

FTAA–2506–1073: Application received for referral of the project under the Fast-track Approvals Act 2024 – Stage 2 decisions

Project Name: Rogerson Block, SL1

Date submitted:	10 October 2025	Tracking #: BRF–6826	
Security level:	In-Confidence	MfE priority:	Urgent

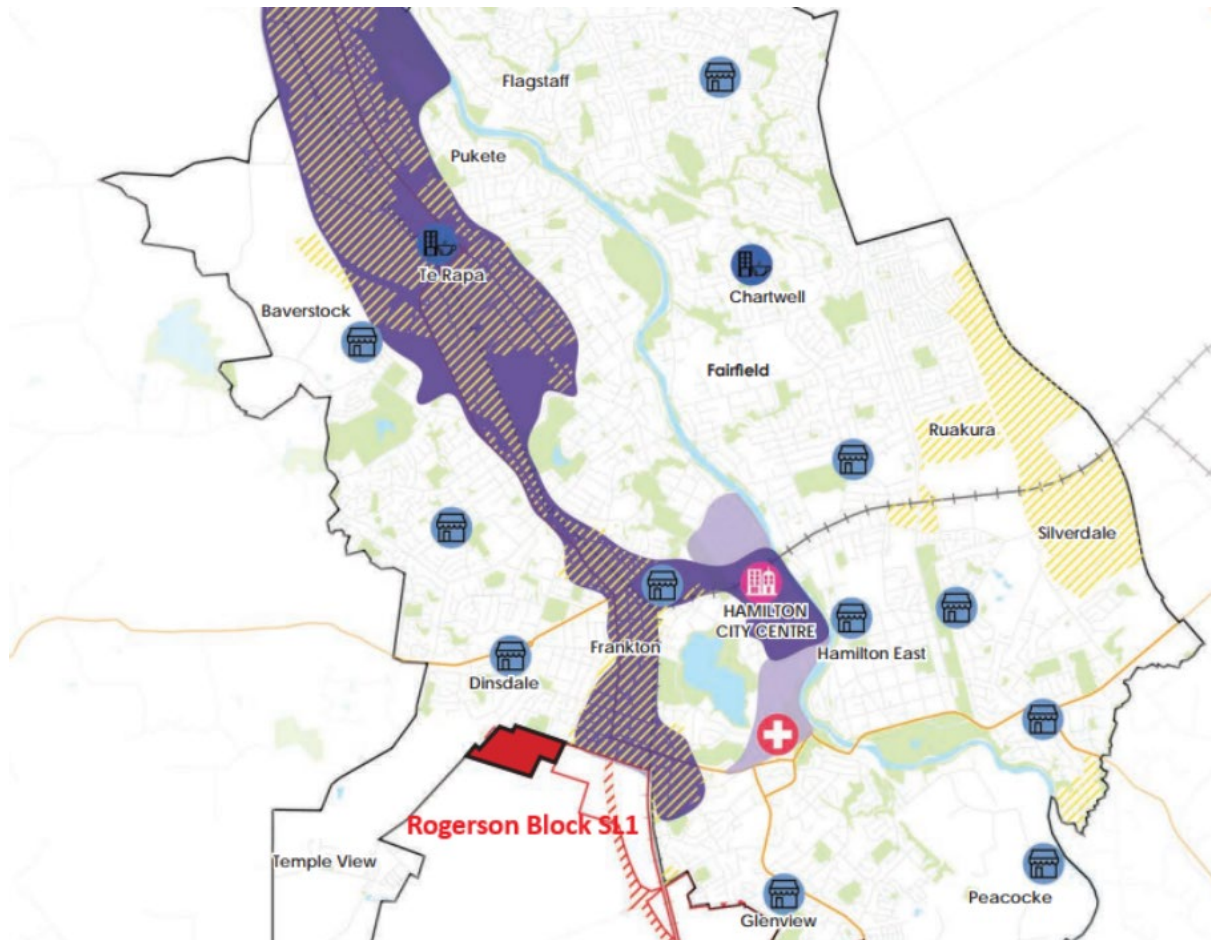
	Action sought:	Response by:
To Hon Chris Bishop, Minister for Infrastructure	Decision on recommendations	17 October 2025

Actions for Minister's Office staff	Return the signed briefing to MfE FTAreferrals@mfe.govt.nz. Approve the attached notice of decisions letter (if signed).
Number of appendices: 7	Appendices: 1. Statutory framework for making decisions 2. Application documents for Rogerson Block, SL1 (refer File Exchange) 3. Stage 1 Briefing Note and decisions (refer File Exchange) 4. Section 18 Report on Treaty settlements and other obligations including comments from Māori groups (refer File Exchange) 5. Comments received from all other parties the Minister sought comments from including the further information received from the relevant local authorities (refer File Exchange) 6. Further information received post-consultation 7. Draft Notice of Decisions

Ministry for the Environment contacts

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

Project location



Key messages

1. This briefing seeks your decisions under section 21 of the Fast-track Approvals Act 2024 (the Act) on the application from Graeme Rogerson (the applicant) to refer the Rogerson Block, SL1 project (the project) to the fast-track approvals process.
2. A copy of the application is in Appendix 2. This is the second briefing on this application. The first (Stage 1) briefing (BRF-6479) with your initial decisions annotated is in Appendix 3.
3. The project is to subdivide land and develop a residential and industrial development on approximately 43 hectares of land at 183 and 293 Tuhikaramaea Road. The land is located within the Southern Links 1 ('SL1') development area to the south of Dinsdale in the Waipa District, Waikato Region. The project may include works within the Tuhikaramaea Road, Higgins Road and Karen Crescent road reserves.

4. The project will include:
 - a. subdivision to create approximately 200 allotments and enable construction of approximately 200 residential units (which may be constructed by a person or persons other than the applicant)
 - b. subdivision to create approximately 30 allotments and to enable construction of industrial buildings and operation of industrial activities (which may include small-scale manufacturing, warehouses and other light industrial activities) (which may be constructed by a person or persons other than the applicant)
 - c. an open space network, including green buffer, artificial wetlands and regenerative planting
 - d. three waters services infrastructure
 - e. transport infrastructure (including external access site works).
5. The project will require the proposed approvals:
 - a. resource consents under the Resource Management Act 1991
 - b. approvals under the Wildlife Act 1953
 - c. authorisations under the Heritage New Zealand Pouhere Taonga Act 2014.
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 in Appendix 2, the Section 18 Treaty settlements report in Appendix 4, the written comments from invited parties and further information received from relevant local authorities in Appendix 5, any further information received from the applicant post inviting comment in Appendix 6, 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 if there are no reasons meaning you must decline the application. We provide our advice on these matters below.

