



FTAA-2512-1165: Application received for referral of the project under the Fast-track Approvals Act 2024 – Stage 2 decisions

Project Name: Pookeno Housing and Tourism

Date submitted:	31 March 2026	Tracking #: BRF-00607	
Security level:	In-Confidence	MfE priority:	Urgent

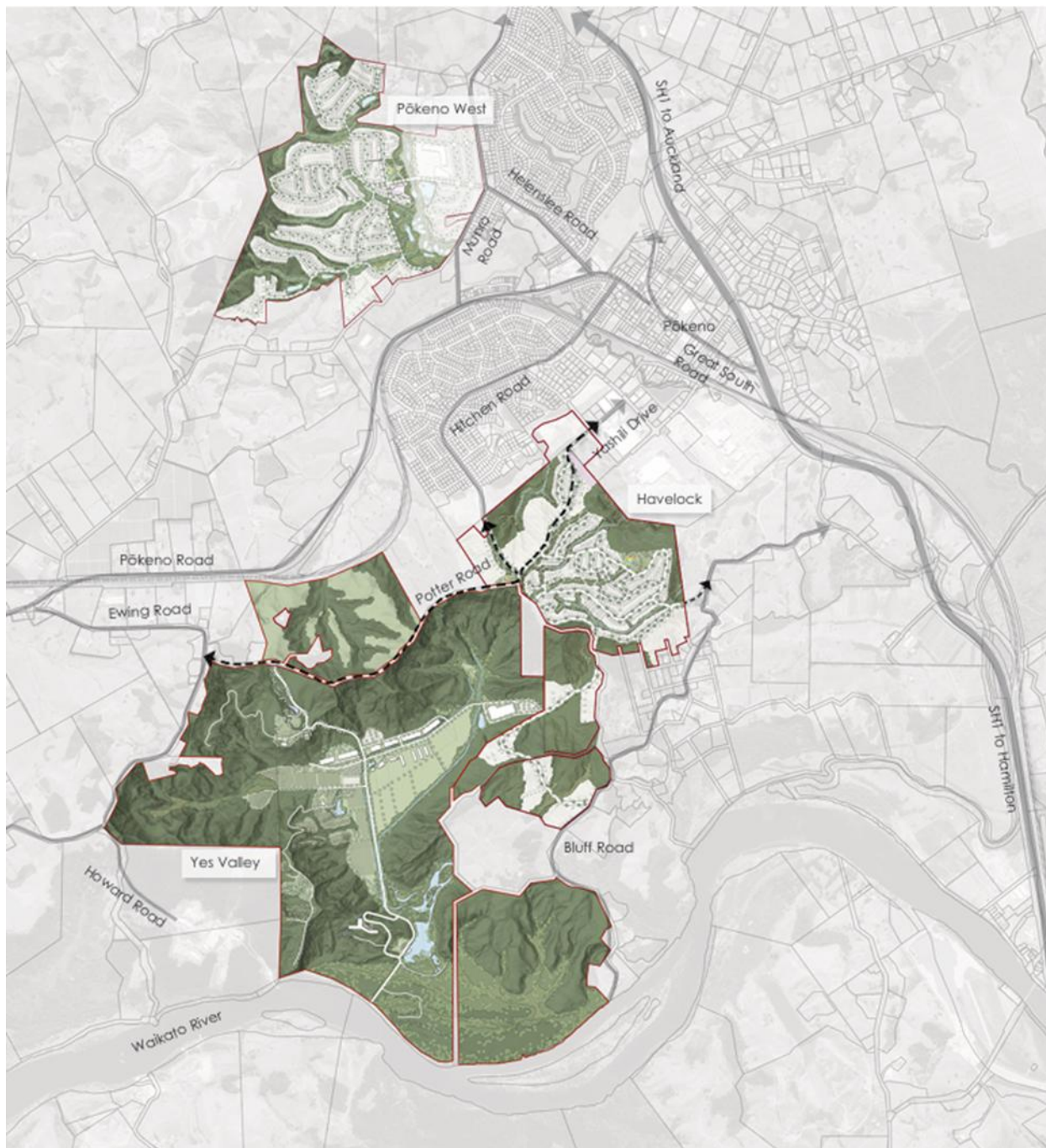
	Action sought:	Response by:
To Hon Chris Bishop, Minister for Infrastructure	Decision on recommendations	9 April 2026

Actions for Minister's Office staff	Return the signed briefing to: FTAreferrals@mfe.govt.nz . Approve the attached notice of decisions letter.
Number of appendices: 6	Appendices (refer to File Exchange link for appendices 2,3 & 5): <ol style="list-style-type: none">1. Statutory framework for making decisions2. Application documents for Pookeno Housing and Tourism3. Stage 1 Briefing Note and decisions4. Section 18 Report on Treaty settlements and other obligations5. Comments received from all parties the Minister invited to comment6. Draft Notice of Decisions

Ministry for the Environment contacts

Position	Name	Cell phone	1 st contact
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Project location



Key messages

1. This briefing seeks your decisions under section 21 of the Fast-track Approvals Act 2024 (the Act) on the application from Pokeno Developments NZ Limited (the applicant) to refer the Pokeno Housing and Tourism project (the project) to the fast-track approvals process.
2. A copy of the application is in Appendix 2. This is the second briefing on this application. The first (Stage 1) briefing (BRF-00171) with your initial decisions annotated is in Appendix 3.

3. The project is to subdivide and develop land for the purpose of establishing an urban and tourism development, and new wastewater infrastructure, on approximately 350 hectares of land in Pookeno in the Waikato District. The project will include works within the Munro Road, Huia Road, Bluff Road, Yashili Drive, Potter Road, Whangarata Road, Pokeno Road and Ewing Road reserves.
4. The project area comprises three precincts being Pookeno West, Pookeno South/Havelock, and Yes Valley Resort. The project will be delivered in four separate stages and will include:

Stage 1

- a. construction of a wastewater treatment plant and associated infrastructure within the Yes Valley Resort precinct

Stage 2

- a. subdivision to create approximately 1,000 allotments for future residential development, and a balance allotment for a future neighbourhood centre, in the Pookeno West Precinct
- b. development of an open space network including reserves and recreation trails
- c. landscape planting and restoration and enhancement of waterways and wetlands
- d. earthworks
- e. associated infrastructure, including for three waters services and transport (including a bulk wastewater main connection to the new wastewater treatment plant, and external road upgrade works).

Stage 3

- a. subdivision to create approximately 500 allotments for future residential development in the Pookeno West Precinct
- b. subdivision to create approximately 750 allotments for future residential and rural-residential development, and balance allotments for a future neighbourhood centre and industrial area, in the Pookeno South/Havelock Precinct
- c. development of an open space network including reserves and recreation trails
- d. landscape planting and restoration and enhancement of waterways and wetlands
- e. earthworks
- f. associated infrastructure, including for three waters services and transport (including a bulk wastewater main connection to the new wastewater treatment plant, and external road upgrade works).

Stage 4

- a. establishment and operation of tourism-related activities within the Yes Valley Resort Precinct, including:
 - i. an approximately 200-room hotel with conference centre, spa and restaurant facilities
 - ii. glamping and motorhome facilities
 - iii. a 'NZ-Made Hub' comprising a farm showground, café and other commercial activities

- iv. development of outdoor recreation activities and trails
 - b. upgrading a private stop bank within the Yes Valley Resort Precinct
 - c. landscape planting and restoration and enhancement of waterways and wetlands
 - d. earthworks
 - e. associated infrastructure, including for three waters services and transport (including external road upgrade works).
5. The project will require the proposed approvals:
- a. resource consents under the Resource Management Act 1991 (RMA)
 - b. approvals under the Wildlife Act 1953
 - c. authorisation under the Heritage New Zealand Pouhere Taonga Act 2014.
6. If the project is referred, the applicant intends to submit four separate substantive applications – one for each stage of the project. Under section 21(1) of the Act, for a staged project¹ to be referred, you must be satisfied that the whole project meets the criteria in section 22, and that each stage would also meet those criteria if considered independently as a stand-alone project. This briefing is the first Stage 2 briefing for a staged project referral application under the Act.
7. The application notes the project may involve earthworks within a natural inland wetland that results in the complete drainage of all or part of the wetland, which would be a prohibited activity under Regulation 53 of the Resource Management (National Environmental Standards for Freshwater) Regulations 2020 (NES-F). The inclusion of a prohibited activity in the project is a potential reason you may decline the referral application under section 21(5) of the Act, however, section 21(7) of the Act explicitly states that the presence of a prohibited activity does not prevent you from accepting the referral application. We do not consider you should decline the referral application on the basis the project may include a prohibited activity.
8. We recommend you **accept** the referral application as a staged project as:
- a. the whole project meets the criteria set out in section 22;
 - b. each stage of the project would meet the criteria set out in section 22 if considered as a stand-alone project; and
 - c. the project does not appear to involve an ineligible activity.
9. We seek your decisions on this recommendation and on the proposed directions to the panel and notification of your decisions.

Assessment against statutory framework

10. 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.

¹ Under section 21 of the Act a **staged project** means a project for which the referral application states under section 13(4)(f)(ii) that a separate substantive application is to be lodged for each stage of the project.

11. Before accepting the project, you must consider the application (in Appendix 2), the Section 18 Treaty settlements and other obligations report (in Appendix 4), any comments and further information received from invited parties (in Appendix 5), any document that requires your consideration under section 16 of the Act, and comply with any procedural requirements under section 16.
12. Following that, you may accept the application if you are satisfied that it meets the criteria in section 22 of the Act and if there are no reasons you must decline the application. We provide our advice on these matters below.

