

Referral application form to use for the fast-track process

Under the Fast-track Approvals Act 2024

About this referral application

This referral application form has been approved by the Secretary for the Environment in accordance with the fast-track approvals process of the Fast-track Approvals Act 2024 (the Act). All referral applications under the Act must be submitted using this form.

We recommend you discuss your referral application and the information requirements with us before you lodge the referral application. Please contact the Fast-track support team on 0800 327 875 or email info@fasttrack.govt.nz

Please provide a general level of detail in your application; sufficient to inform the Minister's decision on the referral application.

You must use this form to apply for referral applications and complete all relevant fields, even where you provide supporting attachments that are more detailed. Include attachment or appendix numbers in the relevant fields and list the attachments in section 5 of this form.

If the required information and relevant supporting material is not provided, the application will be returned to you as incomplete.

If your application is determined to be complete, and the Ministry for the Environment (MfE) considers that your project may be capable of satisfying the assessment criteria and does not appear to involve an ineligible activity, and you have paid all related fees, charges and/or levies, then we will provide it to the Minister for Infrastructure (the Minister).

Unless the Minister decides to decline the application before doing so, the Minister will invite comments on the application from relevant local authorities, Ministers, administering agencies, identified Māori groups, owners of Māori land in the project area and any other person the Minister decides is appropriate. The Minister may also request further information from you, the relevant local authorities, or relevant administering agencies before making a decision on the referral application.

If the Minister accepts your referral application, then you may lodge a substantive application with the EPA and the substantive application may be considered by a decision-making panel.

Application fees and Cost recovery

Under the Fast-track Approvals (Cost Recovery) Regulations 2025 (the Regulations), applicants

lodging a referral application are required to pay a fee (deposit) of \$12,000 (plus GST), and a levy of \$6,700 (plus GST) to the Environmental Protection Authority (EPA). The fees are set in Schedule 1 of the Regulations. These fees must be paid before lodgement of your referral application. If the required amount is not paid the application will be returned as incomplete.

Please note the final costs payable at the referral stage may exceed the referral application fee (deposit) paid. More information about cost recovery under the Fast-track Approvals Act 2024 is available from Fast-track approvals cost recovery process.

Submitting your application

You will need to submit this form through our digital Fast-track portal. You will need to receive a link to register/access the portal.

If you need any help with the form, you can call or email us:

- 0800 327 875 (0800 FASTRK) (from within New Zealand)
- email: info@fasttrack.govt.nz

Ways you can send your completed form to us

By digital portal – you will need to receive a link to register/access: [Fast-track website](#)

By email – info@fasttrack.govt.nz

Your personal information

The Ministry for the Environment (MfE) is collecting your personal information for the purpose of administering your referral application under the Fast-track Approvals Act 2024. We will only use the information for the purposes of contacting you in relation to this application.

MfE may provide your application, or details from your application to other agencies or local authorities for the purpose of administering your referral application. If your application is accepted as complete and progresses through the referral process, the Minister may consult with other agencies and groups on your application. This will require the Minister to share the details of your application with the EPA, the Panel Convener, and those groups.

We will store your personal information securely. You have the right to access the personal information we hold about you and to ask for it to be corrected if it is wrong. If you would like to access your personal information, or have it corrected, please contact us at referrals@fasttrack.govt.nz

Official information

All information you provide with this application is subject to the Official Information Act 1982 and may be released in accordance with that Act.

Publishing your application

We intend to publish your referral application on the Fast-track Approvals website.

Any personal contact details in application documents will not be made publicly available. Please provide a copy of the application with all personal contact details redacted.

MfE may also redact certain information from publication in accordance with the Official Information Act 1992. If you think your application contains information which should be withheld, please clearly identify it and provide an explanation as to why it should be withheld.

The application contains commercially and personally sensitive information in respect of:

- the applicants phone numbers and email addresses;
- the economics of the Project value and costs involved in its delivery;
- the staffing numbers; and
- the staging programme to deliver.

A separate redacted version has been provided.

Section 1: Applicant details

A person or persons may apply to use the fast-track process for a project. Where there is more than one person, the referral application must be lodged jointly by all of the persons who are proposed to be authorised persons for the project.

If the referral application is accepted and referred by the Minister, the person or persons who lodged the referral application will be specified as the person who is, or the persons who are, authorised to lodge a substantive application for the project.

1.1 Applicant(s) – repeat for all applicants

1.1.1 Organisation name: Ngāti Whātua Ōrākei Whai Rawa Limited
Generus Living Group

1.1.2 NZBN (optional): 9429038477362
9429038679773

1.1.3 Contact name: Neil Donnelly
Richard Mora

1.1.4 Phone: s 9(2)(a)

1.1.5 Email address: s 9(2)(a)

1.1.6 Postal address (if preferred method of contact): N/A

1.2 Agent acting on behalf of applicant (if applicable)

1.2.1 Organisation name: Greenwood Roche

1.2.2 Contact name: Francelle Lupis

1.2.3 Phone: s 9(2)(a)

1.2.4 Email address: s 9(2)(a)

1.2.5 Postal address (if preferred method of contact): N/A

1.3 Finance – Agent acting on behalf of applicant (if applicable)

1.3.1 Organisation name: N/A

1.3.2 Contact name: N/A

1.3.3 Phone: N/A

1.3.4 Email address: N/A

1.3.5 Postal address (if preferred method of contact): N/A

If you are making this application on behalf of the applicant, please attach evidence that you are authorised to make this application.

1.3.6 Please direct all correspondence relating to this application (including correspondence from MfE) to:

☐ Applicant(s)

If selecting Applicant and there is more than 1 person who lodged the referral application, please identify 1 person to receive all correspondence on behalf of all applicants.

☒ Agent for the Applicant – Greenwood Roche C/ Francelle Lupis

1.4.1 Compliance and enforcement history – repeat for all applicants

1.4.1 Have there been any compliance or enforcement actions taken against the applicant (or if the referral application is lodged by more than one person, any of those persons) under a specified Act definition for either ‘compliance’ or ‘enforcement’?

☐ Yes – see below ☒ No – proceed next

1.4.2 If you answered yes above, please provide a summary of the relevant legislation and provisions, and any compliance or enforcement actions, and the outcome of those actions taken under the specified Act against the applicant or applicants, if the referral is being lodged jointly.

Section 2: Referral application summary

2.1 Project name

This is the name by which the project will be known publicly. For example - avoid using street addresses, place names, company names.

The Point Mission Bay

2.2 Project description and location

2.2.1 Provide a description of the project and the activities it involves:

The project description helps us with inviting comments from relevant parties on the application, and publishing information about the application.

The Project is for the comprehensive development of a retirement village on the land generally located at the northern end of Kupe Street, Te Arawa Street, Rukutai Street and Aotea Street, Auckland (the Site), as identified on Figure 1 and Figure 2.



Figure 1: Site in relation to locality (Source: Auckland Council GIS Viewer)



Figure 2: Site extent (Source: Auckland Council GIS Viewer)

Generus Living Group (Generus) has entered into an agreement with the landowners, Ngāti Whātua Ōrākei, to comprehensively develop the Site for an integrated residential development (retirement village) activity, comprising a combination of accommodation offerings.

In entering into this agreement together, the joint applicants are committed to ensuring that the design, layout and architecture of the Project will respond to Ngāti Whātua Ōrākei's Cultural Acknowledgement Principles and the Essential Design Requirements, as detailed in section 2.6.1. To enable the comprehensive and efficient development of the Site to occur in an integrated way, the approach taken to the layout is to optimise the land area in a way that delivers a high-quality integrated residential development on a large, contiguous site.

The Project is illustrated in the images shown in the Project Drawings prepared by Warren & Mahoney appended as **Attachment 1**, which provide perspective views from the open space land to the north (Takaparawhau / Michael Joseph Savage Memorial Park) and Rukutai Street. **Figure 3** shows the proposed site arrangement of the five new buildings and the existing retirement village building on Kupe Street to the west of the proposed new buildings that will be retained and refurbished (the Kupe Street building).



Figure 3: Proposed site layout.

Overall, the Project will include:

- Five interconnected buildings of between five to eight levels, inclusive of a one to three storey podium.
- 252 new Independent Living Units (ILUs) within the five new buildings.
- The refurbishment of the Kupe Street building containing 90 care suites and the integration of this part of the Site with the proposed new development.
- A variety of communal/common amenity facilities for residents and their visitors interspersed across the Site, and within the respective buildings.
- Comprehensive landscaping, that is integrated across the Site.
- A combination of at grade and basement parking.

Vehicular and pedestrian access to the Project is from Kupe, Te Arawa, Rukutai and Aotea Streets, with the 'front door' to the proposed village to be from Aotea Street.

The Project will incorporate two pedestrian accessways (secured by way of easement) through the Site to provide access between the residential suburb to the south and the Open Space zoned land to the north (Takaparawhau / Michael Joseph Savage Memorial Park). These accessways will replace two existing pedestrian accessways, which are located on reserve land. As discussed in Section 2.3.14¹, the applicants have sought that the reserve status over these walkways be revoked to allow their inclusion within the Site for development.

2.2.2 Provide a description or map of the whole project area that identifies its boundaries in sufficient detail to enable consideration of the referral application.

For example, site address(es), certificate of title(s), shape files

The addresses for the Site of the Project comprise the following:

- 217 Kupe Street.

¹ An Application for Revocation of Reserve Land has been lodged with Auckland Council.

- 95 Aotea Street.
- 106 Rukutai Street.
- Rukutai Street Recreation Reserve.
- Aotea Street Recreation Reserve.

Table 1 explains the legal description of the Site.

Address	Legal Description	Freehold Title	Leasehold Title	Shown on Figure 4
217 Kupe Street	Section 3 SO 63269	557119	441696	Blue
217 Kupe Street	Lot 1 DP 92924	NA99C/193	51399	Green
217 Kupe Street	Lot 2 DP 92924	NA99C/194	51399	Yellow
217 Kupe Street	Lot 3 DP 92925	NA99C/195	51399	Red
95 Aotea Street	Lot 366A DP 47488	NA43A/113 7	N/A	Brown
106 Rukutai Street	Lot 264 DP 37687	NA22C/105 2	51399	Orange
Rukutai Street Recreation Reserve	Lot 6 DP 92924	1211845	N/A	Pink
Aotea Street Recreation Reserve	Lot 7 DP 92925	1212543	N/A	Black

Table 1.

With reference to Table 1 above, Figure 4 shows the location and extent of the individual lots that comprise the Site.

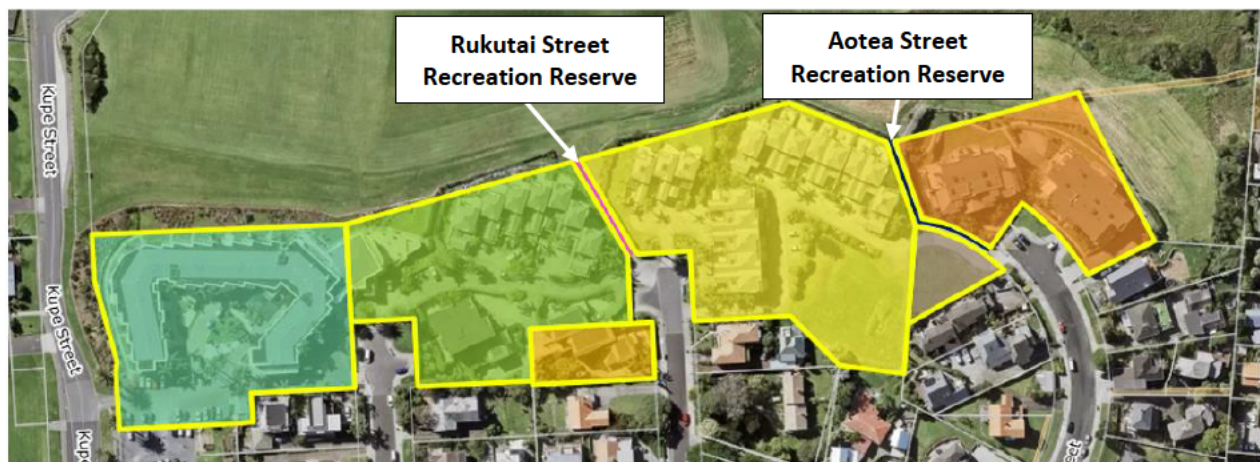


Figure 4: Lots that comprise the Site.

The Records of Title and Interests for the Site are appended as Attachment 2.

2.3 Ineligible activity

Your referral application must demonstrate that the project does not involve any ineligible activities as defined in Section 5 of the Act. Please consider each ineligible activity below and where relevant, provide the requested details.

When providing your response below, where possible, provide details of any parties involved, the extent of their holding and the activity relevant to their area.

Where a project involves an activity that may be the subject of a determination under sections 23 or 24, and you are intending to seek a Ministerial determination for that activity under either section, you must still complete this section in full. Determinations under, and information required in respect of, sections 23 and 24 are covered further under 2.5 Ministerial determinations under sections 23 and 24.

If your application relates to certain mining activities below the surface of the land and meets the other relevant criteria under section 5(2) of the Act then an agreement under section 5(1)(a), (b), (j) or (k) may not be required. This should be identified under the relevant questions below, and you must provide the additional information required in respect of section 5(2) under 2.3 Ineligible activity.

- 2.3.1 Does the project include an activity that would occur on identified Māori land as defined in section 4 of the Act?

☒ Yes – see below ☐ No – proceed to next

a. If yes, please address the following:

- i. identify the land involved and the owner(s) of the land.

Address	Legal Description	Freehold Title	Registered Land Owner
217 Kupe Street	Section 3 SO 63269	557119	Ngāti Whātua Ōrākei Trustee Limited
217 Kupe Street	Lot 1 DP 92924	NA99C/193	Ngāti Whātua Ōrākei Trustee Limited
217 Kupe Street	Lot 2 DP 92924	NA99C/194	Ngāti Whātua Ōrākei Trustee Limited
217 Kupe Street	Lot 3 DP 92925	NA99C/195	Ngāti Whātua Ōrākei Trustee Limited

Table 2 – List of Māori Freehold land within the Site.

- ii. Confirm that the activity on the land has been agreed with the owners of the land and provide evidence of the written agreement; or
- a) advise whether it is proposed to seek a determination under section 23 and provide the information under 2.5 Ministerial determinations under sections 23 and 24 below; or
- b) advise whether it is proposed to rely on section 5(2) of the Act and provide the information under 2.3 Ineligible activity

below.

As set out in section 1, Ngāti Whātua Ōrākei has agreed to, and is jointly applying with Generus to enable, the proposed integrated residential development (retirement village) activity on the land. A written statement prepared by Ngāti Whātua Ōrākei confirming this is appended as **Attachment 3**.

2.3.2 Does the project involve an activity that would occur in a customary marine title area?

☐ Yes – see below ☒ **No – proceed next**

a. Address the following:

- i. Identify the relevant customary marine title area, who the customary marine title group is;
- ii. Provide evidence that written agreement has been obtained from the customary marine title group and provide a copy of the same; **or**
 - A. advise whether it is proposed to rely on section 5(2) of the Act and provide the information under 2.3 Ineligible activity below.

The Site is not identified on the Council's GIS as being in a customary marine title area.

2.3.3 Does the project involve an activity that would occur in a protected customary rights area?

☐ Yes – see below ☒ **No – proceed next**

a. Address the following:

- i. Identify the protected customary rights area, the group who holds these rights and the nature of the protected customary right(s)
- ii. Explain your proposed activity and identify whether you consider that it would have a less than minor adverse effect on the exercise of the protected customary right(s), and briefly explain why; **or**
- iii. Advise whether you consider that your proposed activity would have a more than minor effect on the exercise of the protected customary right(s), and if so, confirm that the activity has been agreed to in writing by the protected customary rights group and provide a copy of that agreement.

The Site is not identified on Council's GIS as being in a protected customary rights area.

2.3.4 Does the project involve an activity that would occur on:
Māori customary land; OR land set apart as a Māori reservation as defined in section 4 of Te Ture Whenua Māori Act 1993.

