Memorandum on Completeness and Scope

File	FTAA-2608-1286
Application	Te Kowhai East
To	Team Leader LOA
From	[redacted], Application Lead
Date	13 October 2026
Subject	Assessment whether the application complies with section 46(2) of the Fast-track Approvals Act 2024

Purpose

1. The purpose of this memo is to assist you in making your decision on whether the Te Kowhai East application, lodged by Te Kowhai East Limited Partnership (the Applicant), received by the Fast-track Team on 1 September 2026 complies with the requirements of section 46(2) of the Fast-track Approvals Act 2024 (**the Act**).

Decision-maker

2. You have delegated authority to make the decision under section 46 of the Act under the instrument of delegation dated 31 March 2026.

Conflict of interest

3. I confirm that I do not have any conflict of interest in this matter that would prevent me making this assessment.

The application

4. For projects listed in Schedule 2 of the Act and referred projects, authorised persons may lodge a substantive application for approvals available under the Act.
5. The Application was referred by the Minister for inclusion in the Fast-track consenting process under section 28 of the Act. The Minister accepted the referral application on 7 November 2025 and notified the EPA of the decision on the referral application on 7 November 2025.

6. The Application was lodged on 1 September 2026. The EPA must, in consultation with the relevant administering agencies and relevant consent authorities, decide whether this substantive application complies with section 46 of the Act within 15 working days of the lodgement of the application (but may be longer where the EPA has requested further information from the applicant under section 46(2B)). This application was subject to two further information requests therefore the date by which the EPA must make a decision under 46 is 13 October 2026.
7. As set out in more detail below, the EPA must decide whether the application is complete and either:
    - Notify the Panel Convener they can set up an expert consenting panel to make a decision on the application (if complete and within scope); or
    - return it to the person who lodged it (if incomplete and/or not within scope).

Project and Scope

8. The referred project is described as:

    The project is described as involving the subdivision and development of approximately 186 hectares of rural land located at 248 Te Kowhai Road, 270 Te Kowhai Road, and 30 Mathers Road in the Waikato District, to establish a large-scale industrial and commercial precinct. The project includes associated infrastructure, land modification, and works to support the establishment of industrial and commercial activities.

    The project area is legally described as Lot 2 Deposited Plan 523063, Lot 3 Deposited Plan 523063, Section 25-26 Survey Office Plan 417000 and Section 2 Survey Office Plan 473918, Part Allotment 6 Pukete Parish and Part Allotment 215 Parish of Pukete and Section 1 Survey Office Plan 473918, Section 13 Survey Office Plan 416124 and Section 2 Survey Office Plan 577981, and Lot 1 Deposited Plan 546273.

    The project comprises:

    a) industrial activities across 128 hectares

    b) commercial activities over 2 hectares

    c) subdivision of approximately 174 hectares of land over three construction stages

    d) earthworks including cut-to-fill and cleanfill operations

    e) stormwater discharge into the Mangaheka Stream and associated infrastructure

    f) surface and groundwater abstraction for potable supply and construction activities

    g) watercourse diversions, including infilling of artificial channels and floodplain areas

    h) construction of culverts and realignment of stream

    i) bed disturbance associated with watercourse enhancement

    j) land use changes and soil disturbance on contaminated land

    k) an intersection upgrade on State Highway 39.

9. The application is described as the following in the application material:

   The Project provides for the comprehensive development of the Site as an integrated industrial precinct. It includes approximately 210 industrial lots, a 2 ha Neighbourhood Centre, reserves for recreation, stormwater management and ecological mitigation, together with the internal roading network, connections to the surrounding transport network and the infrastructure required to service the development.

10. Several matters are assessed regarding the scope of the proposed activity. I have addressed each matter below.

Inclusion of a Complex Freshwater Fisheries approval

11. In their consultation response to the application, the Department of Conservation, stated:

    The Te Kowhai East Referral Decision (FTAA-2508-1092 dated 7 November 2025) lists resource consents under the Resource Management Act 1991 and a wildlife authority under the Wildlife Act 1953 as being required. The referral decision does not include any Complex Freshwater Fisheries Activities, which was not identified in the referral application as a proposed approval. DOC's view is that the Applicant cannot include an application for Complex Freshwater Fisheries Activities in their substantive application (DOC's view is that the referral application should identify all approvals that will ultimately be sought through the substantive application). We have therefore not assessed the completeness of the application for that approval. The applicant should apply to DOC for approval of or dispensation from Complex Freshwater Fisheries Activities through the Business As Usual process.

12. Further information was requested from the applicant following this comment from DOC, their advice was as follows:

    The Applicant acknowledges that a Complex Freshwater Fisheries Approval (CFFA) was not identified in the referral application and is therefore not expressly included in the referral decision. Since the referral application was lodged, the Project has progressed through detailed design, technical assessment and engagement with relevant agencies. As is expected for a project of this scale and complexity, that process has resulted in a more detailed understanding of the statutory approvals required to authorise the Project, including the CFFA requirements. Importantly, the CFFA does not arise from any material change to the Project that was referred. The Project remains the same integrated industrial development, including the proposed modification, reconstruction and enhancement of the Mangaheka Stream corridor and the associated works required to implement that development.

13. I agree with the applicant's assessment. In my opinion, the inclusion of a complex fisheries approval in the substantive application is permissible and within scope under the FTAA.

14. Under section 46(2)(b) of the Act, the EPA must assess whether the substantive application relates solely to the project against the description in the notice under section 28 (the Notice).

15. The Notice explicitly identifies that the project includes watercourse diversions and culvert constructions. The Notice describes the physical project activities. While page 2 lists approvals sought in the referral application, when looking at the description of the project found in the Notice, it does not limit or fix the statutory approvals that may be sought. The application's watercourse and stream works therefore fall within scope of this project description, regardless of any change in approvals sought since the referral application stage. Also, the applicant confirmed that the introduction of the complex fisheries approval is not a result of introducing new activities to the application, rather the result of more detailed design.

16. Section 42(4) sets out the list of approvals that an authorised person may apply for in a substantive application, stating that a substantive application may seek "1 or more" of those listed approvals. This includes a complex freshwater fisheries approval under section 42(4)(j).

17. This interpretation is most consistent with the purpose and context of the FTAA. DOC's interpretation would require the applicant to seek a separate approval outside the FTAA process, even though the applicant has not significantly changed the project's activities.

18. Further correspondence with DOC indicates that they retain their position on this issue. However, based on the statutory framework and analysis above, I consider that the approval is within scope and appropriately included in the substantive application package.

Commercial and non-industrial scale

19. The Notice describes the project "*as involving the subdivision and development of approximately 186 hectares of rural land... to establish a large-scale industrial and commercial precinct".* As to the commercial precinct, item (b) of the Notice says the project comprises "*commercial activities over 2 hectares."* However, the substantive application introduces a broader non-industrial land use precinct overlay surrounding the 2-ha central neighbourhood centre.

20. Further information was requested from the applicant about this.

21. The applicant responded:

    The 2 ha commercial component identified in the Referral Decision remains the central Neighbourhood Centre and has not increased in size. The broader Non-Industrial Land Use Precinct is not an extension of that commercial centre. It provides for a limited range of activities that are commonly contemplated within an industrial environment and are also provided for within the HCC Industrial Zone, albeit in

some cases through a resource consent process. The term "non-industrial" is therefore descriptive of the activity type, rather than indicating a separate or expanded commercial area.

The precinct also responds directly to HCC's concern that those activities should not establish in an uncoordinated manner across the wider industrial area. The Development Framework therefore confines those activities to a defined part of the Site, rather than allowing them to be dispersed throughout TKE, while retaining the wider Site's predominant industrial function. The Neighbourhood Centre remains the principal commercial hub, with its own separate activity framework and performance standards.

22. Activities provided for in the Neighbourhood Centre under the Development Framework in the application include retail, supermarkets, restaurants, cafes, licensed premises, gymnasiums, public transport facilities, health facilities, childcare, community facilities, tertiary education, offices, and residential units above ground floor. Activities provided for in the Non-industrial Precinct include *"All activities provided for within the wider industrial area, together with places of worship; gymnasium; childcare; wholesale membership retail; wholesale retail trade and supplier activities; yard-based retail; and an outdoor golf driving range."*

23. I agree that the neighbourhood centre remains in scope of the referred activity. The proposed Development Framework conditions strictly cap commercial land use at 2 hectares within the Neighbourhood Centre. Also, the non-industrial activities within the broader precinct overlay represent activities that are involved in, supports or are subsidiary to the primary industrial zone activity under the project, which falls under the definition of "project" in section 4(b) of the Act. The non-industrial activities reflect supporting or subsidiary uses of a typical industrial precinct. The development framework restricts the scale and form of recreational, or community uses through strict activity-specific standards, such as capping the driving range to 30,000m2 of natural grass surface, ensuring they function as low-intensity workforce amenities and compatible supporting land uses rather than establishing an independent commercial destination. I consider that the proposal therefore remains within the scope of the project described in the Notice.

Staging

24. Item (c) of the Referral Decision Notice describes the project as comprising "*subdivision of approximately 174 hectares of land over three construction stages."* Volume A of the substantive application proposes a nine-stage subdivision layout.

25. The applicant's advised in their further information response:

As noted in response to item (a), the Project has progressed through more detailed design and technical assessment since the referral application was lodged. That process has included refinement of how the subdivision and supporting infrastructure will be staged and delivered.

The three stages identified at referral stage were a high-level staging concept. The nine stages now shown in the substantive application provide a more detailed implementation framework for the same referred development, allowing sequencing to respond to market demand, the progressive delivery of infrastructure and the anticipated earthworks operations to achieve a cut fill balance across the site, reducing off-site disposal of materials and import of fill material.

Importantly, the refined staging also aligns with the Project's stormwater management approach, so that stormwater treatment, attenuation and conveyance infrastructure can be delivered in step with development of the relevant parts of the Site.

The change from three to nine stages therefore reflects greater design resolution and implementation planning. It does not change the nature, scale or overall extent of the referred Project.

26. The Notice describes the staging as approximate ("*subdivision of approximately 174 hectares... over three construction stages*"). Refining the construction sequencing into nine subdivision implementation stages is a result of developed design and does not alter the physical boundary, net developable area, or overall scale of the referred project.

