Ministry for Cities, Environment, Regions & Transport

FTAA-2606-1247 Application received for referral of the project under the Fast-track Approvals Act 2024 – Stage 2 decisions

Project Name: Whangapouri Road

Date submitted	8 September 2026	**Tracking**	26-BRF-02374
Security level	In-Confidence	**Priority**	Urgent

To	Action sought	Response by
Hon Chris Bishop **Minister for Infrastructure**	Decisions on recommendations	15 September 2026

Actions for Minister's Office staff	**Return** the signed briefing to: *FTAreferrals@mfe.govt.nz* **Send** email to Ministers to invite written comments
Number of appendices: 7	Appendices: 1. Statutory framework for making decisions 2. Application documents for Whangapouri Road 3. Stage 1 Briefing Note and decisions 4. Section 18 Report on Treaty settlements and other obligations 5. Comments received from invited parties 6. Further information received from the applicant 7. Draft Notice of Decisions

Ministry contacts

Name	Position	Telephone	1st contact
Antonia Croft	Principal Author		
Stephanie Frame	Manager	s 9(2)(a)	✓
Ilana Miller	General Manager	s 9(2)(a)	

Project location



Key messages

1. This briefing seeks your decisions under section 21 of the Fast-track Approvals Act 2024 (the Act) on the application from 132 Whangapouri Drury Limited (the applicant) to refer the Whangapouri Road (the project) to the fast-track approvals process.
2. A copy of the application is in Appendix 2. This is the second briefing on this application. The first (Stage 1) briefing (BRF-01756) with your initial decisions annotated is in Appendix 3.
3. The project is for a residential master-planned subdivision and development of approximately 99.58 hectares on the northern side of State Highway 22 (SH22), near the intersection with Whangapouri Road and Bycroft Road, west of Drury in the Auckland region.
4. The project consists of three main components:
    a. a residential development - with a total of approximately 1,050 to 1,150 dwellings comprising:
        i. approximately 850–950 dwelling lots between 300–500 m², with a smaller proportion of higher-density and larger lots; final yield and mix subject to change through detailed design, and

ii. approximately 200 retirement village dwellings and communal facilities

b. a local centre - in the northern portion of the development that provides opportunities for mixed use and employment activities; and

c. associated landscaping, infrastructure and external upgrades/works - including open space, transport, water, wastewater, stormwater, energy, and supporting civil works required to service and enable the development.

5. The project will require the proposed approvals:

   a. consents under the Resource Management Act 1991 (RMA)

   b. permits under the Wildlife Act 1953.

6. The project may also require approval or dispensation under regulations 42 or 43 of the Freshwater Fisheries Regulations 1983 in respect of a potential complex freshwater fisheries activity. This has not yet been confirmed and would be subject to further detailed design and assessment ahead of any substantive application (if referred).

7. The application identifies that the site contains Land Use Capability (LUC) class 2 (approximately 42 hectares (ha) of the site) and LUC class 3 land (approximately 58 ha), indicating that a significant proportion of the development is on highly productive land. While the applicant notes that the Mixed Rural Zone may limit the direct application of the National Policy Statement for Highly Productive Land 2022 (NPS-HPL), they have undertaken an assessment on a precautionary basis and consider that the proposal does not strictly meet the NPS-HPL criteria.

8. We recommend you **accept** the referral application as the project meets the criteria set out in section 22 and does not appear to involve an ineligible activity.

9. We seek your decisions on this recommendation, the proposed directions to the applicants and the expert panel, and notification of your decisions.

Assessment against statutory framework

10. The statutory framework for your decision-making is set out in Appendix 1. You must apply this framework when you are deciding whether to accept or decline the referral application and when deciding on any further requirements or directions associated with referral of the project.

11. Before accepting the project, you must consider the application (in Appendix 2), the section 18 Treaty settlements report (in Appendix 4) any comments from invited parties (in Appendix 5), any further information requested from the applicant, the relevant local authorities, or the relevant administering agencies (in Appendix 6) and any document that requires your consideration under section 16 and comply with any procedural requirements under section 16. Following that, you may accept the application if you are satisfied that it meets the criteria in section 22 of the Act and if there are no reasons meaning you must decline the application.

12. We have considered if there are any reasons for declining the project and provide our advice on these matters below.

Section 18 Treaty settlements and other obligations report

13. The report identifies 14 relevant Māori groups for the project area. These include the iwi authorities for Ngāti Tamaoho, Te Ākitai Waiohua, Ngāi Tai ki Tāmaki, Ngāti Te Ata, Ngāti Maru, Ngāti Tamaterā and Waikato-Tainui; relevant Treaty settlement entities associated with those groups and the Ngā Mana Whenua o Tāmaki Makaurau Collective Redress; groups with recognised mandates to negotiate Treaty settlements; and other Māori groups with interests in the project area, including Ngāti Pāoa, Hako and Te Ahiwaru Waiohua.

14. The report identifies the Ngā Mana Whenua o Tāmaki Makaurau Collective Redress Act 2014, Ngāti Tamaoho Claims Settlement Act 2018, Ngāi Tai ki Tāmaki Claims Settlement Act 2018, and the Te Ākitai Waiohua deed of settlement as the Treaty settlements relevant to the project area. The report notes that the Ngāti Tamaoho Claims Settlement Act 2018 provides for a statutory acknowledgement over Oira Creek and its tributaries, which incorporates the project area, and that the Ngāti Tamaoho and Te Ākitai Waiohua settlements provide for statutory acknowledgements over the nearby marine and coastal area, which may also be affected by the proposed activities.

15. The report notes that, under section 7 of the Act, all persons exercising powers and functions under the Act must act in a manner consistent with Treaty settlements. The report identifies the statutory acknowledgement provisions associated with Oira Creek and nearby coastal areas and relevant conservation relationship redress as the key Treaty settlement provisions relevant to the project.

16. Comments were received from Te Whakakitenga o Waikato, representing Waikato-Tainui. Waikato-Tainui noted that any substantive application should clearly demonstrate how cumulative effects associated with urban expansion have been addressed, including infrastructure provision, transport integration, freshwater outcomes, biodiversity and landscape change. Waikato-Tainui also noted that mana whenua values and input should continue to inform development.

17. Waikato-Tainui reserved its position on the application at the referral stage, noting that further consideration should be given to the effects on freshwater and marine systems, loss of highly productive land and cumulative land-use change, cultural and archaeological values within the project area, and alignment with *Tai Tumu, Tai Pari, Tai Ao (Waikato-Tainui Environmental Plan).*

18. The section 18 report concludes that there are no matters raised in the report which make it more appropriate for the proposed approvals to be authorised under another Act or Acts.

