



Volume 1: Brymer Evaluation & Overview Report

Whatawhata Road

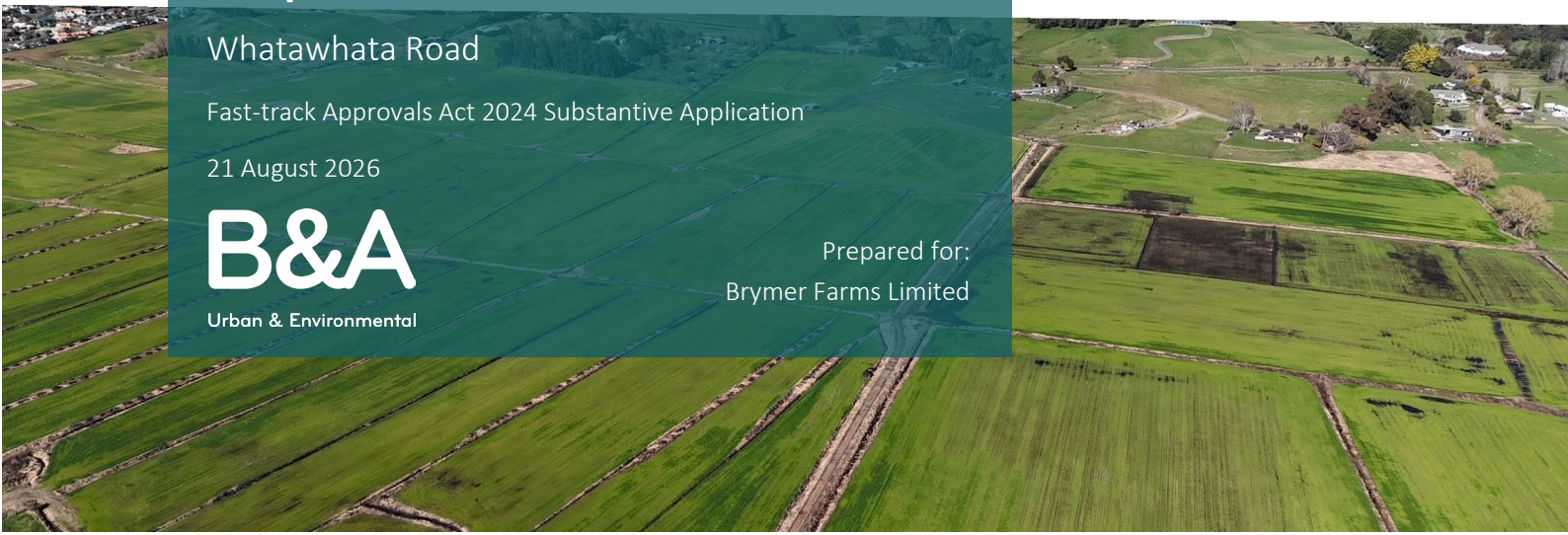
Fast-track Approvals Act 2024 Substantive Application

21 August 2026

B&A

Urban & Environmental

Prepared for:
Brymer Farms Limited



B&A Reference:

026320

Status:

Final

Date:

21 August 2026

Prepared by:



Briar Belgrave

Partner, Barker & Associates Limited

Reviewed by:



Fraser McNutt

Partner, Barker & Associates Limited

Contents

1.0	Applicant and Property Details	7
2.0	Statement of Qualifications and Experience	8
3.0	Executive Summary	9
4.0	Introduction	11
4.1	Structure of the Application	12
4.2	Purpose of the Evaluation and Overview Report	13
5.0	Requirements under the Fast-Track Approval Act 2024	14
5.1	Referral Application	14
5.2	Substantive Application	14
6.0	Project Background	15
6.1	Introduction to the Applicant	15
6.2	Planning Background	16
6.3	Consenting History	17
7.0	Site Context	18
7.1	Records of Title and Land Ownership	18
7.2	Zoning Context	18
7.3	Site Description	19
7.4	Surrounding Locality	21
7.5	Owner and Occupiers	22
8.0	Proposal	22
8.1	Scope of Brymer Substantive Application	24
8.2	Day 0 Subdivision	27
8.3	Residential Development	28
8.4	Consent Duration, Construction and Staging	30
8.5	Other activities	31
8.6	Other Approvals Required	31
8.7	RMA Mitigation Measures, Management Plans and Monitoring	32
8.8	Proposed Consent Conditions	33
9.0	Approvals Required	34
9.1	Resource Consent	34
10.0	Consistency with the Purpose of the FTAA	42
11.0	Ineligible Activities	44
12.0	Compliance and Enforcement	45
13.0	Section 30 FTAA	45
14.0	Consultation	45
14.1	Future Proof Partners	46
14.2	Territorial Authorities	47
14.3	Mana Whenua	47
14.4	Administering Agencies	47

14.5	Potentially Affected Land Owners	48
15.0	Statutory Requirements Relating to Iwi Authorities	48
15.1	Planning Document Recognised by a Relevant Iwi Authority	48
15.2	Iwi Management Plan	48
15.3	Cultural Impact Assessment	51
15.4	Summary	52
15.5	Treaty Settlement Provisions and Redress	52
15.6	Customary Marine Title Groups	54
15.7	Protected Customary Rights	54
16.0	Strategic Assessment of Effects	54
17.0	Cumulative Effects of Proposal	55
18.0	Strategic Assessment of Relevant Statutory Documents	58
18.1	National Environmental Standards	58
18.2	National Policy Statements	59
18.3	Regional Policy Statement and Regional Plan	61
18.4	District Plan	61
18.5	Assessments of Section 5, 6, and 7 of the RMA	63
18.6	Parts 3, 6, 8-10 of the RMA	64
19.0	Clause 17 Assessment – Criteria for Assessment of Consent Application	65
20.0	Statutory Framework for Consideration of the Brymer Farms Substantive Application	66
20.1	Statutory Purpose	66
20.2	Ministerial Referral	67
20.3	Decision on the Approvals Sought	67
20.4	Schedule 5, Clause 17	67
20.5	National Policy Statements and Planning Instruments	67
20.6	Weighting, Proportionality and Decline	68
20.7	Application to Brymer Farms	68
21.0	Conclusion	69

Appendices

Appendix 1	Records of Title and Interests
Appendix 2	FTAA Application Form and Statutory Checklists
Appendix 3	Owners and Occupiers of the Site and Adjacent Landowners
Appendix 6	Masterplan
Appendix 23	Ecological Impact Assessment and Management Plans (Lizard, Bat, Fish)
Appendix 24	Cultural Impact Assessment
Appendix 26	Archaeological Site management plan
Appendix 30	Economic Assessment

Planning Volumes

Volume 1	Overview Report
Volume 2	AEE

Planning Attachments

Attachment 1	Substantive Application Information Table
Attachment 2	Engagement and Consultation Summary Report
Attachment 3	Referral Application Notice of Decisions Letter
Attachment 4	Section 30 Letters
Attachment 5	Summary of Mitigations
Attachment 6	Objectives and Policies Assessment

Acronyms Table

Term	Explanation
AEE	Assessment of Environmental Effects
ASMP	Archaeological Site Management Plan
CIA	Cultural Impact Assessment
DOC	Department of Conservation
EcIA	Ecological Impact Assessment
EPA	Environmental Protection Authority
FTAA	Fast-track Approvals Act 2024
HCC	Hamilton City Council
NES	National Environmental Standard
NES-CS	Resource Management (National Environmental Standard for Assessing and Managing Contaminants in Soil to Protect Human Health) Regulations 2011
NES-F	Resource Management (National Environmental Standard for Freshwater) Regulations 2020
NPS-FM	National Policy Statement for Freshwater Management 2020
NPS-HPL	National Policy Statement for Highly Productive Land 2022
NPS-IB	National Policy Statement for Indigenous Biodiversity 2023
NPS-I	National Policy Statement for Infrastructure 2026
NPS-NH	National Policy Statement for Natural Hazards 2026
NPS-UD	National Policy Statement on Urban Development 2020
ROT	Records of Title
RMA	Resource Management Act 1991
WDC	Waikato District Council
WDP-O	Waikato District Plan Operative
WDP-OiP	Waikato District Plan Operative in Part
WRPS	Waikato Regional Policy Statement
WRC	Waikato Regional Council

1.0 Applicant and Property Details

To:	Environmental Protection Authority (EPA)
Site Address:	127 Brymer Road / Whatawhata Road, Waikato District – refer legal descriptions
Applicant Name:	Brymer Development
Address for Service:	Barker & Associates Ltd Attention: Fraser McNutt
Legal Description:	Various (refer to Records of Title as Appendix 1A)
Site Area:	81 hectares
Site Owner:	Brymer Farms Limited
District Plan:	Waikato District Plan (WDP)
Regional Plan:	Waikato Regional Plan (WRP)
DP Zoning:	General Rural Zone
DP Structure Plan:	N/A
DP Overlays & Controls:	Waikato River catchment
Designations:	N/A
Additional Limitations:	N/A
Locality Diagram:	Refer to Figure 1
Brief Description of Proposal:	Brymer is a large-scale residential development comprising approximately 1043 residential units, a mixed-use neighbourhood centre, open space networks, and supporting infrastructure.
Summary of Reasons for Consent:	Refer to Section 9.0

2.0 Statement of Qualifications and Experience

The following is a statement of the qualifications and experience of the Planners involved in preparing this substantive application. The qualifications and experience of the specialists involved are set out in their respective individual reports.

Briar Belgrave – Partner, Barker & Associates

I am a Partner at Barker & Associates (B&A). B&A is a planning, urban design and landscape consultancy with offices around New Zealand. I have been employed at B&A since August 2018.

I hold the qualifications of a Masters in Resource and Environmental Planning (MRP) from Massey University and a Bachelor of Arts (BA) from Canterbury University. I am a full member of the New Zealand Planning Institute. I have over 13 years of experience in planning within the public and private sector.

I have extensive experience across plan-making and policy development under the Resource Management Act and preparing masterplans, spatial plans, growth strategies, structure plans and future development strategies.

I also have experience in preparing resource consents, including the assessment of complex and large-scale Proposals. I have a thorough and practical understanding of the Resource Management Act 1991, Local Government Act 2002 and Building Act 2004.

While this report was not prepared for Environment Court proceedings, I confirm that, in my capacity as an author of the substantive application, I have read and abide by the Environment Court of New Zealand's Code of Conduct for Expert Witnesses Practice Note 2023.

Fraser McNutt – Partner, Barker & Associates

I am a Partner at B&A. B&A is a planning, urban design and landscape consultancy with offices around New Zealand of which I manage the Waikato Regional Office. I have been employed at B&A since April 2019. I have a BSocSc Resources and Environmental Planning degree (REP) from Waikato University.

I am full member of the NZPI and RMLA. I have over 14 years Local Government Experience in Planning, Strategic Planning, Council Long Term and Ten-year Plan formulation. Experience and sound understanding of Local Government Act, Development Contributions, Property Rights. Experience and knowledge of the Resource Management Act, Plan/Place Making, Consenting and Building Act.

I have been involved in many large-scale Land use & Subdivision developments from both public and private perspectives including hotel developments, mixed use downtown development, apartment and terrace developments, commercial and industrial, roading and regional consents.

I have experience in preparing and navigating applications for Fast Track Consents of regional significance. Have a unique understanding of Spatial Planning, Structure and Master Planning, Future Proof strategy and settlement patterns.

While this report was not prepared for Environment Court proceedings, I confirm that, in my capacity as an author and reviewer of the substantive application, I have read and abide by the Environment Court of New Zealand's Code of Conduct for Expert Witnesses Practice Note 2023.

3.0 Executive Summary

This report is submitted in support of Brymer Farms Limited's application to the Environmental Protection Authority (**EPA**) for referral to an expert panel to authorise the Brymer development.

Brymer is a large-scale, comprehensively planned residential development located on the urban fringe of Hamilton, providing for approximately 1043 residential units across a range of typologies, including apartments, detached dwellings, duplexes and terraced townhouses. If the necessary approvals are granted, the Project will be delivered progressively through a multi-staged development framework.

The development also includes:

- A 0.67 hectare neighbourhood center, comprising two mixed-use commercial Sites (C1 and C2) providing approximately 2,184m² of commercial GFA, including a superette and additional commercial tenancies to support the day-to-day needs of the new community;
- An integrated open space and ecological network, including public and recreational open spaces, wetlands, watercourses, stormwater reserves, pedestrian connections, landscape and retained vegetation;
- Connections to surrounding reserves and the wider movement network, including Rakutahi Park, Brymer Glen Reserve, Brymer Park and Te Kooti Park;
- A connected transport and access network supporting the staged development of the Site; and
- Supporting three-waters and other infrastructure together with ecological mitigation and offsetting and compensation where required.

The development will be serviced by connections to the IAWAI reticulated water supply and wastewater networks, with infrastructure established progressively as development occurs. Stormwater will be managed through an integrated system incorporating treatment, attenuation and conveyance measures, wetlands and other water-sensitive design features.

The Project will be supported by a comprehensive suite of consent conditions, a Design Guide and technical assessments to provide for the coordinated delivery of the development and the management of environmental effects.

This report has been prepared in accordance with the requirements of the Fast-track Approvals Act 2024 (**FTAA**). The FTAA is part of the Government's response to facilitate the delivery of infrastructure and development Projects with significant regional or national benefits.

The FTAA establishes an Expert Panel to determine applications for resource consent. This replaces the role of local authorities as decision makers under the Resource Management Act 1991 (**RMA**). Two categories of Projects can use the FTAA and be considered by a panel: Listed Projects and Referred Projects. This Proposal is a Referred Project, and the substantive application is being made in accordance with section 40 of the FTAA.

The Proposal will deliver significant regional benefits, including:

- Delivering approximately 1,043 new dwellings, making a significant and substantive contribution to housing supply in the Hamilton and lower Waikato market, where substantial medium- and long-term greenfield capacity shortfalls are Projected;
- Provides diverse housing typologies to improve choice and affordability, with up to 24% of dwellings potentially falling below the first-home-buyer affordability benchmark;
- Generates approximately \$552 million in construction expenditure, supporting around \$278 million in value added to the economy and approximately 4,736 job-years over the construction programme;
- Creates substantial regional employment benefits, averaging approximately 263 jobs per year during construction, with the regional labour market considered capable of absorbing this demand without material displacement of other construction activity;
- Supports significant ongoing economic activity, with approximately \$2.4 billion in household expenditure over 30 years, the majority of associated value added accruing within Hamilton;
- Supports local and surrounding commercial centres, including through an appropriately scaled neighbourhood centre and additional household expenditure that is expected to strengthen existing centres;
- Represents an efficient urban growth outcome, providing a substantial new development opportunity on Hamilton's urban edge that supports housing-market competition and makes use of existing transport, education, retail and community infrastructure;
- A substantially more productive economic use of the Site, with the economic benefits of urbanisation significantly outweighing the opportunity cost of foregone rural production. The economic assessment identifies the productive value of the existing rural use as minimal and concludes that continued rural use is commercially unviable.
- Delivering net positive freshwater ecological outcomes through significant wetland and stream restoration, habitat creation and indigenous riparian enhancement;
- Increasing indigenous biodiversity and ecological connectivity by transforming a highly modified pastoral environment into an interconnected network of restored wetlands, waterways and indigenous habitat.
- Environmental enhancements including through stormwater management and ecological restoration;
- Delivering strategic three-waters infrastructure to support significant residential growth, including a new 6 million litre water reservoir and new wastewater infrastructure;
- Providing an integrated stormwater management system that improves resilience and manages effects beyond the Site, including water-quality treatment, attenuation of peak flows to 80% of pre-development levels, groundwater recharge and measures to mitigate downstream flood risk.

During the preparation of the development Proposal, the applicant and its representatives have undertaken consultation with Waikato District Council (**WDC**), Hamilton City Council (**HCC**) and Waikato Regional Council (**WRC**). Consultation was also undertaken with the relevant iwi authorities who wish to be involved (Waikato Tainui and Ngāti Māhanga) as well as Heritage New Zealand, Department of Conservation and NZTA. Appropriate consultation was also undertaken

with the EPA. The objective of this consultation was to discuss the Proposal and infrastructure proposed to service the development, understand any issues that may exist with the Site, locality, and development from those parties' perspective as well as the information requirements for the application. This consultation meets the requirements of Section 29 and 11 of the FTAA. A full record of consultation is provided at **Planning Attachment 2**.

The Proposal requires consent under the Waikato District Plan (Operative), Waikato District Plan (OiP), the Waikato Regional Plan, National Environmental Standards for Freshwater 2020 (**NES-F**) and the National Environmental Standards for Assessing and Managing Contamination in Soil to Protect Human Health (**NES-CS**).

This application and Assessment of Environmental Effects (**AEE**) has been prepared in accordance with Section 43 of the FTAA and provides a description of the Proposal and explains how the Project is consistent with the purpose of the FTAA. We also provide an assessment of actual and potential effects on the environment consistent with Schedule 5 of the FTAA. Finally, the application has also included a description of the mitigation measures including any relevant management plans, monitoring requirements, and conditions of consent.

Overall, the Proposal achieves the purpose of the FTAA to facilitate the delivery of infrastructure and development Projects with significant regional and national benefits.

Furthermore, the Proposal is considered to achieve the purpose and principles of the RMA, particularly as it relates to the efficient use and development of natural and physical resources, the maintenance and enhancement of amenity values, and the relationship of Māori with their taonga. The Proposal is also considered to be consistent with the relevant provisions of the National Policy Statements, Regional Policy Statement, Regional Plan, and the Waikato District Plan Operative (**WDP-O**) and Waikato District Plan Operative in Part (**WDP-OiP**).

A comprehensive AEE has been prepared with supporting technical advice which concludes that, with the proposed mitigation and conditions, any adverse effects of the Proposal on the environment will be less than minor and that the Proposal will result in several positive effects, including economic, social, and ecological net gain.

4.0 Introduction

This Substantive Application (**Application**) has been made by Brymer Farms Limited to the EPA for approvals relating to the Brymer development. This application relates to the proposed residential development, neighbourhood centre, open space network and supporting infrastructure (the **Project or Proposal**). This application has been made in accordance with the requirements of the FTAA.

Collectively, the development will provide capacity for approximately 1043 residential units, 0.67 hectare neighbourhood centre and open space areas.

