



# Application for a project to be referred to an expert consenting panel

**(Pursuant to Section 20 of the COVID-19 Recovery (Fast-track Consenting) Act 2020)**

*For office use only:*

Project name: The Rotokauri North project  
Application number: PJ-0000765  
Date received: 04/10/2021

This form must be used by applicants making a request to the responsible Minister(s) for a project to be referred to an expert consenting panel under the COVID-19 Recovery (Fast-track Consenting) Act 2020.

All legislative references relate to the COVID-19 Recovery (Fast-track Consenting) Act 2020 (the Act), unless stated otherwise.

The information requirements for making an application are described in Section 20(3) of the Act. Your application must be made in this approved form and contain all of the required information. If these requirements are not met, the Minister(s) may decline your application due to insufficient information.

Section 20(2)(b) of the Act specifies that the application needs only to provide a general level of detail, sufficient to inform the Minister's decision on the application, as opposed to the level of detail provided to an expert consenting panel deciding applications for resource consents or notices of requirement for designations.

We recommend you discuss your application and the information requirements with the Ministry for the Environment (the Ministry) before the request is lodged. Please contact the Ministry via email: [fasttrackconsenting@mfe.govt.nz](mailto:fasttrackconsenting@mfe.govt.nz)

The Ministry has also prepared [Fast-track guidance](#) to help applicants prepare applications for projects to be referred.

## Part I: Applicant

### Applicant details

Person or entity making the request: Rotokauri North Holdings Limited ("RNHL")

Contact person: Gary Noland

Job title: Chief Operating Officer

s 9(2)(a)

s 9(2)(a)

Postal address:

Level 36, 7 Queen Street

Auckland, 1010

### Address for service (if different from above)

Organisation: Berry Simons

Contact person: Helen Andrews

Job title: Partner

s 9(2)(a)

s 9(2)(a)

s 9(2)(a)

Postal address:

PO Box 3144

Shortland Street

Auckland 1140

## Part II: Project location

The application: does not relate to the coastal marine area

If the application relates to the coastal marine area wholly or in part, references to the Minister in this form should be read as the Minister for the Environment and Minister of Conservation.

Site address / location:

A cadastral map and/or aerial imagery to clearly show the project location will help.

Exelby Road, Burbush, Waikato, New Zealand

289-341 Te Kowhai and 350-2

Legal description(s):

A current copy of the relevant Record(s) of Title will help.

- 1 - 341 Te Kowhai Road, River Garden NZ Ltd, Lot 2 DP 334215
- 2 - 335 Te Kowhai Road, RNHL, Lot 3 DP 334215
- 3 - 372 Exelby Road, RNHL, Lot 5 DPS 15123
- 4 - 350 Exelby Road, RNHL, Lot 6 DPS 15123
- 5 - 329 Te Kowhau Road, RNHL, Lot 2 DP 485743
- 6 - 289 and 317 Te Kowhai Road (titles have been amalgamated), RNHL, Lots 1 and 2 DP 439970

Registered legal land owner(s):

- 1 - 341 Te Kowhai Road, River Garden NZ Ltd, Lot 2 DP 334215
- 2 - 335 Te Kowhai Road, RNHL, Lot 3 DP 334215

3 - 372 Exelby Road, RNHL, Lot 5 DPS 15123

4 - 350 Exelby Road, RNHL, Lot 6 DPS 15123

5 - 329 Te Kowhai Road, RNHL, Lot 2 DP 485743

6 - 289 and 317 Te Kowhai Road (titles have been amalgamated), RNHL, Lots 1 and 2 DP 439970

Detail the nature of the applicant's legal interest (if any) in the land on which the project will occur, including a statement of how that affects the applicant's ability to undertake the work that is required for the project:

RNHL owns all the land on which the project will occur, other than 341 Te Kowhai Road. MADE Group Services Limited ("MGSL") has a Development Management Agreement with the owners of that latter property, which effectively facilitates using the area of their land that may be required for the project works. A copy of that agreement is attached as Annexure B. MGSL is a related company to RNHL, and both companies are ultimately controlled by developer Charles Ma of MADE Group Limited ("MADE"). For simplicity, in this application references to RNHL should be taken as including and/or being references to MADE, as appropriate.

RNHL is working with Hamilton City Council ("HCC") and the landowners to secure the route for bulk water and waste water infrastructure, where those services need to cross sites that lie outside of the PC7 area/land owned by MADE. This work is happening in conjunction with the preparation of a notice of requirement for a new arterial road, which goes through these sites. RNHL is confident that work will achieve a successful outcome. However, as an alternative (should it be needed), the services can be installed along Te Kowhai Road as a temporary solution (until the new arterial is constructed), if required. As such, there is no impediment to RNHL commencing work on the project as soon as it obtains the necessary approvals for those works.

## Part III: Project details

### Description

Project name: The Rotokauri North project

Project summary:

Please provide a brief summary (no more than 2-3 lines) of the proposed project.

The project is Stage 1 of RNHL's proposed residential development at Rotokauri North comprising approximately 400 residential lots (including duplex dwellings on approx. 20 of those lots), roads to vest, superlots and balance lots, ancillary works including bulk earthworks/land modification and installation of necessary infrastructure. One of the superlots will be for a primary school and RNHL is currently negotiating with the Ministry of Education ("MoE") regarding the purchase of that site.

Project details:

Please provide details of the proposed project, its purpose, objectives and the activities it involves, noting that Section 20(2)(b) of the Act specifies that the application needs only to provide a general level of detail.

### MADE

MADE was established by developer Charles Ma and is in the business of "community making". MADE's objective is to be an engine for change, aspiring to create strong, fulfilled communities living in high quality urban environments that seek to enhance and protect the natural environment. More information on the background and purpose of MADE is provided in the statement from Gary Noland, Chief Operating Officer of MADE, attached as Annexure C.

Rotokauri North

Rotokauri North is one of the large residential communities being established by MADE through its development entity RNHL. To this end, there is now 128 ha of land at Rotokauri North which is either owned by RNHL or which is under management control of RNHL (including the land that is subject to this fast-track application). That land is all currently zoned Future Urban ("FUZ") under the operative Hamilton City Council District Plan ("District Plan").

To facilitate its development, Green Seed Consultants Limited ("GSCL", also a related company to RNHL and ultimately controlled by MADE) has lodged Private Plan Change 7 ("PC7") to the District Plan. PC7 seeks to live-zone 140ha of land in Rotokauri North for urban activities, as follows:

- An approximately 137ha Medium Density Residential ("MDRZ") zone. This could enable up to 2,000 residential units comprising a mixture of single dwellings, duplex dwellings, terraced houses and ancillary dwellings.
- An approximately 1ha Business 6 zone for the development of a Neighbourhood Centre, which could include small neighbourhood shops, cafes, or other similar activities.
- Retain the existing Natural Open Space zone and Significant Natural Area overlay on the site (which is outside the area of the Stage 1 land), which covers approximately 1.2 hectares.

In addition, PC7 also proposes to remove the PC7 land from the existing Rotokauri Structure Plan ("RSP") and instead, insert a new Rotokauri North Structure Plan ("RNSP") and associated rules into the District Plan.

PC7 is being progressed in accordance with Schedule 1 to the Resource Management Act 1991 ("RMA"). Thus, it has been notified and the submissions and further submissions period closed. It is set down to be heard on 20 October – 22 October 2021. As such (and assuming the decision is appealed, as is likely), it may well be some time in 2023 before the land is actually live zoned.

RNHL is therefore lodging this fast-track application, so that it can proceed with Stage 1 of the Rotokauri North development (including installation of bulk infrastructure) and thus progress towards delivering much needed housing supply, far sooner than if it waited for the plan change process to be completed. As noted, Stage 1 involves providing approximately 400 vacant lots, together with duplex dwellings on approximately 20 of those lots and their subsequent subdivision under the current FUZ zone, while PC7 is going through the Schedule 1 process. All the Stage 1 land is to be rezoned MDRZ under PC7. As such, development within the Stage 1 area will provide several different housing typologies at a range of price points, to ensure it caters to a variety of prospective homeowners. As previously noted, a primary school will also be provided within the Stage 1 land, to support this community.

For completeness, we note that RNHL has decided to only pursue Stage 1 of the Rotokauri North development (rather than the full area to be re-zoned under PC7) by way of this application, as this ensures a scale that it can feasibly deliver within the mandatory two year lapse period for consents granted under the Act. If a longer lapse period were available under the Act, it would have certainly considered including all stages of its proposed development in the present application.

