

## FTAA-2512-1152: Application received for referral of the project under the Fast-track Approvals Act 2024 – Stage 2 decisions

### Project Name: Ngā Wairau - Stage 1

|                 |               |                       |        |
|-----------------|---------------|-----------------------|--------|
| Date submitted: | 17 April 2026 | Tracking #: BRF-00903 |        |
| Security level: | In-Confidence | MfE priority:         | Urgent |

|  |                             |                     |
|--|-----------------------------|---------------------|
|  | <b>Action sought:</b>       | <b>Response by:</b> |
| To Hon Chris Bishop, Minister for Infrastructure | Decision on recommendations | 22 April 2026       |

|                                     |   |
|-------------------------------------|---|
| Actions for Minister's Office staff | <p><b>Return</b> the signed briefing to: <a href="mailto:FTAreferrals@mfe.govt.nz">FTAreferrals@mfe.govt.nz</a></p> <p><b>Approve</b> the attached notice of decisions letter.</p>  |
| Number of appendices: 7             | <p>Appendices:</p> <ol style="list-style-type: none"> <li>1. Statutory framework for making decisions</li> <li>2. Application documents for Ngā Wairau - Stage 1</li> <li>3. Stage 1 Briefing Note and decisions</li> <li>4. Section 18 Report on Treaty settlements and other obligations</li> <li>5. Section 19 Report in relation to use of Public Conservation Land</li> <li>6. Comments received from all parties the Minister sought comments from</li> <li>7. Draft Notice of Decisions</li> </ol> |

### Ministry for the Environment contacts

| Position               | Name            | Cell phone | 1 <sup>st</sup> contact |
|------------------------|-----------------|------------|-------------------------|
| Principal Author       | Rebecca Burton  |            |                         |
| Acting Manager         | Ben Bunting     | s 9(2)(a)  | ✓                       |
| Acting General Manager | Stephanie Frame | s 9(2)(a)  |                         |

## Project location

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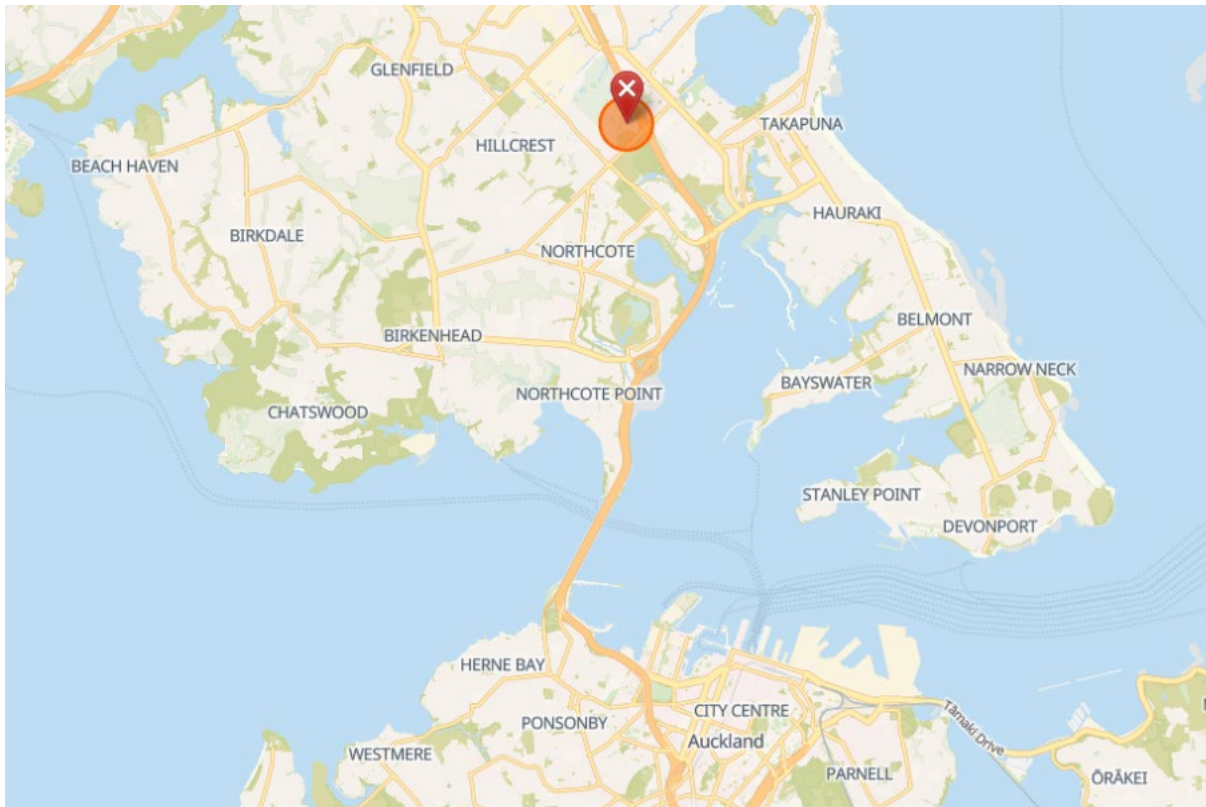


Figure 1: Site location illustrated by red point

## Key messages

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1. This briefing seeks your decisions under section 21 of the Fast-track Approvals Act 2024 (the Act) on the application from Auckland Council, (the applicant) to refer the Ngā Wairau – Stage 1 project (the project) to the fast-track approvals process.
2. A copy of the application is in Appendix 2. This is the second briefing on this application, the first (Stage 1) briefing (BRF- 00060) with your initial decisions annotated is in Appendix 3.
3. The project involves the development of flood resilience infrastructure across approximately 50.91 hectares of reserve land within A F Thomas Park, located in Wairau Valley, Auckland.
4. The project comprises:
  - a. flood resilience infrastructure works, including:
    - i. excavation of the park to increase flood storage capacity
    - ii. creation of a wetland and dry flood storage areas
    - iii. modifications to an existing dam (reducing height, increasing storage, adding spillway)
    - iv. construction of a new spillway channel to optimise flood flow storage and release
    - v. stream reclamation and diversion of waterways
    - vi. vegetation removal and ground reshaping