As a Referred Project, this Application has been made in accordance with s42 of the FTAA and approval is sought for Resource Consents that would otherwise be sought under the RMA. Refer to **Planning Attachment 1** for a summary table of where and how the FTAA substantive application requirements have been addressed as part of this application.

4.1 Structure of the Application

The Brymer application is structured into two volumes as follows:

- **Volume 1:** Evaluation & Overview Report (this document); and
- **Volume 2:** Combined staged land use, staged subdivision and regional application (residential development, mixed use neighbourhood centre, open space and supporting infrastructure).

The Application information and supporting AEE in **Volume 2** provide a detailed assessment of each part of the development including, relevant plans and supporting technical reports appended. Volume 2 includes a comprehensive description of each part of the Proposal, the specific reasons for consent, a summary of the technical assessments, and an evaluation of relevant policy documents, standards, and plan provisions. The assessment considers proposed mitigation measures, monitoring, and the proposed conditions of consent, to ensure and demonstrate that potential effects are appropriately managed.

The Brymer Application is supported by the following appendices, planning volumes and planning attachments:

- Appendix 1: Records of Title and Interests
- Appendix 2: FTAA Application Form and Statutory Checklists
- Appendix 3: Owners and Occupiers of the Site and Adjacent Landowners
- Appendix 4: Construction Management Plan
- Appendix 5: Scheme Plan
- Appendix 6: Concept Plan and Masterplan
- Appendix 7: Residential Typology Designs
- Appendix 8: Architectural Drawings - Apartment Node (A1 & A2) and Commercial Node (C1 & C2)
- Appendix 9: Design Guidelines
- Appendix 10: Urban Design Assessment
- Appendix 11: Landscape Drawings
- Appendix 12: Landscape Visual Impact Assessment
- Appendix 13: Infrastructure Report
- Appendix 14: Stormwater Management Plan / Stormwater Operation and Maintenance Plan
- Appendix 15: Civil Engineering Drawings
- Appendix 16: Transport Assessment
- Appendix 17: Geotechnical Investigation Report
- Appendix 18: Geotechnical Effects Management Plan
- Appendix 19: Acid Sulphate Soil Management Plan and technical memorandum
- Appendix 20: Hydrology / Groundwater Assessment

- Appendix 21: Detailed Site Investigation
- Appendix 22: Remedial Action Plan and Contaminated Site Management Plan
- Appendix 23: Ecological Impact Assessment and Management Plans (Lizard, Bat, Fish)
- Appendix 24: Cultural Impact Assessment
- Appendix 25: Archaeological Assessment
- Appendix 26: Archaeological Site management plan
- Appendix 27: Noise and Vibration Assessment
- Appendix 28: Construction Noise and Vibration Management Plan
- Appendix 29: Soil and Land use Capability classification assessment and Rural productivity assessment
- Appendix 30: Economic Assessment
- Appendix 31: Approved Water Take Consent/s
- Appendix 32: Earthworks Management Plan

Planning Volumes

- Volume 1: Overview Report
- Volume 2: AEE

Planning Attachments

- Attachment 1: Substantive Application Information Table
- Attachment 2: Engagement and Consultation Summary Report
- Attachment 3: Referral Application Notice of Decisions Letter
- Attachment 4: Legal Advice on Scope of the Referred Project
- Attachment 5: Section 30 Letters
- Attachment 6: Summary of Mitigations
- Attachment 7: Objectives and Policies Assessment
- Attachment 8: Rules Assessment
- Attachment 9: Treaty Settlement provisions and Iwi Management Plan Assessment
- Attachment 10: Proposed Draft Consent Conditions

4.2 Purpose of the Evaluation and Overview Report

As set out in Section 4.0 above, the documentation relating to this application has been separated into two volumes. This Evaluation & Overview Report (**Overview Report**) is referred to as **Volume 1**.

The purpose of this Overview Report is to provide a high-level summary of the Project, outline the Project background, Site context, the proposed development, the approvals required, and the proposed conditions of consent.

This Overview Report also provides sufficient detail to confirm that the application has met the requirements for a Substantive Application under the FTAA and provides an assessment of the application against the Purpose of the FTAA as set out under s3, confirming the significant regional or national benefits.

Additionally, this Overview Report provides a strategic assessment of the Proposal's effects and evaluates it against all relevant statutory planning documents. By considering all elements of the Proposal cohesively, the Overview Report ensures that the potential effects are assessed and considered in an integrated manner. This approach complements the detailed assessment contained in Volume 2.

Finally, a summary of the assessment of the application against Clause 17 of Schedule 5 of the FTAA (criteria and other matters for assessment of a consent application) has been provided within this Overview Report.

5.0 Requirements under the Fast-Track Approval Act 2024

5.1 Referral Application

The Proposal is a Referred Project under the FTAA. Section 43 of the FTAA sets out the information required for a Referred Project, which is addressed within this report. For completeness, a copy of the referral decision is included at **Planning Attachment 3**.

5.2 Substantive Application

As a Referred Project, this Application has been made by Brymer Farms Limited in accordance with s42 of the FTAA.

Under s42(4), this substantive application is seeking approvals for resource consents that would otherwise be applied for under the RMA (S42(4)(a)).

Section 43 of the FTAA sets out the information to be included in substantive applications. The information provided in this application across Volumes 1 - 2, as required by s43 of the FTAA is specified in sufficient detail to satisfy the purpose for which it is required. Specifically, the application:

- Explains how the Proposal is consistent with the purpose of the FTAA;
- Demonstrates that the Project does not involve an ineligible activity;
- Describes the proposed activity and map of the Project area including details of the Applicant's legal interest in the Project area and how that affects their ability to undertake the work;
- Outlines the anticipated commencement and completion dates for construction activities including staging;
- Describes the anticipated and known adverse effects of the Project on the environment;
- Lists the persons or groups that are considered likely to be affected by the Project and summary of the consultation undertaken and a list of any Treaty Settlements that apply to the Project area;

- Outlines the types of consents and other authorisations that are considered necessary for the Project (consent matters) and whether any of those activities have been the subject of an application or decision under a specified Act;
- Describes whether and how the Project would be affected by climate change and natural hazards;
- Confirms that no compliance or enforcement actions have been taken against the Applicant under a specified Act; and
- Meets the detailed information and assessment requirements of Clauses 2 and 5 of Schedule 5 of the FTAA.

As required by clause 5(1)(5) – Schedule 5, we confirm that the application complies with the requirements of s46(2)(a), (b), and (d). Specifically, we confirm that:

- The application complies with Section 42-44 of the FTAA as demonstrated throughout this application and as summarized in the FTAA checklist in **Appendix 2**;
- The application relates solely to a Referred Project;
- All fees, charges or levies payable under regulations have been paid.

6.0 Project Background

6.1 Introduction to the Applicant

Brymer Farms Limited is a land development company formed through a partnership between Pragma Property Group and The Ultimate Global Group. Together, they bring deep local knowledge, international development experience, and a shared commitment to creating high-quality, affordable, and connected communities.

Brymer Farms Limited is jointly owned by entities associated with Pragma Property Group and The Ultimate Global Group. The company combines proven development capability with a strong understanding of Hamilton's growth needs, positioning it to deliver a significant residential and mixed-use community on the city's north-western edge.

Led by Sanjil Mistry of Pragma Property Group and Levin Da Costa of The Ultimate Global Group, Brymer Farms Limited draws on decades of experience across land development, residential construction, commercial property, hospitality, tourism, and asset management.

Brymer Farms Limited's vision is to create a sustainable, inclusive, and well-connected community that delivers lasting social, economic, and environmental value. The development is designed to respond to housing demand while supporting quality of life through diverse housing choices, neighbourhood amenities, green infrastructure, and accessible open spaces.

The proposed Brymer community will support a range of households, including families, first-home buyers, retirees, and residents seeking secure and affordable housing options. By integrating housing with local services, walkways, cycle connections, and public open space, the development aims to foster a vibrant neighbourhood where people can live, work, connect, and thrive.

Pragma Property Group

Pragma Property Group is a family-owned Waikato property company with experience across residential, commercial, industrial, hospitality, and property management sectors. Since building its first homes in 2009, Pragma has grown into a recognised local developer known for practical design, quality workmanship, and a strong commitment to the Hamilton and Waikato communities.

The Ultimate Global Group

The Ultimate Global Group is a New Zealand-based international conglomerate with experience across property development, construction, real estate, hospitality, tourism, and agriculture. The group operates across New Zealand and the Asia-Pacific region and brings international perspective, delivery capability, and strategic partnership experience to the Brymer development.

Led by Sanjil Mistry and Levin Da Costa, Brymer Farms Limited have and will provide:

- **Local insight** – Strong understanding of Hamilton and Waikato growth, housing demand, and community needs.
- **Proven capability** – Development partners with experience across land acquisition, planning, design, construction, and asset management.
- **Housing diversity** – A planned mix of homes to support different life stages, household types, and affordability needs.
- **Community focus** – Commitment to creating safe, connected, inclusive neighbourhoods with quality amenities and open spaces.
- **Economic contribution** – Support for local contractors, tradespeople, suppliers, and long-term regional growth.
- **Responsible delivery** – A disciplined approach to Project management, quality assurance, and stakeholder outcomes.

6.2 Planning Background

Brymer Development

Located near Brymer Road and Whatawhata Road on Hamilton's urban fringe, the Brymer development is planned as a substantial residential and mixed-use neighbourhood. Publicly available Project information describes a master-planned community comprising approximately 1,043 residential units, a mixed-use neighbourhood centre, open spaces, ecological restoration, transport links, and supporting infrastructure.

- Approximately 1,043 residential units across a range of housing typologies;
- A mixed-use neighbourhood centre with local services and amenities;
- Connected walking, cycling, and local road networks;
- Public open spaces, green infrastructure, and ecological restoration; and
- Infrastructure planning to support long-term community growth.



Brymer Farms Limited is committed to delivering more than housing. The company's approach recognises that strong communities are built through secure homes, accessible services, safe streets, shared spaces, environmental care, and opportunities for connection. By supporting a broader range of housing options, the development has the potential to improve housing accessibility, reduce pressure on public services, support workforce participation, and contribute to better long-term outcomes for families, older residents, and the wider community.

6.3 Consenting History

Brymer Farms Limited is a new joint venture company established as a development vehicle for the Project and does not have relevant consenting history. Despite being a newly established entity, it is supported by an experienced ownership and delivery structure. This backing provides the capability, governance, and sector knowledge needed to deliver a significant community-focused development.

Brymer Farms Limited aims to be recognised as a trusted and socially responsible developer by focusing on:

- **Responsible delivery** - applying disciplined Project management, quality assurance, and stakeholder engagement;
- **Community value** - balancing commercial outcomes with meaningful social, economic, and environmental benefits; and
- **Long-term impact** - helping meet the Waikato's housing needs while contributing to a lasting legacy for Hamilton's future.

Through its development partners, Brymer Farms Limited brings capability across each stage of the property development lifecycle, from strategic land identification through to Project delivery and long-term asset outcomes.

- **Land development** - Identifying and transforming strategic land opportunities into planned residential communities;

- **Master planning** - Designing neighbourhoods that integrate homes, transport, amenities, open space, and infrastructure;
- **Project management** - Managing complex programmes with a focus on quality, budget, timing, and stakeholder expectations;
- **Construction delivery** - Building homes and community assets through trusted suppliers, proven systems, and quality materials; and
- **Property and asset management** - Supporting long-term value through professional management, maintenance, and operational experience.

7.0 Site Context

This section of the application is provided in accordance with clause 5(1)(b) of Schedule 5 of the FTAA.

Copies of Records of Title (**ROT**) for the FastTrack application Site are attached in **Appendix 1** and detailed in Section 7.2 below. A broad summary of the Site and locality details is provided below, with an in-depth, stage-specific, description of each component of the Project included within **Volume 2**.

For the purpose of this Overview Report, reference to the Site encompass the:

- Site wide area – Volume 2.

7.1 Records of Title and Land Ownership

The Records of Title (**ROT**) of the Site and associated interests registered are provided **Appendix 1**. The Site is made up of several land parcels, that together form a total of approximately 81 hectares.

Table 1 below summarises the addresses, legal descriptions and area for each title.

Table 1: Application Site Details

Address	Legal Description	Area (hectares)
No address	Lot 1 DP South Auckland 87291	57.9 ha
584 Whatawhata Road	Part Lot 2 DP 18355	18.4 ha
No address	Lot 3 DP 385271	4.5 ha
10 Harrogate Place	Lot 22 DPS 79526	0.06ha
No address	Allotment 365 Parish of Pukete	0.14 ha

7.2 Zoning Context

The zoning of the Site under the WDP is set out in **2** below.

Table 2: Site Zoning

Proposed Use	Zoning
Residential	General Rural Zone

Neighbourhood centre	General Rural Zone
Open space/Wetlands	General Rural Zone
Overall Site Extent	General Rural Zone

Figure 1: WDP Zoning Map below provides a copy of the WDP zoning map.

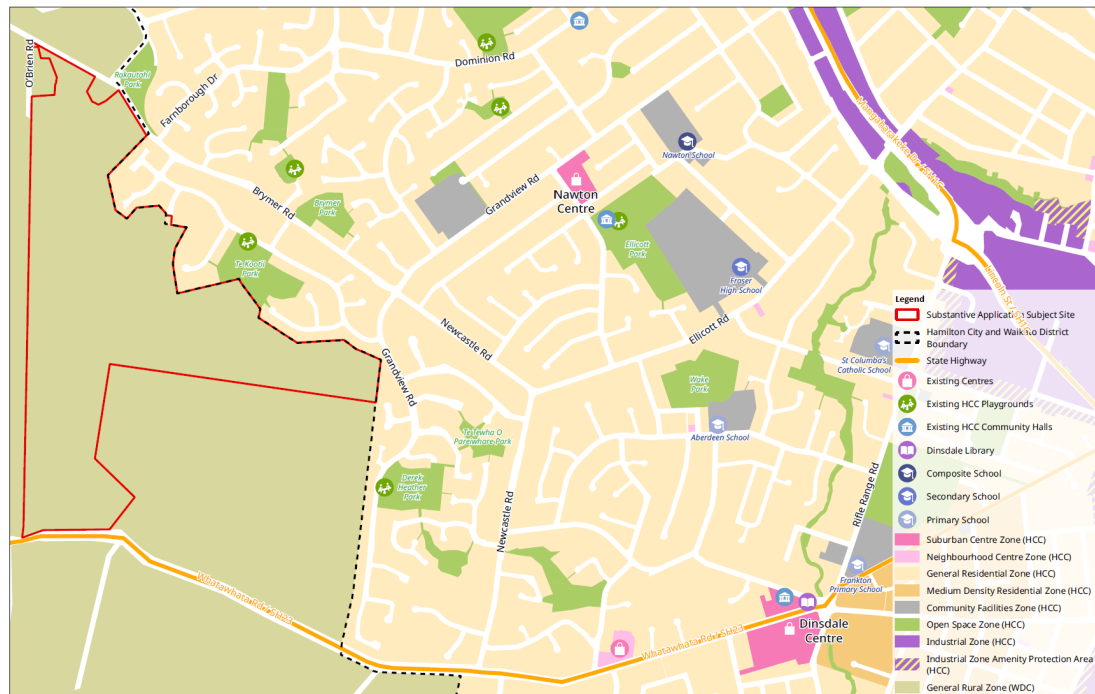


Figure 1: WDP Zoning Map

7.3 Site Description

The Site is shown in Figure 3 below and comprises a single, contiguous landholding made up of separate parcels in common ownership. The Proposal will involve the amalgamation of lots requiring them to be held in one title. Refer to **Appendix 6** for Site context and locality maps.

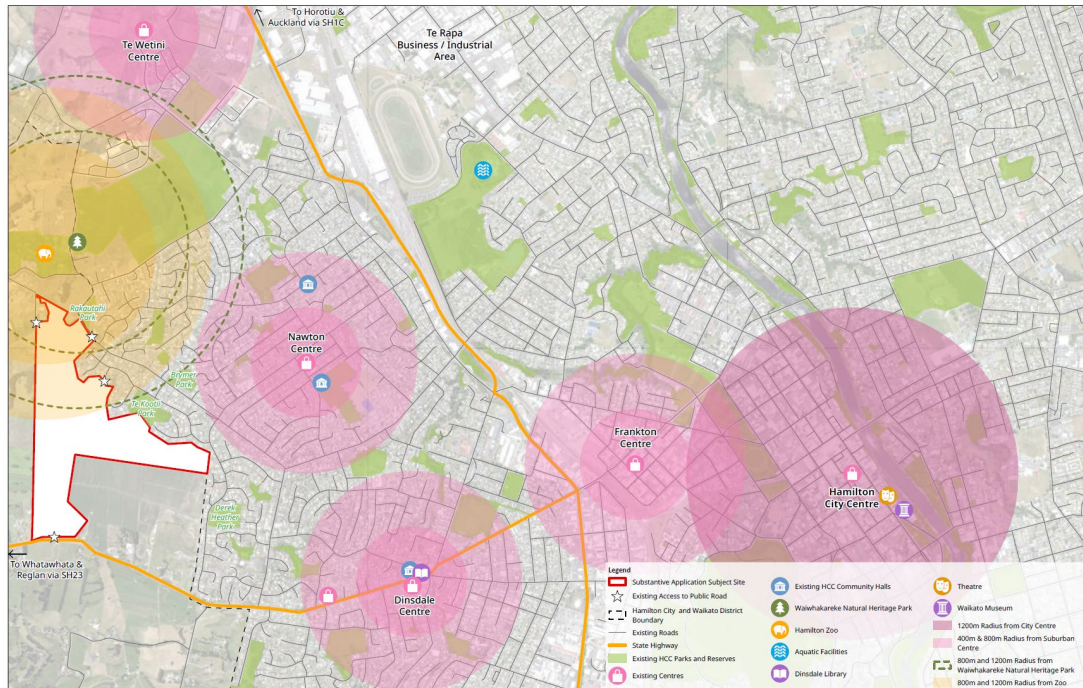


Figure 2: Locality plan showing the Site areas in relation to the wider area

The subject Site is located on the western edge of Hamilton, within the Waikato District, directly adjoining the Hamilton City boundary. It is approximately 81 hectares in size and made up of several land parcels that collectively form the Brymer development area.