Section 18 Treaty settlements and other obligations report

13. The Section 18 report identifies 21 relevant Māori groups under section 18(2) of the Act.
14. The Treaty settlements and other arrangements relevant to the project area are: the Waikato Raupatu Claims Settlement Act 1995, Waikato-Tainui Raupatu Claims (Waikato River) Settlement Act 2010, Ngā Mana Whenua o Tāmaki Makaurau Collective Redress Act 2014, Ngāti Tamaoho Claims Settlement Act 2018, Ngāi Tai ki Tāmaki Claims Settlement Act 2018, Ngāti Pāoa Claims Settlement Act 2025, Pare Hauraki Collective Redress Bill and Te Ākitai Waiohū deed of settlement.
15. The Section 18 report notes that a number of provisions of the Waikato-Tainui Raupatu Claims (Waikato River) Settlement Act 2010 apply to the project area. Therefore, in accordance with section 7 and section 16 of the Act, the report recommends that in considering this referral application, you have particular regard to Te Ture Whaimana (Vision and Strategy) and have regard to the Waikato-Tainui Environmental Plan.
16. Pursuant to section 16 of the Act, the Section 18 report considers you have complied with some of the relevant procedural requirements in the Waikato-Tainui Raupatu Claims (Waikato River) Settlement Act 2010, as they relate to providing notice to the Waikato River Authority and providing information about the application to the Waikato Raupatu River Trust (under the joint management agreement (JMA) provisions). The report also notes the Ngā Mana Whenua o Tāmaki Makaurau collective redress deed, and the Ngāi Tai ki Tāmaki, Ngāti Tamaoho, Ngāti Pāoa, and Te Ākitai Waiohū deeds of settlement include conservation relationship redress which contains procedural requirements in relation to the approvals being sought under the Wildlife Act 1953.
17. The Section 18 report notes the Ngāti Tamaoho Claims Settlement Act 2018 provides for a statutory acknowledgement over the Mangatāwhiri River and its tributaries, which incorporates part of the project area. Under the RMA and the relevant Treaty settlements, a consent authority must have regard to a statutory acknowledgement when deciding whether an iwi is an 'affected person' for the purposes of notification decisions and must provide a summary of any consent applications relevant to the statutory area to a statutory acknowledgement holder. The Section 18 report notes the process of inviting comment (including providing information about the application) from Ngāti Tamaoho under the Act is comparable to the requirements for statutory acknowledgements under the RMA and Treaty settlements.
18. Ngāti Tamaoho Settlement Trust provided comments on the referral application and highlighted its longstanding cultural, historical, and spiritual connections to the project area and its surrounds, including the Mangatāwhiri and Waikato Rivers. Ngāti Tamaoho Settlement Trust supported the project on the condition that commitments made by the applicant are met, including absolute compliance with Te Ture Whaimana, anticipation of elevated standards, dedicated kaitiaki presence, and wastewater treatment plan failure

contingency. The Trust's residual concerns centred on ensuring the project recognises the relationship of Ngāti Tamaoho with Te Taiao, and that the design of stormwater and wastewater infrastructure exceeds standard approaches in terms of treatment and resilience. Accordingly, Ngāti Tamaoho Settlement Trust are seeking an ongoing relationship with the applicant so their views can continue to shape the project.

19. The Minister for Māori Development and the Minister for Māori Crown Relations: Te Arawhiti supported project referral.
20. Of the 21 relevant Māori groups identified in the Section 18 report, we note that 4 do not fall within the scope of persons or groups whom a panel must invite comments from on a substantive application for the project under section 53 of the Act. Ngāti Koheriki Claims Committee are identified in the Section 18 report as a group that has a recognised mandate to negotiate a Treaty settlement over an area which may include the project area (section 18(2)(d)), and Ngāti Naho, Ngaati Tipa and Huakina Development Trust are identified as other Māori groups with relevant interests (section 18(2)(k)). Therefore, if you decide to refer the project, we recommend you specify under section 27(3)(b)(iii) of the Act that a panel must invite comments from these 4 groups.
21. The Section 18 report has not identified any matters which make it more appropriate for the proposed approvals to be authorised under another Act or Acts.

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

22. Based on paragraphs 14 to 16 above, there are documents and procedural requirements under section 16 of the Act that apply to your consideration of the application.
23. We consider you have complied with some of the relevant procedural requirements in the Waikato-Tainui Raupatu Claims (Waikato River) Settlement Act 2010, as they relate to providing notice to the Waikato River Authority, and providing information about the application to the Waikato Raupatu River Trust (under JMA provisions). There is also a need to ensure that these, and other, procedural requirements are complied with throughout the process. We also note the Ngā Mana Whenua o Tāmaki Makaurau collective redress deed, and the Ngāi Tai ki Tāmaki, Ngāti Tamaoho, Ngāti Pāoa, and Te Ākitai Waiohua deeds of settlement, include conservation relationship redress which contains procedural requirements in relation to the approval being sought under the Wildlife Act 1953.
24. Section 16(2)(c) of the Act requires that you must, where relevant, in your notice of decisions on the referral application, direct any panel that considers a substantive application for the project to comply with any applicable requirements. Accordingly, should you decide to accept this referral application, we recommend you direct any panel considering a substantive application for the project to comply with the applicable requirements identified at paragraphs 83 and 111 of the Section 18 Report in Appendix 4, namely to:

Waikato-Tainui Raupatu Claims (Waikato River) Settlement Act 2010

- a. have particular regard to Te Ture Whaimana;
- b. give notice to the Waikato River Authority of the application (which may be fulfilled by an invitation to comment under section 53 of the Act);
- c. consider the provisions for appointing hearing commissioners from the register maintained by the Waikato River Authority as they may be applied to appointing a panel under the fast-track process;

- d. have regard to the Waikato-Tainui Environmental Plan, including how to provide for continued partnership with Waikato-Tainui (as a consistent theme running through the plan); and
- e. consider the detailed information-sharing provisions of the JMAs, as they may be applied to the fast-track process.

Ngā Mana Whenua o Tāmaki Makaurau collective redress deed, and the Ngāi Tai ki Tāmaki, Ngāti Tamaoho, Ngāti Pāoa, and Te Ākitai Waiohua deeds of settlement

- a. comply with the consultation process set out in the Ngā Mana Whenua o Tāmaki Makaurau conservation relationship agreement when engaging with Tūpuna Taonga o Tāmaki Makaurau Trust on the Wildlife Act 1953 authority being sought (unless a modified arrangement can be agreed); and
- b. consider whether, and how, to apply the consultation process set out in the Ngā Mana Whenua o Tāmaki Makaurau conservation relationship agreement when engaging with the relevant iwi members of the Tāmaki Collective.

Comments received

- 25. Comments were received from Waikato District Council (WDC), Waikato Regional Council (WRC), four Ministers, Department of Conservation (DOC), Heritage New Zealand Pouhere Taonga (HNZPT) and Ngāti Tamaoho Settlement Trust. The key points of relevance to your decisions are summarised in Table A.
- 26. The comments from the Associate Minister of Housing were received four working days after the specified timeframe. We recommend you consider these comments, at your discretion, under section 17(7)(b) of the Act.
- 27. The comments from Ngāti Tamaoho Settlement Trust are discussed in paragraph 18 of this briefing. The key points from the remaining comments are:
 - a. WDC supported project referral in principle subject to appropriate assessment through any substantive process. WDC noted that Pookeno is a key growth node within northern Waikato and that most of the project area is live-zoned for urban, industrial and tourism activities. WDC considered the proposed wastewater treatment plant in Stage 1 is critical to unlock development and noted a need to consider three-waters servicing, transport impacts, including on the state highway network, and open space requirements in any substantive applications. WDC also advised that input will be required from IAWAI – Flowing Waters Limited, which is a Council Controlled Organisation established between WDC and Hamilton City Council (HCC) for water and wastewater services
 - b. WRC neither supported nor opposed project referral but noted the proposed wastewater treatment plant in Stage 1 will enable development, and the residential components (included in Stage 1 and 2) have been included in the Future Proof House Capacity Assessment 2023's residential capacity calculations. WRC noted several matters that will need to be assessed in substantive applications for the project, including Te Ture Whaimana o Te Awa o Waikato, soils, significant biodiversity values and potential ecological effects, potential hazards and risks, three waters servicing, transport impacts and public transport provision, and regional consent requirements
 - c. the Minister for the Environment considered there was insufficient information in the referral application to determine whether land within the project area may be classified as Highly Productive Land (HPL) under the National Policy Statement on Highly

Productive Land 2022 (NPS-HPL). The Minister noted you may wish to specify that confirmation of the Land Use Classification of all soils within the project area, clear identification of land identified for future urban development, and a complete assessment against the NPS-HPL, be provided with the substantive applications for the project

