



## FTAA-2510-1122: Application received for referral of the project under the Fast-track Approvals Act 2024 – Stage 2 decisions

### Project Name: Parkburn

Date submitted:	13 February 2026	Tracking #: BRF-00309	
Security level:	In-Confidence	MfE priority:	Urgent

	<b>Action sought:</b>	<b>Response by:</b>
To Hon Chris Bishop, Minister for Infrastructure	Decision on recommendations	20 February 2026

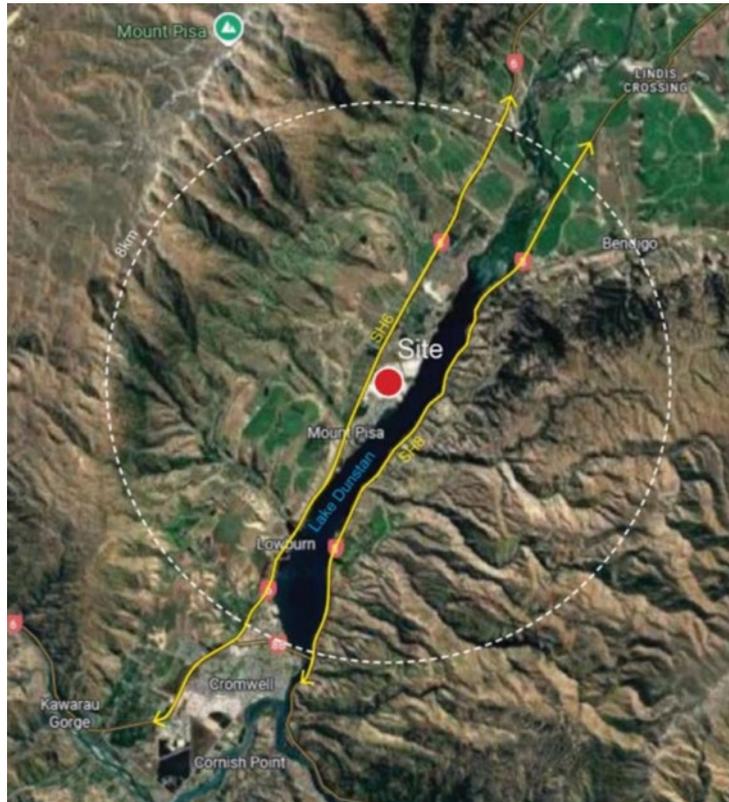
Actions for Minister's Office staff	<b>Return</b> the signed briefing to: <a href="mailto:FTAreferrals@mfe.govt.nz">FTAreferrals@mfe.govt.nz</a> . <b>Approve</b> the attached notice of decisions letter.
Number of appendices: 8	Appendices (refer to File Exchange link for appendices 2-7): <ol style="list-style-type: none"><li>1. Statutory framework for making decisions</li><li>2. Application documents for Parkburn</li><li>3. Stage 1 Briefing Note and decisions</li><li>4. Section 18 Report on Treaty settlements and other obligations</li><li>5. Section 19 Report on Public Conservation Land</li><li>6. Comments received from all parties the Minister invited to comment</li><li>7. Further information provided by the applicant post inviting comment</li><li>8. Draft Notice of Decisions</li></ol>

### Ministry for the Environment contacts

Position	Name	Cell phone	1 <sup>st</sup> contact
Principal Author	Jess Hollis		
Manager	Stephanie Frame	s 9(2)(a)	✓
General Manager	Ilana Miller	s 9(2)(a)	

## Project location

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## Key messages

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1. This briefing seeks your decisions under section 21 of the Fast-track Approvals Act 2024 (the Act) on the application from Fulton Hogan Land Development Limited (the applicant) to refer the Parkburn project (the project) to the fast-track approvals process.
2. A copy of the application is in Appendix 2. This is the second briefing on this application. The first (Stage 1) briefing (BRF-7108) with your initial decisions annotated is in Appendix 3.
3. The project is to subdivide land and develop a mixed-use urban development at 922 Luggate-Cromwell Road (State Highway 6), Cromwell, located approximately 8 kilometres to the north of the Cromwell township and adjacent to Lake Dunstan / Te Wairere. The project will include

works to backfill and rehabilitate part of the existing Parkburn quarry site and works within the State Highway 6 (SH6) road reserve.

