvals Registered Owners <i>Manukau City Council</i>	
I hereby certify that this plan was approved by the Manukau City Council pursuant to Section 223 of the Resource Management Act 1991 on the 10th day of May 2000 subject to the amalgamation conditions set out hereon	
Authorised Officer <i>C. M. Wilson</i>	
Amalgamation Condition That Lot 2 hereon be transferred to the owner of Lot 1 DP 54701 (CT 6C/1173) and that one Certificate of Title be issued to include both parcels See file A635208	
Area shown ④ to be subject to a Restrictive Covenant	
Class 1 Survey New CST Allocated Lot 1 - 131.0/746 Lot 2 - 1310/767	
Total Area 4.3949 ha Comprised in CT 6C/1174	
I, Peter Vassallo of AUCKLAND being a person entitled to practise as a Registered Surveyor do hereby certify that the survey to which this plan relates is accurate, and was undertaken by me or under my direction in accordance with the Survey Act 1986 and the Survey Regulations 1996. (b) This survey is accurate, and has been created in accordance with the provisions of these Regulations. Signature: <i>Peter Vassallo</i> Date: 5/10/00	
Field Book Reference Plan Examined: <i>By</i> Correct	
Approved as to Survey 19/12/2000 Deposited this 19th day of December 2000 Registrar General of Land File 14927 01 DEC 2000 DP 54701/3389	

LAND DISTRICT NORTH AUCKLAND
 SURVEY BLK. & DIST. 1 WAIROA
 NZMS 261 SHT
 RECORD MAP No.

TERRITORIAL AUTHORITY MANUKAU CITY
 Surveyed by BRIAN COWLEY SURVEYING LTD
 Scale 1:1000 Date JUNE 2000

LOTS 1 & 2 BEING A SUBDIVISION OF
 LOT 3 DP 54701

ATTACHMENT E



NOTES:

- AREAS AND DIMENSIONS ARE SUBJECT TO FINAL SURVEY.
- BOUNDARIES SHOWN ON THIS PLAN ARE FROM LAND INFORMATION NZ DCDB AND HAVE NOT BEEN SURVEYED. A BOUNDARY DEFINITION SURVEY SHOULD BE CARRIED OUT TO ESTABLISH EXACT BOUNDARY POSITIONS ON SITE.
- THESE NOTES ARE AN INTEGRAL PART OF THIS PLAN.
- THIS PLAN IS ISSUED FOR A SPECIFIC PROJECT AND MAY NOT BE ALTERED OR USED FOR ANY OTHER PURPOSE WITHOUT THE PRIOR WRITTEN CONSENT OF CIVILPLAN CONSULTANTS LIMITED.

SCHEDULE OF AREAS		
LEGAL DESCRIPTION	RT	AREA
LOT 2 DP 203289	NA131D/767	14229m2
LOT 2 DP 54701	NA131D/767	78664m2
SECTION 2 SO 487740	709887	28664m2
	TOTAL	121557m2

SCHEDULE OF PROPOSED AREAS			
DESCRIPTION	LOTS	NO. OF LOTS	AREA
ROAD TO VEST	900	1	2123m2
BALANCE LOTS	1000	1	26537m2
	TOTAL	2	28660m2

MEMORANDUM OF EASEMENTS IN GROSS			
PURPOSE	SHOWN	SERVIENT TENEMENT	GRANTEE
RIGHT OF WAY	A	LOT 1000	AUCKLAND COUNCIL
RIGHT OF WAY	B	LOT 2 DP 203289	AUCKLAND COUNCIL
RIGHT OF WAY	C	LOT 2 DP 54701	AUCKLAND COUNCIL

CIVILPLAN

CONSULTANTS

Level 9, Laidlaw House, 20 Amersham Way, Manukau, Auckland. Phone: 09 222 2445

THIS DRAWING (AND DESIGN) REMAINS THE PROPERTY OF CIVILPLAN CONSULTANTS LIMITED AND MAY NOT BE REPRODUCED OR ALTERED WITHOUT PRIOR AGREEMENT FROM CIVILPLAN CONSULTANTS LIMITED. CIVILPLAN CONSULTANTS LIMITED WILL NOT ACCEPT LIABILITY ARISING FROM UNAUTHORISED USE OF THIS DRAWING.

PROJECT TITLE:		
MANUKAU QUARRIES LP 885 WHITFORD-MARAETAI ROAD BEACHLANDS		
SHEET TITLE:		
SUBDIVISION PLAN OF SECTION 2 SO 487740 AND EASEMENTS OVER LOT 2 DP 203289, LOT 2 DP54701		
SCALE: (A1/A3)	1:1000 / 1:2000	
SCALE BAR 1:2000@A3		
ISSUE STATUS: DRAFT@22.03.2023		
PROJECT NUMBER: 2038-03	DRAWING NUMBER: 100-1	REV: -
REVISION DATE: dd.mm.yyyy		
DRAWN: -	CHECKED: -	APPROVED: -

ATTACHMENT F

ENGINEERING ASSESSMENT

Project Name:	Te Puru Business Park, 885 Whitford Maraetai Road, Beachlands
Client:	Knight Investments Limited
CP Project No:	2038
CP Document No:	2038-03-ER02-watersupply-aja-20230315
Date of Issue:	15 March 2023
Originator:	Anthea Abbott
Reviewer:	Ryan Pitkethley

1. Water Demand

As addendum to the Engineering Assessment for Te Puru Business Park, 885 Whitford Maraetai Road, Beachlands, this technical report confirms that the water demand resulting from the proposed development can be met by the existing water take consent WAT60325752.