- f. Ngāti Tamaoho Claims Settlement Act 2018
  - g. Ngāti Pāoa Claims Settlement Act 2025
  - h. Te Patukirikiri Iwi deed of settlement signed 7 October 2018 and
  - i. Te Ākitai Waiohūa deed of settlement signed 12 November 2021.
14. Te Kawerau Iwi Trust provided feedback on the application saying that their recommendations and input can be provided at further stages in the process, as Te Kawerau ā Maki has ongoing engagement with the project.
15. The Minister for Māori Development and the Minister for Māori Crown Relations: Te Arawhiti support the application for referral. The Ministers also encourage the applicant to consider ongoing engagement with the relevant Māori rōpū identified at Attachment 3 of this section 18 report.
16. We do not consider there are any matters raised in this report which make it more appropriate for the proposed approvals to be authorised under another Act or Acts.

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

17. Should you decide to accept this referral application, under section 16(2)(c) of the Act we propose you direct any panel considering a substantive application for the project to:
- a. comply with the consultation process set out in the Ngā Mana Whenua o Tāmaki Makaurau conservation relationship agreement when engaging with Tūpuna Taonga o Tāmaki Makaurau Trust on the Wildlife Act 1953 approvals being sought (unless a modified arrangement can be agreed);
  - b. comply with the consultation process set out in Te Kawenata Taiao o Ngāti Whātua o Kaipara – Conservation Charter when engaging with Ngāti Whātua o Kaipara; and
  - c. consider whether, and how, to apply the consultation process set out in the Ngā Mana Whenua o Tāmaki Makaurau conservation relationship agreement when engaging with the relevant iwi members of the Tāmaki Collective.

### **Section 19 Report in relation to use of public conservation land**

18. As the area includes public conservation land (PCL), the Director-General of Conservation has prepared a report (Appendix 5) which sets out:
- a. The following existing arrangements for the administration, access to, or use of PCL:
    - i. Lots 1,3,4 and 8 DP 150598 are vested with Auckland Council (AC) and leased to Takapuna Golf Course Ltd as a combination of Recreation reserve, Local Purpose (parking and community use) Reserve, Local Purpose (accessway Reserve and Local Purpose (community building) Reserve. Public access is available to and through these parcels.
    - ii. Lots 2 DP 150598 and Pt Allotment 103 Parish of Takapuna are vested with AC and leased to Eventfinda Stadium as a Local Purpose (community building and wastewater) Reserve. Public access is available to and through these parcels.
    - iii. Lot 5 DP 150598 is vested with AC and leased to Hato Hone St John as Recreation Reserve. Public access is available to and through this parcel.
    - iv. Lot 6 DP 150598 is vested with AC and leased to Sunnybrae Bowling Club as a Recreation reserve. Public access is available to and through this parcel.

- v. Lot 7 DP 150598 is vested with AC and leased to Shore Archery Club as a Recreation reserve. Public access is available to and through this parcel.
  - b. The following risks and potential liabilities to the Crown that relate to any proposed approvals of the kind described in section 42(4)(e), (f), (l) or (m):
    - i. the Department of Conservation (DOC) understands none of these approvals are sought by the applicant, therefore no risks or liabilities arise.
  - c. The report highlights the following potential risks;
    - i. non-completion or failure of activities on PCL resulting in land disturbance, contamination and sedimentation, hazards, stranded assets and infrastructure can create significant financial, legal, health and safety, and reputational risk for the Crown. It can also create significant demand on DOC resources in terms of staff time and operating budget with respect to Crown land, and upon local authorities in relation to other PCL. The report considers that in this instance the risk of this occurring is low.
    - ii. If the fast-tracked activity frustrates pre-existing actors operating with lawful authority from carrying out activities on the land, the Crown is exposed to legal, financial and reputational risk.
    - iii. frustration of concessions in the form of permits and other statutory authorisations that do not create an interest in land may lead to compensation orders and costs. This report highlights that Schedule 6 cl 7(3)(b) of the Act states that approval must be declined if “giving effect to the approval would result in the conferral of an interest in land that is incompatible with an existing interest in land. DOC considers the risk to the Crown of this occurring to be low.
19. The report notes that AC is both the proponent of this application (and therefore the author of the application documents) as well as the owner of the underlying parcels, and has submitted a record of pre-lodgement consultation with each of the lessees listed above and as such it is considered that the requirement to consult under s19(2)(a) and (b) has been met.
20. The report did not include any recommendations regarding your decision or directions to the applicant or a panel.

### **Written comments received**

21. Comments were received from:
- a. Relevant local authorities - AC, including Auckland Transport (AT), Watercare Services Limited (WSL), and the Kaipātiki Local Board.
  - b. Ministers – the Minister for Economic Growth and the Minister for Regional Development
  - c. Relevant administering agencies - Department of Conservation (DOC)
  - d. The Māori groups identified in the list provided to the Minister - Nga Maunga Whakahii o Kaipara Development Trust and Te Kawerau a Maki
  - e. Other persons/groups - NZ Transport Agency Waka Kotahi (NZTA).
22. Comments from Māori groups and Minister for Māori Development and the Minister for Māori Crown Relations: Te Arawhiti are summarised in the attached section 18 report. The key points relevant to your decision-making are outlined in Table A, with a summary provided below:

- a. AC support the use of the fast-track process for the project given the urgency of the need for improvements to the Wairau Catchment flood resilience in terms of risk to life. AC considers that the project will deliver regionally significant infrastructure and improve resilience by improving flood storage capacity within the catchment
- b. WSL, AT and the Kaipātiki Local Board requested the applicant be required to submit further information relating to construction, traffic management, flood management assessment and climate change modelling as part of the substantive application
- c. the Minister for Economic Growth endorsed the project noting that the project helps prevent the loss of life, injury and damage to residential and critical infrastructure. Whilst no direct economic benefits result from the project the Minister notes that the project will strengthen economic resilience
- d. the Minister for Regional Development noted that the project will provide important resilience benefits to the Auckland region, in particular from the protection of critical infrastructure and community assets. These outcomes align with the intentions of the Regional Development portfolio
- e. DOC did not identify any reason why this project should not be referred and noted that the Auckland Conservation Management Strategy (2014) is applicable to the project. DOC stated that the Wildlife Act approval sought as part of this application does not appear inconsistent with this strategy
- f. NZTA supported the project noting that it will reduce the risk of flooding on State Highway 1 (SH1) and the Northern Busway during significant rainfall events, and requested you require the applicant to provide further information on the management of flood risks during construction with a substantive application.

### **Reasons to decline**

23. The statutory framework in Appendix 1 sets out the situations where you must decline the application for referral under section 21(3).
24. 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.
25. 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.
26. We consider the applicant has provided adequate information for consideration of the referral application and that any potential significant adverse effects can be assessed by the expert panel at the substantive stage with the benefit of a full application including an assessment of environmental effects.
27. As outlined in Table A below, we have considered the relevant matters and have not identified any grounds that would require you to decline the application.

### **Reasons to accept**

28. 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.
29. 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 an infrastructure project that would have significant regional benefits because it:
  - i. is a priority project in a central or local government, or sector plan or strategy or a central government infrastructure priority list [s22(2)(a)(i)] – the project is listed as a key priority project for delivery within the Auckland Council Annual Plan 2025-2026
  - ii. will deliver new regionally or nationally significant infrastructure and enable the continued functioning of existing regionally or nationally significant infrastructure [s22(2)(a)(ii)] - the project delivers regionally significant flood management infrastructure through approximately 550,000 cubic metres of additional flood storage capacity, directly addressing demonstrated natural hazard risk and supporting recovery from the 2023 Auckland Anniversary floods. The project enables the continued functioning of existing regionally and nationally significant infrastructure including wastewater assets, State Highway 1 and electricity infrastructure
  - iii. will support climate change adaptation, reduce risks arising from natural hazards, or support recovery from events caused by natural hazards [s22(2)(a)(viii)] - the project will deliver significant climate change adaptation and natural hazard risk reduction benefits. The project will increase flood storage capacity by approximately 550,000 cubic metres, directly addressing the severe flooding experienced in the Wairau catchment during the 2023 Auckland Anniversary event
  - iv. will address significant environmental issues [s22(2)(a)(ix)] - the project will address flooding caused by natural rain events and associated overland flow paths. The project intends to mitigate the adverse effects associated with these events and minimise the risk to property and human safety
  - v. is consistent with local or regional planning documents, including spatial strategies [s22(2)(a)(x)] – the project is consistent with key objectives and policies of the Auckland Regional Policy Statement, Auckland Unitary Plan, and relevant National Policy Statements.
- 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 Act are significantly shorter than under the RMA, the Act precludes public and limited notification, and appeals 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

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30. We consider the project meets the section 22 criteria and you could accept the application under section 21 of the Act and refer the project to the fast-track approval process.
31. Under section 16(2)(c) of the Act we recommend you direct any panel considering a substantive application for the project to:

- a. comply with the consultation process set out in the Ngā Mana Whenua o Tāmaki Makaurau conservation relationship agreement when engaging with Tūpuna Taonga o Tāmaki Makaurau Trust on the Wildlife Act 1953 approvals being sought (unless a modified arrangement can be agreed);
- b. comply with the consultation process set out in Te Kawenata Taiao o Ngāti Whātua o Kaipara – Conservation Charter when engaging with Ngāti Whātua o Kaipara; and
- c. consider whether, and how, to apply the consultation process set out in the Ngā Mana Whenua o Tāmaki Makaurau conservation relationship agreement when engaging with the relevant iwi members of the Tāmaki Collective.

## Next steps

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32. 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.
33. In your notice of decisions, you must direct a panel to comply with any requirements identified in section 16. 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.
34. 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. if a report was obtained under section 19, that report.
35. We will undertake this action on your behalf.
36. We have attached a draft notice of decisions letter to the applicant(s) based on our recommendations (refer Appendix 7) and we will provide it to all relevant parties. We will provide you with an amended letter if required.
37. Our recommendations for your decisions follow.

## Recommendations

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38. 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 Auckland Council (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 Ngā Wairau – Stage 1 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 of the Act in Appendix 5
  - iv. any comments and further information sought under sections 17 and 20 and provided within the required timeframe (if you have received any comments or further information after the required timeframe you are not required to consider them but may do so at your discretion) in Appendix 6

Yes / No

- c. **Agree** you are satisfied the project will meet the referral criteria in section 22 of the Act as it is an infrastructure project that would have significant regional or national benefits because it:
- i. is a priority project in a central or local government, or sector plan or strategy or a central government infrastructure priority list [s22(2)(a)(i)] as it:
    - is listed as a key project for delivery in the Auckland Council Annual Plan 2025/2026.
  - ii. will deliver new regionally or nationally significant infrastructure and enable the continued functioning of existing regionally or nationally significant infrastructure [s22(2)(a)(ii)] as it:
    - will deliver regionally significant flood management infrastructure through approximately 550,000 cubic metres of additional flood storage capacity.
    - enables the continued functioning of existing regionally and nationally significant infrastructure including wastewater assets, State Highway 1 and electricity infrastructure.
  - iii. will support climate change adaptation, reduce risks arising from natural hazards, or support recovery from events caused by natural hazards [s22(2)(a)(viii)] as it:
    - will deliver significant climate change adaptation and natural hazard risk reduction benefits through additional flood storage.
  - iv. will address significant environmental issues [s22(2)(a)(ix)] as it:
    - will address flooding caused by natural rain events and associated overland flow paths.

