Ministry for Cities, Environment, Regions & Transport

FTAA-2607-1270: Application received for referral of the project under the Fast-track Approvals Act 2024 – Stage 2 decisions

Project Name: Stillhaven

Date submitted	5 October 2026	**Tracking**	26-BRF-02656
Security level	In-Confidence	**Priority**	Urgent

To	Action sought	Response by
Hon Chris Bishop **Minister for Infrastructure**	Decisions on recommendations	12 October 2026

Actions for Minister's Office staff	**Return** the signed briefing to: *FTAreferrals@mcert.govt.nz.* **Approve** the attached notice of decisions letter.
Number of appendices: 6	Appendices: 1. Statutory framework for making decisions 2. Application documents and further information for the Stillhaven project 3. Stage 1 Briefing Note and decisions 4. Section 18 report on Treaty settlements and other obligations, including the comments received from Māori groups 5. Comments received from all other invited parties 6. Draft notice of decisions letter

Ministry contacts

Name	Position	Telephone	1st contact
Ashiley Sycamore	Principal Author		
Max Gander-Cooper	Acting Manager	s 9(2)(a)	✓
Stephanie Frame	Acting General Manager	s 9(2)(a)	

Project location

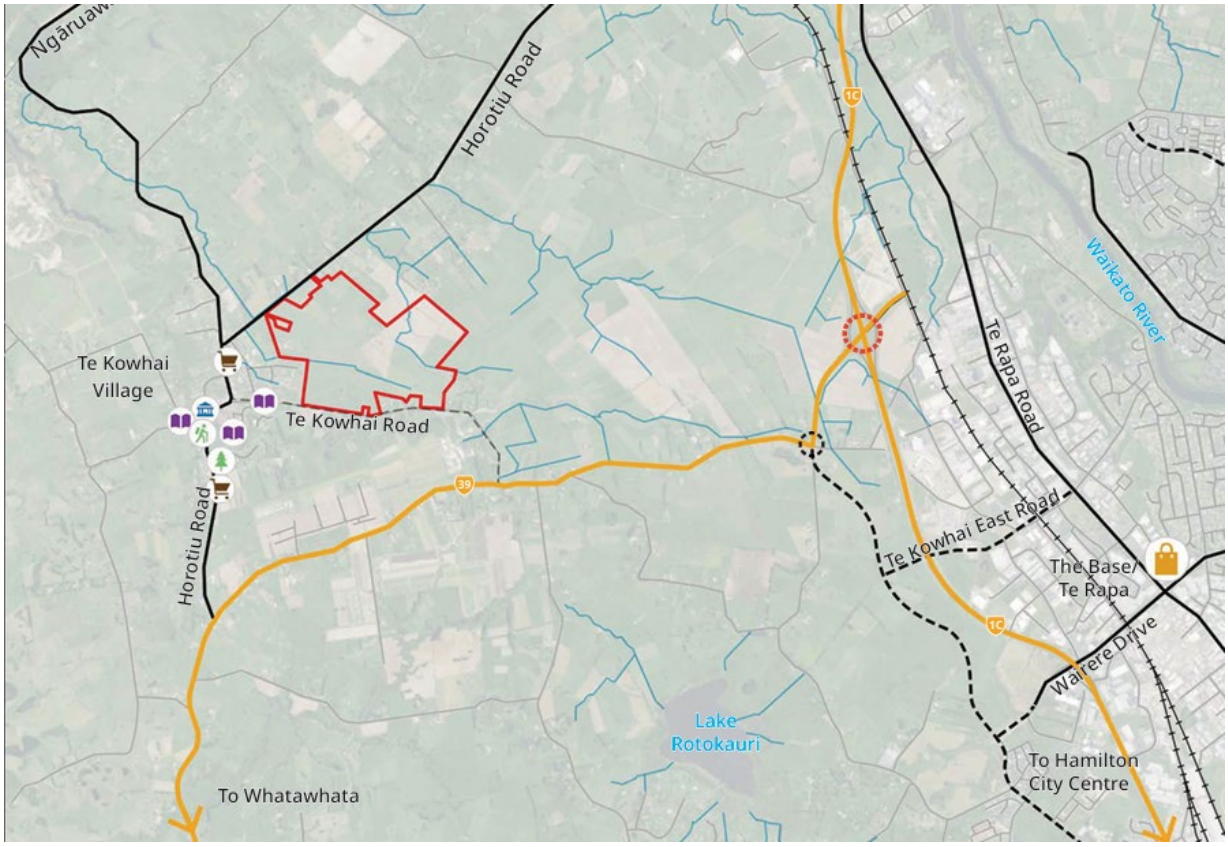


Figure 1: *Project area (red outline) and surrounding features in the wider Te Kowhai area*



Figure 2: *Proposed masterplan for the Stillhaven project*

Key messages

1. This briefing seeks your decisions under section 21 of the Fast-track Approvals Act 2024 (the Act) on the application from Stillhaven Limited (the applicant) to refer the Stillhaven project (the project) to the fast-track approvals process.
2. A copy of the application is in Appendix 2. This is the second briefing on this application. The first briefing (Stage 1 – 26-BRF-02462) with your initial decisions annotated is in Appendix 3.
3. The project is for the construction and establishment of a mixed-use urban development comprising residential, retirement living, commercial, open space and supporting infrastructure activities, together with an integrated stormwater and flood-management network.
4. The project area comprises approximately 104 hectares of rural land north-east of Te Kowhai village in the Waikato District, with frontage to Te Kowhai Road and Horotiu Road, approximately 16 kilometres north-west of Hamilton.
5. The project comprises:
    a. approximately 700 residential dwellings (staged) across a range of housing densities with associated public reticulated services, roading, and earthworks
    b. a retirement village across approximately 11 hectares of land, comprising approximately 200 retirement units (staged), 40 to 50 aged care beds, and associated facilities and infrastructure
    c. two commercial areas totalling approximately 5,000m² of land, with approximately 1,500m² of commercial floor space for local services and amenities
    d. an integrated stormwater and flood-management network comprising flood storage, controlled stormwater conveyance, stormwater management areas, ecological enhancement of watercourses, and associated public open space and recreation areas
    e. transport, stormwater, wastewater, water supply, electricity, and telecommunications infrastructure, including upgrades to existing infrastructure and construction of new infrastructure.
6. While the project is proposed to be constructed and developed in multiple stages, it is not a staged project as defined in the Act. The applicant intends to lodge a single substantive application for the project.
7. The applicant seeks the following approvals via the fast-track approvals process to authorise the project, including some approvals sought at this stage on a precautionary basis, subject to further investigations prior to any substantive application:
    a. resource consents under the Resource Management Act 1991 (RMA)
    b. wildlife approvals under the Wildlife Act 1953
    c. an approval, a dispensation, or an authorisation that would otherwise be applied for in respect of a complex freshwater fisheries activity under the Freshwater Fisheries Regulations 1983 or the Conservation Act 1987.
8. The applicant identifies that the project area comprises entirely Land Use Capability Class 2 land and is therefore classified as highly productive land under the National Policy Statement for Highly Productive Land, which seeks to protect highly productive land for land-based primary production.

9. The applicant confirms the project will involve the subdivision of high-class soils and will likely require consent as a prohibited activity under SUB-R41 of the Waikato District Plan (Operative in Part).

10. 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.

11. We seek your decisions on our recommendations, on proposed directions to the expert panel and applicant in light of comments received, and the notification of your decisions.

Assessment against statutory framework

12. 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.

