



FTAA-2511-1135: Application received for referral of the project under the Fast-track Approvals Act 2024 – Stage 2 decisions

Project Name: Orawaahi – A Complete Community

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| Date submitted: | 18 March 2026 | Tracking #: BRF-00551 | |
| 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 | 25 March 2026 |

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| Actions for Minister's Office staff | Return the signed briefing to: FTAreferrals@mfe.govt.nz Approve the attached notice of decisions letter. |
| Number of appendices: 7 | Appendices: 1. Statutory framework for making decisions 2. Application documents for Orawaahi – A Complete Community 3. Stage 1 Briefing Note and decisions 4. Section 18 Report on Treaty settlements and other obligations 5. Section 19 Report on Public Conservation Land 6. Comments received from all invited parties 7. Draft Notice of Decisions letter |

Ministry for the Environment contacts

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

- c. a multi-functional green/blue network including neighbourhood parks, recreational walkways and pedestrian and cycle links across the site that connect into existing and planned networks in the community.
5. The project area encompasses land at and adjoining 156 Clarks Beach Road extending south to the coastal margin, and includes adjacent land and road reserves required for associated infrastructure and roading upgrades.
6. The project will require the proposed approvals:
 - a. resource consents under the Resource Management Act 1991 (RMA)
 - b. archaeological authority under the Heritage New Zealand Pouhere Taonga Act 2014.
7. 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.
8. We seek your decisions on our recommendations and notification of your decisions.

Assessment against statutory framework

9. 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.
10. Before accepting the project, you must consider the following:
 - a. the application (in Appendix 2)
 - b. the section 18 Treaty settlements report (in Appendix 4)
 - c. any comments from invited parties (in Appendix 6)
 - d. any document that requires your consideration under section 16, including compliance with its procedural requirements (as outlined in the section 16 assessment below).
11. 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

12. A Treaty settlements and other obligations report (the report) prepared under section 18 of the Act is attached in Appendix 4.
13. The report identified 18 relevant groups under section 18(2).
14. The report identified the following four Treaty settlements relevant to the project area being Ngā Mana Whenua o Tāmaki Makaurau Collective Redress Act 2014, Ngāti Tamaoho Claims Settlement Act 2018, Ngāi Tai ki Tāmaki Claims Settlement Act 2018, and the Te Ākitai Waiohū deed of settlement.
15. Some of the sites which comprise the overall project area either adjoin or incorporate statutory acknowledgements provided for through the Ngāti Tamaoho Claims Settlement Act 2018, Ngāi Tai ki Tāmaki Claims Settlement Act 2018, and Te Ākitai Waiohū deed of settlement. The activities proposed by the applicant, including the discharge of stormwater, may also affect these statutory areas.

16. You received comments from Te Ara Rangatu o Te Iwi o Ngaati Te Ata Waiohua and Ngāti Tamaoho Settlement Trust.
- a. Te Ara Rangatu o Te Iwi o Ngaati Te Ata state that while they have undertaken an onsite visit, to date they have not heard from the applicant regarding the Fast-track application, and have not formalised a response. Te Ara Rangatu o Te Iwi o Ngaati Te Ata Waiohua request the applicant undertake a cultural impact assessment and note there are outstanding cultural matters that are yet to be addressed.
 - b. Ngāti Tamaoho Settlement Trust emphasise their strong connection to the project area, as recognised in their Treaty settlement (including the coastal statutory acknowledgement), and their aspiration to restore the wellbeing of the Manukau Harbour. In relation to the management of stormwater, wastewater, and sediment and erosion, Ngāti Tamaoho contend that the project must adopt best-practice standards that move beyond minimum compliance. Ngāti Tamaoho expect robust monitoring and a meaningful role in oversight of these matters, extending beyond construction to the development of an enduring partnership.
17. The Minister for Māori Development and the Minister for Māori Crown Relations: Te Arawhiti support the application for referral, subject to the applicant undertaking further engagement with Te Ara Rangatu o Te Iwi o Ngaati Te Ata Waiohua.
18. The report did not identify any matters that would 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

19. In accordance with the section 18 report, 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.

Section 19 Report in relation to use of public conservation land

20. As the area includes public conservation land (PCL), a local purpose reserve (Esplanade) located at the southern edge of the site adjacent to the coastal marine area (CMA) on Lot 4 DP 116708, the Director-General of Conservation has prepared a report (see Appendix 5) which sets out:
- a. the following existing arrangements for the administration, access to, or use of PCL:
 - i. the local purpose reserve is both “vested in” and “managed by” Auckland Council
 - ii. public access is available to and through this reserve, which flanks private property and abuts the CMA
 - iii. Auckland Council have confirmed that there are no permissions identified on this parcel, and that the reserve is currently undeveloped. No DOC permissions relating to this parcel have been identified.
 - b. DOC states that there is no risk to the Crown concerning the exposure of the Crown to risk pursuant to the Conservation Act 1987, and more specifically, contracts or agreements with the Director General of Conservation.
21. Based on the applicant’s record of engagement submitted with their referral application, DOC considers that the requirement to consult under s 19(3) has already been satisfied.
22. There are no specific recommendations arising from the report.

