

Kia tuupato ki te remu o taku kahu

Naa Kiingi Pootatau Te Wherowhero

Rangitooopuni

Application under the Fast-track
Approvals Act 2024

5th May 2025

Ko Hikurangi te maunga

Ko ngaa Rau Pou a Maki ngaa tohu whakahii

Ko te Wao Nui a Tiriwa te ngahere

Ko te Manukanuka a Hoturoa me te Waitemataa ngaa moana

Ko Waitaakere ki Te Wai o Pareira ngaa awa

Ko Tainui te waka

Ko Tawhiakiterangi te tupuna

Ko Te Kawerau a Maki te iwi

Hikurangi is the mountain

The Waitaakere Ranges are the markers

Te Wao nui a Tiriwa is the forest

Manukau and Waitemataa are the waters

Waitaakere and Henderson Creek are the rivers

Tainui is the canoe

Tawhiakiterangi is the person

Te Kawerau a Maki is the tribe

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Document Control Record

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Project Location: Riverhead, Auckland
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Code of Conduct Reference for Application Material

Although this is not a hearing before the Environment Court, we () record that we have read and agree to comply with the Environment Court's Code of Conduct for Expert Witnesses as specified in the Environment Court's Practice Note 2023. We confirm that this report is within our area of expertise, except where we state that we rely upon the evidence or reports of other expert witnesses lodged forming part of the project's application material. We have not omitted to consider any material facts known to us that might alter or detract from the opinions expressed.

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1.0 Executive Summary

This report is submitted in support of the resource consent application to the Expert Panel (**'Panel'**) via the Environmental Protection Authority (**'EPA'**) by Te Kawerau ā Maki in partnership with Avant Property Development Limited (**'Avant'**) under Rangitōopuni Developments Limited Partnership (**'RDLP'**) to develop two properties (Lot 1 DP 590677 and Lot 2 DP 590677) at Old North Road and Forestry Road, Riverhead ('the site'). The proposal is for a listed project under Schedule 2 of the Fast-track Approvals Act 2024 (**'FTAA'**) for a proposed countryside living subdivision and retirement village referred to collectively as 'Rangitōopuni'.

The site is Treaty Settlement Land that was returned to Te Kawerau ā Maki as part of their settlement with the Crown, through the Te Kawerau ā Maki Claims Settlement Act 2015. The land is of extremely high significance given it is land returned to the iwi as redress for the Crown's historic breaches of Te Tiriti o Waitangi. It is equally important because its core purpose is to generate an economic baseline for its people. Currently, the iwi is in the process of rebuilding its political, social, cultural, environmental and economic well-being. In partnership with Avant, Rangitōopuni will play a key role in advancing Te Kawerau ā Maki's mission to grow tribal assets and drive iwi development.

The guiding Whakatauaakii/ proverb for the project and explanation from Te Kawerau ā Maki is provided below:

Kia tupato ki te remu o taku kahu – Naa Kiingi Pootatau Te Wherowhero
"Beware the hem of my cloak"

This was stated by Pootatau Te Wherowhero when bringing Auckland tribes back to the region under his protection and mana following the musket wars. In the Rangitōopuni context it links to Te Kawerau ā Maki being the northernmost iwi of Tainui waka, and hence the area falling within the influence of Tainui peoples and mana. It also brings together themes of our 18th century peacemaking site of Rangitōopuni, the korowai of Taane where we will recloak the whenua from pine to natives, and the provision of homes and manaaki (care) for the new community that will be built.

Rangitōopuni represents a unique opportunity to develop Treaty Settlement Land and provide a master-planned community for Riverhead that will enable the provision of approximately 500 homes through the proposed countryside living subdivision and retirement village, in addition to a range of infrastructure, open space and public facilities.

The proposed development will result in a transformation of the whenua from production pine plantation to native forest, restored wetlands, riparian and terrestrial forest habitats for the long-term future. A core aspect of the proposal is Te Kawerau ā Maki cultural understanding of the landscape and the association of the Riverhead area with the iwi's ancestral

connections/whakapapa which has informed the design rationale and development approach of the proposal.

The project will achieve a significant contribution to housing supply by providing 208 residential lots in the countryside living subdivision and 260 villas and 36 aged care facilities in the retirement village (a total of 296 units), in an optimal location with high levels of amenity and connectivity to nearby Riverhead and the wider Auckland region. The retirement village is being advanced as an 'Integrated Māori development' under the Treaty Settlement Land provisions of the Auckland Unitary Plan ('AUP').

The proposal enables Te Kawerau ā Maki to realise the benefits of the land returned to them as commercial redress as part of their settlement and is consistent with the provisions of the AUP which require the Council to enable the use and development of land acquired by Mana Whenua through Treaty settlement legislation.

To support the proposed development, earthworks are proposed across areas of the site to enable level building platforms and accessways. A new internal road network is proposed, in addition to an extensive track network across the countryside living subdivision and retirement village, and significant native planting, particularly in relation to wetland and riparian areas which will be protected and restored as part of the proposed development. Community facilities, including sport amenities, a community building and parking areas, are proposed for the future residents of the proposed subdivision, in addition to providing a public carpark and public access to the walkway network across the site.

The proposal is supported by a range of expert plans and reports to ensure the development is provided in a comprehensive manner and minimises adverse impacts where possible. A stormwater management strategy is proposed, detailed landscape and planting design, and an overarching masterplan to ensure the proposed development is seamlessly integrated both internally on the site and with the surrounding area.

To enable the proposed development, the proposal requires land use consent, subdivision consent, a groundwater permit, streamworks consent and a discharge consent under the AUP. In addition, approval is required under the Wildlife Act 1953.

This report has been prepared in accordance with the requirements of the FTAA, which received royal assent on 23 December 2024 and took effect on 24 December 2024. The FTAA is part of the Government's response for delivering infrastructure and development projects more efficiently and provides an alternative pathway for a range of approvals to be obtained under one process in order to facilitate development.

Rangitootuni is a Listed Project under Schedule 2 of the FTAA¹ and, as such, the application is being made in accordance with the requirements for Listed Projects under the FTAA, specifically section 46(2)(a) of the FTAA. The proposal is consistent with the purpose of the FTAA and has regard to the purpose of the RMA.

The proposal seeks to enable provision of high-quality residential development that caters for varying age groups and needs by providing for a range of housing types and lots sizes, which achieve a more efficient use of land that aligns with the Treaty Settlement provisions of the AUP.

The assessment contained within this report concludes, subject to conditions of consent, that the actual and potential adverse impacts on the environment will be less than minor, and the proposal will not be contrary to, and otherwise is consistent with and advances the objectives and policies of the AUP and other key national direction documents.

The proposal achieves the purpose of the FTAA to facilitate the delivery of infrastructure and development projects with significant regional benefits by facilitating the provision of approximately 500 homes to support New Zealand's largest housing market and ageing population, whilst also enabling Te Kawerau ā Maki to provide for their social, economic, environmental and cultural aspirations. Facilitating iwi development is considered to be of national significance and importance.

Subject to the proposed conditions proposed in **Appendix A**, the actual and potential effects on the environment can be managed appropriately.

1.1 Activity Status

The proposal requires land use, subdivision, ground water, streamworks and discharge consent under the AUP as a **non-complying activity** overall.

1.2 Resource Consents Required

Section 7.0 of this application provides an assessment against the relevant rules and statutory requirements. Resource consents required are listed below:

- Land use consent(s)
- Subdivision consent
- Groundwater consents(s) (Water Permit)
- Discharge permit(s)
- Stream works consent(s)

¹ Section 46(2)(b), FTAA

1.3 Other Approvals

- Approval under the Wildlife Act 1953

2.0 The Applicant and Property Details

Applicant:	Rangitootuni Developments Limited Partnership
Address for Service:	C/- Campbell Brown Planning Limited [REDACTED] [REDACTED] [REDACTED] Attention: [REDACTED] Email: [REDACTED] [REDACTED] <i>(all written correspondence via email please)</i>
Location:	Old North Road and Forestry Road, Riverhead, Auckland
Legal Description:	Lot 1 and 2 DP 590677
Site Area:	Lot 1 (222.75 ha) and Lot 2 (173.6 ha), a total site area of 395 ha
Unitary Plan Zoning:	Rural – Countryside Living Zone Rural – Rural Production Zone
Unitary Plan Precinct:	N/A
Unitary Plan Overlays:	High-Use Stream Management Areas High-Use Aquifer Management Areas – Kumeu Waitemata Aquifer Significant Ecological Areas Overlay – Terrestrial National Grid Corridor – National Grid Yard Uncompromised and National Grid Subdivision Corridor
Unitary Plan Controls:	Coastal Inundation 1 per cent AEP Plus 1m Control – 1m sea level rise Macroinvertebrate Community Index – Exotic, Native, Rural and Urban Stormwater Management Area Control – Riverhead, Flow 1

Subdivision Variation Control – Rural, Kumeu – Huapai
Countryside Living

Unitary Plan Designations:

Airspace Restriction Designations – ID 4311, Defence
purposes – protection of approach and departure paths
(Whenuapai Air Base), Minister of Defence

3.0 Site Location

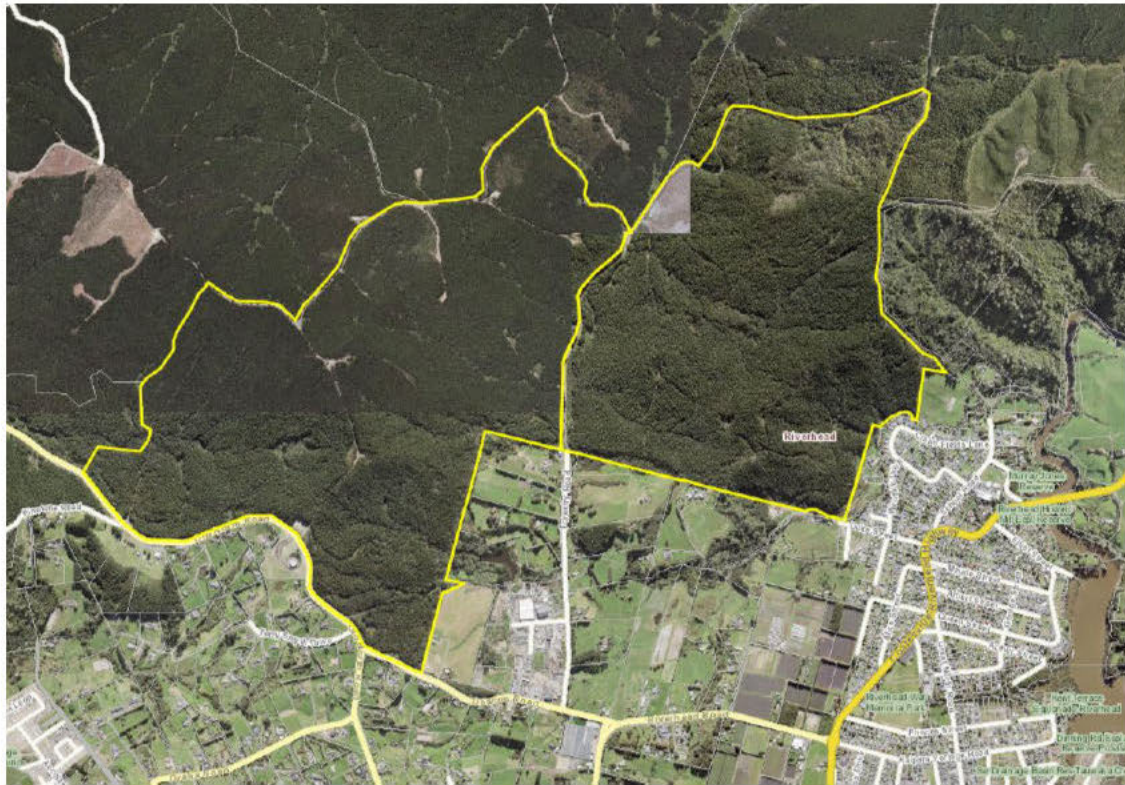


Figure 1 - Aerial photo of the site (Lot 1 & 2 DP 590677), Riverhead, Auckland (source: Auckland Council GIS)

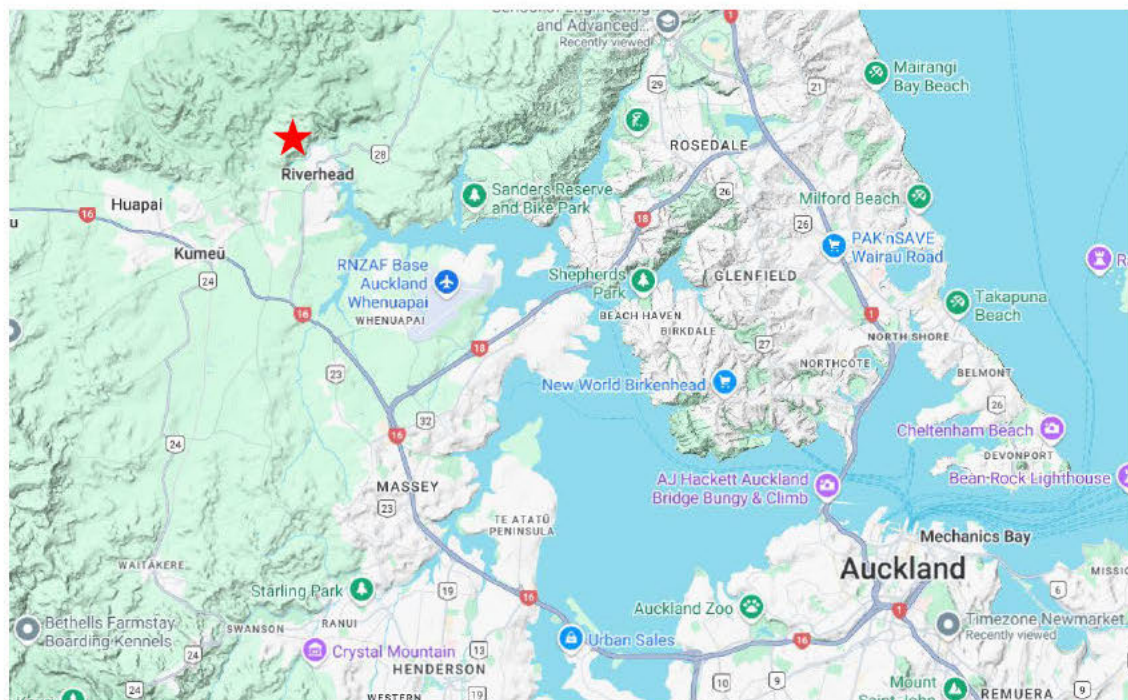


Figure 2 - Location of the site within the broader Auckland region (source: Google Maps)

4.0 Description of the Existing Environment

4.1 Cultural Context

Te Kawerau ā Maki have prepared a Cultural Impact Assessment ('CIA') which is provided in **Appendix B**. The CIA outlines Te Kawerau ā Maki's cultural values, interests, and associations with the site, identifies the potential impacts that arise from the project activities and assesses the significance of effects, and provides recommendations as to how to avoid, remedy or mitigate the potential effects to Te Kawerau ā Maki.

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

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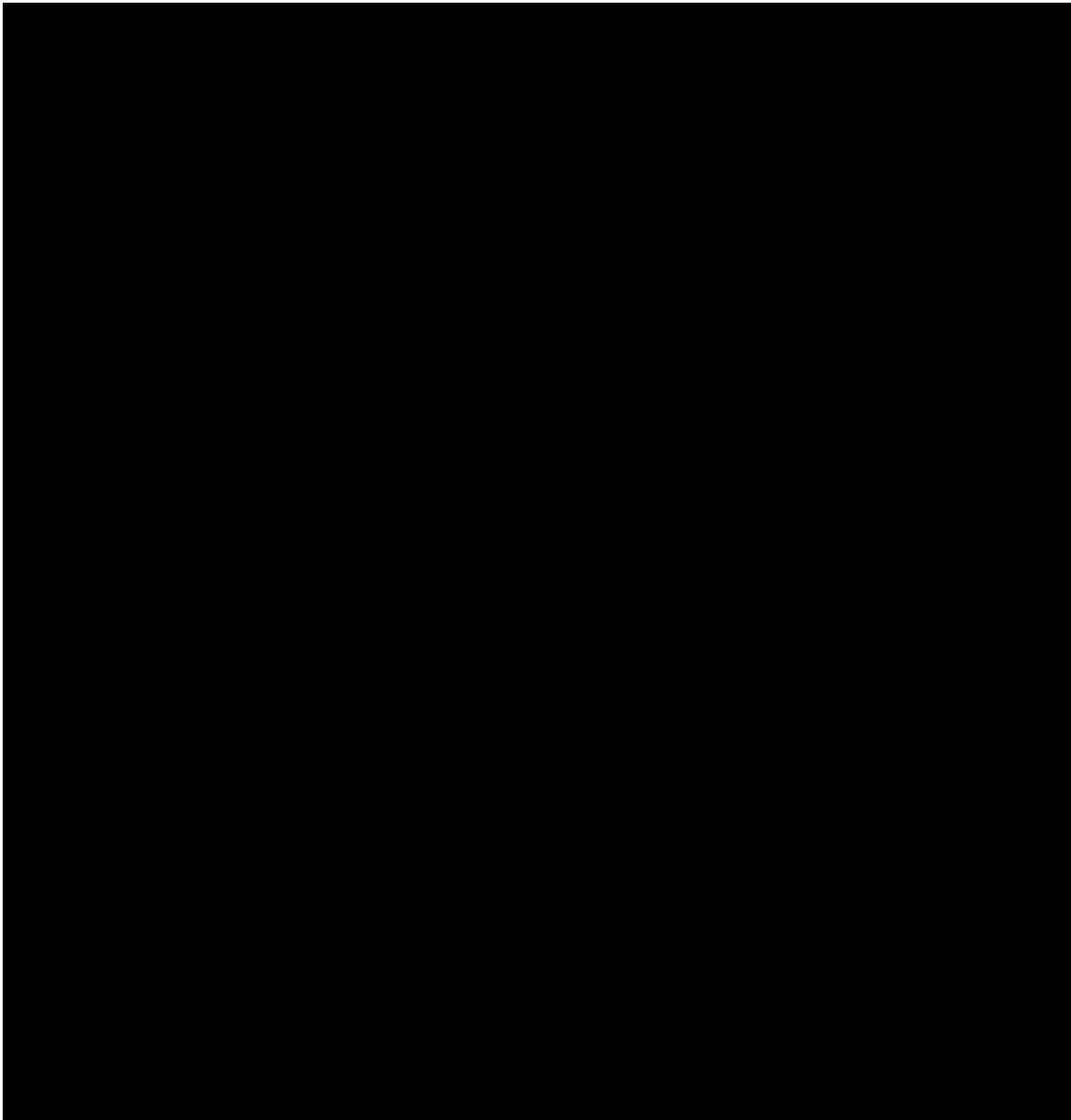
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The Deed of Settlement set out an agreed historical account, acknowledgement of the Crown's breaches of Te Tiriti and failures of natural justice and offered an apology and a promise to *"form a new relationship with the people of Te Kawerau ā Maki based on mutual trust, cooperation and respect for the Treaty of Waitangi and its principles"*. A copy of the Deed of Settlement is provided in **Appendix C**.

Crucially, the settlement provided for a range of cultural and commercial redress, with the key piece being the 3,275 ha of Riverhead Forest. The land represents the near-total financial compensation for 150 years (as of 1992) of loss and is the foundation for Te Kawerau ā Maki to build their economic wellbeing. The project intends to develop the southern portion of the Riverhead Forest to achieve Te Kawerau ā Maki aspirations.

This project represents the start of Te Kawerau ā Maki journey in cementing their economic wellbeing and marks the start of their long-term vision for the Riverhead Forest land. The unlocking of the site's economic potential is a core purpose of the land as part of the Crown's redress for Te Kawerau ā Maki economic wellbeing.

4.2 Site ownership

The land on which the application is proposed is owned by Te Kawerau ā Maki under Rangitōopuni Land Holdings Limited Partnership and will be developed under a separate company, Rangitōopuni Developments Limited Partnership ('RDLP'). The representative for RDLP is provided below²³⁴:

Name	Address for service
Mathew John Peters	Level 2, 7 Falcon Street, Parnell Auckland, 1052 (Avant Property Development Limited offices)

No known compliance and/or enforcement actions have been taken against the applicant by a local authority under the RMA.⁵

² Clause 5(1)(d)(i), Schedule 5, FTAA

³ Section 13(4)(s), FTAA

⁴ Section 42, FTAA (Authorised Person)

⁵ Section 13(4)(x), FTAA

4.3 The site⁶⁷

The site comprises two adjacent properties with a total area of approximately 395 ha. The legal description and area of each site is as follows:

Address	Legal Description	Record of Title	Site Area
Old North Road, Huapai	Lot 1 DP 590677	1129815	222.75 ha
Forestry Road, Riverhead	Lot 2 DP 590677	1129816	173.61 ha

A copy of the Record of Title for each site and relevant interests is provided in **Appendix D**. None of the interests registered on the Record of Titles have any material impact on the proposal.

The site is located in the north-west of Auckland along the northern edge of Riverhead, approximately 1km north-west of the Riverhead centre. The site is part of the 3,275 ha Rangitōopuni-Riverhead Forest owned by Te Kawerau ā Maki, located towards the southern end of the forest as shown by **Figure 4** below.

⁶ Clause 5(1)(b), Schedule 5, FTAA

⁷ Section 13(4)(d), FTAA

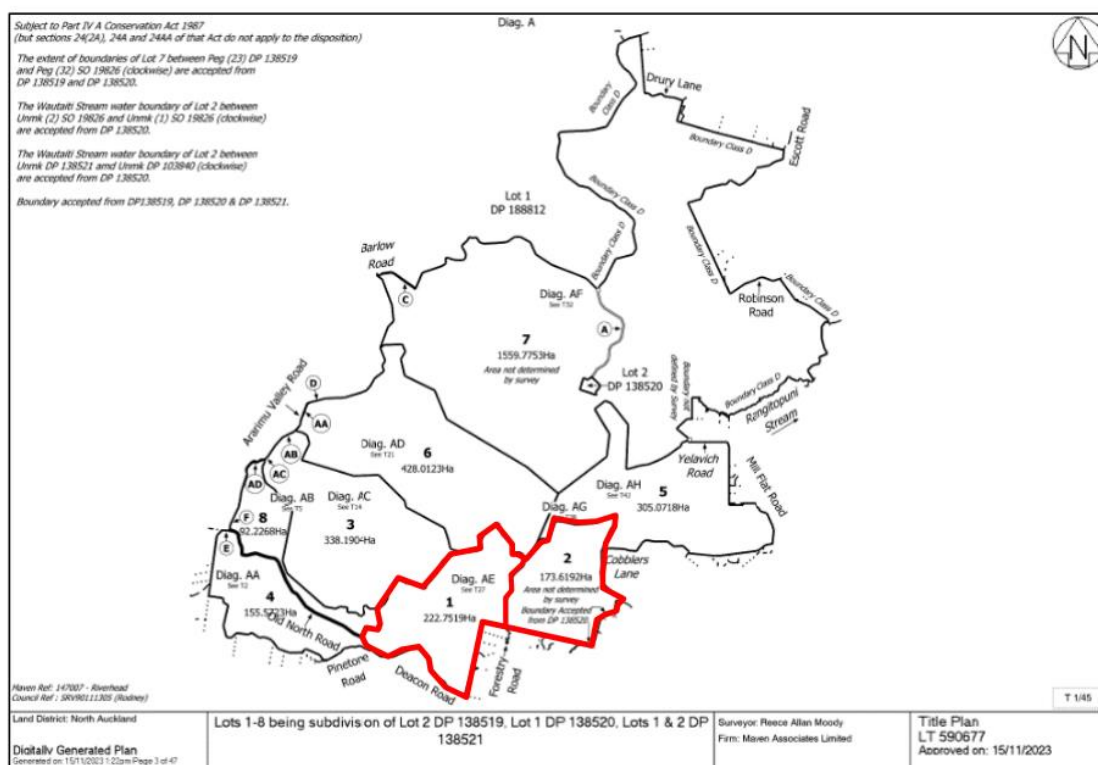


Figure 4 - Lot 1 and 2 in relation to the Rangitooopuni-Riverhead Forest

The site boundaries generally follow existing forestry roads which provide access to the remainder of the Rangitooopuni-Riverhead Forest. The site has frontage and access from Old North Road, Deacon Road and Forestry Road.

The landform is characterised by prominent ridges, primarily aligned north-east to south-west, separated by slightly to very steeply sloping terrain and incised gullies. Generally, the elevations of the site range from 50m RL up to 135m RL along elevated ridgelines.

The site is currently used for commercial forestry with a harvest cycle of approximately 26 years. A series of gravel roads are located across the site and no dwellings or other structures are located on the site. The site contains no highly productive land as shown by Figure 5 below.

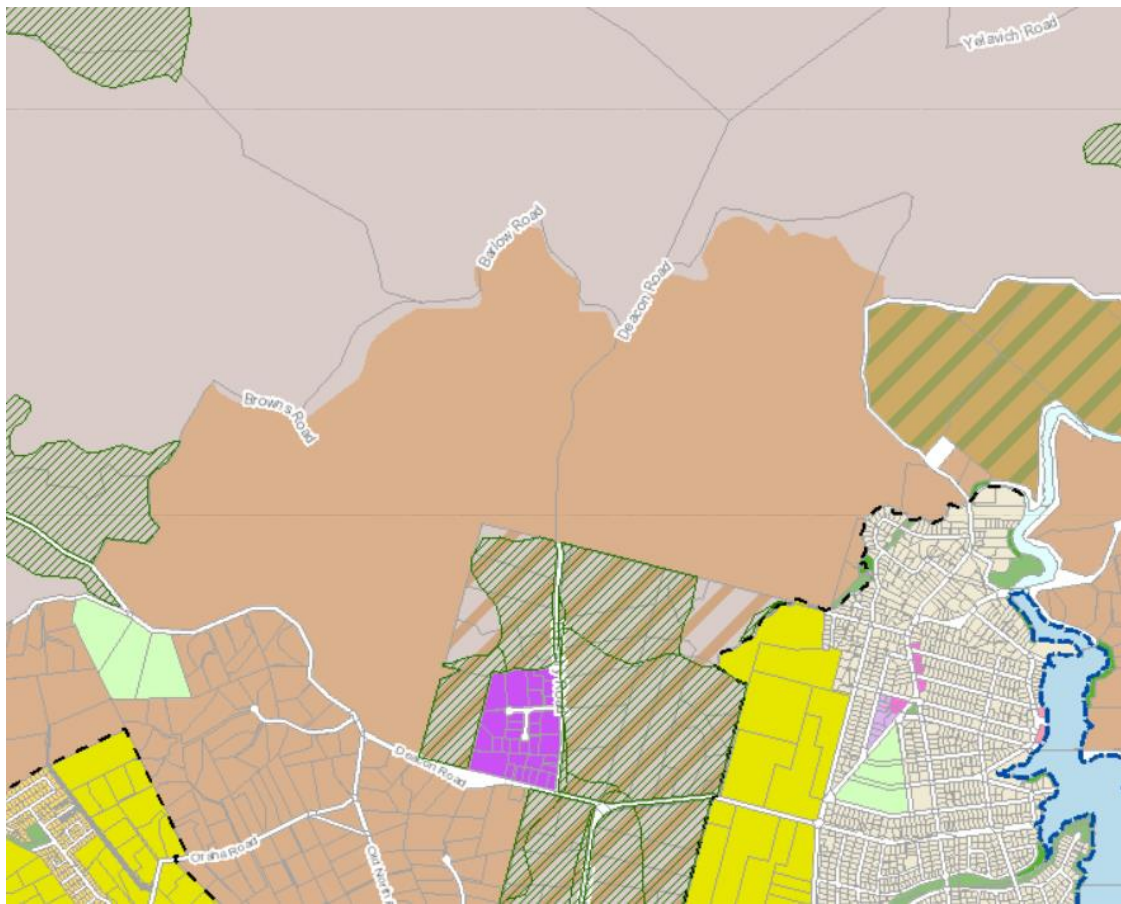


Figure 5 - Highly productive land (green hatching) in relation to the site

The site is Treaty Settlement land returned to Te Kawerau ā Maki as part of their commercial redress in their settlement with the Crown. **Figure 6** below shows the extent of the Treaty Settlement land, and a copy of the Deed of Settlement is provided in **Appendix C**.

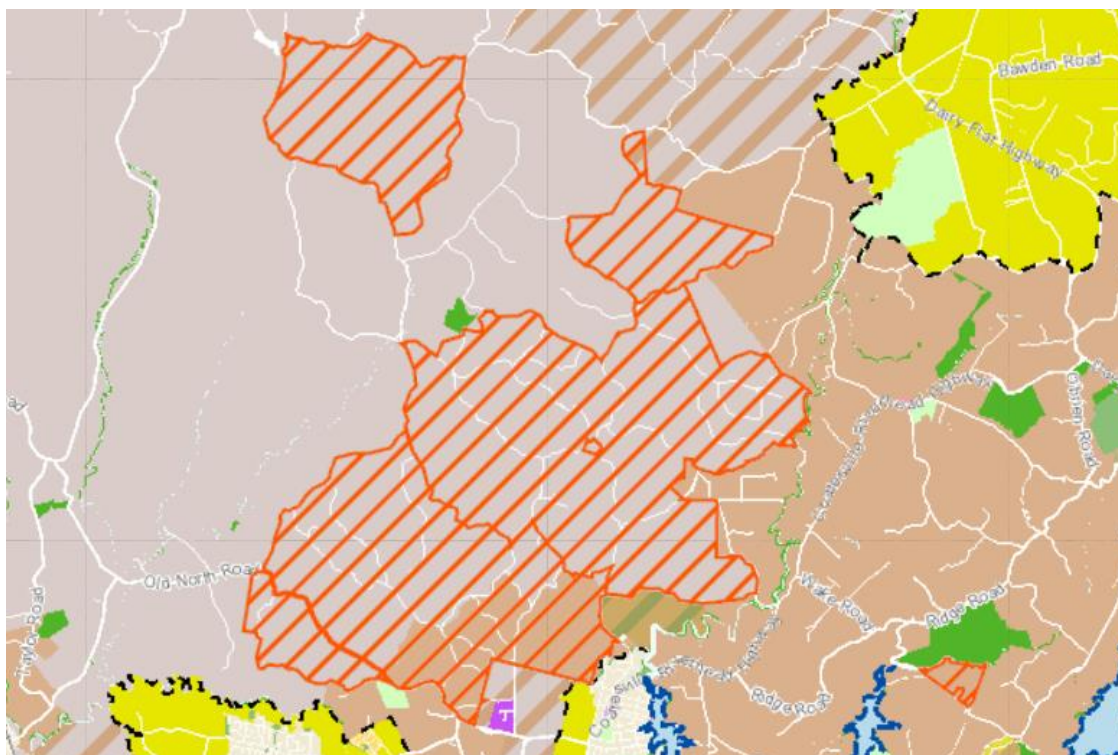


Figure 6 - Council GIS viewer showing the extent of Te Kawerau ā Maki Treaty Settlement land

The site meets the AUP definition of Treaty Settlement Land as it is property vested by the Crown to Te Kawerau ā Maki as part of their Treaty Settlement, refer to the Treaty Settlement documents in **Appendix C** and ownership details in **Appendix E** for further details.

4.3.1 Ecological Context and Existing Vegetation

The site straddles the boundaries of the Rodney Ecological District ('E-D') and Tamaki E-D, with the entirety of the site falling within the Auckland ecological region. The western 77.7 ha of the site falls within the Rodney E-D, and the eastern 318 ha of the site is within the Tamaki E-D.

Historical aerial imagery of the site indicates that in the 1940's the land was being used for forestry and has remained as commercial forestry for the last 80 years. Deforestation is observable in aerial images from the 1970's and it is estimated at least two crops of pine have been afforested and subsequently deforested on the site prior to the Te Kawerau ā Maki Treaty Settlement.

The current composition of the site vegetation varies, depending upon the land clearance and stages of forestry operations with the vegetation forming discrete blocks throughout the site as shown by **Figure 7** below.

There are no Notable Trees on the site as listed under Schedule 10 of the AUP.

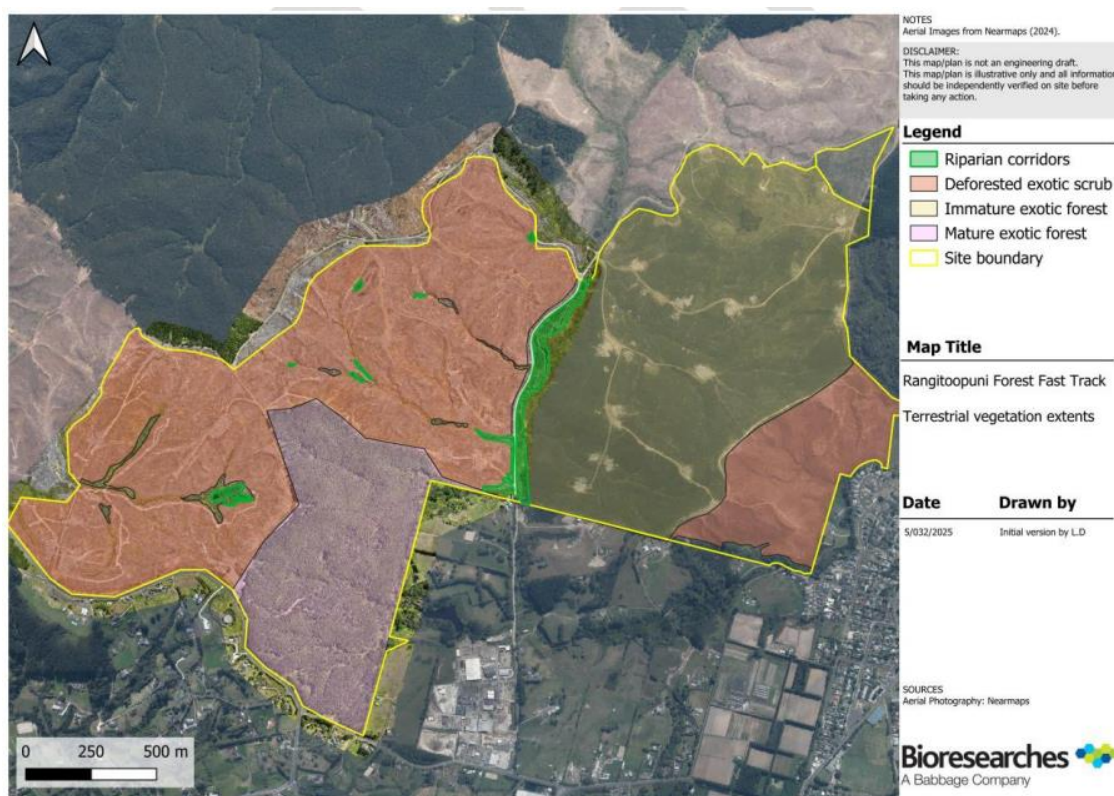


Figure 7 - Terrestrial vegetation types present on the site

4.3.2 Watercourse and Waterbody Classification

The site's freshwater ecology has been assessed and classified by Bioresearches, with its Ecological Impact Assessment provided in **Appendix F**.

Figure 8 below shows the ecological features present on the site:

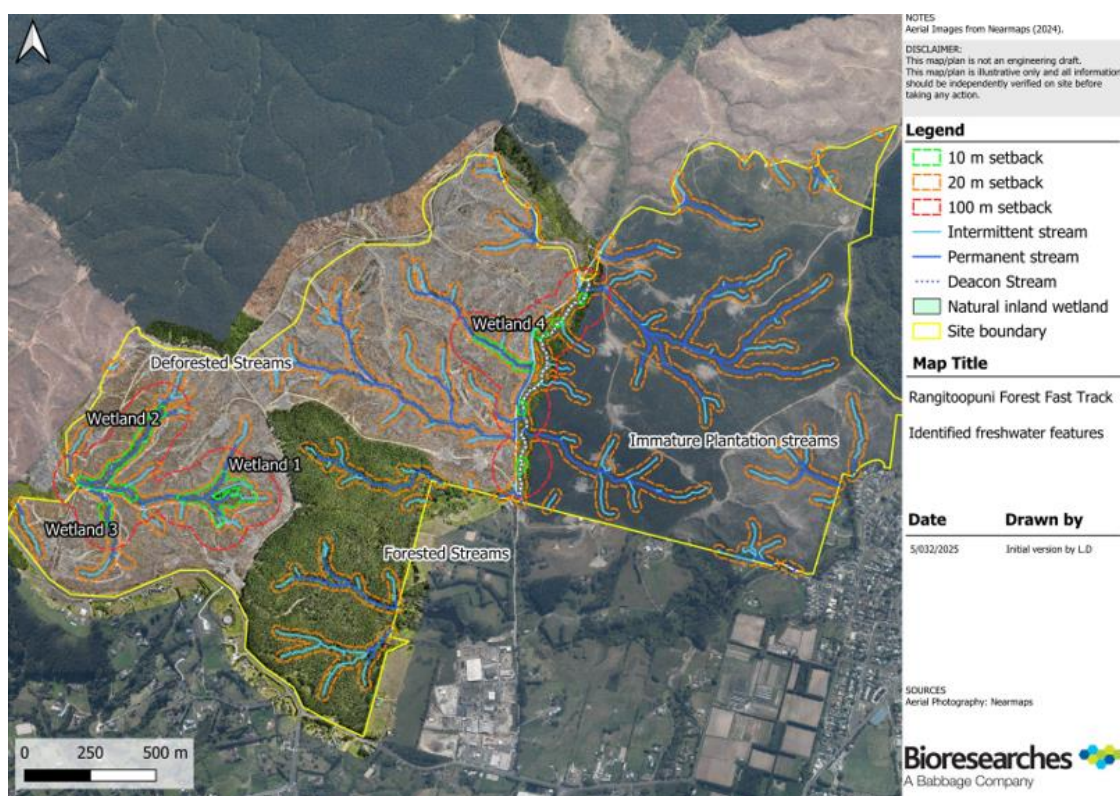


Figure 8 - Ecological features on the site

A summary of the identified features is provided below:

- 28.8km of stream extent present on the site, comprised of 11.3km of intermittent streams and 17.5km of permanent streams, in addition to ephemeral reaches
- Four natural inland wetlands, primarily located in the western portion of Lot 1, covering a total area of 25,200m²
- Mixed exotic and native riparian corridors over a total area of 5.9 ha
- The terrestrial vegetation types on the site are comprised of a combination of deforested exotic scrub, immature exotic forest, mature exotic forest and mixed exotic and native vegetation in riparian margins

4.3.3 Cultural sites

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

4.3.4 Archaeology

An archaeological assessment of the site has been undertaken by CFG Heritage and is provided in **Appendix G**. The report outlines Te Kawerau ā Maki traditional links to Riverhead and Huapai, and its importance as a transport corridor providing access to the surrounding area, natural resources and trade links. Inland areas were rich in forest resource, enabling hunting and access to forest plants providing a range of foods with fruits, roots and tubers common. The access to the coast of the Waitemataa Harbour would have provided an abundance of fish and shellfish resources. The exact date of European settlement is not known as Riverhead was never systematically settled, however, there is evidence of kauri being exploited for timber from 1841. Kauri gum was traded internationally from the 1840's and the gum digging industry continued into the early 20th century.

Archaeological sites in Riverhead are generally concentrated around waterways, with most adjacent to the Rangitooopuni River, and include both pre-European Māori and 19th century sites. No archaeological sites were identified within the site. A number of archaeological sites are located around the site, with two archaeological sites within 1km of the proposal; the 19th century Timber Mill (R12/1376) and the Riverhead Mill (R10/721). Both sites are located on waterways beyond the south-east corner of Lot 2. In addition, two gum digging sites are located within 1km to the north and north-west of the site.

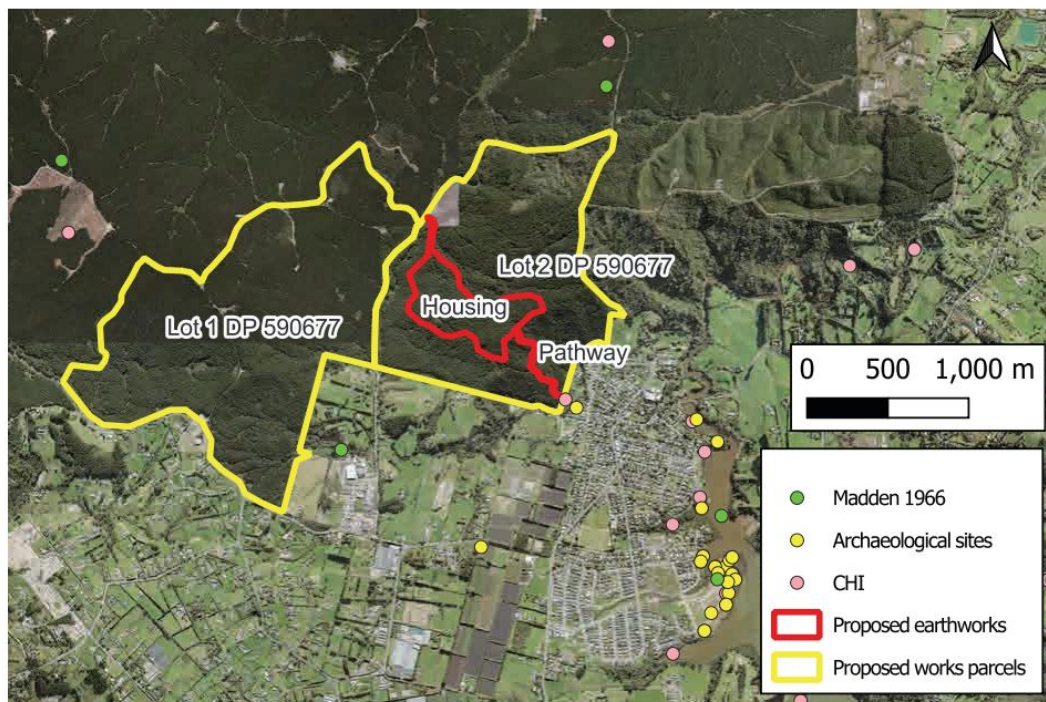


Figure 9 - Proposal in relation to archaeological sites

Features from the Timber Mill (R12/1376) extend up to 50m from the proposed pathway from the retirement village. However, there is no evidence that the site extends beyond what was previously recorded. Recent investigations found no evidence of the archaeological site.

The assessment found no reasonable cause to suspect that archaeological sites will be impacted by the proposal. Notwithstanding this, in the event that archaeological sites are identified during future works, accidental discovery protocols are proposed within the draft conditions. It is also acknowledged that the absence of archaeology does not necessarily equate to absence of cultural activity and cultural value.

4.3.5 Geotechnical Characteristics

The geotechnical characteristics of the site are described in the Geotechnical Investigation Reports by ENGEO in **Appendix H**. The report provides a detailed description of the geology and geomorphology of the site.

The Geotechnical Report(s) note that the site is underlain by East Coast Bays Formation of the Warkworth Subgroup (Waitemataa Group). The geomorphology of the site typically slopes east to west with an elevation change from 90m RL to 25M RL, with isolated steeper slopes present adjacent to the ephemeral overland flow paths.

Evidence of localised 'shallow instability' was observed within the permanent stream banks to the north, south and east of the site and are largely situated outside of the development boundary, except for isolated areas adjacent to the north-western and south-western corners

of the site. Groundwater has been detected during site investigations undertaken by ENGEO across several boreholes at depths ranging from 1.5m to 8.8m below ground level.

4.3.6 Contamination

A Preliminary Site Investigation ('PSI') has been undertaken by ENGEO and is provided in **Appendix I**. The PSI included a review of historical aerial photographs and site visit photos, a site contamination enquiry to Auckland Council and a statutory assessment based on the investigation findings.

ENGEO's review of the historical aerial photographs (from 1940 to 2024) found that the site has been used exclusively for forestry since at least 1940. No significant changes are visible on the site throughout this period, except for the periodic clearing and planting of trees and modifications to forestry roads.

A site contamination enquiry was submitted to Auckland Council who confirmed that no contamination information for the site is provided for within Council records. In addition, a previous PSI undertaken for the site in 2014 did not identify any potential contaminating activities.

No activities that fall under the Hazardous Activities and Industries List ('HAIL') were identified on the site and, therefore, a Detailed Site Investigation was not considered required. Various HAIL activities relating to the industrial area to the south of the site are listed, however, given that these are located downslope from the site and activities within close proximity to the boundary appear to be limited, they are not considered to have an impact on the site.

Due to no HAIL activities being identified on the site, the site does not meet the definition of 'land covered' by the National Environment Standard for Assessing and Managing Contaminants in Soil to Protect Human Health ('NESC') or the definition of 'land containing elevated levels of contaminants' under the Chapter E30 Contaminated Land of the AUP.

On this basis, ENGEO conclude that the site is not subject to the NESC or contaminated land provisions of the AUP and no further investigation work is considered necessary to support the proposal.

4.3.7 Existing Infrastructure

Please refer to the Infrastructure Report prepared by Maven in **Appendix J** for further details about the existing infrastructure on the site and in the vicinity.

The site is not serviced by reticulated stormwater, wastewater or water supply infrastructure. Existing power and communication networks are present within or nearby the site.

4.3.7.1 Wastewater

Currently the site has no existing reticulated wastewater network. The site is not contained within the urban extent of Auckland and, therefore, Watercare has no long term plan to provide reticulated wastewater infrastructure. Properties to the east of the site within the Riverhead township are connected to the public wastewater system.

4.3.7.2 Stormwater

Currently the site has no built stormwater infrastructure, and no existing stormwater network is located in the vicinity of the site. Drainage within the existing site is primarily by way of overland flow paths and streams conforming to the natural contours of the site. Multiple existing culverts are located under Forestry Road.

4.3.7.3 Water Supply

Auckland Council GIS viewer shows an existing public waterline within the Old North Road carriageway along the site frontage, which connects to a water reservoir opposite the site to the south. Due to the site being a rural zone, it is outside Watercare's intended service area and is not anticipated to be serviced.

4.3.7.4 Rooding

The Integrated Transport Assessment report attached at **Appendix K** provides a detailed description of the surrounding rooding network.

The southern boundary of Lot 1 has frontage on to Old North Road and Deacon Road, both of which are classified as medium-rural roads according to Auckland Council's GIS viewer. The site has no other road frontages.

Forestry Road is located to the south of Lot 2 and is classified as a minor-rural road according to the Auckland Council GIS viewer. Access to the site is provided off both Old North Road and Forestry Road.

Deacon Road traverses approximately 250m of the southern boundary of the site before terminating at the intersection with Old North Road, which forms the remainder of the southern boundary of Lot 1. Old North Road has a carriageway of approximately 20m and provides for one lane of traffic in each direction. The road is sealed but does not include pedestrian or cycling facilities due to its rural nature. Generous berms are located either side of the road and a speed limit of 80km/hr is imposed.

Forestry Road is a rural road providing for one lane of traffic in each direction. The road has a legal width of approximately 19m and is approximately 1km in length, with a sealed surface that becomes gravelled approximately halfway down the road.

In relation to the surrounding road network, Riverhead Road located to the south of the site off Deacon Road provides access into the Riverhead township and the Coatesville-Riverhead Highway, which connects to State Highway 16 and provides access to the wider Auckland region.

4.3.7.5 Public Transport

The closest bus stops to the site are located along Coatesville-Riverhead Highway, to the east of the site. There is currently one bus route that operates along this road, which is Route 126. The 126 route connects the Albany Bus Station to the Westgate interchange via Riverhead. Both the Westgate interchange and the Albany Bus Station have direct links to the Auckland CBD. The route runs hourly Monday to Friday. The public transport network in the vicinity of the site is shown in **Figure 10** below.

