

Te Awamutu Developments Ltd

Harlow Lifestyle Village - Te Awamutu

**Fast Track Approvals Act 2024
– Referral Application – Planning Report**

July 2025





Document control

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1. Executive Summary

This Planning Report is submitted in support of the Referral Application under the Fast-track Approvals Act 2024 (FTAA) by Te Awamutu Developments Ltd (TADL) for the Harlow Lifestyle Village (Harlow). Harlow is a retirement village and senior living project at 2025 Ohaupo Road, Te Awamutu. The site, covering 25.78 hectares, is located north of Te Awamutu and south of Hamilton City, within the Waipā District Council territorial area.

The Project enables the development of a community for senior living, providing 407 dwellings/units, including single-storey houses, duplex units, apartments, and a 100-bed care facility. The development will also feature communal facilities and a neighbourhood centre. The Project is designed to cater specifically to an ageing population, addressing a critical need for retirement housing and care capacity. The development will be restricted to persons aged over 55, either via covenants or similar mechanisms. The land tenure will be a mix of fee simple and Occupation Right Agreements (ORA) under the Retirement Villages Act 2003.

The Project will be delivered in seven stages, with the first stage focusing on the delivery of 105 villas and apartments and the 100-bed care facility. The subsequent stages will deliver the balance of the dwellings/units and the communal facilities. Whilst delivered in stages, consents (i.e. the Substantive Application) will be sought for the whole development outcome.

The nature of the consents required to deliver the Project is set out in Section 3.1 of this report and includes resource consents and subdivision consents from the territorial authorities (Waipā District Council and Waikato Regional Council).

The assessment that supports this Referral Application demonstrates that Harlow will provide significant national and regional benefits in accordance with the purpose of the FTAA for the following reasons:

- **Housing Supply:** The Project delivers accommodation for an ageing population, addressing the critical need for retirement housing and care capacity in the region. It will provide 407 dwellings/units and a 100-bed care facility, significantly boosting housing supply and fostering competition in the local senior living market. This aligns with the National Policy Statement on Urban Development 2020 (NPS-UD), which acknowledges that competition is fundamental to economic efficiency.
- **Economic Benefits:** The Project is estimated to contribute approximately \$120 million to GDP during the construction phase, support over 848 full-time equivalent job-years, and generate \$70 million in wages. Once operational, the development's 100-bed care facility is projected to sustain 81 full-time equivalent jobs annually, contributing \$8.3 million to GDP and \$6.1 million in wages each year. This will offer stable, year-round employment and career development opportunities for local residents.
- **Social and Cultural:** The Project provides an option for fully independent/fee-simple senior living, enabling different housing varieties and price points. It will increase supply and enable retirees to choose to live in their established community. There is also an opportunity to work with mana whenua to incorporate cultural values into the design and provide affordable housing opportunities.
- **Environmental:** The Project addresses the national risk of climate change and natural hazards by managing flooding hazards through stormwater management and incorporating measures to reduce greenhouse gas emissions. It integrates well with nearby ecologically sensitive areas by avoiding wetland encroachment and incorporating stormwater detention with native plantings. This contributes positively to regional ecological outcomes, especially within the Mangapiko sub-catchment.

The Project has undergone significant preliminary investigations and meets the necessary criteria under the FTAA as set out in this Planning Report and the appendices that support the Referral Application.



2. Applicant and Property Details

2.1 Applicant

The Applicant is Te Awamutu Developments Ltd (TADL). TADL is a listed company and has one director, Levin Da Costa.

TADL are related to the development company of the parent company The Ultimate Global Group Ltd (UGG). UGG is a New Zealand-owned business conglomerate with operations across New Zealand and the Asia-Pacific region, spanning multiple industries including Property Development, Housing Construction, Agriculture, Hospitality, and Tourism.

UGG's core activity for the last 30 years have been real estate developments including the through to construction, specialising in the development and conversion of greenfield sites to housing construction. Besides New Zealand, the Group currently has greenfield developments in Indonesia, Malaysia and India.

The Ultimate Global Group entity¹ and their development arms Ultimate Developments² and Ultimate Builders³ provides the confidence that housing will be delivered. Collectively, the entity has a proven track record of developing greenfield landholdings and building houses for the end purchasers, having delivered over 1000 new dwellings to date. Current and recently completed projects of note include:

- Overdale Estate – Putāruru, South Waikato – 30ha residential estate, providing 400+ homes as the initial stages including a 240 unit retirement village (HARLOW Putaruru). Adjacent land has been purchased for further expansion of the Estate.
- West Melton Holdings – Selwyn, Canterbury – 12.5ha retirement village (HARLOW West Melton) located on West Coast Road.
- River Road Estate - Ngaruawahia, Waikato – A greenfield residential development at the northern end of River Road on the outskirts of Hamilton City, comprising of 184 standalone houses. The final stage of this project is a comprehensive development comprising of 40 standalone and a shared outdoor communal space.
- Awatea Park – Wigram, Christchurch – Greenfield residential development south of Wigram runway. Delivering 300 house and land packages.
- Herekawe – New Plymouth, Taranaki - Greenfield residential development on South Road in New Plymouth consisting of 18 standalone sections.
- Pattie Lane – Pāpāmoa, Tauranga – Greenfield residential development comprising 34 duplex and standalone homes.
- Rangiora Developments Ltd - Waimakariri, Canterbury – 4ha boutique lifestyle/retirement village (HARLOW Rangiora) located in southwest Rangiora.

2.2 Property Details

The site subject to this Referral Application is located at 2025 Ohaupo Road, Te Awamutu. The site is 25.78ha in size and is legally described as Part Lot 1 DP 35654 and Lot 1 DPS 36696 (CFR: SA32D/155). A copy of the record of title is included as **Appendix A**. The site is owned by TADL.

The site is located north of Te Awamutu and south of Hamilton City. The site is bounded to the east by State Highway 3 (SH3 or Ohaupo Road). SH3 connects Te Awamutu to Hamilton.

¹ <https://www.ultimateglobalgroup.com/>

² <https://www.ultimatedevelopments.co.nz/>

³ <https://www.ultimatebuilders.co.nz/>



The registered interests on the title include a building line restriction – which affects the first 5m of the site (off the road boundary) and a gazette notice declaring SH3 a limited access road.

The site is in the Waipā District Council (WDC) territorial area and the Waikato Regional Council (WRC) Regional Authority. Under the operative Waipā District Plan (District Plan), the site is zoned as rural but borders the urban limits boundary and land that is zoned residential. The site extent and wider context are illustrated below in **Figures 1-3**.

Figure 1: Site Context

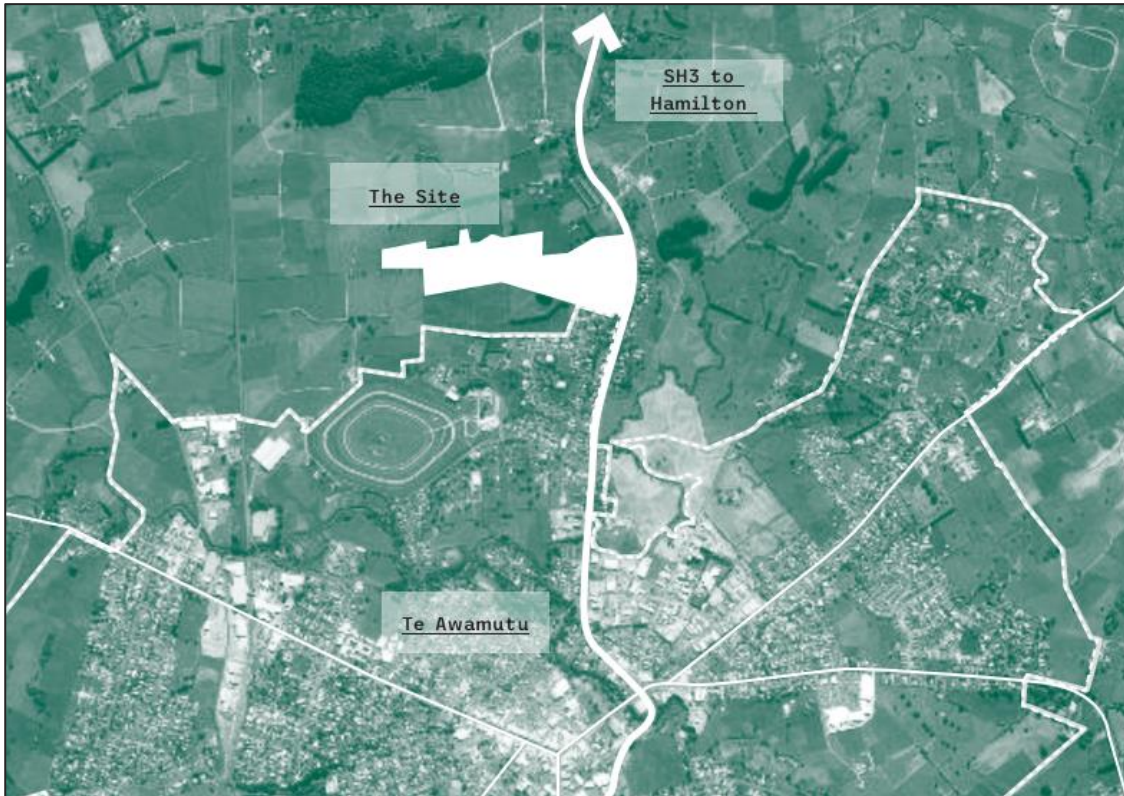
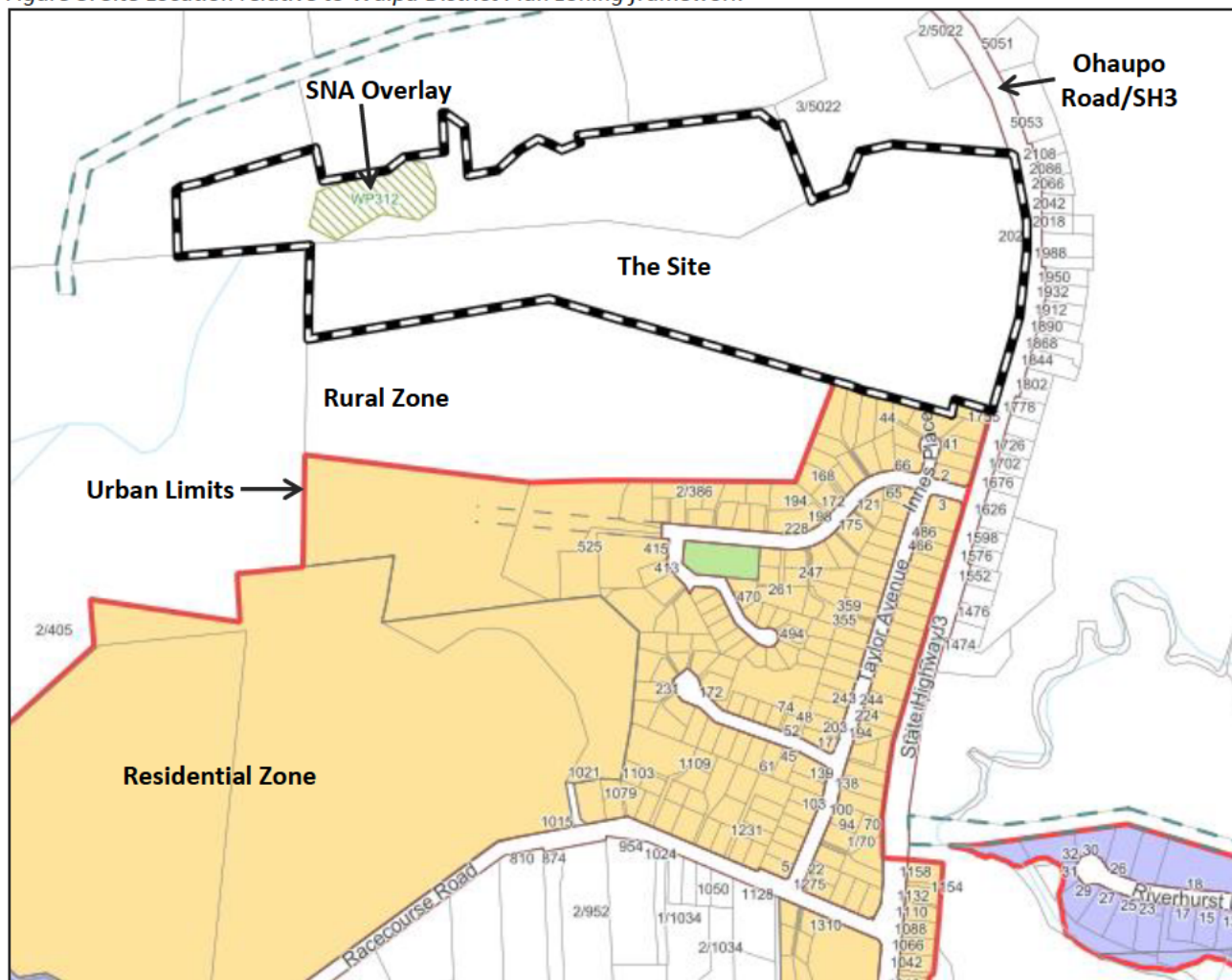


