



Memorandum on Completeness and Scope

File FTAA-2511-1133

Application The Point Mission Bay

To Manager LOA/ Team Leader LOA

From

Date 4 December 2025

Subject Assessment whether the application complies with section 46(2) of the Fast-track

Approvals Act 2024

Purpose

1. The purpose of this memo is to assist you in making your decision on whether the 'The Point, Mission Bay', application, received by the Fast-track Team on 17 November 2025, lodged by Ngāti Whātua Ōrākei Whai Rawa Limited and Generus Living Group complies with the requirements of section 46(2) of the Fast-track Approvals Act 2024 (**the Act**).

Decision-maker

2. You have delegated authority to make the decision under section 46 of the Act under the instrument of delegation dated 5 February 2025.

Conflict of interest

3. I confirm that I do not have any conflict of interest in this matter that would prevent me making this assessment.

The application

- 4. For projects listed in Schedule 2 of the Act and referred projects, authorised persons may lodge a substantive application for approvals available under the Act.
- 5. The Point Mission Bay was referred by the Minister for inclusion in the fast-track consenting process under section 28 of the Act. The Minister accepted the referral application on 17 June 2025 and notified the EPA of the decision on the referral application on the same day.

- 6. The EPA received the substantive application for The Point Mission Bay on 17 November 2025 by on behalf of Ngāti Whātua Ōrākei Whai Rawa Limited and Generus Living Group. The EPA must, in consultation with the relevant administering agencies and relevant consent authorities, decide whether this substantive application complies with section 46 of the Act by 8 December 2025.
- 7. As set out in more detail below, the EPA must decide whether the application is complete and either:
 - provide the application to the Panel Convener for consideration and decision by the expert consenting panel (if complete and within scope); or
 - return it to the person who lodged it (if incomplete and not within scope).

Project and Scope

- 8. The referred project is:
 - "To construct and operate an integrated retirement village and associated infrastructure across Aotea Street, Te Arawa Street, Rukutai Street and Kupe Street in Mission Bay, Auckland, comprising:
 - a. Five interconnected buildings of between five to eight levels, inclusive of a one to three storey podium;
 - b. 252 new independent living units within the five new buildings;
 - c. Refurbishment of an existing building on Kupe Street containing 90 care suites and integration of this part of the project site with new development;
 - d. A variety of communal amenity facilities for residents and visitors; and
 - e. Incorporation of two pedestrian accessways through the project site."
- 9. The application is for the following activity:
 - Five interconnected buildings of between 5-8 storeys, inclusive of a 1-3 level podium, accommodating approximately 256 retirement units.
 - The retention and integration of the existing 3-storey aged care facility with 94 care units (Eastcliffe Retirement Village) located within the western portion of the Site.
 - Demolition of the existing Eastcliffe Retirement Village apartment blocks (24 units) within the eastern portion of the Site (at the appropriate stage of construction).
 - Associated staff and administrative functions, and a variety of communal/common amenity facilities for residents and their visitors.
 - Soft and hard landscaping across the village.
 - The construction of two public pedestrian walkways through the Site to provide access to Takaparawhau from Te Arawa Street and Aotea Street.

- A combination of at grade and basement parking.
- Integration of the existing aged care facility as part of the overall village.

Notable is that the refurbishment of the existing aged care facility within the western portion of the Site was included as part of the scope of the referral for the Project, however this is no longer sought by the Applicants under the substantive application process and will be progressed via the RMA consenting pathway in due course. This does not have any implications as far as Section 46 scope is concerned, as it is essentially reduces the scope of the proposal.

10. The application relates solely to the referred project because the components of the development, as described in the application documentation, align with the description of the activity in the referral decision, with the exception of some very minor differences (such as 256 retirement units versus 252 in the referral application) which, in the context of such a significant retirement development, are insignificant, and are unlikely to increase the bulk, scale or intensity of the development.

Fast-track consenting application process

Legislative context

- 11. The EPA must decide whether the substantive application complies with section 46(2) of the Act. A substantive application complies with section 46(2) of the Act, if the application:
 - complies with sections 42, 43 and 44;
 - relates solely to a listed project or a referred project;
 - the EPA considers that, on the face of the application, the project does not appear to involve an ineligible activity; and
 - any fee, charge, or levy payable under the Fast-track Approvals (Cost Recovery) Regulations 2025 (the Regulations) in respect of the application is paid.

