

## Overview of the fast-track process

The COVID-19 Recovery (Fast-track Consenting) Act 2020 (the Act) introduces a short-term consenting process to fast track projects that can boost employment and economic recovery.

For a project to access the fast track process the Minister for the Environment (the Minister) must first make a decision to refer the project. The referral process involves seeking comment from Ministers of the Crown (and local authorities). The Minister also has discretion to seek comment from any other person.

If the Minister decides to refer a project, it progresses to an expert consenting panel who makes a decision on whether to grant consents or notices of requirement. The decision will be made in accordance with the relevant decision making considerations in the Resource Management Act 1991.

Feedback from Ministers of the Crown will assist the Minister to determine whether a project is suitable to refer.

The Act requires the Minister to consider matters such as the economic costs and benefits of the project for people or industries affected by COVID-19, whether the project will create a public benefit and whether there is potential for significant adverse effects (refer to section 19 of the Act). The Act also specifies reasons the Minister may decline an application (refer to section 23(5)).

The comments the Minister is seeking from you at this stage of the fast-track process are high-level. The Minister would like to understand whether you broadly support or oppose the project and why, and whether there are any significant matters you consider the Minister should be aware of when deciding whether a project should be referred to an expert consenting panel.

You will have a further opportunity to provide comments for any projects that the Minister refers to an expert consenting panel. At that stage of the fast-track process, the applicant will be required to lodge a detailed application with the EPA, which will include an environmental assessment and cultural impact assessment. It is at this stage that the merits of the project will be fully assessed, including in relation to environmental effects.

Section 6 of the Act requires any person performing functions and exercising powers under this Act to be consistent with the principles of the Treaty of Waitangi and Treaty settlements.

Please use a separate form for each application.

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# Invitation to comment on applications for referral under the Covid-19 (Fast-track Consenting) Act 2020

You have been invited to provide comments to the Minister for the Environment (the Minister) on an application to refer a project to an expert consenting panel for fast-track consenting under the Covid-19 Recovery (Fast-track consenting) Act 2020 (FTCA).

The information below provides the context for this application, the reasons for the invitation to comment and information to assist you in responding. Please note that the Minister has requested that you reply within 10 working days from receipt of the application and invitation to comment. Under section 21(5) of the FTCA the Minister is not obliged to consider any comments provided after this time.

## Overview of the fast-track process

The FTCA introduces a short-term consenting process to fast-track projects that can boost employment and economic recovery.

For a project to access the fast track process the Minister must first make a decision to refer the project to an expert consenting panel. The referral process involves seeking comment from local authorities and Ministers of the Crown. The Minister also has discretion to seek comment from any other person.

It is important to note that the Minister's role is not to undertake a detailed assessment of the merits or effects of the project at this stage.

The Minister's referral decision must be made in the context of the eligibility criteria in section 18 of the FTCA, and the matters in sections 19 and 23(5) of the FTCA. Specifically, section 18 requires the Minister to be satisfied that the proposed project:

- will help to achieve the purpose of the FTCA
- does not include an activity that is prohibited in the RMA, RMA regulations or a local authority plan or proposed plan
- does not occur on land returned under a Treaty settlement if the relevant landowners have not agreed in writing
- does not occur in a customary marine title area if the holder of the relevant customary marine title order has not agreed in writing

- does not occur in a protected customary rights area, and have a more than minor effect on the exercise of the protected customary right, if the holder of the relevant protected customary rights recognition order has not agreed in writing.

In considering whether a proposal would help achieve the purpose of the Act, section 19 of the FTCA specifies matters the Minister may consider. These include whether the project will give rise to economic costs and benefits for people or industries affected by COVID-19; whether the project will create a public benefit; the effect on social and cultural wellbeing of current and future generations, and whether there is potential for significant adverse effects.

Section 23(5) of the FTCA gives reasons why the Minister may decline to refer an application for fast-tracking, whether or not it meets the criteria in section 18. These include:

- the applicant has not provided enough information to determine whether the project meets the section 18 criteria
- it would be more appropriate for the proposed project, or part of the project, to go through standard consenting or designation processes under the RMA
- the proposed project is inconsistent with a relevant national policy statement
- directing the project to a panel would be inconsistent with a Treaty settlement
- the proposed project involves an activity that would occur on land that the Minister for Treaty of Waitangi negotiations considers necessary for Treaty settlement purposes
- the applicant has a poor history of environmental regulatory compliance
- there is insufficient time for the application to be referred and considered before the FTCA is repealed (ie, 8 July 2022).

Comments you choose to provide at this point will assist the Minister to determine whether a project will help to achieve the FTCA's purpose and should be referred. **Please note that your comments, including your name and contact details, will be made available on our website and to the applicant either in response to an Official Information Act request or as part of the Ministry's proactive release of information.**

**Please advise if you object to the release of any information contained in your comments, including your name and contact details. You have the right to request access to or to correct any personal information you supply to the Ministry.**

If the Minister decides to refer a project, it progresses to an expert consenting panel who makes a decision on whether to grant consents or notices of requirement. The decision will be made in accordance with the relevant decision-making considerations in the RMA and applying the purpose of the FTCA and section 6 of the Act (Treaty of Waitangi).

## Guidance on comments sought

The comments the Minister invites from you at this stage of the fast-track process are intended to be high-level, and in the context of the matters in sections 18, 19 and 23 (outlined above).

For example, the Minister would like:

- your initial thoughts on whether this project could create benefits for your district / region
- your initial thoughts on significant issues that could arise from this project (if any)
- your view on whether it would be more appropriate for the project, or part of the project, to go through standard RMA consenting or designation processes

- a summary of the applicant's environmental regulatory compliance history (if they have a poor compliance history)
- a summary of any joint management agreement, Mana Whakahono ā Rohe, transfer of power, memorandum of understanding, or other relationship agreements under the RMA, including the parties involved
- information on any other significant matters you consider the Minister should be aware of when deciding whether a project should be referred to an expert consenting panel.