☐ Yes – see below ☒ **No – proceed next**

2.3.5 Does the project involve an aquaculture activity or an activity that is incompatible with aquaculture activities that would occur within an aquaculture settlement area (under section 12 of the Māori Commercial Aquaculture Claims Settlement Act 2004); or an area reserved under another Treaty settlement for the aquaculture activities of a particular group?

☐ Yes – see below ☒ **No – proceed next**

2.3.6 Provide details of the aquaculture activity or the activity that is incompatible with aquaculture and the location

Not Applicable

2.3.7 Provide details of the relevant aquaculture settlement area or Treaty settlement legislation reserving space for aquaculture and include details of the impacted parties or particular group.

Not Applicable

2.3.8 Provide details on whether or not the applicant is authorised to apply for a coastal permit within the aquaculture settlement area, or area reserved under another Treaty settlement for aquaculture activities, including a copy of any such authorisation.

Not Applicable

2.3.9 Does the project include an activity that would require an access arrangement under section 61 or 61B of the Crown Minerals Act 1991?

☐ Yes – see below ☒ **No – proceed next**

a. Provide the following information:

- i. what is the activity that would require the access arrangement; and
- ii. does the project include an activity that would occur on Crown owned land or internal waters and land of the common marine and coastal area described in Schedule 4 of that Act and provide details of the same.
- iii. If so describe how the activity meets the criteria in section 61(1A)(a-e) of the Crown Minerals Act 1991; **or**
- iv. Confirm and provide evidence that the project would not occur in an area for which a permit cannot be granted under that Act:

Not Applicable

2.3.10 Does the project include an activity that would be prevented under any of sections 165J, 165M, 165Q, 165ZC, or 165ZDB (regarding the management of occupation in common marine and coastal area) of the Resource Management Act 1991?

☐ Yes – see below ☒ **No – proceed next**

The Site is not located in a common marine or coastal area.

2.3.11 Provide details about which section the project does not comply with and, if relevant, the provisions of the regional coastal plan that are applicable.

Not Applicable

2.3.12 Does the project include an activity (other than an activity that would require an access arrangement under the Crown Minerals Act 1991) that would occur on land that is listed in Schedule 4 of this Act?

☐ Yes – see below ☒ **No – proceed next**

a. Provide the following:

- i. identify the activity and which clause under Schedule 4 is applicable; and
- ii. confirm whether you are seeking that the Minister make a determination under section 24, and if so, whether the determination sought relates to existing electricity infrastructure or new electricity lines and provide the information under 2.5 Ministerial determinations under sections 23 and 24 below.

Not Applicable

2.3.13 Does the project involve an activity that would occur on a national reserve held under the Reserves Act 1977 and requires approval under that Act?

☐ Yes – see below ☒ **No – proceed next**

a. Address the following:

- i. identify the activity and type of national reserve under the Reserves Act
- ii. identify what approval(s) would be required under the Reserves Act.
- iii. Confirm whether you are seeking that the Minister make a determination under section 24 and if so whether the determination sought relates to existing electricity infrastructure or new electricity lines.? If so, provide the information under 2.5 Ministerial determinations under sections 23 and 24 below

Not Applicable

2.3.14 Does the project involve an activity that would occur on a reserve held under the Reserves Act 1977 that is vested in someone other than the Crown or a local authority?

☐ Yes – see below ☒ **No – proceed next**

a. Address the following:

- i. identify the activity, the reserve type under the Reserves Act, and the person in whom it is vested.
[Not Applicable](#)
- ii. provide evidence that written agreement has been obtained from the person in whom the reserve is vested and provide a copy of the same; or
[Not Applicable.](#)
- iii. advise whether it is proposed to rely on section 5(2) of the Act and provide the information under 2.3 Ineligible activity below.

[Not Applicable](#)

2.3.15 Does the project involve an activity that would occur on a reserve held under the Reserves Act 1977 that is managed by someone other than the Department of Conservation or a local authority?

☐ Yes – see below ☒ [No – proceed next](#)

a. Address the following:

- i. identify the activity, the reserve type under the Reserves Act, and the person or body who manages the reserve.
- ii. Provide evidence that written agreement has been obtained from the person or body responsible for managing the reserve and provide a copy of the same; **or**
- iii. advise whether it is proposed to rely on section 5(2) of the Act and provide the information under 2.3 Ineligible activity below; **or**
- iv. advise whether you consider the activity falls within the scope of section 5(5) of the Act, and provide the information under 2.3 Ineligible activity below.

[Not Applicable](#)

2.3.16 Does the project involve an activity that is:

a. a prohibited activity under the Exclusive Economic Zone and Continental Shelf (Environmental Effects) Act 2012 or regulations made under that Act?

☐ Yes – please explain ☒ [No – proceed next](#)

[Not Applicable](#)

b. described in section 15B (Discharge of harmful substances from ships or offshore installations) of the Resource Management Act 1991 and is a prohibited activity under that Act or regulations made under it;

☐ Yes – please explain ☒ [No – proceed next](#)

[Not Applicable](#)

- c. prohibited by section 15C (Prohibitions in relation to radioactive waste or other radioactive matter and other waste in coastal marine area) of the Resource Management Act 1991

☐ Yes – please explain ☒ **No – proceed next**

Not Applicable

- 2.3.17** Does the project involve a decommissioning-related activity as described in section 38(3) of the Exclusive Economic Zone and Continental Shelf (Environmental Effects) Act 2012:

☐ Yes – please explain ☒ **No – proceed next**

Not Applicable

- 2.3.18** Does the project involve an activity undertaken for the purposes of an offshore renewable energy project?

☐ Yes – please explain ☒ **No – proceed**

Not Applicable

2.4 Exemptions from requirement to provide agreement

2.4.1 Mining activities under section 5(2)

The agreement of the relevant groups referred to under 3.5 Persons affected is not required for certain mining activities under section 5(2). If you think this might apply to your application, answer the questions below.

- 2.4.1.2** Is your application for an activity that is prospecting, exploration, mining or mining operations of Crown-owned minerals undertaken below the surface of any land or area?

☐ Yes –see below ☒ **No – proceed next**

- 2.4.1.3** Provide details of the activity and identify the owner and occupier of the land and any relevant details concerning the land or area (such as whether it is identified Māori land)

Not Applicable

- 2.4.1.4** Explain the extent, if any to which your activity may be likely to cause any damage to the surface of the land or any loss or damage to the owner or occupier of the land.

Not Applicable

- 2.4.1.5** Explain the extent, if any to which your activity will be likely to have any prejudicial effect in respect of the use and enjoyment of the land by the

owner or occupier of the land.

Not Applicable

- 2.4.1.6** Explain the extent, if any to which your activity will be likely to have any prejudicial effect in respect of any possible future use of the surface of the land, and if no such effects are anticipated, please explain why.

Not Applicable

2.4.2 Activities on land proposed to be the subject of a land exchange

The agreement of relevant groups referred to in (subsection 5(1)(a) of the Act) is not required if section 5(5) applies. If you consider this section may be relevant to your application, complete the below.

Not Applicable – The proposed revocation of the two pedestrian accessways (sought under a separate Application for Revocation of Reserve Land) does not include a land exchange.

- 2.4.2.1** Is the reserve on which the activity is to occur proposed to be the subject of a land exchange?

Not Applicable

- 2.4.2.2** Is the reserve a Crown-owned reserve?

Not Applicable

- 2.4.2.3** Are the person or persons responsible for managing the reserve in place because of a Treaty settlement?

Not Applicable

- 2.4.2.4** Provide any supporting details which may be relevant for your responses to the above questions.

Not Applicable

2.5 Ministerial determinations under sections 23 and 24

Complete this section if you wish to seek a ministerial determination under section 23 or section 24 that your project is not an ineligible activity.

2.5.1 Determination in relation to linear infrastructure on Māori land under section 23

- 2.5.1.1** Is your application seeking a determination under section 23 (linear infrastructure on certain identified Māori land)

☐ Yes – see below ☒ No – proceed next

Provide the following information:

- 2.5.1.2** Confirmation that the activity is the construction of electricity lines or land transport infrastructure (and identify which it is)

Not Applicable

- 2.5.1.3** Confirmation that the above construction (or operation of) will be undertaken by a network utility operator that is a requiring authority, and that that same party is the applicant for the necessary approvals, providing details of the same.

Not Applicable

- 2.5.1.4** Confirmation that the activity would occur on identified Māori land that is Māori freehold land or General land owned by Māori that was previously Māori freehold land (and identify that land)

Not Applicable

- 2.5.1.5** Provide information on the rights and interests of Māori in that land

Not Applicable

- 2.5.1.6** Provide an assessment of the effects of the activity on those Māori rights and interests and on the relevant land.

Not Applicable

2.5.2 Determination in relation to existing electricity infrastructure under section 24(2)

- 2.5.2.1** Is your application seeking a Ministerial determination under section 24(2) (in relation to maintenance, upgrading, or continued operation of existing electricity infrastructure on certain Schedule 4 land or in a national reserve)

☐ Yes – see below ☒ **No – proceed next**

Provide the following information:

- 2.5.2.2** Confirmation that the activity is the maintenance, upgrading, or continued operation of existing electricity infrastructure.

Not Applicable

- 2.5.2.3** Confirmation that the activity would occur on eligible land, as defined in section 24(3).

Not Applicable

- 2.5.2.4** Advise whether the activity would materially increase the scale or adverse effects of the existing electricity infrastructure and provide an explanation of the same.

Not Applicable

2.5.3 Determination in relation to new electricity lines under section 24(4)

- 2.5.3.1** Is your application seeking a determination under section 24 (the construction and operation of new electricity lines on eligible land (as defined in schedule 4 excluding land classified as a national park or listed in

subsections 2, 4, 5(a), 7 or 8 of that schedule)?

☐ Yes – see below ☒ **No – proceed next**

Provide the following information:

2.5.3.2 Is the activity the construction and operation of new electricity lines?
(provide any necessary details)

Would the activity occur on eligible land (and identify which category of eligible land);

Not Applicable

2.5.3.3 Provide the requested information for each alternative site considered for the construction and operation of the new electricity lines:

Not Applicable

2.5.3.4 A description of the alternative site.

Not Applicable

2.5.3.5 A statement of the anticipated and known financial cost of undertaking the activity on the alternative site.

Not Applicable

2.5.3.6 A description of the anticipated and known adverse effects of undertaking the activity on the alternative site.

Not Applicable

2.5.3.7 A description of the anticipated and known financial cost and practicality of available measures to avoid, remedy, mitigate, offset, or compensate for the anticipated and known adverse effects of the activity on the alternative site.

Not Applicable

2.5.3.8 A description of any issues (including financial cost) that would make it impractical to undertake the activity on the alternative site.

Not Applicable

2.5.3.9 An assessment of whether it would be reasonable and practical to undertake the activity on the alternative site, considering the matters referred to above.

Not Applicable

2.6 Appropriateness for fast-track approvals process

Here you must explain how the project meets the referral application criteria ([section 22](#)). Please consider and respond where relevant, to each question.

If the project is planned to proceed in stages, you must explain how each stage meets the

referral application criteria.

If a part of the project is proposed as an alternative project, you must explain how each stage meets the referral application criteria,

- 2.6.1** The criteria for accepting a referral application is that the project is an infrastructure or development project that would have significant regional or national benefits. Explain how this project satisfies the criteria:

The Project is a development project that will have significant regional benefits. In considering the Project under section 22(2)(a) of the Act, the following are relevant –

The Project:

iii) will increase the supply of housing, address housing needs, or contribute to a well-functioning urban environment (within the meaning of policy 1 of the National Policy Statement on Urban Development 2020)

Housing supply/housing needs

As the elderly population continues to increase in the Auckland region (and nationally), the continued supply of suitable aged care and retirement accommodation will need to increase to respond to demand.

The Project will deliver 252 new retirement accommodation units within a collection of buildings that will have at least a 50 year lifespan, catering for up to 504 residents, together with the refurbishment and provision of 90 units of accommodation for care (providing for 90 residents). This will increase the supply of 'housing' in several ways:

- the physical construction of the proposed units will increase the housing supply available to accommodate the growing demands for the aged sector of the community in the region;
- when residents move into the village, the landholdings/dwellings they vacate will become available for use by a new generation of residents, with such dwellings that are vacated typically occupied at a greater intensity than the aged residents who move into the village, and/or the dwellings/land the residents vacate are freed up for more intense form of brownfields redevelopment.

The Project will contribute to reducing land demand pressure, by contributing to making existing residential housing/land available as new village residents move out of their properties, and these are made available for more efficient/intensive use. This in turn contributes to urban intensification and reduces demand for greenfield development.

The Project will cater for the needs of an important and fast-growing demographic of older people in the region that require age specific housing and associated amenities and services, as well as contributing to the housing needs of the wider population demographic through the consequential release of dwellings/land that becomes available to the market.

This increase in housing supply will help to relieve pressure on the housing market (particularly critical in the Auckland region) and contribute towards improved housing affordability in the long term.

Contributing to well-functioning urban environments

The Project is for the development of a brownfields site, which is appropriately zoned (and subject to the Ōrākei 1 Precinct) under the Unitary Plan to provide for urban development and intensification.

The Site has excellent access to a range of services within a readily accessible catchment, and good access and proximity to public transport.

The Project, being an integrated residential development activity² (retirement village), is an appropriate and anticipated use of the land (reinforced by its activity status under the Unitary Plan relative to the zoning of the land and the Precinct), and the scale and intensity represents an efficient use of the Site in a manner that will contribute to an increase in the provision of housing capacity, intensity, variety and choice for the elderly, as well as the wider neighbourhood.

A retirement village activity at the intensity and scale intended will enhance and support the social and economic well-being of the community, building upon the outcomes envisaged by the Unitary Plan zoning and Precinct provisions.

As an integrated residential development, inclusive of a variety of accommodation and care options (which will provide for a continuum of care for residents), the Project will enable a variety of homes that:

- meet the varying needs, in terms of type, price, and location, of the aged sector of the community with the variety of accommodation typologies proposed;
- through an arrangement with Ngāti Whātua Ōrākei (as the landowner), include the opportunity for Māori to express their cultural traditions and norms;
- have good accessibility for all people between housing, jobs, community services, natural spaces, and open spaces, including by way of public or active transport. The location of the Site is readily accessible, and the operation of the activity will include transport options for residents to access local facilities and services;
- facilitates the competitive operation of land and development markets for the opportunity that is created by residents vacating their former dwellings/land;
- will support reductions in greenhouse gas emissions, relative to that associated with a 'standard' intensive residential land use/development, and the refurbishment of the existing Kupe Street building; and
- are resilient to the likely current and future effects of climate change, relative to the Site's location and elevation.

The scale of the Project, while being a change to the currently prevailing built characteristic in the locality, has been carefully designed in respect of its relationship with immediately adjoining residential properties and open space (Takaparawhau /Michael Joseph Savage Memorial Park), and the interface with the wider neighbourhood context.

With the exception of building height, the Project complies with all other relevant zone

² Defined in the AUP as: "A residential development on sites greater than 2,000m² which includes supporting communal facilities such as recreation and leisure facilities, supported residential care, welfare and medical facilities (inclusive of hospital care), and other non-residential activities accessory to the primary residential use. For the avoidance of doubt this would include a retirement village".

standards that require consideration for an integrated residential development in the THAB and MHS zones (and the Precinct standards) that apply to the majority of the Site. While of a greater height than that currently provided for in the THAB (and MHS) zone, the Project will integrate with (and contribute to) the established and evolving future planned character of the urban neighbourhood.

Because the Site includes land zoned Māori Purpose and Open Space (relative to the current status of the pedestrian accessways), the Project involves technical infringements to the standards that apply to those zones (as set out in Section 3.1.1 of this document). The Application for Revocation of Reserve Land that has been sought for the existing walkways, and the way public access through the Site is proposed to be provided, will maintain good accessibility for the community between housing and open space.

