Ministry for the Environment
Manatū Mō Te Taiao

FTAA–2502–1012: Application received for referral of the project under the Fast-track Approvals Act 2024 – Stage 2 decisions

Project Name: Auckland Surf Park Community – Stage 2

Date submitted:	13 June 2025	Tracking #: BRF–6249	
Security level:	In-Confidence	MfE priority:	Urgent

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

Actions for Minister's Office staff	**Return** the signed briefing to MfE *FTAreferrals@mfe.govt.nz*. **Approved** the attached notice of decisions letter (if signed).
Number of appendices: 7	Appendices: 1. Statutory framework for making decisions (at end of briefing) 2. Application documents for Auckland Surf Park Community – Stage 2 (refer File Exchange) 3. Stage 1 Briefing Note and decisions (refer File Exchange) 4. Section 18 Report on Treaty settlements and other obligations (refer File Exchange) 5. Comments received from all parties the Minister sought comments from (refer File Exchange) 6. Further information received post-consultation (refer File Exchange) 7. Draft Notice of Decisions (attached to email)

Ministry for the Environment contacts

Position	Name	Cell phone	1st contact
Principal Author(s)	Max Gander-Cooper, Joanne Waitoa		
Manager	Stephanie Frame	s 9(2)(a)	✓
General Manager	Ilana Miller	s 9(2)(a)	

Key messages

1. This briefing seeks your decisions on the application from AW Holdings 2021 Limited to refer the Auckland Surf Park Community – Stage 2 project (the project) under the Fast-track Approvals Act 2024 (the Act) to the fast-track approvals process for consideration by a panel.
2. A copy of the application is in Appendix 2. This is the second briefing on this application. The first (Stage 1) briefing (BRF–6057) with your initial decisions annotated is in Appendix 3.
3. The project is to construct and operate an artificial intelligence data centre, integrated residential development comprising approximately 500 residential units including visitor accommodation, a village centre, work-live precinct, subdivision and associated activities over 54 hectares of land at approximately 1350 Dairy Flat Highway, Dairy Flat. The applicant previously obtained resource consents for stage 1 of the project under the COVID-19 Recovery (Fast-track Consenting) Act 2020. A variation to the previous decision to increase scale of surf lagoon and solar farm, rationalise the layout of buildings and structures associated with the surf lagoon and increase the number of accommodation units adjacent to the surf lagoon to approximately 140 is also included as part of this application.
4. The project will require the proposed approvals:
    a. new resource consents and variations to existing resource consents under the Resource Management Act 1991.
5. We recommend you **accept** the referral application as the project meets the criteria set out in section 22 and does not appear to involve an ineligible activity.
6. We consider the project meets the requirements of section 22, as:
    a. it is an infrastructure or development project because it involves land development to establish approximately 400 residential units, a data centre and a solar farm
    b. it would have significant regional benefits because it:
        i. would deliver significant economic benefits by contributing approximately $1.6 billion to the Auckland economy over the 6 years of project construction
        ii. would support climate change mitigation by upgrading the solar farm output by 2500 megaWatt-hours
7. We seek your decisions on this recommendation and on the proposed directions to the applicants, the expert panel and notification of your decisions.

Project location map

Assessment against statutory framework

8. The statutory framework for your decision-making is set out in Appendix 1. You must apply this framework when you are deciding whether to accept or decline the referral application and when deciding on any further requirements or directions associated with referral of the project.

9. Before accepting the project, you must consider the application (in Appendix 2), the section 18 Treaty settlements report (in Appendix 4), any comments from invited parties (in Appendix 5), any further information requested from the applicant, the relevant local authorities, or the relevant administering agencies (in Appendix 6) and any document that requires your consideration under section 16 and complies with any procedural requirements under section 16. Following that, you may accept the application if you are satisfied that it meets the criteria in section 22 of the Act and if there are no reasons meaning you must decline the application. We provide our advice on these matters below.

Section 18 Treaty settlements and other obligations report

10. We have prepared a Treaty Settlements and Other Obligations Report attached at Appendix 4.

11. The relevant provisions of the identified Treaty settlements are primarily the statutory acknowledgement over the Rangitōpuni Stream and its tributaries in the Te Kawerau ā Maki Claims Settlement Act 2015. Under the RMA and the settlement legislation, a consent authority must have regard to a statutory acknowledgement when deciding whether an iwi is an 'affected person' for the purposes of notification decisions and must provide a summary of any consent applications relevant to the statutory area to a statutory acknowledgement holder.

