



FTAA-2604-1223: Application received for referral of the project under the Fast-track Approvals Act 2024 – Stage 2 decisions

Project Name: Milbrow Estate

Date submitted	17 July 2026	Tracking	26-BRF-01957
Security level	In-Confidence	Priority	Urgent

To	Action sought	Response by
Hon Chris Bishop Minister for Infrastructure	Decisions on recommendations	24 July 2026

Actions for Minister's Office staff	Return the signed briefing to: FTArefferrals@mfe.govt.nz Send email to Ministers to invite written comments
Number of appendices: 6	Appendices: 1. Statutory framework for making decisions 2. Application documents for the Milbrow Estate project 3. Stage 1 Briefing Note and decisions 4. Section 18 Report on Treaty settlements and other obligations 5. Comments received from invited parties 6. Draft Notice of Decisions

Ministry contacts

Name	Position	Telephone	1 st contact
Ashiley Sycamore	Principal Author		
Stephanie Frame	Manager	s 9(2)(a)	✓
Ilana Miller	General Manager	s 9(2)(a)	



Project location

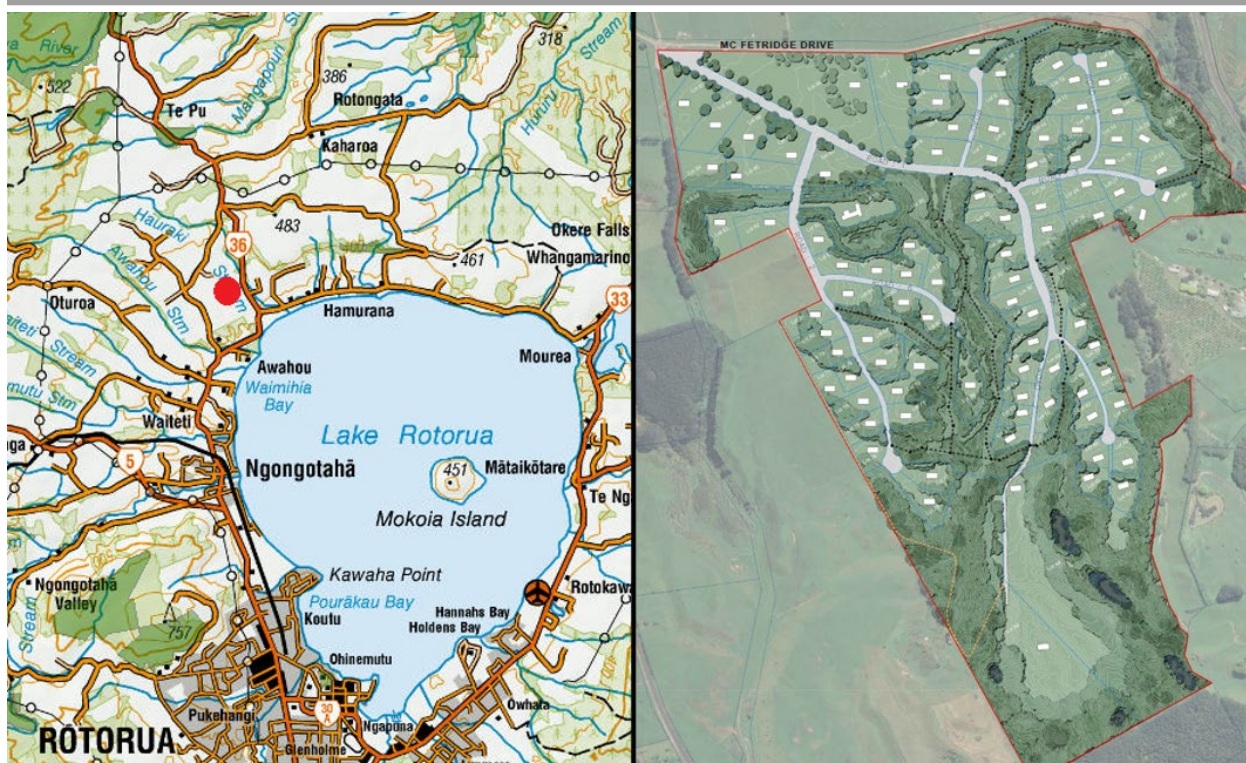


Image 1: Approximate project area indicated with red marker (left), and project plan (right)

Key messages

1. This briefing seeks your decisions under section 21 of the Fast-track Approvals Act 2024 (the Act) on the application from Caland Holdings Limited (the applicant) to refer the Milbrow Estate (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 briefing (Stage 1 – 26-BRF-01392) with your initial decisions annotated is in Appendix 3.

Project description

3. The project is a rural residential development comprising a 92-lot lifestyle subdivision and the construction of 90 dwellings on approximately 83.3 hectares of rural land at 66 and 70 McFetridge Drive and 89 Tauranga Direct Road, Hamurana, Rotorua.
4. The project comprises:
 - a. subdivision of approximately 83 hectares, including the creation of approximately 92 rural residential lifestyle lots
 - b. construction of approximately 90 new dwellings
 - c. formation of internal roads, accessways, and internal walking tracks
 - d. earthworks to establish building platforms and infrastructure
 - e. installation of stormwater treatment and attenuation systems
 - f. reticulated wastewater connection

- g. potable water and power supply
 - h. landscaping, planting, and boundary treatments
 - i. vesting of roads and reserves.
5. The project seeks resource consents under the Resource Management Act 1991 (RMA) to authorise the project. No other approvals are sought via the fast-track approvals process.

Recommendation and reasoning

6. We recommend you accept the referral application as we consider the project meets the criteria set out in section 22 and does not appear to involve an ineligible activity.
7. We note the project for 90 new dwellings contains fewer residential units than any currently referred or listed project where residential development is the primary activity. Considering both listed and referred projects, this would be the first Fast-track project in the Rotorua District (estimated population of 78,000¹). As such, there are no comparable Fast-track residential projects within the district against which to assess the scale of the proposed development.
8. We have therefore considered residential projects of a broadly comparable scale that have been accepted into the fast-track approvals process in other districts, including the Bisset Road project² in the Far North District (approximately 100 dwellings, estimated district population of 73,700³), the Kingsgate–Oriana Reserve project⁴ in Palmerston North City (approximately 93–97 dwellings, estimated city population of 90,500⁵), and the Maia Properties – Mangorei Road Development project⁶ in New Plymouth District (approximately 119 residential allotments, estimated district population of 90,100⁷).
9. While these listed projects are located within established urban environments, they demonstrate that residential developments of a similar scale may be capable of delivering significant regional benefits in the context of population centres of a broadly comparable size.
10. We consider that, collectively, the project's contribution to housing supply through the creation of 90 new dwellings with associated allotments, its ability to support housing demand within the Rotorua District, and the short- to medium-term economic benefits associated with construction would result in significant regional benefits. On this basis, we consider the project is a development project that would have significant regional benefits and therefore meets the criteria for referral under section 22(1)(a) of the Act.
11. We note that, notwithstanding our recommendation, you retain discretion to determine whether the project meets the section 22 criteria and to decide the outcome of the referral application.
12. We seek your decisions on the recommendations, the proposed directions to the applicant and expert panel, and notification of your decisions.