Section 18 Treaty settlements and other obligations report

11. The Section 18 report in Appendix 4 identifies 13 groups as the relevant Māori groups identified under section 18(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.
14. Pursuant to section 16 of the Act, 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).
15. Te Whakakitenga o Waikato and Ngaati Maahanga provided comments on the referral application.
16. Te Whakakitenga o Waikato did not oppose project referral, but should the application be accepted for referral they recommended:
 - a. direct engagement should occur with all relevant mana whenua;
 - b. a formal relationship agreement should be established as part of this process; and
 - c. mana whenua should be appropriately resourced to fulfil key responsibilities.
17. Ngaati Mahaanga commented that have been engaging with the applicant's agents and are committed to continuing to work collaboratively to ensure their values and perspectives are integrated into the development. Ngaati Maahanga made a number of recommendations relating to cultural protection, environmental safeguards, infrastructure delivery, and governance mechanisms.
18. Under section 18(3)(b) of the Act a draft of the Section 18 report is required to be provided to the Minister for Māori Development and the Minister for Māori Crown Relations: Te Arawhiti. The Minister provided comment in support of the referral application subject to the applicant having regard to Te Ture Whaimana and the Waikato-Tainui Environmental Plan, engaging with Waikato-Tainui and, if suitable, Ngaati Maahanga, and giving reasonable consideration to the views of Te Whakakitenga o Waikato. Instead of specific directions to the applicant, we consider these matters are generally addressed by the recommended directions to a panel to comply with the applicable requirements identified at paragraphs 70 to 72 of the Section 18 report in Appendix 4.
19. We do not consider there are any matters raised in this report 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

20. Based on paragraphs 12 to 14 above, there are documents and procedural requirements under section 16 that apply to your consideration of the application.
21. We consider you have complied with some of the relevant procedural requirements in the Waikato-Tainui Raupatu Claims (Waikato River) Settlement Act 2010, as they relate to providing notice to the Waikato River Authority, and information about the application to the Waikato Raupatu River Trust (under the joint management agreement (JMA) provisions). There is also a need to ensure that these, and other, procedural requirements are complied with throughout the process (for example, the ability for Waikato-Tainui to comment on the

adequacy of information under the JMA, and the provisions relating to the appointment of hearing commissioners).

22. Section 16(2)(c) of the Act requires that you must, where relevant, in your notice of decisions on the referral application, direct any panel that considers a substantive application for the project to comply with any applicable requirements. Accordingly, should you decide to accept this referral application, we recommend you direct any panel considering a substantive application for the project to comply with the applicable requirements identified at paragraphs 70 to 72 of the Section 18 report in Appendix 4, namely to:
- a. have particular regard to Te Ture Whaimana;
 - b. give notice to the Waikato River Authority of the application (which may be fulfilled by an invitation to comment under section 53 of the Act);
 - c. consider the provisions for appointing hearing commissioners from the register maintained by the Waikato River Authority as they may be applied to appointing a panel under the fast-track process;
 - d. have regard to the Waikato-Tainui Environmental Plan, including how to provide for continued partnership with Waikato-Tainui (as a consistent theme running through the plan); and
 - e. consider the detailed information-sharing provisions of the JMAs, as they may be applied to the fast-track process.

Written comments received

23. Comments were received from Waikato Regional Council (WRC), Waipā District Council (WDC), Hamilton City Council (HCC), four Ministers, the Department of Conservation (DOC), Heritage New Zealand Pouhere Taonga (HNZPT), the New Zealand Transport Agency Waka Kotahi (NZTA), Te Whakakitenga o Waikato and Ngaati Maahanga. The key points of relevance to your decisions are summarised in Table A.
24. The comments from Te Whakakitenga o Waikato and Ngaati Maahanga are discussed in paragraphs 15 to 17 of this briefing. The key points from the remaining comments are:
- a. WRC provided a neutral stance on whether the project is regionally significant and highlighted several planning, environmental, and infrastructure concerns that should be addressed in any substantive application
 - b. WDC commented in support of the referral for the industrial component of the proposal due to its regional economic benefits but did not support the housing component as having significant regional or national benefit
 - c. HCC were invited to comment as the relevant agency to advise on the building line restriction (BLR) and three waters infrastructure and supported project referral. HCC cited significant regional benefits and alignment with strategic planning documents
 - d. The Minister for Regional Development considered the industrial component of the proposal would provide regional economic benefits, but did not comment on the housing component, noting it falls outside their portfolio. They acknowledge this project's potential to deliver economic benefits and infrastructure for the Waikato region

- e. The Minister for Economic Growth considered the project would provide substantial short and long-term economic benefits, particularly from the industrial component of the proposal
- f. DOC did not oppose project referral and considered that environmental effects can likely be managed with appropriate design and conditions
- g. HNZPT had no objections to the referral and considered that no archaeological authority is required
- h. NZTA commented that they are comfortable with the proposal being referred into the fast-track approvals process, provided key transport network issues are addressed collaboratively before any substantive application is lodged
- i. The Minister for the Environment and the Minister for Arts, Culture and Heritage both responded with no comments on the referral application.