12. We consider the process of inviting comment (including providing information about the application) is comparable to the process under the RMA and Treaty settlements where local authorities are required to have regard to statutory acknowledgements when considering who is an affected person for a consent application.

13. Of those Māori groups invited to comment on the application, you received feedback from Ngāi Tai ki Tāmaki, who advised they have no comment, and Te Kawerau Iwi Settlement Trust who noted there would be cultural impacts arising from the project and proposed mitigations.

14. Minister for Māori Development/ Minister for Māori Crown Relations: Te Arawhiti, Hon. Tama Potaka supports this application subject to the applicant undertaking further consultation with relevant Maori groups and having regard to the statutory acknowledgement in the Te Kawerau ā Maki Settlement Act 2015.

15. We do not consider there are any matters raised in this report which make it more appropriate for the proposed approvals to be authorised under another Act or Acts.

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

16. We do not consider that there are any relevant documents/procedural requirements relevant under section 16.

Written comments received

17. Comments were received from four Ministers, Auckland Council, Auckland Transport, Te Kawerau Iwi Settlement Trust and Ngai Tai ki Tāmaki Trust. The key points of relevance to your decisions are summarised in Table A.

18. The key points from the comments are:
    a. no parties invited to comment opposed referral
    b. Auckland Council, the Minister for Economic Growth, the Minister for Auckland and the Minister for Climate Change considered the project could meet the criteria in section 22
    c. Auckland Transport noted that the project titles include a notation that Dairy Flat Highway is a limited access road and the applicant requires approval from Auckland Transport to connect to that road.
    d. Auckland Council, Auckland Transport and Te Kawerau Iwi Settlement Trust made recommendations on requirements you could place on the applicant or an expert panel.

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

19. In response to your request under section 20 of the Act, the applicant provided further information on whether the project would have significant regional or national benefits. The applicant provided an economic assessment indicating the project would have nominal value of approximately $1.6 billion over the 6-year project timeframe, which is approximately 5% of the annual regional value of building development in Auckland.

Reasons to decline

20. The statutory framework in Appendix 1 sets out the situations where you must decline the application for referral under section 21(3).
21. We **do not** consider you must decline this application.
22. You may also decline the application for any other reason under section 21(4). The Act gives some guidance on matters you could consider when deciding whether to decline an application and these are set out in Appendix 1.
23. We have considered the matters above and further detail is in Table A, and we do not consider you should decline the project for any of these reasons.

Reasons to accept

24. The statutory framework in Appendix 1 sets out the reasons you can accept a project for referral
25. Our assessment of these matters is summarised in Table A. We consider the project meets the requirements of section 22, as:
    a. it is an infrastructure or development project because it involves land development to establish approximately 400 residential units, a data centre and a solar farm
    b. it would have significant regional benefits because it:
        i. would deliver significant economic benefits by contributing approximately $1.6 billion to the Auckland economy over the 6 years of project construction
        ii. would support climate change mitigation by upgrading the solar farm output by 2500 megaWatt-hours
    c. referring the project to the fast-track approvals process:

i. would facilitate the project, including by enabling it to be processed in a more timely and cost-effective way than under normal processes, based on the applicant's assessment that the processes available under the Act would enable the project to progress approximately 2 years faster than would otherwise be the case

ii. is unlikely to materially affect the efficient operation of the fast-track approvals process because the project is located in an area which is earmarked for development and the project is not novel in the New Zealand setting.

Other matters

26. Two matters have been identified in the referral process relating to the limited access road approvals and land zoning.

27. The records of title for the project indicate that Dairy Flat Highway is a limited access road, which prevents new accessways onto the road without the permission of Auckland Transport.

28. If this matter is not resolved, the project may not be able to be delivered. If that were the case, we consider there is a risk that the project could fail to meet the criteria in section 22, as it would be an inefficient use of the fast-track process to stand up an expert panel to consider a project which could not be delivered. We therefore recommend that you require the applicant to include with their substantive application evidence that approval from Auckland Transport has been obtained or an explanation for why it isn't required for the project to be delivered.