¹ Rotorua District, Place and ethnic group summaries | Stats NZ

² Bisset Road

³ Far North District, Place and ethnic group summaries | Stats NZ

⁴ Kingsgate – Oriana Reserve

⁵ Palmerston North City, Place and ethnic group summaries | Stats NZ

⁶ Maia Properties – Mangorei Road Development

⁷ New Plymouth District, Place and ethnic group summaries | Stats NZ

Assessment against statutory framework

13. 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.
14. Before making a decision on the project, you must consider the following:
 - a. the application (in Appendix 2)
 - b. the section 18 Treaty settlements and other obligations report (in Appendix 4)
 - c. the comments received from invited parties within the specified time frame (in Appendix 5).
15. Following that, you may accept the application if you are satisfied that it meets the criteria in section 22 of the Act and if there are no reasons meaning you must decline the application. We provide our advice on these matters below.

Section 18 Treaty settlements and other obligations report

16. A Treaty settlements and other obligations report (the report) prepared under section 18 of the Act is attached in Appendix 4.
17. Section 18(2) of the Act requires that the report provide a list of relevant Māori groups, including relevant iwi authorities and Treaty settlement entities. The report has identified Te Maru o Ngāti Rangiwewehi Iwi Authority, Ngāti Uenukukōpako Iwi Trust, Te Pūmautanga o Te Arawa Trust, Raukawa Settlement Trust, Te Tāhuhu o Tawakeheimoa Trust, Te Arawa Lakes Trust, Rotorua Te Arawa Lakes Strategy Group, Te Komiti Nui o Ngāti Whakaue Trust, Tarimano (Awahou) Marae, and several Māori land blocks as relevant to the project area.
18. The report identifies the following Treaty settlements as relevant to the project area: Te Arawa Lakes Settlement Act 2006; Ngāti Rangiwewehi Claims Settlement Act 2014; and Raukawa Claims Settlement Act 2014.
19. The report notes that the Te Arawa Lakes settlement provides a statutory acknowledgement over the Te Arawa lakes, including Lake Rotorua. While the project area does not adjoin Lake Rotorua, the report states that it is located within the lake catchment and that the statutory acknowledgement may be relevant if the proposed activities directly affect the statutory area.
20. The report considers that the requirements under the Act to invite comments from relevant iwi and provide information on the application are comparable to the statutory acknowledgement processes under the RMA and relevant Treaty settlements.
21. The report notes that the Te Arawa Lakes settlement established the Rotorua Te Arawa Lakes Strategy Group (the Strategy Group). While the settlement provisions for the Strategy Group do not include any specific procedural obligations which you would need to comply with under section 16 of the Act, the report considers that inviting the Strategy Group to comment on this application is consistent with the intent of the settlement.
22. Comments were received on the application from Te Maru o Ngāti Rangiwewehi Iwi Authority, Te Arawa Lakes Trust (TALT), Ngāti Whakaue, and Raukawa Charitable Trust.



23. Te Maru o Ngāti Rangiwewehi Iwi Authority does not support the project in its current form, citing concerns regarding the scale and intensity of development, groundwater abstraction, and potential cumulative effects on culturally significant freshwater systems, including Pekehāua Puna, the Awahou Stream, and the wider aquifer system.
24. TALT raises concerns regarding wastewater network capacity, potential catchment-level effects on Lake Rotorua water quality, protection of taonga waters, and mana whenua involvement in long-term restoration and monitoring. TALT subsequently endorses the matters raised by Ngāti Rangiwewehi and that its conditional support is dependent on those concerns being addressed.
25. Ngāti Whakaue supports the key positions raised by Ngāti Rangiwewehi, including the need to protect whenua and wai from degradation and to address potential impacts on wāhi tapu and wider cultural landscapes. Ngāti Whakaue recommends deferring any decision until meaningful engagement has been completed.
26. Raukawa Charitable Trust maintains a neutral position on the project, subject to the applicant continuing engagement with Ngāti Rangiwewehi and Ngāti Whakaue, and wishes to be kept informed as the project progresses.
27. The report does not identify any matters which would make it more appropriate for the proposed approvals to be authorised under another Act or Acts.

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

28. The section 18 report does not identify any specific procedural requirements or other relevant considerations under section 16 of the Act that would need to be addressed through your referral decision.
29. As noted above, the report confirms that inviting comments from the Strategy Group satisfies the relevant requirements identified for this application. As a relevant Treaty settlement entity, the Strategy Group would be invited to comment on a substantive application for this project under section 53 of the Act.
30. We therefore do not consider that any additional matters need to be specified under section 16 in the decision should you decide to refer the project.

Written comments received

31. Comments were received from Bay of Plenty Regional Council (BOPRC), Rotorua District Council (RDC), the Minister for Māori Crown Relations: Te Arawhiti and Minister for Māori Development, the Associate Minister of Housing, the Minister for Economic Growth, NZ Transport Agency Waka Kotahi (NZTA), Transpower New Zealand Limited (Transpower), and the four Māori groups identified above.
32. The comments from the Associate Minister of Housing were received after the specified time frame. You may consider these comments, at your discretion, under section 17(7)(b). All other comments were received within the specified time frame for this application and must be considered.
33. A summary of the comments received from Māori groups is provided under the section 18 report section above. The key points of relevance to your decisions are summarised in Table A and the full comments are attached in Appendix 5. A summary of the other comments is provided below.

34. BOPRC does not identify any competing applications, nor any existing resource consents where sections 124C(1)(c) or 165ZI of the RMA could apply. BOPRC considers the project could contribute to improved water quality in the Lake Rotorua catchment, but raises concerns regarding consistency with some planning provisions, potential effects on highly productive land and natural wetlands, natural hazard risks, and the adequacy of transport assessments.
35. RDC does not identify any competing applications, ineligible activities, or compliance concerns with the applicant. While RDC acknowledges the project may deliver housing, environmental and economic benefits, it raises concerns regarding the claimed environmental benefits, potential effects on highly productive land, and the proposed water supply arrangements, which it considers high risk and potentially capable of resulting in significant adverse effects.
36. The Minister for Māori Crown Relations: Te Arawhiti and Minister for Māori Development support the application progressing and encourage consideration of relevant Treaty settlement legislation, settlement instruments, and feedback from relevant Māori groups.
37. The Associate Minister of Housing supports the project progressing, noting its potential contribution to housing supply in the Rotorua District, while acknowledging concerns regarding location, infrastructure, transport, natural hazards, and cultural values that they consider can be addressed at the substantive stage.
38. The Minister for Economic Growth considers the project may provide regional economic benefits and contribute to housing supply within a constrained segment of the Rotorua market, noting the estimated economic benefits are modest overall but may be material in the local context.
39. NZTA does not oppose the project progressing but notes that transport effects will need to be assessed through any substantive application. NZTA identifies potential impacts on the state highway network and expects further transport assessment, mitigation measures, and developer-funded upgrades where required.
40. Transpower does not oppose the project progressing but notes that further assessment is required to confirm the development can occur without affecting the existing transmission line. Transpower considers any substantive approval should include conditions to protect the line and maintain access to transmission infrastructure.

