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Max Gander-Cooper  
Senior Policy Analyst | Kaitātari Kaupapa Here Matua  
Fast-track Consenting

Ministry for the Environment | Manatū Mō Te Taiao

By email: s 9(2)(a)  
Copy to: [fasttrackconsenting@mfe.govt.nz](mailto:fasttrackconsenting@mfe.govt.nz)

### **THE YARDS - RESOURCE RECOVERY AND SERVICE ACTIVITY PARK: FURTHER INFORMATION**

1. Thank you for your call of 11 July 2022. We discussed a range of information (seven items, from my notes), that would assist in the processing of the above application. This letter responds as appropriate.

#### **Funding**

2. Additional information has been sought in respect of how the project will be funded (at least at a high level). The Applicant responds as follows:

The estimated cost for the development is on **ys 9(2)(b)(ii)**. The company currently has existing pre-sales, conditional on consent being obtained, in excess of **s 9(2)(b)(ii)**. As such, with that level of pre-sales and once consent is obtained, it is not expected there would be any difficulty in raising the necessary development funding.

#### **Status of current consent RM220327**

3. This is an application for public storage, which forms part of the wider Yards proposal, although has been advanced separately, given the urgent need for the activity. The Applicant requested notification, so as to reduce the processing time, and because it was confident that there would be no wider public interest. As previously indicated, very few submissions (five only) were received in respect of this application. Those submissions were all from “neighbours”, rather than revealing any wider public interest.
4. Four submissions were conditional and one in opposition. The Applicant has now resolved, in principle, each of the four conditional submitters’ concerns and is in the process of addressing the other submitter, with the expectation that they will obtain affected party approvals, and/ or the withdrawal of the submissions. In case it is relevant to any later question about works on the State Highway, it is noted that the Applicant has been working with NZTA Waka Kotahi, and it was not a submitter.

5. It is understood that an applicant may pursue an application with a Council that runs in parallel with part or all of a fast-track application, provided that they must withdraw any ongoing council process for the same or similar proposal (or part of it) before lodging a consent application with the EPA. It is also understood that an applicant who has previously obtained consent for part of a fast-track application can include the earlier consented activity within its fast-track application (I have seen this elsewhere). So the issue appears to be one of timing, such that:
  - (a) If the Applicant were to obtain consent to application RM220327 prior to making its application to the EPA (should referral orders be made), then that should present no issue (it still makes substantive sense to include RM220327 as part of the wider fast-track application, so that an integrated decision can be made in respect of use of the site).
  - (b) If the Applicant had not obtained consent to application RM220327 prior to making its application to the EPA (should referral orders be made), then it would have to elect to either (i) defer making its application to the EPA; or (ii) withdrawal application RM220327.
6. In either case, this would not seem to change the scope of what the Minister needs to consult on and consider for entry into the fast-track programme. If this is not the case, then it would be useful to discuss further. As you will appreciate, the Applicant could put application RM220327 on hold, to allow the Minister to complete a step of his process, if that would be preferred. The Applicant's preference, however, is to proceed with RM220327 consent. The need is significant, and, its experience with QLDC is that processing will take significant time in any event.

#### **Works on State Highway**

7. The Applicant has been working closely with NZTA in respect of any potential right hand turning bay that might ultimately be required in the future. In fact, the Applicant wishes to have the right hand turning bay installed early on in any development, for "peace of mind", even if it is not strictly required for any technical reason.
8. There is sufficient "space" within NZTA's designated road reserve for such a right-turn bay, together with some widening of the carriageway shoulders. The works will be allowed under the designation (including, potentially as a permitted activity under s176(2)(b), but otherwise NZTA can seek a waiver of any otherwise required outline plan of works).
9. It is noted in this regard that the Proposed Queenstown Lakes District Plan describes the State Highway Designation #84 as follows:

The designation provides for the New Zealand Transport Agency, either itself or through its agents, to control, manage and improve the state highway network, State Highways No 6, 6A and 84 including planning, design, research, construction and maintenance relating to and within the

designated. Such activities may also involve, but not necessarily be limited to, realigning the road, altering its physical configuration, culverts, bridges and associated protection works.