29. The project is located on land which has not been zoned as suitable for development. This may restrict the development contributions that Auckland Council can levy to pay for infrastructure and may therefore impose a cost burden on Auckland Council if additional infrastructure is required to service the project. We recommend you require the applicant to provide information on how any necessary infrastructure to service the project will be funded and delivered.

Conclusions

30. We consider the project meets the section 22 criteria, and you could accept the application under section 21 of the Act and refer the project to a panel with the specifications outlined below.

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

    a. the following information that must be submitted with the substantive application:

        i. evidence that the applicant has obtained a Limited Access Road approval from Auckland Transport or confirmation from Auckland Transport that this is not required to deliver the project

        ii. information on how any roading and three waters infrastructure required to service the project will be delivered and funded

    b. add the following persons or groups from whom a panel must invite comments from in addition to those specified in section 53:

        i. Auckland Transport

        ii. New Zealand Transport Agency

        iii. Minister for Regional Development

        iv. Minister for Economic Growth

32. The above requirements are necessary for the following reasons:
    a. to confirm that approvals required outside of the scope of Act will not hinder project delivery, thereby materially impacting the efficient operation of the fast-track process
    b. to enable an expert panel to make an informed decision on a substantive application for the project.

Next steps

33. MfE must give notice of your decisions on the referral application, and the reasons for them, to the applicant(s) and anyone invited to comment under section 17 and publish the notice on the Fast Track website.
34. If you decide to refer the project, MfE must also give notice of your decision to:
    a. the panel convener
    b. any additional iwi authorities or Treaty settlement entities that you consider have an interest in the matter other than those invited to comment under section 17
    c. the Environmental Protection Authority (EPA)
    d. the relevant administering agencies
35. You must also provide all of the information you received that relates to this application to the EPA and the panel convener, including:
    a. the referral application
    b. any comments received under section 17
    c. the report obtained under section 18.
36. We will undertake this action on your behalf.
37. We have attached a notice of decisions letter to the applicant(s) based on our recommendations (refer Appendix 7). If you agree and sign the letter, we will provide it to all relevant parties. We will provide you with an amended letter if required.

Recommendations

38. We recommend that you:
    a. **Note** section 21(3) of the Fast-track Approvals Act 2024 (the Act) requires you to decline the referral application from AW Holdings 2021 Limited if you are satisfied that the project involves an ineligible activity, or you consider that you do not have adequate information to inform the decision under this section or if you are not satisfied that the Auckland Surf Park Community – Stage 2 Project (project) meets the referral criteria in section 22 of the Act.
    b. **Agree** that before deciding to making a decision on the application for project referral under section 21(1) of the FTCA you have considered:
        i. the application in Appendix 2
        ii. the report obtained under section 18 in Appendix 4
        iii. any comments and further information sought under sections 17 and 20 and provided within the required timeframe (if you have received any comments or further information after the required timeframe you are not required to consider

them but may do so at your discretion) in Appendices 5 and 6.

Yes/No

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

   i. it is a development/infrastructure project that would have significant regional or national benefits because:

      1. it would have significant regional economic benefits by contributing approximately $1.6 billion to the Auckland economy
      2. increase housing supply through the construction of 400 residential units
      3. mitigate climate change by offsetting 9,000 tonnes of CO_2 per year

   ii. referring the project is anticipated to enable it to be completed 2 years faster by utilising the process provided for by the Act than would otherwise be the case.

   iii. referring the project is unlikely to materially affect the efficient operation of the fast-track approvals process, because the project is not novel in the New Zealand environment or outside the scope of what members of an expert panel would be required to consider under standard approval processes.

   iv. While there are restrictions which may impact project delivery (and therefore be an inefficient use of the fast-track process), the further information required to be submitted by an applicant should address this

Yes/No

d. **Agree** there is no reason the project must be declined under section 21(3)

Yes/No

e. **Agree** to accept the referral application under section 21(1) and refer the project to a panel under section 26(2)

Yes/No

f. **Agree** to specify AW Holdings 2021 Limited as the person who is authorised to lodge a substantive application for the project

Yes/No

g. **Agree** to specify under section 27(3)(b) of the Act:

   i. the deadline for lodging a substantive application for the project is extended to five (5) years from the date of the notice of decision

   ii. the following information that the applicant must submit with the substantive application:

      1. evidence that the applicant has obtained a Limited Access Road approval from Auckland Transport or confirmation from Auckland Transport that this is not required
      2. information on how any roading and three waters infrastructure required to service the project will be delivered and funded

   iii. the following persons or groups from whom a panel must invite comments in addition to those specified in section 53:

      1. Auckland Transport
      2. New Zealand Transport Agency

3. Minister for Regional Development
4. Minister for Economic Growth

Yes/No

h. **Agree** that MfE will provide your notice of decisions to:

i. anyone invited to comment on the application including local authorities and relevant Māori groups

ii. the panel convener

iii. the Environmental Protection Authority (EPA)

iv. if applicable the relevant chief executive for an aquaculture decision.

v. the following relevant administering agencies:

1. Ministry for the Environment

Yes/No

Signatures

Ilana Miller
General Manager, Delivery and Operations

Hon Chris Bishop
Minister for Infrastructure

Date:

Table A: Stage 2 analysis

<table>
<tr><td>Recommendation</td><td colspan="3"></td></tr>
<tr><td rowspan="2">Project details</td><td>Project Name</td><td>Applicant</td><td>Project Location</td></tr>
<tr><td>Auckland Surf Park Community – Stage 2</td><td>AW Holdings 2021 Limited
c/- Barker and Associates

The applicant is a legal person and therefore eligible to apply for a resource consent. The applicant also holds the existing consents for Stage 1 so is eligible to apply to vary those consents.</td><td>Approximately 54 hectares of land between Postmans Road and Dairy Flat Highway, Dairy Flat, Auckland, and
comprising the following titles:
1350 Dairy Flat Highway - Lot 2 Deposited Plan 605825 (26.4534ha)
1320 Dairy Flat Highway - Lot 4 Deposited Plan 66181 (4.42ha)
Lot 1 Deposited Plan 605825 (4ha)
Lot 15 Deposited Plan 65979 (12.2083ha)
105 Lascelles Drive - Lot 2 Deposited Plan 151504 (4.9255ha)
89 Lascelles Drive – Lot 1 Deposited Plan 151504 (2.0817)</td></tr>
<tr><td>Project description</td><td colspan="3">The project is to construct and operate a hyperscale artificial intelligence data centre, integrated residential development comprising approximately 400 residential units including visitor accommodation, a village centre, work-live precinct and associated activities, increase the capacity of the solar farm on the site by 2500 megaWatt-hours (MWH) and a variation to the decision on Auckland Community Surf Park - Stage 1.
The project will require the proposed approvals:
a. new resource consents and variations to existing resource consents under the specified Act – Resource Management Act 1991.</td></tr>
<tr><td rowspan="2">Minister invites comments / requests information</td><td colspan="2">Comments from invited parties</td><td>Further information from applicant, relevant local authorities, relevant administering agencies</td></tr>
<tr><td colspan="2">Local authorities

Auckland Council confirmed there are no competing applications for the project, and no existing resource consents issued where sections 124C(1)(c) or165ZI of the Resource Management Act 1991 (RMA) could apply.

Auckland Council considers the project would have significant regional benefits because:

• the site is located within an identified future urban area and will enable capacity for residential and commercial growth with associated open space, with the applicant funding and delivering private infrastructure to support the development.

• the proposal will provide for greater intensity of development which has been comprehensively masterplanned, is proximate to planned public transport (NoR 1) and is located within a part of Auckland that is earmarked for future urbanisation.

• the project has been designed to ensure resilience to the impacts of climate change through avoiding dwellings in areas at risk of adverse effects from natural hazards (e.g. flooding) and to have supporting infrastructure able to accommodate rising temperatures.

• the applicant's economic report notes that there is insufficient greenfield development capacity in the north of Auckland with further capacity needed in the area now to meet this shortfall and mitigate against the adverse price and competition effects it triggers. Consequently, although the project would seek development ahead of the 2048 indicative date for urbanisation of the wider area, detailed, expert analysis has shown this to be urgently needed.

• the proposal will likely contribute to an overall reduction in greenhouse gas emissions across the Auckland region

Auckland Council's comments include input from the Rodney local board, which generally supported the project but noted constraints in existing infrastructure and suggested conditions requiring the applicant to fund infrastructure upgrades to service the project.

