

FTAA-2602-1171: Application received for referral of the project under the Fast-track Approvals Act 2024 – Stage 2 decisions

Project Name: Greenhill Industrial Park

Date submitted:	21 May 2026	Tracking #: BRF-01243	
Security level:	In-Confidence	MfE priority:	Urgent

	Action sought:	Response by:
To Hon Chris Bishop, Minister for Infrastructure	Decision on recommendations	28 May 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: 7	Appendices: 1. Statutory framework for making decisions 2. Application documents for Greenhill Industrial Park 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. Further information received post-consultation from the applicant 7. Draft Notice of Decisions

Ministry for the Environment contacts

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

Project location



Image 1: Project area outlined in yellow, located in Hamilton within the Waikato Region.

Key messages

1. This briefing seeks your decisions under section 21 of the Fast-track Approvals Act 2024 (the Act) on the application from Greenhill Industrial Park Consortium (the applicant) to refer the Greenhill Industrial Park (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-00554) with your initial decisions annotated is in Appendix 3.

3. The project is to construct and establish a new industrial park on approximately 180 hectares of land located northeast of Hamilton, approximately 1 kilometre from the Hamilton City jurisdiction boundary and adjacent to the eastern side of the Waikato Expressway (WEX) within the Waikato District. The project includes:
 - a. approximately 161 new fee simple industrial lots, with a range of sizes from 2,500m² and above
 - b. approximately 25 new rural residential lots ranging in size from 2,500m² – 5,000m²
 - c. additional components, including:
 - i. a new north-south orientated collector road (connecting with Puketaha Road to the north and Greenhill Road to the south) and a series of new local roads and any relevant network upgrades
 - ii. four stormwater pond areas, including a larger centralised area that will also contain a new central wastewater pumpstation
 - iii. stream realignment and neutralisation works
 - d. supporting infrastructure.
4. The applicant seeks the following approvals under specified Acts to authorise the project:
 - a. resource consents under the Resource Management Act 1991 (RMA)
 - b. approval under the Wildlife Act 1953
 - c. archaeological authority under the Heritage New Zealand Pouhere Taonga Act 2014.
5. 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.
6. We seek your decisions on this recommendation and notification of your decisions.

Assessment against statutory framework

7. 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.
8. Before accepting the project, you must consider the following:
 - a. the application (in **Appendix 2**)
 - b. the section 18 Treaty settlements report (in **Appendix 4**)
 - c. any comments from invited parties (in **Appendix 5**)
 - d. any further information requested from the applicant, the relevant local authorities, or the relevant administering agencies (in **Appendix 6**)
 - e. and any document that requires your consideration under section 16, including compliance with its procedural requirements (as outlined in the section 16 assessment below).
9. 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 meaning you must decline the application. We provide our advice on these matters below.

Section 18 Treaty settlements and other obligations report

10. A Treaty settlements and other obligations report (the report) prepared under section 18 of the Act is attached in Appendix 4.
11. The report identified the following as relevant Māori groups in relation to the project area, including iwi authorities and Treaty settlement entities: 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, Te Haa o te Whenua o Kirikiriroa, and Hukanui Marae.
12. The report identified the Treaty settlements and other arrangements relevant to the project area as: Waikato Raupatu Claims Settlement Act 1995, Waikato-Tainui Raupatu Claims (Waikato River) Settlement Act 2010, and the Ngāti Hauā Claims Settlement Act 2014.
13. The report identifies 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.
14. The Ngāti Hauā settlement provides for a conservation relationship agreement which sets out a consultation process for certain categories of statutory authorisations, which currently includes the Wildlife Act 1953 approval sought by the applicant. You have invited Ngāti Hauā to comment on this application, and under section 53(2)(c) of the Act a panel will also be required to invite Ngāti Hauā to comment on any substantive application for this project. In doing so, the panel may wish to consider the consultation process in the conservation relationship agreement to inform their engagement with Ngāti Hauā.
15. None of the Māori groups invited to comment under section 17(1)(d) of the Act provided a response.
16. The Minister for Māori Development and the Minister for Māori Crown Relations: Te Arawhiti support the application for referral, subject to the panel having regard to the relevant Treaty settlement legislation and associated documents and maintaining ongoing engagement with relevant Māori rōpu.
17. The report did not identify any matters that would 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. In accordance with section 7 and section 16 of the Act, the report recommends that in considering this application, you have:

- a. particular regard to Te Ture Whaimana; and
- b. regard to the Waikato-Tainui Environmental Plan.

These are relevant documents to which you must give the same or equivalent effect as under the Waikato-Tainui Raupatu Claims (Waikato River) Settlement Act 2010. The report notes that, at face value, a decision to accept this application for referral would not necessarily be inconsistent with these documents, but that this question will need to be considered in more depth by a panel in assessing a substantive application, as the potential decision-maker for the approvals being sought.

19. 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 information about the application to the Waikato Raupatu River Trust (under the Joint Management Agreement (JMA) provisions). However, 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. Should you decide to accept this referral application, the report recommends you direct any panel considering a substantive application for the project to comply with the applicable requirements identified above (as provided for at section 16(2)(c) of the Act), 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 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 Waikato Raupatu River Trust and Waikato Regional Council JMA and the Waikato Raupatu River Trust and Waikato District Council JMA, as they may be applied to the fast-track process.

Written comments received

21. Comments were received under section 17 of the Act from the parties below:
- a. relevant local authorities - Waikato Regional Council (WRC) and Waikato District Council (WDC)
 - b. Ministers – the Minister for Regional Development, the Associate Minister of Transport and the Minister for Economic Growth
 - c. relevant administering agencies – Department of Conservation (DOC) and Heritage New Zealand Pouhere Taonga (HNZPT)
 - d. any other persons or groups – NZ Transport Agency Waka Kotahi (NZTA) and Hamilton City Council (HCC).
22. The key points relevant to your decision-making are outlined in Table A, with a summary provided below:
- a. WRC highlights concerns that the project will result in the loss of highly productive land (HPL), impact local transport networks, is not aligned with current regional and local planning frameworks and considers that discharges from the development could result in upstream and downstream flooding. WRC considers that other currently listed and referred fast-track projects will meet the projected shortfall of industrial land supply in Hamilton City.
 - b. WDC considers the project is not strategically aligned with regional and local planning frameworks, the geology of the site indicates natural hazard risks, the site potentially contains acid-sulphate soils and notes the applicant's identification of potentially Hazardous Activities and Industries List (HAIL) activities at the project site. WDC also

states the existing water supply at the site is not fit to accommodate the project and there is no council wastewater scheme in the area.

- c. The Minister for Regional Development considers that the ongoing economic value of the development once complete is likely to be significant for the region for both the employment and GDP impacts from the industrial activity. The Minister notes it may be difficult to confirm that the proposed development will put the land to its highest and best use.
- d. The Associate Minister of Transport supports referral and considers that the project has significant regional benefits, noting the project would have a positive impact on economic activity and employment.
- e. The Minister for Economic Growth considers the project will provide economic benefits, support ongoing industrial activity and improve the availability and timely supply of industrial land in the Hamilton region.
- f. DOC considers it is likely that effects can be managed to appropriate levels with appropriate design and conditions. DOC states they are not aware of any reason the project should not be referred.
- g. HNZPT considers that, if the project is referred, an archaeological authority is required, and they anticipate further engagement with the applicant to ensure all relevant documentation is provided with a substantive application.
- h. NZTA considers that the project would cause a considerable increase to the volume of traffic using the State Highway 1 (SH1) Greenhill Interchange and has the potential to impact upon the wider SH1/WEX network.
- i. HCC considers that the project site is not consistent with local and regional planning documents, would impact local transport networks, and that there is little to no capacity in existing HCC water and wastewater networks available to service the project.

