

IN THE MATTER of the Fast-track Approvals Act 2024 (“**FTAA**”)

AND

IN THE MATTER of an application for approvals by Rangitootuni Developments Limited Partnership to subdivide and develop Lot 1 DP 590677) into approximately 208 vacant rural-residential lots; and subdivide Lot 2 DP 590677 into three lots and provide a 296-unit Retirement Village (Integrated Maori Development) - Project FTAA-2504-1055 (“**Rangitootuni Application**”)

MEMORANDUM OF PLANNING MATTERS FOR AUCKLAND COUNCIL

Dated: 17 September 2025

SECTION A: INTRODUCTION

1. This Planning Memorandum (**Memorandum**) sets out Auckland Council’s Statutory Planning Assessments of the substantive application for the Rangitootuni project (**Application**) lodged by Rangitootuni Developments Limited Partnership (**Applicant**) under the FTAA, and a summary of assessment outcomes and proportionality conclusions. This Memorandum is provided in response to the invitation to comment issued by the Expert Panel (**Panel**) under s53(2) of the FTAA.
2. The **memorandum** has been prepared by Ms Emma Chandler, Consultant Planner for Auckland Council and Mr Joe Wilson, Principal Project Lead for Auckland Council.
3. In addition, there are 26 accompanying annexures, as follows, which are referred to throughout this memorandum:
 - a. Policy Planning – Ryan Bradley (**Annexure 1**)
 - b. Healthy Waters – Hillary Johnston (**Annexure 2**)
 - c. Watercare – Helen Shaw (**Annexure 3**)
 - d. Development Engineering – Ray Smith (**Annexure 4**)
 - e. Wastewater – Grant Fleming (**Annexure 5**)
 - f. Stormwater – Martin Meyer (**Annexure 6**)
 - g. Groundwater and Dewatering – Hester Hoogenboezem (**Annexure 7**)
 - h. Groundwater Take – Nicola Jones (**Annexure 8**)
 - i. Dams – Don Tate (**Annexure 9**)
 - j. Traffic Engineering – Mat Collins (**Annexure 10**)
 - k. Auckland Transport – Siva Jegadeeswaran and Martin Peake (transport) and Griffin Benton-Lynne (stormwater) (**Annexure 11**)

- l. Contamination – Marie Meredith (**Annexure 12**)
 - m. Regional Earthworks, Streamworks and FW Ecology – Shanelle Beer-Robinson (**Annexure 13**)
 - n. Terrestrial Ecology – Rue Statham (**Annexure 14**)
 - o. Arboriculture – Regine Leung (**Annexure 15**)
 - p. Landscape – Peter Kensington (**Annexure 16**)
 - q. Urban Design – Rob Mainwaring (**Annexure 17**)
 - r. Lighting – Domenico de Vincentis (**Annexure 18**)
 - s. Parks – Douglas Sadlier (**Annexure 19**)
 - t. Noise and Vibration – Bin Qiu (**Annexure 20**)
 - u. Waste – Jennifer Jack (**Annexure 21**)
 - v. Heritage and Archaeology – Mica Plowman (**Annexure 22**)
 - w. Subdivision – Ken Berger (**Annexure 23**)
 - x. Economist – James Stewart (**Annexure 24**)
 - y. Local Board – Rodney Local Board (**Annexure 25**)
 - z. Memorandum Response to Minute 2 – Auckland Council (**Annexure 26**).
4. The annexures of specialist and asset owner inputs including from the Council Controlled Organisations (**Annexures 1-24**) have generally been provided as memorandum using a consistent format for ease of review and reference. Departures in format include where matters of assessment are of a relatively reduced scale.
5. A memorandum on Policy Planning by Ryan Bradley (**Annexure 1**) has been provided and reviewed. This specialist input was considered necessary given the site's complex planning history, the uncommon interplay of provisions applying to the site, and potential precedent and plan integrity considerations, and the effects associated with this. While this memorandum has informed the assessment, and also been referred to, in particular in chapter B4, the overall Statutory Planning Assessment for Council provided within this memorandum reflects collective specialist review and our balanced planning conclusions.
6. We are aware that the Panel have also directly invited comments under s53(2) of the FTAA from the following:
- a. Healthy Waters (**Annexure 2**)
 - b. Watercare (**Annexure 3**)
 - c. Auckland Transport (**Annexure 11**).
7. Healthy Waters, Watercare and Auckland Transport have confirmed that they have provided the responses contained within the identified annexure direct to the Panel in response to their direct invitation from the Panel.
8. In addition to the annexures from specialists and asset owners we have also included a response received from the Rodney Local Board (the applicant site being included in the Rodney Local Board Area) on the project at **Annexure 25**. The comments have been shared with the applicant who provided a response within the RFI Response tracker (paragraph 9(b)(i)), which has been shared with the Board representative and no further comment received at the time of completion of this report.

9. The Applicant's representatives have suggested a prior condition conference to review planning conditions if s70 of the FTAA is reached. The Applicant's substantive application included a set of proposed conditions. We are presently compiling a tracked change document outlining the Council family's suggestions and additions to the proposed conditions. This work has developed naturally through our review of the Application and consideration of how matters may be managed or addressed via condition. If agreed by the Panel, we would be happy to share this with the applicant and Panel once finalised.
10. For process clarity, this assessment is based on the following information provided by the Applicant:
 - a. Application materials contained within the substantive lodgement issued by the Environmental Protection Agency as the accepted substantive application.
 - b. Updated and additional information received from the Applicant on 19 August 2025, as agreed between the parties to enable Council family comments to be provided by the 17 September 2025 deadline. This namely includes:
 - i. RFI Response Tracker
 - ii. Wastewater Response Memo, prepared by GWE and dated 19/08/25
 - iii. Traffic Response Memo, prepared by Commute and dated 19/08/25
 - iv. Updated Plans C484 and C481-5, rev B, by Maven Associates and dated 08/2025.
 - c. Limited additional material has been provided by the Applicant after 19 August 2025, including the following, as we have sought to engage with the Applicant proactively to clarify understandings and address matters:
 - i. Groundwater Bore Factual Report, prepared by Engeo and dated 04/07/25
 - ii. Email response to Landscape enquiries, entitled RE: [FTAA-2504-1055] Rangitoo-puni – relevant landscape matters to address.
11. It is understood from discussions with the Applicant's representatives that this additional information is to be provided to the Panel with an associated schedule.

Qualifications and Relevant Experience

Emma Chandler

12. Emma Chandler is an Associate Planner at Sentinel Planning Limited. Emma holds the qualification of Bachelor of Planning and has eleven years of planning experience. Emma is an intermediate member of the NZPI and has prepared expert evidence and technical assessments for resource consent applications and has appeared as an expert witness before consent authorities.

13. Emma's experience that is relevant to this application includes processing resource consent applications throughout the Auckland region area including those involving greenfield development, rural subdivision and land use, streamworks, diversion and discharge in relation to freshwater and wastewater, and groundwater diversions and takes.

Joe Wilson

14. Joe Wilson is a Principal Project Lead at Auckland Council within the Premium Unit of Resource Consents. Joe holds qualifications from the United Kingdom of Bachelor Arts in Urban Studies and Planning and post graduate Diploma in Town and Regional Planning and has nineteen years of planning experience across the United Kingdom and New Zealand having relocated in early 2022. Joe has prepared planning evidence and technical assessments for planning applications and appeals within the UK planning system.
15. Joe's experience that is relevant to this application includes determining resource consent applications throughout the Auckland region area.

Code of Conduct

16. Joe Wilson and Emma Chandler confirm that they have read the Environment Court Practice Note 2023 – Code of Conduct for Expert Witnesses (Code) and have complied with it in the preparation of this assessment. They also agree to follow the Code when participating in any subsequent processes, such as expert conferencing, directed by the Panel. They confirm that the opinions they have expressed are within their area of expertise and are their own, except where they have stated that they are relying on the work or evidence of others, which they have specified.

SECTION B: STRATEGIC PLANNING ASSESSMENT

SECTION B1: Overview of Strategic Planning Assessment

17. This section provides an assessment of the Application against the relevant statutory planning framework and strategic documents relevant to the Application.

Documents Reviewed

18. We have reviewed the Rangitootuni Fast-track Approval Substantive Application – Planning Report dated 5th May 2025, prepared by Campbell Brown Planning Limited (the **Planning Report**). The Planning Report describes the proposal as a 208-lot countryside living subdivision and master-planned retirement village community containing a total of 296 units (260 villas or Independent Living Units ('**ILU**') and 36 care units ('**CU**')) and featuring a café, visitor areas, wellness centre and network of internal roads and pedestrian pathways. The proposal includes environmental restoration through large-scale native planting and a network of new walking and cycle tracks that connect to existing tracks through the overall site, and all associated infrastructure and

roading networks. It is proposed to undertake subdivision and development over a 10-year period, in 15 stages.

19. The staged subdivision of Lot 1 of the Application site to create 208 freehold lots for residential activity, except for Lot 57. The proposed subdivision includes 15 Jointly Owned Access Lots and rights-of-way for access to proposed lots and to provide for the walking tracks through the development. A range of community facilities are proposed primarily for residents of the development within lot 57. This is with the exception of the proposed car park (two car parks proposed) within this lot (closest to the site) frontage which will be accessible to the general public.
20. Subdivision of Lot 2 of the Application site is also proposed, with the Integrated Māori Development being located on Lot 1 created from this subdivision, the created lot 2 covers the majority of the remainder of the existing lot but has no proposed development other than the shared path. The section of Forestry Road within the site which is proposed to be formed and vested is also subject to a subdivision.
21. We have also reviewed the following Application documents and supplementary information supplied on 19 August 2025, and subsequently in further responses, as detailed in **Section A** of this report above.
22. We have reviewed the technical memoranda prepared by officers and consultants for Auckland Council including Council-controlled organisations (CCOs) on various relevant specialist matters.

SECTION B2: Relevant Background and Permitted Baseline

Pre-Application

23. In accordance with s29(1)(a) of the FTAA the Applicant and their representatives engaged in constructive pre-application discussions with Council in early 2025 culminating in the issue of Pre-Application Resource Consenting Planning Comments Memorandum on the 28 March 2025. This is referred to in the Planning Report.
24. Noting the pre-application status and stage of development of the proposal at that time the development envisaged the following:
 - a. A 210-lot vacant-lot rural lifestyle subdivision (sites of 1ha average) on Lot 1 DP 590677 (222ha), to be carried out over a total of 14 stages.
 - b. An approximately 260-unit retirement village on Lot 2 DP 590677 (174ha)/
25. The pre-application process involved a number of asset owners and technical specialists who have also commented on the substantive application. This was agreed with the Applicant's representatives at the time as appropriate given the level of information available at that point. Other specialists were not included in this pre-application process due to proportionality considerations and/or limited information to review.

26. This advice was not based on the technical assessments and documentation that was then developed by the Applicant and applicant specialist team to form the substantive application.

Council Preliminary Comments and Tracker Response

27. Council and the Applicant's representative have been liaising throughout the process and working collaboratively with respect to preliminary queries and requests for further information.
28. A preliminary tracker with initial council queries was issued to the Applicant at various stages, with the final 'complete' version sent on 5 August 2025.
29. The Applicant provided a response to these preliminary queries on 19 August 2025, as referenced above (paragraph 9(b)(i)). In this response, the Applicant has identified a number of areas where they will provide the requested further information as part of a response to any formal s67 FTAA request. These items include (but are not necessarily limited to):
- a. The flood model and associated additional testing and assessments.
 - b. Updated plans to remove raingardens from Forestry Road;
 - c. Roading cross sections; and
 - d. Culvert and rip rap design details.

Permitted Baseline

30. The Planning Report does not identify or consider that there is a permitted baseline to disregard any adverse effects. Reference is provided to a process under which a dwelling density could be achieved on the site if subdivision consent were granted on pages 118, 120, 126 and 167 of the Planning Report.
31. Reference is made within the Integrated Transportation Assessment dated 1 May 2025 and Specialist Comments Response document dated 19 August 2025 prepared by Commute in the context of a traffic generation underpinned by a 'compliant' development of 400 dwelling across 40, 10ha lots.
32. We agree with the Planning Report that no permitted baseline applies to this development. We have therefore proceeded on this basis, and have assessed all effects of the proposal, including traffic effects, without any baseline 'discount'.
33. It is noted that under rule E21.4.1(A3) of the Auckland Unitary Plan – Operative in Part **(AUP(OP))** (*which enables one dwelling per hectare with no more than dwelling per site in the rural zones*) up to 20 dwellings across the two existing lots could be provided as a permitted activity subject to the activity not requiring resource consent., To facilitate a greater number of dwellings (e.g.: the 400 lots indicated within the Commute response), subdivision consent would be required to first create the necessary lots. This would be a discretionary (Rule E39.4.2(A14)) or non-complying activity (Rule E39.4.2(A15)) dependent on lot size proposed.

34. While we are not applying a permitted baseline, this does not affect our consideration of the relevant objectives and policies. It is still necessary to assess the proposal against the Rural - Countryside Living zone within Chapters H19 and E39 (Rural Subdivision) of the AUP(OP), and importantly, the specific and enabling provisions under Chapter E21 (Treaty Settlement) which apply, alongside the provisions of the zone (unless specified), to this Treaty Settlement Land.

SECTION B3: Planning History and Relevant Context

Rodney District Plan

35. The zoning of the land in the legacy Rodney District Plan was 'General Rural' and a Scheduled Activity notation also covered the land to enable outdoor recreation and motorsport in the Riverhead Forest.

Te Kawerau ā Maki Claims Settlement Act

36. The site is part of a wider area was received by Te Kawerau ā Maki under the Te Kawerau ā Maki Claims Settlement Act 2015 for commercial redress. When the Proposed Auckland Unitary Plan (**PAUP**) was notified in 2013 the Te Kawerau ā Maki treaty settlement process with the Crown was still before Parliament. It is however understood from discussions with our Auckland Council Policy colleagues that this potential redress relating to Riverhead Forest was signalled to enable this to be considered in the PAUP process at notification.

Proposed Auckland Unitary Plan

37. The PAUP as notified showed a 'Riverhead 2' precinct over 3,282ha of the Riverhead Forest relating to the land to be received by Te Kawerau ā Maki. The purpose of the Riverhead 2 precinct was understood by Council's policy team to be to protect the development potential of the land as at the time of settlement with the Crown, particularly with regard to the ability to develop housing for Māori.¹
38. The provisions proposed to be taken forward in the precinct covered:
- a. rural subdivision provisions for Māori land and the provision of Māori Housing;
 - b. rural subdivision that achieves the protection of natural areas, the creation of additional public reserve land, and significant enhancement planting; and
 - c. land use rules providing for outdoor recreation and motorsport activities as permitted activities.
39. Te Kawerau ā Maki lodged a submission (#4321)² to the PAUP seeking that the precinct be amended to enable a specific development proposal. Specifically, the submission sought the introduction of three sub-precincts – A, B and C as shown on **Figure 1** below.

¹ Appendix A, Annexure 1 – Council Policy Memo.

² Submissions of Counsel for Te Kawerau Iwi Tribunal Authority (Kawerau) on Topic 081 (Submitter 4321) – Riverhead 2 Precinct, Dated 05 April 2016.

In general, Sub-precinct A was retained for rural activities (forestry). Sub-precincts B and C were to enable around 300 sites of 1ha in an intensive form of countryside living. Areas B and C are in the southern portion of the Riverhead Forest and they generally resemble the area of land subject to this substantive application.

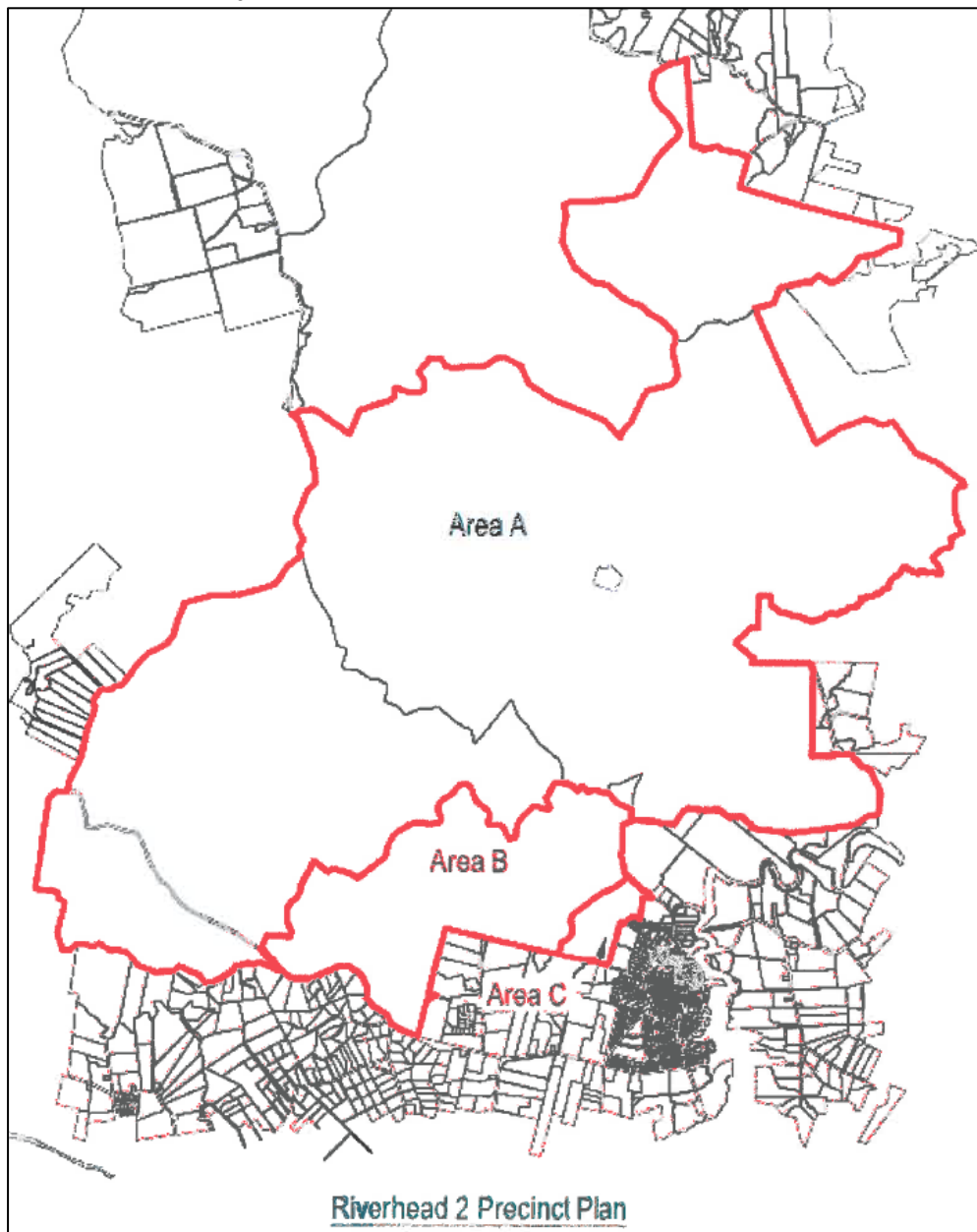


Figure 1: Sub-precincts sought in TKAM submission to the PAUP

40. A concept plan of the subdivision is shown in **Figure 2** below. Subdivision resulting in more than 150 lots would require all of the Significant Ecological Areas (**SEAs**) (62ha) in the wider precinct to be covenanted, fenced and have weed and pest management control plans implemented.

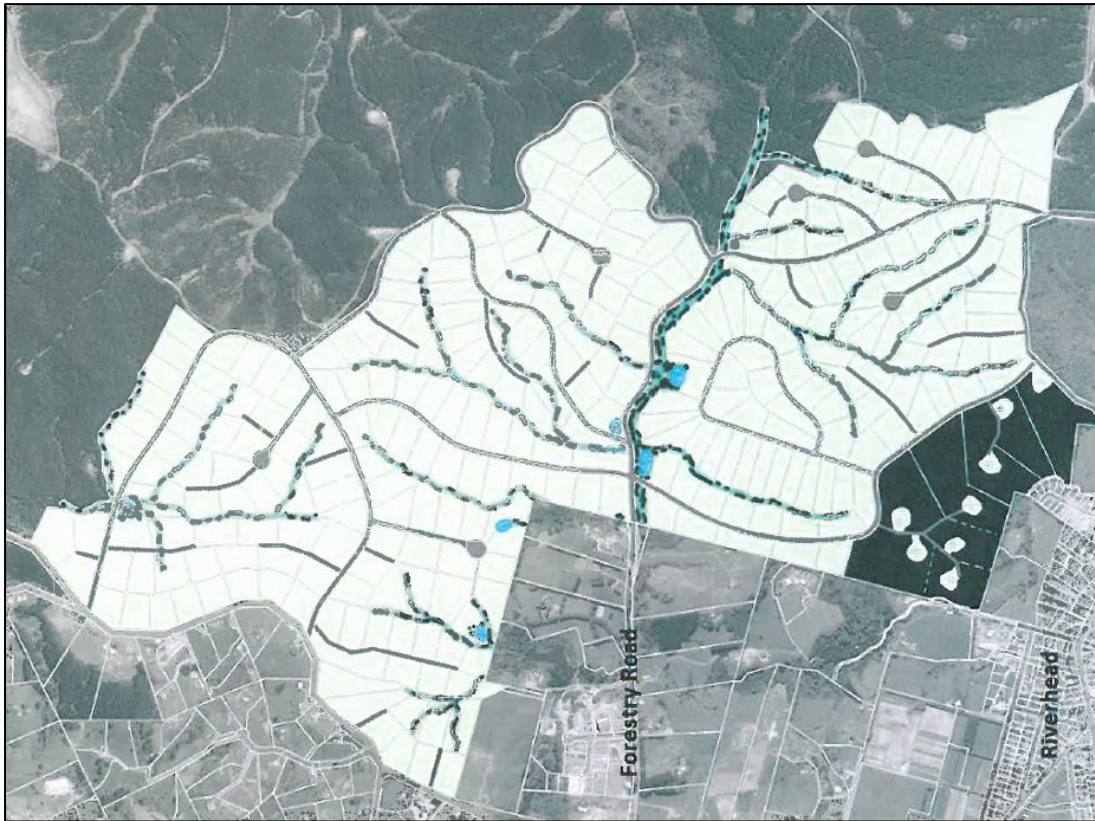


Figure 2: Concept subdivision based on 1ha density (TKAM submission on PAUP)

41. The Independent Hearings Panel recommendation report stated the following in conclusion on this matter:

“The Panel considered that the land use provisions need more attention before it could confirm any particular approach in the Plan. Insufficient information was provided to assess the effects on the environment of the future development sought, in particular how the density of development could fit with the landscape, servicing, and transport-related considerations...The Panel recommends that the precinct be deleted from the Plan as notified, but recommends rezoning part of the land (389ha) as Rural - Countryside Living Zone. The rezoning recognises that the zoning in the proposed Auckland Unitary Plan Unitary Plan is not appropriate for the anticipated future use of the land, based on the evidence.”³

42. Therefore, the AUP(OP) zones the majority of the Te Kawerau ā Maki land as Rural Production, with the portion in the south, which closely follows the application site boundary, being zoned Rural - Countryside Living.

