



## FTAA–2603–1180: Application received for referral of the project under the Fast-track Approvals Act 2024 – Stage 2 decisions

### Project Name: Middle Road Project

Date submitted:	19 June 2026	Tracking #: 26-BRF-01665	
Security level:	In-Confidence	MfE priority:	Urgent

	<b>Action sought:</b>	<b>Response by:</b>
To Hon Chris Bishop, Minister for Infrastructure	Decision on recommendations	26 June 2026

Actions for Minister's Office staff	<b>Return</b> the signed briefing to the Ministry for the Environment – email: <a href="mailto:FTAreferrals@mfe.govt.nz">FTAreferrals@mfe.govt.nz</a> <b>Approve</b> the attached notice of decisions letter.
Number of appendices: 6	Appendices: 1. Statutory framework for making decisions 2. Application documents for Middle Road Project 3. Stage 1 briefing note and decisions 4. Section 18 report on Treaty settlements and other obligations 5. Comments received from invited parties 6. Draft Notice of decisions.

### Ministry for the Environment contacts

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



Approximately 75 per cent of the project site is on highly productive land (Land Use Classification 2 class soils).

4. The project will require the proposed approvals under the fast-track approvals process:
  - a. resource consents under the Resource Management Act 1991 (RMA)
  - b. archaeological authority under the Heritage New Zealand Pouhere Taonga Act 2014.
5. 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.
6. We seek your decisions on the recommendation above, proposed directions to the applicant and expert panel, and the notification of your decisions.

### Assessment against statutory framework

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7. 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.
8. 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 in Appendix 5, and any document that requires your consideration under section 16 and comply with any procedural requirements under section 16.
9. 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

10. The section 18 report in Appendix 4 identifies 12 groups as the relevant Māori groups under section 18(2). One group invited to comment on the referral application provided a response.
11. There are two Treaty settlements that are relevant to the project area, these are: Heretaunga Tamatea Claims Settlement Act 2018 and Hawke's Bay Regional Planning Committee Act 2015. No other arrangements have been identified as relevant to the project area.
12. The relevant principles and provisions of the settlements identified above that apply to the project area are as follows:
  - a. The Heretaunga Tamatea Claims Settlement Act 2018 provides a statutory acknowledgement over nearby Karamū Stream and its tributaries as the proposed activities for which approvals are being sought may affect Karamū Stream and one of its tributaries, Herehere Stream. We consider the process of inviting comment (including providing information about the application) from Tamatea Pōkai Whenua under the Act is comparable to the requirements for statutory acknowledgements under the RMA and the Treaty settlement.
13. Tamatea Pōkai Whenua provided written comments on the application, acknowledging the work undertaken by the applicant in relation to stormwater management, stream enhancement, ecological assessment, and broader infrastructure planning. Tamatea Pōkai Whenua identify a number of important considerations throughout the detailed design and future consenting phases of the project, including (but not limited to): active involvement of mana whenua; protection and enhancement of the mauri of Herehere Stream; opportunities

for meaningful mana whenua and cultural narratives to be reflected in the development; and the development of cultural monitoring and tikanga-based approaches in partnership with mana whenua.

14. We consider the section 18 report does not raise any matters that would make it more appropriate to authorise the proposed approvals under another Act or Acts.

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

15. Based on the above section, we consider there are no relevant documents and/or procedural requirements under section 16 that apply to your consideration of the application.

