

In Confidence

Office of the Minister for the Environment

Chair, Cabinet

COVID-19 Recovery (Fast-track Consenting) Referred Projects Amendment Order (No 15) 2021

Proposal

- 1 This paper seeks authorisation for submission to the Executive Council of the COVID-19 Recovery (Fast-track Consenting) Referred Projects Amendment Order (No 15) 2021 (the Amendment Order).
- 2 The Amendment Order amends the COVID-19 Recovery (Fast-track Consenting) Referred Projects Order 2020 to include Glenpanel Development Limited's Flint's Park, Ladies Mile – Te Pūtahi project (Schedule 35) as a project referred to an expert consenting panel (a panel).

Executive Summary

- 3 The COVID-19 Recovery (Fast-track Consenting) Act 2020 (FTCA) is one of the Government's actions to support New Zealand's economic recovery from COVID-19. The FTCA enables any person to apply to me, in my role as the Minister for the Environment, to fast-track certain approvals required under the Resource Management Act 1991 (RMA) for their project.
- 4 Projects that I accept are referred to a panel by an amendment to the COVID-19 Recovery (Fast-track Consenting) Referred Projects Order 2020, subject to Cabinet's agreement. This allows an applicant to lodge applications for resource consents and/or notices of requirement for a designation with the Environmental Protection Authority (EPA) for consideration by a panel.
- 5 I received an application from Glenpanel Development Limited to fast-track the Flint's Park, Ladies Mile – Te Pūtahi project. This is a residential development providing approximately 384 residential units, an early childhood centre, a neighbourhood commercial centre and possibly a primary school, in the suburb of Lake Hayes, Queenstown.
- 6 I am satisfied as to the Flint's Park, Ladies Mile – Te Pūtahi project's eligibility for referral and have considered whether it helps achieve the purpose of the FTCA. I sought and considered written comments from relevant Ministers prescribed by the FTCA, Queenstown Lakes District Council (QLDC), Otago Regional Council (ORC) and the New Zealand Transport Agency Waka Kotahi (Waka Kotahi). I considered the report prepared under section 17 of the FTCA and I also requested and considered further information from the applicant.
- 7 I have accepted Glenpanel Development Limited's Flint's Park, Ladies Mile – Te Pūtahi project for referral as it has the potential to:

- 7.1 have positive effects on social well-being by providing additional housing in an area that has a housing shortage, and by providing public open space
- 7.2 generate employment by providing approximately 181 full-time equivalent (FTE) jobs per year over a five-year construction period
- 7.3 increase housing supply through the construction of approximately 384 residential units (or approximately 179 residential units if a school is constructed).
- 8 The project has the potential to progress faster using the FTCA processes than if consents were sought through standard RMA processes, provided that the applicant lodges their application for resource consent with the EPA in a timely manner following referral.
- 9 I consider that the project will help to achieve the purpose of the FTCA, and any actual and potential effects on the environment, together with any measures to mitigate, offset or compensate for adverse effects, can be considered and determined by a panel subject to Part 2 of the RMA and the purpose of the FTCA.
- 10 I now seek authorisation for submission of the Amendment Order to the Executive Council. The Amendment Order enables Glenpanel Development Limited to apply via the EPA to a panel for the relevant approvals needed under the RMA for the project, in accordance with the process in the FTCA.

Background

- 11 The FTCA is one of the Government's actions to support New Zealand's economic recovery from COVID-19, by promoting employment and supporting on-going investment. The FTCA enables any person to apply to the Minister for the Environment to access the fast-track process for their project. If the Minister accepts an application, it is referred by Order in Council allowing an applicant to lodge a resource consent application or notice of requirement for a designation with the EPA for consideration by a panel.
- 12 As of 10 November 2021, 72 applications have been made for projects to be considered for referral to a panel through an Order in Council, of which:
- 12.1 34 projects have been referred and Orders in Council gazetted, and eight of these have been granted RMA approvals by a panel. A list of the referred projects is in Appendix one
- 12.2 four projects have been accepted by me for referral and are awaiting Orders in Council. This includes the project that is the subject of this cabinet paper.
- 12.3 17 applications are being processed and are awaiting my referral decisions
- 12.4 12 referral applications have been declined for a range of reasons including not meeting the purpose of the FTCA and it being more appropriate for them to go through the standard RMA consenting process
- 12.5 five referral applications have been withdrawn by the applicants.
- 13 An update on the status of projects that are listed in Schedule 2 of the FTCA is in Appendix two.

