

FTAA-2507-1084: Application received for referral of the project under the Fast-track Approvals Act 2024 – Stage 2 decisions

Project Name: Harlow Lifestyle Village

Date submitted:	23 October 2025	Tracking #: BRF-6882	
Security level:	In-Confidence	MfE priority:	Urgent

	Action sought:	Response by:
To Hon Chris Bishop, Minister for Infrastructure	Decision on recommendations	31 October 2025

Actions for Minister's Office staff	Return the signed briefing to MfE: FTAreferrals@mfe.govt.nz. Approve the attached notice of decisions letter (if signed).
Number of appendices: 7	Appendices: 1. Statutory framework for making decisions 2. Application documents for Harlow Lifestyle Village (refer File Exchange) 3. Stage 1 Briefing Note and decisions (refer File Exchange) 4. Section 18 Report on Treaty settlements and other obligations including comments from Māori groups (refer File Exchange) 5. Comments received from all other parties the Minister invited to comment (refer File Exchange) 6. Further information received post-consultation (refer File Exchange) 7. Draft Notice of Decisions

Ministry for the Environment contacts

Position	Name	Cell phone	1 st contact
Principal Author	Jess Hollis		
Acting Manager	Ben Bunting	s 9(2)(a)	✓
General Manager	Ilana Miller	s 9(2)(a)	

Project location



Key messages

1. This briefing seeks your decisions under section 21 of the Fast-track Approvals Act 2024 (the Act) on the application from Te Awamutu Developments Limited (the applicant) to refer the Harlow Lifestyle Village project (the project) to the fast-track approvals process.
2. A copy of the application is in Appendix 2. This is the second briefing on this application. The first (Stage 1) briefing (BRF-6541) with your initial decisions annotated is in Appendix 3.
3. The project is to subdivide land and develop a senior living community (restricted to persons aged over 55) at 2025 Ohaupo Road, Te Awamutu, Waikato. The project will include works within the Ohaupo Road (State Highway 3) road reserve to construct a new intersection.
4. The project will include:
 - a. approximately 407 residential units including single-storey houses, duplexes and apartments
 - b. an aged care facility accommodating approximately 100 beds
 - c. communal facilities including recreation areas
 - d. a neighbourhood centre including commercial and retail activities
 - e. riparian planting and wetland restoration
 - f. three waters services infrastructure

- g. transport infrastructure (including external access site works).
- 5. The project will require the proposed approvals:
 - a. resource consents under the Resource Management Act 1991.
- 6. We consider the project will have significant regional or national benefits because it will deliver significant economic benefits. We recommend you **accept** the referral application as the project meets the criteria set out in section 22 of the Act and does not appear to involve an ineligible activity.
- 7. We seek your decisions on this recommendation and on the proposed directions to the applicant, the expert panel (panel) and notification of your decisions.

Assessment against statutory framework

- 8. The statutory framework for your decision-making is set out in Appendix 1. You must apply this framework when you are deciding whether to accept or decline the referral application and when deciding on any further requirements or directions associated with referral of the project.
- 9. Before accepting the project, you must consider the application in Appendix 2, the Section 18 Report in Appendix 4, the written comments from invited parties in Appendix 5, any further information received from the applicant post inviting comment in Appendix 6, any document that requires your consideration under section 16 of the Act, and comply with any procedural requirements under section 16.
- 10. Following that, you may accept the application if you are satisfied that it meets the criteria in section 22 of the Act and if there are no reasons you must decline the application. We provide our advice on these matters below.

Section 18 Treaty settlements and other obligations report

- 11. The Section 18 Report in Appendix 4 identifies 10 groups as the relevant Māori groups identified under section 18(2) of the Act. No Māori groups responded to your invitation to comment on the referral application.
- 12. There are two Treaty settlements that are relevant to the project area, these are: Waikato Raupatu Claims Settlement Act 1995 and Waikato–Tainui Raupatu Claims (Waikato River) Settlement Act 2010. No other arrangements have been identified as relevant to the project area.
- 13. There are relevant principles and provisions of the Waikato–Tainui Raupatu Claims (Waikato River) Settlement Act 2010 that apply to the project area. Therefore, in accordance with section 7 and section 16 of the Act, the report recommends that in considering this referral application, you have particular regard to Te Ture Whaimana (Vision and Strategy) and have regard to the Waikato–Tainui Environmental Plan.
- 14. Pursuant to section 16 of the Act, the report considers you have complied with some of the relevant procedural requirements in the Waikato–Tainui Raupatu Claims (Waikato River) Settlement Act 2010, as they relate to providing notice to the Waikato River Authority and providing information about the application to the Waikato Raupatu River Trust (under the joint management agreement (JMA) provisions).
- 15. Under section 18(3)(b) of the Act a draft of the Section 18 Report is required to be provided to the Minister for Māori Development and the Minister for Māori Crown Relations: Te

Arawhiti. The Minister provided comment in support of the referral application subject to the views and position of relevant Māori groups and entities being clearly established through consultation with those groups, any feedback from relevant Māori groups and entities being received and responded to, and, where necessary, ongoing engagement between the applicant and relevant Māori groups to ensure any concerns, risks or issues are understood and addressed.

16. Of the 10 relevant Māori groups identified in the Section 18 Report, we note that seven do not fall within the scope of persons or groups whom a panel must invite comments from on a substantive application for the project under section 53 of the Act. Those seven Māori groups are identified in the Section 18 Report as other Māori groups with relevant interests (section 18(2)(k)), therefore if you decide to refer the project we recommend you specify under section 27(3)(b)(iii) of the Act that a panel must invite comments from them.
17. We do not consider there are any matters raised in the Section 18 Report which make it more appropriate for the proposed approvals to be authorised under another Act or Acts.