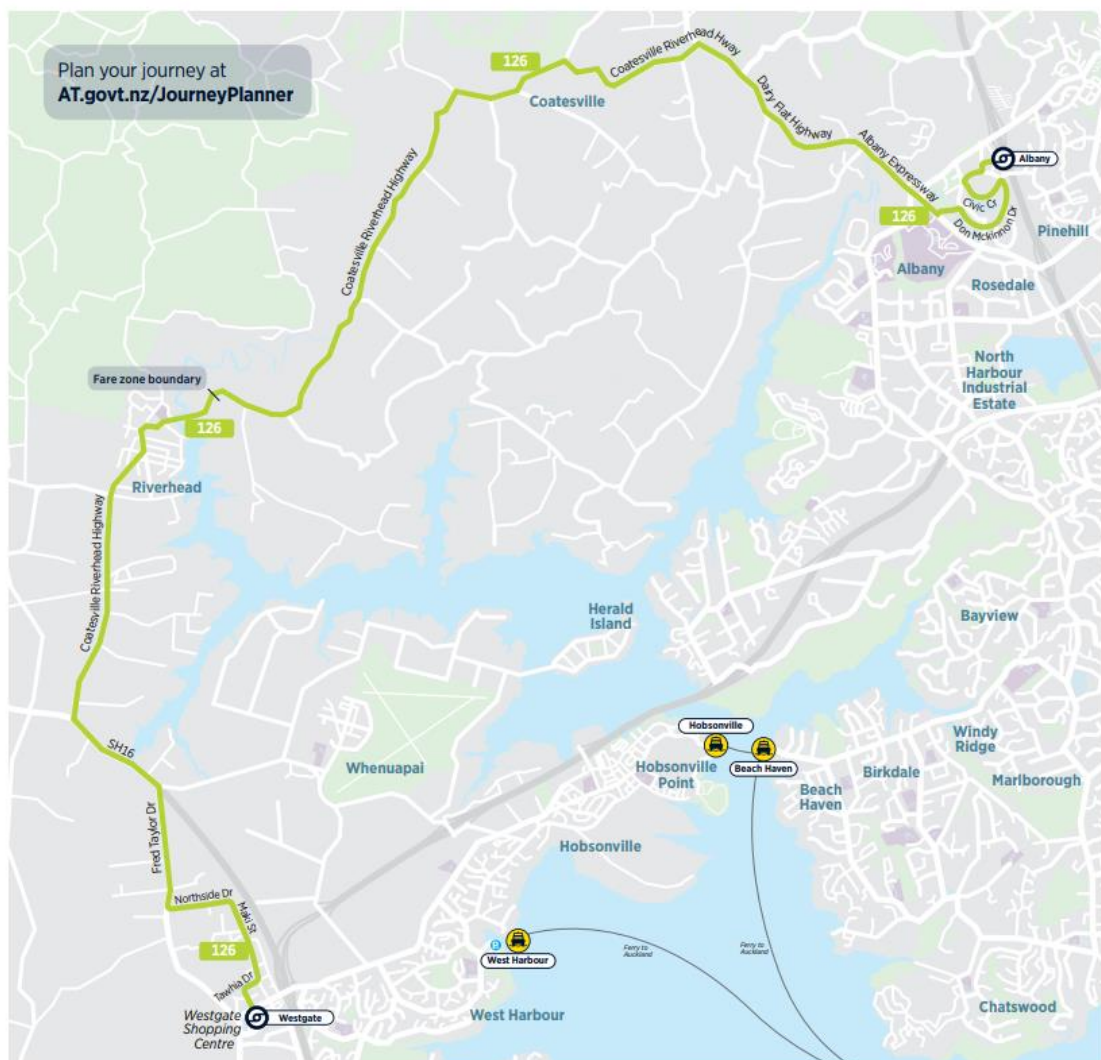


Figure 10 - Public transport options in the vicinity of the site

4.4 Site Planning Controls

4.4.1 Zoning

The site is identified in the AUP as predominantly Rural – Countryside Living Zone ('**CLZ**'). The zone provides for rural lifestyle living in areas within proximity to urban Auckland or rural and coastal towns.

The north-west boundary of Lot 1 and the north boundary of Lot 2 are zoned Rural – Rural Production Zone ('**RPZ**'). The zone provides for the use and development of land for rural production purposes.

It is noted that the extent of RPZ present within the site does not appear to follow existing forestry tracks, which have been used to determine the lot boundaries. The subdivision of the wider Rangitooopuni-Riverhead Forest occurred after the site was zoned under the AUP process. As such, there is a small discrepancy between the lot boundaries and the zone boundaries.

The surrounding environment contains a range of zones that are outlined below and shown by **Figure 11**.

- To the north and west of the site land is zoned RPZ
- To the south of Lot 1, land is zoned CLZ and Open Space – Sport and Active Recreation Zone
- To the east of Lot 1 and south of Lot 2, land is zoned Rural – Mixed Rural Zone
- To the south-east of Lot 2, land is zoned a combination of Future Urban Zone and Single House Zone (Riverhead township)
- To the north-east of Lot 2, land is zoned Rural – Rural Conservation Zone

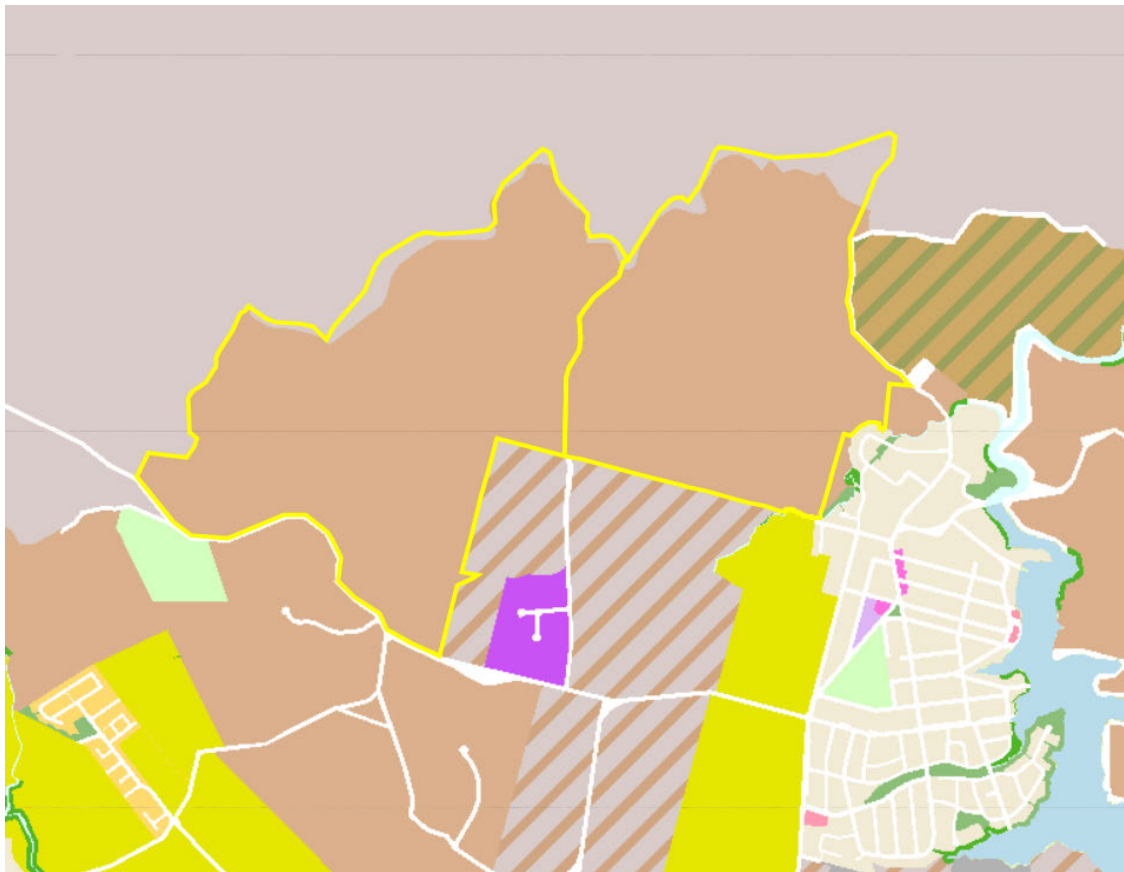


Figure 11 - AUP zoning, site outlined in yellow (source: Auckland Council GIS)

4.4.2 Overlays

There are a number of overlays relevant to the site which are outlined below.

The southern area of Lot 1 is subject to the High-Use Stream Management Area and High-Use Aquifer Management Area Overlays. Rules relating to the overlays are located in section E7 of the AUP (Taking, using, damming and diversion of water and drilling) and any relevant considerations are included within the Geotechnical Reports provided in **Appendix H**.

A portion of the eastern boundary of Lot 2 is subject to the Significant Ecological Area overlay, however, no works are proposed within the area and the overlay does not need to be considered further by this application.

The south-east corner of Lot 2 is located within the National Grid Overlay – National Grid Yard and National Grid Subdivision Corridor. The proposed path from the retirement village does traverse through the overlay. However, establishment of the path through the National Grid Yard and National Grid Corridor is a permitted activity (refer to Section 6.1.6 for further details). Therefore, it does not need to be considered further by the application.

The location of the overlays in relation to the site are shown by **Figure 12** below.

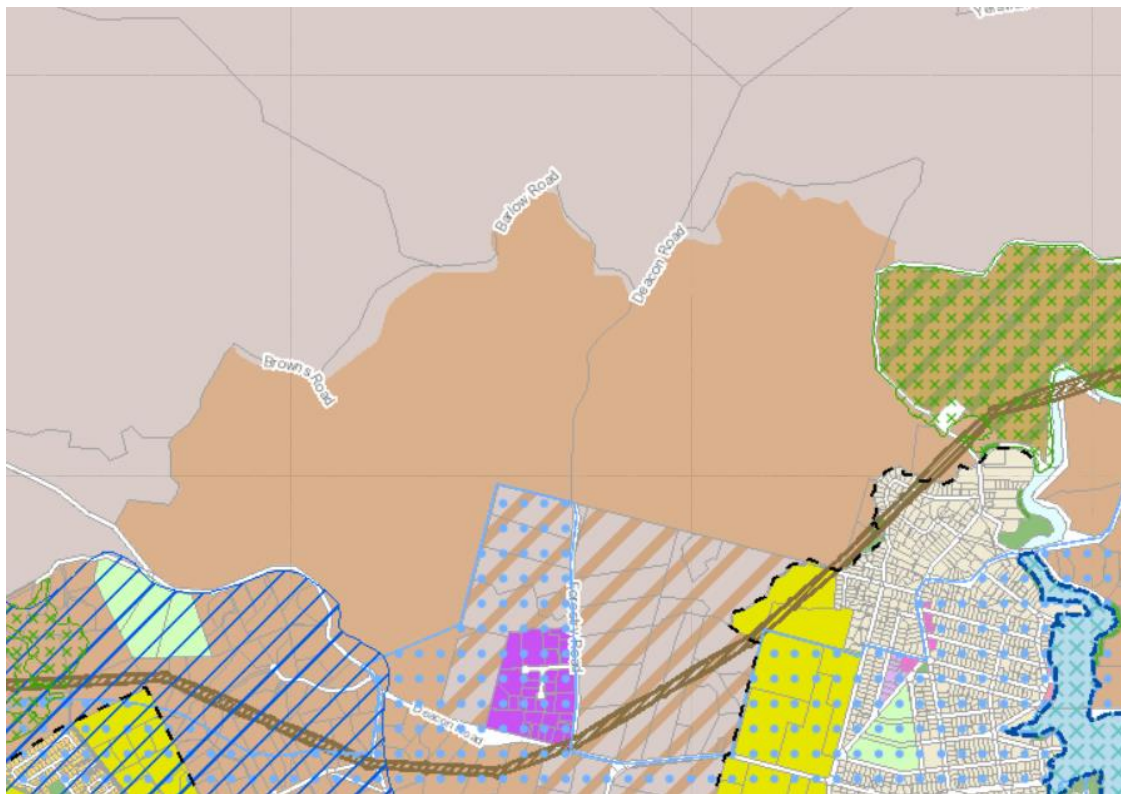


Figure 12 - Overlays in relation to the site

The site does not contain any Māori land (by reference to the AUP definition of that term), marae or identified sites of places of significance to Mana Whenua, as shown by **Figure 13** below.⁸

⁸ Section 13(4)(o), FTAA

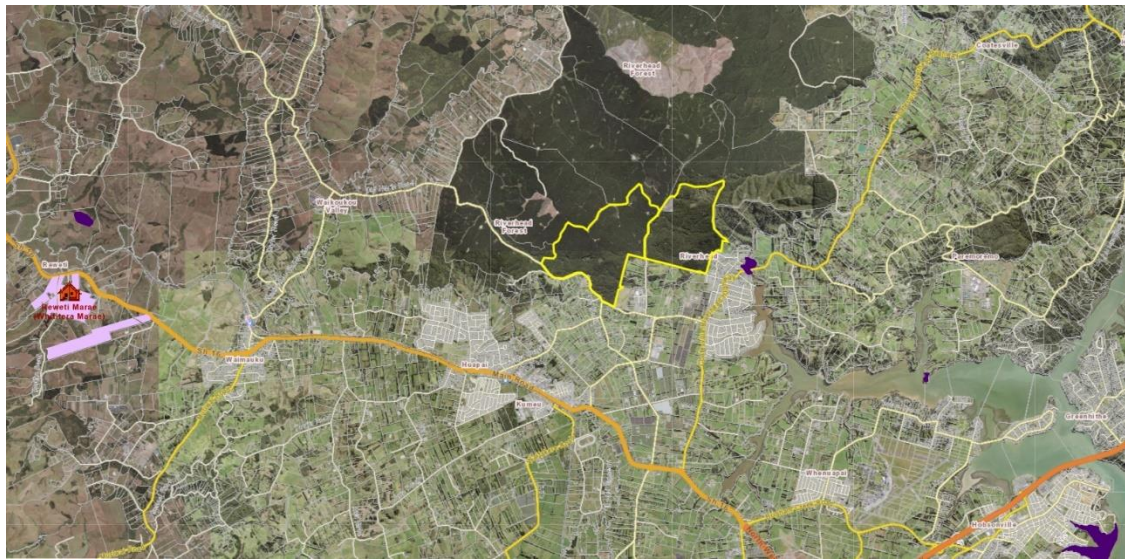


Figure 13 - The site in relation to Mana Whenua overlays (Source: AUP Planning Maps)

4.4.3 Controls

The site is subject to the Macroinvertebrate Community Index Control. However, the control has no impact on the application and does not need to be considered further by the application.

The most eastern point of Lot 2 is subject to the Coastal Inundation 1 per cent AEP Plus 1m Control – 1m sea level rise. No works are proposed within that area, and it does not need to be considered further by the application.

The south-east portion of Lot 2 borders the Stormwater Management Control Area – Flow 1. Again, no works are proposed within this area and the control does not need to be considered further by this application.

The site is located within the Subdivision Variation Control – Rural, Kumeu – Huapai Countryside Living, which relates to subdivision that can occur on the site (shown via the dots covering the site in **Figure 14**). The control enables minimum site areas of 8,000m² and a minimum average net site area of 1 ha where subdivision occurs by way of the Transferable Rural Site Subdivision ('TRSS') provisions.

The location of the controls in relation to the site are shown by **Figure 14** below (noting that the Macroinvertebrate Community Index is not shown as it covers the entire site and surrounding area and has no impact on this application).

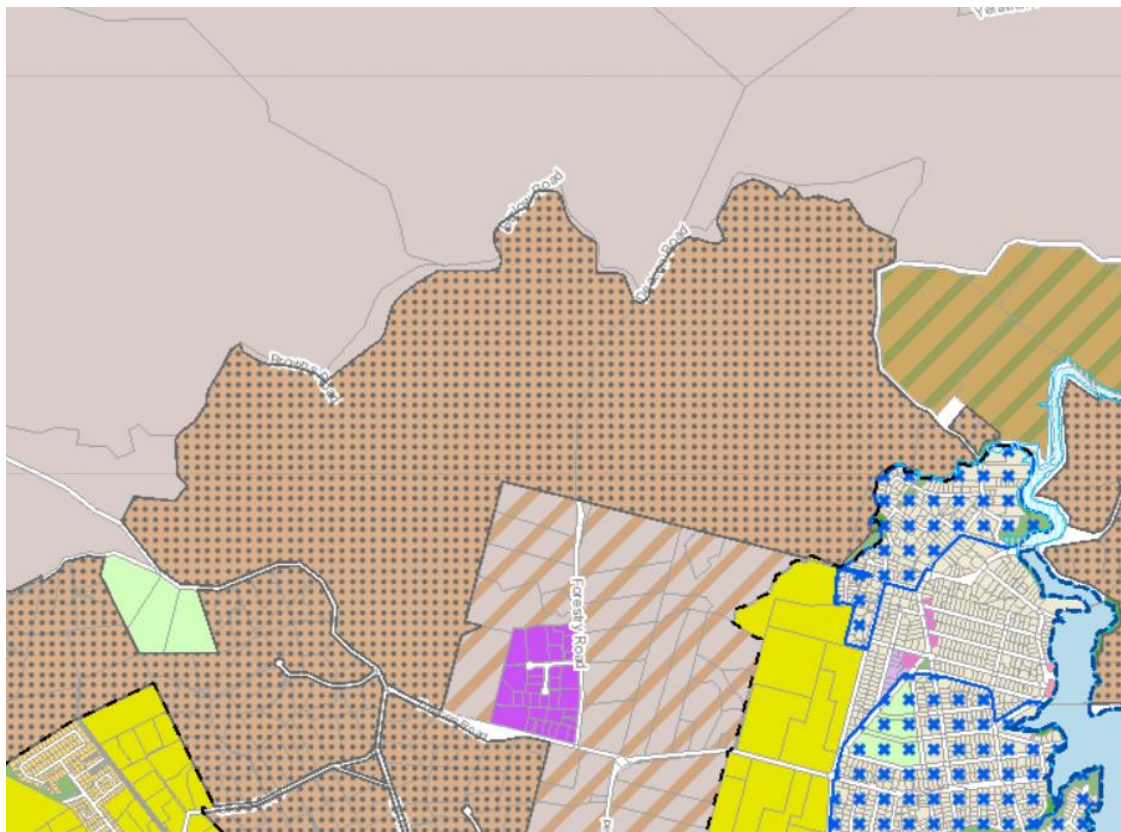


Figure 14 - Controls in relation to the site

4.4.4 Designations

The entirety of Lot 2 and the eastern half of Lot 1 are located within the Airspace Restriction Designation – ID 4311, Defence purposes – protection of approach and departure paths (Whenuapai Air Base), as shown by **Figure 15** below.

The designation requires approval from the New Zealand Defence Force ('NZDF') for land use and subdivision directly within the lower part of the runway approach paths, generally within 1km of the Whenuapai Air Base runways. However, the site is not located in or near the approach paths and approval is not required from the NZDF. The designation poses no restrictions for the application as the height limits imposed will not be exceeded by the proposal.

No other designations apply to the site.

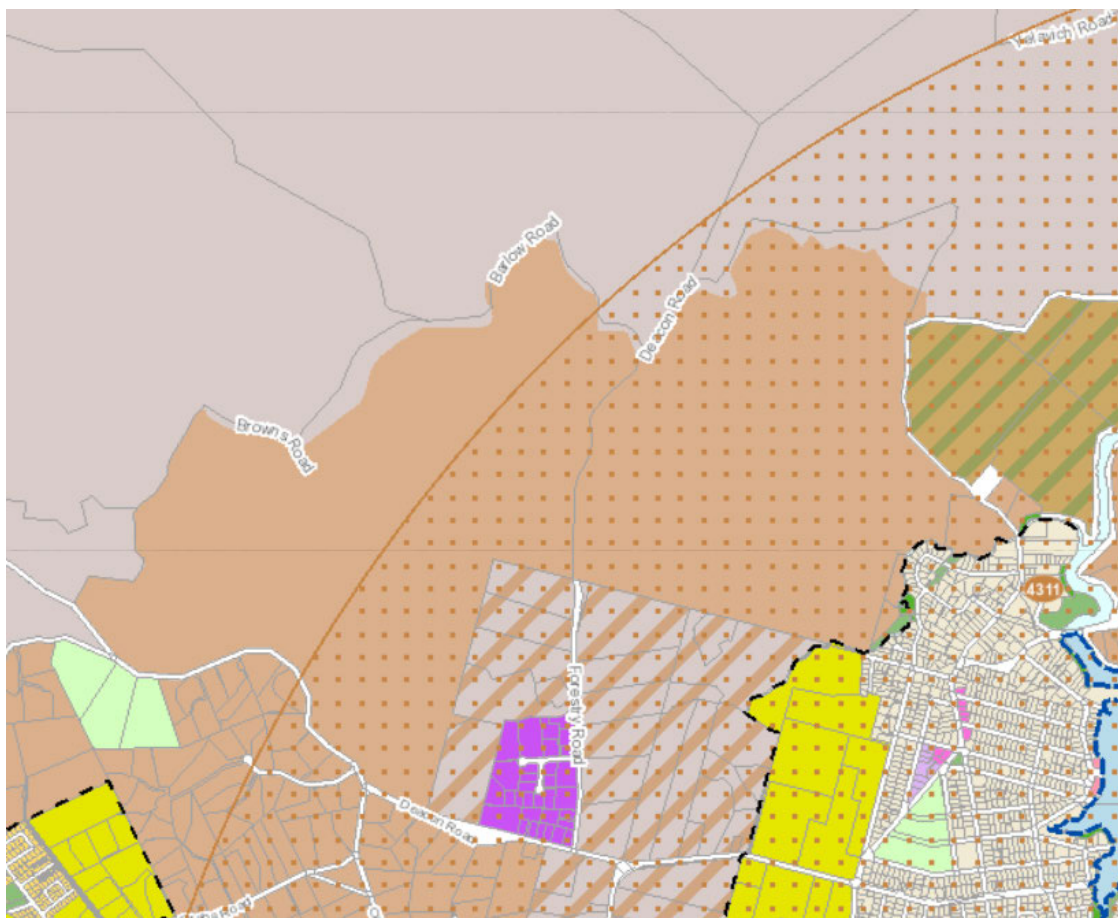


Figure 15 - Designation 4311 in relation to the site

4.4.5 Flood Hazards

The site is subject to flood hazards, namely overland flow paths ('OLFP') and flood plains associated with the stream network on the site, as shown by **Figure 16** below. Multiple existing culverts are present on the site that cross the streams and/or OLFP's.

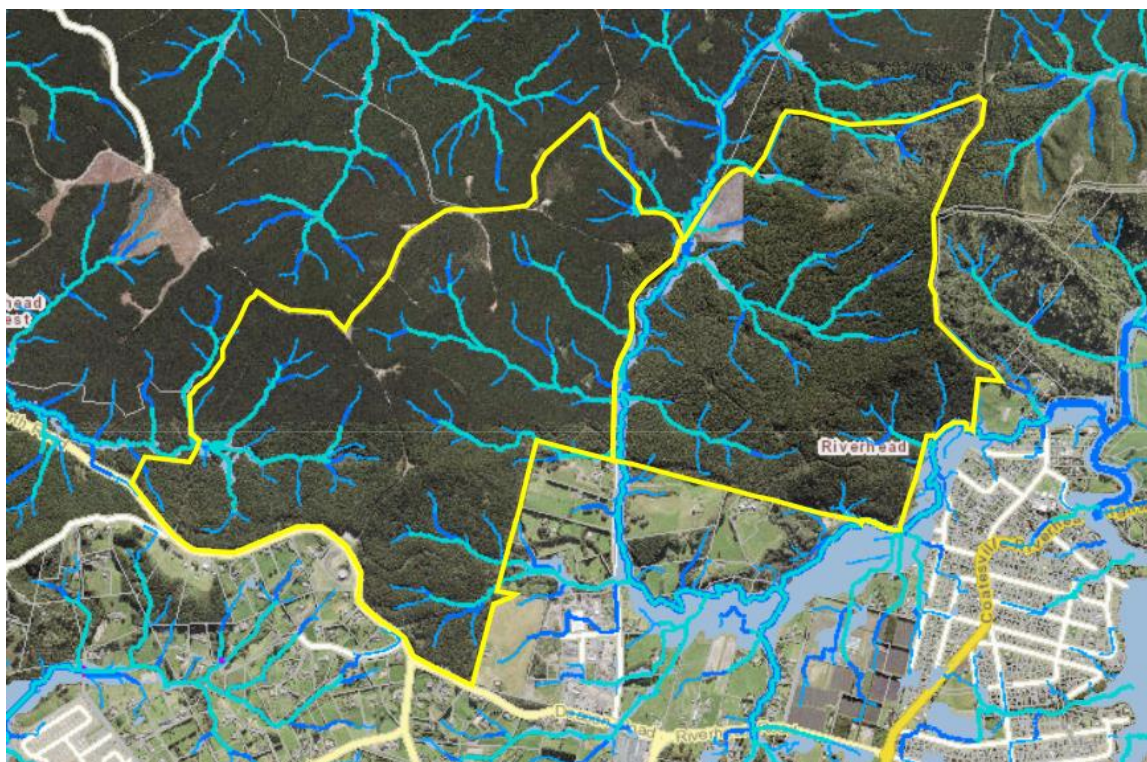


Figure 16 - Streams, OLFP and 1% AEP flood plains in relation to the site

The site is located within two catchments, with the western half of Lot 1 within the Kaipara Catchment and the remainder of the site within the Riverhead Catchment, as shown by **Figures 17** and **18** below.

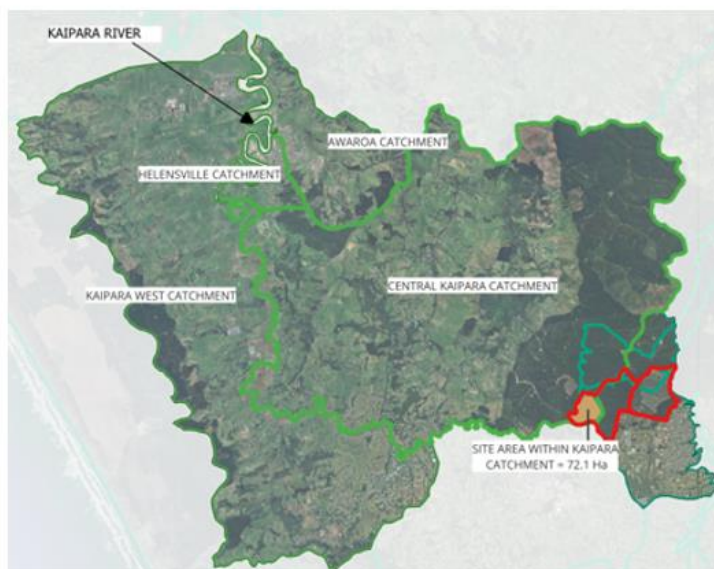


Figure 17 - Portion of the site within the Kaipara Catchment

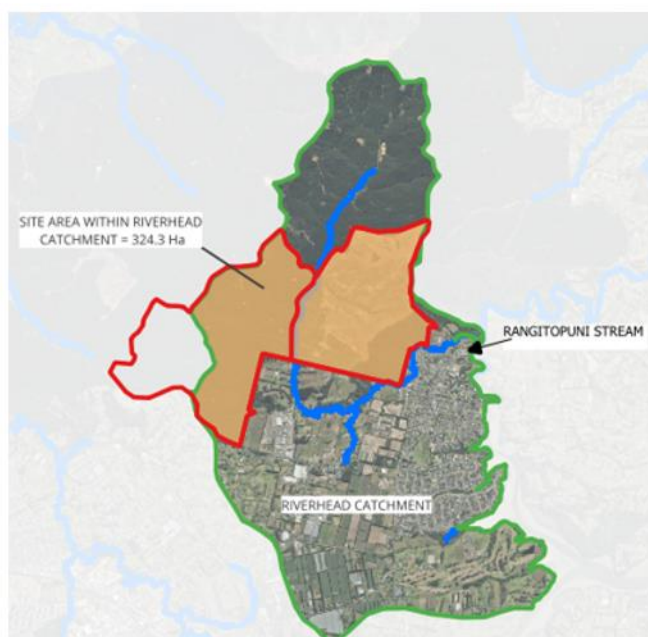


Figure 18 - Portion of the site within the Riverhead Catchment

4.4.6 Statutory Acknowledgement Areas⁹

The site is located within the Te Kawerau ā Maki Statutory Acknowledgement Area. In relation to the surrounding area, Ngāi Tai ki Tāmaki Statutory Acknowledgement Area is located to the south-east across the Upper Waitemataa Harbour.

The statutory acknowledgement area for Te Kawerau ā Maki recognises the association between Te Kawerau ā Maki and a particular site or area and enhances the iwi's ability to participate in specified resource management processes. Te Kawerau ā Maki statutory acknowledgement includes areas of significance to Te Kawerau ā Maki, as outlined in their settlement statement, and the Te Kawerau ā Maki coastal area.

⁹ Clause 5(1)(b)(i), Schedule 5, FTAA

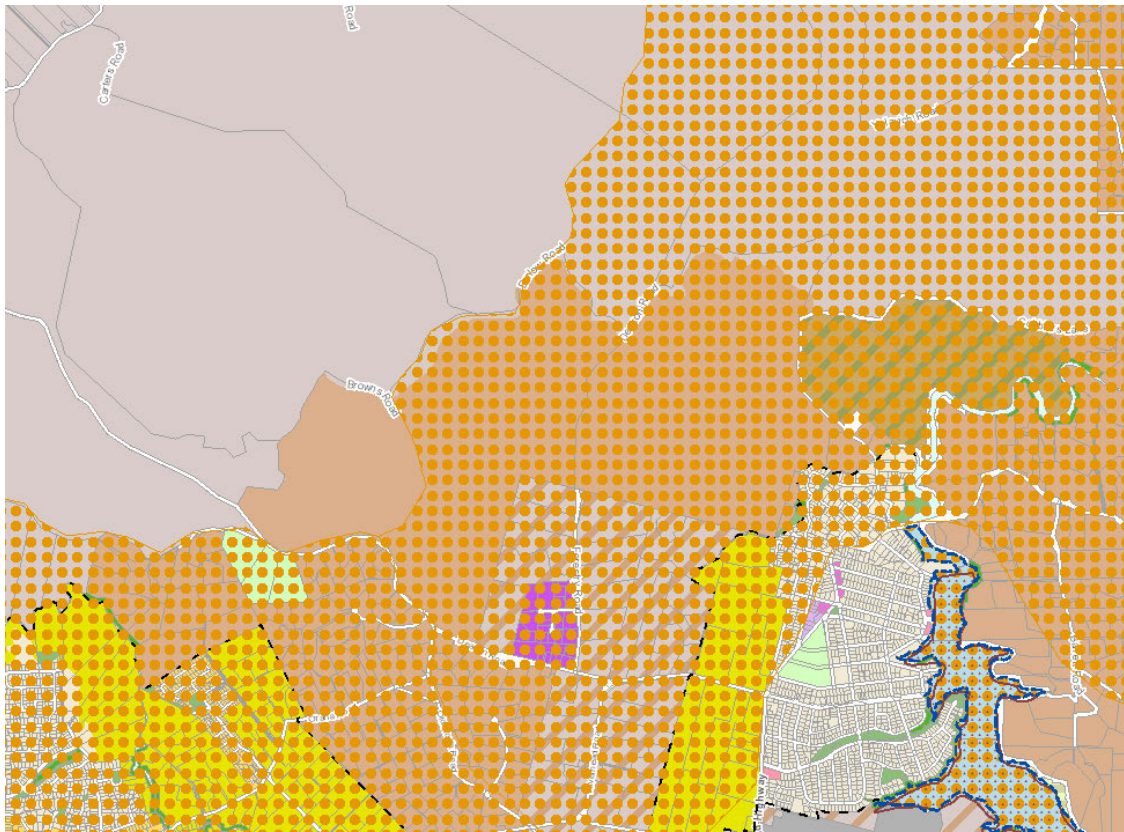


Figure 19 - Statutory Acknowledgement Areas in relation to the site and surrounding area

4.5 The surrounding environment

The immediate vicinity of the site is characterised by a mix of rural and residential activities and building types. To the north and west of the site is the remainder of the Rangitootuni-Riverhead Forest, and to the south and east, established residential areas with varying densities are located, in addition to other uses, such as horticultural and commercial activities.

The south-eastern boundary of Lot 2 borders Riverhead, with the Riverhead centre approximately 1km from the site. Riverhead contains a range of everyday amenities and services to support the residential community.

To the south of the site are predominately large, rural-residential lifestyle properties which generally contain single dwellings and a range of ancillary outbuildings and other structures. The Waitematā Clay Target Club is located off Old North Road opposite the south-west corner of Lot 1. Commercial uses are also present such as an industrial area to the south-east of the site, caravan parks and other commercial uses. Horticultural activities such as plant nurseries are also present to the south of the site.

A number of towns and suburbs are located in the wider area around Riverhead, as shown by **Figure 20** below, such as the towns of Kumeu, Waimauku and Huapai, which provide a range of services and amenities for local residential communities.

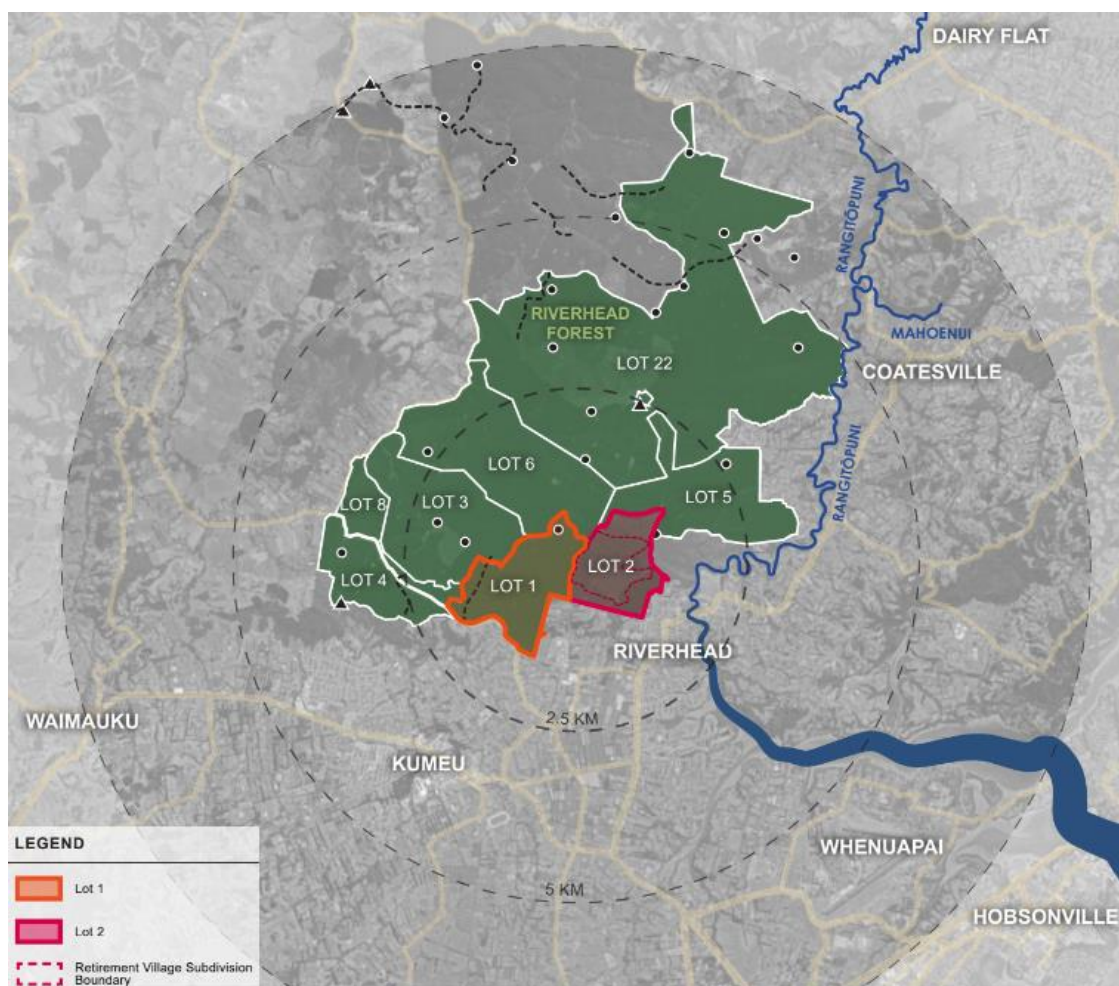


Figure 20 - Surrounding towns and suburbs

In relation to the wider surrounding environment, the site is located in the north-west region of Auckland and is approximately 26km from Auckland's CBD, as shown by **Figure 21** below. Auckland's urban area is located to the east and south-east of the site, with the remaining wider surrounding area more rural in nature.

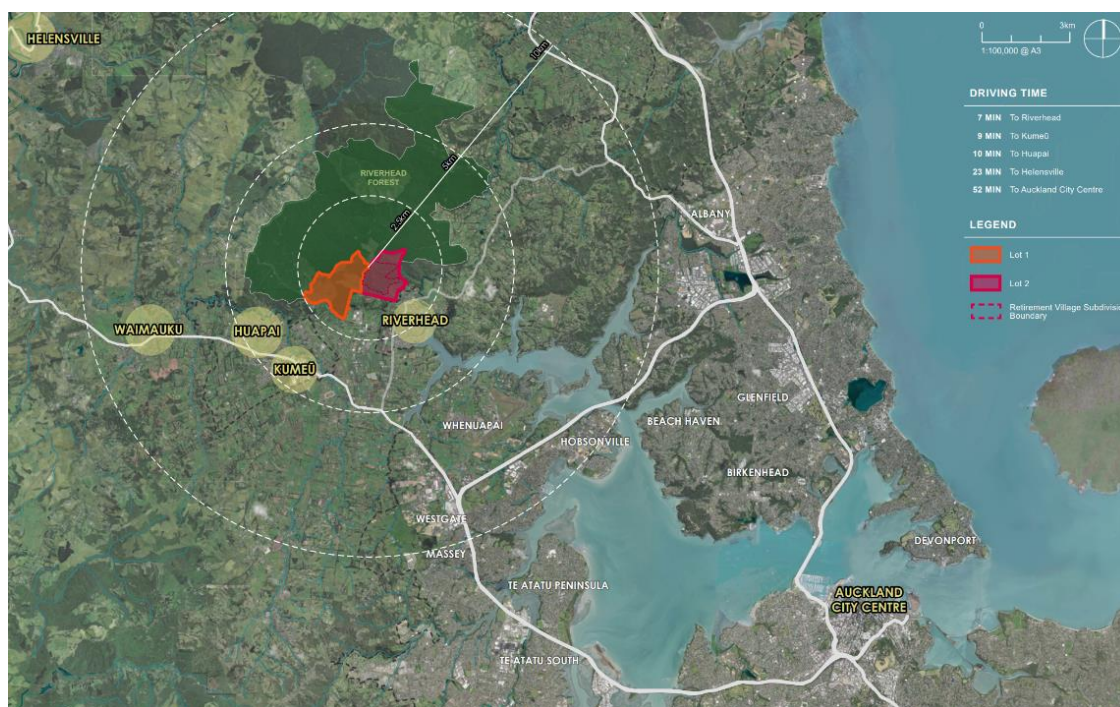


Figure 21 - Wider surrounding area

4.5.1 Adjacent sites¹⁰

The owners/occupiers of the sites adjacent to the subject site are outlined below. The majority of the adjoining sites to the south contain residential lifestyle properties with large, detached dwellings with ancillary outbuildings and open space characterised by landscaping and a range of vegetation.

The eastern boundary of Lot 2 adjoins properties located within the Riverhead township that have smaller lot sizes and are more reflective of an urban rather than rural area. To the north and west of the site is the remainder of the Rangitootuni-Riverhead forest.

¹⁰ Clause 5(1)(d)(i) & (ii), Schedule 5, FTAA

4.5.1.1 Adjoining sites in relation to Lot 1 DP 509677

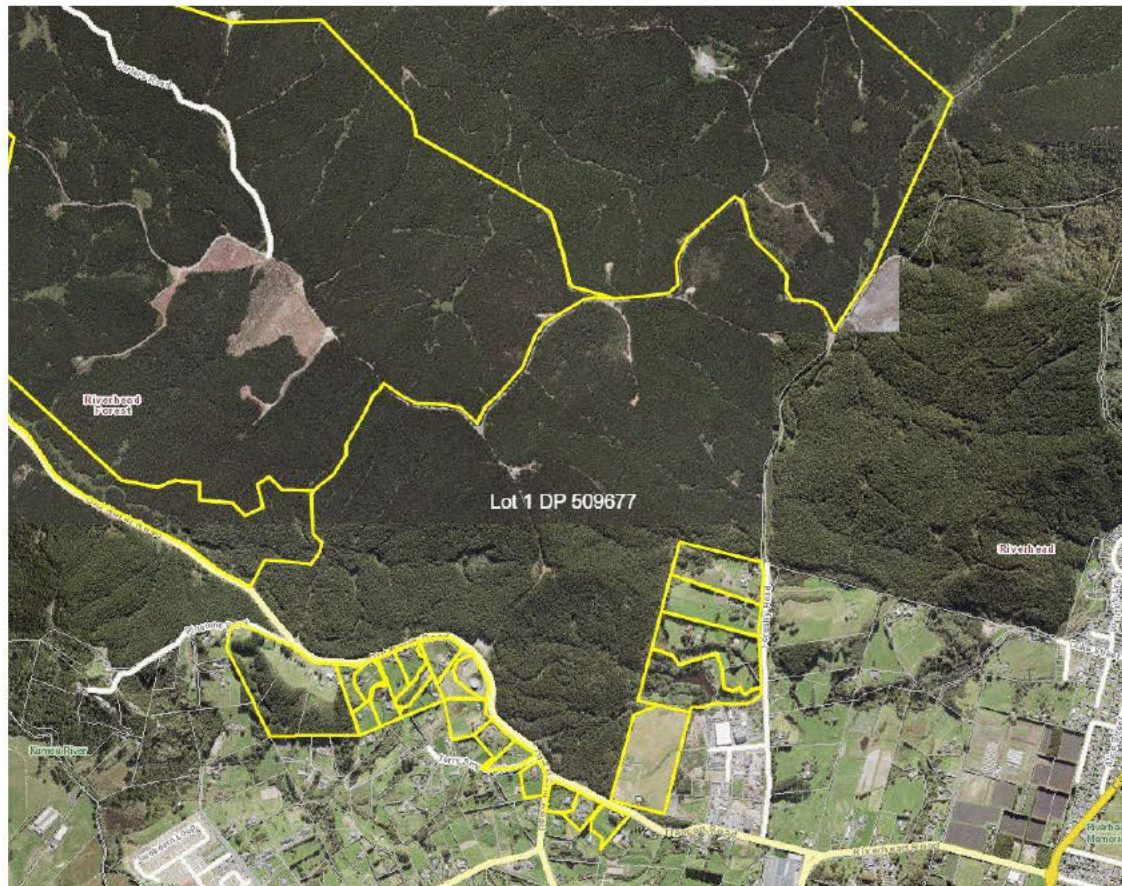




















Figure 22 - Lot 1 DP 509677

Address	Legal Description	Owner	Occupier
Ararimu Valley Road Ararimu Valley	LOT 3 DP 590677	[REDACTED]	Unoccupied
Ararimu Valley Road Ararimu Valley	LOT 8 DP 590677	[REDACTED]	Unoccupied
Old North Road, Waikoukou Valley	LOT 4 DP 590677	[REDACTED]	Unoccupied
Ararimu Valley Road Ararimu Valley	LOT 6 DP 590677	[REDACTED]	Unoccupied
338 Old North Road, Riverhead	Lot 2 DP 360630	[REDACTED]	Unconfirmed
371 Old North Road, Huapai	Lot 28 DP 199759	[REDACTED]	[REDACTED]

			
375 Old North Road, Huapai	Lot 7 DP 168006, SECT 2 SO 542036		Unconfirmed
403 Old North Road, Huapai	LOT 1 DP 559143		Unoccupied (reservoir)
409 Old North Road, Huapai	LOT 2 DP 559143		Unconfirmed
417 Old North Road, Huapai	Lot 1 DP 197763		Unconfirmed
433 Old North Road, Huapai	Lot 2 DP 374071		Unconfirmed
433A Old North Road, Huapai	Lot 1 DP 374071		Unconfirmed
437 Old North Road, Huapai	Lot 2 DP 421727		Unconfirmed
451 Old North Road, Huapai	Lot 3 DP 374071		Unconfirmed
451A Old North Road, Huapai	Lot 4 DP 374071		Unconfirmed
451B Old North Road, Huapai	Lot 2 DP 387616		Unconfirmed
453 Old North Road, Huapai	Lot 1 DP 387616		Unconfirmed
465 Old North Road, Huapai	LOT 1 DP 53102, LOT 2 DP 53102, LOT 3 DP 53102		Commercial
3 Terry Smyth Drive, Huapai	Lot 44 DP 199759		Unconfirmed
6 Terry Smyth Drive, Huapai	Lot 27 DP 199759		Unconfirmed
74 Deacon Road, Riverhead	Pt Lot 2 DP 26674		Owner occupied
79 Deacon Road, Riverhead	Lot 1 DP 409802		Unconfirmed
93 Deacon Road, Riverhead	Lot 1 DP 360630		Unconfirmed

49 Forestry Road, Riverhead	Lot 201 DP 425261	[REDACTED]	Bush/wetland area, no buildings
63 Forestry Road, Riverhead	Lot 1 DP 329465, Lot 3 DP 64224	[REDACTED]	Unconfirmed
85 Forestry Road, Riverhead	Lot 2 DP 64224	[REDACTED]	Unconfirmed
93 Forestry Road, Riverhead	Lot 1 DP 64224	[REDACTED]	Unconfirmed

4.5.1.2 Adjoining sites in relation to Lot 2 DP 509677

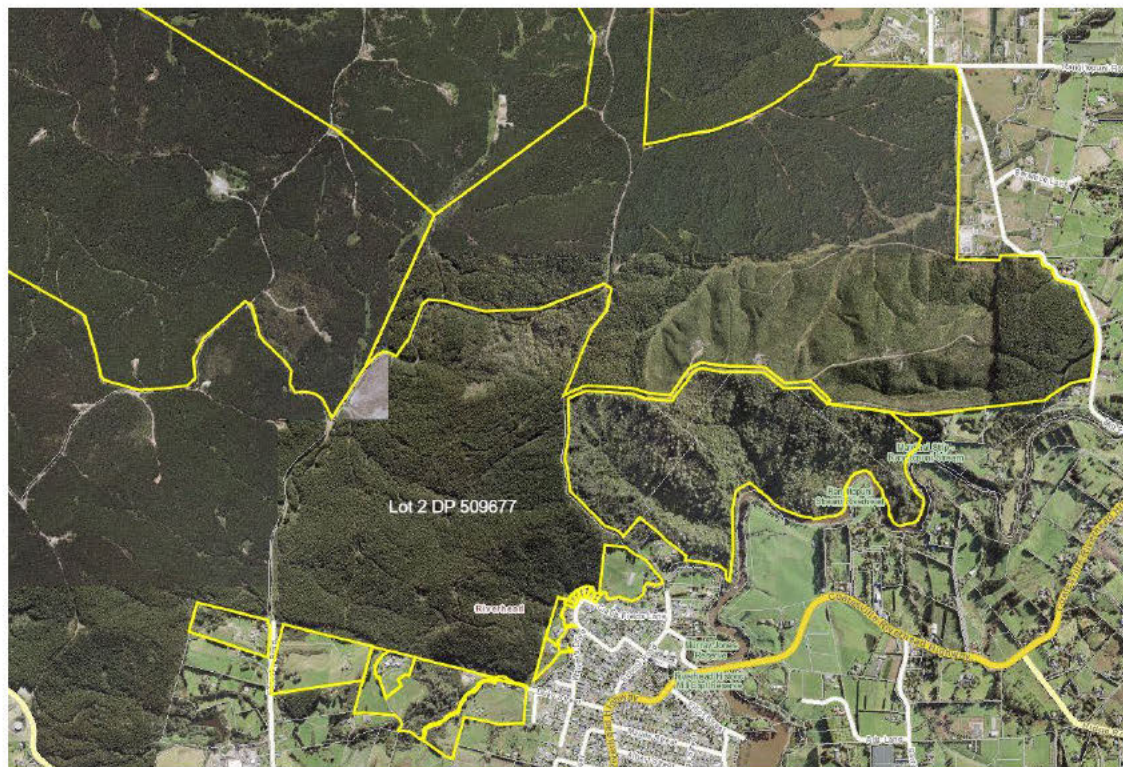















Figure 23 - Lot 2 DP 509677

Address	Legal Description	Owner	Occupier
Mill Flat Road, Riverhead	LOT 5 DP 590677	[REDACTED]	Unoccupied
Allot 221 SO 11544, Cobblers Lane Riverhead 0820	Sec 2 Blk VI Waitemata Survey District SO 25805, Sec 3 Blk VI Waitemata Survey District SO 25805,	[REDACTED]	Unconfirmed

	Allot 221 Psh Of Paremoremo SO 11544, Pt Allot 69 Psh Of Paremoremo, Pt Allot 165 Psh Of Paremoremo, Allot 222 Psh Of Paremoremo SO 11544		
22 Cobblers Lane, Riverhead	Lot 1 DP 15622		Owner occupied
30 Crabb Fields Lane, Riverhead	Lot 17 DP 465322		Unconfirmed
32 Crabb Fields Lane, Riverhead	Lot 18 DP 465322		Owner occupied
34 Crabb Fields Lane, Riverhead	Lot 19 DP 465322		Unconfirmed
36 Crabb Fields Lane, Riverhead	Lot 20 DP 465322		Unconfirmed
38 Crabb Fields Lane, Riverhead	Lot 21 DP 465322		Unconfirmed
40 Crabb Fields Lane, Riverhead	Lot 22 DP 465322		Unconfirmed
42 Crabb Fields Lane, Riverhead	Lot 44 DP 478005		Unconfirmed
52 Crabb Fields Lane, Riverhead	Lot 41 DP 478005, Lot 42 DP 478005		Unconfirmed
17 Wautaiti Drive, Riverhead	Lot 18 DP 465249, Lot 19 DP 465249		Unconfirmed
22 Duke Street, Riverhead	LOT 20 DP 4998		Unconfirmed
30B Duke Street, Riverhead	Lot 2 DP 339149		Unconfirmed
30C Duke Street, Riverhead	Lot 2 DP 488863, Lot 3 DP 488863		Unconfirmed

100 Forestry Road, Riverhead	Lot 8 DP 60666	[REDACTED] [REDACTED] [REDACTED]	Owner occupied
93 Forestry Road, Riverhead	Lot 1 DP 64224	[REDACTED]	Unconfirmed

4.5.1.3 Parcel 5223655

A portion of the eastern boundary of Lot 2 is adjoined by Parcel 5223655, which is defined as a road (part of Cobblers Lane) as shown by **Figure 24** below.