Further information request

41. 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

42. The statutory framework in Appendix 1 sets out the situations where you must decline the application for referral under section 21(3). We consider that you have sufficient information to make an informed decision. We further consider you can be satisfied that the project does not involve any ineligible activities and that it meets the referral criteria set out in section 22. As such, we have not identified any reasons under section 21(3) that you must decline this application.
43. You may also decline the application for any other reason under section 21(4). The Act gives some guidance on matters you could consider when deciding whether to decline an application under section 21(5) and these are set out in Table A.

44. We have considered whether the project should be declined on the basis that it may have significant adverse effects on the environment.
45. Comments from invited parties identify potential adverse effects relating to groundwater abstraction, water quality and security, freshwater ecosystems, wetlands, cultural values and wāhi tapu, natural hazards, highly productive land, wastewater and transport infrastructure capacity, and Transpower's transmission infrastructure.
46. We note that the expert panel for the Ashbourne project declined a retirement village component located predominantly on Land Use Capacity (LUC) Class 2 highly productive land after finding that the loss of highly productive land was not outweighed by the project's benefits⁸.
47. While this illustrates that the loss of highly productive land may be a significant consideration where project benefits are limited, we note that approximately 14 hectares of the 83.3-hectare Milbrow Estate project area comprises LUC 3 highly productive land and that amendments to the National Policy Statement for Highly Productive Land, which took effect on 15 January 2026, relaxed restrictions on the use, subdivision and development of LUC 3 land.
48. We consider the applicant has provided sufficient information to inform your decision on the referral application, including the anticipated and known adverse environmental effects. The applicant does not identify any significant adverse effects and considers that any effects can be appropriately avoided, mitigated, or managed through conditions.
49. As outlined below, we recommend specifying that the applicant provide a three waters assessment and an integrated transport assessment with the substantive application. Overall, we consider an expert panel is best placed to assess potential adverse effects (including those related to the loss of highly productive land) with the benefit of a full assessment of environmental effects and technical input, and we do not consider the application should be declined under this criterion.
50. Ultimately, we recommend you do not decline the referral application for this reason, or any other grounds under section 21(4) or (5) of the Act.

Reasons to accept

51. The statutory framework in Appendix 1 sets out the reasons you can accept a referral application and refer a project to the fast-track approvals process.
52. Our assessment of these matters is detailed in Table A. To summarise, we consider the project aligns with the referral criteria under section 22, as:
 - a. it would have significant regional benefits because it will increase the supply of housing by delivering approximately 90 new dwellings and associated allotments, address housing needs by providing additional housing choice and supporting housing market mobility within the Rotorua District, and deliver economic benefits through construction activity, employment generation, and increased housing market activity
 - b. referring the project would facilitate its delivery by enabling the required RMA approvals to be considered collectively through the fast-track approvals process, resulting in a more timely and cost-effective process than under normal processes, including by avoiding the need for a private plan change and reducing opportunities for appeal and notification

⁸ [Ashbourne-Final-Decision-20.05.26.pdf](#)

- c. the project is unlikely to materially affect the efficient operation of the fast-track approvals process because the project is neither novel nor beyond the scope of what a panel would typically assess under the RMA.
53. If you agree with our recommendations, you may accept the referral application and refer the project to the fast-track approvals process.

Conclusions

54. We consider the project meets the section 22 criteria and you could accept the referral application under section 21 of the Act and refer the project to the fast-track approvals process with the specifications outlined below.
55. Notwithstanding our recommendations, you retain discretion to determine the outcome of the referral application, including whether the project meets the section 22 criteria.
56. We consider that if you decide to refer the project, you should specify under section 27 of the Act the following requirements that should apply to the project:
- a. the applicant must provide a three waters infrastructure assessment and an integrated transport assessment with the substantive application
 - b. the panel must invite comments from NZTA, Transpower, and Tarimano (Awahou) Marae in addition to those specified in section 53, as these groups have a relevant interest in the project and were invited to comment at the referral stage.
57. A detailed assessment of the matters you may specify under section 27(3) and our reasoning for these specifications is provided in Table A.

Next steps

58. The Secretary for the Environment (the Secretary) must give notice of your decisions on the referral application, and the reasons for them, to the applicant(s) and anyone invited to comment under section 17 and publish the notice on the Fast-track website.
59. If you decide to refer the project, the Secretary must also give notice of your decision to:
- a. the panel convener
 - b. any additional iwi authorities or Treaty settlement entities that you consider have an interest in the matter other than those invited to comment under section 17
 - c. the Environmental Protection Authority (EPA)
 - d. the relevant administering agencies.
60. 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.
61. We will undertake this action on your behalf.



62. 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.
63. Our recommendations for your decisions follow.



Recommendations

64. 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 Caland Holdings Limited (the applicant) if you are satisfied that the project involves an ineligible activity, or you consider that you do not have adequate information to inform the decision under this section or if you are not satisfied that the Milbrow Estate project (the project) meets the referral criteria in section 22 of the Act.

Noted

- b. **Agree** that before deciding on the referral application 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. the comments received under sections 17 within the specified time frame in Appendix 5 (note: you are not required to consider any comments received after the specified time frame but may do so at your discretion).

Yes / No

- c. **Agree** to exercise your discretion under section 17(7)(b) to consider the late comments in Appendix 5 received from the Associate Minister of Housing after the time frame specified under section 17(6) of the Act.

Yes / No

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

- i. the project, a residential development, is a development project that would have significant regional benefits [section 22(1)(a)] because collectively it:

- (1) will increase the supply of housing and address housing needs [section 22(2)(a)(iii)] by:

- delivering approximately 90 new dwellings and associated allotments, thereby increasing housing supply within the Rotorua District
- providing additional housing choice through rural lifestyle allotments and supporting housing market mobility within the district

- (2) will deliver significant economic benefits [section 22(2)(a)(iv)] in the Rotorua District by:

- generating an estimated \$27.2 million in GDP during construction
- supporting approximately 175 full-time equivalent jobs during the construction period
- contributing to regional economic activity through residential development that supports the supply of housing in the district.



- i. referring the project to the fast-track approvals process would facilitate its delivery [section 22(1)(b)(i)], including by enabling it to be processed in a more timely and cost-effective way than under normal processes as:
 - (1) the applicant would likely require a private plan change to progress the project through standard RMA pathways, which would involve increased costs and significantly longer timeframes
 - (2) appeals under the Act are only to the High Court rather than the Environment Court and are limited to points of law
 - (3) the Act precludes public and limited notification.
- ii. referring the project is unlikely to materially affect the efficient operation of the fast-track approvals process [section 22(1)(b)(ii)] because the project is neither novel nor beyond the scope of what a panel would typically assess under the RMA.

Yes / No
- e. **Agree** to accept the referral application under section 21(1)(c) and refer the whole project to the fast-track approvals process under section 26(2)(a).

Yes / No
- f. **Agree** to specify Caland Holdings Limited as the person who is authorised to lodge a substantive application for the project.

Yes / No
- g. **Agree**, under section 27(3)(b)(i) of the Act, to specify a deadline of two years from the date of the notice of decisions letter for the applicant to lodge the substantive application.

