

Response ID ANON-URZ4-5FGE-V

Submitted to Fast-track approval applications
Submitted on 2024-05-03 14:14:14

Submitter details

Is this application for section 2a or 2b?

2A

1 Submitter name

Individual or organisation name:
BB Syndicate Limited

2 Contact person

Contact person name:
Mr Julian Dawson

3 What is your job title

Job title:
Barrister

4 What is your contact email address?

Email:
s 9(2)(a)

5 What is your phone number?

Phone number:
s 9(2)(a)

6 What is your postal address?

Postal address:
PO Box 531, Whangarei, 0140

7 Is your address for service different from your postal address?

No

Organisation:

Contact person:

Phone number:

Email address:

Job title:

Please enter your service address:

Section 1: Project location

Site address or location

Add the address or describe the location:

Rotokauri North located at at Exelby, Burbush and Te Kowhai Roads (being approximately 108 hectares). As per attached cadastral plan and property schedule.

File upload:
Property Details.docx was uploaded

Upload file here:

Rotokauri North Landholdings.png was uploaded

Do you have a current copy of the relevant Record(s) of Title?

Yes

upload file:

Attachment - Records of Title Rotokauri North Holdings Limited.pdf was uploaded

Who are the registered legal land owner(s)?

Please write your answer here:

Rotokauri North Holdings Limited

Detail the nature of the applicant's legal interest (if any) in the land on which the project will occur

Please write your answer here:

BBSL is party to a sale and purchase agreement dated 9 November 2023 (Agreement) with Rotokauri North Holdings Limited (in liquidation) (RNHL) to purchase RNHL's entire landholding - situated at Exelby, Burbush and Te Kowhai Roads in Hamilton.

The Agreement is currently conditional on due diligence, which is expected to be satisfied on or before 16 May 2024. Once the Agreement is unconditional, BBSL expect to will re-commence work in August 2024.

Steven Khov and Kieran Jones of Khov Jones Limited were appointed joint and several liquidators of RNHL by the High Court at Auckland on 22 March 2024 on application by one of RNHL's creditors. Our client is working closely with the liquidators to progress through the Agreement, to achieve settlement of the purchase.

The property is being sold with several key agreements in place, including including pre-sales for approximately 10% of the development's Stage One yield, a memorandum of agreement with the Ministry of Education (MOE), a private development agreement with Hamilton City Council (HCC) and several development management agreements and easement agreements with neighbouring landowners.

We confirm that should the Agreement be declared unconditional, and the referral is approved, our client will have funding available to meet the timeframes referred to in the application.

Section 2: Project details

What is the project name?

Please write your answer here:

Rotokauri North

What is the project summary?

Please write your answer here:

Rotokauri North is one of the largest residential landholdings in Hamilton City under private/single ownership. It will beat least 1500 house sites, neighbourhood centre, open spaces, a school and likely a retirement village, with infrastructure and roading. 10% must be affordable housing.

What are the project details?

Please write your answer here:

The project includes:

- At least 1,500 residential lots, for a mixture of single dwellings, duplex dwellings and terraced houses. At least 10% of the individual residential units in the development must be affordable housing, built on their own exclusive fee simple titled sections, and sold on the open market to first home buyers.
- A neighbourhood school;
- Likely a retirement village;
- A neighbourhood centre of approximately 1 hectare that will include neighbourhood shops, cafes, and other similar activities;
- Stormwater, wastewater and roading infrastructure to service the development and local network.

Given the change in land ownership and delays this has caused, Stage One of the development, which has been previously consented, is being included in this application to ensure integration and, where necessary, any re-design can be accommodated without difficulty.

The project will enable new housing to be delivered quickly, at a substantial scale for New Zealand's fast-growing city. It will assist in relieving Hamilton City's housing crisis, and also maximising proximity to community facilities that are already planned (recently acquired open space land, a new primary school and transport hubs) and in a location which has easy access to local employment. BBSL will deliver the infrastructure necessary to service the project.