The letter from the Minister may also ask for your comment on other specific matters.

Additionally, section 6 of the FTCA requires any person performing functions and exercising powers under this FTCA to act consistently with the principles of the Treaty of Waitangi and Treaty settlements (including Treaty settlement deeds), and this also provides relevant context for your comments.

**Please note you are not expected to undertake a detailed assessment of the effects of the proposal.**

A template is attached for you to provide your comments on. Please use a separate form for each application.

If you wish to discuss this application, please contact Fast-track Consenting Team officials at [fasttrackconsenting@mfe.govt.nz](mailto:fasttrackconsenting@mfe.govt.nz).

## Opportunities for further comment and involvement

You will have a further opportunity to provide comments for any projects that the Minister refers to an expert consenting panel.

At that stage of the fast-track process, the applicant is required to lodge a detailed application for resource consents and/or notices of requirement with the Environmental Protection Authority. An application must include an environmental assessment and information about cultural impacts.

An expert consenting panel will be appointed for each project by the panel convener, who is a retired Environment Court judge. The panel must include a chair and one person nominated by the relevant local authorities, and one person nominated by the relevant iwi authorities. Further panel members may be included, as outlined in clause 3 of Schedule 5 of the FTCA. The panel convener will therefore seek nominations from the relevant groups for these positions prior to making the panel appointments.

The panel is responsible for fully assessing the merits of the proposed project and deciding whether to grant the resource consents and/or notices of requirement. The panel will be given any comments you provided earlier to the Minister, and must also invite further comment from you, relevant iwi authorities, Ministers of the Crown and other persons and groups referred to in clause 17 of Schedule 6 of the FTCA.

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

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

<b>Local authority providing comment</b>	Otago Regional Council
<b>Contact person (if follow-up is required)</b>	Joanna Gilroy
	s 9(2)(a)
	P 0800 474 082   M s 9(2)(a)

## Comment form

Please use the table below to comment on the application.

<b>Project name</b>	Flints Park, Ladies Mile - Te Pūtahi
<b>General comment – potential benefits</b>	No Comment. This question would best be addressed by the District Council.
<b>General comment – significant issues</b>	<p>Flints Park West:</p> <ul style="list-style-type: none"> <li>The details on the wastewater component are very light. Council has rules in the regional plan about wastewater and discharges it is likely that they will need consent under these rules. In the information provided it appears that for the wastewater component they are relying on upgrades to existing wastewater treatment plants. There are issues with these plants not meeting current demands on the system and consent conditions are not being met.</li> <li>Potable water is to come from a plant and bore field specific for this development. This area is a Schedule C aquifer in Council's Regional Plan Water that has controls and limits on the amount of water available. Depending on the location of the takes there may also be considerations for the NES for Drinking Water. This document is currently up for consultation and the results of this review may end up impacting existing activities and discharges in the area. The details of the potable water are very light. The Regional Council has rules about water abstractions that will likely require resource consent.</li> <li>Stormwater is not considered in the application and details on this should be provided. Regional Council has rules regarding stormwater that may require consent. There are also concerns about stormwater management in the area and as a result of large scale developments.</li> <li>Sediment management during the development has not been considered in this application. Council has rules relating to earthworks that may require resource consent for this activity.</li> <li>Dust management during the development has not been considered in this application. Council's Air plan has rules on this that may require consent.</li> <li>There does not seem to have been any assessments of contaminated land (farm landfills or dip sites). Council records show a HAIL site in the adjacent Flints Park East site. This may have an impact on any nearby water supply.</li> </ul>

There do not appear to be waterways or wetlands in the proposed development, if these are found on site, then the Regional Plan; Water and the NES Freshwater may have further considerations.

Glenpanel Fast Track Comments:

- Wastewater details are very light, and it appears that they are relying on third party upgrades to existing wastewater treatment plants. There are current issues with these plants not meeting current demands on the system and consent conditions are not being met. The Council has rules regarding discharges that will likely require consent.
- The source of potable water is to come from upgrades to the existing QLDC infrastructure. This area is a Schedule C Aquifer and has controls and limits on the amount of water available. Depending on the location of the takes there may also be considerations for the NES for Drinking Water. This document is currently up for consultation and the results of this review may end up impacting existing activities and discharges in the area. The details of the potable water are very light. Council has rules about water abstractions that will likely require resource consent.
- Stormwater is to be largely managed by soak holes according to the application. The previously mentioned issues in this area about this being a schedule C aquifer and the NES Drinking Water may have some impacts on these intentions. Council has rules regarding stormwater that may require consent.
- Sediment management during the development has been addressed in one sentence along with dust and stormwater runoff. there is not sufficient information on these matters to be certain that consent is or is not required.
- Dust management during the development has featured in one sentence with stormwater and sediment. Councils Air plan has rules on this that may require consent.
- There does not seem to have been any assessments of contaminated land (farm landfills or dip sites). Council records show a HAIL site in the adjacent to the Glenpanel site. This may have an impact on any nearby water supply.

There do not appear to be wetlands in the proposed development, if these are found on site, then the Regional Plan; Water and the NES Freshwater may have further considerations. There are waterways identified on the topographical map on Slopehill above the Glenpanel site. This has been described in the application as stormwater entering the site from Slopehill. An assessment will need to be made of the waterways to determine their status. The intentions may be impacted by rules and regulations from the NES Freshwater and the Regional Plan Water.