Where applicable, describe the staging of the project, including the nature and timing of the staging:

As noted, the project is Stage 1 of RNHL's proposed development at Rotokauri North, so already involves an element of staging. Any more detailed staging within this first stage is yet to be determined and would need to be designed so that it complies with the two year maximum lapse date that must be imposed under the Act, if the project is consented in accordance with this fast-track process.

## Consents / approvals required

Relevant local authorities: Hamilton City Council, Waikato District Council, Waikato Regional Council

Resource consent(s) / designation required:

Land-use consent, Water permit, Subdivision consent, Discharge permit

Relevant zoning, overlays and other features:

Please provide details of the zoning, overlays and other features identified in the relevant plan(s) that relate to the project location.

Legal description(s)	Relevant plan	Zone	Overlays	Other features
see next	see next	see next	see next	As noted, the project is Stage 1 of RNHL's proposed development at Rotokauri North, so already involves an element of staging. Any more detailed staging within this first stage is yet to be determined and would need to be designed so that it complies with the two year maximum lapse date that must be imposed under the Act, if the project is consented in accordance with this fast-track process.

Rule(s) consent is required under and activity status:

Please provide details of all rules consent is required under. Please note that Section 18(3)(a) of the Act details that the project **must not include** an activity that is described as a prohibited activity in the Resource Management Act 1991, regulations made under that Act (including a national environmental standard), or a plan or proposed plan.

Relevant plan / standard	Relevant rule / regulation	Reason for consent	Activity status	Location of proposed activity
Resource Management (National Environmental Standards for Freshwater) Regulations 2020 ("NESFM")	Regulation 54	Earthworks/vegetation clearance and/or taking using damming, diversion of water within 100m of a natural wetland.	Non-Complying activity	
Resource Management (National Environmental Standards for Freshwater)	Regulation 57	Reclamation of the bed of any river.	Discretionary activity	

Regulations 2020 ("NESFM")				
Resource Management (National Environmental Standards for Freshwater) Regulations 2020 ("NESFM")	Regulation 71	The placement, use, alteration, extension, or reconstruction of a culvert in, on, over, or under the bed of a river.	Discretionary activity	
Resource Management (National Environmental Standard for Assessing and Managing Contaminants in Soil to Protect Human Health) Regulations 2011 ("NESCS")	Regulation 10	Disturbance of soil where a detailed site investigation states that the soil contamination exceeds the applicable standard for residential land use.	Restricted discretionary activity	
WRP	Rule 3.3.4.13	Groundwater diversion (de-watering during works).	Discretionary activity	
	Rule 3.3.4.13	Surface water diversion (resulting from de-watering during works and/or associated with stream diversion).	Discretionary activity	
WRP	Rule 3.3.4.24	Groundwater take (de-watering during works and take for dust suppression activities).	Discretionary activity	
WRP	Rule 3.3.4.26	Surface water take (associated with de-watering during works and take for dust suppression activities).	Non-Complying activity	
WRP	Rule 3.5.11.8	Discharge of stormwater into water.	Discretionary activity	
WRP	Rule 4.2.4.4	Structures in, on, under or over the beds of Rivers and Lakes (including replacement culvert and associated works which may not meet the permitted or controlled activity standards).	Discretionary activity	
WRP	Rule 4.3.4.4	Bed Disturbance Activities (including reclamation and/or vegetation clearance).	Discretionary activity	
WRP	Rule 5.1.4.15	Soil Disturbance, Roding, Tracking, Vegetation Clearance, Riparian Vegetation	Discretionary activity	

		Clearance in High Risk Erosion.		
WRP	Rule 5.3.4.8	Discharges from Remediation of Contaminated Land.	Discretionary activity	
District Plan	Rule 23.2.a.iv	Subdivision to accommodate a network utility service or transport corridor in the FUZ.	Restricted Discretionary activity	
District Plan	Rule 23.3.a.v Rule 1.1.8.2c	Fee simple subdivision in the FUZ (including for non-compliance with relevant development standards).	Restricted Discretionary activity	
District Plan	Rule 1.1.8.2a	Earthworks that do not comply with the relevant development standards.	Restricted Discretionary activity	
District Plan	Rule 25.7.3nn	Pump stations and aerial crossings on bridges or structures or over water courses and other depressions.	Restricted Discretionary activity	
District Plan	Rule 25.7.3nn, 25.7.5.5, 25.7.5.6 and 25.7.6.2.1	Pump station that does not comply with the relevant development standards.	Restricted Discretionary activity	
District Plan	Rule 25.7.3qq	Stormwater detention, treatment and/or soakage facilities to service more than 1 site.	Restricted Discretionary activity	
District Plan	Rule 25.13.4.6 and rule 25.13.3a	Activity required to prepare at Water Impact Assessment.	Restricted Discretionary activity	
District Plan	Rule 25.13.4.1(b) and rule 25.13.3b	Activity required to prepare an Integrated Catchment Management Plan.	Restricted Discretionary activity	
District Plan	Rule 25.14.4.3 and rule 25.14.3a	Activity required to prepare a broad Integrated Transport Assessment.	Restricted Discretionary activity	
District Plan	Rule 25.14.3b	New Transport Corridors.	Restricted Discretionary activity	
District Plan	Rule 1.1.8.2c	Proposed vehicle crossings that do not comply with the relevant development standards.	Restricted Discretionary activity	

District Plan	Rules 14.3.a), c) and e) in accordance with Rule 1.1.8.2a	Dwellings that do not comply with the relevant development standards.	Restricted Discretionary activity
District Plan	Rule 14.3.s	The proposed construction of a duplex dwelling which may occur prior to separate titles being issued (resulting in more than one dwelling per lot).	Non-Complying activity
District Plan	Rule 1.1.8.2c	One car park per unit.	Restricted Discretionary activity
WDP	25.13	A network utility in a rural zone which does not comply with the permitted activity standards.  Note: Rule 20.8 identifies that roads have the same zone as the adjoining zone.  This is required as State Highway 39 (Te Kowhai Road) and Exelby Road sits across the territorial authority boundary.	Discretionary activity

Resource consent applications already made, or notices of requirement already lodged, on the same or a similar project:

Please provide details of the applications and notices, and any decisions made on them. Schedule 6 clause 28(3) of the COVID-19 Recovery (Fast-track Consenting) Act 2020 details that a person who has lodged an application for a resource consent or a notice of requirement under the Resource Management Act 1991, in relation to a listed project or a referred project, must withdraw that application or notice of requirement before lodging a consent application or notice of requirement with an expert consenting panel under this Act for the same, or substantially the same, activity.

GSCL previously lodged an application for a Qualifying Development (“QD”) resource consent for a very similar proposal, under section 25(1) of the HASHA Act 2013. The QD application was lodged in August 2019 and has now been formally withdrawn. GSCL has also obtained a Certificate of Compliance (“CoC”) for the clearance of vegetation and trees at 321, 329 and 335 Te Kowhai Rd and 350 and 372 Exelby Rd, being Lots 1 and 2 DP 485743, Lot 3 DP 334215 and Lots 5 and 6 DPS 15123. See Annexure D. There are no other resource consent applications already made, or notices of requirement already lodged, relating to the project. The only other relevant RMA process relating to the project is PC7, as outlined above.

Resource consent(s) / Designation required for the project by someone other than the applicant, including details on whether these have been obtained:

There are no other resource consents or designations required for the project, other than those being applied for by RNHL. MoE will seek a designation for the primary school site in due course. However, that is not required for (or part of) this present application.



Other legal authorisations (other than contractual) required to begin the project (eg, authorities under the Heritage New Zealand Pouhere Taonga Act 2014 or concessions under the Conservation Act 1987), including details on whether these have been obtained:

The project may require RNHL to obtain approval from Waka Kotahi ("NZTA") under section 176 of the RMA for any works to be undertaken within the boundaries of its existing designation for SH39/Te Kowhai Road, in order to provide appropriate access to the Stage 1 land. As outlined in Part IV below, RNHL has been liaising closely with NZTA regarding the Rotokauri North development (including as part of the PC7 process) and will continue to do so. Any approvals required from NZTA under the RMA will be addressed via that process.

There are no other legal authorisations or concessions required to begin the project, including under either the Heritage New Zealand Pouhere Taonga Act 2014 or Conservation Act 1987.

### **Construction readiness**

If the resource consent(s) are granted, and/or notice of requirement is confirmed, detail when you anticipate construction activities will begin, and be completed:

Please provide a high-level timeline outlining key milestones, e.g. detailed design, procurement, funding, site works commencement and completion.

