

Response ID ANON-URZ4-5FYK-M

Submitted to Fast-track approval applications
Submitted on 2024-05-03 17:03:30

Submitter details

Is this application for section 2a or 2b?

2A

1 Submitter name

Individual or organisation name:

Ngāti Manuhiri Settlement Trust and Te Ārai South Holdings Limited or Nominees representing the Te Ārai South Joint Venture

2 Contact person

Contact person name:

Berin Smith

3 What is your job title

Job title:

Manager - Development Strategy Darby Partners

4 What is your contact email address?

Email:

s 9(2)(a)

5 What is your phone number?

Phone number:

s 9(2)(a)

6 What is your postal address?

Postal address:

PO Box 2518 Wakatipu, Queenstown 9349

7 Is your address for service different from your postal address?

Yes

Organisation:

Darby Partners

Contact person:

Berin Smith

Phone number:

s 9(2)(a)

Email address:

s 9(2)(a)

Job title:

Manager - Development Strategy Darby Partners

Please enter your service address:

C/- Jack's Point Clubhouse

94 McAdam Drive

Jack's Point

9371

Queenstown

Section 1: Project location

Site address or location

Add the address or describe the location:

Te Ārai South Precinct (to the south of Te Ārai Point), North Auckland.

File upload:

TAS Fast Track Application Plans.pdf was uploaded

Upload file here:

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Do you have a current copy of the relevant Record(s) of Title?

Yes

upload file:

Combined Te Arai South Freehold RTs.pdf was uploaded

Who are the registered legal land owner(s)?

Please write your answer here:

Ngāti Manuhiri Settlement Trust, Te Ārai South Holdings Limited and Auckland Council.

Detail the nature of the applicant's legal interest (if any) in the land on which the project will occur

Please write your answer here:

With the exception of that land owned by Auckland Council, the applicants (or entities controlled by and/or related to the applicants) are the legal owners of the land. There are no legal ownership impediments with respect to those activities the applicants propose on their own land. Those works proposed on Auckland Council parkland are to be carried out with the agreement of Auckland Council and in accordance with the Te Ārai Regional Park Management Plan 2022.

Section 2: Project details

What is the project name?

Please write your answer here:

Integrated Development Plan for Te Arai South Precinct and Regional Park

What is the project summary?

Please write your answer here:

The comprehensive and integrated development of a complimentary range of improved land use activities to give effect to the Te Arai Precinct of the Auckland Unitary Plan and Te Ārai Regional Park Management Plan 2022.

What are the project details?

Please write your answer here:

This application meets the Purpose of the Fast Track Bill to fast-track projects of significant national and regional benefits. As outlined further in this application, through sand mining and a suite of various and integrated land use activities, the proposal will contribute in excess of \$2.0 billion of value to the Auckland and Northland economies.

The land concerned formed part of Ngāti Manuhiri Treaty Settlement and is specifically provided for in the Auckland Unitary Plan as Commercial Redress land and includes a significant part of The Te Ārai Regional Park that is one of New Zealand's largest regional parks created by the Land Owners partnership with the Auckland Council. The project is to provide for a range of land uses with improved sustainable economics that better realise the commercial redress opportunities of the land to the benefit of the Ngāti Manuhiri Settlement Trust while also allowing the Trust to advance its social and cultural interests.

The applicants seek inclusion on Schedule 2A to provide a consent pathway for a comprehensive suite of activities based on a fully integrated master land use plan that is consistent with, and gives effect to, the purpose of the Act and, squarely related to that, the Unitary Plan Te Ārai South Precinct and Mana Whenua Chapter of the Auckland Unitary Plan. This application relates to what is otherwise termed Integrated Māori Development that is provided for in the Mana Whenua Chapter provisions that supports and gives effect to, amongst other things, Ngāti Manuhiri Settlement Trust Treaty Settlement for the entire Te Ārai South land area of 753ha.

In order to achieve these national and regional benefits, including required private funding of planned public roading infrastructure and Regional Park improvements, a fully integrated approach to land use activities is required. The Comprehensive Land Use Master Plan accompanying this application graphically illustrates the Te Ārai South Precinct land involved and a suite of fully integrated activities outlined in more detail below that are the subject of

this application.