General comments on both developments:

ORC staff in discussions with the developer have noted the importance of getting the details and timing of the project right (including how this development will integrate with other developments along Ladies Mile), otherwise there is the risk for the potential of poor outcomes with piecemeal approach to development across a key future urban development area.

QLDC has also commenced a strategic planning exercise (Ladies Mile Master Plan) to provides for an integrated approach to the development of the whole corridor, particularly the integration of shared infrastructure, including three waters, and transport. One of the key issues with development in the area is an integrated stormwater management given the proximity to Lake Hayes and the Shotover and Kawarau River. Water quality, particularly in Lake Hayes is of significant concern to ORC. The development needs to ensure it is consistent with the NPS Freshwater Management 2020 and NES for Freshwater.

Another key issue is Transport, where impact on SH6 is an issue of considerable concern to NZTA and the wider community. The LMMP provides for minimum density and staging requirements along with three waters and transport integration required to make the whole corridor work as intended, particularly to enable the critical mode shift required.

In terms of public transport servicing Flints Park, ORC staff have had discussions with the developer as to how this may happen. It requires a change to route 5 (Lake Hays Estate to Queenstown). ORC staff has started those conversations with QLDC staff and its bus contractor.

<b>Is Fast-track appropriate?</b>	There is no reason why this application could not go through the standard RMA process at Council level.
<b>Environmental compliance history</b>	Enforcement action was taken against one of the shareholders in 2016 relating to a groundwater take, supplying data and proving the accuracy of the monitoring
<b>Reports and assessments normally required</b>	Given the proximity of the unnamed tributary which runs down the gully behind the homestead then along the boundary of the property Council would expect a report on how sediment control measures for storm water will be implemented. Further to this consent may be required under proposed plan change 8 to the Regional Plan: Water for Otago for Residential Earthworks under rule 14.5.2.1 if permitted activity rule 14.5.1.1 cannot be met. Furthermore, given the location to SH6 and potential scale of the development, a report would be expected to be provided on dust control measures to be implemented during the development phase. This relates to the Regional Plan: Air.
<b>Iwi and iwi authorities</b>	Te Rūnanga o Ngāi Tahu (for notified applications only) and Aukaha and Te Ao Marama (consultancies operating on behalf of iwi).
<b>Relationship agreements under the RMA</b>	Nil
<b>Insert responses to other specific requests in the Minister's letter (if applicable)</b>	NA
<b>Other considerations</b>	The ORC Compliance team has checked the HAIL database and noted that this application would fall under the National Environmental Standards for Contaminated Sites. There is one site near the location, HAIL.00475.01; which has the HAIL Category 1: A17: Storage tanks or drums for fuel, chemicals or liquid waste. The summary given for the site in the HAIL database states that "Petrol tank removed, and soils within pit met Tier 1 residential criteria. Diesel tank remained on site"

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

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

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

<b>Local authority providing comment</b>	Queenstown Lakes District Council
<b>Contact person (if follow-up is required)</b>	Mike Theelen, Chief Executive Officer
	Tony Avery, Manager Planning and Development
	s 9(2)(a)

## Comment form

Please use the table below to comment on the application.

<b>Project name</b>	Glenpanel, Ladies Mile – Te Pūtahi Project
<b>General comment – potential benefits</b>	<p>Te Pūtahi - Ladies Mile area has obvious attributes that make it an important consideration in planning future development in the district. It is sunny, flat, and an easily serviceable part of the Wakatipu Basin that is not prone to significant natural hazards or in an Outstanding Natural Landscape. Although it is an amenity landscape, relative to other parts of the Wakatipu Basin it has a high capacity to absorb urban development without affecting the wider rural setting.</p> <p>It adjoins existing urban developments (Lakes Hayes Estate, Shotover Country and the Queenstown Country Club) and is in close proximity to the major employment area of the Frankton Flats and its industrial, retail and mixed-use zones, employment centres and airport.</p> <p>At a broader strategic level, the area has been identified as a key priority area via the Queenstown Lakes District Spatial Plan as an area suitable for urbanisation.</p> <p>As part of the Proposed District Plan (PDP) process, the Wakatipu Basin Land Use Planning Study 2017 recommended that Ladies Mile was highly suitable for more urban development. Due to the narrow scope of submissions, and evidence on the lack of capacity of the Shotover Bridge, decisions on the PDP were to zone the area as Rural Lifestyle and Large Lot Residential. There are a number of outstanding appeals in regard to the PDP on the Te Pūtahi – Ladies Mile area relating to additional land zoning requests. These appeals are currently on hold awaiting the outcome of the Te Pūtahi – Ladies Mile Masterplan process.</p> <p>There is significant pressure to urbanise the area, with a number of major landowners along Te Pūtahi – Ladies Mile, signalling their intention to seek development of their land in the short to medium term. In 2019, three Special Housing Area development applications were declined by QLDC through the now expired Housing Accords and Special Housing Area legislation. These landowners are still looking at mechanisms to develop their land.</p>

In March 2020, Council approved work to begin work on the Ladies Mile – Te Pūtahi masterplan and plan variation. This followed previous Council meetings where it was agreed that the Ladies Mile – Te Pūtahi area was likely to be developed for urban purposes, and that a proactive Council led planning approach should be undertaken, taking into account the wide range of community, housing, recreation, transport, greenspace and infrastructure needs for Ladies Mile and the surrounding communities.

In October 2021, Council adopted the Te Pūtahi - Ladies Mile Masterplan and approved further work to be undertaken on the planning provisions required to give effect to the masterplan. The planning provisions, involving a plan variation to the District Plan, are scheduled to be considered at a Full Council meeting on 28 April 2022. The ongoing work in relation to the planning provisions and consultation with landowners has identified that further changes to the Master Plan are likely to be presented to the Council. This is particularly in relation to stormwater management.

