

Comments on applications for referral under the COVID-19 Recovery (Fast-track Consenting) Act 2020

This form is for local authorities to provide comments to the Minister for the Environment on an application to refer a project to an expert consenting panel under the COVID-19 Recovery (Fast-track Consenting) Act 2020.

Local authority providing comment	Hamilton City Council
Contact person (if follow-up is required)	Grant Kettle, Planning Guidance Manager
	Planning Guidance Unit Manager

Comment form

Please use the table below to comment on the application.

Project name	Rotokauri Greenway and Minor Arterial Project (Project)
General comment – potential benefits	<p>Hamilton City Council (HCC) welcomes the opportunity to comment on the referral application by Hounsell Holdings Limited and Hamilton City Council (Capital Projects) (Applicant) for the Rotokauri Greenway and Minor Arterial Project (Project) to an Expert Consenting Panel under the Covid-19 (Fast-track Consenting) Act 2020 (FTCA).</p> <p>HCC provides these comments on the referral application as the Regulatory Authority, noting that HCC (Capital Projects) is a joint applicant with Hounsell Holding Ltd.</p> <p>HCC is supportive of the Project being referred by the Minister for the Environment to an Expert Consenting Panel under the FTCA as it presents an efficient process to consider the multiple resource consents required. The Project will also be of benefit to Hamilton by unlocking several complex infrastructure related issues so that urbanisation and growth can progress in the Rotokauri Greenfield area which has been zoned for urban development for a number of years.</p> <p>A letter from HCC supporting the application, dated 22 November 2022 further details the potential benefits of the project in terms of providing key infrastructure and was provided as part of the material submitted in support of the application by the applicant.</p> <p>The components of the Project are an important part of the long-term growth strategy for Hamilton. They are well documented public infrastructure projects that have been identified and planned for through initiatives such as <i>Future Proof: Te Tau Titoki</i>, the Hamilton Urban Growth Strategy, and HCC's Long-Term Plan and are identified on the Rotokauri Structure Plan in the Hamilton City Operative District Plan.</p> <p>HCC Position</p> <p>In respect of the referral application HCC:</p> <ul style="list-style-type: none"> • supports in principle the proposed Rotokauri Greenway and Minor Arterial Project in Rotokauri, Hamilton subject to further technical refinements including planning and engineering matters;

- supports the FTCA as an appropriate mechanism for consideration of the proposed project;
- seeks to engage collaboratively with the applicant team on the shape and form, including agreement to a draft set of consent conditions prior to lodgement; and
- understands this referral application is specific to the design and resource consents required for the greenway and minor arterial only. Consents required for subdivision, development and arterial connections are separate to this project and will require assessment through a separate process

Specific comment

This referral application forms part of the overall strategic direction for the Rotokauri NW area. As such, it is considered that the Project will contribute to a well-functioning urban environment and result in freshwater ecology and biodiversity enhancement of an area of land more recently used for agricultural activities

Rotokauri is a major employment and residential hub in the mass transit corridor as identified in the Metro Spatial Plan. This project will support higher density development, focussed on transit-oriented opportunities. The greenway corridor and arterial network are key enablers for unlocking development. With the infrastructure complete, Rotokauri stage 1 is expected to deliver 4,200 homes for up to 10,500 people.

The development of the Rotokauri growth cell requires the integrated design of strategic infrastructure across the area. Hounsell Holdings Limited intends to develop its land holdings in Rotokauri and has for some time been in discussions with HCC for the infrastructure needed to service the Rotokauri growth cell.

To support the development, HCC and Hounsell Holdings Limited have entered into a Private Development Agreement (PDA) with Hounsell Holdings to create the design for the strategic infrastructure required for the cell. This project directly relates to the obligations outlined in the PDA.

In its capacity as requiring authority HCC has secured the designation for the Rotokauri Greenway Corridor, as shown in the Hamilton City Operative District Plan. The arterial road has not yet been designated. The Notice of Requirement (**NOR**) is expected to be lodged in June 2023 and notified around August 2023.

The Greenway designation protects the corridor from unintended land uses occurring prior to the Project commencing and lays the foundation for any land acquisition discussions where necessary.

It is important to highlight that even with the designations in place, multiple resource consents (largely regional consents) for the delivery of the Project are necessary and securing those consents outside of the fast-track process could give rise to very significant delays to the Project.

HCC seeks to avoid these delays given that it is working hard to ensure it plays a leadership role in delivering housing supply to the market. HCC considers that the Project will not only assist in achieving this objective but will also serve the core purpose of the FTCA as set out in s19.

