



## FTAA-2606-1249: Application received for referral of the project under the Fast-track Approvals Act 2024 – Stage 2 decisions

### Project Name: The Rest

|                |                |          |              |
|----------------|----------------|----------|--------------|
| Date submitted | 19 August 2026 | Tracking | 26-BRF-02325 |
| Security level | In-Confidence  | Priority | Urgent       |

| To                                              | Action sought                | Response by    |
|-------------------------------------------------|------------------------------|----------------|
| Hon Chris Bishop<br>Minister for Infrastructure | Decisions on recommendations | 26 August 2026 |

|                                     |                                                                                                                                                                                                                                                                                                                                                                              |
|-------------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Actions for Minister's Office staff | Return the signed briefing to: <a href="mailto:FTAreferrals@mfe.govt.nz">FTAreferrals@mfe.govt.nz</a><br>Send email to Ministers to invite written comments                                                                                                                                                                                                                  |
| Number of appendices: 6             | Appendices: <ol style="list-style-type: none"><li>1. Statutory framework for making decisions</li><li>2. Application documents for The Rest project</li><li>3. Stage 1 Briefing Note and decisions</li><li>4. Section 18 Report on Treaty settlements and other obligations</li><li>5. Comments received from invited parties</li><li>6. Draft Notice of Decisions</li></ol> |

### Ministry contacts

| Name            | Position         | Telephone | 1 <sup>st</sup> contact |
|-----------------|------------------|-----------|-------------------------|
| Oliver Sangster | Principal Author |           |                         |
| Stephanie Frame | Manager          | s 9(2)(a) | ✓                       |
| Ilana Miller    | General Manager  | s 9(2)(a) |                         |



## Project location

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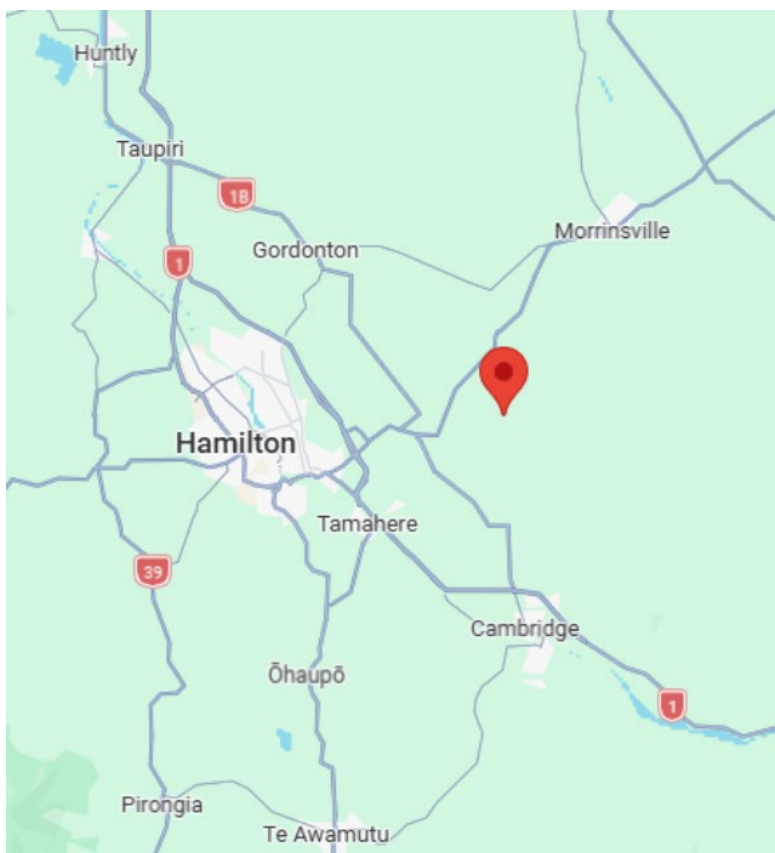


Figure 1: Location of Tauwhare village, relative to surrounding Waikato regional centres



Figure 2: Project site adjoins existing Tauwhare village



## Key messages

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1. This briefing seeks your decisions under section 21 of the Fast-track Approvals Act 2024 (the Act) on the application from Shannon Leigh Trust (the applicant) to refer The Rest (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 (26-BRF-01855) with your initial decisions annotated is in Appendix 3.
3. The project is a staged mixed-use land subdivision and development, comprising:
  - a. an agricultural education institute with associated student accommodation
  - b. a retirement village (approximately 125 villas and 30 integrated care facility suites, and supporting facilities)
  - c. approximately 36 rural residential lots (ranging from around 2,500 to 3,500 m<sup>2</sup> each)
  - d. a local commercial centre including amenities and services as well as a farming and equipment hire service
  - e. storage units
  - f. open space, roading and three waters infrastructure that supports the activities above
  - g. ecological enhancement to the natural environment.
4. The site is approximately 55.27 hectares, located at 1073, 1171 and 1185 Tauwhare Road, Tauwhare, Waikato District.
5. The project will require the proposed approvals:
  - a. resource consents under the Resource Management Act 1991 (RMA)
  - b. Wildlife Act authority under the Wildlife Act 1953.
6. 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.
7. We seek your decisions on this recommendation and on the proposed directions to the applicants, and the expert panel and notification of your decisions.

## Assessment against statutory framework

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8. The statutory framework for your decision-making is set out in Appendix 1. You must apply this framework when you are deciding whether to accept or decline the referral application and when deciding on any further requirements or directions associated with referral of the project.
9. Before accepting the project, you must consider the application (in Appendix 2), the Section 18 Treaty Settlements Report (in Appendix 4), any comments from invited parties (in Appendix 5), and any document that requires your consideration under section 16 and comply with any procedural requirements under section 16. 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. Under section 18(2) we have identified Te Whakakitenga o Waikato, Ngāti Hauā Iwi Trust, Ngāti Wairere, and Te Haa o te Whenua o Kirikiriroa as relevant groups for this application.
11. The following Treaty settlements are relevant: Waikato Raupatu Claims Settlement Act 1995; Ngāti Hauā Claims Settlement Act 2014; and elements of the Pare Hauraki iwi Collective Redress Bill and Deed. We identify no other arrangements as relevant to the project area.
12. The Ngāti Hauā settlement provides for a conservation relationship agreement (CRA) which includes a consultation process for certain approval types, including Wildlife Act 1953 authority. If referred, an expert panel will be required to invite Ngāti Hauā to comment on the substantive application. In doing so, the panel may wish to consider the consultation process in the CRA.
13. Te Whakakitenga o Waikato commented on the referral application on behalf of Waikato-Tainui. Waikato-Tainui reserves its position on the application, and notes matters of importance to them which should be addressed if the project proceeds, including effects of the proposed three waters servicing strategy on freshwater systems, loss of highly productive land and the cumulative effect of land use change outside identified growth areas, alignment with cultural values, and continued engagement with mana whenua.
14. We do not consider there are any matters raised in this report which make it more appropriate for the proposed approvals to be authorised under another Act or Acts.