Section 16 Effects of Treaty settlements and other obligations on decision-making

18. Based on paragraphs 12 to 14 above, there are documents and procedural requirements under section 16 of the Act that apply to your consideration of the application.
19. We consider you have complied with some of the relevant procedural requirements in the Waikato-Tainui Raupatu Claims (Waikato River) Settlement Act 2010, as they relate to providing notice to the Waikato River Authority, and providing information about the application to the Waikato Raupatu River Trust (under JMA provisions). There is also a need to ensure that these, and other, procedural requirements are complied with throughout the process (for example, the ability for Waikato-Tainui to comment on the adequacy of information under the JMA, and the provisions relating to the appointment of hearing commissioners).
20. Section 16(2)(c) of the Act requires that you must, where relevant, in your notice of decisions on the referral application, direct any panel that considers a substantive application for the project to comply with any applicable requirements. Accordingly, should you decide to accept this referral application, we recommend you direct any panel considering a substantive application for the project to comply with the applicable requirements identified at paragraph 71 of the Section 18 Report in Appendix 4, namely to:
 - a. have particular regard to Te Ture Whaimana;
 - b. give notice to the Waikato River Authority of the application (which may be fulfilled by an invitation to comment under section 53 of the Act);
 - c. consider the provisions for appointing hearing commissioners from the register maintained by the Waikato River Authority as they may be applied to appointing a panel under the fast-track process;
 - d. have regard to the Waikato-Tainui Environmental Plan, including how to provide for continued partnership with Waikato-Tainui (as a consistent theme running through the plan); and
 - e. consider the detailed information-sharing provisions of the JMAs, as they may be applied to the fast-track process.

Written comments received

21. Comments were received from Waipā District Council (WDC), Waikato Regional Council (WRC), five Ministers and the New Zealand Transport Agency Waka Kotahi (NZTA). The key points of relevance to your decisions are summarised and discussed in Table A.

22. The key points from the comments are:

- a. WDC did not support project referral. WDC commented there will be no significant regional or national benefits from the project and noted there is surplus development capacity for urban dwellings in the area through to 2052 and surplus retirement living supply to approximately 2040. WDC noted a number of concerns relating to inconsistency with growth policies and strategies, lack of integration with existing urban areas, potential effects on productive land and State Highway 3 (SH3), and required upgrades and extensions for wastewater and water services. WDC also noted the site is subject to a current private plan change request (PC29) that is yet to be notified
- b. WRC did not specifically comment on whether the project should be referred but commented that the project is not regionally significant. WRC also noted a number of concerns similar to those of WDC and also commented on the need to consider ecology, natural hazards and the potential for acid sulphate soils on the site
- c. the Minister for Seniors supported project referral and considered the project is likely to increase housing supply, address housing needs or contribute to a well-functioning urban environment
- d. the Associate Minister of Housing did not oppose project referral and commented that the project would increase the supply of homes and provide additional capacity to relieve demand for the housing typology elsewhere in New Zealand. The Minister also noted recent analysis that there is surplus provision for retirement living in the area and that the project area is subject to a private plan change request
- e. the Minister for Economic Growth did not oppose project referral and commented that the referral application may be best assessed for its potential to increase housing supply, address housing needs or contribute to a well-functioning urban environment
- f. NZTA did not oppose project referral but raised concerns about the effects of the project on SH3 and advised that a new direct connection for the project to SH3 would not be supported nor approved by NZTA. NZTA noted that an integrated transport assessment would be expected for any substantive application for the project and requested they be invited to comment on any substantive application
- g. the Minister for the Environment and the Minister for Regional Development responded with no comments on the referral application.

Further information provided by the applicant, relevant local authorities, relevant administering agencies

23. Following the Stage 1 briefing, the applicant provided additional information in response to a retirement living market analysis commissioned by WRC and Future Proof Partnership¹. The

¹ The Future Proof Partnership is an Urban Growth Partnership comprised of Waikato Regional Council, Waipā District Council, Waikato District Council, Hamilton City Council, Matamata-Piako District Council, Auckland Council (in relation to the Hamilton-Auckland corridor), NZTA, Ministry of Housing and Urban Development, Kāinga Ora, Ministry of

applicant's additional information considers the key findings and differences between the Retirement Demand Research Analysis, prepared by Webster Research and submitted in support of the referral application, and the analysis commissioned by WRC and Future Proof Partnership. This information is discussed in Table A with respect to whether the project will have significant regional or national benefits by increasing the supply of housing, addressing housing needs, or contributing to a well-functioning urban environment (section 22(2)(a)(iii)).

Reasons to decline

24. The statutory framework in Appendix 1 sets out the situations where you must decline the application for referral under section 21(3) of the Act. We do not consider you must decline this application.
25. You may also decline the application for any other reason under section 21(4). The Act gives some guidance under section 21(5) on matters you could consider when deciding whether to decline an application.
26. Relevant to section 21(5)(b), WDC noted the land within the project area is currently the subject of Plan Change (PC) 29 and WRC considered the project would be best addressed through a plan change. We note that PC29 has not yet been notified by WDC and therefore members of the wider public are not already engaged in an active plan change process relating to the project. Further, the Act does not preclude consideration of land or a project that is subject to an active plan change, and irrespective of PC29, resource consents would still be required for the project. We therefore do not consider you should decline the referral application on the basis that it would be more appropriate to deal with the matters that would be authorised by the proposed approvals under another Act or Acts.
27. The applicant has provided preliminary details of servicing options for the project and acknowledged that upgrades and extensions will be required for wastewater and water supply. WDC commented that significant upgrades and extension of WDC wastewater and water networks will be required and raised concern that there is a lack of information on ownership and ongoing responsibility for transport and three waters infrastructure. We consider these matters can be considered by a panel in a substantive application for the project and we recommend you require the applicant to submit a wastewater and water infrastructure assessment with the substantive application for the project to assist a panel in assessing the infrastructure impacts of the project.
28. NZTA did not oppose project referral but advised that a new direct connection for the project to SH3 would not be supported nor approved. NZTA noted it would expect to see a comprehensive integrated transport assessment, construction management plan and mitigation measures to address adverse effects on SH3 as part of any substantive application for the project and also requested to provide comment on any substantive application. We consider the potential inability to provide a new direct connection to SH3 presents a risk to the applicant of project delivery, however we consider this is a design issue that can be considered by a panel in a substantive application for the project. We recommend you require the applicant to submit an integrated transport assessment with the