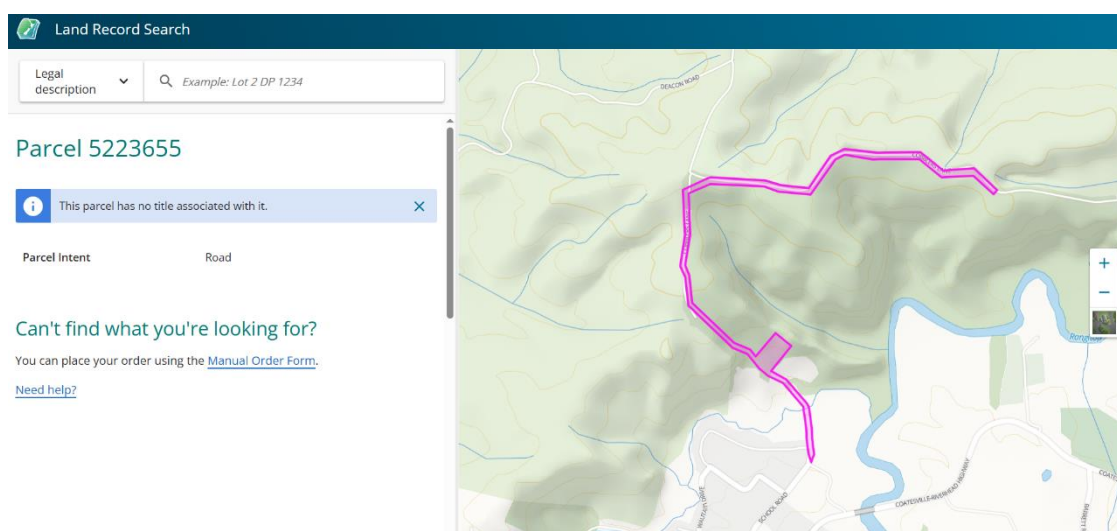


Figure 24 - Parcel 5223655

The site could not be identified on the Council maps or any other mapping services. Land Information New Zealand were contacted to obtain information on the site and confirmed that they have no further information on the site above what is shown in **Figure 24** above.

Given that the site is defined as a 'legal road' it can be assumed that Auckland Council is the owner and due to consultation already being undertaken with Auckland Council as part of the application, the site has not been included in the adjacent owner/occupier consultation.

4.5.2 Riverhead Township

The Riverhead Township has a current population of approximately 3,000 people and is predominantly comprised of lower-density residential properties, generally detached dwellings and ancillary outbuildings, such as minor dwellings or detached garages, on a single lot.

The northern portion of Riverhead past the Riverhead War Memorial Park is older and more established and generally contains slightly larger lot sizes. To the south, more recent

development is located in keeping with the lower-density residential environment of the township.

The eastern edge of Riverhead borders the Upper Waitemataa Harbour which connects to the Rangitootuni stream. A range of commercial and community services and facilities are located in the town, such as a local school, community halls, takeaway food outlets, shops, restaurants, sport grounds, churches, and recreation areas.

4.5.3 Private Plan Change 100

Plan Change 100 ('PC100') is located to the south of the site along the western edge of the Riverhead Township. PC100 proposes to rezone 75.5 ha of FUZ land to a mix of Residential – Mixed Housing Suburban Zone, Terrace Housing and Apartment Buildings Zone, Business – Local Centre Zone and Neighbour Centre Zone, in addition to 6 ha of Rural – Mixed Rural Zone.

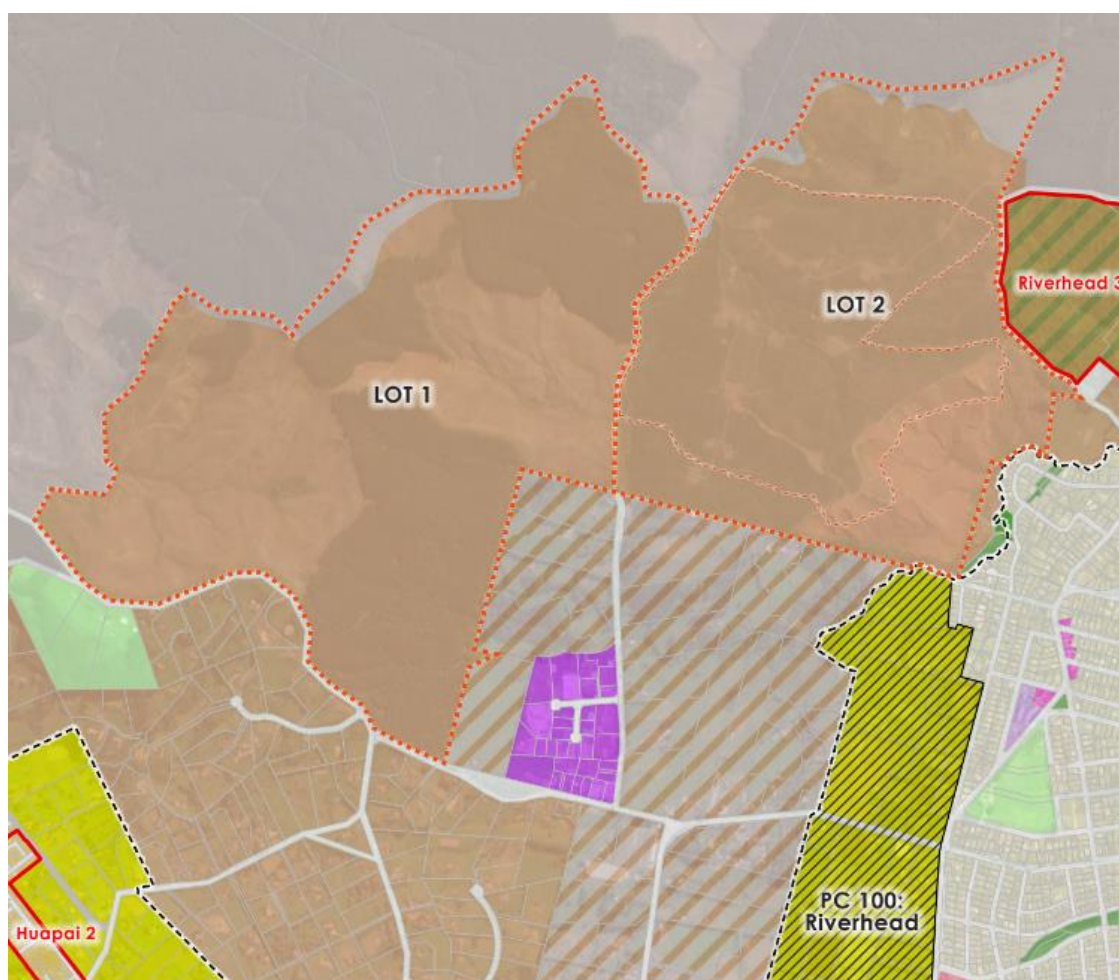


Figure 25 - PC100 in relation to the site

At the time of preparing this report, PC100 has closed for further submissions and a hearing date is set down for May 2025.

5.0 Project Background

As previously discussed in this report, the site was returned to Te Kawerau ā Maki as part of their financial and commercial redress under its Treaty Settlement with the Crown, encapsulated in the Te Kawerau ā Maki Claims Settlement Act 2015.

The Treaty Settlement contains a series of acknowledgements by the Crown where its actions arising from interaction with Te Kawerau ā Maki have breached the Treaty of Waitangi and its principles. The Treaty Settlement includes cultural redress which recognises the traditional, historical, cultural and spiritual associations Te Kawerau ā Maki has with places and sites owned by the Crown and outlines sites of cultural significance that will be transferred back to Te Kawerau ā Maki, in addition to statutory acknowledgements and place name changes.

In addition to the above, the Treaty Settlement included financial and commercial redress. The redress recognises the losses suffered by Te Kawerau ā Maki arising from breaches by the Crown of its Treaty obligations. The financial and commercial redress seeks to provide Te Kawerau ā Maki with resources to assist them in developing their economic and social wellbeing.

The commercial redress included part of the Riverhead Forest, a total of 3,275 ha (refer to **Figure 4** for overall area of the land owned by Te Kawerau ā Maki). A vacant lot subdivision was then undertaken and approved in September 2023 to create the eight lots depicted in **Figure 4**. Among other things, the vacant lot subdivision enabled the separation of forestry activities from land more suited for development.

Upon completion of the subdivision, the proposed development was formulated as a way to achieve Te Kawerau ā Maki's goal of promoting and providing for their cultural, economic, social and environmental wellbeing. To assist Te Kawerau ā Maki with the development, Te Kawerau ā Maki have partnered with Avant to deliver Rangitōopuni due to their extensive development experience with delivering large-scale residential projects.

Rangitōopuni is the culmination of nearly a decade of investment, design and planning for how best to move forward with the land returned to Te Kawerau ā Maki and will be a significant contribution to the aspirations of Te Kawerau ā Maki and will safeguard their economic wellbeing now and into the future.

5.1 Proposed Auckland Unitary Plan

During the Proposed Auckland Unitary Plan ('PAUP') process, Te Kawerau Iwi Tribal Authority made submissions in relation to the development enabled by the PAUP on the site. A copy of the Te Kawerau Iwi Tribal Authority submission is provided in **Appendix L** and relates to the previously proposed Riverhead 2 Precinct, specifically sub-precinct B which covered the site.

To summarise, the submission sought the ability to subdivide down to an average of 1 ha lots to enable sufficient development of the limited Treaty Settlement land returned as commercial redress, which was a key theme of the PAUP. The Council did not support an average 1 ha lot size, and the site was initially identified as Rural Production land under the PAUP (as shown by **Figure 26** below).

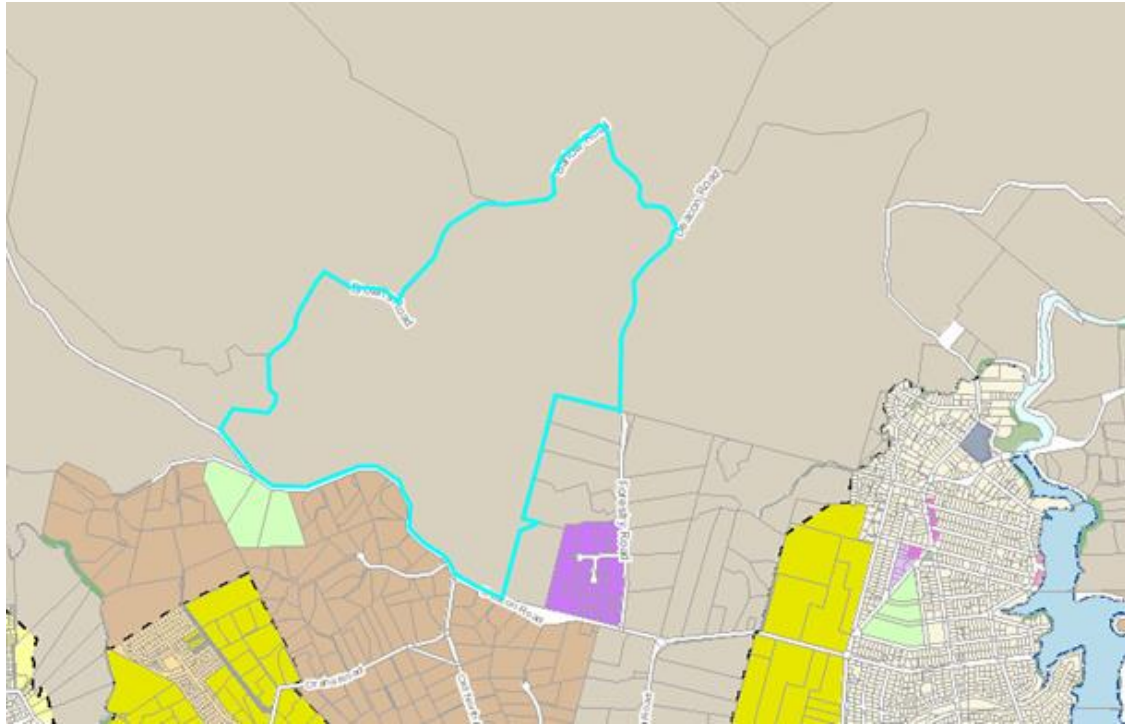


Figure 26 - PAUP notified version 30 September 2013

Through the PAUP process, the site was recommended to be rezoned to Countryside Living Zone, which enabled development opportunities more consistent with the enabling provisions applicable to Treaty Settlement Land.

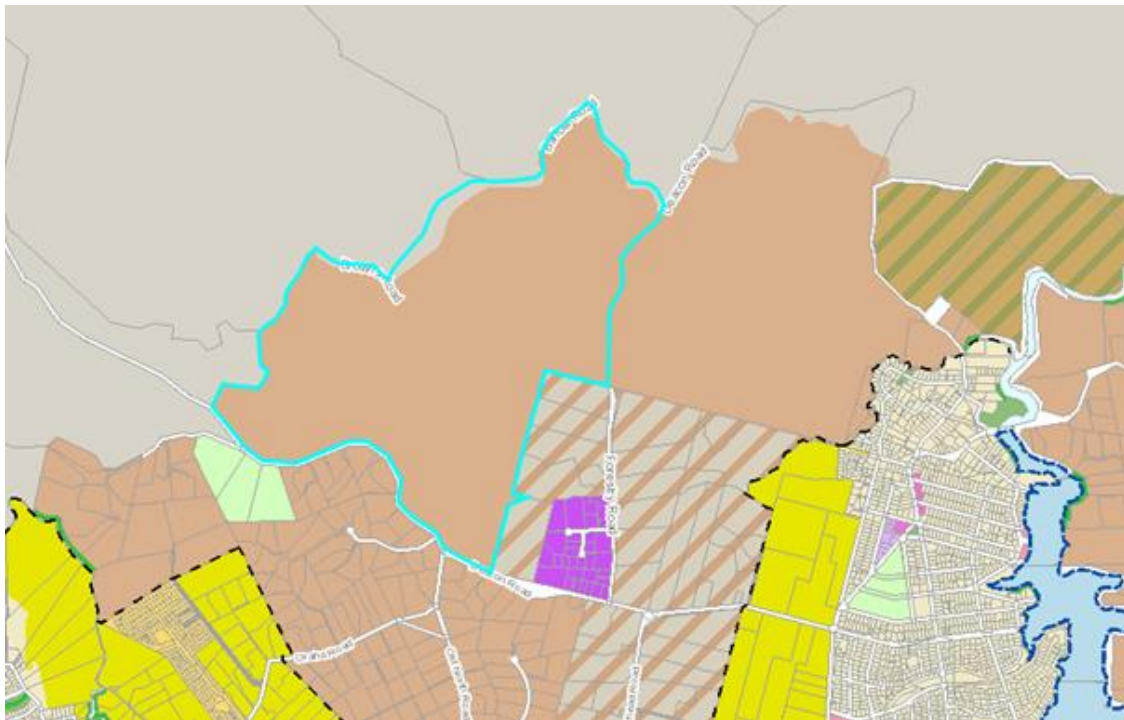


Figure 27 - PAUP recommended version 22 July 2016

Furthermore, the evidence provided by Auckland Council in relation to Māori Land and Treaty Settlement Land, Māori Purpose Zone (provided in **Appendix L**) during the PAUP process provides useful background to the now operative Treaty Settlement provisions under Chapter E21 of the AUP. The evidence found that the density limit should be increased for Māori land, given the need to strengthen and re-establish occupation of Māori land.

6.0 Description of the Proposal¹¹¹²

6.1 Application Scope

Schedule 2 of the FTAA provides a description of the proposal, which is provided below:

Subdivide land and develop approximately 210 residential allotments and an approximately 350-unit retirement village.

The Activity for which consent is sought as follows:

208 residential lots in the countryside living subdivision and 260 villas and 36 aged care facilities in the retirement village (a total of 296 units). Community facilities, including sport amenities, a community building and parking areas, are proposed for the future residents of the proposed subdivision, in addition to providing a public carpark and public access to the walkway network across the site.

Section 46 of the FTAA provides in subsection (2) that the application complies, if it satisfies the matters set out in that subsection. Relevantly (inter alia):

- (a) Subsection (2)(a) cross references sections 42, 43 and 44.
- (b) Subsection (2)(b) states “the application relates solely to a listed project or a referred project...”

The FTAA defines a “project” as follows:

project—

- (a) means –
 - (i) in relation to a listed project, the project as described in Schedule 2;
and
 - ...
- (b) includes any activity that is involved in, or that supports and is subsidiary to, a project referred to in paragraph (a).

Commencing with the Schedule 2 description for this proposed project, it can fairly be said to be relatively general:

¹¹ Clause 5(1)(a), Schedule 5, FTAA

¹² Section 14(a), FTAA

"Subdivide land and develop approximately 210 residential allotments and an approximately 350-unit retirement village."

This description is a summary and is not intended to list every component of the project and needs to be interpreted in a workable manner. It omits reference to standard and expected enabling works such as earthworks, infrastructure, internal roads, and ancillary community amenities—all of which are integral to achieving the primary outcome of residential and retirement village development.

Interpretation in a workable manner is expressly enabled by paragraph (b) of the definition of “project”. The words “includes any activity that is involved in, or that supports and is subsidiary to, a project referred to in paragraph (a)” [i.e. the project as described in Schedule 2] would be superfluous if the description in Schedule 2 was required to comprehensively list every single activity being part of the project, with anything not specifically set out in the description being out of scope.

Accordingly, activities such as earthworks, roading, wastewater and water supply infrastructure, community facilities, carparking, landscaping, and pedestrian networks are clearly within scope. They are necessary for, support, and are subordinate to the delivery of the core project. All of these activities are expressly indicated to be involved in and subsidiary to the overall project.

With respect to the number of units, we note that the project as currently designed comprises 504 units in total, which is marginally fewer than the 560 units referenced in Schedule 2. This is due to refinement of the layout through detailed geotechnical and ecological assessments. The use of the term “approximately” in the Schedule clearly anticipates such refinements. A reduction of 10% in response to site-specific constraints is minor and considered to be well within the permissible scope.

Regarding the retirement village, the inclusion of communal facilities such as a wellness centre and visitor amenities is typical and expected. These functions—often including recreation, supported care, and social spaces—are integral to the operation of a modern retirement village and fall squarely within the scope of paragraph (b) as activities that support and are subsidiary to the primary activity. Likewise, the community facilities proposed for the countryside living subdivision are subsidiary to the residential activity on the site and support that activity. Community facilities of this nature are not uncommon on large residential developments.

The application remains squarely within the scope of the project as described in Schedule 2 of the FTAA. The activities and unit numbers proposed are consistent with the intent and wording of the listing, and all additional elements are either integral to, or supportive and subsidiary to, the residential and retirement village development.

6.2 Proposal Overview

The proposal will see the southern portion of the Rangitootuni-Riverhead Forest evolve into a high quality, sustainable rural-residential community and retirement village. **Figure 28** below showcases the masterplan for the site, which has been prepared by Boffa Miskell and is provided in **Appendix M**.

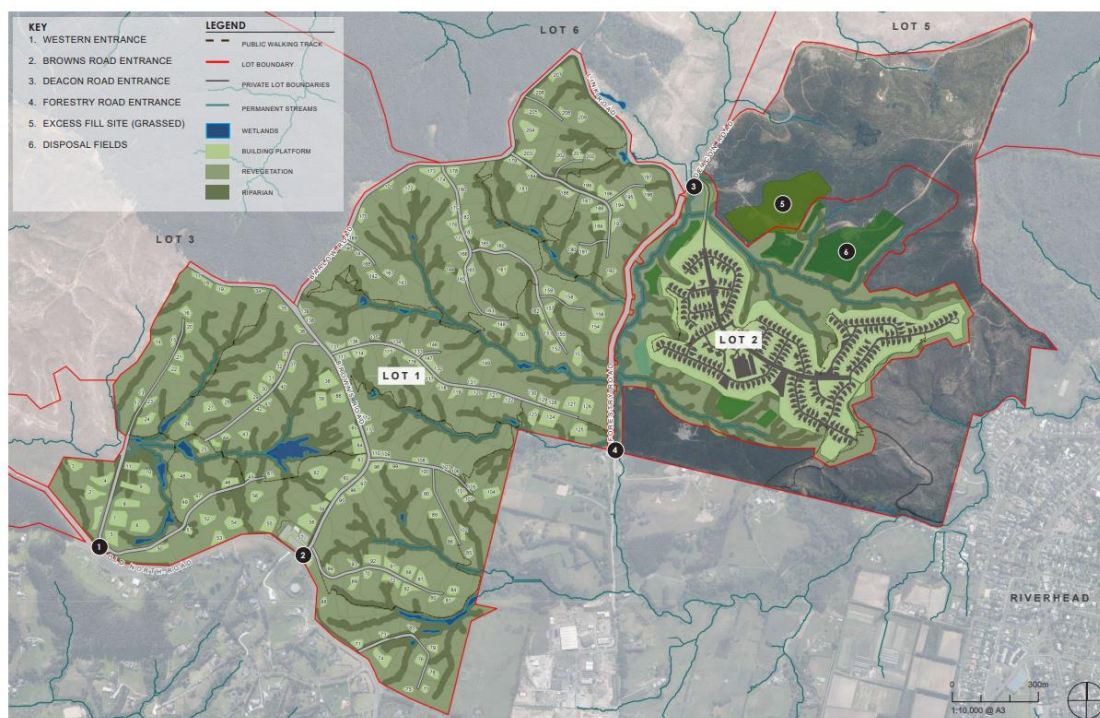


Figure 28 - Development masterplan

The proposed 208-lot countryside living subdivision has been designed with an average lot size of approximately 1 ha surrounded by native planting and landscaping, in addition to extensive riparian restoration to create a high-amenity residential community.

The master-planned retirement village community includes a total of 296 units and will feature a café, visitor areas, wellness centre, and a network of internal roads and pedestrian pathways to connect to surrounding green spaces.

Environmental restoration, protection and enhancement are a key focus of the proposal. Large-scale native planting, protection of wetland and riparian areas and thought-out landscaping will enhance the natural environment and future residential community.

A network of new walking and cycling tracks, that connect to existing tracks, open to the wider public, are proposed. In addition to new infrastructure, including stormwater, potable water and wastewater systems, an internal roading network to ensure the site is well-connected for future residents.

The following sections provide detailed descriptions of the particular aspects required to enable the proposal and are supported by the specialist reports and plans accompanying the application.

6.3 Demolition of existing buildings and infrastructure

There are no existing buildings on the site. Several existing vehicle crossings and forestry roads are present within the site, which will be either discontinued or replaced by the proposed development.

6.4 Countryside Living Subdivision¹³

A scheme plan for the proposed countryside living subdivision has been prepared by Maven and is provided in **Appendix N**.

It is proposed to subdivide Lot 1 (222 ha) to create 208 freehold lots for residential activity, with the exception of Lot 57 which will be used for the proposed community facilities. The proposed subdivision includes 15 Jointly Owned Access Lots ('JOAL's) and four rights-of-way ('RoW's) for access to proposed lots. No public roads are proposed as part of the subdivision, although Forestry Road will be upgraded along its boundary with Lot 2 and vested with the Council as public road.

The proposed subdivision will be undertaken across 14 stages¹⁴, as outlined below and shown by **Figure 29**:

- Stage 1 – Lots 1-11
- Stage 2 – Lots 12-16 and 20-24
- Stage 3 – Lots 45-54, 56 and 61
- Stage 4 – Lots 38-39, 55, 57-60, and 62-66
- Stage 5 – Lots 17-19, 25-37, and 40-44
- Stage 6 – Lots 67-84, 87-88, and 91-97
- Stage 7 – Lots 85-86, 89-90, and 98-112
- Stage 8 – Lots 113-118, 132-139 and 146-147
- Stage 9 – Lots 119-131 and 149
- Stage 10 – Lots 140-143 and 167-170
- Stage 11 – Lots 144-145, 148, 150, 163, 165-166, 171-178, 180, and 182-183

¹³ Clause 8(1), Schedule 5, FTAA

¹⁴ Section 13(4)(f)(i), FTAA

- Stage 12 – Lots 151-162, and 185
- Stage 13 – Lots 179, 181, 184, 186, and 200-209
- Stage 14 – Lots 187-199

Please note that due to changes made during the design process, Lot 164 was omitted and Lot 209 included in the numbering, however, 208 lots are proposed overall.

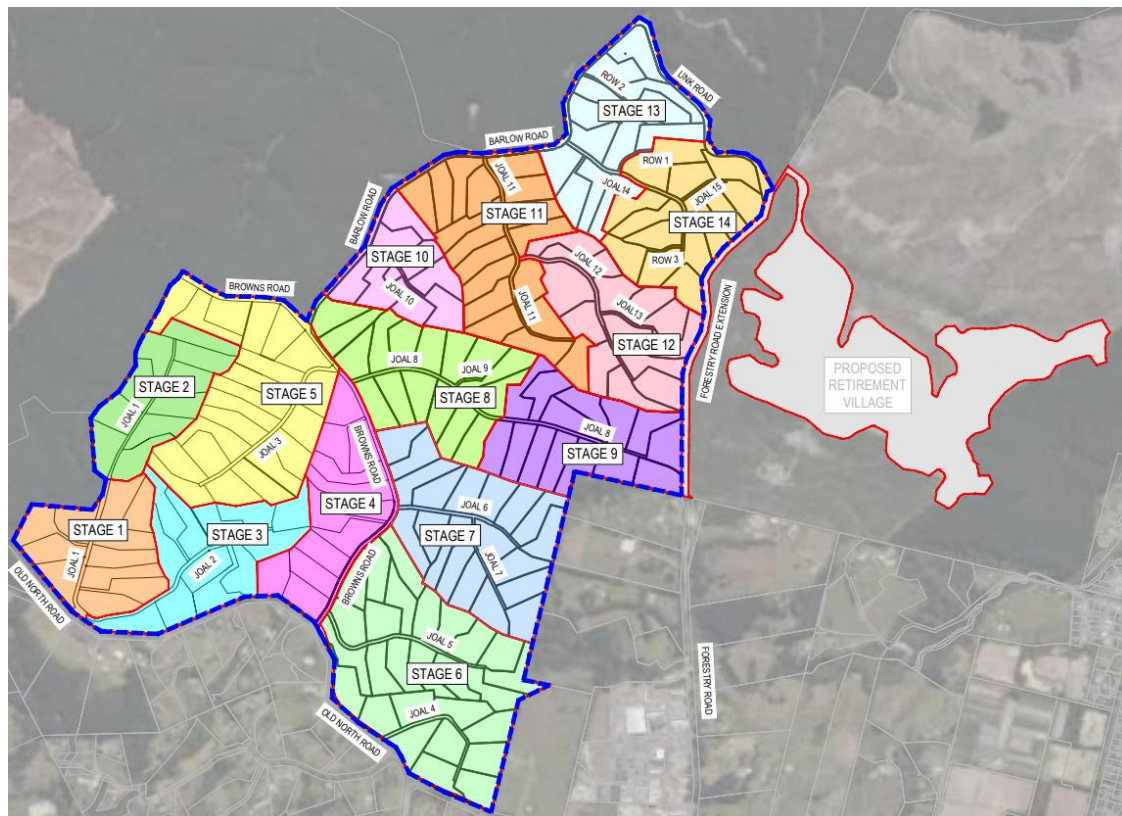


Figure 29 - Proposed staging of subdivision

The proposed lots have an average size of 1 ha, and each is provided with a suitable building platform. The required easements for the provision of services, rights of way and public access are provided for as part of the subdivision on the provided scheme plans in **Appendix N**.

6.4.1 Community Facilities

A range of community facilities are proposed to support the residential community and are shown by **Figure 30** below. The community facilities are located within Lot 57 and have frontage to both Old North Road and Browns Road (an internal private forestry road). Further details on the community facilities are provided within the Landscape Plans in **Appendix O** and the Architectural Plans in **Appendix P**.



Figure 30 - Proposed community facilities

The proposed community facilities will only be accessible to the future residents, with the exception of the proposed car park closest to the site frontage which will be accessible to the general public to ensure that convenient access to the track network continues to be provided. Additional parking bays are also proposed on Browns Road.

The community facilities will be accessed from Browns Road and access will be controlled by a gate enabling access solely to the future residents. A separate car park for residents is provided on the northern part of Lot 57. The community facilities are centred around a community building, in addition to a playground, multi-functional lawn, basketball, tennis and pickleball courts and a bush trail.

The community facilities are proposed to be enclosed by 1.8m permeable fencing, creating a safe and secure environment for future residents. The maintenance and management of the community facilities will be undertaken by the proposed residents' association or similar legal entity.

6.4.2 Stream widths/esplanade requirements

A stream survey was undertaken by Maven to determine whether the requirements of s230 of the RMA apply and a summary of the survey is provided in **Appendix Q**. The survey focused on a permanent watercourse along the western boundary of Lot 2 over a length of approximately 1km as shown by **Figure 31**.

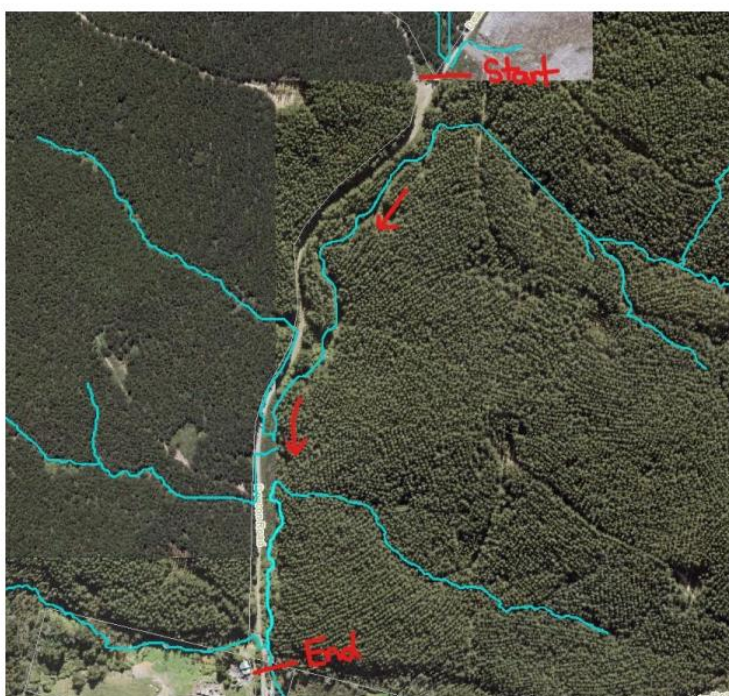


Figure 31 - Location and extent of the stream surveyed

The survey found that the watercourse over its approximately 1km length has an average width of 2.5m and, therefore, provision of esplanade reserves is not required as part of the proposal.

All other streams on the site were determined to be less than 3m in width and did not require further surveys. The Ecological Impact Assessment (**Appendix F**) includes site photos of the other streams on the site and a map outlining the location of where the photos were taken. The site photos are considered to clearly show that all other streams on the site would not trigger esplanade requirements and are generally in a degraded state and have a width that is visibly less than 3m.

6.4.3 Design Guidelines

The future dwellings that will be established on the proposed countryside living lots will be subject to Design Guidelines provided in **Appendix R**. The purpose of these guidelines is to clearly set out to all future landowners the expectations for design quality within the countryside living subdivision. The guidelines also provide an overview of the two stage design review process (preliminary and final submissions) that all proposed development on the future lots is required to progress through prior to undertaking development/redevelopment of the lot and/or seeking building consent.

The guidelines are designed to ensure the envisaged environmental outcomes for the countryside living subdivision are achieved and to protect all owners' interests in achieving an appropriate standard of quality architectural and landscape design that complements the unique residential bush character of the site. The Rangitootuni Design Guidelines clearly describe the expected character and quality of development so that everyone is working towards the same vision.

Future purchasers of lots within the countryside living subdivision will automatically become members of the Residents' Association (or other similar legal mechanism) and will appoint a Design Review Panel ('DRP') comprising a qualified architect, landscape architect, a member of Te Kawerau ā Maki and a representative of the Residents' Association to review and approve all new architectural and landscape proposals.

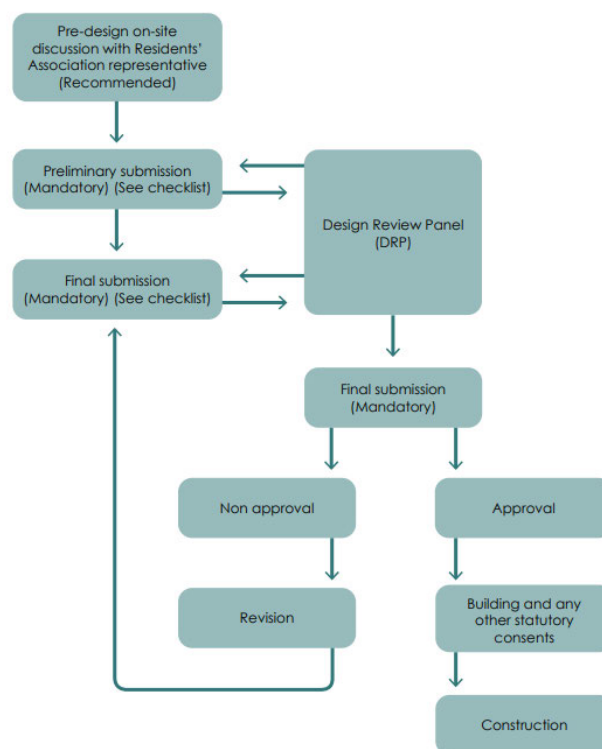


Figure 32 - DRP approval process

The guidelines are informed by the following key design principles:

- Site layout and coverage; buildings are situated within the defined building platform and building coverage should be proportional to the size of the building platform. No buildings or other structures are permitted outside of the building platform.
- Earthworks and retaining; positioning of future buildings and structures shall be designed to minimise any further earthworks and earthworks outside the building

platform are not permitted, other than for minor driveway works, wastewater fields and other limited infrastructure.

- Building height and yards; buildings are to be limited in accordance with the Auckland Unitary Plan and not exceed 9m in height. In relation to yards, buildings are enabled within the AUP yard setbacks provided the requirements set out in a proposed consent notice are complied with.
- Building form; design which creates a diversity of sunny, sheltered spaces is encouraged to support indoor/outdoor living in a rural environment.
- Garages and ancillary buildings; all future homes will have a minimum 2-car garage, and all vehicles, trailers or boats are to be well screened from views outside the property.
- Roofs and rooflines; all buildings are to have simple, strong rooflines that define the architectural character of the building and roofs with a single pitch can be appropriate when related to the lie of the surrounding landform.
- Chimneys and rooftop structures; chimneys are permitted but other rooftop structures including arials, receiver dishes, and air conditioning units are not permitted on roofs.
- Windows, glazing and privacy; all glazing is to be non-reflective, and the placement of windows should not compromise the privacy of adjoining lots.
- External materials and details; natural materials with recessive tones are encouraged that are sympathetic to the natural environment and use of painted materials is discouraged.
- Colour; colours are to relate to the surrounding natural environment with paint colours being recessive and generally a matte finish.

In summary, creative, site and context responsive design approaches that meet the intent of the guidelines are encouraged. The DRP has the power to vary the guidelines to accommodate innovative proposals if they believe that the character and quality of Rangitootuni will be maintained and further enhanced by the proposals.

The guidelines are non-statutory and supplement the requirements of the AUP, Building Act and other relevant statutory documents. The guidelines' composition and submission requirements are based on other successfully implemented and managed design review processes for similar rural landscape/countryside living development in Aotearoa New Zealand.

6.4.4 Legal Entity

The overall site revegetation will be managed comprehensively to full establishment via a Residents' Society (or similar legal entity). The legal entity will be established as part of the

proposed development with an annual levy providing for the upkeep (operation, maintenance and replacement) of commonly owned assets such as JOALs, walking tracks, community facilities, entrance gates and lighting.

All future lot owners will be required to join the legal entity and cannot opt out. Lot owners cannot remove plants from the revegetated areas or establish new plants other than those species identified within the relevant management plans. The legal entity will continue in perpetuity to ensure the ongoing maintenance and protection of the proposed revegetation.

All revegetation within the lots, JOALs, walkways, riparian margins, wetlands and community facilities will be managed by the legal entity. Management obligations will be set out in the Ecological Management Plan ('EMP') and the Landscape Management Plan ('LMP'), drafts of which are provided in **Appendix S** and **T**. The management plans will be confirmed through the proposed conditions of consent requiring certification of the final EMP and LMP.

Management will include pest plant and weed management as set out in the EMP and LMP. There will be no fencing along lot boundaries within those parts of the lots that have been revegetated to facilitate effective management by maintenance contractors engaged by the legal entity.

No cats will be allowed to be kept on any of the proposed lots and no dogs are to be permitted outside of the identified curtilage areas unless on a leash. The requirements discussed above that will be managed via the legal entity will be secured through consent notices or covenants registered on the Record of Title for each of the proposed lots.

6.4.5 Consent Notice

All buildings and related development on the proposed lots are required to be located within the formed building platforms identified on each lot (curtilage areas). The subdivision application seeks consent for blanket yard infringements and the proposed subdivision seeks to impose a consent notice that would permit buildings within the relevant yard setbacks provided that the following requirements are met:

- A minimum yard setback of 3m must be provided
- Any proposed building must be approved by the Design Review Panel
- Maximum height within the yard setbacks shall not exceed 6m
- The combined maximum building footprint within the yard setbacks on any lot shall not exceed 100m²

In the event that the requirements above are not met, a resource consent application to Auckland Council will be required for the yard infringements. There is no proposal to limit minor dwellings as they require resource consent as a restricted discretionary activity under the AUP.

6.5 Retirement Village

Architectural plans for the proposed retirement village on Lot 2 have been prepared by Crosson Architects and are provided in **Appendix P**. A total of 296 retirement village units are proposed, 260 villas or Independent Living Units ('**ILU**') and 36 care units ('**CU**'). The proposed retirement village will be undertaken across four stages.¹⁵

The retirement village is located centrally on the site and is oriented to the north to maximise sunlight access. The retirement village proper and other buildings on the site comprise approximately 32.3 ha of the 89.8 ha retirement village development area. Vehicle access will be provided via a proposed extension of Forestry Road, and a separate pedestrian access is provided from the retirement village to the edge of the site, with a future connection to the Riverhead township being undertaken as part of a future separate application. An overview of the proposed retirement village is provided in **Figure 33** below.



Figure 33 - Proposed Retirement Village masterplan

It is proposed to subdivide around the retirement village development area to create two freehold lots, as shown by **Figure 34** below. Lot 1 will contain the retirement village development area and will have an approximate area of 89.7 ha, with Lot 2 comprised of the remaining approximately 81.7 ha. The necessary easements are provided for to ensure access is provided to the retirement village and proposed link path.

¹⁵ Section 13(4)(f)(i), FTAA

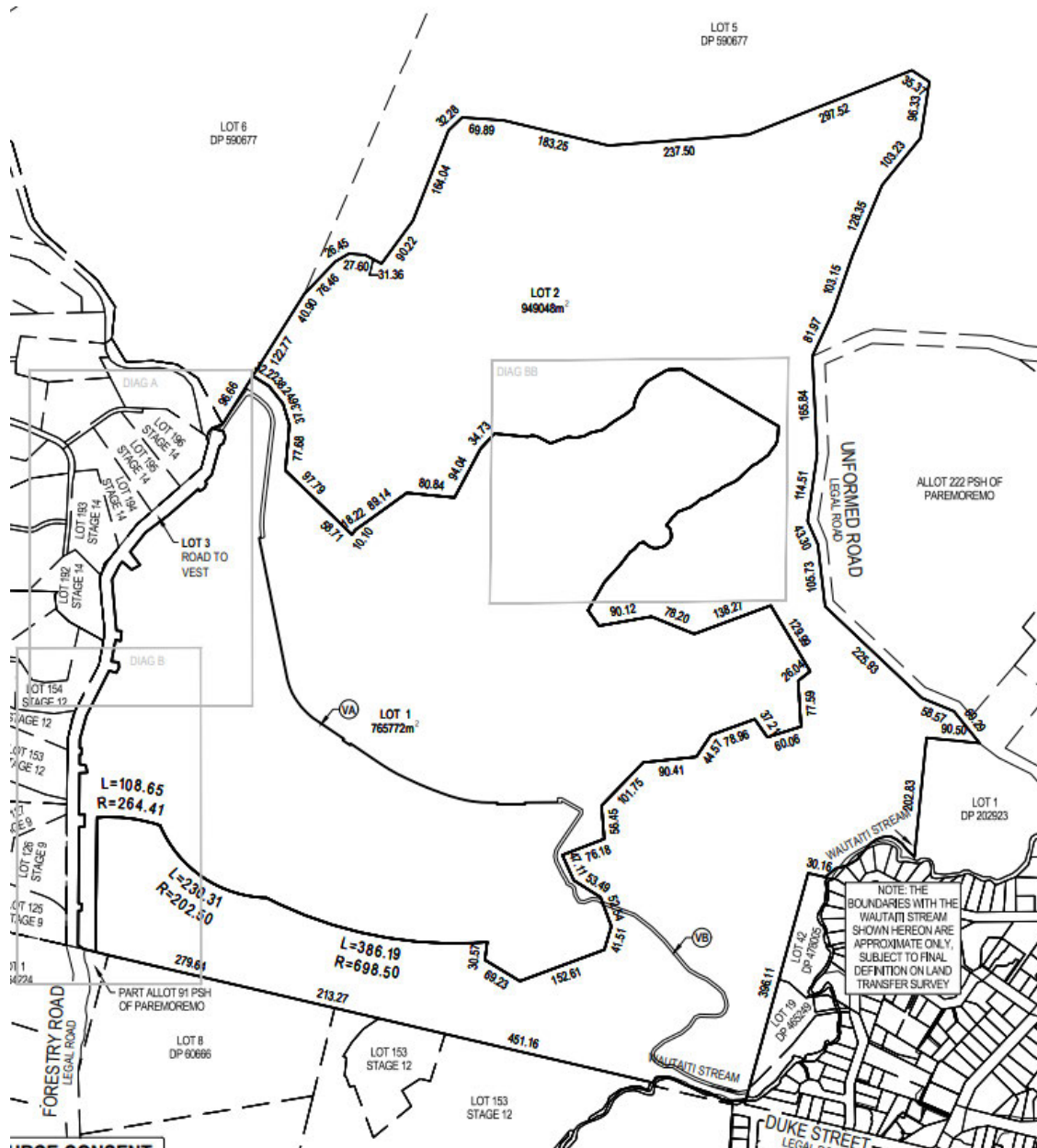


Figure 34 – Retirement Village proposed subdivision

The retirement village has been designed with the proposed villas predominantly located off private accessways and the care building and associated facilities located towards the centre of the retirement village off the 'Main Street', with public access granted via the appropriate easement. The proposed villa typologies are outlined in **Figure 35** below.




VILLA TYPOLOGIES		Villa Types Schedule					
		Villa Type	Typology	Count	%	Floor Area	Roof Area
	3 Bedroom / 3 Bedroom Premium	2.5N	2.5 Bed	40	15%	197.5 m	221.4 m
	2.5 Bedroom	2.5S	2.5 Bed	63	24%	191.5 m	209.7 m
		2N	2 Bed	12	5%	155.5 m	181.7 m
		2N - D	Duplex	8	3%	133.8 m	151.9 m
	2 Bedroom	2S	2 Bed	15	6%	145.9 m	168.3 m
		2S - D	Duplex	4	2%	137.0 m	151.3 m
		3N	3 Bed	63	24%	188.6 m	212.7 m
		3S	2.5 Bed	55	21%	192.4 m	214.4 m
		Grand total: 260		260			

Figure 35 - Villa typologies

The proposed villas will range from 2.5 to 3 beds and will vary in layout and external finishes. All villas will be located over one level and contain either a double or single car garage. Indicative visualisations of the proposed ILU's are shown below. Please refer to the Architectural Plans in **Appendix P** for the floor plans of each typology proposed.



Figure 36 - Villa visualisation (typology 2S duplex)



Figure 37 - Villa visualisation (typology 2N)

The proposed care building is located towards the centre of the retirement village off the Main Street and is one storey in height. In addition to the 36 CU's, the building contains a residents' lounge and dining area, staff services and an internal outdoor space, as shown by **Figure 38** below.

