



## FTAA-2511-1129: Application received for referral of the project under the Fast-track Approvals Act 2024 – Stage 2 decisions

### Project Name: Hobsonville Retirement Village

Date submitted:	11 March 2026	Tracking #: 26-BRF-00520	
Security level:	In-Confidence	MfE priority:	Urgent

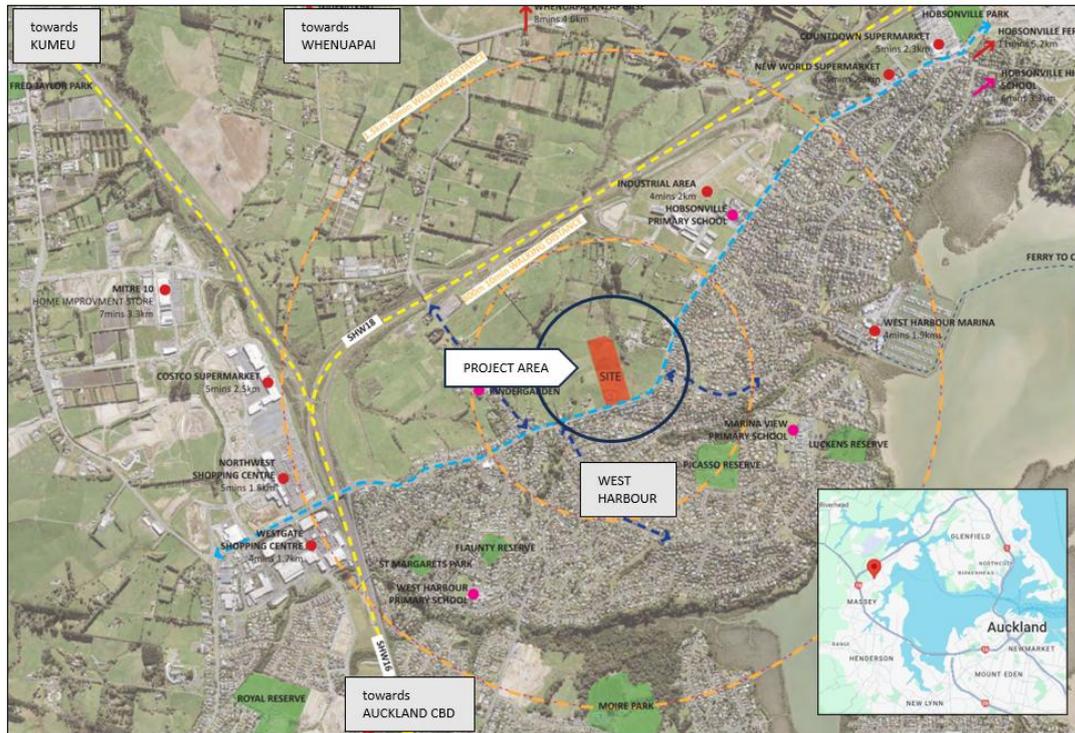
	<b>Action sought:</b>	<b>Response by:</b>
To Hon Chris Bishop, Minister for Infrastructure	Decision on recommendations	18 March 2026

Actions for Minister's Office staff	<b>Return</b> the signed briefing to: <a href="mailto:FTAreferrals@mfe.govt.nz">FTAreferrals@mfe.govt.nz</a> <b>Approve</b> the attached notice of decisions letter.
Number of appendices: 6	Appendices: 1. Statutory framework for making decisions 2. Application documents for Hobsonville Retirement Village 3. Stage 1 Briefing Note and decisions 4. Section 18 Report on Treaty settlements and other obligations 5. Comments received from all parties the Minister sought comments from 6. Draft Notice of Decisions

### Ministry for the Environment contacts

Position	Name	Cell phone	1 <sup>st</sup> contact
Principal Author	Antonia Croft		
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 (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 first (Stage 1) briefing (BRF-7192) with your initial decisions annotated is in Appendix 3.
3. The project is to establish and operate a retirement village development on approximately 4 hectares at 82 Hobsonville Road, West Harbour, Auckland.
4. The project comprises:
  - a. approximately 371 retirement units across a range of building types, including apartment buildings, care units, villas, and terraces. Buildings will range in size, with apartment buildings up to six levels in height
  - b. communal recreational facilities \
  - c. hospital care facilities with parking
  - d. site landscaping and pedestrian walkways
5. The project will require the proposed approvals:
  - a. Resource consents under the Resource Management Act 1991.
6. We note this new application comes after:
  - a. referral of the project under the COVID-19 Recovery (Fast-track Consenting) Act 2020 (which did not proceed to substantive decision), and

- b. a referral application under the Act which you declined (BRF-6359 refers) due to unresolved aviation designation constraints and the absence of required approvals under section 176 of the Resource Management Act 1991.
7. Your previous decline decision was due to a breach of the Whenuapai Airfield obstacle limitation surface (OLS) which required the written approval of the Minister and Ministry of Defence. This matter has been addressed in this new application through project building redesign, which has resolved the previously identified breach of the OLS, such that it is not a determining constraint for this second referral application under the Act. This position has been confirmed by the New Zealand Defence Force (NZDF).
8. We recommend you **accept** the referral application as the project meets the criteria set out in section 22 and does not appear to involve an ineligible activity.
9. We seek your decisions on this recommendation and on the proposed directions to the applicant and the expert panel, and notification of your decisions.