The Site is bounded generally by State Highway 23 (Whatawhata Road) to the south, rural land and O'Brien Road to the west, Brymer Road and rural-lifestyle land to the north, and established Hamilton residential neighbourhoods to the north and east. The Applicant also owns 234 Grandview Road, through which a proposed connection to Grandview Road will be established. Lot 22 DPS 79526 at 10 Harrogate Place provides a further connection between the Site and the established Hamilton urban area.

The Site is currently used predominantly for pastoral farming and associated rural activities and comprises open paddocks, farm tracks and buildings, shelterbelts, scattered mature trees and areas of riparian and wetland vegetation. Historic drainage and agricultural activity have substantially modified the Site, particularly its freshwater environment.

Key characteristics of the Site include:

- The Site directly adjoins the established Hamilton neighbourhoods of Grandview Heights and Western Heights, with Nawton forming part of the wider urban context.
- Established residential development and open space adjoin the Site to the north and east, while rural and rural-lifestyle land predominates to the west and south. Te Kootii Park directly adjoins the Site and Rakautahi Park is located nearby.
- Gently undulating to locally steeper topography. Its central area is comparatively low-lying and gently sloping, while the northern area contains a more sloping and gully-incised landscape and an elevated knoll occurs toward the southern end near SH23.
- The Site forms part of the upper Ohote Stream catchment and contains natural inland wetlands, modified watercourses, artificial drains and flow paths. A principal east–west

drainage feature through the central part of the Site broadly separates its northern and southern areas and forms part of the Ohote drainage scheme.

- Existing vegetation is generally associated with shelterbelts, boundaries, wetlands and riparian areas, with more substantial vegetation occurring in parts of the Site. The open pasture and vegetation pattern contributes to the existing rural character of Hamilton's western edge. The vegetation is sparse with the exception of the northwest portion of the Site which is highly vegetated.
- Predominately open pasture land reflecting the Site's current rural and rural residential use; and
- The Site has access to SH23, Brymer Road, O'Brien Road, Harrogate Place and the adjoining Hamilton street network. Existing public transport, pedestrian and cycling connections are also available within the adjoining urban area.

The Site currently comprises predominately rural and rural lifestyle land, characterised by pasture and low-intensity land use.

Land to the east of the Site, within Hamilton City, is zoned General Residential, while land to the north, south and west is zoned General Rural. The Site sits at the interface between the Waikato District and Hamilton City, forming a transition between rural land and established urban residential areas.

Overall, the Site is best characterised as a large, predominantly rural but strongly peri-urban landholding at Hamilton's western edge. Its existing pastoral character, freshwater features and relationship with adjoining rural land are important elements of the receiving environment, while its direct interfaces with established residential neighbourhoods, public open space and the Hamilton transport network establish a strong physical and functional relationship with the existing city.

Primary characteristics of the Site specific to each component of the Proposal are summarised and contained within **Volume 2**.

7.4 Surrounding Locality

The Brymer Site is located on the north-western edge of Hamilton, approximately 5 kilometres from the Hamilton City Centre, within the Waikato District of the Waikato Region. The surrounding locality is characterised by a transitional urban–rural environment, with established residential development to the north and east, and rural land to the south and west.

To the north, the Site adjoins Brymer Road and is in proximity to established residential areas, as well as rural lifestyle properties. These areas provide a transition between lower density rural living environments and urban residential development.

To the east, the Site directly adjoins the Grandview Heights and Western Heights residential suburbs, which comprise established urban residential neighbourhoods with a range of housing typologies. These areas represent the existing urban edge of Hamilton and form a key interface with the proposed development.

To the south, the Site is bounded by Whatawhata Road (State Highway 23), a key transport corridor providing connectivity to Hamilton and the wider Waikato region. Land beyond this corridor is predominantly rural in nature, used for farming and associated activities.

To the west, the Site adjoins rural land, reinforcing the Site’s location at the interface between urban and rural environments.

The Site is within close proximity to services and amenities including:

- The Dinsdale Shopping Centre (approximately 2km away), which provides retail and commercial services;
- The Hamilton city centre (approximately 5km away) offers [supermarkets, shops, cafés, healthcare services, and community facilities];
- Aberdeen School (approximately 2km to the east), Fraser High School (approximately 2–3 km to the east), and other primary and intermediate schools within the wider area;
- Recreational and open space amenities, including Te Kootii Park (directly adjoining the Site to the east), Waiwhakareke Heritage Reserve (approximately 1–2km to the north), and Hamilton Zoo (approximately 1–2 km to the northwest);
- Local reserves and open space networks, including Brymer Park and surrounding neighbourhood reserves (within approximately 1–3km), providing opportunities for passive and active recreation; and
- Public transport routes, including bus services operating within the surrounding residential areas of Grandview Heights, Nawton and Dinsdale (approximately 1–2km), providing connections to Hamilton’s wider public transport network

Refer to **Volume 2** for further detail on the surrounding locality.

7.5 Owner and Occupiers

In accordance with clause 5(1)(d) of Schedule 5 of the FTAA, the names and addresses of owners and occupiers of the Site and land adjacent to the Site (where occupiers were identifiable after reasonable inquiry) are provided within **Appendix 3**.

8.0 Proposal

This section of the application is a summary of the key elements of the Proposal provided in accordance with clause 5(1)(a) and (e) of Schedule 5 of the FTAA.

The Brymer development is referred to and described in the referral notice as a “*residential development located on Hamilton City’s urban fringe, that comprises approx. 1,650 residential units, a mixed-use neighbourhood centre, open spaces and infrastructure*”. This section provides greater detail and includes a description of any other activities that are part of the Proposal to which the consent application relates.

The substantive application has been modified from the description provided above from the referral application. Through the detailed design process, it became clear that the proposed retirement village Proposal was not viable due to Site constraints including steep topography, servicing limitations, geotechnical challenges, and integration issues. As a result, the retirement village has been removed from the Proposal and replaced with additional residential units that are more achievable on the Site. Further information relating to the scope of the application is included in Section 8.1.

As detailed in the substantive application (refer to **Volume 2**), Brymer Farms is a comprehensively planned, multi-staged residential development providing for the urbanisation and subdivision of the Project Site. The Project seeks the land use, environmental, subdivision and associated infrastructure consents required to enable its progressive and coordinated development.

The Project will provide approximately 1,043 residential units, including approximately 248 apartments, across a range of housing typologies and densities. Housing will comprise terraced, duplex and detached dwellings, conventional and compact residential lots, irregular lots, and eight larger rural-residential lots. This range of typologies will provide housing choice while enabling the development pattern to respond to the physical characteristics, environmental features and constraints of the Site.

The master plan also provides for two mixed-use commercial Sites, identified as C1 and C2, which will form a neighbourhood-scale commercial component within the development. C1 will provide approximately 910 m² of ground-floor commercial gross floor area (GFA), with 24 two-bedroom apartments above, while C2 will provide approximately 1,274 m² of ground-floor commercial GFA, with 16 two-bedroom apartments above. Both Sites will incorporate basement car parking, dedicated vehicle access, servicing areas and landscaping. Collectively, C1 and C2 will provide approximately 2,184 m² of commercial GFA and 40 apartments, supporting the day-to-day needs of residents and contributing to a mixed-use neighbourhood environment.

The development will be supported by the necessary transport and three-waters infrastructure. Water supply and wastewater servicing will connect to the IAWAI reticulated networks, with internal reticulation and associated infrastructure established progressively as development occurs. This may include pump stations, storage, reservoirs and mains where required. Stormwater will be managed through an integrated system incorporating appropriate treatment, attenuation and conveyance measures, with treated discharge ultimately occurring to the receiving environment within the Waikato District. Where appropriate, the stormwater system will integrate with proposed wetlands, watercourses, stormwater reserves and other water-sensitive design features.

Development of the Site will require staged earthworks to establish suitable building platforms, the road network, infrastructure corridors, reserves and other components of the master plan. These works will include Site formation, cut and fill, retaining, erosion and sediment control, and other enabling works necessary to facilitate subdivision and development. The Project will also require the undergrounding of existing power lines within the Applicant's Site.

Open space and ecological features form an important component of the master plan. The development will provide an integrated network of public and recreational open spaces, pedestrian connections, wetlands, watercourses, stormwater reserves, landscaped areas and retained vegetation. Environmental and ecological mitigation and offsetting will be provided where required to address effects arising from the development and support the protection, restoration and enhancement of ecological values across the Site and wider receiving environment. Where appropriate, these measures will be integrated with the open-space and stormwater networks.

The open-space and movement network will connect with the surrounding urban environment and existing reserves, including Rakautahi Park, Brymer Glen Reserve, Brymer Park and Te Kootii Park. These connections will provide links between residential neighbourhoods, commercial and community areas, recreational spaces and the wider transport network.

The Project will be implemented through a multi-staged consenting and development framework, allowing subdivision, land use and infrastructure works to proceed progressively while ensuring that each stage is appropriately serviced and integrated with the wider development and surrounding environment.

Implementation will be governed by a comprehensive suite of proposed conditions of consent, including a design guide developed with input from the Applicant's relevant technical and environmental specialists. The proposed conditions will provide the framework for managing the construction, staging, servicing and operation of the development, including earthworks, transport, three-waters infrastructure, stormwater discharges, ecological effects and offsetting, landscaping and open space, and other potential environmental effects.

Collectively, the master plan, supporting technical assessments and proposed conditions provide an integrated framework for the delivery and management of Brymer Farms, including measures to avoid, remedy or mitigate adverse environmental effects and, where appropriate, provide environmental offsets and compensation.

Based on the above, the Proposal now seeks to authorise:

- **A comprehensive residential development, associated earthworks and subdivision, comprising approximately 1043 residential units and public open space;**
- **An 0.67 ha neighbourhood centre with 2184m² commercial GFA;**
- **Construction of three waters infrastructure and transport.**

The Proposal is described in detail within Volume 2 and is supported by a range of specialist reports and information appended to the application. A summary of the key elements of the Proposal is provided below.

8.1 Scope of Brymer Substantive Application

8.1.1 Project Scope and Refinements Following Referral

Brymer Farms was referred by the Minister for Infrastructure on 4 September 2025. The Referral Decision describes the Project as a masterplanned residential and mixed-use development comprising approximately 1,650 residential units, including a 250-unit retirement village, a mixed-use neighbourhood centre, open space, transport infrastructure and services infrastructure.

Following the Referral Decision, the Project has been subject to a detailed and lengthy pre-lodgement consultation, technical investigation and design process. This has included further assessment and scrutiny by the Applicant's specialist team, together with engagement with WDC, HCC, iwi and other relevant stakeholders. This process has progressively informed and refined the Proposal, enabling the development to respond more appropriately and efficiently to the Site's natural and built receiving environments.

The feedback received through this process has addressed a broad range of matters and has directly informed the evolution of the development design. This has included consideration of opportunities to reduce the extent and scale of retaining and associated earthworks; work more closely with the existing topography, landscape and natural features of the Site; appropriately manage development interfaces and property boundary edges; address potential reverse sensitivity effects associated with adjoining and nearby land uses; and refine the approach to infrastructure servicing.

Feedback from iwi and the Applicant's ecological specialists has also informed the servicing approach, including a preference to avoid disposal to ground where practicable, together with the identification, protection and appropriate treatment of wetlands, waterways and other ecological features.

As a result of this more detailed process, four aspects of the Proposal have been refined from the form described in the Referral Decision:

- a reduction in the overall number of residential units from approximately 1,650 to approximately 1043;
- the removal of the dedicated 250-unit retirement village component;
- an increase in the neighbourhood centre to approximately 0.67 hectares; and
- the inclusion of an additional road connection through Grandview Road to support the safe and efficient operation of the transport network and provide access to the development.

In particular, further consideration of the Site's topography, natural and ecological features, infrastructure and servicing requirements, surrounding land uses and built environment, and the overall feasibility and economics of the Proposal, has informed a considered reduction in the extent and intensity of development proposed across the more challenging terrain in the northern part of the Site. Compared with the referral documents and information, the resulting Proposal provides for a reduction in built form and residential density within this area. This is considered to be an appropriate and necessary response to the constraints and opportunities identified through the more detailed investigations and stakeholder engagement undertaken following referral.

The reduction in residential yield and removal of the dedicated retirement village should therefore be understood in the context of this broader design evolution. Rather than representing a change in the fundamental nature or purpose of the Project, these refinements reflect the outcome of detailed technical assessment, design development and stakeholder engagement. The development remains an integrated housing development providing a range of section sizes and residential living opportunities. It will be delivered through a comprehensive and staged framework for earthworks, infrastructure servicing and residential development, enabling the development and associated infrastructure to be progressively implemented in a coordinated manner.

The substantive application continues to relate to the same activity as the referred proposal: a masterplanned residential and mixed-use development on the land bounded by Brymer Road and Whatawhata Road on the western edge of Hamilton. The refinements reducing overall residential yield and removing a dedicated retirement component affect the number, type, density and location of residential units within the development rather than changing the overall concept of a masterplanned residential and mixed-use development. The additional road connection comprises supporting transport infrastructure required to enable and service the development. Collectively, the refinements do not introduce a new or materially different project activity from those referred.

8.1.2 Scope of the Referred Project and Substantive Application

The scope of the substantive application has been addressed by legal counsel for the Applicant, Mary Hill. Her advice is set out in the letter to the Environmental Protection Authority dated 20 July 2026, which is included at **Planning Attachment 4** to this Overview Report.

As summarised in that letter, section 46(2)(b) of the Fast-track Approvals Act 2024 requires a substantive application to relate solely to the referred Project. The High Court’s decision in *Jones and Wedd v Environmental Protection Agency* confirms that the description of a referred or listed Project establishes an “outer limit” for the Project’s scope, but does not establish an equivalent “inner limit”. Accordingly, a Project may be refined or reduced in scale between referral and lodgement of the substantive application, provided the Proposal is not expanded through the addition of a new activity that was not referred.

The Court also recognised that Projects will commonly be modified as design and investigation work progresses. This may include changes to the number of dwellings, the location or staging of activities, or other quantitative aspects of a Project, particularly where a referral description uses flexible language such as “approximately” or “including”.

In this case, the reduction in residential yield and removal of the dedicated retirement village do not expand the Project beyond the scope of the Referral Decision. Rather, both changes reduce or refine components of the referred residential activity. The substantive application therefore continues to relate solely to the referred Project and remains within the scope permitted by section 46(2)(b) of the Act. As noted in the legal advice, the use of the terms “approximately” and “including” in the Referral Decision supports an interpretation that the Project Description establishes the maximum scope of the Project, rather than requiring each component to be replicated precisely in the substantive application.

The substantive application also includes the transport, three waters, open space and other supporting infrastructure required to construct and operate the development. This includes the additional road connection to Grandview Road, together with other infrastructure elements such as water storage infrastructure and public open space, which are described in greater detail in the substantive application than in the high-level referral documentation.

As explained in the legal opinion (**Planning Attachment 4**), these works fall within the broader categories of transport infrastructure, services infrastructure and open space expressly identified in the Referral Decision. The term “including” used in the Referral Decision indicates that the individual infrastructure components identified were not intended to be exhaustive. The additional road connection is functionally linked to, and required to support, the referred development and does not represent a separate or additional Project activity. The legal advice therefore concludes that supporting infrastructure of this nature remains within the scope of the referred Project.

A further refinement has been made to the Proposal arising from the detailed design consideration, economic assessment, and stakeholder engagement process. The neighbourhood centre component of the Proposal comprises two mixed-use commercial Sites (C1 and C2), with a combined area of approximately 0.67 ha and a proposed total GFA of 2,184 m². The referral did not specify a GFA for the neighbourhood centre, reflecting the higher level nature of the Proposal at the referral stage. The Substantive Application now provides greater detail as to the scale and configuration of this component of the development. While this amounts to an increase rather than a decrease in overall area, the change does not affect the character or nature of the referred activity, which will remain a “master-planned residential and mixed-use development” containing a “mixed-use neighbourhood centre with commercial properties (a café and a superette)”. The 2,184 m² GFA therefore represents the more detailed expression of the neighbourhood centre contemplated by the referred project, rather than a change to the nature of that project. This change is therefore within scope. The Substantive Application continues to relate “solely to the referred project” for the purposes of s46(2) FTAA.

The substantive implications of these refinements are matters for the expert panel to consider, rather than matters of scope. For completeness, the economic assessment provided with the Substantive Application (refer to **Appendix 30**) considers the Proposal based on these updated components. In relation to the commercial centre, the assessment concludes that the centre is appropriately scaled and capable of being sustained by the relevant market, contains an efficient level of local commercial amenity which should not materially affect the performance of other neighbourhood centres, and should produce a net economic benefit. In relation to the overall residential yield and typologies proposed, the economic assessment concludes that the proposed development (1,046 dwellings) will make a significant contribution to the housing supply in the combined Hamilton and lower Waikato District housing market (around 3% of Hamilton City's growth in demand for housing over the medium term and long term). The assessment concludes that the range of housing proposed is commensurate with patterns of demand at this location, offering viable trade-offs between typology, size and price (at multiple price points) to enable a range of prospective households to better match their dwelling preferences.

8.1.3 Overall Nature and Benefits of the Project

The Proposal now presented for lodgement is the product of an extensive process of technical assessment, design development and meaningful pre-lodgement engagement with relevant stakeholders. The refinements made following referral reflect the Applicant's consideration of the matters identified through that process and have resulted in a more considered and responsive development outcome.

Importantly, these refinements do not materially alter the Project's fundamental purpose, nature or overall regional significance. The refined Proposal responds to the characteristics, opportunities and constraints of the Site and its surrounding environment while retaining the fundamental nature of the referred Project and continuing to deliver its core integrated housing and development outcomes.

The economic assessment accompanying the Substantive Application considers the Project in its amended form. Its conclusions demonstrate that the reduced residential yield and removal of the dedicated retirement village do not materially affect the regional benefits of the Project. The effects and benefits of the final Proposal, including the additional road connection, are assessed in the relevant sections of the Application and supporting technical reports.

8.2 Day 0 Subdivision

It is proposed to undertake a Day 0 superlot subdivision within the 81 hectare Brymer Farms development Site. The purpose of this Day 0 subdivision is to create new titles that align with future land use activities and to enable the efficient delivery of later development stages. No physical works or land use activities are proposed under this stage of the Proposal.

