

FTC#74 Application for referred project under the COVID-19 Recovery (Fast-track Consenting) Act – Stage 2 decisions:

Application 2021-53 – Flints Park, Ladies Mile – Te Pūtahi

Date Submitted:	5 August 2021	Tracking #: BRF-339
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	Titles of appendices: 1. Flints Park, Ladies Mile – Te Pūtahi application documents and further information received 2. Stage 1 Briefing Note and decisions 3. Statutory framework for making decisions 4. Draft Notice of Decisions letter to Glenpanel Development Limited 5. Section 17 Report 6. Comments received from Ministers, Queenstown Lakes District Council, Otago Regional Council and Waka Kotahi NZ Transport Agency

Ministry for the Environment contacts

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FTC#74: Application for referred projects under the COVID-19 Recovery (Fast-track Consenting) Act – Stage 2 decisions

Key Messages

1. This briefing relates to 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, 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-227) with your initial decisions annotated is in Appendix 2.
3. The Project is to subdivide a 15.6 hectare site and construct approximately 300 residential units (or approximately 179 residential units if a primary school is developed), an early childhood centre, a neighbourhood commercial centre and supporting infrastructure including road networks and public open space. The Project site is located at 429 Frankton-Ladies Mile Highway (State Highway 6), Lake Hayes. The Project will retain the historic Glenpanel Homestead and includes additions to this building for commercial use.
4. The Project will involve activities such as:
 - a. subdivision of land
 - b. vegetation clearance
 - c. earthworks (including disturbance of potentially contaminated soils)
 - d. discharges of stormwater and contaminants to land
 - e. construction of residential and commercial buildings
 - f. additions to a heritage building
 - g. construction of roading and three waters infrastructure
 - h. development of open space including landscaping and planting
 - i. any other activities that are –
 - i. associated with the activities described in 'a' to 'h'
 - ii. within the Project scope
5. The Project requires land use and subdivision consents under the Operative and Proposed Queenstown Lakes District Plans. It may require land use and discharge consents under the Otago Regional Plan Omnibus Plan Change – Plan Change 8 and Plan Change 1, land use consent under the Resource Management (National Environmental Standard for Assessing and Managing Contaminants in Soils to Protect Human Health) Regulations 2011 (NES-CS) and Resource Management (National Environmental Standard for Freshwater) Regulations 2020 (NES-F).
6. We recommend you accept the referral application under section 24 of the FTCA and refer the Project to a panel for fast-tracking. We seek your decision on this recommendation and on our recommendations for requirements of the applicant, directions to a panel and notification of your decisions.

Assessment against Statutory Framework

7. 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 referral application and when deciding on any further requirements or directions associated with Project referral.
8. 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, Queenstown Lakes District Council (QLDC), Otago Regional Council (ORC) and 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.
9. 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

10. In response to your request under section 22 of the FTCA the applicant provided further information on a number of matters. We have taken this information into account in our analysis and advice.

Section 17 Report

11. The Section 17 Report indicates that Te Rūnanga o Ngāi Tahu is the sole iwi authority and Treaty settlement entity relevant to the Project area.
12. The Section 17 Report outlines redress provided under the Ngāi Tahu Treaty settlement including acknowledgements and apologies relating to recognition of rangatiratanga, which have implications for engagement and participation of Ngāi Tahu in resource management decision-making.
13. The Ngāi Tahu settlement does not create any new co-governance or co-management processes that would affect decision-making under the Resource Management Act 1991 (RMA) for the Project.

Comments received

14. Comments were received from ^{s 9(2)(f)(ii), s 9(2)(g)(i)} Ministers (named in section 21(6) of the FTCA), QLDC, ORC, and Waka Kotahi. The key points of relevance to your decision are summarised in Table A.

15. ^{s 9(2)(f)(ii), s 9(2)(g)(i)}

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

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

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

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

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

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

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

22. ORC did not oppose Project referral but considered that there is no reason why this application could not go through standard Resource Management Act 1991 (RMA) processes. ORC noted that the Project site is identified in the QLSP and detailed background work supporting the LMMP as an area suitable for urban development. ORC indicated a preference for development to occur after the LMMP process is complete to ensure comprehensive and integrated development occurs across the entire Ladies Mile area. ORC's transport team supported the proposal and advised that it is consistent with the Otago Regional Public Transport Plan.

