

Orawaahi

A Complete Community

Knight
INVESTMENTS LTD

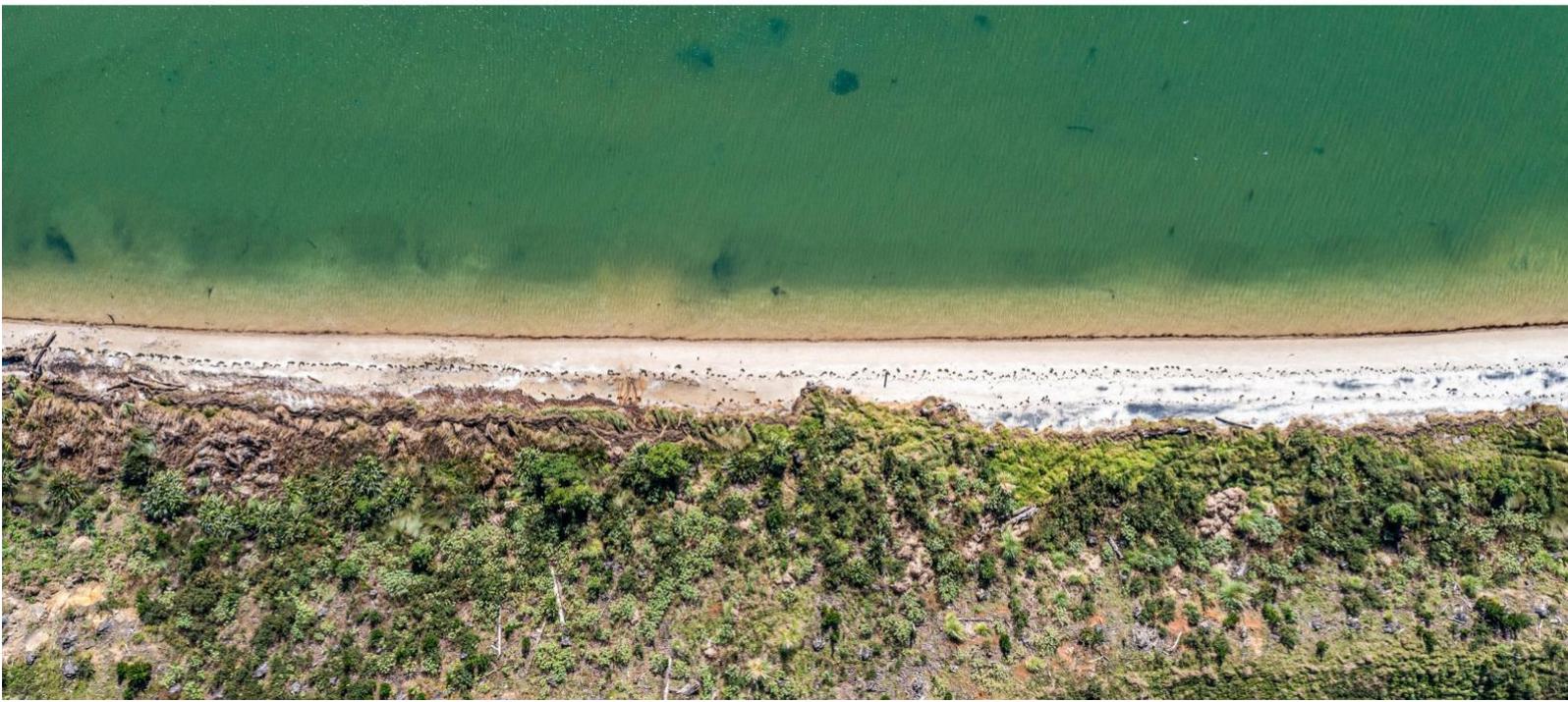


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1. INTRODUCTION

- 1.1 This document is to support a referral application by Knight Investments Limited (“Knight Investments” or the “applicant”) under the Fast-track Approvals Act 2024 (“FTAA”) for the “**Orawaahi- A Complete Community**” Project (hereafter referred to as “Orawaahi” or “The Project”).
- 1.2 This document has been provided as a companion document (and as **Attachment 1**) to the Application Form, addressing those matters which require a detailed response and explanation, and should be read together with the Application Form.
- 1.3 Care has been taken to ensure the two documents are consistent, but if there is any inconsistency, the content in this document prevails.
- 1.4 The application is also accompanied by the following:
- (a) Orawaahi Concept Document (**Attachment 2**).
 - (b) Frontline Heroes Affordable Shared Equity Programme Summary (**Attachment 3**).
 - (c) Letter of Support from Ngaati te Ata (**Attachment 4**).
 - (d) Letter of Support from Watercare Services Limited (**Attachment 5**).
 - (e) Project Site Maps (**Attachment 6**).
 - (f) Record of Engagement (**Attachment 7**).
 - (g) Records of Title (**Attachment 8**).
 - (h) Planning Memorandum (**Attachment 9**).
 - (i) Economic Impact Assessment (**Attachment 10**).
 - (j) Geotechnical Assessment (**Attachment 11**).
 - (k) Archaeology Assessment (**Attachment 12**).
 - (l) Stormwater Assessment (**Attachment 13**).
 - (m) Landscape Assessment (**Attachment 14**).
 - (n) Earthworks and Infrastructure Report (**Attachment 15**).
 - (o) Transport Assessment (**Attachment 16**).
 - (p) Urban Design Statement (**Attachment 17**).
 - (q) Ecological Assessment (**Attachment 18**).
 - (r) Applicant’s Compliance and Enforcement Record (**Attachment 19**).
 - (s) Agreement with 156 Clarks Beach Road (**Attachment 20**) -

- (t) Existing Resource Consent WAT60315288 (**Attachment 21**).
- (u) Summary Table of Registered Interests on Records of Title (**Attachment 22**).
- (v) Letter of Authority (**Attachment 23**).

2. PROJECT DESCRIPTION AND LOCATION

2.1. The following sections provide the required responses to the following matters:

- Section 2.2.1: Project Description.
- Section 2.2.2: Provide a description or map of the whole project that identifies its boundaries in sufficient detail to enable consideration of the referral application.

Project description (Referral Application Section 2.2.1)

2.2. The purpose of this project is to deliver a masterplanned sustainable extension to the existing Clarks Beach coastal community that enables multigenerational living, local employment and community services. *Orawaahi – A Complete Community* will be integrated with the fast-growing Clarks Beach community and will provide a logical extension to it. Refer to Attachments 1 and 2 for the Proposal Document.

2.3. At a high level, Orawaahi includes six key delivery areas. These are:

- 1) Providing multi-generational living opportunities:
 - (a) A retirement village of approximately 220 units/villas (as well as supporting facilities);
 - (b) Residential lots and supporting services to enable approximately 700-800 future dwellings, offering a range of lifestyle options from one- to two- storey standalone homes, with the potential for higher-density development near Clarks Beach Road.
- 2) Establishing community-focussed programmes including:
 - (a) Frontline Heroes Shared Equity Programme: 10% of the total residential yield (approximately 70-80 new homes) will be allocated to first home buying frontline heroes (which includes nurses and other healthcare workers, doctors, teachers, police, fire, ambulance, coast guard, and other emergency services and defence personnel). The provision of these homes would be on a shared equity basis and have the homes priced at a discounted and affordable level to reflect the social significance of these frontline heroes. This policy is intended to combat the current issue of frontline heroes being priced out of the Auckland market. Further detail on this is provided as Attachment 3.
 - (b) Youth construction training academy to train rangatahi in construction methods, in partnership with programme providers such Pacific Coast Technical Institute (which is a sister organisation to Knight Investments) and iwi, including Ngaati Te Ata.
- 3) Establishing local services through a neighbourhood centre of approximately 1.7 hectares (approximately 6,000m² gross floor area), enabling activities such as a supermarket, retail, medical facilities, a community hub, commercial offices, food and beverage outlets, childcare and a gym to locate within the centre.
- 4) Creating local employment, with an estimated 825 full-time equivalent jobs generated upon completion, through:

- (a) Establishment of a service / light industrial / trade supply hub comprising approximately 5 hectares (and approximately 25,000m² of gross floor area);
 - (b) Enabling activities such as workshops, light manufacturing, and related retail and business premises to establish;
 - (c) The proposed neighbourhood centre local service activities (as outlined above); and
 - (d) Employment opportunities in caring for the residents and the associated facilities at the retirement village.
- 5) Provision of a “Coast to Coast” connection via a multi-functional green / blue network, alongside enhancements to the coastal/river edge. This includes the land set aside for a Cultural Centre (see below). This network will include neighbourhood parks, recreational walkways and pedestrian and cycle links across the site that connect into existing networks in the Clarks Beach community.
- 6) Significant opportunities for mana whenua through a direct partnership with iwi, including Ngaati te Ata as outlined in the letter of support provided in Attachment 4. Ngaati te Ata have already gifted the name of the development “Orawaahi” which means “A place of wellbeing and vitality.” Other opportunities will include:
- (i) Local iwi are offered mana-enhancing opportunities to house their people;
 - (ii) Land will be set aside to establish a Ngaati Te Ata “Cultural Centre” to enable Ngaati Te Ata to retell their 1000-year cultural and traditional history of the area through a physical presence on the land. This will also provide a place from which the iwi can continue to exercise kaitiakitanga responsibilities for surrounding lands and waterways;
 - (iii) Local iwi will have offers to partner with the applicant in any potential commercial enterprise by way of partnership;
 - (iv) Local iwi will be offered early employment opportunities during construction;
 - (v) The applicant will seek to involve local iwi in providing cultural design in the architectural master-planning that captures the history and cultural significance of the area;
 - (vi) Local iwi will be able to provide names for components of the development;
 - (vii) Supporting the remediation of surrounding waterways through riparian planting and the provision of planting contracts to local iwi nurseries; and
 - (viii) Local iwi can appoint a cultural advisor (or advisors) to monitor the development.

- 2.4. The Project is able to provide for water servicing via either an agreement with Watercare Services Limited (Watercare) for connection to the public networks for water and wastewater, or through delivery of community-based infrastructure (private wastewater treatment and a combination of water supply and on-lot rain water tanks which enable sustainable use of water supply). A letter has been provided by Mr Peter Nicoll, Head of Property at Watercare (and provided as Attachment 5), confirming that Watercare will endeavour to work with the applicant on water and wastewater requirements for the development.
- 2.5. The Project can align with and accommodate Watercare's desire to install its planned, and significant, rising main water supply and discharge lines, as well as a wastewater pump station on the Orawaahi site. This infrastructure development is required by Watercare to service the wider sub-region. Discussions are well underway with Watercare and this is mentioned in the letter in Attachment 5.
- 2.6. The multigenerational living (and associated services) is critical to this existing, limited, commuter focussed community, as it is a community that is currently unable to support a full range of living and work opportunities due to lack of existing services, recreational facilities, and housing supply.
- 2.7. Furthermore, the Frontline Heroes Affordable Shared Equity Programme will directly enable these essential workers to invest in and contribute to the community that they serve. Combined, this will enable living choices for people to stay in the Franklin community and in the Auckland region.
- 2.8. Through the key delivery areas, the project will directly enable local employment opportunities and increase the availability of service and retail activities in the Clarks Beach community, which currently suffers a lack of available services and space for business and employment activities.
- 2.9. Construction of the Project, if approved, is anticipated to have a total impact on business activity in the Auckland region in the order of approximately 6,985 jobs¹ during the 8-year development period, and an approximate ongoing 825 FTE jobs as a result of the proposed provision of local services and employment.
- 2.10. Importantly, employment will be created in Clarks Beach, which currently has a significant undersupply of employment opportunities, having no zoned industrial land or meaningful contribution to local services. This causes many residents to travel long distances for work, which creates traffic issues and increased greenhouse gas emissions. The Project will help alleviate many of those issues.
- 2.11. The Project would have significant regional benefits for Auckland.
- 2.12. Referral of the project to the fast-track approvals process would facilitate the project by enabling it to be processed in a more timely and cost-effective way than under normal processes. It is also unlikely to materially affect the efficient operation of the fast-track approvals process (as discussed in more detail below). The project therefore meets the criteria for referral under s 22(1) of the FTAA.

¹ Full time equivalent ("FTE")

Site description (Referral Application Section 2.2.1)

- 2.13. The Project is located at:
- (a) Clarks Beach Road - Lot 3 DP 337204 (no address allocated)
 - (b) 156 Clarks Beach Road - Lot 1 DP 337204.
- 2.14. Works are also required on:
- (a) 115 Clarks Beach Road (Lot 1020 DP 578599, Lot 1012 DP 573987, Lot 1018 DP 573987, Lot 1001 DP 560664, Lot 1003 DP 560664, Lot 801 DP 526153, Lot 200 DP 567326, 9/14 SH Lot 300 DP 526153, 4/23 SH Lot 100 DP 560664), for works associated with required infrastructure/roading upgrades. This land is also owned by the applicant.
 - (b) Lot 4 DP 116708, which is held as Local Purpose Reserve (Esplanade), located at the southern edge of the site, adjacent to the Coastal Marine Area (“CMA”). This land is owned by Auckland Council.
 - (c) A portion of land which is vested as legal road, as per GeoMaps (but unformed), which is located between the subject site and the CMA.
 - (d) Clarks Beach Road.
- 2.15. The Project may include:
- (a) Water supply, infrastructure works and ecological offsetting on Lot 11 DP 492623 (which has no street address).
 - (b) Water supply and infrastructure works on 50 Sydney Owen Road (Lot 7 DP492607).
 - (c) Works on McKenzie Road, Waiiau Pa Road and Sydney Owen Road for works associated with required infrastructure.
- 2.16. Maps of the above areas are provided in Attachment 6.
- 2.17. A more detailed site description, including zoning, is provided in section 2 of the Planning Memorandum (provided in Attachment 9).
- 2.18. The Records of Title are attached as Attachment 8 to the Application.
- 2.19. The application site, comprising Lot 3 DP 337204 and Lot 1 DP 337204, is not subject to any relevant restrictions. An easement is registered over both titles, relating to the provision of electricity, which will be removed as part of the substantive application. There are no registered interests that would preclude the proposed development.
- 2.20. With regard to 115 Clarks Beach Road (which has been included to enable infrastructure and roading connections associated with the Project), there are a number of interests registered against its title (refer to Attachment 8 to the referral application). These have been outlined in Attachment 22 to this memorandum. In terms of their impact on the Project, none of the matters prevent the upgrading / construction and subsequent vesting of a road.

- 2.21. With regard to Lot 11 DP 492623 and 50 Sydney Own Road (which may be included to enable water supply and infrastructure), there are a number of interests registered against their titles (refer to Attachment 8 to the referral application). These have been outlined and summarised in Attachment 22 to this memorandum. In terms of their impact on the Project, none of the matters affect the ability for the Project to take or pipe water from the site.

3. INELIGIBLE ACTIVITIES

- 3.1. The project does not involve any ineligible activities.
- 3.2. The following sections provide additional information in respect of the responses to the following matters:
- Section 2.3.2.
 - Section 2.3.14
 - Section 2.3.15
- 3.3. In terms of s 5(1)(b) of the FTAA and the Referral Application Sections 2.3.2 the following additional explanation is relevant:
- (a) No recognition orders for Customary Marine Title (“CMT”) have been made for the relevant portion of the Manukau Harbour. However, consultation has occurred (as outlined in Attachment 7) with applicants for CMT for the portion of the Manukau Harbour relevant to The Project.
- 3.4. In terms of s 5(1)(j) and (k) of the FTAA and the Referral Application Sections 2.3.14 and 2.3.15 the following additional explanation is relevant:
- (b) The project includes the potential for a public walking access route and vegetation removal and planting within an adjacent Local Purpose (Esplanade) Reserve with the legal description Lot 4 DP 116708.
- (c) The reserve is held under the Reserves Act.
- (d) This reserve is vested in Auckland Council.
- (e) Auckland Council has a two-tier governance structure comprising a governing body and local boards (Local Government (Auckland Council) Act 2009, s 7). Both the governing body and the local boards are responsible for Auckland Council decision making (Local Government (Auckland Council) Act 2009, s 14). Local boards do not have separate legal standing from Auckland Council (Local Government (Auckland Council) Act 2009, s 12(3)). The Franklin Local Board has some management functions in relation to Auckland local purpose reserves within the Board’s area (which would include Lot 4 DP 116708). Its allocated management functions are limited to non-regulatory matters. Its delegated regulatory responsibilities under the Reserves Act are limited to declaring, classifying, reclassifying and revoking reserve status. As the Franklin Local Board is part of Auckland Council, the reserve is both “vested in” and “managed by” Auckland Council.
- 3.5. As the reserve is both vested in and managed by Auckland Council, s 5(1)(j) and (k) of the Act do not apply (as those sections only refer to reserves vested or managed by someone other than a local authority).

