

FTAA-2505-1068: Application received for referral of the project under the Fast-track Approvals Act 2024 – Stage 2 decisions

Project Name: Hobsonville Retirement Village

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| Date submitted: | 9 September 2025 | Tracking #: BRF-6796 | |
| Security level: | In-Confidence | MfE priority: | Urgent |

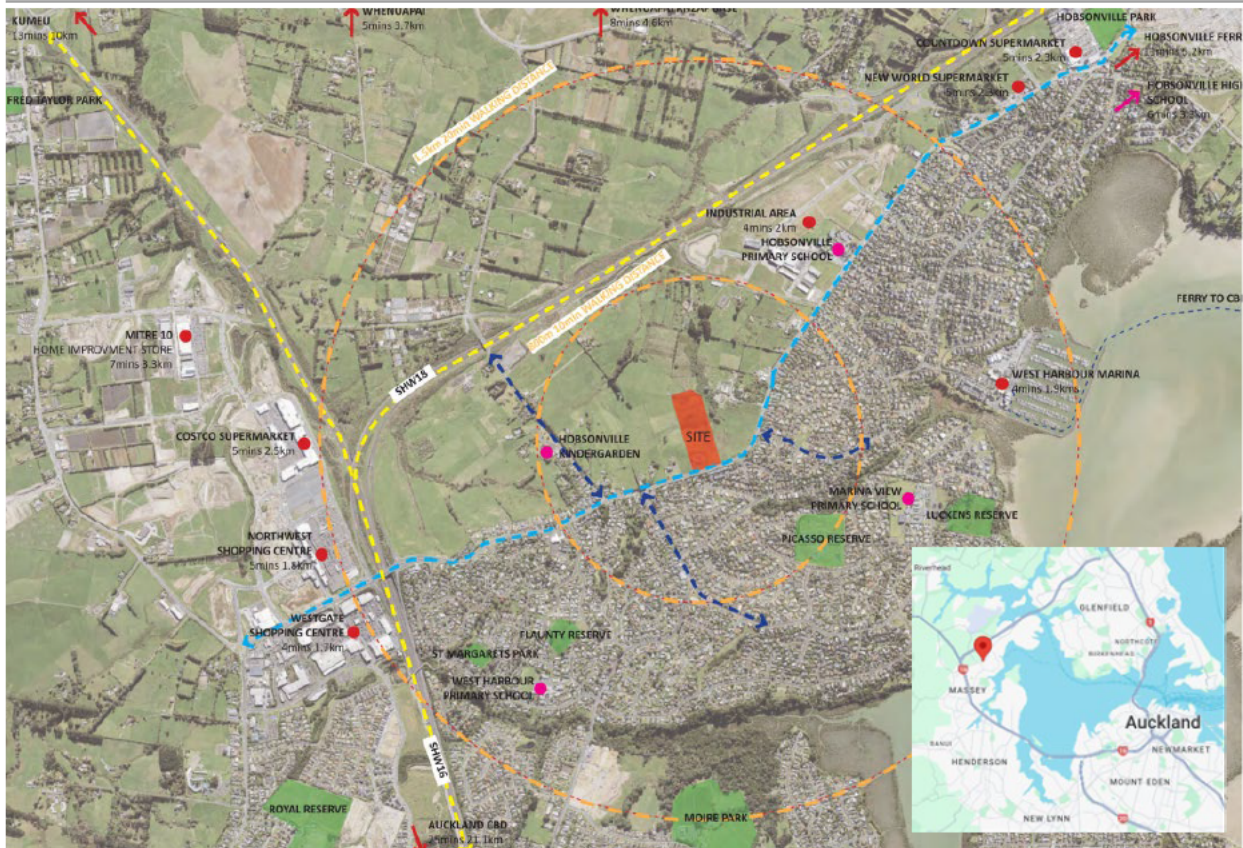
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| | Action sought: | Response by: |
| To Hon Chris Bishop, Minister for Infrastructure | Decision on recommendations | 16 September 2025 |

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| Actions for Minister's Office staff | <p>Return the signed briefing to MfE: FTAreferrals@mfe.govt.nz.</p> <p>Approve the attached notice of decisions letter.</p> |
| Number of appendices: 6 | <p>Appendices (refer to the File Exchange for appendices 2-6):</p> <ol style="list-style-type: none"> 1. Statutory framework for making decisions 2. Application documents for the Hobsonville Retirement Village project 3. Stage 1 Briefing Note and decisions 4. Section 18 Report on Treaty settlements and other obligations 5. Comments received from invited parties, including the further information received from Auckland Council 6. Draft Notice of Decisions |

Ministry for the Environment contacts

| Position | Name | Cell phone | 1 st contact |
|------------------|-----------------|------------|-------------------------|
| Principal Author | Ashley Sycamore | | |
| Manager | Stephanie Frame | s 9(2)(a) | ✓ |
| General Manager | Ilana Miller | s 9(2)(a) | |

Project location



Key messages

1. This briefing seeks your decisions under section 21 of the Fast-track Approvals Act 2024 (the Act) on the application from Kings Heights Group Limited (the applicant) to refer the Hobsonville Retirement Village project (the project) to the Fast-track approvals process.
2. A copy of the application is in Appendix 2. This is the second briefing on this application. The Stage 1 briefing (BRF-6359) for the project with your initial decisions annotated is in Appendix 3.
3. The project is to develop and operate a retirement village on a 4-hectare site located at 82 Hobsonville Road, West Harbour, Auckland. The project includes:
 - a. approximately 354 retirement units, including:
 - i. 42 villas (single-storey duplex and attached dwellings)
 - ii. 267 apartment units across six buildings (four to six storeys), each with basement parking
 - iii. 45 care units within a dedicated care building
 - b. communal and support facilities, including:
 - i. a two-storey amenities building
 - ii. a three-storey care building adjoining the amenities building, providing hospital-level care and basement parking
 - iii. reception and administration areas
 - c. open space and landscaping.

4. The applicant is seeking resource consents under the Resource Management Act 1991 (RMA) via the Fast-track approvals process, which is a specified Act. They have also identified that the project may require additional approvals under the Wildlife Act 1953 and the Heritage New Zealand Pouhere Taonga Act 2014, both of which are also specified Acts. However, the applicant has confirmed that these approvals would be pursued outside the Fast-track approvals process.
5. We recommend you **decline** the referral application under sections 21(3)(a) and 21(4) of the Act, as detailed below.

