



FTAA-2512-1154: Application received for referral of the Orchard Grove project under the Fast-track Approvals Act 2024 – Stage 2 decisions

Project Name: Orchard Grove

Date submitted:	27 th March 2026	Tracking #: BRF-00779	
Security level:	In-Confidence	MfE priority:	Urgent

	Action sought:	Response by:
To Hon Chris Bishop, Minister for Infrastructure	Decision on recommendations	07 April 2026

Actions for Minister's Office staff	Return the signed briefing to: FTAreferrals@mfe.govt.nz Approve the attached notice of decisions letter.
Number of appendices: 6	Appendices: 1. Statutory framework for making decisions 2. Application documents for Orchard Grove 3. Stage 1 Briefing Note and decisions 4. Section 18 Report on Treaty settlements and other obligations 5. Comments received from all parties the Minister sought comments from 6. Draft Notice of Decisions

Ministry for the Environment contacts

Position	Name	Cell phone	1 st contact
Principal Author	Rebecca Burton		
Manager	Stephanie Frame	s 9(2)(a)	✓
General Manager	Ilana Miller	s 9(2)(a)	

Project location

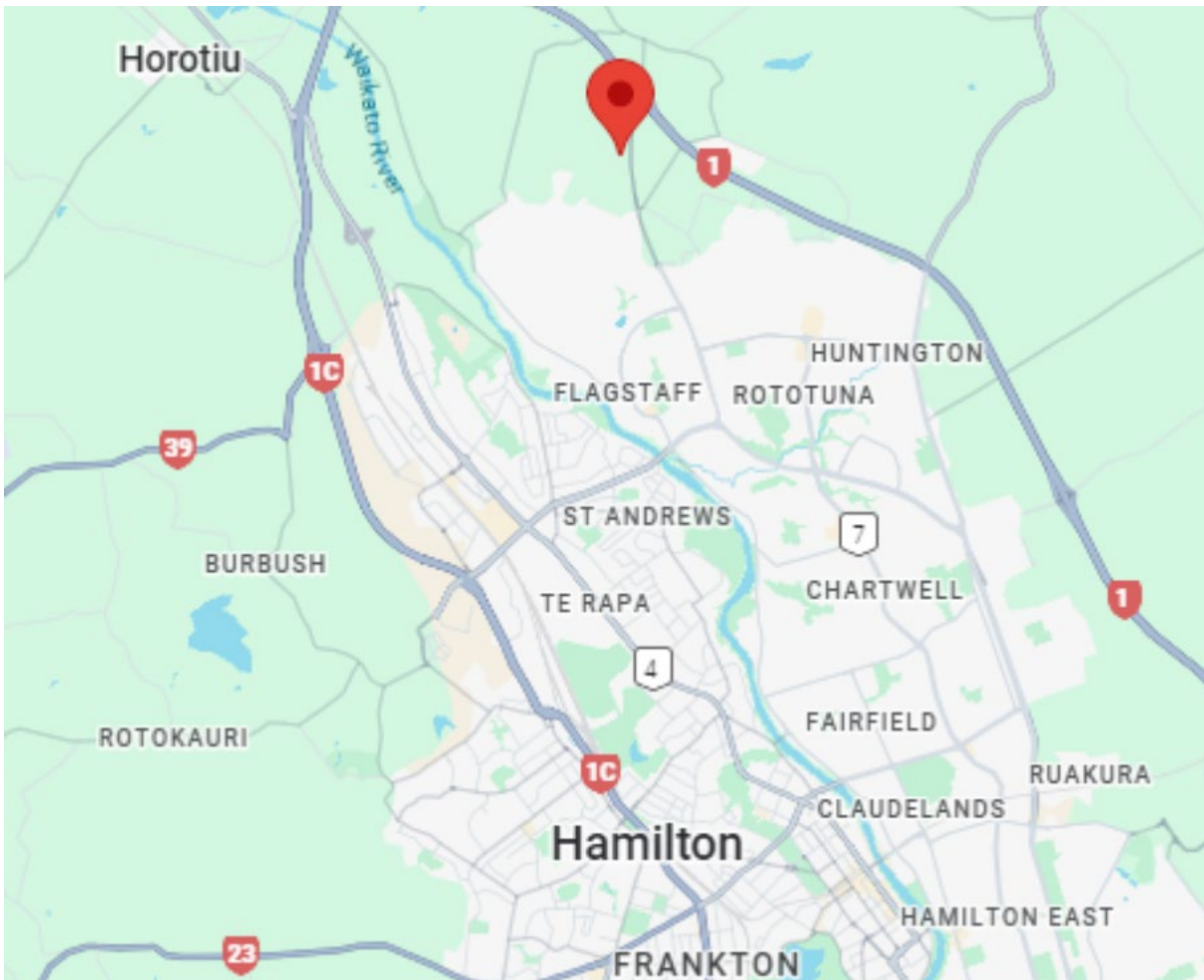


Figure 1: General location of the project (illustrated by red pin).

Key messages

1. This briefing seeks your decisions under section 21 of the Fast-track Approvals Act 2024 (the Act) on the application from Gordon Litt Farms Limited (the applicant) to refer the Orchard Grove 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- 00069) with your initial decisions annotated is in Appendix 3.
3. The project is to establish a new residential development over approximately 73 hectares of rural land located in Horsham Downs within the Waikato District.
4. The project involves:
 - a. approximately 815 residential lots
 - b. a new neighbourhood centre of approximately 4,000 square metres
 - c. stormwater management features, pedestrian and cycle paths, landscaped areas, and new reserves and open spaces within a connected greenspace network
 - d. associated roading and three waters infrastructure; and
 - e. provision for a future arterial road along the existing Reynolds Road corridor.

5. The applicant seeks the following approvals under the fast-track approvals process to authorise the project:
 - a. resource consents under the Resource Management Act 1991 (RMA)
 - b. wildlife authority under the Wildlife Act 1953.
6. The project involves a prohibited activity under both the *Operative* and *Operative in Part* versions of the Waikato District Plan – specifically, the subdivision of high-class soil and land located within an Urban Expansion Policy Area.
7. As noted in the first briefing, the Stage 2 analysis set out in this briefing requires you to take into consideration whether to decline the referral application on the basis that it may involve a prohibited activity. This is a potential reason you may decline a referral application under section 21(5) of the Act. However, we note section 21(7) of the Act explicitly states that the presence of a prohibited activity does not prevent you from accepting a referral application.
8. While the project area is located within Waikato District Council (WDC)'s boundaries, the project area adjoins the territorial boundary of Hamilton City Council (HCC), and the applicant proposes to utilise HCC's existing infrastructure to service the project.
9. We recommend you **accept** the referral application as the project meets the criteria set out in section 22 and does not appear to involve an ineligible activity.
10. We seek your decisions on our recommendations which include proposed directions to the applicants, the expert panel and notification of your decision.

