

To: Listed Projects Team – Ministry for the Environment

From: Fraser McNutt – Barker & Associates Limited

Date: 23 May 2025

Re: Planning Memorandum for Brymer Referral Application

1.0 Introduction

1.1 Brymer

Brymer Farms Limited, as the applicant, engaged Barker & Associates ('B&A') to provide planning services for the master planning, consenting and design of *Brymer*. *Brymer* is a residential development that comprises up to circa 1,650 residential units of varying typologies, such as detached, duplexes, terraces, apartment units and retirement village units, along with a supporting mixed-use neighbourhood centre, open spaces, and infrastructure. The Brymer Masterplan is shown in **Figure 1**, and contained within the Urban Design Memorandum.

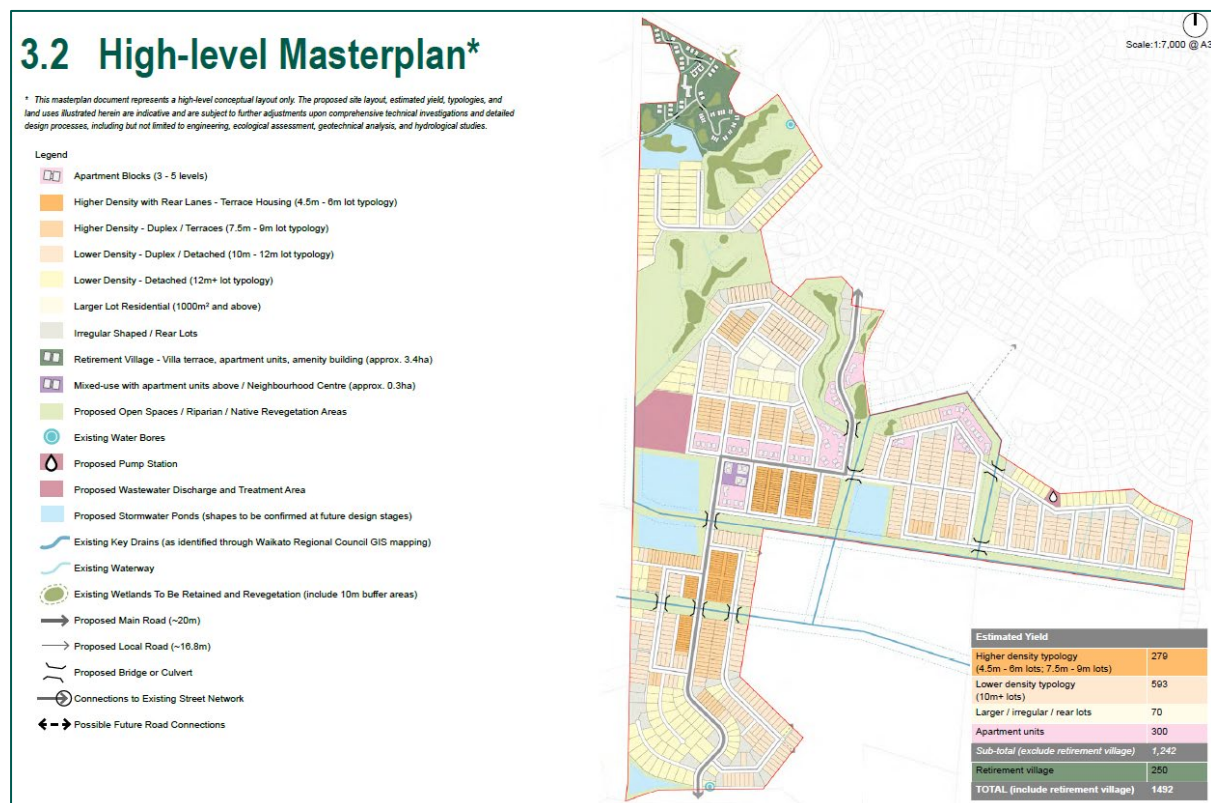


Figure 1: Brymer Masterplan.

The residential community is underpinned by a series of design principles, which focus on creating a well-connected, legible and diverse community on Hamilton City's urban fringe. The proposed transport network, with a 20-metre-wide spine road running north-to-south, is supported by local roads, cycle connections and pedestrian pathways to create an accessible and legible development. As aforementioned, a range of

housing typologies and densities are proposed to meet the growing and changing needs of the housing market to ensure there are options for future residents. Each typology has been thoughtfully located, based on opportunities and constraints, with density ranging from terraces, duplexes and standalone dwellings to ensure integration with the adjoining urban footprint.

In the heart of *Brymer* is a 0.3 hectare mixed-use neighbourhood centre that will provide a range of amenities and services to support the residential development. This mixed-use neighbourhood centre will likely include commercial properties, cafés and a local superette. Apartment units are provided above the neighbourhood centre. The commercial element of the residential development has been scaled to support the density proposed, located directly adjacent to the majority of apartment building typology.

Sitting at the higher, northern point of the site is a retirement village, that comprises approximately 3.4 hectares, and provides villa terraces, apartment units and an amenity building. This will be serviced by its own private transport network, infrastructure, and high amenity open spaces.

Integrated throughout the residential development are a number of open spaces that are well distributed to create a highly amenable community that will be a pleasant and enjoyable place to live for future residents. The open spaces support ecological restoration through the retention of a number of natural wetlands and riparian revegetation.

The development will be appropriately serviced via a robust infrastructure strategy, which includes a new pump station, wastewater discharge and treatment area, stormwater ponds, and utilisation of the existing water bores.

Staging and Sequencing

Brymer is a residential community up to circa 1,650 residential units offering a range of typologies interspersed within a supporting mixed-use neighbourhood centre, open spaces, and infrastructure. This development will be delivered in stages, see Figure 2 below, which reflects the scale and significance of this development. Notwithstanding the staged approach to development, only one substantive application will be applied for.

The proposed staging is indicative only and subject to change based on detailed technical assessments, infrastructure investigations, and further design refinement. Final staging will be confirmed and determined through the substantive application process.

Stage 1 of the Brymer Masterplan has been divided into two sub-stages (Stage 1a and Stage 1b), each delivering approximately 50 residential units along with selected apartment buildings. The scale of Stage 1a and Stage 1b aligns with the connected infrastructure, practicalities of delivering housing within the Waikato (in terms of viability of each construction season), and supports the wider management of infrastructure and connectivity and broader delivery of the project. In determining what is considered an appropriate scale for each stage, Barker & Associates in combination with our client have sequenced and scaled the development to reflect the Waikato context. Each stage of this development presents as significant scale of residential development that supports the wider unlocking of Brymer. Detailed specialist reporting will further refine the staging and sequencing and relevant infrastructure triggers, but all opportunities to develop stages in parallel will be sought where achievable. The Retirement Village is a good example of early commencement in parallel of Stage 1a and Stage 1b.

Apart from Stage 1, which will be planned to occur first, the subsequent stages may be delivered in any order. The actual sequencing of stages beyond Stage 1 will respond flexibly to market demands, infrastructure availability, and specific inputs from specialist technical assessments. Each stage of residential

development would align with clear infrastructure milestones, ensuring sustainable management of stormwater and clear transportation connectivity.

For completeness, Brymer applied to become a listed project under the initial intake of projects under FTAA (2024). Along with plenty of other projects nationally, Brymer was unsuccessful in being listed as a project. The exact reasons for this decision are not known to us, as the lodgement of the previous application was not undertaken by Barker & Associates.