### Assessment against statutory framework

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10. 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 and when deciding on any further requirements or directions associated with referral of the project.
11. Before accepting the project, you must consider the application (in Appendix 2), the section 18 Treaty settlements report (in Appendix 4) any comments from invited parties (in Appendix 5), any further information requested from the applicant, the relevant local authorities, or the relevant administering agencies (in Appendix 6) and any document that requires your consideration under section 16, and you must comply with any procedural requirements under section 16.
12. Following that, you may accept the application if you are satisfied that it meets the criteria in section 22 of the Act and if there are no reasons meaning you must decline the application. We provide our advice on these matters below.

### Section 18 Treaty settlements and other obligations report

13. The section 18 report identifies 15 relevant Māori groups for this project area, which are listed as Attachment 3 of the report. These include relevant iwi authorities and Treaty settlement entities. Auckland has a complex Treaty settlement landscape with many overlapping interests.
14. The Treaty settlements relevant to this application are: 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 Claims Settlement Act 2025, and Te Ākitai Waiohua deed of settlement signed 12 November 2021.
15. In response to the invitation for Māori groups to comment under section 17(1)(d) of the Act:
  - a. Ngā Maunga Whakahii o Kaipara Development Trust opposed the project and its processing via the Fast-track process, citing concerns about project scale, aviation and reverse sensitivity effects, outdated stormwater planning, cultural values, water quality, and the need for redesign and downsizing.

- b. Ngāti Tamaoho Settlement Trust noted that while the site is within its Area of Interest, it has a limited relationship with the area and no statutory acknowledgements are affected. Its primary concern relates to potential effects on the Rawiri Stream and the need for robust stormwater design, and it acknowledged Te Kawerau ā Maki's enduring relationship with the area, considering that kaitiakitanga should be led by them. Ngāti Tamaoho's support for the project is contingent on meaningful and ongoing engagement with Te Kawerau ā Maki, particularly in relation to stormwater infrastructure.
1. The Minister for Māori Development and the Minister for Māori Crown Relations support the application for referral.
2. We do not consider there are any matters raised in this report 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**

3. The section 18 report does not identify any provisions in the Treaty settlements that would place procedural requirements on you or a panel under section 16 of the Act with regard to this application.

### **Written comments received**

4. Comments were received from Auckland Council (AC), the Minister for Seniors, the Associate Minister for Housing, the Minister for Economic Growth, the Minister of Defence, the New Zealand Transport Agency (NZTA), the New Zealand Defence Force (NZDF), and the Māori groups listed above. The key points of relevance to your decisions are summarised in Table A.
5. The key points from the comments (in addition to those from Māori groups above) are:
  - a. AC opposes the application being considered through the Act ahead of a plan change process, and considers there is no compelling evidence that it would provide significant national or regional benefits, that the project would be an out-of-sequence development within the Future Urban Zone, that there are unresolved infrastructure and environmental constraints, conflicts with designations, misalignment with the Auckland Unitary Plan, the Future Development Strategy 2023–2053, and the Whenuapai Structure Plan. AC expressed preference for the project to be considered through a private plan change rather than through the fast-track approvals process.
  - b. The Minister for Seniors supports the project on the basis that the proposal increases retirement housing supply.
  - c. The Associate Minister for Housing supports referral, noting demand for retirement housing and confidence issues can be addressed at consenting stage.
  - d. The Minister for Economic Growth supports the proposal due to construction investment, job creation, and ongoing economic benefits.
  - e. The Minister of Defence is neutral on the application, subject to aviation height controls and consultation on construction effects.
  - f. NZTA had no concerns with the project being referred, noting likely less than minor effects on the state highway network.
  - g. NZDF is neutral on the application, subject to approval and management of temporary aviation effects.

## **Further information provided by applicant, relevant local authorities, relevant administering agencies**

6. You did not request any further information from the applicant, relevant local authorities or relevant administering agencies under section 20 of the Act

## **Reasons to decline**

7. The statutory framework in Appendix 1 sets out the situations where you must decline the application for referral under section 21(3). We do not consider you must decline this application.
8. You may also decline the application for any other reason under section 21(4). The Act gives some guidance on matters you could consider when deciding whether to decline an application, and these are set out in Appendix 1.
9. Comments from AC raise several matters which, if not appropriately managed, have the potential to result in significant adverse environmental effects, including natural hazard risk (including flooding), stormwater management, infrastructure capacity constraints, traffic generation and transport effects, the loss of productive rural land, and potential ecological impacts. While these matters indicate that the project may give rise to significant adverse effects, the information provided with the referral application suggests that these matters can be further assessed and addressed through detailed design, management measures, and consent conditions at the substantive stage. An expert panel would also have the ability to seek further information and impose additional conditions, as necessary. We do not recommend that the referral application be declined on this basis.
10. We have considered the matters above as discussed in Table A, and we do not consider you should decline the project for any of these reasons.