Integrated Māori Development and Retirement Village

43. The Treaty Settlement Provisions provide for “Integrated Maori Development” (**IMD**) as a discretionary activity. IMD is defined in Chapter J1 of the AUP(OP). We are satisfied

³ Report to Auckland Council by Independent Hearings Panel. Hearing topics 016, 017 Changes to the Rural Urban Boundary; 080, 081 Rezoning and precincts. Annexure 4 Precincts North (July 2016).

with the Applicant's assessment of the proposed activity including retirement village aspect of the development on Lot 2 being IMD, and as such being a discretionary activity pursuant to E21.4.1 (A5).

44. A retirement village, contrastingly, is not provided for in the Rural – Countryside Living Zone and as such is a discretionary activity pursuant to C1.7, being an activity not otherwise provided for, as acknowledged in the Planning Report seeking consent on this basis alongside Rule E21.4.1(A5). Provision E21.4 relating to the Activity Table of E21 notes that '*where the activity table for the relevant zone provides for the same activity, the less restrictive rule applies*'. The activity of either IMD in E21 or a Retirement Village in H19 is a discretionary activity.
45. While it does not affect the activity status of this activity in isolation within the proposal, the listed nature of IMD within the E21 provisions is considered of relevance when reviewed in the following context of the AUP(OP).
46. A1.7.4 of the AUP(OP) provides context to discretionary activities, stating:

Activities are classed as discretionary where they are not generally anticipated to occur in a particular environment, location or zone or where the character, intensity and scale of their environmental effects are so variable that it is not possible to prescribe standards to control them in advance. A full assessment is required to determine whether the activity, subject to any conditions, would be appropriate in terms of the provisions of the Plan, the effects of the activity on the environment and the suitability of the proposed location.

47. The proposal must be assessed against both the H19 and E21 provisions. Under H19, this activity would be 'not generally anticipated' (per A1.7.4). However, under E21, the specific listing of IMD suggests a different approach - recognising activities with variable effects where prescribed standards may not be appropriate. This demonstrates the critical interplay between the underlying zoning provisions and Chapter E21 when assessing proposals on Treaty Settlement Land.

Plan Change 20

48. Plan Change 20 (**PC20**) was brought forward by Council to respond to earlier resource consent decisions⁴ and ultimately caselaw⁵ that related to the interpretation of wording of Chapter H19 (of the AUP(OP)) and enabled the approval of a number of retirement village proposals in rural zones. The specific change proposed in PC20 was to change the term "residential activities" in specific rural policies and zone descriptions to "dwellings". This would provide greater clarity to the range of residential activities anticipated in these zones.
49. Not all aspects of PC20 were supported, but this change was approved. The commissioners on PC20 stated:

⁴ L68001, Taupaki Road and SH16; BUN60347543m 1114 East Coast Road; LUC60361220, 356 Mill Road

⁵ *Kumeu Property Limited v. Auckland Council* ENV-2017-AKL-44

“Amending the term ‘residential’ to ‘dwellings’ provides better alignment with the RPS objectives and policies in respect of, elite and prime soils, urban growth and form, residential growth and intensification, commercial and industrial growth, rural lifestyle development, rural production and rural character and amenity.”⁶

“We find that there is a primacy given to rural production activities within the rural zones, within the rural general objectives and policies and within the RPS objectives and policies enabling rural production. That primacy does not appear to apply to the Rural – Countryside Living zone, which has a focus on rural lifestyle living rather than rural production, albeit with some low-level rural productivity. The Rural – Countryside Living zone would be particularly vulnerable to conversion to more intensive residential and commercial land uses, if the zone description and policy structure were not sufficiently clear as to the zone purpose.”⁷

50. This context establishes the baseline policy position on retirement villages in the Countryside Living (**CSL**) Zone. However, this Application is for an IMD, not simply a retirement village in the CSL Zone. The policy context therefore differs from a standard retirement village application in the CSL, which is important when assessing the proposal as a whole under both the zone provisions and Auckland-Wide Treaty Settlement Land framework.
51. This understanding is important when distinguishing the policy context of this Application from the earlier decisions which PC20 was in part a response to, and when considering the different decision-making criteria of the FTAA.

Plan Change 100

52. Plan Change 100 (**PC100**) is a private plan change that has been notified and submissions received.
53. PC100 seeks to rezone 75.5 ha of land in Riverhead from Future Urban to a mix of MHS, THAB, Local Centre and Neighbourhood Centre zones. A further 6 ha is to be rezoned from Future Urban to Mixed Rural zone. The request also seeks to shift the Rural Urban Boundary (**RUB**) to align with the boundary between the proposed Rural Mixed Rural zoning and the urban zones.
54. A hearing was held in May 2025, and has been adjourned to allow for expert conferencing to occur on a number of specialist topics, noting that Council's s42A report and subsequent Addendum for the May 2025 hearing recommended decline due to a number of fundamental outstanding matters:
 - a. *The extent to which PPC100 is integrated with the provision of infrastructure and in particular the provision of water supply and wastewater disposal and treatment and the required upgrading of transport infrastructure. There is in my view too much uncertainty about whether much of the required infrastructure*

⁶ Paragraph 92 of the PC20 Decision

⁷ Paragraph 94 of the PC20 Decision

will be available in the near term. To this end PPC100 may be premature.

- b. The effects of urbanisation of the plan change area on flooding and stormwater disposal downstream and within the plan change area.*
- c. The extent to which PPC100 gives effect to the NPS-UD and the RPS in respect of integration of land use and the provision of infrastructure and the provision of public transport.*
- d. The extent to which PPC 100 is consistent with the Auckland Future Development Strategy.⁸*

55. No decision has yet been made on this plan change, and it therefore has no legal effect or operative status at the time of writing this memo. The most recent update from Auckland Council colleagues involved in this process is that expert conferencing has been completed, and the hearing panel will inform the parties as soon as possible on the next steps for the hearing. It is understood there is currently no clear timeframe for when the panel will re-start the hearing and make a decision.
56. However, PC100 does apply to the Riverhead township area and as such provides important context, whilst recognising that there are significant differences in the baseline current zoning and applicable Auckland-Wide provisions between PC100 and the Rangitootuni project application.

SECTION B4: Assessment

Summary of key strategies and policies

57. The following is a summary of the key statutory strategies and policies that are relevant to the Rangitootuni project. Each of these documents is assessed in further detail in the subsequent sections:
- a. Future Development Strategy 2023-2025
 - b. Regional Policy Statement
 - c. Auckland Unitary Plan: Operative in Part.

Future Development Strategy 2023-2025

58. The FDS sets out Auckland Council's vision for how the region will grow and change over the next 30 years. The strategic direction is to provide for a greater degree of intensification in existing urban areas, some development in future urban areas (FUAs) and limited reliance on expansion into rural areas and satellite townships.⁹
59. The FDS is a relevant consideration in fast-track application decision-making under clause 17 of Schedule 5 to the FTAA, which 'imports' the decision-making provisions of the Resource Management Act 1991 (**RMA**), including section 104 of the RMA. The FDS was prepared using the special consultative procedure in section 83 of the Local Government Act and is an important growth document required by the National Policy

⁸ Addendum Hearing Report for Proposed Private Plan Change 100: Riverhead to the Auckland Unitary Plan (Operative in Part), dated 14 April 2025 - [PC100-addagd-20250519.pdf](#)

⁹ Future Development Strategy 2023-2025, p. 36

Statement on Urban Development (**NPS-UD**). It is a relevant planning document for the Panel to have regard to under section 104(1)(c) of the RMA.

60. The entirety of the Application site is rural land. The FDS anticipates minimal growth in rural areas to retain the rural environment and rural productivity. The development of a large extent of rural land is not consistent with the strategic direction set out in the FDS (see Principle 1(a)¹⁰ and section 4.1.1 of the FDS¹¹).
61. The FDS does, however, recognise¹² that the vast majority of Treaty Settlement Land and Maori land is located outside the existing urban and future urban areas and there are therefore development limitations that disadvantage Maori socio-economic opportunity and undermine redress intent. The FDS goes on to state that it will not constrain Māori land and iwi strategic development, and that developments will be determined through subsequent planning processes.

Regional Policy Statement

62. The relevant Regional Policy Statement can be found in Chapter B of the AUP(OP). The provisions at B6 and B9 are the most relevant to this Application, however the provisions at B2, B7, and B10 are also relevant and require consideration.

B6 – Mana Whenua

63. The provisions within Chapter B6 pertain to the development of Māori land and Treaty Settlement Land, and the recognition and protection of Mana Whenua culture, landscapes, historic heritage, interests, values and customary rights. Most applicable in this case are the provisions that pertain to Treaty Settlement Land, at B6.2.1 (3) and (4) and B6.2.2 (2), (3), (4) and (5).
64. These provisions in summary seek to recognise and enable the development and use of Treaty Settlement Land to give effect to the outcomes of Treaty settlements, recognising the role of cultural and commercial redress in that process and the importance of this to the identity, integrity and rangatiratanga of Mana Whenua, and the limited extent of available Treaty Settlement Land. They provide clear direction towards enabling development options and providing flexibility for Mana Whenua in the use and development of Treaty Settlement Land to achieve these intended outcomes.
65. Te Kawerau ā Maki in partnership with Avant Property Development Limited under Rangitooopuni Developments Limited Partnership have evidently been heavily involved in the development of the proposal and clearly explained the extremely high significance of the project on this land received as commercial redress.
66. Insofar as the other provisions of B6, which pertain to enabling Mana Whenua involvement in resource management processes and associated assessment of effects,

¹⁰ FDS, page 16

¹¹ FDS, page 36

¹² FDS, Section 4.2.8, page 69

it is similarly considered that, given Te Kawerau ā Maki are the co-applicant in this case, they have been involved in the decision-making of how that has been addressed. It is understood consultation with other iwi groups has been undertaken and all that responded have deferred to Te Kawerau ā Maki. We also recognise that prior to making a decision on the Application the Panel has invited comment from Mana Whenua under s53(2)(b) of the FTAA.

B9 – Rural environment

67. The provisions of Chapter B9 pertain to Auckland's rural environment and its regional significance both with respect to its productive capabilities and its extensive natural resources and landscapes. Collectively, the provisions can be summarised to seek to ensure that rural production and its supporting activities are maintained within these areas and avoid encroachment of inappropriate subdivision, use or development (urbanisation).
68. While the proposal does raise some challenges with respect to being potentially more akin to an “urban” form and intensity, particularly with respect to the IMD component of the development (as discussed in greater detail below), it is important to consider the Treaty Settlement Land context of the site and implications of Chapter B6 and the supporting lower order provisions of the AUP(OP) when assessing the appropriateness of this subdivision with respect to the provisions of Chapter B9.
69. The site does not contain prime or elite soils; is primarily zoned Rural – Countryside Living (and as such is not planned for productive uses long-term); has generally been sensitively designed to the rural amenity values of the area (as discussed in more detail below) and existing natural environments on site; and is located immediately adjacent to the RUB and in relatively close proximity to Riverhead Town Centre. Given these elements of the proposal and site, and within the context of the Treaty Settlement Land provisions, the proposal is considered able to appropriately mitigate the effects of the proposal as they pertain to the outcomes sought by Chapter B9. This is subject to addressing the various recommendations and matters set out in the remaining sections of B4 and Sections C.7 and C.10 of this memorandum.

B2 – Urban growth and form

70. While the proposal is located outside the RUB and on Rural zoned land, the development is relatively unique in its positioning. The site is physically contained and visually separated from surrounding areas by distance and topography. Given the intensity and scale of the proposed IMD, reviews have recognised that it will create a degree of urban form and scale. While we concur that this element of the proposal provides a degree of “urbanisation”, we can consider it is an overall reasonable response to the various applicable higher order provisions despite being outside the RUB when also turning our minds to the provisions of Chapter B2 insofar as they relate to the quality and outcomes of an “urban” environment, given the outcomes proposed.
71. Chapter B2 seeks to ensure that urban growth achieves a well-functioning and high-quality urban environment, the provides for efficiency provision of new infrastructure,

good accessibility, greater social and cultural variety, better maintenance of rural character and productivity, reduced environmental effects, and improved resilience to the effects of climate change.

72. Council's Landscape Architect and Urban Designer (**Annexures 16 and 17**) are both generally satisfied that the proposed development achieves a good quality and functional form, layout and accessibility subject to delivery as proposed. While situated outside the RUB, this element of the proposal is contained within the CSL zone areas of the site and does not fundamentally affect any existing productive zoned land and, as discussed in more detail below, accommodates appropriate measures to site the development well into the rural character context.
73. Given the rural nature of the site private infrastructure is required to service the development. This is typical for rural subdivision, but atypical and generally sub-optimal for the type of uses within the IMD both in terms of land required and long-term maintenance and resilience. The provisions of Chapters B6 and in turn E21, in particular Policy E21.3 (7) which seeks to "enable alternative approaches to site access and infrastructure provision where the occupation, use, and development of Treaty Settlement Land is constrained by access or the availability of infrastructure". While a sub-optimal infrastructure response is provided, this statutory context provides for alternative approaches that would perhaps not otherwise be considered suitable. After investigation, and noting the extent of committed parts of the site to provide for this infrastructure, this has been demonstrated to be functional for the scale of development proposed.
74. As discussed in greater detail below (**Section C**), unresolved concerns remain with respect to a range of potential environmental effects, in particular with respect to natural hazards and flooding, freshwater ecology, and traffic effects. There are also unknowns at this stage relating to the resilience of the development to climate change effects given the insufficiencies in information pertaining to flooding hazards.
75. Overall, the proposal provides an appropriate layout and quality of design that delivers a well-functioning and quality environment, and functional alternative infrastructure supply to service the development. Further information is, however, required to enable an overall conclusion to be reached with respect to the consistency of the Application with the provisions of Chapter B2 given the unresolved matters pertaining to adverse environmental effects.

B8 – Natural Resources

76. Chapter B8 relates to the pressures of development on natural resources and the necessity for appropriate management of these resources for environmental, social, economic and cultural well-being. The provisions seek to ensure that areas of significant indigenous biodiversity value are protected from the effects of subdivision, use and development.
77. The site is not subject to any identified areas of significance (i.e.: Significant Ecological Areas), but has been identified by both the Applicant's ecologist and Council's terrestrial

and freshwater ecologists as containing potentially important ecological habitats and values that could be affected by the proposed development. As such, the provisions of B8 are considered to be a relevant consideration for this Application.

78. As discussed in Sections C.4 and C.6 below, there remain some unresolved concerns with respect to effects of the proposed development on these habitats and values. The effects of concern fundamentally pertain to surety of delivery and maintenance of terrestrial mitigation measures and insufficient information in relation to potential freshwater habitat effects (erosion and geomorphic effects, extent of loss of stream bed, water quality effects). We recommend there are resolved through conditions of consent, or, where the magnitude of the effect is such that it would not be appropriate to defer to conditions, the provision of further information.
79. At this stage, we have insufficient information to reach a conclusion with respect to the provisions of Chapter B8.

B10 – Environmental Risk

80. Chapter B10 is relevant to this Application insofar as it relates to natural hazards and climate change. The provisions broadly seek to ensure that communities are more resilient to natural hazards and the effects of climate change, and that new development does not exacerbate or create new risks in those regards.
81. At this stage, there are significant gaps in the provided information to enable a conclusion to be reached on whether or not this proposal would achieve this, as discussed in greater detail in Section C.4 below. Further information is required to enable an assessment of the outcomes in this regard.

Auckland Unitary Plan: Operative in Part

82. From a strategic planning perspective, the critical chapters of the AUP(OP) are H19 – Rural Zones, in particular the Countryside Living Zone provisions of H19.7, E39 – Rural Subdivision, and E21 – Treaty Settlement Land. The site is also split-zoned with small portions of the site along the northern boundary located within the Rural Production Zone, and as such the provisions of H19.3 are also relevant.
83. The application of the Treaty Settlement Land provisions to this site introduces a specific layer of enabling provision for development potential that goes beyond that which is provided for by the underlying zoning and associated provisions. The degree of weight given and balance of these provisions, and as a result the scope of mitigation necessary to align the overall application with these fundamental AUP(OP) provisions, is where we have a degree of disagreement with the Applicant.
84. For clarity, the following assessment has been structured as follows:
 - a. Consideration of the Application against the Rural Countryside Living and Rural Subdivision provisions where no Treaty Settlement Land provisions apply, for context purposes;
 - b. Commentary on the Treaty Settlement Land provisions and the context and

- weighting;
- c. Consideration of the application against the Rural Production zone provisions, given the split-zoning of the site.
- d. A balancing assessment of the relevant provisions;
- e. Summary of conclusions.

Rural Countryside Living Zone and Rural Subdivision

85. The Rural – Countryside Living Zone provisions are located at H19.7. The zone provides for rural lifestyle living in areas of rural land which are generally closer to urban Auckland or rural/coastal towns, incorporating a range of rural lifestyle developments and is typically characterised as a low-density rural lifestyle environment.¹³ The relevant provisions seek to provide for rural lifestyle living that maintains the rural character and amenity values and avoids an urban form and character.¹⁴
86. The Rural Subdivision provisions are at E39 and fundamentally seek to ensure that land is subdivided to achieve the relevant objectives and policies of the zone, and which provides for the long-term needs of the community whilst appropriately management and minimising effects of future development on the environment.
87. If considering the CSL and Rural Subdivision provisions alone, the Application raises concerns.

Countryside Living Subdivision

88. A primary concern with the CSL subdivision component of the application, when considering against the CSL provisions in isolation, is a precedent/plan integrity issue. The proposal reflects an intensity of use that is beyond that envisaged by the plan. The subdivision in a rural zone standard (E39.6.5.2) establishes a minimum and average minimum lot size in this part of the CSL zone of 2ha, unless the Transferable Rural Title Subdivision (TRSS) framework is used. The TRSS provisions enable lots of a minimum size of 8000m², provided an average area of 1ha sites is achieved, but require significant environmental and ecological benefits to generate the transferable title.
89. Enabling lot sizes in the CSL zone of under 2ha without using the TRSS pathway essentially undercuts the TRSS system. It gives away the incentive without the offset. With the incentive undermined, there would likely be less overall environmental benefits and more in-situ rural-residential development in the wider rural area. These outcomes are directly opposed to what the rural subdivision framework in the AUP seeks to achieve.
90. It is also important to consider the effects of this intensity on the rural character and amenity values of the area, noting the relevant objectives and policies all seek to maintain and enhance these values.
91. The “rural character and amenity” values the relevant objectives and policies seek to

¹³ AUP(OP), H19.7.1.

¹⁴ AUP(OP), H19.7.2 (1 – 2), H19.7.3 (1)

maintain and enhance are defined by the spacious rural lifestyle character 2ha sites that include “*scattered rural dwellings sites, farmlets and horticultural sites, bush dwelling sites and papakāinga*”¹⁵.

92. Adverse effects are discussed in greater detail in **Section C** of this memo below. Of particular relevance to the consideration of rural character and amenity values, the following is noted:
- a. The Application proposes revegetation across effectively all areas of Lot 1 that are outside the building platform and accessways, with protective covenants proposed over all revegetation areas.
 - b. The Application also notably (and of significant benefit) intends to provide a series of walkways along riparian margins and JOALs for resident and public recreation use, with Rights of Way shown on the scheme plan and corresponding proposed conditions. A new public car park (located on Lot 57) is also proposed, to provide for improved public accessibility to the walkway network within the site and wider Riverhead Forest area. These benefits of the scheme are notable and not necessarily outcomes achieved by default in the rural subdivision framework of the AUP.
 - c. The Application proposes the establishment of a Design and Landscape Panel (Condition 178) and supporting consent notices (Condition 208A) that requires all future dwelling development on each Lot to obtain certification from that panel that the dwelling is designed in accordance with the Design Guidelines that have been submitted with the application and considered generally appropriate by Council’s Urban Designer and Landscape Specialist to manage potential effects associated with the future dwelling development on each lot.
 - d. No additional intensity (i.e.: windfall effects) would be enabled by the Treaty Settlement Land provisions beyond that proposed for the CSL subdivision (Lot 1), given E21.4.1 (A3) only provides for up to 10 dwellings per site as a permitted activity provided only 1 dwelling per hectare is achieved. None of the residential lots reach a threshold of 2 hectares in size which would enable more than 1 dwelling under E21.4.1 (A3). Minor dwellings are not provided for in E21, and are at minimum restricted discretionary activities in Chapter H19¹⁶ and will require consent and assessment based on its merits should it be applied for.
 - e. The proposal would concentrate the existing permitted dwelling rights under rule E21.4.1(A3) (up to 10 dwellings) into the balance area through subdivision of Lot 2. This balance area (referred to as Lot 2 in the scheme plan) may require consideration during any condition conference.
93. Subject to the delivery of these outcomes, the proposal will effectively establish bush dwelling sites for the CSL subdivision, which will contribute to mitigating the potential

¹⁵ AUP(OP), H19.7.1

¹⁶ Noting that for those sites with a net site area of 1ha or less, this will be a non-complying activity.

visual character and amenity effects of the enabled intensity of use from the proposed subdivision and lot sizes. It also offers some environmental benefit that, while not of a scale that would be consistent with the TRSS requirement for a subdivision of this scale – alongside the public access and amenity provided – brings the Application closer to the rural subdivision framework in the AUP.

