Ministry for the Environment
Manatū Mō Te Taiao

FTAA-2508-1092: Application received for referral of the project under the Fast-track Approvals Act 2024 – Stage 2 decisions

Project Name: Te Kowhai East

Date submitted:	3 November 2025	Tracking #: BRF-7098	
Security level:	In-Confidence	MfE priority:	Urgent

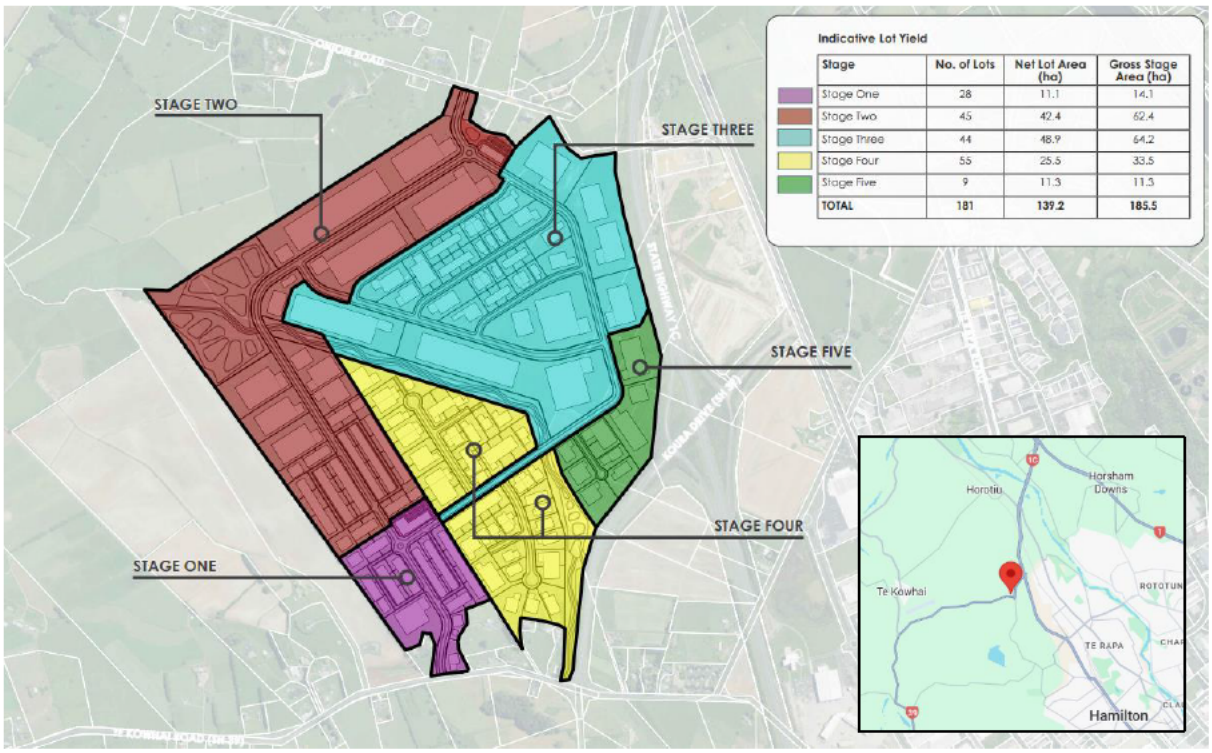
	Action sought:	Response by:
To Hon Chris Bishop, Minister for Infrastructure	Decision on recommendations	10 November 2025

Actions for Minister's Office staff	**Return** the signed briefing to MfE: *FTAreferrals@mfe.govt.nz* **Approve** the attached notice of decisions letter.
Number of appendices: 7	Appendices (refer to File Exchange link for appendices 2-7): 1. Statutory framework for making decisions 2. Application documents for the Te Kowhai East project 3. Stage 1 Briefing Note and decisions 4. Section 18 Report on Treaty settlements and other obligations 5. Comments received from invited parties, including the further information received from the Department of Conservation 6. Further information received from the applicant 7. Draft notice of decisions letter

Ministry for the Environment contacts

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

Project location



Key messages

1. This briefing seeks your decisions under section 21 of the Fast-track Approvals Act 2024 (the Act) on the referral application from Te Kowhai East Limited Partnership (the applicant) to refer the Te Kowhai East project (the project) to the fast-track approvals process.
2. A copy of the application is in Appendix 2. This is the second briefing on this application. The first briefing (Stage 1 – BRF-6699) with your initial decisions annotated is in Appendix 3.
3. The project involves the subdivision and development of approximately 186 hectares of rural land into a large-scale industrial and commercial precinct near Hamilton, Waikato. The project includes associated infrastructure, land modification, and works to support the establishment of industrial and commercial activities.
4. The project comprises:
    a. industrial land use activities across 128 hectares
    b. commercial land use activities over 2 hectares
    c. subdivision of approximately 174 hectares of land over three construction stages
    d. earthworks including cut-to-fill and cleanfill operations
    e. stormwater discharge into the Mangaheka Stream and associated infrastructure
    f. surface and groundwater abstraction for potable supply and construction activities
    g. watercourse diversions, including infilling of artificial channels and floodplain areas
    h. construction of culverts and realignment of stream

i. bed disturbance associated with watercourse enhancement

j. land use changes and soil disturbance on contaminated land

k. an intersection upgrade between State Highway 39 and Onion Road.

5. The project will require the proposed approvals under specified Acts:

   a. resource consents under the Resource Management Act 1991

   b. wildlife authority under the Wildlife Act 1953.

6. The project involves a prohibited activity under both the *Operative* and *Operative in Part* versions of the Waikato District Plan – specifically, the subdivision of land resulting in additional allotments containing high-quality soils, where the parent allotment held a Certificate of Title prior to 6 December 1997. The prohibited activity status does not trigger any ineligibility criteria under section 5 of the Act.

7. As noted in the first briefing, the Stage 2 analysis set out in this briefing requires you to take into consideration whether to decline the referral application on the basis that it involves a prohibited activity. This is a potential reason you may decline a referral application under section 21(5) of the Act. However, we note section 21(7) of the Act explicitly states that the presence of a prohibited activity does not prevent you from accepting a referral application.

8. We recommend you accept the referral application as the project meets the criteria set out in section 22 and does not appear to involve an ineligible activity.

9. We seek your decisions on our recommendations, which includes proposed directions to the expert panel.

Assessment against statutory framework

10. The statutory framework for your decision-making is set out in Appendix 1. You must apply this framework when you are deciding whether to accept or decline the referral application and when deciding on any further requirements or directions associated with referral of the project.

11. Before accepting the referral application, you must consider the following:

    a. the application (in Appendix 2)

    b. the section 18 Treaty settlements report (in Appendix 4)

    c. any comments from invited parties, including the further information received from the Department of Conservation under section 20 (in Appendix 5)

    d. the further information received from the applicant under section 20 (in Appendix 6)

    e. any document requiring consideration under section 16, including compliance with its procedural requirements (as outlined in the section 16 assessment below).

12. Following that, you may accept the application if you are satisfied that it meets the criteria in section 22 of the Act and if there are no reasons meaning you must decline the application. We provide our advice on these matters below.

Section 18 Treaty settlements and other obligations report

13. A Treaty settlements and other obligations report (section 18 report) prepared under section 18 of the Act is attached in Appendix 4.

