

## FTA#345: Application for listed project under the Fast-track Approvals Bill – Gibbston Village Project for Schedule 2A

Date submitted to secretariat:	5 July 2024
Security level:	In-Confidence
To:	David TAPSELL, Chair – Fast-track Projects Advisory Group

Number of attachments: #	Attachments: 1. Application documents for Gibbston Village Project
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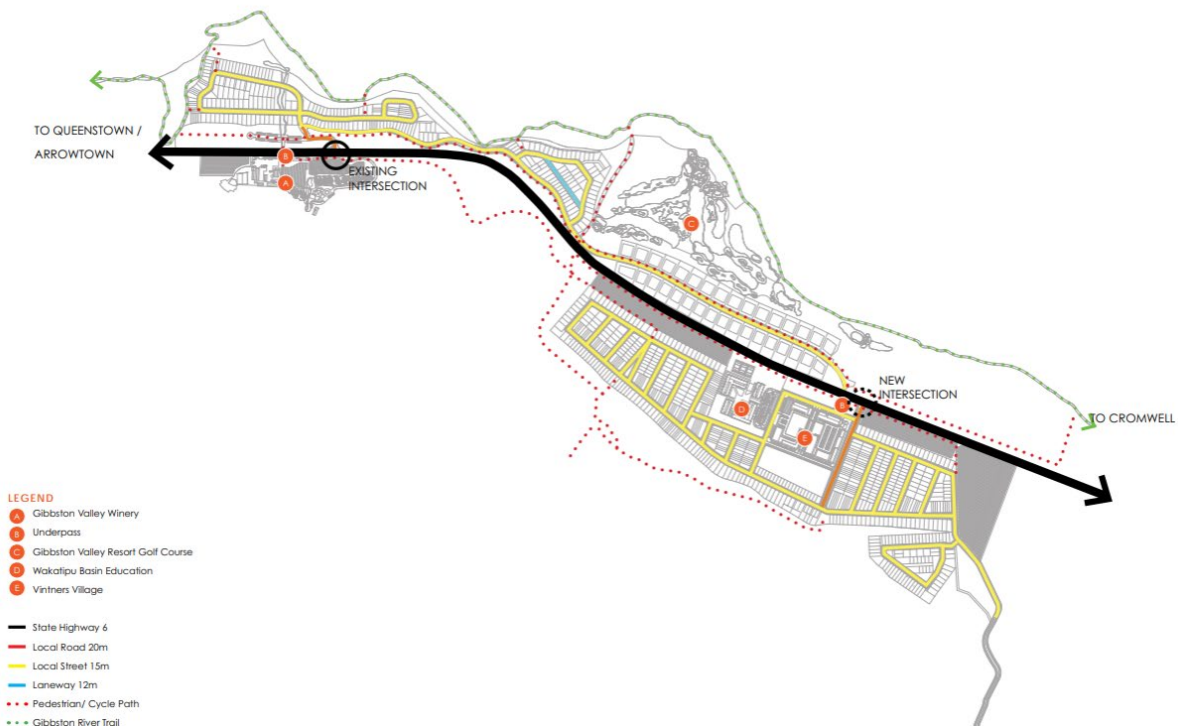
Applicant	Sector	Region	Identified in a priority/strategy?
Town Planning Group Limited (applying on behalf of Gibbston Valley Station)	Commercial/ Residential	Otago	No

### Ministry for the Environment contacts

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

## Project location

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## Key messages

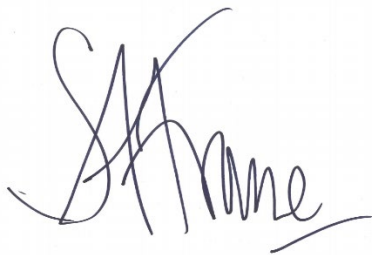
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1. The Gibbston Village project is a residential and commercial development project, including 900 dwelling units, a 2.4 hectare commercial area for day-to-day amenities, a 3 hectare primary school for about 350 students and associated infrastructure in the Gibbston Valley, Otago Region.
2. The project will require resource consents under the Resource Management Act 1991 (RMA).
3. Project site is on freehold land owned by Gibbston Valley Station and High Definition Development, LLC (LLC). LLC have provided their written approval for the project, however Gibbston Valley Station have not as far as we can tell.
4. The application has been received from Town Planning Group Limited, who appear to be applying on behalf of Gibbston Valley Station and LLC. We have not received any evidence that Town Planning Group Limited has authorisation to lodge on behalf of the Station.
5. In addition, the company Town Planning Group Limited was liquidated in 2021. Town Planning Group (NZ) Limited is a similarly named active company with the same director and is most likely the correct agent organisation name. They did not respond in a timely manner when clarification of authorisation to apply on behalf of Gibbston Valley Station or confirmation of the appropriate applicant name was sought.
6. As a general rule, applications should be in the name of the project landowners (who are of course entitled to use agents) because these landowners should hold any future resource consents, not their agents. You will need to decide what, if any, the implications of the above information are. It is also possible for the Advisory Group to seek clarification from the Applicant or their Agent directly.

