

**In Confidence**

**Office of the Minister for the Environment**

**Chair, Cabinet**

## **COVID-19 Recovery (Fast-track Consenting) Referred Projects Amendment Order (No 2) 2021**

### **Proposal**

1. This paper seeks authorisation for submission to the Executive Council of the COVID-19 Recovery (Fast-track Consenting) Referred Projects Amendment Order (No 2) 2021 (the Amendment Order).
2. The Amendment Order amends the COVID-19 Recovery (Fast-track Consenting) Referred Projects Order 2020 to include Wooing Tree Property Development LP's, Wooing Tree Estate (Schedule 13) as a project referred to an expert consenting panel (a panel).
3. The Amendment Order enables Wooing Tree Property Development LP to apply for the relevant resource consents to be decided by a panel supported by the Environmental Protection Authority (EPA) in accordance with the process in the COVID-19 Recovery (Fast-track Consenting) Act 2020 (FTCA).

### **Executive Summary**

4. The FTCA is one of the Government's actions to support New Zealand's economic recovery from COVID-19. The FTCA enables any person to apply to the Minister for the Environment (the Minister) to access the fast-track consent process for their project. If the Minister accepts an application, it is referred by Order in Council allowing an applicant to lodge, via the EPA, a resource consent application or notice of requirement for a designation with a panel for consideration.
5. This paper seeks authorisation to fast-track Wooing Tree Property Development LP's, Wooing Tree Estate Project (the Project) and refer it to a panel.
6. I have considered the report prepared under section 17 of the FTCA, whether the Project helps achieve the purpose of the FTCA, and the comments I sought from relevant Ministers, local authorities, and Waka Kotahi NZ Transport Agency (Waka Kotahi). I have also requested and considered further information from the applicant.
7. I have accepted the Project for referral as it will help to achieve the purpose of the FTCA by:
  - 7.1 directly generating up to 650 FTE (Full Time Equivalent) jobs which includes jobs resulting from the construction of residential units on 276 residential lots and permanent jobs from commercial activities. The scope of this project only includes construction of 46 residential units but the employment figure estimates jobs related to construction of all of the 276 units approved for subdivision

- 7.2 providing economic benefits to people living and working in the Central Otago area and the viticulture and construction industries that have been affected by COVID-19
  - 7.3 increasing housing supply in an area experiencing rapid growth and housing shortages
  - 7.4 contributing to a well-functioning urban environment given its proximity to the Cromwell town centre and being within an area identified in the Cromwell Spatial Plan as being suitable for residential intensification
  - 7.5 enabling the Project to progress faster by using the processes provided by the FTCA than would otherwise be the case under standard Resource Management Act 1991 (RMA) processes.
8. I consider that the Project will help to achieve the purpose of the FTCA and any adverse effects and mitigation measures can be considered and determined by a panel having regard to Part 2 of the RMA and the purpose of the FTCA.

### **Background**

9. The FTCA enables any person to apply to the Minister to fast-track a resource consent application or notice of requirement for their project. If the Minister accepts an application, it is referred by Order in Council allowing an applicant to lodge a resource consent application or notice of requirement for a designation with a panel for consideration. A diagram of the fast-track process is provided in Appendix one.
10. As at 24 February 2021, I have received 35 applications for projects to be considered for referral to a panel through an Order in Council, of which:
  - 10.1 one application has been referred with the Order in Council in process and eleven applications have been referred and Orders in Council gazetted. A list of the applications is provided in Appendix two
  - 10.2 the Wooing Tree Estate application that is the subject of this cabinet paper has been approved by me for referral
  - 10.3 eight applications have been declined for a range of reasons including that they do not meet the purpose of the FTCA and it would be more appropriate for them to go through the standard consenting process under the RMA
  - 10.4 three applications have been withdrawn
  - 10.5 eleven applications are still being processed.
11. One listed project, Te Ara Tupua – Ngauranga to Petone shared pathway, was granted its resource consents and notices of requirements on 05 February 2021. This was the third listed project approved by a panel under the FTCA.
12. Panels have been appointed and comments have been invited on the Queenstown Arterials and Waitohi Picton Ferry Precinct Redevelopment listed Projects.
13. For an update on the specific projects that are listed under the FTCA a table is provided in Appendix three.