Written comments received

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

- a. relevant local authorities – Auckland Council (AC), including Auckland Transport (AT)
- b. Ministers – Minister for the Environment, Minister for Seniors, Associate Minister for Housing, Minister for Regional Development, and Minister for Economic Growth
- c. the Māori groups identified in the list provided to the Minister – Te Ara Rangatu o Te Iwi o Ngāti Te Ata Waiohua and Ngāti Tamaoho Settlement Trust
- d. the relevant administering agencies – Heritage New Zealand Pouhere Taonga (HNZPT).

24. Comments from Māori groups are summarised in paragraph 15 above. The key points relevant to your decision-making are outlined in Table A, with a summary provided below:

- a. AC considers the project does not meet the threshold of “regional or national significance” and is inconsistent with the Auckland Unitary Plan, the Auckland Council Future Development Strategy and the National Policy Statement for Highly Productive Land. AC also highlight concerns for loss of highly productive land, and sustainable water supply, wastewater and stormwater assets to the project site.
- b. the Minister for Seniors considers that, based on the information provided, the application is likely to increase the supply of housing, address housing needs, or contribute to a well-functioning urban environment under section 22(2)(a)(iii) of the Act.
- c. the Associate Minister for Housing supports referral and notes that, while the site is not identified for future urban growth and that some infrastructure investment is required, wastewater upgrades at Clarks Beach are expected from mid-2026. The Associate Minister considers issues raised by AC regarding infrastructure and natural hazard exposure can be addressed at the detailed consenting stage should the application proceed.
- d. the Minister for Economic Growth states that the primary long-term benefit of the proposal is to provide additional housing, which is critical for a growing economy, and consider this application would be assessed under the criteria ‘increasing the supply of housing, address housing needs, or contribute to a well-functioning urban environment’ in section 22(2)(a)(iii) of the Act.
- e. the Minister for the Environment and the Minister for Regional Development have no comment.
- f. HNZPT note that there are two recorded archaeological sites within the project area (which the Applicant has identified), and that if the project is referred, HNZPT anticipates further engagement with the Applicant to ensure all relevant documentation is provided with a substantive application.

25. At the time of this briefing, no response had been received from 16 of the 18 Māori groups invited to comment on the project under section 17 of the Act.

Reasons to decline

26. The statutory framework in Appendix 1 sets out the situations where you must decline the application for referral under section 21(3).

27. We consider that you have sufficient information to make an informed decision. We consider you can be satisfied that the project does not involve any ineligible activities and that it meets the referral criteria set out in section 22. As such, we have not identified any reasons under section 21(3) that you must decline this application.
28. 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.
29. AC has raised concerns regarding water supply to the development, noting that the applicant's existing groundwater consent will service just 20 percent of the development's projected yearly demand, and that relevant aquifer has minimal remaining unallocated capacity. AC also states that "*Watercare opposes the proposal and has indicated that it will not service the development, which raises fundamental questions about water supply from any source*" (refer to Appendix 6). The applicant has provided an alternative option to connection via Watercare Service Limited, which will utilise their current resource consent to service only part of the development, with the remaining supply to be provided by on lot tanks (refer to Attachment 15 within Appendix 2). We consider the applicant has provided adequate information for consideration of the referral application and that any potential significant adverse effects can be appropriately managed through subsequent assessment by the expert panel at the substantive stage.
30. AC raised concerns regarding the loss of highly productive land as the proposal is situated on Land Use Capability (LUC) Class 2 land. AC considers that the applicant's strategy to 'minimise' soil loss by stripping and re-using topsoil off-site or in community gardens is technically inaccurate, and would not be effective at mitigating the impact of the proposal. AC states that, in particular, the excavation and transport of soil destroys the unique physical and chemical characteristics of the LUC 2 resource, meaning the proposal effectively results in the total and cumulative loss of the highly productive land it seeks to develop.
31. As outlined in Table A below, we have considered the relevant matters and have not identified any grounds that would require you to consider declining the application.

