

FTAA–2505–1063: Application received for referral of the project under the Fast-track Approvals Act 2024 – Stage 2 decisions

Project Name: Brymer

Date submitted:	2 Sept 2025	Tracking #: BRF–6779	
Security level:	In-Confidence	MfE priority:	Urgent

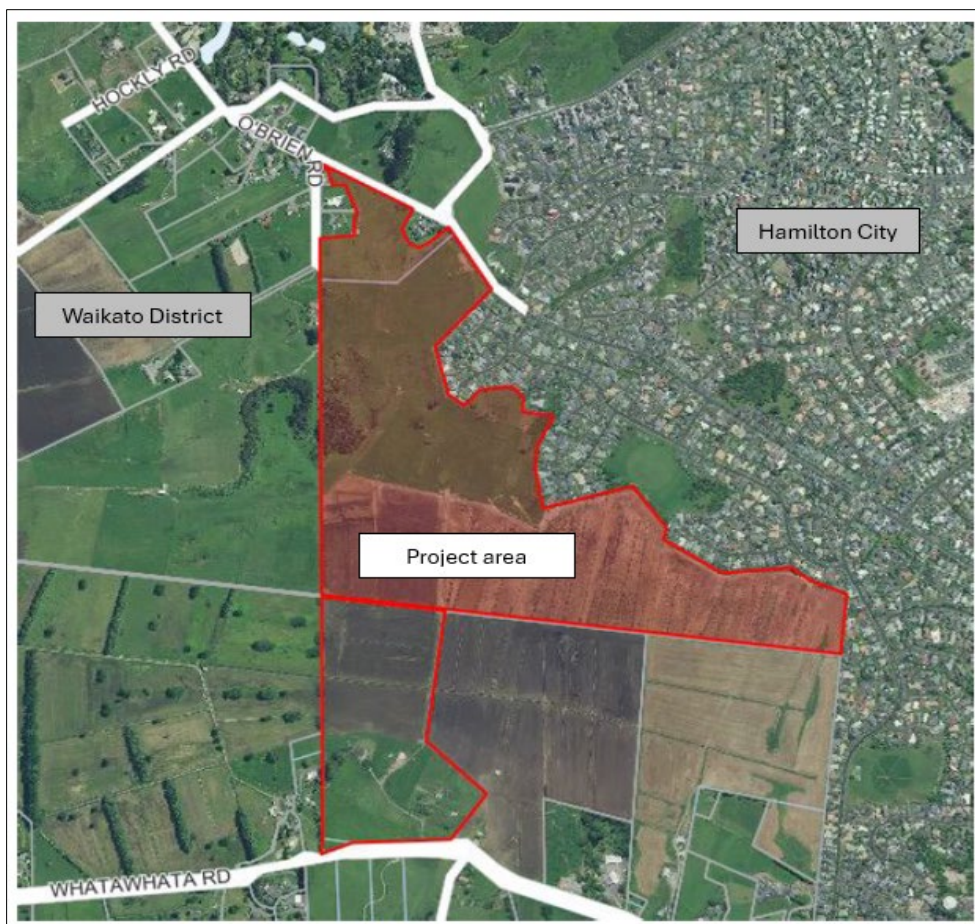
	Action sought:	Response by:
To Hon Chris Bishop, Minister for Infrastructure	Decision on recommendations	8 Sept 2025

Actions for Minister's Office staff	Return the signed briefing to MfE – email to: FTAreferrals@mfe.govt.nz Approved the attached notice of decisions letter (if signed).
Number of appendices: 7	Appendices: 1. Statutory framework for making decisions 2. Application documents for Brymer (refer File Exchange) 3. Stage 1 Briefing decisions (refer File Exchange) 4. Section 18 Report on Treaty settlements and other obligations (refer File Exchange) 5. Comments received from all parties the Minister invited to comment (refer File Exchange) 6. Applicant response to further information request 7. Draft Notice of Decisions