1.1 Existing Consent

The existing water take consent WAT60325752 permits daily abstraction of 248m³ per day from the bore. The total abstraction from the bore shall not exceed 61,285m³ which computes to an average of 168m³/day.

The total abstraction for the bore and quarry site combined shall not exceed 400m³ per day or a maximum of 146,000m³ per year (400m³/day.)

1.2 Proposed Development Water Demand

The proposed development of 885 Whitford Maraetai Road is expected to generate a water demand of 37m³ per day with a peak daily demand of 73m³ per day.

This is less than volume allowed by the existing water take consent and therefor the bore can provide for the proposed development and does not require rainwater reuse from development roofs.

Attachments; Water Demand Calculations
 Water Catchment Plan 2038-03-SK01-3



WATER DEMAND CALCULATOR - INDUSTRIAL USAGE

WATERCARE CODE OF PRACTICE

CLIENT:	Nakhle Group
PROJECT:	Beachland Quarry
JOB NO:	2038

DESIGNER:	AJA
CHECKED:	
DATE:	13/03/2023
REV:	

NOTE: This spreadsheet calculates peak flow rates using the Watercare Code of Practice

Peak Hour Peak Factor	2.5
Peak Day Peak Factor	2

Table 6.1D	Routine Peak Daily Usage (l/m ² /d)
Light water users, or	4.5
Medium water users	6
Heavy water users, or	11

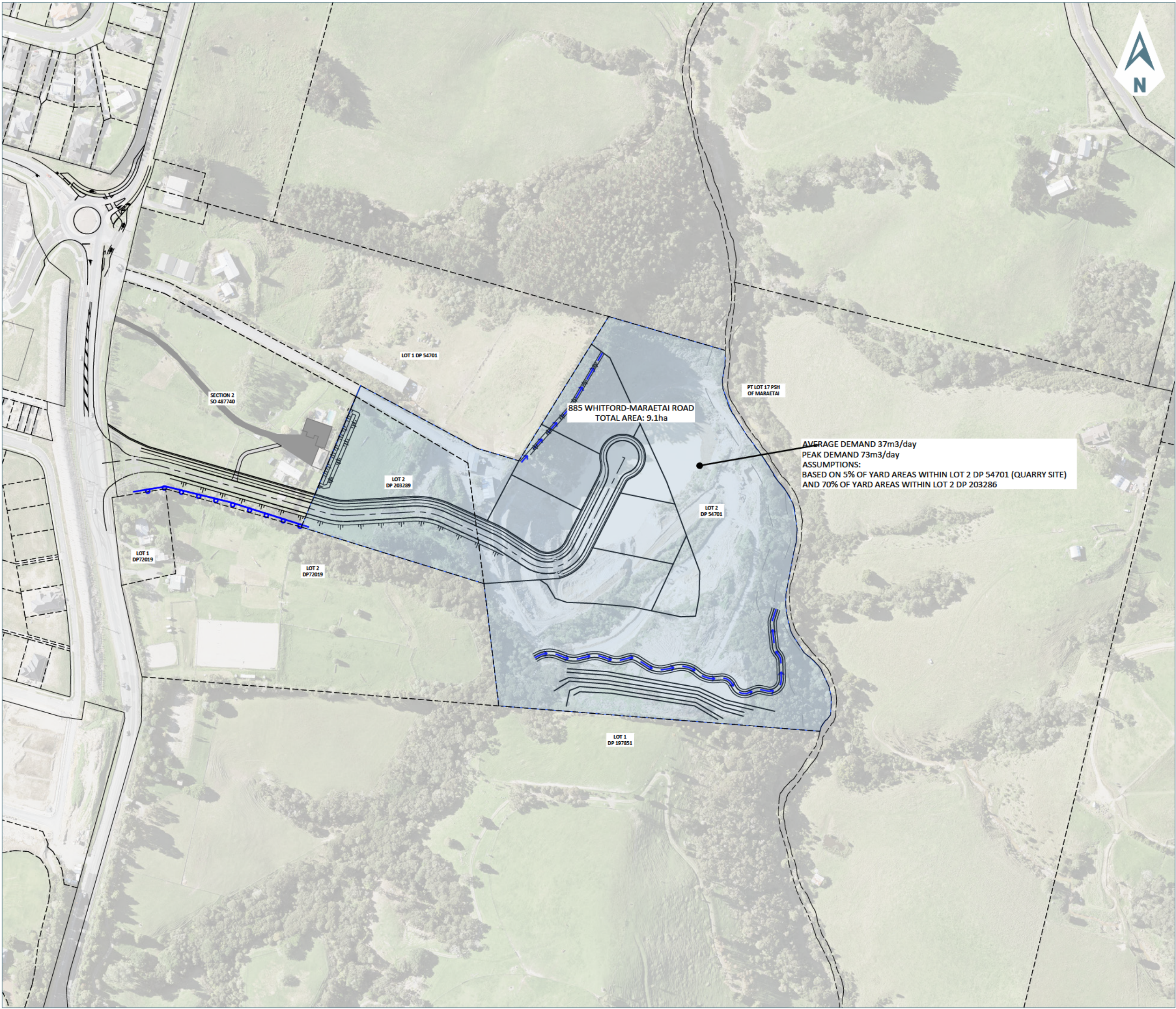
Table 6.1A	Routine Peak Usage (l/day)
Residential	220l/person/day
3 person design occ	660