General comment – significant issues	HCC understands that indicative subdivision layout of roads and lots have multiple connections to the proposed Minor Arterial have not been consented and would need to be assessed through a separate process.
Is Fast-track appropriate?	<p>HCC confirms support for the fast-track consenting process as an appropriate mechanism for consideration of the proposed development.</p> <p>HCC support for the FTCA process is subject to ongoing engagement prior to lodgement of any application to ensure sufficient design details are provided, and to the extent possible, agreement to a draft land use condition set. We are of the view this will ensure an efficient process and assist any Expert Consenting Panel in deciding on the application.</p>
Environmental compliance history	HCC has not had an issue with environmental regulatory compliance with the applicants, being Hounsell Holdings Limited and Hamilton City Council (Capital Projects)
Reports and assessments normally required	<p>The applicant has identified the relevant broad assessment in the material supporting this referral application. HCC is willing to work with the applicant on the assessments required for any subsequent application (subject to the Ministers decision).</p> <p>For completeness assessments may include, but not limited, to:</p> <p>Social/Cultural</p> <ul style="list-style-type: none"> • Cultural Impact Assessment • Evidence of consultation with mana whenua • Archaeological assessment • Evidence of consultation with Pouhere Taonga • Urban Design Report • Landscape and Visual Assessment <p>Geotechnical</p> <ul style="list-style-type: none"> • Geotechnical Assessment (including liquefaction, land stability etc) • Flood Risk Assessment • Detailed earthworks plans • Groundwater / hydrological assessment <p>Three Waters</p> <ul style="list-style-type: none"> • Sub-catchment ICMP (updated to reflect resource consent detail/ updated to reflect changes) <p>Transport</p> <ul style="list-style-type: none"> • Broad Integrated Transport Assessment, which may include traffic modelling • Evidence of consultation with Waka Kotahi • Public transport assessment with evidence of consultation with WRC • S176 approval to undertake works within Waka Kotahi designation <p>Environmental</p> <ul style="list-style-type: none"> • Ecological assessment (terrestrial, aquatic assessment, NPS/NES FW assessment), Contamination / NES <p>Planning assessment</p> <ul style="list-style-type: none"> • Assessment of Environmental Effects • Assessment of proposed activities against the Operative District Plan, the Regional Policy Statement and Future Proof, NPSs and NES, Te Ture Whaimana o te Awa o Waikato – Vision and Strategy for the Waikato River, and iwi management plans.

Iwi and iwi authorities	<p>The parties that HCC may engage with as iwi authorities for RMA purposes, include:</p> <ul style="list-style-type: none"> • Waikato-Tainui – relevant iwi authority within which the project falls. • Ngaati Wairere – mandated mana whenua for resource management purposes • Te Haa o te whenua o Kirikiri (THaWK) – recognised group representing Ngait Mahanga, Ngati Tamainupo, Ngati Haua, Ngati Koroki Kahukura • Ngati Haua Iwi Trust – recognised iwi authority and part of THaWK. <p>HCC engagement with the above parties would be considered on an application-by-application basis having regard to the effects of the proposal on the values and interest of Maori.</p>
	<p>HCC has a Joint Management Agreement (JMA) with Waikato-Tainui developed under the Waikato - Tainui Raupatu Claims (Waikato River) Settlement Act 2010. The Joint Management Agreement provides for an enduring relationship through a shared exercise of functions, duties and powers that give effect to the overarching purpose to restore and protect the health and wellbeing of the Waikato River for future generations.</p> <p>The JMA includes agreed process relating to resource consents, specifically those that are for the use of, or activities on, the surface of the water in the Waikato River.</p> <p><u>Other relevant considerations - Te Ture Whaimana o Te Awa o Waikato</u></p> <p>The Waikato-Tainui Raupatu Claims (Waikato River) Settlement Act 2010 gives effect to the Deed of Settlement signed by the Crown and Waikato-Tainui on 17 December 2009. The Settlement Act has an overarching purpose to restore and protect the health and wellbeing of the Waikato River for future generations. Section 9(2) of the Settlement Act confirms that the vision and strategy for Waikato River (Te Ture Whaimana o Te Awa o Waikato) applies to the Waikato River and activities within its catchment affecting the Waikato River. As well as being deemed part of the RPS in its entirety pursuant to Section 11(1) of the Settlement Act, the vision and strategy prevails over any inconsistent provision in a national policy statement and Sections 11 to 15 of the Settlement Act prevail over Sections 59 to 77 of the RMA and is a relevant consideration in respect of this application.</p> <p>Te Ture Whaimana is also a qualifying matter in respect to Resource Management (Enabling Housing Supply and Other matters) Amendment Act 2021 and underpins HCC's response to the Medium Density Residential Standards (MDRS) as part of Plan Change 12 to the ODP.</p>
Insert responses to other specific requests in the Minister's letter (if applicable)	<p>In relation to the specific requests/questions:</p> <p>The aspect of the proposal which relates to HCC processes under the Resource Management Act is the proposed Minor Arterial transport corridor. Hamilton City Council as 'requiring authority' is intending on submitting a NOR) for the proposed transport corridor; however, this will cover a much larger area of transport corridor than just the portion that is proposed to be applied for under this application. This NOR process will involve multiple landowners and will potentially be a protracted process.</p> <p>The discrete portion of the transport corridor included in the FTCA application is needed for development opportunities for this area, by extending the existing major and minor arterial transport corridors. As such, to enable continued development within this area</p>