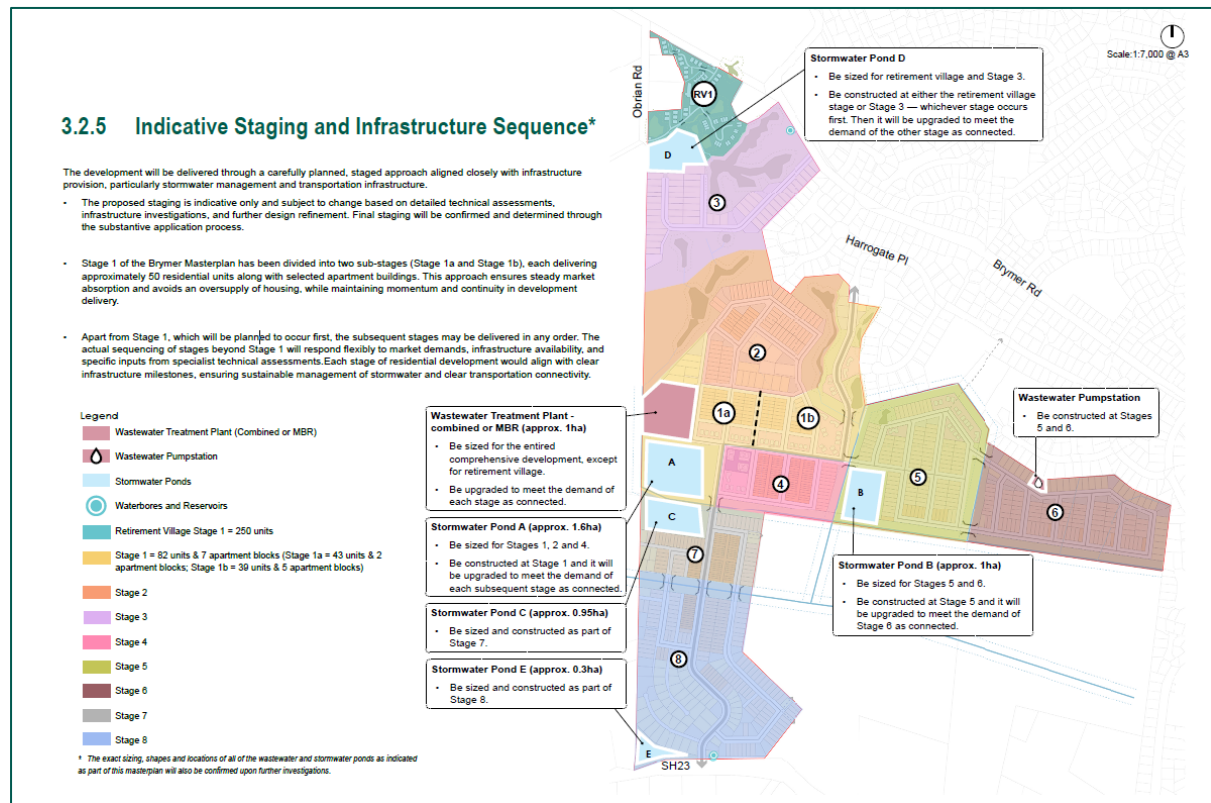


Figure 2: Brymer Staging and Infrastructure Sequence

1.2 The Site

The site, **Brymer**, is situated within the Waikato District, directly adjoining the territorial boundary of Hamilton City to the west. Located on the edge of Hamilton, the site adjoins existing general residential areas to the north and east, as well as rural land to the south and west. Spatially, the site is well located to local amenities and services, including Dinsdale Shopping Centre, education facilities (Fraser High School and Aberdeen School) and public open spaces (Waiwhakareke Heritage Reserve, Hamilton Zoo and Te Kootii Park).

The site is bounded by Brymer Road to the north, the Grandview Heights and Western Heights residential suburbs to the east and Whatawhata Road/State Highway 23 to the south. The site is made up of several land parcels, as outlined in **Table 1**, that together form a total area of 81 hectares. A drain splits the combined site into two areas to the north and south as it aligns east to west through the middle of the site and bounding part of the site to the south.

Currently, the site predominantly comprises of lots in pasture, rural lifestyle and rural activities, as shown in **Figure 2**. **Figure 3** demonstrates a typical cross section of the site.

Table 1: Site's Land Parcels.

Appellation	Landowner Name(s)	Area (hectares)
Lot 3 Deposited Plan 385271	Brymer Farms Limited	4.5
Lot 1 Deposited Plan South Auckland 87291	Brymer Farms Limited	57.9
Lot 22 DPS 79526	Brymer Farms Limited	0.06
Part Lot 2 DP 18355	Brymer Farms Limited	18.4
Allotment 365 Parish of Pukete	Brymer Farms Limited	0.14