4. SIGNIFICANT REGIONAL BENEFITS

4.1. The following sections provide the required responses to the following matters:

- Section 2.6.1: The criteria for accepting a referral application is that the project is an infrastructure or development project that would have significant regional or national benefits. Explain how this project satisfies that criteria.

4.2. The Project meets this criterion. It is a large-scale development initiative that will deliver significant and enduring economic, social, cultural, and environmental benefits to the Auckland region. Key features include:

1) Affordable housing for Frontline Heroes (social and economic benefits):

4.3. The Project will provide a special frontline heroes ownership programme to assist essential service workers into home ownership in the Orawaahi community. This will help embed essential service workers in the South Auckland communities that they serve. Timeliness is often crucial in the despatch of these workers and travel time can make the difference between efficacy and failure. In addition, the knowledge that comes from living in a community is essential to effective nursing, teaching, policing, and other frontline hero work.

4.4. As outlined in the Economic Impact Assessment in Attachment 10, the average time for first home buyers to save for a deposit for the average Auckland home is around 10 years. Corelogic² has also calculated that during that 10 years, the average buyer would have spent \$260,000 on rent. The Project will be structured to help bridge the gap between what frontline heroes can borrow and the reality of Auckland's housing prices, enabling them to purchase locally rather than being priced out of the communities they serve.

4.5. Importantly, not only will frontline heroes' homes be affordably priced at no more than 75% of the median house price for Auckland, but the homes will also be available on a shared equity basis. This will lower frontline heroes' initial mortgages, enabling earlier purchase of homes.

2) Multi-generational Living (social, economic and cultural benefits)

4.6. The Proposal will increase the supply of housing in Auckland. It will incorporate a range of housing typologies catering to whanau, retirees, and multi-generational living needs, supporting social inclusion and ageing in place. As the Economic Impact Assessment in Appendix 10 sets out, this will meet identified housing needs, including:

- (a) Within the Auckland Region the number of residents over 75 years of age is expected to more than double within the next 25 years. This creates a significant demand for retirement villages and the opportunity to deliver relatively novel multi-generational living environments that are safe and inclusive.

² Susan Edmunds, "First-home buyers' 10-year, \$260,000 rent bill to save deposit," RNZ News, September 24, 2025, <https://www.rnz.co.nz/news/business/573911/first-home-buyers-10-year-260-000-rent-bill-to-save-deposit>

- (b) The delivery of approximately 700-800 allotments for dwellings and a further 220 retirement units of various types represents an increase in the overall residential capacity for the local, and broader, regional market and contributes to accommodating anticipated population growth.
- (c) The proposed increase in housing supply may lead to downward pressure on house prices, benefiting first home buyers and renters. This increase in supply would help create a more balanced housing market, making home ownership more attainable and easing the financial burden on renters.

3) Youth Construction Training Academy (social, economic and cultural benefits):

- 4.7. The project includes consents for a light industrial and employment area, which will in turn enable a partnership between the applicant and Pacific Coast Technical Institute (which is a sister company to Knight Investments) and mana whenua, to train rangatahi in modern construction methods while delivering live construction projects on site. This will assist in tackling the regional and national issues associated with skilled workforce shortages. It is estimated that some 20 FTEs per annum could be accommodated through the training programme.
- 4.8. Research from the Infrastructure Commission estimated that the infrastructure workforce would need to grow from around 40,000 to 97,000 over the next 30 years to fully address New Zealand's infrastructure needs (Infrastructure Commission, 2021).
- 4.9. According to a government study in collaboration with Deloitte and Hanga Aro Rau (November 2022), a critical skills shortage is set to grow by 38% by 2028 if immediate action is not taken. Alexander-Crawford, Hanga Aro Rau's CEO, said:

“By 2028 we will need 463,000 workers in key regions around the country; however, based on current trends, a skills shortfall of over 40,000 is set to constrain future output”... “We need to begin work immediately to reduce barriers preventing the development of an equitable domestic workforce.”

4) Coastal Discovery Park and Blue/Green Restoration Area (environmental, social and cultural benefits):

- 4.10. A blue / green network incorporating restored waterways will link to a Coastal Discovery Park.
- 4.11. The network will include trails, cultural heritage stations, and environmental education nodes developed in partnership with mana whenua that will connect to the planned Franklin Local Board coastal pathway to Waiau Beach. The trails' cultural heritage stations and environmental education nodes will specifically enable Ngaati Te Ata opportunities to retell its cultural and traditional history of the area. Local youth engagement will be sought in the design of this network, with local schools being offered the opportunity to participate in design and implementation of this significant local community resource.

5) Cultural Community Centre (social and cultural benefits):

- 4.12. The proposal incorporates land to be set aside for a cultural community centre to serve as a focal point for Ngaati Te Ata, providing a physical presence on the land and a “base” for kaitiakitanga responsibilities. This will be a regional destination linked to the Coastal Discovery Park, providing a home for indigenous performing arts, exhibitions, and creative workshops and waananga.

6) Increased employment opportunities (economic, social and cultural benefits)

4.13. Ngaati Te Ata and other local iwi will have:

- (a) offers to partner over any potential commercial enterprise; and
- (b) offers of employment opportunities and apprenticeships during construction.

4.14. This is significant because the location is culturally significant to Ngaati Te Ata. However, to date, there have been few meaningful employment opportunities here.³ The Orawaahi project fundamentally changes this, both during construction, with employment for approximately 6,985 FTEs, and afterwards, with approximately 825 FTEs employed in the community upon completion of the development.

7) Significant economic investment and subsequent economic impacts (including significant economic and social benefits):

4.15. Significant economic investments and impacts are explained in the Economic Impact Assessment (Attachment 10).

4.16. The investment in the Auckland region over the 8-year development period has been estimated to be in the order of \$806 million, which will stimulate economic activity and employment across multiple sectors.

4.17. During the development period, approximately 6985 FTEs will be employed in constructing and servicing Orawaahi and the development will lead to an estimated 825 FTEs once complete and an estimated 20 FTEs per annum through the training programme. These employment outcomes will support economic resilience and growth in this part of the Auckland Region.

4.18. In addition to these quantifiable regional contributions, the Economic Impact Assessment identifies that the Project is also expected to generate a wide range of qualitative economic benefits for the broader market and communities, including:

- (a) increased residential capacity / senior housing supply;
- (b) increased and diversified choice of housing location and price point;
- (c) increased diversity of buyer pool through freeing up existing housing stock;
- (d) potential for lower residential prices in the region;
- (e) housing stock specifically available through the tailored scheme for front-line heroes;
- (f) increased efficiency of infrastructure with Watercare (if reliance on public wastewater infrastructure is adopted) as Watercare are already proposing to locate bulk infrastructure on the site (see **Attachment 5**), potentially reducing costs for Watercare, freeing up capital to be redeployed elsewhere in the region;

³ It is expected that as mana whenua engagement continues other iwi may also identify that the area is of significance to them also.

- (g) increased economic activity / local employment;
- (h) a greater level of growth;
- (i) increased amenities;
- (j) improved local convenience;
- (k) reduced need to travel for work and the purchase of goods and services ;
- (l) improved housing access for key community / public service workers;
- (m) land being set aside for Māori Arts and Cultural Community Centre;
- (n) the proposed Youth Construction Training Academy; and
- (o) the proposed Coastal Discovery Park.