14. The section 18 report identified Te Whakakitenga o Waikato, Ngāti Hauā Iwi Trust, Waikato Raupatu River Trust, the Waikato River Authority, Ngaati Mahanga, Ngaati Hourua, Ngāti Reko, Ngāti Wairere, Ngāti Tamainupō, and Te Haa o te Whenua o Kirikiriroa as the relevant groups under section 18(2).
15. The section 18 report identified the following three Treaty settlements as relevant to the project area being the Waikato Raupatu Claims Settlement Act 1995, the Waikato-Tainui Raupatu Claims (Waikato River) Settlement Act 2010, and the Ngāti Hauā Claims Settlement Act 2014.
16. The section 18 report considers several provisions of the Waikato-Tainui Raupatu Claims (Waikato River) Settlement Act 2010 as applicable to the project area. In accordance with section 7 and section 16 of the Act, it is recommended in considering this application, you have particular regard to Te Ture Whaimana (Vision and Strategy) and have regard to the Waikato-Tainui Environmental Plan. A detailed assessment under section 16 is provided below.
17. Te Whakakitenga o Waikato provided comments on the referral application. Te Whakakitenga o Waikato supports the referral application at this time, with the expectation that ongoing engagement with mana whenua is appropriately supported. This includes facilitating hui, co-designing a relationship agreement, participating in technical workshops, and reviewing documentation. They recommend that mana whenua be given the opportunity to submit a cultural values assessment and reserve the right to provide separate commentary where it serves the wider iwi's interests.
18. The Minister for Māori Development/Minister for Māori Crown Relations: Te Arawhiti advised they had no comment to make on the draft section 18 report.
19. The section 18 report did not identify any matters that would make it more appropriate for the proposed approvals to be authorised under another Act or Acts.

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

20. Based on the section 18 assessment above, there are documents and procedural requirements under section 16 that apply to your consideration of the application.
21. We consider you have complied with some of the relevant procedural requirements in the Waikato-Tainui Raupatu Claims (Waikato River) Settlement Act 2010, as they relate to providing notice to the Waikato River Authority and providing information about the application to the Waikato Raupatu River Trust (under the joint management agreement (JMA) provisions). There is also a need to ensure that these, and other, procedural requirements are complied with throughout the process (for example, the ability for Waikato-Tainui to comment on the adequacy of information under the JMA, and the provisions relating to the appointment of hearing commissioners).
22. Section 16(2)(c) of the Act requires that you must, where relevant, in your notice of decisions on the referral application, direct any panel that considers a substantive application for the project to comply with any applicable requirements. Accordingly, should you decide to accept this referral application, we recommend you direct any panel considering a substantive application for the project to comply with the applicable requirements as detailed in the section 18 report. This is included in the applicable section of Table A, as well as the recommendations below.

Written comments received

23. Comments were received under section 17 of the Act from the parties below:

    a. relevant local authorities – Waikato District Council (WDC) and Waikato Regional Council (WRC)

    b. Ministers – Minister for the Environment, Associate Minister of Transport, Minister for Regional Development, and Minister for Economic Growth

    c. relevant administering agencies – Department of Conservation

    d. the Māori groups identified in the list provided to the Minister – Te Whakakitenga o Waikato

    e. any other persons – the Chief Executive of Hamilton City Council (HCC) and the Chief Executive of NZ Transport Agency Waka Kotahi (NZTA).

24. A summary of the comments received from Māori groups is provided under the assessment of the section 18 report above. The key points relevant to your decision-making are outlined in Table A, with a summary provided below:

    a. WDC supports the provision of industrial land at the site due to identified supply deficits and strategic location, but raises concerns regarding the loss of highly productive land, lack of enabling infrastructure and funding, as well as potential transport and stormwater impacts

    b. WRC considers the project is inconsistent with regional planning documents and spatial strategies, raises concerns about impacts on peat soils, highly productive land, indigenous biodiversity, and water use, and recommends further assessment of ecological, flooding, and transport matters if the application is referred

    c. the Minister for the Environment considers the referral application lacks sufficient ecological information to assess potential adverse effects and recommends that, if the project is referred, the substantive application includes a comprehensive ecological assessment

    d. the Associate Minister of Transport supports the referral, considers the project regionally significant, and highlights its potential to improve transport network resiliency, address industrial land shortages, and contribute to a well-functioning urban environment

    e. the Minister for Regional Development considers the project may deliver regionally significant economic benefits but notes potential displacement of rural activity and recommends that impacts on productive capacity be addressed through relevant portfolios

    f. the Minister for Economic Growth considers the project has substantial potential economic benefits for Hamilton and the wider Waikato region, aligns with Government growth objectives, and may support ongoing industrial, retail, and commercial development and employment

    g. DOC has not identified any reasons that the application should be declined, but recommends further ecological surveys and evidence of engagement with DOC be required at the substantive stage

    h. HCC supports the provision of industrial land at the site but notes significant infrastructure constraints, including lack of funding and water allocation, and advises

that urbanisation will require coordinated investment, network upgrades, and potential boundary changes

i. NZTA considers the project generally aligned with broader development strategies, subject to further transport analysis, and supports referral while expecting close involvement in the design and review of transport mitigations.

Further information provided by the applicant and DOC

25. In response to your request for further information under section 20 of the Act, the applicant and DOC (in its capacity as the administering agency under the Wildlife Act 1953) provided further information within the specified time frames on:

    a. the Consent Notice registered on Lot 1 DP 546273, which includes ongoing resource consent conditions relating to geotechnical and acoustic requirements. The applicant has confirmed these conditions do not affect their ability to undertake the proposed works.

    b. the interest *"Subject to Part IVA of the Conservation Act 1987"* recorded on multiple records of title for the project area. DOC advises that if qualifying water bodies are present, additional requirements may apply, including the incorporation of marginal strips into the subdivision design and the potential need for a concession. These may necessitate amendments to project design and/or additional approvals outside the fast-track approvals process, but DOC concludes the applicant should be able to undertake the works.

26. You must consider all information received within the specified time frame. We have taken this information into account in our analysis and advice, and it is presented in Table A.

Reasons to decline

27. The statutory framework in Appendix 1 sets out the situations where you must decline a referral application under section 21(3). We consider that you have sufficient information to make an informed decision. We further consider you can be satisfied that the project does not involve any ineligible activities and that it meets the referral criteria set out in section 22. As such, we have not identified any reasons under section 21(3) that you must decline this application.

28. You may also decline the application for any other reason under section 21(4). The Act gives some guidance on matters you could consider when deciding whether to decline an application and these are set out in Appendix 1.

29. As outlined in Table A below, we have considered the relevant matters and have not identified any grounds under section 21(4) or 21(5) of the Act that would require you to consider declining the application.

Reasons to accept

30. The statutory framework in Appendix 1 sets out the reasons you can accept a referral application and refer the project to the fast-track approvals process.

31. Our assessment of these matters is detailed in Table A. We consider the project meets the criteria for accepting a referral application under section 22, as:

    a. the project for a large-scale industrial and commercial precinct is a development project that would have significant regional benefits because it:

- will deliver significant economic benefits in the Waikato region, including an increase in industrial land supply in an area experiencing shortages, an estimated $619.4 million contribution to GDP, and support for approximately 5,115 full-time equivalent jobs during the construction phase, with further gains expected through ongoing operations and regional economic activity [s22(2)(a)(iv)]

b. referring the project to the fast-track approvals process would facilitate the project, including by enabling it to be processed in a more timely and cost-effective way than under normal processes because:

- the inclusion of a prohibited activity, the project area's rural zoning, and classification as highly productive land would require a plan change to progress the project under standard RMA processes, which is typically a detailed and resource-intensive process
- the time frames under the FTAA are significantly shorter than under the RMA
- the FTAA precludes public and limited notification
- appeals under the FTAA are only to the High Court rather than the Environment Court and are limited to points of law

c. is unlikely to materially affect the efficient operation of the fast-track approvals process because the project is neither novel in the New Zealand context nor beyond the scope of what a panel would typically assess under the RMA.