94. We, do, however, have some unresolved concerns pertaining to delivery and security of the proposed landscaping and revegetation outcomes which are critical in us reaching this position on adverse effects. In stating this, we understand the Applicant's representatives have put forward conditions with an acknowledgement of a conditions conference. We hope that these comments will assist with both the Panel's consideration and any conferencing discussions:

- a. Conditions 72-74 relate to the provision of a Landscape Implementation Management Plan (LIMP) and finalised landscape plans; however, these pertain to landscape planting only and do not cover ecological mitigation planting. Concerns have been raised by Council's terrestrial ecologist (**Annexure 14**) that there are complexities with revegetating a degraded ex-forestry site, and input from a suitably qualified ecologist (as well as the proposed landscape architect) would be required to ensure the proposed LIMP suitably covers both aspects. There is an overlap between landscape planting and ecological mitigation planting, and as such we would envisage a single set of conditions that achieves a single set of overall landscape plans that include sufficient details to cover the management of both landscape and ecological effects.
- b. Conditions 80 and 81 require the implementation of the certified landscape plans and the provision of a completion report. Provided Conditions 72-74 are re-worked to cover ecological outcomes, this will ensure the implementation of planting is undertaken.
- c. No conditions, however, have been proposed relating to initial establishment maintenance requirements. This is fundamental in ensuring that the implemented landscaping/revegetation successfully establishes and needs to be incorporated into the final condition set.
- d. Condition 169 is vague with respect to the establishment of the proposed protective covenants and the obligations under those covenants. They are not consistent with standard Covenant Condition wording and lack any detail pertaining to who the covenant parties are and associated restrictions under that covenant.
- e. From discussions with the Applicant to date we understand that the intent is for Te Kawerau ā Maki to also be involved in the on-going maintenance and management obligations for the covenant areas, walkways and all other shared assets. However, the proposed conditions do not adequately provide for this involvement. A collective review of conditions 171, 178 and 188 is suggested. Condition 178 talks to Te Kawerau ā Maki having involvement in the Design

and Landscape Panel, but this is a separate matter.

- f. While we are satisfied with the submitted design guidelines and associated conditions to manage potential effects from future dwelling development on the vacant lots, it may be appropriate for a condition to be added requiring a finalised version of the Design Guidelines to be submitted to Council for certification to allow for some flexibility for the Applicant in making minor changes to that document between now and implementation.
- g. The Planning Report has stated¹⁷ that it is intended to use this revegetation to potentially claim TRSS 'yield.' However, we maintain that the development at a minimum requires and needs to demonstrate that the revegetation proposed will be established, will provide the environmental and ecological outcomes identified, and will be maintained in the future. The Applicant's representatives have since confirmed within their *RFI Response Tracker* provided on 19 August 2025 that no TRSS yield is sought through this Application, which forms the basis of this assessment.
- h. Condition 171 is vague and does not provide any surety that the proposed Residents Association will have any material effect to the on-going management and maintenance of the revegetation areas or shared walkways, parking areas etc. A review of the wording and interplay between conditions 171, 178 and 188 is suggested.
- i. Council's Terrestrial Ecologist has raised concerns with respect to the ability of a Residents Association to appropriately deliver appropriate on-going maintenance and manage potential conflicts between the various parties (the public, the individual lot owners, and Te Kawerau ā Maki noting publicly accessible walkways run through the covenant areas), as discussed in greater detail in Section C.6 below, and we concur that it is important that suitable security is achieved in the conditions to ensure this is delivered long-term. We therefore would encourage the Panel to satisfy themselves of the practicality and feasibility of the proposed Residents Association and structure of associated conditions to ensure the delivery of suitable long-term maintenance of these areas. We would suggest that restrictions and mechanisms relating to these conditions would be a key area of discussion in any condition workshop. The detail, consideration and thought given to these matters and structure as outlined within the Planning Report is recognised. We would encourage the Panel to consider and request comparative examples of the effectiveness of similar subdivision arrangement and structures in achieving the outcomes envisaged in this Application and utilise these to inform any further discussions on the proposed draft conditions in the event of such a stage being reached.
- j. Council's Terrestrial Ecologist has also raised concerns with the proposed bond conditions (193-193). While bonds not best practice for uncompleted revegetation works (as identified in **Annexure 14**), it is understood that the

¹⁷ AEE, Section 6.11.1, page 86

incorporation of this condition by the Applicant is to enable the issue of s224c (and in turn titles) ahead of the required 5-year maintenance period being completed. Provided there are adequate correlating land use consent conditions requiring the completion of that maintenance period and outcomes (as detailed in Annexure 13) by the Applicant, we are satisfied this could be an appropriate response, provided an adequate bond amount is required, however would encourage the Panel to consider this through conditions conferencing.

95. In summary, the key issues when considering this aspect of the Application through the lens of E39 and H19 are:
- a. The potential for the Application to undercut the TRSS subdivision framework and associated plan integrity and precedent effects;
 - b. The intensity of the subdivision in comparison to what is anticipated and sought by the plan, being 2ha rural-residential lots; and
 - c. The lack of surety about the mitigation proposed to manage the above potential effects.

Integrated Maori Development (IMD)

96. The proposed IMD aspect accommodates the establishment of a total of 296 units (260 villas and 36 aged care units) plus supporting amenities (lounge, bar, restaurant, craft rooms, wellness centre, and outdoor amenities). This will be located on a proposed site which is created from the subdivision of Lot 2 DP 590677 then referred to as Lot 1¹⁸. This subdivision will also create Lot 2, covering the majority of the remaining area of Lot 2 DP 590677¹⁹ and subject to no development as part of this proposal with the exception of the shared path to Riverhead. Lot 3 is also created around the section of Forestry Road proposed to be formed and vested.
97. All buildings proposed are single storey structures *“and designed with a rural vernacular of buildings forms, predominantly gabled roofed, with natural cladding materials – including timber, concrete as well as long run, flat tray iron and some corten steel - and colours suited to integration with the natural landscape.”*²⁰
98. Communal (private) reticulated stormwater, wastewater and water supply is provided for the village. The village has been sited in a localised valley and on a relatively flat portion of the site, however still requires extensive landform modifications, including excavations of up to 14m deep and fill of up to 10m in height, and a select number of villas are expected to be visible above the eastern ridgeline from Riverhead Village.
99. If considering the Application exclusively against the CSL zone provisions (i.e.: if the TSL provisions did not apply), the proposal would be for a retirement village. A retirement village is not otherwise provided for in the Rural Countryside Living zone and as such would be²¹ a discretionary activity pursuant to C1.7 of the AUP(OP). As alluded to in

¹⁸ noted as 76.57 ha on scheme plan / 89.7ha within the Planning Report

¹⁹ noted as 94.90 ha on the scheme plan / 81.7ha within the Planning Report

²⁰ Rangitootuni Urban Design and Landscape Effects Assessment, Boffa Miskell, page 24

²¹ If the Treaty Settlement provisions of E21 did not apply

Section B2 above, this would, in our opinion, fall into the former portion of A1.7.4 being an activity that is “not generally anticipated to occur in a particular environment,” particularly noting the decision on PC20.

100. The CSL zone is intended to provide for low-density rural lifestyle activities and seeks to avoid development of an urban form and character (Policy H19.7.3 (1)).
101. The Planning Report identifies all buildings and amenities contained within a smaller footprint of approximately 32.3ha of the proposed Lot 1, with the majority of the remainder proposed to be revegetated. There is a difference in proposed Lot areas across the Scheme Plan and the Planning Report (see footnotes 18 and 19 below). Based on the Scheme Plan, this amounts to approximately one unit per 2587m² for the proposed overall Lot 1 site, and 1091m² within the smaller village footprint. Despite the noted inconsistency in areas, what is clear and understood is that this is a consolidated intensity of activity not anticipated in the Rural – Countryside Living Zone provisions in isolation.
102. Further, as noted in the Planning Policy Memo (**Annexure 1**) caselaw has tested the issue of what constitutes urbanisation. The Environment Court in *Ahuareka*²² used the following factors to decide whether the development was urbanisation:
 - a. Intensity of development
 - b. Nature of development
 - c. Whether there are urban components
 - d. The mix of residential components
 - e. The size of the development
 - f. The scale of the development
 - g. Sizes of lots
 - h. Visual character
103. Taking these elements into account, and being aware of the conclusions reached in *Ahuareka*,²³ it seems clear that a retirement village of the scale of the proposed IMD could represent urbanisation and does reflect an urban built form and character (which is also discussed by Council’s Landscape Architect and Urban Designer in their respective assessments noting urban character and a degree of intensity separately – **Annexures 16 and 17**). It is recognised that there are some specific features of this development in terms of arrangement and location of this activity of the site which limit and contain the visual wider visibility of the proposal, however consideration of the scale of activity and outcomes that are being sought and anticipated in the CSL zone provisions are broader than this. In isolation, under these provisions it is considered likely that the proposal would not be consistent with H19.7.3(1)(a) and (b) and would raise concerns with respect to the consistency of the proposal with the Regional Policy Statement of the AUP(OP) (objectives and policies B2.2.1(1) and (4), B2.2.2(4), and

²² *Ahureka Trustees no 2 Ltd v Auckland Council* NZEnvC 205. This decision was upheld on appeal to the High Court. The Court of Appeal refused leave for a further appeal.

²³ *Ahureka Trustees no 2 Ltd v Auckland Council* NZEnvC 205, para 73 – “we do not consider that the retention of a substantial rural element on the Property diminishes the urban nature of the 16.47ha development which is to take place.”

B9.2.1(4)). Council have raised the question previously with the Applicant as to whether a restriction and phased revegetation of the balance of Lot 2 DP 590677 once the current forestry purposes have been harvested would be provided, which could assist in managing the outcomes in this regard. No such restriction has been offered or is considered as part of this Application's assessment.

104. With respect to adverse effects, these are discussed in greater detail in **Section C** of this memo below. Separate to the intensity and urban characteristics discussed above, the development has been overall designed in a generally sympathetic and high quality manner with an aesthetic to respond to the rural, landscape and visual context of the area and site, as discussed in greater detail by Council's Urban Designer (**Annexure 17**) and Landscape Architect (**Annexure 16**). There are, however, similar unresolved concerns with respect to the surety and long-term maintenance of the proposed landscaping and revegetation outcomes which are critical in us reaching this position on adverse effects.
105. The Applicant has proposed revegetation around the retirement village site which plays a key role in managing and mitigating the potential adverse effects of the retirement village and its intensity of use on the rural character and amenity of the surrounding area. The Applicant has not, however, proposed protective covenants over this area and nor has it offered conditions of consent pertaining to the delivery and long-term retention of this vegetation outside of a proposed land use condition that requires the preparation of a finalised landscape plan and its respective implementation (Conditions 77, 80 and 81). As with the Countryside Living Subdivision conditions, there is a lack of conditions relating to establishment and long-term maintenance obligations, and contrastingly, no long-term protection (i.e.: no covenant) is proposed over any of the revegetation around the retirement village.
106. In summary, the key issues when considering this aspect of the Application through the lens of E39 and H19 are:
 - a. The intensity of the IMD/Retirement Village and potential urbanisation response in comparison to what is collectively anticipated and sought by the plan and an avoidance of urbanisation outside of the Rural Urban Boundary; and
 - b. The lack of surety about the mitigation proposed to manage the above potential effects.

Treaty Settlement Land

107. The AUP's Treaty Settlement Land (**TSL**) provisions "*recognise that the principles of the Treaty of Waitangi/Te Tiriti o Waitangi (including the principle of redress and the principle of active protection) require the Council to enable the use and development of land acquired by Mana Whenua through Treaty settlement legislation*".²⁴

²⁴ AUP(OP), E21.1

108. The provisions are clearly intended to be enabling of development on TSL to achieve this. The objectives and policy wording within this chapter provide for this, which are reinforced by the Regional Policy Statement provisions discussed above.
109. They do, however, clearly state that the provisions of the zone also apply alongside the TSL provisions unless otherwise specified,²⁵ that the development provided for by that chapter is that of an *“appropriate character, scale, intensity whilst recognising the purpose of the TSL provisions is to give effect to the outcomes of Treaty settlements to promote the cultural, social and economic development of Mana Whenua”*²⁶ that considers and avoids, remedies or mitigates effects on natural and physical resources²⁷ and neighbouring properties *whilst recognising that the Treaty settlement land provisions facilitate a scale, intensity and range of activities that may not be anticipated in the zone of the site.*²⁸ This indicates that while flexibility is afforded by the implementation of these provisions to enable the use and development of land, consideration certainly is required of the appropriateness of the specific development within the statutory and environmental context of the site.
110. Provisions that are of particular relevance to this assessment and relate to matters discussed previously, specifically in relation to anticipated character consistency of the rural subdivision, alternative infrastructure provision, the nature and intensity of the IMD proposal, and the outstanding concerns in respect to effects on natural resources, include:
- a. E21.3 (4) - *‘Avoid, remedy or mitigate adverse effects on neighbouring properties while recognising that the Treaty settlement land provisions facilitate a scale, intensity and range of activities that may not be anticipated in the zone of the site’*
 - b. E21.3 (1) - *‘Provide for an appropriate character, scale, intensity and range of development on Treaty settlement land across Auckland, including in coastal areas and outside the Rural Urban Boundary, recognising that the purpose of the Treaty settlement land provisions is to give effect to the outcomes of Treaty settlements to promote the cultural, social and economic development of Mana Whenua’.*
 - c. E21.4 (2) - *‘Provide for a range of activities, including dwellings for papakāinga, marae and associated facilities, customary use, cultural and commercial activities, on Treaty settlement land’.*
 - d. E21.3 (6) - *‘Require appropriate provision for the treatment and disposal of stormwater, wastewater and the provision of water and electricity supply.’*
 - e. E21.3 (7) - *‘Enable alternative approaches to site access and infrastructure provision where the occupation, use and development of Treaty settlement land is constrained by access or the availability of infrastructure’.*
111. The Treaty Settlement provisions are not considered to enable unfettered development of TSL and there is certainly no suggestion that is what is being considered in this

²⁵ AUP(OP), E21.1

²⁶ AUP(OP), E21.3 (1)

²⁷ AUP(OP), E21.2 (4) and E21.3 (8)

²⁸ AUP(OP), E21.3 (4)

Application or others. They are to be read alongside the underlying zone and assist with informing the subdivision provisions where *land is subdivided to achieve the objectives of the zones, the relevant overlays and Auckland-wide provisions*²⁹.

112. Giving complete weight to the Treaty Settlement provisions without requiring a true balance against the underlying zone provisions could raise significant precedent issues. Large portions of the TSL are subject to more restrictive zones such as the Rural Production Zone (**RPZ**), and in these locations it is considered what could be anticipated through a process of balance of these provisions would be significantly different to the application site given its CSL zoning. Without this regard to the underlying zoning there is the potential to undermine the RUB and the direction and intent of the AUP(OP) and overarching strategic documents and this is something that we respectfully consider the Panel should consider carefully in any decision and weighting of the provisions.

Rural Production Zone

113. As acknowledged in the Planning Report the Application site includes and creates lots partially but not wholly within areas of RPZ. The RPZ applies to small and narrow areas of the overall site, generally following the northern and western boundaries. This is an outcome of a misalignment between the existing boundaries of Lot 1 and 2 which form the application site and the zone boundary between the CSL Zone and RPZ. This anomaly is reported as being created at the earlier subdivision with the lot boundaries logically following forestry roads which appears correct. Our comments have given consideration to the purpose of the FTAA and have taken a pragmatic view on this matter, noting importantly that no lots are wholly created within the RPZ and the existing situation of this land separated from other RPZ land by existing private forestry roads is fragmented.

Balancing Assessment

114. As identified above, the applicable AUP(OP) provisions that apply to the site accommodate some areas of potentially conflicting anticipated outcomes that require balancing. This is, firstly, particularly relevant with respect to the intensity and 'alternative' approach to rural subdivision proposed, in terms of lot sizes and the framework for providing flexibility on these matters (smaller lot sizes) through the delivery of environmental and ecological benefits of significant scale in area. Secondly, this balancing is important when considering the intensity, character and effects of the proposed uses within the IMD. Finally, and importantly, this balancing exercise needs to be undertaken on the proposal inclusive of all its constituent parts. It is not appropriate in our opinion to provide complete regard and weighting to the Treaty Settlement provisions, and likewise neither is it appropriate to restrict development opportunities to those of the Rural CSL zone.
115. Careful consideration needs to be given in this balancing assessment to the proposed outcomes and effects of the development on the environment, potential precedent and plan integrity issues, and cultural and commercial redress elements of the proposal.

²⁹ AUP(OP) E39.2(1)

Effects

116. It is noted for completeness here that appropriate consideration has not yet been given to all potential adverse effects of this development in our opinion. Significant information gaps have been identified with the Application that have prevented Council from being able to reach conclusions with respect to all potential adverse effects, predominantly with respect to flooding/hazard risks and freshwater ecology matters. See sections C.4 and C.6 below for more detail in this regard. In addition, notable matters have been raised with respect to adverse effects on the operation and efficiency of the wider road network from trip generation arising from the activities proposed (or enabled by the rural subdivision) and immediate safety considerations relating to a number of the proposed vehicle access for the proposal. Recommendations have been provided for how these transportation related matters could potentially be addressed. See Section C.5 below for more detail. There are provisions across the AUP(OP) including in Chapter E21, H19 and E21 that relate to ecological, traffic effects and natural hazards, and as such if these matters are not resolved this could affect the overall conclusions reached in this regard.
117. The development reflects a relatively significant departure from the intensity outcomes anticipated in the CSL zone and accommodates a retirement village as part of the IMD that provides a degree urban form and character and density of accommodation. It does, however, utilise the topography and proposes a scale of revegetation to site it well into the context, minimise its visibility from the wider area, and mitigate potential adverse effects in this regard. The primary outstanding concern here relates to the surety of delivery and retention of these proposed outcomes, which needs careful consideration but can be managed via additional conditions of consent in our opinion, noting the Applicant's proposed condition conference in the event of that stage of the FTAA process for a substantive application being reached.
118. Further, the Application achieves a number of public benefits, most notably in securing the public walkways through the forest and improving the public car park for access into the forest. This is a significant positive effect of the proposal. We have responded separately to the Panel's request for comment on the proposed connection to Riverhead under Minute 2, Appendix 5 (**Annexure 26**).

Precedent

119. The site is zoned CSL and is subject to the Treaty Settlement provisions which is an uncommon interplay of provisions within the Auckland Region.
120. There is potential for precedent and plan integrity concerns to arise if appropriate weighting and balance is not given to the CSL zoning and provisions alongside the TSL provisions. This requires consideration as to whether it would undermine the AUP(OP), RUB, and in turn the higher-level strategic documents for the Auckland region. In terms of effects this could lead to an undermining of the outcomes provided and sought in rural areas in terms of scale, character and environmental outcomes.
121. If this Application is considered on balance against both the Treaty Settlement and

underlying zone provisions, as we suggest is necessary, the precedent risk for Treaty Settlement Land is minimised. Applications on any TSL sites would then also be expected to be considered in balance with the underlying zone provisions, site characteristics, and in turn on their respective merits, like this Application has been in this assessment.

122. Further, the remaining area outside the IMD provided by the subdivision of Lot 2 within the Application site does, also, fit the same parameters of TSL and CSL as the subject land area of this proposal.
123. We note that the FTAA also provides a different decision-making criteria and framework, notably in respect to the inclusion and weighting to the purpose of the FTAA and absence of s104D of the RMA, in comparison to applications not assessed under the FTAA. This is agreed as a point of difference to many applications in the Auckland Region but balanced by noting the number of scheduled listed projects under the FTAA within the region and that may or may not come forward under the 'referral process'.
124. The manner in which this Application is considered is therefore fundamental in ensuring precedent issues and the associated effects that would arise from the Plan being undermined in such a circumstance, are avoided, and we suggest should be an important consideration for the Panel when assessing the proposal including the weighting to be given to the specific decision-making criteria of the FTAA .

Cultural and Commercial Redress

125. The relevant provisions of the AUP(OP), including the relevant Regional Policy Statement provisions, provide clear and strong direction with respect to providing mana whenua with the ability to utilise TSL for the purposes of cultural and commercial redress within a series of objectives and policies which provides guidance on key matters of assessment, anticipation and effects. Council is considered to have been provided a proactive framework to assist with this, including Chapter E21 of the AUP(OP) and has been discussed elsewhere in this memorandum.
126. We recognise that benefits extend beyond commercial returns. Consistent with the Auckland Unitary Plan (Chapter B6), Treaty Settlement Land enables a broader set of outcomes. We also clearly acknowledge the context and history provided to this land which was received under Treaty Settlement. For mana whenua, we understand the benefits of development outside of commercial redress to include but not be limited to the exercise of rangatiratanga, the restoration of mana, and cultural wellbeing outcomes. and recognise and understand from the Application that the scheme will provide for such benefits.
127. The degree to which this is achieved by this Application is outside our expertise, being an outcome Mana Whenua should provide comment on. As noted above, given their inherent input into the design and nature of the proposal, and statements provided from the Applicant, we are clear that the proposal is put forward to deliver these intended redress outcomes.