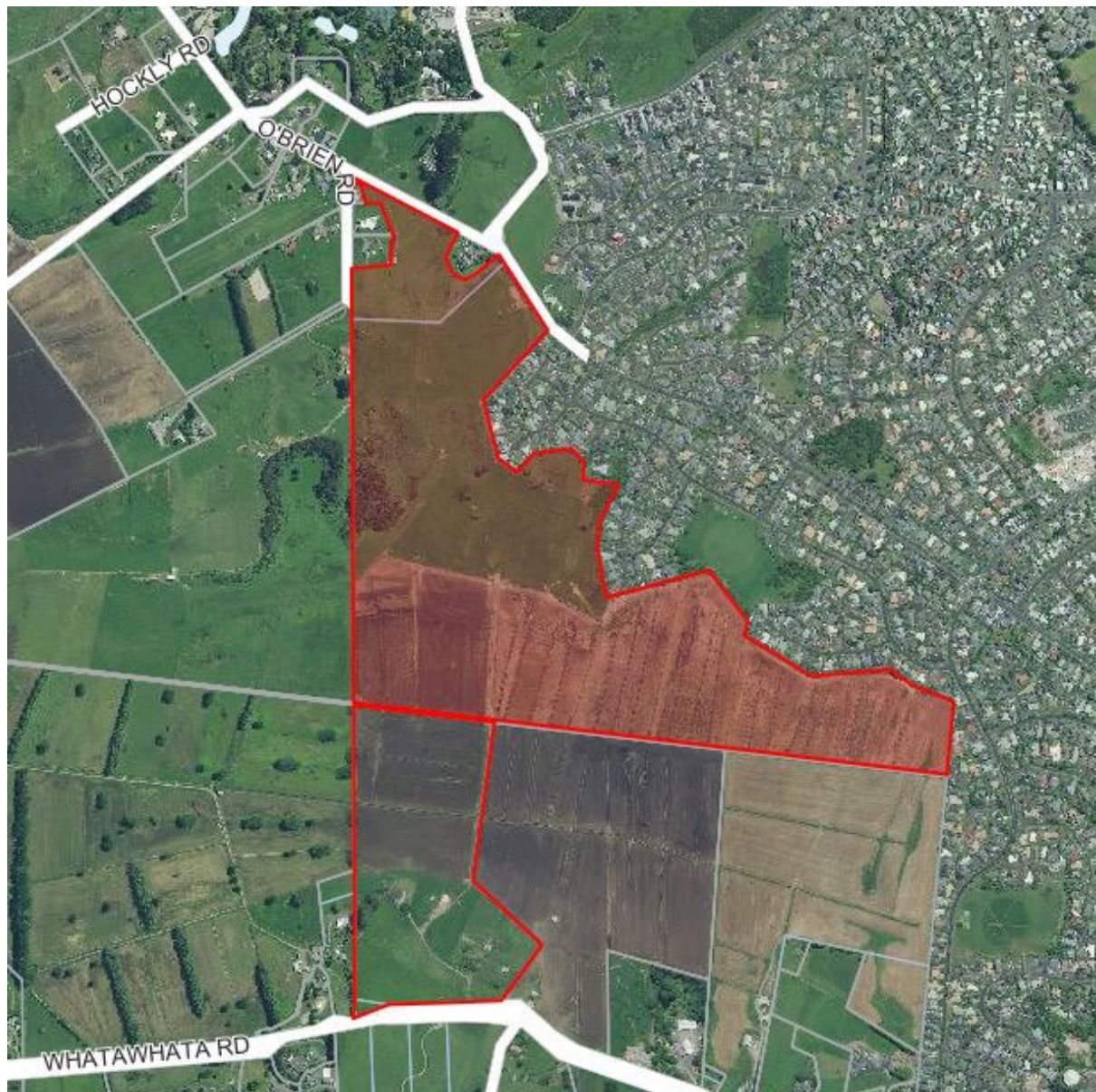


Figure 3: Site (source: Waikato District Council Online Maps).



Figure 4: Photo from O'Brien Road looking eastwards to the Site (Google Streetview).

1.3 Regional Significance of the Project

The benefits of Brymer would be regionally, and in some cases nationally significant, as:

- The project will generate a wide range of economic benefits that will be regionally significant, including but not limited to:

Brymer Project

- In the next fifteen years, the project will support employment levels in the region, specifically for the construction industry.

Through consenting and design, the project will generate a number of jobs, that require expertise beyond the immediate locality of Hamilton, including from the Bay of Plenty, Waikato, and Auckland. This is anticipated to be ongoing as the project moves to detailed design, particularly as this is a staged development proposal.

The number of jobs generated will then increase once construction of the project begins. Given the scale of the project, construction workers will be required from outside of the immediate locality of Hamilton, from the wider Waikato and Bay of Plenty area. As outlined in the supporting *Economics Memorandum*, during construction Brymer will generate approximately 4,730 full-time equivalent jobs.

- Once operational, the project will generate long-term employment through the retirement village with associated ancillary services and the commercial node that will support ongoing economic generation. This provides diversity in employment opportunities, from aged care workers to hospitality workers.

- Once completed, the project will accommodate a range of affordable housing options that will total up to circa 1,650 residential units and retirement living units. With this will come, new businesses, increased employment opportunities, and increased spending within the Waikato region.

Residential

- The development of up to circa 1,650 residential units provides an opportunity for greater residential choice in terms of location, accessibility and typology that will support additional residential capacity and respond to the local, regional and national housing shortage. Given the current housing market, with high demand and low supply, this will provide for a range of housing typologies that are high-quality, safe and warm for a significant number of people, now and into the future.

Further to the above, in the supporting *Economics Memorandum* appended to the referral application, Insight Economics' analysis confirms that both Waikato District Council and Hamilton City Council is unlikely to be meeting their housing capacity obligations under the National Policy Statement for Urban Development ('NPS-UD') and for this reason, Brymer represents a substantial boost in housing supply for Waikato to support the regional and national housing shortfall. As outlined on Page 13 of the *Economics Memorandum*, "the 1,650 residential dwellings enabled by the proposal represent an extremely significant increase in development capacity for the purposes of the NPS-UD".

Retirement Village

- The development of circa 250 retirement living units provides essential housing for the ageing population of Waikato and New Zealand. This has a significant benefit, both regionally and nationally, as the number of residents aged 75 and over is projected to grow in the catchment over the next 30 years.
- The provision of housing specifically for the ageing population means that the general housing market is freed up for others, which directly responds on a regional and national level to the shortfall in the housing market.
- The project will generate a wide range of social and cultural benefits that will be regionally and nationally significant, including but not limited to:
 - The project delivers up to circa 1,650 residential units and retirement living units that responds to the national housing shortage, by providing a range of housing typologies that are high quality, safe and warm for a significant number of people, now and into the future.
 - Through consultation with Mana Whenua, the project will incorporate cultural values into the design to ensure the regional and national cultural narrative of Mana Whenua are reflected in the development. This may include art, and taonga, using Ngā Iwi-endorsed artists, indigenous planting schemes, and cultural naming.
- The project will generate a wide range of environmental benefits that will be regionally and nationally significant, including but not limited to:
 - The project directly responds to the national risk of climate change and natural hazards through the management of flooding hazards, via the stormwater management provided by the stormwater basins, and the incorporation of measures to support the reduction of greenhouse gas emissions, such as promotion of walking and cycling.

- The project integrates effectively with adjacent ecologically sensitive areas while reintroducing biodiversity into a relatively barren landscape. The project incorporates stormwater detention devices with native plantings, contributing to a positive ecological outcome. This will support the environmental outcomes within the immediate locality, but also on a regional scale due to the location of the site to the Lake Rotokauri and Lake Waiwhakareke that are part of the Rotokauri Catchment.
- By preserving the natural wetlands where possible, the project maintains critical habitat, supports biodiversity, and safeguards natural water filtration processes to benefit the region. The inclusion of stormwater management features helps mitigate runoff, capture sediment, and facilitate bioremediation, improving water quality. Additionally, native planting enhance regional ecosystems by creating wildlife corridors, improving air quality, and moderating urban temperatures.

Staged Development

- Given the scale of development sought, up to circa 1650 residential units, a staged approach to sequencing of development will occur. As outlined in Figure 2 above, and discussed within Section 1.1 above, the development will likely commence with Stages 1A and 1B (circa 250 residential units), with the subsequent stages being tied to infrastructure, sequencing and overall demand. Whilst it is a staged approach, the overall site will be considered as part of one substantive application.
- Each stage presents a significant scale of development to unlock the economic benefits outlined in Attachment 12 *Economic Memorandum*. The 10-year timeframe outlined in the *Economic Memorandum* is reflective of giving effect to a significant scale of development, via a staged approach.
- The integrated nature of infrastructure solutions for Brymer, will ensure that the sequencing and coordination of stages is clear and will support a cohesive approach to development occurring.
- The rationale for the staged approach to development and sequencing is driven by Barker & Associates, with support from relevant specialists, and our intimate understanding of the Waikato development sector, and particularly the residential considerations.

1.4 Benefit of the Fast-track Approvals Act (2024) for Brymer

As outlined in Section 22(1)(b)(i) and (ii), part of the determination for accepting a referral application includes outlining whether the FTAA (2024) process would facilitate a more efficient and timely delivery of the project;

(b) referring the project to the fast-track approvals process—

- i. would facilitate the project, including by enabling it to be processed in a more timely and cost-effective way than under normal processes; and*
- ii. is unlikely to materially affect the efficient operation of the fast-track approvals process.*

As outlined in Section 3.0 below, Brymer requires a range of resource consents (land use and subdivision) from Waikato District and Waikato Regional Council's, and a specific approval under the Wildlife Act 1953 for an Authority. The ability to apply for a comprehensive range of consenting requirements within one application, to be considered by one panel, offers significant efficiencies in planning and specialists inputs

into managing and navigating the consenting process. The overall intent of the FTAA (2024), which is designed for regionally and nationally significant infrastructure and development projects, supports the scale and significant of Brymer. The consolidated timeframes for engagement with interested stakeholders and parties, wider consultation requirements to support substantive applications, and the overall detail required support a more timely and efficient consideration of the project.

