IN THE MATTER OF	the Fast-track Approvals Act 2024 ("**FTAA**")
AND	
IN THE MATTER OF	an application for approvals by Summerset Villages (Paraparaumu) Limited to construct and operate a retirement village and associated infrastructure at 73 Ratanui Road, Paraparaumu, Kāpiti Coast District ("**Project**")

LEGAL CONSIDERATIONS ON BEHALF OF SUMMERSET VILLAGES (PARAPARAUMU) LIMITED
30 OCTOBER 2026

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1. SUMMARY

1.1 This memorandum is provided on behalf of the applicant, Summerset Villages (Paraparaumu) Limited (which is a part of Summerset Group Holdings Limited (together, "**Summerset**")), in support of its substantive application under the FTAA for approvals to develop the Project ("**Application**"). The Project is a referred project under the FTAA.

1.2 The Project involves the construction and operation of a retirement village on approximately 12.6 hectares of land on Ratanui Road[1] in Otaihanga, Kāpiti ("**Site**"), comprising approximately 257 independent living units, a central main building with approximately 40 assisted living suites, 30 care suites, 20 memory care suites, resident amenities, internal circulation and parking, roading network upgrades, and earthworks and boundary treatment.

1.3 The Project area has been through a recent plan change process that rezoned the land from Rural Lifestyle to General Residential. The zoning of the Project area is appropriate for, and enabling of, retirement village activities. While the Project would have been equally deserving of consent under the standard RMA process, Summerset elected to use the fast-track process for the additional timing certainty it provides. It is not an opportunistic urban development seeking to use the fast-track process to achieve an outcome not contemplated by the planning framework.

1.4 To authorise the Project, Summerset seeks resource consents under the Resource Management Act 1991 ("**RMA**"), a wildlife approval under the Wildlife Act 1953 ("**Wildlife Act**") and an archaeological authority under the Heritage New Zealand Pouhere Taonga Act 2014 ("**HNZPT Act**"). No other approvals under specified Acts are sought as part of the Application.

1.5 The Project represents an opportunity to increase the supply of aged care options in Paraparaumu, the Kāpiti Coast District, and the Greater Wellington Region, which has an ageing population and limited aged care facilities. The Project also provides local employment opportunities in a region with relatively low employment growth.

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[1] The Site currently comprises Lot 4 Deposited Plan 58017 (65 Ratanui Road) and Lot 3 Deposited Plan 497389 (73 Ratanui Road). Summerset has obtained subdivision consent to amalgamate the two titles, and the new record of title (to be known as Lot 1 DP 617312, RT 124641) has yet to be issued. Once issued, the amalgamated Site will have the street address of 73 Ratanui Road, which is why the Notice of Decision refers to 73 Ratanui Road only. Copies of the current records of title for both 65 and 73 Ratanui Road are contained in Appendix 1 to the Application.

1.6 Kāpiti Coast also has no public hospital, with existing medical centres at capacity. This Project responds to these needs directly through a comprehensive care retirement village offering independent living, assisted living and on-site hospital and rest home level care. Overall, the Project increases housing development capacity and reduces pressure on the existing healthcare network in Kāpiti.

1.7 The Project delivers substantial regional benefits that strongly align with the purpose of the FTAA. This includes 738 full-time equivalent ("**FTE**") years of direct employment over the development period including for construction workers, project managers, architects and engineers, with 43 FTE employed once the village is operational. The Project will provide $258.7 million in Net Present Value to the Wellington regional economy.[2]

1.8 The effects of the Project have been thoroughly assessed, and any adverse effects will be appropriately avoided, remedied or mitigated through the proposed conditions. There are no significant adverse effects, and certainly no adverse impacts sufficiently significant to outweigh the Project's regional benefits.

1.9 The Panel can have confidence that the Project achieves the purpose of the FTAA, and Summerset respectfully requests that the Panel grant the approvals sought.

2. CONTEXT AND BACKGROUND

2.1 Summerset is one of the largest comprehensive care retirement village operators, and one of the largest home builders, in New Zealand.

2.2 Summerset is an experienced retirement village operator and builder, with 43 villages across New Zealand at various stages of development providing homes for over 9,100 elderly residents.

2.3 Summerset has been seeking to expand its presence in the Kāpiti Coast District to meet the demand for aged care in the area, and had been searching for an appropriate site in Paraparaumu for five years. Summerset selected the Site for a range of factors, including its location, size, close proximity to an existing urban area, and its infrastructure serviceability.

