



## FTC#118: Application for referred project under the COVID-19 Recovery (Fast-track Consenting) Act – Stage 2 decisions:

### Application 2021-080 Glenpanel, Ladies Mile – Te Pūtahi

Date Submitted:	10 March 2022	Tracking #: BRF-1143	
Security Level	In-Confidence	MfE Priority:	Urgent

	<b>Action sought:</b>	<b>Response by:</b>
To Hon David Parker, Minister for the Environment	Decisions on recommendations	TBA

Actions for Minister's Office Staff	<b>Return</b> the signed briefing to MfE.
Number of appendices: 6	<p>Appendices:</p> <ol style="list-style-type: none"> <li>Glenpanel, Ladies Mile – Te Pūtahi, application documents and further information received</li> <li>Stage 1 Briefing Note and decisions</li> <li>Statutory framework for making decisions</li> <li>Draft Notice of Decisions letter to Maryhill Limited</li> <li>Section 17 Report</li> <li>Comments received from Ministers, Queenstown Lakes District Council, Otago Regional Council and Waka Kotahi NZ Transport Agency</li> </ol>

### Ministry for the Environment contacts

Position	Name	Cell phone	1 <sup>st</sup> contact
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## FTC#118: Application for referred projects under the COVID-19 Recovery (Fast-track Consenting) Act – Stage 2 decisions

### Key Messages

1. This briefing seeks your decisions on the application received under section 20 of the COVID-19 Recovery (Fast-track Consenting) Act 2020 (FTCA) from Maryhill Limited for referral of the Glenpanel, Ladies Mile – Te Pūtahi project (the Project) to an expert consenting panel (a panel). A copy of the application is in Appendix 1.
2. This is the second briefing relating to this application. The first (Stage 1) briefing (BRF-1044) with your initial decisions annotated is in Appendix 2.
3. The Project is located at 429 Frankton-Ladies Mile Highway, Ladies Mile near Lake Hayes. It is to subdivide a 95.9-hectare site and construct approximately 450 residential units (or approximately 339 residential units if a school and childcare centre are also developed, or approximately 444 residential units and 214 retirement village units if a retirement village is included), commercial buildings and supporting infrastructure including roads and public open space. The project may also involve operation of a childcare centre and/or retirement village.
4. The Project will involve activities such as:
  - a. subdividing land
  - b. clearing vegetation
  - c. carrying out earthworks (including disturbing potentially contaminated soil)
  - d. taking, diverting and discharging groundwater and stormwater containing contaminants to land
  - e. taking groundwater for water supply
  - f. constructing buildings
  - g. constructing infrastructure including for vehicle and pedestrian access (including roads), parking, public-transport and three-waters services
  - h. landscaping including planting
  - i. any other activities that are -
    - i. associated with the activities described in a to h
    - ii. within the Project scope as described in paragraph 3.
5. The Project requires land use and subdivision consents under the Operative and Proposed Queenstown Lakes District Plans and would have overall non-complying activity status as it involves subdivision and residential development in a Rural Lifestyle zone. The Project will also require land use, water take and discharge consents under the Regional Plan: Water for Otago and a consent under the Resource Management (National Environmental Standard for Assessing and Managing Contaminants in Soil to Protect Human Health) Regulations 2011 (NES-CS).
6. While the current planning framework does not support the development density proposed, Queenstown Lakes District Council (QLDC) has adopted the Ladies Mile Masterplan (LMMP) as a blue-print for higher-density urban development of the Ladies Mile – Te Pūtahi area. The council intends to notify a plan change to the Queenstown Lakes District Plan in June 2022 to establish the planning framework to support implementation of the LMMP.

7. We note that the FTCA does not preclude consideration and determination of resource consent applications for the Project in advance of re-zoning of the area, although this is generally not good planning practice due to risks of fragmented or poorly integrated development.
8. Nevertheless, we consider that such risks can be appropriately managed in this case, provided that the applicant provides sufficient information on co-ordination with other development, timing, funding and delivery of infrastructure to support the Project. We therefore recommend you accept the referral application under section 24 of the FTCA and refer the Project to a panel for fast-track consenting. We seek your decision on this recommendation and on our recommendations on directions to the applicant and a panel, and notification of your decisions.

## Assessment against Statutory Framework

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9. The statutory framework for your decision-making is set out in Appendix 3. You must apply this framework when you are deciding whether or not to accept the application and when deciding on any further requirements or directions associated with Project referral.
10. Before accepting the application, you must consider the application and any further information provided by the applicant (in Appendix 1), the Section 17 Report (in Appendix 5) and comments from local authorities, Ministers, local authorities and Waka Kotahi NZ Transport Agency (Waka Kotahi) (in Appendix 6). Following that, you may accept the application if you are satisfied that it meets the referral criteria in section 18 of the FTCA. We provide our advice on these matters below.
11. We have also considered if there are any reasons for declining the Project, including the criteria in section 23(5) of the FTCA, and provide our advice on these matters to assist your decision-making.

## Further information provided by applicant

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12. In response to your request under section 22 of the FTCA the applicant provided further information on how the Project contributes to a well-functioning urban environment, meets section 104D of the Resource Management Act 1991 (RMA), is dependent on proposed transport infrastructure and encourages public transport. We have taken this information into account in our analysis and advice.

## Section 17 Report

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13. The Section 17 Report indicates that there is one Treaty settlement relevant to the Project area and Te Rūnanga o Ngāi Tahu is the sole relevant iwi authority and Treaty settlement entity.
14. No specific cultural or commercial redress provided under the settlement would be affected by the Project, and the settlement does not create any co-governance or co-management processes that would affect decision-making under the RMA for the Project.

