



FTAA–2506–1077: Application received for referral of the project under the Fast-track Approvals Act 2024 – Stage 2 decisions

Project Name: Pohutukawa Business Park

Date submitted:	30 September 2025	Tracking #: BRF–6892	
Security level:	In-Confidence	MfE priority:	Urgent

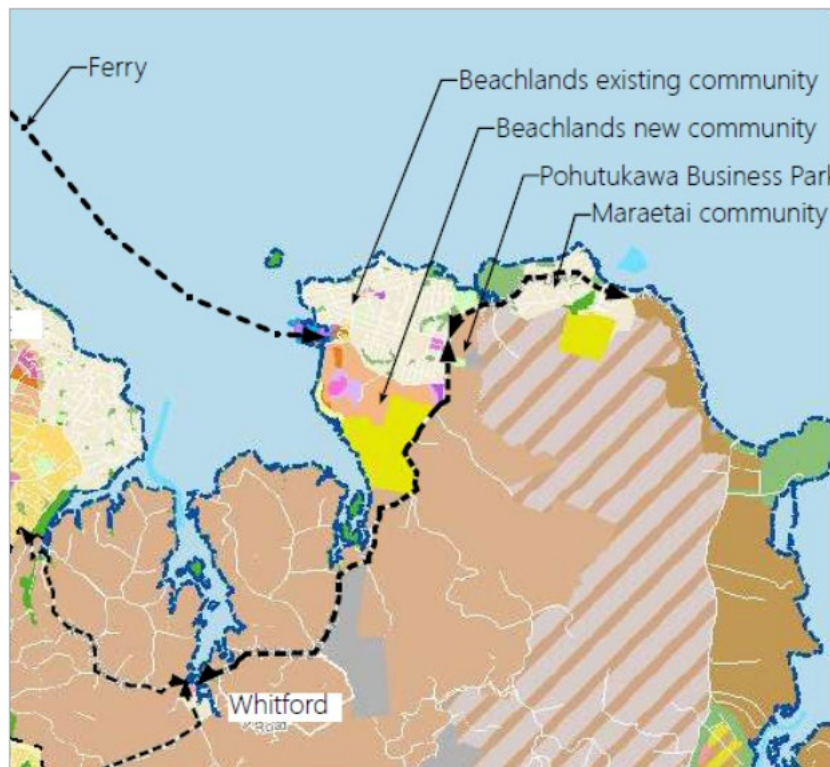
	Action sought:	Response by:
To Hon Chris Bishop, Minister for Infrastructure	Decision on recommendations	6 October 2025

Actions for Minister's Office staff	Return the signed briefing to MfE FTAreferrals@mfe.govt.nz . Approve the attached notice of decisions letter (if signed).
Number of appendices: 7	Appendices: 1. Statutory framework for making decisions 2. Application documents for Pohutukawa Business Park (refer File Exchange) 3. Stage 1 Briefing Note and decisions (refer File Exchange) 4. Section 18 Report on Treaty settlements and other obligations (refer File Exchange) 5. Comments received from all parties the Minister invited to comment (refer File Exchange) 6. Further information received post-consultation (refer File Exchange) 7. Draft Notice of Decisions

Ministry for the Environment contacts

Position	Name	Cell phone	1 st contact
Principal Author	Jess Hollis		
Manager	Stephanie Frame	s 9(2)(a)	✓
Acting General Manager	Suzanne Doig	s 9(2)(a)	