Ministry for the Environment contacts

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

Project location



Key messages

1. This briefing seeks your decisions on the application from Brymer Farms Limited to refer the Brymer project (the project) under the Fast-track Approvals Act 2024 (the Act) to the fast-track approvals process for consideration by a panel.
2. A copy of the application is in Appendix 2. This is the second briefing on this application. The first (Stage 1) briefing (BRF-6339) with your initial decisions annotated is in Appendix 3.
3. The project is a master-planned residential and mixed-use development bounded by Brymer and Whatawhata Roads, on the western edge of Hamilton City.
4. The project involves the construction and operation of:
 - a. Approximately 1,650 residential units (including a 250-unit retirement village) and a 0.3-hectare mixed-use neighbourhood centre with commercial properties (a café and superette)
 - b. Open spaces including ecological restoration/offsetting, retention of natural wetlands and riparian revegetation
 - c. Transport infrastructure including local roads, cycle connections and pedestrian

pathways

- d. Related earthworks, services infrastructure including a pump station, water discharge, takes and treatment areas, stormwater ponds and use of existing water bores.
5. The project will require the proposed approvals:
 - a. Resource consents under the Resource Management Act 1991
 - b. Wildlife approvals under the Wildlife Act 1953.
6. We recommend you **accept** the referral application as the project meets the criteria set out in section 22 and does not appear to involve an ineligible activity.
7. We seek your decisions on this recommendation and on the proposed directions to the Applicant and the expert panel, and notification of your decisions.

Assessment against statutory framework

8. The statutory framework for your decision-making is set out in Appendix 1. You must apply this framework when you are deciding whether to accept or decline the referral application and when deciding on any further requirements or directions associated with referral of the project.
9. Before accepting the project, you must consider the application and further information in Appendix 2, the section 18 Treaty settlements report in Appendix 4, the written comments from invited parties in Appendix 5 and any document that requires your consideration under section 16 and comply with any procedural requirements under section 16.
10. Following that, you may accept the application if you are satisfied that it meets the criteria in section 22 of the Act and that there are no reasons where you must decline the application. We provide our advice on these matters below.

Section 18 Treaty settlements and other obligations report

11. The section 18 report (appendix 4) identifies Te Whakakitenga o Waikato, Ngāti Hauā Iwi Trust, Waikato Raupatu River Trust, the Waikato River Authority (a statutory body established by a settlement), Ngaati Maahanga, and Ngaati Hourua as the relevant Māori groups identified under s18(2).
12. There are three Treaty settlements that are relevant to the project area, these are: Waikato Raupatu Claims Settlement Act 1995; Waikato–Tainui Raupatu Claims (Waikato River) Settlement Act 2010; and the Ngāti Hauā Claims Settlement Act 2014. No other arrangements have been identified as relevant to the project area.
13. There are relevant principles and provisions of the Waikato–Tainui Raupatu Claims (Waikato River) Settlement Act 2010 that apply to the project area. Therefore, in accordance with section 7 and section 16 of the Act, we recommend that in considering this application, you have particular regard to Te Ture Whaimana (Vision and Strategy) and have regard to the Waikato–Tainui Environmental Plan. In addition to these documents, the procedural requirements are discussed further in the following section.
14. Comments received from invited Māori groups under s17(1)(d) and (e) are summarised: Ngaati Maahanga (Ngaa Uri o Maahanga Trust) and Te Whakakitenga o Waikato provided comments. Both groups seek continued engagement with the Applicant prior to lodging any substantive application, including further hui, development of a relationship agreement,

sharing of more detailed technical information, and completion of a Cultural Values Assessment in relation to the project.

15. The Minister for Māori Development and Minister for Māori Crown Relations: Te Arawhiti received the draft s18 report and provided comment in support of the project subject to the applicant: undertaking continued engagement with the Māori groups identified in the section 18 report; having regard to Te Ture Whaimana and the Waikato-Tainui Environmental Plan; and complying with the requirements of the joint management agreements established under the Waikato-Tainui Raupatu Claims (Waikato River) Settlement Act 2010.
16. We do not consider there are any matters which make it more appropriate for the proposed approvals to be authorised under another Act or Acts.

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

17. Based on paragraphs 12 and 14 above, there are documents and procedural requirements under section 16 that apply to your consideration of the application.
18. We consider you have complied with some of the relevant procedural requirements in the Waikato–Tainui Raupatu Claims (Waikato River) Settlement Act 2010, as they relate to providing notice to the Waikato River Authority and providing information about the application to the Waikato Raupatu River Trust (under the joint management agreement provisions). However, there is also a need to ensure that these, and other, procedural requirements are complied with throughout the whole process (for example, the ability for Waikato-Tainui to comment on the adequacy of information under the joint management agreement, and the provisions relating to the appointment of hearing commissioners).
19. Accordingly, should you decide to accept this referral application, we recommend you direct any panel considering a substantive application for the project to comply with the applicable requirements specified in paragraphs 69 and 70 of the section 18 report (under section 16(2)(c) of the Act) with regard to the Waikato-Tainui Raupatu Claims (Waikato River) Settlement Act 2010, namely to:
 - a. have particular regard to Te Ture Whaimana
 - b. give notice to the Waikato River Authority of the application (which may be fulfilled by an invitation to comment under section 53 of the Act)
 - c. consider the provisions for appointing hearing commissioners from the register maintained by the Waikato River Authority as they may be applied to the fast-track process
 - d. have regard to the Waikato-Tainui Environmental Plan, including how to provide for continued partnership between the applicant and Waikato-Tainui (as a consistent theme running through the plan); and
 - e. consider the detailed information-sharing provisions of the joint management agreement, as they may be applied to the fast-track process.