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

19. Section 16 of the Act requires you to act consistently with relevant Treaty settlements and other obligations when deciding whether to refer the project.

20. We recommend that, if the project is referred, you direct the panel under section 16(2)(c) to comply with the consultation process set out in the Ngā Mana Whenua o Tāmaki Makaurau conservation relationship agreement when engaging with Tūpuna Taonga o Tāmaki Makaurau Trust in relation to the Wildlife Act 1953 approvals sought, unless a modified arrangement is agreed. The report also recommends that the panel consider whether, and how, to apply that consultation process when engaging with relevant iwi members of the Tāmaki Collective.

Written comments received

21. Comments were received from Auckland Council, three Ministers (Minister for Economic Growth, Minister for Seniors, and the Acting Minister of Housing), NZ Transport Agency Waka Kotahi (NZTA) and the Department of Conservation (DOC), in addition to those from Māori groups outlined above. The key points of relevance to your decisions are summarised in Table A.

22. Key points from comments include:

    a. Auckland Council opposes referral and does not support the project progressing to a substantive application. Council considers the land is not recognised for urban growth, infrastructure has not been planned for the site, there are unresolved concerns regarding highly productive land, and the applicant has not demonstrated significant net regional or national benefits.

    b. the Minister for Economic Growth supports referral and considers the project is likely to deliver significant regional economic benefits through increased housing supply, employment generation, construction activity and associated economic growth.

    c. the Minister for Seniors supports referral on the basis that the project would increase housing supply through the delivery of approximately 850-950 residential dwellings and 200 retirement village dwellings.

    d. the Acting Minister of Housing supports referral, considering the project would contribute to housing supply and housing choice, while noting that planning, infrastructure and servicing matters would require further assessment at substantive stage.

    e. the Acting Minister for Māori Crown Relations: Te Arawhiti and Acting Minister for Māori Development does not oppose referral and encouraged the applicant and any future panel to have regard to relevant Treaty settlement legislation and instruments, and to consider feedback received from relevant Māori groups.

    f. the Department of Conservation (DOC) does not oppose referral and has not identified any reason the project should not be referred. DOC considers ecological effects, including impacts on indigenous biodiversity, freshwater habitats and protected species, can be assessed and managed through the substantive application process.

    g. NZTA does not oppose referral but raises significant concerns regarding the project's transport feasibility. NZTA advised it would not support any additional access points off SH22 and considers a development of this scale should not proceed without appropriate and safe transport infrastructure in place. NZTA notes the surrounding transport network was not planned for development of this scale and considers that, if an appropriate state highway connection cannot be provided, the applicant should consider alternative connections to local roads or reconsider the location of the development.

Further information provided by applicant

23. In response to requests for further information under section 20 of the Act, the applicant provided additional information on the delivery and funding of key transport infrastructure, the implications of delays to that infrastructure, and the extent to which the project's housing and economic benefits rely on delivery of the proposed SH22 upgrade. The applicant advised that the project is not dependent on the SH22 upgrade and that no reduction in housing yield or economic benefits is anticipated if the upgrade does not proceed.

24. While uncertainty remains regarding the timing and delivery of some transport infrastructure, the applicant has identified potential mechanisms to address these matters through transport modelling, infrastructure triggers, development staging and targeted transport improvements. The appropriateness of these measures would need to be assessed through the substantive application process.

25. We consider the applicant has provided sufficient information to inform the referral decision. While some uncertainty remains regarding transport infrastructure delivery and the extent to which the project's housing outcomes represent additional housing supply, these matters can be more appropriately considered through the substantive application process.

26. You must consider all information received within the specified timeframe. We have taken this information into account in our analysis and advice, and it is presented in Table A.

Reasons to decline

27. The statutory framework in Appendix 1 sets out the situations where you must decline the application for referral under section 21(3). We do not consider you must decline the application.

28. The applicant indicates that earthworks in or around potential natural inland wetlands may be identified at a later stage, which could trigger a prohibited activity under the National Environmental Standards for Freshwater (NES-F). Prohibited activity status is a potential reason you may decline a referral application under section 21(5) of the Act. However, we note section 21(7) of the Act states that the presence of a prohibited activity does not, in itself, prevent you from accepting a referral application.

29. The project would result in the permanent loss of approximately 99.58 hectares of highly productive land, the majority of which is identified as LUC class 2 land. Auckland Council raised concerns regarding this loss and considered that the applicant had not demonstrated that the loss of highly productive land was justified under Part 3.10 of the NPS-HPL[1].

30. You may also decline the application for any other reason under section 21(4). The Act gives some guidance on matters you could consider when deciding whether to decline an application and these are set out in Appendix 1.

31. We have considered the matters above and these are discussed in Table A. While the matters identified above could provide a basis for declining the application under sections 21(4) and 21(5) of the Act, we do not recommend that you decline the application for these reasons.

Reasons to accept

32. The statutory framework in Appendix 1 sets out the reasons you can accept a project for referral.

33. Our assessment of these matters is summarised in Table A. We consider the project meets the requirements of section 22, as:

    a. it is an infrastructure or development project because it is a residential subdivision and development, including associated infrastructure, open space and servicing works

[1] NPS-HPL 3.10 includes provisions for "Exemption for highly productive land subject to permanent or long-term constraints"

b. it would have significant regional or national benefits because it:

   i. would increase housing supply and address housing needs through the delivery of approximately 1,050–1,150 dwellings, including approximately 850-950 residential dwellings, 200 retirement village units and community facilities

   ii. would deliver economic benefits through investment, construction activity and employment generation as demonstrated by the applicant's Economic Assessment, including approximately:

      (1) $764 million in direct capital expenditure; and

      (2) $543 million in regional GDP generated by the project: and

      (3) 3,030 full time equivalent (FTE)-years of employment across Auckland over the development period, equivalent to approximately 433 FTEs per annum over the seven-year construction programme; and

      (4) $271 million in wages and salaries associated with the project over the 7-year development period

c. referring the project to the fast-track approvals process:

   i. would facilitate the project, including by enabling it to be processed in a more timely and cost-effective way than under normal processes because the timeframes under the Act are significantly shorter than under the RMA, the Act precludes public and limited notification and appeal rights are limited

   ii. is unlikely to materially affect the efficient operation of the fast-track approvals process because the issues raised by the project are not novel and are matters that can be appropriately assessed through a substantive application process.

Conclusions

34. We consider the project meets the section 22 criteria and you could accept the referral application under section 21 of the Act and refer the project to the fast-track approvals process with the specifications outlined below.