Project location



Key messages

1. This briefing seeks your decisions under section 21 of the Fast-track Approvals Act 2024 (the Act) on the application from Knight Investments Limited (the applicant) to refer the Pohutukawa Business Park project (the project) to the fast-track approvals process.
2. A copy of the application is in Appendix 2. This is the second briefing on this application. The first (Stage 1) briefing (BRF-6465) with your initial decisions annotated is in Appendix 3.
3. The project is to subdivide land and develop a business park and service area on approximately 13 hectares of land at 867 and 885 Whitford-Maraetai Road, Beachlands, in the Auckland region. The project includes works within the Whitford-Maraetai Road reserve and possible works at 855 and 865 Whitford-Maraetai Road.
4. The project includes the construction and operation of:
 - a. approximately 12,160m² of commercial and retail floor area (which may accommodate activities such as supermarket, retail such as large format retail, trade suppliers, community and healthcare activities), and two drive-thru restaurants
 - b. approximately 37,010m² of light-industrial and service space (which may accommodate activities such as warehouses, yard spaces, garden centre, distribution and other light industrial activities)
 - c. infrastructure for three waters services

- d. transport infrastructure (including external site access works, internal access circulation and parking provision).
5. The project will require the proposed approvals:
 - a. resource consents under the Resource Management Act 1991.
6. We recommend you **accept** the referral application as the project meets the criteria set out in section 22 of the Act and does not appear to involve an ineligible activity.
7. We seek your decisions on this recommendation and notification of your decisions.

Assessment against statutory framework

8. The statutory framework for your decision-making is set out in Appendix 1. You must apply this framework when you are deciding whether to accept or decline the referral application and when deciding on any further requirements or directions associated with referral of the project.
9. Before accepting the project, you must consider the application in Appendix 2, the section 18 Treaty settlements report in Appendix 4, any comments from invited parties in Appendix 5, any further information received in Appendix 6 and any document that requires your consideration and procedural requirements under section 16.
10. Following that, you may accept the application if you are satisfied that it meets the criteria in section 22 of the Act and if there are no reasons you must decline the application. We provide our advice on these matters below.

Section 18 Treaty settlements and other obligations report

11. The section 18 report in Appendix 4 identifies 16 Māori groups and 5 Treaty settlements relevant to the project area.
12. The Treaty settlements relevant to the project area are: Ngāi Tai ki Tāmaki Claims Settlement Act 2018, Ngāti Tamaoho Claims Settlement Act 2018, Te Patukirikiri deed of settlement signed 7 October 2018, Ngāti Pāoa deed of settlement signed 20 March 2021, and Te Ākitai Waiohūa deed of settlement signed 12 November 2021.
13. The section 18 report notes the provisions of the relevant Treaty settlements do not place any procedural obligations on you or any subsequent panel should you accept the referral application, in relation to the approvals being sought by the applicant.
14. No Māori groups responded to your invitation to comment on the referral application under section 17(1)(d) of the Act.
15. Under section 18(3)(b) a draft of the section 18 report is required to be provided to the Minister for Māori Development and the Minister for Māori Crown Relations: Te Arawhiti. The Minister provided comment in support of the project subject to the applicant: undertaking further consultation with the relevant Treaty settlement entities with interests in the project area to understand their views and positions on the proposal, addressing any concerns and risks raised by these entities, and continuing engagement with relevant entities where necessary. If you decide to refer the project, a panel must invite comments from relevant Treaty settlement entities under section 53(2)(c) of the Act. Therefore we do not consider you need to direct the applicant or panel in this regard.
16. Of the 16 Māori groups identified in the section 18 report, we note the Ngāti Koheriki Claims Committee do not fall within the scope of persons or groups whom a panel must invite

comments from on a substantive application for the project under section 53 of the Act. Ngāti Koheriki Claims Committee are identified in the section 18 report as a group that has a recognised mandate to negotiate a Treaty settlement over an area which may include the project area (section 18(2)(d)), therefore if you decide to refer the project you may wish to specify under section 27(3)(b)(iii) of the Act that a panel must invite comments from the Ngāti Koheriki Claims Committee.

17. The section 18 report does not identify any matters that make it more appropriate for the proposed approvals to be authorised under another Act or Acts.

Section 16 Effects of Treaty settlements and other obligations on decision-making

18. The section 18 report does not identify any provisions in the Treaty settlements referred to at paragraph 12 of this briefing that would place any requirements on you or a panel under section 16.

