

Memorandum on Completeness and Scope

File	FTAA-2608-1284
Application	Brymer Farms
To	Manager LOA/ Team Leader LOA
From	
Date	23 September 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 Brymer Farms application, lodged by Brymer Farms Limited (the Applicant), received by the Fast-track Team on 24/08/2026 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 3 September 2025 and notified the EPA of the decision on the referral application on 4 September 2025.

6. The Application was lodged on 24 August 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 a further information request therefore the date by which the EPA must make a decision under 46 is 23 September 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 in the section 28 Notice as:

The project is described as a master-planned residential and mixed-use development and involves the construction and operation of:

- *approximately 1,650 residential units, including a 250-unit retirement village and a 0.3-hectare mixed-use neighbourhood centre with commercial properties (a café and superette)*
- *open spaces including ecological restoration/offsetting, retention of natural wetlands and riparian revegetation*
- *transport infrastructure including local roads, cycle connections and pedestrian pathways*
- *services infrastructure including a pump station, water discharge, takes and treatment areas, stormwater ponds and use of existing water bores.*

9. The application describes the following activity:

Brymer Farms is a comprehensively planned, multi-staged residential development providing for the urbanisation and subdivision of the Project Site. The Project seeks the land use, environmental, subdivision and associated infrastructure consents required to enable its progressive and coordinated development.

The project includes:

- *A comprehensive residential development, associated earthworks and subdivision, comprising approximately 1043 residential units and public open space;*
- *A 0.67 ha neighbourhood centre with 2184 m² commercial GFA;*
- *Construction of three waters infrastructure and transport.*

10. Volume 2 of the application material details the key differences between the referred project and the substantive application:

The residential yield has reduced from approximately 1,650 units to approximately 1,043 units, including approximately 248 apartments.

The 250-unit retirement village has been removed. The relevant land has been incorporated into the wider residential masterplan and will accommodate a range of apartments, terraced and duplex dwellings and detached dwellings.

The neighbourhood centre has increased from approximately 0.3 hectares to approximately 0.67 hectares. It has been developed into a more detailed mixed-use proposal providing approximately 2,184 m² of commercial gross floor area, together with office and residential activities. Its purpose remains neighbourhood-scale and principally directed towards meeting residents' day-to-day needs.

The open-space and ecological proposals have been refined through detailed ecological, landscape, stormwater, hydrological and urban-design assessments. The substantive application retains and restores a number of wetlands and freshwater margins and provides ecological restoration, offsetting and compensation. It also proposes the removal of Wetlands K, L, M and N, comprising approximately 0.514 hectares, and approximately 133 metres of the modified ephemeral watercourse W2a. Those effects and the proposed response are addressed in the Ecological Impact Assessment and management plans in Appendix 23.

The transport network has been developed in greater detail. Stage 1 and Stage 1A will have separate access arrangements, while the balance of the Project will be served by an integrated road network ultimately connecting Grandview Road with State Highway 23. The network continues to perform the referred Project's function of serving the development and connecting it with the surrounding urban and transport networks.

The servicing strategy has been refined through engineering assessment and consultation with the relevant infrastructure providers. The principal urban development will connect to the IAWAI reticulated water-supply and wastewater networks. The eight Stage 1A rural-residential lots will use on-site wastewater systems and separate non-potable and firefighting-water arrangements. The Project will also include integrated stormwater treatment, attenuation, conveyance and groundwater-recharge measures.

The substantive application seeks resource-consent approvals but does not include a Wildlife Act 1953 approval. The Wildlife Act approval associated with lizard handling, capture and relocation is being progressed separately. An archaeological authority is also being progressed separately under the Heritage New Zealand Pouhere Taonga Act 2014.

11. The application also includes a legal memo which describes two key reductions in scope in the application:

- *Reduction in number of residential units from approximately 1,650 to 1,200; and*
- *Removal of the retirement village component (although some “retirement living” units might still be offered depending on market conditions).*

12. The memo states that:

Neither of these changes involve the addition of a different type of activity to the activities referred to in the Project Description. Rather, they are changes to the type, number and location of residential units that will be provided as part of the “master-planned residential and mixed-use development.” It is clear from the Jones and Wedd decision that reductions in scope can relate to quantity (such as volumes of material or numbers of houses) as well as staging and location of the relevant activity type. The use of flexible and inclusive language (“approximately” and “including”) is consistent with the approach taken by the Court in Jones and Wedd whereby the Project Description sets an outer but not an inner limit.

13. During the consultation on completeness, Hamilton City Council (HCC) raised several scope concerns, including:

- A road access is now proposed incorporating a property that did not form part of the referral application (the Grandview Road access)
- Unidentified prohibited activity consents
- Inclusion of land within HCC boundaries not identified in the referral application.
- Yield reduction and retirement village deletion
- A lack of meaningful engagement with HCC.

A full copy of HCC's consultation response is available in Appendix 1.

14. Having reviewed the application materials, including the applicant's legal memo and RFI response, the EPA considers that the substantive application relates solely to the referred project for the following reasons. I address each of these potential scope issues below:

Reduction in Residential Unit Yield and Removal of Retirement Village

15. Reducing the project yield from approximately 1,650 to 1,043 residential units is a reduction in scale rather than a change to the project's character. In *Jones v Environmental Protection Authority*, the High Court found that the project description in Schedule 2 of the Act did not set an "inner limit". I consider that finding is analogous to the referred project description. A project may be scaled back or refined prior to substantive lodgement, provided no new, unrefereed activities are added. Also,

similar to *Jones*, the referral notice uses the word "approximately" to describe the amount of residential units, which suggests flexibility rather than a rigid number.

16. The referral notice describes the development as comprising "*approximately 1,650 residential units, including a 250-unit retirement village*". I consider that removing the retirement component remains within the scope of the referred "residential units" activity in applying *Jones*. The term "including" in the referral notice indicates that retirement village is a sub-component of the residential units, rather than a separate, non-residential activity.

Increase in the neighbourhood centre

17. The increase in the neighbourhood centre size (from 0.3 ha to 0.67 ha). Section 2.3 of the AEE states that the neighbourhood centre "*...has been developed into a more detailed mixed-use proposal providing approximately 2,184 m² of commercial gross floor area, together with office and residential activities. Its purpose remains neighbourhood-scale and principally directed towards meeting residents' day-to-day needs.*"
18. The size of this increase (0.37 ha) is small compared with the total size of the project site (approximately 81 ha). In my opinion, the neighbourhood centre and in particular any increase in its size remains an activity that is involved in, or that supports and is subsidiary to, the "project", as it's defined in section 4 of the Act.

The Grandview Road Access

19. The EPA requested further information on this issue from the Applicant under section 46(2A) of the Act (the RFI). The RFI, following consultation with HCC, raised concerns with the addition of a road access which did not form part of the referral application (Grandview Road). The applicant's responses included an additional legal memo, responding to these scope questions. The memo states "*As explained in the Scope Opinion, the Referral Decision in this case describes the Project as 'including ... transport infrastructure including local roads, cycle connections and pedestrian pathways ...'. It therefore clearly contemplates roading connections, such as the proposed Grandview Road access, providing connections to the master-planned development.*" Counsel noted that HCC's concern regarding traffic effects on adjoining neighbours confuses the substantive effects assessment (which is for the Expert Panel to evaluate) with the threshold statutory test of scope under s 46(2)(b). I agree with this assessment.