35. We consider that if you decide to refer the project, you should specify under section 27 of the Act the following requirements that should apply to the project;

   a. a deadline for lodging the substantive application, as two years from the date of issue of the notice of decisions

   b. the Chief Executive of New Zealand Transport Agency Waka Kotahi (NZTA), and the Chief Executive of KiwiRail New Zealand Limited as persons from whom a panel must invite comments in addition to those specified in section 53

   c. the information that must be submitted with the substantive application:

      i. an Integrated Transport Assessment, prepared in accordance with the relevant transport authority guidelines, including an assessment of transport effects, access arrangements, network capacity, and any transport infrastructure, staging and funding required to support the development, including the suitability, timing and delivery of improvements to State Highway 22, the adequacy of access arrangements to and from State Highway 22 and

any alternative access arrangements necessary to support the development; and

ii. an assessment of infrastructure servicing and capacity associated with the proposed development, including water supply, wastewater, stormwater, and infrastructure funding and sequencing.

36. The above restrictions are required for the following reasons:

    a. to understand the impacts of the project on the local rail transport network (noting you invited comment from KiwiRail on this application, but no comments were received)

    b. to ensure the expert panel has sufficient information to assess transport effects, access arrangements, including any alternative access arrangements that may be required, network capacity constraints; and

    c. to ensure the expert panel has sufficient information to assess the infrastructure required to support the development, including the timing, sequencing and funding of that infrastructure.

Next steps

37. The Secretary for the Environment (the Secretary) must give notice of your decisions on the referral application, and the reasons for them, to the applicant(s) and anyone invited to comment under section 17 and publish the notice on the Fast-track website.

38. In your notice of decisions you must direct a panel to comply with any requirements identified in section 16 as noted in paragraph 20.

39. If you decide to refer the project, the Secretary must also give notice of your decision to:

    a. the panel convener

    b. any additional iwi authorities or Treaty settlement entities that you consider have an interest in the matter other than those invited to comment under section 17

    c. the Environmental Protection Authority (EPA)

    d. the relevant administering agencies

40. You must also provide all of the information you received that relates to this application to the EPA and the panel convener, including:

    a. the referral application

    b. any comments received under section 17

    c. the report obtained under section 18

    d. if a report was obtained under section 19, that report.

41. We will undertake this action on your behalf.

42. We have attached a notice of decisions letter to the applicant based on our recommendations (refer Appendix 7) and we will provide it to all relevant parties. We will provide you with an amended letter if required.

43. Our recommendations for your decisions follow.

Recommendations

44. We recommend that you:

a. **Note** section 21(3) of the Fast-track Approvals Act 2024 (the Act) requires you to decline the referral application from 132 Whangapouri Road Drury Limited (the applicant) if you are satisfied that the project involves an ineligible activity, or you consider that you do not have adequate information to inform the decision under this section or if you are not satisfied that the Whangapouri Road project (the project) meets the referral criteria in section 22 of the Act.

Noted

b. **Agree** that before deciding on the application for project referral under section 21(1) of the Act you have considered:

i. the application in Appendix 2

ii. the report obtained under section 18 in Appendix 4

iii. any comments and further information sought under sections 17 and 20 and provided within the required timeframe (if you have received any comments or further information after the required timeframe you are not required to consider them but may do so at your discretion) in Appendices 5 and 6.

Yes / No

c. **Agree** you are satisfied the project will meet the referral criteria in section 22 of the Act as:

i. it is a development project to subdivide and develop land for residential use that would have significant regional benefits because it:

(1) will increase housing supply and address housing needs through the delivery of approximately 1,050-1,150 dwellings, including approximately 850-950 residential dwellings, 200 retirement village units and community facilities.

(2) will deliver economic benefits through investment, construction activity and employment generation including approximately;

(a) $764 million in direct capital expenditure; and

(b) $543 million in regional GDP generated by the project: and

(c) 3,030 Full Time Equivalent-years of employment across Auckland over the development period, equivalent to around 433 Full-Time Equivalent jobs per annum over the seven-year construction programme; and

(d) $271 million in wages and salaries associated with the project over the 7-year development period.

ii. referring the project to the fast-track approvals process:

(1) would facilitate the project, including by enabling it to be processed in a more timely and cost-effective way than under normal processes because the timeframes under the Act are significantly shorter than under the Resource Management Act 1991, the Act precludes public and limited notification and appeal rights are limited

(2) is unlikely to materially affect the efficient operation of the fast-track approvals process because the issues raised by the project are not novel and are matters that can be appropriately assessed through a substantive application process.

Yes / No

d. **Agree** there is no reason the project must be declined under section 21(3)

Yes / No

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

Yes / No

f. **Agree** to specify 132 Whangapouri Road Drury Limited as the person who is authorised to lodge a substantive application for the project

Yes / No

g. **Agree** to direct a panel to comply with the following matters under section 16(2)(c) to direct any panel considering a substantive application for the project to comply with the applicable requirements identified in the section 18 report to:

i. comply with the consultation process set out in the Ngā Mana Whenua o Tāmaki Makaurau conservation relationship agreement when engaging with Tūpuna Taonga o Tāmaki Makaurau Trust on the Wildlife Act 1953 approvals sought by the applicant, unless a modified arrangement is agreed; and

ii. consider whether, and how, to apply the consultation process set out in the Ngā Mana Whenua o Tāmaki Makaurau conservation relationship agreement when engaging with the relevant iwi members of the Tāmaki Collective.

Yes / No

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

i. the deadline for lodging the substantive application is two years from the date of issue of the Notice of Decisions.

ii. the following persons or groups from whom a panel must invite comments in addition to those specified in section 53;

(1) the Chief Executive of New Zealand Transport Agency Waka Kotahi

(2) the Chief Executive of KiwiRail New Zealand Limited

iii. the following information that the applicant must submit with the substantive application:

(1) an Integrated Transport Assessment that:

(a) assesses the transport effects of the proposed development on the surrounding transport network, including State Highway 22 (SH22), Whangapouri Road and Bycroft Road; and

(b) includes an assessment of traffic flows, network capacity, access arrangements, road safety, and active and public transport connections associated with the development; and

(c) identifies and assesses any transport infrastructure upgrades or interventions required to support the development, including access, intersection, walking, cycling and public transport upgrades, upgrades necessary to maintain the safe and efficient operation of SH22, and any associated staging, delivery mechanisms, funding requirements, and funding responsibility; and

(d) identifies and assesses alternative access arrangements that could be implemented if access via SH22 cannot be achieved as proposed, including the feasibility, effects, infrastructure requirements, timing, funding and delivery of those arrangements; and

(e) outlines engagement with, and any agreements between, the applicant, NZ Transport Agency Waka Kotahi, Auckland Transport, Auckland Council, and other relevant infrastructure providers regarding transport infrastructure requirements and delivery.

(2) an assessment of infrastructure servicing and capacity associated with the proposed development, including water supply, wastewater, stormwater, and the funding and sequencing of infrastructure required to support the development.