Section 42 Requirements

- 12. Section 42 of the Act states that an authorised person may lodge a substantive application for one project or substantive applications for each stage of a project. Section 42(4) lists the approvals that may be sought under the Act.
- 13. This application has been lodged by Whātua Ōrākei Whai Rawa Limited and Generus Living Group.
- 14. The approval being sought is a resource consent that would otherwise be applied for under the Resource Management Act 1991, which is one of the approval types set out in section 42(4) of the Act.

¹ Paragraph 5.4 of the <u>Assessment of Environmental Effects</u>

Section 43 Requirements

15. Section 43 of the Act sets out the requirements for a substantive application. The substantive application was lodged in the form and manner approved by the EPA. Assessment of section 43 requirements is included at Appendix 1.

Section 44 Requirements

- 16. Section 44 of the Act requires that the information provided by the applicant under section 43 must be specified in sufficient detail to satisfy the purpose for which it is required. Assessment of section 44 sufficiency is included at Appendix 1.
- 17. In assessing the sufficiency of information provided by the applicant, we rely on the information provided to us through consultation with each relevant administering agency and consent authority, as included in Appendix 2.
- 18. The agencies consulted have not raised any concerns regarding the requirements of Section 44 or suggested that the information has not been provided is provided in sufficient detail to satisfy the purpose for which it is required.

Ineligibility

- 19. The EPA needs to decide whether it considers that, on the face of the application, the project does not appear to involve an ineligible activity, as defined in section 5 of the Act. As the EPA has to consider this on the face of the application, the EPA is only able to consider information contained in the application materials.
- 20. The list of ineligible projects includes activities:
 - on land returned under a Treaty settlement, on identified Māori Land, on Māori customary land, on land set apart as Māori reservation, or in a customary marine title or protected customary rights area without written permission from the rights holder;
 - on Māori customary land, or land set apart as Māori reservation under Part 17 of Te Ture Whenua Māori Act 1993;
 - in a customary marine or protected customary rights area without written agreement from the rights holder/group;
 - within an aquaculture settlement area without the required authorisation;
 - activities that would be prevented under section 165J, 165M, 165Q, 165ZC, or 165ZDB of the RMA (which deal with occupation of space in the common marine and coastal area); or
 - that require permissions on national reserves held under the Reserves Act 1977; or
 - on land listed under clauses 1 to 11 or 14 of Schedule 4 of the Crown Minerals Act 1991 (and clauses 12 and 13 for mining activities).
- 21. I consider that, on the face of the application, the project does not involve an ineligible activity. The Site includes the identified Māori land parcels, however, Ngāti Whātua Ōrākei has agreed to

and is jointly applying with Generus to enable the proposed development, and a written statement prepared by Ngāti Whātua Ōrākei confirming the agreement with Generus in respect of the Project is appended as Attachment 5 to the application.

Fees and levies

- 22. The EPA has received all fees, charges and levies payable by the applicant under the Regulations for the substantive application as follows:
 - Application fee in the sum of \$250,000 plus GST; and
 - Levy in the sum of \$140,000 plus GST.

Consultation

- 23. We have consulted with and considered consultation responses from the following relevant administering agency and relevant consent authority:
 - Auckland Council and the Ministry for the Environment for an approval described in Section 42(4)(a) (resource consent).
- 24. A summary of the consultation is included at Appendix 2, but in short, neither agency had any material comments to make or concerns regarding the completeness of the application.

Assessment of compliance for each section of each application form

- 25. We have assessed the application materials against the relevant checklist in the prescribed application form. This is included in Appendix 1 for ease of reference.
- 26. My view is that the application complies with Section 46 and the EPA may now notify the applicant of its decision.
- 27. The EPA must now decide whether the substantive application has a competing application under section 47(3) (under delegation from the Minister for Infrastructure under section 47(10)) within 10 working days from the date of the completeness decision.
- 28. Once the EPA has made the decision under section 47(3), the EPA can provide the application to the panel convener to commence consideration and decision of the application by the panel.