4.19. The economic benefits of the Project will extend well beyond its construction phase and deliver a unique range of wider economic benefits that accumulate annually over the economic life of the assets. Property Economics have assessed those economic benefits as meeting the threshold of regional significance under s 22(2) of the Act.

5. APPROPRIATENESS FOR FAST TRACK APPROVALS PROCESS

5.1. The following sections provide the required responses to matters raised in Section 2.6.2 which requires an explanation of how referring the project to the fast-track approval process:

- Section 2.6.2.1: Would facilitate the project, including by enabling it to be -processed in a more timely and cost-effective way than under normal processes.
- Section 2.6.2.2: Is unlikely to materially affect the efficient operation of the fast-track approvals process.
- Section 2.6.2.5: Will the project 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). If yes, explain how the project will achieve this.
- Section 2.6.2.6: Will deliver significant economic benefits, and if so how.
- Section 2.6.2.9: Will the project support climate change mitigation, including the reduction or removal of greenhouse gas emissions, and if so, how?
- Section 2.6.2.10: Will the project support climate change adaptation, reduce risks arising from natural hazards, or support recovery from events caused by natural hazards, and if so, how?
- Section 2.6.2.11: Will the project address significant environmental issues, and if so, how?

Referral to the fast-track process would facilitate the project, including by enabling it to proceed in a more timely and cost-effective way than under normal processes (Referral Application Section 2.6.2.1)

5.2. The fast-track process offers a number of advantages in terms of time and cost savings over the standard RMA process. These savings enable innovative measures such as land being set aside for the cultural community centre, the Frontline Heroes Affordable Shared Equity Programme, the youth construction training academy and the employment opportunities for Ngaati Te Ata and other iwi outlined above to be incorporated as part of the Project. Without the time and costs savings afforded by this process, those component benefits would not be able to be offered to the community.

5.3. Under a typical RMA process a rezoning via a Private Plan Change followed by a resource consent process would likely be followed given the site's current zoning.

5.4. The RMA allows up to two years for decision-making on a private plan change from the date of public notification. Recent private plan changes in Auckland have taken eleven months from lodgement to reach the milestone of notification. This means in total Council-level plan change process in Auckland can take close to three years. The Plan Change may then subsequently be appealed to the Environment Court, a process that requires in the order of a further one to two years to conclude.

- 5.5. Subsequent to securing a plan change, resource consents for the development would then need to be obtained. At this same scale it is expected that consent would take at least 12-18 months, if not longer, to process through the Council based on previous experience by the team for development in the existing Clarks Beach Precinct. As an example, securing resource consent for only 52 vacant residential lots took six months.
- 5.6. Without a plan change, a development of this scale and in this location, would most likely be publicly notified. Comparison with the other notified activities of scale in the Auckland Region in recent years suggest that approximately 24 months from lodgement would be required to secure a hearing. Hearings are often adjourned for lengthy periods, with a total time to secure resource consents for large scale urban developments in Auckland approaching two to three years. Again, publicly or limited notified applications can be appealed by submitters to the Environment Court, adding another one to two years of process before consents are finally secured.
- 5.7. Thus, it is estimated that the processes that will be replaced by a successful FTAA referral would add up to five to eight years. By contrast, once a substantive application is received under the FTAA, the default time period for a decision on a substantive application under the FTAA is 30 working days after receiving feedback from invited parties.
- 5.8. Based on recent responses from Auckland Council and its CCOs to private plan changes seeking to urbanise rural land, it is likely that a Private Plan Change would be declined by Auckland Council simply because development of the site is out of sequence with, and does not align with, the Future Development Strategy the Council has produced pursuant to its obligations under the National Policy Statement for Urban Development 2020. This has been made clear through publicly available correspondence from the Auckland Council Mayor to its CCOs outlining that they are expected to support Auckland Council in rejecting and/or submitting in opposition to Private Plan Changes that do not conform with the Future Development Strategy.
- 5.9. The FTAA process provides different criteria to those of the RMA, assisting the Applicant to overcome the problems inherent in the policy approach taken by Auckland Council and its CCOs. In this case, the process would create an opportunity to establish a community with both business and residential components, helping to address Auckland's shortfall in housing and business land. The site is located immediately adjacent to areas that Council has already contemplated for urbanisation.
- 5.10. The purpose of the FTAA is *"to facilitate the delivery of infrastructure and development projects with significant regional or national benefits."* This reflects a recognition that the RMA has not always enabled such developments to proceed in a timely manner, notwithstanding the policy direction provided by the National Policy Statement on Urban Development. Councils, as regulators, are not best placed to deliver actual houses or business-ready land. Efforts to identify land for future urban needs and to reserve three waters services for this land may leave unused capacity in these services as owners of future urban zoned land continue to land bank or are otherwise unable to develop in accordance with the Council's envisaged timetable.
- 5.11. The Orawaahi site is owned by an experienced developer who is motivated to realise value from the land and, in doing so, is able to address servicing issues that would otherwise constrain development. The landowner is prepared to invest significantly (with over a million dollars in preparing and processing a substantive application, which provides a higher degree of certainty that development will occur) than following the longer-term sterilisation of the Future Urban Zone, with a live zoning, that a landowner may not be ready to action.

- 5.12. The FTAA provides a mechanism to move beyond Council gatekeeping of development opportunities and enables projects to progress in a way that is not possible under the RMA. By referring the project to the fast-track approval process, it can be advanced in a more timely and cost-effective way, giving confidence that the investment and development will translate into delivery of land ready for businesses and homes, on the ground.
- 5.13. Referral of the Project to the fast-track approvals process will also allow the application to be processed in a more timely and cost-effective manner. It also allows any regional policy that opposes the provision of housing to weigh in the decision-making, rather than determining its outcome. The panel appointed to consider the substantive application will be guided by the wider imperatives of schedule 5, cl 17 of the Fast-track Approvals Act 2024, enabling a more holistic approach to providing for growth to be taken.
- 5.14. The applicant is committed to managing the anticipated and known effects of the Project through the substantive application (design, mitigation measures and management plans).
- 5.15. The consenting timeframe under the fast-track process is likely to be in the order of six months from lodgement of the substantive application. This is a significant time saving, compared to a standard process and will enable the significant regional benefits (through works on the ground and employment) some two and a half to six years ahead of a standard process. In addition, the one-step nature of the fast-track approvals process is likely to lead to significant cost savings, especially when compared to the scenario of a private plan change and/or applications for resource consents under the standard process, which may take up to 8 years (including the potential for appeals at multiple steps) to complete.

Referral is unlikely to materially affect the efficient operation of the fast-track approvals process (Referral Application Section 2.6.2.2)

- 5.16. The project is not expected to materially impact the operation of the fast-track approval process. The consents sought are those under the RMA and Heritage New Zealand Pouhere Taonga Act, which is explicitly listed in the Act, and are consistent with the purpose and design of the Act (as well as other similar projects which have either already been listed or referred under the Act).
- 5.17. While regionally significant, it is not of a scale that is beyond the contemplation of the Fast-track Approvals Act. It will not require the involvement of large numbers of commenters.
- 5.18. The applicant has been actively engaging with relevant Māori entities and bodies (which is ongoing). The applicant has consulted with all entities that the Fast-track Approvals Act 2024 requires.
- 5.19. The applicant's advisors are familiar with fast-track approvals processes and will be able to meet the process requirements for applicants efficiently.

The Project will increase the supply of housing, address housing needs, or contribute to a well-functioning urban environment (Referral Application Section 2.6.2.5)

- 5.20. The Project will increase the supply of housing, address housing needs, and will significantly contribute to the wider well-functioning Auckland urban environment within the Auckland region.