## **Reasons to accept**

11. The statutory framework in Appendix 1 sets out the reasons you can accept a project for referral.
12. Our assessment of these matters is summarised in Table A. We consider the project meets the requirements of section 22, as:
  - a. it is an infrastructure or development project to subdivide land and develop a residential development that would have significant regional or national benefits because it:
    - i. will increase the supply of housing, address housing needs, and contribute to a well-functioning urban environment [s22(2)(a)(iii)] as it:
      - delivers approximately 371 retirement units comprising apartments, care units, villas, and terraces
      - provides communal recreational facilities, a hospital care building with parking, site landscaping and pedestrian walkways
    - ii. will deliver significant economic benefits in the region [s22(2)(a)(iv)] as it:
      - provides approximately 1,917 full time equivalent (FTE) jobs over five years

- contributes approximately \$258.9 million to gross domestic product (GDP) including \$192 million to the Auckland economy.
- b. referring the project to the fast-track approvals process would facilitate the project by enabling a more timely and cost-effective process than normal RMA pathways, as public and limited notification is precluded, and appeal rights are limited.
  - i. AC considered the Fast-track process would not deliver the project in a more timely or cost-effective manner than a via private plan change, noting that the project would rely on water service infrastructure that is not planned to be delivered by Watercare until 2034, allowing sufficient time for a plan change to be progressed
  - ii. We consider the fast-track approvals process is likely to be completed more quickly, and potentially at lower cost, than a private plan change process which typically involves public consultation and hearings. The fast track process could also enable infrastructure servicing matters to be resolved more quickly, for example through conditions relating to infrastructure placed by an expert panel (under new section 84A).
- c. is unlikely to materially affect the efficient operation of the fast-track approvals process because the project is not overly complex and is similar to the type of application that panel members are experienced in dealing with under the RMA.

#### **Other matter – Civil Aviation Rule**

13. We have identified one issue further to the matters identified above and our analysis of this is in Table A.
  - a. The Civil Aviation Authority (CAA) is responsible for managing the safety of navigable airspace around airfields, primarily through Civil Aviation Rule Part 77. While the applicant’s redesign of the project resolves the Obstacle Limitation Surface (OLS) matters with the NZDF and the Ministry of Defence, consultation with the CAA will still be required, as noted in its response confirming the design meets their requirements.
  - b. The applicant has made initial contact with the CAA; however, at this stage, the proposal has not been assessed against the full requirements of Civil Aviation Rule Part 77. Accordingly, there is potential for inconsistencies between condition requirements imposed by an expert panel and CAA rules. Any inconsistency could hinder the progression of the project.
14. CAA input, including matters relating to Civil Aviation Rule Part 77, would help an expert panel understand airspace constraints, and ensure any conditions imposed on a substantive approval could align with CAA requirements.
15. Accordingly, should you approve the referral application, we recommend requiring the applicant to provide a summary of consultation with the CAA on any matters arising under Civil Aviation Rules with any substantive application, and adding CAA to the list of parties from whom an expert panel must invite comment.

## Conclusions

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16. We consider the project meets the section 22 criteria and you could accept the application under section 21 of the Act and refer the project to a panel with the specifications outlined below.
17. If you decide to refer the project, we consider you should specify under section 27 of the Act that the panel must invite comments from the following persons or groups in addition to those listed in section 53 of the Act:
  - a. the Director of Civil Aviation and Chief Executive of the Civil Aviation Authority of New Zealand
  - b. the Chief of Defence Force (Chief Executive of the NZDF)
18. This is to ensure that:
  - a. any expert panel is adequately informed on CAA requirements, as the responsible agency for managing the safety of navigable airspace around airfields, and to ensure any expert panel-imposed conditions are aligned with these requirements.
  - b. the Chief Executive of the NZDF is included to ensure that any expert panel is informed of defence aviation and operational requirements associated with RNZAF Base Auckland, and that any panel-imposed conditions are aligned with NZDF responsibilities under Designation 4311. This inclusion would add value by supporting appropriate consideration of defence aviation safety matters.
19. The Minister of Defence is a requiring authority with a designation on land to which the application relates, so an expert panel would already be required to comment on a substantive application under section 53(l) of the Act.
20. We do not suggest you require New Zealand Transport Agency (NZTA) to be invited to comment on a substantive application for this project under section 27 of the Act. An expert panel would retain discretion to invite comment from NZTA under 53(3) should it consider this appropriate.
21. We consider that if you decide to refer the project, you should specify under section 27 of the Act the following requirements that should apply to the project:
  - a. We recommend specifying that the substantive application for the project includes:
    - i. a description of how three waters infrastructure required to service the project will be delivered and funded, and the likely timing of this delivery
    - ii. a summary of engagement with the Civil Aviation Authority (CAA) on matters arising under relevant Civil Aviation Rules to the project site
22. The above inclusions should ensure that any expert panel is adequately informed on all aspects of the proposal.