### **Section 17 Written comments received**

16. Comments were received from Hawke's Bay Regional Council (HBRC), Hastings District Council (HDC), six Ministers, Heritage New Zealand (HNZPT) and Tamatea Pōkai Whenua.
17. The key points of relevance to your decisions are included in Table A, with the full comments attached in Appendix 5.
18. A summary of the key points from Māori groups are provided above, all other comments are provided below:
  - a. HBRC holds a neutral position on the referral of the project but notes that the referral application may be declined under section 21(5)(c) if the loss of highly productive land is considered to have significant adverse effects. HBRC questions whether the project would deliver regionally significant benefits (given that the project area is not covered by the Napier-Hastings Future Development Strategy) and questions the project enabling the efficient use of regionally significant infrastructure commenting that it would only be of benefit to property owners within the project area.
  - b. HDC consider there are no reasons to decline the referral application but has concerns with the lack of a reverse sensitivity buffer between the proposed residential development and rural production land, and is not satisfied that the applicant's technical report adequately addresses the loss of productive capacity in line with the National Policy Statement for Highly Productive Land (NPS-HPL).
  - c. The Minister for Māori Development and the Minister Māori Crown Relations: Te Arawhiti support the application progressing subject to having regard to relevant Treaty settlement legislation and instruments; and any feedback received from Māori groups and the Treaty settlements and other obligations (Section 18) report.
  - d. The Minister for Arts, Culture and Heritage responded with no comments on the application.
  - e. The Associate Minister of Housing has no objection to the project, has identified a significant need for housing supply in the area and notes that Hastings is a target location for social housing and affordable rentals. The Minister notes the site as having a LUC 2 soil classification and its exclusion from the Hastings Future Development Strategy as matters for the detailed consenting stage.
  - f. The Minister for Economic Growth commented that the project appears likely to deliver significant regional economic benefits, primarily through its scale of development expenditure, contribution to regional GDP, and employment impacts.
  - g. The Minister for Regional Development responded with no comments on the application.

- h. HNZPT identified an archaeological site that requires further assessment to determine if it was constructed prior to 1900. HZNPT commented that the project area is of significance to tangata whenua and supports preparation of a cultural values assessment and the commitment to ongoing engagement.

### **Reasons to decline**

- 19. The statutory framework in Appendix 1 sets out the situations where you must decline the application for referral under section 21(3).
- 20. We do not consider you must decline this application.
- 21. 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.
- 22. 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**

- 23. The statutory framework in Appendix 1 sets out the reasons you can accept a project for referral.
- 24. Our assessment of these matters is summarised in Table A. We consider the project meets the requirements of section 22, as:
  - a. it is a development project that would have significant regional benefits because:
    - i. it would increase the supply of housing, address housing needs, or contribute to a well-functioning urban environment by delivering approximately 300 to 350 residential lots (to enable future housing construction) over a seven-to-ten-year development period.
    - ii. it would deliver significant economic benefits by approximately 1310 full-time equivalent (FTE) years of employment (approximately 238 FTE job years over the development period) and approximately \$256.7 million in total direct expenditure for the construction period (including \$150.2 million in GDP) into the regional economy.
  - 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 it allows the several required approvals under specified Acts to be considered collectively, precludes public and limited notification and appeals under the Act are to the High Court and limited to points of law .
  - c. is unlikely to materially affect the efficient operation of the fast-track approvals process because the project is neither novel in the New Zealand context nor beyond the scope of what a panel would typically assess under the RMA.

### **Conclusions**

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- 25. We consider the project meets the section 22 criteria and you could accept the referral application under section 21 of the Act and refer the project to the fast-track approvals process.

## Next steps

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26. The Ministry for the Environment (on behalf of the Secretary for the Environment) 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.
27. If you decide to accept and refer the project, the Ministry for the Environment (on behalf of the Secretary for the Environment) 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 agency.
28. The Ministry for the Environment (on your behalf) must also 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 written comments received under section 17
  - c. the report obtained under section 18.
29. We have attached a draft notice of decisions letter to the applicant based on our recommendations in Appendix 6, that we will provide as required (on behalf of the Secretary for the Environment) to all relevant parties. We will provide you with an amended letter if required.
30. Our recommendations for your decisions follow.

## Recommendations

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31. 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 CDL Land New Zealand Limited (the applicant) if you are satisfied that the project involves an ineligible activity, or you consider that you do not have adequate information to inform the decision under this section or if you are not satisfied that the Middle Road Project (the project) meets the referral criteria in section 22 of the Act.

Noted

- b. **Agree** that before deciding 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. the written comments sought under section 17 and provided within the required timeframe in Appendix 5.