	<p>whilst the NOR process is being undertaken, it is considered appropriate for the proposal to be undertaken through the FCTA process.</p> <p>HCC (as Requiring Authority) are intending to lodge the NOR application for the Minor Arterial transport corridor towards the end of June. HCC's City Planning Unit who manage the NOR process once applied for, have advised that notification would likely be around early August (subject to addressing any s92 requirements), with hearings from the proposal unlikely to occur before the end of 2023/early 2024.</p>
<p>Other considerations</p>	<p>The Rotokauri Greenway and Minor Arterial Project is located within Rotokauri (Stage 1) which is a strategic growth area zoned for urban development comprising approximately 630 hectares, in the northwest of Hamilton.</p> <p>Rotokauri is a strategic development priority in the Futureproof area, as stated in the Hamilton Urban Growth Strategy, Hamilton-Auckland Corridor Plan and the Hamilton Waikato Metro Spatial Plan.</p> <p>The Rotokauri NW growth area is live zoned for development with 209 homes already built in stage 1. A number of subdivision applications (that would realise some 450 homes) are on hold for consent however cannot progress due to enabling infrastructure not being in place.</p> <p>The Rotokauri Greenway and Minor Arterial Project is adjacent to the recently constructed Rotokauri Transport Hub which provides residents within the growth cell with multiple transport opportunities. The hub is a park and ride, rail station for Te Huia, bus interchange and includes a pedestrian connection to The Base.</p> <p>The developer, Hounsell Holding Ltd, entered into a Private Development Agreement in July 2022 to support the infrastructure needed to service the Rotokauri Growth Cell.</p> <p>The Future Proof NPS-UD Housing Development Capacity Assessment (HBA) 2021 identified the need for an additional 3,500 dwellings in Hamilton (4,200 with a 20% margin applied) by 2023. This expands to 11,900 additional dwellings in the medium term (14,300 including a 20% margin).</p> <p>Once the greenway and minor arterials are constructed, this will unlock and enable development for up to 4,200 new homes.</p>

Note: All comments, including your name and contact details, will be made available to the public and the applicant either in response to an Official Information Act request or as part of the Ministry's proactive release of information. Please advise if you object to the release of any information contained in your comments, including your name and contact details. You have the right to request access to or to correct any personal information you supply to the Ministry.

Your Ref

In reply please quote

If calling, please ask for
Summer Salmon

Postal Address

Private Bag 544, Ngaruawahia
3742
New Zealand

0800 492 452

www.waikatodistrict.govt.nz

27 April 2023

Fast Track Consenting Team
Ministry for the Environment
fasttrackconsenting@mfe.govt.nz

To whom it may concern

RE: COMMENT ON FAST TRACK APPLICATION – ROTOKAURI GREENWAY & MINOR ARTERIAL PROJECT

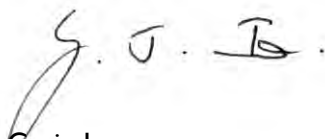
Thank you for the invitation to comment on the Rotokauri Greenway & Minor Arterial application to refer to an expert consenting panel under the Covid-19 (Fast-track Consenting) Act 2020.

The land subject to the proposed application is mostly located within Hamilton City Council jurisdiction, however a small portion of land is within Waikato District Council (WDC) jurisdiction. The application advises land use resource consent is not required from WDC under the Operative District Plan 2013 and the Proposed District Plan – Appeals Version 2022. Without further information it is difficult to determine whether this is the case. Regardless, an Outline Plan of works will still be required.

From a customer and economic development perspective, WDC do not oppose the application being processed as a fast-track consent and would like to continue to work closely with the Applicant prior to any consent application.

Please find attached our response to the questions you have set out. I trust the information contained in this response is adequate for your current purposes. Please do not hesitate to contact me if you have any further questions.

Yours faithfully



Gavin Ion
Chief Executive

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Local authority providing comment	Waikato District Council
Contact person (if follow-up is required)	Summer Salmon
	Principal Planner
	s 9(2)(a)

Comment form

Please use the table below to comment on the application.