23. QLDC opposed Project referral and considered it should proceed through standard RMA consenting processes. QLDC's key reason for opposing Project referral was the high levels of public interest and opposition to the draft LMMP (approximately 85% of the 500 submissions received during non-statutory community consultation were in opposition). QLDC considered that waiting for completion of the LMMP process, including its implementation through a plan change, would allow the Project to be assessed against the most relevant masterplan and the National Policy Statement for Urban Development 2020 (NPS-UD), and would ensure effective integration of infrastructure and land use activities. QLDC acknowledged that the Ladies Mile area is suitable for more urban development and the Project generally aligns with the draft LMMP.

24. Waka Kotahi opposed referral of the Project prior to the completion of the LMMP process as it would provide no certainty that the road network for the area would be developed in an integrated way, may not adequately address capacity constraints and safe access to State Highway 6 and may not facilitate a shift in transport mode. Waka Kotahi noted that if the Project is referred the applicant should be directed to provide an integrated transport assessment prepared in consultation with Waka Kotahi, and to consult with them directly prior to lodgement of their resource consent applications.

Section 18 referral criteria

25. You may accept the application for referral of the Project if you are satisfied that the Project does not include ineligible activities (section 18(3)) and will help to achieve the purpose of the FTCA (section 18(2)).
26. We confirm that the Project does not include ineligible activities, and therefore satisfies the requirements of section 18(3) of the FTCA, as explained in Table A.
27. The matters that you may consider when deciding if a project will help achieve the purpose of the FTCA are in Section 19 of the FTCA. Our assessment of these matters is summarised in Table A. We confirm that the Project will help to achieve the purpose of the FTCA, and satisfy the requirements of section 18(2) as it has the potential to:
 - a. have positive effects on social wellbeing by providing additional housing in an area that has a housing shortage and by providing public open space
 - b. generate employment by providing approximately 181 direct full-time equivalent (FTE) jobs per year over the five years of the Project
 - c. increase housing supply by developing approximately 179 new residential units (or approximately 300 residential units if a school is not constructed)
 - d. progress faster by using the processes provided by the FTCA than would otherwise be the case under standard Resource Management Act 1991 process provided that the applicant lodges their resource consent applications in a timely manner following Project referral.
28. We consider that any actual and potential adverse effects arising from the Project, together with any measures to avoid, remedy, mitigate, offset or compensate for adverse effects, could be appropriately tested by a panel against Part 2 of the RMA and the purpose of the FTCA.

Issues and Risks

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

Section 23 FTCA matters

30. Section 23(5) of the FTCA provides further guidance on reasons to decline an application, and a summary of our analysis of these matters is in Table A. Note that you may accept an application even if one or more of those reasons apply.
31. Key issues relate to:
 - a. whether the Project would be more appropriately considered through the RMA
 - b. coordinating development with transport and other infrastructure.
32. These issues are discussed in detail in Table A and are summarised in the discussion below.
33. QLDC and ORC considered that the Project generally aligns with both the QLSP, which identifies the Ladies Mile area as a Priority Future Urban Development Area, and the draft LMMP. However, both QLDC and ORC commented that it would be more appropriate for the Project to be considered through standard RMA consenting processes. A key reason was to enable a more strategic approach to planning for future development of the whole Ladies Mile area, which has commenced through preparation of the draft LMMP.