New information since Stage 1 Briefing

6. In our Stage 1 briefing, we identified that the project area is subject to an airspace restriction designation, specifically Designation 4311 for which the Minister of Defence is the requiring authority¹. At the time of drafting the first briefing, we incorrectly advised that specific approval for the project from the New Zealand Defence Force (NZDF) was not required. This conclusion was based on the information available at the time, including the applicant's referral application documentation, which did not reference Designation 4311, nor did it indicate any requirement for NZDF approval, nor any potential impacts of the designation on project authorisation. Regardless, at that time we recommended that you seek comment on the referral application from both NZDF and the Minister of Defence under section 17(5), to ensure all relevant interests were appropriately considered.
7. The Minister of Defence and NZDF provided comments under section 17(5) for the project. They confirm the project area is close to the Royal New Zealand Air Force Base Auckland and falls within Designation 4311 (Whenuapai Approach and Departure Path Protection) under the Auckland Unitary Plan – Operative in Part.
8. This designation includes Obstacle Limitation Surfaces (OLS), which restrict building heights to protect flight operations. NZDF state the height of the OLS above ground level varies from approximately 1 to 27 metres across the project area. The application does not specify building heights, however, buildings of up to six-storeys are proposed, which NZDF confirms would breach the OLS. The Urban Design Assessment provided in Attachment 5 of the application estimates the overall height of the six-storey buildings may be in the range of 19–21 metres. On this basis, the project cannot lawfully proceed to breach the height restrictions imposed by the designation without the approval of the Minister of Defence and NZDF.
9. The applicant has not provided approval from the Minister of Defence as the requiring authority (or from NZDF) for Designation 4311 as required under section 176(1)(b) of the RMA to breach the height restrictions imposed by the OLS. Both NZDF and the Minister of Defence advised that they would not give approval for this breach because of the potential impact on flight operations and safety.
10. While projects of this nature might typically be expected to deliver benefits of some kind, the proposal as currently described cannot lawfully proceed. In the absence of approval from the Minister of Defence and NZDF, we consider that you cannot be satisfied that the project would be able to deliver significant regional or national benefits, and it may adversely affect the efficient operation of the fast-track approvals process. We also do not believe that referring the project to the Fast-track approvals process would facilitate its delivery, as the

¹ Designation Schedule under the Auckland Unitary Plan (Operative in part) - Minister of Defence

project cannot proceed for the reasons outlined above. Accordingly, we consider you must decline the application under section 21(3)(a) of the Act. We have also considered the breach of Designation 4311 as an “any other matter” under section 21(4), which provides further grounds for declining the application.

11. We have considered whether alternative approaches might lead to a recommendation that the project be suitable for referral. One potential option would be to request further information from the applicant under section 20(1), specifically written approval to breach the OLS under Designation 4311 from the Minister of Defence. However, both the Minister of Defence and the NZDF have been clear that such approval would not be provided.
12. A second option would be to request amended plans from the applicant under section 20(1), ensuring the project no longer breaches the OLS under Designation 4311. However, if amended plans were provided, this would likely result in significant changes to the scope and scale of the project, undermining the potential regional benefits outlined in the current application. In addition, as comments have already been invited under section 17 of the Act, materially changing the project would require comments to be sought again – which is not provided for under the Act. In effect, a new application would be required. This remains an option for the applicant to consider should you agree with the recommendation to decline the referral application.
13. A third option would be to approve the referral application with a specification under section 27(3)(b)(ii), requiring the applicant to submit a report with their substantive application demonstrating that building heights would not breach the OLS under Designation 4311 in the absence of the necessary approval. This would align with the approach previously taken under the COVID-19 Recovery (Fast-track Consenting) Act 2020² where the Notice of Decision for materially the same project on the same site was referred. However, similar to the considerations outlined under point 12 above, this would likely necessitate substantial changes to the project's scale or would require the applicant to request an approval that would not be provided. Consequently, this option is also not considered viable.
14. A detailed explanation of the recommendation to decline is provided in Table A. We seek your decisions on these recommendations.

Assessment against statutory framework

15. The statutory framework for your decision-making is set out in Appendix 1. You must apply this framework when you are deciding whether to accept or decline the referral application.
16. We have considered if there are any reasons for declining the project, and we provide our advice on these matters below.
17. In accordance with section 21 of the Act, you must decline the referral application if you consider the project does not meet the criteria in section 22, involves an ineligible activity or does not contain adequate information for you to make your decision. You may decline the application for any other reason under section 21(4), including those listed in section 21(5), whether or not the project meets the section 22 referral criteria.
18. However, before you make that decision you must consider the application and any reports and comments provided in the required time frame, including:
 - a. the section 18 Treaty settlements report (in Appendix 4)

² 156.27 - Hobsonville Road Retirement Village - Notice of Decision

- b. the comments received from invited parties under section 17 (in Appendix 5)
- c. the further information received from Auckland Council under section 20 (in Appendix 5).

19. We have considered these matters and provide our advice below.

Section 18 Treaty settlements and other obligations report

- 20. The section 18 report identifies that Auckland has a complex Treaty settlement landscape with many overlapping interests. Fifteen relevant Māori groups were identified as the relevant groups under section 18(2) for the project area (listed under Attachment 3 of Appendix 4).
- 21. The report identified the following Treaty settlements as relevant to the application: Ngāti Whātua Ōrākei Claims Settlement Act 2012, Ngāti Whātua o Kaipara Claims Settlement Act 2013, Te Kawerau ā Maki Claims Settlement Act 2015, Ngāti Tamaoho Claims Settlement Act 2018, Ngāti Pāoa deed of settlement signed 20 March 2021, and Te Ākitai Waiohūa deed of settlement signed 12 November 2021.
- 22. The report confirms the provisions of the settlements identified above do not place any procedural obligations on you, or any subsequent panel should you decide to accept the referral application, in relation to the approvals being sought by the applicant.
- 23. Two comments were received under section 17(1)(d) from Māori groups in relation to the project – Ngāti Tamaoho Settlement Trust and Te Kawerau Iwi Settlement Trust. Ngāti Tamaoho indicated their rights and interests are not affected by the project. They also noted support for any comments provided by Te Kawerau Iwi Settlement Trust, Te Ākitai Waiohūa Settlement Trust and Ngāti Te Ata Claims Support Whānau Trust.
- 24. Te Kawerau Iwi Settlement Trust's comments were received two working days after the statutory time frame closed. Under section 17(7)(b), you may consider them at your discretion, and we have recommended doing so in the notice of decision. The key point raised is that a cultural impact assessment may be required due to the project's scale, its location within a significant cultural landscape, and the presence of an awa/watercourse on site.
- 25. Under section 18(3)(b) a draft of the report is required to be provided to the Minister for Māori Development and the Minister for Māori Crown Relations, Minister Potaka. Minister Potaka supported the application subject to the applicant undertaking further consultation with the Māori groups identified in the report, as well as the applicant considering a cultural impact assessment within three months from Te Kawerau Iwi Settlement Trust.
- 26. The report does not identify any matters which make it more appropriate for the proposed approvals to be authorised under another Act or Acts.