Project for referral: Glenpanel Development Limited's Flint's Park, Ladies Mile – Te Pūtahi project

- 14 Glenpanel Development Limited has applied to use the fast-track consenting process for the Flint's Park, Ladies Mile – Te Pūtahi project. The project site is located at 429 Frankton-Ladies Mile Highway, State Highway 6, Lakes Hayes (Queenstown).
- 15 The project is to subdivide a 15.6 hectare site and establish approximately 384 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 roading and public open space. The project will retain the historic Glenpanel Homestead and includes additions to this building for commercial use.
- 16 The project requires land use and subdivision consents under the Operative and Proposed Queenstown Lakes District Plans and it may require land use and discharge permits under Plan Change 8 to the Otago Regional Plan, 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).
- 17 I sought further information from Glenpanel Development Limited under section 22 of the FTCA to better understand the potential for effects on the heritage building, the number of jobs created, how the project aligns with the NPS-UD, how the project meets the RMA (section 104D) non-complying activity 'gateway' tests, how the project will facilitate uptake of public transport, and the number and type of lots to be created.
- 18 I also sought written comments on the application from relevant Ministers as determined by section 21(6) of the FTCA, the relevant local authorities (QLDC and ORC), and Waka Kotahi.

Overview of comments

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

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

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

24 ORC neither supported nor opposed project referral but considered there was no reason the project could not go through the standard RMA consent process. ORC noted that the project has been identified in the QLSP and the draft LMMP as an area suitable for urban development, but if the project proceeds in advance of completion of the LMMP (public) process this could result in misalignment between the project and the outcome of that process for the wider area. The council also noted that the project may require discharge consent under Plan Change 8 to the Regional Plan: Water for Otago.

25 QLDC opposed project referral, noting that development of the LMMP has involved significant investment by the council and engagement by the community, and that it would be more appropriate for the LMMP to be progressed to a stage where the project could be assessed against it. QLDC advised it received over 500 comments in response to the release of the draft LMMP and associated planning provisions, with 86% opposed to the proposal. The majority of the opposition was due to traffic congestion issues and concerns with the proposed development density and building heights. QLDC considered that the public interest in the development outcomes for Te Pūtahī – Ladies Mile was another reason that it was more appropriate for the project to proceed through the standard RMA consenting processes.

26 Waka Kotahi also opposed project referral because it promotes project development prior to conclusion of the LMMP process. Waka Kotahi considered that the proposed direct access to the site from State Highway 6 (SH6) is not the safest option for this project, and that an alternative is required. Waka Kotahi noted that SH6 has significant transport constraints that need managing in an integrated way and more detailed work is needed to confirm the appropriate housing yield and staging for the development. Additionally, Waka Kotahi advised that the Transport Strategy developed for the LMMP envisages an ambitious shift to use of public transport, and there is considerable risk to the functionality of the wider transport system if this mode shift cannot be met. Waka Kotahi considers the project as currently designed is unlikely to deliver the necessary mode shift. If the project were to be referred, Waka Kotahi expects that the applicant would provide an integrated transport assessment, prepared in consultation with them, as part of any resource consent applications.

Decision

27 In making my decision I considered the application and further information received, all comments provided in response to my invitation, and the eligibility criteria in section 18 of the FTCA¹. I also considered the report prepared under section 17 of the FTCA.

