

FTA#142: Application for listed project under the Fast-track Approvals Bill – Coronet Village Project for Schedule 2A

Date submitted to secretariat:	9 July 2024
Security level:	In-Confidence
To:	David TAPSELL, Chair – Fast-track Projects Advisory Group

Number of attachments: #	Attachments: 1. Application documents for Coronet Village Project
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Applicant	Sector	Region	Identified in a priority/strategy?
Coronet Village Limited (on behalf of Oto60 Properties / Rod Drury, NZSki Limited, Coronet Peak Partnership)	Residential	Otago	No

Ministry for the Environment contacts

Position	Name	Mobile	1 st contact
Principal Authors	Marlene Youl, Anna Galvin		
Manager	Stephanie Frame	s 9(2)(a)	✓
Director	Ilana Miller	s 9(2)(a)	

Project location



Key messages

1. The Coronet Village project is the development is a new alpine village immediately below Coronet Peak in Queenstown, with a new gondola providing access up to the existing Coronet Peak Ski Area, new ski area development, and considerable supporting infrastructure.
2. The project will comprise:
 - a. A new transport hub to improve access to Coronet Peak (a new Gondola, public transport facilities, park and ride)
 - b. A globally premier mountain bike facility
 - c. A restaurant at the summit of Coronet Peak
 - d. A facility for Te Tapu o Tane

- e. A private international boarding high school (Liger Leadership Academy)
 - f. A private primary day school (The Queenstown Academy)
 - g. A comprehensive subdivision (to provide development ready residential and commercial sections, up to 780 residential units), inclusive of nature restoration and protection (significant wetland and riparian restoration)
 - h. Supporting infrastructure such as public roading, public wastewater infrastructure
3. The project will require resource consents under the Resource Management Act 1991 (RMA); concessions under the Conservation Act 1987, Heritage New Zealand Pouhere Taonga Act 2014, Wildlife Act 1953 and Reserves Act 1977.
 4. Project land consists of freehold land owned by the Coronet Peak Partnership (related organisation to the applicant), Crown Pastoral Lease owned His Majesty The King leased to Soho Property Limited, and Recreation Reserve owned by His Majesty The King and administered by the Department of Conservation with NZSki Limited holding overarching concessions.
 5. The applicant, Coronet Village Limited has no legal interest in the land on which the project will occur. However, the applicant notes the following connections between landowners and organisations being applied on behalf of: Applicant states NZSki Limited (who holds overarching concessions issued by the Department of Conservation) has provided their support for the project. Applicants also notes Soho Station has been consulted with and that initial discussions about the Gondola traversing the Crown Pastoral Lease land were positive. However, no agreement is in place.
 6. We have undertaken an initial (Stage 1) analysis of the application, and this is provided in Table A.
 7. We consider the applicant **has not** provided sufficient information to consider the project for inclusion on Schedule 2A (although we note it could still be included on Schedule 2B based on the information provided). Project is expected to occur over land owned by His Majesty The King, leased to Soho Property Limited. It is unclear from the application whether Soho Station supports the project or if the project can occur without their agreement. The Advisory Group must decide based on the information to hand whether or not they have sufficient information to determine this or consider seeking advice from the Department of Conservation.
 8. The project does not trigger the ineligibility criteria in clause 18 of the Fast-track Approvals Bill (the Bill).
 9. Advice on PSGE development priorities and Māori development is provided in Table A. Table A also includes the relevant PSGEs or Māori groups and the settlement mechanisms, that will/may be impacted by the project and whether the project is low, medium or high impact on Treaty settlement/s and other relevant arrangements. Appendix 1 provides further detail on how this advice should be considered and our approach to analysis.

Signature



Stephanie Frame
Manager – Listed Projects

Table A: Stage 1 initial assessment of project eligibility and Treaty settlement assessment and advice¹