The Proposal includes:

- The creation of 7 new lots, comprising:
 - Lot 1 – 6.6136 hectares;
 - Lot 2 – 6.9403 hectares;
 - Lot 3 – 37.1653 hectares;
 - Lot 4 – 8.2774 hectares;

- Lot 5 – 3.6088 hectares;
- Lot 6 – 6.2551 hectares; and
- Lot 7 – 12.2786 hectares.

Together these lots will accommodate the proposed residential development, associated neighbourhood centre, open space, ecological areas, transport and three waters infrastructure.

As the Day 0 Scheme Plan below indicates, Lots 3 and 4 will be held together in one title, as will Lots 6 and 7. In accordance with the subdivision scheme plan, amalgamation conditions are proposed requiring these lots to be held together in one Record of Title.

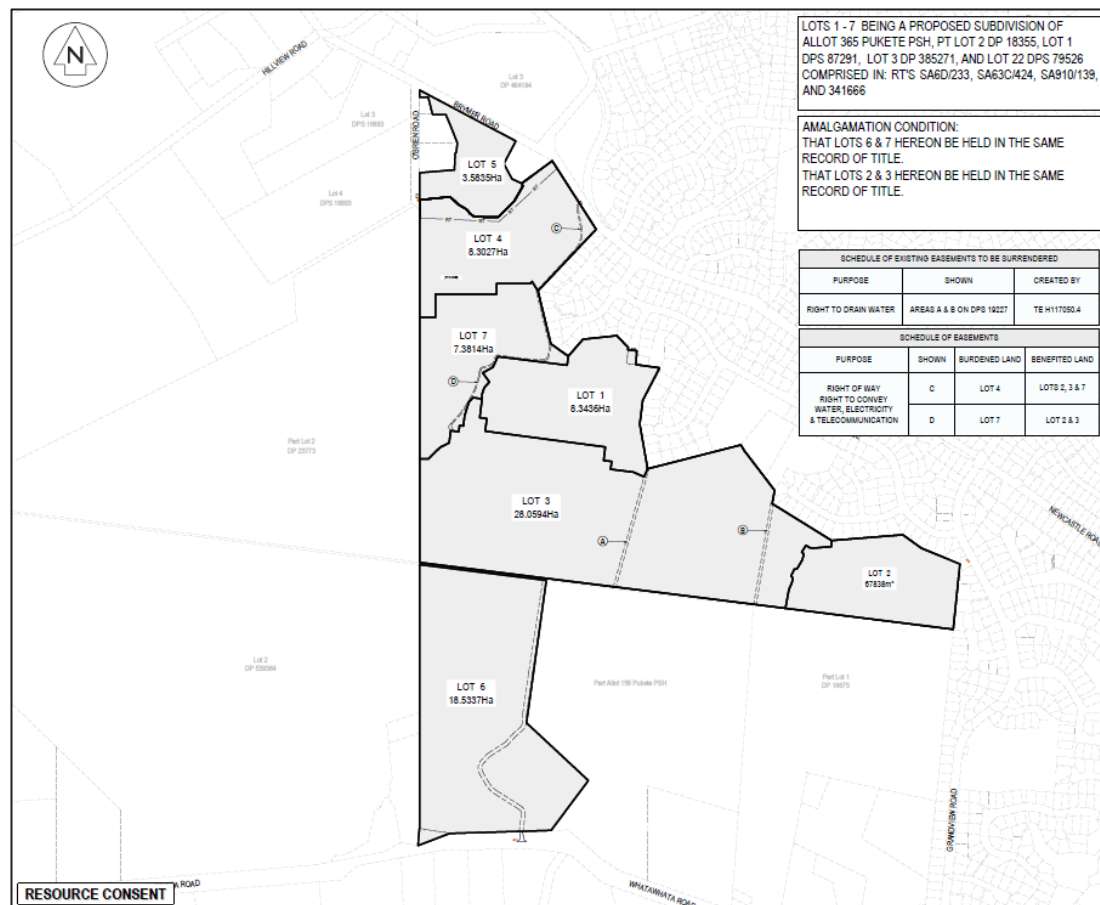


Figure 3 - Proposed Subdivision Scheme Plan

A detailed description of the particular aspects of the vacant lot subdivision Proposal is set in the AEE contained in **Volume 2** of this Application.

8.3 Residential Development

It is proposed to seek resource consents to establish a comprehensively designed residential development within the Brymer Site. The development will include 1043 new residential units, a neighbourhood centre, extensive open space areas, and support three waters infrastructure.

The Proposal includes:

- **Residential Units:** 1043 residential units across 12 stages. Lot sizes vary, with higher densities near the neighbourhood centre. Proposed lot density and sizes include:

- 150m² and less;
- 151m² – 250m²;
- 251m² – 300m²;
- 301m² – 400m²;
- 401m² – 600m²; and
- Above 600m².
- **Neighbourhood Centre:** One neighbourhood centre totally 0.67 hectares, to be developed in two stages, anchored by a neighbourhood superette and providing approximately 910 m² GFA in Stage 1 and a further 1,274 m² GFA in Stage 2 to serve the day-to-day needs of the future community;
- **Open Space:** An integrated network of public open spaces, recreation reserves, stormwater reserves, retained natural wetlands, wetland offsetting areas and ecological restoration corridors that protect and enhance existing freshwater features, provide biodiversity and landscape outcomes, and create a connected green network with pedestrian and cycle links throughout the development.
- **Access and Infrastructure:** Integrated transport and three waters infrastructure, including new road connections, collector and local roads, pedestrian and cycle connections, public transport infrastructure, potable water supply, wastewater and stormwater networks, pump stations, water storage, stormwater treatment devices, wetlands and associated infrastructure, to support the safe, efficient and staged development of the Project.

The proposed residential units will be delivered in 12 stages, each comprising residential lots, infrastructure and supporting open space. Infrastructure and earthworks are provided for and enabled in parallel with each stage to support future housing development.

- Stage 1: 122 residential units;
 - Stage 1A: 8 large lot residential lots;
- Stage 2: 60 residential units;
- Stage 3: 37 residential units;
- Stage 4: 77 residential units;
- Stage 5: 53 residential units;
- Stage 6: 58 residential units;
- Stage 7: 138 residential units;
- Stage 8: 38 residential units;
- Stage 9: 48 residential units;
- Stage 10: 84 residential units;
- Stage 11: 32 residential units;
- Stage 12: 44 residential units

A detailed description of the particular aspects of the residential Proposal is set out within the AEE in **Volume 2** of this application.

8.4 Consent Duration, Construction and Staging

Section 43 of the FTAA requires the substantive application to:

- State whether the application relates to a priority Project, and, if so, states specific requirements (s43(h));
- With reference to the requirements of s13(4), include a statement of whether the Project is planned to proceed in stages and if so, an outline of the nature and timing of the stages, together with other requirements that relate to the referral application (s43(2)).

This Application **does not relate to a priority Project**.

High level information on the proposed staging for the development was included in the Referral Application. It stated:

This development will be delivered in stages, which reflects the scale and significance of this development. 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.

This Substantive Application refines the staging information submitted with the Referral Application based on the more detailed technical investigations and reporting that has been undertaken.

The Applicant is seeking the following consent durations:

WDC Consents

- Land Use Consent (Contaminated Land / NES:CS) - 15 years;
- Land Use Consent - 15 years;

- Day 0 Subdivision Consent - 5 years; and
- Subdivision Consent - 15 years.

WRC Consents

- Land Disturbance(s) Consent – 10 years;
- Water Permit (Ohote Stream Diversion) – 10 years;
- Groundwater Diversion and Discharge – 10 years;
- Water Permit (Temporary Groundwater Take); 10 years; and
- Stormwater Diversion and Discharge – 10 years.

Specifically, Brymer Farms Limited intends to stage the Brymer development broadly as follows, assuming a 2027 start.

Earthworks

The proposed earthworks programme is anticipated to commence with enabling works in early 2027, providing the necessary Site access, erosion and sediment controls, and other preparatory works to facilitate the main construction activities. Subject to ground and weather conditions, winter works may then be undertaken to establish the Site and prepare suitable work fronts ahead of the primary earthworks season. Full Stage 1 civil and earthworks are proposed to commence toward the latter part of 2027, with subsequent earthworks progressing progressively across the Site in accordance with the staged earthworks methodology shown on the Maven Civil Proposed Earth Moving Overall Plan, which identifies Earthworks Stages 1–4 and their respective sub-stages.

8.5 Other activities

For completeness, this section addresses Clause 5(1)(e) of Schedule 5 of the FTAA.

There are no other activities that form part of the Proposal to which this consent application relates.

8.6 Other Approvals Required

This section addresses clause 5(1)(e)(f) of Schedule 5 of the FTAA, which requires a consent application to provide a description of any other resource consents, notices of requirement for designations, or alterations to designations required for the project to which the consent application relates.

No other resource consents, notices of requirement for designations, or alterations to designations are required to be obtained by the applicant prior to any works commencing on the Site.

Taking a precautionary approach, the Applicant has applied to the Department of Conservation (DOC) for a Wildlife Act approval relating to lizards, should relocation be required during construction. Further details are provided in the Ecological Impact Assessment (EcIA) prepared by Ecological Solutions (**Appendix 23**). Note that this Wildlife Approval is not being applied for under the FTAA and does not form part of this Substantive Application.

The Applicant has also applied to Heritage New Zealand Pouhere Taonga for an Archaeological Authority under the Heritage New Zealand Pouhere Taonga Act 2014. Further details are provided

in the Archaeological Site Management Plan (**ASMP**) prepared by RedOx (**Appendix 26**). Note that this Archaeological Authority is not being applied for under the FTAA and does not form part of this Substantive Application.

Ongoing consultation has been undertaken with both DOC and Heritage New Zealand Pouhere Taonga throughout the development of the Project. A summary of this engagement is provided in the Consultation Report (**Planning Attachment 2**).

For completeness, there are no consent notices requiring removal under s221(a)

8.7 RMA Mitigation Measures, Management Plans and Monitoring

This section of the Application addresses clause 6(1)(d) and (g) of Schedule 5 of the FTAA, which requires an application to provide a description of the mitigation measures to be undertaken to help prevent or reduce the actual and or potential effects of the activity, and a description of any monitoring to be undertaken.

There are various methods proposed to manage the effects associated with the Proposal. For some effects, this involves preparing documents that set out how specific activities will be carried out, such as a Construction Management Plan. For other effects, these have been managed through engineering design or consent conditions that require ongoing monitoring.

Table 3 below provides a clear summary of all management plans incorporated into the Application, from design through to construction and long-term ongoing operation.

Table 3: Management Plans

Topic	Management Plan	Information Submitted with Application
Archaeology	Archaeological Site Management Plan	Appendix 26
Construction	Construction Management Plan	Appendix 4
Construction noise and vibration	Construction Noise and Vibration Management Plan	Appendix 28
Contaminated Land	Remedial Action Plan and Contaminated Site Management Plan	Appendix 22
Earthworks and sediment control	Acid Sulphate Soils Management Plan	Appendix 19
	Earthworks Management Plan	Appendix 32
Ecology	Bat Management Plan	Appendix 23
	Fish Management Plan	Appendix 23
	Lizard Management Plan	Appendix 23
Geotechnical	Geotechnical Effects Management Plan	Appendix 18
Stormwater	Stormwater Management Plan/Stormwater Operation and Maintenance Plan	Appendix 14

A detailed overview of the management plans that support this Application is included at **Planning Attachment 6**.

8.8 Proposed Consent Conditions

This section of the Application addresses clause 5(1)(k), clause 18 of Schedule 5, and clause 5 of Schedule 8 of the FTAA, which require an application to include any proposed conditions for the resource consents applied for.

The proposed conditions of consent, which seek to implement the mitigation and monitoring that has been identified in the technical assessments as being necessary or desirable, are included within Volume 2. Note that placeholders have been purposefully left within proposed conditions documents for the addition of approved document references where applicable.

In recommending the proposed conditions of consent for this Application in accordance with Clause 5(1)(k), the conditions are proposed to:

- Appropriately manage adverse effects, including providing mitigation to prevent or reduce adverse effects during and after construction in accordance with Clause 6(1)(d) of Schedule 5;
- Provide for monitoring as required by Clause 6(1)(g) of Schedule 5; and
- Give effect to those matters that the panel must consider under Section 81(2)(a).

The conditions have been designed to provide clarity, functionality, and regulatory alignment, establishing a structured framework that enables efficient implementation, long-term compliance, and robust environmental safeguards. This approach is intended to balance the interests and responsibilities of the applicant and the Councils, ensuring that each stage can proceed independently while adhering to best practice resource management principles.

The conditions have been designed to meet the purpose and requirements of the FTAA and it is the authors' planning opinion that the suite of conditions support the grant of the approvals sought in Substantive Application in accordance with Section 81(1)(a) of the FTAA.

Table 4: Structure of Brymer Proposed Consent Conditions

	Day 0 Subdivision	Site-wide Works	Staged Subdivision	Residential
WDC	WDC Subdivision Consent (Day 0) – Part C0: Creation of development superlots (s224(c)) certification required before Part C can commence)	WDC Land Use Consent (Contaminated Land / NES-CS) – Part A: Soil disturbance on HAIL land (stockyard areas) WDC Land Use Consent – Part B: Earthworks; civil and infrastructure construction; roading	WDC Subdivision Consent – Part C: Fee simple subdivision into 782 residential lots (Stages 1 – 12 and 1A)	
WRC	-	WRC Land Disturbance Consent – Part D: Earthworks exceeding 1.000m ³	WRC Stormwater Diversion & Discharge – Part H: Permanent	

		WRC Water Permit (Diversion) – Part E: Diversion of Ohote Stream WRC Groundwater Discharge & Diversion – Part F: Dewatering discharge to environment WRC Water Permit (Temporary Groundwater Take) – Part G: Construction dewatering (pump stations and trenched services)	stormwater diversion and discharge
--	--	--	------------------------------------

Figure 4: Structure of Application and Required Consents.

9.0 Approvals Required

9.1 Resource Consent

Pursuant to s42(4)(a) of the FTAA, the Substantive Application seeks resource consents that would otherwise be applied for under the RMA under the provisions of the WRP, Waikato District Plan, the NES-CS and NES-F.

A high-level summary of the consent requirements of the Application is provided in **Table 5** below. **Volume 2** of the Application provides a detailed list of reasons for consent relating to each part of the Application.

Overall, the Application requires assessment as a **prohibited activity**.

Table 5: Summary of consent requirements under this Application

Statutory Document		Reasons for Consent
National Standards	Environmental	NES-CS Resource consent is sought for the disturbance and remediation of contaminated soil associated with the development of the Site for residential and other sensitive land uses. The DSI identifies areas of contamination exceeding applicable standards and approximately 1,850 m³ of soil is anticipated to require disturbance and off-site disposal. As the works cannot comply with the permitted activity thresholds, they are a Restricted Discretionary activity under Regulation 10 of the NES-CS.
		NES-F

- Resource consent is sought for **vegetation clearance, earthworks and land disturbance associated with the restoration and maintenance of natural inland wetlands and their margins**. Where these activities are undertaken for wetland restoration purposes but cannot comply with the permitted activity conditions under Regulation 38, including the applicable area limits, they are a **Restricted Discretionary activity under Regulation 39 of the NES-F**. Regulation 39 specifically provides a restricted discretionary pathway for qualifying restoration activities that do not comply with Regulation 38.
- Resource consent is sought for **earthworks and associated water takes, diversions and discharges outside, but within 100 m of retained natural inland wetlands**, including bulk earthworks, land raising, construction dewatering, excavation of stormwater devices and pipelines and changes to the drainage network. To the extent these activities result, or are likely to result, in the complete or partial drainage of a retained natural inland wetland and do not have another activity status under Regulations 38–51, they are a **Non-complying activity under Regulation 52 of the NES-F**.
- Resource consent is sought for **vegetation clearance and earthworks within, or within 10 m of, natural inland wetlands that are not otherwise provided for under Regulations 38–51**. These activities are a **Non-complying activity under Regulation 54(a) and (b) of the NES-F**.
- Resource consent is sought for the **taking, use, damming or diversion of water within, or within 100 m of, natural inland wetlands where there is a hydrological connection to a wetland and the activity will, or is likely to, change its water-level range or hydrological function**, where not otherwise provided for under Regulations 38–51. This includes relevant construction dewatering and drainage changes associated with the development and is a **Non-complying activity under Regulation 54(c) of the NES-F**.
- Resource consent is sought for the **discharge of water into water within, or within 100 m of, a natural inland wetland where the discharge is hydrologically connected to and will enter the wetland and change, or is likely to change, its water-level range or hydrological function**, where not otherwise provided for under Regulations 38–51. Relevant stormwater discharges associated with the proposed freshwater management strategy therefore

	require consent as a Non-complying activity under Regulation 54(d) of the NES-F .
Waikato Regional Plan	Resource consents required under the WRP are as follows: - Resource consent is sought for the taking of groundwater associated with temporary construction dewatering, including dewatering required for stormwater wetlands, the offset wetland, wastewater pipelines, wastewater pump stations and other below-ground infrastructure. The combined groundwater take exceeds the permitted activity thresholds and is a Discretionary activity under Rule 3.3.4.24. - Resource consent is sought for the discharge of groundwater arising from construction dewatering, including discharges to on-site drains or watercourses and disposal to land where the applicable permitted activity requirements cannot be met. These discharges are a Discretionary activity under Rule 3.5.4.5. - Resource consent is sought for operational stormwater discharges from the proposed development to modified drains, watercourses and wetlands, including discharges from the piped stormwater network and outlets, artificial wetlands and forebays, high-flow bypasses, proprietary treatment devices and culverts. As the discharges are from urban catchments exceeding the permitted activity thresholds, they are a Discretionary activity under Rule 3.5.11.8. - Resource consent is sought for the diversion and realignment of modified natural watercourses and drainage features, including diversions associated with earthworks, culvert installation and the proposed stormwater network, together with associated discharges. Where these activities cannot comply with the permitted activity requirements, they are a Discretionary activity under Rule 3.6.4.13. - Resource consent is sought for drilling below the water table associated with construction dewatering, including the installation and operation of temporary wellpoints, spear points or dewatering wells required for wastewater pump stations and other below-ground infrastructure. Where these works cannot comply with the permitted duration requirements, they are a Controlled activity under Rule 3.8.4.7.