Reasons to accept

32. The statutory framework in Appendix 1 sets out the reasons you can accept a referral application and refer the project to the fast-track approvals process.
33. Our assessment of these matters is detailed in Table A. We consider the project meets the criteria for accepting a referral application under section 22, as:
 - a. the project is a development project that would have significant regional benefits because it will deliver:
 - i. the construction of approximately 700-800 residential lots alongside infrastructure to enable future construction, and the construction of a retirement village of approximately 220 units will increase the supply of housing, address housing needs, or contribute to a well-functioning urban environment [s22(2)(a)(iii)]
 - ii. significant economic benefits [s22(2)(a)(iv)] to the Clarks Beach community and the wider Auckland region through the addition of approximately 6,985 Full Time Equivalent (FTE) jobs over the eight-year construction period, approximately 825 FTE jobs once the development is in operation, and the contribution of \$806 million to regional Gross Domestic Product (GDP).

- b. referring the project to the fast-track approvals process would facilitate the project, including by enabling it to be processed in a more timely and cost-effective way than under normal processes because the timeframes under the Fast-track Approvals Act 2024 (the Act) are significantly shorter than under the RMA, the Act precludes public and limited notification, and appeal made under the Act are only to the High Court rather than the Environment Court and are limited to points of law
- c. the project is unlikely to materially affect the efficient operation of the fast-track approvals process because it is neither novel in the New Zealand context nor beyond the scope of what a panel would typically assess under the RMA.

Conclusions

34. We consider that the project satisfies the criteria under section 22. We recommend that you accept the application under section 21 of the Act and refer the project to the fast-track approvals process.

Next steps

35. 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.
36. 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.
37. 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
 - d. the report obtained under section 19.
38. We will undertake this action on your behalf.
39. We have attached a notice of decisions letter to the applicant (refer to Appendix 7) based on our recommendations and we will provide it to all relevant parties. We will provide you with an amended letter if required.
40. Our recommendations for your decisions follow.

Recommendations

41. 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 Knight Investments 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 Orawaahi – A Complete Community 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. the report obtained under section 19 in Appendix 5
 - iv. any comments and further information sought under sections 17 and 20 in Appendix 6 (note: all comments and further information responses were provided within the required timeframe).

Yes / No

- c. **Agree** you are satisfied the project will meet the referral criteria in section 22 of the Act as:
- i. the project is a development project that would have significant regional benefits because it will deliver:
 - the construction of approximately 700-800 residential lots alongside infrastructure to enable future construction, and the construction of a retirement village of approximately 220 units will increase the supply of housing, address housing needs, or contribute to a well-functioning urban environment [s22(2)(a)(iii)]
 - significant economic benefits [s22(2)(a)(iv)] to the Clarks Beach community and the wider Auckland region through the addition of approximately 6,985 Full Time Equivalent (FTE) jobs over the eight-year construction period, approximately 825 FTE jobs once the development is in operation, and the contribution of \$806 million to regional Gross Domestic Product (GDP).
 - ii. referring the project to the fast-track approvals process would facilitate the project, including by enabling it to be processed in a more timely and cost-effective way than under normal processes because the timeframes under the Fast-track Approvals Act 2024 (the Act) are significantly shorter than under the RMA, the Act precludes public and limited notification, and appeal made under the Act are only to the High Court rather than the Environment Court and are limited to points of law
 - iii. is unlikely to materially affect the efficient operation of the fast-track approvals process 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

- d. **Agree** to accept the referral application under section 21(1) and refer the whole project to the fast-track approvals process under section 26(2)(a).

Yes / No

- e. **Agree** to specify Knight Investments Limited as the person who is authorised to lodge a substantive application for the project.

Yes / No

- f. **Agree** to specify under section 27(3)(b) of the Act:

- i. a deadline for lodging the application is two years from notification of the referral decision.

Yes / No

- g. **Agree** that the Ministry for the Environment will provide your notice of decisions to:

- i. Anyone invited to comment on the application including local authorities, relevant portfolio Ministers, relevant administering agencies and relevant Māori groups
ii. the panel convener
iii. The Environmental Protection Authority (EPA).