Section 16 Effects of Treaty settlements and other obligations on decision-making

- 27. In accordance with the section 18 report assessment above, we have not identified any documents that you must give the same or equivalent effect to, or procedural requirements you must comply with under section 16.

Written comments received

- 28. Comments were received under section 17 of the Act from the parties below:

- a. relevant local authorities – Auckland Council (including Auckland Transport and Watercare Services Limited)
- b. Ministers – Minister for the Environment, Minister of Defence, Minister for Seniors, Associate Minister of Housing, and the Minister for Economic Growth (we note that comments from the Minister for Economic Growth were received one working day after the specified time frame – we recommend you consider these at your discretion)
- c. the Māori groups identified in the list provided to the Minister - Ngāti Tamaoho Settlement Trust and Te Kawerau Iwi Settlement Trust (as noted above, the comments from Te Kawerau Iwi Settlement Trust were received two working days after the specified time frame – we recommend you consider these at your discretion)
- d. any other parties – NZDF and NZ Transport Agency Waka Kotahi (NZTA).

29. A summary of the comments received from the relevant Māori groups is provided under the assessment of the section 18 report above. The key points relevant to your decision-making are outlined in Table A, with a summary provided below:

- a. Auckland Council states it identified no competing applications or relevant existing consents under sections 124C(1)(c) or 165ZI of the RMA
- b. Auckland Transport states the project does not demonstrate significant regional transport benefits, may compromise Hobsonville Road's safe operation, and should address multiple transport-related issues including access, sequencing, and impacts on planned infrastructure
- c. Watercare Services Limited states the applicant's servicing information is outdated and inconsistent, and that public water and wastewater connections cannot be supported until major infrastructure upgrades are completed, with further engagement encouraged to explore alternatives
- d. The Minister of Defence and NZDF state the project breaches height restrictions under Designation 4311 within proximity to the RNZAF Base Auckland, and cannot proceed in its current form without addressing these constraints
- e. The Minister for Seniors considers the project is likely to meet the housing-related criteria under section 22(2)(a)(iii) of the Act and is suitable for referral to the fast-track process
- f. The Associate Minister of Housing states the project will support Auckland's housing supply and is appropriately located for urban development, and considers flood risks will be addressed at the substantive stage
- g. The Minister for Economic Growth considers the project is expected to generate substantial economic and employment benefits, but its primary value lies in addressing housing needs under section 22(2)(a)(iii) of the Act
- h. NZTA states they have no concerns with the project being referred to the Fast-track approval process, provided a detailed review of transport impacts and mitigation measures is completed at the substantive stage.

Further information provided by the relevant local authority

30. On your behalf, we asked Auckland Council in its capacity as a relevant local authority for further information under section 20 of the Act. Auckland Council provided further information within the specified time frame.
31. Auckland Council states the project is unlikely to deliver significant regional or national benefits, noting that similar retirement developments are already underway in the area. Auckland Council further considers the proposal inconsistent with the Auckland Unitary Plan, Future Development Strategy, and Whenuapai Structure Plan, as it introduces urban-scale development into a zone not yet scheduled or serviced for such use.
32. You must consider all information received within the specified time frame. An assessment of Auckland Council's further information response has been provided as an "any other matter" under section 21(4) and this is presented in Table A.

Reasons to decline

33. The statutory framework in Appendix 1 sets out the situations where you must decline a referral application under section 21(3). You may also decline a referral application for any other reason under section 21(4), regardless of whether or not the project meets the criteria in section 22.
34. Based on the matters outlined above and detailed in Table A, we recommend you decline the referral application. This recommendation is primarily based on the fact that the project, as currently proposed, would breach the OLS under Designation 4311. Additionally, the project lacks the necessary approvals from both the Minister of Defence and NZDF as required for the project to proceed. The Minister and NZDF have confirmed that the proposed project – which includes buildings up to six storeys in height – would breach the OLS, and they have clearly stated they would not provide approval for these breaches due to the potential impact on flight operations and safety.
35. Given this, we consider that you cannot be satisfied that the project would be able to deliver significant regional or national benefits, and it may adversely affect the efficient operation of the Fast-track approvals process. We also do not believe that referring the project to the Fast-track approvals process would facilitate its delivery, as the project cannot proceed as currently proposed. Accordingly, we consider the application does not meet the section 22 criteria and if you agree, you must decline the application under section 21(3)(a) of the Act.
36. You may also decline the application for any other reason under section 21(4). The Act provides some guidance on matters you could consider when deciding whether to decline an application and these are set out in 21(5). We have considered section 21(4) and the matters under section 21(5), and this is outlined in Table A. We have considered the breach of Designation 4311 as an "any other matter" under section 21(4), which provides further grounds for declining the application.
37. This is our consideration based on the available information; however, you retain the discretion to agree or disagree with our recommendations and determine the outcome of the referral application.

Reasons to accept

38. The statutory framework in Appendix 1 sets out the reasons you can accept a referral application.

39. We do not consider the project meets the requirements in section 22 of the Act. As summarised above and detailed in Table A, this is primarily because the project cannot proceed without the approval of the Minister of Defence and NZDF.
40. If you agree, you must decline the referral application under section 21(3)(a) and also may decline the referral application under 21(4) of the Act.
41. If you disagree, we will provide you with a revised notice of decision letter, along with proposed directions to a panel and the applicant.

Conclusions

42. Based on the matters outlined above and detailed in Table A, we recommend that you decline the referral application. This recommendation is primarily due to the fact that the project as currently proposed would breach the OLS under Designation 4311 and the application does not include approval from both the Minister of Defence and NZDF as required.
43. As a result, we consider that you cannot be satisfied that the project meets the section 22 criteria – a consideration under section 21(3)(a) of the Act. We have also considered the breach of Designation 4311 as an “any other matter” under section 21(4), which provides you with further grounds for declining the application. If you agree with our recommendations, you must decline the application under section 21(3)(a), and you may also decline it under section 21(4).
44. Notwithstanding our recommendations, the decision to accept or decline the referral application remains at your discretion.