Project name	Rotokauri Greenway & Minor Arterial Project
General comment – potential benefits	<p>This proposal will enable an increase in the stock of good quality housing supply and create intergenerational employment and education opportunities. Due to the proximity of the subject site to the Waikato district boundary, the proposal will likely create social and economic benefits for the Waikato district and stimulate the district in the post- Covid-19 era.</p> <p>Provide high-quality infrastructure that supports well-functioning urban development that can provide for the social, cultural and economic well-being of the community and wider Waikato region.</p> <p>Enhancement landscaping and planting to enhance the natural environment, including Lake Rotokauri.</p>
General comment – significant issues	<p>Not necessarily significant, but potential issues include:</p> <ul style="list-style-type: none"> • Adverse impacts on stream channels through to Lake Rotokauri as a result of upgrades to the existing Rotokauri drain and culvert below Exelby Road. Erosion, sedimentation & de-stabilisation of stream banks as a result of works within stream channels (in particular Te Otamanui & Ohote Streams) and potential adverse effects on Lake Rotokauri into waterways during construction. • Ecological impacts associated with works within the stream channels and Lake Rotokauri, having regard to climate change and how it impacts on emissions reduction requirements for fighting climate change. • Localised environmental effects • Increase in traffic volumes along Council roads especially during construction phase • Loss of highly productive land.
Is Fast-track appropriate?	Waikato District Council does not oppose the application being processed as a fast-track consent.
Environmental compliance history	Waikato District Council is not aware of the applicant or company owned by the applicant as having any past or current breaches/notices or litigation related to environmental regulatory compliance.
Reports and assessments normally required	<p>Stormwater Management Plan, Integrated Traffic Assessment, Ecological Assessment, Landscape & Visual Assessment,</p> <p>All assessments to be prepared by a suitably qualified person</p>
Iwi and iwi authorities	Waikato-Tainui is the relevant iwi authority and the mandated representatives from, but not limited to, Ngaati Hauaa, Ngaati Maahanga, Ngaati Tamainupoo, Ngaati Wairere

Relationship agreements under the RMA	Waikato River Joint Management Agreement under the RMA 1991 between Waikato Tainui and Waikato District Council
Insert responses to other specific requests in the Minister's letter (if applicable)	N/A
Other considerations	<p>1) Ecology/Planting</p> <ul style="list-style-type: none"> • During earthwork for mobilizing dirt on site, proper erosion and scouring mitigation is required to minimize the impact on the existing wetland. • The Greenway concept should be aligned and harmonized with the existing environmental conditions and habitats considering below: <ul style="list-style-type: none"> - Water quality during summer - How to manage oxygen (DO) level, considering landscape scheme (Daylight) - Studying for Rotokauri environmental impact after development (how much degradation of aquatic habitat) - Bacterial and Toxic chemical water contamination for recreational activities and cultural reinstatement - Sediment transport and contamination over time - the possibility of continuous baseflow for sustainable and environmentally healthy habitats. (Waiwhakareke Lake's study in terms of water resource) or circulation eco-system, tanking advantages of groundwater - Re-aeration factor along a greenway corridor - The proper combination of gravel and natural stream bed for habitat <p>2) Hydrology/Hydraulic</p> <ul style="list-style-type: none"> • The Greenway corridor project is implemented to accommodate the future development run-off, 100 year flood event • The proposed area has a shallow ground water table, creating a naturally formed small and medium wetland. • Stream has its constraint of gradient(slope), considering allowable stream velocity and soil's friction angle on stream bed and batter. • The approximately 4.7km length corridor will run between Lake Waiwhakareke (high point) and Lake Rotokauri (low point). From Lake Waiwhakareke to Exelby Rd, the current topography is a relatively gentle gradient. After Exelby Rd to Rotokauri, the topography is steep. In this regard, mitigation and consideration for erosion and sediment transport are required.

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Comments on applications for referral under the COVID-19 Recovery (Fast-track Consenting) Act 2020

This form is for persons requested by the Minister for the Environment to provide comments on an application to refer a project to an expert consenting panel under the COVID-19 Recovery (Fast-track Consenting) Act 2020.

Organisation providing comment	Waka Kotahi New Zealand Transport Agency
Contact person (if follow-up is required)	Sonya McCall, Team Lead Poutiaki Taiao / Environmental Planning Environmentalplanning@nzta.govt.nz

Comment form

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Project name	Rotokauri Greenway & Minor Arterial
General comment	<p>Waka Kotahi does not object to the fast-track process being utilised in this instance. However, Waka Kotahi is a key affected party and wishes to provide input into the fast-track consenting process should the application be successful.</p> <p>There are no significant transport matters that the Minister should be aware of when deciding whether a project should be referred to an expert consenting panel.</p> <p>Waka Kotahi has not identified any concerns in terms of the principles of the Treaty of Waitangi and Treaty settlements.</p> <p>Waka Kotahi has not identified any matters that would prevent the proposal from meeting the criteria for referral under the Act, specifically sections 18, 19, and 23.</p>
Other considerations	Click or tap here to provide any information you consider relevant to the Minister's decision on whether to refer the project to an expert consenting panel.
[Insert specific requests for comment]	Click or tap here to insert responses to any specific matters the Minister is seeking your views on.