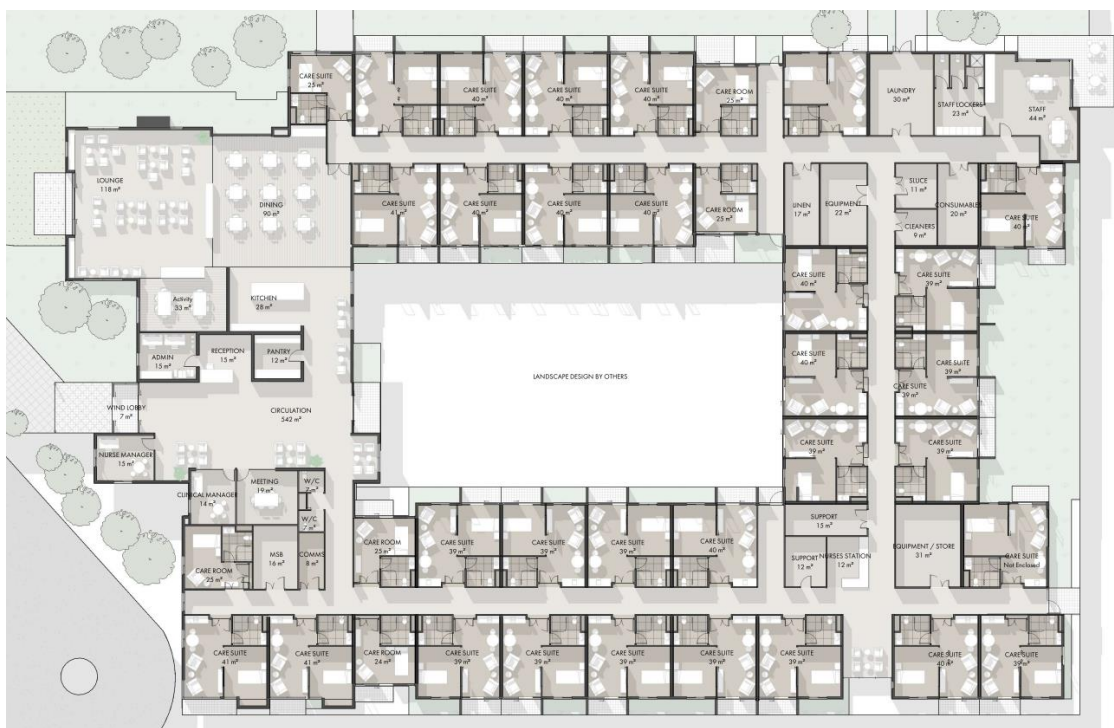


Figure 38 - Proposed Care Building floor plan



Figure 39 - Care Building visualisation

In addition to the care building, a wellness centre and amenity building are located within close proximity and provide a range of services and amenities for the future residents. All three buildings are connected via pedestrian footpaths and accessways from the Main Street through the proposed retirement village. Parking facilities for the proposed buildings are provided off the Main Street.

The proposed amenity building will contain a range of services and amenities to support the future residents such as a various lounge and dining areas, library, craft/activity space, covered terraces, café and other meeting spaces. The proposed wellness centre will be comprised of a day spa, gym, pool, flexi spaces for workout classes or other fitness activities, and onsens.



Figure 40 - Amenity Building visualisation



Figure 41 - Wellness Centre visualisation

A garden pavilion is proposed providing a social building, glass house atrium, utility shed, raised vegetable beds, orchard and recreational lawn. **Figure 42** below provides an overview of the garden pavilion and will provide a social focus for the retirement village community.

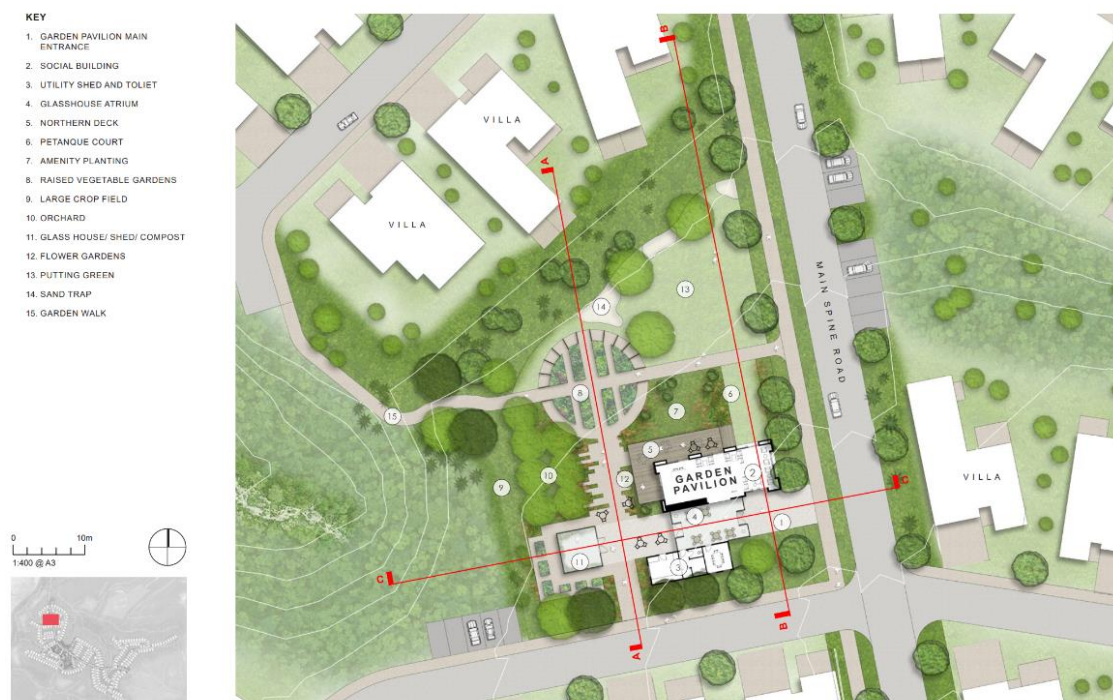


Figure 42 - Garden Pavilion

The retirement village includes a pedestrian path from the eastern side of the village to the edge of the site (a future connection to the Riverhead township will be undertaken as part of a future separate application) in addition to various pedestrian links across the site connecting residents to the range of services and amenities proposed as part of the retirement village.

Extensive native vegetation is proposed around the entirety of the retirement village and further landscaping is proposed across the village, in addition to specified lookout areas providing a pleasant overview of the site and surrounds.

6.6 Cultural Narrative and Landscape

For Te Kawerau ā Maki, the entire Rangitootuni area is a cultural landscape, embedded with identity, meaning and significance. The land on which the project is proposed is significant due to its place in the landscape, in addition to it being commercial redress land under their Treaty Settlement. The proposal is supported by a Cultural Masterplan (**Appendix U**) which provides a cultural framework for Rangitootuni to understand the significance of the landscape, recognise key values and principles and koorero tuku iho to support ahi kaa roa of Te Kawerau ā Maki into the future.

‘Rangi’ translates to day and ‘Toopuni’ to dog-skin cloak. Dog-skin cloaks were amongst the most highly prized cloaks that could be obtained and were generally reserved specifically for those of high rank. As detailed in the Cultural Masterplan, the toopuni serves as a powerful metaphor for the revegetation strategy across the site, symbolising a protective cloak that wraps around the landscape. The toopuni represents the extensive revegetation efforts,

restoring and enhancing the natural environment to create a cohesive and resilient ecological network. This living cloak not only reconnects fragmented landscapes but also strengthens the relationship between the development and its surroundings.

The opportunities of the proposal are presented through its relation to a specific atua domain. Acknowledging that there are many more atua and that some topics can fall into the domain of multiple atua, the following summarised the opportunities incorporated into the development:

- Hurihanga o te aahuarangi (climate change) by embedding mātauranga Māori into climate resilience planning, using nature based solutions and infrastructure, and enhancing carbon sequestration through native planting.
- Whenua (land) by endeavouring to retain the whakapapa of the soil by keeping it on site and retaining the existing landform, such as highpoints and valleys, where possible.
- Ngahere (forest) by replanting what was there historically to bring back the native forest, wetlands and riparian margins being fully planted, and using taonga species from Te Kawerau ā Maki, such as kauri and harakeke.
- Ngaa Tamariki o taane (fauna) by no cats being allowed and dogs on leash in communal areas and restricted to building platforms on individual lots, and as part of a long-term vision for the wider forest, an opportunity to establish a Zealandia type of sanctuary in Rangitōopuni.
- Wai (streams and freshwater) by streams being accessible to Te Kawerau ā Maki, riparian planting with native species and allowing space for streams to naturally meander.
- Ahurea (culture) by incorporating opportunities for mahi toi around key narratives, such as toopuni (dog-skin cloak), and entrances, open space and stream crossings, and motifs around the development relating to Te Kawerau ā Maki.
- Hapori (social or community) by providing places for people to gather and connect and connecting the development with the existing Riverhead township.
- Oohanga (economic) as the proposed retirement village provides an opportunity to retain land and build a commercial base, and café that are iwi owned and operated.

As touched on above, the opportunities for mahi toi across the proposed development are outlined below and it is anticipated that as detailed design develops Te Kawerau ā Maki will determine exactly where the mahi toi will be located and what they will be.

MAHI TOI OPPORTUNITIES STAGE 01

Key

- Entrance Opportunity
- Viewshaft Opportunity
- Social / Communal Opportunity
- Stream / Wetland Opportunity
- Bridge Opportunity

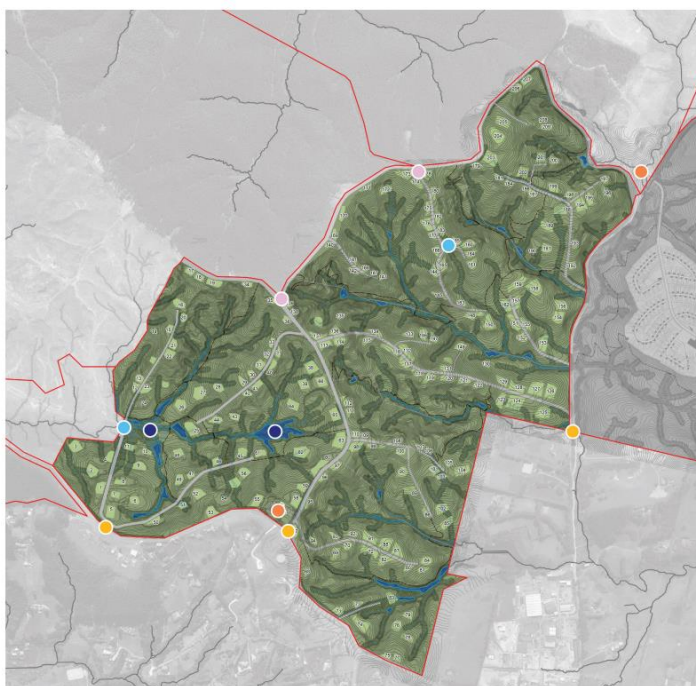


Figure 43 - Mahi toi opportunities (countryside living subdivision)

MAHI TOI OPPORTUNITIES STAGE 02

Key

- Entrance Opportunity
- Viewshaft Opportunity
- Social / Communal Opportunity
- Stream / Wetland Opportunity
- Bridge Opportunity

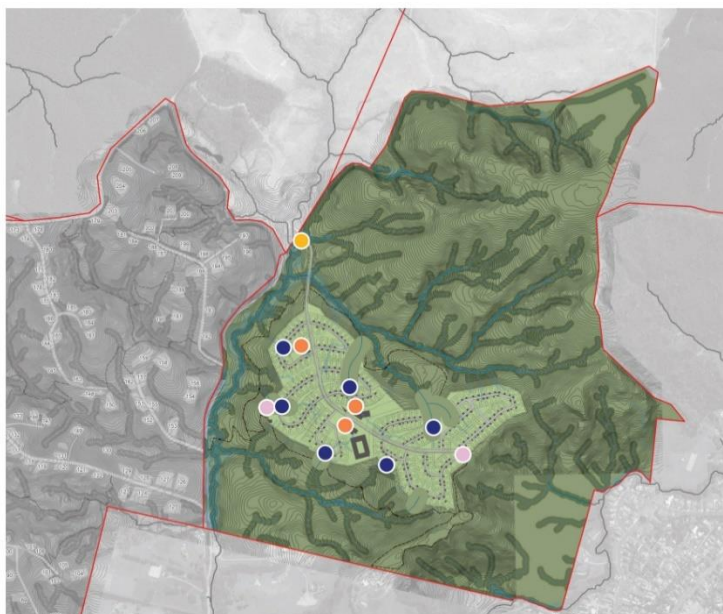


Figure 44 - Mahi toi opportunities (retirement village)

6.7 Earthworks

It is proposed to undertake bulk earthworks across the site as detailed in the Infrastructure Report and Earthworks Management Plan prepared by Maven in **Appendix J and V**. Detailed Engineering Plans have also been prepared and are provided in **Appendix W**.

The following extent of earthworks are required to facilitate the proposed development:

Overall	
Type	Approximate total volume
Area	100.6 ha
Cut	899,200m ²
Fill	908,900m ³
Balance	9,700m ³
Other	
Topsoil stripping (350mm)	352,310m ³
Topsoil respread (200mm)	201,320m ³
Excess topsoil respread in landscape	150,990m ³

Countryside Living Subdivision	
Type	Approximate total volume
Area	60.34 ha
Cut	351,750m ³
Fill	176,999m ³
Balance	174,751m ³
Total	528,749m ³

Retirement Village (including Forestry Road extension, fill pad area, village and walkway)	
Type	Approximate total volume
Area	40.26 ha
Cut	547,483m ³
Fill	731,886m ³
Balance	184,402m ³
Total	1,279,369m ³

The proposed earthworks are required for the formation of building platforms, construction of JOAL's, private accessways, culverts, the Forestry Road extension and other associated infrastructure.

Widespread recontouring is not anticipated for the proposed countryside living subdivision. However, bulk earthworks for the proposed retirement village will be required to ensure flatter grades and suitable building platforms can be provided for. Generally, the building platforms are elevated above and removed from the streams and/or identified OLFP's, with some works occurring within 20m of streams.

The required earthworks will be undertaken in accordance with the proposed staging for the countryside living subdivision and retirement village.

6.7.1 Sediment and Erosion Control

The Earthworks Management Plan (**Appendix V**) outlines the proposed measures for erosion and sediment control, which have been designed in accordance with the guidelines of GD05. This includes identifying the erosion and sediment risk, establishing control measures, monitoring and maintenance and reporting. The overall erosion and sediment control strategy is broken down into the proposed stages and provides a specific approach to managing sediment control during construction. The proposed measures include:

- Stabilised vehicle entrances
- Construction traffic during construction will utilise existing forestry roads
- The earthwork areas will be supported by silt fences, decanting earth bunds and/or sediment retention ponds
- Supersilt fences will be located below earthwork areas and all culvert upgrades will be undertaken in accordance with the Streamworks Management Plan
- Use of cleanwater diversion bunds will be located above the workstream area

The silt control measures will be installed onsite, checked and confirmed acceptable before site works commence. During earthworks, the sediment and control measures will be maintained such that they function as proposed. In addition, the site will be progressively stabilised with mulch and seed or gravel as earthwork levels are achieved. All proposed erosion and sediment control measures are proposed to be conditioned as part of the resource consent.

6.7.2 Streamworks

Overall, whilst considerable effort has been made to avoid earthworks within or nearby to stream margins, streamworks are required in relation to the 11 culvert upgrades and associated structures. These works are necessary to facilitate the construction of the private and public roading required to provide access to the proposed development. Further details on the proposed culvert upgrades are provided in the Engineering Plans in **Appendix W**.

A Streamworks Management Plan has been prepared by Maven in collaboration with Bioresearches and is provided in **Appendix X**. The Plan outlines how the proposed works within or in proximity to waterways will be undertaken to appropriately manage downstream effects. The proposed upgrade and construction of the proposed culverts will be undertaken in accordance with the following:

- Installation of silt control measures

- Installation of upstream and downstream coffer dams/sandbags
- Construct culvert and riprap within the stream margin
- Reinstall stream

Access to all culvert upgrades will be via existing forestry tracks and/or formed JOAL's and all machinery will be kept away from the streams, wetlands, and/or riparian margins. The potential relocation of any fish is outlined in the Ecological Management Plan provided in **Appendix S**.

The Streamworks Management Plan outlines the process for the dewatering of the streams required to enable the construction of the culvert upgrades and associated ripraps. All proposed streamworks will be supervised by an ecologist to ensure all works are undertaken in accordance with the streamworks management strategy.

6.7.3 Dewatering

In relation to groundwater, preliminary groundwater monitoring undertaken to date by ENGEO confirms that the required earthworks will encounter the groundwater table. Therefore, it is anticipated that permanent dewatering will be required. Please refer to the Geotechnical Report (**Appendix H**) and Groundwater Abstraction Desktop Study Report (**Appendix Y**) for further details.

6.8 Rooding

An Integrated Transport Assessment ('ITA') has been prepared by Commute Transportation Consultants and is provided in **Appendix K**. Detailed rooding plans have been prepared by Maven and are provided in **Appendix W**. The ITA provides a detailed overview of the proposed transport arrangements for the site and the impact of the proposal on the existing road network.

Excluding the proposed extension to Forestry Road, all other rooding proposed will be private and maintained by the countryside living subdivision Residents' Association and/or retirement village. The proposal includes a new internal road network with four new access points onto Old North Road servicing the countryside living subdivision and an extension of Forestry Road to provide access to the retirement village. An overview of the proposed road network is shown below by **Figures 49** and **50**.

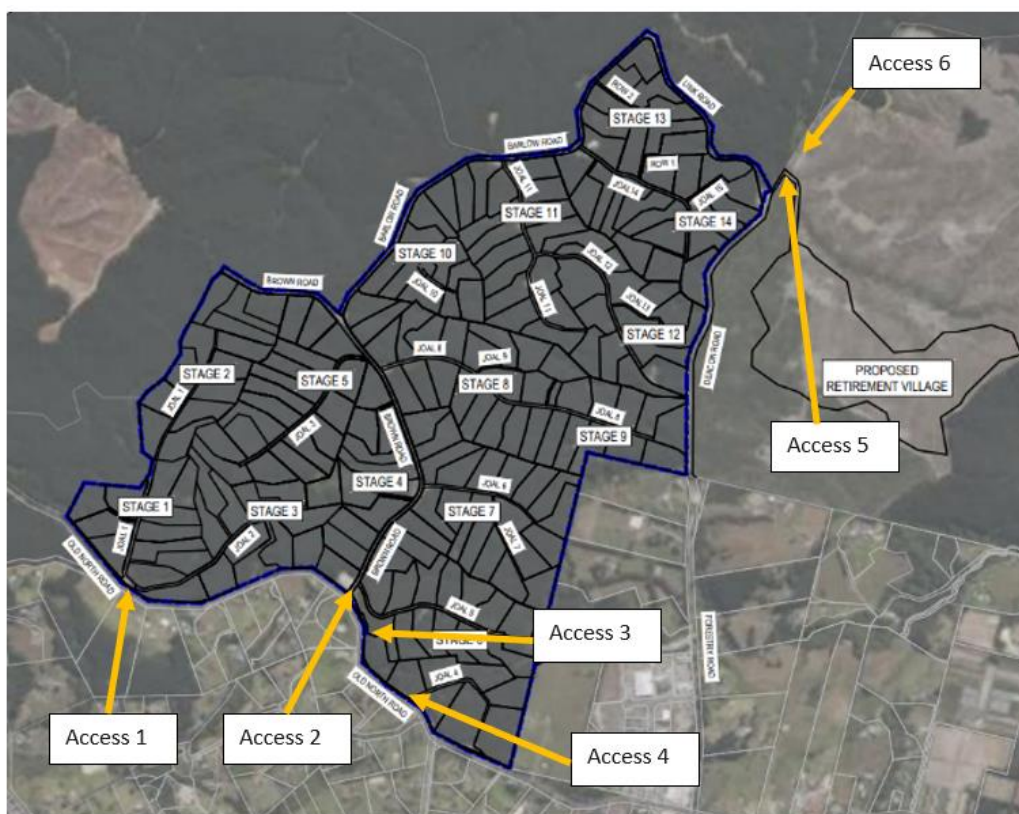


Figure 45 - Proposed roading layout of the countryside living subdivision

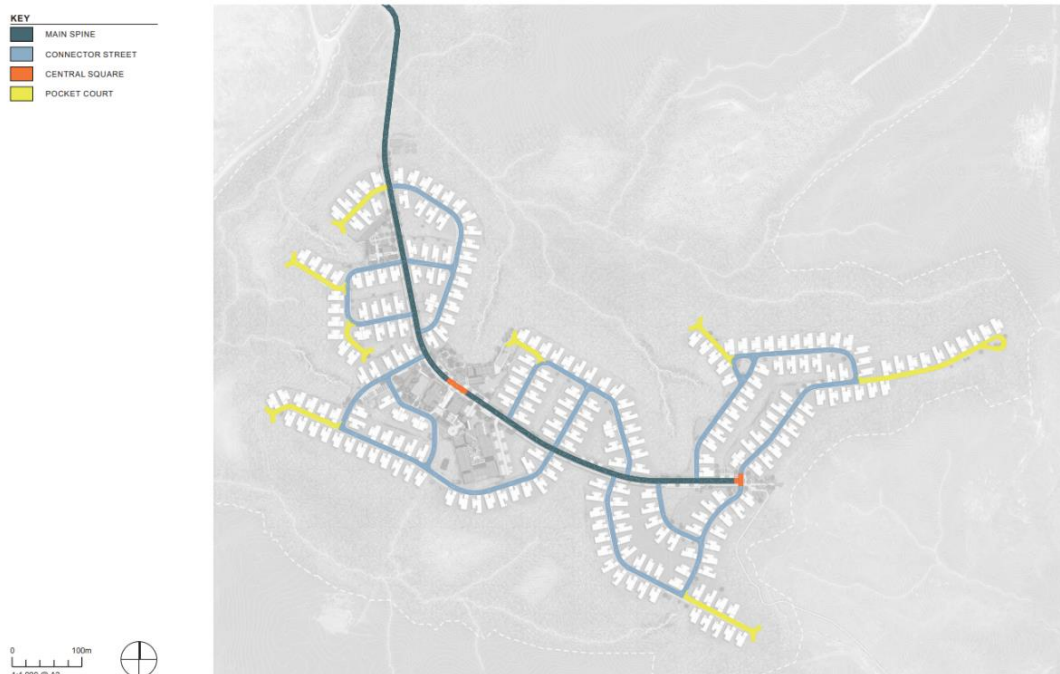


Figure 46 - Proposed roading layout of the retirement village

The roading network has been designed to provide connectivity across the site and minimises the number of vehicle crossings/access points directly on to Old North Road. The proposed extension of Forestry Road will be a public road to vest and will provide an upgraded access for both the future residents and the general public to the proposal and surrounding track network.

The proposed countryside living subdivision includes 15 JOAL's and four RoW's of varying formed and legal widths. These will be privately held by the residential lot owners who gain access from each JOAL or under the proposed Residents' Association or similar legal mechanism. Lighting is limited to intersections which is consistent with existing rural countryside living developments. Access off the proposed Forestry Road extension will be provided into the retirement village and all internal accessways will be private. The proposed road width and parking provisions are shown by the below table:

Roads	Road Reserve Width	Lane Width	Parking Provisions
Typical Private Access Serving up to 5 lots	7m	3.5m formed width	NA
Typical Private Access Serving >5 lots	10.0m	6m formed width (3.0m in each direction)	NA
Forestry Road (after upgrade)	20-32.0m	6m carriage way (3.0m lane in each direction)	NA

All JOAL's will be single cross-fall and are provided with a swale for conveyance of stormwater and treatment. Pedestrian access is provided via the extensive track network across the site and a pedestrian link is also proposed from the east of the retirement village to the edge of the site (with a future connection to the Riverhead township being undertaken as part of a future separate application). Public pedestrian easements are proposed over the JOAL's to enable the public access to the roading network.

Public car parking is provided for people seeking to access the track network, with car parking proposed throughout the retirement village. The internal road network will have a posted speed limit of 50km/hr, however, have been designed to encourage a lower operating speed.

6.9 Infrastructure and Servicing

An Infrastructure Report to support the proposal has been prepared by Maven and is provided in Appendix J. The report provides a detailed assessment of the stormwater, wastewater, water supply and other service infrastructure required to support the proposed development.

GWE Consulting Engineers have prepared specific wastewater design reports for the countryside living subdivision and retirement village. The reports are provided in **Appendix Z**.

6.9.1 Wastewater

No existing reticulated wastewater network is present within the site and due to the site being outside the urban extent of Auckland, Watercare has no long-term plan to provide reticulated wastewater infrastructure to the area. Therefore, GWE has proposed on-site wastewater infrastructure for the proposed residential lots and retirement village, as discussed in further detail below.

6.9.1.1 Countryside Living Subdivision

Wastewater disposal areas are available for each of the proposed countryside living lots and further details in relation to the disposal areas, loading rates and occupancy assumptions are provided in the GWE report. Design of individual wastewater disposal systems will occur at the time dwellings are established on each lot and will be subject to approval at the Building Consent stage.

6.9.1.2 Retirement Village

The retirement village is supported by a private package plant wastewater treatment system that will provide treatment for all wastewater before disposal to ground. Please refer to the GWE Report in **Appendix Z** and the Engineering Plans in **Appendix W** for further details.

A gravity wastewater network will be constructed within the proposed retirement village development and will provide connections to each of the villas and communal buildings within the village. Three private pumps with rising mains have been proposed where villas are located on peninsulas that are unable to be serviced by a gravity feed.

6.9.2 Stormwater

A comprehensive Stormwater Management Plan ('SMP') has been prepared by Maven and is provided in **Appendix AA**. The purpose of the SMP is to ensure that the receiving environment is protected and enhanced as it undergoes the proposed development and shifts from a pine forest to a residential community.

The strategy for the stormwater management of the site is outcome focused and provides a solution based approach for the receiving environment. Attenuation and control of the post-development runoff forms a key part of the mitigation proposed for the receiving environment. The following details the stormwater management approach for both the countryside living subdivision and the retirement village.

The site is not bound by the Region-wide Network Discharge Consent ('NDC') and treatment is instead required by the AUP. The SMP addresses the requirements of the AUP, in addition to providing treatment not necessarily required by the AUP.

Each of the proposed countryside lots will be provided with a suitable disposal point via a level spreader (T-bar) or lot connection to a nearby outfall depending on the most practical solution for each lot. The overflow from tanks and runoff from private driveway areas will be discharged via the designated outfalls towards existing OLFP's and/or streams. A typical lot stormwater layout is shown by **Figure 51** below.

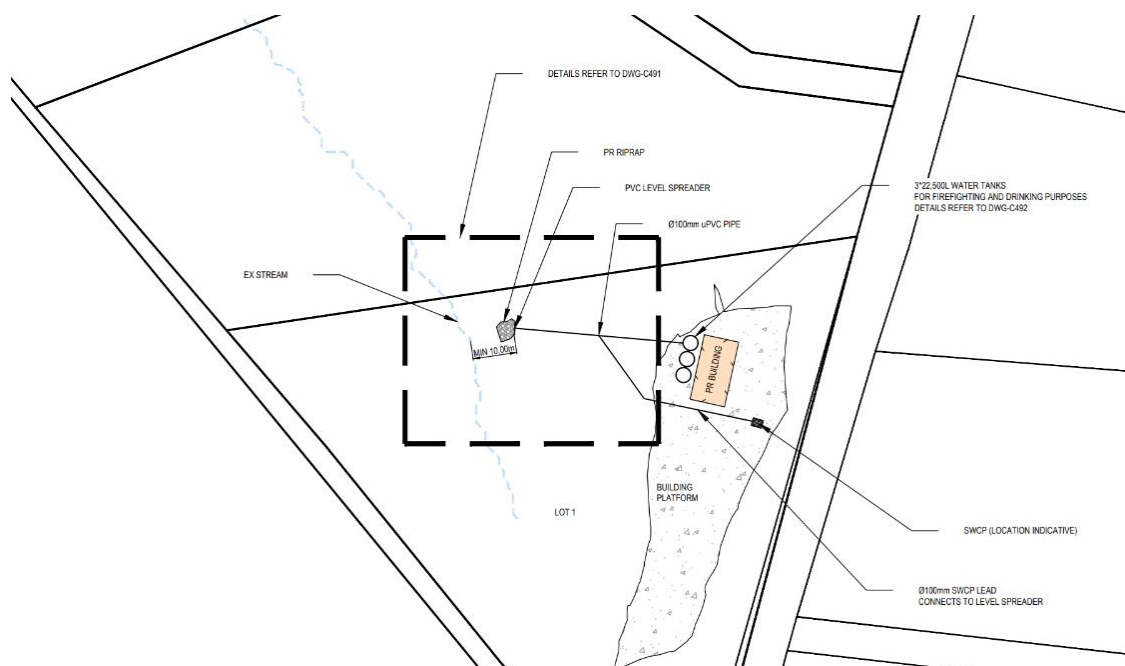


Figure 47 - Typical lot stormwater layout

The private accessways/JOAL's will feature (subject to contours) swale drains, which will convey stormwater and provide a degree of pre-treatment. In some steeper areas, a piped network or specific swale design has been provided in the engineering plans. Outfalls from the swales will be provided to existing streams and OLFP's and will feature erosion protection such as ripraps.

As the site is not subject to the NDC, treatment is instead required by the AUP. In relation to the countryside living subdivision, treatment is not specifically required, as the private roads will be low volume (less than 5000 v/pd) and there will be no communal parking areas with 30 or more spaces. Treatment is proposed via roadside swales in the areas of the site which can accommodate the design, as shown by **Figure 52** below.

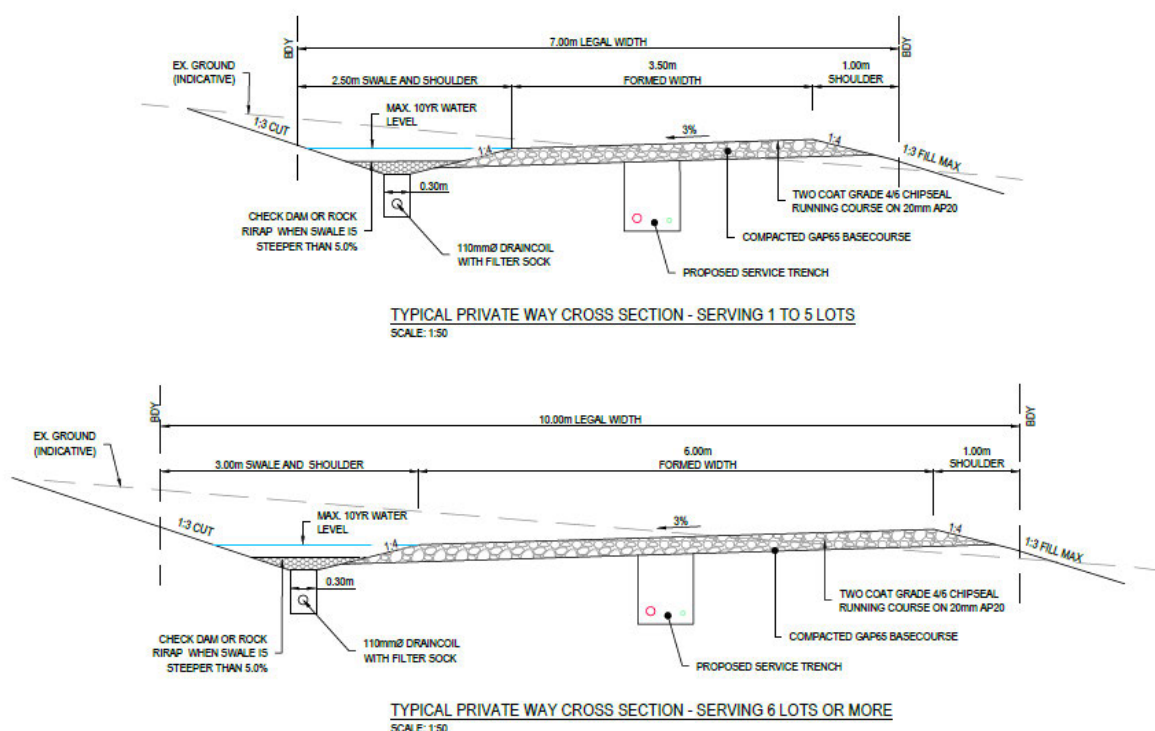


Figure 48 - Standard JOAL cross section with swale

For steeper sections of the JOALs, treatment will not be possible and is not explicitly required by the AUP. All flows will discharge via the planted stream/wetland network, which will also provide treatment of water and improved water outcomes will be further achieved by the wider revegetation of Lot 1.

Attenuation of peak flows will be provided within the proposed subdivision. However, the approach will be for this to be undertaken at a catchment wide basis, such as through the proposed revegetation and culvert upgrades, rather than requiring attenuation within the on-lot tanks.

6.9.2.1 Retirement Village

The retirement village is proposed to be serviced by a dual stormwater network. Clean roof water will be retained in a separate network from that of JOAL's and surface runoff. A separate stormwater network will be provided for surface runoff and will be sized to cater for 10-year events for the full catchment. The network will convey all surface flows including JOAL's and any catchpits.

The networks will discharge via new outfalls to existing streams and/or OLFP's. The design of these outfalls are provided in the Engineering Plans in **Appendix W**.

The sealed roof system will be sized for the 95th percentile rain event and has been determined based on providing the balance between sufficient storage replenishment versus oversizing networks. Overflows into the road runoff stormwater system will be provided within the lots for when the flows exceed the roof water collection system thresholds.

As the site is not subject to the Region Wide NDC, the requirement for treatment is set out within the AUP. In this sense, treatment is not specifically required, as the private roads will be low volume (less than 5000 v/pd), however, treatment would be needed for the communal parking areas which exceed 30 spaces.

Treatment for the primary trafficable areas within the retirement village will be provided. Some JOAL's which serve 10 or less units are not provided with treatment. A combination of proprietary devices (stormwater filters) and raingardens are proposed throughout the retirement village.

6.9.2.2 Forestry Road Extension

Under the AUP, the proposed Forestry Road extension will be low volume (less than 5000 v/pd) and does not specifically require treatment. However, treatment has been proposed for the road and will be provided by way of rain gardens. Please refer to the Engineering Plans in **Appendix W** and the SMP in **Appendix AA** for further details.

6.9.3 Water Supply

An existing water supply network is located opposite the site off Old North Road. However, Watercare has confirmed that it does not intend to service the area. On this basis, the primary supply of water for the proposal will be roof caught and for the retirement village, supplemented by bore water, as outlined in the Infrastructure Report provided in **Appendix J**.

6.9.3.1 Countryside Living Subdivision

The roof area within each of the proposed lots will provide the primary water supply for the future dwellings and ancillary buildings, with the roof water conveyed to storage tanks. A private pump and associated treatment will be installed and will supply potable and non-potable use.

A minimum of 4 x 22,500L tanks is assumed, although there is sufficient space available for more tanks depending on the final size of the future houses. Overflow from the tanks will be directed to overland flow paths and/or streams via the level spreader and/or lot connections.

6.9.3.2 Retirement Village

The retirement village is provided with a private water network where water will be sourced primarily from roof caught water, via a sealed clean water stormwater network which serves the roof catchment only. This clean water will be stored in a reservoir(s), treated and will

provide potable and non-potable water supply to all buildings within the village. The roof caught water will be supplemented by bore water, details of which are provided in ENGEO Groundwater Abstraction Desktop Study Report in **Appendix Y**. Please also refer to the Retirement Village Water Supply Strategy in **Appendix BB**.

6.9.4 Firefighting water supply

The firefighting water supply requirements are outlined in the Infrastructure Report in **Appendix J** and the Fire Design Requirements in **Appendix CC**. The tank design details and locations are provided in the Engineering Plans in **Appendix W**.

In summary, the proposed countryside living lots will be provided with tanks that achieve 45m³ for firefighting supply. In relation to the retirement village, a series of buried tanks providing 45m³ of storage volume are proposed throughout the village and have been located in proximity to the proposed accessways within 90m of all buildings. All communal buildings will be sprinkled which limits the required storage volume to 45m³.

6.9.5 Utilities and Services

Telecommunication services are available in the area and upgrades will be provided to service the proposed development. New power and telecommunication networks will be constructed within the private accessways and a point of supply will be provided for each lot/unit.

Consultation with Vector and Chorus has been completed, confirming that subject to upgrades/connections, supply is available.

6.10 Staging

The overall development of the site will be undertaken in stages, with the full development anticipated to take approximately 8-10 years to complete. The proposed countryside living subdivision and retirement village will be undertaken separately across separate stages.

The staging proposed for the countryside living subdivision has been detailed in Section 6.3. To summarise, the proposed subdivision will be undertaken across 14 stages as detailed in the Scheme Plans provided in **Appendix N**. The proposed retirement village will be undertaken across four stages.

With regard to the construction and earthworks timeframes for the proposal,¹⁶ the following is noted:

Lot 1 – Countryside Living Subdivision

¹⁶ Section 13(4)(e), FTAA

- Earthworks anticipated to begin in October 2025
- Likely 1-2 stages per year depending on sales and each stage would only be opened as they are developed
- Anticipated duration of 7-10 years

Lot 2 – Retirement Village

- Earthworks anticipated to begin in October 2026
- Earthworks proposed over one stage
- Likely to be carried out over two earthworks seasons with approximately 15 ha of open area at any one time
- Anticipated duration of 2 years

The final construction timeframes are dependent on when consent is obtained, although the applicant is in a position to commence construction, and site works immediately upon consent being approved.

6.11 Landscaping and Planting Strategy

A feature of the proposal is substantial environmental enhancement through broadscale native revegetation of the former production forest landscape. Boffa Miskell has prepared an extensive landscape strategy for the site that outlines the proposed revegetation planting approach and landscape rationale for the proposal. The proposed overall vegetation strategy is provided in **Appendix M** and an overview of the site provided below.

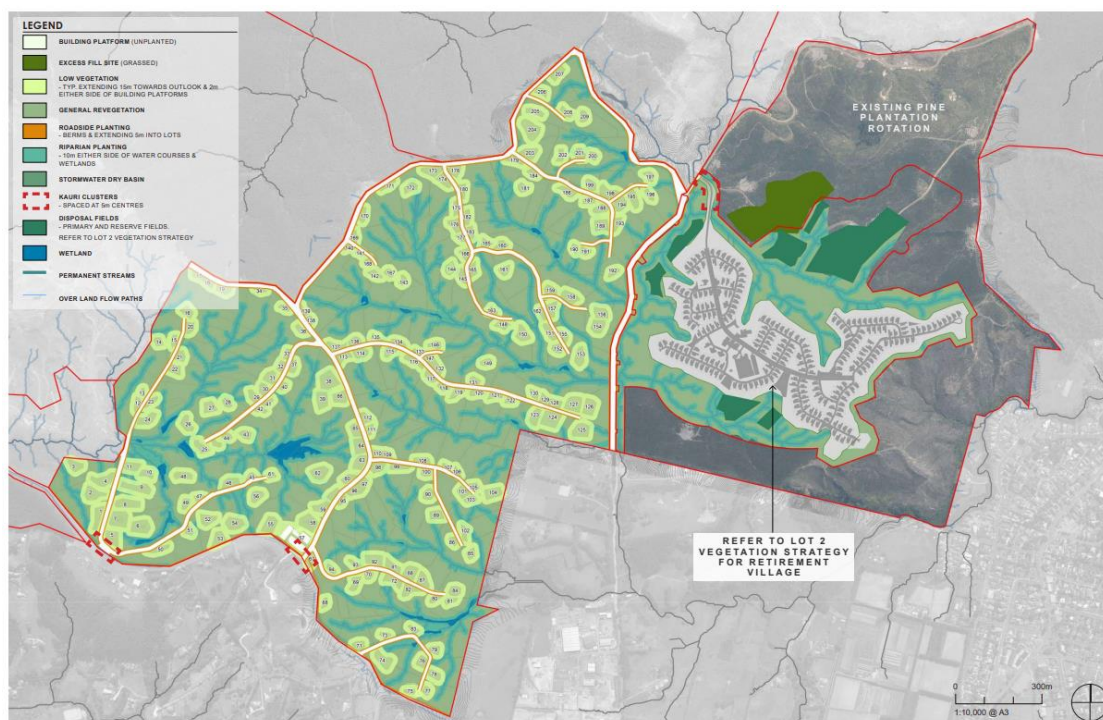


Figure 49 - Proposed overall vegetation strategy

The substantial environmental enhancement, including forest, riparian and wetland creation/enhancement, will see the site transformed into a thriving habitat with low scale residential development interspersed throughout. Substantial habitat enhancement will be achieved, with the site also contributing to the wider ecological connectivity of the landscape. All future planting and landscaping will be undertaken in accordance with the Landscape Management Plan prepared by Boffa Miskell in **Appendix T**.

6.11.1 Transferable Rural Site Subdivision

There is an intention to potentially claim Transferable Rural Subdivision Sites ('TRSS') as a result of the revegetation that is being undertaken. Consideration of the eligibility requirements as set out in Appendix 15 and 16 of the AUP is generally included in the Landscape Plans and Landscape Management Plan.

6.11.2 Countryside Living Subdivision

The landscape strategy for the proposed countryside living subdivision is provided in **Appendix O** and includes the overall subdivision layout and planting scheme, examples of typical lot layouts and cross sections and typical road and private accessway cross sections. The concept for the subdivision is guided by three key motives:

- Ecological Restoration and Revegetation; including wetland, stream and forest restoration and enhancement, and habitat creation;

- Countryside Living; homes located on identified building platforms nestled into the revegetated and restored ecological landscape; and
- Community Activities; public recreational access to the Riverhead Forest is maintained and enhanced including through the provision of covenanted access to trails, parking areas, and access to the café in the retirement village.

The layout of the proposed subdivision has been determined by the site's topography and required setbacks from wetlands, permanent and intermittent watercourses. The proposed roads generally follow ridgelines and house sites have been selected in locations where buildable residential platforms can be accommodated, in addition to each lot having a substantial area of revegetation. An overview of the proposed landscape strategy is shown below:

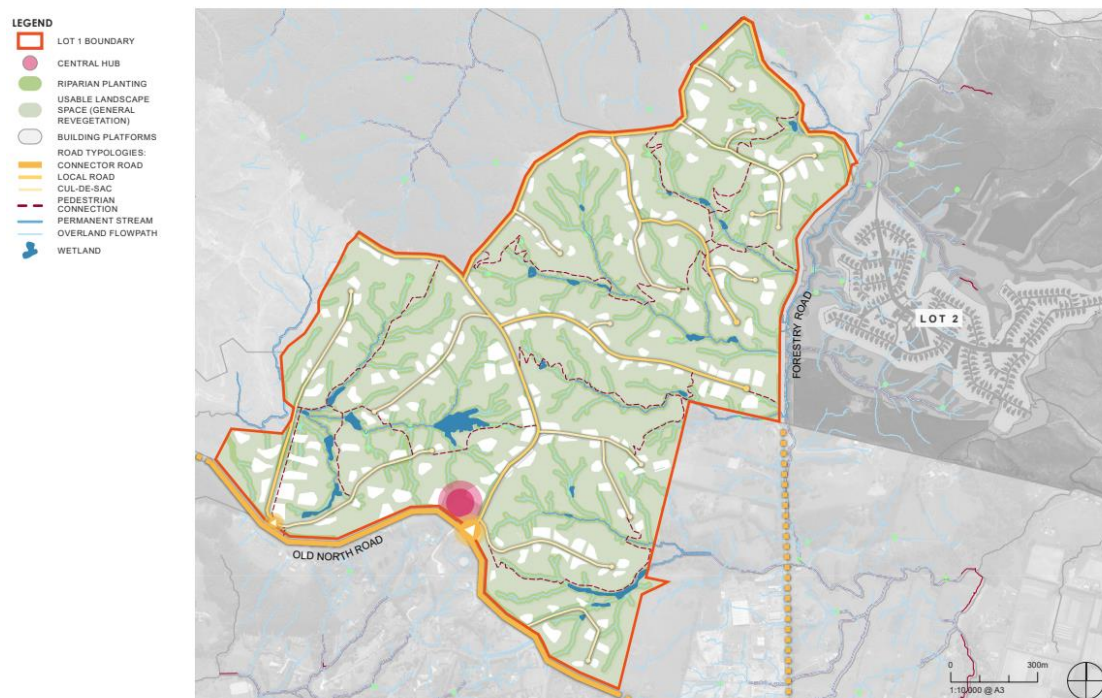


Figure 50 - Countryside living subdivision landscape strategy

Each proposed lot will accommodate a level of revegetation and, overall, the proposed revegetation will comprise 188.4 ha of the total 222.75 ha Lot 1 site area. This creates a significant landscape and large-scale enhancement of the environment.

Revegetation will be undertaken in a targeted way that responds to specific site conditions including aspect, position on slope (e.g. ridge vs. valley), proximity to waterways, and soil conditions. This approach is consistent with Chapter E15 (Vegetation management and biodiversity) and, in particular, Auckland Council's *'Te Haumanu Taiao, Restoring the natural environment in Tāmaki Makaurau.'*

Building platforms have been defined for all lots, with the remainder of the lot area comprising indigenous revegetation including riparian corridors and wetlands. **Figures 54** and **55** below illustrates a typical lot layout and cross section.

LOT 1 : STAGE 2 - TYPICAL LOT LAYOUT



Figure 51 - Typical lot layout

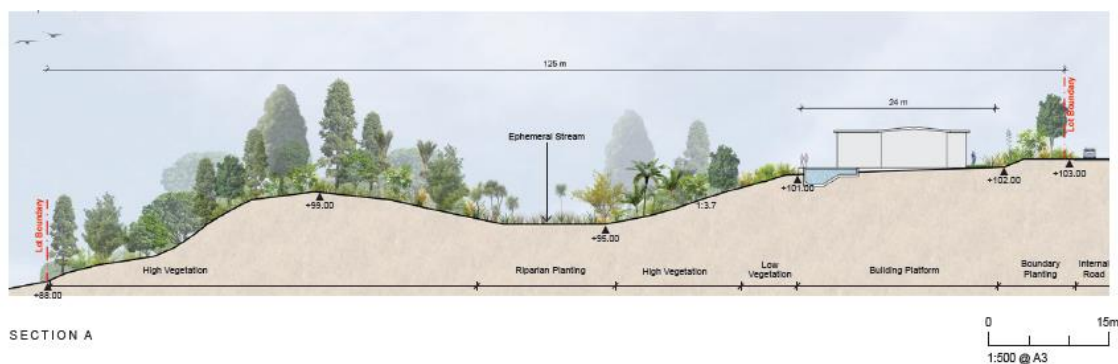


Figure 52 - Typical lot cross section

6.11.3 Retirement Village

The proposed retirement village is located towards the centre of Lot 2 and has been located to sit fully on the west side of the ridgeline that defines the escarpment which backdrops Riverhead in the northwest. The full details of the landscape strategy for the proposed retirement village are provided in **Appendix O** and an overview provided below:

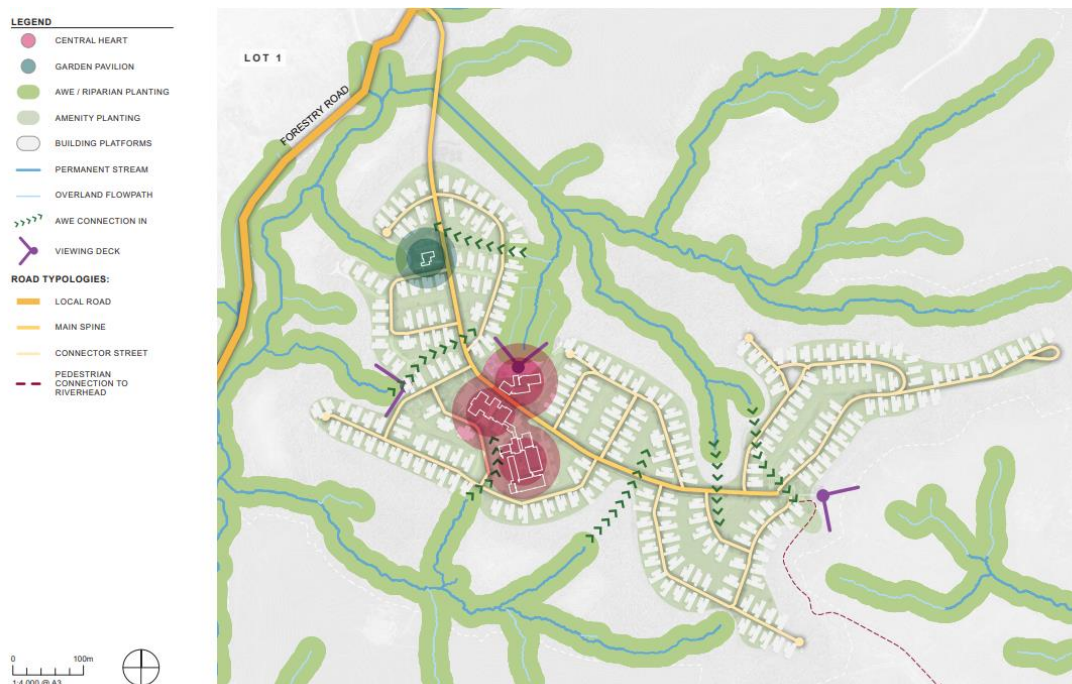


Figure 53 - Retirement village landscape strategy

The proposed retirement village footprint occupies only a portion of Lot 2, being 32.3 ha of the total 89.8 ha retirement village development area. Approximately 81.8 ha of Lot 2 will remain in its current production pine forest cover. The retirement village proper will be nested within an extensive curtilage of native forest revegetation that extends down to encompass the riparian corridors of the adjacent stream corridors to the north and south.

