

BEFORE THE MILLDALE EXPERT PANEL

<i>In the matter of</i>	of the Fast-Track Approvals Act 2024 (the <i>FTAA</i>) and the deliberations and final decision of the Expert Panel appointed under section 50 and Schedule 3 of the FTAA to authorise Stages 10-13 and Stage 4C of the Milldale development, together with a supporting temporary wastewater treatment plant.
<i>Expert Panel</i>	Daniel Minhinnick (<i>Chair</i>) Dave Serjeant (<i>Member</i>) Alan Pattle (<i>Member</i>)
<i>Comments received under Section 53 of the FTAA:</i>	29 July 2025
<i>Details of any hearing under Section 57 of the FTAA:</i>	No hearing held

**Record of Decision of the Expert Consenting Panel
under Section 87 of the
Fast-Track Approvals Act 2024**

Decision: Approval is granted subject to conditions

<i>Date of Decision:</i>	3 October 2025
<i>Date of Issue:</i>	3 October 2025

PART A: EXECUTIVE SUMMARY	1
PART B: OVERVIEW OF THE APPLICATION	1
Applicant	1
Site and surrounding environment.....	1
Overview of the Application	4
Mitigation Measures, Management Plans and Monitoring	7
RMA Approvals	9
Archaeological authority.....	11
PART C: PROCEDURE.....	12
Completeness.....	12
Panel appointment	12
Meetings and site visits.....	12
Other advice and reports received	12
Comments received on the Application	12
Conditions	14
Comments from the Ministers	14
No hearing required	14
Record of deliberations	15
Timing of the Panel decision	15
PART D: LEGAL CONTEXT.....	16
Legal context for a listed project under the FTAA	16
Decisions on approvals	16
Ability to decline consent	17
Approvals relating to the Resource Management Act 1991	17
Approvals relating to an archaeological authority under the Heritage New Zealand Pouhere Taonga Act 2014	19
Content of our record of decision.....	20
PART E: EVALUATION OF EFFECTS – RMA APPROVALS	22
Landscape and visual effects and urban design.....	23
Ecological effects	27
Flooding, stormwater and water quality effects.....	28
Transport effects	30
Infrastructure effects.....	31
Economic effects.....	34
Cultural effects	35
Noise and vibration effects	36
Air quality effects.....	38
PART F: EVALUATION OF RELEVANT PLANNING INSTRUMENTS - RMA APPROVALS	42
National Policy Statements	42
Regional Policy Statement	45

Auckland Unitary Plan.....	47
Conclusion regarding consistency with the regional and district planning framework	51
Planning documents recognised by a relevant iwi authority and lodged with the Council.....	51
PART G: REGIONAL OR NATIONAL BENEFITS OF THE PROJECT	53
PART H: CONDITIONS – RMA APPROVALS AND ARCHAEOLOGICAL AUTHORITY.....	55
FTAA general requirements for conditions.....	55
Conditions on RMA approvals.....	55
Conditions on Archaeological Authority.....	61
PART I: OVERALL EVALUATION – RMA APPROVALS	63
PART J: OVERALL EVALUATION – ARCHAEOLOGICAL AUTHORITY	64
PART K: FINAL DECISION	67
APPENDIX A: CONDITIONS.....	68

PART A: EXECUTIVE SUMMARY

- 1 This is an application by Fulton Hogan Land Development Limited (the **Applicant**) for resource consents under the Resource Management Act 1991 (**RMA**) to authorise Stages 10-13 and Stage 4C of the Milldale development (**RMA Approvals**), together with a supporting temporary wastewater treatment plant (the **Project**), and for an archaeological authority under the Heritage New Zealand Pouhere Taonga Act 2014 (**Archaeological Authority**) for the removal of a recorded archaeological site and for any accidental discovery within the site extent covered by Stages 10-13 and the temporary wastewater treatment plant (collectively, the **Application**).
- 2 Stages 10-13 and Stage 4C will provide capacity for approximately 1,155 detached and terraced dwellings and supporting commercial services in the form of a compact Neighbourhood Centre. This includes:
 - 2.1 168 two storey terraced dwellings within Stage 4C;
 - 2.2 One superlot within Stage 4C that will provide capacity for approximately 68 dwellings in apartment and/or terraced typologies;
 - 2.3 623 vacant residential lots across Stages 10-13 that have been sized to accommodate complying development;
 - 2.4 27 residential superlots across Stages 10-13 that provide capacity for approximately 296 terraced dwellings; and
 - 2.5 One neighbourhood centre superlot that provides capacity to establish 855m² of commercial floorspace.
- 3 A series of public open spaces are proposed, as well as supporting transport, utilities, and three waters infrastructure. A temporary wastewater treatment plant (WWTP) is also included in the application in the event that there are short term capacity constraints at the Army Bay wastewater treatment plant.
- 4 The Application is proposed over 78.24 hectares (**ha**) within the broader Milldale development at Wainui, north of Auckland (the **Site**).¹
- 5 The Application was included as a listed project in Schedule 2 of the FTAA. On 6 June 2025, we as an expert panel (the **Panel**) were appointed to determine the Application.
- 6 We have assessed the Application against the relevant statutory criteria within the purpose and context of the FTAA. We consider that the Applicant has diligently and comprehensively prepared the Application, technical assessments and proposed conditions. Our consideration of the Application was significantly assisted by the thoughtful way in which the Application was structured and presented.
- 7 We received comments from those invited to comment up until 29 July 2025 and a response to those comments from the Applicant on 5 August 2025. We issued our draft decision and conditions on 5 September 2025, and received comments on the draft conditions from a range of parties by 19 September 2025, along with a response

¹ The Site variously adjoins Wainui Road, Argent Lane, Lysnar Road, and Cemetery Road, Wainui, Auckland.

by the Applicant on 26 September 2025. We thank the parties for their contributions and have carefully reviewed all of that information in evaluating the Application.

- 8 It is clear that the Applicant and the Council (including Watercare, Auckland Transport and Healthy Waters) have undertaken lengthy engagement in relation to the Project, and that is reflected in the widespread agreement on most matters. We thank those parties for their approach in this respect.
- 9 In terms of the relevant criteria for assessment:
 - 9.1 Schedule 5, clause 17 sets out the criteria and other matters for assessment of resource consent applications. We have assessed each of the relevant criteria. Overall we consider that the Project is a well-considered development that has comprehensively managed its impacts, and is entirely consistent with the planning framework.
 - 9.2 Schedule 8, clause 4 sets out the criteria for assessment of an application for an archaeological authority. The granting of an archaeological authority for this application would be consistent with the matters set out in section 59 (1)(a) of the HNZPT Act 2014 and with the relevant policy guidance. There is no evidence to suggest that the historical and cultural heritage value of the recorded archaeological sites or any potential subsurface archaeological sites justify the protection of the site.
- 10 We consider that, having considered all relevant matters, the Project meets the purpose of the FTAA. We therefore grant approval for the Application subject to the conditions in **Appendix A**.
- 11 This decision is made in accordance with section 87 of the FTAA. This decision covers all the approvals sought under the substantive application. This decision document includes:
 - 11.1 The decision – throughout and summarised in Part K;
 - 11.2 The reasons for the decision – throughout and summarised in Part K;
 - 11.3 A statement of the principal issues in contention – throughout and summarised in Part K;
 - 11.4 The main findings on the principal issues in contention – throughout and summarised in Part K; and
 - 11.5 The approved conditions of the resource consents and the archaeological authority, including the date on which the resource consent approval lapses – Appendix A.

PART B: OVERVIEW OF THE APPLICATION

Applicant

- 12 Fulton Hogan Land Development Limited is the authorised person for Milldale - Stages 4C and 10 to 13 as set out in section 42 of the FTAA.

Site and surrounding environment

- 13 The Site is in the northern part of the Milldale development and is bordered by Wainui Road to the north. Stages 10 – 13 cover the northern section of Milldale, with Stage 4C situated centrally, north of the Neighbourhood Centre. The WWTP site is on Future Urban zoned land, east of Lysnar Road.

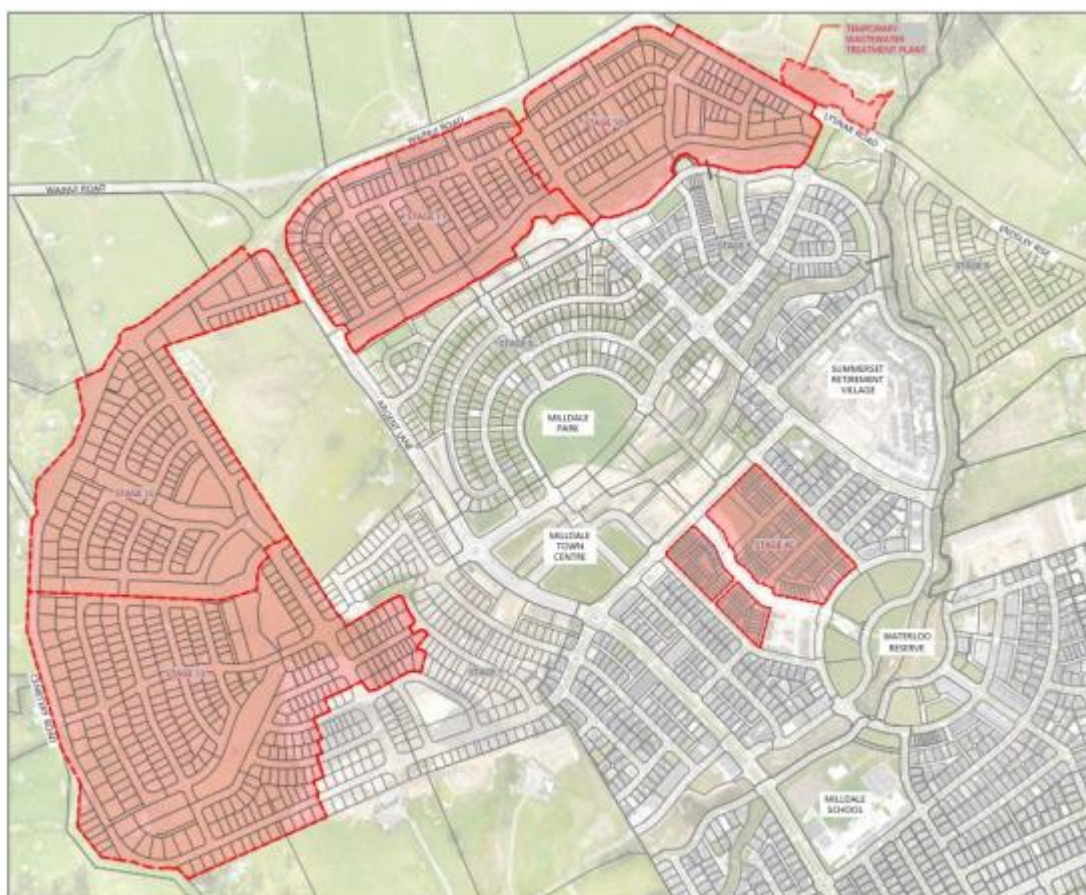


Figure 1: Locality Plan showing the site areas in relation to the wider Milldale development (reproduced from Overview Report)

- 14 The Applicant provides a detailed description of the Site,² which we summarise as:
- 14.1 **Existing Land Use:** The Stages 10 – 13 site is currently used for grazing, awaiting urban development. Earthworks have been carried out within the Stage 4C site extent in accordance with the approved Stage 4 bulk earthworks and subdivision consent and it is characterised by grassed areas of land waiting for

² [AEE Overview Report at 7.4.](#)

development. The WWTP site was previously used as a construction compound and comprises compacted gravel and grassed areas formerly used for grazing.

- 14.2 **Topography:** Generally, the topography of the Site is similar to the surrounding area in that it is defined by low rolling hills and pasture.
- 14.3 **Groundwater:** Investigations carried out across Stages 10 – 13 and the WWTP have identified the presence of groundwater. Groundwater depth varies due to topography and seasonal changes. However, recent monitoring has identified areas where the water table is at a shallow depth and requires management during earthworks.
- 14.4 **Vegetation:** In terms of vegetation, the Site includes mixed native and exotic shrubs, scrub, and a number of sparse established trees. There are no notable trees located within the Site.
- 14.5 **Freshwater – Streams:** Waterloo Creek is a high-order permanent stream and a tributary to the Ōrewa River that drains to the Ōrewa Estuary in the east. Waterloo Creek forms a natural eastern boundary of the WWTP site. Waterloo Creek is highly degraded due to historical and ongoing agricultural land use. The Stages 10 – 13 site contains one permanent stream identified as Stream 21 (Milldale Stream), which is a tributary to the Waterloo Creek and is highly degraded. Stream 21 begins downstream of Stage 12 and flows through the site along the southern boundary of Stages 11 and 10 in an easterly direction. As the Stage 4C site has undergone earthworks, it contains no freshwater features.
- 14.6 **Freshwater – Wetlands:** Stages 10 – 13 contain 16 areas that meet the definition of “wetland” under the National Environmental Standard - Freshwater (**NES-F**). The ecological value of all identified wetlands has been assessed as low due to their degraded nature, relatively small size, lack of indigenous flora biodiversity, general lack of structural tiers, limited habitat availability, and negligible aquatic habitat. There are no wetlands located within the Stage 4C or WWTP sites.
- 14.7 **Existing Infrastructure:** There is existing water supply, stormwater and wastewater infrastructure surrounding the Site as a result of the extensive development within previous Milldale Stages. The development within the wider Milldale area has been master planned to extend into the Site to cater for the proposed development. The WWTP site will be serviced by extending connections across Lysnar Road through the Milldale Stage 8 development.
- 14.8 **Transportation Network & Access:** The surrounding roading network has been progressively developed in accordance with the staging of the Milldale development. The Stages 10 – 13 and 4C sites are connected to the wider network through a comprehensive and well-connected street and pedestrian network, which is serviced by public transport. The WWTP site will obtain direct access via Wainui Road.
- 14.9 **Heritage:** There is one recorded archaeological site in the development area. An archaeological authority to destroy is sought through this application for the removal of the site and as a precautionary matter for any accidental discovery within the site extent covering Stages 10 – 13 and the WWTP site.

- 14.10 **Statutory and Customary Rights Areas:** The Site is not within, nor adjacent to, a statutory area (as defined in the relevant Treaty settlement Act), a statutory overlay (as identified in section 11 of the Ngā Rohe Moana o Ngā Hapū o Ngāti Porou Act 2019), nor a protected customary rights area under the Marine and Coastal Area (Takutai Moana) Act 2011
- 15 The Site sits within the broader Milldale development. Milldale Stages 1 to 5 are now complete, with civil works on Stage 6 well underway. Stages 7 and 9 are currently under construction, as is the Town Centre. As at late 2024, more than 1,220 homes had been constructed in Milldale, with a further 960 or so enabled by subdivision. In addition, the Ahutoetoe Primary School is now open (as are two pre-schools), and a Summerset retirement village is operating on site.³
- 16 Outside of the Milldale development, the site is surrounded by multiple rural residential properties many of which are owned by the Applicant (within the Future Urban Zone). The wider environment to the north is outside the Rural Urban Boundary (RUB). The Applicant has lodged private plan changes to enable further urban development at Milldale North and Wainui West, which are currently before Auckland Council. Silverdale and the Highgate Business Park are located east of the site on the eastern side of State Highway 1. The Millwater residential development is also located on the eastern side of State Highway 1 and consists of low to medium density residential housing. Orewa is located 5km to the north, Helensville 20km to the west and Auckland CBD is located approximately 35 km to the south.⁴
- 17 The relevant zoning, precinct and overlays under the Auckland Unitary Plan (**AUP**) that apply to each part of the Site are outlined below:

Site	Zoning
Stage 4C	Residential – Terrace Housing and Apartment Building and Open Space – Conservation
Stages 10 - 13	Residential – Single House, Mixed Housing Suburban, and Mixed Housing Urban zone, Business – Local Centre, and Open Space – Conservation
WWTP	Future Urban Zone
Overall Site Extent	Residential – Single House, Mixed Housing Suburban, and Mixed Housing Urban; Terrace Housing and Apartment Building, Business – Local Centre, and Open Space – Conservation, Future Urban Wainui Precinct

- 18 The Stages 4C and 10-13 parts of the Site are subject to the Wainui Precinct Plan and include the following indicative elements of the Wainui Precinct Plan:

³ [AEE Overview Report at 7.5.](#)

⁴ [AEE Overview Report at 7.5.](#)

18.1 Stages 10-13:

- (a) An indicative northern collector road connecting Parish Drive and the Cemetery Road Link;
- (b) An indicative east-west collector road link continuing through from Milldale Drive to Cemetery Road;
- (c) An indicative reserve edge road along the north/north-western side of Milldale stream;
- (d) Continuation of Argent Lane arterial road;
- (e) Indicative neighbourhood park located in the north-eastern corner (Stage 10); and
- (f) Indicative stream running east-west across the extent of Stages 10 through 13.

18.2 Stage 4C:

- (a) Indicative collector road, reserve edge road, and key local road; and
- (b) Indicative key pedestrian links

Overview of the Application

- 19 The Application is for the RMA Approvals to authorise Stages 10-13 and Stage 4C of the Milldale development, together with a supporting temporary wastewater treatment plant, and for the Archaeological Authority. Collectively Stages 10-13 and Stage 4C will provide capacity for approximately 1,155 detached and terraced dwellings and supporting commercial services in the form of a compact Neighbourhood Centre.

Milldale Stages 10-13

- 20 The Applicant proposes to undertake land use (earthworks and civil works) and subdivision across Stages 10, 11, 12 and 13 of Milldale.⁵ The proposal involves subdivision and bulk earthworks, resulting in the creation of:⁶
- 20.1 623 vacant residential lots that have been sized to accommodate complying development;
 - 20.2 27 residential superlots with capacity to accommodate approximately 200 terraced dwellings;
 - 20.3 One Neighbourhood Centre/commercial superlot with capacity to accommodate approximately 855m² of commercial floorspace;

⁵ A detailed description on the particular aspects of the Stage 10 - 13 proposal including enabling works, servicing, roading and access and landscaping is set out in Volume 3 of the AEE.