- d. the Minister for Economic Growth noted the project could provide substantial economic benefits to Pookeno and the wider Waikato region and is aligned with the Government's economic growth plans. The Minister also noted the project would provide a significant boost in housing supply
 - e. the Associate Minister of Housing noted there has been rapid population growth and development in Pookeno in recent years and the project's provision of additional housing capacity would help to respond and reduce pressure on local housing markets. The Associate Minister also noted that Auckland Council (AC) and the Future Proof Partnership have previously raised concerns regarding cross boundary impacts, and that you could require a panel to invite comment from AC to ensure cross boundary impacts are considered
 - f. DOC was not aware of any reason the project should not be referred and considered it is possible, with appropriate design and conditions, that effects can be managed to ensure they are not significant. DOC noted additional information would be required to support substantive applications for the project but did not make any recommendations in this regard
 - g. HNZPT neither supported nor opposed project referral but noted a suite of conditions will be required to mitigate adverse effects on archaeological values. HNZPT noted it will need to engage further with the applicant to ensure relevant documentation and assessment is provided with substantive applications
 - h. the Minister for Arts, Culture and Heritage responded with no comments on the referral application.
28. In response to WDC, WRC and HNZPT comments on information required to support substantive applications if the project is referred, we note that whilst the project is of a significant scale and could have a range of impacts, the parts of the project area to be developed are predominately live-zoned for urban, industrial and tourism activities. Therefore, we do not consider it necessary for you to require the applicant to submit specific assessments with their substantive applications to a panel. We consider these matters will generally be covered by the requirements of clause 5 Schedule 5 of the Act.
29. In response to comments from the Minister for the Environment, we do not consider it necessary to require the applicant to submit an assessment of HPL and against the NPS-HPL with their substantive applications to a panel. We consider these matters will also be covered by the requirements of clause 5 Schedule 5 of the Act, and we note the applicant considers the NPS-HPL is not relevant to the project due to the land zoning and no concerns regarding effects on HPL have been raised by WDC or WRC.
30. In response to comments from the Associate Minister of Housing, and due to the scale of the project and its proximity to State Highway 1 and the boundary with AC, if you decide to refer the project, we recommend you specify under section 27(3)(b)(iii) of the Act that a panel must invite comments from the Chief Executive of the NZ Transport Agency Waka Kotahi, and AC (including Watercare and Auckland Transport). We also recommend you specify that a panel must invite comments from IAWAI – Flowing Waters Limited, who will have responsibility for drinking water and wastewater services from 1 July 2026, and from Transpower New Zealand Limited due to the national electricity grid extending through some parts of the project area.

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

31. 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

32. 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.

33. 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 and discussed in Table A.

34. Relevant to section 21(5)(f), the applicant has advised the project may involve earthworks within a natural inland wetland that results in the complete drainage of all or part of the wetland, which would be a prohibited activity under Regulation 53 of the NES-F. No comments received have raised concerns about the potential inclusion of a prohibited activity and the applicant considers there is a functional need for the works. We also note section 21(7) of the Act explicitly states that the presence of a prohibited activity does not, in itself, prevent you from accepting a referral application and we do not consider you should decline the referral application on the basis of this matter.

35. The application notes there are two private land parcels within the project area that are not currently owned by the applicant but discussions are ongoing to purchase the land. The applicant notes this land is only included for road widening and that a functional road can still be established if the land is not successfully purchased. The application also notes there is an existing caveat in favour of Hynds Foundation that will require removal to allow the project to proceed. The applicant has provided correspondence from Hynds Foundation in support of the referral application confirming Hynds do not see the caveat as a barrier to project referral. We do not consider either of these matters to be a barrier to project delivery or a reason to decline the referral application.

36. We do not consider you should decline the project on the basis of the above matters or for any other reason.

Reasons to accept

37. The statutory framework in Appendix 1 sets out the reasons you can accept a project for referral. Our assessment of these matters is summarised in Table A.

38. We consider the whole project meets the requirements of section 22 as:

- a. it is a development or infrastructure project to subdivide and develop land for the purpose of establishing an urban and tourism development, and new wastewater infrastructure
- b. it would have significant regional or national benefits because it will deliver new regionally significant infrastructure, increase the supply of housing and deliver significant economic benefits
- 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 public and limited notification is precluded and appeal rights are limited

- d. referring the project to the fast-track approvals process is unlikely to materially affect the efficient operation of the fast-track approvals process because the project is neither novel in the New Zealand context nor beyond the scope of what a panel would assess under the RMA.

39. We consider that each stage of the project would meet the requirements of section 22 if considered as a stand-alone project as:

Stage 1

- a. it is a development or infrastructure project to subdivide and develop land for the purpose of establishing new wastewater infrastructure
- b. it would have significant regional or national benefits because it will deliver new regionally significant infrastructure and deliver significant economic benefits
- 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 public and limited notification is precluded and appeal rights are limited
- d. referring the project to the fast-track approvals process is unlikely to materially affect the efficient operation of the fast-track approvals process because the project is neither novel in the New Zealand context nor beyond the scope of what a panel would assess under the RMA

Stage 2

- a. it is a development or infrastructure project to subdivide and develop land for the purpose of establishing an urban development
- b. it would have significant regional or national benefits because it will increase the supply of housing and deliver significant economic benefits
- 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 public and limited notification is precluded and appeal rights are limited
- d. referring the project to the fast-track approvals process is unlikely to materially affect the efficient operation of the fast-track approvals process because the project is neither novel in the New Zealand context nor beyond the scope of what a panel would assess under the RMA

Stage 3

- a. it is a development or infrastructure project to subdivide and develop land for the purpose of establishing an urban development
- b. it would have significant regional or national benefits because it will increase the supply of housing and deliver significant economic benefits
- 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 public and limited notification is precluded and appeal rights are limited
- d. referring the project to the fast-track approvals process is unlikely to materially affect the efficient operation of the fast-track approvals process because the project is neither novel

in the New Zealand context nor beyond the scope of what a panel would assess under the RMA

Stage 4

- a. it is a development or infrastructure project to subdivide and develop land for the purpose of establishing a tourism development
- b. it would have significant regional or national benefits because it will deliver significant economic benefits
- 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 public and limited notification is precluded and appeal rights are limited
- d. referring the project to the fast-track approvals process is unlikely to materially affect the efficient operation of the fast-track approvals process because the project is neither novel in the New Zealand context nor beyond the scope of what a panel would assess under the RMA

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

Other matters – Deadline for lodging substantive applications

41. Under section 28(3)(d)(ii) of the Act, if you do not specify an alternative deadline, the deadline for lodging the substantive applications for the project is two years after the notice of your decisions on the referral application.
42. The project is a staged project that will be delivered over a 16-year development period. The applicant notes Stage 1 must occur first as it involves the delivery of critical infrastructure, being the wastewater treatment plant, and Stages 2 to 4 may occur in any order. If the project is referred, the applicant has provided anticipated commencement and completion dates for each stage of the project as follows:
 - a. Stage 1 – lodgement of substantive application in 2026, commissioning of wastewater treatment plant in 2028
 - b. Stage 2 – lodgement of substantive application in 2027, completion of physical works and issue of titles in 2031
 - c. Stage 3 – lodgement of substantive application in 2028, completion of physical works and issue of titles in 2033 to 2036
 - d. Stage 4 – lodgement of substantive application in 2028, construction in 2030 to 2035
43. As the project is a staged project with Stages 2 to 4 reliant on the consenting of Stage 1, and each stage of the project is of a significant scale, we recommend you specify a three-year deadline for the applicant to lodge their substantive applications rather than the default two years.

Conclusions

44. We consider the whole project meets the section 22 criteria, and each stage of the project would meet the section 22 criteria if considered as a stand-alone project, and you could accept the application under section 21 of the Act and refer the whole project to the fast-track approvals process with the specifications outlined below.

45. As discussed in paragraphs 20 and 30 of this briefing, we consider that if you decide to refer the project, you should specify under section 27 of the Act the following persons or groups from whom a panel must invite comments from in addition to those specified in section 53:
- a. Ngāti Koheriki Claims Committee
 - b. Ngāti Naho
 - c. Ngaati Tipa
 - d. Huakina Development Trust
 - e. Chief Executive of the NZ Transport Agency
 - f. Auckland Council (including Watercare and Auckland Transport)
 - g. IAWAI – Flowing Waters Limited
 - h. Transpower New Zealand Limited.

Next steps

46. The Ministry for the Environment (the Ministry) must give notice of your decisions on the referral application, and the reasons for them, to the applicant and anyone invited to comment under section 17 and publish the notice on the Fast-track website.
47. In your notice of decisions, you must direct a panel to comply with any requirements identified in section 16. The following directions are required:

Waikato-Tainui Raupatu Claims (Waikato River) Settlement Act 2010

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

Ngā Mana Whenua o Tāmaki Makaurau collective redress deed, and the Ngāi Tai ki Tāmaki, Ngāti Tamaoho, Ngāti Pāoa, and Te Ākitai Waiohū deeds of settlement

- a. comply with the consultation process set out in the Ngā Mana Whenua o Tāmaki Makaurau conservation relationship agreement when engaging with Tūpuna Taonga o Tāmaki Makaurau Trust on the Wildlife Act 1953 authority being sought (unless a modified arrangement can be agreed); and
- b. consider whether, and how, to apply the consultation process set out in the Ngā Mana Whenua o Tāmaki Makaurau conservation relationship agreement when engaging with the relevant iwi members of the Tāmaki Collective.

48. If you decide to refer the project, the Ministry must also give notice of your decisions to:
 - a. the panel convener
 - b. any additional iwi authorities or Treaty settlement entities that you consider have an interest in the matter other than those invited to comment under section 17
 - c. the Environmental Protection Authority (EPA)
 - d. the relevant administering agencies.
49. 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.
50. We will undertake this action on your behalf.
51. We have attached a notice of decisions letter to the applicant 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.
52. Our recommendations for your decisions follow.

Recommendations

53. 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 Pokeno Developments NZ Limited (the applicant) if you are satisfied that the Pookeno Housing and Tourism project (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 whole project, and each stage of the project, meets the referral criteria in section 22 of the Act.

Noted

- b. **Agree** that before deciding on the application for project referral under section 21(1) of the Act you have considered:
- i. the application in Appendix 2
 - ii. the report obtained under section 18 in Appendix 4
 - iii. any comments and further information sought under sections 17 and 20 and provided within the required timeframe in Appendix 5.