## Written comments received

15. Comments were received from Waikato Regional Council (WRC), Waikato District Council (WDC), three Ministers, and the Department of Conservation (DOC). The key points of relevance to your decisions are summarised in Table A.
16. Comments were received from the Associate Minister of Housing and the Minister of Agriculture after the timeframe under section 17(6) ended, but you have discretion to consider those under section 17(7)(b).
17. Key points from the comments are:
  - a. **Scale of benefits:** Ministers outlined potential project benefits including housing supply and choice, and economic growth (both from construction and ongoing employment), and support to the primary sector. WRC considered the agricultural institute's benefits difficult to quantify.
  - b. **Location:** The site's distance from existing urban areas, and absence of public transport servicing, means it may not support a well-functioning urban environment. Councils noted it is out of sequence, and not aligned with existing local and regional growth strategies. Councils noted existing growth areas across Waikato provide sufficient demand for residential development and retirement living over a 30-year time horizon. WRC also noted that existing listed and referred projects around Hamilton periphery (excluding this project) total approximately 394.5ha of additional residential land.
  - c. **Infrastructure servicing:** commenters noted the absence of reticulated services in the area, and considered more detail is needed about the design and maintenance responsibilities for onsite drinking water supply and wastewater systems. WDC noted the new three waters entity for Waikato District (IAWAI – Flowing Waters Limited) was not invited to comment on



this referral application and should be engaged in any subsequent substantive application process if the project is referred.

- d. **Highly productive land:** (LUC class 1 and 2), noting difference between applicant's site level assessment and regional-scale maps upon which highly productive classification is based – this would need consideration against the National Policy Statement for Highly Productive Land 2022 (NPS-HPL).
- e. **Drainage:** commenters raised the need to align with the existing Waikato Central drainage scheme, which runs across the site. WDC particularly noted the need to engage further with IAWAI over stormwater discharge connections as the relevant entity.
- f. **Natural hazards:** commenters noted the site's flood risk (including a high water table), and potentially liquefaction risk. These matters would need consideration against the National Policy Statement for Natural Hazards 2025.
- g. **Transport:** the site is accessed by a collector road. WDC and WRC considered an integrated transport assessment (ITA) is needed, including consideration of public transport feasibility.
- h. **Other technical matters** that would need to be considered in any substantive application, include, reverse sensitivity (including compatibility of the proposed mixed uses), visual, lighting, noise, construction impacts), acid sulphate soils, and ecology (including onsite wetlands).

#### Further information

- 18. You did not request any further information from the applicant, relevant local authorities or relevant administering agencies under section 20 of the Act.

#### Reasons to decline

- 19. The statutory framework in Appendix 1 sets out the situations where you must decline the application for referral under section 21(3). We do not consider you must decline this application.
- 20. 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.
- 21. The applicant noted the site contains highly productive land under the NPS-HPL, and for this reason the project has prohibited activity status under the relevant district plan. We note that proposals with prohibited activity may still be referred to the Fast-track process. If you decided to refer the project, then an expert panel would need to consider the project against relevant provisions of the NPS-HPL.

#### Reasons to accept

- 22. The statutory framework in Appendix 1 sets out the reasons you can accept a project for referral.
- 23. Our assessment of these matters is summarised in Table A. We consider the project meets the requirements of section 22, as:
  - a. It is an infrastructure or development project because it involves the subdivision and mixed-use development of more than 55 hectares of land
  - b. It would have significant regional or national benefits because it will:



- i. deliver significant economic benefits at the regional level, particularly through construction activity and ongoing employment across its commercial, care and agricultural education components (section 22(2)(a)(iv)). The scale of this project's economic benefits is similar to those of a separate project in Waikato District that was previously referred solely on this criterion<sup>1</sup>
- ii. will support primary industries, through the establishment of an agricultural education institute in Waikato (section 22(2)(a)(v))
- c. 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 applicant identifies that, overall the proposal requires resource consent as a prohibited activity under the relevant district plan, due to subdivision of high class soil.
- d. Referring the project is unlikely to materially affect the efficient operation of the fast-track approvals process because, although the project has prohibited activity status, the proposed activities are well understood and not novel in a New Zealand context. We consider an expert panel should be able to be appointed with sufficient knowledge and understanding of the issues to make a decision on the project at this site under the Fast-track Approvals process.

24. If you disagree, you must decline the referral application under section 21(3)(a) of the Act.

#### Other matters

25. We have identified issues further to the matters identified above and our analysis of these is in Table A.
26. In light of DOC feedback, if it turns out that the project requires approvals under the Freshwater Fisheries Regulations 1983, the applicant could seek to obtain these outside of the Fast-track process. We note there is no ability at this point for the applicant to add approval types to this referral application.
27. We acknowledge comments from WRC regarding the scale of benefits being somewhat unclear, and whether that is sufficient to justify substantial mixed-use development in this location. As noted above, we are of the view that you can refer the project on the basis of it having significant economic benefits at the regional level. Expert panels retain the role of assessing projects' benefits relative to their impacts, and expert panels are able to decline substantive applications under section 85 the project's impacts are sufficiently significant to be out of proportion with its benefits.