- Resource consent is sought for the **placement and use of structures within the beds of modified natural watercourses**, including stormwater outlets and associated discharge and erosion-protection structures. Where the structures exceed the permitted dimensional limits and/or cannot comply with applicable construction suspended-solids standards, they are a **Discretionary activity under Rule 4.2.4.4**.
- Resource consent is sought for the **Road 1 bridge over an existing watercourse/drain**. The bridge has an anticipated span of approximately 12 m and therefore exceeds the 10 m permitted activity threshold and is a **Controlled activity under Rule 4.2.8.2**.
- Resource consent is sought for the **installation and use of new culverts within modified natural watercourses** as part of the proposed road, drainage and stormwater network. While the culverts are designed to maintain hydraulic capacity and fish passage, compliance with all permitted activity requirements during construction cannot be demonstrated. The culvert works therefore require consent as **Controlled and/or Discretionary activities under Rules 4.2.9.2 and 4.2.9.3**, as applicable.
- Resource consent is sought for approximately **74 m of riprap and associated erosion-protection works** at culvert inlets and outlets and other locations within modified natural watercourses, as the extent of the works exceeds the permitted activity limits under the applicable **Rule 4.2.15 provisions**.
- Resource consent is sought for **physical disturbance and reclamation of watercourse beds**, including approximately 133 m of modified ephemeral watercourse W2a, together with associated excavation, deposition of fill and construction material and other bed disturbance. These works are a **Discretionary activity under Rule 4.3.4.4**.
- Resource consent is sought for **vegetation clearance from within the beds of modified natural watercourses** associated with the proposed reclamation, realignment and other watercourse works, where compliance with the applicable permitted activity requirements cannot be demonstrated.
- Resource consent is sought for **soil disturbance, roading, tracking and vegetation clearance associated with the development**, including large-scale bulk earthworks, road

	construction and infrastructure trenching across approximately 70 ha of the Site. The scale of disturbance exceeds the permitted activity thresholds and is a Discretionary activity under the applicable Rule 5.1.4 provisions. Resource consent is sought for the placement of imported cleanfill required to address the Project's overall fill deficit. The volume of imported cleanfill exceeds the permitted activity threshold of 2,500 m³ per year, with some placement also occurring within higher-risk locations, and therefore requires consent under the applicable Rules 5.2.5.2 and 5.2.5.5
District Plans	Resource consents required under the Waikato District Plan – Operative in Part are as follows: - Resource consent is sought for infrastructure earthworks associated with the proposed transport and three-waters networks, including works exceeding the applicable area and volume thresholds and works within 10 m of watercourses. These works are a Restricted Discretionary activity under Rule AINF-R8. - Resource consent is sought for the subdivision of land to create allotments for water and wastewater infrastructure that will ultimately vest in Council. As the subdivision is not being undertaken by a network utility operator, it does not qualify as a controlled activity and is a Discretionary activity under Rule AINF-R17. - Resource consent is sought for the C1 and C2 mixed-use sites without the on-site loading spaces otherwise required by the transport provisions, with loading instead proposed to occur on-street. This is a Restricted Discretionary activity under Rule TRPT-R2. - Resource consent is sought for traffic generation associated with the completed Brymer development, which will exceed the applicable permitted activity thresholds, including the 50 equivalent car movements per day threshold for access to SH23 and the 200 vehicle movements per day threshold applying within the General Rural Zone. This is a Restricted Discretionary activity under Rule TRPT-R4. - Resource consent is sought for the construction of the proposed public road network on land that is not currently identified as road or unformed road, together with associated infrastructure earthworks exceeding the

applicable permitted activity thresholds. These works are a **Restricted Discretionary activity under Rule TRPT-R6**.

- Resource consent is sought for **off-road pedestrian and cycle facilities forming part of the proposed movement and open-space network**, where associated infrastructure earthworks exceed the permitted activity thresholds. These works are a **Restricted Discretionary activity under Rule TRPT-R8**.
- Resource consent is sought for the **eight proposed artificial stormwater wetlands**, as following subdivision not all of the wetland footprints comply with the applicable building coverage standard in the General Rural Zone. This is a **Restricted Discretionary activity under Rule WWS-R7**.
- Resource consent is sought for the **proposed approximately 6 ML above-ground water reservoir**, which will be approximately 8 m high and partly embedded within the finished landform. The reservoir is a **Discretionary activity under Rule WWS-R20**.
- Resource consent is sought for **earthworks within areas affected by the modelled 1% AEP flood extent**, including bulk earthworks associated with road formation, residential lots and general site development that exceed the applicable filling and excavation thresholds. These works are a **Restricted Discretionary activity under Rule NH-R9**.
- Resource consent is sought for **subdivision creating additional residential allotments within parts of the Site affected by the modelled 1% AEP flood extent**. This is a **Discretionary activity under Rule NH-R10**.
- Resource consent is sought for the **removal or disturbance of indigenous vegetation outside mapped Significant Natural Areas**, including isolated indigenous trees such as tōtara and kahikatea that may be affected by the proposed development. These works require consent under the applicable **ECO provisions**.
- Resource consent is sought for the **comprehensive subdivision of the Site for urban development within the General Rural Zone**. The subdivision does not comply with a number of applicable subdivision standards, including provisions relating to high-class soils, road frontage and building platforms, and therefore requires consent under the applicable **SUB provisions**.

- Resource consent is sought for **large-scale earthworks associated with the comprehensive development of the Site**, including cut and fill, retaining, road formation and works in proximity to boundaries and watercourses. The works exceed the applicable permitted area and volume thresholds and are a **Restricted Discretionary activity under Rules EW-R21 and EW-R22**.
- Resource consent is sought for **community facilities proposed as part of the comprehensively planned development**. These activities are a **Restricted Discretionary activity under Rule GRUZ-R37**.
- Resource consent is sought for approximately **2,184 m² of ground-floor commercial activities within the C1 and C2 mixed-use sites**, including retail, commercial services and food and beverage activities that are not otherwise provided for as permitted activities within the General Rural Zone. These activities are a **Non-complying activity under Rule GRUZ-R60**.
- Resource consent is sought for **residential, apartment and mixed-use development that does not comply with a number of General Rural Zone bulk and location standards**, including building height, height in relation to boundary, building coverage and setbacks from roads, internal boundaries, SH23 and identified waterbodies. These infringements are **Restricted Discretionary activities under the applicable GRUZ development standards**.

Resource consents required under the Waikato District Plan – Operative are as follows:

- Resource consent is sought for the **proposed residential and neighbourhood-centre activities within the Rural Zone**, as the development does not comply with all of the applicable permitted Rural Zone effects and building rules and the proposed commercial activities are not provided for through the permitted activity pathway. The proposal therefore requires consent as a **Discretionary activity under Rule 25.10.2**.
- Resource consent is sought for **traffic generation associated with the Brymer development**, as the completed development will generate substantially more than the applicable permitted threshold of 200 vehicle movements per day. This requires consent as a

	Discretionary activity under the applicable traffic provisions. - Resource consent is sought for noise associated with the proposed mixed-use areas, as the proposed bespoke noise limits for the mixed-use sites and adjoining residential development exceed the Rural Zone noise limits. This requires consent as a Discretionary activity under the applicable noise provisions. - Resource consent is sought for earthworks and imported filling associated with the development, as the scale and volume of the proposed works exceed the applicable permitted activity thresholds. These works require consent as a Discretionary activity under the applicable earthworks provisions. - Resource consent is sought for indigenous vegetation clearance that does not satisfy the applicable permitted activity exclusions. Such clearance is a Restricted Discretionary activity under the applicable indigenous vegetation provisions. - Resource consent is sought for residential and mixed-use buildings that do not comply with the applicable Rural Zone building standards, including provisions controlling dwelling numbers, road and internal boundary setbacks and the size of non-residential buildings. These infringements require consent as Discretionary and/or Non-complying activities under the applicable Rural Zone provisions. - Resource consent is sought for the comprehensive subdivision of the Site, which does not comply with the operative Rural Zone subdivision framework, including provisions relating to general subdivision, utility and access allotments, frontage, flood-hazard/building-platform requirements and the proposed road network. The subdivision therefore requires consent as Discretionary and/or Non-complying activities under the applicable subdivision provisions. Resource consents required under the Hamilton City District Plan are as follows: - Resource consent is sought for earthworks required to construct the proposed Harrogate Place road connection within Hamilton City, as the earthworks exceed the permitted volume applying to subdivision-related
--	---

	earthworks. The works are a Restricted Discretionary activity under Rules 25.2.3 and 25.2.4.1. - Resource consent is sought for the construction of the new transport corridor connecting the Brymer development to Harrogate Place. The new transport corridor is a Restricted Discretionary activity under Rule 25.14.3. - Subdivision consent is sought for the creation and vesting of the road allotment required to accommodate the new transport corridor and Harrogate Place connection. The subdivision is a Restricted Discretionary activity under Table 23.3a(iv).
--	---

10.0 Consistency with the Purpose of the FTAA

Section 43(1)(b)(i) of the FTAA requires the substantive application to explain how the Project to which the application relates is consistent with the purpose of the FTAA.

The purpose of the FTAA is set out in Section 3 as follows:

*“The purpose of this Act is to facilitate the delivery of **infrastructure** and **development Projects** with significant regional or national benefits”*

“Significant regional or national benefits” is not specifically defined in the FTAA, however, Section 22(2)(a) provides guidance on the matter and provides the following criteria (emphasis added):

(a) *whether the Project—*

- (i) *(has been identified as a priority Project in a central government, local government, or sector plan or strategy (for example, in a general policy statement or spatial strategy), or a central government infrastructure priority list:*
- (ii) *will deliver new regionally or nationally significant infrastructure or enable the continued functioning of existing regionally or nationally significant infrastructure:*
- (iii) *will increase the supply of housing, address housing needs, or contribute to a well-functioning urban environment (within the meaning of policy 1 of the National Policy Statement on Urban Development 2020):*
- (iv) *will deliver significant economic benefits:*
- (v) *will support primary industries, including aquaculture:*
- (vi) *will support development of natural resources, including minerals and petroleum:*
- (vii) *will support climate change mitigation, including the reduction or removal of greenhouse gas emissions:*
- (viii) *will support climate change adaptation, reduce risks arising from natural hazards, or support recovery from events caused by natural hazards:*
- (ix) *will address significant environmental issues:*

(x) is consistent with local or regional planning documents, including spatial strategies:

The Proposal is a Referred Project under the FTAA. This means that the project has already been identified as having significant regional or national benefits. The following assessment supports this conclusion for the reasons identified.

The economic impacts and benefits of the Brymer development have been comprehensively assessed in the Economic Assessment prepared by Market Economics Limited (refer to **Appendix 30**). We rely on that assessment in evaluating the economic benefits of the Proposal and its contribution to the purpose of the FTAA. The Economic Assessment concludes that Brymer will deliver significant regional benefits through increased housing supply and choice, economic growth and productivity, employment and investment, and infrastructure and community assets supporting long-term urban development. In our opinion, the Proposal is consistent with the purpose of the FTAA for the following reasons:

- The Proposal will deliver approximately 1,043 new dwellings across a range of housing typologies and densities, making a significant contribution to housing supply and choice within the Hamilton and lower Waikato housing market. By full development, approximately 1,043 dwellings are expected to represent a net addition to housing supply, helping address Projected medium- and long-term housing capacity shortfalls.
- The varied housing mix will improve housing choice and affordability, with up to 24% of dwellings expected to fall within the Hamilton City-level affordable dwelling value bands. The affordability benefits are expected to accrue particularly to middle-income households and to be greater than for many other Hamilton greenfield developments.
- The scale and diversity of the development will provide a significant additional development opportunity within the Hamilton housing market, supporting greater competition in the residential land and housing markets and improving the responsiveness of housing supply to demand.
- The Proposal will generate approximately \$552 million in construction expenditure, supporting approximately \$278 million in value added, with around 80% of that value added expected to accrue within Hamilton City.
- Construction will provide substantial and sustained regional employment benefits, with the Economic Assessment estimating approximately 4,736 job-years, averaging around 263 jobs per year over the construction programme. The proposed neighbourhood centre is also expected to sustain approximately 67 ongoing jobs on average.
- The Site's location adjoining Hamilton's existing urban edge provides accessibility and infrastructure-efficiency benefits, enabling growth to utilise existing transport, education, retail and community infrastructure rather than establishing development in an isolated location.
- These benefits are achieved with a comparatively low economic opportunity cost from the loss of rural production. The Economic Assessment concludes that rural activities on the Site are commercially unviable and that urbanisation is unlikely to result in a significant economic loss of rural productive potential.

For these reasons, and having regard to the scale and significance of the identified regional economic and housing benefits, in our opinion the Proposal is consistent with the purpose of the

FTAA to facilitate the delivery of development Projects with significant regional or national benefits.

11.0 Ineligible Activities

Section 43(1)(c) of the FTAA states that a substantive application must demonstrate that the Project does not involve any ineligible activities.

Section 5 of the FTAA sets out the meaning of ineligible activity. We make the following comments to confirm that the Proposal does not involve any ineligible activities:

- The application does not propose any activities that would occur on:
 - Identified Māori land;
 - A customary marine title area;
 - Māori customary land;
 - Land set apart as a Māori reservation as defined in Section 4 of the Te Ture Whenua Māori Act 1993;
- The Proposal is not for an aquaculture activity;
- The Proposal is not for an activity that would require an access arrangement under section 61 or 61B of the Crown Minerals Act 1991;
- The Proposal is not for an activity that would be prevented under section 165J, 165M, 165Q, 165ZC, or 165ZDB of the Resource Management Act 1991 as the Proposal does not involve a coastal permit or relate to the common marine and coastal area;
- The Proposal does not involve land that is listed in Schedule 4 and is unrelated to Section 24 of the FTAA;
- The Proposal does not involve land on a national reserve held under the Reserves Act 1977 or a reserve held under the Reserves Act 1977 that is vested to someone other than the Crown, the local authority or the Department of Conservation;
- The Proposal does not involve a prohibited activity under the Exclusive Economic Zone and Continental Shelf (Environmental Effects) Act 2012 or regulations made under that Act;
- The Proposal does not involve an activity that is described in section 15B of the Resource Management Act 1991, nor a prohibited activity under that Act or regulations made under it;
- The Proposal does not involve an activity that is prohibited by section 15C of the Resource Management Act 1991;
- The Proposal does not involve a decommissioning-related activity (which is an activity described in section 38(3) of the Exclusive Economic Zone and Continental Shelf (Environmental Effects) Act 2012); and
- The Proposal is not for an offshore renewable energy Project.

12.0 Compliance and Enforcement

For completeness, the information provided with the referral application pursuant to s13(4)(x) of the FTAA, remains correct.

Brymer Farms Limited has advised that the company has not been subject to any compliance or enforcement actions.

13.0 Section 30 FTAA

Section 30 of the FTAA sets out the preliminary steps for substantive applications. This requires the Council to advise the Applicant in writing whether there are any existing resource consents to which section 124C(1)(c) or 165ZI of the Resource Management Act 1991 would apply if the approval were to be applied for as a resource consent under that Act. Or alternatively, that there are no existing resource consents of that kind.

B&A, on behalf of the Applicant, wrote to both WDC and WRC seeking confirmation of their records in accordance with section 30 of the FTAA.

WDC responded by letter dated 5 June 2026 confirming that, based on its records at the time of writing, there are no existing resource consents issued for the subject land parcels to which sections 124C(1)(c) or 165ZI of the RMA would apply if the Project were to be applied for as a resource consent under that Act.

WRC responded by email dated 29 May 2026 confirming that, based on its records, there are no existing resource consents of that kind held in relation to the subject land. WRC holds two existing land use consents issued to Brymer Farms Limited relating to well construction on the Site (AUTH144647 and AUTH148160). Both consents relate solely to the construction, use and maintenance of wells under Rule 3.8.4.7 of the Waikato Regional Plan. These consents are not of the kind to which sections 124C(1)(c) or 165ZI of the RMA would apply and do not require surrender as part of the Brymer fast-track Proposal.

The written confirmation from WDC and the email from WRC are included at **Planning Attachment 5**.

This satisfies the requirements of section 47 of the FTAA relating to the obligations of the Environmental Protection Authority (EPA) following lodgement of the substantive application.

14.0 Consultation

Prior to lodging the referral application, the Applicant consulted with the persons and groups referred to in s11(1) of the FTAA in force at that time. The FTAA was amended on 17 December 2025 (Fast-track Approvals Amendment Act 2025), which changed the consultation provisions. The transitional provisions provide that for any consultation undertaken prior to 31 March 2026 (such as for this Proposal) there is no obligation to notify any parties under the new provisions provided they were consulted with.

The Applicant was not required consult with any person pursuant to s11(1)(a) the current provisions (or s11(1)(c) and (d) of the former provisions), given there are no relevant customary

marine title groups and the project area is not within or adjacent to ngā rohe moana o ngā hapū o Ngāti Porou. Current section 11(1)(b) required the Applicant to notify the following groups in writing prior to lodging the referral application. Given the Applicant had already consulted with those parties, notification was not required under the transitional provisions. For completeness, those parties are:

- (a) *the relevant local authorities; and*
- (b) *any relevant iwi authorities, hapū, and Treaty settlement entities, including—*
 - (i) *iwi authorities and groups that represent hapū that are parties to relevant Mana Whakahono ā Rohe or joint management agreements; and*
 - (ii) *the tangata whenua of any area within the Project area that is a taiāpure-local fishery, a mātaimai reserve, or an area that is subject to bylaws made under Part 9 of the Fisheries Act 1996; and*
- (c) *any relevant applicant groups with applications for customary marine title under the Marine and Coastal Area (Takutai Moana Act) 2011; and*
- (d) *ngā hapū o Ngāti Porou, if the Project area is within or adjacent to, or the Project would directly affect, ngā rohe moana o ngā hapū o Ngāti Porou; and*
- (e) *the relevant administering agencies; and*
- (f) *if the proposed approvals for the Project are to include an approval described in section 42(4)(f) (land exchange), the holder of an interest in the land that is to be exchanged by the Crown [not relevant to this application].*

Details of consultation undertaken with the relevant local authorities, mana whenua and the relevant administering agencies are covered in the Engagement and Consultation Summary Report, see **Attachment 2**.