Yes / No

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

- i. it is a development or infrastructure project that would have significant regional or national benefits because:
 - (1) it will deliver new regionally significant infrastructure
 - (2) it will increase the supply of housing by providing approximately 2,250 allotments for future residential development
 - (3) it will deliver significant economic benefits by providing or enabling approximately 2,791 direct full-time equivalent (FTE) job years and 5,562 indirect and induced FTE job years over an approximately 16-year delivery period, and contributing total direct expenditure to the Waikato Region of approximately \$1.84 billion.
- ii. referring the project to the fast-track approvals process would facilitate the project, including by enabling it to be processed in a more timely and cost-effective way than under normal processes because public and limited notification is precluded and appeal rights are limited
- iii. referring the project to the fast-track approvals process is unlikely to materially affect the efficient operation of the fast-track approvals process because the project is neither novel in the New Zealand context nor beyond the scope of what a panel would assess under the Resource Management Act 1991 (RMA).

Yes / No

- d. **Agree** you are satisfied that each stage of the project would meet the requirements of section 22 of the Act if considered as a stand-alone project as:

Stage 1

- i. it is a development or infrastructure project that would have significant regional or national benefits because:
- (1) it will deliver new regionally significant infrastructure
 - (2) it will deliver significant economic benefits by providing or enabling approximately 86 direct FTE job years and 188 indirect and induced FTE job years, and contributing total direct expenditure to the Waikato Region of approximately \$51 million
- ii. referring the project to the fast-track approvals process would facilitate the project, including by enabling it to be processed in a more timely and cost-effective way than under normal processes because public and limited notification is precluded and appeal rights are limited
- iii. referring the project to the fast-track approvals process is unlikely to materially affect the efficient operation of the fast-track approvals process because the project is neither novel in the New Zealand context nor beyond the scope of what a panel would assess under the RMA.

Stage 2

- i. it is a development or infrastructure project that would have significant regional or national benefits because:
- (1) it will increase the supply of housing by providing approximately 1,000 allotments for future residential development
 - (2) it will deliver significant economic benefits by providing or enabling approximately 1,088 direct FTE job years and 2,105 indirect and induced FTE job years, and contributing total direct expenditure to the Waikato Region of approximately \$649 million
- ii. referring the project to the fast-track approvals process would facilitate the project, including by enabling it to be processed in a more timely and cost-effective way than under normal processes because public and limited notification is precluded and appeal rights are limited
- iii. referring the project to the fast-track approvals process is unlikely to materially affect the efficient operation of the fast-track approvals process because the project is neither novel in the New Zealand context nor beyond the scope of what a panel would assess under the Resource Management Act 1991.

Stage 3

- i. it is a development or infrastructure project that would have significant regional or national benefits because:
- (1) it will increase the supply of housing by providing approximately 1,250 allotments for future residential development
 - (2) it will deliver significant economic benefits by providing or enabling approximately 1,199 direct FTE job years and 2,342 indirect and induced FTE

job years, and contributing total direct expenditure to the Waikato Region of approximately \$811 million

- ii. referring the project to the fast-track approvals process would facilitate the project, including by enabling it to be processed in a more timely and cost-effective way than under normal processes because public and limited notification is precluded and appeal rights are limited
- iii. referring the project to the fast-track approvals process is unlikely to materially affect the efficient operation of the fast-track approvals process because the project is neither novel in the New Zealand context nor beyond the scope of what a panel would assess under the Resource Management Act 1991.

Stage 4

- i. it is a development or infrastructure project that would have significant regional or national benefits because:

(1) it will deliver significant economic benefits by providing or enabling approximately 418 direct FTE job years and 927 indirect and induced FTE job years, and contributing total direct expenditure to the Waikato Region of approximately \$333 million

- ii. referring the project to the fast-track approvals process would facilitate the project, including by enabling it to be processed in a more timely and cost-effective way than under normal processes because public and limited notification is precluded and appeal rights are limited
- iii. referring the project to the fast-track approvals process is unlikely to materially affect the efficient operation of the fast-track approvals process because the project is neither novel in the New Zealand context nor beyond the scope of what a panel would assess under the Resource Management Act 1991.

Yes / No

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

Yes / No

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

Yes / No

- g. **Agree** to specify Pokeno Developments NZ Limited as the person who is authorised to lodge substantive applications for the project.

Yes / No

- h. **Agree** to specify under section 27(3)(b)(i) of the Act, a deadline of three years for lodging the substantive applications for the project.

Yes / No

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

- i. Ngāti Koheriki Claims Committee
- ii. Ngāti Naho
- iii. Ngaati Tipa
- iv. Huakina Development Trust
- v. Chief Executive of the NZ Transport Agency
- vi. Auckland Council (including Watercare and Auckland Transport)
- vii. IAWAI – Flowing Waters Limited
- viii. Transpower New Zealand Limited.

Yes / No

j. **Agree**, pursuant to section 16(2)(c), to direct (in a notice of your decisions) any panel considering a substantive application for the project to comply with the applicable requirements identified in the Section 18 report, namely to:

Waikato-Tainui Raupatu Claims (Waikato River) Settlement Act 2010

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

Ngā Mana Whenua o Tāmaki Makaurau collective redress deed, and the Ngāi Tai ki Tāmaki, Ngāti Tamaoho, Ngāti Pāoa, and Te Ākitai Waiohua deeds of settlement

- i. comply with the consultation process set out in the Ngā Mana Whenua o Tāmaki Makaurau conservation relationship agreement when engaging with Tūpuna Taonga o Tāmaki Makaurau Trust on the Wildlife Act 1953 authority being sought (unless a modified arrangement can be agreed)
- ii. consider whether, and how, to apply the consultation process set out in the Ngā Mana Whenua o Tāmaki Makaurau conservation relationship agreement when engaging with the relevant iwi members of the Tāmaki Collective.

Yes / No

- k. **Agree** that the Ministry for the Environment will provide your notice of decisions to:
- i. anyone invited to comment on the application including relevant local authorities, relevant administering agencies, the Minister for the Environment and other relevant portfolio Ministers, and the relevant Māori groups
 - ii. the panel convener
 - iii. the Environmental Protection Authority (EPA)

Yes / No

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

Yes / No

Signatures



Stephanie Frame
Manager – Fast-track Operations

Hon Chris Bishop
Minister for Infrastructure

Date:

Table A: Stage 2 analysis

Recommendation	<u>Accept</u> the referral application and refer the project to the fast-track approvals process		
Project details	Project Name Pookeno Housing and Tourism	Applicants Pookeno Developments NZ Limited c/- Tollemache Consultants Limited The applicant is a registered company and is eligible to apply for the proposed approvals.	Project Location The project area comprises approximately 350 hectares of land in Pookeno in the Waikato District. The project will also include works within the Munro Road, Huia Road, Bluff Road, Yashili Drive, Potter Road, Whangarata Road, Pokeno Road and Ewing Road reserves. The following land parcels form part of the project area within the three precincts: <i>Pookeno West Precinct</i> – 53 Munro Road, and 87, 109 and 119 Helenslee Road (Lot 2 DP 459108, Lots 1 and 3 DP 211605, and Lot 2 DP 176087). <i>Pookeno South/Havelock Precinct</i> – 5 Hitchen Road, and 88, 242 and 278 Bluff Road, 3 Yashili Drive and an unnumbered site at Gateway Park Drive(Lot 2 DP 199997, Allotment 6 Section IX Havelock Village, Allotment 2 Section II Havelock Village, Lot 2 DP 184553 and Allotment 5 Section 11 Havelock Village, Lots 1, 3 and 5 DP 202491 and Lots 1-2 DP 23610, Allotment 9 Section X Havelock Village, Section 2 SO 513144, Lot 1 DP 199997, Lot 3 DP 463893, Lot 2 DP 401106, Lot 4 DP 202491, Lot 1 DP 165370, Lot 4 DP 492007 and Lot 30 DP 519003). <i>Yes Valley Resort Precinct</i> – 42A, 39 and 135 Potter Road, 242, 322, 324 and 370 Bluff Road, 35 and 89 Trig Road, 1 Hayward Road, (Section 1 SO Plan 501312, Lot 3 DP 476640, Lot 3 DP 176205, Lot 2 DP 401106, Lot 4 DP 202491, Lots 1, 2 and 4 DP 476886, Lot 2 DP 518134, Lots 3 and 4 DP 441406).
Project description	<p>The project is to subdivide and develop land for the purpose of establishing an urban and tourism development, and new wastewater infrastructure, on approximately 350 hectares of land in Pookeno in the Waikato District. The project will include works within the Munro Road, Huia Road, Bluff Road, Yashili Drive, Potter Road, Whangarata Road, Pokeno Road and Ewing Road reserves.</p> <p>The project area comprises three precinct areas being Pookeno West, Pookeno South/Havelock and Yes Valley Resort. The project will be delivered in four separate stages and the applicant intends to submit four separate substantive applications – one for each stage. The project will include:</p> <p><u>Stage 1</u></p> <ul style="list-style-type: none"> a. construction of a wastewater treatment plant and associated infrastructure within the Yes Valley Resort precinct. <p><u>Stage 2</u></p> <ul style="list-style-type: none"> a. subdivision to create approximately 1,000 allotments for future residential development, and a balance allotment for a future neighbourhood centre, in the Pookeno West Precinct b. development of an open space network including reserves and recreation trails c. landscape planting and restoration and enhancement of waterways and wetlands d. earthworks e. associated infrastructure, including for three waters services and transport (including a bulk wastewater main connection to the new wastewater treatment plant, and external road upgrade works). <p><u>Stage 3</u></p> <ul style="list-style-type: none"> a. subdivision to create approximately 500 allotments for future residential development in the Pookeno West Precinct b. subdivision to create approximately 750 allotments for future residential and rural-residential development, and balance allotments for a future neighbourhood centre and industrial area, in the Pookeno South/Havelock Precinct c. development of an open space network including reserves and recreation trails d. landscape planting and restoration and enhancement of waterways and wetlands e. earthworks f. associated infrastructure, including for three waters services and transport (including a bulk wastewater main connection to the new wastewater treatment plant, and external road upgrade works). <p><u>Stage 4</u></p> <ul style="list-style-type: none"> a. establishment and operation of tourism-related activities within the Yes Valley Resort Precinct, including: <ul style="list-style-type: none"> i. an approximately 200-room hotel with conference centre, spa and restaurant facilities ii. glamping and motorhome facilities iii. a 'NZ-Made Hub' comprising a farm showground, café and other commercial activities iv. development of outdoor recreation activities and trails b. upgrading a private stop bank within the Yes Valley Resort Precinct 		