Project details	Project description	Approvals sought	Consultation undertaken	Does the project trigger the ineligibility criteria [clause 18]?				Discretionary ground to decline [clause 21(2)]	Eligibility [clause 17]	
				Treaty settlement land, Māori customary land, customary marine title, customary rights, aquaculture settlement area, or prevented by RMA clauses [clauses 18(a-e, g)]	Access arrangement under CMA where a permit can't be granted, or is listed in items 1-11, 14 [clauses 18(f,h)]	Activity on a national reserve under Reserves Act which requires approval under that Act [clause 18(i)]	Prohibited activity under EEZA or regulations under that Act, decommissioning-related activities, offshore renewable energy progressing ahead of permitting legislation [clause 18(j-l)]		Is the project eligible [clause 17(2)]	Would the project have significant regional or national benefits [clause 17(3)]
High level summary			Y	N	N	N	N			
<p>Schedule requested 2A</p> <p>Project Name Coronet Village</p> <p>Applicant Coronet Village Limited (on behalf of Oto60 Properties / Rod Drury, NZSki Limited, Coronet Peak Partnership whom have all provided confirmation of their support to have Coronet Village Limited as the applicant)</p> <p>Company director/s Coronet Village Limited: Ben Farrell Oto60 Properties: Rodney Kenneth Drury Nzski Limited: John Stratton Davies, Michael John Davies, Murray Graham Valentine Coronet Peak Partnership: Clearwest Trustees Limited, John Francis Clifford Henderson, and Marleybone Trustees Limited, John Francis Clifford Henderson</p>	<p>The Coronet Village project development is a new alpine village immediately below Coronet Peak in Queenstown, with a new gondola providing access up to the existing Coronet Peak Ski Area, new ski area development, and considerable supporting infrastructure.</p> <p>The project will comprise:</p> <p>A new transport hub to improve access to Coronet Peak (a new Gondola, public transport facilities, park and ride)</p> <p>A globally premier mountain bike facility</p> <p>A restaurant at the summit of Coronet Peak</p> <p>A facility for Te Tapu o Tane</p> <p>A private international boarding high school (Liger Leadership Academy)</p>	<p>The applicant seeks approval under the:</p> <ul style="list-style-type: none"> Resource Management Act 1991 Heritage New Zealand Pouhere Taonga Act 2014 Wildlife Act 1953 Conservation Act 1987 Reserves Act 1977 	<p>Initial engagement has begun with Queenstown Lakes District Council. Applicant notes Otago Regional Council will be engaged in advance of the actual fast track application being completed.</p> <p>Te Tapu o Tāne, which is owned by four of the seven rūnanga with a shared interest in the area (Te Rūnanga o Ngāi Tahu, Hokonui Rūnaka, Te Rūnanga o Oraka-Aparima, Te Rūnanga o Awarua), are project partners and have been actively involved in and support most aspects of the proposal, influencing several decisions.</p>	No	No	No	No	<p>The project, or any part of it, is inconsistent with a relevant Treaty settlement, the NHP Act, the Marine and Coastal Area (Takutai Moana) Act 2011, a Mana Whakahono ā Rohe, or a joint management agreement.</p> <p>No</p> <p>It is more appropriate to deal with the application under another Act.</p> <p>Potentially – the residential aspect of the project is not enabled by the current zoning. It may be that the project would be more appropriately considered following a Plan Change under the RMA. We note that if a Plan Change does not occur the project may be able to be consented more easily under the fast-track regime than the RMA</p> <p>The project may have significant adverse effects on the environment.</p> <p>Yes – Applicant notes freshwater, terrestrial ecology, and natural features impacted amongst other things. The high/ potentially</p>	<p>Whether access to the fast-track process will enable the project to be processed in a more timely and cost-efficient way than under normal processes.</p> <p>Potentially – under usual RMA processes this project may require a Private Plan Change to enable it</p> <p>The impact referring this project will have on the efficient operation of the fast-track process.</p> <p>No</p> <p>Whether the application contains sufficient information to inform the referral decision.</p> <p>Yes</p>	<p>The project has been identified as a priority project in a central government, local government, or sector plan or strategy (for example, in a general policy statement or spatial strategy) or central government infrastructure priority list.</p> <p>No</p> <p>The project will deliver regionally or nationally significant infrastructure.</p> <p>Yes – The Gondola and associated activities is classified as "Ski Area Infrastructure" which is identified as Regionally Significant Infrastructure under the Otago RPS and the "Specified Infrastructure" under the NPS-FM. Schools and associated infrastructure are also significant.</p> <p>The project will increase the supply of housing, address housing needs, or contribute to a well-functioning urban environment.</p> <p>Yes – up to 780 houses and a boarding school providing accommodation for children.</p> <p>The project will deliver significant economic benefits.</p> <p>Yes - Schools, commercial, tourism, and residential properties will all bring income to the area.</p> <p>The project will support primary industries, including aquaculture.</p> <p>No</p> <p>The project will support development of natural resources, including minerals and petroleum.</p> <p>No</p>

¹ **Disclaimer:** Given time and scope constraints, the initial assessment is solely based on information provided by applicants. There may be additional relevant information which has not been provided to MfE.