Figure 2: Aerial of the Subject Site



Figure 3: Site Location relative to Waipā District Plan zoning framework



2.2.1 Site and Locality Features

Other key site and locality features of note include the following:

- The site is currently used for low intensity pastoral agriculture. Adjoining land uses include horticulture (kiwifruit), dairy farming and residential.
- The site topography is rolling land or undulating land that slopes away from Ohaupo Road. The southern boundary and the northern boundary also slope towards a central drain that runs east-west through the site. The central drain partially splits the site into two areas to the north and south. The drain aligns east to west through the middle of the site and bounds a small part of the site to the south, at the far western edge. The mapped Landform is shown in Figure 4.
- The site is located within the lower third of the Waipā River catchment. The Waipā River discharges into the Waikato River just north of Ngāruawahia. The site is also within the Mangapiko sub-catchment, which flows into the Waipā River just north of Pirongia.
- The site includes a Significant Natural Area (SNA) as identified in the District Plan as WP312. The SNA is described as “a small kahikatea remnant in underlying farmland near Te Awamutu that lies between Pirongia Mountain and Maungatautari Ecological Island”. It is approximately 1.02ha in size. The location of the SNA is also shown in Figure 3.



- A Wetland Delineation Assessment has been undertaken by BTW Company (**Appendix C**) and confirms that the site contains nine natural inland wetland units. The location of these natural inland wetlands is shown in **Figure 5**.
- The site has 340m of primary road frontage to Ohaupo Road/SH3. The NZ Transport Agency Waka Kotahi (NZTA) is the road controlling authority for SH3 and has a designation (D37) for its use and management in the District Plan. Under the District Plan, SH3 is classified as a major arterial route. In the One Network Road Classification, it is a regional-strategic road. A speed limit transition (i.e. from 70km/hr to 100km/hr) is located at the northern extent of the site. SH3 has a daily volume of over 12,000 vehicles. There are currently no dedicated provisions for cycle lanes or footpaths along the western side of SH3 in the immediate vicinity of the site.
- Water and wastewater reticulation are located in the urban streets south of the site. The intention is that water will connect to Greenhill Drive's reticulated network, and a wastewater manhole on Greenhill Drive (about 90m away) will serve as the site's wastewater connection.
- Based on preliminary investigations, undertaken by BTW Company (**Appendix D**), it is confirmed that isolated areas of the site are noted as being subject to activities on the Ministry for the Environment (MfE) Hazardous Activities and Industries List (HAIL). These areas relate to a livestock dip area, an offal pit, asbestos and lead-based plant use on farm buildings, a 1943 structure and a burn pit. The location of these features relative to the site boundaries is shown in **Figure 6**.
- Detailed land use capability assessment undertaken by Landsystems (**Appendix E**) has confirmed that the site contains a combination of Land Use Capability 2, 3, 4 and 6. Based on this classification, 17.8ha (or 68.8%) of the site is defined as highly productive land (under the current NPS-HPL) and 8.0ha (or 31.2%) is not highly productive. The Government in March 2025⁴ signalled that they intend to remove the LUC 3 classification from the definition of HPL. This change is anticipated to be released with the updated National Policy Direction at the end of 2025. With this change, the total area of NPS-HPL highly productive land (using LUC 1 and 2 only) is 7.1ha (27%) and the greater balance area is not classified as highly productive land. **Figure 7** shows the LUC classification across the site.
- There are no recorded archaeological sites on or directly adjacent to the property (as confirmed by the Archaeological Investigation in **Appendix F**), nor has the engagement with mana whenua identified any specific sites of cultural significance on or near the property.

⁴ <https://www.beehive.govt.nz/speech/speech-property-council-residential-development-summit>



Figure 4: Landform Analysis (Source: BTW Company Geotechnical Stability Report)



Figure 5: Wetland Delineation (Source: BTW Company Wetland Delineation Assessment)

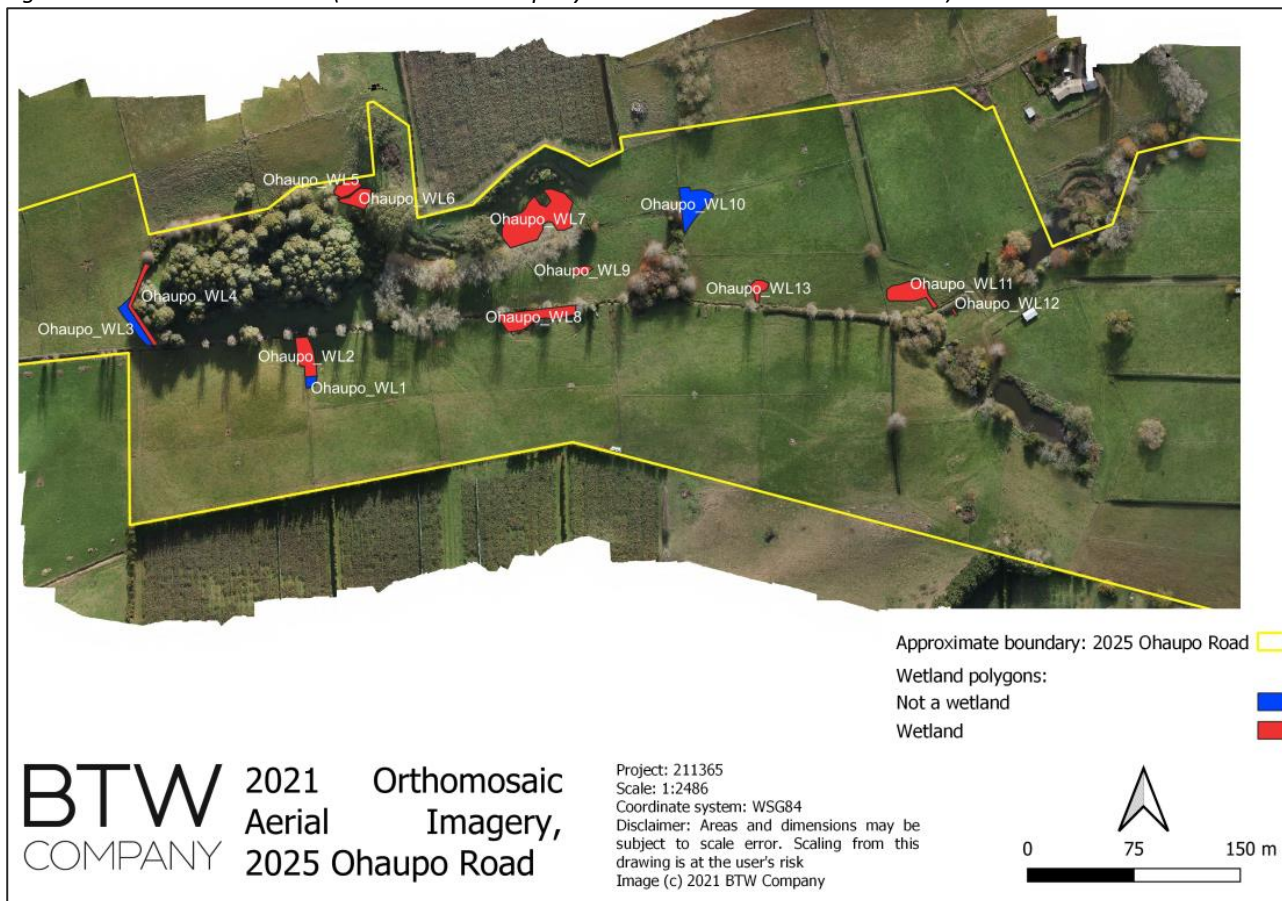


Figure 6: Site Plan and Piece of Land Demarcation (Source: BTW Company Preliminary Site Investigation)