## Next steps

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23. The Ministry for the Environment (the Ministry) must give notice of your decisions on the referral application, and the reasons for them, to the applicant(s) and anyone invited to comment under section 17 and publish the notice on the Fast-track website.
24. If you decide to refer the project, the Ministry must also give notice of your decision to:

- a. the panel convener
  - b. any additional iwi authorities or Treaty settlement entities that you consider have an interest in the matter other than those invited to comment under section 17
  - c. the Environmental Protection Authority (EPA)
  - d. the relevant administering agencies
25. You must also provide all of the information you received that relates to this application to the EPA and the panel convener, including:
- a. the referral application
  - b. any comments received under section 17
  - c. the report obtained under section 18
26. We will undertake this action on your behalf.
27. We have attached a notice of decisions letter to the applicant(s) based on our recommendations (refer Appendix 6) and we will provide it to all relevant parties. We will provide you with an amended letter if required.
28. Our recommendations for your decisions follow.

## Recommendations

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29. We recommend that you:

- a. **Note** section 21(3) of the Fast-track Approvals Act 2024 (the Act) 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 Act.

Noted

- b. **Agree** that before deciding on the application for project referral under section 21(1) of the Act 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 section 17(7)(b) to consider the late comments received from the Ngati Tamaoho Settlement Trust after the time frame specified under section 17 (6) of the Act.

Yes / No

- d. **Agree** you are satisfied the project will meet the referral criteria in section 22 of the Act as:
- i. it is a development project to subdivide land and develop a residential development that would have significant regional benefits because:
    - 1) it will increase the supply of housing, address housing needs, and contribute to a well-functioning urban environment [s22(2)(a)(iii)] as it:
      - (a) it delivers approximately 371 retirement units comprising apartments, care units, villas, and terraces
      - (b) it provides communal recreational facilities, a hospital care building with parking, site landscaping and pedestrian walkways
    - 2) the project will deliver significant economic benefits in the region [s22(2)(a)(iv)] as it:
      - (a) provides approximately 1,917 full time equivalent (FTE) jobs over five years
      - (b) contributes approximately \$258.9 million to gross domestic product (GDP), including \$192 million to the Auckland economy
  - ii. referring the project to the fast-track approvals process would facilitate its delivery, including by enabling it to be processed in a more timely and cost-effective way than under normal processes [s22(1)(b)(i)] because:

- (a) appeals under the Act are only to the High Court rather than the Environment Court and are limited to points of law
  - (b) the Act precludes public and limited notification
- iii. referring the project is unlikely to materially affect the efficient operation of the Fast-track approvals process [s22(1)(b)(ii)] because the project is neither novel in the New Zealand context nor beyond the scope of what a panel would typically assess under the RMA.
 

Yes / No
- e. **Agree** there is no reason the project must be declined under section 21(3)
 

Yes / No
- f. **Agree** to accept the referral application under section 21(1) and refer all of the project to a panel under section 26(2)(a) of the Act
 

Yes / No
- g. **Agree** to specify Kings Heights Group Limited as the person who is authorised to lodge a substantive application for the project
 

Yes / No
- h. **Agree** under section 27(3)(b)(ii) of the Act, to specify that the substantive application for the project includes information on:
  - i. a description of how any three waters infrastructure required to service the project will be delivered and funded, and the timing of this delivery
 

Yes / No
  - ii. a summary of engagement with the Civil Aviation Authority on matters arising under relevant Civil Aviation Rules in relation to the project.
 

Yes / No
- i. **Agree** to specify under section 27(3)(b)(iii) of the Act, the following groups from whom a panel must invite comments from in addition to those specified in section 53:
  - i. the Director of Aviation and Chief Executive New Zealand Civil Aviation Authority
  - ii. the Chief of Defence Force (Chief Executive of the New Zealand Defence Force)
 

Yes / No
- j. **Agree** that the Ministry for the Environment will provide your notice of decisions to:
  - i. Anyone invited to comment on the application including relevant local authorities, relevant administering agencies, the Minister for the Environment and other relevant portfolio Ministers, and the relevant Māori groups
  - ii. the panel convener
  - iii. The Environmental Protection Authority (EPA)
  - iv. The Ministry for the Environment as a relevant administering agency
 

Yes / No

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

Yes / No

## Signatures

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A handwritten signature in black ink, appearing to read 'S. Frame', is centered on a light gray rectangular background.