34. The QLSP was prepared by a partnership comprising QLDC, Central Government agencies¹ 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.
35. The QLSP is a non-statutory document with no official status under the RMA at this stage, and still needs to be incorporated into the District Plan through a plan change process. This indicates that future urban development of the Ladies Mile area is supported by a planning strategy although it has not yet been included in the Queenstown Lakes District Plan.
36. The Project does not include a prohibited activity under the Operative or Proposed Queenstown Lakes District Plan. The LMMP does not yet have any legal weight, and there is no reason why the Project cannot be considered under the RMA or the FTCA. If you decide to refer the Project, a panel could consider the appropriate weighting to be given to the draft LMMP, which QLDC anticipates considering for adoption into the Queenstown Lakes District Plan in October 2021. QLDC and ORC could also be invited by a panel comment on the consistency of the Project with the draft LMMP once a resource consent application is under consideration. As QLDC may decide not to adopt the LMMP we have not directed the applicant to provide an assessment against it at this stage.
37. QLDC has stated that approximately 500 responses were received during the initial consultation on the draft LMMP. There is a risk that referring the Project could be viewed negatively by wider community members who may have an expectation to be involved in a consenting process due to the scale of the development and potential environmental effects (particularly traffic effects). While the FTCA process does not enable public participation, a panel may choose to consider any feedback received on the draft LMMP or QLSP if it considers this to be relevant to its consideration of a consent application.
38. Comments from QLDC and Waka Kotahi also raised concerns about coordinating land use planning with infrastructure and transport planning and public transport services and achieving an increased mode shift from private vehicles to public and active transport modes. QLDC did not raise any specific issues about three waters infrastructure capacity in their comments and the application referred to the applicant's providing and funding this infrastructure. We note that the QLSP includes: the establishment of a transport hub and Park and Ride facility in the Ladies Mile area; the implementation of frequent and regular public transport networks servicing the area; and provision for walking and cycling. We consider that three waters and transport infrastructure and public transport service issues can be addressed through the provision of appropriate information with a resource consent application to the Environmental Protection Authority (EPA) and by appropriate consent conditions.
39. We do not consider that there is sufficient reason for you to decline the referral application on the basis of section 23(5)(b) of the FTCA (it would be more appropriate for the project, or part of the project, to go through the standard consenting or designation process under the RMA) particularly as the Project does not contain any prohibited activity.

Other matters

40. The applicant previously sought to have the site included as a Special Housing Area in 2019 under the Housing Accords and Special Housing Areas Act 2013 (HASHA). The application was not supported by QLDC due to concerns about future community facilities, traffic and the council's ability to control subdivision in the remainder of the Ladies Mile area. QLDC approved three other Special Housing Area applications in the wider Ladies

¹ Primarily comprising the Ministry of Housing and Urban Development, Waka Kotahi and the Department of Internal Affairs.

Mile area, indicating it was not generally opposed to residential development in the Ladies Mile area.

41. The Project has a non-complying activity status under the Operative and Proposed Queenstown Lakes District Plans, and under clause 32 Schedule 6 of the FTCA a panel is required to consider whether the Project meets the 'gateway tests' in section 104D of the RMA. The applicant has provided a detailed assessment of effects and analysis against the relevant objectives and policies, and considers that the Project meets both section 104D (1)(a) and 104D(1)(b) of the RMA. We consider that this assessment is reasonable, and do not consider that you should decline the referral application on the basis of section 23(2) of the FTCA.
42. We have identified issues further to the matters identified above and our analysis of these is in Table A.

Conclusions

43. We consider that there are risks that referring the Project could be viewed negatively by the wider community, who are likely to expect involvement in the consenting process were the Project processed under standard RMA processes. There is also risk of misalignment between the Project and the wider Ladies Mile area and infrastructure planning. 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 consenting process under the RMA.
44. We do not consider the matters noted above provide sufficient reason for declining to refer the Project provided that the applicant provides sufficient information with an application to the EPA to address the matters raised in the comments by Ministers, local authorities and Waka Kotahi. 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.
45. If you decide to refer the Project, we consider that you should specify under section 24(2)(d) of the FTCA 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 of how the Project aligns with the Queenstown Lakes Spatial Plan and other relevant planning documents for the Ladies Mile area
 - b. an assessment against Proposed Plan Change 8 to the Regional Plan: Water for Otago
 - c. a detailed infrastructure assessment and engineering plan, prepared in consultation with local authorities, which addresses the capacity of the existing three waters infrastructure, the extent of upgrades required to service the development, and the proposed funding mechanism for delivering any upgrades
 - d. an integrated transport assessment, prepared in consultation with Waka Kotahi NZ Transport Agency, which must include modelling and analysis over the construction and operational phases of the Project that covers:
 - i. the capacity of State Highway 6 to service additional traffic from the Project and any required upgrades to the road network
 - ii. traffic safety relating to the proposed left in left out access
 - iii. consideration of alternative access which is not reliant on direct access from State Highway 6