The Master Land Use Plan and integrated approach provides an important framework to demonstrate the close interrelationship amongst the activities that are required to be consented and undertaken to secure the infrastructure, environmental, economic, cultural, social and housing outcomes that ultimately achieve and given effect to the Purpose of the Act.

The applicants do not seek Council or Government funding and nor do any of the activities that make up this application require public funding. For example, the fast-track approval of the activities included in this application, and their related operational and economic outcomes, secure various public benefits including significant regional parkland improvements and the sealing of 2.6 kilometres of roading through private funding. That road upgrading is integral to enabling:

- a. Safe and convenient public access to the regionally significant Te Ārai Regional Park; and
- b. Ongoing and future sand mining already existing and proposed in this application.

The project is to involve the following key components:

- An expansion of existing land-based sand mining operations on the site of up to 300,000 cubic metres of sand per annum to be carried out in a staged and sequential manner. The existing and future sanding mining is regionally and nationally significant and supports the growth and development of roading, infrastructure and development of Auckland and Northland regions. Through related companies, the applicant already holds Crown mining permits covering 283 hectares and a resource consent for 46 hectares of that land that is confined to 84,000 cubic metres of sand per annum. The extensive dune lake systems that will be generated from sand extraction provide the opportunity for significant ecological and recreational enhancement as part of the subsequent integrated visitor and residential development of the surrounding land.
- The establishment of a Ngāti Manuhiri Te Ārai Regional Park 'gateway village' visitor development comprising a cultural and arts visitor centre, visitor accommodation comprising up to 180 visitor accommodation units, landscaped public open space and supporting café/restaurant and retail activities as provided for under the Te Ārai South Precinct.
- Staged Development of up to 420 residential and retirement living units (and associated subdivision) including the establishment of affordable Ngāti Manuhiri papakāinga and local worker accommodation for employees servicing the Tara Iti and Te Ārai Links golf course operations, associated hospitality operations and related residential subdivision and development. In this regard there are approximately 300 staff employed by the Tara Iti and Te Ārai Links golf course operations and staff numbers are staffing levels necessary to support the growth and development of Te Ārai are expected to grow.
- Local road improvements comprising the construction of 4 kilometres of new public access road providing a direct and convenient access to Te Ārai Regional Park, the sealing of 2.6 kilometres of existing unsealed public roading and improvements to a further 4.4 kilometres of existing public roading.
- The development of the Te Ārai Regional Park in accordance with the Auckland Council Te Ārai Regional Park Management Plan 2022, including improved roading connections to and within the Park, the establishment of a public campground (including dedicated caravan and motorhome area) and associated facilities, a public trail network, a formed beachside public car park and landscaped day use area with public toilet and shower facilities.
- Land-based aquaculture operations and associated sea water requirements as provided for under the Te Ārai South Precinct and of significant regional and national benefit.
- The establishment of a community wastewater treatment and disposal system and community potable water treatment and supply system (necessary to serve the above public Regional Park use and private uses) and other environmentally sustainable infrastructure necessary to service proposed development including sensitive stormwater management and solar electricity generation.

Describe the staging of the project, including the nature and timing of the staging

Please write your answer here:

As expanded on further in this application, and subject to final consent approval, detailed design and Auckland Council engineering approvals and/or building consent approvals (where required) for the main part of the proposal (sand mine, subdivision, public roading connections and improvements, public parkland improvements community water and wastewater systems, residential development and visitor accommodation, aquaculture operations and cultural centre and an initial café/restaurant) will commence in latter part of 2024.

Sand mining operations and some construction activities (residential development and public roading connections and improvements) will commence in 2025 with construction of the remainder of the above activities commencing either late in 2025 or in 2026.

A further phase of detailed design and Auckland Council building consent approvals will be carried out in 2026 for further visitor accommodation, papakāinga and workers accommodation with construction of those activities commencing in 2027.

What are the details of the regime under which approval is being sought?

Please write your answer here:

Resource Management Act 1991

- resource consent

Wildlife Act 1953

- authority to do anything otherwise prohibited

Heritage New Zealand Pouhere Taonga Act 2014

- archaeological authority

Crown Minerals Act 1991

- land access arrangement under section 61 or 61B

If you seeking approval under the Resource Management Act, who are the relevant local authorities?

Please write your answer here:

Auckland Council

What applications have you already made for approvals on the same or a similar project?