## Comments received

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15. Comments were received from eight Ministers, QLDC, Otago Regional Council (ORC) and Waka Kotahi NZ Transport Agency (Waka Kotahi). The key points relevant to your decision are summarised in Table A.

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

Under section 21(5) of the FTCA you are not required to consider comments received after the prescribed 10-working day period but may do so at your discretion as you have not already made a decision on this application.

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

21. ORC advised there is no reason the Project could not be considered under standard RMA processes. ORC noted concerns about reliance on an over-capacity wastewater plant and associated upgrades, limitations on potable water supply, stormwater management for the broader area, the potential for contaminated soil and the site's location at the base of mapped landslide and active alluvial fan areas.

22. QLDC opposed Project referral as it considers Project consenting should follow implementation of the LMMP through a plan change with public involvement. QLDC acknowledged that the Project generally aligns with the housing diversity objectives of the LMMP although it includes a lower density development than the LMMP contemplates. QLDC also considered that the proposed mixed-use precinct will undermine the viability of public transport and the proposed Ladies Mile town centre.

23. Waka Kotahi opposed Project referral and considered that it would be more appropriate for the Project to seek consents after a plan change process to ensure that roading networks are developed in an integrated way.

24. QLDC and ORC identified several reports and assessments that would normally be required for a project of this type in this area. We consider that these are generally covered by the requirements of clause 9 Schedule 6 of the FTCA but recommend you require the applicants to submit to a panel certain specific information, as detailed in Table A, to assist a panel with timely consideration of the application.

## Section 18 referral criteria

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25. You may accept the application for Project referral if you are satisfied that the Project does not include ineligible activities (section 18(3)) and will help to achieve the purpose of the FTCA (section 18(2)).

26. The Project does not include any ineligible activities, as explained in Table A.
27. The matters that you may consider when deciding if a project will help achieve the purpose of the FTCA are in Section 19 of the FTCA. Our assessment of these matters is summarised in Table A. We consider the Project will help achieve the purpose of the FTCA, and meet the requirements of section 18(2), as it has the potential to:
- a. have positive effects on social well-being by generating employment and providing additional housing in a range of typologies in an area with a housing shortage
  - b. generate employment by providing approximately 2191 direct full-time equivalent (FTE) jobs over a 7-year design and construction period and approximately 85 FTE ongoing jobs per year
  - c. increase housing supply through the provision of approximately 450 residential units (or approximately 339 residential units if a school and childcare centre are also developed, or approximately 444 residential units and 214 retirement village units if a retirement village is included)
  - d. progress faster than would otherwise be the case under standard Resource Management Act 1991 process, provided that the applicant lodges their resource consent applications in a timely manner following Project referral.
28. We consider that 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 RMA and the purpose of the FTCA.

## Issues and Risks

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29. Even if the Project meets the referral criteria in section 18 of the FTCA, section 23(2) of the FTCA permits you to decline to refer the Project for any other reason.

### *Section 23 FTCA matters*

30. Section 23(5) of the FTCA provides further guidance on reasons to decline an application, and our analysis of these matters is summarised in Table A. Note that you may accept an application even if one or more of those reasons apply.
31. The key issues are whether resource consent applications for the Project would be more appropriately considered under standard RMA consent processes following a plan change to the Queenstown Lakes District Plan and related to this, the co-ordination of land-use planning with infrastructure and transport planning. This may affect the ability for infrastructure service providers to deliver the necessary infrastructure in time to service the Project if it progresses ahead of land-use planning decisions.
32. While the Operative and Proposed Queenstown Lakes District Plan do not prohibit the Project, the current planning framework does not support the residential development density proposed. The LMMP and the Queenstown Lakes Spatial Plan (QLSP) both signal urbanisation of the area including the Project site and QLDC intends to notify a plan change to implement the LMMP including re-zoning the site for urban development in June 2022.<sup>1</sup>

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<sup>1</sup> The Ladies Mile Masterplan (LMMP) is a non-statutory document intended to guide future growth and development in the Ladies Mile – Te Pūtahi area, in accordance with the objectives of the Queenstown Lakes Spatial Plan (QLSP), which in turn provides a strategic framework for future growth and investment in the Queenstown Lakes District. The LMMP includes a conceptual development layout. The QLSP was prepared by a partnership comprising QLDC, Central Government agencies and Ngāi Tahu. The draft QLSP was subject to a