Yes / No

i. **Agree** that the Secretary for the Environment will provide your notice of decisions to:

   i. anyone invited to comment on the application including local authorities and relevant Māori groups

   ii. the panel convener

   iii. the Environmental Protection Authority (EPA)

   iv. the relevant administering agency: Department of Conservation

Yes / No

j. **Note** that you **may** decline a referral application for any other reason, whether or not the project meets the criteria in section 22, including (but not limited to) the reasons for decline set out at section 21(5).

Noted

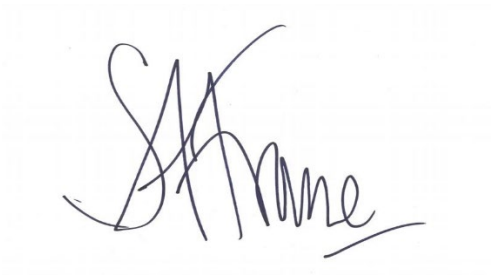
k. **Approve** the draft notice of decisions letter to the applicant (attached in Appendix 7).

Yes / No

l. **Note** that should you decide to accept the referral application, our recommendations for appropriate directions to a panel (relating to consultation) and the applicant (relating to information to be supplied with the substantive application) are included in Table A.

Noted

Signatures



Stephanie Frame
Manager – Fast-track Operations

Hon Chris Bishop
Minister for Infrastructure

Date:

Table A: Stage 2 analysis

<table>
<tr><td>Recommendation</td><td colspan="3">Accept the referral application and refer the project to the fast-track approvals process</td></tr>
<tr><td rowspan="2">Project details</td><td>Project Name</td><td>Applicant</td><td>Project Location</td></tr>
<tr><td>Whangapouri Road</td><td>132 Whangapouri Road Drury Limited

c/- Barker and Associates</td><td>The project location is approximately 99.58 hectares on the northern side of SH22, near the intersection with Whangapouri Road and Bycroft Road, west of Drury in the Auckland region.

The site comprises of:
• Lot 2 DP 438393
• Lot 3 DP 387516
• Lot 2 DP 464886.
*There is also a paper road that connects the site to Oira Rd.</td></tr>
<tr><td>Project description</td><td colspan="3">The project is for a residential master-planned subdivision and development.
The project consists of three main components:
• a residential development - with a total of approximately 1,050 to 1,150 dwellings comprising:
- approximately 850–950 dwelling lots between 300–500 m², with a smaller proportion of higher-density and larger lots; - approximately 200 retirement village dwellings and communal facilities
• a local centre - in the northern portion of the development that provides opportunities for mixed use and employment activities; and
• associated landscaping, infrastructure and external upgrades/works - including open space, transport, water, wastewater, stormwater, energy, and supporting civil works required to service and enable the development.
The project will require the proposed approvals:
• consents under the Resource Management Act 1991
• permits under the Wildlife Act 1953
The project may also require approval or dispensation under regulations 42 or 43 of the Freshwater Fisheries Regulations 1983 in respect of a potential complex freshwater fisheries activity. This has not been confirmed and is subject to further detailed design and assessment.</td></tr>
<tr><td>Minister invites comments / requests information</td><td colspan="3">Comments from invited parties

Local authority

Auckland Council- opposes referral of the project. Council considers the proposal is inconsistent with Auckland's strategic growth planning framework, would result in the permanent loss of approximately 99.58ha of highly productive land, and has not demonstrated significant regional or national benefits. Council also identified concerns regarding infrastructure servicing, transport connectivity, water supply, wastewater management and the timing of development relative to planned urban growth. Auckland Transport and several Council departments adopted neutral positions but raised technical matters requiring further assessment, while the Franklin Local Board opposed the proposal due to concerns about wastewater servicing and impacts on SH22. Overall, Council considers there are grounds for decline under section 21 and that the project would be more appropriately addressed through standard RMA planning processes.

Ministers
Minister for Seniors-supports referral of the project. She considers the proposal is likely to increase housing supply and address housing needs through the delivery of approximately 850-950 residential dwellings and 200 retirement village dwellings. On that basis, she considers the project suitable for referral to the fast-track process

Minister for Economic Growth -considers the proposal is likely to deliver significant regional economic benefits. She notes the scale of the proposed investment, construction activity, employment generation and contribution to housing supply in southern Auckland. The Minister considers the project would substantially increase housing capacity, support employment, and contribute to economic growth through the development programme and associated local centre. She concludes the proposal appears likely to meet the significant economic benefits criterion under section 22(2)(a)(iv) and may also be relevant to increasing housing supply and contributing to a well-functioning urban environment.

Acting Minister for Housing -considers the proposal has the potential to make a significant contribution to housing supply and housing choice in southwest Auckland. He notes the proposal would deliver approximately 1,050-1,150 dwellings, including around 200 retirement village units, and would contribute additional housing capacity within the wider Drury growth area.
The Minister notes the proposal's proximity to future employment areas, emerging centres and the future Ngākōroa railway station, which may improve access to jobs, services and public transport over time. He also notes there are currently 153 households on the Housing Register within the Franklin Local Board area and considers the proposal would help increase housing capacity, including retirement living opportunities.
While acknowledging the site is not identified for growth under the Auckland Future Development Strategy and relies on private water, wastewater and stormwater infrastructure, the Minister considers planning, infrastructure, servicing and natural hazard matters can be addressed through the substantive assessment process. On that basis, he has no objection to the application being referred to the next stage of the fast-track process.</td></tr>
</table>

Acting Minister for Māori Crown Relations: Te Arawhiti and Acting Minister for Māori Development-supports the application progressing and encourages the applicant and any future expert panel to have due regard to relevant Treaty settlement legislation and instruments, as well as feedback received from relevant Māori groups through the section 18 process. He notes the importance of considering Māori interests and the matters raised by iwi during the assessment of any substantive application. The Minister does not identify any Māori Crown Relations or Māori Development matters that would prevent the project progressing to the next stage but signals that Treaty settlement obligations and Māori perspectives should continue to inform consideration of the project.

Māori Groups

Waikato-Tainui does not oppose referral but reserves its position pending further information. It considers the proposal raises important matters relating to freshwater and coastal effects, highly productive land, private infrastructure servicing, cumulative urban growth effects, cultural and archaeological values, and mana whenua interests. Waikato-Tainui emphasises the need for continued engagement with iwi and hapū and considers these matters should be assessed in detail if the project proceeds to substantive stage.

Administering agencies

Department of Conservation (DOC) does not oppose referral and is not aware of any reason the project should not be referred. DOC considers the information provided is adequate for a referral decision in relation to the approvals it administers, including potential Wildlife Act and Freshwater Fisheries Regulation approvals.