Ministers

The Minister for Economic Growth noted the project is estimated to generate a total expenditure of $1.77 billion, which represents a sizable investment in the region. The project would have one-off economic benefits during construction, and ongoing benefits from commercial and tourism activities. The Minister noted due to the significant housing component of the project it may also contribute to increasing housing supply.

The Minister for the Environment responded with no comments on the application.

The Minister of Climate Change considers that the project will support climate change mitigation and that you should take that into consideration when deciding if the project would have regional or national benefits.

The Minister for Auckland supported project referral, as the project represents a significant investment in development of a new tourism venture, infrastructure and housing in Auckland, creating jobs and economic growth in the region.</td><td>The applicant provided further information on:
• How the housing benefits of the project are significant in the context of the Auckland region
• How the direct economic benefits of the project are significant in the context of the Auckland region or nationally
• Whether the building line restriction on one of the property titles would impact on project delivery.

The applicant considers the delivery of approximately 400 modern and high-quality homes in Dairy Flat represents a highly significant boost to housing supply for the Auckland Region, particularly in the context of Auckland's housing affordability challenges and supply constraints. The additional housing supply will also boost competition in the housing market and therefore increase economic efficiency.

The applicant provided a legal opinion that for the purposes of the referral application the "project" is the entirety of the proposed Auckland Surf Park Community (i.e. what is referred to as both Stage 1 and Stage 2). The applicant has therefore claimed that all economic benefits from both the project as proposed and the already-consented stage 1 should be included in the project. We do not agree with this interpretation and consider you must make your decision based on the project that will be approved under the Act.

Notwithstanding the matter above, the applicant has provided an economic memorandum indicating that the economic benefits associated with only Stage 2 (the project being referred) will be approximately $1.6 billion, which is a significant contribution to the Auckland regional economy.

The applicant states that applications have been made to remove the building line restriction which is very likely to be approved prior to the lodgment of the substantive application. In the unlikely event</td></tr>
</table>

	Māori Groups Te Kawerau a Maki provided comments noting that they were invited to provide a cultural report on Stage 1 of the project and that their comments generally still apply to stage 2. Te Kawerau a Maki noted that while there will be cultural impacts arising from the project, these will be mitigated to less than minor or beneficial if: • water sensitive design being incorporated into the project design • an access covenant in favour of Te Kawerau a Maki is put in place to ensure access to Rangitōpuni • suitable earthworks controls are put in place • appropriate setbacks and planting are in place to protect the stream • avoidance of removal of native vegetation • appropriate cultural protocol are in place during construction. As an expert panel will be required to seek comment on the application from Te Kawerau a Maki we do not consider this requires any particular direction to a panel under section 27. Ngāi Tai ki Tāmaki responded with no comments on the application. *Other persons or groups* Auckland Transport (AT) did not oppose the project being referred and noted: • the proposed Rapid Transit Network (RTN) near the project site is not expected to be delivered in the next 30 years, so is not likely to impact on the project • NZTA is the requiring authority for the RTN designation so should be invited to comment on the application by a panel. • AT support the provision of the east-west road, and are open to the vesting of the north-south road as a local road AT also noted that if the project were to include a new vehicle crossing onto Dairy Flat Highway, this would require approval from AT as Dairy Flat Highway is a limited access road. AT recommends the applicant resolves this prior to lodging their substantive application. If this matter is not resolved, the project may not be able to be delivered. If that were the case, we consider there is a risk that the project would fail to meet the criteria in section 22, as it would be an inefficient use of the fast-track process to stand up an expert panel to consider a project which could not be delivered. We therefore recommend that you require the applicant to include with their substantive application evidence that this approval has been obtained or an explanation for why it isn't necessary for the project to be delivered.	the building line restriction is not removed, the masterplan can be amended to allow for the required setback.
The Minister must decline an application if the Minister is satisfied that the project involves an ineligible activity [section 21(3)(b)]	Based on the information in the application, we consider the project is eligible for referral because: • it would not occur on identified Māori land, Māori customary land or a Māori reservation as confirmed by the relevant records of title and consultation with iwi authorities. • it would not occur in a customary marine title area or protected customary rights area as it is not in the common marine and coastal area. • it is not an aquaculture activity or activity that is incompatible with aquaculture activities that would occur in an aquaculture settlement area and for which the applicant is not authorised to apply for a coastal permit because it will not occur in the common marine and coastal area. • would not require an access arrangement which cannot be granted under the Crown Minerals Act (including s61(1A)) because it does not include an access arrangement. • would not be prevented by section 165J,M, Q, ZC or ZDB of the RMA because it will not occur in the common marine and coastal area • would not occur on Schedule 4 land as confirmed by the records of title • would not occur on a national reserve as confirmed by the records of title • would not occur on a reserve held under the Reserves Act 1977 that is managed by or vested in someone other than the Crown or a local authority and that person has not consented in writing as confirmed by the record of title • is not a prohibited activity or decommissioning activity under the EEZA, 15B or 15C of the RMA as it will not occur in the exclusive economic zone or the common marine and coastal area • is not for the purpose of an offshore renewable energy project. because it will not occur offshore No comments raised by parties invited to comment have indicated that the project would be ineligible for referral	
The Minister must decline an application if the Minister considers they do not have adequate information to inform the decision [section 21(3)(c)]	We consider the applicant has provided sufficient information to enable you to decide whether to accept the application for referral.	

