

Te Kowhai East Referral Application – Appendix 2 – Responses to section 13 of the Fast Track Approvals Act 2024

The below table summarises the responses to the information requirements contained in section 13 of the Fast Track Approvals Act 2024

Clause in Section 13. 4 of Act	Response	Relevant Appendices
(a) a description of the project and the activities it involves:	<ul style="list-style-type: none"> Te Kowhai East is a 186ha proposed Industrial Precinct adjacent to the Te Kowhai Interchange on the Hamilton City boundary. Comprising a net area of 137ha of industrial land for light industrial activities, Te Kowhai East is adjacent to and anticipated to be an extension of the existing Te Rapa industrial area. Land use, subdivision, earthworks, discharge, water take and other ancillary consents to be applied for to enable the delivery of the project. 	Appendix 1 – Project Introduction
(b) an explanation of how the project meets the criteria in section 22 :		
22 (1) (a) – the project is an infrastructure or development project that would have significant regional or national benefit	<p>The project is regionally significant for the following reasons:</p> <ul style="list-style-type: none"> The project will also help to address significant medium and long term industrial land supply insufficiency identified in the 2024 Housing and Business Capacity Assessment undertaken by Future Proof. The project is strategically located and will contribute to a well-functioning urban environment due to creating jobs in close proximity to large residential growth nodes, with multi modal access. Economic Impact Assessment estimates 5,115 FTE and \$619m GDP impact in the construction phase. Economic Impact Assessment estimates 4,1160 FTE per annum and \$10.0 billion GDP in the ongoing operations phase. 	<p>Appendix 15 – Economic Impact Assessment</p> <p>Appendix 19 – Highly Productive Land legal opinion</p>

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	<ul style="list-style-type: none"> • The project will have a positive impact on the health of the Waipa River catchment. Enhancing of the natural environment by retiring farmland and rehabilitating natural watercourses that traverse the site, combined with a design outcome that appropriately manages stormwater to address natural hazard matters as identified in the Mangaheka Integrated Catchment Management Plan. • The spine road through the site provides resiliency to the regional transport network by enabling an alternate arterial route between the primary transport interchanges of Horotiu and Te Kowhai (SH39), which will reduce reliance on SH1. • Integration of mana whenua values through ongoing engagement with protection of taonga species, cultural design, cultural protocols and partnerships. 	
<p>22 (b) (i) - referring the project to the fast-track approvals process—</p> <p>(i) would facilitate the project, including by enabling it to be processed in a more timely and cost-effective way than under normal processes; and</p> <p>(ii) is unlikely to materially affect the efficient operation of the fast-track approvals process.</p>	<ul style="list-style-type: none"> • The Fast Track Approvals process will significantly speed up the start time for development, compared to a private plan change process under the current Resource Management Act 1991 (RMA). Plan changes to consent development on rural zoned land can typically take 4-5 years. As the project sits within Waikato District Council but proposes to use infrastructure from bordering Hamilton City Council, this process could take longer under the current RMA. • The cost to undertake a Substantive Fast Track Application can be significantly less than collectively a potential boundary transfer, plan change, and development & subdivision consents under the current RMA processes. • The application has been developed with the engagement of technical experts, and in collaboration with relevant territorial 	

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	authorities. There is no reason to expect that the Fast Track Approvals process will not be efficient.	
(c) information to demonstrate that the project does not involve any ineligible activities (other than activities that may be the subject of a determination under section 23 or 24):	<ul style="list-style-type: none"> The project does not have any ineligible activities with specific answers provided in the referral application document. 	Not applicable
(d) a description or map of the whole project area that identifies its boundaries in sufficient detail to enable consideration of the referral application	<ul style="list-style-type: none"> Precinct boundaries, land ownership and wider context plans are provided in Appendices 4, 6, 7 and 8. 	Appendix 4 - Masterplan Appendix 6 – Ownership Plan Appendix 7 – Urban Design Statement Appendix 8 – Wider Connections Plan
(e) the anticipated commencement and completion dates for construction activities (where relevant):	<ul style="list-style-type: none"> The project is ready to commence initial development works as soon as the necessary consent approvals are obtained. Indicatively this will be the 2026/2027 civil construction season. It is estimated that the project will take 10-15 years to complete development of the full 186ha. 	
(f) a statement of whether the project is planned to proceed in stages and, if so,—	<ul style="list-style-type: none"> The project is expected to be completed in 4 major stages, including sub-stages for each of these major stages. The substantive application will include land use consent for industrial activity, earthworks, discharge, water take and ancillary consents for the full 186ha site. A subdivision consent is sought for stages 1-3 of the project totalling 136.5ha of TKE landholdings. Stage infrastructure triggers and consent conditions to be drafted to enable it to be delivered through the Fast Track Approvals Act process. This 	Appendix 5 – Staging Plan