Written comments received

20. Comments were received from Waikato District Council (WDC), Waikato Regional Council (WRC), three Ministers, Department of Conservation (DOC), Hamilton City Council, New Zealand Transport Agency (NZTA), Future Proof Implementation Committee (joint local government–iwi body overseeing implementation of Hamilton–Waikato’s Future Proof

growth strategy), Ngaati Maahanga and Te Whakakitenga o Waikato. The key points of relevance to your decisions are summarised in Table A.

21. The key points from the written comments are:

- a. WDC comment that the project has merit in delivering additional housing to the market but have concerns around infrastructure (transport, wastewater, water supply and stormwater management) needed to support the development.
- b. WRC comment that the project will increase housing supply but do not consider the project to be regionally significant based on section 22(2)(a) of the Act considering that there is sufficient housing capacity in the district for the next 30+ years.
- c. The Minister for Economic Growth comments that the project could have substantial economic impacts and increase housing supply, address housing need and contribute to a well-functioning urban environment under section 22(2)(a)(iii) of the Act.
- d. The Associate Minister of Housing supports the project being referred to the next stage and comments that it will help increase housing supply but also notes that Future Proof raised concerns around infrastructure needed to support the project.
- e. DOC comments that with appropriate design and conditions, effects can be managed and is not aware of any other reason the project should not be referred.
- f. HCC comments indicate concerns around infrastructure (transport, wastewater, water supply and stormwater management) needed to support the development, as well as geotechnical and peat soil issues.
- g. NZTA comments that subject to transport assessment, plans and mitigation measure to address any adverse effects of the development on the state highway, there are no concerns with the project being referred to the fast-track approvals process.
- h. Future Proof Implementation Committee comments that the project is an out of sequence, unanticipated development on the Waikato/Hamilton fringe; that the land is not required to provide sufficient residential capacity; and have concerns around the infrastructure (transport, wastewater, water supply and stormwater management) needed to support the development.
- i. Ngaati Maahanga comments confirm engagement with the Applicant and development of a draft cultural values assessment, anticipating this requiring further information to complete if a substantive application is lodged.
- j. Te Whakakitenga o Waikato support the project being referred to the substantive phase and anticipate further engagement prior to lodgement.
- k. WDC, WRC and DOC confirm there are no known competing applications or existing resource consents at the time of response. WDC and WRC note Schedule 2 Listed projects under the Act, we have identified these in Table A.

Further information provided by the Applicant, relevant local authorities, relevant administering agencies

22. You requested further information from the Applicant under section 20 of the Act. We have taken the information provided into account in Table A.

Reasons to decline

23. The statutory framework in Appendix 1 sets out the situations where you must decline the application for referral under section 21(3).
24. We do not consider you must decline this application.
25. You may also decline the application for any other reason under section 21(4). The Act gives some guidance on matters you could consider when deciding whether to decline an application and these are set out in Table A.
26. We have considered the matters in section 21(4) and this is discussed in Table A. We do not consider you should decline the project for any of these reasons.

Reasons to accept

27. The statutory framework in Appendix 1 sets out the reasons you can accept a project for referral.
28. Our assessment of these matters is summarised in Table A. We consider the project meets the requirements of section 22, as it:
 - a. is a development/infrastructure project as a master-planned residential and mixed-use development that would have significant regional or national benefits because it:
 - i. will increase the supply of housing, address housing need and contribute to a well-functioning urban environment
 - ii. will deliver significant economic benefits
 - iii. is consistent with local or regional planning documents including spatial strategies
 - b. referring the project to the fast-track approvals process would facilitate the project, including by enabling it to be processed in a more timely and cost-effective way than under normal processes because expert panels will consider required approvals as a single application package, public and limited notification is precluded, and timeframes are shorter.
 - c. is unlikely to materially affect the efficient operation of the fast-track approvals process as the applicant has indicated that a fully engaged project team is already progressing a full consent package and referral could enable lodgement of a substantive application within a few months.