Next steps

45. If you agree with the recommendation to decline the referral application, MfE must give notice of your decisions to the applicant and any parties invited to comment under section 17, including the reasons for your decisions, and publish the notice on the Fast-track website.
46. A draft Notice of Decisions letter addressed to the applicant has been prepared based on our recommendations (refer to Appendix 6). Subject to your approval, we will send a copy to anyone invited to comment on the application. If any amendments to the letter are required, we will provide you with an updated version accordingly.
47. Our recommendations for your decisions follow.

Recommendations

48. We recommend that you:

- a. **Note** section 21(3) of the Fast-track Approvals Act 2024 (FTAA) requires you to decline the referral application from Kings Heights Group Limited (the applicant) if you are satisfied that the project involves an ineligible activity, or you consider that you do not have adequate information to inform the decision under this section or if you are not satisfied that the Hobsonville Retirement Village project (the project) meets the referral criteria in section 22 of the FTAA.

Noted

- b. **Agree** that before deciding on the application for project referral under section 21(1) of the FTCA you have considered:
- i. the application in Appendix 2
 - ii. the report obtained under section 18 in Appendix 4
 - iii. any comments and further information sought under sections 17 and 20 and provided within the required timeframe (if you have received any comments or further information after the required timeframe you are not required to consider them but may do so at your discretion) in Appendix 5.

Yes / No

- c. **Agree** to exercise your discretion under to consider the late comments received from Te Kawerau Iwi Settlement Trust and the Minister for Economic Growth after the time frame specified under section 17(6) of the FTAA

Yes / No

- d. **Note** that under section 21 you **must** decline a referral application if:
- i. the application **may not** be accepted under section 21(1) (which relates to the criteria for assessing a referral application in section 22); or
 - ii. you are **satisfied** that the project involves an ineligible activity; or
 - iii. you are **satisfied** that you do not have adequate information to inform your referral decision.

Noted

- e. **Note** that you **may** decline a referral application for any other reason under section 21(4), whether or not the project meets the criteria in section 22, including (but not limited to) the reasons for decline set out at section 21(5).

Yes / No

- f. **Decline** the referral application under either or both of section 21(3) and section 21(4) of the FTAA, on the basis you:

- i. cannot be satisfied that the project would meet the section 22 criteria (*a reason to decline under section 21(3)(a)*), including that:
- the project is a development project that would have significant regional or national benefits (*under section 22(1)(a)*), as the project cannot proceed as planned without approval for the designation breach, or without significant changes to the proposal
 - referring the project to the fast-track approvals process would facilitate the project (*under section 22(1)(b)(i)*), including by enabling it to be processed in a more timely and cost-effective way than under normal processes, as the project cannot proceed as proposed
 - referring the project would be unlikely to materially affect the efficient operation of the fast-track approvals process (*under section 22(1)(b)(ii)*). If a substantive application were lodged, officials and a panel would need to assess the application – potentially ahead of other viable applications – even though it would ultimately be unable to proceed.

Yes / No

- ii. consider the presence of the designation breach, without the necessary approval, a valid reason to decline the referral application under section 21(4).

Yes / No

- g. **Approve** the notice of decisions letter to the applicant (attached in Appendix 6).

Yes / No

- h. **Agree** that MfE will provide the notice of decisions to anyone invited to comment on the application including relevant local authorities, the Minister for the Environment

and relevant portfolio Ministers, relevant administering agencies, and relevant Māori groups.

Yes / No

- i. **Note** that should you disagree with our recommendations above, we will provide you with a revised notice of decision letter, along with proposed directions to a panel and the applicant.

Noted

Signatures

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Ilana Miller

General Manager, Delivery and Operations

Hon Chris Bishop

Minister for Infrastructure

Date:

Table A: Stage 2 analysis

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| Recommendation | <u>Decline</u> the referral application | | |
| Project details | Project Name | Applicant | Project Location |
| | Hobsonville Retirement Village | <p>Kings Heights Group Limited</p> <p>c/- Campbell Brown Planning Limited</p> <p>The applicant is a registered company and is eligible to apply for resource consents.</p> | 82 Hobsonville Road, West Harbour, Auckland (legally described as Lot 2 Deposited Plan 116512) |
| Project description | <p>The project is to develop and operate a retirement village on a 4-hectare site.</p> <p>The project includes:</p> <ul style="list-style-type: none"> a. approximately 354 retirement units, including: <ul style="list-style-type: none"> – 42 villas (single-storey duplex and attached dwellings) – 267 apartment units across six buildings (four to six storeys), each with basement parking – 45 care units within a dedicated care building b. communal and support facilities, including: <ul style="list-style-type: none"> – a two-storey amenities building – a three-storey care building adjoining the amenities building, providing hospital-level care and basement parking – reception and administration areas c. open space and landscaping. <p>The applicant seeks approvals for the project under the following specified Act – resource consents under the Resource Management Act 1991 (RMA).</p> | | |
| Minister invites comments / requests information | Comments from invited parties [section 17] | | |
| | <p>Local authorities</p> <p><i>Auckland Council (AC)</i> AC did not identify any competing applications, or any existing resource consents issued where sections 124C(1)(c) or 165ZI of the RMA could apply. AC also provided further information in relation to a request under section 20 of the Act, which is summarised below.</p> <p>Ministers</p> <p><i>Minister for the Environment</i> The Minister for the Environment has reviewed the application and advises they do not wish to provide further comment.</p> <p><i>Minister of Defence</i> The Minister of Defence has provided both a comments form and a letter regarding the project. The comments form aligns with feedback from the New Zealand Defence Force (NZDF), summarised below. In the letter, the Minister notes the project site is adjacent to Royal New Zealand Air Force (RNZAF) Base Auckland and falls within Ministerial Designation 4311 under the Auckland Unitary Plan (AUP). This designation imposes height restrictions via Obstacle Limitation Surfaces (OLS) to safeguard flight operations. The Minister considers that key elements of the proposal, including six-storey buildings, would breach these restrictions. The applicant has not sought approval for these breaches from either the NZDF or the Minister, as the requiring authority for Designation 4311.</p> <p>The Minister further notes the proposal appears identical to one previously referred under the Covid-19 Recovery (Fast-track Consenting) Act 2020 (FTCA), which did not proceed to determination. The Minister expresses concern that the current referral has progressed without adequate consideration of the designation and associated constraints from the applicant.</p> <p>The Minister considers the controls under Designation 4311 essential to maintaining NZDF operational safety. While acknowledging the intent of the fast-track approvals process, the Minister states the project cannot proceed in its current form. The Minister requests that their submission be given appropriate weight and that the rationale be clearly communicated to the applicant.</p> <p><i>Minister for Seniors</i> The Minister for Seniors states the project is likely to '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)', and therefore considers the project meets the criterion in section 22(2)(a)(iii) of the Act, based on the information provided in the application. The Minister considers the project is suitable for referral to the fast-track approvals process. The Minister is open to providing further comments should the application proceed.</p> <p><i>Associate Minister of Housing</i> The Associate Minister of Housing acknowledges the project for a retirement village will contribute positively to Auckland's housing supply by enabling household movement and freeing up existing housing stock. The Associate Minister notes that Auckland remains one of the most expensive regions in New Zealand for both purchasing and renting homes, and considers that the project will offer a valuable downsizing option for older</p> | | |