4. The project will be applied for as a single substantive application but will be delivered in multiple stages. The project will include:
  - a. bulk earthworks to backfill and rehabilitate a quarry
  - b. subdivision to create approximately 1,000 allotments and enable construction of approximately 1,000 residential units across a range of densities (which may be constructed by a person or persons other than the applicant)
  - c. subdivision to create allotments and enable construction of a neighbourhood centre (which may include retail, commercial, medical and early childhood education activities) and a primary school (all of which may be constructed by a person or persons other than the applicant)
  - d. landscaping and development of an open space network including recreation and esplanade reserves, and restoration along the margins of Parkburn Stream and Lake Dunstan / Te Wairere
  - e. formation of two coves extending into Lake Dunstan / Te Wairere
  - f. associated infrastructure, including for three waters services and transport (including external site access works).
5. The project will require the proposed approvals:
  - a. resource consents under the Resource Management Act 1991 (RMA)
  - b. a concession under the Conservation Act 1987
  - c. approval under the Wildlife Act 1953.
6. We recommend you **accept** the referral application as the project meets the criteria set out in section 22 and does not appear to involve an ineligible activity.
7. We seek your decisions on this recommendation and on the proposed directions to the panel and notification of your decisions.

## Assessment against statutory framework

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8. The statutory framework for your decision-making is set out in Appendix 1. You must apply this framework when you are deciding whether to accept or decline the referral application and when deciding on any further requirements or directions associated with referral of the project.
9. Before accepting the project, you must consider the application (in Appendix 2), the Section 18 Treaty settlements and other obligations report (in Appendix 4), the section 19 report in relation to the use of public conservation land (in Appendix 5), any comments and further information received from invited parties (in Appendix 6), further information provided by the applicant post inviting comment (in Appendix 7), any document that requires your consideration under section 16 of the Act, and comply with any procedural requirements under section 16.
10. Following that, you may accept the application if you are satisfied that it meets the criteria in section 22 of the Act and if there are no reasons you must decline the application. We provide our advice on these matters below.

## **Section 18 Treaty settlements and other obligations report**

11. The Section 18 report identifies ten relevant Māori groups under section 18(2) of the Act. The Treaty settlement relevant to the project area is the Ngāi Tahu Claims Settlement Act 1998.
12. The Section 18 report notes the Ngāi Tahu Claims Settlement Act 1998 provides for a statutory acknowledgement and a deed of recognition over Te Wairere / Lake Dunstan, which directly adjoins and forms part of the project area. Under the RMA and the settlement legislation, a consent authority must have regard to a statutory acknowledgement when deciding whether an iwi is an 'affected person' for the purposes of notification decisions and must provide a summary of any consent applications relevant to the statutory area to a statutory acknowledgement holder. The Section 18 report notes the process of inviting comment (including providing information about the application) from Te Rūnanga o Ngāi Tahu under the Act is comparable to the requirements for statutory acknowledgements under the RMA and Treaty settlement.
13. The Section 18 report identifies a number of other settlement provisions – including taonga species, nohoanga entitlement, and a conservation protocol – which do not appear to have direct implications for your consideration of this application, but provide relevant context regarding the traditional connection of Ngāi Tahu with this area and its environment.
14. Kāti Huirapa Rūnaka ki Puketeraki provided comments on the referral application and neither supported nor opposed project referral but noted it has a mana whenua interest in the project area and that the area is very significant. Kāti Huirapa Rūnaka ki Puketeraki noted it, alongside other Papatipu Rūnanga, has had constructive dialogue with the applicant on proposed consultation and engagement for the project, its effects and mitigation, and that it has entered into an agreement with the applicant that addresses these matters. Puketeraki was yet to form a view on the merits of the project but expected to do so following further engagement with the applicant.
15. The Minister for Māori Development and the Minister for Māori Crown Relations: Te Arawhiti supported project referral, subject to the panel considering whether the proposed activities will affect Te Wairere or Mata-au, thereby bringing the statutory acknowledgements into play; the panel considering the impact of the proposal on taonga species; and consultation having occurred in accordance with the agreement between the applicant and Kāti Huirapa Rūnaka ki Puketeraki.
16. Of the ten relevant Māori groups identified in the Section 18 report, we note that Aukaha and Te Ao Mārama Incorporated do not fall within the scope of persons or groups whom a panel must invite comments from on a substantive application for the project under section 53 of the Act. Aukaha and Te Ao Mārama Incorporated are identified in the Section 18 report as other Māori groups with relevant interests (section 18(2)(k)). Therefore, if you decide to refer the project, we recommend you specify under section 27(3)(b)(iii) of the Act that a panel must invite comments from them.
17. The Section 18 report has not identified any matters which make it more appropriate for the proposed approvals to be authorised under another Act or Acts.