Conclusion

128. The proposal raises a number of challenges and questions through the planning policy hierarchy. It treads the line of urbanisation of the Rural Countryside living zone and questions the weighting that should be given to the Treaty Settlement provisions in justifying such intensification outcomes outside the RUB.
129. Within paragraphs 116-124 we have summarised key matters which require in our opinion further information and/or assessment; or separately to be addressed by proposed significant conditions of consent which the Panel and Applicant would need to consider. Details on these matters can be found within **Sections C and D.2** of the memorandum. If acceptable to the Panel, we anticipate providing a tracked change version of draft conditions with our recommended changes and additional conditions within the coming days to provide clearer detail on the recommended changes to conditions discussed throughout **Section C**, to assist in any condition conferencing should that be directed by the Panel.
130. The significance of these matters is not to be undermined by the below, however we acknowledge that it would be beneficial to the Panel and the purpose of the FTAA process to understand our view subject to these matters being addressed, reviewed and resolved. A significant unknown at this point being the required modelling to establish the scale of effects and flood risk within and downstream from the Application site. Preliminary direction on these matters from the Panel following their consideration, both in terms of any established 's67 matters' and on where proposed Council suggestions on conditions of consent which may address matters would be considered helpful to this process.
131. Therefore, subject to the above, and taking into account the flexibility and enabling policies of Chapter E21 alongside the other provisions, we do consider the Application could achieve an appropriate balance of effects on the rural character and amenity values of the area and recognise the quality of the proposals that are envisaged in the material provided.
132. This is also dependent on providing certainty through conditions on the environmental outcomes the applicant proposes both in terms of their immediate establishment and long-term maintenance.
133. Critical in reaching this conclusion is the balance of the Treaty Settlement provisions that provide for increased flexibility and development potential of the site alongside the underlying zone and the delivery of the revegetation and positive community benefits of the proposal which site and soften the more urban scale and intensity of the development into the context.

SECTION C: STATUTORY PLANNING ASSESSMENT

134. The Council Memos and other relevant forms of advice listed in **Section A** above inform the overall Statutory Planning Assessment. These have been provided in annexures in their complete form for the benefit of the Panel and their review and assessment on specialist matters.
135. Responses to the Panel's questions contained in Appendix 5 to Minute 2 are provided in tabular form in **Annexure 26**.
136. The Rodney Local Board comments are not discussed in this **Section C** but are provided for the consideration of the Panel. The comments have been shared with the Applicant who provided a response within the RFI Response tracker (paragraph 9(b)(i)) which has been shared with the Board representative and no further comment received at the time of completion of this report.

Outstanding Material from Applicant, and Review Limitations

137. As noted in **Section A**, we have only reviewed information submitted by the Applicant by 19th August 2025 and listed subsequent information provided in response to direct queries from relevant specialists.
138. We are not aware of any additional information that has been supplied by the Applicant and not reviewed by the Council team.
139. The draft proposed conditions have been reviewed and commented on by within the respective specialist memos and throughout this planning memo. As noted, we are in the process of preparing a compiled set of conditions with Council's recommendations noting that this will be of greater assistance and bring together specialist comments on similar matters. We will continue to work on this and share as soon as it has been compiled, if that is acceptable to the Panel. We note that the Panel will need to consider our recommendations including information which we suggest is needed. We further note that we are of the understanding that the Applicant has requested subject to the Panel's consideration of the Application a conditions conferencing meeting to work through the final conditions with any relevant party, which we are supportive of and suggest that circulating our comments in this regard ahead of any such meeting would be a useful starting point for those discussions.

SECTION C.1 CONSTRUCTION EFFECTS

Earthwork (sediment and erosion)

Applicant's Assessment

140. Maven (on behalf of the Applicant) has provided a description of the proposed erosion and sediment control measures for the bulk earthworks in the Earthworks Management

Plan with further details in the submitted Erosion and Sediment Control Plans (**ESCP**).

141. The Applicant has confirmed that an Adaptive Management Plan (**AMP**) is not proposed and has advised this is not considered necessary, with the submitted Earthworks Management Plan being essentially an AMP, and that sedimentation effects are able to be mitigated and managed through the preparation and implementation of Final EMP and ESCPs, which are included in the suite of proposed consent conditions.

Council's Assessment

142. The adverse effects (sedimentation) associated with the earthworks have been reviewed by Council's Regional Earthworks Specialist (**Annexure 13**) who has confirmed that the indicative ESCP are generally appropriate and that the preparation of final ESCP for certification by Council is acceptable. Of note, Council's Regional Earthworks specialist has confirmed that in this instance, while an AMP is not proposed, she is satisfied that the Adaptive Management conditions offered by the applicant, with amendments to establish a baseline monitoring position, will be sufficient to adequately manage potential effects.
143. The Stage 1 earthworks plans originally showed earthworks within natural inland wetland areas for the replacement culvert construction and on Lot 10 which was noted as in the specialist's opinion being a prohibited activity. Updated plans provided with the further information response by the Applicant now show a 0.5m setback with the specialist satisfied that these works would not constitute a prohibited activity.
144. The Council's Regional Earthworks Specialist has recommended a number of changes/ additional consent conditions which include but are not limited to:
- Updates to align wording with standard Council conditions (e.g.: Flocculation Management plan amended to Chemical Treatment Management Plan)
 - Requirement for wetland fencing to ensure prohibited earthworks within wetlands are avoided throughout works
 - Reduction to enabled open earthworks areas
 - Introduction of a review condition for earthworks activities
 - Requirements for baseline stream monitoring prior to works commencing.
145. It is noted that a consent condition for a maximum duration of 10 years with a seasonal restriction for the earthworks has been recommended.

Conclusions on Sedimentation Effects

146. Overall, the proposed works can be suitably managed by the proposed sediment and erosion control measures, subject to adherence to the proposed and recommended changes to consent conditions.

Geotechnical and Land Stability

Applicant's Assessment

147. A suite of Geotechnical Investigation Reports has been prepared by Engeo and lodged with the Application (Appendices H-H.23), with separate reports provided for each stage of works proposed. These include a range of recommendations including the earthworks, retaining wall and foundation design for dwellings. These recommendations form part of the Application.

Council's Assessment

148. Council's Development Engineer (**Annexure 4**) has reviewed the proposed earthworks in respect to the geotechnical matters including land stability. There is broad agreement with the assessments undertaken and conclusions reached, and with the conditions proposed by the Applicant to manage these during construction and in the long term subject to inclusion of a process in line with the Council's Code of Practice for Peer Review within the Applicant's proposed conditions 54 and 56.

Conclusions on Geotechnical and Land Stability Effects

149. There is broad agreement between the Applicant and Council in respect to geotechnical and land stability related effects.
150. There are no significant Geotechnical and Land Stability impacts that require proportionality assessment.

Groundwater Diversion Effects

Applicant's Assessment

151. The Applicant is seeking consent to take and divert groundwater for dewatering purposes during earthworks and in the long-term for ground dewatering after earthworks with associated drainage at the subject site.

Council's Assessment

152. Council's Groundwater Specialist has reviewed the Application (**Annexure 7**), and has confirmed subject to the proposed consent conditions, and additional recommended conditions that groundwater effects (groundwater drawdown, dewatering and diversion) can be appropriately managed/ mitigated to extent that adverse effects would be no more than minor (i.e. not significant).

Conclusions on Groundwater Effects

153. There is broad agreement between the Applicant and Council in respect to groundwater-related effects.
154. Additional consent conditions are recommended to ensure that adverse groundwater-related effects are mitigated.

155. There are no significant residual groundwater impacts that require a proportionality assessment.

Groundwater Take & Bore Effects

Applicant's Assessment

156. The Applicant is seeking consent to take groundwater from a bore for water supply to service the proposed IMD (Retirement Village) aspect of the Application.
157. They are seeking an abstraction of up to 200m³ of groundwater per day, with an overall annual quantity of 29,000m³. Engeo (on behalf of the Applicant) has assessed the proposed takes in the submitted Groundwater Abstraction Desktop Study.

Council's Assessment

158. Council's Groundwater Take Specialist has reviewed the Application (**Annexure 8**) and is generally in agreement with the Applicant that the proposed water take will not result in any unacceptable adverse effects on aquifer recharge, consolidation, saltwater intrusion, surface water, or on other lawful bore water takes.
159. In the further information submitted by the applicant on 19th August 2025, the Applicant advised that consent (LUC60449108) had been obtained for the proposed water take in August 2025. Upon review, Council have confirmed that this consent only approved investigations relating to the future take for construction as a temporary bore, not the take itself. The consent decision states "*The proposed future maximum daily water take is 200m³ and annual quantity of 29,000m³. These quantities are above permitted activity levels and will require the granting of a resource consent to take groundwater before the bore can be used for this purpose.*" As such, we have assessed the Application on the understanding that the originally applied for water take consent is still required. We have also discussed whether the consent sought for the construction of the permanent production bore as sought in the Planning Report for this Application falls away and is provided by LUC60449108. There is a degree of ambiguity about this matter. On balance, and in interests of completeness rather than a material concern, we would consider that the reason for consent would remain to confirm the bore construction as permanent rather than a temporary bore for investigation.
160. The results from the investigations carried out under LUC60449108 were submitted to Council on 29 August 2025. This has been reviewed by Council's Groundwater Take Specialist as part of their review. The Applicant has confirmed that the test bore will be completed as a production bore for this proposal. Council's Groundwater Take Specialist has confirmed that the results from the test bore confirm that it will be capable of producing the required water yield. Notably in terms of resilience of infrastructure the specialist notes that there is currently approximately 92% of the aquifer allocation remaining and in consideration of this matter suggesting a duration of the water take consent up until 2058.

Conclusions on Groundwater Take Effects

161. There is broad agreement between the Applicant and Council in respect to effects associated with the proposed groundwater take, however additional consent conditions are recommended to ensure that adverse groundwater-related effects are mitigated.
162. There are no significant residual groundwater impacts that require a proportionality assessment.

Dam/Attenuation Feature Effects

163. The proposal accommodates the establishment of two described culverts (Culvert 1-1 and 7) that have been designed to temporarily impound (attenuate/throttle) surface water.
164. There is a disagreement between Council specialist and the Applicant's specialist as to whether or not these meet the definition of a "Dam" under the AUP(OP) (and as such the technical reasons for consent). Council's position has been summarised in **Annexure 9**.
165. This notwithstanding, the technical reasons for consent and definition are not considered to fundamentally affect the potential effects that require consideration as part of the assessment of this Application, noting that the suitability of these structures will have a direct relationship with the downstream flooding and freshwater ecology outcomes and effects of the development. The Applicant and Council are in agreement that these structures will provide attenuation and management of stormwater through impounding water, and as such the potential effects of this requires consideration.
166. For the purposes of the below assessment, these structures have been referred to as "dams."

Applicant's Assessment

167. No specific methodologies or effects assessment are provided in the AEE for the construction or maintenance of the proposed dam structures.
168. Maven, on behalf of the Applicant, have prepared a comprehensive Flood Model and assessment, including the running of various scenarios associated with the dam structures to understand and assess downstream effects.

Council's Assessment

169. Council's Dam Specialist (**Annexure 9**) has identified concerns with the lack of a Potential Impact Classification Assessment and a Dam Safety Assessment (including geotechnical, hydraulic and management aspects) for the proposed structures. This is necessary to enable confirmation that the proposed structures are suitably designed and will avoid risks associated with the failure of the dam in terms of short- and long-term function as proposed. These matters pose significant risks for the downstream flooding and public safety outcomes, as well as freshwater ecology/stream environments.

170. The lack of this information means that Council's Dam Specialist has been unable to reach a conclusion with respect to potential adverse effects, noting that if a suitable design and management approach cannot be provided there would be a risk of significant adverse effects (low probability, but high consequence).
171. The Council specialist does not consider conditions of consent could be provided at this stage to address this matter and ensure that potential adverse effects will be managed.
172. If conditions were to be considered as suitable by the Panel in respect to these effects, then it is our opinion that these in part would sit under a separate Water Permit consent for the dam structures. Should the EPA agree with the Applicant that these structures are not 'Dams' under the definition, we recommend that any correlating conditions be instead added to the Land Use consent singularly to ensure the associated effects of those works are appropriately managed.

Conclusions on Dam Effects

173. There is insufficient information available at this stage to ensure the proposed dam structures can and will be suitably designed to avoid adverse risks to the surrounding environment, in addition we note that the function of these elements is a key part of the management and modelling of flooding effects in the downstream environment and therefore this should ideally be addressed at the same time. However, we acknowledge the Panel may consider that this could potentially be addressed through conditions and would engage proactively on these conditions if this view was reached.
174. There are potential significant residual impacts associated with the proposed dam structures that require proportionality assessment. See **Section D1**.

Construction Noise and Vibration

Applicant's Assessment

175. Marshall Day Acoustics has undertaken an assessment of the construction noise and vibration effects in the Noise Assessment Report provided with the Application. The proposal will comply with the permitted construction noise and vibration standards (E25.6.27 and E25.6.30).

Council's Assessment

176. The construction noise and vibration effects including on neighbouring properties have been reviewed by Council's Acoustic Specialist (**Annexure 20**) who has confirmed they are in broad agreement with the Applicant that all works can be carried out in accordance with the permitted standards, provided the works are undertaken during the hours of 7.30am to 6pm Monday – Saturday as suggested by the Applicant. The condition pertaining to construction activities needs to be amended to align with these timeframes.

Conclusions on Construction Noise and Vibration

177. Adverse construction noise effects can be appropriately addressed through the offered conditions, subject to a minor change to the hours of operation for construction activities to align with the hours specified in the Marshall Day report.
178. There are no significant residual construction noise and vibration impacts that require proportionality assessment.

Contamination

Applicant's Assessment

179. Engeo have undertaken a Preliminary Site Investigation to understand if the site/ land is subject to contamination. This has confirmed based on previous historic land uses that the site is not subject to any land contamination.

Council's Assessment

180. The contamination matters have been reviewed by Council's Contamination Specialist (**Annexure 12**) who agreed with the Preliminary Site Investigation prepared by Engeo.
181. Council's Contamination Specialist has confirmed that the proposed land disturbance/ earthworks would be a permitted activity under both the AUP(OP) and National Environmental Standard for Assessing and Managing Contaminants in Soil to Protect Human Health (NES:CS).

Conclusions on Contamination

182. The proposed land disturbance/ earthworks would be a permitted activity under both the AUP(OP) and National Environmental Standard for Assessing and Managing Contaminants in Soil to Protect Human Health (NES:CS).
183. There are no significant residual contamination impacts that require a proportionality assessment.

SECTION C.2 ARCHAEOLOGICAL HERITAGE

Applicant's Assessment

184. CFG Heritage have prepared an Archaeological Assessment. This has confirmed that there are no recorded archaeological features within the works area, but there are a number of recorded historic heritage sites within 1km of the proposed works. All these sites are related to 19th and 20th century European Settlement and Industry activities. There are no pre-European Māori sites recording within 1km of the works area.
185. To mitigate the risk of discovery of unrecorded subsurface archaeological within the

project area, CFG Heritage advise that works are undertaken under the Accidental Discovery Rule of the AUP(OP) (E11.6.1).

186. CFG Heritage also recommend that the appropriate tangata whenua authorities should be consulted regarding the possible existence of sites of traditional significance to Māori or wāhi tapu.

Council's Assessment

187. The effects on Heritage values have been reviewed by Council's Heritage Specialist (**Annexure 22**) who is in agreement with the assessment undertaken by CFG Heritage.

Conclusions on Archaeological Heritage Values

188. The proposed works areas including earthworks are located outside any recorded archaeological features within the area. It is considered that adverse effects on heritage values included both recorded and unrecorded archaeological features can be appropriately managed through the implementation of the Accidental Discovery Protocol and appropriate tangata whenua consultation proposed by the Applicant.
189. No additional consent conditions or changes to conditions are necessary, however an amendment to the Accidental Discovery Protocol condition is recommended to ensure it aligns with the AUP(OP) standard.
190. There are no significant residual impacts on archaeological heritage values that require proportionality assessment.

SECTION C.3 WASTEWATER TREATMENT PLANT (WWTP) AND ON-SITE WASTEWATER DISCHARGES

191. Watercare Services Limited have confirmed that they cannot service the site with public wastewater supply (**Annexure 3**). As such, the Applicant has proposed an alternative servicing solution, including on-site servicing for the Countryside Living Vacant Lot Subdivision and a new Wastewater Treatment Plant for the Integrated Māori Development (Retirement Village).

Discharge Effects

Applicant's Assessment

192. A wastewater solution for the IMD (Retirement Village) site has been proposed and has been designed by GWE and is described in their Retirement Village Wastewater Design Report.
193. What is understood to be an indicative wastewater solution for the Countryside Living Subdivision element of this proposed has been detailed by GWE and is described in

their Onsite Wastewater Management Report. The detailed design and delivery of the wastewater dispersal systems for each lot is proposed to be the responsibility of the future landowners, including any consents for discharges and/or land use elements relating to the installation of the dispersal fields. The Applicant's position being that this will be able to be provided without requiring further resource consent.

194. Further commentary has been provided in response to preliminary queries in the Technical Memorandum – Wastewater Response by GWE, received 19 August 2025.

Council's Assessment

195. The WWTP has been reviewed by Council's Wastewater Engineer (**Annexure 5**), who is in agreement with the Applicant that the system will appropriately treat wastewater prior to discharge. Minor concerns have been raised with the quality of the soils in the discharge area, being Category 5/6 soils with low soakage potential, and the associated potential run-off effects this could result in. Council's Wastewater Engineer, however, is satisfied that the proposed mitigation and management measures expanded on within the Technical Memorandum, will be sufficient to ensure that any potential adverse effects associated with the potential to saturate soils and create run-off issues are appropriately avoided.
196. The individual onsite wastewater solution for the vacant lot subdivision has been reviewed by Council's Wastewater Engineer (**Annexure 5**), who has confirmed that the lots are generally adequately sized to accommodate suitable discharge fields to service future residential uses. Some lots are, however, constrained and may require a separate discharge consent subject to the design and scale of the future dwelling, but Council's Wastewater Engineer is satisfied that servicing these lots is feasible, subject to future assessment at the time of detailed design and building consent for each lot. Any effects from the discharges would be similarly assessed at that future stage. Consent notices are recommended to this degree.

Conclusions on Discharge Effects

197. There is agreement between the Applicant and Council that discharge effects from the WWTP and individual onsite wastewater discharges will be negligible.
198. There are no significant residual impacts from the WWTP and individual wastewater discharges that require proportionality assessment.

Arboricultural and Ecological Effects

Applicant's Assessment

199. Bioresarches have considered the potential ecological effects of the water discharges associated with the WWTP and onsite systems in the Ecological Impact Assessment submitted with the application.
200. No assessment of the construction itself of any of these systems and structures, has

been undertaken.

Council's Assessment

201. It is understood that the primary and reserve dispersal fields for the WWTP have been located with consideration of natural features including a set-back noting the 20m riparian margin of a number of watercourses that run through the section of the site relative to the IMD which the WWTP will serve. The layout plans however for the WWTP primary and dispersal fields show distances in isolated examples of less than 20m to watercourses. The fields are shown in locations within the lot created for the IMD through subdivision of Lot 2 of the Application site. In the case of the dispersal fields shown for the Countryside Living Subdivision these have the potential to be approximate to watercourses and the delineated wetlands shown within current Lot 1. They will also be largely located within the proposed protected covenant areas subject to native planting and revegetation.
202. It is understood that the detailed design for the Countryside Living Subdivision is being deferred until building consent for the future dwellings on each lot. This means that the physical works installing the wastewater dispersal fields does not form part of this application and will be required to be addressed by future landowners at the time of development. Any necessary consents in this regard (e.g.: E15 matters for works in the rootzone or vegetation clearance of riparian margin vegetation or E12 matters for earthworks within a riparian margin) would be the responsibility of the future landowner if required.
203. With respect to the IMD wastewater system, Council's Terrestrial Ecologist (**Annexure 14**) has reviewed the proposed irrigation fields, and specifically where these are located with respect to the riparian margins of these freshwater features and within the protected covenanted revegetated areas. They have advised that in their opinion the Applicant has not provided sufficient reporting as to the potential conflict between the long-term protection of the revegetation and the ability and necessity to maintain necessary utilities. In their opinion, it may be more prudent to locate utilities outside the covenanted areas, potentially within the low growing/amenity planting that surrounds the building platforms; the ecologist considers that the indicative dispersal field appear overly generous to the areas required for such utilities.
204. Council's arborist has also reviewed this matter in respect to the tree planting within the riparian areas (**Annexure 15**) and has suggested that it could be managed via a condition of consent that requires arboricultural supervision of all works within these areas. We would suggest that this would be an appropriate management approach.
205. Taking into account the comments from Council's Ecologist and Arborist, we consider that it would be prudent to include additional conditions of consent (for the IMD component) and consent notices (for the CSL subdivision) requiring arboricultural supervision of the installation of all works within these areas. We would also recommend including specific reference to maintenance of these systems within the final protective covenant conditions to ensure future owners are aware those obligations extend to maintenance of the wastewater systems.

Conclusions of Arboricultural and Ecological Effects from WWTP

206. There is some concern that the installation and on-going maintenance/management of the proposed dispersal fields will generate adverse arboricultural and ecological effects. Conditions could, however, be imposed to ensure these works are appropriately carried out to manage and avoid potential effects.

Noise and Vibration Effects of WWTP

Applicant's Assessment

207. Marshall Day Acoustics have assessed the potential adverse noise effects associated with the operation of the proposed WWTP in their WWTP & WTP Noise Assessment. They conclude that noise and vibration from the proposed WWTP will be well below the relevant AUP(OP) standards at the nearest existing dwelling notional boundaries.

Council's Assessment

208. The operational noise and vibration effects including on neighbouring properties have been reviewed by Council's Acoustic Specialist (**Annexure 20**) who has confirmed they are in broad agreement with the Applicant that noise from the WWTP will be compliant with the relevant permitted standards and as such effects will be negligible.

Conclusions of Noise and Vibration Effects from WWTP

209. There is agreement between the Applicant and Council that noise and vibration effects from the WWTP operation will be negligible.
210. There are no significant residual operational noise and vibration impacts from the WWTP that require proportionality assessment.

Odour Effects

Applicant's Assessment

211. Odour Management has been addressed by the Applicant in their Technical Memorandum - Wastewater Response and appended Draft Odour Management Plan related to the WWTP, submitted on 19 August 2025.
212. The Applicant's AEE has confirmed that no air discharge consents are required in relation to any odour discharges from the WWTP.