27. I consider that the substantive application relates solely to the referred project described in the Notice and complies with section 46(2)(b) of the Fast-track Approvals Act 2024.

Fast-track consenting application process

Legislative context

28. The EPA must decide, in consultation with relevant administering agencies and consent authorities, whether the substantive application complies with section 46(2) of the Act. A substantive application complies with section 46(2) of the Act, if the application:
    - complies with sections 42, 43 and 44;
    - relates solely to a listed project or a referred project;
    - the EPA considers that, on the face of the application, the project does not appear to involve an ineligible activity; and
    - any fee, charge, or levy payable under the Fast-track Approvals (Cost Recovery) Regulations 2025 (the Regulations) in respect of the application is paid.

29. The EPA may request further information from the applicant under section 46(2A) for the purposes of determining whether the application is complete and within scope.

Section 42 Requirements

30. Section 42 of the Act states that an authorised person may lodge a substantive application for the project, 1 substantive applications for each stage of a project if the Minister has determined that the project may proceed in stages (either under s 21(1)(a) or s 37A). Section 42(4) lists the approvals that may be sought under the Act.

31. This application has been lodged by Te Kowhai East Limited Partnership. This person is an authorised person under the Act because they are the person identified as the authorised person in the referral notice of decision.

32. The approvals being sought are
    - an approval described in section 42(4)(a), (c) or (d) (resource consent, certificate of compliance or designation);
        - A resource consent, change to or cancellation of a resource consent: **checklist A**;
        - including subdivision or reclamation: **checklist A1**;
    - an approval described in section 42(4)(h) (wildlife approval), **checklist E**;
    - an approval described in section 42(4)(j) (complex freshwater fisheries approval), **checklist G**;

33. All of the above listed approvals are of the type set out in section 42(4) of the Act

Section 43 Requirements

34. Section 43 of the Act sets out the requirements for a substantive application. The substantive application was lodged in the form and manner approved by the EPA. Assessment of section 43 requirements is included at Appendix 1.

Section 44 Requirements

35. Section 44 of the Act requires that the information provided by the applicant under section 43 must be specified in sufficient detail to satisfy the purpose for which it is required. Assessment of section 44 sufficiency is included at Appendix 1.

36. In assessing the sufficiency of information provided by the applicant, we rely on the information provided to us through consultation with each relevant administering agency and consent authority, as summarised in Appendix 2.

37. As set out in more detail in Appendix 2, the agencies consulted have advised that the information required by section 44 is provided in **sufficient** detail to satisfy the purpose for which it is required.

Ineligibility

38. The EPA needs to decide whether it considers that, on the face of the application, the project does not appear to involve an ineligible activity, as defined in section 5 of the Act. As the EPA has to consider this on the face of the application, the EPA is only able to consider information contained in the application materials.
39. The list of ineligible projects includes activities:
    - on land returned under a Treaty settlement, on identified Māori Land, on Māori customary land, on land set apart as Māori reservation, or in a customary marine title or protected customary rights area without written permission from the rights holder;
    - on Māori customary land, or land set apart as Māori reservation under Part 17 of Te Ture Whenua Māori Act 1993;
    - in a customary marine or protected customary rights area without written agreement from the rights holder/group;
    - within an aquaculture settlement area without the required authorisation;
    - activities that would be prevented under section 165J, 165M, 165Q, 165ZC, or 165ZDB of the RMA (which deal with occupation of space in the common marine and coastal area); or
    - that require permissions on national reserves (or reserves vest in another person) held under the Reserves Act 1977; or
    - on land listed under clauses 1 to 11 or 14 of Schedule 4 of the Crown Minerals Act 1991 (and clauses 12 and 13 for mining activities).
    - That are prohibited under the Exclusive Economic Zone and Continental Shelf (Environmental Effects) Act 2012, or section 15B or 15C the Resource Management Act 1991.
    - That relate to decommissioning under the Exclusive Economic Zone and Continental Shelf (Environmental Effects) Act 2012
    - That are undertaken for the purposes of an offshore renewable energy project.
40. I consider that, on the face of the application, the project does not appear to involve an ineligible activity.

Fees and levies

41. The EPA has received all fees, charges and levies payable by the applicant under the Regulations for the substantive application as follows:
    - Application fee in the sum of $250,000 plus GST;
    - Levy in the sum of $140,000 plus GST; and

Consultation

42. I have consulted with and considered consultation responses from the following relevant administering agencies and relevant consent authorities:
    - Waikato Regional Council for:
    - an approval described in section 42(4)(a) (resource consent)
    - Waikato District Council for:
    - an approval described in section 42(4)(a) (resource consent)
    - The Department of Conservation for:
    - an approval described in section 42(4)(h) (Wildlife Act wildlife approval)
    - an approval described in section 42(4)(j) (complex freshwater fisheries activity approval);
43. A summary of the consultation is included as Appendix 2.

Requests for further information

44. I requested further information from the applicant under section 46(2A) on 17 September 2026 in relation to:
45. Scope
46. Information required for standard freshwater fisheries provisions
47. Information required for complex freshwater fisheries provision
48. Lizard management
49. Pest fish disposal
50. Conditions and management plans
51. The Operative District plan (Waikato Section)
52. Factual clarification of the wastewater agreement
53. Consultation proof
54. The applicant responded with the information on 25 September 2026 within the 20-working timeframe afforded by section 46(2B).
55. Further information was also requested on 30 September 2026 in relation to dimensions of structures for the Complex Freshwater Fisheries Activity. The applicant responded with the information on 13 October 2026 within the 20-working day timeframe afforded by section 46(2B)
56. A full copy of the requests and responses can be found in Appendix 3.

Assessment of compliance for each section of each application form

57. I have assessed the application materials against the relevant checklists in the prescribed application form. Each assessment is contained within the appropriate approval checklist. These are included in Appendix 1 for ease of reference.

58. My view is that the application does comply with section 46 and the EPA may now notify the applicant of its decision.

59. The EPA must now decide whether the substantive application has a competing application under section 47A(1) (under delegation from the Minister for Infrastructure under section 47C) within 10 working days from the date of the completeness decision.

60. Once the EPA has made the decision under section 47A(1), the EPA must notify the panel convener that an expert consenting panel can be set up to commence consideration and decision of the application.

Appendix 1: Assessment of section 44 sufficiency

My assessment of the application materials is set out in the relevant checklists below:

CHECKLIST A – Resource consent, change to or cancellation of a resource consent

Clause, Schedule 5	Information required for an approval described in section 42(4)(a) (resource consent) and/or section 42(4)(b) (change or cancellation of resource consent), Clauses 5-8 of Schedule 5	Application Reference	EPA
5(1)(a)	A description of the proposed activity	**Volume A, Section 3, page 23**	**Yes, addressed.** Volume A, Section 3, Page 24.
5(1)(b)	A description and map of the site at which the activity is to occur, including whether the site is within or adjacent to— (i) a statutory area (as defined in the relevant Treaty settlement Act); or (ii) ngā rohe moana o ngā hapū o Ngāti Porou (as defined in section 11 of the Ngā Rohe Moana o Ngā Hapū o Ngāti Porou Act 2019); or (iii) a protected customary rights area under the Marine and Coastal Area (Takutai Moana) Act 2011	**Volume A, Section 1.4, page 2** **(i) Volume A, Section 4.4, page 56 & Volume B, Section 1.4.1, page 20** **(ii) Volume A, Section 4.5, page 56** **(iii) Volume A,**	**Yes, addressed** Description and map available in Volume A, Section 1.4, Pages 2-3. i) The Project is not located on any identified cultural redress property or settlement land, and no statutory acknowledgement area has been identified as directly affecting the Project area. ii) *The Project is not within, adjacent to, or likely to directly affect ngā rohe moana o ngā hapū o Ngāti Porou and does not require*

		Section 4.3, page 55	*approval for a land exchange. There are no relevant provisions in the Ngā Rohe Moana o Ngā Hapū o Ngāti Porou Act 2019.* (Volume A, Section 4.5, page 57)
5(1)(c)	Confirmation that the consent application complies with section 46(2)(a), (b), and (d); being: • section 42; and • sections 43 and 44; and • relates solely to a listed project or a referred project; and • any fee, charge, or levy payable under regulations in respect of the application is paid.	**Volume A, Section 1.1, page 1** **Te Kowhai East Limited Partnership has made payment**	**Yes, addressed.** The authorised person (Te Kowhai East Limited Partnership) has lodged the substantive application. Information is in sufficient detail to satisfy the purpose for which it is required, does not involve ineligible activities, and relates solely to a referred project. The application fee and levy have been paid in full.
5(1)(d) and 5(6)	The full name and address of— (i) each owner of the site and of land adjacent to the site; and	**Volume A, Section 2.1, from page 11** **Volume A,**	**Yes, addressed.** Volume A, Section 2.1, Pages 11-13 and Appendix E, as referenced.

	(ii) each occupier of the site and of land adjacent to the site whom the applicant is able to identify after reasonable inquiry; If the applicant is not able to supply the name and address of the owner and each occupier of the site and of land adjacent to the site because the land is Māori land in multiple ownership, the applicant must include a statement to that effect (clause 5(6)).	**Appendix E, page 3**	
5(1)(e)	A description of any other activities that are part of the proposal to which the consent application relates	**Volume A, Section 3, page 24**	**Yes, addressed.** As referenced.
5(1)(f)	A description of any other resource consents, notices of requirement for designations, or alterations to designations required for the project to which the consent application relates	**Volume A, Section 1.8, page 8** **Volume B, Section 1.2, page 1**	**Yes, addressed.** As referenced. *No other resource consents, notices of requirement for designations, or alterations to existing designations are presently identified as being required for the Project beyond those described in this Application.*
5(1)(g)	An assessment of the activity against sections 5, 6 and 7of the Resource Management Act 1991	**Volume B, Section 1.5.6, page 28**	**Yes, addressed.** As referenced.