The Project will generate fewer daily traffic movements than the level of traffic that would otherwise be generated should a more 'standard' intensive residential development be constructed on the Site, with the movements associated with a retirement village activity also occurring outside of the peak commuter periods. These can be readily sustained by the local transportation and roading environment, with access and connectivity for the full spectrum of travel modes. The arrangement of access, parking and servicing are appropriately designed and will comply with the relevant standards of the Unitary Plan.

(iv) will deliver significant economic benefits

During Construction

The economic benefits of the Project are explained in detail in the Economic Assessment prepared by Insight Economics appended as **Attachment 4**.

Table 3 details the estimated one-off economic impacts of the various activities that will be enabled by the Project:

Professional Services	Direct	Indirect	Total
FTEs – 10 years	s 9(2)(b)(ii)		
GDP \$m			
Wages/Salaries \$m			
Demolition & Groundworks			
FTEs – 8 years			
GDP \$m			
Wages/Salaries \$m			
Building Construction			
FTEs – 10 years			
GDP \$m			
Wages/Salaries \$m			
Furniture, Fixtures & Equipment			
FTEs – 10 years			
GDP \$m			
Wages/Salaries \$m			
Advertising & Marketing			
FTEs – 10 years			
GDP \$m			
Wages/Salaries \$m			
Project Totals			
FTE-years			
GDP \$m			
Wages/Salaries \$m			

Table 3

The Project is estimated to stimulate some \$ s 9(2)(b)(ii) million in the economy by providing jobs and significant flow-on economic benefits to the local community through the construction phases. Of the \$ s 9(2)(b)(ii) million, \$ s 9(2)(b)(ii) million is expected to be in direct benefits, and \$ s 9(2)(b)(ii) million in indirect benefits.

90-95% is expected to remain within the region, with the remaining 5-10% being spent within the wider New Zealand economy on specialised goods. For every dollar spent on construction, 40% is spent on salaries to local employees and on local supplies. This will provide jobs and significant flow-on economic benefits to the local community.

There will be direct benefits for construction workers and project managers, architects, engineers and health and safety consulting service providers, with future planning/design/consenting work estimated to create full-time employment for approximately 20 people for 10 years of staged construction activity, generating \$ s 9(2)(b)(ii) in wages/salaries.

Site preparation (including infrastructure provision) is estimated to generate direct benefits by providing full-time work for approximately 6 people for 8 years (split across various stages of construction activity), with \$ s 9(2)(b)(ii) in wages/salaries.

Construction of the 252 apartment style retirement units and associated community facilities, together with the refurbishment of the existing Kupe Street building will provide full-time work for some 55 people for 10 years (split across various stages of construction activity), with approximately \$5.9(2) m paid in wages and salaries.

There will also be associated financial and development contributions for Auckland Council (and its associated organisations) resulting from the Project.

Indirect benefits include supplies and services purchased by the Applicant's construction delivery partner, or by contractors engaged independently. These will include wholesale and retail building supplies, and legal, telecommunications, administrative and accounting services.

Most of the builders, contractors and materials are forecast to be locally sourced, with the corresponding benefits remaining within the local regional economy.

Other professional services, such as real estate and conveyancing services, are expected to benefit as housing is released into the market as residents release housing stock / land as they move into the village.

During Operation

The Project will result in 30 FTE roles on an ongoing basis, which will include staff roles (and support) for village management, administration, property management sales, maintenance and gardening, restaurant and ancillary services, nursing, therapists, and aged care support.

The village operation will also generate a variety of roles for the staffing associated with the delivery of the resident amenities, providing opportunities for those in the hospitality sector to supply the Project.

Generus, as the operator of the retirement village, will also seek to recruit locally within the region where possible, and will engage a range of regional contract resources on an ongoing basis.

The provision of healthcare services as a component of the Project (as part of the approach to the provision of a continuum of care) contributes to efficiencies in respect of:

- Earlier identification of health problems as residents are regularly assessed.
- Reduced emergency or unnecessary call outs with assessments accessible on-site.
- Centralised location for healthcare and social welfare services (as a component of the services provided as part of a comprehensive retirement village).
- Lower healthcare costs (hospital stays), and more efficient care with multiple people visited by healthcare professionals in the same location.

The Project will also be cost effective in relation to Council and public services, with the provision of the range and accessibility of on-site amenities for residents (and their visitors) reducing pressure on these services within the local community. Rates would also be charged on the retirement village as a whole (rather than on individual units). This reduces both administrative and capital costs for the Council.

Furthermore, capital expenditure and maintenance costs for infrastructure (such as utilities) within the Site would be borne by Generus as the operator of the retirement village. Related to this, despite the available capacity, to limit the effect on the current Council stormwater utility, the intention is to incorporate on site peak flow attenuation (for stormwater) during the 10% Annual Exceedance Probability design rainfall event to the pre-development peak flow rate.

Flow on/future benefits

The economic impacts of the Project will include flow-on effects that arise indirectly from the construction and operation of the retirement village, these include:

- increased business for local firms and industries supplying goods and services to the retirement village during construction and thereafter during the village operation;
- salaries earned by employees and local firms and industries being spent on purchasing household goods and services, boosting the regional economy;
- increased supply of housing both through the provision of new apartment style retirement units (and the refurbishment of the Kupe Street building) and the coinciding release of what are typically large family homes / land parcels, which are released to the market for more efficient / intensive use and/or redevelopment;
- increased household incomes flowing through the local community; and
- possible increased visitor benefits.

Social and cultural benefits for current and future generations

The Project would have a range of positive effects on the wellbeing of multiple generations.

In terms of older generations, there are the following social benefits:

- The residents and staff within a retirement village are familiar with each other and will build rapport, which provides a sense of community and security to the residents. This is a key advantage of a retirement village model of accommodation, which enables elderly residents to have a strong sense of community, rather than being potentially isolated within their individual homes as their mobility decreases.
- The Project will provide communal outdoor and indoor areas which will enable residents and their visitors to socialise in a comfortable setting, as well as providing spaces within which social events and activities can be provided to encourage residents to be active and outgoing. The buildings and facilities are also able to be utilised (by invitation) by outside communities and organisations, which will assist with integrating the retirement village and its residents with the wider community.
- The Site's location, interface with, and accessibility to Takaparawhau / Michael Joseph Savage Memorial Park, will enable residents and their visitors (and staff) to optimise the use of the regional facility.
- Elderly people are more vulnerable to fraud and other forms of "elder abuse", which can often be unnoticed or unreported to the wider community. A retirement village environment provides a sense of security as retirement village units are well protected and residents have support networks within the retirement village.
- Other measures to provide a safer community are outdoor lighting, CCTV and well-illuminated pathways which will be provided in accordance with of Crime Prevention Through Environmental Design standards, and integrated across the Site. The design

and orientation of the Project will provide improved passive surveillance to Takaparawhau / Michael Joseph Savage Memorial Park, as well as the pedestrian walkway that are to traverse the Site and the streets that the Site has frontage to.

- Ngāti Whātua Ōrākei owns other land adjacent to the Site, on which it plans (in time) to build units for up to 50 of its kaumātua. Under agreement with Ngāti Whātua Ōrākei, Generus will make available facilities and services in the Kupe Street building (such as the pool, lounges, and café) available for use by kaumātua in those units as if they were residents of the village. Generus will design the village such that the kaumātua can freely access it, and feel welcomed by it. Currently, Māori are a very small percentage of residents in retirement villages, and these arrangements will be a step towards facilitating greater access to retirement villages for Māori.

For the working-aged generations, there would be increased employment opportunities and a decreased burden for the family and loved ones of the residents where they would otherwise be family carers (with resulting emotional, financial, and physical benefits). Local residents who occupy the village will also have an opportunity to stay within their local communities and remain connected with friends and family, reducing the strain on infrastructure.

Generus has agreed a framework with Ngāti Whātua Ōrākei that will ensure that employment, and contracting, opportunities in the village are offered to members of Ngāti Whātua Ōrākei. In addition, Generus has agreed to fund a scholarship for a member of Ngāti Whātua Ōrākei studying a health or wellness degree. The scholarship will be awarded annually for at least 10 years.

The development of the Site in the manner proposed provides a 24/7 residential activity, which in turn improves safety and security in the local neighbourhood streets, and adjoining open spaces, with the presence of activity, and passive surveillance.

The construction of a high-density retirement village will reduce land demand pressure and make further residential housing available as new village residents release their properties to the market, which will both increase housing stock for other household typologies and land for redevelopment and intensification. This increase in housing supply will help to relieve pressure on the housing market in the region, and will contribute towards improved housing affordability in the long term. A shortage of housing (and stress related to housing affordability) is widely considered to be one of the biggest issues nation-wide, and disproportionately affects younger people.

This Project provides an inclusive environment for older people that is to be designed so that people remain connected to their communities and have different living options to meet their needs as they change over time. The range of accommodation options available will be inclusive of support services/care, and also be in close proximity to local services, transport nodes, employment opportunities, shops, and social and cultural networks. Having inclusive environments ensures effective integration with the wider community by providing spaces that encourage positive socio-cultural activity. The Project recognises these spaces are critical for the wellbeing of residents and community cohesion.

The Project strongly aligns with the Government Policy Statement on Housing and Urban Development September 2021 (GPS-HUD), by enabling further use for urban development in an area that is experiencing strong demand for retirement housing, but lacks sufficient supply. The Project will enable more accommodation options to be built, which will increase

supply (and therefore contribute to housing affordability), ensure housing meet the needs of our ageing constituents, support housing solutions for older people in care, and plan for our ageing population.

The Project will provide for Ngāti Whātua Ōrākei through the partnership with Generus to invest in and support housing solutions for their people.

The Project will incorporate a cultural narrative, which is being developed by Generus and Ngāti Whātua Ōrākei, that builds upon the architectural design language and masterplan strategies, and is consistent with Ngāti Whātua Ōrākei's Cultural Acknowledgement Principles and the Essential Design Requirements, including:

- promoting cultural sense of place, a location that promotes and supports interaction and engagement between tribal members and a community environment unique to Ngāti Whātua Ōrākei; and
- having a design which promotes connection to significant Ngāti Whātua Ōrākei landmarks, cultural features and heritage connections.

The Project gives effect to those principles and requirements in the following ways:

- The status of iwi and hapū as Tangata Whenua is recognised and respected.
- Māori Names are celebrated.
- Tangata whenua significant sites and cultural landmarks are acknowledged.
- The natural environment is protected, restored and/or enhanced.
- Environmental health and mauri is protected, maintained and/or enhanced.
- Iwi/hapū narratives are captured and expressed creatively and appropriately.
- Iwi/hapū have a living and enduring presence and are secure and valued within their role.

The partnership between Generus and Ngāti Whātua Ōrākei contributes to the promotion of community, social, and employment facilities which enhance the economic and social wellbeing of Ngāti Whātua Ōrākei people, and the wider community through the optimal development of the finite land resource in an efficient and effective manner. This in turn contributes regionally (both economically and in a design sense) to the re-establishment of Ngāti Whātua Ōrākei on their whenua tupuna (ancestral land) within an integrated and sustainable community environment.

(x) is consistent with local or regional planning documents, including spatial strategies

Yes:

The Site is subject to the provisions of the Unitary Plan, which combines the regional policy statement, regional coastal plan, regional plan and district plan into one combined plan. The Unitary Plan has a hierarchical policy framework with the regional policy statement at the top, then with regional and district plan provisions giving effect to the regional policy statement.

Regional Policy Statement

The Regional Policy Statement (RPS) sets out the significant resource management issues for the Auckland region³. Those that are relevant to the Project include:

³ Unitary Plan B1.4

- (1) urban growth and form.
- (2) infrastructure, transport and energy.
- (5) issues of significance to Mana Whenua.

Relative to these topics, the objectives and policies that are relevant to the Project are identified and discussed below.

Urban Growth and form

The RPS identifies⁴ that Auckland's growing population increases demand for housing, employment, business, infrastructure, social facilities and services. Such growth needs to be provided for in a way that:

- (1A) contributes to well-functioning urban environments;
- (1B) improves resilience to the effects of climate change;
- (1) enhances the quality of life for individuals and communities;
- (2) supports integrated planning of land use, infrastructure and development;
- (3) optimises the efficient use of the existing urban area;
- (4) encourages the efficient use of existing social facilities and provides for new social facilities;
- (5) enables provision and use of infrastructure in a way that is efficient, effective and timely;
- (6) maintains and enhances the quality of the environment, both natural and built;
- (7) maintains opportunities for rural production; and
- (8) enables Mana Whenua to participate and their culture and values to be recognised and provided for.

Corresponding to this, the relevant objectives and policies are concerned with:

- Enabling a well-functioning urban environment through encouraging a quality compact urban form that enables all people and communities to provide for their social, economic, and cultural wellbeing, and for their health and safety, now and into the future, inclusive of:
 - better use of existing infrastructure and efficient provision of new infrastructure;
 - good accessibility for all people, including by improved and more efficient public or active transport; greater social and cultural vitality; and
 - a quality built environment where development responds to the intrinsic qualities and physical characteristics of the Site and area, including its setting, relative to the planned future environment, including its shape, landform, outlook, location and relationship to its surroundings, in a way that contributes to the safety of the Site, street and neighbourhood, and which achieves a high level of amenity and safety (for pedestrians and cyclists) and meets the functional, and operational needs of the intended use.
- Enabling higher residential intensification in a way which provides choices that meet the needs of people and communities for a range of housing types and working environments for Auckland's diverse and growing population.

⁴ Unitary Plan B2.1

The Project is of an intensity and scale that responds to, is consistent with, and will promote the Unitary Plan's objectives, in a way that will maintain and enhance the amenity values of the area with a quality built outcome and environment which enhances opportunities for people's well-being by ensuring that the new buildings respond appropriately to the existing and future built (urban) and natural (open space) environment.

The suitability of the form, scale, and layout of the Project has been carefully considered and assessed from a landscape and urban design perspective by Boffa Miskell,⁵ relative to its immediate interface to the open space of Takaparawhau to the north and the established and evolving residential neighbourhood to the south, including how it will be viewed as part of the wider urban catchment. The conclusion of that assessment is that:

- the Proposal will contribute to the built form of the urban catchment to the east of the Kepa Road ridge in Mission Bay. Development of a larger scale built form along the enclosing ridgelines, as well as along the Waitematā Harbour's foreshore, are already characteristic of the locality. The Proposal will contribute an additional development of scale but will not be out of character with the established and evolving pattern of more intensive urban development.
- The Proposal will form part of the urban backdrop to a part of the Waitematā Harbour but is well set back from the coastline and is not incongruous with the established and continually evolving built character of the landward urban backdrop.
- The Proposal will introduce large-scale, high intensity residential buildings onto the Site. This housing form is anticipated by the Site's predominant THAB zoning and is an effective and appropriate use of its location adjoining a major open space asset and close to a town centre.
- The Proposal has key structuring elements that will achieve attractive and safe interfaces to streets to the south of the Site and to Takaparawhau to the north.
- The Proposal will provide a level of amenity well in excess of the Unitary Plan outcomes expected for residential development on the Site.

These conclusions are supported by a peer review undertaken by R A Skidmore,⁶ who agrees with the analysis of landscape character and visual effects set out in the Boffa Miskell report, noting that in terms of potential effects of the form, scale and massing of buildings on the immediately surrounding environment the site configuration and overall development concept responds positively to its surrounding context. From an urban design perspective, the peer review considers that while of a larger scale, including increased verticality in relation to the surrounding pattern of development, the Site can accommodate the scale and form of development proposed in a manner that contributes positively to the evolving character of the wider urban environment, and that the Project has been designed to acknowledge and respond to the broad open space character of the adjacent Takaparawhau and the cultural values associated with this environment.

Infrastructure, transport and energy

The RPS identifies⁷ that realising Auckland's full economic potential while maintaining the quality of life for its inhabitants will need to address:

- (1) efficiency in developing, operating, maintaining and upgrading infrastructure;

⁵ Refer **Attachment 5: Urban Design and Landscape Assessment Summary Report.**

⁶ A copy of this assessment can be provided upon request.

⁷ Unitary Plan B3.1

- (2) integrating the provision of infrastructure with urban growth;
- (3) potential effects of incompatible land uses close to infrastructure;
- (4) traffic management;
- (5) security of energy supply; and
- (6) resilience of infrastructure, including fuel and electricity supplies, to natural hazards.