Council's Assessment

213. The Odour Management Plan has been reviewed by Council's Wastewater Engineer (**Annexure 5**) who is in broad agreement with the assessments undertaken and the conclusions reached. They have confirmed that any potential adverse odour effects from

the proposed WWTP can be appropriately managed through the implementation of a finalised Odour Management Plan.

214. An additional condition to the Wastewater discharge consent is recommended requiring a finalised Odour Management Plan to be submitted and certified by Council.

Conclusions on Odour Effects

215. There is agreement between the Applicant and Council in respect to odour effects and the implementation of the proposed conditions will ensure odour effects are avoided or appropriately mitigate.
216. There are no significant residual odour impacts that require a proportionality assessment.

SECTION C.4 INFRASTRUCTURE EFFECTS

Water Supply Effects

217. The Application has been reviewed by Watercare (**Annexure 3**) who have advised that Watercare does not provide water supply servicing to rural zoned land, such as the proposed CSL or IMD sites, in line with Watercare obligations to support growth areas. This is understood as a reference to this site being outside the RUB and rurally zoned, and potentially significant impact on the available capacity for anticipated growth of, live zoned and Future Urban Zoned areas. As such, the Applicant has provided an alternative water supply proposal to service the development.

Applicant's Assessment

218. The Application proposes an onsite water supply system for both the CSL and IMD, as detailed within Section 6 of the Infrastructure Report prepared by Maven and the Water Supply Servicing Strategy Technical Memo prepared by GWE.
219. This includes the provision of a private reticulated system with Water Treatment Plant for the IMD with roof caught water being supplemented with bore water, and individual water tanks for each vacant Countryside Living Lot.

Council Assessment

220. The proposed water supply system has been reviewed by Council's Development Engineer (**Annexure 4**) with relevant input from Council's Groundwater Take specialist (**Annexure 8**) with respect to the required bore take to deliver adequate supply.
221. They have confirmed they are in broad agreement with the Applicant that adequate water supply will be provided for the Countryside Living subdivision aspect of the development through the proposed onsite systems. Council's Development Engineer has suggested that it would be preferred if FENZ approval for the development could be

provided prior to a decision on resource consent being made, however recognises that this is a third-party matter and that the offered consent notice relating to demonstrating adequate firefighting water supply that meets FENZ requirements would be appropriate to manage this.

222. They have also confirmed they are in broad agreement with the Applicant that adequate water supply will be provided for the IMD, subject to the test bore being used as the permanent bore for the servicing of the development. Conditions are recommended in this regard. A similar consent notice is recommended in relation to FENZ approval for this aspect of the development.

Conclusions on Water Supply Effects

223. The site cannot be connected to the public water supply network. In the particulars of this Application, having regard to the following provision of Chapter E21 of the AUP(OP), it is considered that a suitable alternative in the form of a private water supply system has been proposed by the Applicant which Council's specialists are in broad agreement is appropriate and can adequately service the proposed development:

'Enable alternative approaches to site access and infrastructure provision where the occupation, use and development of Treaty settlement land is constrained by access or the availability of infrastructure'

224. There are no significant residual water supply related impacts that require proportionality assessment, provided the recommended additional conditions, at a minimum, are imposed.

Wastewater Effects

225. Watercare Services Limited have confirmed that they cannot service the site with public wastewater supply (**Annexure 3**). As such, the Applicant has proposed an alternative servicing solution, including on-site servicing for the CLS and a new Wastewater Treatment Plant for the IMD).

Applicant's Assessment

226. The wastewater solution for the IMD has been designed by GWE and is described in their Retirement Village Wastewater Design Report.
227. A wastewater solution for the CSL element of this proposed has been detailed by GWE and is described in their Onsite Wastewater Management Report. The detailed design and delivery of the wastewater dispersal systems for each lot is proposed to be the responsibility of the future landowners, including any consents for discharges and/or land use elements relating to the installation of the dispersal fields within areas of protected vegetation.

Council Assessment

228. The proposed wastewater servicing solution has been reviewed by Council's Wastewater Engineer (**Annexure 5**), who has confirmed they are generally in agreement with the Applicant that the proposed solutions are feasible and practical to service both sections of the proposed development, subject to minor amendments to and additional conditions of consent.

Conclusions on Wastewater Effects

229. The proposal accommodates an appropriate private wastewater servicing solution for the proposed development that we are in broad agreement with the Application can suitably service all proposed lots and activities.
230. Effects can be appropriately managed through the offered and proposed additional conditions to ensure the systems are appropriately delivered, maintained, monitoring and managed over the lifetime of the activities on site.

Stormwater Effects

Applicant's Assessment

231. A draft Stormwater Management Plan has been developed by Maven and is appended in Appendix F to the submitted Infrastructure Report. The proposal is for a private on-site stormwater system, with no stormwater management assets to be vested to Council, with the exception of the culverts under the proposed extension of Forestry Road which will be vested with Auckland Transport.

Council's Assessment

232. Council's Stormwater Specialist (**Annexure 6**) has undertaken a review of the proposal from a regional discharge stormwater perspective. This assessment sits alongside the stormwater assessments undertaken by Healthy Waters (**Annexure 2**) and Auckland Transport (**Annexure 11**) in addition to comments from the Development Engineer (**Annexure 4**). The regional perspective is to specifically assess, mitigate and authorise discharges from private or jointly owned assets into the environment.
233. In respect to the Stormwater Discharge and Diversion, the discharge is a private discharge consent given the rural nature of the site. The Regional Network Discharge Consent has been confirmed by Healthy Waters as not being applicable to this development. The only aspects of the network that are proposed to be vested are those contained within the proposed road reserve to vest, which will then be Auckland Transport assets.
234. Council's Stormwater Specialist, Development Engineer and Healthy Waters have identified the following key assessment issues and findings:
- a. There are particular uncertainties remaining for erosive effects, flooding impacts and overland flow path changes. Healthy Waters have advised that the flood model and a geomorphic assessment is required to further clarify risks of

erosion and flooding impacts, as discussed in greater detail below.

- b. To provide attenuation of flows, the Applicant has proposed the use of SMAF tanks and a flow constraining culverts (1-1 and 7) and a dry detention basin (in the IMD area). The use of culverts ('dams') in such a manner are higher in risk than treating flows directly at the source. This has been flagged as a concern by Council's Dam Specialist and Healthy Waters with respect to a lack of information about the design and safety of these structures, and how that could affect downstream flows and flooding, particularly in the event of a failure.
- c. No detail has been provided for the design details of the treatment and/or proprietary devices, including their sizing. This prevents a conclusive assessment being able to be undertaken with respect to stormwater quality effects. This includes a lack of clarity around the site wide water quality requirements under E8 of the AUP(OP) and any specific requirements pursuant to High-Contaminant Generating Car Parks under E9. Healthy Waters and Council's Stormwater specialist have confirmed that this is fundamental to resolve at this stage and cannot be conditioned as the final outcomes could have direct implications for the development layout (i.e.: if updates to the stormwater devices are required the overall subdivision and infrastructure design may need updating).

235. The identified information gaps notwithstanding, Council's Stormwater Specialist has reviewed the recommended conditions of consent proposed by the Applicant. Amendments to the stormwater conditions have been recommended to ensure that the stormwater quality treatment devices are appropriately designed in accordance with the relevant requirements.

236. The proposed stormwater management approach has also been reviewed by Auckland Transport's stormwater specialist, insofar as it relates to stormwater assets that will be vested to Auckland Transport and potential effects that relate to their existing and proposed assets. In respect to potential flood safety effects on Forestry Road these are provided in greater detail below. In relation to the proposed culverts within the vested section of Forestry Road, no specific concern has been raised with the details proposed, however, Auckland Transport have raised comment with regard to the specifications and standards required as part of the acceptance of any asset through vesting. They have requested that further detail be provided at this stage to demonstrate that these standards can be complied with. Practically, it is considered that this should be reviewed and discussed at this point between parties to avoid any implementation issues (e.g.: s127 requirements) at a later regulatory stage should achieving those outcomes require any stormwater design changes that have resource management implications.

Conclusions on Stormwater Effects

237. Council's Stormwater Specialist and Healthy Waters have identified significant technical uncertainties and unresolved issues that prevent full assessment of the proposal and its potential effects, and the suitability of the proposed stormwater management system.

238. Auckland Transport have identified standards as part of the vesting of Forestry Road that the culverts would need to achieve within this section and requested confirmation that compliance is confirmed at this point, which we suggest would be best resolved through direct discussions between the respective parties.
239. The proposed stormwater management approach could potentially be appropriate for the development, subject to resolution of the outstanding technical matters and implementation of comprehensive consent conditions. However, the current level of technical uncertainty means that acceptance of the stormwater management approach is conditional upon satisfactory completion of the additional assessments and design refinements identified by Healthy Waters, Council's Stormwater Specialist, and Auckland Transport.
240. There are potential significant residual impacts associated with the proposed stormwater management system that require proportionality assessment. See **Section D1**.

Natural Hazards (Flooding and Overland Flowpaths)

Applicant's Assessment

241. A Flood Assessment Report prepared by Maven. This has included a Flooding Hazard Assessment. Partial responses to preliminary queries were provided on 19th August 2025.
242. The Applicant has acknowledged in their response to Council's preliminary queries that they will provide the outstanding requested information within any formal s67 request, which is at the discretion of the Panel.

Council's Assessment

243. The Flood Assessment and further responses have been reviewed by Council's Healthy Waters (**Annexure 2**). They have confirmed that there are significant information gaps that prevent understanding and assessment of potential flooding effects of the proposed development on the surrounding environment. The critical gaps relate to the provision of the Applicant's flood model (including pre- and post-development scenarios), and a geomorphic assessment.
244. The Flood Model is essential and must be provided in order to confirm modelling assumptions, proposed and existing stormwater infrastructure size, verify the model performance and outputs, and confirm that the model is 'fit for purpose' to support the associated flood hazard and risk assessment.
245. A Geomorphic Risk Assessment is required to evaluate the current state of the network (noting there is evidence of active erosion of the existing watercourse network through the site), identify development impacts and mitigation strategies, and assess natural hazards and public safety risks. This assessment is essential to enable an assessment of effects of the development on the hydrological function of the wider network, health and safety (flooding and geotechnical risks), and on-going maintenance effects for

Healthy Waters.

246. The proposed flooding assessment has also been reviewed by Auckland Transport's specialist, insofar as it relates to potential effects that relate to their existing (upgraded) and proposed assets on Forestry Road and users. Auckland Transport have noted the proposed raising of Forestry Road as mitigation measures to flood risk but have noted based on limitations and isolated contradictions in information they are not able to conclude on potential flooding effects. Auckland Transport have identified information that they would request is provided to clarify the potential effects and effectiveness of the proposed mitigation.

Conclusions on Natural Hazards (Flooding and Overland Flowpaths) Effects

247. There are fundamental information gaps in the Applicant's assessment for the Council to be able to confirm if the proposal will appropriately manage and avoid any adverse flooding effects, and would satisfy s106 of the RMA as it relates to natural hazards.
248. It may be possible to demonstrate that the natural hazard effects relating to flooding and overland flowpaths, and in turn on land stability, can potentially be appropriately managed through the proposed approach, subject to resolution of the outstanding technical matters and implementation of comprehensive consent conditions. However, the current level of technical uncertainty and the sensitivity of this environment including downstream (context provided in the Healthy Waters **Annexure 2**) means that acceptance of the flooding and overland flowpaths is conditional upon completion and importantly review of effects of the additional assessments and design refinements identified by Healthy Waters and Auckland Transport.
249. There are potential significant residual flooding and natural hazard impacts that require proportionality assessment. See **Section D1**.

SECTION C.5 TRANSPORT EFFECTS

Transport

Applicant's Assessment

250. The proposal includes the upgrade and extension of Forestry Road along with a series of new shared driveways/ JOALs and vehicle crossings to provide access to the site off Old North Road and the extended Forestry Road and throughout the development site.
251. An Integrated Transportation Assessment Report and supporting response to preliminary Council queries, prepared by Commute, has assessed the transport related effects in respect to the road network, public transport, safety, trip generation, modelling, parking, servicing, access and construction. This has concluded that the proposal integrates effectively with the existing network without producing adverse safety effects or effects on the functionality of existing intersections. The internal road and JOAL layout, crossing locations, widths and gradients, and on-site parking and access are safe

and appropriate.

Council's Assessment

252. The Application including the Integrated Transportation Assessment Report and Applicant responses provided on 19 August 2025 have been reviewed by Auckland Transport (**Annexure 11**). The Auckland Transport review has been supported by a review by Martin Peake of Progressive Transport Solutions Limited Transport Consultants in respect to road safety / traffic engineering matters in regard to the operation of the road network around the site and in the wider environment.
253. The Application has also been reviewed by Council's Traffic Engineer (**Annexure 10**), who has assessed other primarily onsite traffic matters as they relate to shared driveway/ JOALs, vehicle crossings, shared access together with a broader review of safety considerations around proposed site accesses. A limited area of overlap between the reviews undertaken by Council's traffic specialists and Auckland Transport is the accesses onto the network from the proposed sites however parties have discussed these matters through coordination by Council and positions are generally consistent, rather than contradictory in advice.

Site Access

254. Auckland Transport and Council's Traffic Engineer agree that there are outstanding road safety issues with the design of a number of the proposed vehicle crossings onto Old North Road, primarily relating to the existing speed environment of Old North Road and the proposed positioning, positional restricted sightlines available from when using these accesses and intersections. They are, however, comfortable that there are opportunities to resolve these issues through detailed design responses. Suggested design changes are collectively summarised as follows, but can be read in detail along with the safety concerns which underpin these recommended changes within the specialist memorandums:
- a. Access 1 – include management of the proposed Sightline Land Covenant over Lot 50 as a responsibility of the proposed residents association, and changes to the design of JOAL 2 to widen at the intersection with JOAL 1 to ensure 8m vehicle tracking can be accommodated without crossing over lanes; A right turn bay to be provided on Old North Road for vehicles turning into Pinetone Road.
 - b. Access 2 (Browns Road) – realignment of the access to the western side of Lot 55 (between lot 55 and 57) and removal of Access 3 (can now be accessed off the relocated Access 2 subject to internal reconfiguration), to achieve this it is noted that internal roading would likely need to be repositioned to 'wrap' around Lot 57 which provides community facilities;
 - c. Access 4 – removal of access and instead provide JOAL or entrance strip across the front of Lot 71; and
 - d. Access 5 – introduction of a right turn bay within Old North Road per the design

for Accesses 1 and 3.

255. The reviews suggest, and we agree, it would be preferable from a completeness perspective for the Applicant to make these modifications ahead of granting a resource consent in order to confirm and assess these matters and fully establish any implications of the changes within the site CSL layout to achieve this. In considering the above recommendations, thought has been given to what would likely need to change within the site's layout and on the roading network to achieve this and these changes are not considered unrealistic. However, at the Panel's discretion Council consider that these could be managed through conditions of consent if there is agreement to the principle of these recommendations. Suggestions for the scope of these conditions have therefore been made for the Panel's consideration, and development of appropriate detailed wording would be expected through any condition conferencing.
256. Council's traffic engineer has also provided a number of additional suggestions with respect to the internal JOAL designs, including ensuring that suitable turning heads, signage, traffic calming, location of gates etc are provided at detailed design, which can be managed via conditions of consent.
257. Auckland Transport have also noted that to facilitate safe access for construction traffic (including heavy vehicles), Accesses 1 and 2 should be upgraded to their final design to provide right turn bays before construction which is a recommendation that it is understood that Commute as the Applicant's transport specialist agrees with. Auckland Transport considers this essential given the safety risks associated with heavy vehicle movements at access points with existing visibility constraints.

Immediate Network

258. Auckland Transport have reviewed the provided traffic modelling for the immediate local network intersections, noting that it has taken into account cumulative traffic from PC100 should that be approved. Minor mitigation measures are, however, considered appropriate for the Deacon Road/Riverhead Road (advisory speed signs or speed-activated warning signs) and Deacon Road/Forestry Road (channelised right-turn bay) intersections to ensure they continue to function safely. The recommended design measures are summarised in paragraphs 57-60 of **Annexure 11** and can be secured through conditions of consent.

Wider Network

259. Auckland Transport, however, have notably raised concerns with the wider network effects and in particular the effects the proposed development could have on the acutely congested SH16 / Coatesville-Riverhead Highway intersection along with the operation of nearby roads such as Old North Road and Coatesville-Riverhead Highway.
260. Auckland Transport have identified in their response the NZ Transport Agency Project – Stage 2 - SH16 Brigham Creek to Waimauku project which aims to improve safety and capacity along SH16 between Brigham Creek Road and Kumeu. Stage 2 is split into three sections, with section 1 of Stage 2 being the matter of relevance to Auckland

Transport's comments. The Commute Specialist Comments Response expressly agrees that the Section 1 of the NZTA Stage 2 Improvements should be implemented prior to development, but also suggest that the operation of SH16 and the SH16/Coatesville-Riverhead Highway intersection is not the developer's responsibility, as the site is some 5km from the State Highway.

261. Auckland Transport have addressed the Applicant's distance argument, noting that Auckland Transport's traffic distribution analysis demonstrates development traffic will utilise both Old North Road and Coatesville-Riverhead Highway as primary routes to access SH16, contrary to the Applicant's assumption that only Old North Road would be used. Auckland Transport considers that physical distance is less relevant than the direct operational impact on both networks. Importantly, while NZTA manages the State Highway, Auckland Transport is responsible for both Old North Road and Coatesville-Riverhead Highway, meaning Auckland Transport's local road network will bear the direct operational impacts on both already congested routes. Auckland Transport considers the SH16/Coatesville-Riverhead Highway intersection to be a material constraint for development of this site, with network effects assessment determined by the specific characteristics and impacts of the development.
262. In terms of the status of the project, Auckland Transport have advised that although NZTA announced funding approval on 1 July 2025, the project's timeline remains uncertain. They note that a previous submission in May 2024 anticipated completion by mid-2029 if funding was secured promptly. However, due to delays, the project may extend beyond 2029, as it still requires detailed design, consenting, property acquisition, and construction. There is considered to be a good understanding of the status of this project as a result of its relevance to the nearby PC100 plan change proposal.
263. Auckland Transport are of the opinion that the various constituent parts of section 1, Stage 2 of the SH16 Waimauku to Bringham Creek Road upgrades must be completed prior to occupation of the proposed dwellings, as there are existing acute capacity issues at the SH16/Coatesville-Riverhead Highway intersection especially at the morning peak times and affect and include the surrounding network (Old North Road and Coatesville-Riverhead Highway) that would be exacerbated by this application. Auckland Transport as an outcome of questions on this matter through the substantive application's assessment and following detailed review is recommending a condition of consent which would restrict the occupation of dwellings or retirement village units until the completion of section 1 of the Stage 2 project. Auckland Transport have correctly acknowledged that dwellings in the CSL are not formally proposed as a land use activity in this application and would therefore consider a consent notice would be required to secure this requirement.
264. The operation of the State Highway is the responsibility of NZTA however issues of congestion on the State Highway and at the intersection relate to the network for which Auckland Transport are responsible, these divisions of responsibility are irrelevant to user experiences and how the network operates. Stage 2, section 1 includes the upgrading of the SH16 / Coatesville-Riverhead Highway intersection to a roundabout; and the four-laning of SH16 between Coatesville-Riverhead Highway and Bringham Creek Road.

265. We understand that NZTA have been invited to comment on this proposal directly by the EPA. At the time of writing, we have not reviewed any comments by NZTA on this proposal, and as such their position on this matter is unknown. We note that any update on the status of Stage 2 will be of importance and of assistance to the Panel.
266. Given the significance for such a restriction we are aware the panel will carefully review the conclusions reached by both Auckland Transport and the Applicant's Traffic Engineer, and explore this further with the input of NZTA, Auckland Transport, and the Applicant team. We would welcome any further discussions in this regard but note that the Panel has invited comment direct for Auckland Transport.
267. From a planning perspective to assist with these discussions, we would note:
- a. As discussed in greater detail in Section B1 above, we do not agree that there is a permitted baseline of approximately 400 dwellings on the subject site exists, against which the trip generation and effects on this intersection can be considered against. It has not been suggested that a non-fanciful permitted baseline would be 20 dwellings which could be achieved to date under rule E21.4.1(A3) which the Panel may wish to consider.
 - b. We understand that the Stage 2 works are funded and expected to be delivered by 2029 (although delays are possible). As this is an NZTA project, however, we encourage the Panel to seek input from NZTA on timing of construction. If the 2029 timeframe is confirmed as still accurate and there is a degree of certainty provided by NZTA on this, then it could be worth considering the actual implications of such a condition. i.e.: is it likely that the delivery of any dwellings or retirement village units within this consent would occur prior to the section 1 upgrades being completed?
 - c. Noting that this may not be possible under the timeframes of this application under the FTAA, further information and consideration of Plan Change 100 could be useful background information for this discussion.

Forestry Road

268. Auckland Transport have provided detailed specialist comments (from Griffin Benton-Lynne of Awa) and have outstanding flood safety concerns and information requests in respect to the flood resilience and safety of this section of the network as discussed previously. Auckland Transport note that the proposed upgrade and vesting of Forestry Road are generally supported, subject to building consent approval of retaining structures and maintenance responsibilities. They note that approval from affected property owners will also be required where vehicle access is impacted and works extend into third-party land. This is also subject to outstanding concerns relating to flooding and stormwater management as detailed above.

Shared Path and Connectivity to Riverhead

269. Auckland Transport, Council's Traffic Engineer, Council's Landscape and Council Urban Design Specialists have all provided comments which generally welcome and consider the importance of the proposed connection to Riverhead from Lot 2 and the IMD. This access, if realised, will provide a non-vehicular means of access and connection and also provide for public access into the application site and wider Forest. Council is responding separately on this matter in response to Minute 2, Appendix 5 of the Panel.