- iv. how the Project aligns with the Transport Strategy prepared to support the draft Ladies Mile Master Plan
 - v. how the development will provide infrastructure to support the uptake of public transport and provide safe spaces for active modes of transport
 - e. an assessment of the potential greenhouse gas emissions resulting from the Project, including consideration of options to avoid, remedy and mitigate the greenhouse gas emissions that have been identified
 - f. an archaeological assessment.
46. The above information will inform a panel's assessment of the proposal'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.
47. 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:
- a. Waka Kotahi NZ Transport Agency as they are a key stakeholder in the development of the Ladies Mile area and the Project may affect their delivery of critical infrastructure in the area
 - b. Aukaha and Te Ao Marama Inc, the representatives of the relevant Ngāi Tahu rūnanga, as identified in the Section 17 Report and requested by the Minister for Arts, Culture and Heritage.
48. We also consider you should copy the notice of decisions to Aukaha and Te Ao Marama, to facilitate their preparedness for engagement in the panel process, should you decide to refer the Project.
49. Our recommendations for your decisions follow.

Next Steps

50. 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.
51. 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.
52. To refer the Project, you must recommend that a referral order be made by way of an Order in Council (OIC).
53. 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.²

² 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** that 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** that 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 also whether it could have significant adverse effects.
- c. **Note** that 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.
- d. **Note** that 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.
- e. **Note** that before deciding to accept an application for 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 received
 - iv. any further information requested and provided within the required timeframe.
- f. **Note** that Project referral is opposed by the Minister of Climate Change, Queenstown Lakes District Council and Waka Kotahi NZ Transport Agency.
- g. **Agree** that the Flints Park, Ladies Mile – Te Pūtahi project meets the referral criteria in section 18 (3) of the FTCA.

Yes/No

- h. **Agree** that 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 wellbeing by providing additional housing in an area that has a housing shortage and by providing public open space
 - ii. generate employment by providing approximately 181 full-time equivalent (FTE) jobs per year over the five years of the Project
 - iii. increase housing supply by developing approximately 179 new residential units

(or approximately 300 residential units if a school is not constructed)

- iv. progress faster by using the processes provided by the FTCA 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.

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 how the Project aligns with the Queenstown Lakes Spatial Plan and other relevant planning document for the Ladies Mile area
- ii. an assessment against Proposed Plan Change 8 to the Regional Plan: Water for Otago
- iii. a detailed infrastructure assessment and engineering plan, prepared in consultation with local authorities, which addresses the capacity of the existing three waters infrastructure, the extent of upgrades required to service the development, and the funding mechanism for delivering any upgrades
- iv. an integrated transport assessment, prepared in consultation with Waka Kotahi NZ Transport Agency, which must include modelling and analysis over the construction and operational phases of the Project that covers:
 - 1. the capacity of State Highway 6 to service additional traffic from the Project and any required upgrades to the road network
 - 2. traffic safety relating to the proposed left in left out access
 - 3. consideration of alternative access which is not reliant on direct access from State Highway 6
 - 4. how the Project aligns with the Transport Strategy prepared to support the draft Ladies Mile Master Plan
 - 5. how the development will provide infrastructure to support the uptake of public transport and provide safe spaces for active modes of transport
- v. an assessment of the potential greenhouse gas emissions resulting from the Project, including consideration of options to avoid, remedy and mitigate the greenhouse gas emissions that have been identified
- vi. an archaeological assessment

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. Waka Kotahi NZ Transport Agency
- ii. Aukaha
- iii. Te Ao Mārama Inc

Yes/No

- l. **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, Ladies Mile – Te Pūtahi Project to a panel in accordance with your decisions recorded herein.

Yes/No

- m. **Sign the attached (Appendix 4)** notice of decisions to Glenpanel Development Limited.

Yes/No

- n. **Agree** to copying the notice of decisions to Aukaha and Te Ao Mārama Inc.

Yes/No

- o. **Note** that to ensure your compliance with section 25(3) of the FTCA, the Ministry for the Environment will publish the decisions, the reasons, and the Section 17 Report on the Ministry for the Environment's website.