13. Before making a decision on the project, you must consider the following:

    a. the application (in Appendix 2)

    b. the section 18 Treaty settlements and other obligations report (in Appendix 4), including the comments received from Te Whakakitenga o Waikato Incorporated (Waikato-Tainui) contained in Attachment 9 to that report, which was received within the specified timeframe

    c. the comments received from all other invited parties under section 17 within the specified timeframe (in Appendix 5)

    d. any document that requires your consideration under section 16, including having particular regard to Te Ture Whaimana (Vision and Strategy) and regard to the Tai Tumu Tai Pari Tai Ao (Waikato-Tainui Environmental Plan), as detailed within the section 18 report.

14. 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

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

16. The report identifies Te Whakakitenga o Waikato, Ngāti Hauā Iwi Trust, Waikato Raupatu River Trust, the Waikato River Authority, Ngaati Maahanga, Ngaati Hourua, Ngāti Reko, Ngāti Wairere, Ngāti Tamainupō, and Te Haa o te Whenua o Kirikiriroa as relevant Māori groups for the application.

17. The report identifies the Waikato Raupatu Claims Settlement Act 1995, Waikato-Tainui Raupatu Claims (Waikato River) Settlement Act 2010, and Ngāti Hauā Claims Settlement Act 2014 as relevant Treaty settlement legislation. The report notes that provisions of the Waikato-Tainui Raupatu Claims (Waikato River) Settlement Act 2010 are relevant to the project area and recommends particular regard be had to Te Ture Whaimana (Vision and Strategy) and regard be had to Tai Tumu Tai Pari Tai Ao (Waikato-Tainui Environmental Plan).

18. The report notes that some procedural requirements under the Waikato-Tainui Raupatu Claims (Waikato River) Settlement Act 2010 have been complied with, including providing notice to the Waikato River Authority and information to the Waikato Raupatu River Trust. The report recommends

that, should the application be referred, any expert panel be directed to comply with the relevant procedural requirements identified in the report.

19. Comments were received from Te Whakakitenga o Waikato on behalf of Waikato-Tainui. Full copies of these comments are included in Attachment 9 to the report.

20. Waikato-Tainui raises concerns regarding the capacity of water and wastewater infrastructure to support the development, the alignment of the proposal with relevant growth strategies, and the conversion of highly productive land. Waikato-Tainui also emphasises the importance of ongoing engagement with mana whenua and considers any substantive application should demonstrate alignment with Te Ture Whaimana and the relevant provisions of Tai Tumu Tai Pari Tai Ao.

21. The report does not identify any matters that would make it more appropriate for the proposed approvals to be authorised under another Act or Acts.

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

22. Should you decide to accept this referral application, the report recommends you direct any panel considering a substantive application for the project to comply with the applicable requirements identified below (as provided for at section 16(2)(c) of the Act), namely to:

    a. have particular regard to Te Ture Whaimana

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

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

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

    e. consider the detailed information-sharing provisions of the joint management agreements (JMA) with Waikato Regional Council (WRC) and Waikato District Council (WDC), as they may be applied to the fast-track approvals process.

Written comments received

23. Comments were received under section 17 of the Act from WDC, WRC, the Minister for Māori Crown Relations: Te Arawhiti and Minister for Māori Development, the Minister for Economic Growth, the Associate Minister of Housing, the Minister for Seniors, the Minister of Agriculture, Waikato-Tainui, Department of Conservation (DOC), IAWAI – Flowing Waters Limited (IAWAI), and NZ Transport Agency Waka Kotahi (NZTA).

24. The comments from the Minister of Agriculture were received after the timeframe under section 17(6) ended and may be considered at your discretion under section 17(7)(b). All other comments were received within the specified timeframe and must be considered.

25. The key points of relevance to your decision are summarised in Table A. Full copies of the comments received from Māori groups are included in Attachment 9 to the section 18 report in Appendix 4. Full copies of all other comments received are attached in Appendix 5.

26. A summary of the comments received from Waikato-Tainui is provided under the section 18 assessment above. Other comments received are summarised below.

27. WDC raises concerns regarding the project's location outside planned growth areas, housing demand, infrastructure servicing, flooding and stormwater management, highly productive land, and transport effects. WDC notes the infrastructure required to support the project has not been planned, programmed, or funded.

28. WRC considers the proposal may be more appropriately addressed under another statutory process and raises concerns regarding housing and retirement living demand, consistency with regional growth planning, highly productive land, flooding and drainage constraints, ecology, infrastructure servicing, and transport effects. WRC also considers the proposal is inconsistent with key regional and sub-regional growth planning documents.

29. Neither WDC nor WRC identify any competing applications associated with the project area, or any ineligible activities. WRC also confirms there are no existing resource consents to which sections 124C(1)(c) or 165ZI of the RMA would apply.

30. The Minister for Māori Crown Relations: Te Arawhiti and Minister for Māori Development support the application progressing and encourage the applicant and expert panel to have regard to relevant Treaty settlement legislation and instruments, and any feedback received from relevant Māori groups.

31. The Associate Minister of Housing supports referral of the project, noting its potential to contribute significantly to housing supply and housing choice in the Hamilton-Waikato growth area. The Associate Minister acknowledges infrastructure, transport, flooding, and highly productive land matters will require further consideration but considers these issues can be addressed through the substantive application process.

32. The Minister for Seniors considers the project is likely to increase housing supply, address housing needs and contribute to a well-functioning urban environment.

33. The Minister for Economic Growth considers the project is likely to deliver significant regional economic benefits through development expenditure and its contribution to regional gross domestic product, household income, and employment.

34. The Minister of Agriculture is generally supportive of referral of the project and considers it aligns with the intent of the Act. The Minister notes further information will be required regarding highly productive land and the wetland areas within the site.

35. DOC does not identify any reason the project should not be referred and considers the information provided is adequate to inform a referral decision. DOC considers environmental effects can likely be managed through further assessment and suitable conditions, but notes further information is required regarding ecological values, freshwater habitat, and the long-term management of wildlife and freshwater fisheries approvals.

36. IAWAI raises significant concerns regarding water supply, wastewater servicing, and stormwater management. IAWAI notes there is currently no identified water or wastewater capacity available to service the development, no strategic infrastructure planned to service the site, and no prior engagement regarding servicing feasibility. IAWAI considers further assessment and a comprehensive servicing strategy are required and does not support decentralised water or wastewater servicing arrangements.

37. NZTA does not object to referral of the project but expects any substantive application to include a comprehensive Integrated Transport Assessment assessing the effects of the project on the wider

state highway network. NZTA notes the project does not propose direct access to the state highway network and welcomes further involvement through the substantive application process.

Further information

38. You did not request any further information from the applicant, relevant local authorities, or relevant administering agencies under section 20 of the Act.

Reasons to decline

39. 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.

40. 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 also set out in Appendix 1. Our assessment of these matters is detailed in Table A.

41. Invited parties have identified a range of matters requiring further consideration, including highly productive land, infrastructure servicing, water supply and wastewater capacity, stormwater management, flooding, transport effects, ecology, and consistency with growth planning documents.

42. While WRC considers the project may be more appropriately addressed under another Act or Acts, neither WDC nor DOC identify a basis for declining the referral application. Most invited parties consider the matters identified are capable of being addressed through the substantive application process and do not identify a basis for declining the referral application.

43. We consider the applicant has provided sufficient information to enable your decision on the referral application. We have recommended that the applicant provide further information regarding transport and infrastructure servicing, including consultation with relevant infrastructure providers, with any substantive application.

44. We further consider an expert panel is best placed to assess the significance of any adverse effects with the benefit of a substantive application, detailed technical assessments, further comments from relevant parties, and the ability to impose conditions, require modifications, or decline any approvals if appropriate.