Transport, Department of Internal Affairs, Ministry for the Environment, Te Whatu Ora Health NZ Waikato, Ngā Karu Atua o te Waka, Waikato-Tainui, Tainui Waka Alliance and the Mana Whenua Kaitiaki Forum (in relation to the Hamilton-Auckland corridor). The mandate of the partnership is primarily to address issues around land-use and infrastructure, particularly transport and to plan for the wider impacts of growth.

substantive application for the project and we also recommend you specify that the panel must invite comments from the Chief Executive of NZTA.

29. We have considered the matters above and this is discussed in Table A. We do not consider you should decline the referral application on the basis of wastewater and water infrastructure constraints, potential impacts on SH3 or for any other reason under section 21(4).

Reasons to accept

30. The statutory framework in Appendix 1 sets out the reasons you can accept a project for referral.
31. Our assessment of these matters is summarised in Table A. We consider the project meets the requirements of section 22 of the Act as:
- a. it is an infrastructure or development project to subdivide land and develop a senior living community that would have significant regional or national benefits because it will deliver significant economic benefits
 - b. referring the project to the fast-track approvals process would facilitate the project, including by enabling it to be processed in a more timely and cost-effective way than under normal processes because public and limited notification is precluded and appeal rights are limited
 - c. referring the project to the fast-track approvals process is unlikely to materially affect the efficient operation of the fast-track approvals process because the project is not overly complex and is similar to the type of application that panel members are experienced in dealing with under the RMA.

Conclusions

32. We consider the project meets the section 22 criteria and you could accept the application under section 21 of the Act and refer all of the project to a panel with the specifications outlined below.
33. If you decide to refer the project, we consider you should specify under section 27 of the Act that the panel must invite comments from the following persons or groups in addition to those listed in section 53 of the Act:
- a. the Chief Executive of NZTA
 - b. Ngā Iwi Tōpu o Waipā
 - c. Ngāti Hauā Iwi Trust
 - d. Te Nehenehenui Trust
 - e. Raukawa Settlement Trust
 - f. representatives of Ngāti Hikairo
 - g. Ngāti Apakura Runanga Trust
 - h. representatives of O-Tāwhao Marae
34. If you decide to refer the project, we consider you should specify under section 27 of the Act the following information the applicant must submit with the substantive application for the project:

- a. an integrated transport assessment
- b. a wastewater and water infrastructure assessment.

35. The above information is required to assist a panel in assessing the adverse impacts of the project.

Next steps

36. The Ministry for the Environment (MfE) must give notice of your decisions on the referral application, and the reasons for them, to the applicant and anyone invited to comment under section 17 of the Act and publish the notice on the Fast-track website.

37. In your notice of decisions, you must direct a panel to comply with any requirements identified in section 16. The following directions are required:

- a. in considering a substantive application, the panel must:
 - i. have particular regard to Te Ture Whaimana;
 - ii. give notice to the Waikato River Authority of the application (which may be fulfilled by an invitation to comment under section 53 of the Act);
 - iii. consider the provisions for appointing hearing commissioners from the register maintained by the Waikato River Authority as they may be applied to appointing a panel under the fast-track process;
 - iv. have regard to the Waikato-Tainui Environmental Plan, including how to provide for continued partnership with Waikato-Tainui (as a consistent theme running through the plan); and
 - v. consider the detailed information-sharing provisions of the JMAs, as they may be applied to the fast-track process.

38. If you decide to refer the project, MfE must also give notice of your decisions to:

- a. the panel convener
- b. any additional iwi authorities or Treaty settlement entities that you consider have an interest in the matter other than those invited to comment under section 17
- c. the Environmental Protection Authority (EPA)
- d. the relevant administering agencies

39. On your behalf we will provide all the information you received that relates to this application to the EPA and the panel convener, including:

- a. the referral application
- b. any comments received under section 17
- c. the report obtained under section 18

40. We have attached a notice of decisions letter to the applicant based on our recommendations in Appendix 7 and we will provide it to all relevant parties. We will provide you with an amended letter if required.

41. Our recommendations for your decisions follow.

Recommendations

42. We recommend that you:

- a. **Note** section 21(3) of the Fast-track Approvals Act 2024 (the Act) requires you to decline the referral application from Te Awamutu Developments Limited for the Harlow Lifestyle Village project (project) if you are satisfied that the project involves an ineligible activity, or you consider that you do not have adequate information to inform the decision under this section, or if you are not satisfied that the project meets the referral criteria in section 22 of the Act.

Noted

- b. **Agree** that before deciding on the application for project referral under section 21(1) of the Act you have considered:

- i. the application in Appendix 2
- ii. the report obtained under section 18 in Appendix 4
- iii. any comments and further information sought under sections 17 and 20 and provided within the required timeframe (if you have received any comments or further information after the required timeframe you are not required to consider them but may do so at your discretion) in Appendices 5 and 6.