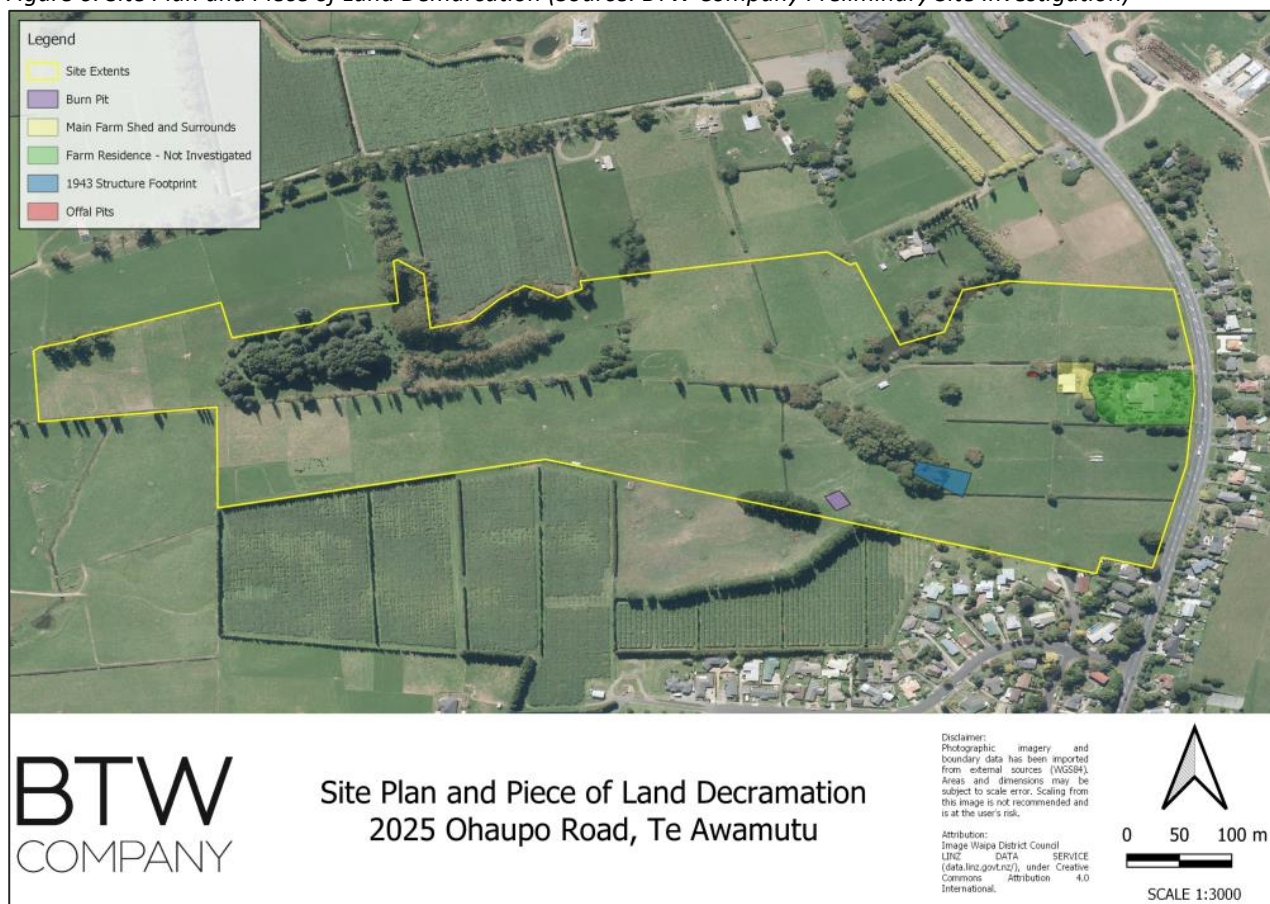
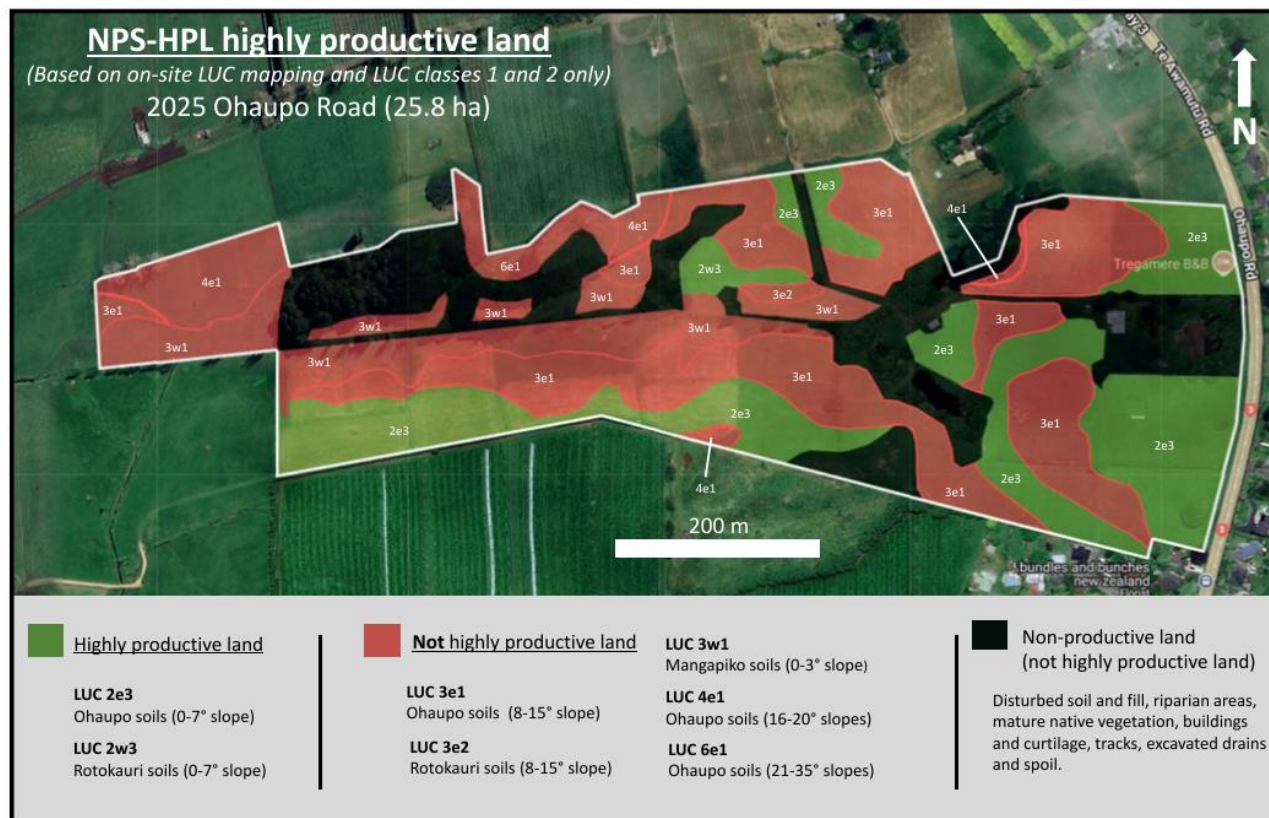


Figure 7: NPS-HPL Highly Productive Land Mapping - Class LUC 1 and LUC 2 only (Source: Landsystems LUC Assessment)



3. Information required in a referral application

3.1 Proposed approvals being requested under this Application (s13(2)(d))

The following approvals are required to enable the development outcome.

3.1.1 Waipā District Council

The proposal will trigger resource consents under the Operative Waipā District Plan for the following reasons:

Subdivision consents:

- Staged subdivision consent to create individual fee simple titles for single dwellings, superlots for the duplexes, apartments, community facilities and care facility, lots for roads, a lot for a pump station and lots for reserves (stormwater and ecological enhancement areas).
- Unit title subdivision consent to support duplex units – either separate consent for each duplex or staged consent.
- Unit title subdivision consent to support apartment units.

All three subdivisions are **Non-complying activities**, being that they fail to comply with the performance standards for subdivision in the Rural Zone – as identified in Table 15.4.1 of the District Plan.

Land use consents:

- For a retirement village consisting of a care facility and other communal facilities.
- For standalone houses, duplexes and apartments.

The proposed land use activities are classified as **Non-complying activities** because they are not explicitly provided for within the Rural Zone. They therefore default to being Non-complying activities under Rule 4.4.1.5(b) of the District Plan. This rule dictates that any activities not listed are considered as a Non-complying activities. The land use activities may also breach the District Plan performance standards for the Rural Zone (i.e. setbacks). As part of the substantive application, a detailed assessment of the Rural Zone performance standards and the district-wide provisions will be undertaken to confirm permitted activities and those for which resource consent is also required.

3.1.2 Waikato Regional Plan

The proposal will trigger resource consents under the Operative Waikato Regional Plan (WRP) for the following reasons:

Water Permit - Surface or Ground Water Take:

- Either a resource consent for a temporary surface or groundwater take will be sought for the purpose of dust suppression during earthworks. The relevant rules are Rule 3.3.4.16 – Controlled Activity Rule – Taking Surface Water and Rule 3.3.4.24 – **Discretionary activity** – Groundwater takes.

Discharge Permit - Stormwater:

- A resource consent to divert and discharge stormwater onto land and water under Rule 3.5.11.8 – **Discretionary activity** – Discharge of Stormwater.

Structures – Culverts:

- A resource consent under Rule 4.2.9.3 – **Controlled activity** – Culverts for Catchments Not Exceeding 500 Hectares for any culverting of the unnamed tributary for road corridors.



Land Use - Land disturbance:

- A resource consent for land disturbance and cleanfill placement. Aspects of the land disturbance are likely to be located within High Risk Erosion Areas and may not meet the Controlled activity standards in Rule 5.1.4.14. Similarly, the cleanfill volumes may exceed those in Rule 5.2.5.4 – Permitted activity – Small scale cleanfill disposal outside of High Risk Locations. We anticipate that a **Discretionary activity** consent under Rule 5.1.4.15 - Soil Disturbance, Roding and Tracking and Vegetation Clearance, Riparian Vegetation Clearance in High Risk Erosion Areas and a **Controlled activity** consent under Rule 5.2.5.5 – Large Scale Cleanfill Disposal outside High Risk Locations will be required.

Engagement with the Regional Council staff, in the preparation of the substantive application, will also confirm the consents required and/or those activities that are permitted.

3.1.3 National Environmental Standards

National Environmental Standards for Assessing and Managing Contaminants in Soil to Protect Human Health

- The proposal will require consent for disturbance and subdivision/change of land use as a **Restricted discretionary activity** under Regulation 10.

National Environmental Standard for Freshwater

- The proposal is likely to require consent for earthworks or land disturbance outside a 10m, but within a 100m, setback from a natural inland wetland and for urban development and for the diversion of water or the discharge of water within 100m setback from a natural inland wetland and for urban development. Both of these consents are **Restricted discretionary activities** under Regulation 45C.

3.1.4 Other Comments

Archaeological Investigation undertaken (**Appendix F**) has not identified any specific archaeological sites on the property or adjacent properties. A recommendation of the report is also that “an authority to modify or destroy any unrecorded archaeology during the project does not need to be applied for from Heritage New Zealand Pouhere Taonga under Section 44 of the Heritage New Zealand Pouhere Taonga Act 2014”. Based on that investigation and recommendation, no archaeology authority is being sought.

At this time, a Wildlife Permit under the Wildlife Act 1953 has not been identified as being required to enable the development outcome.



4. Proposal and Effects

4.1 Description of the project and the activities it involves (s13(4)(a))

4.1.1 Overview

The site to which this application relates is all of the land located at 2025 Ohaupo Road, Te Awamutu, legally described as Part Lot 1 DP 35654 and Lot 1 DPS 36696 (CFR: SA32D/155). See **Figure 2**. The site is located on the northern boundary of the Te Awamutu urban limits. The site is located on land which has not been identified in any strategic planning document (i.e. Waipa 2050 or Future Proof) as being a future growth cell for Te Awamutu. The site is, however, well placed to provide an alternative option for retirement and senior living, for an ageing population and in a manner that is not specifically tied to the ORA requirements of the Retirement Villages Act 2003 (RVA) due to its location, its size, its accessibility to infrastructure and its single ownership.

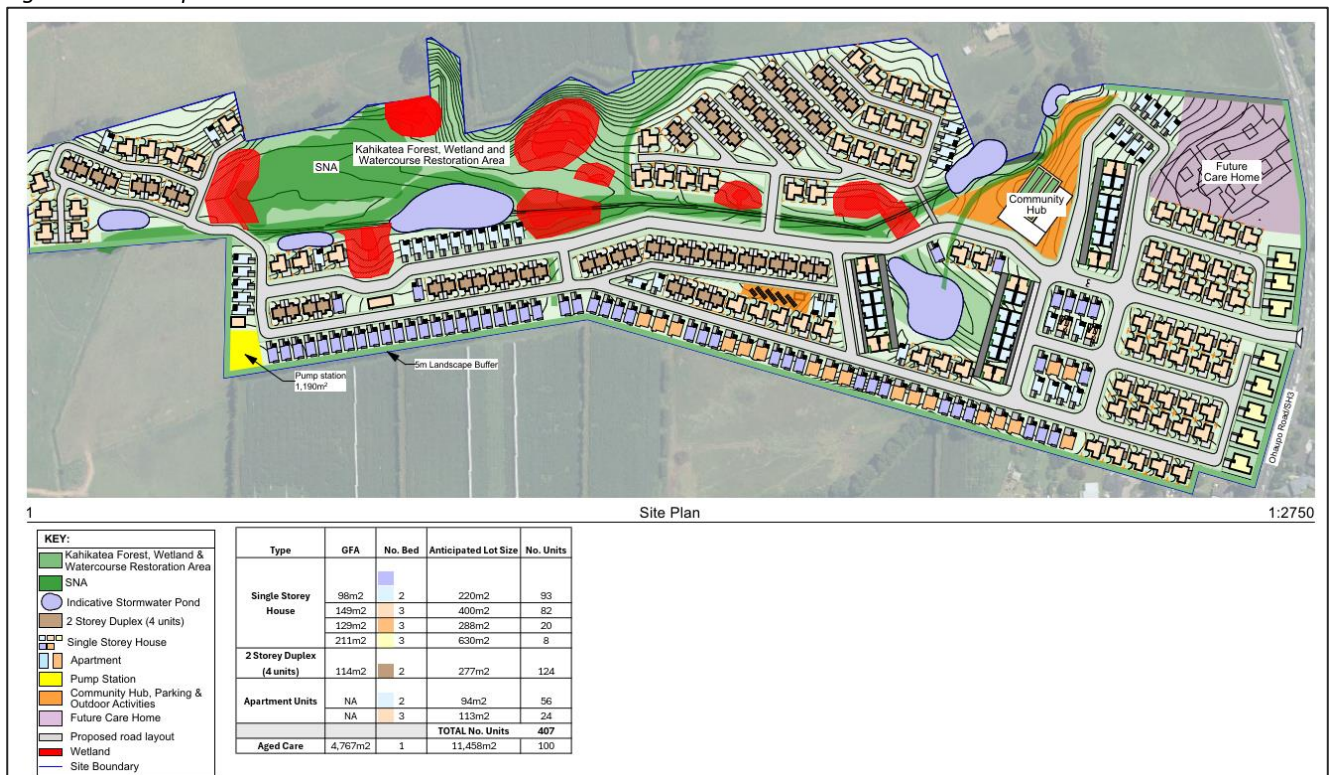
4.1.2 Development Overview

TADL seek to develop a community for senior living, being 55 years plus, that provides owners and occupiers with a choice on how they own their land and where they live. The development outcome will provide for 507 dwellings/units made up of:

- 203 single-storey houses
- 124 two-storey duplex units
- 80 apartments
- A 100 bed care facility
- Communal facilities and neighbourhood centre.