45. Ultimately, we recommend you do not decline the referral application for these reasons, or on any other grounds under sections 21(4) or 21(5) of the Act.

Reasons to accept

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

47. Our assessment of these matters is detailed in Table A. To summarise, we consider the development project aligns with the referral criteria under section 22, as:

    a. the development project, for a mixed-use residential development, would have significant regional benefits because it will:

        i. increase housing supply [*section 22(2)(a)(iii)*] through the delivery of approximately 700 dwellings, together with a retirement village comprising approximately 200 retirement

units and 40 to 50 aged care beds, contributing to housing supply and housing choice in the Waikato District

ii. deliver significant economic benefits [*section 22(2)(a)(iv)*] in the Waikato District and wider Waikato region through development expenditure, employment generation, household expenditure, and associated economic activity during construction and operation

b. referring the project would facilitate its delivery [*section 22(1)(b)(i)*] by enabling multiple approvals to be considered through a single integrated process and providing a pathway for subdivision that is anticipated to be a prohibited activity under the relevant planning framework

c. the project is unlikely to materially affect the efficient operation of the fast-track approvals process [*section 22(1)(b)(ii)*] because it is a large-scale residential development that raises issues commonly considered through standard processes and does not involve unusually complex or novel matters that would be beyond the scope of an expert panel.

48. If you agree with our recommendations, you may accept the referral application and refer the project to the fast-track approvals process.

Conclusions

49. 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 with the specifications outlined below.

50. Notwithstanding our recommendations, you retain discretion to determine the outcome of the referral application, including whether the project meets the section 22 criteria.

51. We consider that, if you decide to refer the project, you should specify under section 27 of the Act the following requirements that should apply to the project:

    a. the applicant must provide the following with the substantive application:

        i. an assessment of the relevant transport and three waters infrastructure, including the existing condition and capacity of infrastructure, any upgrades or new infrastructure required, funding arrangements, servicing and management arrangements, and details of consultation with IAWAI and other relevant infrastructure providers

        ii. an Integrated Transport Assessment, including but not limited to the project's effects on the local and state highway transport networks

    b. the expert panel must invite comments from NZTA, First Gas Limited, IAWAI, the Minister of Agriculture, and Waikato River Authority on any substantive application for the project, in addition to those parties specified in section 53 of the Act.

52. The above specifications are recommended for the following reasons:

    a. IAWAI, WDC, WRC, Waikato-Tainui and other invited parties identified uncertainty regarding infrastructure servicing, infrastructure capacity, flooding, stormwater management, and the delivery of water supply and wastewater services. We consider an expert panel will require additional information regarding transport and three waters infrastructure to appropriately assess any substantive application.

b. NZTA, WDC and WRC identified the need for further assessment of the project's transport effects, including effects on the local and state highway transport networks, surrounding intersections, and traffic safety. We consider an Integrated Transport Assessment is necessary to inform an expert panel's assessment of these matters.

c. NZTA and IAWAI each have a direct interest in matters raised by the application and we consider their opportunity to comment is necessary to inform an expert panel's assessment of transport and infrastructure servicing matters

d. First Gas Limited holds an easement for a gas transmission pipeline traversing the project area and may be affected by the project or have information relevant to its assessment

e. the Minister of Agriculture raised matters relating to highly productive land and wetlands and may be able to provide relevant input on those matters at the substantive application stage

f. the section 18 report recommends inviting comments from the Waikato River Authority due to its statutory role under the Waikato-Tainui Raupatu Claims (Waikato River) Settlement Act 2010 and its interests in matters relating to the Waikato River.

53. As noted above, section 16(2)(c) requires you, where relevant to direct any panel considering a substantive application for a referred project to comply with applicable requirements. We have specified the relevant matters for you to note within the recommendations below.

54. We consider the standard two-year deadline for lodging a substantive application under section 28(3)(d)(ii) of the Act is appropriate.

55. A detailed assessment of the matters you may specify under section 27(3) and our reasoning for these specifications is provided in Table A.

Next steps

56. The Secretary for the Environment (the Secretary) 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.

57. If you decide to refer the project, the Secretary 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.

58. You must also provide all of 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.

59. We will undertake this action on your behalf.

60. We have attached a notice of decisions letter to the applicant based on our recommendations (refer to Appendix 6) and we will provide it to all relevant parties. We will provide you with an amended letter if required.

61. Our recommendations for your decisions follow.

Recommendations

62. 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 Stillhaven 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 Stillhaven project (the project) meets the referral criteria in section 22 of the Act.

Noted

b. **Agree** that before deciding on the referral application 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, including the comments received from Māori groups contained in Attachment 9 to that report, which were received within the specified timeframe

iii. the comments received under section 17 from all other invited parties within the specified timeframe in Appendix 5.

Yes / No

c. **Note** that sections 7 and 16 of the Act require you to have particular regard to Te Ture Whaimana (Attachment 4 to the section 18 report) and regard to the Waikato-Tainui Environmental Plan (Attachment 5 to the section 18 report), as relevant documents that must be given the same or equivalent effect as under the Waikato-Tainui Raupatu Claims (Waikato River) Settlement Act 2010.

Noted

d. **Agree** to exercise your discretion under section 17(7)(b) to consider the late comments in Appendix 6 received from the Minister of Agriculture after the timeframe specified under section 17(6) of the Act.

Yes / No

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

i. the project, for a mixed-use residential development, is a **development project** that would have **significant regional benefits** [*section 22(1)(a)*] because it will:

(A) increase housing supply [*section 22(2)(a)(iii)*] by delivering approximately 700 dwellings, together with a retirement village comprising approximately 200 retirement units and 40 to 50 aged care beds, increasing housing supply and housing choice within the Waikato District

(B) deliver significant economic benefits [*section 22(2)(a)(iv)*] in the Waikato District and wider Waikato Region through substantial development expenditure,

employment generation, household expenditure, and associated economic activity during construction and operation

ii. referring the project to the fast-track approvals process would facilitate its delivery [*section 22(1)(b)(i)*], including by enabling it to be processed in a more timely and cost-effective way than under normal processes as:

(A) the project requires multiple approvals, including resource consents, Wildlife Act approvals and potentially a complex freshwater fisheries approval, which can be considered through a single integrated process

(B) the project includes subdivision of highly productive land that is anticipated to be a prohibited activity under the Waikato District Plan (Operative in Part), and outside the fast-track approvals process would likely require a plan change and separate approval processes before it could proceed

iii. referring the project is unlikely to materially affect the efficient operation of the fast-track approvals process [*section 22(1)(b)(ii)*] because the project is neither novel in the New Zealand context or beyond the scope of what a panel would typically assess.

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).

Yes / No

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

Yes / No

h. **Agree**, under section 27(3)(b)(i) of the Act, to specify a deadline of two years from the date of the notice of decisions letter for the applicant to lodge the substantive application.

Yes / No

i. **Agree,** under section 27(3)(b)(ii) of the Act, to specify the following information that the applicant must submit with the substantive application:

i. an assessment of the relevant transport and three waters infrastructure, including but not limited to:

(A) the existing condition and capacity of that infrastructure

(B) any upgrades, improvements or new infrastructure required in connection with the project

(C) any funding required to carry out those upgrades, improvements or new infrastructure, including who will provide that funding

(D) the proposed arrangements for the provision, operation, maintenance and long-term management of water supply, wastewater and stormwater infrastructure associated with the project

(E) details of additional consultation undertaken by the applicant with IAWAI – Flowing Waters Limited and any other relevant infrastructure providers regarding the provision of water supply, wastewater and stormwater services for the project, including a summary of issues raised, any agreements reached, and how that consultation has informed the design, servicing strategy, and infrastructure requirements of the project

(F) an assessment of flood hazards and stormwater management, including the extent of any flood-prone areas, the effects of the project on flood risk both within and beyond the project area, and any proposed mitigation measures.

ii. an Integrated Transport Assessment, including but not limited to:

(A) the project's effects on the local and state highway transport network

(B) the effects of the project on relevant surrounding intersections and transport corridors

(C) traffic safety and network performance effects

(D) active transport and public transport considerations

(E) any transport mitigation measures proposed to address the effects of the project.