Table 6.1C	Routine Peak Daily Usage (l/m ² /d)
Dry Retail	13
Office Buildings	43
Wet Retail	15

Assume net area is 80% of gross floor building area

[illegible]

S:\Jobs\2038 - Beachlands Quarry\calculations\water\[2038-CALC-WaterDemand-aja-20230313.xlsx]Water Demand Calcs



DRAFT

LEGEND

PROPOSED WATER CATCHMENT

NOTES:

- LEVELS ARE IN TERMS OF AUCKLAND VERTICAL DATUM 1946.
ORIGIN OF LEVELS
CODE: ADMF
NAME: CF 10
798866.761 mN
422204.973 mE
RL 46.995
- WATER PERMIT CONSENT WAT60325752 PERMITS MAXIMUM DAILY ABSTRACTION FROM THE BORE OF 248m3 AND THAT ANNUAL EXTRACTION SHALL NOT EXCEED 61,285m3 WHICH CORRELATES TO 168m3/day.
- THE PROPOSED DEVELOPMENT OF 885 WHITFORD MARAETAI ROAD IS EXPECTED TO GENERATE A WATER DEMAND OF 37m3/day ON AVERAGE, WITH A PEAK DEMAND OF 73m3/day. THIS IS LESS THAN THE CONSENTED VOLUMES.

CIVILPLAN
CONSULTANTS

Level 9, Laidlaw House, 20 Amersham Way, Manukau, Auckland. Phone: 09 222 2445

THIS DRAWING (AND DESIGN) REMAINS THE PROPERTY OF CIVILPLAN CONSULTANTS LIMITED AND MAY NOT BE REPRODUCED OR ALTERED WITHOUT PRIOR AGREEMENT FROM CIVILPLAN CONSULTANTS LIMITED. CIVILPLAN CONSULTANTS LIMITED WILL NOT ACCEPT LIABILITY ARISING FROM UNAUTHORISED USE OF THIS DRAWING.

PROJECT TITLE:		
TE PURU BUSINESS PARK 885 WHITFORD MARAETAI ROAD BEACHLANDS		
SHEET TITLE:		
WATER SUPPLY PLAN 885 WHITFORD MARAETAI ROAD		
SCALE: (A1/A3)	1:1500 / 1:3000	
SCALE BAR 1:3000@A3	0 30 60 90 120 150m	
ISSUE STATUS: DRAFT@15.03.2023		
PROJECT NUMBER: 2038-03	DRAWING NUMBER: SK01-3	REV: -
REVISION DETAILS:		REVISION DATE: dd.mm.yyyy
DRAWN: -	CHECKED: -	APPROVED: -

ATTACHMENT G

TOLLEMACHE

CONSULTANTS LTD.

To: Knight Investments Limited
From: Tollemache Consultants
Date: 28 February 2023
Subject: **Planning Review of Activities and 104D gateway test provisions in relation to a referral application for a fast track by Knight Investment Limited.**

1.0 Introduction:

- 1.1 We have been asked to provide a summary to confirm that an application for the Te Puru Business Park would not trigger any prohibited activities, to confirm applicable planning rules to the development proposed by Knight Investments Limited, and to confirm that this application could meet the gateway tests of Section 104D of the Resource Management Act if referred to an expert consenting panel, in relation to the application for a referral for a fast track under the COVID-19 Recovery (Fast-track Consenting) Act 2020.
- 1.2 This Appendix should be read in conjunction with the application made by Knight Investments Limited in relation to the construction of a business park at 867 and 885 Whitford Maraetai Road.