#### Conclusions

28. We consider the project meets the section 22 criteria and you could accept the referral application under section 21 of the Act and refer the project to the fast-track approvals process with the specifications outlined below.
29. We consider that if you decide to refer the project, you should specify under section 27 of the Act the following requirements that should apply to the project:

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<sup>1</sup> FTAA-2507-1084 Harlow Lifestyle Village



- a. The following information that must be submitted with the substantive application:
  - i. an Integrated Transport Assessment, including consideration of public transport feasibility
  - ii. additional detail about the project's proposed stormwater network design, including any required connections or upgrades to wider stormwater infrastructure managed by IAWAI – Flowing Waters Limited, funding arrangements, and alignment with the Waikato Central drainage scheme
  - iii. additional information about the project's water supply, wastewater treatment and discharge systems, including details about who would be responsible for long term operation, maintenance and management of those the systems
  - iv. assessment of acid sulphate soils on the site, and effect of any disturbance caused by the project.
- b. IAWAI – Flowing Waters Limited, as an additional person from whom a panel must invite comments from under section 53

30. The above restrictions are required for the following reasons:

- a. Although the application suggests the project will include manage water supply and wastewater at the site level, the project may still require connection with public three water assets managed by IAWAI (particularly stormwater, but also potentially water supply and wastewater depending on final project design). WRC specifically suggested further information about ongoing responsibility for water supply and wastewater infrastructure is necessary. We agree this is needed to assist an expert panel to consider the project's impacts, given the likelihood of that various aspects of the development will be owned and operated by different parties in the future (after the applicant has completed the development of the project).
- b. Tauwhare Road is identified as a secondary collector road, and the development would likely increase traffic volumes considerably. The site is some distance from existing urban areas where services will likely be needed, but the area has no public transport access presently, which have some importance given the project's retirement village and educational facility components. Both WRC and WDC recommended including an integrated transport assessment to address this. We consider this assessment would be important to inform the expert panel's assessment of transport impacts given the site's location and existing roading hierarchy.
- c. The applicant's attached preliminary site investigation discussed the high probability of acid sulphate soils on the site, which was reiterated in comments by WRC. However, the subject is not addressed in the applicant's planning memorandum. Exposing acid sulphate soils through earthworks can have adverse environmental impacts including corrosion of infrastructure. We consider the matter should be addressed in any substantive application for this project.

31. We have not identified any particular reason that a bespoke deadline should be set for a substantive application for this project under s27(3)(b)(ii), so recommend the default 2-year deadline under section 28(3)(d)(ii) applies.



## Next steps

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32. The Secretary for the Environment (the Secretary) 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.
33. If you decide to refer the project, the Secretary 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 agency (Department of Conservation).
34. 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.
35. We will undertake this action on your behalf.
36. We have attached a notice of decisions letter to the applicant(s) based on our recommendations (refer Appendix 6) and we will provide it to all relevant parties. We will provide you with an amended letter if required.
37. Our recommendations for your decisions follow.

## Recommendations

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38. 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 Shannon Leigh Trust (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 Rest 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 under section 17 provided within the required timeframe (you have also received comments after the required timeframe, and are



not required to consider them but may do so at your discretion) in Appendix 5.

Yes / No

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

- i. it is a development/infrastructure project that would have significant regional or national benefits because
- ii. it involves a subdivision of an existing rural area into a residential and mixed-use area, including servicing infrastructure and associated activities
- iii. it will:
  1. deliver significant economic benefits at the regional level, particularly through construction over the development period (including full-time employment (FTE) for approximately 166 people and approximately \$122 million GDP), alongside ongoing employment across its commercial, care and agricultural education components (approximately 88 FTE and \$10.3 million GDP annually) (section 22(2)(a)(iv))
  2. support primary industries, through the establishment of an agricultural education institute (section 22(2)(a)(v))

– the project requires multiple approvals (resource consents and Wildlife Act 1953 approval), and would otherwise require a plan change as a prohibited activity under the RMA (section 22(2)(b)(i))

- iv. although the project has prohibited activity status, the proposed activities are well understood and not novel in a New Zealand context (section 22(2)(b)(ii))

Yes / No

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

Yes / No

e. **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).

Yes / No

f. **Agree** to specify Shannon Leigh Trust as the person who is authorised to lodge a substantive application for the project

Yes / No

g. **Agree** to specify under section 27(3)(b) of the Act:

- i. the following information that the applicant must submit with the substantive application:
  1. an Integrated Transport Assessment, which includes consideration of public transport feasibility
  2. additional detail about the project's proposed stormwater network design, any required connections or upgrades to wider stormwater infrastructure



managed by IAWAI, funding arrangements, and alignment with the Waikato Central drainage scheme

3. additional information about the project's water supply, wastewater treatment and discharge systems, including details about who would be responsible for long term operation, maintenance and management of those the systems
4. assessment of acid sulphate soils on the site, and effect of any disturbance caused by the project.

- ii. the following persons or groups from whom a panel must invite comments in addition to those specified in section 53: IAWAI – Flowing Waters Limited

Yes / No

- h. **Agree** that the Secretary 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 Department of Conservation

Yes / No

- i. **Note** that should you decide to accept the referral application, our recommendations for the applicant (relating to information to be supplied with the substantive application) are included in Table A.

Noted

## Signatures

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Stephanie Frame  
**Manager – Fast-track Operations**  
Date: 19/08/2026

Hon Chris Bishop  
**Minister for Infrastructure**  
Date:

**Table A: Stage 2 analysis**

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|--------------------------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Recommendation                                   | Accept the referral application and refer the project to the fast-track approvals process                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    |                     |                                                                                                                                                                                                 |
| Project details                                  | Project Name                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 | Applicant           | Project Location                                                                                                                                                                                |
|                                                  | The Rest                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                     | Shannon Leigh Trust | Approximately 55.27 hectares, at 1073, 1171 and 1185 Tauwhare Road, Tauwhare, Waikato District<br><br>Lot 2 Deposited Plan 407508<br>Lot 1 Deposited Plan 407508<br>Lot 2 Deposited Plan 548121 |
| Project description                              | <p>The project is a staged mixed-use land and subdivision and development, comprising:</p> <ol style="list-style-type: none"> <li>an agricultural education institute and/or facility with associated student accommodation</li> <li>a retirement village (approximately 125 villas and 30 integrated care facility suites, and supporting facilities)</li> <li>approximately 36 rural residential lots (ranging from around 2,500 to 3,500 m2 each)</li> <li>a local commercial centre including amenities and services as well as a farming and equipment hire service</li> <li>storage units</li> <li>open space, roading and three waters infrastructure that supports the activities above</li> <li>ecological enhancement to the natural environment.</li> </ol> <p>The project will require the following approvals:</p> <ol style="list-style-type: none"> <li>resource consents under the Resource Management Act 1991 (RMA)</li> <li>Wildlife Act authority under the Wildlife Act 1953.</li> </ol>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                |                     |                                                                                                                                                                                                 |
| Minister invites comments / requests information | Comments from invited parties                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                |                     |                                                                                                                                                                                                 |
|                                                  | <p><b>Local authorities</b></p> <p><i>Waikato District Council (WDC)</i></p> <ul style="list-style-type: none"> <li><b>Three waters:</b> Engaged IAWAI – Flowing Waters Limited (the water service provider for Hamilton City/Waikato District) to obtain high level input on water, wastewater and stormwater servicing matters. Recommends IAWAI be invited to comment on any subsequent substantive application given its statutory responsibilities. Notes no wastewater network, and that existing water supply scheme in the area is not designed to service development of this scale. Highlights need for early discussions with IAWAI. Stormwater management and design requirements should be determined in consultation with IAWAI, with appropriate regard to the objectives and outcomes of Te Ture Whaimana and the Waikato River catchment health and wellbeing. Queried infrastructure provision and lifetime maintenance cost.</li> <li><b>Urban environment:</b> Noted retirement village residents may need to rely on nearby centres such as Cambridge or Hamilton for services – relevant for whether the proposal supports a well-functioning urban environment. Future Proof Retirement Living Report (October 2025) highlights demand for retirement living can be accommodated within a range of locations, including existing urban areas and established settlements with access to services and community infrastructure.</li> <li><b>Soils:</b> Notes the site includes LUC class 1 and 2 soils – effects of losing this land needs to be assessed. Peat soil assessment will be needed, including subsidence and construction. Notes WRC information about acid sulphate soils needing investigation and management.</li> <li><b>Natural hazards:</b> Notes natural hazard issues onsite including flooding, liquefaction and rising groundwater (high water table).</li> <li><b>Groundwater/drainage:</b> Considers engagement with WRC important on surface and groundwater matters. Notes site location within the Waikato Central drainage scheme – development needs to maintain existing levels of service.</li> <li><b>Transport:</b> Notes Tauwhare Road is a secondary collector rural road, and considers an Integrated Transport Assessment will be important. Suggests further engagement with WRC and public transport operators, given no current public transport services.</li> <li><b>Other effects:</b> Noted the project has potential to affect adjoining landowners and wider area (reverse sensitivity, visual, lighting, noise and construction effects). Considers substantive application should address reverse sensitivity matters relating to existing/ongoing rural activities and surrounding area on future residents.</li> <li><b>Competing applications:</b> none identified</li> </ul> <p><i>Waikato Regional Council (WRC)</i></p> <ul style="list-style-type: none"> <li>Considers project may be more appropriately addressed under another Act or Acts for reasons outlined below.</li> <li><b>Benefits:</b> Scale and nature of agri-education institute’s benefits difficult to assess, given limited information (provider, operational model, programme offerings, evidence of demand). Scale of benefits unclear, whether sufficient to justify substantial mixed use development in this location.</li> <li><b>Urban environment:</b> Site is not identified for future growth in Future Proof Strategy, Waikato District Growth and Economic Development Strategy 2070. Does not meet ‘out of sequence and unanticipated developments’ criteria (APP13) in Waikato Regional Policy Statement (WRPS). Current listed and referred projects around Hamilton periphery (excluding this project) total approximately 394.5ha of additional</li> </ul> |                     |                                                                                                                                                                                                 |

residential land – shown on map provided in comments. Future Proof Strategy already provides sufficient housing supply for 30 plus years, so considers there is risk that further residential developments will redistribute housing demand. This also has cumulative impacts in relation to infrastructure and servicing. Considers project does not align with creation of a ‘well functioning urban environment’. Notes area serviced by Hamilton City, Cambridge and Morrsville, and Matamata – wider centres still need to be accessed for most essential services, noting current lack of public/active transport infrastructure to the site.

- Considers the proposed mix of education, retirement, rural, commercial and light industrial activities may not be complementary.
- **Soil:** Notes site-level survey identifies 77% of site as LUC class 1 and 2, but regional-scale mapping is used to classify 99% as highly productive under NPS-HPL. Suggests site may be able to support dairy or other agricultural uses.
- **Water supply:** Likely to be sufficient allocation available for water supply (via groundwater take).
- **Matters requiring assessment in a substantive application:** considers more assessment needed on:
  - consistency with local and regional planning documents
  - demand for retirement living and rural residential at this location (short, medium and long term)
  - location suitability and contribution to a well-functioning urban environment
  - WRPS and NPS-HPL, regarding high class soils
  - ecological impact, including wetlands
  - flood hazard and stormwater, considering WRPS and NPS-NH
  - an integrated transport assessment, including public transport feasibility, in collaboration with WRC
  - contaminated site management plan and acid sulphate soils investigation, including targeted investigation of HAIL sites
  - design work, including a hydrogeological assessment, to take groundwater for water supply
  - stormwater system design drawings, and effects of discharging treated wastewater to ground
  - erosion and sediment control plan
  - proposed water supply, wastewater treatment and discharge systems, and if they are standalone proposals – who will operate, maintain and manage the systems
  - conditions commensurate with the level of effects.
- **Other matters:** Not aware of any competing applications or RMA s125C(1)(c) consents. RMA s165ZI does not apply. Does not consider it involves an ineligible activity. Exact details of consents required are still to be confirmed.