Conclusions on Transport Effects

270. There are a number of unresolved road safety effects both for future occupants of the development and users of the network from the proposed development in its current form. Council's Traffic Engineer and Auckland Transport are, however, satisfied that these are resolvable subject to realistic amendments and/or additional conditions of consent relating to:
- a. Vehicle crossing design and location
 - b. Sightlines management
 - c. JOAL design and tracking/turning outcomes
 - d. Local road network intersection mitigation measures.
271. It would be preferable from a completeness perspective for the Applicant to make these modifications ahead of granting a resource consent, however these could be managed through additional and amended conditions of consent subject to Panel direction. Recommendations in this regard have been included in **Annexures 10 and 11**.
272. There are outstanding identified concerns from Auckland Transport with respect to potential adverse effects on the functionality and efficiency of the network currently subject to acute congestion, focused and related to the SH16, its intersection with the Coatesville-Riverhead Highway and the local roads leading to this. A condition of consent has been recommended by Auckland Transport (no occupation of any dwellings or retirement units until Section 1 of the NZTA Stage 2 Waimauku to Brigham Creek Road project is completed and operational) that they are satisfied would address this concern, however this condition is clearly a significant matter and would require careful consideration and potentially further discussion with parties.
273. At this point, provided the recommended conditions are imposed, and an agreement is reached with respect to the Section 1 upgrades to SH16 and the SH16/Coatesville Riverhead Highway intersection, there are no significant residual traffic impacts that require proportionality assessment. For completeness, however, a proportionality assessment has been completed in Section D.1 in the event that a consensus cannot be reached with respect to the Section 1 upgrades.

Waste Management

Applicant's Assessment

274. The proposed waste management includes private collection for all proposed residential lots and the retirement village activity. A Waste Management Plan for the proposed

collection has been provided.

Council's Assessment

275. The proposed waste management by private collection has been reviewed by Council's Waste Solutions Specialist (**Annexure 21**) who has confirmed the proposal is acceptable.
276. From a transport perspective, the only unresolved issue with respect to waste management relates to the provision of on-site turning and manoeuvring outcomes for the refuse vehicles within the private JOAL network. It is recommended that the JOALs be designed through detailed design to accommodate appropriate turning heads where they are dead-ends. This can be secured through conditions of consent.

Conclusions on Waste Management Effects

277. There is agreement between the Applicant and Council in respect to waste management and the consent conditions proposed are appropriate.
278. There are no significant residual waste management impacts that require a proportionality assessment.

SECTION C.6 ECOLOGY EFFECTS

Freshwater Ecology

Applicant's Assessment

279. An Ecological Impact Assessment prepared by Bioresearches has assessed the adverse effects on ecology values. This has included assessments of both freshwater (wetlands and streams) and terrestrial ecology.
280. The Ecological Impact Assessment has included an assessment as they relate to stream works/construction of culverts and wetlands works.
281. The Ecological Impact Assessment confirms mitigation measures with respect to freshwater ecological values as the proposed revegetation of riparian margins and implementation of management plans (Native Fish Recovery and Relocation Plan, Native Freshwater Fauna Management Plan, Sediment and Erosion Control Plan). Additionally, a Draft Stream Management Plan has been provided.

Council's Assessment

282. Council's Freshwater Ecologist has identified a number of additional reasons for consent that have not been applied for by the Applicant.
283. The freshwater/aquatic ecology matters have been reviewed by Council's Streamworks

specialist and Freshwater Ecologist in **Annexure 13** who has advised that there are significant gaps in the Applicant's assessment, primarily in relation to:

- a. The extent and design of existing and proposed culverts/dams and ripraps and associated assessment and consideration of ecological effects and mitigation requirements;
- b. How stream morphology will be protected from increased erosion pressure from the development proposed;
- c. Fish passage.

284. This means that management of effects cannot be fully assessed by Council, however it is noted that no mitigation is proposed for the loss of stream beds and as such there is a risk for significant residual adverse effects.
285. The culverts proposed are considered by Council to reflect progressive encasement and as such do not comply with Standard E3.6.1.14(1)(c)³⁰. The Applicant is of the position that this is a permitted activity, and not progressive encasement as each culvert is no longer than 30m. Council's position is detailed in **Annexure 13**. This is a fundamental difference in opinion, as it has resulted in the Applicant considering that the confirmation of design details to understand the scale of stream bed loss, and an associated assessment of effects is unnecessary on the basis that the plan provides for the culverts as a permitted activity. The lack of the detail confirming the extent and design of the culverts, raises uncertainty with respect to effects and the degree of mitigation required.
286. With respect to the stream morphology concerns, the proposal accommodates substantial changes to the stormwater management and run-off profile of the site. Inadequate controls in this regard are likely to lead to local and downstream loss of stream value. This could be exacerbated by the extent of culvert and rip-rap structures proposed within the stream beds.
287. These information gaps result in the extent and degree of adverse freshwater ecology effects being unable to be fully assessed, and whether the proposed mitigation measures are proportionate to the adverse effects. Given the extent of uncertainties in this regard, Council's Ecologist has advised that it would be inappropriate to rely on conditions along to address the potential adverse effects.
288. This notwithstanding Council's Ecologist has recommended a number of amendments and additional conditions, should the Panel be minded to approve the consent in its current form.
289. It is furthermore noted, as discussed elsewhere in this memo, that while the submitted Ecological Impact Assessment has relied on the proposed riparian revegetation as mitigation for aspects of the streamworks, the Applicant has been clear elsewhere in their Application that they do not consider any of the proposed planting is required for mitigation of any adverse effects of the development. Council would support this revegetation forming part of the mitigation package of this Application via additional

³⁰ "a new structure must not be erected or placed in individual lengths of 30m or less where this would otherwise progressively encase or modify the bed of a river or stream."

conditions of consent.

Conclusion of Freshwater Ecology Effects

290. Due to insufficient information being available at this stage, Council's Freshwater Ecologist is unable to complete a full assessment and acceptance of the application.
291. The Freshwater assessment identifies material concerns requiring resolution, including:
- a. Culvert lengths and designs, including erosion and scour devices at inlet/outlets and associated mitigation requirements;
 - b. Missing essential technical documentation, particularly the Geomorphic Risk Assessment requested in June 2025.
292. The adverse freshwater ecological impacts are unknown, but are potentially significant and these require a proportionality assessment to be undertaken. See **Section D** below.

Terrestrial Ecology

Applicant's Assessment

293. An Ecological Impact Assessment prepared by Biosearches has assessed the adverse effects on ecology values. This has included assessments of both freshwater (wetlands and streams) and terrestrial ecology.
294. Mitigation measures pertaining to potential terrestrial ecology effects are detailed in Section 5.4.1 and 5.4.2 of the Ecological Impact Assessment. No measures are proposed in relation to terrestrial flora. The implementation of Fauna Management Plans (Lizards, Birds, Bats) is proposed to manage effects during construction. Long-term measures relating to light spill, reflective surfaces, pest animal management, domestic animal curfews, and retention of high-risk bat trees are also proposed.
295. The Ecological Impact Assessment has stated the proposed revegetation planting would achieve a net gain in riparian and wetland vegetation and habitat.

Council's Assessment

296. The Terrestrial Ecology matters have been reviewed by Council's Ecologist (**Annexure 14**), who has raised concerns in respect to the adequacy of the ecological assessments provided in the Application.
297. Council's Ecologist has identified a number of information gaps in the Applicant's assessment which are set out in detail in their memo (**Annexure 14**). This information includes but is not limited to:
- Details pertaining to the extent of culverts and associated loss of riparian and wetland buffer loss;
 - Site Specific Fauna and Flora Surveys and Reporting/Assessment

- Assessments of potential conflicts with covenant bush areas including wastewater irrigation fields, stormwater dispersal infrastructure, and public walkways, and associated effects.
 - Consistency of re-vegetation with Appendix 16 of the AUP(OP)
 - Covenant/habitat establishment and management, including feasibility of the proposed Residents Association process for on-going management of the covenant/bush areas and walkways.
 - Enforcement procedures/obligations for proposed restrictions on Domestic Pets.
298. Council's Ecologist has identified that, should the outcomes detailed in the Application be comprehensively delivered in accordance with best practice ecological methodologies and maintained accordingly, the proposal could result in positive ecological effects.
299. The concerns raised by the Ecologist are primarily related to the lack of surety in the delivery of these outcomes, and it is their position that this is a fundamental information gap that should be resolved through further information prior to a decision being made. We would encourage a request for further information in this regard if the Panel is so minded, however, are satisfied from a planning perspective that conditions, provided they are adequately detailed and specific, could address the ecological concerns with respect to information gaps. We would envisage these relate to:
- a. Fauna and Flora surveys and reports prior to works commencing;
 - b. Finalised flora and fauna management plans that are informed by the final surveys to be certified by Council prior to works comments;
 - c. Finalised landscape/revegetation plans to be certified by Council, and requiring input from a suitably qualified ecologist;
 - d. Arboricultural supervision of all WWTP and dispersal field installations where within riparian margins and/or covenanted areas;
 - e. Covenant Management and Maintenance Plan to be certified by Council;
 - f. Specific details and requirements for the Residents Association and their management and maintenance obligations (see further commentary on this below).
300. There are a number of more fundamental matters that warrant further consideration.
301. The proposal accommodates approximately 222ha of revegetation (188.4ha on the CSL subdivision site and the remainder within the curtilage around the IMD). While the submitted Ecological Impact Assessment has detailed this revegetation as mitigation, the Ecological Management Plan does not include any revegetation details. Further, the Applicant has been clear elsewhere in their Application that they do not consider any of the proposed planting is required for mitigation of any adverse effects of the development. We disagree in this regard and suggest the proposed revegetation should form part of the mitigation package of this Application. We therefore would recommend clear conditions in this regard, including a requirement for a protective covenant over the revegetation area within Lot 2 (around the IMD).
302. Concerns have been raised by Council Ecologist in respect to the ownership structure

of private covenant areas. The ecological preference is for all covenant areas to be retained within a single shared bush lot to ensure consistency of long-term maintenance and management. From a planning perspective, we would encourage the Panel to consider the potential financial obligations and feasibility of this structure as it likely will require relatively substantial funding to ensure the outcomes sought are actually practical to deliver and maintain in the long-term. While the model is theoretically workable, this will be imperative to get right to ensure the necessary ecological (and landscape, as noted in Section C.7 below) mitigation is achieved by the proposal, and the associated benefits delivered. As discussed throughout this memo, this is a critical component of the proposal and the conclusions we have reached.

303. Council's Ecologist has also noted that the proposed pedestrian connections within existing and proposed covenant areas, and split ownership of the covenant areas could create potential maintenance issues and enforcement issues. These assets are wholly private and all maintenance obligations will be the responsibility of the consent holder/Residents Association. We expect Council will have a role in enforcement should action be required through the finalise covenant wording.

Conclusions on Terrestrial Ecology Effects

304. There are disagreements between the Council's Terrestrial Ecologist and the Applicant with respect to the scope of potential adverse terrestrial ecological effects, and the scope of mitigation and detail in conditions required to appropriately manage and mitigate adverse effects. If the Panel is minded, further information would be beneficial to allow a more comprehensive review of effects.
305. We are, however, overall satisfied that the implementation of the proposed and additional recommended conditions can ensure terrestrial ecological effects are avoided or appropriately mitigated.
306. Provided the recommended conditions and amendments are imposed, there are no significant residual terrestrial impacts that require proportionality assessment.

Arboricultural

Applicant's Assessment

307. An Arboricultural Assessment prepared by The Tree Consultancy Company has assessed the proposed street tree removals from within Forestry Road for the section of existing road subject to road upgrades. The further information response received 19/08/25 has confirmed that as mitigation for the proposed removals 225 new trees will be planted and has offered a replanting plan condition of consent.
308. No arboricultural assessment has been provided with respect to any tree works within the site itself.

Council's Assessment

309. In respect to arboricultural related effects, the Arboricultural Assessment prepared by Peers Brown Miller Ecological Impact Assessment prepared by Bioresearches, and relevant application documentation has been reviewed by Council's Arborist (**Annexure 15**).
310. They have advised that the removal/ loss of trees from the road reserve can be appropriately mitigated from an arboricultural perspective through the implementation of the replacement planting. They acknowledge and accept the scale of the replanting (being 225 trees) and potential for it to be more practical to enable some of this to occur within the site itself rather than wholly within the road reserve. Conditions of consent are recommended to allow for such flexibility subject to certification of a replanting plan, as suggested by the Applicant in their response dated 19 August 2025.
311. With respect to potential arboricultural effects from the works within the site itself, Council's Arborist has relied on other supporting information within the application package as no arboricultural assessment has been submitted. In this regard, they are comfortable that the potential arboricultural effects of these works can be adequately mitigated by the overall revegetation package proposed, provided conditions are added to ensure this is appropriately delivered as proposed, including the implementation of arboricultural supervision during works within sensitive areas where existing vegetation is being retained.

Conclusions on Arboricultural Effects

312. The implementation of the proposed and additional recommended conditions will ensure arboricultural effects are avoided or appropriately mitigated.
313. There are no significant residual arboricultural impacts that require proportionality assessment.

SECTION C.7 LANDSCAPE AND VISUAL EFFECTS

Applicant's Assessment

314. Boffa Miskell have prepared a Master Plan, Landscape Masterplan, Cultural Masterplan, Landscape Concepts, Elements, and Design Guidelines for the overall Rangitooopuni project. They have also provided an Urban Design and Landscape Visual Effects Assessment. These include a draft lighting plan for the IMD component and high-level comments on overall lighting policies. No draft lighting plan has been provided for the CSL subdivision aspect of the development
315. The assessments have concluded that the proposal will result in a rural character generally consistent with the Countryside Living Zone and Treaty Settlement Provisions and sensitively responds and enhances the landscape setting of the area.
316. The landscape and visual effects have been summarised in the AEE prepared by Campbell Brown Planning Limited who have considered landscape character effects

and visual amenity effects are largely positive.

Council's Assessment

317. The Application has been reviewed by Council's Landscape Architect (**Annexure 16**).
318. Council's Landscape Architect is in broad agreement with the assessment provided by Boffa Miskell with respect to landscape and visual effects with respect to the CSL subdivision. Council's Landscape Architect notes that implementation and control of future dwelling development within these lots will be important to ensure delivery of the applicant's vision and accepts that the proposed residents' association and design guidelines approach will be critical to ensure this is the case.
319. The Council Landscape Architect supports the Application overall from a landscape and visual effects perspective. The proposal subject to these outcomes being realised is noted as clearly being a specific design response for the site, which has been led by landscape and ecological advice from the outset, with key landscape related opportunities and constraints informing the design and influencing the outcomes being sought.
320. The Council Landscape Architect has noted the importance of what is referred to as the common ownership model (residents society applying to the CSL) as the key mechanism for ensuring the project's vision is achieved over time, including for the proposed comprehensive landscape rehabilitation. This work is extensive and will require a long-term approach to implementation, establishment and ongoing management (with associated funding).
321. They have, however, concluded that the IMD aspect does present a relatively intensive urban character, and that a balance to this development intensity is recommended to manage the potential adverse landscape and visual effects of the proposed and that this is achieved such that the undeveloped part of the site retains a strong natural landscape character through wider revegetation or retention as pine forest. On this matter the Landscape Architect recognises that any future subdivision or development proposals for this balance area of the site on Lot 2 would be assessed on the merits at that particular time, acknowledging that this could include comprehensive revegetation of this land.
322. Council's Lighting Specialist has reviewed the proposal (**Annexure 18**), in particular the proposed draft lighting details and policies for the overall development. They are satisfied that the proposed "dark sky" policies and high-level details for the proposed lighting will ensure compliance with the AUP(OP) lighting requirements and is appropriate for this type of rural character development, noting finalised detailed lighting plans are proposed to be provided via conditions of consent. Council's Landscape Architect has not raised any concerns with the draft lighting proposal.

Conclusions on Landscape and Visual Effects

323. There is broad agreement between the Applicant and Council's Landscape Architect that

the proposed Countryside Living Subdivision aspect of the proposal is well-considered in terms of landscape context and accommodates an appropriate overall response to the site context to manage and minimise potential adverse effects.

324. There are, however, potential effects of concern pertaining to the IMD aspect and associated long term landscape and visual effects. The recognition that any future subdivision or development proposals if they were to be lodged for the remainder of site area of Lot 2 (currently in use for forestry purposes) will be assessed on its merits at that time is agreed but we would think it appropriate to acknowledge as part of any future application the consideration given to the natural landscape character this provides in such a case.
325. The adverse impacts related to landscape and visual effects are not considered significant, provided additional conditions as recommended including to secure and retain in the long-term the proposed revegetation and landscaping outcomes. Provided this is achieved, no proportionality assessment is considered necessary. The Council Landscape Architect has also recommended minor amendments and additions to other proposed conditions which are in part an outcome of discussion with the applicant's Landscape Architect and are considered to be within the scope of the condition conferencing as suggested by the Applicant's agent in the event of that part of the process being reached for the substantive application.

SECTION C.8 RURAL FORM AND NEIGHBOURHOOD CHARACTER

Applicant's Assessment

326. Boffa Miskell have prepared a Master Plan, Landscape Masterplan, Cultural Masterplan, Landscape Concepts, Elements, and Design Guidelines for the overall Rangitooopuni project. They have also provided an Urban Design and Landscape Visual Effects Assessment.

Council's Assessment

327. The Application including the Urban Design Assessment has been reviewed by Council's Urban Designer (**Annexure 17**). Council's Urban Designer is generally of a similar opinion to Council's Landscape Architect, commenting that the proposed restoration of a native bush landscape across the development site will be critical in managing the potential effects of the intensity and built form proposed and enabled by this development. They comment that the location, massing and design elements (including materiality) of the built form proposed achieves a scale and mass that "resemble accretions of smaller, more rural scale buildings", with the landscaping offering the important additional screening to further break up the overall mass of the development as a whole and create the distinctive and quality overall character and amenity outcomes planned for the site.
328. Given the importance identified by Council's Urban Designer of the proposed landscaping outcomes in this regard, we reinforce the importance of securing

appropriate delivery and long-term maintenance and management of this landscaping in managing the potential effects and achieving a quality overall development.

329. From an Urban Design perspective, Council's specialist is satisfied that appropriate consideration has been given to access, with a network of appropriate vehicular accesses and separate active mode outcomes proposed throughout the site, acknowledging that the delivery of the active mode connection to Riverhead through Duke Street is still under discussion, but that this would be a positive outcome if achieved.

Conclusions on Rural Form and Neighbourhood Character Effects

330. There is broad agreement between the Applicant and Council's Urban Designer aspect of the proposal is well-considered in terms of urban design, and accommodates an appropriate overall response to the site context to manage and minimise potential adverse effects.
331. The adverse impacts related to rural form and neighbourhood character effects are not considered significant, and as such do not require a proportionality assessment to be undertaken, provided additional conditions as recommended including to secure and retain in the long-term the proposed revegetation and landscaping outcomes. Provided this is achieved, no proportionality assessment is considered necessary.

SECTION C.9 PARKS AND RESERVES

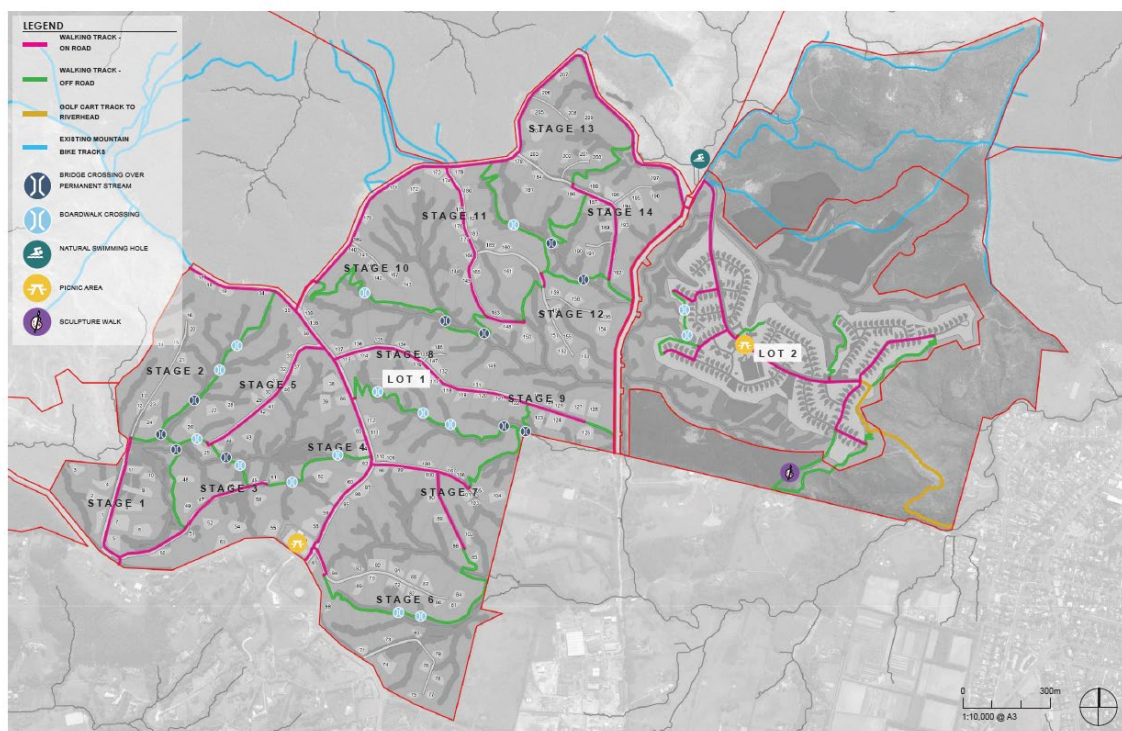
Applicant's Assessment

332. One road to vest is proposed as part of this Application.
333. No reserves are proposed.
334. The Application also includes the provision of an extensive walking and cycling tracks through the development that will be accessible to the public via proposed public access easements across these tracks.