Yes / No
- h. **Agree**, under section 27(3)(b)(ii) of the Act, to specify the following information that the applicant must submit with the substantive application:
 - i. a three waters infrastructure assessment, including details on funding
 - ii. an integrated transport assessment, including but not limited to, details on the proposed access arrangements, a construction management plan, any proposed mitigation measures to address adverse effects on the state highway network arising from the project, and information on how any transport upgrades required as a result of the project will be funded.

Yes / No
- i. **Agree**, under section 27(3)(b)(iii) of the Act, to specify the following groups from whom a panel must invite comments from in addition to those specified in section 53:
 - i. NZ Transport Agency Waka Kotahi
 - ii. Transpower New Zealand Limited
 - iii. Tarimano (Awahou) Marae.

Yes / No



- j. **Agree** that the Secretary for the Environment will provide your notice of decisions to:
- i. anyone invited to comment on the application, which includes the relevant administering agencies
 - ii. the panel convener
 - iii. the Environmental Protection Authority (EPA).

Yes / No

Signatures

Stephanie Frame
Manager – Fast-track Operations

Hon Chris Bishop
Minister for Infrastructure

Date:

Table A: Stage 2 analysis

Recommendation	Accept the referral application and refer the project to the fast-track approvals process.		
Project details	Project Name	Applicant	Project Area
	Milbrow Estate (the project)	Caland Holdings Limited (the applicant)	Approximately 83.3 hectares of rural land at 66 and 70 McFetridge Drive and 89 Tauranga Direct Road, Hamurana, Rotorua.
Project description	The project is a rural residential development on approximately 83.3 hectares of rural land in Hamurana, Rotorua, involving a 92-lot lifestyle residential subdivision and the construction of 90 dwellings. The project comprises: a. subdivision of approximately 83.3 hectares, including the creation of approximately 92 rural residential lifestyle lots b. construction of approximately 90 new dwellings c. formation of internal roads, accessways, and internal walking tracks d. earthworks to establish building platforms and infrastructure e. installation of stormwater treatment and attenuation systems f. reticulated wastewater connection g. potable water and power supply h. landscaping, planting, and boundary treatments i. vesting of roads and reserves. The project will require the proposed approvals under the fast-track approvals process: a. resource consents under the Resource Management Act 1991 (RMA) as described in section 42(4)(a) of the Act.		
Minister invites comments / requests information	Comments from invited parties		
	<i>The following section provides a summary of the comments received from invited parties under section 17 of the Act. Full copies of all comments received are attached in Appendix 5. Under section 17(7)(a) of the Act, you must consider any comments received within the time frame under section 17(6). The comments from the Associate Minister of Housing were received after the specified time frame. You may consider these comments, at your discretion, under section 17(7)(b). All other comments were received within the specified time frame for this application and must be considered.</i> Local authorities <i>Rotorua District Council (RDC)</i> RDC does not consider the project involves an ineligible activity and is not aware of any competing applications that would be relevant if a substantive application were lodged. RDC advises there are no active resource consent applications applying to the subject site and is not aware of any resource consent applications of the kind referred to in sections 124C(1)(c) or 165ZI of the RMA (while noting these are regional consents that RDC has no information on). RDC also notes the applicant does not have a poor compliance history in relation to the Rotorua District Plan. RDC states that the project may deliver regional environmental, housing and economic benefits as identified by the applicant. However, RDC notes the environmental benefits require further verification, particularly regarding the calculation of additional lifestyle lots and the effects of permanent land use change on lake water quality. RDC also notes the project site was assessed and excluded from the Future Development Strategy growth areas and that it does not have in-house expertise to assess the claimed economic benefits. RDC notes it has not undertaken the detailed technical assessment necessary to determine whether the project would result in significant adverse effects and considers that such matters would be more appropriately addressed through a substantive application process. RDC notes that the applicant's assessments indicate landscape and transport effects are likely to be no more than minor, although these conclusions may require independent review. RDC further notes uncertainty regarding the project's environmental benefits, potential effects on highly productive land, and the need to balance nutrient reduction objectives against land fragmentation concerns. RDC raises concerns regarding the proposed water supply arrangements, noting a 92-lot development relying on rainwater is considered high risk in terms of water quality, quantity and continuity of supply, and could result in significant adverse effects. RDC states the existing restricted Council water supply cannot be expanded to service the project. RDC also notes the project would be inconsistent with underlying consent notices but considers additional wastewater discharges would not frustrate RDC's wastewater discharge consent. However, RDC advises that any additional water take required to service the project could frustrate RDC's water take consent.		

Bay of Plenty Regional Council (BOPRC)

BOPRC does not express an overall position on the project but provides comments on resource management, planning, and environmental matters. BOPRC did not identify any competing applications, or any existing resource consents issued where sections 124C(1)(c) or 165ZI of the RMA could apply. BOPRC agrees that the application has identified the potential regional resource consents likely to be required, including earthworks, temporary stormwater, water take, and potentially contaminated land and freshwater-related consents. However, BOPRC notes there is insufficient information to confirm whether a long-term stormwater consent is required.

BOPRC considers that the project does not fully align with the Regional Policy Statement. While it is consistent with some provisions relating to reducing nutrient losses and improving water quality, BOPRC considers it may be inconsistent with policies relating to urban growth and the protection of versatile land. BOPRC also notes the project is not identified in the Rotorua Future Development Strategy and considers the transport assessment does not adequately address multi-modal access. At the same time, BOPRC considers the project aligns with policy direction in the Regional Natural Resources Plan relating to improving Rotorua lake water quality and could be designed to better align with broader policies concerning soil health, wetlands, stormwater management, contaminated land, and tangata whenua interests.

BOPRC identifies several national policy statements as relevant to the project, including those relating to freshwater management, natural hazards, highly productive land, and indigenous biodiversity. BOPRC notes further assessment is required to confirm the extent of natural inland wetlands on the site and whether activities may trigger freshwater consenting requirements. BOPRC also notes the presence of natural hazards, including an active fault line and landslip susceptibility, and considers these matters should be addressed through detailed design and hazard management.

BOPRC considers the project would contribute to improved water quality in the Lake Rotorua catchment through the conversion of dairy farming land to rural residential use, retirement of nitrogen allocation, native planting, and connection to the reticulated wastewater network. BOPRC notes the proposed sale of excess nitrogen allocation to the Lake Rotorua Incentives Scheme would make a meaningful contribution to the programme, despite representing a relatively small proportion of the overall nitrogen reduction target. BOPRC identifies Ngāti Rangiwewehi and Ngāti Raukawa as the relevant iwi for the area and notes that Taniwha Spring, located approximately 750 metres from the site, is culturally significant to Ngāti Rangiwewehi.

Ministers

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

The Minister supports the application progressing and encourages the applicant and expert panel to have due regard to relevant Treaty settlement legislation and instruments, and to consider any feedback received from relevant Māori groups, as set out in the section 18 report.

Associate Minister of Housing

From the perspective of the Housing Portfolio, the Associate Minister has no objection to the project being referred to the next stage of the fast-track approvals process. The Associate Minister notes that Rotorua has a significant housing need, with an estimated shortfall of around 1,500 dwellings, and considers the project would contribute to housing supply and provide a broader range of housing options within the district.