### **Project for referral: Wooing Tree Property Development LP's, Wooing Tree Estate**

- ### Comments received

19. s 9(2)(f)(ii), s 9(2)(g)(i)

[REDACTED]

Lead Efficiency



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26. CODC considers that it is not necessarily appropriate for the Project to be fast-tracked. CODC considers the main benefits of the Project relate to a more compressed project duration as it will result in a higher annual investment over a short period. However, CODC also notes that a longer project period may deliver more stable economic conditions and better site management. CODC acknowledges that three water services are available to the site and stormwater is expected to be disposed of by ground soakage.
27. CODC notes that it will be working to implement the Cromwell Spatial Plan through plan changes expected in the 2021/2022 financial year onwards. CODC also notes that the Cromwell community were highly engaged in the Cromwell Spatial Plan process, and that the fast-track process will potentially 'cut across' plan implementation, resulting in outcomes for commercial areas not entirely aligned with the Cromwell Spatial Plan. CODC is seeking to strengthen the role of the Cromwell town centre and improve its form and function and considers the commercial aspect of the Project has the potential to compromise the town centre. However, CODC acknowledges that the residential aspects of the Project would give effect to the Cromwell Spatial Plan and help to accommodate future population growth.
28. CODC notes that dust and noise complaints relating to Stage 1 of the development have been received and greater areas of exposed site could exacerbate dust issues.
29. ORC considers that there is no reason why this Project could not go through the standard RMA consent process within statutory timeframes and notes that it does not see any significant issues associated with the proposed development. ORC confirms that the applicant holds a consent for taking groundwater and that there are no known compliance history issues. ORC notes that earthworks associated with roading, foundations for housing, and other infrastructure may trigger the requirement for consent under the Regional Plan: Water for Otago proposed Plan Change 8.
30. Waka Kotahi is neutral towards this Project. Waka Kotahi notes that agreements previously reached for works required to service the development, including a roundabout and underpass, should apply and that the application to the EPA should include comments on local connections and construction details, traffic effects, and the funding and timing of the roundabout and the underpass construction.
31. Waka Kotahi considers that, subject to finalised agreements being reached with the applicant, the roundabout and the underpass projects are likely to be constructed and completed in 2021/2022. Waka Kotahi commented that the construction of the roundabout and underpass should be completed following separate works to construct a roundabout at

the State Highway 6 / State Highway 8B intersection that are expected to begin in March 2021.

### *Decision*

32. In making my decision I considered the application and further information received, comments received from relevant Ministers, CODC and ORC, and the eligibility criteria in section 18 of the FTCA. I also considered the report prepared under section 17 of the FTCA, which did not identify any considerations that would preclude referral of this application.
33. I have decided to accept the Project for referral to a panel. I consider the Project meets the eligibility criteria in section 18 of the FTCA and will help to achieve the purpose of the FTCA by:
- 33.1 directly generating up to 650 FTE jobs, which includes jobs resulting from the construction of 276 residential units and ongoing permanent jobs relating to commercial activities. The scope of this project only includes construction of 46 residential units but the employment figure estimates jobs related to construction of all of the 276 units approved for subdivision
  - 33.2 providing economic benefits to people living and working in the Central Otago area and the viticulture and construction industries affected by COVID-19
  - 33.3 increasing housing supply in an area experiencing rapid growth and housing shortages
  - 33.4 contributing to a well-functioning urban environment given the site's proximity to the Cromwell town centre and location within an area identified in the Cromwell Spatial Plan as being suitable for residential intensification
  - 33.5 enabling the Project to progress faster by using the processes provided by the FTCA than would otherwise be the case under standard RMA processes.
34. s 9(2)(f)(ii), s 9(2)(g)(i)
35. The issues raised by CODC in relation to the effect of the commercial aspects of the Project on the Cromwell town centre can be considered by a panel as part of the broader economic effects of the Project.
36. The FTCA requires that a panel invite comments from the relevant local authorities, relevant iwi authorities, Treaty settlement entities, specific Ministers, owners and occupiers of adjacent land and specific non-governmental organisations and other groups listed in the FTCA including Infrastructure New Zealand and the Property Council of New Zealand<sup>1</sup>.
37. In addition to these requirements, I have directed a panel to seek comment from Waka Kotahi given that the Project requires the construction of a new roundabout and underpass on SH8B and the physical works will need to be authorised and undertaken by Waka Kotahi. It is noted that these roading works will be approved and constructed outside the scope of the fast-track process.

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<sup>1</sup> Clause 17(6) of Schedule 6, FTCA.

38. I consider there are no other reasons under section 24(2) of the FTCA to:

38.1 limit the scope of the Project by referring it only in part

38.2 refer the Project in stages

38.3 place any restrictions on the Project

38.4 impose specific timeframes for panel consideration.