The masterplan for the retirement village is based on a series of landscape and urban design principles, in addition to drawing on the cultural narrative of the toopuni or cloak, traditionally made from the skin of the kurī (dog) and its awe (tassels) reflecting the stream corridors that finger into the village. The layout of the retirement village incorporates vegetated stream corridors which meander up into the village with rain gardens located throughout.

An extensive fringe of planting and gullies that run into the village will be extensively revegetated. Walking tracks are provided around the perimeter of the village and a golf cart/pedestrian access track to the edge of Lot 2 will be available for the residents.

6.11.4 Track network

The site has been historically accessed by local residents who utilise it for recreational cycling, walking, running, horse riding and dog walking. The proposed development includes an extensive network of walking and cycling tracks that will maintain access for the surrounding community.

As shown by **Figure 57** below, the proposed development maintains and introduces a range of walking tracks across the site. The walking tracks are a combination of on and off road, in addition to bridge crossings over streams and sections of boardwalk.

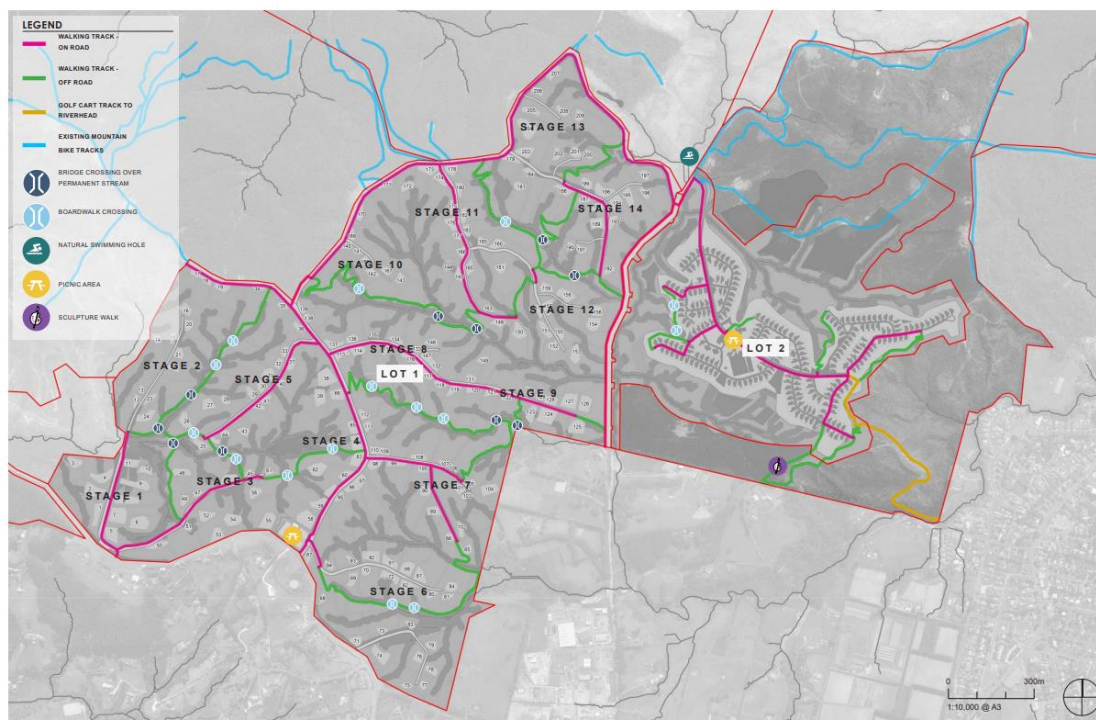


Figure 54 - Proposed track network

The proposed track network connects to existing mountain bike tracks, picnic and swimming areas outside of the site. A 3m wide, concrete surface walking path, also accessible to 4 wheel-drive golf carts is proposed to connect down the escarpment to the eastern edge of Lot 2. The proposed track will connect in the future to an existing track at the end of Mill Grove, which crosses the Wautaiti Stream tributary into the Mill Grove cul-de-sac and into the Riverhead township.

The proposed track to the Riverhead township will have a steep gradient of a maximum of 1 in 8 and will provide access up to the village, with its public café amenity and connection to the Forest for Riverhead residents, in addition to a walking and golf cart connection for more able village residents to and from Riverhead.

6.12 Waste Management

A Waste Management and Minimisation Plan ('WMMP') has been prepared by Rubbish Direct and is provided in **Appendix DD**.

It is proposed to use a private collection service for both the countryside living subdivision and retirement village. The proposed residential lots and retirement village villas will store individual bins within their property and the retirement village community facilities, (amenity building, care building and wellness centre) will use five refuse areas with shared bins.

For each of the proposed residential lots and retirement village villas, the following is proposed:

- 1 x 120L wheelie bin for refuse, to be collected once per week
- 1 x 240L wheelie bin for co-mingled recyclables and cardboard, to be collected once per fortnight

For the proposed retirement village community facilities (amenity building, care building and wellness centre), the following shared bins across the five refuse areas are proposed:

- 3 x 1100L mobile bins
- 8 x 660L mobile bins
- 2 x 240L wheelie bins for refuse
- 3 x 240L wheelie bins for organic
- 3 x 240L wheelie bins for co-mingled recyclables and cardboard
- 4 x 240L wheelie bins for glass
- All bins to be collected once per week

6.13 Other Activities¹⁷

No other activities are part of this proposal to which the consent application relates.

6.14 Other Approvals^{18,19}

Approval is sought under the Wildlife Act 1953 for the capture and relocation of Native Lizards (including copper skink *Oligosoma aeneum*) and other potentially present native lizard species from the earthworks footprint, to an adjacent area that will be subject to habitat enhancement, pest management and restoration planting. For the avoidance of doubt, this

¹⁷ Clause (5)(1)(e), Schedule 5, FTAA

¹⁸ Clause 5(1)(f), Schedule 5, FTAA

¹⁹ Section 13(4)(u), FTAA

Wildlife Approval application does not relate to native birds or bats. Please refer to the Ecological Impact Assessment in **Appendix F** for further details.

No other resource consents or other applications under the relevant Act, notices of requirement for designations, or alterations to designations are required for the project to which the consent application relates. Iwi and hapuu consultation has been undertaken in relation to the Wildlife Approval and impacts, and the Department of Conservation (**‘DoC’**) as the relevant administering agency in relation to the approval have also been consulted.

6.15 Permitted activities²⁰

This proposal includes permitted activities and complies with the relevant requirements for the permitted activity so that a resource consent is not required for that activity under section 87A(1) of the Resource Management Act 1991). Please refer to the Rules Assessment in **Appendix EE** for further details on permitted activities in relation to the proposal.

²⁰ Clause 5(5)(a), Schedule 5, FTAA

7.0 Rules and Statutory Requirements²¹

7.1 Overview

To enable the proposal, resource consent is required pursuant to s42(4)(a) and has been prepared in accordance with s43(2) and (3), and 44 of the FTAA.

The site is zoned CLZ and RPZ under the AUP, as shown by **Figure 11**.

An assessment of the proposal against the relevant rules and regulations is set out in the following section and provided in **Appendix EE**.²²

7.2 Lapse date

Given the full build out time for the subdivision and land use consent is likely to be at least 9 years, a lapse date on both the subdivision and land use consent is sought for a period of 10 years under s125 of the RMA.

7.3 Auckland Unitary Plan (Operative in Part)

The application has been assessed against the relevant rules and development standards of the AUP. To enable this development, resource consent is required under the AUP for the following reasons:

E3 Lakes, rivers, streams and wetlands

- (A44) Any new structure and subsequent diversion of water not complying with the general permitted activity standard E3.6.1.14 is a **discretionary activity**:
 - E3.6.1.14 Standards for new structures and the associated bed disturbance or depositing any substance, diversion of water and incidental temporary damming of water:
 - Scour management works (riprap) will exceed 5m in length of the proposed culvert upgrades.
 - Temporary damming of watercourses is required for works to culverts.

E5 On-site and small-scale wastewater treatment and disposal

- (A6) The proposed retirement village includes the discharge of wastewater that does not meet the relevant standards or is not provided or by any other rule in the Plan and is a **discretionary activity**.

²¹ Section 13(4)(t), FTAA

²² Clause 5(1)(f), Schedule 5, FTAA

E6 Wastewater network management

- (A6) The proposed retirement village includes the discharge of treated wastewater onto land from a wastewater treatment plant and is a **discretionary activity**.

E7 Taking, using, damming and diversion of water and drilling

- (A26) The proposal involves taking more than 20m³/day of groundwater (28,950m³ per annum). As this take and use of groundwater is not otherwise listed in Activity Table E7.4.1, it requires consent as a **discretionary activity**.
- (A28) The proposal involves the diversion of groundwater caused by excavation that does not meet the permitted activity standards and is a **restricted discretionary activity**.
- (A41) The proposal includes a new bore for purposes not otherwise specified and is a controlled activity.

E8 Stormwater discharge and diversion

- (A10) The proposal involves the diversion and discharge of stormwater runoff from impervious areas not otherwise provided for and is a **discretionary activity**.
- (A11) The retirement village includes the diversion and discharge of stormwater runoff from a new stormwater network and is a **discretionary activity**.

E11 Land Disturbance – Regional

- (A5) The proposal involves approximately 50.4 ha of earthworks where land has a slope of less than 10 degrees outside the Sediment Control Protection Area and is a **restricted discretionary activity**.
- (A8) The proposal involves approximately 32.9 ha of general earthworks where land has a slope equal to or greater than 10 degrees and is a **restricted discretionary activity**.
- (A9) The proposal involves approximately 20.8 ha of general earthworks within the Sediment Control Protection Area and is a **restricted discretionary activity**.

E12 Land Disturbance – District

- (A6) The proposal involves general earthworks over approximate total area of 104.1 ha and is a **restricted discretionary activity**.

- (A10) The proposal involves general earthworks of an approximate total volume of 916,200m³ and is a **restricted discretionary activity**.
- Non-compliance with the following general standards is a **restricted discretionary activity** pursuant to C1.9(2):
 - E12.6.2(1).as the proposal includes 31,432m² of earthworks within the riparian yard.
 - E12.6.2(11) as the proposal includes 37,787m² of earthworks within floodplains.

E15 Vegetation management and biodiversity

- (A16) The proposal includes vegetation removal within 20m of natural wetlands and streams and is a **restricted discretionary activity**.
- (A18) The proposal includes vegetation removal within 20m of natural wetlands and is a **restricted discretionary activity**.

E21 Treaty Settlement Land

- (A5) The proposed retirement village is considered an Integrated Māori development and is a **discretionary activity**.

E23 Signs

- (A53) The proposal includes comprehensive development signage which is a **restricted discretionary activity**.

E26 Infrastructure

- (A54) The proposed retirement village includes a wastewater treatment plant and is a **restricted discretionary activity**.
- (A55) The proposed retirement village includes an attenuation pond and is a **controlled activity**.
- (A29) The proposed upgrade of Forestry Road requires the removal of 21 trees within the road reserve that exceed 4m in height and is a **restricted discretionary activity**.

E27 Transport

- (A2) Parking, loading and access which is an accessory activity, but which does not comply with the standards for parking, loading and access is a **restricted discretionary activity**:

- Table E27.6.5 as dedicated bicycle parking not providing for the community facilities or retirement village.
- E27.6.4.3 as Access 1-2 and 8 exceed the permitted widths.
- (A3) The proposal exceeds the trip generation standards specified under E27.6.1 and is a **restricted discretionary activity** (including under Plan Change 79).

E36 Natural hazards and flooding

- (A30) The proposal includes on-site wastewater treatment and disposal fields within the 1 per cent annual exceedance probability (AEP) floodplain and is **restricted discretionary activity**.
- (A33) The proposal includes the construction of stormwater outfalls within the 1 per cent annual exceedance probability (AEP) floodplain and is **restricted discretionary activity**.
- (A37) The proposal includes retaining walls and other structures located within the 1 per cent annual exceedance probability (AEP) floodplain and is **restricted discretionary activity**.
- (A41) The proposal involves the diversion of overland flow paths and is a **restricted discretionary activity**.
- (A56) The proposal includes the construction of infrastructure such as roads and associated infrastructure within the 1 per cent annual exceedance probability (AEP) floodplain and is **restricted discretionary activity**.

E39 Subdivision – Rural

- (A8) The proposal involves the subdivision of land within the 1 per cent annual exceedance probability (AEP) floodplain and land which may be subject to land instability is a **restricted discretionary activity**.
- (A9) Any subdivision listed in this table not meeting standards in E39.6.1 is a **restricted discretionary activity**:
 - Not all of the defined building areas meet 2000m² and will not be entirely free from yards (including riparian) or floodplain areas.
- (A13) The proposed subdivision within the Rural – Rural Production Zone does not comply with Standard E39.6.5.1 and is a **non-complying activity**.

- (A15) The proposed subdivision within the Rural – Countryside Living Zone does not comply with Standard E39.6.5.2 and is a **non-complying activity**.

E40 Temporary activities

- (A24) The construction of the proposal will exceed 24 months and is a **restricted discretionary activity**.

H19 Rural Zones

- The retirement village is not provided for in Activity Table H19.8.1 and therefore requires resource consent under C1.7 as a **discretionary activity**.
- A blanket resource consent is sought (as a **restricted discretionary activity** under C1.9) for future buildings on all lots within the countryside living subdivision to infringe any front, side or rear yard specified in Standard H19.10.3 where the following requirements are met:
 - A minimum yard setback of 3m must be provided
 - Any proposed building must be approved by the Design Review Panel
 - Maximum height within the yard setbacks shall not exceed 6m
 - The combined maximum building footprint within the yard setbacks on any lot shall not exceed 100m²

7.4 Whenuapai Airspace Designation

The site and the surrounding area sit beneath the Airspace Restriction Designation – protection of approach and departure paths (Whenuapai Air Base) 4311. However, the designation does not impose any restriction on uses of land as none of the proposed uses will be of a height that impacts on the airbase approach and departure. It is also noted that the site is not located in an area which requires approval from the NZDF.

7.5 Resource Management (National Environment Standards for Assessment and Managing Contaminants in Soil to Protect Human Health) Regulations 2011

The NESCS is a nationally consistent set of planning controls and soil contaminant values. It seeks to ensure that land affected by contaminants in soil is appropriately identified and assessed before it is developed and, if necessary, the land is remediated or the contaminants contained to make the land safe for human use.

The NESCS came into force on 1 January 2012 and deals with territorial authority functions under section 31 of the Resource Management Act 1991 (the RMA). The NESCS applies to a

“piece of land” that is being described by one of the following: an activity or an industry described in the HAIL is being undertaken on it; an activity or industry described in the HAIL has been undertaken on it; it is more likely than not that an activity or industry described in the HAIL is being or has been undertaken on it.

A Preliminary Site Investigation has been undertaken by ENGEO and is provided in **Appendix I**. The investigation did not identify any potentially contaminating activity on the land and the site is, therefore, not subject to the NESCS or Chapter E30 Contaminated land of the AUP.

7.6 National Environmental Standards for Air Quality 2004

The NES Air Quality contains prohibitions and restrictions on discharges from certain activities, requirements for ambient air quality standards for contaminants, and other requirements in relation to the discharge of PM10, other contaminants, and domestic burners. Resource consent is not required for air discharges under the NES Air Quality.

7.7 National Environmental Standards for Freshwater

Resource consent is required under the National Environmental Standards for Freshwater (‘NES-FW’) 2020 as a **Non-Complying Activity** under Clause 54, due to activities not otherwise provided for occurring as part of the proposal. This includes vegetation clearance and earthworks within 10m of a natural inland wetland and the discharge of water into streams within 100m of a natural inland wetland.

7.8 National Environmental Standards for Commercial Forestry

The National Environmental Standards for Commercial Forestry (‘NPS-CF’) 2017 provide nationally consistent regulations to manage the environmental effects of commercial forestry. As mentioned previously in this report, the site forms part of the wider Rangitootuni-Riverhead forest which is subject to commercial pine forestry activities. Portions of Lot 2 will also retain existing pine forests and all works (outside of this application) will be undertaken in accordance with the NPS-CF.

In relation to the residential development now proposed on the site, the NPS-CF outlines setbacks required from commercial forestry activities to residential uses; 10m setbacks from adjoining boundaries and 30m from existing dwellings. The proposed retirement village on Lot 2 is significantly setback from the commercial forestry operations as extensive native planting will create a considerable buffer around the retirement village.

Similarly, the majority of the proposed residential lots on Lot 1 are sufficiently setback with only a handful of proposed lots along the northern boundary potentially being within 30m of the pine forest. Regardless, the setback requirements of the NPS-CF are not considered applicable as they relate to ‘afforestation’ which is defined under the NPS-CF as: *“planting and growing commercial forestry trees on land where there is no commercial forestry and where*

commercial forestry harvesting has not occurred within the last 5 years.” As Rangitooopuni-Riverhead is an existing commercial forest, the setback standards do not apply. Therefore, consent is not considered to be required under the NPS-CF.

7.9 Ineligible Activities²³²⁴

The proposal does not include any ineligible activities as defined in Section 5 of the FTAA.

The applicant is not seeking a determination under section 23, 24(2) or 24(4) of the FTAA.²⁵

7.10 Prohibited Activities²⁶

The proposal does not include any prohibited activities under the RMA.

7.11 Public Works Act 1981²⁷

No processes have been undertaken under the Public Works Act 1981 in relation to the proposal.

7.12 Hazardous Installations²⁸

The proposal does not include the use of hazardous installations.

7.13 Standard Fisheries Activity

The proposal does not include a standard freshwater fisheries activity. As detailed in the Ecological Impact Assessment (**Appendix F**), the proposed and upgrades of culverts will not impede fish passage as the culverts with a steeper gradient will have a low-flow channel installed to create low velocity areas and resting pools through the culverts to enable fish passage. Therefore, the application does not require fisheries approval.

7.14 Preliminary steps for resource consent application

Under Section 30 of the FTAA, identification of existing resources consents for the same activity is required before a substantive application for resource consent can be lodged.

²³ Section 43(1)(c), FTAA

²⁴ Section 14(4)(c), FTAA

²⁵ Section 13(4)(p), (q) & (r), FTAA

²⁶ Section 13(4)(i), FTAA

²⁷ Section 13(4)(m), FTAA

²⁸ Clause 6(1)(b), Schedule 5, FTAA

Formal notice under s30 was shared with Auckland Council on 4 March 2025 and a response received from Auckland Council confirming that s30 matters have been addressed was provided on 24 March 2025.²⁹ A copy of the letter is provided in **Appendix FF**.

The letter finds that all requirements of s30 are met or are not applicable, therefore, this substantive application can be submitted.³⁰

Pursuant to Section 31 of the FTAA, the proposal does not relate to aquacultural activities undertaken in the coastal marine area.

7.15 Overall Activity Status of the Application

Overall, the application should be considered as a **non-complying activity**.

²⁹ Clause 5(1)(l), Schedule 5, FTAA

³⁰ Section 13(4)(y)(i), FTAA

8.0 Consultation³¹³²

The following sections of this report provide a description of the consultation that has been undertaken as part of the application and how the consultation had informed the project.

8.1 Consultation with Administering Agencies – Department of Conservation and Ministry for the Environment

Department of Conservation

As the relevant administering agency for the Wildlife Act 1953, the Department of Conservation (DOC) was consulted in relation to the Wildlife Approval required for this project. A record of the pre-lodgement consultation is provided in **Appendix QQ**.

Initial contact was made with DOC on 31 March 2024. The applicant completed DOC's pre-lodgement and new customer forms and commenced engagement with DOC's appointed advisor, [REDACTED], who led DOC's input on the Rangitootuni application.

DOC reviewed the draft Wildlife Approval application, and a meeting was held on 15 April 2025 between DOC's lizard specialist, the applicant's ecologist (Bioresearches), and DOC representatives to discuss the application. Further details of this meeting are included in the DOC Summary of Pre-lodgement Consultation (Appendix QQ).

On 22 April 2025, Bioresearches provided a revised version of the Lizard Management Plan, incorporating changes informed by the 15 April discussion. DOC's lizard specialist reviewed the updated plan on 24 April 2025 and provided comments via email.

This pre-lodgement consultation process informed both the methodology and assessment presented in the Wildlife Approval application, including further clarifications within the supporting documents such as the Ecological Impact Assessment and Lizard Management Plan.

Ministry for the Environment

As the relevant administering agency for approvals under the Resource Management Act 1991, pre-lodgement consultation was undertaken with the Ministry for the Environment (MfE) in relation to the Rangitootuni application. Copies of this correspondence are provided in **Appendix QQ**.

MfE advised that the substantive application should include an assessment of the project against any relevant National Policy Statements, National Environmental Standards, and, if

³¹ Section 29(1)(a), FTAA

³² Section 13(4)(j), FTAA

applicable, the New Zealand Coastal Policy Statement. The Ministry also provided a summary of national direction made under the Resource Management Act.

This consultation helped to confirm the scope of national direction relevant to the project. The relevant/ applicable National Policy Statements and National Environmental Standards, have been considered in the application, with an assessment provided in Section 10 of this report.

8.2 Consultation with Auckland Council and Council Controlled Organisations

8.2.1 Auckland Council - Premium Team (Resource Consents)

Extensive consultation has been undertaken with Auckland Council's Premium team. An introductory meeting was held in mid-February with Council staff, which provided an overview of the proposal and discussed key aspects, such as the overall vision for the land, infrastructure, roading and ecological restoration and planting.

From the introductory meeting, several pre-application meetings were held throughout March with the Premium team staff and various other specialists from Auckland Council, covering ecology urban design, stormwater management, parks, and other matters arising from the proposal. The feedback from the various specialists in attendance was generally positive, in particular regarding the proposed ecological restoration, planting, urban design and retention of public access to the various walking tracks.

Discussions regarding the Treaty Settlement provisions of the AUP were also undertaken, with particular regard to the provisions enabling a range of development to support iwi.

Written pre-application feedback from the Council was received on 28 March 2025. The Council has approached this from the perspective of identifying unresolved concerns and has raised matters that, in their view, may require further consideration to strengthen the proposal.

In terms of specialist comments, the Council has asked that the applicant share these with the relevant members of the team for review and consideration prior to lodgement. The proposal and associated reporting have developed significantly, and many of the issues raised have been addressed in the application documents. Further details are provided below.

In addition to the meetings, discussions via email and phone have been ongoing since the project was shared with Council. The application has endeavoured to include and address Council's feedback where possible.

8.2.2 Auckland Council Parks

Auckland Council Parks specialists attended the pre-application meeting held on the 10 March 2025 and generally expressed support for the proposal, with the proposed native revegetation

and landscaping across the site being well-received. In addition, the retention of public access to the various walking and cycling tracks across the site was also supported.

Further discussions were had regarding the proposed public car park adjacent to the residents' community facilities being vested and maintained by Council. However, Council policy is that due to their acquisition policies not applying to rural land, the Council will not acquire the land on which the carpark is located. Therefore, the relevant easements to enable public access are provided for as part of the proposal.

8.2.3 Auckland Transport

Auckland Transport attended the pre-application meeting on 10 March and raised no significant concerns with the proposal., noting that approval from Auckland Transport will be required for the proposed upgrade of Forestry Road.

8.2.4 Healthy Waters

Two of the previously discussed pre-application meetings included representatives from Healthy Waters, and the applicant's engineers (Maven) have incorporated their feedback into the stormwater strategy where possible. Furthermore, during these meetings, Healthy Waters confirmed that the site is not subject to the Region Wide Network Discharge Consent as it is located outside of the Rural Urban Boundary.

8.2.5 Fire and Emergency New Zealand

Consultation with Fire and Emergency New Zealand ('FENZ') has been undertaken. Sufficient storage capacity is currently proposed as part of the proposed countryside living subdivision and if any deviations to FENZ standards are approved, they will be registered as a consent notice against each future title for the proposed lots.

8.2.6 Watercare

Engagement with Watercare has been undertaken via email throughout March 2025, with Watercare providing confirmation that they have no intention to service the site as it is rural zoned and outside the Rural Urban Boundary. Four follow-up emails requesting meetings to further discuss the proposal and potential water supply solutions were requested with an email response received on 25 March 2025 reconfirming its position that the site is not planned to be serviced in the near future.

8.2.7 Conclusions

The pre-application meetings and other correspondence between the applicant and the above CCO's and Auckland Council have been useful for understanding Council's views on a range of aspects such as strategic planning matters, design, planting and landscaping, transportation and infrastructure services. The applicant notes its appreciation of the time taken to liaise and

discuss the proposal. The applicant and the project team have endeavoured to provide for or otherwise address the matters raised by Auckland Council and the CCOs in preparing this application.

8.3 Consultation with surrounding residents

The applicant has made considerable effort to consult with the surrounding residents and wider community.

8.3.1 Adjoining sites

A letter providing an overview of the proposed development and its key features was distributed to all adjoining properties to the site in mid-March. A copy of this letter is provided in **Appendix GG**.

To date, eight responses have been received. Two confirming their support of the proposal (74 Deacon Road and 100 Forestry Road), one seeking further details (48 Crabb Fields Lane) and four requesting an in-person or online meeting to further discuss the proposal (22 Cobblers Lane, 32 Crabb Fields Lane, 42 Crabb Fields Lane, and 371 Old North Road). The applicant's project manager has or is in the process of organising additional in-person meetings to discuss the proposal. The owner of 371 Old North Road provided a submission to the applicant on 25 April 2025. The submission acknowledged the potential benefits of the project but also raised number of concerns and requests. Some matters raised relate to private interests which cannot be considered under the FTAA, such as the loss of pine forest removal, potential impacts on property values, and requests for compensation. Other matters relate to potential environmental effects, including amenity impacts, construction management, sediment runoff, and dust generation.

These matters have been considered and addressed as part of the application. Adverse effects have been avoided or remedied through design, or appropriately managed and mitigated through proposed conditions of consent. The applicant has also arranged additional meetings with the owners of 371 Old North Road to further discuss their concerns and outline the measures proposed to manage potential effects. Subject to the implementation of conditions, the actual or potential adverse effects of the proposal on the environment are considered to be less than minor.

Information relating to each owner of the adjoining sites is provided. However, no confirmation on whether all the owners live on the site or whether there are different occupiers has been received.

8.3.2 Riverhead Community Association

Considerable engagement has been undertaken with the Riverhead Community Association ('RCA') to discuss the proposal and provide an opportunity for any queries they may have.

The project manager initially met with [REDACTED] who is a key member of the RCA, in mid December 2024 to introduce the management team and the proposal. Overall, the meeting was positive with [REDACTED] agreeing that a further meeting with more representatives of the RCA would be beneficial.

An in-person meeting was then held on 7 March 2025 with more representatives from the RCA and the project management team to further discuss the proposal and provide an opportunity for any questions people may have. Overall, the proposal was well-received, with particular interest in engaging with Te Kawerau ā Maki in relation to the project and the extensive native planting across the site, walking and cycling connectivity, and low density scheme.

The RCA also expressed interest in future opportunities to involve the local school and Scout Groups in tree planting, camps and education on Māori history and culture, and biodiversity. Since the meeting with the RCA, they have proposed to host a hui between Te Kawerau ā Maki and the Riverhead community, as well as establishing a working group to meet regularly to discuss workstreams, timeframes and future communications with the Riverhead community. This is currently being discussed with Te Kawerau ā Maki, and a date will be organised to host the hui.

Following on from the initial meeting with the RCA representatives, a post on the Association's Facebook page was posted on 2 February and provided an overview of what was discussed at the meeting and was generally positive, with the post acknowledging that the development includes numerous benefits for the local community.

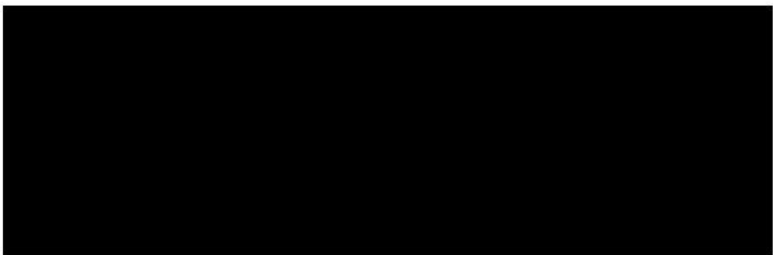
8.4 Consultation with Mana Whenua


The applicant has commenced engagement with iwi that hold an interest in the area in which the site is located. An initial project introduction email was sent to the following iwi on 28 February 2025 (**Appendix PP**):


- Ngāti Manuhiri (Ngāti Manuhiri Settlement Trust)
- Ngāti Maru (Ngāti Maru Rūnanga Trust)
- Ngāti Paoa Iwi Trust (Ngāti Paoa)
- Ngāti Te Ata (Te Ara Rangatu o Te Iwi o Ngāti Te Ata Waiohū)
- Ngāti Whātua o Kaipara (Ngā Maunga Whakahii o Kaipara Development Trust)
- Ngāti Whātua o Ōrākei (Whātua Ōrākei Trust Board)
- Ngāti Whātua (Te Rūnanga o Ngāti Whātua)
- Te Ākitai Waiohū (Te Ākitai Waiohū Iwi Authority)
- Ngāi Tai ki Tāmaki (Ngāi Tai ki Tāmaki Tribal Trust)
- Ngāti Tamaoho (Ngāti Tamaoho Trust)

- Ngāti Wai (Ngāti Wai Trust Board)
- Te Kawerau ā Maki (Te Kawerau ā Maki Settlement Trust) (iwi represented by the applicant)
- Ngāti Tamaterā (Ngāti Tamaterā Treaty Settlement Trust)

A table summarising the responses to date is provided below:

Iwi	Response to date
Ngāti Manuhiri (Ngāti Manuhiri Settlement Trust)	<p>Response received on 11 March 2025 confirming their support of the proposal:</p> <p><i>Tēnā koe e Edward,</i></p> <p><i>Formally, we 100% tautoko your mahi and if you need any support please do not hesitate to reach out.</i></p> <p><i>Nga mihi,</i></p> 
Ngāti Maru (Ngāti Maru Rūnanga Trust)	No response to date.
Ngāti Paoa Iwi Trust (Ngāti Paoa)	No response to date.
Ngāti Te Ata (Te Ara Rangatū o Te Iwi o Ngāti Te Ata Waiohū)	No response to date.
Ngāti Whātua o	No response to date.

Kaipara (Ngā Maunga Whakahii o Kaipara Development Trust)	
Ngāti Whātua o Ōrākei (Whātua Ōrākei Trust Board)	<p>Response received on 1 April 2025 confirming their support of the proposal.</p> <p><i>Tēnā koe e Ed</i></p> <p><i>Many thanks for your email outlining the your proposed Riverhead Forest Development. Ngāti Whātua Ōrākei respect and appreciate Te Kawerau a Maki contacting us in this way to acknowledge the array of mana that are present in this matter, and more broadly within our valued whanaungatanga.</i></p> <p><i>Ngāti Whātua Ōrākei recognise the mana motuhake of Te Kawerau a Maki and endorse your proposal to undertake the proposed development as a means for ensuring a bright and prosperous future for your people.</i></p> <p><i>We do request that as your development plans proceed you maintain contact with our Ngāti Whātua ki Kaipara and Te Taoū whanaunga to ensure that they remain informed.</i></p> <p><i>Ngā manaakitanga,</i></p> 
Ngāti Whātua (Te Rūnanga o Ngāti Whātua)	No response to date.

Te Ākitai Waiohua (Te Ākitai Waiohua Iwi Authority)	No response to date.
Ngāi Tai ki Tāmaki (Ngāi Tai ki Tāmaki Tribal Trust)	No response to date.
Ngāti Tamaoho (Ngāti Tamaoho Trust)	No response to date.
Ngāti Wai (Ngāti Wai Trust Board)	No response to date.
Ngāti Tamaterā (Ngāti Tamaterā Treaty Settlement Trust)	<p>Response received on 2 March 2025 confirming their support of the proposal</p> <p><i>Kia ora Edward,</i></p> <p><i>On behalf of Ngati Tamaterā we wish to acknowledge and support the aspirations of Te Kawerau a Maki to develop their lands as a matter of mana motuhake for the benefit of their people. We tautoko (support) them in this endeavour. We understand, as iwi kaitiaki, they are best placed to look after the whenua including protecting and enhancing te taiao. We do not require further engagement on this, but will reach out directly to Te Kawerau a Maki if the need arises.</i></p> <p><i>Ngā mihi,</i></p> <p></p>



A follow up consultation email was sent to iwi on 2 April 2025. This email acknowledged and thanked those that had supported to project. It also explained that as part of the consenting process, the project team will be lodging an application under the Wildlife Act 1953 seeking approval for the capture and relocation of native lizard species (including copper skink *Oligosoma aeneum*) from within the project's earthworks footprint. This area will be subject to habitat enhancement, pest control, and restoration planting to support the long-term wellbeing of relocated species. The purpose of the email was to consult with iwi and seek any pātai, whakaaro or feedback.

No issues of significant concern have been identified by iwi to date, with the responses received being in support of the proposal. The applicant has committed to ongoing engagement with iwi that will continue as the proposal progresses.

8.5 Cultural Impact Assessment

As discussed throughout this report, the proposal is occurring on land returned to Te Kawerau ā Maki as part of their commercial redress and is being undertaken by RDLP who represent Te Kawerau ā Maki. Te Kawerau ā Maki have prepared a Cultural Impact Assessment ('CIA') for the proposal which is provided in **Appendix B**.

The CIA outlines the extremely high significance of the proposal given it is occurring on land returned to the iwi as redress for the Crown's historic breaches of Te Tiriti o Waitangi and provides an opportunity to generate an economic baseline for Te Kawerau ā Maki's people. The CIA concludes that whilst cultural adverse effects will be generated during the proposal, through the mitigation and design proposed as part of the development, these will be sufficiently mitigated and result in neutral to largely beneficial residual effects.

Te Kawerau ā Maki have been co-designing the proposal to ensure ecological and cultural values are equally valued with the economic uplift sought from the commercial redress land as part of their Treaty Settlement. Te Kawerau ā Maki recommendations have been

incorporated into the proposal wherever possible to ensure that the development follows Te Kawerau ā Maki tikanga, and their ongoing input will continue to be a core part of the proposal as the development progresses.

Section 29 of the CIA outlines the specific potential impacts identified in relation to the proposal. These effects are included in Table 3 in the CIA. In total, 11 potential adverse cultural effects were identified. The CIA notes that all of these potential adverse effects could be neutral to largely beneficial with the proposed mitigation incorporated.

The proposal includes extensive native revegetation of the site, the restoration and protection of waterways and wetlands, the future inclusion of mahi toi and place naming opportunities, avoidance of significant earthworks where possible, and the management of quantity and quality of stormwater guided by a site-specific Stormwater Management Plan.

8.6 Iwi Management Plans³³

A number of planning documents recognised by an iwi authority have been lodged with Auckland Council. Of the lodged documents, the assessment is provided:

Document	Status in relation to the site
Waikato-Tainui Environmental Management Plan: Tai Tumu Tai Pari Ao Our Plan our Environment your Future (2013)	The site is not within Waikato Tainui's rohe
Ngaa Tikanga o Ngaati Te Ata Tribal Policy Statement. Awaroa ki Manuka (1991) and Ngāti Te Ata Waiohua Issues and Values: A Paper Prepared by Ngāti Te Ata Waiohua to Assist the Auckland Council. 29 Whiringarangi (2011)	It is our understanding that these documents are only available upon request. No response to the initial engagement email has been received from Ngāti Te Ata Waiohua.
Te Pou o Kāhu Pōkere Iwi Management Plan for Ngāti Whātua Ōrākei (2018)	The site is outside Ngāti Whātua Ōrākei's rohe.
Ngāti Rehua Ngātiwai ki Aotea Trust 2013 Hapū Management Plan	Applies to Greater Barrier Island and surrounding islands.

³³ Clause 5(1)(h), Schedule 5, FTAA

Makaurau Marae Māori Trust – Te Ahiwaru Strategic Management Plan (2019-2029) and Makaurau Marae Māori Trust – Ngāti Te Ahiwaru Environmental Plan 2019 Te Whakawhanake o to tatou iwi, hapu, whanau (2019)	The Trust's rohe covers the south of Tāmaki Makaurau.
Te Uri o Hau Kaitiakitanga o te Taiao (2011) and Environs Holdings Limited Cultural Assessment and Monitoring Protocols and Policies (2021)	The site is outside Te Uri o Hau's rohe.
Ngaati Whanaunga Environmental Management Plan (2020) and Ngaati Whanaunga Strategic Management Plan	The site is located outside of Ngaati Whanaunga rohe.
Ngātiwai Iwi Environmental Policy Document 2015	The site is located outside of Ngātiwai iwi rohe.
Ngāti Tamaterā Asset Management Strategy (2019), Ngāti Tamaterā Mātauranga Innovation & Digital Strategic Framework Toikuranui (2022), and Rautaki mō mātou kāinga Housing Strategy Ngati Tamatera Treaty Settlement Trust (2023-2026).	. Access to the documents has not been obtained. Auckland Council was contacted but were unable to provide access as the documents are held by Council on the basis of being used for internal use only and if others seek access Ngāti Tamaterā must be contacted directly. Ngāti Tamaterā were contacted but no response was received at the time of lodging this application. It is noted that a response from Ngāti Tamaterā was received on 2 March 2025 confirming they tautoko/support the proposal.
Ngāti Paoa Interim Regional Policy Statement 2013	Access to this document has not been obtained and no response to the initial engagement email has been received from Ngāti Paoa.
Mana whakahono ā rohe	There are no mana whakahono ā rohe applying to the site as far as RDLP are aware.

The site is owned and located in the rohe of Te Kawerau ā Maki. The Te Kawerau ā Maki Resource Management Statement was prepared in 1995 and is the Iwi Management Plan ('IMP') for Te Kawerau ā Maki for achieving the purposes of the RMA.

The IMP outlines the continuing role of Te Kawerau ā Maki as Kaitiaki (guardians) and a high-level summary of the IMP key policies is provided below:

- The objective and policies within section 2 show how Te Kawerau ā Maki will meet their responsibilities as Kaitiaki by promoting the sustainable management of the environment in accordance with tikanga (Policy 2.2(2)) and requires engagement with all relevant agencies within the rohe to ensure their role as Kaitiaki is given effect to (Policy 2.2(3)).
- Section 3 outlines the process that should be followed for resource consent applications within the rohe.
- Section 4 focuses on advocating for and providing for the social, economic, and cultural well-being of Te Kawerau (Objective 4.1.1) by working with agencies involved in resource management (Policy 4.1.2(2)) and by ensuring that cumulative effects upon Te Kawerau ā Maki are recognised and provided for (Policy 4.1.2(3)).
- The policies contained under section 4.2.2 concern Te Kawerau ā Maki cultural heritage and require the appropriate protections and controls to be established on all heritage sites (Policy 4.2.2(1)), the involvement of Te Kawerau ā Maki in all scenarios where effects may be generated (Policy 4.2.2(2)) and the recognition of Te Kawerau ā Maki spiritual and cultural values (Policy 4.2.2(3) & (4)).
- Section 4.3 outlines Te Kawerau ā Maki responsibility as Kaitiaki in the reburial of kōiwi and protection of artefacts (Objective 4.3.1).
- Section 4.4 outlines the management of water to protect the mauri of all natural waterways and to enhance their life supporting capacity by managing the effects of development on the awa. This is recognised by the policies under section 4.4.2 which outline that spiritual and cultural concepts are recognised as key issues in water management.
- Section 4.5 concerns the Coastal Marine Area and that Te Kawerau ā Maki as Kaitiaki ensure the protection, enhancement, and appropriate use of the CMA (Objective 4.5.1) and the policies contained under section 4.5.2 outline how activities in the CMA should be managed.
- Waste management is addressed in section 4.6, which promotes the disposal of waste water and storm water through land (Policy 4.6.2(2)) and working with local authorities/agencies to ensure that places of cultural and spiritual values are not affected by disposal (Policy 4.6.2(4)).
- Section 4.7 states that Te Kawerau ā Maki role as Kaitiaki needs to address the management and protection of the land and landscape (Objective 4.7.1) by working

with the relevant statutory authorities (Policy 4.7.2(2), promoting the sustainable management of land, flora and fauna, and natural waterways (Policy 4.7.2(4) & (5)), and by seeking a balance between development and the protecting the values of the land (Policy 4.7.2(6)).

- The management of flora and fauna is outlined in section 4.8, which includes Te Kawerau ā Maki support for eradicating exotic plants and acknowledges their opposition to the destruction of native flora and fauna without Te Kawerau ā Maki permission. Section 4.9 outlines Te Kawerau ā Maki participation in design of the built environment and interpretation of heritage.

The project is occurring on Te Kawerau ā Maki land that was returned as commercial redress as part of their Treaty Settlement and has been designed with the core values and principles of Te Kawerau ā Maki, consistent with the outcomes sought under their IMP.

A key element of the project is the proposed extensive native planting and landscaping across the site, in addition to the protection and reinstatement of streams and wetlands, to enhance the biodiversity values of the land and to support their life supporting capacity. Nearly all the proposed works (excluding the upgrade of existing culverts) avoid the awa present on the site and all proposed building platforms and buildings have been set back as much as possible from the streams and wetlands present on the site.

Te Kawerau ā Maki will maintain their role as Kaitiaki by continuing their involvement in the native revegetation, restoration and enhancement proposed across the countryside living subdivision and retirement village, particularly within the riparian areas on the site to ensure the ongoing maintenance and enhancement of the biodiversity values of the site. Therefore, the sustainable management of the environment will be promoted in accordance with Te Kawerau ā Maki tikanga and their role of Kaitiaki will continue in perpetuity.

The proposal includes a site-specific Stormwater Management Plan that will ensure all stormwater runoff generated by the proposal is appropriately managed and mitigated to minimise the impact on downstream catchments and awa present on the site. The comprehensive stormwater management approach includes the treatment of stormwater runoff above and beyond what is required for the site and the extensive native planting and landscaping proposed will provide further treatment of stormwater runoff.

Whilst the site forms part of the commercial redress for Te Kawerau ā Maki and does not contain any sites of cultural significance to Te Kawerau ā Maki, there is still a possibility for discovery of features of significance to Mana Whenua. The proposed development of the land will adhere to the best practice rules and standards upon any discoveries being made.

Key sustainability principles have been weaved throughout the proposal, such as the proposed native vegetation, extensive landscaping, and extensive track network. The restoration and

enhancement of all riparian and wetland areas will greatly support the mauri of the water bodies on the site and surrounding area.

Overall, the proposed development is considered to address many aspects of Te Kawerau ā Maki IMP and seeks wherever possible to give effect to the outcomes sought under the plan. The proposed development is being undertaken in a joint partnership by Te Kawerau ā Maki and Avant and the values outlined in the IMP have formed a key part of the rationale behind the proposed development.

8.7 Treaty Settlements³⁴³⁵

The proposal is occurring on land returned to Te Kawerau ā Maki as part of their financial and commercial redress under its Treaty Settlement with the Crown. The Crown unreservedly apologises for not honouring its obligations to Te Kawerau ā Maki under the Treaty of Waitangi.

The Crown seeks through its apology and the settlement to atone for its wrongdoings and lift the burden of grievance so that the process of healing can begin. The Crown hopes to form a new relationship with the people of Te Kawerau ā Maki based on mutual trust and respect for the Treaty of Waitangi and its principles.

The project will directly enable Te Kawerau ā Maki to develop their economic and social wellbeing and provide for their future generations.

The Deed of Settlement includes provision for the transfer of the identified Riverhead Forest land to Te Kawerau ā Maki, with the proposal occurring on part of the land transferred back to Te Kawerau ā Maki. Other provisions enabled by the Settlement include the right to purchase deferred selection properties, right of first of refusal over specified land defined in the Collective Redress Deed, vesting of cultural redress properties with Te Kawerau ā Maki and implementation of protocols between Te Kawerau ā Maki and Crown agencies.

The site is also located within the following treaty settlement areas of interest:

- Ngāti Whātua o Kaipara Claims Settlement Act 2013
- Ngāi Tai ki Tāmaki Claims Settlement Act 2018
- Ngāti Tamaoho Claims Settlement Act 2018
- Te Ākitai Waiohū Deed of Settlement – signed 12 November 2021

A summary of the relevant principles and provisions is outlined below:

³⁴ Clause 5(1)(i), Schedule 5, FTAA

³⁵ Section 13(4)(l), FTAA

Ngāti Whātua o Kaipara

- For Ngāti Whātua o Kaipara settlement, the Crown acknowledges the cumulative effect of its breaches of the Treaty of Waitangi and its principles significantly undermined the tino rangatiratanga of Ngāti Whātua o Kaipara, including their economic and social development and their physical, cultural, and spiritual well-being. The Crown profoundly regrets and apologises for its actions, which have resulted in Ngāti Whātua o Kaipara being virtually landless.
- The Crown intends to improve and strengthen its relationship with Ngāti Whātua o Kaipara based on the Treaty of Waitangi and its principles so as to create a solid foundation for the future.
- The Settlement provisions enable Ngāti Whātua o Kaipara the right to purchase any of the Riverhead Forest properties (contained within the settlement schedule) that Te Kawerau ā Maki claims negotiations body identifies in writing to the Crown is not to be transferred under a Te Kawerau ā Maki settlement. The land on which the proposal is occurring has been transferred to Te Kawerau ā Maki. There are no other relevant provisions in relation to the proposal.

Ngāi Tai ki Tāmaki

- The Ngāi Tai ki Tāmaki settlement states that the Crown unreservedly apologises for its breaches of te Tiriti o Waitangi/the Treaty of Waitangi and its principles and for the prejudice its acts caused.
- The Crown hopes the settlement will lead to a new relationship that fulfils the expectation of the tūpuna and mokopuna of Ngāi Tai ki Tāmaki, and is characterised by cooperation and partnership, as well as respect for te Tiriti o Waitangi/the Treaty of Waitangi and its principles.
- The redress provided for by the settlement includes no private land, and the proposal is not occurring within Ngāi Tai ki Tāmaki Statutory Acknowledgement Area. Therefore, the proposal does not impact any of the redress provisions.

Ngāti Tamaoho

- The Crown states in the Ngāti Tamaoho settlement that its acts and its promotion of injurious laws and policies have harmed Ngāti Tamaoho, undermined their rangatiratanga and contributed to the loss of Ngāti Tamaoho autonomy.
- The Crown apologises to the iwi of Ngāti Tamaoho, including their tūpuna and mokopuna, for its failure to honour te Tiriti o Waitangi/the Treaty of Waitangi and recognises that this failure has harmed generations of Ngāti Tamaoho. The Crown looks forward to building a new relationship with Ngāti Tamaoho based on

cooperation, mutual trust and respect for te Tiriti o Waitangi/the Treaty of Waitangi and its principles.

- The redress provided for by the settlement includes no private land, and the proposal is not occurring within Ngāti Tamaoho Statutory Acknowledgement Area. Therefore, the proposal does not impact any of the redress provisions.

Te Ākitai Waiohū

- In the Te Ākitai Waiohū settlement, the Crown acknowledges its failure to deal with the long standing grievances of Te Ākitai Waiohū and regrets its actions which breached te Tiriti o Waitangi/the Treaty of Waitangi and its principles and caused significant prejudice and suffering for Te Ākitai Waiohū.
- The Crown apologises for its action that saw Te Ākitai Waiohū separated from their wāhi tapu but also for hindering their socio-economic development of their people and hopes that the settlement marks the beginning of a new relationship based on partnership, trust and mutual respect for te Tiriti o Waitangi/the Treaty of Waitangi and its principles.
- The redress provided for by the settlement includes no private land, and the statutory acknowledgments and other agreements are solely for Crown owned land, the proposal does not impact any of the redress provisions.

