

Memo

To:	Expert Consenting Panel	From:	Craig McGarr
Date:	17th April 2026	Project No:	24022.1
Re:	The Point Mission Bay – Planning Memorandum		

Statement of Position

This memorandum has been prepared to address matters raised in the specialist memoranda issued by Auckland Council in response to Minute 4, including:

- addressing an ‘information gap’ identified by the Council Planner regarding the potential requirement for resource consent to authorise works to trees which are located within the adjacent Open Space zoned land (Takaparawhau) but which overhang the boundary of the Project Site; and
- addressing the new reason for resource consent identified in respect of overland flow as it relates to Proposed Plan Change 120 to the Unitary Plan.

Open Space Trees

The table following Paragraph 129 of the Memorandum of Planning Matters for Auckland Council, dated 10th April 2026, states:

Information gap	Nature of deficiency	Decision-making impact	Risk / uncertainty created
Protected trees – Chapter E16 AUP(OP) (Mr Miller)	Based on a site visit, Building 1 and associated works are likely to be in the vicinity of, or directly affect, protected trees located within an open space zone. The Applicant is requested to advise whether there are additional reasons for consent under Chapter E16 of the	If there are resource consents required by the project, it would be more appropriate to require consideration now so that a fulsome assessment of the effects	Medium

	<p>AUP(OP), assess the relevant effects and outline mitigation requirements, and support findings with technical reporting by a suitably qualified and experienced person.</p> <p>The applicant has stated in correspondence with Council dated 9 April 2026 that:</p> <p>“Any resource consents required under Chapter E16 will be determined at detailed design and sought separately given it sits outside of the Project Site boundaries. Any such consents are not required at this stage to assess the effects of the Project as sought.”</p>	<p>of the activity can be considered and appropriate conditions applied.</p>	
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Response:

With reference to Figure 1 of **Attachment 1**, the common boundary of the Project Site with Takaparawhau includes vegetation which overhangs the Project Site from Takaparawhau.

The vegetation comprises a variety of plants, bushes and small trees, with many of them being multi-stemmed. Relative to the extent of the vegetation canopy (and corresponding root zone), there will be circumstances where it may be necessary to trim this vegetation back to the boundary to various degrees to facilitate construction / the building footprint. As part of the detailed investigation stage, further review will be undertaken to confirm the extent of the trimming required.

Chapter E16 of the Unitary Plan (Trees in Open Space zones) requires resource consent for:

- 1) Tree trimming or alteration that does not comply with Standard E16.6.1 (Table E16.4.1(A6)), as a restricted discretionary activity.
- 2) Works within the protected root zone (of a protected tree) that do not comply with Standard E16.6.2 (Table E16.4.1(A8)), as a restricted discretionary activity.

3) Tree removal of any tree greater than 4m in height or greater than 400mm in girth (Table E16.4.1 (A10)), as a restricted discretionary activity.

Items 1 and 2 only apply to trees that are greater than 4m in height or greater than 400mm in girth¹ (measured at 1.4m above natural ground level²). For trees “with multiple trunks, such as Pōhutukawa, the girth measurement is the collective measurement of all trunks with a circumference of 250mm or more”.

As the extent of canopy / tree root that requires trimming has yet to be defined, and in order to provide suitable flexibility, resource consent is sought to remove the vegetation identified in Figure 2 of **Attachment 1** to the extent necessary. If, at the detailed design stage, it is determined that trees and other vegetation generally within the area identified can be retained, then they will be.

To address the comment from Council, the Applicants therefore also seek consent under Table E16.4.1 (A10) of the Unitary Plan (with suitable conditions proposed below) to remove trees that qualify for protection with reference to Chapter E16 of the Unitary Plan.

The scope of these works have been discussed with Ngāti Whātua Ōrākei as the owner of Takaparawhau (where these trees are located), and they have confirmed that in their review (refer **Attachment 2**), “*the scope of work is confined to the site boundary interface (as shown in the attached annotated satellite image³) and will not adversely affect other vegetation within this part of Takaparawhau in a noticeable manner. Additionally, the overall amenity of Takaparawhau will not be implicated by the limited scope of works to this existing vegetation and, the landscaping proposed within the Site to the perimeter of the Project, will integrate with, and enhance the retained vegetation within Takaparawhau*”.

Corresponding to the scope and nature of these works, the following assessment is provided with reference to the matters in Section E16.8.2.

¹ A defined term in the Unitary Plan – Chapter J Definitions.

² With these being parameters defining what is a protected tree / root zone.

³ Referencing Figure 2 of **Attachment 1**.