2.0 Applicable Resource Consents

- 2.1 Based on our review of the proposal the works are likely to trigger resource consents for the following activities:

Relevant plan / standard	Relevant rule / regulation	Reason for consent	Activity status	Location of proposed activity
National Environmental Standards				
Resource Management (National Environmental Standard for Freshwater) Amendment Regulations 2022	Reg 54	Earthworks, diversion of water and discharge of water into water outside, but within 100m setback, from a natural inland wetland	Non-complying	Areas within 100m of a natural wetland

Relevant plan / standard	Relevant rule / regulation	Reason for consent	Activity status	Location of proposed activity
Resource Management (National Environmental Standard for Assessing and Managing Contaminants in Soil to Protect Human Health) Regulations 2011 ("NESCS")	Regulation 11	Disturbance of soil where there is no detailed site investigation	Discretionary	Entire site
Auckland Unitary Plan ("AUP")				
Chapter E39 – Subdivision (Rural)	E39.4.1 (A8)	Subdivision of land within a natural hazard area (1% AEP, land subject to instability; Coastal Inundation + sea level)	Restricted Discretionary	For land adjacent to Whitford Maraetai Road to accommodate vesting of any extra road reserve
	E39.4.1 (A9)	Subdivision not meeting the relevant standards	Discretionary	
	E39.4.2 (A15)	Subdivision in the Rural-Countryside Living Zone not complying with Standard 39.6.5.2	Non-complying	
	E39.4.4(30)	Subdivision in Special Purpose – Quarry Zone that is not provided for in Table E39.4.1	Discretionary	
Chapter H19 – Rural – Countryside Rural Zone	H19.8.1 (A37)	Garden/Plant Centre	Non-Complying	That part of Lot 2 DP 54701 and Lot 2 DP 203289 zoned Countryside Living
	H19.8.1 (A40)	Storage and Lock up Facility (Boat/Caravan/Tractor/Truck Storage Yard)	Non-Complying	

Relevant plan / standard	Relevant rule / regulation	Reason for consent	Activity status	Location of proposed activity
	C1.7	Activities not provided for: i.e. "Light Industrial Type" Activities <ul style="list-style-type: none"> - Automotive Service/Repairs; - Tyre Shops; - Panel beaters; - Steel/Engineering workshops; - Rural/Outdoor Equipment Sales/workshop; and - Building Supplies Yard; - Landscape Supplies Yard. 	Discretionary	
	C.1.9	Development standard infringements: <ul style="list-style-type: none"> - H19.10.3 Minimum yard setback 	Restricted Discretionary	
Chapter H28 – Special Purpose – Quarry Zone	C1.7	Activities not provided for: i.e. "Light Industrial Type" Activities <ul style="list-style-type: none"> - Automotive Service/Repairs; - Tyre Shops; - Panel beaters; - Steel/Engineering workshops; - Rural/Outdoor Equipment Sales/workshop; - Garden/Plant Centre; - Boat/Caravan/Tractor/Truck Storage Yard; - Building Supplies Yard; and - Landscape Supplies Yard. 	Discretionary	That part of Lot 2 DP 54701 and Lot 2 DP 203289 zoned Quarry Zone

Relevant plan / standard	Relevant rule / regulation	Reason for consent	Activity status	Location of proposed activity
	H28.4.1 (A14) and (A15)	Land Disturbance greater than 2500m ² and 2500m ³	Controlled	
Chapter I441 Whitford Precinct	I441.4.1 (A3)	Buildings or accessory buildings located within the specified building area identified in a plan of subdivision.	Permitted	Lot 2 DP 54701 and Lot 2 DP 203289
	I441.4.1 (A6)	Buildings or accessory buildings located outside the specified building area.	Restricted Discretionary	
	I441.4.1 (A8)	Application for a specific building area	Discretionary	
	I441.4.1 (A11)	Subdivision which does not meet the standards in E39 Subdivision – Rural and the Whitford Precinct subdivision standards	Non-Complying	For land adjacent to Whitford Maraetai Road to accommodate vesting of any extra road reserve
	I441.6.4(3)	Where the CT does to have an attached consent notice specifying a building area, all buildings are discretionary activities	Discretionary	Lot 2 DP 54701 and Lot 2 DP 203289
	C.1.9	Development standard infringements: I441.6.2 Yards; I441.6.3 Building Coverage; I441.6.4 Buildings and Accessory Buildings.	Restricted Discretionary	Lot 2 DP 54701 and Lot 2 DP 203289
Chapter E3 Lakes, rivers, streams and wetlands	E3.4.1 (A10)	Diversion of a river or stream to a new course and associated disturbance and sediment discharge, outside of overlays.	Discretionary	Lot 2 DP 54701 and Lot 2 DP 203289

Relevant plan / standard	Relevant rule / regulation	Reason for consent	Activity status	Location of proposed activity
Chapter E5 Onsite and small scale wastewater treatment and disposal	E5.4.1 (A6)	Discharge of treated domestic-type wastewater and wastewater (excluding trade waste) that does not meet the relevant standards or is not provided for by any other rule in the Plan.	Discretionary	Lot 2 DP 54701 and Lot 2 DP 203289
Chapter E7 Taking using, damming and diversions of water	E7.4.1 (A13)	Diverting surface water not otherwise listed or meeting the standards	Discretionary	Lot 2 DP 54701 and Lot 2 DP 203289
	E7.4.1 (A26)	Taking and use not otherwise listed or meeting the standards	Discretionary	
	E7.4.1 (A28)	Diversion not otherwise listed or meeting the standards	Discretionary	
Chapter E8 - Stormwater – Discharge and Diversion	E9.4.1 (A10)	All other diversion and discharge of stormwater runoff from impervious areas not otherwise provided for	Discretionary	Whole site
Chapter E11 – Land Disturbance Regional	E11.4.1 (A8)&(A9)	Earthworks greater than 2,500m ² within the sediment control protection area and on land that has a slope equal to or greater than 10 degrees, in the Rural - Countryside Living zone	Restricted Discretionary	Whole site
Chapter E12 – Land Disturbance District	E12.4.1 (A6)&(A10)	Earthworks greater than 2,500m ² and 2,500m ³ in the Rural - Countryside Living zone	Restricted Discretionary	
	C1.9	Non-compliance with General standards listed in E12.6.2	Restricted Discretionary	
Chapter E15 Vegetation Management	E15.4.1 (A16)	Vegetation Removal within 20m of a rural stream	Restricted Discretionary	Areas within 20m of a stream
	E15.4.1 (A16)	Vegetation Removal within 20m of a wetland	Restricted Discretionary	Areas within 20m of a wetland