Appendix 1: Assessment of section 44 sufficiency

This application seeks the following approval(s) under the Act:

☑ A resource consent, change to or cancellation of a resource consent: **checklist A**

CHECKLIST A - Resource consent, change to or cancellation of a resource consent

| Clause, Schedule 5 | Information required for an approval described in section 42(4)(a) (resource consent) and/or section 42(4)(b) (change or cancellation of resource consent), Clauses 5-8 of Schedule 5 | Application Reference | EPA office use only |
|-----------------------|---|--|---|
| 5(1)(a) | A description of the proposed activity | Assessment of Environmental Effects, section 13. | As stated in the application. The proposal is described in various parts of the application, but Section 13 provides a detailed description. Refer Page 52 of the Assessment of Environmental Effects (AEE) document. |
| 5(1)(b) | A description and map of the site at which the activity is to occur, including whether the site is within or adjacent to— (i) a statutory area (as defined in the relevant Treaty settlement Act); or (ii) ngā rohe moana o ngā hapū o Ngāti Porou (as defined in section 11 of the Ngā Rohe Moana o Ngā Hapū o Ngāti Porou Act 2019); or (iii) a protected customary rights area under the Marine and Coastal Area (Takutai Moana) Act 2011 | Assessment of Environmental Effects, sections 8 and 10; Assessment of Environmental Effects, Attachment 13: Map of the Site. | As stated in the application. Refer Section 8 commencing on page 27 of the AEE document, Section 10 commencing on page 30 of the AEE document and Attachment 13. The site is not located in the rohe of Ngāti Porou and is not subject to the Marine and Coastal Area (Takutai Moana) Act 2011. |

| 5(1)(c) | section 46(2)(a), (b), and (d); being: | Environmental Effects, section 6, paragraphs | As stated in the application. Refer to Section 6 of the AEE document commencing on page 21. As stated in the body of this memo, full payment of fees has been made. |
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| | relates solely to a listed project or a referred project; and any fee, charge, or levy payable under regulations in respect of the application is paid. Guidance note: Section 46 provides for the EPA to decide whether the substantive application is complete and within scope. The EPA will need to be satisfied that the application complies with these requirements. These matters are addressed throughout the substantive application form and relevant checklist. | The application relates solely to a referred project. The Applicants have paid the fee and levy for a substantive application. | |
| 5(1)(d) and 5(6) | (i) each owner of the site and of land adjacent to the site; and (ii) each occupier of the site and of land adjacent to the site whom the applicant is unable to identify after reasonable inquiry; If the applicant is not able to supply the name and address of the owner and each occupier of the site and of land adjacent to the site because the land is Māori land in multiple ownership, the applicant must include a statement to that effect (clause 5(6)). | Assessment of Environmental Effects, section 8; Assessment of Environmental Effects, Attachment 9: Site and Adjacent Land Details. | As stated in the application. Refer to Section 8 of the AEE document commencing page 27 and Attachment 9. |

| 5(1)(e) | A description of any other activities that are part of the proposal to which the consent application relates | Assessment of Environmental Effects, section 15, paragraphs 15.10- 15.12. | As stated in the application. Refer to Section 15.12 on page 83 of the AEE document which outlines that as part of the wider project there will be two reserve revocations, relating to the existing two walkways that will be relocated. Other than this there are no other activities that are part of the project to which the consent relates. |
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| 5(1)(f) | A description of any other resource consents, notices of requirement for designations, or alterations to designations required for the project to which the consent application relates | Assessment of Environmental Effects, section 15, paragraphs 15.13-15.15. | As stated in the application. Refer to Section 15.13 of the AEE document on page 83 which confirms there are no other resource consents, notices of requirements or alterations to designations required for the Project to which this substantive application relates. |
| 5(1)(g) | An assessment of the activity against sections 5, 6 and 7 of the Resource Management Act 1991 | Assessment of Environmental Effects, section 17, paragraphs 17.14-17.24. | As stated in the application. Refer to Section 17.14 onwards of the AEE document which contains a detailed assessment of Part 2 matters. |
| 5(1)(h) (and also Clauses 5(2) and 5(3)) | An assessment of the activity against any relevant provisions in any of the following documents: • a national environmental standard: • other regulations made under the Resource Management Act 1991: • a national policy statement: | Assessment of Environmental Effects, section 19, paragraphs 19.1-19.157. | As stated in application. Refer to Section 19 of the AEE document commencing on Page 134 which provides a detailed assessment of all relevant statutory planning documents. |
| | a New Zealand coastal policy statement: a regional policy statement or proposed regional policy statement: | | |
| | a plan or proposed plan: a planning document recognised by a relevant iwi authority and lodged with a local authority. | | |