### **Timing and 28-day rule**

39. Cabinet has agreed to waive the 28-day rule for Orders in Council relating to projects to be referred to a panel<sup>2</sup>. Therefore, the Amendment Order will come into force the day after publication in the New Zealand Gazette. This will enable applications for resource consents to be lodged with the EPA, for consideration by a panel, the day after the Amendment Order is gazetted.

### **Compliance**

40. The Amendment Order complies with:

40.1 the principles of the Treaty of Waitangi

40.2 the rights and freedoms contained in the New Zealand Bill of Rights Act 1990 or the Human Rights Act 1993

40.3 the principles and guidelines set out in the Privacy Act 1993

40.4 relevant international standards and obligations

40.5 the Legislation Guidelines (2018 edition) which are maintained by the Legislation Design and Advisory Committee.

### **Regulations Review Committee**

41. I do not consider that there are grounds for the Regulations Review Committee to draw this Order in Council to the attention of the House of Representatives under Standing Order 319.

### **Certification by Parliamentary Counsel Office**

42. The Amendment Order has been certified by the Parliamentary Counsel Office (PCO) as being in order for submission.

### **Impact Analysis**

#### *Regulatory Impact Assessment*

43. The Regulatory Impact Assessment (RIA) requirements for this proposal have been waived. Cabinet has agreed that a RIA is not required for Orders in Council relating to projects to be referred to a panel<sup>3</sup>.

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<sup>2</sup> ENV-20-MIN-0033 and CAB-20-MIN-0353 refer.

<sup>3</sup> ENV-20-MIN-0033 and CAB-20-MIN-0353 refer.



## *Climate Implications of Policy Assessment*

44. The Climate Implications of Policy Assessment (CIPA) team at the Ministry for the Environment has been consulted and confirms that the CIPA requirements do not apply to the Project.
45. The decision to refer the Wooing Tree Estate Project to a panel will not have direct emissions impacts. Likely emissions implications of the Project have been considered at a high-level during the formal application process and are also expected to be considered by a panel in their assessment of any adverse effects arising from the Project.

## **Publicity**

46. The Amendment Order will be available on the New Zealand Legislation website following its notification in the New Zealand Gazette.
47. As required under section 25 of the FTCA, my decision to refer the Project to a panel for consideration, the reasons for the decision, and the report obtained under section 17 will be made available to the public on the Ministry for the Environment's website.

## **Proactive Release**

48. I intend to proactively release this paper on the Ministry for the Environment's website subject to redaction as appropriate under the Official Information Act 1982.

## **Consultation**

49. I have considered the matters raised by the relevant Ministers, local authorities, and Waka Kotahi and am satisfied that the Project meets the purpose of the FTCA. Any specific issues raised can be addressed by a panel in their substantive decision-making role.
50. The Ministry for the Environment sought comment on this paper from the Department of Conservation, Ministry for Housing and Urban Development, Ministry for Culture and Heritage, Te Puni Kōkiri, Ministry of Education, Department of Corrections, Land Information New Zealand, Treasury, Ministry of Transport, Ministry of Business, Innovation and Employment, Ministry for Primary Industries, Department of Prime Minister and Cabinet, Ministry of Health, Ministry of Defence, Department of Internal Affairs and the Ministry for Māori Crown Relations - Te Arawhiti.
51. No comments were received on this cabinet paper from the agencies listed above.

## **Recommendations**

I recommend that Cabinet:

1. **note** that I have decided under section 24 of the COVID-19 Recovery (Fast-track Consenting) Act 2020 to accept Wooing Tree Property Development LP's, Wooing Tree Estate Project for referral to a panel
2. **note** that Wooing Tree Property Development LP's, Wooing Tree Estate Project meets the eligibility criteria in section 18 of the COVID-19 Recovery (Fast-track Consenting) Act 2020, and is considered to help achieve the purpose of the FTCA by:
  - 2.1 directly generating up to 650 FTE jobs which includes jobs resulting from the construction of 276 residential units and ongoing permanent jobs relating to commercial activities. The scope of this project only includes construction of 46

residential units but the employment figure estimates jobs related to construction of all of the 276 units approved for subdivision