<p>Location Coronet Peak (Coronet Peak Station, Soho Station, Coronet Peak Ski Area), Queenstown</p> <p>Land Status Project land consists of freehold land owned by the Coronet Peak Partnership (related organisation to the applicant), Crown Pastoral Lease owned His Majesty The King leased to Soho Property Limited, and Recreation Reserve owned by His Majesty The King and administered by the Department of Conservation with NZSki Limited holding overarching concessions.</p>	<p>A private primary day school (The Queenstown Academy)</p> <p>A comprehensive subdivision (to provide development ready residential and commercial sections, up to 780 residential units), inclusive of nature restoration and protection (significant wetland and riparian restoration)</p> <p>Supporting infrastructure such as public roading, public wastewater infrastructure</p>						<p>significant adverse effects arise from the proposed Summit Restaurant & Sky Walk in respect of effects on Outstanding Natural Landscape Values and Ngai Tahu Cultural Values, and from the subdivision in respect of Rural Amenity.</p> <p>The Department of Conservation notes Coronet Peak Recreation Reserve has a range of vegetation, freshwater, avifauna, invertebrate and lizard values.</p> <p>The applicant has a poor compliance history under the relevant legislation.</p> <p>Yes - The applicant, Coronet Village Limited, has not received any compliance and/or enforcement actions against it. However NZSki Limited (who they're applying on behalf of) has received several abatement notices.</p> <p>The project involves an activity that would occur on land that the Minister for Treaty of Waitangi Negotiations considers necessary for Treaty settlement purposes.</p> <p>No</p> <p>The project includes an activity that is a prohibited activity under the RMA.</p> <p>No</p>		<p>The project will support climate change mitigation, including the reduction or removal of greenhouse gas emissions.</p> <p>Yes– Project includes wetland restoration and planting to absorb CO2. Also provides alternative modes of transport via gondola and bike trails.</p> <p>The project will support adaptation, resilience, and recovery from natural hazards.</p> <p>Yes – Applicant notes the project will include investment in the construction and maintenance of natural hazard mitigation and remediation works, primarily in respect of existing alluvial and debris flow hazard areas. The subdivision in particular, will include generous alluvial flow buffers that will be utilised for complementary uses such as riparian planting and public trails.</p> <p>The project will address significant environmental issues.</p> <p>No – Although the applicant notes the planting, wetland restoration and commitment to invest in environmental initiatives using profits.</p> <p>The project is consistent with local or regional planning documents, including spatial strategies.</p> <p>No – The applicant notes several aspects that align with local and regional planning documents. However they also note it's not consistent with the Queenstown Lakes District Council Spatial Plan.</p> <p>The Department of Conservation notes an Outcome Statement for the Western Lakes and Mountains Place under the Otago Conservation Management Strategy is "Prominent landscape and geological features (ridgelines, and mountain tops) remain in their natural state, or are unmodified beyond their state at the time of becoming public conservation lands and waters." which does not align with the proposal.</p>
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PSGE Settlement Priorities and Māori Development assessment –

This table provides an overview. In the time available, it has not been possible to undertake a detailed review of all Treaty settlement and related matters, or to engage with the relevant PSGE, iwi or Māori groups in relation to the potential impacts of the project. If the project does progress through the fast-track process, it will be important this more detailed and comprehensive analysis and engagement is undertaken (there are some mechanisms in the proposed legislation, such as the clause 13 report (which will apply to Schedule 2 Part B (but not Part A) applications) and the requirements to invite comment from these groups, which are intended to address these matters).

Advice on Māori development and PSGE settlement priorities includes information relating to:

- where projects align explicitly with PSGE or iwi strategic objectives/vision/other strategic documents.
- where projects contribute towards addressing historical or systemic inequities faced by Māori. This would be undertaken through an equity assessment; and/or are being led by or in partnership with a Māori entity or business;
- to relevant provisions in Treaty settlements, Joint Management Agreements outside of settlement; Mana Whakahono ā Rohe; Iwi Environment Management plans; implications for groups yet to settle their historical Treaty of Waitangi claims; and implications arising under the Marine and Coastal Area (Takutai Moana) Act 2011 and Ngā Rohe Moana o Ngā Hapū o Ngāti Porou Act 2019.

