

## FTC#117: Application for referred project under the COVID-19 Recovery (Fast-track Consenting) Act – Stage 2 decisions:

### Application 2021 075 Flints Park West, Ladies Mile – Te Pūtahi

Date Submitted:	10 March 2022	Tracking #: BRF-1137
Security Level	In-Confidence	MfE Priority: Urgent

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

Actions for Minister's Office Staff	Return the signed briefing to MfE.
Number of appendices: 6	<p>Appendices:</p> <ol style="list-style-type: none"> <li>1. Flints Park West, Ladies Mile – Te Pūtahi application documents and further information received</li> <li>2. Stage 1 Briefing Note and decisions</li> <li>3. Statutory framework for making decisions</li> <li>4. Draft Notice of Decisions letter to Glenpanel Development Limited</li> <li>5. Section 17 Report</li> <li>6. Comments received from relevant 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
Principal Author	Max Gander-Cooper		
Manager	Stephanie Frame	s 9(2)(a)	✓
Director	Caroline Hart	s 9(2)(a)	

## FTC#117: 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 Glenpanel Development Limited for referral of the Flints Park West, 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 14 Lower Shotover Road, Lake Hayes Estate, Otago. It is to subdivide 8.6 hectares of an 18.4-hectare site and construct approximately 315 residential units (or approximately 180 residential units, a church/chapel and a state-integrated school), supporting infrastructure, and public open space.
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. constructing a borefield and 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 the proposed activities have overall non-complying status as they include 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.
6. While the current planning framework does not support the development density proposed Queenstown Lakes District Council (QLDC) has adopted the Ladies Mile Master Plan (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. The development density of the Project generally aligns with the draft planning provisions QLDC has signalled will form part of this amendment.
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

---

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 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

---

12. In response to your request under section 22 of the FTCA the applicant provided further information on job creation and how the Project meets section 104D of the Resource Management Act 1991 (RMA). We have taken this information into account in our analysis and advice.

## Section 17 Report

---

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

---

15. Comments were received from s 9(2)(f)(ii), s 9(2)(g)(i), QLDC, Otago Regional Council (ORC) and Waka Kotahi. The key points relevant to your decision are summarised in Table A.
16. We note that comments from the s 9(2)(f)(ii), s 9(2)(g)(i) were received four working days late. 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.

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

19. ORC did not oppose Project referral but advised that there is no reason the Project could not be considered under standard RMA processes. ORC noted that Project delivery relies on upgrades to a wastewater plant, which is not currently meeting demand and complying with consent conditions, and that the Project may require regional resource consents related to water takes, stormwater discharges and disturbance of contaminated soils.
20. QLDC and Waka Kotahi opposed Project referral and considered that it would be more appropriate for the Project to seek consents after QLDC has implemented the LMMP through a plan change process. QLDC raised concerns that the Project relies on individual stormwater solutions that will not integrate with wider solutions for the LMMP area, and the Project has not adequately considered its effects on the transport network. Waka Kotahi noted that progressing the Project ahead of a plan change to implement the LMMP introduces a risk that roading networks will not be developed in an integrated way.
21. QLDC also acknowledged some Project benefits: The Project aligns with the density objectives of the LMMP; may enable housing and development at a faster rate than can be progressed under standard RMA processes. They also noted that a potential benefit of referral under the FTCA is that it is likely to push Council's infrastructure planning faster than is currently the case, suggesting the Council has the capacity to do so.
22. 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**

---

23. 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)).
24. The Project does not include any ineligible activities, as explained in Table A.
25. 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 617 direct full-time equivalent (FTE) jobs over a 6-year construction period, or 391 direct FTE jobs and 58 ongoing jobs if a state-integrated school is developed
  - c. increase housing supply through the provision of up to 315 residential units (or up to 180 residential units if a state-integrated school is developed)
  - d. progress faster than would otherwise be the case under standard Resource Management Act 1991 process, provided that the applicant lodges their applications for resource consent in a timely manner following Project referral.
26. 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

---

27. 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*

28. 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.
29. The key issues are whether consent applications for the Project would be more appropriately considered under standard RMA processes following a plan change to implement the LMMP 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.
30. 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>
31. Both QLDC and Waka Kotahi favour proceeding under standard RMA processes of consents following a plan change because they consider it enables a more strategic approach to land use, infrastructure and transport planning for future development of the whole Ladies Mile 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

---

<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 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.



density outcomes.