Please write your answer here:

Through related entities, the applicant holds Crown mining permits and resource consent for an existing sand mine operation. The applicant has not lodged, nor does it have any 'live' application(s) for the proposed activities described above.

Is approval required for the project by someone other than the applicant?

Yes

Please explain your answer here:

Agreement is required from Auckland Council for those activities to be carried out on, or service public development planned on existing Regional Parkland. That agreement is to be confirmed as part of a broader partnership or development agreement between the applicant and Auckland Council.

If the approval(s) are granted, when do you anticipate construction activities will begin, and be completed?

Please write your answer here:

Due to the comprehensive nature of the proposal, the types of activities proposed, and the various construction activities involved, construction timings will vary depending on the individual activity proposed and the staging set out above and any consent conditions.

Preparation of a comprehensive resource consent application and subsequent processing of that application is expected to be completed in early-mid 2025. That application will further confirm the proposed staging of planned activities.

Consent to sand mining activity (and associated water take and discharge) will be sought for a maximum period of 35 years and, following planned commencement (under the consent sought) in 2025 will continue through to 2060 under those approvals. Reflecting the remaining sand resource that will remain available at the site at that time, renewed consents (where required) are likely to be sought at that time. Road upgrading and improvements necessary to support planned sand mining will be carried out at that time.

Following detailed design and Auckland Council engineering and building consent approvals in 2025, the first stage of the residential development and subdivision will be established in 2025/2026. That will include the provision of associated community wastewater treatment and disposal system serving those activities and the Te Ārai Regional Park and a new access road through the land connecting to the Park.

Construction of other Regional Park improvements, including car park, day use area and campground pine removal and re-contouring activities would commence in 2026 and be completed in 2027.

Section 3: Consultation

Who are the persons affected by the project?

Please write your answer here:

The proposed activities are to be carried out on Ngāti Manuhiri Settlement Trust and Te Ārai South Holdings-owned land by those parties. Where activities are proposed on parkland those activities will be carried out in accordance with the Te Ārai Regional Park Management Plan 2022 and with the prior agreement of Auckland Council. Consequently, in relation to land ownership and administration there will be no persons who would be adversely affected by the proposed activities.

Due to the size of the land area, the planned sensitivity of build form and subdivision design and rural nature of the land, there are limited potential off-site effects of the proposed activities. Such potential effects would be confined to potential visual and traffic effects on residents and landowners on Atkins Road and Ocean View Road who would have a visual connection to the land and the residents and landowners of those roads and School Road that would experience increased levels of traffic movements. As with all existing and previous development, the activities would be designed to avoid, remedy or mitigate any potential effects.

Detail all consultation undertaken with the persons referred to above. Include a statement explaining how engagement has informed the project.

Please write your answer here:

Extensive engagement has been carried out with Auckland Council as part of the Auckland Unitary Plan preparation which resulted in the Te Ārai South Precinct and complimentary Treaty Settlement Land provisions being adopted into that plan. The incorporation of the Precinct in the Unitary Plan followed the public Unitary Plan process. The proposed activities expressly give effect to the commercial redress policy imperatives of the Te Ārai South Precinct. The Precinct and equally applicable Treaty Settlement Land provisions of the Auckland Unitary Plan, expressly provide for sand mining and various other commercial development activities (as proposed) on the land.

Since the time of the incorporation of the Precinct in the Unitary Plan significant further engagement with Auckland Council over the vesting of parkland at Te Ārai South, improvements of it (principally comprising ecological restoration works and the establishment of public access easements) and integration with the existing Te Ārai South subdivision have been carried out. The applicants have made submissions to the Te Ārai Regional Park Management Plan 2022 and aspects of those submissions have been incorporated into that plan.

That consultation process will be ongoing in relation to agreement over the proposed parkland access connections, provision of infrastructure and improvement works.

To date no further consultation has been carried out as no such consultation has been required.

In summary, the land at Te Ārai South is subject to the Te Ārai Precinct and several existing consents along with a Comprehensive Site Management Plan that is made up of several individual management plans. The proposed activities are consistent with and advance the existing Te Ārai South Precinct provisions and management plans and enable the further management, use and development of the Te Ārai South land and other resources while addressing all actual and potential effects in a cohesive and comprehensive manner.