- will mitigate the adverse effects associated with these events and minimise the risk to property and human safety.
- v. is consistent with local or regional planning documents, including spatial strategies [s22(2)(a)(x)] as it:
- is consistent with key objectives and policies of the Auckland Regional Policy Statement, Auckland Unitary Plan, and relevant National Policy Statements.
- vi. 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 [s22(1)(b)(i)] because:
- timeframes under the Act are significantly shorter than under the RMA
  - the Act precludes public and limited notification, and appeals made under the Act are only to the High Court rather than the Environment Court and are limited to points of law.
- vii. 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.
- Yes / No
- d. **Agree** to accept the referral application under section 21(1) and refer the project to a panel under section 26(2)
- Yes / No
- e. **Agree** to specify Auckland Council as the person who is authorised to lodge a substantive application for the project
- Yes / No
- f. **Agree**, under section 27(3)(b)(i) of the Act, to specify a deadline of two years for lodging the substantive application.
- Yes / No
- g. **Agree** to direct a panel to comply with the following matters under section 16:
- i. Under section 16(2)(c) of the Act we recommend you direct any panel considering a substantive application for the project to:
- comply with the consultation process set out in the Ngā Mana Whenua o Tāmaki Makaurau conservation relationship agreement when engaging with Tūpuna Taonga o Tāmaki Makaurau Trust on the Wildlife Act 1953 approvals being sought (unless a modified arrangement can be agreed);
  - comply with the consultation process set out in Te Kawenata Taiao o Ngāti Whātua o Kaipara – Conservation Charter when engaging with Ngāti Whātua o Kaipara; and
  - consider whether, and how, to apply the consultation process set out in the Ngā Mana Whenua o Tāmaki Makaurau conservation relationship agreement when engaging with the relevant iwi members of the Tāmaki Collective.
- Yes / No
- h. **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 and relevant Māori groups
- ii. anyone invited to comment on the application including relevant local authorities, relevant administering agencies, the Minister for the Environment and other relevant portfolio Ministers,
- iii. the panel convener
- iv. the Environmental Protection Authority (EPA).

Yes / No

- i. **Approve** the draft notice of decisions letter to the applicant (attached in Appendix 7)

Yes / No

## Signatures

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Ben Bunting  
**Acting Manager, Fast-track Operations**

Hon Chris Bishop  
**Minister for Infrastructure**

**Date:**

Table A: Stage 2 analysis

|   |  |                  |   |
|---|--|------------------|---|
| <b>Recommendation</b>                                   | <u>Accept</u> the referral application and refer the project to the fast-track approvals process   |                  |   |
| <b>Project details</b>                                  | <b>Project Name</b>  | <b>Applicant</b> | <b>Project Location</b>   |
|   | Ngā Wairau – Stage 1 (the project)   | Auckland Council | An area of approximately 50.91 hectares known as A F Thomas Park (an Auckland Council owned asset held under the Reserves Act 1977) at 21 Northcote Road, and 17, 17A, 17B and 17C Silverfield Lane, located in Wairau Valley, Auckland.<br><br>The project area is legally described as Lot 1 DP 150598, Lot 3 DP 150598, Lot 4 DP 150598, Lot 8 DP 150598, Lot 8 DP 101760, Lot 2 DP 150598, Lot 5 DP 150598, Lot 6 DP 150598, Lot 7 DP 150598, and Part Allot 103 PSH OF Takapuna. |
| <b>Project description</b>                              | <p>The project involves the development of flood resilience infrastructure works across approximately 50.91 hectares of reserve land within A F Thomas Park, located in Wairau Valley, Auckland.</p> <p>The project comprises:</p> <ol style="list-style-type: none"> <li>a. flood resilience infrastructure works, including: <ol style="list-style-type: none"> <li>i. excavation of the park to increase flood storage capacity</li> <li>ii. creation of a wetland and dry flood storage areas</li> <li>iii. modifications to an existing dam (reducing height, increasing storage, adding spillway)</li> <li>iv. construction of a new spillway channel to optimise flood flow storage and release</li> <li>v. stream reclamation and diversion of waterways</li> <li>vi. vegetation removal and ground reshaping</li> <li>vii. establishment of a temporary construction laydown area.</li> </ol> </li> <li>b. reserve reinstatement, including: <ol style="list-style-type: none"> <li>i. site stabilisation, landscaping and revegetation</li> <li>ii. construction of new multi-use maintenance accessways</li> <li>iii. reconfiguration of recreational areas.</li> </ol> </li> </ol> <p>The applicant seeks the following approvals under the fast-track approvals process to authorise the project:</p> <ol style="list-style-type: none"> <li>a. resource consents under the Resource Management Act 1991 (RMA)</li> <li>b. wildlife approval under the Wildlife Act 1953.</li> </ol>  |                  |   |
| <b>Minister invites comments / requests information</b> | <b>Comments from invited parties</b>   |                  |   |
|   | <p><b>Local authorities</b><br/><i>Auckland Council (AC)</i><br/>AC has confirmed that there is no competing lodged or approved applications, nor are there any existing resource consents where sections 124C(1)(c) or 165ZI of the RMA could apply.</p> <p>AC support the use of the fast-track process for the project given the urgency of the need for improvements to the Wairau Catchment flood resilience in terms of risk to life and considers that the project will deliver regionally significant infrastructure by improving flood storage capacity within the catchment and will improve the resilience of the catchment by providing catchment specific flood management infrastructure.<br/>AC considers that the fast-track process will enable work to commence earlier than would be the case under the RMA.</p> <p>AC considers that project will contribute towards a well-functioning urban environment by improving climate resilience and reducing the risk of flooding. In respect of open space and accessibility AC agrees with the applicant that the open space amenity proposed will make a meaningful contribution as a community asset and result in a well-functioning urban environment under the National Policy Statement on Urban Development (NPS-UD). AC considers that the project is consistent with local or regional planning documents and agrees with the applicant's assessment which identifies a number of environmental benefits that will be realised by the project in terms of ecological enhancement, improved accessibility and open space outcomes.</p> <p><b>Kaipātiki Local Board</b><br/>The Board recognises the urgent need for improved flood resilience, ecological restoration, and long-term catchment management in the Wairau area, however, has emphasised the need for:</p> <ul style="list-style-type: none"> <li>• clear articulation of how Stage 1 integrates with later stages</li> <li>• assurance that early work will not pre-determine or constrain future catchment decisions</li> <li>• transparent sequencing to avoid fragmented or duplicate investment.</li> </ul> <p>The Board is concerned that hydrological modelling may not fully account for future rainfall intensity and Stage 1 interventions could shift flood risk downstream if not integrated with whole catchment design. The Board requests that the Panel require robust climate-scenario analysis before granting approval.</p> <p>The Board acknowledges the leadership of Ngāti Paoa and Te Kawerau ā Maki and recommends that the Panel require a formal partnership agreement / plan and adequate resourcing for cultural monitoring and design input.</p> <p><b>Watercare Services Limited (WSL)</b><br/>WSL confirms they are happy to work with the applicant on the substantive application. If the project is accepted for referral, WSL have requested that the following information is addressed:</p> <ul style="list-style-type: none"> <li>• Detailed design is provided assessing the impact on the existing Wairau Branch Sewer, Milford Branch Sewer, Hillcrest Branch Sewer, and Northcote Diversion Branch Sewer</li> </ul> |                  |   |