Stephanie Frame  
**Manager, Fast-track Operations**

Hon Chris Bishop  
**Minister for Infrastructure**

**Date:**

Table A: Stage 2 analysis

Recommendation	<u>Accept</u> the referral application and refer the project to the fast-track approvals process		
Project details	Project Name	Applicant	Project Location
	Hobsonville Retirement Village	Kings Heights Group Limited c/- Campbell Brown Planning Limited The applicant is a registered company and is eligible to apply for resource consents.	82 Hobsonville Road, West Harbour, Auckland (Lot 2 Deposited Plan 116512)
Project description	<p>The project is described as being to establish and operate a retirement village development on approximately 4 hectares at 82 Hobsonville Road, West Harbour, Auckland.</p> <p>The project comprises:</p> <ul style="list-style-type: none"> <li>• approximately 371 retirement units in total, across a range of building types, including apartment buildings, care units, villas, and terraces. Buildings will range in size, with apartments up to six levels.</li> <li>• communal recreational facilities</li> <li>• hospital care facilities with parking</li> <li>• site landscaping and pedestrian walkways</li> </ul> <p>The project will require the proposed approvals:</p> <ul style="list-style-type: none"> <li>• Resource consents under the Resource Management Act 1991.</li> </ul>		
Minister invites comments / requests information	<b>Comments from invited parties</b>		
	<p><b>Local authorities</b></p> <p><b>Auckland Council (AC)</b> and its reporting bodies, including Watercare Services Limited, Auckland Transport, and the Upper Harbour Local Board, do not support the fast-track referral of the proposal ahead of a plan change process. They consider the development unlikely to deliver significant regional or national benefits and identify fundamental concerns relating to out-of-sequence development, infrastructure capacity constraints, misalignment with the Auckland Unitary Plan, the Future Urban Zone framework, and the Future Development Strategy 2023–2053. In particular, the Whenuapai East area is not anticipated to be development-ready prior to 2035, and urban development is not envisaged within the Future Urban Zone until rezoning has occurred through a plan change process. AC also summarises strong concerns from council-controlled organisations and departments, including Watercare, Auckland Transport, Healthy Waters, and Parks Planning, regarding unresolved environmental, servicing, and transport effects. Collectively, these bodies consistently identify the private plan change process as the appropriate pathway to comprehensively address these matters, rather than proceeding through the fast-track approvals process</p> <p><b>Ministers</b></p> <p><b>Minister for Seniors-</b> commented that based on the information provided, the Minister considers the proposal meets section 22(2)(a)(iii) due to the construction of approximately 371 retirement units and on this basis, the Minister considers the project suitable for referral to the fast-track process.</p> <p><b>Associate Minister for Housing-</b> notes the growing local and national demand for retirement accommodation, as well as the need to provide a range of housing choices for an ageing population. He states that the project would contribute meaningfully to meeting this demand and would also help to relieve wider housing pressures. This view is supported by the site's proximity to services, existing public transport, and planned rapid transit improvements, which together enhance the suitability of the location for retirement living. While acknowledging that there are likely planning and infrastructure matters, including water constraints and flood-prone areas, he considers these issues can be appropriately addressed through detailed consenting processes. From a Housing portfolio perspective, he therefore supports the project progressing to the detailed consenting stage.</p> <p><b>Minister for Economic Growth-</b> notes the revised application provides 17 additional units. Based on the applicant's economic assessment, construction is expected to contribute approximately \$192 million in GDP over five years and support around 1,917 jobs, with a further \$11 million in GDP per year and approximately 150 ongoing jobs post-construction. They comment the project would deliver economic benefits through construction investment, job creation, and ongoing local spending.</p> <p><b>Minister of Defence (New Zealand)-</b> states the site is located near RNZAF Base Auckland and is subject to Designation 4311, which establishes Obstacle Limitation Surfaces (OLS) to protect flight operations. She notes that while permanent structures are not expected to breach the OLS, construction cranes are likely to do so temporarily and would require prior NZDF approval, with risks to flight operations managed through appropriate mitigation. On the basis that permanent structure heights remain below the OLS, she is neutral on referral but seeks to be consulted on any substantive application to ensure these matters are addressed, noting that NZDF's separate comments complement her position</p> <p><b>Māori Groups</b></p> <p><b>Ngā Maunga Whakahii o Kaipara Development Trust-</b> states that the reasons for previous rejection from fast-track referral were very valid and that, in principle, they support this. They note that the bulk and scale of development is not really anticipated by the underlying zone. Trust emphasises that Whenuapai Air Base has been there for 85 years and that height restrictions in the flight path are very important for defence and security purposes. In relation to reverse-sensitivity effects, the Trust states there would need to be a very robust no-complaints covenant on titles, so that retirement village operators and residents cannot formally complain about aircraft noise or adjacent light industrial operations. While this is not identified as their core concern, it is raised as constructive feedback on how the proposal might be amended for acceptability. From a cultural and natural environment perspective, the Trust identifies hydrological and long-term water quality sensitivities, noting that the Rāwiri Stream flows through the middle of the site and into the Waiarohia Inlet of the Waitematā Harbour. They state that the Whenuapai 3 Precinct Stormwater Management Plan is now relatively outdated, and that revised approaches to overland flow paths and stream margin management have since been developed. The Trust concludes that a redesign would be necessary, including height reduction. They note that Plan Change 120, notified on 3 November 2025, gives more credence to down-sizing or reconfiguring the scheme, and observe that the site appears comparatively isolated.</p>		