	<ul style="list-style-type: none"> c. landscape planting and restoration and enhancement of waterways and wetlands d. earthworks e. associated infrastructure, including for three waters services and transport (including external road upgrade works). <p>The project will require the proposed approvals:</p> <ul style="list-style-type: none"> a. resource consents under the Resource Management Act 1991 (RMA) b. approvals under the Wildlife Act 1953 c. authorisation under the Heritage New Zealand Pouhere Taonga Act 2014.
<p>Minister invites comments / requests information</p>	<p>Summary of comments from invited parties</p>
	<p>Local authorities</p> <p><u>Waikato District Council (WDC)</u></p> <p>WDC supported project referral in principle, subject to appropriate assessment through any substantive process, and noted the following:</p> <ul style="list-style-type: none"> • Pookeno is identified as a key growth node within the northern Waikato and forms part of the Auckland-Hamilton growth corridor. Growth is recognised through the Waikato Regional Policy Statement (WRPS), the Future Proof sub-regional growth strategy, and WDC's Waikato 2070 Growth and Economic Development Strategy, and most of the landholdings in the project area are live-zoned in the District Plan for urban, industrial and tourism activities • growth in Pookeno is currently constrained by wastewater capacity limitations and there is strategic importance of enabling infrastructure, such as the proposed wastewater treatment plant, to support planned growth in Pookeno. The proposed wastewater treatment plant is a critical first step to unlock development and is considered a regionally significant opportunity to realise the strategic housing and economic development aspirations for Pookeno as part of the wider Waikato region • WDC's long-term three waters planning identifies Pookeno as a high-growth area where significant investment and new servicing solutions will be required. WDC and Hamilton City Council (HCC) have agreed to establish a joint waters Council Controlled Organisation (CCO), IAWAI – Flowing Waters Limited, and input will be required from IAWAI in relation to water and wastewater services. Stormwater management will need to be addressed on a catchment basis, with appropriate mitigation for flooding, water quality and downstream effects • there is an increasing transport demand in the wider area and the project will need to integrate appropriately with the existing local and state highway network. Transport assessments, including a detailed Traffic Impact Integrated Transport Assessment and modelling, will be required with a substantive application to determine any necessary mitigation works, upgrades and funding, and the development will need to comply with relevant WDC standards and take into account WDC's plans on the surrounding network • the provision of local parks, open space and recreational connections is generally supported, with further detail to be considered in a substantive application. <p>In response to our section 17(3)(a) competing applications check, WDC advised an application from Tata Valley Limited (an entity related to the applicant) to develop the Tata Valley Resort including a hotel and associated tourism activities had been lodged in 2019 and was currently on hold. In response to section 17(3)(b) existing resource consents, WDC provided a list of resource consents that it has issued in relation to land within the project area. However, it is noted that these are building, subdivision, and land use consents and therefore sections 124C(1)(c) or 165ZI of the RMA will not apply.</p> <p><u>Waikato Regional Council (WRC)</u></p> <p>WRC neither supported nor opposed project referral but noted the following:</p> <ul style="list-style-type: none"> • the economic benefits of the project and whether it will contribute to a well-functioning urban environment have not been assessed in depth, however the proposed wastewater treatment plant will enable development of Pookeno West and Pookeno South which are zoned residential and have been included in the Future Proof House Capacity Assessment 2023's calculations of residential capacity for the sub-region. The residential component of the project is also consistent with the Future Proof Strategy 2024 and the Waikato District Growth and Economic Development Strategy • the Yes Valley site is not identified in the Future Proof Strategy 2024 but it has a special purpose zone which allows for tourism development in the partially operative Waikato District Plan • any substantive application will need to be assessed against the WRPS, including demonstrating how each stage will give effect to Te Ture Whaimana o Te Awa o Waikato • several matters will need to be specifically considered in a substantive application, including the presence of Acid sulphate, Gley and Peat soils at the Yes Valley site, significant biodiversity values across the project area and potential ecological effects, potential hazards and risks including flooding and impacts on WRC flood management, and three waters servicing and regional consent requirements • the scale of the project will have material implications for the transport network and public transport provision in and around Pookeno and the project should align with the strategic direction set out in the Waikato Regional Land Transport Plan and the Regional Public Transport Plan. Substantive applications should provide for public transport-enabling infrastructure, ensuring the internal road layout and design is suitable for future bus routes and full-sized electric buses, early visibility of proposed bus routing and staging, and consideration of the tourism precinct's transport demands. WRC welcomes further discussions and workshops with the applicant on these matters. <p>In response to our section 17(3)(a) competing applications check, WRC advised that at the date of providing comments, and based on the information provided in the application, it is not aware of any competing applications. In response to section 17(3)(b) existing resource consents, WRC advised that at the date of providing comments it is not aware of any existing consents where sections 124C(1)(c) or 165ZI of the RMA will not apply.</p> <p>If the project is referred, both WDC and WRC have identified additional information that should be submitted with a substantive application to a panel, including in relation to three waters servicing and transport. While the project is of a significant scale and could have material implications for the wider transport network and servicing network, we note the parts of the project area to be developed are predominately live-zoned for urban,</p>

industrial and tourism activities, and therefore we do not consider it necessary for you to require the applicant to submit specific assessments with their substantive applications to a panel. We consider these matters will generally be covered by the requirements of clause 5 Schedule 5 of the Act.

Due to the scale of the project and its proximity to State Highway 1 and the boundary with Auckland Council (AC), if you decide to refer the project, we recommend you specify under section 27(3)(b)(iii) of the Act that a panel must invite comments from the Chief Executive of the NZ Transport Agency Waka Kotahi, and AC (including Watercare and Auckland Transport). We also recommend you specify under section 27(3)(b)(iii) of the Act that a panel must invite comments from the joint waters CCO for WDC and HCC, IAWAI – Flowing Waters Limited, who will have the responsibility for drinking water and wastewater services from 1 July 2026, and from Transpower New Zealand Limited due to the national electricity grid extending through some parts of the project area.

Ministers

Minister for the Environment

The Minister for the Environment noted there was insufficient information in the referral application to determine whether land within the project area may be classified as Highly Productive Land (HPL) under the National Policy Statement on Highly Productive Land 2022 (NPS-HPL). The Minister considered that if you decide to refer the project it is important that any adverse impacts on HPL are adequately addressed and consideration is given to the NPS-HPL. To ensure efficient and timely consideration of the project, the Minister noted you may wish to specify under section 27(3)(b)(ii) of the Act that confirmation of the Land Use Classification of all soils within the project area, clear identification of land identified for future urban development, and a complete assessment against the NPS-HPL, be provided with the substantive applications for the project.

We do not consider it necessary to require the applicant to submit an assessment of HPL and against the NPS-HPL with their substantive applications to a panel, as suggested by the Minister, as an assessment of effects on HPL, and against the NPS-HPL, will be covered by the requirements of clause 5 Schedule 5 of the Act. We also note the applicant considers the NPS-HPL is not relevant to the project due to the land zoning and no concerns regarding effects on HPL have been raised by WDC or WRC.

Minister for Economic Growth

The Minister for Economic Growth noted the project could provide substantial economic benefits to Pookeno and the wider Waikato region from the direct expenditure and employment during development, and additional ongoing economic benefits from operation of the tourism and retail components. The Minister considered the project is aligned with the Government's economic growth plans by providing substantial investments to spur retail and commercial activity and related employment opportunities. The Minister also noted the project would provide a significant boost in housing supply and could be assessed under section 22(2)(a)(iii) of the Act for its potential to increase housing supply, address housing needs or contribute to a well-functioning urban environment.

Associate Minister of Housing

The comments from the Associate Minister of Housing were received four working days after the specified timeframe. We recommend you consider these comments, at your discretion, under section 17(7)(b) of the Act.

The Associate Minister of Housing did not oppose project referral and noted the Waikato District is experiencing strong growth, particularly in the main urban areas, and growth pressure from Auckland's southern urban edge. The Associate Minister noted there has been rapid population growth and development in Pookeno in recent years and the provision of additional housing capacity would help to respond and reduce pressure on local housing markets. The Associate Minister noted Pookeno is identified as a key growth node and most of the landholdings in the project area are live-zoned for development, however growth is currently constrained by wastewater capacity limitations. The Associate Minister also noted that AC and the Future Proof Partnership have previously raised concerns regarding cross boundary impacts, and that you could require a panel to invite comment from AC to ensure cross boundary impacts, including potential impacts on AC's water and transport infrastructure and community facilities in nearby Pukekohe, are considered. The Associate Minister considered the above matters could be examined in more detail at the next stage should the project proceed.