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

- 23. You requested further information from the applicant under section 20 of the Act about the eligibility of the applicant to apply for and hold the approvals sought.
- 24. In response to your request, the applicant provided further information on two matters:
 - a. confirmation as to what legal entities will apply for and hold approval for the project
 - b. explanation of the legal status of these entities confirmed for (a).
- 25. The applicant has confirmed that the parties which form the Greenhill Park Consortium, being McDonald Farming Enterprises Limited, Responsive Trade Education, Finlay Family Partnership, and GT Taylor Family Trust, are the legal entities that will apply for and hold approvals for the project.
- 26. Should you decide to accept this referral application, McDonald Farming Enterprises Limited, Responsive Trade Education, Finlay Family Partnership, and GT Taylor Family Trust will be specified as the persons who are authorised to lodge a substantive application for the project.

Reasons to decline

27. The statutory framework in Appendix 1 sets out the situations where you must decline the application for referral under section 21(3).
28. We consider that you have adequate information to inform your decision. We 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.
29. 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 and these are set out in Appendix 1.
30. We consider there are two potential reasons you could consider declining the application under section 21(4) or (5) of the Act, these being:
 - a. The project may have significant adverse effects on the environment as the development will result in the loss of HPL
 - b. The project includes a prohibited activity under the RMA.

The project may have significant adverse effects on the environment resulting in the loss of highly productive land

31. The project will result in the loss of HPL, with 84% of the project site classified as Land Use Capability (LUC) Class 2 land. WRC considers that the proposal will contribute further to the irreversible, cumulative loss of highly productive land in the Waikato region.
32. We note that the expert panel declined the Ashbourne development application in part due to the loss of highly productive land. We also note that the expert panel for Sunfield development application did not consider the loss of HPL to outweigh project benefits. Ultimately, it will be the role of the expert panel to assess whether the benefits of this project outweigh the loss of HPL.

The project includes a prohibited activity under the RMA

33. The applicant notes that the project will involve the subdivision of high-class soils, triggering a prohibited activity under Rules 25.5(e) of the Waikato Operative District Plan and Rule SUB-R41 of the Waikato District Plan – Operative in Part.
34. We note that the prohibited activity does not trigger any ineligibility criteria under section 5 of the Act. Although this is a potential reason you may decline a referral application, 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.
35. Any potential adverse effects relating to the project can be further assessed and managed at the substantive stage by an expert panel, which will have the ability to seek technical advice and impose conditions or decline the application if the adverse effects outweigh the benefits. Overall, we consider the project meets the section 22 referral criteria and, on this basis, we consider the inclusion of a prohibited activity does not constitute a reason that you should consider declining this referral application.
36. As outlined in Table A below, we have considered the relevant matters and have not identified any grounds that would require you to consider declining the application.

Reasons to accept

37. 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.
38. 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 a development project that would have significant regional benefits because it:
 - i. will contribute to a well-functioning urban environment [s22(2)(a)(iii)] as it will contribute to the projected shortfall of industrial land supply in Hamilton City and the project's location being approximately 1 kilometre from the Hamilton City jurisdiction boundary and the WEX
 - ii. will deliver significant economic benefits [s22(2)(a)(iv)] to the Waikato Region by providing a one-time boost in Gross Domestic Product (GDP) of approximately \$830 million and create 542 Full-Time Equivalent (FTE) jobs over the 10 year development period, and once established is estimated to sustain an annual GDP of \$471 million and support 3,555 FTE jobs with \$265 million paid annually in wages and salaries
 - 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 the fast-track approvals process provides the ability to apply for a range of approvals required within one application, and noting the application would not be able to obtain resource consent for subdivision as a prohibited activity under the RMA
 - c. is unlikely to materially affect the efficient operation of the fast-track approvals process 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

39. We have identified four issues further to the matters identified above and we have summarised these below, with our full analysis in Table A.

Water supply, wastewater servicing, and stormwater servicing (including flood risk)

40. WDC and HCC have raised concerns that there is little to no capacity in the existing water supply and wastewater schemes in the area available to service the project and accordingly, no guarantees can be made as to connectivity to those networks.
41. The applicant has provided design options for water supply including through a combination of connecting to the existing public network and utilising on-lot solutions such as rainwater harvesting. Regarding wastewater, the applicant has identified three public network connection options they consider can be further investigated through detailed design and in consultation with HCC as part of the substantive application.
42. WRC, WDC, and HCC have also raised concerns regarding stormwater and flood risk. WRC considers that discharges from the development could result in upstream flooding, pasture damage, and downstream flooding and ponding. The applicant has proposed a stormwater strategy that incorporates stormwater management devices; however, WRC considers that implementation of this proposal is likely to be difficult due to high groundwater levels, the

presence of peat and organic soils at the site and the high impervious surface area associated with the project.

43. We consider that 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 three waters infrastructure assessment, including assessments of flood risk management, with the substantive application for the project to assist a panel in assessing the infrastructure impacts of the project.

Contaminated land

44. WDC notes the applicant identified potentially HAIL activities across the subject site, including historic agricultural practices (such as fertiliser application), areas of uncharacterised fill, and potential contamination associated with legacy buildings (such as asbestos-containing materials and lead-based paint). WDC states that, as a result, parts of the site are likely to meet the definition of a 'piece of land' under the National Environmental Standard for Assessing and Managing Contaminants in Soil to Protect Human Health (NES-CS), suggesting that the proposed development will be subject to its requirements.
45. WRC, WDC and HCC state there is a high probability that acid sulphate soils are present at the project site. When disturbed and exposed to oxygen, acid sulphate material produces sulfuric acid which can be mobilised in rainfall and have environmental impacts, in particular on aquatic ecosystems. WRC and WDC recommend a strategy for acid sulphate soil management should be considered in relation to the project.
46. The applicant states that a detailed site investigation will be progressed under the substantive application to determine the exact extent and locations of any contamination and that any contaminated land associated with HAIL activities within the site can be appropriately managed to accommodate the development. The applicant also notes that any requirements under the NES-CS can be addressed as part of the substantive application and potential risks to human health can be appropriately managed and mitigated.
47. We consider that these matters can be considered by a panel in a substantive application for the project and ultimately it will be the role of the expert panel to consider whether to seek further technical advice and impose conditions on any approvals granted to ensure the effective management of potential adverse effects from contaminated land at the projects site.

Transport network impacts

48. NZTA, WRC and HCC consider that the project will have significant impacts for local transport networks and may require additional roading, public transport, and walking and cycling infrastructure that is not currently planned or funded. NZTA considers that the project would cause a considerable increase in the volume of traffic using the SH1 Greenhill Interchange and has the potential to impact upon the wider SH1/WEX network due to the development's location and subsequent reliance on the network. NZTA considers that a comprehensive assessment of transport effects would be required to determine whether, and to what extent, transport upgrades or other mitigation measures would be necessary to maintain the safe and efficient operation of the state highway network.
49. The applicant has provided a transportation memorandum which concludes that the project aligns with national, regional and local transport policy documents and that any effects associated with road capacity and increased traffic volumes can be adequately addressed through localised road and intersection upgrades. The applicant states that further modelling will be undertaken to confirm the detailed design of roading upgrade and the development

triggers for undertaking these works. Overall, the applicant considers that any potential transport effects can be appropriately avoided and mitigated, including through further modelling and detailed design as part of any substantive application.

50. We consider that 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 transport network impact assessment with the substantive application for the project to assist a panel in assessing the traffic impacts of the project.

Conclusions

51. We consider the project meets the section 22 criteria and you may accept the application under section 21 of the Act and refer the whole project to the fast-track approvals process.

Next steps

52. 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.
53. 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.
54. 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
 - d. if a report was obtained under section 19, that report.
55. We will undertake this action on your behalf.
56. We have attached a draft notice of decisions letter to the applicant(s) based on our recommendations (refer Appendix 7) and we will provide it to all relevant parties. We will provide you with an amended letter if required.
57. Our recommendations for your decisions follow.