**Ngāti Tamaoho Settlement Trust**– notes that while the project area falls within the Ngāti Tamaoho Area of Interest, Ngāti Tamaoho does not have a strong relationship with the site and no statutory acknowledgements are affected. The Trust's primary concern relates to potential effects on the Rawiri Stream, particularly the need for robust, well-designed stormwater infrastructure. Poorly managed stormwater can carry contaminants and undermine ecological health and kaitiakitanga responsibilities. Careful land-use planning, including appropriate setbacks and planting, is essential to protect the surrounding environment and ensure long-term resilience. Ngāti Tamaoho acknowledges the deep and enduring relationship that Te Kawerau-ā-Maki has with the project area. Accordingly, Ngāti Tamaoho's position is that the appropriate expression of kaitiakitanga should be led by Te Kawerau-ā-Maki, and their support for the project is contingent on meaningful and ongoing engagement with Te Kawerau-ā-Maki, particularly in relation to stormwater infrastructure.

**Any other persons or groups**

**New Zealand Defence Force (NZDF)** states that the site is located near RNZAF Base Auckland and is within Minister of Defence Designation 4311 in the Auckland Unitary Plan. Designation 4311 establishes Obstacle Limitation Surfaces (OLS) to protect flight operations at RNZAF Base Auckland. Designation 4311 provides that the OLS cannot be breached without prior approval from the NZDF. Approval from the Minister of Defence, as the requiring authority, is also required under section 176(1)(b) of the Resource Management Act 1991 for any breaches. The NZDF understands that permanent structures will not breach the OLS; however, cranes required for construction will likely need to temporarily breach the OLS.

Any crane use or other temporary breaches would require prior NZDF approval and must be managed around RNZAF Base operational requirements. In addition, measures to mitigate risks to flight operations, including bird strike risk, lighting and glare, are required.

On the basis that permanent structure heights will be below the OLS, the NZDF states it is neutral on the referral application. If the application is referred, the NZDF wishes to be consulted on the substantive application to ensure these measures are included in the proposal or addressed through conditions. The NZDF notes that the Minister of Defence has also provided comments, which complement NZDF's comments.

The Ministry of Defence notes that while the Obstacle Limitation Surface (OLS) matters have been resolved, consultation with the Civil Aviation Authority (CAA) is still required, as the CAA is responsible for managing the safety of navigable airspace around airfields, primarily through Civil Aviation Rule Part 77, and may have additional requirements relevant to the proposal.

**New Zealand Transport Agency (NZTA)**- states that the project site is located approximately 1.5 km from the State Highway 167/18 Westgate interchange and 1.85 km from the State Highway 18 Brigham Creek Road interchange, with access from Hobsonville Road, a local road. NZTA notes that it would need to see the substantive application, including a comprehensive Integrated Transport Assessment, a construction management plan, and mitigation measures to address any adverse effects on the state highway network. However, NZTA's initial assessment of the referral application indicates that the effects on the safety of the motorway and interchanges are likely to be less than minor. We note an expert panel will have discretion to inviting comment from NZTA, for example if it considers that necessary to consider impacts of a substantive application on the state highway network.

NZTA states that it has no concerns with this project being referred.

**Further information from applicant**

**The applicant**

In the consultation information provided in support of the application, the NZDF advised that, while the previously identified permanent structural breach of the Whenuapai Airfield obstacle limitation surface has been resolved through the building redesign, consultation with the Civil Aviation Authority may be required given the site's proximity to the airbase. The applicant has also provided correspondence with CAA which confirms that, although the proposed buildings remain below the obstacle limitation surfaces, penetration of the associated notification surface would require formal notification to the CAA. The CAA further notes that any use of cranes during construction would be subject to assessment and approval due to potential implications for Whenuapai Airbase operations.

As the proposal gives rise to aviation-related authorisations beyond those administered by the NZDF and the Ministry of Defence, it is recommended that the CAA be included as a party under section 27 of the Act, to enable relevant aviation safety information to be provided directly to the Expert Panel and to ensure matters within the CAA's statutory remit are appropriately considered.

**The Minister must decline an application if the Minister is satisfied that the project involves an ineligible activity [section 21(3)(b)]**

We consider you can be satisfied that the project does not involve an ineligible activity because it:

- would not occur on identified Māori land, Māori customary land or a Māori reservation as confirmed by the relevant records of title and consultation with iwi authorities
- would not occur in a customary marine title area or protected customary rights area as it is not in the coastal marine area and has not appeared in our check of agreed CMT
- 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 CMA, will not occur in an aquaculture settlement area
- would not require an access arrangement which cannot be granted under the Crown Minerals Act (including s61(1A)) because it does not include an access arrangement, 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 CMA
- would not occur on Schedule 4 land as confirmed by the records of title
- would not occur on a national reserve as confirmed by the records of title
- 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, applicant's evidence of consultation
- is not a prohibited activity or decommissioning activity under the EEZA, 15B or 15C of the RMA because it will not occur in the common marine and coastal area
- is not for the purpose of an offshore renewable energy project. because it will not occur offshore/involve renewable energy production