Yes / No

Signatures



Stephanie Frame
Manager, Fast-track Operations

Hon Chris Bishop
Minister for Infrastructure

Date:

Table A: Stage 2 analysis

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| Recommendation | Accept the referral application and refer the project to the fast-track approvals process. | | |
| Project details | Project Name | Applicant | Project Area |
| | Orawaahi – A complete community | Knight Investments Limited The applicant is a registered company and is eligible to apply for the proposed approvals. | The project area encompasses land at and adjoining 156 Clarks Beach Road, Pukekohe, in the Auckland Region, extending south to the coastal margin, and includes adjacent land and road reserves required for associated infrastructure and roading upgrades. |
| Project description | <p>The project is to construct and establish an urban development on approximately 75 hectares at Clarks Beach Road, Pukekohe, in the Auckland Region.</p> <p>The project involves:</p> <ol style="list-style-type: none"> a. land use and subdivision activities to create: <ol style="list-style-type: none"> i. a retirement village of approximately 220 units and supporting communal facilities ii. approximately 700–800 residential lots and future dwellings iii. a neighbourhood centre of approximately 6,000 square metres gross floor area on approximately 1.7 hectares iv. a service / light industrial / trade supply hub of approximately 25,000 square metres gross floor area on approximately 5 hectares v. a cultural community centre b. land modification and infrastructure for transport and three waters (including discharges) c. a multi-functional green/blue network including neighbourhood parks, recreational walkways and pedestrian and cycle links across the site that connect into existing and planned networks in the community. <p>The project will require the proposed approvals:</p> <ol style="list-style-type: none"> a. resource consents under the Resource Management Act 1991 (RMA) b. archaeological authority under the Heritage New Zealand Pouhere Taonga Act 2014 | | |
| Minister invites comments / requests information | Comments from invited parties | | |
| | <p>Local authorities</p> <p><i>Auckland Council (AC)</i></p> <p><u>AC considers significant regional or national benefits are not demonstrated</u> AC considers that the regional benefits asserted within the application are significantly overstated and have not been demonstrated through a robust net-benefit methodology. AC highlights that the applicant's economic assessment relies heavily on Economic Impact Analysis and job multipliers, which assumes that the labor and capital required for the project are currently idle. AC states that in a high-employment environment like Auckland, these resources would likely be diverted from other growth areas where infrastructure is already being delivered, and therefore the purported benefits largely represent a transfer of existing economic activity rather than the creation of new regional value. AC also states that no formal cost benefit analysis has been provided and overall considers that the referral material does not demonstrate that the proposal is of regional significance or benefit. Overall, AC considers that the proposal does not meet the threshold of "regional or national significance".</p> <p>AC states that feedback provided by the Franklin Local Board indicates that that local community does not support this application. The community values the rural aspect of the area, emphasising that the current use of the land provides more value to the regional economy and concern that the development will remove existing roading capacity without any mitigation plan, creating safety risks at the McKenzie/Waiiau Pa intersection.</p> <p><u>AC considers the project is not consistent with local or regional planning documents</u> AC considers that the proposal is fundamentally inconsistent with the Auckland Unitary Plan (AUP), the Auckland Council Future Development Strategy (FDS) 2023-2053, and the National Policy Statement for Highly Productive Land (NPS-HPL). AC states the project is inconsistent with the zoning and strategic intent of the AUP with the project site zoned 'Rural – Mixed Rural' and 'Rural – Rural coastal.' AC states that without a concurrent rezoning to urban status, the project would likely create a fundamental mismatch between urban activity and the underlying rural regulatory framework.</p> <p>AC states that they consider the project to be out of sequence and represents a critical strategic misalignment with the FDS. The FDS does not identify this area for urban development now or in the future, with only moderate growth for the Clarks Breach area. Watercare and Auckland Transport have confirmed that this is unanticipated in their funding and asset management plans. AC states that providing public services in this location would undermine the infrastructure capacity for already planned and funded growth in other parts of Clarks Beach, Kingseat and Glenbrook. AC states that the project could displace or delay planned investment in live-zoned areas, creating an economic liability by forcing the Council and Council-Controlled Organisations to spread limited regional resources across unplanned rural extensions rather than consolidating them in a way that aligns with the FDS and its integrated approach.</p> <p>AC considers that, while the proposal could add to housing supply, it fails to meet the broader strategic requirements of the National Policy Statement on Urban Development (NPS-UD) 2020. AC states that under Policy 1 of the NPS-UD urban environments must have good accessibility to jobs and services. This proposal creates an isolated settlement that lacks necessary social infrastructure which will likely result in high car dependency and increased trip generation. AC states that an out-of-sequence development undermines the objective of achieving quality compact growth, and that by directing growth away from planned areas, the project would likely reduce the overall effectiveness of the region's response to the NPS-UD.</p> <p><u>AC considers the proposal will result in loss of highly productive land</u> AC considers that the proposal is contrary to the NPS-HPL. The proposal is situated on Land Use Capability (LUC) Class 2 land. The NPS-HPL maintains strict 'avoid' directives for urban development on LUC Class 1 and 2 land. AC states that the applicant's strategy to 'minimise' soil loss by stripping and re-using topsoil off-site or in community gardens is technically inaccurate, and would not be effective at mitigating the impact of the</p> | | |

