



BERRYSIMONS
ENVIRONMENTAL LAW

3 November 2021

Ministry for the Environment
PO Box 10362
Wellington 6143

For: Stephanie Frame
Email: fasttrackconsenting@mfe.govt.nz

Dear Stephanie

ROKOKAURI NORTH STAGE 1 - REQUEST FOR FURTHER INFORMATION (BRF-659)

1. INTRODUCTION

- 1.1 We act for Rotokauri North Holdings Limited ("RNHL" or "the applicant"). RNHL has applied to the Minister for the Environment to refer the Rotokauri North Stage 1 project ("Project") to an expert consenting panel for consideration under the COVID-19 Recovery (Fast-track Consenting) Act 2020 ("the Act").
- 1.2 Thank you for your letter dated 18 October 2021 requesting further information in respect of RNHL's application. The purpose of this letter is to respond to that request. The response and information provided has been prepared with the input of RNHL's project team, particularly on planning matters.
- 1.3 This letter addresses the request for information as follows:
 - (a) The number of jobs created which can be directly attributed to the Project in terms of Full Time Equivalents ("FTE") per year (Section 2);
 - (b) Details of any agreements made or partnerships engaged in which are expected to create apprenticeships and re-training pathways (Section 3);
 - (c) Details of any consent notices which apply to the titles in the Project site and any conditions imposed by those notices (Section 4);
 - (d) Information on the relationship between RNHL, MADE Group Limited and Green Seed Consulting Limited ("GSCL") and how the latter two parties are involved in the Project (Section 5); and
 - (e) Additional information on provisions that RNHL seeks to include in the Project to enable the development on approximately 380 residential lots (Section 6).
- 1.4 We make some final concluding remarks in Section 7.

2. NUMBER OF JOBS CREATED

- 2.1 This issue is addressed in Part IX of the application document, under the heading "Project's economic benefits/costs for people/industries affected by COVID-19". After setting out the total workforce anticipated to be employed across the entire Rotokauri North development, we state as follows:

108298.1

"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 s 9(2)(b)(ii) and
- Direct employment generation in the construction sector of approximately 100 FTEs."

(Emphasis added)

2.2 If further details as to the break-down of those 100 FTEs is required, please advise. However, they will cover a range of disciplines from the construction sector, including project managers, earthworks engineers, surveyors, drainlayers, brick layers, electricians, painters, tilers and office/admin support.

3. CREATION OF APPRENTICESHIPS AND RE-TRAINING PATHWAYS

3.1 As identified in the letter from Gary Noland in support of the application (Annexure C), RNHL (through MADE) has been in consultation with the Ministry of Social Development ("MSD") to create apprenticeship pathways and opportunities.

3.2 This issue is also addressed in Part IX of the application document, under the heading "Project's economic benefits/costs for people/industries affected by COVID-19", where we state as follows:

"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."

3.3 As also noted in the application, MADE will be looking to establish the same opportunity with the Tangata Whenua Working Group, with respect to the supply of plants for the Project.

4. CONSENT NOTICES

4.1 Details of the consent notices which apply to the titles in the Project site and the conditions imposed by those notices are as follows:

	Title	Consent notice/condition
1	140355 (341 Te Kowhai Road)	1. That pursuant to section 221 Resource Management Act 1991, a consent notice be registered on the Certificate/s of Title for the new Lots 2 and 3 advising that the siting of the buildings will not prejudice any subsequent subdivision of the land as detailed on Tomson & Farrer's Concept Plan F2013 03/3/18CA.
2	690914 (329 Te Kowhai Road)	1. That pursuant to section 221 Resource Management Act 1991, a consent notice be registered on the Computer Freehold Register of Lot 2 DP 485743 advising that in regard to future development, the erection of any dwelling or permanent building is not to conflict with the proposed Collector Roads and the Drainage Corridor as shown in the