33. Both QLDC and Waka Kotahi favour proceeding under standard RMA processes of consents following a plan change to enable a more strategic and integrated approach for land use, infrastructure and transport planning for the whole Ladies Mile – Te Pūtahi area. The FTCA does not preclude consideration of resource consent applications in advance of re-zoning although this is generally not good planning practice due to risks of fragmented or poorly integrated development and for achieving preferred development density outcomes.
34. s 9(2)(f)(ii), s 9(2)(g)(i) QLDC raised concerns about the proposed development density being 30% lower than the LMMP for the option with the highest residential unit yield. QLDC also considered that the proposed development density may be insufficient to support public transport services and the Ladies Mile town centre. s 9(2)(f)(ii), s 9(2)(g)(i)
- While we consider it is advisable to achieve a high development density, the LMMP is not a statutory document and it would be premature to require alignment with provisions that have yet to be incorporated into the planning framework under a Schedule 1 RMA process. We also consider that requiring an increased Project density exceeds your powers under section 24(2)(c) for specifying restrictions for referred Projects. We recommend that you require the applicant to provide information regarding the Project's consistency with the LMMP, including development density, with any consent applications. A panel can consider appropriate weighting to be given to the LMMP and any plan change as part of a merit assessment.
35. A further issue is whether three-waters and transport infrastructure can be delivered in time to service the Project and can be coordinated with the remainder of the Ladies Mile – Te Pūtahi area. Despite s 9(2)(f)(ii), s 9(2)(g)(i) QLDC's concerns about infrastructure provision, the applicant has advised that Project delivery is not dependent on any significant upgrades of the wider three-waters services and transport networks, beyond infrastructure the applicant has already identified that it will fund or is already proposed and scheduled for delivery by QLDC or Waka Kotahi. We consider that risks regarding coordination of planning and infrastructure provision can be appropriately managed, provided that the applicant provides sufficient information on timing, funding and delivery of infrastructure to support the Project with their consent applications. We note a panel could impose appropriate consent conditions on these matters as it deems necessary.
36. We have also considered whether RMA consenting processes are more appropriate because they allow for wider public participation. If you decide to refer the Project, we note a panel must invite comments from adjacent landowners and occupiers under clauses 17(6)(g) and 17(6)(h), Schedule 6 of the FTCA. A panel also can invite comments from any person they consider appropriate (clause 17(8), Schedule 6 of the FTCA), so may consult as widely as they consider appropriate or necessary.
37. Finally, we considered whether expected adverse effects arising from the Project indicate that it may be more appropriate to be consented under standard RMA process. The Project has non-complying activity status under the Operative and Proposed Queenstown Lakes District Plans, meaning that a panel is required to consider whether any resource consent application for the Project meets the 'gateway tests' in section 104D of the RMA. We note that any adverse effects resulting from the Project and alignment with the local and national policy framework are matters that can be considered by a panel in a merit-based assessment under the FTCA process.

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public consultation and submission process and was considered by a Hearings Panel formed under the Special Consultative Procedure of the Local Government Act 2002 before being adopted by QLDC on 29 July 2021. It has no formal status under the RMA. The LMMP was adopted by QLDC in October 2021.

## Conclusions

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38. You may decline the application for referral under section 23(5)(b) of the FTCA should you consider that it would be more appropriate for the Project to go through the standard RMA consenting process. You may also decline the application for referral under section 23(2) of the FTCA for any other reason, whether or not the Project meets the referral criteria.
39. On balance, we do not consider the matters noted above provide sufficient reason for declining to refer the Project provided appropriate information is provided by the applicant as part of their resource consent applications. Consenting the Project under FTCA process would be out of sequence with planned future urbanisation in the Queenstown Lakes District and progressing a resource consent application in advance of re-zoning is generally not regarded as good planning practice. However, the FTCA does not preclude consideration of the Project for this reason and it provides an opportunity to generate employment and bring forward the delivery of housing in Queenstown, both of which will help to achieve the purpose of the FTCA.
40. We consider that you could accept the application under section 24 of the FTCA and that the Project could be referred to a panel with the specifications outlined below. However, we note there is a risk to the applicants that a panel may not approve the consent applications given the issues regarding out of sequence development noted above.
41. If you decide to refer the Project, we consider you should specify under section 24(2)(d) of the FTCA (as requested in comments) that the applicant must provide the following information, additional to the requirements of clause 9 of Schedule 6 of the FTCA, in an application submitted to a panel:
- an assessment against the provisions of the LMMP and QLSP
  - an urban design assessment
  - a landscape and visual assessment
  - a transport infrastructure assessment
  - an integrated transport assessment
  - a three-waters infrastructure assessment
  - a geotechnical and natural hazard assessment
  - a groundwater assessment
  - a contaminated soils assessment
  - a draft construction management plan.
42. The above information will inform a panel's assessment of the project's effects and whether to invite comment from any persons or groups in addition to those specified in clause 17 Schedule 6 of the FTCA. This does not preclude a panel from requiring the applicant to provide any additional information on any application lodged with the EPA under the FTCA.
43. If you decide to refer the Project, we consider that you should specify under section 24(2)(e) of the FTCA that a panel must invite comments on a consent application from the following groups:
- Minister for Seniors
  - Associate Minister for the Environment (Urban Policy)
  - Waka Kotahi NZ Transport Agency
  - Aukaha and Te Ao Marama Incorporated.

44. We consider that if you decide to refer the Project, the application and notice of decisions should be copied to the parties in paragraph 42.
45. Our recommendations for your decisions follow.

### Next Steps

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46. You must give notice of your decisions on the referral application, and the reasons for them, to the applicant and the persons, entities and groups listed in section 25 of the FTCA.
47. We have attached a notice of decisions letter to the applicant based on these requirements and our recommendations (refer Appendix 4). We will assist your office to give copies to all relevant parties.
48. To refer the Project, you must recommend that a referral order be made by way of an Order in Council (OIC).
49. Cabinet has agreed that you can issue drafting instructions to the Parliamentary Counsel Office without the need for a policy decision to be taken by Cabinet in the first instance.<sup>2</sup>

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<sup>2</sup> Following the first OIC, the Minister for the Environment (and Minister of Conservation for projects in the Coastal Marine Area) can issue drafting instructions directly to the Parliamentary Counsel Office. Cabinet has also agreed that a Regulatory Impact Assessment is not required for an OIC relating to projects to be referred to a panel [ENV-20-MIN-0033 and CAB-20-MIN-0353 refer].