proposal. AC states that, in particular, the excavation and transport of soil destroys the unique physical and chemical characteristics of the LUC 2 resource, meaning the proposal effectively results in the total and cumulative loss of the highly productive land it seeks to develop.

AC considers that a sustainable water supply is likely not feasible for the site

The applicant holds an existing groundwater take consent for 50,000m³ per year, which it proposes to pipe to the site as alternative to public supply from Watercare. AC states that this existing water take represents less than 20 per cent of the projected approximately 280,000m³ per year demand for the completed development. Based on AC water allocation records and consents, the underlying Waiau Pa Waitemata aquifer has minimal remaining unallocated capacity (approximately 15,000m³ per year) making further significant abstraction unfeasible without creating adverse environmental effects.

AC states that the site is outside of the Regionwide Network Discharge Consent (RWNDC), though acknowledges that effects can likely be managed via best-practice engineering. AC states that Healthy Waters & Flood Resilience has advised that the vesting of stormwater assets is not accepted as a given for this development. Consequently, AC states the applicant is encouraged to design all future infrastructure to Council standards to facilitate potential future acceptance. AC consider that assessment of the impacts of development on downstream flood hazard within the road reserve will be required for any substantive application.

AC states that Watercare Services Limited oppose the proposal and has indicated that it will not service the development.

Auckland Transport is neutral regarding the use of fast track as a process to further consider this application

AC states that any additional transport effects, particularly in relation to Linwood Road/Hingaia Road corridor, are of interest and that AC will require a full assessment of effects on the Linwood Road/Hingaia Road corridor as part of any substantive application should the application be referred for fast-track. AC note that for the Transport Assessment Report the applicant assumed that the neighbourhood centre and light industry will have no net trip generation outside of Clarks Beach Road because any trips they generate from outside the settlement will be offset by providing local employment and shopping opportunities. AC states there is a risk these areas could develop differently than assumed and recommend the applicant assess this in terms of AT's Integrated Transport Assessment guidelines of the application is referred. AC states that the detailed layout of the development, road network and intersections will be important considerations at the substantive application phase should this application be referred for fast-track.

Competing applications

AC confirms they are not aware of any competing application currently lodged that would be prejudiced by a substantive application for this project. AC also confirms they are not aware of any existing resource consents issued where the specific "priority of processing" or "affected party" provisions of sections 124C(1)(c) or 165ZI of the Resource Management Act 1991 (RMA) would apply in this context.

Ministers

Minister for the Environment

The Minister advises they do not wish to comment on this application.

Minister for Seniors

The Minister considers that, based on the information provided, the application is likely to increase the supply of housing, address housing needs, or contribute to a well-functioning urban environment under section 22(2)(a)(iii) of the Act. The Minister states that the following aspects of the project are likely to meet this criterion: The construction of approximately 700-800 residential lots alongside infrastructure to enable future construction, and the construction of a retirement village of approximately 220 units.

Associate Minister for Housing

The Associate Minister supports this application to be referred to the next stage. The Associate Minister states that the site is not identified for future urban development in Council documents and that some infrastructure investment would be required as part of its delivery, but that wastewater upgrades are underway in Clarks Beach and are expected to enable additional growth from mid-2026. The Associate Minister also states that Auckland Council is likely to raise concerns regarding infrastructure provisions and natural hazard exposure associated with flood plains/coastal inundation, but considers that these issues can be addressed at the detailed consenting stage should this application proceed.

Minister for Regional Development

The Minister advises they have no comment to make on this application.

Minister for Economic Growth

The Minister states that the primary long-term benefit of this proposal is to provide additional housing which is critical for a growing economy. The Minister states that, given this application would provide a significant boost in housing supply, it could also be assessed under the criteria 'increasing the supply of housing, address housing needs, or contribute to a well-functioning urban environment' in section 22(2)(a)(iii) of the Act.