7. We have undertaken an initial (Stage 1) analysis of the application, and this is provided in Table A.
8. 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). The Applicant, Town Planning Group, has not provided confirmation of their relationship with landowner Gibbston Valley Station or if they have permission to undertake work on their land.
9. The project does not trigger the ineligibility criteria in clause 18 of the Fast-track Approvals Bill (the Bill).
10. 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

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A handwritten signature in black ink, appearing to read 'S. Frame', written in a cursive style.

Stephanie Frame  
**Manager – Listed Projects**

**Table A: Stage 1 initial assessment of project eligibility and Treaty settlement assessment and advice<sup>1</sup>**

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)]
<b>High level summary</b>			Y	N	N	N	N			
<p><b>Schedule requested</b> 2A</p> <p><b>Project Name</b> Gibbston Village</p> <p><b>Applicant</b> Town Planning Group Limited applying on behalf of Gibbston Valley Station.</p> <p><b>Company director/s</b> Town Planning Group (NZ) Limited: Brett James Giddens Daniel Ian Thorne Gibbston Valley Station: Cristina Vivolo Griffith Philip Dean Griffith Gregory William Hunt</p> <p><b>Location</b> 1976 Gibbston Highway (SH6), Gibbston, Queenstown and 16</p>	<p>The Gibbston Village project is a residential and commercial development project, including 900 dwelling units, a 2.4 hectare commercial area for day-to-day amenities, a 3 hectare primary school for about 350 students and associated infrastructure.</p>	<p>The applicant seeks approval under the:</p> <ul style="list-style-type: none"> <li>Resource Management Act 1991</li> </ul>	<p>Applicant has a MOU with Kā Rūnaka and has committed to ongoing engagement.</p> <p>NZTA have approved two access from the state highway and two underpasses. The applicant expects them to continue to be involved during design development.</p> <p>Consultation with Queenstown Lakes District Council has discussed the proposal and aims to align with their spatial plans which to date has been focused on the Future Growth Strategy</p>	No	No	No	No	<p>The project, or any part of it, is inconsistent with a relevant Treaty settlement, the NHNP 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>No</p> <p>The project may have significant adverse effects on the environment.</p> <p>No – Applicant notes any potential for adverse effects can be appropriately avoided, remedied or mitigated, and will be less than minor</p> <p>The applicant has a poor compliance history under the relevant legislation.</p> <p>No</p> <p>The project involves an activity that would occur on land that the</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>Yes</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>No – Not answered</p> <p>The project will increase the supply of housing, address housing needs, or contribute to a well-functioning urban environment.</p> <p>Yes – 900 new dwellings and associated infrastructure</p> <p>The project will deliver significant economic benefits.</p> <p>Yes – Applicant states large construction project could generate \$140 million annually to the local economy through increased job opportunities.</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> <p>The project will support climate change mitigation, including the reduction or removal of greenhouse gas emissions.</p> <p>Yes – Applicant states through offering alternative transport routes such as cycle trails and walkways and by providing amenities close to the new homes.</p> <p>The project will support adaptation, resilience, and recovery from natural hazards.</p>

<sup>1</sup> **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>Resta Road, Gibbston</p> <p><b>Land Status</b></p> <p>Project site is on freehold land owned by Gibbston Valley Station and High Definition Development, LLC. LLC have provided their written approval for the project. Gibbston Valley Station have not.</p>								<p>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>Yes – Application states will use sustainable drainage systems and green infrastructure integration.</p> <p>The project will address significant environmental issues.</p> <p>No</p> <p>The project is consistent with local or regional planning documents, including spatial strategies.</p> <p>Yes – Applicant states the project aligns with the proposed district plan for Queenstown Lakes District Council</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><b>Ineligible projects - based on the considerations at cl18(a–e) of the Fast Track Approvals Bill (version as at introduction)</b></p>	<p>The project does not appear to be ineligible according to the information provided in the application.</p>
<p><b>Affected Māori group/s</b></p>	<p>The applicant has identified the following groups with interests in the project area:</p> <ul style="list-style-type: none"> <li>• Ngāi Tahu</li> <li>• Kā Rūnaka who represent the following Papatipu Rūnunga o Ngāi Tahu: <ul style="list-style-type: none"> <li>○ Te Rūnanga o Moeraki</li> <li>○ Kāti Huirapa Rūnaka ki Puketeraki</li> <li>○ Te Rūnanga o Ōtākou and</li> <li>○ Hokonui Rūnanga)</li> </ul> </li> </ul> <p>(collectively referred to as “Kā Rūnaka” throughout the application).</p> <p><u>Ngāi Tahu</u></p> <p>Ngāi Tahu is an iwi whose area of interest includes the proposed project site, based on the Area of Interest agreed between Ngāi Tahu and the Crown in the Deed of Settlement signed 21 November 1997.<sup>2</sup></p> <p>We have not identified any additional groups beyond those identified by the applicant.</p>
<p><b>Has the applicant consulted with those Māori groups?</b></p>	<p>The applicant says it has consulted thoroughly with interested parties, including Kā Rūnaka. A Heads of Agreement is in place between the applicant and Kā Rūnaka which establishes the protocol and ongoing commitment between the parties to continue engagement throughout the process.</p> <p>The applicant also attaches to its application a memorandum of understanding between Kā Rūnaka and the applicant. It is not clear from the application whether this MOU is also the Heads of Agreement (which is not attached to the application).</p> <p>The applicant says Kā Rūnaka have been consulted with and will continue to be consulted with throughout the process of the project in order to ensure that the vision for the project has the utmost respect for wāhi tūpuna and the preservation of the mauri of these areas. The applicant acknowledges the significance of ensuring that the project protects Mana whenua values and manages potential threats within these areas. The applicant says it is committed to working closely with Kā Rūnaka through the memorandum of understanding to ensure this project reflects Mana whenua values.</p>