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Local authority providing comment	Whanganui District Council
Contact person (if follow-up is required)	Justin Walters
	Principal Policy Planner
	s 9(2)(a)

Comment form

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Project name	Alabaster Residential Development
General comment – potential benefits	<p>At a district level fast tracking this project is not considered to create significant positive benefits. Currently there are approximately 870 consented residential lots which equates to 4.8 years supply. Currently the Whanganui construction sector has the capacity to undertake approximately new build dwellings 160-180pa (based on rolling average for building consents). While this project will create potential benefit around additional housing supply and the economy (through construction), these are likely to be only displaced from other areas of the urban environment, rather than through the creation of additional benefits.</p>
General comment – significant issues	<p>Wastewater network capacity – There are significant known downstream wastewater network capacity constraints. Council is in the process of developing a plan to manage the impacts of development within the existing residentially zoned land and an expansion to the residential zone will further exacerbate these impacts. These effects are unlikely to be adequately resolved within the constraints of the fast-track consent process.</p> <p>Adjacent development – This project has the potential to have significant implications for the development of adjacent sites to the east, including Ngaurukehu Block and land along the western side of Delhi Avenue. It is important that development of the subject land does not compromise the future development potential of this neighbouring land through, for example, not providing appropriate connectivity.</p> <p>Unknown cultural value impacts - Te Runanga o Tupoho and Ngaa Rauru Kiiitahi objected to the two previous rezoning plan changes that sought to expand the Whanganui urban boundary (Plan Change 53 – Springvale Structure Plan and Plan Change 46 – Otamatea West) on the basis of impacting culturally significant land (like the subject land neither area included any designated sites of cultural significance). The formal views of iwi should be sought. Cultural value impacts are unknown at this time.</p> <p>Te Awa Tupua Act 2017 – The land includes watercourses that flow intermittently to the Whanganui River. Te Awa Tupua is likely to be an affected party and the formal views of Nga Tangata Tiaki o Whanganui must be sought. Cultural value impacts on Te Awa Tupua are unknown at this time.</p>

<p>Is Fast-track appropriate?</p>	<p>A fast-track process is not considered appropriate for the following reasons:</p> <ul style="list-style-type: none"> • the land is not currently identified as an urban growth area; • consenting a housing density not contemplated by the underlying zone would significantly undermine the integrity of the Whanganui District Plan; • landscape character effects are more than minor, triggering public notice requirement • consenting housing development at the intensity and scale proposed without the benefit of a structure plan for the wider (rural living zoned) area, comprising land held in multiple ownership, is ad hoc and piecemeal, failing to achieve a well functioning urban environment as required by the NPS UD 2020; • there are known downstream wastewater network constraints that the development will exacerbate; • the project delivers relatively limited economic benefits in the regional context; and • there are sufficient consented residential lots to cater for over four years of residential growth such that undertaking this proposal under a fast-track process is not required.
<p>Environmental compliance history</p>	<p>No known issues at the district level. Recommend seeking advice from Horizons on regional compliance history.</p>
<p>Reports and assessments normally required</p>	<p>Based on a project of this scale and given the extent of encroachment into rural zoned land, Council would expect the following from the proponent with likely peer reviews to be sought as appropriate:</p> <ul style="list-style-type: none"> • District level residential demand and supply analysis • Landscape character assessment • Urban design assessment • Geotechnical assessment • Contamination assessment (PSI) • Servicing and impact on Council network <ul style="list-style-type: none"> ○ Water supply ○ Stormwater ○ Wastewater ○ Transport and Roading • Cultural impact assessments • Archaeology assessment
<p>Iwi and iwi authorities</p>	<p>Te Runanga o Tupoho Nga Tangata Tiaki o Whanganui (Te Awa Tupua Act 2017)</p>
<p>Relationship agreements under the RMA</p>	<p>MOU – Te Runanga o Tupoho</p>
<p>Insert responses to other specific requests in the Minister’s letter (if applicable)</p>	<p>1. Are there any reasons that you consider it more appropriate for the project, or part of the project, to proceed through existing Resource Management Act 1991 (RMA) consenting processes rather than the processes in the FTCA?</p> <p>A structure plan informed plan change (rezoning) process encompassing the wider area with a resource consenting pathway for the existing residentially zoned portion of the land (Stage 1) are the most appropriate pathways.</p> <p>A strategic structure planned approach encompassing the wider area would allow development to be brought forward in a coordinated, integrated, holistic and orderly way. It would achieve a more integrated land use planning outcome and greater functioning urban environment than fast track consenting a subdivision in isolation.</p>