Yes/No

- c. **Note** that in considering this application, you must have particular regard to Te Ture Whaimana (Vision and Strategy) and have regard to the Waikato-Tainui Environmental Plan, in accordance with sections 7 and 16.

Noted

- d. **Agree** you are satisfied the project will meet the referral criteria in section 22 of the Act as:

- i. it is an infrastructure or development project to subdivide land and develop a senior living community that would have significant regional or national benefits because it will deliver significant economic benefits by:
 - (1) providing approximately 212 full-time equivalent (FTE) jobs and contributing approximately \$120 million to GDP over a 4-year design and construction period; and
 - (2) providing approximately 81 ongoing FTE jobs and approximately \$8.3 million annually to GDP after construction is complete
- ii. referring the project to the fast-track approvals process would facilitate the project, including by enabling it to be processed in a more timely and cost-effective way than under normal processes because public and limited notification is precluded and appeal rights are limited
- iii. referring the project to the fast-track approvals process is unlikely to materially affect the efficient operation of the fast-track approvals process because the project is not overly complex and is similar to the type of application that panel members are experienced in dealing with under the Resource Management Act 1991.

Yes/No

- e. **Agree** there is no reason the project must be declined under section 21(3) of the Act.
- Yes / No
- f. **Agree** to accept the referral application under section 21(1) of the Act and refer all of the project to the next stage of the fast-track process under section 26(2).
- Yes / No
- g. **Agree** to specify Te Awamutu Developments Limited as the person who is authorised to lodge a substantive application for the project.
- Yes / No
- h. **Agree** to specify under section 27(3)(b)(ii) the following information the applicant must submit with the substantive application for the project:
- i. an integrated transport assessment that—
 - (1) assesses the effects on the surrounding transport network, including State Highway 3, of both the project while it is carried out and the resulting development; and
 - (2) identifies how the proposed development will support people to use public transport and carry out active modes of transport, such as cycling and walking; and
 - (3) identifies any upgrades to transport infrastructure that are required in connection with the subdivision and development; and
 - (4) identifies any funding required to carry out those upgrades (including who will provide that funding); and
 - (5) contains information on any discussions held, and any agreements made, between the authorised person and the New Zealand Transport Agency about the transport infrastructure (including discussions and agreements about the matters referred to in subparagraphs (3) and (4))
 - ii. an assessment of the relevant infrastructure for wastewater and water services that—
 - (1) identifies the existing condition and capacity of that infrastructure; and
 - (2) identifies any upgrades to that infrastructure that are required in connection with the subdivision and development; and
 - (3) identifies any funding required to carry out those upgrades (including who will provide that funding); and
 - (4) provides details of ongoing ownership and maintenance responsibilities; and
 - (5) contains information on any discussions held, and any agreements made, between the authorised person and Waipā District Council about the relevant infrastructure (including discussions and agreements about the matters referred to in subparagraphs (1) to (4)).
- Yes / No

- i. **Agree** to specify under section 27(3)(b)(iii) of the Act that a panel must invite comments from the following persons or groups in addition to those specified in section 53 of the Act:

- i. the Chief Executive of the New Zealand Transport Agency
- ii. Ngā Iwi Tōpu o Waipā
- iii. Ngāti Hauā Iwi Trust
- iv. Te Nehenehenui Trust
- v. Raukawa Settlement Trust
- vi. representatives of Ngāti Hikairo
- vii. Ngāti Apakura Runanga Trust
- viii. representatives of O-Tāwhao Marae

Yes / No

- j. **Agree**, pursuant to section 16(2)(c), to direct any panel considering a substantive application for the project (in a notice of your decisions) to comply with the applicable requirements identified in the Section 18 Report with regard to the Waikato-Tainui Raupatu Claims (Waikato River) Settlement Act 2010, namely to:

- i. have particular regard to Te Ture Whaimana
- ii. give notice to the Waikato River Authority of the application (which may be fulfilled by an invitation to comment under section 53 of the Act)
- iii. consider the provisions for appointing hearing commissioners from the register maintained by the Waikato River Authority as they may be applied to the fast-track process
- iv. have regard to the Waikato-Tainui Environmental Plan, including how to provide for continued partnership between the applicant and Waikato-Tainui (as a consistent theme running through the plan); and
- v. consider the detailed information-sharing provisions of the joint management agreements, as they may be applied to the fast-track process

Yes / No

- k. **Agree** that on your behalf the Ministry for the Environment will provide your notice of decisions to:

- i. anyone invited to comment on the application including the relevant local authorities, the relevant administering agencies, the Minister for the Environment and relevant portfolio Ministers, and relevant Māori groups.
- ii. the panel convener
- iii. the Environmental Protection Authority.

Yes / No

I. **Approve** the notice of decisions letter to the applicant in Appendix 7.

Yes / No

Signatures



Ilana Miller
General Manager, Delivery and Operations

Hon Chris Bishop
Minister for Infrastructure

Date:

Table A: Stage 2 analysis

Recommendation	Accept the referral application and refer all of the project to the fast-track approvals process.		
Project details	Project Name	Applicant	Project Location
	Harlow Lifestyle Village	Te Awamutu Developments Limited c/- Bloxam, Burnett and Oliver The applicant is eligible to apply for new resource consents.	2025 Ohaupo Road, Te Awamutu (legally described as Part Lot 1 Deposited Plan 35654 and Lot 1 Deposited Plan South Auckland 36696, Record of Title: SA32D/155), and the Ohaupo Road (State Highway 3) road reserve.
Project description	The project is to subdivide land and develop a senior living community (restricted to persons aged over 55) at 2025 Ohaupo Road, Te Awamutu, Waikato. The project will include works within the Ohaupo Road (State Highway 3) road reserve to construct a new intersection. The project will include: - approximately 407 residential units including single-storey houses, duplexes and apartments - an aged care facility accommodating approximately 100 beds - communal facilities including recreation areas - a neighbourhood centre including commercial and retail activities - riparian planting and wetland restoration - three waters services infrastructure - transport infrastructure (including external access site works). The project will require the proposed approvals: Resource consents under the Resource Management Act 1991 (RMA)		
Minister invites comments / requests information	Summary of comments from invited parties		Further information from applicant, relevant local authorities, relevant administering agencies
	Local authorities <u>Waipā District Council (WDC)</u> WDC did not support project referral and noted a number of concerns including: - there will be no significant regional or national benefits that could not otherwise arise from development on live-zoned or deferred zoned land - inconsistency with growth policies and strategies, including the Waipā 2050 Growth Strategy, Future Proof Strategy and the Waikato Regional Policy Statement - there is no compelling reason to depart from the planned settlement pattern for Te Awamutu and the project lacks integration with existing urban areas - potential effects on State Highway 3 (SH3) and no existing walking and cycling opportunities to connect to - potential effects on productive rural land, including reverse sensitivity effects - significant upgrades and extension of WDC wastewater and water networks will be required and there is a lack of information on ownership and ongoing responsibility for transport and three waters infrastructure. WDC considered there is no need to enable residential development on productive rural land as the 2023 Housing Development Capacity Assessment prepared for the Future Proof Partnership under the National Policy Statement on Urban Development (NSP-UD) found there is a projected surplus in capacity for urban dwellings through to 2052. WDC also noted that analysis by Waikato Regional Council (WRC) and Future Proof Partnership shows the Future Proof Waipā area currently has a surplus of current and progressing retirement living supply that is sufficient to meet demand up to approximately 2040. WDC noted the land within the project area is currently the subject of a private plan change request (PC29) that was lodged with WDC on 18 January 2023 and has been accepted for processing. However, PC29 is yet to be notified. WDC also considered that questions regarding competing application or existing resource consents where sections 124C(1)(c) or 165ZI of the RMA could apply, would be more appropriately responded to by WRC. <u>Waikato Regional Council (WRC)</u> WRC did not specifically comment on whether the project should be referred, but noted a number of concerns including: - the project is not regionally significant as it does not meet any of the criteria in s22(2)(a) of the Act - inconsistency with growth policies and strategies, including the Waipā 2050 Growth Strategy, Future Proof Strategy and the Waikato Regional Policy Statement - potential effects on SH3 and uncertainty of public and active transport opportunities - potential effects on highly productive land, including reverse sensitivity effects - consideration will need to be given to ecological matters, natural hazards and the potential for Acid Sulfate Soils.		Following the Stage 1 briefing, the applicant provided additional information in response to a retirement living market analysis commissioned by WRC and Future Proof Partnership. The applicant's additional information considers the key findings and differences between the Retirement Demand Research Analysis, prepared by Webster Research and submitted in support of the referral application, and the analysis commissioned by WRC and Future Proof Partnership. This information is discussed further below with respect to whether the project will have significant regional or national benefits by increasing the supply of housing, addressing housing needs, or contributing to a well-functioning urban environment (section 22(2)(a)(iii)).

	Similar to WDC, WRC also referred to the 2023 Housing Development Capacity Assessment and the retirement living market analysis that they considered show there is no need for new retirement living in Waipā. WRC also considered the project would be best addressed through a plan change to the Waipā District Plan that would have the additional benefit of allowing the local community to have a say on the project. WRC confirmed that no competing application or applications have been lodged with WRC that would be a competing application or applications, if a substantive application for the project were lodged, and that there are no existing resource consents issued where sections 124C(1)(c) or 165ZI of the RMA could apply, if the project were to be applied for as a resource consent under the RMA. Ministers <u>Minister for the Environment</u> The Minister for the Environment responded with no comment on the referral application. <u>Minister for Seniors</u> The Minister for Seniors supported project referral and considered the construction of a lifestyle village and care facility is likely to increase housing supply, address housing needs or contribute to a well-functioning urban environment under section 22(2)(a)(iii) of the Act. <u>Associate Minister of Housing</u> The Associate Minister of Housing did not oppose project referral. The Minister noted recent analysis, prepared by Future Proof, that there is surplus provision for retirement living in the area into the 2040's (both existing and under construction), however considered the project would increase the supply of homes and provide additional capacity to relieve demand for the housing typology elsewhere in New Zealand. The Associate Minister also noted the development would be a departure from local development strategies and that the project area is subject to a private plan change request. <u>Minister for Economic Growth</u> The Minister for Economic Growth did not oppose project referral. The Minister considered the construction of a dedicated retirement village with an aged-care facility would address housing supply pressures for a growing and ageing population and address critical housing supply issues likely faced by the region in the future. The Minister considered the referral application may be best assessed under section 22(2)(a)(iii) of the Act for its potential to increase housing supply, address housing needs or contribute to a well-functioning urban environment. <u>Minister for Regional Development</u> The Minister for Regional Development responded with no comment on the referral application. Other persons or groups <u>New Zealand Transport Agency Waka Kotahi (NZTA)</u> NZTA did not oppose project referral but noted that SH3 is a regionally significant route and its function is not intended to provide for direct connections to residential developments such as proposed. NZTA considered the project would adversely impact the efficiency and effectiveness of SH3 and therefore at this point in time NZTA would not support nor approve the proposed new direct connection for the project to SH3. NZTA considered the project would be more suitable to be serviced by the local road network to the south of the project area but acknowledged this would require property owner agreement and/or land purchase to occur. NZTA noted it would expect to see a comprehensive integrated transport assessment, construction management plan and mitigation measures to address adverse effects on SH3 as part of any substantive application for the project. NZTA also requested to provide comment on any substantive application.	
The Minister must decline an application if the Minister is satisfied that the project involves an ineligible activity [section 21(3)(b)]	Based on the information in the application, we consider the project is eligible for referral because it: • would not occur on identified Māori land, Māori customary land or a Māori reservation as confirmed by the relevant records of title • would not occur in a customary marine title area or protected customary rights area as it is not in the common marine and coastal area • is not an aquaculture activity or activity that is incompatible with aquaculture activities that would occur in an aquaculture settlement area and for which the applicant is not authorised to apply for a coastal permit because it will not occur in the common marine and coastal area or an aquaculture settlement area • would not require an access arrangement which cannot be granted under the Crown Minerals Act (including s61(1A)) because it does not include an access arrangement • would not be prevented by section 165J, M, Q, ZC or ZDB of the RMA because it will not occur in the common marine and coastal area • would not occur on Schedule 4 land as confirmed by the records of title • would not occur on a national reserve as confirmed by the records of title • would not occur on a reserve held under the Reserves Act 1977 that is managed by or vested in someone other than the Crown or a local authority and that person has not consented in writing as confirmed by the records of title • is not a prohibited activity or decommissioning activity under the Exclusive Economic Zone and Continental Shelf (Environmental Effects) Act 2012, or a prohibited activity under s15B or s15C of the RMA and no such activities are proposed • is not for the purpose of an offshore renewable energy project. No comments raised by parties invited to comment have indicated that the project would be ineligible for referral.	