Relevant considerations and procedural requirements in Treaty settlement, Mana Whakahono ā Rohe, joint management agreement, or the Marine and Coast Area (Takutai Moana) Act 2011 or the Ngā Rohe Moana o Ngā Hapū o Ngāti Porou Act 2019 [section 16]	N/A
Section 22 assessment criteria	

The project is an infrastructure or development project that would have significant regional or national benefits [section 22(1)(a)]	The Minister may consider any of the following matters, or any other matters the Minister considers relevant.
	
	Assess the factors that are relevant to the application. How is the factor relevant and is it being met by the project?
	
	Will deliver new regionally or nationally significant infrastructure or enable the continued functioning of existing regionally or nationally significant infrastructure [s22(2)(a)(ii)]
	The applicant considers the proposal will deliver regionally and nationally significant infrastructure including:
	• An Artificial Intelligence (AI) data centre campus. An AI data centre facility specifically designed to handle the high computational demands of AI workloads, typically equipped with powerful servers, advanced storage systems, and
	• specialised hardware accelerators.
	• The development provides an opportunity to integrate with the future delivery of the Rapid Transit Network which will intersect the site by facilitating a town centre in the location of a future potential bus/light rail station.
	• The proposal will deliver the collector road connecting Dairy Flat Highway – Postman Road as anticipated under the Structure Plan.
	
	We note that the definition of infrastructure in the RMA (which is the relevant definition for the Fast-track Approvals Act (the Act) in relation to this specific factor) would not capture the data centre, and the delivery of the RTN is not a benefit directly related to the project. It is not clear that the delivery of the collector road alone would be a significant regional benefit, so we do not recommend you use this as a basis on which to refer the project.
	
	Will increase the supply of housing, address housing needs, or contribute to a well-functioning urban environment [s22(2)(a)(iii)]
	The applicant considers the delivery of approximately 400 dwellings in Dairy Flat represents a highly significant boost to housing supply for the Auckland Region, particularly in the context of Auckland's housing affordability challenges and supply constraints. Related to this, the additional housing supply will assist to boost competition in the local housing market and therefore increase economic efficiency.
	
	While this alone may not be a significant regional benefit, it contributes to the overall benefits of the project and we consider it could inform your decision on whether to accept the project for referral.
	
	Will deliver significant economic benefits [s22(2)(a)(iv)]
	The applicant considers the project will deliver significant economic benefits including:
	• A regional economic contribution of approximately $1.6 billion over a six-year period
	• A total construction expenditure of approximately $890m
	• A six-year regional employment generation of 11,460 FTE years
	• Increasing efficiencies and competitive opportunities for the region and local economy
	• A significant opportunity to create a local and international adventure tourism hub
	• The increased local population base will result in a net increase in the number of full-time equivalent employees able to work within Dairy Flat and the surrounding suburbs.
	
	Growth from residential development often works as the catalyst for further growth in the area. The development may create interest for additional residential / commercial development within the area. The development of properties will encourage increased foot traffic to the Dairy Flat area through employment, local residents and tourists attracted by the amenity.
	