Yes / No

- c. **Note** that in considering this application, and any directions to a panel, under section 7 of the Act you have considered:

- i. Heretaunga Tamatea Claims Settlement Act 2018
- ii. Hawke's Bay Regional Planning Committee Act 2015

Noted

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

- i. it is a development project that would have significant regional benefits because:
  - (1) it would increase the supply of housing, address housing needs, or contribute to a well-functioning urban environment by delivering approximately 300 to 350 residential lots (to enable future housing construction) over a 7 to 10-year development period
  - (2) it would deliver significant economic benefits by approximately 1,310 full-time equivalent (FTE) years of employment (approximately 238 FTE job years over the development period) and approximately \$256.7 million in total direct expenditure for the construction period (including \$150.2 million in GDP) into the regional economy.
- ii. referring the project to the fast-track approvals process would facilitate the project, including by enabling it to be processed in a more timely and cost-effective way than under normal processes because it allows the several required approvals under specified Acts to be considered

collectively, precludes public and limited notification and appeals under the Act are to the High Court and limited to points of law.

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

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

Yes / No
  
- f. **Agree** to accept the referral application under section 21(1)(c) and refer the whole project to the fast-track approvals process under section 26(2)(a) of the Act.

Yes / No
  
- g. **Agree** to specify CDL Land New Zealand 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)(i) of the Act:
  - i. The deadline for lodging the substantive application is two years from the date of the referral application notice of decisions letter to the applicant.

Yes / No
  
- i. **Agree** that the Ministry for the Environment will provide your notice of decisions to:
  - i. anyone invited to comment on the application including local authorities and relevant Māori groups
  - ii. the panel convener
  - iii. the Environmental Protection Authority (EPA)
  - iv. the relevant administering agency – Heritage New Zealand Pouhere Taonga.

Yes / No
  
- j. **Note** that under section 21 you **must** decline a referral application if:
  - i. the application **may not** be accepted under section 21(1) (which relates to the criteria for assessing a referral application in section 22); or
  - ii. you are **satisfied** that the project involves an ineligible activity; or
  - iii. you are **satisfied** that you do not have adequate information to inform your referral decision.

Noted

- k. **Note** that you **may** decline a referral application for any other reason, whether or not the project meets the criteria in section 22, including (but not limited to) the reasons for decline set out at section 21(5).

Noted

- l. **Approve** the draft notice of decisions letter to the applicant (in Appendix 6).

Yes / No

## Signatures

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A handwritten signature in black ink, appearing to read 'S. Frame', is written over a light blue grid background.