Overall, the project will provide for a well-functioning urban community, housing and facilities that are sorely needed.

Describe the staging of the project, including the nature and timing of the staging

Please write your answer here:

BBSL envisages completion of the entire development in four stages, in less than 10 years. The first stage titles (some 314 sites) will be ready to market in the next two years with following stages thereafter.

What are the details of the regime under which approval is being sought?

Please write your answer here:

Resource consents under the Resource Management Act 1991, including subdivision, land use, discharge and earthworks consents. Further approvals under the Heritage New Zealand Pouhere Taonga Act 2014 and Wildlife Act 1953 may be required.

If you seeking approval under the Resource Management Act, who are the relevant local authorities?

Please write your answer here:

Hamilton City Council, Waikato District Council and Waikato Regional Council.

What applications have you already made for approvals on the same or a similar project?

Please write your answer here:

Stage 1 for 314 residential lots was approved under the Covid-19 Recovery (Fast Track Consenting) Act 2020 on 27 July 2022 (Reference FTC 000059). However, given the change in land ownership and delays this has caused, Stage 1 of the development, which has been previously consented, is being included in this application to ensure integration and, where necessary, any re-design can be accommodated without difficulty.

Is approval required for the project by someone other than the applicant?

Yes

Please explain your answer here:

BBSL is party to a sale and purchase agreement dated 9 November 2023 with Rotokauri North Holdings Limited (in liquidation) (RNHL) to purchase RNHL's entire landholding.

The property is being sold with several key agreements in place, including including pre-sales for approximately 10% of the development's Stage One yield, a memorandum of agreement with the Ministry of Education (MOE), a private development agreement with Hamilton City Council (HCC) and several development management agreements and easement agreements with neighbouring landowners

If the approval(s) are granted, when do you anticipate construction activities will begin, and be completed?

Please write your answer here:

BBSL intend beginning earthworks on the site under current consents as soon as the land acquisition has been formalised. The programme for works includes the delivery of part of Stage 1A (inclusive of the super lot for the MOE) within 2 years, the remainder of Stage 1 within 4 years, and a roll out of Stages 2-4 between 4-8 years, with full build out, inclusive of all infrastructure, completed by the 8-year mark.

Section 3: Consultation

Who are the persons affected by the project?

Please write your answer here:

The iwi authorities whose area of interest includes the area in which the project occur are as follows (and confirmed by the Section 17 Report prepared for the Stage 1 FTC):

- a. Te Whakakitenga o Waikato Incorporated
- b. Ngāti Hauā Iwi Trust

Other iwi authorities, treaty settlement entities and parties which may have an interest in the project (as identified by the Section 17 Report prepared for the Stages 1 FTC)

Te Whakakitenga o Waikato Incorporated

Ngāti Hauā Iwi Trust

Waikato Raupatu River Trust

Waikato River Authority

Other:

Tangata Whenua Working Group (set up through the PC7 process and with continued interest in the development of the site).

Waka Kotahi may be affected if works are required in Stage Highway 39 Designation designation area.

Hamilton City Council (adjoining landowner/works within a HCC designation/local authority)
Waikato District Council (local authority)
Waikato Regional Council (regional authority)

Detail all consultation undertaken with the persons referred to above. Include a statement explaining how engagement has informed the project.

Please write your answer here:

BBSL is establishing good working relationships with the Tangata Whenua Working Group (including Waikato Tainui) and the Territorial Authorities.

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Describe any processes already undertaken under the Public Works Act 1981 in relation to the land or any part of the land on which the project will occur:

Please write your answer here:

None to date.

Section 4: Iwi authorities and Treaty settlements

What treaty settlements apply to the geographical location of the project?