The Associate Minister acknowledges that the project site is rurally zoned and not identified for development in the RDC Future Development Strategy. The Associate Minister notes likely concerns regarding the site's distance from employment, services and public transport, reliance on private vehicle travel, infrastructure capacity (including wastewater servicing), natural hazard risks, and cultural values associated with the wider area. The Associate Minister considers these matters can be examined in detail and worked through at the substantive consenting stage.

Minister for Economic Growth

The Minister identifies that the applicant’s economic assessment estimates the project would generate approximately \$27.2 million in GDP and support around 175 full time equivalent (FTE) jobs during construction, with ongoing economic benefits of approximately \$2.0 million in annual GDP and 20 FTEs, primarily associated with household expenditure from future residents. The broader economic benefits relate to increasing the supply of premium lifestyle housing in the Rotorua District, where the applicant’s assessment indicates this segment is currently constrained. The Minister considers the estimated benefits are modest in absolute terms but may be material in the context of the Rotorua housing market, particularly within the premium lifestyle segment.

On this basis, the Minister considers the project may have regional economic benefits under section 22(2)(a)(iv) of the Act. The Minister notes the project may also be relevant to section 22(2)(a)(iii), to the extent that it contributes to increased housing supply within a constrained segment of the local market.

Māori Groups

Te Maru o Ngāti Rangiwewehi Iwi Authority (Ngāti Rangiwewehi)

Ngāti Rangiwewehi does not support the proposal in its current form, as they consider that significant cultural, environmental and planning concerns remain unresolved. Ngāti Rangiwewehi identifies concerns regarding the scale and intensity of the proposed development, associated groundwater abstraction, and potential cumulative effects on Pekehāua Puna, the Awahou Stream and the wider aquifer system. Ngāti Rangiwewehi considers that further assessment is required in relation to hydrogeological connectivity, sustainable water allocation and consistency with relevant planning frameworks, and notes that concerns raised in its Cultural Impact Assessment have not been adequately addressed. Ngāti Rangiwewehi seeks representation on any Fast-track expert panel or associated technical advisory processes and remains open to ongoing engagement as further information becomes available.

Ngāti Whakaue

Ngāti Whakaue recommends that any decision on the application be deferred until meaningful engagement with mana whenua has been completed. Ngāti Whakaue supports the key concerns raised by Ngāti Rangiwewehi, including the need to protect whenua and wai from degradation and concerns regarding potential effects on wāhi tapu and the wider cultural landscape. Ngāti Whakaue also considers that the fast-track approvals process has limited meaningful engagement with mana whenua.

	<i>Te Arawa Lakes Trust (TALT)</i> TALT considers that, while the project does not involve direct works within Lake Rotorua, its location within the catchment has the potential to affect groundwater, stormwater, sediment pathways and downstream receiving environments. TALT assessed the application against the Wai Ora, Wai Rua and Wai Ata values of <i>Te Tūāpapa o ngā Wai o Te Arawa</i>, and raised concerns regarding wastewater network capacity, potential effects on water quality and taonga waters, and the need for mana whenua involvement in restoration and monitoring. TALT supports the concerns raised by Te Maru o Ngāti Rangiwewehi, particularly in relation to protecting Pekehāua Puna and the Awahou Stream, and notes its support for the application is conditional on those concerns being addressed. <i>Raukawa Charitable Trust (The Trust)</i> The Trust has a neutral position on the application at this time. The Trust notes that the project area falls within the Raukawa area of association, which is shared with Ngāti Rangiwewehi and Ngāti Whakaue, and that its position is subject to ongoing engagement with those iwi. The Trust also requests that it be kept informed as the project progresses. Any other persons or groups <i>NZ Transport Agency Waka Kotahi (NZTA)</i> NZTA does not oppose the project being referred to the fast-track approvals process, although it identifies transport matters that would need to be addressed through any substantive application. NZTA notes it has not had recent pre-application engagement on the referral application but previously engaged with the applicant through the COVID-19 Recovery (Fast-track Consenting) Act 2020 process in 2023, when it did not support the project due to a proposed direct connection to State Highway 36 (SH36). NZTA notes the revised project no longer proposes direct access to SH36 and that relevant policy settings have changed since its previous involvement, including through updated national transport direction. NZTA states it would need to review a substantive application to determine the actual effects on the state highway network, noting developments of this nature can increase heavy vehicle movements during construction and traffic volumes once operational. NZTA expects any substantive application to include an updated integrated transport assessment, construction management plan, and proposed mitigation measures. NZTA also states the developer will need to engage with NZTA on effects to SH36 and fully fund any works required at the Jackson Road and/or Central Road intersections. NZTA requests the opportunity to comment on any substantive application. <i>Transpower New Zealand Limited (Transpower)</i> Transpower notes that the project is located around its ARI-EDG B 110kV transmission line, with six support structures located within the project area. Transpower states that, while the constraints map suggests residential buildings could be accommodated on the proposed lots without compromising the transmission line, the referral application does not provide sufficient information to determine whether the development as a whole can occur without affecting the line. Transpower considers that ongoing access to the transmission line and support structures will need to be maintained, and that any earthworks or landscape planting in proximity to the line will require careful consideration. Transpower considers it important that any substantive approval includes conditions to protect the ARI-EDG B line and maintain access to it. Transpower states that, subject to appropriate conditions, the project should be consistent with the National Policy Statement for Electricity Networks Activities, and requests the opportunity to comment on any substantive application to help ensure the transmission line is protected.
The Minister must decline an application if the Minister is satisfied that the project involves an ineligible activity [section 21(3)(b)]	We consider you can be satisfied that the project does not involve an ineligible activity because it: – would not occur on identified Māori land, Māori customary land or a Māori reservation as confirmed by the relevant records of title – would not occur in a customary marine title area or protected customary rights area as it is not in the coastal marine area (CMA) – 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 – 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 CMA – would not occur on Schedule 4 land – would not occur on a national reserve – 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 the project area does not include public conservation land – is not a prohibited activity or decommissioning activity under the EEZA, 15B or 15C of the RMA – is not for the purpose of an offshore renewable energy project. No comments raised by parties invited to comment have indicated that the project would involve an ineligible activity as defined under section 5 of the Act.
The Minister must decline an application if the Minister considers they do not have adequate information to inform the decision [section 21(3)(c)]	We consider you have adequate information to inform your decision on the referral application.