- 2.2 providing economic benefits to people living and working in the Central Otago area and the viticulture and construction industries affected by COVID-19
  - 2.3 increasing housing supply in an area experiencing rapid growth and housing shortages
  - 2.4 contributing to a well-functioning urban environment given the site's proximity to the Cromwell town centre and location within an area identified in the Cromwell Spatial Plan as being suitable for residential intensification
  - 2.5 enabling the Project to progress faster by using the processes provided by the FTCA than would otherwise be the case
3. **note** that the COVID-19 Recovery (Fast-track Consenting) Referred Projects Amendment Order (No 2) 2021 directs that any expert consenting panel appointed to consider Wooing Tree Property Development LP's, Wooing Tree Estate seek comments from Waka Kotahi NZ Transport Agency (Waka Kotahi) (see Appendix four)
  4. **authorise** the submission to the Executive Council of the COVID-19 Recovery (Fast-track Consenting) Referred Projects Amendment Order (No 2) 2021
  5. **note** that on 27 July 2020, Cabinet agreed [CAB-20-MIN-0353 refers] to waive the 28-day rule so that Orders in Council made under the COVID-19 Recovery (Fast-track Consenting) Act 2020 can come into force as soon as they are notified in the New Zealand Gazette
  6. **note** that the COVID-19 Recovery (Fast-track Consenting) Referred Projects Amendment Order 2021 (No 1) will come into force the day after publication in the New Zealand Gazette.

Authorised for lodgement

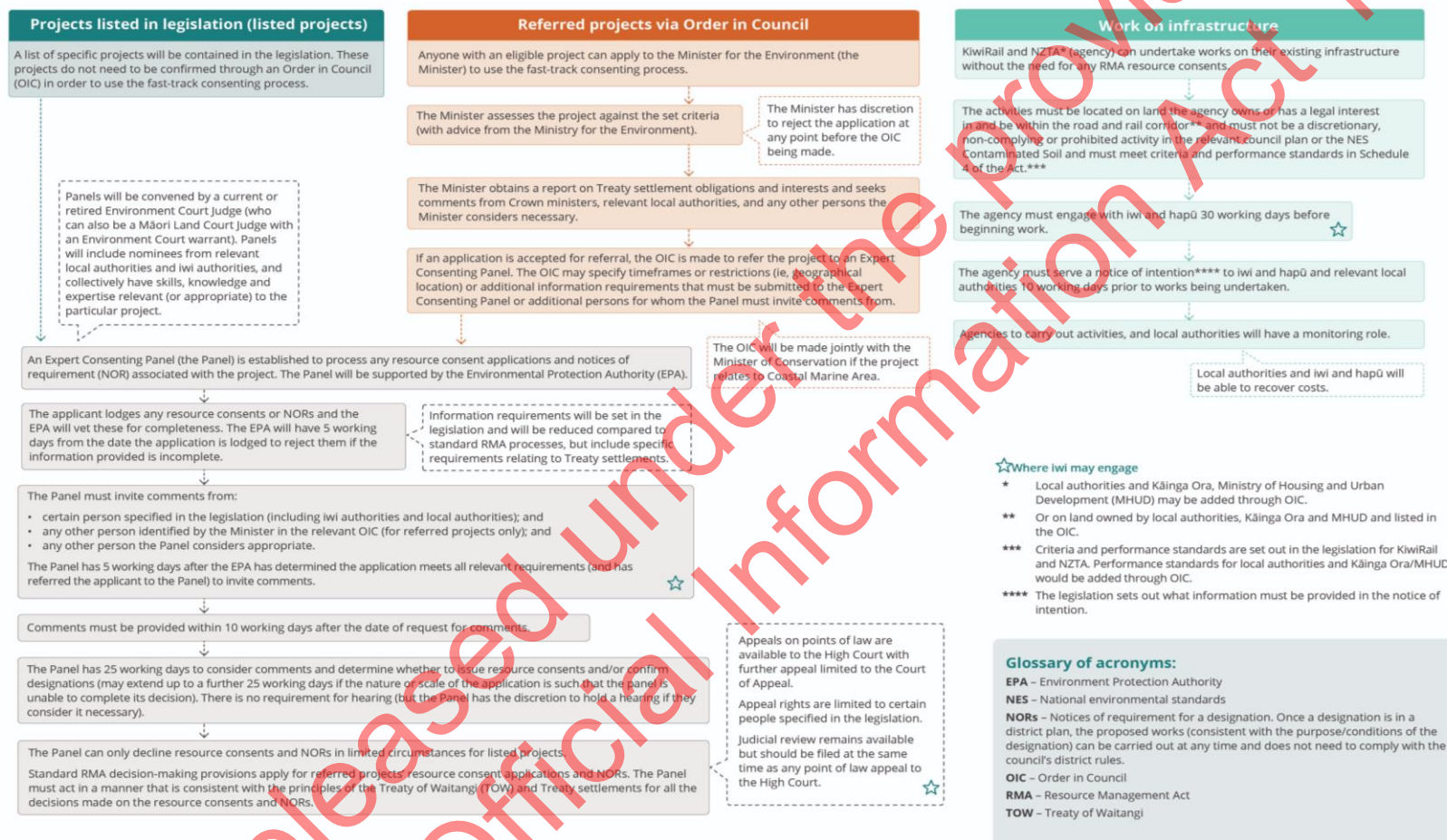
Hon David Parker  
Minister for the Environment