Outside of the FTAA (2024) process, it would be anticipated that Brymer would be subject to a challenging and complex consenting requirement that would test the current District Plan provisions. Our understanding of the FTAA legislation is to support regionally and nationally significant projects with a single consenting process. This would enable development commencing sooner and the economic, social and wider positive benefits to be realised sooner. The FTAA process is considered the right instrument for this scale of project, and the Brymer project is not considered to materially impact on the intent of the FTAA process, more so it would reinforce the value and opportunity that the FTAA (2024) presents for regionally and nationally significant projects.

2.0 Experience

B&A have provided planning expertise on a wide range of developments, under the Resource Management Act 1991, COVID-19 Recovery (Fast-track Consenting) Act 2020, and the recent Fast Track Approvals Bill. This includes, but is not limited to: providing planning advice; referral applications; obtaining resource consents under District Plans, Regional Plans, and National Environmental Standards; consultation; and expert witness conferencing.

2.1 Rotokauri Greenway & Minor Arterial Fast-track Consent

B&A were responsible for the planning inputs for the 'Rotokauri Greenway & Minor Arterial Transport Corridor' resource consent application. On behalf of Hamilton City Council and Hounsell Holdings Limited, B&A obtained a comprehensive suite of resource consents for the construction of the Rotokauri Greenway and Minor Arterial transport corridor, under the COVID-19 Recovery (Fast-track Consenting) Act 2020.

Located in Rotokauri, Hamilton, this development involved the construction of a 4.7 kilometre length greenway corridor between two lakes to effectively manage and attenuate stormwater within the catchment, construction of artificial wetlands for stormwater treatment, construction of a 1.3 kilometre Minor Arterial transport corridor, and supporting infrastructure.

This primarily infrastructure project was complex, particularly as it involved works within designation and notice of requirement areas, with several ecological matters (such as black mudfish and natural wetlands) that required offsetting and compensation.

B&A led and supported with the following:

- Coordination of specialist documentation;
- Consultation with stakeholders, including territorial authorities, Mana Whenua, and adjoining landowners;
- Preparation and filing of the referral application;
- Preparation and lodgement of the resource consent application;
- Participation in expert witness conferencing;

- Obtaining Section 176 Approval; and
- Review of draft conditions.

Resource consent was granted by the panel, subject to conditions of consent, on 17 July 2024.

2.2 Current Projects under Fast-track Approvals Bill

B&A are continuing their involvement with fast-track projects, with the referral applications prepared for a number of those listed on Schedule 2 of the Fast-track Approvals Bill. Of particular relevance to *Brymer* is 'Southern Links 1' and 'Wallace Road Stage 1A and 1B subdivision and land use consent with associated roading and infrastructure', which are both housing and land development projects.

Southern Links 1

B&A led the preparation of the referral application for 'Southern Links 1', which was successfully listed. This project enables extensive greenfield development that comprises 48 hectares of residential development to deliver 1,035 residential units and 66 hectares of industrial development. The project extends across multiple territorial boundaries and triggers a number of both regional and territorial resource consents.

B&A will be responsible for coordinating the substantive fast-track application, providing input into the design, oversight of consultation, and preparation of the application.

Wallace Road Stage 1A and 1B

B&A led the preparation of the referral application for 'Wallace Road Stage 1A and 1B subdivision and land use consent with associated roading and infrastructure', which was successfully listed. This project enables greenfield development of 115 hectares to deliver 230 residential units. The project triggers a number of both regional and territorial resource consents, specifically in relation to land use, transport corridors, infrastructure, and subdivision.

B&A will be responsible for coordinating the fast-track application, providing input into the design, oversight of consultation, and preparation of the application.

B&A have also recently submitted two applications for referral in the wider Waikato region (Gordonton Country Estate Development and Ashbourne), with confirmation received recently that Ashbourne has been confirmed as referred project, and we await a determination on the Gordonton referral application.

3.0 Reason for Consent

3.1 Waikato District Plan

The proposal would potentially trigger resource consent under the Waikato District Plan for the following reasons:

- Residential Activity [**Permitted Activity**];
- Commercial Activity [**Non-complying Activity**];
- Signage [**Restricted Discretionary Activity**];
- Earthworks [**Restricted Discretionary Activity**];
- Three Waters Infrastructure & Servicing [**Restricted Discretionary Activity**];

- Subdivision [**Non-complying Activity**]; and
- Transport Corridors [**Discretionary Activity**].

Overall, under the Waikato District Plan, the proposal requires resource consent concurrently for land use and subdivision as a **Non-complying Activity**.

3.2 Waikato Regional Plan

The proposal would potentially trigger resource consent under the Waikato Regional Plan for the following reasons:

- Chapter 3 – Water Module
 - Groundwater Take
 - To be conservative, a temporary groundwater take will be sought for the purpose of dewatering to lower the groundwater table during construction under **Discretionary Activity** Rule 3.3.4.24.
 - To be conservative, a groundwater take will be sought for the water supply source (via a bore) under **Discretionary Activity** Rule 3.3.4.24.
 - Surface Water Take
 - To be conservative, a surface water take will be sought for the purpose of dust suppression during earthworks under **Controlled Activity** Rule 3.3.4.16.
 - It is noted that it is not considered appropriate to seek a surface water take in relation to the temporary diversion of groundwater as the surface water will be temporarily diverted via the stormwater channel.
 - Discharge Permit
 - The proposal will require resource consent under **Discretionary Activity** Rule 3.5.7.7 for the discharge of wastewater to and into land from the urban development.
 - The proposal will require resource consent under **Discretionary Activity** Rule 3.5.11.8 for the discharge of stormwater to a new stormwater basin from the urban development.
 - To be conservative, resource consent for a discharge of water or sediment-laden water will be sought for the purpose of temporary dewatering activities, which is not provided for and will be sought under **Discretionary Activity** Rule 3.5.10.2.
 - Damming Permit
 - The proposal will require resource consent under **Controlled Activity** Rule 3.6.4.9, **Controlled Activity** Rule 3.6.4.12 and **Discretionary Activity** Rule 3.6.4.14 for the damming of water to establish the new stormwater basins.
 - Diversion Permit

- The proposal will require resource consent under **Discretionary Activity** Rule 3.6.4.13 to divert groundwater to lower the groundwater table for the purpose of the new stormwater basins.
- Drainage of Wetlands
 - As it has not been confirmed, to be conservative, the proposal will seek resource consent for the potential drainage of wetland(s) under **Discretionary Activity** Rule 3.7.4.7.
- Drilling
 - To be conservative, the proposal may require drilling for dewatering under **Controlled Activity** Rule 3.8.4.7.
- Chapter 4 – River & Lake Bed Module
 - Culverts
 - The proposal will require resource consent under **Controlled Activity** Rule 4.2.9.3 for the installation of culverts in a catchment not exceeding 500 hectares.
- Chapter 5 – Land & Soil Module
 - Soil Disturbance
 - The proposal will require resource consent under **Discretionary Activity** Rule 5.1.4.15 as the soil disturbance activities exceed 1,000m³ across an area of more than two hectares.
 - The proposal may require resource consent under **Discretionary Activity** Rule 5.2.5.3 for large scale overburden disposal.