5(1)(h) (and also clauses 5(2) and 5(3))	An assessment of the activity against any relevant provisions in any of the following documents: • a national environmental standard: • other regulations made under the Resource Management Act 1991: • a national policy statement: • a New Zealand coastal policy statement: • a regional policy statement or proposed regional policy statement: • a plan or proposed plan: • a planning document recognised by a relevant iwi authority and lodged with a local authority. This assessment must include an assessment of the activity against the requirements set out in clause 5(3) of Schedule 5 being: • any relevant objectives, policies or rules in the documents listed; and • any requirement, condition, or permission in any rules in any of those documents; and • any other requirements in any of those documents.	**Volume B, Section 1.2, from page 1** **Volume B, Section 1.3, from page 6** **Volume B, Section 1.4.2, from page 21** **Volume B, Appendix B, from page 2** **Volume B, Appendix C, page 4**	**Yes, addressed.** As referenced and updated in the RFI response. *"Appendix A and Appendix B of Volume B of the Substantive Application have been updated to assess the Rural Zone subdivision rules and the relevant objectives and policies within the Operative Waikato District Plan – Waikato Section. Refer to Attachment 1."*

5(1)(i)	Information about any Treaty settlements that apply in the area covered by the consent application, including— (i) identification of the relevant provisions in those Treaty settlements; and (ii) a summary of any redress provided by those settlements that affects natural and physical resources relevant to the project or project area	**Volume B, Section 1.4.1, page 20** **Volume B, Appendix C, from page 1**	**Yes, addressed.** As referenced.
5(1)(j)	A list of any relevant customary marine title groups, protected customary rights groups, ngā hapū o Ngāti Porou (where an application is within, adjacent to or directly affecting ngā rohe moana o ngā hapū o Ngāti Porou), or applicants under the Marine and Coastal Area (Takutai Moana) Act 2011;	**Volume A, Section 4.3, page 55**	**Yes, addressed.** As referenced. *The Project is not within the common marine and coastal area, and there are no relevant customary marine title groups, protected customary rights groups or MACA mandate applicants relevant to the Project. The Project is also not within, adjacent to, or likely to directly affect ngā rohe moana o ngā hapū o Ngāti Porou.*
5(1)(k)	Any conditions that the applicant proposes for the resource consent.	**Volume B, Appendix D, from page 1** **Volume B, Appendix E, from**	**Yes, addressed.** As referenced.

		page 1 Volume B, Appendix F, from page 1 Volume B, Appendix G, from page 1 Volume C, Appendix B, from page 1 Volume D, Appendix A, from page 1	
5(1)(l)	if a notice under section 30(3)(b) or (5) has been received, — (i) a copy of that notice showing that it was received within the time frame specified in section 30(6)(b); and (ii) if a notice has been received under section 30(5), any more up-to-date information that the applicant is aware of about the existing resource consent referred to in the notice.	**Volume A, Section 2.4.2, page 18 Volume A, Appendix C, from page 2**	**Yes, addressed.** As referenced.
5(4)(a)	An assessment of the activity's effects on the environment that includes the information required by clause 6.	**Volume B, Section 1.6, from page 31**	See below

5(4)(b)	An assessment of the activity's effects on the environment that covers the matters specified in clause 7.	**Volume B, Section 1.6, from page 31**	See below
6	(1) The assessment of an activity's effects on the environment must include the following information: (a) an assessment of the actual or potential effects on the environment: (b) if the activity includes the use of hazardous installations, an assessment of any risks to the environment that are likely to arise from such use: (c) if the activity includes the discharge of any contaminant, a description of— (i) the nature of the discharge and the sensitivity of the receiving environment to adverse effects; and (ii) any possible alternative methods of discharge, including discharge into any other receiving environment: (d) a description of the mitigation measures (including safeguards and contingency plans where relevant) to be undertaken to help prevent or reduce the actual or potential effect of the activity:	**(a) Volume B, Section 1.6, from page 31** **(b) N/A** **(c) N/A** **(d) Volume B, Section 1.7, from page 52** **(e) Volume A, Section 4.4, page 56 & Volume A, Section 4.8, page 57 & Volume A, Section 4.9, from page 58** **(f) N/A, refer Volume A, Section 4.4, page 56**	**Yes, addressed.** a) As referenced. b) N/A c) N/A d) As referenced and Volume B, Appendix D, E, F and G e) As referenced. f) N/A g) As referenced and Volume B, Appendix D, E, F and G h) As referenced.

	(e) identification of persons who may be affected by the activity and any response to the views of any persons consulted, including the views of iwi or hapū that have been consulted in relation to the proposal: (f) if iwi or hapū elect not to respond when consulted on the proposal, any reasons that they have specified for that decision: (g) if the scale and significance of the activity's effects are such that monitoring is required, a description of how the effects will be monitored and by whom, if the activity is approved: (h) an assessment of any effects of the activity on the exercise of a protected customary right.	**(g) Volume B, Section 1.6, from page 31 & Volume B, Appendix D, E, F and G, from page 1 & Volume C, Appendix B, from page 1 & Volume D, Appendix A, from page 1** **(h) Volume A, Section 4.3, page 55**	
7	The assessment of an activity's effects on the environment must cover the following matters: (a) any effect on the people in the neighbourhood and, if relevant, the wider community, including any social, economic, or cultural effects: (b) any physical effect on the locality, including landscape and visual effects:	**(a) Volume B, Section 1.6, from page 31** **(b) Volume B, Section 1.6.7, from page 37** **(c) Volume B,**	**Yes, addressed.** a) As referenced. b) As referenced. c) Volume B, Section 1.6.10, from page 41 d) As referenced e) N/A

	(c) any effect on ecosystems, including effects on plants or animals and physical disturbance of habitats in the vicinity: (d) any effect on natural and physical resources that have aesthetic, recreational, scientific, historical, spiritual, or cultural value, or other special value, for present or future generations: (e) any discharge of contaminants into the environment and options for the treatment and disposal of contaminants: (f) any unreasonable emission of noise: (g) any risk to the neighbourhood, the wider community, or the environment through natural hazards or hazardous installations.	**Section 1.6.10, from page 51 (d) Volume B, Section 1.5.6, from page 28 & Volume B, Section 1.6.6, page 36 & Volume B, Section 1.6.7, from page 37 (e) N/A (f) Volume B, Section 1.6.8, page 39 (g) Volume B, Section 1.3.6, page 14 & Volume B, Section 1.5.3, from page 26 & Volume B,**	f) As referenced g) As referenced

		Section 1.5.6, from page 28	
5(5)(a)	If a permitted activity is part of the proposal to which the consent application relates, a description that demonstrates that the activity complies with the requirements, conditions, and permissions for the permitted activity (so that a resource consent is not required for that activity under section 87A(1) of the Resource Management Act 1991)	**Volume B, Appendix A, from page 2**	**Yes, addressed.** As referenced.
5(5)(b)	If the activity is to occur in an area that is within the scope of a planning document prepared by a customary marine title group under section 85 of the Marine and Coastal Area (Takutai Moana) Act 2011 or the environmental covenant prepared by ngā hapū o Ngāti Porou under section 19 of the Ngā Rohe Moana o Ngā Hapū o Ngāti Porou Act 2019, an assessment of the activity against any resource management matters set out in that document	**N/A, refer to Volume A, Section 4.5, page 56**	N/A
5(5)(c)	If the activity is to occur in an area that is taiāpure-local fishery, a mātaitai reserve, or an area that is subject to bylaws made under Part 9 of the Fisheries Act 1996, an assessment of the effects of the activity on the use or management of the area.	**N/A, refer to Volume A, Section 4.5, page 56**	N/A

CHECKLIST A1 – Subdivision or reclamation resource consent

CHECKLIST E – Wildlife approval

CHECKLIST G – Complex freshwater fisheries approval

Appendix 2: Consultation Summary

The following agencies at 1-3 were consulted within deciding whether the application complies with section 46(2). Each agency was requested to confirm whether the application documentation provided by the EPA regarding the proposal as provided by the applicant meets the requirements of sections 42 and 43 of the Act and is provided in sufficient detail to satisfy the purpose of the Act in accordance with section 44 of the Act.

The project site is located entirely within the Waikato District. However, the site directly adjoins the Hamilton City administrative boundary along Te Kowhai Road (SH39) and Koura Drive. HCC submitted formal correspondence requesting to be recognized and included as a relevant local authority for the substantive application. A summary of this correspondence and the EPA's response is set out below at 4.

The "relevant local authority" means "any local authority whose region or district the project area is in". While the project is adjacent to the Hamilton City boundary, the project does not fall within the Hamilton City district.

Consequently, Hamilton City Council (HCC) does not meet the definition of a "relevant local authority" or "relevant consent authority" under the Fast-track Approvals Act 2024 (the Act) for the purposes of the EPA's section 46 completeness assessment. As a result, the EPA did not consult with HCC in deciding whether the application complies with section 46(2).

1. **Consultation with Waikato Regional Council** as the relevant consent authority for the following approvals under the Resource Management Act 1991:
    - Resource consent (section 42(4)(a) of the Act)

Response from Waikato Regional Council
Re: Consultation regarding a substantive application under the Fast-track Approvals Act 2024 Thank you for your letter dated 2 September 2026 notifying the Waikato Regional Council that Te Kowhai East Limited Partnership (the applicant) has lodged a substantive application under the Fast-track Approvals Act 2024 (the Act) relating to a 186HA industrial land growth node adjacent to Te Kowhai interchange of the Waikato Expressway on the north side of Hamilton. Your letter has requested the Waikato Regional Council (WRC) provide a written response to the following matters: • whether any relevant matters listed in clauses 5 to 9 of Schedule 5 (information required in resource consent application) have not been addressed or have not been provided in sufficient detail.

- whether the written notice under section 30(3)(b)/30(5), dated 21 August 2026, prepared by Waikato Regional Council remains accurate and final at the time of receiving this letter.

WRC confirms that there are no relevant matters within the Waikato Regional Council's purview listed in clauses 5 to 9 of Schedule 5 (information required in resource consent application) that have not been addressed or have not been provided in sufficient detail.

WRC also confirms that the written notice prepared under section 30(3)(b)/30(5), dated 21 August 2026, remains accurate as of the date of this letter.

Overall, WRC considers the application meets the requirements of sections 42 and 43 of the Act and has been provided in sufficient detail for the matters of relevance to the WRC to satisfy the purpose for which it is required, in accordance with section 44 of the Act.