- 5.21. The existing settlement of Clarks Beach is not able to function well as an urban environment in its own right. The current urban zoned areas within Clarks Beach enable small scale neighbourhood centres (via zoning), open space and residential activities only. There is no zoning available for light industrial activities, and despite having neighbourhood centre zones, those centres have only been developed for small scale local service activities. Residents of this area have no option but to commute for work and retail and service opportunities. The area is highly reliant on private vehicles and there are currently no public transport options. (A regular bus service will commence in 2026 between Clarks Beach and Papakura only. The current environment is a commuter suburb of Auckland only.
- 5.22. Due to the severe lack of local employment options, education and community services , the current community does not align with Objective 1 of the National Policy Statement for Urban Development, which emphasises the importance of a well-functioning urban environment.
- 5.23. The Project will deliver:
- (a) A variety of homes (approximately 1,000 lots/dwellings), that meet the needs of different households. This is achieved through the provision of a retirement village, vacant lots, and the Front-Line Heroes Policy, alongside the input and delivery of the masterplanned development with iwi.
 - (b) The proposal for a retirement village addresses an identified need for more care support living, driven by the increase in Auckland’s ageing population over the coming decades, and in an area which is not particularly well-served by existing retirement villages. While there are facilities in neighbouring area, these are approximately a 30 minute drive from Clarks Beach. Residents of the local area currently do not have a choice to retire in their community.
 - (c) A variety of sites/commercial lease opportunities that are suitable for different business sectors such as local services and light industrial / service / trade supply activities. This provides for local needs and supports competition.
 - (d) Good accessibility between the existing community and the Project area which will enable active transport between housing, jobs, community services and open spaces. Immediate leverage off existing roads and community facilities. Clarks Beach has a range of existing infrastructure and recreational facilities which will support a growing population.
 - (e) The release of land for residential housing and business opportunities supporting the competitive operation of land and development markets.
 - (f) Land for residential housing and business opportunities which can take into account the future impacts of climate change (through siting of vulnerable activities outside of hazard areas and provision for climate change factors into the design for stormwater infrastructure).
- 5.24. As above, the Project provides employment opportunities and services provision within Clarks Beach. This will, over time, help Clarks Beach become a well-functioning urban environment, and will contribute to the wider well-functioning urban environment within Auckland.
- 5.25. It is acknowledged that well-functioning urban environments anticipate urban environments that are well-supported by infrastructure and additional infrastructure.

- 5.26. The project supports both the provision of infrastructure (through public and private infrastructure solutions) and additional infrastructure, including public open space and community infrastructure (through provision of green corridor walkways and coastal walkways and the coastal park) and social infrastructure (through an enabling land use consent for activities such as healthcare services activities to establish as part of the neighbourhood centre) and the proposed cultural centre.
- 5.27. Overall, it is considered that the Project will increase the supply of housing, address housing needs, and contribute to a well-functioning urban environment.

The Project will deliver significant economic benefits, (Referral Application Section 2.6.2.6)

- 5.28. Significant economic investments and impacts are explained in the Economic Impact Assessment prepared by Property Economics which has been included with the application as Attachment 10.
- 5.29. The economic benefits of these types of projects (both during construction and once operation) have been consistently recognised through a number of fast track applications, including under the previous COVID-19 Recovery (Fast-track Consenting) Act 2020 and the current legislation. There will be direct benefits for construction workers and project managers, architects, engineers, landscapers, builders and health and safety consulting service providers.

Economic benefits during construction

- 5.30. Construction has historically been a major driver for growth within New Zealand, directly employing about 308,500 people in residential, heavy and civil construction, and construction services.
- 5.31. Property Economics has assessed that this project represents a \$806 million investment (in terms of total value added) to the Auckland Region, providing jobs in the construction phase which will provide other jobs and flow-on economic benefits. There will also be associated financial and development contributions for Auckland Council, as well as an increased ratepayer base.
- 5.32. The construction phase of the project is estimated to create 6,985 FTE's over the 8-year development period.

Lifetime economic benefits

- 5.33. The project will provide land and commercial lease spaces for neighbourhood centre/local services activities and light industrial / service / trade supply activities. This will have the effect of in turn providing jobs for service professionals in the local area.
- 5.34. In addition, the project will provide an estimated 825 FTE jobs once completed. These employment outcomes will support economic resilience and growth across the Auckland Region.

Other Economic Benefits

- 5.35. In addition to these quantifiable regional contributions, the Economic Impact Assessment (Attachment 10) identified that the Project is also expected to generate a wide range of qualitative economic benefits for the broader market and communities, including the matters identified in paragraph 4.18 above.

- 5.36. The economic benefits of the Project would extend well beyond the construction phase of the project itself and would deliver a unique range of wider economic benefits that cumulate annually over the economic life of the assets. Property Economics has confirmed that advancing the proposed development, given its scale, would yield economic benefits for the Auckland regional economy and senior community that are significant, not just the local Clarks Beach market and community.

The Project will support climate change mitigation, including the reduction or removal of greenhouse gas emissions (Referral Application Section 2.6.2.9)

- 5.37. Once completed, the Project is expected to reduce the distance travelled by some Clarks Beach residents to get to work and to local services and retail (thus reducing Vehicle Kilometres Travelled and consequently CO2 emissions from vehicles).
- 5.38. In addition the project will:
- (a) utilise local contractors as much as possible;
 - (b) utilise local suppliers as much as possible;
 - (c) utilise renewable energy solutions on buildings such as solar panels and EV charging;
 - (d) utilise water reuse options as much as possible;
 - (e) eco-source the planting as far as practicable (and depending on timing may be able to co-locate growing facilities with an onsite garden centre),.
- 5.39. The Project will provide for active modes of transportation to access the site, including extensions to the existing pedestrian/cycling network and communal charging facilities for EV vehicles/bicycles/scooters etc in the car parking area.
- 5.40. These cumulative reductions align with New Zealand's national carbon targets and contribute to climate change mitigation.

The Project will support climate change adaptation, reduce risks arising from natural hazards, or support recovery from events caused by natural hazards (Referral Application Section 2.6.2.10)

- 5.41. The LDE Assessment (Attachment 11) addresses the risk of geotechnical and coastal hazards. Specifically:
- (a) Earthworks and future development works would be undertaken to ensure that potential effects on land stability are minimised.
 - (b) The potential for future sea level rise and coastal erosion hazards will be accounted for with appropriate setbacks from the coastal hazard area .
- 5.42. Climate change effects have been accounted for in the discussion above on sea level rise and coastal erosion.
- 5.43. All stormwater devices to be utilised on the site will also be designed to account for climate change.

The project address significant environmental issues (Referral Application Section 2.6.2.11)

- 5.44. Access to housing is a significant environmental issue. The project addresses this through:
- (a) The proposed Frontline Heroes Affordable Shared Equity Programme which will significantly lower the entry barrier to home ownership, and will provide more affordable housing for those who qualify under the scheme. Even households that could service a mortgage sometimes struggle to save the required 20% deposit. As outlined in the Economic Impact Assessment in Attachment 10, the average time to save for a deposit is around 10 years. The Project can therefore help bridge the gap between what Front-Line Heroes can borrow and the reality of Auckland's housing market, enabling them to purchase locally rather than being priced out of communities they serve.
 - (b) Within the Auckland Region the number of residents over 75 years is expected to more than double within the next 25 years. This creates a significant demand for retirement villages and the opportunity to deliver relatively novel multi-generational living environments that are safe and inclusive.
 - (c) The delivery of 700-800 allotments for dwellings of various types represents an increase in the overall residential capacity for the local and broader regional market and contributes to accommodating anticipated population growth. The retirement village which addresses an identified need for more care support living, driven by the increase in Auckland's ageing population over the coming decades, and in an area which is not particularly well-served by existing retirement villages
 - (d) The proposed increase in housing supply may lead to downward pressure on house prices, benefiting first home buyers and renters. This increase in supply would help create a more balanced housing market, making home ownership more attainable and easing the financial burden on renters.
- 5.45. The existing Clarks Beach settlement is not a well-functioning urban area in its own right, which is a significant environmental issue for the existing community that has established there.
- 5.46. The current urban zoned areas within Clarks Beach enable small scale neighbourhood centres (via zoning), open space and residential activities only. There is no zoning available for light industrial / service / trade supply activities, and despite having neighbourhood centre zones, those zones have only been developed for small scale local service activities. The area is highly reliant on private vehicles and there currently no public transport options. A regular bus service will commence in 2026 between Clarks Beach and Papakura only). This means that the current environment is a commuter suburb of Auckland only.
- 5.47. The provision of local employment (during construction and once the development is completed) combined with the provision of access to local services (e.g healthcare) will provide an alternative options for residents who currently have to travel outside of the area (and up to 25 minutes away) to access basic services.
- 5.48. The project support both the provision of infrastructure (through public and private infrastructure solutions) and additional infrastructure, including public open space and community infrastructure (through provision of green corridor walkways and coastal walkways and the coastal park) and social infrastructure.