Please write your answer here:

The iwi authorities whose area of interest includes the area in which the project occur are as follows (and confirmed by the Section 17 Report prepared for the Stage 1 FTC):

- a. Te Whakakitenga o Waikato Incorporated
- b. Ngāti Hauā Iwi Trust

Other iwi authorities, treaty settlement entities and parties which may have an interest in the project (as identified by the Section 17 Report prepared for the Stages 1 FTC)

- a. Te Whakakitenga o Waikato Incorporated
- b. Ngāti Hauā Iwi Trust
- c. Waikato Raupatu River Trust
- d. Waikato River Authority

Are there any Ngā Rohe Moana o Ngā Hapū o Ngāti Porou Act 2019 principles or provisions that are relevant to the project?

No

If yes, what are they?:

Are there any identified parcels of Māori land within the project area, marae, and identified wāhi tapu?

No

If yes, what are they?:

Is the project proposed on any land returned under a Treaty settlement or any identified Māori land described in the ineligibility criteria?

No

Has the applicant has secured the relevant landowners' consent?

Yes

Is the project proposed in any customary marine title area, protected customary rights area, or aquaculture settlement area declared under s 12 of the Māori Commercial Aquaculture Claims Settlement Act 2004 or identified within an individual iwi settlement?

No

If yes, what are they?:

Has there been an assessment of any effects of the activity on the exercise of a protected customary right?

No

If yes, please explain:

Upload your assessment if necessary:

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Section 5: Adverse effects

What are the anticipated and known adverse effects of the project on the environment?

Please describe:

Rotokauri North: Summary of actual or potential adverse effects on the environment

The known and anticipated adverse effects of the project are those typically associated with greenfield residential development in Aotearoa. The Applicant has received advice from the technical experts in respect of all of these matters (which can be provided on request). These expert assessments were all necessary to secure the private plan change which now embodies the development in the District Plan as well as the current resource consents for Stage One. As such, there is a high degree of understanding and confidence in the effects to be considered for future stages.

At a high-level the actual or potential effects are:

- Earthworks effects - Erosion and sediment control measures will be implemented in accordance with Waikato Regional Council's Erosion and Sediment Control – Guidelines for Soil Disturbing Activities 2009, in order to appropriately manage effects from bulk earthworks. This will include preparing Erosion and Sediment Control Plans which outline the nature and extent of earthworks and land modification, along with the specific silt and sediment control plans associated with construction.
- Construction effects – Construction effects (specifically from dust and traffic) can be appropriately managed in accordance with the relevant New Zealand standards and consent requirements. Construction traffic will be minimised through onsite techniques and route management.
- Archaeology effects - No archaeological sites are recorded on the property. Accidental discovery protocols will be implemented should earthworks reveal any unrecorded archaeological sites.
- Cultural heritage and effects on Mana Whenua Values – the developer has consulted/engaged with relevant iwi in respect of previous stages and will continue to do so in as the development progresses.
- Landscape and visual effects – the land has been zoned for urban development and with development there are opportunities to enhance streams within the site, and provide landscape opportunities within the development through green corridors, street trees etc.
- Ecological effects – the development area does not contain any areas of significant areas of indigenous vegetation. Stream and/or wetland margins will be established with riparian plantings (and where streams fall within the sites these will be enhanced for instream habitat). Effects on fauna can be addressed through management plans (which have already been assessed) and the final green corridors will enable future habitat.
- Effects on reticulated infrastructure – the developer's engineers confirm that the area can be serviced with water, wastewater, electricity and telecommunications (via extensions to these networks). There has already been significant discussion with Hamilton City Council and a Private Development Agreement is in place.
- Effects on stormwater – the developer's Sub-Catchment- Integrated Management Plan confirms that stormwater that stormwater quality and management outcomes can be achieved on-site through treatment and retention/detention devices while maintaining existing stream flows and without increasing potential flood risks downstream. Overall, implementation of the SC-ICMP will result in a net improvement to stormwater management within the relevant catchments.
- Transportation effects – urbanisation of the area can be accommodated by the existing transportation network, subject to the upgrading of identified roads to an urban standard, along with the provision of pedestrian and cycle connections. All upgrades have been confirmed through the recent Plan Change 7 approval process and are identified in the Hamilton City District Plan.
- Economic effects – the proposal will result in positive economic benefits and employment opportunities through the construction of houses, associated infrastructure, road upgrades and planting works.
- Climate change – All infrastructure devices and flood modelling accommodates climate change.
- Urban design and amenity effects – there are detailed provisions in Plan Change 7 regarding layout and design ensure an appropriate urban form and a well-functioning urban environment is delivered. Positive urban design effects include good connectivity with new roads, pedestrian footpaths and cycleway, and safe pedestrian/cycle crossings.
- Risks from hazards and contamination – the area is physically suitable for urban development, and specific geotechnical hazards can be addressed through detailed design. Flood hazard has been addressed under the stormwater section above
- Reverse sensitivity effects – potential effects on adjoining rural activities can be managed through a combination of fencing, landscape and reverse sensitivity covenants. Potential effects on the State Highway from noise are addressed through the existing HCDP provisions.