| | This assessment must include an assessment of the activity against the requirements set out in clause 5(3) of Schedule 5 being: any relevant objectives, policies or rules in the documents listed; and any requirement, condition, or permission in any rules in any of those documents; and any other requirements in any of those documents | | |
|---------|---|--|---|
| 5(1)(i) | Information about any Treaty settlements that apply in the area covered by the consent application, including— (i) identification of the relevant provisions in those Treaty settlements; and (ii) a summary of any redress provided by those settlements that affects natural and physical resources relevant to the project or project area | Assessment of Environmental Effects, section 20, paragraphs 20.1-20.6. | As stated in application. Refer to Section 20 of the AEE document commencing on Page 180 which provides a detailed overview of relevant treaty settlements and a summary of the redress provided. |
| 5(1)(j) | A list of any relevant customary marine title groups, protected customary rights groups, ngā hapū o Ngāti Porou (where an application is within, adjacent to or directly affecting ngā rohe moana o ngā hapū o Ngāti Porou), or applicants under the Marine and Coastal Area (Takutai Moana) Act 2011; | Assessment of Environmental Effects, section 20, paragraphs 20.7-20.8. | As stated in the application. Refer to Section 20.7-20.8 on Page 183 of the AEE document which confirms that this information requirement is not relevant to the project. |
| 5(1)(k) | The conditions that the applicant proposes for the resource consent. | Assessment of Environmental Effects, Attachment 23: Proposed Conditions of | As stated in the application. Refer Section 14 of the AEE document, on Page 81 and Attachment 23. |

| | | | Consent; Assessment of Environmental Effects at section 14. | |
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| 5(1)(l) | if a notice (i) | a copy of that notice showing that it was received within the time frame specified in section 30(6)(b); and if a notice has been received under section 30(5), any more up-to-date information that the applicant is aware of about the existing resource consent referred to in the notice. | Assessment of Environmental Effects, Attachment 2: s30 Certificate; Assessment of Environmental Effects, section 6, paragraphs 6.16.2. | Refer Attachment 2 which contains a copy of a letter from Auckland Council which is provided under Section 30 of the Act. The letter sets out that in accordance with Section 30(3)(a) the Council has reviewed its records and has identified a resource consent that authorizes an activity that uses some or all of the same natural resources as the proposal. However, the consent is of a limited nature, relating to the construction of a dwelling and retaining wall, along with associated groundwater take and diversions. Given the limited nature of the consent, and the distance from the project area, the Council has advised, in line with Section 124(c)(1)(c) of the RMA, that the existing consent will not prevent the Applicant from implementing the proposed consent, should it be granted. It is therefore concluded by the Council that the requirements of Section 30(4) of the Act are not applicable. Whilst the Council's letter does not specifically refer to Section 30(3)(b) of the Act, it is clear from the references to Sections 30(3)(a) and the advice provided under Section 124(1)(c) of the RMA, that the Council does not consider there to be any existing resource consents for the purposes of Sections 30(3)(b). |