	The application includes letters of support in relation to the application including a letter of Support from Mayor of Auckland, Wayne Brown. Wayne Brown notes that the project is:
	• A unique proposition of significant scale and offers considerable benefits to both the region of Auckland and the wider New Zealand population. I am encouraged by the commitment to creating a "rural village" concept within the project and see this project contributing to
	  ○ help solve Auckland's housing challenges
	  ○ provide a community centre for the people of Dairy Flat and
	  ○ the creation of a "digital hub". All of these will contribute to economic growth.
	
	The Minister for Economic Growth, the Minister for Auckland and Auckland Council all considered the economic benefits associated with the project, particularly the economic contribution of $1.6 billion, would be a significant regional benefit. We consider the economic benefits of the project demonstrate that the project meets section 22(1)(a) of the Act.
	
	Will support climate change mitigation, including the reduction or removal of greenhouse gas emissions [s22(2)(a)(vii)]
	The applicant considers the project will support climate change mitigation, including the reduction or removal of greenhouse gas emissions because the project includes the expansion of the consented solar farm increasing energy generation from 8,400MWh – 10,900MWh and thereby offsetting an additional 9,000 tons of CO2 each year.

	The Minister of Climate Change and Auckland Council both consider that the project would contribute to climate change mitigation, without specifically confirming whether this would be a significant regional benefit. We consider this contributes to the overall benefits of the project and we consider it could inform your decision on whether to accept the project for referral *Will support climate change adaptation, reduce risks arising from natural hazards, or support recovery from events caused by natural hazards [s22(2)(a)(viii)]* The applicant states the project has been designed to account for the effects of flooding hazards and climate change, with stormwater measures designed to prevent flooding on the site and in downstream locations. We note this is not a benefit, and note the Minister of Climate Change did not consider the project would support climate change adaptation. We do not consider you should use this as a basis on which to accept the project for referral. *Is consistent with local or regional planning documents, including spatial strategies [s22(2)(a)(x)]* The applicant notes that while the proposal is not strictly in accordance with the Structure Plan the development occupies only a small portion of the wider proposed industrial area identified by Council. The proposal complements the future industrial zoning by providing a service and recreational hub near to what will become a large employment area. Auckland Council considered the project is in an area identified for future urban growth and did not raise concerns that the project was inconsistent with relevant planning documents. *Any other matters that may be relevant [s22(b)]* While it is not captured under the definition of infrastructure under the Act, the AI data centre may have significant regional benefits. You sought comments from the Minister of Science, Innovation and Technology to support this assertion, but no comments were received. We cannot verify the applicant's assertions on the significance of the data centre, but this is a matter you may wish to consider in deciding whether to accept the project for referral.
Referring the project to the fast-track approvals process [section 22(1)(b)	*Would facilitate the project, including by enabling it to be processed in a more timely and cost-effective way than under normal processes [s22(1)(b)(i)]* Due to the processes available under the Act, the applicant considers the project is anticipated to be completed 2 years faster by utilising the process provided for by the Act than would otherwise be the case. We consider that this is a reasonable assessment, based on the potential requirement for a plan change to re-zone the land, or the potential for public notification and appeals to the Environment Court. *Is unlikely to materially affect the efficient operation of the fast-track approvals process [s22(1)(b)(ii)* The applicant considers the project is located within an area which is ear-marked for development, and has current significant roading connections including the Northern Motorway and is subject to future significant connections including the Rapid Transit Network (RTN). The applicant and their representatives have also previously utilised the Covid 19 Fast to consent Stage 1. The applicant and their representatives have a good understanding of the requirements and short timeframes associated with the fast-track process and high-quality of applications and supporting material required. Consequently, the applicant is ready for and able to work within these requirements. We do not consider the project is novel in the New Zealand context or outside the scope of what panel members are likely to be familiar with under standard consenting regimes. While the limited access road matter raised by Auckland Transport may be a concern, in that it would prevent project delivery if it were not resolved and thereby make the consideration of the project an inefficient use of the fast-track process, we consider this can be resolved by requiring the applicant to provide appropriate information with their substantive application.

