

Application for a project to be referred to an expert consenting panel

(Pursuant to Section 20 of the COVID-19 Recovery (Fast-track Consenting) Act 2020)

For office use only:

Project name: Winery, restaurant, education and event complex
Application number: PJ-0000716
Date received: 13/10/2020

This form must be used by applicants making a request to the responsible Minister(s) for a project to be referred to an expert consenting panel under the COVID-19 Recovery (Fast-track Consenting) Act 2020.

All legislative references relate to the COVID-19 Recovery (Fast-track Consenting) Act 2020 (the Act), unless stated otherwise.

The information requirements for making an application are described in Section 20(3) of the Act. Your application must be made in this approved form and contain all of the required information. If these requirements are not met, the Minister(s) may decline your application due to insufficient information.

Section 20(2)(b) of the Act specifies that the application needs only to provide a general level of detail, sufficient to inform the Minister's decision on the application, as opposed to the level of detail provided to an expert consenting panel deciding applications for resource consents or notices of requirement for designations.

We recommend you discuss your application and the information requirements with the Ministry for the Environment (the Ministry) before the request is lodged. Please contact the Ministry via email: fasttrackconsenting@mfe.govt.nz

The Ministry has also prepared [Fast-track guidance](#) to help applicants prepare applications for projects to be referred.

Part I: Applicant

Applicant details

Person or entity making the request: Otago Viticulture and Oenology (Trading as Brennan Wines)

Contact person: Sean Brennan

Job title: Owner/winemaker

Phone: s 9(2)(a)

Email: s 9(2)(a)

Postal address:

s 9(2)(a)

Address for service (if different from above)

Organisation: JCarter Planning

Contact person: Jenny Carter

Job title: Resource Management Planner

Phone: s 9(2)(a)

Email: s 9(2)(a)

Email address for service: jenny@carterplanning.nz

Postal address:

s 9(2)(a)

Part II: Project location

The application: does not relate to the coastal marine area

If the application relates to the coastal marine area wholly or in part, references to the Minister in this form should be read as the Minister for the Environment and Minister of Conservation.

Site address / location:

A cadastral map and/or aerial imagery to clearly show the project location will help.

110 Gibbston Back Road, Gibbston, Otago, 9371, New Zealand

Legal description(s):

A current copy of the relevant Record(s) of Title will help.

Part Lot 16 Deposited Plan 23707 held in CFR OT18D/74

Registered legal land owner(s):

Murray Frederick Brennan

Detail the nature of the applicant's legal interest (if any) in the land on which the project will occur, including a statement of how that affects the applicant's ability to undertake the work that is required for the project:

Part III: Project details

Description

Project name: Winery, restaurant, education and event complex

Project summary:

Please provide a brief summary (no more than 2-3 lines) of the proposed project.

To construct a winery complex that provides onsite wine making including bottling and storage, restaurant and cellar door, education and event facilities

Project details:

Please provide details of the proposed project, its purpose, objectives and the activities it involves, noting that Section 20(2)(b) of the Act specifies that the application needs only to provide a general level of detail.

Brennan Wines is an established vineyard located at Gibbston Back Road, within the Gibbston Valley. The owners currently run a small cellar door, with wine making and barrel storage located within separate buildings on the site. Most staff are from overseas, with harvests and pruning typically bringing in workers from Vanuatu. Wine is made on site and then transported to Cromwell for bottling. The vast majority of the wine is then transported back to the winery for storage and sale.

In 2016, the owners started working on concepts for a new winery building that would accommodate a large barrel hall, wine making facilities (including bottling and storage), restaurant and cellar door with some conference/meeting facilities. The concept has progressed to the preparation of resource consent documents.

Post Covid 19, the owners are proposing that the facility is also used for education. This addresses two post-Covid issues; one being the inability for migrant workers to travel to New Zealand, and second being the redeployment of New Zealanders. Providing an education facility on site provides for the long term sustainability of the winery itself, as well as the wider viticulture industry within the Gibbston Valley and elsewhere in New Zealand. It improves the resilience of the wine industry, recognising the need to help get New Zealanders trained to work within the vineyards to reduce the reliance on overseas workers.