As noted above, if you decide to refer the project, we recommend you specify under section 27(3)(b)(iii) of the Act that a panel must invite comments from AC (including Watercare and Auckland Transport).

Minister for Arts, Culture and Heritage

The Minister for Arts, Culture and Heritage responded with no comments on the referral application.

Māori groups

Ngāti Tamaoho Settlement Trust

Ngāti Tamaoho Settlement Trust highlighted its longstanding cultural, historical, and spiritual connections to the project area and its surrounds, including the Mangatāwhiri and Waikato Rivers. Ngāti Tamaoho Settlement Trust supported the project on the condition that commitments made by the applicant are met, including absolute compliance with Te Ture Whaimana, anticipation of elevated standards, dedicated kaitiaki presence, and wastewater treatment plan failure contingency. The Trust's residual concerns centre on ensuring that the project recognises the relationship of Ngāti Tamaoho with Te Taiao, and that the design of stormwater and wastewater infrastructure exceeds standard approaches in terms of treatment and resilience. Accordingly, Ngāti Tamaoho Settlement Trust are seeking an ongoing relationship with the applicant so their views can continue to shape the project.

Administering agencies

Department of Conservation (DOC)

DOC was not aware of any reason the project should not be referred. DOC noted it does not have sufficient information to determine the level of any actual or potential environmental effects of the project but that due to the scale of the project it may have significant adverse effects on ecological values. However, DOC considered it would be possible, with appropriate design and conditions, that effects can be managed to ensure they are not significant.

DOC noted the information in the referral application was adequate, however robust and comprehensive surveys and information, including relating to lizards, would be required to support substantive applications for the project. DOC did not identify any inconsistencies with Treaty Settlements or relevant statutory planning provisions, or any reason why the Wildlife Act approval should not be dealt with under the Act. DOC also noted that a Wildlife Act approval for the project would not take significantly longer than the process under the Act, however noted there may be benefits to the applicant in combining this with RMA approvals.

	<p>DOC noted the Pookeno West site is encroaching on a probable wildlife corridor (at least for bats) from the Hunua Range, across the Bombay Hills to Tuakau / Onewhero. DOC considered the width of any wildlife corridors included as part of the project should be wide enough to be effective and noted this will need to be addressed within any substantive applications.</p> <p>DOC did not make any specific recommendations with respect to your directions to the applicant or the panel.</p> <p><u>Heritage New Zealand Pouhere Taonga (HNZPT)</u></p> <p>HNZPT neither supported nor opposed project referral but noted a suite of conditions will be required to mitigate adverse effects on archaeological values. HNZPT noted it will need to engage further with the applicant to ensure relevant documentation is provided with substantive applications, including a complete archaeological assessment, appropriate methodologies and strategies, draft management plan and research strategy, evidence of consultation with tangata whenua and appropriate draft conditions.</p>
<p>The Minister must decline an application if the Minister is satisfied that the project involves an ineligible activity [section 21(3)(b)]</p>	<p>Based on the information in the application, we consider you can be satisfied the project does not involve an ineligible activity because it:</p> <ul style="list-style-type: none"> • would not occur on identified Māori land, Māori customary land or a Māori reservation as confirmed by the relevant records of title • would not occur in a customary marine title area or protected customary rights area as it is not in the common marine and coastal area • is not an aquaculture activity or activity that is incompatible with aquaculture activities that would occur in an aquaculture settlement area and for which the applicant is not authorised to apply for a coastal permit because it will not occur in the common marine and coastal area or an aquaculture settlement area • would not require an access arrangement which cannot be granted under the Crown Minerals Act (including s61(1A)) because it does not include an access arrangement • would not be prevented by section 165J, M, Q, ZC or ZDB of the RMA because it will not occur in the common marine and coastal area • would not occur on Schedule 4 land as confirmed by the records of title • would not occur on a national reserve as confirmed by the records of title • would not occur on a reserve held under the Reserves Act 1977 that is managed by or vested in someone other than the Crown or a local authority and that person has not consented in writing as confirmed by the records of title • is not a prohibited activity or decommissioning activity under the Exclusive Economic Zone and Continental Shelf (Environmental Effects) Act 2012, or a prohibited activity under s15B or s15C of the RMA and no such activities are proposed • is not for the purpose of an offshore renewable energy project. <p>No parties invited to comment have indicated that the project would be ineligible for referral.</p>
<p>The Minister must decline an application if the Minister considers they do not have adequate information to inform the decision [section 21(3)(c)]</p>	<p>We consider that you have adequate information to inform the referral decision.</p>
<p>Relevant considerations and procedural requirements in Treaty settlement, Mana Whakahono ā Rohe, joint management agreement, or the Marine and Coast Area (Takutai Moana) Act 2011 or the Ngā Rohe Moana o Ngā Hapū o Ngāti Porou Act 2019 [section 16]</p>	<p>We consider you have complied with some of the relevant procedural requirements in the Waikato-Tainui Raupatu Claims (Waikato River) Settlement Act 2010, as they relate to providing notice to the Waikato River Authority, and providing information about the application to the Waikato Raupatu River Trust (under joint management agreement (JMA) provisions). There is also a need to ensure that these, and other, procedural requirements are complied with throughout the process. We also note the Ngā Mana Whenua o Tāmaki Makaurau collective redress deed, and the Ngāi Tai ki Tāmaki, Ngāti Tamaoho, Ngāti Pāoa, and Te Ākitai Waiohūa deeds of settlement, include conservation relationship redress which contains procedural requirements in relation to the approval being sought under the Wildlife Act 1953.</p> <p>Section 16(2)(c) of the Act requires that you must, where relevant, in your notice of decisions on the referral application, direct any panel that considers a substantive application for the project to comply with any applicable requirements. Accordingly, should you decide to accept this referral application, we recommend you direct any panel considering a substantive application for the project to comply with the applicable requirements identified at paragraphs 83 and 111 of the Section 18 report in Appendix 4, namely to:</p> <p><u>Waikato-Tainui Raupatu Claims (Waikato River) Settlement Act 2010</u></p> <ol style="list-style-type: none"> a. have particular regard to Te Ture Whaimana; b. give notice to the Waikato River Authority of the application (which may be fulfilled by an invitation to comment under section 53 of the Act); c. consider the provisions for appointing hearing commissioners from the register maintained by the Waikato River Authority as they may be applied to appointing a panel under the fast-track process; d. have regard to the Waikato-Tainui Environmental Plan, including how to provide for continued partnership with Waikato-Tainui (as a consistent theme running through the plan); and e. consider the detailed information-sharing provisions of the JMAs, as they may be applied to the fast-track process. <p><u>Ngā Mana Whenua o Tāmaki Makaurau collective redress deed, and the Ngāi Tai ki Tāmaki, Ngāti Tamaoho, Ngāti Pāoa, and Te Ākitai Waiohūa deeds of settlement</u></p> <ol style="list-style-type: none"> a. comply with the consultation process set out in the Ngā Mana Whenua o Tāmaki Makaurau conservation relationship agreement when engaging with Tūpuna Taonga o Tāmaki Makaurau Trust on the Wildlife Act 1953 authority being sought (unless a modified arrangement can be agreed); and b. consider whether, and how, to apply the consultation process set out in the Ngā Mana Whenua o Tāmaki Makaurau conservation relationship agreement when engaging with the relevant iwi members of the Tāmaki Collective.

Section 22 assessment criteria

The project is an infrastructure or development project that would have significant regional or national benefits [section 22(1)(a)]

As noted above, the project is a 'staged project' under the Act and will be delivered in four stages. If the project is referred, the applicant intends to submit four separate substantive applications – one for each stage of the project. Under section 21(1) of the Act, for a staged project to be referred, you must be satisfied that the whole project meets the criteria in section 22, and that each stage would also meet those criteria if considered independently as a stand-alone project.

The Minister must consider a relevant Government Policy Statement (GPS) [s22(1A)].

The only current relevant GPS is the Government Policy Statement on Grocery Competition. The project includes balance allotments for future neighbourhood centres, however, there is no clear indication that the centres will provide for a supermarket development or grocery related activities. Therefore, we consider the Government Policy Statement on Grocery Competition is not relevant to your decision.

The Minister may consider any of the following matters, or any other matters you consider relevant.

Assessment of each stage of the project

Stage 1

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

The applicant notes Stage 1 of the project will deliver new wastewater infrastructure to service the project and potentially other parts of Pookeno, and considers this is regionally significant. The application details there is no funding arrangement to either increase the capacity of the existing Pukekohe wastewater treatment plant or establish a new publicly-owned wastewater treatment plant, and therefore no further wastewater connections can occur in Pookeno without a new wastewater solution being provided. The applicant has provided a letter from WDC in support of Stage 1 of the project, confirming the new wastewater infrastructure is considered a regionally significant opportunity and of strategic importance to the region.

The comments from WDC align with its previous letter in support of the project, particularly in relation to the proposed wastewater treatment plant in Stage 1 that is considered a critical first step and a regionally significant opportunity to realise housing and economic development aspirations for Pookeno as part of the wider Waikato region. WRC also commented that the wastewater treatment plant will enable development to occur in areas zoned for that purpose.

We consider you should refer the project on this criterion.

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

The applicant has provided an economic assessment in support of the project and considers Stage 1 of the project will generate significant economic benefits. These include:

- providing or enabling approximately 86 direct full-time equivalent (FTE) job years and 188 indirect and induced FTE job years
- contributing total direct expenditure to the Waikato Region of approximately \$51 million.