Overall, a number of resource consents will be required under the Waikato Regional Plan:

- Land Use Consent for Soil Disturbance;
- Land Use Consent for Culverts;
- Groundwater Take Permit;
- Discharge Permit for Wastewater onto or into Land; and
- Discharge Permit for Stormwater.

3.3 National Environmental Standards

The proposal would potentially trigger resource consent under the following National Environmental Standards:

- National Environmental Standard for Assessing and Managing Contaminants in Soil to Protect Human Health 2011:
 - The site investigation confirmed that the site is considered to be a 'piece of land' under Regulation 5(7) of the NES:CS as HAIL A10 and A17 is more than likely than not to have occurred. Regulation 10 requires consent as a **Restricted Discretionary Activity**.
- National Environmental Standards for Freshwater Management:

- This relates to potential natural inland wetlands, with the extent to be determined, however this may relate to vegetation clearance and earthworks within or around natural inland wetlands, drainage of natural inland wetlands, and loss of natural inland wetlands.

3.4 Other Approvals

Based on our Ecological Memorandum (Attachment 7), we anticipate that a Wildlife Act (1953) Authority would be sought from the Department of Conservation (DOC), for the handle, capture and relocation of salvaged lizards, including the accidental kill. Further specialist reporting will determine if any other approvals will be sought under WAA. The details of the WAA approval are to be progressed with DOC as part of pre-lodgement consultation of the substantive application and would be outlined in detail as part of a Lizard Management Plan, or other type of plan as required, for a substantive application. Should any other WAA be required as part of further specialist reporting this will be worked through in consultation with DOC. As per Attachment 15, no Archaeological Authority is required Heritage New Zealand Pouhere Taonga Act 2014, notwithstanding accidental discovery protocols and ongoing dialogue with HNZPT (where relevant) would continue to occur.

4.0 Statutory Planning Framework

On 3 April 2025, we contacted the Ministry for the Environment in relation to Section 11 consultation. On 4 April 2025, we received a response from the Ministry for the Environment, outlining that an assessment of the project against any relevant national policy statement, national environmental standards and if relevant the New Zealand Coastal Policy Statement is required. This assessment is provided in the subsequent sections.

4.1 National Policy Statement for Freshwater Management

The National Policy Statement for Freshwater Management 2020 ('NPS-FM') seeks to manage natural and physical resources to prioritise firstly, the health and well-being of water bodies and freshwater ecosystems, secondly, the health and needs of people, and thirdly the ability to provide for the social, economic, and cultural well-being of people and communities.

It is considered that the project is consistent with the relevant policies of the NPS-FM that relate to land development for the following reasons:

- The development of *Brymer* provides opportunity for ecological restoration of an area that has particularly low ecological value.
- The project seeks to minimise greenhouse gas emissions where possible through this development. The nature of the proposal is to provide infrastructure that will enable efficiencies that will support the reduction of greenhouse gas emissions.
- The project seeks to improve the health and well-being of Waikato River by treating stormwater prior to discharge through a number of best-practice stormwater management devices.
- Mana Whenua have been involved and consulted to this point of the project, which will continue to occur. The project will incorporate cultural values in its design, using Mana

Whenua expertise to integrate their values and cultural heritage (which is currently largely invisible).

- Maximising the opportunities within the proposed reserve and open space areas for future enhancement, particularly within the buffer areas including ecological restoration and enhancement, replanting and offsetting.
- Significant opportunities for restoration and enhancement across the site, including through the maintenance of habitat and vegetation cover where possible.
- Ongoing monitoring will take place to ensure the condition of water bodies and freshwater ecosystems is not degraded.

Based on the assessment above, it is considered that the project is consistent with the NPS-FM.

4.2 National Policy Statement for Highly Productive Land

The National Policy Statement for Highly Productive Land 2022 ('NPS-HPL') ensures the availability of New Zealand's most favourable soils for food and fibre production, now and future generations. It is noted the NPS-HPL recently came into effect on 17 October 2022, and was amended in August 2024.

The objective of the NPS-HPL is to protect highly productive land for use in land-based primary production, however, there are exceptions to this in particular circumstances.

The **Brymer** site is mapped as Land Use Capability ('LUC') 2 to 4 and 6. The LUC 2 and 3 land is generally located in the central and flatter portion of the site, however this is considered to be negligible as this land presents soil wetness limitations that reduce its productive capacity and range of land use options. The *Soil and Land Use Capability Classification Assessment* supporting this application considers that regional mapping required by the NPS-HPL in future could result in this land no longer being classified as highly productive.

However, as the site includes highly productive land at the time of this application, consideration of the NPS-HPL is required. The NPS-HPL allows for the urban development of highly productive land where it is required to provide sufficient development capacity to meet a demand for housing to give effect to the National Policy Statement on Urban Development 2020, there are no other reasonably practicable or feasible options for providing at least sufficient development capacity within the same locality and market while achieving a well-functioning urban environment and the environmental, social, cultural and economic benefits outweigh the associated cost.

The *Economics Memorandum* prepared by Insight Economics in support of the **Brymer** development outlines that there is a housing shortfall in the area and that **Brymer** can help meet an identified shortfall in capacity. **Brymer** can deliver housing in an efficient and timely manner, as unlike many residential developments within the region, with the applicant proposing to fund and provide the infrastructure. It can also be established that the environmental, social, cultural and economic benefits outweigh the associated costs of not developing the land. The *Economics Memorandum* identifies that **Brymer** can achieve social and economic benefits that outweigh the long-term social and economic costs associated with the loss of this classified highly productive land. Insight Economics propose to demonstrate this through the total economic value framework. The *Kaitaki Memorandum* discusses the existing cultural context in relation to the site and then provides a number of measures and strategies that can be incorporated into **Brymer** that enhance the cultural environment and deliver positive cultural benefits. Overall, it is considered through design, particularly with cultural and ecological input, **Brymer** can deliver a development that provides

environmental, social, cultural and economic benefits that outweigh the long-term environmental, social, cultural and economic costs associated with the loss of highly productive land.

It is considered that the proposal can demonstrate that it minimises and mitigates any actual loss or potential cumulative loss of the availability and productive capacity of highly productive land and avoids reverse sensitivity effects. This can be demonstrated through a resource consent application.

Based on the assessment above, it is considered that there is a pathway and the project can be consistent with the NPS-HPL.

4.3 National Policy Statement for Indigenous Biodiversity

The National Policy Statement for Indigenous Biodiversity ('NPS-IB') ensures the protection, maintenance and restoration of New Zealand's most threatened indigenous species. It is noted that the NPS-IB recently came into effect, gazetted on 4 August 2023.

It is considered that the project is consistent with the relevant objectives and policies of the NPS-IB for the following reasons:

- This project seeks to maintain and enhance indigenous biodiversity.
- There are no mapped Significant Natural Areas on the site.
- The applicant has regularly engaged with local tangata whenua to recognise and provide for Hūia Te Rito in the management of indigenous biodiversity. Several options to managing this indigenous species were considered to ensure a holistic and integrated approach was being undertaken.
- *Brymer* will include a variety of indigenous plants and seeks to retain and enhance indigenous biodiversity, which will promote peoples' wellbeing and allow current and future communities to connect with nature.
- Indigenous biodiversity can be protected from the effects of climate change and be utilised to reduce the effects of climate change, with planting of indigenous species proposed as part of wider detailed open space creation.
- The project seeks to maintain and enhance existing indigenous biodiversity. Any areas of significant indigenous vegetation or significant habitat of indigenous fauna will be identified and appropriately managed.