	Title	Consent notice/condition
		Overall Concept Plan 13/066 Drawing 2 of 3 Blue Wallace Surveyors Limited (File Reference 13/066).
3	546066 and 546067 (289 and 217 Te Kowhai Road)	<ol style="list-style-type: none"> 1. That pursuant to section 221 Resource Management Act 1991, a consent notice be registered on the Record of Titles of Lots 1 and 2 DP 439970 advising current and prospective owners of the requirements to adhere to the Rotokauri Structure Plan prepared by Hamilton City Council with regard to any potential development of the lots noting that both lots have a green/ drainage corridor, Collector Road and Residential Character Area. 2. That pursuant to section 221 Resource Management Act 1991, a consent notice be registered on the Record of Titles of Lots 1 and 2 DP 439970 advising that at the time of full site development the provision of a water supply be provided to all lots. 3. That pursuant to section 221 Resource Management Act 1991, a consent notice be registered on the Record of Titles of Lots 1 and 2 DP 439970 advising that at the time of full site development each lot is to be provided with a means for disposal of stormwater and control runoff from the whole development and any adjacent property 4. That pursuant to section 221 Resource Management Act 1991, a consent notice be registered on the Record of Titles of Lots 1 and 2 DP 439970 advising that at the time of full site development each lot is to be provided with a means of wastewater disposal in compliance with Rule 3.5.7.5 and Rule 3.5.7.6 of the Waikato Regional Plan.

4.2 For completeness, we note as follows:

- (a) RNHL is currently arranging for each of those consent notices to be removed from the relevant Record of Title and/or they will be removed as part of the Stage 1 application process via concurrent discretionary activities (in accordance with section 221 of the RMA).
- (b) It appears that one of the relevant Records of Title was inadvertently omitted from the original application material. A copy of that Title (for Lot 2 DP 334215, being 341 Te Kowhai Road) is accordingly **attached** as **Annexure A**.

5. **RELATIONSHIP BETWEEN RNHL, GREEN SEED CONSULTANTS LIMITED AND MADE**

5.1 As a preliminary comment, the three companies RNHL, MADE Group Limited and GSCL are all related entities, ultimately owned and controlled by developer Charles Ma. We comment specifically regarding the purpose and role of each of those companies, as follows.

RNHL

5.2 RNHL (the fast-track applicant) is a land development entity, incorporated specifically for the purpose of facilitating the development of Rotokauri North. MADE Group Trustee

Services Limited ("MADE") is the ultimate holding company of RNHL. Mr Ma is the sole director and shareholder of MADE.

GSCL

- 5.3 GSCL is a related entity to RNHL. 30% of the shares in GSCL are owned by Rotokauri North Development No 1 Limited ("RNDL") and MADE is again the ultimate holding company of that latter entity. The other 60% of GSCL is owned by a relative of Mr Ma (30%) and one of his key investors (40%), respectively.
- 5.4 GSCL was incorporated in 2016 and was originally intended to be the development entity for Rotokauri North. It was incorporated for the purposes of the application for a Qualifying Development under the Housing Accords and Special Housing Areas Act 2013.
- 5.5 This application was later withdrawn, and GSCL then became the applicant entity for Plan Change 7 ("PC7") to the Hamilton City District Plan ("District Plan"), which was lodged in 2018. PC7 is now before a Hearing Panel.

MADE

- 5.6 MADE Group Limited is a holding company, which invests through subsidiaries. As with RNHL and RNDL, MADE is the ultimate holding of MADE Group Limited.

Summary – company ownership and role

- 5.7 Therefore in summary:
- (a) RNHL is the applicant entity for the fast track application under the Act.
 - (b) GSCL is the applicant under the Resource Management Act 1991 for PC7, a private plan change to the District Plan.
 - (c) MADE Group Limited is the principal development company owned and managed by Mr Ma, who either owns or has management control of all three companies.

