Waipā DISTRICT COUNCIL

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Panel Convener – Fast-track Approvals Act 2024
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Tēnā koe Jennifer,

SOUTHERN LINKS 1 (SL1) – WAIPĀ DISTRICT COUNCIL RESPONSE TO MINUTE 2 OF THE PANEL CONVENER (FTAA-2609-1294)

Thank you for Minute 2. Below is Waipā District Council's (Waipā) response to the Schedule 1 matters, and we look forward to joining the conference on 24 November. Waikato Waters Limited (WWL), the entity responsible for water and wastewater servicing in this area, has contributed to this response and will also attend the conference.

Waipā's role and approach

Waipā's position on this application is unusual, so we set it out up front to help the Panel Convener understand how we intend to take part.

- The SL1 project is located mostly within Waipā District, so Waipā is a relevant local authority. However, the site adjoins the southern boundary of Hamilton City, sits within Priority Area 1 of the Strategic Boundary Agreement between Waipā and Hamilton City Council (HCC), and will look, feel and function as part of Hamilton.
- Almost all of the effects of the development fall on HCC and its communities, rather than on Waipā. This includes effects on the transport network, stormwater networks, parks and community infrastructure. Water and wastewater network effects also, albeit depending on the final arrangement.
- For these reasons, Waipā intends to take a more limited role on the merits of the application than would normally be expected of a relevant local authority. On effects-based matters, Waipā will generally defer to HCC. Waipā supports HCC being recognised as a relevant local authority, as set out in our earlier letter to the Environmental Protection Authority (EPA).

- Waipā does, however, keep a direct and ongoing interest in the conditions of consent. Until the land becomes part of Hamilton City, through either a boundary adjustment or local government reorganisation (amalgamation), Waipā will be responsible for administering, monitoring and enforcing the consents. Neither change has happened yet, and the timing is uncertain. Conditions must therefore be workable for Waipā in the meantime and able to transfer cleanly to HCC later.
- Waipā is working closely with HCC to align positions and avoid duplication for the Panel.

Approvals

- The application bundles approvals for two developments: SL1 Residential South (938 residential lots and dwellings, local purpose reserves and a small neighbourhood commercial node) and SL1 Industrial North (about 60 hectares of industrial land). The approvals sought include district land use and subdivision consents, regional consents (including stormwater discharge and water take) and a wildlife approval.
- HCC has identified that parts of the project are located within Hamilton City and that additional HCC consents are needed.
- As noted in Waipā's completeness comments, the housing yield is lower than the Schedule 2 listing, mainly because Hamilton Southern Links (the NZ Transport Agency state highway project) has been delayed and because of other transport constraints. This means the project now differs from what was originally listed.

Complexity

Waipā considers this to be a complex application, mainly because of its cross-boundary location and the unresolved water servicing arrangements.

Legal complexity

- **Cross-boundary jurisdiction.** The project sits in Waipā, but the receiving infrastructure, most effects and the expected long-term governance sit with Hamilton. The council responsible for the consents (Waipā) is therefore different from the owners of most of the networks the development relies on.
- **Water services framework.** WWL is the water services provider within the Waipā rohe, including SL1. However, the applicant's servicing solutions include the potential to rely on connecting to networks operated by IAWAI Flowing Waters (IAWAI), the water entity for Hamilton City and Waikato District. IAWAI has advised that, under the water services legislation, it cannot directly provide retail water and wastewater services within Waipā. Any arrangement would need a bulk servicing agreement between WWL and IAWAI, subject to their respective

governance board approvals and IAWAI shareholder approval. WWL and IAWAI are in active discussions in regard to the terms of these arrangements.

- **Vesting.** HCC has noted that the scheme plans show land and assets vesting in HCC, while the proposed conditions require them to vest in Waipā. This needs to be resolved so that the conditions can be implemented both now and after any boundary change.

Evidentiary and factual complexity

- **Water and wastewater servicing has not been solved.** WWL and IAWAI are discussing possible bulk servicing arrangements, but no agreement has been reached. Until those (or alternate acceptable) arrangements are in place, Waipā can not accept the proposed servicing conditions in their current form, because they depend on a solution that does not yet exist. The Panel will need technical evidence from WWL as the public water and wastewater service provider on this matter.
- **Transport.** The delay to Hamilton Southern Links affects how much development can proceed before major roading upgrades are needed. Waipā defers to HCC and the NZ Transport Agency (NZTA) on the technical detail, but notes that this directly affects staging as well as scope of the application (compared to what was listed).
- **Other technical matters.** Waipā defers to HCC and Waikato Regional Council (WRC) for other matters.

Issues

Waipā and WWL have participated in pre-lodgement engagement alongside Future Proof partners (WRC, IAWAI, and NZTA) and led by HCC. As indicated above, HCC have led the technical pre-application discussions while WWL have led the water and wastewater servicing arrangement discussions. Waipā remain interested in the implementation of any resulting consent.

Waipā has some uncertainty about whether the project will be delivered in full and in the timeframe described. The application signals delivery over about 10–15 years and depends on infrastructure that is not yet secured. The reduced yield also suggests the project has already changed in response to constraints. Waipā asks the Panel to test the following:

- the applicant's commitment and ability to deliver the project as applied for, including evidence of realistic sequencing and funding
- whether the staging is realistic and tied to clear infrastructure triggers and hold points, so that each stage only proceeds once it can be serviced
- whether early stages can proceed on their own without relying on later stages or unconfirmed infrastructure

- the proposed lapse periods and consent durations, so that consents do not sit unimplemented for long periods, effectively reserving land and infrastructure capacity that other planned growth may need.

Mātauranga and tikanga

Waipā has no comment.

Panel composition and expertise

Waipā notes that the Waikato River Authority and WRC have the appointment rights for this application. To support your observations on expertise, Waipā considers the Panel would benefit from:

- planning and conditions drafting expertise, including experience with staged development, infrastructure triggers and cross-boundary or local government matters
- three waters infrastructure and network capacity expertise, including familiarity with the new water services framework
- transport engineering expertise
- legal expertise in resource management and local government law.

Waipā supports the list of potential panel members previously developed with Future Proof partners and shared with you. It is reiterated that a discussion around the final council recommended appointee should be had before confirming.

Procedural requirements

Waipā and WWL are willing to engage directly with the Panel as needed. Given the more limited role of Waipā, we propose to coordinate with HCC and, where useful, attend joint briefings or meetings with HCC and WWL.

Given the complexity above, and particularly the unresolved servicing, Waipā considers that a standard decision timeframe is unlikely to be enough unless servicing is resolved before the Panel's timeframe starts.

- Waipā suggests the applicant be asked to provide a clear roadmap, agreed with WWL, showing how and when servicing will be resolved. This would reduce the risk of later suspensions or extensions.
- The timeframe should allow for WWL to provide technical input, for expert conferencing on water and wastewater, and for the summer holiday period.
- If suspensions or extensions are sought later, Waipā asks that cost recovery during those periods be clarified.

Anything else

Waipā is not aware of any other matters relevant to consideration of timeframe or panel composition.

Thank you for the opportunity to provide this response. We look forward to discussing these matters at the conference. If you have any questions in the meantime, please contact me at [redacted] or [redacted]

Ngā mihi,



Wendy Robinson
Manager District Plan & Growth
Waipā District Council

Copy to: Paul Singh, Waikato Waters Limited