

IN THE MATTER of the Fast-track Approvals Act 2024 ('FTAA')

AND

IN THE MATTER of an application for approvals by Ngāti Whātua Ōrākei Whai Rawa Limited and Generus Living Group Limited to construct and operate a comprehensive retirement village (Integrated Residential Development) on the site at 217 Kupe Street, 106 Rukutai Street, 95 Aotea Street, Rukutai Street Recreation Reserve, and Aotea Street Recreation Reserve, Ōrākei, Auckland - Project FTAA-2511-1133 – The Point Mission Bay ('the Application').

MEMORANDUM OF PLANNING MATTERS FOR AUCKLAND COUNCIL

Dated: 10 April 2026

SECTION A: INTRODUCTION

1. This memorandum sets out Auckland Council's planning assessment of the substantive application for the Application lodged by Ngāti Whātua Ōrākei Whai Rawa Limited and Generus Living Group Limited ('the Applicant') under the FTAA.
2. The assessment of the application is based on the application material as lodged in November 2025, including the Assessment of Environmental Effects ('AEE') prepared by Bentley & Co. ('Bentley'), and the supporting technical attachments. This memorandum evaluates the proposal against the relevant statutory documents, and the purpose of the FTAA. Where gaps in information have been identified, these are outlined for the Panel to consider.
3. There are various accompanying attachments to this memorandum, as follows, which are referred to throughout this memorandum:
 - a. Annexure 1 – Engineering (Quentin Zou)
 - b. Annexure 2 – Acoustic (Duffy Visser)
 - c. Annexure 3 – Auckland Transport (Vignesh Divakar)
 - d. Annexure 4 – Contamination (Duffy Visser)
 - e. Annexure 5 – Economics (Rodney Yeoman)
 - f. Annexure 6 – Geotechnical (Sean Berry / Jeffery Peng)

- g. Annexure 7 – Healthy Waters (Hillary Johnston)
 - h. Annexure 8 – Heritage (Mica Plowman)
 - i. Annexure 9 – Landscape Visual (Peter Kensington)
 - j. Annexure 10 – Lighting (Domenico De Vincentis)
 - k. Annexure 11 – Parks (Cas Hannink)
 - l. Annexure 12 – Regional earthworks (Matt Byrne)
 - m. Annexure 13 – Stormwater (Arsini Hanna)
 - n. Annexure 14 – Transportation (Honwin Shen)
 - o. Annexure 15 – Urban Design (Wayne Bredemeijer)
 - p. Annexure 16 – Waste (Elizabeth Driver)
 - q. Annexure 17 – Wind (Wayne Bredemeijer)
 - r. Annexure 18 – Watercare (Suzannah Maddock)
4. We are aware that the Panel have also invited comments under s53(2) of the FTAA directly from Auckland Transport. Auckland Transport have provided their feedback within Annexure 3, and it is understood that these constitute their formal response to the Panel.
5. The Application as lodged included a set of recommended conditions at their Attachment 23. We have reviewed these conditions as part of our assessment.
6. An updated set of conditions was provided to the Council¹ on 7 April 2026 in response to requests for changes from the Council and its technical experts. Due to time constraints, the technical experts have not been able to provide revised comments, however this assessment has incorporated the changes in the planning assessment where possible. By way of summary, most outstanding matters have been resolved by the latest conditions set. It is our understanding that the Applicant intends to provide this set of conditions to the Panel in due course.
7. A copy of the application and briefing was provided to the Ōrākei Local Board and Ōrākei Ward Councillor Desley Simpson on 15 March 2026. At the time of writing this assessment, no responses have been received from the Local Board or the Ward Councillor.

Qualifications, Experience and Code of Code Conduct

Andrew Miller

8. Andrew Miller is a consultant planner at CoLab Planning Limited acting for the Planning and Resource Consents Department at Auckland Council. Andrew holds the qualification of Bachelor of Planning (Hons) and has 11 years of experience in planning practice. Andrew is an intermediate member of the New Zealand Planning Institute. Andrew has experience in preparing technical assessments and providing expert evidence for complex resource consent applications, including appearing as an expert witness in various Council hearings and Environment Court proceedings.

¹ Email from Matthew Round of Bentley & Co dated 7 April 2026.

9. Andrew undertook a site visit on 17 March 2026.

Warwick Pascoe

10. Warwick Pascoe is a Principal Project Lead in the Premium Resource Consents Unit of Auckland Council. Warwick holds a Bachelor of Science (Hons) in geology and has 29 years Resource Management experience as a planner, team leader and project lead in Local Government, and as a company director / environmental consultant in private practice.

Code of conduct

11. Andrew and Warwick confirm that they have read the Environment Court Practice Note 2023 – Code of Conduct for Expert Witnesses (Code) and have complied with it in the preparation of this assessment. They also agree to follow the Code when participating in any subsequent processes, such as expert conferencing, directed by the Panel. They confirm that the opinions they have expressed are within their area of expertise and are their own, except where they have stated that they are relying on the work or evidence of others, which they have specified.

SECTION B: SITE AND PLANNING CONTEXT

12. The site is located at the northern end of Kupe Street, Te Arawa Street, Rukutai Street, and Aotea Street in Ōrākei, comprising a total area of approximately 24,341m². It currently accommodates the Eastcliffe Retirement Village, including a three-storey aged care facility on the western portion (to be retained) and two apartment blocks on the eastern portion (to be demolished).
13. The site occupies the eastern side of a ridge of Takaparawhau, falling significantly from west to east (approximately 26m). The site is bounded by the Takaparawhau / Michael Joseph Savage Memorial Park to the north and established residential properties to the south.
14. The site is subject to several zones and a precinct:
 - a. Residential – Terrace Housing and Apartment Buildings (THAB) Zone: Applies to most of the site.
 - b. Residential – Mixed Housing Suburban (MHS) Zone: Applies to small portions on the southern boundary.
 - c. Special Purpose – Māori Purpose Zone: Corresponds to the existing Rukutai Street walkway.
 - d. Open Space – Informal Recreation Zone: Corresponds to the existing Aotea Street walkway.
 - e. Ōrākei 1 Precinct: Overlays the THAB and Māori Purpose Zone portions.
15. The proposal is classified as a non-complying activity overall because Integrated Residential Development is not provided for within the Open Space – Informal Recreation zone. The development partly affects that zone due to the way the buildings are located across the site and an existing open space zoned walkway.

16. It is noted that the site is predominantly zoned THAB. The THAB zone is a high-intensity residential zone intended to enable the greatest density and scale of all residential zones within the Auckland Unitary Plan (Operative in Part) ('AUP(OP)'). The Applicant's AEE emphasises that the THAB zone explicitly acknowledges a change from suburban to urban built character, supporting high-density living in the form of terrace housing and apartments. The zone provides for Integrated Residential Development as a restricted discretionary activity.

SECTION C: PLANNING ASSESSMENT

17. The following section outlines the statutory planning assessment drawing on the various inputs provided by experts who have reviewed the application documents. To provide context, a brief summary of the assessment provided by the applicant is also included. The reader is also directed to the detailed analysis provided by the various technical experts at the various attachments to this document.

C.1 CHARACTER, AMENITY, AND DESIGN

18. The Applicant's character and design assessment is informed by a comprehensive suite of specialist technical reports, including the Urban Design and Landscape Visual Effects Assessment (Attachment 12), Architectural Design Report (Attachment 18), and an Urban Design and Landscape Assessment Peer-Review Report (Attachment 21). A Pedestrian Wind Study is provided (Attachment 34).
19. It is noted that in response² to Minute 3³, the applicant confirmed that their planning and expert assessments have been on the basis of the operative THAB zone and have not relied on the development standards of proposed Plan Change 120 to modify the nature of the receiving environment. I agree that this is appropriate given that Plan Change 120 is a proposed plan change and may still be subject to change and appeal.

Landscape and Visual Effects

Applicant's Assessment

20. The Applicant acknowledges that the project involves a significant visual change from the current environment. However, they assert that the scale of the proposal is commensurate with the large-scale headland environment of Takaparawhau. The AEE concludes that the buildings will act as a quality built backdrop to the reserve, with a 'solid base' anchoring the development to the land and 'lighter, layered upper-level forms' filtering to the sky⁴. The use of natural materials and a colours palette derived from the landscape is intended to ensure the buildings integrate into the coastal urban setting.

² See Appendix C of Applicant response by Bentley & Co titled Memo The Point: Mission Bay Panel Minute 2: Planning Response

³ See document titled MINUTE 3 OF THE EXPERT PANEL Request for Information – The Point Mission Bay [FTAA-2511-1133] (5 March 2026)

⁴ See paragraph 18.20 of AEE with reference to Page 23 applicant's Attachment 12.