32. We note that although both the QLSP and LMMP signal urbanisation of the Ladies Mile area including the Project site, they are non-statutory documents with no official status under the RMA. Any decisions on the anticipated change to the Queenstown Lakes District Plan to implement the LMMP are likely to be some time away. Additionally, the Project does not include any prohibited activities under either the Operative or Proposed Queenstown Lakes District Plan. There is therefore no legal reason the Project cannot be considered under the FTCA. If you decide to refer the Project, a panel could consider the appropriate weighting to be given to the draft LMMP, and the consistency of the Project with the draft LMMP provisions. It could also seek specific comment from QLDC, ORC and Waka Kotahi on these matters to inform its decision-making.
33. In respect of QLDC, ORC and Waka Kotahi's concerns 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 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.
34. 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.
35. 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.
36. 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.

## Conclusions

---

37. 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.
38. 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 consent applications to a panel. 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.

39. 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 applicant that a panel may decline to grant consent on the basis that the out of sequence development proposed does not achieve the sustainable management purpose of the RMA.
40. If you decide to refer the Project, we consider that 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:
  - a. an assessment against the most recent version of the Ladies Mile Master Plan and Queenstown Lakes Spatial Plan
  - b. an urban design assessment
  - c. a three-waters infrastructure assessment
  - d. a transport infrastructure assessment
  - e. an integrated transport assessment
  - f. a groundwater assessment
  - g. a contaminated soils assessment.
41. 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.
42. 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:
  - a. Associate Minister for the Environment (Urban Policy).
  - b. Waka Kotahi NZ Transport Agency, as they are a key stakeholder in the development of the LMMP area and the Project may affect their delivery of critical infrastructure in the Project area
  - c. Aukaha and Te Ao Marama Incorporated, the representatives of the relevant Ngāi Tahu rūnanga, as identified in the Section 17 Report
43. 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.
44. Our recommendations for your decisions follow.

## Next Steps

---

45. 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.
46. 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.

47. To refer the Project, you must recommend that a referral order be made by way of an Order in Council (OIC).
48. 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>

---

<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.
- 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 types in an area with a housing shortage
  - ii. generate employment by providing approximately 617 direct full-time equivalent (FTE) jobs over a 6-year construction period, or 391 direct FTE jobs and 58 ongoing jobs if a state-integrated school is developed
  - iii. increase housing supply through the provision of up to 315 residential units (or

Yes/No

up to 180 residential units if a state-integrated school is developed)

- 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 against the objectives, policies and provisions of the Ladies Mile Master Plan and Queenstown Lakes Spatial Plan

- ii. an urban design assessment that covers 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

- iii. a detailed infrastructure assessment of –

- 1. the capacity of the existing infrastructure for three-waters services to service the completed Project

- 2. what upgrading is required to that infrastructure to service the completed 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

- 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

- iv. a detailed transport infrastructure assessment of –

- 1. the capacity of the local road network to service the construction of the Project and the completed Project

- 2. what upgrading is required to the local road network to service the completed Project

- 3. 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. 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

vii. 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 for potable water supply

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. Associate Minister for the Environment (Urban Policy)
- ii. Waka Kotahi NZ Transport Agency
- iii. Aukaha (1997) Limited
- iv. 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 Flints Park West, Ladies Mile – Te Pūhahi Project to a panel in accordance with your decisions recorded herein.

Yes/No

n. **Sign the attached (Appendix 4)** notice of decisions to Glenpanel Development 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