8.8 Customary Marine Title Groups³⁶ and Protected Customary Rights³⁷

The project is not within or adjacent to Customary Marine Title Groups or Protected Customary Rights areas.

8.9 Ngā Rohe Moana o Ngā Hapū o Ngāti Porou Act 2019³⁸³⁹

The proposal is not occurring within or adjacent to the environmental covenant prepared by ngā hapū o Ngāti Porou under section 19 of the Ngā Rohe Moana o Ngā Hapū o Ngāti Porou Act 2019.

³⁶ Clause 5(1)(j), Schedule 5, FTAA

³⁷ Clause 5(1)(b)(iii) and 5(1)(j), Schedule 5, FTAA

³⁸ Clause 5(1)(b)(ii) and 5(5)(b), Schedule 5, FTAA

³⁹ Section 13(4)(n), FTAA

8.10 Te Ture Whaimana⁴⁰

Te Ture Whaimana is the primary direction document for the Waikato and Waipā Rivers and is not relevant for the proposal.

8.11 Other requirements⁴¹

The proposal is not occurring in an area that is a taiāpure-local fishery, a mātaihai reserve, or an area that is subject to bylaws made under Part 9 of the Fisheries Act 1996.

8.12 Consultation summary^{42,43}

Extensive consultation has been undertaken as part of the proposed development and has been incorporated into and informed the proposal where possible. At the core of the proposal, is the adherence to Te Kawerau ā Maki tikanga and values, in particular kaitiakitanga, to restore and maintain te taiao and the whenua. Te Kawerau ā Maki have co-designed the project to ensure the ecological and cultural values are equally valued with economic uplift. The extensive native planting and restoration of wetlands and riparian areas will heal and restore the whenua from its current commercial pine use. Responses received from engagement with other iwi groups have expressed their tautoko for the proposal.

In relation to the consultation undertaken with Auckland Council and the CCO's, input received has been incorporated into the proposal where possible and support was expressed for aspects such as the extensive native planting, urban design, public access to walking tracks, and restoration of wetland and riparian areas on the site.

Feedback from consultation with the RCA and adjoining landowners and occupiers has helped shape the proposal. A key theme raised across these groups was the importance of maintaining public access to the site. In response, the proposal includes the creation of easements to ensure public access is secured in perpetuity. Additionally, a publicly accessible car park is proposed, providing convenient entry to the site's track network.

The restoration of this land in native vegetation received widespread support from all groups consulted. Further engagement with the RCA is anticipated to organise future community tree planting days, potential camps and education on Māori history and culture, and biodiversity, in addition to the establishment of a working group to meet regularly to discuss workstreams, timeframes and future communications with the Riverhead community.

⁴⁰ Section 8, FTAA

⁴¹ Clause 5(5)(c), Schedule 5, FTAA

⁴² Section 13(4)(k)(i), FTAA

⁴³ Section 13(4)(k)(ii)

Overall, the consultation undertaken has informed the project rationale and design and the applicant is committed to ongoing engagement with the discussed groups and persons.

8.13 Application priority⁴⁴

The proposal does not relate to a priority project as defined in Section 4 of the FTAA.

⁴⁴ Section 43(1)(h), FTAA

9.0 Assessment of Effects⁴⁵⁴⁶

9.1 Statutory Framework

This section of the report is provided in accordance with Clauses 5(4)(a) and (b), and 8(1) of Schedule 5, and Schedule 7 of the FTAA. These provisions outline the information required to assess environmental effects and the matters to be covered in the assessment of environmental effects.

It is noted that under the FTAA, reference is made to adverse impacts rather than adverse effects. In relation to the following assessment, both adverse effects and impacts have been referred to.

Clause 6(1)(d) of Schedule 5 of the FTAA requires that an assessment of an activity's effects on the environment must include a description of the mitigation measures proposed to help prevent or reduce the actual or potential effect of the activity. Descriptions of any mitigation measures are provided in the technical assessments or outlined in the following sections, in addition to the draft consent conditions.

Furthermore, Clause 6(1)(g) of Schedule 5 of the FTAA states that if the scale and significance of the activity's effects are such that monitoring is required, the assessment of effects includes a description of how the effects will be monitored and by whom, if the activity is approved. In relation to the proposal, conditions are proposed to ensure monitoring is undertaken as part of the proposed works where required.

9.2 Existing and Receiving Environment

As detailed in Section 4.4, the surrounding environment is characterised by a mix of rural and residential activities and building types. The surrounding land to the north and west forms the remainder of the Rangitooopuni-Riverhead Forest, zoned Rural – Rural Production Zone, and is used for commercial forestry purposes.

To the north-east of Lot 2, land is zoned Rural – Rural Conservation Zone and is heavily vegetated with regenerating native bush. The Riverhead township is located to the south-east of Lot 2 and is zoned Single House Zone. The Rural Urban Boundary ('RUB') separates the Riverhead township from the site. The northern end of the Riverhead township is the older part of the town and contains varying lot sizes varying approximately from 800m² to 2000m².

To the south of Lot 2, large rural-residential lifestyle properties are located, in addition to a range of horticultural and commercial uses. The Mill Industrial Park contains a variety of

⁴⁵ Clause 6(1)(a), Schedule 5, FTAA

⁴⁶ Section 13(4)(h), FTAA

commercial uses such as manufacturing facilities, timber yards, auto shops and distribution facilities.

Land to the south of Lot 1 is zoned CLZ and contains residential lifestyle properties generally containing detached dwellings and associated ancillary outbuildings, in addition to a range of planting and open space. The existing CLZ sites to the south of Lot 1 are considered to have particular relevance for the proposed subdivision. As depicted by **Figure 58** below, the existing CLZ sites were assessed and found to be of a similar size and form to the proposed subdivision on Lot 1, with an average gross lot area of 1.1471 ha.

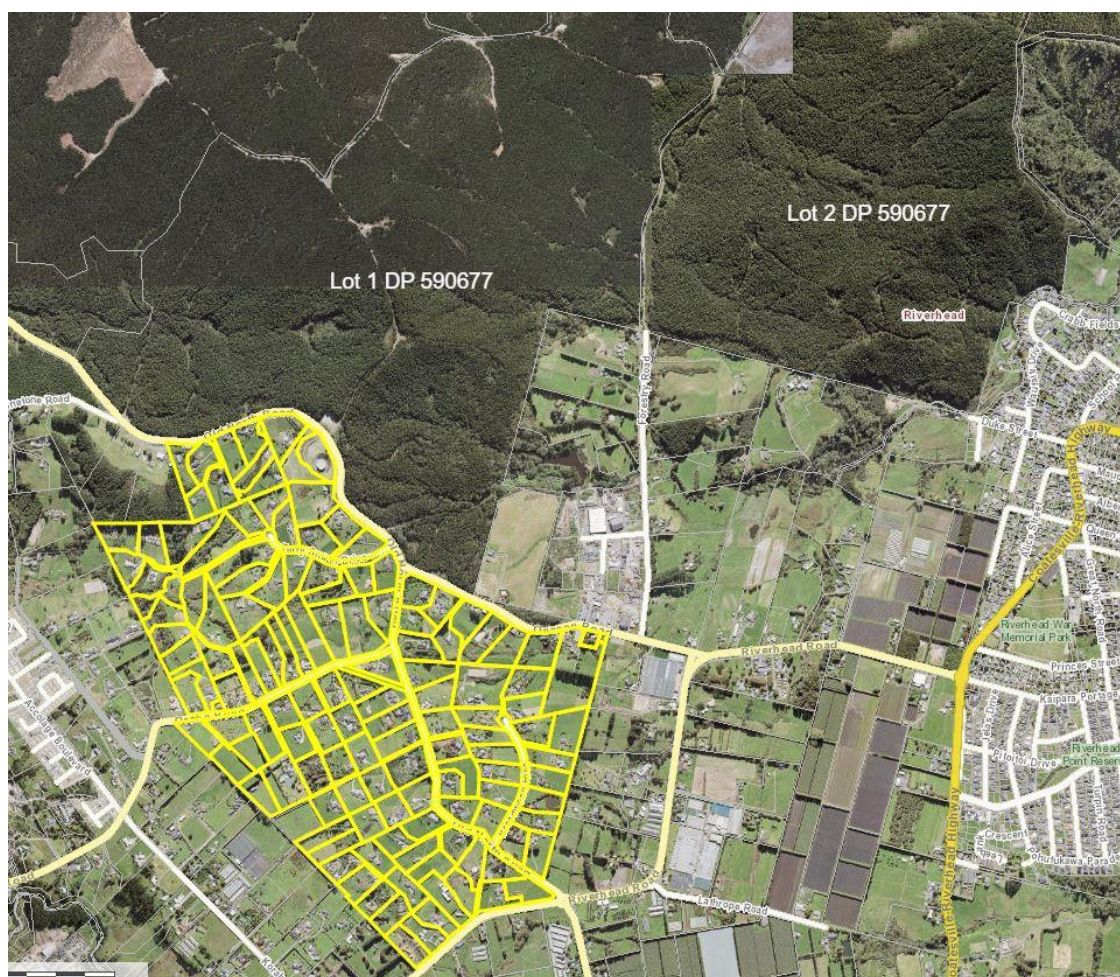


Figure 55 - CLZ sites to the south of Lot 1

Overall, the existing environment, while predominantly rural in character, contains a variety of zonings that reflect the range of activities and uses present and envisioned in proximity to the site. This existing environment has been taken into account in the following assessment of effects.

9.3 AUP Treaty Settlement Provisions

A crucial aspect of the AUP that is directly relevant to the proposal are the Treaty Settlement Land provisions under AUP Chapter E21, which apply to the site and enable a range of development above what the site zoning enables. The Treaty Settlement provisions act as a ‘floating zone’ and the rules provide that where the activity table for the relevant zone provides for the same activity, the less restrictive rule applies. Chapter E21 is unique in the AUP in this respect. Treaty settlement land can be distinguished from general land, irrespective of zoning.

There is a direct expressed intention to enable development of Treaty Settlement land. Furthermore, the Policies include (see E21.3(4)) recognition that “the Treaty settlement land provisions facilitate a scale, intensity and range of activities that may not be anticipated in the zone of the site”. This is understood to reflect the intention to enable achievement of the fundamental purpose of the return of commercial redress Treaty settlement land under other legislation – use and development to enable economic advancement.

The policy framework of the Treaty Settlement provisions is reflected in the rules, which enable dwellings on the land at a density of one dwelling per hectare as a permitted activity in rural zones. This is restricted to no more than 10 dwellings per site. Where such dwellings were created, while subdivision around that land use would be a non-complying activity, the subdivision would create no additional effects in and of itself in that context.

The provisions also provide for one dwelling per 4000m² with no more than 20 dwellings per site in the rural zones as a restricted discretionary activity, with the discretions limited to reverse sensitivity, stormwater and wastewater (not character or amenity). No issues as to reverse sensitivity, stormwater and wastewater arise in the context of this proposal (i.e. there is no basis on which such an application would be refused).

Finally, dwellings not otherwise provided for in a rural zone are a non-complying activity, which would be assessed in the context of objectives and policies strongly supportive of use and development of commercial redress Treaty settlement land to support economic development of Mana Whenua.

The implication of the above is that significant dwelling density is anticipated on Treaty settlement land in rural zones.

Currently the lots on the settlement land subject of this application are large (reflecting its recent return and the desire to progress subdivision and development in an integrated way). Further subdivision on the site could be achieved through Chapter E39 subdivision rules which enable subdivision in the Countryside Living Zone to a minimum net site and average net site area of 2ha, or potentially a minimum average net site area of 1ha where subdivision occurs by way of Transferable Rural Site Subdivision.

Subdivision through Chapter E39 subdivision rules down to an average net site area of 2ha is achievable. Two dwellings per site would be permitted on such sites. The same dwelling density outcome would arise if average net site area of 10ha were consented, and 10 dwellings placed on each site on a permitted basis. That is not to suggest that the outcome sought through this application is overall a permitted activity – rather the point is to illustrate that on Treaty settlement land in rural zones higher densities of dwellings are anticipated (and this proposal aligns with those densities). Note even higher dwelling densities per site are possible using the restricted discretionary opportunity. As noted above, once dwellings are in place, subdivision around that land use would create no additional effects in and of itself.

When considering that the proposed density is consistent with the outcomes enabled under the Treaty Settlement provisions, the proposed countryside living subdivision is not considered to be at odds with what could be enabled on the site.

The proposed retirement village meets the definition of an Integrated Māori development which is provided for by the Treaty Settlement Land provisions as a discretionary activity. Under the CLZ, retirement villages (Integrated Residential Development) are an activity that is not explicitly provided for in the zone, so it reverts to a discretionary activity. While both activities require consent as a discretionary activity, a clear distinction between the activities is Integrated Māori Development being provided for on the site and Integrated Residential Development not being explicitly provided for. A detailed assessment of the proposed retirement village is provided in the following sections, however, the distinction between the two uses is considered important when assessing the effects of the proposed retirement village.

To summarise, the Treaty Settlement Land provisions were incorporated into the AUP to recognise the importance of the relationship of Mana Whenua with land acquired through the Treaty Settlement process and specifically to enable the use and development of the land. The enabling nature of the Treaty Settlement provisions is considered a key aspect of the proposal and has informed the following assessment of effects.

9.4 Effects Overview

An assessment of all actual and potential effects on people and the environment is set out below. It is considered that effects in relation to the following matters are most relevant:

- General – Planned Character
- Urban Design and Landscape Visual Effects
- Intensity Effects
- Effects on adjoining sites

- Cultural Effects
- Transportation effects
- Earthworks and construction activities
- Servicing and infrastructure effects
- Stormwater discharge and quality
- Flood management
- Subdivision Effects
- Ecological effects
- Construction noise and nuisance
- Acoustic Effects
- Archaeological Effects
- Effects of tree removal
- Economic effects
- Social effects
- Mitigation and Monitoring
- Positive effects

9.5 General – Planned Character

It is considered that the proposal will give rise to residential development that is in keeping with the planned character of the area and more specifically, the Treaty Settlement Land provisions of the AUP as discussed above. The site is predominantly zoned CLZ and is intended to provide for rural lifestyle living. Rural character and amenity values are to be maintained (in the context of the zone specifically providing for rural lifestyle living, which informs these values), and environmental enhancement and landscape planting strongly encouraged. Policies seek to respect topography, minimise earthworks and vegetation clearance, encourage landscape planting and so on.

Under the CLZ, the rural character and amenity values are not linked to a specific density or minimum lot size, with the main references being ‘low-density’ and ‘smaller site sizes.’ This is considered to reflect the CLZ provisions which enable minimum lot sizes well below 2 ha in

some areas (such as Papakura at 1 ha and Point Wells at 5,000m²), in addition to other opportunities for additional density via Transferable Rural Site Subdivision and in-situ subdivision. In light of this, and the specific detail of both the land's current character (much of it being cut over) and the specifics of the proposal (encompassing extensive planting, habitat enhancement, master planned and defined building platforms, and future built form subject to design guidelines and a design review panel), the average 1 ha lots proposed by the subdivision will maintain appropriate rural character and amenity values. The proposed subdivision delivers low-density rural lifestyle living surrounded by environmental enhancement and planting, a key outcome sought under the CLZ.

Whilst retirement villages are not an activity explicitly provided for in the CLZ, Integrated Māori Development is provided for under the Treaty Settlement Land provisions of the AUP and the proposed retirement village is considered to meet the definition of Integrated Māori Development. In addition, it is noted that buildings associated with Integrated Māori Development are a permitted activity. The retirement village is considered to be consistent with low-density rural lifestyle living as all buildings are a maximum of one storey in height and are situated within the west facing slopes of the site, and do not extend over the eastern ridgeline facing towards the Riverhead township.

It is also noted that the proposal is occurring on Treaty Settlement land. Those provisions enable a greater extent of development than the underlying zone, including dwellings on land at a density of one dwelling per hectare per site as a permitted activity. That permitted residential density must form part of the character of this rural land, suggesting that rural character and amenity for Treaty Settlement land is not undermined by the proposal. It is acknowledged that subdivision around houses established at that density would require resource consent as a non-complying activity, however the subdivision would create no additional effects in and of itself.

As mentioned previously, the CLZ supports environmental enhancement and landscape planting, which the proposal extensively provides for with significant indigenous revegetation across the site and the restoration of streams and wetlands. The Lot 1 development footprint comprising roads and building platforms will comprise some 34.3ha of the total Lot 1 site area whilst the area revegetated will comprise 188.4ha. The extensive planting will be suitably maintained to ensure successful establishment and long term sustainability of revegetation areas.

A small portion of the northern parts of Lot 1 and 2 are located within the RPZ, with the purpose of the zone being to provide for the use and development of land for rural production activities and rural industries and services while maintaining rural character and amenity values. It is noted that presence of the RPZ within the site is due to the site boundaries logically following the existing forestry roads and not the zone boundary. Although the proposed development is not for activities entirely consistent with the outcomes sought under the RPZ, no highly productive land is located on the site and the productive capability of the small

portion of RPZ is already undermined due to the parent lot subdivision. It is noted that outside of the proposed retirement village development, the remainder of Lot 2 will retain the existing pine forest where the majority of the RPZ land is located.

The community facilities proposed to support the future residential community are small in scale and will be largely surrounded by native bush, seamlessly integrating the facilities with the surrounding subdivision. The community facilities are solely for the use of the future residents and not the general public, ensuring traffic effects and the number of people coming to the site are not significantly increased beyond the traffic already present in the area from the existing use of the site for recreational activities.

On this basis, the proposal is considered to be in keeping with planned rural character.

9.6 Urban Design and Landscape Visual Effects

9.6.1 Effects on character and amenity

An Urban Design Assessment has been prepared by Boffa Miskell in support of the proposal and is provided in **Appendix HH**. The relevant AUP objectives and policies have been reviewed and the potential urban design effects of the proposal considered under the following categories:

- Character effects;
- Residential amenity effects;
- CPTED/safety effects;
- Effects on neighbours; and
- Positive effects.

In relation to character effects, Boffa Miskell finds that the proposal will result in a rural character generally consistent with the CLZ and Treaty Settlement provisions. Any potential adverse character effects are appropriately managed by the well-considered placement of building platforms relative to ridgelines, the rural vernacular design of buildings, minimising the extent of earthworks, and the screening of buildings that will occur over time as the site revegetation matures. This will achieve a native bush canopy backdrop to nearby urban settlements, which unlike the canopy of a commercial forest operation, will not be subject to on-going cycles of harvesting, removal and replanting.

Suitable levels of residential amenity for each of the proposed lots is achieved by the spacing and positioning of the proposed building platforms, surrounded by the proposed native planting. The villas within the retirement village are positioned to avoid direct overlooking into habitable rooms and predominantly face towards revegetated stream corridors. In relation to

the wider amenity of the site, future residents will benefit from the significant visual and recreational amenity of views to the revegetated surrounding landscape.

While CPTED principles are not a prime driver within rural areas, consideration has been given to the layout and design of the proposal from a CPTED perspective. Low level lighting is proposed along streets and walkways, with a focus on bollard lighting within the retirement village. Lighting within the countryside living subdivision is focused on intersections, an approach similar to other CLZ developments which generally do not have street lighting. The villas within the retirement village have been designed to have their 'fronts' facing towards the 'local' streets and opportunities for passive surveillance from the future dwellings on the countryside living lots is provided for in the Design Guidelines. Overall, Boffa Miskell finds that the development is considered to have CPTED design features appropriate for its rural location and commensurate to its intensity of use.

The proposed comprehensive development signage are small in scale and associated with the amenity buildings on the site and are not directly visible from the wider surrounding area. In relation to the entrance sign for the retirement village, it has a limited viewing audience and has a maximum height of 1.5m, with suitable lighting proposed to minimise light pollution.

In regard to adjoining sites, given the distance of the retirement village buildings and building platforms on the proposed lots from adjoining sites, potential adverse effects on neighbours are limited to those with a perception of change in character resulting from views to the site. The landscape visual assessment, discussed in the following section, finds that any views from neighbouring properties are limited and generally distant, with any such views reducing over time as planting within revegetated areas establishes. Within this context, the adverse effects of any change in character from development of the site is considered to be very low and less than minor.

The proposal will also generate numerous positive effects such as adding to the variety of housing forms and typologies in the north-west area, providing a native backdrop to the nearby urban settlements, maintaining access to recreational trails in the area and providing high amenity living opportunities for future residents.

Overall, when considering the above, any adverse character and amenity effects will be appropriately managed and will be less than minor.

9.6.2 Landscape visual effects⁴⁷

In addition to the Urban Design Assessment, a Landscape Effects Assessment has been prepared by Boffa Miskell and is also provided in **Appendix HH**. The assessment outlines the framework and factors for assessing landscape effects and provides a detailed assessment of

⁴⁷ Clause 7(b), Schedule 5, FTAA

the proposal. Boffa Miskell notes that a change in landscape and 'visibility' of a proposal does not, of itself, constitute an adverse landscape or visual effect.

In relation to any landscape effects from the proposed countryside living subdivision on Lot 1, the majority of the lot will be left unmodified in terms of topography with earthworks predominantly limited to roading and building platforms. Future dwellings that do not form part of this application will in the long term have a native bush context with a low level presence in the landscape. The Design Guidelines for future dwellings and other structures will encourage the use of natural materials to assist in setting houses into the forest landscape. Due to the limited footprint, minimal earthworks, the low density nature of the subdivision when considering the overall size of Lot 1 and the extensive landscape restoration, the proposed countryside living subdivision is assessed as bringing positive/beneficial landscape effects.

The proposed retirement village will be well contained within the large Lot 2 area framed by extensive curtilage of restored native vegetation. While it is acknowledged that the retirement village is more intensive in terms of being a form of clustered development that is not explicitly anticipated in the CLZ, the site is subject to the Treaty Settlement Land provisions which enable and encourage a more flexible planning approach. The more concentrated nature of the retirement village is balanced by the extensive native planting proposed which will help integrate the village into the landscape. In addition, the design responds to the intent of the Treaty Settlement Land provisions by accommodating an appropriate scale and intensity of development while ensuring environmental and amenity outcomes are maintained.

The visual catchment in respect of the site is limited, with Lot 1 having a small proximate visual catchment relative to the adjacent road network (Deacon and Old North Roads). To, the extent limited views are available from these transport corridors, that will be further lessened once the proposed revegetation is established and the low level development proposed is consistent with the established character of the wider landscape.

Elevated properties in the wider area will have the potential to view across to the countryside living subdivision, although the low density nature of the proposal is not out of character with the landscape. Furthermore, as the extensive indigenous forest cover across the site establishes, the predominant quality of the land will be one of native indigenous vegetation cover. In contrast to the current commercial pine harvesting activities, the establishment of permanent vegetation cover will enhance the more proximate, middle, and long distance outlooks of neighbouring properties and the wider area.⁴⁸ The proposed revegetation is not considered to be required as a form of mitigation, rather the transition will provide a further enhancement of the landscape, generating further positive landscape and visual outcomes.

⁴⁸ Clause 7(a), Schedule 5, FTAA

In relation to the proposed retirement village on Lot 2, it is visually contained within the valley with very limited off-site visibility. The development has been very purposefully contained to the eastern side of the ridge that defines the backdrop to the settlement of Riverhead to maintain the natural, vegetated backdrop to the established urban areas.

The properties directly to the south of Lot 2 (100 Forestry Road and 30B Duke Street) have existing dwellings that are located away from the site boundaries and face towards the Riverhead township and are not directly focused or particularly gaining views towards the proposed retirement village. Furthermore, the portion of Lot 2 adjoining these properties will be maintained as pine forest and the proposed retirement village will be located some 200m+ away from the sites. Given the separation distances, the existing pine forest, the curtilage of proposed revegetation and overall site layout, the effect in change of views from these properties was found to be low adverse and benign/no effect when screened by the pine forest. For any elevated viewer in the wider context that has the potential to view into the valley, such people are located at a greater distance than the two properties discussed.

Furthermore, the land is accessed by the public for a range of recreational uses and these users have the potential to gain closer views of the proposed development. However, the primary experience of these areas will remain one of a vegetated landscape serviced with low density accessways. These users will also benefit from the proposed amenities such as the café. Therefore, the amenities of the recreational experience of the Riverhead Forest will be maintained and enhanced for the public.

Overall, the proposal is considered to generate largely positive landscape and visual effects. The extent of conversion of commercial pine forestry land to a long-term indigenous forest, with associated waterway/stream and wetland enhancement, will contribute a substantial environmental benefit to the site. A very limited number of established adjoining sites will have the potential to experience the retirement village in the middle distance of their view, a view which has and will continue to encompass a pine forestry regime. People in the wider visual catchment, where elevated properties could gain more distant views, will not experience adverse visual effects given the limited extent of visibility. Residents of Riverhead will have the vegetated escarpment backdrop to the settlement retained and pedestrian access to the Forest enhanced again resulting in beneficial outcomes.

9.6.3 Urban Design and Landscape Visual Effects Conclusion

Boffa Miskell make the following conclusions in relation to the urban design and landscape visual effects generated by the proposal:

“The Proposal will have largely positive landscape, visual and urban design effects/impacts, with any potential adverse effects/impacts appropriately managed, as summarised below:

- *Building platforms for future Lot 1 Countryside Living and the Lot 2 Retirement Village are positioned so that there will be a limited extent of visibility to them from the surrounding area. The overall potential for adverse visual effects of the development are very low.*
- *The design of the future houses within the Countryside Living subdivision will be subject to review by a Design Review Panel, against Design Guidelines, which will ensure their integration into their landscape context.*
- *The Retirement Village is of a high-quality architectural design, using elements of rural vernacular architecture, including breaking up of building volumes, gable roofs, and cladding materials and colours that reflect the surrounding rural environment.*
- *Residents will benefit from views out over a revegetated landscape, in an environment that provides for a good level of outlook, privacy and sunlight access, in addition to access to recreational trails and small, bespoke community hubs.*
- *The development layout and features, including street design, will result in CPTED outcomes appropriate to the rural location of the Site and the intended uses.*
- *Residents of Riverhead will have the vegetated escarpment backdrop to the settlement retained and enhanced through Site revegetation and pedestrian access to the Forest enhanced again resulting in beneficial outcomes.*
- *Recreational users of the Riverhead Forest will have their access maintained and enhanced, including along revegetated and restored wetlands and streams.*

Overall, in regard to landscape and visual and urban design effects/impacts, the Proposal provides for an appropriate character, scale and intensity of development of Treaty Settlement land and represents a markedly superior outcome than a standard Countryside Living Zone”

On this basis, it is considered that the proposal will achieve a high-quality environment greatly enhanced by extensive native restoration and landscaping and will generate numerous positive effects that support the outcomes sought for the site.

9.7 Intensity Effects

In the Riverhead area, it is considered that the proposed countryside living subdivision and retirement village will not be out of place within the existing environment. While the proposal gives rise to residential development on land historically used for forestry purposes and does represent a change in use, it is not dissimilar to residential uses in the surrounding area and elsewhere in the Auckland region.

The existing forestry coverage will be replaced by extensive native planting and landscaping, that will mature over time and screen the proposed development from the wider catchment, as discussed in the landscape effects assessment. The site currently experiences a degree of traffic associated with the forestry and recreational activities and whilst it is acknowledged that traffic associated with residential uses does differ, the existing forestry and recreational uses do generate a level of activity and noise associated with the site.

The proposed retirement village has been designed with the site's topography in mind and will not be entirely visible from the wider area and is considerably set back from the site boundaries. Traffic generation associated with a retirement village is considerably less than other residential uses and both the retirement village and countryside living subdivision will have negligible traffic effects on the surrounding road network.

The proposed countryside living subdivision is similar to existing subdivision patterns in the area, particular the CLZ sites to the south of Lot 1, and will not facilitate a level of development that is uncharacteristic for the surrounding area, with the subdivision enabling one dwelling per lot consistent with the majority of the surrounding residential properties and the density permitted under the Treaty Settlement Land provisions of the AUP.

Furthermore, it is noted that the design of the development is such that no one external or internal viewer will experience the full intensity of the proposal at any one time. The proposal will be entirely located within the proposed native planting and landscaping and, over time, will be viewed as regenerative native bush.

Of particular note in relation to intensity is the Treaty Settlement Land provisions under the AUP which enable one dwelling per hectare (with no more than 10 dwellings per site in the rural zones) as a permitted activity. Although it is acknowledged that any proposed subdivision requires consent, any subdivision of the site that then utilises the dwellings enabled as a permitted activity under the Treaty Settlement Land provisions would exhibit an intensity of development similar to the proposal. Therefore, the proposal is considered to strike a balance between achieving the outcomes enabled under the Treaty Settlement Land provisions while remaining cohesive with the surrounding development patterns.

In terms of the intensity of people coming and going from the site, and the number of people that will live on the site, it is considered that the scale of this is such that it will not lead to adverse amenity effects. The proposed access points to the site are generally located where existing forestry track entrances are currently present or extend existing public roads, with additional vehicle crossings directly off the site frontage avoided to minimise the points where vehicles and people will be entering and exiting the site. Changes in vehicle movement have been found to be acceptable and will be absorbed by the existing road network without impacting its function. Overall, any intensity effects arising from the proposal are considered to be less than minor.

9.8 Effects on adjoining sites

The proposal has been carefully located and designed to consider adjoining sites and ensure any adverse effects are not to a degree that would impact the amenity and function of adjoining sites. Overall, the proposal is considered well-removed from the site boundaries and the proposed native planting and landscaping will create a further buffer between the site and adjoining sites. In addition, the topography and considerable size of the sites will further absorb the proposal from the view of adjoining sites.

The following provides an assessment of the proposal in relation to the adjoining sites and concludes that the proposal will maintain a sufficient degree of amenity and appropriately mitigates any potential adverse effects on the adjoining properties.

9.8.1 Sites to the north and west of Lot 1 and 2

Address	Legal Description
Old North Road, Waikoukou Valley	Lot 4 DP 590677
Ararimu Valley Road, Ararimu Valley	Lot 8 DP 590677
Ararimu Valley Road, Ararimu Valley	Lot 3 DP 590677
Ararimu Valley Road, Ararimu Valley	Lot 6 DP 590677
Mill Flat Road, Riverhead	Lot 5 DP 590677

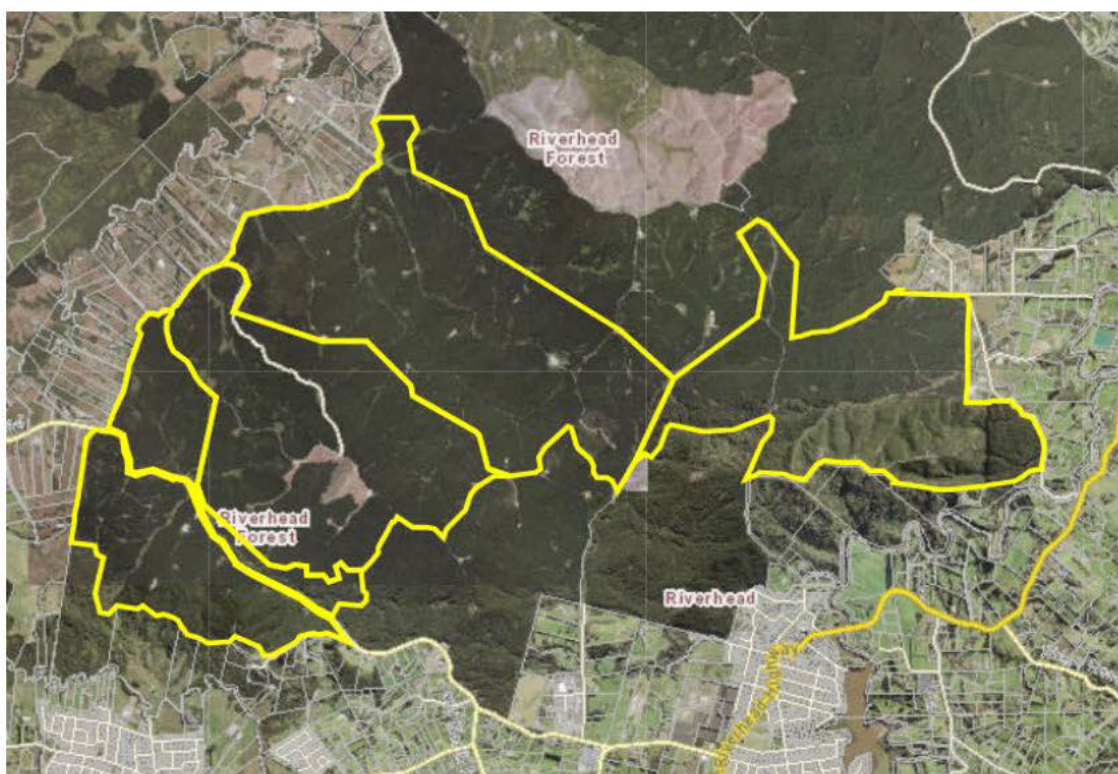


Figure 56 - Sites to the north and west of Lot 1 and 2

These adjoining sites are owned by Te Kawerau ā Maki and form part of the Rangitootuni-Riverhead Forest. The sites are currently used for commercial forestry activities and are not considered to be impacted by the proposal due to the location of the proposed development in relation to the site, noting that existing forestry roads separate the adjoining sites and provide substantial setbacks, in addition to the majority of the proposed lots and in particular the retirement village, being located a considerable distance away from the sites.

9.8.2 Sites to south of Lot 1

Address	Legal Description
338 Old North Road	Lot 2 DP 360630
371 Old North Road	Lot 28 DP 199759
375 Old North Road	Lot 7 DP 168006, SECT 2 SO 542036
403 Old North Road	Lot 1 DP 559143
409 Old North Road	Lot 2 DP559143
417 Old North Road	Lot 1 DP 197763
433 Old North Road	Lot 2 DP 374071
433A Old North Road	Lot 1 DP 374071

437 Old North Road	Lot 2 DP 421727
445 Old North Road	Lot 1 DP 421727
451 Old North Road	Lot 3 DP 374071
451A Old North Road	Lot 4 DP 374071
451B Old North Road	Lot 2 DP 387616
453 Old North Road	Lot 1 DP 387616
465 Old North Road	Lot 1 DP 53102, Lot 2 DP 53102, Lot 3 DP 53102
3 Terry Smyth Drive	Lot 44 DP 199759
6 Terry Smyth Drive	Lot 27 DP 199759
79 Deacon Road	Lot 1 DP 409802
93 Deacon Road	Lot 1 DP 360630



Figure 57 - Sites to the south of Lot 1

- The adjoining sites face towards the southern edge of the countryside living subdivision and are separated from the site by the Old North Road carriageway, providing a minimum separation of approximately 20m.
- The proposed retirement village is significantly removed from the sites and is located over 2km away to the north-east and is not considered to generate adverse effects directly on to these sites.

- 16 of the lots are located directly along the Old North and Deacon Road frontage and are of a similar form and size to the adjoining sites. Due to the topography of Old North Road along a ridgeline with the proposed lots sloping down from the road and the planting proposed, the wider subdivision will not be directly visible from the sites.
- The future dwellings on the proposed lots along the site frontage will essentially be screened from view by the extensive planting and landscaping proposed as part of the proposal, in addition to the topography of the site which generally slopes down from the road.
- The proposed community facilities located on the corner of Old North Road and Browns Road will only be accessible to the future residents and not the general public and will be largely screened from the sites by extensive planting.
- The area where the community facilities are proposed currently contains an informal car parking area for the public to access the walking and cycling tracks on the site. A public car park is provided for in front of the proposed community facilities and will effectively replace the existing car parking area present on the site. Any traffic generated by the proposed public car park will not be significantly different from the existing traffic generated by the informal parking area.
- The three proposed access points off Old North Road are located in the general location of existing accesses to the forestry tracks and no new vehicle crossings are proposed directly on to Old North Road. Two of the proposed access points will be provided with a full right-turn bay and the remaining access point, which solely serves six lots, will be slightly widened.
- The traffic associated with the proposal has been found to be negligible in relation to the wider surrounding network and the provision of full-right-turn bays and minor road widening will ensure vehicles can enter and exit the site safely.
- Overall, the proposed countryside living subdivision is not considered to be a significant shift from the adjoining CLZ properties, and the proposed planting and landscaping will effectively screen the proposal from view, maintaining a high level of amenity for the sites.
- The traffic generated by the proposal can be managed by the existing road network and the proposed upgrades to the intersection will ensure vehicles can sufficiently enter and exit the site. Therefore, any adverse effects generated by the proposal are considered to be less than minor.

9.8.3 Sites to the east of Lot 1

Address	Legal Description
74 Deacon Road	Pt Lot 2 DP 26674
49 Forestry Road	Lot 201 DP 425261
63 Forestry Road	Lot 1 DP 329465, Lot 3 DP 64224

85 Forestry Road	Lot 2 DP 64224
93 Forestry Road	Lot 1 DP 64224

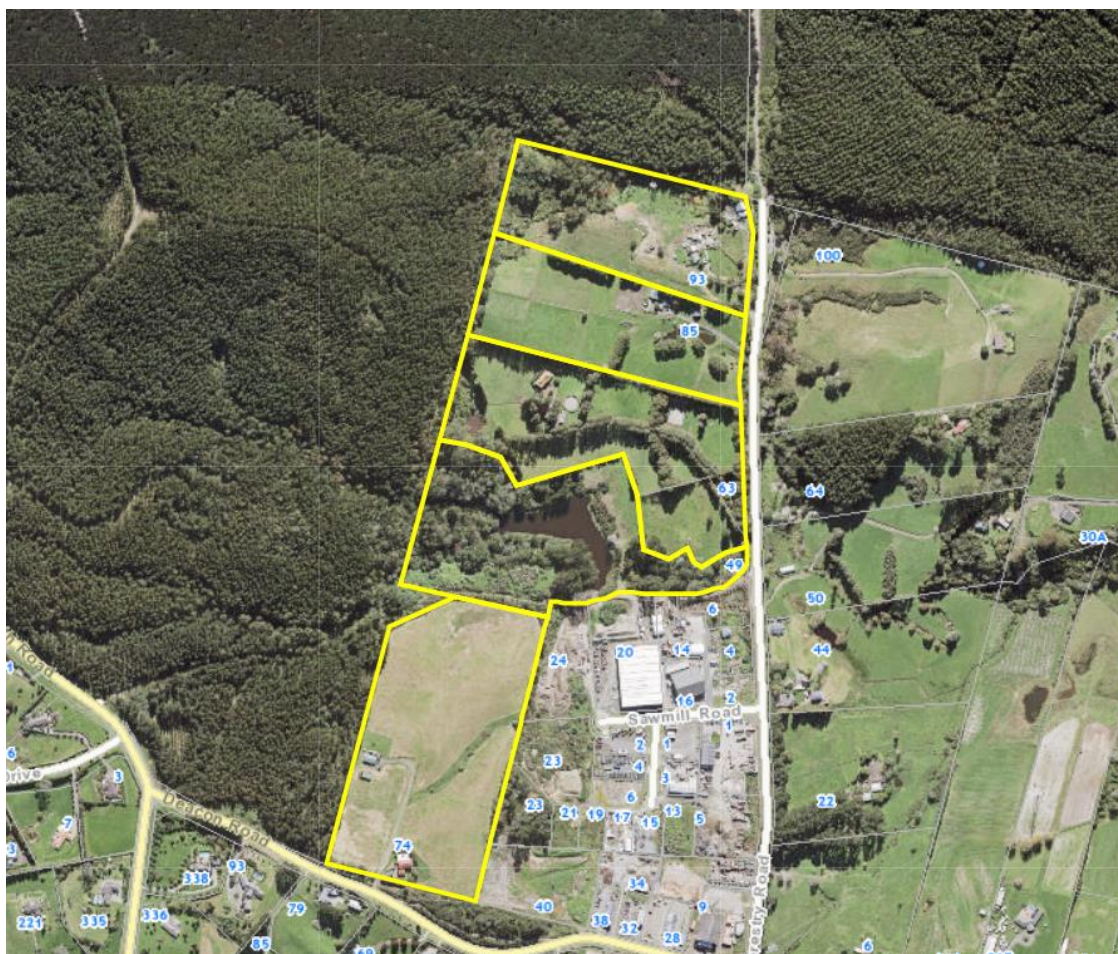


Figure 58 - Sites to the east of Lot 1

- The proposed retirement village is significantly removed from the sites and is located over 1km away to the north-east and is not considered to generate adverse effects directly on to the sites.
- The sites directly adjoin 13 of the proposed lots, with the majority of the proposed lots' building platforms being setback from the boundary and further separated by the proposed planting and landscaping which will create a buffer between the sites and effectively screen the future dwellings from view.
- Due to the topography of the site and the extensive planting proposed, the vast majority of the proposed subdivision will not be directly visible from the sites.
- A substantial portion of the Lot 1 boundary adjoining the sites is comprised of riparian and wetland areas which are proposed to be protected and enhanced, ensuring an ecological buffer is maintained between the proposal and the sites.

- An extension of Forestry Road is proposed to provide access to the development and will be a public road to vest. The traffic modelling found that the additional traffic volumes from the proposal on to the intersection of Forestry and Deacon Road will be relatively low and can be accommodated by the road network.
- Overall, when considering the extensive planting and landscaping proposed, the shift from forestry to residential lots is not considered a significant change and will ensure a high degree of amenity is maintained for the sites. Therefore, any adverse effects are considered to be less than minor.

9.8.4 Sites to the south and east of Lot 2

Address	Legal Description
100 Forestry Road	Lot 8 DP 60666
22 Duke Street	Lot 20 DP 499876
30B Duke Street	Lot 2 DP 339149
30C Duke Street	Lot 2 DP 488863, Lot 3 DP 488863
17 Wautaiti Drive	Lot 18 DP 465249, Lot 19 DP 465249
30 Crabb Fields Lane	Lot 17 DP 465322
32 Crabb Fields Lane	Lot 18 DP 465322
34 Crabb Fields Lane	Lot 19 DP 465322
36 Crabb Fields Lane	Lot 20 DP 465322
38 Crabb Fields Lane	Lot 21 DP 465322
40 Crabb Fields Lane	Lot 22 DP 465322
42 Crabb Fields Lane	Lot 44 DP 478005
52 Crabb Fields Lane	Lot 41 DP 478005, Lot 42 DP 478005
22 Cobblers Lane	Lot 1 DP 15622
Allot 221 SO 11544, Cobblers Lane	Sec 2 Blk VI Waitemata Survey District SO 25805, Sec 3 Blk VI Waitemata Survey District SO 25805, Allot 221 Psh Of Paremoremo SO 11544, Pt Allot 69 Psh Of Paremoremo, Pt Allot 165 Psh Of Paremoremo, Allot 222 Psh Of Paremoremo SO 11544
Parcel 5223655	

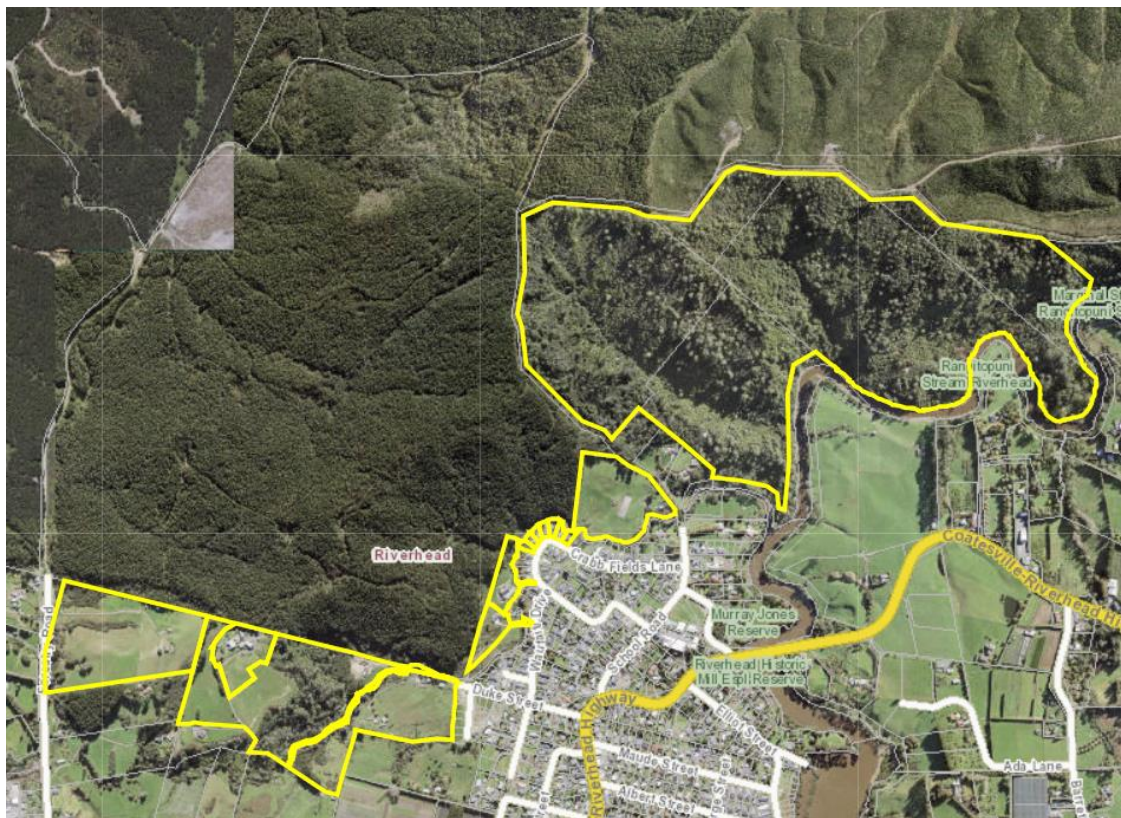


Figure 59 - Sites to the south and east of Lot 2

- The proposed countryside living subdivision is significantly removed from the sites and is located a minimum of 400m away to the west and is not considered to generate adverse effects directly on to the sites.
- The proposed retirement village is centrally located on Lot 2 and is setback by a minimum of 150m and up to 300m from the adjoining sites. In addition, the topography of the site means the retirement village will generally not be visible from the sites.
- The entirety of the retirement village will be surrounded by extensive planting and landscaping that will create a further buffer between the proposal and the sites.
- Nearly all the sites have vehicle access from roads which are not required to be modified as part of the proposal, and the traffic modelling found the level of traffic generated will have a negligible impact on the surrounding transport network.
- Overall, the proposed retirement village will be effectively screened from view and will not generate any significant traffic effects on to the sites. Therefore, any adverse effects are considered to be less than minor on the sites.

9.9 Cultural Effects

As outlined throughout this application, the proposal is occurring on land returned to Te Kawerau ā Maki as commercial redress land as part of their Treaty Settlement. The applicant

has engaged with other Mana Whenua and a summary of the consultation is provided in Section 8.3.

Te Kawerau ā Maki have prepared a Cultural Impact Assessment ('CIA') which is provided in **Appendix B**. Section 29 of the CIA outlines the specific potential impacts identified in relation to the proposal. These effects are included in Table 3 in the CIA. In total, 11 potential adverse cultural effects were identified. The CIA notes that all of these potential adverse effects could be neutral to largely beneficial if recommended mitigation is incorporated and provides the following conclusion:

“Riverhead’s importance is not just a matter of ancient history but is also part of our contemporary history and is intimately tied to the iwi’s future. The unlocking of the lands economic potential is a central to the purpose of the land and the Crown’s redress for our economic wellbeing. This being said it is equally important to Te Kawerau a Maki that we follow our tikanga in particular our kaitiakitanga to be good stewards of te taiao and the land. We have been co-designing the project to ensure that ecological and cultural values are equally valued with economic uplift. As can be shown from the impact assessment, we believe this has been achieved for Stage 1 and 2 of the development.”