Recommendations

58. 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 Greenhill Industrial Park Consortium (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 Greenhill Industrial Park 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 Appendices 5 and 6.

Yes / No

- c. **Note** the application under section 16, should you decide to accept this referral application, the Treaty settlements and other obligations report recommends you direct any panel considering a substantive application for the project to comply with the applicable requirements as provided for at section 16(2)(c) of the Act, 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 with Waikato-Tainui (as a consistent theme running through the plan); and
 - v. consider the detailed information-sharing provisions of the Waikato Raupatu River Trust and Waikato Regional Council Joint Management Agreement and the Waikato Raupatu River Trust and Waikato District Council Joint Management Agreement, as they may be applied to the fast-track process.

Noted

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

- i. the project is a development project that would have significant regional benefits because it will:
 - will contribute to a well-functioning urban environment [s22(2)(a)(iii)] as it will contribute to the projected shortfall of industrial land supply in Hamilton City and the project's location being approximately 1 kilometre from the Hamilton City jurisdiction boundary and the Waikato Expressway (WEX)
 - will deliver significant economic benefits [s22(2)(a)(iv)] to the Waikato Region by providing a one-time boost in Gross Domestic Product (GDP) of approximately \$830 million and create 542 Full-Time Equivalent (FTE) jobs over the 10 year development period, and once established is estimated to sustain an annual GDP of \$471 million and support 3,555 FTE jobs with \$265 million paid annually in wages and salaries
- 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 the fast-track approvals process provides the ability to apply for a range of approvals required within one application, and noting the application would not be able to obtain resource consent for subdivision as a prohibited activity under the RMA
- iii. is unlikely to materially affect the efficient operation of the fast-track approvals process 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

e. **Agree** there is no reason the project must be declined under section 21(3):

- i. the project meets the criteria in section 22 as detailed in recommendation d above
- ii. the project does not include an ineligible activity as explained in Table A
- iii. the application includes adequate information to inform your decision.

Yes / No

f. **Agree** to accept the referral application under section 21(1) and refer the whole project to the fast-track approvals process under section 26(2)(a) of the Act.

Yes / No

g. **Agree** to specify McDonald Farming Enterprises Limited, Responsive Trade Education, Finlay Family Partnership, and GT Taylor Family Trust as the persons who are authorised to lodge a substantive application for the project.

Yes / No

h. **Agree** to specify the deadline for lodging the application is two years from notification of referral decision under section 27(3)(b) of the Act.

Yes / No

- i. **Agree** to specify under section 27(3)(b) of the Act the following information that the applicant must submit with the substantive application for the project:
- i. an assessment of the relevant three waters infrastructure that:
- identifies the existing condition and capacity of that infrastructure, and
 - identifies any upgrades to that infrastructure that are required in connection with the subdivision and development, including what is required to avoid, remedy or mitigate flood risk; and
 - identifies any funding required to carry out those upgrades (including who will provide that funding); and
 - provides details of ongoing ownership and maintenance responsibilities; and
 - contains information on any discussions held, and any agreements made, between the authorised person and the relevant infrastructure provider about the relevant infrastructure (including discussions and agreements about the matters referred to above).
- ii. an integrated transport assessment, prepared in consultation with New Zealand Transport Agency Waka Kotahi that:
- assesses the effects on the surrounding transport network of both the project while it is carried out and in the resulting development, including effects on the WEX; and
 - contains modelling showing the effects on traffic flows and key intersections; and
 - identifies any upgrades/interventions to transport infrastructure that are required in connection with the development; and
 - identified any funding required to carry out those upgrades/interventions (including who will provide that funding); and
 - 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
 - contains information on any discussions held, and any agreements made, between the authorised person and the relevant infrastructure provider about the relevant infrastructure (including discussions and agreements about the matters referred to above).

Yes / No

- j. **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
 - ii. the panel convener
 - iii. the Environmental Protection Authority (EPA)
 - iv. the following relevant administering agencies:
 - Department of Conservation
 - Heritage New Zealand Pouhere Taonga.

Yes / No

- k. **Approve** the draft notice of decisions letter to the applicant(s) (attached in Appendix 7).

Yes / No

Signatures

A handwritten signature in blue ink, appearing to read 'S Frame', is written over a light blue grid background.

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
	Greenhill Industrial Park	Greenhill Industrial Park Consortium (the applicant) Greenhill Industrial Park Consortium is made up of four key landowners: McDonald Farming Enterprises Limited, Responsive Trade Education, Finlay Family Partnership and GT Taylor Family Trust. The Macdonald Farming Enterprises Ltd is a New Zealand Registered company that is eligible to and will apply for and hold approval for the project and is a New Zealand Registered company.	The project location is northeast of Hamilton adjacent to the eastern side of the Waikato Expressway between Puketaha Road and Greenhill Road, within the Waikato District (legally described as Lot 1 DP 515771, Lot 1 DP South Auckland 15954, Lot 2 DP 307097, Lot 1 DP 307097, Lot 3 DP 456019, Section 88 Survey Office Plan 572875 and Lot 1 DP 304594).
Project description	The project is to construct and establish a new industrial park on approximately 180 hectares of land located northeast of Hamilton, approximately 1 kilometre from the Hamilton City jurisdiction boundary, adjacent to the eastern side of the Waikato Expressway within the Waikato District. The project includes: - approximately 161 new fee simple industrial lots, with a range of sizes from 2,500m² and above - approximately 25 new rural residential lots ranging in size from 2,500m² – 5,000m² - additional components, including: - a new north-south orientated collector road (connecting with Puketaha Road to the north and Greenhill Road to the south) and a series of new local roads and any relevant network upgrades - four stormwater pond areas, including a larger centralised area that will also contain a new central wastewater pumpstation - stream realignment and neutralisation works - supporting infrastructure. The applicant seeks resource consents for the project under the Resource Management Act 1991, approval under the Wildlife Act 1953, and archaeological authority the Heritage New Zealand Pouhere Taonga Act 2014. No other approvals under specified Acts are sought as part of the fast-track approval process.		
Minister invites comments / requests information	Comments from invited parties		
	Local authorities Waikato Regional Council (WRC) <u>Regarding the applicant's assertion that the development project will have significant regional benefits including "increasing industrial land supply that will contribute to addressing forecast shortfall and tenure constraints in the Hamilton City market"</u> WRC notes that while the Future Proof Business Capacity Assessment (BCA) 2023¹ identifies a sufficient supply of industrial land in the short and medium term (1 – 10 years, as defined by the National Policy Statement on Urban Development 2020 (NPS-UD)), and a 114² hectare shortfall of industrial land in Hamilton City in the long term (11 – 30 years). WRC includes a list (Attachment A within WRC comments) of listed and referred fast-track projects around Hamilton which they consider that, once established, will exceed the demand for industrial land identified in the BCA in the long term. WRC also notes that while the BCA provides territorial authority-specific demand and capacity information, it recognises the integrated nature of the Waipā and Waikato districts with Hamilton City and states "At the total FPP (Future Proof Partnership) level, the plan enabled capacity for retail and industrial land (plus a competitiveness margin) is sufficient to meet the anticipated growth needs over the long term". WRC highlights risks that the concurrent delivery of multiple large-scale industrial developments could undermine, rather than enhance, the achievement of a well-functioning urban environment, particularly through cumulative impacts on infrastructure provision and servicing capacity. <u>Highly productive land</u> WRC states that the project site meets the definition for 'highly productive land' under the National Policy Statement for Highly Productive Land 2022 (NPS-HPL), with approximately 84% of the site considered Land Use Capability (LUC) Class 2 soils. WRC considers it would be challenging for the proposal to meet the relevant requirements under clauses 3.8 – 3.10 of the NPS-HPL. If the project proceeds, it will contribute further to the irreversible, cumulative loss of highly productive land in the Waikato region. WRC also notes that project site has a high probability for acid sulphate soils and a strategy for management of such soils should be considered in relation to the project. <u>Consistency with regional and local planning</u>		

¹ Business Development Capacity Assessment 2023, prepared for Future Proof Partners: Hamilton City, Waikato District, Waipā District, and Waikato Regional Council. <https://www.futureproof.org.nz/assets/Future-Proof/Resources/BusinessDevelopmentCapacityReportApril24.pdf>

² Note this calculation was made using data from *Figure 0-6: Future Proof Partners Business Land Sufficiency summary* in the Business Development Capacity Assessment 2023. The figure for the demand growth for industrial land in Hamilton City was subtracted from the figure for the estimated land availability of industrial land in Hamilton city (342.8 hectares – 457.4 hectares = - 114.6), resulting in the figure of 114 hectares being the shortfall of industrial land supply in the long-term for Hamilton city.