⁶ [AEE Overview Report at 8.2.](#)

- 20.4 Two Land in Lieu Neighbourhood Parks;
- 20.5 21 local purpose (drainage) reserves; and
- 20.6 Lots containing the associated roading and pedestrian network.

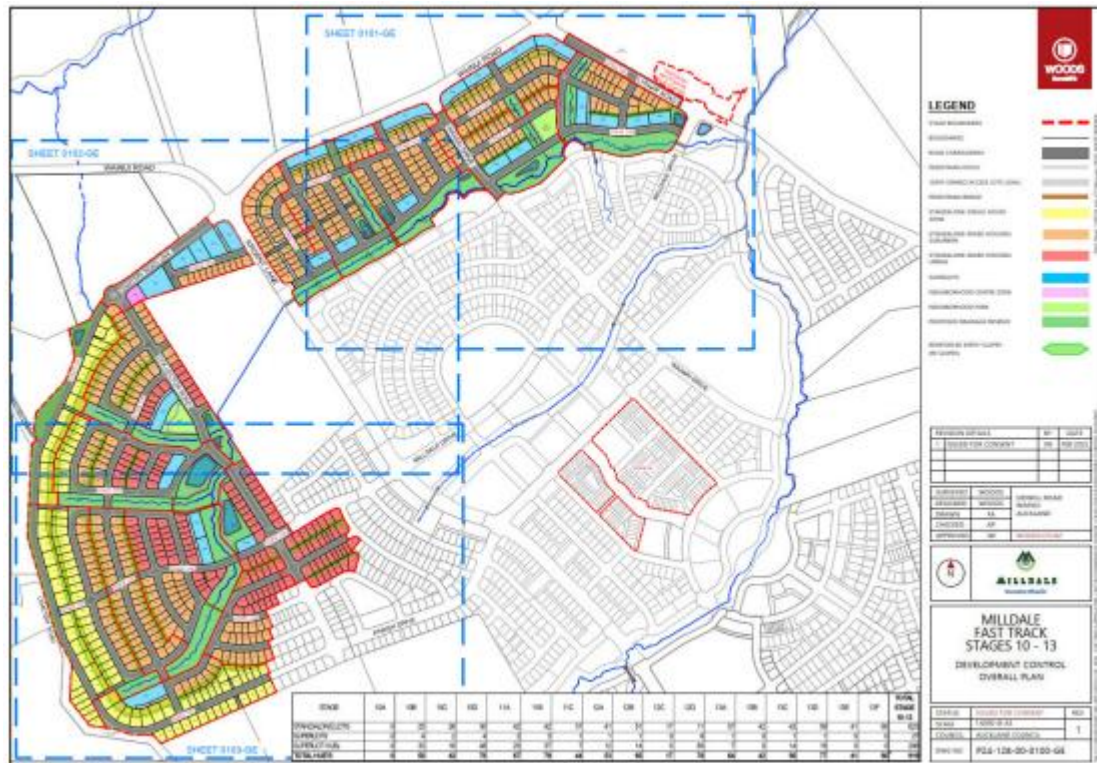


Figure 2 – Stages 10-13 Overall Development Control Plan (sourced from Overview Report)

- 21 The overall design rationale for the Stages 10 – 13 subdivision is to create a high amenity residential development that responds positively to on-site features and provides good connections to the wider open space network.

Milldale Stage 4C

- 22 The Applicant proposes to undertake civil works and subdivision and integrated residential development and subdivision across Stage 4C of Milldale (4C-2 – 4C-5). Overall, the 4C development results in 168 residential dwellings and fee simple lots, 13 JOALs, one balance lot, three local roads, and one pedestrian accessway. Stage 4C is proposed to be delivered in two distinct phases:⁷

- 22.1 **Phase 1:** Civil Works and Subdivision: Civil works to create four stages 4C-2 – 4C5 inclusive, including earthworks and infrastructure, and subdivision to create 21 individual superlots, one balance lot, associated JOALs, three roads to vest and one pedestrian accessway to vest. The civil works and subdivision phase are intended to be constructed and completed by the Applicant.

⁷ [AEE Overview Report at 8.3.](#)

Mitigation Measures, Management Plans and Monitoring

- 25 The Application includes a detailed explanation for how each area of potential effect has been addressed at each stage of the project, from technical assessment and engineering design, through consenting and post-Consent approvals to the construction phase and finally ongoing longer-term monitoring.¹⁰ A key tool is the use of Management Plans, which have been extensively utilised on earlier stages of Milldale. Appendix 1I of the Application contains a detailed table outlining how the various management plans fit together to manage each environmental effect, for each part of the Project.
- 26 By way of summary, the Applicant's approach to the mitigation, management and monitoring of the effects of each component of the Project is set out below:¹¹

Area	Mitigation, Management Plans and Monitoring Measures
Stages 10-13	
Geotechnical	• Geotechnical site assessment and risk identification. • Pre-construction Settlement Monitoring Plan • Mitigation in engineering design and slope stability assessment. • Removal of uncontrolled fill during construction. • Post-constriction Geotechnical Completion Report.
Engineering / Infrastructure	• Engineering site assessment and infrastructure capacity analysis. • Mitigation through Engineering Design. • Safety in Design – Hazard Identification & Risk Assessment. • Post consent approvals - Engineering Approval (EA), Building Consent (BC), Section 224(c) certification.
Earthworks	• Mitigation through Engineering Design of earthworks and erosion & sediment controls. • Construction phase Management Plans: ◦ Construction Management Plan (CMP); ◦ Construction Traffic Management Plan (CTMP); ◦ Sediment and Erosion Control Plan; ◦ Chemical Treatment Management Plan (ChTMP); and ◦ Dust Management Plan (DMP). • Monitoring during the construction phase.
Noise	• Design of water booster pump station mitigated to comply with AUP(OP) noise limits. • Construction mitigation measures to comply with AUP(OP) noise and vibration limits. • Prior to the commencement of construction, communication with neighbours regarding the earthworks will be undertaken. This is for informational purposes only, to inform neighbours of the works, as they comply with the AUP(OP) noise standards and are expected to have no adverse effects on neighbours.
Contamination	• Contamination site assessment and risk identification. • Mitigation in Site Management and Remedial Action Plan (SMRAP). • Monitoring of works during remediation and appropriate contingency measures. • Post-construction – Site Validation Report (SVR) of remediation being completed.
Adaptive Management	• An Adaptive Management Plan has been prepared in support of the application. • Open area limits during construction. • Monitoring and managing sediment from earthworks during construction. • Reporting during earthworks: ◦ Adaptive Management Response Report (AMRR) (Annual Rainfall Events); ◦ Stream 21 Monitoring Report; and ◦ Post-construction survey. • Trigger event management during earthworks
Traffic	• Traffic assessment of the site and the surrounding network.

¹⁰ [AEE Overview Report at 8.8.](#)

¹¹ [AEE Overview Report at 8.8, Table 5.](#)

	• Mitigation through engineering design. • Construction Traffic Management Plan.
Groundwater	• Groundwater assessment of site. • Mitigation through engineering design.
Archaeology	• Archaeological assessment of the site. • Mitigation through the appropriate recording of archaeology before removal from the site. • Archaeological Management Plan to guide earthworks across the site
Vegetation (Trees)	• Vegetation assessment of the site. • Methodology for vegetation removal. • Monitoring of vegetation removal. • Mitigation in replanting/management plan. • Audit report following completion of tree removal.
Landscaping	• Landscape Implementation and Maintenance Plan.
Ecological	• Ecological assessment of the site. • Fish Passage Monitoring. • Wetland Monitoring Plan. • Management Plans: ◦ Fauna Management Plan; ◦ Stream and Wetland Planting and Management Plan.
Stage 4C	
Geotechnical	• Geotechnical site assessment and risk identification • Pre-construction Settlement Monitoring Plan • Mitigation in engineering design. • Post-construction Geotechnical Completion Report.
Engineering / Infrastructure	• Engineering site assessment and infrastructure capacity analysis. • Mitigation through Engineering Design. • Safety in Design – Hazard Identification & Risk Assessment. • Post consent approvals - Engineering Approval (EA) and Building Consent (BC), and Section 224(c) certification
Earthworks	• Mitigation through Engineering Design of earthworks and erosion & sediment controls. • Construction phase Management Plans: ◦ Construction Management Plan (CMP); ◦ Construction Traffic Management Plan (CTMP); ◦ Sediment and Erosion Control Plan; ◦ Chemical Treatment Management Plan (ChTMP); and ◦ Dust Management Plan (DMP). • Monitoring during the construction phase.
Archaeology	• Archaeological assessment of the site. • Archaeological Management Plan to guide earthworks across the site.
Landscaping	• Streetscape and Public Accessway Landscaping Plan. • Landscape Maintenance Plan
Lighting	• Lighting Plans for JOALs
Waste Management	• Waste Management Plan
Noise	• Construction Noise & Vibration Mitigation Plan. • Construction Limits – mitigation measures to comply with AUP(OP) & methodology. • Prior to the commencement of construction, communication with neighbours regarding the earthworks will be undertaken. This is for information purposes only to inform neighbours of works. • Mitigation during works, including acoustic noise barrier, to be installed during the construction of an accessway in Phase 1.
Traffic	• Traffic assessment of the site and the surrounding network. • Mitigation through engineering design. • Construction Traffic Management Plan.
WWTP	
Geotechnical	• Geotechnical site assessment and risk identification • Pre-construction Settlement Monitoring Plan. • Mitigation in engineering design. • Post-construction Geotechnical Completion Report. • Foundation testing for buildings prior to construction.
Engineering / Infrastructure	• Engineering site assessment and infrastructure capacity analysis. • Mitigation through Engineering Design. • Safety in Design – Hazard Identification & Risk Assessment. • Post consent approvals - Engineering Approval (EA) and Building Consent (BC), and Section 224(c) certification
Earthworks	• Mitigation through Engineering Design of earthworks and erosion & sediment controls.

	• Construction phase Management Plans: ◦ Construction Management Plan (CMP); ◦ Construction Traffic Management Plan (CTMP); ◦ Sediment and Erosion Control Plan; ◦ Chemical Treatment Management Plan (ChTMP); and ◦ Dust Management Plan (DMP). • Monitoring during the construction phase.
Archaeology	• Archaeological assessment of the site. • Archaeological Management Plan to guide earthworks across the site.
Vegetation (Trees)	• Vegetation assessment of the site. • Methodology for vegetation removal. • Monitoring of vegetation removal. • Mitigation in replanting/management plan. • Biosecurity measures to be implemented in relation to Elm Trees • Audit report following completion of tree removal.
Ecological	• Ecological assessment of the site. • Management Plans: ◦ Fauna Management Plan
Noise	• Design of WWTP building to comply with AUP(OP) standards. • Construction mitigation measures to comply with AUP(OP) noise and vibration limits. • Prior to the commencement of construction, communication with neighbours regarding the earthworks will be undertaken. This is for informational purposes only, to inform neighbours of the works, as they comply with the AUP(OP) noise standards and are expected to have no adverse effects on neighbours. • Operational control for limiting hours of truck access to the site to limit noise. • Operational noise limits.
Hazardous Substances	• Assessment of Hazardous substances associated with WWTP operation and mitigation measures through site design • Operational Management Plans: ◦ Environmental Management Plan. ◦ Emergency Response Plan.
Water Quality	• Water Quality assessment of the existing environment • Mitigation in engineering and WWTP design. • Recording, and monitoring of wastewater discharge. • Pre-discharge surveys - water quality and water ecology • Post-discharge monitoring - water quality and water ecology
Cultural	• Consultation during the preparation of this Application • Cultural monitoring during construction
Odour	• Air quality assessment of the existing environment • Design of WWTP building to minimise discharge of any odours. • Odour Management Plan. • Operations and Maintenance Manual for Odour Control.
Plant Operation	• Operational Management Plan • Emergency Response Plan

RMA Approvals

- 27 We have reviewed all the documentation and the further information provided by the Applicant and the participants. We agree that overall the Application is a non-complying activity.¹²
- 28 In accordance with Schedule 5, clause 5(1)(f) FTAA, the Application identifies activities requiring consent under the relevant Auckland Unitary Plan Provisions and under the National Environmental Standard for Assessing and Managing Contaminants in Soil to Protect Human Health and the National Environment Standards for Freshwater.¹³ A schedule of permitted activities for each part of the Project was also described in the

¹² [AEE Overview Report at 9.1.](#)

¹³ [AEE for Stages 10-13 at Section 4; AEE for Stage 4C at Section 5; AEE for Wastewater Treatment Plant at Section 5.](#)

Application.¹⁴

- 29 The relevant consents sought are broadly summarised as follows (and as depicted in the image below):¹⁵

29.1 Stages 10-13

- (a) Land use consent under section 9 of the RMA;
- (b) Subdivision consent under section 11 of the RMA;
- (c) Consent for works within the bed of a stream under section 13 of the RMA;
- (d) Consent for permanent stream diversions under section 14 of the RMA;
- (e) Consent for the diversion of groundwater under section 14 of the RMA;
- (f) Consent for the diversion of water in proximity to wetlands under section 14 of the RMA;
- (g) Consent for the discharge of contaminants under section 15 of the RMA;

29.2 Stage 4C

- (a) Land use consent under section 9 of the RMA;
- (b) Subdivision consent under section 11 of the RMA;

29.3 Wastewater treatment plant

- (a) Land use consent under section 9 of the RMA;
- (b) Consent for the discharge of wastewater under section 15 of the RMA;
- (c) Consent for the discharge of contaminants to air under section 15 of the RMA;

¹⁴ [AEE for Stages 10-13 at Section 4](#); [AEE for Stage 4C at Section 5](#); [AEE for Wastewater Treatment Plant at Section 5](#).

¹⁵ [AEE Overview Report at 8.9.](#)

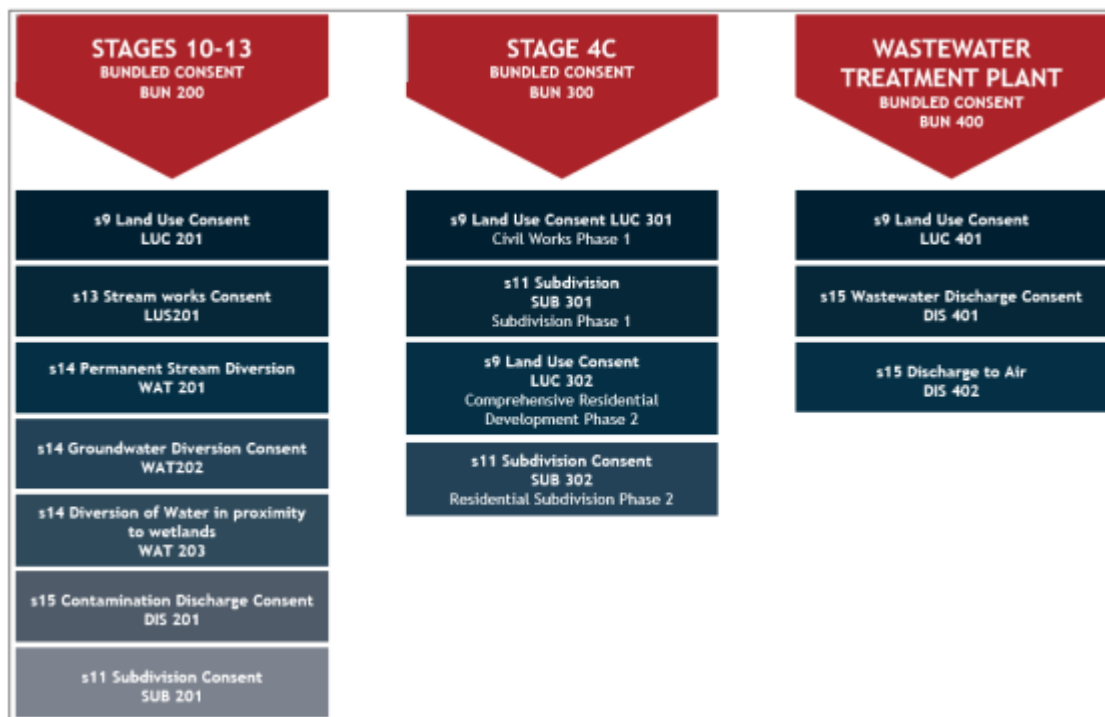


Figure 4 – Structure of Consents (sourced from Overview Report)

Archaeological authority

- 30 Pursuant to s 42(4)(i) FTAA, the Applicant is seeking an archaeological authority under the Heritage New Zealand Pouhere Taonga Act 2014 for the removal of a recorded archaeological site and for any accidental discovery within the site extent covered by Stages 10-13 and the temporary wastewater treatment plant.

PART C: PROCEDURE

- 31 The following matters of procedure are relevant for this decision.

Completeness

- 32 The Applicant lodged the substantive application on 1 April 2025.
- 33 The EPA decided that the Application was complete and within scope¹⁶ on 24 April 2025. The EPA made a recommendation on whether there are competing applications or existing resource consents for the same activity on 9 May 2025.¹⁷ The EPA then provided the Application to the panel convenor and at the same time requested a report from the Ministry responsible agency¹⁸ under section 18 FTAA on 12 May 2025. A report was received on 21 May 2025.

Panel appointment

- 34 Minute 2 of the Panel Convenor confirmed our appointment under section 50 in accordance with Schedule 3 of the Act and provided a date for commencement of 16 June 2025.

Meetings and site visits

- 35 We carried out a project overview conference and site visit on 10 July 2025.¹⁹ This included:
- 35.1 A project overview conference attended by the Applicant and Council, in which the Applicant provided an introduction to the Application.
- 35.2 A site walkover of the Site, and a drive around its immediate surrounds, including earlier stages of the Milldale development that have now been, or are under, construction.

Other advice and reports received

Further information

- 36 We issued a request on 15 July 2025 for further information, including examples of blanket land used consents granted for earlier stages of Milldale, an update on discussions between the Applicant and Watercare, and further detail around the rationale for the proposed density of development within Stage 4C. The Applicant responded to this request, providing the information, on 25 July 2025.

Comments received on the Application

- 37 We invited comments on the Application by letter dated 1 July 2025.²⁰ The FTAA identifies a range of parties that must be invited to provide comment. We have a residual discretion to invite additional parties.