Yes / No

j. **Agree,** under section 27(3)(b)(iii) of the Act, to specify the following groups that the panel must invite comments from in addition to those specified in section 53 in relation to the substantive application:

i. NZ Transport Agency Waka Kotahi

ii. First Gas Limited

iii. IAWAI – Flowing Waters Limited

iv. the Minister of Agriculture

v. Waikato River Authority.

Yes / No

k. **Note**, pursuant to section 16(2)(c) of the Act, you must direct any panel considering the substantive application 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 with Waikato-Tainui (as a consistent theme running through the plan)

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

Noted

l. **Agree** that the Secretary for the Environment will provide your notice of decisions to:

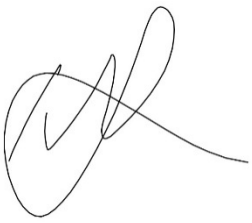
i. anyone invited to comment on the application, which includes the relevant administering agencies

ii. the panel convener

iii. the Environmental Protection Authority (EPA).

Yes / No

Signatures



Max Gander-Cooper
Acting Manager – Fast-track Operations

Hon Chris Bishop
Minister for Infrastructure

Date:

Table A: Stage 2 analysis

<table>
<tr><td>Recommendation</td><td colspan="3">Accept the referral application and refer the project to the fast-track approvals process.</td></tr>
<tr><td rowspan="2">Project details</td><td>Project Name</td><td>Applicant</td><td>Project Area</td></tr>
<tr><td>Stillhaven (the project)</td><td>Stillhaven Limited (the applicant)</td><td>Approximately 104 hectares of rural land north-east of Te Kowhai village in the Waikato District, with frontage to Te Kowhai Road and Horotiu Road, approximately 16 kilometres north-west of Hamilton.</td></tr>
<tr><td>Project description</td><td colspan="3">The project is for the construction and establishment of a mixed-use urban development comprising residential, retirement living, commercial, open space and supporting infrastructure activities, together with an integrated stormwater and flood-management network. While the project is proposed to be constructed and developed in multiple stages, it is not a staged project as defined in the Act. The applicant intends to lodge a single substantive application for the project.

The project comprises:
a. approximately 700 residential dwellings (staged) across a range of housing densities with associated public reticulated services, roading, and earthworks
b. a retirement village across approximately 11 hectares of land, comprising approximately 200 retirement units (staged), 40 to 50 aged care beds, and associated facilities and infrastructure
c. two commercial areas totalling approximately 5,000m² of land, with approximately 1,500m² of commercial floor space for local services and amenities
d. an integrated stormwater and flood-management network comprising flood storage, controlled stormwater conveyance, stormwater management areas, ecological enhancement of watercourses, and associated public open space and recreation areas
e. transport, stormwater, wastewater, water supply, electricity, and telecommunications infrastructure, including upgrades to existing infrastructure and construction of new infrastructure.

The applicant seeks the following approvals via the fast-track approvals process to authorise the project, including some approvals sought at this stage on a precautionary basis, subject to further investigations prior to any substantive application:
a. resource consents under the Resource Management Act 1991 (RMA), including a prohibited activity under the Waikato District Plan for the subdivision of land resulting in additional allotments containing high-quality soils, as described in section 42(4)(a) of the Fast-track Approvals Act 2024 (the Act)
b. wildlife approvals under the Wildlife Act 1953 as described in section 42(4)(h) of the Act
c. an approval, a dispensation, or an authorisation that would otherwise be applied for in respect of a complex freshwater fisheries activity under the Freshwater Fisheries Regulations 1983 or the Conservation Act 1987 as described in section 42(4)(j) of the Act.</td></tr>
<tr><td>Minister invites comments</td><td colspan="3">Comments from invited parties

The following section provides a summary of the comments received from invited parties under section 17 of the Act. Full copies of the comments received from Māori groups are included in Attachment 9 of the section 18 report (Appendix 4). Full copies of all other comments received are attached in Appendix 5. Under section 17(7)(a) of the Act, you must consider any comments received within the timeframe under section 17(6). The comments from the Minister of Agriculture were received after the specified timeframe. You may consider these comments, at your discretion, under section 17(7)(b). All other comments were received within the specified timeframe for this application and must be considered.

Local authorities

Waikato District Council (WDC)
WDC notes the project area is located outside areas identified for urban development in relevant strategic planning documents and was previously assessed through structure planning processes but not selected for urban development due to significant flood hazards. WDC raises concerns regarding infrastructure servicing, noting the required water, wastewater, transport and community infrastructure has not been planned, programmed or funded, and considers substantial planning and infrastructure assessment would be required before development could proceed.

WDC also raises concerns regarding flooding, stormwater management, highly productive land, transport effects and the potential impacts of urban-scale development on adjoining landowners. WDC notes that housing demand is expected to be accommodated within existing planned growth areas and questions whether the proposal is necessary to meet projected demand. WDC recommends ongoing engagement with IAWAI and relevant agencies regarding servicing and flood management solutions, and considers an Integrated Transport Assessment will be important to assess transport effects.

Waikato Regional Council (WRC)
WRC considers the proposal may be more appropriately addressed under other statutory processes and raises concerns regarding whether the project is needed to meet housing demand, contribute to a well-functioning urban environment, or align with established growth planning for the Waikato sub-region. WRC notes the site is not identified for future urban growth in the Future Proof Strategy, Waikato Regional Policy Statement or Waikato District Growth and Economic Development Strategy, and considers the proposal is inconsistent with those planning documents.

WRC also raises concerns regarding highly productive land, drainage and flood management constraints, ecology, water supply, wastewater servicing, stormwater management and transport effects. WRC considers further information would be required regarding housing and retirement living demand, flooding, transport, ecology, contaminated land, infrastructure servicing, and consistency with relevant planning and freshwater management documents.</td></tr>
</table>

Ministers

Minister for Māori Crown Relations: Te Arawhiti & Minister for Māori Development
The Ministers support the application progressing and encourage the applicant and expert panel to have due regard to relevant Treaty settlement legislation and instruments, and to consider any feedback received from relevant Māori groups, as set out in the section 18 report.

Associate Minister of Housing
The Associate Minister supports referral of the project, noting it has the potential to make a significant contribution to housing supply and housing choice in the Hamilton-Waikato growth area, including through the provision of retirement housing and aged care facilities. The Associate Minister notes Te Kowhai is expected to experience ongoing growth due to its proximity to Hamilton and that the project would extend the existing township. The Associate Minister also notes the project relies on infrastructure that is still being planned or delivered and considers that infrastructure capacity, timing and sequencing, highly productive land, flooding, stormwater management, wetland values and transport effects will require further assessment through any substantive application. The Associate Minister does not object to the project being referred to the next stage.

Minister for Seniors
The Minister considers the project is likely to increase housing supply, address housing needs and contribute to a well-functioning urban. The Minister considers the project is suitable for referral to the fast-track process and notes a willingness to provide further comments should the project be referred.