The general arrangement of those typologies is demonstrated on the Masterplan in Figure 7 (see also **Appendix B**).

Figure 7: Masterplan



The development outcome will be restricted to persons aged over 55, either via covenants or similar mechanisms. The care facility may also be registered under the RVA.

There are three key pillars that the development will seek to provide for its residents. They are:

- a. **Meaningful connection:** Offering a more community-minded alternative to big city living while also incorporating cultural and environmental cues and connections into the design of the development.
- b. **Sustainable by design:** Low impact neighbourhood design and homes that are designed with sustainable technology and materials that keep residents warm and dry all year round.
- c. **Ultimate independence:** The value offered by a home and support services in the development frees residents up to enjoy life on their terms.

4.1.3 Activities involved

The activities involved include the following:

- Bulk earthworks;
- Construction of three waters, power and telecommunications reticulation and a roading network;
- Formation of a new intersection with SH3;
- Fee subdivision of lots to provide the basis for development;
- Physical construction of the built form outcomes set out in section 4.1.2;
- Unit title subdivision of the duplex and apartments outcomes; and
- Ecological restoration.

4.2 Explanation of how the project meets the criteria in s22 (s13(4)(b))

4.2.1 Significant Regional or National Benefits (s22(1)(a))

Firstly, Harlow was identified in the Fast-Track Projects Advisory Group – Report to Ministers (August 2024) as a recommended housing and land development project under the 2B – High priority list (FTA150). This classification indicates that the advisory group believes it would provide significant regional or national benefits.

Furthermore, based on our interpretation of 'regional significance,' we consider it to entail an activity within the region capable of generating substantial benefits on a regional scale. These benefits may encompass various social, economic, environmental, or cultural aspects; however, they need to extend beyond the immediate locality and support the expedited delivery of infrastructure or development.

In this context, Harlow is considered a **regionally significant project** and, in certain respects, **nationally significant**, for the following reasons:

1. The Project provides a significant increase in housing supply (s22(2)(a)(iii))

There is insufficient capacity for new dwellings across the Future Proof region in the short-medium term. While the Insight Economics reporting confirms that Te Awamutu appears to have sufficient capacity to meet expected demand⁵, this is based on high realisation rates that may be overly optimistic and also masks notable shortfalls for dwellings at most price points⁶. It also does not address the issue of the land actually being brought to the market by the landowners that have an enabling zoning. The development of 407 dwelling/units, in a lifestyle village framework, will support additional residential capacity and

⁵ Via the growth cells identified in Waipa 2050 and the Waipā District Plan.

⁶ Refer to Section 6.1 of the Insight Economics Report in Appendix H for further information.



respond to the local, **regional** and **national** housing shortage. It will also provide additional capacity for new homes outside of the \$500-\$600k price bands, where the capacity is most concentrated. Refer to Section 6.1 of the Insight Economics report (**Appendix H**) for further information.

2. The Project delivers accommodation for an ageing population (s22(2)(a)(iii))

The development of 407 dwellings/units and 100 care beds, which represents a significant boost in supply and provides essential housing for the ageing population of Te Awamutu, the Waikato and New Zealand. This has a significant benefit, both **regionally** and **nationally**. The variety of housing options and a mixed tenure approach which differs from the traditional retirement village, can also offer **regional** benefits, potentially reducing some of the stigma related to lifestyle village living and encouraging competition in the local senior living market. This aligns with Objective 2 of the NPS-UD, which acknowledges that choice and competition is fundamental to economic efficiency.

The following commentary provides further context as to why the Project will deliver significant benefits to an ageing population:

- The issue of providing for housing for an ageing population is not new, but is one whereby specific planning interventions that cater for an ageing population are not specifically being provided for. The Retirement Village Association records that the shortfall of appropriate retirement housing and care capacity to cater for New Zealand's ageing population is already at a crisis point (i.e. demand is outstripping supply)⁷. Delays and uncertainty caused by the national policy direction and the RMA processes are suggested to be major contributors to this shortfall.
- Waipā District is experiencing strong population growth, which is set to continue well into the foreseeable future. As the district's population grows, so does its demand for housing. In addition, the district's population is ageing⁸, which creates heightened demand for housing designed specifically for an ageing population⁹. The statistics¹⁰ that support these statements are summarised as follows:
 - The population of the Te Awamutu urban area increased from an estimated 15,650 in 2001 to 22,400 in 2024—an uplift of 6,750 residents or 43%. Over the same period, the number of residents aged 65 and over rose from 2,350 to 4,500, representing an increase of 2,150 people or 91%. These figures exclude the 55-65 age bracket, which is also proposed to be accommodated by the development outcome.
 - As of 2024, approximately 20.1% of Te Awamutu residents are 65 years or older – substantially above the national result of 16.5% and higher than the Waikato Region (17.3%)
 - At a regional level, by 2048 there will be 113,500 residents aged over 70+. For the primary catchment area (being Te Awamutu and surrounds) the 70+ population is projected to grow by 79% (from 5,010 to 8,990 residents) from 2023 to 2048, while the 85+ cohort will surge by 208%.
 - To cater for the regional demand 11,981 retirement village units and 6,592 residential care beds/suites are required by 2048, and to date the region has less than half of both. The Te Awamutu region faces a net latent demand of 286 units by 2048, which also exceeds current supply in the pipeline.

⁷ As articulated in the Legal Submission on behalf of the Retirement Villages Association of New Zealand Incorporated and Ryman Healthcare Limited on PC26 to the Waipā District Plan.

⁸ The District population is notably older with 22% of residents aged 65 year or over, compared to 13% for the rest of the sub-region.

⁹ According to industry statistics, about 14% of people aged 75 or older choose to live in a retirement village and/or aged care facility.

¹⁰ As per the Webster Net Latent Demand Report (Appendix G).



- Waipā District (and the sub-region) have tried to address the required demand for an ageing population by rezoning sufficient land for residential purposes. The issue with this approach is that retirement villages are most often not what residential neighbours want, nor do district plans specifically anticipate or enable them (in that they require resource consent approvals). Retirement villages are also best delivered comprehensively and at scale, which means they are expensive to deliver and require large landholdings. The evidence of the Retirement Village Association (RVA) on PC26¹¹ and other IPI's across NZ cities highlighted these issues, whereby they sought a consistent permissive consenting framework for retirement villages in Medium Density Residential Zones (MDRZ). Some of the points made in this evidence are that:
 - Retirement villages are a residential activity but have some notable differences from other residential activities. They have unique functional, operational and other needs which differentiate them from other forms of residential development. Retirement village living entails residing “at home” within a community living category, accompanied by supporting wrap-around services such as communal and open space amenities.
 - Modern retirement villages necessitate larger sites, to cater for the full range of facilities that support that landuse outcome in or near existing urban environments and such suitable locations are scarce. There are significant challenges in finding suitable sites.
 - The planning framework is not enabling for retirement villages, with consents being required. Similarly, the planning provisions do not adequately address the unique features of retirement villages or the different specialist units and amenities they offer.
 - The NPS-UD seeks to provide for well-functioning urban environments that “*enable all people and communities to provide for the wellbeing, health and safety.*” To achieve this objective, in relation to older persons within the community, means providing for the specific housing and care needs of those people.

Therefore, while it may appear that there is residential development capacity for retirement villages within the Region, it may not be sufficient to accommodate a retirement village of the required size to provide the full range of services sought by the various retirement village providers. Limiting the development outcome for the site solely to an ageing population addresses this issue and provides **regional** benefits. The outcome is also able to be delivered, and at scale, due to single ownership and a sufficiently large land holding.

3. The project delivers significant economic benefits (s22(2)(a)(iv))

The Insight Economics analysis (**Appendix H**) has confirmed that the Project will deliver the following significant economic benefits at both **regional** and **national levels**:

- During the construction phase, the Project is estimated to contribute approximately \$120 million to GDP, support over 848 full-time equivalent job-years, and generate \$70 million in wages. These benefits will be distributed across a wide range of industries, including construction, engineering, manufacturing, and professional services, with an estimated \$24 million in GST revenue also generated.
- Once operational, the development's 100-bed care facility is projected to sustain 81 full-time equivalent jobs annually, contributing \$8.3 million to GDP and \$6.1 million in wages each year. These roles span healthcare, hospitality, administration, and maintenance, offering stable, year-round employment and career development opportunities for local residents. The presence of a master-planned senior living community will also support local businesses and services, helping to build critical mass for retail, transport, and healthcare infrastructure in the Waipā District.

¹¹ <https://www.waipadc.govt.nz/our-council/waipā-district-plan/wpdc-variations/current-plan-changes/draft-plan-change-26-residential-zone-intensification/plan-change-26-hearing-session-2-ipi-waipā-dc-hearing>



- From a housing perspective, the development will deliver 407 new dwellings tailored to older adults, significantly boosting local housing supply and helping to meet the needs of a rapidly aging population. It addresses a projected shortfall in retirement accommodation and offers a diverse mix of housing typologies, including standalone homes, duplexes, and apartments. By enabling older residents to downsize, the development will also release existing housing stock to the broader market, improving affordability and housing availability for families and first-home buyers.

4. The project will deliver social and cultural benefits

- The proposed development outcome is also changing (and challenging) the way retirement villages operate and are accepted by the market, by providing an option for fully independent/fee-simple senior living. The product being offered at Harlow means that landowners are not locked into an occupation right agreement (ORA) under the Retirement Villages Act 2003 (RVA) – thereby enabling different housing varieties and price points. This opportunity provides a point of difference, making the development both **regionally** and **nationally** significant.
- Te Awamutu has good local amenities and services and has a relaxed, friendly and safe environment, while being close to health and cultural facilities in Hamilton, which makes it desirable for retirement living. It is also a rural support town. The ageing population prefer to stay in the locality where people have lived/shopped and where they have social connections. This demand is expected to exceed Te Awamutu's existing supply and that in the pipeline by 2032/2033. The Project will consequently deliver **regional benefits** by increasing supply and enabling retirees to choose to live in their established community. Furthermore, the provision of a 100 care bed facility addresses the issue of ageing infrastructure, being that 46.7% of the care beds and suites in the region were established before 1980 and may struggle to meet modern care standards¹².
- There is an opportunity for TADL to work with mana whenua to incorporate cultural values into the design to ensure that the **regional** and **national** cultural narrative of mana whenua is reflected in the development. There is also the opportunity to partner with mana whenua to provide affordable housing opportunities which would address a **regional** demand for mana whenua.

5. The project will support climate change mitigation (s22(2)(a)(vii) and reduce risks arising from natural hazards: (s22(2)(a)(viii))

- The Project addresses the **national** risk of climate change and natural hazards by managing flooding hazards through on-site stormwater management and incorporating measures to reduce greenhouse gas emissions, including promoting walking, cycling, ridesharing, and facilitating public transport movements.

6. The development is consistent with the Waipā District Plan Strategic Policy Framework (s22(2)(a)(x))

The Waipā District Plan acknowledges opportunities for catering for an ageing population outside of its residentially zoned land, so the outcome is not in conflict with that policy framework. More specifically, we record that:

- The site is located on the urban edge of Te Awamutu and directly adjoining an existing urban environment or land earmarked for residential development (the T13 growth cell). The broad appropriateness of the site for urban development as part of the Te Awamutu urban area can be seen in Figure 3.

¹² As recorded in the Webster Net Latent Demand Report (Appendix G)



- The Waipā District Plans Strategic Policy Framework section (Section 1) acknowledges that the population of the District is ageing, where and how demand is provided for is a critical issue and that in some cases provision for an ageing population may need to occur on the periphery of towns and outside the urban limits. The specific sections that record these statements are as follows:

- Section 1.1.2 – Introduction – Key trends and future challenges

The Waipā district has a population of around 53,000 as at 2021. Most of these people live in Cambridge and Te Awamutu. It is predicted that Waipā District's population will grow quickly and by 2050 an additional 27,000 people will be calling Waipā District home. It is also predicted the population of the [District](#) will be ageing with more than 30% of the population over the age of 65 by the year 2050. Similar rates of growth are anticipated in Waikato District and Hamilton City, with a near doubling of the population in these three areas over the next 50 years. Where and how the [District's](#) growing population is accommodated is a key issue for this District Plan.