Further information provided by applicant, relevant local authorities, relevant administering agencies

25. The following information was received in response to your requests for further information under section 20 of the Act:

26. From the applicant:

- a. regarding the mechanism that will be implemented to restrict land use on the industrial lots to industrial activities the applicant commented that any other use, other than rural, is explicitly not provided for without approval under the Act. The substantive application, in addition to a consent notice as part of the subdivision application, will have a land use consent that will correspond with industrial type activities. The land use will not enable residential development, other than any anticipated ancillary residential use which is currently provided for in the Hamilton industrial zone provision.
- b. regarding whether there are any known or potential prohibited activities associated with the project, including specifically in relation to:
 - i. Wetlands located on the project site

To support a precautionary approach, a prohibited activity consent for earthworks (or similar) in and around a natural inland wetland may be required. This is to be confirmed as part of detailed substantive assessments of effects and can be applied for as set out in s42(5)(a) of the FTAA. The applicant confirmed they are not seeking any approval for prohibited activities under s5(1)(l) of the FTAA. Should a prohibited activity be identified or sought as part of the Rogerson Block substantive application, the applicant considers the purpose and intent of the FTAA enable the consideration and balancing of wider outcomes as part of a broader assessment.
 - ii. Highly Productive Land

The applicant's view is that there are no prohibited or potential prohibited activities associated with the Rogerson Block and the proposed activities, under either the National Policy Statement for Highly Productive Land 2022 (NPS-HPL) or Waipa District Council Plan or Waikato Regional Plans. Should a prohibited activity be identified, the applicant considers the purpose and intent of the FTAA

enable the consideration and balancing of outcomes as part of a broader assessment.

- c. Regarding whether the project as proposed will deliver built housing and industrial facilities or will merely create allotments to enable future built development to occur: The applicant states that the project will deliver concurrent land use and subdivision for the entire area to enable the establishment of built housing and industrial facilities, and any associated wider infrastructure works and subdivision.

- 27. From Hamilton City Council regarding the Building Line Restriction (BLR) that covers some of the project site: HCC responded that WDC recommends BLR removal only if a 5m strip is vested as road reserve during future subdivision.
- 28. We consider the information supplied by the applicant and HCC is adequate to inform your decision on referral, noting that these aspects of the application will be able to be further considered by the expert panel.
- 29. You must consider all information received within the specified timeframe. We have taken this information into account in our analysis and advice, and it is presented in Table A.

Reasons to decline

- 30. The statutory framework in Appendix 1 sets out the situations where you must decline the application for referral under section 21(3). We do not consider you must decline this application.
- 31. You may also decline the application for any other reason under section 21(4). The Act gives some guidance under section 21(5) on matters you could consider when deciding whether to decline an application and these are set out in Appendix 1.
- 32. Relevant to section 21(5)(f) of the Act, the applicant has stated that to support a precautionary approach, a prohibited activity consent for earthworks (or similar) in and around a natural inland wetland may be required under the Resource Management (National Environmental Standards for Freshwater) Regulations 2020 (NES-F).
- 33. The applicant noted that no natural inland wetlands were conclusively identified within the project area by the ecologist and that the potential presence and delineation of any natural inland wetlands will need to be confirmed during further field surveys associated with a substantive application. The applicant further noted that if necessary, offsetting and compensation would be considered further as part of a substantive application for the project.
- 34. No comments provided by invited parties raised concerns regarding significant effects on natural inland wetlands. As the prohibited activity has only been included as a precautionary approach and may be avoided through detailed design and assessment, we do not consider you should decline the referral application on the basis it may include an activity that is prohibited under the RMA.
- 35. We have considered the matters above and this is discussed in Table A, and we do not consider you should decline the project for any other reason.

Reasons to accept

- 36. The statutory framework in Appendix 1 sets out the reasons you can accept a project for referral.

37. Our assessment of these matters is summarised in Table A. We consider the project meets the requirements of section 22, as:
- a. it is an infrastructure or development project to subdivide land and develop a residential and industrial development that would have significant regional or national benefits because it will deliver significant economic benefits
 - 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 because the timeframes under the Act are significantly shorter than under the RMA, the Act precludes public and limited notification and appeal rights are limited
 - c. referring the project is unlikely to materially affect the efficient operation of the fast-track approvals process because this project is not novel in the New Zealand context and is similar to the type of application that expert panel members are experienced in dealing with under the RMA.

Other matters

38. We have identified an issue further to the matters identified above and our analysis of this in Table A.
39. There is currently no three waters infrastructure for the project site therefore the applicant has provided preliminary details of servicing options. WDC has confirmed that three waters servicing would need to be provided by HCC, and HCC have not raised any concerns in this regard.
40. The applicant will need to undertake additional investigation work to confirm servicing details, however as no concerns have been raised by WDC or HCC we are satisfied that the ability to provide three waters services for the project is not a significant risk to project delivery. We also note these matters can be considered by a panel in a substantive application for the project.

Conclusions

41. We consider the project meets the section 22 criteria and you could accept the application under section 21 of the Act and refer all of the project to a panel with the specifications outlined below.
42. We consider that if you decide to refer the project, you should specify under section 27 of the Act that the panel must invite comments from the Chief Executive of NZTA, in addition to those persons and groups listed in section 53. 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

43. The Ministry for the Environment (MfE) must give notice of your decisions on the referral application, and the reasons for them, to the applicant(s) and anyone invited to comment under section 17 and publish the notice on the Fast-track website.

44. In your notice of decisions, you must direct a panel to comply with any requirements identified in section 16. The following directions are required:
- a. 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 appointing a panel under the fast-track process;
 - iv. have regard to the Waikato-Tainui Environmental Plan, including how to provide for continued partnership with Waikato-Tainui (as a consistent theme running through the plan); and
 - v. consider the detailed information-sharing provisions of the JMAs, as they may be applied to the fast-track process.
45. 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
46. 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
 - b. any comments received under section 17
 - c. the report obtained under section 18.
47. We have attached a notice of decisions letter to the applicant based on our recommendations in Appendix 7 and we will provide it to all relevant parties. We will provide you with an amended letter if required.
48. Our recommendations for your decisions follow.