Prohibited Activity Consents

20. HCC raised concerns during consultation that a prohibited activity had not been included in the referral application. Regarding the NES-Freshwater prohibited activity status issue raised by HCC, the applicant's counsel advised, following the RFI, that the physical wetland works were described in the referral application, even if the specific "prohibited" activity classification was not explicitly named. Sections 21(7) and 41(5) of the FTAA explicitly allows applications involving prohibited activities to be referred to and granted by an Expert Panel. I agree with the applicant's assessment

that clarifying an activity's statutory classification prior to panel referral is a matter of completeness and merit evaluation, not a change in project scope. The EPA must assess the application against the referred project as described in the section 28 notice. The project description notes there will be "construction and operation of open spaces including...retention of natural wetlands and riparian revegetation". The physical wetland works fall within scope when assessed against the wording of the project description.

Inclusion of land within HCC boundaries not identified in the referral application.

21. HCC also noted that land had been included within HCC's territorial boundary at 10 Harrogate Place and 234 Grandview Road which was not identified in the referral application. However, under the Act the EPA must make its scope assessment based on the referred project as described in the section 28 notice, not the referral application. The section 28 notice describes the project as including "transport infrastructure including local roads, cycle connections and pedestrian pathways" to service the development and I consider that this activity falls within this description. In its RFI response the applicant stated that "The inclusion of the Grandview Road connection in the substantive application therefore represents a refinement of the Project arising through the pre-lodgement consultation and technical assessment process, rather than an unrelated addition to the referred Project". While incorporating these access parcels formally triggers HCC's nomination as a relevant local authority under the Fast-track Approvals Act 2024, providing supporting transport links remains subsidiary to the primary residential development and I consider that it remains within scope under section 46(2)(b).

A lack of meaningful engagement with HCC.

22. The concern raised regarding a lack of meaningful pre-lodgement engagement with HCC goes to procedural implementation and substantive merits rather than constituting a threshold bar to project scope under section 46(2)(b).

Wildlife Act Approval Exclusion

23. Progressing the Wildlife Act 1953 authorization separately through the Department of Conservation rather than seeking it through the fast-track application bundle is a permissible procedural refinement that does not alter project scope under section 46(2)(b)
24. Having reviewed the application materials, including the applicant's legal memo, I consider that the substantive application relates solely to the referred project for the purposes of s 46(2)(b) of the Fast-track Approvals Act 2024.

Fast-track consenting application process

Legislative context

25. 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.
26. 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

27. 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.
28. This application has been lodged by Brymer Farms Limited. 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.
29. The approvals being sought are:
an approval described in section 42(4)(a), (c) or (d) (resource consent, certificate of compliance or designation);
30. All of the above listed approvals are of the type set out in section 42(4) of the Act.
31. For each of the approvals sought, the applicant is eligible to apply for any corresponding approval under a specified Act.

Section 43 Requirements

32. 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

33. 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.
34. 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.
35. 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

36. 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.
37. 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.

38. I consider that, on the face of the application, the project does not appear to involve an ineligible activity.

Notification by applicant

39. Pre-lodgement requirements for a listed project require the applicant to notify in writing the persons and groups referred to in section 29(1)(aa). The persons and groups notified have 20 working days to respond from the date of the notice. The applicant must not lodge their substantive application until each 20 working day period has elapsed.
40. I have checked and reviewed the dates of notification sent to the persons or groups in section 29(1)(aa) and confirmed that the application has lodged their application only after each 20 working day period has elapsed.

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;

Consultation

42. I have consulted with and considered consultation responses from the following relevant administering agencies and relevant consent authorities:

Waikato Regional Council for:

- i. an approval described in section 42(4)(a) (resource consent)

Waikato District Council for:

- i. an approval described in section 42(4)(a) (resource consent)

Hamilton City Council for:

- i. an approval described in section 42(4)(a) (resource consent)

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 9 September 2026 in relation to:
- The exact location and extent of wetland and stream reclamation;

- Missing title details for 234 Grandview Road
 - Policy assessments against the Hamilton City Operative District Plan
 - Amenity, acoustic, and consultation details for transport connections
 - Scope and referral consistency
 - Infrastructure funding and staging implementation; and
 - Environmental management matters (including acid sulphate soils, stormwater, and wastewater)
45. The applicant responded with the information on **18 September 2026** within the 20- working timeframe afforded by section 46(2B). A full copy of the request and response can be found in Appendix 3.

Assessment of compliance for each section of each application form

46. 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.
47. My view is that the application does comply with section 46 and the EPA may now notify the applicant of its decision.
48. 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.
49. 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	Refer to Overview Report Section 8.0 (Proposal), including Sections 8.1-8.5. Brymer is a comprehensively planned, multi-staged development providing approximately 1,043 residential units, approximately 2,184 m ² of commercial GFA in a neighbourhood centre, open	Yes, addressed. Overview Report, Section 8.0, as referenced.

		space and ecological networks, and supporting transport and three-waters infrastructure. Refer to Section 1.1 of the Brymer Farms AEE in Volume 2.	
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	Refer to Overview Report Section 7.0 (Site Context), including Sections 7.1-7.5, and Figure 1 / Appendix 1A. Refer to AEE Section 3 in Volume 2. The application site is approximately 81 ha at 127 Brymer	Yes, addressed. Overview report, Section 7.0, as referenced. i) There are no relevant Treaty Settlement Statutory Acknowledgement areas identified for the application Site or any adjacent properties (Overview Report, Page 52, Section 15.5) ii) There are no CMTs which affect the Proposal (Overview Report, Page 54, Section 15.6)

		Road / Whatawhata Road, Waikato District. The site is not within or adjacent to a Statutory Acknowledgement Area, ngā rohe moana o ngā hapū o Ngāti Porou, or a protected customary rights area under the Marine and Coastal Area (Takutai Moana) Act 2011.	iii) There are no CMTs which affect the Proposal (Overview Report, Page 54, Section 15.6)
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	Refer to Overview Report Section 5.2 and Section 2.5 of the AEE.	Yes, addressed.

	- 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.	a) The application complies with Section 42 as Brymer Farms Limited lodged the referral application and is the person authorised to lodge a substantive application for the project under section 27(2). This is confirmed in the Notice of Decisions on application for referral of the Brymer project under the Fast-track Approvals Act 2024.	The authorised person (Brymer Farms Limited) has lodged the substantive application. Information is in sufficient detail to satisfy the purpose for which it is required, does not involve any ineligible activities, and relates solely to a referred project. The application fee and levy have been paid in full.
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		The requirements of the substantive application are addressed above in this table and throughout Volumes 1 and 2 of the application. As detailed in Section 5.2 of the Overview Report and Section 2.4 of the AEE, the information provided in this application is sufficiently detailed to correspond to the scale and significance of the matters that will be assessed in	
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		considering whether to grant the approvals sought, including any adverse effects of the activities to which the approvals relate. This takes into account any proposal by the applicant to manage the adverse effects of an activity through conditions. This application complies with Section 44. b) The application relates solely to the Brymer	
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		referred project. c) As outlined above in this table and in Section 11.0 of the Overview Report and Section 2.4 of the AEE, the Project does not involve an ineligible activity. d) Any fee, charge or levy payable under regulations in respect of the application has been paid.	
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	Refer to Overview Report Sections 7.2 and 7.6 and Appendix 1C (Owners and	Yes, addressed. See Appendix 3 – owners and occupiers of the site.