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Section 6: National policy statements and national environmental standards

What is the general assessment of the project in relation to any relevant national policy statement (including the New Zealand Coastal Policy Statement) and national environmental standard?

Please write your answer here:

Rotokauri North: Assessment in relation to relevant National Policy Statements and National Environmental Standards

National Policy Statement on Urban Development 2020 (NPS-UD)

The construction of 1500 dwellings is significant and the ability for BBSL to lead and fund bulk infrastructure will enable this number of houses to be provided quickly and efficiently.

The project will assist in relieving Hamilton City's housing crisis (and assist with Wider Waikato Region) and the need for HCC to provide sufficient capacity for housing growth within the next decade.

The project will deliver housing alongside the infrastructure upgrades to service that growth and community facilities.

Overall, the project is consistent with the aims of the NPS-UD.

New Zealand Coastal Policy Statement 2010 (NZCPS)

No part of the project area is in the coastal environment.

National Policy Statement on Highly Productive Land 2022 (NPS-HPL)

The land is zoned Medium Density Residential and thus is not highly productive land under the NPS-HPL.

National Policy Statement on Indigenous Biodiversity 2023 (NPS-IB)

The project will increase the amount of indigenous biodiversity through requirements to plant indigenous species within riparian margins, wetland buffer areas, and creation of blue/green corridors (which will enhance ecological functions).

Overall, the project is consistent with the NPS-IB.

National Policy Statement for Freshwater Management 2020 (NPS-FM)

Streams and wetlands will to be protected and enhanced through setbacks and riparian planting. Development will require hydrological mitigation and stormwater treatment (e.g. communal wetlands, retention and detention devices)

Overall, the project is consistent with the NPS-FM.

National Environmental Standards for Freshwater 2020 (NES-F)

- Resource consent will likely be required for earthworks within 100m of a wetland.
- The project will likely not involve the removal of wetlands or reclamation of streams,
- The project will include stream diversions (which will enable naturalisation) and culverts will be assessed against the NES standards.
- The project will protect freshwater streams and wetlands through building setbacks and will enhance these features through riparian and buffer plantings.

National Environmental Standard for Assessing and Managing Contaminants in Soil to Protect Human Health 2011 (NES-CS)

The contamination assessments undertake at plan change stage did not identify any concerns from a high-level perspective. Resource consents may be required to address site-specific areas.

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Section 7: Eligibility

Will access to the fast-track process enable the project to be processed in a more timely and cost-efficient way than under normal processes?

Yes

Please explain your answer here:

Yes, definitely.

This project is a prime candidate for the fast-track process. That is because fast-track consents for subdivision, infrastructure and development can be addressed in a comprehensive and 'one-stop shop' manner which will be far more effective and efficient in terms of time, cost, and uncertainty for BBSL than the orthodox consenting process. In this instance, multiple consenting layers and complexity arises because of the scale and nature of the development, but also because the consents required span three separate Council's (two Territorial Authorities and 1 Regional Authority).

Industry experience is that greenfield subdivision consenting, even for much smaller proposals is taking between 9 and 15 months.