Recommendations

49. We recommend that you:

- a. **Note** section 21(3) of the Fast-track Approvals Act 2024 (the Act) requires you to decline the referral application from Graeme Rogerson for the Rogerson Block, SL1 project (project) 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 the project meets the referral criteria in section 22 of the Act

Noted

- b. **Agree** that before making a decision on the application for project referral 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 (if you have received any comments or further information after the required timeframe you are not required to consider them but may do so at your discretion) in Appendix 6

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 Act as:
 - i. It is an infrastructure or development project to subdivide land and develop a residential and industrial development that would have significant regional benefits because it:
 - (1) will deliver significant economic benefits by:
 - (a) providing approximately 75 full-time equivalent (FTE) jobs and contributing approximately \$57 million to GDP over a 5-year design and infrastructure construction period
 - (b) providing or enabling approximately 329 FTE jobs and contributing approximately \$255 million to GDP over a 5-year residential and industrial building construction period
 - ii. enabling approximately 720 ongoing FTE jobs and approximately \$130 million annually to GDP through the operation of industrial activities
 - iii. referring the project to the fast-track approvals process would facilitate the project, including by enabling it to be processed in a more timely and cost-effective way than under normal processes because the timeframes under the Act are significantly shorter than under the RMA, the Act precludes public and limited notification and appeal rights are limited

- iv. referring the project to the fast-track approvals process is unlikely to materially affect the efficient operation of the fast-track approvals process because this project is not novel in the New Zealand context and is similar to the type of application that expert panel members are experienced in dealing with under the Resource Management Act 1991

Yes /No

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

Yes / No

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

Yes / No

- g. **Agree** to specify Graeme Rogerson 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)(ii) the following information the applicant must submit with the substantive application for the project:

- i. an assessment of the relevant infrastructure for three waters services that—
- (1) identifies the existing condition and capacity of that infrastructure; and
 - (2) identifies any upgrades to that infrastructure that are required in connection with the subdivision and the proposed development; and
 - (3) identifies any funding required to carry out those upgrades (including who will provide that funding);
 - (4) contains information on any discussions held, and any agreements made, between the authorised person and Hamilton City Council about the relevant infrastructure (including discussions and agreements about the matters referred to in subparagraphs (1) to (3)).

Yes / No

- i. **Agree** to specify under section 27(3)(b)(iii) of the Act that a panel must invite comments from the Chief Executive of the New Zealand Transport Agency Waka Kotahi in addition to those persons and groups specified in section 53 of the Act.

Yes / No

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

- i. have particular regard to Te Ture Whaimana
- ii. give notice to the Waikato River Authority of the application (which may be fulfilled by an invitation to comment under section 53 of the Act)
- iii. consider the provisions for appointing hearing commissioners from the register maintained by the Waikato River Authority as they may be applied to the fast-track 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 agreements, as they may be applied to the fast-track process

Yes / No

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

- i. anyone invited to comment on the application including the relevant local authorities, the 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

- l. **Approve** the notice of decisions letter to the applicant in Appendix 7

Yes / No

Signatures



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
	Rogerson Block, SL1	Graeme Rogerson c/- Authorised Agent Barker and Associates Limited	183 and 293 Tuhikaramea Road, Waipa, and the Tuhikaramea Road, Higgins Road and Karen Crescent road reserves. The project area is contained within the following land parcels: - Part Lot 1 Deposited Plan 13477 (Record of Title SA21A/154) - Part Lot 1 Deposited Plan South Auckland 10838 (part of Record of Title 465437) - Lot 2 Deposited Plan South Auckland 86155 (Record of Title SA68B/153)
Project description	The project is to subdivide land and develop a residential and industrial development on approximately 43 hectares of land at 183 and 293 Tuhikaramea Road. The land is located within the Southern Links 1 ('SL1') development area to the south of Dinsdale in the Waipa District, Waikato Region. The project may include works within the Tuhikaramea Road, Higgins Road and Karen Crescent Road reserves. The project will include: - subdivision to create approximately 200 allotments and enable construction of approximately 200 residential units (which may be constructed by a person or persons other than the applicant) - subdivision to create approximately 30 allotments and enable construction of industrial buildings and operation of industrial activities (which may include small-scale manufacturing, warehouses and other light industrial activities) (which may be constructed by a person or persons other than the applicant) - an open space network, including green buffer, artificial wetlands and regenerative planting - three waters services infrastructure - transport infrastructure (including external access site works) The project will require the proposed approvals: - resource consents under the Resource Management Act 1991 - approvals under the Wildlife Act 1953 - authorisations under the Heritage New Zealand Pouhere Taonga Act 2014		
Minister invites comments / requests information	Summary of comments from invited parties		
	<u>Local authorities</u> Waikato Regional Council (WRC) WRC had a neutral stance on whether the project is regionally significant but noted the following key considerations: - The most recent Future Proof Development Strategy (FDS) 2024 for the sub-region already enables 30 years of residential land supply excluding this proposal, and the key constraint on development is infrastructure capacity, rather than land availability. The proposed site is not identified for industrial development in the FDS, only for further investigation. - The Future Proof Housing and Business Development Capacity Assessment identifies a shortfall of industrial land in Hamilton City in the long term, however there are multiple other Fast-track projects around Hamilton that exceed demand - The land meets the transitional definition of 'highly productive land' and loss of this land should be considered. WRC disagreed with the applicant's assessment that the site is exempt from consideration under the National Policy Statement for Highly Productive Land 2002 (NPS-HPL) - The site contains peat soils that may present construction challenges and lead to increased carbon emissions, and also has a high probability of containing Acid Sulphate Soils - The proposal represents an unanticipated development beyond the 'urban enablement area' in the Waikato Regional Policy Statement WRC identified potential effects relating to ecosystems, indigenous biodiversity and flooding, but considered that management plans and/or suitable consent conditions are likely able to address these. WRC also noted that further investigations and assessment will need to occur for the proposed water supply for the project. WRC did not identify any competing applications nor consents under section 142C(1)(c) or 165ZI of the RMA. We consider the comments from WRC can be addressed as part of the substantive process by an expert panel without any specific direction. Waipā District Council (WDC) WDC supported project referral on the basis that providing additional land for industrial activities, and the economic benefits of construction and on-going industrial activities, would constitute significant regional benefits. However, WDC did not consider the housing component of the project was necessary to provide development capacity nor would it have significant regional or national benefits. WRC considered the project aligns with the Future Proof Strategy, but noted the following: - The project is not aligned with the Waipā District Plan, particularly provisions relating to high class soils, planned development and character and amenity of the Rural Zone. - The project is not aligned with the Waipā 2050 Growth Strategy - The NPS-HPL will apply to the project WDC noted there is currently no three waters infrastructure to service the project site and this would need to be provided by HCC. WDC noted that a Memorandum of Understanding exists between WDC and HCC to guide future boundary and servicing discussions. In relation to Building Line Restriction (BLR) S135726 restricting building within 5.03m of Tuhikaramea Road, WDC supported removal of the BLR subject to the 5m strip of land being vested as road reserve during subdivision. WDC further noted that questions regarding competing applications and consents under section 142C(1)(c) or 165ZI of the RMA are more appropriately answered by WRC.		