## Appendix one – Diagram of how the Fast-track consenting process works

### Fast-track consenting process

This diagram shows the processes to be followed for projects to be fast tracked under the COVID-19 Recovery (Fast-track Consenting) Act 2020.



**Appendix two – List of referred projects under the COVID-19 Recovery (Fast-track Consenting) Act 2020**

- Transpower New Zealand Limited's Clutha Upper Waitaki Lines Project (CUWLP) - Works and Workers' Village
- Winton Property Limited's Northbrook Wanaka Retirement Village
- Ryman Healthcare Limited's Kohimarama Comprehensive Care Retirement Village
- Primeproperty Group Limited's Molesworth Street Office Development
- Jason and Angela Mudgway's The Vines Affordable Subdivision
- Pudong Housing Development Company Limited's, Foodstuffs North Island Limited's, and Silk Road Management Limited's Dominion Road Mixed-use Development
- Ambury Properties Limited's Ohinewai Foam Factory
- Kāinga Ora-Homes and Communities' and Porirua City Council's Eastern Porirua Regeneration Project - Infrastructure Works
- Silverlight Studios Limited's Silverlight Studios,
- Otago Viticulture and Oenology Limited's (trading as Brennan Wines) Brennan winery, restaurant, education, and event complex, and
- CPM 2019 Limited's Nola Estate
- Hiringa Energy Limited's and Ballance Agri-Nutrients Limited's Kapuni Green Hydrogen Project

### Appendix three –Status of listed projects

Status of projects listed under the COVID-19 Recovery (Fast-track Consenting) Act 2020

Listed Project	Status (provided by the EPA, 20 January 2021)
Matawii Water Storage Reservoir Kaikohe	Consents have been approved.
Papakāinga Development – Rāpaki, Christchurch	Consents have been approved.
Te Ara Tupua – Ngā Ūranga to Pito-one shared path	Consents have been approved.
Waitohi Picton Ferry Precinct Redevelopment	Consents lodged on 22 December 2020. Panel is currently seeking comment.
Queenstown Arterials Project	Consents lodged on 17 December 2020. Panel is currently seeking comment.
Papakura to Drury South State Highway 1 improvements	Lodgement anticipated in April 2021.
Northern Pathway – Westhaven to Akoranga shared path	Lodgement anticipated in 2021.
Papakura to Pukekōhe rail electrification	Lodgement anticipated in 2021 Some works will progress under work on infrastructure provisions provided in the FTCA.
Papakāinga Development - Kaitia	Lodgement anticipated in 2021.
Papakāinga Development – Waitara, Taranaki	Lodgement anticipated in 2021.
Te Pā Tāhuna Residential Development	Developer considering consenting routes which includes fast track consenting.
Unitec Residential Development	Developer considering consenting routes which includes fast track consenting.
Papakāinga Development - Point Chevalier, Auckland	Project was consented through the RMA with the option of fast tracking providing certainty if the project's consents weren't granted.
Papakāinga development – Whaingaroa, Raglan	Project was consented through the RMA with the option of fast tracking providing certainty if the project's consents weren't granted.
Papakāinga Development - Chatham Islands	Project was consented through the RMA with the option of fast tracking providing certainty if the project's consents weren't granted.
Wellington Metro Upgrade Programme	Not proceeding under Fast-track at this stage.
Britomart Station eastern end upgrade	Not proceeding under Fast-track at this stage.

**Appendix four – Additional requirements: Wooing Tree Property Development LP's, Wooing Tree Estate application**

An expert consenting panel appointed to consider Wooing Tree Property Development LP's, Wooing Tree Estate must seek comments from Waka Kotahi NZ Transport Agency.

Released under the provision of  
the Official Information Act 1982