No comments raised by parties invited to comment have indicated that the project would be ineligible for referral

<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>While it is noted that further consultation with the CAA remains necessary under Civil Aviation Rule Part 77, we do not consider that this warrants any further information at this stage or grounds to decline the application. We recommend that detailed consideration of this matter is more appropriately addressed by an expert panel at the substantive stage.</p> <p>Therefore, we consider you have sufficient information to inform your referral decision.</p>
<p>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]</p>	<p>N/A</p>
<p><b>Section 22 assessment criteria</b></p>	
<p>The project is an infrastructure or development project that would have significant regional or national benefits [section 22(1)(a)]</p>	<p>The Minister <u>may</u> consider any of the following matters, or any other matters the Minister considers relevant:</p> <p>You <u>may</u> consider any of the following matters, or any other matters you consider relevant.</p> <p><i>Will increase the supply of housing, address housing needs, or contribute to a well-functioning urban environment [s22(2)(a)(iii)]</i>  The applicant states this will be achieved by providing 371 units on a vacant undeveloped site within a well-established urban settlement that has access to a range of amenities and transport options.</p> <p>The Minister for Seniors considered whether the proposal 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. Based on the information provided, the Minister considers that the proposal is likely to meet this criterion due to the construction of approximately 371 retirement units, comprising 268 apartment units, 42 hospital-level care units, 25 single-level villas, 18 terraced units, and 18 two-level villas. On this basis, the Minister states that the project is suitable for referral to the fast-track process.</p> <p>The Associate Minister of Housing notes growing local and national demand for retirement accommodation and the need for a range of housing choices for an ageing population, stating the project would contribute meaningfully to meeting that need and relieving wider housing pressures, supported by the site's proximity to services, existing public transport, and planned rapid transit improvements. While acknowledging likely planning and infrastructure matters, including water constraints and flood-prone areas, he considers these can be addressed through detailed consenting and, from a Housing Portfolio perspective, supports the project progressing to the detailed consenting stage.</p> <p>While AC does not dispute that the proposal would introduce additional residential development, its comments indicate that any potential contribution to housing supply or a well-functioning urban environment is constrained by the site's Future Urban Zone status, absence of enabling infrastructure, and misalignment with growth sequencing in the Future Development Strategy, we consider this matter to be more appropriate to be explored through the substantive application phase.</p> <p>We accept that the project will increase the supply of housing and address identified retirement accommodation needs. While AC has raised concerns regarding zoning, infrastructure provision, and growth sequencing they do not dispute that the proposal would introduce additional residential development, we consider these matters are more appropriately addressed through the substantive application phase and do not preclude referral of the project on this criterion.</p> <p>We recommend that the application be referred on this criterion.</p> <p><i>Will deliver significant economic benefits [s22(2)(a)(iv)]</i>  The applicant states that the project is supported by an economic assessment which estimates the five-year construction phase will support approximately 1,917 full-time equivalent (FTE) jobs (675 direct and 1242 indirect) and contribute \$258.9 million to GDP (\$192 million directly into the Auckland economy).</p> <p>AC's comments do not identify any significant economic benefits arising from the proposal and conclude that it is unlikely to deliver regional or national-level benefits. While the proposal may generate localised or site-specific economic activity, AC considers these benefits insufficiently demonstrated and constrained by infrastructure and strategic planning limitations and therefore affords limited weight to the proposal under s22(2)(a)(iv).</p> <p>The Minister for Economic Growth commented that according to the economic assessment provided by the applicant, direct investment into the Auckland economy is expected to be around \$192 million in GDP over five years during construction, supporting 1,917 full-time jobs, including 675 direct jobs and 1,242 indirect jobs.</p> <p>Following the construction phase, the proposal is expected to contribute approximately \$11 million in GDP per year, sustaining around 150 jobs annually in Auckland. The Minister states that the proposed retirement village at 82 Hobsonville Road is expected to deliver economic benefits through construction investment, job creation, and ongoing local spending.</p> <p>We accept that the proposal will deliver economic benefits through construction investment, job creation, and ongoing operational activity. While AC considers these benefits to be localised and constrained by infrastructure and planning considerations, we consider the scale of the forecast GDP contribution and employment generation is sufficient to support referral on this criterion.</p>