Council's Assessment

21. Mr Peter Kensington (Landscape Architect – Annexure 9) concurs with the Applicant's assessment. He acknowledges that the buildings will be 'visually prominent built elements' but concludes that the high-quality design, layout, and materiality successfully mitigate potential adverse effects. He supports the proposal's interface with Takaparawhau and the relocated walkways. He recommends minor amendments to various conditions to ensure clarity in maintenance and implementation requirements. These changes have been adopted by the Applicant satisfactorily in the latest conditions set.

Conclusions

22. I adopt Mr Kensington's findings⁵. While the 8-storey buildings represent a marked change on the site and will be highly visible in the local environment, the site's unique context adjoining an expansive open space allows for this increased scale. The prominence of buildings is an expected outcome of the THAB zoning, which enables large residential structures, and I agree with the technical experts that this is managed through its high-quality design features.

Buildings / Urban Design / Landscaping / Wind

Applicant's Assessment

23. The proposal comprises five interconnected buildings over a 1-3 level podium. The Applicant asserts the design reflects best practice urban design and a cultural narrative developed with Ngāti Whātua Ōrākei⁶. The buildings are oriented in a north-south manner to maximise 'fingers of light' and views through the site. The AEE highlights the activation of the ground plane through communal facilities and the creation of a legible 'front door' arrival at Aotea Street.
24. The Applicant proposes a comprehensive landscaping scheme (Attachment 19) featuring a 'native korowai' of indigenous trees and shrubs. The design includes native specimen trees, mixed shrubs, and groundcover plants intended to strengthen local identity and complement the revegetation of Takaparawhau. Fencing along the northern boundary is proposed as visually permeable metal railings. Southern boundary treatments include specimen tree planting within setbacks with purpose of softening the interface with residential neighbours.

Council's Assessment

25. Mr Wayne Bredemeijer (Urban Design – Annexure 15 and 17) supports the application. He considers that the building massing is well-articulated, and when combined with the large gaps between the buildings, will 'break up the bulk' and the overall scale of the

⁵ I note a minor factual error in Mr Kensington's advice where he states that there are 252 new independent living units and 90 care units proposed. The correct numbers are 256 retirement units and 94 care units.

⁶ See paragraph 13.16 of the AEE.

development. He considers that the built form will be 'legible' and that the separation between towers also avoids inappropriate visual dominance for nearby people. The design will also provide ample surveillance over the public realm to promote public safety and has taken adequate account of Crime Prevention Through Environmental Design ('CPTED') principles..

26. Mr Kensington considers the landscape design response to be 'well-considered' and a key factor in mitigating potential adverse effects on amenity values. He supports the use of native species and the successful interface with Takaparawhau. Mr Bredemeijer also notes that vegetation and landscape elements will complement the built form, providing visual softening and shelter.
27. Mr Bredemeijer has suggested minor wording improvements to various conditions that give council greater design review on servicing components when viewed from the public and communal realm. These changes have been adopted by the Applicant at Condition 29(c). Regarding wind, he considers the applicant's study demonstrates that the proposed design would be appropriate for the THAB zone and for the amenity and safety of the adjacent open space areas of Takaparawhau.
28. Cas Hannink (Parks Planner – Annexure 11) supports the proposed site's interface with, and the proposed connectivity to, Takaparawhau. He identifies some minor information gaps within his review which centre on the materiality of pathways, wayfinding, and continuity of access to Takaparawhau for the public. However, as noted above, the applicant has produced an updated condition set that adopts the requested changes to conditions that have been identified by Mr Hannink as being suitable to address his concerns.

Conclusions

29. I adopt the assessment of Mr Bredemeijer and Mr Kensington. The urban design response finds a balance between the high-density intensification and a sensitive response to the site's cultural and physical context. The internal village layout provides high-quality communal spaces. The proposed signage within the development is modest and would not visually dominate the local environment or the outlook from any residential dwelling.
30. Notably, the key development standards within the THAB zone that seek to manage the bulk and scale of development, such as yard setbacks and height in relation to boundary standards, will be met (even with the additional building height). As discussed above, the proposed buildings will be surrounded by an extensive and high-quality landscaping, and well-considered boundary treatments will be deployed along the various interfaces of the site. I consider the design (and the subsequent performance) of the landscaping and boundary treatments to be fundamental as to how the project can successfully integrate into the local environment.
31. Since the preparation of Mr Hannink's memo, the applicant has updated their proposed conditions to respond to his requested changes, which he states would satisfactorily address his concerns. This includes detailed design requiring the screening of plant, fencing details, and public access requirements.

Bulk, Shading and Privacy

Applicant's Assessment

32. The Applicant has provided sun/shading studies (Attachment 17) comparing the proposed 29.7m building height against a 16m compliant envelope. They argue that the gaps provided between buildings result in periods where adjacent properties to the south receive greater solar access than a continuous 16m structure would allow⁷. They also emphasise that the proposal complies with all height in relation to boundary standards, including *Standard H6.6.8 Height in relation to boundary adjoining lower density zones*, which requires a more conservative recession plan to be applied along the boundary with lower intensity zones. They argue that this design would ensure that the additional height does not cause unreasonable dominance effects or a loss of privacy to existing nearby residential neighbours.

Council's Assessment

33. For the reasons noted by the applicant, both Mr Bredemeijer and Mr Kensington agree that the privacy and outlook of adjacent occupants are safeguarded. They advise that the shadow analysis demonstrates shading effects similar to those of a permitted bulk and location envelope, and that the massing strategy effectively avoids inappropriate visual dominance of the southern residential properties.

Conclusions

34. The conclusions of the technical experts are noted. The THAB zone is an intensive residential zone and provides for high density residential development. Development of this nature generally leads to changes to amenity and character within existing residential neighbourhoods and for immediate neighbours. The zone sets down various standards, such as height, height in relation to boundary, yards and site coverage, which provide guidance on the acceptable extent of such effects.
35. The compliance with the height in relation to boundary recession plane standards relative to the southern residential neighbours is, in my view, the most critical factor in managing the height infringement and the bulk, privacy, and shading effects of the development. Certainly, whilst the buildings are much taller than the zone provides for, the proposed design results in a continuous stepping back of the buildings as they gain height, which will provide tangible protection of the amenity of neighbours. I conclude that the bulk, shading and privacy effects are appropriately managed and consistent with the intensification outcomes sought by the THAB zone.
36. I note that the Applicant has also confirmed in their response to Minute 3⁸ that the building bulk and location standards proposed under Plan Change 120 to the AUP(OP) have not been relied on in terms of their effects assessment.

⁷ see paragraph 18.29-31 of the AEE.

⁸ Letter from GreenwoodRoche dated 13 March 2026 and its attachments.

C.2 CONSTRUCTION EFFECTS

37. The following section discusses and evaluates the effects associated with the 9–10-year construction period. The applicant addresses these effects in their AEE, and this is supported by a suite of technical assessments including an Integrated Transportation Assessment (Attachment 6), Infrastructure Assessment (Attachment 7), a draft Construction Traffic Management Plan (Attachment 24), a draft Earthworks Management Plan (Attachment 27), Acoustic Assessment (Attachment 29), and a draft Construction Noise and Vibration Management Plan (Attachment 30).

Duration and Management Approach

Applicant's Assessment

38. The Applicant explains that the project requires a staged construction period of approximately 9–10 years⁹. It is proposed to manage effects through a comprehensive suite of management plans which will be finalised and fully developed as part of the proposed conditions (Attachment 23), including:
- a. Construction Management Plan (CMP),
 - b. Construction Traffic Management Plan (CTMP)
 - c. Construction Noise and Vibration Management Plan (CNVMP); and
 - d. Earthworks Management Plan (EMP)
39. The Applicant argues that temporary construction effects are an inevitable consequence of urban intensification and can be appropriately managed via conditions of consent. Individual effects arising from construction are discussed in more detail below.

Council's Assessment

40. Council's specialists generally agree with the Applicant's management approach. The use of such management plans to coordinate staging and site development is supported in general and it represents industry best practice.

Conclusions

41. While the 9-10 year duration is significant, the staging of works means that the highest intensity of effects will be confined to specific periods and would not occur continuously for the entire time. The position and location of the works will also shift over time, moving with respect to nearby people on neighbouring properties - meaning that the degree of effects in relation to any particular person will change as the project progresses through its stages. The proposed suite of management plans provides a robust framework for managing these temporary effects, and these can be adapted over time to adjust to changing local conditions.

⁹ See paragraph 13.46 of the AEE.

Earthworks and Sediment Control

Applicant's Assessment

42. The Applicant proposes approximately 20,460m³ of net cut (total of 25,150m³ cut / 4,690m³ fill) over a 17,589m² area¹⁰. It is proposed that all earthworks will be managed in accordance with Auckland Council's GD05 guidelines. This includes, but it's not limited to, the deployment of stabilised entrances, silt fences, and chemically treated sediment ponds.