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	<p>subdivision consent is expected to create circa net 102.5ha of industrial land.</p> <ul style="list-style-type: none"> Future subdivision of Stage 4 (the remaining 49ha of the site) is anticipated to be undertaken in the future via the standard RMA process. 	
(i) an outline of the nature and timing of the stages; and	<ul style="list-style-type: none"> Stages 1-3 of the project anticipates delivering circa 10ha of industrial land per year starting in 2027 and finishing in 2037. Stage 4 is expected to be delivered after Stages 1-3 are completed, following a similar development pattern of 10ha per annum being delivered. 	
(ii) a statement of whether a separate substantive application is to be lodged for each of the stages; and	<ul style="list-style-type: none"> A separate substantive application is not expected to be lodged, beyond the Fast Track process for Stages 1-3. Stage 4 will be addressed via the standard RMA process. 	
(iii) an explanation of how each stage meets the criteria in section 22	<ul style="list-style-type: none"> Not applicable as subdivision consent for Stages 1-3 will be applied for in one substantive consent application and future subdivision of Stage 4 is expected to be undertaken via the standard RMA process. 	
(g) a statement of whether a part of the project is proposed as an alternative project in itself and, if so,—	<ul style="list-style-type: none"> Not applicable. 	
(h) a description of the anticipated and known adverse effects of the project on the environment:	<ul style="list-style-type: none"> The proposal will not generate significant adverse environmental effects, as any adverse effects on the environment will be appropriately avoided, remedied or mitigated to be minor or less than minor in nature. The baseline state of the site is a dairy farm of fragmentation and limited productivity that is assessed to not remain economically viable in the long term. Enhancing of the natural environment by 	<p>Appendix 7 – Urban Design Statement</p> <p>Appendix 9 – Planning Approvals List</p> <p>Appendix 11 – Integrated Transport Assessment</p>

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	<p>retiring the farmland and rehabilitating natural watercourses that traverse the site will be a positive environmental outcome.</p> <ul style="list-style-type: none"> Furthermore, it is considered that any baseline of environmental effects should consider that industrial growth needs to occur somewhere. TKE is located adjacent to the expressway interchange and existing built form or zoned urbanisation areas. Therefore, it is likely to have at least the same, or less adverse environmental affects, than other land areas considered for industrial growth. The key potential adverse effects are addressed in general below and should be reviewed in conjunction with the supporting technical expert appendices accompanying this application. Visual and Character effects – changing the site from farmland to industrial use will have a significant visual impact, however this impact is consistent with the urbanised form around it. There is urbanisation on 3 sides of the property and the industrial built form of the proposal will appear as a natural extension of the surrounding urban land use. The character effect on the western rural boundary will be mitigated with a landscape buffer strip. Emissions effect – changing from dairy use to industrial urbanisation is likely to create increased emissions. However, this must be taken in context of other options for industrial greenfield growth. Hamilton is a compact city, with the site only 8km from the Hamilton CBD. The site is adjacent to Te Rapa which is the primary industrial node in Hamilton. This means there will be agglomeration benefits, and reduced transportation distances compared with other options. Additionally, the site is located next to significant planned residential nodes. An 	<p>Appendix 13 -Geo-technical Assessment Appendix 16 – Ecological Assessment Appendix 18 – National Policy Statement Assessment Appendix 20 – Rural Production Assessment</p>