E16.8.2(1) all restricted discretionary activities

<p>(a) the specific values of the trees including any ecological values with respect to water and soil conservation, ecosystem services, stability, ecology, habitat for birds and amelioration of natural hazards;</p>	<ul style="list-style-type: none"> • There are a limited number of trees that meet the qualifying dimensions. These trees form part of the larger swathe of vegetation and their removal, relative to the balance of vegetation within this part of Takaparawhau, will not affect the ecological values referred to or implicate natural hazards.
<p>(b) the loss of amenity values that tree or trees provided;</p>	<ul style="list-style-type: none"> • The limited number of trees to be removed will not be appreciable in the wider context and will not result in a loss of amenity values relative to the large swathe of vegetation within this part of Takaparawhau. This has been confirmed by Ngāti Whātua Ōrākei as the owner of the land on which the trees are located (refer Attachment 2).
<p>(c) the risk of actual damage to people and property from the tree or trees including the extent to which adverse effects on the health and safety of people have been addressed as required under health and safety legislation.</p>	<ul style="list-style-type: none"> • There is a no risk to people or the property from the trees proposed to be removed.
<p>(d) any alternative methods that could result in retaining the tree or trees;</p>	<ul style="list-style-type: none"> • The consent sought for removal of the trees is the most practicable option to enable the construction of the Project. The detailed design review to be undertaken will confirm whether particular trees can be trimmed rather than removed.
<p>(e) the degree to which any proposed mitigation adequately compensates for the values that trees provide.</p>	<ul style="list-style-type: none"> • The perimeter landscaping of the proposed retirement village will integrate with the Takaparawhau vegetation that is retained.
<p>(f) the degree to which the proposal is consistent with best arboricultural practice guidelines for tree management.</p>	<ul style="list-style-type: none"> • The works to remove the trees will be undertaken in accordance with best arboricultural practice, including under the supervision of a suitably qualified arborist,

	<p>who will also determine which trees can be retained with appropriate pruning versus being removed, and a Tree Works Plan outlining the scope and methodology will be prepared in advance of the works.</p>
<p>(g) methods to contain and control plant pathogens and diseases including measures for preventing the spread of soil and the safe disposal of plant material;</p>	<ul style="list-style-type: none"> • The methodology will form part of the Tree Works Plan to be prepared in advance.
<p>(h) the provision of a tree works plan to address the effects of the works on the tree or trees and outlining the proposed methods to be used, and where applicable:</p> <p>(i) the provision of a landscape plan; or</p> <p>(ii) consistency with any reserve management plan.</p>	<ul style="list-style-type: none"> • A Tree Works Plan will be prepared as a requirement of the conditions of consent proposed by the Applicants. • The removal of the small area of vegetation is not inconsistent with the outcomes sought by the Combined Reserve Management Plan for Pourewa Creek (Pūrewa) and Whenua Rangatira (Takaparawhau & Ōkahu Bay.) and is consistent with routine stewardship and maintenance activities. This is confirmed by Ngāti Whātua Ōrākei in Attachment 2.
<p>(i) the need for the direction and supervision of an on-site monitoring arborist while the works are being carried out.</p>	<ul style="list-style-type: none"> • A qualified arborist will supervise the tree removals.
<p>(j) the functional and operational needs of infrastructure.</p>	<ul style="list-style-type: none"> • Not Applicable
<p>(k) the benefits derived from infrastructure.</p>	<ul style="list-style-type: none"> • Not Applicable

Proposed Conditions

New conditions of consent are proposed as part of the updated Proposed Conditions of Consent dated 17 April 2026 (**Appendix B** to the Applicants’ response to comments) to manage the effects of the proposed works. These are set out below:

Tree Works Plan

- 35B. Prior to works commencing proximate to the north-eastern boundary of the site, the consent holder must prepare and submit to Council for certification a Tree Works Plan to:
- (a) identify those trees which are to be removed where they span the common boundary between the site and Takaparawhau;
 - (b) set out the methodology for the trees to be removed;
 - (c) set out the methodology for the protection of those trees to be retained, including any trimming or root zone works to those trees to be retained;
 - (d) include site protocols to be employed during the tree works, including:
 - (i) temporary protective fencing;
 - (ii) access arrangements to the works area.