Conclusions

32. We consider that the project satisfies the criteria under section 22. We recommend that you accept the application under section 21 of the Act and refer the project to the fast-track approvals process, with the specifications outlined below.
33. We recommend specifying under section 27 of the Act that the panel must invite comments from NZTA and HCC, in addition to those listed in section 53 at the substantive stage. The reasons for this recommendation are outlined in Table A.

Next steps

34. MfE must give notice of your decisions on the referral application, and the reasons for them, to the applicant(s) and anyone invited to comment under section 17 and publish the notice on the Fast-track website.
35. In your notice of decisions you must direct a panel to comply with any requirements identified in section 16, as detailed in Table A and the recommendations below.
36. If you decide to refer the project, MfE must also give notice of your decisions to:
    a. the panel convener
    b. any additional iwi authorities or Treaty settlement entities that you consider have an interest in the matter other than those invited to comment under section 17
    c. the Environmental Protection Authority (EPA)
    d. the relevant administering agencies

37. We will provide all the information you received that relates to this application to the EPA and the panel convener on your behalf, including:
    a. the referral application
    b. the comments received under section 17
    c. the report obtained under section 18.
38. We will undertake this action on your behalf.
39. We have attached a notice of decisions letter to the applicant (refer to Appendix 7) based on our recommendations and we will provide it to all relevant parties. We will provide you with an amended letter if required.
40. Our recommendations for your decisions follow.

Recommendations

41. We recommend that you:

a. **Note** section 21(3) of the Fast-track Approvals Act 2024 (FTAA) requires you to decline the referral application from Te Kowhai East Limited Partnership (the applicant) if you are satisfied that the project involves an ineligible activity, or you consider that you do not have adequate information to inform the decision under this section or if you are not satisfied that the Te Kowhai East project (the project) meets the referral criteria in section 22 of the FTAA.

Noted

b. **Agree** that before deciding on the application for project referral under section 21(1) of the FTAA you have considered:

i. the application in Appendix 2

ii. the report obtained under section 18 in Appendix 4

iii. any comments and further information sought under sections 17 and 20 in Appendices 5 & 6 (Note: all the comments and further information responses were provided within the required time frame).

Yes / No

c. **Note** that in considering this application, you must have particular regard to Te Ture Whaimana (Vision and Strategy) and have regard to the Waikato-Tainui Environmental Plan, in accordance with sections 7 and 16 of the FTAA.

Noted

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

i. the project for a large-scale industrial and commercial precinct is a development project that would have significant regional benefits because it:

- will deliver significant economic benefits in the Waikato region, including an increase in industrial land supply in an area experiencing shortages, an estimated $619.4 million contribution to GDP, and support for approximately 5,115 full-time equivalent jobs during the construction phase, with further gains expected through ongoing operations and regional economic activity [s22(2)(a)(iv)]

ii. referring the project to the fast-track approvals process would facilitate the project, including by enabling it to be processed in a more timely and cost-effective way than under normal processes because:

- the inclusion of a prohibited activity, the project area's rural zoning, and classification as highly productive land would require a plan change to progress the project under standard RMA processes, which is typically a detailed and resource-intensive process
- the time frames under the FTAA are significantly shorter than under the RMA
- the FTAA precludes public and limited notification

- appeals under the FTAA are only to the High Court rather than the Environment Court and are limited to points of law

iii. it is unlikely to materially affect the efficient operation of the fast-track approvals process because the project is neither novel in the New Zealand context nor beyond the scope of what a panel would typically assess under the RMA.

Yes / No

e. **Agree** there is no reason the project must be declined under section 21(3) because:

i. the project meets the criteria in section 22 as detailed in recommendation d above

ii. the project does not include an ineligible activity as explained in Table A

iii. the application includes adequate information to inform your decision.

Yes / No

f. **Agree** to accept the referral application under section 21(1)(c) and refer the project under section 26(2)(a).

Yes / No

g. **Agree** to specify Te Kowhai East Limited Partnership as the person who is authorised to lodge a substantive application for the project.

Yes / No

h. **Agree**, pursuant to section 16(2)(c) of the FTAA, to direct any panel considering a substantive application for the project (in the notice of decisions) to comply with the applicable requirements identified in the Section 18 report with regard to the Waikato-Tainui Raupatu Claims (Waikato River) Settlement Act 2010, namely to:

i. have particular regard to Te Ture Whaimana

ii. give notice to the Waikato River Authority of the application (which may be fulfilled by an invitation to comment under section 53 of the Act)

iii. consider the provisions for appointing hearing commissioners from the register maintained by the Waikato River Authority as they may be applied to the fast-track approvals process

iv. have regard to the Waikato-Tainui Environmental Plan, including how to provide for continued partnership with Waikato-Tainui (as a consistent theme running through the plan); and

v. consider the detailed information-sharing provisions of the joint management agreements, as they may be applied to the fast-track approvals process.

Yes / No

i. **Agree** to specify under section 27(3)(b) of the FTAA the following persons or groups from whom a panel must invite comments in addition to those specified in section 53:

i. NZ Transport Agency Waka Kotahi

ii. Hamilton City Council.

Yes / No

j. **Agree** that MfE will provide your notice of decisions to:

   i. anyone invited to comment on the application including local authorities, relevant administering agencies, the Minister for the Environment and relevant portfolio Ministers, and relevant Māori groups

   ii. the panel convener

   iii. the Environmental Protection Authority (EPA).

Yes / No

k. **Approve** the notice of decision letter to the applicant (attached in Appendix 7).

Yes / No

Signatures

Ilana Miller
General Manager – Delivery & Operations

Hon Chris Bishop
Minister for Infrastructure

Date:

Table A: Stage 2 analysis

<table>
<tr><td>Recommendation</td><td colspan="3"><u>Accept</u> the referral application and refer the project to the fast-track approvals process</td></tr>
<tr><td rowspan="2">Project details</td><td>Project Name</td><td>Applicant</td><td>Project Location</td></tr>
<tr><td>Te Kowhai East</td><td>Te Kowhai East Limited Partnership

The applicant is a registered limited partnership and is eligible to apply for the proposed approvals.</td><td>Approximately 184 hectares of land at 248 Te Kowhai Road, 270 Te Kowhai Road, and 30 Mathers Road, Waikato District

Legally described as Lot 2 Deposited Plan 523063, Lot 3 Deposited Plan 523063, Section 25-26 Survey Office Plan 417000 and Section 2 Survey Office Plan 473918, Part Allotment 6 Pukete Parish and Part Allotment 215 Parish of Pukete and Section 1 Survey Office Plan 473918, Section 13 Survey Office Plan 416124 and Section 2 Survey Office Plan 577981, and Lot 1 Deposited Plan 546273</td></tr>
<tr><td>Project description</td><td colspan="3">The project involves the subdivision and development of approximately 186 hectares of rural land into a large-scale industrial and commercial precinct. The project includes associated infrastructure, land modification, and works to support the establishment of industrial and commercial activities.