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Te Arai South Precinct & Reserve Management Plan.pdf was uploaded

Describe any processes already undertaken under the Public Works Act 1981 in relation to the land or any part of the land on which the project will occur:

Please write your answer here:

Nil

Section 4: Iwi authorities and Treaty settlements

What treaty settlements apply to the geographical location of the project?

Please write your answer here:

The Ngāti Manuhiri Claims Settlement. All of the land the subject of this application comprises land that was acquired by Ngāti Manuhiri for commercial redress purposes under the Ngāti Manuhiri Claims Settlement Act 2012.

Are there any Ngā Rohe Moana o Ngā Hapū o Ngāti Porou Act 2019 principles or provisions that are relevant to the project?

No

If yes, what are they?:

Are there any identified parcels of Māori land within the project area, marae, and identified wāhi tapu?

Yes

If yes, what are they?:

All of the land the subject of this application comprises land that was acquired by Ngāti Manuhiri for commercial redress purposes under the Ngāti Manuhiri Claims Settlement Act 2012. There are no marae or identified wāhi tapu within the project area.

Is the project proposed on any land returned under a Treaty settlement or any identified Māori land described in the ineligibility criteria?

Yes

Has the applicant has secured the relevant landowners' consent?

Yes

Is the project proposed in any customary marine title area, protected customary rights area, or aquaculture settlement area declared under s 12 of the Māori Commercial Aquaculture Claims Settlement Act 2004 or identified within an individual iwi settlement?

No

If yes, what are they?:

Has there been an assessment of any effects of the activity on the exercise of a protected customary right?

No

If yes, please explain:

Upload your assessment if necessary:

No file uploaded

Section 5: Adverse effects

What are the anticipated and known adverse effects of the project on the environment?

Please describe:

The actual and potential adverse effects of the proposed activities on the environment would be confined to landscape character and amenity and traffic effects from proposed subdivision, built-form development and sand mining activities. Such activities fall broadly within the scope of effects anticipated under the commercial redress opportunities of the Te Ārai South Precinct and equally applicable Treaty Settlement Land provisions of the Auckland Unitary Plan.

The land is vegetated in exotic plantation pine forest that exhibits extremely limited ecological values. Consequently, adverse ecological values would be avoided. The site is subject to a Te Ārai South Comprehensive Site Management Plan (CSMP) prepared in accordance with the Te Ārai South Precinct provisions for the purposes of protecting the ecological, archaeological and landscape values of the site while also ensuring that the land is protected against instability, erosion and the discharge of sediment into the environment. Proposed development will be carried out under the requirements of that CSMP. A copy of the CSMP document is appended to this application (without Appendices that would exceed the 25MB file size limit and can be supplied separately if required).

With the exception of appropriate public parkland improvements, development (including sandmining) would be substantially located inland and screened from the coastal environment by landform and retained vegetation cover or avoided and mitigated by highly sensitive design.

Consequently, adverse effects on the natural character of the Te Ārai coastline would be avoided.

To avoid adverse effects on groundwater resources, the proposed annual water take for community supply purposes would be from a suitable ground water resource and confined to a level that natural groundwater re-charge would sustain. The proposed discharge of community wastewater to land would comprise tertiary treatment to a high level and would avoid adverse effects on the receiving environment.

Sensitive management of the seawater take and discharge necessary to support on-land aquaculture activities would avoid any adverse effects on coastal water quality.

Any potential effects of the proposal will be offset and mitigated by the important commercial redress outcomes achieved by the Ngāti Manuhiri Settlement Trust, the regional benefits to Auckland and Northland of sand supply for construction purposes and the regionally important public benefits of increased residential and visitor accommodation, employment to the region and improved Regional Park access and use.

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Section 6: National policy statements and national environmental standards

What is the general assessment of the project in relation to any relevant national policy statement (including the New Zealand Coastal Policy Statement) and national environmental standard?

Please write your answer here:

Those national policy statements or national environmental standards that are relevant to the proposed activities comprise the New Zealand Coastal Policy Statement 2010, the National Environmental Standards for Commercial Forestry 2023 and the National Environmental Standards for Sources of Human Drinking Water Regulations 2007. For the reasons identified in the preceding section of this application, the proposed activities would not conflict with those documents.

File upload:

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Section 7: Eligibility

Will access to the fast-track process enable the project to be processed in a more timely and cost-efficient way than under normal processes?