14.1 Future Proof Partners

The Applicant has undertaken ongoing engagement with the Future Proof partners throughout the preparation of both the referral and substantive applications. This engagement has focused on ensuring the Project is informed by strategic growth planning, infrastructure considerations and statutory responsibilities, while providing opportunities for technical input as the Project has evolved.

The relevant Future Proof partners engaged throughout the process include:

- WDC;
- HCC;
- WRC;
- Waikato-Tainui; and
- NZTA.

The Applicant remains committed to maintaining an open and collaborative relationship with the Future Proof partners as the Project progresses through the Fast-track approvals process and into implementation.

14.2 Territorial Authorities

The applicant has had ongoing engagement with WDC and HCC since mid-2024, including through emails, meetings and targeted workshops. The purpose of the meetings and workshops was to introduce the Project, work through the application and specialist reporting and seek feedback on the Proposal.

Letters received from WDC, HCC, and IAWAI confirm the consultation and engagement process undertaken throughout the past 18 months, demonstrating ongoing collaboration with key stakeholders. An overview of the consultation undertaken with WDC and HCC is included in the Consultation Document in Section 2.

The Applicant is committed to working with WDC and HCC constructively and will continue to meet with their representatives to discuss the lodged application and recommended conditions.

14.3 Mana Whenua

The Applicant has engaged with the relevant iwi, hapū and Treaty settlement entitles. The Section 18 report for the referral application outlined that the iwi authorities relevant to the project area are as follows:

- Te Whakakitenga o Waikato Tainui (**Waikato Tainui**); and
- Ngaati Maahanga.

Iwi and hapū have been consulted and engaged throughout the pre referral process and substantive application process. The purpose of the consultation has been to establish an ongoing relationship with the hapū, introduce the Project, understand cultural values on the Site and to seek hapū input into the Brymer Masterplan and application. Ongoing consultation has occurred with the hapū as documented in Section 3 of the Consultation Report included at **Attachment 2**.

The Applicant is committed to working with Ngaati Maahanga constructively and will continue to meet with its representatives to discuss the lodged application and recommended conditions. In addition, the hapū has provided a letter and MOU for the substantive application (refer to **Appendix 24**).

In addition to the above, the Applicant has also engaged with Waikato Tainui as the key iwi for the application.

14.4 Administering Agencies

The Applicant undertook consultation with the relevant Administering Agencies and other potentially relevant agencies, which in this case includes the **Department of Conservation, Environmental Protection Authority, Heritage New Zealand Pouhere Taonga, and New Zealand Transport Agency**. Consultation has occurred with these agencies from 2025 up until lodgement of the substantive application.

For completeness, the Applicant also undertook engagement with the Ministry of Education and Ministry for the Environment.

The agencies consulted have all advised they have no fundamental issues with the application. Details of the consultation undertaken with these agencies can be found at Section 4 of the Consultation Summary document.

The Applicant is committed to continuing to work with the relevant agencies.

14.5 Potentially Affected Land Owners

Under clause 6(1)(e) of Schedule 5 of the FTAA, persons who may be affected by the Proposal must be identified and any response to the views of any person consulted must be provided. Potentially affected landowners have been identified and consulted in the preparation of this application. Ongoing consultation has occurred, including providing all potentially affected landowners with a consultation package to aid discussions. Details of this consultation can be found at Section 5 of the Consultation Summary document.

No other potentially affected landowners have been identified. In accordance with clause 5(1)(d) of Schedule 5 of the FTAA, the names and addresses of adjacent landowners and occupiers is included as **Appendix 3**.

15.0 Statutory Requirements Relating to Iwi Authorities

15.1 Planning Document Recognised by a Relevant Iwi Authority

Clause 5(1)(h) of the FTAA requires an application to provide:

(h) an assessment of the activity against any relevant provisions in any of the documents listed in subclause (2).

The relevant documents referred to in subclause (2) include:

(g) a planning document recognised by a relevant iwi authority and lodged with a local authority

15.2 Iwi Management Plan

15.2.1 Tai Tumu, Tai Pari, Tai Ao - Waikato-Tainui Iwi Environmental Management Plan

The **Brymer** development has been guided by the environmental and cultural values expressed in the Waikato-Tainui Environmental Plan – Tai Tumu, Tai Pari, Tai Ao, which articulates the iwi's vision of restoring and protecting the health and wellbeing of the Waikato-Tainui rohe, including its people, land, water, and biodiversity.

The Ngāti Māhanga Cultural Impact Assessment (**CIA**), demonstrates that Brymer aligns with many of the key objectives and policies of Waikato-Tainui Environmental Plan – Tai Tumu, Tai Pari, Tai Ao, particularly those relating to kaitiakitanga, protection of wai, wetland enhancement, indigenous biodiversity, cultural participation in resource management, and sustainable urban development within the Waikato River catchment.

Specifically, key Areas of Alignment include:

- Recognition of Mana Whenua and Kaitiakitanga – The Proposal has been developed through engagement with Ngāti Māhanga as mana whenua and provides for their ongoing involvement in design, ecological restoration, cultural monitoring and environmental management. This recognises and supports the exercise of kaitiakitanga, a central principle of the Waikato-Tainui Environmental Management Plan.

- **Protection of Wai and Catchment Health** – The development incorporates stormwater treatment, water quality management and groundwater monitoring measures designed to maintain the health of the upper Ohote Stream catchment and protect downstream receiving environments within the Waikato River system. These measures are consistent with the Plan’s objective of safeguarding the mauri and health of freshwater resources.
- **Retention and Enhancement of Wetlands and Wetland Offsetting** – Existing natural wetlands are retained where possible with substantial areas of ecological protection and enhancement indicated within the masterplan. While some wetland and associated habitat loss is acknowledged as an unavoidable consequence of urban development, the Proposal includes wetland restoration, enhancement and wetland offsetting measures to achieve positive ecological outcomes and maintain the overall functioning of wetland systems within the catchment. The preference for on-Site restoration and enhancement, together with long-term ecological management and monitoring, aligns with the Environmental Management Plan’s objectives to protect, restore and enhance wetland ecosystems and their ecological values.
- **Maintenance of Ecological Connectivity** – Significant open space networks, waterways, wetlands and ecological corridors are integrated throughout the development, helping maintain landscape connectivity and ecological resilience. This reflects the Plan’s objective of restoring connected and functioning natural systems.
- **Restoration of Degraded Environments** – The Proposal provides opportunities to improve environmental outcomes through wetland enhancement, ecological restoration, contamination remediation and long-term environmental management. This aligns with the Plan’s focus on restoring the health and mauri of degraded land and water resources.
- **Recognition of Cultural Landscapes and Heritage Values** – The development acknowledges the wider Ngāti Māhanga cultural landscape associated with Te Ara o Kāroro, Te Uhi Pā and historical occupation of the area. Cultural monitoring and accidental discovery protocols provide mechanisms to protect wāhi tapu, kōiwi and taonga should they be encountered during development.
- **Integration of Mātauranga Māori and Cultural Identity** – Opportunities for Ngāti Māhanga input into naming, interpretation, restoration programmes and landscape design help embed cultural values and iwi identity within the development. This reflects the Plan’s objective of ensuring Waikato-Tainui cultural values are visible and expressed within the built environment.
- **Long-Term Stewardship and Adaptive Management** – The Proposal adopts an ongoing monitoring and adaptive management approach for groundwater, wetlands, water quality and ecological health, with Ngāti Māhanga involvement throughout implementation. This reflects the Environmental Management Plan’s emphasis on active stewardship, accountability and intergenerational environmental outcomes.

While the Site is not noted as a wāhi tapu or recorded archaeological site, there is always the potential for the discovery of features of significance to Mana Whenua. The Applicant will adhere to accidental discovery protocols, which will enable cultural monitoring and cultural awareness training as required.

Overall, it is considered that the Brymer Proposal can occur in a manner that is consistent with the environmental outcomes sought by Waikato-Tainui as expressed in the Waikato-Tainui Environmental Management Plan – Tai Tumu, Tai Pari, Tai Ao. Furthermore, the Applicant has committed to ongoing engagement with Waikato-Tainui

Refer to **Volume 2** for further detail and considerations.

15.2.2 Vision and Strategy for the Waikato River

The Brymer development has been designed with clear alignment to the Vision and Strategy for the Waikato River (Te Ture Whaimana o Te Awa o Waikato), particularly in relation to enhancing water quality, recognising mana whenua relationships, restoring ecological health, and supporting integrated catchment management.

The Ohote Stream, a tributary of the Waikato River and part of the wider Waikato catchment, is hydrologically connected to the Brymer Site and receives flows from the upper catchment in which the development is located. The Vision and Strategy's overarching goal to restore and protect the health and wellbeing of the Waikato River and its catchment is supported through the following initiatives:

- Protection of the Waikato River Catchment – The Brymer development is located within the upper Ohote Stream catchment, which is hydrologically connected to the Waikato River. The Proposal incorporates stormwater management, water quality treatment and groundwater monitoring measures designed to maintain catchment health and avoid adverse effects on downstream receiving environments. This supports the Vision and Strategy's primary objective of restoring and protecting the health and wellbeing of the Waikato River and its tributaries.
- Improving Water Quality and Managing Stormwater Effects – The development includes stormwater detention, treatment and infiltration systems intended to maintain pre-development runoff characteristics and minimise contaminant discharges to waterways. The CIA recognises that these measures, together with ongoing monitoring and adaptive management, have the potential to protect water quality and reduce adverse effects on the wider Waikato River catchment which is a key outcome sought through the Vision and Strategy for the river.
- Protection and Enhancement of Indigenous Biodiversity and Taonga Species – The Proposal includes habitat protection, ecological restoration, and native planting measures to support taonga species associated with the Site's wetlands and waterways, including tuna, kōkopu, inanga and black mudfish. These measures contribute to the Vision and Strategy's objectives of protecting indigenous biodiversity and restoring the ecological integrity of the Waikato River catchment.
- Restoration of Degraded Environments – The Site has been modified through historic farming activities and contains areas of contamination, altered drainage systems and degraded ecological values. Brymer provides opportunities for environmental improvement through contamination remediation, wetland restoration, ecological enhancement and long-term environmental management, consistent with the Vision and Strategy's focus on restoring the health and wellbeing of degraded natural systems.

- **Recognition of Mana Whenua Values and Kaitiakitanga** – The Brymer development has been informed by engagement with Ngāti Māhanga as mana whenua and provides for ongoing involvement in cultural monitoring, ecological restoration, environmental management and adaptive monitoring programmes. This recognises the role of mana whenua as kaitiaki and supports the Vision and Strategy’s objective of restoring and protecting the Waikato River through active iwi participation and mana whakahaere.
- **Integrated Catchment Management Approach** – The Proposal adopts an integrated approach to land use, water management, ecology and infrastructure planning. Groundwater management, stormwater treatment, wetland protection, wastewater servicing and ecological restoration have been considered together to maintain hydrological function and minimise cumulative effects on the Ohote Stream and Waikato River catchment. This reflects the integrated catchment management approach promoted by the Vision and Strategy.
- **Long-Term Environmental Stewardship and Adaptive Management** – The Proposal incorporates monitoring frameworks for example water quality, wetlands and ecological health throughout all stages of development, together with adaptive management mechanisms where adverse effects are identified. This long-term stewardship approach aligns with the Vision and Strategy’s emphasis on achieving enduring improvements in the health and wellbeing of the Waikato River for future generations.

Based on the above, it is considered that the Brymer development gives effect to the Vision and Strategy for the Waikato River by embedding water-sensitive urban design principles, protecting and enhancing wetlands and freshwater systems within the upper Ohote Stream catchment, and supporting integrated catchment management through ecological restoration, water quality improvement and long-term environmental monitoring. The Proposal recognises the cultural and ecological significance of the Waikato River catchment and provides for the ongoing exercise of Ngāti Māhanga kaitiakitanga through cultural monitoring, restoration initiatives and continued involvement in environmental management. Collectively, these measures contribute positively to the health and wellbeing of the Ohote Stream and wider Waikato River catchment, consistent with the Vision and Strategy’s purpose of restoring and protecting the mauri of the Waikato River for present and future generations.

Refer to **Volume 2** for further detail and considerations.

15.3 Cultural Impact Assessment

A CIA was prepared by Ngaati Maahanga in relation to the proposed Brymer development. The CIA assesses the cultural, environmental, and heritage impacts of the multi-use development and outlines iwi perspectives, values, concerns, and recommendations.

The CIA demonstrates that the Brymer development respects iwi relationships with the land, waterways, and cultural heritage, and that these are incorporated meaningfully into the planning and delivery of the development.

Refer to **Appendix 24** for a copy of the CIA.

15.4 Summary

Overall, it is considered that the proposed development can occur in a manner that is consistent with the environmental outcomes sought by planning documents recognised by relevant iwi authorities and the CIA.

15.5 Treaty Settlement Provisions and Redress

Clause 5(1)(i) of Schedule 5 of the FTAA requires a consent application to provide:

information about any Treaty settlements that apply in the area covered by the consent application, including

(iii) the identification of the relevant provisions in those Treaty settlements; and

(iv) a summary of any redress provided by those settlements that affects natural and physical resources relevant to the project or project area

There are no relevant Treaty Settlement Statutory Acknowledgement areas identified for the application Site or any adjacent properties.

The Treaty Settlements in **Table 6** apply to the Site due to those groups having an interest over the area where the Site is located. The Treaty settlement legislation for Waikato Tainui and Ngāti Māhanga is relevant to the Brymer development in so far as they affirm the cultural and historical interests in the area and establish statutory obligations for engagement, and recognition of values.

Table 6: Summary of Treaty Settlements and relevance to the Project area.

Treaty Settlement	Relevance to the Project Area
Waikato Raupatu Claims Settlement Act 1995 (Lands Claim)	The Brymer development is located within the Waikato-Tainui rohe and within an area over which Ngāti Māhanga exercise mana whenua. As recognised in the Cultural Impact Assessment, Ngāti Māhanga maintain enduring ancestral associations with the Whatawhata, Rotokauri and wider Hamilton West area, notwithstanding the historic land confiscations (raupatu) that gave rise to the Waikato Raupatu Claims Settlement Act 1995 (Act). While the Brymer Site is not subject to any identified Site specific settlement redress under the Act, the Proposal has been developed in a manner that recognises the settlement framework and the ongoing relationship of Waikato-Tainui and Ngāti Māhanga with their ancestral lands. The development acknowledges the role of Ngāti Māhanga as mana whenua and provides for their continued involvement through cultural monitoring, ecological restoration initiatives, environmental management and ongoing engagement throughout the life of the Project. The Proposal also recognises the cultural significance of the wider landscape, including its associations with Te Ara o Kāroro, Te Uhi Pā and historical Ngāti Māhanga occupation, and incorporates measures to protect cultural values through accidental discovery protocols,

Treaty Settlement	Relevance to the Project Area
	cultural monitoring and the integration of mana whenua perspectives into Project implementation. The Project team has undertaken early engagement with mana whenua, and are committed to ensuring this remains ongoing through the processing of the substantive application to ensure Treaty settlement interests are respected and iwi are appropriately involved in the process. Accordingly, the Brymer development is considered to be consistent with the intent of the Waikato Raupatu Claims Settlement Act 1995 by recognising and respecting the ongoing rangatiratanga, mana whenua interests and kaitiakitanga responsibilities of Waikato-Tainui and Ngāti Māhanga within the settlement area, and by providing meaningful opportunities for iwi participation in environmental management and decision-making. Through this approach, the Project respects the obligations of consistency under section 7 of the Fast-track Approvals Act and aligns with the intent of the 1995 settlement to restore the relationship between Waikato-Tainui and the Crown.
Waikato-Tainui Raupatu Claims (Waikato River) Settlement Act 2010	The Brymer development is located within the upper Ohote Stream catchment, which forms part of the wider Waikato River catchment. As such, the Proposal is directly relevant to the Waikato-Tainui Raupatu Claims (Waikato River) Settlement Act 2010, which recognises the Waikato River as an indivisible and living entity and establishes Te Ture Whaimana o Te Awa o Waikato (the Vision and Strategy for the Waikato River) as the primary direction-setting document for the river and its catchments. The CIA prepared by Ngāti Māhanga acknowledges that the Site contains wetlands, groundwater systems, peat soils and waterways that are hydrologically connected to the Ohote Stream and ultimately the Waikato River. The Proposal has therefore been developed with a strong focus on maintaining catchment health, protecting water quality, retaining and enhancing wetlands, restoring ecological values, and avoiding adverse effects on connected freshwater systems. The Proposal also recognises the role of Ngāti Māhanga as mana whenua and provides for their ongoing involvement in environmental management through cultural monitoring, ecological restoration initiatives, adaptive management frameworks and continued engagement throughout the life of the Project. These measures are consistent with the co-governance and co-management principles that underpin the Waikato River Settlement and support the exercise of kaitiakitanga within the Waikato River catchment. Through its integrated approach to stormwater management, wetland protection and enhancement, biodiversity restoration, water quality management and mana whenua participation, the Brymer development is considered to be consistent with the intent of the

Treaty Settlement	Relevance to the Project Area
	Waikato-Tainui Raupatu Claims (Waikato River) Settlement Act 2010 and supportive of the Vision and Strategy's overarching objective of restoring and protecting the health and wellbeing of the Waikato River and its catchments for present and future generations.

All other iwi settlement Acts and Deeds have been reviewed and there are no other statutory acknowledgement areas, cultural redress properties or deeds of recognition that affect the application Site.

15.6 Customary Marine Title Groups

Clause 5(5)(b) of Schedule 5 of the FTAA requires:

if the activity is to occur in an area that is within the scope of a planning document prepared by a customary marine title group under section 85 of the Marine and Coastal Area (Takutai Moana) Act 2011 or the environmental covenant prepared by ngā hapū o Ngāti Porou under section 19 of the Ngā Rohe Moana o Ngā Hapū o Ngāti Porou Act 2019, an assessment of the activity against any resource management matters set out in that document

There are currently several hundred applications for recognition of customary marine title (CMT) before the High Court under the Marine and Coastal Area (Takutai Moana) Act 2011 (MACAA), as well as direct negotiations that are currently being conducted with the Crown.