WRC states that the project is not aligned with current regional and local planning frameworks. The project site lies outside identified growth areas, on the opposite side of the Waikato Expressway (WEX) from Hamilton City, and is inconsistent with the staged and coordinated growth approach set out in the Future Proof Strategy (FPS).³ WRC states that the project is also inconsistent with the Future Proof settlement pattern in the Waikato Regional Policy Statement (WRPS), the decisions version of the Proposed WRPS Change 1 – National Policy Statement on Urban Development 2020, and the Waikato 2070 Growth and Economic Development Strategy.

Land drainage and stormwater

WRC notes the site is located within WRC's Waikato Central Land Drainage Scheme, and potential impacts on the rural drainage network require careful management. Discharges from the development could result in upstream flooding, pasture damage, and downstream flooding and ponding. While WRC consider the applicant's proposed stormwater philosophy aligns with WRC expectations, implementation is likely to be difficult due to high groundwater levels and the presence of peat and organic soils. WRC considers the high impervious surface associated with industrial development further complicates volume retention, and the proposed reliance on soakage and on-lot water reuse may be challenging to achieve in practice.

Transport and accessibility

WRC considers the project would have significant implications for transport networks and require additional roading, public transport, and walking and cycling infrastructure that is not currently planned or funded. WRC considers that further detailed planning is required, in coordination with WRC and HCC, including clarity on public transport routing, staging and funding, provision of public transport-enabling infrastructure, ensuring internal roads can support future bus services, and establishing high-quality active mode connections across the Expressway barrier.

Waikato District Council (WDC)

Competing and existing resource consent applications

WDC considers the Ruakura 2 (R2) Growth Cell development area (a listed project under fast-track), while not an application that will be lodged with council, would be a competing application in particular regarding industrial land supply and consequential infrastructure demands.

Strategic land use pattern and strategy alignment

WDC states that the project is not strategically aligned with the FPS, WRSP or the District Growth and Economic Development Strategy 2070. WDC notes that, while industrial land demand pressures in Hamilton City are acknowledged, they are expected to arise over the long term. Although future capacity within the city is constrained, proposed fast-track developments on the city's periphery may partially address the projected shortfall.

Natural hazards, highly productive land and contaminated soil

WDC notes that, based on the expected geology at the project site, natural hazards on the site are likely to include: liquefaction, static settlement, slope instability and low bearing.

WDC notes the site comprises of LUC 2 and 3 soils, requiring assessment against the NPS-HPL.

WDC recommends an acid-sulphate soil survey is completed to investigate if actual or potential acid-sulphate soil is present on the subject site and if present they recommend the applicant produce relevant management plans.

WDC notes the applicant identified potentially Hazardous Activities and Industries List (HAIL) activities across the subject site, including historic agricultural practices (e.g. livestock spray races and fertiliser application), areas of uncharacterised fill, and potential contamination associated with legacy buildings, such as asbestos-containing materials and lead-based paint. WDC states that, as a result, parts of the site are likely to meet the definition of a 'piece of land' under the National Environmental Standard for Assessing and Managing Contaminants in Soil to Protect Human Health (NES-CS), suggesting that the proposed development will be subject to its requirements. WDC supports a standard contaminated land management pathway, including a Detailed Site Investigation and Site Management Plan, with further remediation and validation measures to be implemented where contamination exceeds relevant human health criteria.

Three waters servicing

WDC notes there is an existing water supply scheme in the area, but it is not of a capacity to accommodate a development of this scale and intensity. The connections are on Restricted Flow Supply, which will not meet firefighting requirements for the subject site.

WDC states there is no Council wastewater scheme in the area to service the subject site. The development may need to be modelled as an addition to the R2 Growth Cell to assess whether connection to the HCC wastewater network is feasible.

WDC anticipates further information will be provided at the substantive stage including:

- financial modelling for any stormwater assets to be vested to Council, demonstrating sustainable lifecycle costs under the Local Government (Water Services) Act 2025, including revenue, investment, and financing sufficiency
- downstream drainage assessment to determine existing risks such as tail water, flooding, and erosion is expected
- detailed pre-development and post-development modelling be undertaken to demonstrate that there will be no property flooding or access risks within the subject site and on surrounding landowners in a 100-year ARI event.

Ministers

Associate Minister of Transport

The Minister considers that the project has significant regional benefits and supports referral. The Minister notes that the project aims to establish a regionally significant industrial hub that would have a positive impact on economic activity and employment while increasing housing capacity.

Minister of Regional Development

The Minister considers that the ongoing economic value of the development once complete is likely to be significant for the region for both the employment and GDP impacts from the industrial activity supported by the new development's infrastructure. The Minister notes that, based on the information provided, the proposed 10-year development period would offer important employment and a one-time GDP boost for the region. However, for context the Ministers notes that Hamilton's GDP for the year ending March 2025 was estimated as \$17.06 billion⁴, so the expected average annual GDP boost of \$83 million across the project's 10-year lifetime could be considered modest.

The Minister notes it may be difficult to confirm that the proposed development will put the land to its highest and best use, without understanding and analysing the full range of options that the land could be used for, which the application does not do. The application also does not analyse whether the use of resources at the new development may directly compete with – and impact on the success of – other existing industrial parks, which would affect the accuracy of the proposed 'additional' benefits. The Minister recommends that you seek further information from the applicant if these are important factors in your referral decision.

We acknowledge the Minister's recommendation to seek further information from the applicant regarding analysis of the full range of options the land at the project site could be used for. We consider there is adequate information to make your referral decision and that at the substantive stage an expert panel will have the ability to seek technical advice on matters, including in relation to the loss of highly productive land and consideration of other potential uses for the land. Ultimately it will be the role of the expert panel to assess whether the benefits for this project outweigh the loss of HPL.

Minister for Economic Growth

³ <https://www.futureproof.org.nz/our-strategic-direction/>

⁴ Source: Infometrics, <https://www.infometrics.co.nz/>

The Minister for Economic Growth considers that the primary economic benefits of the project will be realised during the development phase, while longer-term benefits would arise from the provision of a large quantum of serviced industrial land adjacent to a major transport corridor, supporting ongoing industrial activity and improving the availability and timely supply of industrial land in the Hamilton region.

Administering agencies

Department of Conservation (DOC)

DOC states that, while they consider they do not have sufficient information to determine the level of actual and potential environment effects, it is likely that, with the appropriate design and conditions, effects can be managed to appropriate levels. DOC states they are not aware of any reason the project should not be referred.

DOC considers that, should the project be referred, detailed ecological surveys (including for lizards, fishes, and avifauna) should be done with methodologies and results provided in the substantive application to inform what wildlife approvals will be required for the project. DOC also recommends that, for any substantive application, the applicant provides a stocktake of any current fish barriers onsite and advise of any works to remove or alter them.