The project comprises:

a. industrial activities across 128 hectares
b. commercial activities over 2 hectares
c. subdivision of approximately 174 hectares of land over three construction stages
d. earthworks including cut-to-fill and cleanfill operations
e. stormwater discharge into the Mangaheka Stream and associated infrastructure
f. surface and groundwater abstraction for potable supply and construction activities
g. watercourse diversions, including infilling of artificial channels and floodplain areas
h. construction of culverts and realignment of stream
i. bed disturbance associated with watercourse enhancement
j. land use changes and soil disturbance on contaminated land
k. an intersection upgrade on State Highway 39.

The project will require the following proposed approvals under specified Acts:

a. resource consents under the Resource Management Act 1991 (including a prohibited activity under both the Operative and Operative in Part versions of the Waikato District Plan – specifically, the subdivision of land resulting in additional allotments containing high-quality soils, where the parent allotment held a Certificate of Title prior to 6 December 1997)
b. wildlife authority under the Wildlife Act 1953.</td></tr>
<tr><td>Minister invites comments / requests information</td><td colspan="3">Comments from invited parties

Local authorities

Waikato District Council (WDC)
WDC did not identify any competing applications, or any existing resource consents issued where sections 124C(1)(c) or 165ZI of the RMA could apply. WDC states the project area is not identified in the Waikato District Growth and Economic Development Strategy, the Hamilton Urban Growth Strategy, the Waikato Regional Policy Statement, or the Future Development Strategy 2024 (FDS). WDC supports the provision of industrial land at the site to address medium- and long-term supply deficits identified in the Business Capacity Assessment 2024, citing strategic proximity to key infrastructure and industrial nodes. The project area is zoned Rural under the both the “Operative” & “Operative in Part” Waikato District Plans. WDC states the project area meets the transitional definition of ‘highly productive land’ under the National Policy Statement for Highly Productive Land 2022 (NPS-HPL) and notes the loss of HPL associated with the project needs consideration.

WDC states that it does not have existing water supply or wastewater infrastructure in Te Kowhai East, nor any funding allocated to support such services, and notes that HCC also lacks funding for enabling infrastructure in this area. WDC considers that independent wastewater solutions are unsustainable in the medium to long term and would likely result in future costs and maintenance responsibilities falling to the council. WDC advises that agreements with the newly established joint waters CCO, IAWAI – Flowing Waters, will be required to secure services, and that significant stormwater issues associated with the project may necessitate changes to the proposed layout and yield.

WDC advises that it has no current plans to upgrade the transport network in the area beyond routine maintenance and notes that existing roads are not designed to accommodate the traffic volumes anticipated from the project. WDC expects the applicant to undertake traffic modelling and a Traffic Impact Study, and to fund any required upgrades. WDC considers walking and cycling connectivity should be incorporated, and notes any new infrastructure connecting to HCC’s network will require approval from both councils.

WDC considers that the change in land use to industrial will have significant impacts and recommends that, if the project proceeds, the expert panel ensures thorough engagement with affected neighbouring properties and the wider area regarding potential effects such as noise, traffic, lighting, and operational hours. WDC notes that Te Kowhai East is not included in the existing Strategic Boundary Agreement with HCC, and any boundary reorganisation would require consideration by both councils, who are working collaboratively on this matter. WDC concludes that while the project is not identified in the future settlement pattern, the location and land use are favourable. WDC supports working with the applicant prior to lodgement of the substantive application in partnership with HCC, IAWAI, and NZTA.

Waikato Regional Council (WRC)</td></tr>
</table>

	WRC did not identify any competing applications, or any existing resource consents issued where sections 124C(1)(c) or 165ZI of the RMA could apply. WRC considers the project is not consistent with the criterion under section 22(2)(a)(x) of the Act, as the project area is not identified for future development in any regional planning documents or spatial strategies. WRC conducted a high-level assessment of the project against the criteria in section 22(2)(a)(iii) (economic benefits) and (iv) (a well-functioning urban environment) but did not reach a conclusion. Instead, they identified a list of points that they consider should be addressed in a substantive application to support a more detailed review. WRC notes the referral application lacks an assessment against the Waikato Regional Policy Statement (WRPS) or the Te Ture Whaimana o Te Awa o Waikato. WRC considers that the proposal is inconsistent with the Future Proof settlement pattern embedded in the WRPS and Proposed WRPS Change 1, as the site is not identified for urban enablement and therefore constitutes an unanticipated development requiring assessment against relevant WRPS provisions. WRC considers that further development on peat soils at the site may exacerbate ground subsidence and carbon emissions, and that the loss of high class and highly productive soils would conflict with WRPS policies LF-P10 and LF-P11, as well as the NPS-HPL, contributing to the irreversible decline of land suitable for primary production. WRC considers that the project poses significant risks to indigenous biodiversity, including the loss of black mudfish habitat and potential wetland areas, and highlights that further ecological assessment is required in light of updated national policies and the need to address avifauna, herpetofauna, and long-tailed bat habitat in accordance with WRPS policies ECO-P1 and ECO-P2. WRC considers that the project does not align with the Future Proof Strategy 2024, which promotes a compact and coordinated growth pattern, and notes that Te Kowhai East is not identified for growth in the settlement pattern, requiring assessment against the relevant criteria embedded in the WRPS and NPS-UD. WRC considers that further detailed flood modelling and impact analysis is required to assess the project in accordance with the Hazards and Risks chapter of the WRPS. WRC states the project area is not identified for development in the Waikato District Growth and Economic Development Strategy (Waikato 2070) or in the Hamilton Urban Growth Strategy 2023. WRC considers that the proposed water sourcing and use requires further clarification and assessment, noting that the groundwater diversion is a discretionary activity under Rule 3.6.4.13 of the Waikato Regional Plan and that the surface water take may be a non-complying activity under Rule 3.3.4.26, depending on the source location. If the application is referred, WRC recommends the applicant work with WRC and HCC to develop a staged public transport plan aligned with the Waikato Regional Public Transport Plan, supporting access and mobility through demand-responsive services. **Ministers** *Minister for the Environment* The Minister notes that the project is located within the Mangaheka Stream and Te Kowhai Stream catchments, with works proposed near and within parts of the Mangaheka Stream. The Minister considers that the referral application lacks sufficient site-specific ecological information to determine the significance of potential adverse environmental effects. While more detailed assessments will be required by the applicant at the substantive application stage, the Minister suggests it would be more efficient to identify any likely significant effects early. This would allow appropriate strategies to avoid, remedy, or mitigate those effects to be considered prior to lodging the substantive application. To support this, the Minister recommends specifying under section 27(3)(b)(ii) of the Act that the substantive application include an ecological assessment of operational effects by a suitably qualified person, covering the entire project site. The Minister considers the ecological assessment should assess the implications of changes to watercourses for freshwater and indigenous biodiversity, and identify any additional plans or surveys required. The Minister states this approach is intended to reduce the risk of late-stage issues and support efficient panel deliberations. *Associate Minister of Transport* The Associate Minister regards the project as regionally significant. The Associate Minister considers the proposed spine road will enhance transport network resiliency by offering an alternative arterial route between Horotiu and Te Kowhai (SH39), easing pressure on SH1. He also highlights the project's role in addressing medium- and long-term industrial land shortages, contributing to a well-functioning urban environment through job creation near major residential growth areas with multi-modal access. In his view, the project aligns with strategic transport objectives in both national and regional plans. The Assoicate Minister further noted support for the project through the referral process. *Minister of Climate Change* The Minister advised they had no comment to make on this application. *Minister for Regional Development* The Minister states the proposed economic benefit from the project could be regionally significant and add to the North Waikato's growing central position in economic activity from across the North Island. The Minister notes that the project may displace rural activity and reduce productive capacity. The Minister considers commentary on these impacts should be provided through relevant portfolios, such as Agriculture. *Minister for Economic Growth* The Minister considers the project has substantial potential economic benefits, based on the applicant's economic assessment, which she considers would be substantial for Hamilton and the wider Waikato region. She also notes the potential for ongoing economic benefits from the project through the attraction of retail and commercial businesses. The Minister considers the project to be aligned with the Government's economic growth objectives, particularly in terms of stimulating industrial, retail and commercial activity and supporting regional employment. **Administering agencies** *Department of Conservation (DOC)* DOC advises that the project area does not affect any Public Conservation Land and has not identified any reasons under sections 21(3) or 21(4) of the Act for the Minister to decline the referral. DOC has also reviewed the criteria under section 22 and has not identified any matters it considers the Minister should take into account at this stage. DOC notes that no detailed ecological information has been provided with the referral application. While it considers the information adequate for referral decision purposes, DOC highlights that detailed ecological surveys, including for lizards, would be required at the substantive stage. If lizard habitat is confirmed, a Wildlife Act Authority would be necessary – as already sought by the applicant. DOC considers that, subject to appropriate design and conditions, potential adverse effects may be able to be managed to acceptable levels, although there is a possibility of significant effects given the ecological values likely to be present. DOC notes that the application falls within the Waikato River catchment and therefore Te Ture Whaimana must be considered – we note this has been considered in the section 18 report and we recommend you specify this in your decision as detailed elsewhere in the briefing. DOC has not identified any compliance issues under the Wildlife Act 1953 or any competing applications. It notes that Wildlife Act approvals typically take three to four months to process, but integration with RMA approvals under the Act may offer efficiencies. DOC encourages further engagement between the applicant and DOC prior to lodging a substantive application. It recommends the Minister consider requiring evidence of such engagement as a specified matter under section 27(3)(b)(ii) to support effective management of environmental effects and ensure necessary conservation approvals are appropriately addressed.