The CIA emphasises that the development is a key component of realising the core purpose of the land as commercial redress land in Te Kawerau ā Maki Treaty Settlement and the recommendations/mitigations provided as part of the CIA will ensure the proposal is undertaken in a manner which follows Te Kawerau ā Maki tikanga.

As discussed above, the proposal has been co-designed with Te Kawerau ā Maki and incorporates a range of recommendations, some of which are summarised below:

- Lighting design that aims to limit light pollution to reduce cumulative effects on dark skies and night-time ecology.
- Significant earthworks and land modifications have been minimised as much as possible and topsoil retained on site and incorporated into the development of the proposal.
- Extensive and detailed sediment and erosion control measures to avoid discharge of sediment to waterways.
- Significant native revegetation of the site and the implementation of weed and pest management plans.
- Access arrangements are provided for Te Kawerau ā Maki to access the riparian and native bush areas on the site.
- Outfalls are designed to avoid scouring through wetlands or ripraps.
- Cultural monitoring is provided on the site to ensure the cultural values and impacts discussed in the CIA are managed in accordance with tikanga.

Overall, the proposal has been co-designed with Te Kawerau ā Maki and provides for their recommendations where possible to suitably mitigate adverse cultural effects and enhance the positive effects of the development.

9.10 Transportation Effects

Transport matters, including traffic generation, access and parking, have been assessed in the Integrated Transport Assessment prepared by Commute in **Appendix K**. The assessment considers the effects of the proposal on to the road network, in addition to safety, trip generation, access, and parking. Overall, the following conclusions are made in relation to the key traffic effects generated by the proposal:

- The proposal will greatly improve the pedestrian and cyclist connectivity via future proofing a link to the Riverhead township from the retirement village and the extensive track network proposed.
- No traffic safety issues have been identified near the proposal and due to the local residential nature of the proposed roads, the proposed development is considered unlikely to affect the safety of the road network.
- Eight key intersections were surveyed and modelled and whilst pressure was identified at some intersections with SH16 in the surrounding road network, there will be little difference in the overall performance as a result of the proposal.
- The proposal is expected to generate less traffic compared to the site's current zoning. The existing Treaty Settlement (E21) provisions under the Auckland Unitary Plan allow for approximately 395 dwellings. In contrast, the current application suggests 208 standalone residential lots and 296 retirement village units, which is arguably less intensive in terms of traffic generation than the potential development under the operative zoning.
- The internal road layout and cross-sections comply with the accepted standards and are considered appropriate, ensuring a safe and efficient roading environment.
- All driveway locations have been determined to be appropriate, and all waste will be managed via private collection.
- The effects in relation to construction are temporary and the site is well positioned for safe and efficient access for construction vehicles.

Overall, Commute considers that there are no traffic engineering or transportation planning reasons that would preclude the development of the subject site as proposed. The recommendations made by Commute have been adopted by the application. Therefore, any adverse transportation effects are considered to be sufficiently managed and will be less than minor.

9.11 Earthworks Effects

The proposal is supported by detailed Bulk Earthworks Plans (**Appendix W**), Infrastructure Report (**Appendix J**) and Earthworks Management Plan (**Appendix V**) that outlines the approach to the site works and how they will be managed to ensure any adverse effects are less than minor and sufficiently mitigated.

The proposed development has been designed to follow the existing topography of the land and limit the extent of earthworks required to enable the proposal. Earthworks will be required in relation to building platforms within the proposed countryside living lots, and for the construction of roads/culverts and associated infrastructure. Widespread recontouring will not be required for the countryside living subdivision. Bulk earthworks are required for the proposed retirement village due to the proposed scale and to ensure flatter grades.

During construction of the proposal, a range of site-specific measures will be implemented to ensure any potential adverse impacts are appropriately mitigated. These measures include:

- Minimising disturbance to only the necessary areas required to facilitate the proposal and utilising existing contours as far as possible.
- Earthworks are anticipated to occur only during the earthworks season, with only approval from Council enabling earthworks outside of the preferred season.
- A staged construction approach consistent with the proposed development staging will be taken to allow for earthworks areas to be stabilised quickly and minimise exposed areas at any one time.
- In steeper areas, additional stabilisation methods will be implemented in accordance with GD05, such as reducing size of catchments, with cutoff drains included in larger catchments.
- All watercourses, wetlands and associated riparian margins will be protected via water management controls detailed in the Engineering Plans (**Appendix W**).
- All works in relation to the proposed 11 culvert upgrades will be undertaken in accordance with the Streamworks Management Plan (**Appendix X**) to avoid adverse impacts on the stream.
- Further mitigation measures proposed include stabilised vehicle entrances, silt fences, decanting earth bunds and/or sediment retention ponds.
- Construction traffic will utilise existing forestry roads which are well surfaced and provide year round access.
- Cleanwater diversion bunds and dirty water diversions will be implemented across the site.

All silt control measures referenced above will be installed onsite, checked and confirmed acceptable by a qualified engineer before works commence, and all controls will be maintained such that they function as proposed. In addition, all sediment control measures will be monitored regularly to ensure they function as anticipated.

To summarise, the approach outlined in the Earthworks Management Plan for the bulk earthworks and construction phase of the project will ensure disturbance is minimised as much as possible and the staging of the proposed works will limit areas of exposed surfaces that could generate erosion and sediment effects.

Therefore, considering the above and the range of conditions proposed, any adverse effects associated with sediment and erosion control, and their impact on water quality, will be less than minor and appropriately managed.

9.12 Land Stability and Groundwater

The Geotechnical Reports prepared by ENGEO provide a detailed analysis of subsurface conditions beneath the site and are provided in **Appendix H**. Please refer to the extensive assessment for the exact details of the proposal in relation to geotechnical matters.

Overall, the assessment finds that the site is considered to be geotechnically suitable for the proposed development provided the recommendations made are adhered to. ENGEO's recommendations in relation to stability improvement measures include specific fill placement, subsoil drainage, slope stabilisation measures, design recommendations (such as foundations, retaining walls and paving) and surface water management. All recommendations made will be adhered to as part of the approved consent to ensure the stability improvement measures are implemented accordingly. On this basis, it is considered that any land instability effects will be sufficiently managed to ensure that building platforms, roading and other associated infrastructure are undertaken in a manner that ensures the proposed development is stable and safe.

ENGEO has outlined that due to the proposed cuts up to 12m required for the retirement village, active dewatering, impeding groundwater and groundwater drawdown will occur. ENGEO note that a detailed assessment of effects is not considered required due to the excavations and anticipated groundwater drawdown occurring in a rural setting surrounded by forest that is not considered subject to adverse effects. Consequently, a ground settlement monitoring contingency plan ('GSMCP') is also not considered required. Furthermore, specific recommendations have been made for material suitability and fill placement in relation to groundwater levels which will be adhered to by the proposed development. ENGEO found that upon adherence to the design recommendations and adherence to best practice engineering

requirements, the proposal will not accelerate, worsen or result in material damage to the land and/or surrounding area.⁴⁹

Based on ENGEO's assessment and the adoption of the recommended conditions of consent, it is considered that any effects generated by the proposal in relation to land stability and groundwater will be less than minor.

9.13 Contamination Effects

A PSI has been undertaken by ENGEO and is provided in **Appendix I**. Their investigation found that no activities which fall under the HAIL were identified on the site and therefore, a Detailed Site Investigation was not considered required.

Due to no HAIL activities being identified on the site, the site does not require consent under the NESCS or the AUP and ENGEO determined that no further investigation work is considered necessary to support the proposal.

If unexpected contamination is discovered during the development (noting the likelihood of this is low), the relevant provisions of Rules E11 and E12 have been included in the proposed consent conditions. On this basis, any adverse contamination effects are considered to be less than minor.

9.14 Servicing and Infrastructure Effects

Details of the proposed infrastructure services such as stormwater, wastewater, water supply and utilities have been outlined previously in this report and are further detailed in the Maven reports and drawings and GWE's reports. Maven's and GWE's engineering reports confirm that the development can be sufficiently serviced for infrastructure services.

9.14.1 Wastewater⁵⁰⁵¹

A wastewater treatment plant and gravity wastewater network is proposed for the retirement village that will provide treatment for all wastewater before disposal to ground. As detailed in the report prepared by GWE, the proposed on-site wastewater treatment and land application system will meet and/or exceed the requirements of TP58 and with tertiary treatment, timer dosing, and drip irrigation across a sufficiently large disposal field, any adverse effects are considered to be less than minor.

In relation to the proposed countryside living subdivision, all lots can be sufficiently serviced by on-site wastewater treatment and disposal systems designed and installed in accordance

⁴⁹ Clause 7(g), Schedule 5, FTAA

⁵⁰ Clause 6(1)(c)(i) & (ii), Schedule 5, FTAA

⁵¹ Clause 7(e), Schedule 5, FTAA

with TP58. Each lot can feasibly accommodate an on-site wastewater treatment due to the average 1 ha lot size and sufficient setbacks from water and boundaries. A minimum of secondary treatment has been provided for, and sufficient reserve area is available on each lot to ensure that the risk of adverse effects on surface water, groundwater, public health and amenity is avoided.

9.14.2 Water supply

The roof area within each of the countryside living lots will form the primary water supply for the future dwellings and will be conveyed into storage tanks with private pumps and treatment installed on site. This will provide all future potable and non-potable water supply and will sufficiently service the proposed countryside living lots.

A private water network is proposed for the retirement village that will be sourced primarily from roof caught water, with the water then stored in reservoirs and treated, providing potable and non-potable water supply to all buildings. The roof caught water will be supplemented by bore water to sufficiently service the retirement village. Overall, Maven, GWE, and ENGEO assessments confirm that the proposed development can be serviced with adequate water supply.

9.14.3 Power and communications

Telecommunications and power services are available in the area and new power and telecommunication networks will be constructed within the accessways, and a point of supply provided for each lot/unit. Consultation with Vector and Chorus has confirmed that subject to upgrades/connections, supply is available.

9.14.4 Rooding

The proposal includes an internal private road network and the extension of Forestry Road which will be a public road to vest. The countryside living subdivision is serviced by 15 JOAL's and will be maintained by the Residents' Association. The proposed widths of the JOAL's vary depending on how many lots are served and comply with the AUP requirements. All grades are within the allowable maximums and will be single cross-fall, with stormwater treatment provided via swales where possible.

The retirement village will be serviced by a series of accessways with the primary accessway having a 6m formed width and 2m footpath. All private accessways will be suitably formed and provided with compliant gradients, ensuring ease of access to all parking areas and driveways. Turning heads have also been provided to ensure larger vehicles can turn around at the cul-de-sac heads.

The proposed Forestry Road extension requires modification to ensure it meets public road standards. The road will be lifted and, to facilitate this, a cut batter or retaining wall is

proposed. The road design will comply with the vertical and horizontal gradient requirements of TDM and will continue to provide safe and efficient vehicle access to all existing private driveways along the public stretch of road. Furthermore, to ensure safe access is provided to the site, minor works to Old North Road will be undertaken, including minor shoulder widening and the implementation of right turn bays.

Overall, the proposed road network will sufficiently service the site and surrounding area, and any adverse effects will be appropriately managed.

9.15 Stormwater Discharge and Quality

A site-specific Stormwater Management Plan ('SMP') has been prepared by Maven Associates and is provided in **Appendix AA**. The SMP provides a detailed assessment of the proposed stormwater management for the site and goes above and beyond the requirements of the AUP. The Region Wide Network Discharge Consent ('NDC') does not apply to the site due to its being rural zoned and not associated with a plan change.

The strategy for the SMP is outcome focused and provides a solution based approach for managing adverse effects on to the receiving environment. The SMP outlines a clear process to mitigate the effects on the receiving environment, which consists of two stormwater catchments; the Kaipara and Riverhead Catchments.

9.15.1 Stormwater Treatment and Mitigation

The treatment and management of stormwater is proposed to be via swales, raingarden, propriety filters in addition to catchment wide solutions, including native regenerative planting, new and upgrades to existing culverts and the legal protection of the proposed planting via covenants.

The proposed native revegetation, and the restoration of streams and wetlands will provide significant environmental benefits and improve stream health whilst also assisting with mitigating adverse stormwater effects. Although specific treatment of stormwater runoff is not required by the AUP, the following is proposed:

Stormwater Treatment	Retirement Village	Countryside Living Subdivision	Forestry Road
	<ul style="list-style-type: none"> Treatment via way of raingardens and/or propriety devices for JOALs and 	<ul style="list-style-type: none"> Treatment within the JOALs via grass swales where possible. Native revegetation and stream planting, 	<ul style="list-style-type: none"> Treatment via raingardens in the proposed road to vest.

	<p>private accessways (more than 10 units)</p> <ul style="list-style-type: none"> • Treatment for all carparking areas with 30+ carparks. • No treatment for private driveways / less than 10 units. • Native revegetation and stream planting. 	<p>with protection via covenants.</p> <ul style="list-style-type: none"> • Treatment for all carparking areas with 30+ carparks. (Lot 57, Stage 4 community facility) 	<p>(Subject to AT approval and acceptance)</p>
Stormwater Conveyance	Retirement Village	Countryside Living Subdivision	Forestry Road
	<ul style="list-style-type: none"> • Surface runoff and accessway (dirty) network sized for 10-yr event. • Clean water (roof) network sized for 95th percentile rain event, and will provide primary non-potable and potable supply in the Village. • Outfalls to existing streams and overland flowpaths, with riprap 	<ul style="list-style-type: none"> • JOAL drainage designed for 10-yr rain event. • Outfalls to existing streams and overland flowpaths, with riprap protection as per TR 2013/18. • On-lot storage tanks provide supply for potable and non-potable water supply for future buildings. • All lots provided with a suitable means of SW overflow via way of level spreader 	<ul style="list-style-type: none"> • Public Road drainage designed for 10-yr rain event. • New culverts constructed under Forestry Road

	protection as per TR 2013/18	and/or lot connection.	
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The treatment outlined above focused on higher use trafficable areas in combination with the wider catchment approach via the extensive native revegetation planting and protection proposed, and new and upgrades of existing culverts. In total, 11 culvert upgrades are proposed, the majority of which are associated with the Forestry Road extension. All culvert works will be undertaken in accordance with the Streamworks Management Plan to ensure any potential adverse effects are sufficiently mitigated.

All existing permanent and intermittent streams will be retained and protected by the proposed riparian setbacks, in addition to the riparian areas being replanted. These works will further contribute to the long-term water quality of the streams and their riparian habitat.

In summary, the proposal to discharge stormwater to the streams on site would have no appreciable effects on the water quality of the streams and the physical integrity of the stream beds and riparian margins due to the mitigation measures proposed.

9.15.2 Stormwater Network

There is no existing stormwater network in the vicinity of the development area, therefore a new stormwater network will be constructed in support of the proposed development and will provide a means of disposal for all impervious areas (carparks, common accessways, driveways and buildings).

9.15.2.1 Countryside Living Subdivision

Each of the proposed lots is provided with a suitable disposal point via either a level spreader (T-bar) or lot connection to a nearby outfall depending on the most practical solution for each lot. Please refer to the Engineering Plans in **Appendix W** for further details on the proposed network.

The overflow from tanks and runoff from private driveway areas will be discharged via the designated outfalls towards existing OLFPs and/or streams. The location of all outfalls has been reviewed by the Geotechnical Engineer confirming that the locations are acceptable from a global stability perspective.

The JOALs will feature (where the contour allows) swale drains which will convey stormwater and provide a degree of pre-treatment. In steeper areas, a piped network or specific design of the swale has been undertaken in the provided Engineering Plans. Outfalls from the swales will be provided to existing OLFPs and streams and will include suitable erosion protection.

The swale drains, culverts and any individual lot connections are sized to convey the 10-yr flows as per the Auckland Council Stormwater Code of Practice. Attenuation of peak flows will

be provided in the proposed subdivision, however, the approach for this will be undertaken on a catchment wide basis rather than requiring attenuation within the individual lots (as discussed in Section 10.13.1).

On this basis there is suitable stormwater infrastructure proposed to service the countryside living subdivision and any adverse effects will be less than minor.

9.15.2.2 Retirement Village

The retirement village will be provided with a dual stormwater network with clean roof water retained in a separate network from that of JOAL and surface runoff.

A separate stormwater network will be provided for surface runoff and will discharge via new outfalls to existing streams and/or OLFPs. The outfalls are specifically designed and will be provided with rock riprap at point of discharge as per the Engineering Plans in **Appendix W**.

The sealed roof system is sized for the 95th percentile rain event and has been chosen to provide the balance between sufficient storage replenishment versus oversizing networks. First flush diverters will be installed on downpipes feeding this system and overflows into the road runoff stormwater system will be provided at regular intervals for when the flows exceed the roof water collections system threshold. One way flap valves will be provided at these locations to prevent back flow and contamination of the water harvesting system.

A few groups of units will not feed into the stormwater system due to their location on a peninsula not allowing for discharge into the system by means of gravity feed. However, the small number of units is inconsequential to the overall capacity and has been considered within the design of the network and storage volumes.

The surface water stormwater network will be sized to cater for 10-yr events for the full catchment (inclusive of roofs) as required by the Auckland Council Stormwater Code of Practice and will convey all surfaces flows, such as JOALs and catch pits required in landscaped areas. In addition, this will support overflows from the clean water network when rainfall intensity exceeds the 95th percentile event.

Overall, the retirement village is considered to be serviced by a suitable stormwater system and any adverse effects will be less than minor.

9.16 Flood Management

Maven have undertaken detailed flood modelling and assessment of the proposal with a Flood Modelling Report provided in **Appendix II** and details of the proposed mitigation shown in the Engineering Plans in **Appendix W**. The report has undertaken HEC RAS modelling in support of the development, which has confirmed existing and proposed flood depth, extents, and flows, while taking into account the impacts of climate change. The objective of the flood

management approach is to meet the requirements of the AUP to ensure that the development does not increase flood risks to neighbouring properties and incorporates appropriate flood mitigation measures.

In relation to the countryside living subdivision, construction of a specific designed culvert and spillway at the base of JOAL 1 is proposed which will ensure no increase of flows for the 2, 10 and 100-year events, in addition to providing downstream mitigation.

Construction of a specifically designed culvert and spillway at the culvert associated with accessway 1 (access into the retirement village off the proposed Forestry Road extension) is proposed for the retirement village to provide suitable attenuation of flood flows. The construction of a large attenuation basin (stormwater dry pond) shall provide a 2 and 10-year attenuation.

Maven notes that the existing alignment and levels within Forestry Road is subject to flooding that exceed allowable depths for a public or private road. To ensure safe vehicle passage in the future of the existing and proposed extension of Forestry Road, the road level has been lifted as to ensure that the maximum ponding depth within the road does not exceed 200mm. In one area of the road (50 and 100 Forestry Road) there is no ability to avoid a minor increase in flood levels, which the Maven Flood Modelling Report discussed in detail and concludes that any adverse effects can be sufficiently mitigated.

Minimum finished floor levels have been provided as required to mitigate any effects and building platforms have been specifically designed to be elevated above any known flooding, and/or OLFP's are mainly located away from the building platforms, with some existing OLFP's being diverted to avoid building platforms and disposal fields. In relation to the retirement village, all proposed OLFP's are contained within the private road corridors away from buildings and are provided with relief points to natural streams/OLFP's where required.

Overall, all units/building platforms have been provided with freeboard in accordance with the New Zealand Building code and developable areas are removed from flood hazards. To ensure no downstream impacts, flooding modelling and catchment wide attenuation solutions have been developed to ensure pre-development flows are maintained for the 2, 10 and 100-year rainfall events. On this basis, it is considered that any adverse effects can be suitably mitigated and managed to less than minor impacts.

9.17 Subdivision Effects

It is proposed to undertake vacant lot subdivision and provide JOAL's for vehicle access to the countryside living development, in addition to subdividing around the retirement village to create two separate lots. Further detail is provided in the Scheme Plan in **Appendix N** prepared by Maven. The following is noted in relation to potential effects of the subdivision:

- Physical and legal access is provided to each of the lots created by the subdivision. A total of 15 JOAL's and four RoW's will service the countryside living subdivision, in addition to the proposed Forestry Road extension providing access to the retirement village.
- The appropriate easements are provided to enable the public to access the track network across the site, including access to the Main Street of the retirement village.
- The proposed lot layout is logical and building platforms suitably located with sufficient access provided. The proposed subdivision will not result in the fragmentation of RPZ land as it is following existing boundaries created by the previous parent site subdivision.
- As noted previously in this report, all lots will be sufficiently serviced and suitable access or provision to provide future access provided for.
- The detailed geotechnical assessment found that the land stability effects can be suitably controlled so that the proposed sites and associated infrastructure are safe and supported.
- The site is subject to flooding hazards. Therefore, developable areas have been removed from these hazards and OLFPs either avoided or directed to future road networks.
- A range of consent notices are proposed to be registered on the record of titles for the future lots to ensure development is undertaken in a manner consistent with the recommendations made.

Based on the above, it is considered that any potential adverse effects arising from the proposed subdivision will be less than minor and acceptable.

9.18 Ecological Effects⁵²

Bioresearches has prepared a comprehensive Ecological Impact Assessment ('EclA') for the proposal (**Appendix F**) which identifies the actual and potential ecological values within the site and the potential adverse effects to those ecological values which may arise through the construction and operation of the proposed development. Complementing the EclA is an Ecological Management Plan ('EMP') also prepared by Bioresearches (**Appendix S**).

A survey of terrestrial and freshwater ecological features was undertaken to determine the likelihood of species of interests and the presence of streams and natural inland wetlands on the site. The report provides a range of recommendations for specific management plans and

⁵² Clause 7(c), Schedule 5, FTAA

actions to avoid, minimise, remedy, offset or compensate any adverse effects that may be generated by the proposal.

Overall, the proposal has been designed to avoid stream reclamation and works within wetlands. Streamworks are proposed as part of the earthworks for the upgrading and/or installation of culverts and other works within 20m of streams/wetlands have been minimised where possible. **Figure 64** provides an overview of the ecological features in relation to the proposed works.

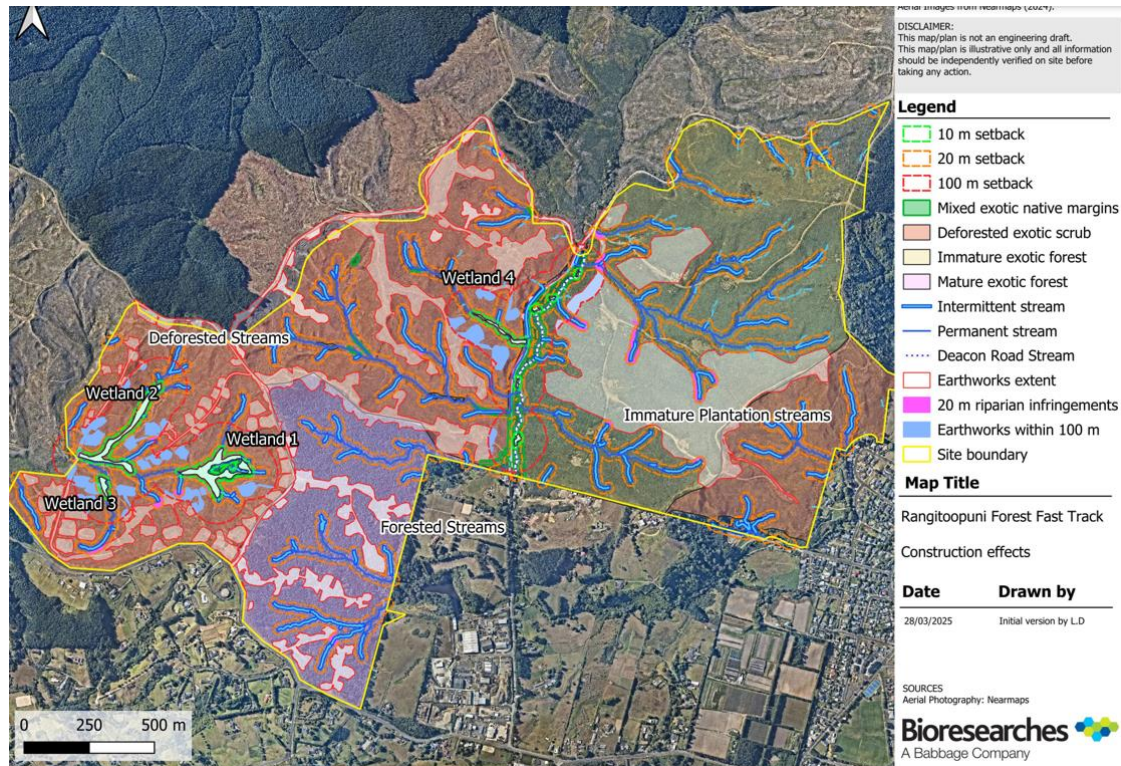


Figure 60 - Proposed ecological features in relation to the proposed works

The proposal involves the removal of terrestrial vegetation that predominantly consists of exotics and common herbaceous native plants. Small areas of indigenous vegetation along the riparian corridors have been avoided. The effects of removing deforested, immature and mature exotic scrub was found to be negligible.

The effects of the proposed vegetation removal on fauna due to the potential habitat loss was found to be low if the appropriate mitigation measures are in place, such as fauna management plans for lizards, birds and bats which are proposed are part of the consent conditions for the application and in the EMP. The proposed works will also be undertaken in accordance with the Department of Conservation protocols for minimising the risk of felling bat roosts, and a large macrocarpa tree discussed in the EcIA is to be retained.

Vegetation removal is proposed to occur within the 20m of the identified streams and will largely consist of exotic vegetation and no indigenous vegetation, with the exception of a small area of tūrutu. The proposed vegetation removal within the riparian setbacks equates to up to 38% or less of the total riparian yards of streams and was determined to have very low to moderate effects depending on the stream classification. No vegetation is proposed to be removed within 10m of the identified natural inland wetlands.

The proposal includes the restoration of a minimum of 90% of the 20m riparian yards with indigenous plant specimens, replacing exotic and weed species, and will result in a net-gain in freshwater ecological values and mitigates the vegetation removal of up to 38% of the riparian yard.

The proposed retirement village does include infringements of the 20m riparian setback, however, equates to less than 5% of the total 20m riparian yards and was found to have very low-low effects on the ecological values of the streams. Minimal encroachments into the 20m riparian setbacks on Lot 1 are proposed.

Earthworks and the discharge of water, including wastewater and stormwater, will occur within 100m of natural inland wetlands. The proposed earthworks occurring within 100m of natural inland wetlands were found to generate low adverse effects as they are shallow earthworks which will minimally modify the ground level to form level building platforms and will give rise to minute alterations to the surrounding hydrology of the area, which should not result in changes to the existing natural character of the wetlands. All proposed works will be undertaken in accordance with best practice erosion and sediment control measures, which are proposed to be conditioned as part of the consent.

The location of wastewater disposal fields and the discharge of highly treated wastewater within 100m of natural inland wetlands and 15m of streams was considered to be of a low impact as the discharge will not result in the decline of water quality and ecosystem health. In addition, the discharge of stormwater in streams and wetlands was considered to have a low impact as the stormwater should not result in noticeable changes to the ecological function of these water bodies.

A total of 11 culvert upgrades are required to facilitate the development, with the designs provided in the Engineering Plans in **Appendix W**. Bioresearches finds that the proposed culverts will have a very low to low level of effect as the designs are in accordance with the NPS-FM and will increase connectivity and fish passage throughout the site.

Bioresearches conclude that the proposal will result in an overall net gain in ecological values, both terrestrial and freshwater. As outlined in Table 17 of the EclA, all potential adverse effects can be sufficiently mitigated via the recommended management strategies to a very low to low impact. The site will undergo extensive indigenous planting throughout both the countryside living lots and retirement village, providing a significant increase in indigenous biodiversity values. The streams and wetlands will be subject to 20m riparian planting, which

will provide significant uplift to the streams, particularly the deforested streams. On this basis, any adverse ecological effects arising from the proposal are considered to be less than minor or sufficiently mitigated.

9.19 Construction and Nuisance Effects

9.19.1 Noise and Vibration⁵³

Marshall Day Acoustics has prepared a letter (**Appendix JJ**) outlining that the proposal will comply with the AUP noise standards due to the large setback distances (greater than 100m) from existing dwellings in the surrounding area and noisy activities being undertaken during normal daytime construction hours of 7.30am to 6pm Monday to Saturday.

To ensure the proposal development achieves the above, conditions of consent are proposed requiring compliance with the AUP Standards E25.6.27 and E25.6.30. On this basis, any adverse noise effects generated by the proposal will be sufficiently mitigated and managed.

Furthermore, Marshall Day Acoustics have prepared a noise assessment in relation to the Waitematā Clay Target Club opposite the site, which is provided in **Appendix KK** and. Campbell Brown Planning has prepared a memorandum regarding the Waitematā Clay Target Club operations to establish the consent history and legal basis of the “environment” (Appendix KK.2).

The Marshall Day Acoustics report predicts the level of noise received at proposed lots within the countryside living subdivision from the lawful operations of the Club. The lots are then categorised according to the estimated noise levels, and varying mitigation is recommended depending on the anticipated effects. Marshall Day Acoustics recommends that 18 lots are subject to a covenant alerting purchasers to the presence of the Club and its activities and are also notified of shooting days in advance. A further 68 lots are recommended to have the covenant placed in their titles, but without the need for advance notice of shooting days.

The applicant has obtained a peer review of the Marshall Day Acoustics report by Earcon Acoustics (Appendix KK.3). The Earcon Acoustics peer review adopts the estimated noise levels from the Marshall Day Acoustics report and focuses on the recommended mitigation of effects. Earcon Acoustics agrees broadly with the mitigation but considers that no mitigation is required for the 68 lots that fall within the 45-55db L_{AFmax} contour, and also considers that notification of shooting days is not required (or possible) for the 18 lots with estimated noise levels exceeding 55db L_{AFmax} .

The applicant accepts that the extent of mitigation proposed by Earcon Acoustics is appropriate but does not fully support the Marshall Day Acoustics recommendations in this

⁵³ Clause 7(f), Schedule 5, FTAA

regard. There is no mechanism available to the applicant that will enable it to require the Waitematā Clay Target Club to notify the lot owners of proposed shooting days, as a condition imposed on a resource consent cannot bind a third party. Additionally, it is considered that specific mitigation is not required for lots that are predicted to receive noise of less than 55db L_{AFmax} for the reasons set out in the Earcon Acoustics report.

Subject to the Earcon Acoustics recommendations being adhered to, it is considered that the proposal will not create any significant impacts on the Waitematā Clay Target Club in terms of reverse sensitivity effects nor result in countryside living lots that receive unacceptable levels of noise from the existing environment.

9.19.2 Construction Traffic

Construction traffic effects have been assessed within Section 14 of the Integrated Transport Assessment prepared by Commute in **Appendix K**. The section recommends that a Construction Traffic Management Plan ('CTMP') be conditioned as part of the consent to ensure construction traffic is appropriately managed. A condition to this effect is provided with the proposed draft conditions. It is considered that the mitigation provided within the CTMP will adequately manage the traffic effects associated with construction activities.

A Contractor Management Plan is also provided in **Appendix LL** outlining the construction methodology and development programme.

9.20 Archaeological Effects

An Archaeological Assessment has been prepared by CFG Heritage and is provided in **Appendix G**. The assessment determined that no archaeological sites were identified on the site. Archaeological sites are present around the site, with two archaeological sites within 1km of the proposal, being the 19th Timber Mill (R12/1376) and the Riverhead Mill (R10/721) located on waterways around the south-east corner of Lot 2.

Features from the Timber Mill (R12/1376) extend up to 50m from the proposed pathway from the retirement village, however, there is no evidence that the site extends beyond what was previously recorded. Recent investigations found no evidence of the archaeological site. The portion of the path extending from the site connecting to the Riverhead township will be the subject of a future application.

The assessment found no reasonable cause to suspect that the archaeological sites will be impacted by the proposal. Notwithstanding this, in the event that archaeological sites are identified during future works, accidental discovery protocols are proposed within the draft conditions.

For these reasons, it is considered that the proposed development will have no adverse effects on archaeological values or remains.

9.21 Effects of tree removal

The proposed upgrade of Forestry Road requires the removal of 21 trees within the road reserve. The Tree Consultancy Company has undertaken an assessment of the proposed removals, which is provided in **Appendix MM**. The assessment found the trees are in a fair or poor condition and the understory vegetation is predominately pest plant species. Many of the trees were observed to be in a state of decline and from an amenity and general maintenance perspective, removing these trees is not considered unreasonable.

9.22 Economic Effects

An Economic Impact Assessment ('EIA') has been prepared by Property Economics and is provided in **Appendix NN**. The EIA provides an overview of the economic impacts that will be generated by the proposal. The total economic impact on business activity within the Auckland region as a result of the RDLP development over a 9-year period is estimated to be just over \$708m (NPV). In terms of employment multipliers this would contribute 1,484 FTEs during the peak development and operation year within Auckland, with a total of 7,000 FTE years over the 9-year development period.

In addition to these quantifiable regional contributions, the RDLP development can be expected to generate a wide range of qualitative economic benefits to the wider market and communities, including:

- Increased residential capacity and senior housing supply via the approximately 500 dwellings enabled by the proposal.
- Increased and diversified choice of housing location and price point, enhancing the social and economic effects of the region.
- Increased diversity of buyer pool for young professionals, families, and couples, in addition to the retirement village providing opportunities for downsizer and older residents.
- Enabling greater density close to existing urban areas which typically provides more efficient use of infrastructure and a greater number of people in the area means greater returns on the use of the local infrastructure.
- Increased economic activity via the proposed residential lots, the building and operation of a new retirement village which will generate ongoing employment opportunities in construction.
- Potential for lower residential land prices in the region by increasing the supply of residential units and senior housing capacity.
- Increased local employment opportunities as the proposed development will lead to a net increase in the number of full time equivalent employees within the region.

- Potential to cater for greater levels of growth by potentially spurring on further growth in the area.
- Increased amenity as master planned environments with purpose built and targeted amenity values such as parks, playgrounds and community facilities that provide high levels of amenity.
- Leveraging Treaty Settlement land for economic prosperity as the proposal will contribute to the economic and social aspirations of iwi by providing opportunities for land utilisation, investment and long-term financial sustainability.

The Economic Impact Assessment also states:

Given that the proposed RDLP development is located on Treaty Settlement Land returned to Te Kawerau ā Maki as commercial redress, enabling this development is critical to advancing their long-term economic and social aspirations. Treaty settlements are not only about addressing past grievances—they are a foundation for unlocking the potential of iwi to thrive in a modern economy. Facilitating development on this land enables Te Kawerau ā Maki to exercise rangatiratanga and realise the value of their settlement assets through strategic land utilisation, investment, enterprise development, and long-term financial sustainability.

The proposed development represents a meaningful step toward economic self-determination. It creates opportunities for employment, skills development, and intergenerational wealth creation. It supports the diversification of the iwi's asset base, strengthens financial resilience, and enables reinvestment into broader cultural, social, and environmental priorities for their people.

Additionally, several broader economic benefits, while not quantified or assessed in this economic assessment, contribute to the overall economic efficiency of the project. These include native tree farming, iwi-led pest management on-site, the establishment of a nursery to support vegetation needs for the development, enhanced food sovereignty and seasonal growth, opportunities to retain land and develop a commercial base through a retirement village, and the creation of iwi-owned and operated cafés..

These economic benefits, in conjunction with the development's quantified economic injection into the regional economy and employment opportunities, would outweigh the economic costs associated with the infrastructure requirement, loss of forest, increased traffic and potential reverse sensitivity effects.

Property Economics considers that advancing the proposed development would yield significant economic benefits for the regional economy and community, with a particular advantage for iwi. Overall, our assessment supports the RDLP development from an economic perspective in the context of the RMA and FTAA.

It also states:

Considering the economic cost benefit analysis outlined above as a whole (including the quantitative economic injection into the regional economy and employment benefits), Property Economics considers that advancing the proposed development would yield significant economic benefits for the regional economy and community. This approach would positively contribute to the facilitation of a well-functioning urban environment within the Auckland Region, giving effect to the NPS-UD Policies and meet the purpose of the FTAA.

On this basis, the proposal is considered to generate significant economic benefits for the regional economy and community, with particular advantage for iwi. The economic effects will have a positive impact for the region and meet the purpose of the FTAA.

9.23 Social Impacts

The proposal will have positive social impacts. It will introduce a significant new quantity of housing into an existing community, in an integrated way. That additional housing will include a 296-unit retirement village, providing accommodation for older adults (including care facilities) when this type of housing is in short supply. Proposed pedestrian connections between the development and the existing Riverhead community will ensure social interaction and the ability for both new and established residents to utilise commercial and recreational facilities in the Riverhead township and in the proposed development. The construction activities, and the ongoing operation of the retirement village, will provide a substantial number of additional local jobs.

9.24 Mitigation and Monitoring⁵⁴

The FTAA requires that the assessment of an activity's effects on the environment include a description of the mitigation measures proposed to avoid or minimise the actual or potential effects of the proposal.

Throughout the AEE, and supporting technical documents, a range of mitigation measures have been proposed and summarised, in addition to being included in the proposed conditions.

Furthermore, where the scale and significance of the activity's effects are such that monitoring is required, the AEE and/or technical documents outlines how this monitoring will be undertaken and by whom. Conditions are proposed to ensure monitoring is undertaken as part of the proposal and are consistent with typical conditions for this type of development.

9.25 Positive Effects

It is considered that the proposal will generate positive effects including:

⁵⁴ Clause 6(1)(d), Schedule 5, FTAA

- Enable Te Kawerau ā Maki to begin rebuilding its political, social, cultural, environmental and economic wellbeing by enabling them to develop land returned as commercial redress as part of their Treaty Settlement with the Crown.
- A regionally significant increase in Auckland and the north-west region's supply of housing for a range of needs, ages and lifestyles through the approximately 500 units proposed.
- Extensive native revegetation and landscaping of the site, in addition to the protection and enhancement of wetlands and streams, restoring and safeguarding the whenua in perpetuity.
- Provide a range of housing forms and typologies, while maintaining access to recreational trails in the area and providing high amenity living opportunities for future residents.
- As outlined in the previous section, the EIA has provided numerous economic benefits that will be generated by the proposal such as increased diversity of housing, increased capacity and potential for lower residential land prices among other benefits.
- A significant contribution to regional GDP and job availability through the establishment of approximately 7,015 full-time equivalent jobs.

9.26 Overall Conclusion

Overall, and based on the above assessment, it is considered that subject to conditions of consent, the actual or potential adverse effects and impacts of the proposal on the environment will be less than minor.

10.0 Statutory Considerations

This section of the report is provided in accordance with clause 5(1)(h), 5(2) and 5(3) of Schedule 5 of the FTAA.⁵⁵ The FTAA requires that applications must include an assessment of the activity against the relevant provisions and requirements of those documents listed in clause 5(2), being:

(a) a national environmental standard:

(b) other regulations made under the Resource Management Act 1991:

⁵⁵ Section 13(4)(y)(i), FTAA

(c) a national policy statement:

(d) a New Zealand coastal policy statement:

(e) a regional policy statement or proposed regional policy statement:

(f) a plan or proposed plan:

(g) a planning document recognised by a relevant iwi authority and lodged with a local authority.

10.1 National Environment Standards

The following national environment standards are currently in force:

10.1.1 National Environmental Standards for Commercial Forestry 2017

Not applicable for reasons discussed in Section 7.7.

10.1.2 National Environmental Standards for Air Quality 2004

Not applicable.

10.1.3 National Environmental Standards for Sources of Drinking Water 2007

Not applicable.

10.1.4 National Environmental Standards for Telecommunications Facilities 2016

Not applicable.

10.1.5 National Environmental Standards for Electricity Transmission Activities 2009

The eastern most point(s) of the site (Lot 2) are traversed by the National Grid Corridor overlay and additional measures under D26 National Grid Corridor Overlay are applicable. However, the works occurring within the overlay are solely related to the proposed path and are a permitted activity.

10.1.6 National Environmental Standards for Assessing and Managing Contaminants in Soil to Protect Human Health 2011

The NESCS seeks to ensure that land affected by contaminants in soil is appropriately identified and assessed before it is developed. NESCS consent is not required for the application.

10.1.7 National Environmental Standards for Marine Aquaculture 2020

Not applicable.

10.1.8 National Environmental Standards for Storing Tyres Outdoors 2021

Not applicable.

10.1.9 National Environmental Standards for Greenhouse Gas Emissions from Industrial Process Heat

Not applicable.

10.2 National Policy Statements

The following National Policy Statements ('NPS') are currently in force:

10.2.1 National Policy Statement for Indigenous Biodiversity 2023

The National Policy Statement for Indigenous Biodiversity ('NPS-IB') provides direction to councils to protect, maintain and restore indigenous biodiversity in the terrestrial environment, requiring at least no further reduction nationally. The requirements for councils to identify and notify new significant natural areas using the assessment criteria within the NPS-IB has been suspended until October 2027.

The proposal is considered to reflect the outcomes sought under the NPS-IB as extensive planting of indigenous species is proposed across the site, which will be protected in perpetuity, and restoration of streams and wetlands to greatly improve the ecological values of the site. The proposal generally avoids the removal of indigenous vegetation within riparian yard setbacks. Overall, the proposal is considered to be consistent with the outcomes sought under the NPS-IB.

10.2.2 National Policy Statement on Urban Development 2020

The National Policy Statement on Urban Development 2020 ('NPS-UD') applies to urban zoned land and does not have direct relevance to this rural zoned land.

10.2.3 National Policy Statement for Freshwater Management 2020 (NPS-FM)

Resource consent is required under the National Environmental Standards for Freshwater ('NES-FW') 2020 as a **Non-Complying Activity** under Clause 54 due to activities not otherwise provided for occurring as part of the proposal. This includes vegetation clearance and earthworks within 10m of a natural inland wetland and the discharge of water into streams within a 100m of a natural inland wetland.

For the reasons stated elsewhere in this AEE and the Ecological Impact Assessment provided in **Appendix F**, any adverse effects generated by the proposed works and discharge on

freshwater resources will be low and will be consistent with outcomes anticipated under the NPS-FM.

10.2.4 New Zealand Coastal Policy Statement 2010

The Waitematā Harbour is downstream of the Rangitōopuni Stream which forms the border of the most easterly portion of the site. However, the proposal is not considered to be located within a coastal environment and has limited application to the New Zealand Coastal Policy Statement 2010 ('**NZCPS**'). Nevertheless, it is noted that the NZCPS sets out a range of objectives and policies to achieve the purpose of the RMA in relation to New Zealand's coastal environment, providing guidance for local authorities in their day-to-day management.

The NZCPS includes seven objectives. Objective 1 which seeks to safeguard the integrity, form, functioning and resilience of the coastal environment and sustain its ecosystems. Given the relatively remote location of the site in relation to the coast, the potential for development impact on the coastal environment stems primarily from stormwater discharges and their potential effect on coastal water quality. Objective 3 recognises and protects characteristics of the coastal environment that are of special value to tangata whenua. Objective 6 seeks to enable people and communities to provide for their social, economic, and cultural wellbeing, in addition to their health and safety, through subdivision, use and development.

Policies 21, 22 and 23 are centred on ensuring that the water quality of the coastal environment is enhanced. In the case of the proposal, a range of low impact design measures have been incorporated into the proposed infrastructure design and a comprehensive Stormwater Management Plan proposed for the site. Control of the required earthworks through the implementation of sediment and erosion controls will manage any potential sedimentation issues that could impact the coastal environment. In addition, the proposal includes substantial revegetation and planting of the site which will further enhance the coastal environment by providing additional treatment for stormwater runoff.

Overall, the proposal is not considered to be contrary to the NZCPS.

10.2.5 National Policy Statement for Greenhouse Gas Emissions from Industrial Process Heat 2023

The NPS provides nationally consistent policies and requirements for reducing greenhouse gas emissions from industries using process heat. The proposal does not include any activities covered by the NPS and therefore is not applicable.

10.2.6 National Policy Statement for Renewable Electricity Generation 2011

No renewable energy generation is proposed, therefore the NPS is not applicable.

10.2.7 National Policy Statement on Electricity Transmission 2008

The proposal will not impact the electricity transmission network and will be consistent with the outcomes sought under the NPS.

10.3 The Auckland Plan 2050

The Auckland Plan was adopted in 2018 and provides a 30-year vision and strategy for Tamaki Makaurau. The purpose of the plan is to consider how Auckland will address the key challenges over this time in terms of high population growth and the implications of this, shared prosperity, and environmental degradation.

The Auckland Plan confirms the continued need to provide for a range of homes and living options for Auckland's rapidly growing population. A key direction with regard to 'Homes and Places' is to *accelerate the construction of homes that meet Aucklanders' changing needs and preferences*. A related 'Focus Area' in the Plan is to *accelerate quality development at scale that improves housing choices*. The proposal is entirely consistent with these intended outcomes and gives effect to them. In particular, the retirement village will greatly contribute to accommodating Auckland's rapidly ageing population and will provide a range of housing and age-specific care services.

Furthermore, the Auckland Plan provides for Māori identity and wellbeing outcomes, with two key directions being to '*promote Māori success, innovation and enterprise*' and '*Recognise and provide for te Tiriti o Waitangi outcomes*'.⁵⁶

In explaining the first of these 'directions', the Auckland Plan notes that "*Marginalisation of Māori and large land losses have had substantial effects on Māori economic progress over the past 170 years. However, Treaty settlements and strategic iwi investments now contribute to an increasingly strong economic base.*"

There is a recognition in the Auckland Plan that there needs to be a lessening of barriers to development of Māori owned land. For example, the Plan states that: "*To make more of these whanau-centric models possible, some of the key constraints on the retention and use of Māori land for housing and development will need to be mitigated. These include access to finance, land use regulations, the capacity of iwi and the challenge of coordinating with various organisations.*"⁵⁷

There are no aspects of the proposal that are at odds with the key outcomes of the Auckland Plan, but the proposal would give effect to elements of the Plan's overall direction and particularly those provisions that seek to improve outcomes for Māori.

⁵⁶ Auckland Plan 2050, page 72

⁵⁷ Auckland Plan 2050, page 83

10.4 Auckland Unitary Plan (Operative in Part) 2016

10.4.1 Regional Policy Statement ('RPS')

Auckland's RPS seeks to achieve the purpose of the RMA by providing an overview of the resource management issues for the region, and establishing policies and methods to achieve integrated management of the region's natural and physical resources. It contains higher-order objectives and policies.

For the most part, the RPS objectives and policies are reflected in the objectives, policies and rules that apply in the AUP's zones, overlays, precincts, and Auckland-wide provisions. They generally indicate how regional issues are to be addressed in the AUP and so will not always be of direct relevance to the assessment of individual development proposals. However, there will be instances where the RPS objectives and policies add helpful guidance and context for an assessment.

The RPS identifies nine issues of regional significance (listed in this order in Chapter B1),⁵⁸ being:

- (1) urban growth and form (Chapter B2).
- (2) infrastructure, transport and energy (B3).
- (3) built heritage and character (B5).
- (4) natural heritage (landscapes, natural features, volcanic viewshafts and trees) (B4).
- (5) issues of significance to Mana Whenua (B6).
- (6) natural resources (B7).
- (7) the coastal environment (B8).
- (8) the rural environment (B9); and
- (9) environmental risk (B10).

The numerous objectives and policies in the RPS are then organised under these issues. Not all the RPS objectives and policies will be relevant to the proposal. It is considered that the countryside living subdivision and retirement village only engages in any material way with issues (2), (5), (6), (8) and (9). Issues (1), (3), (4), and (7) do not apply as the site is outside the urban area, does not contain built heritage or character overlays, does not contain natural heritage overlays, and is not within the coastal environment (Lot 2 is around 600m from the Coastal Marine Area at its closest point).