Māori Groups

Te Ara Rangatu o Te Iwi o Ngāti Te Ata Waiohua

Te Ara Rangatu o Te Iwi o Ngāti Te Ata Waiohua state that while they have undertaken an onsite visit, to date they have not heard from the applicant regarding the Fast-track application and have not formalised a response. Te Ara Rangatu o Te Iwi o Ngāti Te Ata Waiohua request the Applicant undertake a Cultural Impact Assessment, given the traditional and cultural significance of the site, and note there are outstanding cultural matters that are yet to be addressed.

Ngāti Tamaoho Settlement Trust

Ngāti Tamaoho Settlement Trust note their strong connection to the project area and the relevance of their statutory acknowledgements over the coastal marine area. The Trust also point to the strong interest of nearby Whātāpaka Marae (one of three Ngāti Tamaoho marae) in the wellbeing of Te Mānukanuka o Hoturoa (Manukau Harbour). Ngāti Tamaoho aspires to see the wellbeing of Te Mānukanuka o Hoturoa restored, given the degradation which has already taken place due to unfettered urban growth and inadequate water infrastructure. Accordingly, their concerns relate to the proposed approach to management of stormwater, wastewater, and sediment and erosion; For example, Ngāti Tamaoho support the applicant's approach to stormwater management, but caution that it must be sufficiently resilient to adapt to up-to-date information about the impacts of climate change. Ngāti Tamaoho expect their views on stormwater, wastewater, and sediment and erosion to directly inform the design and implementation of the project, including adopting best-practice standards that move past minimum compliance and embed cultural considerations. Ngāti Tamaoho expect that robust monitoring and a meaningful role in oversight of these matters should extend beyond construction to the development of an enduring partnership.

Note: the comments from the Trust were received sixteen working days after the specified timeframe. We recommend you consider these comments, at your discretion, under section 17(7)(b).

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| | <p>Administering agencies</p> <p><i>Heritage New Zealand Pouhere Taonga (HNZPT)</i> HNZPT consider that consultation with Mana Whenua is adequate for this project. HNZPT states that Mana Whenua have been actively engaged throughout the planning and development of the project.</p> <p>HNZPT states that the applicant has provided an archaeological assessment that identifies two recorded archeological sites within the project area. The works proposed as part of the project will modify or destroy those recorded sites, and there is potential to encounter further archaeological material or sites. As such, an archaeological authority is required prior to those works commencing. HNZPT states that in order to mitigate the adverse effects on archaeological values, a suite of conditions will be required, and this has been discussed with the Applicant and will continue through the application process.</p> <p>HNZPT states that, if the project is referred, HNZPT anticipates further engagement with the applicant to ensure all relevant documentation is provided with a substantive application, including: a fulsome archaeological assessment, appropriate methodologies and strategies proposed, appropriate draft management plan and research strategy, evidence of appropriate consultation with tangata whenua, and appropriate proposed conditions.</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 you can be satisfied that the project does not involve an ineligible activity because it:</p> <ul style="list-style-type: none"> • would not occur on identified Māori land, Māori customary land or a Māori reservation as confirmed by the relevant records of title • would not occur in a customary marine title area or protected customary rights area as it is not in the common coastal marine area (CMCA) • 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 and the project does not involve an aquaculture activity • 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 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 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 • 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 raised by parties invited to comment have indicated that the project would be ineligible for referral.</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 the 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>Not applicable to this project.</p> |
| <p>Section 22 assessment criteria</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>must</u> consider a relevant Government policy statement (GPS) [s22(1A)]</p> <p>The only current GPS is the Government Policy Statement on Grocery Competition. As a wider urban development, the focus of this project is not to address grocery competition, so there is no GPS relevant to your decision.</p> <p>The Minister <u>may</u> consider any of the following matters, or any other matters the Minister considers 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></p> <p>The applicant considers this project meets the criterion in s22(2)(a)(iii) by providing affordable housing, multi-generational living (social, economic and cultural benefits), coastal restoration areas, community centre and employment opportunities. The applicant considers that the existing settlement at Clarks Beach is not able to function well as an urban environment in its own right because the current urban zone enables small scale neighborhood centers, open space and residential activities only. The applicant considers that the project will provide services, infrastructure (including public open space and community infrastructure), and employment opportunities, within Clarks Beach which will become a well-functioning urban environment over time.</p> <p>The Minister for Seniors considers that, based on the information provided in the application, the construction of approximately 700-800 residential lots (alongside infrastructure to enable future construction) and the construction of a retirement village of approximately 220 units is likely to increase the supply of housing, address housing needs, or contribute to a well-functioning urban environment under section 22(2)(a)(iii) of the Act.</p> |