Based on the assessment above, it is considered that the project is consistent with the NPS-IB.

4.4 National Policy Statement on Urban Development

The National Policy Statement on Urban Development 2020 ('NPS-UD') ensures New Zealand's towns and cities are well-functioning urban environments that meet the changing needs of our diverse communities. It removes overly restrictive barriers to development to allow growth 'up' and 'out' in locations that have good access to existing services, public transport networks and infrastructure. It is noted that this legislation was amended in accordance with section 77S(1) of the RMA and notified on 11 May 2022.

The NPS-UD enables the development of land and infrastructure for urban land uses while recognising the national significance of well-functioning urban environments that enable all people and communities to provide for their social, economic, and cultural wellbeing (Objective 1 and Policy 1).

It is considered that the project is consistent with the relevant objectives and policies of the NPS-UD and will contribute to a well-functioning urban environment for the following reasons:

- *Brymer* delivers an integrated, multi-functional development that includes circa 1,650 new homes, of varying housing types, locations and prices in a logical and accessible location.
- The Housing and Business Capacity Assessment identifies that there are capacity shortfalls in the short-term, medium-term and long-term for Hamilton, which are driven by capacity constraints within existing urban areas and because the greenfield areas require significant economic investment in infrastructure to enable capacity to be “reasonably expected to be realised”. The shortfalls are in the order of 4,500 dwellings, so additional capacity is clearly needed. *Brymer* can deliver housing to respond to this shortfall in the short-term in a timely and affordable manner.
- *Brymer* enables people to provide for the social, economic and cultural wellbeing, with the mixed-use neighbourhood centre offering services and employment. The mixed-use neighbourhood centre can provide for the day-to-day needs of residents, with the site well-located to Hamilton’s central city which is 5 kilometres to the east of the site.
- The site has good accessibility for all people to services, activities and amenity. In addition, it encourages and promotes active transport through a range of walking and cycling options to housing, employment, schools, community services and open spaces.
- The project takes into consideration climate change, particularly through the stormwater management provided by the stormwater basins, and incorporates measures to support the reduction of greenhouse gas emissions (such as mode transport infrastructure).
- The project is well suited to the local area and is strongly aligned with delivering a well-functioning urban environment that reduces climate change through providing infrastructure and services in an integrated manner.
- The *Soil and Land Use Capability Classification Assessment* supporting this application considers highly productive land to be negligible due to soil wetness limitations that reduce its productive capacity and range of land use options.
- The *Preliminary Geotechnical Assessment Report* supporting this application confirms that the majority of the land is suitable for residential development, but does present some geotechnical challenges that will require careful earthworks management, site design and thereafter specific foundation design.
- The *Infrastructure Memorandum* supporting this application confirms that the proposed development can be self-sufficient with infrastructure delivery, with on-site design solutions for three waters management to acknowledge Hamilton City Council’s infrastructure constraints.

Based on the assessment above, it is considered that the project is consistent with the NPS-UD.

4.5 National Environmental Standards for Air Quality

The Resource Management (National Environmental Standards for Air Quality) Regulations 2004 (‘NES:AQ’) sets standards to guarantee a minimum level of health protection for people living in New Zealand.

No specific consents relating to this standard are required for the Project, although the relevant regulations in the NES:AQ have informed the assessment of construction and operational air quality effects. The potential for effects on air quality in relation to the Project relate primarily to dust during the construction phase. Measures are proposed to manage potential effects in response to the air quality objectives and policies.

The management of dust and odour will be addressed in the Construction Management Plan and an Erosion and Sediment Control Plan. As such, ambient air quality will be maintained once *Brymer* is constructed.

4.6 National Environmental Standards for Freshwater

The Resource Management (National Environmental Standard for Freshwater) Regulations 2020 ('NES:F') sets standards to regulate activities that pose risks to the health of freshwater and freshwater ecosystems. Of particular relevance to the project are provisions which prohibit works in and around natural wetlands. Resource consent will be required under the NES:F as works are proposed in and around natural inland wetlands.

Potential natural inland wetlands have been identified on the site with the extent to be determined by further ecological investigation, however this may relate to vegetation clearance and earthworks within or around natural inland wetlands, drainage of natural inland wetlands, and loss of natural inland wetlands. As outlined in **Section 1.1**, two options have been proposed for *Brymer* to acknowledge that potential existing natural wetlands have been identified in the eastern portion of the site which require further ecological investigation.

It is considered that this can be demonstrated through a resource consent application. Offsetting and compensation, if appropriate, can be assessed as part of a further Ecological Assessment that would be included as part of a substantive application.

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

The Resource Management (National Environmental Standard for Assessing and Managing Contaminants in Soil to Protect Human Health) Regulations 2011 ('NES:CS') sets a nationally consistent set of planning controls and soil contaminant values.

BTW Company have undertaken a Detailed Site Investigation ('DSI') for the site, as appended to the referral application. The key findings of the DSI are:

- Three separate stockyards were identified on the site that are a 'piece of land' under the NES:CS. 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.
- Cadmium accumulation in the soil was elevated but found below the most stringent soil contaminant standard ('SCS') and is therefore highly unlikely to present a risk to human health. This indicates that fertiliser bulk storage is likely to have occurred on site.
- Asbestos was detected in one of seven soil samples analysed. The concentration of asbestos was well below guideline concentration and therefore is highly unlikely to pose a risk to human health and is classified as unlicensed asbestos works.

- At all three stockyards, arsenic concentrations were elevated in comparison to upper predicted background concentrations and exceeded the residential SCS for 10% and 25% produce scenarios. The concentrations at Stockyard 1 were below the high-density residential SCS, while Stockyard 2 and Stockyard 3 concentrations exceeded high-density residential, commercial worker, and recreational SCS.

Resource consent will be required under **Regulation 10** of the NES:CS as a **Restricted Discretionary Activity**. On this basis, any requirements of the NES:CS can be addressed as part of an application post-referral and potential risks to human health can be appropriately managed and mitigated.

5.0 Assessment of Effects

The proposal will not generate significant adverse environmental effects, as any adverse effects on the environment will be appropriately avoided, remedied or mitigated to be minor or less than minor in nature. The key potential adverse effects are addressed in general below and should be reviewed in conjunction with the supporting technical expert memorandums accompanying this application.

5.1 Construction Effects

Contaminated Land

As outlined in **Section 4.7**, the site investigation confirmed that persistent pesticide bulk storage or use is more than likely than not to have occurred on the site. It is considered that this can be mitigated through remediation prior to earthworks commencing on site.

Earthworks

Earthworks for the project will be carried out in accordance with best practice appropriate erosion and sediment control measures to ensure potential adverse effects are avoided or minimised. Earthworks are proposed to be carried out during the summer earthworks season to reduce the potential discharge of sediment into receiving waters. Any potential adverse effects are able to be mitigated and managed via an Erosion and Sediment Control Plan.

Dust

During construction, it is anticipated that there will be dust generated by the earthworks and land disturbance, which is able to be mitigated and managed via an Erosion and Sediment Control Plan.