This means that development, especially that associated with growth in greenfield areas (which the Project is not), must be integrated and coordinated with the provision of infrastructure and the extension of networks. The Site is well serviced, and the area is not identified by Watercare Services Limited as having capacity constraints. Notwithstanding that, the Project will incorporate supply resilience to ensure the health and wellbeing of residents in the event of outages.

There is a focus on integrating land use and transport to achieve a compact urban form, including being focused on centres and transport nodes, which can also help promote energy efficiency and reduce dependence on non-renewable energy sources.

The Project is inherently consistent with these outcomes.

Issues of significance to Mana Whenua

The RPS identifies⁸ that the development of Māori Land and Treaty Settlement Land needs to be enabled to ensure that these lands and associated resources contribute to lifting Māori social, cultural and economic wellbeing significantly.

The corresponding objectives and policies seek to ensure:

- That the development and use of Treaty Settlement Land is enabled in ways that give effect to the outcomes of Treaty settlements recognising that: cultural redress is intended to meet the cultural interests of Mana Whenua; and commercial redress is intended to contribute to the social and economic development of Mana Whenua.
- Mana Whenua values, mātauranga and tikanga are properly reflected and accorded sufficient weight in resource management decision making.

The Project is inherently consistent with these outcomes, providing for the optimal development of the land collaboratively with Ngāti Whātua Ōrākei, and in a way which will reflect their mana whenua values and, through the partnership with Generus, will contribute to the social and economic development of Mana Whenua.

The Auckland Plan 2050

The Auckland Plan, being the spatial plan required to be prepared and adopted under sections 79 and 80 of the Local Government (Auckland Council) Act 2009 as a comprehensive and effective long-term (20- to 30-year) strategy for Auckland's growth and development, is a relevant statutory planning document for the preparation of the regional policy statement.

The Unitary Plan is reflective of the outcomes promoted by the Auckland Plan in respect of the approach taken to provide for a quality compact urban form in a way which responds to the differing and changing lifestyles and housing needs of the population.

⁸ Unitary Plan B6.1

The District Plan

In respect of the planning framework, the Site is within the jurisdiction of the Auckland Unitary Plan (Unitary Plan), within which it is zoned a combination of:

- Terrace Housing and Apartment Building (THAB);
- Mixed Housing Suburban (MHS);
- Open Space-Informal Recreation; and
- Special Purpose - Māori Purpose.

The zoning of the Site and the surrounding area is identified on **Figure 5**.

The majority of the Site is zoned THAB. The purpose of the THAB zone is *“to make efficient use of land and infrastructure, increase the capacity of housing and ensure that residents have convenient access to services, employment, education facilities, retail and entertainment opportunities, public open space and public transport. This will promote walkable neighbourhoods and increase the vitality of centres. The zone provides for the greatest density, height and scale of development of all the residential zones.”*⁹

The THAB zone is a high-intensity zone that is intended to be enabling of a greater intensity of development than previously provided for (under previous legacy District Plans) to support the highest levels of intensification provided for in the Unitary Plan’s residential zones.

The THAB zone provides for the greatest density, height and scale of development of all the residential zones, and in doing so acknowledges that such a form of development will, over time, result in a change from a suburban to urban built character with a resultant high degree of visual change.¹⁰

⁹ Auckland Unitary Plan H6.1

¹⁰ Unitary Plan H6.1

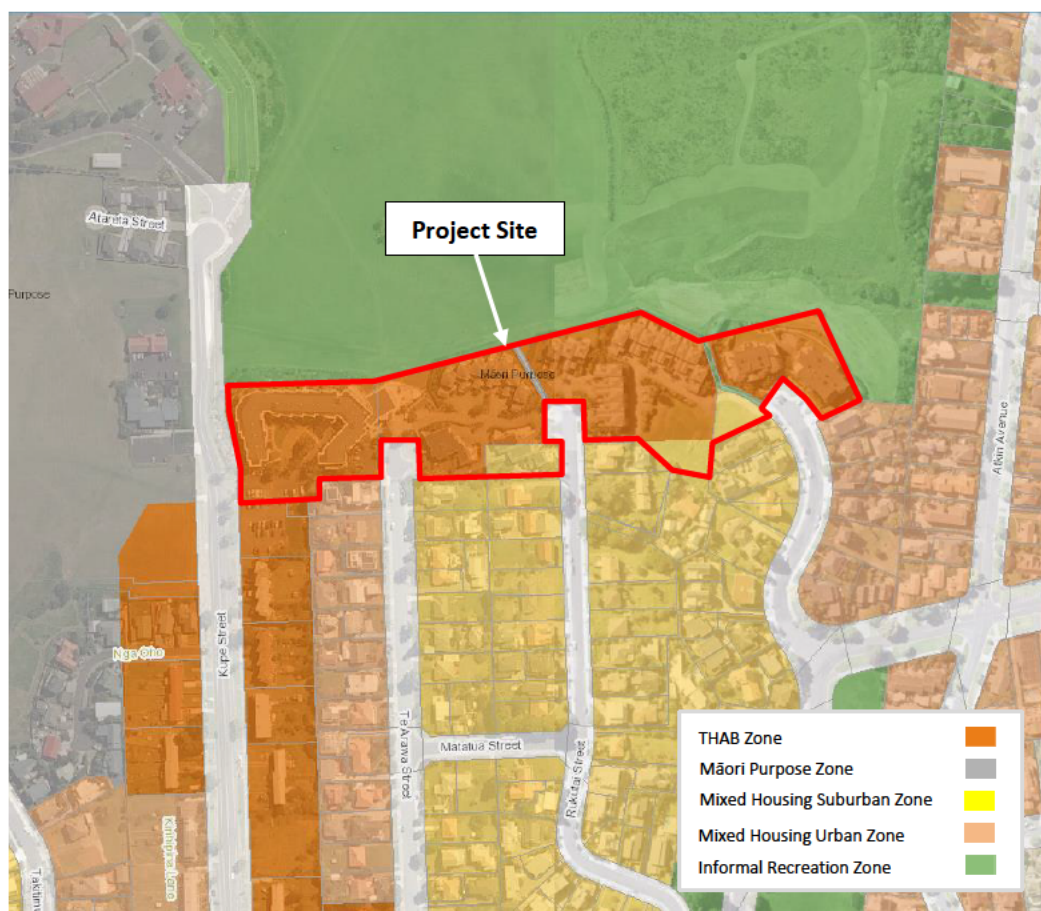


Figure 5: Zoning of the Site and surrounding area (Source: Unitary Plan Maps).

The Māori Purpose and Open Space zoned land corresponds to the two pedestrian walkways that traverse the Site between Rukutai Street and Aotea Street and Takaparawhau / Michael Joseph Savage Memorial Park respectively.

With reference to Figure 6, the Site (that part zoned THAB) and the pedestrian walkways (zoned Māori Purpose and Open Space) are located within the Ōrākei 1 Precinct (the Precinct). The purpose of the Ōrākei 1 Precinct is to:

- enable development and land management which reflect the principles of the Ngāti Whātua Ōrākei Iwi Management Plan 2012;
- provide for a range of activities that support and enhance development for papakāinga and other commercial and non-commercial activities; and
- provide additional rules and assessment criteria to manage the effects of development.¹¹

The structure of the Unitary Plan is such that where the underlying zoning of land is subject to a precinct (and precinct rules), and the activity status of an activity in the precinct is different to the activity status in the zone or in the Auckland-wide rules, then the activity status in the precinct takes precedence over the activity status in the zone or Auckland-wide rules, whether that activity status is more or less restrictive.

¹¹ Auckland Unitary Plan I326.1

In this regard, the purpose of a precinct is to enable local differences to be recognised by providing detailed place-based provisions which can vary the outcomes sought by the zone or Auckland-wide provisions and can be more restrictive or more enabling.

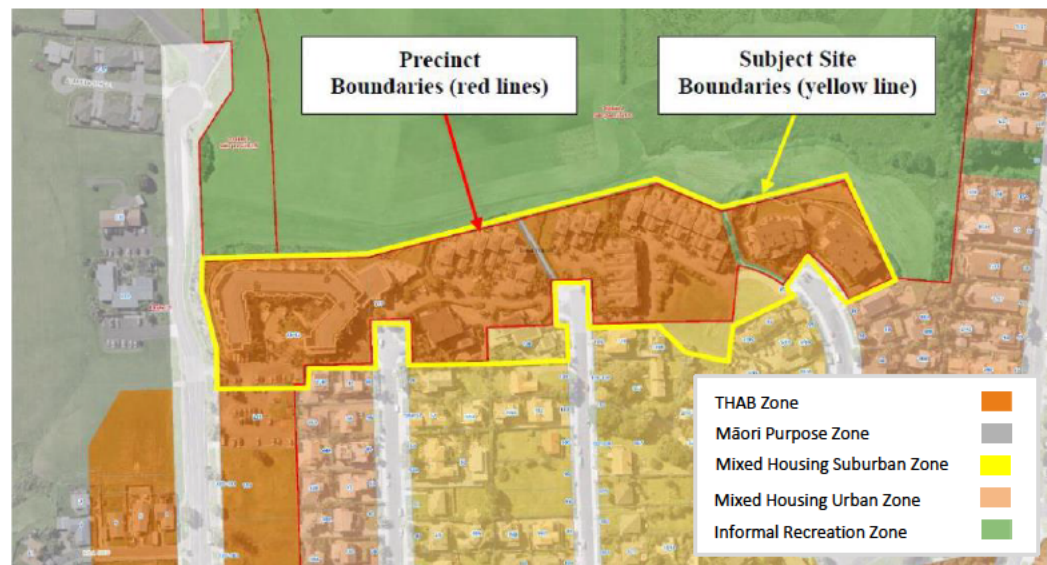


Figure 6: Extent of Ōrākei 1 Precinct relative to the Site (Source: Unitary Plan Maps).

With reference to Figure 7, the wider extent of the Ōrākei 1 Precinct that the Site is located within includes land identified as hapū reservation (land held for the purposes of a marae, church, urupa and related hapū amenities) and land identified for development for papakāinga and other commercial and non-commercial activities under the Ngāti Whātua Ōrākei Claims Settlement Act 2012.

- provide diversity in building forms and ownership models to accommodate a wide range of hapū and residents, including intergenerational whanau living opportunities and shared outdoor space;
- avoid monotonous built form when viewed from public open space and sites within the residential zones outside of the Precinct by ensuring a variation in building height and variations in building footprints and form; and
- complement adjacent public open space by orientating buildings to enhance passive surveillance, and locating parking and servicing areas remote from public open space boundaries.¹²

The Project is consistent with these outcomes.

With reference to the combined Zoning and Ōrākei 1 Precinct provisions, and the extent of the landholdings that are encompassed, which is inclusive of the existing pedestrian walkways, comprehensive development of the Site in an integrated manner is envisaged and encouraged by the Zone and the Precinct provisions.

Having regard to the matters for which resource consent will be required (refer Section 3.1.1 of this document), consideration of the Project will involve an assessment against the Auckland-wide provisions of the Unitary Plan, in respect of the following matters:

- Natural Resources (earthworks, groundwater, water quality).
- Built Environment (signs, lighting, noise and vibration).
- Infrastructure (infrastructure, transportation).
- Environmental risk (natural hazards (overland flow)).
- Temporary activities (duration of construction).

These matters are concerned with development being undertaken in a way which complies with standards, and/or undertaken in a manner which can be managed through the implementation of appropriate techniques to avoid, remedy or mitigate adverse effects being generated to people, property and the wider environment.

These matters have all been the subject of a preliminary assessment to confirm that such an outcome can be achieved.

Overall, the form and intensity of the Project is consistent with the outcomes promoted by the Ōrākei 1 Precinct and underlying zoning provisions when considered comprehensively and in an integrated manner. Similarly, the Project can be undertaken in a manner that is consistent with the outcomes envisaged by the Auckland-wide provisions.

Proposed Plan Changes

Proposed Plan Change 78 (PC78) to the Unitary Plan, in response to the National Policy Statement on Urban Development 2020 (updated May 2022) (NPS-UD), proposes to rezone those parts of the Site zoned MHS to Mixed Housing Urban (MHU), and to incorporate Medium Density Residential Standards that enable three storey development.

This rezoning is also proposed to apply to the neighbouring residential zoned (MHS) land to

¹² Unitary Plan I326.3(3)

the south of the Site, and the wider neighbourhood.

Ngāti Whātua Ōrākei have filed submissions on PC78, seeking to apply a THAB zoning to the whole of the Site, and to extend the extent of the Ōrākei 1 Precinct to also encompass the whole of the Site. If the outcomes sought by the Ngāti Whātua Ōrākei submissions on PC78 are successful, this will provide further support to the suitability of the Project.

PC78 is currently on hold, and the Project is not reliant on the outcome of that process.

2.6.2 Explain how referring the project to the fast-track approvals process:

2.6.2.1 Would facilitate the project, including by enabling it to be processed in a more timely and cost-effective way than under normal processes; and

The Fast-track process offers a number of advantages over the Resource Management Act 1991 (RMA) processes, particularly in respect of public and limited notification being precluded under the Act.

Within the current operative planning framework (including the unknown status of PC78) there is a high risk that the Project would be subject to either a limited or publicly notified process, were an application to be progressed via the RMA pathway.

Notification significantly increases delays and the likelihood of an Environment Court appeal. The RMA process would result in a much longer consenting timeframe and the risk of delay from a subsequent Environment Court appeal would be avoided under the fast-track approvals process.

The Applicant does not consider the RMA process to be an efficient use of time and resources. The experience of the Applicant's experts is that comprehensively and carefully designed large-scale development proposals for retirement villages of this nature that go through the normal processes, and a subsequent Environment Court process (whether by appeal or direct referral) can take at least two years to obtain consent, and will often be consented largely without substantial modification from the proposal represented in the application – and be subject to protracted discussions concerning outcomes that are unrelated to the planning merits of the Project.

Notwithstanding the statutory timeframes of the RMA processes (and assuming that the local authority performs relative to the prescribed timeframes), if there were to be appeals to the Environment Court, resource consent may not be obtained in time for construction to commence in the preferred summer period of 2025-2026. In this regard, Generus and Ngāti Whātua Ōrākei are committed to progressing the substantive application and documentation to enable construction to commence well within the two year default period of the Act.

Further to this, in the experience of the Project Team, for this Project the fast track approvals process will facilitate a targeted consultation process with iwi (following the Referral), as the Site forms part of the Ngāti Whātua Ōrākei whenua tupuna (ancestral land), and Ngāti Whātua Ōrākei are Ahi kā, and are the only relevant iwi authority, hapū (and Treaty settlement entity) for the purpose of the substantive resource consent application. There are no relevant protected

customary rights groups and customary marine title groups affected by the Project.

2.6.2.2 Is unlikely to materially affect the efficient operation of the fast-track approvals process

The substantive resource consent application will not be complex in respect of the reasons for which resource consent is required, in that it does not involve consent being required under any legislation (enabled under the Act), other than the RMA. There is no related designation, concession, land exchange, conservation covenant, wildlife approval, archaeological authority, marine consent, or access arrangement required.

The resource consent to be sought is limited to district and regional land use and take/diversion consents within the ambit of the Unitary Plan, under section 9(2), 9(3) and 14 of the RMA, and does not involve any section 11, 12, 13, consent matters.

The application will not necessitate further consultation (or condition reviews/responses) from iwi, other than Ngāti Whātua Ōrākei, who, being the joint applicant for the Project, have already endorsed the Project, and will be involved in establishing conditions that will form part of the substantive resource consent application.

Ngāti Whātua Ōrākei have confirmed in the letter appended as **Attachment 6** that they have Primacy in respect of the Site, and no other iwi have mana whenua status.

2.6.2.3 Has the project been identified as a priority project in a central government, local government, or sector plan or strategy (for example, in a general policy statement or spatial strategy), or a central government infrastructure priority list?

For example – a sector plan that specifically identifies the project including details such as location.