Tree Works

- 66E. All tree work must be carried out by a suitably qualified arborist (the Project Arborist) in accordance with the Tree Works Plan required by Condition 35B.
- 66F. The site manager shall ensure that all contractors and staff are advised of the tree protection measures and are compliant with them for the duration of the work. A copy of the Tree Works Plan required by **Condition 1** shall be available at all times on the work site.
- 66G. All site works shall be documented by the Project Arborist, including a comprehensive digital record. A completion report must be submitted to the Council within 10 working days of the completion of site works. The final report shall include:
- (a) A statement outlining any impacts to the trees.
 - (b) Confirmation that tree protection measures were adhered to.
 - (c) Any recommendations for remedial works, if required.

Subject to the imposition of these proposed conditions and in light of the letter of support provided by Ngāti Whatua Ōrākei Trustee Limited, it is considered that the proposed works on the Takaparawhau vegetation overhanging the Project Site are appropriate and will be undertaken in accordance with the outcomes anticipated by the relevant provisions of the Unitary Plan.

New Reason for Consent – Overland Flow

The updated Flood Hazard Risk Assessment (Rev C dated 2nd April 2026) has been prepared by CLC in response to feedback received from Healthy Waters and Council’s development engineer and includes an update to the assessment of Plan Change 120 to the Unitary Plan.

In undertaking this, flood hazard map plans are appended to the updated Flood Hazard Risk Assessment (Drawings 22064-C992 Rev B and 22064-C993 Rev B) which propose that the overland flow path which traverses the Site between Te Arawa Steet and Rukutai Street is better managed to reduce the flows exiting to 104 Rukutai Street. This is achieved by containing a portion of the overland flow path within the driveway within the Project Site and providing for the flow to exit from the driveway to Rukutai Street directly (north of 104 Rukutai Street).

As a consequence, the post-development overland flow will be reduced to 104 Rukutai Street (compared to pre-development), and a new exit point is created to Rukutai Street. The partial containment and diversion of the overland flow requires resource consent as a restricted discretionary activity under Activity Table E36.4.1A (A102) for “*Diverting the entry or exit point, piping or reducing the capacity of any part of an overland flow path*”.

Relative to the relevant assessment matters contained in Section E36.8.1 and E36.8.2, the updated Flood Risk Assessment undertaken by CLC confirms that “*the reconfiguration of the flow path, including the conveyance of post-development flows within the site, does not result in an increase in flood effects on surrounding properties [...]. Overall, the rationalisation results in a more defined flow path within the subject site while maintaining existing downstream flow characteristics*”.

Condition 66A of the updated Proposed Conditions of Consent dated 17 April 2026 requires:

A written statement from a SQEP must be provided to Council to confirm that the overland flowpath between Te Arawa Road and Rukutai Street has been maintained or appropriately reconfigured to allow controlled conveyance through the site, and that the works, including the upgraded vehicle crossing, will not result in any increase in flooding or flood hazard on neighbouring properties. This statement must be provided to the Council at the completion of the works.

Subject to the imposition of Condition 66A and in reliance on the conclusions of CLC, it is considered that the proposed partial containment and diversion of the overland flood path which traverses the Site between Te Arawa Steet and Rukutai is appropriate and will not increase the risk of flooding from overland flows to the receiving environment.