	Hamilton City Council (HCC) HCC supported project referral for the following reasons: • Industrial Land Use Preference: HCC prefers the Rogerson Block be used for industrial purposes to address medium- and long-term industrial land supply deficits in Hamilton. • Strategic Location: The site is near key infrastructure (Southern Links Road, North Island Main Trunk Railway, Hamilton Airport), making it ideal for industrial development. • Integrated Planning: Combining this site with the adjacent SL1 Fast-track area would enable better planning and infrastructure delivery. • Transport Benefits: Development would support an east-west spine road, reducing heavy traffic on residential streets and improving connectivity. • Economic Benefits: from both the Construction Phase Estimated \$397 million GDP, 400+ full-time jobs over 5 years and the Ongoing Industrial Activity 720 full-time jobs, \$130 million annual GDP, \$58 million in wages. HCC also requested that if the project is referred, the substantive application is considered alongside the SL1 Fast-track application (FTA352 a listed project). HCC noted the site spans areas within and outside the Priority 1 Strategic Boundary Agreement (SBA) between HCC and WDC and that Fast-track consent may be granted before boundary changes, causing administrative challenges (e.g., infrastructure funding, development contributions). HCC also noted there is currently no reticulated three waters infrastructure and HCC would need to provide services if agreed. In relation to competing applications and existing resource consents HCC deferred to WDC and WRC as more appropriate to respond. <u>Ministers</u> The Minister for Regional Development considered the project could deliver economic benefit for the Waikato region by enabling business growth through the industrial estate development. The Minister for Economic Growth considered the project provides substantial short and long-term economic benefits, including ongoing economic benefits from the industrial component. The Minister considered the project aligns with the Government's economic growth ambitions by increasing housing supply (section 22(2)(a)(iii) of the Act) and investing in enabling infrastructure for industrial uses in a regionally significant area (the Southern Links corridor). The Minister for the Environment and Minister for Arts, Culture and Heritage both responded with no comments on the referral application. The Minister of Conservation - did not respond comment on the referral application The Associate Minister for Housing - did not respond to comment on the referral application <u>Māori Groups</u> Te Whakakitenga o Waikato Te Whakakitenga o Waikato did not oppose project referral but noted this is not to be interpreted as support for the proposal in its entirety. Matters to be confirmed prior to the applicant lodging any substantive application included: • Direct engagement should occur with all relevant mana whenua; • A formal relationship agreement should be established; and • Mana whenua should be appropriately resourced to fulfil key responsibilities, including facilitating, hosting and holding whānau hui, co-designing a relationship agreement, developing and confirming preferred engagement approach, participating in technical workshops and reviewing all technical documentation to inform a Cultural Values Assessment (CVA) Te Whakakitenga o Waikato noted that Waikato-Tainui reserves the right to provide separate commentary or responses as needed, including in relation to Crown or developer engagement, environmental assessments, and iwi-wide implications of the project. Ngaati Maahanga Ngaati Maahanga neither supported nor opposed project referral but noted they have been engaging with the applicant's agents and are committed to continuing to work collaboratively to ensure their values and perspectives are integrated in the development. Ngaati Mahanga made a number of recommendations relating to the project and a substantive application for the project, including: Cultural Protection • Conduct a Cultural Impact Assessment (CIA) before any site works. • Establish a Cultural Monitoring Plan with Ngaati Maahanga presence during earthworks. • Protect wāhi tapu and significant sites via mapped exclusion zones. Environmental Safeguards • Implement riparian planting to support biodiversity and reduce sedimentation. • Require sediment and erosion control plans that meet/exceed regional standards. • Regular water quality monitoring with reporting to Ngaati Maahanga. Infrastructure Delivery • Align infrastructure with regional planning and iwi aspirations. • Prioritize sustainable design, including low-impact stormwater systems. • Engage Ngaati Maahanga during design and implementation phases. Governance Mechanisms • Establish a co-governance framework with developers and authorities. • Include iwi representatives in project decision-making. • Develop a Memorandum of Understanding (MoU) to formalise roles and communication.
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	<u>Administering agencies</u> Department of Conservation (DOC) DOC did not oppose project referral and considered environmental effects can likely be managed with appropriate design and conditions. However, DOC recommended further engagement and inclusion of any necessary additional wildlife approvals in a substantive application. DOC confirmed that pre-lodgement consultation occurred, but information provided was high-level and lacked comprehensive ecological data. Wildlife Act Approvals are required for the handling, relocation, and potential accidental mortality of lizards, as well as any potential bats and bird species within the project site. DOC identified the potential for significant adverse environmental effects due to the presence of lizards and possibly black mudfish and the absence of detailed surveys relating to wetlands, watercourses, and fauna habitats. However, DOC considered these effects can likely be managed through appropriate design and consent conditions. DOC provided an assessment under section 21(3) and 21(4) of the Act relating to reasons to decline and did not identify any reasons that you must or may decline the referral application. DOC recommended the following: • further pre-lodgement engagement with the DOC before any substantive application is lodged • consideration of inclusion of lizards, bats and birds in the scope of wildlife approvals • if you decide to refer the project, to consider specifying that evidence of further pre-lodgement engagement with DOC be submitted with the substantive application to support a panel's timely and efficient decision making. Heritage New Zealand Pouhere Taonga (HNZPT) HNZPT neither supported nor opposed project referral and confirmed that an archaeological authority is not required. HNZPT noted: • there are no listed or scheduled historic heritage items, or recorded archaeological sites, within the project boundaries • the project should proceed under an Accidental Discovery Protocol • no further information is required for a substantive application but the panel should invite comments from HNZPT. While an archaeological authority is not currently required based on the information provided, the application will retain a request for such authorisation. This is to accommodate any further investigations that may be necessary to support a future substantive application. <u>Other persons or groups</u> New Zealand Transport Agency Waka Kotahi (NZTA) NZTA did not oppose project's referral and commented that they are committed to collaborative engagement with the applicant and development team going forward. NZTA noted the access arrangements contained in the referral application differ from those in NZTA's Hamilton Southern Links (HSL) Fast-track project and the network configuration must be agreed by NZTA, HCC and the applicant prior to a substantive application being lodged. NZTA identified the following matters to be addressed in any future Integrated Transport Assessment (ITA) for the project: • A Network Assessment: Comprehensive evaluation of Killarney Road / Duke Street / Greenwood Street