There are no CMTs which affect the Proposal, and as such there is no requirement to assess the activity under clause 5(5)(b) of Schedule 5 of the FTAA.

Additionally, the activity will not occur in an area that is within the scope of a planning document prepared by a customary marine title group under Section 85 of the Marine and Coastal Area (Takutai Moana) Act 2011.

15.7 Protected Customary Rights

Clause 5(1)(j) of Schedule 5 of the FTAA requires an application to include an assessment of any effects of the activity on the exercise of a protected customary right.

There are no protected customary rights that relate to the Site, and as such, an assessment under Clause 5(1)(j) is not required.

16.0 Strategic Assessment of Effects

This section of the Application is provided in accordance with clause (5)(4) of Schedule 5 of the FTAA. This requires the Application to include an assessment of the proposal's effects on the environment that includes the information required by clause 6 and clause 7 of the FTAA.

This also includes an evaluation of:

- Known adverse effects of the project on the environment as required by s13(4)(h) of the FTAA; and

- A description of whether and how the project would be affected by climate change and natural hazards as required by s13(4)(V) of the FTAA.

Overall, it is considered that the proposal is appropriate from an effects management perspective, and will result in significant positive social and economic effects for the community and the wider Waikato Region. Where potential adverse effects on the environment are anticipated to arise, these will be appropriately managed through the design of the development and the mitigation measures proposed including the recommended conditions, such that they will be less than minor. The Project provides positive effects on the environment from an economic, ecological enhancement and infrastructure management perspective. The relevant AEEs for the proposed activities provide more detail on these aspects. In relation to natural hazards and climate change specifically, the Infrastructure Report prepared by Maven (refer to **Appendix 13**) addresses those matters in more detail.

Refer to the detailed assessment of effects within **Volume 2**.

17.0 Cumulative Effects of Proposal

The cumulative effects of the Brymer development have been considered having regard to the Proposal **as a whole**, including the interaction between the proposed residential and mixed-use development, earthworks, transport and three-waters infrastructure, stormwater management, ecological mitigation and offsetting, landscaping, open space and the staged construction programme.

The Proposal has been deliberately developed as an integrated masterplan rather than as a series of separate or unrelated activities. The staging framework, supporting technical assessments and proposed conditions provide an integrated mechanism for managing effects progressively and ensuring that each stage is appropriately serviced and coordinated with the wider development and surrounding environment.

There will necessarily be cumulative adverse effects associated with urbanising approximately 81 ha of presently rural land. These include the progressive loss of rural land and productive potential, changes to rural character and visual amenity, earthworks and landform modification, effects associated with the modification or loss of some freshwater features, additional traffic and infrastructure demand, and temporary construction-related effects including noise, vibration, dust and construction traffic. Some of these effects are permanent, while others will arise progressively and temporarily over the construction and development period.

The potential for cumulative construction effects has been specifically considered in the context of the scale, staging and duration of the development. Given that Brymer will be developed progressively, there will be periods where earthworks, civil infrastructure works and building construction occur concurrently or sequentially across different parts of the Site. This has the potential to result in cumulative effects on surrounding properties and, as the development progresses, residents occupying completed stages, particularly from dust, construction noise, vibration, traffic and general construction activity. These effects are, however, capable of being appropriately managed through the staged nature of the development and associated construction controls. In particular, active dust suppression and management, progressive stabilisation of completed earthworks areas, staging and separation of construction activities

where practicable, construction noise mitigation, and controls on hours of operation will limit the intensity, geographic extent and duration of effects experienced at any one location.

The staged earthworks programme is an important component of this approach. Earthworks will proceed progressively rather than across the entire Site at once, consistent with the Maven Civil Proposed Earth Moving Overall Plan, which identifies four principal earthworks stages and their respective sub-stages. As individual earthworks and civil stages are completed, disturbed areas can be progressively stabilised and transitioned into subsequent development phases, reducing the extent and duration of exposed ground and associated dust potential. Appropriate management of construction hours and noise-generating activities will similarly provide periods of respite for neighbouring properties and residents of completed stages. Collectively, these measures provide a practical framework for managing cumulative construction effects over the overall development programme.

Cumulative transport effects have similarly been considered across both the construction and operational phases of the Project. During construction, earthworks, civil infrastructure installation and subsequent building activity will generate additional heavy and light vehicle movements associated with the transport of fill and materials, plant and equipment, contractors and other construction activities. As development progresses, these construction movements will increasingly occur alongside trips generated by residents, visitors and activities within completed stages of Brymer. There is therefore potential for a period of overlap between construction traffic and progressively increasing operational traffic, resulting in cumulative effects on the surrounding road network and adjoining properties, including increased traffic volumes, heavy vehicle movements, delays, noise and amenity effects.

These cumulative transport effects will be managed through the sequencing of development, construction activity and supporting transport infrastructure. The staged nature of the Project will avoid the full extent of construction traffic occurring simultaneously across the Site and will enable construction access and vehicle movements to be coordinated with the location and timing of works. Construction traffic management measures, including designated construction access arrangements, management of heavy vehicle movements and deliveries, appropriate temporary traffic management and, where practicable, separation of construction traffic from established residential areas and key pedestrian and cycling routes, will further assist in managing temporary effects. At the same time, the progressive delivery of the internal street network, walking and cycling connections and associated transport infrastructure will provide increasing connectivity and route choice as the development matures. This staging provides a mechanism for coordinating transport infrastructure with development and associated demand, rather than allowing the full traffic demand of the completed development to arise in advance of the infrastructure required to support it.

Importantly, these construction and transport effects do not simply accumulate without mitigation. The masterplan and development have been structured so that measures addressing one effect also contribute positively to other environmental and community outcomes. For example, wetlands, watercourses and stormwater areas form part of a connected blue-green network that provides stormwater treatment and attenuation while also supporting ecological restoration, riparian planting, recreation, pedestrian connections and neighbourhood amenity. The wider open-space network similarly connects the development with Te Kootii Park and other surrounding reserves, thereby contributing simultaneously to ecological, recreational, landscape

and connectivity outcomes. This integrated approach provides a stronger cumulative outcome than would result from piecemeal development of the Site.

The proposed urban form also assists in managing cumulative amenity and interface effects. Residential density is distributed across the Site rather than uniformly applied, with more intensive development associated with the neighbourhood centre, principal movement routes and open spaces and lower-intensity development used toward sensitive rural interfaces. The urban design response, together with the proposed landscape and architectural controls, is intended to manage visual and amenity effects while establishing safe, legible and well-connected neighbourhoods. Operational and construction noise effects are also subject to specific controls, with the Acoustic Assessment concluding that the proposed framework will provide acoustic amenity compatible with the adjoining Hamilton residential and Waikato rural environments.

At the broader scale, the permanent loss of rural land must also be considered alongside the quality and productive potential of that resource and the benefits arising from its alternative use. The Rural Productivity Assessment concludes that the Site is substantially constrained by physical, economic and locational factors and is unable to sustain economically viable land-based primary production. AgFirst considers that the benefits associated with urban development outweigh the productive benefits currently derived, or reasonably capable of being derived, from the Site. Concentrating growth on this constrained urban-edge land also avoids a more dispersed pattern of subdivision and development and reduces pressure for urban growth to occur on larger and more cohesive areas of genuinely productive rural land elsewhere.

These environmental effects must further be considered alongside the Proposal's substantial cumulative social and economic benefits. The Economic Assessment concludes that Brymer will deliver approximately 1,043 net additional dwellings into a market over the longer term, with an identified long-term greenfield capacity shortfall of approximately 6,700 dwellings, while providing greater housing choice and contributing to a more competitive housing market. Construction is expected to support approximately \$278 million in value added and 4,736 job-years of employment, with the majority of this activity accruing within Hamilton. Market Economics concludes that the significant economic benefits of Brymer exceed its economic costs and that development of the Site represents an efficient pattern of contiguous urban expansion. The staged delivery of the Project will also mean that these housing, employment and economic benefits are realised progressively over the development period, rather than being deferred until completion of the entire Site.

The cumulative benefits also extend beyond housing and economic activity. Brymer will establish a new connected community comprising housing, neighbourhood-scale commercial services, public open spaces, recreation opportunities, walking and cycling connections, ecological restoration and supporting infrastructure. The proposed infrastructure and open-space networks will be progressively delivered with development and integrated with the adjoining urban environment, rather than relying on an isolated or fragmented pattern of growth.

Overall, when the Proposal is considered in an integrated manner and over its full development horizon, the cumulative outcome is considered positive. The Project will result in some significant and permanent changes to the existing Site, most notably the loss of rural character and productive land and associated landscape change. It will also generate temporary cumulative construction effects over an extended development period, including dust, noise, vibration and construction traffic, together with a progressive increase in trips generated by new residents as individual stages are completed and occupied. However, these effects will not occur uniformly across the Site or at

their maximum intensity for the duration of the Project. Progressive staging, dust suppression and stabilisation, construction noise mitigation, controls on hours of operation, construction traffic management and the coordinated delivery of transport and other infrastructure provide an integrated means of managing the intensity, extent and duration of those cumulative effects. When the residual adverse effects are weighed together with the substantial additional housing supply, housing choice, employment and economic activity, infrastructure investment, ecological restoration, improved open-space and recreational opportunities, and establishment of a connected and comprehensively planned urban neighbourhood, the cumulative benefits of Brymer are considered to materially outweigh its cumulative adverse effects.

18.0 Strategic Assessment of Relevant Statutory Documents

This section of the Application is provided in accordance with clauses 5(1)(h), and 5(2) of Schedule 5 of the FTAA. This requires that applications include an assessment of the activity against the relevant provisions and requirements of the following statutory documents:

- (g) a national environmental standard;
- (h) other regulations made under the Resource Management Act 1991;
- (i) a national policy statement;
- (j) a New Zealand coastal policy statement;
- (k) a regional policy statement or proposed regional policy statement;
- (l) a plan or proposed plan; and
- (m) a planning document recognised by a relevant iwi authority and lodged with a local authority.

As required by clause 5(3) of Schedule 5, this includes an assessment of the relevant objectives, policies and rules and any requirements, conditions or permissions in any rules of those documents.

The evaluation below is at a strategic level and assesses the application as a whole against the relevant statutory documents. The AEE included in Volume 2 provides a more detailed assessment.

18.1 National Environmental Standards

National Environmental Standard for Assessing and Managing Contaminants in Soil to Protect Human Health 2011 (NES-CS)

The intent of the NES-CS is to provide a nationally consistent set of planning controls and soil contaminant values. It seeks to ensure that land affected by contaminants in soil is appropriately identified and assessed before it is developed and, if necessary, the land is remediated or contaminants contained to ensure the land is safe for human use.

Resource consents required under the NES-CS have been considered in **Volume 2**.

Refer to **Volume 2** for the detailed Assessment. As demonstrated through that assessment, it is considered that the Proposal meets the intent and requirements of the NES-CS. Based on the

relevant assessments, and as the Site will be remediated, the potential risks to human health will be appropriately managed.

National Environmental Standards for Freshwater 2020 (NES-F)

The intent of the NES-F is to provide a nationally consistent framework for managing activities that may affect freshwater and freshwater ecosystems. It seeks to protect and maintain the health of rivers, lakes, wetlands and streams by regulating activities such as earthworks, vegetation clearance, and works within or near waterbodies, including natural inland wetlands. The NES-F ensures that potential adverse effects on freshwater environments are avoided, minimised or appropriately managed through consent requirements and environmental safeguards.

Resource consents required under the NES-F have been considered in **Volume 2**.

Refer to **Volume 2** for the detailed Assessment. As demonstrate through that assessment, The proposed Brymer development is considered generally consistent with the NES-F. Natural inland wetlands are retained where practicable, with effects on freshwater values appropriately managed through the proposed ecological mitigation, restoration and enhancement measures and controls on earthworks, dewatering and stormwater management.

Other National Environmental Standards

Other National Environmental Standards which have not been listed and discussed above are not considered to be relevant to the Proposal and therefore do not require an assessment.

18.2 National Policy Statements

National Policy Statement for Freshwater Management 2020 (NPS-FM)

The National Policy Statement for Freshwater Management 2020 (NPS-FM) requirements include:

- Managing freshwater in a way that ‘gives effect’ to Te Mana o te Wai;
- Improving degraded water bodies, and maintaining or improving all others; and
- Avoiding any further loss or degradation of wetlands and streams, map existing wetlands and encourage their restoration.

The Proposal is considered to be consistent with the relevant objectives and policies of the NPS-FM. Refer to **Volume 2, Planning Attachment 7** for the detailed assessment.

National Policy Statement for Highly Productive Land

The National Policy Statement for Highly Productive Land 2022 (NPS-HPL), provides direction to improve the way highly productive land is managed. It provides clear direction to:

- Protect highly productive land (HPL) for use in land-based primary production.
- Promote the long-term availability of HPL for food and fibre production.
- Avoid inappropriate urban development and rural lifestyle subdivision on HPL.
- Support well-functioning urban environments without compromising HPL unnecessarily.

Specific exemption pathways are provided which enable development of HPL in certain circumstances. The proposal is considered to be consistent with the relevant provisions of the NPS-HPL. Refer to **Volume 2, Planning Attachment 7** for the detailed assessment.

National Policy Statement for Indigenous Biodiversity 2023 (NPS-IB)

The National Policy Statement for Indigenous Biodiversity 2023 (NPS-IB) aims to protect, maintain, and restore indigenous biodiversity in Aotearoa New Zealand. It seeks to:

- Identify and protect Significant Natural Areas (SNAs);
- Promote active restoration and enhancement of indigenous ecosystems;
- Recognise and provide for Te Rito o te Harakeke – the role of tangata whenua as kaitiaki;
- Manage adverse effects on indigenous biodiversity from subdivision, use, and development; and
- Support biodiversity within both urban and rural environments.

The Proposal is considered to be consistent with the relevant provisions of the NPS-IB. Refer to **Volume 2, Planning Attachment 7** for the detailed assessment.

National Policy Statement for Urban Development 2020 (NPS-UD)

The National Policy Statement on Urban Development 2020 (NPS-UD) recognises the national significance of:

- Having well-functioning urban environments that enable all people and communities to provide for their social, economic, and cultural wellbeing, and for their health and safety, now and into the future;
- Planning decisions improve housing affordability by supporting competitive land and development markets;
- Providing sufficient development capacity to meet the different needs of people and communities; and
- Improving how cities reposed to growth to enable improved housing affordability and community wellbeing.

The Proposal is considered to be consistent with the relevant provisions of the NPS-UD. Refer to **Volume 2, Planning Attachment 7** for the detailed assessment.

National Policy Statement for Natural Hazards 2025 (NPS-NH)

The National Policy Statement for Natural Hazards 2025 (NPS-NH) provides national direction for the management of natural hazard risk associated with land use and development. Its intent is to ensure that risks to people, property and infrastructure are appropriately identified and managed using a risk-based approach, including avoiding very high risk and avoiding or mitigating other levels of risk, while accounting for the effects of climate change over time.

The Proposal is considered to be consistent with the relevant provisions of the NPS-NH. Refer to **Volume 2, Planning Attachment 7** for the detailed assessment.

National Policy Statement for Infrastructure 2025 (NPS-I)

The National Policy Statement for Infrastructure 2025 (NPS-I) provides national direction for the efficient development, operation, maintenance and upgrading of infrastructure across New Zealand. Its intent is to recognise infrastructure as nationally significant and to ensure that its benefits for community wellbeing, health and safety are appropriately provided for, while managing adverse environmental effects. It also seeks to enable consistent, coordinated and timely decision-making to support infrastructure delivery and long-term resilience.

The Proposal is considered to be consistent with the relevant provisions of the NPS-I. Refer to **Volume 2, Planning Attachment 7** for the detailed assessment.

Other National Policy Statements

Other National Policy Statements which have not been listed above are not considered to be relevant to the Proposal and therefore do not require an assessment.

18.3 Regional Policy Statement and Regional Plan

A detailed assessment of the Proposal against the relevant provisions of the Waikato Regional Policy Statement (**WRPS**) and Regional Plan (**WRP**) has been provided within **Volume 2**. Overall, in our opinion, the Proposal is consistent with the overall strategic direction of the WRPS and relevant provisions of the WRP.

18.4 District Plan

A detailed assessment of the Proposal against the relevant rules of the WDP-O and WDP-OiP has been provided within **Volume 2**. Overall, resource consent is required for a **Non-Complying activity**. As such, it is relevant to consider the relevant provisions of the WDP-O and WDP-OiP.

Refer to **Volume 2** for the detailed assessment.

HCC – 10 Harrogate Place – Lot 22 DPS 79526

A small parcel of land at 10 Harrogate Place, Grandview Heights, Hamilton, legally described as Lot 22 Deposited Plan South Auckland 79526, forms part of the Brymer project area. The parcel comprises approximately 677 m², is located within Hamilton City and is zoned General Residential under the Hamilton City District Plan. Importantly, the parcel was expressly identified as part of the Brymer project at referral and therefore forms part of the project referred by the Minister under FTAA-2505-1063.

The parcel provides the physical connection between the Brymer Farms development and the existing termination of Harrogate Place. As part of the substantive application, the land is proposed to be subdivided, formed as local road and vested in Hamilton City Council, enabling the extension of Harrogate Place into the development. This is consistent with the referred project, which contemplated an integrated residential development supported by associated transport infrastructure and connections to the surrounding transport network.

Section 44 of the Fast-track Approvals Act 2024 (FTAA) requires information required as part of a substantive application to be provided “in sufficient detail to satisfy the purpose for which it is required.” In respect of Lot 22 DPS 79526, the substantive application identifies the parcel by location and legal description, illustrates its relationship with the wider development on the

application and subdivision plans, identifies its intended function as local road and its ultimate vesting in Hamilton City Council, and identifies and assesses the relevant Hamilton City District Plan consent requirements arising from its subdivision, formation and use as road. The nature and extent of the activity proposed on the parcel, the approvals required and the relevant environmental effects are therefore sufficiently identified for the purposes of the FTAA.

The fact that this parcel is located within Hamilton City and is subject to a different territorial planning framework from the majority of the Brymer Farms site does not alter its status as part of the referred project or require it to be treated as a separate development. Rather, it is a discrete but important component of the integrated subdivision and transport works required to connect the development with the existing Hamilton urban area. The applicable Hamilton City District Plan provisions have therefore been separately identified and assessed for this component of the proposal, while the wider transportation effects associated with the Harrogate Place connection are addressed comprehensively through the ITA and AEE.