Relevant plan / standard	Relevant rule / regulation	Reason for consent	Activity status	Location of proposed activity
Chapter E25 Noise and Vibration	E25.4.1 (A2)	Construction works that do not comply with the permitted standards for noise and/or vibration	Restricted Discretionary	Whole site
Chapter E27 Transport	E27.4.1 (A2)	Parking and access which is an accessory activity but does not comply with the standards.	Restricted Discretionary	Whole site
	E27.4.1 (A3)	Any activity or subdivision which exceeds the trip generation standards <i>(10,000m² GFA Industrial activities)</i>	Restricted Discretionary	Whole site
	E27.4.1 (A5)&(A6)	Construction, use and establishment of new activity where the vehicle crossing access restriction applies	Restricted Discretionary	Whole site
Chapter E30 – Contaminated Land	E30.4.1 (A7)	Discharge of contaminants not meeting the controlled activity standards	Discretionary	Whole site
Chapter E33 – Industrial and Trade Activities	E33.4.2 (A18)	Discharge of contaminants from a new industrial or trade activity area listed as moderate risk in Table E33.4.3 where the permitted discharge standards are not met. <i>NB: Applies to Motor Vehicle Service Facilities; and Treated Timber Storage (i.e. Building Supply Yard)</i>	Controlled	Lot 2 DP 54701 and Lot 2 DP 203289
Chapter E26 - Infrastructure	E26.2.3.1 (A54)	Wastewater treatment plants	Restricted Discretionary	Lot 2 DP 54701 and Lot 2 DP 203289
	E26.2.3.1 (A53)	Water Treatment plants	Restricted Discretionary	Lot 2 DP 54701 and Lot 2 DP 203289

Relevant plan / standard	Relevant rule / regulation	Reason for consent	Activity status	Location of proposed activity
Chapter E36 – Natural Hazards	E36.4.1 (A29)	Storage of Hazardous Substances in the 1% AEP <i>(from industrial type activities i.e. auto repairs/engineering workshops)</i>	Restricted Discretionary	Lot 2 DP 54701 and Lot 2 DP 203289
	E36.4.1 (A30)	On-site wastewater treatment and disposal systems in the 1% AEP	Restricted Discretionary	
	E36.4.1 (A37)	New structures and buildings in the 1% AEP	Restricted Discretionary	
	E36.4.1 (A41)	Diverting the entry or exit point, piping or reducing the capacity of any part of an overland flow path	Restricted Discretionary	
	E36.4.1 (A42)	Any buildings or other structures, including retaining walls located within or over an overland flow path	Restricted Discretionary	
	E36.4.1 (A46)	Storage of Hazardous Substances which may be subject to land instability <i>NB: Precinct plan identifies portion of site has a gradient that could be indicative of instability</i>	Restricted Discretionary	
	E36.4.1 (A51)	All other buildings and structures, on land which may be subject to land instability not otherwise provided for <i>NB: See comment above</i>	Restricted Discretionary	
	E36.4.1 (A56)	All other infrastructure not specifically listed, located in a hazard area	Restricted Discretionary	

3.0 Prohibited Activities

Auckland Unitary Plan

- 3.1 We have reviewed the AUP with respect to prohibited activities (applicable to the site, zoning and proposed works and can confirm:

- 3.2 Under the subdivision provisions the following are listed as prohibited activities, as they apply to the zoning of the site (Chapter E39):
- The subdivision of a minor dwelling (in the Rural – Countryside Living Zone) from the principal dwelling where the proposed sites do not comply with the minimum size site requirement for subdivision in the applicable zone. The proposal does not include any minor dwellings or their subdivision.
- 3.3 Under the Rural – Countryside Living Zone provisions the following are listed as prohibited activities (Chapter H19):
- Mustelid Farming.
 - The subdivision of a minor dwelling from the site on which the principal dwelling is located.
 - The subdivision of workers' accommodation from the site on which the principal dwelling is located.
- 3.4 The proposal does not include any of the above noted activities.
- 3.5 There are no prohibited activities listed in the Special Purpose – Quarry Zone provisions (Chapter H28).
- 3.6 There are no prohibited activities listed in Whitford Precinct (Chapter I441).
- 3.7 Under the *Lakes, rivers, streams and wetlands* provisions the following are listed as prohibited activities, outside of overlays (Chapter E3):
- The planting of aquatic invasive plants;
 - Depositing litter, refuse, waste and/or contaminated material;
- 3.8 The proposal does not include any of the above noted activities.
- 3.9 Under the *On-site and small-scale wastewater treatment and disposal* provisions the following are listed as prohibited activities (Chapter E5):
- Discharge of domestic type wastewater by new deep bore disposal. The proposal does not propose disposal by this method.
- 3.10 There are no prohibited activities listed in the remaining relevant *Natural Resource* chapters, including: *Taking, using, damming and diversion of water and drilling* (Chapter E7), *Stormwater – Discharge and diversion* (Chapter E8), *Land modification works not within an overlay* (Chapters E11&E12), and *Vegetation management* (Chapters E15).
- 3.11 There are no prohibited activities listed in the relevant *Built Environment* chapters including: *Noise and Vibration* (Chapter E25).
- 3.12 There are no prohibited activities listed in the relevant *Infrastructure* chapters, including: *Transport* (Chapter E27).
- 3.13 There are no prohibited activities listed in the relevant *Environmental Risk* chapters, including: *Contaminated land* (Chapter E30), *Industrial and trade activities* (Chapter E33), and *Natural hazards and flooding* (Chapter 36).

3.14 The NES-FM Regulation 53 outlines the relevant prohibited activities. These are:

“(1) Earthworks within a natural wetland is a prohibited activity if it—

(a) results, or is likely to result, in the complete or partial drainage of all or part of a natural wetland; and

(b) does not have another status under any of regulations 38 to 51.

(2) The taking, use, damming, diversion, or discharge of water within a natural wetland is a prohibited activity if it—

(a) results, or is likely to result, in the complete or partial drainage of all or part of a natural wetland; and

(b) does not have another status under any of regulations 38 to 51.”

3.15 While the ecological reporting undertaken has identified a wetland within the site, no works are proposed in the vicinity of the wetland (i.e. within 10m of the wetlands) and the works can be carefully managed to avoid drainage or partial drainage of the feature.

4.0 Section 104D

4.1 As outlined in the Application for Referral, the development is likely to trigger a non-complying resource consent, and as such a review of the Section 104D gateway tests has been deemed to be appropriate. In this regard we note that Section 104 states:

“Despite any decision made for the purpose of section 95A(2)(a) in relation to adverse effects, a consent authority may grant a resource consent for a non-complying activity only if it is satisfied that either—

(a) the adverse effects of the activity on the environment (other than any effect to which section 104(3)(a)(ii) applies) will be minor; or

(b) the application is for an activity that will not be contrary to the objectives and policies of—

(i) the relevant plan, if there is a plan but no proposed plan in respect of the activity; or

(ii) the relevant proposed plan, if there is a proposed plan but no relevant plan in respect of the activity; or

(iii) both the relevant plan and the relevant proposed plan, if there is both a plan and a proposed plan in respect of the activity.”

Effects

- 4.2 The Application for Referral includes a summary of likely environmental effects. Having reviewed this summary, the proposal adopts the most practicable options to avoid and/or mitigate any actual and/or potential effects on the receiving environment resulting from the proposed "light industrial" type development within the site, which includes infrastructure development, land and stream modification and subdivision of the site. Thus, the potential adverse effects generated will not be more than minor.
- 4.3 Thus, it is considered that the proposal would meet the gateway test under section 104D(a).

Objectives and Policies

- 4.4 We have reviewed the relevant objectives and policies in respect of determining that an application for the development would be able to meet the gateway test in relation to objectives and policies.
- 4.5 The assessment found that the majority of the proposal would be consistent with the relevant objectives and policies as (generally grouped in themes below):
- (a) There would be provision of adequate infrastructure to service development (including transport and servicing infrastructure). Onsite wastewater disposal would be designed to maintain quality of all adjacent water sources (streams and ground water). A private access way and upgrades to Whitford-Maraetai Road are proposed to ensure road user safety. Adequate provision for parking and access can be made for the development.
 - (b) Land modification works would be undertaken in accordance with best practice for sediment control, and (including where in proximity to streams and any wetlands) ensuring that discharges during works avoid adverse effects on freshwater qualities. Any contaminated land will be managed within the site in accordance with best practice methodologies.
 - (c) Specific stability measures can be employed (e.g retaining walls etc) to ensure stability of sites and to enable the future industrial activities, and the proposed infrastructure.
 - (d) Where works are proposed that result in buildings/structures, infrastructure and storage of substances in a hazard zone, the capacity of the overland flowpaths and flood plains and/or stability of these features can be appropriately addressed through engineering techniques as part of the detailed design. Future land uses will employ precautionary practices to suitably contain any hazardous substances.
 - (e) There will be adequate provision for undergrounding utilities and provision of utilities to service the development.
 - (f) Stormwater water quality treatment and quantity controls for conveyance, treatment and to mitigate climate change and flood hazards will be employed.