¹ In accordance with section 24 of the FTCA - Decision to accept application for referral

- 28 I have decided to accept Glenpanel Development Limited's application for referral of the Flint's Park, Ladies Mile – Te Pūtahi project to a panel. I consider the project meets the eligibility criteria in section 18 of the FTCA and achieves the purpose of the FTCA by having the potential to:
- 28.1 have positive effects on social well-being by providing additional housing in an area that has a housing shortage, and by providing public open space
 - 28.2 generate employment by providing approximately 181 full-time equivalent (FTE) jobs per year over a five-year construction period
 - 28.3 increase housing supply through the construction of approximately 384 residential units (or approximately 179 residential units if a school is constructed)
 - 28.4 progress faster than would otherwise be the case under standard RMA processes, provided that the applicant lodges their applications for resource consents with the EPA in a timely manner following project referral.
- 29 Although the concerns raised by local authorities and Waka Kotahi, in particular, will require careful consideration, I consider that a panel will be capable of making an appropriate determination on these matters and can address these concerns through appropriate conditions if a consent is granted.
- 30 To address site-specific matters raised by s 9(2)(f)(ii), s 9(2)(g)(i) [REDACTED] QLDC, ORC and Waka Kotahi, I have decided to specify the following information that the applicant must provide with their applications for resource consents submitted to a panel²: an assessment against the QLSP, an assessment against Plan Change 8 to the Otago Regional Plan, an infrastructure assessment, an integrated transport assessment, a greenhouse gas emissions assessment and an archaeological assessment. The full details of this information requirement are in Appendix three. s 9(2)(f)(ii), s 9(2)(g)(i) [REDACTED]
- 31 The FTCA requires that a panel invite comments from the relevant local authorities, relevant iwi authorities and Treaty settlement entities, specific Ministers, owners and occupiers of adjacent land, specific non-governmental organisations and other groups listed in the FTCA³. In addition to these requirements and to address site specific matters raised, I have decided to specify the following parties, listed in Appendix three, from whom a panel must seek comment in relation to any consent application before it: Aukaha and Te Ao Mārama Incorporated (as agents for the relevant Ngāi Tahu Papatipu Rūnanga) and Waka Kotahi.
- 32 I consider that any actual and potential effects on the environment, together with any measures to mitigate, offset or compensate for adverse effects, can be appropriately tested by a panel against Part 2 of the RMA and the purpose of the FTCA. I consider that the requirements for additional material listed in Appendix three that must be submitted to a panel will assist with this.

² Section 24(2)(d) of the FTCA.

³ Clause 17(6) of Schedule 6, FTCA.

33 I consider there are no reasons to decide under section 24(2) of the FTCA to:

33.1 limit the scope of the project by referring it only in part

33.2 refer the project in stages

33.3 place any restrictions on the project

33.4 impose specific timeframes for panel consideration.

Timing and 28-day rule

34 Cabinet has agreed to waive the 28-day rule for Orders in Council relating to projects to be referred to a panel⁴. Therefore, the Amendment Order will come into force the day after publication in the New Zealand Gazette. Glenpanel Development Limited may then lodge resource consent applications for the Flint's Park, Ladies Mile – Te Pūtahi project with the EPA, for consideration by a panel.

Compliance

35 The Amendment Order complies with:

35.1 the principles of the Treaty of Waitangi

35.2 the rights and freedoms contained in the New Zealand Bill of Rights Act 1990 or the Human Rights Act 1993

35.3 the principles and guidelines set out in the Privacy Act 2020

35.4 relevant international standards and obligations

35.5 the Legislation Guidelines (2018 edition), which are maintained by the Legislation Design and Advisory Committee.

Regulations Review Committee

36 I do not consider that there are grounds for the Regulations Review Committee to draw this Order in Council to the attention of the House of Representatives under Standing Order 319.

Certification by Parliamentary Counsel Office

37 The Amendment Order has been certified by the Parliamentary Counsel Office as being in order for submission.

Impact Analysis

Regulatory Impact Assessment

38 The Regulatory Impact Assessment (RIA) requirements for this proposal have been waived. Cabinet has agreed that a RIA is not required for Orders in Council relating to projects to be referred to a panel⁵.