Minister for Economic Growth
The Minister considers the project is likely to deliver significant regional economic benefits through development expenditure and its contribution to regional gross domestic product (GDP), household income and employment during the development period. The Minister noted the benefits quoted in the applicant's assessment. The Minister also notes the loss of existing dairy farming activity but considers the project is likely to deliver significant economic benefits overall. The Minister considers the project is also relevant to housing supply and housing choice objectives, and may contribute to a more responsive housing market and well-functioning urban environment.

Minister of Agriculture
The Minister is generally supportive of referral of the project to an expert panel and considers the project aligns with the intent of the Act. The Minister notes that further information will be required regarding the Land Use Capability classification of soils within the project area and the wetland areas within the site, including in relation to the National Environmental Standards for Freshwater.

Māori groups

Te Whakakitenga o Waikato Incorporated (Waikato-Tainui)
Waikato-Tainui raises concerns regarding infrastructure servicing and considers the capacity of proposed potable water and wastewater infrastructure should be confirmed to ensure it can accommodate the development alongside existing and planned demand. Waikato-Tainui notes there is no projected shortfall in housing development capacity across the subregion, that demand for retirement living can largely be met within existing urban areas and settlements, and that the project is located outside planned growth areas and would result in the loss of highly productive land. Waikato-Tainui considers the proposal should be assessed against relevant growth strategies and that any departure from those strategies should be clearly justified.

Waikato-Tainui also emphasises the need for ongoing engagement with mana whenua and expects any substantive application to demonstrate alignment with Te Ture Whaimana and relevant planning provisions, particularly in relation to flooding and other hazards, highly productive land, cultural values, and engagement with mana whenua. While Waikato-Tainui considers the referral application provides sufficient information to understand the proposal at a high level, it notes this should not be interpreted as support for the proposal or its effects, which would require further assessment and engagement if the project proceeds.

Administering agencies

Department of Conservation (DOC)
DOC does not object to referral of the project and has not identified any reason why the project should be declined or why it would be more appropriately dealt with under another process. DOC considers the information provided is adequate to inform a referral decision and considers that, subject to further assessment and appropriate conditions, the project could proceed without resulting in significant adverse environmental effects. DOC notes the project will need to consider relevant conservation planning documents and ecological matters, including maintaining and restoring ecological integrity, conserving threatened and at-risk species, and protecting freshwater fish habitat, fish passage, habitat connectivity and water quality.

DOC also raises concerns regarding the long-term duration of wildlife and freshwater fisheries approvals sought and considers further information should be provided to demonstrate how ecological conditions and management measures would remain appropriate over the duration of any approvals. DOC recommends the applicant provide further information with any substantive application regarding the management of conservation approvals sought beyond their typical duration.

Any other persons or groups

NZ Transport Agency Waka Kotahi (NZTA)
NZTA does not object to referral of the project. NZTA notes the project does not propose any new access points directly onto the state highway network and understands traffic generated by the development would access the state highway via existing local road connections. NZTA expects any substantive application to include a comprehensive Integrated Transport Assessment to assess the potential effects of the development on the wider state highway network and welcomes the opportunity to provide further input during the substantive application process.

	IAWAI - Flowing Waters Limited (IAWAI) IAWAI raises significant concerns regarding the servicing of the project, noting there is currently no water or wastewater capacity available to service the development, no strategic infrastructure is in place or planned to service the site, and existing network planning does not provide for the proposed development. IAWAI notes the applicant has not engaged with it regarding the feasibility of servicing the site and considers a comprehensive water and wastewater strategy will be required to identify sustainable servicing solutions and demonstrate consistency with Te Ture Whaimana o Te Awa o Waikato. IAWAI does not support decentralised water or wastewater servicing for the project and states any such systems would need to remain in private ownership. IAWAI also raises concerns regarding the proposed stormwater management approach, including the capacity of discharge locations, downstream flooding risks, compliance with regional stormwater requirements, the reliance on lot-level detention, and whether the site's flat topography can be effectively serviced.
The Minister must decline an application if the Minister is satisfied that the project involves an ineligible activity [section 21(3)(b)]	We consider you can be satisfied that the project does not involve an ineligible activity because it: – would not occur on identified Māori land, Māori customary land or a Māori reservation as confirmed by the relevant records of title – would not occur in a customary marine title area or protected customary rights area – is not an aquaculture activity or activity that is incompatible with aquaculture activities – would not require an access arrangement which cannot be granted under the Crown Minerals Act (including s61(1A)) – would not be prevented by section 165J, M, Q, ZC or ZDB of the RMA – would not occur on Schedule 4 land, a national reserve, or any other reserve held under the Reserves Act 1977 as confirmed by the relevant records of title – is not a prohibited activity or decommissioning activity under the EEZA, 15B or 15C of the RMA – is not for the purpose of an offshore renewable energy project. No comments raised by parties invited to comment have indicated that the project would involve an ineligible activity.
The Minister must decline an application if the Minister considers they do not have adequate information to inform the decision [section 21(3)(c)]	We consider you have adequate information to inform your decision on the referral application.
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]	Should you decide to accept this referral application, the report recommends you direct any panel considering a substantive application for the project to comply with the applicable requirements identified below (as provided for at section 16(2)(c) of the Act), namely to: a. have particular regard to Te Ture Whaimana b. give notice to the Waikato River Authority of the application (which may be fulfilled by an invitation to comment under section 53 of the Act) c. consider the provisions for appointing hearing commissioners from the register maintained by the Waikato River Authority as they may be applied to the fast-track process d. have regard to the Waikato-Tainui Environmental Plan, including how to provide for continued partnership with Waikato-Tainui (as a consistent theme running through the plan) e. consider the detailed information-sharing provisions of the joint management agreements with WRC and WDC, as they may be applied to the fast-track approvals process. If you agree to accept the referral application, we will include this direction in the notice of decisions letter for the project.
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 must consider a relevant Government policy statement (GPS) [s22(1A)]* The only current GPS relates to grocery competition. Although the project includes two commercial areas, there is no indication that these would accommodate supermarket or grocery-related activities. Accordingly, we consider there is no GPS relevant to this project. You may consider any of the following matters, or any other matters the Minister considers relevant. The applicant considers the project is a development project that would have significant regional benefits. *Will increase the supply of housing, address housing needs, or contribute to a well-functioning urban environment (within the meaning of policy 1 of the National Policy Statement on Urban Development 2020) [s22(2)(a)(iii)]* The applicant states that the project will increase housing supply by delivering approximately 700 dwellings across a range of lot sizes and housing typologies, together with a retirement village comprising approximately 200 independent living units and 30 to 50 aged care beds, supported by associated facilities, amenities, and a neighbourhood commercial centre. The applicant considers this will contribute to addressing housing demand in the Waikato District, which is projected to experience significant population growth and housing capacity shortfalls, and that the project will provide a material increase in serviced greenfield housing capacity within the lower Waikato housing market. The Associate Minister of Housing and Minister for Seniors consider the project is likely to increase housing supply and housing choice, including through the provision of retirement living and aged care facilities. The Minister for Economic Growth similarly considers the project would materially increase housing supply and choice and may contribute to a more responsive housing market and well-functioning urban environment. WDC, WRC and Waikato-Tainui acknowledge the project would provide additional housing and retirement living capacity but question whether it is needed to meet projected demand. These parties note the site is outside

planned growth areas, that there is no projected shortfall in housing development capacity across the sub-region, and that retirement living demand can largely be accommodated within existing urban areas and settlements. WRC also considers the project has not demonstrated it would contribute to a well-functioning urban environment.

We acknowledge the concerns raised by WDC, WRC, Waikato-Tainui, IAWAI and other invited parties regarding infrastructure servicing, flood management, transport, highly productive land, and consistency with existing growth strategies. To ensure an expert panel has adequate information regarding these matters, we have recommended you require further assessments on infrastructure servicing and transport to be provided with any substantive application (see assessment of section 27 of the Act below).