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[2] Property Economics, Economic Impact Assessment dated 30 October 2026 ("**Economic Assessment**"), p 5.

2.4 The Site is located 3.2km north of the Paraparaumu Metropolitan Centre and comprises approximately 12.6 ha, formed by the amalgamation of parts of 65 and 73 Ratanui Road. It has been used as a rural residential lifestyle block and is surrounded by land that is predominantly residential in nature. The Site contains a highly modified stream and 20 wetland features, 17 of which meet the definition of a natural inland wetland, all dominated by exotic species because of historic clearance and farming.

2.5 The Site was identified in Kāpiti Coast District Council's ("**Council**") Growth Strategy – Te Tupu Pai as a "Medium-priority greenfield growth area". The Independent Hearing Panel for Proposed Plan Change 2 also endorsed the wider Otaihanga Block as "an excellent candidate for future residential development".[3]

2.6 The Project was referred to the fast-track process by the Minister for Infrastructure on 22 March 2026.[4] The Project as now applied for is consistent with the referred project, with only minor amendments to the proportion and distribution of care units.

2.7 The Site was subsequently rezoned from Rural Lifestyle to General Residential with a Development Area and associated Structure Plan, policies and rules.[5] That plan change, which became operative on 1 September 2026 with no appeals, enables residential development for a retirement village on the Site. In recommending that Plan Change 4 be approved, the Independent Hearing Panel found a shortfall in suitable housing for the elderly in the Kāpiti Coast, that additional urban-zoned land is necessary to provide for retirement accommodation, and that the Site has the infrastructure, physical and locational attributes needed for a retirement village.[6]

2.8 The Independent Hearing Panel also found that water and wastewater networks have sufficient capacity, that the road network can safely and efficiently accommodate the predicted traffic, that adverse effects on natural character will be of a low order, and that the plan change creates an

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3 Independent Hearing Panel Report to the Councillors of the Kāpiti Coast District Council on Plan Change 2, dated 20 June 2023 at [254].

4 The Notice of Decision was issued on 23 March 2026.

5 Council approved Private Plan Change 4 on 11 June 2026. The plan change, requested by Welhom Developments Ltd, sought to rezone approximately 12.65 hectares of land at part of 65 and 73 Ratanui Road, Otaihanga from Rural Lifestyle Zone to General Residential Zone, and introduced a new DEV3 – Ratanui Development Area chapter into the District Plan.

6 Private Plan Change 4 – Recommendations Report of the Hearing Panel, 7 April 2026 at [96], [98] and [99].

opportunity to significantly improve the ecological values of an ecologically degraded site.[7]

2.9 The Project is aligned with the outcomes of that plan change process and gives effect to the General Residential Zone and its anticipated outcomes. The potential effects of the Project have, to a large extent, already been assessed and tested.

3. PROJECT OVERVIEW

Project details

3.1 In summary, the Project involves:

(a) approximately 257 independent living units consisting of cottages and villas in various configurations;

(b) a central main building comprising approximately 40 assisted living suites, 20 memory care suites, 30 care suites, and associated amenities;

(c) a range of resident amenities such as a bowling green, pickleball court, and pétanque court;

(d) internal circulation and parking provision;

(e) extensive site landscaping including a restoration of wetlands on the Site and utilisation of stormwater management wetlands;

(f) earthworks to construct infrastructure and upgrades to the roading network required to serve the Project; and

(g) boundary treatment, including earthworks to reduce the sand dunes straddling the boundary with 24 Otaihanga Road.

3.2 Summerset is proposing to construct and deliver the infrastructure necessary to support the Project. The Site is well serviced by existing reticulated three waters networks along Ratanui Road with additional capacity for the Project, and no significant upgrades to the wider networks are required. Stormwater will be managed on the Site to achieve water quality treatment, detention and

[7] Private Plan Change 4 – Recommendations Report of the Hearing Panel, 7 April 2026 at [135], [136], [165] – [167], [215], [241] – [251].

attenuation before discharge occurs, with flood risk managed up to a 1% AEP event (including the predicted effects of climate change).

3.3 In terms of transport, Ratanui Road can accommodate the additional traffic generated safely and efficiently, and Summerset proposes upgrades within the Ratanui Road reserve to provide a T-intersection with a right turn bay into the main entrance, together with any other infrastructure upgrades required in the road reserve to service the Project.