Written comments received

19. Comments were received from Auckland Council (AC) and two Ministers. The key points of relevance to your decisions are summarised in Table A.
20. AC did not specifically comment on whether the project should be referred but considered the project will not have significant regional or national benefits.
21. The Minister for the Environment did not comment on whether the project should be referred. The Minister suggested that if you refer the project, the applicant could be required to provide an assessment of the impacts of coastal inundation/flooding on the infill stability of the quarry area to support the panel with smooth and efficient deliberations. We do not consider this is necessary as discussed in Table A.
22. The Minister for Economic Growth did not comment on whether the project should be referred but noted the substantial short- to medium-term economic benefits, job creation and longer-term benefits of the project.
23. The Minister for Regional Development responded with no comment on the referral application.

Further information provided by applicant, relevant local authorities, relevant administering agencies

24. You requested further information from AC under section 20 of the Act. You must consider all information received within the specified timeframe. We have taken this information into account in our analysis and advice and it is presented in Table A.
25. Following the Stage 1 briefing, the applicant provided additional information regarding the proposed works on 855 and 865 Whitford-Maraetai Road, the owners of those landholdings and details of consultation with those owners. This information is discussed in Table A with respect to section 22(1)(b) and we are satisfied the ownership of the land within the project area will not negatively impact project delivery.

Reasons to decline

26. The statutory framework in Appendix 1 sets out the situations where you must decline the application for referral under section 21(3). We do not consider you must decline this application.

27. You may also decline the application for any other reason under section 21(4). The Act gives some guidance on matters you could consider when deciding whether to decline an application and these are set out and discussed in Table A. We do not consider you should decline the project for any other reason.

Reasons to accept

28. The statutory framework in Appendix 1 sets out the reasons you can accept a project for referral.
29. Our assessment of these matters is summarised in Table A. We consider the project meets the requirements of section 22, as:
- a. it is an infrastructure or development project to subdivide land and develop a business park and service area that would have significant regional or national benefits because it:
 - i. will contribute to a well-functioning urban environment
 - ii. will deliver significant economic benefits.
 - b. referring the project to the fast-track approvals process would facilitate the project, including by enabling it to be processed in a more timely and cost-effective way than under normal processes because public and limited notification is precluded and appeal rights are limited.
 - c. referring the project to the fast-track approvals process is unlikely to materially affect the efficient operation of the fast-track approvals process because the project is not complex and a similar, smaller scale project has previously been considered and consented.

Conclusions

30. We consider the project meets the section 22 criteria and you could accept the application under section 21 of the Act and refer all of the project to a panel with the specifications outlined below.
31. If you decide to refer the project, we consider you should specify under section 27(3)(b)(iii) of the Act that a panel must invite comments from the Ngāti Koheriki Claims Committee.

Next steps

32. The Ministry for the Environment (MfE) must give notice of your decisions on the referral application, and the reasons for them, to the applicant and anyone invited to comment under section 17 and publish the notice on the Fast-track website.
33. If you decide to refer the project, MfE must also give notice of your decisions to:
- a. the panel convener
 - b. any additional iwi authorities or Treaty settlement entities that you consider have an interest in the matter other than those invited to comment under section 17
 - c. the Environmental Protection Authority (EPA)
 - d. the relevant administering agencies.

34. On your behalf we will provide all the information you received that relates to this application to the EPA and the panel convener, including:
 - a. the referral application
 - b. any comments received under section 17
 - c. the report obtained under section 18.
35. We have attached a notice of decisions letter to the applicant based on our recommendations in Appendix 7 that we will provide to all relevant parties. We will provide you with an amended letter if required.
36. Our recommendations for your decisions follow.

Recommendations

37. We recommend that you:

- a. **Note** section 21(3) of the Fast-track Approvals Act 2024 (the Act) requires you to decline the referral application from Knight Investments Limited for the Pohutukawa Business Park project (the project) if you are satisfied that the project involves an ineligible activity, or you consider that you do not have adequate information to inform the decision under this section, or if you are not satisfied the project meets the referral criteria in section 22 of the Act.