Assessment against statutory framework

11. The statutory framework for your decision-making is set out in Appendix 1. You must apply this framework when deciding whether to accept or decline the referral application and when deciding on any further requirements or directions associated with referral of the project.
12. Before accepting the project, you must consider the application (in Appendix 2), the Section 18 Treaty settlements report (in Appendix 4), any comments from invited parties (in Appendix 5), any document that requires your consideration under section 16, and comply with any procedural requirements under section 16.
13. 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 requiring you to decline the application. We provide our advice on these matters below.

Section 18 Treaty settlements and other obligations report

14. A Treaty settlement and other obligations report (the report) prepared under section 18 of the Act is attached in Appendix 4.
15. Section 18(2) of the Act requires that the report provide a list of relevant Māori groups, including relevant iwi authorities and Treaty settlement entities. We have identified Te Whakakitenga o Waikato, Ngāti Hauā Iwi Trust, Waikato Raupatu River Trust, the Waikato River Authority (a statutory body established by a settlement), Ngāti Wairere, and Te Haa o te Whenua o Kirikiriroa as relevant Māori groups in relation to the project area.
16. The report identifies the following Treaty settlements that are relevant to the project area: Waikato Raupatu Claims Settlement Act 1995, Waikato-Tainui Raupatu Claims (Waikato River) Settlement Act 2010, and the Ngāti Hauā Claims Settlement Act 2014.

17. The report states that a number of provisions of the Waikato-Tainui Raupatu Claims (Waikato River) Settlement Act 2010 apply to the project area. In accordance with section 7 and section 16 of the Act, the report recommends that in considering this application, you have particular regard to Te Ture Whaimana (Vision and Strategy) and have regard to the Waikato-Tainui Environmental Plan.
18. The report confirms that none of the groups invited to comment on the referral application under section 17(1)(d) of the Act provided a response.
19. The Minister for Māori Development and the Minister for Māori Crown Relations: Te Arawhiti support the application for referral, subject to the panel considering a substantive application: having regard to the statutory acknowledgements identified; having particular regard to Te Ture Whaimana o Te Awa o Waikato; giving notice to the Waikato River Authority; considering the provisions for appointing hearing commissioners from the Authority's register; having regard to the Waikato Tainui Environmental Plan; and considering the requirements of the joint management agreements.
20. There are no matters raised in the 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

21. As mentioned above, a number of provisions of the Waikato-Tainui Raupatu Claims (Waikato River) Settlement Act 2010 apply to the project area. In accordance with section 7 and section 16 of the Act, the report recommends that in considering this application, you have particular regard to Te Ture Whaimana (Vision and Strategy) and have regard to the Waikato-Tainui Environmental Plan
22. Pursuant to section 16 of the Act, the report considers that 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 provisions).
23. To ensure that these, and other, procedural requirements are complied with throughout the process the report proposes you direct any panel considering a substantive application for the project 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 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 following Joint Management Agreements (JMA), as they may be applied to the fast-track process;
 - i. The Waikato Raupatu River Trust and Waikato District Council JMA
 - ii. The Waikato Raupatu River Trust and Waikato Regional Council JMA

Written comments received

24. Comments were received from WDC, Waikato Regional Council, HCC, the Associate Minister of Housing, Minister for Regional Development and Minister for Economic Growth, the New Zealand Transport Agency (NZTA) and the Department of Conservation. The key points of relevance to your decisions are summarised in Table A.
25. The key points from the comments are:
- a. the ability to integrate and service the project with infrastructure located within Hamilton City.
 - b. ensuring that the project is not developed in isolation from the wider urban growth cell with regard to infrastructure, public reserves, house design and transport connectivity
 - c. the alignment of the project timing with Future Proof¹, and the need for the houses given the level of urban development currently experienced and projected within Hamilton City
 - d. the protection and incorporation of the Northern River Crossing (NRC) road layout.
 - e. the level of traffic generated, and integration with the local road network.

Reasons to decline

26. The statutory framework in Appendix 1 sets out the situations where you must decline the application for referral under section 21(3). We consider that you have sufficient information to make an informed decision. We further consider you can be satisfied that the project does not involve any ineligible activities and that it meets the referral criteria set out in section 22. As such, we have not identified any reasons under section 21(3) that you must decline this application.
27. You may also decline the application for any other reason under section 21(4). The Act gives some guidance on matters you could consider when deciding whether to decline an application under section 21(5) and these are set out in Table A.
28. As outlined in Table A, we consider there are two potential reasons under which you could consider declining the application under section 21(4) or (5) of the Act, these being: the project may have significant adverse effects on the environment; and the project may include a prohibited activity under the RMA.
29. We consider the referral application contains sufficient information to indicate that the adverse effects can be avoided, remedied or mitigated through appropriate design, management and consent conditions. Accordingly, we do not recommend declining the referral application on this basis.
30. The project may involve a prohibited activity under the RMA, as it involves the subdivision and urban development of highly productive land. We note section 21(7) of the Act states that the presence of a prohibited activity does not prevent you from accepting a referral application. Any potential adverse effects from the loss of highly productive land can be assessed and

¹ Future Proof 2024 is a 30 year growth management and implementation plan for the Hamilton, Waipā, Waikato and Matamata-Piako sub-region.

managed at the substantive stage. The project will also increase housing supply in a region facing housing shortages, supporting economic growth and local employment. Accordingly, our recommendation is that the inclusion of a prohibited activity does not merit declining the referral application.

31. Ultimately, we recommend you do not decline the referral application for these reasons, or any other grounds under section 21(4) or (5) of the Act.

Reasons to accept

32. The statutory framework in Appendix 1 sets out the reasons you can accept a referral application and refer the project to the fast-track approvals process.