	(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)).	Occupiers of the Site and Adjacent Landowners). Also refer to Section 3.3.5 of the AEE in Volume 2.	
5(1)(e)	A description of any other activities that are part of the proposal to which the consent application relates	Refer to Overview Report Sections 8.5 and 8.6. The Project includes supporting infrastructure and other development-related activities. A precautionary Wildlife Act authorisation application has been made to DOC and an archaeological authority	Yes addressed. Overview report, sections 8.5 and 8.6 as referenced.

		application has been made to Heritage New Zealand Pouhere Taonga; these are described as separate approvals rather than approvals sought through this FTAA substantive application. Also refer to Section 4.16 of the AEE.	
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	Refer to Overview Report Section 8.6. The report states that no other resource consents, notices of requirement for designations, or alterations to designations are	Yes addressed. Overview report, section 8.6 as referenced.

		required before works commence. Separate precautionary applications have been made for a Wildlife Act authorisation and an archaeological authority.	
5(1)(g)	An assessment of the activity against sections 5, 6 and 7 of the Resource Management Act 1991	Overview Report Section 18.5-18.6	Yes, addressed. Overview Report, Page 63-64, Section 18.5, 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:	Refer to Overview Report Section 17.0, including Sections 17.1-17.4, and Volume 2 for the detailed	Yes, addressed Overview Report, Page 58-62, Section 18.1-18.4 and AEE, Page 154 – 203, Section 9 and RFI response dated 18 September 2026.

	• 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.	assessment against relevant national environmental standards, national policy statements, the Waikato regional policy/planning framework, the Waikato District Plan, and relevant iwi planning documents. Refer to Section 17 of the Overview Report. Also refer to Section 9 of the AEE, which provides an assessment against: a) a national	
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		environmental standard: b) other regulations made under the Resource Management Act 1991, noting c) a national policy statement: d) a New Zealand coastal policy statement: e) a regional policy statement or proposed regional policy statement: f) a plan or proposed plan: g) a planning document recognised by a	
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		relevant iwi authority and lodged with a local authority. This assessment relates to any relevant objectives, policies, rules, requirements, conditions, or permissions contained in the applicable documents, as well as any other requirements set out within those documents that are relevant to the Project.	
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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	Refer to Overview Report Section 15.5 (Treaty Settlement Provisions and Redress). The report assesses relevant settlement legislation and records that no other statutory acknowledgement areas, cultural redress properties or deeds of recognition affect the application site. Refer to Section 7.1 of the AEE in Volume 2.	Yes, addressed. Overview report, Section 15.5 and AEE, Section 7.1, as referenced
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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;	Refer to Overview Report Sections 15.6 and 15.7 and AEE Section 7.3. The report records that no customary marine titles affect the proposal and no protected customary rights relate to the site.	Yes, addressed. AEE, section 15.6 and 5.7.
5(1)(k)	Any conditions that the applicant proposes for the resource consent.	Refer to Overview Report Section 8.8 and Section 12 of the AEE. Proposed resource consent conditions are included within Volume 2.	Yes, addressed. Attachment 10
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	Refer to Planning Attachment 5 Section 30 Letters	Yes, addressed. Attachment 5, Section 30 Letters, as referenced.

	(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.		
5(4)(a)	An assessment of the activity's effects on the environment that includes the information required by clause 6.	AEE sections 3, 4 & 8, With reference to specialist reports with the AEE	See below
5(4)(b)	An assessment of the activity's effects on the environment that covers the matters specified in clause 7.	AEE sections 3, 4 & 8, With reference to specialist reports with the AEE	See below
6	(i) The assessment of an activity's effects on the environment must include the following information: (ii) an assessment of the actual or potential effects on the environment: (iii) 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:	Volume 1 AEE, with particular reference Appendix 13, 14, 17-22, 24, 27 & 28.	Yes, addressed. a) Volume 2, AEE, Page 112, Section 8. b) Volume 2, AEE, Page 135, Section 8.10 and Appendix 21 c) Volume 2, AEE, Page 140, Section 8.13 and Appendix 14, 17-22

	(iv) if the activity includes the discharge of any contaminant, a description of— (v) the nature of the discharge and the sensitivity of the receiving environment to adverse effects; and (vi) any possible alternative methods of discharge, including discharge into any other receiving environment: (vii) 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: (viii) 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: (ix) if iwi or hapū elect not to respond when consulted on the proposal, any reasons that they have specified for that decision: (x) 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:		d) Volume 2, AEE, Page 152, Section 8.20, Attachment 6 and Attachment 10. e) Attachment 2 f) N/A g) Volume 2, AEE, Page 87, Section 4.13, Attachment 6 and Attachment 10. h) N/A
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	(xi) an assessment of any effects of the activity on the exercise of a protected customary right.		
7	The assessment of an activity's effects on the environment must cover the following matters: (xii) any effect on the people in the neighbourhood and, if relevant, the wider community, including any social, economic, or cultural effects: (xiii) any physical effect on the locality, including landscape and visual effects: (xiv) any effect on ecosystems, including effects on plants or animals and physical disturbance of habitats in the vicinity: (xv) 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: (xvi) any discharge of contaminants into the environment and options for the treatment and disposal of contaminants: (xvii) any unreasonable emission of noise:	Volume 1 AEE, with particular reference Appendix 6-12, 16, 23-27.	Yes, addressed. a) Volume 2, AEE, Page 114-128, Sections 8.1, 8.2, 8.4 and 8.8. b) Volume 2, AEE, Page 119-121, Section 8.4 c) Volume 2, AEE, Page 146-149, Section 8.17 and Appendix 23 d) Volume 2, AEE, Page 126-132, Section 8.7 and 8.8, Appendix 9, 24 and 26. e) Volume 2, AEE, Page 140, Section 8.13 and Appendix 14, 17-22 f) Volume 2, AEE, Page 122-125, Section 8.5 and Appendix 27 g) Volume 2, AEE, Page 142, Section 8.15.

	(xviii) any risk to the neighbourhood, the wider community, or the environment through natural hazards or hazardous installations.		
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)	As per Volume 1 - Brymer AEE section 5.10 pages 98-106	Yes, addressed. AEE, Pages 99-108, Section 5.11.
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	Not applicable. Refer to Overview Report Section 15.6. No customary marine title affects the proposal and the activity will not occur within the scope of a planning document prepared by a	N/A

		customary marine title group.	
5(5)(c)	If the activity is to occur in an area that is taiāpure-local fishery, a mātaihai 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.	Not applicable, the activity is not to occur in an area that is a taiāpure-local fishery, a mātaihai reserve, or an area that is subject to bylaws made under Part 9 of the Fisheries Act 1996.	N/A

CHECKLIST A1 – Subdivision or reclamation resource consent

Clause, Schedule 5	Information required for an application for a subdivision consent or a reclamation consent (in addition to the information required in Checklist A)	Application Reference	EPA
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If this application is for a subdivision consent, please adequately define the matters set out in clause 8(1) below. If no subdivision consent is sought, please enter n/a.