While invited parties differ on whether the project is required to meet future housing demand and whether it would contribute to a well-functioning urban environment, the project would deliver additional housing supply. We acknowledge WRC's view that the proposal has not demonstrated it would contribute to a well-functioning urban environment, particularly given its location outside planned growth areas. However, comments received generally acknowledge that the project would materially increase housing supply and housing choice in the Waikato District. Accordingly, **we consider the project meets this criterion**, as it would increase the supply of housing to a degree that would result in significant regional benefits. We therefore consider you could refer the project on this basis.

Will deliver significant economic benefits [s22(2)(a)(iv)]
The applicant's economic assessment estimates the project would generate between approximately $136 million and $173 million in GDP and support between 1,344 and 1,816 modified employee count (MEC) years during development. The applicant also estimates that construction of the dwellings would generate a further approximately $420 million in direct and indirect GDP and that, once operational, the project would support ongoing household expenditure and economic activity within Te Kowhai and the wider Waikato area.

The Minister for Economic Growth considers the project is likely to deliver significant regional economic benefits through its development expenditure and contribution to regional GDP, household income and employment during the development period.

We acknowledge WRC's view that the project is not required to address an identified housing capacity deficit and that additional development may redistribute, rather than increase, housing demand across the sub-region. WRC also questions whether the project is of regional significance and raises concerns regarding consistency with existing growth planning documents.

We note the Minister for Economic Growth also acknowledges that the economic assessment does not quantify net national economic benefits and that the estimated benefits primarily indicate the scale of regional economic activity associated with the project. We recognise that the applicant's estimated GDP and employment figures are based on assumptions and that the project's actual economic benefits may differ depending on factors such as housing market conditions, project timing, infrastructure constraints, and market demand. We consider the concerns raised by WRC regarding growth planning, housing demand and infrastructure servicing could be considered further by an expert panel through the substantive application process.

Notwithstanding these uncertainties, we consider the scale of the project, including its projected investment, employment, GDP and ongoing economic activity, is sufficient to demonstrate significant regional economic benefits. Having regard to the applicant's assessment and the comments received from the Minister for Economic Growth and other invited parties, **we consider the project meets this criterion** and you could refer the project on this basis.

Will support climate change mitigation, including the reduction or removal of greenhouse gas emissions [s22(2)(a)(vii)]
The applicant states that the project will support climate change mitigation by seeking to minimise greenhouse gas emissions during construction and through the master-planned design of the project. The applicant considers emissions will be reduced through measures such as retaining earthworks material on-site to minimise truck movements, while the completed project will support lower emissions through multi-modal transport corridors, active transport connections, local services and amenities, and a development pattern that reduces the need for vehicle travel.

WDC and WRC raise concerns regarding the location of the project outside planned growth areas and identify transport and infrastructure matters that require further assessment. No invited party specifically identifies climate change mitigation benefits arising from the project.

While the project may incorporate features that could reduce greenhouse gas emissions relative to some alternative development scenarios, the extent of any emissions reductions has not been quantified in the application. We consider the information provided does not clearly demonstrate that the project would support climate change mitigation to a significant degree.

Accordingly, **we consider this criterion is not met**. We note the applicant retains the ability to provide further information through a substantive application regarding the extent of any climate change mitigation benefits associated with the project.

Any other matters the Minister considers relevant [s22(2)(b)]
The applicant states that the project's integrated stormwater and flood-management network would provide benefits beyond the project area, including through flood attenuation, water quality improvements, enhanced drainage corridors and downstream flood-management measures. The applicant considers these works would assist in addressing existing flooding experienced by neighbouring properties and improve flood resilience within the wider Te Kowhai catchment.

WRC and WDC noted that detailed assessment of flooding, stormwater and related effects would be required through any substantive application. No invited parties identified the project's proposed flood-management works as a significant benefit supporting referral of the project.

While the applicant has identified potential flood-management and resilience benefits associated with the project, limited information has been provided regarding the nature and extent of those benefits. In our view, the project is primarily for an urban development and the applicant has not demonstrated that the claimed flood-management benefits are of sufficient significance to support referral in their own right. The extent of any

	such benefits would be more appropriately assessed through any substantive application process, and the applicant retains the ability to provide further information regarding the project's flood-management and resilience benefits as part of that process. Accordingly, we have not identified any other relevant matters under section 22(2)(b) of the Act that would provide a basis for referring the project. *Conclusion* Based on the assessment above, we consider the project is a **development project** that would have **significant regional benefits** in line with the criteria for accepting a referral application under section 22(1)(a) of the Act. Specifically, we consider the project meets the criteria in sections 22(2)(a)(iii) and 22(2)(a)(iv) relating to increasing housing supply and housing choice, and delivering significant economic benefits. We consider these benefits are of a scale and significance that would collectively result in significant regional benefits. 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.
Referring the project to the fast-track approvals process [section 22(1)(b)]	*Would facilitate the project, including by enabling it to be processed in a more timely and cost-effective way than under normal processes [s22(1)(b)(i)]* The applicant considers the fast-track approvals process would facilitate the project by enabling the required resource consents and approvals to be considered through a single process and by a single panel, providing efficiencies in consenting, stakeholder engagement, and specialist input. The applicant also notes that subdivision associated with the project is anticipated to be a prohibited activity under the relevant planning framework and considers the fast-track approvals process is the only available pathway through which that activity could be considered without a plan change. DOC considers there would likely be cost and efficiency benefits associated with consideration of the required approvals through the fast-track process. WDC questions whether the project aligns with the intent of this criterion, noting substantial planning, infrastructure assessment and investment would still be required before development could proceed. We acknowledge WDC's concerns regarding infrastructure servicing, flood management and the extent of work required to support the project. However, these matters relate primarily to the merits of the project and the information required to assess its effects, rather than whether the fast-track process would facilitate the project. We note the project includes subdivision that is anticipated to be a prohibited activity under the relevant planning framework. In the absence of the fast-track process, progressing the project would likely require a plan change before subdivision could be considered. Such a process would be likely to involve additional costs, time and procedural complexity. We therefore consider the fast-track approvals process would materially facilitate the project by providing a single integrated approvals pathway and enabling consideration of a project that may otherwise require a separate plan change process before it could proceed. Accordingly, **we consider the project meets this criterion.** *Is unlikely to materially affect the efficient operation of the fast-track approvals process [s22(1)(b)(ii)]* The applicant states the project is consistent with the purpose and intent of the fast-track approvals process, which is designed for regionally and nationally significant projects requiring multiple approvals. The applicant considers the project would not materially affect the efficient operation of the fast-track approvals process and would instead demonstrate the value of a consolidated consenting pathway for projects of this nature and scale. None of the invited parties identify any matter that would suggest referral of the project would adversely affect the operation of the fast-track approvals process. While WDC and WRC raise concerns regarding infrastructure servicing, flooding, transport, housing demand, growth planning, and consistency with relevant planning documents, neither party suggests that the project would be incapable of being efficiently considered through the fast-track process. DOC also notes there would likely be cost and efficiency benefits associated with consideration of multiple approvals through a single decision-making framework. While the project raises a range of planning, infrastructure, servicing, and environmental matters, these issues are typical of a large-scale urban development and do not appear unusually complex or novel in the context of the fast-track regime. We have not identified any matter that would suggest referral of the project would materially affect the efficient operation of the fast-track approvals process. Accordingly, **we consider the project meets this criterion.**
Reasons to decline	
Minister must decline [section 21(3)]	*The Minister must decline a referral application if:* *The application may not be accepted under subsection 1 (meets referral criteria)* As detailed above, we consider that the project is a development project that meets the criteria for accepting a referral application under section 22(1) of the Act. If you agree, there is no reason to decline the application under this subsection. *The Minister is satisfied the project involves an ineligible activity* As detailed above, we consider you can be satisfied that the project does not involve an ineligible activity. If you agree, there is no reason to decline the application under this subsection. *The Minister considers that they do not have adequate information to inform the decision under this section* As detailed above, we consider you have adequate information to inform your decision on the referral application. If you agree, there is no reason to decline the application under this subsection.

