



BRF-831

14 December 2021

Gary Noland  
c/- Helen Andrews  
Partner  
Berry Simons

s 9(2)(a)

Dear Helen Andrews

**COVID-19 Recovery (Fast-Track Consenting) Act 2020 – Notice of Decisions (Section 25) – Rotokauri North – Stage 1**

Thank you for Rotokauri North Holdings Limited's application under section 20 of the COVID-19 Recovery (Fast-track Consenting) Act 2020 (FTCA) seeking referral of the Rotokauri North – Stage 1 Project to an expert consenting panel (a panel) for consideration under the FTCA.

The Project comprises subdivision of an approximately 62-hectare site to create up to 400 residential lots, balance lots for future development (including a primary school) and roads intended to be vested in Hamilton City Council; to install three-waters infrastructure; and to construct 20 buildings containing 40 residential units on 20 lots.

The purpose of the FTCA is to 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.

I can only refer the Project to a panel for consideration under the FTCA if it meets the referral criteria in section 18 of the FTCA, which includes me being satisfied the Project will help achieve the FTCA's purpose.

I have decided the Project meets the referral criteria in section 18 of the FTCA and I consider it will help to achieve the FTCA's purpose as it has the potential to:

1. have positive effects on social wellbeing by generating employment, increasing housing supply and contributing to a well-functioning urban environment
2. generate employment by providing approximately 100 full-time equivalent jobs over a five-year planning and construction period

3. increase housing supply through the construction of 20 buildings containing 40 residential units on 20 lots, and enable the future construction of an additional 380 residential units on the remainder of the lots
4. progress faster than would otherwise be the case under standard Resource Management Act 1991 process, provided that the applicant lodges their applications for resource consent in a timely manner following Project referral.

Any actual and potential effects arising from the Project, together with any measures to avoid, remedy, mitigate, offset or compensate for adverse effects, could be tested by a panel against Part 2 of the Resource Management Act 1991 and the purpose of the FTCA (section 4 and clause 31 Schedule 6).

Accordingly, I have decided to accept your application for referral under section 24(2) of the FTCA and refer all of the Project to a panel.

*Information required to be submitted with your [resource consent applications][notice of requirement*

In accordance with section 24(2)(d) of the FTCA, I have also decided that you must provide the information listed in Appendix A of this letter with any resource consent application for the Project lodged with the Environmental Protection Authority (EPA) under clause 2 Schedule 6.

I draw your attention to clause 14 Schedule 6 of the FTCA that details that the above information must be provided in sufficient detail to correspond to the scale and significance of effects. You should therefore provide what you believe is a reasonable level of information, and if a panel requires further information, they can seek it from you under clause 25 Schedule 6 of the FTCA.

This information will inform a panel's assessment of the proposal's effects and whether to invite comment from persons or groups in addition to those specified in clause 17 Schedule 6 of the FTCA. This does not preclude a panel from requiring you to provide any additional information on any application lodged with the EPA under the FTCA.

*Persons or groups a panel must invite comments from*

In accordance with section 24(2)(e) of the FTCA, I have also decided that a panel must invite comments on any resource consent application for the Project lodged with the EPA from the following persons or groups additional to those specified in clause 17 Schedule 6 of the FTCA:

1. Waka Kotahi NZ Transport Agency
2. the Associate Minister for the Environment (Urban Policy)
3. the Rotokauri North Tangata Whenua Working Group

This will allow those parties the opportunity to have input into the consideration of the application and enable a panel to better understand the potential effects of the proposal.

These directions do not preclude a panel from inviting any other parties to comment on any application lodged with the EPA under the FTCA.

I will progress an Order in Council through the Executive Council for the Project. The wording of the referral order may vary slightly from the statements and directions included in this letter, due to legal drafting requirements.

Once this Order is made you will be able to lodge your applications for resource consent with the EPA for a decision by a panel. The decision to approve or decline the resource consents is a matter for the panel appointed by the Panel Convener Judge L J Newhook. You should not take my decision to refer the Project as an indication or direction that the determination of those approvals will be successful. Additionally, my decision does not in any way endorse any related or concurrent planning decisions such as zoning decisions that may affect the Project.

Please do not publicly release my decision or this notice until the Order in Council for this Project has been approved by Cabinet and notified in the New Zealand Gazette.

The FTCA requires that:

1. I provide a copy of my decisions to the persons, entities and groups specified in section 25(1) and (2) of the FTCA
2. My decisions, the reasons for them, and the Section 17 Report will be published on the Ministry for the Environment's website in accordance with section 25(3) of the FTCA.

In addition, I have also decided to provide a copy of this decision to the following parties:

1. Waka Kotahi NZ Transport Agency
2. the Associate Minister for the Environment (Urban Policy)
3. the Rotokauri North Tangata Whenua Working Group

Please contact the Fast-track Consenting Team at the Ministry for the Environment (fasttrackconsenting@mfe.govt.nz) if you have any questions or wish to discuss this decision.

Yours sincerely



Hon David Parker  
**Minister for the Environment**

cc Relevant Ministers of/for portfolios specified in section 21(6)(a)–(m) FTCA:

Infrastructure; Māori Crown Relations—Te Arawhiti; Housing; Education; Arts, Culture, and Heritage; Treaty of Waitangi Negotiations; Local Government; Land Information; Defence; Transport; Conservation; and Climate Change

Additional relevant Minister/s:

Associate Minister for the Environment (Urban Policy)

Local authority/ies:

Hamilton City Council  
Waikato District Council  
Waikato Regional Council

Other parties:

Waka Kotahi NZ Transport Agency  
Rotokauri North Tangata Whenua Working Group

Relevant iwi authority/ies:

Te Whakakitenga o Waikato Incorporated  
Ngāti Hauā Iwi Trust

Relevant Treaty settlement entity/ies:

Te Whakakitenga o Waikato Incorporated  
Ngāti Hauā Iwi Trust  
Waikato Raupatu River Trust  
Waikato River Authority

Environmental Protection Authority

The Panel Convener

Released under the provision of  
the Official Information Act 1982

## **Appendix A – Requirements specific to application lodged by Rotokauri North Holdings Limited for the Rotokauri North – Stage 1 Project**

### ***Information required to be submitted with your application***

In accordance with section 24(2)(d) of the FTCA, I have also decided that you must provide the following information with any application:

- a planning assessment which includes analysis of the Project against:
  - the Decisions version of Plan Change 7 to the Hamilton City District Plan (if this is available at the time of lodgement) or the Proposed Version if a decision has not been released at the time of lodgement
  - the Proposed Waikato District Plan
- an integrated transport assessment including information about discussions held, and agreements made with Waka Kotahi NZ Transport Agency
- an ecological assessment which includes:
  - analysis of the effects of the Project on freshwater values, birds, bats and lizards
  - analysis of the effects of the Project on the nearby Significant Natural Area
  - results of surveys to confirm the presence/absence of Black Mudfish and Giant Kokopu within the Project site
  - fish salvage procedures
  - measures to ensure fish passage during construction
  - assessment of any biosecurity risks associated with the Project
  - measures to avoid, remedy or mitigate ecological effects identified
- a detailed assessment of:
  - the capacity of existing roading and three waters infrastructure
  - upgrades to the infrastructure required to service the development
  - how the upgrades will be funded
- a stormwater, hydrology and water quality assessment which includes:
  - a stormwater management plan
  - analysis of the effects of the Project on Lake Rotokauri, having regard to climate change
  - analysis of the capacity of the Ngāruawāhia rural drainage scheme to service the development and any upgrades required to the scheme.