intersections, with and without the proposed development. • Transport Modelling: Additional modelling in the Waikato Regional Transport Model to consider both scenarios of "with" and "without" the HSL project. The applicant should include the preferred HSL option and proposed land use changes. • HSL Integration: the ITA should reflect the designated layout of the Kahikatea Drive/State Highway 1 intersection and also consider the alternative HSL preferred option (a 3-leg roundabout). It should clearly show how the proposal will interact with future transport infrastructure. Further information from the applicant and relevant local authorities <u>WRC, WDC and HCC</u> Further information from WRC, WDC and HCC on the significance of benefits is outlined above. <i>HCC - on whether there are any challenges to the removal of the building line restriction (S135726) being removed from the proposed project land (Lot 3 Deposited Plan 415839 and Part Lot 1 Deposited Plan South Auckland 10838 (465437))</i> In relation to the Building Line Restriction (BLR) that covers some of the project site HCC note that WDC recommends BLR removal only if a 5m strip is vested as road reserve during future subdivision. WDC commented in relation to the Building Line Restriction (BLR)-BLR S135726 restricts building within 5.03m of Tuhikaramea Road. WDC supports removal of the BLR only if the 5m strip is vested as road reserve during subdivision. The applicant will need to address this in their substantive application. <u>Applicant</u> In response to the request to provide additional details of the mechanism that will be implemented to restrict land use on the industrial lots to industrial activities, the applicant advised that any other use, other than rural, is explicitly not provided for without an approval under the Act. The applicant stated that the substantive application, in addition to a consent notice as part of the subdivision application, will have a land use consent that will correspond with industrial type activities. The land use will not enable residential, other than any anticipated ancillary residential use which is currently provided for in the Hamilton industrial zone provisions.
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 is eligible for referral 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 as 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 because it 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)) because it does not require an access arrangement - would not be prevented by section 165 J, 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 record of title - is not a prohibited activity or decommissioning activity under the EEZA, 15B or 15C of the RMA as it does not involve any of the relevant activities - is not for the purpose of an offshore renewable energy project because it will not occur offshore. No comments raised by parties invited to comment have indicated that the project would be ineligible for referral.
The Minister must decline an application if the Minister considers they do not have adequate information to inform the decision [section 21(3)(c)]	We consider you have 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 [section 16]	Section 16(2)(c) of the Act requires that you must, where relevant, in your notice of decisions on the referral application, direct any panel that considers a substantive application for the project to comply with any applicable requirements. Accordingly, should you decide to accept this referral application, we recommend you direct any panel considering a substantive application for the project to comply with the applicable requirements identified at paragraphs 70 to 72 of the Section 18 report in Appendix 4, namely to: - have particular regard to Te Ture Whaimana; - 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); - consider the provisions for appointing hearing commissioners from the register maintained by the Waikato River Authority as they may be applied to appointing a panel under the fast-track process; - have regard to the Waikato-Tainui Environmental Plan, including how to provide for continued partnership with Waikato-Tainui (as a consistent theme running through the plan); and - consider the detailed information-sharing provisions of the JMAs, as they may be applied to the fast-track process.
Section 22 assessment criteria	
The project is an infrastructure or development project that would have significant regional or national benefits [section 22(1)(a)]	The Minister may consider any of the following matters, or any other matters the Minister considers relevant. <i>Will deliver new regionally or nationally significant infrastructure or enable the continued functioning of existing regionally or nationally significant infrastructure [s22(2)(a)(ii)]</i> The applicant considers the project is regionally significant as it supports the delivery of regionally significant infrastructure, particularly the Southern Links transport corridor, which has been identified in the Government Policy Statement on Land Transport 2024-2034 as a Road of National Significance. The applicant considers the project helps strengthen the business case for Southern Links by anchoring future travel demand, supporting mode shift objectives and enabling more efficient staging of associated infrastructure. While these outcomes may be indirect benefits, this project will not deliver the Southern Links transport corridor, nor enable its continued functioning, and therefore we do not consider you should refer the project on this criterion. <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 project will increase the supply of housing and address housing needs by providing 200 residential units. The applicant states the current regional housing market is characterised by high demand and low supply, and this development will contribute to alleviating this with a range of housing typologies and high-quality, safe and warm houses for a significant number of people, now and into the future. The applicant's Economic Memorandum reports that an additional 200 residential dwellings enabled by this proposal represents a significant increase in development capacity, noting that recent data for Tier 1 councils in the North Island indicates that only the top 1% of consents created 75 or more lots. WDC did not consider the housing component of the project will have significant regional or national benefit as there is already sufficient development capacity and the additional 200 residential units would not have a measurable impact. WRC also noted that the FDC for the sub-region already enables 30 years of residential land supply excluding this proposal. The Minister for Economic Growth considered the project would increase the supply of housing. We accept the project will increase the supply of housing, however we do not consider you can be satisfied an additional 200 residential units located in an area that has sufficient development capacity and residential land supply, is regionally significant. Therefore, we do not consider you should refer the project on this criterion. <i>Will deliver significant economic benefits [s22(2)(a)(iv)]</i> The applicant considers the project offers significant economic benefits during both its construction and long-term operation as follows: - during planning and design, and infrastructure and civil works – providing approximately 75 full-time equivalent jobs (FTEs) over a 5-year period and contributing \$57 million to GDP - during residential and industrial construction – providing approximately 329 FTEs over a 5-year period and contributing \$255 million to GDP - ongoing operation of industrial activities – providing approximately 720 FTEs and contributing \$130 million annually to GDP The Minister for Economic Growth considered the project provides substantial short and long term benefits and the Minister for Regional Development noted the project could deliver significant economic benefits for the Waikato region. WDC also considered the economic benefits of construction and on-going industrial activities would constitute significant regional benefits.