33. Our assessment of these matters is summarised in Table A. We consider the project meets the requirements of section 22, as:

- a. the project is for a large-scale urban development that would have significant regional benefits in the Waikato region [s22(1)(a)] because it:
 - i. will increase the supply of housing, address housing needs, and contribute to a well-functioning urban environment [s22(2)(a)(iii)] as it:
 - will deliver a significant increase in housing supply in Hamilton and the Waikato region including approximately 815 residential lots, with a range of densities that respond to local demand.
 - includes a neighbourhood centre and public open spaces which will provide for social, economic and recreational needs of future residents.
 - ii. will deliver significant economic benefits in the region [s22(2)(a)(iv)] as it will generate a one-off increase in gross domestic product (GDP) of approximately \$290 million. This includes the provision of full-time equivalent work for 206 people over a 10-year development period. Upon completion of the project, the annual spend per household is estimated to equate to an annual spend of approximately \$60.6 million contributing to employment and economic activity in the region.
- 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 [s22(1)(b)(i)] because:
 - i. the project may involve a prohibited activity under the operative Waikato District Plan, which would preclude it from progressing through the standard RMA consenting pathway – prohibited activities may be considered through the fast-track approvals process
 - ii. appeals under the Act are only to the High Court rather than the Environment Court and are limited to points of law
 - iii. the Act precludes public and limited notification.
- c. referring the project to the fast-track approvals process is unlikely to materially affect the efficient operation of the fast-track approvals process [s22(1)(b)(ii)] because the project is neither novel in the New Zealand context nor beyond the scope of what a panel would typically assess under the RMA.

Other matters

34. We have identified one issue further to the matters identified above and our analysis of this is included in Table A.
35. A boundary adjustment will be required between the Waikato District and Hamilton City council boundaries to enable the project to be serviced by infrastructure within Hamilton City. Feedback received from the Associate Minister of Housing has confirmed that this process may take up to 18 months.
36. Without this boundary adjustment occurring, the development may not be able to proceed. This has been identified as a matter to be addressed by the applicant with the involvement of any future expert panel appointed as part of the substantive process.

Conclusions

37. We consider the project meets the criteria in section 22 of the Act, and that you may accept the referral application under section 21 and refer the project to the fast-track approvals process. Should you decide to refer the project, we recommend that this be subject to the specifications under section 27 outlined below.
38. We recommend specifying that the panel must invite comments from the following groups, in addition to those listed in section 53:
 - a. HCC
 - b. NZTA
39. This will allow expert panel consideration of potential adverse effects on the NZTA designations adjacent to the project area, which include the state highway network. This will also ensure that HCC, as the adjoining territorial authority has the opportunity to contribute to the substantive process in relation to infrastructure provision and the required boundary adjustment with WDC.
40. We recommend specifying that the substantive application for the project should include information on infrastructure provision and any associated funding/other arrangements to enable the completion of this project.
41. To uphold the procedural requirements of the Waikato-Tainui Raupatu Claims (Waikato River) Settlement Act 2010 we recommend you direct any panel considering a substantive application for the project 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 the fast-track process;
 - d. have regard to the Waikato-Tainui Environmental Plan, including how to provide for continued partnership with Waikato-Tainui; and
 - e. consider the detailed information-sharing provisions of the following Joint Management Agreements (JMAs), as they may be applied to the fast-track process.
 - i. The Waikato Raupatu River Trust and Waikato District Council JMA

ii. The Waikato Raupatu River Trust and Waikato Regional Council JMA

Next steps

42. The Ministry for the Environment (the Ministry) must give notice of your decisions on the referral application, and the reasons for them, to the applicant(s) and anyone invited to comment under section 17 and publish the notice on the Fast-track website.
43. In your notice of decisions, you must direct a panel to comply with any requirements identified in section 16.
44. If you decide to refer the project, the Ministry must also give notice of your decision 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
45. You must also provide all of 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
46. We will undertake this action on your behalf.
47. We have attached a notice of decisions letter to the applicant(s) based on our recommendations (refer Appendix 6) and we will provide it to all relevant parties. We will provide you with an amended letter if required.
48. Our recommendations for your decisions follow.

Recommendations

1. 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 Gordon Litt Farms Limited (the applicant) 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 Orchard Grove project (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 Appendix 5.

Yes / No

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

- i. the project is for a large-scale urban development that would have significant regional benefits in the Waikato region [s22(1)(a)] because it:
 - (1) will increase the supply of housing, address housing needs, and contribute to a well-functioning urban environment [s22(2)(a)(iii)] as it:
 - (a) will deliver a significant increase in housing supply in Hamilton and the Waikato region including approximately 815 residential lots, with a range of densities that responds to local demand
 - (b) includes a neighbourhood centre and public open spaces which will provide for social, economic and recreational needs of future residents
- ii. the project will deliver significant economic benefits in the region [s22(2)(a)(iv)] as it;
 - (1) will generate a one-off increase in gross domestic product (GDP) of approximately \$290 million. This includes the provision of full-time equivalent work for 206 people over a 10-year development period and, upon completion of the project, an annual spend of approximately \$60.6 million contributing to sustained employment and economic activity in the region.

iii. 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 [s22(1)(b)(i)] because:

(1) the project may involve a prohibited activity under the operative Waikato District Plan, which would preclude it from progressing through the standard Resource Management Act consenting pathway – prohibited activities may be considered through the fast-track approvals process

(2) appeals under the Act are only to the High Court rather than the Environment Court and are limited to points of law

(3) the Act precludes public and limited notification

(4) referring the project to the fast-track approvals process is unlikely to materially affect the efficient operation of the fast-track approvals process [s22(1)(b)(ii)] because the project is neither novel in the New Zealand context nor beyond the scope of what a panel would typically assess under the RMA

Yes / No

d. **Agree** to accept the referral application under section 21(1) and refer the whole project to a panel under section 26(2) of the Act.

Yes / No

e. **Agree**, under section 27(2) of the Act, to specify Gordon Litt Farms Limited as the person who is authorised to lodge a substantive application for the project.

Yes / No

f. **Agree** to direct a panel to comply with the following matters under section 16:

i. that any panel considering a substantive application for the project must:

(1) have particular regard to Te Ture Whaimana;

(2) 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);

(3) 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;

(4) have regard to the Waikato-Tainui Environmental Plan, including how to provide for continued partnership with Waikato-Tainui; and

ii. consider the detailed information-sharing provisions of the following Joint management agreements (JMAs), as they may be applied to the fast-track process:

(1) The Waikato Raupatu River Trust and Waikato District Council JMA

(2) The Waikato Raupatu River Trust and Waikato Regional Council JMA

Yes / No

- g. **Agree** to specify under section 27(3)(b) of the Act:
- i. the following information that the applicants must submit with the substantive application for the project:
 - (1) an integrated transport assessment, prepared in consultation with Hamilton City Council, Waikato District Council and the New Zealand Transport Agency - Waka Kotahi that—
 - (a) assesses the effects on the surrounding transport network of both the project while it is carried out and the resulting development; and
 - (b) contains modelling showing the effects on traffic flows and key intersections and
 - (c) identifies any upgrades/interventions to transport infrastructure that are required in connection with the subdivision and development; and
 - (d) identifies any funding required to carry out those upgrades/interventions (including who will provide that funding); and
 - (e) 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
 - (f) contains information on any discussions held, and any agreements made, between the authorised person and Hamilton City Council and Waikato District Council about integrated transport.
 - (2) Infrastructure assessment/s which describe;
 - (a) the methods proposed to service the project with regard to stormwater, water, wastewater and,
 - (b) any associated funding/ other arrangements to enable the completion of this project and,
 - (c) details of discussions held with Hamilton City Council and Waikato District Council regarding the timing of the required boundary adjustment between the two authorities and how this may impact infrastructure provision.
 - ii. the following groups from whom a panel must invite comments from in addition to those specified in section 53 of the Act:
 - (1) Hamilton City Council
 - (2) New Zealand Transport Agency – Waka Kotahi
- Yes / No
- h. **Agree**, under section 27(3)(b)(i) of the Act, to specify a deadline of two years for lodging the substantive application.
- Yes / No
- i. **Agree** that the Ministry for the Environment will provide your notice of decisions to:
- i. anyone invited to comment on the application including local authorities and relevant Māori groups

(1) anyone invited to comment on the application including relevant local authorities, relevant administering agencies, the Minister for the Environment and other relevant portfolio Ministers, and the relevant Māori groups

(2) the panel convener

ii. the Environmental Protection Authority (EPA).

Yes / No

j. **Approve** the draft notice of decisions letter to the applicant(s) (attached in Appendix 6)

Yes / No

Signatures



Stephanie Frame
Manager, Fast Track Operations

Hon Chris Bishop
Minister for Infrastructure

Date:

Table A: Stage 2 analysis

Recommendation	<u>Accept</u> the referral application and refer the project to the fast-track approvals process.		
Project details	Project Name	Applicant	Project Location
	Orchard Grove (the project)	Gordon Litt Farms Limited (the applicant) Gordon Litt Farms Limited is a NZ Limited Company and is eligible to apply for the approvals sought.	An area of approximately 73 hectares at 40B & C, 66 and 126 Reynolds Road, and 78 Osbourne Road located in Horsham Downs with the Waikato District. The project area is legally described as Lot 15 DP 327052, Lot 2 DP 353756, Lot 3 DP 353756, Lot 4 DP 440812, Lot 2 DP 537963, Lot 2 DP 356758 and Lot 1 DPS 73950.
Project description	<p>The project is to establish a new residential development over approximately 73 hectares of rural land located in Horsham Downs within the Waikato District.</p> <p>The project involves:</p> <ol style="list-style-type: none"> approximately 815 residential lots a new neighbourhood centre of approximately 4,000 square metres stormwater management features, pedestrian and cycle paths, landscaped areas, and new reserves and open spaces within a connected greenspace network associated roading and three waters infrastructure; and provision for a future arterial road along the existing Reynolds Road corridor. <p>The applicant seeks the following approvals under the fast-track approvals process to authorise the project:</p> <ol style="list-style-type: none"> resource consents under the Resource Management Act 1991 (RMA), including prohibited activities under the <i>Operative</i> and <i>Operative in Part</i> versions of the Waikato District Plan for the subdivision high class soil and land located within an Urban Expansion Policy Area wildlife authority under the Wildlife Act 1953. 		
Minister invites comments / requests information	Comments from invited parties		
	<p>Local authorities</p> <p>Waikato District Council (WDC)</p> <p>WDC confirms that no applications have been lodged that could be a competing application. WDC confirms that no applications exist where sections 124C(1)(c) of 165ZI of the RMA could apply.</p> <p>WDC note that the project area is located within the HT1 Growth Cell within the Future Proof Strategy and is earmarked from future urbanisation and aligns with Hamilton City's long-term development objectives. Hamilton City Council (HCC) and WDC have a Strategic Boundary Agreement (SBA) which provides for the future transfer of HT1 growth cell from WDC to HCC. Without a boundary change and infrastructure servicing being clarified, there is a risk of misaligned staging and integration with Hamilton's existing infrastructure and investment programme.</p> <p>WDC consider it important that key considerations such as land use, strategic transport routes, three-waters servicing, open space and social infrastructure requirements, and urban design are informed by a coordinated approach that considers the wider growth cell. The development and design of Orchard Grove should not be developed in isolation or in a way that may undermine or constrain future sequencing, infrastructure provision and development across the wider HT1 growth cell. WDC support the preparation of a masterplan for the entire HT1 growth cell that assesses and makes provision for open spaces and recreational opportunities.</p> <p>The Northern River Crossing (NRC) is an east-west strategic corridor connecting State Highway 1C to Resolution Drive. The indicative alignment and an envelope (potentially up to 80m designation width in places) should be protected through the proposed development site. This matter can be examined through the preparation of an integrated masterplan for the entire HT1 growth cell area.</p> <p>WDC has limited water supply networks and no wastewater networks or funding allocated for public infrastructure in the project area. WDC's expectation is that infrastructure growth is to be paid by the developer. Stormwater management should be integrated with the catchment. As this area is located within the Waikato central drainage scheme, development of this area will need to ensure that there is no impact on the level of service provided to the remainder of the drainage scheme.</p> <p>The change in land use from Rural to Residential may have a significant impact on neighboring properties. If this project is referred, WDC considers engagement with all adjoining properties and the wider area affected by the development is required.</p> <p>Waikato Regional Council (WRC)</p> <p>WRC can confirm there are no competing applications or existing resource consents to which section 124C(1)(c) of the RMA would apply. WRC can confirm that section 165ZI of the RMA does not apply. WRC considers that the only criteria of potential relevance to the project under section 22(2)(a) are whether the project:</p> <p><i>(iii) will increase the supply of housing, address housing needs, or contribute to a well functioning urban environment (within the meaning of policy 1 of the National Policy Statement on Urban Development 2020) and</i> <i>(iv) will deliver significant economic benefits</i></p>		

(x) is consistent with local or regional planning documents, including spatial strategies.

WRC notes that the Future Proof Residential Capacity Assessment 2023 (FPRCA) identifies that there is sufficient land for residential development within Hamilton City in the long-term and that there are significant areas of residential development proposed as part of other projects around the periphery of Hamilton. These developments collectively exceed the demand for residential land identified in the FPRCA. WRC considers this to be relevant when assessing section 22(2)(a)(iii), particularly the cumulative impacts on infrastructure and servicing. WRC recommends an assessment is completed by the applicant analysing how the project fits within the residential development currently proposed within Hamilton City and its wider periphery.