The project may require RNHL to obtain approval from Waka Kotahi ("NZTA") under section 176 of the RMA for any works to be undertaken within the boundaries of its existing designation for SH39/Te Kowhai Road, in order to provide appropriate access to the Stage 1 land. As outlined in Part IV below, RNHL has been liaising closely with NZTA regarding the Rotokauri North development (including as part of the PC7 process) and will continue to do so. Any approvals required from NZTA under the RMA will be addressed via that process.

There are no other legal authorisations or concessions required to begin the project, including under either the Heritage New Zealand Pouhere Taonga Act 2014 or Conservation Act 1987.

## **Part IV: Consultation**

### **Government ministries and departments**

Detail all consultation undertaken with relevant government ministries and departments:

#### **Ministry of Education**

Preliminary consultation has been undertaken with MoE in respect of PC7. This consultation has determined that the wider area will likely require a new primary school. In its submission on PC7, MoE has advised that it supports the proposed development in Rotokauri North, subject to ongoing engagement with HCC and RNHL so they are informed of staging/timing and therefore potential impact on the school network. RNHL confirms it is committed to that ongoing process of consultation with MoE.

Indeed, as a result of that engagement, MoE has now identified an appropriate site that is within the PC7 land, and inside the Stage 1 land covered by this application. MADE is in the final stages of negotiation with MoE regarding the purchase of this land. MoE has a target opening date for the school of the start of 2026. For MoE to achieve this target date, RNHL needs to be able to deliver their site by the end of 2022/early 2023. Put simply, if RNHL does not proceed to seek authorisations for the Stage 1 work by way of the Act (thus enabling earthworks to begin this earthworks season), it will not be able to meet those timeframes. This in turn would jeopardise the intended opening date for the primary school.

Waka Kotahi/New Zealand Transport Agency

There has been ongoing consultation regarding PC7 between RNHL's transport experts and those for NZTA. In its submission on PC7, NZTA has advised that it supports PC7, subject to further amendments being made to the rezoning proposal to fully address potential traffic effects. Through further discussions, the parties' transport experts have now been able to resolve those outstanding matters, such that RNHL understands there are no further amendments required to PC7 by NZTA. The agreed traffic requirements for PC7 have accordingly been replicated, as appropriate, for this application.

### Local authorities

Detail all consultation undertaken with relevant local authorities:

HCC

RNHL's consultant team have been closely consulting with relevant HCC staff regarding the overall Rotokauri North development since 2017. This has included running several masterplanning workshops, as well as having numerous discussions on technical and commercial issues throughout the period from 2017 until now. HCC have consistently advised that they are supportive of the project in principle and the intensive consultation has served to address the more detailed practical and technical issues regarding design and implementation of the project (for example, right down to the location of future bus stops). These discussions have been very constructive, to the extent it has enabled HCC officers to recently make a positive recommendation that PC7 be approved, subject to minor amendments.

WRC

WRC's submission on PC7 states as follows:

*"WRC notes that this plan change is part of a wider process and planning framework for the Rotokauri growth area. WRC has been involved in, and will continue to participate in this process. Staff have had ongoing involvement on technical aspects of the proposal for some time and will continue to engage with Hamilton City Council and the applicant through this plan change, the Rotokauri Greenway Corridor Notice of Requirement, and through the relevant regional consents required for urban development of the area."*

WRC has therefore advised that it generally supports the proposal, as it aligns with the Future Proof Strategy and the Waikato Regional Policy Statement, subject to the following key areas of interest:

- The need to give effect to Te Ture Whaimana, to ensure that the natural functioning and health of the catchment is maintained and enhanced.
- The need to achieve hydraulic neutrality to protect the existing aquatic values.
- The provision of public transport and multi modal transport options.
- Consideration of biosecurity, climate change and hazards.

As with HCC, there will continue to be ongoing engagement with WRC regarding development in Rotokauri North, for the life of the project.

WDC

The western and northern edges of PC7 (and the Stage 1 land) are adjacent to the boundary between HCC and WDC. As such, RNHL’s consultants have been engaging with WDC councillors and staff regarding the project via presentations and correspondence (as required) since 2018. WDC have indicated their key interest is in ensuring stormwater from the development is appropriately managed (as it will be), so does not have impacts into their district. WDC has not lodged a submission on PC7.

### Other persons/parties

Detail all other persons or parties you consider are likely to be affected by the project:

Landowners, iwi, and the local community.

Detail all consultation undertaken with the above persons or parties:

Landowners

RNHL has undertaken consultation with several landowners within and adjacent to the PC7 area. The main feedback received during this consultation is that they wished to be kept updated regarding the project and receive copies and/or summaries of the plan change request, once submitted. This has been done by RNHL.

All landowners within and adjacent to the PC7 area also received limited notification of PC7, so had the opportunity to submit on it. The main issues raised in the submissions received from these landowners related to transport and stormwater effects. These are both to be appropriately addressed in the manner outlined in Part VII below.

Iwi

Iwi consultation is addressed in detail in Part V below.

Local community

A Community Consultation Open Day was held regarding PC7/the overall Rotokauri North development on 10 November 2019. This was held at the local Rotokauri School, and involved presenting the masterplan for Rotokauri North and explaining the rezoning process. Several people from the local community took the opportunity to come and enquire about the development.

## Part V: Iwi authorities and Treaty settlements

For help with identifying relevant iwi authorities, you may wish to refer to Te Kāhui Māngai – Directory of Iwi and Māori Organisations.

### Iwi authorities and Treaty settlement entities

Detail all consultation undertaken with Iwi authorities whose area of interest includes the area in which the project will occur:

Iwi authority	Consultation undertaken
Waikato Tainui / Te Haa o te whenua o Kirikiriroa (“THaWK”)	Waikato-Tainui is the relevant iwi authority, as the Stage 1 land falls within its rohe/tribal boundaries. A Tangata Whenua Working Group (“TWWG”) has been established, which comprises the mandated representatives from each of the

	<p>Waikato-Tainui hapū within the vicinity of the project, namely Ngati Hauā, Ngāti Mahanga, Ngāti Tamaiunapo, Ngāti Wairere, Ngāti Reko-Waikeri Marae and Te Uri o Mahanga. The TWWG therefore also includes relevant representation from THaWK, being the iwi group representing local mana whenua (Māori with historic ties to the Hamilton/Kirikiri area), which works in partnership with HCC on issues relating to the management of Hamilton’s natural and physical resources.</p> <p>RNHL has engaged in substantial consultation with the TWWG over a period of many years. Through this consultation, RNHL has sought to work closely with tangata whenua to ensure best outcomes are achieved for iwi, which appropriately respect and maintain their cultural connection with the land. This has established a positive and constructive relationship between the parties and resulted in the TWWG strongly supporting the proposed development at Rotokauri North. This is summarised in the TWWG submission on PC7, a copy of which is attached as Annexure E.</p>
<p>Waikato Tainui / Te Haa o te whenua o Kirikiriroa (“THaWK”)</p>	<p>Following consultation and engagement meetings with RNHL representatives, the TWWG has also prepared a Cultural Impact Assessment (“CIA”) in relation to PC7 and subdivision / development in the Rotokauri North area. The CIA recommended that an ongoing role for Waikato-Tainui via the TWWG is critical to the current and future development of Rotokauri North. As a reflection of goodwill and trust, TWWG and RNHL recognise that good faith consultation has taken place and will continue through further negotiation and discussion to achieve mutually satisfying short and long-term mitigation and development outcomes.</p> <p>It is expected that as a living document, further chapters will be added to the CIA as different stages of development progress. Further, as outlined in the CIA, TWWG and RNHL have developed the following set of principles as to how they will work together in the future.</p>
<p>Waikato Tainui / Te Haa o te whenua o Kirikiriroa (“THaWK”)</p>	<p>I. Rangiratanga: The active involvement of tangata whenua in the planning, management and development of Rotokauri North. Recommendations for this include:</p> <ol style="list-style-type: none"> <li>1. Continuing to work in good faith and partnership on outcomes for Rotokauri North. This includes further engagement to provide opportunities for iwi to have input into technical reports.</li> <li>2. Ensuring that future resource management applications provide an accurate summary of the engagement undertaken with the TWWG as well as the issues (and potential remedies) identified in the CIA.</li> </ol> <p>II. Waahi Tāonga: The protection and enhancement of ‘whakapapa’, cultural connectivity and indigenous place-making, and sites of significance. Recommendations for this include:</p> <ol style="list-style-type: none"> <li>1. Using whakapapa to support indigenous place making throughout the Rotokauri North area. This includes: <ol style="list-style-type: none"> <li>a. Reflecting mana whenua values in key elements of land management and development, including the names of streets, neighbourhoods and reserves;</li> <li>b. The use of indigenous plant species and landscape design;</li> <li>c. The provision of interpretation materials to communicate the history and significance of places;</li> <li>d. Following appropriate tikanga and kawa throughout the project;</li> <li>e. Requiring a cultural monitor to be present with the removal of topsoil to support knowledge transfer and enhanced cultural capacity of the iwi; and</li> </ol> </li> <li>f. Implementing Accidental Discovery Protocols in the event of a discovery of archaeological material, stopping earthworks and following appropriate actions. Contractors will be given guidance on this from a TWWG representative.</li> </ol>
<p>Waikato Tainui / Te Haa o te whenua o Kirikiriroa (“THaWK”)</p>	<p>III. Ngaa Wai Ora: The protection and enhancement of freshwater, waterways, springs and wetlands.</p>