WRC has appreciated the early engagement on this application with the applicant to identify matters of interest to WRC. I understand that there are on-going discussions with WRC staff to clarify matters of detail which relate to water supply, wastewater, earthworks and stormwater (including the potential impact on the Waikato Regional Council's managed drainage system).

2. **Consultation with Waikato District Council** as the relevant consent authority for the following approvals under the Resource Management Act 1991:

- Resource consent (section 42(4)(a) of the Act)

Response from Waikato District Council
Thank you for the opportunity to provide comments on the completeness of the Te Kowhai East Limited Partnership substantive application under section 46 of the Fast-track Approvals Act 2024 (FTAA). For this completeness check, the relevant local water entity, IAWAI, contributed to the reviews (attachment 1) undertaken by Waikato District Council (WDC). COMPLETENESS ASSESSMENT - SECTIONS 42, 43 AND 44 Waikato District Council (Council) has assessed the substantive application against sections 42, 43 and 44 of the Fast-track Approvals Act 2024, focusing on the approvals sought and the matters relevant to Council's functions and responsibilities as a territorial authority. Section 42 and Section 43 Council considers that the application generally addresses the matters required by sections 42 and 43 of the Act. The application contains descriptions of the proposed development, supporting technical assessments, and the information necessary to identify and understand the proposal and the approvals sought. In terms of the approvals sought it is noted however that the application has been assessed solely under the Waikato District Plan – Operative in Part (OIP). The subdivision provisions for the General Rural Zone in the OIP are still subject to appeal, and therefore, the subdivision provisions for the 'Rural' zone in the Operative District Plan (Waikato Section) are still relevant and consent is also required under this planning document. An assessment of the subdivision rules for the Rural zone in the Operative District Plan (ODP) - (Waikato Section) is required, along with an assessment of the objectives and policies. Whilst this assessment is necessary, the assessment undertaken by the applicant predominantly addresses the rural subdivision matters for consideration under the ODP, and we do not feel this is a matter that renders the application 'incomplete'. The applicant has been made aware that the ODP is still of relevance and is updating the assessment as lodged to address the rules, objectives and policies of the ODP. Section 44 - Sufficiency of Detail Council considers that the relevant information necessary for a completeness assessment has generally been provided. The application therefore contains sufficient information to enable it to

proceed through the fast-track process, subject to further information being sought during the substantive assessment where necessary.

However, Council considers that several matters will likely require further information and assessment during the substantive consideration of the application. As an example, please refer to the section 3.5 of the letter from IAWAI in terms of the assessment of three waters effects (Attachment 1).

SUMMARY

In Waikato District Council's view, the application generally meets the requirements of sections 42 and 43 of the Fast-track Approvals Act 2024 and contains sufficient information to be considered complete for the purposes of the Environmental Protection Authorities completeness assessment.

Attachment 1: IAWAI Completeness and Scope Review

1. Purpose of this Memo

This memorandum provides IAWAl's assessment of whether the Te Kowhai East Limited Partnership's substantive application meets the completeness requirements of sections 43 and 44 of the Fast-track Approvals Act 2024 (FTAA). It is provided to inform and support Waikato District Council's response to the Environmental Protection Authority's (EPA's) request for a completeness review under sections 42, 43 and 44 of the FTAA. IAWAI's assessment is confined to water supply, wastewater and stormwater servicing matters.

2. Background IAWAI is a jointly owned council-controlled organisation of Hamilton City Council and Waikato District Council, with each council holding a 50% shareholding. From 1 July 2026, under a formal transfer arrangement, responsibility for potable water and wastewater services within Hamilton City and Waikato District transferred to IAWAI. Under separate servicing arrangements, IAWAI is also responsible for stormwater management services across both districts. In this capacity, IAWAI is responsible for the planning, delivery and operation of three waters infrastructure and services across its service area and has a direct interest in development proposals that may affect existing or future three waters infrastructure and service delivery.

   On 15 July 2026, IAWAI wrote to the EPA advising of its interests in a number of Fast-track projects within its service area, including projects listed or referred under the FTAA. In that correspondence, IAWAI requested that the letter be provided to the Panel Convener when substantive applications are lodged so that IAWAI's role as the relevant water services provider can be taken into account when an Expert Panel determines the extent of any invitation to comment under section 53 of the FTAA. IAWAI intends to continue requesting that the EPA provide this correspondence to the Panel Convener and any Expert Panel

considering applications affecting its service area, including the Te Kowhai East Limited application. IAWAI also intends to utilise opportunities to provide input through Waikato District Council and Hamilton City Council where appropriate.

The EPA has requested advice from Waikato District Council on whether the documentation supplied by the Te Kowhai East Limited Partnership meets the requirements of sections 42, 43 and 44 of the FTAA, including whether the application contains the required information and whether that information has been provided in sufficient detail for its intended purpose.

The EPA has also asked that any relevant matters listed in clauses 5 to 9 of Schedule 5 (information required in resource consent application) that have not been addressed or have not been provided in sufficient detail are noted.

3. Comments

3.1 General Observations

IAWAI's review has been undertaken at a high level and within a limited timeframe, with a focus on three waters matters. In undertaking this review, IAWAI notes that:

- the application material lodged is substantial and covers water supply, wastewater and stormwater servicing matters;
- IAWAI has been engaging with the applicant for more than a year regarding servicing arrangements and network connections;
- there is currently no Private Development Agreement in place between IAWAI and Te Kowhai East Limited Partnership and no agreed consent conditions; and
- some servicing matters remain unresolved and continue to be worked through between IAWAI and the applicant. These matters will ultimately require appropriate documentation through consent conditions and private development agreements as appropriate.

3.2 Section 42 - Authorised Person

IAWAI has not undertaken a separate assessment of section 42 of the FTAA. IAWAI expects Waikato District Council to consider that matter directly.

3.3 Section 43 - Requirements for a Substantive Application Based on IAWAI's review, the application appears to contain the information reasonably expected in relation to water supply, wastewater and stormwater servicing matters for the purposes of Section 43. On that basis, IAWAI does not consider the application to be incomplete in relation to three waters matters.

IAWAI notes that the information requirements under s 43(3) and clause 5 of Schedule 5 to the FTAA include any conditions that the applicant proposes for the resource consent. IAWAI and the applicant remain in dialogue, and IAWAI looks forward to further progress being made in respect of the proposed conditions. IAWAI has made some preliminary comments on an early version of draft conditions to the applicant.

3.4 Section 44 - Sufficiency of Detail

IAWAI is generally satisfied that the application contains sufficient information to proceed beyond the completeness stage. However, additional information, clarification and technical review will be required to enable the Expert Panel to fully assess:

- three waters effects;
- servicing feasibility;
- network connection requirements; and
- the appropriate form of any consent conditions.

Further information and technical resolution of these matters will also be required to inform the final set of consent conditions and any future private development agreements.

Given the limited time available for this assessment and the volume of material supplied, IAWAI has not undertaken a detailed technical review of the application. IAWAI considers that the outstanding matters are best addressed during subsequent stages of the FTAA process, when there will be greater opportunity for detailed technical review and engagement with the applicant.

IAWAI intends to seek further opportunities to provide comment directly to the applicant, through the Councils' engagement with the EPA and through any future Expert Panel process.

3.5 Illustrative technical concerns

As this assessment is focused on completeness, IAWAI has not provided detailed comments on technical aspects of the substantive application. However, as part of its high-level review, IAWAI notes that the application includes water supply and wastewater servicing plans, supporting infrastructure reports, stormwater assessments, and proposed consent conditions addressing both interim and ultimate servicing arrangements. On that basis, IAWAI considers that sufficient information has been provided for completeness review purposes, notwithstanding that a number of servicing details remain subject to further technical assessment, clarification and agreement.

To provide examples of the nature and significance of the matters requiring further information or clarification a few examples of areas that are to be resolved are provided below. These examples are for illustrative purposes only and are not exhaustive.

3.5.1 Water Supply

The application identifies an interim servicing solution involving localised network upgrades and connection to the existing water supply network. The ultimate servicing solution comprises two 6 ML reservoirs on Mathers Road supplied by a feeder main connecting into the existing bulk network. The application indicates that implementation of the ultimate solution is informed by network modelling and notes a proposed trigger date of 1 November 2033 for delivery of the bulk infrastructure. The proposed conditions also provide for IAWAI to identify any additional water network upgrades required as development staging progresses.

While these arrangements are described at a level sufficient for completeness purposes, further hydraulic modelling, technical assessment and condition refinement will be required to confirm network servicing requirements and determine the timing of any required upgrades. IAWAI notes that the timing of the ultimate water supply solution may ultimately need to be informed by network performance assessments undertaken as development stages proceed.

3.5.2 Wastewater

The application identifies an interim wastewater servicing solution involving discharge to the Far Western Interceptor via a proposed rising main, with an ultimate connection proposed to the future Northern Interceptor. The application includes infrastructure plans, supporting reports and proposed conditions requiring the interim connection to be operational prior to development staging and requiring connection to the ultimate solution within a specified period following commissioning of the Northern Interceptor.

IAWAI notes, however, that the preferred alignment of the Northern Interceptor and the ultimate connection location have not yet been determined or agreed. The indicative alignment shown in the application may not align with current planning assumptions, and alternative connection arrangements may ultimately be required. These matters do not affect completeness but will require further technical assessment and resolution through later stages of the process.

IAWAI also notes that section 6.1.2 of the Civil Infrastructure Report refers to an agreement regarding the ultimate Northern Interceptor connection. IAWAI's understanding is that no binding development agreement has been entered into and that the ultimate interceptor alignment and connection arrangements remain subject to separate planning and design

processes. Clarification of this statement should therefore be sought during subsequent stages of the assessment process.

3.5.3 Stormwater

The application includes a stormwater management framework, supporting assessments and proposed conditions sufficient for completeness review purposes. However, a number of matters will require further technical assessment through subsequent stages of the FTAA process.