Notation on title indicating site is subject to Part IVA of the Conservation Act

DOC notes that the Title for Lot 1 DP 515771 indicates that the site is subject to Part IVA of the Conservation Act 1987. The existence of this notation on the Title means that if a qualifying water body exists on the property, a marginal strip is automatically reserved along that water body. DOC understands this would fall within the definition of 'public conservation land' under the FTAA. DOC states that it is unclear, from the level of information provided, whether a qualifying water body under section 24(1) of the Conservation Act exists on the subject property. It is therefore unclear whether there is any qualifying public conservation land within the project site. DOC notes that for any project that includes public conservation land, DOC is required to provide a section 19 report detailing any risks and liabilities to the Crown and potential issues in relation to referral. DOC states that, at the time of writing, they have not received a request for a section 19 report for this project. DOC therefore highlight this potential issue in order to provide the Minister with any known potential issues at this stage. DOC does not consider this a reason that the project should not be referred. However, DOC recommends that surveys be undertaken on the subject property to identify any potentially qualifying water bodies.

We note that the applicant's hydrogeological assessment shows that watercourses in Lot 1 DP 515771 are considered artificial drains, consistent with Waikato Regional Councils' stream classification. The applicant states that the notation on the Title that the site is subject to Part IVA of the Conservation Act, does not restrict or preclude the development of subdivision activities from occurring within the site. Based on the information provided by the applicant, including the hydrogeological assessment identifying that Lot 1 DP 515771 includes artificial drains and no other water bodies, we consider that a qualifying water body does not exist at Lot 1 DP 515771, meaning a marginal strip is not automatically reserved, public conservation land is not present at the project site and therefore a section 19 report is not required.

If the project is referred, DOC recommends that the Minister request the applicant provide the following information in the substantive application:

- a Lizard Management Plan
- a survey of Lot 1 DP 515771 to identify any qualifying waterways under Part IVA of the Conservation Act
- a full ecological assessment, including assessment of actual and potential effects on vegetation, wetlands, freshwater and fauna, including avifauna, lizards and bats. Specifically, the ecological assessment should include baseline surveys for wetlands, fish, bats and lizards, and a baseline avifauna survey which includes species presence and abundance and flight pathways (including for nocturnal and migratory species). Note that surveys for bats need to be done during the bat season (October – April) when night-time temperatures are warmer. If bats are found to be present, a bat management plan that sets out how the project will avoid the loss of roost trees, mitigate for the loss of vegetation, and address effects of lighting and noise
- details of proposed avoidance and mitigation measures to address effects on ecological values
- proposed consent conditions, including details of pre- and post-construction monitoring for the populations of avifauna, lizards and fish, and for bird and bat collisions
- if necessary, complete details of any proposed offsetting and compensation measures which are adequate to fully address adverse effects identified in the ecological assessment
- an outline of consultation with DOC, iwi, and any relevant landowners, including any feedback from the same and an explanation of how that feedback has been addressed.

We acknowledge DOC's recommendation for information related to various ecological impacts to be provided in the substantive application. We consider that these matters can be considered by a panel in a substantive application for the project and ultimately it will be the role of the expert panel to consider whether to seek further technical advice to inform what wildlife approvals would be required for the project to assist a panel in assessing the ecological impacts of the project.

Heritage New Zealand Pouhere Taonga (HNZPT)

HNZPT considers that, if the project is referred, an archaeological authority is required and they anticipate further engagement with the applicant to ensure all relevant documentation is provided with a substantive application, including:

- a fulsome archaeological assessment
- appropriate methodologies and strategies proposed
- appropriate draft archaeological management plan
- evidence of appropriate consultation with tangata whenua
- appropriate proposed conditions.

We acknowledge HNZPT's recommendation for further information to be provided with the substantive application. We consider that these matters can be considered by a panel in a substantive application for the project and ultimately it will be the role of the expert panel to consider whether to seek further technical advice to inform what wildlife approvals would be required for the project to assist a panel in assessing the ecological impacts of the project.

Any other persons or groups

NZ Transport Agency Waka Kotahi (NZTA)

NZTA considers that the project would cause a considerable increase to the volume of traffic using the State Highway 1 (SH1) Greenhill Interchange. In addition to localised impacts, NZTA considers the increase in traffic generated by the project also has the potential to impact upon the wider SH1/WEX network due to the development's location and subsequent reliance on the network. NZTA notes that, at this stage, the extent of the potential traffic effects has not been assessed through detailed modelling. NZTA therefore considers that a comprehensive assessment of transport effects would be required to determine whether, and to what extent, transport upgrades or other mitigation measures would be necessary to maintain the safe and efficient operation of the state highway network. NZTA has no planned funding to accommodate capacity increases on SH1/WEX and it is therefore expected that the project should be designed and staged to avoid adverse effects on safety or network efficiency.

If the project is referred, NZTA request that the following information be included within any substantive application lodged

- an Integrated Transport Assessment (ITA) that includes at a minimum:
 - intersection modelling for all relevant SH1/WEX interchanges and modelling of the network wide effects. NZTA expects there should not be a decline in the level of service for SH1/WEX that results in traffic safety or efficiency being compromised
 - an assessment on how the project would align with the Waikato Expressway Network Plan (2014), R2 Growth Area, and the cumulative effects from other permitted and consented developments to the east of Hamilton city
 - how public transport and other active modes (services) would be established and funded to address the traffic flows arising from the project
 - clear identification of the stages and types of development that would be released only once specific transport infrastructure components (e.g. WEX/SH1 improvements and local road components) are put in place