| 5(4)(a) | An assessment of the activity's effects on the environment that includes the information required by clause 6. Guidance note: See rows below for requirements in clause 6. | Assessment of Environmental Effects, sections 18 and 19. | As stated in the application. Refer to Clause 6 requirements. |
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| 5(4)(b) | An assessment of the activity's effects on the environment that covers the matters specified in clause 7. Guidance note: See rows below for requirements in clause 7. | Assessment of Environmental Effects, sections 18 and 19. | As stated in the application. Refer to Clause 7 requirements. |
| 6 | (1) The assessment of an activity's effects on the environment must include the following information: (a) an assessment of the actual or potential effects on the environment: (b) if the activity includes the use of hazardous installations, an assessment of any risks to the environment that are likely to arise from such use: (c) if the activity includes the discharge of any contaminant, a description of— (i) the nature of the discharge and the sensitivity of the receiving environment to adverse effects; and (ii) any possible alternative methods of discharge, including discharge into any other receiving environment: (d) a description of the mitigation measures (including | Assessment of Environmental Effects, section 18. Assessment of Environmental Effects, paragraph 18.154. Assessment of Environmental Effects, paragraph 18.155. Assessment of Environmental Effects, paragraph 18.156-159. Assessment of Environmental Effects, paragraph 18.156-159. Assessment of Environmental Effects, paragraphs 18.160-18.161. | Information has been provided as stated in the application. In relation to (a) – The assessment of actual or potential effects is contained in Section 18 of the AEE document, page 97 onwards. The AEE is comprehensive, and I cannot identify any potential effects that have not been considered. In relation to (b) – As stated above the project does not involve any hazardous installations. In relation to (c) – Refer to Section 18.155 on page 128 of the AEE document which confirms that the project does not involve the discharge of any contaminants. In relation to (d) – Refer to Section 18.156 on page 128 of the AEE document which provides an overview of specific mitigation measures and refers to the specific conditions and management plans that will are proposed to be implemented to ensure mitigation of specific adverse effects. Notable is that mitigation measures are identified throughout the application documentation and are also inherent in the design of the development. In relation to (e) – Refer to Section 16 of the AEE document |
| | safeguards and contingency plans where relevant) to be undertaken to help prevent or reduce the actual or | Assessment of Environmental | on page 84 of the AEE document. In relation to (f) – Refer to Section 18.162 on page 130 of the |

| | potential effect of the activity: (e) identification of persons who may be affected by the activity and any response to the views of any persons consulted, including the views of iwi or hapū that have been consulted in relation to the proposal: (f) if iwi or hapū elect not to respond when consulted on the proposal, any reasons that they have specified for that decision: (g) if the scale and significance of the activity's effects are such that monitoring is required, a description of how the effects will be monitored and by whom, if the activity is approved: | Effects, paragraph 18.162. Assessment of Environmental Effects, paragraph 18.163-18.177. Assessment of Environmental Effects, paragraph 18.178. | AEE document which confirms that Ngāti Whātua Ōrākei, who are joint applicant for the project, are the only relevant iwi. In relation to (g) – Refer to Section 18.163 of the AEE document on Page 130 which provides an overview of all monitoring proposed and refers to the other separate documentation that contains more fulsome details. As detailed above, a number of management plans are proposed for the purpose of mitigating effects and many of these incorporate a monitoring element. In relation to (h) – As above, the project is not in an area subject to a protected customary right and this is confirmed in many parts of the AEE documentation including Section 18.178 on page 132. |
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| | (h) an assessment of any effects of the activity on the exercise of a protected customary right. Guidance note: Clause 6(2) provides that a consent application need not include any additional information specified in a relevant policy statement or plan that would be required in an assessment of environmental effects under clause 6(2) or 7(2) of Schedule 4 of the Resource Management Act. | | |
| 7 | The assessment of an activity's effects on the environment must cover the following matters: (a) any effect on the people in the neighbourhood and, if relevant, the wider community, including any social, economic, or cultural effects: (b) any physical effect on the locality, including landscape and visual effects: | Assessment of Environmental Effects, section 18, paragraph 18.183. Assessment of Environmental Effects, paragraph 18.184. | As stated in the application. In relation to (a) – refer to Section 18.183 on Page 132 which refers to paragraphs 18.8-18.78 of the AEE document. In relation to (b) – refer to Section 18.184 on page 133 which refers to the landscape, visual and wind effects assessments included between paragraphs 18.15 and 18.42 of the AEE document. |