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| | <p>The Minister for Economic Growth considers that this application would provide a significant boost in housing supply and that it could also be assessed under the criteria 'increasing the supply of housing, address housing needs, or contribute to a well-functioning urban environment' in section 22(2)(a)(iii) of the Act. The Associate Minister of Housing supports this application to be referred to the next stage.</p> <p>AC consider that, while the proposal could add to housing supply, it does not meet the threshold of "regional or national significance" as intended by the Fast Track approvals Act 2024.</p> <p>We consider that the addition of approximately 700-800 residential lots (alongside infrastructure to enable future construction) and the construction of a retirement village of approximately 220 units is likely to provide a significant increase in housing, address housing needs, and contribute to a well-functioning urban environment in the Clark's Beach community and the wider Auckland region. Based on the assessment above, including the information provided by the Applicant, and the comments received from the Minister for Seniors, the Associate Minister for Housing, the Minister for Economic Growth and Auckland Council (including Auckland Transport), we recommend that the project meets the criterion under section 22(2)(a)(iii) of the Act as the project will increase the supply of housing, address housing needs, or contribute to a well-functioning urban environment.</p> <p><i>Will deliver significant economic benefits [s22(2)(a)(iv)]</i> The application is supported by an economic assessment which estimates the eight-year construction phase will support approximately 6,985 full-time equivalent (FTE) jobs in construction and servicing and will contribute \$806 million to regional GDP. Approximately 825 FTE jobs in the community are anticipated ongoing, across multiple sectors.</p> <p>The Minister for Economic Growth considers that the primary long-term benefit of this proposal is to provide additional housing and notes that this is critical for a growing economy, however, does not comment on whether the application meets the criterion to deliver significant economic benefits in section 22(2)(a)(iv) in the Act.</p> <p>AC states that the applicant's economic assessment relies heavily on Economic Impact Analysis and that the purported benefits largely represent a transfer of existing economic activity rather than the creation of new regional value. AC also states that no formal cost benefit analysis has been provided and overall considers that the referral material does not demonstrate that the proposal is of regional significance or benefit.</p> <p>The addition of approximately 6,985 FTE jobs over the eight-year construction period, approximately 825 FTE jobs once the development is in operation, and the contribution of \$806 million to regional GDP will be significant to the local Clarks Beach community and the wider Auckland region. Based on the assessment above, including the information provided by the Applicant, the comment received from the Minister for Economic Growth and comments received from Auckland Council, we recommend that the project meets the criterion under section 22(2)(a)(iv) of the Act as the project will provide significant economic benefits to the Clarks Beach community and the wider Auckland region.</p> <p><i>Will support climate change mitigation, including the reduction or removal of greenhouse gas emissions [s22(2)(a)(vii)]</i> The applicant considers that the stormwater management approach has been designed to account for climate change and natural hazard scenarios.</p> <p>AC considers that the proposal does not support climate change mitigation as the site's remote rural location and the limitations in public transport connectivity mean that the development will likely result in a high level of private vehicle dependency which will likely lead to increased vehicle kilometres travelled and may undermine strategic efforts to reduce transport-related greenhouse gas emissions.</p> <p>Based on the assessment above, we do not recommend that the project does not meet the criterion under section 22(2)(a)(viii) of the Act as it will not support climate change mitigation, including the removal of greenhouse gas emissions.</p> <p>To conclude, based on the assessment of the above criteria, we consider the project is a development project that would have significant regional benefits in line with the criteria for accepting a referral application under section 22(1)(a).</p> |
| <p>Referring the project to the fast-track approvals process [section 22(1)(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 private plan changes can take three years and be appealed, and that resource consents for projects of this scale can take a similar period for decision and be appealed. The applicant considers the fast-track process would reduce processing time by between 5-8 years. Comments from Auckland Council note it is accepted that the referral of this project would likely achieve the outcomes of section 22(1)(b)(i).</p> <p>We consider referring the project will facilitate the project, including by enabling it to be processed in a more timely and cost-effective way than under the normal processes under section 22(1)(b)(i).</p> <p><i>Is unlikely to materially affect the efficient operation of the fast-track approvals process [s22(1)(b)(ii)]</i> The applicant considers the project will not materially affect the efficient operation of the fast-track approvals process.</p> <p>We consider referring the project is unlikely to materially affect the efficient operation of the fast-track approvals process, in line with the criteria for accepting a referral application under section 22(1)(b)(ii), as we consider the project is neither novel in the New Zealand context nor beyond the scope of what a panel would typically assess under the RMA.</p> |
| <p>Reasons to decline</p> | |
| <p>Minister <u>must</u> decline [section 21(3)]</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> The analysis above concludes that the project meets the section 22 referral criteria, and as such, we do not consider this applies.</p> <p><i>The Minister is satisfied the project involves an ineligible activity</i> As detailed in analysis above, we do not consider that the project involves an ineligible activity.</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 referral decision.</p> <p>We have not identified any reason that you must decline the application under section 21(3).</p> |

Minister may decline [section 21(4) and 21(5)(a-h)]

The Minister may decline a referral application for any other reason, whether or not it meets the criteria in section 22.