The Minister for Economic Growth noted the project could provide substantial economic benefits to Pookeno and the wider Waikato region from the direct expenditure and employment during development. We consider the economic information provided by the applicant is adequate to inform your referral decision and accept that Stage 1 of the project will deliver significant economic benefits. Therefore, we consider you should refer the project on this criterion.

Will address significant environmental issues [s22(2)(a)(ix)]

The applicant considers Stage 1 of the project will address a significant environmental issue of the existing wastewater infrastructure being at capacity and no new wastewater connections being available to support zoned and planned development in Pookeno.

No comments received have specifically supported the project based on addressing a significant environmental issue and we do not consider you should refer the project on this criterion.

Is consistent with local or regional planning documents, including spatial strategies [s22(2)(a)(x)]

The applicant considers the project is consistent with local or regional planning documents and spatial strategies, including Te Ture Whaimana o Te Awa o Waikato, the Waikato Regional Policy Statement, and Waikato Regional and District Plans.

Neither WDC nor WRC have raised concerns regarding inconsistency of Stage 1 of the project with relevant planning documents, however based on the level of detail provided with the referral application we do not consider you have sufficient information to conclude the project will be consistent with local or regional planning documents. Therefore, we do not consider you should refer the project on this criterion.

Stage 2

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

The applicant notes Stage 2 of the project will increase the supply of housing, address housing needs, and contribute to a well-functioning urban environment by providing approximately 1,000 allotments for future residential development, a balance allotment for a future neighbourhood centre, infrastructure and community infrastructure including public open space and walkways.

The Associate Minister of Housing noted there has been rapid population growth and development in Pookeno in recent years and the project's provision of additional housing capacity would help to respond and reduce pressure on local housing markets. The Minister for Economic Growth considered the project would provide a significant boost in housing supply. WDC and WRC both highlighted Pookeno as a key growth area in the Waikato region and recognised the contribution of the project to residential capacity.

We note the approximately 1,000 allotments proposed for residential use in Stage 2 will likely be on-sold as vacant land and third parties will be responsible for constructing the residential units. However, the subdivision and infrastructure provision under this project will enable the construction of these residential units and therefore the housing supply benefits are associated with and a result of the project. We consider the provision of approximately 1,000 allotments for future residential development will increase the supply of housing and can be considered regionally significant. We therefore consider you should refer the project on this criterion.

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

The applicant has provided an economic assessment in support of the project and considers Stage 2 of the project will generate significant economic benefits. These include:

- providing or enabling approximately 1,088 direct FTE job years and 2,105 indirect and induced FTE job years
- contributing total direct expenditure to the Waikato Region of approximately \$649 million.

The Minister for Economic Growth noted the project could provide substantial economic benefits to Pookeno and the wider Waikato region from the direct expenditure and employment during development. We consider the economic information provided by the applicant is adequate to inform your referral decision and accept that Stage 2 of the project will deliver significant economic benefits. Therefore, we consider you should refer the project on this criterion.

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

The applicant considers Stage 2 of the project will support climate change mitigation, including the reduction or removal of greenhouse gas emissions, by reducing the travel distance of some Pookeno residents between work, home and services, and promoting active modes of transport, thereby reducing vehicle emissions.

No comments received have specifically supported the project based on supporting climate change mitigation. We agree that some features of Stage 2 of the project may promote a low-carbon urban form, however we do not consider the project will support climate change mitigation to the extent that it is likely to be a significant regional benefit. Therefore, we do not consider you should refer the project on this criterion.

Is consistent with local or regional planning documents, including spatial strategies [s22(2)(a)(x)]

The applicant considers the project is consistent with local or regional planning documents and spatial strategies, including Te Ture Whaimana o Te Awa o Waikato, the Waikato Regional Policy Statement, and Waikato Regional and District Plans.

WRC noted the residential component of the project, included in Stage 2, is live-zoned for development and is consistent with the Future Proof Strategy 2024 and the Waikato District Growth and Economic Development Strategy. However, based on the level of detail provided in the referral application we do not consider you have sufficient information to conclude the project will be consistent with local or regional planning documents. Therefore, we do not consider you should refer the project on this criterion.

Stage 3

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

The applicant notes Stage 3 of the project will increase the supply of housing, address housing needs, and contribute to a well-functioning urban environment by providing approximately 1,250 allotments for future residential development, balance allotments for a future neighbourhood centre and industrial area, infrastructure and community infrastructure including public open space and walkways.

The Associate Minister of Housing noted there has been rapid population growth and development in Pookeno in recent years and the project's provision of additional housing capacity would help to respond and reduce pressure on local housing markets. The Minister for Economic Growth considered the project would provide a significant boost in housing supply. WDC and WRC both highlighted Pookeno as a key growth area in the Waikato region and recognised the contribution of the project to residential capacity.

We note the approximately 1,250 allotments proposed for residential use in Stage 3 will likely be on-sold as vacant land and third parties will be responsible for constructing the residential units. However, the subdivision and infrastructure provision under this project will enable the construction of these residential units and therefore the housing supply benefits are associated with and a result of the project. We consider the provision of approximately 1,250 allotments for future residential development will increase the supply of housing and can be considered regionally significant. We therefore consider you should refer the project on this criterion.

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

The applicant has provided an economic assessment in support of the project and considers Stage 3 of the project will generate significant economic benefits. These include:

- providing or enabling approximately 1,199 direct FTE job years and 2,342 indirect and induced FTE job years
- contributing total direct expenditure to the Waikato Region of approximately \$811 million.

The Minister for Economic Growth noted the project could provide substantial economic benefits to Pookeno and the wider Waikato region from the direct expenditure and employment during development. We consider the economic information provided by the applicant is adequate to inform your referral decision and accept that Stage 3 of the project will deliver significant economic benefits. Therefore, we consider you should refer the project on this criterion.

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

The applicant considers Stage 3 of the project will support climate change mitigation, including the reduction or removal of greenhouse gas emissions, by reducing the travel distance of some Pookeno residents between work, home and services, and promoting active modes of transport, thereby reducing vehicle emissions.

No comments received have specifically supported the project based on supporting climate change mitigation. We agree that some features of Stage 3 of the project may promote a low-carbon urban form, however we do not consider the project will support climate change mitigation to the extent that it is likely to be a significant regional benefit. Therefore, we do not consider you should refer the project on this criterion.

Is consistent with local or regional planning documents, including spatial strategies [s22(2)(a)(x)]

The applicant considers the project is consistent with local or regional planning documents and spatial strategies, including Te Ture Whaimana o Te Awa o Waikato, the Waikato Regional Policy Statement, and Waikato Regional and District Plans.

WRC noted the residential component of the project, included in Stage 3, is live-zoned for development and is consistent with the Future Proof Strategy 2024 and the Waikato District Growth and Economic Development Strategy. However, based on the level of detail provided in the referral application we do not consider you have sufficient information to conclude the project will be consistent with local or regional planning documents. Therefore, we do not consider you should refer the project on this criterion.

Stage 4

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

The applicant has provided an economic assessment in support of the project and considers Stage 4 of the project will generate significant economic benefits. These include:

- providing or enabling approximately 418 direct FTE job years and 927 indirect and induced FTE job years
- contributing total direct expenditure to the Waikato Region of approximately \$333 million.

The Minister for Economic Growth noted the project could provide substantial economic benefits to Pookeno and the wider Waikato region from the direct expenditure and employment during development, and additional ongoing economic benefits from operation of the tourism and retail components (included in Stage 4). We consider the economic information provided by the applicant is adequate to inform your referral decision and accept that Stage 4 of the project will deliver significant economic benefits. Therefore, we consider you should refer the project on this criterion.

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

The applicant considers Stage 4 of the project will support climate change mitigation, including the reduction or removal of greenhouse gas emissions, by reducing the travel distance of some Pookeno residents between work, home and services, and promoting active modes of transport, thereby reducing vehicle emissions.

No comments received have specifically supported the project based on supporting climate change mitigation and we do not consider Stage 4 of the project will support climate change mitigation to the extent that it is likely to be a significant regional benefit. Therefore, we do not consider you should refer the project on this criterion.

Is consistent with local or regional planning documents, including spatial strategies [s22(2)(a)(x)]

The applicant considers the project is consistent with local or regional planning documents and spatial strategies, including Te Ture Whaimana o Te Awa o Waikato, the Waikato Regional Policy Statement, and Waikato Regional and District Plans.

WRC noted that the Yes Valley site, in Stage 4 of the project, is not identified in the Future Proof Strategy 2024, but has a special zone that allows for tourism development in the Waikato District Plan. However, based on the level of detail provided in the referral application we do not consider you have sufficient information to conclude the project will be consistent with local or regional planning documents. Therefore, we do not consider you should refer the project on this criterion.

Any other matters that may be relevant [s22(b)]

The applicant considers Stage 4 of the project will provide an opportunity to realise enhanced tourism revenue and profile for the region.

We agree Stage 4 of the project will provide an opportunity to increase tourism revenue and may contribute to the tourism profile of the region. However, based on the level of detail provided in the referral application we do not consider you have sufficient information to conclude this will be a significant regional or national benefit. Therefore, we do not consider you should refer the project on this criterion.

Assessment of the whole project

We consider the whole project meets the requirements of section 22(1)(a) as it is a development or infrastructure project that would have significant regional or national benefits because:

- it will deliver new regionally significant infrastructure [section 22(2)(a)(ii)]
- it will increase the supply of housing by providing approximately 2,250 allotments for future residential development [section 22(2)(a)(iii)]
- it will deliver significant economic benefits by providing or enabling approximately 2,791 direct FTE job years and 5,562 indirect and induced FTE job years over an approximately 16-year delivery period, and contributing total direct expenditure to the Waikato Region of approximately \$1.84 billion [section 22(2)(a)(iv)].