The project forms less than 10% of the overall HT1 growth cell identified within the FPRCA. WRC considers integration of the proposal with the wider growth cell, particularly in regard to infrastructure provision should be required to be provided in any substantive application to avoid inefficient provision of infrastructure. Any substantive application for the proposal should address the infrastructure capacity constraints associated with this project in more detail. The project site is located within WRC's Waikato Central Land Drainage Scheme. Impacts of discharges from the project on the rural land drainage system need to be addressed.

Most of the site meets the transitional definition of 'highly productive land' under the National Policy Statement for Highly Productive Land 2022 (NPS-HPL). The loss of highly productive land associated with the proposed development will need to be assessed.

WRC notes that the projected timing of the HT1 growth cell, within which the project site is located, is not identified as being needed within the 30-year timeframe of the FPS and that the project represents an out of sequence development. WRC considers a number of specific provisions from the WRPS are relevant to the proposal and should be assessed to clarify matters such as whether the development would add significantly to meeting a demonstrated need or shortfall of housing, how it would contribute to well-functioning urban environments and how it would impact infrastructure capacity and contribute to infrastructure affordability.

WRC considers that any substantive application needs to undertake further assessment to determine the presence of natural inland wetland and water courses and any effects on freshwater fish species and habitats. In addition, WRC notes that the Ecology Assessment provided identifies that the site has potential to provide foraging and roosting habitat for bats. Any potential impact on long-tailed bats and their habitat should be addressed as part of any substantive application.

Given the site's location within the Waikato River catchment, WRC state that any substantive application must address in further detail how the proposal will give effect to Te Ture Whaimana.

WRC's preliminary Regional Acid Sulphate Soils Probability spatial layer indicates a high probability of acid sulphate soils occurrence across approximately 40% of the site and should be considered.

WRC consider that any future substantive application must include further detailed information on the proposed urban stormwater system, which demonstrates appropriate treatment and attenuation of stormwater flows from this development. If an HCC water source is not available, then consent for ground or surface water takes and the construction of ground water well(s) or an intake structure will be required. Further details would be required before WRC can provide any comment on effects or potential consents if this option proceeds.

WRC notes that there may be the need for consents associated with a water treatment plant to enable potable water to be supplied to the development. With respect to public transport solutions for the new development, Orchard Grove's location means it could be served by extensions to the proposed future routes subject to funding approval, housing density, appropriate roading infrastructure and walkable catchments for bus stops.

Ministers

Minister of Economic Growth

Based on the economic assessment provided in the application, the Minister considers that the project will make a significant contribution to the regional economy and aligns with the Governments' economic growth plans to increase jobs and contribute to GDP. The Minister considers that the primary benefit of this project is the provision of additional housing and could be considered under section 22(2)(a)(iii) of the FTAA.

Minister for Regional Development

The Minister notes that the analysis provided by the applicant suggests that Hamilton City could experience a shortfall of 2,000 to 3,000 dwellings in the short term, with around half of this deficit concentrated in the city's north-east catchment (immediately adjacent to the project). As such, the proposed Orchard Grove development is expected to contribute significantly to meeting this requirement.

The Minister notes that Hamilton's GDP for the year ending September 2025 was estimated at \$15.3 billion (source: Infometrics), so the expected average annual GDP boost of \$29 million across the project's 10-year lifetime could be considered modest.

The Minister states that it is not clear how the applicant's assessment concluded that the proposal would enable the land to be put to its highest and best use. The Minister noted that there may be other economic opportunities not realised because of this project and recommends that the applicant provide further information on how the proposed development and its resulting dwellings will impact on local resource availability, and how this might impact on existing communities and businesses.

Associate Minister for Housing

The Minister states the Waikato District is experiencing population growth which has exacerbated issues including housing and rental prices. The Minister believes that the project will add to the housing supply and help address these issues.

The Minister notes that the project is within an area planned for future urban development and that the councils are likely to have concerns that the scale of infrastructure coordination required to service this project and that this should be examined at the substantive stages of the fast-track process.

The Minister notes that the project is immediately adjacent to Hamilton City, and that the proposed boundary adjustment between the two councils will be required to enable the projects connection to Hamiltons infrastructure. This boundary adjustment would need to go through the standard process via the local government commission which could take 18 months.

Administering agencies

Department of Conservation (DOC)

To enable any adverse effects to be identified and appropriately mitigated, DOC have specified additional information that should be required as part of the substantive application, as follows:

- detailed ecological surveys (including lizards, bats, avifauna freshwater, wetland and other ecological values) should be undertaken with methodologies and results provided
- demonstration on how wetland loss will be avoided or offset.
- comprehensive indigenous fish surveys
- demonstration of suitable offsetting for the significant reduction in the length of watercourses present on the project site.
- the application should address the values associated with long-tailed bats that are present in the vicinity of the site, and how potential adverse effects on them will be managed.

It is noted that these matters will be addressed through the substantive process under schedule 5 of the Act.

DOC considers that the Conservation General Policy 2005 and Waikato Conservation Management Strategy 2014 are relevant to this project, and whilst the project is not inconsistent with these documents, states that as part of the substantive application the applicant should consider:

- the relevant provisions in Te Ture Whaimana with respect to streams which are tributaries of the Waikato River
- maintaining and restoring the ecological integrity of relevant ecosystems and habitat types; and
- conserving any threatened and at-risk species to ensure persistence; protecting freshwater habitat, fish passage and the maintenance of habitat connectivity and water quality or any waterway.

DOC understands that the applicant seeks to realign approximately 500m of highly modified watercourse, that there is potential for loss or modification of artificial drains that may provide native fish habitat and that culverts are anticipated as part of the project. Given this, DOC recommends consideration of whether any culverts to be installed as part of the project might require a complex freshwater fisheries activity approval.

Any other persons or groups

HCC

HCC states that without early clarity on boundary alignment and infrastructure servicing arrangements, there is a risk of misaligned development and integration with Hamilton City's infrastructure networks and long-term investment programme. The practical complexities of developing immediately adjacent to HCC's boundary, combined with differing landowner expectations across council jurisdictions, will require careful management. In the absence of a boundary adjustment, HCC will seek the application of value capture mechanisms, including conditions, a Private Development Agreement and a Cost Recovery Agreement, to fund both internal and external upgrades proportionate to effects and to ensure no unfunded burden falls on existing Hamilton City ratepayers.

HCC consider that with projects of this size there should be clearly defined and agreed requirements for strategic transport corridors, parks and open space networks, stormwater management areas, commercial centres, schooling, and other large-scale integrated planning matters. HCC have noted that this has not occurred with this project and have highlighted the need for the project to be developed in a manner that connects and integrates with the wider HT1 growth cell, particularly with stormwater, transport, and land use outcomes with these being designed to complement - rather than constrain - future sequencing, infrastructure provision and development.