## Recommendations

1. We recommend that you:

- a. **Note** section 23(1) of the COVID-19 Recovery (Fast-track Consenting) Act 2020 (FTCA) requires you to decline this application for referral unless you are satisfied that the Project meets the referral criteria in section 18 of the FTCA including that it would help to achieve the FTCA's purpose.
- b. **Note** when assessing whether the Project would achieve the FTCA's purpose, you may consider a number of matters under section 19, including the Project's economic benefits and costs, and effects on social or cultural well-being; whether it may result in a public benefit (such as generating employment or increasing housing supply); and whether it could have significant adverse effects.
- c. **Note** before deciding to accept the application for Project referral under section 24(1) of the FTCA you must consider:
  - i. the application
  - ii. the report obtained under section 17 of the FTCA
  - iii. any comments and further information sought and provided within the required timeframe.
- d. **Note** if you are satisfied that all or part of the Project meets the referral criteria in section 18 of the FTCA you may:
  - i. refer all or part of the Project to an expert consenting panel (a panel)
  - ii. refer the initial stages of the Project to a panel while deferring decisions about the Project's remaining stages
  - iii. still decline the referral application for any reason under section 23(2) of the FTCA.
- e. **Note** if you do refer all or part of the Project you may:
  - i. specify restrictions that apply to the Project
  - ii. specify the information that must be submitted to a panel
  - iii. specify the persons or groups from whom a panel must invite comments
  - iv. set specific timeframes for a panel to complete their process.
- f. **Note** Queenstown Lakes District Council and Waka Kotahi NZ Transport Agency oppose Project referral.
- g. **Agree** the Project meets the referral criteria in section 18(3) of the FTCA.

Yes/No
- h. **Agree** the Project will help achieve the purpose of the FTCA (and therefore meets the referral criteria in section 18(2) of the FTCA) as it has the potential to:
  - i. have positive effects on social well-being by generating employment and providing additional housing in a range of typologies in an area with a housing shortage
  - ii. generate employment by providing approximately 2191 direct full-time equivalent (FTE) jobs over a 7-year design and construction period and approximately 85 FTE on-going jobs per year
  - iii. increase housing supply through the provision of approximately 450 residential

units (or approximately 339 residential units if a school and childcare centre are also developed or approximately 444 residential units and 214 retirement village units if a retirement village is included)

- iv. progress faster than would otherwise be the case under standard Resource Management Act 1991 process.
- Yes/No
- i. **Agree** to refer all of the Project to a panel.
- Yes/No
- j. **Agree** to specify under section 24(2)(d) of the FTCA the following additional information that the applicant must submit with any resource consent application lodged with the Environmental Protection Authority:
    - i. an assessment of the Project's alignment with the objectives, policies and provisions of the Ladies Mile Master Plan and Queenstown Lakes Spatial Plan including development density objectives in those plans
    - ii. an urban design assessment that covers –
      - 1. the response of the Project design to existing natural and built features, adjacent patterns of development, streets and open space and potential visual and physical connections
      - 2. facilities and spaces to foster social connection
    - iii. a landscape and visual assessment of the effects of the Project on the visual quality and amenity of the local landscape
    - iv. a detailed transport infrastructure assessment of –
      - 1. the capacity of the local road network to service the Project
      - 2. what upgrading is required to the local road network to service the Project
      - 3. how public transport related structures included in the development (for example, bus shelters) will support the use of public transport
      - 4. how any upgrading is to be funded
    - v. an integrated transport assessment, including –
      - 1. an assessment of how the Project will support both public modes of transport and active modes of transport such as cycling and walking
      - 2. information about discussions held and any agreements made with Waka Kotahi NZ Transport Agency
    - vi. a detailed infrastructure assessment of –
      - 1. the capacity of the existing three-waters services infrastructure to service the Project
      - 2. what upgrading is required to that infrastructure to service the Project
      - 3. how any upgrading is to be funded
      - 4. information on how any stormwater solution will support best practice stormwater management for the wider Ladies Mile area and on any adverse effects on potable water supply and how they may be addressed

5. information about discussions held and any agreements made with Queenstown Lakes District Council and Otago Regional Council regarding stormwater management
6. a draft stormwater management plan
- vii. a geotechnical and natural hazards assessment including any relevant risks arising from the mapped landslide and alluvial fan areas and any flooding effects from the waterways on Slopehill above the Project site
- viii. an assessment of the effects of the Project on groundwater quality and quantity, including
1. effects of proposed water takes and discharge of stormwater to land on groundwater including for potable water supply
- ix. a draft construction management plan which covers matters such as –
1. construction traffic, dust, noise and site stability
  2. erosion and sediment control measures
- x. in relation to the land in the Project site, a report on a preliminary site investigation and, if required, on a detailed site investigation, within the meaning of the Resource Management (National Environmental Standard for Assessing and Managing Contaminants in Soil to Protect Human Health) Regulations 2011, that shows how the requirements of those regulations will be met
- Yes/No
- k. **Agree** to specify under section 24(2)(e) of the FTCA that a panel must invite comments from the following additional persons or groups:
- i. Minister for Seniors
  - ii. Associate Minister for the Environment (Urban Policy)
  - iii. New Zealand Transport Agency
  - iv. Aukaha
  - v. Te Ao Mārama Incorporated
- Yes/No
- l. **Agree** to copy the application and notice of decisions to the parties listed in paragraph k.
- Yes/No
- m. **Agree** to the Ministry for the Environment issuing drafting instructions to the Parliamentary Counsel Office for an Order in Council to refer the Glenpanel, Ladies Mile – Te Pūtahi project to a panel in accordance with your decisions recorded herein.
- Yes/No
- n. **Sign the attached (Appendix 4)** notice of decisions to Maryhill Limited.
- Yes/No

- o. **Note** to comply with section 25(3) of the FTCA, you must ensure that the decisions, the reasons, and the Section 17 Report are published on the Ministry for the Environment's website. We will work with your office to complete this task.