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	Section 23 assessment – potential reasons for declining	Referral conclusions & recommendations
		Project eligibility for referral (section 18(3a - d))	Section 18(2) - Does the Project help achieve the purpose of the FTCA (as per section 19)?			
Project name Flints Park, Ladies Mile – Te Pūtahi Applicant Glenpanel Development Limited Location 429 Frankton-Ladies Mile Highway (State Highway 6) Lake Hayes, Otago	The Project is to subdivide a 15.6 hectare site and construct approximately 300 residential units (or approximately 179 residential units if a primary school is developed), an early childhood centre, a neighbourhood commercial centre and supporting infrastructure including road networks and public open space. The Project will retain the historic Glenpanel Homestead and includes an extension to this building for commercial use. The Project will involve activities such as a. subdivision of land b. vegetation clearance c. earthworks (including disturbance of potentially contaminated soils) d. discharges of stormwater run-off and contaminants to land e. construction of residential and	The Project is eligible under section 18(3)(a-d) as: - it does not include any prohibited activities - it does not include activities on land returned under a Treaty settlement - it does not include activities in a customary marine title area or a protected customary rights area under the Marine and Coastal Area (Takutai Moana) Act 2011	Economic benefits for people or industries affected by COVID-19 (19(a)) The applicant estimates that the Project will: - provide approximately 181 full-time equivalent jobs over a five year period - provide approximately 179 residential units (or approximately 300 residential units if a school is not developed) of various typologies in an area with housing demand - provide ongoing employment through development of commercial space Economic costs for people or industries affected by COVID-19 (19(a)) - N/A Effect on the social and cultural well-being of current and future generations (19(b)) The Project has the potential for positive effects on the social and cultural wellbeing of current and future generations as it will: - provide additional housing supply in an area that has a housing shortage - provide a diverse range of housing typologies - provide employment opportunities during construction and a limited number of ongoing jobs - provide a public open space Is the Project likely to progress faster by using this Act? (19(c)) The applicant estimates that the use of the fast-track process will enable the Project to progress 27-	Ministers s 9(2)(f)(ii), s 9(2)(g)(i)	Section 23(5) matters: Insufficient information (23(5)(a)) The applicants have provided sufficient information for you to determine whether the Project meets the criteria in section 18 of the FTCA. More appropriate to go through standard RMA process (23(5)(b)) Both QLDC and ORC commented that it would be more appropriate for the Project to be considered through standard RMA consent processes. A key reason for this position was to enable a more strategic approach to planning for future development of the whole Ladies Mile area which has commenced through preparation of the LMMP. 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 ³ 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 included in the Queenstown Lakes District Plan. Preparation of the LMMP does not prevent lodgement or consideration of the Project under the RMA or the FTCA as the Project does not include a prohibited activity. If you decide to refer the Project, a panel could consider the appropriate weighting to be given to the LMMP which is anticipated to be considered by QLDC for adoption in October 2021. QLDC and ORC could also comment on the consistency of the Project with the LMMP once a consent application is lodged. We note that as QLDC may decide not to adopt the LMMP we have not recommended directing the applicant to provide an assessment against it. While the FTCA process does not enable public participation, a panel may choose to consider any feedback received on the LMMP or QLSP if	s 9(2)(f)(ii), s 9(2)(g)(i)

³ Primarily comprising the Ministry of Housing and Urban Development, Waka Kotahi and the Department of Internal Affairs.

