



MFE BRF-2897

DOC 23-B-0216

Cabra Developments Limited  
c/- Duncan Unsworth  
General Manager  
s 9(2)(a)

Dear Duncan Unsworth

**COVID-19 Recovery (Fast-Track Consenting) Act 2020 - Notice of Decisions (Section 25) – Whenuapai Development Project**

Thank you for Cabra Developments Limited application under section 20 of the COVID-19 Recovery (Fast-track Consenting) Act 2020 (FTCA) seeking referral of the Whenuapai Development project to an expert consenting panel (a panel) for consideration under the FTCA. I am writing to you on behalf of both myself and Hon Willow-Jean Prime, Minister of Conservation, as the project is partly within the Coastal Marine Area (CMA).

The project is to subdivide four separate sites in Whenuapai, Auckland covering a total of approximately 13.7 hectares, and construct a residential development on three of the sites located at 15 Clarks Lane (Site A), 10 Sinton Road (Site B) and 16 Sinton Road (Site C), and a light industrial development on the fourth site at 90 Trig Road (Site D). The project includes:

1. subdivision to create approximately 227 residential lots and construction of approximately 227 residential units (comprising approximately 84 on Site A, approximately 62 on Site B and approximately 81 on Site C)
2. subdivision to create 9 light industrial lots and construction of 2 industrial warehouse buildings on Site D
3. creation of esplanade reserves to be vested in Auckland Council
4. construction of public roads, and pedestrian and vehicle accessways
5. upgrade and extension of Sinton Road
6. construction of infrastructure for three-waters services, including works within adjacent road reserves and new wastewater infrastructure extending onto adjacent properties at 12 and 14 Sinton Road.

The purpose of the FTCA is to promote employment to support New Zealand's recovery from the economic and social impacts of COVID-19 and to support the certainty of ongoing investment across New Zealand, while continuing to promote the sustainable management of natural and physical resources.

We can only refer the project to a panel for consideration under the FTCA if it meets the referral criteria in section 18 of the FTCA, which includes our being satisfied the project will help achieve the FTCA's purpose.

We have decided the project meets the referral criteria in section 18 of the FTCA and we consider it will help to achieve the FTCA's purpose as it has the potential to:

1. provide approximately 154 full-time equivalent (FTE) jobs over a 4-year design and construction period and enable approximately 126 ongoing FTEs jobs through ongoing operation of industrial activities
2. increase housing supply through construction of approximately 227 residential units
3. have positive effects on social well-being by contributing to public amenity and opportunities for recreation
4. progress faster than would otherwise be the case under standard Resource Management Act 1991 process.

Any actual and potential effects arising from the project, together with any measures to avoid, remedy, mitigate, offset or compensate for adverse effects, could be tested by a panel against Part 2 of the Resource Management Act 1991 and the purpose of the FTCA (section 4 and clause 31 Schedule 6).

Accordingly, we have decided to accept your application for referral under section 24(2) of the FTCA and refer all of the project to a panel.

*Persons or groups a panel must invite comments from*

In accordance with section 24(2)(e) of the FTCA, we have also decided that a panel must invite comments on any resource consent application for the project lodged with the EPA from the persons or groups, additional to those specified in clause 17 Schedule 6 of the FTCA, who are listed in Appendix A of this letter.

This will allow those parties the opportunity to have input into the consideration of the application and enable a panel to better understand the potential effects of the proposal.

These directions do not preclude a panel from inviting any other parties to comment on any application lodged with the EPA under the FTCA.

We will progress an Order in Council through the Executive Council for the project. The wording of the referral order may vary slightly from the statements and directions included in this letter, due to legal drafting requirements.

Once this Order is made you will be able to lodge your applications for resource consent with the EPA for a decision by a panel. The decision to approve or decline the resource consents is a matter for the panel appointed by the Panel Convener Judge L J Newhook. You should not take our decision to refer the project as an indication or direction that the determination of those approvals will be successful. Additionally, our decision does not in any way endorse any related planning decisions that may affect the project.

Please do not publicly release our decision or this notice until the Order in Council for this project has been approved by Cabinet and notified in the New Zealand Gazette.

The FTCA requires that:

1. We provide a copy of our decisions to the persons, entities and groups specified in section 25(1) and (2) of the FTCA
2. Our decisions, the reasons for them, and the Section 17 Report will be published on the Ministry for the Environment's website in accordance with section 25(3) of the FTCA.