Conclusions

29. We consider the project meets the section 22 criteria and you could accept the application under section 21 of the FTAA and refer the project to a panel with the specifications outlined below.
30. If you decide to refer the project, we recommend specifying under section 27 of the Act that the panel must invite comments from the Chief Executive of NZTA, in addition to those listed in section 53.
31. This recommendation acknowledges NZTA's role in managing the state highway network and provides an opportunity for them to comment on any potential effects on the state highway network at the substantive application stage.

Next steps

32. MfE must give notice of your decisions on the referral application, and the reasons for them, to the Applicant and anyone invited to comment under section 17 and publish the notice on the Fast-track website.
33. In your notice of decisions, you must direct a panel to comply with any requirements identified in section 16. The following directions are advised:
 - a. That in considering a substantive application, the panel must:
 - i. have particular regard to Te Ture Whaimana
 - ii. give notice to the Waikato River Authority of the application (which may be fulfilled by an invitation to comment under section 53 of the Act)
 - iii. consider the provisions for appointing hearing commissioners from the register maintained by the Waikato River Authority as they may be applied to the Fast-track process
 - iv. have regard to the Waikato-Tainui Environmental Plan, including how to provide for continued partnership between the applicant and Waikato-Tainui (as a consistent theme running through the plan); and
 - v. consider the detailed information-sharing provisions of the joint management agreement, as they may be applied to the fast-track process.
34. If you decide to refer the project, MfE must also give notice of your decision to:
 - a. the panel convener
 - b. any additional iwi authorities or Treaty settlement entities that you consider have an interest in the matter other than those invited to comment under section 17
 - c. the Environmental Protection Authority (EPA)
 - d. the relevant administering agencies.
35. On your behalf we will provide all the information you received that relates to this application to the EPA and the panel convener, including:
 - a. the referral application, and
 - b. any comments received under section 17, and
 - c. the report obtained under section 18.
36. We have attached a notice of decisions letter to the applicant based on our recommendations in Appendix 6, that we will provide to all relevant parties. We will provide you with an amended letter if required.

Recommendations

37. We recommend that you:

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

Noted

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

- i. the application in Appendix 2
- ii. the report obtained under section 18 in Appendix 4
- iii. any comments and further information sought under sections 17 and 20 and provided within the required timeframe in Appendix 5.

Yes / No

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

Noted

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

- i. it is a development/infrastructure project that would have significant regional or national benefits because it:
 - (1) will increase the supply of housing, address housing need and contribute to a well-functioning urban environment by providing approximately 1,650 residential dwellings (including 250 retirement living units)
 - (2) will deliver significant economic benefits by providing up to \$720 million to the economy and creating 4,730 full-time equivalent jobs over the 10-year construction development period; and
 - (3) is consistent with local or regional planning documents, including spatial strategies by being in broad alignment with the overall growth of the Waikato region and project proximity to Hamilton City Council's territorial boundary providing an opportunity for continuous integration.
- ii. referring the project would facilitate the project and enable it to be processed in a more timely and cost-effective manner than under normal processes, by considering the approvals as a single application, utilising a process which does not involve public notification and limits rights of appeal.
- iii. referring the project is unlikely to materially affect the efficient operation of the fast-track approvals process, the applicant has indicated a fully engaged project

team is progressing a full consent package and referral of the project could enable lodgement of a substantive application within a few months.

Yes / No

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

Yes / No

- f. **Agree** to accept the referral application under section 21(1) and refer the whole project to the next stage of the fast-track process under section 26(2)(a).

Yes / No

- g. **Agree** to specify Brymer Farms Limited as the person who is authorised to lodge a substantive application for the project.

Yes / No

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

- i. the Chief Executive of NZ Transport Agency Waka Kotahi

Yes / No

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

- i. have particular regard to Te Ture Whaimana
- ii. give notice to the Waikato River Authority of the application (which may be fulfilled by an invitation to comment under section 53 of the Act)
- iii. consider the provisions for appointing hearing commissioners from the register maintained by the Waikato River Authority as they may be applied to the fast-track process
- iv. have regard to the Waikato-Tainui Environmental Plan, including how to provide for continued partnership between the applicant and Waikato-Tainui (as a consistent theme running through the plan); and
- v. consider the detailed information-sharing provisions of the joint management agreement, as they may be applied to the fast-track process.