The Minister must decline an application if the Minister considers they do not have adequate information to inform the decision [section 21(3)(c)]	We consider that you have adequate information to inform the referral decision.
Relevant considerations and procedural requirements in Treaty settlement, Mana Whakahono ā Rohe, joint management agreement, or the Marine and Coast Area (Takutai Moana) Act 2011 or the Ngā Rohe Moana o Ngā Hapū o Ngāti Porou Act 2019 [section 16]	We consider you have complied with some of the relevant procedural requirements in the Waikato-Tainui Raupatu Claims (Waikato River) Settlement Act 2010, as they relate to providing notice to the Waikato River Authority, and providing information about the application to the Waikato Raupatu River Trust (under the joint management agreement (JMA) provisions). There is also a need to ensure that these, and other, procedural requirements are complied with throughout the process (for example, the ability for Waikato-Tainui to comment on the adequacy of information under the JMA, and the provisions relating to the appointment of hearing commissioners). Section 16(2)(c) of the Act requires that you must, where relevant, in your notice of decisions on the referral application, direct any panel that considers a substantive application for the project to comply with any applicable requirements. Accordingly, should you decide to accept this referral application, we recommend you direct any panel considering a substantive application for the project to comply with the applicable requirements identified at paragraph 71 of the Section 18 report in Appendix 4, namely to: - have particular regard to Te Ture Whaimana; - give notice to the Waikato River Authority of the application (which may be fulfilled by an invitation to comment under section 53 of the Act); - consider the provisions for appointing hearing commissioners from the register maintained by the Waikato River Authority as they may be applied to appointing a panel under the fast-track process; - have regard to the Waikato-Tainui Environmental Plan, including how to provide for continued partnership with Waikato-Tainui (as a consistent theme running through the plan); and - consider the detailed information-sharing provisions of the JMAs, as they may be applied to the fast-track process.
Section 22 assessment criteria	
The project is an infrastructure or development project that would have significant regional or national benefits [section 22(1)(a)]	You may consider any of the following matters, or any other matters you consider relevant. <i>Will increase the supply of housing, address housing needs, or contribute to a well-functioning urban environment [s22(2)(a)(iii)]</i> The applicant considers there is insufficient capacity for new dwellings across the Future Proof region (Hamilton and greater surrounding areas of Waikato and Waipā Districts) in the short-medium term. While the applicant's economic report confirms that Te Awamutu appears to have sufficient capacity to meet expected demand, this is based on high realisation rates that may be overly optimistic and masks notable shortfalls for dwellings at most price points. The applicant states the development of 407 units, in a lifestyle village framework, will support additional residential capacity and respond to the local, regional and national housing shortage. It will also provide additional capacity for new homes outside of the \$500-\$600k price bands, where the capacity is most concentrated. The applicant notes the issue of providing for housing for an aging population is not new but is one whereby planning interventions that cater for an ageing population are not specifically being provided for. The Retirement Village Association records that the shortfall of appropriate retirement housing and care capacity to cater for New Zealand's aging population is already at a crisis point (i.e. demand is outstripping supply). The applicant considers the project's variety of housing options and a mixed tenure approach which differs from the traditional retirement village, can also offer regional benefits, potentially reducing some of the stigma related to lifestyle village living and encouraging competition in the local senior living market. The Minister for Seniors, the Associate Minister of Housing and the Minister for Economic Growth all considered the project is likely to increase housing supply. However, WDC and WRC both noted that there is a projected surplus in capacity for urban dwellings through to 2052 and that recent analysis also shows the area has a surplus of current and progressing retirement living supply that is sufficient to meet demand up to approximately 2040. On that basis, WDC and WRC did not consider the increased supply of housing to be a significant regional or national benefit. The applicant has provided additional information in response to the retirement living market analysis commissioned by WRC and Future Proof Partnership. The information considers the key findings and differences between the Retirement Demand Research Analysis, prepared by Webster Research and submitted in support of the referral application, and the analysis commissioned by WRC and Future Proof Partnership. The applicant's information concludes that the reports are not contradictory but operate at different analytical scales and purposes, and that together the reports indicate that while Waipa's total retirement living supply may appear sufficient on paper, its distribution is inefficient and inequitable. The applicant maintains that within the Te Awamutu primary catchment, local demand for retirement village units is expected to exceed existing and pipeline supply by 2032-2033. We accept the project will increase the supply of housing for senior living. However, we are not in a position to determine the timeframe within which this type of housing will be required in Te Awamutu, and therefore we do not consider you can be satisfied an additional 407 residential units for senior living in this location is regionally significant. Therefore, we do not consider you should refer the project on this criterion. <i>Will deliver significant economic benefits [s22(2)(a)(iv)]</i> The applicant considers the project will deliver the following significant regional economic benefits: - during construction, contribute approximately \$120 million to GDP, support approximately 212 full-time equivalent (FTE) jobs, and generate \$70 million in wages - once operational sustain 81 full-time equivalent jobs annually, contributing \$8.3 million to GDP and \$6.1 million in wages each year. WDC considered the project will not generate significant economic benefits over and above that which would result from similar development occurring in live-zoned or deferred growth cells. WRC also considered the project will not deliver significant economic benefits but did not provide further explanation or reasoning. We consider that economic benefits of the project are relevant to your decision-making irrespective of whether they could be realised through other developments on live-zoned or deferred growth cells. We consider the project will deliver significant economic benefits by providing approximately 212 FTE jobs and contributing approximately \$120 million to GDP over a 4-year design and construction period, and providing approximately 81 ongoing FTE jobs and approximately \$8.3 million annually to GDP after construction is complete. <i>Will support climate change adaptation, reduce risks arising from natural hazards, or support recovery from events caused by natural hazards [s22(2)(a)(viii)]</i> The applicant considers the project addresses the national risk of climate change and natural hazards by managing flooding hazards through on-site stormwater management and incorporating measures to reduce greenhouse gas emissions, including promoting walking, cycling, ridesharing, and facilitating public transport movements.