Project details	Project description	Does all or part of the Project meet the referral criteria in section 18?		Summary of comments received	Section 23 assessment – potential reasons for declining	Referral conclusions & recommendations
		Project eligibility for referral (section 18(3a - d))	Section 18(2) - Does the Project help achieve the purpose of the FTCA (as per section 19)?			
	commercial buildings f. additions to a heritage building g. construction of transport and three waters infrastructure h. development of open space including landscaping and planting i. any other activities that are – ii. associated with the activities described in 'a' to 'h' iii. within the Project scope The Project requires land use and subdivision consents under the Queenstown Lakes District Plan and may require land use and discharge consents under the Otago Regional Plan Omnibus Plan Change – Plan Change 8 and Plan Change 1, land use consent under the Resource Management (National Environmental Standard for Assessing and Managing Contaminants in Soils to Protect Human Health) Regulations 2011 (NES-CS) and discharge consent under the National Policy Statement for		45 months faster than standard RMA processes. Will the Project result in a public benefit? (19(d)) Based on the information provided we consider that the Project may result in the following public benefits: • generation of employment throughout construction and the ongoing operation of commercial buildings • increase housing supply with a range of different typologies • development of public open space Potential to have significant adverse environmental effects, including greenhouse gas emissions (19(e)) The applicant states that the Project has the potential for adverse effects, including on: • landscape and visual amenity • urban design • heritage values • cultural values • traffic and access • loss of rural/primary productive land • servicing and infrastructure • construction and earthworks effects • greenhouse gas emissions The applicant states that the adverse effects arising from the Project will be no more than minor and has provided details of mitigation measures to address potential adverse effects. 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. Other relevant matters (19(f)) The applicant currently intends to allocate land in the site for a	s 9(2)(f)(ii), s 9(2)(g)(i) Local authorities Otago Regional Council (ORC) neither supports nor opposes the Project referral but notes that there is no reason why the application could not go through the standard Resource Management Act 1991 (RMA) consent process within statutory timeframes. ORC notes that this development has been identified in the QLSP as an area suitable for urban development, and this position is also supported by more detailed background work supporting the LMMP. The LMMP process is intended to resolve a number of outstanding issues and coordinate the development of the wider LMMP area including major social infrastructure, zoning and housing typology issues. ORC notes that if the development proceeds in advance of this process it could result in misalignment between the development and the provisions of the LMMP that would apply across the whole area. ORC also notes that implementation of the LMMP would also involve coordination across various development and additional infrastructure providers, council and other partners and stakeholders. The ORC Transport team have discussed how the development will "enable transit oriented outcomes" with the applicant and are supportive of the proposal. In regard to public transport outcomes the proposal is consistent with the provisions of the new Regional Public Transport Plan. ORC also identified potential consent triggers in the Regional Plan: Water and Regional Plan: Air for Otago which will need to be considered by the applicant. Queenstown Lakes District Council (QLDC) opposed Project referral and considered it would be more appropriate for the LMMP be progressed to a stage where the Project could be assessed against it, for the following reasons: • A plan change is proposed to respond to community comments made on the draft masterplan, which means that the Project would be assessed against the most informed and relevant masterplan • A plan change process provides for statutory involvement of all parties through the submission and hearing process • The land is currently zoned as Rural Lifestyle in the proposed Queenstown Lakes District Plan (PDP) and Rural under the Operative District Plan (ODP). Neither plan provides an objective, policy or planning framework that would support the development. However, at a broader strategic level, the area has been identified via the QLSP as an area suitable for urbanisation (i.e. the masterplan work)	it considers this to be relevant to its consideration of a consent application. QLDC has stated that approximately 500 responses were received during the initial consultation on the LMMP. There is a risk that referring the Project could be viewed negatively by wider community members who may have an expectation to be involved in a consenting process due to the scale of the development and potential environmental effects (particularly traffic effects). There is no reason why the Project must be considered under the RMA as it is not a prohibited activity under the district or regional plans and does not require a plan change to precede a consent application. While we acknowledge that there is a risk of a negative response from wider community members who consider that they are being excluded if the Project goes through the FTCA process, we do not consider it would be more appropriate for all or part of the Project to proceed through the standard consenting process under the RMA. Inconsistency with a national policy statement (23(5)(c)) 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 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. Inconsistent with a Treaty settlement (23(5)(d)) The Project does not directly affect any Treaty settlement redress. Involves land needed for Treaty settlements (23(5)(e)) The Project site does not include land needed for Treaty settlement purposes. Applicant has poor regulatory compliance (23(5)(f)) QLDC and ORC advised that there are no major compliance issues associated with the applicant.	implement the LMMP being completed as it is not for a prohibited activity and generally aligns with the QLSP. QLDC's other concerns can be addressed by the provision of appropriate technical reports with an application to the EPA, and appropriate consent conditions. In response to QLDC's comments that fast-tracking the Project would remove the opportunity for community consultation, we acknowledge that there is a risk that referring the Project could be viewed negatively by wider community members who may have an expectation to be involved in a Project of this scale. You may decline the referral application under section 23(5)(b) of the FTCA if you consider that it would be more appropriate for the Project to go through the standard consenting process under the RMA. In response to Waka Kotahi's comments that the Project may increase transport loading on a road network which is already operating at close to capacity, we consider that this is an issue which requires further investigation. We consider this is not a barrier to Project referral and can be addressed through a transport assessment submitted with a consent application to the EPA and appropriate consent conditions. Although our assessment has noted issues relating to infrastructure, transport and planning matters, we consider that you could accept the application under section 24 of the FTCA and refer all of the Project to a panel for the following reasons: • the Project has the potential to have positive effects on social wellbeing by providing additional housing in a range of typologies in an area that has a housing shortage, a range of employment opportunities and public open space • the Project has the potential to increase housing supply by constructing approximately 179 new residential units (or approximately 300 residential units if a school is not constructed) • any outstanding matters can be appropriately addressed through