⁴ ENV-20-MIN-0033 and CAB-20-MIN-0353 refer

⁵ ENV-20-MIN-0033 and CAB-20-MIN-0353 refer

Climate Implications of Policy Assessment

- 39 The Climate Implications of Policy Assessment (CIPA) team at the Ministry for the Environment has been consulted and confirms that the CIPA requirements⁶ do not apply to the projects.
- 40 Likely emissions implications and intended emissions reductions of the projects have been considered at a high-level during the formal application process and are also expected to be considered by a panel in its assessment of any adverse effects arising from the project.
- 41 The decision to refer Glenpanel Development Limited's Flint's Park, Ladies Mile– Te Pūtahi project includes the requirement for the applicant to provide an assessment of the potential greenhouse gas emissions resulting from the project, including options to avoid, remedy and mitigate these greenhouse gas emissions.

Publicity

- 42 The Amendment Order will be available on the New Zealand Legislation website following its notification in the New Zealand Gazette.
- 43 As required under section 25 of the FTCA, my decision to refer the project to a panel for consideration, the reasons for these decisions, and the reports obtained under section 17 will be made available to the public on the Ministry for the Environment's website.

Proactive release

- 44 I intend to proactively release this paper on the Ministry for the Environment's website subject to redaction as appropriate under the Official Information Act 1982.

Consultation

- 45 The Ministry for the Environment sought comment on this paper from the Ministry of Housing and Urban Development, Ministry for Culture and Heritage, Te Puni Kōkiri, Ministry of Education, Department of Corrections, Land Information New Zealand, The Treasury, Ministry of Transport, Ministry of Business, Innovation and Employment, Ministry for Primary Industries, Department of Prime Minister and Cabinet, Ministry of Health, Ministry of Defence, Department of Internal Affairs, Department of Conservation and The Office for Māori Crown Relations – Te Arawhiti.

⁶ CO (20) 3 refers

Recommendations

I recommend that Cabinet:

- 1 **note** that I have decided under section 24 of the COVID-19 Recovery (Fast-track Consenting) Act 2020 to accept the applications for referral of the Glenpanel Development Limited's Flint's Park, Ladies Mile – Te Pūtahi project to a panel
- 2 **note** that Glenpanel Development Limited's Flint's Park, Ladies Mile – Te Pūtahi project meets the eligibility criteria in section 18 of the COVID-19 Recovery (Fast-track Consenting) Act 2020, and is considered to help achieve the Act's purpose by having the potential to:
 - 2.1 have positive effects on social well-being by providing additional housing in an area that has a housing shortage, and by providing public open space
 - 2.2 generate employment by providing approximately 181 full-time equivalent (FTE) jobs per year over a five-year construction period
 - 2.3 increase housing supply by developing approximately 384 residential units (or approximately 179 residential units if a school is constructed)
 - 2.4 progress faster using the Act's processes than would otherwise be the case under standard Resource Management Act 1991 processes, provided that the applicant lodges their applications for resource consents with the Environmental Protection Agency in a timely manner following project referral
- 3 **note** that the COVID-19 Recovery (Fast-track Consenting) Referred Projects Amendment Order (No 15) 2021 requires Glenpanel Development Limited to provide to an expert consenting panel an assessment against the Queenstown Lakes Spatial Plan, an assessment against Plan Change 8 to the Otago Regional Plan, an infrastructure assessment, an integrated transport assessment, a greenhouse gas emissions assessment and an archaeological assessment, as detailed in Appendix three
- 4 **note** that the COVID-19 Recovery (Fast-track Consenting) Referred Projects Amendment Order (No 15) 2021 requires an expert consenting panel appointed to consider Glenpanel Development Limited's Flint's Park, Ladies Mile – Te Pūtahi project to seek comments from Aukaha and Te Ao Mārama Incorporated (as agents of the relevant Ngāi Tahu Papatipu Rūnanga) and Waka Kotahi NZ Transport Agency, as listed in Appendix three
- 5 **authorise** submission of the COVID-19 Recovery (Fast-track Consenting) Referred Projects Amendment Order (No 15) 2021 to the Executive Council

- 6 **note** that on 27 July 2020, Cabinet agreed to waive the standard 28-day rule relating to Orders in Council made under the COVID-19 Recovery (Fast-track Consenting) Act 2020 [CAB-20-MIN-0353 refers]. Consequently, the COVID-19 Recovery (Fast-track Consenting) Referred Projects Amendment Order (No 15) 2021 will come into force the day after publication in the New Zealand Gazette.