	<ol style="list-style-type: none"> <li>1. Endorse the proposed Sub-Catchment Integrated Catchment Management Plan (“ICMP”) using latest / best practice for the management and treatment of stormwater. In addition: <ol style="list-style-type: none"> <li>a. Servicing all sites for wastewater, using vegetated swales, rain gardens and wetlands within the development;</li> <li>b. Treating stormwater close to source, using native plant species;</li> <li>c. Providing opportunities for onsite re-use of water; and</li> <li>d. Monitoring storm water treatment.</li> </ol> </li> <li>2. Any water-take and water allocation applications need to be reviewed by TWVG.</li> <li>3. Water sensitive designs are included within the development that mimic and restore natural systems.</li> <li>4. Low impact urban design encouraged by future development including rainwater collection and alternative energy sources.</li> </ol> <p>IV. Mahinga Kai: Customary food and resource species and biodiversity of taonga species.</p> <ol style="list-style-type: none"> <li>1. Endorse the continued protection of native kahikatea.</li> <li>2. To include valued food gathering species or those that support habitat as well as considering wider biodiversity gains.</li> <li>3. Encourage use of Te Reo Te Repo Wetland Handbook in delivering outcomes.</li> </ol> <p>V. Kotahitanga: Working to improve partnership outcomes with tangata whenua.</p> <ol style="list-style-type: none"> <li>1. Encourage ways to incorporate tangata whenua in business, social and education enterprises.</li> </ol>
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Detail all consultation undertaken with Treaty settlement entities whose area of interest includes the area in which the project will occur:

Treaty settlement entity	Consultation undertaken
No details	

### Treaty settlements

Treaty settlements that apply to the geographical location of the project, and a summary of the relevant principles and provisions in those settlements, including any statutory acknowledgement areas:

Section 18(3)(b) of the Act details that the project **must not include** an activity that will occur on land returned under a Treaty settlement where that activity has not been agreed to in writing by the relevant land owner.

Relevant Treaty settlements: As outlined in the CIA, to date Waikato-Tainui has signed two Treaty settlements with the Crown. The first related to Waikato-Tainui’s lands claim and the second related to it Waikato River claim. Both settlements have now been enacted into legislation, as follows: Waikato Raupatu Claims Settlement Act 1995 (lands claim); and Waikato-Tainui Raupatu Claims (Waikato River) Settlement Act 2010 (Waikato River claim). A summary of the relevant principles and provisions in those settlements is as follows.

Waikato Raupatu Claims Settlement Act 1995: The Waikato Raupatu Deed of Settlement 1995 (“1995 Settlement”) relates to the Raupatu which took place from July 1863, when military forces of the Crown unjustly invaded the Waikato south of the Mangatawhiri river. The Crown soldiers initiated hostilities against the Kiingitanga (of which Waikato-Tainui are the principal kaitiaki), forcing them to leave their land and take refuge in the King Country. By Orders in Council under the New Zealand Settlements Act 1863, the Crown then unjustly confiscated approximately 1.2 million acres of land from Waikato-Tainui in order to punish them and gain control of the land that they had placed under the protection of the Kiingitanga.

This was the first historical Treaty of Waitangi grievance settled with the Crown. The key features of the 1995 Settlement are: The formal apology from the Crown, acknowledging its wrongdoing; and A settlement valuation of \$170M, which includes the return of land, cash payments, a right of first refusal and a relativity clause. There are no statutory acknowledgement areas in the 1995 Settlement and the project area does not include any land that was returned under this settlement. Te Whakakitenga o Waikato (formerly known as Te Kauhanganui) is the relevant post-settlement governance entity for the 1995 Settlement (as trustee for the Waikato Raupatu Lands Trust). Te Whakakitenga o Waikato is the tribal authority that represents tribal members of the 68 Marae of Te Whakakitenga o Waikato. Tribal members elect two members from their Marae to represent them for three years on Te Whakakitenga o Waikato.

Waikato-Tainui Raupatu Claims (Waikato River) Settlement Act 2010: Waikato-Tainui's claim to the Waitangi Tribunal (Wai 30) included a claim to the Waikato River, as well as its lands claim. However, the River Claim was expressly excluded from the 1995 Settlement. The River Claim was finally settled via the Waikato-Tainui Raupatu Claims (Waikato River) Settlement Act 2010 ("2010 Settlement"). The basis of the 2010 Settlement is simple. To Waikato-Tainui, the Waikato River is a tupuna which has mana and in turn represents the mana and mauri of Waikato-Tainui. To Waikato-Tainui, the Waikato River is a single indivisible being that flows from Te Taheke Hukahuka to Te Pūaha o Waikato. The relationship of Waikato-Tainui with the Waikato River and their respect for it lies at the heart of their spiritual and physical wellbeing, and their tribal identity and culture. So if the Waikato River is not healthy, Waikato-Tainui is not healthy.

Waikato-Tainui have also long exercised mana whakahaere in respect of the Waikato River, under the mana of the Kiingitanga. Mana whakahaere embodies the authority that Waikato-Tainui and other River tribes have established in respect of the Waikato River over many generations, to exercise control, access to and management of the Waikato River and its resources in accordance with tikanga (values, ethics and norms of conduct). Loss of their lands meant Waikato-Tainui also lost the ability to exercise mana whakahaere in respect of the Waikato River and accordingly, the ability to ensure the River's health and wellbeing.

The overarching purpose of the 2010 Settlement is to restore and protect the health and wellbeing of the Waikato River, for future generations. The key features of the 2010 Settlement are: 1. Creation of Te Ture Whaimana o Te Awa o Waikato (the Vision and Strategy for the Waikato River), which is intended to be the primary direction-setting document for the Waikato River and activities within its catchment affecting the Waikato River. 2. Establishing Te Ture Whaimana o Te Awa o Waikato as a national policy statement, which prevails over any inconsistent provision in any other national policy statement or national planning standard. Establishing the Waikato River Authority, the purpose of which includes setting the primary direction through the Vision and Strategy to achieve the restoration and protection of the health and wellbeing of the Waikato River for future generations. 3. Introducing a new era of co-management in relation to the Waikato River and its tributaries (lakes, streams, wetlands, lands, waahi tapu and minerals), including by: - Requiring Joint Management Agreements between Waikato-Tainui and relevant territorial authorities; - Providing for certain customary activities to be undertaken on the Waikato River; - Ensuring Waikato-Tainui have a decision making role in all consent applications relating to the Waikato River; - Requiring the preparation of an integrated river management plan; and - Clarifying the status and relevance of the Waikato-Tainui Environmental Plan. 4. Setting a process of engagement that must be followed if the Crown, a Crown entity, a state enterprise, or a mixed ownership model company proposes to create or dispose of a property right or interest in the Waikato River. 5. Requiring WRC and the Waikato Raupatu River Trust to enter into a co-management agreement

regarding the management and use of certain lands. 6. Providing Waikato-Tainui with a first right of refusal in respect of specified land.

There are no statutory acknowledgement areas in the 2010 Settlement and the project area does not include any land that is subject to this settlement. Te Whakakitenga o Waikato is also the relevant post-settlement governance entity for the 2010 Settlement (as trustee for the Waikato Raupatu River Trust).

Consultation with Treaty Settlement Entities: Consultation with Te Whakakitenga o Waikato (as the relevant Treaty Settlement Entity) regarding the project has appropriately occurred via the TWWG. This has been confirmed in the CIA.