<p>Ineligible projects - based on the considerations at cl18(a–e) of the Fast Track Approvals Bill (version as at introduction)</p>	<p>The applicant has stated that the project is not ineligible, however we note that one parcel of land is subject to the right of first refusal under the Ngāi Tahu Claims Settlement Act 1998 (but the applicant has stated that right is not triggered in these circumstances).</p>
<p>Affected Māori group/s</p>	<p>The applicant has identified the following groups with interests in the project area:</p> <ul style="list-style-type: none"> • Te Tapu o Tāne • Te Rūnanga o Ngāi Tahu • Hokonui Rūnaka • Te Rūnanga o Ōraka Aparima • Te Rūnanga o Awarua • Waihōpai Rūnaka • Te Rūnanga o Moeraki • Kati Huirapa Rūnaka ki Puketeraki • Te Rūnanga o Ōtākou <p><u>Te Tapu o Tāne</u></p> <p>Te Tapu o Tāne is a project partner and is owned by four of the seven rūnanga with a shared interest in the area (Te Rūnanga o Ngāi Tahu, Hokonui Rūnaka, Te Rūnanga o Ōraka Aparima and Te Rūnanga o Awarua).</p> <p><u>Ngāi Tahu</u></p> <p>Information from Te Kāhui Māngai confirms the proposed project location as being within the area of interest for Ngāi Tahu in the Deed of Settlement signed 21 November 1997.² Hokonui, Ōraka Aparima, Waihōpai, Awarua, Moeraki, Puketeraki and Ōtākou are papatipu runaka of Ngāi Tahu for the area.³</p> <p>We have not identified any additional groups beyond those identified by the applicant.</p>
<p>Has the applicant consulted with those Māori groups?</p>	<p>The application states that consultation has been undertaken, as follows:</p> <p><i>Te Tapu o Tāne, which is owned by four of the seven rūnanga with a shared interest in the area (Te Rūnanga o Ngāi Tahu, Hokonui Rūnaka, Te Rūnanga o Oraka-Aparima, Te Rūnanga o Awarua), are project partners and have been actively involved in and support most aspects of the proposal. Engagement with Te Tapu o Tāne has significantly influenced the project objectives and intended social, economic and environmental outcomes – particularly around the benefits the project will provide Te Tapu o Tāne and the natural environment, including the quality of the water in the Lake Hayes Catchment.</i></p>
<p>Impact/s of the project on Māori development and PSGE settlement priorities and related matters</p>	<p><u>Impacts on PSGE settlement priorities and Māori development</u></p> <p>There is no information in the application to suggest that this application is made by or on behalf of a Māori organisation, but the application indicates that the project may have some direct benefit in terms of Māori development. In particular, the application states that “<i>The project includes the establishment of a depot and education facilities for Te Tapu o Tāne, which will implement the nature restoration aspects of the proposal</i>” (and that Te Tapu o Tāne is a ‘project partner’).</p> <p>In the time available, we have identified the following relevant plans and documents:</p> <ul style="list-style-type: none"> • Te Rūnanga o Ngāi Tahu Freshwater Policy • Kāi Tahu Ki Otago Natural Resource Management Plan 2005 <p>It is not possible to confirm from those documents that the project does or does not align with the strategic priorities of those iwi or Māori groups.</p> <p>A full analysis of the plan would need to be undertaken in conjunction with the relevant iwi before any firm conclusions can be reached. That is a matter to be considered in more detail in subsequent stages if this progresses through the fast-track processes.</p> <p><u>Impact on Treaty settlements and other relevant arrangements</u></p> <p>Ngāi Tahu Claims Settlement Act 1998</p> <p><i>Statutory acknowledgements</i></p> <p>This Treaty settlement contains a number of statutory acknowledgements. The application states that the project site is not subject to any statutory acknowledgments.</p> <p>If the project activity is within or adjacent to, or directly affects, the area of the statutory acknowledgement, the following text applies. Generally, a statutory acknowledgement by the Crown of a ‘statement of association’ between the iwi and an identified area. A council must have regard to the statutory acknowledgement when deciding whether the iwi is an ‘affected person’ for the purposes of notification decisions under the Resource Management Act 1991 (the RMA). The same applies to the Environment Court when considering participation in hearings under s274 of the RMA. A council must send summaries of applications for resource consents to the iwi. The PSGE (or any member of the iwi) may, as evidence of the association with a statutory area, cite the statutory acknowledgement in submissions that are made to a consent authority, the Environment Court or the Environmental Protection Authority.</p> <p>An impact of listing this project under Schedule 2 Part A is that the Ministers will not have to exercise their ‘referral discretion’ including considering the Treaty settlement impacts through that process, nor will they have the benefit of the clause 13 report. There is a requirement on the expert panel to invite comment from the PSGE on the application (noting this is an automatic right to participate, which is currently discretionary under the statutory acknowledgement). For a Schedule 2 Part B listing, Ministers will have to exercise their ‘referral discretion’ including considering the Treaty settlement impacts through that process, and they will have the benefit</p>