IAWAI notes that the applicant is proposing an adaptive management approach to stormwater runoff volume mitigation, whereby the level of increased runoff volume retained onsite would be determined progressively as development stages proceed. The application identifies a minimum retention threshold of 10mm together with potential financial contributions toward downstream mitigation works. While this approach may be capable of being developed further, IAWAI notes that the receiving environment comprises a rural drainage system where mitigation of increased runoff volumes is a key consideration. Should the minimum retention approach ultimately be adopted, there is currently no identified programme of downstream erosion mitigation works, and IAWAI is not aware of any corresponding programme currently identified to address any residual effects.

IAWAI also notes that, while the proposed stormwater treatment trains are generally consistent with accepted stormwater management practice, there remain concerns regarding the significant number of assets proposed to vest in Waikato District Council and/or IAWAI and the resulting long-term operations and maintenance obligations that may arise. Further assessment will be required to determine whether the proposed arrangements represent an appropriate balance between development outcomes and whole-of-life asset management considerations.

In addition, the proposed stormwater infrastructure layout suggests that post-development landform grades across parts of the site may be relatively flat. Based on the conceptual layouts provided, IAWAI remains concerned as to whether a subdivision design that is fully compliant with the Waikato Regional Technical Infrastructure Specifications (RITS), and which achieves appropriate operational and maintenance outcomes, can ultimately be achieved. These matters do not affect completeness but will require further technical review and resolution through subsequent stages of the assessment process.

4. Consent Conditions

IAWAI notes and supports that the proposed conditions generally recognise that future development remains dependent on the availability of water and wastewater servicing capacity.

This differs from some previous applications where conditions implied that progression of future stages was not contingent on delivery of ultimate infrastructure solutions.

While the current conditions are considered adequate for completeness purposes, IAWAI considers that further refinement may be required through the Expert Panel process. Matters that may warrant further consideration include:

- clarifying that progression of future development stages is contingent on sufficient network and treatment capacity being available at the time approvals are sought;
- refining the wastewater diversion requirements to provide a more appropriate implementation trigger linked to commissioning of the Northern Interceptor and delivery of the required connection infrastructure;
- providing greater flexibility for IAWAI to require implementation of the ultimate water supply solution at an earlier stage should future modelling or network assessments demonstrate that additional infrastructure is required; and
- ensuring that the timing of ultimate servicing infrastructure remains appropriately linked to demonstrated servicing requirements, network performance and available capacity, rather than being driven solely by prescribed dates.

These matters relate primarily to the appropriateness of the proposed servicing arrangements and consent conditions rather than the completeness of the substantive application. Accordingly, they are considered capable of being addressed through subsequent technical review, consent condition refinement and, where relevant, future development agreements.

5. Conclusion

   IAWAI considers that the Te Kowhai East Limited Partnership substantive application is complete for the purposes of the EPA's current review, insofar as water supply, wastewater and stormwater matters are concerned.

   IAWAI further considers that the remaining unresolved servicing matters can appropriately be addressed during the subsequent stages of the Expert Panel process and do not prevent the application from progressing beyond the completeness review stage.

   It is therefore important that IAWAI has a meaningful opportunity to provide detailed technical feedback during subsequent stages of the FTAA process. This will enable the Expert Panel to fully assess the outstanding servicing matters and ensure they are appropriately addressed through further information, technical analysis, consent conditions and, where relevant, private development agreements.

   For completeness, IAWAI reiterates its request that the EPA provide IAWAI's 15 July 2026 correspondence to the Panel Convener and any Expert Panel appointed to consider this

application, so that IAWAl's role as the relevant water services provider can be recognised when determining the extent of any invitation to comment under section 53 of the FTAA.

3. **Consultation with the Department of Conservation** as the administering agency for the following Acts

- An approval, a dispensation, or an authorisation under the Freshwater Fisheries Regulations 1983 or the Conservation Act 1987 in respect of a complex freshwater fisheries activity (section 42(4)(j) of the Act)
- A wildlife approval as defined in clause 1 of schedule 7 of the Act (section 42(4)(h) of the Act)

Response from the Department of Conservation
On 2/09/2026 the Department of Conservation (DOC) received a request from the EPA seeking its views whether the application meets the requirements of sections 42 and 43 of the Fast-track Approvals Act 2024 (the Act) and whether the information is in sufficient detail to satisfy section 44of the Act. The purpose of this document is to provide advice to assist the EPA in making its decision whether the application lodged by Te Kowhai East Limited Partnership on the 1st of September 2026 complies with the requirements of section 46(2) of the Act. The advice covers compliance with the following: • Scope of applications • Preliminary matters under section 43 • Information requirements for relevant approvals The advice also includes further observations of relevance to further processing of the application, for example where further information could be needed for a decision by the panel. DOC understands that this document will be passed on to the applicant, the Panel Convener and the Panel. Scope of applications The Te Kowhai East Referral Decision (FTAA-2508-1092 dated 7 November 2025) lists resource consents under the Resource Management Act 1991 and a wildlife authority under the Wildlife Act 1953 as being required. The referral decision does not include any Complex Freshwater Fisheries Activities, which was not identified in the referral application as a proposed approval. DOC's view is that the Applicant cannot include an application for Complex Freshwater Fisheries Activities in their substantive application (DOC's view is that the referral application should identify all approvals that will ultimately be sought through the substantive application). We have therefore not assessed the completeness of the application for that approval.

The applicant should apply to DOC for approval of or dispensation from Complex Freshwater Fisheries Activities through the Business As Usual process.

Compliance with information requirements

Our detailed assessment of the information requirements for the relevant approvals is provided in the attached tables. In summary, DOC's advice is that the application meets the requirements of sections 42, 43, and 44 of the Act.

Notification and Consultation

The applicant undertook consultation with DOC regarding the required WAA prior to lodging its substantive application

A meeting with DOC's Fast-track Project Manager, and the applicant's team took place on 6 May 2026. The applicant provided an overview of the project and a summary of the ecological issues.

The following draft documents were received on 27 July 2026, have been reviewed and informed a Summary of Consultation provided to the applicant on 20 August 2026:

- DOC Engagement memo
- Attachment A – Supporting Project Plans
- Attachment B – Draft Ecological Impact Assessment
- Attachment C – Draft Bat Management Plan
- Attachment D – Draft Lizard Management Plan
- Attachment E – Draft Fish Management Plan
- Attachment F – Draft Mudfish Habitat Restoration Plan
- Attachment G – Mangaheka Stream Enhancement Plan.

DOC received a Notification letter on 10 August 2026. The letter states that the applicant intended to lodge their application on 31 August 2026. The following documents were subsequently received from the applicant, were reviewed and informed a second Summary of Consultation provided to the applicant on 2 September 2026:

- Draft conditions for Regional Resource Consent - received on 17 August 2026
- Draft conditions for Wildlife Approval - received on 18 August 2026
- Draft conditions for Complex Freshwater Fisheries – received on 19 August 2026

DOC provided extensive comments during consultation, including:

- The draft documents provided do not include an assessment of the activity and its impacts against the purpose of the Wildlife Act 1953.
- The applicant should ensure that all of the information requirements for an application for a wildlife approval listed in FTAA Schedule 7 Clause 2 are included in the substantive application.
- An estimate of the number and species of lizards should be included in the application.
- The substantive application should include written agreement from the body managing the Waikhakareke Reserve (the lizard release site).
- Potential effects on black mudfish habitat and the extent to which habitat creation measures will successfully offset habitat losses was not adequately addressed in draft documents.
- Potential effects arising from stream reconstruction, including impacts on ecological integrity, aquatic habitat function and freshwater connectivity was not adequately addressed in draft documents.
- Whether proposed restoration, habitat enhancement and ecological effects management measures provide measurable and enduring ecological outcomes was not adequately addressed in draft documents.
- Long-term ownership, management, monitoring and maintenance arrangements for ecological restoration areas, stream corridors and associated enhancement works was not clear.
- DOC recommended a dual certification process for DOC approvals (LMP) and Council resource consent conditions. Noting that each approval has distinct requirements under separate legislation, certification should be undertaken by the respective administering authority.
- Effects management measures should be set out in resource consent conditions including any proposed offsetting or compensation proposed for the project.
- DOC should be provided the opportunity to review and comment on the results of fish relocations.
- Prior to certification of any ecological management plan, DOC should be provided the opportunity to review and comment.
- All management plans within the consent conditions should have a clear objective on how the effects are going to managed, with clear performance standards/targets. Monitoring and reporting should be included to ensure the objective of the management plan is achieved.

- The application includes works that are a 'standard freshwater fisheries activity' according to the FTTA (2024). No detailed information was provided. FTAA Schedule 5 part 9 requires various information to be provided for all proposed structures that fall under the standard freshwater fisheries provisions. It was suggested the Applicant prepare a table that includes this information. With regards to fish passage this will need to clearly state whether approval or a dispensation to impede fish passage is sought for each structure.
- The classification of artificial drains was raised as an issue.
- Detailed comments on the Draft Fish Management Plan and Draft Mudfish Habitat Creation Plan were provided.
- Detailed track-changed comments on the draft conditions were provided by DOC on 2 September 2026. This was subsequent to the application being lodged.

Further observations

In addition to WA approval compliance requirements, DOC provided detailed comment on draft documents to the applicant during the pre-lodgement consultation phase of the process. Due to the limited time available to undertake this assessment of compliance with Section 46 of the FTAA, we have not been able to determine in detail which of those comments have been addressed in the final application documents lodged. DOC intends to respond to how comments on draft documents have been addressed in the Section 53 comments.

DOC, however, makes the following initial observations:

Lizard Management

- Copper skinks are highly fossorial, and Onduline retreats are not effective at detecting populations of copper skinks. The chance of overlooking copper skink subpopulations with the proposed salvage methods is therefore high. Expanding machine assisted salvage over the whole footprint of skink habitat, or at least a representative sample of each area or habitat type across the site, could be a more effective strategy to reduce the probability of key subpopulations of copper skinks being overlooked and hence exterminated.

Freshwater

- The proposed works includes the installation of new road culverts in the Mangaheka Stream and Te Otamanui Stream that could impede, but not permanently block, fish passage. Therefore, the application includes works that are a 'standard freshwater fisheries activity' according to the FTTA (2024). The FTAA Schedule 5 part 9 requires specific information to be provided for all structures that fall under the standard freshwater fisheries provisions. With regards to fish passage this will need to clearly

state whether approval or a dispensation to impede fish passage is sought for each structure.