	- Details of the proposed signage and lighting, including confirmation on what controls would be put in place (i.e. conditions of consent) to ensure adverse safety effects on state highway users are appropriately managed/mitigated - sufficient detail and assessment confirming that the stormwater and drainage design would not adversely affect NZTA assets. <i>Hamilton City Council (HCC)</i> <u>Strategic alignment</u> HCC notes that the project relies on proximity to the WEX and R2 growth cell to justify its location. However, HCC considers that the project site remains outside areas identified for urban development in the FPS and WRPS. HCC notes that, although industrial land demand pressures in Hamilton City are recognised, they note listed or referred fast-track projects may contribute to addressing these land supply needs. <u>Reverse sensitivity</u> HCC does not support the inclusion of any residential or rural-residential component within the project. HCC considers that the level of reverse sensitivity risk is high given the nature, scale and operational characteristics of industrial activities anticipated for the site. Introducing residential or other sensitive land uses within, or immediately adjacent to, an industrial area would: constrain the long-term efficiency and operation of industrial activities, generate ongoing land-use conflict related to noise, lighting, traffic movements, air quality, and hours of operation, and undermine the intended function and economic role of the proposed industrial area. <u>Highly productive land and soil type</u> HCC states that the project site is comprised of LUC Class 2 and 3 soils noting that any conversion of this land to urban industrial requires careful scrutiny with the absence of prior strategic allocation heightening this concern. HCC notes the site it underlain with peat soil and that careful design will be required to manage consolidation effects against intended groundwater recharge and drainage, and to avoid unintended consequences especially where acid-sulphate conditions may be present. <u>Transport</u> HCC notes that the original WEX modelling assumed non-urban land use east of the corridor and considers the project would place significant demand on the Greenhill interchange and wider transport network. HCC notes that, while an assessment to evaluate transport and traffic implications are provided, they consider key matters relating to staging, timing, funding and delivery of upgrades, including the Puketaha Road connection, remain unresolved. <u>Water supply and wastewater</u> HCC considers that, while servicing strategies are outlined in the application, confirmation of water and wastewater capacity, timing of required upgrades, and integration with wider growth area servicing, including R2, remain uncertain. HCC notes there is little to no capacity in existing HCC water and wastewater networks available to the development given that it sits outside of Hamilton City boundaries and has not previously been factored into integrated future growth plans for and by the city. HCC considers that accordingly, no guarantees can be made as to connectivity to those networks. Further information from the applicant You requested further information from the applicant on two matters: - confirmation as to what legal entities will apply for and hold approval for the project - explanation of the legal status of these entities confirmed for (a). The applicant has confirmed that the parties which form the Greenhill Park Consortium, being McDonald Farming Enterprises Limited, Responsive Trade Education, Finlay Family Partnership, and GT Taylor Family Trust, are the legal entities that will apply for and hold approvals for the project.
The Minister must decline an application if the Minister is satisfied that the project involves an ineligible activity [section 21(3)(b)]	We consider you can be satisfied that the project does not involve an ineligible activity because it: - would not occur on identified Māori land, Māori customary land or a Māori reservation as confirmed by the relevant records of title and consultation with iwi authorities - 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 and will not involve an aquaculture activity - 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 and 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 records of title - is not a prohibited activity or decommissioning activity under the EEZA, 15B or 15C of the RMA as it does not involve activities relevant to the EEZA, 15B or 15 C of the RMA - is not for the purpose of an offshore renewable energy project because it will not occur offshore or involve renewable energy production 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 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 Coastal Area (Takutai Moana) Act 2011 or the Ngā Rohe Moana o Ngā Hapū o Ngāti Porou Act 2019 [section 16]	A Treaty settlements and other obligations report (the report) prepared under section 19 of the Act is attached in Appendix 4. 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 and the Waikato-Tainui Environmental Plan as relevant documents which you must give the same or equivalent effect as under the Waikato-Tainui Raupatu Claims (Waikato River) Settlement Act 2010. <i>Vision and Strategy – Te Ture Whaimana o Te Awa o Waikato</i> The Waikato-Tainui Raupatu Claims (Waikato River) Settlement Act 2010 provided for and recognised Te Ture Whaimana o Te Awa o Waikato (Te Ture Whaimana) as applying to the Waikato River and activities within its catchment affecting the Waikato River. The guiding principles of interpretation at section 5 of the Waikato-Tainui Raupatu Claims (Waikato River) Settlement Act 2010 provide that it is the intention that Te Ture Whaimana is the primary direction-setting document for the Waikato and Waipā Rivers and activities within their catchments affecting the rivers. This is also reiterated in section 8 of the Act, including affirming the status of Te Ture Whaimana as: - prevailing over any inconsistent provisions in a national policy statement, coastal policy statement, or national planning standard; and - deemed to be part of the Waikato regional policy statement, and any regional or district plan that affects the river or activities within the catchment must give effect to Te Ture Whaimana. There are a number of provisions in the Waikato-Tainui Raupatu Claims (Waikato River) Settlement Act 2010 that relate to Te Ture Whaimana and its application in various RMA planning and consenting processes. Specifically, and of direct relevance to the application, section 17 of the Waikato-Tainui Raupatu Claims (Waikato River) Settlement Act 2010 requires a person carrying out functions or exercising powers under certain statutes (including the Act) that relate to the Waikato River or activities in its catchment, to have particular regard to Te Ture Whaimana. Section 16 of the Act also requires that, if a Treaty settlement provides for the consideration of any document, then you are required to give the same or equivalent effect to that document in your decision-making. On that basis, we consider you will need to have particular regard to Te Ture Whaimana. Section 82 of the Act also imposes the same requirement on a panel considering a substantive application. Should you decide to accept this referral application, the panel will also need to have particular regard to Te Ture Whaimana through its decision-making. <i>Waikato-Tainui Environmental Plan – Tai Tumu, Tai Pari, Tai Ao</i> Sections 39-40 of the Waikato-Tainui Raupatu Claims (Waikato River) Settlement Act 2010 provide for the Waikato Raupatu River Trust to prepare a Waikato-Tainui Environmental Plan, which may then be served on relevant local authorities, amongst others. In considering an application for a resource consent under the RMA, a consent authority must have regard to the Waikato-Tainui Environmental Plan, if it considers the plan to be a matter that is relevant and reasonably necessary to determine the application. The latest version of the Waikato-Tainui Environmental Plan – Tai Tumu, Tai Pari, Tai Ao – outlines detailed policies on matters such as stormwater discharges. Section 16(2)(a) of the Act requires you to give the same or equivalent effect to this document in your decision-making, although it will be more relevant for the panel given their more direct role in determining whether or not to grant approval. If a substantive application is lodged for this project, then under section 82 of the Act the panel will be required to comply with the same obligation as applies to a consent authority in terms of having regard to the Environmental Plan. In particular, we note that: - objective 26.3.1 of the Waikato-Tainui Environmental Plan is that “Infrastructure development, upgrade, and maintenance within the Waikato-Tainui rohe occurs in partnership with Waikato-Tainui”; - the associated Policy 26.3.1.1 is “To ensure that infrastructure development, upgrade and maintenance within the Waikato-Tainui rohe occurs in partnership with Waikato-Tainui”; and - an associated method in the plan states that resource consent processes should be developed by the applicant, regulator and/or local authority in partnership with Waikato-Tainui and taking into account kaitiakitanga and mātauranga Māori. This focus of the Waikato-Tainui Environmental Plan on partnership means that the panel will need to consider how they will provide for Waikato-Tainui participation in the substantive application 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)]	<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 a wider urban development, the focus of this project is not to address grocery competition, so there is no GPS relevant to your decision. The Minister <u>may</u> consider any of the following matters, or any other matters the Minister considers 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 that the project will contribute to a well-functioning urban environment in the following ways: - the supply of approximately 195 hectares of industrial land will contribute to addressing forecast shortfalls and tenure constraints in the Hamilton City market and support the competitive operation of land and development markets - the project will provide for a variety of site sizes for industrial activities, ranging from 2,500 m² to over 1 hectare to suit different business sectors - the project will provide good accessibility to existing homes and infrastructure, including transport efficiencies due to close proximity to the WEX, and will provide employment opportunities within proximity to existing residential development in Hamilton City WRC, WDC and HCC acknowledge the applicant’s reference to the projected shortfall of industrial land within Hamilton City as identified in the Future Proof BCA⁵, however consider that currently listed and referred fast-track projects around Hamilton may meet this predicted shortfall. WRC notes that the Future Proof BCA identifies a sufficient supply of industrial land in the short and medium term (1 – 10 years), and a 114-hectare shortfall of industrial land in Hamilton City in the long term (11 – 30 years). WRC includes a list (Attachment A within WRC comments) of listed and referred fast-track projects around Hamilton which, once established, they consider will exceed the demand for 114 hectares of industrial land identified in the BCA in the long term. While we acknowledge the reference to currently listed and referred fast-track projects in and surrounding the Hamilton City area, we consider these projects are yet to go through the substantive process and even in the case of approval there is no guarantee that they will be established. Therefore, we cannot assume that these projects will address the shortfall in industrial land supply. We consider that the project’s contribution to the projected shortfall of industrial land supply in Hamilton City and the projects location being approximately 1 kilometre from the Hamilton City jurisdiction boundary and the WEX means this project will contribute to a well-functioning urban environment. Therefore, we recommend that the project <u>meets the criterion under section 22(2)(a)(iii).</u>

⁵ Business Development Capacity Assessment 2023, prepared for Future Proof Partners: Hamilton City, Waikato District, Waipā District, and Waikato Regional Council. <https://www.futureproof.org.nz/assets/Future-Proof/Resources/BusinessDevelopmentCapacityReportApril24.pdf>