Council's Assessment

43. Mr Matthew Byrne (Earthworks Specialist) concurs with the Applicant that the erosion and sediment control measures are in accordance with GD05 and represent industry best practice. He supports the draft EMP and recommended conditions, including the requirement for seasonal restrictions (winter works) and progressive stabilisation. He suggests minor technical adjustments to the proposed conditions, which the applicant has adopted in their latest condition set.
44. Mr Byrne notes that there appears to be an error in the Applicant's identified reason for consent under *Rule E11.4.1(A4) (land with slope less than 10 degrees)*. This is because there are slopes greater than 10 degrees on site, meaning Rule E11.4.1(A8) should rather apply.

Conclusions

45. I adopt Mr Byrne's assessment. This site will be managed by way of an EMP, and the control proposed within it are robust and sufficient to manage and avoid adverse effects on the receiving environment and nuisance effects for nearby people and their property. Panel may wish to query the accuracy of the reasons for consent with the applicant.

Construction Noise and Vibration

Applicant's Assessment

46. The Applicant's Acoustic Assessment (Attachment 29) predicts intermittent exceedances of permitted limits (71-79 dB LAeq) at southern residential receivers during activities such as concrete breaking and piling. A draft CNVMP has been provided, which notably includes the use of 2.4m high acoustic barriers on boundaries to mitigate these effects¹¹. In addition, a raft of other measures are proposed, such as localised screening, equipment selection requirements, noise and vibration monitoring, written notification of neighbours ahead of work commencing, worker training, and other controls. Generally, works are proposed to be managed by way of 'Best Practicable Option' ('BPO') methodology via the CNVMP.

¹⁰ See Table 5 of AEE.

¹¹ see paragraphs 18.111 of AEE.

Council's Assessment

47. Ms Duffy Visser (Acoustic Specialist) supports the application subject to the proffered CNVMP. She advises that the predicted and calculated noise levels and the general methodologies used to inform the submitted acoustic assessment are reasonable. She recommends specific noise and vibration limits be codified in the conditions, which aligns with the approach that the applicant has taken in the proposed conditions in their Attachment 23.

Conclusions

48. The findings of the technical experts are noted. Construction noise has the potential to be one of the most disruptive aspects of urban intensification. However, I agree with Ms Visser that with the 2.4m barriers and the adoption of BPO via the proposed CNVMP, the effects can be managed to an acceptable level for the duration of the works. Due to the height of the proposed buildings, the 2.4m barriers would not offer protection from noise sources generated at height, however, the principles of the CNVMP would remain in place to ensure that these works are managed accordingly.
49. Overall, I agree with the applicant that the level of urban intensification that is proposed on this site is broadly reflective of the overall intensification aims of the THAB zone and the associated scale of construction noise and vibration are reflective of the potential of the zone.

Construction Traffic

Applicant's Assessment

50. A draft CTMP (Attachment 24) has been provided with the application. It details a raft of management techniques to manage effects arising on the transportation network from construction activities. This includes the nomination of construction traffic routes and access points to the site, parking provision / management, maintenance of pedestrian access, temporary traffic management requirements, communication protocols, among other things. Construction vehicle access is proposed via the three cul-de-sac heads, relative to the staging across the site.

Council's Assessment

51. Mr Honwin Shen (Traffic Engineer) and Mr Vignesh Divakar (Auckland Transport) support the proposal and have not raised any points of contention in this respect. They agree with the Applicant's mitigation strategy to manage the construction period via the CTMP. Mr Shen recommends that the final CTMP includes specific estimations of heavy vehicle movements, on-site parking for contractors, and cleaning facilities to prevent mud tracking.
52. Both Mr Shen and Mr Divakar recommend the prohibition of heavy vehicle movements during peak commuter hours (7-9am and 4-6pm) and have recommended that this be included as a condition of consent. This specific prohibition has not been adopted by the

applicant in the latest condition set, however, all other condition changes requested by Mr Shen and Mr Divakar have been adopted by the applicant.

Conclusions

53. Overall, there is general alignment between the Applicant, Mr Shen and Mr Divakar on the management of construction traffic and transportation effects. I agree with the technical experts that is appropriate to manage temporary construction effects via a finalised CTMP.
54. Whilst I agree with Mr Shen and Mr Divakar that a prohibition on heavy vehicle movements during peak commuter hours is appropriate, the applicant has not proposed to do so. The Panel might consider requesting further reasons for this from the Applicant, because the specific reason for not adopting this has not been given by the Applicant at this time. Notwithstanding, there are other requirements within proposed Condition 25 which require consideration and management of heavy vehicles and their associated effects, and the CTMP would remain as an overarching framework for managing effects in this regard.
55. Similarly to the conclusions reached in relation to construction noise and vibration, whilst there will be ongoing traffic generated by construction, the level of development proposed on the site is a feature of urban development facilitated by the THAB zone.

Contamination

Applicant's Assessment

56. The Applicant's submitted a Preliminary Site Investigation / Detailed Site Investigation (Attachment 14) which confirms that the site has not been impacted by activities on the Hazardous Activities and Industries List (HAIL). The Applicant concludes that the site is not contaminated and presents no risk to human health.

Council's Assessment

57. Ms Duffy Visser (Contaminated Land Specialist) agrees with the Applicant's findings. She confirms that the site is not contaminated, and the National Environmental Standards for Assessing and Managing Contaminants in Soil to Protect Human Health (NES:CS) and Chapter E30 of the AUP do not apply.

Conclusions

58. I accept the findings of both the Applicant and Ms Visser. There are no contamination-related issues that require further management.

C.3 GEOTECHNICAL AND LAND STABILITY MATTERS

59. Geotechnical effects, land stability, and groundwater matters are addressed in the Applicant's Geotechnical Assessment (Attachment 28), the draft Groundwater Settlement Monitoring and Contingency Plan ('GSMCP'), and the Flood Risk Assessment

(Attachment 26) in respect of natural hazards. These have been reviewed by Council specialists Mr Jeffery Peng and Mr Sean Berry (Geotechnical specialists) and Mr Quentin Zou (Development Engineering).

Land Stability and Landslide Risk

Applicant's Assessment

60. The Applicant's assessment by Tonkin + Taylor confirms that the site's underlying geology is suitable for the proposed multi-storey buildings and basement levels. The AEE¹² confirms that the landslide risk for the site is classified as 'low' based on Council's GeoMaps and site-specific evaluations. The Applicant asserts the project will not affect the stability of neighbouring land.

Council's Assessment

61. Mr Peng and Mr Berry have raised a range of technical queries and have not provided their final technical input on the development due to the need for clarification from the Applicant. They have identified a range of matters, but many appear to be clerical and reference-type information gaps regarding the specific wording of certain monitoring and mitigation requirements. It is understood that there is no global or fundamental concern with the assessment methodologies or overall conclusions reached by Tonkin + Taylor, but the final conclusions on this matter are not able to be confirmed.

Conclusions

62. Based on the information currently available, including the assessment by Tonkin + Taylor and the preliminary review by Mr Peng and Mr Berry, it is considered that the site is geotechnically capable of supporting the proposed development and that the landslide risk classification of 'low' is appropriate. Mr Peng and Mr Berry have not identified any fundamental or global concerns with the assessment methodologies or the overall conclusions reached by Tonkin + Taylor, though they have raised a range of queries that remain outstanding at the time of writing. Many of these queries appear to be clerical and procedural in nature, relating to the specific wording of conditions, monitoring requirements, and other documentation matters.
63. However, as Mr Peng and Mr Berry have not provided their final technical input, the Council cannot provide unqualified endorsement of the geotechnical conditions at this time. I recommend that the Panel query the Applicant on the status of these outstanding matters and that the geotechnical conditions be finalised in consultation with Council's peer reviewers. Subject to the satisfactory resolution of the outstanding queries, it is considered that land stability effects can be appropriately managed.

¹² See paragraph 12.45 of AEE

Groundwater and Settlement

Applicant's Assessment

64. The project involves basement excavations extending 1.5m to 5.0m below the perched groundwater level. Both temporary dewatering (during construction) and permanent groundwater take (via basement drainage) are required. The Applicant's geotechnical engineers predict a maximum settlement of less than 5mm at adjacent structures, which will have 'negligible' adverse impacts on nearby building and structures. A draft GSMCP establishes a monitoring regime with 'Alert' and 'Alarm' levels, and various monitoring and contingency measures to ensure that effects are avoided or mitigated.

Council's Assessment

65. As noted above, Mr Peng and Mr Berry have raised a range of technical queries and have not provided their final technical input on the development due to the need for clarification from the application. However, it is understood that there is no global or fundamental concern with the assessment methodologies or overall conclusions reached by Tonkin + Taylor.