Reasons to decline	
Minister <u>must</u> decline [section 21(3)]	**Minister may decline [section 21(4) and 21(5)(a-h)]**
The Minister <u>must</u> decline a referral application if: *The application may not be accepted under subsection 1 (meets referral criteria)* We consider the application meets the referral criteria and **<u>can</u>** therefore be accepted under subsection 1. *The Minister is satisfied the project involves an ineligible activity* We consider you can be satisfied the project **<u>does not</u>** include an ineligible activity.	*The Minister <u>may</u> decline a referral application for any other reason, whether or not it meets the criteria in section 22.* *Reasons to decline a referral application under subsection 4 include, without limitation:* *The project would be inconsistent with a Treaty settlement, Ngā Rohe Moana o Ngā Hapū o Ngāti Porou Act 2019, Marine and Coastal Area (Takutai Moana) Act 2011, a Mana Whakahono ā Rohe, or a joint management agreement* The application does not appear to be inconsistent with any of these agreements. *It would be more appropriate to deal with the matters that would be authorised by the proposed approvals under another Act or Acts* Nothing in our analysis or in the comments received indicates that it would be more appropriate for the project to be authorised under another Act or Acts. The project requires RMA approvals and, while it would ordinarily be considered following a plan change to re-zone the site for development, this is not required for the project to be considered for approval. *The project may have significant adverse effects on the environment* Nothing in the application, our analysis or the comments received indicates that the project will have significant adverse effects on the environment. We consider that the effects of a project is generally a matter which is best considered by an expert panel with the benefit of a full substantive application including an assessment of environmental effects. *The applicant(s) has a poor compliance history under a specified Act that relates to any of the proposed approvals* As far as we are aware the applicant has not been subject to any compliance or enforcement action under the RMA, or any other Act. *The project area includes land that the Minister for Treaty of Waitangi Negotiations considers necessary for Treaty settlement purposes* The project would occur on privately held land that is not available for Treaty settlement redress.

The Minister considers that they do not have adequate information to inform the decision under this section We consider you **do** have adequate information to inform your decision We **do not** consider that you must decline the application under this section.	*The project includes an activity that is a prohibited activity under the Resource Management Act 1991* The project does not include any prohibited activities under the RMA. *A substantive application for the project would have one or more competing applications.* Auckland Council has not identified any competing applications and we are not aware of any fast-track applications which would be competing with this application. *In relation to any proposed approval of the kind described in section 42(4)(a) (resource consents), there are one ore more existing resource consents of the kind referred to in section 30(3)(a* Auckland Council has not identified any existing resource consents of the kind referred to in section 30(3)(a) *Any other matter* We are not aware of any other matter which suggests you should decline the application. We **do not** recommend you decline the application.

Statutory framework summary

1. You are the sole decision maker for referral applications. If you accept a referral application then the whole or part of the project will be referred to the fast-track approvals process.
2. If a Treaty settlement, the Marine and Coastal Area (Takutai Moana) Act 2011, the Ngā Rohe Moana o Ngā Hapū o Ngāti Porou Act 2019, a Man Whakahono ā Rohe or a joint management agreement provides for consideration of any document or procedural requirements, you must, where relevant:
    a. Give the document the same or equivalent effect through this process as it would have under any specified Act; and
    b. Comply with any applicable procedural requirements.
3. You must decline a referral application if:
    a. you are satisfied the project does not meet the referral criteria in s22
    b. you are satisfied the project involves an ineligible activity (s5)
    c. you consider you do not have adequate information to inform your decision.
4. You may decline an application for any other reason, including those set out in s21(5) and even if the application meets the s22 referral criteria.
5. You can decline an application before or after inviting comments under s 17(1). However, if comments have been sought and provided within the required time frame, you must consider them, along with the referral application, before deciding to decline the application.
6. If you do not decline a referral application at this initial stage you must copy the application to, and invite written comments from:
    a. the relevant local authorities,
    b. the Minister for the Environment and relevant portfolio Ministers
    c. the relevant administering agencies
    d. the Māori groups identified by the responsible agency
    e. the owners of Māori land in the project area:
    f. you may provide the application to and invite comments from any other person.
7. You can request further information from an applicant, any relevant local authority or any relevant administering agency at any time before you decide to decline or accept a referral application (see section 20 of the Act).
8. However, if further information has been sought and provided within the required time frame you must consider it, along with the referral application, before deciding to decline the application.