Noted

- b. **Agree** that before deciding on the application for project referral under section 21(1) of the Act you have considered:

- i. the application in Appendix 2
- ii. the report obtained under section 18 in Appendix 4
- iii. any comments and further information sought under sections 17 and 20 and provided within the required timeframe in Appendix 5 and 6.

Yes/No

- c. **Agree** you are satisfied the project will meet the referral criteria in section 22 of the Act as:

- i. it is an infrastructure or development project to subdivide land and develop a business park and service area that would have significant regional or national benefits because it:
 - (1) will contribute to a well-functioning urban environment by providing good accessibility to jobs
 - (2) will deliver significant economic benefits by providing approximately 1,085 FTE years over a 4-year development period, and having a total impact on business activity within the Auckland region of approximately \$140 million
- ii. referring the project to the fast-track approvals process would facilitate the project, including by enabling it to be processed in a more timely and cost-effective way than under normal processes because public and limited notification is precluded and appeal rights are limited
- iii. referring the project to the fast-track approvals process is unlikely to materially affect the efficient operation of the fast-track approvals process because the project is not complex and a similar, smaller scale project has previously been considered and consented.

Yes/No

- d. **Agree** there is no reason the project must be declined under section 21(3) of the Act.

Yes/No

- e. **Agree** to accept the referral application under section 21(1) of the Act and refer all of the project to the next stage of the fast-track process under section 26(2)(a).

Yes/No

- f. **Agree** to specify Knight Investments Limited as the person who is authorised to lodge a substantive application for the project

Yes/No

- g. **Agree** to specify under section 27(3)(b) of the Act that a panel must invite comments from the Ngāti Koheriki Claims Committee in addition to those persons or groups specified in section 53 of the Act.

Yes/No

- h. **Agree** that on your behalf the Ministry will provide your notice of decisions to:

- i. anyone invited to comment on the application including the relevant local authority, the relevant administering agency, the Minister for the Environment and relevant portfolio Ministers, and relevant Māori groups.
- ii. the panel convener
- iii. the Environmental Protection Authority.

Yes/No

- i. **Sign** the notice of decisions letter to the applicant attached in Appendix 7.

Yes/No

Signatures



Suzanne Doig
Acting General Manager, Delivery and Operations

Hon Chris Bishop
Minister for Infrastructure

Date:

Table A: Stage 2 analysis

Recommendation	Accept the referral application and refer the whole of the project to the fast-track approvals process.		
Project details	Project Name	Applicant	Project Location
	Pohutukawa Business Park	<p>Knight Investments Limited</p> <p>c/- Russell McVeigh</p> <p>The applicant is a legal company and eligible to apply for the relevant approvals.</p>	867 and 885 Whitford-Maraetai Road, Beachlands, Auckland region, and the Whitford-Maraetai Road reserve, with associated works at 855 and 865 Whitford-Maraetai Road.
Project description	<p>The project is to subdivide land and construct and operate a business park and service area including:</p> <ol style="list-style-type: none"> approximately 12,160m² of commercial and retail floor area (which may accommodate activities such as supermarket, retail such as large format retail, trade suppliers, community and healthcare activities), and two drive-thru restaurants approximately 37,010m² of light industrial and service space (which may accommodate activities such as warehouses, yard spaces, garden centre, distribution and other light industrial activities) infrastructure for three waters services transport infrastructure (including external site access works, internal access circulation and parking provision) <p>The project will require the proposed approvals:</p> <p>Resource consents under the specified Act – Resource Management Act 1991 (RMA)</p>		
Minister invites comments / requests information	Summary of comments from invited parties		Further information from applicant, relevant local authorities, relevant administering agencies
	<p><i>Local authorities</i></p> <p><u>Auckland Council (AC)</u> AC did not specifically comment on whether the project should be referred but considered the project will not have significant regional or national benefits.</p> <p>AC confirmed that no competing application or applications have been lodged with AC that would be a competing application or applications, if a substantive application for the project were lodged, and that there are no existing resource consents issued where sections 124C(1)(c) or 165ZI of the RMA could apply, if the project were to be applied for as a resource consent under the RMA.</p> <p><i>Ministers</i></p> <p><u>Minister for the Environment</u> The Minister for the Environment did not comment on whether the project should be referred. The Minister suggested that if the project is referred the applicant could be required to provide an assessment of how coastal inundation/flooding will impact infill stability in the former quarry area, particularly relating to groundwater, with the substantive application for the project. The Minister considered this would reduce the risk of unanticipated significant matters being identified late in the process and will support the smooth and efficient conduct of the expert panel's deliberations and the process for the applicants.</p> <p>We consider an assessment of coastal inundation/flooding will generally be covered by the requirements of clause 5 Schedule 5 of the Act. Therefore, we do not consider you need to require the applicant to provide this information with the substantive application for the project.</p> <p><u>Minister for Economic Growth</u> The Minister for Economic Growth did not comment on whether the project should be referred but noted the substantial short- to medium-term economic benefits, job creation and longer-term benefits of the project. The Minister noted the project supports the Government's economic growth plan by increasing retail and commercial activities in an expanding urban fringe, while also generating employment opportunities.</p> <p><u>Minister for Regional Development</u> The Minister for Regional Development responded with no comment on the referral application.</p>		<p><u>Auckland Council</u></p> <p>You requested further information from AC on whether it considers the project would have significant regional or national benefits, and in that context, whether AC has any high-level comments on the project's alignment with any respective plans, policies or strategies.</p> <p>AC advised it engaged a consultant economist to review the economic assessment lodged in support of the referral application for the project. Based on the findings of that review AC considered the economic effects of the project have not been shown by the applicant to be likely to occur beyond the local area, nor to a scale where they are likely to be regionally significant. AC also considered the project's contribution to a well-functioning urban environment is unlikely to extend beyond the local area. AC therefore considered the project would not have significant regional or national benefits.</p> <p>AC considered the project is in general alignment with relevant plans, policies and strategies, aside from inconsistency with some objectives and policies of the Auckland Unitary Plan (AUP) Whitford Precinct or Rural Zone.</p>