Gibbston Valley is world renowned for its wine making, and this is recognised in the Queenstown Lakes District Plan, which supports the growth of vineyard activities particularly within the Gibbston Valley. The proposal is complementary to the sustainable management of the Gibbston Valley and the wine industry that it supports.

The following outlines the activities proposed within the winery building. The building is architecturally designed and provides three levels providing space for wine making, cellar door and restaurant, events and meetings. The plans of the winery building are attached and marked [A].

Restaurant and cellar door:

The building provides a café / restaurant and tasting room of 681m² floor area. This would provide casual dining and wine tasting. Depending on demand the restaurant will focus on casual day time dining but will potentially open at night most likely up to three times per week as well as for evening functions. The cellar door will offer wine tasting up to seven days a week, catering for small wine tours as well as independent travellers.

The barrel hall

In addition to the storage of barrels, the barrel hall has been designed to accommodate small, intimate concerts. There is space to place the barrels at the outer edges of the hall and accommodate up to 400 persons within an acoustically designed indoor setting. The events are aimed at providing an upmarket venue for high quality artists.

Education

The existing vineyard and the proposed winery complex will provide a hands on training facility to support training for winemaking, viticulture, hospitality and potentially arts.

Class sizes would generally be small, with up to 15 students. There is indoor teaching space, but most of the learning would be hands on and undertaken within the vineyard. It is anticipated that training programmes would be run using local vintners, or educators from outside of Queenstown. Larger seminars, presentations, and the like could also be held, in the barrel room or other larger spaces within the building.

Wine making, including bottling and storage

An important component of the proposed facility is the wine making. This will be undertaken within the lower level of the building. Currently, the wine is all transported to Cromwell for bottling. The proposed building will accommodate a bottling plant for the Brennan wine as well as other wines from within the Gibbston valley. This reduces travel expenditure, providing a one-stop shop within the winery complex.

Weddings and events

In addition to the concerts identified above, the venue will also cater for weddings and private events (eg 50th birthday celebrations) of up to 300 persons, and it is estimated that these larger private events would be held up to 5 times per year. Smaller weddings or similar private functions that cater for 100-150 persons would be held more often. These events could be located within the restaurant and outdoor courtyard, or in the barrel hall.

Where applicable, describe the staging of the project, including the nature and timing of the staging:

The complex will be completed in one stage

Consents / approvals required

Relevant local authorities: Otago Regional Council, Queenstown-Lakes District Council

Resource consent(s) / designation required:

Land-use consent, Discharge permit

Relevant zoning, overlays and other features:

Please provide details of the zoning, overlays and other features identified in the relevant plan(s) that relate to the project location.

Legal description(s)	Relevant plan	Zone	Overlays	Other features
Lot 16 Deposited Plan 23707, held in Title OT18D/774	Queenstown Lakes Proposed District Plan	Gibbston Character Zone	Nil	nil

Rule(s) consent is required under and activity status:

Please provide details of all rules consent is required under. Please note that Section 18(3)(a) of the Act details that the project **must not include** an activity that is described as a prohibited activity in the Resource Management Act 1991, regulations made under that Act (including a national environmental standard), or a plan or proposed plan.

Relevant plan / standard	Relevant rule / regulation	Reason for consent	Activity status	Location of proposed activity
Queenstown Lakes Proposed District Plan	23.4.14 Retail sales 23.4.15 Winery and farm buildings The construction, addition or alteration of a farm building or winery 23.5.2 Building Size 23.5.7 Setback of buildings from water bodies The minimum	Breach of standards as above	Non Complying (for education activities)	86 Gibbston Back Road

setback of any building from the bed of a water body shall be 20m Education activities 23.4.20 Any other activity not listed in Table 1 Education is not listed in Table 1. Education is also listed as a community activity. However, community activity is also not listed. Chapter 29 Transport 29.5.1 Minimum Parking Requirements 29.5.3 Size of Parking Spaces and Layout 29.5.12 Lighting of Parking Areas 29.5.13 Bicycle Parking and the Provision of Lockers and Showers 29.5.14 Access and Road Design 29.5.16 Width and Design of Vehicle Crossings Events 35.4.4 any other temporary events provided that: 35.4.14 Any temporary activity or relocated building			
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Resource consent applications already made, or notices of requirement already lodged, on the same or a similar project:

Please provide details of the applications and notices, and any decisions made on them. Schedule 6 clause 28(3) of the COVID-19 Recovery (Fast-track Consenting) Act 2020 details that a person who has lodged an application for a resource consent or a notice of requirement under the Resource Management Act 1991, in relation to a listed project or a referred project, must withdraw that application or notice of requirement before lodging a consent application or notice of requirement with an expert consenting panel under this Act for the same, or substantially the same, activity.