- (g) Cultural values will be taken into account and enabled and provided for through the ongoing consultation with the relevant Mana Whenua groups.
- (h) The stream diversion will be accompanied by a full ecological mitigation/compensation assessment for aquatic habitat loss that will be informed by a comprehensive fish survey and Stream Ecological Valuation assessment. A freshwater management plan will be prepared which will include detail on the stream diversion methodology, stream design and riparian planting plans. This will ensure the natural values of the stream will be maintained.
- (i) Future industrial activities will utilise onsite management systems, processes and containment, treatment and disposal practices to ensure their discharges to the environment are avoided.

4.6 With specific regard to the *Whitford Precinct (Chapter 1440)* objectives and policies:

- (a) The proposed stream diversion within the site will be used to create a new stream environment which will through design and planting maintain and/ or enhance the natural character and ecological values associated with the stream. Significant Ecological Areas (SEAs) will also be protected from the proposed works and enhanced through planting. The values of the Te Puru stream will also be maintained and where possible enhanced thus creating a sense of open space. Ongoing maintenance and protection can be secured via covenants on the title. (Objective 1, Policies 2-4, 7 and 8).
- (b) The development will suitably respond to the stability concerns identified on the precinct plan (i.e. land which has have a gradient of 15 degrees or more) through the use of retaining structures, adherence to all potential geotechnical recommendations and planting of these slopes) (Objective 1 and Policy 4).
- (c) The proposed land uses would not constrain any rural production activities in the wider area, nor existing adjacent land uses. Due to the nature of the activities (and separation distances to any rural production activities) reverse sensitivity effects are unlikely to result (Objective 1 and Policy 10).
- (d) Stormwater and wastewater will be suitably collected, managed and treated. Land modification works would be undertaken in accordance with best practices for sediment control, and (including where in proximity to streams and any wetlands) ensuring that discharges during works were kept to best practice to avoid adverse effects on freshwater qualities (Objective 1 and Policy 7).
- (e) There is the possibility for a recreational trail to run adjacent to the stream at the site's eastern edge. This has not been depicted on the concept, as there would be limited access and connectivity to / from anywhere outside of the application site. However, should discussions with Auckland Council identify the desire for a trail at this time, this can be investigated further. (Policy 8).

- (f) Development in the Countryside Living Zone (Precinct B) is anticipated to be in a manner that ensures the landscape character and rural amenity values are maintained and enhanced. The majority of the project site is currently used for quarrying activities, and thus the site is already a significant departure from anticipated rural amenity values (albeit that quarrying is clearly a rural activity, just not one aligned with lower density rural living). The proposed development following remediation of the quarrying includes industrial style buildings and activities which have been proposed to be buffered from adjoining sites and views through extensive landscaping on all boundaries of the wider site and landscaping within the development itself (which includes ecological enhancement planting). In addition, the buildings are located away from prominent viewshafts, and have been designed to not be visually prominent or obtrusive. Overall, the landscape character and wider rural amenity values can be maintained. (Objective 1, Policy 1 and Policy 2).

4.7 With specific regard to the *Rural – Countryside Living Zone (Chapter H19)*¹ (objectives and policies):

H19.17 objectives and policies specific to the Rural – Countryside Living Zone

- (a) That portion of the site currently used in conjunction with quarrying and water take/distribution activities will not be used for rural lifestyle living, or small-scale rural production. It will be used for light industrial activities. The property at 867 Whitford-Maraetai Road will be able to continue to be utilised for rural lifestyle purposes following completion of the roading works. Thus development would not be entirely consistent with Objective 1.
- (b) Objective 2 (and Policy 1 and 4 and 5) seek to (among other things) ensure that development maintains and enhances the rural character and amenity values of the zone. As discussed above, the proposal is not wholly consistent with this objective in that this portion of the site will be developed to provide for industrial activities. However, the existing land use of the wider site means the rural character of its immediate environs has already been affected to some extent by the yard based quarrying activities, site remediation and quarry pit. Furthermore, the proposed development form and landscape package has been designed to mitigate effects through dense screening on the wider rural character and amenity values. Effects associated with noise, dust, and traffic effects can be suitably mitigated through management plans as conditions of consent as needed. These effects are all likely to be less than what occurs within a quarry.
- (c) The proposed land uses would not constrain any activities being established on adjacent zones, nor existing adjacent land uses. Due to the nature of the activities proposed and buffers between the site and adjacent uses, reverse sensitivity effects are unlikely to result (Objective 3, Policy 2 and 3).

¹ Notably these objectives and policies apply to part of the site only

- (d) There will be adequate provision for undergrounding utilities and provision of utilities to service the development (Objective 5).
- (e) The extent of land modification and vegetation removal will be limited to only that necessary to facilitate the proposed roading network as quarry rehabilitation works have already been consented. Furthermore, the location of the roading and development activities avoids wetlands, riparian margins, and heritage sites. Effects on water quality from activities can be suitably mitigation through sediment and erosion control measures, and for stormwater and wastewater adherence to good practise guidance documents for designs and operation (Policy 1).
- (f) The proposed stream diversion within the site will be used to create a new stream environment which will through design and planting maintain and/ or enhance the natural character and ecological values associated with the stream. SEAs will also be protected from the proposed works and enhanced through planting. The values of the Te Puru stream will also be maintained and where possible enhanced thus creating a sense of spaciousness. In addition, the diversion work and associated revegetation will create landscape and ecological linkages. Ongoing maintenance and protection can be secured via covenants on the title. (Policy 1).