The masterplan seeks to set out a legible and clear structure to mitigate sporadic development across Ladies Mile.

This application (Glenpanel) is one of three standalone Fast track applications that cover a portion of the northern side of Ladies Mile area that are being proposed that may or may not integrate with the wider Te Pūtahi - Ladies Mile masterplan area and which may undermine it and the work and significant investment undertaken to date.

However, if each proposal is able to be aligned with the Masterplan outcomes, then each may enable housing and development at a faster rate than through the First Schedule RMA process. The Council is also still to determine the timing and implementation of some of the larger network infrastructure that will also be required and if approved, the fast track applications are likely to push council's infrastructure planning faster than currently planned.

In respect of the Te Pūtahi – Ladies Mile masterplan and Spatial Plan, the Glenpanel project generally aligns with the following aspects:

- a. Option 1 identifies a mixture of typologies, would support the shortfall of feasible capacity in attached style dwellings that the district is lacking
- b. The potential for the internal collector roads to connect to neighbouring sites
- c. A well-connected block structure
- d. Providing for the 25m amenity setback from SH6
- e. Includes the major active travel network links within the SH6 setback as required by the masterplan

**General comment – significant issues**

To date, the Te Pūtahi- Ladies Mile masterplan project has involved significant investment by Council, which has included extensive traffic modelling, substantial engagement with the local community, landowners, multiple stakeholders and partners including the Otago Regional Council, Waka Kotahi, Iwi, Ministry of Education, Kāinga Ora and the Ministry of Housing and Urban Development.

As a result of this analysis and engagement it has been identified that the effectiveness of the masterplan and the resulting planning provisions depend on creation of a critical mass of residential development and associated land uses as well as integrated transport and infrastructure solutions to support the proposed town centre, encourage modal shift to reduce car dependency and ensure integrated stormwater management across the entire site. The Masterplan represents a holistic view of the masterplan area as well as the surrounding communities and all of the opportunities and constraints that exist.

The Glenpanel project does not align with the following aspects:

	<ol style="list-style-type: none"> <li>1. In Option 1, the average residential density of 49 dwellings per hectare is much lower than the High Density 70 dwellings per hectare required by the masterplan (30% less dwellings than anticipated by the masterplan). This will result in the critical mass not being achieved which will undermine the integrated nature of the masterplan which includes densities supporting public transport initiatives and the viability of the town centre.</li> <li>2. Options 2 and 3 significantly reduce the housing typologies offered in Glenpanel's Option 1. This does not align with the masterplan's requirement for 3 storey walk-ups and apartment buildings that will both contribute to the density requirements, as well as provide alternatives to the free-standing housing that is predominantly available in the Queenstown market (average house price of \$1.57m recorded by Corelogic February 2022)</li> <li>3. Provision of individual stormwater management areas that do not integrate with the wider development, situated along the SH6 frontage. Council has seen no details of the proposed stormwater system and while individualised stormwater systems might be able to cope with each site, the management of stormwater across all of Te Pūtahi – Ladies Mile also needs to be considered.</li> <li>4. Lack of safe crossing points across SH6 to ensure connectivity with the neighbouring communities and the community hub (proposed sports fields and community centre) located on the southern side of SH6. These safe crossing points are still subject to the ongoing discussions between the Council and Waka Kotahi (currently unresolved and awaiting a safe systems speed limit review)</li> <li>5. The Glenpanel proposal contains a mixed-use precinct, which will undermine the viability of the town centre area proposed by the masterplan</li> </ol>
<p><b>Is Fast-track appropriate?</b></p>	<p>Council considers it would be more appropriate for the RMA plan change process to be progressed to a stage whereby the Glenpanel project could be assessed for the following main reasons.</p> <ol style="list-style-type: none"> <li>1. The proposed plan variation will respond to the significant commitment made on the draft masterplan, which means that the Glenpanel project would be assessed against the masterplan and final set of planning provisions. Given that the masterplan and associated provisions represent a comprehensive suite of requirements which all aim to provide a well-designed, functional and integrated urban area, it is considered that the application is best considered following the adoption of these so that a robust assessment can be made.</li> <li>2. The plan variation process provides for statutory involvement of all parties through the submission and hearing process.</li> <li>3. The land is currently zoned as Rural Lifestyle in the proposed Queenstown Lakes District Plan (PDP) and Rural under the Operative District Plan (ODP). Neither plans provide an objective, policy or planning framework that would support the proposal.</li> </ol>
<p><b>Environmental compliance history</b></p>	<p>QLDC has no record of environmental compliance or enforcement matters in the district by this applicant.</p>