DOC notes the site may contain a range of ecological values, including threatened and at-risk species, natural wetlands, freshwater fish habitat and potential inanga spawning habitat. It considers comprehensive ecological surveys and assessment of ecological effects, wetland impacts, offsets and compensation measures would be required at substantive stage.

DOC has not identified any ineligible activities, Treaty settlement inconsistencies, significant reasons for decline, compliance history concerns, or competing conservation approvals. It considers any adverse effects are likely capable of being addressed through appropriate conditions on substantive approvals.

Any other persons or groups

NZ Transport Agency Waka Kotahi (NZTA)- does not oppose referral but raises significant concerns regarding transport access and effects on the state highway network. NZTA advises SH22 is already experiencing congestion and has been assessed as operating at capacity. It considers any additional access points and development would further exacerbate those issues.

They note that NZTA:

- does not support the proposed new direct access to SH22. It considers the site frontage is unsuitable due to constrained visibility, road geometrics, heavy vehicle movements, and proximity to existing intersections.
- considers a development of this scale should utilise existing access arrangements or local road connections rather than creating a new SH22 intersection.
- also notes the site is outside areas identified for urbanisation in Auckland's Future Development Strategy and therefore was not factored into previous transport planning, growth projections or funding programmes.

Should the project proceed, a robust Integrated Transport Assessment should demonstrate how transport effects, network capacity constraints and required infrastructure improvements would be addressed. While not opposing referral, NZTA emphasises that appropriate mitigation of state highway effects would be required before any substantive approval could be supported.

KiwiRail - We note you sought comments from KiwiRail due to the potential impacts of the project on the nearby railway station and wider network, but no comments we received. Nonetheless, we recommend you direct a panel to invite comments from the Chief Executive of KiwiRail.

Further information from applicant

In accordance with section 20 of the Act, further information was requested. The first request related to the status, timing, delivery and funding of key transport infrastructure and the implications of any delays or uncertainty regarding that infrastructure. The second request sought information on the extent to which the project's anticipated housing and economic benefits would be affected if the proposed State Highway 22 (SH22) upgrade does not proceed, including any implications for housing yield and economic benefits.

The applicant stated the project is not dependent on completion of all external infrastructure before development can occur and proposed that transport modelling, staged development and infrastructure triggers could manage uncertainty. The applicant also identified responsibilities for delivering transport infrastructure, with NZTA, KiwiRail, Auckland Transport and the applicant each responsible for different components.

SH22 upgrades- The applicant advised that the key external transport project is the NZTA SH22 Drury Upgrade, including four-laning of SH22, intersection upgrades, a second Ngākōroa Stream bridge and shared path improvements. The applicant noted detailed design and consent processes had largely been completed, with NZTA seeking funding for construction, which could commence in early 2027. The applicant also advised that the proposed development includes a proposed double-roundabout access connection to SH22 and stated that the project could proceed in stages while wider transport upgrades are delivered.

NZTA and Auckland Transport had noted in separate comments that there remains uncertainty regarding the timing and delivery of some planned transport improvements and identified the proposed connection to SH22 and wider transport integration as matters requiring further assessment.

Public transport and active modes- The applicant advised that Ngākōroa Railway Station is expected to open in 2027 and would provide rail, bus interchange and park-and-ride facilities. It also referred to Auckland Transport's planned West Franklin bus network and proposed active mode connections.

The applicant stated the project would provide active mode infrastructure along its SH22 frontage and investigate extending shared path connections toward Oira Road, Ngākōroa Station and the wider Drury West area.

Consequences of delays- The applicant stated that the project is not dependent on the full SH22 upgrade being completed before development can begin. It advised that a future Integrated Transport Assessment would model different network scenarios and that development staging could be managed through infrastructure triggers, staging caps and consent conditions.

	Proceeding without upgrades- The applicant advised that the project could still proceed in stages if the full SH22 upgrade is delayed. Initial stages would rely on the proposed SH22 access arrangement and the planned Oira Road connection, with later stages benefiting from wider transport improvements as they are delivered. The applicant further suggested that the proposal helps restore housing capacity previously anticipated in the wider Drury West area because some nearby land is now expected to be used for employment-generating activities rather than housing. **Housing and economic benefits without the SH22 upgrade** The applicant advised that the project is not dependent on completion of the full SH22 upgrade and considers there is currently no transport basis for assuming a permanent reduction in the proposed development yield if the upgrade does not proceed. The applicant stated that the anticipated permanent reduction in the approximately 912 residential dwellings and 200 retirement village units would be nil, subject to further assessment at substantive application stage. The applicant's economic adviser similarly stated that, because no reduction in housing yield is anticipated, no reduction in the project's anticipated economic benefits is expected. **Funding and delivery responsibilities** The applicant stated that: • NZTA would be responsible for the SH22 Drury Upgrade. • KiwiRail would be responsible for Ngākōroa Station. • Auckland Transport would be responsible for bus services and public transport operations. • The applicant would fund and deliver project-specific infrastructure, including internal roads, the proposed roundabout access, the Oira Road connection and active mode frontage works. The applicant's position is that, if required, alternative access arrangements could be explored and they note that any such arrangements may involve access options that fall outside the Fast-track approvals process. We consider the applicant has sufficiently addressed, for the purposes of a referral decision, the concerns regarding the project's reliance on wider transport infrastructure and the extent to which the project's claimed housing and economic benefits are contingent on delivery of the SH22 upgrade. The applicant has outlined how construction and occupation of the development could be sequenced over time, and how uncertainty regarding infrastructure delivery could be managed through transport modelling, development staging, infrastructure triggers and conditions at substantive application stage. The applicant also considers that non-delivery of the SH22 upgrade would not result in a reduction in housing yield or economic benefits. While stakeholders, including NZTA and Auckland Council, continue to raise concerns regarding transport integration, network capacity and SH22 access arrangements, and while some uncertainty remains regarding the extent to which the project's housing benefits are additional to housing already anticipated within Council's strategic growth planning framework, we consider these matters do not prevent a referral decision being made and can be appropriately examined through the substantive application process. We acknowledge the applicant's position that, if required, alternative access arrangements could be explored, although the appropriateness of any such arrangements would need to be assessed through the substantive application process. Given the significance of the transport issues raised, we recommend that any referral direction require the applicant to provide an Integrated Transport Assessment (ITA) with any substantive application, addressing network capacity, access arrangements, infrastructure dependencies, development staging, and the implications of any delay or non-delivery of the SH22 upgrade.
mehThe Minister must decline an application if the Minister is satisfied that the project involves an ineligible activity [section 21(3)(b)]	We consider you can be satisfied that the project does not involve an ineligible activity because it: – would not occur on identified Māori land, Māori customary land or a Māori reservation as confirmed by the relevant records of title and consultation with iwi authorities – would not occur in a customary marine title area or protected customary rights area as it is not in the coastal marine area and has not appeared in our check of agreed CMT – is not an aquaculture activity or activity that is incompatible with aquaculture activities that would occur in an aquaculture settlement area and for which the applicant is not authorised to apply for a coastal permit because it will not occur in the CMA, will not occur in an aquaculture settlement area – would not require an access arrangement which cannot be granted under the Crown Minerals Act (including s61(1A)) because it does not include an access arrangement, would not occur on Schedule 4 land – would not be prevented by section 165J, M, Q, ZC or ZDB of the RMA because it will not occur in the CMA – would not occur on Schedule 4 land as confirmed by the records of title – would not occur on a national reserve as confirmed by the records of title – would not occur on a reserve held under the Reserves Act 1977 that is managed by or vested in someone other than the Crown or a local authority and that person has not consented in writing as confirmed by the record of title, applicant's evidence of consultation etc – is not a prohibited activity or decommissioning activity under the EEZA, 15B or 15C of the as the project does not involve activities in the exclusive economic zone or continental shelf area, marine dumping, or offshore decommissioning activities. – is not for the purpose of an offshore renewable energy project. because it will not occur offshore/involve renewable energy production No comments raised by parties invited to comment have indicated that the project would be ineligible for referral under this crieteria
The Minister must decline an application if the Minister considers they do not have adequate information to inform the decision [section 21(3)(c)]	We consider adequate information has been provided to inform a referral decision.