#### **Ministers**

##### *Minister for Economic Growth*

- Summarised the applicant’s economics assessment findings (development costs, GDP contribution, wages and salaries, and employment), both over the development period and ongoing operations.
- Considered the wider benefits to be primarily regional, referencing the retirement living, care suites and rural-residential dwellings, increasing accommodation and capacity where the applicant’s assessment identifies a supply shortfall, and that the agricultural education institute may support regional workforce development and primary-sector skills formation.
- Considered the project may:
  - Deliver significant regional economic benefits (s22(2)(a)(iv)), particularly through construction activity and ongoing employment across its commercial, care and agricultural education components
  - Be relevant to s22(2)(a)(iii), as the proposed rural residential dwellings and retirement living units would increase housing and accommodation choice in the Waikato District.

##### *Associate Minister of Housing (late comment received 5 August 2026)*

- No objection to referral
- Notes Waikato District is projected to experience strong population growth, increasing housing demand, and aging population. Considers this development scale would contribute to meeting future housing demand and providing additional options for older residents.
- Notes following issues as significant, but considers they could be addressed by an expert panel including through comments from relevant local authorities: Location outside identified growth areas; highly productive land; natural hazards/geotechnical considerations (acid sulphate soils, flooding, liquefaction and elevated groundwater conditions); infrastructure and servicing arrangements (wastewater, drinking water supply, stormwater effects on the Waikato Central drainage scheme); transport impacts, public transport accessibility, and reliance on infrastructure and services across local authorities boundaries.

##### *Minister for Māori Crown Relations: Te Arawhiti and Minister for Māori Development*

- Supports application progressing
- Encourages applicant and panel to have due regard to:
  - relevant Treaty settlement legislation and instruments
  - any feedback from relevant Māori groups, as set out in the Treaty settlements and other obligations (section 18) report.

##### *Minister for Seniors*

- Considered the following aspects of the project are likely to meet the criterion (increase the supply of housing, address housing needs, or contribute to a well-functioning urban environment):
  - the construction of a retirement village with approximately 125 independent living villa units and 30 integrated care facility suites
  - a rural residential development with approximately 36 lots.
- Considered the project is suitable for referral, based on this information.

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|                                                                                                                                                         | <p><i>Minister of Agriculture (late comment received 18 August 2026)</i></p> <ul style="list-style-type: none"> <li>– Generally supportive of referral of this project.</li> <li>– Project appears to have potential to deliver regional benefits, subject to appropriate evidence through a substantive application.</li> <li>– Highlights agricultural education institute. Supports promotion and increased availability of primary industry education, as benefitting wider primary sector through workforce development, innovation and knowledge sharing. Interested to learn more about student numbers, subjects and levels.</li> </ul> <p><b>Māori Groups</b></p> <p><i>Te Whakakitenga o Waikato Incorporated (Waikato-Tainui)</i></p> <ul style="list-style-type: none"> <li>– Notes the ‘Future Proof Retirement Living Report (October 2025) projected retirement living demand can be accommodated within existing urban areas/settlements with access to services and infrastructure. Supports careful consideration of the appropriateness of retirement village in a rural area outside identified growth areas.</li> <li>– Notes no wastewater network servicing for the site currently, and existing water supply scheme capacity needs technical assessment. Considers these matters should be assessed by council and/or IAWAI.</li> <li>– Considers any substantive application should: <ul style="list-style-type: none"> <li>o demonstrate alignment with the WRPS, Te Ture Whaimana o Te Awa o Waikato, Tai Tumu, Tai Pari, Tai Ao and relevant growth strategies</li> <li>o include cumulative effects, including infrastructure capacity, transport, freshwater, biodiversity, highly productive land, landscape character and cultural values.</li> </ul> </li> <li>– Notes relevance of the NPS-HPL.</li> <li>– Notes engagement with relevant iwi and hapū. Considers applicant should continue to engage and appropriately resource mana whenua participation, including cultural assessments that the relevant iwi may identify as appropriate. Ngāti Hauā has signaled a desired level of involvement, including potential memorandum of understanding and cultural values assessment.</li> <li>– Satisfied that the referral application provides a sufficient high-level understanding of the proposal and its potential interface with Waikato-Tainui interests.</li> <li>– Reserves position on project, pending further information, cultural impact assessments, further mana whenua engagement and resourcing by applicant.</li> </ul> <p><b>Administering agencies</b></p> <p><i>Department of Conservation (DOC)</i></p> <ul style="list-style-type: none"> <li>– Noted pre-lodgment consultation occurred. Noted the summary of their pre-lodgment consultation did not appear in referral application documents.</li> <li>– Notes artificial and modified watercourses present onsite, and possible wetlands. Applicant has not indicated a need to obtain any freshwater fisheries approvals. The applicant should be aware of the requirements under the Freshwater Fisheries Regulations 1983. This project will need to address information required in clause 3 of Schedule 9 of the Act if Complex Freshwater Fisheries Approvals are needed.</li> <li>– Considers that, once more detailed information is available, it would be possible to achieve a project with conditions that does not have significant adverse environmental effects.</li> <li>– Notes Wildlife Approval would take approx. 3-4 months to process, but there may be benefits for applicant if combined with RMA approvals under FTAA process.</li> <li>– No identified inconsistency with Conservation General Policy (2005) or Waikato Conservation Management Strategy 2014, but will need consideration in substantive process. Consideration should be given to Te Ture Whaimana, ecosystems and habitats, conserving threatened or at-risk species, protecting freshwater fish habitat/passage/connectivity water quality.</li> <li>– Not aware of any reason the project should not be referred. Considers the information adequate to inform a referral decision in respect of conservation approvals. No identified ineligible activities, inconsistency with Treaty settlement or other obligations, compliance history, or competing applications.</li> </ul> <p><b>Further information from applicant, relevant local authorities, and/or relevant administering agencies</b></p> <p>You did not request any further information</p> |
| <p><b>The Minister must decline an application if the Minister is satisfied that the project involves an ineligible activity [section 21(3)(b)]</b></p> | <p>We consider you can be satisfied that the project does not involve an ineligible activity because it:</p> <ul style="list-style-type: none"> <li>– would not occur on identified Māori land, Māori customary land or a Māori reservation as confirmed by the relevant records of title</li> <li>– would not occur in a customary marine title area or protected customary rights area as it is not in the coastal marine area (CMA)</li> <li>– 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</li> <li>– would not require an access arrangement which cannot be granted under the Crown Minerals Act (including s61(1A)) because it does not require an access arrangement</li> <li>– would not be prevented by section 165J, M, Q, ZC or ZDB of the RMA because it will not occur in the CMA</li> <li>– would not occur on Schedule 4 land as confirmed by the records of title</li> <li>– would not occur on a national reserve as confirmed by the records of title</li> <li>– would not occur on a reserve held under the Reserves Act 1977 that is managed by or vested in someone other than the Crown or a local authority and that person has not consented in writing as confirmed by the record of title</li> <li>– is not a prohibited activity or decommissioning activity under the EEZA, 15B or 15C of the RMA as it is not located in the CMA or Exclusive Economic Zone</li> <li>– is not for the purpose of an offshore renewable energy project because it will not involve renewable energy production.</li> </ul>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                |