☐ Yes – see below ☒ **No – proceed next**

a. Identify the plan, strategy or list (or any other relevant document).

Not Applicable

2.6.2.4 Will the project deliver new regionally or nationally significant infrastructure or enable the continued functioning of existing regionally or nationally significant infrastructure?

☐ Yes – see below ☒ **No – proceed next**

a. Explain how the project will deliver this.

Not Applicable

2.6.2.5 Will the project increase the supply of housing, address housing needs, or

contribute to a well-functioning urban environment (within the meaning of policy 1 of the National Policy Statement on Urban Development 2020). If yes, explain how the project will achieve this.

Yes:

In addition to the response provided in Section 2.6.1, the Project is for the development of a brownfields site, which is appropriately zoned under the Unitary Plan for urban development and intensification. The Site has excellent access to a range of services within a readily accessible catchment, and good access and proximity to public transport.

The Project, being an integrated residential development activity (retirement village), is an appropriate and anticipated use of the land (reinforced by its activity status under the Unitary Plan), and represents an efficient use of the Site in a manner that will contribute to an increase in the provision of housing capacity, intensity, variety and choice for the elderly, as well as the wider neighbourhood – as houses/properties are vacated by residents moving into the village.

Such an activity and intensity of development will also enhance and support the social and economic well-being of the community, building upon the outcomes envisaged by the Unitary Plan zoning and Precinct provisions.

As an integrated residential development, inclusive of a variety of accommodation and care options, the Project will enable a variety of homes that:

- meet the needs, in terms of type, price, and location, of different households with the variety of typologies proposed;
- through the arrangement with Ngāti Whātua Ōrākei, include the opportunity for Māori to express their cultural traditions and norms;
- have good accessibility for all people between housing, jobs, community services, natural spaces, and open spaces, including by way of public or active transport. The location of the Site is readily accessible, and the operation of the activity will include transport options for residents to access local facilities and services;
- support reductions in greenhouse gas emissions, compared with the Site being developed with an intensive standard residential land use/development; and
- are resilient to the likely current and future effects of climate change, relative to the Site's elevation.

The scale of the Project, while being a change to the currently prevailing built characteristic, has been carefully designed in respect of its relationship with neighbours, and the interface of the Site to adjoining properties and the wider context (including Takaparawhau / Michael Joseph Savage Memorial Park).

While of a greater scale than that currently provided for in the respective zones that apply to the Site, the Project will integrate with (and contribute to) the established urban neighbourhood and the future planned character.

The development opportunities are proposed to further increase under PC78 in response to the NPS-UD, which reinforces this intended outcome, and forecasts a corresponding change to the characteristics of the current neighbourhood with the

proposal to rezone the neighbouring land (and a portion of the Site) from Mixed Housing Suburban to MHU.

The Project will generate fewer daily traffic movements than the level of traffic that would otherwise be generated should a 'standard' residential apartment development be constructed on the Site, with such traffic movements associated with a retirement village activity also occurring outside of the peak commuter periods.

The access, parking and servicing concepts have been assessed¹³ as being appropriate and will meet the relevant standards of the Unitary Plan, and industry recognised best practice standards. The traffic generated can be readily sustained by the local transportation and roading environment, with access and connectivity for the full spectrum of travel modes.

2.6.2.6 Will the project deliver significant economic benefits, and if so, how?

Yes:

Refer assessment provided in Section 2.6.1 of this document.

2.6.2.7 Will the project support primary industries, including aquaculture, and if so, how?

Not Applicable

2.6.2.8 Will the project support development of natural resources, including minerals and petroleum, and if so, how?

Not Applicable

2.6.2.9 Will the project support climate change mitigation, including the reduction or removal of greenhouse gas emissions, and if so, how?

Yes:

The Project represents an efficient use of the Site, providing for 252 retirement village units, and the refurbishment of the existing Kupe Street building, in a well-suited location that has many services and amenities within its catchment. Retirement village operations (as a comprehensive activity) also have advantages over traditional lower density development in reducing greenhouse gas emissions.

The refurbishment of the existing Kupe Street building, rather than demolishing and rebuilding this building, will reduce the necessity for new building materials, and negate the requirement to landfill (together with the associated transport costs/efficiencies). The refurbishment (as opposed to demolish and rebuild) also negates the need for existing residents to relocate (and return upon completion), enabling ongoing efficiencies, including in respect of staff and resident (and visitor) movements, as well as not requiring suppliers to change their operations.

¹³ By Flow Transportation Specialists (A copy of this assessment can be provided upon request)
Fast-track Approvals Referral Application Form

Retirement villages inherently include a range of amenities and services that are provided on-site, which means residents are less likely to need to travel to other locations, thereby reducing emissions from private vehicle usage. The integration of the Project with the refurbished Kupe Street building on the Site will enhance these efficiencies.

The location of the retirement village is in immediate proximity to a range of recreation, open spaces, and commercial / retail service activities, which reduces the need for travel to access these services/facilities. The Site is proximate to public transport services and the provision for bicycle parking and of end of trip facilities will provide the opportunity for staff and service providers to reduce their reliance on private vehicle usage.

The village will have a 'residents van' that will be utilised for group outings, as well as several communal vehicles for shared use. A number of electric vehicle charging stations will also be available for use on-site. Together with the already low travel demands by residents, these elements will further contribute to minimising resident vehicle movements and emissions.

The Site will be extensively landscaped to provide high-quality on-site amenity for residents, staff, visitors, and members of the public. The landscaping will include specimen trees and shrubs that will have the effect of absorbing carbon (carbon sink) from the atmosphere. The landscaping will be maintained by full-time on-site gardeners.

With regards to the day-to-day operation of the village, Generus strives to make a difference in providing upscale sustainable living environments and leading best practice within the industry. Sustainability is embedded in key business systems, decisions and organisational culture. The sustainability strategy is underpinned by nine sustainability aspirations /categories in the areas of Health and Wellbeing, Nature, Energy, Water, Waste, Community, Employment, Conversation and Innovation. Generus has introduced extensive sustainability programmes in all of its developments, including:

- Nature: minimisation of harmful solid and liquid emissions, soil nutrient management.
- Energy: use of solar energy, residential solar capacity, passive ventilation, sensor lighting, LED lighting, pool covers, rapid EV chargers.
- Water: water conservation, rainwater & stormwater collection, industry leading irrigation systems.
- Waste: extensive waste minimisation programmes (operational & residential), waste audits, green waste and e-waste diversion.
- Community: regenerative projects, partnership with iwi and charitable trusts, educational programmes, intergenerational projects etc.
- Conversation: Generus is part of the Retirement Village Association's newly formed Sustainability Committee. Generus villages have been featured as case studies and nominated for sustainability awards, funding received for waste minimisation projects.

2.6.2.10 Will the project support climate change adaptation, reduce risks arising from natural hazards, or support recovery from events caused by natural hazards, and if so, how?

Yes:

The elevated location and set back of the Site from the foreshore and coastal cliffs reduce the risks arising from natural hazards (erosion, ground stability, sea level rise).

The elevated nature and contour of the Site, also mitigate the risk of overland flow and flooding.

2.6.2.11 Will the project address significant environmental issues, and if so, how?

No:

Neither the Site nor the nature of the Project involve any significant environmental issues that require attention

2.6.2.12 Is the project consistent with local or regional planning documents, including spatial strategies, and if so, how?

Refer Section 2.6.1 of this document.

Section 3: Project details

Remember: at this stage only a general level of detail is required, enough to inform eligibility to use the fast-track approvals process.

For construction activities, please state the anticipated commencement and completion dates.

The Project will be undertaken in the following stages:

Stage	Scope	Est. Completion Date	Estimated Costs
Stage 1A	Refurbishment of existing Kupe Street building (90 Care Units)	Completed Q1 2026	s 9(2)(b)(ii)
Stage 1B	58 Apartments & Communal Facilities	Completed Q4 2027	
Stage 2	45 Apartments	Completed Q3 2029	
Stage 3	46 Apartments	Completed Q1 2031	
Stage 4	48 Apartments	Completed Q3 2032	
Stage 5	55 Apartments	Completed Q3 2034	
Total			

3.1 Approvals required

Applications must specify all of the proposed approvals sought but only need to provide a general level of detail about each proposed approval, sufficient to inform the Minister's decision on the referral application.

For each proposed approval an applicant must be eligible to apply for any corresponding approval under a specified Act. For example, if an approval is for a notice of requirement under the RMA, the applicant for that approval would need to be a requiring authority.

Applications for approvals under a specified Act, as required by in [section 13\(4\)\(y\)](#), are covered below in 3.8 Specific proposed approvals.

3.1.1 Outline the approvals sought under the Resource Management Act 1991.

Auckland Unitary Plan

The Unitary Plan is a combined plan under section 80 of the RMA, comprising the following:

- regional policy statement.
- regional coastal plan [rcp].
- regional plan [rp].
- district plan [dp].

The rules for the various plans are identified within the Unitary Plan according to the relevant section or sections of the RMA.

The following sets out the approvals sought with reference to the relevant section of the RMA for the activity relative to the zoning of the land (and the standards that apply to the activity), the Ōrākei 1 Precinct, and the Auckland-wide provisions (which apply to the use and development of natural and physical resources across Auckland regardless of the zone in which they occur):

- Section 9(2) – Regional Land use (Regional Plan rules).
- Section 9(3) – District Land use (District Plan rules).
- Section 14 – Take and diversion of water (groundwater) (Regional Plan rules).

Section 9(2) - Regional Plan Rules

Chapter E8 – Stormwater discharge and diversion

Diversion and discharge of stormwater runoff from impervious areas greater than 5,000m² requires consent as a Discretionary Activity pursuant to E8.4.1(A10).

Chapter E9 - Stormwater Quality

Resource consent will be required for a Controlled Activity pursuant to E9.4.1(A6) for vehicle parking areas on a site (including that which is an accessory activity to the main use of the site) that are:

- greater than 5,000m²; and
- exposed to rainfall; and
- designed for a total of more than 30 vehicles inclusive of associated accessways (maneuvering, entries and exits).

Chapters E11 - Land Disturbance - Regional

- The Project will involve earthworks greater than 2,500m² in the Residential zones, where the land has a slope equal to or greater than 10 degrees, requiring resource consent as a Restricted Discretionary Activity under E11.4.1(A8).

Section 9(3) - District Plan Rules

Ōrākei 1 Precinct

- Within the Ōrākei 1 Precinct, 'Retirement Villages'¹⁴ where located on land within the Māori Purpose Zone require resource consent as a Restricted Discretionary Activity, pursuant to Rule I326.4.1(A1).
- New buildings associated with a retirement village in the Ōrākei 1 Precinct require resource consent as a Restricted Discretionary Activity, pursuant to I326.4.1(A21).

Chapter H6 - Terrace Housing and Apartment Building Zone

- 'Integrated residential development'¹⁵ in the Terrace Housing and Apartment Buildings Zone requires resource consent as a Restricted Discretionary Activity, pursuant to H6.4.1(A7).
- New buildings associated with an Integrated residential development in the Terrace Housing and Apartment Buildings Zone require resource consent as a Restricted Discretionary Activity, pursuant to H6.4.1(A35).
- The height of the proposed buildings will not comply with the maximum height of 16m + 1m roof specified by Standard H6.6.5, and therefore will require resource consent as a Restricted Discretionary Activity under Rule C1.9(2).

Chapter H4 - Mixed Housing Suburban Zone

- 'Integrated residential development' in the Mixed Housing Suburban Zone requires resource consent as a Restricted Discretionary Activity, pursuant to H4.4.1(A8).
- New buildings associated with an Integrated residential development in the Mixed Housing Suburban Zone require resource consent as a Restricted Discretionary Activity, pursuant to H4.4.1(A34).
- The height of the proposed buildings will not comply with the maximum height of 8m + 1m roof specified by Standard H4.6.4, and therefore will require resource consent as a Restricted Discretionary Activity under Rule C1.9(2).

Chapter H27 - Special Purpose - Māori Purpose

- Within the Māori Purpose zone, neither Retirement Villages nor integrated residential development are provided for. Therefore, the activity status would default to a Non Complying Activity pursuant to Rule H27.4.1(A1), however as the Precinct rules take precedence, the activity status of Restricted Discretionary applies as set out above.
- New buildings that do not comply with one or more standards of the Special

¹⁴ Defined by the Unitary Plan as "A managed comprehensive residential development used to provide accommodation for aged people. Includes the use or development of any site(s) containing two or more units that provides accommodation, together with any services or facilities, predominantly for persons in their retirement, which may also include their spouses or partners; and recreation, leisure, supported residential care, welfare and medical facilities (inclusive of hospital care) and other non-residential activities accessory to the retirement village".

¹⁵ Defined by the Unitary Plan as "A residential development on sites greater than 2,000m² which includes supporting communal facilities such as recreation and leisure facilities, supported residential care, welfare and medical facilities (inclusive of hospital care), and other non-residential activities accessory to the primary residential use. For the avoidance of doubt this would include a retirement village".

Purpose - Māori Purpose zone require resource consent as a Restricted Discretionary Activity pursuant to Rule H27.4.1(A28) given the Restricted Discretionary Activity status of the land use activity as set out above.

Chapter H7 - Open Space - Informal Recreation Zone

- Within the Open Space - Informal Recreation zone, neither Retirement Villages nor integrated residential development are provided for. Therefore, the activity status defaults to Non Complying Activity pursuant to Rule H7.9.1(A1).
- New buildings that do not comply with one or more standards of the Open Space - Informal Recreation zone requires resource consent as a Discretionary Activity pursuant to Rule H7.9.1(A39).

Chapters E12 - Land Disturbance - District

- The Project will involve earthworks greater than 2,500m² in the residential zones, requiring resource consent as a Restricted Discretionary Activity under E12.4.1(A6).
- Earthworks greater than 1,000m³ in the Open Space zone require resource consent as a Restricted Discretionary Activity under E12.4.1(A9).
- The Project will involve earthworks greater than 2,500m³ in the residential zones, requiring resource consent as a Restricted Discretionary Activity under E12.4.1(10).
- Earthworks greater than 2,500m³ in the Māori Purpose zone will require resource consent as a Restricted Discretionary Activity under E12.4.1(A10).

Chapter E16 - Trees in Open Space Zones.

Tree removals within the Open Space zone, where the tree is greater than 4m in height or greater than 400mm in girth, require resource consent as a Restricted Discretionary Activity under E16.4.1(A10).

Chapter E23 - Signage

The Project will include forms of signage, both during construction (hoardings) and upon completion (naming). Resource consent will be required as a Restricted Discretionary Activity for Comprehensive Development Signage under E23.4.2 (A53).

Chapter E25 - Noise and Vibration

The construction of the Project will infringe the construction noise (and vibration) standards, requiring resource consent as Restricted Discretionary Activity under E25.4.1(A2).

E27 - Transport

- The Project will exceed the development threshold for an integrated residential development (greater than 100 units), requiring resource consent as a Restricted Discretionary Activity under E27.4.1(A3).

Chapter E36 - Natural Hazards

Part of the site is identified as containing an overland flowpath that has an upstream contributing catchment exceeding 4,000m². Resource consent is required as a Restricted Discretionary Activity under E36.4.1 for:

- diverting the entry or exit point, piping or reducing the capacity of any part of an overland flow path (A41); and
- any buildings or other structures, including retaining walls (but excluding permitted fences and walls) located within or over an overland flow path (A42).

E40 - Temporary Activities

The construction period will exceed 24 months, requiring resource consent as a Restricted Discretionary Activity under E40.4.1(A24).

Section 14 - Take and Diversion Rules

Chapter E7 – Taking, damming and diversion of water

The construction (excavation) is expected to necessitate dewatering and/or groundwater level control/diversion, requiring resource consent as a Restricted Discretionary Activity under E7.4.1(A20 and A28).

3.1.2 Outline the approvals sought under the Conservation Act 1987

Not Applicable

3.1.3 Outline the approvals sought under the Reserves Act 1977

The Project is not seeking any approvals under the Reserves Act 1977 as part of the fast track process.