	While the project seeks to manage and respond to the risks from natural hazards within the project area, we do not consider this will <i>reduce</i> the risks. Further, the ability for the project to provide good connectivity to existing urban areas and promote active modes of transport is uncertain given its location. We therefore do not recommend referral under this criterion. <i>Is consistent with local or regional planning documents, including spatial strategies [s22(2)(a)(x)]</i> The applicant considers the project is consistent with the Waipā District Plan Strategic Policy Framework. WDC and WRC considered the project is inconsistent with growth policies and strategies, including the Waipā 2050 Growth Strategy, Future Proof Strategy and the Waikato Regional Policy Statement, and the planned settlement pattern promoted by the Waipā District Plan. Given the conflicting positions regarding alignment with local and regional planning documents, including spatial strategies, and noting that further information is required to address the matters outlined above in a substantive application for the project, we do not recommend referral under this criterion. <i>Any other matters that may be relevant [s22(b)]</i> The applicant considers the project will have social and cultural benefits by: - changing (and challenging) the way retirement villages operate and are accepted by the market, by providing an option for fully independent/fee-simple senior living. The product being offered at Harlow means that landowners are not locked into an occupation right agreement (ORA) under the Retirement Villages Act 2003 (RVA) – thereby enabling different housing varieties and price points. - the opportunity to partner with mana whenua to provide affordable housing opportunities which would address a regional demand for mana whenua. The applicant also considers the project could have ecological benefits by avoiding wetland encroachment and incorporating stormwater detention with ecological restoration. This contributes positively to regional ecological outcomes, especially within the Mangapiko sub-catchment. We do not consider you should refer the project on the basis of these other matters.
Referring the project to the fast-track approvals process [section 22(1)(b)]	<i>Would facilitate the project, including by enabling it to be processed in a more timely and cost-effective way than under normal processes [s22(1)(b)(i)]</i> The applicant considers the traditional plan change process and subsequent consenting framework will have the effect of delaying development by 18-24 months assuming successful approvals and no appeals. Obtaining consent under the Act would significantly shorten this timeframe and reduce costs. We agree with the applicant that the use of the fast-track process would facilitate the project in a more timely and cost-effective manner than under the conventional RMA consenting pathways. <i>Is unlikely to materially affect the efficient operation of the fast-track approvals process [s22(1)(b)(ii)]</i> The applicant considers referring the project to the fast-track approvals process is unlikely to place undue pressure on the fast-track approvals system or contribution to inefficiencies the proposal is well-advanced, with substantial preparatory work already completed. The necessary technical and planning information is largely available, meaning there should be no difficulty or delay in lodging a comprehensive and high-quality substantive application. This readiness minimises the risk of inefficiencies, rework, or delays within the fast-track process. The applicant also considers the proposal is also not overly complex and is unlikely to delay the processing of other applications within the fast-track system. We agree that the project will not significantly impact the efficiency of the fast-track approvals process.
Reasons to decline	
Minister <u>must</u> decline [section 21(3)]	Minister may decline [section 21(4) and 21(5)(a-h)]
<i>The Minister <u>must</u> decline a referral application if:</i> <i>The application may not be accepted under subsection 1 (meets referral criteria)</i> We consider the project meets the referral criteria. <i>The Minister is satisfied the project involves an ineligible activity</i> We have not identified any ineligible activities included in the project scope.	You <u>may</u> decline a referral application for any other reason, whether or not it meets the criteria in section 22. Reasons to decline a referral application under subsection 4 include, without limitation: <i>The project would be inconsistent with a Treaty settlement, Ngā Rohe Moana o Ngā Hapū o Ngāti Porou Act 2019, Marine and Coastal Area (Takutai Moana) Act 2011, a Mana Whakahono ā Rohe, or a joint management agreement</i> No inconsistencies have been identified within the Section 18 Report on Treaty settlements and other obligations. <i>It would be more appropriate to deal with the matters that would be authorised by the proposed approvals under another Act or Acts</i> The Section 18 Report on Treaty settlements and other obligations does not state it would be more appropriate to deal with the matters that would be authorised by the proposed approvals under another Act or Acts. WDC noted the land within the project area is currently the subject of PC29 and WRC considered the project would be best addressed through a plan change to allow the local community to have a say. We note that PC29 has not yet been notified by WDC and therefore members of the wider public are not already engaged in an active plan change process relating to the project. Further, the Act does not preclude consideration of land that is subject to an active plan change, and irrespective of PC29, resource consents would still be required for the project. We do not consider you should decline the referral application on the basis that it would be more appropriate to deal with the matters that would be authorised by the proposed approvals under another Act or Acts.