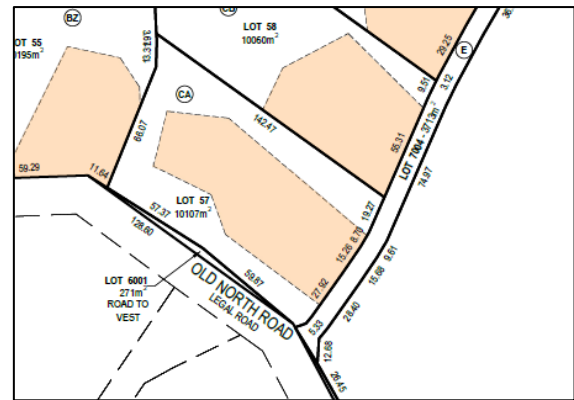
Council's Assessment

335. Council's Parks Planning Specialist (**Annexure 19**) has confirmed that Council does not require and will not acquire parks land as part of this development, and as such that the proposal for no public reserves is appropriate.
336. The proposed cycling and walking network through the site is supported by the Greenways Plan for the area and contributes to delivering the long-term aspiration for Rodney Local Board and Council for greenway connectivity within this area. The proposed easements to secure the public connectivity through the site will require approval from Council, which is a process that sits outside of the consenting framework.

337. Feedback on the Panel's queries relating to the potential connection through Wautaiti Stream Esplanade Reserve have been provided in the Memorandum Response to Minute 2 (**Annexure 26**) which has included engagement with the Parks Planning Specialist.
338. Whilst not a matter raised by the Council Parks Planning Specialist on the matter of public access it is noted that scheme plan for the proposed Retirement Village does not provide for easements to provide right of access for the bike tracks as noted in the following walkways plan. It is understood that this is the Applicant's intention, and it is suggested that this matter could be resolved through and subject to any condition conferencing. Council have previously suggested that scheme plans are updated to include key natural features and watercourses and therefore a single scheme plan showing these and all RoW easements across the site would be considered advantageous for clarity.



339. Separately it is also noted that there is conflicting information which needs to be resolved between what is sought to be achieved on Lot 57 in terms of community facilities and a publicly accessible car park and the scheme plan which appears to be considering this as a vacant lot for residential use.



Conclusions on Parks Effects

340. There are no adverse effects of note, and therefore no impacts that require proportionality assessment.

SECTION C.10 REVERSE SENSITIVITY AND AMENITY EFFECTS

Waitematā Clay Target Club

Applicant's Assessment

341. Marshall Day Acoustics and Campbell Brown Planning Limited have provided an assessment of the Application with respect to reverse sensitivity effects from the nearby Waitemata Gun Club in the submitted Gun Club Noise Reverse Sensitivity Assessment and AEE. These have been per reviewed by Earcon Acoustics. This is underpinned by Campbell Brown Memorandum on Waitemata Gun Club Consent History and Existing Use Rights.
342. A no complaints covenant over areas of the site (specific lots) is proposed (refer to condition 170) which is to prevent owners of those lots from making complaints in relation to what is considered by the applicant to be the lawful activities of the club being one per month between the hours of 11.00am to 5.00pm. The lots selected appear to have been based on a receiving LAF_{max} dB 55 from shooting activities at the club, however Lots 1, 5, 6 and 7 which experience the highest noise level have been missed from this proposed condition which is likely an error of drafting rather than by intention. No other mitigation measures are proposed.

343. These assessments have identified that the Gun Club is currently operating outside their consent parameters, however state that this is a compliance issue and it should not be within the remit of the Applicant to address reverse sensitivity effects generated from unconsented activities.

Council's Assessment

344. The provided assessments have been reviewed by Council's Acoustic Specialist (**Annexure 20**).

345. Council's Acoustic Specialist has reviewed the Application and the no-complaints covenant.
346. It is noted that the Applicant's specialists have assessed noise from the Club and the associated potential reverse sensitivity and on-site amenity effects on the basis of a legally established operation from 1966. This is an operation of one day a month. From a preliminary review of Council records, it is clear that the gun club is not currently operating on that basis but rather operates much more frequently. Due to the complexity of the compliance, consenting, and planning history of the Gun Club site, at this stage we do not consider that we can confirm the Applicant's position that the 1966 permit represents the applicable receiving environment, or whether the Gun Club are legally permitted to operate more frequently than once a month.
347. We note that the applicant has reviewed the submissions provided as part of the PAUP process. We will continue to investigate this matter in regard to the Club's statements on potential existing use rights and/or the background for the compliance letter statement regarding operations in 2017 (highlighted in **Annexure 20**) and provide any further evidence we can, if the Panel consider it relevant to their considerations. We also note that the Panel have invited comment from the Club itself and anticipate that if this is received it will be important to consider in relation to this matter.
348. The Council Acoustic Specialist has identified, given the potential significant difference in positions which could constitute the lawful receiving environment, there is a need for further investigation before a decision is made on onsite amenity effects and reverse sensitivity, however at this stage we can provide the following comments for the Panels consideration.

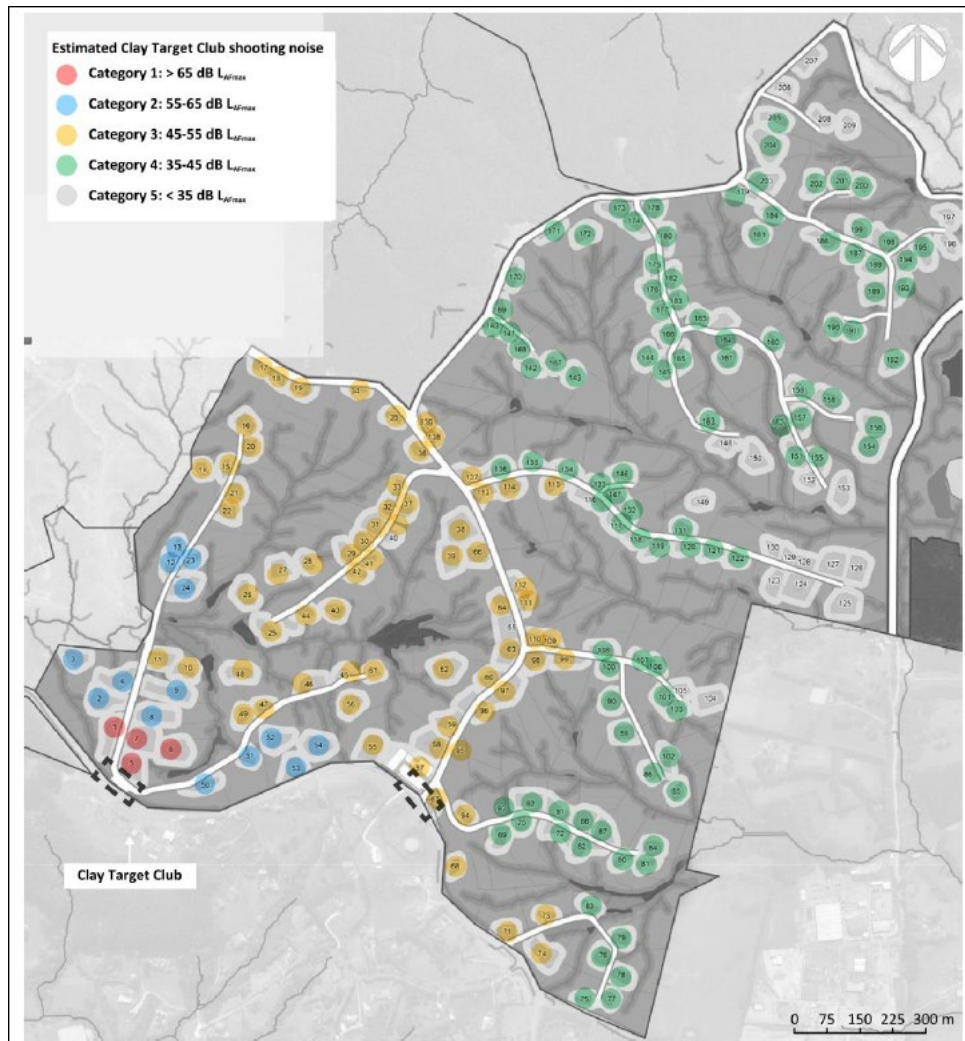
Reverse Sensitivity

349. The Council's Acoustic Specialist has confirmed that the no complaints covenant may (certainly if the 1966 Permit is taken to be the lawful operation) adequately address any reverse sensitivity effects.
350. The specialist has identified an error in respect to the drafting of proposed condition 170, noting that this should include Lot 1, 5, 6 and 7 (Category 1 lots within the Marshall Day reporting).

On-Site Amenity

351. Separate to the Council Acoustic Specialists review, the no complaints covenant will not physically mitigate the noise. The Marshall Day Acoustics report has advised that the shooting can be audible and annoying and particularly noise of over 65 dB L_{Amax} is likely to cause serious annoyance. We, therefore, would encourage that consideration be given to requiring additional mitigation measures (e.g.: acoustic design and mechanical ventilation requirements for future dwellings) for dwellings within those areas subject to the no complaints covenant (to whatever extent gets decided upon) to ensure they are constructed in a manner that can enable occupiers to mitigate the annoyance.

352. Additionally, it is apparent that the Marshall Day reporting identifies that for properties experiencing an estimated gunshot noise level of between 45-55 L_{AFmax} dB 55 from gunshot, noise will be audible and annoying to some people and that effects will be reasonable provided the property titles include an appropriate covenant. However, no no-complaints covenant is proposed for these lots which are shown in yellow in the below image:



353. A peer review of the Marshall Day Acoustics report has been undertaken for the Applicant by Earcon Acoustics. They are of the opinion that noise levels below L_{AFmax} 55dB do not warrant further mitigation, especially considering the lawfully established environmental noise from the Gun Club would only occur for 12 days in a year and would be limited to daytime hours. This is stated on the basis of the understood lawful activities as per the 1966 permit.

Conclusions on Reverse Sensitivity – Gun Club Effects

354. The Panel consideration on the Applicant's specialist position on the lawful operation for the Club is considered a key matter and will provide direction to this matter. The proposed no complaints covenant in its drafting is based on the duration of 1 day per

month between 11.00-5pm. The Panel has invited comment from the Club, and Council have also provided the additional information in respect to compliance correspondence for their review.

355. In the event of the Panel being satisfied with the Applicant's representatives' position on the lawful operation, then subsequently a no complaints covenant can adequately address potential reverse sensitivity effects. In the event of the lawful activities of the Club being considered as more extensive or alternatively the Panel considering that a baseline more akin to what appears to be experienced should be used, then it is still considered that a no-complaints covenant may be utilised however this would need to be based on this revised position.
356. Separate to this matter there is also a contradiction in the assessment of the Marshall Day Acoustic Statement with regard to lots where a covenant area required to mitigate effects and the drafting of proposed condition no.170 which does not include these lots, which are counted as 68 additional lots. The Earcon peer review provides an assessment, that for these properties requiring such a covenant would be overly conservative, however this conclusion has regard to the 1966 permit as the lawful position. It is suggested that clarification on the baseline of the activities for the Club should also include a review of these assessments in the event of any change from the 1966 Permit.
357. Separate to the no-complaints covenant in relation to onsite amenity of future dwellings we recommend that a consideration is given to a condition of consent requiring additional mitigation measures (e.g.: acoustic design and mechanical ventilation requirements for future dwellings) for dwellings within category 1-2 and potentially category 3 areas as identified in the Marshall Day Report dependent on the outcome of investigations and consideration of what Club activities form the receiving environment. Effects here are currently unknown and residual adverse reverse sensitivity effects relating to the gun club, which require proportionality assessment.

Rural Production – Forestry Activities

358. The remainder of Riverhead forest, including the balance of Lot 2 will continue to be used for commercial forestry activities. It is understood that this will be eventually phased out and the lease with the Crown ceased in time as the current crops mature and are harvested. This does, however, pose potential reverse sensitivity effects in the interim while the surrounding land is still being used for forestry purposes.

Applicant's Assessment

359. The Applicant has provided in Section 7.8 of the AEE an assessment of the proposal against the applicable sections of the National Environmental Standards for Commercial Forestry (NES: CF), concluding that all activities are all sufficiently set back from the forestry activities to achieved compliance with those provisions.
360. No specific assessment of reverse sensitivity effects in this regard has been provided,

however relevant commentary has been provided in Section 10.4.1³¹ of the AEE which states:

With the exception of the remaining forest, most of the adjoining land is already in small land holdings that provide for rural lifestyle living. Those blocks of land do not contribute significantly to rural production. The remaining forest land is used productively and will be able to continue operating if the owners choose to continue with that land use. Forestry is a land use that can coexist with countryside living, noting that there will be separation between planted trees and dwellings provided by the forestry roads and the setbacks already provided at the forest edge.

The proposed countryside living activities, including the retirement village, is appropriately located and will not impact on rural productivity, either through direct loss of productive land or through reverse sensitivity effects compromising use of land in the Rural Production Zone or Mixed Rural Zone.

361. The Applicant has provided an additional response in relation to traffic access and use for the forestry activities in the RFI response tracker, dated 19 August 25:

These areas will be accessed by the forestry operator independently and not through the retirement village. Access can be taken from the north, and the applicant will work with the operator to establish suitable alternative routes to reach these areas.

362. The RFI query this was responding to was specific to the IMD aspect of the development and the surrounding plantation. No commentary has been provided with respect to access to the forestry areas around the CSL subdivision site, however it is assumed that a similar approach would be taken.

Council's Assessment

363. With respect to the activity itself, we are generally in agreement with the Applicant that forestry is an activity that can generally coexist with countryside living activities. Harvesting activities will likely be limited in duration, and it is expected that occupants/future residents will be aware of their proximity to an existing forestry activity such that potential concerns when harvesting does occur would be minimised, which will be further supported by the separation distances that are offered by the proposed revegetation areas. Further, the forestry activity is understood to have a limited lifetime left, such that the areas around the proposed development are likely to only be subject to a single last harvest.
364. Providing for forestry access across the internal JOALs and access systems within the site would pose a potentially significant reverse sensitivity effect. As such, we consider it appropriate that alternative access arrangements would be required and secured through agreements with the forestry operator to achieve this. Conditions may be appropriate to ensure this is the case, however accepting that this is in the best interest

³¹ Page 166

of all parties it may not be strictly necessary and could be managed via an advice note. We would, however, raise a question relating to the practicality of providing access from the north to all areas of the remaining forestry land, given the variety of environmental constraints. This may be something the Panel wishes to explore further to ensure it is feasible.

Conclusions on Reverse Sensitivity – Rural Production, Forestry Effects

- 365. There is broad agreement between the Applicant and Council with respect to potential reverse sensitivity effects with respect to the existing forestry activity.
- 366. There are no residual effects that require a proportionality assessment in this regard.

SECTION D: SUMMARY OF ASSESSMENT OUTCOMES AND PROPORTIONALITY CONCLUSIONS

Overview

367. This concluding section provides a brief joint overview of the outcome of the overall Council assessment of the application, based on an objective assessment of the application material as at 19 August 2025.

368. The section is structured as follows:

- **Section 85 adverse impacts / proportionality assessment:** Analysis under section 85(3) of the Fast Track Approvals Act, examining whether adverse impacts are sufficiently significant to be out of proportion to the project's regional or national benefits.
- **Key information gaps:** Identification of residual information deficiencies and their implications for decision-making by the Panel.
- **Key findings:** Again, as at the date of providing these comments (17 September 2025), with our joint recommendation to the Panel.

SECTION D.1: Section 85 adverse impacts / proportionality assessment

369. Under section 85(3) of the FTAA, the Panel **may** decline an approval where adverse impacts are sufficiently significant to be out of proportion to the project's regional or national benefits.

370. This assessment requires consideration of:

- The nature and significance of adverse impacts identified through the section 81(2) process;
- The project's regional or national benefits as assessed under section 81(4);
- Whether proposed conditions or Applicant modifications could adequately address adverse impacts;
- Whether the proportionality threshold is met even after accounting for mitigation measures, compensation etc.

371. For the avoidance of doubt, the Council's assessment has not identified any reasons why the application **must** be declined in terms of section 85(1) of the FTAA.

Headline issues identified

372. Based on the detailed analysis in **Sections B and C** above, the following adverse

impacts have been identified, individually and collectively, as potentially meeting the section 85(3) threshold:

- **Issue 1: Potential Flooding and Stormwater Effects-** There are a number of key information gaps in the Application including but not limited to the non-provision of the flood model that has informed the submitted assessment, insufficient geomorphic considerations, insufficient design detail and assessment relating to the safety of the dam structures, insufficient detail on proposed water quality treatment outcomes, and a lack of clarity relating to proposed flood levels over Forestry Road and the associated overall effects on wider downstream environment, including persons and properties. These information gaps may result in adverse effects as they relate to flooding and stormwater management and are not able to be fully assessed; and consideration is unable to be given to whether the proposed measures proposed by the Applicant are appropriate to mitigate or avoid these effects.
- **Issue 2: Potential Freshwater Ecological Effects** - There are a number of key information gaps in the Application including but not limited to lack of culvert details and assessments, and insufficient geomorphic considerations (which is interrelated with the identified stormwater and flooding concerns). These information gaps may result in adverse effects as they relate to freshwater ecology and are not able to be fully assessed; and consideration is unable to be given to whether the proposed measures proposed by the Applicant are appropriate to mitigate or avoid these effects.
- **Issue 3: Potential Road Safety and Network Capacity / Performance Effects** – The proposed access design in its current form results in road safety risks and effects that are unresolved and potentially significant within the high-risk context of the site and surrounding roading network. Additionally, the proposed intensity of development is assessed by Auckland Transport and their consultant as placing additional capacity constraints on an already challenged wider roading network. Workable solutions to resolve these issues have been identified (which could be required via conditions – for example, Auckland Transport recommends that no dwellings or retirement units be occupied until NZTA's Stage 2, Section 1 upgrades are completed and operational), but at this stage have not been agreed to or accommodated into the proposal by the Applicant. As such, there are potentially unresolved effects of concern in this regard.
- **Issue 4: Waitemata Clay Target Glub Reverse Sensitivity and On-Site Amenity Effects** – The Application has been based on an assessment of noise generation from the Waitemata Gun Club from a 1966 permit that enables use once a month from 11am-5pm. It is understood the Gun Club operates much more frequently than that, and at this stage we have been unable to substantiate whether the more frequent operation is legally established due to the complexity of the site history and limited timeframe available for comment. There is therefore an unresolved concern pertaining to reverse sensitivity and on-site amenity effects with respect to the noise from the Waitemata Gun Club. This could be resolved by further investigations to confirm the lawful operation of the Gun Club, or re-consideration of the extent of the

offered no-complaints covenant and the possibility of additional amenity controls for future dwelling development. In the event of the Panel being satisfied at this point with the Applicant's assessment of what constitutes the lawful Gun Club operations within the receiving environment, comment has been provided on how these issues could potentially be resolved via amendments to the no complaints covenant to include all Category 1 lots (which appears an oversight) and a condition regarding acoustic mitigation measures for future dwellings on lots subject to this covenant.

Project benefits summary

373. The Applicant contends that the project will deliver regional benefits through housing supply (208 residential lots and 296 retirement village/care units), support of climate change mitigation and adaptation through the proposed indigenous planting, ecological enhancement, associated economic activity, and support of iwi cultural redress that contributes to the economic, cultural, social and environmental well-being of Te Kawerau ā Maki.

374. The cultural, economic and commercial redress benefits to Te Kawerau ā Maki are acknowledged. It is not Council's role to comment on, quantify, or question the scale of these benefits, and as such we defer this conclusion to Te Kawerau ā Maki, who have concluded that there is significant benefit from the proposal. As highlighted in Chapter B4 of this memorandum the Auckland Regional Policy Statement established and provides clear direction in respect to recognising and enabling the development and use of Treaty Settlement Land to give effect to the outcomes of Treaty settlements,

375. The assessment of claimed regional benefits has been considered holistically across all adverse impact assessments, and informs the tabular proportionality assessment below.

376. This assessment draws on:

- The Applicant's Assessment of Environmental Effects and supporting technical reports, including the Applicant's economic assessment;
- Healthy Waters' review by Ms. Johnston (**Annexure 2**);
- The Council's freshwater ecological review by Ms Beer-Robinson (**Annexure 13**) and terrestrial ecological review by Mr. Statham (**Annexure 14**); and
- The Council's economics review by Mr Stewart who has reviewed the Appendix NN – Economic Impact Assessment: Rangitooopuni Development provided in the application (**Annexure 24**).

377. In summary, our assessment is that:

- a. Mr Stewart in his wider review of the Applicant's economic assessment has concluded the following:
 - a. Input-output analysis has significant limitations for assessing the

Proposed Development and this part of the analysis should be treated with caution.

- b. Some of the claimed benefits are more accurately described as transfers and one claimed benefit is uncertain in an economic sense.
 - c. Several other stated benefits have merit, but care in interpretation is needed to avoid double counting, overstating the benefits.
 - d. The report identifies two costs arising from the Proposed Development which are relevant considerations – infrastructure costs and opportunity costs.
 - e. A systematic weighing up of the identified benefits and costs arising from the Proposed Development is needed to ensure a balanced evaluation. This evaluation methodology would provide greater clarity on the net position welfare (net benefit or net cost) of the Proposed Development.
 - f. A cost-benefit methodology will also assist in determining if Proposed Development represents a ‘significant regional or national’ benefit as described in the FTAA. In Mr Stewart’s view, the report does not assist in a determination of significant regional or national benefits as described in the FTAA.
-
- b. Mr Stewart in his review acknowledges that *‘it is plausible that a comprehensive cost-benefit analysis framework, including all identified benefits and costs, would show the Proposed Development representing a regionally or nationally significant development’* but that analysis has not been provided to demonstrate that. Mr Stewart notes that there are *‘potential social / cultural benefits not fully addressed in the report...’*.
 - c. The scale of housing and retirement village accommodation proposed is (whilst not insignificant) modest relative to regional demand and does not clearly meet a regionally significant threshold. It is acknowledged that the extent of land subject to this Application however is of scale and the development brings forward an investment in that land including providing recreational amenities for occupiers and the general public.
 - d. The AEE states that the proposal will support climate change mitigation and adaptation through the extensive revegetation and stormwater mitigation measures proposed. As discussed/assessed previously in **Section C** of this memo, there are various information gaps pertaining to the stormwater management proposal and potential flooding effects of the development. As such, it is unclear at this stage as to whether these benefits will actually be achieved.
 - e. The AEE and Ecological Impact Assessment have stated that the proposal will make a regionally significant contribution to addressing Auckland’s significant

environmental issue of indigenous biodiversity loss and degradation, through enduring benefits from the protection and enhancement of wetlands and riparian margins and the revegetation of most of the site in permanent indigenous forest. As discussed/assessed previously in **Section C** of this Memo, there are various information gaps in the Applicant's ecological assessments to accurately and robustly quantify the adverse ecological effects, and whether the proposed ecological benefits (protection, restoration and enhancement) will be delivered in the manner anticipated, protected in the long-term, and would sufficiently outweigh the potential adverse ecological impacts of the proposal. Whilst not under valuing these benefits it should be noted that the established framework of the AUP(OP) for rural subdivision has a framework which provides for environmental benefits of this kind through the TRSS pathway to achieve rural subdivision of this density.