### Signatures



Stephanie Frame  
**Manager – Fast-track Consenting**  
**Date – 10 March 2022**

Hon David Parker  
**Minister for the Environment**  
**Date**

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Table A: Stage 2 - Project Summary and Section 24 Assessment

Project details	Project description	Does all or part of the Project meet the referral criteria in section 18?		Summary of comments received	Section 23 assessment – potential reasons for declining	Referral conclusions & recommendations
		Project eligibility for referral (section 18(3a - d))	Section 18(2) - Does the Project help achieve the purpose of the FTCA (as per section 19)?			
<p><b>Project name</b> Glenpanel, Ladies Mile - Te Pūtahi</p> <p><b>Applicant</b> Maryhill Limited</p> <p><b>c/-The Property Group</b></p> <p><b>Location</b> 429 Frankton-Ladies Mile Highway, Ladies Mile near Lake Hayes.</p>	<p>To subdivide a 95.9-hectare site and construct approximately 450 residential units (or approximately 339 residential units if a school and childcare centre are also developed or approximately 444 residential units and 214 retirement village units if a retirement village is included), commercial buildings and supporting infrastructure including roads and public open space. The project may also involve operation of a childcare centre and/or a retirement village.</p> <p>The Project will involve activities such as:</p> <ol style="list-style-type: none"> <li>subdividing land</li> <li>clearing vegetation</li> <li>carrying out earthworks (including disturbing potentially contaminated soil)</li> <li>taking, diverting and discharging groundwater and stormwater containing contaminants to land</li> <li>taking water for water supply</li> <li>constructing buildings</li> <li>constructing infrastructure for vehicle and pedestrian access (including roads),</li> </ol>	<p>The Project is eligible under section 18(3)(a-d) as:</p> <ul style="list-style-type: none"> <li>it does not include any prohibited activities</li> <li>it does not include activities on land returned under a Treaty settlement</li> <li>it does not include activities in a customary marine title area or protected customary rights area under the Marine and Coastal Area (Takutai Moana) Act 2011.</li> </ul>	<p><b>Economic benefits for people or industries affected by COVID-19 (19(a))</b></p> <p>The applicant estimates that the Project will provide:</p> <ul style="list-style-type: none"> <li>approximately 2191 direct full-time equivalent (FTE) jobs over a 7-year design and construction period</li> <li>approximately 85 FTE ongoing jobs per year</li> <li>approximately 450 residential units and a 214 unit retirement village (or approximately 339 residential units if a school and childcare centre are developed or 214 residential units if a retirement village is included).</li> </ul> <p><b>Economic costs for people or industries affected by COVID-19 (19(a))</b></p> <p>N/A</p> <p><b>Effect on the social and cultural well-being of current and future generations (19(b))</b></p> <p>The Project has the potential for positive effects on the social and cultural wellbeing of current and future generations as it will:</p> <ul style="list-style-type: none"> <li>provide additional housing supply in an area that has a housing shortage</li> <li>provide a range of housing typologies</li> </ul>	<p>s 9(2)(f)(ii), s 9(2)(g)(i)</p>	<p><b>Section 23(5) matters:</b></p> <p><b>Insufficient information (23(5)(a))</b></p> <p>The applicant has provided sufficient information for you to determine whether the Project meets the criteria in section 18 of the FTCA.</p> <p><b>More appropriate to go through standard RMA process (23(5)(b))</b></p> <p>Both QLDC and Waka Kotahi favour proceeding under standard RMA consent processes because they enable a more strategic approach to planning for future development of the whole Ladies Mile area which has commenced through preparation of the LMMP and to coordinate with the timing and provision of any infrastructure upgrades.</p> <p>The current planning framework does not support the residential development density proposed. We note that although both the QLSP and LMMP signal urbanisation of the area that includes the Project site, they are non-statutory documents with no official status under the RMA, and QLDC intends to notify a plan change to implement the LMMP including re-zoning the site for urban development in June 2022. Additionally, the Project does not include any prohibited activities under either the Operative or Proposed QLDP.</p> <p>Preparation of the LMMP does not prevent lodgement or consideration of the Project under the RMA or the FTCA. However, we note that considering resource consent applications in advance of re-zoning is generally not good planning practice due to risks of fragmented or poorly integrated development and for achieving preferred development density outcomes.</p> <p>The Minister of Housing and QLDC raised concerns about the Project's proposed lower development density in comparison to the LMMP, which QLDC commented was 30% less than the LMMP for the option excluding the</p>	<p>s 9(2)(f)(ii), s 9(2)(g)(i)</p> <p>In response to QLDC, ORC and Waka Kotahi comments</p> <ul style="list-style-type: none"> <li>we noted QLDC and Waka Kotahi's concerns about the Project progressing ahead of a plan change to include implement the LMMP through the District Plan, and recommend that the applicant is required to provide an assessment of how</li> </ul>