Reasons to decline a referral application under subsection 4 include, without limitation:

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

Nothing in the application, the comments received from invited parties, or the section 18 Treaty settlements report indicates the project would be inconsistent with these documents.

It would be more appropriate to deal with the matters that would be authorised by the proposed approvals under another Act or Acts

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.

There is no information to suggest that it would be more appropriate to deal with the matters that would be authorised by the proposed approvals under another Act or Acts.

The project may have significant adverse effects on the environment

The applicant considers that the project will not result in any significant adverse effects on the environment. The key potential environment effects the Applicant has identified include earthworks, construction effects, stormwater effects, water servicing and discharge, risk of hazards, traffic, landscape and character effects, amenity effects, ecological effects, cultural effects, loss of soils, and archaeological effects. The Applicant has provided sufficient information with the referral application to indicate that any significant adverse effects on the environment are likely to be able to be avoided, remedied, or mitigated through appropriate design, management and consent conditions. At the substantive stage, an expert panel would also have the ability to seek further technical advice and impose conditions on any approvals granted to ensure the effective management of potential adverse effects.

Loss of highly productive land

The proposal is situated on Land Use Capability (LUC) Class 2 land. AC considers that the applicant's strategy to 'minimise' soil loss by stripping and re-using topsoil off-site or in community gardens is technically inaccurate and would not be effective at mitigating the impact of the proposal. AC states that the excavation and transport of soil destroys the unique physical and chemical characteristics of the LUC 2 resource, meaning the proposal effectively results in the total and cumulative loss of the highly productive land it seeks to develop.

Water supply

AC has raised concerns regarding water supply to the development noting that the Applicants existing groundwater consent will service just 20 percent of the developments projected yearly demand and that relevant aquifer has minimal remaining unallocated capacity. AC also states that "Watercare opposes the proposal and has indicated that it will not service the development, which raises fundamental questions about water supply from any source" (refer to Appendix 6). The Applicant has provided two options for water supply to the development, with Option 1 to utilise their current resource consent to service only part of the development, with the remaining supply to be provided by on lot tanks. The Applicant states that Option 2 is to connect to the Watercare Service Limited (WSL) network (refer to Attachment 15 within Appendix 2).

The Associate Minister of Housing states that the site is not identified for future urban development in Council documents and that some infrastructure investment would be required as part of its delivery, but that wastewater upgrades are underway in Clarks Beach and are expected to enable additional growth from mid-2026. The Associate Minister also states that any concerns raised by AC regarding infrastructure provisions and natural hazard exposure can be addressed at the detailed consenting stage should this application proceed.

We consider the applicant has provided adequate information for consideration of the referral application and that any potential significant adverse effects can be appropriately managed through subsequent assessment by the expert panel and conditions imposed at the substantive stage.

The applicant(s) has a poor compliance history under a specified Act that relates to any of the proposed approvals

The Applicant had provided information on compliance history which outlines three abatement notices and one letter received. The Applicant has provided detail outlining the reason for the abatement and actions taken to resolve the matter. AC comments did not include an assessment of the compliance history of the applicant. We consider that nothing in the application or comments received from invited parties would indicate that the applicant has a poor compliance history under a specified Act.

The project area includes land that the Minister for Treaty of Waitangi Negotiations considers necessary for Treaty settlement purposes

The project area does not include land necessary for Treaty settlement purposes.

The project includes an activity that is a prohibited activity under the Resource Management Act 1991

Neither the applicant nor AC have identified any prohibited activities for the project under the RMA.

A substantive application for the project would have one or more competing applications.

The comments received from AC confirm they are not aware of any competing applications currently lodged in the same project area.

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)

The comments received from AC did not identify any resource consents of the kind referred to in section 30(3)(a).

Any other matter

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

We do not recommend you decline the referral application.

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, 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:
 - 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 (if applicable)
 - 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.