In 2025, WDC and HCC resolved to transfer responsibility for all Fast Track applications to a joint Council Controlled Organisation called IAWAI – Flowing Waters. As part of the preparation of any substantive application, input and Development Agreements will be required with IAWAI in relation to any water, wastewater and stormwater services. All associated costs would need to be borne by the applicant, and a Development Agreement (Local Government Act sec 207A) is requested between the applicant and IAWAI. As a minimum, the Development Agreement must address the matters set out in Local Government Act section 207C (3), including any other matters IAWAI – Flowing Waters requires.

Servicing - HCC note that there is no planned water or wastewater servicing for the project area and that existing networks in the surrounding area have capacity constraints. HCC confirms that reliance on bore water is not acceptable and that an alternative reticulated water supply option is required. Integration with IAWAI's waters infrastructure will be required. HCC states that stormwater design must be informed by, and respond to, the wider catchment context. HCC expects that wider HT1 Growth Cell stormwater management solutions will be identified in the HT1 integrated master or structure plan, which will enable specific stormwater solutions for the project to be properly assessed.

HCC highlights that the NRC is a long-identified east-west strategic corridor and requests that an indicative alignment, together with an envelope sufficient to enable the construction and long-term function of the corridor, is recognised as part of the project. This project should demonstrate how it protects the ability to deliver the NRC and how any potential impacts, constraints or costs associated with the corridor are appropriately considered and reflected through the master-planning process and any subsequent agreements.

Urban design – HCC note that the HT1 cell has preferred densities of 30-50 dwellings per hectare under the Future Proof intensification targets. The project should therefore deliver a range of housing choices and recognise that, over time, the HT1 growth cell is intended to transition into a fully urban environment.

New Zealand Transport Agency – Waka Kotahi (NZTA)

NZTA has no concerns with this project being referred to the fast-track approvals process. NZTA would need to see the substantive application, including an Integrated Transport Assessment (ITA) completed by a suitably qualified and experienced practitioner, to be able to determine the actual and potential transport effects of the development on the state highway network.

NZTA notes that part of the project site area is subject to Designation NZTA8 of the Waikato District Plan – Operative in Part (or J17 under the Waikato Operative District Plan). This designation relates to the SH1 - Waikato Expressway and the associated connection of local roads to SH1. NZTA highlights that section 176(1)(b) of the RMA therefore applies and will need to be considered as part of the substantive application.

Comments on applicant's transport memorandum

The applicant's transport memorandum identifies several required network upgrades. The triggers for these upgrades will need to be confirmed in the substantive ITA Assessment. Given the close proximity of the proposed development to the Resolution Drive/ SH1 Interchange, NZTA recommend that an assessment of this interchange be included within the substantive ITA assessment.

Upon consideration of the feedback provided by NZTA, it is recommended that NZTA is involved with the substantive process to ensure the information submitted is sufficient to identify and manage any potential adverse effects on the State Highway. Their involvement will also enable the review of any ITA completed and submitted, ensuring the consent is robust and aligns with the scale of potential impacts on the efficient and safe operation of the highway.

<p>The Minister must decline an application if the Minister is satisfied that the project involves an ineligible activity [section 21(3)(b)]</p>	<p>We consider you can be satisfied that the project does not involve an ineligible activity because it:</p> <ul style="list-style-type: none"> 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 coastal marine 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 CMA. 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 occur on Schedule 4 land. would not be prevented by section 165J, M, Q, ZC or ZDB of the RMA because it will not occur in the CMA. 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 record of title. is not a prohibited activity or decommissioning activity under the EEZA, 15B or 15C of the RMA is not for the purpose of an offshore renewable energy project. <p>No comments raised by parties invited to comment have indicated that the project would be ineligible for referral.</p>
<p>The Minister must decline an application if the Minister considers they do not have adequate information to inform the decision [section 21(3)(c)]</p>	<p>We consider that you have sufficient information to inform your decision on the referral application.</p>
<p>Relevant considerations and procedural requirements in Treaty settlement, Mana Whakahono ā Rohe, joint management agreement, or the Marine and Coastal Area (Takutai Moana) Act 2011 or the Ngā Rohe Moana o Ngā Hapū o Ngāti Porou Act 2019 [section 16]</p>	<p>We have identified the following relevant Treaty settlement entities for this project area:</p> <ol style="list-style-type: none"> Te Whakakitenga o Waikato, representing Waikato-Tainui, as PSGE for the Waikato Raupatu Claims Settlement Act 1995 and the Waikato-Tainui Raupatu Claims (Waikato River) Settlement Act 2010. Waikato Raupatu River Trust, as recognised in the Waikato-Tainui Raupatu Claims (Waikato River) Settlement Act 2010, and party to co-management arrangements in that settlement. Waikato River Authority, a statutory body established under the Waikato-Tainui Raupatu Claims (Waikato River) Settlement Act 2010; and Ngāti Hauā Iwi Trust, representing Ngāti Hauā, as PSGE for the Ngāti Hauā Claims Settlement Act 2014. <p>The project area is not within ngā rohe moana o ngā hapū o Ngāti Porou (as set out in the Ngā Rohe Moana o Ngā Hapū o Ngāti Porou Act 2019).</p> <p>The approvals sought include resource consents, and the project area is within the boundaries of two JMAs, with the Waikato Regional Council and the Waikato District Council respectively, over matters relating to the Waikato River and activities within its catchment that may affect the Waikato River, as provided for by the Waikato-Tainui Raupatu Claims (Waikato River) Settlement Act 2010.</p> <p>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 have noted in the recommendations section above that you must direct any panel considering a substantive application for this project to comply with the applicable requirements identified above (as provided for at section 16(2)(c) of the Act), namely to:</p> <ol style="list-style-type: none"> 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 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.
<p>Section 22 assessment criteria</p>	
<p>The project is an infrastructure or development project that would have significant regional or national benefits [section 22(1)(a)]</p>	<p><i>The Minister <u>must</u> consider a relevant Government policy statement (GPS) [s22(1A)]</i> The only current GPS is the Government Policy Statement on Grocery Competition. As this project does not involve a supermarket development or grocery-related activities, there is no GPS relevant to your decision.</p> <p>The Minister <u>may</u> consider any of the following matters, or any other matters the Minister considers relevant:</p> <p><i>The project has been identified as a priority project in a central or local government, or sector plan or strategy or a central government infrastructure priority list [s22(2)(a)(i)]</i> As outlined by the applicant, and regional and district council the project area forms part of a larger growth cell identified in both the Future Proof 2024 and the Hamilton Waikato Metropolitan Spatial Plan 2020 for urban development, however it is noted that the growth cell and the project area is not deemed to be required within the 30 year timeframe of the Future Proof Strategy.</p> <p>Feedback received from the WRC and HCC have highlighted the need for progress with a boundary adjustment to enable the project area to be included within the Hamilton District. This will remove barriers to infrastructure and is expected to take approximately 18 months. Whilst this does not delay the ability to submit a substantive application, it has the potential to delay the completion of the project and is a matter that is required to be considered, and potentially conditioned, as part of the substantive consent process.</p>

Whilst the project area is located within a growth cell identified for future residential and urban development, based on residential capacity assessments this is not deemed to be required for approximately 30 years. For this reason, it is not considered that this project cannot be deemed as a priority project and should not be referred under s22(2)(a)(i) of the Act.