## Part VI: Marine and Coastal Area (Takutai Moana) Act 2011

### Customary marine title areas

Customary marine title areas under the Marine and Coastal Area (Takutai Moana) Act 2011 that apply to the location of the project:

Section 18(3)(c) of the Act details that the project **must not include** an activity that will occur in a customary marine title area where that activity has not been agreed to in writing by the holder of the relevant customary marine title order.

The proposal is not located in the Coastal Marine Area or any customary marine title area.

### Protected customary rights areas

Protected customary rights areas under the Marine and Coastal Area (Takutai Moana) Act 2011 that apply to the location of the project:

Section 18(3)(d) of the Act details that the project **must not include** an activity that will occur in a protected customary rights area and have a more than minor adverse effect on the exercise of the protected customary right, where that activity has not been agreed to in writing by the holder of the relevant protected customary rights recognition order.

The proposal is not located in the Coastal Marine Area or any protected customary rights area.

## Part VII: Adverse effects

Description of the anticipated and known adverse effects of the project on the environment, including greenhouse gas emissions:

In considering whether a project will help to achieve the purpose of the Act, the Minister may have regard to, under Section 19(e) of the Act, whether there is potential for the project to have significant adverse environmental effects. Please provide details on both the nature and scale of the anticipated and known adverse effects, noting that Section 20(2)(b) of the Act specifies that the application need only provide a general level of detail.

The following assessment of effects is based on the comprehensive suite of technical reports that GSCL's consultants have prepared for both the QD application and PC7, referred to above. Updated assessments and reports will be prepared for consideration by the Expert Consenting Panel, should this referral application be successful. It is anticipated that the conclusions from those reports will not be materially different from those prepared for the QD application and/or PC7. Further, attached as Annexures F and G respectively are: - A summary of the ICMP and proposed stormwater management/mitigation approach to be adopted for the Rotokauri North development,

prepared by Tollemache Consultants and dated 4 October 2021; and - A summary of the current Integrated Transport Assessment (“ITA”) and traffic modelling work for the Rotokauri North development, prepared by Commute Transportation Consultants (“Commute”) and dated 4 October 2021. The technical assessments that have been prepared in respect of other matters (or summaries of those) can also be provided, as necessary. Tollemache Consultants have also prepared a brief planning memorandum and dated 4 October 2021 (attached as Annexure H) which addresses in detail how: - The activities for which consent is sought are not prohibited activities under the RMA or any other relevant planning instrument or regulations (in accordance with Section 18(3)(a) of the Act); and - The project satisfies the gateway tests in section 104D of the RMA.

**Earthworks Effects:** Erosion and sediment control measures will be implemented in accordance with WRC’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. A Chemical Treatment Plan for flocculation will also be finalised as part of the construction management (in accordance with appropriate consent conditions). Overall, the best practicable erosion and sediment control measures are proposed, to ensure the adverse effects of the proposed earthworks on the receiving environment will be temporary and minimised to the extent possible.

**Construction Effects:** Construction effects (specifically from dust and traffic) can be appropriately managed in accordance with the relevant New Zealand standards, for example in respect to noise and dust nuisance and site management techniques. These effects are temporary. Where a dust nuisance occurs, typically either during the placing or removal of topsoil, the exposed areas will be dampened with a water cart or other suitable system. Should this not prove satisfactory, the site contractor can also continue with other earthworks operations until conditions are suitable. The contractor can also take advantage of particular wind directions with respect to adjacent dwellings and carry out works accordingly. These measures will be incorporated into an Environmental Management Plan and Dust Management Plan, both of which will be finalised as part of the construction management (in accordance with appropriate consent conditions).

Construction traffic will be minimised by: - Retaining all earthworks machinery on-site for the duration of the works, once it is delivered; - Designing the earthworks to achieve a cut-to-fill balance across the site, thus avoiding the need for traffic movements to remove material from site; and - Minimising the number of construction vehicles travelling to and from the site (particularly heavy vehicles) and providing parking on-site for light vehicles that must travel there. Collectively, it is considered that adopting the above measures will ensure that any adverse effects from construction on the surrounding area are appropriately avoided and/or mitigated.

**Land Stability/Geotechnical Effects:** Geotechnical reports have been prepared for the site by HDGeo Ltd, which include specific recommendations for works to ensure stability, as well as manage liquefaction and lateral spread hazards for future lots and devices. These recommendations are being taken into account in initial engineering design and will be adhered to during engineering plan approval and construction processes. Adherence to these (and other future recommendations made during detailed design) can be included as condition of consent and registered as consent notices on future titles.

The initial engineering design has also ensured that future stages can adequately tie into the existing development, while in the interim providing low batters/contours to minimise risks for instability.

These measures alongside any additional recommendations from updated technical reporting are considered sufficient to ensure that any land stability/geotechnical effects can be appropriately managed during works, at the completion of works and for future lots.

**Contamination Effects:** A Preliminary Site Investigation (“PSI”) has been undertaken by HD Geo Ltd. The PSI concluded that specific sites within the Stage 1 land may potentially contain sources of contamination therefore a Detailed Site Investigation (“DSI”) is required at time of future development. Subsequently a DSI has been carried out by HD Geo Ltd, which identifies that: - Cadmium was found in soils above background values, however all concentrations were



below the relevant guidelines in the NESCS; and - Lead was identified in soil surface samples next to structures suspected of using lead-based paint.

RNHL will adopt the DSI's recommendation that for the areas of identified lead contamination, alongside any additional recommendations from updated technical reporting, including any requirement for a remedial action and contaminated soil management plan be developed (as a condition of consent) to guide remediation of soil.

Traffic Effects: The project has been specifically designed to accommodate traffic from the future residential development proposed by both this application and PC7, as well as ensuring it ties into the existing RSP outside of the PC7 area. This includes: - Designing the planned intersection with SH39 to ensure that the ongoing efficient operation of that significant route is not compromised by the development, in consultation with NZTA. - Ensuring no lots proposed by this development will have vehicle access or direct frontage to SH39. - Removing existing vehicle crossings to the subject properties to SH39 and replacing these with one new public road intersection. - Ensuring that the roads constructed as part of Stage 1 are consistent with, and will extend into, the roads required for future stages of development and will generally align with the RITS requirements. - Further details regarding the management of the project's traffic effects is provided as follows.

JOALs: The project proposes to use 7m wide, 2-way rear lanes/jointly owned access lots ("JOALs") as the main and only vehicle access to lots off them. This design feature works to enhance the overall streetscape experience and has generally been provided where lots would otherwise have access along a Collector Road/dedicated cycle lane. From a traffic safety perspective, the JOALs work directly to avoid cyclist and traffic conflicts that can occur from having vehicle crossings intersect with cycle lanes and/or the ability of vehicles to reverse manoeuvre onto high use roads.

Vehicle Crossings: For vehicle crossings, Commute's preference has been to ensure that all residential lots utilise the residential zones standards (which are currently not applicable due to the FUZ zoning of the site). Therefore, the project proposes vehicle crossing widths that align with the residential zone standards, to appropriately address potential adverse traffic safety effects. While there are some vehicle crossings that will not be able to fully comply with these standards, Commute has concluded that these infringements will not result in adverse traffic safety for road or site users, particularly given the flat nature of the site (which creates good visibility and sightlines) and low fence heights proposed (which also enable sightlines).

Duplex Car Parking: The proposal proposes providing only one carpark for each duplex unit. Given that the District Plan standards already allow one car park per "apartment unit", this is not considered out of context of what is anticipated in other parts of Hamilton City. A single car park is also considered beneficial from a streetscape amenity perspective, as the building will be read as one dwelling, given the double-parking pad per duplex building. If a total of 4 car parks were needed (consistent with the District Plan requirements), the streetscape amenity would be significantly reduced. Further, as the duplexes are only located on local roads, on-street car parking will be readily available within the vicinity.

Walking and Cycling: Internal pedestrian and cycling is proposed for the project, via dedicated cycling paths along collector roads and footpaths on local roads.

Overall – Traffic effects: For the above reasons, and given that Commute's recommendations from the ITA are all being adopted by RNHL, it is considered that the surrounding road network will have sufficient capacity to cater for the future traffic to be generated as a result of the project, and that the proposed road network is suitable to service the intended development without adversely impacting on the surrounding road network.

See Annexure J.

## Part VIII: National policy statements and national environmental standards

General assessment of the project in relation to any relevant national policy statement (including the New Zealand Coastal Policy Statement) and national environmental standard:

We address NPS and NES relevant to the project as follows. Where an NPS or NES is not addressed in the assessment below, it is not considered relevant to the project.