- Freshwater Fisheries Regulations (1983) Regulation 66 prohibits leaving unburied fish on the banks or margin of any waters. This is noted because there is potential for large numbers of pest fish (e.g. koi carp, Gambusia, and brown bullhead catfish) to be euthanised during the project. The Applicant should have a clear protocol in place for the disposal of euthanised fish.

Conditions and Management Plans

- Proposed Land Use Conditions should include effects management measures, including any proposed offsetting or compensation proposed for the project.
- All management plans in the consent conditions should have a clear objective on how the effects are going to managed, with clear performance standards/targets. Monitoring and reporting should be included to ensure the objective of the management plan is achieved.
- DOC recommends a dual certification process for DOC approvals (LMP) and Council resource consent conditions. Noting that each approval has distinct requirements under separate legislation, certification should be undertaken by the respective administering authority.
    - Prior to certification of any ecological management plan relating to the RMA, DOC should be provided the opportunity to review and comment on the plan.
    - DOC certifies any ecological management plan relating to the WA.
- DOC should be provided the opportunity to review and comment on the results of fish relocations.

Further Email Response from the Department of Conservation 25 September 2026
DOC does not have any further comments on completeness and scope in relation to the complex freshwater fisheries activities' approval at this stage. If the decision is that it does meet completeness and the CFFA is in scope, then we will address this in the s51 report.

Letter dated 30 September 2026
FTAA 2608-1286 Te Kowhai East Complex Freshwater Fisheries - Completeness and Scope

Thank you for the opportunity for the Department (DOC) to provide further comments on the three matters of scope and completeness in relation to Complex Freshwater Fisheries Activities for the Te Kowhai East application and the Applicant's response to the EPA's request for further information at the completeness assessment stage:

1. **Scope**
   DOC considers that an applicant can not include additional approvals at the substantive stage if such approvals were not identified in the referral decision. DOC considers any such approvals to be out of scope of what can be applied for.

2. **Completeness – interpretation of Schedule 9, Clause 3(a)**
   DOC's interpretation of Schedule 9, Clause 3(a) of the FTAA is that it is directive in its terminology with the use of the phrase "must include" for any of the matters listed (please see extract below). As such, from a legislative perspective, DOC's advice is that the Te Kowhai East application would not meet this test if "dimensions of the structure or fish facility" are not provided i.e. the application would be incomplete

3 Information required in application for complex freshwater fisheries activity approval

For the purpose of section 43(3)(j), an application for a complex freshwater fisheries activity approval must include the following information:

(a) in relation to the structure and any fish facility:
- (i) a description of the type of structure or fish facility:
- (ii) the dimensions of the structure or fish facility:
- (iii) the design of the structure or fish facility:
- (iv) the placement of the structure or fish facility:
- (v) the water flows:
- (vi) the operating regime:

However, it is the decision of the EPA as to whether or not the inclusion or not of the "dimensions of the structure or fish facility" meets the completeness test and/or whether or not it seeks the Applicant to provide the concept design-level estimates of these dimensions and clearly state these are subject to revision during detailed design in this particular application.

With respect to "sufficiency" in respect of this application, if the Applicant:

1. provides the concept design-level estimates of the dimensions and state these are subject to revision during detailed design, this would, in our opinion, cover off the 'sufficient information" test.
2. does not provide the concept design-level estimates of the dimensions and state these are subject to revision during detailed design, DOC will provide comment in relation to the ecological outcome of the structures of concern. In doing this, DOC would still be of

the opinion that the application did not meet the legislative test of "must include". Again, ultimately, it is the decision of the EPA as to whether or not this meets the completeness test.

3. Completeness – DOC comments in relation to the Applicant's response to the EPA RFI request on 30 September 2026

DOC's comments on completeness and compliance were provided to the EPA on 9 September 2026 and still apply. DOC did not provide any comments in relation to completeness/compliance at that time due to its position on scope. The EPA has sought further comments from DOC in relation to the Applicant's response to the EPA's request for information (RFI) request on 30 September 2026. DOC's comments on the Applicant's RFI response is as follows:

a. Scope

DOC considers that an applicant cannot include additional approvals at the substantive stage if such approvals were not identified in the referral decision. DOC considers any such approvals to be out of scope of what can be applied for. The CFFA approval was not identified in the referral decision, therefore is out of scope in the substantive application. However, it is noted that the CFFA approval can be sought under 'business as usual' processes if the Applicant decides to do so.

b. Completeness/compliance comments if EPA considers the CFFA within scope:

Schedule 9, Clause 3(a) of the FTAA is directive in its terminology with the use of the phrase "must include" and the Applicant's response to the EPA's RFI does not meet this with the level of construction detail that the applicant has provided at this stage.

In this instance, the structures of concern are various construction-phase temporary channels and culverts. These are built to enable the proposed channel works to be completed 'in the dry' while maintaining surface water connectivity. The Applicant states in their response that, "Fish passage and hydraulic connectivity will be maintained through the temporary bypass arrangements."

From an ecological perspective, what they propose is best practice as it avoids sediment release by isolating the channel works from flowing water, while also maintaining fish passage.

So, from a purely pragmatic perspective, not knowing the estimated or exact dimensions of these temporary structures at this stage will not influence the ecological outcome.

4. Correspondence with Hamilton City Council

As set out above, I consider that HCC is not a relevant local authority or relevant consent authority under the Act. So, the EPA did not consult with HCC in deciding whether the application complies with section 46(2). Under the FTAA, a relevant local authority is:

"in relation to a referral application or substantive application, —

a) means any local authority whose region or district the project area is in; and
b) if a proposed approval in the referral application or an approval sought in the substantive application is one described in section 42(4)(k) (marine consent), includes any local authority whose region or district is adjacent to the site where the relevant activity would be undertaken.

Correspondence from HCC and the EPA's response is set out below.

Letter from Hamilton City Council
Re: Te Kowhai East LP - Te Kowhai East Fast Track Project Hamilton City Council (HCC) is aware that the developer, Te Kowhai East LP (TKE), has now lodged a substantive application for the Te Kowhai East Fast Track Project (TKE Project) under s 42 of the Fast Track Approvals Act 2024 (FTAA). HCC understands that the TKE Project has now been referred to the Panel Convener under s 45A of the FTAA for its completeness check under s 46 of the FTAA. As will be apparent from the substantive application, the TKE Project is located in the Waikato District, and accordingly, Waikato District Council (WDC) is the deemed 'relevant local authority' in terms of s 4 of the FTAA. However, it will also be apparent from the substantive application that the TKE Project is located adjacent to the HCC territorial boundary and therefore affects HCC's interests. TKE has recognised this, and as one of the terms of engagement between HCC and TKE, it is agreed that for the purposes of the substantive application, TKE shall recognise, consult, and deal with HCC as if it were a relevant local authority. HCC notes that while the EPA, the Panel Convener, and the Panel appointed to determine the substantive application, will be bound by the statutory definition of a 'relevant local authority', they will also have a discretion regarding how they deal with HCC.

HCC requests that in the exercise of that discretion, the EPA, the Panel Convener, and the Panel, take account of TKE's acknowledged status of HCC, and deal with HCC as if it were a relevant local authority, and at the very least, a commenter.

On this basis, HCC requests that it be invited to any conference held by the Panel Convener. HCC also requests that it be a party invited to comment under s 53(3) of the FTAA.

A copy of this letter has been provided to both TKE and WDC.

Email Response to Hamilton City Council from the EPA

Re: URGENT: HCC - Te Kowhai East - Acknowledgment as Relevant Local Authority

Thank you for your letter outlining HCC's position and your request to be formally treated as a relevant local authority for the Te Kowhai East fast-track approval process. We value HCC's interest and active involvement in this project, particularly given its location adjacent to the Hamilton City boundary.

We have carefully reviewed your request against the statutory framework of the Fast-Track Approvals Act 2024 (FTAA). Regrettably, there is no mechanism under the FTAA that allows the EPA to formally recognise or treat HCC as a relevant local authority for this project. However, HCC will be able to participate as an invited party under section 53(2)(n), as the Minister has specified in the Notice of Decision that HCC is a person or group from whom a panel must invite comments from in addition to any specified in section 53, as per section 27(3)(b)(iii).

This pathway ensures that HCC's comments are formally put before the expert panel for consideration.

We have passed your comments to the Panel Convener for this application who will be arranging a Panel Convener Conference once the application has passed its section 46 and 47 checks.

We look forward to your active participation in the process and will keep you informed as the project moves to the next stage.

Appendix 3: Further information requests and responses

I sent 2 further information requests to the applicant during under section 46(2B) of the Act. The requests and responses are set out below.

Request for Further Information 1:

- Date sent: 17 September 2026
- Topics:
  - Scope
  - Information required for standard freshwater fisheries provisions
  - Information required for complex freshwater fisheries provisions
  - Lizard management
  - Pest fish disposal
  - Conditions and management plans
  - The Operative District plan (Waikato Section)
  - Factual clarification of the wastewater agreement
  - Consultation proof
- Date of response: 25 September 2026

