

1.1 National Policy Statement for Freshwater Management

The National Policy Statement for Freshwater Management 2020 ('NPS-FM') provides local authorities with updated direction on how they should manage freshwater under the Resource Management Act 1991.

The NPS-FM seeks to manage natural and physical resources to prioritise firstly, the health and well-being of water bodies and freshwater ecosystems, secondly, the health and needs of people, and thirdly the ability to provide for the social, economic, and cultural well-being of people and communities.

It is considered that the project is consistent with the relevant policies of the NPS-FM that relate to land development for the following reasons:

- The purpose of this multi-functioning corridor is to provide for stormwater management, open space and an active transport network, traverses a range of adjacent land use and offering a range of opportunities including ecological restoration, water runoff treatment recreational activities and cultural re-instatement.
- The Rotokauri Greenway is a necessary infrastructure tool for the Rotokauri development that improves environmental outcomes, particularly for freshwater quality and indigenous biodiversity. Once constructed, the Greenway will operate to treat stormwater runoff before it reaches Lake Rotokauri to ensure filtration occurs. They direct and slow stormwater across the ground cover and through the soil, to support the filtration of sediments, nutrients and contaminations from incoming stormwater before discharging into the Lake.
- The Rotokauri Greenway ensures the health and well-being of the water of Lake Rotokauri and Lake Waiwhakareke is protected and human health needs are provided for before enabling other uses of water. The Rotokauri Greenway seeks to achieve water quality improvement.
- Mana Whenua have been involved and consulted to this point of the project, which will continue to occur. The project will incorporate cultural values in its design, using Mana Whenua expertise to integrate their values and cultural heritage (which is currently largely invisible).
- The project seeks to minimise greenhouse gas emissions where possible through this development. The nature of the proposal is to provide infrastructure that will enable efficiencies that will support the reduction of greenhouse gas emissions.
- The Rotokauri Greenway seeks to improve the health and well-being of Lake Rotokauri and Lake Waiwhakareke, by retaining and restoring the existing natural inland wetlands, protecting and enhancing the water bodies in the area, and protecting indigenous species habitat, such as black mudfish (*Neochanna diversus*).
- Ongoing monitoring will take place to ensure the condition of water bodies and freshwater ecosystems is not degraded.
- The Rotokauri Greenway is a necessary tool to enable the residential development of Rotokauri, which provides for current and future communities, through stormwater management, open spaces and an active transport network. It will provide for a range of adjacent land uses and offer a range of

opportunities for ecological restoration, water runoff treatment recreational activities and cultural re-instatement.

Based on the assessment above, it is considered that the project is consistent with the NPS-FM.

1.2 National Policy Statement for Highly Productive Land

The National Policy Statement for Highly Productive Land 2022 ('NPS-HPL') ensures the availability of New Zealand's most favourable soils for food and fibre production, now and future generations. It is noted the NPS-HPL recently came into effect, gazetted on 17 October 2022.

While the site is predominantly greenfield, with farming activities currently carried out on site, it has been excluded from the NPS-HPL for the following reasons:

- The land within the Hamilton City Council jurisdiction is not in a general rural zone or rural production zone (in accordance with Clause 3.4(1)(a) of the NPS-HPL). Instead, it has a combination of urban zoning, such as General Residential, Medium Density Residential, Industrial, Business, and Future Urban, to give effect to the anticipated urban development of the area. Therefore, in accordance with Clause 3.4(2), *land that, at the commencement date, is identified for future urban development must not be mapped as highly productive land*. This applies to the project scenario and the site is excluded from being mapped as highly productive land.
- The small area of land within the Waikato District Council jurisdiction is zoned Rural and General Rural, however, the NPS-HPL does not apply to this land in accordance with Clause 3.9(2)(h). Clause 3.9(2)(h) specifies, *A use or development of highly productive land is inappropriate except where it is for an activity by a requiring authority in relation to a designation or notice of requirement under the Act*. This applies to the project scenario and the site is excluded from being mapped as highly productive land.