Stephanie Frame  
**Manager – Fast-track Operations**

Hon Chris Bishop  
**Minister for Infrastructure**

**Date:**

**Table A: Stage 2 analysis – FTAA–2603-1180 Middle Road Project**

<b>Recommendation</b>	<u>Accept</u> the referral application and refer the project to the fast-track approvals process		
<b>Project details</b>	<b>Project Name</b>	<b>Applicant</b>	<b>Project Area</b>
	Middle Road Project	CDL Land New Zealand Limited	The project is located across: a. 92, 108, 148 Middle Road and 139 Te Aute Road in Havelock North with a combined area of approximately 30.6 hectares b. 80 and 84 Middle Road in Havelock North comprising 3.1 hectares ("the McKenna Block").
<b>Project description</b>	<p>The project is to establish a masterplanned residential development within a project area of up to 33.7 hectares to deliver approximately 300 to 350 residential lots (for future housing construction) including supporting infrastructure (roading, three waters services, stormwater management) and riparian enhancement, in Havelock North, Hawke's Bay Region.</p> <p>The project will require the proposed approvals under the fast-track approvals process:</p> <ol style="list-style-type: none"> <li>resource consents under the Resource Management Act 1991 (RMA)</li> <li>archaeological authority under the Heritage New Zealand Pouhere Taonga Act 2014.</li> </ol>		
<b>Minister invites comments / requests information</b>	<b>Comments from invited parties</b>		
	<p><b>Local authorities</b></p> <p><i>Hawke's Bay Regional Council (HBRC) – commented:</i></p> <ol style="list-style-type: none"> <li>no known competing applications or existing resource consents at the time of response, not an ineligible activity, notes whether Minister considers loss of LUC2 Highly Productive Land to be a significant adverse effect would determine whether the referral application may be declined under section 21(5)(c). In general, holds a neutral position on project referral.</li> <li>questions whether project has regionally significant benefits, noting the increase in housing supply but also noting the site is not identified as a suitable residential greenfield development area in the Future Development Strategy – acknowledges this doesn't prevent development but considers it sets a high threshold for justification through rezoning and/or resource consents.</li> <li>queries what the <i>regionally significant infrastructure</i> referred to in the application is, and states that if the <i>Havelock North town centre</i> (and its associated services/amenities) is the matter being referred to as the "regionally significant infrastructure" in this statement, it is not clear how exactly (if at all) the project actually enables the <i>efficient</i> use of this "infrastructure" to be considered consistent with FTAA section 22(2)(a)(ii), unless it is only referring to the efficient use by future property owners of the project site given their ability to then be located in close proximity to the Havelock North town centre.</li> </ol> <p><i>Hastings District Council (HDC) – commented:</i></p> <ol style="list-style-type: none"> <li>no known competing applications or existing resource consents at the time of response, not an ineligible activity, no reasons to decline.</li> <li>identify reverse sensitivity concerns including under the NPS-HPL between production land and urban development through setbacks and buffers.</li> <li>not satisfied that the AgFirst Report supporting the application has demonstrated that the site has reduced productive capacity in line with the requirements of the NPS-HPL.</li> <li>should not assume the applicant will own McKenna Block, Minister needs to be satisfied under section 21 that the project can proceed without its inclusion. (<i>Note: the McKenna block (3.1 hectares) is additional to the primary project area (30.6 hectares) and will not impede delivery of the primary project area. The application included a letter from the owner of the McKenna block advising support for the project and that engagement with the applicant is ongoing towards a potential sale and purchase agreement.</i>)</li> <li>application has not considered the wider impacts of traffic generation on the network and intersections within Havelock North Village, along with three waters services - stormwater and management, can all be addressed, as such no reasons to decline.</li> </ol> <p><b>Ministers</b></p> <p><i>The Minister for Economic Growth</i> – commented that the project appears likely to deliver significant regional economic benefits, primarily through its scale of development expenditure, contribution to regional GDP and employment impacts. The Minister identifies under the two development scenarios comprising 300 to 350 dwellings over an approximately eight-year development period, the project is estimated to generate approximately \$257 million to \$277 million in direct development expenditure (excluding land). The contribution to the Hawke's Bay regional economy is estimated at approximately \$150 million to \$162 million in net present value terms. The Minister notes the applicant's assessment estimates the project would support approximately 1,310 to 1,414 full-time equivalent job-years over the development period, including around 619 direct FTE-years and 691 indirect and induced FTE-years under the 300-dwelling scenario. Total direct employment in the construction phase is estimated to peak at 165–170 FTEs.</p> <p><i>The Minister for Māori Development and Minister for Māori Crown Relations: Te Arawhiti</i> – supports the application progressing subject to the applicant and panel having regard to relevant Treaty settlement legislation and instruments; and any feedback received from relevant Māori groups, as set out in the Treaty settlements and other obligations (Section 18) report prepared by the Ministry for the Environment (on behalf of the Secretary for the Environment).</p> <p><i>The Minister for Arts, Culture and Heritage</i> – responded with no comments on the application.</p> <p><i>The Minister for Regional Development</i> – responded with no comments on the application.</p> <p><i>The Associate Minister of Housing</i> – has no objection from the housing portfolio perspective, identifies a significant need for housing supply in the Napier-Hastings area, notes Hastings has been identified as one of five target locations for social housing and affordable rentals, and that additional homes would help address housing need and take the pressure off the local market. The Minister states the site is classified as LUC 2 soil type and for that reason is excluded from the Napier-Hastings Future Development Strategy, and that such matters will need to be considered at the detailed consenting stage. The Minister notes the Heretaunga Tamatea settlements, including statutory acknowledgement over Karamū Stream and tributaries, and the applicant's intention to address effects on waterways and associated cultural values through ongoing engagement with Tamatea Pōkai Whenua through the detailed design and consenting stage.</p>		