| | (c) any effect on ecosystems, including effects on plants or animals and physical disturbance of habitats in the vicinity: (d) any effect on natural and physical resources that have aesthetic, recreational, scientific, historical, spiritual, or cultural value, or other special value, for present or future generations: | Assessment of Environmental Effects, paragraph 18.185. Assessment of Environmental Effects, paragraph 18.186. Assessment of | In relation to (c) - Refer to Section 18.185 on page 133 which outlines that the project is not anticipated to have any effects on ecosystems, which is a reasonable assumption considering the project is a brownfield project. In relation to (d) - refer to Section 18.186 of the AEE document. An archaeological assessment is included as Attachment 15 and statement regarding cultural effects is made in paragraph 18.149 on page 127. Notable is that the Application is made partly |
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| | (e) any discharge of contaminants into the environment and options for the treatment and disposal of contaminants: (f) any unreasonable emission of noise: (g) any risk to the neighbourhood, the wider community, or the environment through natural hazards or hazardous installations. | | In relation to (e) – refer to Section 18.187 of the AEE document on Page 134 which refers to the stormwater assessment provided in from paragraph 18.123. An infrastructure assessment is provided as Attachment 7. In relation to (f) – refer to Section 18.188 of the AEE document on page 134 which refers to paragraphs 18.43-18.50, 18.105-18.109 and 18.110-18.113. An acoustic assessment is also provided as Attachment 29. In relation to (g) – Refer to Section 18.189 of the AEE document on page 134 which confirms there are no hazardous installations proposed. |
| 5(5)(a) | If a permitted activity is part of the proposal to which the consent application relates, a description that demonstrates that the activity complies with the requirements, conditions, and permissions for the permitted activity (so that a resource consent is not required for that activity under section 87A(1) of | Environmental Effects, Attachment 31: | As stated in application. Attachment 31 contains a detailed compliance assessment against all the relevant rules from the Auckland Unitary Plan and Section 15.8 onwards of the AEE document, from Page 82, provides an overview of permitted elements of the proposal. |

| | the Resource Management Act 1991) | Assessment; | |
|---------|--|--|--|
| | | Assessment of Environmental Effects, section 15, paragraphs 15.8-15.9. | |
| 5(5)(b) | If the activity is to occur in an area that is within the scope of a planning document prepared by a customary marine title group under section 85 of the Marine and Coastal Area (Takutai Moana) Act 2011 or the environmental covenant prepared by ngā hapū o Ngāti Porou under section 19 of the Ngā Rohe Moana o Ngā Hapū o Ngāti Porou Act 2019, an assessment of the activity against any resource management matters set out in that document | | As stated in application – Not applicable. |
| 5(5)(c) | If the activity is to occur in an area that is taiāpure-local fishery, a mātaitai reserve, or an area that is subject to bylaws made under Part 9 of the Fisheries Act 1996, an assessment of the effects of the activity on the use or management of the area. | The Project is not | |

Appendix 2: Consultation Summary

As the relevant consent authority and administering agency for a resource consent under the Resource Management Act 1991, **Auckland Council** and the **Ministry for the Environment** were consulted with to inform the assessment of the application for completeness. Each agency was requested to confirm whether the application documentation provided by the EPA regarding the proposal as provided by the applicant meets the requirements of sections 42 and 43 of the Act and is provided in sufficient detail to satisfy the purpose of the Act in accordance with section 44 of the Act.

The responses of both agencies are included below, but in short, neither agency has concerns regarding the completeness of the application.





1 December 2025



Private Bag 63002 Wellington 6140

Tēnā koe

Consultation regarding the updated substantive application under the Fast-track Approvals Act (2024) (the Act) -The Point Mission Bay-Applications for Replacement **Resource Consents**

Thank you for your letter dated 25 November 2025 regarding Ngāti Whātua Ōrākei Whai Rawa Limited and Generus Living Group Limited's updated substantive applications under the Act. MfE as relevant administering agency does not have any comment on whether the documentation meets the requirements of sections 42 and 43 of the Act or whether it is in sufficient detail to satisfy the purpose for which it is required.

We appreciate MfE being consulted and note that the responsibility for making these determinations sits with the EPA. MfE will provide comment on whether future applications meet the requirements of these sections where it holds relevant information to contribute to that determination.

Ngā mihi

Ministry for the Environment | Manatū Mō Te Taiao