Project details	Project description	Does all or part of the Project meet the referral criteria in section 18?		Summary of comments received	Section 23 assessment – potential reasons for declining	Referral conclusions & recommendations
		Project eligibility for referral (section 18(3a - d))	Section 18(2) - Does the Project help achieve the purpose of the FTCA (as per section 19)?			
	Freshwater Management 2020 (NPS-FM).		school. The applicant is in negotiations with the Ministry of Education over whether this will go ahead in this location or at another site in the Ladies Mile area. The applicant has stated that if the school does not go ahead the area will be used for an additional 121 residential units.	- A plan change would be assessed against the NPS UD 2020 which would likely support urbanisation of that area, given its access to existing services, public transport networks and infrastructure - A plan change can be assessed against the provisions of the Proposed Otago Regional Policy Statement (released on 26 June 2021) which is the most recent and relevant policy document to have regard to - A plan change will provide the overall structure for the urbanisation of the area, enabling consideration of the Project within this overall structure and ensuring efficient and effective integration of infrastructure and land use activities. QLDC also notes the LMMP has involved significant investment by Council and the community in its development. Although the process to date has been 'non-statutory', the community commitment to the process was most recently evident by Council receiving over 500 comments in response to the release of the draft masterplan and planning provisions, with 86% opposed to the proposal. The majority of the opposition was due to traffic congestion issues and concerns with the density and heights proposed. Given the very high levels of public interest in the development outcomes for Te Pūhahi – Ladies Mile, Council considers it more appropriate for the Project to proceed through the existing RMA consenting processes. QLDC notes that the Project generally aligns with the proposed LMMP. Waka Kotahi NZ Transport Agency Waka Kotahi opposes Project referral for the following reasons: - the Project is considered an ad-hoc development currently out of context in the Rural and Rural Lifestyle zones - the Project is being promoted prior to the QLDC draft LMMP for the wider area being approved. There has also been no Plan Change to rezone the land based on an approved masterplan with supporting objectives, policies and rules. As a result, the current proposal is for a stand-alone development and there is no guarantee that adjoining landowners will develop road networks and connections in an integrated way. The Project 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 - 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 potentially seeking similar access arrangements to SH6 - the application includes a letter from the applicant's traffic engineer addressing the left in/left out access agreed to by Waka Kotahi once the Howards Drive Roundabout is constructed. This agreement was for a commercial activity at the Homestead and this access arrangement is a less safe option for the current Project. Waka Kotahi considers that an alternative access arrangement that is not reliant on direct access from SH6 is required. If this Project is referred to an expert consenting panel, Waka Kotahi expect the applicant to continue to consult with them as part of their detailed application process. Waka Kotahi also expect an integrated transport assessment to be prepared as part of the application in consultation with them. Waka Kotahi noted that Ladies Mile (SH6) has significant transport constraints that need to be managed in an integrated way. Given the network is currently operating at or close to 100% of capacity, more detailed work (via the Masterplan) is needed to confirm the appropriate yield and staging of development for the site. The current LMMP as pointed	Insufficient time for the Project to be referred and considered before FTCA repealed (23(5)(g)) There is sufficient time for the application to be referred and considered before the FTCA is repealed. Other issues & risks: The applicant previously sought to have the site included as a Special Housing Area in 2019 under the Housing Accords and Special Housing Areas Act 2013 (HASHA) and the application was not supported by QLDC due to concerns about future community facilities, wider traffic concerns and Council's ability to control subdivision in the remainder of the Ladies Mile area. QLDC, approved three other Special Housing Area applications in the wider Ladies Mile area, indicating a willingness for development to occur in the Ladies Mile area. Comments from QLDC and Waka Kotahi also raised concerns about coordinating planning with planning for three waters and transport infrastructure and services and achieving an increased mode shift from vehicular to public and active transport modes. QLDC did not raise any specific issues about three water infrastructure capacity in their comments and the application referred to providing and funding this infrastructure. We note that the QLSP includes the establishment of a transport hub and Park and Ride in the Ladies Mile area, the implementation of frequent and regular public transport networks servicing the area, and provision for active transport within and to the area. We consider that three water and transport infrastructure and service issues can be addressed through the provision of appropriate information with a consent application to the EPA and appropriate consent conditions. The Project has a non-complying activity status under the Operative and Proposed Queenstown Lakes Districts Plans. Under clause 32 Schedule 6 of the FTCA a panel is required to consider whether the Project meets the 'gateway tests' in section 104D of the RMA. The applicant has provided a detailed assessment of effects and analysis against the relevant objectives and policies and considers that the Project meets both section 104D (1)(a) and 104D(1)(b) of the RMA. We consider that this assessment is reasonable, and do not consider that you should decline the referral application on the basis of section 23(2) of the FTCA.	provision of information to a panel and appropriate consent conditions. We recommend that you make a direction to a panel to invite comments from: - Waka Kotahi NZ Transport Agency - Aukaha - Te Ao Mārama Inc We also recommend that you copy your notice of decisions to Aukaha and Te Ao Mārama Inc to facilitate their preparedness for engagement in the panel process. We also recommend that you require the applicant to submit the following information with any consent application lodged with the EPA: - an assessment of how the Project aligns with the Queenstown Lakes Spatial Plan and other relevant planning document for the Ladies Mile area - an assessment against Proposed Plan Change 8 to the Regional Plan: Water for Otago - a detailed infrastructure assessment and engineering plans, prepared in consultation with local authorities, which addresses the capacity of the existing three waters infrastructure, the extent of upgrades required to service the development, and the funding mechanism for delivering any upgrades - an integrated transport assessment, prepared in consultation with Waka Kotahi NZ Transport Agency, which must include modelling and analysis over the construction and operational phases of the Project that covers: - the capacity of State Highway 6 to service additional traffic from the Project and any required upgrades to the road network - traffic safety relating to the proposed left in left out access - consideration of alternative access which is not reliant on direct access from State Highway 6