<sup>2</sup> See TKM | Iwi | Ngāi Tahu | Te Kahui Mangai.

<p><b>Impact/s of the project on Māori development and PSGE settlement priorities and related matters</b></p>	<p><b><u>Impacts on PSGE settlement priorities and Māori development</u></b></p> <p>The Gibbston Valley Assessment Application (Attachment 2 of the application) notes the project proposal has considered the Wahi Tupuna layer of the Queenstown Lakes Proposed District Plan and has made significant efforts to ensure that this area is protected and avoid any significant effects through the careful consideration and siting of future development. The Assessment Application notes there are a small number of allotments that encroach into this area however these allotments are to have no build areas within the Wāhi Tupuna overlay to ensure the ongoing protection of these areas are upheld. The Assessment Application also notes Accidental discovery protocols will be adopted for the duration of any works with the applicant amenable to conditions of any future granted consent to this effect. Should any sites of potential significance be discovered, all works will cease until clearance is provided by an archaeological expert.</p> <p>In the time available, we have identified the following relevant plans and documents:</p> <ul style="list-style-type: none"> <li>• Te Tangi a Taurira - Ngāi Tahu ki Murihiku Natural Resource and Environmental Iwi Management Plan 2008<sup>3</sup></li> <li>• Kāi Tahu Ki Otago Natural Resource Management Plan 2005<sup>4</sup></li> </ul> <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><b><u>Impact on Treaty settlements and other relevant arrangements</u></b></p> <p><b>Ngāi Tahu Claims Settlement Act 1998</b></p> <p><i>Statutory acknowledgements</i></p> <p>This Treaty settlement contains a number of statutory acknowledgements. The applicant says there are no Treaty settlements that apply to the geographical location of the project. The applicant further states Kawarau River is a statutory acknowledgement area near the project site but will not be impacted on by the project. Officials are unable to confirm Kawarau River as a statutory acknowledgement area as it is not provided for in the Ngāi Tahu Claims Settlement Act 1998. However officials do note the Kawarau River is of great significance to coastal Otago iwi, possibly due to the utility as an ara tawhito, connecting all iwi with Lake Wakatipu/Whakatipu-wai-Māori and therefore, the greater Wakatipu/Whakatipu pounamu fields.<sup>5</sup></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 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><b><u>Other matters</u></b></p> <p>In the time available, officials have not identified any other impacts for the Marine and Coastal Area (Takutai Moana) Act 2011 (<i>noting the project area is not in the common marine and coastal area</i>), groups yet-to-settle their historical claims, Joint Management Agreements outside of settlement or Mana Whakahono ā Rohe.</p>
<p><b>Is the project considered low, medium or high impact (based on assessment criteria above)</b></p>	<p>From the information available we consider this project is likely to be of medium impact. This is due to the nature of the interests in the area, noting the applicant has engaged with Kā Rūnaka on the project (including creating a Memorandum of Understanding and/or Heads of Agreement with Kā Rūnaka regarding the project) and the intention of the applicant to have ongoing engagement with Kā Rūnaka throughout the development of the project.</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><b>Has the Ministry for the Environment undertaken engagement?</b></p>	<p>Officials consider engagement would be beneficial with Kā Rūnaka and Te Rūnanga o Ngāi Tahu to confirm their support for the project but were unable to undertake this in the time available.</p>
<p><b>Additional comments/context</b></p>	<p>N/A</p>

<sup>3</sup> Te Tangi a Taurira – The Cry of the People (es.govt.nz)

<sup>4</sup> Kāi Tahu Ki Otago Natural Resource Management Plan 2005

<sup>5</sup> See cultural-values-statement QUEENSTOWN LAKES DISTRICT COUNCIL WASTEWATER OVERFLOW DISCHARGE (orc.govt.nz) at page 8.

## 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.