	<p><b>Māori Groups – s18(2)</b></p> <p><i>Tamatea Pōkai Whenua</i> – commented on the applicant’s work undertaken regarding stormwater management, stream enhancement, ecological assessment, and broader infrastructure planning. Tamatea Pōkai Whenua identify a number of matters that will remain important considerations throughout the detailed design and future consenting phases of the project, including (but not limited to): active involvement of mana whenua; protection and enhancement of the mauri of Herehere Stream; opportunities for meaningful mana whenua and cultural narratives to be reflected in the development; and the development of cultural monitoring and tikanga-based approaches in partnership with mana whenua.</p> <p><b>Administering agencies</b></p> <p><i>Heritage New Zealand Pouhere Taonga (HNZPT)</i> – identified one possible site (the villa) requiring further assessment to determine status, commented that the project area is of significance to tangata whenua and supports tangata whenua recommendation that a cultural values assessment be prepared to identify cultural impacts and how identified adverse effects can be avoided or mitigated. HNZPT anticipates ongoing engagement to ensure that if referred, the substantive application is supported by a fulsome archaeological assessment, appropriate methodologies and strategies proposed, appropriate draft management plan and research strategy, evidence of appropriate consultation with tangata whenua; and appropriate proposed conditions.</p> <p>We note the referral application seeks an archaeological authority as a proposed approval under the fast-track approvals process. The information requirements are specified under Schedule 8 of the Act.</p>
<p><b>The Minister must decline an application if the Minister is satisfied that the project involves an ineligible activity [section 21(3)(b)]</b></p>	<p>We consider you could be satisfied that the project does not involve an ineligible activity because it:</p> <ul style="list-style-type: none"> <li>a. <i>would not occur on identified Māori land, Māori customary land or a Māori reservation</i> – as confirmed by the relevant records of title referred to in the application and consultation with iwi authorities</li> <li>b. <i>would not occur in a customary marine title area or protected customary rights area</i> – and is land based</li> <li>c. <i>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</i> – because it will not occur in the CMA and will not occur in an aquaculture settlement area</li> <li>d. <i>would not require an access arrangement which cannot be granted under the Crown Minerals Act (including s61(1A))</i> – because it does not include an access arrangement and would not occur on Schedule 4 land</li> <li>e. <i>would not be prevented by section 165J, M, Q, ZC or ZDB of the RMA</i> – because it will not occur in the CMA</li> <li>f. <i>would not occur on Schedule 4 land</i> – as confirmed by the records of title referred to in the application</li> <li>g. <i>would not occur on a national reserve</i> – as confirmed by the records of title referred to in the application</li> <li>h. <i>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</i> – as confirmed by the record of title and applicant’s evidence of consultation</li> <li>i. <i>is not a prohibited activity or decommissioning activity under the EEZA, 15B or 15C of the RMA</i> – and as no such activities are proposed</li> <li>j. <i>is not for the purpose of an offshore renewable energy project</i> – and as no such activities are proposed.</li> </ul> <p>No comments raised by parties invited to comment have indicated that the project would be ineligible for referral.</p>
<p><b>The Minister must decline an application if the Minister considers they do not have adequate information to inform the decision [section 21(3)(c)]</b></p>	<p>We consider you have adequate information to inform your decisions on the referral application.</p>
<p><b>Relevant considerations and procedural requirements in Treaty settlement, Mana Whakahono ā Rohe, joint management agreement, or the Marine and Coastal Area (Takutai Moana) Act 2011 or the Ngā Rohe Moana o Ngā Hapū o Ngāti Porou Act 2019 [section 16]</b></p>	<p>We have not identified any matters under section 16 of the Act that apply to your consideration of the referral application.</p>
<p><b>Section 22 assessment criteria</b></p>	
<p><b>The project is an infrastructure or development project that would have significant regional or national benefits [section 22(1)(a)]</b></p>	<p>You <u>must</u> consider a relevant Government policy statement (GPS) [s22(1A)] The only current GPS is the Government Policy Statement on Grocery Competition. As this project does not involve a supermarket development or grocery-related activities, there is no GPS relevant to your decision.</p> <p>You <u>may</u> consider any of the following matters, or any other matters you consider relevant:</p> <p><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 will enable the continued functioning of existing regionally significant infrastructure due to its proximity (900m) to Havelock North town centre and supporting physical infrastructure.</p> <p>Comments by HBRC queried the alignment of the project with the definition of ‘regionally significant infrastructure’ as it is not fundamentally an infrastructure project.</p> <p>We consider the project, primarily for a residential development, aligns more closely with a development project than an infrastructure project under the Act. While the project may result in infrastructure upgrades that provide some benefits, including enabling new development in the area, we consider, based on the information currently available including HBRC’s comments, that it does not deliver infrastructure of regional or national significance.</p>