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	<p>efficient public transport network has been designed to provide opportunity for reduced emissions in employee transport to and from the site.</p> <ul style="list-style-type: none"> • Ecological effects – Ecological Assessment concludes that: <i>With thorough assessment of ecological values and the implementation of suitable actions to avoid, remedy, mitigate and if necessary, offset significant adverse effects the TKE Site is suitable for inclusion as a specific future growth cell of Hamilton.</i> • Ecological mitigations include: <ul style="list-style-type: none"> ○ <i>Improving connectivity of stream habitat through the removal of farm culverts.</i> ○ <i>Improving the connectivity along the highly modified section of stream by undertaking riparian restoration.</i> ○ <i>Undertaking development in a manner that reduces stormwater erosion effects within the Site and downstream.</i> ○ <i>Protect and restore, where possible, the highly modified stream section.</i> ○ <i>Identify and where possible protect and restore key black mudfish habitat.</i> • Construction effects – sediment and erosion, dust and noise effects will all be mitigated with construction management plans and undertaking earthworks in the summer months to reduce effects. • Contaminated Land – The Resource Management (National Environmental Standard for Assessing and Managing Contaminants in Soil to Protect Human Health) Regulations 2011 ('NES:CS') sets a nationally consistent set of planning controls and soil contaminant values. In the substantive 	

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	<p>application a Preliminary Site Investigation and Detailed Site Investigation ('PSI/DSI') will be undertaken for the site. Its likely that consent for a Controlled activity under Regulation 9(3) or Restricted Discretionary activity under Regulation 10(2) of the Operative Waikato District Plan, depending on final tests of soil contamination levels created from the previous normal farming practices undertaken on the Site.</p> <ul style="list-style-type: none"> Transportation effects – the Integrated Transport Assessment has identified that an intersection upgrade will be required on SH39 to service stages 2-4 of the project. This upgrade is likely to create adverse effects during the construction period. This will be managed via a Construction Transport Management Plan. 	
(i) a statement of any activities involved in the project that are prohibited activities under the Resource Management Act 1991 :	<ul style="list-style-type: none"> Subdivision of land resulting in more than 2 additional allotments containing high quality soils from any allotment with a Certificate of Title prior to 6 December 1997 is a prohibited activity under Rule 25.5(d) of the Operative Waikato District Plan. 	
(j)a list of the persons and groups the applicant considers are likely to be affected by the project, including—		
(i) relevant local authorities:	<ul style="list-style-type: none"> Waikato District Council (WDC) Waikato Regional Council (WRC) Hamilton City Council (HCC) Waka Kotahi (NZTA) 	
(ii) iwi authorities and groups that represent hapū that are parties to relevant Mana Whakahono ā Rohe or joint management agreements:	<ul style="list-style-type: none"> Ngaati Hauaa Ngaati Tamaiunapo Ngaati Wairere Ngaati Reko - Waikeri Marae Ngaa Uri o Maahanga 	

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	<ul style="list-style-type: none"> Waikato-Tainui 	
(iii) other relevant iwi authorities:		
(iv) relevant Treaty settlement entities:	<ul style="list-style-type: none"> Waikato-Tainui 	
(v) relevant protected customary rights groups and customary marine title groups:	<ul style="list-style-type: none"> Not applicable. 	
(vi) ngā hapū o Ngāti Porou, if the project area is within or adjacent to, or the project would directly affect, ngā rohe moana o ngā hapū o Ngāti Porou:	<ul style="list-style-type: none"> Not applicable. 	
(vii) relevant applicant groups under the Marine and Coastal Area (Takutai Moana) Act 2011 :	<ul style="list-style-type: none"> Not applicable. 	
(viii) persons with a registered interest in land that may need to be acquired under the Public Works Act 1981 :	<ul style="list-style-type: none"> Not applicable. 	
<p>(k) a summary of—</p> <p>(i) the consultation undertaken for the purposes of section 11 and any other consultation undertaken on the project with the persons and groups referred to in paragraph (j); and</p>	<ul style="list-style-type: none"> Consultation with relevant territorial authorities HCC, WDC, WRC, NZTA has been ongoing for the past 3 years through various forums including: Hamilton Urban Growth Strategy Update, Future Proof Strategy, HCC Emerging Areas Process, and HCC/ WDC CCO/waters investigations, WRC Water Take Consent. Working Group has been established for Tangata and Mana Whenua consultation, and various hui have commenced and/or are scheduled. 	Appendix 10 – Consultation Memo