No previous applications have been made for this proposal.

Resource consent(s) / Designation required for the project by someone other than the applicant, including details on whether these have been obtained:

nil

Other legal authorisations (other than contractual) required to begin the project (eg, authorities under the Heritage New Zealand Pouhere Taonga Act 2014 or concessions under the Conservation Act 1987), including details on whether these have been obtained:

Building consent will be required.

The discharge of wastewater, given the quantity (because of the winery) will require discharge consent from Otago Regional Council.

Construction readiness

If the resource consent(s) are granted, and/or notice of requirement is confirmed, detail when you anticipate construction activities will begin, and be completed:

Please provide a high-level timeline outlining key milestones, e.g. detailed design, procurement, funding, site works commencement and completion.

Once resource consent is obtained an anticipated start date can be established. It is anticipated that the building would take around 18 months to build. Therefore assuming consent is obtained in 7-8 months from lodgement with the EPA, and taking into account the time required to finalise funding, it is anticipated that the build could commence in the final quarter of 2021, with completion in 2023. It is noted that the detailed assessment of effects and specialist reports are all but ready to go, and so the application could be lodged swiftly with the EPA if the Minister decides to refer the project for the fast-track consenting process.

Smaller scale training would likely need to commence immediately and into the short term (irrespective of the grant of consent to the new proposal). Until completion of the new facility, this would have to be undertaken within the existing buildings and vineyard.

Part IV: Consultation

Government ministries and departments

Detail all consultation undertaken with relevant government ministries and departments:

A meeting via zoom with MFE staff was held on 16 September 2020

Local authorities

Detail all consultation undertaken with relevant local authorities:

Pre application lodged with QLDC 29 September 2020

Site visit with QLDC planner Friday 9 October 2020

Other persons/parties

Detail all other persons or parties you consider are likely to be affected by the project:

Neighbours s9(2)(a)

Detail all consultation undertaken with the above persons or parties:

Affected party approval has been obtained from s9(2)(a)

Communication with s9(2)(a) has commenced

Part V: Iwi authorities and Treaty settlements

For help with identifying relevant iwi authorities, you may wish to refer to Te Kāhui Māngai – Directory of Iwi and Māori Organisations.

Iwi authorities and Treaty settlement entities

Detail all consultation undertaken with Iwi authorities whose area of interest includes the area in which the project will occur:

Iwi authority	Consultation undertaken
No details	

Detail all consultation undertaken with Treaty settlement entities whose area of interest includes the area in which the project will occur:

Treaty settlement entity	Consultation undertaken
No details	

Treaty settlements

Treaty settlements that apply to the geographical location of the project, and a summary of the relevant principles and provisions in those settlements, including any statutory acknowledgement areas:

Section 18(3)(b) of the Act details that the project **must not include** an activity that will occur on land returned under a Treaty settlement where that activity has not been agreed to in writing by the relevant land owner.

N/A

Part VI: Marine and Coastal Area (Takutai Moana) Act 2011

Customary marine title areas

Customary marine title areas under the Marine and Coastal Area (Takutai Moana) Act 2011 that apply to the location of the project:

Section 18(3)(c) of the Act details that the project **must not include** an activity that will occur in a customary marine title area where that activity has not been agreed to in writing by the holder of the relevant customary marine title order.

N/A

Protected customary rights areas

Protected customary rights areas under the Marine and Coastal Area (Takutai Moana) Act 2011 that apply to the location of the project:

Section 18(3)(d) of the Act details that the project **must not include** an activity that will occur in a protected customary rights area and have a more than minor adverse effect on the exercise of the protected customary right, where that activity has not been agreed to in writing by the holder of the relevant protected customary rights recognition order.