As set out in Section 3.1.13, the revocation of two reserve parcels under section 24 of the Reserves Act 1977 is underway in parallel to this fast-track process, with the intention that the revocation will be completed prior to substantive consent under the fast-track process being obtained. An Application for Revocation of Reserve Land has been made to Auckland Council to initiate this process.

3.1.4 Outline the approvals sought under the Wildlife Act 1953

Not Applicable

3.1.5 Outline the approvals sought under the National Parks Act 1980

Not Applicable

3.1.6 Outline the approvals sought under the Heritage New Zealand Pouhere Taonga Act 2014

Not Applicable

3.1.7 Outline the approvals sought under the Freshwater Fisheries Regulations 1983

Not Applicable

3.1.8 Outline the approvals sought under the Exclusive Economic Zone and Continental Shelf (Environmental Effects) Act 2012

Not Applicable

- 3.1.9** Outline the approvals sought under the Crown Minerals Act 1991

Not Applicable

- 3.1.10** Outline the approvals sought under the Public Works Act 1981

Not Applicable

- 3.1.11** *Only applicable if more than one applicant:* Provide a statement of which approvals are proposed to be held by which applicant.

Not Applicable

- 3.1.12** Where there are any particular eligibility requirements to apply for an above approval; identify what they are, who the relevant applicant is, and confirm that the relevant applicant meets those requirements (including providing any necessary supporting information or documentation to evidence this).

Not Applicable

- 3.1.13** Are there any other types of consents, certificates, designations, concessions, and other legal authorisations (other than contractual authorisations or the proposed approvals) and you consider are needed to authorise the project (including any that may be needed by someone other than you as the applicant(s)). Provide details on whether these have been obtained.

To enable the Project, it is necessary to revoke the reserve classification of two parcels of reserve land which traverse the Site. An Application for Revocation of Reserve Land has been lodged (15 December 2024) with Auckland Council to enable this.

The pedestrian walkways to be revoked are local purpose recreation reserves, vested with the local authority (Auckland Council).

New pedestrian walkways are proposed to be created through the Site. These are to be located within the parcels contained in freehold records of title NA99C/193 (in respect of the Te Arawa Street walkway) and NA99C/195 (in respect of the Aotea Street walkway).

Both of these parcels are Māori freehold land for the purposes of Te Ture Whenua Māori Act 1993 (TTWMA) and fall within the definition of hapū land - development land under the Ngāti Whātua Ōrākei Claims Settlement Act 2012 (Settlement Act).

Ngāti Whātua Ōrākei may grant an easement to any person (including Council) under section 63(1)(a) of the Settlement Act, over any part of the hapū land. There are no restrictions in the Te Ture Whenua Māori Act 1993 (TTWMA) which would prevent Ngāti Whātua Ōrākei from granting these easements over the Site.

The location of the existing pedestrian walkway reserves and the proposed pedestrian walkways/easements are shown on **Figure 8**:

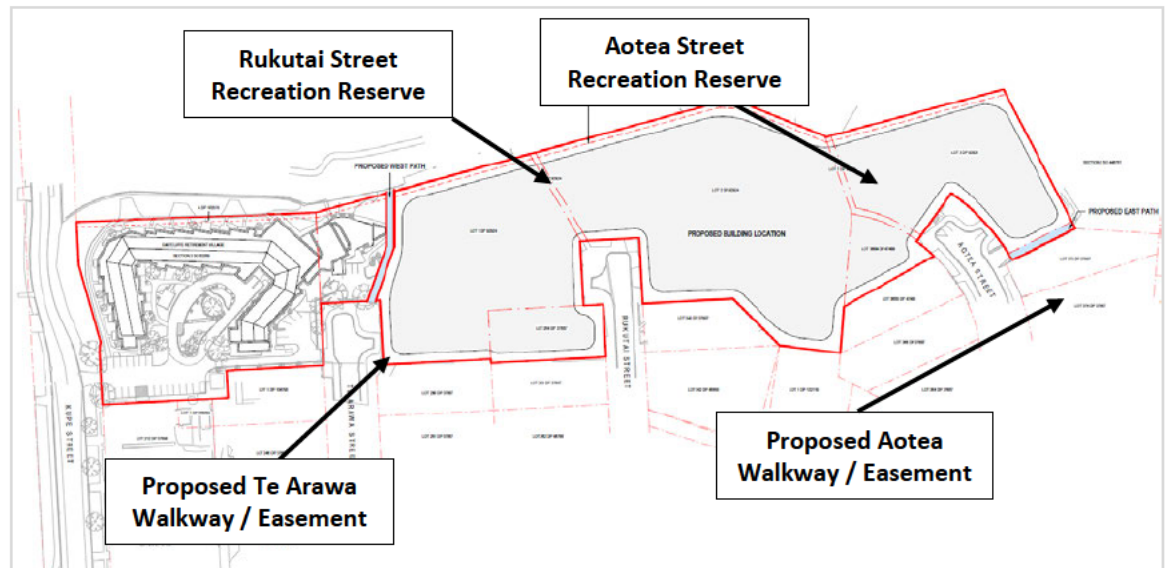


Figure 8: Existing and proposed pedestrian walkways.

The Applicant has submitted an Application for Revocation of Reserve Land with Council (15 December 2024) to revoke the reserve land between Aotea Street and Takaparawhau (Lot 7 DP 92925 Aotea Street), and between Rukutai Street and Takaparawhau (Lot 6 DP 92924 Rukutai Street). At the time of this Referral Application, Auckland Council is evaluating the Application for Revocation of Reserve Land, prior to proceeding with public notification.

3.2 Project stages

3.2.1 If the project is planned to proceed in stages, provide:

1. A statement of whether the project is planned to proceed in stages, including:
 - a. an outline of the nature, scale and timing of the stages; and

The Project will be undertaken in the following stages:

Stage	Scope	Est. Completion Date	Estimated Cost
Stage 1A	Refurbishment of existing Kupe Street building (90 Care Units)	Completed Q1 2026	s 9(2)(b)(ii)
Stage 1B	58 Apartments & Communal Facilities	Completed Q4 2027	
Stage 2	45 Apartments	Completed Q3 2029	
Stage 3	46 Apartments	Completed Q1 2031	
Stage 4	48 Apartments	Completed Q3 2032	
Stage 5	55 Apartments	Completed Q3 2034	
Total			

- b. a statement of whether you intend to lodge a separate substantive application for each of the stages.

- i. If a substantive application is intended to be lodged for each stage, address the questions under the section (Appropriateness for fast-track approvals

process) for each stage of the project

A single substantive application will be lodged to cover all stages.

3.3 Alternative project

3.3.1 If the project is proposed as an alternative project, provide:

1. A statement of whether a part of the project is proposed as an alternative project in itself; and
 - a. Describe that part of the project; and
 - b. Explain how that part of the project proposed as an alternative project meets the referral assessment criteria in section 22 of the Act.

Not Applicable

3.4 Adverse effects

3.4.1 Describe any anticipated and known adverse effects of the project on the environment.

The Project has the potential to generate the following adverse effects on the environment, having regard to the reasons for which resource consent will be required, and the context of the Site. Generically, this includes: the effects on the neighbourhood character, residential amenity and the surrounding residential area from the following:

- (i) building intensity, scale, location, form and appearance;
- (ii) traffic;
- (iii) location and design of parking and access; and
- (iv) noise, lighting and hours of operation.

These are further refined as follows.

Landscape & Urban Design

Landscape

- Potential effects in relation to (and arising from) the scale / bulk / massing of the development in respect of adjoining open space and residential zones at the immediate interface and middle distance, and in respect of the wider urban landscape.
- Potential privacy effects in respect of residential neighbours.

Urban design

- Potential neighbourhood character effects of the bulk, scale and appearance of the Project in regard to the existing and planned character of the area.
- Potential pedestrian legibility, connectivity, safety and amenity effects of the proposed public walkways.

- Potential effects of the Project on the public realm interfaces to neighbouring streets and public open spaces.
- Potential on-site residential amenity effects.
- Potential effects on neighbouring residential properties (privacy, overlooking, visual dominance, shading).

A preliminary assessment of these matters is contained in the Urban Design and Landscape Visual Assessment prepared by Boffa Miskell (**Attachment 5**), which concludes that:

- The design and layout will ameliorate potential adverse effects in respect of the scale of the development relative to the neighbourhood and neighbouring properties.
- The Project will contribute an additional development of scale but not be out of character with the established and evolving pattern of more intensive urban development in a more distant landscape context, and will not be incongruous with the established and continually evolving built character of the landward urban backdrop.
- The distribution and placement of building bulk and form on the Site positively assists in integrating the Project into the neighbourhood.
- Building bulk and massing has been placed on the Site in a manner which will minimize the potential for overlooking, privacy, visual amenity and shading effects on neighbouring residential properties to the south.

Archaeology

There are no previously recorded archaeological or heritage sites in the immediate vicinity the Project.

No archaeological or heritage constraints have been identified that cannot be addressed by standard discovery protocols.

Geotechnical

Excavation will occur below groundwater level, which may have the effect of lowering of the groundwater and introducing potential settlement effects on adjacent structures and services.

The Site is generally flat to gently sloping at an angle of less than 5-10 degrees falling from west to east. Beyond the Site to the east, the ground profile falls at approximately 15 - 20° towards the inland coastal cliffs which are approximately 40m from the Site boundary. Earthworks have the potential to effect slope stability.

A Preliminary Geotechnical Assessment¹⁶ has been undertaken, which confirms that with suitable management/construction measures being implemented, these effects can be sustained.

¹⁶ A copy of this assessment can be provided upon request.

Earthworks also have the potential to generate dust, silt and sedimentation effects, which can be managed by the implementation of, and adherence to, 'standard' Management Plan processes.

Infrastructure

The Project has the potential to affect the capacity of the infrastructure network (water supply, wastewater, and stormwater). The preliminary infrastructure assessment¹⁷ confirms that the Site can be serviced by the capacity of the utility network in respect of water supply and waste water, and that with some on-site mitigation, stormwater can be similarly accommodated.

Natural Hazards

The eastern portion of the Site is traversed by a minor overland flow path, which originates from within the Site. This will be diverted within the Site while maintaining the flow rate and exit point, such that offsite effects are avoided.

Transportation

The Project will generate traffic effects from construction and operational activities. These have been assessed on a preliminary basis by Flow Transportation.¹⁸

The Project will generate construction traffic effects during the progressive stages of construction, which will access the Site variously to/from the respective road frontages. The effects of this can be managed by the implementation of appropriate Management Plans relative to the routes to be used, timing of vehicle movements, and coordination of construction vehicle parking, consistent with standards practices.

The operation of the activity will introduce additional resident, visitor, staff, trade and delivery traffic, which will generate effects to the respective streets that the Site will gain access from. The low volume of vehicle movements can be readily accommodated by the capacity of the road network, without generating adverse safety effects.

Noise and vibration

The construction of the Project will involve processes and equipment that will generate noise and vibration effects to neighbouring properties relative to their proximity and duration. Styles Acoustics has undertaken a preliminary assessment of these effects.¹⁹ Such construction related effects are envisaged, with suitable Management Plans being implemented, to control duration, frequency and timing, to be reasonable relative to amenity values, structural integrity, and human health.

Construction duration

The duration of the construction activity is forecast to occur in stages over an 8–10 year period. The potential effects of this include construction traffic movements in the local road network, reduction in on street parking, pedestrian safety, periods of access restrictions/constraints, noise and vibration, dust, and lighting (security).

¹⁷ A copy of this assessment can be provided upon request.

¹⁸ A copy of this assessment can be provided upon request

¹⁹ A copy of this assessment can be provided upon request

These effects will require management and mitigation via a comprehensive Construction Management Plan, that is integrated with a Noise and Vibration Management Plan and Construction Traffic Management Plan, together with a Community Liaison Plan to inform the community of programmed activities. These are typical of projects of this scale.

Mana whenua values

The Project has the potential to generate effects in respect of the cultural sense of place, the use, function and integration of areas zoned open space; and the interruption of views towards the Whenua Rangatira.

The diversion/take of groundwater also has the potential to adversely affect the mauri of water.

These matters are addressed through the coordination of the Project and its design with joint applicant Ngāti Whātua Ōrākei.

Open Space

The relocation of the pedestrian access between the public open space (Takaparawhau) and the residential neighbourhood to the south will affect the experience of the users of these routes relative to where they access and arrive at the open space, as well as lengthening the route for some persons to access the open space from these neighbourhoods.

- 3.4.2** Provide a statement of any activities involved in the project that are prohibited activities under the Resource Management Act 1991, and identify the relevant prohibited activity provision.

There are no prohibited activities proposed under the RMA.

3.5 Persons affected

- 3.5.1** Provide a list of the persons, groups and/or entities who you consider are likely to be affected by the project.

The list should include, as relevant, local authorities, relevant Māori groups (as set out at section 13(4)(j)(ii)-(vii) of the Fast-track Approvals Act 2024), persons with a registered interest in land that may need to be acquired under the Public Works Act 198; and if the project includes a land exchange, the holder of an interest in the land that is to be exchanged by the Crown (see Consultation requirements for referral application).

The following persons, groups and/or entities are considered to be affected by the Project:

- Local Authority: Auckland Council, inclusive of Council Controlled Organisations: Auckland Transport and Watercare Services Limited (WSL).
- Iwi authorities and groups that represent hapū that are parties to relevant Mana Whakahono ā Rohe or joint management agreements: Ngāti Whātua Ōrākei.
- Other relevant iwi authorities: Nil - With reference to the letter prepared by Ngāti Whātua Ōrākei (**Attachment 6**), which explains that Ngāti Whātua Ōrākei are the only relevant iwi

authority and therefore no iwi authorities other than Ngāti Whātua Ōrākei are considered to be affected by the Project.

- Relevant Treaty settlement entities: Ngāti Whātua Ōrākei.
- Relevant protected customary rights groups and customary marine title groups: None Applicable.
- Ngā hapū o Ngāti Porou, if the project area is within or adjacent to, or the project would directly affect, ngā rohe moana o ngā hapū o Ngāti Porou: Not Applicable.
- Relevant applicant groups under the Marine and Coastal Area (Takutai Moana) Act 2011: Not Applicable.
- Adjacent landowners.

3.5.2 Provide a summary of any consultation undertaken with the above persons and/or groups who you consider are likely to be affected by the project, and any other groups required to be consulted with under section 11 of the Act, **and** how the consultation has informed the project.

- Auckland Council:

WSL – An email was sent to the network capacity constraint team on 5 February 2025, who confirmed there are no known constraints or the area.

Premium Resource Consents Team – Communications with the Manager Premium Resource Consents Team (31 January 2025) explaining the scope of the Project, and confirming that the Premium Resource Consents Team would be responsible for coordinating the Council's review and response to the referral and the substantive application. A meeting was held with Principal Project Lead for the Premium Resource Consents Team (12 February 2025) to provide a project briefing on the scope of the Project. No further communications were considered necessary by the Principal Project Lead in advance of the Referral Application.

- Land Advisory Services Parks & Community Facilities:

A pre-application meeting was held 15 October 2024 to discuss the Project for the revocation of reserve land, relative to the two pedestrian walkway reserves that bisect the Site.

An Application for Revocation of Reserve Land was lodged 13 December 2024.

A post-lodgement meeting was held with Land Advisory Services Parks & Community Facilities on 26 February 2025 to discuss the status of the application and respond to preliminary queries, to enable the application to be progressed. Consultation with Land Advisory Services Parks & Community Facilities has informed the layout of the Site in respect of the location of the proposed pedestrian accessway easements (in place of the reserves to be revoked) to maintain and enhance connectivity between the residential neighbourhood to the south of the Site and the open space to the north (Takaparawhau).

- Ngāti Whātua Ōrākei:

As a joint applicant, land owner and relevant iwi authority, consultation with Ngāti Whātua Ōrākei has inherently informed the Project, including in respect of:

- Providing a platform for working relationships where tangata whenua values, world views, tikanga, cultural narratives and visual identity can be appropriately expressed in the design environment.
- Leadership provided by Ngāti Whātua Ōrākei with regards to cultural protocols that will be initiated before, during, and after development of the Site.
- Acknowledgement of the Māori world view of the wider significance of tohu / landmarks and their contribution to the design of the Project.
- The location and integration of pedestrian access through and from the Site to Takaparawhau.
- Coordination and integration with kaumātua housing planned for adjacent land.