	We note the applicant has indicated the residential lots may be on-sold as vacant land and a third party or parties may be responsible for constructing the residential units. Similarly, built development on the industrial lots will be delivered by a third party or parties. Whilst some of the economic benefits outlined by the applicant will therefore be attributable to third parties, they are still associated with and a result of the project. We consider the project will deliver significant economic benefits by providing approximately 75 FTE jobs and contributing approximately \$57 million to GDP over a 5-year design and infrastructure construction period, providing or enabling approximately 329 FTE jobs and contributing approximately \$255 million to GDP over a 5-year residential and industrial building construction period, and enable approximately 720 ongoing FTE jobs and approximately \$130 million annually to GDP through the operation of industrial activities. On this basis, we consider the project can be referred on this criterion. <i>Will support climate change mitigation, including the reduction or removal of greenhouse gas emissions [s22(2)(a)(vii)]</i> The applicant states the proposal directly responds to the national risk of climate change and natural hazards through the management of flooding hazards, via the stormwater management provided by the stormwater basins, and the incorporation of measures to support the reduction of greenhouse gas emissions, such as promotion of walking and cycling. WRC notes that the site contains peat soils, which pose a risk of carbon emissions if disturbed. While this highlights a climate risk, WRC does not indicate that the proposal actively mitigates emissions or contributes to climate change mitigation. Ngaati Maahanga commented recommending sustainable infrastructure design, they are not explicitly linked to greenhouse gas reduction. While the applicant has outlined some proposed environmental mitigations, there is no direct evidence or commentary indicating that the project will support climate change mitigation as defined under s22(2)(a)(vii). The presence of peat soils may in fact pose a climate risk, and mitigation strategies would need to be clearly demonstrated in any substantive application to meet this criterion. <i>Will support climate change adaptation, reduce risks arising from natural hazards, or support recovery from events caused by natural hazards [s22(2)(a)(viii)]</i> The applicant has stated that the development proposal directly responds to the national risk of climate change and natural hazards through the management of flooding hazards, via the stormwater management provided by the stormwater basins, and the incorporation of measures to support the reduction of greenhouse gas emissions, such as promotion of walking and cycling. WRC has identified natural hazard risks on the project site and emphasises the need for site-specific hazard assessments to support climate adaptation and risk reduction. These risks include peat soils, which pose subsidence and carbon emission risks; flooding, which requires detailed assessment to prevent offsite impacts; and acid sulphate soils, which may lead to soil and water acidification. Ngaati Maahanga recommends a range of environmental safeguards that align with climate adaptation and natural hazard mitigation principles. These include riparian planting to support biodiversity and reduce sedimentation, sustainable infrastructure design such as low-impact stormwater systems, suggest that the projects sediment and erosion control plans that should be designed to meet (or exceed) regional standards, and water quality monitoring to manage environmental risks. Collectively, these measures could contribute to increased resilience against climate-related impacts. We do not recommend that the project is referred on this criterion. <i>Will address significant environmental issues [s22(2)(a)(ix)]</i> The applicant has stated that the project will have the following environmental outcomes as it: • incorporates stormwater detention devices with native plantings, contributing to a positive ecological outcome. This will support the environmental outcomes within the immediate locality, but also on a regional scale due to its relationship with the Waitawhiriwhiri Stream and catchment back into Hamilton. • includes riparian and wetland restoration where possible, the project will support biodiversity, and safeguards natural water filtration processes to benefit the region. The inclusion of stormwater management features helps mitigate runoff, capture sediment, and facilitate bioremediation, improving water quality. Additionally, native planting enhances regional ecosystems by creating wildlife corridors, improving air quality, and moderating urban temperatures. DOC state that they believe that the environmental effects can be managed through appropriate design and conditions. They do recommend that the applicant continue to engage with the Department, of the inclusion of bats and birds in wildlife approvals, and that the Minister should require evidence of DOC engagement in the substantive application. WRC raised multiple environmental concerns and recommends that the applicant follow best practice ecological protocols to mitigate in relation to any substantive application. Ngaati Maahanga comment on the critical importance of robust environmental safeguards in all land and waterway management activities. In alignment with kaitiakitanga (guardianship) principles, the following measures are required: • Riparian Planting – the implementation of riparian planting is essential to enhance biodiversity, stabilise stream banks, and reduce sedimentation. Indigenous species should be prioritised to support native ecosystems and cultural values. • Sediment and Erosion Control - all development and land disturbance activities must include sediment and erosion control plans that not only comply with, but exceed, regional environmental standards. These plans should be developed in consultation with Ngaati Maahanga to ensure cultural and ecological considerations are integrated. • Water Quality Monitoring- there needs to be regular and ongoing water quality monitoring is required. Results must be transparently reported to Ngaati Maahanga to ensure accountability and enable timely responses to any environmental degradation. Te Whakakitenga o Waikato who are considered neutral on the referral of the project, while not directly focused on environmental issues, their emphasis on inclusive planning and cultural integrity (in relation to a cultural values assessment and mana whenua engagement) may support broader environmental outcomes. We do not recommend referring on this criterion and note that the points raised should be addressed through the more detailed assessment of environmental effects that accompanies a substantive application. <i>Is consistent with local or regional planning documents, including spatial strategies [s22(2)(a)(x)]</i> The applicant states that the project is consistent with local/regional planning documents and spatial strategies as the project aligns with the Future Proof Strategy and wider regional planning documents. The Future Proof Strategy explicitly recognises the SL1 growth cell as a strategically significant area for urban expansion. This planning document identifies SL1 as part of Hamilton’s urban enablement area under the NPS-UD, with planned intensification supported by future public transport. Its inclusion in Future Proof, and the support it has from the development community, signals a high level of planning certainty and infrastructure readiness. This reduces delivery risk, increases investor confidence, and helps attract earlier and more sustained private sector investment. In this way, strategic recognition not only supports alignment with planning documents but also contributes to more efficient and timely economic outcomes. HCC supports the referral of the Rogerson Block to the Fast-track process due to its alignment with strategic planning documents. The have provided the following summarised comments related to Planning and Policy Alignment: • Future Proof Strategy 2024–2054: The site is identified for investigation for future industrial development but not for residential use.
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	- National Policy Statement – Highly Productive Land (NPS-HPL): The land is Class 2 (highly productive), but HCC argues it qualifies for exemption due to its identification in strategic planning documents (Special Built Area (SBA), Future Proof Strategy, Hamilton Urban Growth Strategy (HUGS)). WRC commented that the proposal is not aligned with the Future Proof Strategy or Waikato Regional Policy Statement (WRPS). They stated that the project site is not within the urban enablement area (Map 43, Proposed WRPS Change 1) and that the proposal is considered unanticipated development. They have identified relevant WRPS provisions needing further consideration regarding the project: - UFD-P11 (Adopting Future Proof Land Use Pattern) - UFD-M49 (Out-of-Sequence or Unanticipated Urban Development) - APP11 (General development principles) - APP13 (Responsive planning criteria) In addition, WRC noted that in relation to Te Ture Whaimana o te Awa o Waikato there was no assessment provided by the applicant, pointing out that any application must demonstrate how it gives effect to this Vision and Strategy. WDC comment that the proposal is not aligned with the Waipā District Plan or Waipā 2050 Growth Strategy, but WDC considers this project aligned with the Future Proof Strategy. A summarised assessment of the alignment to planning instruments is provided below: Aligned with: - Future Proof Strategy 2024–2054: Identifies SL1 area for future development. - NPS–Highly Productive Land: WDC agrees the NPS–HPL does not apply due to strategic identification for urbanisation. Not aligned with: - Waipā District Plan 2016: Site is zoned Rural with peat soils; development conflicts with objectives to protect rural land and character. - Waipā 2050 Growth Strategy: Site not identified as a growth area (though strategy is due for review). Given the absence of consensus regarding alignment with local and regional planning documents, including spatial strategies, and noting that further information is required to address the matters outlined above in a substantive application, we do not recommend referral under this criterion. <i>Any other matters that may be relevant [s22(b)]</i> This project's potential alignment with the wider Southern Links 1 (SL1) project (a FTAA listed project under reference FTA352). This project site was not included in the original application for the wider development of SL1 and under the FTAA application must stand on its own merits. The project is proposed to be complementary to the SL1 wider project. Noting that included in the comments from HCC they asked for this to be considered alongside this project.
Referring the project to the fast-track approvals process [section 22(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 notes that using the fast-track process the consolidated timeframes for engagement with interested stakeholders and parties, wider consultation requirements to support substantive applications, and the overall detail required support a more timely and efficient consideration of the project. We agree with the applicant's statement that the use of the fast-track process would facilitate the project in a more timely and cost-effective manner than under the conventional RMA consenting pathways. <i>Is unlikely to materially affect the efficient operation of the fast-track approvals process [s22(1)(b)(ii)]</i> The applicant notes that the project is unlikely to materially affect the efficient operation of the fast-track approval processes. That the FTAA process is considered the right instrument for this scale of project, and the Rogerson Block project is not considered to materially impact on the intent of the FTAA process, more so it would reinforce the value and opportunity that the FTAA presents for regionally and nationally significant projects, and reinforces the strategic significance and contiguous nature of the land holding from the existing SL1 Stage 1 Industrial and Stage 2 Residential project. We agree that the project will not significantly impact the efficiency of the fast-track approvals process.
Reasons to decline	
Minister <u>must</u> decline [section 21(3)]	Minister may decline [section 21(4) and 21(5)(a-h)]
<i>You <u>must</u> decline a referral application if:</i> <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>	<i>The Minister <u>may</u> decline a referral application for any other reason, whether or not it meets the criteria in section 22.</i> <i>Reasons to decline a referral application under subsection 4 include, without limitation:</i> <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> There is nothing within the Section 18 report, nor any comments from the relevant Māori groups to indicate the project would be inconsistent with any of these matters. <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 comments provided by invited parties indicate the project would be more appropriate to deal with the matters that would be authorised by the proposed approvals under another Act or Acts. <i>The project may have significant adverse effects on the environment</i> DOC identified the potential for significant adverse environmental effects due to the presence of lizards and possibly black mudfish and the absence of detailed surveys relating to wetlands, watercourses, and fauna habitats. However, DOC considered these effects can likely be managed through appropriate design and consent conditions. No other parties invited to comment raised concerns regarding potential significant adverse effects on the environment.