Yes / No

- j. **Agree** that on your behalf the Ministry will provide your notice of decisions to:

- i. anyone invited to comment on the application including relevant local authorities, relevant administering agencies, the Minister for the Environment and relevant portfolio Ministers, and relevant Māori groups
- ii. the panel convener
- iii. the Environmental Protection Authority (EPA)

Yes / No

k. **Sign** the notice of decisions letter to the applicant (Appendix 7).

Yes / No

Signatures

A handwritten signature in black ink, consisting of a large, stylized 'I' followed by a horizontal stroke that tapers to a point.

Ilana Miller
General Manager, Delivery and Operations

Hon Chris Bishop
Minister for Infrastructure

Date:

Table A: Stage 2 analysis

Recommendation	Accept and refer		
Project details	Project Name	Applicant	Project Location
	Brymer	Brymer Farms Limited c/- Barker & Associates The applicant is a legal company and eligible to apply for the relevant approvals.	Brymer Road, Whatawhata Road, Waikato District The land parcels are: Lot 3 Deposited Plan 385271; Lot 1 Deposited Plan South Auckland 87291; Lot 22 DPS 79526; Part Lot 2 DP 18355; and Allotment 365 Parish of Pukete
Project description	The project is a master-planned residential and mixed-use development and involves the construction and operation of: - Approx. 1,650 residential units, including a 250-unit retirement village and a 0.3-hectare mixed-use neighbourhood centre with commercial properties (a café and superette) - Open spaces including ecological restoration and offsets, retention of natural wetlands and riparian revegetation - transport infrastructure including local roads, cycle connections and pedestrian pathways - services infrastructure including a pump station, wastewater discharge, takes and treatment areas, stormwater ponds and use of existing water bores. The project will require the proposed approvals: - Resource consents under the Resource Management Act 1991 - Wildlife approvals under the Wildlife Act 1953.		
Minister invites comments / requests information	Written comments from invited parties		Further information from applicant, relevant local authorities, relevant administering agencies
	Local authorities <u>Waikato District Council (WDC)</u> WDC comment that the project has merit in delivering additional housing to the market but have concerns around infrastructure (transport, wastewater, water supply and stormwater management) needed to support the development. WDC comment that a competing application would be Wallace Road – Stages 1A and 1B Subdivision and Land Use Consent with associated Rooding and Infrastructure. However, we note this is a listed project under Schedule 2 of the Act, no application has been lodged at this time and the EPA is required to check prior to providing a substantive application to the panel convener. WDC comment that the project is not identified in the Waikato District Growth and Economic Development Strategy. WDC has no water supply or wastewater networks in the area; is unable to service the project with public reticulation; has no plans to develop the transport network in the area and has concerns with stormwater management from the project. Some WDC comments anticipate a level of technical information that is not required for you to decide the referral but will be expected if the referral is accepted enabling a substantive application to be lodged. We note WDC have not indicated that the application should not be referred. <u>Waikato Regional Council (WRC)</u> WRC comment that the project will increase housing supply in the Future Proof sub-region but do not consider the project to be regionally significant. The reasons state: there is sufficient plan-enabled housing capacity in the district for the next 30+ years; this proposal is unlikely to contribute to a well-functioning urban environment; it is inconsistent with key local and regional plans and strategies, including the Future Development Strategy; and it is unclear how the proposed development will impact and be impacted by flooding, peat soils, and land drainage (particularly downstream). WRC do not identify any competing applications but do comment that along with this project, the Future Development Strategy does not anticipate two Listed projects under Schedule 2 of the Act, the projects being Ruakura 2 (R2) Growth Cell (approx. 1350 dwellings) and Southern Links 1 (approx. 1035 dwellings). No applications have been lodged at this time and the EPA is required to check prior to providing a substantive application to the panel convener. WRC comment that the project is inconsistent with the Future Proof settlement pattern, which is embedded in the Waikato Regional Policy Statement and the decisions version of Proposed WRPS Change 1 - National Policy Statement on Urban Development 2020 and Future Proof Strategy [2023]. From the WRPS, Policy UFD-P11, Method UFD-M49 and Appendices APP11 – General development principles and APP13 – Responsive planning criteria (Out of sequence and unanticipated developments) are particularly relevant to the proposal and require further assessment.		You requested further information from the applicant on whether any interests shown on the records of title for the project site could adversely affect the ability to undertake the proposed works. In particular, the registered mortgages to Brymer Ridge Limited. The applicant provided the following response: - No interests shown on the records of titles are considered by our client to adversely affect the ability to undertake the proposed work for the Brymer Project. - Our client anticipates that any registered mortgages to Brymer Ridge Limited will be removed in the next few months as the project proceeds toward a substantive lodgement (subject to the referral outcome). - Should further clarification be considered necessary to satisfy this request we would be happy to provide further information, please advise what is required. - Written correspondence from our client confirms that any registered mortgages to Brymer Ridge Farms Limited will be removed as the project proceeds forward. We note the written correspondence states the mortgage is a financial arrangement that allows the applicant to continue with the development, that will be removed in October 2025, and there will be no restrictions created by the mortgage or any other interests on the title. We consider these actions should not impact the ability to undertake the proposed works or project delivery.