¹⁶ FTAA, section 43.

¹⁷ FTAA, section 47.

¹⁸ [The Ministry for the Environment is the responsible agency for section 18.](#)

¹⁹ [Refer to Minute 3 of the Expert Panel, dated 15 July 2025.](#)

²⁰ [Refer to Minute 2 of the Expert Panel, dated 1 July 2025.](#)

38 Of relevance to our decision-making:

38.1 We treated the Application Site as including the offsetting site. This meant that landowners and occupiers adjacent to the offsetting site were also required to be invited for comment.

38.2 We exercised our discretion to also invite comment from the various parties listed in the Application that the Applicant had been engaging with in relation to the Application, to the extent those parties were not already caught within any of the categories we were required to invite for comment.

Comments received

39 Responses to this invitation were due on 29 July 2025. Comments were received from the following:

39.1 Relevant local authorities: Auckland Council;

39.2 Relevant administering agencies: Auckland Council, Heritage New Zealand Pouhere Taonga (HNZPT) and Ministry for the Environment (MfE).

39.3 The owners and/or occupiers of the land to which the substantive application relates and the land adjacent to that land: Nikita Pustovoi; Paul Wigglesworth; Peiyao Xu; Jemma Traill; Bogdan Bujoreanu; and Jason and Louise Dickinson.

39.4 The Minister for the Environment and other relevant portfolio Ministers (those being the Minister responsible for RMA Reform, the Associate Minister of Transport, and the Minister for Māori Crown Relations).

39.5 Parties required to be invited to provide written comments on resource consent applications under the FTAA: Director-General of Conservation;

39.6 Parties we exercised our decision to invite comments from based on being consulted previously by the Applicant in relation to the Project: Auckland Transport; Watercare; Auckland Council – Healthy Waters and Flood Resilience.²¹

40 The comments from HNZPT were received on 30 July 2025, one day after the closing date for comments to be received. We have exercised our discretion to accept those comments, although they are not material to our deliberations (as the substantive comments were contained in the separate section 51 report from Heritage New Zealand Pouhere Taonga).

41 We also received comment from Ngati Tamaoho Settlement Trust. However, Ngati Tamaoho Settlement Trust was not invited for comment. This appears to have been the result of an administrative error to inadvertently send an invitation to the Trust. The comments received from Ngati Tamaoho Settlement Trust do not form part of the feedback we have considered. In any event, the comments received were not in

²¹ Although comments from these parties were also included within the comments received from Auckland Council more generally.

opposition or support and therefore even if we had considered them they would not have changed our decision-making.

- 42 We would like to thank all parties who commented for their contributions. We have considered these all carefully. A discussion of specific comments are summarised within the balance of this decision, most notably **Part E**.

Applicant's response to invited persons comments

- 43 On 5 August 2025, the Applicant provided a response to the comments received on the application from those persons who were invited to comment under Section 53 of the FTAA. This included, amongst other matters, an updated set of draft consent conditions. We have considered the Applicant's responses, and, where appropriate, refer to those responses within other parts of this report below, particularly **Part E**.

Conditions

- 44 On 5 September 2025, we released our draft decision along with draft conditions. A number of parties provided comments on the conditions. In parallel, we also directed that expert conferencing take place between the Applicant and Council (and any other interested party) in relation to conditions. That conferencing took place on Wednesday 17 September 2025 and a joint witness statement was provided. We thank Steve Mutch and Caitlin Todd for their assistance in facilitating the conferencing and preparation of the JWS.
- 45 Procedural steps in relation to the conditions are described further as part of our discussion at **Part H** below.

Comments from the Ministers

- 46 Under section 72 FTAA we invited comment from the Ministers for Māori Crown Relations: Te Arawhiti and Māori Development on 5 September 2025. We received a response confirming that the Minister for both portfolios supports the decision and the conditions subject to that decision.

No hearing required

- 47 In accordance with section 56 of the FTAA, we do not require a hearing on any issue. We have been able to adequately consider all issues based on the information available including the Application, comments received, responses to comments and the further information provided by the Applicant, the Council and invited persons. The material issues involved were comprehensively addressed in the documentation provided thereby resolving any technical expert differences of opinion. Residual issues were sufficiently clear for us to consider.
- 48 We are mindful of the emphasis on time-limited decision-making in the present process, the purpose of the FTAA in section 3, to facilitate the delivery of infrastructure and development projects with significant regional or national benefits, and the procedural principles in section 10 of the FTAA that require us to take all practicable steps to use timely, efficient, consistent, and cost effective processes that are proportionate to the our functions, duties or powers.

Record of deliberations

- 49 Our correspondence, deliberations and decision-making took place over a combination of meetings and over email exchanges, following review, drafting and commenting on drafts of further information requests, this decision report and the conditions.

Timing of the Panel decision

- 50 In accordance with the Panel Convenor minute dated 6 June 2025 the time frame for us to issue our decision documents under sections 79 and 88 is 50 working days after the date that invited comments on the application closed.

PART D: LEGAL CONTEXT

Legal context for a listed project under the FTAA

- 51 In accordance with section 42 an authorised person for a listed project may lodge a substantive application with the EPA.²² The project has been listed in **Schedule 2** of the FTAA.

Decisions on approvals

- 52 Section 81 describes the decision-making framework under the FTAA. Relevant to the approvals sought in this instance, that framework comprises:

81 Decisions on approvals sought in substantive application

- (1) A panel must, for each approval sought in a substantive application, decide whether to—
 - (a) grant the approval and set any conditions to be imposed on the approval; or
 - (b) decline the approval.
 - (2) For the purpose of making the decision, the panel—
 - (a) must consider the substantive application and any advice, report, comment, or other information received by the panel under section 51, 52, 53, 55, 58, 67, 68, 69, 70, 72, or 90;
 - (b) must apply the applicable clauses set out in subsection (3) (see those clauses in relation to the weight to be given to the purpose of this Act when making the decision);
 - (c) must comply with section 82, if applicable;
 - (d) must comply with section 83 in setting conditions;
 - (e) may impose conditions under section 84;
 - (f) may decline the approval only in accordance with section 85.
 - (3) For the purposes of subsection (2)(b), the clauses are as follows:
 - (a) for an approval described in section 42(4)(a) (resource consent), clauses 17 to 22 of Schedule 5:
 - ...
 - (j) for an approval described in section 42(4)(i) (archaeological authority), clauses 4 and 5 of Schedule 8:
 - (4) When taking the purpose of this Act into account under a clause referred to in subsection (3), the panel must consider the extent of the project's regional or national benefits.
 - ...
 - (6) Despite subsection (2)(a), the panel—
 - (a) is not required to consider any advice, report, comment, or other information it receives under section 51, 53, 55, 67, 69, 70, or 72 after the applicable time frame; but
 - (b) may, in its discretion, consider the information as long as the panel has not made its decision under this section on the approval.
 - (7) To avoid doubt, nothing in this section or section 82 or 85 limits section 7.
- 53 We are also particularly cognisant of the obligation in section 7 FTAA for us to act in a manner that is consistent with obligations arising under existing Treaty settlements.²³
- 54 In respect of section 7(1), we understand from the Application and section 18 report that the following Treaty settlements are relevant to the Application:
- 54.1 Ngāti Manuhiri Claims Settlement Act 2012;

²² FTAA, sections 4 and 42.

²³ FTAA, section 7.

- 54.2 Ngāti Whātua Ōrākei Claims Settlement Act 2012;
- 54.3 Ngāti Whātua o Kaipara Claims Settlement Act 2013;
- 54.4 Ngā Mana Whenua o Tāmaki Makaurau Collective Redress Act 2014;
- 54.5 Te Kawerau ā Maki Claims Settlement Act 2015;
- 54.6 Ngāi Tai ki Tāmaki Claims Settlement Act 2018;
- 54.7 Te Patukirikiri Deed of Settlement signed 07 October 2018;
- 54.8 Te Ākitai Waiohū Deed of Settlement signed 12 December 2021; and
- 54.9 Ngāti Paoa Deed of Settlement signed 20 March 2021.
- 55 Because these Treaty settlements apply, section 82 requires us to give appropriate consideration to any document required by a Treaty Settlement and to consider whether granting the approval would comply with section 7. We have considered the relevant provisions and principles of these settlements, as articulated in the Section 18 Report.

Ability to decline consent

- 56 Section 85 FTAA sets out the limited circumstances when approvals must or may be declined.
- 57 None of those circumstances apply in this case as:
- 57.1 The RMA approvals are not sought for an ineligible activity (section 85(1)(a)).
- 57.2 We do not consider granting the approvals would breach section 7 of the FTAA (section 85(1)(b)).
- 57.3 The RMA Approvals are not for an aquaculture area (section 85(2)).
- 58 Section 85(3) describes the circumstances in which an approval may be declined. For the reasons described in the balance of this report, we have determined that none of those circumstances apply in this case.

Approvals relating to the Resource Management Act 1991

- 59 In considering whether to grant an RMA approval, we must apply clauses 17 to 22 of Schedule 5 FTAA.²⁴ Clause 17 of Schedule 5, as relevant to the Application, states:²⁵

17 Criteria and other matters for assessment of consent application

²⁴ FTAA, section 81(2)(b) and (3)(a).
²⁵ For the purposes of clause 17(2)(c), we are not aware of any Mana Whakahono ā Rohe or joint management agreement relevant to the approval. There are no provisions of the RMA that would require us to decline the approvals, and accordingly clause 17(3) and (4) are not considered further. Clause 17(5)-(7) are procedural in nature only.

- (1) For the purposes of section 81, when considering a consent application, including conditions in accordance with clauses 18 and 19, the panel must take into account, giving the greatest weight to paragraph (a),
 - (a) the purpose of this Act; and
 - (b) the provisions of Parts 2, 3, 6, and 8 to 10 of the Resource Management Act 1991 that direct decision making on an application for a resource consent (but excluding section 104D of that Act); and
 - (c) the relevant provisions of any other legislation that directs decision making under the Resource Management Act 1991.
- (2) For the purpose of applying any provisions in subclause (1),—
 - (a) a reference in the Resource Management Act 1991 to Part 2 of that Act must be read as a reference to sections 5, 6, and 7 of that Act; and
 - (b) if the consent application relates to an activity that is the subject of a determination under section 23 of this Act, the panel must treat the effects of the activity on the relevant land and on the rights or interests of Māori as a relevant matter under section 6(e) of the Resource Management Act 1991; and
 - (c) to avoid doubt, for the purposes of subclause (1)(b), when taking into account section 104(1)(c) of the Resource Management Act 1991, any Mana Whakahono ā Rohe or joint management agreement that is relevant to the approval is a relevant matter.
- (3) Subclause (4) applies to any provision of the Resource Management Act 1991 (including, for example, section 87A(6)) or any other Act referred to in subclause (1)(c) that would require a decision maker to decline an application for a resource consent.
- (4) For the purposes of subclause (1), the panel must take into account that the provision referred to in subclause (3) would normally require an application to be declined, but must not treat the provision as requiring the panel to decline the application the panel is considering.
- ...
- (6) For the purposes of subclause (1), the provisions referred to in that subclause must be read with all necessary modifications, including that a reference to a consent authority must be read as a reference to a panel.
- (7) Sections 123 and 123A of the Resource Management Act 1991 apply to a decision of the panel on the consent.

60 Clause 17(1) includes a relatively unique weighting requirement.²⁶ The purpose of the FTAA is to be given the greatest weight, and by implication the criteria in (b)-(c) are to have equal statutory weight. While related to a different statutory context, we have taken the following guidance from the Court of Appeal's decision in *Enterprise Miramar*:²⁷

²⁶ A "legislatively directed weighting" has been previously included in s 34 of the Housing Accords and Special Housing Areas Act 2013, although framed in a different way.

²⁷ *Enterprise Miramar Peninsular Inc v Wellington City Council* [2018] NZCA 541.

- 60.1 While the greatest weight is to be placed on the purpose of the FTAA, we must be careful not to rely solely on that purpose at the expense of due consideration of the other matters listed in (b) to (c).²⁸
- 60.2 Clause 17 requires us to consider the matters listed in clause 17(1)(a)-(c) on an individual basis, prior to standing back and conducting an overall weighting in accordance with the specified direction.²⁹
- 60.3 The purpose of the FTAA is not logically relevant to an assessment of environmental effects. Environmental effects do not become less than minor simply because of the purpose of the FTAA. What changes is the weight to be placed on those more than minor effects; they may be outweighed by the purpose of facilitating the delivery of infrastructure and development projects with significant regional or national benefit, or they may not:³⁰
- 61 In accordance with clause 17, the relevant matters we take into account comprise:
- 61.1 The purpose of the FTAA, being “to facilitate the delivery of infrastructure and development projects with significant regional or national benefits.” When assessing this criterion we must consider the extent of the project’s national or regional benefits. This criterion is to be individually assessed as part of a clause 17(1) assessment, and then, when conducting an overall assessment, is to be given the greatest weight.
- 61.2 Part 2 of the RMA, comprising: section 5 -7.
- 61.3 Part 3 of the RMA, and in particular: section 12 (restrictions on use of coastal marine area); section 15 (discharges of contaminants); section 16 (duty to avoid unreasonable noise); and section 17 (duty to avoid, remedy or mitigate adverse effects).
- 61.4 Part 6 of the RMA, and in particular: section 104 (consideration of applications); section 104B (consideration of applications for discretionary or non-complying applications); and section 108 (conditions of resource consents).
- 61.5 Part 10 of the RMA, as it relates to the subdivision components. Section 220 specifies the conditions that may be imposed on a subdivision consent.
- 62 No other relevant provisions of any other legislation that directs decision-making under the RMA has been drawn to our attention as being relevant to the Application.
- Approvals relating to an archaeological authority under the Heritage New Zealand Pouhere Taonga Act 2014**
- 63 Schedule 8, clause 4 sets out the criteria for assessment of an application for an archaeological authority:

4 Criteria for assessment of application for archaeological authority

²⁸ *Enterprise Miramar Peninsular Inc v Wellington City Council* [2018] NZCA 541 at [41].

²⁹ *Enterprise Miramar Peninsular Inc v Wellington City Council* [2018] NZCA 541 at [52]-[53].

³⁰ *Enterprise Miramar Peninsular Inc v Wellington City Council* [2018] NZCA 541 at [55].

- (1) For the purposes of section 81, when considering an application for an archaeological authority, including conditions in accordance with clause 5, the panel must take into account, giving the greatest weight to paragraph (a),—
 - (a) the purpose of this Act; and
 - (b) the matters set out in section 59(1)(a) of the HNZPT Act; and
 - (c) the matters set out in section 47(1)(a)(ii) and (5) of the HNZPT Act; and
 - (d) a relevant statement of general policy confirmed or adopted under the HNZPT Act.
- (2) For the purposes of subclause (1), the provisions of the HNZPT Act referred to in that subclause must be read with all necessary modifications, including that a reference to Heritage New Zealand Pouhere Taonga must be read as a reference to the panel.

64 Our discussion above of the approach to the FTAA's directed weighting in the context of the RMA Approvals applies equally to the Archaeological Authority.

Content of our record of decision

65 For each approval sought in a substantive application, we must prepare a decision document for its decision under section 81.³¹

66 That decision document must:³²

66.1 State our decision;

66.2 State our reasons for the decision;

66.3 Include a statement of the principal issues in contention; and

66.4 Include our main findings on those issues.

67 For any resource consent approval, the decision document may specify a date on which the approval lapses in accordance with clause 26 of Schedule 5 and must comply with clause 22 of Schedule 5 (if applicable).

68 Consistent with those requirements, the remainder of the decision:

68.1 Identifies the key adverse effects of the projects, and our finding on key effects as it relates to the RMA approvals sought – **Part E.**

68.2 Identifies the relevant planning instruments, and our finding on key policies as it relates to the RMA approvals sought – **Part F.**

68.3 Identifies the national and regional benefits of the Projects as found by us – **Part G.**

68.4 Identifies the key issues in contention for the RMA Approvals and the Archaeological Authority throughout.

68.5 Records the respective conditions on which the RMA approvals and Archaeological Authority are to be granted – **Part H.**

³¹ FTAA, section 87(1).

³² FTAA, section 87(2).

68.6 Records our determination of the Application against the relevant criteria for each of the two types of approvals sought – **Part I and Part J.**

68.7 Final Decision – **Part K.**

69 In drafting this decision, we have had regard to the procedural principles underpinning the FTAA, including the requirement for expeditious but robust decision-making.

PART E: EVALUATION OF EFFECTS – RMA APPROVALS

- 70 Schedule 5, clause 5(4) requires a consent application to provide an assessment of an activity's effects on the environment covering the information in clauses 6 and 7.
- 71 The AEE provided a detailed assessment of these matters. We consider that the Applicant has diligently and comprehensively prepared the Application, technical assessments and proposed conditions. Our consideration of the Application was significantly assisted by the thoughtful way in which the Application was structured and presented.
- 72 It is clear that the Applicant and the Council (including Watercare, Auckland Transport and Healthy Waters) have undertaken extensive engagement in relation to the Project, and that is reflected in the widespread agreement on most matters. We thank those parties for their approach in this respect.
- 73 Participants who commented also raised a range of actual and potential effects, and we have carefully considered those matters raised.
- 74 The following main categories of actual and potential effects on the environment have been identified:
- 74.1 Landscape and visual effects and urban design;
 - 74.2 Ecological effects;
 - 74.3 Flooding, stormwater and water quality effects;
 - 74.4 Transport effects;
 - 74.5 Infrastructure effects;
 - 74.6 Economic effects;
 - 74.7 Cultural effects;
 - 74.8 Noise effects;
 - 74.9 Air quality effects; and
 - 74.10 Positive effects.
- 75 We have addressed these effects thematically throughout our discussion below, with the positive effects being addressed separately in **Part G** below. We have also had regard to the relevant planning provisions in evaluating the effects of the Project, as noted in **Part F** below.

Landscape and visual effects and urban design

- 76 We have reviewed the landscape plans and urban design assessments of the Applicant³³ and summarise the key elements of the existing environment and the proposed landscape and visual changes to that environment and the resulting urban environment in the following sections. The effects of open space, lighting and the creation of a safe urban environment are also considered as these contribute to urban amenity.