Conclusions

66. Based on the assessment by Tonkin + Taylor, and in the absence of any fundamental concerns having been raised by Mr Peng and Mr Berry to date, it is considered that the effects of groundwater diversion and settlement can likely be appropriately managed in principle.
67. Whilst likely requiring updates, the draft GSMCP will provide a risk management framework for managing the effects of the proposal in this regard. The proposed conditions provide a future pathway for Council to certify a final version of the management plan even if all information gaps cannot be finalised now. The requirement for independent Suitably Qualified and Experienced Person ('SQEP') verification of settlement data provides a further safeguard for adjacent property owners and public infrastructure assets.
68. This conclusion is subject to the satisfactory resolution of the outstanding geotechnical queries identified above, and the Panel are directed to Mr Peng and Mr Berry's review at Annexure 6.

C.4 SERVICING AND INFRASTRUCTURE EFFECTS

Stormwater Management

Applicant's Assessment

69. The Applicant's Infrastructure Report (Attachment 7) and AEE outline a comprehensive stormwater management strategy. The proposal includes the use of on-site detention and retention tanks to manage peak flows and volume, ensuring that post-development runoff

does not exceed pre-development levels for the 1 in 10-year and 1 in 100-year storm events. The site is located within a Stormwater Management Area Control - Flow 1 ('SMAF') area, and the applicant proposes to meet these requirements through on-site detention and retention tanks. Proprietary treatment devices and green infrastructure are also deployed for this purpose and to manage stormwater quality.

Council's Assessment

70. Dr Arsini Hanna (Stormwater specialist) and Mr Zou generally support the proposed framework. However, Ms Hillary Johnston (Healthy Waters Specialist) has raised concerns that there is uncertainty as to whether the project has accounted for 'peak flow mitigation' in its design calculations. She notes that it is currently unclear whether the project will result in increases to downstream flooding effects.
71. Furthermore, a Stormwater Management Plan ('SMP') is yet to be submitted for review by Healthy Waters, and so it is unclear whether alignment with the Region Wide Network Discharge Consent (RWND) will be achieved. Ms Johnston notes that if an SMP is unable to be approved under the RWND then a private discharge consent will be required for the site, which is a potential consenting risk for the Applicant. Ms Johnston suggests several changes to the applicant's proposed conditions to address these risks.

Conclusions

72. In the latest condition set the Applicant has proposed a revision to Condition 28 that requires the provision of an SMP. If the Panel are accepting of a condition in lieu of demonstration of compliance, the condition could be acceptable in principle, provided minor wording changes are made by the Applicant to address Ms Johnston's and Mr Zou's concerns regarding downstream flooding impacts. Mr Zou and Ms Hanna's recommended changes to conditions have otherwise been adopted by the Applicant satisfactorily in the latest condition set.
73. The Applicant has proposed a framework for managing stormwater quantity and quality effects through on-site detention, retention, and treatment. Both Ms Johnston and Mr Zou are satisfied that an on-site engineering solution is achievable in principle. However, at this stage, a final SMP has not been submitted for review by Healthy Waters, and it is unclear whether the Flood Risk Assessment has fully accounted for the proposed peak flow mitigation. Ms Johnston notes that the downstream assessment is limited to properties immediately adjacent to the site and does not extend to the wider flood-prone area. Accordingly, it is not possible to confirm at this time that the downstream flooding effects on existing habitable floors will be negligible.
74. I consider that the Applicant's overall stormwater management approach is supportable, and that an on-site engineering solution is likely to be capable of achieving the necessary outcomes. However, the absence of a final SMP means that the downstream flooding effects cannot yet be confirmed with certainty. I recommend that the Panel query the Applicant on the status of the SMP, and that Condition 28 be strengthened to require the SMP to demonstrate that the proposal will not result in any increase in downstream flooding effects on existing habitable floors within the wider flood-prone area. Subject to

a suitably worded condition, I consider that stormwater and flood risk effects can be appropriately managed.

Water and Wastewater

Applicant's Assessment

75. The Applicant proposes to connect to the existing public water and wastewater reticulation networks that service the local area. The Applicant's civil engineers consider that the existing networks have sufficient capacity, subject to various upgrades. The Applicant has expressed a commitment to meeting Watercare's Infrastructure Development Plan ('IDP') requirements and has proffered certain conditions requiring certification from utility providers prior to the commencement of the activity.

Council's Assessment

76. Ms Suzannah Maddock (Watercare Specialist) has identified several technical information gaps. These broadly relate to certain calculations relating to peak hourly water demand and requests that the Applicant revise these in accordance with Watercare's Code of Practice (CoP). She notes that firefighting capacity requirements for the site need to be re-checked at Engineering Plan Approval ('EPA') stage. Furthermore, she suggests that the site include multiple water connections to different streets to avoid a single point of failure for water supply at the site.

Conclusions

77. Although there are certain outstanding queries from Watercare, the Applicant proposes to fully service the site and make the requisite upgrades required by Watercare. I recommend that the Panel query the Applicant on the status of their engagement with Watercare, though it is likely that the matters raised by Watercare can be dealt with via suitably worded conditions or via the EPA process.
78. Whilst the Applicant has not relied on this on the basis of their assessment, the site previously was occupied by an extensive retirement village, which would have been generating demand on water and wastewater services.
79. Lastly, it is noted that the recommended changes to servicing conditions proposed by Mr Zou have been fully adopted by the applicant in the latest condition set.

Waste Management

Applicant's Assessment

80. A draft Waste Management Plan ('WMP') has been provided (Attachment 25). The Applicant proposes on-site storage with collection occurring via private contractors. Vehicle tracking plans are included in the Integrated Transport Assessment (Attachment 6) that show that rubbish trucks can readily navigate the necessary areas of the site.

Council's Assessment

81. Ms Elizabeth Driver (Waste Planning specialist) supports the application subject to minor updates being made to the WMP. Specifically, the specialist requested that the requirement for weekend collections be made optional rather than mandatory to allow for operational flexibility, provided peak traffic hours are avoided. Ms Driver notes the requirement for all residents to be within a 30m carry distance to bin storage areas per the Building Code. From a traffic engineering perspective, Mr Shen has not raised any concerns in terms of site suitability or safety from a waste collection point of view.

Conclusions

82. I adopt the findings of Ms Driver and Mr Shen and consider that operational waste management effects can be appropriately managed through a finalised WMP. In the latest conditions set, Condition 27 requires that the WMP be finalised and submitted to the Council for certification prior to site operation. Whilst the specific wording changes to the WMP have not been implemented in the condition, the certification step would provide adequate opportunity for these matters to be addressed.

C.5 NATURAL HAZARDS (FLOODING)

83. Please note that natural hazards arising from landslide risk have been assessed at section C.3 and are not repeated here.

Flooding

Applicant's Assessment

84. The Applicant's assessment of flooding effects is primarily contained within the AEE and the Infrastructure Report (Attachment 7). The Applicant's engineers have identified that the site is subject to several overland flow paths ('OLFPs') that traverse the property, primarily originating from the higher ground to the south (Kupe Street) and discharging towards the Aotea Street and Rukutai Street Recreation Reserves.
85. The Applicant proposes to manage these risks by incorporating specific floor levels (freeboard) for new buildings and ensuring the design maintains the capacity of the existing OLFPs. This also includes special designs for fencing and boundary treatments. Their modelling indicates that the proposed building footprints avoid major flood ponding areas. Where OLFPs are intercepted, the applicant proposes they are either diverted or managed via the site's internal roading and landscaping.

Council's Assessment

86. Ms Johnston and Mr Zou have provided their technical reviews on this matter. Though it must be noted that new information was provided to the Council from the applicant on 9 April 2026 relating to flood hazards and rule triggers under Plan Change 120. This information responded to a request from Council to the Applicant on 19 March 2026. An updated Flood Hazard Risk Assessment report (Rev C) was provided.

87. Due to time restrictions in preparing this assessment, Mr Zou and Ms Johnston have not had time to review this information or to advise whether it has modified their views. Therefore, the assessment below may be slightly outdated and reflects Council's review of Rev B of the Flood Hazard Risk Assessment.
88. While the high-level strategy for managing flood hazards is considered acceptable, as noted above, an SMP has yet to be provided. Condition 28 of the latest conditions will require the applicant to produce the SMP, though I recommend the condition be updated to include the requirement to confirm the proposal will not have any downstream flooding effects. Given the site was previously occupied by extensive buildings associated with the former retirement village, it is possible that there may be little difference between the proposed and existing situations. However, the Applicant should confirm this.
89. At a more local level, Mr Zou notes that vehicle crossing upgrades must ensure flow is maintained within the kerb channel and does not inadvertently enter the site. Furthermore, he notes that boundary fencing at OLFP entry and exit points must be designed to incorporate a suitable gap from ground level allowing for the passage of floodwaters and to prevent debris blockage. These recommendations have been fully adopted in the latest condition set at Condition 66A-66B. No concerns have been raised by the technical experts regarding flooding risk within the site for the proposed buildings or their future occupants.