6. PROVISIONS TO BE INCLUDED TO ENABLE DEVELOPMENT

- 6.1 As addressed in Part VII of the application, the present application seeks not only the construction of duplex dwellings on approximately 20 of the proposed lots, but also a set of enabling provisions such that dwellings can be constructed on all remaining vacant allotments (approximately 380) as a permitted activity.
- 6.2 The proposed provisions are intended to ensure any new dwellings reflect a medium density living environment, consistent with the current PC7 Medium Density Residential Zone ("MDRZ") provisions in the District Plan. This is necessary as the current zoning is Future Urban.
- 6.3 To that end, the proposed provisions incorporate the following development controls (although may not be the final exclusive list of controls), which are consistent with those from the PC7 MDRZ:
- (a) Height in relation to boundary control for side and rear boundaries, with a recession plane of 2.5m and either 45 degrees (east/west boundaries), 55 degrees (north boundaries) or 35 degrees (south boundaries).
 - (b) 20% minimum permeable surface (with additional permeability requirements for sites accessed via certain roads and rear lanes).
 - (c) 50% maximum site coverage.

- (d) 10m maximum height.
 - (e) Minimum setbacks for side yards (1m); rear yards (3-8m); garages (5m from a transport corridor boundary for garages with access to a legal road and 1m from the front building line of the dwelling); and porches (1m from a transport corridor boundary).
 - (f) 10% minimum glazing for garages that face a transport corridor (unless the garage door faces the transport corridor).
 - (g) Maximum width of 3.2-6m for certain garages.
 - (h) Maximum fence heights of 1.2-1.8m.
 - (i) Minimum outdoor living areas of 36m², capable of containing a 6m diameter circle or 30m² if an 8m² front porch is provided
 - (j) Controls on the location of the primary dwelling entrance, glazing associated with the principal living/dining room and service activities.
- 6.4 These enabling provisions are proposed to be secured via consent notices on the titles of the vacant lots and will include a sunset provision so that they can "fall away" once PC7 becomes operative.

7. **CONCLUSION**

- 7.1 We trust the above information assists with your assessment of RNHL's application for the Rotokauri North Stage 1 project and sufficiently responds to each item.
- 7.2 Please advise whether any further information is required or any clarification to the matters addressed above is needed.
- 7.3 Thank you for your consideration.

Yours sincerely



Helen Andrews | Olivia Manning
Partner | Associate

DDI: 09 909 7316

s 9(2)(a)
s 9(2)(a)