<b>Reports and assessments normally required</b>	<p>The following assessments would normally be required by Council:</p> <ol style="list-style-type: none"> <li>1. Urban design;</li> <li>2. Community and social;</li> <li>3. Ecological;</li> <li>4. Geotechnical and natural hazards;</li> <li>5. Traffic;</li> <li>6. Water and wastewater</li> <li>7. Stormwater including qualitative and quantitative matters including recharge of the Windermere aquifer;</li> <li>8. Landscape and visual amenity;</li> <li>9. Construction including earthworks;</li> <li>10. Contaminated land;</li> <li>11. Statutory policy documents including the RMA, national policy statement, regional policy statement, regional plan(s) and district plan(s);</li> </ol> <p>It should also be noted that Council would require peer reviews of technical and other reports to be able to ensure that any decision is made on the best information. This is particularly the case with stormwater which is a significant issue for the district, given the demonstrated stormwater failings around the district as a result of under-designed systems, but also applies to water, wastewater and transport.</p>
<b>Iwi and iwi authorities</b>	Aukaha and Te Ao Marama
<b>Relationship agreements under the RMA</b>	N/A
<b>Insert responses to other specific requests in the Minister's letter (if applicable)</b>	<p>Refer to the comments below on the specific matters contained in the letter dated 26 January 2022 (Stephanie Frame, Manager Fast-Track Consenting Team to Mike Theelen, Chief Executive Officer, your reference BRF-1044)</p> <p>Specific Questions on the applications:</p> <ol style="list-style-type: none"> <li>1) <u>Are there any reasons that you consider it more appropriate for the project, or part of the project, to proceed through existing Resource Management Act 1991 (RMA) consenting process rather than the process in the FTCA?</u> <ul style="list-style-type: none"> <li>• See comments above</li> <li>• The Te Pūtahi Ladies Mile masterplan project has involved significant investment by Council and the community in its development. Although the process to date has been 'non-statutory', the community commitment to the process was evident by Council receiving over 500 comments in response to the release of the draft masterplan and planning provisions, with many concerns raised in regard to traffic congestion issues and concerns with the density and heights proposed.</li> <li>• Whilst there was significant community opposition, Council determined that the area would still be developed regardless, and therefore adopted the masterplan at the October 2021 meeting. Council's view is that it is preferable to have a proactive led process, which will provide a legible and clear structure to mitigate sporadic development. Approval of the Fast-Track consents, which do not align with the masterplan prior to adoption of the final MP and planning provisions means that the above objectives may not be satisfied.</li> </ul> </li> </ol>

- The next stages programmed for the community to be engaged in the development of Ladies Mile- Te Pūtahi is through the statutory RMA process of submissions, hearing of submissions and appeals.
- While the FTCA provides for comments to be made on the Flint Park project, those persons or organisation who must be provided the opportunity does not include the wider community, unless this group of people is listed in the referral order or the panel considers it appropriate to invite comment, there is no opportunity for the community to continue its engagement in the process.
- Given the very high levels of public interest in the development outcomes for Te Pūtahi – Ladies Mile, Council considers it more appropriate for the full Masterplan to proceed through the existing RMA plan variation process.

2) What reports and assessments would normally be required by the Council for a project of this nature in this area?

See above

3) Does the applicant, or a company owned by the applicant, have any environmental regulatory compliance history in your district?

QLDC has no record of environmental compliance or enforcement matters in the district by this applicant

4) How does the project align with the Ladies Mile Master Plan, Queenstown Lakes Spatial Plan and draft District Plan Policy?

- See the comments above
- The land is currently zoned as Rural Lifestyle in the proposed Queenstown Lakes District Plan (PDP) and Rural under the Operative District Plan (ODP). Neither plans provide an objective, policy or planning framework that would support the sought after urbanisation.
- However, at a broader and strategic level, the Te Pūtahi – Ladies Mile area is also included in Councils Spatial Plan (adopted 29th July 2021). The Spatial Plan identifies Te Pūtahi – Ladies Mile (Eastern Corridor) as one of two of the Wakatipu's future urban and priority development areas.
- As a priority development area in the Spatial Plan, Te Pūtahi – Ladies Mile has been identified as a new transit orientated neighbourhood offering new housing choices that will require integrated development and working in partnership to deliver a public transport solution to unlock the potential of this area. A link to the Spatial Plan can be found here:  
<https://letstalk.qldc.govt.nz/spatial-plan>

5) When do you anticipate that the provisions of the Ladies Mile Masterplan will be made operative in the Queenstown Lakes District Plan?

- Council will be considering the proposed Te Pūtahi – Ladies Mile Planning Provisions that give effect to the masterplan, including an application to engage in the Streamlined Planning Process at the 28th April 2022 Council meeting.
- Once approved, an application to the Ministry for a Streamlined Planning Process (SPP) could be made as soon as possible after that date.

	<ul style="list-style-type: none"> <li>• If accepted into the SPP, the Minister will then issue directions, with timeframes prescribed by the Ministers. Our understanding is that the subsequent process could take between 9 – 12 months, and so the masterplan and associated planning provisions could be operative somewhere between November 2022 and May 2023.</li> <li>• If not accepted into the SPP, Council would notify the plan variation under the normal First Schedule process under the RMA. With submissions, hearings, decisions and possible appeals processes, the timeframe for making the masterplan provisions operative is likely to be 2-3 years after notification.</li> </ul>
<b>Other considerations</b>	Council will be considering the proposed Te Pūtahi – Ladies Mile Planning Provisions that give effect to the masterplan, including an application to engage in the Streamlined Planning Process at the 28th April 2022 Council meeting.

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

Released under the provisions of the Official Information Act 1982

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

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

Organisation providing comment	NZ Transport Agency (Waka Kotahi)
Contact person (if follow-up is required)	Richard Shaw, Team Leader South – Poutiaki Taiao   Environmental Planning Waka Kotahi NZ Transport Agency
	Email: § 9(2)(a) [REDACTED]
	DDI: 03 964 2809

## Comment form

Please use the table below to comment on the application.

