

Before the Fast-track Panel Convener

FTAA-2505-1055

Under the Fast-track Approvals Act 2024 (**FTAA**)

And

In the Matter of an application for resource consents and a wildlife authority by Rangitooopuni Developments Limited Partnership – Rangitooopuni proposed countryside living subdivision and retirement village

Memorandum of Counsel on behalf of Rangitooopuni Developments Limited Partnership Responding to Minute 1 of the Panel Convener

Dated 14 July 2025

Jeremy Brabant
Barrister
Foundry Chambers
Level 4, Vulcan Buildings
PO Box 1502, Shortland St
Auckland
021 494 506
Email: jeremy@brabant.co.nz

May it please the Panel Convener:

Introduction

1. This memorandum is presented on behalf of the Applicant, Rangitoopuni Developments Limited Partnership (**RDLP**).¹ It responds to Minute 1 of the Panel Convener dated 4 July 2025.
2. Minute 1 identifies matters to be considered at a Convener's Conference to be held on 17 July 2025. The information sought is set out in Schedules 1 and 2 of the Minute.
3. As a preface to comments below with respect to matters in Schedules 1 and 2, it is important to record that this application relates to development of 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.
4. As identified in the AEE, the masterplanned proposal will enable the provision of approximately 500 homes² 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 also result in a transformation of the whenua from production pine plantation to native forest, restored wetlands, riparian and terrestrial forest habitats.

¹ Te Kawerau ā Maki in partnership with Avant Property Development Limited.

² 208 residential lots in the countryside living subdivision and 260 villas and 36 aged care facilities in the retirement village (a total of 296 units).

Schedule 1

Approvals

5. The approvals sought are summarised at section 1.2 - 1.3 of the AEE, with an assessment of the resource consents against relevant matters in section 7 of the AEE. They are:
 - a. Approvals under the RMA:
 - i. Land use consent(s).
 - ii. Subdivision consent.
 - iii. Groundwater consents(s) (Water Permit).
 - iv. Discharge permit(s).
 - v. Stream works consent(s).
 - b. Approval under the Wildlife Act 1953 in relation to lizards.
6. Resource consents are required which would otherwise be applied for under the RMA under the provisions of the AUP(OP) and the NES-FM.³
7. They encompass standard matters one would expect for a large subdivision development, being consent for land use, earthworks, subdivision, stream works, and groundwater diversion and discharge.
8. The Wildlife Approval sought through this Application would otherwise be applied for under the Wildlife Act 1953.

Complexity

9. I address matters contributing to the level of complexity:
 - a. Legal Complexity:

³ Auckland Unitary Plan (Operative in Part); National Environmental Standards for Freshwater.

- i. The matter does not involve novel or difficult legal issues other than to say that at the time of writing aspects of the FTAA are still relatively untested. Some of these matters will likely have been the subject of commentary by other Panels prior to those issues being the subject of consideration in this application.
- b. Evidentiary Complexity:
 - i. There is a significant volume of expert reports/evidence given the size of the application.
 - ii. In all other respects the evidence addresses common matters arising in the context of land development and subdivision, and no special or unusual technical complexity is anticipated.
- c. Factual Complexity:
 - i. As indicated above there is a reasonable volume of expert reports/evidence, but no special or unusual issues are anticipated.

Issues

- 10. RDLP has undertaken consultation as summarised in section 8 of the AEE.
- 11. In addition, RDLP is undertaking ongoing consultation with Auckland Council after lodging the application with the EPA with a view to identifying and narrowing issues. To the extent RDLP and Council have collaborative discussions about the draft set of conditions proffered by the Applicant as part of this process, one version of the draft conditions will be maintained between the Applicant and Council for consistency. This will be dated and issued with a version number.
- 12. With respect to issues arising, RDLP understands from consultation with Council to date that there are no unique or significant matters. Various detail

issues have been identified and are being proactively worked through by RDLP.

Panel membership

13. RDLP is of the view that three panel members will be sufficient. In addition to the Chair, it would be useful for panel members to have planning and mātauranga Māori/ tikanga expertise.

Tikanga

14. As noted above, it would be useful for at least one panel member to have mātauranga Māori/ tikanga expertise.

Procedural requirements

15. RDLP is willing to engage directly with the panel as necessary to advance progress of the application.
16. It seems unlikely that any form of hearing process will be required based on information currently available. That may change based on comments received, or any topics or issues which the Panel raises in due course.

Schedule 2

17. Turning to the timeframe for a decision, I submit:
 - a. Timeframe for comments (s53):
 - i. The nature of the application, my observations above regarding the relative absence of complexity, and the ongoing consultation with Auckland Council, all suggest a significant extension to the timeframe for comments from relevant parties is not required.
 - ii. However RDLP acknowledges the volume of material supporting the application is a relevant factor.
 - b. Timeframe for decision:

- i. RDLP is of the view that a modest extension to the timeframe for a decision is appropriate.
- ii. RDLP also acknowledge that:
 - 1. This is (in relative terms) one of the first panels to be set up under the Act;
 - 2. Preparation of the decision will require careful application of a new statutory decision making test (including weightings in respect of various approvals);
 - 3. Comments on, and consequential refinement of, draft conditions may require additional time.
- iii. RDLP propose that the timeframe for release of a decision is extended from 30 working days after comments are received to 50 working days.



Jeremy Brabant

Counsel for Rangitooopuni Developments Limited Partnership

14 July 2025