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Attachment 1

Figure 1: Location Context Plan

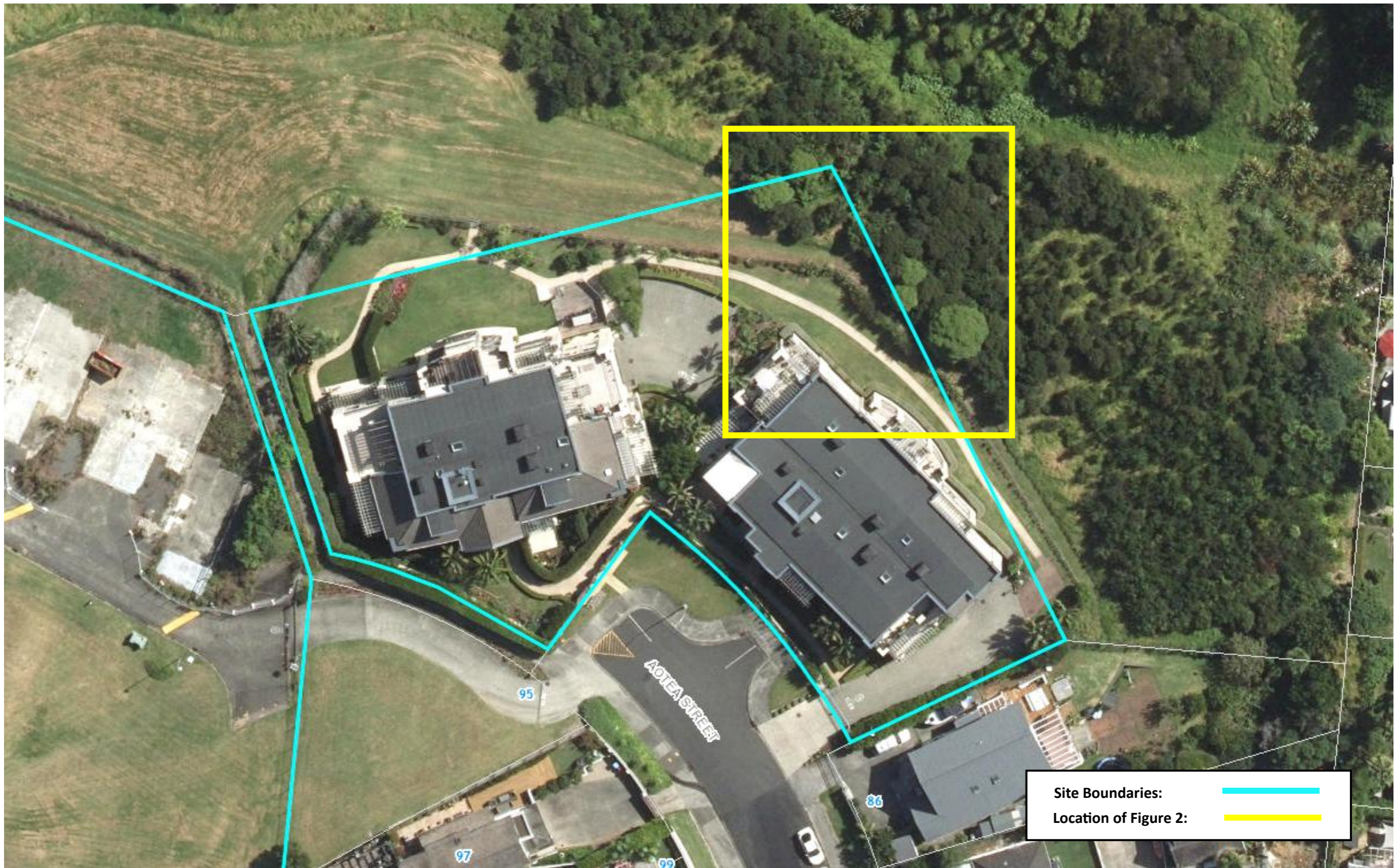


Figure 2: Extent of Vegetation to be Removed



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Attachment 2

16 April 2026

Environmental Protection Authority
Te Mana Rauhi Taiao

Tēnā koutou

Fast Track Application 10476 - The Point Mission Bay

Generus Living Group and Ngāti Whātua Ōrākei have jointly applied under the Fast Track Approvals Act 2024 for resource consent to authorise the development of a comprehensive and integrated retirement village, to be known as 'The Point' (**the Project**), on the land generally located at the northern end of Kupe, Te Arawa, Rukutai and Aotea Streets, Orakei (**the Site**).

Ngāti Whātua Ōrākei Trustee Limited is the owner of the both the Site and the adjacent Reserve, Takaparawhau (which is co-managed by the Ngāti Whātua Ōrākei Reserves Board).

We are aware that the Project includes earthworks within the Site that will implicate a small amount of vegetation that is located within Takaparawhau, as this vegetation variously overhangs, or has root systems that traverse the north east common boundary between Takaparawhau and the Site.

We understand that the scope of work is confined to the site boundary interface (as shown in the attached annotated satellite image) and will not adversely affect other vegetation within this part of Takaparawhau in a noticeable manner. Additionally, the overall amenity of Takaparawhau will not be implicated by the limited scope of works to this existing vegetation and, the landscaping proposed within the Site to the perimeter of the Project, will integrate with, and enhance the retained vegetation within Takaparawhau.

In my capacity as Chief Executive of Ngāti Whātua Ōrākei Trustee Limited and Ngāti Whātua Ōrākei Whai Māia Limited, and having regard to our role in the ownership, stewardship and ongoing maintenance of the whenua and associated vegetation at Takaparawhau, we understand that the proposed interface vegetation works are limited in extent and consistent with routine stewardship and maintenance activities undertaken in support of the whenua. These works are intended to be implemented in accordance with appropriate arboriculture practice and in co-ordination with the Ngāti Whātua Ōrākei Reserves Board, in recognition of its distinct role in the management of the reserve.

Nāku noa, nā



Lisa Davis

Chief Executive
Ngāti Whātua Ōrākei

Figure 2: Extent of Vegetation to be Removed