FTAA-2608-1286 TKE Request for Further Information	
Question	**Response**
Scope of Referred Project	
(a) "The referral decision does not include any Complex Freshwater Fisheries Activities, which was not identified in the referral application as a proposed approval." Please provide any further information you wish to have considered in response to this comment from DOC for the purposes of the EPA's s 46(2)(b) assessment.	The Applicant acknowledges that a Complex Freshwater Fisheries Approval (CFFA) was not identified in the referral application and is therefore not expressly included in the referral decision. Since the referral application was lodged, the Project has progressed through detailed design, technical assessment and engagement with relevant agencies. As is expected for a project of this scale and complexity, that process has resulted in a more detailed understanding of the statutory approvals required to authorise the Project, including the CFFA requirements. Importantly, the CFFA does not arise from any material change to the Project that was referred. The Project remains the same integrated industrial development, including the proposed modification, reconstruction and enhancement of the Mangaheka Stream corridor and the associated works required to implement that development.
(b) Item (b) of the Referral Decision Notice describes the project specifies "commercial activities over 2 hectares." The substantive application introduces a broader non-industrial land use precinct overlay surrounding the central neighbourhood centre. Please provide any further information you wish to have considered clarifying how the project will ensure that commercial land use remains capped at 2ha and how non-industrial activities outside the neighbourhood centre will remain ancillary and subsidiary to the primary industrial function of the site.	The 2 ha commercial component identified in the Referral Decision remains the central Neighbourhood Centre and has not increased in size. The broader Non-Industrial Land Use Precinct is not an extension of that commercial centre. It provides for a limited range of activities that are commonly contemplated within an industrial environment and are also provided for within the HCC Industrial Zone, albeit in some cases through a resource consent process. The term "non-industrial" is therefore descriptive of the activity type, rather than indicating a separate or expanded commercial area. The precinct also responds directly to HCC's concern that those activities should not establish in an uncoordinated manner across the wider industrial area. The Development Framework therefore confines those activities to a

	defined part of the Site, rather than allowing them to be dispersed throughout TKE, while retaining the wider Site's predominant industrial function. The Neighbourhood Centre remains the principal commercial hub, with its own separate activity framework and performance standards.
(c) Item (c) of the Referral Decision Notice describes the project as comprising "subdivision of approximately 174 hectares of land over three construction stages. Volume A of the substantive application proposes a nine-stage subdivision layout. Please provide any further information you wish to have considered explaining how this updated staging structure is in scope of the referred project.	As noted in response to item (a), the Project has progressed through more detailed design and technical assessment since the referral application was lodged. That process has included refinement of how the subdivision and supporting infrastructure will be staged and delivered. The three stages identified at referral stage were a high-level staging concept. The nine stages now shown in the substantive application provide a more detailed implementation framework for the same referred development, allowing sequencing to respond to market demand, the progressive delivery of infrastructure and the anticipated earthworks operations to achieve a cut fill balance across the site, reducing off site disposal of materials and import of fill material. Importantly, the refined staging also aligns with the Project's stormwater management approach, so that stormwater treatment, attenuation and conveyance infrastructure can be delivered in step with development of the relevant parts of the Site. The change from three to nine stages therefore reflects greater design resolution and implementation planning. It does not change the nature, scale or overall extent of the referred Project.
Information required for standard freshwater fisheries provisions	
This request was raised as part of the mandatory consultation the EPA undertook with the Department of Conservation: The proposed works include the installation of new road culverts in the Mangaheka Stream and Te Otamanui Stream that could impede, but not permanently block, fish passage. Therefore, the application includes works that are a 'standard freshwater fisheries activity' according to the [FTAA] (2024). The FTAA Schedule 5 [clause] 9 requires specific information to be provided for all structures that fall under the standard freshwater fisheries provisions. With regards to fish passage this will need to clearly state whether approval or a dispensation to impede fish passage is sought for each structure.	The Applicant acknowledges that the FTAA definition of a standard freshwater fisheries activity is broader than the approval requirement under regulation 42 of the Freshwater Fisheries Regulations 1983. Under the FTAA, a culvert that *could impede* fish passage may fall within the definition of a standard freshwater fisheries activity. Regulation 42 of the FFR is narrower. It requires approval where a culvert or ford is constructed in such a way that the passage of fish *would be impeded*. The proposed road culverts in the Mangaheka Stream and Te Otamanui Stream are being designed to maintain fish passage and are not proposed to impede fish passage. Accordingly, no approval or dispensation under regulation 42 is sought for those structures.

Under Schedule 5, Clause 9, "an application for a resource consent or a notice of requirement for a project that includes a standard freshwater fisheries activity..." must include the information at (a)-(d) of that same clause. DOC considers that the culvert works could impede but not permanently block fish passage, therefore the application includes a standard freshwater fisheries activity. Please provide the information required in an application that includes a standard freshwater fisheries activity. Alternatively, please advise how the works do not fall within the definition of "standard freshwater fisheries activity" as a "culvert or ford that could impede but not permanently block fish passage".	However, to the extent the culverts are treated as standard freshwater fisheries activities for the purposes of Schedule 5, the information required by clause 9 is already contained within the substantive application. In particular: • **Volume D – Complex Freshwater Fisheries Approval,** sections 1.6 and 1.8 describe the permanent Mangaheka Stream and Te Otamanui Stream culverts, their indicative form and location, and the approach to maintaining fish passage, including culvert width, embedment and hydraulic conditions. • **Volume B – Appendix O, Civil Infrastructure Assessment, Appendix F – Stream Works Management Plan,** sections 4.2, 4.3 and 6.5 provide the indicative dimensions and configuration of the crossings, construction methodology and specific installation requirements to maintain fish passage. • **Volume B – Appendix M, Ecological Impact Assessment**, together with the freshwater assessment in Volume B, addresses the affected freshwater habitat and ecological values and confirms the fish-passage design approach, including compliance with the applicable NES-F requirements. Accordingly, while no regulation 42 approval is sought, the substantive application contains the information required to assess the culvert works as standard freshwater fisheries activities under Schedule 5.
Information required for complex freshwater fisheries provisions	
For the dispensation sought under section 42(4)(j) for complex freshwater fisheries activities, Table 1.1 of Volume D currently lists dimensions to be confirmed through detailed design. Under Schedule 9, Clause 3(a) of the Act, an application seeking a dispensation must specify the type, dimensions, design, placement, water flows, and operating regimes of all proposed structures and fish facilities. Please confirm the specific dimensions, design parameters, and placement details for all proposed in-stream structures, dams, and diversions subject to the Complex Freshwater Fisheries Approval, including: • Structure type, proposed dimensions, design, placement, and water flow characteristics; and • An explicit statement as to whether an approval or a dispensation to impede fish passage is sought for that specific structure.	The Complex Freshwater Fisheries Approval sought relates to the temporary damming and diversion structures required to facilitate the staged reconstruction of the Mangaheka Stream. These may include temporary diversion channels, bunds or cofferdams, pumped or piped bypasses and temporary culverts. The final location, dimensions, form and construction methodology for each temporary structure will depend on the sequencing of the stream works, the particular work reach and the flow conditions at the time of construction. Those details are therefore not fixed at this stage. However, the application provides the relevant information as far as it can presently be determined. In particular, sections 6.2 and 6.2.1 of the Stream Works Management Plan (contained in Volume B – Appendix O, Civil Infrastructure Assessment, Appendix F – Stream Works Management Plan)



	establish the design and operational framework for the temporary works, including that: • continuous flow through the Mangaheka Stream must be maintained; • no full channel blockage may occur without a functioning bypass; • the bypass must have sufficient capacity to convey the applicable 5-year ARI flow without upstream flooding; • the preferred methodology is a gravity-fed temporary diversion channel with 300mm freeboard, with pumped bypasses or pipe diversions available where required; • active work reaches will be isolated using temporary bunding, sandbags or other appropriate damming structures; and • fish recovery must occur before isolation and dewatering of the relevant work reach. Sections 7 and 8 of the Stream Works Management Plan further establish the operating and monitoring requirements, including daily inspection of bypass capacity, fish passage and integrity, contingency measures where bypass capacity is exceeded, and removal of temporary bunds and bypass structures within five working days of completion of the relevant works. The final dimensions and placement of individual temporary structures will be confirmed through detailed design by the Project engineer within those specified design, hydraulic and operational parameters. For clarity, no approval or dispensation to impede fish passage is sought for any of these structures. Fish passage and hydraulic connectivity will be maintained through the temporary bypass arrangements.
Lizard Management	
This comment was raised as part of the mandatory consultation the EPA undertook with the Department of Conservation: Copper skinks are highly fossorial, and Onduline retreats are not effective at detecting populations of copper skinks. The chance of overlooking copper skink subpopulations with the proposed salvage methods is therefore high. Expanding machine assisted salvage over the whole footprint of skink habitat, or at least a representative sample of each area or habitat type across the site, could be a more effective strategy to reduce the probability of key subpopulations of copper skinks being overlooked and hence exterminated.	The Lizard Management Plan (LMP) provides for a combination of salvage methods, including Artificial Cover Objects (ACOs), systematic manual searches and machine assisted searches/clearance. ACOs are therefore not intended to be relied upon as the sole method for detecting or salvaging copper skinks. This approach reflects the relative risks associated with the available salvage methods, with less intrusive methods undertaken in the first instance before progressing to machine-assisted searching where appropriate. Ecological Solutions has considered DOC's comments and have confirmed that the combination of ACOs, manual searching and machine-assisted searching

Please provide any further information you wish to have considered in response to this comment from DOC for the purposes of the EPA's s 46(1) assessment.	proposed by the LMP remains appropriate. Increasing machine-assisted searching across the entirety of the identified habitat in lieu of ACOs would likely increase the risk of injury or mortality to lizards and would not necessarily represent a preferable salvage approach. For clarity, machine assisted searching is not intended to be limited to areas where lizards have already been detected through ACOs or manual searches. The Project Herpetologist may direct machine assisted searching within areas where lizards have not been detected where, in their professional judgement, the habitat has a higher potential to support lizards. This enables salvage effort to be targeted to appropriate habitat while avoiding unnecessary use of the higher risk machine assisted method. Further engagement will be carried out with DOC to confirm this approach and make any required updates to the LMP, including clarification of the discretion available to the Project Herpetologist in directing machine assisted searching.
Pest Fish Disposal Protocol (Freshwater Fisheries Regulations 1983)	
This comment was raised as part of the mandatory consultation the EPA undertook with the Department of Conservation: Freshwater Fisheries Regulations (1983) Regulation 66 prohibits leaving unburied fish on the banks or margin of any waters. This is noted because there is potential for large numbers of pest fish (e.g. koi carp, Gambusia, and brown bullhead catfish) to be euthanised during the project. The Applicant should have a clear protocol in place for the disposal of euthanised fish. Please provide any further information you wish to have considered in response to this comment from DOC for the purposes of the EPA's s 46(1) assessment.	The Applicant acknowledges the requirements of Regulation 66 of the Freshwater Fisheries Regulations 1983, which prohibits fish, or fish cleanings or offal, being left unburied on the bank or margin of any waters. The proposed fish salvage methodology provides for pest fish captured during salvage operations to be euthanised. Any euthanised pest fish will be buried on-site and will not be left unburied on the bank or margin of any waterbody. Where large numbers of pest fish are encountered, a suitable burial location will be established in proximity to the salvage area for practical purposes, with euthanised fish placed within the excavation during the salvage operation and the excavation backfilled at the completion of the day's works. The Fish Management Plan can be updated to expressly record this disposal protocol and the requirement to comply with Regulation 66, alternatively, a consent condition could be imposed to this effect. Further engagement with DOC will be undertaken to confirm the preferred approach
Conditions and Management Plans	
The following comments were raised as part of the mandatory consultation the EPA undertook with the Department of Conservation:	The Applicant acknowledges DOC's comments regarding the proposed ecological conditions and management plans.