8(1)(a)	The position of all new boundaries	Refer to the Scheme Plan identified in the Overview Report appendices and Volume 2. All new boundaries are shown on the Scheme Plan attached to the AEE as Appendix 5.	Yes, addressed. Appendix 5, as referenced.
8(1)(b)	The areas of all new allotments, unless the subdivision involves a cross lease or company lease or unit plan	Refer to the Scheme Plan identified in the Overview Report appendices and Volume 2. All new allotment areas are shown on the Scheme Plan attached to	Yes, addressed. Appendix 5, as referenced.

		the AEE as Appendix 5.	
8(1)(c)	The locations and areas of new reserves to be created, including any esplanade reserves and esplanade strips	N/A - no existing esplanade reserves, esplanade strips, or access strips	N/A
8(1)(d)	The locations and areas of existing esplanade reserves, esplanade strips, and access strips	N/A - no existing esplanade reserves, esplanade strips, or access strips	N/A
8(1)(e)	The locations and areas of any part of the bed of a river or lake to be vested in a territorial authority under section 237A of the Resource Management Act 1991	N/A no part of the bed of a river or lake is to be vested in a territorial authority under section 237A.	N/A
8(1)(f)	The locations and areas of any land within the coastal marine area that is to become part of the common marine and coastal area under section 237A of the Resource Management Act 1991	N/A	N/A

8(1)(g)	The locations and areas of land to be set aside as new roads	Appendix 15 – Engineering Drawings – Drawing Set C300-C499 B&A Brymer Farms Fast Track Application Urban Design Drawing Pack – indicating location and type of Road (hierarchy)	Yes, addressed. Appendix 15 – engineering drawings, as referenced.
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If this application is for a reclamation consent, please include the information to show the area to be reclaimed set out in clause 8(2) below. If no reclamation consent is sought, please enter n/a.

8(2)(a)	The location of the area to be reclaimed	Appendix 13 ECIA, Section 13. Appendix 5 – Scheme Plan	Yes, addressed. See Appendix 1 –RFI Ecology Response, Figure 22 and 23, prepared as part of the request for information response dated 18 September 2026.
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8(2)(b)	If practicable, the position of all new boundaries	Appendix 13 ECIA, Section 13. Appendix 5 – Scheme Plan	Yes, addressed. See Appendix 1 –RFI Ecology Response, Figure 22 and 23, prepared as part of the request for information response dated 18 September 2026.
8(2)(c)	Any part of the reclaimed area to be set aside as an esplanade reserve or esplanade strip	No land to be set aside as an esplanade or esplanade strip.	N/A

Appendix 2: Consultation Summary

The following agencies were consulted with to inform the assessment of the application for completeness. 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.

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 on substantive application completeness – Brymer (FTTA-2608-1284)

Thank you for the opportunity to provide comments on the completeness of the Brymer Farms substantive application under section 46 of the Fast-track Approvals Act 2024 (FTAA).

Your letter dated 26 August 2026 has requested the Waikato Regional Council (WRC) to:

1. Advise the EPA whether, in our view, the attached documentation regarding the RMA approval, as provided by the applicant, meets the requirements of sections 42 and 43 of the Act and has been provided in sufficient detail to satisfy the purpose for which it is required, in accordance with section 44 of the Act;
2. Advise whether any relevant matters listed in clauses 5 to 9 of Schedule 5 (information required in resource consent applications) have not been addressed or have not been provided in sufficient detail; and
3. Identify any existing resource consents.

Identification of any existing resource consents

WRC can confirm that the written notice under section 30(3)(b)/30(5), dated 21 August 2026 prepared by the Council remains accurate and final as at the date of this letter.

Relevant matters listed in clauses 5 to 9 of Schedule 5

Whilst some consultation with the applicant has occurred with WRC there remain matters to be worked through in relation to the following aspects of the proposal:

- Acid sulphate soils associated with the site
- Wetlands located within and adjacent to the site and the associated Significant Natural Areas

- How stormwater will be effectively managed
- How wastewater will be effectively managed in the short and long term
- WRC's Integrated Catchment Management's land drainage scheme located on and adjacent to the site

Requirements of sections 42 and 43

Overall, WRC is of the view that the application documents meets the requirements of sections 42 and 43.

Thank you for the opportunity to respond back on these matters.

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 Brymer Farms 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 both Waikato District Council (WDC) and Hamilton City Council (HCC).

SECTION 30 WRITTEN NOTICE CONFIRMATION

Waikato District Council confirms that, to the best of its knowledge, the written notice prepared under section 30 of the Fast-track Approvals Act 2024 remains accurate and final as at the date of this response.

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.

The Assessment of Environmental Effects refers to land acquired for access at 10 Harrogate Place (Lot 22 DPS79526) and 234 Grandview Road. Council notes that the application does not include the title details for 234 Grandview Road.

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, Council considers that the assessment of stormwater effects lacks sufficient detail (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. However, Council considers that further information is likely to be required in relation to downstream stormwater effects to support the substantive assessment of the proposal.

ATTACHMENT 1



HAMILTON
CITY
COUNCIL

WAIKATO
DISTRICT
COUNCIL

WAIKATO
-TAIŌHURI

IAWAI

LIFE RUNS
ON WATER

Growth & Delivery Group

To: Donna Tracey - Waikato District Council and Juliana Reu Junqueira - Hamilton City Council

CC:

From: Andrew Parsons - IAWAI Flowing Waters Limited

Subject: Brymer Farms Limited substantive application under the Fast-track Approvals Act 2024 - Completeness and Scope Review

Date: 1 September 2026 File

1 Purpose of this Memo

This memorandum provides IAWAI's assessment of whether the Brymer Farms Limited 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 and Hamilton City Council's response to the Environmental Protection Authority'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 Environmental Protection Authority 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 Brymer Farms 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 the Councils on whether the documentation supplied by Brymer Farms Limited 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.

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 Brymer Farms Limited 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 any relevant private development agreements.

3.2 Section 42 - Authorised Person

IAWAI has not undertaken a separate assessment of section 42 of the FTAA. **IAWAI** expects Waikato District Council and Hamilton City 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 includes any conditions that the applicant proposes for the resource consent. **IAWAI** has reviewed the conditions included within the application and considers that they do not currently address **IAWAI's** requirements. **IAWAI** and the applicant remain in dialogue, and **IAWAI** looks forward to further progress being made in respect of the proposed conditions so that the issues identified in section 3.5 can be resolved.

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 through the Councils' engagement with the EPA and through any future Expert Panel process.

3.5 Illustrative Stormwater Matters

As this assessment is focused on completeness, IAWAI has not provided detailed comments on all technical aspects of the substantive application. However, to illustrate the nature and significance of the matters requiring further information or clarification, further information and analysis will be required to assess:

- stormwater effects within the specific site context;
- downstream effects and drainage scheme performance;
- stormwater infrastructure and servicing requirements; and
- the suitability of proposed consent conditions.

While this is illustrative of stormwater matters, similar ongoing work is required to resolve matters relating to potable water and wastewater. In particular, recognising that existing water and wastewater networks adjacent to the development are constrained and appropriate solutions are required. IAWAI considers that these three waters matters can be addressed during subsequent stages of the FTAA process through:

- further technical review;
- the provision of additional information;
- engagement with the applicant;
- the development of appropriate consent conditions; and
- appropriate private development agreements to ensure that the necessary infrastructure required to service the development is in place.

4 Conclusion

IAWAI considers that the Brymer Farms Limited 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 IAWAI'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 Hamilton City 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 Hamilton City Council

RE: Consultation on substantive application completeness – Brymer (FTTA-2608-1284)

Thank you for the opportunity to provide comments on the completeness of the Brymer Farms substantive application under section 46 of the Fast-track Approvals Act 2024 (FTAA).