	<p>A consent application for the stage 1 development (existing General Residential Zone land) could potentially be processed on a non-notified basis, progressed in a timely manner, consistent with other residential greenfield developments of similar scale processed by the Council in recent years.</p> <p>2. Does the applicant, or a company owned by the applicant, have any environmental regulatory compliance history in your district?</p> <p>No known issues related to compliance at the district level.</p> <p>3. How does the project align with urban growth planning in your district?</p> <p>This project does not align with the urban growth planning for the district. The current approach to urban growth planning in the Whanganui District Plan is to focus growth within the existing urban boundary on residentially zoned land, noting two Council-led structure planning informed rezonings have recently extended the urban boundary freeing up considerable greenfield land for future residential subdivision. Based on current predictions, the Whanganui population is expected to increase between 6,000 and 9,000 by 2053 which can be accommodated by the existing supply of residential zoned land.</p> <p>4. How does the project align with the National Policy Statement for Highly Productive Land 2022?</p> <p>The project is not inconsistent with the NPS-HPL as while parts of the site proposed for residential development are LUC 2, the land is not zoned General Rural or Rural Production. The application, at section 4.1.1, contends that the land meets the exemption at 3.10(1)(a) of the NPS-HPL. This threshold test is not relevant as the land is, for the reason above, not highly productive land as defined in the NPS-HPL.</p>
Other considerations	None

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Local authority providing comment	Waikato Regional Council (WRC)
Contact person (if follow-up is required)	Amy Robinson
	s 9(2)(a) [REDACTED]
	s 9(2)(a) [REDACTED]

Comment form

Please use the table below to comment on the application.

Project name	Rotokauri Greenway and Minor Arterial Project
General comment – potential benefits	<p>Waikato Regional Council (WRC) appreciates the opportunity to provide comments on this application and it is understood that WRC will be invited further opportunity to provide comments at some stage during the fast-track consenting process.</p> <p>We understand that Hounsell Holdings Limited (Hounsell) and Hamilton City Council (HCC) are working in collaboration in relation to the Rotokauri Greenway and Minor Arterial Project (project) to enable infrastructure for future urbanisation in this area, which is an important part of the long-term growth strategy for Hamilton planned for through initiatives such as Future Proof: Te Tau Titoki, the Hamilton Urban Growth Strategy and HCC's Long Term Plan. The proposal includes construction of artificial wetlands.</p> <p>Having read the documentation attached to the application for referral under the fast-track consenting process, we consider the key matters identified in our letter of support in principle (dated 10 November 2022) remain unaddressed. The letter clearly outlined that WRC support for fast-tracking was conditional on the application satisfactorily addressing the following:</p> <ul style="list-style-type: none"> • Impact on the drainage network and levels of service from increasing water levels in Lake Rotokauri • The 'drowning' some of the wetlands surrounding the lake creating more open water and fewer littoral plant communities, and • The ongoing responsibility for maintaining the drainage network and service in the area. <p>Given we are yet to receive the information requested as part of the Notice of Requirement process, it is prudent that we remain in a position of precaution until such time that a detailed application is provided to WRC staff for review.</p>
General comment – significant issues	WRC staff have reviewed the documents submitted by the applicant and via the Ministry for the Environment. Whilst we acknowledge it is not a requirement for the applicant to provide a full AEE to support an application seeking referral, our comments highlight the need for further information to be provided to enable our full support for a fast-track consent application.

1. We have assessed the ecology memorandum and our main concerns are as follows:

- We agree that there are Significant Natural Areas (SNA) sites and under-represented ecosystem types within and adjacent to the project area. As we have not seen details on possible solutions to potential impacts, we suggest that should parts of these indigenous habitat types be permanently lost due to construction impact, either within or in close proximity to the project area, that any potential hydrology change as a result be carefully considered as well as consideration of an offset under representative habitat extending beyond the project boundary as a means to address the ecological integrity of the area.
- For the offsetting plans, we recommend that the differing vegetation habitats from the forest fragments, through shrubland/riparian, to marshland swales, wetland and then to the lades around the Greenway footprint be delineated in the ecological assessment report.
- Waikato Regional Council opposed the Notice of Requirement process in 2019 and the matters outlined in the submission have not yet been resolved. The main reasons for concerns related to an increase in water volume entering Lake Rotokauri and the associated effects on WRC's drainage obligations. These key concerns remain relevant and it would be prevalent that our opinions have not changed. A copy of the submission is attached below.
- Section 15a of the WGA Technical Memorandum (Hydrological assessment): *Currently the site is mostly used for farming with few sensitive structures that could be affected by the proposed works*".

We wish to note this statement is a misrepresentation of the catchment area. This is a catchment with two lakes and 21.6ha of natural inland wetlands, therefore we do not agree that the area has "few" sensitive structures, rather the area contains vast volumes of sensitive areas.

- *"The ICMP includes the establishment of the Greenway to address multiple water management issues and achieve objectives by creating an open blue-green corridor network"*.