- Section 1.2.1 – Resource Management Issues – The future settlement pattern of the District

With an increasing ageing population, there is a demand for a range of different living and working environments in the District. The number of people aged over 65 in Waipā District is forecast to more than double between 2006 and 2031 from 6,200 (14.2%) to 13,400 (25.7%). The 2013 Census data indicates the District figure is currently 7545 (16.2%). Where and how this demand is provided for is a critical issue for the District.

- Section 1.3.2.2 – Policy Towns

To provide for a consolidated settlement pattern by ensuring that new urban activities are focused within the urban limits of the towns of the District and in particular:

- Residential developments and subdivision being located within the residential zones of Cambridge, Te Awamutu and Kihikihi, and also above ground floor level within the Commercial Zone; provided that this policy does not limit further development within the Residential Zone at Karāpiro identified on Planning Map 31.*
- To provide for medium density residential development in relevant residential zones located within the urban environs of Cambridge, Kihikihi and Te Awamutu, except where qualifying matters require modification of the medium density residential standards.*
- A range of accommodation facilities and services to support the long term accommodation and care requirements for the existing and future elderly population, some of which may need to occur on the periphery of towns outside of the current urban limits** as well as within the Residential Zone and Medium Density Residential Zone [emphasis added]*

It then follows that the Project will not conflict with this policy framework, which is a benefit to the region, particularly as housing in Te Awamutu is more affordable than in the larger urban centres.

7. The development will also have the following ecological benefits (s22)(2)(b))

- The Project integrates well with nearby ecologically sensitive areas by avoiding wetland encroachment and incorporating stormwater detention with ecological restoration. This contributes positively to regional ecological outcomes, especially within the Mangapiko sub-catchment.
- By preserving the natural wetlands and the SNA, the Project provides habitat, supports biodiversity, and maintains natural water filtration processes in the region. The inclusion of stormwater management features mitigates runoff, captures sediment, and facilitates bioremediation, improving water quality. Additionally, native plantings contribute to regional ecosystems by creating wildlife corridors, improving air quality, and moderating urban temperatures.



4.2.2 Facilitating the project by enabling a more timely and cost-effective process (s22(1)(b)(i))

Referring Harlow to the fast-track approvals process will facilitate the delivery of the Project, including enabling it to be processed in a more timely and cost-effective manner for the following reasons:

1. The traditional linear pathway for identifying, rezoning, consenting and developing land is slow and has not been successful at meeting the actual housing demand or land supply – particularly for an ageing population.
2. The land is currently zoned Rural, which means the proposed development is unlikely to be approved through standard RMA consenting processes unless the land is rezoned for residential use. TADL has lodged a plan change request, which has been on hold since April 2023 to allow Waipā District Council to progress its Medium Density Residential Standards (MDRS) plan change. Now that the MDRS plan change is operative, TADL could re-activate its request, aligning it with the new MDRS framework prior to notification. However, even if the TADL plan change is approved, further consents for subdivision and land use will still be required. The plan change does not make the development a permitted activity, nor does it address the requirements under the Waikato Regional Plan.
3. The land is currently zoned Rural, meaning that the development outcome sought is unlikely to be successful through standard RMA consenting processes unless the land is rezoned for residential outcomes. TADL has sought a plan change¹³ that has been on hold since April 2023 to enable Waipā District Council to work through the Medium Density Residential Standards (MDRS) plan change process, and thereafter enable the Plan Change to adopt the new MDRS framework – before notification. The Waipā District Council MDRS plan change is now operative, and TADL could re-activate. That being said, should the Plan Change be successful they would still need further consents for subdivision and land use, following approval of the plan change – as the plan change does not make the development outcome a permitted activity, nor does it address the consenting requirements under the Waikato Regional Plan.
4. The traditional plan change process and subsequent consenting framework will have the effect of delaying development by 18-24 months assuming successful approvals and no appeals. Obtaining consent under the FTAA would significantly shorten this timeframe and reduce costs.

4.2.3 Referring the project to the fast-track approvals process is unlikely to materially affect the efficient operation of the fast-track approvals process (s22(1)(b)(ii))

Referring the project to the fast-track approvals process is unlikely to place undue pressure on the fast-track approvals system or contribute to inefficiencies, for the following reasons:

1. The Project is well-defined and has undergone significant preliminary investigations, ensuring it meets the necessary criteria under the FTAA. The proposal is well-advanced, with substantial preparatory work already completed. The necessary technical and planning information is largely available, meaning there should be no difficulty or delay in lodging a comprehensive and high-quality substantive application. This readiness minimises the risk of inefficiencies, rework, or delays within the fast-track process. Importantly, the proposal is also not overly complex and is unlikely to delay the processing of other applications within the fast-track system.
2. The Project is led by a motivated developer with a proven track record of delivering similar developments. The developer has a clear and realistic delivery plan, and the scale and sequencing of the project are both practical and achievable. This ensures the proposal is not speculative and is well-positioned to proceed promptly if approved, aligning with the intent and efficiency objectives of the fast-

¹³ Plan Change 29 to the Waipā District Plan: <https://www.waipadc.govt.nz/our-council/waipā-district-plan/waipā-district-plan-plan-changes/future-plan-changes/private-plan-changes/proposed-private-plan-change-29-rezoning-of-land-at-2025-ohapō-roād>



track process. The Project will provide a significant boost in housing supply, helping to meet the demand for an ageing population and reducing the rate at which housing prices grow.

3. By advancing a well-prepared, high-impact project, this referral supports the integrity and purpose of the fast-track process, rather than burdening it with underdeveloped or low-priority proposals.

4.3 Ineligible activities (s13(4)(c))

An assessment against the ineligibility activity criteria is contained in **Appendix I**. That assessment confirms that the project does not involve any ineligible activities.

4.4 A description or a map of the whole project area (s13(4)(d))

The whole Project area is depicted in **Figure 2** and in the Masterplans contained in **Appendix B**. The boundaries of the site also follow cadastral boundaries, so they are easy to define.

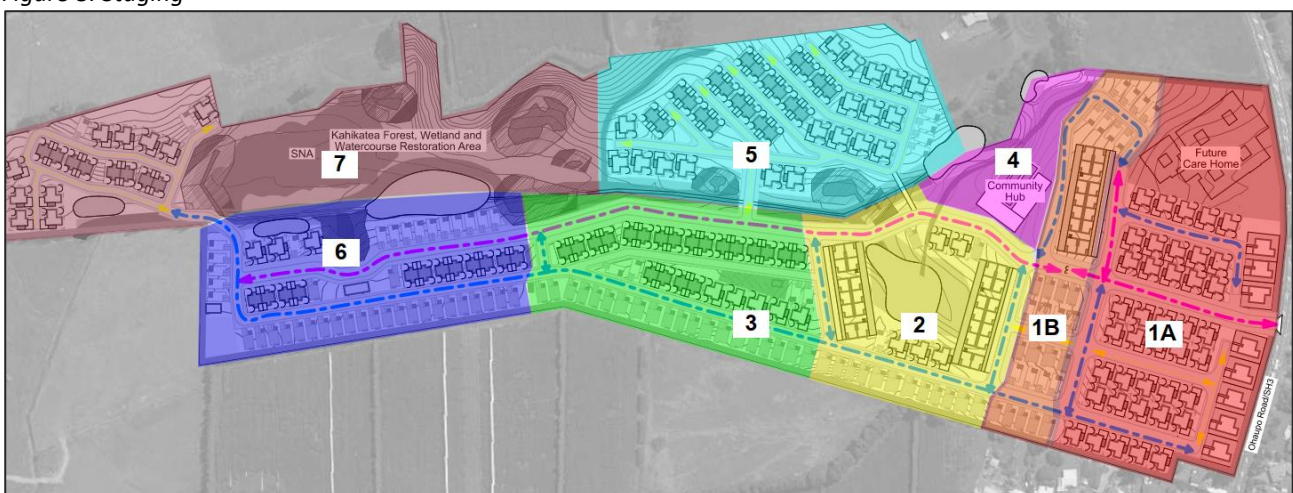
4.5 Commencement and completion dates for construction activities (s13(4)(e))

Commencement of the construction activities is anticipated within 6-9 months of the approval of the FTAA substantive application and will be programmed so as to commence within the earthworks season (i.e. October to April). Completion dates are less defined and will be market-driven. TADL anticipates that they will deliver 250 dwellings/units within three years of site works commencing, with approximately 75-100 dwellings/units being delivered per year thereafter.

4.6 A statement of whether the project is planned to proceed in stages (s13(4)(f))

The Project will be delivered in seven construction stages, as shown in **Figure 8** (see also **Appendix B**).

Figure 8: Staging



The details relating to each stage are as follows:

Stages	Development Outcome
Stage 1A	48 villas 100 bed care facility
Stage 1B	29 villas 28 apartments
Stage 2	20 villas 52 apartments
Stage 3	29 villas 40 duplex units
Stage 4	Community Hub
Stage 5	23 villas 44 duplex units
Stage 6	43 villas 24 duplex units
Stage 7	12 villas 16 duplex units

The sequence of works will consist of:

- External infrastructure upgrades and extensions (Intersection into development, water supply and wastewater connections); Earthworks across Stages 1, 2 and 4
- Civil works across Stage 1 and core infrastructure in Stage 2 (Stormwater management areas, wastewater pumpstation)
- Construction in Stage 1; Stage 2 civil works
- Construction in Stage 2 (and Stage 1 continued); Stage 3 civil works and building construction commences; Earthworks for Stages 5, 6 and 7
- Stage 3 construction; Stage 4 civil works
- Construction in Stage 4; Stage 5 civil works
- Construction in Stage 5; Stage 6 civil works
- Construction in Stage 6; Stage 7 civil works
- Construction in Stage 7

A substantive application will be lodged for all stages, i.e. one application for the whole development. There will be no need for staged applications.

All of the statements in Section 4.2, regarding meeting the criteria in s22, relate to all stages of the development.

4.7 Whether a part of the project is proposed as an alternative project (s13(4)(g))

No parts of the development outcome are proposed as an alternative project.



4.8 Anticipated and known adverse effects of the project on the environment (s13(4)(h))

The effects of the Project are briefly described in the following subheadings.

4.8.1 Highly Productive Land and Productivity

The proposal will result in the loss of some high-class soil and the productive potential of that highly productive land through the development of the land for retirement and senior living purposes. As noted in Section 2.2.1, the site contains 7.1ha of LUC 1 and 2, which equates to 27% of the site. From a productivity perspective, the preliminary assessment undertaken has confirmed that approximately 15ha of the property has horticultural potential, with soils and slopes able to support both perennial cropping and tree crops and annual cropping. A further 3ha is suitable for intensive cropping and annual cropping. The adverse effect of the loss of productive potential of the site needs to be balanced against the benefits of providing an increased housing supply and is a minor effect in that context.

4.8.2 Character and Amenity Effects

The site is not located within an identified Landscape Character Area under the District Plan. The proposal will, however, alter the character and amenities of the site and the surrounding environment, resulting in unanticipated visual impacts. These changes will be more noticeable during the initial stages of development; however, over time, the development will integrate with the neighbouring residential area and harmonise with the urban setting of Te Awamutu. In addition, the design outcome proposes that:

- Key physical and visual landscape attributes will be retained, enhanced through the spatial arrangement of the built form.
- Landscape buffers can be established along SH3, providing visual relief and setbacks for that development as viewed from the SH3 corridor. The same is proposed along the southern boundary interface.
- The provision for public open spaces that provide opportunities for recreation and social contact, and act as visual relief within the urban context. The open spaces will also be organised and connected through the ecological features of the site.

The Strategic Policy Framework of the District Plan, specifically policy 1.3.2.2, aims to consolidate urban development within the designated urban limits of Cambridge, Te Awamutu, and Kihikihi. Nonetheless, it also recognises that accommodation facilities for the elderly can be situated on the periphery of urban areas, such as the site under this application. Therefore, if the site is deemed suitable for such purposes, the resulting character and amenity effects (subject to the design considerations noted above) are considered to be appropriate.