- The proposed construction methodology, this is required to ensure;
  - unrestricted access to all wastewater manholes must be maintained at all times
  - upon completion of the development, all manholes must be accessible by heavy vehicles via the designated pathways/access tracks within the reserve. This access is required for routine maintenance, cleaning, and any future rehabilitation work
  - during earthworks, movements of earthmoving plant and other vehicles across sewer lines must be restricted to designated, engineered crossing points approved by the Asset Protection Team.

#### Auckland Transport (AT)

AT does not have any significant concerns with the project in relation to effects on the regional road network and is not opposed to the project being accepted to the fast-track process. AT requests that a comprehensive Construction Traffic Management Plan (CTMP) be included as part of the substantive application to support a thorough assessment of potential adverse effects.

AT notes that Terrylyn Drive is a local cul-de-sac serving residential properties and may not be structurally suitable for heavy vehicle loads. Additionally, details regarding the intended routes and number of heavy vehicle trips have not been provided. The applicant is requested to submit information on proposed routes for heavy vehicles and evaluate the impact of these trips on the relevant roads, particularly regarding pavement conditions. A Pavement Impact Assessment should be completed and submitted as part of the substantive process.

AT requires further information to review whether any assets will be vested to AT and assess if the proposed road drainage and public stormwater infrastructure have been designed in compliance with the relevant AT Transport Design Manual (TDM) and Auckland Council Code of Practice (ACCoP) guidelines. AT also requests the provision of a comprehensive assessment evaluating the proposed flood management measures in accordance with TDM and ACCoP guidelines, as well as identification of any potential adverse impacts within the road reserve.

The request for the additional information sought by AT, WSL and the Board is noted. Under Schedule 5 of the Act, such information would be required to be submitted as part of the substantive process. In addition, we note that additional information can be sought by an expert panel considering a substantive application.

#### **Ministers**

##### *Minister for Economic Growth*

The Minister considers that project involves the provision of infrastructure that helps prevent the loss of life, injury and damage to residential and critical infrastructure. It also supports the continued operation of nearby essential infrastructure such as wastewater assets, power and grid stations that also supply electricity to the North Shore hospital in Auckland. Whilst the proposal does not quantify standard economic benefits such as GDP contribution of employment generation during construction, the primary benefit of the project is strengthening economic resilience, an important foundation for long-term economic growth and stability.

##### *Minister for Regional Development*

The Minister considers that, based on the information provided, the project is expected to provide important resilience benefits to the Auckland region. These outcomes align with the intentions of the Regional Development portfolio, in particular other flood resilience investments through the Regional Infrastructure Fund made throughout New Zealand. The application does not clearly present any information on the benefits from the project programme itself, including employment opportunities. If this is an important element of the referral decision, you may wish to request this information from the applicant.

#### **Relevant administrating agencies**

##### *Department of Conservation (DOC)*

DOC has not identified any reason why this project should not be referred.

DOC have noted that the Auckland Conservation Management Strategy (2014) is applicable to the project, and that the Wildlife approval sought as part of this application does not appear inconsistent with this strategy.

DOC have stated that as part of the substantive consent application consideration needs to be given to:

- protecting and restoring relevant indigenous ecosystems
- ensuring the persistence and preservation of threatened species
- protecting freshwater fish habitat and fish passage.

DOC's view is that Freshwater Fisheries approvals may be required to undertake the project. It is noted that the applicant has outlined the regional consent held by AC, this includes a region wide fish passage consent. The applicant has stated that no fish passage remediation and/or improvements are required as part of this project.

#### **Māori Groups**

##### *Nga Maunga Whakahii o Kaipara Development Trust*

As the project is located to the south-east of our general rohe, the trust defers to Te Kawerau ā Maki and Ngāti Paoa with regard to this project.