<p>The Minister must decline an application if the Minister is satisfied that the project involves an ineligible activity [section 21(3)(b)]</p>	<p>Based on the information in the application, we consider the project is eligible for referral because it:</p> <ul style="list-style-type: none"> would not occur on identified Māori land, Māori customary land or a Māori reservation as confirmed by the relevant records of title would not occur in a customary marine title area or protected customary rights area as it is not in the common marine and coastal area is not an aquaculture activity or activity that is incompatible with aquaculture activities that would occur in an aquaculture settlement area and for which the applicant is not authorised to apply for a coastal permit because it will not occur in the common marine and coastal area or an aquaculture settlement area would not require an access arrangement which cannot be granted under the Crown Minerals Act (including s61(1A)) because it does not include an access arrangement would not be prevented by section 165J,M, Q, ZC or ZDB of the RMA because it will not occur in the common marine and coastal area would not occur on Schedule 4 land as confirmed by the records of title would not occur on a national reserve as confirmed by the records of title would not occur on a reserve held under the Reserves Act 1977 that is managed by or vested in someone other than the Crown or a local authority and that person has not consented in writing as confirmed by the record of title and information from the applicant. The land at 855 Whitford-Maraetai Road (Lot 2 Deposited Plan 72019) is a recreation reserve managed by and vested in Auckland Council. is not a prohibited activity or decommissioning activity under the Exclusive Economic Zone and Continental Shelf (Environmental Effects) Act 2012, or a prohibited activity under s15B or s15C of the RMA and no such activities are proposed is not for the purpose of an offshore renewable energy project. <p>No comments raised by parties invited to comment have indicated that the project would be ineligible for referral.</p>
<p>The Minister must decline an application if the Minister considers they do not have adequate information to inform the decision [section 21(3)(c)]</p>	<p>We consider that you have adequate information to inform the referral decision.</p>
<p>Relevant considerations and procedural requirements in Treaty settlement, Mana Whakahono ā Rohe, joint management agreement, or the Marine and Coast Area (Takutai Moana) Act 2011 or the Ngā Rohe Moana o Ngā Hapū o Ngāti Porou Act 2019 [section 16]</p>	<p>There are no documents or procedural requirements relevant to your process and decision making under s16 of the Act.</p>
<p>Section 22 assessment criteria</p>	
<p>The project is an infrastructure or development project that would have significant regional or national benefits [section 22(1)(a)]</p>	<p>You may consider any of the following matters, or any other matters the Minister considers relevant.</p> <p><i>Will increase the supply of housing, address housing needs, or contribute to a well-functioning urban environment [s22(2)(a)(iii)]</i> The applicant considers the project will contribute to a well-functioning urban environment in Beachlands as the area is currently constrained by its transport infrastructure, reliance on private vehicles and limited public transport options. In addition, the applicant considers the project will provide opportunities for local employment in a strategic location that is undergoing recent and future residential development. AC considered the project's contribution to a well-functioning urban environment is unlikely to extend beyond the local area.</p> <p>We note consent for the Te Puru Business Park project, proposed on part of the project area under this current referral application, was granted by a panel under the COVID-19 Recovery (Fast-track Consenting) Act 2020 (FTCA) in August 2024. The Te Puru Business Park project involved development predominately on 885 Whitford-Maraetai Road similar in nature and scale to that proposed under this current referral application. The panel in its decision noted that the Te Puru Business Park project would provide good accessibility to jobs for the local community and provide improved transport links.</p> <p>We consider that the Pohutukawa Business Park project will contribute to a well-functioning urban environment by providing good accessibility to jobs.</p> <p><i>Will deliver significant economic benefits [s22(2)(a)(iv)]</i> The applicant considers the project will deliver significant economic benefits including generating approximately 1,085 full-time equivalent (FTE) years over the 4-year development period, and having a total impact on business activity within the Auckland region of approximately \$140 million. AC considered the economic benefits of the project have not been shown by the applicant to be likely to occur beyond the local area, nor to a scale where they are likely to be regionally significant.</p> <p>We consider the economic information provided by the applicant is adequate to inform your referral decision and that the project will deliver significant economic benefits.</p>