Project details	Project description	Does all or part of the Project meet the referral criteria in section 18?		Summary of comments received	Section 23 assessment – potential reasons for declining	Referral conclusions & recommendations
		Project eligibility for referral (section 18(3a - d))	Section 18(2) - Does the Project help achieve the purpose of the FTCA (as per section 19)?			
	<p>parking, public-transport and three-waters services</p> <p>h. landscaping including planting</p> <p>i. any other activities that are -</p> <p>i. associated with the activities described in a to h</p> <p>ii. within the Project scope as described above.</p>		<p>that may assist with affordability</p> <ul style="list-style-type: none"> <li>provide employment opportunities during and after construction.</li> </ul> <p><b>Is the Project likely to progress faster by using this Act? (19(c))</b></p> <p>The applicant is seeking fast-tracked resource consents rather than consents sought under standard RMA process after the local authority has completed a plan change, to enable delivery of housing in a timely manner.</p> <p>The applicant estimates that the use of the fast-track consenting process will enable the Project to progress 2 to 4 years faster than standard RMA processes.</p> <p><b>Will the Project result in a public benefit? (19(d))</b></p> <p>Based on the information provided we consider the Project may result in the following public benefits:</p> <ul style="list-style-type: none"> <li>generating employment throughout and after construction</li> <li>increasing housing supply in a range of typologies</li> <li>contributing to a well-functioning urban environment.</li> </ul> <p><b>Potential to have significant adverse environmental effects, including</b></p>	<p>s 9(2)(f)(ii), s 9(2)(g)(i)</p>	<p>retirement village and school which has the highest residential unit yield. QLDC has also raised concerns that the proposed development density may be insufficient to support public transport services and the Ladies Mile town centre. s 9(2)(f)(ii), s 9(2)(g)(i)</p> <p>(i)</p> <p>While we consider it is advisable to achieve a high development density, the LMMP is not a statutory document and requiring the Project density to increase exceeds your powers under section 24(2)(c) for specifying restrictions for referred Projects. We recommend that you require the applicant to provide information regarding the Project's consistency with the LMMP including development density and a panel can consider appropriate development density and weighting to be given to the LMMP and any plan change as part of a merit assessment.</p> <p>There is no reason why the Project cannot be considered under the existing policy framework under FTCA processes, and a panel can consider its merits. The Project provides an opportunity to generate employment and bring forward the delivery of housing in Queenstown Lakes District. If you decide to refer the Project, a panel could consider the appropriate weighting to be given to the LMMP and any plan change. QLDC could also comment on the consistency of the Project with the LMMP once a consent application is lodged.</p> <p>In respect of the concerns of QLDC and Waka Kotahi relating to the desirability of coordinating land-use planning with infrastructure and transport services planning and provision, and based on the information provided, we understand that Project delivery is not dependent on any significant upgrades of the wider transport and three-waters services networks beyond that which the applicant has already identified</p>	<p>the Project aligns with the LMMP with an application to a panel and an urban design assessment showing how it would align with surrounding development and natural features</p> <ul style="list-style-type: none"> <li>we noted QLDC's concerns about infrastructure capacity and coordination and suggestions regarding technical reports typically required for a project of this nature and have recommended a range of information requirements to be provided with an application to a panel</li> <li>we noted ORC's comments about potential effects on groundwater, natural hazard risks and the potential for adverse effects arising from dust and sediment management and recommend reports regarding groundwater quality, contaminated soil, natural hazards assessments are and a draft construction management plan regarding dust and sediment control are submitted with an application</li> <li>we noted Waka Kotahi's concerns about transport constraints for Ladies Mile and have recommended that the applicant prepare an integrated transport assessment and detailed transport infrastructure assessment to address the capacity of the road network and how public and active modes of transport can be encouraged.</li> </ul> <p>Although QLDC and Waka Kotahi oppose Project referral under the FTCA, you could accept the application under section 24 of the FTCA and refer all the Project to a panel as the Project will also help meet the purpose of the FTCA by having positive effects on social well-being, generating employment and increasing housing supply.</p> <p>We recommend you require the applicants to provide the following information with their resource consent applications to a panel:</p> <ol style="list-style-type: none"> <li>an assessment of the Project against the objectives, policies and provisions of the Ladies Mile Master Plan and Queenstown Lakes Spatial Plan including development density</li> <li>an urban design assessment that covers - <ol style="list-style-type: none"> <li>the response of the Project design to existing natural and built features,</li> </ol> </li> </ol>