Conclusions

90. Overall, I conclude that the natural hazard effects posed by flooding can likely be appropriately managed, subject to any final information gaps regarding the SMP being resolved. The Panel may wish to query this with the Applicant on the status of the SMP.

C.6 ECONOMIC EFFECTS

Applicant's Assessment

91. The applicant has provided an Economic Impact Assessment ('EIA') (Attachment 16). The assessment categorises effects into construction impacts and ongoing operational impacts. Based on total development costs of \$552 million, the project is estimated to generate a national GDP boost of \$336 million and provide employment for 2,330 FTE-years – being approximately 233 FTEs annually over a 10-year period. 90% of these impacts being to accrue within the Auckland region¹³.
92. Once fully operational, the facility is expected to support 30 FTEs, contributing \$3.8 million in annual GDP and \$2.3 million in annual wages. The EIA highlights other benefits including increased local spending, efficient use of brownfield land and infrastructure, and housing market fluidity by enabling older residents to downsize and release larger family homes back into the market.

¹³ See Section 6.5 of Economic Impact Assessment.

93. The Applicant emphasises that the project remedies a failed commercial venture (Eastcliffe), reducing ongoing financial losses for the iwi and providing long-term rental income.
94. In response to Minute 3¹⁴, the Applicant provided a letter¹⁵ outlining the cultural significance of the project to Ngāti Whātua Ōrākei.

Council's Assessment

95. Council's economic review, conducted by Mr Rodney Yeoman (Economist), acknowledges the validity of the EIA analysis but raises concerns regarding the threshold for 'significant regional or national benefits' under Section 3 of the FTAA. He notes that while the project delivers some benefits, the EIA does not explicitly articulate how these benefits reach the 'significant' threshold required by the FTAA. Mr Yeoman observes that many of the benefits described are remedial (reducing existing losses) rather than creating new, significant regional value. In his view, the EIA materially overstates the likely economic benefits of the proposal. He states that the economic benefit of 'acceleration' is a primary benefit of the FTAA pathway itself, rather than an inherent economic effect of the development. He suggests that the economic impact of the project is likely to represent about \$1.2 million in GDP per annum – being about 0.001% of the regional economy.
96. In response to the letter from Ngāti Whātua Ōrākei responding to Minute 3, Mr Yeoman highlights a lack of specific data or confirmation regarding the scale of the economic 'strengthening' for Ngāti Whātua Ōrākei. While the restoration of mana and fixing the mainly defunct Eastcliffe project are acknowledged as intangible benefits, their weight in an economic assessment is still debated. He questions whether there may be other ways that the Applicant could have better articulated and quantified the potential benefits to Ngāti Whātua Ōrākei.

Conclusions

97. The project will provide economic benefits, particularly in the context of Auckland's ageing population and the specific housing needs of the Ōrākei/Mission Bay area. These benefits will largely accrue during construction and then on an ongoing basis through the facility's employment of staff. Notwithstanding, there remains an outstanding technical debate between the economists regarding whether the scale of economic benefits meets the Section 3 FTAA 'significance' threshold.

¹⁴ See document titled MINUTE 3 OF THE EXPERT PANEL Request for Information – The Point Mission Bay [FTAA-2511-1133] (5 March 2026)

¹⁵ See letter by Marama Royal, Chairperson of Ngāti Whātua Ōrākei Trust dated 11 March 2026

C.7 CULTURAL EFFECTS

Cultural effects

Applicant's Assessment

98. The Applicant identifies the site as part of the wider Ngāti Whātua Ōrākei whenua rangatira (ancestral land). Specifically, the land was returned as 'development land' under the Ngāti Whātua Ōrākei Claims Settlement Act 2012. The Application is a joint proposal between Ngāti Whātua Ōrākei Whai Rawa Limited and Genusus Living Group. The AEE notes¹⁶:
- a. The project has been developed collaboratively to ensure the design, layout, and architecture respond to Ngāti Whātua Ōrākei cultural acknowledgement principles and design requirements.
 - b. The project supports the social and economic wellbeing of tangata whenua by facilitating the re-establishment of the hapū on their ancestral land through community, social, and employment facilities.
 - c. A written statement (Attachment 5) confirms that Ngāti Whātua Ōrākei are Ahi kā and the only relevant iwi authority, hapū, and Treaty settlement entity for the purpose of the application.

Council's Assessment

99. Council notes that the site is not identified in the AUP(OP) as containing any scheduled or protected features, such as Sites and Places of Significance to Mana Whenua. While the statutory rohe of other iwi overlaps with this area, it is acknowledged the unique context of this land as specific Treaty Settlement 'development land' vested in Ngāti Whātua Ōrākei.
100. The applicant has proffered Accidental Discovery Protocols in the proposed conditions (Condition 39-40) to manage the discovery of sensitive material, including koiwi, archaeology, or artefacts of Māori origin. These conditions require immediate cessation of works and notification of the Council and Ngāti Whātua Ōrākei, which broadly aligns with AUP(OP) standards E11.6.1 and E12.6.1. Council's Archaeological Advisor, Mica Plowman (Annexure 8) agrees that the inclusion of these conditions is an appropriate management step for this project.

Conclusions

101. The cultural effects of the proposal are considered to be positive and well-integrated. Ngāti Whātua Ōrākei emphasise the importance of the project to their cultural values in their letter¹⁷ responding to Minute 3 issued by the Panel and this is acknowledged. Moreover, the partnership between Ngāti Whātua Ōrākei and the developer ensures that

¹⁶ See paragraphs 18.149–18.150 of the AEE

¹⁷ See letter by Marama Royal, Chairperson of Ngāti Whātua Ōrākei Trust dated 11 March 2026

cultural narratives and values are embedded in the project's physical form.

C.8 OPERATIONAL EFFECTS

Lighting

Applicant's Assessment

102. The applicant has provided an External Lighting Assessment (Attachment 22) which evaluates the proposed lighting design against the AUP(OP) E24 and E27 lighting standards and requirements. The design utilises a combination of low-level bollards, in-ground lighting, wall-mounted fixtures, and lamp posts. The assessment concludes that the lighting will comply with the relevant standards, including spill light and glare limits at residential boundaries.

Council's Assessment

103. Mr Domenico De Vincentis (Lighting Specialist) has reviewed the assessment and concurs that the proposal complies with the AUP(OP) standards. Since lodgement, the Environment Court has issued a Consent Order¹⁸ in relation to Plan Change 79 of the AUP(OP), effectively making it operative, and modifying the relevant standards that must be complied with. Mr De Vincentis has utilised the information provided by the applicant to confirm that the proposal remains compliant with the standards as amended by Plan Change 79.

Conclusions

104. I adopt the advice of the Mr De Vincentis and consider that any operational lighting effects will be appropriate for an intensive residential development in the THAB zone. While the project will increase the existing light levels on the site, these will be managed to meet residential amenity expectations and safe movement requirements. In accordance with the recommendations of Mr De Vincentis, the applicant has proposed that final lighting plan compliance and certifications be provided as conditions of consent at Condition 31-32 and 67A-67B.

Operational Transportation and Parking

Applicant's Assessment

105. The Applicant's Integrated Transportation Assessment ('ITA') (Attachment 6) indicates that the retirement village will generate approximately 46 vehicle trips during peak hours, representing a net increase of 31 trips over the existing aged-care and village activities. The project provides 274 parking spaces, which the Applicant's states exceeds anticipated demand¹⁹. The primary access is located off Aotea Street via a 9.1m wide crossing to a porte-cochere, with secondary internal links to Rukutai Street. The Applicant

¹⁸ Decision [2026] NZEnvC 038 dated 6 March 2026

¹⁹ See paragraph 13.62 of the AEE

proposes 'No Stopping at All Times' (NSAAT) markings in adjacent cul-de-sacs to facilitate safe turnaround for waste collection vehicles.

Council's Assessment

106. Mr Shen concurs that the net increase of 31 movements per hour will have minimal impacts on the surrounding road network. Mr Divakar concurs, noting that Auckland Transport has recently signalised the Kupe Street/Kepa Road intersection to accommodate growth. Mr Shen acknowledges the various technical non-compliances with the standards of Chapter E27 of the AUP(OP), but considers the proposed transportation facilities on the site to be safe and appropriate. All operational conditions recommended by Mr Shen have been adopted by the applicant in the latest conditions set.

Conclusions

107. I adopt the advice of the technical specialists. The site has been designed to substantially comply with the standards and requirements of the AUP(OP). The purpose of the standards being to ensure that the safety and efficiency of the transportation network is maintained. Despite certain technical shortfalls, the technical experts are satisfied that the facilities are appropriate for the development and adverse effects on the surrounding transportation network are not expected.
108. In terms of traffic generation, there will be on-going traffic associated with the site from residents, employees, and serving vehicles. Broad consensus has been reached between the technical experts that increase in vehicle trips over existing conditions can be safely and efficiently accommodated within the road network.