Approvals required

3.4 In order to authorise the construction and delivery of the Project summarised above, the Applicant through this Application seeks:

(a) resource consents under the RMA (including land use consents under the Kāpiti Coast District Plan and the National Environmental Standard for Assessing and Managing Contaminants in Soil to Protect Human Health, and regional consents under the Greater Wellington Natural Resources Plan and the National Environmental Standards for Freshwater for stormwater, earthworks, culverts and activities in natural wetlands);

(b) a wildlife approval under the Wildlife Act to relocate any lizards identified on the Site; and

(c) an archaeological authority under the HNZPT Act, sought as a precaution prior to the commencement of earthworks.

4. LEGAL CONTEXT

Decision making framework

4.1 Section 81 describes the decision-making framework under the FTAA. It provides that a Panel must, for each approval sought in a substantive application, decide whether to grant the approval and set any conditions or decline the approval.

4.2 For the purpose of making the decision, the Panel must consider a range of matters listed in section 81(2), and apply the following clauses:

(a) for resource consent, clauses 17 to 22 of Schedule 5;[8]

[8] FTAA, section 81(3)(a).

(b) for a wildlife approval, clauses 5 and 6 of Schedule 7;[9] and

(c) for an archaeological authority, the relevant clauses of Schedule 8.[10]

4.3 For resource consents, applications lodged on or after 30 October 2026 are governed by the transitional provisions in the Planning Act 2026 ("**Planning Act**"). A substantive application lodged during the transition period must be processed and determined under the FTAA as amended by the Planning Act.

4.4 An application need not include information on any of the effects set out in section 104(1A) of the RMA as referred to in Schedule 5 clause 5(4A) of the FTAA,[11] including, relevantly for this Project, views from private property. The Landscape effects assessment has been framed on that basis.

4.5 The Panel must also act in a manner that is consistent with obligations arising under existing Treaty settlements and customary rights recognised under the Marine and Coastal Area (Takutai Moana) Act 2011 and Ngā Rohe Moana o Ngā Hapū o Ngāti Porou Act 2019.[12]

4.6 In respect of section 7, the relevant Treaty settlement that applies to the Project area is the Ngāti Toa Rangatira Claims Settlement Act 2014 ("**Settlement Act**"). The Panel is therefore required to give consideration to this and consider whether granting the approvals would comply with section 7.[13] The Settlement Act contains no provisions specific to the Site, but includes broader provisions relating to Ngāti Toa Rangatira's historical association with the Kāpiti area and its involvement in resource management processes. No Mana Whakahono ā Rohe or joint management agreements have been identified as relevant to the Project area.

4.7 There are no planning documents recognised by a relevant iwi authority and lodged with local authorities that apply to the Project area. Summerset has engaged with Ngāti Toa Rangatira, Ātiawa ki Whakarongotai and Ngā Hapū o Ōtaki in relation to the Project. Ngāti Toa noted the significance of the area to Ātiawa where their respective rohe overlap, and confirmed that it defers to Ātiawa ki Whakarongotai on this Project. Ngā Hapū o Ōtaki similarly deferred to Ātiawa ki Whakarongotai. Ātiawa's feedback has informed the design of the Project and the proposed conditions. Summerset remains committed to

9 FTAA, section 81(3)(i).
10 FTAA, section 81(3).
11 Planning Act 2026, Schedule 12, Part 3.
12 FTAA, sections 7, 82 and 84.
13 FTAA, section 82.

ongoing engagement with mana whenua, particularly Ātiawa ki Whakarongotai.

Weighting of considerations

4.8 A feature of the FTAA is the express weighting of considerations. This is contained in clause 17 of Schedule 5 in relation to RMA consents, and the equivalent provision for assessment of applications for wildlife approvals is contained in clause 5 of Schedule 7.

4.9 Clause 17(1) of Schedule 5 provides that when considering a consent application and setting conditions (in accordance with clause 18), the Panel must take into account, giving the greatest weight to paragraph (a):

(a) the purpose of the FTAA; and

(b) the provisions of Parts 2, 3, 6 and 8 – 10 of the RMA that direct decision making on an application for a resource consent (but excluding section 104D); and

(c) the relevant provisions of any other legislation that directs decision making under the RMA.