H19.2.1 general objectives and policies

- (g) As identified in (c) above, the development is not anticipated to constrain any rural production type activities and so does not inhibit the achievement of objectives and policies relating to rural production activities (objective 2, policies (1)-(3), (5) and (7)).
- (h) As the land has been majority used as part of quarrying activities it does not contain any elite or prime soils nor does it fragment productive land (objectives 3 and 4, policies (3)-(4)).
- (i) The provision of local employment and services in this location would service the rural areas (and people residing in them) as well as the urban part of Beachlands (Objective 1). Beachlands does not have significant employment opportunities, making it almost exclusively a commuter suburban area to urban Auckland. This comes at a cost with significant roading upgrades to allow commuter traffic, congestion and CO2 production. This will not be resolved by modal shift given the low frequency of public transport. The provisions of local industry activities allows for employment and economic development. This has wider benefits to the function of Beachlands and its neighbouring rural community.

H19.2.3 rural character, amenity and biodiversity values objectives and policies

- (j) As identified in (f) the areas of significant biodiversity will be protected from development and enhanced (Objectives 1, 2, Policies 3).

- (k) As identified in (c) above, the development is not anticipated to create reverse sensitivity effects on rural activities (Objective 1, Policy 2).
- (l) Notably policy 1 which seeks to manage effects on character refers to the effects of "rural activities". The proposal is not a rural activity.

H19.2.5 rural industries, rural commercial services and non-residential activities

- (m) Objective 1-2 and Policies 1 are specific to rural industry or rural commercial services. The development does not fall within the defined terms of a rural industry or rural commercial service, as the activities would not be limited to only those primarily servicing the rural areas (also the activities would invariable provide for services for rural people and activities it would also service the urban area).
- (n) As identified above and in (j) the development would assist to support the well being of the local rural economic and the local community (being Beachlands) (Objective 3).
- (o) As identified in (b) above, the development has been carefully designed to manage effects on the wider rural character and amenity. It is acknowledged that the development would not enable a rural character or amenity for that part of 885 Whitford-Maraetai Road falling in the CLZ zone, however this is already occurring in that this portion of land is being utilised for non rural uses. The land at 867 Whitford-Maraetai Road would continue to maintain its current rural lifestyle amenity at the completion of works (Objective 3).
- (p) It is acknowledged that Objective 4 is directive in that "*Industries, services and non-residential activities of an urban type and scale unrelated to rural production activities are not located in rural zones*". As identified previously this applies to that part of 885 Whitford-Maraetai Road falling in the CLZ zone only, and this portion of land is already being utilised for industries and services (quarrying and water treatment and supply) not directly related to rural production activities.
- (q) As identified in (c) above, the development is not anticipated to create reverse sensitivity effects on rural activities (Policy 2).
- (r) As identified in (b)(d) and (f) above effects (and traffic effects) can be duly managed onsite and/or through works proposed by this application (Policy 2).

- 4.8 The above has highlighted that the proposal would not be entirely consistent with all of the Whitford Precinct or Rural zones objectives and policies. However this needs to be considered in the context of the existing site already being of a nature which is not one of rural amenity values, and the potential provision of a recreational trail.

- 4.9 Overall, we consider that the existing context of the site, and the avoidance of effects on the wider rural amenity and character values, would mean that these inconsistencies would not be detrimental to the success of the application.
- 4.10 With specific regard to the *Special Purpose – Quarry Zone (Chapter H28)* objectives and policies, it is not surprising that these relate almost entirely to the use of the land for quarrying (and related) uses and managing resulting effects. The development, as proposed, is not a mineral extraction activity, however is consistent in so far as the proposal is able to mitigate adverse effects; specifically, noise, vibration, dust, illumination, traffic, and land modification (as has been commented on in above sections). Policy 2 enables land uses which would be compatible with the mineral extraction activities. Light industrial activities would not be incompatible with the remaining rehabilitation works for the quarry that would be occurring during the staged manner for development.

Conclusions

- 4.11 Our evaluation is that the proposal can manage its adverse effects on the environment, therefore meeting the gateway test of section 104D(1)(a) of the RMA.
- 4.12 In respect to section 104D(1)(b) of the RMA, the proposal is inconsistent with a small number of the rural countryside living policies including those applicable to the Whitford Precinct. This Precinct covers a wider area, including the zoned Quarry. However, overall these inconsistencies with the objectives and policies not considered to be fatal to the consideration of the application on its merits. Under section 104(1), the proposal provides a number of clear benefits and positive effects, which address the wider issue of a lack of employment and economic development activities in Beachlands.