	To conclude, **we have not identified any reason that you must decline the application under section 21(3).**
Minister may decline [section 21(4) and 21(5)(a-h)]	*The Minister may decline a referral application for any other reason, whether or not it meets the criteria in section 22.* *Reasons to decline a referral application under subsection 4 include, without limitation:* *The project would be inconsistent with a Treaty settlement, Ngā Rohe Moana o Ngā Hapū o Ngāti Porou Act 2019, Marine and Coastal Area (Takutai Moana) Act 2011, a Mana Whakahono ā Rohe, or a joint management agreement* Nothing in the application, comments received, or section 18 report indicates the project would be inconsistent with any of these matters. *It would be more appropriate to deal with the matters that would be authorised by the proposed approvals under another Act or Acts* WRC considers the project may be more appropriately addressed under another Act or Acts. While WRC does not identify a specific alternative statutory process, we infer this would likely include standard RMA or future Planning Act processes, including a plan change, together with any other approval processes applicable to the approvals sought. WRC's view is based on concerns regarding housing and retirement living demand, consistency with regional growth planning, highly productive land, and drainage and flood management constraints. WDC does not identify any reason why the matters proposed to be authorised by the project would be more appropriately dealt with under another Act. DOC similarly does not identify any reason why the project should not be dealt with under the fast-track approvals process and notes there would likely be cost and efficiency benefits associated with consideration of multiple approvals through a single decision-making framework. We acknowledge the concerns raised by WRC and other invited parties regarding infrastructure servicing, flood management, highly productive land, housing demand, and consistency with existing growth strategies. However, these matters do not, in our view, demonstrate that the proposed approvals are more appropriately authorised under another Act or Acts. Rather, they are matters that can be examined in detail by an expert panel through the substantive application process. We also note that the section 18 report does not identify any matters that would make it more appropriate for the proposed approvals to be authorised under another Act or Acts. In addition, the applicant considers that, outside the fast-track approvals process, the project would likely require a plan change and a range of separate approval processes before it could proceed, given subdivision of the site is anticipated to be a prohibited activity under the relevant planning framework. The project requires approvals from multiple agencies and includes a range of approvals that can be considered through a single integrated process under the Act. Having regard to the comments received, **we do not recommend declining the referral application under this criterion**. *The project may have significant adverse effects on the environment* The applicant considers the project will not result in significant adverse environmental effects. The applicant acknowledges the project has the potential to affect highly productive land, wetlands, freshwater habitat, indigenous biodiversity, flood management systems, transport networks, and infrastructure servicing. However, the applicant considers these effects can be appropriately avoided, remedied or mitigated through project design, management plans, infrastructure upgrades, ecological enhancement measures, and conditions imposed through the substantive application process. The applicant also considers the project provides opportunities to enhance ecological values, improve stormwater and flood management outcomes, and deliver long-term infrastructure solutions for the area. Comments received from invited parties identify a range of environmental matters that would require further assessment through any substantive application. These include potential effects on highly productive land, wetlands, indigenous biodiversity, freshwater habitat, black mudfish, flooding, drainage networks, stormwater management, water quality, water supply, wastewater servicing, contaminated land, acid sulphate soils, transport networks, and the effects of urban-scale development on the receiving environment. WRC, WDC, DOC, IAWAI, Waikato-Tainui, and the Minister of Agriculture all identify matters that would benefit from further assessment and consideration through the substantive application process. However, none of the invited parties consider these matters provide a basis to decline the referral application. DOC does not identify any reason the project should not be referred and considers that, with further information and appropriate conditions, it would be possible to achieve a project that does not result in significant adverse effects on the environment. The Associate Minister of Housing similarly notes that infrastructure, transport, flooding, highly productive land, and environmental matters warrant further consideration but considers these can be addressed through the detailed assessment process. We consider the applicant has provided sufficient information to enable a decision on the referral application. The matters raised by invited parties relate primarily to the scope of assessment required at the substantive application stage, rather than matters that prevent a decision being made on the referral application. We have also recommended that further assessments relating to transportation and infrastructure servicing, including consultation with relevant infrastructure providers, be provided with any substantive application (refer to the assessment of section 27 of the Act below). We consider an expert panel is best placed to assess the significance of any adverse environmental effects with the benefit of a substantive application, detailed technical assessments, further comments from relevant parties, and the ability to impose conditions or decline the application if appropriate. Accordingly, **we do not consider you should decline the project on this basis**. *The applicant has a poor compliance history under a specified Act that relates to any of the proposed approvals* The applicant has not identified any compliance or enforcement actions taken against it under a specified Act relevant to the proposed approvals. No invited parties have identified any issues with the applicant's compliance history. Based on the information currently available, we do not consider the applicant has a poor compliance history under a specified Act that would justify declining the application.

	The project area includes land that the Minister for Treaty of Waitangi Negotiations considers necessary for Treaty settlement purposes No invited parties, the section 18 report, or information provided by the applicant suggest that the project area includes land necessary for Treaty settlement purposes. We note that the project area does not include public land. We have not identified any reason for the application to be declined under this criterion. *The project includes an activity that is a prohibited activity under the RMA* The applicant identifies that the project area comprises entirely Land Use Capability Class 2 land, which is classified as highly productive land under the National Policy Statement for Highly Productive Land 2022 (NPS-HPL). The applicant notes that subdivision of high-class soils associated with the project will likely require consent as a prohibited activity under Rule SUB-R41 of the Waikato District Plan (Operative in Part). We note that the inclusion of a prohibited activity does not trigger any ineligibility criteria under section 5 of the Act. Although the existence of a prohibited activity is a matter you may consider under section 21(5) of the Act, section 21(7) expressly provides that the presence of a prohibited activity does not prevent you from accepting a referral application. We acknowledge the concerns raised by WRC, WDC, Waikato-Tainui and the Minister of Agriculture regarding the loss of highly productive land and the need for further assessment of the project's consistency with the NPS-HPL. However, we consider these matters can be further assessed by an expert panel through the substantive application process, including the extent to which the project may affect highly productive land and whether any mitigation measures are appropriate. On this basis, **we do not recommend declining the referral application under this criterion.** *A substantive application for the project would have one or more competing applications* WRC confirms it does not hold a record of any competing applications in the same project area. WDC similarly confirms there are no applications lodged with the Council that would be a competing application should a substantive application for the project be lodged. DOC identifies a pending application held by Boffa Miskell Limited relating to surveys for native skinks and geckos in the Waikato region, which DOC notes relates to the same natural and physical resources as those applied for in the project. However, DOC does not identify this as a reason the referral application should be declined. We note that the information provided does not indicate that the survey permit application identified by DOC would prevent the approvals sought for this project from being fully exercised, or vice versa. We therefore do not consider the application is a competing application for the purposes of the Act. We note that, if the project is referred, the EPA must consult with DOC and local authorities and make a recommendation on whether any competing applications exist at the substantive application stage. Based on the information currently available, **we do not consider you should decline the project under this criterion.** *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)* WRC confirms there are no existing resource consents to which section 124C(1)(c) of the RMA would apply if the approvals sought were applied for as resource consents under that Act. WRC also confirms that section 165ZI does not apply because the project is not located within the common marine and coastal area. We note that, if the project is referred, the EPA must consult with the relevant administering agencies and local authorities and make a recommendation on whether any relevant existing resource consents exist that have not been identified in the substantive application. Based on the information currently available, **we do not consider you should decline the project under this criterion.** *Any other matter* We have not identified any other matters or reasons to consider declining the referral application, beyond the matters already discussed above. *Conclusion* We have not identified any matters that would warrant declining the referral application under sections 21(4) or 21(5) of the Act and, accordingly, **do not recommend that you decline the application**. We note, however, that section 21(4) provides you with discretion to decline a referral application for any other reason, regardless of whether the project meets the criteria in section 22.
Specified matters for an accepted referral application	
The Minister may specify any of the matters under section 27(3)	*The Minister may specify any or all of the following under section 27(3) in the notice of decisions letter for an accepted referral application.* *Restrictions that apply to the project (for example, on its geographical location, its duration, or the aspects of the project that may be carried out)* We have not identified any restrictions that we consider should apply to the project. *In relation to a substantive application for the project:* *A deadline for lodging the application, unless section 27(3)(c) applies* We have not identified any reason why a bespoke deadline would be required for lodging the substantive application. We therefore consider the standard deadline under section 28(3)(d)(ii) is appropriate, being two years after notice is given to the applicant. *Information that must be submitted with the application*