N/A

Part VII: Adverse effects

Description of the anticipated and known adverse effects of the project on the environment, including greenhouse gas emissions:

In considering whether a project will help to achieve the purpose of the Act, the Minister may have regard to, under Section 19(e) of the Act, whether there is potential for the project to have significant adverse environmental effects. Please provide details on both the nature and scale of the anticipated and known adverse effects, noting that Section 20(2)(b) of the Act specifies that the application need only provide a general level of detail.

An AEE has been prepared, which relies on expert reports including servicing, landscape, acoustic and traffic. In summary, the known adverse effects will be

- Landscape and visual amenity
- Acoustic
- Traffic, from increased vehicle movements.
- Potential effects on water quality

The landscape and visual amenity effects will be mitigated by the proposed landscaping and the architectural design of the building, which is set in to the natural contour and clad in natural and recessive materials.

The barrel hall will be acoustically insulated. Noise effects from vehicle movements and outdoor music can be managed by implementing a noise management plan.

Water quality effects can be managed through providing effective on site waste water and stormwater management.

A discharge consent is required from the Otago Regional Council and this will be sought in due course.

There will be temporary effects from construction. These can be mitigated by implementation of an environmental management plan and managing hours of operation.

The site benefits from its location within the Gibbston Character Zone of the District Plan, which supports the viticultural activities including winery buildings.

Part VIII: National policy statements and national environmental standards

General assessment of the project in relation to any relevant national policy statement (including the New Zealand Coastal Policy Statement) and national environmental standard:

The National Policy Statement for **Freshwater Management 2020** (NPS-FW) came into effect on 3 September 2020. Its objective is provided at page 9 and reads:

(1) The objective of this National Policy Statement is to ensure that natural and physical resources are managed in a way that prioritises:

(a) first, the health and well-being of water bodies and freshwater ecosystems

(b) second, the health needs of people (such as drinking water)

(c) third, the ability of people and communities to provide for their social, economic, and cultural well-being, now and in the future

The proposal will use existing water permits for potable supply, required for winemaking and the restaurant and cellar door.

A wastewater system can be designed to accommodate the discharges associated with both wine making and restaurant and cellar door. It is proposed that to reduce stormwater and better utilise the water resource, that rainwater is collected from the roof and stored for use. A large pond is proposed that will provide both an attractive landscape setting as well as firefighting water supply.

During construction, particularly earthworks to create the building footprint and car park areas, there is potential for run off. All earthworks and construction would be undertaken in accordance with an environmental management plan. This would ensure that any potential effects on water bodies would be avoided or reduced.

The construction of the building does not result in the loss of any wetland, and discharges can be managed to avoid adverse effects on water quality. The proposal represents an efficient use of the water resource.

Providing education on site can assist in communicating best practice for the wine industry. It enables the community to provide for their social, economic and cultural wellbeing in a way that is consistent with the NPS-FW.

National Policy Statement for Assessing and Managing Contaminants in Soil to Protect Human Health (NPS-C)

A Preliminary Site Investigation has been prepared. The proposed site for the winery is in pasture (with some vineyard) and has not been used for storage of agrichemicals or other HAIL activity. The proposed winery does not represent a change in use to a more sensitive activity.

Part IX: Purpose of the Act

Your application must be supported by an explanation how the project will help achieve the purpose of the Act, that is to “urgently promote employment to support New Zealand’s recovery from the economic and social impacts of COVID-19 and to support the certainty of ongoing investment across New Zealand, while continuing to promote the sustainable management of natural and physical resources”.

In considering whether the project will help to achieve the purpose of the Act, the Minister may have regard to the specific matters referred to below, and any other matter that the Minister considers relevant.

Project's economic benefits and costs for people or industries affected by COVID-19:

The project represents a diversification, using the existing activities on site as a base from which to establish a facility that provides ongoing training, education and cultural activities, alongside winemaking and viticultural activities. With the borders closed there is a lack of skilled viticultural workers available. The project will provide training for New Zealanders. It will have a long term economic benefit by upskilling New Zealanders into the viticultural and winemaking workforce.