Yes

Please explain your answer here:

Access to the fast-track process will enable the project to be processed in a more timely and cost-efficient way when compared to normal processes. In particular, because the project involves a significant range of activities provided for in the existing Unitary Plan Te Ārai South Precinct, under normal processes, each of those activities would require separate consent processes that would be time consuming, costly and inefficient. A single consent process avoids that problem.

Secondly, the proposed activities require subdivision, land use consents and regional permits for water takes and discharge as a further example. A comprehensive and integrated fast-track consent process allows assessment of various uses and associated cumulative effects (for example, traffic effects and ground water take and discharge effects) to be assessed in a more comprehensive manner.

Lastly, by providing an accelerated consent pathway to a single set of comprehensive set of development outcomes, the fast-track process will enable project funding to be secured with greater certainty. Funding of the proposed activities includes the funding required to further develop the Te Ārai Regional Park for the benefit of the public.

What is the impact referring this project will have on the efficient operation of the fast-track process?

Please write your answer here:

All of the proposed activities will largely comprise typical land use activities that will replicate or be similar to existing activities occurring at Te Ārai North and Te Ārai South (including the already consented sand mining activity, subdivision, residential, visitor accommodation and worker accommodation). Reflecting that situation, the sandy nature of the land itself, the absence of any affected watercourses or wetlands and the monoculture of exotic production pine forest cover on much of the land, the effects of the proposed activities are not complex and are easily assessed and understood for consent purposes under the fast-track process.

Furthermore, because of the existing history of consenting those activities on the site, the applicant is able to rely on the existing Te Ārai South CSMP and a significant body of contemporary Auckland Council consent conditions that can be easily replicated (but with necessary modification) to reflect the proposed activities. As part of planned consultation over parkland improvements with Auckland Council, the applicant expects to source additional Auckland Council consent conditions relevant to those improvements too.

For that reason, the applicant will include a comprehensive set of activity-specific Auckland Council consent conditions as part of a comprehensive application to ensure the efficient operation of the fast-track process.

Has the project been identified as a priority project in a:

Local government plan or strategy

Please explain your answer here:

The project has been specifically identified as a priority project under the Auckland Unitary Plan insofar as, and very distinct from those of the surrounding Rural Coastal zone, the location-specific provisions of the Te Ārai South Precinct identify an overarching policy imperative to promote to the Treaty of Waitangi commercial redress opportunities through various land use activities including, sandmining, integrated Māori development, papakāinga, commercial and tourism activities.

The Te Ārai Regional Park is one of New Zealand's largest regional parks and was initiated by iwi and Darby Partners working in partnership with Auckland Council. Development of the Te Ārai Regional Park is identified in the Auckland Regional Parks Management Plan 2022 as one of the top three parklands where a spatial planning exercise is required to support the delivery of visitor infrastructure and park layout. The Te Ārai Regional Park has been identified as a priority area because visitor numbers are predicted to increase rapidly in that area and the Park has very limited existing facilities.

Will the project deliver regionally or nationally significant infrastructure?

Regional significant infrastructure

Please explain your answer here:

Yes. Te Ārai Regional Park comprises a significant regional recreational asset of over 450 hectares of land that includes 11km of coastline and the Te Ārai Regional Park Management Plan 2022 identifies that visitor numbers to the Park are expected to increase rapidly. The proposal will involve the establishment of improved public roading connections to and within the Park and public car parking and the provision of community wastewater treatment and potable water supply systems to service the Park. Due to the regional significance of the Park, those infrastructure services qualify as equally regionally significant.

Additionally, through the supply of sand to the Auckland and Northland construction sectors that is necessary for concrete production (a key ingredient of infrastructure construction), the proposal will indirectly assist to deliver regionally and nationally significant infrastructure in those regions.

Will the project:

increase the supply of housing

Please explain your answer here:

Yes. The proposal will expressly address housing needs through the provision of residential, visitor accommodation and affordable Ngāti Manuhiri papakāinga and local worker accommodation.

Will the project deliver significant economic benefits?