	WRC comment that the applicant has an existing consent application lodged to take groundwater for domestic supply associated with the development, that there are currently no allocation issues in the Waipa Aquifer or Waikato River catchment, and that the risk of any allocation issues preventing the resource consent application from progressing is low. We note WRC have not indicated that the application should not be referred. Ministers <u>Minister for the Environment</u> The Minister confirms the application has been reviewed and has no comments. <u>Minister for Economic Growth</u> The Minister comments that the project could: have substantial economic impacts concentrated in Hamilton in the short and medium term; support ongoing economic activity; and increase housing supply, address housing needs and contribute to a well-functioning urban environment under section 22(2)(a)(iii) of the Act. <u>Associate Minister for Housing</u> The Associate Minister supports the project being referred to the next stage as it will help increase housing supply and notes that Future Proof raised concerns around infrastructure needed to support the project; and anticipates Future Proof or its constituent Councils to raise such concerns with the expert panel, should the project be referred. Māori Groups - s18(2) We note comments received from Māori Groups are more fully incorporated in the section 18 Treaty settlements and other obligations report, as s18(l)(i) requires a summary of the comments received by the Minister after inviting comments. <u>Ngaati Maahanga (Ngaa Uri o Maahanga Trust)</u> Ngaati Maahanga comments confirm engagement with the Applicant and development a draft cultural values assessment and anticipate this requiring further information to complete if a substantive application is lodged. <u>Te Whakakitenga o Waikato</u> Te Whakakitenga o Waikato support the project being referred to the substantive phase and anticipate further engagement prior to lodgement. Administering agencies <u>Department of Conservation (DOC)</u> DOC comment that although there is insufficient information to determine the level of any actual and potential environmental effects, but it is adequate for a referral decision, and that with appropriate design and conditions, any such effects can be managed and is not aware of any other reason the project should not be referred. DOC has not identified any competing applications under the Wildlife Act 1953. Other person(s) or groups We note the following groups were primarily invited to comment and advise on whether there are any matters which may adversely affect project delivery. <u>Hamilton City Council (HCC)</u> The project is in proximity to HCC's territorial boundary and Waikato District Council has recommended that the project land be transferred to HCC's jurisdiction. HCC comments indicate concerns around infrastructure (transport, wastewater, water supply and stormwater management) needed to support the development, as well as geotechnical and peat issues. HCC confirms that the developer has met with their Fast-track Action Team, which highlighted considerable network capacity and infrastructure challenges that development of the Brymer site triggers and notes that resolution of these challenges will be costly. If approved for Fast-track HCC anticipates addressing all matters listed and feasibility must be at the forefront of consideration. We note HCC have not indicated that the application should not be referred. <u>Future Proof Committee (FPC)</u> FPC comments that the project is out of sequence, unanticipated development on the Waikato/Hamilton fringe; the land is not required to provide sufficient residential capacity in the short, medium or long term; and have concerns around the infrastructure (transport, wastewater, water supply and stormwater management) needed to support the development. <u>Waka Kotahi – New Zealand Transport Agency (NZTA)</u>	
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	For noting, the project proposes a new transport network including intersections and an upgrade to State Highway 23 (which connects to the project site). NZTA comment that subject to transport assessment, plans and mitigation measure to address any adverse effects of the development on the state highway, there are no concerns with the project being referred to the fast-track approvals process.	
The Minister must decline an application if the Minister is satisfied that the project involves an ineligible activity [section 21(3)(b)]	Based on the information in the application, we consider the project can be accepted for referral and does not involve an ineligible activity because it: - would not occur on identified Māori land, Māori customary land or a Māori reservation as confirmed by the relevant records of title and consultation with iwi authorities - would not occur in a customary marine title area or protected customary rights area and is land-based - is not an aquaculture activity or activity that is incompatible with aquaculture activities that would occur in an aquaculture settlement area and for which the applicant is not authorised to apply for a coastal permit and will not occur in the common marine and coastal area - would not require an access arrangement which cannot be granted under the Crown Minerals Act (including s61(1A)) and does not require an access arrangement - would not be prevented by section 165J, M, Q, ZC or ZDB of the RMA because it will not occur in the common marine and coastal area - would not occur on Schedule 4 land as confirmed by the records of title - would not occur on a national reserve as confirmed by the records of title - would not occur on a reserve held under the Reserves Act 1977 that is managed by or vested in someone other than the Crown or a local authority and that person has not consented in writing as confirmed by the records of title - is not a prohibited activity or decommissioning activity under the EEZA, 15B or 15C of the RMA and no such activities are proposed - is not for the purpose of an offshore renewable energy project as the area is onshore and no such activities are proposed. There have been no comments received from invited parties to indicate that the project involves an ineligible activity and should not be accepted for referral.	
The Minister must decline an application if the Minister considers they do not have adequate information to inform the decision (section 21(3)(c))	We consider you have sufficient information to inform your referral decisions.	
Relevant considerations and procedural requirements in Treaty settlement, Mana Whakahono ā Rohe, joint management agreement, or the Marine and Coast Area (Takutai Moana) Act 2011 or the Ngā Rohe Moana o Ngā Hapū o Ngāti Porou Act 2019 – s16.	N/A	
Section 22 assessment criteria		
The project is an infrastructure or development project that would have significant regional or national benefits – s22(1)(a).	You may consider any of the following matters, or any other matters you consider relevant. <i>Will increase the supply of housing, address housing needs, or contribute to a well-functioning urban environment – s22(2)(a)(iii)</i> The applicant considers the development of 1,650 residential dwellings to be a significant increase in development capacity for the purposes of the National Policy Statement on Urban Design 2020 (NPS-UD) and therefore the project contributes to a well-functioning urban environment. In addition, the applicant considers that the inclusion of housing specifically for the ageing population (through provision of approximately 250 retirement living units) will additionally 'free up' the housing market for others, which directly responds to the regional and national housing shortfall. <i>Will deliver significant economic benefits – s22(2)(a)(iv)</i> The applicant considers the project will support employment levels in the region, particularly for the construction industry over the next fifteen years. The applicant considers that through consenting and design, the project will generate jobs requiring expertise beyond the immediate locality of Hamilton, including from the Bay of Plenty, Waikato and Auckland. The applicant considers the number of jobs to then increase over the construction period, with approximately 4,730 full-time equivalent jobs being created. The applicant considers that once operational, the project will generate long-term employment through the retirement village's ancillary services and the commercial node of the development. The applicant considers this to provide diversity in employment opportunities, from aged care workers to hospitality workers. The applicant considers that the project will accommodate a range of affordable housing options which will create new business, increased employment opportunities and increased spending within the Waikato region. <i>Is consistent with local or regional planning documents, including spatial strategies – s22(2)(a)(x)</i> A high-level assessment of the local and regional planning documents relevant to the project has been provided with the application. The applicant considers the project is consistent with the local or regional planning documents due to Brymer's broader alignment with the overall growth within the Waikato. The applicant notes this is due to the project proximity to the Hamilton City jurisdiction and the opportunity for contiguous integration, which is being developed further through ongoing consultation with Future Proof Partners. The planning memorandum provided with the application documents notes that Waikato District Council have advised that the Waikato District Plan does not support growth or provide for the urban development of the site. For this reason and given the proximity of the project site to Hamilton City Council's territorial boundary, Waikato District Council has recommended that the land be transferred to Hamilton City Council's jurisdiction.	