Landscape and Visual Changes

- 77 We have described the features of the site and surrounding environment above in paragraphs 15 and 16. These features comprise a landscape undergoing significant visual change, with the existing Milldale development south of Wainui Road, and the more distant elements of western Silverdale, contrasting with the currently rural landscape to the west and north of Milldale. Changes to the landscape in terms of landform and the removal of remnant areas of vegetation are significant, with steep contours throughout large sections of the Site having to be earthworked to ensure development feasibility. Existing streams are also proposed to have varying management outcomes, including reclamation for some streams and retention and enhancement for others. The retained streams provide a backbone for the future open space and revegetation of the new urban area. The effects on landscape and visual change are consistent with the recent changes in zoning to the land and resultant urbanisation. As summarised in the Overview Report:³⁴

The proposal is consistent with the land use and development outcomes sought by the zones that apply to the sites under the AUP(OP), and the visual effects of the development are, therefore, clearly anticipated. The proposal integrates high quality landscaping within the proposed network of streets, open spaces and riparian margins of waterways that will significantly enhance the visual and landscape of the site compared with the existing environment.

Urban Design Elements

- 78 The landscape plans and urban design report for Stages 10-13 identify key elements in the urban design strategy as follows:
- 78.1 Wide-scale earthworks produce nearly flat sites, incorporating retaining walls and reinforced earth slopes, mostly mid-block so as to avoid such level changes along lot front boundaries and reinforcing the same character and urban amenity that has already been achieved implementing the same approach;
- 78.2 A movement network that incorporates a movement hierarchy and transport network, a pedestrian and cycling network, with street typologies that support accessibility and legibility for wayfinding;

³³ [Appendix 20 Landscape Plans Parts 1, 2 and 3](#); Appendix 40 Landscape Plans, [31 Urban Design Assessment](#); [2L Urban Design Report](#)

³⁴ [AFE Overview Report at 16.0](#)

- 78.3 The extended Argent Lane arterial road connects Wainui Road in the north to the Dairy Flat Highway (SH31) and the Silverdale Interchange in the south providing ease of access to the Neighbourhood Park and Town Centre;
 - 78.4 The existing and enhanced streams together with pedestrian accessways and required vegetation within local roads provide for future movement within a vegetated environment to and around the Neighbourhood Park;
 - 78.5 A Crime Prevention Through Environmental Design (CPTED) approach to pedestrian accessways and public interfaces to drainage reserves and esplanade areas has been adopted in order to enhance public safety and crime reduction. This includes limiting pedestrian accessway lengths (<70m), but ensuring a minimum width of accessway (8m) and utilising low fence heights and low planting along residential boundaries to deter criminal or anti-social behaviour;
 - 78.6 Stages 10-13 include 27 superlots, all located adjacent to an arterial road, collector road or overlooking public open space such that the planned smaller lots can access the higher amenity offered by transport connections or landscaped space external to the lots;
 - 78.7 Development of these superlots is subject to the Residential Design Outcomes and Controls (**RDOC**) Document that informs dwelling design, style and layout within each superlot provided with the application as Appendix 1 of the Urban Design Report; and
 - 78.8 A small Neighbourhood Centre zone is positioned at the northern end of Stage 12 offering an alternative to the Town Centre for local convenience and supporting a more distributed, walkable urban structure.
- 79 Specific features of the Stage 4C urban design are as follows:
- 79.1 Stage 4C urban design responds to the Terrace Housing and Apartment Building (**THAB**) zoning which encourages more intensive residential use than the surrounding Milldale development. The proposed residential typology is for terrace housing within the superblocks which is a lesser intensity than anticipated by the zone policies. The street network provides a good level of connectivity to the nearby parks and commercial and civic centres, and protects the 'green street' status of Honohono Avenue linking these locations;
 - 79.2 The assessment of Stage 4C notes that 16 of the 168 lots are rear lots, a design feature ideally avoided in a greenfields development, and 28 lots do not include parking. However, the rear lots all feature short distances and clear routes between their front doors and a public street (accessed via JOALs with separated footpaths) and those without on-lot parking have this provided in a directly adjacent parking area; and
 - 79.3 The landscaping proposals for Stage 4C are considered to be consistent with the design outcomes for the THAB Zone, achieve both privacy for residents and passive surveillance of surrounding public spaces and provide for tree canopy development within street spaces.
- 80 In order to address compliance with the lighting requirements of Chapters E24 and E27 of the AUP the Application provided a lighting design statement for the JOALs within

Stage 4C. These chapters contain standards in respect of the security and safety of people and property in these off-road areas.

- 81 The Applicant also provided a landscape plan for the temporary WWTP on Lysnar Road. The landscaping featured the retention of and additional riparian planting along Waterloo Creek and a 2m high planted bund along the Lysnar Road frontage.

Comments Received

- 82 We understand that the Applicant and the Council have had ongoing engagement on urban design matters, including the workshop referred to in paragraph 88.
- 83 In terms of formal feedback, the Council provided a brief review of landscape and visual matters,³⁵ which concurred with the summary in the Overview Report we have quoted in paragraph 77 and supported the Applicant's proposals for landscape design, implementation and management plan-type conditions. The review suggested minor amendments to these conditions.
- 84 The Council urban design review was more extensive but similarly was supportive of the urban design approach. In relation to Stages 10-13 the review considered that the proposed subdivision demonstrated a coherent and well-integrated urban structure, responded positively to the site's topography, supported a legible and permeable movement network, and allowed for a variety of residential typologies. The integration of open spaces, reserve-edge roads, and pedestrian connections, including bridges, also supported high levels of amenity and walkability.
- 85 In relation to Stage 4C the urban design review was also positive, but noted the relatively modest density outcome in terms of that provided for by the zoning. In terms of the departures from best urban design standards on rear lots and the location of individual parking provisions described above, particularly in relation to Superlot 4021, the review concluded that a relatively clear and legible path network for pedestrian movement was nevertheless provided, including appropriate lighting provisions.
- 86 The urban design review also commented briefly on the temporary Wastewater Treatment Plant, noting that the dedicated landscape buffer proposed around the WWTP site will help reduce the perceived scale and operational presence of the facility in the interim, particularly as experienced from Lysnar Road.
- 87 Comments received from parties other than Council in relation to landscape and visual and urban design matters, all of which were from existing residents in the vicinity of the Project were as follows:
- 87.1 Two parties identified the loss of open space resulting from the Project.³⁶ These comments referred to the existing open spaces of the rural area as being currently used by local residents and that such open spaces were being replaced by the town centre and neighbourhood parks of the Project, which they considered inadequate; and

³⁵ [A17 Landscape Memo](#)

³⁶ [Peiyao Xu](#) and [Nikita Pustovoi](#)

87.2 One party also considered that the proposed densities represented an over-development of the Site resulting in effects such as inadequate setbacks, green buffers and open space, dangers to pedestrians, and street overflow parking on Karapapa Road. This comment appeared to relate to Stage 4C; and

87.3 We note that Ngati Manuhiri sought a sensitive lighting design for the WWTP.

Applicant response to comments

88 The Applicant responded to the Council urban design comments and other matters raised in an earlier workshop, focussing on the following matters:

88.1 Council had expressed concern about the southern interface of Stage 13 lacking sufficient connections to the Future Urban Zone (**FUZ**), with only a single collector road (Cemetery Road) serving an 800m interface. The Applicant responded with the explanation that vehicular access to the FUZ was being effectively provided via the existing Young Access from the south, the proposed north-south collector road through Stage 7, and a series of existing east-west local roads and stream-edge roads along the western boundary of Stage 4;

88.2 Updates were made to the RDOC document to improve the structure, clarity, and accuracy of the document content.³⁷ We note that this matter appears to be largely agreed between the Applicant and Council; and

88.3 Council sought further information on the effects of the proposed blanket increase to 50% building coverage for Stages 10-13. The Applicant prepared a Building Coverage Study to support the Blanket Resource Consent (Condition 122). The study concluded that increasing maximum building coverage to 50% within the Mixed Housing Suburban (**MHS**) and Mixed Housing Urban (**MHU**) zones can be successfully accommodated without compromising key urban design principles, on-site amenity, or neighbourhood character. We note that the matter of the blanket increase to 50% is apparently still not agreed between the Applicant and Council.

Panel Findings

89 Our findings on landscape and visual effects and urban design outcomes for the Project, including lighting, are strongly influenced by the high level of agreement between the Applicant and the Council. Accordingly, we make an overall finding that, subject to the matters below reflected in changes to conditions, the landscape and visual effects and urban design outcomes of the Project are acceptable, and that such adverse effects as do arise are acceptable. This finding includes accepting the Applicant's evidence that the blanket coverage increase to 50% is appropriate as sought.

90 In terms of amendments to conditions we agree with the recommendation in the Council landscape and visual effects review that the respective landscape maintenance condition for both Stages 10-13 and Stage 4C should be for three years, not two years.

³⁷ Appendix 1 of the Urban Design Report.

Ecological effects

- 91 The Application outlines that in relation to ecological effects:³⁸

The proposal has the potential to result in adverse ecological effects due to the loss of 16 natural inland wetlands within the site, reclamation and diversion of streams, works in proximity to wetlands and urban streams, and the removal of vegetation across the site. The works also have an adverse ecological effect on a potential inland wetland within 147 Argent Lane. These works are necessary to deliver a high-quality urban development on the site in line with the Wainui Precinct Plan, and the ecological values of these features have been assessed as low. Nevertheless, a range of measures are proposed to manage these effects. This includes extensive stream and wetland restoration and enhancement planting within the site and at an off-set mitigation site owned by FHLD in Milldale North adjacent to the application area.

Comments received

- 92 Comments were received from:

- 92.1 Auckland Council on matters including: Fauna Management Plans (**FMP**), wetland delineation, offset wetland long term sustainability, and permitted activity rules for culverts. Council was generally satisfied that the effects on fauna had been adequately assessed, and that they could be effectively managed through the amended conditions and the FMP. Delineation of natural wetlands was considered incomplete and therefore the effects could not be completely assessed under the National Policy Statement for Freshwater Management 2020 (**NPSFM**). Concern was also raised about the long-term sustainability of the proposed offset wetland. Corrective actions in the event the wetland did not survive were proposed as an addition to the conditions.
- 92.2 Auckland Transport on matters including the potential for fish baffles in culverts to become buried by sediment.
- 92.3 Department of Conservation on matters including an absence of application for approval under the Wildlife Act to appropriately manage fauna during construction.

Applicant response to comments

- 93 The Applicant responded to the above comments as follows:

- 93.1 Auckland Council: acceptance of condition requiring Auckland Council certification of the Fauna Management Plan, and addition of further requirements for the Offset Wetland Management Plan to ensure long term sustainability. The Applicant considered that potential culvert effects are appropriately mitigated without further offset by the balance of existing culvert removal with the new culverts proposed.
- 93.2 Auckland Transport: fish baffles in culverts are appropriate as proposed.

93.3 Department of Conservation: application under the Wildlife Act is not required as this approval is appropriately covered under existing region-wide Wildlife Act Authority.

Panel Findings

- 94 The Applicant considers that all relevant ecological matters were addressed in the application such that there is no further need for additional approvals or consents. We are satisfied that the information provided in the Applicant's response addresses the participants response and supports the Applicant's position. The Applicant has offered additional conditions and content coverage to several Management Plans which we agree are appropriate and sufficient. In particular, we agree that the adaptive management approach as set out in the conditions will promote long-term sustainability of the offset wetland.

Flooding, stormwater and water quality effects

- 95 The Application includes significant new impervious areas. Stormwater runoff from these surfaces will be conveyed to the proposed reticulated stormwater network. The proposed stormwater management devices will slow the volume of stormwater discharged to the environment and will provide the level of detention/retention required by the Wainui East Stormwater Management Plan (**SMP**), AUP and the Council's Guidance Document GD01 (for Stormwater Management Devices in the Auckland Region). New roads and drainage reserve areas include stormwater treatment devices for water quality treatment. The discharge of flows to watercourses will occur via new outlet structures. Riprap and landscaping will be provided to reduce the impact of engineered structures on watercourses and minimise stream erosion.
- 96 The Application concludes that potential effects on water quality during the earthworks phase will be managed with appropriate erosion and sediment control measures.³⁹
- 97 Flood modelling has been undertaken for the proposal which demonstrates that the flows up to the 100-year ARI plus climate change storm event will be fully contained within the Stream 21 corridor following the completion of the proposed earthworks activities and installation/upgrade of the 11 identified culverts. The flood modelling demonstrates that the proposal will not displace or increase flood waters upstream/downstream or on neighbouring properties. Geotechnical assessments undertaken illustrate that the subdivision layout and geotechnical nature of the site is suitable for the proposed earthworks and future development.

Comments received

- 98 Comments were received from:

98.1 Auckland Council. Healthy Waters Flood and Resilience (HWFR) considered that the information supplied did not ensure compliance with the Wainui East Stormwater Management Plan in six subject areas, and therefore the proposed stormwater management plan could not be authorized under the Region Wide Network Discharge Consent (RWNDCC). However, the natural hazard effects relating to flooding and overland flowpaths can potentially be managed through

the proposed stormwater strategy, subject to resolution of the outstanding technical matters and implementation of comprehensive consent conditions.

- 98.2 A key matter raised by Healthy Waters related to the absence of a Geomorphic Risk Assessment to aid in establishing effective riparian set-backs since there would be a likely adjustment of the proposed and existing stream networks in response to urbanisation.
- 98.3 Auckland Council also commented on earthworks in relation to erosion and sediment control and confirmed that the indicative erosion and sediment control measures are generally appropriate and that the preparation of final Erosion and Sediment Control Plan for certification by Council is acceptable.
- 98.4 Gemma Traill, local resident on matters including flooding and drainage potentially affecting her property
- 98.5 Jason and Louise Dickinson, local residents on matters including flooding potentially affecting their property
- 98.6 Hon Chris Bishop, Minister for Housing, Transport, Infrastructure and RMA reform stated that the application was consistent with the NPSFM and NES-F.
- 98.7 Auckland Transport on stormwater management, specifically that information provided in the application did not demonstrate that overland flow path (**OLP**) performance along roads met safety standards. There was also concern that proposed roadside raingardens did not meet recently updated design guidelines.

Applicant response to comments

- 99 The Applicant provided the following response to the above comments:
 - 99.1 Auckland Council. In response to Council's comments, a full review of the stormwater management strategy was undertaken in accordance with the Wainui Stormwater Management Plan (SMP) and with feedback from Healthy Waters. Various amendments were made to the proposed strategy including refinement to ensure that all road catchments in Stages 10-13 were reticulated via a dry basin device. Further work was undertaken to ensure that the upstream offset detention strategy meets the stormwater mitigation requirements of the SMP.
 - 99.2 The Applicant states that the matters related to geomorphic risks are addressed in the Stream Erosion Risk Assessment.
 - 99.3 Auckland Transport's concerns on OLP performance were given further analysis and concluded that the increased runoff volume associated with inclusion of 3.8 degrees celsius of climate change can be managed by utilisation of drainage reserves to achieve compliance with Code of Practice safety standards.

Panel Findings

- 100 The stormwater matters have been the subject of significant engagement by the participants and reached a point where there is agreement that outstanding matters

can be managed through the consent conditions, including additional conditions proposed by Council. We accept that the measures proposed in the conditions will address the concerns of all participants and are satisfied that the residual effects will be managed appropriately.

Transport effects

- 101 Given the scale of the development, impacts on the roading network are an important consideration. The Application contains a detailed assessment of transport effects, building off earlier transport assessments undertaken for the overall Wainui precinct.

- 102 The Application frames the transport effects in the following way:⁴⁰

The design of the development will effectively manage the traffic effects of the proposal. Traffic modelling undertaken to support this proposal demonstrates that there is adequate capacity within the wider road network and will continue to operate well during both morning and evening peak hours.... Within the site, the development will deliver a well-connected and high-quality street network that promotes walking and cycling and is consistent with the Wainui Precinct Plan.

- 103 The Application also includes a limit on the number of dwellings occupied in advance of the O Mahurangi - Penlink link between Whangaparāoa Road and State Highway 1 becoming operational. This is because:

103.1 The ITA supporting the overall Wainui precinct identifies that requires that no more than 3,800 residential dwellings may be occupied until the O Mahurangi - Penlink link between Whangaparāoa Road and State Highway 1 is operational.

103.2 Penlink is under construction and is due to be completed in early 2028, so a limit is appropriate.

Comments received

- 104 Comments were received from:

104.1 Gemma Traill, local resident: disruption and safety concerns from construction traffic

104.2 Bogden Bujoreanu, local resident: parking, traffic flow and emergency vehicle access

104.3 Jason and Louise Dickinson, local residents: construction traffic

104.4 Auckland Transport have confirmed that, in principle, the proposed road layout is broadly consistent with the Wainui Precinct Plan. However, they expressed concerns over the timeline for delivery of roading infrastructure and intersection safety and operation. In particular, the Pine Valley Road/Dairy Flat Highway intersection is a key point of connection to the Milldale development, and the proposed upgrade intersection may not be constructed before the proposed dwellings are occupied. This would result in a level of service (vehicle queuing time) below AT acceptable targets. This also applied to the Argent Road/Wainui

Road intersection that will enable public transport to service this area of the development. AT also considered that pedestrian Bridge 5 did not meet the required road-to-road transport function to enable it to be adopted as an AT asset. AT suggested 3 conditions be added to the Volume 8 condition set to require the two intersections be constructed prior to occupancy reaching 2,800 dwellings and that all public roads, intersections and pedestrian accessways be designed, certified and constructed to AT standards.

104.5 Auckland Council assessed other traffic matters to those assessed by AT as they relate to shared driveway/ JOALs, vehicle crossings together with a broader review of the transport/ traffic matters. Several information gaps were identified and additional consent conditions were recommended. However, AC concluded that there are no significant residual transport impacts that require proportionality assessment.