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|                                                                                                                                                                                                                                                           | No comments raised by parties invited to comment have indicated that the project would be ineligible for referral                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                          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| 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 your decision.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         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| 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] | N/A                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                        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| <b>Section 22 assessment criteria</b>                                                                                                                                                                                                                     |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                            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| The project is an infrastructure or development project that would have significant regional or national benefits [section 22(1)(a)]                                                                                                                      | <p><i>The Minister <u>must</u> consider a relevant Government policy statement (GPS) [s22(1A)]</i></p> <p>The only current GPS is the Government Policy Statement on Grocery Competition. The project includes a commercial centre, but the application does not present this as having any particular impact on grocery competition (for example, no information is given about potential operators). Given the scale of the overall proposal, the context of existing Tauwhare village, and wider urban centres where large scale grocery retail operators are located (including Cambridge, Hamilton and Morrinsville), we do not consider the commercial centre component of the proposal likely to have any considerable impact on grocery competition. We do not consider the GPS is relevant to this project.</p> <p>The Minister <u>may</u> consider any of the following matters, or any other matters the Minister considers relevant:</p> <p><i>The project has been identified as a priority project in a central or local government, or sector plan or strategy or a central government infrastructure priority list [s22(2)(a)(i)]</i></p> <ul style="list-style-type: none"> <li>- The applicant acknowledged that the project is not explicitly listed as a priority in a central government, local government, or sector plan or strategy, but considered it fits well with the strategic intent and lens of the urgent need to increase housing supply in the Waikato Region.</li> <li>- We do not recommend you refer the project for this reason, as it is not identified as a priority project in any of these types of documents.</li> </ul> <p><i>Will deliver new regionally or nationally significant infrastructure or enable the continued functioning of existing regionally or nationally significant infrastructure [s22(2)(a)(ii)]</i></p> <ul style="list-style-type: none"> <li>- The applicant acknowledged the Rest itself is not an infrastructure project; however, it does include extensive infrastructure, referring to the Agri-education institute, rural lifestyle living, retirement living and aged care facilities, commercial centre and amenities and an open space network. The project would also deliver new enabling infrastructure by providing integrated on-site and internal infrastructure to service the development area and associated land uses.</li> <li>- We do not recommend you refer the project for this reason, as we do not consider it delivers new, or enables continued functioning of, regionally or nationally significant infrastructure. We have considered various aspects of the development in relation to other section 22 criteria.</li> </ul> <p><i>Will increase the supply of housing, address housing needs, or contribute to a well-functioning urban environment [s22(2)(a)(iii)]</i></p> <ul style="list-style-type: none"> <li>- The applicant considers the project's delivery of 160 households (rural lifestyle and retirement village) is a "material increase in dwelling capacity that will help narrow the gap between future housing supply and demand in the region". The applicant suggests the project responds to diverse housing needs and preferences, and will contribute to achieving a well-functioning urban environment, with reference to Policy 1 of the National Policy Statement on Urban Development Capacity 2020.</li> <li>- The Minister for Economic Growth, and Minister for Seniors, commented that the project is likely to meet this criterion. The Associate Minister for Housing noted Waikato District projected growth and aging population, and considered development of this scale would contribute to meeting future housing demand and providing additional options for older residents.</li> <li>- WRC commented that existing spatial plans, which this project does not appear to align with, already provides sufficient housing supply for 30 plus years. This suggests that the project may not be necessary to 'address housing needs', assuming housing supply enabled in other areas through existing spatial plans resulted in development in those areas. WRC raised the notion of the proposal potentially displacing development from existing planned growth areas in the vicinity, towards an area that is less well serviced by infrastructure. We consider this matter could be considered by an expert panel as a potential impact of the proposal, in light of any detailed evidence provided by the applicant and/or commenters through a substantive application process.</li> <li>- The project's location on the edge of Tauwhare settlement is some distance from existing urban environments (Cambridge, Hamilton, Morrinsville and Matamata), and residents/visitors/students would rely on movement to those other urban centres for services. There are no current public transport services to the area, and the application as described does not address this. On that basis, we are uncertain whether the project would contribute to a well-functioning urban environment.</li> </ul> |

- We accept that the project will increase housing supply, being approximately 125 retirement villas, 30 integrated care facility suites, and 36 rural residential lots. This yield would be less than other residential projects you have referred in Waikato. For comparison, FTAA-2604-1216 Awanui Links was referred on that basis (137 units, 50-bed care facility, and 70 rural residential lots), but FTAA-2506-1073 Rogerson Block SL1 was not (200 residential lots on the edge of Hamilton). Overall, we do not consider you have sufficient basis to be satisfied that the project's increase in housing supply, at this location, would generate significant regional or national benefits.
- We do not recommend you refer the project on this basis.