From a Hamilton City District Plan perspective, the proposed use of the parcel is well aligned with the strategic direction applying to subdivision, urban development and transportation. In particular, Objective 23.2.2 seeks subdivision that contributes to functional, attractive, sustainable, safe and well-designed environments, with associated policies promoting connectivity and integration of transport networks. The subdivision provisions also seek to ensure that subdivision appropriately integrates with the transport network and provides for safe and efficient movement.

The proposal is similarly aligned with the transportation objectives and policies in Chapter 25.14, which seek an integrated, multi-modal transport network and the effective integration of land use and transport. The urban design provisions in Chapter 25.15 further support urban environments that integrate land use and transport planning and provide permeable, connected and accessible transport networks.

While the parcel is zoned General Residential, its conversion to local road does not undermine the outcomes anticipated for that zone. The relevant residential objectives and policies seek coordinated residential development supported by appropriate infrastructure and subdivision. In this instance, the proposed road performs precisely that supporting function by extending an existing Hamilton local road and providing an integrated connection with the adjoining Brymer Farms residential development.

Overall, the subdivision, formation and vesting of approximately 677 m² of General Residential zoned land at 10 Harrogate Place as local road is considered to be consistent with, and not contrary to, the relevant objectives and policies of the Hamilton City District Plan. The loss of residentially zoned land is negligible in quantitative terms and is materially outweighed by the integrated transport, connectivity and urban development outcomes achieved. The proposal represents a logical extension of the existing Harrogate Place road corridor, supports the coordinated development of the wider Brymer project and directly advances the District Plan's outcomes for integrated subdivision, connected transport networks and well-serviced residential growth. Accordingly, the substantive application provides sufficient information to identify and assess the activity proposed on Lot 22 DPS 79526 and satisfies the requirements of s44 of the FTAA in respect of this parcel.

18.5 Assessments of Section 5, 6, and 7 of the RMA

This section of the application provides an overall assessment of the activity against sections 5, 6 and 7 of the RMA, as required by clause 5(1)(g) of Schedule 5 of the FTAA.

Part 2 contains the purpose and principles of the RMA. Section 5 sets out the purpose of the RMA and requires consideration of whether a proposal would promote the sustainable management of natural and physical resources. This assessment is informed by the principles in sections 6 to 7 and considered in light of the particular circumstances of each application.

Section 5 – Purpose of the RMA

Section 5 of Part 2 identifies the purpose of the RMA as being the sustainable management of natural and physical resources. This means managing the use, development and protection of natural and physical resources in a way that enables people and communities to provide for their social, cultural and economic well-being and health and safety while sustaining those resources for future generations, protecting the life supporting capacity of ecosystems, and avoiding, remedying or mitigating adverse effects on the environment.

It is considered that the proposed development is complementary to these objectives as it will provide for the social and economic well-being of people and communities by increasing expenditure, employment and income within the regional economy and provide capacity for over 1000 new, healthy homes to assist with Waikato District's and Hamilton City's housing shortage. Refer to **Volume 2** for the detailed assessments demonstrating the development will be appropriately managed and carried out in a manner which will not give rise to significant adverse environmental effects.

Section 6 – Matters of National Importance

Section 6 of the Resource Management Act 1991 sets out matters of national importance that must be recognised and provided for when managing natural and physical resources. These matters include:

- (a) The preservation of the natural character of coastal environments, wetlands, lakes and rivers;
- (b) The protection of outstanding natural features and landscapes;
- (c) The protection of significant indigenous vegetation and habitats of indigenous fauna;
- (d) The maintenance and enhancement of public access to and along waterbodies;
- (e) The relationship of Māori with their ancestral lands, water, Sites, wāhi tapu and other taonga; and
- (f) The management of significant risks from natural hazards.

Section 6(b) – (f) are not relevant to this application. Section 6(a) is applicable to the Site due to the presence of natural inland wetlands. The Ecological Impact Assessment identifies approximately 1.7 ha of natural inland wetlands, which are generally highly modified and degraded as a result of historic drainage and grazing. The Project will retain and restore approximately 1.2 ha of existing wetlands through native planting, buffering and pest management. Approximately 0.514 ha will be removed, with residual effects addressed through the creation of more than 0.75 ha of new wetland habitat and restoration of retained wetlands. The stormwater network will also support retained wetland hydrology by redirecting treated stormwater where reductions in

groundwater recharge would otherwise occur. The Ecological Assessment concludes that the wetland restoration and creation package will deliver a net positive ecological outcome, including a 13.2% net gain in wetland habitat value. Accordingly, the Proposal is considered to appropriately recognise and provide for the preservation of wetland natural character in accordance with section 6(a) of the RMA.

Section 7 – Other Matters

Section 7 of the RMA identifies a number of “other matters” to be given particular regard by the consent authority (in this case the expert panel) and includes (but is not limited to) kaitiakitanga, the efficient use and development of natural and physical resources, the maintenance and enhancement of amenity values, and the maintenance and enhancement of the quality of the environment. The proposal is considered to be consistent with these matters. In particular, it would enable the efficient use and development of land adjoining Hamilton’s existing urban area, appropriately manage landscape and visual amenity effects, and provide for the management, restoration and enhancement of freshwater and ecological values, including through wetland and stream restoration and creation, indigenous planting and integrated stormwater management. The Ecological Assessment anticipates positive outcomes from the restoration of retained wetlands and creation of additional wetland habitat.

Overall, the proposal is considered to be well aligned with the purpose and principles of the RMA. While those provisions are relevant considerations under the FTAA, they are subject to the purpose of the FTAA, which must be given the greatest weight.

18.6 Parts 3, 6, 8-10 of the RMA

This section of the Application provides an overall assessment of the activity against Parts 3, 6 and 10 of the RMA, as required by Clause 17(1)(b) of Schedule 5 of the FTAA. Parts 8 (designations and heritage orders), 9, 9A and 9B (Water Conservations Orders, freshwater farm plans and freshwater ecosystems) are not relevant to this Proposal.

Part 3 – Duties and Restrictions under the RMA

Part 3 of the RMA relates to the duties and restrictions under the RMA, with particular regard to use of land, subdivision, discharge of contaminants, and uses of beds of rivers. It is considered that the proposal meets the relevant provisions of Part 3 of the RMA, refer to **Volume 2** for a full assessment.

Part 6 – Resource Consents, Proposals of National Significance and Aquaculture Moratorium

Part 6 of the RMA relates to resource consents. The Proposal is considered to be consistent with and has been assessed against the resource consent framework identified within Part 6 of the RMA, except where such assessment is not required as directed by the FTAA legislation (such as assessing environmental effects under clause 6 of Schedule 5 of the FTAA, or the exclusion of s104D under clause 17 schedule 5 of the FTAA). Refer to **Volume 2** for the fulsome assessment demonstrating the proposal complies with Part 6 of the RMA.

Part 8 – Designations and Heritage Orders

Part 8 of the RMA relates to designations and heritage orders. No designations nor heritage orders apply to the Site or are proposed. Part 8 of the RMA is not relevant to this Proposal.

Part 9 – Water Conservation Orders, Freshwater Farm Plans, and Freshwater Ecosystems

Part 9 of the RMA relates to water conservation orders, freshwater farm plans and use of nitrogenous fertiliser. Part 9 of the RMA is not relevant to this Proposal.

Part 10 – Subdivision and Reclamations

Part 10 of the RMA relates to subdivision and reclamations. With particular regard to the subdivision proposed, the Proposal is considered to be consistent with and has been assessed against the subdivision framework. In particular, an assessment of effects has been undertaken in Volume 2. Conditions of consent will ensure that the Proposal accords with s223 and s224 and also provides for roads to vest and granting of easements.

19.0 Clause 17 Assessment – Criteria for Assessment of Consent Application

Clause 17 of Schedule 5 of the FTAA sets out the criteria and other matters for assessment of consent applications. This relates to Section 81 of the FTAA which sets out the process for making decisions on approvals sought in a substantive application.

Clause 17(1) states that when considering a consent application, including conditions, the Panel must take into account the following, giving the greatest weight to (a), being the purpose of the FTAA:

- (a) the purpose of this Act; and
- (b) the provisions of Parts 2, 3, 6, and 8 to 10 of the Resource Management Act 1991 that direct decision making on an application for a resource consent (but excluding section 104D of that Act); and
- (c) the relevant provisions of any other legislation that directs decision making under the Resource Management Act 1991.

Section 81(4) states that when taking the purpose of the FTAA into account, the panel must consider the extent of the Project's regional or national benefits.

The purpose of the FTAA is simply to facilitate the delivery of infrastructure and development projects with significant regional or national benefits. As described in section 10 of the report above, the Proposal has significant regional or national benefits, as assessed by both the relevant Minister, having been referred under the FTAA as a Referred Project, and as assessed in this AEE. It is the authors' opinion that granting the approvals sought would give the greatest weight to and therefore achieve the purpose of the FTAA by facilitating, or enabling, the Project to occur.

The criteria at clause 17 also require the various relevant provisions of the RMA to be taken into account, excluding s104D and Section 8 of Part 2 (Treaty of Waitangi). The assessment included in this AEE demonstrates that the Proposal is consistent with all relevant provisions of the RMA. The proposal is also considered to be consistent with the purpose and principles of the RMA (see section 17.6 & 17.7 above).

In terms of the actual and potential effects of the proposal on the environment (s104(1)(a)), the proposal will have significant social and economic positive effects, by enabling a substantial

increase in the supply of high quality and diverse housing types to the market supported by amenities and open space, and by enabling job creation and economic growth for the district and wider Waikato region. Where the Proposal is anticipated to generate adverse effects, these are temporary and/or can be appropriately mitigated through the design of the development and the proposed conditions of consent.

With respect to ecological effects, the Proposal will result in the loss and modification of some existing freshwater features, including approximately 0.51 hectares of natural inland wetland and 133m of modified natural watercourse. These effects are addressed through a comprehensive ecological restoration and compensation package, including the restoration and enhancement of retained wetlands and streams, creation of more than 0.75 hectares of new wetland habitat, creation of new stream habitat, indigenous riparian and buffer planting, pest management and improved fish passage. The Proposal also integrates stormwater management with the freshwater network, including redirecting treated stormwater to retained wetlands to support their hydrology. Overall, the ecological response is anticipated to deliver net positive outcomes, while striking an appropriate balance between enabling a substantial new residential community and protecting, restoring and enhancing the overall health and wellbeing of freshwater ecosystems.

To the extent that the Project is anticipated to give rise to adverse effects, when taking into account proposed conditions to avoid, remedy, mitigate or compensate for such effects, any adverse impacts are not considered to be sufficiently significant to be out of proportion to the project's regional or national benefits.

With respect to the relevant statutory and planning documents, overall the proposal has been assessed to be consistent with the full suite of plans and policies when the provisions are considered in the round, including the WRPS, WRP and WDP-O and WDP-OiP. These matters are addressed in further detail in **Volume 2** of the AEE.

20.0 Statutory Framework for Consideration of the Brymer Farms Substantive Application

Without seeking to tell the expert panel how to do its job, this section seeks to respectfully highlight the material difference between assessing resource consents under the FTAA and determining a standard resource consent application under the RMA.

The Brymer Farms Proposal is not a standard RMA application being processed under shortened timeframes. It is being considered under a separate statutory regime with its own purpose, decision-making criteria, weighting requirements and more restricted grounds for decline. The RMA and relevant national, regional and district planning instruments remain relevant, but they must be considered through the framework established by the FTAA and not as though the application were being determined solely under section 104 of the RMA.

20.1 Statutory Purpose

Section 3 provides that the purpose of the FTAA is:

“to facilitate the delivery of infrastructure and development projects with significant regional or national benefits.”

It is helpful to consider the intentionally *project and delivery focused* purpose of the FTAA. For Brymer Farms, the FTAA and its enabling purpose have motivated a comprehensive Proposal which will enable the scale and timing of housing delivery, housing choice, strategic transport and three-waters infrastructure, employment, economic activity and integrated land-use planning to be the guiding factor in the decision-making framework. These are not secondary considerations to be acknowledged after undertaking an RMA assessment. They form part of the FTAA purpose to which the greatest weight must be given.

20.2 Ministerial Referral

Brymer Farms has already completed the statutory referral process. In referring the Project, the Minister determined that it was appropriate for Brymer Farms to access the FTAA process after considering the relevant statutory criteria, the Applicant's information, comments from prescribed parties and agency advice.

It is acknowledged that referral does not predetermine the substantive merits or guarantee approval. The Applicant must still demonstrate that the effects of the Project have been properly assessed and can be appropriately managed.

20.3 Decision on the Approvals Sought

Section 81 requires the Panel to decide whether each approval should be granted, subject to conditions, or declined. In making that decision, the Panel must apply the relevant approval-specific criteria, consider the information properly received through the FTAA process, comply with applicable Treaty settlement and customary-rights requirements, and ensure that any conditions satisfy section 83.

20.4 Schedule 5, Clause 17

For the approvals sought by Brymer Farms, section 81 directs the Panel to Schedule 5, clauses 17–22. Clause 17 requires the Panel to take into account the FTAA purpose, the relevant RMA decision-making provisions and relevant provisions of other legislation. Critically, the greatest weight must be given to the purpose of the FTAA.

The relevant RMA provisions and statutory planning instruments remain important, but they are considered within a framework in which facilitating the delivery of Projects with significant regional or national benefits receives the greatest weight.

Clause 17 excludes section 104D of the RMA. The ordinary gateway test for non-complying activities therefore does not apply. Where an RMA provision would ordinarily require an application to be declined, the Panel must take that matter into account but must not treat it as reason for requiring decline under the FTAA.

20.5 National Policy Statements and Planning Instruments

National policy statements, national environmental standards, regional policy statements and regional and district plans must be carefully considered. However, their provisions are applied through the FTAA framework rather than as independently determinative requirements.

Accordingly, tension with an objective or policy does not necessarily conclude the assessment. The importance of the relevant policy outcome must be considered alongside the nature and scale of

the effect, the extent to which that effect has been avoided or reduced, the effectiveness of mitigation and proposed conditions, and the scale and certainty of the Project's benefits.

This approach does not disregard or diminish national direction. It gives effect to Parliament's decision that environmental effects, planning instruments and development benefits are to be considered through an overall statutory assessment in which the FTAA purpose receives the greatest weight.

20.6 Weighting, Proportionality and Decline

The FTAA requires an overall assessment of the Project. An individual adverse effect or policy tension should not be treated as determinative without considering the Project as a whole, the measures proposed to manage the effect and the regional or national benefits to be delivered.

Section 85 provides the relevant proportionality threshold. The central question is whether the adverse impacts of granting an approval are sufficiently significant to be out of proportion to the Project's regional or national benefits. That assessment must take place after accounting for effects avoided through design, proposed mitigation and management measures, and the conditions available to address residual effects.

The relevant question is not simply whether the Project has adverse effects, whether every planning provision supports it or whether an alternative design might have fewer effects. It is whether the residual adverse impacts are sufficiently significant, when weighed against the Project's benefits, to satisfy the statutory threshold for decline.

Section 83 similarly requires conditions to be no more onerous than necessary. Conditions should be directed to identified effects or implementation risks, be certain and enforceable, and avoid unnecessarily frustrating the delivery-focused purpose of the FTAA.

Before decline is contemplated, consideration should be given to whether any outstanding matter can be addressed through Project refinement, further mitigation, staging, infrastructure triggers, monitoring, management plans or proportionate conditions. Sections 69 and 70 support this problem-solving approach by providing for the Applicant to respond to a proposed decline and comment on draft conditions.

20.7 Application to Brymer Farms

Brymer Farms is an integrated housing and infrastructure Project. Its benefits include a substantial contribution to regional housing supply and choice, the staged delivery of development supported by transport and three-waters infrastructure, investment in strategic infrastructure with wider catchment benefits, employment and economic activity, improved multimodal connections, and integrated open-space and stormwater outcomes.

Those benefits must be assessed in terms of their scale, timing, certainty and regional significance and weighed against the Project's residual adverse impacts after design, staging, mitigation and conditions have been taken into account.

The substantive assessment should therefore focus on whether the effects have been adequately identified, whether the proposed responses and conditions are effective and proportionate, whether infrastructure delivery is sufficiently certain, and whether any residual adverse impacts are sufficiently significant to be out of proportion to the Project's benefits.

The Applicant recognises that referral does not predetermine the substantive application and that the Panel must undertake a rigorous assessment of the Project's effects and the approvals sought. That assessment must, however, be undertaken under the FTAA.

The Panel must give the greatest weight to the FTAA purpose, expressly consider the extent of Brymer Farms' regional benefits, assess RMA planning instruments within the FTAA framework, weigh residual adverse impacts against those benefits, consider whether concerns can be addressed through proportionate conditions, and assess the Proposal against the confined decline criteria in section 85.

21.0 Conclusion

The Proposal involves a residential development, along with associated commercial development, open space and integrated infrastructure. Collectively, the development will provide for 1048 new residential units in a staged manner. Based on the above report and supporting documentation, it is considered that:

- Appropriate consultation and engagement have been undertaken with WDC, HCC, WRC, Mana Whenua and the Administering Agencies;
- Consideration of planning documents recognised by relevant iwi authorities and lodged with WDC has been undertaken and the Proposal has been designed to integrate key aspects of these documents;
- Subject to appropriate conditions of resource consent, the actual and potential effects of the Proposal will be appropriately avoided, remedied or mitigated;
- The Proposal accords with the relevant Waikato Regional Plan and Waikato District Plan objectives, policies and assessment criteria;
- The Proposal meets the requirements of the NES-CS and NES-F;
- The Proposal accords with the NPS-IB, NPS-UD, NPS-HPL, NPS-FM, NPS-NH and NPS-I;
- The Proposal achieves the purpose of the FTAA to facilitate delivery of infrastructure and development projects with significant regional or national benefits;
- The Proposal is considered to be consistent with the relevant provisions of Parts 2, 3, 6, and 8 to 10 of the RMA.

It is therefore the authors' opinion that the Proposal addresses all relevant matters required to be satisfied under the FTAA (including all information requirements) and that it can comfortably be granted the relevant approvals under the FTAA, subject to conditions.