	<p>Accordingly, we <u>do not recommend</u> that the project be referred under this criterion. We note the applicant retains the ability to provide further analysis on this matter with a substantive application to assist the expert panel in understanding the extent of the project's significant regional or national benefits.</p> <p><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 housing supply and provide well-functioning urban environment outcomes by delivering approximately 300 to 350 residential lots (to enable future housing construction) over a 7 to 10-year development period in an area accessible to Havelock North town centre.</p> <p>Comments from HBRC and the Associate Minister of Housing note the positive impact of the project on housing supply.</p> <p>Based on the applicant's assessment, and the comments received from the Associate Minister of Housing, we recommend that the project <u>does meet the criterion under section 22(2)(a)(iii)</u> as the project will increase the supply of housing, address housing needs, and contribute to a well-functioning urban environment. We consider you can refer the project on this basis.</p> <p><i>Will deliver significant economic benefits [s22(2)(a)(iv)]</i>  The applicant considers the project will deliver significant economic benefits by approximately 1310 full-time equivalent (FTE) years of employment (approximately 238 FTE job years over the development period) and approximately \$256.7 million in total direct expenditure for the construction period (\$150.2 million GDP) into the regional economy.</p> <p>This is supported by comments from the Minister for Economic Growth that the project appears likely to deliver significant regional economic benefits, primarily through its scale of development expenditure, contribution to regional GDP, and employment impacts</p> <p>Based on the applicant's assessment and the comments received by the Minister for Economic Growth, we recommend that the project <u>does meet the criterion under section 22(2)(a)(iv)</u> as the project will deliver significant economic benefits. We consider you can refer the project on this basis.</p> <p><i>Will support climate change mitigation, including the reduction or removal of greenhouse gas emissions [s22(2)(a)(vii)]</i>  The applicant considers the project will support climate change mitigation by enabling a more compact and well-connected residential subdivision that is contiguous with the existing Havelock North urban area.</p> <p>We consider the matters raised by the applicant under this criterion do not demonstrate that the project will support climate change mitigation, including the reduction or removal of greenhouse gas emissions, at a scale that would result in significant regional or national benefits. Therefore, we <u>do not recommend</u> you refer the project under this criterion. We note the applicant retains the ability to provide further analysis on this matter with a substantive application to assist the expert panel in understanding the extent of the project's significant regional or national benefits.</p> <p><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 considers the project will support climate change adaptation and reduce risks arising from natural hazards (including flooding) through a planned, risk-based approach to subdivision design and infrastructure provision.</p> <p>We consider the matters raised by the applicant under this criterion do not demonstrate that the project will support climate change adaptation, reduce risks arising from natural hazards, or support recovery from events caused by natural hazards at a scale that would result in significant regional or national benefits. Therefore, we <u>do not recommend</u> you refer the project under this criterion. We note the applicant retains the ability to provide further analysis on this matter with a substantive application to assist the expert panel in understanding the extent of the project's significant regional or national benefits.</p> <p><i>Is consistent with local or regional planning documents, including spatial strategies [s22(2)(a)(x)]</i>  The applicant considers the project is consistent with relevant planning documents, including the Heretaunga Plains Urban Development Strategy and iwi management plans (Kahungunu ki Uta, Kahungunu ki Tai – the Regional Resource Management Plan for Ngāti Kahungunu Iwi Incorporated, Mana Ake – Ngā Hapū o Heretaunga Environmental Management Plan, and the Ngāti Hori Freshwater Resources Management Plan).</p> <p>HBRC and the Associate Minister of Housing note that, while the project would contribute to increasing housing supply, the project area is not identified within the Napier-Hastings Future Development Strategy.</p> <p>We note that the Heretaunga Plains Urban Development Strategy has been superseded by the Napier-Hastings Future Development Strategy, which indicates a portion of the project area being categorised as a 'New / Expanded Residential Area – Voted for exclusion by HDC and HBRC' (the relevant local authorities for this project application), rather than categorised as a 'New Expanded / Expanded Residential Area', the primary classification for agreed new greenfield development area. We also note that the iwi management plans cited by the applicant are primarily focused on freshwater management rather than urban development.</p> <p>Given the project is not identified within the current regional spatial strategy as a new greenfield development area, and noting the limited relevance of the cited iwi management plans to urban development, we do not consider the project demonstrates clear consistency with local or regional planning documents to a scale that would result in significant regional or national benefits.</p> <p>On this basis, we <u>do not recommend</u> referral under this criterion. We note the applicant retains the ability to provide further analysis with a substantive application to assist the expert panel in assessing the extent to which the project delivers significant regional or national benefits.</p> <p><i>Any other matters that may be relevant [s22(b)]</i>  We have not identified any other matters that would be relevant under this section. We consider the matters for your consideration have been addressed above.</p> <p><i>Conclusion</i>  Based on the assessment above, we consider the project is a <u>development project</u> that would have <u>significant regional benefits</u> in line with the criteria for accepting a referral application under section 22(1)(a) of the Act. If you agree with this recommendation and are satisfied that the whole project meets the criteria in section 22, you may accept the referral application and refer the whole project to the fast-track approvals process in accordance with section 26 of the Act.</p>
<p>Referring the project to the fast-track approvals process [section 22(1)(b)]</p>	<p><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></p>