6. PROJECT DETAILS

6.1. The following sections provide the required responses to the following matters:

- Section 3.0: For construction activities, please state the anticipated commencement and completion dates:
- Section 3.1: Approvals Required

Commencement and Completion Dates (Referral Application Section 3.0)

6.2. The applicant has existing funding that is set aside for the delivery of this project. It therefore has strong levels of control over the timing of the Project.

6.3. The applicant will be able to carefully manage the design and quality of construction and it is experienced in these areas.

6.4. Detailed design planning will begin immediately following referral of the application into the Fast-track Approvals process. The final design and layout will be refined with technical input from a range of different expert consultancies as the substantive application is finalised for submission.

6.5. Once consents are granted, pre-start conditions and management plans will be satisfied and complied with, so that earthworks could begin in the first available construction season, or at an earlier stage if winter earthworks approvals can be obtained. Construction of buildings will then begin following completion of earthworks to align with the sequencing outlined in the response to the Referral Application Section 3.2. and 3.2.1, this is expected to begin as soon as earthworks is complete with full completion of the project expected in 8 years.

6.6. Funding is available to meet the timelines that are outlined, as identified above.

Approvals Required (Referral Application Sections 3.1, 3.1.1, 3.1.3, 3.1.4, 3.1.6)

Approvals sought under the Resource Management Act 1991

6.7. The Project requires consents under the following sections of the RMA:

- (a) Section 9: Land Use
- (b) Section 11: Subdivision
- (c) Sections 12: Coastal
- (d) Section 13: River and lake beds
- (e) Section 14: Water
- (f) Section 15: Discharges

6.8. A fuller assessment of the individual consents sought under the Auckland Unitary Plan and relevant National Environmental Standards is contained in the Planning Memorandum in Attachment 9.

Approvals sought under the Reserves Act 1977

- 6.9. For the avoidance of doubt this Application does not seek any approvals under the Reserves Act 1977 for use of, and works in, local purpose (esplanade) reserves. These matters will be addressed separately with the Local Board (as to which see below).

Approvals sought under the Wildlife Act 1953

- 6.10. For the avoidance of doubt this Application does not seek any approvals under the Wildlife Act. If such permits are deemed to be required through investigations undertaken as part of the substantive application, permits will be sought separately.

Approvals sought under the Heritage New Zealand Pouhere Taonga Act 2014

- 6.11. The Project will require an Archaeological Authority and Approval of a person to carry out an archaeological activity under the Heritage New Zealand Pouhere Taonga Act 2014.

Other types of consents, certificates, designations, concessions, and other legal authorisations.

- 6.12. Any works on land owned by Auckland Council relate to coastal edge enhancement and will be sought utilising the Council's usual Landowner Approval process. Should Auckland Council not provide landowner approval for works, edge enhancement and walkways will still occur on the applicant's land which is to be vested as esplanade reserve as part of the Project (i.e this does not affect the delivery of the Project).
- 6.13. Auckland Transport and Auckland Council have advised that it is their preference that the vested road adjacent to the coastal marine area be legally stopped under the Local Government Act or Public Works Act and then vested or transferred as esplanade reserve under the Reserves Act. This process can occur at any time and is not required to be undertaken for the Project to proceed. Other subdivision in the area has occurred before road stopping has occurred.
- 6.14. A licence to have private infrastructure (water and wastewater pipes) within the road reserve is required under section 357(1) of the Local Government Act 1974 and Part 3 of the Auckland Transport Activities in the Road Corridor Bylaw 2022. This authorisation will be sought directly through Auckland Transport and the applicant is well-versed in this process, having undertaken such processes for its water supply infrastructure at Beachlands.

7. PROJECT STAGES

7.1. The following sections provide the required responses to the following matters:

- 3.2 Project Stages
- 3.2.1 If the Project is planned to proceed in stages, provide:

A statement of either the project is planned to proceed in in stages, including:

a. an outline of the nature, scale and timing of the stages; and

b. a statement of whether you intend to lodge a separate substantive application for each of the stages

i. If a substantive application is intended to be lodged for each stage, address the questions under the section (Appropriateness for fast track approvals process) for each stage of the project.

7.2. The Project is to be consented in a single stage (and via one substantive application).

7.3. However, construction and the release of titles for subdivision will be sequenced. The development sequencing is shown in Attachment 17 (Urban Design) and replicated below.



Sequencing

Indicative Sequencing

Development sequencing is illustrated (indicatively), seeking to enable the “front door” to be established and boundary planting undertaken early to provide time for establishment and benefit, while balancing infrastructure costs with residential dwellings and a commercial opportunities. Earthworks and infrastructure installation may result different to the sequencing of the land use development. Final stormwater management design may also result in changes to the sequence boundaries.

- S1 - Clarks Beach Road upgrade with roundabout installation, Orawaahi Road part 1, eastern and western boundary planting, and stormwater device
- S2 - First portion of retirement village
- S3 - Wetland and stormwater, second portion of retirement village and circa 60 dwellings
- S4 - First portion of village centre and employment, third portion of retirement village, circa 120 dwellings, stream enhancement, stormwater devices, roading, portion of esplanade reserve.
- S5 - Second roundabout, Clarks Beach Road upgrade, village centre and employment, roads, park and circa 200 dwellings
- S6 - Esplanade upgrade, cultural centre, remaining dwellings

Image: Sequencing of development

- 7.4. The proposed sequencing is indicative only and subject to change based on detailed technical assessments, infrastructure investigations, and further design refinement as part of any substantive application. Final sequencing will be confirmed and determined through the substantive application process.
- 7.5. As only one substantive application will be lodged, there is no requirement to assess each delivery sequence against the questions identified under the section titled *Appropriateness for fast track approvals process* in the standard form template.

8. PERSONS AFFECTED

8.1. The following sections provide the required responses to the following matters:

- 3.5.1 Provide a list of persons, groups and/or entities who you consider are likely to be affected by the project;
- 3.5.2 Provide a summary of consultation undertaken with the above persons and/or groups who you consider are likely to be affected by the project, and any other groups required to be consulted with under section 11 of the Act and how the consultation has informed the project
- 3.5.3 List any Treaty settlements that apply to the project area and provide a summary of the relevant principles and provisions in those settlements

Persons, Group, Entities likely to be affected (Referral Application Section 3.5.1)

8.2. The persons likely to be affected are as follows:

- (a) The iwi authorities⁴ whose area of interest includes the area in which the project is located are:
 - (i) Ngāti Tamaoho Trust, representing Ngāti Tamaoho iwi;
 - (ii) Te Ara Rangatu o Te Iwi o Ngaati Te Ata Waiohua, representing Ngaati Te Ata iwi;
 - (iii) Makaurau Marae Māori Trust, representing Te Ahiwaru - Waiohua iwi;
 - (iv) Te Ākitai Waiohua Iwi Authority, representing Te Ākitai - Waiohua iwi;
 - (v) Te Whakakitenga o Waikato Inc, representing Waikato Tainui iwi.
- (b) Auckland Council governing body and Franklin Local Board (as owners of the esplanade reserve)
- (c) Auckland Transport (as owners of land vested as road)

Summary of Consultation (Referral Application Section 3.5.2)

8.3. Attachment 7 contains a Record of Engagement summarising all consultation undertaken.

8.4. The applicant has contacted all relevant iwi authorities (identified above), relevant applicants for CMT, and those additional iwi groups identified on Auckland Council's website as having an interest in the project area.⁵

⁴ <https://www.tkm.govt.nz/>

⁵ (<https://www.aucklandcouncil.govt.nz/building-and-consents/resource-consents/prepare-resource-consent-application/Pages/find-hapu-iwi-contacts-for-your-area.aspx>)

8.5. The applicant has also been in contact with Auckland Council and Franklin Local Board in respect of its aspiration for the Project. The Local Board generally supported the need for local employment and strongly supported the Frontline Heroes Affordable Shared Equity Programme.