By diverting water (due to stormwater and increased run-off) that would once have spread across the landscape and filtered into the ground, and then channelising it (noted drain/channel is already existing) via artificial wetlands and subsequently to the lake, will likely be a disservice to the lake. **It is considered that the lake environments are currently at capacity for dealing with stormwater run-off and modifying the catchment will create added stress, therefore an alternative avoidance or mitigation factor is strongly recommended.**

- Section 15b of the WGA Technical Memorandum (Drawdown effects on Natural Wetlands): States *"Wetlands that are developed along the edges of the two lakes connected to the Greenway. Water levels in these wetlands are controlled by water levels in the adjacent lakes. Therefore, these wetlands are unlikely to be impacted by any drawdown arising from the Greenway development"*.

The lakes water levels and wetlands will likely be impacted by the draw down as there may be settling of the land surrounding the lake environments as well as the potential for the increase in direct/channelised flow into the lake from the greenway/drain to have negative effects. The lake level in Rotokauri is not controlled by Waiwhakareke, it is controlled by a rock weir which has a required minimum water level (22.5m Moturiki datum) in the Waikato Regional Plan to be upheld under Rule 3.2.4.7 – Standards for maximum and minimum flows and level.

- We consider the increase in water levels in Lake Rotokauri will have negative effects on existing plant communities, on mudfish and their habitat.
- **We note that that mudfish translocations have not been very successful and should not be relied on to safeguard mudfish populations.**
- We have reviewed the Property Economics impact assessment overview report, and generally agree with the summary of the expected economic impact. **We recommend**

that the economic report include value-added indicators as opposed to being gross output focused.

- Section 25 - Part VII:NPS & NES of the Barkers and Associates Assessment of Effects report, states: *“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)”*

The project suggests up 7.7ha of wetlands could be potentially affected by construction, therefore this statement is inconsistent with that otherwise proposed.

We wish to highlight the need to refer to Policy 6 of the National Policy Statement Freshwater Management: “There is no further loss of extent of natural inland wetlands, their values are protected, and their restoration is promoted” as the above statement in Section 25 is considered contradictory.

- From a natural hazards perspective, our maps confirm that the proposal is outside of Aka Aka/Otaua drainage scheme therefore have no drainage concerns.

2. Emissions reduction

- Attachment 18 references the national objectives for sector emissions reductions, however, there is no estimate for the relative reduction in emissions that this development will provide to support a reduction in greenhouse gas emissions from the design, location and intended use of transport infrastructure. (refer Waikato Regional Policy Statement Objective NPS-UD 2020 and Policies UFD-01 Built Environment and APP11 – Development principles. This is an omission that should be addressed as the discharge of a contaminant (CO₂) from land use urban design is an effect of the use of land.

3 Transport:

- The project is considered to be consistent with the general principles in Appendix 11 of the Waikato Regional Policy Statement.
- We support the provision of walking and cycling paths identified and note that the footpaths will be wide and the cycleways separated from vehicular traffic. **We suggest assessment of the proposal against the Crime Prevention through Environmental Design outcomes, and therefore encourage walking and cycling.**
- We recognise and support the overall attempts of the application to reduce transport emissions and anticipate that the Integrated Traffic Assessment at the time of future subdivision will include an assessment of likely transport emissions and an estimate of kilometres travelled and how that might be reduced in line with government direction.
- The application is also considered to be consistent with the strategic objectives of the Regional Land Transport Plan.
- With regard to the provision of public transport, it is expected that the proposal will support the objectives in the Regional Public Transport Plan. It is WRC’s expectation that a frequent bus service will run down the proposed arterial corridor and that further details of proposed bus stops and designs of such (i.e. in-lane or off lane bus stops) will be provided for. WRC public transport planning staff are available to work through any public transport design matters. Early on design and passive placement provisions for future transport options ultimately ensures that areas of development fall within a suitable walkable catchment distance from a possible bus stop location (generally anticipated to be 400m).
- It is also critical to be realistic about short-term public transport provisions which may serve the immediate area, these are likely to look different to how the public transport may look in the longer-term when rapid transit lines, higher frequency routes or wider development takes place. Future proofing the development in regard to public transport is crucial in ensuring its longer-term success.