	Māori groups *Te Whakakitenga o Waikato* Te Whakakitenga o Waikato support the referral application at this time, but state this should not be interpreted as endorsement of the project in its entirety. They note that ongoing engagement with mana whenua will need to be appropriately supported, including by providing resourcing for facilitating hui, co-designing a lasting relationship agreement with the applicant, participating in technical workshops and reviewing documentation. Te Whakakitenga o Waikato also recommends that respective mana whenua should have the opportunity to prepare and submit a cultural values assessment and reserves the right to provide separate commentary or responses where it is in the interests of the wider iwi. **Any other persons or groups** *Chief Executive of Hamilton City Council (HCC)* HCC acknowledges that Te Kowhai East lies outside the current Future Proof Settlement Pattern but notes that it has been engaging in good faith with the applicant and Future Proof partners to explore urbanisation opportunities. HCC highlights that the applicant has maintained active engagement with relevant councils over the past two years regarding its development aspirations. HCC supports the provision of industrial land at the site to address medium- and long-term supply deficits identified in the Business Capacity Assessment 2024, citing strategic proximity to key infrastructure and industrial nodes. HCC notes that no public funding is currently allocated for infrastructure to support the project, and its urbanisation would require significant third-party investment from the applicant and other agencies. HCC advises that there is currently no potable water allocation available to service the project, and the applicant will need to secure one to enable development. Further modelling is required to assess the feasibility of connecting to existing water and wastewater networks. HCC considers independent wastewater solutions unsustainable in the medium to long term due to maintenance and cost burdens that typically fall to councils. HCC notes that agreements with the newly established joint waters CCO, IAWAI – Flowing Waters, will be necessary to secure water and wastewater services. The project will require upgrades to either the Pukete or Ngāruawāhia Wastewater Treatment Plants, with Pukete upgrades included in HCC's 2024–2034 Long Term Plan. HCC expects the applicant to contribute to the cost of this infrastructure. HCC notes that stormwater issues associated with the project are significant, potentially affecting the proposed design and yield. Urbanisation will likely require a state highway connection, integration with both HCC and WDC road networks, and stormwater measures to maintain the functionality of the WRC drainage system. HCC advises that growth in this location may accelerate the need for transport upgrades, including the Northern River Crossing identified in the 2024–2034 Infrastructure Strategy. Walking and cycling connections should be incorporated, and any roads or footpaths proposed for vesting will require acceptance from the relevant councils. HCC states the project may rapidly bring forth consideration of a boundary change – however, this is contingent upon the orientation of water, wastewater and transport networks. *Chief Executive of NZ Transport Agency Waka Kotahi (NZTA)* NZTA notes that it has engaged with local authorities over several years to address growth pressures in the north-west Hamilton area, including through strategic planning processes such as the Hamilton City Urban Growth Strategy and the Future Proof Strategy. Te Kowhai East has been part of these discussions since 2021 and is generally considered to align with broader development strategies, subject to further investigation of land use and transport matters. NZTA acknowledges that the project could have significant implications for both the local and wider transport networks. While the Initial Transport Assessment Memo appears sound, NZTA identifies several areas requiring further analysis, including assumptions around land use, trip generation, and the design of mitigation measures. NZTA expects to be closely involved in the design and review of transport mitigations and safe system audits. Subject to the additional work outlined, NZTA has no concerns with the project being referred to the fast-track process and welcomes the opportunity to comment on any substantive application.
	Further information from the applicant, relevant local authorities, and relevant administering agencies
	The applicant You requested confirmation of any interests or instruments on the records of title for the project area that could affect the applicant's ability to undertake the proposed works, including details of the Consent Notice registered on Lot 1 DP 546273. The applicant has provided a copy of the Consent Notice, which includes ongoing resource consent conditions requiring buildings to be constructed in accordance with a referenced geotechnical report, as well as acoustic requirements for dwellings due to the site's proximity to State Highway 39. The applicant has confirmed that these conditions do not affect their ability to proceed with the works. **Local authorities** *Waikato District Council (WDC) & Waikato Regional Council (WRC)* WDC & WRC were invited to provide further information regarding the potential for the project to deliver significant regional or national benefits, and in this context, high-level commentary on the project's alignment with relevant plans, policies, and strategies. The local authorities did not explicitly respond to this further information request in their comments. However, both WDC and WRC's section 17 comments did touch on related themes, and a summary of those comments has been provided above. **Administering agencies** *Department of Conservation (DOC)* You requested confirmation on whether the interest "Subject to Part IVA of the Conservation Act 1987" recorded on multiple Record of Titles for the project area would affect the applicant's ability to undertake the works, or whether this interest triggers any additional approvals or requirements that have not been identified in the application. Part IVA of the Conservation Act relates to the reservation of marginal strips when the Crown disposes of land, extending along and abutting qualifying water bodies. The applicant has not provided information regarding the presence of any qualifying water bodies on the sections in question. DOC advises that if such water bodies are present, the project may necessitate additional requirements, including the incorporation of marginal strips into the subdivision design and the potential need for a concession, which could be processed outside of the fast-track approvals process. DOC concludes that the applicant should be able to undertake the works, albeit with potential design detail amended and/or with additional approvals, if required.
The Minister must decline an application if the Minister is satisfied that the project involves an ineligible activity [section 21(3)(b)]	Based on the information in the application, we consider you can be satisfied that the project does not involve an ineligible activity because it: – would not occur on identified Māori land, Māori customary land or a Māori reservation as confirmed by the relevant records of title – would not occur in a customary marine title area or protected customary rights area as it is not in the common marine and coastal area (CMCA)