- f. We accept that the proposal will provide potentially regionally significant benefits with respect to the cultural, economic, social and environmental well-being of Te Kawerau ā Maki. As noted above, making a determination on the actual scale of these benefits is not appropriate for Council to undertake, however we accept the conclusions reached by the Applicant in Section 11.3 of the AEE in this regard.

378. Having noted the above matters, even if the Panel were to accept the Applicant's assessment of regional benefits, the Council's assessment is that there remain a number of potential adverse impacts that could be sufficiently significant to be out of proportion to those benefits.

379. The potential effects of concern, however, primarily relate to areas where we have identified significant information gaps with the Application in its current form, but could potentially be adequately avoided or mitigated subject to the further information being requested and/or conditions of consent. If these matters can be adequately resolved, then we do not foresee there being a proportionality concern in this regard.

Assessment

380. A detailed assessment is provided below in tabular form.

Adverse impacts	Section 85 assessment
1. Flooding and Stormwater	Significance Assessment: As noted in Healthy Waters memo (Annexure 2), Dam memo (Annexure 9) and Stormwater memo (Annexure 6) there is the potential for the proposed application to generate significant adverse effects associated with flooding and stormwater on a receiving environment that is already vulnerable and subject to significant flood hazards. Auckland Transport have also raised concerns (Annexure 11) relating to the extent of flooding the proposed road network will be subject to, which at this stage is unclear. There is currently insufficient information to determine whether or not this is the case, but there is substantial risk of effects that this is considered significant. Regional/National Benefits Considered: See Project Benefits Summary above. Proposed Conditions/Mitigation/Compensation: There is inadequate information to allow

	an assessment of effects or determination of necessary management/mitigation measures to be undertaken. As such, at this stage a conclusion cannot be reached on whether the potential adverse effects could be managed via conditions of consent. Proportionality Conclusion: It is not yet clear whether the proposed stormwater and flood management measures will appropriately control stormwater run-off and manage associated flooding effects. The risk of downstream flooding from this development, within an area that is already subject to significant flooding hazards, is a potentially significant adverse impact. If unresolved, the effects could be out of proportion with the benefits of the proposal.
2. Freshwater Ecology	Significance Assessment: As noted in Freshwater Ecology memo (Annexure 13), there is a risk of significant adverse freshwater ecology effects associated with the loss of stream beds from the proposed culverts and geomorphic changes of the site and streams as a result of the proposed development. The freshwater environments here are home to a number of sensitive, and at-risk or threatened species. As such, the proposal in its current form presents a risk of significant adverse effects. Regional/National Benefits Considered: See Project Benefits Summary above. Proposed Conditions/Mitigation/Compensation: There is inadequate information to allow an assessment of effects or determination of necessary management/mitigation measures to be undertaken. As such, at this stage a conclusion cannot be reached on whether the potential adverse effects could be managed via conditions of consent. Proportionality Conclusion: The scale of adverse effects on freshwater ecology cannot be determined. The proposal in its current form presents a risk of significant adverse effects, and if unresolved could be out of proportion with the benefits of the proposal.
3. Road Safety and Capacity	Significance Assessment: The proposal has the potential to generate adverse effects on the safety and efficiency of the surrounding roading network. The potential safety effects pertain to the design of the proposed intersections of the development onto the public roading network, which could be managed through design amendments as per suggestions detailed in this report. The potential efficiency effects relate to the increased generation from the proposed activities imposing capacity / performance constraints on the already challenged transport network. If unresolved, they have the potential to be significant in terms of the safety and efficiency of both the local and wider roading networks. Regional/National Benefits Considered: See Project Benefits Summary above. Proposed Conditions/Mitigation/Compensation: The outstanding concerns relating to traffic safety and network capacity and performance in the immediate vicinity of the site would be best resolved through design modifications prior to works commencing, however could be managed through conditions. Auckland Transport recommends a condition requiring that no dwellings or retirement units be occupied until NZTA's Stage 2, Section 1 upgrades to SH16 and the intersection are completed and operational. This proposed condition, while significant for development timing, reflects Auckland Transport's technical assessment of network capacity. Consideration of the actual development delivery timeframes against the uncertain but funded Stage 2 upgrade schedule will be important for the Panel's deliberations Proportionality Conclusion: Adverse impact is not out of proportion to benefits, provided the potential effects are managed via conditions / design changes as noted above.
4. Waitemata Clay	Significance Assessment: The proposal has the potential to generate adverse reverse

Target Club - Reverse Sensitivity and On-Site Amenity	sensitivity effects for the on-going operation of the Waitemata Clay Target Club and adverse on-site amenity outcomes for future occupants as a result of noise generated from this existing activity. The significance of the potential effects are related to the extent of the lawful operation of the Clay Target Club, and as that has not been confirmed their extent and significance cannot be confirmed at this stage. Regional/National Benefits Considered: See Project Benefits Summary above. Proposed Conditions/Mitigation/Compensation: The outstanding concerns could be resolved through conditions of consent however that is contingent on clarity being provided in respect to the Panel's view on the receiving environment including lawful club operations. The offered No Complaints covenant is an appropriate mechanism to address potential reverse sensitivity effects, but the Application only proposes this on a limited number of sites, with others likely to also be subject to noise from the gun club. This may need to be extended to additional proposed sites to ensure the effects are managed and for a very limited duration of one day 11-5pm in any one month. Additional conditions could also be imposed to address potential on-site amenity effects, relating to design requirements for future buildings to enable future occupants to manage the noise when needed. Proportionality Conclusion: In the absence of clarity on the considered lawful activities of the club, and noting the importance of this given the limitations of the 1966 permit, a conclusion on reverse sensitivity effects is problematic. To assist the Panel we have noted that if the applicant's representatives position regarding the receiving environment is accepted by the Panel then we would consider the adverse impact as not out of proportion to benefits, provided the actual effects are quantified and managed via conditions as appropriate based on that quantification.
--	---

SECTION D.2: Key information gaps

381. The following table identifies residual information gaps that remain having reviewed the current application material provided including the application documents, and the Applicant's response package dated 19 August 2025, and explains their significance for decision-making. Council considers that this information is necessary prior to determination and the Panel should request these are provided by the Applicant:

Information gap	Nature of deficiency	Decision-making impact	Risk / uncertainty created
Flood Model	The flood model has not been provided. This is essential in order to confirm modelling assumptions, proposed and existing stormwater infrastructure size, verify the model performance and outputs, and confirm that the model is 'fit for purpose' to support the associated flood hazard and risk assessment. This should be supported with additional Flood Maps that show/include:	A complete understanding of the potential adverse effects of the development as it relates to flooding, natural hazards and downstream risks cannot be undertaken. These elements all interrelate and contribute to enabling a complete understanding of the overall impacts of the development and potential adverse effects. Without understanding the	There is a risk of significant adverse effects with respect to flooding and natural hazards. The downstream catchments are already subject to significant existing flooding hazards, which have the potential to be worsened by this proposed development. There is uncertainty at this stage with:

	- Existing and Proposed public road reserve and location of the formed road within the proposed road corridor; - Flood extents, with labels to clearly show the maximum values; - Depth maps, depth comparison maps, and depth x velocity maps for all scenarios assessed	potential effects, a decision cannot be made on whether or not these are acceptable and/or appropriately managed and mitigated	- The suitability of the overall stormwater management approach to manage these effects as a result of the lack of information. - The degree of risk posed from the dam/attenuation structures proposed. If these cannot be safety designed and maintained, there is a significant risk to downstream catchments in the event of a failure. - The flooding risks that apply to the public road corridor and how that may effect the safety and functionality of this network.
Stream Geomorphic Assessment	A Geomorphic Risk Assessment is required to evaluate the current state of the network (noting there is evidence of active erosion of the existing watercourse network through the site), identify development impacts and mitigation strategies, and assess natural hazards and public safety risks. This assessment is essential to enable an assessment of effects of the development on the hydrological function of the wider network, health and safety (flooding and geotechnical risks), and on-going maintenance effects for Healthy Waters. Additionally, a Geomorphic Assessment is critical in enabling a full understanding of potential effects on the watercourses within the site and associated freshwater ecology effects from the proposed development.		
Dam Assessment	1. Potential Impact Classification (PIC) Assessment referencing the New Zealand Society on Large Dams (NZSOLD), New Zealand Dam Safety Guidelines (NZ Dam Safety Guidelines, 2024), for each dam. I note that hydraulic modelling of downstream effects appears likely to be required to quantify the potential impacts of a dam breach (as opposed to a more simplified qualitative assessment, which is only justified for dams where there is little doubt as to the PIC). The potential impacts should be quantified in terms of downstream Population at Risk, Potential Loss of Life, and damage level to community buildings, critical or major infrastructure, historical or		

	cultural places and the environment. 2. Dam Safety Assessment, with reference to the NZSOLD New Zealand Dam Safety Guidelines (2024) and the PIC: - Geotechnical aspects – dam site specific investigations, including recommended future investigations for detailed design (if relevant). Note: it appears the existing investigation may already have included a single machine borehole near to the dam associated with culvert 1-1. - Hydraulic aspects – with a focus on spillway safety. - Dam safety management aspects - dam specific construction recommendations, and long-term dam safety management.		
Best Practicable Option Assessment – Water Quality	An evaluation of the stormwater management devices and strategies proposed, such as a Best Practicable Option (BPO) assessment, must be provided to demonstrate that the proposal will maintain or enhance water quality. This should include/be supported by accurate measures of the car parking areas and total car parks within the retirement village area, as this must inform any design requirements pursuant to E9 of the AUP(OP), which is an additional consideration (i.e.: sits alongside) to the site wide water quality outcomes expected from the objectives and policies within E8. An assessment of the overall water quality changes expected from the development of impervious areas is also required.	Without appropriate stormwater quality treatment in place there is the potential for adverse stormwater quality effects from the proposed development, which could have subsequent effects on freshwater ecology values.	The response may have direct implications for the stormwater management strategy and the development layout. If additional measures to achieve water quality treatment of the private accessways and JOALS is required, such as changes to the grade of the proposed swales or implementation of further devices, the subdivision and infrastructure design will likely need amending. It is therefore considered not appropriate to address via a condition of consent. There is therefore uncertainty that the current design and proposal can be delivered in its current form, without some fundamental design changes.
Culvert/ Attenuation Structure Design Details	1. All culvert cumulative lengths within one site are required to determine progressive encasement rule trigger in E3.6.1.14(1)(c) and level of effect has not been established. The standard by the applicant has been	1. Cannot determine the overall level of effect. No mitigation is proposed by the applicant for the loss of stream bed. Any mitigation of aquatic offset must address the loss of value and extent as directed by the NPS-FM.	1. Potential for the freshwater ecology and geomorphic process to be impacted including: Loss of habitat, Reduced baseflow recharge, loss of riparian vegetation,

	interpreted as each culvert must be less than 30m. However, progressive encasement applies to the total number of culverts within the application site and overall stream bed modification from all existing and proposed culverts. b. A map should be provided to illustrate culverts which are to remain in the stream, proposed replacements and any new additional structures requiring stream bed modification including wingwalls/apron and erosion and scour (rip rap). 2. Applicant has not provided an assessment for the dam/attenuation structures against E3 including the nature or level of effect. 3. Only standard designs have been provided for the culverts which does not demonstrate the exact stream environment (i.e. stream bed width, gradient, profiles etc) in which the culverts are proposed. Design details should include per the Regulations in 70(2) a. The culvert's width where it intersects with the bed of the river or connected area (s) and the width of the bed at that location (w), both measured in metres, must compare as follows: where $w \leq 3$, $s \geq 1.3 \times w$; where $w > 3$, $s \geq (1.2 \times w) + 0.6$ b. Stream bed width at each location along with the culvert sizing and dimensions should be provided to demonstrate compliance with the above. c. Exact embedment achievement for each culvert should also be	The applicant must apply the effects management hierarchy. 2. Cannot determine the overall level of effect. Effect on fish passage is unknown. No mitigation is proposed by the applicant for the loss of stream bed and modification, and any potential long-term effect upstream or downstream is unknown. Conflict with E3 policies – dams generally don't align with objectives to "maintain or enhance the ecological values and functioning of rivers and streams" and "avoid the loss of rivers and streams". A high level of effect expected. Requires a geomorphic assessment (see above) to demonstrate whether there will be any adverse effects downstream. 3. Cannot determine overall level of effect of the culverts if additional culverts cannot meet fish passage requirements.	increased flooding and/or velocities, channel instability downstream, loss of natural stream meandering, loss of climate resilience etc. 2. Dams alter the natural flow regime of a stream which E3 tries to maintain. Potential reduced downstream flow reduction and reduced water availability for habitats, especially in low-flow periods can have ecological risks including loss of aquatic habitat and biodiversity loss. Dams capture sediment which can lead to downstream reaches incision and erosion. The stream would lose its natural dynamic processes and ability to respond. Potential for nutrient build up, reduced oxygen and thermal impacts. 3. Eight native fish species have been identified within 5km of the project site with three species having a conservation status of 'At Risk – Declining' and four species considered 'At Risk' and one species 'Threatened'. It is critical that fish passage is provided given they need to migrate between freshwater and the sea at some stage of their life cycle (e.g., īnanga/whitebait, tuna/eels, kōaro, banded kōkopu). If culverts block passage, these species
--	--	--	---

	provided with detailed design plans; 25% minimum is required. Gradients and slope needs to be provided in the detailed design to determine whether the cross-sectional water velocity is not greater than in all immediately adjoining reaches and that bed substrate over the full length of the culvert is present and stable at the flow rate.		can't reach spawning or adult habitats, leading to population declines. If a culvert is too steep, has drops (i.e. is perched), has high velocities or smooth bottomed, fish can be prevented from swimming or climbing through. Often when detail design isn't provided upfront, culverts are not installed onsite in a manner that meets the PA standards in Regulation 70(2).
--	---	--	---

382. It is noted that we have not included in the above the matters where we have suggested through this report that clarification now would be preferred but is not fundamental and/or could be managed via conditions. This includes:

- a. Making the changes to the application plans to accommodate the requested design changes to address the identified Transport Safety and Efficiency effects of concern;
- b. Detailed design of the proposed public culverts (within Forestry Road) to demonstrate compliance with the relevant Auckland Transport vesting requirements;
- c. Tidying up the scheme plans to ensure all right of way easements and community facilities are accurately represented;
- d. Information/detail to resolve the outstanding terrestrial ecology concerns, including requiring ecological input into final LIMP & council certification; final flora and fauna survey requirements; resolution of Residents Association conditions; and covenant details & maintenance and management requirements; and
- e. Those matters raised in paragraph 93 of this memo above.

383. If the Panel is minded to resolve these matters via conditions, the structure and wording of such conditions will be a key point of discussion within a conditions conference if that stage of the FTAA is reached.

384. It is additionally noted that while we have identified a potential issue with the assessment of the Waitemata Clay Target Club, no further information from the Applicant is needed in that regard. This instead is an item we consider warrants further consideration by the

Panel. It could benefit from additional investigation from Council into the site history, and any feedback from the Clay Target Club in any response provided to the Panel to their direct request for input. We would welcome further discussions in this regard.

385. It is also noted that in the following Annexures specialist responses have identified information requests outside of the Key Information Requests as set out in the above table for the Panels Assistance. This is noted for completeness if the panel wishes to review and form their own opinion on these additional matters:

a. Development Engineering – Ray Smith (**Annexure 4**)

SECTION D.3: Key Findings

386. A number of adverse impacts have been identified in the Council's reporting, which either can be addressed adequately through conditions of consent, or which do not outweigh the project's benefits.

387. However, the Council's assessment has identified the following adverse impacts that potentially may meet the section 85(3) threshold, individually and collectively (i.e. where the adverse impacts could be significantly significant to be out of proportion to the regional, even after taking into account mitigation etc):

1. **Potential Natural Hazards/Flooding and Stormwater Effects** - There are a number of key information gaps in the application. These information gaps result in the adverse effects as they relate to natural hazards, flooding and stormwater are not able to be fully assessed; and whether the proposed measures proposed by the Applicant are appropriate to mitigate or avoid these effects.
2. **Potential Freshwater Ecological Effects** - There are a number of key information gaps in the application. These information gaps result in the adverse effects as they relate to freshwater ecology not able to be fully assessed; and whether the proposed measures proposed by the Applicant are appropriate to mitigate or avoid these effects.
3. **Potential Road Safety and Network Capacity/Performance Effects** – The application in its current form has the potential to generate adverse road safety and efficiency effects, particularly when taking into account the high-risk context of the site and surrounding roading network. Our review has identified workable solutions to resolve these issues, which would resolve the outstanding concerns in this regard. Conditions could be imposed to resolve these matters, however it would be best managed through amendments prior to a decision to avoid ambiguity.
4. **Potential Reverse Sensitivity and On-Site Amenity Effects from noise generated by the Waitemata Clay Target Club** – Given the unsubstantiated nature of the legal operation of the Waitemata Clay Target Club, the application has the potential to generate additional reverse sensitivity and on-site amenity effects that have not been considered in the applicant's assessment in this regard. Conditions could be imposed to address these matters, or further investigations and

discussions with all parties undertaken to confirm the legal operation of the Club to then define the parameters for any necessary conditions.

Section 85(4) consideration

388. Our assessment has considered that the identified potential adverse impacts, if left unresolved, cannot be found to meet the section 85(3)(b) threshold solely because they are inconsistent with provisions of specified Acts or other documents. The proportionality assessment is based on the substantive significance of impacts relative to benefits, not (for instance) mere policy inconsistency.

Relevance of information gaps to assessment

389. The identified information gaps (detailed above) create fundamental uncertainty in the assessment.
390. The adverse impacts identified above may not meet the section 85(3) threshold should the information gaps identified be addressed and adequate information provided in response. As such, the information gaps are fundamental to reaching a conclusion with respect to the proposed application.

Recommendation and Conclusion

391. Based on our assessment, we cannot reach a recommendation for the proposed Application at this stage, on the grounds that we have insufficient information to reach a final position.
392. The Application has the potential to generate significant adverse impacts as identified above, particularly in respect flooding/stormwater, freshwater ecology, and road safety and efficiency that could be out of proportion to the project's regional benefits, even accounting for proposed conditions, mitigation and / or compensation measures, and the project's claimed regional benefits. The identified information gaps are, however, such that we are unable to reach a conclusion on whether this would be the case. Should these information gaps be adequately addressed, however, we can foresee being supportive of the application, subject to the additional and amended conditions recommended throughout this memo.
393. Other identified potential adverse effects could be adequately resolved through additional conditions of consent.
394. Our assessment has been made in accordance with the FTAA. In particular, the assessment has had regard to all matters identified through the section 81(2) process and has been guided by the statutory purpose of the FTAA to facilitate infrastructure and development projects with significant regional or national benefits. While that purpose directs decision-makers to place greatest weight on enabling such projects, it does not override the requirement to assess whether adverse impacts are sufficiently significant to outweigh those benefits.

395. We consider our position at this stage to be consistent with the purpose of the FTAA, which is to enable significantly beneficial projects, not those where adverse impacts are so significant as to outweigh the benefits.
396. We have also given consideration to the purpose and principles in sections 5 to 7 of Part 2 of the RMA. In doing so, we have taken into account that the RMA's purpose is afforded lesser weight than the FTAA's purpose (in section 3, FTAA).
397. It is our assessment that the proposal has not yet demonstrated that it can meet the purpose of the RMA which is to promote the management of natural and physical resources. The proposal has not yet demonstrated that it will avoid or mitigate adverse effects resulting from the subdivision (and future development) on the environment, however subject to further information it is possible it will be able to demonstrate that it does achieve the purpose of the RMA.
398. Subject to conditions of consent relating to delivery and protection of the proposed revegetation and landscaping outcomes, the proposal would be consistent with Section 6.
399. In relation to section 7 of the RMA:
- a. The proposal achieves section 7(a), enabling Te Kawerau ā Maki kaitiakitanga over the development and on-going management of the proposal site in a manner they have determined appropriate;
 - b. The proposal achieves the efficient use and development of natural and physical resources in terms of section 7(b);
 - c. The proposal could maintain and enhance amenity values (section 7(c)), again subject to conditions relating to delivery and protection of the proposed revegetation and landscaping outcomes; and
 - d. The proposal may not maintain and enhance the quality of the environment (section 7(f)), given the unresolved freshwater ecological effects and geomorphic/flooding risks that may compromise environmental outcomes.
400. The proposal takes into account the principles of the Treaty of Waitangi, specifically delivering the outcomes sought after by the Treaty Settlement and supporting statutory documents. The proposal would be consistent with Section 8.
401. Overall, the application considered to have the potential to meet the relevant provisions of Part 2 of the RMA or achieve the purpose of the RMA being sustainable management of natural and physical resources, however this has not yet been adequately demonstrated by the Application due to insufficiencies in the information. While we acknowledge that Part 2 of the RMA is afforded lesser weight than the FTAA's purpose, the proposal's failure (in our opinion, through insufficiencies in the information) to meet the RMA's purpose and a number of important principles reinforces our assessment of the significance of the outstanding information identified.

DATED the 17th day of September 2025

A handwritten signature in black ink, appearing to read 'Emma Chandler', with a long horizontal flourish extending to the right.

Emma Chandler

Planning Consultant for Auckland Council

A handwritten signature in blue ink, appearing to read 'Joe Wilson', with a long horizontal flourish extending to the right.

Joe Wilson

Principal Project Lead, Auckland Council