	<p>The applicant considers the scale and complexity of referring the project provides a materially shorter and more efficient pathway than under normal processes. The single-stage substantive application removes duplicative council and appeal steps, demonstrated by the applicant's Arataki Fast-track Project (granted consent in 8 months). The project could obtain approval via the fast-track process within 9-13 months compared to 18-36 months through standard RMA processes.</p> <p>Overall, we agree with the applicant's assessment that 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, <b>in line with section 22(1)(b)(i) of the Act</b>.</p> <p><i>Is unlikely to materially affect the efficient operation of the fast-track approvals process [s22(1)(b)(ii)]</i></p> <p>The applicant considers the project is straightforward in planning terms, located on serviceable land adjoining the existing urban edge of Havelock North, does not involve any prohibited activities and will be supported by a complete suite of technical assessments to assist the expert panel's consideration of the approvals sought.</p> <p>Overall, we agree with the applicant's reasoning for this criterion and consider that referring the project to the fast-track approvals process is unlikely to affect the efficient operation of the fast-track approvals process, <b>in line with section 22(1)(b)(ii) of the Act</b>. While the project may involve some technical and environmental complexities, projects of this scale and nature are consistent with the types of regionally significant developments the fast-track approvals process was established to consider. We further note the project is neither novel in the New Zealand context nor beyond the scope of what a panel would typically assess under the RMA.</p>
<b>Reasons to decline</b>	
<b>Minister <u>must</u> decline [section 21(3)]</b>	<p><i>The Minister <u>must</u> decline a referral application if:</i></p> <ul style="list-style-type: none"> <li>a. <i>The application may not be accepted under subsection 1 (meets referral criteria) – We consider the project meets the referral criteria.</i></li> <li>b. <i>The Minister is satisfied the project involves an ineligible activity – We have not identified any ineligible activities included in the project scope.</i></li> <li>c. <i>The Minister considers that they do not have adequate information to inform the decision under this section – We consider you have adequate information to inform your referral decisions.</i></li> </ul> <p>Overall, we do not consider that you must decline the application under this section.</p>
<b>Minister may decline [section 21(4) and 21(5)(a-h)]</b>	<p><i>You <u>may</u> decline a referral application for any other reason, whether or not it meets the criteria in section 22.</i></p> <p><i>Reasons to decline a referral application under subsection 4 include, without limitation:</i></p> <ul style="list-style-type: none"> <li>a. <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 – No inconsistencies have been identified, including within the section 18 Treaty report. No comments were received from Māori groups.</i></li> <li>b. <i>It would be more appropriate to deal with the matters that would be authorised by the proposed approvals under another Act or Acts – No reports or comments received have indicated this is the case.</i></li> <li>c. <i>The project may have significant adverse effects on the environment – Comments from HBRC, HDC and the Associate Minister of Housing noted that the project area comprises highly productive land (HPL). The applicant has not identified the loss of HPL as constituting a significant adverse effect but notes the affected project area is 25.6 hectares out of 33.7 hectares and has multiple constraints affecting its economic viability for land based primary production. Based on the applicant's information and the invited comments, we do not consider the loss of the classification as Land Use Capability Class 2 soils to constitute adverse effects significant enough to decline to refer the project and note these are matters that an expert panel is able to consider when presented with a comprehensive substantive application, if referred to the fast-track process.</i></li> <li>d. <i>The applicant has a poor compliance history under a specified Act that relates to any of the proposed approvals – No such history has been noted.</i></li> <li>e. <i>The project area includes land that the Minister for Treaty of Waitangi Negotiations considers necessary for Treaty settlement purposes – No such land has been identified.</i></li> <li>f. <i>The project includes an activity that is a prohibited activity under the Resource Management Act 1991 – The project does not include any such activity.</i></li> <li>g. <i>A substantive application for the project would have one or more competing applications – No competing applications have been identified at this stage. We note the EPA is required to check prior to providing a substantive application to the panel convener.</i></li> <li>h. <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) – No such resource consents have been identified, including by the applicant and relevant local authorities.</i></li> </ul> <p>Overall, we do not recommend that you decline the application.</p>