Project name	Flints Park, Ladies Mile – Te Putahi
General comment	<p>Waka Kotahi NZ Transport Agency (Waka Kotahi) consider themselves to be a key stakeholder to this project given the potential for significant adverse effects on State Highway 6 (SH6).</p> <p>Waka Kotahi <b>oppose</b> this project being referred to the expert consenting panel under the COVID-19 Recovery (Fast-track Consenting) Act 2020 for the following reasons:</p> <ul style="list-style-type: none"> <li>• The proposal is considered an ad-hoc development currently out of context in the Rural and Rural Lifestyle zones;</li> <li>• The proposal is being promoted prior to the Queenstown Lakes District Council (QLDC) Draft Ladies Mile Masterplan for the wider area encompassing the proposed development site being approved. There has also been no Plan Change to rezone the land based on an approved Masterplan with finalised supporting objectives, policies and rules. As a result, the current proposal is an isolated stand-alone development and there is no guarantee that adjoining landowners will develop road networks and connections in an integrated way. The proposal therefore lacks certainty for future internal transport networks to be created and for the integration with the wider transport network. If approved, it is considered the development would be a poor planning outcome for the area and not result in a well-functioning urban environment;</li> <li>• If approved, Waka Kotahi also consider there is a risk of this development creating a precedent leading to other ad-hoc developments in the area.</li> </ul> <p>If this project is referred to an expert consenting panel, we would expect the applicant to continue to consult with Waka Kotahi as part of their detailed application process. We would also expect an integrated transportation assessment and travel demand management plan to be prepared as part of the application and prior to this assessment being prepared the applicant's transportation expert to consult with Waka Kotahi over the scope and form that this assessment should take.</p>

<b>Other considerations</b>	<p>Ladies Mile (SH6) has existing significant transport constraints that need to be dealt with in an integrated way. The QLDC Spatial Plan identified Ladies Mile as a priority development area. It was acknowledged throughout the development of the Spatial Plan that Ladies Mile is subject to significant transportation constraints. Given, the network is currently operating at or close to 100% of capacity across the transport system, more detailed work (via the Masterplan) is needed to confirm the appropriate yield and staging of development for the site. The current Draft Ladies Mile Masterplan as pointed out above has not yet been approved by QLDC. The Transport Strategy developed for the Draft Masterplan envisaged an ambitious mode shift to Public Transport (PT) which is required to maintain a functional transport system. Consequently, we consider there is a significant risk to the functionality of the transport system if this mode shift cannot be met on Ladies Mile. The travel demand management plan referred to above should include an assessment of actual mode share and operational and management measures to be implemented to reduce dependence on private vehicle trips. The QLDC Spatial Plan also envisaged coordinated staging to address mode shift goals commensurate with improved PT and active modes of service. This proposed development in isolation is unlikely to deliver the necessary mode shift required to maintain a functional transport system.</p> <p>Ultimately the transportation constraints along Ladies Mile are required to be addressed in an integrated way and this proposal (and any ad-hoc development in this area), if granted, will not contribute to wider infrastructure requirements, help manage or mitigate their effects on the transport system and its constraints in the area.</p>
<b>[Insert specific requests for comment]</b>	<p>That Waka Kotahi is considered a key stakeholder to this project, given the potential for adverse effects on the highway network. If referred, we would ask the expert consenting panel to direct the applicant to consult with us directly prior to lodgement of their application.</p>

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

Released under the Official Information Act 1982

# Invitation to comment on applications for referral under the Covid-19 (Fast-track Consenting) Act 2020

You have been invited to provide comments to the Minister for the Environment (the Minister) on an application to refer a project to an expert consenting panel for fast-track consenting under the Covid-19 Recovery (Fast-track consenting) Act 2020 (FTCA).

The information below provides the context for this application, the reasons for the invitation to comment and information to assist you in responding. Please note that the Minister has requested that you reply within 10 working days from receipt of the application and invitation to comment. Under section 21(5) of the FTCA the Minister is not obliged to consider any comments provided after this time.

## Overview of the fast-track process

The FTCA introduces a short-term consenting process to fast-track projects that can boost employment and economic recovery.

For a project to access the fast track process the Minister must first make a decision to refer the project to an expert consenting panel. The referral process involves seeking comment from local authorities and Ministers of the Crown. The Minister also has discretion to seek comment from any other person.

It is important to note that the Minister's role is not to undertake a detailed assessment of the merits or effects of the project at this stage.

The Minister's referral decision must be made in the context of the eligibility criteria in section 18 of the FTCA, and the matters in sections 19 and 23(5) of the FTCA. Specifically, section 18 requires the Minister to be satisfied that the proposed project:

- will help to achieve the purpose of the FTCA
- does not include an activity that is prohibited in the RMA, RMA regulations or a local authority plan or proposed plan
- does not occur on land returned under a Treaty settlement if the relevant landowners have not agreed in writing
- does not occur in a customary marine title area if the holder of the relevant customary marine title order has not agreed in writing

- does not occur in a protected customary rights area, and have a more than minor effect on the exercise of the protected customary right, if the holder of the relevant protected customary rights recognition order has not agreed in writing.

In considering whether a proposal would help achieve the purpose of the Act, section 19 of the FTCA specifies matters the Minister may consider. These include whether the project will give rise to economic costs and benefits for people or industries affected by COVID-19; whether the project will create a public benefit; the effect on social and cultural wellbeing of current and future generations, and whether there is potential for significant adverse effects.

Section 23(5) of the FTCA gives reasons why the Minister may decline to refer an application for fast-tracking, whether or not it meets the criteria in section 18. These include:

- the applicant has not provided enough information to determine whether the project meets the section 18 criteria
- it would be more appropriate for the proposed project, or part of the project, to go through standard consenting or designation processes under the RMA
- the proposed project is inconsistent with a relevant national policy statement
- directing the project to a panel would be inconsistent with a Treaty settlement
- the proposed project involves an activity that would occur on land that the Minister for Treaty of Waitangi negotiations considers necessary for Treaty settlement purposes
- the applicant has a poor history of environmental regulatory compliance
- there is insufficient time for the application to be referred and considered before the FTCA is repealed (ie, 8 July 2022).