Is Fast-track appropriate?	WRC has a neutral stance on whether this application should be fast-tracked. Whilst we support development in Hamilton City and the social and benefits that come with that, we do retain some residual technical concern on environmental matters and the impacts of the development on the levels of service WRC have agreed to provide to the community.
Environmental compliance history	There is no regulatory compliance history for Hounsell Holdings Ltd. HCC have had a number of non-compliances with WRC, including prosecution, primarily relating to its 3-waters consents. HCC has not had any non-compliances relating to the Rotokauri project.
Reports and assessments normally required	Refer General comments above.
Iwi and iwi authorities	<ul style="list-style-type: none"> - We acknowledge that to date consultation has occurred with Te Hā o te Whenua o Kirikiriroa (THWK) a representative group made up of local iwi and hapū whose area of interest includes the area in which the project will occur. THWK prepared a CIA that was contributed to by representative of each iwi and hapū which outlined their support for the project and that confirms an ongoing relationship has been established for the life of the project. Mitigation recommendations will be included into project design. We consider this exercise to be and resulting willingness to change project design a key element that lends support toward this project. - The applicant considers consultation to be ongoing and that the relationship with mana whenua is strong. This remains subjective and without further information can only be taken in good faith. - Significant engagement with iwi authorities through the Rotokauri Greenway Corridor designation process supports the applicant's understanding that relevant iwi authorities are aware of the project through the designation process which was not appealed by them. Without supporting evidence of the significant engagement with iwi authorities referred to, we cannot provide any comment in favour or otherwise on this. - We note that the information contained in the Treaty settlement entity consultation section of the application needs further work as it currently provides minimal reference to principles and provisions in settlement legislation. It provides further opportunity for the applicant to identify and respond through aligning project design and outcomes in support of settlement legislation and in particular giving effect to Te Ture Whaimana.
Relationship agreements under the RMA	N/A
Insert responses to other specific requests in the Minister's letter (if applicable)	<ul style="list-style-type: none"> - <i>Are there any reasons that you consider it more appropriate for the project, or part of the project, to proceed through existing Resource Management Act 1991 (RMA) consenting processes rather than the processes in the FTCA?</i> - Whilst we acknowledge the amount of information required to support a referral request is not a substantive design and assessment, we note that at this stage the proposal is no more than an 'indicative concept' which has yet to be developed and tested through a preliminary design process and accompanying assessment of environmental effects. In short, the project has not been fully scoped and lacks information relating to the activities which may/may not constitute the project, and the necessary technical investigations and assessments to substantiate the project are either ongoing or have yet to be identified and initiated (for example hydrologic investigations and assessment of a specific design, including the necessary modelling to predict upstream and downstream water quantity effects). Therefore, the full extent of environmental effects to be avoided, remedied or mitigated have not been quantified. It is our view that these matters should not be left to be resolved through management plans required in consent conditions. - Regarding potential benefits, we consider the project could create benefits for the region if it were sufficiently advanced and substantiated, including social and economic benefits. The proposed integration of the Greenway and Minor Arterial to achieve efficiencies in how the main catchment diversion (Greenway) and stormwater discharges to the Greenway (from the Minor Arterial), could also be beneficial. The project is located within a highly constrained catchment which presents significant

	<p>technical challenges from a project design perspective. Careful preliminary design (and associated assessments) which detail and support the project, followed by detailed design and well considered construction methodologies are all required to avoid significant adverse effects on infrastructural assets and the environment (including Lake Waiwhakareke and Lake Rotokauri and the existing lake level operating regime/downstream drainage scheme). These matters are of concern to us and other key stakeholders, and they have not been adequately addressed in the project application or its supporting information.</p> <ul style="list-style-type: none"> - WRC previously offered ‘support in principle’ to use the fast-track process (letter dated 10/11/22), acknowledging that we only had limited information regarding the project. The ‘support in principle’ reflected that, at that stage, we had no specific basis for opposing fast-track processing. In that letter we requested assessment of the three matters listed below, and we request that should this project be referred the Minister ensure the applicant provides a fulsome assessment of these matters: <ul style="list-style-type: none"> i. Impact on the WRC drainage network and levels of service from increasing water levels in Lake Rotokauri ii. The ‘drowning’ some of the wetlands surrounding the lake creating more open water and fewer littoral plant communities, and iii. The ongoing responsibility for maintaining the drainage network and service in the area. - If the project is referred, we request the Minister directs the applicant to work closely with WRC technical and regulatory representatives to present the ECP with a set of agreed set of consent conditions prior to lodgement.
<p>Other considerations</p>	<p>National Policy Statement on Highly Productive Land (NPS-HPL)</p> <p>The application identifies the NPHS-HPL as relevant consideration for the proposal due to the site (in part) containing high class soils. For clarity, we do not agree with the applicant that the land within the Waipā District is exempt under Clause 3.9(2)(h) as the clause addresses exceptions for land use and development not mapping as suggested. Of note, if the land meets the criteria under 3.4 it will be mapped as highly productive land. The only exclusion of mapping is for land identified for future urban development. The definition of land identified for future urban development does not encompass designations or notice of requirement. Understanding the extend of land within the Waipā District that is under LUC1-3 is required.</p>

Note: All comments, including your name and contact details, will be made available to the public and the applicant either in response to an Official Information Act request or as part of the Ministry’s proactive release of information. Please advise if you object to the release of any information contained in your comments, including your name and contact details. You have the right to request access to or to correct any personal information you supply to the Ministry.