NZTA considers any substantive application should be supported by a comprehensive Integrated Transport Assessment to assess the effects of the project on the local and state highway transport network. WDC and WRC similarly identify the need for further assessment of transport effects, including impacts on the surrounding transport network, intersections, traffic safety, and network performance.

IAWAI raises significant concerns regarding the feasibility and capacity of water supply, wastewater and stormwater servicing for the project. IAWAI notes there is currently no identified water or wastewater capacity available to service the development, that no strategic infrastructure is planned to service the site, and that there has been limited engagement regarding servicing feasibility. WDC, WRC and Waikato-Tainui similarly raise concerns regarding infrastructure servicing, flooding, stormwater management, and the need to confirm the capacity of existing and proposed infrastructure.

We consider the comments received provide sufficient justification for requiring additional information regarding transport and infrastructure servicing to accompany any substantive application. Having regard to these comments, we therefore recommend that you specify that the applicant must submit the following information with a substantive application for the project:

1. an assessment of the relevant transport and three waters infrastructure, including but not limited to:
   - the existing condition and capacity of that infrastructure
   - any upgrades, improvements or new infrastructure required in connection with the project
   - any funding required to carry out those upgrades, improvements or new infrastructure, including who will provide that funding
   - the proposed arrangements for the provision, operation, maintenance and long-term management of water supply, wastewater and stormwater infrastructure associated with the project
   - details of additional consultation undertaken by the applicant with IAWAI – Flowing Waters Limited and any other relevant infrastructure providers regarding the provision of water supply, wastewater and stormwater services for the project, including a summary of issues raised, any agreements reached, and how that consultation has informed the design, servicing strategy, and infrastructure requirements of the project
   - an assessment of flood hazards and stormwater management, including the extent of any flood-prone areas, the effects of the project on flood risk both within and beyond the project area, and any proposed mitigation measures.

2. an Integrated Transport Assessment, including but not limited to:
   - the project's effects on the local and state highway transport network
   - the effects of the project on relevant surrounding intersections and transport corridors
   - traffic safety and network performance effects
   - active transport and public transport considerations
   - any transport mitigation measures proposed to address the effects of the project.

We note that a number of the matters raised by invited parties will already need to be addressed as part of a substantive application. For example, clause 5(2)(c) of Schedule 5 to the Act requires resource consent applications to include an assessment of the proposed activity against any relevant national policy statements. In this case, that would include the National Policy Statement for Highly Productive Land 2022, which was identified as a key issue by WRC, WDC, Waikato-Tainui and the Minister of Agriculture. Similarly, the Act already requires substantive applications to include a range of assessments relevant to the approvals sought.

While invited parties have identified a range of additional matters requiring consideration at the substantive application stage, including highly productive land, ecology, wetlands, flooding, freshwater management and consistency with relevant planning documents, we consider the information requirements already prescribed by the Act, together with the assessments specified above and the expert panel's ability to request further information if required, are sufficient to support an effective assessment.

Notwithstanding this recommendation, you retain discretion to specify any further information that must be submitted with the substantive application if you consider it appropriate to do so.

The persons or groups from whom a panel must invite comments in addition to those specified in section 53
If you decide to accept the referral application, we recommend specifying in the notice of decision that the following parties be invited to comment by the expert panel on any substantive application:

- NZTA – given its comments regarding the need for further assessment of the project's effects on the state highway transport network
- First Gas Limited – as the holder of an easement for a gas transmission pipeline traversing the project area who may be able to provide input on any potential implications for the pipeline and whether additional approvals or management measures may be required
- IAWAI – given its comments regarding water supply, wastewater servicing, stormwater management, and the need for further assessment of infrastructure servicing for the project
- the Minister of Agriculture – given the Minister's interest in the project's effects on highly productive land and wetlands
- Waikato River Authority – as recommended by the section 18 report for consistency with sections 26-27 of the Waikato-Tainui Raupatu Claims (Waikato River) Settlement Act 2010.

We note you retain discretion to decide not to specify that any of these persons or groups be invited by the panel to comment at the substantive application stage. You may also specify that any other persons or groups of your choosing be invited to comment.

We have not recommended specifying any parties that will already be captured under section 53 of the Act. This includes relevant local authorities, relevant iwi authorities and Treaty settlement entities, relevant administering agencies, the Minister for the Environment and other relevant portfolio Ministers, and the owners and occupiers of land within or adjacent to the project area.

Whether the substantive application would have any competing applications
Not applicable – As detailed above, we have not identified any competing applications at this stage.

	Whether, in relation to any proposed approval of the kind described in section 42(4)(a) (resource consent), there are any existing resource consents of the kind referred to in section 30(3)(a) Not applicable – As noted above, we have not identified any existing resource consents of the kind referred to in section 30(3)(a) at this stage. *Conclusion* We recommend you specify under section 27(3)(b)(ii) that the applicant must provide the following information with any substantive application: an assessment of the relevant transport and three waters infrastructure, and an Integrated Transport Assessment. We also recommend you specify under section 27(3)(b)(iii) that NZTA, First Gas Limited, IAWAI, the Minister of Agriculture, and the Waikato River Authority be invited to comment on any substantive application in addition to those parties specified in section 53 of the Act. This is reflected in our recommendations above.

Appendix 1: Statutory framework summary

1. You are the sole decision maker for referral applications. If you accept a referral application, then the whole or part of the project will be referred to the fast-track approvals process.
2. If a Treaty settlement, the Marine and Coastal Area (Takutai Moana) Act 2011, the Ngā Rohe Moana o Ngā Hapū o Ngāti Porou Act 2019, a Mana Whakahono ā Rohe or a joint management agreement provides for consideration of any document or procedural requirements, you must, where relevant:
    a. give the document the same or equivalent effect through this process as it would have under any specified Act; and
    b. comply with any applicable procedural requirements.
3. You must decline a referral application if:
    a. you are satisfied the project does not meet the referral criteria in 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.
4. 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.
5. 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.
6. If you do not decline a referral application at the initial stage you must copy the application to, and invite written comments from:
    a. the relevant local authorities
    b. the Minister for the Environment, 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.
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.