Authorised for lodgement

Hon David Parker
Minister for the Environment

Released under the provision of
the Official Information Act 1982

Appendix one – Referred projects under the COVID-19 Recovery (Fast-track Consenting) Act 2020

Referred projects granted RMA approvals by a panel		
Project	Location	Applicant
Kohimarama Comprehensive Care Retirement Village	Kohimarama, Auckland	Ryman Healthcare Limited
Northbrook Wanaka Retirement Village	Wanaka	Winton Property Limited
Ohinewai Foam Factory	Ohinewai, Waikato	Ambury Properties Limited
Faringdon South West and South East Development	Rolleston	Hughes Developments Limited's
Summerset Retirement Village -Waikanae	Waikanae	Summerset Villages (Waikanae) Limited
Wooing Tree Estate	Cromwell	Wooing Tree Property Development LP
Dominion Road Mixed-use Development	Mount Eden, Auckland	Pudong Housing Development Company Limited, Foodstuffs North Island Limited, and Silk Road Management Limited
Nola Estate	Glen Eden, Auckland	CPM 2019 Limited
Referred projects with Orders in Council gazetted		
Clutha Upper Waitaki Lines Project - Works and Workers' Village	Clutha Upper Waitaki	Transpower New Zealand Limited
Northbrook Wanaka Retirement Village	Wanaka	Winton Property Limited
Kohimarama Comprehensive Care Retirement Village	Kohimarama, Auckland	Ryman Healthcare Limited
Molesworth Street Office Development	Thorndon, Wellington	Prime Property Group Limited
The Vines Affordable Subdivision	Richmond, Tasman	Jason and Angela Mudgway
Dominion Road Mixed-use Development	Mount Eden, Auckland	Pudong Housing Development Company Limited, Foodstuffs North Island Limited, and Silk Road Management Limited
Ohinewai Foam Factory	Ohinewai, Waikato	Ambury Properties Limited
Eastern Porirua Regeneration Project - Infrastructure Works	Porirua	Kāinga Ora-Homes and Communities' and Porirua City Council
Silverlight Studios	Wanaka	Silverlight Studios Limited
Brennan winery, restaurant, education, and event complex	Gibbston Valley, Otago	Otago Viticulture and Oenology Limited's (trading as Brennan Wines)

Nola Estate	Glen Eden, Auckland	CPM 2019 Limited
Wooring Tree Estate	Cromwell	Wooring Tree Property Development LP
Kapuni Green Hydrogen	Kapuni, Taranaki	Hiringa Energy Limited's and Ballance Agri-Nutrients Limited
New Dunedin Hospital - Whakatuputupu	Dunedin	The Minister of Health's and the Ministry of Health
Faringdon South West and South East Development	Rolleston	Hughes Developments Limited's
Summerset Retirement Village -Waikanae	Waikanae	Summerset Villages (Waikanae) Limited
Beachlands Housing Development	Beachlands, Auckland	Neil Construction Limited and Fletcher Residential Limited
Kōpū Marine Precinct	Kōpū, Thames	Thames-Coromandel District Council
Whakatāne Commercial Boat Harbour project	Whakatāne	Whakatāne District Council, Te Rāhui Lands Trust, Te Rūnanga o Ngāti Awa, Ngāti Awa Group Holdings Limited, Te Rāhui Lands General Partner Limited, Te Rāhui Herenga Waka Whakatane Limited, and Provincial Growth Fund Limited
Karaka North Village	Karaka, Auckland	Cappella Group Limited and Karaka North Village Limited
Ōmāhu Residential Development	Remuera, Auckland	Urban Resort Limited, Icon Co Pty (NZ) Limited
George St Mixed Use Development	Newmarket, Auckland	Newmarket Holdings Development Limited Partnership
Otago Water Storage Reservoir	Northland	Te Tai Tokerau Water Trust
Drury Central & Paerata Stations	Auckland	KiwiRail Holdings Limited
Rangitane Maritime Development	Kerikeri	Far North District Council & Far North Holdings Limited
Brickfields, Scott Road Development	Hobsonville, Auckland	Aedifice Development Limited
Melia Place	Whangaparāoa, Auckland	Melia Development Limited
Tauranga Innovative Courthouse	Tauranga	The Minister of Justice and the Ministry of Justice
Oruku Landing	Whangārei, Northland	Northland Development Corporation Limited
Riverbend Residential Development	Napier	Tawanui Developments Limited, K3 Properties Limited & Mana Ahuriri Holdings Limited