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

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 (Note: for analysis and/or recommended responses to these comments refer to column 7)	Section 23 assessment – potential reasons for declining	Referral conclusions & recommendations
		Project eligibility for referral (section 18(3)(a)–(d))	Section 18(2) - Does the Project help achieve the purpose of the FTCA (as per section 19)?			
<b>Project name</b> Flint's Park West, Ladies Mile – Te Pūhahi <b>Applicant</b> Glenpanel Development Limited c/- The Property Group <b>Location</b> 14 Lower Shotover Road, Lake Hayes Estate, Otago	To subdivide 8.6 hectares of an 18.4-hectare site and construct approximately 315 residential units (or approximately 180 residential units, a church/chapel and a school), supporting infrastructure, and public open space.  The Project will involve activities such as: a. subdividing land b. clearing vegetation c. carrying out earthworks (including disturbing potentially contaminated land) d. taking, diverting and discharging groundwater and stormwater containing contaminants to land e. constructing a borefield and taking groundwater for water supply f. constructing residential buildings g. constructing infrastructure including for vehicle and pedestrian (including roads), parking, public transport services, and three-waters services h. landscaping including planting	The Project is eligible for referral under section 18(3)(a)–(d) as: <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 under the Marine and Coastal Area (Takutai Moana) Act 2011</li> </ul>	<b>Economic benefits for people or industries affected by COVID-19 (19(a))</b>  The applicant estimates that the Project will provide: <ul style="list-style-type: none"> <li>approximately 617 direct full-time equivalent (FTE) jobs over a 6-year construction period, or 391 direct FTE jobs and 58 ongoing jobs if a state-integrated school is developed</li> <li>245–315 residential units (or 140–180 residential units if a state-integrated school is developed)</li> </ul> <b>Economic costs for people or industries affected by COVID-19 (19(a))</b> N/A  <b>Effect on the social and cultural well-being of current and future generations (19(b))</b>  The Project has the potential for positive effects on the social and cultural wellbeing of current and future generations as it will: <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 types that may assist with affordability</li> <li>provide employment opportunities during and (potentially) after construction</li> </ul> <b>Is the Project likely to progress faster by using this Act? (19(c))</b>  The applicant is seeking fast-tracked resource consents rather than a plan change and subsequent resource consents under standard RMA process	s 9(2)(f)(ii), s 9(2)(g)(i)	<b>Section 23(5) matters:</b> <b>Insufficient information (23(5)(a))</b> The applicant has provided sufficient information for you to determine whether the Project meets the criteria in section 18 of the FTCA. <b>More appropriate to go through standard RMA process (23(5)(b))</b> Both QLDC and Waka Kotahi favour proceeding under standard RMA process because they consider it enables a more strategic approach to land use, infrastructure and transport planning for future development of the whole Ladies Mile area, which is being progressed through the LMMP and the Queenstown Lakes Spatial Plan (QLSP) – the planning strategy supporting the LMMP.  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. There is therefore no legal reason the Project cannot be considered under the FTCA.  If you decide to refer the Project, a panel could consider the appropriate weighting to be given to the draft LMMP, and the consistency of the Project with the draft LMMP provisions. It could also seek specific comment from QLDC, ORC and Waka Kotahi on these matters to inform its decision-making.  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 that it will fund. We therefore consider that these issues can be addressed through the	s 9(2)(f)(ii), s 9(2)(g)(i)  In response to QLDC, ORC and Waka Kotahi comments: <ul style="list-style-type: none"> <li>we considered QLDC and Waka Kotahi's concerns about the Project progressing ahead of a plan change to implement the LMMP through the QLDP and recommend that you require the applicant to provide an assessment of how the Project aligns with the most up-to-date provisions of the LMMP with their consent applications to a panel.</li> </ul> Despite QLDC and Waka Kotahi opposing Project referral, we consider you could accept the application under section 24 of the FTCA and refer all the Project to a panel, as the concerns raised can be addressed by a panel so long as they are provided with the recommended additional information, and the Project will have positive effects on social well-being, generate employment and increase housing supply.  We recommend you require the applicants to provide the following information with an application for resource consent to a panel: a. an assessment of the Project against the objective, policies and provisions of the Ladies Mile Master Plan and Queenstown Lakes Spatial Plan



Project details	Project description	Does all or part of the Project meet the referral criteria in section 18?		Summary of comments received (Note: for analysis and/or recommended responses to these comments refer to column 7)	Section 23 assessment – potential reasons for declining	Referral conclusions & recommendations
		Project eligibility for referral (section 18(3)(a)–(d))	Section 18(2) - Does the Project help achieve the purpose of the FTCA (as per section 19)?			
	<p>i. constructing a state-integrated school</p> <p>j. any other activities that are –</p> <p>i. associated with the activities described in a to i</p> <p>ii. within the Project scope as described above.</p> <p>The Project requires land use and subdivision consents under the Operative and Proposed Queenstown Lakes District Plans and has 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.</p>		<p>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 potentially post) 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 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</li> <li>loss 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 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>s 9(2)(f)(ii), s 9(2)(g)(i)</p> <p><b>Local authorities</b></p> <p>QLDC opposed Project referral as although it considers the Ladies Mile area highly suitable for more urban development, it considers that it would be more appropriate to wait until the RMA plan change variation has progressed to the point where the Project can be assessed against up-to-date provisions which reflect the LMMP. The Council adopted the LMMP in October 2021. The planning provisions and a proposed plan change to the QLDP are due to be considered by the Council on 28 April 2022 and expected to be notified in June 2022.</p> <p>QLDC raised concerns that the Project (along with other FTCA projects in the area) may or may not integrate with the LMMP and may undermine it. However, the council acknowledges 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 has the potential to meet the housing density requirement in the LMMP of 40/ha</li> <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 within the Project site to connect to neighbouring sites</li> <li>a well-connected block-structure (for the Project layout)</li> </ul> <p>QLDC stated that the following aspects of the Project do not align with the LMMP:</p> <ul style="list-style-type: none"> <li>provision of individual stormwater management that does not integrate with the wider development, which may also impact on the ability the development to provide public transport as it may not align with intended roading layouts</li> </ul>	<p>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-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. Ministers and local authorities have not raised any</p>	<p>b. an urban design assessment that covers 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</p> <p>c. a detailed infrastructure assessment of –</p> <p>i. the capacity of the existing infrastructure for three-waters services to service the completed 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 support best practice stormwater management for the wider Ladies Mile area</p> <p>v. information about discussions held and any agreements made with Queenstown Lakes District Council and Otago Regional Council regarding stormwater management</p> <p>vi. a draft stormwater management plan</p> <p>d. a detailed transport infrastructure assessment of –</p> <p>i. the capacity of the local road network to service the construction of the Project and the completed Project</p> <p>ii. what upgrading is required to the local road network to service the completed Project</p> <p>iii. 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</p>