	<i>Will deliver significant economic benefits [s22(2)(a)(iv)]</i> The applicant includes an Economic Assessment (Attachment 3) which identifies the economic benefits that will be delivered by the project. The applicant summarises that the key economic benefits of the project include: • a one-time boost in GDP of around \$830 million • the generation of up to 5,420 full time-years over a ten-year development period, or full-time employment (FTE) for 542 people for ten years. The employment opportunities will include: - future planning, design and consenting - providing full time work for 10 people, generating approximately \$10 million in wages and salaries - land development - providing full-time work for 90 people, generating approximately \$84 million in wages and salaries - non-residential construction - providing full-time work for 438 people, with approximately \$382 million in wages and salaries - residential construction - providing full-time work for 5 people, with approximately \$4 million in wages and salaries • at full build-out, the project is estimated to support full time work for 3,555 people, sustaining annual GDP of \$471 million and \$265 million paid annually in wages and salaries. The Minister for Regional Development considers that the ongoing economic value of the development once complete is likely to be significant for the region for both the employment and GDP impacts from the industrial activity supported by the new development's infrastructure. The Minister for Economic Growth considers that the primary economic benefits of the project will be realised during the development phase, while longer-term benefits would arise from the provision of a large quantum of serviced industrial land adjacent to a major transport corridor, and that these benefits would support ongoing industrial activity in the Hamilton region. We consider that the project will deliver significant economic benefits to the Waikato Region by providing a one-time boost in GDP of approximately \$830 million and create 542 FTE jobs for the 10 year development period, and once established is estimated to sustain an annual GDP of \$471 million, support 3,555 FTE jobs with \$265 million paid annually in wages and salaries. Therefore, we recommend the project <u>meets the criterion under section 22(2)(a)(iv).</u> <i>Will support climate change mitigation, including the reduction or removal of greenhouse gas emissions [s22(2)(a)(vii)]</i> The applicant states that the project seeks to minimise greenhouse gas emissions where possible through construction and within the masterplan design. The applicant states that during construction greenhouse gas emissions will be reduced through the following measures: • minimising the number of truck movements required to manage earthworks material by retaining as much as possible within the site • a staged construction approach that allows for the appropriate management of effects on the environment. The applicant states that following construction the ongoing reduction of greenhouse gas emissions will be supported by: • close proximity to regional transport infrastructure which will provide direct access between the site and the Hamilton and Auckland regions • provision for employment opportunities in close proximity to residential development in Hamilton City. We consider the applicant's measures to reduce greenhouse gas emissions during the construction and ongoing phases of the development are likely to have localised benefits in reducing greenhouse gas emissions produced by the development, but we do not consider these will have significant regional or national benefits. Accordingly, we do not recommend you refer the project under this criterion. <i>Is consistent with local or regional planning documents, including spatial strategies [s22(2)(a)(x)]</i> The applicant considers that the project is overall consistent with the following local and regional planning documents: • Future Proof Strategy • Te Ture Whaimana o Te Awa o Waitako (Vision and Strategy) • Waikato-Tainui Environmental Plan • Waikato 2070 – Growth and Economic Development Strategy • Waikato Regional Policy Statement WRC, WDC and HCC state that the project is not aligned with current regional and local planning frameworks. The project site lies outside identified growth areas, on the opposite side of the WEX from Hamilton City, and is inconsistent with the staged and coordinated growth approach set out in the FPS. WRC states that the project is also inconsistent with the Future Proof settlement pattern in the Waikato Regional Policy Statement (WRPS), the decisions version of the Proposed WRPS Change 1 – National Policy Statement on Urban Development 2020 and the Waikato 2070 Growth and Economic Development Strategy. Based on the comments received, we do not recommend you refer the project under this criterion.
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 that the fast-track approvals process will provide the ability to apply for a comprehensive range of consenting requirements within one application, to be considered by one panel, which offers significant efficiencies in planning and specialist inputs into managing and navigating the consenting process. The applicant anticipates the project would not be able to obtain resource consent for subdivision as a Prohibited Activity, and other aspects would be subject to a challenging and complex consenting requirement that would test the current District Plan provisions. The applicant considers that the consolidated timeframes for engagement with interested stakeholders and parties, wider consultation requirements to support substantive applications, and the overall detail required support a more timely and efficient consideration of the project. We consider 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 under section 22(1)(b)(i) because the fast-track approvals process provides the ability to apply for a range of approvals required within one application, and noting the application would not be able to obtain resource consent for subdivision as a prohibited activity under the RMA <i>Is unlikely to materially affect the efficient operation of the fast-track approvals process [s22(1)(b)(ii)]</i> The applicant states that the project is not considered to materially impact on the intent or efficient operation of the fast-track approvals process.

	We consider referring the project is unlikely to materially affect the efficient operation of the fast-track approvals process, in line with the criteria for accepting a referral application under section 22(1)(b)(ii), as we consider the project is neither novel in the New Zealand context nor beyond the scope of what a panel would typically assess under the RMA.
Reasons to decline	
Minister <u>must</u> decline [section 21(3)]	<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> The analysis above concludes that the project meets the section 22 referral criteria, and as such, we do not consider this applies. If you agree, there is no reason to decline the application under this section. <i>The Minister is satisfied the project involves an ineligible activity</i> As detailed above, we do not consider that the project involves an ineligible activity. If you agree, there is no reason to decline the application under this section. <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. If you agree, there is no reason to decline the application under this section. To conclude, we have not identified any reason that you must decline the application under section 21(3).
Minister may decline [section 21(4) and 21(5)(a-h)]	<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> <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> Nothing in the application, the comments received from invited parties, or the section 18 Treaty settlements report indicates the project would be inconsistent with these documents. <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> We have not identified any matters that would make it more appropriate to deal with the matters that would be authorised by the proposed approvals under another Act or Acts. <i>The project may have significant adverse effects on the environment</i> The applicant considers that the project can appropriately manage its adverse effects on the environment so that these are not significant. The key potential environmental effects the applicant has identified include earthworks, construction noise and vibration, contaminated land, land stability, archaeology, infrastructure and servicing, transportation, hydrogeological, character and amenity, landscape and visual, cultural, ecology, and soils. The applicant has provided sufficient information with the referral application to indicate that any significant effects on the environment are likely to be able to be avoided, remedied, or mitigated through appropriate design, management and consent conditions. At the substantive stage, an expert panel would also have the ability to seek further technical advice and impose conditions on any approvals granted to ensure the effective management of potential adverse effects. WRC, WDC and HCC have raised concerns that the project is located on LUC Class 2 soils. WRC states that approximately 84% of the site is considered LUC Class 2 soils, and they consider that the project will contribute further to the irreversible, cumulative loss of highly productive land in the Waikato region. The Minister for Regional Development notes it may be difficult to confirm that the proposed development will put the land to its highest and best use, without understanding and analysing the full range of options that the land could be used for, which the application does not do. The applicant has provided a LUC classification assessment (Attachment 7 within Appendix 2), which identified LUC class 2, 3 and 4 soils at the project site. The assessment concluded that the on-site assessment identified that the central, contiguous area of lower-class and non-reproductive land causes fragmentation of the surrounding high-class soils, reducing the sites overall productive capacity for continuous, intensive land-based primary production over the long term. We note that the expert panel declined the Ashbourne development application in part due to the loss of highly productive land. We also note that the expert panel for Sunfield development application did not consider the loss of HPL to outweigh project benefits. Ultimately it will be the role of the expert panel to assess whether the benefits for this project outweigh the loss of HPL. <i>The applicant(s) has a poor compliance history under a specified Act that relates to any of the proposed approvals</i> The application states that no compliance or enforcement actions have been taken against the applicant. <i>The project area includes land that the Minister for Treaty of Waitangi Negotiations considers necessary for Treaty settlement purposes</i> The project area does not include land necessary for Treaty settlement purposes. <i>The project includes an activity that is a prohibited activity under the Resource Management Act 1991</i> The project involves the subdivision of high-class / quality soils and is a prohibited activity under the flowing rules: • Waikato Operative District Plan – Waikato Section (WODP) Rule 25.5(e): This rule identifies subdivision as a prohibited activity if it results in more than one additional lot being located on any high-quality soil from a parent title issued before 6 December 1997.