• Proposed Land Use Conditions should include effects management measures, including any proposed offsetting or compensation proposed for the project.
• All management plans in the consent conditions should have a clear objective on how the effects are going to managed, with clear performance standards/targets. Monitoring and reporting should be included to ensure the objective of the management plan is achieved.
• DOC recommends a dual certification process for DOC approvals (LMP) and Council resource consent conditions. Noting that each approval has distinct requirements under separate legislation, certification should be undertaken by the respective administering authority.
  ○ Prior to certification of any ecological management plan relating to the RMA, DOC should be provided the opportunity to review and comment on the plan.
  ○ DOC certifies any ecological management plan relating to the WA.
• DOC should be provided the opportunity to review and comment on the results of fish relocations.
 	
Please provide any further information you wish to have considered in response to these comments from DOC for the purposes of the EPA's s 46(1) assessment.
	Feedback has also been received from DOC on the draft conditions circulated prior to lodgement of the Substantive Application, dated 2 September 2026. The Applicant will continue to engage with DOC on that feedback. As part of this process, the matters raised through the completeness check can also be worked through in further detail, including those relating to effects management measures, management plan objectives and performance standards, monitoring and reporting, certification of ecological management plans, and reporting of fish relocation outcomes.
	
	It is noted that a number of the matters identified by DOC are already addressed within the draft ecological management plans submitted with the application. Collectively, these plans set out the relevant ecological objectives and outcomes, effects management measures, implementation requirements, performance standards or success criteria where applicable, and monitoring, reporting and adaptive management requirements. Accordingly, it is not considered necessary in all cases for the consent conditions to duplicate the detailed requirements already contained within the management plans. However, through further engagement with DOC, consideration will be given to whether any targeted amendments to the management plans or proposed conditions are appropriate in response to the feedback received.
	
	The conditions distinguish between the separate statutory approvals being sought for the Project. In particular, the resource consent, Wildlife Act and freshwater fisheries approval processes have separate statutory requirements and administering authorities. It is therefore not considered necessary for the resource consent conditions to duplicate certification or approval processes that apply under the Wildlife Act or freshwater fisheries approvals.

Operative District Plan (Waikato Section)	
This request was raised as part of the mandatory consultation the EPA undertook with the Waikato District Council. In terms of the approvals sought it is noted however that the application has been assessed solely under the Waikato District Plan – Operative in Part (OIP). The subdivision provisions for the General Rural Zone in the OIP are still subject to appeal, and therefore, the subdivision provisions for the 'Rural' zone in the Operative District Plan (Waikato Section) are still relevant and consent is also required under this planning document. An assessment of the subdivision rules	Appendix A and Appendix B of Volume B of the Substantive Application have been updated to assess the Rural Zone subdivision rules and the relevant objectives and policies within the Operative Waikato District Plan – Waikato Section. Refer to **Attachment 1**.



for the Rural zone in the Operative District Plan (ODP) - (Waikato Section) is required, along with an assessment of the objectives and policies. Clause 5(1)(h) of Schedule 5 requires the provision of "an assessment of the activity against any relevant provisions in any of the documents listed in [Clause 5(2) of Schedule 5]". Please supply a planning assessment of the proposed subdivision against the relevant rules, objectives, and policies of the Rural Zone under the Operative District Plan (Waikato Section).	
Factual Clarification on the Wastewater Agreement	
The following comments were raised as part of the mandatory consultation the EPA undertook with the Waikato District Council: IAWAI also notes that section 6.1.2 of the Civil Infrastructure Report refers to an agreement regarding the ultimate Northern Interceptor connection. IAWAI's understanding is that no binding development agreement has been entered into and that the ultimate interceptor alignment and connection arrangements remain subject to separate planning and design processes. Clarification of this statement should therefore be sought during subsequent stages of the assessment process. Please provide any further information you wish to have considered in response to these comments from IAWAI via WDC.	Significant engagement with IAWAI has been carried out pre-lodgement to understand the servicing constraints and opportunities for the site. While both parties agree the Northern Interceptor has capacity to service the development, it is noted that, at the time of lodgement of the substantive application, no binding development agreement has yet been entered into in relation to the ultimate Northern Interceptor connection, and the final alignment of the Northern Interceptor remains subject to IAWAI's further planning and design processes. The Northern Interceptor is, however, funded within IAWAI's 10-year programme and remains the proposed ultimate strategic wastewater servicing solution for the full development of Te Kowhai East. While its final alignment has not yet been confirmed, the Applicant has demonstrated that the TKE connection to the Northern Interceptor can be provided through publicly owned land, including existing road reserves, such that the ability to establish the future connection is not dependent on securing access through third-party private land. The timing, funding and delivery arrangements for the TKE connection to the Northern Interceptor are addressed through the proposed consent conditions and the draft Development Agreement (PDA). Discussions with IAWAI regarding the PDA remain ongoing, and the Applicant expects these matters to be further advanced, if not confirmed, while the Panel is being convened.
Consultation Proof	
This request was raised as part of the EPA's internal completeness check: Clause 2(1)(n) of Schedule 7 requires the provision of "proof and details of all consultation, including with hapū or iwi, on the application specific to wildlife impacts".	As recorded in **Volume A – Appendix F – Record of Consultation and Engagement**, extensive engagement has been undertaken with iwi and hapū throughout development of the Project. That engagement included specific consideration of wildlife and freshwater ecological matters.

While Volume A, Appendix F provides a general summary of engagement, please provide the specific written proof and details of consultation undertaken with iwi and hapū specific to wildlife impacts (such as written correspondence, meeting minutes, or CIA signoffs).	At the 12 May 2025 hui, ecology was expressly discussed, including the identification of black mudfish, the proposed approach to relocation, the absence of identified bats and frogs, and the relationship of the Site to the Mangaheka catchment and Tangirau wetland. The minutes also record that preliminary ecological and engineering reports were in preparation. At the 7 July 2025 hui, environmental matters were again discussed, including the Mangaheka stormwater catchment, wetlands and mudfish relocation as part of the Project's environmental responsibilities. At the 8 September 2025 hui, the TWWP was updated that mudfish surveys had been undertaken across different seasons. The 10 November 2025 hui included a site visit to provide mana whenua with a clearer understanding of the Site and its cultural and environmental values. The minutes specifically record that three mudfish and watercourse surveys had been undertaken over the preceding three years, identifying 11 mudfish, and discuss their proposed relocation and protection within the Site. Ahead of the 15 May 2026 hui, an updated Project Summary was provided to the TWWP. That summary contained a dedicated "Flora, Fauna and Freshwater" section addressing bats, lizards, black mudfish and freshwater habitat, including proposed management and mitigation measures. The minutes expressly record that the ecological summary, including updates on bats, lizards and freshwater species, was provided and received by the group. Engagement then continued through development of the CIA and substantive application. The draft CIA was circulated to the TWWP in June 2026 and discussed at the July hui, and at the 10 August 2026 hui the CIA was endorsed and approved by the mana whenua representatives present. Accordingly, the written proof of consultation specific to wildlife impacts comprises the relevant TWWP hui minutes, the May 2026 Project Summary (both contained in **Attachment 2**), the CIA consultation and endorsement process, and the broader consultation record in Volume A – Appendix F.

Request for Further Information 2:

- Date sent: 30 September 2026
- Topic: Dimensions of structures for the Complex Freshwater Fisheries Activity
- Date of response: 13 October 2026

7th October 2026 Maven REF: 180010

Environmental Protection Agency
Private Bag 63002
Wellington 6140, New Zealand

FTAA-2608-1286

Background

This memo has been prepared for the Environmental Protection Agency (EPA) for the Request for Further Information (RFI) received on 30th September 2026. The request was raised as part of the mandatory consultation the EPA undertook with the Department of Conservation.

The RFI has requested details regarding the type, dimensions, design, placement, water flows, and operating regime of the structure and any associated fish facility for the proposed in-stream structures and channel diversion arrangement for construction of the Mangaheka Stream.

Response

The temporary diversion detail included with the application has been revised and detailed further to include details for the proposed temporary in-stream structures and channel diversion arrangements associated with the construction of the Mangaheka Stream. These are the only activities subject to the Complex Freshwater Fisheries regulations and which the proposal has sought approvals for through the Substantive Application.

A temporary channel diversion will be constructed alongside the final proposed alignment of the Mangaheka Stream. The proposed diversion will be constructed as an open channel system. No piped diversions or temporary culverts are proposed as part of the temporary diversion. The channel will be constructed in-site and lined with Enviroforce geotextile. The Stream will be constructed in three (3) phases per the Stream Works Management Plan. Water from the stream between the existing watercourse and diversion channel will be dammed via an earth embankment to stage the interface between the three construction phases. The diversion channel has been designed to convey flows up to the 20-Year ARI storm event.

There are two permanent culverts proposed to be installed within the Mangaheka Stream corridor. These culverts are not subject to the Freshwater Fisheries approvals, however these permanent culverts have been indicatively sized based on the hydraulic flood model prepared with Te Miro Water. Detailed design of the culverts will be carried out prior to construction and submitted to District and Regional Council for Engineering Plan approval and vested in future.

Specifically,

- De-watering and fish relocation methodology is provided in Volume B, Appendix O (Appendix F – Stream Works Management Plan) and Volume B, Appendix V (Fish Management Plan).
- Detailed design, dimensions and sizing of the Temporary Channel Diversion is provided via **Appendix A.**

- Positioning for horizontal and vertical tie-ins are provided via DWG C231 & C233
- Methodology is provided via DWG C232
- Dimensions and cross-sectional detail are provided via DWG C234

- Calculations on for the 20-Year ARI flow & Diversion Hydraulics are provided via **Appendix B.**

Prepared by,

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