### National Policy Statement on Urban Development (“NPSUD”)

The NPSUD was gazetted on 23 July 2020 and is effective from 20 August 2020. It replaces the National Policy Statement on Urban Capacity 2016. The NPSUD sets out the objectives and policies for planning for well-functioning urban environments under the RMA and seeks the provision of sufficient development capacity to meet the current and future needs of people and communities. The NPSUD groups all local authorities into one of three “Tiers”, with HCC being a “Tier 1” Council. It then sets timeframes within which the local authorities in each Tier must take certain actions (including introducing relevant plan changes), in order to give effect to the objectives and policies of the NPSUD. While those timeframes are some time off, the objectives and policies of the NPSUD are in force and require consideration now. In this regard, the objectives and policies focus on creating well-functioning urban environments, in particular through ensuring local authority decisions on urban development address the following: - Provision of homes to meet the needs of a variety of households, in terms of housing type, price and location, and different households. - Enabling Māori to express their cultural traditions and norms. - Ensuring integration between land development and infrastructure planning and funding decisions. - Supporting reductions in greenhouse gas emissions and responding to the effects of climate change. - Responding to plan changes that significantly add to development capacity, even if that capacity is out-of-sequence with planned land release. The overall intent of the NPSUD is clear in that where intensification is practical, Councils are required to be responsive to such proposals, particularly in relation to proposals that would supply significant development capacity, as set out in Objective 6, together with Policies 6 and 8.

Assessment: It is considered that the project aligns strongly with the outcomes anticipated under the NPSUD for the following reasons: A) As noted, HCC is identified as a ‘Tier 1’ Council in the NPSUD. As such, it is required to provide sufficient development capacity to meet demand for housing land, plus a competitiveness margin over and above the projected demand by at least 20% in the short and medium term and 15% in the long term. The release of land for residential supply as proposed by the project will aid HCC in fulfilling the anticipated growth demand – in this case sooner than originally anticipated in the relevant Future Proof Strategy and in a way that is not expected to prevent HCC’s Future Proof partners from meeting their obligations under either the NPSUD or Future Proof. B) Facilitating growth in this location via the proposed subdivision (and land use mechanisms for future dwellings) enables the continued growth of the Rotokauri area to cater for current demand and the anticipated future growth of Hamilton City. C) As outlined above, sufficient infrastructure will be provided to service the proposed development at a scale with is commensurate to the proposed subdivision, and without unreasonably increasing costs on existing HCC residents. D) The subdivision layout, lot size and future development controls for dwellings will enable the efficient use of land and (the proposed) development infrastructure. E) The subdivision design and layout will ensure that a quality urban design outcome is achieved, and that a range of housing and lifestyle options can be provided. F) There are no significant natural features or

watercourses on the site which will be affected, and there are no identified heritage or items of cultural significance to Māori. G) The provision of public transit and micro-mobility options will discourage unnecessary vehicle trips, to some degree mitigating potential greenhouse effects by reducing potential emissions from vehicles. Further details in this regard are outlined in the statement from Mr Noland attached as Annexure C.

#### National Policy Statement for Fresh Water Management 2020 (NPSFM) and NESFM

The NPSFM and NESFM provide direction for local authorities regarding the management of freshwater, including through: 1) Setting compulsory values and attributes (measures of the state of a river or lake) that must be met, and enabling communities to choose to go above and beyond these; 2) Requiring regional councils to notify new or amended plans to give effect to the NPSFM 2020 by 31 December 2024; and 3) Setting national rules (via the NESFM) for the ways particular activities or resource uses are to be carried out to deliver on shorter-term freshwater objectives. Under this national direction (which forms part of the Government's 'Essential Freshwater' package), 'Te Mana o te Wai' is the fundamental concept that guides freshwater management. This concept refers to the fundamental importance of water and recognises that protecting the health of freshwater protects the health and well-being of the wider environment. To that end, the NPSFM includes the following objectives: 1) Reflection of tangata whenua values and interests in decision making; 2) Improving degraded water bodies using bottom lines as defined in the NPS; 3) Safeguarding and enhancing the life-supporting capacity of water and associated ecosystems, including threatened ecosystems; 4) Working towards targets for fish abundance, diversity and passage; and 5) An integrated approach to management of land and freshwater and coastal water.

Assessment: The project recognises and is consistent with the policy directive set out by the NPSFM, as it: A) Is supported by an ICMP which: 1) Seeks to provide for the integrated management of three waters and development. 2) Includes requirements for water quality targets. 3) Includes requirements for detention/attenuation to manage potential adverse downstream effects resulting from erosion and flooding. 4) Anticipates that stormwater management devices are to be designed in accordance with relevant regional technical standards, which ensures that the effects of climate change are appropriately taken into account. B) Has included the involvement of iwi and hapu (through an ongoing process and consultation with the TWWG as outlined above) to ensure that the tangata whenua values and interests, including the principle of Te Mana o te Wai, are reflected in the outcomes associated with freshwater management. Further, relevant consents are being sought for the project by way of this application under the NESFM. The relevant effects associated with those matters of consent are addressed in Part VII above. See Annexure J.

## Part IX: Purpose of the Act

Your application must be supported by an explanation how the project will help achieve the purpose of the Act, that is to "urgently promote employment to support New Zealand's recovery from the economic and social impacts of COVID-19 and to support the certainty of ongoing investment across New Zealand, while continuing to promote the sustainable management of natural and physical resources".

In considering whether the project will help to achieve the purpose of the Act, the Minister may have regard to the specific matters referred to below, and any other matter that the Minister considers relevant.

Project's economic benefits and costs for people or industries affected by COVID-19:

Overall, RNHL's Rotokauri North project will provide for much needed positive economic benefits in the wake of COVID-19. This will primarily be through the level of investment and job creation that it will entail. Importantly, the job creation will be in construction, being a sector that has become increasingly critical to the economic wellbeing of the Waikato region over the last decade and has been significantly impacted by the effects of the lockdowns and border closures to address COVID-19.

In this regard, the overall Rotokauri North project is anticipated to provide for a direct capital investment of approximately <sup>s 9(2)(b)(ii)</sup> including the construction of 2,000 houses and a neighbourhood centre. That construction will occur in stages between now and 2038.

RNHL intends to employ local contractors for the project and their anticipated workforce (across the whole PC7 site) is as follows: Project Managers/Supervisors/Team leads - 15 required; Earthworks team - 10 required; Carpentry (including cladding and roofing) - 50 required; Brick and block layers - 20 required; Plasterers (stoppers) - 25 required; Electricians - 20 required; Plumbers and drainlayers - 30 required; Painters - 25 required; Tilers - 15 required; Office support -10 required; and Other professionals/skills/disciplines - 10 required.

As noted, the present application means RNHL will be able to start bringing those benefits "on the ground" much sooner than will be the case if it simply utilises the existing RMA process. With respect to the direct benefits of the overall Rotokauri North project outlined above, the proportion of those that can be attributed to Stage 1 of the development (i.e., the present application), and which will begin to flow from the time the application is approved, are as follows: Investment of approximately <sup>s 9(2)(b)(iii)</sup>; and Direct employment generation in the construction sector of approximately 100 FTEs.

One of the contractors that MADE will be working with in respect of the Rotokauri North development is Finesse Residential. MADE has introduced Finesse Residential to the Ministry of Social Development under our partnership arrangement, with the view to the company exploring options for creating apprenticeship and retraining pathways. MADE will also be looking at establishing the same opportunity with the TWWG around the supply of plants to the project.

In addition, as outlined in the economic assessment prepared by Property Economics attached as Annexure I, the Rotokauri North development will accommodate a small neighbourhood centre (to be constructed in the next stage of the project), which will complement and not compete with the planned Rotokauri Suburban Centre shown in the existing RSP. No commercial areas/centres are proposed within Stage 1 of the Rotokauri North development, which this application applies to. As such, neither the project nor RNHL's proposed rezoning of the wider area under PC7 will undermine or affect the potential economic benefits and job creation associated with that planned development.

Project's effects on the social and cultural wellbeing of current and future generations:

Overall, it is considered that the project will potentially result in substantial social and cultural wellbeing effects for people in Hamilton. This is based on the following, as outlined above:

Generation of employment for approximately 230 FTEs within the wider PC7 area, over a period of at least 15 years - noting that employment opportunities are considered a key criteria in providing for health and wellbeing. Of those, approximately 100 FTEs will be associated with the Stage 1 works that are the subject of the present application, over a period of approximately 5 years. Thus, the project will support a pipeline of work in the construction industry for the foreseeable future.