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| | <p>residents. The Associate Minister observes that the site is appropriately zoned for future urban development and identified in both the Whenuapai Structure Plan and Auckland Council's 30-Year Infrastructure Investment Programme as a priority growth area. The current use of the site as a commercial property is also noted.</p> <p>The Associate Minister highlights the presence of some flood risk within the project area and states the expert panel will need to consider appropriate mitigation measures at the substantive stage. From a Housing Portfolio perspective, the Associate Minister has no concerns with the project proceeding to the next stage.</p> <p><i>Minister for Economic Growth</i></p> <p>The Minister for Economic Growth considers the project will generate substantial economic activity in Auckland over its five-year construction period, including \$207.8 million in direct construction spending and a \$192 million boost to regional GDP. Once operational, it is expected to contribute \$11 million annually to GDP, support 151 ongoing jobs, and generate over \$10 million in annual local household spending.</p> <p>The Minister notes the project delivers short- to medium-term benefits through construction, while also providing long-term economic value by sustaining employment and enhancing housing infrastructure. While the project aligns with the Government's economic growth objectives, the Minister considers its primary benefits relate to addressing housing needs. Accordingly, the Minister considers the project may be best assessed under section 22(2)(a)(iii) of the Act, which pertains to increasing housing supply, meeting housing needs, and supporting a well-functioning urban environment.</p> <p>Māori Groups</p> <p><i>Te Kawerau Iwi Settlement Trust</i></p> <p>The Trust confirms a site visit took place between its planner and the applicant to understand the project's potential impacts and benefits. During the visit, the planner advised that a Cultural Impact Assessment (CIA) would likely be required, given the project's scale, its location within a culturally significant landscape, and the presence of an awa/watercourse. A proposed fee and indicative timeframe for the CIA were provided, but the applicant has not pursued further engagement.</p> <p><i>Ngāti Tamaoho Settlement Trust</i></p> <p>The Trust advises that the project area is not within or adjacent to any statutory area. There are no mana whakahono ā rohe or joint management agreements in place that would be affected. The Trust considers the project area to lie outside its application (MAC-01-03-010) under the Marine and Coastal Area (Takutai Moana) Act 2011. The Trust supports activities that benefit both current and future generations, with a focus on environmental enhancement and restoration. It also endorses any feedback provided by Te Kawerau Iwi Settlement Trust, Te Ākitai Waiohua Settlement Trust, and the Ngāti Te Ata Claims Support Whānau Trust. The Trust is confident that its rights and interests are not impacted by the project.</p> <p>Other persons or groups</p> <p><i>New Zealand Defence Force (NZDF)</i></p> <p>NZDF has provided comments that align with the Minister of Defence's position outlined above. The project area is located near RNZAF Base Auckland and falls within Designation 4311 (Whenuapai Approach and Departure Path Protection) under the AUP. This designation includes Obstacle Limitation Surfaces (OLS), which restrict building heights to protect flight operations.</p> <p>NZDF advises that the OLS height across the site ranges from approximately 1 to 27 metres above ground level. While the application does not specify building heights, NZDF considers the proposed six-storey buildings would breach the OLS. We note the Urban Design Assessment provided in Attachment 5 of the application estimates the overall height of the six-storey buildings may be in the range of 19–21 metres, assuming 3.2 metre floor to floor heights and allowing space for greater ground floor height and roof structure. Approval for such breaches is required from both NZDF and the Minister of Defence under section 176(1)(b) of the RMA. NZDF confirms that no such approvals have been sought by the applicant and states it will not support breaches due to the impact on flight operations and safety.</p> <p>NZDF notes the proposal is materially the same as a previous project considered under the FTCA, which was not supported by the Minister of Defence or the Chief of Defence Force. Although that project was referred with a condition to confirm the building heights would not breach the OLS, it did not proceed to determination. As currently proposed, NZDF considers the project cannot proceed and advises it should not be referred.</p> <p><i>Auckland Transport (AT)</i></p> <p>AT adopts AC's position that the project does not present compelling evidence of significant regional benefits (see section 20 response below). AT considers the development will not deliver regionally or nationally significant transport infrastructure and notes its location on a Limited Access Road. AT states that the proposed additional access to Hobsonville Road may compromise the safe and efficient operation of this key arterial route, and would require a Limited Access Road approval process. AT cannot confirm whether such approval would be granted. AT further notes the proposal is out of sequence with the Auckland Council Future Development Strategy, may affect future corridor development, and could hinder delivery of infrastructure projects identified for Whenuapai East, which they consider are prerequisites for development in this area.</p> <p>AT requests that, should the project be accepted for the fast-track approvals process then the following matters are considered by the applicant and addressed in the substantive application: wider transport network strategy impacts; Notice of Requirement W5 – Hobsonville Road FTN upgrade; access onto Hobsonville Road; and access to public transport and pedestrian amenity. AT recommends that the applicant apply for s178/s176 approval under the RMA from AT in parallel with seeking fast-track approval. AT considers this approval is required prior to commencing any works within the Notice of Requirement W5 designation.</p> <p>AT notes the project falls within the area of the Hobsonville Cycling Connection – a cycleway intended to improve safety and accessibility for cyclists traveling to the Hobsonville Ferry Terminal and the Northwest Bus Station at Westgate. AT considers the applicant should provide further details on whether the project would have any effects on the Hobsonville Cycling Connection. AT considers that any substantive application for the project should include an Integrated Transport Assessment.</p> <p><i>Watercare Services Limited (Watercare)</i></p> <p>Watercare notes that the applicant's Infrastructure Report (Attachment 5, Appendix D) includes a letter from Watercare dated 30 August 2022 stating that there was capacity in the local water supply network, but constraints in the wastewater network. However, the letter explicitly states it is not a pre-approval and is valid for two years. As this period has lapsed, Watercare states this advice is no longer valid. Watercare's section 17 comments should now be considered the authoritative advice.</p> <p>Since the 2022 letter, Watercare has identified a bulk water constraint in the North Harbour 1 (NH1) Watermain, which was not previously noted. Additionally, Watercare has identified deficiencies in the referral application relating to both water and wastewater servicing. These include inconsistencies in the reported development yield – particularly the number of villas, apartments, and care units – across the infrastructure report and other submitted documents. Watercare considers that resolving the discrepancies identified in their comments is essential to support an accurate capacity assessment.</p> <p>Watercare cannot support public wastewater connection until the Rosedale Northern Interceptor Integration project is completed, currently scheduled for late 2026 and fully funded in Watercare's Business Plan. The proposed local servicing approach does not align with Watercare's servicing strategy, and flow calculations appear inconsistent with relevant standards. Watercare states the connection to the public water supply cannot</p> |
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| | <p>be supported until the NH2 Watermain is completed and commissioned, currently forecast for 2034. Watercare notes that delivery risks may result in delays beyond this date. Watercare is open to further engagement with the applicant to discuss the proposal and explore alternative servicing options.</p> <p><i>NZ Transport Agency Waka Kotahi (NZTA)</i> NZTA considers they would need to review the substantive application, including a comprehensive Integrated Transport Assessment, a construction management plan, and any proposed mitigation measures to address potential impacts on the state highway network. NZTA is open to providing further comments should the application proceed. NZTA has no concerns with the project being referred to the fast-track approvals process.</p> <p>Further information from the relevant local authority [section 20]</p> <p><i>Auckland Council (AC)</i> AC was invited to provide further information on the project's potential significant regional or national benefits, and its alignment with AC's relevant plans, policies, and strategies.</p> <p>AC considers the project unlikely to deliver significant regional or national benefits. While the applicant's economic report highlights an under-served market in West Auckland, AC notes that at least three large retirement developments were already underway in Hobsonville, Whenuapai, and Huapai as of February 2023. AC suggests this illustrates retirement villages are relatively common in the area.</p> <p>AC considers the proposal inconsistent with the Auckland Unitary Plan (AUP), the Future Development Strategy 2023–2053 (FDS), and the Whenuapai Structure Plan (2016). The site is zoned Future Urban under the AUP, where Objective H18.2(4) seeks to avoid urban-scale development. AC considers the proposed retirement village is of a scale and intensity that reflects an urban form, which is not anticipated in this zone.</p> <p>AC references the High Court decision in <i>Auckland Council v Matvin Group [2023] ELHNZ 260</i>, which considered that urban development is not expected in the Future Urban Zone until rezoning occurs, and that the rural character should be maintained in the interim. AC also considers the proposal inconsistent with Parts 2, 3, and 6 of the RMA, which provide for land use zoning. AC notes the project introduces urban activities into a zone not intended for such use, raising concerns about long-term land use management – even if the project proceeds through the fast-track process.</p> <p>The FDS outlines sequencing for urban development based on infrastructure readiness. The Whenuapai East strategic area is not scheduled for development before 2035, and several major infrastructure upgrades (including three waters and transport) are required before rezoning can be considered. While the Whenuapai Structure Plan (2016) identifies the site for future medium-density residential use, AC considers the proposed scale and built form significantly exceed what is anticipated until formal rezoning occurs.</p> <p>We note projects considered for referral under the FTAA are not required to be consistent with planning documents or underlying zoning provisions. Detailed assessments under the RMA – such as alignment with planning instruments or zoning – are more appropriately addressed by an expert panel during any substantive stage. However, where there are unresolved infrastructure constraints, these may affect the practical deliverability of a project and therefore would be relevant to your decision-making for a referral application. As noted above, we recommend you decline the current referral application because the project cannot proceed without the approval of the Minister of Defence and NZDF.</p> |
| <p>The Minister must decline an application if the Minister is satisfied that the project involves an ineligible activity [section 21(3)(b)]</p> | <p>Based on the information in the application, we consider the project does not involve an ineligible activity because:</p> <ul style="list-style-type: none"> • it would not occur on identified Māori land, Māori customary land or a Māori reservation as confirmed by the record of title for the project area • it would not occur in a customary marine title area or protected customary rights area as the project area is not in the common marine and coastal area (CMCA) • it is not an aquaculture activity or activity that is incompatible with aquaculture activities that would occur in an aquaculture settlement area and for which the applicant is not authorised to apply for a coastal permit because it will not occur in the CMCA and is not an aquaculture activity • would not require an access arrangement which cannot be granted under the Crown Minerals Act (including s61(1A)) because the project does not include an access arrangement and would not occur on Schedule 4 land • would not be prevented by section 165J, M, Q, ZC or ZDB of the RMA because it will not occur in the CMCA • would not occur on Schedule 4 land as confirmed by the record of title for the project area • would not occur on a national reserve as confirmed by the record of title for the project area • would not occur on a reserve held under the Reserves Act 1977 that is managed by or vested in someone other than the Crown or a local authority and that person has not consented in writing as confirmed by the record of title for the project area • is not a prohibited activity or decommissioning activity under the EEZA, 15B or 15C of the RMA • is not for the purpose of an offshore renewable energy project. <p>No comments received by the parties invited to comment have indicated that the project would be ineligible for referral under section 5 and section 21(3)(b) of the Act.</p> |
| <p>The Minister must decline an application if the Minister considers they do not have adequate information to inform the decision [section 21(3)(c)]</p> | <p>We consider you have adequate information to inform your decision.</p> |