10. There are no specific conditions for the State Highway at Victoria Flats Road intersection.
11. The works are construction and maintenance to land within the designation, and the works involve altering the physical configuration of the road (all within the existing designation boundary) for State Highway purposes. Therefore, the works are incorporated into the designation and do not require an outline plan of works to be submitted. <https://www.qldc.govt.nz/media/tipfwsbx/pdp-chapter-37-designations-june-2022.pdf>

### **NES contaminated soils**

12. In terms of compliance or otherwise with National Environmental Standards (“**NES**”), the only NES that is of potential relevance to this proposal is the NES for Assessing and Managing Contaminants in Soil to Protect Human Health (“**NESCS**”).
13. The NESCS applies to any “piece of land” on which an activity or industry described in the current edition of the Hazardous Activities and Industries List (“**HAIL**”) is being undertaken, has been undertaken or is more likely than not to have been undertaken (see regulation 5(7)). The activities are:
  - (a) Removal or replacement of an underground fuel storage system;
  - (b) Soil sampling;
  - (c) Soil disturbance;
  - (d) Subdivision of land;
  - (e) Change in use of land.
14. The land-use history is therefore the trigger for determining whether the land is covered by the NES. The piece of land where the activity is proposed has a historic use for residential activity. If no preliminary site investigation has been undertaken and there is no indication of a previous HAIL activity (or the potential for it) in the council records then the regulations don’t apply, because regulation 5(5) and 5(6) refer to the “piece of land” as described in subclause (7) – HAIL land.
15. The Council’s GIS maps show the site as being a potentially contaminated site associated with the landfill. The potentially contaminated site annotation is considered to be erroneous as it should be restricted to the landfill itself but has been applied to the Applicant’s entire site of 146ha. In addition, the applicant has reviewed Council records and the Otago Regional Council database which (landfill aside

which the site is not located on) does not show any other records or clear evidence that hazardous activities and industries were undertaken. It is therefore considered that the piece of land is not likely to have had HAIL activities being undertaken on it and the NES does not therefore apply.

**The National Policy Statement Freshwater Management (NPS-FM) and the Resource Management (National Environmental Standards for Freshwater) Regulations 2020 (NES Regulations)**

16. The waterbodies on the site are a water race originally constructed around 1926 which feeds into a pond built as part of the water race system, originally built for alluvial mining along the margins of Victoria Flat. The water race has been used for irrigation since 1947 and referred to as an irrigation race since. The race system is open except where it is piped adjacent to the Victoria Flats landfill site, not within the site itself.
17. The irrigation race and pond are not a natural wetland as defined in NPS-FM at 3.21. In addition, there are no natural wetlands within 100m of the site, including the entire irrigation race and pond network. This was also confirmed by the Otago Regional Council in resource consent RM21.351 for the water take renewal. Therefore, the proposal will not engage the NPS FM in terms of the natural wetland protection related objectives and policies, and any modification to the irrigation race or pond, or earthworks within 100m of these features would not fall as a non-complying or prohibited activity under the NES Regulations 52, 53 and 54.
18. As identified on the site plan, there is not any direct or substantial modification to the configuration, alignment or shape of the irrigation race or pond. It is apparent that the irrigation race will intersect with 3 internal access roads, and run alongside a road, on its way to the existing pond. The installation of a culvert will be more likely than not able to be undertaken as a permitted activity under the NES Regulation 70 (Culverts) which permits the placement of a culvert on the irrigation race providing several criteria are met, including:
  - (a) providing for the passage of fish;
  - (b) laying parallel to the slope of the bed of the race
  - (c) the mean cross sectional water velocity in the culvert must not be any greater than in all adjoining river reaches
  - (d) the culverts width must be within limits relative to the width of the irrigation race
  - (e) the culvert must be open-bottomed or its invert must be placed so that at least 25% of the culvert's diameter is below the level of the bed; and
  - (f) the bed substrate must be present over the full length of the culvert and stable at the flow rate at or below which the water flows for 80% of the time; and

- (g) the culvert provides for continuity of geomorphic processes (such as the movement of sediment and debris).
19. These parameters are considered to be able to be readily met.