With regard to **RPS Chapter B3** (Infrastructure, transport and energy), all required infrastructure is to be provided on site given that the site is outside the urban area and beyond the network of reticulated services. The on-site infrastructure will be designed and operated in a way that does not create any adverse effects on the health and safety of the future residents or on amenity values.⁵⁹ Transport infrastructure proposed as part of the development is confined to

⁵⁸ RPS, Chapter B1.4

⁵⁹ RPS, Chapter B3.2.1(3) and B3.2.2(8)

an extension of Forestry Road and its vesting as a public asset. It would be established at the same time as the development, in an integrated way.⁶⁰

RPS Chapter B6 (Mana Whenua) is directly relevant to the application. B6.1 (Issues) sets out a fundamental aim:

“The development of Māori Land and Treaty Settlement Land needs to be enabled to ensure that these lands and associated resources contribute to lifting Māori social, cultural and economic well-being significantly.”

This is reflected in the summary of issues of significance to Māori and to iwi authorities in the region, amongst which the following are noted:

- (1) recognising the Treaty of Waitangi/Te Tiriti o Waitangi and enabling the outcomes that Treaty settlement redress is intended to achieve;*
- ...*
- (3) enabling Mana Whenua economic, social and cultural development on Māori Land and Treaty Settlement Land;*

These statements are reflected in the objectives and policies, which are wide ranging and address several matters including recognition of the Treaty of Waitangi / Te Tiriti o Waitangi, recognising Mana Whenua values, Māori economic, social and cultural development, and protection of Mana Whenua cultural heritage. Those provisions of particular relevance to the proposal are set out below:

B6.2.1 Objectives

...

- (3) The relationship of Mana Whenua with Treaty Settlement Land is provided for, recognising all of the following:*
 - (a) Treaty settlements provide redress for the grievances arising from the breaches of the principles of Te Tiriti o Waitangi by the Crown;*
 - (b) the historical circumstances associated with the loss of land by Mana Whenua and resulting inability to provide for Mana Whenua well-being;*
 - (c) the importance of cultural redress lands and interests to Mana Whenua identity, integrity, and rangatiratanga; and*
 - (d) the limited extent of commercial redress land available to provide for the economic well-being of Mana Whenua.*

⁶⁰ RPS, Chapter B3.3.2(4)(a)

(4) The development and use of Treaty Settlement Land is enabled in ways that give effect to the outcomes of Treaty settlements recognising that:

(a) cultural redress is intended to meet the cultural interests of Mana Whenua; and

(b) commercial redress is intended to contribute to the social and economic development of Mana Whenua.

B6.2.2 Policies

...

(3) Where Mana Whenua propose an activity on Treaty Settlement Land, the benefits for the wider community and environment provided by any property-specific protection mechanism, such as a covenant, shall be taken into account when considering the effects of the proposal.

(4) Enable the subdivision, use and development of land acquired as commercial redress for social and economic development.

B6.4.1. Objectives

(1) Māori economic, social and cultural well-being is supported.

(2) Mana Whenua occupy, develop and use their land within their ancestral rohe.

B6.4.2. Policies

(3) Provide for papakāinga, marae, Māori customary activities and commercial activities across urban and rural Auckland to support Māori economic, social and cultural well-being.

(4) Enable the integration of mātauranga and tikanga Māori in design and development.

(5) Enable the occupation, development and use of Māori land for the benefit of its owners, their whānau and their hapū.

...

There is no ambiguity in these objectives and policies. When considered in the context of the proposal, they are clearly aimed at enabling and supporting the subdivision, use and development of commercial redress land to assist with the social and economic development of Mana Whenua. The provisions note that commercial redress land is limited in its extent and is intended to address the breaches of the principles of Te Tiriti o Waitangi.

If the proposed application is granted, that action would give effect to the RPS Mana Whenua objectives and policies in this case.

RPS Chapter B7 (Natural Resources) seeks to manage pressures on natural resources for environmental, social, economic, and cultural well-being. It focuses on land and water resources, habitats, biodiversity, and air quality. In summary, this Chapter of the RPS looks for outcomes in relation to the proposal that:

- Protect, restore and enhance indigenous biodiversity⁶¹
- Enhance degraded freshwater systems and minimise freshwater system loss;⁶² and
- Avoid, remedy or mitigate adverse effects on water quality from land use change or intensification⁶³

The proposed countryside living subdivision and retirement village includes a proposal to revegetate the site with indigenous species. Ongoing weed and pest management would occur. Sediment controls would be in place during earthworks. Wastewater systems would be designed to treat effluent to a high standard, and disposal fields would be well-separated from streams, overland flow paths, and groundwater. No streams would be reclaimed, and all development would be setback from riparian areas.

For these reasons, it is considered that the proposal is consistent with the natural resource outcomes envisaged under RPS Chapter B7.

There are several key themes emerging from a review of **RPS Chapter B9** (Rural environment). These include:

- Protection of elite and prime soils⁶⁴
- Enabling rural production⁶⁵
- Managing reverse sensitivity effects from rural-residential development on rural production⁶⁶
- Providing for countryside living where that minimises loss of rural production land.⁶⁷

There are no elite or prime soils on the site. With the exception of the remaining forest, most of the adjoining land is already in small land holdings that provide for rural lifestyle living. Those blocks of land do not contribute significantly to rural production. The remaining forest land is used productively and will be able to continue operating if the owners choose to continue with that land use. Forestry is a land use that can coexist with countryside living, noting that there

⁶¹ AUP Chapter B7, Objectives B7.2.1(1) and (2)

⁶² AUP Chapter B7, Objectives B7.3.1(1) and (2)

⁶³ AUP Chapter B7, Objective B7.4.1(5)

⁶⁴ AUP Chapter B9, Objectives B9.2.1(2), B9.3.1(1) and B9.3.1(2)

⁶⁵ AUP Chapter B9, Objective B9.2.1(3)

⁶⁶ AUP Chapter B9, Policies B9.2.2(2) and B9.4.2(4)(g)

⁶⁷ AUP Chapter B9, Policy B9.4.2(4)

will be separation between planted trees and dwellings provided by the forestry roads and the setbacks already provided at the forest edge.

The proposed countryside living activities, including the retirement village, is appropriately located and will not impact on rural productivity, either through direct loss of productive land or through reverse sensitivity effects compromising use of land in the Rural Production Zone or Mixed Rural Zone. The Rural Urban Boundary will not be undermined as the project is outside the RUB and located within a rural zone. Rural character and amenity values are maintained or enhanced by the spacious arrangement of lots in the countryside living subdivision, the revegetation, and the confined visual catchment of the retirement village.

RPS Chapter B10 (Environmental risk) is concerned with natural hazards, climate change, hazardous substances, and contaminated land.

The proposal is supported by a comprehensive geotechnical report confirming that the land is stable and can accommodate the development that is proposed.⁶⁸ The projected effects of climate change have been included within calculations for flood plains and overland flow paths, and buildings will be located clear of those hazards.⁶⁹ The proposal does not include the use of hazardous substances in any appreciable way.⁷⁰ A PSI has been undertaken for the site and has confirmed that the land is not contaminated.⁷¹

The proposal is consistent with the objectives and policies of RPS Chapter B10.

Based on the above evaluation, it is concluded that the proposal is at least consistent with the relevant objectives and policies of the RPS. Notably, it gives effect to the enabling policy framework contained within the Mana Whenua provisions in RPS Chapter B6.

10.4.2 District Objectives and Policies

The evaluation of AUP objectives and policies in this section of the AEE is structured loosely in order of importance and relevance to the proposal, rather than in the Chapter order that the provisions appear in the AUP.

10.4.2.1 E21 Treaty Settlement Land

The AUP's Treaty Settlement Land provisions *"recognise that the principles of the Treaty of Waitangi/Te Tiriti o Waitangi (including the principle of redress and the principle of active*

⁶⁸ AUP Chapter B10, Objective B10.2.1(3)

⁶⁹ AUP Chapter B10, Objective B10.2.1(4) and B10.2.1(5)

⁷⁰ AUP Chapter B10, Objective B10.3.1(1)

⁷¹ AUP Chapter B10, Objective B10.4.1(1)

protection) require the Council to enable the use and development of land acquired by Mana Whenua through Treaty settlement legislation”.⁷²

These provisions apply to the Rangitōopuni land because it is Treaty Settlement Land. Confirmation of the status of the land as being still held in the post-settlement governance entity is attached at **Appendix E**.

It is notable that the provisions acknowledge that enabling use and development of Treaty Settlement Land is a requirement of the Treaty.

In addition, E21.1 confirms a level of predominance and enablement over rules in the underlying zone by acknowledging that the Treaty Settlement provisions are intended to be less restrictive than any counterpart in the zone:

“The provisions of the zone apply to Treaty Settlement Land unless otherwise specified in this section. The rules provide that where the activity table for the relevant zone provides for the same activity, the less restrictive rule applies.”

The objectives and policies from Chapter E21 are reproduced in full below, given their direct and fundamental relevance to the application.

E21.2 Objectives

- (1) Mana Whenua have flexibility to use and develop Treaty settlement land in accordance with mātauranga and tikanga while ensuring appropriate health, safety and amenity standards are met.*
- (2) Mana Whenua use and develop land acquired as commercial redress to support their social and economic development.*
- (3) Mana Whenua can access, manage, use and develop land acquired as cultural redress.*
- (4) Mana Whenua use and develop Treaty settlement land in areas where there are natural and physical resources that have been scheduled in the Plan in relation to natural heritage, Mana Whenua, natural resources, coastal environment, historic heritage and special character, provided that adverse effects on those values are avoided, remedied or mitigated.*
- (5) The occupation, development and use of Treaty settlement land is not adversely affected by the location of new infrastructure.*

⁷² AUP Chapter E21.1 Background

E21.3 Policies

- (1) Provide for an appropriate character, scale, intensity and range of development on Treaty settlement land across Auckland, including in coastal areas and outside the Rural Urban Boundary, recognising that the purpose of the Treaty settlement land provisions is to give effect to the outcomes of Treaty settlements to promote the cultural, social and economic development of Mana Whenua.*
- (2) Provide for a range of activities, including dwellings for papakāinga, marae and associated facilities, customary use, cultural and commercial activities, on Treaty settlement land.*
- (3) Encourage integrated development of Treaty settlement land taking into account the requirements of the activities proposed as well as the requirements for access, parking, building design and layout, infrastructure, landscaping, lighting and open space areas.*
- (4) Avoid, remedy or mitigate adverse effects on neighbouring properties while recognising that the Treaty settlement land provisions facilitate a scale, intensity and range of activities that may not be anticipated in the zone of the site.*
- (5) Provide for the integration of appropriate mātauranga and tikanga in determining the scale, intensity, range of activities, layout and location of development.*
- (6) Require appropriate provision for the treatment and disposal of stormwater, wastewater and the provision of water and electricity supply.*
- (7) Enable alternative approaches to site access and infrastructure provision where the occupation, use and development of Treaty settlement land is constrained by access or the availability of infrastructure.*
- (8) Enable the occupation, use and development of Treaty settlement land where there are natural and physical resources that have been scheduled in the Plan in relation to natural heritage, Mana Whenua, natural resources, coastal environment, historic heritage and special character, by considering:*
 - (a) the need to enable occupation, management, use and development of Treaty settlement land in accordance with mātauranga and tikanga in those areas to support the social, cultural and economic well-being of Mana Whenua;*
 - (b) alternative approaches to or locations for development that avoid adverse effects on the characteristics and qualities that contribute to the values for which the area was scheduled; and*
 - (c) that there may be no or limited alternative locations for whanau, hapū or iwi to occupy, manage and use their ancestral lands.*

(9) Take into account the benefits for the wider community and environment provided by any existing property specific protection mechanism established through the Treaty settlement process, where Mana Whenua propose an activity on Treaty settlement land.

(10) Encourage utility operators to consider alternative routes and locations for infrastructure outside the Treaty settlement land, where new infrastructure development may adversely affect the occupation, development and use of Treaty settlement land.

In the context of the application, a précis of the outcomes sought by the objectives is that Mana Whenua have flexibility to use and develop their Treaty Settlement Land in a way that supports their social and economic development, provided that appropriate health, safety and amenity standards are met.⁷³ The wording of the proviso suggests that the standards to be achieved are not intended to be onerous, through the use of the word “appropriate” and the focus on health and safety. This is reinforced by Objective 21.2(4), which makes it clear that Mana Whenua should still be enabled to use and develop Treaty Settlement Land even where there are scheduled natural and physical resources, albeit that adverse effects on the values of those resources should be avoided, remedied or mitigated.

The policies provide more specificity as to how these outcomes are to be achieved. Policy E21.3(1) is instructive. It seeks to provide for development options on Treaty Settlement Land even where the land is outside the Rural Urban Boundary (as in this case) and recognises that the purpose of the Treaty Settlement Land provisions is to give effect to the outcomes of Treaty settlements by promoting the cultural, social and economic development of Mana Whenua. This is to be achieved by policies that “provide for” a range of activities, including commercial activities, on Treaty Settlement Land.⁷⁴ The applicant has chosen to establish two commercial activities on the land, one being the proposed 209 lot lifestyle subdivision, and the other being the retirement village that is proposed as an Integrated Māori Development. Integrated development is encouraged by the policies.⁷⁵

Policy 21.3(4) is pivotal. It confirms that the Treaty Settlement Land provisions facilitate development outcomes that may have a scale, intensity and range of activities that may not be anticipated in the underlying zone provisions. That is an important and meaningful policy statement. It means that there is a hierarchy where the Treaty Settlement Land provisions of the AUP effectively ‘trump’ (or at the least have a much higher weighting than) the provisions of the Countryside Living Zone that seek to control density, scale and nature of land use and subdivision, provided that effects on neighbouring properties are managed. The ringfencing of

⁷³ Objectives E21.2(1) and E21.2(2)

⁷⁴ Policy 21.3(2)

⁷⁵ Policy 21.3(4)

effects consideration only to “neighbouring properties” suggests an acceptance that wider impacts or effects on rural character are not in consideration.

With regard to Policy 21.3(5), every aspect of the design process for the project has integrated appropriate mātauranga and tikanga. An initial workshop with Mana Whenua has generated a series of core design principles that have been woven through the proposed subdivision and the retirement village. The proposal reflects these principles through the cultural masterplan, and in subtle ways such as through the simple gable roof forms that predominate in the retirement village architectural design.⁷⁶

Appropriate provision is made for water supply to the development, including for firefighting supply. A package wastewater treatment plant is proposed for the retirement village and on-site wastewater disposal will occur on each lot within the countryside living subdivision. A wastewater discharge consent is required in relation to the package treatment plant, but disposal on individual lots will be the responsibility of future owners. Stormwater will be diverted to streams within the land, treated where appropriate and managed to mitigate downstream erosion. Reticulated electricity would be provided through the network utility operator. These arrangements would ensure that the proposal is consistent with Policy E21.3(6).

Policy E21.3(7) reinforces the intention to enable development of Treaty Settlement Land even if access or infrastructure provision may be constrained or not achieve standards that are normally required. While appropriate provision is made for wastewater, potable water and stormwater services in a rural context, some elements of the access within the countryside living subdivision are not anticipated design responses in terms of AUP rules and standards. In particular, some of the access JOALs serve a significant number of dwellings in excess of thresholds set out in Chapter E27 Transport. It is considered that Policy E21.3(7) lends support to the use of such access options.

Policy E21.3(8) does not apply directly to the proposal because there are no scheduled natural and physical resources within the development areas proposed within the site. Likewise, the Treaty Settlement Process did not establish any property-specific protection mechanisms that apply to the development areas.⁷⁷ There is no new infrastructure development proposed by utility operators that might impact on the occupation, development and use of the Treaty settlement land, and hence Policy E21.3(10) is not applicable.

The proposal is consistent with, and gives effect to, the objectives and policies relating to Treaty Settlement Land, because it:

⁷⁶ Architectural design package, sheet 1.4, Rev A

⁷⁷ AUP Chapter E21.3(9)

- Provides for the use and development of Treaty Settlement Land in a way that supports the social and economic development of Mana Whenua; and
- Promotes the cultural, social and economic development of Te Kawerau ā Maki, as envisaged by the Treaty settlement; and
- Is an integrated development that is of a scale and intensity, and provides for a range of activities that may not be anticipated in the underlying zone provisions; and
- Does not give rise to any significant adverse effects on neighbouring properties; and
- Incorporates appropriate mātauranga and tikanga in the design of the development; and
- Makes appropriate provision for the treatment and disposal of stormwater, wastewater and the provision of water and electricity supply.

There are also some other important observations that arise from a careful evaluation of the Treaty Settlement Land provisions, and the way in which they interact with other objectives and policies of the AUP.

These provisions operate almost like a ‘floating’ overlay or precinct. They are unique because they apply as a result of the *ownership* of the land in question rather than any inherent physical characteristics. Their application changes the outcomes that are enabled on land in the same way that an overlay or precinct does, in this case enabling and encouraging significant opportunities for development and land use in order to give effect to the principles of the Treaty of Waitangi / Te Tiriti o Waitangi. For the Rangitōopuni site, the additional development goes beyond that enabled by the relatively restrictive rural zoning of the land.

The words in the Treaty Settlement Land provisions mean something. They require different and more enabling outcomes on the Rangitōopuni land than are provided for under the Countryside Living Zone and it is not appropriate to apply the zone provisions without recognising and providing for the outcomes that are enabled under Chapter E21 of the AUP in any material way. That position is made clear in the objectives and policies set out above, and in the RPS.

Finally, it is noted that the Treaty Settlement Land provisions *provide for* the key land use activities that are sought in the proposal – dwellings at a density of one per hectare, and a retirement village as an Integrated Māori Development. Dwellings are a permitted activity at a density of one dwelling per hectare.⁷⁸ Although that provision is limited to 10 dwellings per site in the rural zones, it could reasonably be expected that the land could be subdivided into 10 hectare lots and each of those lots could then accommodate 10 dwellings. That would enable the same overall density as is sought in the application for the countryside living subdivision. Although the Integrated Māori Development is a discretionary activity,⁷⁹ it is explicitly listed in

⁷⁸ AUP Chapter E21.4.1(A3)

⁷⁹ AUP Chapter E21.4.1(A5)

the activity table and integrated development is “encouraged.”⁸⁰ It is not a discretionary activity by default on the basis that it is not specifically listed in the Activity Table.⁸¹

The provisions of Chapter A1.7.4 are noted. That section of the AUP states that:

“Activities are classed as discretionary where they are not generally anticipated to occur in a particular environment, location or zone or where the character, intensity and scale of their environmental effects are so variable that it is not possible to prescribe standards to control them in advance. A full assessment is required to determine whether the activity, subject to any conditions, would be appropriate in terms of the provisions of the Plan, the effects of the activity on the environment and the suitability of the proposed location.” [emphasis added]

Given the context provided by the objectives and policies, this is clearly not a situation where the Integrated Māori Development is “not generally anticipated to occur”. Rather, the second part of that sentence applies. The variable character, intensity and scale of the potential environmental effects has precipitated the discretionary activity status.

10.4.2.2 Rural – Countryside Living Zone

The Countryside Living Zone “provides for rural lifestyle living in identified areas of rural land which are generally closer to urban Auckland or rural and coastal towns.”⁸² The objectives and policies of the Countryside Living Zone are reproduced below in full:

H19.7.2 Objectives

- (1) Land is used for rural lifestyle living as well as small-scale rural production.*
- (2) The rural character, amenity values, water quality, ecological quality, historic heritage values and the efficient provision of infrastructure is maintained and enhanced in subdivision design and development.*
- (3) Development in the zone does not compromise the ability of adjacent zones to be effectively and efficiently used for appropriate activities.*
- (4) The type and nature of land-use activities provided for are restricted to those appropriate for the typically smaller site sizes.*
- (5) Subdivision, use and development is compatible with infrastructure and any existing infrastructure is protected from reverse sensitivity effects.*

⁸⁰ AUP Chapter E21Policy E21.3(3)

⁸¹ AUP Chapter C1.7

⁸² AUP Chapter H19, H19.7.1 Zone description

H19.7.3 Policies

- (1) Locate and design subdivision and development to maintain and enhance rural character and amenity values and avoid an urban form and character by:
 - (e) designing subdivision and development (including accessways, services, utilities and building platforms) to be in keeping with the topography and characteristics of the land;*
 - (f) minimising earthworks and vegetation clearance for accessways, utilities and building platforms;*
 - (g) avoiding locating accessways, services, utilities and building platforms where they will result in adverse effects on water quality, wetlands, riparian margins, historic heritage sites or scheduled sites and places of value or significance to Mana Whenua. Where avoidance is not possible, mitigation measures must be proposed so that any adverse effects are minor;*
 - (h) identifying opportunities for environmental enhancement of existing areas of native vegetation, wetland areas, riparian margins or the coastal edge;*
 - (i) encourage landscape planting that reinforces local vegetation patterns; and*
 - (j) identifying and where appropriate, requiring, the provision of walkway, cycleway and bridle path networks.**
- (2) Prevent subdivision, use and development from compromising the safe and efficient operation of existing mineral extraction activities, rural production activities, existing infrastructure or industry in adjacent zones.*
- (3) Avoid or mitigate adverse effects in relation to reverse sensitivity and rural character and amenity by restricting the range of land-use activities in the zone.*
- (4) Discourage activities that will result in adverse effects such as noise, dust, traffic volumes, odour, visual effects and effects on health, safety and cultural values and significantly reduce the rural character and amenity values of the zone.*
- (5) Acknowledge that the rural character and amenity values associated with this zone reflect its predominant use for rural lifestyle living rather than for rural production activities.*

Objective H19.7.2(1) identifies what land in the zone is to be used for, being rural lifestyle living and small-scale rural production. While the proposal does not include any rural production activities, it does establish rural lifestyle living opportunities through both the subdivision and the retirement village. The term “rural lifestyle living” is not defined in the AUP but is clearly referring to residential activities. The AUP nesting tables in Chapter J1.3 list “retirement villages” as a subset of “residential”. From this, it can be concluded that the activities proposed through the application are within the range of activities that the zone is intended to accommodate.

The outcomes sought by the remaining objectives are mirrored in similar policies that explain how the outcomes are to be achieved. For this reason, a thematic approach is adopted to evaluating the objectives and policies.

Objective H19.7.2(2) seeks that subdivision design and development maintain and enhance rural character and amenity values, as well as identified natural and physical resources. Notably, rural character and amenity values associated with the Countryside Living Zone reflect the predominant use for rural lifestyle living rather than rural production.⁸³ As such, it is a *living or rural residential* character that is to be maintained and enhanced.

Policy H19.7.3(1) sets out methods which inform location and design of subdivision and development to maintain and enhance rural character and amenity values and avoid an urban form and character. These matters are not a checklist of mandatory requirements, however, in this case all have been appropriately engaged with by this application.

The proposal includes minimal changes to the landform within the lifestyle subdivision. The subdivision has been designed around the logical building platforms that utilise the flatter parts of the site. Some earthworks are proposed on the building platforms to provide relatively level areas to accommodate future dwellings and accessory buildings. Access is largely provided through JOALs that align with existing forestry tracks that generally follow ridgelines, and utilities will be located within these JOALs to service each lot. The retirement village location has been selected on the flattest part of Lot 2, with surrounding landform ensuring that it is relatively contained in visual terms. While there are some large cuts within the retirement village building platform, they form part of lowering the higher parts of the platform within the context of a cut to fill earthworks operation. At the completion of works, there will be no large cut faces. The contour of the land will appear relatively natural within its surroundings. Vegetation clearance will involve only the plantation forestry trees. No native vegetation will be removed. Subclauses H19.7.3(1)(a) and (1)(b) are satisfied as the proposal is in keeping with the topography and characteristics of the land, and earthworks and vegetation clearance are minimised.

Accessways, services, utilities and building platforms will be located outside of wetlands, streams and their riparian margins. That has been a fundamental element of the design philosophy. The revegetation approach to the land, and its retirement from plantation forestry, is expected to significantly improve water quality in streams that flow through and downstream of the land. There are no historic heritage sites or scheduled sites and places of value or significance to Mana Whenua within the development site. While the land is of great importance to Te Kawerau ā Maki, its value is in the economic benefits that this commercial redress land can bring to the iwi. Subclause H19.7.3(1)(c) is achieved.

The applicant proposes to revegetate the site within indigenous planting in all areas outside of building platform curtilage and accessways, including the wetlands and riparian margins. The planting is intended to replace the pine trees and restore the natural values of the land. The revegetation management plan sets out the details and proposes the use of native plants that

⁸³ AUP Chapter H19, Policy H19.7.3(5)

are found naturally in this ecological district and are suitable and appropriate for the different areas of the site (such as wetlands). This initiative gives effect to Subclauses H19.7.3(1)(d) and 1(e).

Also proposed is a network of public walkways and mountain bike paths, ensuring the continuation of the informal recreational access that members of the wider community have enjoyed for decades. The paths will include a connection from the retirement village to the eastern edge of Lot 2, with a future connection to the Riverhead township being undertaken as part of a future separate application. While the land is privately owned, this access arrangements will be ensured through right-of way easements in favour of the public. Tracks and pathways will be relatively informal in their design and will be maintained by the residents' association. The provision for public access, as proposed, will ensure that Subclause H19.7.3(1)(f) is achieved.

Based on the above, it is considered that the proposal will maintain and enhance rural character and amenity values and avoid an urban form and character, as those terms are described in Policy 19.7.3(1). Notably, there is nothing in the policies that attempts to characterise 'urban form' in a way that extends beyond the matters set out in Subclauses (a) to (f). That is of particular relevance to the retirement village and confirms that the clustered nature of buildings in the proposed village format does not constitute an urban form in the Countryside Living Zone if the identified policy matters are appropriately addressed (as they are in this case).

The proposal satisfies Policy H19.7.3(2). It is not located close to existing mineral extraction activities, existing infrastructure, or industry (the small area of Light Industry Zone in Forestry Road is located around 200m from the site boundary and further from the closest building platforms). Power lines cross the south-eastern corner of Lot 2 but are not impacted in any way by the proposed development on the site. The land does adjoin rural zones to the north, west and south. However, the Rural Production Zone to the north and west is owned by the applicant and is currently used for plantation forestry. The proposal will not undermine the safe and efficient operation of that activity, given that setbacks of forestry operations from site boundaries are in place under the National Environmental Standards for Commercial Forestry. The rural land to the south is in relatively small landholdings of between four and 10 hectares, with minimal rural production activities in the form of 'hobby' farming (comprising primarily small-scale grazing). The proposal would not be expected to impede the operation of those existing activities.

Policy 19.7.3(3) is directed toward, and explains, the drafting approach adopted in the AUP. The relatively limited range of land use activities provided in the Countryside Living Zone Activity Table is reflective of this policy, but the policy does not engage directly with a development proposal such as that comprised in the application.

Activities that result in identified adverse effects are discouraged by Policy H19.7.3(4), because of the potential to reduce the rural character and amenity values of the Countryside Living Zone.

There is nothing on the proposal that would generate significant noise, dust, or odour, at least beyond temporary construction effects. Those are managed through construction management plans that have been prepared in draft form and will be confirmed once contractors are appointed for the construction works. Likewise, there are not anticipated health and safety effects. The only effects on cultural values are positive effects, arising through the replanting that is proposed and through the mātauranga and tikanga that is central to the design. Traffic effects are not expected to be significant. Trip generation from the countryside living subdivision will be largely consistent with that anticipated by the AUP, given that the subdivision is proposed at a density that is effectively permitted by the AUP (through the Treaty Settlement Land provisions). The retirement village traffic movements are expected to be relatively low and generally equivalent to trips generated by existing forestry operations or subdivision across Lot 2 at densities envisaged by either the Treaty Settlement Land provisions or subdivision at a 2ha density. For these reasons, it is considered that the proposal is consistent with Policy H19.7.3(4).

Policy H19.7.3(5) is notable. It confirms that the Countryside Living Zone is, as the name suggests, predominantly intended for rural lifestyle living rather than the rural production activities that are more apparent in the other rural zones. The proposal is a rural lifestyle living proposal. It is therefore consistent with Policy H19.7.3(5).

Overall, the proposal is either consistent with or gives effect to the outcomes sought in the Countryside Living Zone objectives and policies.

10.4.2.3 E39 Subdivision – Rural

The rural subdivision objectives and policies are extensive and cover a wide range of matters. For reasons of efficiency and focus, the following evaluation reproduces only those that are central to the issues raised by the application. However, the full suite of relevant objectives and policies is attached at **Appendix OO**.

There are 17 objectives. Objective E39.2(1) seeks that subdivision achieve the objectives of the relevant zones, overlays and Auckland-wide provisions. Of interest is the explicit recognition that the objectives of the Auckland-wide provisions are relevant. The proposal seeks to give effect to the objectives of AUP Chapter E21 (Treaty Settlement Land) by enabling subdivision at a density of 1ha to align with the permitted dwelling density in on Treaty Settlement Land. Chapter E21 falls within the Auckland-wide provisions of the AUP.

Many of the objectives relate to the mechanics of subdivision or the management of effects. The proposed subdivision is comfortably aligned with most of these objectives because it:

- Provides housing, including for older adults⁸⁴

⁸⁴ Objective E39.2(2)

- Will vest land at the end of Forestry Road for an extension of the roading network⁸⁵
- Provides appropriately for integrated infrastructure to be in place at the time of subdivision and development⁸⁶
- Does not give rise to any reserve sensitivity effects on existing infrastructure or other surrounding land uses⁸⁷
- Proposes a safe, efficient, convenient and accessible layout⁸⁸
- Has no effects on historic heritage or Māori cultural heritage⁸⁹
- Enhances natural features and landscapes through revegetation with indigenous species⁹⁰
- Does not involve any development in overlays intended to protect natural resources outstanding that are significant or outstanding⁹¹
- Avoids adverse effects arising from natural hazards and maintains the conveyance capacity of flood plains and overland flow paths⁹²

Objective E39.2(9) outlines mechanisms for enhancing the productive potential of the wider rural land resource but does not relate directly to the proposed subdivision. Likewise, Objective E39.2(13) is not relevant because the subdivision does not propose to place minor dwellings or workers' accommodation on separate titles.

Objective E39.2(10) is relevant as the proposal includes subdivision that creates lots partially within areas of Rural Production Zone along the western and northern boundary of Lot 1. There is a misalignment between the existing boundaries of Lot 1 and 2 and the zone boundary between the Countryside Living Zone and Rural Production Zone. This anomaly was seemingly created at the earlier subdivision with the lot boundaries logically following forestry roads. While the objective seeks to avoid inappropriate fragmentation of the Rural Production Zone, the existing situation already includes narrow, fragmented strips of Rural Production Zone. As such, the proposed subdivision will make no material difference to the productive capacity of the Rural Production Zone part of the site, which has little or no rural production value in its current configuration.

The proposed subdivision is consistent with Objective E39.2(12), which notes that rural lifestyle subdivision will occur primarily in the Countryside Living Zone. The subdivision provides for

⁸⁵ Objective E39.2(3)

⁸⁶ Objective E39.2(4)

⁸⁷ Objective E39.2(5) and E39.2(11)

⁸⁸ Objective E39.2(6)

⁸⁹ Objective E39.2(7)

⁹⁰ Objective E39.2(8) and E39.2(15) (this policy is repeated)

⁹¹ Objective E39.2(16)

⁹² Objective E39.2(17)

‘rural lifestyle’ subdivision within Lot 1, which is a site primarily located within the Countryside Living Zone.

Objective E39.2(14) sets out ways in which subdivision is provided for through environmental enhancement or protection initiatives. This is essentially an incentive-based approach, where increased development rights arise to offset the capital cost or opportunity cost of the environmental enhancement or protection. The increased development rights can either be utilised through in-situ subdivision or transfer of generated titles to other sites within the Countryside Living Zone. The applicant proposes to protect wetlands on the site and undertake extensive indigenous revegetation. While not the motivation for those initiatives, it intends over time to generate titles through that work that can be sold to provide an income source for the iwi. That is an outcome that is anticipated by Objective E39.2(14).

The rural subdivision policies are even more extensive than the objectives, with 33 policies in total. They largely follow the objectives and use similar language to address the same desired outcomes, although some are not relevant to the proposed subdivision. For completeness, the following comments are made, focusing on matters that have not been covered in the discussion relating to the objectives:

- The policies seek to provide for subdivision around existing development.⁹³ That is relevant in this instance given that dwellings can be established on the land as a permitted activity under the Treaty Settlement Land provisions of the AUP at a density of one dwelling per hectare (consistent with the proposed countryside living subdivision density).
- The proposed subdivision is to be staged in a logical manner that will promote efficient development.⁹⁴
- The subdivision will include mechanisms to ensure that the existing wetlands and the planted indigenous vegetation are legally protected in perpetuity.⁹⁵
- The layout of the subdivision has been designed to avoid ribbon development or multiple access points along public roads. While building platforms are typically clustered close to JOALs, those are not proposed to be vested as public roads.⁹⁶
- Subdivision is proposed at an average density of 1 hectare per rural lifestyle lot. Development at that density cannot be said to inherently undermine rural character⁹⁷ because the AUP specifically provides for lots of that size in the Countryside Living Zone (through in-situ or transferable title environmental enhancement subdivision). Additionally, the existing rural character in this location is defined in part by a large area

⁹³ Policy E39.3(5)

⁹⁴ Policy E39.3(7)

⁹⁵ Policy E39.3(17)

⁹⁶ Policy E39.3(24)

⁹⁷ Policy E39.3(27)

(around 200ha) of countryside living lots to the south of Lot 1 that are typically around 1ha in size.

- The site areas proposed for the countryside living subdivision would be capable of accommodating an on-site wastewater system, potable water collection (though roof supply), and disposing of stormwater.⁹⁸

It is notable that none of the objectives or policies refer to compliance with a minimum lot size as a specific outcome to be achieved.

It is also worth considering issues of precedent and whether granting the consent may undermine the consistent administration of the AUP. For example, there might be a suggestion that creation of 1ha lots without using the in-situ or transferable title mechanisms might weaken the environmental enhancement outcomes that those provisions are intended to deliver. If the proposed subdivision did not have distinguishing characteristics, it might be argued that others could question why they would need to undertake environmental enhancement or protection in order to achieve the same level of density.

However, clear distinguishing characteristics exist. Primarily these derives from the site's status as treaty settlement land. The AUP includes specific provisions intended to support Mana Whenua in maximising the use and development of its land in accordance with the principles of the Treaty of Waitangi / Te Tiriti o Waitangi. Those provisions are as legitimate as the environmental enhancement provisions and correspondingly provide for development of dwellings at a density of one per hectare.

Treaty settlement land is not widespread. The only other site in the Auckland region that is both Treaty Settlement Land and Countryside Living Zone is a 31.9 ha block at 540 Paremōremo Road (refer **Figure 65**), but that is the Paremōremo Prison staff housing area and is already intensively developed. As no other equivalent situations exist, there is no potential for a precedent to be established. However, even if there were other situations of a similar nature then it might be expected that any 'precedent' that arose would be wholly positive as it would mean that Treaty Settlement Land was being used for its intended purpose and in a way that provides for the outcomes sought by the AUP.

⁹⁸ Policy E39.3(30)

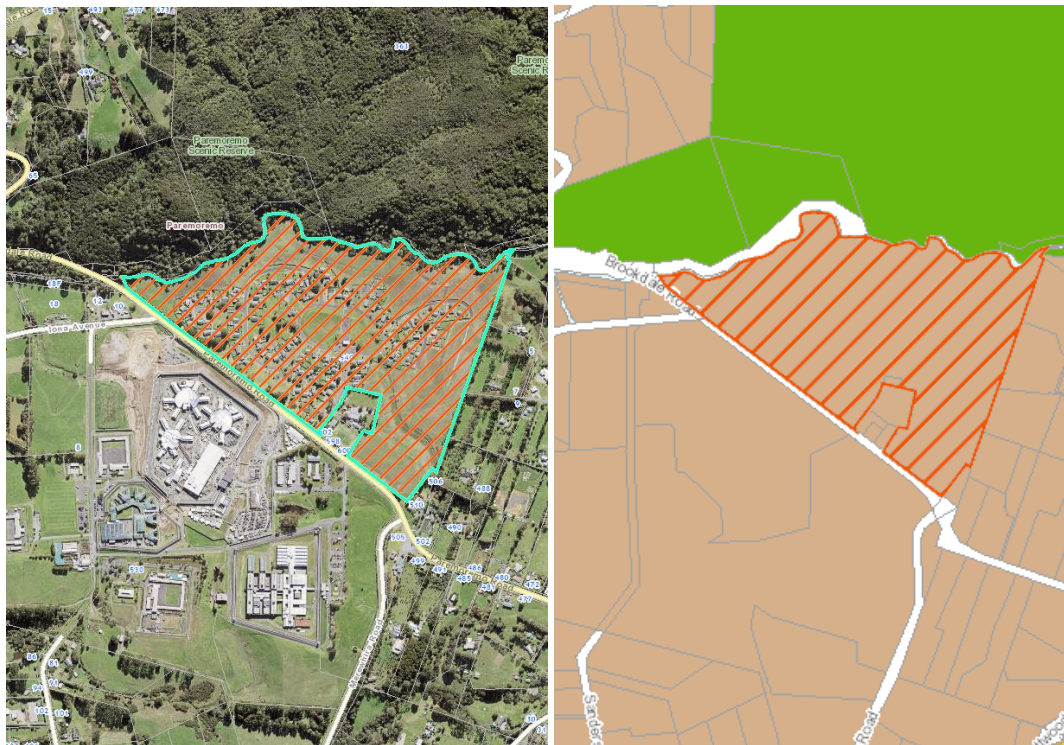


Figure 65 – Treaty Settlement Land and Countryside Living Zone site at Paremoremo

10.4.2.4 Rural – Rural Production Zone

The RPZ applies to small and narrow areas of the overall site, generally following the northern and western boundaries. Its existence within the site appears to be a simple misalignment between zone boundaries and site boundaries.

The purpose of the RPZ is “to provide for the use and development of land for rural production activities and rural industries and services, while maintaining rural character and amenity values.”⁹⁹

It is the rural zone that is applied primarily to land that is most productive. That is reflected in one of two zone objectives:

Objective H19.3.2

...

- (2) *The productive capability of the land is maintained and protected from inappropriate subdivision, use and development.*

⁹⁹ AUP Chapter H19.3.1

In this regard, the productive capability of those parts of the site that fall within the RPZ will not change. Their size and shape effectively prevent any significant productive use. Soil quality is low, partly because of long-term plantation pine forestry.

The relevant policies provide for forestry, alongside other rural production activities (such as pastoral farming).¹⁰⁰ There is recognition that these activities play a role in determining the zone's rural character and amenity values.¹⁰¹

Given the small areas of the site that fall within the RPZ, the objectives and policies of that zone play a minimal role in determining an appropriate land use and subdivision outcome for the site.

10.4.2.5 Rural – General Rural (all zones)

Chapter H19.2 contains general objectives and policies that apply to all rural zones. These have been reviewed and considered. However, they do not add significantly to the evaluation, given the consideration that has been given to the more specific objectives and policies relating to the Countryside Living Zone, Rural Production Zone and the rural environment section of the RPS.

10.4.3 Other Objectives and Policies

There are numerous additional objectives and policies from the Auckland-wide rules and overlays that will have some relevance to the application. While important, these are less central to determining the application and tend to focus on elements of the proposal rather than fundamental matters. These objectives and policies are evaluated in a table format in **Appendix OO**.

10.5 Any Other Matters

10.5.1 Future Development Strategy

The Future Development Strategy ('FDS') focuses on the long term future of Auckland and how growth should be managed for the next 30 years to ensure sufficient residential and business land capacity to support urban growth.

Of particular relevance to the proposal under the FDS is the approach to iwi development and the acknowledgement that the vast majority of land returned through Treaty settlements and Māori land is located outside of the existing urban and future urban areas, creating socio-economic disadvantages and undermining redress intent.

¹⁰⁰ AUP Chapter H19.3.3(1) and (2)

¹⁰¹ AUP Chapter H19.3.3(1)

A key focus of the iwi development approach outlined in the FDS is enabling development of Māori land and Treaty settlement commercial redress land and recognising the limited extent of this land highlights its importance in lifting mana whenua social, cultural and economic well-being.

The FDS states: *‘Māori land and iwi strategic developments will be enabled / not constrained by the Future Development Strategy.’* The proposal is considered to embody iwi led development and will enable the economic development of Te Kawerau ā Maki commercial redress land.

11.0 Statutory Framework

11.1 Application for consent – Fast-track Approvals Act 2024

This application has been listed under the FTAA and will be assessed by an ‘Expert Panel’ (Panel). The Panel is required to assess the application under Clause 17 of Schedule 5 of the FTAA. The statutory assessment in this section addresses the matters the Panel is required to consider.

11.2 Statutory tests

This section sets out the relevant statutory framework for determining the application for resource consent. Schedule 5, Clause 17, of the FTAA outlines that in relation to Section 81, when considering a consent application and determining conditions, the Panel must take into account the following:

(1) For the purposes of section 81, when considering a consent application, including conditions in accordance with clauses 18 and 19, the panel must take into account, giving the greatest weight to paragraph (a),—

(a) the purpose of this Act; and

(b) the provisions of Parts 2, 3, 6, and 8 to 10 of the Resource Management Act 1991 that direct decision making on an application for a resource consent (but excluding section 104D of that Act); and

(c) the relevant provisions of any other legislation that directs decision making under the Resource Management Act 1991.

11.3 Assessment under the Purpose of the Fast-track Approvals Act 2024¹⁰²

The purpose of the FTAA is set out in Section 3, where it states:

The purpose of this Act is to facilitate the delivery of infrastructure and development projects with significant regional or national benefits.

It is noted that what constitutes a significant national or regional benefit is not provided for in the FTAA for listed projects. In achieving a listed status in the FTAA, it is assumed that the Government has already satisfied itself that the project has met the purpose of the FTAA and therefore will have significant regional or national benefits. Notwithstanding that, the ability of the project to achieve the purpose of the FTAA will still be a matter that is of central interest to the panel, noting that the greatest weight must be given to the FTAA purpose amongst the matters to be considered.

Some guidance can be obtained from the criteria that the FTAA establishes for assessing a referral application, where section 22(2)(a) sets out matters that the Minister may consider when determining whether the project would have significant regional or national benefits. By reference to those matters, it is considered that the Rangitootuni project will meet the purpose of the FTAA for the following reasons:

- The proposal will significantly increase the supply of housing in the north-western part of the Auckland region, with 208 additional countryside living sites available to accommodate dwellings together with 296 retirement village units. In particular, the retirement village will provide for housing in a specific market sector that is generally acknowledged as being undersupplied.
- The proposal will deliver significant economic benefits, as set out in the EIA provided with the application. These economic benefits are estimated to include a total economic impact on business activity within the Auckland of just over \$708m (NPV) across the 9-year build out period, 1,484 FTE jobs during the peak development year within Auckland, and a total of 7,000 FTE years over the 9-year development period. By any measure, these are significant economic benefits.
- The proposal will support climate change mitigation and adaptation, primarily through the extensive indigenous revegetation that is proposed across the majority of the land. Stormwater mitigation measures will also result in overall benefits to existing flooding issues in the downstream catchment, as set out in the applicant's flood report.

¹⁰² Section 43(1)(b)(i), FTAA

- While there are no significant existing environmental issues on the site that require remediation, the proposal will result in enduring benefits in terms of biodiversity and ecology, with the protection and enhancement of wetlands and riparian margins and the revegetation of most of the site in permanent indigenous forest.
- Iwi-led Economic Development: As a development of Treaty Settlement Land returned to Te Kawerau ā Maki, Rangitootuni supports the economic, cultural, social, and environmental wellbeing of the iwi. It helps to unlock the commercial redress provided through the Te Kawerau ā Maki Treaty Settlement with the Crown, marking a critical step in restoring the iwi's economic base. The project exemplifies the Crown's commitment to honouring Treaty settlements by enabling the productive use of returned land. Facilitating iwi development is of national importance, particularly where it advances intergenerational equity and self-determination for Mana Whenua.

11.4 Part 2 of the RMA

Clause 17(2)(a) of Schedule 5 of the FTAA states that a reference to Part 2 of the RMA must be read as a reference only to sections 5, 6 and 7 of that Act. Those sections cover, respectively, the purpose of the RMA, the matters of national importance that must be recognised and provided for, and 'other matters' to which particular regard must be given.

It is considered that the proposal gives effect to the purpose of the RMA under section 5. The development will enable Te Kawerau ā Maki to provide for their social, economic and cultural well-being in a way that results in overall environmental enhancement. Any adverse effects would be appropriately avoided, remedied, or mitigated.

Section 6(a) of the RMA requires that the natural character of wetlands, rivers, and their margins be preserved and protected from inappropriate subdivision, use, and development. The proposal does not encroach into any of the wetlands on the site and there are minimal encroachments proposed within riparian margins. Extensive revegetation with appropriate native species would enhance the quality and function of these natural features. Public access would be enabled along several of the watercourses in accordance section 6(d).

Several of the other matters set out in section 7 are engaged by the proposed development. Central to the proposal are the concept of kaitiakitanga (s7(a)) and the ethic of stewardship (s7(b)). The applicant has approached the development with a long-term view that is focused on design outcomes that will leave the land in better condition than it is currently, demonstrated in part by a retained right for Te Kawerau ā Maki to access the streams and wetlands to ensure their ongoing health. That approach recognises the intrinsic value of the somewhat degraded ecosystems that are to be substantially enhanced through revegetation and protection in perpetuity (s7(d)). The revegetation proposals will enhance the quality of the environment (s7(f)).

11.5 Part 3, 6 and 8-10 of the RMA

Part 3 of the RMA imposes duties and restrictions in relation to certain activities, either requiring resource consent if an activity is either not expressly authorised by a statutory plan or if it contravenes a rule in a plan. Essentially, it provides the mechanisms for consideration of activities and their effects. Those matters are addressed in this FTAA application by an assessment of the reasons for consent in this AEE and by analysis in the various specialist reports. Beyond that, Part 3 does not impact on the application.

Part 6 relates to resource consents and establishes the process and considerations when an application for consent is submitted. It is largely mechanical and does not require specific evaluation in the context of the proposal. For example, part 6 includes provisions that relate to the nature and scope of conditions that can be imposed on a resource consent. Those provisions are relevant insofar as they provide a framework for consideration of appropriate conditions, but they do not add materially to an assessment of the merits of an application.

The application does not give rise to any considerations under parts 8, 9, 9A or 9B, which deal with designations, heritage orders, water conservation orders, and other unrelated matters.

Part 10 of the RMA is concerned with subdivision and reclamation. The proposal does seek subdivision consent but, once again, the provisions in part 10 are largely process oriented and do not need to be considered in any material way as a result of the application.

11.6 The relevant provisions of any other legislation that directs decision making under the RMA

The only other relevant legislation in this case is the Wildlife Act 1953. Approval is sought under the Wildlife Act for the capture and relocation of native lizards from the earthworks area, but that does not give rise to any decision making under the RMA. Please refer to the memorandum provided within Appendix F.1 which has been prepared to identify Wildlife Act approval requirements under Section 42(4)(h), and how the substantive application complies with these requirements.

12.0 Proposed Consent Conditions¹⁰³

The proposed conditions of consent, which seek to implement the mitigation and monitoring that has been identified in the technical assessments as being necessary, are appended to this AEE (Appendix A).

¹⁰³ Clause 5(1)(k), Schedule 5, FTAA

This section of the application is provided in accordance with clause 5(1)(k) of Schedule 5 of the FTAA, which requires that an application provides conditions for the resource consent.

13.0 Conclusion

The applicant has sought resource consent and Wildlife Act approval under the FTAA for a proposed 208 lot countryside living subdivision and a 296 unit integrated Māori development (retirement village).

It is considered that the proposal has met the statutory tests and is worthy of consent, for the following reasons:

- It achieves the purpose of the FTAA, as it would deliver a development project with significant regional or national benefits.
- It is consistent with, or gives effect to, the objectives and policies of the AUP (including the RPS).
- There is no inconsistency with relevant national policy statements or national environmental standards.
- It will enable Te Kawerau ā Maki to provide for its social, economic and cultural well-being through development of a commercial redress asset obtained through its Treaty settlement.
- There are no appreciable adverse impacts; and
- Significant positive benefits will arise, including remediation on the landscape and ecology of the land through revegetation with indigenous species, and provision of public recreational access through a series of walking tracks.

FTAA application prepared by:



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(For and on behalf of Rangitootuni Developments Limited Partnership)



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