8.6. The applicant has also engaged with the following administering agencies:

- (a) Heritage New Zealand Pouhere Taonga (“Heritage NZ”).
- (b) Ministry for the Environment (“MfE”).

How consultation has informed the Project (Referral Application Section 3.5.2)

8.7. Various feedback received through consultation has shaped the project so far. These include:

Mana Whenua

The proposals referred in paragraph 2.3 (6) above. **Auckland Council and CCO’s**

- (a) Various changes relating to vehicle access on the masterplan (based on consultation with Auckland Transport);
- (b) During consultation with Auckland Council, various updates to technical memoranda regarding effects were updated from draft versions. These changes include transport matters and clarity on stormwater management for industrial activities and been incorporated in Attachments 13 and 16.
- (c) Potential provision for private wastewater solutions and water supply solutions (based on consultation with Watercare and Auckland Council) noting that Watercare has expressed a willingness to work with the applicant to explore the provision of services for the development if approved (refer to the letter in Attachment 5) and already intends to install services within the land;

Heritage NZ

- (d) Heritage NZ requested minor clarifications to the Archaeology Report. Those amendments were made to the Archaeology Report (Attachment 12).

Treaty Settlements (Referral Application Section 3.5.3)

8.8. There are no Treaty Settlement Statutory Acknowledgement areas identified by Auckland Council over the Project Area or the surrounding neighbourhood.

8.9. A Statutory Acknowledgement area for Ngati Tamaoho is in place over the Manukau Harbour that surrounds all of Clarks Beach.

8.10. A Statutory Acknowledgement area for Ngai Tai ki Tamaki is in place over the eastern portion of the Manukau Harbour, that is located to the north east of the Project Area.

- 8.11. Neither of these directly apply to the Project Area addressed in this application, however the Project does have the potential to affect these areas, due to potential for effects on the Manukau Harbour as a result of treated stormwater and wastewater discharges ultimately to the coastal marine area and due to the possibility of minor coastal works for scour and erosion protection at stream outlets.
- 8.12. The application falls within areas of interest covered by the following Treaty Settlements:
- (a) Ngāti Tamaoho Deed of Settlement 2017 (signed on 30 April 2017)
 - (b) Te Ākitai Waiohū Deed of Settlement 2021 (signed on 12 November 2021). The related iwi authority is Te Ākitai Waiohū Iwi Authority.
- 8.13. The relevant principles and provisions of these settlements are set out below.
- 8.14. The sites fall

Ngāti Tamaoho Deed of Settlement (signed 30 April 2017)

- 8.15. The Deed of Settlement acknowledges that Ngāti Tamaoho suffered injustices that impaired the economic, social and cultural development of Ngāti Tamaoho and recorded the matters required to give effect to a settlement of all the historical claims of Ngāti Tamaoho.
- 8.16. The Settlement seeks to provide redress to Ngāti Tamaoho in the form of land and money, an agreed historical account, statutory acknowledgements, a deed of recognition, name changes to certain sites of interest, relationship agreements with government agencies, and an apology from the Crown.
- 8.17. There are a number of protocols and relationship agreements provided for by the Deed, including:
- (a) A Crown Minerals protocol, the subject matter of which is not relevant to the application.
 - (b) A taonga tūturu protocol.
 - (c) A relationship agreement with the Minister of Conservation and the Director-General of Conservation. This states that in administering the conservation legislation Te Papa Atawhai (the Department of Conservation) must give effect to the principles of Te Tiriti o Waitangi in accordance with section 4 of the Conservation Act, which is deemed to include involving Ngāti Tamaoho in conservation decision making in matters of importance to them, ensuring Ngāti Tamaoho interests are fairly reflected. That will involve Ngāti Tamaoho and Te Papa Atawhai identifying the types of decisions that Ngāti Tamaoho will be involved in; Ngāti Tamaoho and Te Papa Atawhai maintaining open exchanges of information; Te Papa Atawhai providing Ngāti Tamaoho sufficient information and time for Ngāti Tamaoho to identify the nature and extent of their interest in an issue, while taking into account the importance of timely and efficient decision-making; and Te Papa Atawhai providing feedback on how Ngāti Tamaoho interests have been reflected in particular decisions (clause 1.7). The deed states that Ngāti Tamaoho is particularly interested in exploring and increasing opportunities to work more closely with te Papa Atawhai in relation to range of management activities including reserves management; statutory authorisations and marine mammals. This may have relevance to the application for a wildlife approval.

- (d) A relationship agreement with the Ministry for the Environment. This applies to all functions, powers, responsibilities and actions of the Secretary for the Environment that are exercised in relation to managing the use, development and protection of natural and physical resources within, or that affect, the Ngāti Tamaoho Area of Interest. It sets out ways in which to establish and maintain effective and efficient communication; including provision for an annual relationship meeting.
- 8.18. This Treaty settlement contains protocols and relationship agreements with the following agencies/Ministers that may be relevant to the project site: Ministry for Culture and Heritage (via Taonga Tūturu protocol), Department of Conservation, Ministry for the Environment and Minister for Energy and Resources.
- 8.19. There are no deeds of recognition or statutory acknowledgements over the site. However, it is noted that the Coastal Marine Area statutory acknowledgment area is limited to the Manukau Harbour and parts of the Waitemata Harbour, which may be impacted by the proposal, given the site's proximity to the Manukau Harbour and the potential for stormwater discharges to the coastal marine area.

Te Ākitai Waiohua Deed of Settlement 2021 (signed on 12 November 2021)

- 8.20. The Te Ākitai Waiohua Deed of Settlement was initialled on 23 December 2022 and was signed on 12 November 2021. The Deed is conditional on the enactment of settlement legislation. The Deed acknowledges that Te Ākitai Waiohua suffered injustices that impaired the economic, social and cultural development of Te Ākitai Waiohua and records the matters required to give effect to a settlement of all the historical claims of Te Ākitai Waiohua.
- 8.21. The Land Settlement provides redress to Te Ākitai Waiohua in the form of land, money, the right of first refusal of Crown lands, leaseback agreements, statutory acknowledgements, letters of introduction to certain Ministers/crown agencies, organisations and the Auckland Council, an agreed historical account, agreements with MPI with respect to fisheries, statements of association, relationship agreements with government agencies, and an apology from the Crown. The settlement does not provide for redress in relation to the Manukau or Waitemata Harbours. Agreement has been reached to address this relationship in the future.
- 8.22. The statements of association set out in the documents attached to the Deed explains that the shores of Hikurangi (Waitakere Ranges) and the Hauraki Gulf (Tikapa Moana) through to the Manukau and Waitematā Harbours, are vital coastal areas to Te Ākitai Waiohua. Te Ākitai Waiohua maintains an enduring association with the coastal marine area, incorporating the western coast of Hikurangi from Woodhill in the north, to Whatipu in the south, through to the Manukau Harbour in its entirety, across to the Waitematā Harbour and out to the Hauraki Gulf, from Whangaparaoa in the north to Orere Point in the south ('the Coastal Area'). The statement of association states that the Coastal Area was the primary means of obtaining fresh kaimoana. It also refers to various species of migratory birds that nest along the shores of the coastal area. The Coastal Area was a crucial means of transportation by waka throughout the region and it was and continues to be a vital transport route facilitating travel, exploration, communication and trade throughout Tāmaki Makaurau. The waters of the Coastal Area are seen as a living entity with its own mauri and mana, representative of the iwi associated with these waters. The various bodies of water have their own taniwha or spiritual guardians associated with them. The Coastal Area is seen as a taonga of great cultural and spiritual significance to Te Akitai Waiohua.