4.8.3 Reverse Sensitivity Effects

The proposal has the potential to give rise to reverse sensitivity effects between rural and residential land uses, particularly at the boundary interfaces. These effects can be managed through controls around site design, separation distances, and planting. For example, the Masterplan provides for a 5m wide planted buffer along the site's southern boundary adjoining the adjacent kiwifruit block. The kiwifruit operation is relatively benign in terms of its environmental effects (being a discrete land use and approximately 10ha in size), which further reduces the potential for conflict at this interface. Similar buffers and setbacks can be adopted on the northern and western boundaries to manage any remaining sensitivity risks.



4.8.4 Infrastructure Effects

The proposal is intended to connect to the Council's reticulated water and wastewater networks. Preliminary investigation undertaken by BTW Company (see **Appendix I**) has undertaken both water and wastewater servicing assessments. Those assessments have been supported by modelling by WSP Consultants. The outcomes of these assessments are that there are technically feasible options available to service the site via connections to the reticulated network. Those solutions will need upgrading of the pipe networks, installing non-return valves and replacing a pump station. The final design solution, flow allocations and funding arrangements will need to be confirmed through further engagement with Waipā District Council.

For stormwater management, the design approach, as set out in the Stormwater Management Plan (**Appendix K**) is to develop an on-site system that integrates sustainable, low-impact and ecologically sensitive strategies regulatory and cultural frameworks. The design emphasises water-sensitive urban design, incorporating onsite soakage, rainwater reuse, and centralised constructed wetlands to provide water quality treatment, flow attenuation, and flood control. It prioritises maintaining pre-development hydrology, especially to protect adjacent natural wetlands, and includes stream daylighting and enhancement to restore ecological function and improve flood resilience. The system is designed to manage both primary and secondary flows, accommodate cross-boundary runoff, and meet the requirements of the Waipā District Council, Waikato Regional Council, and Te Mana o te Wai principles, ensuring a holistic and resilient stormwater management solution.

4.8.5 Transportation Effects

The proposal will result in approximately 1,050 additional vehicle trips on the state highway network that are not anticipated or accounted for in the existing modelling. For assessment purposes, this equates to 65 vph in the AM peak hour and 100 vph in the PM peak hour. However, the development peak does not coincide with the commuter peak hours, as trips by the intended occupants are typically made outside those periods.

These trips have the potential to affect the safety and efficiency of the transport network. Key to this is ensuring that the form and function of connections to that transport network are carefully considered, designed, and delivered so that any actual and potential adverse effects can be appropriately managed.

While not confirmed, it is likely that a new intersection will be located approximately 120m south of the current access and will replace the existing vehicle crossing, which is located on a horizontal curve with suboptimal sight distances. The new location provides improved geometry and safety, with compliance expected with NZTA sight distance standards for a 70 km/h speed environment. The future intersection will be designed in accordance with Austroads and NZTA guidelines, including provision for turning lanes and pedestrian/cyclist safety features such as raised platforms and shared path connections. The design will accommodate expected traffic volumes and vehicle types, including passenger vehicles, shuttles, and light commercial vehicles. Heavy vehicle volumes are expected to be low (approx. 7% of daily traffic).

A review of the Crash Analysis System (CAS) data for the SH3 corridor near the site indicates four crashes between 2020 and 2024, none of which occurred at the proposed intersection location.

Speed management strategies, including potential enhancements to the existing speed threshold treatment north of the site, are being considered in consultation with NZTA and Waipā District Council. These measures aim to reinforce safe entry and exit movements and integrate the development with the surrounding transport network.

Provision for public transport connections (e.g., bus stops) and pedestrian/cyclist infrastructure will be incorporated into the full intersection design. Interim arrangements do not include active mode facilities but will be upgraded as development progresses.



Engagement with NZTA is ongoing to confirm the final intersection design and ensure alignment with network safety and efficiency objectives.

4.8.6 Ecological Effects

Ecological investigation undertaken to date, by BTW Company (**Appendix L**), has confirmed that the site has ecological values relating to watercourses, the wetland habitats and the kahikatea forest remnant. Other than the wetland and kahikatea remnant, terrestrial vegetation ecological values are either low or very low, as the land is dominated by introduced pasture grasses used for agriculture. With these values, the development outcome has the potential to give rise to both positive and adverse ecological effects. These are summarised in the following table.

Positive ecological benefits from the project	Adverse ecological effect in the Mangapiko Stream and the identified wetland areas
• Restoration and revegetation of the riparian and stream habitats and improvements in water quality and stream health with the change in land use. • Improved erosion control within the streams and on their margins, through fencing and biodiversity planting. • Increases in riparian plant diversity and increased wetland extent and representation of guilds, through remediation planting and restoration.	• Potential loss of stream bed habitat and stream length due to culverting associated with internal road access. • Potential to impede fish passage into and through the culverts. • Potential for injury and/or mortality of native fauna during construction and bank contouring. • Potential for temporary sedimentation from any uncontrolled discharges to the downstream receiving environment during stream works and earthworks.

The adverse effects can be managed through:

- The implementation of an Erosion and Sediment Control Plan, a Fish Management Plan and a Stormwater Management Plan for earthworks and future stormwater disposal.
- Implementation of ecological enhancement from a Riparian and Waterways Restoration and Enhancement Plan;
- Minimising an aquatic offsetting for the stream bed and bank loss through the preparation and implementation of an Ecological Management Plan.

With the implementation of these matters, the development outcome is not anticipated to have any significant residual adverse effects on the pre-development baseline condition. Furthermore, the change in land use, improvements in riparian planting, wetland restoration, as well as weed and pest management and erosion control are expected to result in net positive effects on freshwater and terrestrial ecological values in both the Mangapiko and Waipā catchments.

4.8.7 Site Suitability

The technical investigations, to date, have confirmed that the site is physically suitable for the development outcome and will not give rise to inappropriate hazard effects that cannot be managed. More specifically, the Geotechnical Suitability Report (**Appendix M**) has confirmed that the site is suitable for residential development, with low to negligible liquefaction risk across most areas. Some localised areas may, however, require specifically designed foundations due to a slightly elevated liquefaction potential. Earthworks are also feasible. The Stormwater Management Plan also confirms that the site is outside the modelled river flooding extent and the stormwater system is designed to provide flood hazard mitigation, including climate change considerations.



4.8.8 Earthworks Effects

The bulk earthworks have the potential to give rise to temporary effects on the surrounding environment. These effects include visual and amenity effects, erosion and sediment runoff, dust effects, noise effects, archaeological effects, contamination effects and construction traffic effects. These effects can be managed through standard earthworks construction methodologies (and consent conditions) so that the effects are appropriate for the receiving environment.

4.9 Statement of activities involved in the project that are prohibited activities (s13(4)(i))

There are no prohibited activities proposed to achieve the development outcome.

5. Persons Affected

5.1 Persons and groups the applicant considered likely to be affected (s13(4)(j))

The following table provides a list of the persons and groups TADL considers are likely to be affected by the Project.

List of persons and groups that are likely to be affected by the project – as per s13(4)(j)	
Relevant Local Authorities	Waipā District Council Waikato Regional Council
Iwi Authorities and groups that represent hapū	Ngā Iwi Tōpū o Waipā – being a group that represents all hapū in the Waipā District
Other relevant iwi authorities	Waikato Tainui
Relevant Treaty settlement entities	Waikato Tainui
Relevant protected customary right groups and customary marine title groups	None
ngā hapū o Ngāti Porou, if the project area is within or adjacent to, or the project would directly affect, ngā rohe moana o ngā hapū o Ngāti Porou	Not applicable
Relevant application groups under the Marine and Coastal Area (Takutai Moana) Act 2011	Not applicable
Persons with a registered interest in the land that may need to be acquired under the Public Works Act 1981.	Not applicable

In addition to those parties, the following additional persons/groups are likely to be affected by the Project:

- The NZ Transport Agency – as the road controlling authority for SH3
- Adjacent landowners including:
 - 8 residential properties that directly adjoin the southern boundary of the site and obtain access from Greenhill Drive and Innes Place.
 - 5 properties used for rural and horticultural activities that are adjoin the southern, western and northern boundaries of the site.
 - 14 residential properties opposite the site on SH3.



5.2 Consultation (s13(4)(k))

TADL's development intentions for the site are not new, being that a private plan change request with the Waipā District Council has been lodged. The summary below highlights the engagement that has been specifically undertaken to inform this referral application. That engagement includes meeting with Ngā Iwi Tōpū o Waipā, meetings with the two identified relevant local authorities and correspondence with the Ministry for the Environment.

Party consulted with	Date	Feedback and/or outcomes
Ngā Iwi Tōpū o Waipā	14 April 2025	TADL presented the development proposal to the NITOW meeting, setting aside previous engagement that had occurred for the plan change. Outcomes can be recorded as being: • NITOW to advise whether they have historical interests in the area. • TADL to work with NITOW to ascertain if the Matariki Framework can be used. • TADL to keep committee updated and specifically engage further should the project become a referred application under the FTAA.
Waipā District Council	11 Feb 2025	A high level meeting was held with Council policy and engineering staff, whereby TADL set out that it was considering its options about moving forward with their development i.e. continue plan change, fast track application and process or non-complying activity consent. Following that meeting the Council articulated the following concerns: • The safety and efficiency of traffic (including heaving traffic) on Ohaupo Road (SH3). NZTA support required. • The potential for precedent to be set through creating expectation that developers can bypass the purchase of zoned / development enabled land through speculative purchase of rural land on the understanding that rezoning could occur easily. In this sense there needs to be some unique circumstance associated with the development which ensures that this potential does not eventuate. In light of this it needs to be demonstrated that: - The end development represents significant development capacity in terms of the criteria set out by Future Proof and the Waikato Regional Policy Statement. - The development will not undermine public investment in other live zoned areas in Te Awamutu. - There are compelling reasons for why the nature and scale of the development proposed cannot be accommodated within existing growth cells or live-zoned land. - The provisions of the NPS-HPL, including its pathway for urban rezoning of highly productive land as detailed in Clause 3.6, are unequivocally satisfied. • The potential for implementation of a ruleset which does not lock in place the development outcomes (i.e. senior living / retirement housing) promoted by the plan change. • The need to avoid the generation of potential for reverse sensitivity complaints on the operation of farming activities (including orchards) on neighbouring land.
	May 2025	Subsequent phone discussions have been had with Council policy staff whereby it was conveyed that a referral application would be lodged, and that the following matters would be addressed with the Council in the preparation of a substantive application:



		• Consent conditions • Ownership of the roading and reserve networks • Infrastructure provision, including allocable limits • Development contributions
Waikato Regional Council	5 May 2025	A high level meeting was held with Council policy and specialist staff, whereby TADL set out that it would be lodging a Referral Application. The themes and sub-themes discussed included: • Stormwater and Flood Mgmt. - WRC requested more details on flood modelling, especially around culverts and low-lying areas near the main drain. They also emphasised ensuring that the culverts do not exacerbate flooding due to blockages, and identifying/managing secondary flowpaths. • Water and Wastewater Infrastructure - WRC highlighted the need to confirm capacity and allocation with Waipā District Council and that source of water for construction activities would need to be confirmed. • Land use and planning context - WRC noted that the site is outside identified growth cells but adjacent to urban limits. Council noted the need to justify development in this context. • Retirement living justification - WRC noted that they would like to see the evidence for specific demand for retirement living to justify urban use in a rural area. • Ecology - WRC noted that they expected adherence to NES-FW rules, and that the site is likely to be a potential bat habitat (i.e. foraging) • Soils and earthworks - WRC advised that any acid sulphate soils (high probability in low lying areas) may require mitigation during earthworks.
Ministry for the Environment	19 June 2025	Correspondence was sent to the Ministry for the Environment, outlining the proposal and requesting feedback. Feedback was sought within a 5 day timeframe. To date, no response has been received.

5.3 Any Treaty settlements that apply to the project area, and a summary of the relevant principles and provisions in those settlements (s13(4)(I))

The applicable treaty settlements and associated legislation that apply to the project area includes:

1. Waikato-Tainui Raupatu 1995 Settlement
2. Deed of Settlement in relation to the Waikato River 2009 and Waikato Tainui Raupatu Claims (Waikato River) Settlement Act 2010
3. Nga Wai o Maniapoto (Waipa River) Act 2012
4. Maniapoto Deed of Settlement 2021

A summary of the relevant principles and provisions in those settlements is set out below.