	– is not an aquaculture activity or activity that is incompatible with aquaculture activities that would occur in an aquaculture settlement area and for which the applicant is not authorised to apply for a coastal permit because it will not occur in the CMCA, and the project does not involve an aquaculture activity – would not require an access arrangement which cannot be granted under the Crown Minerals Act (including s61(1A)) because it does not include an access arrangement and would not occur on Schedule 4 land – would not be prevented by section 165J, M, Q, ZC or ZDB of the RMA because it will not occur in the CMCA – would not occur on Schedule 4 land as confirmed by the records of title and the comments received from DOC – would not occur on a national reserve as confirmed by the records of title and the comments received from DOC – would not occur on a reserve held under the Reserves Act 1977 that is managed by or vested in someone other than the Crown or a local authority and that person has not consented in writing as confirmed by the records of title and the comments received from DOC – is not a prohibited activity or decommissioning activity under the EEZA, 15B or 15C of the RMA – is not for the purpose of an offshore renewable energy project. No comments raised by parties invited to comment have indicated that the project would be ineligible for referral.
The Minister must decline an application if the Minister considers they do not have adequate information to inform the decision [section 21(3)(c)]	We consider you have adequate information to inform the referral decision.
Relevant considerations and procedural requirements in Treaty settlement, Mana Whakahono ā Rohe, joint management agreement, or the Marine and Coast Area (Takutai Moana) Act 2011 or the Ngā Rohe Moana o Ngā Hapū o Ngāti Porou Act 2019 [section 16]	Section 16(2)(c) of the Act requires that you must, where relevant, in your notice of decisions on the referral application, direct any panel that considers a substantive application for the project to comply with any applicable requirements. Accordingly, should you decide to accept this referral application, we recommend you direct any panel considering a substantive application for the project to comply with the applicable requirements identified in paragraphs 71–73 of the section 18 report in Appendix 4, namely to: a. have particular regard to Te Ture Whaimana b. give notice to the Waikato River Authority of the application (which may be fulfilled by an invitation to comment under section 53 of the Act) c. consider the provisions for appointing hearing commissioners from the register maintained by the Waikato River Authority as they may be applied to the fast-track approvals process d. have regard to the Waikato-Tainui Environmental Plan, including how to provide for continued partnership with Waikato-Tainui (as a consistent theme running through the plan); and e. consider the detailed information-sharing provisions of the JMAs, as they may be applied to the fast-track approvals process.
Section 22 assessment criteria	
The project is an infrastructure or development project that would have significant regional or national benefits [section 22(1)(a)]	The Minister may consider any of the following matters, or any other matters the Minister considers relevant. *The project has been identified as a priority project in a central or local government, or sector plan or strategy or a central government infrastructure priority list [s22(2)(a)(i)]* The applicant states that the project area is identified within the Hamilton City Council's Long Term Metro Spatial Plan and notes Future Proof Partners have recognised Te Kowhai East as an area for investigation to satisfy the wider Waikato industrial land shortfall as part of Hamilton City Council's 'Emerging Area' Process. The application includes a letter of engagement from Hamilton City Council. The applicant has indicated that the project area – Te Kowhai East – has been identified in a relevant plan. However, this criterion relates specifically to the project itself, rather than its location. As the project has not been identified as a priority project in a central or local government, or sector plan or strategy or a central government infrastructure priority list, we do not recommend that the project be referred under this criterion. *Will deliver new regionally or nationally significant infrastructure or enable the continued functioning of existing regionally or nationally significant infrastructure [s22(2)(a)(ii)]* The applicant considers that the proposed spine road through the project area will enhance the resilience of the regional transport network by providing an alternative arterial connection between the key transport interchanges of Horotiu and Te Kowhai (SH39), thereby reducing dependency on SH1. However, we do not consider that the project meets this criterion. The project, which centres on the development of a large-scale industrial and commercial precinct, aligns more closely with a "development project" than an "infrastructure project" under the Act. While the applicant's project may offer some indirect benefits to the transport network, it does not deliver regionally or nationally significant infrastructure, nor does it enable the continued functioning of such infrastructure. Accordingly, we do not recommend that the project be referred under this criterion. *Will deliver significant economic benefits [s22(2)(a)(iv)]* The applicant considers the project will deliver significant economic benefits, as outlined Economic Impact Assessment (EIA) provided in Appendix 15 of the application. The EIA states the direct impact on the construction sector of the project (including building construction and related services) is estimated to be $209.9 million in GDP and will support approximately 1,735 FTE jobs. The EIA estimates the overall construction phase of the project (including direct, indirect, and induced impacts) will contribute approximately $619.4 million to GDP and support approximately 5,115 FTE. The EIA also considers the 'ongoing operation' of the project is estimated to result in a net addition of approximately $619.6 million to GDP and support approximately 4,155 FTE jobs per annum, when compared to a base case. The EIA further considers this will have a net present value of approximately $10.0 billion (estimated over a 30-year period with a discount rate applied at 5% per annum). As noted above, the Minister for Regional Development considers the economic benefit from the project could be regionally significant and add to the North Waikato's growing central position in economic activity from across the North Island. The Minister for Economic Growth considers the project has substantial potential economic benefits, based on the EIA provided with the application, which that Minister considers would be substantial for Hamilton and the wider Waikato region. That Minister also notes the potential for ongoing economic benefits from the project through the attraction of retail and commercial businesses. The Minister for Economic Growth further considers the project to be aligned with the Government's economic growth objectives, particularly in terms of stimulating industrial, retail and commercial activity and supporting regional employment. WDC & HCC both support the provision of industrial land at the project area to address medium- and long-term supply deficits identified in the Business Capacity Assessment 2024, citing strategic proximity to key infrastructure and industrial nodes. The Associate Minister of Transport also highlighted the project's role in addressing medium- and long-term industrial land shortages.