	The relevant local authorities (Waikato District Council and Waikato Regional Council) and additional s17(5) parties: Hamilton City Council and the Future Proof Committee are in a collective partnership and all comment that the project is inconsistent with future proof growth strategies. However, none have indicated that the application should not be referred.
Referring the project to the fast-track approvals process – s22(1)(b)	<i>Would facilitate the project, including by enabling it to be processed in a more timely and cost-effective way than under normal processes – s22(1)(b)(i):</i> The applicant considers this satisfied for the following reasons: • Under the Act, expert panels will consider required approvals as a single application package rather than several applications for differing activities and territorial authorities, as would be required under normal processes • Under the Act, public and limited notification is precluded, and expert panels are only permitted to invite comments specified persons within a specified timeframe • Under the Act, timeframes are shorter and stricter than under normal processes • There is resourcing in place to process the application efficiently and with certainty around timeframes, ensuring the project remains 'shovel ready'. <i>Is unlikely to materially affect the efficient operation of the fast-track approvals process – s22(1)(b)(ii):</i> The applicant considers this satisfied because there is a fully engaged project team who are already progressing towards a full resource consent package, and referral of the project could enable lodgement of a substantive application within a few months to ensure the continued efficient operation of the Act.
Reasons to decline	
Minister <u>must</u> decline – s21(3)	Minister <u>may</u> decline – s21(4) and 21(5)(a-h)
You <u>must</u> decline a referral application if: <i>The application may not be accepted under subsection 1 (meets referral criteria).</i> We consider the project meets the referral criteria. <i>You are satisfied the project involves an ineligible activity.</i> We have not identified any ineligible activities included in the project scope. <i>You consider that you do not have adequate information to inform your decision under this section</i> We consider you have adequate information to inform your referral decisions. Overall, we do not consider that you must decline the application under this section.	You <u>may</u> decline a referral application for any other reason, whether or not it meets the criteria in section 22. Reasons to decline a referral application under subsection 4 include, without limitation: <i>The project would be inconsistent with a Treaty settlement, Ngā Rohe Moana o Ngā Hapū o Ngāti Porou Act 2019, Marine and Coastal Area (Takutai Moana) Act 2011, a Mana Whakahono ā Rohe, or a joint management agreement.</i> No inconsistencies have been identified, including within the section 18 Treaty report or comments received from Māori groups. <i>It would be more appropriate to deal with the matters that would be authorised by the proposed approvals under another Act or Acts.</i> No reasons have arisen to give any such indication, including from written comments received. <i>The project may have significant adverse effects on the environment.</i> No such effects have been identified, including from written comments received. DOC comments indicate insufficient information to determine the level of any actual and potential environmental effects but consider it likely that with appropriate design and conditions, effects can be managed to appropriate levels, and do not foresee any reason the project should not be referred. <i>The applicant has a poor compliance history under a specified Act that relates to any of the proposed approvals.</i> No such history has been noted. <i>The project area includes land that the Minister for Treaty of Waitangi Negotiations considers necessary for Treaty settlement purposes.</i> No such land has been identified. <i>The project includes an activity that is a prohibited activity under the Resource Management Act 1991</i> The project does not include any such activity. <i>A substantive application for the project would have one or more competing applications.</i> No competing applications have been identified at this stage, however we note the EPA is required to check prior to providing a substantive application to the panel convener. <i>In relation to any proposed approval of the kind described in section 42(4)(a) (resource consents), there are one or more existing resource consents of the kind referred to in section 30(3)(a).</i> No such resource consents have been identified, including by the applicant and relevant local authorities. We do not recommend that you decline the application.