## Appendix 1: Statutory framework summary

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32. 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.
33. If a Treaty settlement, the Marine and Coastal Area (Takutai Moana) Act 2011, the Ngā Rohe Moana o Ngā Hapū o Ngāti Porou Act 2019, a Mana Whakahono ā Rohe or a joint management agreement provides for consideration of any document or procedural requirements, you must, where relevant:
  - a. give the document the same or equivalent effect through this process as it would have under any specified Act; and
  - b. comply with any applicable procedural requirements.
34. You must decline a referral application if:
  - a. you are satisfied the project does not meet the referral criteria in section 22
  - b. you are satisfied the project involves an ineligible activity (section 5)
  - c. you consider you do not have adequate information to inform your decision.
35. You may decline an application for any other reason, including those set out in section 21(5) and even if the application meets the section 22 referral criteria.
36. You can decline an application before or after inviting comments under section 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.
37. If you do not decline a referral application at the initial stage you must copy the application to, and invite written comments from:
  - a. the relevant local authorities
  - b. the Minister for the Environment, the Minister for Māori Crown Relations: Te Arawhiti, and the Minister for Māori Development
  - c. any other relevant portfolio Ministers
  - d. the relevant administering agencies
  - e. the Māori groups identified by the responsible agency
  - f. the owners of Māori land in the project area (if applicable)
  - g. you may provide the application to and invite comments from any other person.
38. 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).
39. 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.