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| Relevant considerations and procedural requirements in Treaty settlement, Mana Whakahono ā Rohe, joint management agreement, or the Marine and Coast Area (Takutai Moana) Act 2011 or the Ngā Rohe Moana o Ngā Hapū o Ngāti Porou Act 2019 [section 16] | N/A |
| Section 22 assessment criteria | |
| The project is an infrastructure or development project that would have significant regional or national benefits [section 22(1)(a)] | <p>The Minister may consider any of the following matters, or any other matters the Minister considers relevant.</p> <p>As detailed in the Stage 1 briefing for the project (in Appendix 3), the applicant considers the proposal for a 354-unit retirement village meets the section 22 referral criteria as it is a development project that would have the following significant regional benefits:</p> <ul style="list-style-type: none"> it will increase the supply of housing, address housing needs, and contribute to a well-functioning urban environment [s22(2)(a)(iii)] it will deliver significant economic benefits [s22(2)(a)(iv)] it will support climate change adaptation, reduce risks arising from natural hazards, or support recovery from events caused by natural hazards [s22(2)(a)(viii)] it is consistent with local or regional planning documents, including spatial strategies [s22(2)(a)(x)]. <p>As detailed previously, the Minister of Defence and the NZDF have both provided comments under section 17 of the Act for the project. Both parties state the project area is located near the RNZAF Base Auckland and falls within Designation 4311 under the AUP. As a result, the project cannot proceed without the approval of the Minister of Defence and NZDF. The applicant has not provided this approval as part of the referral application as required under section 176(1)(b) of the RMA to breach the height restrictions imposed by the OLS. Both NZDF and the Minister of Defence confirmed that they would not give approval for this breach because of the potential impact on flight operations and safety</p> <p>While projects of this nature might typically be expected to deliver benefits of some kind, the proposal as currently described cannot lawfully proceed without the approval of both the Minister of Defence and the NZDF. In the absence of such approval, we consider you cannot be satisfied the project meets the criteria under section 22(1)(a) as the project cannot proceed as currently proposed and as such, would not be able to deliver significant regional benefits. We considered requesting amended plans from the applicant under section 20(1) to demonstrate a redesign that avoids breaching the OLS, or alternatively, approving the referral with a specification under section 27(3)(b)(ii) requiring the applicant to confirm – at the substantive application stage – that building heights will not breach the OLS without the necessary approvals. This would align with the approach taken in the Notice of Decision for materially the same project considered under the FTCA. However, either option would likely require significant changes to the project's scope and scale (and therefore its potential benefits) or compel the applicant to seek an approval that would not be provided. As such, these options are not considered viable.</p> <p>If you agree with this recommendation, the referral application <u>must be declined under section 21(3)(a) of the Act.</u></p> |
| Referring the project to the fast-track approvals process [section 22(1)(b)] | <p><i>Would facilitate the project, including by enabling it to be processed in a more timely and cost-effective way than under normal processes [s22(1)(b)(i)]</i></p> <p>The applicant considers that the fast-track approvals process could significantly support the progression of the project, particularly by enabling a more efficient and timelier consenting pathway compared to the standard RMA processes, as the project requires multiple resource consents. The applicant notes that planning efforts in Whenuapai have experienced substantial delays. Notably, Auckland Council initiated Plan Change 5 over five years ago to rezone the site for residential use; however, this plan change was later withdrawn, contributing to ongoing uncertainty and delay. The applicant considers that referral to the fast-track process would allow the project to be advanced in a more cost-effective manner. By accelerating the development timeline – potentially reducing consenting timeframes from up to two years under the standard RMA process – the project could reach the market sooner. The applicant considers this could result in considerable savings, particularly in terms of land holding costs.</p> <p>We consider that the applicant has provided an assessment of section 22(1)(b)(i) which demonstrates that, in general, referring a project of this nature to the fast-track approvals process could be expected to enable it to be processed in a more timely and cost-effective way than under normal processes. However, the project cannot lawfully proceed without prior approval from the Minister of Defence and NZDF. As this approval has not been obtained and the Minister of Defence has confirmed it will not be provided, referring the project would not in practice facilitate the project, regardless of the relative efficiency of the fast-track approvals process. In line with the assessment above, we consider referring the project to the fast-track approvals process would not facilitate the project. If you agree with this recommendation, the referral application <u>must be declined under section 21(3)(a) of the Act.</u></p> <p><i>Is unlikely to materially affect the efficient operation of the fast-track approvals process [s22(1)(b)(ii)]</i></p> <p>The applicant considers the project unlikely to materially impact the efficient operation of the fast-track approvals process. The applicant notes the site is directly adjacent to the existing urban boundary, and considers the project is relatively straightforward – comparable in scale to other developments under the Act. The applicant states they have undertaken several detailed assessments that could satisfy the information requirements for a substantive application.</p> <p>If the current application were referred to the fast-track approvals process, officials at the EPA – and potentially an expert panel, if the project progressed to that stage – would be required to undertake a review of the substantive application. However, this review would ultimately conclude that the project cannot proceed without the approval of the Minister of Defence and NZDF. Undertaking such a review would divert time and resources away from assessing projects that have the ability to progress through the fast-track approvals process. In the absence of the necessary approval from the Minister of Defence and NZDF, we therefore consider that referring the project would likely materially affect the efficient operation of the fast-track approvals process. If you agree with this recommendation, the referral application <u>must be declined under section 21(3)(a) of the Act.</u></p> |
| Reasons to decline | |
| Minister <u>must</u> decline [section 21(3)] | Minister may decline [section 21(4) and 21(5)(a-h)] |