Relevant considerations and procedural requirements in Treaty settlement, Mana Whakahono ā Rohe, joint management agreement, or the Marine and Coastal Area (Takutai Moana) Act 2011 or the Ngā Rohe Moana o Ngā Hapū o Ngāti Porou Act 2019 [section 16]	The section 18 report does not identify any specific procedural requirements or other relevant considerations under section 16 of the Act that would need to be addressed through your referral decision. The report confirms that inviting comments from the Rotorua Te Arawa Lakes Strategy Group (the Strategy Group) satisfies the relevant requirements identified for this application. As a relevant Treaty settlement entity, the Strategy Group would be invited to comment on a substantive application for this project under section 53 of the Act. We therefore do not consider that any additional matters need to be specified in the decision should you decide to refer the project.
Section 22 assessment criteria	
The project is an infrastructure or development project that would have significant regional or national benefits [section 22(1)(a)]	<u><i>The Minister must consider a relevant Government policy statement (GPS) [s22(1A)]</i></u> The only current GPS is the GPS on Grocery Competition. The project is for a residential development and therefore, we consider there to be no GPS relevant to your decision. You <u>may</u> consider any of the following matters, or any other matters the Minister considers relevant. The applicant considers the project, being a residential development in the Rotorua District, is a development project that would have significant regional benefits. <u><i>Will increase the supply of housing, address housing needs, or contribute to a well-functioning urban environment (within the meaning of policy 1 of the National Policy Statement on Urban Development 2020) [s22(2)(a)(iii)]</i></u> The applicant states that the project would address a shortage of premium lifestyle housing within the Rotorua District. The applicant's economic assessment identifies constrained supply within the lifestyle housing market in Hamurana, Ngongotahā, and surrounding rural areas, noting limited availability of lifestyle dwellings and lots and an estimated demand of approximately 15 dwellings per annum. The applicant considers the delivery of 92 lifestyle lots would represent a material increase in district-wide lifestyle housing capacity and provide approximately six years of supply within this market segment based on recent uptake rates. The Associate Minister of Housing has no objection to the project being referred, noting that Rotorua has an estimated housing shortfall of approximately 1,500 dwellings and considering that the project would contribute to housing supply and increase housing choice within the district. We note the project would not contribute to a well-functioning urban environment within the meaning of Policy 1 of the NPS-UD. BOPRC states the project is not located within an urban environment and therefore does not meet the definition of a well-functioning urban environment under the NPS-UD. While the project is smaller than many residential projects currently within the fast-track approvals process, we have assessed its scale in the context of the Rotorua District. The project would enable no fewer than 90 new dwellings within a district with an estimated population of 78,000.⁹ We consider this represents a material increase in housing supply in the Rotorua context. We note the project would contain fewer residential units than any currently referred or listed project where residential development is the primary activity. However, there are currently no referred or listed residential projects within the Rotorua District for comparison. We have therefore considered residential projects of a broadly comparable scale that have been accepted into the fast-track approvals process in other districts, including the Bisset Road project.¹⁰ in the Far North District (approximately 100 dwellings, estimated district population of 73,700.¹¹), the Kingsgate–Oriana Reserve project.¹² in Palmerston North City (approximately 93–97 dwellings, estimated city population of 90,500.¹³), and the Maia Properties – Mangorei Road Development project.¹⁴ in New Plymouth District (approximately 119 residential allotments, estimated district population of 90,100.¹⁵). While those projects are located within established urban environments, they demonstrate that residential developments of a similar scale may be capable of delivering significant regional benefits in the context of population centres of a broadly comparable size Based on the applicant's assessment and the comments received from the Associate Minister of Housing, we consider the project will increase the supply of housing and address housing needs within the Rotorua District. While the project would not contribute to a well-functioning urban environment for the purposes of the NPS-UD, we consider the scale of the proposed residential development is material in the context of Rotorua's housing market and population and weighs in favour of the project meeting the criterion. On balance, we consider the project's contribution to housing supply, together with the economic benefits outlined below, is sufficient to support a finding that the project meets the criterion in section 22(2)(a)(iii) of the Act. Accordingly, <u>we consider this criterion is met.</u> <u><i>Will deliver significant economic benefits [s22(2)(a)(iv)]</i></u> The applicant states that the project is estimated to generate approximately \$27.2 million in GDP during construction and support 175 FTE jobs over this period, providing a short- to medium-term economic stimulus to the Rotorua District and wider Bay of Plenty region. The applicant considers that, while the project does not directly address lower-cost housing, it contributes to market efficiency by increasing housing choice and typological diversity, supporting relocation within the district, and enabling housing market fluidity across price brackets.

⁹ Rotorua District, Place and ethnic group summaries | Stats NZ

¹⁰ Bisset Road

¹¹ Far North District, Place and ethnic group summaries | Stats NZ

¹² Kingsgate – Oriana Reserve

¹³ Palmerston North City, Place and ethnic group summaries | Stats NZ

¹⁴ Maia Properties – Mangorei Road Development

¹⁵ New Plymouth District, Place and ethnic group summaries | Stats NZ

The Minister for Economic Growth considers the estimated benefits are modest in absolute terms but may be material in the context of the Rotorua housing market, particularly within the premium lifestyle segment. On this basis, the Minister considers the project may have regional economic benefits and meet this criterion.

Based on the applicant's assessment and the comments received from the Minister for Economic Growth, we consider the project is likely to deliver economic benefits through construction activity, employment generation, and increased housing market activity within the Rotorua District. While the estimated economic benefits are modest in absolute terms, we consider they are material in the local context and contribute to the project's overall significance. When considered together with the project's contribution to housing supply, we consider these benefits support a finding that the project would deliver significant regional benefits. Accordingly, **we consider this criterion is met.**

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

The applicant states that the project is located within the Lake Rotorua groundwater catchment, where existing dairy farming generates diffuse nitrogen and phosphorus discharges through stock grazing and fertiliser application. The applicant notes that Lake Rotorua has experienced long-term water quality degradation due to elevated nutrient inputs, and that a sustainable nitrogen load has been established, requiring significant reductions from historical levels. The applicant considers achieving and maintaining these reductions is a regional priority, supported by regulatory frameworks, investment, and co-governance arrangements.

The applicant identifies that the project will result in the cessation of pastoral grazing and associated fertiliser use. The applicant considers that a substantial portion of the site's nitrogen allocation will be permanently surrendered, resulting in an estimated reduction of approximately 1.1 tonnes of nitrogen per year entering Lake Rotorua, alongside reductions in phosphorus losses. The applicant states that this reduction represents a meaningful contribution to nutrient reduction targets and lake restoration objectives, and therefore addresses a significant environmental issue of regional importance.

BOPRC considers the project will contribute to improved water quality within the Rotorua Catchment through the redevelopment of the approximately 83-hectare dairy farm to rural residential land, retirement of excess nitrogen allocation, retired native planting areas, and connection to the municipal wastewater system. BOPRC considers this land use change will remove nitrogen allocation and prevent it from reaching Lake Rotorua. BOPRC understands the applicant proposes to sell all excess nitrogen to the Incentives Scheme. BOPRC notes this reduction is estimated to contribute approximately 1.1% of the total nitrogen reduction sought through the scheme and 0.27% of the overall nitrogen reduction goal. BOPRC states that, although the overall contribution to the reduction goal would be small, the proposed sale would fall within the top 30% of nitrogen reductions achieved through Incentives Scheme transactions to date and would therefore represent a significant contribution to the programme.

RDC considers the claimed environmental benefits may require verification through peer review. RDC notes any assessment should take into account the permanent land use change to residential use, which would require 1,489.3 kilograms of nitrogen allocation to offset wastewater and background discharges for 90 lifestyle lots, rather than 18 lifestyle lots and a balance lot, and the implications this may have for lake water quality.

While the project may generate environmental benefits through reduced nutrient losses to Lake Rotorua, it is primarily a residential development rather than a project principally directed at addressing water quality issues. Given the differing views of the applicant and relevant local authorities regarding the extent of these benefits, **we consider this criterion is not met.** We note that any substantive application could provide further technical analysis to assist an expert panel in assessing the scale and significance of the project's environmental benefits.