Operational Noise

Applicant's Assessment

109. The Acoustic Assessment (Attachment 29) identifies primary operational noise sources as vehicle movements in and out of the basement, mechanical plant (HVAC, car park ventilation), and the use of communal amenity areas. The assessment predicts that noise levels will comply with the AUP(OP) daytime and night-time limits at all neighbouring properties. To ensure compliance, the applicant proposes that all mechanical services be designed to achieve certain noise levels to minimise the potential for the generation of noise effects on neighbouring people.

Council's Assessment

110. Ms Visser has reviewed the application and concurs that operational noise sources are common in residential areas and will not result in unreasonable effects. She notes that the communal amenity areas (gym, library, café, restaurant) are located on the northern side of the site, remote from residential receivers which minimises the potential that these activities could adversely impact nearby residential receivers. Ms Visser agrees with the Applicant's proposed conditions broadly, including the requirement for a SQEP to certify

that the final acoustic design of mechanical plant on the site will maintain aural amenity for nearby residential neighbours.

Conclusions

111. Operational noise effects are considered to be appropriately managed and consistent with residential expectations of the THAB zone, including those generated by movement of people and vehicles. The strategic layout, which places active communal hubs away from residential boundaries, provides inherent mitigation. Other noise sources such as from mechanical plant are proposed to achieve certain performance criteria to avoid adversely impacting nearby residential receivers.

SECTION D: STATUTORY STRATEGIES AND POLICIES ASSESSMENT

112. The following is a summary of the key statutory strategies and policies that are relevant to the Application. These correspond to the documents identified in Schedule 5 of the FTAA:

- a. National Environmental Standard: Contaminated Soil (NES-CS)
- b. National Environmental Standard: Freshwater (NES-FW)
- c. National Policy Statement: Urban Development (NPS-UD)
- d. National Policy Statement: Freshwater Management (NPS-FM)
- e. New Zealand Coastal Policy Statement 2010 (NZCPS)
- f. Hauraki Gulf Marine Park Act 2000 (HGMPA)
- g. Auckland Unitary Plan: Regional Policy Statement (AUP RPS)
- h. Auckland Unitary Plan: Operative in Part (AUPOP)
- i. Proposed Plan Change 120 (PC120) to the AUP(OP)
- j. Ngāti Whātua Ōrākei Iwi Management Plan 2018

113. The Applicant has provided a detailed assessment of the application against these provisions in Section 19 of the submitted AEE. We are in broad agreement with the Applicant's assessment, and do not intend to repeat that assessment here. Rather, we have restricted our further comments in this section to areas where there are points of difference, or where additional commentary is considered necessary for the Panel's consideration.

SECTION E: SUMMARY OF ASSESSMENT OUTCOMES AND PROPORTIONALITY CONCLUSIONS

Overview

114. This concluding section provides a brief overview of the outcome of the overall Council assessment of the application, based on an objective assessment of the application

material as at 10 April 2026.

115. The section is structured as follows:

- **Section 85 adverse impacts / proportionality assessment:** Analysis under section 85(3) of the Fast Track Approvals Act, examining whether adverse impacts are sufficiently significant to be out of proportion to the project's regional or national benefits.
- **Key information gaps:** Identification of residual information deficiencies and their implications for decision-making by the Panel.
- **Key findings:** Again, as at the date of providing these comments (10 April 2026), with our recommendation to the Panel.

Section 85 adverse impacts / proportionality assessment

116. Under section 85(3) of the FTAA, the Panel *may* decline an approval where adverse impacts are sufficiently significant to be out of proportion to the project's regional or national benefits.

117. This assessment requires consideration of:

- The nature and significance of adverse impacts identified through the section 81(2) process;
- The project's regional or national benefits as assessed under section 81(4);
- Whether proposed conditions or Applicant modifications could adequately address adverse impacts;
- Whether the proportionality threshold is met even after accounting for mitigation measures, compensation etc.

118. For the avoidance of doubt, the Council's assessment has not identified any reasons why the application *must* be declined in terms of section 85(1) of the FTAA.

Headline issues identified

119. Based on the detailed analysis in Sections B and C above, the Council's assessment has not identified any adverse impacts that, individually or collectively, would meet the section 85(3) threshold. No effects of a nature or scale have been identified that would be sufficiently significant to be out of proportion to the project's regional or national benefits, though there are information gaps regarding the latter.

120. While the proposal involves significant non-compliance with the height standards of the AUP(OP), the Council's technical assessment has concluded that the effects arising from this non-compliance are appropriately managed through the design response and proposed conditions of consent. In particular, the compliance with the height in relation

to boundary recession plane standards relative to the southern residential neighbours is a critical mitigating factor. The stepped building form provides tangible protection of the amenity of those neighbours, notwithstanding the significant height exceedance.

121. The remaining effects categories assessed in Section C have been found to be appropriately managed through the proposed conditions of consent and management plans proffered by the Applicant. It is noted that the amendments and additions recommended by Council's specialists have been incorporated into the latest condition set.

Project benefits summary / Assessment

122. The Applicant has outlined a range of regional and national benefits that will be delivered by the project. These are detailed in the AEE and the Economic Impact Assessment (Attachment 16) in support of the application. The key benefits identified by the Applicant include:

- a. The Applicant's Economic Impact Assessment estimates total construction expenditure of \$552 million over the 9–10 year development period, with claimed national GDP impacts of \$336 million and 2,330 job-years of employment (approximately 233 FTEs annually), with 90% said to accrue to the Auckland region. Once operational, the facility is expected to support 30 FTEs directly, contributing \$3.8 million in annual GDP.
- b. The project will deliver 256 retirement units and 94 care units, contributing to the supply of high-quality retirement living and aged care accommodation in a well-located urban setting. This responds to a documented and growing need for such accommodation in Auckland.
- c. The project is a joint venture between Ngāti Whātua Ōrākei Whai Rawa Limited and Generus Living Group Limited. The Applicant has emphasised that the project remedies a failed commercial venture (Eastcliffe), reducing ongoing financial losses for the iwi and providing long-term rental income.
- d. The proposal includes the establishment of new public walkways to Takaparawhau, improving pedestrian connectivity between the surrounding residential streets and the reserve.
- e. The proposal represents the redevelopment and intensification of an existing retirement village site within the established urban area, on land that is zoned for intensive residential development under the AUP(OP).

123. However, the Council's assessment, informed by the expert review of the economics by Mr Rodney Yeoman (Annexure 5), is that the claimed economic benefits are materially overstated and should be treated with caution. In particular, Mr Yeoman identifies five fundamental deficiencies in the Economic Impact Assessment:

- a. The site is already used for retirement village purposes, and the operative planning framework is favourable for further retirement living development. The marginal increase in development capacity attributable to the FTAA approval is likely to be in the order of only 8 to 58 units, depending on which planning framework is adopted as the baseline. This has direct implications for the quantification of economic benefits, which have been calculated on a gross

rather than net basis.

- b. The Economic Impact Assessment implicitly assumes that all demand accommodated represents net new activity to the Auckland and New Zealand economies. This is unrealistic. In the absence of the proposal, a substantial proportion of this demand would likely be met through alternative developments elsewhere in Auckland. The majority of the gross value measured in the Economic Impact Assessment will likely be a transfer effect.
 - c. The Economic Impact Assessment assumes 90% of economic activity will be located in Auckland. Mr Yeoman considers this is overstated; his Economic Linkages Model suggests the Auckland share is likely to be around 77%.
 - d. The Economic Impact Assessment does not account for the time value of money. Applying the Treasury discount rate of 8% would materially reduce the present value of benefits occurring in later years of the development horizon.
 - e. GDP and employment are measures of economic activity, not economic benefits. The opportunity cost of the economic activity must also be considered. Mr Yeoman considers that a formal Cost Benefit Analysis could have been appropriate for a project of this nature.
124. After adjusting for these factors, Mr Yeoman estimates that the net economic impact is likely to be less than \$1.2 million in GDP per annum, or approximately 0.001% of the regional economy. In his opinion, the one-time construction impacts and the ongoing operational impacts (36 jobs) would be immaterial at a regional scale and not regionally significant.
125. However, a critical finding of Mr Yeoman's review is that the direct economic benefits to Ngāti Whātua Ōrākei and their members are likely to be substantial and may be deemed to be regionally significant. Mr Yeoman indicatively estimates that the uplift associated with the development could be in the order of 10–15% relative to the iwi's current asset base, which is economically meaningful at the entity level and potentially significant at a regional level. He notes that this aspect was omitted from the Applicant's Economic Impact Assessment and that previous FTAA approvals have, in part, relied on comparable benefits to iwi entities. On this basis, Mr Yeoman supports the development on economic grounds.
126. In summary:
- a. The review undertaken by the Council's economist, Mr Rodney Yeoman (Annexure 5), raises significant concerns with the Applicant's Economic Impact Assessment. Mr Yeoman considers that the economic benefits have been materially overstated and that there has been very limited consideration of the costs associated with the proposal. In his opinion, the material provided does not demonstrate that the proposal will generate regionally significant economic benefits, nor does it establish that there are no material economic costs.
 - b. Mr Yeoman identifies that the Ōrākei–Mission Bay market is among the wealthiest in New Zealand, and that the units in The Point will be positioned as a premium offering, unaffordable for the vast majority of Auckland residents. He concludes that the development is very unlikely to positively affect housing

affordability in Auckland and that its contribution to retirement housing supply would be negligible at a regional scale (0.8% regionally, 0.2% nationally).