Hamilton City Council (HCC) has undertaken a high-level review of the application material provided by the Environmental Protection Authority. The review has involved input from relevant Council subject matter experts. While there has been a high degree of collaboration between HCC and other partner organisations in engagement with the applicant on preparation of the Brymer substantive application, and in carrying out this completeness assessment, other relevant organisations will be submitting their completeness check separately which may differ slightly where reflecting the particular concerns of that organisation.

For the purposes of this completeness check the relevant local water entity, IAWAI, has contributed to both the reviews of Hamilton City Council (HCC) and Waikato District Council (WDC). A copy is attached as Appendix A for reference.

Consistent with the purpose of section 46 of the FTAA, Council's review has focused on identifying any material information gaps that may affect a proper understanding of the proposal or the Expert Panel's ability to consider the application. The review has not extended to considering the merits of the proposal or the appropriateness of the applicant's proposed solutions.

To assist the EPA's assessment, Council has also undertaken a review of the application against the section 88 information requirements of the Resource Management Act 1991 (RMA). A copy of that assessment is attached as Appendix B for reference.

Key Matters for EPA Consideration

Overall, the application includes the required information to address HCC's regulatory responsibilities, including activity descriptions, environmental effects assessments, and technical reports. We have identified that there is some missing information, but the missing information should not affect the ability of an Independent Panel to understand the nature of the application proposal or the reasons for which consent has been sought.

While HCC considers that the application is broadly complete under section 46 of the FTAA, the following are matters that warrant supplementing before the application is determined:

- **Scope and consistency with referral approval**

The substantive application includes a letter prepared by Mary Hill Barrister (Attachment 4) that addresses some scope issues, but not all the potential scope related issues that we have identified and outlined, below.

The substantive application differs somewhat from the application which was granted approval to be referred to Fast Track. In particular a road access is now proposed to the application site incorporating a property that did not form part of the referral application (the Grandview Road access). The effects of what will be a significant thoroughfare on adjoining properties outside the application site therefore was not assessed as part of the Referral application consideration.

While in terms of this completeness check, the differences have been addressed in the application pack, there are other matters relating to scope and the consistency of the substantial and referred applications that have not been assessed, and these should be considered before the application is accepted for processing. Land use and subdivision consents are required for a prohibited activity, which were not identified in the referral application. The application does include a Legal Opinion on scope, but this does not extend to assessing the above matter.

Further, the application site at the outset incorporates properties that are located inside the HCC Territorial boundary, which was not identified as such in the Referral application. That triggers nomination of HCC as a relevant Authority under the FTAA.

Finally, the level of development proposed differs significantly from that proposed in the referral application. The retirement home in the north of the site has been deleted (250 units) and replaced with lifestyle blocks, and the overall number of dwellings proposed is significantly less, from 1650 to 1043.

As a relevant authority HCC should be meaningfully involved in engagement, but the limited reference to HCC in the application documents and conditions suggests this has not been fully reflected. The relative absence of HCC reference is a deficiency because it will affect how the application can be implemented.

- **Funding uncertainty and potential implications for staging and timing of development**

The application pack does not include confirmation that a funding agreement has been secured with territorial authorities, roading controlling authorities, or network utility providers.

Clarification regarding the funding and delivery of key infrastructure required to support the development, including any assumptions relating to development contributions. The proposal is dependent upon future upgrades to the roading and three water networks. Funding does not

exist for the necessary upgrades, and it is noted that funding agreements would be deferred pursuant to a condition of consent. Infrastructure funding, cost recovery, development contributions and delivery obligations are critical to the implementation of the proposal and cannot be deferred. Funding is also critical to confirming whether the proposed staging can be realistically achieved. It is noted that key internal roading connections and public amenities will be provided in later stages and these stages themselves are subject to the delivery of key strategic network infrastructure upgrades. Therefore, realisation of development across the entire application site is dependent on funding and stages proceeding in a careful sequence in tandem, and without the necessary supporting scaffolding of commercial agreements there is considerable uncertainty whether this application can be properly assessed.

- **Amenity effects of Harrogate Place and Grandview Road connections**

Clarification regarding the assessment of effects associated with proposed transport connections to Harrogate Place and Grandview Road, particularly where those connections interface with the existing Hamilton urban area. It is unclear from the consultation and engagement report whether adjacent landowners were consulted on the proposed connections to Harrogate Place and Grandview Road.

We also note that Rule 25.8.3.4 of the HCC ODP requires the application of NZS6806:2010 to new or altered roads that are predicted to carry at least 2,000 ADT. This may be triggered in the case of the Grandview Road connection, but it is unclear whether the provided acoustic assessment has included an assessment of Rule 25.8.3.4 of the HCC ODP.

- **Likelihood of future stages being implemented**

We were unable to find commentary on the likelihood of later stages being implemented, as required by section 43(1)(b)(ii)(B) of the FTAA.

Further information regarding the implementation and integration of later development stages, including how internal transport and infrastructure connections are intended to function if development occurs in a staged manner.

Overall Assessment

Hamilton City Council's review indicates that the application generally contains sufficient information to understand the nature and scale of the proposal. A relatively small number of matters has been identified where clarification or additional information may be required to support the EPA's assessment of completeness. These matters are summarised below.

A summary of Council's completeness review is provided below:

No	Subject Matter	Comments
1	Growth and Spatial Planning	Clarification is required regarding the proposal's alignment with Future Proof, including consideration of out-of-sequence development and growth sequencing matters.
2	Transport	The ITA is considered complete. Clarification is required regarding the alignment between assessed transport effects, proposed mitigation measures, and the draft conditions of consent. The draft conditions do not encapsulate the recommend conditions of consent in the ITA.
3	Water supply	Refer to comments from IAWAI (as attached in Appendix A)
4	Wastewater	
5	Stormwater	
6	Engineering	The application includes concept engineering plans, supporting infrastructure assessments, stormwater management information, and flood risk assessments.
7	Parks and Reserves	Clarification is required regarding open space provision and park development, reserve management and maintenance arrangements, impacts on existing reserves including Te Kooti Park, and whether modified watercourses trigger esplanade reserve requirements.
8	Environmental	Clarification is required regarding road traffic noise assessment for future

	Health	collector roads within the Hamilton boundary and provision of the Detailed Site Investigation referenced within the contaminated land assessment.
9	Ecology	Clarification is required regarding inconsistencies between ecological assessment documents, riparian margin design assumptions, pest and predator management measures, and implementation of biodiversity mitigation, including artificial bat roosts and habitat restoration outcomes.
10	Natural Hazards	Clarification is required regarding whether the carbon implications associated with peat disturbance have been assessed and addressed within the application documentation
11	Landscape/Urban Design	Clarification is required regarding the level of design detail provided for JOALs and other public realm elements, including laneways and shared spaces. Further confirmation is also sought regarding the adequacy of the landscape and visual assessments.
12	Cultural Values	The application includes cultural impact assessments, archaeological assessments, engagement records, and relevant iwi planning documentation. These documents have been provided for consideration as part of the application. No obvious omissions were identified on Council's initial review.