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

The applicant considers that the project is consistent with the relevant Bay of Plenty Regional Policy Statement (RPS) and Rotorua District Plan (RDP) provisions relating to water quality, land use change, and housing supply. In particular, the applicant refers to RPS Urban Growth Policies UG 14B and UG 15B, which provide for development capacity and the integration of land use with infrastructure and environmental outcomes, and to RDP Subdivision (SUB-O1; SUB-P1–P4) and Rural Zone (RURZ-O1; RURZ-P1–P7) objectives and policies. The applicant considers the project aligns with these provisions by enabling development while managing subdivision design and rural land use effects.

BOPRC considers that the project does not fully align with the RPS. While it is consistent with some provisions relating to reducing nutrient losses and improving water quality, BOPRC considers it may be inconsistent with policies relating to urban growth and the protection of versatile land. BOPRC also notes the project is not identified in the Rotorua Future Development Strategy and considers the transport assessment does not adequately address multi-modal access. At the same time, BOPRC considers the project aligns with policy direction in the Regional Natural Resources Plan relating to improving Rotorua lake water quality and could be designed to better align with broader policies concerning soil health, wetlands, stormwater management, contaminated land, and tangata whenua interests.

The project area is within Rural Zone 1 of the RDP. RDC notes that this zone anticipates lifestyle lot subdivision alongside the retention of a balance lot containing sufficient usable land to support ongoing primary production activities. The project does not provide for the continued use of the site for primary production and is instead intended solely as a lifestyle subdivision.

Given the conflicting positions regarding alignment with the relevant planning documents between the applicant and the relevant local authorities, **we consider this criterion is not met.** We note the applicant retains the ability to provide further analysis on this matter with a substantive application to assist the expert panel in understanding the extent of the project's significant regional benefits.

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

We have not identified any other matters that would be relevant under this section. We consider the matters to your consideration have been addressed above.

Conclusion

Based on the assessment above, we consider the project is a **development project** that would have **significant regional benefits** and therefore meets the criteria for referral under section 22(1)(a) of the Act. We consider that, collectively, the project's contribution to housing supply through the creation of 90 new dwellings with associated allotments, its ability to support housing demand within the Rotorua District, and the short- to medium-term economic benefits associated with construction would result in significant regional benefits. If you agree with this recommendation and are satisfied that the project meets the criteria in section 22 of the Act, you may accept the referral application and refer the whole project to the fast-track approvals process under section 26. We note that the final decision on whether to accept the referral application remains a matter for your discretion.

Referring the project to the fast-track approvals process [section 22(1)(b)]	<i>Would facilitate the project, including by enabling it to be processed in a more timely and cost-effective way than under normal processes [s22(1)(b)(i)]</i> The applicant states that, although the fast-track approvals process involves significantly higher upfront statutory fees and levies than standard RMA pathways, it is likely to be more cost-effective overall when assessed against total project delivery costs, timeframes, procedural duplication, and appeal risk. The applicant considers that the fast-track approvals process would provide a single, integrated approval pathway, avoiding the need for multiple sequential processes under the RMA, such as a private plan change, subdivision consents, regional consents, and potentially additional approvals. The applicant considers that these standard processes would involve separate applications, reporting requirements, hearings, and a higher likelihood of appeals, contributing to greater complexity, longer timeframes, and increased costs. The applicant further states that the fast-track approvals process reduces the risk of extended litigation and limits appeal rights primarily to points of law, in contrast to the full merits appeals available under a private plan change, which could result in significant additional planning, legal, and holding costs, as well as delays to project commencement. The applicant also considers that delays associated with sequential RMA processes can increase financing, infrastructure, consultant, and legal costs, and create uncertainty for investment decisions. Overall, we agree with the applicant's assessment that 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, <u>in line with section 22(1)(b)(i) of the Act.</u> <i>Is unlikely to materially affect the efficient operation of the fast-track approvals process [s22(1)(b)(ii)]</i> The applicant considers that referring the project is appropriate given its scale, and states that the proposed site is unlikely to materially affect the efficient operation of the fast-track approvals process. The applicant considers that the project would reinforce the value of the fast-track approvals process for regionally significant projects, and supports the strategic significance and contiguous nature of the land holding. Overall, we agree with the applicant's reasoning for this criterion and consider that referring the project to the fast-track approvals process is unlikely to affect the efficient operation of the fast-track approvals process, <u>in line with section 22(1)(b)(ii) of the Act.</u> While the project may involve some technical and environmental complexities, these are not materially different from those commonly encountered in projects progressing through the fast-track approvals process. We further consider the matters raised by the project are within the scope of issues that a panel would typically assess under the RMA.
Reasons to decline	
Minister <u>must</u> decline [section 21(3)]	<i>The Minister <u>must</u> decline a referral application if:</i> <i>The application may not be accepted under subsection 1 (meets referral criteria)</i> As detailed above, we consider that the project is a development project that would have significant regional benefits in line with the criteria for accepting a referral application under section 22(1)(a) of the Act. If you agree, there is no reason to decline the application under this subsection. <i>The Minister is satisfied the project involves an ineligible activity</i> As detailed above, we consider you can be satisfied that the project does not involve an ineligible activity. If you agree, there is no reason to decline the application under this subsection. <i>The Minister considers that they do not have adequate information to inform the decision under this section</i> As detailed above, we consider you have adequate information to inform your decision on the referral application. If you agree, there is no reason to decline the application under this subsection. To conclude, <u>we have not identified any reason that you must decline the application under section 21(3).</u>
Minister may decline [section 21(4) and 21(5)(a-h)]	<i>The Minister <u>may</u> decline a referral application for any other reason, whether or not it meets the criteria in section 22.</i> <i>Reasons to decline a referral application under subsection 4 include, without limitation:</i> <i>The project would be inconsistent with a Treaty settlement, Ngā Rohe Moana o Ngā Hapū o Ngāti Porou Act 2019, Marine and Coastal Area (Takutai Moana) Act 2011, a Mana Whakahono ā Rohe, or a joint management agreement</i> No inconsistencies have been identified with the above documents in the section 18 Treaty settlements report. <i>It would be more appropriate to deal with the matters that would be authorised by the proposed approvals under another Act or Acts</i> The section 18 report has not identified any matters which make it more appropriate for the proposed approvals to be authorised under another Act or Acts. RDC states that dependent on whether the application is nationally or regionally significant, it may be more appropriately assessed through the RMA. As noted above, we consider that the project meets the section 22 referral criteria. Overall, we have not identified any matters that would indicate the proposed approvals should be considered under the RMA or another Act or Acts. <i>The project may have significant adverse effects on the environment</i> Comments from invited parties have raised a number of matters in relation to the project, that if not suitably managed, could create significant adverse effects on the environment. These include groundwater abstraction, water quality and supply security, freshwater ecosystems, wetlands, cultural values and wāhi tapu, natural hazards, loss of highly productive land, wastewater and transport infrastructure capacity, and the operation and maintenance of Transpower's transmission infrastructure.

