IN THE MATTER of the Fast-track Approvals Act 2024 (the **FTAA**)

AND

IN THE MATTER of the Fast Track Application **Southern Links 1 [FTAA-2609-1294]**

RESPONSE TO PANEL CONVENER'S MINUTE 2
Southern Links 1 [FTAA-2609-1294]

Dated: 17 November 2026

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1. Waikato Regional Council (WRC) is in receipt of Minute 2 with respect to the Panel Convener's Conference for the **Southern Links 1 [FTAA-2609-1294]** Fast Track application and confirms AnaMaria d'Aubert, Sheryl Roa and Hugh Keane on behalf of WRC, will attend the meeting scheduled for 24 November 2026.

2. WRC has been requested to respond to a number of matters as outlined in Schedule 1 and 2 of Minute 2 and these are addressed below.

3. WRC acknowledges that the engagement with the Southern Links 1 (SL1) team to date has consisted of conversations associated with the north industrial site which is part of this application and the south residential block (known to WRC staff as the Mexted Block).

Complexity

4. Minute 2 requests WRC to comment on the level of complexity including any novel or difficult legal issues, any evidential or factual complexity.

5. Overall, WRC considers the proposal to be moderate to high in legal and factual complexity. This is a land development proposal within the Waikato Region and the Waipa District where the new water entity (Waikato Waters) is responsible for the water and wastewater aspects of the proposal. The proposal borders the southern boundary of Hamilton City and proposes to integrate the water and wastewater infrastructure with Hamilton City/IAWAI. The cross-boundary issues have implications for infrastructure, services and the effective integration of the development, and the associated funding implications, and are considered moderate to highly complex issues needing to be clarified and/or resolved.

6. There are a number of matters that require further details relating to how flooding will be managed and how the watercourses are classified.

7. WRC notes that the integration of an urban stormwater network into a rural setting with implications for treatment, attenuation and downstream impacts will need to be evaluated. As will how the sites will be managed with respect to wastewater disposal and water supply as the site is located entirely within the Waipa District but proposes to source its water and wastewater disposal from Hamilton City infrastructure.

8. The proposal will impact on the WRC's Integrated Catchment Management Directorate's Land Drainage Scheme.

Identification of Principal Issues

9. Minute 2 requests WRC to identify principal issues in contention or other disputed matters.

10. For matters relating to WRC, a key matter for discussion is the applicant's proposed reclamation of a number of watercourses (referred to as Drains C-G within the north industrial site and an unnamed watercourse located within the south residential block was per the application documentation).

11. The applicant proposes that 257 m of Drain C will be piped with the remaining 163 m remaining daylighted through the stormwater reserve. Approximately 684 m of Drains D-G will be reclaimed. The proposal further requires 2.7 km of a watercourse to be reclaimed.

12. WRC staff have not undertaken an assessment of the classification of the watercourses proposed to be reclaimed and at this early stage it does not agree to some of the classifications asserted by the applicant and/or its consultants within the application documents.

13. If any of these watercourses are streams as defined by the RMA then Regulation 57 of the Resource Management (National Environmental Standards for Freshwater) Regulations 2020 (NES-FW) requires a functional need test assessment and subsequent application of the effects management hierarchy before a resource consent for a discretionary activity can be granted. "Functional need" is defined in the National Policy Statement for Freshwater Management 2020 as meaning, "the need for a proposal or activity to traverse, locate or operate in a particular environment because the activity can only occur in that environment."

14. The application documentation provides no rationale for the functional need for the reclamation of the water courses and does not contain any assessment of the effects management hierarchy. It

appears that the applicant has based this on the assumption that the watercourses are “Drains” and not waterways as per the RMA.

15. Whilst WRC accepts that the FTAA establishes a different consenting and decision-making framework from the RMA, it does not mean that regulation 57 of the NES-FW can be dismissed and limited assessment undertaken.

16. This is a matter that WRC considers needs to be sufficiently addressed and clarified as to the status of the waterways.

17. WRC considers that most of the other issues associated with this proposal can be resolved through the process, but the following matters in particular, will need careful assessment by the Expert Panel:

    - Stormwater integration across the entire site and how it will integrate with WRC’s land management scheme; and
    - Classification of the waterways and whether there is a functional need for the reclamation of the waterways.

Draft Proposed Conditions

18. Minute 2 requests WRC discuss the extent to which the draft proposed consent conditions (including any draft management plan filed) is accepted. WRC received notice of this substantive application on 10 November 2026 and a thorough review of the proposed conditions has not yet been undertaken.

19. However, for the matters WRC considers can or likely will be resolved, our initial view is that the draft proposed conditions generally reflect earlier feedback from consultation with WRC and include standard conditions that will provide a basis for conditions. These will follow a logical sequence and include aspects of relevance to WRC. However, WRC also notes that further refinement/categorisation will be necessary to reflect the complexity and details with particular reference to the matters identified above.

20. WRC remains willing to engage with the Expert Panel and the SL1 team to narrow the issues of contention and to develop and refine workable consent conditions through this fast track process.

21. Minute 2 also requests WRC propose efficient processes to enable the Expert Panel to understand, resolve or narrow the scope of any likely issues and indicate how these processes may be accommodated within the decision timeframe.

22. WRC remains willing to engage as necessary to advance the progress of the application efficiently through meetings and responses, and with the SL1 team to narrow the issues of contention, and to develop workable consent conditions and associated design, mitigation and monitoring solutions.

23. WRC staff consider that the process may benefit from expert caucusing on to the following matters:
    - Classification of the waterways;
    - If the waterways are waterways as defined within the RMA then whether there is a functional need for the reclamation of the streams and a discussion of the effects management hierarchy;
    - Stormwater as it impacts on the nearby WRC Integrated Catchment Management drainage system and how the proposal meets the relevant guidelines; and
    - Planning matters and any discussion on appropriate conditions to address the detail of specifically identified matters

24. WRC recommends that a timeframe of at least 70-80 workings days would be appropriate under s79 of the FTAA. WRC also seeks that the appointment of the Expert Panel and information requests take into account upcoming statutory holidays and the summer holiday break over January 2027. This proposed timeframe also reflects the complexity of the proposal and the significance of the issues that remain unresolved.

Expert Panel

25. As the Convener is aware, this proposal and its resource consent applications fall within the Waikato River catchment. As such, the Waikato-Tainui Raupatu Claims (Waikato River) Settlement Act 2010 (River Settlement Act) applies.

26. Clauses 3 and 5 of Schedule 3 of the FTAA, in light of sections 7 and 8 of the FTAA, requires the Panel Convener to act in a manner that is consistent with the obligations arising under the River Settlement Act.

27. As a result, WRC considers that unless the WRA agrees otherwise, the River Settlement Act requirements prevail and only an odd numbered panel membership can be appointed.

28. WRC considers that it would more efficient if a three-person panel membership occurred rather than a five person one. Our rationale is a practical one, as WRC has concerns with finding sufficient Expert Panel members given the number of Fast Track applications within the Waikato River catchment either in the substantive or referral stage expected to be progressed over the next two years.

29. WRC also considers that the Panel membership would benefit from members who have expertise in legal, planning and development engineering.

30. WRC thanks the Hearing Convener for the ability to provide input at this early stage of the process.



AnaMaria d'Aubert

Manager - Regional Consents

Resource Use Directorate