Project details	Project description	Does all or part of the Project meet the referral criteria in section 18?		Summary of comments received (Note: for analysis and/or recommended responses to these comments refer to column 7)	Section 23 assessment – potential reasons for declining	Referral conclusions & recommendations
		Project eligibility for referral (section 18(3)(a)–(d))	Section 18(2) - Does the Project help achieve the purpose of the FTCA (as per section 19)?			
			<p><b>Other relevant matters (19(f))</b></p> <p>The site is currently zoned Rural Lifestyle under the operative and proposed 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. QLDC adopted the LMMP in October 2021 and an amendment to the Te Pūhahi Ladies Mile Structure Plan Area provisions in the proposed QLDP to implement the LMMP is anticipated to be notified in June 2022. The Project's proposed housing density generally aligns with the draft district plan provisions to implement the LMMP.</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>lack of safe crossing points across SH6</li> <li>the alternative roading alignment proposed by the Project will result in significant traffic through the Flints Park development (which has already been referred under the FTCA). This should be subject to a Safe Speed System assessment and a road safety audit. By Waka Kotahi</li> </ul> <p>QLDC also requested that the applicant be required to submit peer reviews of technical and other reports to ensure that any decision is made on the best available information. This is particularly the case with stormwater management, which is a significant issue for the district, given the demonstrated failings around the district as a result of under-designed stormwater systems, but also applies to management of water, wastewater and transport.</p> <p>Otago Regional Council (ORC) did not oppose Project referral but stated there is no reason 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 Project appears to rely on upgrades to a wastewater plant, that is not currently meeting demand and which are not meeting consent conditions</li> <li>potable water for the Project is proposed to come from a plant and bore field. Resource consent may be required for this activity.</li> <li>the application does not include any information on stormwater, and stormwater discharge associated with the Project may require consent</li> <li>a contaminated soils assessment may be required</li> <li>the applicant will need to ensure that the Project is consistent with the National Policy Statement for Freshwater Management and the National Environmental Standard for Freshwater</li> <li>the applicant will need to consider effects on SH6.</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>the proposal is considered an ad-hoc development currently out of context in the Rural and Rural Lifestyle zones of the QLDP</li> <li>the proposal is being promoted prior to the LMMP for the wider area being approved. There has also been no plan change to rezone the land based on an approved Masterplan with finalised supporting objectives, policies and rules. As a result, the current proposal is an isolated stand-alone development and there is no guarantee that adjoining landowners will develop road networks and connections in an integrated way. The proposal therefore lacks certainty for future internal transport networks to be created and for the integration with the wider transport network. If approved, it is considered the development would be a poor planning outcome for the area and not result in a well-functioning urban environment</li> <li>if approved, Waka Kotahi also consider there is a risk of this development creating a precedent leading to other ad-hoc developments in the area.</li> </ul> <p>All responses received by parties invited to comment are attached at Appendix 6.</p>	<p>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>ORC noted that enforcement action was taken against one of the shareholders of the applicant company in 2016 relating to a groundwater take, supplying data and proving the accuracy of the monitoring. While this is not ideal, we do not consider that this is sufficient grounds to decline the referral application.</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>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. 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</p> <p>g. an assessment of the effects of the Project on groundwater quality and quantity, including</p> <p>i. effects of proposed water takes and discharge of stormwater to land on groundwater for potable water supply</p> <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>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>