Providing the market with a diverse range of housing types will help address the social pressures caused by inadequate housing supply and quality. For example, illness due to damp or poorly ventilated homes or increased pricing of housing due to insufficient supply. As noted, while the project proposes the construction of 40 houses on 20 of the proposed lots (all duplexes), it also seeks to put in place a set of provisions enabling construction of a range of different dwelling types on the balance of the area to be subdivided (approximately 380 lots).

The project provides for specific cultural wellbeing of the local tangata whenua by encouraging local employment via partnerships with Waikato-Tainui. The importance of this partnership is acknowledged by the TWWG in the CIA.

The project will be appropriately served by a range of community and cultural facilities, to ensure residents can become active members of the community and have convenient access to the facilities and services they need. This includes: - A range of parks and recreational facilities, including existing parks (and the Hamilton Zoo), as well as those proposed to be provided under both the RNSP and the existing RSP. - Educational facilities, again both existing (such as Wintec and nearby primary and secondary schools) and proposed, such as will be provided as a result of the ongoing consultation between MoE and RNHL. This includes a primary school within the Stage 1 land, as a result of an agreement with MoE, with a target opening date of early 2026. - Employment, with the existing Te Rapa and Hamilton Central employment areas being in easy access to the project, as well as additional employment areas proposed under the RSP. - Public transport, which is being planned and will be implemented in conjunction with development of the area.

The above positive effects are highly likely to be inter-generational because of the nature of outcomes arising from employment, the targeting of school students and the strong relationship with local Māori

Whether the project would be likely to progress faster by using the processes provided by the Act than would otherwise be the case:

Progressing these applications via WRC, HCC and WDC under the normal RMA process would take at least 12 months (and more likely 18 months-2 years) before appeals, based on previous experience and their current workloads. That would of course only be able to occur after the current PC7 process is completed, given it is unlikely that either WRC or HCC would grant consent for the project before the relevant land is live-zoned. PC7 is currently scheduled to go to hearing in late October, with a decision not expected until the first quarter of 2022 at the earliest, with any appeals then needing to be resolved.

A number of landowners have effectively made a joint submission on PC7, seeking amendments to the various transport network connections and upgrades (required south of the PC7 land) proposed as part of the plan change. If PC7 is granted, it is considered they may well again band together to file an appeal seeking similar relief. There is also the potential for some stakeholders (such as NZTA) to appeal, if PC7 is granted without making what they consider are necessary amendments to the proposed provisions, notwithstanding the extensive level of engagement and consultation that has occurred with those parties.

In addition to potential appeals, the standard consenting process would be further complicated (and potentially therefore lengthened) by the need to apply for consents from more than one territorial authority, given the site's western and northern boundaries are adjacent to the boundary between HCC and WDC. Thus, the present process creates further efficiencies by enabling a consolidated application to be made to a single consenting body, rather than separate applications to three separate local authorities.

By contrast, we understand that MfE's current "best case" assessment is that proposals will take a total of seven months to progress through the fast-track process under the Act. This comprises three months for the grant of Ministerial approval to the referral, and a further four months for the expert consenting panel process. Put simply, this means that if the present application is referred to and approved by an Expert Consenting Panel, RNHL should be in a position to start delivering housing "on the ground" by around May 2022. But if it followed the normal consenting pathway under the RMA, even on a "best-case scenario" of PC7 being approved and not appealed, RNHL would only be in a position to start preparing the relevant consent applications in May 2022, with a 12-18 month notification and hearings process to follow once those were lodged.

A further benefit of the fast-track process is that appeal rights are restricted to points of law only under the Act, as opposed to the merits appeal to the Environment Court that is available under the RMA. Further, the greater certainty of timeframes and outcomes provided by using the fast-track process means that RNHL will have confidence to make investment decisions regarding detailed design and infrastructure establishment, while the project progresses through the expert consenting phase. Overall, use of the fast-track process means the proposal is likely to be under construction at least 12 to 18 months earlier than if following the standard RMA consenting process.

As such, RNHL is choosing the fast-track process over the ordinary RMA process in order to significantly speed up the consenting process, save unnecessary costs, and provide certainty of process

Whether the project may result in a 'public benefit':

Examples of a public benefit as included in Section 19(d) of the Act are included below as prompts only.

Employment/job creation:

This matter overlaps with comments above regarding additional employment that the project will generate in the construction industry over a period of at least 5 years (for Stage 1 of the Rotokauri North project), and ultimately 15 years when the wider PC7 area is taken into account. We note that the calculations outlined above only cover direct, not indirect employment opportunities. In that regard, it is anticipated that (as always follows from the creation of direct employment), there will be a range of indirect employment opportunities generated, for example in roles such as roading, landscaping, planting, land surveying, administration and support services.

Housing supply:

As outlined above, the project will provide the titles and planning framework for delivering approximately 400 lots, or circa 450 dwellings including duplex homes and accommodating approximately 1,125 people. But it is also the first stage of (and catalyst for) the provision of approximately 2,000 houses of varying sizes, typologies and price points for circa 5,000 people across the PC7 land, over the next 15 years. Based on the Future Proof Strategy, section 3.6 of the District Plan identifies that the RSP is to provide for urban growth with an eventual population of between 16,000 and 20,000 people. As such, it can be seen that the development facilitated by this application will provide a significant (approximately at least 7%) contribution to the eventual overall population of the Rotokauri North area.

Contributing to well-functioning urban environments:

The NPSUP defined a "well-functioning urban environment" (in Objective 1) as an environment:

*“that enables all people and communities to provide for their social, economic, and cultural wellbeing, and for their health and safety, now and into the future.”*

As explained above:

- The project is located to ensure that future residents will have convenient access to the facilities and services required to support their cultural, social and economic requirements.
- The overall design approach to be adopted for the project (and wider PC7 area), including the base subdivision pattern, has been specifically chosen in order to:
  - o Mitigate adverse visual or landscape effects of the development through the landscaping of the roads to vest, and green linkages/corridors;
  - o Achieve a high level of amenity within the residential area through division of the site into a series of conveniently-walkable blocks that legibly divide the site into public ‘fronts’ and private ‘backs’ (a fundamental building block of contemporary urban design), together with the imposition of front yard landscape controls and rear-lane requirements; and
  - o Overall, deliver high amenity, safe, and functional living, recreational, and accessibility solutions which support the social and economic well-being of the community.

In a financial sense, the project will also generate substantial development contributions toward the provision of improved services infrastructure, roading and reserves in the Rotokauri area.

Providing infrastructure to improve economic, employment, and environmental outcomes, and increase productivity:

The Rotokauri area is already scheduled for urban development, as identified in the RSP. The project will be a significant catalyst for the first stages of this development, including ensuring the provision of appropriate three waters, transportation, education, recreational and other utilities infrastructure, where this is not currently available. Appropriate assessments have been prepared to support PC7, confirming that all relevant infrastructure can be extended to service development of the project.

In accordance with an existing Private Development Agreement between GSCL and HCC, GSCL/RNHL will be directly responsible for funding and delivering much of this infrastructure (in cost sharing arrangements with the relevant infrastructure providers, where appropriate). Importantly, this infrastructure is all being designed, sized and located so that it will connect with, and appropriately support, development of the wider PC7 and RSP land, over time.

As such, it is considered that the project will deliver significant productivity benefits by being the first to bring infrastructure capacity to a planned growth area and doing so much earlier than currently anticipated under the Future Proof Strategy.

Improving environmental outcomes for coastal or freshwater quality, air quality, or indigenous biodiversity:

For the reasons outlined in Part VII above, it is considered that the project does not present any significant adverse environmental effects in terms of freshwater quality or air quality. In

particular, the project has been developed in close consultation with iwi and hapu (via ongoing engagement with the TWWG) to ensure that the tangata whenua values and interests, including the principle of Te Mana o te Wai, are reflected in the outcomes associated with freshwater management. As the project is located at least 20km from the nearest coastline, issues of coastal water quality do not arise.

With respect to indigenous biodiversity, as noted a CoC has been obtained for clearance of vegetation across much of the site, as required. Thus, any indigenous biodiversity effects will not be greater than those permitted in accordance with the District Plan.

Minimising waste:

RNHL will ensure it is a requirement of their engagement that all contractors minimise waste during construction, recycling material where possible. That said, it is acknowledged that the proposed use of the site and dense urban form leaves little or no opportunity to re-use existing buildings on site.