	Based on the assessment above, including the EIA provided with the application, and the comments received from the Minister for Regional Development and Minister for Economic Growth, we recommend that the project **meets the criterion under section 22(2)(a)(iv)** as the project will deliver significant economic benefits in the Waikato region. These benefits include an increase in industrial land supply in a region experiencing shortages, an estimated $619.4 million contribution to GDP, and support for approximately 5,115 full-time equivalent jobs during the construction phase, with further gains expected through ongoing operations and regional economic activity. *Will support primary industries, including aquaculture [s22(2)(a)(v)]* While the project does not involve aquaculture activities, the applicant considers that by delivering 137 net hectares of industrial and business-zoned land, the project will enable the establishment of businesses that support and strengthen the primary industries across the Waikato region. However, we consider limited information has been provided to substantiate this claim. At this stage, it is unknown which businesses would ultimately establish as tenants within the project. As a result, it cannot be confirmed whether these future occupants would have direct links to, or provide meaningful support for, primary industries. In addition, the project involves the loss of highly productive land, which may have implications for primary industries such as farming. No comments were received from invited parties to support this aspect of the project. On this basis, there is insufficient information to conclude that the project will support primary industries to a degree that result in significant regional or national benefits. Accordingly, we consider the application does not demonstrate that the project will support primary industries of the purposes of section 22(2)(a)(v), and therefore we do not recommend that the project be referred under this criterion. *Will support climate change mitigation, including the reduction or removal of greenhouse gas emissions [s22(2)(a)(vii)]* The applicant considers that the project will minimise energy consumption and carbon emissions through a compact urban form and an integrated multi-modal transport network. The applicant further considers the project area's proximity to existing and planned employment hubs in Te Rapa, Rotokauri, Te Rapa North, and Horotiu – along with accessible walking and cycling connections – will encourage sustainable commuting patterns. The applicant states this locational advantage is expected to significantly reduce carbon emissions compared to industrial development in more remote areas. Additionally, the applicant considers the stormwater management system has been designed with climate change resilience in mind. While the design elements noted by the applicant may have some localised benefits, they are not considered to represent climate change mitigation outcomes at a scale that would have significant regional or national benefits. The Minister of Climate Change advised they had no comment to make on the application. WRC noted that the oxidation of the peat soils within the project area is likely to result in additional carbon dioxide emissions to the atmosphere, which could reduce the potential climate benefits of the project. On this basis, there is insufficient evidence to conclude that the project will support climate change mitigation to a level that would have significant regional or national benefits for the purposes of section 22(2)(a)(vii), and therefore we do not recommend that the project be referred under this criterion. *Will address significant environmental issues [s22(2)(a)(ix)]* The applicant considers the development responds to the principles of the Mangaheka Integrated Catchment Management Plan, which focuses on the health of the Waipa River. The applicant also considers the project will address ecological issues and protection of indigenous habitat, in particular black mudfish. The applicant's proposed ecological improvement/protection works could be a positive addition to the project and would likely provide localised environmental benefits; however, they are primarily mitigation measures to address the project's own adverse effects. This does not amount to the project addressing significant environmental issues in a way that would have significant regional or national benefits. Accordingly, we consider the application does not demonstrate that the project addresses significant environmental issues for the purposes of section 22(2)(a)(ix), and therefore we do not recommend that the project be referred under this criterion. *Is consistent with local or regional planning documents, including spatial strategies [s22(2)(a)(x)]* The applicant considers the project area is identified as a Priority Development Area in the Northern Corridor of the Hamilton-Waikato Metro Spatial Plan; however, they also note it has not been recognised for urbanisation in the Spatial Plan or the Waikato District Plan. WRC considers the project is inconsistent with this criterion, because the project area is not identified for future development in any regional or local planning documents or spatial strategies. WDC states the project area is not identified in the Waikato District Growth and Economic Development Strategy, the Hamilton Urban Growth Strategy, the Waikato Regional Policy Statement, or the Future Development Strategy 2024. The project involves a prohibited activity and would result in the loss of highly productive land. These factors suggest the project is unlikely to align with the strategic objectives and policies in local and regional planning documents that seek to protect highly productive land. Given these inconsistencies, it is difficult to conclude that the project would be consistent with section 22(2)(a)(x), and therefore we do not recommend that the project be referred under this criterion. To conclude, based on the assessment of the above criteria, we consider the project is a **development project** that would have **significant regional benefits** in line with the criteria for accepting a referral application under section 22(1)(a).
Referring the project to the fast-track approvals process [section 22(1)(b)]	*Would facilitate the project, including by enabling it to be processed in a more timely and cost-effective way than under normal processes [s22(1)(b)(i)]* The applicant states that the fast-track approvals process is expected to significantly accelerate the project commencement, particularly when compared to the alternative option of lodging a private plan change under the RMA. According to the applicant, plan changes required to enable development on rural-zoned land typically take between four to five years to progress through the standard RMA process. The applicant further notes that, because the project is located within the Waikato District but intends to rely on infrastructure managed by the adjacent Hamilton City, the conventional RMA pathway could result in even longer delays. Additionally, the applicant considers that the cost of preparing and lodging a substantive fast-track application is likely to be considerably lower than the combined expenses associated with a boundary adjustment, plan change, and the subsequent development and subdivision consents required under the current RMA framework. The comments received from DOC noted that Wildlife Act approvals typically take three to four months to process, but they also considered integration with RMA approvals under the Act may offer efficiencies. We consider referring the project would facilitate the project, including by enabling it to be processed in a more timely and cost-effective way than under normal processes, in line with the criteria for accepting a referral application under section 22(1)(b)(i) because: – the inclusion of a prohibited activity, the project area's rural zoning, and classification as highly productive land would require a plan change to progress the project under standard RMA processes, which is typically a detailed and resource-intensive process – the time frames under the FTAA are significantly shorter than under the RMA – the FTAA precludes public and limited notification – appeals under the FTAA are only to the High Court rather than the Environment Court and are limited to points of law. *Is unlikely to materially affect the efficient operation of the fast-track approvals process [s22(1)(b)(ii)]*

	Based on the information provided by the applicant, the project is unlikely to materially affect the efficient operation of the fast-track approvals process. The applicant considers that the project has been developed with the engagement of technical experts and in collaboration with relevant territorial authorities. We consider that the project for a large-scale industrial and commercial precinct is not novel in the New Zealand context, or outside of the scope of applications that independent hearing commissioners could be expected to consider under the RMA. The project will likely be relatively straightforward for a panel to consider, only requiring evidence and panel expertise from an RMA and Wildlife Act perspective, compared with other projects that seek multiple approvals under several specified Acts. While we consider the application to be relatively straightforward, we acknowledge that the project retains certain complexities – such as its rural zoning and the land classification as HPL, making it of a suitable scale for consideration under the fast-track approvals process. We consider referring the project is unlikely to materially affect the efficient operation of the fast-track approvals process, in line with the criteria for accepting a referral application under section 22(1)(b)(ii).
Reasons to decline	
Minister must decline [section 21(3)]	*The Minister must decline a referral application if:* *The application may not be accepted under subsection 1 (meets referral criteria)* The analysis above concludes that the project meets the section 22 referral criteria, and as such, we do not consider this applies. *The Minister is satisfied the project involves an ineligible activity* As detailed above, we do not consider that the project involves an ineligible activity. *The Minister considers that they do not have adequate information to inform the decision under this section* We consider you have adequate information to inform your referral decision. We have not identified any reason that you must decline the application under section 21(3).
Minister may decline [section 21(4) and 21(5)(a-h)]	*The Minister may decline a referral application for any other reason, whether or not it meets the criteria in section 22.* *Reasons to decline a referral application under subsection 4 include, without limitation:* *The project would be inconsistent with a Treaty settlement, Ngā Rohe Moana o Ngā Hapū o Ngāti Porou Act 2019, Marine and Coastal Area (Takutai Moana) Act 2011, a Mana Whakahono ā Rohe, or a joint management agreement* Nothing in the application, the comments received from invited parties, or the section 18 Treaty settlements report indicates the project would be inconsistent with these documents. *It would be more appropriate to deal with the matters that would be authorised by the proposed approvals under another Act or Acts* There is no information to suggest that it would be more appropriate to deal with the matters that would be authorised by the proposed approvals under another Act or Acts. *The project may have significant adverse effects on the environment* The applicant considers the project 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 comments received from invited parties have considered the potential adverse environmental effects that the project could result in, some of which could be significant, including effects on: – the loss of highly productive land – the increase in impermeable surfaces and stormwater considerations – the change in land use to industrial such as noise, traffic, lighting, and operational hours – indigenous biodiversity values, including the potential loss of black mudfish habitat and wetland areas. While these effects could be significant if not appropriately managed, the applicant has provided sufficient information with the referral application to indicate that they are likely to be able to be avoided, remedied, or mitigated through appropriate design, management, and consent conditions. At the substantive stage, an expert panel would also have the ability to seek further technical advice and impose conditions on any approvals granted to ensure the effective management of potential adverse effects. On this basis, while the project may have the potential for significant adverse effects on the environment, we consider that these effects can likely be appropriately managed through subsequent assessment by the expert panel and conditions imposed at the substantive stage. *The applicant(s) has a poor compliance history under a specified Act that relates to any of the proposed approvals* Nothing in the application or comments received from invited parties would indicate that the applicant has a poor compliance history under a specified Act. *The project area includes land that the Minister for Treaty of Waitangi Negotiations considers necessary for Treaty settlement purposes* The project area does not include public land; therefore, the project area does not include land necessary for Treaty settlement purposes. *The project includes an activity that is a prohibited activity under the Resource Management Act 1991* The applicant has identified that the project involves a prohibited activity under both the Operative and Operative in Part versions of the Waikato District Plan – specifically, the subdivision of land resulting in additional allotments containing high-quality soils, where the parent allotment held a Certificate of Title prior to 6 December 1997. We note the prohibited activity status does not trigger any ineligibility criteria under section 5 of the Act. Although this is a potential reason you may decline a referral application, we note section 21(7) of the Act explicitly states that the presence of a prohibited activity does not prevent you from accepting a referral application.