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

- The application includes an economics assessment from Insight Economics, which concluded "the proposal will deliver significant and enduring economic benefits to the Waikato Region". This includes the following estimations:
  - o During development/construction
    - Full-time employment (FTE) for 166 people over a five-year period.
    - A one-time GDP boost (around \$122 million)
  - o Ongoing:
    - 88 FTE across 107 jobs
    - annual GDP of \$10.3 million and \$6.2 million in wages/salaries
    - industry aligned training that is locally accessible, supporting regional labour force retention and contributing to a more stable and skilled workforce for relevant sectors
    - 30 care facilities, responding to a shortfall in aged-care beds in Waikato and Future Proof subregion.
- The applicant also considers the project will have agglomeration benefits, and strengthening the viability of existing services and amenities in the area.
- The Minister for Economic Growth commented the project may deliver significant regional economic benefits, particularly through construction activity and ongoing employment across its commercial, care and agricultural education components. WRC considered the scale of benefits to be unclear and may not be sufficient to justify a substantial mixed use development in this location.
- For comparison, in October 2025 you previously agreed to refer the Harlow Lifestyle Village (in Te Awamutu, Waikato) on the basis of significant economic benefits [BRF-6882 refers] (construction: 212 FTE, \$120 million GDP over 4 years; ongoing: 81 FTE, \$8.3 million annual GDP). We consider the Rest's estimated economic benefits to be of a similar scale to that project.
- Other applications you have referred in Waikato on this criterion estimated greater economic benefits than this project.
- Neither the applicant, nor any commenters, suggest the project would have nationally significant economic benefits. We recommend you refer the project on the basis that it will deliver significant economic benefits at a regional level.

*Will support primary industries, including aquaculture [s22(2)(a)(v)]*

- The applicant considers the project will support primary industries through the agri-education institute, by providing:
  - o applied training aligned with the needs of the rural and agricultural sector
  - o locally accessible training within Waikato, supporting workforce development and retention
  - o stable, year-round employment.
- The applicant's view was informed by targeted discussions with industry stakeholders, which included Primary ITO (a business division of the Food and Fibre Industry Skills Board) which stated its support for the proposal being considered through the Fast-track process to enable further assessment and development of the concept.
- WRC suggested the proposed benefits of the agri-education institute are difficult to assess, due to the lack of information about the provider, operational model, programme offerings, evidence of demand. Like any application, you do not need to consider the project's viability/business model in order to determine whether it will have national or regional benefits for the purpose of section 22 assessment. Rather you should consider the project on the basis that it *will be delivered* generally in accordance with the plans set out in the referral application. In that regard, we consider the agricultural education component of the project will support primary industries, particularly the agriculture sector, in light of primary industry support that was attached to the application, and comments from the Minister of Agriculture regarding the benefits of increased availability of primary industry education to support wider primary sector workforce development, innovation and knowledge sharing.
- We note that the project involves the conversion of highly productive land from existing rural use to the mixed-use development, including retirement village, rural residential allotments, a commercial centre and an agricultural education institute. Any loss of highly productive soils could be considered as an impact of the proposal by an expert panel through a substantive application process, if you decide to accept the referral application.
- On balance, on the basis of material provided by the applicant, including written support from industry stakeholders provided with the application, and comments received, we recommend you refer the project on the basis that it will support primary industries through the establishment of an agricultural education institute in the Waikato Region.

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

- The applicant states the project aims to minimise greenhouse gas emissions where possible through construction (by minimising truck movements, and a staged construction approach), and ongoing operation through multi-modal transport corridors within the development, and a neighbourhood centre that would somewhat reduce the need for residents to travel to other existing urban centres.
- The application does not quantify its purported climate change mitigation benefits.
- The project is a new greenfield development located some distance from existing urban centres, in an area not currently serviced by public transport infrastructure. As noted by commenters, residents would need to travel to existing urban centres for many services.
- We do not recommend you refer the project on this basis.

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|                                                                              | <p><i>Will support climate change adaptation, reduce risks arising from natural hazards, or support recovery from events caused by natural hazards [s22(2)(a)(viii)]</i></p> <ul style="list-style-type: none"> <li>- The application outlines natural hazards that the site is subject to (primarily flood hazard, and including due to a high water table, and potential liquefaction risk). The project will require assessment against the National Policy Statement for Natural Hazards 2025 if referred to an expert panel. The application sets out that more detail will be provided in any substantive application.</li> <li>- We do not recommend you refer the project on this basis, as the overall development of the site is not seen as supporting climate change adaptation, reducing risks from natural hazards, or support recovery from events. How the project responds to natural hazard risks at this site would likely be a major aspect of an expert panel's consideration of a substantive application, should it be referred for other reasons.</li> </ul> <p><i>Is consistent with local or regional planning documents, including spatial strategies [s22(2)(a)(x)]</i></p> <ul style="list-style-type: none"> <li>- The applicant considered the project "is consistent with the relevant local and regional planning documents", referring to the Future Proof Strategy, Te Ture Whaimana o Te Awa o Waikato (Vision &amp; Strategy), the Waikato-Tainui Environmental Plan, Waikato 2070 – Growth &amp; Economic Development Strategy, Waikato District Housing Strategy (2024), and WRPS.</li> <li>- However, the applicant also identified that the project would have prohibited activity under the relevant district plan, due to subdivision of high calls soil.</li> <li>- WRC commented that the project is inconsistent with the Future Proof subregional growth strategy and the Waikato District Growth and Economic Development Strategy 2070, as the site is not identified as a future growth area. WRC suggested the applicant should provide more detail on this through any substantive application.</li> <li>- We do not recommend you refer the project on this basis.</li> </ul> <p><i>Any other matters that may be relevant [s22(b)]</i></p> <p>We have not identified any other relevant matters</p> |
| Referring the project to the fast-track approvals process [section 22(1)(b)] | <p><i>Would facilitate the project, including by enabling it to be processed in a more timely and cost-effective way than under normal processes [s22(1)(b)(i)]</i></p> <p>The application identifies the project as having prohibited activity status under the Waikato District Plan. We consider that referral to the Fast-track process would enable the project to be processed and decided in a more timely and cost-effective way than under normal RMA processes, which would need to involve a plan change process to the relevant district plan, and potentially further resource consent processes to follow. The FTAA process also allows for concurrent authority under the Wildlife Act 1953, which would otherwise need to be obtained separately.</p> <p><i>Is unlikely to materially affect the efficient operation of the fast-track approvals process [s22(1)(b)(ii)]</i></p> <p>Although the project has prohibited activity status, the proposed activities are well understood and not novel in a New Zealand context. We consider an expert panel should be able to be appointed with sufficient knowledge and understanding of the issues to make a decision on the project at this site under the Fast-track Approvals process, should it be referred.</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       |
| <b>Reasons to decline</b>                                                    |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                           |
| Minister <u>must</u> decline [section 21(3)]                                 | <p><i>The Minister <u>must</u> decline a referral application if:</i></p> <p><i>The application may not be accepted under subsection 1 (meets referral criteria)</i></p> <p>We consider you may accept the application under section 21(1), as discussed above.</p> <p><i>The Minister is satisfied the project involves an ineligible activity</i></p> <p>We consider the project does not involve an ineligible activity.</p> <p><i>The Minister considers that they do not have adequate information to inform the decision under this section</i></p> <p>We consider you have adequate information to inform your decision.</p> <p>We do not consider that you must decline the application.</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      |
| Minister <u>may</u> decline [section 21(4) and 21(5)(a-h)]                   | <p><i>The Minister <u>may</u> decline a referral application for any other reason, whether or not it meets the criteria in section 22.</i></p> <p><i>Reasons to decline a referral application under subsection 4 include, without limitation:</i></p> <p><i>The project would be inconsistent with a Treaty settlement, Ngā Rohe Moana o Ngā Hapū o Ngāti Porou Act 2019, Marine and Coastal Area (Takutai Moana) Act 2011, a Mana Whakahono ā Rohe, or a joint management agreement</i></p> <p>Nothing in comments or the section 18 report indicates the project would be inconsistent with existing Treaty settlements. Ngā Rohe Moana o Ngā Hapū o Ngāti Porou Act 2019 and Marine and Coastal Area (Takutai Moana) Act 2011 are not relevant to this site. We have not identified any Mana Whakahono ā Rohe or joint management agreements relevant to the project area.</p> <p><i>It would be more appropriate to deal with the matters that would be authorised by the proposed approvals under another Act or Acts</i></p> <p>WRC considered the project may be more appropriately considered under the RMA. We note that would necessarily require a plan change to the Waikato District Plan, given the project's prohibited activity status. We consider the potential environmental impacts, land constraints, and other matters set out in comments can be appropriately addressed through a substantive application process under the FTAA.</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                            |