APPLICATION CHECKLIST

Development type: Comprehensive Development and Subdivision

Date: 31 August 2026

Site Address: 10 Harrogate Place and 234 Grandview Road, Western Heights (application area includes other properties within Waikato District)

Resource Consent Number: Applicant lodged under the Fast-track Approvals Act 2024 (FTAA)

Date Lodged: 26 August 2026

Site Area: 677m² (10 Harrogate Road) and 622m² (234 Grandview Road)

Zone: Residential – General Residential zone

Features: Infrastructure Capacity Overlay

Proposal: Comprehensive residential development (standalone dwellings and apartments), more

Record of Title: (date no older than 3 months from lodgement, diagram, check covenant – i.e. private covenant or others, consent notice, easement, limited as to parcels, building line restriction, all details etc)

Appendix 1 contains Records of Title (RoT) and copies of the legal instruments that have been registered on RoT that belong to affected landholdings.

While HCC has not undertaken a detailed review of the RoT belonging to the affected landholdings, we have undertaken a review of those properties that are within the HCC area, being 10 Harrogate Place and 234 Grandview Road.

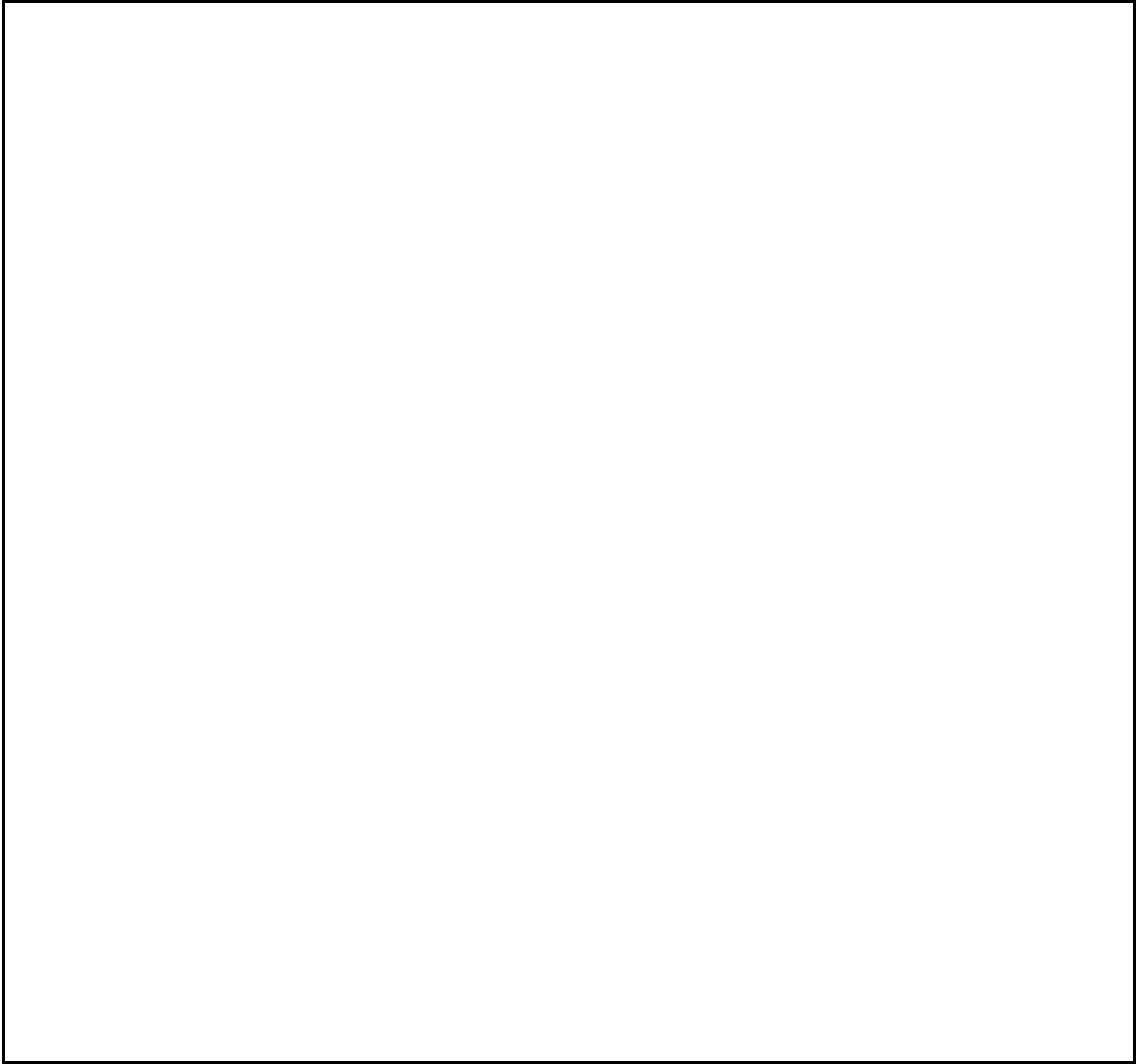
10 Harrogate Place

RoT has been provided for SA 63C/ 424 (Lot 22 DP 79526). This property is subject to a Fencing Covenant (B535266.2) and a Land Covenant in Transfer (B535266.2). Copies of these covenants have been provided in Appendix 1.

The covenants require that no buildings other than a residential building that has a floor area of greater than 120m² and in accordance with other design requirements (amongst other things).

234 Grandview Road

RoT has not been provided for 234 Grandview Road.



Designations/Additional Limitations: (building lines, height controls, concept plan, centre plan, unstable ground, flood plain, contamination, road widening, coastal management area etc)

Not applicable

Consent/Site History (Check/search and include anything relevant):

Under section 30 of the FTAA, the applicant needs to provide a letter from territorial authorities that confirms that there is no existing resource consents issued for the land parcels to which 124C(1)(c) and 165ZL of the RMA would apply.

The applicant has provided s30 confirmation from Waikato District Council and Waikato Regional Council (**Attachment 5**). A section 30 check is not required for district land use and subdivision consents, which is why HCC didn't provide section 30 confirmation (Waikato District comments were provided but not required under the FTAA).

10 Harrogate Place comprises of vacant land according to the aerial photographs of HCC's GIS system. 234 Grandview Road contains a residential dwelling. There are no relevant resource consent records.

Application Requirements Appendix 1 – DP Administration, 1.2 Information Requirements	Provided - Y, N or N/A	Comments
Application Form (Form 9) completed correctly.	N/A	No application forms have been provided, however the necessary administration information for the Fast-track application appears to be imbedded in the application documents – including a “Portal Statutory Checklist”. (Assume EPA will check this aspect for completeness).
Locality Plan – a locality plan or aerial photograph showing the physical location of the subject site in relation to adjoining roads and sites (a copy at a scale of 1:500 is required with all applications). - Check if the location of WEL lines adjacent to property, and if clearance is required	Y	Several locality plans have been included within the application documents, including the attached specialist reports. (e.g. Figure 1 of the AEE).
Plans relevant to the proposal. All the development plans should have a clear legend, with North Point. It should be to scale, and labelled with measurements (i.e. height, HIRB, coverage, measurements for outdoor living and services, set back etc to be shown on plans) - Existing Site Plan - Proposed Site Plan - Elevations – Scale should be (1:50/1:100/1:200) of all structures to be built - Roof Plans	Y	Architectural concept plans for the mixed-use commercial centre and apartments have been supplied. No architectural plans have been provided for standalone residential lots. Indicative typology drawings have been supplied along with a development framework and development controls that will guide the new development.
Assessment of Environmental Effects – an assessment of actual or potential effects that the activity may have on the environment and the ways in which those adverse effects may be mitigated – of detail appropriate to the scale of the proposal • Reasons for Consent Identified correctly – a detailed list of all District Plan infringements and details of these infringements quantified where appropriate.	Y Y	A very detailed AEE (219 pages), in addition to an overview document has been submitted. A list of reasons for consent has been provided in Section 5.0 of the AEE. A limited range of works is proposed within the HCC ODP to