Will deliver new regionally or nationally significant infrastructure or enable the continued functioning of existing regionally or nationally significant infrastructure [s22(2)(a)(ii)]

The applicant states that the project will deliver publicly vested infrastructure that will generate wider benefits, including new reserves and open spaces, walking and cycling links, and local roading upgrades available to use by future residents and the wider community. The location of the site on the common boundary of the Hamilton and Waikato districts has raised concerns from the two councils regarding the 'risk of misaligned staging and suboptimal integration with Hamilton's existing infrastructure networks and investment programme'. Designing the project to align with an overarching larger masterplan which covers the wider growth cell will assist with achieving such integration, this aligning with the comments received from WDC, HCC and WRC. This would cover key considerations such as land use, strategic transport routes, three-waters servicing, open space and social infrastructure requirements.

Ensuring the project is not designed and developed in isolation from the wider growth cell would assist with ensuring any infrastructure is of regional significance, this is able to be completed as part of the substantive process. It is recommended that under section 27(3)(b) of the Act an ITA is required to be submitted as part of the substantive application, this being developed alongside WDC, HCC and NZTA.

The infrastructure proposed is of a scale to support the proposed project and will not provide benefit to the wider environment. Therefore, this project does not deliver infrastructure of regional or national significance and should not be referred under s22(2)(a)(ii) of the Act.

Will increase the supply of housing, address housing needs, or contribute to a well-functioning urban environment [s22(2)(a)(iii)]

The project will provide an additional 815 new residential lots, with the project location supporting house demand from both the Hamilton and Waikato Districts. The applicant considers approximately 50 percent of the regions short-term shortfall is concentrated in the north-east catchment of Hamilton city, which is in close proximity to the project area. In the Waikato District, shortfalls are identified across all dwelling typologies in all locations.

The significant regional benefits associated with the increase in housing supply within this location is supported by the comments received from the Associate Minister of Housing and Minister for Economic Growth. These Ministers have each outlined the significant benefits of an increase in housing supply in the proposed project area.

Feedback from WRC states that sufficient land is currently available within Hamilton City for urban development, and that there is sufficient urban development already approved within Hamilton City and around the city fringe which collectively exceed house demand within Hamilton City. Therefore, due to the project location and potential low level of demand within HC the project may be more likely to accommodate some of the housing demand from the adjoining Waikato District. Either way the project will increase housing supply and enable a variety of houses that meet the needs of residents in terms of type, location and accessibility. If an oversupply of housing was to occur as implied by WRC, this could contribute to a reduction in house prices, and an increase in affordability.

It is noted that the economic assessment submitted by the applicant assessed the nature of residential subdivision consent granted by a tier1 council over the past 6-7 years (At total of 1,666 consents and 1300 new lots).

This identified the following;

- only the top 10% provided 10 lots or more
- only the top 3% provided 30 lots or more; and
- only the top 1% provided 75 lots or more.

The economist has developed the following criteria for assessing the significance of an urban development.

- 15 to 30 lots represent a significant increase in capacity
- 30 to 100 lots represent a highly significant increase; and
- More than 100 lots represent an extremely significant increase.

It is considered that a residential development of the proposed scale can be considered as significant with regard to housing supply. The need for the additional houses in the proposed location and the subsequent demand and pressure placed on infrastructure provision within Hamilton City is a matter to be considered by the panel as part of the substantive process. It is recommended that the project is referred under s22(2)(a)(iii) of the Act.

Will deliver significant economic benefits [s22(2)(a)(iv)]

The economic analysis commissioned by the applicant concludes that the project will help to foster competition in the local land market and encourage increased efficiencies and more affordable housing. The project is estimated to provide a one-time boost in GDP of around \$290 million and generate of up to 2,060 Full time Equivalent years over a ten-year period, or full-time employment for 206 people, generating approximately \$175M in wages/salary. This excludes the ongoing employment onsite generated by the proposed neighbourhood centre, which is estimated to provide an additional 41 FTE employees. Upon completion of the project, the annual spend per household is estimated to be over \$74,000, which equates to an annual spend of approximately \$60.6 million.

It can be assumed that services to support the construction of the project will be sourced from across the region, providing sources of employment, income and increased GDP beyond the project area.

The above-listed economic benefits and provision of 206 full-time positions for 10 years will benefit the Horsham Downs and Rototuna North suburbs providing a notable change in the employment options available for residents of the immediate area and potential spend within the local commercial centres within proximity of the project.

We note the expert panel decision for the Waihi North application¹ considered: "Significant" is a word of indeterminate meaning. It can, for instance, be used in in the sense of "game-changing". But it can also have meanings along the lines of "worthy of note".

The expert panel further considered: "Indeed, in a large city, even a substantial housing project is unlikely to make a material change to the supply of housing. All of this supports the view that "significance" is not to be determined by reference to whether implementation of the project will appreciably change national or regional gross domestic product or the annual tax revenue of the Government. Rather it is an indication of scale".

Therefore, consistent with the expert panel decision on the Waihi North application and given the project's large scale, extended construction period, and contribution to regional employment and GDP, we consider it is reasonable to conclude that the economic benefits would be significant regionally.

Based on the assessment above, including the applicant's assessment and the comments received by Ministers, we recommend that the project does meet the criterion under section 22(2)(a)(iv) as the project will deliver significant economic benefits in the Horsham Downs and Rototuna North area and the Waikato region.

Will support climate change mitigation, including the reduction or removal of greenhouse gas emissions [s22(2)(a)(vii)]

The applicant states they intend to reduce greenhouse gas emissions through the management of heavy vehicle movements during construction. They note the project has been designed to include multi-modal transport corridors to prioritise cyclist and pedestrians and promote the use of alternative transport. The applicant also considers the provision of a commercial neighbourhood centre to support the needs of residents will assist with reducing the need for travel and reduce potential greenhouse gas emissions.