3.5.3 List any Treaty settlements that apply to the project area and provide a summary of the relevant principles and provisions in those settlements.

The Ngāti Whātua Ōrākei Claims Settlement Act 2012 (Settlement Act) formalises the settlement of historical Treaty of Waitangi claims between the Crown and Ngāti Whātua Ōrākei. That Settlement Act includes principles and provisions relevant to the settlement:

1. Principles supporting the Settlement

The settlement is guided by Treaty of Waitangi principles such as:

- **Acknowledgment of historical grievances:** The Crown recognises and apologises for past injustices, including land confiscation and breaches of Te Tiriti o Waitangi.
- **Restoration of mana:** The settlement aims to restore the cultural, historical, and economic standing of Ngāti Whātua Ōrākei.
- **Partnership and redress:** The Crown and Ngāti Whātua Ōrākei are engaged in an ongoing relationship to ensure redress is meaningful and enduring.

2. Provisions of the Settlement Act

The Settlement Act contains key provisions that relate to:

a. Historical Account and Apology

- Provides a **detailed account** of the Crown breaches of the Treaty.
- Includes an **official apology** from the Crown to Ngāti Whātua Ōrākei.

b. Cultural and Commercial Redress

Cultural redress:

- Recognition of Ngāti Whātua Ōrākei as mana whenua in Tāmaki Makaurau.
- Return of significant land sites and cultural protections for wāhi tapu (sacred places), i.e., Taonga Tuturu protocols, Conservation protocols.

Commercial redress:

- Transfer of land and properties to Ngāti Whātua Ōrākei.
- Financial compensation to support economic development.

c. Governance Arrangements

- Establishes Ngāti Whātua Ōrākei Trust as the post-settlement governance entity responsible for managing assets and redress.
- Provides for mechanisms to manage relationships with local and central government.

d. Relationship with Other Settlements

- Ensures the settlement does not affect other iwi or hapū claims.
- Sets out protocols for how Ngāti Whātua Ōrākei interacts with the Crown and other iwi in Auckland.

Summary

The Settlement Act is significant in recognising past injustices, restoring mana whenua, and providing economic and cultural redress to Ngāti Whātua Ōrākei. It establishes a legal foundation for the ongoing partnership with the Crown while preserving their rights and interests in Auckland.

- 3.5.4** If relevant, detail any principles or provisions in the Ngā Rohe Moana o Ngā Hapū o Ngāti Porou Act 2019 that would be invoked by the project and identify which aspects of the application trigger or otherwise invoke these requirements.

Not Applicable

- 3.5.5** Will the project be located on land returned under a Treaty settlement?

☒ Yes – see below ☐ No – proceed next

The Site includes land returned to Ngāti Whātua Ōrākei by the Crown under the Settlement Act, which constitutes a Treaty Settlement under the Act – as it is listed in Schedule 3 of the Treaty of Waitangi Act 1975, with reference to the definitions of ‘Treaty Settlement Act’ and ‘Treaty Settlement’.

The Settlement Act repealed the Orakei Act 1991, and references the land parcels, confirming their inclusion in the settlement:

- **Lot 1 DP 92924:** 5,641 square metres, NA99C/193.
- **Lot 2 DP 92924:** 7,473 square metres, NA99C/194.
- **Lot 3 DP 92925:** 3,460 square metres, NA99C/195.
- **Section 3 SO 63269:** 5,895 square metres, 557119.

The land parcels are listed in Schedule 3 of the 2012 Act, Part 1 Development land (papakāinga).

The land parcels were returned to Ngāti Whātua Ōrākei as part of the Treaty of Waitangi settlement process, initially under the Orakei Act 1991 (Schedule 1) and subsequently confirmed in the Settlement Act.

3.5.6 Provide evidence of written agreement by the owners of the land returned.

Refer letter prepared by Ngāti Whātua Ōrākei (Attachment 3).

3.5.7 Describe any processes already undertaken under the Public Works Act 1981 in relation to the project:

Not Applicable

3.5.8 Provide information identifying any parcels of Māori land, marae, or identified wāhi tapu within the project area:

The Site comprises the following Māori freehold land parcels:

Address	Legal Description	Freehold Title	Registered Land Owner
217 Kupe Street	Section 3 SO 63269	557119	Ngāti Whātua Ōrākei Trustee Limited
217 Kupe Street	Lot 1 DP 92924	NA99C/193	Ngāti Whātua Ōrākei Trustee Limited
217 Kupe Street	Lot 2 DP 92924	NA99C/194	Ngāti Whātua Ōrākei Trustee Limited
217 Kupe Street	Lot 3 DP 92925	NA99C/195	Ngāti Whātua Ōrākei Trustee Limited

The Archaeological Memo prepared by CFG Heritage²⁰ confirms there are no previously recorded archaeological or heritage sites in the immediate vicinity of the Project. No archaeological or heritage constraints have been identified that cannot be addressed within the usual approaches for heritage management.

There are marae and identified wāhi tapu within the vicinity of the project area, but not within the Site.

3.6 Legal interests

3.6.1 Provide a description of any legal interests you or any others applying, have in the land on which the project will occur, including a statement of how that affects your ability to undertake the work.

The Records of Title and Interests are appended as Attachment 2.

All of the land comprising the Site, excepting the two reserve parcels, is either directly, or ultimately, owned by Ngāti Whātua Ōrākei Trustee Limited. Ngāti Whātua Ōrākei Trustee Limited is the ultimate holding company of the joint applicant for referral Ngāti Whātua Ōrākei Whai Rawa Limited.

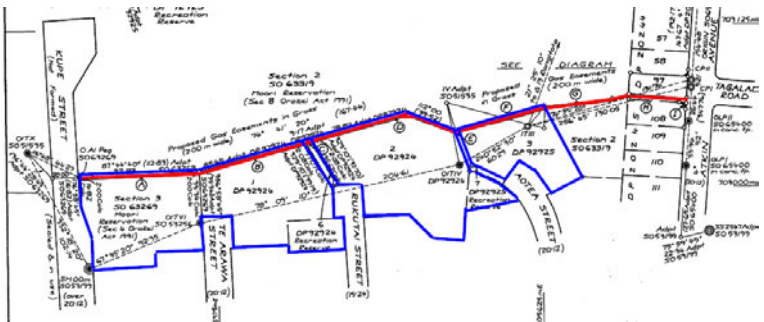
²⁰ A copy of this can be provided upon request.

The agreement between the joint applicants with respect to the proposed development is set out in section 2.2.1.

The status of the reserve parcels currently owned by Auckland Council and the parallel reserve revocation process is set out in section 3.1.13 of this application.

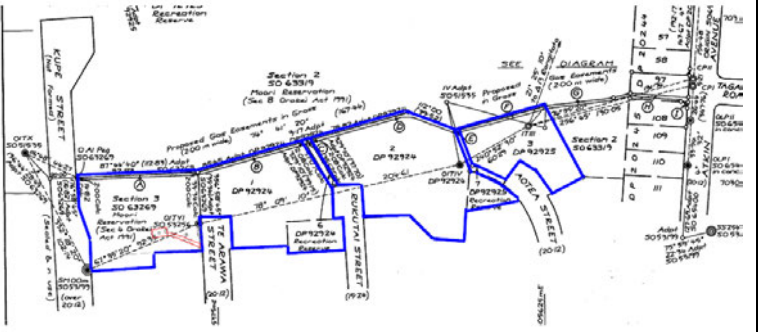
The following provides a summary of the interests. None of these affect the ability to undertake the work.

Gas Easement in D320989.1

Registered Interest:	Gas right (in gross) in favour of United Networks Limited (now Vector Limited)
Burdened Land:	557119 NA99C/193 NA99C/194 NA99C/195 1212543
Benefited Land:	N/A – Easement in gross in favour of United Networks Limited (now Vector Limited)
Easement Area:	As shown approximately in red on the plan below, noting the Property shown blue
Plan:	
Easement Terms:	• This easement instrument provides the grantee, now Vector Limited, the right to construct, operate, inspect, maintain, clean, repair, alter and renew gas distribution equipment and housing on the easement area. Vector also has the right to enter those parts of the burdened land as necessary to exercise its rights under the easement. • There is a make good obligation on the grantee once the works are completed to reinstate the land to its condition prior to the works being completed.

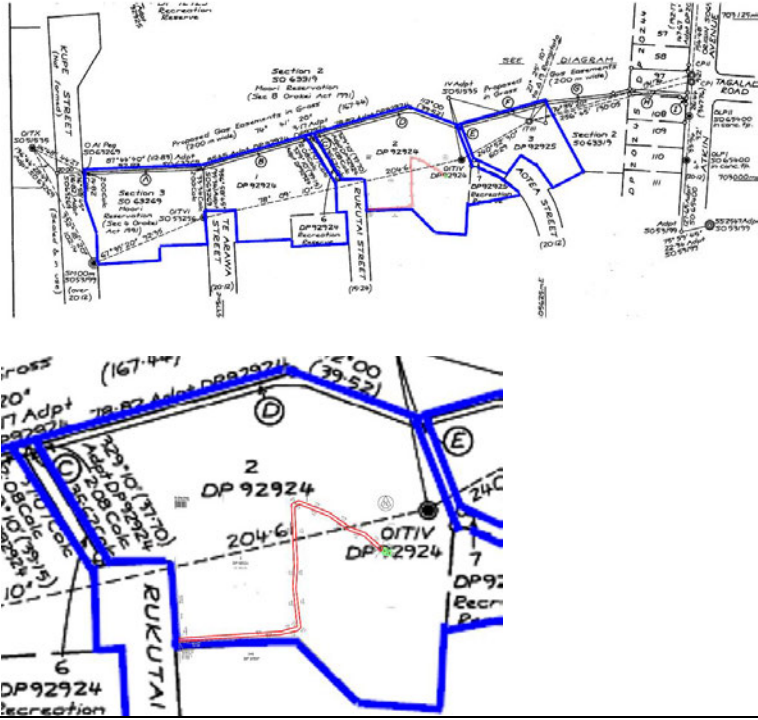
	The landowner must not build, plant any vegetation, or do anything on the easement area which would interfere with Vector's rights or potentially damage the equipment.
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Electricity Easement in D597272.1

Registered Interest:	Right (in gross) to transmit an electric current in favour of Vector Limited
Burdened Land:	557119
Benefited Land:	N/A – Easement in gross in favour of Vector Limited
Easement Area:	As shown approximately in red on the plan below, noting the Property shown blue
Plan:	
Easement Terms:	- The easement contemplates a substation on the burdened land, and provides the right for Vector to construct, operate, inspect, maintain, clean, repair, alter and renew the substation and associated distribution equipment and housing on the easement area. Vector also has the right to enter those parts of the burdened land as necessary to exercise its rights under the easement. - There is a make good obligation on the grantee once the works are completed to reinstate the land to its condition prior to the works being completed. - The landowner must not build, plant any vegetation, or do anything on the easement area which would interfere with Vector's rights or potentially damage the equipment.

Electricity Supply and Cable Access in 7170273.1

Registered Interest:	Electricity supply purposes (in gross) and cable access in favour of Vector Limited
Burdened Land:	51399

Benefited Land:	N/A – Easement in gross in favour of Vector Limited
Easement Area:	As shown approximately in red (cabling) and green (electricity supply) on the plans below, noting the Property shown blue
Plan:	
Easement Terms:	• The easement contemplates a substation on the burdened land, and provides the right for Vector to construct, operate, inspect, maintain, clean, repair, alter and renew the substation and associated cabling, distribution equipment, and housing on the easement area. Vector also has the right to enter those parts of the burdened land as necessary to exercise its rights under the easement. • There is a make good obligation on the grantee once the works are completed to reinstate the land to its condition prior to the works being completed. • The landowner must not build, plant any vegetation, or do anything on the easement area which would interfere with Vector's rights or potentially damage the equipment.

[Notice of Registration of Eastcliffe on Orakei as a Retirement Village in 7616135.1](#)

Registered Interest:	Notice of registration of Eastcliffe on Orakei as a Retirement Village and therefore subject to s22 Retirement Villages Act 2003
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Burdened Land:	557119 441696 51399
Comments:	This statutory provision is intended to protect the occupation licence holders of retirement villages and prevents the sale of any land subject to this section, other than: (i) with the support of 90% of all occupation licence holders after each has obtained independent legal advice; or (ii) as a going concern where the land will continue to be operated as a retirement village.

[Lease in D431725.1](#)

Registered Interest:	Lease
Burdened Land:	Freehold: 557119 Leasehold: 441696
Comments:	The tenant under this lease is currently Eastcliffe Retirement Care Orakei LP. The term is for 80 years and commenced on 31 May 1999.

[Lease in 5264622.1](#)

Registered Interest:	Lease
Burdened Land:	Freehold: NA99C/193, NA99C/194, NA99C/195, NA22C/1052 Leasehold: 51399
Comments:	The tenant under this lease is currently Eastcliffe Orakei Retirement Care LP. This lease, which is for the term of 80 years, commenced on 5 June 2002.

[Encumbrance in 8419620.12](#)

Registered Interest:	Encumbrance to Covenant Trustee Services Limited
Burdened Land:	441696 51399

Benefited Land:	N/A – Encumbrance in favour of Covenant Trustee Services Limited
Comments:	This encumbrance secures the rights of Covenant Trustee Services Limited as the statutory supervisor of the retirement village.

Status Order – Māori Freehold Land in 8792787.3

Registered Interest:	Status Order determining the status of the land to be Māori Freehold Land
Burdened Land:	557119, NA99C/193, NA99C/194, NA99C/195
Comments:	This means the land is considered to be owned and managed under Māori customary law in accordance with Te Ture Whenua Māori Act 1993.

Certificate Pursuant to s77 Building Act 2004 in 8320771.1

Registered Interest:	Certificate Pursuant to s77 Building Act 2004
Burdened Land:	557119 NA99C/193
Comments:	Records of title 557119 and NA99C/193 must not be transferred or leased except in conjunction with one another.

Party Wall in K75483

Registered Interest:	Certificate that a party wall exists over and serves the land
Burdened Land:	NA43A/1137 NA114C/702 (Neighbouring property) NA114C/701 (Neighbouring property) NA74A/464 (Neighbouring property) NA74A/465 (Neighbouring property) NA87D/168 (Neighbouring property)
Benefited Land:	NA43A/1137 NA114C/702 (Neighbouring property) NA114C/701 (Neighbouring property) NA74A/464 (Neighbouring property) NA74A/465 (Neighbouring property) NA87D/168 (Neighbouring property)
Easement Area:	As shown in red (burdened) and green (benefited) on the plan below, noting the Property shown blue and the neighbouring properties shown in orange

Plan:	
Comments:	It does not appear that a party wall remains on this area and therefore this easement is likely redundant.

Sewage Right in K75610

Registered Interest:	Certificate that pipelines for the passage of sewage pass through the land
Burdened Land:	NA114C/702 (Neighbouring property) NA114C/701 (Neighbouring property) NA74A/464 (Neighbouring property) NA74A/465 (Neighbouring property) NA87D/168 (Neighbouring property)
Benefited Land:	NA43A/1137
Easement Area:	As shown in green (benefited) on the plan below, noting the Property shown blue and the neighbouring properties shown in orange

Plan:	
Comments:	It is unclear whether this private drainage right is still active.

Right of Way in K75611

Registered Interest:	Certificate that a party wall exists over and serves the land
Burdened Land:	NA43A/1137 NA114C/702 (Neighbouring property) NA114C/701 (Neighbouring property) NA74A/464 (Neighbouring property) NA74A/465 (Neighbouring property) NA87D/168 (Neighbouring property)
Benefited Land:	NA43A/1137 NA114C/702 (Neighbouring property) NA114C/701 (Neighbouring property) NA74A/464 (Neighbouring property) NA74A/465 (Neighbouring property) NA87D/168 (Neighbouring property)
Easement Area:	As shown in red (burdened) and green (benefited) on the plan below, noting the Property shown blue and the neighbouring properties shown in orange

Plan:	
Comments:	This instrument appears to relate to a historic communal driveway and is therefore likely redundant.