- 8.23. We note that this coastal statutory acknowledgement area is not yet identified on the Auckland Unitary Plan maps, as the deed is conditional on the enactment of settlement legislation and no settlement legislation appears to have been passed.
- 8.24. There are a number of protocols and relationship agreements provided for by the deed, including:
- (a) A Crown Minerals protocol (not relevant to the application).
 - (b) A taonga tūturu protocol.
 - (c) A relationship agreement with the Minister of Conservation and the Director General of Conservation. This states that in giving effect to section 4 of the Conservation Act the Department will seek to involve Te Ākitai Waiohua in conservation decision making of importance to them, ensuring Te Ākitai Waiohua interests are considered. This may be relevant to the wildlife approval.
 - (d) A relationship agreement with the Ministry for the Environment. This applies to all functions, powers, responsibilities and actions of the Secretary for the Environment that are exercised in relation to managing the use, development and protection of natural and physical resources within, or that affect, the Te Ākitai Waiohua Area of Interest. It sets out ways in which to establish and maintain effective and efficient communication; including provision for an annual relationship meeting.

Unsettled Claims

- 8.25. The claims of Waikato-Tainui (within the Auckland region) and Ngaati Te Ata are yet to be settled. Information from Te Kauī Mangai confirms the project location is within the area of interest for these groups (although the areas of interest may be refined and confirmed throughout the course of treaty settlement negotiations).
- 8.26. Waikato-Tainui is an iwi whose remaining area of interest (which excludes those already settled) includes the project site based on the areas of interest for the remaining historical Treaty of Waitangi claims of the March 2020 Waikato-Tainui Remaining Claims mandate. Waikato-Tainui and the Crown signed this Terms of Negotiation on 14 December 2020 to begin negotiations to settle remaining historical Treaty of Waitangi claims on behalf of Waikato-Tainui. These negotiations are ongoing, the area of interest for the remaining claims includes the proposed project location.
- 8.27. With respect to Ngaati Te Ata, available information suggests the proposed project location may be within the area of interest for Ngaati Te Ata who have a Terms of Negotiation with the Crown (Ngaati Te Ata 2010 Terms of Negotiation). They are yet to settle their historical Treaty of Waitangi claims and so the area of interest of the group is not confirmed through a Treaty settlement. Note this area of interest may be refined and confirmed throughout the course of Treaty settlement negotiations.

- 8.28. A public announcement was made on 5 November 2025 that 500 members of Ngāti Paoa had travelled to Parliament to witness the third reading of the Ngāti Pāoa Claims Settlement Bill. Ngāti Paoa is not identified on the Te Puni Kokiri website as an iwi with an interest over the site, however Auckland Council identifies them as a mana whenua with interests in this location. The Minister for Treaty of Waitangi Negotiations said in the settlement that the Crown acknowledged the effects of its actions including raupatu (confiscation), the impact of the Native Land Courts and Crown purchasing which left Ngāti Pāoa virtually landless. The settlement includes \$23.5 million in financial redress, the opportunity to purchase seven commercial properties and the return of 12 cultural sites of significance, including sites for a marae and papakainga development in Point England (Auckland). The passing of the third reading will enable this settlement bill to be enacted.
- 8.29. Te Ahiwaru – Waiohua is not identified on the Te Puni Kokiri website as an iwi with an interest over the site, however Auckland Council identifies them as a mana whenua with interests in this location. The information available indicates that Te Ahiwaru – Waiohua does not currently have a completed Treaty of Waitangi settlement with the Crown (they are working to be included in a future settlement).
- 8.30. Note until settlements are recognised in legislation, an area of interest may be refined and confirmed throughout the course of Treaty settlement negotiations.

9. LEGAL INTERESTS

9.1. The following sections provide the required responses to the following matters:

- 3.6.1 Provide a description of any legal interests you or any others applying, have in the land on which the project will occur, including and statement of how that affects your ability to undertake the work. ‘

156 Clarks Beach Road

9.2. A copy of the agreement between the owner of 156 Clarks Beach Road and the Applicant is provided at Attachment 20 which confirms that ownership will not affect the ability to deliver the project.

Lot 11 DP 492623 (which has no street address) and 50 Sydney Owen Road (Lot 7 DP492607)

9.3. Byerley Park Limited is the owner of the Lot 11 DP 492623 and 50 Sydney Owen Road (Lot 7 DP492607). This is a sister company to Knight Investment Limited. Authorisation to utilise the water take authorisation and undertake works on the sites is inherently provided.

Auckland Council/Auckland Transport

9.4. See paragraphs 6.12 to 6.14 above.

10. OTHER MATTERS

10.1. The following sections provide the required responses to the following matters:

- Section 3.7.1: Have the activities included in the project, or any that are substantially the same as those involved in the project, previously been the subject of an application or a decision under a specified Act?
- Section 3.7.4 Provide a description of whether and how the project would be affected by climate change and natural hazards

Previous Applications / Decisions (Referral Application Section 3.7.1)

WAT60315288

10.2. Byerly Park Limited is the owner of Lot 11 DP 492623 and currently holds a resource consent reference WAT60315288 by Auckland Council.⁶ A copy of this consent is provided as Attachment 21.

10.3. WAT60315288 authorises the take and use up to 500m³/day and 50,000m³/year of groundwater.

10.4. This Project includes provision for all of the following:

- (a) A new consent held by the applicant for the take of the same volume of groundwater as WAT60315288 to either supersede WAT60315288 or tie any new take to the existing take via conditions that the total cumulative volume is not exceeded across the two consents; and
- (b) A change of conditions to WAT60315288 to incorporate any change required by (a); and
- (c) A new consent held by the applicant for water take from this site, should capacity in the aquifer become available.

Lodged Subdivision Consent for 115 Clarks Beach Road

10.5. The Applicant has lodged with Auckland Council an application for subdivision and associated works on land at 115 Clarks Beach Road.⁷ The application is on hold pending responses to the request for further information requested under s 92 under the RMA. The lodged subdivision application does include works which “overlap” with this application, but which are not considered to be “competing”. These are:

- (a) Urban upgrades to the northern side of Clarks Beach Road frontage (adjacent to the Project Site).
- (b) A new roundabout in the same location as that proposed by this Project.

⁶ It is acknowledged that the Resource Consent refers to Lot 11 Deposited Plan 485009. This is a **prior reference** to Lot 11 DP 492623 as the land was subsequently subdivided. The relevant bore and “take” occur on land is now legally described as Lot 11 DP 492623.

⁷ Lot 1020 DP 578599, Lot 1012 DP 573987, Lot 1018 DP 573987, Lot 1001 DP 560664, Lot 1003 DP 560664, Lot 801 DP 526153, Lot 200 DP 567326, 9/14 SH Lot 300 DP 526153, 4/23 SH Lot 100 DP 560664

- (c) Some upgrades to the southern side of Clarks Beach Road frontage (directly in front of the Project Site) to tie in the proposed roundabout.
- 10.6. The timing of issue of the Stages 8-15 resource consent will influence whether the Project will need include the above works to enable the works to be undertaken. Should the consent be issued then the Project will utilise these works and “add to them” to urbanise the southern berm of Clarks Beach Road and to add the required intersections to access the Project.

How the project would be affected by climate change and natural hazards (Referral Application Section 3.7.4)

- 10.7. The LDE Assessment (Attachment 11) addresses the risk of geotechnical and coastal hazards. Specifically:
- (a) Earthworks and future development works would be undertaken to ensure that potential effects on land stability are minimised.
 - (b) The potential for future sea level rise and coastal erosion hazards will be accounted for with appropriate setbacks from the coastal hazard area .
- 10.8. Climate change effects have been accounted for in the discussion above on sea level rise and coastal erosion.
- 10.9. The risk of on-site flooding, can be managed via a comprehensive Stormwater Management Plan (as detailed in Attachment 13). As the site runs effectively from the ridgeline to the sea, this cannot create any upstream or downstream effects. Provision for overland flow paths will be accounted for in the final design. All engineering infrastructure will be sized and designed to allow for the impacts of climate change on natural hazards.