Statutory framework summary

1. You are the sole decision maker for referral applications. If you accept a referral application, then the whole or part of the project will be referred to the fast-track approvals process.
2. If a Treaty settlement, the Marine and Coastal Area (Takutai Moana) Act 2011, the Ngā Rohe Moana o Ngā Hapū o Ngāti Porou Act 2019, a Man Whakahono ā Rohe or a joint management agreement provides for consideration of any document or procedural requirements, you must, where relevant:
 - a. Give the document the same or equivalent effect through this process as it would have under any specified Act; and
 - b. Comply with any applicable procedural requirements.
3. You must decline a referral application if:
 - a. you are satisfied the project does not meet the referral criteria in s22
 - b. you are satisfied the project involves an ineligible activity (s5)
 - c. you consider you do not have adequate information to inform your decision.
4. You may decline an application for any other reason, including those set out in s21(5) and even if the application meets the s22 referral criteria.
5. You can decline an application before or after inviting comments under s 17(1). However, if comments have been sought and provided within the required time frame, you must consider them, along with the referral application, before deciding to decline the application.
6. If you do not decline a referral application at this initial stage you must copy the application to, and invite written comments from:
 - a. the relevant local authorities,
 - b. the Minister for the Environment and relevant portfolio Ministers
 - c. the relevant administering agencies
 - d. the Māori groups identified by the responsible agency
 - e. the owners of Māori land in the project area:
 - f. you may provide the application to and invite comments from any other person.
7. You can request further information from an applicant, any relevant local authority or any relevant administering agency at any time before you decide to decline or accept a referral application (see section 20 of the Act).
8. However, if further information has been sought and provided within the required time frame you must consider it, along with the referral application, before deciding to decline the application.