Wine making has been impacted by Covid 19, particularly the cellar door and wine sales, and the availability of labour. There is a lack of skilled workers available which will soon become very problematic. This project is an opportunity to diversify and improve the vineyard's resilience, so that the vineyard can provide a range of services and facilities that are not reliant on tourism alone. It will contribute positively to the viticultural industry and enable New Zealanders to obtain the skills they need for employment in this sector.

The construction of the building will have short term economic benefit, employing a range of construction workers, from project managers, architects to electricians, builders and landscape gardeners.

Project's effects on the social and cultural wellbeing of current and future generations:

The project will have positive effects on the social and cultural wellbeing of the current and future generations. This would be achieved through the provision of training facilities within a world renowned winemaking region. It provides an opportunity to upskill, so that locals can gain employment. Culturally it offers the opportunity for film, theatre or other arts. In this way the community would also benefit from the provision of an events venue.

Whether the project would be likely to progress faster by using the processes provided by the Act than would otherwise be the case:

Please note: The Resource Consents team is currently dealing with heavy volumes of applications. To manage your expectations, it is likely that most applications will take the full 20 working days to process. To limit time delays at your end it is important that your application is complete.

This note has been provided on all such letters for more than two years and indicates that the Council staff are under pressure. It is not unusual for a notified or limited notified resource consent to take more than a year to process. Small scale applications that are not notified generally take more than the 20 working days. Experience is also that an applicant can spend significant time working with the Council to try to achieve non notification (e.g many months).

Whether the project may result in a 'public benefit':

Examples of a public benefit as included in Section 19(d) of the Act are included below as prompts only.

Employment/job creation:

Yes; the project will generate employment in the short term during the construction phase. It will also generate employment on a longer term basis, with staff required for running cellar door, restaurant and events and education. It is estimated that these activities will require at least two management staff. The cellar door will require at least 4 full time staff, increasing to 8 or more in the busy seasons. There could be a further 2-3 staff hosting winery tours, and the restaurant would require 3-8 full time equivalent restaurant staff with potentially additional part time staff. Providing a bottling facility on site would require 3-4 skilled staff, with an extra 5- 6 staff to pack boxes etc. Part time staff would be required for larger runs.

The events would require significant staff numbers, with frontline staff, in addition to contractors for caterers, toilets, traffic management, lighting and sound.

In addition, the education facility will require educators and it is anticipated that here would be class sizes of up to 15 persons. As identified above, the education will assist long term employment by enabling New Zealanders to upskill. It represents an improvement to the wine industry's resilience, by training staff on site, reducing the reliance on overseas workers. It is anticipated that the education component will grow as the facility becomes established.

Housing supply:

The proposal does not increase housing supply

Contributing to well-functioning urban environments:

The proposal is located in the rural environment, providing a hands on educational experience.

Providing infrastructure to improve economic, employment, and environmental outcomes, and increase productivity:

The proposal provides the facilities needed to improve economic and employment outcomes and increase productivity. It utilises the winery complex to facilitate an improved economic resilience within the industry. It improves employment capabilities by providing on-site training that uses the existing vineyard operations and the proposed winery facility to provide hands on education.

Providing the on-site infrastructure for bottling wine within the Gibbston Valley is a significant improvement on current practices. It reduces travel and its associated costs. The provision of on-site training improves productivity. As discussed above there is no bottling facility within Gibbston, necessitating all of the wine that is produced in the valley to be transported through to Cromwell for bottling. Once bottled, it is understood that most of the wine is then transported back to Gibbston for sale and distribution. Providing an on-site bottling plant therefore reduces truck movements through the Kawarau Gorge. This is a significant benefit, increasing the resilience of the local wine industry, reducing impacts on the road network and reducing emissions by reducing vehicle movements.

A servicing report has been prepared in support of the application, which outlines the infrastructure that is necessary for the proposal. The facility will be self-sufficient in that the site will contain a wastewater system, stormwater will be managed on site and water supply will be provided via existing permits.

Improving environmental outcomes for coastal or freshwater quality, air quality, or indigenous biodiversity:

The infrastructure has been designed to ensure that effects on freshwater quality will be avoided or mitigated. There will be no effects on air quality, or indigenous biodiversity. The site is within a working vineyard and as such has been modified.