Proposals such as this, and of the scale enabled under the fast-track process would simply be "too large" to be processed by the respective Councils and beyond their resources. It is likely that the Council would require the consent applications to be split into more manageable, separate applications for each stage. Under this scenario and with the 3 consent authorities involved, as well as the infrastructure planning required, a realistic consenting timeframe under the orthodox process, is 3 – 5 years.

What is the impact referring this project will have on the efficient operation of the fast-track process?

Please write your answer here:

As above. It is noted that the Stage One FTC was processed in just 3 months by the EPA.

Has the project been identified as a priority project in a:

Not Answered

Please explain your answer here:

Yes - Hamilton City Council recognises Rotokauri North as a key growth area and project.

Will the project deliver regionally or nationally significant infrastructure?

Not Answered

Please explain your answer here:

No.

Will the project:

increase the supply of housing, address housing needs, contribute to a well-functioning urban environment

Please explain your answer here:

Yes.

The project will provide for at least 1,500 new homes in which will help relieve the housing crisis in Hamilton City.

10% of all dwellings in the Rotokauri North development must be offered at an "affordable rate" (as defined by the Hamilton City District Plan) to first home buyers. Therefore, development will directly address housing needs.

The layout of development (lots, blocks, roads, and open spaces) and implementation of the Hamilton City District Plan rules specific to Rotokauri North will provide for a well-connected neighbourhood and, overall, a well-functioning urban environment.

Will the project deliver significant economic benefits?

Yes

Please explain your answer here:

Employment through development and construction of the project, provision of housing and infrastructure that is sorely needed, including 10% affordable housing. The project is one of the largest in Hamilton City.

Will the project support primary industries, including aquaculture?

No

Please explain your answer here:

Will the project support development of natural resources, including minerals and petroleum?

No

Please explain your answer here:

Will the project support climate change mitigation, including the reduction or removal of greenhouse gas emissions?

Yes

Please explain your answer here:

The effects of climate change have been taken into consideration in the provision of stormwater infrastructure (as all devices have been sized to include additional capacity for climate change).

In addition, the project will:

- Utilise local contractors as much as possible;
- Utilise local suppliers as much as possible;
- Eco-source the planting as far as practicable (and depending on timing may be able to co-locate growing facilities with an onsite garden centre);

Will the project support adaptation, resilience, and recovery from natural hazards?

No

Please explain your answer here:

The area is physically suitable for urban development, and specific geotechnical hazards can be addressed through detailed design. Flood hazard has been addressed under the stormwater section above.

Will the project address significant environmental issues?

Yes

Please explain your answer here:

Yes. The project will provide for at least 1,500 new homes in which will help relieve the housing crisis in Hamilton City.

10% of all dwellings in the Rotokauri North development must be offered at an "affordable rate" (as defined by the Hamilton City District Plan) to first home buyers. Therefore, development will directly address housing needs.

Is the project consistent with local or regional planning documents, including spatial strategies?

Yes

Please explain your answer here:

The land was recently rezoned under Plan Change 7 for residential growth including the Rotokauri North Structure Plan.

Anything else?

Please write your answer here:

BBSL is confident the development will be completed, however, it has identified that the consenting risk across three Territorial Authorities is a major uncertainty and has the potential to cause significant delay because the development will be "too large" to be processed by the respective Councils as one, and beyond their resources.

Does the project include an activity which would make it ineligible?

No

If yes, please explain:

Section 8: Climate change and natural hazards

Will the project be affected by climate change and natural hazards?

Yes

If yes, please explain:

See above.

Section 9: Track record

Please add a summary of all compliance and/or enforcement actions taken against the applicant by any entity with enforcement powers under the Acts referred to in the Bill, and the outcome of those actions.

Please write your answer here:

None.

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Declaration

Do you acknowledge your submission will be published on environment.govt.nz if required

Yes

By typing your name in the field below you are electronically signing this application form and certifying the information given in this application is true and correct.

Please write your name here:

Julian Clifford Dawson

Important notes