Relevant considerations and procedural requirements in Treaty settlement, Mana Whakahono ā Rohe, joint management agreement, or the Marine and Coastal Area (Takutai Moana) Act 2011 or the Ngā Rohe Moana o Ngā Hapū o Ngāti Porou Act 2019 [section 16]	The section 18 report identifies relevant Treaty settlement arrangements, including the Ngā Mana Whenua o Tāmaki Makaurau Collective Redress Act 2014, the Ngāti Tamaoho Claims Settlement Act 2018, the Ngāi Tai ki Tāmaki Claims Settlement Act 2018, and the Te Ākitai Waiohua deed of settlement. The report identifies statutory acknowledgements and conservation relationship arrangements relevant to the project area and recommends that, if the project is referred, the expert panel be directed under section 16(2)(c) to comply with the consultation process set out in the Ngā Mana Whenua o Tāmaki Makaurau conservation relationship agreement when engaging with Tūpuna Taonga o Tāmaki Makaurau Trust in relation to the Wildlife Act 1953 approvals sought, unless a modified arrangement is agreed.
Section 22 assessment criteria	
The project is an infrastructure or development project that would have significant regional or national benefits [section 22(1)(a)]	*The Minister must consider a relevant Government policy statement (GPS) [s22(1A)]* The only current GPS is the Government Policy Statement on Grocery Competition. As this project does not involve a supermarket development or grocery-related activities, there is no GPS relevant to your decision. The Minister may consider any of the following matters, or any other matters the Minister considers relevant: *Will increase the supply of housing, address housing needs, or contribute to a well-functioning urban environment [s22(2)(a)(iii)]* The applicant states that the Whangapouri Road project proposes a residential community extending the existing urban area, enabling approximately 1,050–1,150 dwellings, comprising around 850–950 dwellings and a 200-unit retirement village. This represents a substantial contribution to dwelling capacity in southern Auckland and improves the responsiveness of the local housing market to demand growth. The project provides a range of dwelling typologies, including retirement living, standalone homes of varying sizes and configurations, and terraces/duplexes, supporting a range of needs and preferences. This increases both housing supply and choice in an accessible southern Auckland location, contributing to a well-functioning urban environment. The applicant states that the site has a number of locational attributes that support this conclusion: • Although currently zoned rural, the site adjoins the rural–urban boundary and is within an area undergoing significant urban transformation. Its long-term development enables integration with the planned urban environment and supports efficient use of infrastructure investment in the wider Drury–Ōpaheke growth area. • The site is located opposite the proposed Fisher and Paykel Healthcare campus (Plan Change 121), which is anticipated to become a significant employment anchor, accommodating approximately 16,200 FTEs by 2070. • The proposal includes direct connections to Oira Road and existing developments to the east, including the Waipupuke Precinct and Auranga, which will provide a primary and secondary school and a town centre. • The site is well connected to the wider region, being approximately 1,600 m from the proposed Ngākōroa (Drury West) train station and less than 3.5 km from the State Highway 1 (SH1) interchange. • The site also has access to the Drury Metropolitan Centre currently under development in Drury East. **Minister for Seniors**- considered the project likely to meet this criterion due to the proposed construction of approximately 850-950 residential dwellings and 200 retirement village dwellings and also considered that the proposal would increase housing supply and address housing needs and was therefore suitable for referral. **Acting Minister of Housing**- considered the proposal would make a significant contribution to housing supply and housing choice in southwest Auckland. Noted the provision of approximately 1,050-1,150 dwellings, including retirement village units. That they considered the project would help address housing demand and expand housing capacity in the wider Drury area. **Auckland Council**- acknowledged that the project would increase housing supply through the provision of approximately 1,050-1,150 dwellings. However, AC considered the application had not demonstrated why additional growth is required outside the planned Drury growth area, noting substantial housing capacity already exists within the Drury-Ōpaheke Structure Plan area. AC also considered the proposal would not contribute to a well-functioning urban environment, citing its location outside the Rural Urban Boundary and Future Development Strategy growth areas, development occurring ahead of planned growth sequencing and infrastructure provision, reliance on private water and wastewater servicing, limited connectivity to the wider urban area, poor public transport and active mode accessibility, and a high degree of car dependency. AC therefore concluded the proposal would not promote orderly, compact and integrated urban growth and had not demonstrated it would contribute to a well-functioning urban environment. We note the applicant's advice, provided in response to the section 20 request for further information, that the project has the potential to replace a substantial component of housing already anticipated within Council's strategic growth planning for this part of Drury. This creates some uncertainty regarding the extent to which the project's housing benefits are additional to housing growth already anticipated within the wider Drury area. This matter can be examined in further detail through the substantive application process. We note that a potential impact of the project is that it may influence the timing and location of housing development elsewhere in the wider Auckland market. We consider the extent of any such effects, and their implications for housing outcomes, are matters that could be examined in further detail through the substantive application process by an expert panel. The project would increase housing supply through the provision of approximately 1,050 to 1,150 dwellings, including retirement village accommodation. On that basis, we consider the project will provide housing benefits relevant to this criterion and recommend referral under this criterion. *Will deliver significant economic benefits [s22(2)(a)(iv)]*

The applicant's Economic Assessment identifies that the proposal will deliver significant economic benefits, including:

- total project investment of approximately $764 million.
- approximately 3,030 FTE-years of employment across Auckland over the development period, equivalent to approximately 433 FTEs per annum over the seven-year construction programme.
- approximately $271 million in wages and salaries associated with the project over the 7-year development period
- approximately $543 million in regional GDP

Minister for Economic Growth - considered the proposal was likely to deliver significant regional economic benefits. She noted the scale of the proposed investment, construction activity, employment generation, contribution to housing supply, and the opportunities associated with the local centre. She considered the project was likely to satisfy the significant economic benefits criterion under section 22(2)(a)(iv)

Auckland Council- acknowledged while the proposal may generate local economic activity and employment opportunities, the applicant had not demonstrated that the claimed benefits would be significant at a regional or national scale. Auckland Council's economic review concluded that the assessment focused on gross rather than net benefits and did not adequately demonstrate that the benefits would be additional rather than displaced from elsewhere in Auckland. We consider any potential displacement impact could be considered in more detail by an expert panel based on evidence through a substantive application process.

We consider the project will deliver significant economic benefits and recommend referral under this criterion.

Will support climate change mitigation, including the reduction or removal of greenhouse gas emissions [s22(2)(a)(vii)]
The proposal promotes reduced reliance on private motor vehicles by enabling sustainable transport choices. It incorporates an integrated active mode network and is strategically located opposite the proposed Fisher and Paykel Healthcare campus and near the proposed Ngākōroa railway station, resulting in increased housing within walking distance of major employment.

Future transport investments, including the Ngākōroa railway station and associated bus interchange, will significantly improve accessibility and support higher public transport use compared with typical greenfield developments.

In addition, the proposal includes ecological enhancement of the site through extensive native planting.

Auckland Council stated that there was no clear evidence that the project would support climate change mitigation and that its reliance on private vehicle travel weighed against the applicant's claimed climate benefits.

We do not recommend referral under this criterion.

Will support climate change adaptation, reduce risks arising from natural hazards, or support recovery from events caused by natural hazards [s22(2)(a)(viii)]
The applicant states the project supports climate change adaptation through flood risk management, transport design, and ecological enhancement, while incorporating measures to reduce greenhouse gas emissions. Climate change is addressed in the stormwater design, which will account for climate-adjusted rainfall data and manage development layout to locate impermeable surfaces and structures away from identified flood-prone areas. Development works will mitigate downstream effects associated with 1% AEP events, with detailed design informed by flood modelling to safeguard people and infrastructure against future extreme storm events.

Auckland Council - did not consider the project would provide significant climate change adaptation or natural hazard resilience benefits. AC noted that flooding and natural hazard risks would need to be appropriately managed through the future design and consenting process but considered these to be standard mitigation measures rather than a particular benefit of the proposal. Healthy Waters adopted a neutral position and considered that flood, stormwater and stream erosion effects could be assessed and managed through a substantive application, subject to further technical assessment, stormwater management planning and flood modelling.

We do not recommend referral under this criterion.

Is consistent with local or regional planning documents, including spatial strategies [s22(2)(a)(x)]
The applicant states that the proposal is generally consistent with relevant local and regional planning documents, including the RPS, Future Development Strategy, Southern Rural Strategy, and Southern Auckland Economic Masterplan, and identifies alignment with the strategic direction for growth in southern Auckland.

This includes reference to urban expansion adjacent to the rural–urban boundary, integration with planned infrastructure and the wider Drury area, and delivery of additional housing capacity.

Auckland Council- considered the project is not consistent with local or regional planning documents or spatial strategies. AC noted the site is outside the Rural Urban Boundary, is not identified for urbanisation within the Future Development Strategy, and is not supported by the Auckland Plan 2050, Southern Rural Strategy, Auckland Unitary Plan, or Drury-Ōpaheke Structure Plan. AC considered the proposal represents out-of-sequence development that would occur ahead of planned growth and infrastructure provision and has not demonstrated a strategic need for additional housing in this location. AC also considered the project would not promote orderly, compact and integrated urban growth and would be inconsistent with Auckland's planned growth sequencing and integrated infrastructure planning framework.

We do not recommend referral under this criterion.

Referring the project to the fast-track approvals process [section 22(1)(b)]	*Would facilitate the project, including by enabling it to be processed in a more timely and cost-effective way than under normal processes [s22(1)(b)(i)]* The applicant states that the fast-track process will enable the project to be processed in a timelier and cost-efficient manner than under the normal process, for the following reasons: • Under the Act, expert panels will consider required approvals as a single application package, as opposed to the normal process where several applications would be required for the different approval types and to different authorities; • Under the Act, public and limited notification is precluded, expert panels are only permitted to invite comments from specified persons who have a short timeframe to provide comment. Given the scale of this development, it would likely be a fully notified application under the RMA which would significantly slow down the consenting process and add to cost; • Under the Act, timeframes are shorter and stricter than that of the normal process resulting in significant less time for obtaining resource consent and efficiencies for the project; and • There is resourcing in place to process the application efficiently and certainty around timeframes for the applicant to ensure the project remains 'shovel ready'. While the fast-track process may provide procedural efficiencies, Auckland Council and NZTA have raised concerns that the project is outside planned growth areas and relies on infrastructure that has not been incorporated into existing growth planning, transport modelling or funding programmes. Significant uncertainty remains regarding transport integration, access arrangements and the timing of key infrastructure upgrades. These matters may limit the extent to which referral to the fast-track process would facilitate the project, as substantial assessment, design work and infrastructure planning would still be required irrespective of the consenting pathway. We consider the fast-track process would facilitate the project by providing a more streamlined and efficient consenting pathway than would otherwise be available under standard processes, including through the consideration of required approvals within a single process and the statutory timeframes applying under the Act. Accordingly, we consider the requirement in section 22(1)(b)(i) is met. *Is unlikely to materially affect the efficient operation of the fast-track approvals process [s22(1)(b)(ii)]* The project is unlikely to materially affect the efficient operation of the fast-track approvals process. Assessment of the proposal is considered to be relatively straightforward and unlikely to require additional resourcing given it does not raise novel issues, and the effects are known and easily quantifiable. The project raises a number of complex issues relating to highly productive land, strategic urban growth planning, transport access and network capacity, infrastructure servicing, ecological effects and potential wetland impacts. Auckland Council and NZTA have identified concerns requiring further investigation and assessment. However, these issues are not unusual for a project of this scale and nature and do not raise novel or unprecedented matters that would be likely to materially affect the efficient operation of the fast-track approvals process. While substantial technical assessment and coordination between agencies will be required, these matters can be appropriately addressed through the substantive application process. On balance, we consider the project is unlikely to materially affect the efficient operation of the fast-track approvals process and that the requirement in section 22(1)(b)(ii) is met.
Reasons to decline	
Minister must decline [section 21(3)]	*The Minister must decline a referral application if:* *The application may not be accepted under subsection 1 (meets referral criteria)* While Auckland Council considers the project has not demonstrated significant regional or national benefits and is inconsistent with Auckland's strategic growth planning framework, we consider there is sufficient basis to conclude that the project may meet the referral criteria in section 22 of the Act. *The Minister is satisfied the project involves an ineligible activity* We have assessed the project against the ineligible activity provisions in the Act and do not consider that the project involves an ineligible activity. No comments received identified any ineligible activity. *The Minister considers that they do not have adequate information to inform the decision under this section* We consider adequate information has been provided to inform a referral decision. We do not consider that you must decline the application under this section.
Minister may decline [section 21(4) and 21(5)(a-h)]	*The Minister may decline a referral application for any other reason, whether or not it meets the criteria in section 22.* *Reasons to decline a referral application under subsection 4 include, without limitation:* *The project would be inconsistent with a Treaty settlement, Ngā Rohe Moana o Ngā Hapū o Ngāti Porou Act 2019, Marine and Coastal Area (Takutai Moana) Act 2011, a Mana Whakahono ā Rohe, or a joint management agreement* The section 18 report does not identify any inconsistency between the project and any Treaty settlement, the Ngā Rohe Moana o Ngā Hapū o Ngāti Porou Act 2019, the Marine and Coastal Area (Takutai Moana) Act 2011, a Mana Whakahono ā Rohe, or a joint management agreement. While the project area is subject to Treaty settlement arrangements, including statutory acknowledgement areas associated with Oira Creek and its tributaries, the report concludes that the consultation and participation processes under the Act are comparable to those provided through the relevant Treaty settlements and does not identify any inconsistency with those arrangements. *It would be more appropriate to deal with the matters that would be authorised by the proposed approvals under another Act or Acts* Auckland Council considers there are grounds for decline under section 21 and that the project would be more appropriately addressed through standard RMA planning processes. AC considers the proposal is inconsistent with Auckland's strategic growth planning framework, noting the site is outside the Rural Urban Boundary, is not identified for urbanisation within the Future Development Strategy, and is not supported by the Auckland