5.3.1 Waikato-Tainui Claims Settlement Act 1995

The relevant provision of this Act is that it provides ‘right of first refusal’ on all Residual Crown Land. As none of the TADL landholdings is Residual Crown Land, this Act has no bearing on the application.



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

The Waikato-Tainui Raupatu Claims (Waikato River) Settlement Act 2010 (the Waikato-Tainui Act) was enacted in May 2010 gave effect to the 2009 deed of settlement in respect of the raupatu claims of Waikato-Tainui over the Waikato River. The overarching purpose of the settlement is to restore and protect the health and wellbeing of the river for future generations by implementing co-management of the Waikato River.

The purpose of the Waikato-Tainui Act, as set out in Section 4 is to:

- a. *give effect to the settlement of raupatu claims under the 2009 deed:*
- b. *recognise the significance of the Waikato River to Waikato-Tainui:*
- c. *recognise the vision and strategy for the Waikato River:*
- d. *establish and grant functions and powers to the Waikato River Authority:*
- e. *establish the Waikato River Clean-up Trust:*
- f. *recognise certain customary activities of Waikato-Tainui:*
- g. *provide co-management arrangements for the Waikato River:*
- h. *provide redress to Waikato-Tainui relating to certain assets:*
- i. *recognise redress to Waikato-Tainui of the Kiingitanga Accord and other accords provided for in the schedule of the Kiingitanga Accord.*

Through this piece of legislation, it is intended to implement the 'Vision and Strategy' for the River as discussed in section 5.3.4.

5.3.3 Nga Wai o Maniapoto (Waipa River) Act 2012

The Nga Wai o Maniapoto (Waipa River) Act 2012 gives effect to the co-management deeds entered into between the Crown and Ngāti Maniapoto. The overarching purpose of the Nga Wai o Maniapoto (Waipa River) Act 2012 is to restore and maintain the quality and integrity of the waters that flow into and form part of the Waipa River for present and future generations and the care and protection of the man tuku iho o Waiwaia.

The TADL site is located within the Waipā River catchment.

5.3.4 Maniapoto Deed of Settlement 2021

The Maniapoto Deed of Settlement includes four key provisions relating to a historical account and apology, cultural redress, financial and commercial redress and co-governance and co-management. Of these provisions, the one more applicable to the TADL proposal is co-governance of the Waipā River, as provided for in the Te Ture Whaimana o Te Awa o Waikato discussed below.

5.3.5 Te Ture Whaimana o Te Awa o Waikato – the Vision and Strategy

Te Ture Whaimana o Te Awa o Waikato – the Vision and Strategy for the Waikato River is set out in schedules to the above Acts. The Vision and Strategy is the primary direction-setting document for the restoration and protection of the Waikato and Waipā Rivers and their catchments which include the lower reaches of the Waipa River.

The Vision and Strategy forms part of both district plans and the RPS and is given effect through the plans (district and regional) administered by regional and territorial authorities along the river. The settlement also provides for joint management agreements between Waikato-Tainui and the local authorities; participation in river-related resource consent decision-making; recognition of a Waikato-Tainui Environmental Plan provision for regulations relating to fisheries and other matters managed under conservation legislation and an integrated river management plan.



The Vision is:

"A future where a healthy Waikato River sustains abundant life and prosperous communities who, in turn, are all responsible for restoring and protecting the health and wellbeing of the Waikato River, and all it embraces, for generations to come."

Key Principles:

- Restoration and Protection: The primary principle is to restore and protect the health and wellbeing of the Waikato River for current and future generations.
- Holistic and Integrated Management: Management of the river must be integrated, holistic, and coordinated, considering natural, physical, cultural, and historic resources.
- Recognition of Relationships: The strategy recognises and seeks to restore and protect the relationships of Waikato-Tainui, other river iwi, and all communities with the river, including their economic, social, cultural, and spiritual connections.
- Kaitiakitanga and Tikanga Māori: It upholds the ability of iwi to exercise kaitiakitanga (guardianship) and their tikanga and kawa (customary practices) in relation to the river.
- Precautionary Approach: A precautionary approach is taken towards decisions that may result in significant or irreversible adverse effects on the river.
- Avoidance of Further Degradation: The river is recognised as degraded and should not be required to absorb further degradation from human activities.
- Cumulative Effects: There is recognition and avoidance of cumulative and potential cumulative effects of activities within the catchment.
- Application of Mātauranga Māori and Science: Both mātauranga Māori (Māori knowledge) and the latest scientific methods are to be applied in achieving the Vision.

The TADL site is located within the Waipā River catchment. The confluence of the Waipā River and the Waikato River is just north of Ngāruawāhia township. This means that ultimately discharges from the sites will find their way to the Waipā River and eventually into the Waikato River. Best practice methodologies will be employed, designed and developed to avoid any adverse effects on these Rivers in the development and ongoing use of the land.

5.4 Processes already undertaken under the Public Works Act 1981 (s13(4)(m))

Not applicable.

5.5 Any relevant principles or provisions in the Ngā Rohe Moana o Nga Hapū o Ngāti Porou Act 2019 (s13(4)(n))

Not applicable.

5.6 Information identifying the parcels of Māori land, marae, and identified wāhi tapu within the project area (s13(4)(o))

There is no Māori land, marae or identified wāhi tapu within the project area.

5.7 Whether determination under section 23 is sought (s13(4)(p))

Not applicable.

5.8 Whether determination is sought under section 24(2) (s13(4)(q))

Not applicable.



5.9 Whether determination is sought under section 24(4) (s13(4)(r))

Not applicable.



6. What is needed to complete the project

6.1 A description of the applicants legal interest (if any) in the land (s13(4)(s))

TADL owns all of the land subject to the referral application.

6.2 Consent, certificates, designation, concessions, and other legal authorisations (other than contractual authorisations or the proposed approvals) (s13(4)(t))

Refer to section 3.1 above that sets out the types of consent that the applicant considers may be needed to authorise the Project.

Being that the site has frontage and requires access to a limited access road, appropriate authority (under the Government Roding Powers Act 1989) will also be required to amend the authorised crossing point. NZTA is responsible for authorising crossing places.



7. Other matters

7.1 If any activities in the project, or similar activities, have been part of an application or decision under a specified Act (s13(4)(u))

The activities that are involved in the Project could be enabled/consented if TADL's private plan change application to the Waipā District Council is successful. That private plan change request (PC29) is currently on hold pending the outcome of this referral application.

As background, PC29 was lodged in January 2023, and in May 2023, a decision was made by Waipā District Council, under Clause 25(4)(a) and Clause 25(4A) RMA, to accept the plan change and prepare it for public notification. PC29 has not proceeded to public notification at this time, to enable decisions on Plan Change 26: Residential Intensification (PC26), to be made. PC26 has now been publicly notified and became operative on 30 August 2024.

PC29 has been on hold since 2023 to allow the above RMA processes to progress, already significantly delaying the project. The FTAA has been introduced since that time and offers an alternative pathway that is more timely and efficient, and was not available to TADL previously. If this referral application is successful PC29 will be withdrawn.

PC29 seeks to rezone 25.78 ha at 2025 Ohaupo Road, Te Awamutu, from rural to residential. The proposal is to create a new Growth Cell that will deliver approximately 500 new dwellings, including a lifestyle village with associated care and community facilities. The plan change request is currently on hold.

Further information about the nature of the plan change can be found on the Council website, as per the following link:

- <https://www.waipadc.govt.nz/our-council/waipā-district-plan/waipā-district-plan-plan-changes/future-plan-changes/private-plan-changes/proposed-private-plan-change-29-rezoning-of-land-at-2025-ohaupo-road>

Please also note that a number of the technical reports appended to this application are those that have been developed in support of the plan change request.

7.2 A description of whether and how the project would be affected by climate change and natural hazards (s13(4)(v))

The Project is not anticipated to be affected by climate change or natural hazards, as summarised below.

The geotechnical investigations undertaken by BTW Company (**Appendix M**) confirm the following in relation to hazards and the site's overall suitability for development:

- **Site Suitability:** The site is suitable for residential subdivision, with soils appropriate for buildings, roads, and infrastructure.
- **Liquefaction and Differential Settlement:** Low to nil liquefaction risk for Hamilton Hills soils and some increase in liquefaction settlements for alluvial plains. Differential settlement is minimal.
- **Foundation Design:** Suitable for NZS 3604 type, rib-raft, or waffle raft foundations, with specific testing required for each lot.
- **Groundwater:** Elevated areas have low permeability; groundwater is likely in alluvial flats during wet periods, with local elevation in gully bases after rain.
- **Earthworks and Fill Suitability:** Volcanic ash soils are suitable for fill after drying; Walton Subgroup soils usable but challenging to dry and compact.
- **On-site Soakage:** Low soakage capacity for fine-grained soils; overland flow for most rainfall.



The stormwater analysis and supporting flood analysis undertaken by BTW Company (**Appendix K**) confirm the following in relation to climate change effects:

- **Flood Hazard Management:** The site is outside the region-wide modelled river flooding extents, but local flooding could occur due to flat areas without defined drainage systems. The stormwater management system can be designed to provide flood protection and manage secondary flow paths during major storm events.
- **Climate Change Considerations:** The hydrological assessment includes future rainfall predictions with climate change allowances (RCP6.0 for 2081-2100). The design accounts for increased rainfall intensity and volume, ensuring the stormwater system can handle these changes.
- **Retention and Groundwater Recharge:** The development aims to maintain pre-development hydrology, including groundwater recharge, to mitigate the effects of climate change on water levels and flow patterns.
- **Constructed Wetlands and Stream Daylighting:** The incorporation of these features will enhance flood management, improve water quality, and provide ecological benefits, helping to mitigate the impacts of climate change.

7.3 A statement of each proposed approval to be held by each person (s13(4)(w))

Not applicable. The approval will be held solely by TADL.

7.4 A summary of the compliance or enforcement actions taken against the applicant (s13(4)(x))

The applicant has not had any compliance or enforcement action taken against them.



8. Matters relating to specific proposed approvals (s13(4)(y))

8.1 Assessment of the project against relevant national policy statement

8.1.1 National Policy Statement for Urban Development (NPS-UD)

The NPS-UD came into effect on 10 August 2020 and replaced the National Policy Statement on Urban Development Capacity 2016. The NPS-UD requires councils to plan well for growth and ensure a well-functioning urban environment for all people, communities and future generations. The NPS-UD is also designed to improve the responsiveness and competitiveness of land and development markets by requiring local authorities to open up more development capacity, so more homes can be built in response to demand.

The NPS-UD applies to all local authorities that have all or part of an 'urban environment' within their district¹⁴. An urban environment in turn is defined as any area of land (regardless of size, and irrespective of local authority or statistical boundaries) that is or is intended to be predominantly urban in character and part of a housing and labour market of at least 10,000 people¹⁵. For the TADL site, the relevant urban environment is Te Awamutu.

There are a number of objectives of the NPS-UD that are relevant to this proposal. They are:

Objective 1: New Zealand has well-functioning urban environments that enable all people and communities to provide for their social, economic, and cultural wellbeing and for their health and safety, now and into the future

Objective 2: Planning decisions improve housing affordability by supporting competitive land and development markets.

Objective 4: New Zealand's urban environments, including their amenity values, develop and change over time in response to the diverse and changing needs of people and communities and future generations.

Objective 6: Local authority decisions on urban development that affect urban environments are;

(a) Integrated with infrastructure planning and funding decisions; and

(b) Strategic over the medium term and long term; and

(c) Responsive, particularly in relation to proposals that would supply significant development capacity.

Objective 7: Local authorities have robust and frequently updated information about their urban environments and use it to inform planning decisions.

These objectives are supported by several relevant policies that refer to enabling a variety of homes (Policy 1(a)), supporting the competitive operation of land and development markets (Policy 1(c)) and being responsive to plan changes that would add significant development capacity, even when it is out of sequence with planned land release (Policy 8(b)). Policy 6 also supports decisions that are consistent with well-functioning urban environments and can make a contribution to meeting the requirements of the NPS-UD.