4.10 While this hierarchy approach is distinct from the RMA framework, the use of a hierarchy of considerations has precedent in other legislation. For example, section 34(1) of the Housing Accords and Special Housing Areas Act 2013 ("**HASHAA**") similarly required decision-makers to give weight to the purpose of the HASHAA and the matters in Part 2 of the RMA in a prescribed order.[14]

4.11 Expert panels under the FTAA have adopted a generally consistent approach to the weighting exercise required under clause 17(1) of Schedule 5, as set out below:[15]

(a) Each factor listed in clause 17(1) must be assessed individually. This individual assessment is important as it ensures a panel does not rely solely on the purpose of the FTAA at the expense of the other listed matters. For example, environmental effects do not become less than minor simply because a project meets the purpose of the FTAA.

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14 Housing Accords and Special Housing Areas Act 2013, section 34(1).

15 For example, Wellington International Airport Southern Seawall Renewal Expert Panel decision dated 15 May 2026 at [89] – [91]; Bledisloe and Fergusson Wharf Extension Expert Panel decision dated 21 August 2025 at [121].

(b) Once individual assessment has been completed of each factor, a panel must then stand back and conduct an overall weighting exercise in accordance with the prescribed weighting.[16] As set out in the FTAA, the prescribed weighting requires a panel to give the greatest weight to the purpose of the FTAA.

4.12 The FTAA framework is concerned with whether a project delivers significant regional or national benefits, having regard to relevant adverse impacts and other matters addressed through the wider evidence base. The appropriate approach is to assess a project on the basis of its gross benefits. The FTAA does not require the Panel to undertake a cost-benefit analysis ("**CBA**") or to compare projects against each other. Instead, the FTAA asks whether the significant regional or national benefits of a project outweigh its adverse impacts, which is a question answered by reference to the scale and significance of the benefits generated by the project.

4.13 Numerous fast-track decisions have confirmed that a full CBA is not required to assess a project's benefits, and Expert Panels have consistently relied on economic impact assessments as an appropriate and sufficient basis for that assessment. For example, the Panel in the Downtown Carpark Redevelopment – Te Pūmanawa o Tāmaki decision concluded that a CBA may be useful in some cases but is not required by the FTAA: it "would be too narrow a lens" because it risks under-valuing benefits central to a project,[17] and that an economic impact assessment is "an appropriate and sufficient evidential basis" for recognising substantial regional economic activity.[18] In our submission, the same approach should be adopted here, where the Economic Assessment has been prepared as an economic impact assessment for that purpose.[19]

Assessment of the Project against the purpose of the FTAA

4.14 The Panel must consider the regional or national benefits of the Project on the facts before it. The Application assesses the Project against the purpose of

16 *Enterprise Miramar Peninsula Inc v Wellington City Council* [2018] NZCA 541 at [52] – [53].

17 Decision of the Expert Panel for Downtown Carpark Redevelopment – Te Pūmanawa o Tāmaki, dated 5 August 2026 at [267].

18 Decision of the Expert Panel for Downtown Carpark Redevelopment – Te Pūmanawa o Tāmaki, dated 5 August 2026 at [268].

19 Final Decision of the Expert Panel for Waihi North, dated 18 December 2025 at [785]-[787]; Final Decision of the Expert Panel for Maitahi Village, dated 18 September 2025 at [342]-[356]; Final Decision of the Expert Panel for The Point Mission Bay, dated 12 June 2026 at [324.10]; and Final Decision of the Expert Panel for the Haldon Solar Project, dated 10 August 2026 at [535].

the FTAA and the criteria in section 22(2), and concludes that the Project will deliver a broad range of significant regional benefits, addressed in turn below.

(a) **Housing supply and a well-functioning urban environment:** The scale and nature of the Project mean it is significant in the context of the Wellington Region. The Project will increase the supply of housing, address housing needs and contribute to a well-functioning urban environment by establishing a retirement village with approximately 257 independent living units, a central main building which contains 40 assisted living suites, 20 memory care suites, 30 care suites, and associated amenities, together with an 894m² community centre and 2,272m² of commercial floorspace.

(b) The Project increases housing development capacity in the Kāpiti Coast District, including for a much-needed aged care housing typology, and enhances the variety of living options and price points in the senior residential market, consistent with Policy 1 of the National Policy Statement on Urban Development 2020. The Site is well connected to nearby residential, commercial and open space areas through multi-modal transport options.