- Waikato District Plan – Operative in Part (WDP-OiP) Rule SUB-R41: Under the Subdivision chapter⁶, this rule designates subdivision as prohibited (PR2) if it involves land for which a Record of Title was issued prior to 6 December 1997 and results in more than one additional lot being located on high-class soil.

We note that the prohibited activity status does not trigger any ineligibility criteria under section 5 of the Act. Although this is a potential reason you may decline a referral application, 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 relating to the project can be further assessed and managed at the substantive stage by an expert panel, which will have the ability to seek technical advice and impose conditions as deemed appropriate or decline the application if the effects outweigh the benefits. Overall, we consider the project meets the section 22 referral criteria. On this basis, we consider the inclusion of a prohibited activity does not constitute a reason that you should consider declining this referral application.

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

WRC and HCC have not identified any competing applications. WDC considers the R2 Growth Cell development (a listed project under fast-track), while not an application that will be lodged with council, would be a competing application in particular regarding industrial land supply and consequential infrastructure demands.

We do not consider the R2 growth cell development to be a competing application because, considering to the definition of a 'competing application' under section 4 of the Act, we consider that the R2 growth cell development project does not relate to the same natural and physical resources as the Greenhill Industrial Park project and the R2 growth cell development project would be able to be fully exercised if the Greenhill Industrial Park project was to be granted. We acknowledge WDC's concern regarding the infrastructure demands with the combination of the R2 growth cell development and the Greenhill Industrial Park project, and we have recommended a three waters infrastructure assessment be provided with any substantive application which may address the concerns raised by WDC.

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)

WRC, WDC, and HCC have not identified any existing resource consents of the kind referred to in section 30(3)(a). While WDC notes there is an existing resource consent attached to one of the subject properties for the establishment and operation of a landscaping supply yard at 112 Puketaha Road, they consider that this consent activity is compatible with the project.

Any other matters

Water supply, wastewater servicing, and stormwater servicing (including flood risk)

WDC and HCC state that there is currently no existing water supply or wastewater scheme in the area to service the project. HCC considers that, while servicing strategies are outlined in the application, confirmation of water supply and wastewater capacity, timing of required upgrades, and integration with wider growth area servicing, remain uncertain. HCC notes there is little to no capacity in existing HCC water and wastewater networks available to the development. HCC considers that accordingly, no guarantees can be made as to connectivity to those networks.

The applicant has provided design options for water supply, including through a combination of connecting to the existing public network and utilising on-lot solutions such as rainwater harvesting. The applicant states the configuration of the water supply strategy will be confirmed through detailed design undertaken as part of the substantive application. Regarding wastewater, applicant has identified three public network connection options that can be further investigated through detailed design as part of the substantive application and the preferred solution will be progressed in consultation with Hamilton City Council. In this case, on-lot at source treatment, and disposal, while technically feasible, is not preferred as it may constrain industrial uses and reduce development yield.

WRC, WDC and HCC have raised concerns regarding stormwater and flood risk. WRC notes that discharges from the development could result in upstream flooding, pasture damage, and downstream flooding and ponding. WRC states that, while the applicant's proposed stormwater philosophy aligns with their expectations, implementation is likely to be difficult due to high groundwater levels and the presence of peat and organic soils at the site. WRC considers the high impervious surface that will be associated with the project further complicates volume retention, and the proposed reliance on soakage and on-lot water reuse may be challenging to achieve in practice.

The applicant's proposed stormwater strategy includes new public stormwater networks design to comply with the Waikato Regional Infrastructure Technical Specifications and other relevant technical standards and located within new road corridors where possible. The design strategy will incorporate stormwater management devices as necessary, including appropriately sized wetlands and detention basins, swales, and a treatment train approach to stormwater quality treatment. The applicant notes that the proposal is located on land that is subject to flooding natural hazards, and considers the project to be consistent with the objective and policies of the National Policy Statement for Natural Hazards 2025 (NPS-NH).

We consider that 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 three waters infrastructure assessment, including flood risk management, with the substantive application for the project to assist a panel in assessing the infrastructure impacts of the project.

Contaminated land

WRC, WDC and HCC note that project site has a high probability for acid sulphate soils. When disturbed and exposed to oxygen the acid sulphate material produces sulfuric acid which can be mobilised in rainfall and have environmental impacts, in particular on aquatic ecosystems. WRC and WDC recommend a strategy for acid sulphate soil management should be considered in relation to the project. WDC notes the applicant identified potentially Hazardous Activities and Industries List (HAIL) activities across the subject site, including historic agricultural practices (e.g. livestock spray races and fertiliser application), areas of uncharacterised fill, and potential contamination associated with legacy buildings, such as asbestos-containing materials and lead-based paint. WDC states that, as a result, parts of the site are likely to meet the definition of a 'piece of land' under the NES-CS, suggesting that the proposed development will be subject to its requirements.

The applicant states that a detailed site investigation will be progressed under the substantive application to determine the exact extent and locations of any contaminations. The applicant states that any contaminated land associated with HAIL activities within the site can be appropriately managed to accommodate the development, including through a remediation action plan and a site management plan. The applicant also notes that any requirements under the NES-CS can be addressed as part of the application post-referral and potential risks to human health can be appropriately managed and mitigated.

We consider that these matters can be considered by a panel in a substantive application for the project and ultimately it will be the role of the expert panel to consider whether to seek further technical advice and impose conditions on any approvals granted to ensure the effective management of potential adverse effects from contaminated land at the projects site.

Transport

⁶ <https://eplan.waikatodistrict.govt.nz/?p=1&docId=anQBjA%2Bub3E%3D&t=doc>

	NZTA, WRC and HCC raised consider that the project will have significant impacts for local transport networks and may require additional roading, public transport, and walking and cycling infrastructure that is not currently planned or funded. NZTA considers that the project would cause a considerable increase in the volume of traffic using the SH1 Greenhill Interchange and also has the potential to impact upon the wider SH1/WEX network due to the development's location and subsequent reliance on the network. NZTA considers that a comprehensive assessment of transport effects would be required to determine whether, and to what extent, transport upgrades or other mitigation measures would be necessary to maintain the safe and efficient operation of the state highway network. WRC considers that further detailed planning is required, including clarity on public transport routing, staging and funding, provision of public transport-enabling infrastructure, ensuring internal roads can support future bus services, and establishing high-quality active mode connections across the Expressway barrier. Ongoing coordination with WRC and HCC is required to ensure alignment with regional and local transport objectives and to support a well-functioning urban environment. The applicant has provided a transportation memorandum (Attachment 10 within Appendix 2) which concludes that the project aligns with national, regional and local transport policy documents and concludes that no transport-related reasons why the proposed development could not proceed under a fast-track application process and that, following detailed analysis, the effects can be managed with suitable conditions. The applicant anticipates that any effects associated with road capacity and increased traffic volumes can be adequately addressed through localised road and intersection upgrades. The applicant states that further modelling will be undertaken to confirm the detailed design of roading upgrade and the development triggers for undertaking these works. Overall, the applicant considers that any potential transport affects can be appropriately avoided and mitigated, including through further modelling and detailed design as part of any substantive application. We consider that 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 transport network impact assessment with the substantive application for the project to assist a panel in assessing the traffic impacts of the project We have not identified any other matters or reasons to consider declining the referral application. We do not recommend you decline the application. We note you retain the discretion to decline a referral application under section 21(4) for any other reason, whether or not the project meets the criteria in section 22.
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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.
1. 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.
2. 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.
3. 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.
4. 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.
5. 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.
6. 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).
7. 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.