IN THE MATTER of the Fast-track Approvals Act 2024 (the **FTAA**)

AND

IN THE MATTER of the Fast Track Application **Brymer [FTAA-2608-1284]**

RESPONSE TO PANEL CONVENER'S MINUTE 1 - Brymer [FTAA-2608-1284]

Dated: 2 November 2026

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1. Waikato Regional Council (WRC) is in receipt of the Minute 1 with respect to the Panel Convener's Conference for the Brymer Farms Limited (Brymer) Fast application and confirms AnaMaria d'Aubert, Sheryl Roa and Craig Inskeep on behalf of WRC, will attend the meeting scheduled on 6 November 2026.

2. WRC has been requested to respond to a number of matters as outlined in Schedule 1 and 2 of Minute 1 and these are addressed below.

3. WRC acknowledges the engagement with the Brymer Farms team to date. It is acknowledged that the applicant has amended the proposal from the preapplication process to respond to some of the concerns raised by parties. Updates to the masterplan and civil designs included with the substantive application reflect some of the earlier feedback provided by WRC.

<u>Complexity</u>

4. Minute 1 requests WRC to comment on the level of complexity including any novel or difficult legal issues, any evidential or factual complexity.

5. Overall, WRC considers the proposal to be moderate to high in complexity, given this is the first land development proposal within the Waikato Region that spans two Councils (Hamilton City and Waikato District) and a new water entity (IAWAI) to potentially provide and maintain the proposed infrastructure. This matter provides another layer to its complexity not yet experienced within the Waikato Region.

6. The site is largely situated within an existing rural area of the Waikato District territorial boundary and is on the periphery of and outside the currently defined urban area of Hamilton City. The cross-boundary issues which have implications for infrastructure, services and the effective integration of

the development and the associated funding implications, are considered complex issues needing to be resolved.

7. Aspects such as the integration of an urban stormwater network into a rural setting with implications for treatment, attenuation and downstream impacts as the site is located entirely within WRC's Waikato Central Land Drainage Scheme (Ohote Basin). The proposal will impact on this Land Drainage Scheme and sufficient measures need to implemented to ensure no impacts occur.

Identification of Principal Issues

8. Minute 1 requests WRC to identify the principal issues in contention or other disputed matters.

9. WRC considers that most of the issues associated with this proposal can be resolved through the process but the following matters in particular will need careful assessment by the Expert Panel:

    - Stormwater integration across the entire site; and
    - Given the applicant's proposed removal of the natural wetlands, how these will be satisfactorily replaced/enhanced.

Draft Proposed Conditions

10. Minute 1 requests WRC discuss the extent to which the draft proposed consent conditions (including any draft management plan filed) is accepted.

11. WRC received notice of this minute on 16 October 2026 and whilst a thorough review of the proposed conditions has not yet been undertaken WRC's initial view is that the draft proposed conditions generally reflect earlier feedback from consultation with WRC and include standard conditions that will provide a basis for conditions. These follow a logical sequence and include aspects of relevance to WRC. However, WRC also notes that further refinement/categorisation will be necessary to reflect the complexity and details with particular reference to the matters identified above.

12. WRC remains willing to engage with the Expert Panel and the Brymer Farms team to narrow the issues of contention and to develop and refine workable consent conditions through this fast track process.

13. Minute 1 also requests WRC propose efficient processes to enable the Expert Panel to understand, resolve or narrow the scope of any likely issues and indicate how these processes may be accommodated within the decision timeframe.

14. WRC remains willing to effectively engage as necessary to advance progress of the application efficiently through meetings and responses and with the Brymer Farms team to narrow the issues of contention, and to develop workable consent conditions and associated design, mitigation and monitoring solutions.

15. WRC staff consider that the process may benefit from expert caucusing on a few matters relating to:
    - Stormwater as it impacts on the nearby Integrated Catchment Management drainage system and how the proposal meets the relevant guidelines
    - Wetland Ecology and potential replacement and enhancement of the natural inland wetlands proposed to be removed
    - Planning matters and any discussion on appropriate conditions to address the detail of specifically identified matters

16. WRC recommends that a timeframe of at least 60-70 workings days would be appropriate under s79 of the FTAA and any appointment of the Expert Panel and information requests take into account upcoming statutory holidays and the summer holiday break over January 2027. This timeframe reflects the complexity of the proposal and the significance of the issues that remain unresolved.

Expert Panel

17. As the Convener is aware this proposal and its resource consent applications fall within the Waikato River catchment as such the Waikato-Tainui Raupatu Claims (Waikato River) Settlement Act 2010 (River Settlement Act) applies.

18. Section 28 of the River Settlement Act provides that if the Council holds a hearing under the Resource Management Act 1991 (the RMA) on the application, then the committee to hear and make a decision on the application must consist of:

    - a number of members appointed by the Council who are RMA decision makers; and
    - the same number of members appointed by the Waikato River Authority (WRA) who must be persons whose names are recorded in its register; and
    - an independent chairperson jointly appointed by the WRA and the Council, who must be an RMA decision maker.

19. Clauses 3 and 5 of Schedule 3 of the FTAA, in light of sections 7 and 8 of the FTAA, requires the Panel Convener to act in a manner that is consistent with the obligations arising under the River Settlement Act.

20. As a result, WRC considers that unless the WRA agrees otherwise then, the River Settlement Act requirements prevail and only an odd numbered panel membership can be appointed.

21. WRC considers that it would more efficient if a three person panel membership occurred rather than a five person one. Our rationale is a practical one, as WRC has concerns with finding sufficient Expert Panel members given the number of Fast Track applications within the Waikato River catchment either in the substantive or referral stage expected to be progressed over the next two years.

22. WRC also considers that the Panel membership would benefit from members who have expertise in legal, planning and development engineering. Whilst WRC has identified issues with wetlands from this proposal, it is considered that the Expert Panel may wish to get its own expert to advise if matters cannot be resolved between the applicant's and WRC experts.

23. WRC thanks the Hearing Convener for the ability to provide input at this early stage of the process.



AnaMaria d'Aubert

Manager - Regional Councils

Resource Use Directorate