##### *Te Kawerau a Maki*

Te Kawerau ā Maki have been engaging in this project and so our recommendations and input can be done at further stages in this process.

The section 18 reports notes that Minister for Māori Development and the Minister for Māori Crown Relations: Te Arawhiti support referral of the project.

#### **Any other persons or groups**

##### *NZ Transport Agency Waka Kotahi (NZTA)*

NZTA advised it has had pre-application engagement with the applicant regarding this project and has written a letter of support to the applicant dated 2 October 2025.

Stage 1 of the project would reduce the risk of flooding on State Highway 1 (SH1) and the Northern Busway during significant rainfall events. Additionally, the project will deliver new walking and cycling connections, improving access to the Smales Farm busway station by active modes, maximising NZTA's investment in the rapid transit network.

|  |  |
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|  | <p>NZTA recommends that the applicant addresses the following matters in their substantive application;</p> <ul style="list-style-type: none"> <li>• how temporary flooding risks will be managed during construction.</li> <li>• how the risks of sediment, flow restriction and temporary diversion would be addressed.</li> <li>• how the risks associated with historical slip issues along the north-eastern side of A F Thomas Park will be managed and mitigated.</li> </ul> <p>The request for this additional information is noted. Under Schedule 5 of the Act, such information would be required to be submitted as part of the substantive process. In addition, we note that additional information of clarification is able to be sought from the panel managing this process.</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>We consider you can be satisfied that the project does not involve an ineligible activity because it:</p> <ul style="list-style-type: none"> <li>• would not occur on identified Māori land, Māori customary land or a Māori reservation as confirmed by the relevant records of title and consultation with iwi authorities</li> <li>• would not occur in a customary marine title area or protected customary rights area as it is not in the coastal marine area</li> <li>• 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 will not occur in an aquaculture settlement area</li> <li>• would not require an access arrangement which cannot be granted under the Crown Minerals Act (including s61(1A)) because it does not include an access arrangement, would not occur on Schedule 4 land)</li> <li>• would not be prevented by section 165J, M, Q, ZC or ZDB of the RMA because it will not occur in the CMA</li> <li>• would not occur on Schedule 4 land as confirmed by the records of title</li> <li>• would not occur on a national reserve .as confirmed by the records of title</li> <li>• would not occur on a reserve held under the Reserves Act 1977 that is managed by or vested in someone other than the Crown or a local authority and that person has not consented in writing as confirmed by the record of title, applicant's evidence of consultation</li> <li>• is not a prohibited activity or decommissioning activity under the EEZA, 15B or 15C of the RMA</li> <li>• is not for the purpose of an offshore renewable energy project. because it will not occur offshore/involve renewable energy production.</li> </ul> <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 that you have sufficient information to inform your decision on the referral application.</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>The project area is not within ngā rohe moana o ngā hapū o Ngāti Porou (as set out in the Ngā Rohe Moana o Ngā Hapū o Ngāti Porou Act 2019).</p> <p>The Treaty settlements relevant to this application are: Ngāti Whātua Ōrākei Claims Settlement Act 2012, Ngāti Whātua o Kaipara Claims Settlement Act 2013, Te Kawerau ā Maki Claims Settlement Act 2015, Ngā Mana Whenua o Tāmaki Makaurau Collective Redress Act 2014, Ngāi Tai ki Tāmaki Claims Settlement Act 2018, Ngāti Tamaoho Claims Settlement Act 2018, Ngāti Pāoa Claims Settlement Act 2025, Te Patukirikiri Iwi deed of settlement signed 7 October 2018, and Te Ākitai Waiohua deed of settlement signed 12 November 2021.</p> <p>Should you decide to accept this referral application, under section 16(2)(c) of the Act we propose you direct any panel considering a substantive application for the project too:</p> <ul style="list-style-type: none"> <li>• comply with the consultation process set out in the Ngā Mana Whenua o Tāmaki Makaurau conservation relationship agreement when engaging with Tūpuna Taonga o Tāmaki Makaurau Trust on the Wildlife Act 1953 approvals being sought (unless a modified arrangement can be agreed)</li> <li>• comply with the consultation process set out in Te Kawenata Taiao o Ngāti Whātua o Kaipara – Conservation Charter when engaging with Ngāti Whātua o Kaipara; and</li> <li>• consider whether, and how, to apply the consultation process set out in the Ngā Mana Whenua o Tāmaki Makaurau conservation relationship agreement when engaging with the relevant iwi members of the Tāmaki Collective.</li> </ul>   |
| <p><b>Section 22 assessment criteria</b></p>   |  |
| <p>The project is an infrastructure or development project that would have significant regional or national benefits [section 22(1)(a)]</p>  | <p><i>The Minister <u>must</u> consider a relevant Government policy statement (GPS) [s22(1A)]</i><br/> The only current GPS is the Government Policy Statement on Grocery Competition. As this project does not involve a supermarket development or grocery-related activities, 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>The project has been identified as a priority project in a central or local government, or sector plan or strategy or a central government infrastructure priority list [s22(2)(a)(i)]</i><br/> The applicant states that the Blue-Green Network Ngā Wairau Project is listed as a key project within the in the Auckland Council Annual Plan 2025/2026, confirming its status as a priority project in a local government plan. The applicant states that central government has approved a Crown funding contribution of 62% of the total project costs, and they consider the timely delivery of this project is a high priority for Crown under the Auckland North Island Weather Events funding agreement between Crown and AC.</p> <p>Given the project is listed within the Auckland Council Annual Plan 2025/2026 and has obtained a significant amount of Crown funding we consider the project can be considered a priority project within both local and central government. We consider the project meets this criterion and it is relevant to your decision on whether it has significant regional or national benefits.</p> <p><i>Will deliver new regionally or nationally significant infrastructure or enable the continued functioning of existing regionally or nationally significant infrastructure [s22(2)(a)(ii)]</i></p>  |