<p>Referring the project to the fast-track approvals process [section 22(1)(b)]</p>	<p><u>Assessment of each stage of the project, and the whole project</u></p> <p><i>Would facilitate the project, including by enabling it to be processed in a more timely and cost-effective way than under normal processes [s22(1)(b)(i)]</i> The applicant notes the standard RMA process for the project would involve lengthy timeframes due to likely notification and the potential for appeals. The applicant considers the fast-track approvals process will enable the project to be considered and decided in a more timely and cost-effective way, potentially by up to 2 to 4 years earlier than under standard RMA processes. The applicant also notes the fast-track approvals process enables the consideration of prohibited activities which is not enabled by the RMA, thereby helping to facilitate the project.</p> <p>We agree with the applicant that the use of the fast-track process would facilitate each stage of the project, and the whole project, in a more timely and cost-effective manner than under conventional RMA pathways, primarily because public and limited notification is precluded and appeal rights are limited.</p> <p><i>Is unlikely to materially affect the efficient operation of the fast-track approvals process [s22(1)(b)(ii)]</i> The applicant considers the project's scale and activities are suitable for consideration under the Act and notes it involves the anticipated development of live-zoned land. The applicant considers the project will not materially impact the efficient operation of the fast-track approvals process.</p> <p>We agree each stage of the project, and the whole project, is unlikely to materially affect the efficient operation of the fast-track approvals process because the project is neither novel in the New Zealand context nor beyond the scope of what a panel would assess under the RMA.</p>
<p>Reasons to decline</p>	
<p>Minister <u>must</u> decline [section 21(3)]</p>	<p><i>The Minister <u>must</u> decline a referral application if:</i></p> <p><i>The application may not be accepted under subsection 1 (meets referral criteria)</i> We consider the project meets the referral criteria.</p> <p><i>The Minister is satisfied the project involves an ineligible activity</i> We do not consider the project includes an ineligible activity.</p> <p><i>The Minister considers that they do not have adequate information to inform the decision under this section</i> We consider you have adequate information to inform your decision.</p> <p><u>We do not consider that you must decline the application under this section.</u></p>
<p>Minister may decline [section 21(4) and 21(5)(a-h)]</p>	<p>The Minister <u>may</u> decline a referral application for any other reason, whether or not it meets the criteria in section 22.</p> <p>Reasons to decline a referral application under subsection 4 include, without limitation:</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> No inconsistencies have been identified within the Section 18 Treaty settlements report.</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> The Section 18 Treaty settlements report does not state it would be more appropriate to deal with the matters that would be authorised by the proposed approvals under another Act or Acts. Further, no persons or groups invited to comment specifically considered it would be more appropriate to deal with the matters that would be authorised by the proposed approvals under another Act or Acts.</p> <p><i>The project may have significant adverse effects on the environment</i> The applicant identified the project has the potential for adverse environmental effects, including effects from earthworks and construction activities, transport related effects, servicing and infrastructure effects, discharges, natural hazard effects including flooding and land instability, visual, landscape and character effects, ecological effects including on wetlands and waterways, archaeological and cultural effects. The applicant provided preliminary technical assessments covering some of these matters and considered that any adverse effects on the environment from the project can be satisfactorily managed. The applicant also noted that further details of measures to avoid, remedy or mitigate effects will be provided with the substantive applications.</p> <p>WDC, WRC, Ngāti Tamaoho Settlement Trust, DOC, HNZPT and the Minister for the Environment all provided comments on potential effects of the project that will need to be considered in detail with substantive applications if the project is referred. However, no persons or groups invited to comment opposed project referral, including based on the potential for significant adverse effects. We consider a panel will be best placed to assess the project's effects, with the benefit of a complete substantive application and we <u>do not consider you should decline the referral application on this criterion.</u></p> <p><i>The applicant(s) has a poor compliance history under a specified Act that relates to any of the proposed approvals</i> No comments have indicated that the applicant has a poor compliance history.</p> <p><i>The project area includes land that the Minister for Treaty of Waitangi Negotiations considers necessary for Treaty settlement purposes</i> No such land has been identified.</p>

	<p><i>The project includes an activity that is a prohibited activity under the Resource Management Act 1991</i></p> <p>The applicant has advised the project may involve earthworks within a natural inland wetland that results in the complete drainage of all or part of the wetland, which would be a prohibited activity under Regulation 53 of the Resource Management (National Environmental Standards for Freshwater) Regulations 2020 (NES-F). The applicant considers there is a functional need for the works relating to geotechnical considerations and avoiding areas of peat soils, and notes there are significant opportunities for mitigation and offsets to ensure no net loss of biodiversity values is achieved.</p> <p>No persons or groups invited to comment received have raised concerns about the potential inclusion of a prohibited activity. We note section 21(7) of the Act explicitly states that the presence of a prohibited activity does not, in itself, prevent you from accepting a referral application and we <u>do not consider you should decline the referral application on this criterion.</u></p> <p><i>A substantive application for the project would have one or more competing applications</i></p> <p>The applicant advised that a bundle of resource consent applications for the Yes Valley Resort, involving substantially the same activities as those proposed under Stage 4 of this project, have been lodged with WDC and have been on hold since 2019. WDC confirmed an application from Tata Valley Limited (an entity related to the applicant) to develop the Tata Valley Resort including a hotel and associated tourism activities had been lodged and is currently on hold. The applicant notes that a notification decision has not been made and that these applications would be withdrawn prior to a substantive application being lodged under the fast-track approvals process if this referral application is successful.</p> <p>We also note the Environmental Protection Authority (EPA) is required to check this following the lodgement of a substantive application.</p> <p><i>In relation to any proposed approval of the kind described in section 42(4)(a) (resource consents), there are one or more existing resource consents of the kind referred to in section 30(3)(a)</i></p> <p>No such resource consents have been identified, including by the applicant or WRC.</p> <p><i>Any other matter</i></p> <p>The application notes there are two private land parcels within the project area, being 3 Yashili Drive (Lot 4 DP 492007) and an un-numbered property on Gateway Park Drive (Lot 30 DP 519003), that are not currently owned by the applicant but discussions are ongoing to purchase the land. The applicant notes this land is only included for road widening and that a functional road can still be established if the land is not successfully purchased. The application also notes there is an existing caveat in favour of Hynds Foundation registered against 88 Bluff Road that will require removal to allow the project to proceed. The applicant has provided correspondence from Hynds Foundation in support of the referral application confirming Hynds do not see the caveat as a barrier to project referral. We do not consider either of these matters to be a barrier to project delivery or a reason to decline the referral application.</p> <p>We <u>do not consider you should decline the referral application.</u></p>
<p>Other matters</p>	<p><u>Deadline for lodging substantive applications</u></p> <p>Under section 28(3)(d)(ii) of the Act, if you do not specify an alternative deadline, the deadline for lodging the substantive applications for the project is two years after the notice of your decisions on the referral application. The project is a staged project that will be delivered over a 16-year development period. The applicant notes Stage 1 must occur first as it involves the delivery of critical infrastructure, being the wastewater treatment plant, and Stages 2 to 4 may occur in any order. If the project is referred, the applicant has provided anticipated commencement and completion dates for each stage of the project as follows:</p> <ul style="list-style-type: none"> • Stage 1 – lodgement of substantive application in 2026, commissioning of wastewater treatment plant in 2028 • Stage 2 – lodgement of substantive application in 2027, completion of physical works and issue of titles in 2031 • Stage 3 – lodgement of substantive application in 2028, completion of physical works and issue of titles in 2033 to 2036 • Stage 4 – lodgement of substantive application in 2028, construction in 2030 to 2035 <p>As the project is a staged project with Stages 2 to 4 reliant on the consenting of Stage 1, and each stage of the project is of a significant scale, we recommend you set a three-year deadline for the applicant to lodge their substantive applications (rather than the default two years).</p>

Appendix 1: Statutory framework summary

1. You are the sole decision maker for referral applications. If you accept a referral application, then the whole or part of the project will be referred to the fast-track approvals process.
2. If a Treaty settlement, the Marine and Coastal Area (Takutai Moana) Act 2011, the Ngā Rohe Moana o Ngā Hapū o Ngāti Porou Act 2019, a Mana Whakahono ā Rohe or a joint management agreement provides for consideration of any document or procedural requirements, you must, where relevant:
 - a. give the document the same or equivalent effect through this process as it would have under any specified Act; and
 - b. comply with any applicable procedural requirements.
3. You must decline a referral application if:
 - a. you are satisfied the project does not meet the referral criteria in s22
 - b. you are satisfied the project involves an ineligible activity (s5)
 - c. you consider you do not have adequate information to inform your decision.
4. You may decline an application for any other reason, including those set out in s21(5) and even if the application meets the s22 referral criteria.
5. You can decline an application before or after inviting comments under s17(1). However, if comments have been sought and provided within the required time frame, you must consider them, along with the referral application, before deciding to decline the application.
6. If you do not decline a referral application at the initial stage you must copy the application to, and invite written comments from:
 - a. the relevant local authorities,
 - b. the Minister for the Environment and relevant portfolio Ministers
 - c. the relevant administering agencies
 - d. the Māori groups identified by the responsible agency
 - e. the owners of Māori land in the project area (if applicable)
 - f. you may provide the application to and invite comments from any other person.
7. You can request further information from an applicant, any relevant local authority or any relevant administering agency at any time before you decide to decline or accept a referral application (see section 20 of the Act).
8. However, if further information has been sought and provided within the required time frame you must consider it, along with the referral application, before deciding to decline the application.