<i>The Minister considers that they do not have adequate information to inform the decision under this section</i> We consider you have adequate information to inform your referral decision. We do not consider that you must decline the application under this section.	<i>The project may have significant adverse effects on the environment</i> The applicant identifies the project has the potential for adverse environmental effects, including effects on highly productive land, character and amenity effects, reverse sensitivity effects, effects on infrastructure, transportation, ecological and earthworks effects. The applicant has also provided preliminary technical assessments covering some of these matters in support of the view that the project will not have any significant adverse effects. NZTA raised concerns regarding the effects of the project on the operation of SH3, however they did not oppose project referral on that basis. No other comments received raised concerns regarding significant adverse effects on the environment. We note that you do not require a full Assessment of Environment Effects and supporting evidence to make a referral decision and if you decide to accept this referral application and refer the project to the fast-track approvals process, a panel can consider the adverse impacts of the project and any appropriate mitigation, offsetting or compensation. <i>The applicant(s) has a poor compliance history under a specified Act that relates to any of the proposed approvals</i> No comments have indicated that the applicant has a poor compliance history. <i>The project area includes land that the Minister for Treaty of Waitangi Negotiations considers necessary for Treaty settlement purposes</i> No such land has been identified. <i>The project includes an activity that is a prohibited activity under the Resource Management Act 1991</i> Neither the applicant, WDC or WRC have identified any prohibited activities for the project under the RMA. <i>A substantive application for the project would have one or more competing applications.</i> No competing applications have been identified at this stage; however we note the EPA is required to check prior to providing a substantive application to the panel convener. <i>In relation to any proposed approval of the kind described in section 42(4)(a) (resource consents), there are one or more existing resource consents of the kind referred to in section 30(3)(a)</i> No such resource consents have been identified, including by the applicant and relevant local authorities. <i>Any other matter</i> The applicant has provided preliminary details of servicing options for the project and acknowledged that upgrades and extensions will be required for wastewater and water supply. WDC commented that significant upgrades and extension of WDC wastewater and water networks will be required and raised concern that there is a lack of information on ownership and ongoing responsibility for transport and three waters infrastructure. We consider these matters can be considered by a panel in a substantive application for the project and we recommend you require the applicant to submit a wastewater and water infrastructure assessment with the substantive application for the project to assist a panel in assessing the infrastructure impacts of the project. NZTA did not oppose project referral but advised that a new direct connection for the project to SH3 would not be supported nor approved. NZTA noted it would expect to see a comprehensive integrated transport assessment, construction management plan and mitigation measures to address adverse effects on SH3 as part of any substantive application for the project and also requested they be invited to provide comment on any substantive application. We consider the potential inability to provide a new direct connection to SH3 presents a risk to the applicant of project delivery, however we consider this is a design issue that can be considered by a panel in a substantive application for the project. We recommend you require the applicant to submit an integrated transport assessment with the substantive application for the project and we also recommend you specify that the panel must invite comments from the Chief Executive of the New Zealand Transport Agency. We do not consider you should decline the referral application on the basis of wastewater and water infrastructure constraints, potential impacts on SH3, or for any other reason.
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Appendix 1: Statutory framework summary

1. You are the sole decision maker for referral applications. If you accept a referral application, then the whole or part of the project will be referred to the fast-track approvals process.
2. If a Treaty settlement, the Marine and Coastal Area (Takutai Moana) Act 2011, the Ngā Rohe Moana o Ngā Hapū o Ngāti Porou Act 2019, a Mana Whakahono ā Rohe or a joint management agreement provides for consideration of any document or procedural requirements, you must, where relevant:
 - a. Give the document the same or equivalent effect through this process as it would have under any specified Act; and
 - b. Comply with any applicable procedural requirements.
3. You must decline a referral application if:
 - a. you are satisfied the project does not meet the referral criteria in s22
 - b. you are satisfied the project involves an ineligible activity (s5)
 - c. you consider you do not have adequate information to inform your decision.
4. You may decline an application for any other reason, including those set out in s21(5) and even if the application meets the s22 referral criteria.
5. You can decline an application before or after inviting comments under s 17(1). However, if comments have been sought and provided within the required time frame, you must consider them, along with the referral application, before deciding to decline the application.
6. If you do not decline a referral application at this initial stage you must copy the application to, and invite written comments from:
 - a. the relevant local authorities,
 - b. the Minister for the Environment and relevant portfolio Ministers
 - c. the relevant administering agencies
 - d. the Māori groups identified by the responsible agency
 - e. the owners of Māori land in the project area:
 - f. you may provide the application to and invite comments from any other person.
7. You can request further information from an applicant, any relevant local authority or any relevant administering agency at any time before you decide to decline or accept a referral application (see section 20 of the Act).
8. However, if further information has been sought and provided within the required time frame you must consider it, along with the referral application, before deciding to decline the application.