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|  | <p>The applicant states that the project delivers regionally significant flood management infrastructure through approximately 550,000 cubic metres of additional flood storage capacity, directly addressing demonstrated natural hazard risk and supporting recovery from the 2023 Auckland Anniversary floods. The applicant also considers the project enables the continued functioning of existing regionally and nationally significant infrastructure, including WSLs wastewater assets, State Highway 1, and Vector/Transpower electricity infrastructure, which rely on the project for long-term resilience and continued operation.</p> <p>Comments received from AC, the Minister for Economic Growth and the Minister for Regional Development have all acknowledged the role that this project will have in preventing the loss of life, injury and damage to residential and critical infrastructure. The Minister for Regional Development has specifically stated that the outcomes of the project align with the intentions of the Regional Development portfolio. NZTA has also endorsed the intent of the project stating that the project would reduce the risk of flooding on SH1 and the Northern Busway during significant rainfall events.</p> <p>Comments received have highlighted the need for substantive application to address a number of matters relating to the capacity and design of the project. The Kaipatiki Local Board has raised concerns that the hydrological modelling may not fully account for future rainfall intensity which could shift flood risks further downstream if not integrated with whole catchment design. WSL, AT and NZTA have both requested further information be provided as part of the substantive application regarding the impacts on existing infrastructure during construction, including a CTMP. We consider that such information is already required for a substantive application under Schedule 5 of the Act.</p> <p>The significance of the project is reflected by the level of adverse effects on property and human safety that could occur if the project did not progress. We consider the project will deliver regionally significant infrastructure by improving flood storage capacity within the catchment and will improve the resilience of the catchment by providing catchment specific flood management infrastructure. We consider the project meets this criterion and it is relevant to your decision on whether it has significant regional or national benefits.</p> <p><i>Will 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) [s22(2)(a)(iii)]</i><br/> The applicant considers the project meets this criterion as, although housing is not proposed, the works will contribute to a well-functioning urban environment that provides for the health and safety of people and their communities as required by Objective 1 of the NPS-UD. The applicant also considers the project increases resilience of the urban environment to the current and future effects of climate change, upholding Objective 8 and Policy 1 of the NPS-UD.<br/> The project will increase the safety and resilience of urban environments, however, will not increase supply or address housing needs, being the overarching intention of the NPS-UD. Therefore, we do not consider the project meets this criterion.</p> <p><i>Will deliver significant economic benefits [s22(2)(a)(iv)]</i><br/> The applicant's analysis concludes that the project will deliver significant economic benefits, with a benefit-cost ratio slightly above 1, which indicates that the benefits outweigh the costs. The applicant states the avoidance of property damage made up 27% to 87% of the total benefits, followed by a reduction in the operating costs associated with the golf course. Other benefits noted by the applicant include the creation of open space, avoidance of flood related fatalities, recreational health benefits and an increase in property value.</p> <p>The Minister for Economic Growth has noted that 'whilst the proposal does not quantify standards economic benefits such as GDP contribution of employment generation during construction, the primary benefit of the project is strengthening economic resilience, an important foundation for long-term economic growth and stability.'</p> <p>While the project will increase the resilience of the catchment, we note that the immediate environment consists of urban and community development, this being the primary activities that will directly benefit from this project. The economic benefit provided by the project are through the reduction in potential damage rather than a direct contribution to employment and Regional GDP. Therefore, we do not consider the project meets this criterion and it is not relevant to your decision on whether it has significant regional or national benefits.</p> <p><i>Will support climate change adaptation, reduce risks arising from natural hazards, or support recovery from events caused by natural hazards [s22(2)(a)(viii)]</i><br/> The applicant states that the project will deliver significant climate change adaptation and natural hazard risk reduction benefits. The project is designed to increase flood storage capacity by approximately 550,000 cubic metres, directly addressing the severe flooding experienced in the Wairau catchment during the 2023 Auckland Anniversary event. Hydraulic modelling demonstrates that the proposed works will substantially lower flood levels in both upstream commercial and downstream residential areas, with resilience tested against future climate scenarios involving increased rainfall and temperature. The creation of wetlands and improved stormwater management enhances ecological resilience and supports recovery from past and future natural hazard events. The project also incorporates ongoing monitoring and mitigation measures to manage groundwater, land settlement, and water quality risks, ensuring long-term protection for critical infrastructure and communities.</p> <p>The overarching intent of the project is to manage and mitigate the effects associated with flooding caused by high intensity rain events. As a result of climate change the risk of such natural hazards is predicted to increase in the future. The project responds to this and intends to reduce these risks. We consider the project meets this criterion and this is relevant to your determination on whether it has significant regional or national benefits.</p> <p><i>Will address significant environmental issues [s22(2)(a)(ix)]</i><br/> The applicant states the project provides the opportunity to create a wetland thereby restoring the ecological values that were present before urbanisation, delivering positive environmental effects on local biodiversity, habitat and ecosystem functioning. The applicant further notes that potential adverse effects on the environment can be appropriately mitigated and managed to an acceptable level, resulting in no significant adverse effects on the environment.</p> <p>The project will address a significant environmental issue, in this instance flooding caused by natural rain events and associated overland flow paths. The project intends to mitigate the adverse effects associated with these events and minimise the risk to property and human safety. We consider the project meets this criterion and this is relevant to your determination on whether it has significant regional or national benefits.</p> <p><i>Is consistent with local or regional planning documents, including spatial strategies [s22(2)(a)(x)]</i><br/> The applicant has provided an assessment which concludes that the project is consistent with key objectives and policies of the Regional Policy Statement, Auckland Unitary Plan, and relevant National Policy Statements. We consider the project meets this criterion and it is relevant to your decision on whether it has significant regional or national benefits.</p> |
| <p><b>Referring the project to the fast-track approvals process [section 22(1)(b)]</b></p> | <p><i>Would facilitate the project, including by enabling it to be processed in a more timely and cost-effective way than under normal processes [s22(1)(b)(i)]</i></p> <p>The applicant states that using the fast-track approvals process will significantly reduce consenting timeframes compared to the normal RMA process. The applicant considers the project to be complex, requiring multiple approvals, and they consider the fast-track approvals process consolidates these, avoiding lengthy appeals and court processes. The applicant considers this will enable construction to begin much sooner—potentially saving at least two years or more—delivering urgent flood management infrastructure and associated community benefits much earlier than would be possible under normal processes.</p> <p>We consider the project meets this criterion.</p>   |