## **Section 16 Effects of Treaty settlements and other obligations on decision-making**

18. The Section 18 report does not identify any provisions in the Treaty settlements that would place any requirements on you or a panel under section 16 of the Act.

## **Section 19 Report in relation to use of public conservation land**

19. As the area includes public conservation land (PCL) as defined under the Act, the Director-General of Conservation has prepared a report (see Appendix 5) which sets out:
- a. The following existing arrangements for the administration, access to, or use of PCL:
    - i. the Park Burn Marginal Strip is PCL administered in accordance with Part 4A of the Conservation Act 1987. The strip is a Fixed Marginal Strip held for conservation purposes and there are five existing concessions that apply to the strip. These existing concessions are not specific to the project area and do not raise any issues for the referral application
    - ii. there is an additional concession for construction of the Wānaka Link cycle trail approximately 4 kilometres to the north of the project area. The cycle trail is part of a regional cycle network connecting to the existing cycle trail within the project area. The project will not directly impact this concession but any changes to the existing cycle trail within the project area that impact the Wānaka Link cycle trail will need to be managed
  - b. The following risks and potential liabilities to the Crown that relate to any proposed approvals of the kind described in section 42(4)(e), (f), (l) or (m) of the Act:
    - i. the Department of Conservation (DOC) has not received an application for an easement concession or confirmation of the applicant's chosen infrastructure, therefore at this time the risks and potential liabilities to the Crown are unknown. DOC notes that a bridge/road over the Park Burn Marginal Strip could be authorised under an easement concession, but that section 17V(3) of the Conservation Act 1987 restricts granting of leases over marginal strips. Therefore, any infrastructure apart from roading or bridging should occur outside of the marginal strip boundary
    - ii. partial non-completion or failure of activities on PCL resulting in land disturbance, contamination and sedimentation, hazards, and stranded assets and infrastructure, can create significant financial, legal, health and safety, and reputational risk for the Crown, and significant demand on DOC resources. The report notes the risks and potential liabilities to the Crown identified for this project are those normally associated with development of infrastructure of this nature, and these should be able to be adequately managed through appropriate conditions and good management practices
    - iii. the risk of frustration of pre-existing activities is low.
20. The report did not include any recommendations regarding your decisions, including directions to the applicant or a panel.

## **Comments received**

21. Comments were received from Central Otago District Council (CODC), Otago Regional Council (ORC), two Ministers, DOC, Kāti Huirapa Rūnaka ki Puketeraki, the New Zealand Transport Agency Waka Kotahi (NZTA) and Contact Energy Limited. The key points of relevance to your decisions are summarised in Table A.
22. The comments from Kāti Huirapa Rūnaka ki Puketeraki are discussed in paragraph 14 of this briefing. The key points from the remaining comments are:
- a. CODC provided no general comments on the merits of the referral application. ORC neither supported nor opposed project referral but noted several points relating to future

public transport options, potential additional consents required, compliance history and further information to support a substantive application

- b. the Minister for Economic Growth acknowledged the economic benefits identified in the applicant's economic assessment and considered the primary long-term benefit of the proposal would be the provision of additional housing which is critical for a growing economy
- c. the Associate Minister of Transport supported project referral and considered the project aligns with the Government's strategic priorities of housing development and economic growth
- d. DOC was not aware of any reason the project should not be referred and noted it is likely that any actual or potential environmental effects can be managed to appropriate levels. DOC noted additional information would be required to support a substantive application for the project but did not make any recommendations in this regard
- e. NZTA did not oppose project referral and noted it would need to review the project's substantive application to fully understand the potential adverse effects on the state highway network and any necessary mitigation measures. NZTA also noted the substantive application should include additional information. We note the project area is live-zoned for urban development, and we do not consider it necessary for you to require the applicant to submit specific transport-related information with their substantive application to a panel. We consider these matters will generally be covered by the requirements of clause 5 Schedule 5 of the Act
- f. Contact Energy Limited neither supported nor opposed project referral but identified two matters of potential concern. These were the need for elevation of all private land and road reserves to reduce flooding risks, and the need for an easement or deed of covenant over the proposed 'small lake cove' lots to provide for Contact's water storage, and protect against liability for issues such as flooding, damage and maintenance. Contact Energy Limited considered both matters can be managed appropriately
- g. the Minister for the Environment responded with no comment on the referral application.

**Further information provided by the applicant, relevant local authorities, relevant administering agencies<sup>1</sup>**

- 23. Following the Stage 1 briefing, the applicant provided clarification on their compliance history and confirmed that no culverts will be installed as part of the project that would require a complex freshwater fisheries activity approval.
- 24. In response to your request for further information, CODC confirmed its elected members have authorised CODC staff to work through the required road stopping process without further approval being needed (unless there are objections received via the public notification process under the Local Government Act 1974). CODC anticipated the public notification process would begin early in 2026 but could not provide certainty of outcome or timeframes.