Statutory Memorials:

Records of title NA43A/1137 and NA22C/1052 are both subject to:

Part IVA Conservation Act 1987

This provision indicates a possible reservation of a 'marginal strip' of land, if the within land abuts a body of water. A marginal strip is created when land is sold or disposed of by the Crown, where that land borders any foreshore, lake larger than eight hectares in area, or river greater than three meters in width. The purpose of Part IVA is to reserve access to bodies of water, maintain their public recreational use, and allow for conservation of the areas. Marginal strips are colloquially known as the 'Queens Chain'. This provision is now uniformly recorded on all titles to all land transferred from the Crown or a State-Owned Enterprise, whether or not the land adjoins a river, stream, lake or the foreshore. The provision will remain on the title whether or not there is, in fact, a reserved marginal strip. However, the provision only applies if the land in question abuts the body of water, on the width of the body of water (where a river, stream or lake is involved), also in some instances on the nature of the disposition by the Crown.

Section 11 Crown Minerals Act 1991

This provision provides that all minerals existing in their natural condition shall remain the property of the Crown where the land is alienated from the Crown after the commencement of the Act.

Reserves Act 1977

Records of title 1211845 and 1212543 are subject to the Reserves Act 1977.

3.7 Other matters

- 3.7.1** Have any activities included in the project, or any that are substantially the same as those involved in the project, previously been the subject of an application or a decision under a specified Act?

Please note the term 'application' includes a notice of requirement and any other means by which a decision may be sought under a specified Act.

☒ Yes – see below ☐ No – proceed next

- 3.7.2** If an application has been made, provide details of the application.

Not Applicable

- 3.7.3** If a decision has been made, also provide the outcome of the decision and the reasons for it.

The existing Kupe Street building (and activity) within the western portion of the Site (proposed to be refurbished) was authorized under the RMA, by way of a resource consent granted by Auckland Council - under resource consent R/LUC/1999/5203914. This was consented as part of the wider resource consent granted for the Eastcliffe Retirement Village, which was established in 2000 as a result of a partnership with Ngāti Whātua Ōrākei Trust, who owned the land, and Protac Investments Limited who would construct, lease and operate the retirement village.

The Eastcliffe Retirement Village was developed over a number of years starting with the Kupe Street building followed by nine buildings containing a combination of town houses and apartment typology buildings, shown in **Figure 9**.



Figure 9: Former layout of the Site.

Investigations undertaken in 2017 determined the nine buildings east of the Kupe Street building did not comply with the New Zealand Building Code requirements for structure, fire, external moisture or durability.

Due to the extent, volume and seriousness of the defects to these buildings, coupled with the complexity and highly probable escalation of the final cost of construction,

remediation of these buildings was determined not to be feasible. Demolition of all but two of these buildings has now been completed.

- 3.7.4** Provide a description of whether and how the project would be affected by climate change and natural hazards:

Refer Section 2.6.2.9.

Provide the additional details requested below as relevant to your application.

Not Applicable

3.8 Specific proposed approvals

3.8.1 Approvals under the Resource Management Act 1991

3.8.1.1 Resource consents

If your application is seeking a consent for an activity that would otherwise be applied for under the Resource Management Act 1991, including an activity that is prohibited under the Act, provide the information below:

- An assessment of the project against any relevant national policy statement, any relevant national environmental standards and, if relevant, the New Zealand Coastal Policy Statement.

National Environmental Standards

There are no National Environmental Standards relevant to the Project.

National Policy Statements

The only National Policy Statement relevant to the Project is the NPS-UD.

The objective of the NPS-UD is to ensure that planning decisions enable the sufficient supply of housing that is needed to meet demand, and improve the general affordability of housing around the country, and in particular to:

- enable intensification in urban environments that:
 - are in or near a centre zone;
 - are well served by public transport;
 - have a high demand for accommodation; and
- enable a variety of accommodation typologies that:
 - meet the needs of different households; and
 - have good accessibility to open space, transport, community services, etc.

Overall, the NPS-UD supports urban intensification to meet housing demand and enable all people and communities to be able to provide for their social, economic, and cultural wellbeing, and for their health and safety, now and into the future. The

NPS-UD specifically requires planning decisions to recognise that intensification may both adversely impact people's amenity values, and improve the amenity values of other people, communities, and future generations.

The Project relates to the refurbishment of existing buildings and the construction and operation of new buildings for retirement living purposes, utilising the land available in an efficient manner, while ensuring a high quality outcome. The locality has a high demand for accommodation, and the Project will enable a variety of accommodation typologies both within the Site, as well as facilitating a broader range of typologies on those sites vacated by residents who move into the village, contributing to improving housing affordability by increasing the supply and variety of housing and accommodation options.

The proposed accommodation typology will contribute to a well-functioning urban environment by providing housing options that meet the needs of communities, within a location that is accessible to community services, open spaces, and public transport, and is a form of development and an activity that supports reductions in greenhouse gas emissions.

The Project will result in an urban built form which is consistent with that which is envisaged by the NPS-UD, and will maintain the amenity values of people (and provide for the amenity values of communities and future generations), as these are envisaged to evolve as a result of urban intensification.

The Project is entirely consistent with the outcomes promoted by the NPS-UD.

- Information on whether, to the best of your knowledge, there are any existing resource consents relevant to the project site to which RMA section 124C(1)(c) (existing consent would need to expire to enable the approval to be exercised) or RMA section 165Z1 (space already occupied by the holder of an aquaculture permit) would apply if the approval were to be applied for as a resource consent under that Act

Not Applicable

3.8.1.2 Resource consents where the project includes standard freshwater fisheries activities

If your application is seeking a resource consent and your project includes a standard freshwater fisheries activity, provide the information requested below:

COMMERCIAL

- If an in-stream structure is proposed (including formal notification of any dam or diversion structure), provide a description of the extent to which this may impede fish passage.

Not Applicable

- Indicate whether any fish salvage activities or other complex freshwater fisheries activities are proposed.

Not Applicable

3.8.1.3 Designations

If your application is seeking a designation or an alteration to an existing designation for which a notice of requirement would otherwise be lodged under the Resource Management Act 1991, provide the information below:

- An assessment of the project against any relevant national policy statement, any relevant national environmental standards, or, if relevant, the New Zealand Coastal Policy Statement.

Not Applicable

3.8.1.4 Designations where the project includes a standard freshwater fisheries activity

If your application is seeking a designation or an alteration to an existing designation and your project includes a standard freshwater fisheries activity, provide the information requested below:

- If an in-stream structure is proposed (including formal notification of any dam or diversion structure), provide a description of the extent to which this may impede fish passage.

Not Applicable

- Indicate whether any fish salvage activities or other complex freshwater fisheries activities are proposed.

Not Applicable

3.8.1.5 Change or cancellation of conditions

If your application is seeking a change of cancellation of resource consent condition that would otherwise be applied for under the Resource Management Act 1991, provide:

- Information about whether the change or cancellation of the condition is material to the implementation or delivery of the project.

Not Applicable

3.8.1.6 Certificates of compliance

If your application is seeking a certificate of compliance that would otherwise be applied for under the Resource Management Act 1991, provide:

information that demonstrates the activity that the certificate of compliance is intended to cover can be done lawfully in the location without a resource consent.

Not Applicable

3.8.2 Approvals relating to Conservation Act 1987, Reserves Act 1977, Wildlife Act 1953, and National Parks Act 1980

3.8.2.1 Concessions

For applications seeking a concession that include a lease, answer the following:

- Will the lease be for a term (including any renewals that will, or is likely to, be more than 50 years?)
☐ Yes – see below ☒ No – proceed next
- Will the granting of the lease trigger a right of first refusal or a right of offer or return?
☐ Yes – see below ☒ No – proceed next
- If you answered yes to both a. and b. above, provide evidence that the applicant has written agreement from the holder(s) of the right of first refusal or right of offer or return to waive that right for the purposes of the proposed lease.

Not Applicable

3.8.2.2 Land exchanges

For applications seeking an approval for a land exchange involving conservation land, provide the details below:

- A description of both land areas proposed for exchange (for example, maps showing areas and location, addresses and legal descriptions where possible)

Not Applicable

- The financial value of the land proposed to be acquired by the Crown

Not Applicable

- A brief description of the conservation values of both pieces of land, including an explanation of why the exchange would benefit the conservation estate.

Not Applicable

- If the land exchange would trigger a right of first refusal or a right of offer or return, provide evidence that the applicant has written agreement from the holder of the right of first refusal or right of offer or return to waive that right for the purpose of the land exchange

Not Applicable

- Provide sufficient detail in respect of both land areas to confirm that no part of any land to be exchanged by the Crown is land listed in Schedule 4 or a reserve declared to be a national reserve under section 13 of the Reserves Act 1977.

Not Applicable

3.8.3 Approvals relating to complex Freshwater Fisheries activities

If your application is seeking an approval or dispensation that would otherwise be applied for under regulation 42 or 43 of the Freshwater Fisheries Regulations 1983 in respect of a complex freshwater fisheries activity provide the information requested below:

- Whether an in-stream structure is proposed (including formal notification of any dam or diversion structure), and a description of the extent to which this may impede fish passage.

Not Applicable

- Whether any fish salvage activities or other complex freshwater fisheries activities are proposed.

Not Applicable

3.8.4 Approvals relating to Exclusive Economic Zone and Continental Shelf (Environmental Effects) Act 2012

If your application is seeking a marine consent that would otherwise be applied for under the Exclusive Economic Zone and Continental Shelf Act 2012, provide the information requested below:

- Any information relating to whether the Minister for Conservation is an affected person.

Not Applicable

- If the applicant or the proposed holder of the marine consent has already applied for a consent under the EEZ Act in relation to the project, provide:

- Details of any application made;
- An explanation of any decisions made on that application; and
- Any information that Minister may consider under section 22(6) (comparison of activity against current or likely use of the area).

Not Applicable

- Additional information (in a summary form) about compliance or enforcement action taken against the applicant or the person who is identified in the application as the proposed holder of the marine consent by the EPA under the EEZ Act.

Not Applicable

3.8.5 Approvals relating to Crown Minerals Act 1991

3.8.5.1 *Access arrangements*

For an approval for an access arrangement that would otherwise be applied for under section 61 or 61B of the Crown Minerals Act 1991, provide:

- Information that confirms the applicant or the person identified in the application as the proposed holder of the access arrangement complies with section 59(1) and (2) of the Crown Minerals Act 1991 (which applies as if a reference to an access arrangement under that Act were a reference to an access arrangement under this Act) including:
 - Evidence that the applicant or person has provided each owner and occupier of the relevant land a notice in writing of their intention to obtain an access arrangement; and

- Evidence that the notice complies with the requirements in section 59(2) of the Crown Minerals Act, and any matters required by regulations. =

Not Applicable

3.8.5.2 Mining permits

For an approval for a mining permit that would otherwise be applied for under section 23A of the Crown Minerals Act 1991, provide the information requested below:

- A copy of the relevant exploration permit or existing privilege to be exchanged for a mining permit that entitles the holder to mine a Crown-owned mineral.

Not Applicable

- The name and contact details of the proposed permit participants and the proposed permit operator.

Not Applicable

- A proposed work programme for the proposed permit, which may comprise committed work, committed or contingent work, or both.

Not Applicable

- Evidence of the technical or financial capability of the proposed permit holder to comply with and give proper effect to the work programme.

Not Applicable

- Information about the proposed permit holder's history of compliance with mining or similar permits and their conditions.

Not Applicable

- The proposed date on which the substantive application is intended to be lodged (if your referral application is accepted) in accordance with section 42(11).

Not Applicable

- If the authorised person proposes to provide information under section 37 (to the relevant chief executive), the date on which the person intends to provide that information.

Not Applicable

- The proposed duration of the permit.

Not Applicable

3.8.5.3 Mining permits for petroleum

If the proposed approvals include a mining permit for petroleum, provide:

- A map of the area over which the mining permit application is intended to be made, the area in which the surrender of an exploration permit or existing privileges is proposed (which must be the same area as the area over which the mining permit application is intended to be made), and the extent of the resource and reserves to which the development plan relates.

Not Applicable

- The resources and reserves relating to the project, estimated in accordance with the Petroleum Resources Management System.

Not Applicable

- A high-level overview of the following:
 - the proposed field development plan;
 - the proposed date for the commencement of petroleum production;
 - the economic model for the project;
 - the proposed duration of the proposed mining permit and;
 - decommissioning plans.

Not Applicable

3.8.5.4 Mining permits for minerals other than petroleum

If the proposed approvals include a mining permit for minerals other than petroleum, provide:

- A map of the area over which the mining permit application is intended to be made, the area in which the surrender of an exploration permit or existing privileges is proposed (which must be the same area as the area over which the mining permit application is intended to be made), and the extent of the resource and reserves to which the development plan relates.

Not Applicable

- For minerals other than gold or silver, a report or statement confirming the ownership of the minerals targeted

Not Applicable

- Information on whether the application will be for a Tier 1 or Tier 2 permit.

Not Applicable

- An estimate of the mineral resources and reserves relating to the project, including a summary on acquisition of the data and the data underpinning the estimate (such as information on sample locations, grade, and geology). For a Tier 1 permit application the resources and reserves relating to the project are to be estimated in accordance with a recognised reporting code such as JORC or NI 43-101.

Not Applicable

- An indicative mine plan.

Not Applicable

- A high-level overview of the following:
 - the proposed mining method;
 - the proposed date for the commencement of mining and estimated annual production;

- the economic model for the project;
- the status of or anticipated timing for completing any pre-feasibility or feasibility studies;
- the proposed methods for processing mined material and handling and treating waste and;
- anticipated plans for mine closure and rehabilitation.

Not Applicable

Section 4: Authorisation

To the best of my knowledge, the information contained in this application is true and correct.

- ☒ I confirm that I am authorised to make this application.
- ☒ I have provided a copy of the application with all contact details redacted.
- ☒ I understand that all actual and reasonable costs incurred in relation to this application by MfE, EPA and other central and local government agencies will be recovered from me in accordance with [section 104](#) of the Act, and the [Fast-track Approvals Cost Recovery Regulations 2025](#).

Signature:



Date:

10 March 2025

Name: Francelle Lupis (agent for the Applicant)

Section 5: Attachments

List any documents submitted with the application.

- *Remember: include a copy of your application with all contact details redacted.*

Attachment number	Document name	Author	Document version
1	Project Drawings	Warren & Mahoney	A
2	Records of Title	N/A	-
3	Ngāti Whātua Ōrākei Written Agreement	Ngāti Whātua Ōrākei	-
4	Economics Memo	Insight Economics	-
5	Urban Design and Landscape Visual Assessment	Boffa Miskell	0
6	Ngāti Whātua Ōrākei Letter	Ngāti Whātua Ōrākei	-
7	Authorisation	Ngāti Whātua Ōrākei and Generus Living Group	-

Referral application checklist

Use this checklist to confirm you have completed all sections of the referral application form.

Section 1: Applicant details	☒
1.2 & 1.3 Agent's evidence of authority to represent the applicant(s) - if applicable	☒
1.4 Compliance and enforcement history	☒
Section 2: Referral application summary	☒
2.1 Project name	☒
2.2 Project description and location	☒
2.3 Ineligible activity	☒
2.4 Exemptions from requirement to provide agreement	☒
2.5 Ministerial determinations under sections 23 and 24	☒
2.6 Appropriateness for fast-track approvals process	☒
Section 3: Project details	☒
3.1 Approvals required	☒
3.2 Project stages	☒
3.3 Alternative project	☒
3.4 Adverse effects	☒
3.5 Persons affected	☒
3.6 Legal interest	☒
3.7 Other matters	☒
3.8 Specific proposed approvals	☒
Section 4: Authorisation	☒
Section 5: Attachments	☒