- c. Notwithstanding the above, Mr Yeoman considers that the direct economic benefits to Ngāti Whātua Ōrākei — through land value uplift, lease income, and residual building value — may be regionally significant. He notes that Ngāti Whātua Ōrākei is likely to receive a significant financial gain which could benefit its approximately 7,000 registered whānau members.

127. The Council's overall assessment is that the overstated nature of the broader economic benefits does not result in any adverse effects being out of proportion to the project's actual benefits, given that no significant adverse environmental effects have been identified. The benefits to Ngāti Whātua Ōrākei, while potentially requiring further quantification, are potentially a significant regional benefit that aligns with the purpose and intent of the FTAA.

Key Information Gaps

128. The Council has identified information gaps within the application material that are included in the table below. These matters have been provided to the Applicant between 13 and 19 of March 2026. At the time of writing, the applicant has not provided a response on these matters.

129. The reader is referred to the relevant Annexure referenced within the table.

Information gap	Nature of deficiency	Decision-making impact	Risk / uncertainty created
Stormwater Management Plan (SMP) not yet submitted for review by Healthy Waters (Ms Johnston, Annexure 7; Mr Zou, Annexure 1)	A final SMP prepared in accordance with the RWNDC requirements has not been provided. It is unclear whether the Flood Risk Assessment has accounted for the proposed peak flow mitigation. The assessment of downstream flooding effects is limited to properties immediately downstream and does not assess potential impacts on the wider flood-prone and floodplain area.	It is not possible to confirm at this time that the downstream flooding effects on existing habitable floors are negligible, either in the immediate vicinity or within the wider downstream flood-prone area. The Applicant proposes that this matter is addressed via Condition 28, which requires the provision of an SMP. If the Panel accepts a condition in lieu of demonstrated compliance,	Medium – An engineering solution is likely achievable, and the Applicant's framework is generally supported. However, the absence of a final SMP and the uncertainty around downstream flooding effects introduces a degree of uncertainty.

		<p>Condition 28 should be strengthened to require the SMP to demonstrate that the proposal will not result in any increase in downstream flooding effects on existing habitable floors within the wider flood-prone area.</p> <p>If an SMP cannot be approved under the RWNDC, a private discharge consent will be required, which represents a consenting risk for the Applicant.</p>	
Quantification of the benefits for Ngāti Whātua Ōrākei (Mr Yeoman, Annexure 5)	The Economic Assessment does not quantify the direct economic benefits to Ngāti Whātua Ōrākei, including land value uplift, lease income, and residual building value.	Without this information, it is not possible to fully assess whether the project delivers regionally significant benefits as required by the FTAA.	High
Baseline / counterfactual analysis to establish net economic benefits (Mr Yeoman, Annexure 5)	The Economic Assessment presents only gross economic benefits. It does not account for the fact that the site can accommodate most of the development already, nor that demand would likely be accommodated elsewhere in Auckland regardless of the FTAA approval.	The gross benefits presented are not useful for assessing either whether the activity is regionally significant or whether the benefits outweigh the costs. Net benefits are required for a robust proportionality assessment under s85(3).	High
Market assessment of Ōrākei–Mission Bay demand and the	The Economic Assessment has not assessed the local	Without this information, the Panel cannot assess the	Medium

nature of proposed development (Mr Yeoman, Annexure 5)	market or the nature of the supply proposed. No analysis of the premium positioning of units or the potential occupation sale price has been provided.	implications of the development for housing supply and affordability, nor confirm whether the claimed contributions to retirement housing supply are realistic at a regional scale.	
Present value conversion and CBA assessment (Mr Yeoman, Annexure 5)	Economic benefits are not presented in present value terms, and no formal cost-benefit analysis has been undertaken.	The absence of a CBA means the Panel cannot systematically weigh the project's costs against its benefits in a manner that accounts for the time value of money and allows for a robust comparison.	Medium
Assessment of externalities associated with the proposed development (Mr Yeoman, Annexure 5)	The Applicant has provided limited consideration of the economic costs or externalities associated with the proposal, such as potential impacts on local amenity, infrastructure costs, or displacement effects.	The one-sided presentation of benefits without corresponding costs limits the ability to undertake a fully balanced proportionality assessment.	Low
Update and correct error in population projections (Mr Yeoman, Annexure 5)	The population projections in the Economic Assessment contain errors that need correction.	This is a factual accuracy matter that affects the reliability of the demand-side analysis.	Low
Outstanding geotechnical queries (Mr Peng / Mr Berry, Annexure 6)	A range of mainly clerical, reference, and procedural queries have been raised in relation to the specific wording of conditions, monitoring requirements, Alarm	Based on the information currently available, including the preliminary review by Mr Peng and Mr Berry, no fundamental geotechnical concerns have been identified. However,	Medium – No fundamental geotechnical issues have been identified to date, though the Council's peer review remains incomplete. Many of the outstanding queries

	<p>Level Actions, and other mitigation requirements within the GSMCP. Final technical sign-off has not been provided pending clarification from the Applicant.</p>	<p>as the Council's peer review is not yet finalised, the Council is not in a position to provide unqualified endorsement of the geotechnical conditions. The Panel is directed to query the Applicant on the status of these outstanding matters and to ensure the geotechnical conditions are finalised in consultation with Council's peer reviewers</p>	<p>appear to be clerical and procedural in nature, but the final wording of the geotechnical conditions cannot be confirmed until these are resolved. It is anticipated that the matters can be resolved through further technical exchange and the condition certification process.</p>
<p>Outstanding Watercare queries (Ms Maddock, Annexure 18)</p>	<p>Watercare has identified gaps relating to peak hourly water demand calculations, which require revision in accordance with Watercare's Code of Practice. Firefighting capacity requirements need to be re-checked at the Engineering Plan Approval stage. Multiple water connections to different streets are recommended to avoid a single point of failure.</p>	<p>These are technical design matters that do not alter the conclusion that the site can be fully serviced. The Applicant has committed to meeting all Watercare requirements and has proffered conditions requiring certification from utility providers.</p>	<p>Medium – The risk sits primarily with the Applicant. The matters can be resolved via suitably worded conditions or through the Engineering Plan Approval process. The Applicant has proposed to fully service the development in accordance with Watercare's requirements.</p>
<p>Earthworks – Chapter E11 AUP(OP) (Mr Byrne, Annexure 12)</p>	<p>The accuracy of the reason for consent under Chapter E11 is questioned due to the slope gradient of the land.</p>	<p>If this trigger applies, this should be identified to ensure the Panel is granting the correct suite of consents.</p>	<p>Low – it is likely this can be resolved via an update to the application material.</p>
<p>Protected trees –</p>	<p>Based on a site visit,</p>	<p>If there are resource</p>	<p>Medium</p>

<p>Chapter E16 AUP(OP) (Mr Miller)</p>	<p>Building 1 and associated works are likely to be in the vicinity of, or directly affect, protected trees located within an open space zone. The Applicant is requested to advise whether there are additional reasons for consent under Chapter E16 of the AUP(OP), assess the relevant effects and outline mitigation requirements, and support findings with technical reporting by a suitably qualified and experienced person.</p> <p>The applicant has stated in correspondence²⁰ with Council dated 9 April 2026 that:</p> <p><i>“Any resource consents required under Chapter E16 will be determined at detailed design and sought separately given it sits outside of the Project Site boundaries. Any such consents are not required at this stage to assess the effects of the Project as sought.”</i></p>	<p>consents required by the project, it would be more appropriate to require consideration now so that a fulsome assessment of the effects of the activity can be considered and appropriate conditions applied.</p>	
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²⁰ Email from Matthew Round of Bentley & Co to Auckland Council dated 9 April 2026. Copy can be provided to the panel if requested.