	Plan 2050, Southern Rural Strategy, Auckland Unitary Plan or Drury-Ōpaheke Structure Plan. AC considers the proposal represents out-of-sequence development ahead of planned growth and infrastructure provision and would not promote orderly, compact and integrated urban growth. AC therefore considers the strategic planning, infrastructure and land use matters raised by the proposal are more appropriately addressed through the established planning and consenting framework under the RMA. *The project may have significant adverse effects on the environment* Several commenters identified potential adverse environmental effects associated with the project. AC considers the permanent loss of approximately 99.58ha of highly productive land may constitute a significant adverse environmental effect and raised concerns regarding water supply, wastewater servicing, stormwater management and transport infrastructure. NZTA raised concerns regarding access arrangements to SH22 and the integration of the development with the wider transport network. Other commenters identified matters requiring further assessment, including flooding, stream erosion, stormwater management, infrastructure servicing, and the effects of development occurring ahead of planned growth and infrastructure provision *The applicant(s) has a poor compliance history under a specified Act that relates to any of the proposed approvals* The applicant stated it is not aware of any compliance issues relevant to the proposed approvals. No commenters identified concerns regarding the applicant's compliance history under any specified Act. DOC advised it had not identified any issues with the applicant's compliance history. *The project area includes land that the Minister for Treaty of Waitangi Negotiations considers necessary for Treaty settlement purposes* The applicant did not identify any land required for Treaty settlement purposes. No commenters identified that the project area includes land that the Minister for Treaty of Waitangi Negotiations considers necessary for Treaty settlement purposes. *The project includes an activity that is a prohibited activity under the RMA* The applicant advised that the proposal may involve earthworks in and around wetlands which could constitute a prohibited activity under Regulation 53 of the National Environmental Standards for Freshwater. AC noted that the proposal may require the removal of natural inland wetlands, which is a prohibited activity under clause 53 of the National Environmental Standards for Freshwater 2020, and considered that, if confirmed, the referral application should be declined. However, the nature and extent of any prohibited activity has not been confirmed. We note that section 21(7) of the Act provides that the existence of a prohibited activity does not, of itself, prevent a referral application from being accepted *A substantive application for the project would have one or more competing applications.* The applicant did not identify any competing applications. No commenters identified any competing applications in relation to the proposed approvals. DOC advised it had not identified any competing applications that would be affected by a substantive application for the project. *In relation to any proposed approval of the kind described in section 42(4)(a) (resource consents), there are one or more existing resource consents of the kind referred to in section 30(3)(a)* The applicant did not identify any existing resource consents of the kind referred to in section 30(3)(a). No commenters identified any such consents that would be affected by the proposed approvals. We do not recommend you decline the application.

Appendix 1: Statutory framework summary

45. You are the sole decision maker for referral applications. If you accept a referral application, then the whole or part of the project will be referred to the fast-track approvals process.

46. If a Treaty settlement, the Marine and Coastal Area (Takutai Moana) Act 2011, the Ngā Rohe Moana o Ngā Hapū o Ngāti Porou Act 2019, a Mana Whakahono ā Rohe or a joint management agreement provides for consideration of any document or procedural requirements, you must, where relevant:

    a. give the document the same or equivalent effect through this process as it would have under any specified Act; and

    b. comply with any applicable procedural requirements.

47. You must decline a referral application if:

    a. you are satisfied the project does not meet the referral criteria in section 22

    b. you are satisfied the project involves an ineligible activity (section 5)

    c. you consider you do not have adequate information to inform your decision.

48. You may decline an application for any other reason, including those set out in section 21(5) and even if the application meets the section 22 referral criteria.

49. You can decline an application before or after inviting comments under section 17(1). However, if comments have been sought and provided within the required time frame, you must consider them, along with the referral application, before deciding to decline the application.

50. If you do not decline a referral application at the initial stage you must copy the application to, and invite written comments from:

    a. the relevant local authorities

    b. the Minister for the Environment, the Minister for Māori Crown Relations: Te Arawhiti, and the Minister for Māori Development

    c. any other relevant portfolio Ministers

    d. the relevant administering agencies

    e. the Māori groups identified by the responsible agency

    f. the owners of Māori land in the project area (if applicable)

    g. you may provide the application to and invite comments from any other person.

51. You can request further information from an applicant, any relevant local authority or any relevant administering agency at any time before you decide to decline or accept a referral application (see section 20 of the Act).

52. However, if further information has been sought and provided within the required time frame you must consider it, along with the referral application, before deciding to decline the application.