² TKM | Iwi | Ngāi Tahu | Te Kāhui Māngai

³ Papatipu Rūnanga | Te Rūnanga o Ngāi Tahu (ngaitahu.iwi.nz)

	<p>of the clause 13 report. The expert panel will also be required to invite comment from the PSGE on the application (again, noting this is an automatic right to participate, which is currently discretionary under the statutory acknowledgement).</p> <p>Listing this project, and the fast-track process generally, will not provide equivalent weight to the statutory acknowledgement, which may limit the influence of the iwi compared to the usual consenting regime. For example, under the RMA process, if a PSGE is notified due to the statutory acknowledgement, the PSGE has the right to make a submission, attend a hearing, appeal to the Environment Court, and appeal to the High Court and higher courts. The fast-track process does not provide exactly the same rights to the PSGE (particularly the potential right to make a submission and then participate in a hearing and de novo appeal), but as noted above there are some other enhanced rights of participation.</p> <p><u>Iwi Environment Management plans</u></p> <p>Note the comments above in relation to iwi management plans.</p> <p><u>Other matters</u></p> <p>There have been no joint management agreements, mana whakahono ā rohe or Marine and Coastal Area (Takutai Moana) Act 2011 and Ngā Rohe Moana o Ngā Hapū o Ngāti Porou Act 2019 considerations identified, or unsettled claims identified in the project area. In the time available, officials have not identified any other relevant matters.</p>
<p>Is the project considered low, medium or high impact (based on assessment criteria above)</p>	<p>From the information available we consider this project is likely to be of medium impact. This is due to the nature and range of interests present in the project area.</p> <p>An impact of listing this project under Schedule 2 Part A is that the Ministers will not have to exercise their 'referral discretion' including considering the Treaty settlement impacts through that process, nor will they have the benefit of the clause 13 report. For Part A projects, there is a requirement on the expert panel to invite comment from the PSGE on the application.</p>
<p>Has the Ministry for the Environment undertaken engagement?</p>	<p>Officials consider engagement would be beneficial given the nature and range of interests present in the project area but were unable to undertake this in the time available.</p>
<p>Additional comments/context</p>	<p>N/A</p>

Appendix One: Approach and considerations for Treaty settlement advice on listed project applications advice in Table A

1. Ministers have advised the Advisory Group should receive advice from officials on “Māori development and PSGE settlement priorities” relevant to each application. Note this differs from section 13 requirements of the current Fast Track Consenting Bill that ‘Ministers must consider Treaty settlements and other obligations report’ as these reports will not be in existence at the time, although matters identified in section 13 (2)(a)-(j) will be considered as part of official's analysis.
2. We have interpreted “Māori development” and “PSGE priorities” to mean primarily projects that:
 - a. align explicitly with PSGE or iwi strategic objectives/vision/other strategic documents; and/or
 - b. contribute towards addressing historical or systemic inequities faced by Māori. This would be undertaken through an equity assessment; and/or
 - c. the project is being led by or in partnership with a Māori entity or business.
3. Given the time constraints and limited engagement this advice cannot be considered as comprehensive and does not intend to reflect their views and should not be read as such.
4. Engagement with PSGEs and other relevant groups has been considered based on potential high-risk factors including, but not limited to, if:
 - a. a project will take place on or effect any taonga or areas of significance that are protected by Treaty settlement arrangements.
 - b. a project will have a substantive and/or ongoing environment impact on any taonga or areas of significance.
 - c. a project will include a consenting arrangement that will require a significant take, or be ongoing for an extended period, in relation to a taonga or area of significance, or in regions where PSGEs have specific planning mechanisms in place.
 - d. PSGEs or other Māori entities have previously strongly contested the project or a similar type of project, particularly where court action has been taken.
 - e. The project is clearly in conflict with or undermines PSGE priorities.
 - f. Engagement would be required to maintain and uphold the Te Tiriti Crown relationship.
5. In limited circumstances where engagement occurs, it has been brief. Where engagement has been undertaken it is reflected in our analysis but should not be taken to mean that our Treaty Partners endorse our advice.