Earthworks will be designed to try and achieve a cut to fill balance and the relatively flat topography will limit the amount of earthworks required. While some soil may need to be removed from the site if it exceeds contamination standards set by the NPSUD, given the cost of disposing contaminated soil, there will not be unnecessary removal of soil from the site.

Contributing to New Zealand's efforts to mitigate climate change and transition more quickly to a low-emissions economy (in terms of reducing New Zealand's net emissions of greenhouse gases):

Greenhouse gasses will be emitted in two different stages of the project: Construction of the dwellings; and Residential occupation of the dwellings.

In terms of greenhouse gasses from construction work:

- As noted, the site is relatively flat which limits the amount of earthworks required and therefore the amount of hydrocarbons used in preparing the site for development. While some soil may need to be removed to remediate existing contamination, this will be minimised for a range of reasons, including cost.
- In terms of construction materials, there is limited scope to avoid the use of greenhouse gas producing construction materials, such as concrete (particularly given infrastructure requirements of HCC's relevant engineering standards and the requirements of the Building Code), whilst still delivering affordable housing.
- However, the project has been designed to optimise intensity, thereby enabling a greater amount of housing to be provided for equivalent concrete and building materials than would be the case with a standard residential development.
- Wherever possible, building materials will be sourced from local building merchants, including Placemakers and Mitre 10, both of which are located in Te Rapa, less than 3km from the project site. This will assist to reduce the amount of greenhouse gases used transporting materials from the supplier to the site.

In terms of greenhouse gasses from the development once complete and people are living in it:

- The project will be established with access to public transport (via bus), and the availability of those services will only increase as the wider Rotokauri area develops. The site also has



reasonable proximity to employment opportunities and other essential services (such as retail and education), thus enabling these to be accessed via walking and cycling. This also ensures that travel distances are minimised, even where that must be undertaken by private vehicle.

- The proposal to provide only one carpark per duplex unit will encourage the use of alternative modes of transport.

- In addition, by providing new affordable accommodation, people on modest incomes will be able to live in new buildings which are designed and built to achieve modern insulation and energy efficiency standards. They will therefore use less energy to heat their homes and will be able to do so using less electricity (e.g. with heat pumps rather than inefficient heating sources).

- RNHL will implement a micro mobility transport strategy into the development. Initially this may include the provision of e-bikes and/or e-scooters to future occupants of our champion housing, to incentivise micro-transport options over use of cars. This has previously been done in the Auranga development, which is covered in more detail in the statement from Mr Noland attached as Annexure C. This would assist in reducing post-construction carbon emissions and the transition to a low-emissions economy.

- RNHL is working with AUT and Unitec on a construction waste research project, to investigate more environmentally friendly and sustainable methods of managing construction waste. The learnings from this will be implemented in progressing development at Rotokauri North, wherever possible.

Promoting the protection of historic heritage:

Based on the archaeological survey of the site, there is no evidence of any pre-1900 archaeology or heritage or any significant 20th century heritage. No adverse effects are considered to result in respect to archaeological matters or built heritage. Accidental discovery protocols are required in accordance with the District Plan and these rules are considered appropriate to address these matters.

Strengthening environmental, economic, and social resilience, in terms of managing the risks from natural hazards and the effects of climate change:

The site is relatively flat and has been assessed as not subject to significant geotechnical constraints, such that there should not be any land stability issues. 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). As outlined above, the DSI has identified the need for small areas of contamination to be remediated, which will be undertaken during construction and may have some benefit to immediately surrounding properties.

Overall, the project does not present any risk in terms of climate change or natural hazards, with possibly a positive outcome from site contamination remediation if necessary.

Other public benefit:

The project's public benefits are addressed above and can be summarised as follows:

- Provision of additional housing stock in response to the housing supply shortage in Hamilton, assisting to address the associated adverse social and well-being effects by providing approximately 20 duplexes which will provide approximately 40 residential units, with a further approximately 380 lots ready to build on;
- An estimated direct capital investment of approximately s 9(2)(b)(ii) for this Stage 1 of the Rotokauri North project, over a period of at least 5 years;
- Creating employment opportunities in the construction sector;
- Spin-off economic effects to the local retail sector;
- Provision of additional safe and high amenity recreational areas available for public use;
- Facilitation of the construction of a new school in collaboration with MoE, intended to open in early 2026;
- Associated upgrades of local infrastructure; and
- Funding provided for wider infrastructure and reserve benefits by way of development contributions.

Whether there is potential for the project to have significant adverse environmental effects:

The project's potential adverse effects are outlined in detail in Part VII above. For the reasons outlined in that part, it is not anticipated that the project will potentially have significant adverse environmental effects.

## Part X: Climate change and natural hazards

Description of whether and how the project would be affected by climate change and natural hazards:

The only way in which the project could be affected by climate change or natural hazards is through flooding and earthquake risk/liquefaction. In this regard:

- The approach to stormwater management to be achieved via implementation of the ICMP will ensure that all lots are free from flood hazards and that conveyance is provided via an appropriate network, including use of low impact design options (vegetated swales). Downstream effects are limited due to the onsite detention proposed including the large temporary basin for larger storm events. Water quality can also be provided to meet the parameters set by the ICMP (which align as a minimum if not better with the national bottom lines in the NPSFM).
- Further, climate change has been accounted for in the investigation, design and reporting on the project. The flood modelling and stormwater concept design have in particular taken into account climate change.
- As noted, geotechnical reports have been prepared for the site by HDGeo Ltd., which include specific recommendations for works to ensure stability, as well as manage liquefaction and lateral spread hazards for future lots and devices. These recommendations are being taken into account in initial engineering design and will be adhered to during engineering plan approval and construction processes. Adherence to

these (and other future recommendations made during detailed design) can be included as condition of consent and registered as consent notices on future titles.

## Part XI: Track record

A summary of all compliance and/or enforcement actions taken against the applicant by a local authority under the Resource Management Act 1991, and the outcome of those actions:

Local authority	Compliance/Enforcement Action and Outcome
Hamilton City Council	Neither RNHL nor MADE have been the subject of compliance or enforcement actions taken by any local authority under the RMA.

## Part XII: Declaration

I acknowledge that a summary of this application will be made publicly available on the Ministry for the Environment website and that the full application will be released if requested.

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.

Olivia Manning

04/10/2021

**Signature of person or entity making the request**

**Date**

## Important notes:

- Please note that this application form, including your name and contact details and all supporting documents, submitted to the Minister for the Environment and/or Minister of Conservation and the Ministry for the Environment, will be publicly released. Please clearly highlight any content on this application form and in supporting documents that is commercially or otherwise sensitive in nature, and to which you specifically object to the release.
- Please ensure all sections, where relevant, of the application form are completed as failure to provide the required details may result in your application being declined.
- Further information may be requested at any time before a decision is made on the application.
- Please note that if the Minister for the Environment and/or Minister of Conservation accepts your application for referral to an expert consenting panel, you will then need to lodge a consent application and/or notice of requirement for a designation (or to alter a designation) in the approved form with the Environmental Protection Authority. The application will need to contain the information set out in Schedule 6, clauses 9-13 of the Act.
- Information presented to the Minister for the Environment and/or Minister of Conservation and shared with other Ministers, local authorities and the Environmental Protection Authority under the Act (including officials at government departments and agencies) is subject to disclosure under the Official Information Act 1982 (OIA) or the Local Government Official Information and Meetings Act 1987 (LGOIMA). Certain information may be withheld in accordance with the grounds for withholding information under the OIA and LGOIMA although the grounds for withholding must always be balanced against considerations of public interest that may justify release. Although the Ministry for the Environment does not give any guarantees as to whether information can be withheld under the OIA, it may be helpful to discuss OIA issues with the Ministry for the Environment in advance if

information provided with an application is commercially sensitive or release would, for instance, disclose a trade secret or other confidential information. Further information on the OIA and LGOIMA is available at [www.ombudsman.parliament.nz](http://www.ombudsman.parliament.nz).

## Checklist

Where relevant to your application, please provide a copy of the following information.

Yes	Correspondence from the registered legal land owner(s)
Yes	Correspondence from persons or parties you consider are likely to be affected by the project
Yes	Written agreement from the relevant landowner where the project includes an activity that will occur on land returned under a Treaty settlement.
Yes	Written agreement from the holder of the relevant customary marine title order where the project includes an activity that will occur in a customary marine title area.
Yes	Written agreement from the holder of the relevant protected customary marine rights recognition order where the project includes an activity that will occur in a protected customary rights area.

Released under the Provision of the Official Information Act 1982