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|  | <p><i>Is unlikely to materially affect the efficient operation of the fast-track approvals process [s22(1)(b)(ii)]</i></p> <p>The applicant states that referring the project to the fast-track approvals process is unlikely to materially affect the efficient operation of the process. The applicant considers the project is well-defined, has strong local and central government support, and is not expected to create undue complexity or delays for the fast-track system. The applicant states they are an experienced public authority with a track record of compliance, and they consider the project's scope and consenting requirements are clear and manageable within the fast-track framework.</p> <p>We consider the project meets this criterion.</p>   |
| <p><b>Reasons to decline</b></p>                                   |  |
| <p><b>Minister <u>must</u> decline [section 21(3)]</b></p>         | <p><i>The Minister <u>must</u> decline a referral application if:</i></p> <p><i>The application may not be accepted under subsection 1 (meets referral criteria)</i><br/>We consider the project meets the section 22 criteria.</p> <p><i>The Minister is satisfied the project involves an ineligible activity</i><br/>We consider you can be satisfied that the project does not include an ineligible activity.</p> <p><i>The Minister considers that they do not have adequate information to inform the decision under this section</i><br/>We consider you have sufficient information to inform your decision.</p> <p>We <b>do not</b> consider that you must decline the application under section 21(3) of the Act.</p>   |
| <p><b>Minister may decline [section 21(4) and 21(5) (a-h)]</b></p> | <p><i>The Minister <u>may</u> decline a referral application for any other reason, whether or not it meets the criteria in section 22.</i><br/><i>Reasons to decline a referral application under subsection 4 include, without limitation:</i></p> <p><i>The project would be inconsistent with a Treaty settlement, Ngā Rohe Moana o Ngā Hapū o Ngāti Porou Act 2019, Marine and Coastal Area (Takutai Moana) Act 2011, a Mana Whakahono ā Rohe, or a joint management agreement</i><br/>There is no indication within the application, comments received from invited parties, or from the section 18 Treaty Settlements report, that the project would be inconsistent with these documents.</p> <p><i>It would be more appropriate to deal with the matters that would be authorised by the proposed approvals under another Act or Acts</i><br/>No comments or reports indicated the project should be considered under another Act or Acts.</p> <p><i>The project may have significant adverse effects on the environment</i><br/>Based on the application provided, it is unlikely that the application may result in significant environmental adverse effects. The comments received have not identified any significant adverse effects that cannot be addressed by way of conditions of consent. The range of information requested can be addressed in a substantive application as required by Schedule 5. We note that an expert panel would also have the ability to seek further information and impose conditions to ensure the management of potential adverse effects.</p> <p><i>The applicant(s) has a poor compliance history under a specified Act that relates to any of the proposed approvals</i><br/>Auckland Council has an extensive portfolio of stormwater, small potable water and wastewater assets throughout the Auckland Region. With regard to the stormwater function, AC has only received one infringement notice. We do not consider this level of non-compliance would be sufficient to decline the application.</p> <ul style="list-style-type: none"> <li><i>Infringement Notice for Tahi Road stormwater project for discharge of sediment in August 2020. This was issued for a flood mitigation project located in Tahi Road, Waiheke Island on 7 August 2020. The section 9 RMA \$300 infringement was issued to Healthy Waters' contractor, Downer, for discharge of sediment contaminated water during a storm event into a nearby water body. The discharge was immediately ceased, and the compliance unit was informed. The contractor remedied the cause of issue to prevent it from reoccurring.</i></li> </ul> <p><i>The project area includes land that the Minister for Treaty of Waitangi Negotiations considers necessary for Treaty settlement purposes</i><br/>The project area does not include land necessary for Treaty Settlement purposes.</p> <p><i>The project includes an activity that is a prohibited activity under the Resource Management Act 1991</i><br/>Based on the application submitted, the project does not include an activity that has a prohibited activity status.</p> <p><i>A substantive application for the project would have one or more competing applications.</i><br/>AC confirmed there are no competing applications within the project area.</p> <p><i>In relation to any proposed approval of the kind described in section 42(4)(a) (resource consents), there are one or more existing resource consents of the kind referred to in section 30(3)(a)</i><br/>AC confirmed there are no existing resource consents of the kind referred to in section 30(3)(a).</p> <p><i>Any other matter</i><br/>We have not identified any other matters as reasons to decline.</p> |

*Conclusion*

We have not identified any matters under section 21(4) or (5) that would be a reason you may decline the referral application

## Appendix 1: Statutory framework summary

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1. You are the sole decision maker for referral applications. If you accept a referral application, then the whole or part of the project will be referred to the fast-track approvals process.
2. If a Treaty settlement, the Marine and Coastal Area (Takutai Moana) Act 2011, the Ngā Rohe Moana o Ngā Hapū o Ngāti Porou Act 2019, a Mana Whakahono ā Rohe or a joint management agreement provides for consideration of any document or procedural requirements, you must, where relevant:
  - 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.