	<p><i>Will support climate change mitigation, including the reduction or removal of greenhouse gas emissions [s22(2)(a)(vii)]</i> The applicant considers the project will reduce greenhouse gas emissions by reducing the distance travelled by Beachlands residents to get to work and to local services and retail. The applicant also notes the project provides for active modes of transportation to access the site, including extensions to the existing pedestrian/cycling network along Whitford-Maraetai Road and communal charging facilities for electric vehicles/bicycles/scooters etc in the car parking area.</p> <p>We note consideration of a potential reduction in greenhouse gas emissions was not recorded in the panel decision for the Te Puru Business Park project.</p> <p>Based on the information in the referral application we do not consider the project should be referred on this criterion.</p> <p><i>Will support climate change adaptation, reduce risks arising from natural hazards, or support recovery from events caused by natural hazards [s22(2)(a)(viii)]</i> The applicant considers the project will provide localised space and services for the Beachlands community in times of disaster, thereby increasing social resilience in the community. The industrial units are future-proofed to accommodate emergency services, addressing a critical need for a frontline hub in a growing community that includes new residential developments.</p> <p>Based on the information in the referral application we do not consider the project should be referred on this criterion.</p> <p><i>Is consistent with local or regional planning documents, including spatial strategies [s22(2)(a)(x)]</i> The applicant acknowledges that the project is not envisaged by the current zoning and is not consistent with the AUP in this regard. AC considered the project is in general alignment with relevant plans, policies and strategies, aside from inconsistency with some objectives and policies of the AUP Whitford Precinct or Rural Zone.</p> <p>We do not consider the project should be referred on this criterion.</p>
Referring the project to the fast-track approvals process [section 22(1)(b)]	<p><i>Would facilitate the project, including by enabling it to be processed in a more timely and cost-effective way than under normal processes [s22(1)(b)(i)]</i> The applicant considers this is satisfied for the following reasons:</p> <ul style="list-style-type: none"> Through the FTCA, AC commented the development should be subject to rezoning via a private plan change under standard RMA processes, adding an estimated 4-6 years to the timeline for development. There is a high likelihood that if the standard RMA resource consent process is utilised the application would be publicly notified, thus resulting in time delays. Public and limited notification is precluded under the Act, therefore the approvals timeframe anticipated under the Act is likely to be considerably shorter (by several years) and more efficient than if approvals were sought under the standard RMA process. This will enable the significant regional benefits to be realised earlier. <p><i>Is unlikely to materially affect the efficient operation of the fast-track approvals process [s22(1)(b)(ii)]</i> The applicant considers this is satisfied for the following reasons:</p> <ul style="list-style-type: none"> This is a straightforward project noting that a similar, smaller scale project has previously have been considered and was consented under the FTCA. Consultation has already been undertaken with the relevant iwi authorities, and the applicant considers the process of invited comments is more than sufficient to take into the account the views of interested parties. <p>We note the project area includes two parcels of land owned by third parties, being 855 Whitford-Maraetai Road which is a recreation reserve owned by AC and occupied by the Beachlands-Maraetai Pony Club, and 865 Whitford-Maraetai Road owned by Raymond Catton. Work on this land is restricted to geotechnical boundary treatment and upon completion of construction the development will be contained wholly within 867 and 885 Whitford-Maraetai Road.</p> <p>The applicant advised they have been engaging positively with AC, the Franklin Local Board and Mr Catton on the use of the land. Whilst it is the applicant's preference that the boundary treatment takes place on 855 and 865 Whitford-Maraetai Road, the applicant has confirmed that if arrangements for use of this land are not finalised the boundary treatment can take place fully within 867 and 885 Whitford-Maraetai Road owned by Manukau Quarries Limited (which has the same shareholding as the applicant).</p> <p>We are satisfied referring the project to the fast-track approvals process is unlikely to materially affect the efficient operation of that process.</p>