(c) **Consistency with planning documents:** The Site is identified in the Council's 2022 Growth Strategy – Te Tupu Pai as a "Medium-priority greenfield growth area", given it is surrounded by an established urban environment and can readily cater for increased residential activity. The Project brings forward the intended future urban use of the land, consistent with the future zoning pattern identified in the Wellington Region Future Growth Strategy.

(d) **Healthcare and existing infrastructure:** The Project will provide on-site rest home and healthcare facilities, reducing pressure on the existing healthcare network in Kāpiti, where there is no hospital and current medical centres are at capacity. On-site care will enable earlier identification of health problems through regular assessment, reduce emergency or unnecessary call outs, centralise healthcare and social welfare services, and lower healthcare costs such as hospital stays. By offering a downsizing option for older residents, the Project will also release larger family homes back into the housing market, optimising the use of existing housing stock. The Site can be serviced by existing three waters and wider transport infrastructure without upgrades to those wider networks.

(e) **Climate change and environmental issues:** The Project will support climate change mitigation through the efficient use of existing urban infrastructure, low-emission building design and construction practices, carbon sequestration through planting and wetland restoration, and reduced methane emissions from the removal of livestock from the Site. It will address significant environmental issues, including through on-site stormwater treatment, energy-efficient design, and the restoration of degraded waterways and creation of a centralised indigenous marsh wetland.

(f) **Climate change adaptation and resilience:** Flood risk will be managed up to a 1% AEP event (including the predicted impacts of climate change), with additional freeboard provided to meet accessibility requirements for older residents. Summerset operates a comprehensive emergency response programme, and its villages are equipped with emergency water, food, power generation and satellite communications. That programme kept Summerset's Auckland and Napier/Hastings villages operational and residents safe during the 2023 Auckland floods and Cyclone Gabrielle.

4.15 The Project also delivers significant economic benefits. It is a significant investment in Paraparaumu, the Kāpiti Coast District and the broader Wellington Region, with benefits such as:[20]

(a) 1,943 total FTE years over the seven-year development period;

(b) 738 FTE years of total direct employment over the development period;

(c) 495 FTE jobs during the peak construction year within Wellington; and

(d) $258.7 million in Net Present Value to the Wellington regional economy.

4.16 The Project will also deliver a range of (non-monetised) qualitative economic benefits extending beyond the local Kāpiti market, including:[21]

(a) increased housing supply and capacity for a much-needed aged care housing typology in the Kāpiti Coast District;

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20 Economic Assessment, p 5.
21 Economic Assessment, pp 29-30.

(b) greater variety of living options and price points in the senior residential market;

(c) indirect benefits for local businesses supplying goods and services during construction and operation, and “new money” entering the area through residents, staff and visitors;

(d) efficient use of existing infrastructure capacity, with internal infrastructure costs borne by Summerset, together with rates revenue and development contributions for the Council;

(e) local employment opportunities, with Summerset seeking to recruit locally where possible; and

(f) enabling carers of elderly family members to return to the workforce, contributing to the local economy.

4.17 For these reasons, the Project clearly has significant regional benefits and is consistent with the purpose of the FTAA.

Conditions

4.18 Under the FTAA, a panel must not set a condition that is more onerous than necessary.[22]

4.19 The Applicant has prepared an extensive set of proposed conditions, which are attached to the Application. These conditions have been drafted and developed over time, with input from the Applicant's technical experts, and informed by engagement with the relevant administering agencies and Ātiawa ki Whakarongotai. These conditions will adequately avoid, remedy and mitigate the adverse effects of the Project on the environment and are, in our submission, no more onerous than necessary.[23]

Ability to decline approvals

4.20 Section 85 of the FTAA sets out the limited circumstances when approvals must or may be declined. None of these circumstances apply in this case.

4.21 Section 85(3) also provides that a Panel may decline an approval where there are one or more adverse impacts, and those adverse impacts are sufficiently significant to be out of proportion to the Project's regional or national benefits

22 FTAA, section 83.
23 As required by FTAA, section 83.

(after taking into account conditions). As set out in the Application, there are no significant adverse effects and no adverse impacts which would outweigh the Project's significant regional benefits.

5. CONCLUSION

5.1 In our submission, the Panel can have confidence that the adverse effects of the Project will be appropriately managed through the proposed conditions, and the Project will achieve the purpose of the FTAA.

5.2 Summerset respectfully requests the Panel grant the resource consents, wildlife approval and archaeological authority.

DATED 30 October 2026

Daniel Minhinnick | Eve Boister

Counsel for Summerset