Project details	Project description	Does all or part of the Project meet the referral criteria in section 18?		Summary of comments received	Section 23 assessment – potential reasons for declining	Referral conclusions & recommendations
		Project eligibility for referral (section 18(3a - d))	Section 18(2) - Does the Project help achieve the purpose of the FTCA (as per section 19)?			
			<p><b>greenhouse gas emissions (19(e))</b></p> <p>The applicant notes there is potential for adverse effects, including on:</p> <ul style="list-style-type: none"> <li>rural landscape and visual amenity</li> <li>traffic and transport networks</li> <li>availability of rural/primary productive land</li> <li>existing infrastructure</li> <li>water and air quality</li> <li>greenhouse gas emissions</li> </ul> <p>The applicant states that adverse effects will be no more than minor and has provided details of proposed mitigation measures.</p> <p>We note that you do not require a full Assessment of Environmental Effects and supporting evidence to make a referral decision, and that a panel will consider the significance of effects should the project be referred.</p> <p><b>Other relevant matters (19(f))</b></p> <p>The site is currently zoned Rural Lifestyle under the operative and proposed Queenstown Lakes District Plan (QLDP). Queenstown Lakes District Council (QLDC) has prepared the Ladies Mile Master Plan (LMMP) to enable and manage more intensive urban development within the area. The Plan was adopted by QLDC in October 2021 and an</p>	<p>QLDC raised concerns that the Project (along with other FTCA Projects) may or may not integrate with the LMMP and may undermine it. QLDC also noted that Council is still to determine the timing and implementation of some of the larger network infrastructure. However, the Council acknowledged that if the Project is able to be aligned with the LMMP outcomes then it may enable housing and development at a faster rate than through the RMA First Schedule process, and the Project(s) are likely to push council's infrastructure planning faster than currently planned</p> <p>QLDC stated that the Project generally aligns with following aspects of the LMMP and QLSP:</p> <ul style="list-style-type: none"> <li>it provides a mixture of typologies which could help address the shortfall of attached style dwellings in the district</li> <li>the potential for the internal collector roads to connect to neighbouring sites</li> <li>a well-connected block structure</li> <li>providing a 25-metre amenity setback from SH6</li> <li>includes major active travel links within the SH6 setback</li> </ul> <p>QLDC stated that the Project does not align with the following aspects of the LMMP:</p> <ul style="list-style-type: none"> <li>in Option 1 (no retirement village or school) the average residential density of 49 dwellings per hectare is much lower than the High Density 70 dwellings per hectare required by the LMMP (30% less dwellings overall) which will result in a critical mass not being achieved and will undermine the LMMP densities to support public transport and town centre</li> <li>in Options 2 (including a school) and 3 (including a retirement village) the housing typologies offered are reduced and will not align with dwelling types and density in LMMP</li> <li>individual stormwater management areas that do not integrate with the wider development of Ladies Mile</li> <li>lack of safe crossing points across SH6 for connectivity with the neighbouring communities and the community hub on the southern side of SH6.</li> <li>the mixed use precinct will undermine the viability of the proposed town centre</li> </ul> <p>QLDC identified that technical assessments would normally be required for urban design, community and social, ecological, geotechnical and natural hazards, traffic, water and wastewater, stormwater, landscape and visual amenity, construction including earthworks, contaminated soil, statutory policy documents.</p> <p>QLDC also noted that the Council 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 but also applies to water, wastewater and transport.</p> <p>Otago Regional Council (ORC) did not oppose Project referral but stated that there is no reason why the Project could not go through the standard RMA process.</p> <p>ORC noted the following:</p> <ul style="list-style-type: none"> <li>the application appears to rely on upgrades to a wastewater plant which is not currently meeting demand or consent conditions</li> <li>potable water is proposed to come from upgrades to QLDC infrastructure and the area is in a Schedule C Aquifer which has controls and limits on the amount of water available</li> </ul>	<p>that it will fund. We therefore consider that these issues can be addressed through the applicant's provision of appropriate information (such as alignment draft LMMP provisions and explanation of any new infrastructure or infrastructure upgrades necessary to support Project delivery, their timing and who will fund these) with a resource consent application to the Environmental Protection Authority (EPA). We note also that a panel is able to impose consent conditions to reinforce an applicant's commitments on such matters.</p> <p>We have also considered whether community expectations to be involved in Project consenting would make it more appropriate for the Project to be progressed under standard RMA processes that allow for wider public participation. If you decide to refer the Project, we note a panel must invite comments from adjacent landowners and occupiers under clauses 17(6)(g) and 17(6)(h), Schedule 6 of the FTCA. A panel also can invite comments from any person they consider appropriate (clause 17(8), Schedule 6 of the FTCA), so may consult as widely as they consider appropriate or necessary.</p> <p>Finally, we considered whether expected adverse effects arising from the Project would indicate that it may be more appropriate to be consented under standard RMA process. The Project has non-complying activity status under the Operative and Proposed Queenstown Lakes District Plans, meaning that under clause 32, Schedule 6 of the FTCA a panel is required to consider whether any resource consent application for the Project meets the 'gateway tests' in section 104D of the RMA. The applicant considers that the proposal is worthy of consent on its merits under the current policy framework and that adverse environmental effects will be no more than minor.</p> <p>We note that any adverse effects resulting from the Project and alignment with the local and national policy framework are matters that can be considered by a panel in a merit-</p>	<p>adjacent patterns of development, streets and open space and potential visual and physical connections</p> <p>ii. opportunities to foster social connection</p> <p>c. a landscape and visual assessment of the effects of the Project on the visual quality and amenity of the local landscape</p> <p>d. a detailed transport infrastructure assessment of –</p> <p>i. the capacity of the local road network to service the project</p> <p>ii. what upgrading is required to the local road network to service the Project</p> <p>iii. how public transport related structures included in the development (for example, bus shelters) will support the use of public transport</p> <p>iv. how any upgrading is to be funded</p> <p>e. an integrated transport assessment, including –</p> <p>i. an assessment of how the Project will support both public modes of transport and active modes of transport such as cycling and walking</p> <p>ii. information about discussions held and any agreements made with Waka Kotahi NZ Transport Agency</p> <p>f. a detailed infrastructure assessment of –</p> <p>i. the capacity of the existing infrastructure for three-waters services to service the Project</p> <p>ii. what upgrading is required to that infrastructure to service the completed Project</p> <p>iii. how any upgrading is to be funded</p> <p>iv. information on how any stormwater solution will not compromise outcomes for the wider Ladies Mile area and avoid adverse effects on an aquifer used for potable water</p> <p>v. information about discussions held and any agreements made with Queenstown Lakes District Council</p>