Applicant response to comments

105 The Applicant responded to these comments as follows:

105.1 Auckland Transport and Auckland Council. The Applicant acknowledges that there are various outstanding information gaps as they relate to transport matters that have not been provided by the Applicant and have not been assessed by Council. However, much of this information is to be provided at Engineering Approval stage. This includes both roading long sections and vehicle tracking, intersection typology plans, typical details plans and concept design plans. The deliberate omission of these plans was not considered to present a 'significant risk' to the approval process at resource consent stage.

105.2 Specific response is provided regarding Pedestrian Bridge 5 which is not to be vested to Auckland Transport but is favoured to be retained to provide open space connectivity and screening of the necessary sewer pipe bridge at this location. Council has acknowledged that this issue is subject to further discussion.

105.3 The Applicant has accepted conditions to address the information gaps and to undertake the intersection upgrades related to the dwelling occupancy thresholds proposed by Council and AT.

Panel Findings

106 The transport matters have been the subject of significant engagement by the participants and reached a point where there is agreement that outstanding matters can be managed through the consent conditions, including additional conditions proposed by Council. We accept that the measures proposed in the conditions will address the concerns of all participants and are satisfied that the residual effects will be managed appropriately.

Infrastructure effects

107 The Project sits within the broader Milldale development which is serviced by existing public reticulated networks. The Project proposes new reticulated stormwater, wastewater, potable water networks that will connect into the nearby existing public networks. The existing and new infrastructure have been sized to accommodate the

increases in three waters demand from the Project. Utilities will also be provide to each new lot created.

- 108 A key uncertainty is the timing of planned upgrades at the Army Bay Wastewater Treatment Plant. The Application addresses this by including a temporary WWTP, which will provide an interim solution in the event that the Army Bay WWTP is constrained due to the timing of the proposed upgrades.

- 109 The overall conclusion in the Application is that:⁴¹

The development can be adequately serviced by new reticulated stormwater, wastewater, potable water network without placing pressure or loading effects on the existing network.

Comments received

- 110 Comments were received from:

110.1 Paul Wigglesworth, 36 Sidwell Road, Wainui: additions to the conditions in relation to the Wastewater Treatment Plant (WWTP); notification of accidental discharges, reporting of noise and odour, and service trucks access hours.

110.2 Watercare: the proposed temporary WWTP, acceptance criteria for the Reverse Osmosis (RO) waste stream from the WWTP to the wastewater network and the permanent wastewater and water servicing strategy for the broader development area. Watercare advise that emergency storage is required at the WWTP to manage operational failures as the absence of onsite storage or containment increases the likelihood of unplanned discharges impacting network performance.

110.3 Watercare advised that several technical and operational issues required resolution before a formal agreement could be reached to accept the wastewater discharge from the Project into the public system. Watercare's main concern stems for the observation that the application of RO for wastewater treatment in New Zealand is relatively untested. The current wastewater quality testing undertaken at Army Bay WWTP does not cover the specific contaminants expected in the RO waste stream.

110.4 While Watercare has provided agreement in principle to accept the RO reject discharge it still sought technical information showing that such discharge would not adversely affect the operation, integrity and compliance of the Watercare network or the Army Bay WWTP. If the Applicant was unable to demonstrate that the RO reject stream could meet Watercare's operational, regulatory, and compliance requirements, Watercare would expect the Applicant to actively explore alternative treatment and discharge options that do not involve discharging the RO waste stream to the Watercare network.

110.5 Watercare further noted that the Applicant was not planning to provide emergency storage at the WWTP. It had assumed that in the event of plant failure, untreated flows would bypass the WWTP and remain in the Watercare transmission line. Watercare considered that assumption effectively shifted the

operational risk for the proposed WWTP to Watercare's public network and was not in agreement with such a strategy. It would increase the likelihood of unplanned discharges impacting its own network performance.

110.6 Watercare recommended that the Applicant reconsider the inclusion of buffer storage at the WWTP and develop a contingency plan that ensured operational failures were managed without relying on Watercare's infrastructure. If the Applicant was unwilling to incorporate these measures, then they should be the subject of conditions imposed by the Panel.

110.7 Auckland Council: scale of effects on the Orewa Estuary due to discharges from the WWTP, potential for further discharge consents required if the RO waste stream will not be accepted by Watercare.

Applicant response to comments

111 The Applicant has responded to these comments in the following way:

111.1 In response to Auckland Council's comments, the Applicant has updated the engineering drawing set to respond to Auckland Council comments. Substage boundaries are adjusted to enable more coherent and self-contained infrastructure delivery, including stormwater ponds, ground retention, water supply network and lot sizes. Minor adjustments were also made to earthworks and roading.

111.2 In relation to potential public health and ecological effects on the Orewa Estuary from the WWTP discharge, the Applicant replied that a Microbial Health Risk Assessment is unnecessary due to the extremely high quality of the wastewater produced by the RO process. Further, given the already degraded ecological condition of Waterloo Creek, occasional exceedance of ANZG (2018) trigger values for ammonia, is unlikely to result in acute adverse effects on the present macroinvertebrate community, as these levels are expected to be below the concentration levels that would cause direct harm.

111.3 In relation to Watercare's comments about the WWTP the Applicant states that acceptance of the RO plant waste stream to the sewer has been agreed in principle with Watercare and a letter of support had been provided to us. A detailed technical response is also provided that compares the RO waste stream against criteria including Watercare's Trade Waste Controls (2019) which it fully meets, the elevated salt level of the waste stream which it says will, after dilution, only marginally increase the salt level of the influent to the Army Bay WWTP. Watercare's concerns about clean-in-place chemicals are addressed by precipitation as solids for disposal to landfill and recirculation of liquids back into the front end of the WWTP for further treatment. In conclusion, the applicant expects the RO reject discharge will have a net positive impact on the operation and consent compliance of the Army Bay sewage treatment plant.

111.4 An adaptive management approach in relation to quality parameters for the main discharge has been incorporated into the WWTP discharge conditions to enable operational flexibility without generating additional adverse effects.

111.5 In relation to the suggestion from Watercare that emergency storage be provided at the WWTP the Applicant considered this was unnecessary due the

backup systems in the plant such as backup generators to address power cuts, and other failsafe systems.

Panel Findings

- 112 While Watercare has indicated its support for the water supply and wastewater servicing plan for the Project, it has withheld its support for acceptance of the reject waste stream from the RO plant pending further information from the Applicant. A pathway for gaining Watercare's support has been offered which requires the Applicant to control the quality of the waste stream to avoid detrimental effects on the Watercare network and Army Bay WWTP. Based on the responses received from both the Applicant and Watercare, we do not see the matter as insurmountable and should be able to be resolved through further exchange in a similar manner to that taken for Engineering Approval or other such approvals. While we recognise that a viable wastewater servicing solution is a fundamental functional element for the Project to proceed, we are satisfied that the outstanding matters are of a reasonably straightforward nature that they will be resolved through further discourse.
- 113 We remain unconvinced that overflow risk from the WWTP under emergency is fully covered by the provision of backup generators and failsafe systems as proposed by the Applicant. Watercare has stated it does not wish to carry the operational risk of the plant in such an emergency and has recommended that emergency storage at the WWTP is provided. The Applicant is therefore bound to cover this risk. A condition has been proposed that requires the Applicant to provide such storage should it fail to obtain agreement with Watercare as to an alternative approach to manage the risk of overflows due to emergency shutdown.
- 114 In all other respects related to infrastructure we are satisfied that the measures proposed in the conditions are appropriate and the residual effects of the proposed development will be managed appropriately.

Economic effects

- 115 In addition to the overall economic effects of the Project which are discussed separately below, consideration was also given to the economic effects of the relocation and resizing of the neighbourhood centre.
- 116 The Neighbourhood Centre has been reduced in size and relocated from the western part of the development to the north-western area, near the Cemetery Road Link, compared to what is anticipated in the Wainui Precinct Plan. This change is based on an economic assessment of Milldale's development that confirms the provision of Neighbourhood Centre zoned land is nearly twice the regional normal, and the zoned centre land provision is far higher than any likely future requirements.
- 117 The Council's economic assessment concludes that:
- 117.1 The proposed location for the Neighbourhood Centre at the Cemetery Road intersection is likely to represent a more efficient location than the location of currently zoned area.
- 117.2 The Neighbourhood Centre is currently within close proximity to the larger Local Centre, which would provide households within the current catchment area with commercial amenity.

- 117.3 A northern relocation of the centre would likely increase the residential areas served by a commercial centre within this part of the development.
- 117.4 The currently zoned size of the Neighbourhood Centre (7,520m² land area) is large relative to its location and likely share of demand within its surrounding catchment area. By contrast, the proposed size of 1,289m² land area is likely to be within a range that would enable this type of centre to establish.
- 118 We are satisfied with the economic assessment of the rationale for this change and consider the proposed location and size of the Neighbourhood Centre are appropriate.

Cultural effects

- 119 In preparing the Application, the Applicant contacted the following iwi authorities:
- 119.1 Ngāi Tai ki Tāmaki Tribal Trust;
- 119.2 Ngāti Manuhiri Settlement Trust;
- 119.3 Ngāti Maru Rūnanga Trust;
- 119.4 Ngāti Paoa Iwi Trust;
- 119.5 Te Ara Rangatu o Te Iwi o Ngāti Te Ata Waiohū;
- 119.6 Ngātiwai Trust Board;
- 119.7 Ngāti Whanaunga Incorporated;
- 119.8 Ngā Maunga Whakahii o Kaipara Development Trust;
- 119.9 Ngāti Whātua Ōrākei Trust;
- 119.10 Te Ākitai Waiohū Iwi Authority;
- 119.11 Te Kawerau ā Maki Settlement Trust; and
- 119.12 Te Rūnanga o Ngāti Whātua.
- 120 Subsequently, in response to requests from iwi, hui were held with representatives of these groups as follows:
- 120.1 14 November 2024 – Meeting with Ngāti Manuhiri Settlement Trust;
- 120.2 19 November 2024 – Meeting with Te Kawerau Iwi Settlement Trust; and
- 120.3 5 December 2024 – On-site meeting with Ngāti Manuhiri Settlement Trust and Te Kawerau Iwi Settlement Trust
- 121 Following this, Te Kawerau Iwi Settlement Trust provided a Cultural Investigation Report focussed on the temporary wastewater treatment plant.
- 122 Ngāti Manuhiri Settlement Trust has also prepared a Kaitiaki Report focussed on the temporary wastewater treatment plant.

- 123 The recommendations in these reports have been carried through into the Application and the proposed conditions. The Applicant has also confirmed its commitment to working with the iwi authorities constructively.
- 124 The Application includes an assessment of the Application against the Te Kawarau ā Maki Iwi Management Plan. We agree with the conclusion in the Application that "...the proposal is well aligned with the IMP as it will appropriately treat and manage the quality of stormwater from the Site and will incorporate significant native vegetation planting and sustainability practices. Conditions of consent will manage the effects of earthworks, particularly in terms of any discharges to the streams...Overall, it is considered that the proposed development can be constructed and operated in a manner that is consistent with the environmental outcomes sought by Te Kawarau ā Maki as expressed in the IMP."⁴²
- 125 The Minister for Crown Relations has provided a letter of support subject to comment received from the relevant Maori groups. No comments were received from any iwi authority that had been invited for comment.
- 126 We are satisfied that cultural effects have been appropriately managed through the Application and the proposed conditions of the RMA Approvals.

Noise and vibration effects

- 127 The Applicant provided assessments of the construction and operational noise effects for each of the three Project components which we summarise in the following paragraphs. Importantly, with one exception, the components do not require resource consents for noise emissions or vibration for the reason that, with the proposed mitigations, each was able to comply with the relevant standards of the AUP.
- 128 The potential noise and vibration effects of the proposed activities associated with Stages 10-13 included bulk earthworks and the operation of the temporary water booster pumping station located on Lot 474 within Stage 13.⁴³
- 129 Notwithstanding compliance with noise standards, the assessment noted that construction noise and vibration will be noticeable outside neighbouring dwellings when the nearest earthworks are undertaken, but will be significantly lower than the permitted limits for most of the project. Similarly, construction vibration may be perceptible within the nearest dwellings when the nearest earthworks are undertaken but will be imperceptible for most of the project.
- 130 In relation to construction activities the following mitigation measures were proposed to ensure compliance and to minimise potential effects:
- 130.1 Any machinery and heavy vehicles operated between 7:00 AM and 7:30 AM on Monday to Saturday is to be at least 130 m from any occupied building;
- 130.2 All other construction work is to be undertaken between 7:30 AM and 6:00 PM on Monday to Saturday (when higher permitted noise limits apply);

⁴² [AEE Overview Report at 15.2.](#)

⁴³ There will not be any dwellings in the vicinity of the pumping station when it is constructed.

- 130.3 There is to be no construction work on Sundays or public holidays;
- 130.4 Temporary construction noise barriers will be used when working near occupied dwellings; and
- 130.5 There is to be proactive communication with the neighbours before the work begins.
- 131 In relation to operational noise emissions, which relate to the proposed pumping station in Stage 13, the following noise mitigation measures are proposed:
- 131.1 Locating all noise-generating plant inside the pumping station building; and
- 131.2 Designing the building to meet minimum sound reduction specifications.
- 132 Constructing an acoustically effective fence on the boundaries of the adjoining lots (being Lots 472 and 473). The noise and vibration generated by construction activities for Stage 4C were similarly assessed. With the adoption of the conditions set out in a. to e. above, AUP noise and vibration standards for almost all of Stage 4C will be able to comply with AUP standards. The exception to this is that the construction noise levels generated by the construction of the accessway within Stage 4C-4 are expected to infringe the AUP standards over a period of approximately one to two weeks within the neighbouring Stage 4C-1A (existing superlot 5701). To address this infringement, a Construction Noise and Vibration Management Plan (**CNVMP**) has been recommended.
- 133 The Applicant also assessed the noise and vibration effects of the construction and operation of the WWTP in Lysnar Road. The key findings of the assessment were that neither noise nor vibration required consent and that noise from the construction and operation of the wastewater treatment plant will not cause unreasonable disturbance on any neighbouring sites, including the closest lots zoned residential and the closest notional boundaries within the Future Urban Zone to the northeast.
- 134 The following measures were proposed to ensure compliance with the noise and vibration limits set by the AUP for permitted activities and to minimise effects:
- 134.1 All noisy construction work is to be undertaken between 7:30 AM and 6:00 PM on Monday to Saturday;
- 134.2 At the operational stage, trucks (including those for any solid waste removal) are only to access the plant site during daytime hours and on Monday to Friday; and
- 134.3 There will be proactive communication with the neighbours before construction work begins.

Comments Received

- 135 The Council review expressed a very high level of agreement with the noise and vibration assessment and the mitigation recommendations for each of the three Project components. On specific matters, the review agreed with the recommendations on the management of noise from the pumping station located in Stage 13 and the noise exceedance for construction of the accessway within Stage 4C-4. The review also agreed with the recommended conditions, subject to the correction to permitted noise

levels in the Residential Zone as shown in Condition 37. We note that this correction has been made by the Applicant.

- 136 Several comments were received from parties other than Council in relation to construction noise matters, some parties also referring to the future increase in background noise associated with the advent of an urban environment.⁴⁴

Applicant response to comments

- 137 Given the very high level of agreement expressed in the Council review, the Applicant did not respond further in relation to noise and vibration effects.

Panel Findings

- 138 We find that the potential noise and vibration effects of the Project are acceptable, given the assessed compliance with standards excepting for one location in Stage 4C, where construction noise exceedance will be experienced for up to two weeks. In that case a CNVMP will be in operation to ensure the adoption of the best practicable option to minimise construction noise effects and ensure compliance with the project noise conditions.
- 139 We note the concerns expressed in some of the comments from neighbours received about the introduction of construction noise into their existing environment. We consider that some change to the noise environment, both during construction and with the subsequent arrival of new residents, is an inevitable result of the wide scale urbanisation of Milldale. However the Applicant has proposed a range of conditions to address construction noise and vibration and the localised potential noise effects of the pumping station and WWTP. The management of construction noise effects is reliant on both compliance with standards and good communication with neighbours. In this regard the proposed conditions require early warning to all neighbours within 100m, advice as to noise duration and working hours and project contacts for noise compliance and information.
- 140 In relation to the suggestion by Paul Wigglesworth that noise compliance be part of annual reporting for the WWTP to address his noise concerns at his dwelling situated at 36 Sidwell Road some 350m from the WWTP, we note that noise compliance is predicted at the nearest notional boundary (20m) within the Future Urban Zone, and consequently find that annual reporting of this matter is unnecessary.
- 141 On the matter of the future increase in the background noise of the future urban environment, all activities are subject to the noise limits of the Auckland Unitary Plan.

Air quality effects

- 142 Discharges to air have the potential to affect the air quality of the receiving environment. The Project has the potential to produce discharges to air from construction activities and from the proposed WWTP. The discharge of dust from construction activities does not require consent pursuant to the AUP. Nevertheless, the proposed conditions of consent include the requirement for a Dust Management Plan

⁴⁴ [J & L Dickinson](#), [P Wigglesworth](#), [N Pustovoi](#), and [J Traill](#)

(**DMP**) for construction activities associated with both Stages 10-13 and Stage 4C. We address that requirement in our findings.

143 The key focus of the remainder of this effects section is the potential for the discharge of odour from the WWTP to adversely affect the local environment. The Applicant has provided information on the generation and control of odour in the Design Report for the WWTP⁴⁵ and in the independent air discharge assessment.⁴⁶

144 The Design Report describes the key sources of odour and their containment at the WWTP as follows:⁴⁷

The formation of offensive odours within the wastewater network feeding into the treatment plant cannot be fully controlled, necessitating the installation of infrastructure designed to capture and treat these potential odours. An odour control system is employed to eliminate or neutralise offensive odours and other contaminants extracted from the facility. Air collected from enclosed spaces—such as those housing equipment or liquids with the potential to generate offensive odours—is typically directed to the odour control system. These enclosed spaces are maintained under negative pressure, ensuring that any fugitive odours are extracted and transported to the odour control unit.

145 The proposed odour control system for the WWTP is an activated-carbon scrubber which the Applicant describes as having “reliability and well demonstrated performance without onerous operational requirements in a process that is easily designed, constructed and operated.”