	<p><i>Will support climate change mitigation, including the reduction or removal of greenhouse gas emissions [s22(2)(a)(vii)]</i> The applicant states the accessible location to public transport options will reduce dependency on private motor vehicles, thereby reducing greenhouse gas emissions. The stormwater management approach has been designed to account for climate change and natural hazard scenarios.</p> <p>While the proposal includes design elements that respond to climate considerations, we do not consider these measures demonstrate a significant contribution to climate change mitigation. Accordingly, we do not recommend referral on this criterion.</p> <p><i>Any other matters that may be relevant [s22(b)]</i> We have not identified any other matters that would be relevant under this section. We consider the matters relevant to your consideration have been addressed above.</p>
<p><b>Referring the project to the fast-track approvals process [section 22(1)(b)]</b></p>	<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> The applicant considers that referral to the fast-track approvals process would facilitate the project by providing a more efficient and cost-effective consenting pathway than standard RMA processes, noting the need for multiple consents and delays experienced in Whenuapai planning, including the withdrawal of Plan Change 5.</p> <p>AC, however, considers that the fast-track process would be no more timely or cost-effective than a private plan change, given the long-term infrastructure delivery timeframe relied on by the proposal and the opportunity for a plan change to be progressed in parallel.</p> <p>Notwithstanding this, we consider that referral to the fast-track process would facilitate the project by enabling a faster and potentially less costly decision-making process than a private plan change, which would require public consultation and hearings, consistent with section 22(1)(b)(i) of the Act.</p> <p><i>Is unlikely to materially affect the efficient operation of the fast-track approvals process [s22(1)(b)(ii)]</i> The applicant states that the proposal is unlikely to materially affect the efficient operation of the fast-track approvals process, noting the site's location adjacent to the existing urban area and that the proposal is comparable in scale and complexity to other developments progressed under the Act.</p> <p>We consider that, having regard to the nature and scale of the proposal, referral is unlikely to materially affect the efficient operation of the fast-track approvals process, consistent with section 22(1)(b)(ii) of the Act.</p>
<p><b>Reasons to decline</b></p>	
<p><b>Minister <u>must</u> decline [section 21(3)]</b></p>	<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> We consider the project meets the referral criteria.</p> <p><i>The Minister is satisfied the project involves an ineligible activity</i> We have not identified any ineligible activities included in the project scope.</p> <p><i>The Minister considers that they do not have adequate information to inform the decision under this section</i> We do not consider that you must decline the application under this section.</p> <p>We do not consider that you must decline the application under this section.</p>
<p><b>Minister <u>may</u> decline [section 21(4) and 21(5)(a-h)]</b></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> <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> No comments in either the section 18 report nor any comments from Māori groups indicate this would be the case.</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> The Section 18 Report on Treaty settlements and other obligations does not state it would be more appropriate to deal with the matters that would be authorised by the proposed approvals under another Act or Acts.</p> <p>AC outlines the out-of-sequence development within the Future Urban Zone, unresolved infrastructure and environmental constraints, conflicts with designations, and misalignment with the Auckland Unitary Plan, the Future Development Strategy 2023–2053, and the Whenuapai Structure Plan, and support a private plan change rather than consideration through the fast-track approvals process</p> <p>Although AC supports a private plan change due to concerns about sequencing, infrastructure, and plan alignment, these matters do not, of themselves, warrant declining referral and can be appropriately considered through the fast-track approvals process.</p> <p><i>The project may have significant adverse effects on the environment</i> Comments provided by AC have raised a number of matters which, if not suitably managed, have the ability to create significant adverse effects on the environment. These matters relate to natural hazards (including flooding), stormwater management, the adequacy and timing of supporting infrastructure, traffic generation, the loss of rural productive land, and potential ecological impacts. While these matters indicate that the project may give rise to significant adverse effects, the information provided with the referral application is sufficient to indicate that these matters can be further assessed and addressed through detailed design, management measures, and consent conditions at the substantive stage. An expert panel would also have the ability to seek further information and impose conditions to ensure the appropriate management of potential adverse effects.</p>

As such, it is not recommended that the referral application be declined under this criterion.

*The applicant(s) has a poor compliance history under a specified Act that relates to any of the proposed approvals*  
No comments from invited parties identified this as a potential reason why you should decline the application.

*The project area includes land that the Minister for Treaty of Waitangi Negotiations considers necessary for Treaty settlement purposes*  
No such land has been identified.

*The project includes an activity that is a prohibited activity under the Resource Management Act 1991*  
The project does not include any prohibited activities under the RMA.

*A substantive application for the project would have one or more competing applications.*  
No authorities or agencies have identified any competing applications

*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)*  
No relevant authorities have identified this as the case.

*Any other matter*  
We have not identified any other matters that would be applicable.

We do not recommend you decline the application.

## Appendix 1: Statutory framework summary

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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:
  - give the document the same or equivalent effect through this process as it would have under any specified Act; and
  - comply with any applicable procedural requirements.
3. You must decline a referral application if:
  - you are satisfied the project does not meet the referral criteria in s22
  - you are satisfied the project involves an ineligible activity (s5)
  - you consider you do not have adequate information to inform your decision.
4. You may decline an application for any other reason, 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 the initial stage you must copy the application to, and invite written comments from:
  - the relevant local authorities,
  - the Minister for the Environment and relevant portfolio Ministers
  - the relevant administering agencies
  - the Māori groups identified by the responsible agency
  - the owners of Māori land in the project area (if applicable)
  - 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.