In our view, there is nothing in particular that would mean it is more appropriate to deal with the matters under other Acts (the RMA / Wildlife Act 1953).

We note comments from DOC that the project may require approval under the Freshwater Fisheries Regulations 1983, but this was not included in the referral application. If the project does require approval under that legislation, it can be sought outside of the Fast-track process.

*The project may have significant adverse effects on the environment*

Nothing in the application or in matters raised by parties invited to comment has indicated that the project would have significant adverse effects on the environment.

We note if the project is referred an expert panel will be able to consider the potential adverse effects of the project with the benefit of a full assessment of environmental effects, for example loss of highly productive soil and cumulative effects.

The project's stormwater design would likely interact with existing stormwater facilities and assets managed by IAWAI – Flowing Waters Limited, and the site is included in the Central Waikato drainage scheme. We recommend the applicant provide more detail on project's final stormwater design, given the project's stormwater system's likely interactions with those networks. We recommend you include a condition to this effect, alongside a direction that the expert panel invite comment from IAWAI – Flowing Waters Limited on any substantive application under section 53.

The application stated that more detailed wastewater design, along with geotechnical investigation, will be required at building consent stage. While the proposed onsite wastewater facilities are unlikely to have significant adverse effects on the environment (given the scale of this project overall), we consider this information should be made available earlier, to inform an expert panel's decision on a substantive application for this project, in light of council feedback.

Other environmental effects identified by commenters are more detailed in nature and would likely be addressed in a fulsome assessment of environmental effects, comments from parties, and/or information sought by an expert panel as relevant through a substantive application process.

*The applicant(s) has a poor compliance history under a specified Act that relates to any of the proposed approvals*

Neither of the councils, nor the relevant administering agency (DOC), identified any compliance history with this applicant.

*The project area includes land that the Minister for Treaty of Waitangi Negotiations considers necessary for Treaty settlement purposes*

No – the project is freehold land in private ownership.

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

The applicant identified the project as having prohibited activity status under the Waikato District Plan, due to subdivision of highly productive land (HPL).

The prohibited activity status does not trigger any ineligibility criteria under section 5 of the Act and section 21(7) of the Act states that the presence of a prohibited activity does not prevent you from accepting a referral application. As discussed above, the issue of HPL would be assessed by an expert panel if the project is referred. We do not recommend you decline the referral application on the basis of a prohibited activity.

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

We have not identified any competing applications.

*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)*

We have not identified any of these types of resource consents.

*Any other matter*

We have not identified any other reason that the Minister may decline the application.

We do not recommend you decline the application.

## Appendix 1: Statutory framework summary

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1. You are the sole decision maker for referral applications. If you accept a referral application, then the whole or part of the project will be referred to the fast-track approvals process.
2. If a Treaty settlement, the Marine and Coastal Area (Takutai Moana) Act 2011, the Ngā Rohe Moana o Ngā Hapū o Ngāti Porou Act 2019, a Mana Whakahono ā Rohe or a joint management agreement provides for consideration of any document or procedural requirements, you must, where relevant:
  - a. give the document the same or equivalent effect through this process as it would have under any specified Act; and
  - b. comply with any applicable procedural requirements.
3. You must decline a referral application if:
  - a. you are satisfied the project does not meet the referral criteria in section 22
  - b. you are satisfied the project involves an ineligible activity (section 5)
  - c. you consider you do not have adequate information to inform your decision.
4. You may decline an application for any other reason, including those set out in section 21(5) and even if the application meets the section 22 referral criteria.
5. You can decline an application before or after inviting comments under section 17(1). However, if comments have been sought and provided within the required time frame, you must consider them, along with the referral application, before deciding to decline the application.
6. If you do not decline a referral application at 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, the Minister for Māori Crown Relations: Te Arawhiti, and the Minister for Māori Development
  - c. any other relevant portfolio Ministers
  - d. the relevant administering agencies
  - e. the Māori groups identified by the responsible agency
  - f. the owners of Māori land in the project area (if applicable)
  - g. you may provide the application to and invite comments from any other person.
7. You can request further information from an applicant, any relevant local authority or any relevant administering agency at any time before you decide to decline or accept a referral application (see section 20 of the Act).
8. However, if further information has been sought and provided within the required time frame you must consider it, along with the referral application, before deciding to decline the application.