146 The air discharge assessment reviewed the sources of odour and proposed treatment and then considered the consenting requirements as follows:

- a. The potential discharge of odour requires a consent under Chapter E14 of the AUP; but
- b. Neither the provisions of the Resource Management (National Environmental Standards Relating to Certain Air Pollutants, Dioxins and Other Toxics) Regulations 2004 nor the National Environmental Standards for Greenhouse Gas Emissions from Industrial Process Heat Regulations 2023 apply to emissions from the WWTP.

147 The air discharge assessment then characterised the existing air quality environment and the local meteorological data and identified potential sensitive receptors around the WWTP site in accordance with accepted guidelines.⁴⁸ This resulted in the identification of existing properties within Milldale at 285-295 Te Taruna Drive and future properties within Stages 8A and 10 as potentially affected by odour. These properties were added to the list of parties invited to comment on the application. Applying a **FIDOL** approach to identifying odour that was likely to be offensive or objectionable odour effects the assessment concluded that:

⁴⁵ [Appendix 4K Wastewater Treatment Plant Design Report](#)

⁴⁶ [Appendix 4G Air Discharge Assessment](#)

⁴⁷ [Appendix 4K Wastewater Treatment Plant Design Report at p.88.](#)

⁴⁸ Ministry for the Environment. (2016): Good Practice Guide for Assessing Odour. Wellington: Ministry for the Environment; Victoria Environmental Protection Agency (2024): 1518: Recommended Separation Distances for Industrial Residual Air Emissions – Guideline.

- a. Taking into account the **F**requency, **I**ntensity and **D**uration factors, the effect of emitted odour is expected to be very low based on the design of the proposed WWTP and employed mitigation measures; however
 - b. **O**ffensiveness and **L**ocation factors suggest that odours from the WWTP have the potential to result in offensive or objectionable effects.
- 148 Overall, the assessment considered that as the WWTP design will incorporate best practical options for minimising the generation of acute high intensity odour events, the odour experienced at any sensitive receptors would be acceptable.

Comments Received

- 149 The Council review had considered the material presented in the Design Report and assessment provided by the Applicant and concluded that WWTP air discharges are not likely to cause significant adverse effects at any location beyond the site boundary. The review referred to the process-based controls upon which this conclusion relied including the adoption of negative air pressure extraction in the system and the activated-carbon scrubber. The review recommended some amendments to the Applicant's proposed conditions.
- 150 There were no comments received from the parties associated with the properties identified above as potentially affected by odour. Some other parties referred to the generation of dust during earthworks from the Project generally as being of concern.⁴⁹ Mr Wigglesworth sought that compliance with odour conditions be addressed in the annual report for the WWTP.

Applicant response to comments

- 151 Given the overall agreement of the Council review and support for conditions, the Applicant did not respond further in relation to air quality effects.

Panel Findings

- 152 There was a high level of agreement between the Applicant's and Council's experts on the matter of air quality effects. Potential effects on air quality relate to the generation of dust during earthworks and odour from the operation of the WWTP. The conditions of consent for each element of the Project require the production of a DMP as part of the Construction Management Plan. In each case the DMP is to be certified by the Council.
- 153 For the WWTP, we note that odour management is part of the operational requirements of the site, an Odour Management Plan is to be prepared by the Applicant and certified by the Council, and any breaches are to be addressed in the annual report, including the remedial action taken.
- 154 On the basis of these measures being in place, the findings of the Applicant's assessment was that odour experienced at any sensitive receptors would be acceptable.

⁴⁹ [J & L Dickinson](#), [P Wigglesworth](#), and [J Traill](#).

155 We find that the management of air quality for the Project is appropriate and that acceptable environmental outcomes will be achieved.

PART F: EVALUATION OF RELEVANT PLANNING INSTRUMENTS - RMA APPROVALS

- 156 The AEE addressed the relevant statutory documents and identified relevant provisions. Rather than repeat all of that, this section addresses the documents of particular relevance to the Application (particularly relevant provisions) and the comments received. We also rely on our conclusions on effects and the conditions we have decided to impose in support of the conclusions reached on relevant planning provisions.

National Policy Statements

- 157 The relevant National Policy Statements were addressed in section 17 of the Application's Overview Report and include:

157.1 National Policy Statement on Urban Development 2020 (**NPSUD**);

157.2 NPSFM;

157.3 National Policy Statement for Indigenous Biodiversity 2023 (**NPSIB**).

National Policy Statement on Urban Development

- 158 The Application contains an assessment against the NPSUD, which considers the Application to be consistent with the relevant objectives and policies of the NPSUD and to contribute to a well-functioning urban environment for the following reasons:⁵⁰

158.1 The Project will provide for greater intensity of development which has been comprehensively planned, is proximate to planned public transport and will form the final stages of the Milldale development; delivering capacity for an additional 1,155 dwellings to further contribute to a diverse and vibrant community.

158.2 The temporary WWTP will enable the Milldale development to continue where there are otherwise downstream infrastructure capacity constraints with the Army Bay Wastewater Treatment Plant. By proposing a WWTP that resolves the potential capacity issues of the current public infrastructure, the proposal directly contributes to facilitating urban development in an area that has been identified as appropriate for growth.

158.3 The Project is located on land that has operative live zones. The operative zoning of the project area recognises the suitability of the land for urban development.

158.4 The temporary WWTP is located on future urban-zoned land, preserving urban-zoned areas for development. It will remain in the Applicant's private ownership, with no subdivision of the parent lot planned. The WWTP can be decommissioned in the future, when the Army Bay upgrades make the WWTP unnecessary.

158.5 The development will provide more houses in a well-connected, strategic location, within close proximity to both existing and planned businesses, community services, and employment opportunities, and public transport

⁵⁰ AEE [Overview Report at 17.2.1](#)

services.

- 158.6 The Project will support competitive land and development markets and contribute to improving housing affordability in Auckland.
- 158.7 The proposed housing development will integrate the provision of infrastructure servicing.
- 158.8 The Project will be fully serviced by development infrastructure and additional infrastructure, including the new primary school, Ahutoetoe school, which was opened in February 2023 to meet the educational needs of the community, along with two existing preschools.
- 158.9 The Project will support a reduction in greenhouse gas emissions by locating additional houses in close proximity to existing and planned employment areas (Highgate Industrial area and proposed Silverdale West Industrial area) and other amenities
- 159 We agree with that assessment. We comment later in more detail on the question of efficiency of land use, particularly in the context of Stage 4C.

National Policy Statement for Freshwater Management 2020

- 160 The NPSFM sets out a framework under which local authorities are to manage freshwater (including groundwater).⁵¹
- 161 The objective of the NPSFM is to ensure that natural and physical resources are managed in a way that prioritises the:⁵²
- 161.1 health and well-being of water bodies and freshwater ecosystems;
- 161.2 health needs of people (such as drinking water); and
- 161.3 ability of people and communities to provide for their social, economic, and cultural well-being, now and in the future.
- 162 This objective reflects the hierarchy of obligations in Te Mana o te Wai.⁵³
- 163 The Applicant in the AEE has assessed the Project against the objective and policies of the NPSFM, and concludes that the Application is considered to be consistent with the relevant objectives and policies of the NPSFM that relate to land development.⁵⁴ We have considered this analysis and agree with it.
- 164 We note:
- 164.1 The Application includes conditions to manage effects on adjacent freshwater bodies.

⁵¹ NPSFM clause 1.5.

⁵² NPSFM clause 2.1.

⁵³ NPSFM clause 1.3.

⁵⁴ [AEE Overview Report at 17.2.2](#)

164.2 The offset package proposed as part of the Application will enhance and extend an existing wetland system and its margins at an offset site within an existing ecological ecosystem at Milldale North in close proximity to the Site. Residual adverse ecological effects associated with the proposed stream reclamation will be compensated by the significant stream enhancement works and riparian planting within the site and at the same offset site. The stream and wetland enhancement and planting will achieve a net gain of ecological values. It will also result in significant ecological benefits and improved water quality for the local catchments.

164.3 We accept the proposed reclamations are necessary to prepare the Site for the roading alignment outlined in the Wainui Precinct Plan, stormwater management approach and underlying zoning, and that there are no practicable alternatives.

National Policy Statement for Indigenous Biodiversity 2023

165 The objective of the NPSIB is:

- (a) to maintain indigenous biodiversity across Aotearoa New Zealand so that there is at least no overall loss in indigenous biodiversity after the commencement date; and
- (b) to achieve this:
 - (i) through recognising the mana of tangata whenua as kaitiaki of indigenous biodiversity; and
 - (ii) by recognising people and communities, including landowners, as stewards of indigenous biodiversity; and
 - (iii) by protecting and restoring indigenous biodiversity as necessary to achieve the overall maintenance of indigenous biodiversity; and
 - (iv) while providing for the social, economic, and cultural wellbeing of people and communities now and in the future.

166 The Application includes an assessment against the NPSIB which concludes that the Application accords with the NPSIB objectives and policies as:⁵⁵

166.1 No concerns have been raised in regard to indigenous biodiversity through consultation with mana whenua;

166.2 The Site has not been identified as a Significant Ecological Area or Significant Natural Area

166.3 The Site is currently vegetated with pasture, low lying shrubs and sparse trees. The proposal will result in ecological gains through the provision of comprehensive native landscaping, in conjunction with riparian planting to aid in the restoration of the site; and

166.4 The Site does not present any features, fauna or flora habitats that present

⁵⁵ [AEE Overview Report, at 17.2.3](#)

significant ecological values.

167 We are satisfied that the proposal is consistent with the NPSIB.

Regional Policy Statement

168 The RPS sets out the overall strategic statutory framework to achieve integrated management of the natural and physical resources of the Auckland Region.

169 The Application contains a detailed assessment against the RPS in relation to each component of the Application. Overall, the Applicant's assessment is that the Application is consistent with the relevant objectives and policies of the RPS for the following reasons:⁵⁶

169.1 **B2.2 Urban Growth and Form:** The Project supports a quality compact urban form within the Rural Urban Boundary, by enabling the development envisaged under the Wainui Precinct Plan (which was developed in accordance with the structure plan guidelines). The Project will enable the provision of a range of housing types, and the proposed neighbourhood centres will provide for residents to meet their day-to-day needs locally. The Project also makes efficient use of the infrastructure that has been consented or completed within the prior Milldale stages.

169.2 **B2.3 Quality Built Environment:** The Project has been comprehensively master planned, is in general accordance with the Precinct Plan and designed to result in a quality-built environment. The development has been designed to respond to the intrinsic qualities and physical characteristics of the site, including natural watercourse, established vegetation and the undulating topography. Although the proposed earthworks will disrupt the landform during construction, the general overall topography of the Site will be maintained.

169.3 **B2.4 Residential Intensification:** The Project will deliver additional residential capacity within a quality compact urban form. The development will provide capacity for approximately 1,155 dwellings that will provide for a range of residential typologies that are in keeping with the planned built character of the Wainui Precinct and relevant zones.

169.4 **B2.7 Open Space and Recreation Facilities:** The Project provides two new neighbourhood parks to meet the needs of future residents as well as new cycling and pedestrian links that will promote the physical connection of open spaces.

169.5 **B3.2 Infrastructure:** The development and upgrading of infrastructure is provided for. The Project will provide three waters infrastructure (including a WWTP), power and telecommunication utilities services for the development.

169.6 **B3.3 Transport:** Roading will be provided for as envisaged by the Wainui Precinct, resulting in a well-connected road network through the site that integrates transport infrastructure with urban growth. The provision of shared paths and cycle paths will ensure a safe and effective pedestrian and cycling

⁵⁶ [AEE Overview Report at 17.4.2](#)

network that connects into and through the site is maintained and improved on.

- 169.7 **B6 Mana Whenua:** The Project is considered to be consistent with these policy directions as the proposal recognises the unique relationship between Mana Whenua and natural and physical resources. Consultation has been undertaken with Mana Whenua authorities, who have provided feedback which has been incorporated into the Project.
- 169.8 **B10.4 Land – Contaminated:** The proposal is consistent with this policy direction as testing has been undertaken and potentially contaminated soils have been identified in the DSI provided with the application. It is proposed to remediate areas containing elevated levels of contaminants to ensure the Site is suitable for the intended residential development. Works on the Site will be undertaken in accordance with the measures set out in the SMP/RAP to reduce the potential discharge of contaminants from land to receiving environments and to protect human health.
- 169.9 **B7 Natural Resources:** The Project is not inconsistent with this policy direction. While the Project involves the loss of wetlands with a total area of 2.02 ha and the partial reclamation of 1,208.5m of stream length, both the wetlands and streams are considered to be of low ecological value and have been highly modified as a result of historical agricultural practices. There are no practicable alternatives to the loss, but there is a functional need for the relevant works to be located as proposed. The loss is mitigated by the proposed wetland off-set and stream enhancement works. The proposed offset works will result in a no-net loss in wetland extent and wetland value. While there will be an overall net loss of intermittent stream extent, the proposed compensation would restore or enhance ecosystem processes equivalent to or greater than those lost. This includes improvements in water quality, habitat diversity, biodiversity support, and hydrological stability. This will result in significant positive effects for the Rodney Ecological District and Auckland region.
- 169.10 **B10.2 Natural Hazards and Climate Change:** The Project is consistent with this policy direction as flood modelling demonstrate that significant adverse flooding effects are avoided through the design of the development. It is confirmed within the Stormwater Assessment that overland flow paths present on site will be incorporated into the development, such that the development will not worsen any existing or create new flood risk hazards for properties upstream or downstream.
- 170 The Council undertook its own assessment against the relevant policy framework, and save for some uncertainties about how the Project satisfies the policies regarding integration of infrastructure, was satisfied that the Project was consistent with the policy framework.

Panel Finding

- 171 We agree with the Applicant's assessment. In relation to the Council's concerns regarding the integration of infrastructure, we are satisfied that the Project integrates with the broader infrastructure network of the surrounding Milldale area. In relation to wastewater, we consider that the proposed temporary WWTP is a pragmatic approach in the circumstances, given the ongoing uncertainties regarding the Army Bay WWTP capacity upgrades.

Auckland Unitary Plan

- 172 The Application includes detailed assessments of each of the components of the Project against the relevant provisions of the AUP. Provisions of plan changes 78 and 79 have also been considered by the Applicant.
- 173 A wide range of AUP objectives and policies are relevant, including those contained within chapters:
- 173.1 E3 - Lakes, Rivers, Streams and Wetlands;
 - 173.2 E15 - Vegetation Management and Biodiversity;
 - 173.3 E7 – Diversion, Dewatering and Water Take;
 - 173.4 E11 and E12 - Land Disturbance - Regional and District;
 - 173.5 E14 - Air Quality;
 - 173.6 E17 - Trees in Roads;
 - 173.7 E25 - Noise and Vibration;
 - 173.8 E26 – Infrastructure;
 - 173.9 E27 – Transport;
 - 173.10 E30 - Contaminated Land;
 - 173.11 E31 – Hazardous Substances;
 - 173.12 E36 – Flooding;
 - 173.13 E38 - Subdivision Urban;
 - 173.14 E40 - Temporary Activities;
 - 173.15 H3 - Single House Zone;
 - 173.16 H4 - Mixed Housing Suburban;
 - 173.17 H5 - Mixed Housing Urban;
 - 173.18 H6 - Terrace Housing and Apartment Buildings;
 - 173.19 H7 - Open Space Zones;
 - 173.20 H12 - Neighbourhood Centre Zone; and
 - 173.21 H18 - Future Urban Zone.
 - 173.22 I544 - Wainui Precinct;
- 174 The individual AEEs for each component of the Project contain assessments against the

AUP framework. The overall AEE conclusions are that the Application is consistent with the AUP district and regional planning framework for the following reasons:⁵⁷

- 174.1 The proposed subdivision, including the location and design of road networks, pedestrian links, and open spaces is in general accordance with the Wainui Precinct Plan;
- 174.2 The reclamation of the streams and wetlands is necessary for the purposes of the construction of public roads and pedestrian connections to link up to existing infrastructure within adjacent stages in the Milldale development. The proposed roading network aligns with the Wainui Precinct Plan and facilitates connectivity to the wider roading network. A compensation package will restore, enhance, and create new wetlands and provide extensive restoration planting along existing streams within an existing ecological ecosystem adjacent to Milldale. The residual adverse ecological effects of the proposed wetland and stream reclamation will be compensated for in order to achieve a no-net-loss in respect of extent and any degradation of overall ecological values;
- 174.3 Groundwater investigations have confirmed that the potential effects on groundwater and ground settlement will be localised. Groundwater induced settlement is not considered to be a risk beyond the subject site;
- 174.4 Earthworks across the site will be managed appropriately to ensure that any effects associated with silt and sediment are appropriately managed. The proposed erosion and sediment controls have been designed in accordance with GD05;
- 174.5 Air quality will be maintained within the WWTP's location due to the high degree of mitigation measures designed into the plant. This will avoid any significant odours emanating from the site, mitigating nuisance impacts on the surrounding community and protecting any significant adverse effects on human health;
- 174.6 Construction noise will be appropriately managed through the adoption of best practicable measures in response to and in recognition of surrounding site conditions and will also be minimised where practically possible;
- 174.7 The proposal will provide extensions to existing roading, power and telecommunication utilities and new three waters infrastructure, including a WWTP to service the development;
- 174.8 The safe and efficient operation of the transport network will not be compromised as a result of the proposal. The proposed roading network has been designed to connect and integrate with the existing network. The new roads meet Auckland Transport Code of Practice 2013 (ATCOP) standards and have been designed to accommodate the level of future traffic envisaged in the area;
- 174.9 The discharge of contaminants from contaminated land into air, water, or land will be managed to protect the environment and human health via the measures outlined in the CSMP / RAP. The remediation of contamination hot spots on the

site in accordance with the CSMP and RAP will enable the land to be used and developed for planned residential and commercial purposes;