Key Findings

130. The Council's assessment has not identified any reasons why the application must be declined in terms of section 85(1) of the FTAA.
131. The central consenting issue for this proposal is the significant non-compliance with the height standards of the THAB zone (16m) and the MHS zone (8m), with the proposal reaching up to 29.7m. This has required careful consideration of building bulk and dominance, shading, privacy, visual amenity, and landscape and visual effects.
132. This assessment, drawing on the specialist assessments of its urban design, landscape, and planning advisors, has concluded that the effects arising from this height non-compliance are appropriately managed through the design response and the proposed conditions of consent. The compliance with the height in relation to boundary recession plane standards relative to the southern residential neighbours is a critical mitigating factor. The stepped building form, the north-south alignment of the buildings above the podium, and the building separation provide appropriate protection of the amenity of those neighbours, notwithstanding the significant height exceedance. The landscape and visual effects of the proposal, while acknowledged as a material change to the existing environment, are assessed as acceptable in the context of the site's THAB zoning and the intensification outcomes anticipated by the NPS-UD and the AUP(OP).
133. The remaining effects areas, such as earthworks and sediment control, construction noise and vibration, construction traffic, contamination, stormwater management and flooding, water and wastewater servicing, geotechnical matters, transportation and access, operational noise, lighting, waste management, parks and open space, and cultural effects can be appropriately managed through the proposed conditions of consent and management plans proffered by the Applicant, with amendments and additions recommended by Council's specialists. Whilst there are certain information gaps, adverse effect in these categories are not considered likely to be of a nature or scale that would individually or collectively meet the section 85(3) threshold.
134. The Council is in broad agreement with the Applicant's assessment against the relevant Schedule 5 statutory documents. The proposal is consistent with the intensification objectives of the NPS-UD and the strategic direction of the AUP(OP), including the THAB zone's purpose to enable a greater intensity of development.
135. Regarding economic benefits, the Council's assessment (through Mr Yeoman's review) has identified that the broader economic benefits claimed in the Applicant's Economic Impact Assessment are overstated. After adjusting for baseline, counterfactual, regional allocation, and present value, the net economic impact attributable to the FTAA approval is likely to be less than \$1.2 million in GDP per annum, which is immaterial at a regional scale. However, Mr Yeoman identifies that the direct economic benefits to Ngāti Whātua Ōrākei may be regionally significant but remain unclear.

Section 85(4) consideration

136. This assessment has considered the direction in section 85(4) of the FTAA, which

provides that adverse impacts cannot be found to meet the section 85(3)(b) threshold solely because they are inconsistent with provisions of specified Acts or other documents. The proportionality assessment above is based on the substantive significance of impacts relative to benefits, not on policy inconsistency.

Relevance of information gaps to assessment

137. The Council has identified a number of information gaps, as detailed in the table above. These relate to:

- a. The quantification of economic benefits to Ngāti Whātua Ōrākei.
- b. The status of the Stormwater Management Plan and its alignment with the RWNDC and the extent of downstream flood risk modelling;
- c. Certain calculations regarding peak water demand and firefighting capacity;
- d. Updates to the geotechnical reporting and flow-on requirements to conditions of consent.
- e. Corrections in terms of rule triggers, including the correct earthworks consent trigger under Chapter E11, and potential flow-on effects to arboricultural and vegetation impacts under Chapter E16.

138. While these information gaps are noted, they do not alter the overall proportionality conclusion. In respect of the infrastructure-related gaps (stormwater, flooding, and water supply), the underlying effects have been assessed as capable of being managed through conditions of consent, and the gaps relate to matters of technical detail that can be resolved through the submission and certification of the Stormwater Management Plan, engineering plan approval, or further technical exchange between the Applicant and the relevant Council units (Healthy Waters, Watercare).

139. The information gap of greatest significance to the overall assessment is the quantification of the economic benefits to Ngāti Whātua Ōrākei. As discussed above, Mr Yeoman's indicative assessment suggests that these benefits may be regionally significant. However, the Applicant's Economic Impact Assessment does not quantify these benefits, and the letter from Ngāti Whātua Ōrākei responding to Minute 3, while affirming the cultural and economic importance of the project to the iwi, does not provide the specific data or confirmation that would allow a conclusive finding to be made on this point. This gap is directly relevant to whether the project can be said to deliver significant regional or national benefits for the purposes of s3 of the FTAA.

Recommendations and s3 Assessment

140. Based on our assessment as outlined in the preceding sections of this report, we **RECOMMEND APPROVAL**, subject to:

- a. the conditions of consent recommended throughout this report (as amended from the Applicant's proffered conditions by Council's specialists); and
- b. the Applicant demonstrating the regional economic significance of the project's benefits to Ngāti Whātua Ōrākei and their ~7,000 registered members.

141. This recommendation has been made in accordance with the FTAA. The Council has had regard to all matters identified under the section 81(2) process and has been guided by the statutory purpose of the FTAA – which is to facilitate the delivery of infrastructure and development projects with significant regional or national benefits.
142. Our assessment has not identified any adverse impacts that, individually or collectively, would be sufficiently significant to be out of proportion to the project's regional or national benefits. The effects arising from the proposal's significant height non-compliance are appropriately managed through the design response and the proposed conditions. Effects in the remaining categories assessed in Section C can be appropriately avoided, remedied, or mitigated via conditions, noting the need for some clarification and final information. No modification to the proposal itself is considered necessary to achieve an acceptable environmental outcome.
143. This conclusion is supported by the absence of any significant adverse environmental effects. Even applying a conservative view of the project's benefits, the Council is satisfied that the proportionality threshold under section 85(3)(b) of the FTAA is not reached.
144. Whether the project meets the purpose of the FTAA under section 3 is ultimately a matter for the Panel. On this point, the Council recommends that the Panel ask the Applicant to provide a clearer indication of the scale of economic benefit the project will deliver to Ngāti Whātua Ōrākei. The precise financial value of these benefits may be commercially sensitive, and the Council is not suggesting the need for full disclosure of the commercial terms. Rather, an indication of the broad order of magnitude would enable the Panel to make a better-informed assessment of whether the s3 threshold is met.

Part 2 of the RMA

1. We have considered the purpose and principles in s5-7 of Part 2 of the RMA. In doing so, we note the RMA's purpose is afforded lesser weight than the FTAA's purpose.
2. In relation to s5:
 - a. The development represents an efficient use of a brownfield site that is zoned for urban intensification and well-served by existing and proposed infrastructure.
 - b. The proposal enables the social and economic wellbeing of people and communities while managing the effects on the environment via conditions.
 - c. The site does not contain significant natural resources, streams, or indigenous vegetation, and the proposal does not give rise to the types of ecological or sustainability concerns that would be contrary to section 5(2)(a-c).
3. In relation to s6:
 - a. The relationship of Māori and their culture and traditions with their ancestral lands is a significant consideration because the site is Treaty Settlement land returned to Ngāti Whātua Ōrākei. The project has been developed collaboratively between the iwi and the developer and supports their continued

re-establishment on their ancestral land.

- b. The site does not contain any scheduled or protected historic heritage features. The Accidental Discovery Protocol conditions proposed by the Applicant are appropriate to manage the potential risk of unanticipated archaeological discovery during earthworks, consistent with AUP(OP) standards E11.6.1 and E12.6.1.

4. In relation to s7:

- a. The project will be developed in partnership with Ngāti Whātua Ōrākei as kaitiaki and mana whenua (s7(a)).
- b. Under s7(b), the proposal represents an efficient use of a large, centrally located brownfield site. The site is already in retirement village use and the proposal increases its residential capacity. The site is well-serviced by existing infrastructure and will be readily accessible.
- c. In terms of amenity values and s7(c), the proposal will change the amenity values experienced by some neighbouring properties, particularly in terms of building bulk and visual dominance. However, these effects are appropriately managed through the stepped building form, the compliance with height in relation to boundary recession plane standards, and the proposed landscaping across the site. Changes to amenity values are not, of themselves, an adverse effect.
- d. During implementation of a variety of management plans will be adopted to maintain the quality of the environment. Stormwater quality controls are proposed to maintain and enhance the downstream receiving environment (s7(f)).
- e. The effects of climate change have been accounted for in the analysis of weather and natural hazards in the engineering design of the site under s7(i).

- 5. Overall, the proposal is considered to be consistent with the relevant provisions of Part 2 of the RMA, having regard to the nature of the site, the zoning, the design response, and the proposed conditions of consent.

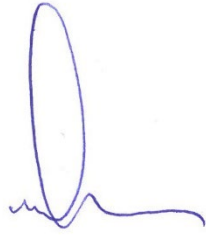
DATED 10 April 2026



Planner

Andrew David Miller

Planning Consultant for Auckland Council

A handwritten signature in blue ink, consisting of a large, vertical, oval-shaped stroke on the left and a horizontal, wavy line extending to the right.

Reviewer

Warwick Pascoe

Principal Project Lead at Auckland Council