	Any potential adverse effects on highly productive land can be further assessment and managed at the substantive stage by an expert panel, which will have the ability to seek technical advice and impose conditions as appropriate. The project would enable the expansion on industrial land in a region currently experiencing shortfalls, which would in turn contribute to economic development and support local employment opportunities. On this basis, we consider the inclusion of a prohibited activity does not constitute a reason that we consider you may decline the referral application. *A substantive application for the project would have one or more competing applications* WDC and WRC state neither Council has record of any competing applications in the same project area. *In relation to any proposed approval of the kind described in section 42(4)(a) (resource consents), there are one or more existing resource consents of the kind referred to in section 30(3)(a)* The comments received from WDC and WRC did not identify any resource consents of the kind referred to in section 30(3)(a). *Any other matter* We have not identified any other matters that would be applicable. We do not recommend you decline the referral application.
Specified matters for an accepted referral application	
Minister may specify any of the matters under section 27(3)	*The Minister <u>may</u> specify any or all of the following under section 27(3) in the notice of decisions letter for an accepted referral application.* *Restrictions that apply to the project (for example, on its geographical location, its duration, or the aspects of the project that may be carried out)* We recommend the project description and project details at the beginning of this table are copied into the notice of decisions letter. We have not identified any other specific restrictions that we consider would apply to the project. *In relation to a substantive application for the project:* *A deadline for lodging the application, unless section 27(3)(c) applies* Section 27(3)(c) does not apply to the project, as this only relates to projects that involve a proposed land exchange approval. We consider the standard deadline for lodging the substantive application under section 28(3)(d)(ii) is suitable, which is the date that is 2 years after the notice is given to the applicant. *Information that must be submitted with the application* We note both the Minister for the Environment and DOC have recommended you specify information to submit with substantive application under section 27(3)(b)(ii). The Minister for the Environment recommends specifying that the substantive application include an ecological assessment of operational effects by a suitably qualified person, covering the entire project area. The Minister for the Environment considers the ecological assessment should assess the implications of changes to watercourses for freshwater and indigenous biodiversity, and identify any additional plans or surveys required. We have reviewed the assessments that the Minister for the Environment has recommended for inclusion by the applicant in any substantive application. We note many of these assessments are already required under clauses 5 to 13 of Schedule 5 of the Act, which sets out the information requirements for a substantive application. DOC encourages further engagement between the applicant and DOC prior to lodging a substantive application. DOC recommends you require evidence of such engagement as a specified matter to support effective management of environmental effects and ensure necessary conservation approvals are appropriately addressed. We do not consider that DOC has provided sufficient justification to warrant additional consultation beyond what is required under the Act. The applicant may choose to engage with DOC for further consultation prior to lodging a substantive application, should they wish to do so. For the reasons above, we do not recommend you specify the information noted above by the Minister for the Environment and DOC. We have not identified any additional information that we consider necessary to be submitted with the substantive application, beyond what is already required under the Act. *The persons or groups from whom a panel must invite comments in addition to those specified in section 53* We recommend you specify in the notice of decisions that NZTA and HCC be invited to comment on the substantive application, for the reasons outlined below. The project area identified in the application is located adjacent to, but outside, the boundary of Hamilton City Council (HCC). The applicant proposes to connect to the broader HCC municipal water network. Water and wastewater connections to external infrastructure will remain subject to final agreement with HCC. The Three Waters Assessment in Appendix 12 of the application identifies multiple options for both supply and discharge. As HCC is not a relevant local authority under the Act as it lies outside the project area, we recommend specifying that HCC be invited to comment on the substantive application. The project involves an intersection upgrade on State Highway 39. We recommend inviting NZTA to comment on the substantive application to allow for detailed consideration of potential effects on the state highway network. *Whether the substantive application would have any competing applications* N/A – The relevant local authorities have confirmed they have no record of any competing applications in the same project area. *Whether, in relation to any proposed approval of the kind described in section 42(4)(a) (resource consent), there are any existing resource consents of the kind referred to in section 30(3)(a)* N/A – The relevant local authorities did not identify any resource consents of the kind referred to in section 30(3)(a). To conclude, we recommend you specify under section 27(3)(b)(iii) that NZTA and HCC as the persons or groups from whom a panel must invite comments from in addition to those specified in section 53. This is reflected in our recommendations above. We have not identified any other specified matters for the accepted referral application.

Appendix 1: Statutory framework summary

1. You are the sole decision maker for referral applications. If you accept a referral application, then the whole or part of the project will be referred to the fast-track approvals process.
2. If a Treaty settlement, the Marine and Coastal Area (Takutai Moana) Act 2011, the Ngā Rohe Moana o Ngā Hapū o Ngāti Porou Act 2019, a Mana Whakahono ā Rohe or a joint management agreement provides for consideration of any document or procedural requirements, you must, where relevant:
    a. give the document the same or equivalent effect through this process as it would have under any specified Act; and
    b. comply with any applicable procedural requirements.
3. You must decline a referral application if:
    a. you are satisfied the project does not meet the referral criteria in s22
    b. you are satisfied the project involves an ineligible activity (s5)
    c. you consider you do not have adequate information to inform your decision.
4. You may decline an application for any other reason, including those set out in s21(5) and even if the application meets the s22 referral criteria.
5. You can decline an application before or after inviting comments under s17(1). However, if comments have been sought and provided within the required time frame, you must consider them, along with the referral application, before deciding to decline the application.
6. If you do not decline a referral application at the initial stage you must copy the application to, and invite written comments from:
    a. the relevant local authorities,
    b. the Minister for the Environment and relevant portfolio Ministers
    c. the relevant administering agencies
    d. the Māori groups identified by the responsible agency
    e. the owners of Māori land in the project area (if applicable)
    f. you may provide the application to and invite comments from any other person.
7. You can request further information from an applicant, any relevant local authority or any relevant administering agency at any time before you decide to decline or accept a referral application (see section 20 of the Act).
8. However, if further information has been sought and provided within the required time frame you must consider it, along with the referral application, before deciding to decline the application.