Annexure A

Record of Title for Lot 2 DP 334215

Released under the provision of
the Official Information Act 1982



**RECORD OF TITLE
UNDER LAND TRANSFER ACT 2017
FREEHOLD
Search Copy**



R.W. Muir
Registrar-General
of Land

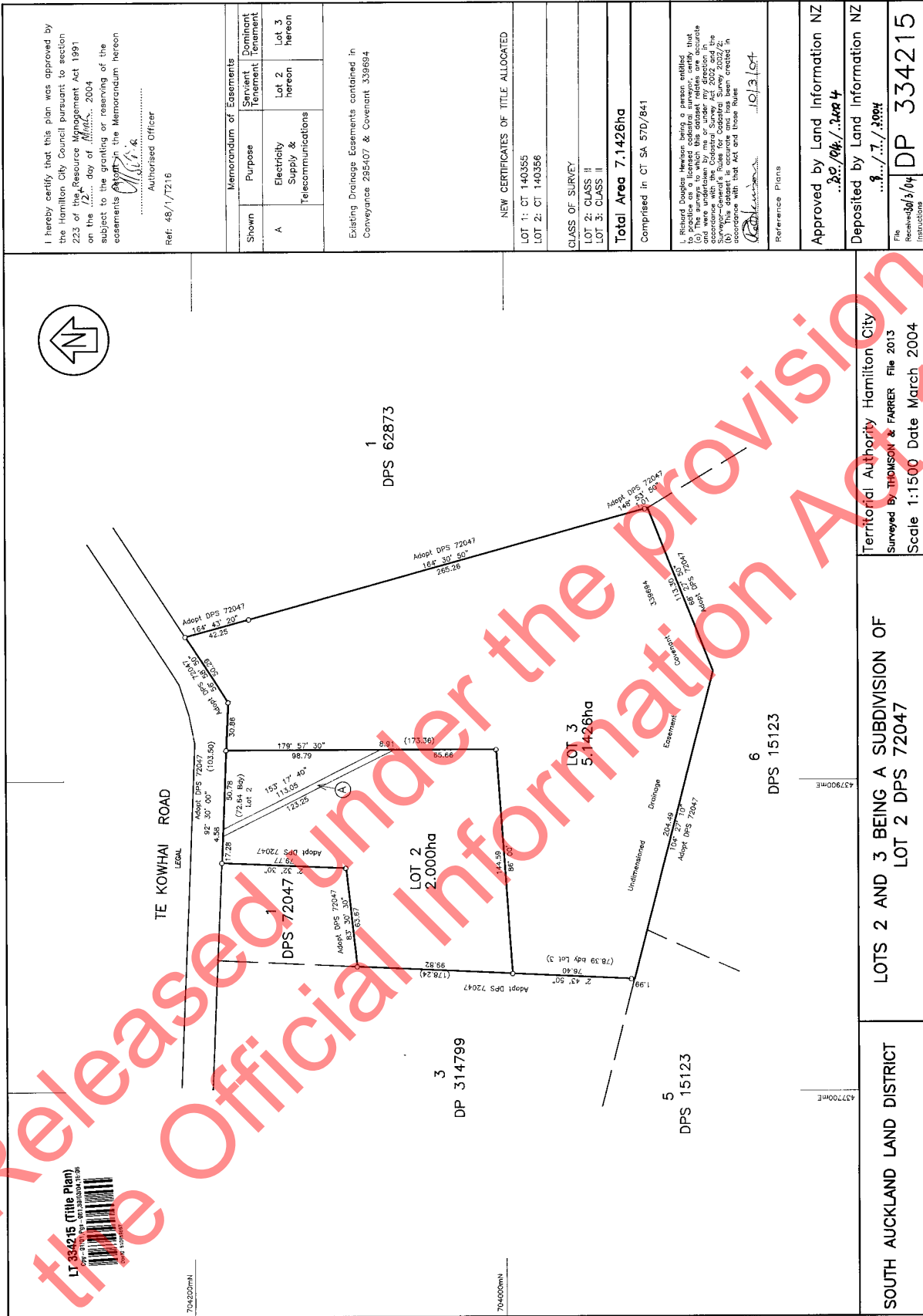
Identifier 140355
Land Registration District South Auckland
Date Issued 08 July 2004

Prior References
SA57D/841

Estate Fee Simple
Area 2.0000 hectares more or less
Legal Description Lot 2 Deposited Plan 334215
Registered Owners
River Garden NZ Limited

Interests

Subject to a drainage right over part created by Conveyance 295407 (R355/102)
Subject to a drainage right over part created by Covenant 339694 (R446/405)
B327195 Encumbrance to Hamilton City Council - 28.2.1996 at 3.06 pm
B523642.1 Variation of Encumbrance B327195 - 25.1.1999 at 2.21 pm
6072020.2 Consent Notice pursuant to Section 221 Resource Management Act 1991 - 8.7.2004 at 9:00 am
Subject to rights to convey electricity, telecommunications and computer media over part marked A on DP 334215 created by Easement Instrument 6080295.1 - 15.7.2004 at 9:00 am
The easements created by Easement Instrument 6080295.1 are subject to Section 243 (a) Resource Management Act 1991
Land Covenant in Easement Instrument 6080295.2 - 15.7.2004 at 9:00 am
11871465.1 Mortgage to Basecorp Finance Limited - 25.9.2020 at 2:58 pm



Released under the Provision of the Official Information Act 1982