Construction Noise & Vibration

During construction, noise and vibration is anticipated to occur as a result of the works proposed to be carried out on the site. Construction will be managed in accordance with the NZS 6803:1999 Acoustics – Construction Noise and German Standard DIN 4150-3:1999 Structural vibration – Effects of vibration on structures.

Construction noise and vibration, particularly during any rock breaking, will be managed in accordance with a Construction Noise and Vibration Management Plan ('CNVMP'). The CNVMP will outline measures, such as restrictions on days and hours on noisy works, consultation with neighbours and use of quieter machinery (among others) to ensure that potential construction noise effects of the project are appropriately managed.

Construction Traffic

It is anticipated that there will be potential adverse traffic effects as a result of the construction of *Brymer*. A series of upgrades will be required on adjoining transport corridors, including State Highway 23 (Whatawhata Road), which will result in potential delays and traffic on these corridors while construction occurs. This will be managed through phasing and delivery during off peak periods.

Construction traffic effects will be temporary and will be managed in accordance with a Construction Traffic Management Plan ('CTMP'). The CTMP will outline measures such as anticipated number of truck movements per day and truck routes (among other measures) to ensure that the potential construction traffic effects of the project are appropriately managed. The bulk of construction and related earthwork traffic movements will be kept within the site constraints and have little impact wider afield.

5.2 Infrastructure & Servicing

Maven Associates have prepared an *Infrastructure Memorandum* with accompanying drawings, appended to the referral application, that demonstrate that the proposal can be appropriately serviced, hence there is not considered to be any significant adverse effects in relation to infrastructure and servicing.

5.3 Transportation

Transplan have prepared a *Transportation Memorandum*, appended to the referral application, that details the transportation approach and how *Brymer* can integrate with the wider transport network. The design of the proposed transport corridors prioritises safety and emission reduction to ensure alignment with national and regional transport planning documents.

The proposed development will result in additional vehicle trips on the local and state highway network that are not anticipated or accounted for in the existing modelling, which have the potential to affect the safety and efficiency of the transport network. The proposed transport network needs to carefully consider the form and function of connections to the existing transport network to ensure any adverse effects are appropriately mitigated.

5.4 Character & Amenity

Character

As aforementioned, the site currently predominantly comprises of lots in pasture, rural lifestyle and rural activities. The surrounding area is a mix of rural, rural lifestyle, and residential. Due to the site's proximity to the urban fringe of Hamilton, there is an opportunity to integrate with the surrounding mixed character.

As discussed below, the proposal will need to be carefully designed to integrate with the mixed character context of the area, with a strong focus on the transition from urban to rural. This will be achieved through a range of design measures, such as locating the mixed-use neighbourhood centre in the centre of the development and smaller lots being internalised.

Urban Design

B&A have prepared an *Urban Design Memorandum*, appended to the referral application, that details the potential urban design effects of the proposal. These are separated into the three precincts, as summarised below.

- Residential Development:

- The transition from larger lots adjoining the site boundaries to the smaller residential blocks proposed will create a visual change to the adjoining properties as well as the wider neighbourhood context.
- Illegibility of the street network as a result of the irregular shape of the site.
- Potential reverse sensitivity effects of residential land uses being in close proximity to proposed mixed-use neighbourhood centre.
- Mixed-Use Neighbourhood Centre & Public Open Spaces
 - Potential visual and amenity effects, including noise and lighting, to the adjoining proposed residential lots.
 - Potential visual safety and amenity effects within the mixed-use neighbourhood centre as well as the interfaces with the public realm (streets and open space), due to increase in vehicle activity and inappropriate carparking arrangements and vehicle crossing locations.
- Retirement Village
 - Visual and character effects created by the transition between the existing larger rural-residential lots and the proposed residential precinct to the proposed dwellings within the retirement village and the associated facilities.
 - The limited access and privacy associated with the proposed retirement village will limit access and visual connectivity to the wider development.
 - Potential visual, amenity and reverse sensitivity effects created by the more intensive proposed residential lots adjoining the retirement village.
 - Visual change and amenity effects created where the proposed retirement village interfaces with the street.

It is considered that these potential adverse effects can be appropriately managed and mitigated, specifically through integrated urban design, and that *Brymer* is supported from an urban design perspective. Potential mitigation includes measures such as:

- Integrated, mixed-use development to service the residential development and wider community;
- Distributing density across the site, with smaller lots located at the centre of the site to internalise effects;
- Implementation of a development grid to create a logical and legible street network; and
- The landscape, lighting and architectural responses will provide a design quality that will mitigate visual and amenity effects and provide good Crime Prevention Through Environmental Design and connectivity outcomes.

Landscape

B&A have prepared a *Landscape Memorandum*, appended to the referral application, that details the landscape (and visual) effects of the proposed development and how *Brymer* can integrate within the environment. This assessment concluded that the site does not contain any natural or cultural elements that provide a 'sense of place' or unique features.

The key landscape effects of *Brymer* are considered to be limited to the integration of the development with the urban fringes of Hamilton. Given the location of the site, the landscaping strategy will need to address the transition from urban environment to rural environment.

Heritage & Archaeology

No natural heritage overlays that apply over the site, however, there is a risk that archaeological sites may appear or be uncovered in the construction process. This can be managed through accidental discovery protocol which will form part of conditions of consent. This is aligned with the HNZPT letter outlined in Attachment 15.

5.5 Cultural

As outlined in Te Huia's *Mana Whenua Statement and Engagement Report*, Mana Whenua have been involved and consulted to this point of the project, which will continue to occur. Ngaati Maahanga and Waikato-Tainui are the iwi/hapū who share historical connections to the wai, whenua and taonga within the site. Through ongoing and meaningful engagement with Mana Whenua, it is considered that any potential adverse effects can be appropriately mitigated. Appropriate protocols (such as karakia, cultural monitors and cultural protocols), involvement in the design, and promotion of indigenous planting are examples of mitigation.

There is a risk that archaeological sites may appear or be uncovered in the construction process, which can be managed through accidental discovery protocol. The project will incorporate cultural values in its design, using Mana Whenua expertise to integrate their values and cultural heritage (which is currently largely invisible). This is an opportunity to reflect the area's cultural history in the development, including through activities, facilities, forms, artwork, local flora, and materials significant to the reinstatement of their presence and aspirations.

Brymer is supported by a *Mana Whenua Statement and Engagement Report* which confirms that Waikato-Tainui endorses the position of Ngaati Maahanga who are neutral in position to the *Brymer* proposal.

5.6 Ecology

The *Ecology Memorandum*, appended with the referral application, concludes that there is existing ecological value on the site. These ecological values are summarised as:

- Potential existing natural inland wetlands – These will be investigated further to determine their location and extent, as outlined in **Section 1.1**, once this detailed investigation has occurred then the most appropriate pathway will be determined to proceed with. It is considered the proposed development can occur without a more than minor adverse effect through avoidance, otherwise appropriate compensation or offsetting if required.
- Potential black mudfish habitat– Surveys will be undertaken to determine whether black mudfish are in the artificial drains or highly modified streams within the site. It is considered the proposed development can occur without a more than minor adverse effect through avoidance or mitigation.
- Potential lizard habitat – The potential lizard habitat within the site is likely to be limited to the area of indigenous kānuka treeland as well as hedgerows and long rank grass associated with some boundary areas and watercourses. With protection and restoration of the better

lizard habitat and suitable mitigation such as implementing a lizard management plan lizards are not assessed as a significant ecological constraint.