Based on the assessment above, it is considered that the project is consistent with the NPS-HPL.

1.3 National Policy Statement on Urban Development

The National Policy Statement on Urban Development 2020 ('NPS-UD') ensures New Zealand's towns and cities are well-functioning urban environments that meet the changing needs of our diverse communities. It removes overly restrictive barriers to development to allow growth 'up' and 'out' in locations that have good access to existing services, public transport networks and infrastructure. It is noted that this legislation was amended in accordance with section 77S(1) of the RMA and notified on 11 May 2022.

The NPS-UD enables the development of land and infrastructure for urban land uses while recognising the national significant of well-functioning urban environments that enable all people and communities to provide for their social, economic, and cultural wellbeing (Objective 1 and Policy 1).

It is considered that the project is consistent with the relevant objectives and policies of the NPS-UD and will contribute to a well-functioning urban environment for the following reasons:

- As outlined in the Rotokauri Masterplan, the following is the vision for the area: *Rotokauri is an inclusive place for all tangata whenua. A plentiful and productive land founded on undulating landscapes, indigenous biodiversity and cultural navigation. A connected place offering diversity and choice, shaped by the natural environment and whenua which has been carefully woven into the existing fabric of Kirikiriroa for generations to come.* (See **Attachment 21**)

- The proposal enables a planned capacity of between 7,000 and 8,000 homes for approximately 20,000 people (prior to the implementation of NPS-UD requirements, therefore it is anticipated to increase). This capacity provides for extensive residential development of a variety that will ensure housing affordability is provided for. The RG&MA enables the Rotokauri residential development that will provide thousands of homes of varying typologies and prices, and provide for different sites for other urban activities. The site has good accessibility for all people to services, activities and amenity.
- Rotokauri will be developed in a way that optimises intensity which means a greater volume of housing can be provided for equivalent building materials; as such, it is expected that on a per house basis, the development overall will produce significantly less greenhouse gas emissions.
- The project takes into consideration climate change, particularly through the management of flooding hazards via the stormwater management provided by the Greenway, and incorporates measures to support the reduction of greenhouse gas emissions (such as, active mode transport infrastructure in the Minor Arterial).
- The Minor Arterial will provide for alternative transport options, such as public transport, walking, cycling and other micro-mobility options, with the proposed designs including wide separated off road walking and cycle ways and in lane bus stops.
- The project is well suited to the local area and is strongly aligned with delivering a well-functioning urban environment that reduces climate change through providing infrastructure in a location that is close to the main trunk railway (now with regular connections to Auckland through the Te Huia service) and a high quality bus network.

Based on the assessment above, it is considered that the project is consistent with the NPS-UD.

1.4 Proposed National Policy Statement for Indigenous Biodiversity

Central government is currently development a National Policy Statement for Indigenous Biodiversity (Proposed) ('NPS-IB'). Public consultation and hui on the proposed NPSIB was held in 2019 and 2020. In June 2022 Associate Minister for the Environment (Biodiversity), Hon James Shaw, released an exposure draft of the NPSIB for targeted consultation. The targeted consultation on the exposure draft closed on 21 July 2022. Officials will now analyse submissions and feedback. Policy change recommendations will be provided to Minister Shaw for decisions before the final policy goes to Cabinet to consider for gazettal.

For consistency, the proposal has been assessed against the draft proposed NPS-IB. The NPS-IB seeks to maintain and restore indigenous biodiversity. It is considered that the project is consistent with the relevant objectives and policies of the NPS-IB for the following reasons:

- This project seeks to maintain and enhance indigenous biodiversity.
- The applicant has regularly engaged with local tangata whenua to recognise and provide for Hutia Te Rito in the management of indigenous biodiversity. Several options to managing this indigenous species were considered to ensure a holistic and integrated approach was being undertaken. In addition, the planting of the Rotokauri Greenway will include a variety of local indigenous plant species.
- The future residential development of Rotokauri will include a variety of indigenous plants and seeks to retain and enhance indigenous biodiversity, which will promote peoples' wellbeing and allow current and future communities to connect with nature.