Reasons to decline	
Minister <u>must</u> decline [section 21(3)]	Minister <u>may</u> decline [section 21(4) and 21(5)(a-h)]
<p><i>The Minister <u>must</u> decline a referral application if:</i></p> <p><i>The application may not be accepted under subsection 1 (meets referral criteria)</i></p> <p>We consider the project meets the referral criteria.</p> <p><i>The Minister is satisfied the project involves an ineligible activity</i></p> <p>We have not identified any ineligible activities included in the project scope.</p> <p><i>The Minister considers that they do not have adequate information to inform the decision under this section</i></p> <p>We consider you have adequate information to inform your referral decision.</p> <p>We do not consider that you must decline the application under this section.</p>	<p>You <u>may</u> decline a referral application for any other reason, whether or not it meets the criteria in section 22.</p> <p>Reasons to decline a referral application under subsection 4 include, without limitation:</p> <p><i>The project would be inconsistent with a Treaty settlement, Ngā Rohe Moana o Ngā Hapū o Ngāti Porou Act 2019, Marine and Coastal Area (Takutai Moana) Act 2011, a Mana Whakahono ā Rohe, or a joint management agreement</i> No inconsistencies have been identified within the s18 report on Treaty settlements and other obligations.</p> <p><i>It would be more appropriate to deal with the matters that would be authorised by the proposed approvals under another Act or Acts</i> Comments received and the s18 report on Treaty settlements and other obligations do not suggest it would be more appropriate to deal with the matters that would be authorised by the proposed approvals under another Act or Acts.</p> <p><i>The project may have significant adverse effects on the environment</i> The applicant notes the project has the potential for adverse environmental effects, including engineering effects, stormwater effects, geotechnical effects, transport effects, landscape and visual effects, urban design effects and effects on cultural heritage and mana whenua values. The applicant has also provided preliminary technical assessments in support of its view that the project will not have any significant adverse effects.</p> <p>Comments received did not raise concerns regarding significant adverse effects on the environment and we note that you do not require a full Assessment of Environment Effects and supporting evidence to make a referral decision. If you decide to accept this referral application and refer the project to the fast-track approvals process, a panel can consider the adverse impacts of the project and any appropriate mitigation, offsetting or compensation.</p> <p><i>The applicant(s) has a poor compliance history under a specified Act that relates to any of the proposed approvals</i> The application details there are three abatement notices on record under the RMA in relation to other developments undertaken by the applicant. Each of these are considered by the applicant to be minor in nature and have all been resolved. AC did not provide comment or raise concerns regarding the applicant's compliance history.</p> <p>We do not consider you should decline the referral application on the basis of a poor compliance history.</p> <p><i>The project area includes land that the Minister for Treaty of Waitangi Negotiations considers necessary for Treaty settlement purposes</i> No such land has been identified.</p> <p><i>The project includes an activity that is a prohibited activity under the Resource Management Act 1991</i> Neither the applicant nor AC have identified any prohibited activities for the project under the RMA.</p> <p><i>A substantive application for the project would have one or more competing applications.</i> AC commented that no competing application or applications have been lodged with AC. We also note the Environmental Protection Authority (EPA) is required to check prior to providing a substantive application to the panel convener.</p> <p><i>In relation to any proposed approval of the kind described in section 42(4)(a) (resource consents), there are one or more existing resource consents of the kind referred to in section 30(3)(a)</i> AC commented that there are no existing resource consents of the kind referred to in section 30(3)(a).</p> <p><i>Any other matter</i> We have not identified any other reason to decline the referral application.</p> <p>We do not recommend you decline the referral application.</p>

Statutory framework summary

1. You are the sole decision maker for referral applications. If you accept a referral application then the whole or part of the project will be referred to the fast-track approvals process.
2. If a Treaty settlement, the Marine and Coastal Area (Takutai Moana) Act 2011, the Ngā Rohe Moana o Ngā Hapū o Ngāti Porou Act 2019, a Mana Whakahono ā Rohe or a joint management agreement provides for consideration of any document or procedural requirements, you must, where relevant:
 - a. Give the document the same or equivalent effect through this process as it would have under any specified Act; and
 - b. Comply with any applicable procedural requirements.
3. You must decline a referral application if:
 - a. you are satisfied the project does not meet the referral criteria in s22
 - b. you are satisfied the project involves an ineligible activity (s5)
 - c. you consider you do not have adequate information to inform your decision.
4. You may decline an application for any other reason, including those set out in s21(5) and even if the application meets the s22 referral criteria.
5. You can decline an application before or after inviting comments under s 17(1). However, if comments have been sought and provided within the required time frame, you must consider them, along with the referral application, before deciding to decline the application.
6. If you do not decline a referral application at this initial stage you must copy the application to, and invite written comments from:
 - a. the relevant local authorities,
 - b. the Minister for the Environment and relevant portfolio Ministers
 - c. the relevant administering agencies
 - d. the Māori groups identified by the responsible agency
 - e. the owners of Māori land in the project area:
 - f. you may provide the application to and invite comments from any other person.
7. You can request further information from an applicant, any relevant local authority or any relevant administering agency at any time before you decide to decline or accept a referral application (see section 20 of the Act).
8. However, if further information has been sought and provided within the required time frame you must consider it, along with the referral application, before deciding to decline the application.