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| <p><i>The Minister <u>must</u> decline a referral application if:</i></p> <p><i>The application may not be accepted under subsection 1 (meets referral criteria)</i> As outlined above, the application does not include the necessary approvals from the Minister of Defence and the NZDF for the proposed breaches to the OLS under Designation 4311. Both parties have confirmed that such approval would not be granted if requested. As the project cannot proceed as proposed, we consider that you cannot be satisfied the project meets the referral criteria under section 22 of the Act. If you agree with this recommendation, the application <u>must be declined</u>.</p> <p><i>The Minister is satisfied the project involves an ineligible activity</i> As detailed above, we consider that the project does not involve an ineligible activity under section 5 of the Act.</p> <p><i>The Minister considers that they do not have adequate information to inform the decision under this section</i> We consider you have adequate information to inform your decision.</p> <p>We consider that you must decline the application under this section. If you agree with this recommendation, the referral application <u>must be declined under section 21(3)(a) of the Act</u>.</p> | <p><i>The Minister <u>may</u> decline a referral application for any other reason, whether or not it meets the criteria in section 22.</i></p> <p><i>Reasons to decline a referral application under subsection 4 include, without limitation:</i></p> <p><i>The project would be inconsistent with a Treaty settlement, Ngā Rohe Moana o Ngā Hapū o Ngāti Porou Act 2019, Marine and Coastal Area (Takutai Moana) Act 2011, a Mana Whakahono ā Rohe, or a joint management agreement</i> Nothing in the application, or in the comments received from invited parties indicates the project would be inconsistent with these documents.</p> <p><i>It would be more appropriate to deal with the matters that would be authorised by the proposed approvals under another Act or Acts</i> There is no information in the application that would suggest the proposed approvals would be more appropriately handled under another Act or Acts. We note AC's concerns regarding planning inconsistencies and infrastructure constraints, including that development in the FUZ is inappropriate ahead of a structure plan and plan change. We also note that information has been received from the Minister of Defence and the NZDF that considers that project could not proceed as proposed under either the fast-track approvals process, or standard RMA processes. These points are expanded on as an "any other matter" below.</p> <p><i>The project may have significant adverse effects on the environment</i> Nothing in the application or in the matters raised by invited parties has indicated that the project would have significant adverse effects on the environment. We have addressed the comments received from the Minister of Defence and NZDF in relation to Designation 4311 as an "any other matter" below.</p> <p><i>The applicant(s) has a poor compliance history under a specified Act that relates to any of the proposed approvals</i> Nothing in the application or comments received from invited parties would indicate that the applicant has a poor compliance history under the RMA.</p> <p><i>The project area includes land that the Minister for Treaty of Waitangi Negotiations considers necessary for Treaty settlement purposes</i> The project area does not include public land; therefore, the project area does not include land necessary for Treaty settlement purposes.</p> <p><i>The project includes an activity that is a prohibited activity under the Resource Management Act 1991</i> The applicant and AC have not identified that the project includes a prohibited activity under the RMA.</p> <p><i>A substantive application for the project would have one or more competing applications.</i> The comments received from AC did not identify any competing applications in the same project area.</p> <p><i>In relation to any proposed approval of the kind described in section 42(4)(a) (resource consents), there are one or more existing resource consents of the kind referred to in section 30(3)(a)</i> The comments received from AC did not identify any resource consents of the kind referred to in section 30(3)(a).</p> <p><i>Any other matter - Minister of Defence's Designation 4311 Whenuapai Airfield Approach and Departure Path Protection</i> As detailed previously, the Minister of Defence and the NZDF have both provided comments under section 17 of the Act for the project. Both parties state the project area is located near the RNZAF Base Auckland and falls within Designation 4311 under the AUP. As a result, the project cannot proceed without the approval of the Minister of Defence and NZDF. The applicant has not provided this approval as part of the referral application as required under section 176(1)(b) of the RMA to breach the height restrictions imposed by the OLS.</p> <p>NZDF notes the proposal is materially the same as a previous project considered under the FTCA, which was also not supported by the Minister of Defence or the Chief of Defence Force. That project was referred with a condition to confirm the building heights would not breach the OLS without the required approval; however, it did not proceed to determination. The application and decision documents for the previous application for the project can be found on the MfE website here: Application 2023-156 - Hobsonville Road Retirement Village Project.</p> <p>We note the current application does not acknowledge that the project area is subject to Designation 4311, nor does it assess the feasibility of proceeding in light of the associated OLS constraints. This designation was a central consideration in the outcome of the previous application submitted by the same applicant and agent under the FTCA. While that earlier application was referred with a condition that building heights would not breach the OLS without the necessary approvals, a substantive application was never lodged. Given this context, it is particularly notable that the current application does not address the designation or its implications.</p> <p>For the reasons outlined above, we consider you <u>may decline the referral application under section 21(4)</u>.</p> <p><i>Any other matter – AC comments on inconsistency with planning documents and infrastructure constraints</i> As detailed above under the section 20 assessment, AC has provided comments about the project's inconsistency with planning documents and infrastructure constraints. AC consider that it is not appropriate for this project to occur in the Future Urban Zone, ahead of a structure plan and plan change process, signalling that the project could be more appropriately dealt with through a plan change under the RMA. The referral application includes an Infrastructure Report in Attachment 5 dated 20 February 2023. This report concludes that the proposed development can be serviced by the provision of appropriate infrastructure.</p> <p>We note projects considered for referral under the FTAA are not required to be consistent with planning documents or underlying zoning provisions. Detailed assessments under the RMA – such as alignment with planning instruments or zoning – are more appropriately addressed by an expert panel during any substantive stage. However, where there are unresolved infrastructure constraints, these may affect the practical deliverability of a project and therefore would be relevant to the decision-making for a referral application. As the project cannot proceed without the approval of the Minister of Defence and NZDF, this matter has not been considered further, as we consider the application must be declined regardless.</p> |
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Appendix 1: Statutory framework summary