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			<p>amendment to the Te Pūtahi Ladies Mile Structure Plan Area provisions in the proposed QLDP to implement the LMMP is anticipated to be notified in June 2022.</p> <p>We note that the QLSP, which identifies Ladies Mile as a Priority Future Urban Development Area, was prepared by a partnership comprising QLDC, Central Government agencies and Ngāi Tahu. The draft QLSP was subject to a public consultation and submission process and was considered by a Hearings Panel formed under the Special Consultative Procedure of the Local Government Act 2002 before being adopted by Council on 29 July 2021. This process demonstrates that future urban development of the Ladies Mile area is supported by a planning strategy although it has not yet been implemented by a plan change to the QLDP.</p>	<ul style="list-style-type: none"> <li>the stormwater discharge to soak holes may conflict with the Schedule C aquifer and National Environmental Standards for Human Drinking Water (NES Drinking Water) and may require consent</li> <li>sediment, dust and stormwater management require more information. A consent may be required for discharge of dust to air</li> <li>a contaminated soils assessment may be required</li> <li>an assessment of the waterways on Slope Hill above the site is required</li> <li>integration of this development with other development in Ladies Mile is essential to avoid piecemeal development</li> <li>integrated stormwater management is important given the proximity to Lake Hayes, the Shotover and Kawarau rivers and the water quality of Lake Hayes which is of significant concern to ORC</li> <li>the applicant will need to ensure that the Project is consistent with the National Policy Statement for Freshwater Management and National Environmental Standard for Freshwater</li> <li>public transport servicing will require route changes</li> <li>the site is at the base of a mapped landscape area and a small section of the north-east corner is located in a mapped active alluvial fan area</li> <li>reports regarding dust, sediment control and contaminated soil and natural hazards assessments are required.</li> </ul> <p><b>Other parties</b></p> <p>Waka Kotahi opposed Project referral for the following reasons:</p> <ul style="list-style-type: none"> <li>it is an ad-hoc development out of context in the Rural and Rural Lifestyle zones</li> <li>it is being promoted prior to the LMMP for the wider area encompassing the proposed development site being approved and a plan change determined</li> <li>Ladies Mile has significant transport constraints as the network is operating at close to 100% capacity and the LMMP Transport Strategy is dependent on a significant mode shift to public transport</li> <li>transport constraints are required to be addressed in an integrated way and there is concern this Project will not mitigate effects on transport system</li> <li>there is no guarantee that adjoining landowners will develop road networks and connections in an integrated way and it lacks certainty for future internal transport networks to be created and integration with the wider transport network</li> <li>if approved, the development would be a poor planning outcome for the area and not result in a well-functioning urban environment and create a precedent leading to other ad-hoc developments in the area</li> <li>if referred Waka Kotahi expect ongoing consultation with the applicant, an integrated transport assessment and travel demand management plan including an assessment of actual mode share and operational and management measures to be implemented to reduce dependence on private vehicle trips</li> <li>if referred, Waka Kotahi would like the expert consenting panel to direct the applicant to consult with them directly prior to lodgement of their application.</li> </ul> <p>All responses received by parties invited to comment are attached at Appendix 6.</p>	<p>based assessment under the FTCA process.</p> <p><b>Inconsistency with a national policy statement (23(5)(c))</b></p> <p>The applicant has provided an assessment against the National Policy Statement for Urban Development 2020 (NPS-UD) and advised that the Project is not inconsistent with its objectives and policies. <sup>s 9(2)(f)(ii), s 9(2)(g)(ii)</sup> local authorities have not raised any concerns relating to the NPS-UD and we do not consider that you should decline the referral application on the basis of section 23(5)(c) of the FTCA.</p> <p><b>Inconsistent with a Treaty settlement (23(5)(d))</b></p> <p>The Project does not directly affect any Treaty settlement redress.</p> <p><b>Involves land needed for Treaty settlements (23(5)(e))</b></p> <p>The Project site does not include land needed for Treaty settlement purposes.</p> <p><b>Applicant has poor regulatory compliance (23(5)(f))</b></p> <p>N/A</p> <p><b>Insufficient time for the Project to be referred and considered before FTCA repealed (23(5)(g))</b></p> <p>There is sufficient time for the application to be referred and considered before the FTCA is repealed.</p>	<p>and Otago Regional Council regarding stormwater management</p> <ul style="list-style-type: none"> <li>vi. a draft stormwater management plan</li> <li>g. a geotechnical and natural hazards report including any relevant risks arising from the mapped landslide and alluvial fan areas and any flooding effects of the waterways on Slope Hill above the Project site</li> <li>h. an assessment of the effects of the Project on groundwater quality and quantity including <ul style="list-style-type: none"> <li>i. the effects of proposed water takes and discharge of stormwater to land on groundwater for potable water supply</li> </ul> </li> <li>i. a draft construction management plan which covers matters such as – <ul style="list-style-type: none"> <li>ii. construction traffic, dust, noise and site stability</li> <li>iii. erosion and sediment control measures</li> </ul> </li> <li>j. in relation to the land in the Project site, a report on a preliminary site investigation and, if required, on a detailed site investigation, within the meaning of the Resource Management (National Environmental Standard for Assessing and Managing Contaminants in Soil to Protect Human Health) Regulations 2011, that shows how the requirements of those regulations will be met</li> </ul> <p>We also recommend you direct a panel to invite comments on any resource consent applications for the Project from:</p> <ul style="list-style-type: none"> <li>Minister for Seniors</li> <li>Associate Minister for the Environment (Urban Policy)</li> <li>Waka Kotahi NZ Transport Agency</li> <li>Aukaha</li> <li>Te Ao Mārama Incorporated.</li> </ul>