We have not identified any ineligible activities included in the project. <i>You consider that you do not have adequate information to inform the decision under this section</i> We consider you have adequate information to inform your referral decision. We do not consider that you must decline the application under this section.	We consider the potential effects identified by DOC are more appropriately tested by a panel with the benefit of a complete assessment of environmental effects, and you should not decline this referral application on this basis. <i>The applicant(s) has a poor compliance history under a specified Act that relates to any of the proposed approvals</i> No comments have indicated that the applicant has a poor compliance history. <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 19</i> The applicant has stated that to support a precautionary approach, a prohibited activity consent for earthworks (or similar) in and around a natural inland wetland may be required under the Resource Management (National Environmental Standards for Freshwater) Regulations 2020 (NES-FW). The applicant noted that no natural inland wetlands were conclusively identified within the project area by the ecologist and that the potential presence and delineation of any natural inland wetlands will need to be confirmed during further field surveys associated with a substantive application. The applicant further noted that if necessary, offsetting and compensation would be considered further as part of a substantive application for the project. No comments provided by invited parties have raised concerns regarding significant effects on natural inland wetlands. As the prohibited activity has only been included as a precautionary approach and may be avoided through detailed design and assessment, we do not consider you should decline the referral application on the basis it may include an activity that is prohibited under the RMA (section 21(5)(f) of the Act). <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. <i>Any other matters</i> There is currently no three waters infrastructure for the project site therefore the applicant has provided preliminary details of servicing options. WDC has confirmed that three waters servicing would need to be provided by HCC and HCC have not raised any concerns in this regard. Whilst the applicant will need to undertake additional investigation work to confirm servicing details, as no concerns have been raised by WDC or HCC we are satisfied that the ability to provide three waters services for the project is not a significant risk to project delivery. We also note these matters can be considered by a panel in a substantive application for the project. We do not recommend you decline the application.
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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.