**Title issues**

20. There are no works occurring within any of the marginal strips reserved on the titled.
21. As for other instruments, the Applicant's property lawyer advises:

We have reviewed the and covenants and consent notice referred to. These will not impact on the ability of the company to undertake its proposed development.

22. Please advise if you do require copies of those land covenants and consent notices.

**Project description/ activities to be included.**

23. There may be some confusion as to the use of the term "industrial", and whether it opens up the application for a wide range of activities.
24. Page 21 of the FTA describes that while the activities proposed are industrial and service, they are not "urban industrial or service" due to the low intensity nature as a result of the low building coverage which promotes "yard based" activities rather than general manufacturing or process activities which will require larger buildings or house activities.
25. Notably, industrial and service based activities are already contained in the Rural Zone of the PDP (within the Rural Industrial sub-zone) so the concept is not unique or unexpected.
26. The FTA yards element of the proposal comprises lots ranging in size from 2,000m<sup>2</sup> to 1.1ha. The yards will be utilised for contractors to process and store landscaping materials, store equipment and vehicles such as heavy vehicles and excavation machinery. Each contractor's yard includes provision for a building on each lot up to 600m<sup>2</sup>. The building coverage on each lot will be between 5% and 30%.
27. By comparison, the PDP General Industrial and Service Zone anticipates lot sizes of 500m<sup>2</sup> to 1,000m, and the permitted building coverage is 75%.
28. It may be helpful to update the description of the project, as follows:

**Description of Project**

1. The scope of the project is broadly threefold: to (1) subdivide the and; (2) establish a storage facility on one of the subdivided allotments; and (3) provide for a range of yard-based storage and processing activities on the allotments, including but not limited to:

- a. rural based industrial activities, including service activities and contractors yards;
  - b. general storage of goods, equipment and machinery;
  - c. storage and processing of landscape and natural product supplies;
  - d. civil construction equipment maintenance, storage and repair;
  - e. recycling and construction waste processing;
  - f. ancillary administration facilities.
2. The Yards would include:
- a. Approximately 58 lots ranging in size from approximately 2,000m<sup>2</sup> to 1.1ha;
  - b. One lot of approximately 7.8ha for storage buildings and activities;
  - c. Associated infrastructure and roading;
  - d. Approvals for the establishment of buildings on each lot for storage, maintenance, processing and ancillary administration activities, limited to 600m<sup>2</sup> and between 6m and 8m maximum height with site landscaping and requirement for the use of recessive external colours. The building form and activity parameters will be governed by consent conditions and imposed on each allotment by way of consent notice through the subdivision of the land.
3. The Storage Activity would include:
- a. a gate house/office of approximately 57m<sup>2</sup> in area;
  - b. an administration building of approximately 307m<sup>2</sup>;
  - c. buildings for a maintenance store / shed of approximately 130m<sup>2</sup>;
  - d. in the order of 176 general purpose storage units of varying sizes occupying an area of approximately 4,240m<sup>2</sup>;
  - e. the garage cub storage units comprising 89 units and occupying an area of approximately 2,690m<sup>2</sup>; and
  - f. approximately 73 Lakeside storage units comprising an area of approximately 4,751m<sup>2</sup> each with an open yard area.
4. The project involves ancillary and further works such as the following:
- a. Subdivision and subdivision development works including internal road construction, earthworks and installation of stormwater infrastructure and culverts over irrigation races;

- b. Installation of electricity, telecommunications, and on-site wastewater treatment and disposal;
- c. Earthworks;
- d. Works to construct the Storage Activity units;
- e. any other works that are:
  - . within the scope of the project as described in paragraph (1) above; and/ or
  - . associated with the works described in paragraphs (2)( ) to (f) above.

**Forward progress**

29. Please let me know if the above satisfied the current information requirements, or if further discussion is required.

Yours faithfully



**JAMES GARDNER-HOPKINS**  
Consultant | Advisor | Project Manager

**M:** s 9(2)(a) | **T:** 09 889 2776 | **E:** s 9(2)(a)  
[www.jgh.nz](http://www.jgh.nz)