	<p>We note the measures identified by the applicant under this criterion are primarily mitigation measures to address the project's own adverse effects. While the project may have some localised benefits, they are not considered to support climate change mitigation at a scale that would have significant regional or national benefits. Accordingly, we do not recommend that the project be referred based on this criterion.</p> <p><i>Is consistent with local or regional planning documents, including spatial strategies [s22(2)(a)(x)]</i> The applicant states the project is consistent with the Future Proof 2024 and the Hamilton Waikato Metropolitan Spatial Plan 2020 with the project area being located within an area identified for urban growth. The applicant considers the project aligns with the Waikato 2070 Growth and Economic Development Strategy and Waikato District Houses Strategy 2024 and upholds these through the provision of diverse housing supply and delivery, compact urban growth, and supporting infrastructure. The applicant has completed an assessment of the project against the Vision and Strategy for Waikato River (Te Ture Whaimana o Te Awa o Waikato), which concludes that the stormwater management methods will be constructed and implemented in a manner that will protect the health and wellbeing of the Waikato River.</p> <p>The applicant has also assessed the project against the Waikato Regional Policy Statement (WRPS). Whilst the applicant notes inconsistencies are present within the policies relating to high class soils, overall, they consider the project upholds the intent of the WRPS through contributing to the housing bottom lines being met and created social and economic benefits through the provision of increased housing supply. Feedback received from WRC highlights the need to increase the level of assessment against the objective and policy framework, given the misalignment of the project with the timeframe outlined within FutureProof. This additional assessment is able to be provided by the applicant as part of the substantive process.</p> <p>Whilst the project area is located within an area identified for future residential and urban development by FutureProof, based on residential capacity assessments this is not deemed to be required for approximately 30 years.</p> <p>The project involves a prohibited activity under both the Operative ("WODP") and Operative in Part ("WDP-OP") versions of the Waikato District Plan relating to the subdivision of high-class soil and land located within an Urban Expansion Policy Area. The use of a prohibited activity status sends a clear signal that the development of highly productive land (in this instance LUC2) is not currently supported by the district plan. Whilst the area is identified for urban growth in Future proof the use of a prohibited activity status effectively sets aside this land for rural purposes until it is required for urban development in the future.</p>
<p>Referring the project to the fast-track approvals process [section 22(1)(b)]</p>	<p><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 fast-track approvals process provides the ability to apply for a comprehensive range of consenting requirements to be covered by one application and considered by one panel, this offering significant efficiencies in planning and specialist inputs. The applicant highlights that the project is only able to progress through the fast-track approvals process as it involves prohibited activities for the subdivision of high-class soils and land under the RMA. They note other aspects of the project would be subject to a challenging and complex consenting requirement that would test the current Waikato District Plan provisions.</p> <p><i>Is unlikely to materially affect the efficient operation of the fast-track approvals process [s22(1)(b)(ii)]</i> The applicant states that referring the project is unlikely to materially affect the efficient operation of the fast-track approvals process, as this process is considered the right instrument for the scale of the project. The applicant further notes that referral would reinforce the value and opportunity that the fast-track approvals process presents for regionally and nationally significant projects.</p>
<p>Reasons to decline</p>	
<p>Minister <u>must</u> decline [section 21(3)]</p>	<p><i>The Minister <u>must</u> decline a referral application if:</i></p> <p><i>The application may not be accepted under subsection 1 (meets referral criteria)</i> As detailed above, we consider the proposal meets the section 22 referral criteria.</p> <p><i>The Minister is satisfied the project involves an ineligible activity</i> Based on the information provided, we consider you can be satisfied that the project does not include an ineligible activity.</p> <p><i>The Minister considers that they do not have adequate information to inform the decision under this section</i> We consider sufficient information has been provided to allow an assessment to be completed, enabling you to make an informed decision.</p> <p>We do not consider that you must decline the application under section 21(3) of the Act.</p>
<p>Minister may decline [section 21(4) and 21(5) (a-h)]</p>	<p><i>The Minister <u>may</u> decline a referral application for any other reason, whether or not it meets the criteria in section 22.</i> <i>Reasons to decline a referral application under subsection 4 include, without limitation:</i></p> <p><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> There is no indication within the application, comments received from invited parties, or from the section 18 Treaty Settlements report, that the project would be inconsistent with these documents.</p> <p><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> There is no information to suggest that it would be more appropriate to deal with the matters authorised by the proposed approvals under another Act or Acts. The section 18 report also does not consider there are any matters which make it more appropriate for the project to be authorised under another Act or Acts.</p> <p><i>The project may have significant adverse effects on the environment</i> Comments provided by the district and regional councils have raised a number of matters, that if not suitably managed, have the ability to create significant adverse effects on the environment. These relate to lack of infrastructure, traffic generation, loss of rural productive land and ecological impacts. The feedback provided has noted that these matters are able to be addressed through further information being provided as part of the substantive stage. We have recommended that a range of reports and assessments are required to be submitted as part of the substantive application to address these environmental effects. It is also noted that at the substantive stage an expert panel would also have the ability to seek further information and impose conditions to ensure the management of potential adverse effects. As such, we do not recommend that you decline the referral application</p>

The applicant(s) has a poor compliance history under a specified Act that relates to any of the proposed approvals
The applicant has not been subject to compliance or enforcement actions under the RMA.

The project area includes land that the Minister for Treaty of Waitangi Negotiations considers necessary for Treaty settlement purposes
The project area does not include land necessary for Treaty Settlement purposes.

The project includes an activity that is a prohibited activity under the Resource Management Act 1991

The project involves a prohibited activity under both the Operative ('WODP') and Operative in Part ('WDP-OP') versions of the Waikato District Plan relating to the subdivision of high-class soil and land located within an Urban Expansion Policy Area. The land to be converted as a result of this project has a Land use classification of LUC2, resulting in the project area falling under the definition of being highly productive land. The land has also been identified for future urban growth by both WDC and HCC, with the area required to support the projected growth of HCC in the future. At the substantive stage an expert panel will have the ability to seek further information and consider whether the effects of this project and the conversion of rural land to urban uses outweigh the loss of productive land. As such, we do not recommend that you decline the referral application

A substantive application for the project would have one or more competing applications.

WDC and WRC have confirmed that they have no record of any competing application/s within the project area.

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)

WDC and WRC did not identify any resource consents of the kind referred to in section 30(3)(a).

Any other matter

We have not identified any other matters that would be applicable.

Conclusion

We have not identified any matters under section 21(4) or (5) that would be a reason you may decline the referral application.

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 s17(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 the 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 (if applicable)
 - 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.