Yes

Please explain your answer here:

Yes. The proposed sand mining will enable Ngāti Manuhiri to realise the commercial redress purpose of the land while providing a resource which is critical to the physical and economic growth of the Auckland and Northland regions. The accessible sand reserve is estimated at over 6 million cubic metres, which would help to ensure security of supply for development and infrastructure projects for decades to come. At current values, such sand, once extracted, washed and graded, has a market value of over \$180 million. Thus, the sand mine has the capacity to provide significant regional economic benefit while also significantly enhancing the financial position of Ngāti Manuhiri Settlement Trust.

Likewise, land-based aquaculture within the precinct has the capability to drive growth in national seafood production and export that, nationally, comprises a +\$2 billion industry and employs approximately 20,000 people. Harvesting kaimoana is a traditional use for which the land is well-suited; enabling aquaculture development is consistent with this history and has the potential to drive export receipts for New Zealand while providing meaningful economic returns to Ngāti Manuhiri.

The proposed development activities will deliver significant economic benefits to the Auckland region including ongoing significant employment both relating to construction, development and ongoing works that have been growing for over 10 years as part of the integrated management, use and development of the Te Ārai lands and associated Te Ārai Parkland while also augmenting those existing significant economic benefits.

In particular, the existing Te Ārai North and Te Ārai South subdivisions involved a combined construction cost exceeding \$40m. Residential building on those lots is expected to exceed \$950m in construction value. The world class golf course developments of Tara Iiti and Te Ārai Links have seen the investment of some \$290m in golf course establishment, maintenance and hospitality operations. Annual operating costs of the two subdivisions and three golf courses, including staff employment is approximately \$25m.

Planned road improvements, parkland improvements, subdivision construction and residential and visitor accommodation are expected to generate in excess of a further \$1.8 billion in construction costs.

Will the project support primary industries, including aquaculture?

Yes

Please explain your answer here:

The proposed land-based aquaculture comprises one of the various uses available under the Precinct and Integrated Māori Development opportunities of the Auckland Unitary Plan applying to Treaty Settlement Land.

Will the project support development of natural resources, including minerals and petroleum?

Yes

Please explain your answer here:

Yes. The proposed activities comprise the mining and supply of a land-based high-quality sand, suitable for production of structural grade concrete, at up to 300,000m³ per annum to the Auckland construction sector.

Will the project support climate change mitigation, including the reduction or removal of greenhouse gas emissions?

No

Please explain your answer here:

Will the project support adaptation, resilience, and recovery from natural hazards?

No

Please explain your answer here:

Will the project address significant environmental issues?

No

Please explain your answer here:

Is the project consistent with local or regional planning documents, including spatial strategies?

Yes

Please explain your answer here:

Yes. The proposed activities are specifically intended to give effect to the Te Ārai South Precinct of the Auckland Unitary Plan and the Te Ārai Regional Park Management Plan 2022. Copies of those location-specific planning documents are attached to this application.

Anything else?

Please write your answer here:

The purpose of the Bill is not only to provide a fast-track decision-making process that facilitates the delivery of infrastructure projects with significant regional or national benefits but also development projects with significant regional or national benefits. Te Ārai Regional Park comprises a significant regional recreational asset of over 450 hectares of land that includes 11km of coastline and the Te Ārai Regional Park Management Plan 2022 identifies that visitor numbers to the Park are expected to increase rapidly.

Proposed public access roading connection improvements to the Park, proposed improvements within the parkland itself including a campground and associated infrastructure (to be carried out in accordance with the Te Ārai Regional Park Management Plan 2022) and proposed visitor-related components of the proposal on adjacent private land (including the proposed Ngāti Manuhiri cultural centre, proposed visitor accommodation and associated retail and café/restaurant activities) will enhance the Park visitor experience. Improvements to the Park will therefore generate a significant regional benefit.

Does the project includes an activity which would make it ineligible?

No

If yes, please explain:

Section 8: Climate change and natural hazards

Will the project be affected by climate change and natural hazards?

No

If yes, please explain:

Section 9: Track record

Please add a summary of all compliance and/or enforcement actions taken against the applicant by any entity with enforcement powers under the Acts referred to in the Bill, and the outcome of those actions.

Please write your answer here:

Nil

Load your file here:

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Declaration

Do you acknowledge your submission will be published on environment.govt.nz if required

Yes

By typing your name in the field below you are electronically signing this application form and certifying the information given in this application is true and correct.

Please write your name here:

Berin Smith

Important notes