In addition, we have also decided to provide a copy of this decision to the following parties who are additional to those specified in the FTCA:

1. Ngāti Koheriki Claims Committee
2. Whenua Haumi Roroa o Tāmaki Makaurau Limited Partnership
3. Tūpuna Taonga o Tāmaki Makaurau Trust
4. Marutūāhu Rōpū General Partner Limited
5. Hako Tūpuna Trust
6. Ngāti Pāoa Iwi Trust
7. Ngāti Pāoa Trust Board
8. Ngaati Whanaunga Incorporated Society
9. Ngaati Whanaunga Ruunanga Trust
10. Ngāti Manuhiri Settlement Trust
11. Takutai Moana applicants (applicants seeking customary marine title or protected customary rights under the Marine and Coastal Area (Takutai Moana) Act 2011, listed in Attachment 4 of the Section 17 Report).

Please contact the Fast-track Consenting Team at the Ministry for the Environment ([fasttrackconsenting@mfe.govt.nz](mailto:fasttrackconsenting@mfe.govt.nz)) if you have any questions or wish to discuss this decision.

Yours sincerely

Hon David Parker  
**Minister for the Environment**

cc Relevant Ministers of/for portfolios specified in section 21(6)(a)-(m) FTCA:

Arts, Culture, and Heritage; Māori Crown Relations: Te Arawhiti; Housing; Infrastructure; Education; Transport; Land Information; Defence; Treaty of Waitangi Negotiations; Local Government; Conservation; and Climate Change

Local Authority:

Auckland Council

Other parties:

Auckland Transport

Watercare Services Limited  
Waka Kotahi New Zealand Transport Agency  
New Zealand Defence Force  
Ngāti Koheriki Claims Committee  
Whenua Haumi Roroa o Tāmaki Makaurau Limited Partnership (commercial)  
Tūpuna Taonga o Tāmaki Makaurau Trust (cultural)  
Marutūāhu Rōpū General Partner Limited  
Hako Tūpuna Trust  
Ngāti Pāoa Iwi Trust  
Ngāti Pāoa Trust Board  
Ngaati Whanaunga Incorporated Society  
Ngaati Whanaunga Ruunanga Trust  
Ngāti Manuhiri Settlement Trust  
Takutai Moana applicants (applicants seeking customary marine title or protected customary rights under the Marine and Coastal Area (Takutai Moana) Act 2011, listed in Attachment 4 of the Section 17 Report)

Relevant iwi authorities and Treaty settlement entities:

Ngāti Whātua Ōrākei Trust Board  
Ngāti Whātua Ōrākei Trustee Limited  
Ngā Maunga Whakahii o Kaipara Development Trust  
Te Kawerau Iwi Settlement Trust  
Ngāi Tai ki Tāmaki Trust  
Ngāti Tamaoho Trust  
Ngāti Tamaoho Settlement Trust  
Te Ākitai Waiohū Iwi Authority  
Te Ākitai Waiohū Settlement Trust  
Ngāti Maru Rūnanga Trust  
Ngāti Tamaterā Treaty Settlement Trust  
Te Ara Rangatū o Te Iwi o Ngāti Te Āta Waiohū  
Te Rūnanga o Ngāti Whātua

Environmental Protection Authority

The Panel Convener

## **Appendix A – Requirements specific to referral of the Whenuapai Development project**

### ***Persons or groups a panel must invite comments from***

In accordance with section 24(2)(e) of the FTCA, we have also decided that a panel must invite comments on any consent application for the project from the following additional persons or groups:

- Auckland Transport
- Watercare Services Limited
- Waka Kotahi New Zealand Transport Agency
- New Zealand Defence Force
- Ngāti Koheriki Claims Committee
- Whenua Haumi Roroa o Tāmaki Makaurau Limited Partnership (commercial)
- Tūpuna Taonga o Tāmaki Makaurau Trust (cultural)
- Marutūāhu Rōpū General Partner Limited
- Hako Tūpuna Trust
- Ngāti Pāoa Iwi Trust
- Ngāti Pāoa Trust Board
- Ngaati Whanaunga Incorporated Society
- Ngaati Whanaunga Ruunanga Trust
- Ngāti Manuhiri Settlement Trust.