- Indigenous biodiversity can be protected from the effects of climate change and be utilised to reduce the effects of climate change, with significant planting of indigenous species proposed for the Rotokauri Greenway and Minor Arterial.
- The project seeks to maintain and enhance existing indigenous biodiversity. Any areas of significant indigenous vegetation or significant habitat of indigenous fauna will be identified and appropriately managed.
- Ongoing monitoring will be undertaken, as is already required in accordance with existing consents.

Based on the assessment above, it is considered that the project is consistent with the draft proposed NPS-IB.

1.5 National Environmental Standards for Air Quality

The Resource Management (National Environmental Standards for Air Quality) Regulations 2004 ('NES:AQ') sets standards to guarantee a minimum level of health protection for people living in New Zealand.

No specific consents relating to this standard are required for the Project, although the relevant regulations in the NES:AQ have informed the assessment of construction and operational air quality effects. The potential for effects on air quality in relation to the Project relate primarily to dust during the construction phase. Measures are proposed to manage potential effects in response to the air quality objectives and policies.

The management of dust and odour will be addressed in the Construction Management Plan and an Erosion and Sediment Control Plan. As such, ambient air quality will be maintained once the Project is operational.

1.6 National Environmental Standards for Freshwater

The Resource Management (National Environmental Standard for Freshwater) Regulations 2020 ('NES:F') sets standards to regulate activities that pose risks to the health of freshwater and freshwater ecosystems. Of particular relevance to the project are provisions which prohibit works in and around natural wetlands, and works affecting rivers and streams. Resource consent will be required under the NES:F as there are natural wetlands, lakes and streams within the project.

1.7 National Environmental Standards for Assessing and Managing Contaminants in Soil to Protect Human Health

The Resource Management (National Environmental Standard for Assessing and Managing Contaminants in Soil to Protect Human Health) Regulations 2011 ('NES:CS') sets a nationally consistent set of planning controls and soil contaminant values.

A Preliminary Site Investigation (PSI) for the Designation of the Rotokauri Greenway was carried out, which can be used to inform this project. hdGEO will prepare a Detailed Site Investigation (DSI) with the resource consent application.

From the information reviewed, two activities listed on the Ministry for the Environment (MfE) Hazardous Industries and Activities List (HAIL) were identified, only one of which is applicable under the NESCS due to the other being outside the subject area. The HAIL activities relevant are:

- G5 – Waste disposal to land
- E1 – Asbestos products manufacture or disposal including sites with buildings containing asbestos products known to be in a deteriorated condition

The Permitted Activity (PA) criteria under Regulation 8(3) of the NESCS allows for the disturbance of soil within a “piece of land” of up to 25m³ per 500m² and disposal of up to 5m³ per 500m². On a more likely than not basis it has been determined that the piece of land associated with the above HAIL site is approximately 2,000m². This would allow for the disturbance of up to 100m³ and disposal of up to 20m³ of soil from within the piece of land.

Under Regulation 8(4) of the NESCS, changing the use of a piece of land is PA while the following requirements are met:

- A PSI of the land must exist
- The PSI must state that it is highly unlikely that there will be a risk to human health if the activity is done to a piece of land
- The PSI must be accompanied by a relevant site plan
- The consent authority must have the report and the plan

This desk based study is unable to fully quantify the potential contamination present within the piece of land and subsequently cannot conclude it is highly unlikely that there will be a risk to human health if the activity is completed. As PA criteria is unable to be met for both the change of use of the land and soil disturbance, consent under the NESCS will be required. In order to support the NESCS consent, it is recommended a Detailed Site Investigation (DSI), supported by a Contaminated Soils Management Plan (CSMP). This would allow the consent to be processed as either a **Controlled or Restricted Discretionary** Activity under Regulation 9 or 10 of the NESCS respectively.