Application Requirements Appendix 1 – DP Administration, 1.2 Information Requirements	Provided - Y, N or N/A	Comments
A statement specifying all other applications that may be required – Cancellation of easements, consent notices, BLR, Regional Council discharge permits or water take permits)	Y	create legal road (via subdivision) and to form legal road (via earthworks and civil works). The applicant has accurately assessed the reasons for consent under the HCC ODP. I agree that land use consent is required for a restricted-discretionary activity, and subdivision consent is required for a restricted discretionary activity under the HCC ODP. The reasons for consent that are listed in section 5.4 of the AEE do not list the degree of infringement, as earthworks relate to 10 Harrogate Place and 234 Grandview Road. This information would be useful for accurately described the reasons for consent in the decision. Section 5.0 of the AEE includes a full list of reasons for consent – these include land use and subdivision consents under the Waikato District Plan, Waikato Regional Plan, National Environmental Standards. They have also stated that approvals under the Heritage New Zealand Pouhere Taonga Act 2014 and Wildlife Act will be required but will be seeking these approvals separately.

Application Requirements Appendix 1 – DP Administration, 1.2 Information Requirements	Provided - Y, N or N/A	Comments
Objectives and Policies (relevant)	Y	Overall, resource consent is required for a prohibited activity. s42(5)(a) of the FTAA provides a consenting pathway for a prohibited activity. However, it is noted the prohibited reasons for consent were not listed in the referral application. The applicant has provided an assessment of most of the relevant objectives and policies in Section 9.0 of the AEE and in Appendix 7 (Objectives and Policies Assessment). Section 9.0 contains an assessment of the HCC ODP objectives and policies, but there is no separate assessment of these objectives and policies in Appendix 7. The assessment is limited to the objectives and policies that relate to Chapter 18 (Transport Corridor Zone), Chapter 23 (Subdivision), Chapters 25.2 and 25.14 (Earthworks and Transportation). However, the objectives and policies of Chapter 2 of the HCC ODP (Strategic Framework) have not been assessed. This includes Objective 2.2.14 and supporting

Application Requirements Appendix 1 – DP Administration, 1.2 Information Requirements	Provided - Y, N or N/A	Comments
Assessment criteria (relevant)	N/A	policies relating to “City Urban Form.” An assessment of these policies is necessary as many of the adverse effects and infrastructure implications will be experienced in HCC. Stages 1 and 2 will have a permeable boundary with HCC and not Waikato District. An assessment of the wider set of HCC ODP objectives and policies is therefore needed to assess urban form and other integrated planning issues. There is no detailed assessment of HCC ODP criteria in the AEE, however the criteria have been used to inform the assessment of effects and technical specialist reports. Character and amenity effects from the new road connections have been considered, as required be 23.9(v) under section 8.5 of the AEE. The AEE does not include an assessment of the proposal against 25.8.3.4 with respect to road noise on land adjacent to the Harrogate Place and Grandview Road

Application Requirements Appendix 1 – DP Administration, 1.2 Information Requirements	Provided - Y, N or N/A	Comments
- Water Impact Assessment Integrated Catchment Management Plans (ICMP) - Flood Risk Assessment Report – any application for subdivision consent creating additional lots within a flood hazard area requires a flood risk assessment - Historic Heritage Assessment (Schedule 8A and 8B sites) - Archaeological assessment	Y Y Y N/A Y	Pack includes civil engineering plans for all subdivision / development stages. (For instance, internal water network). Infrastructure report that includes water assessment supplied. The applicant has supplied a Stormwater Management Plan (SMP) with the application documents. Flood Risk Assessment is provided in the SMP that was submitted with the application documents. Those parts of the FT application area that are within HCC jurisdiction (being 10 Harrogate Place and 234 Grandview Road), do not contain any sites of heritage significance (Schedule 8A and 8B). An archaeological assessment has been prepared by Matthew Gainsford of RedOx Cultural Heritage Services Ltd (RCHS). The report identified that there are pre-1900 historic drainage crossing the site and its eastern boundary

Application Requirements		Comments
Appendix 1 – DP Administration, 1.2 Information Requirements	Provided - Y, N or N/A	
Site Management Plan (Waikato Riverbank and Gully Hazard Area) - Stormwater Disposal Report (Waikato Riverbank and Gully hazard area) - Hazardous Facilities - Centre Assessment Report – office/retail activities that are not listed as permitted activities on any site outside the Central City or Business Zone.	N/A N/A N/A Y	(recorded on NZAA database ArchSite as S14/509 – ditch). The AEE and the archaeology assessment confirm that an authority will be sought from HNZPT. There is no HNZPT correspondence to confirm the likelihood of this approval being forthcoming, and whether any mitigation measures have been adopted into the design and methodology. Archaeological Site Management Plan to be supplied to comply with a condition of consent. Land within HCC is not within a Waikato Riverbank or Gully Hazard Area. Land within HCC is not within a Waikato Riverbank or Gully Hazard Area. No hazardous facilities are proposed. Market Economics Ltd have prepared an economics

Application Requirements Appendix 1 – DP Administration, 1.2 Information Requirements	Provided - Y, N or N/A	Comments
Dimensions of all existing and proposed boundaries.	Y	Mavin have prepared scheme plans that are included in the civil engineering plan set.
Shape factor shown on all proposed allotments, including those with existing buildings	Y	
Existing and proposed land contours at 0.5m intervals and/or sufficient spot heights to allow accurate representation of the land surface.	Y	
Existing trees and other vegetation proposed for retention or removal	Y	
All existing buildings (plan views of roof and wall outlines)	Y	
All survey plan approval elements, including easement panel		A separate schedule of easements has been submitted with the application documents.
	N/A	
Documents should also be provided to show that existing buildings have been legally established		No buildings will be retained.
Where relevant:	N/A	No new watercourses will be vested to the crown or a local authority under s237A of the RMA.
The locations and areas of land below mean high water springs of the sea, or in any part of the bed of a river or lake, to be vested in the Crown or local authority under Section 237A of the Resource Management Act 1991.		
	Y	Lot areas for all proposed lots have been shown.
The locations and areas of land to be set aside as new roads		
Net site area of all the existing and proposed sites		
Unit site area of each proposed allotment		
Proposed staging (if applicable)	Y	
		The application pack includes staging plans.
Position of any eaves in relation to a private way or driveways (any openings onto private way/driveway)	N/A	No buildings will be retained.

Application Requirements Appendix 1 – DP Administration, 1.2 Information Requirements	Provided - Y, N or N/A	Comments
Areas for each separate area of wetlands and bush to be protected in m² or ha	Y	The proposal involves offsetting residual effects from the loss of 0.514ha of wetlands by creating 0.75ha of wetlands. Involves offsetting unavoidable loss of 133m x 0.5m of modified ephemeral stream and the modification of 139m 2.0m wide stream. Wetland Offset Management Plan to be provided as a consent condition requirement.
Weed and pest control management plan	Y	Draft lizard management plan, draft bat management plan, and draft fish management plan included. There is no draft weed and pest control management plan with the application documents, I'm not sure if one is needed either. Bird Management Plan to be supplied to comply with a consent condition. No draft has been provided in the application pack.
Planting proposal and maintenance plan	Y	Landscape planting plans have been supplied for the application site. Planting has been verified by the ecological where planting is for ecological mitigation. There is also

Application Requirements		Comments
Appendix 1 – DP Administration, 1.2 Information Requirements	Provided - Y, N or N/A	
		a brief maintenance plan included within the landscape plan pack.