We note that the expert panel for the Ashbourne project declined a retirement village component located predominantly on Land Use Capacity (LUC) Class 2 highly productive land after finding that the loss of highly productive land was not outweighed by the project's benefits.¹⁶ While this illustrates that the loss of highly productive land may be a significant consideration where project benefits are limited, we note that approximately 14 hectares of the 83.3-hectare Milbrow Estate project area comprises LUC 3 highly productive land and that amendments to the National Policy Statement for Highly Productive Land, which took effect on 15 January 2026, relaxed restrictions on the use, subdivision and development of LUC 3 land. We consider the detailed assessment of any effects on highly productive land is more appropriately undertaken by an expert panel at the substantive approvals stage should the project be referred.

We consider the applicant has provided sufficient information to enable your decision on the referral application, including a description of the anticipated and known adverse effects of the project on the environment. The applicant has not identified that the project would have any significant adverse effects on the environment and considers that any adverse effects can be appropriately mitigated or managed, subject to conditions.

As outlined below, to ensure these matters are covered at the next stage, we recommend specifying that the applicant provide a three waters assessment and an integrated transport assessment with the substantive application, including details on any proposed upgrades and associated funding. Overall, we consider an expert panel is best placed to consider any adverse environmental effects of the project with the benefit of a substantive application (including a full assessment of environmental effects), relevant expert input, and further input from commenters. An expert panel has the ability to seek technical advice and impose conditions as deemed appropriate or decline the application if the effects outweigh the benefits.

While the project may involve some technical and environmental complexities, and provided you agree with our assessment of the section 22 criteria, projects of this scale and nature are consistent with the types of regionally significant developments the fast-track approvals process was established to consider. We further note the project for a residential development is neither novel nor beyond the scope of what a panel would typically assess under the RMA. As such, we do not consider you should decline the application on this basis.

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

The applicant seeks only resource consents under the RMA through the fast-track approvals process. While the application identifies a non-compliance relating to resource consent RM18-0698, we note that this consent is not held by the applicant, Caland Holdings Limited. BOPRC has confirmed that the applicant does not hold any resource consents issued by the council, and RDC advises that the applicant does not have a poor compliance history under the Rotorua District Plan. Based on the available information, we have not identified any evidence to suggest that the applicant has a poor compliance history under the RMA. Accordingly, we do not consider that the referral application should be declined under this criterion.

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

There is no public land within the project area. No comments received from invited parties have indicated that the project area includes land necessary for Treaty settlement purposes.

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

The project does not include an activity that is a prohibited activity under the RMA.

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

RDC and BOPRC have not identified any competing applications in the project area. RDC has identified that if the project requires water take consents it may frustrate RDC's water take consents. This may be a competing applications matter, but we note this can be addressed as the applicant refines project design. We note the applicant, relevant local authorities, and the EPA are required to re-check whether a project would have any competing applications at the substantive application stage. As such, we have not identified any reason to decline this project under this criterion.

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)

BOPRC did not identify any existing resources consents issued where sections 124C(1)(c) or 165ZI of the RMA could apply.

Any other matter

We have not identified any other matters or reasons to consider declining the referral application.

Conclusion

We do not recommend you decline the application. We note you retain the discretion to decline a referral application under section 21(4) for any other reason, whether or not the project meets the criteria in section 22.

Specified matters for an accepted referral application

The Minister may specify any of the matters under section 27(3)

The Minister may specify any or all of the following under section 27(3) in the notice of decisions letter for an accepted referral application.

Restrictions that apply to the project (for example, on its geographical location, its duration, or the aspects of the project that may be carried out)

¹⁶ Ashbourne-Final-Decision-20.05.26.pdf

We recommend the project description and project details at the beginning of this table are copied into the notice of decisions letter. We have not identified any other specific restrictions that we consider would apply to the project.

In relation to a substantive application for the project:

A deadline for lodging the application, unless section 27(3)(c) applies

We consider the standard deadline for lodging the substantive application under section 28(3)(d)(ii) is suitable, which would be the date that is two years after the notice is given to the applicant.

Information that must be submitted with the application

In addition, other invited parties have identified further matters that they consider should be addressed in the substantive application. In particular, NZTA expects to receive an updated integrated transport assessment for the project. Both RDC and BOPRC consider that further information is required on a range of matters, including three waters infrastructure, planning alignment, and effects management.

Having regard to these comments, we recommend that you also specify that the applicant must submit:

- a three waters infrastructure servicing and funding assessment; and
- an integrated transport assessment, including but not limited to, details on the proposed access arrangements, a construction management plan, any proposed mitigation measures to address adverse effects on the state highway network arising from the project, and information on how any transport upgrades required as a result of the project will be funded.

We note the Act already prescribes a range of information that must accompany a substantive application, including the matters set out in clauses 5–7 of Schedule 5, which specify the information required in a resource consent application, including the matters to be addressed in an assessment of environmental effects.

While the project has some complexities and will likely require a range of technical assessments, we consider that the information requirements in the Act, together with the specified additional assessments and the expert panel’s ability to request further information if required, are sufficient to support an effective assessment. Following a decision on the referral application, the applicant will also have access to the comments received from invited parties and can have regard to those matters when determining the scope of information and technical assessments to include with the substantive application. Careful consideration of those comments is likely to assist in supporting an efficient assessment process.

Notwithstanding this recommendation, you retain discretion to specify any further information that must be submitted with the substantive application if you consider it appropriate to do so.

The persons or groups from whom a panel must invite comments in addition to those specified in section 53

If you decide to accept the referral application, we recommend you specify in the notice of decisions the following persons or groups be invited to comment on the substantive application, for the reasons outlined below:

- NZTA – as SH36 is within proximity to the project area
- Transpower – as the project area includes Transpower’s ARI-EDG B 110kV transmission line
- Tarimano (Awahou) Marae – identified as a Māori group with other relevant interests under section 18(2)(k), that is not already captured under section 53.

We note you retain discretion to decide not to specify that any of these parties be invited by the panel to comment at the substantive application stage. You may also specify that any other persons or groups of your choosing be invited to comment. You do not need to specify the parties already captured under section 53, as those parties must be invited to comment on a substantive application by the expert panel. This includes relevant local authorities, relevant iwi groups and Treaty settlement entities, the Minister for the Environment and other relevant portfolio Ministers, and the owners and occupiers within or adjacent to the land to which the substantive application relates.

Whether the substantive application would have any competing applications

N/A – RDC and BOPRC have confirmed they have no record of any competing applications in the same project area.

Whether, in relation to any proposed approval of the kind described in section 42(4)(a) (resource consent), there are any existing resource consents of the kind referred to in section 30(3)(a)

N/A – BOPRC did not identify any resource consents of the kind referred to in section 30(3)(a).

Conclusion

We recommend you specify under section 27(3)(b)(ii) that the applicant must provide a three waters infrastructure assessment and an integrated transport assessment with the substantive application. We also recommend you specify under section 27(3)(b)(iii) NZTA, Transpower, and Tarimano (Awahou) Marae as the groups from whom a panel must invite comments from in addition to those specified in section 53. This is reflected in our recommendations above. We have not identified any other specified matters for the accepted referral application.

Appendix 1: Statutory framework summary

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