1. You are the sole decision maker for referral applications. If you accept a referral application, then the whole or part of the project will be referred to the fast-track approvals process.
2. If a Treaty settlement, the Marine and Coastal Area (Takutai Moana) Act 2011, the Ngā Rohe Moana o Ngā Hapū o Ngāti Porou Act 2019, a Mana Whakahono ā Rohe or a joint management agreement provides for consideration of any document or procedural requirements, you must, where relevant:
 - a. give the document the same or equivalent effect through this process as it would have under any specified Act; and
 - b. comply with any applicable procedural requirements.
3. You must decline a referral application if:
 - a. you are satisfied the project does not meet the referral criteria in s22
 - b. you are satisfied the project involves an ineligible activity (s5)
 - c. you consider you do not have adequate information to inform your decision.
4. You may decline an application for any other reason under section 21(4), including those set out in s21(5) and even if the application meets the s22 referral criteria.
5. You can decline an application before or after inviting comments under s17(1). However, if comments have been sought and provided within the required time frame, you must consider them, along with the referral application, before deciding to decline the application.
6. If you do not decline a referral application at this initial stage you must copy the application to, and invite written comments from:
 - a. the relevant local authorities
 - b. the Minister for the Environment and relevant portfolio Ministers
 - c. the relevant administering agencies
 - d. the Māori groups identified by the responsible agency
 - e. the owners of Māori land in the project area: None
 - f. you may provide the application to and invite comments from any other person.
7. You can request further information from an applicant, any relevant local authority or any relevant administering agency at any time before you decide to decline or accept a referral application (see section 20 of the Act).
8. However, if further information has been sought and provided within the required time frame you must consider it, along with the referral application, before deciding to decline the application.