Summary of decision

The information that has been provided is sufficient for a completion check.

Appendix 3: Further information requests and responses

I sent 1 further information requests to the applicant during under section 46(2B) of the Act. The request and response are set out below.

Request for Further Information 1:

- Date sent: 9 September 2026
- Topic:
 - The exact location and extent of wetland and stream reclamation;
 - Missing title details for 234 Grandview Road
 - Policy assessments against the Hamilton City Operative District Plan
 - Amenity, acoustic, and consultation details for transport connections
 - Scope and referral consistency
 - Infrastructure funding and staging implementation; and
 - Environmental management matters (including acid sulphate soils, stormwater, and wastewater)
- Date of response: 18 September 2026

Memorandum



To: Ben Bond – Environmental Protection Authority
From: Fraser McNutt – Barker & Associates Limited
Date: 18 September 2026
Re: Request for further information - Fast-track Approvals Act 2024 - FTAA-2608-1284 - Brymer Farms

1.0 Introduction and Purpose

Brymer Farms lodged a substantive application under the Fast-track Approvals Act 2024 (the Act) on 24 August 2026.

On 9 September 2026, the Environmental Protection Authority (EPA) wrote to Brymer Farms requesting additional information to assist the EPA in assessing the completeness and scope of the substantive application. As outlined in the EPA's letter, before referring a substantive application to an Expert Panel, the EPA is required to assess whether the application is complete and complies with the requirements of section 46(2) of the Act. In undertaking this assessment, section 46(2A) of the Act enables the EPA to seek further information from an applicant where required.

Brymer Farms has considered the matters raised by the EPA and, in response to the request, provides the following information and clarification in relation to each of the matters identified within the table below.

This information is provided to assist the EPA in completing its assessment of the application and determining whether the requirements of section 46(2) of the Act have been satisfied.

2.0 Response to Matters Raised by the EPA

Request Item	Detail	Response
1. Location of Reclamation	This request was raised as part of the EPA's internal completeness review. The substantive application seeks consents for prohibited and discretionary land reclamation and bed filling. In Checklist A1 (subdivision or reclamation), the applicant cross-references "Appendix 13 ECIA, Section 13. Appendix 5 – Scheme Plan" for both the location of the area to be reclaimed (Clause 8(2)(a)) and the position of new boundaries (Clause 8(2)(b)). However, a review of these attachments shows that Appendix 5 (the Subdivision	Refer to Attachment 1 – RFI Ecology Response. The ecology response identifies the location and extent of proposed wetland and stream reclamation, creation and enhancement activities shown in the Ecological Impact Assessment. It confirms that wetland and stream losses are unavoidable within the development footprint and outlines the proposed ecological compensation and restoration measures. Biodiversity Compensation Model assessments demonstrate a net positive biodiversity outcome of 13.2% for wetlands and 47.6% for streams, confirming that the proposed mitigation

	Scheme Plan) shows land allotment boundaries and does not appear to show the location of reclamation areas. Appendix 13, as referenced, is the infrastructure report, and Appendix 23 (the Ecological impact assessment) does not appear to indicate the proposed location of reclamation. Please clarify where in the documentation these points are addressed, or provide the required information to satisfy Schedule 5, Section 8(2)(a) and (b).	and compensation package adequately addresses ecological effects.
2. Land Ownership and Legal Interest – Missing Record of Title (234 Grandview Road)	This request was raised as part of the mandatory consultation the EPA undertook with Waikato District Council and Hamilton City Council. <i>The Assessment of Environmental Effects refers to land acquired for access at 10 Harrogate Place (Lot 22 DP579526) and 234 Grandview Road. Council notes that the application does not include the title details for 234 Grandview Road.</i> Please provide the current Record of Title and registered legal interests for 234 Grandview Road, and update Appendix 1C (Owners and Occupiers).	Refer to Attachment 2. For completeness, we have provided the Records of Title for 232 and 234 Grandview Road at Attachment 2. Specifically, the Record of Title for 232 Grandview Road was not included with the original application because the application relates only to part of the relevant landholdings. They have now been included to provide a complete record. Refer to Attachment 5 for the updated Appendix 1C (Owners and Occupiers).
3. Hamilton City Council Operative District Plan Assessment	This request was raised as part of the mandatory consultation the EPA undertook with Hamilton City Council. <i>Section 9.0 contains an assessment of the HCC ODP objectives and policies relating to "City Urban Form." An assessment of these policies is necessary as many of the adverse effects and infrastructure implications will be experienced in HCC. Stages 1 and 2 will have a permeable boundary with HCC and not Waikato District. An assessment of the wider set of HCC ODP objectives and policies is therefore needed to assess urban form and other integrated planning issues."</i> Please provide a complete policy assessment against the Hamilton City	Refer to Attachment 3 – HCC Objectives and Policies Assessment. A targeted assessment of the relevant HCC ODP objectives and policies has been undertaken, reflecting the limited extent of the Project within Hamilton City. The assessment addresses the relevant Chapter 25.14 – City wide Transport provisions associated with the proposed road connections, together with relevant higher order provisions in Chapter 2 – Strategic Framework. This is consistent with Section 44 of the FTAA which states that <u>"Information required by Section 43 must be specified in sufficient detail to satisfy the purpose for which it is required"</u>, which in this case is a limited purpose e.g. to understand the transport connection.

	Operative District Plan (ODP), specifically Chapter 2.	
1. Amenity effects of Harrogate Place and Grandview Road connections	This request was raised as part of the mandatory consultation the EPA undertook with Hamilton City Council. <i>Clarification regarding the assessment of effects associated with proposed transport connections to Harrogate Place and Grandview Road, particularly where those connections interface with the existing Hamilton urban area. It is unclear from the consultation and engagement report whether adjacent landowners were consulted on the proposed connections to Harrogate Place and Grandview Road.</i> <i>We also note that Rule 25.8.3.4 of the HCC ODP requires the application of NZS6806:2010 to new or altered roads that are predicted to carry at least 2,000 ADT. This may be triggered in the case of the Grandview Road connection, but it is unclear whether the provided acoustic assessment has included an assessment of Rule 25.8.3.4 of the HCC ODP.</i> Please provide the necessary clarification and assessment in response to these comments from HCC, confirming landowner consultation and the relevance of Rule 25.8.3.4 of the HCC Operative District Plan	The Applicant acknowledges Hamilton City Council's request for clarification regarding the assessment of effects associated with the proposed transport connections to Harrogate Place and Grandview Road and whether adjacent landowners have been consulted. Refer to Section 2.1 below and Attachment 6 Legal Memorandum for the response.
4. Scope and Consistency with Referral	This request was raised as part of the mandatory consultation the EPA undertook with Hamilton City Council. <i>The substantive application includes a letter prepared by Mary Hill Barrister (Attachment 4) that addresses some scope issues, but not all the potential scope related issues that we have identified and outlined, below.</i> <i>The substantive application differs somewhat from the application which was granted approval to be referred to Fast Track. In particular a road access is now proposed to the application site</i>	Refer to Section 2.2 below and Attachment 6 Legal Memorandum for the response.

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