Silverlight Studios Accommodation	Wanaka, Otago	Silverlight Studios Limited
Drury Centre Precinct	Auckland	Kiwi Property Holdings No 2
Drury East Stage 1 Precinct	Auckland	Fulton Hogan Land Development
Waihoehoe Precinct	Auckland	Oyster Capital Limited

Released under the provision of
the Official Information Act 1982

Appendix two – Status of projects listed under the COVID-19 Recovery (Fast-track Consenting) Act 2020

Listed Project	Status (provided by the EPA, 27 October 2021)
Matawii Water Storage Reservoir Kaikohe	Consents have been approved.
Papakāinga Development – Rāpaki, Christchurch	Consents have been approved.
Te Ara Tupua – Ngā Ūranga to Pito-one shared path	Consents have been approved.
Waitohi Picton Ferry Precinct Redevelopment	Consents have been approved.
Queenstown Arterials Project	Consents have been approved.
Papakāinga Development - Kaitaia	Consents have been approved.
Papakura to Pukekōhe rail electrification	Package 1 - consents have been approved. Package 2 – minor consents - unlikely to proceed under fast-track at this stage.
Papakura to Drury South State Highway 1 improvements	Package 1 - application lodged 24 June – currently under assessment by panel. Package 2 – lodgement anticipated in 2021.
Papakāinga Development – Waitara, Taranaki	Lodgement anticipated in 2021.
Northern Pathway – Westhaven to Akoranga shared path	Unlikely to proceed under fast-track at this stage.
Te Pā Tāhuna Residential Development	Unlikely to proceed under fast-track at this stage.
Unitec Residential Development	Unlikely to proceed under fast-track at this stage.
Papakāinga Development - Point Chevalier, Auckland	Unlikely to proceed under fast-track at this stage.
Papakāinga development – Whaingaroa, Raglan	Unlikely to proceed under fast-track at this stage.
Papakāinga Development - Chatham Islands	Unlikely to proceed under fast-track at this stage.
Wellington Metro Upgrade Programme	Unlikely to proceed under fast-track at this stage.
Britomart Station eastern end upgrade	Unlikely to proceed under fast-track at this stage.

Appendix three – Additional requirements: Glenpanel Development Limited's Flint's Park, Ladies Mile – Te Pūtahi project

Glenpanel Development Limited is required to provide with their applications for resource consents to an expert consenting panel:

1. an assessment of the activities involved in the project against the Queenstown Lakes Spatial Plan and Proposed Plan Change 8 to the Regional Plan: Water for Otago
2. 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
3. an integrated transport assessment, prepared in consultation with Waka Kotahi NZ Transport Agency, which must include modelling and analysis of the construction and operational phases of the project that covers:
 - 3.1 the capacity of State Highway 6 to service additional traffic from the project and any required upgrades to the road network
 - 3.2 traffic safety relating to the proposed 'left in, left out' access
 - 3.3 consideration of alternative access which is not reliant on direct access from State Highway 6
 - 3.5 how the development will provide infrastructure to support the uptake of public transport and provide safe spaces for active modes of transport
4. an assessment of the potential greenhouse gas emissions resulting from the project, including consideration of options to avoid, remedy and mitigate the greenhouse gas emission that have been identified
5. an archaeological assessment.

An expert consenting panel appointed to consider Glenpanel Development Limited's applications for resource consents for the Flint's Park, Ladies Mile – Te Pūtahi project must seek comments from the following additional persons/organisations:

1. Waka Kotahi NZ Transport Agency
2. Aukaha and Te Ao Mārama Incorporated, as agents of the relevant Ngāi Tahu Papatipu Rūnanga.