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(ii) how the consultation has informed the project:	<ul style="list-style-type: none"> Following extensive engagement with HCC, a focus only on industrial land use, has been agreed by the parties. Engagement with HCC and WDC on the development of water and wastewater servicing options. Project design to incorporate cultural elements in conjunction with ongoing consultation with Tangata and Mana Whenua. 	Appendix 7 – Urban Design Statement Appendix 10 - Consultation Memo Appendix 12 – Three Waters Infrastructure Assessment
(l) a list of any Treaty settlements that apply to the project area, and a summary of the relevant principles and provisions in those settlements:	<ul style="list-style-type: none"> Waikato-Tainui Raupatu Claims (Waikato River) Settlement Act 2010 and arising from this is Te Ture Whaimana o Te Awa o Waikato - Vision and Strategy 	
(m) a description of any processes already undertaken under the Public Works Act 1981 in relation to the project:	<ul style="list-style-type: none"> Not applicable. 	
(n) a statement of any relevant principles or provisions in the Ngā Rohe Moana o Ngā Hapū o Ngāti Porou Act 2019 :	<ul style="list-style-type: none"> The project is not within the Ngāti Porou region. 	
(o) information identifying the parcels of Māori land, marae, and identified wāhi tapu within the project area:	<ul style="list-style-type: none"> Not applicable. 	
Information relating to activity that may be subject of determination under section 23 or 24 (clauses p-r)	<ul style="list-style-type: none"> Not applicable. 	

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(s) a description of the applicant's legal interest (if any), or if the referral application is lodged by more than 1 person, the legal interest of any of those persons (if any), in the land on which the project will occur, including a statement of how that affects the applicant's ability to undertake the work:	<ul style="list-style-type: none"> • Te Kowhai East LP is the sole applicant. • Te Kowhai East LP owns 136ha of the 186ha TKE site. • Thelma Murray owns 35ha of the site and this application is lodged with support of the landowner. Te Kowhai East LP holds a first right of refusal to purchase the Murray land with the intention to develop it in the future. • Empire Corporation Limited, an affiliate of Porter Group, owns 14ha of the site and this application is lodged with support of the landowner. 	<p>Appendix 3 – Certificates of Title</p> <p>Appendix 6 – Ownership Plan</p>
(t) an outline of the types of consents, certificates, designations, concessions, and other legal authorisations (other than contractual authorisations or the proposed approvals) that the applicant considers are needed to authorise the project, including any that the applicant considers may be needed by someone other than the applicant:	<ul style="list-style-type: none"> • Land Use – primarily industrial activity with 2 small commercial nodes • Subdivision • Earthworks • Stormwater discharge • Water Take Allocation – Waikato River • Water Take – bore • Diversion – filling of artificial drains • Diversion – filling in flood plain 	<p>Appendix 9 – Planning Approvals List</p>
(u) whether any activities that are involved in the project, or are substantially the same as those involved in the project, have been the subject of an application or a decision under a specified Act and,—	<ul style="list-style-type: none"> • Application to Schedule 2B in original Fast Track Approvals Bill in 2024. 	
(i) if an application has been made, details of the application:	<ul style="list-style-type: none"> • Te Kowhai East LP made a previous Fast Track Referral application in 2024. 	

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(ii) if a decision has been made, the outcome of the decision and the reasons for it:	<ul style="list-style-type: none"> The project was accepted on 2B High Priority List, however schedule 2B was subsequently removed from the Fast Track Approvals Bill. 	
(v) a description of whether and how the project would be affected by climate change and natural hazards:	<ul style="list-style-type: none"> A small portion of the site (circa 5ha) is located on Council Flood Plain maps. The Stormwater Management Plan and earthworks strategy will respond to this as part of detailed design. 	Appendix 12 – Three Waters Infrastructure Assessment
(w) if the referral application is lodged by more than 1 person, a statement of each proposed approval to be held by each of those persons:	<ul style="list-style-type: none"> Te Kowhai East LP is the sole applicant. 	
(x) a summary of compliance or enforcement actions (if any), and the outcome of those actions, taken against the applicant (or if the referral application is lodged by more than 1 person, any of those persons) under a specified Act:	<ul style="list-style-type: none"> No compliance or enforcement actions have been taken against the applicant. 	
Other approvals clause (y)	<ul style="list-style-type: none"> A full schedule of the required approvals is provided in the Appendix 9 – Planning Approvals List and National Policy Statement assessments provided as Appendix 17. 	Appendix 9 – Planning Approvals List Appendix 17 – NPS/NES assessment