- Potential longtail bat habitat – Surveys will be undertaken to determine whether longtail bats roost, forage or fly over the site, however this is not anticipated. It is considered the proposed development can occur without a more than minor adverse effect through avoidance or mitigation.

Further assessment is required to identify the extent of effect; however, it is concluded that these potential adverse ecological effects will be no more than minor.

5.7 Highly Productive Land

As discussed in **Section 4.2**, the proposal will result in the loss of some high-class soil and classified highly-productive land, however as discussed, the quality of this soil is considered negligible and outweighed by the benefit of providing needed increased housing supply.

5.8 Effects on Greenhouse Gas Emissions

This Project aims to minimise greenhouse gas emissions, where possible through construction, and within the design of the project itself. During construction, greenhouse gas emissions will be reduced through the following measures:

- Minimising the number of truck movements required to manage earthworks material by retaining as much as possible within the site; and
- A staged construction approach allows for the appropriate management of effects on the environment.

Following the construction of the project, the ongoing reduction of greenhouse gas emissions will be supported by:

- Multi-modal transport corridors that prioritise pedestrians and cyclists;
- Enabling intensified urban development, including provision for services and amenities within a walkable catchment to reduce the need for vehicle travel;
- Incorporation of walking and cycling facilities within both the greenway and wider Brymer development to facilitate a transition to active modes of transport (and to discourage private vehicle use); and
- Improved connectivity within close proximity to a well-established and growing area of Matamata.

Overall, it is considered that the project will balance the potential adverse effect of greenhouse gas emissions by providing for a walkable, densified future residential development that discourages private vehicle movements and appropriately mitigates adverse effects on the environment (where possible).

5.9 Positive Effects

Brymer will deliver a number of positive effects, including but not limited to:

- Increasing housing supply in Hamilton where a short-term, medium-term and long-term housing shortfall has been identified in the Housing and Business Capacity Assessment;
- Delivery of multi-generational living with a diverse mix of housing typologies to suit families of various sizes to address housing needs;
- Creation of a well-functioning urban environment with a mixed-use neighbourhood centre at the heart of the development, which will support the local economy beyond the construction of the project;
- Enhancement of the natural environment through the design which seeks to weave natural space through the development via the open spaces;
- Innovative design to address climate change and natural hazards, such as inclusion of active mode connectivity and stormwater design; and
- Generation of a wide range of economic benefits, such as providing a direct boost in housing supply to meet growing demand, meeting the needs of an evolving population, and contributing to the recovery of significant infrastructure costs.

5.10 Mitigation

This memorandum, and the supporting memorandums from the technical experts, identify a range of measures to address potential adverse effects and ensure that those adverse effects are avoided, remedied, or mitigated. This includes the application of standard and well-established mitigation measures and more bespoke approaches to manage the particular effects of this proposal. These can be addressed through design, conditions of consent, and monitoring.

6.0 Consultation

The applicant has undertaken extensive consultation with key stakeholders over the last few years, particularly in relation to the Future Proof Strategy, and this consultation is summarised below.

- **Hamilton City Council**

This engagement occurred in February and April 2024, including discussions around establishing the basis of a mutually beneficial relationship to maximise fast-track consenting opportunities, as well as developing an understanding of the project and how it can be delivered.

Key discussion points included:

- How the project is able to address the real problem of housing supplying as the developer is willing to build homes and is not focused on land banking with a track record that demonstrates this;
- The project can manage three waters independently and does not rely on Hamilton City Council's infrastructure; and
- Hamilton City Council wants to move forward together with the emerging view that fast-track is a positive outcome (and may link to a City Deals process).

The overall outcome from this engagement was that Hamilton City Council are generally supportive of the project if approved under the Fast-track Approvals Act 2024.

- **Waikato District Council**

Initial engagement occurred from April to September 2021 and then again in April 2024. Waikato District Council advised that their District Plan does not provide for the urban development of the site and the project does not support the growth of any of their towns. For this reason, and given the proximity of the site to Hamilton City Council's territorial boundary, they recommended that the land be transferred to Hamilton City Council's jurisdiction.

- **Waikato Regional Council**

Engagement has occurred with Waikato Regional Council in relation to the project, particularly in relation to the water take consent sought.

- **Waka Kotahi New Zealand Transport Agency**

Initial engagement occurred in December 2021, particularly in relation to the connection point of the development and its form to State Highway 23. Through this engagement, Waka Kotahi identified several transportation matters to be considered through the design, including the effects of a connection onto State Highway 23, alternative connection points, and public transport opportunities.

- **Future Proof Committee**

On 14 April 2025, a meeting was held online with the Future Proof Partners (including Hamilton City Council, Waikato District Council, Waikato Regional Council and Waka Kotahi) to discuss the revised Brymer masterplan.

Key discussion points included:

- Highly productive land;
- Contiguous nature of the development from Hamilton City's boundary;
- Servicing strategy – specifically the private infrastructure strategy;
- Waikato Regional Council drainage network was confirmed and there is allocation available, hence a water take would need to be sought; and
- Key disciplines to be included in a referral application.

- **Te Whakakitenga o Waikato-Tainui & Ngaati Maahanga**

Te Huia Natural Resources Limited prepared a Mana Whenua Statement and Engagement Report to support the proposal. This is included with the referral application and details engagement with both Waikato-Tainui and Ngaati Maahanga.

- **Department of Conservation**

Pre-lodgement consultation initiated via formal application to DOC email at Fasttrackapplicationenquiries@doc.govt.nz. Subsequently, we have provided DOC with a full range of specialist reporting documentation and wider project scope. We are engaging with DOC on the Wildlife Act Authority as part of this consultation and will meet further with the DOC project lead in the coming weeks as we move toward a substantive application. Evidence of pre-lodgement consultation is outlined in *Attachment 16 DOC Pre-Lodgement Consultation*.

- **Heritage New Zealand Pouhere Taonga**

Pre-lodgement consultation initiated via formal email to HNZPT regional office with supporting information and reports. Subsequently received a letter of support, with confirmation no Archaeological Authority is required for Brymer, see *Attachment 15 HNZPT Letter*.

- **Ministry for the Environment**

Pre-lodgement consultation was undertaken with MFE, specifically Stephanie McNicholl and Ben Bunting on the 14th May 2025 via Teams. This was in response to the returning of the previously lodged Referral Application for Brymer. At this meeting Fraser McNutt and Sam Le Heron (both from Barker & Associates) spoke in detail about each of the points raised in the letter received 12th May 2025, which outlined the reasons for the referral application being considered incomplete. It was understood that an updated Referral application addressing these components would be considered sufficient to proceed under Section 14(2) of the Fast-track Approvals Act 2024. Attachment 17 – Fast-Track Letter Brymer B&A Responses outlines the specific reasons for the return of the previous application, and the subsequent response / section within the Planning Memorandum that addresses this.

7.0 Conclusion

Having undertaken a high-level planning assessment, it is considered that there are no planning-related reasons why **Brymer** could not proceed under the Fast-Track Approvals Act 2024. Through strong design and technical input, **Brymer** can achieve a built form, environment and community that positively impact future residents and the wider Waikato community, without having an adverse effect on the environment.

It is acknowledged that a full and comprehensive Assessment of Environmental Effects will be undertaken as part of the resource consent application, however at this stage, no more than minor adverse effects have been identified that preclude the development from occurring.