Comments you choose to provide at this point will assist the Minister to determine whether a project will help to achieve the FTCA's purpose and should be referred. **Please note that your comments, including your name and contact details, will be made available on our website and to the applicant either in response to an Official Information Act request or as part of the Ministry's proactive release of information.**

**Please advise if you object to the release of any information contained in your comments, including your name and contact details. You have the right to request access to or to correct any personal information you supply to the Ministry.**

If the Minister decides to refer a project, it progresses to an expert consenting panel who makes a decision on whether to grant consents or notices of requirement. The decision will be made in accordance with the relevant decision-making considerations in the RMA and applying the purpose of the FTCA and section 6 of the Act (Treaty of Waitangi).

## Guidance on comments sought

The comments the Minister invites from you at this stage of the fast-track process are intended to be high-level, and in the context of the matters in sections 18, 19 and 23 (outlined above).

For example, the Minister would like:

- your initial thoughts on whether this project could create benefits for your district / region
- your initial thoughts on significant issues that could arise from this project (if any)
- your view on whether it would be more appropriate for the project, or part of the project, to go through standard RMA consenting or designation processes

- a summary of the applicant's environmental regulatory compliance history (if they have a poor compliance history)
- a summary of any joint management agreement, Mana Whakahono ā Rohe, transfer of power, memorandum of understanding, or other relationship agreements under the RMA, including the parties involved
- information on any other significant matters you consider the Minister should be aware of when deciding whether a project should be referred to an expert consenting panel.

The letter from the Minister may also ask for your comment on other specific matters.

Additionally, section 6 of the FTCA requires any person performing functions and exercising powers under this FTCA to act consistently with the principles of the Treaty of Waitangi and Treaty settlements (including Treaty settlement deeds), and this also provides relevant context for your comments.

**Please note you are not expected to undertake a detailed assessment of the effects of the proposal.**

A template is attached for you to provide your comments on. Please use a separate form for each application.

If you wish to discuss this application, please contact Fast-track Consenting Team officials at [fasttrackconsenting@mfe.govt.nz](mailto:fasttrackconsenting@mfe.govt.nz).

## Opportunities for further comment and involvement

You will have a further opportunity to provide comments for any projects that the Minister refers to an expert consenting panel.

At that stage of the fast-track process, the applicant is required to lodge a detailed application for resource consents and/or notices of requirement with the Environmental Protection Authority. An application must include an environmental assessment and information about cultural impacts.

An expert consenting panel will be appointed for each project by the panel convener, who is a retired Environment Court judge. The panel must include a chair and one person nominated by the relevant local authorities, and one person nominated by the relevant iwi authorities. Further panel members may be included, as outlined in clause 3 of Schedule 5 of the FTCA. The panel convener will therefore seek nominations from the relevant groups for these positions prior to making the panel appointments.

The panel is responsible for fully assessing the merits of the proposed project and deciding whether to grant the resource consents and/or notices of requirement. The panel will be given any comments you provided earlier to the Minister, and must also invite further comment from you, relevant iwi authorities, Ministers of the Crown and other persons and groups referred to in clause 17 of Schedule 6 of the FTCA.

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

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

<b>Local authority providing comment</b>	Otago Regional Council
<b>Contact person (if follow-up is required)</b>	Joanna Gilroy
	s 9(2)(a)
	P 0800 474 082   MS 9(2)(a)

## Comment form

Please use the table below to comment on the application.

<b>Project name</b>	Flints Park, Ladies Mile - Te Pūtahi
<b>General comment – potential benefits</b>	No Comment. This question would best be addressed by the District Council.
<b>General comment – significant issues</b>	<p>Flints Park West:</p> <ul style="list-style-type: none"> <li>The details on the wastewater component are very light. Council has rules in the regional plan about wastewater and discharges it is likely that they will need consent under these rules. In the information provided it appears that for the wastewater component they are relying on upgrades to existing wastewater treatment plants. There are issues with these plants not meeting current demands on the system and consent conditions are not being met.</li> <li>Potable water is to come from a plant and bore field specific for this development. This area is a Schedule C aquifer in Council's Regional Plan Water that has controls and limits on the amount of water available. Depending on the location of the takes there may also be considerations for the NES for Drinking Water. This document is currently up for consultation and the results of this review may end up impacting existing activities and discharges in the area. The details of the potable water are very light. The Regional Council has rules about water abstractions that will likely require resource consent.</li> <li>Stormwater is not considered in the application and details on this should be provided. Regional Council has rules regarding stormwater that may require consent. There are also concerns about stormwater management in the area and as a result of large scale developments.</li> <li>Sediment management during the development has not been considered in this application. Council has rules relating to earthworks that may require resource consent for this activity.</li> <li>Dust management during the development has not been considered in this application. Council's Air plan has rules on this that may require consent.</li> <li>There does not seem to have been any assessments of contaminated land (farm landfills or dip sites). Council records show a HAIL site in the adjacent Flints Park East site. This may have an impact on any nearby water supply.</li> </ul>

There do not appear to be waterways or wetlands in the proposed development, if these are found on site, then the Regional Plan; Water and the NES Freshwater may have further considerations.

Glenpanel Fast Track Comments:

- Wastewater details are very light, and it appears that they are relying on third party upgrades to existing wastewater treatment plants. There are current issues with these plants not meeting current demands on the system and consent conditions are not being met. The Council has rules regarding discharges that will likely require consent.
- The source of potable water is to come from upgrades to the existing QLDC infrastructure. This area is a Schedule C Aquifer and has controls and limits on the amount of water available. Depending on the location of the takes there may also be considerations for the NES for Drinking Water. This document is currently up for consultation and the results of this review may end up impacting existing activities and discharges in the area. The details of the potable water are very light. Council has rules about water abstractions that will likely require resource consent.
- Stormwater is to be largely managed by soak holes according to the application. The previously mentioned issues in this area about this being a schedule C aquifer and the NES Drinking Water may have some impacts on these intentions. Council has rules regarding stormwater that may require consent.
- Sediment management during the development has been addressed in one sentence along with dust and stormwater runoff. there is not sufficient information on these matters to be certain that consent is or is not required.
- Dust management during the development has featured in one sentence with stormwater and sediment. Councils Air plan has rules on this that may require consent.
- There does not seem to have been any assessments of contaminated land (farm landfills or dip sites). Council records show a HAIL site in the adjacent to the Glenpanel site. This may have an impact on any nearby water supply.