Minimising waste:

The proposal is to construct a sustainable building that utilises natural materials. The applicants are committed to waste reduction. The building is designed to re-use water; providing on site stormwater retention and integrating fire-fighting supply into landscaping reduces requirements for separated water storage.

Contributing to New Zealand's efforts to mitigate climate change and transition more quickly to a low-emissions economy (in terms of reducing New Zealand's net emissions of greenhouse gases):

Providing for a one-stop shop within the Gibbston Valley reduces travel

Promoting the protection of historic heritage:

The site does not contain heritage features.

Strengthening environmental, economic, and social resilience, in terms of managing the risks from natural hazards and the effects of climate change:

Geotechnical investigations have been undertaken for the site. These found that the site is subject to an alluvial fan hazard and susceptible to ground shaking from earthquakes. Recommendations are made with respect to reducing the effects. The geotechnical recommendations will be incorporated into the building design and the conditions of consent. This ensures that the effects from natural hazards can be managed effectively.

Other public benefit:

Providing on site bottling reduces truck movements between Gibbston Valley and Cromwell, reducing impacts on the road

Whether there is potential for the project to have significant adverse environmental effects:

There is not potential for the project to have significant adverse effects.

Part X: Climate change and natural hazards

Description of whether and how the project would be affected by climate change and natural hazards:

The site is not subject to significant natural hazards, in particular, the site is not subject to flood hazards which could be exacerbated by climate change. The most significant natural hazard risk is earthquake and this risk is accounted for in the building design.

The Gibbston Valley is naturally well suited to wine making and this suitability is unlikely to be significantly impacted by the effects of climate change.

Part XI: Track record

A summary of all compliance and/or enforcement actions taken against the applicant by a local authority under the Resource Management Act 1991, and the outcome of those actions:

Local authority	Compliance/Enforcement Action and Outcome
Queenstown-Lakes District Council	nil

Part XII: Declaration

I acknowledge that a summary of this application will be made publicly available on the Ministry for the Environment website and that the full application may be released if requested under the OIA.

By typing your name in the field below you are electronically signing this application form and certifying the information given in this application is true and correct.

Jenny Carter

13/10/2020

Signature of person or entity making the request

Date

Important notes:

- Please ensure all sections, where relevant, of the application form are completed as failure to provide the required details may result in your application being declined.
- Further information may be requested at any time before a decision is made on the application.
- Please note that if the Minister for the Environment and/or Minister of Conservation accepts your application for referral to an expert consenting panel, you will then need to lodge a consent application and/or notice of requirement for a designation (or to alter a designation) in the approved form with the Environmental Protection Authority. The application will need to contain the information set out in Schedule 6, clauses 9-13 of the Act.
- Information presented to the Minister for the Environment and/or Minister of Conservation and shared with other Ministers, local authorities and the Environmental Protection Authority under the Act (including officials at government departments and agencies) is subject to disclosure under the Official Information Act 1982 (OIA) or the Local Government Official Information and Meetings Act 1987 (LGOIMA). Certain information may be withheld in accordance with the grounds for withholding information under the OIA and LGOIMA although the grounds for withholding must always be balanced against considerations of public interest that may justify release. Although the Ministry for the Environment does not give any guarantees as to whether information can be withheld under the

OIA, it may be helpful to discuss OIA issues with the Ministry for the Environment in advance if information provided with an application is commercially sensitive or release would, for instance, disclose a trade secret or other confidential information. Further information on the OIA and LGOIMA is available at www.ombudsman.parliament.nz.

Checklist

Where relevant to your application, please provide a copy of the following information.

Yes	Correspondence from the registered legal land owner(s)
Yes	Correspondence from persons or parties you consider are likely to be affected by the project
No	Written agreement from the relevant landowner where the project includes an activity that will occur on land returned under a Treaty settlement.
No	Written agreement from the holder of the relevant customary marine title order where the project includes an activity that will occur in a customary marine title area.
No	Written agreement from the holder of the relevant protected customary marine rights recognition order where the project includes an activity that will occur in a protected customary rights area.