These objectives and policies provide support for the TADL proposal as they emphasise the importance of increasing development capacity and supporting additional competition on the supply side of the housing market. In addition to this driver, the TADL proposal is generally consistent with the policy direction of the NPS-UD for the following reasons:

1. The NPS-UD imposes strong obligations on Councils, in high growth areas, to ensure that there is 'at least' enough feasible capacity 'at all times' to meet ongoing growth in housing demand, including providing a range of options to meet demand. As an overarching national policy, the NPS-UD policy

¹⁴ Clause 1.3, NPS-UD

¹⁵ Clause 1.4, NPS-UD



directive also requires councils to apply an open mind genuinely and properly to consideration of unanticipated new growth areas.

2. Insight Economics has identified that there are significant short-falls in dwelling capacity in the sub-region in the short-medium term, particularly around Hamilton, and that while there may be a surplus for Te Awamutu (in the same period) this is based on high realisation rates which may be overly optimistic. Their analysis also records that there are notable shortfalls for dwellings at most price points which this Project may help address.
3. Harlow will enable people to provide for their social, economic, and cultural wellbeing now and into the future through providing quality housing with associated amenity and infrastructure for the aging population, with a target demographic that is aged 55 years and above. This target demographic sets this development apart from other standard residential developments. In doing so, the development aims to cater for the growing market demand from an older demographic needing smaller units that are low maintenance. A consequence of this is the freeing up of larger houses currently occupied by the intended occupants of the proposed development. The freeing up of these properties will add to development capacity, both living in the existing dwelling or developing the site by either utilising the Medium Density Residential provisions in the RMA or other development, resulting in intensification of the site.
4. In addition to boosting capacity for an ageing population, the Project will also help to foster competition in the local market. This is important because, as recognised through objective 2 of the NPS-UD, competition is the cornerstone of economic efficiency. When the land market becomes more competitive, land developers have a greater incentive to get their product to the market in a timelier and cost-effective manner.
5. The proposed development offers a range of housing varying from villas to duplexes or apartments to a care facility as well as on site community facilities.
6. Careful design consideration has informed the Master Plan to ensure that the outcome forms part of a well-functioning urban environment. Furthermore, the site location is considered to be appropriate in that it adjoins an existing residential zone and aligns with the District Plan's strategic framework that enables accommodation facilities for the elderly on the periphery of urban areas, such as the site under this application.
7. The development outcome has been designed taking into account natural hazards, in particular flooding and the sites ability to manage stormwater, ensuring it is resilient to the future effects of climate change. Water and wastewater investigations have also confirmed there are workable solutions to service the site.
8. The Webster Research Net Latent Demand analysis (**Appendix G**) confirms there is significant market demand for this development for an ageing demographic to service the needs of an ageing population, and specifically to meet expected demand, which will exceed supply by 2032/2033.
9. The land is in single ownership of a motivated developer, with a proven track record and with a desire to develop. The development potential can be realised in the short term.

For these reasons, the enablement of development of the TADL land will positively address and be generally consistent with the principles of the NPS-UD.

8.1.2 National Policy Statement for Highly Productive Land (NPS-HPL)

The NPS-HPL came into effect on the 17 October 2022. The policy direction²² of the NPS-HPL is to protect highly productive land (HPL) by prioritising land-based primary production; avoiding subdivision of HPL, protecting HPL from inappropriate use and development and managing reverse sensitivity effects so as not to constrain land-based primary production activities. HPL is currently defined as being land that has a Land Use Capability (LUC) class of 1-3. The Government has, however announced that they will be removing LUC 3 from the NPS-HPL.



The TADL site is mapped as LUC 2, 3 and 4 in the NZLRI information, with 86% defined as highly productive land - being LUC 2 (5.7ha or 22%) and LUC 3 (16.4ha or 64%). Should the NPS-HPL be amended to exclude LUC 3, only 22% of the site is highly productive land. These figures are generally confirmed by the detailed mapping TADL has undertaken (see **Appendix E**). That assessment has confirmed that the site contains a combination of Land Use Capability 2, 3, 4 and 6. Based on this classification, 17.8ha (or 68.8%) of the site is defined as highly productive land (under the current NPS-HPL) and 8.0ha (or 31.2%) is not highly productive. Should the NPS-HPL be updated to remove LUC 3, then the total area of NPS-HPL highly productive land (using LUC 1 and 2 only) is 7.1ha (27%).

Being that the site includes HPL, consideration of the NPS-HPL is required. The NPS-HPL provides pathways for the development of HPL where it is identified for future urban development. Clauses 3.6 and 3.7 relates to rezoning of the land, Clause 3.8 relates to the avoidance of its subdivision, Clause 3.9 seeks to protect highly productive land from inappropriate use and Clause 3.10 provides an exemption for highly productive land subject to permanent or long-term constraints. Being that the Referral Application is not a rezoning, this assessment focuses on the tests in Clause 3.10. Our preliminary assessment is that there is a pathway through Clause 3.10 for the following reasons:

- **Limited viability for primary production (Clause 3.10(1)(a)):** The site's proximity to the urban edge and its fragmented configuration restrict its use to low-intensity grazing. While some horticultural potential exists, the Productivity Assessment (**Appendix N**) confirms that only 15ha is suitable for perennial or annual cropping, and 3ha for intensive cropping. This level of productivity is unlikely to be economically viable over the long term, particularly without significant capital investment or amalgamation with adjacent land- which is not practicable due to fragmented ownership and reverse sensitivity risks.
- **Avoidance of Fragmentation (Clause 3.10(1)(b)):** The site is bounded by cadastral boundaries and a paper road to the north, providing a clear delineation from larger, cohesive areas of highly productive land. Its location adjacent to the urban limits supports a logical extension of urban development without compromising broader land use patterns.
- **Minimal District-Wide impact (Clause 3.10(1)(c)):** Only 7.1ha of the site is classified as LUC 2, equating to just 0.013% of Waipā District's total highly productive land (54,390ha). This represents a negligible loss in the district context.
- **Manageable Reverse Sensitivity Effects (Clause 3.10(1)(d)):** Potential reverse sensitivity effects on surrounding land-based primary production can be effectively managed through site design, planting buffers, and consent conditions. The adjacent kiwifruit block, for example, is a relatively benign land use with limited environmental effects, further reducing the risk of conflict.
- **Significant Social, Economic, and Environmental Benefits (Clause 3.10(1)(e)):** The development will deliver substantial benefits that outweigh the minor loss of productive land. These include:
 - Addressing a critical shortfall in retirement housing, with a net latent demand of 286 units by 2048.
 - Enabling older residents to remain in their community, supporting social cohesion and wellbeing.
 - Delivering a well-functioning urban environment with integrated infrastructure and ecological enhancements.
 - Providing economic uplift through construction and long-term employment.
- **No Cultural or Historical Constraints (Clause 3.10(1)(f)):** There are no identified cultural values or historical features associated with the site that would preclude development.



8.1.3 National Policy Statement for Freshwater Management (NPS-FW)

The NPS-FW came into effect on 3 September 2000. The NPS-FW is premised on a ‘fundamental concept’ termed ‘Te Mana o Te Wai’/the integrated and holistic well-being of a freshwater body (Part 1 of the NPS), which must be recognised in development. To give effect to this concept, the NPS-FW requires Regional Councils to recognise the national significance of freshwater and freshwater quality (including for groundwater) within a region must be maintained or improved.

Te Mana o te Wai encompasses 6 key principles relating to the management of freshwater by both tangata whenua and other New Zealanders. These principles are set out in section 1.3 of the NPS Freshwater and inform the NPS and its implementation – albeit the 2024 amendments excludes the hierarchy of obligations (within Te Mana o Te Wai) from being considered during resource consent applications.

Any development in close proximity to a freshwater body has potential to compromise the health and wellbeing of the water body. Part 2 sets out the objective and policies of the NPS-FW. The objective states:

2.1 Objective

The objective of the National Policy Statement is to ensure that natural and physical resources are managed in a way that prioritises:

- a) First, the health and well-being of water bodies and freshwater ecosystems*
- b) Second, the health needs of people (such as drinking water)*
- c) Third, the ability of people and communities to provide for their social, economic, and cultural well-being, now and in the future.*

Under this objective, there are various relevant policies relating to giving effect to Te Mana o te Wai, tangata whenua involvement, management of freshwater on a whole-of-catchment basis, maintenance and improvement of freshwater bodies and the efficient allocation and use of freshwater. The Project can be designed having regard and in a manner that will achieve consistency with the above objective and its relevant policies.

8.1.4 National Policy Statement for Indigenous Biodiversity

The NPS-IB came into effect on 4 August 2023. It directs councils to protect, maintain, and restore indigenous biodiversity so that there is ‘at least’ no further reduction nationally. That direction is to be achieved by identifying, mapping and protecting Significant Natural Areas (SNAs), promoting restoration of indigenous biodiversity and indigenous vegetation cover and monitoring native species.

The SNA provisions in the NPS-IB apply to areas that have been identified as such in the district plan. SNAs within Waipā District are part of the operative District Plan, and in the case of this site, include a kahikatea remnant which will be retained and preserved as part of the development outcome.

The NPS-IB also includes criteria, in Appendix 1¹⁶ for identifying areas that qualify as significant natural areas. The Ecological Assessment undertaken by BTW Company has confirmed that the vegetation covers within the site is as what would be expected on farmland, and there are no significant stands of vegetation that would qualify as SNA’s.

¹⁶ Appendix 1 of the NPS-IB – Criteria for identifying areas that qualify as significant natural areas.



8.2 Assessment of the project against any relevant national environmental standard

8.2.1 National Environmental Standard – Assessing and Managing Contaminations in Soil to Protect Human Health (NES-CS)

NESCS commenced on the 1 January 2012. The NES-CS was established to ensure land affected by contaminated soil is appropriately identified and assessed when soil disturbance, soil sampling, subdivision or land use change activities take place. The NES-CS applies to any piece of land on which an activity or industry described in the current edition of the HAIL is being undertaken, has been undertaken or is more likely than not to have been undertaken. The NES-CS is administered by district and city councils.

To establish whether a HAIL activity has been undertaken on the site BTW Company has completed a Preliminary Site Investigation (PSI). The PSI has identified that there are isolated 'pieces of land'. For this reason, subdivision, soil disturbance and/or change of land use will require consent as a restricted discretionary activity under Regulation 10 of the NES-CS when those pieces of land are being developed. Apart from these three sites, the DSI has concluded that the balance of the land is highly unlikely to present a risk to human health when the site is developed for residential purposes.

8.2.2 National Environmental Standard for Freshwater Management (NES-FM)

The NES-FM came into effect on the 3 September 2020 as part of the Government's wider 'action for Healthy Waterways' and to provide regulation around the requirements of the NPS-FM. The NES-FM imposes tighter regulations around activities that pose a risk to the health of freshwater and freshwater ecosystems. The NES-FM imposes new standards for farming activities and standards for freshwater related activities. In summary, the standards are designed to:

- Protect existing inland and coastal wetlands
- Protect urban and rural streams from in-filling
- Ensure connectivity of fish habitat (fish passage)
- Set minimum requirements for feedlots and other stockholding areas
- Improve poor practice intensive winter grazing of forage crops
- Restrict further agricultural intensification until the end of 2024
- Limit the discharge of synthetic nitrogen fertiliser to land and require reporting of fertiliser use (to take effect in winter of 2021).

As the proposal does not fall into the ambit of a farming activity the regulations relating to farming activities are not applicable. The proposal will however result in a discharge of water upstream of a waterway and a natural wetland. Further preliminary design of the design outcomes will subsequently confirm whether Regulation 54 of the NES-FW is relevant to this application, and thus whether additional authorisations under Regulation 54 are required. It is anticipated that Regulation 54 will apply where vegetation clearance and/or earthworks is within 10m of a natural wetland and/or if the development outcome discharges stormwater within or within a 100m setback from a natural wetland. Consents to this effect have been signalled in section 3.1 of this report.

8.3 Whether there are existing consents

To the best of the applicant's knowledge, there are no existing resource consents of the kind referred to in section 30(3)(a) of the FTAA.