There do not appear to be wetlands in the proposed development, if these are found on site, then the Regional Plan; Water and the NES Freshwater may have further considerations. There are waterways identified on the topographical map on Slopehill above the Glenpanel site. This has been described in the application as stormwater entering the site from Slopehill. An assessment will need to be made of the waterways to determine their status. The intentions may be impacted by rules and regulations from the NES Freshwater and the Regional Plan Water.

General comments on both developments:

ORC staff in discussions with the developer have noted the importance of getting the details and timing of the project right (including how this development will integrate with other developments along Ladies Mile), otherwise there is the risk for the potential of poor outcomes with piecemeal approach to development across a key future urban development area.

QLDC has also commenced a strategic planning exercise (Ladies Mile Master Plan) to provides for an integrated approach to the development of the whole corridor, particularly the integration of shared infrastructure, including three waters, and transport. One of the key issues with development in the area is an integrated stormwater management given the proximity to Lake Hayes and the Shotover and Kawarau River. Water quality, particularly in Lake Hayes is of significant concern to ORC. The development needs to ensure it is consistent with the NPS Freshwater Management 2020 and NES for Freshwater.

Another key issue is Transport, where impact on SH6 is an issue of considerable concern to NZTA and the wider community. The LMMP provides for minimum density and staging requirements along with three waters and transport integration required to make the whole corridor work as intended, particularly to enable the critical mode shift required.

In terms of public transport servicing Flints Park, ORC staff have had discussions with the developer as to how this may happen. It requires a change to route 5 (Lake Hays Estate to Queenstown). ORC staff has started those conversations with QLDC staff and its bus contractor.

<b>Is Fast-track appropriate?</b>	There is no reason why this application could not go through the standard RMA process at Council level.
<b>Environmental compliance history</b>	Enforcement action was taken against one of the shareholders in 2016 relating to a groundwater take, supplying data and proving the accuracy of the monitoring
<b>Reports and assessments normally required</b>	Given the proximity of the unnamed tributary which runs down the gully behind the homestead then along the boundary of the property Council would expect a report on how sediment control measures for storm water will be implemented. Further to this consent may be required under proposed plan change 8 to the Regional Plan: Water for Otago for Residential Earthworks under rule 14.5.2.1 if permitted activity rule 14.5.1.1 cannot be met. Furthermore, given the location to SH6 and potential scale of the development, a report would be expected to be provided on dust control measures to be implemented during the development phase. This relates to the Regional Plan: Air.
<b>Iwi and iwi authorities</b>	Te Rūnanga o Ngāi Tahu (for notified applications only) and Aukaha and Te Ao Marama (consultancies operating on behalf of iwi).
<b>Relationship agreements under the RMA</b>	Nil
<b>Insert responses to other specific requests in the Minister's letter (if applicable)</b>	NA
<b>Other considerations</b>	The ORC Compliance team has checked the HAIL database and noted that this application would fall under the National Environmental Standards for Contaminated Sites. There is one site near the location, HAIL.00475.01; which has the HAIL Category 1: A17: Storage tanks or drums for fuel, chemicals or liquid waste. The summary given for the site in the HAIL database states that "Petrol tank removed, and soils within pit met Tier 1 residential criteria. Diesel tank remained on site"

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**From:** [Isabella Smith](#)  
**To:** [Fast Track Consenting](#)  
**Subject:** RE: [COMMERCIAL]COVID-19 Recovery (Fast-Track Consenting) Act 2020 – Flints Park West and Glenpanel, Ladies Mile  
**Date:** Tuesday, 15 February 2022 10:02:53 am  
**Attachments:** [image003.png](#)  
[image004.png](#)  
[image005.png](#)  
[image006.png](#)  
[image007.png](#)  
[image001.png](#)  
[Glenpanel-EOI-Appendices-Part-2-01-Mar-2019 incl Geotechnical review.pdf](#)

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Good morning,

I understand the deadline has been missed for further comments on the Flints Park West and Glenpanel, Ladies Mile. A team member from ORC has sent me the below comments in relation to Natural Hazards and we think it is important these are considered also. My apologies for missing these out.

#### **Flints Park West**

*There are no mapped natural hazards for this site on the ORC Natural Hazards Database. The absence of hazard mapping for a property does not necessarily mean that there is not a hazard of any type that affects that property or area. It just means that the ORC does not have the information.*

#### **Glenpanel**

*The site is located at the base of a mapped landslide area (“susceptible to shallow debris flows and mudflows”).*

*A small section of the north east corner of this site is located in a mapped active alluvial fan area. Both hazards needs to be considered during the development of the site (a Geotech report was prepared by Geoslove in 2019 when a Special Housing Area was proposed, see attached) but, from the information available, they don't seem to be a major blockage for the proposal. Those hazards can be considered at later stages of the development.*

Kind regards  
Issy



#### **Consents Public Enquiries**

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P 0800 474 082  
[public.enquiries@orc.govt.nz](mailto:public.enquiries@orc.govt.nz)  
[www.orc.govt.nz](http://www.orc.govt.nz)

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