- 174.10 A range of measures have been included in the WWTP design to reduce any potential effects associated with hazardous substances. The cumulative risk on neighbouring properties, people and the environment is considered to be low; \Significant adverse flooding effects are avoided through the design of the development. It is confirmed within the Stormwater Assessment that overland flow paths present on site will be incorporated into the development, such that the development will not worsen any existing or create new flood risk hazards for properties upstream or downstream;
- 174.11 The subdivision will facilitate subsequent residential and commercial development as anticipated by the underlying zoning and Precinct plan. The lots will provide for a mix of housing typologies, thereby providing for the long-term growth and needs of the Auckland region. The layout of the subdivision follows good urban design principles to ensure a legible, well-proportioned and quality environment is achieved;
- 174.12 Temporary construction activities will be appropriately managed with best practicable measures in response to and in recognition of surrounding site conditions and will also be minimised where practically possible. Pedestrian safety will also be maintained and prioritised over the course of construction by implementing traffic management procedures and hoarding/fencing to enclose the construction site to ensure their safe movement is maintained;
- 174.13 The proposal provides for attractive and safe streets through the site layout, architectural design, and proposed landscaping. The buildings provide for passive surveillance of the street and share spaces through the positions of kitchens and living areas;
- 174.14 The subdivision is consistent with the vision and form of development sought within the Wainui Precinct and will allow for future development to be generally consistent with the underlying zoning;
- 174.15 Development within the Open Space Zones is a result of the zone boundary placements between urban and open space zones on the AUP(OP) maps. The Milldale zoning was established before urban development began, leading to anomalies in zone boundaries that do not always align with lot boundaries. Sufficient open space has been provided across the Milldale development;
- 174.16 The Neighbourhood Centre has been reduced in size and relocated from the western part of the development to the north-western area, near the Cemetery Road Link. This change is based on an economic assessment of Milldale's development that confirms the provision of Neighbourhood Centre zoned land is nearly twice the regional normal, and the zoned centre land provision is far higher than any likely future requirements. Changing the size and location of the Neighbourhood Centre will help improve visibility, increase the opportunity for passing trade, and ensure its long-term viability. Given the relocation and reduction of the Neighbourhood Centre within Milldale Stages 10 – 13, the part of the site zoned Neighbourhood Centre will need to be developed for alternative uses. Given the presence of existing streams across the

development, a large part of the Neighbourhood Centre zone will be vested with the Council as a Local Purpose (Drainage) Reserve. The remainder of the zone will be developed in accordance with the Mixed Housing Urban zone provisions; and

- 174.17 The WWTP is located on future urban land, ensuring that existing urban-zoned areas remain available for their intended development. The site was previously used as a contractor's construction yard, so its redevelopment for infrastructure does not negatively impact the surrounding rural environment, as it was already used for non-rural purposes. The WWTP will remain in private ownership by FHLD, with no subdivision proposed around the compound as part of this application. If the site is rezoned in the future, and the Army Bay treatment plant upgrades eliminate the need for the WWTP, it can be decommissioned, and the land can be redeveloped for residential use as part of the Milldale North expansion.
- 175 The Applicant's overall conclusions are largely shared by the Council. The Council has concluded that the Project reflects development of a live zoned area, and in that respect is anticipated by the planning framework. Subject to uncertainty about integration of wastewater servicing, the Council has no issues with the project from a policy perspective.
- 176 We are satisfied that the Project is anticipated by the zoning framework and has been designed and developed to fit well with the AUP objective and policy framework.
- 177 One of the issues to emerge through our consideration of the Project was the density proposed within Stage 4C, and in particular the under-utilisation of the density enabled by the Terrace Housing and Apartment Building Zone. We requested further information from the Applicant on this issue⁵⁸ and were assisted with the comprehensive response provided on 25 July 2025.
- 178 The Applicant proposes 168 terraced houses across Stage 4C (with a further opportunity to develop approximately 68 additional units on the vacant balance parcel of Stage 4C). That reflects density of approximately 51 units per hectare.⁵⁹ However, it reflects development of 2-3 storey terrace housing in a one which expressly contemplates "a high-density urban built character of predominantly five, six or seven storey buildings in identified areas, in a variety of forms."⁶⁰
- 179 The Applicant's rationale for the density proposed is that:
- 179.1 There is little to no market interest in apartments in Milldale. However, local agencies have noted that apartments are tending to perform better in areas with established amenities such as Takapuna, Milford and Albany. The lack of market interest in apartments has been noticeable over the last couple of years where several build partners have attempted to deliver apartments on THAB zoned land in Milldale with little success. On the other hand, developers that pursued terrace housing from the outset have successfully delivered and sold their

⁵⁸ [Minute 3 dated 15 July 2025.](#)

⁵⁹ Planning memorandum, dated 25 July 2025.

⁶⁰ AUP, Policy H6.3(2).

developments.⁶¹

179.2 Imposing overly ambitious development density requirements carries several risks including delaying development, stalling capital investment and resulting in inefficient use of serviced land.⁶²

179.3 There is no one size-fits-all approach to determining appropriate density for the development of a zone. Many of the factors that contribute to appropriate density are temporal in nature. This means that they will change over time as new amenities are constructed, the housing market matures, and land values increase. In this sense, there is a need to establish a residential population to support the development of amenities.⁶³

179.4 Current conditions at Milldale do not support widespread apartment delivery. The Local Centre zone is yet to be developed, and the surrounding area lacks the supporting amenity and connectivity needed to make apartments an attractive proposition for buyers.⁶⁴ In this sense, there is a need to establish a residential population to support the development of amenities. In turn, the establishing residential population and amenities will support higher land values and more intensive development (such as potential future apartments on Lot 4050 - i.e. the balance parcel in Stage 4C).

179.5 The building form proposed is consistent with the Unitary Plan objective and policy framework, including as it relates to density.⁶⁵

180 We agree. A degree of reality must be applied to questions of efficiency of use, and we accept that a requiring a denser form of development will likely result in deferred development (because of a lack of demand to prompt construction) or a white elephant resulting. Neither outcome would represent an efficient use of resources. It is also notable that some of the comments we received suggested that the proposed development was too dense.

Conclusion regarding consistency with the regional and district planning framework

181 For the reasons outlined above, we are confident that the Application is consistent with the regional and district planning framework.

Planning documents recognised by a relevant iwi authority and lodged with the Council

182 An application for a resource consent must include an assessment of the activity against any relevant provisions of a planning document recognised by a relevant iwi authority and lodged with a local authority.⁶⁶

183 We understand that the only relevant planning document recognised by relevant iwi authorities have been lodged with the Council is the Te Kaware ā Maki Iwi

⁶¹ Planning memorandum, dated 25 July 2025; Insight Economics Memorandum dated 25 July 2025.

⁶² Planning memorandum, dated 25 July 2025; Insight Economics Memorandum dated 25 July 2025.

⁶³ Planning memorandum, dated 25 July 2025.

⁶⁴ Insight Economics Memorandum dated 25 July 2025.

⁶⁵ Planning memorandum, dated 25 July 2025.

⁶⁶ Schedule 5, clause 5(1)(h) and clause 5(2)(g).

Management Plan. We have considered that document, as discussed above in **Part E**.

PART G: REGIONAL OR NATIONAL BENEFITS OF THE PROJECT

- 184 Section 3 of the FTAA states that the purpose of the Act is to facilitate the delivery of infrastructure and development projects with *significant regional or national benefits*.
- 185 As noted above in **Part C** section 81(4) FTAA specifically requires us to consider the extent of the project's regional or national benefits. An approval can only be declined if the adverse impacts are out of proportion to regional or national benefits.⁶⁷
- 186 There is no specific definition of significant regional or national benefits in the context of listed projects. Section 22 FTAA, which relates to the criteria for assessing a referral application, provides the following:
- (2) For the purposes of subsection (1)(a), the Minister may consider—
 - (a) whether the project—
 - (i) has been identified as a priority project in a central government local government, or sector plan or strategy (for example, in a general policy statement or spatial strategy), or a central government infrastructure priority list:
 - (ii) will deliver new regionally or nationally significant infrastructure or enable the continued functioning of existing regionally or nationally significant infrastructure:
 - (iii) will increase the supply of housing, address housing needs, or contribute to a well-functioning urban environment (within the meaning of policy 1 of the National Policy Statement on Urban Development 2020):
 - (iv) will deliver significant economic benefits:
 - (v) will support primary industries, including aquaculture:
 - (vi) will support development of natural resources, including minerals and petroleum:
 - (vii) will support climate change mitigation, including the reduction or removal of greenhouse gas emissions:
 - (viii) will support climate change adaptation, reduce risks arising from natural hazards, or support recovery from events caused by natural hazards:
 - (ix) will address significant environmental issues:
 - (x) is consistent with local or regional planning documents, including spatial strategies:
- 187 The Economic Impact assessment provided as Appendix 2M to the Application provides a fulsome examination of the potential economic impacts of the Projects. It outlines that:
- 187.1 Under the medium growth scenario, Auckland's population is forecast to grow by a further 443,000 people in the next 30 years. This swells to nearly 827,000 additional residents under the high growth scenario. These translate to compound annual growth rates of 0.8% and 1.3% respectively.⁶⁸
- 187.2 The proposal enables development at Milldale to continue to advance, including the creation of more than 1,100 new residential sections. This represents a highly significant boost in housing supply for the Auckland region.⁶⁹
- 187.3 The significant boost in residential sections enabled by the proposal will help to narrow the gap between likely future supply and demand. All other things being equal, this supply boost will help the market to be more responsive to growth in demand, thereby reducing the rate at which Auckland's house prices grow over

⁶⁷ Section 85(3) FTAA.

⁶⁸ [Appendix 2M, Economic Impact Assessment, at 4.1.](#)

⁶⁹ [Appendix 2M, Economic Impact Assessment, at 5.1.](#)

time (relative to the status quo).⁷⁰

187.4 In addition to directly boosting the region's residential capacity, the proposal will also help to foster competition in Auckland's land market.⁷¹

187.5 At a national level, development will generate \$492 million in GDP, create 3,550 FTE-years of employment, and contribute \$295 million in PAGE | 24 wages through construction and related industries. Regionally, the proposal addresses critical infrastructure constraints through its temporary WWTP solution, enabling continued growth in the Army Bay catchment that would otherwise stall by 2027. The development will catalyse Auckland's economic growth by introducing more than 1,100 new households, contributing over \$112 million in annual spending to the economy.⁷²

188 The Project's benefits have not been disputed by any party. We find that the Project will generate significant regional benefits.

⁷⁰ [Appendix 2M, Economic Impact Assessment, at 5.2.](#)

⁷¹ [Appendix 2M, Economic Impact Assessment, at 5.4.](#)

⁷² [Appendix 2M, Economic Impact Assessment, at 6.7.](#)

PART H: CONDITIONS – RMA APPROVALS AND ARCHAEOLOGICAL AUTHORITY

FTAA general requirements for conditions

- 189 Section 81 provides that, as part of granting any RMA approval; or archaeological authority, we must set any conditions to be imposed on the approval.
- 190 When exercising the discretionary power to set a condition, we must comply with s83 of the FTAA which provides:

83 Conditions must be no more onerous than necessary

When exercising a discretion to set a condition under this Act, the panel must not set a condition that is more onerous than necessary to address the reason for which it is set in accordance with the provision of this Act that confers the discretion.

Conditions on RMA approvals

- 191 For a resource consent the following clauses of Schedule 5 apply:

18 Conditions on resource consent

When setting conditions on a consent, the provisions of Parts 6, 9, and 10 of the Resource Management Act 1991 that are relevant to setting conditions on a resource consent apply to the panel, subject to all necessary modifications, including the following:

- (a) a reference to a consent authority must be read as a reference to a panel; and
- (b) a reference to services or works must be read as a reference to any activities that are the subject of the consent application.

- 192 Consistent with that direction generally to apply the provisions of the RMA in relationship to conditions, we have approached our assessment of the proposed conditions in a manner consistent with established RMA jurisprudence on conditions, in accordance with the following principles:

192.1 No condition should be more onerous than necessary to address the reason for it being imposed.

192.2 We may impose conditions to protect a relevant Treaty settlement, subject to any such condition being consistent with the principles below.

192.3 A resource consent condition must be for a resource management purpose, not an ulterior one; it must fairly and reasonably relate to the development authorised by the resource consent or designation; and it must not be so unreasonable that a reasonable planning authority, duly appreciating its statutory duties could not have approved it.⁷³

192.4 Conditions must also be certain and enforceable.⁷⁴

192.5 A condition must also not delegate the making of any consenting or other arbitrary decision to any person, but may authorise a person to certify that a condition of consent has been met or complied with or otherwise settle a detail

⁷³ *Newbury District Council v Secretary of State for the Environment* [1980] 1 All ER 731 (HL), at 739.

⁷⁴ *Bitumix Ltd v Mt Wellington Borough Council* [1979] 2 NZLR 57.

of that condition.⁷⁵

193 Following the ongoing engagement between the Applicant and the Council, there were very few matters remaining in dispute as between the Applicant and the Council. We were generally satisfied with the conditions as proposed by the Applicant (following responses to feedback from invited parties). One particular issue that we considered required additional certainty through conditions was the potential provision for overflow storage capacity at the WWTP in the event of any plant shutdown or emergency situation. We have proposed a condition to that effect, as addressed in **Part E** above.

194 We have also included an express lapse condition of 5 years. This is to avoid any unintended consequences of the operation of clause 26(3) of Schedule 5 of the FTAA.

195 A copy of draft conditions was circulated on 5 September 2025 to the Applicant and invited parties which included the date set by the us for which comments on the draft conditions must be received by the EPA with a copy of a draft decision document for each approval.⁷⁶

196 A memorandum was filed on behalf of Auckland Council on 5 September 2025 outlining outstanding issues from its perspective. To assist with our consideration of the feedback we anticipated on the draft conditions and to ensure that Auckland Council's outstanding issues were addressed in the context of conditions, we directed facilitated expert conferencing to take place during the period the parties had to comment on the draft conditions. That conferencing took place on 17 September 2025 and a joint witness statement was provided.

197 Comments were received from the following parties by 19 September 2025 indicating no issues with the draft conditions:

197.1 Minister for Māori Crown Relations: Te Arawhiti and Māori Development.

197.2 Minister for the Environment.

197.3 Associate Minister for Transport.

197.4 Minister responsible for RMA Reform and Minister for Infrastructure.

197.5 Heritage New Zealand Pouhere Taonga.

197.6 Paul Wigglesworth.

198 Substantive comments were provided by:

198.1 The Applicant.

198.2 Auckland Council.

198.3 Auckland Transport.

⁷⁵ *Turner v Allison* (1970) 4 NZTPA 104.

⁷⁶ Section 70(2), FTAA.

198.4 Department of Conservation.

199 The Applicant then provided its response to the comments received on 26 September 2025. A number of refinements were agreed between the Applicant and Council through the expert conferencing, which the Panel appreciate, and have been reflected in the final conditions.

200 Despite the widespread agreement, given the scale and complexity of the condition set, matters of disagreement are unsurprising. The matters remaining in dispute, and our decision on those matters is set out in the table below:

Condition #	Issue	Panel position
Stages 10 - 13		
Stream 21 Monitoring - AC: Condition 15 - Vol10: Condition 15	The Applicant and Council disagree on the nature of monitoring of Stream 21.	We agree with the Council that clarification of remedying erosion and scour in the stream channels is appropriate. Minor changes to the condition are proposed to provide additional clarity.
Management plans Vol10: Condition 41, 59, 60, 63	DOC has sought that additional details be included in the Fauna Management Plan, Native Fish Capture and Relocation Plan, Stream and Wetland Management Plan conditions. The Applicant disagrees.	We agree with the Applicant that the proposed changes are unnecessary.
Pine Valley Road / Dairy Flat Highway Upgrade - threshold trigger - AC: Condition 54 - Vol10: Condition 54	The Council has proposed an advice note regarding the need for agreement with Auckland Transport as to the final detailed design of the intersection. Auckland Transport has also proposed changes to this condition. The Applicant disagrees with the need for the advice note or the proposed changes to the condition.	We agree with the Applicant that the advice note and proposed changes are unnecessary.
Wainui Road upgrade - Expert Panel: Condition 55 - Vol10: Condition 55	AT recommends that the Wainui Road upgrade condition apply specifically to the stages that front Wainui Road, as residents in these stages are most likely to use Wainui Road for walking, cycling, and accessing future bus routes and therefore be reliant on the upgrades. The Applicant disagrees.	We agree with the Applicant that the triggers for the upgrade are appropriate to be development of Stages 11C or 10D and do not need to also include Stages 11A-B.
Stream and Wetland Management Plan – Milldale North Offset and Compensation Site monitoring duration - AC: Condition 63 - Vol10: Condition 63	The Council has proposed a 10 year monitoring period for the wetland, whereas the Applicant considers that 5 years is sufficient.	We agree with the Council and its ecologist that a 10 year monitoring period is appropriate, particularly given the importance of the wetland for offsetting and compensation purposes.
Survey Plan Approval (s223) AC: Condition 80(A) NEW	The Council has proposed a new condition to confirm the land will be vested in Council as land in lieu of reserve and to require an easement for Council access. The Applicant disagrees.	We agree with the Applicant that the new condition is unnecessary, including because condition 84 already outlines that the land is to be vested as land in lieu of reserve.
Vesting of Drainage Reserves	The Council has proposed changes to confirm the status of land being	We agree with the Applicant that the changes are unnecessary,

