

**From:** Susan Bowler s 9(2)(a)  
**Sent:** Thursday, 27 June 2024 8:59 am  
**To:** Listed Projects  
**Cc:** Stacey Newlands [EXTERNAL] (LINZ); Craig Harris [EXTERNAL] (LINZ)  
**Subject:** [COMMERCIAL] Riverbend Road Residential Development – “Te Orokohanga Hōu”

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Kia ora,

Thanks for sending the Riverbend Road Residential Development - “Te Orokohanga Hōu” for our consideration.

You asked us to provide comment on the following:

- whether the project requires any other related approvals from your agency
- if you are aware of anything that would render the project ineligible under clause 18 of the Bill
- if you are aware of any Treaty settlement matters which relate to the project site – such as local protocols
- any other relevant matter?

Our response is as follows:

- **whether the project requires any other related approvals from your agency**  
We note that part of the land covered by the application is held by the Crown and is subject to s40 of the Public Works Act (PWA).  
The response letter notes that it has not been determined whether the land held by the Crown is required for any other public work and that if another public work is identified, then this land will not be available for the project. The applicant states that if the land isn’t required, then the application notes that the land will be offered back to the former owner who has agreed to then transfer the land to the applicant.  
However, an offerback is not an automatic process. When land held by the Crown is no longer needed for a public work, LINZ has to make a decision as to whether offerback is required. If LINZ decides an offerback is required, LINZ will make the offer to sell the land to the former owner. It cannot be predetermined that the land will be offered to the former owner, as this has yet to be made (and there are exemptions to offerback provided for in the legislation).
- **if you are aware of anything that would render the project ineligible under clause 18 of the Bill**  
We are not aware of anything that would render the project ineligible under clause 18 of the Bill.
- **if you are aware of any Treaty settlement matters which relate to the project site – such as local protocols**  
There is no notation on the title to the Crown-owned land that it is subject to a Treaty settlement obligation. The property is not mentioned as being subject to a right of first refusal. If the land is exempted from offerback, it may be that the Māori Protection Mechanism applies – Te Arawhiti would be able to advise on that and how Kainga Ora properties owned by the Crown are dealt with.  
Kainga Ora will be able to advise whether it has any local protocols for the Crown-owned land.
- **any other relevant matter?** Noting that all the above in terms of other public works and offerback will need to be worked through. That’s not to say that the outcome won’t be as described by the applicant (that the land will be offered back and the former owner will transfer it to the applicant) but that these processes have yet to occur.

Ngā mihi  
Susan

**Susan Bowler** (she/her)\*

**Kaitohutohu Matamua / Principal Advisor**

Strategy, Policy & Ministerials

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