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				out above has not yet been approved by QLDC. The Transport Strategy developed for the LMMP envisaged an ambitious mode shift to Public Transport (PT) to maintain a functional transport system. Waka Kotahi consider there is a significant risk to the functionality of the transport system if this mode shift cannot be met at Ladies Mile. The QLSP also envisaged coordinated staging to address mode shift goals commensurate with improved public transport and active transport modes. Waka Kotahi considers the Project is unlikely to deliver the necessary mode shift required to maintain a functional transport system. Ultimately the transportation constraints along Ladies Mile are required to be addressed in an integrated way. If granted, this Project needs to provide certainty that it does not contribute to wider infrastructure requirements and helps manage or mitigate its effects on the transport system. All responses received by parties invited to comment are attached at Appendix 6.		iv. how the Project aligns with the Transport Strategy prepared to support the draft Ladies Mile Master Plan v. how the development will provide infrastructure to support the uptake of public transport and provide safe spaces for active modes of transport e. an assessment of the potential greenhouse gas emissions resulting from the Project, including consideration of options to avoid, remedy and mitigate the greenhouse gas emissions that have been identified f. an archaeological assessment

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Schedule of Appendices and Attachments

Appendix 1 – Flints Park, Ladies Mile – Te Pūtahi – Application form and additional information received

Appendix 2 – BRF-227 FTC#66 – Application for referred project under the COVID-Recovery FTCA - Stage 1 decisions on Flints Park, Ladies Mile – Te Pūtahi project

Appendix 3 – Statutory framework for making decisions

Appendix 4 – Draft Notice of Decisions letter to Glenpanel Development Limited

Appendix 5 – Section 17 Report

Appendix 6 – Comments received from Ministers, Queenstown Lakes District Council, Otago Regional Council and Waka Kotahi

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