- AC: Condition 81, - Vol10: Condition 81	received by Council and to require an easement for Council access. The Applicant disagrees.	including because the land to be vested serves an ecological and drainage purpose, and because the condition is consistent with the approach taken in earlier Milldale stages.
Vesting of Neighbourhood Parks AC: Condition 84, 84(A) NEW	The Council proposes to amend the condition to confirm that the land is to be vested as land in lieu of reserves if agreement is reached between the Applicant and Council and otherwise for an entity to be established by the consent holder to manage the assets.	We agree with the Applicant that it is appropriate for these open space parks to vest in Council, including because this is consistent with the approach taken at earlier stages of Milldale.
Covenant - Operation and Maintenance of Stormwater Management Devices within JOALS - AC: Condition 85 - Vol10: Condition 85	The Council has proposed to expand the condition to include pedestrian pathways and speed management measures (in addition to stormwater management devices)	We agree with the Applicant that the changes are unnecessary.
Flood Hazard Risk AC: Condition 92(A) NEW	The Council has proposed a new condition requiring a hydraulic model be provided to demonstrate that flood hazard risk has been appropriately managed, including taking into account updated climate change scenarios. The Applicant disagrees.	We agree with the Applicant that the new condition is unnecessary, particularly in light of the existing conditions 93-95, which already outline how flood risk is to be managed.
Stormwater Devices – Advice Notes - AC: Condition 95 - Vol10: Condition 100	The Council has proposed additional advice notes to address expectations as to the detailed design development.	We agree with Applicant that the advice notes are unnecessary.
Maintenance of Communal Stormwater Management Devices – After s224(c) and requirement for a bond AC: Condition 95(A) NEW, 95(B) NEW	The Council has proposed new conditions requiring maintenance of stormwater management devices for 5 years (rather than a 1 year defects liability period). The Council also proposes a bond be provided. The Applicant disagrees.	We agree with the Applicant that a 5 year maintenance period and bond are unnecessary, particularly in light of the approach and experience at earlier stages of Milldale.
Hydrology Mitigation Report AC: Condition 95(C) NEW	The Council considers that a new condition should be imposed to require the provision of a Hydrology Mitigation Report to demonstrate compliance with the SMP and NDC. The Applicant disagrees.	We agree that the condition should be imposed to support the higher degree of assurance required for Engineering Approval compared to that required for consent.
Land Covenants – Streams AC: Condition 96(A) NEW	The Council has proposed a new condition requiring covenants on the basis that Stream Lots 6001, 6002 and 6022 will not be vested in Council. The Applicant disagrees.	We agree with the Applicant that the condition is not necessary as the lots are proposed to be vested in Council.
Protection and Maintenance of Streams and Riparian Planting AC: Condition 96(B) NEW	The Council has proposed a new condition requiring covenants on the basis that Stream Lots 6001, 6002 and 6022 will not be vested in Council. The Applicant disagrees.	We agree with the Applicant that the condition is not necessary as the lots are proposed to be vested in Council.
Public roads - Condition 97 - Vol10: Condition 105	Auckland Transport has proposed changes to the advice notes to add a requirement for vehicle tracking and to clarify that a variation may be required	We agree with the Applicant that the proposed changes are unnecessary.

	if road designs are not accepted at EPA stage. The Applicant disagrees.	
Vehicle Accessways - AC: Condition 99 - Vol10: Condition 105	The Council has proposed changes to the condition to address speed management measure within JOALs. The Applicant disagrees.	We agree with the Applicant that the changes are not necessary, including because the final detailed design of JOALs will be confirmed through the Engineering Approval stage.
Streetscape and Public Accessway Landscaping - AC: Condition 103 - Vol10: Condition 109	The Applicant and Council disagree on the introductory wording of the condition and on whether an advice note is required as to the limitations of approval under a condition, compared to engineering plan approval.	We agree with the Applicant that the Council's proposed changes to the introductory wording and the proposed advice note are not necessary.
Parks and Reserve Development - AC: Condition 104 - Vol10: Condition 110	The Applicant and Council disagree on the introductory wording of the condition and on whether an advice note is required as to the circumstances where local board approval is required. The Council has also proposed additional detail as to the requirements of the landscape plans.	We agree with the Applicant that the changes proposed by the Council to the introductory wording and the proposed new advice notes are unnecessary. However, we agree with the Council that additional detail is helpful and should be included.
Drainage Reserve Landscaping Information where the reserves are acceptable to Healthy Waters AC: Condition 104(A) NEW	The Council has proposed a new condition requiring a landscape plan for drainage reserves be provided to Council for certification to cover the situation where the publicly accessible open space is retained in a common entity. The Applicant disagrees.	We agree with the Applicant that the condition is unnecessary given our decision on other conditions in relation to vesting of public open space,
Neighbourhood Park establishment of an Incorporated Society where Council decides not to buy the identified and previously agreed land for reserve. AC: Condition 104(B) NEW	The Council has proposed a new condition requiring an incorporated society (or similar) be established to own, manage and maintain communal lots and infrastructure. The Applicant disagrees.	We agree with the Applicant that the condition is unnecessary and inappropriate, including as it is inconsistent with the approach taken on earlier stages at Milldale.
Neighbourhood Park establishment of an Incorporated Society where Council decides not to buy the identified and previously agreed land for reserve. AC: Condition 104(c) NEW	The Council has proposed a new condition requiring future owners be members of the incorporated society proposed by Council in other conditions to own, manage and maintain communal lots and infrastructure. The Applicant disagrees.	We agree with the Applicant that the condition is unnecessary and inappropriate, including as it is inconsistent with the approach taken on earlier stages at Milldale.
Implementation of Streetscape and Public Accessways - AC: Condition 105 - Vol10: Condition 111	The Applicant and Council disagree on whether lot numbers need to be referenced in the introductory wording of the condition	We agree with the Applicant that the proposed changes to the condition are unnecessary
Implementation of Neighbourhood Park and Drainage Reserve Landscape Works - Proof Condition - AC: Condition 106 - Vol10: Condition 112	The Applicant and Council disagree on whether lot numbers need to be referenced in the introductory wording of the condition	We agree with the Applicant that the proposed changes to the condition are unnecessary

Implementation of Neighbourhood Park and Drainage Reserves - S224 Condition AC: Condition 106(A) NEW	The Council has proposed a new condition to provide additional certainty in relation to the s224(c) process. The Applicant disagrees.	We agree with the Applicant that the proposed changes to the condition are unnecessary and/or duplicative
Weed control Programme for Reserves AC: Condition 106(B) NEW	The Council has proposed a new condition requiring a weed control programme be provided for certification. The Applicant disagrees.	We agree with the Applicant that the proposed weed control programme is duplicative, and therefore the condition is unnecessary.
Landscape Maintenance Plan - AC: Condition 107 - Vol10: Condition 113	The Applicant and Council disagree on whether lot numbers need to be referenced in the introductory wording of the condition	We agree with the Applicant that the proposed changes to the condition are unnecessary
Monitoring Report of Streetscape and Accessway Landscaping AC: Condition 108(A) NEW	The Council proposes a new condition requiring ongoing monitoring for streetscape and accessway landscaping. The Applicant disagrees.	We agree with the Applicant that the monitoring requirement is unnecessary, including because it is inconsistent with earlier stages of Milldale.
Maintenance – Drainage Reserves and Parks Planting - AC: Condition 109 - Vol10: Condition 115	The Applicant and Council disagree on whether lot numbers need to be referenced in the introductory wording of the condition	We agree with the Applicant that the proposed changes to the condition are unnecessary
Maintenance of Landscaping in Drainage Reserves and Parks - AC: Condition 110 - Vol10: Condition 116	The Council proposes a new condition requiring an extended maintenance period of 5 years for landscaping in public drainage reserves. The Applicant disagrees.	We agree with the Applicant that an extended maintenance period is unnecessary, including because it is inconsistent with earlier stages of Milldale.
Monitoring Report of Neighbourhood Parks and Reserves Landscaping AC: Condition 110A NEW	The Council proposes a new condition requiring ongoing monitoring for landscaping within neighborhood parks and drainage reserves. The Applicant disagrees.	We agree with the Applicant that the monitoring requirement is unnecessary, including because it is inconsistent with earlier stages of Milldale.
Pedestrian Bridges AC: Condition 110B NEW	The Council and Auckland Transport propose a new condition outlining design requirements for pedestrian bridges 2-4 and an advice note outlining responsibility within Council for maintaining the asset. The Applicant disagrees.	We agree with the Applicant that the proposed condition is unnecessary, including because there is an engineering approval process to confirm the detailed design, and the responsibility for maintenance within the Council family is an internal Council matter.
Retaining Walls adjacent to lots to vest AC: Condition 110(C) NEW, 110(D) NEW	The Council has proposed two new conditions to provide additional detail as to boundary treatment conditions for retaining walls adjacent to neighbourhood parks. The Applicant disagrees.	We agree with the Applicant that the new conditions are unnecessary, including because they are duplicative of requirements in other conditions.
Stage 4C		
Covenant - Operation and Maintenance of Stormwater Management Devices within JOALS - AC: Condition 38 - Vol10: Condition 38	The Council has proposed to expand the condition to include pedestrian pathways and speed management measures (in addition to stormwater management devices)	We agree with the Applicant that the changes are unnecessary.

Stormwater Devices – Advice Notes - AC: Condition 47 - Vol10: Condition 50	The Council has proposed additional advice notes to address expectations as to the detailed design development.	We agree with Applicant that the advice notes are unnecessary.
Vehicle Accessways - AC: Condition 50 - Vol10: Condition 53	The Council has proposed changes to the condition to address speed management measure within JOALs. The Applicant disagrees.	We agree with the Applicant that the changes are not necessary, including because the final detailed design of JOALs will be confirmed through the Engineering Approval stage.
Streetscape and Public Accessway Landscaping – Implementation - AC: Condition 54 - Vol10: Condition 59	The Applicant and Council disagree on whether lot numbers need to be referenced in the introductory wording of the condition	We agree with the Applicant that the proposed changes to the condition are unnecessary
Maintenance of Landscaping in Drainage Reserves and Parks - AC: Condition 55 - Vol10: Condition 59	The Applicant and Council disagree on whether lot numbers need to be referenced in the introductory wording of the condition	We agree with the Applicant that the proposed changes to the condition are unnecessary
WWTP		
Fauna management plan: Vol10: Condition 13	DOC has sought that additional details be included in the Fauna Management Plan condition. The Applicant disagrees.	We agree with the Applicant that the proposed changes are unnecessary.

201 We are comfortable that the conditions of the RMA approvals attached in Appendix A meet the requirements of section 83 and 84 of the FTAA, and are consistent with the principles described above.

Conditions on Archaeological Authority

202 For the grant of an archaeological authority the following clause of Schedule 8 apply:

5 Imposition of conditions on archaeological authorities

- (1) In relation to an archaeological authority, a panel may impose any conditions, including conditions that—
 - (a) the consent of the land owner and the holder of any specified registered interest must be obtained before the holder of an archaeological authority may enter the relevant site or undertake any activity under that authority; and
 - (b) the site must be returned as nearly as possible to its former state (unless otherwise agreed between the owner of the land on which the site is located and the panel); and
 - (c) any activity undertaken at the site under the archaeological authority must conform to accepted archaeological practice; and
 - (d) Heritage New Zealand Pouhere Taonga, or the person approved under this schedule to carry out an activity, must provide a report to—
 - (i) the holder of the authority; and
 - (ii) the owner of the archaeological site concerned, if different from the holder of the authority; and
 - (iii) Heritage New Zealand Pouhere Taonga, unless Heritage New Zealand Pouhere Taonga prepared the report.
- (2) The panel may impose a condition requiring an investigation under the HNZPT

Act, but only if the panel is satisfied on reasonable grounds that the investigation is likely to provide significant information in relation to the historical and cultural heritage of New Zealand.

- 203 In its section 51 Report, Heritage New Zealand Pouhere Taonga indicates that it has reviewed and agrees with the conditions proposed by the Applicant, and considers that they will contribute to the mitigation of the adverse effects on the archaeological values located within the subject land.
- 204 No other party has raised any issues in relation to the proposed conditions of the Archaeological Authority.
- 205 We are satisfied that the conditions proposed by the Applicant and contained in Appendix A are appropriate and meet the requirements of sections 83 and 84 of the FTAA.

PART I: OVERALL EVALUATION – RMA APPROVALS

- 206 We have considered the substantive application and all advice, reports and other information received, in accordance with section 81(2)(a) FTAA. We have applied the provisions of clauses 17-22 of Schedule 5 in the manner required by section 81(2)(b) FTAA.
- 207 The Project has been comprehensively considered and a thoughtful and detailed approach has been taken to the management of the impacts of the Project.
- 208 We find that the Project will promote the purpose of the FTAA. We accept that the Project will generate significant regional benefit, as reflected in **Part G** above.
- 209 We have taken into account the relevant matters in Parts 2, 3, 6 and 10 of the RMA. We find that the Project will promote the purpose of the RMA and that the Application is consistent with the regional and district planning framework, as outlined in Parts E and F above.
- 210 Under section 81(2) FTAA we are required to undertake our overall evaluation against each of the relevant criteria individually, and then to apply the greatest weighting to the purpose of the FTAA. We confirm that we would grant the approvals subject to the conditions set out at Appendix A, and that we would do even without needing to apply any greater weighting to the purpose of the FTAA relative to other criteria.
- 211 In respect of section 82(3) FTAA, we confirm that granting the approval is consistent with section 7.
- 212 In imposing the conditions described in Appendix A, we have complied with section 83 FTAA. We understand that section 84 FTAA states that we may set conditions to recognise or protect a relevant Treaty settlement for the purposes of section 7 FTAA, but have decided that no conditions were necessary.

PART J: OVERALL EVALUATION – ARCHAEOLOGICAL AUTHORITY

- 213 The Applicant has applied for an archaeological authority to carry out bulk earthworks for a residential development. The Archaeological Authority is intended to cover all aspects of the Project (ie Stages 4C, 10-13 and the WWTP).
- 214 Schedule 8, clause 4 sets out the criteria for assessment of an application for an archaeological authority.
- 215 The Application includes a detailed Archaeological assessment from Clough & Associates, as well as an Archaeological Management Plan.
- 216 One archaeological site, R10/1452 (drystone wall) has been recorded in Stage 11. Historical research has indicated that the proposed WWTP, Stage 4C and Stages 10 - 13 properties are situated in allotments that were granted to early European settlers in the mid-19th century and appear to have been in use for general agricultural purposes in the past. The potential for presence of archaeological sites associated with Māori occupation and settlement is considered low as the properties are located somewhat inland and not near any navigable waterways.⁷⁷
- 217 The Applicant has also carried out consultation with iwi groups.
- 218 There are no known or recorded Māori archaeological sites, wāhi tapu or sites of significance to Māori in the proposed works area. Ms Cameron, who prepared the Archaeological assessment, describes the likelihood of archaeological sites associated with Māori occupation and settlement as low, as the properties are situated inland and not in close proximity to any navigable waterways. The Cultural Investigation Report on behalf of Te Kowarau a Maki states there are no noted wāhi tapu on this site or within close proximity to the site (and similar comments are also included in the Kaitiaki Report from Ngati Manuhiri).⁷⁸ However, the possibility of unrecorded Māori archaeological sites cannot be entirely ruled out. Heritage New Zealand Pouhere Taonga considers that the effect on the Māori cultural values resulting from the proposed works can be mitigated or avoided if the advice of Kaitiaki is followed.⁷⁹
- 219 An Archaeological Management Plan has also been provided with the Application. Heritage New Zealand Pouhere Taonga agrees the proposed mitigation measures included in the Archaeological Management Plan will mitigate the identified adverse effects on the archaeological values of potential unrecorded sites within the subject land.⁸⁰
- 220 Heritage New Zealand Pouhere Taonga provided the following assessment of the criteria listed within Schedule 8, clause 4 of the FTA: ⁸¹

Schedule 8, clause 4 of the FTA Act sets out the matters that the Panel must take into account when considering an application.

In reaching the recommendations set out below, HNZPT has considered the matters set out in section 59(1)(a) and section 47 (1)(a)(ii) and (5) of the HNZPT

⁷⁷ [HNZPT, Section 51 report.](#)

⁷⁸ Cultural Investigation Report, [Appendix 1G.4](#); Kaitiaki Report, [Appendix 1G.5](#)

⁷⁹ [HNZPT, Section 51 report.](#)

⁸⁰ [HNZPT, Section 51 report.](#)

⁸¹ [HNZPT, Section 51 report.](#)

Act 2014, as well as the HNZPT statements of general policy and makes the following comments:

Section 59(1)(a) HNZPTA

There is no hierarchy between the matters set out in section 59(1)(a) of the HNZPTA, rather it is an overall assessment.

The granting of an archaeological authority for this application would be consistent with the matters set out in section 59 (1)(a) of the HNZPT Act 2014. There is no evidence to suggest that the historical and cultural heritage value of the recorded archaeological sites or any potential subsurface archaeological sites justify the protection of the site. The application states this area does not fall under any Statutory Acknowledgement Area and the Applicant has undertaken consultation with iwi/hapū, who have not expressed opposition to the application proposal.

Section 47(1)(a)(ii) and (5) HNZPTA

Section 47 (1) (a) (ii) and (5) only apply for an authority application made pursuant to section 44(b) of the HNZPTA – a minor effects authority. The Milldale application is not for an authority pursuant to section 44(b), so the matters in Schedule 8, clause 4(c) are not relevant considerations for this application.

Relevant Statement of General Policy

The relevant Statement of General Policy is The Administration of the Archaeological Provisions under the Heritage New Zealand Pouhere Taonga Act 2014, dated 29 October 2015. (Statement of General Policy)

The granting of an archaeological authority for this application, with appropriate conditions, is consistent with the objectives and policies set out in the Statement of General Policy, in particular:

- Objective 1, and Policies 1.2, 1.3, and 1.8, in relation to the value and importance of researching, documenting and recording the historical and cultural heritage of New Zealand);
- Objective 2, and the policies in relation to Māori cultural values and consultation;
- Objective 4, and Policies 4.4 and 4.5 in relation to the importance of reports and the availability of the information contained within;
- Objective 5 and Policies 5.1 and 5.2 relating to obtaining historical and cultural heritage knowledge through archaeological research; and
- Objective 6 and policies that provide for kōiwi tangata to be treated in a sensitive and culturally respectful manner

221 We agree with that assessment.

222 Heritage New Zealand Pouhere Taonga's overall recommendations are that:⁸²

222.1 An archaeological authority is granted, subject to conditions, under the FTAA.

222.2 If the authority is granted, that the Panel approve the application for Ellen Cameron as the approved person to carry out the archaeological work under the authority.

223 We agree. The relevant conditions are included within Appendix A.

PART K: FINAL DECISION

- 224 We have considered the Application and supporting information, the comments received on it and on the draft conditions, the further information provided as a result of comments received from other participants, and the subsequent refinement of the Application, including the detailed work in relation to conditions. We thank all those who commented for their contributions.
- 225 We have determined to grant the approvals sought subject to the conditions attached as **Appendix A** to this Decision.



Daniel Minninnick
(Chair)



Dave Serjeant
(Member)



Alan Pattle
(Member)

APPENDIX A: CONDITIONS