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<sup>1</sup> For your stage 1 decisions on the referral application for this project, the chief executive of the Ministry for the Environment was a relevant 'administering agency' and you therefore invited comment from the Ministry for the Environment as required under section 17(1) of the Act in force at that time. Subsequently, the definition of 'administering agency' was amended on 17 December 2025, by the Fast-track Approvals Amendment Act 2025, to exclude the chief executive of the department responsible for the administration of the Resource Management Act 1991. Therefore, the chief executive of the Ministry for the Environment is no longer considered a relevant 'administering agency' for this referral application.

25. You must consider all information received within the specified timeframe. We have taken this information into account in our analysis and advice, and it is presented in Table A.

### **Reasons to decline**

26. The statutory framework in Appendix 1 sets out the situations where you must decline the application for referral under section 21(3). We do not consider you must decline this application.

27. You may also decline the application for any other reason under section 21(4). The Act gives some guidance on matters you could consider when deciding whether to decline an application and these are set out in Appendix 1.

28. Relevant to section 21(5)(d) and the applicant's compliance history, the application notes an abatement notice was issued to the applicant by Auckland Council and the applicant undertook the required corrective actions. ORC also commented that the applicant has a site at Pembroke Heights in Wānaka where an abatement notice was issued in July 2024 and an infringement notice in April 2025. However, the applicant has clarified that these compliance issues relate to WFH Properties Ltd and not the applicant. The applicant is a partner in WFH Properties Ltd; however, it has a different governance and management structure to the applicant.

29. We consider these matters to be minor in nature and do not consider you should decline the referral application on the basis of poor compliance history.

30. Relevant to section 21(4), the layout of the project requires an unformed legal road extending through the project area to be stopped. CODC advised that its elected members have authorised CODC staff to work through the required road stopping process without further approval being needed from elected members (unless there are objections received via the public notification process under the Local Government Act 1974). CODC anticipated the public notification process would begin early in 2026 but could not provide certainty of outcome or timeframes. We note the unknown outcome of the road stopping process presents a risk to the applicant of project delivery, however given the location and orientation of the unformed legal road we consider this is a design issue that can be addressed by the applicant and considered by a panel in a substantive application for the project.

31. We have considered the matters above and these are discussed in Table A. We do not consider you should decline the referral application on the basis of poor compliance history, that an additional approval is yet to be obtained, or for any other reason.

### **Reasons to accept**

32. The statutory framework in Appendix 1 sets out the reasons you can accept a project for referral.

33. Our assessment of these matters is summarised in Table A. We consider the project meets the requirements of section 22, as:

- a. it is an infrastructure or development project to subdivide land and construct an urban development
- b. it would have significant regional or national benefits because it will increase the supply of housing and deliver significant economic benefits
- c. referring the project to the fast-track approvals process would facilitate the project, including by enabling it to be processed in a more timely and cost-effective way than

under normal processes because public and limited notification is precluded and appeal rights are limited

- d. referring the project to the fast-track approvals process is unlikely to materially affect the efficient operation of the fast-track approvals process because the project is not complex and is similar to the type of application that panel members are experienced in dealing with under the RMA.

34. If you disagree, you must decline the referral application under section 21(3)(a) of the Act.

## Conclusions

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35. We consider the project meets the section 22 criteria and you could accept the application under section 21 of the Act and refer all of the project to a panel with the specifications outlined below.

36. As discussed in paragraph 16 of this briefing, we consider that if you decide to refer the project, you should specify under section 27 of the Act the following persons or groups from whom a panel must invite comments from in addition to those specified in section 53:

- i. Aukaha
- ii. Te Ao Mārama Incorporated.

## Next steps

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37. The Ministry for the Environment (the Ministry) must give notice of your decisions on the referral application, and the reasons for them, to the applicant and anyone invited to comment under section 17 and publish the notice on the Fast-track website.

38. If you decide to refer the project, the Ministry must also give notice of your decision to:

- a. the panel convener
- b. any additional iwi authorities or Treaty settlement entities that you consider have an interest in the matter other than those invited to comment under section 17
- c. the Environmental Protection Authority (EPA)
- d. the relevant administering agencies.

39. You must also provide all of the information you received that relates to this application to the EPA and the panel convener, including:

- a. the referral application
- b. any comments received under section 17
- c. the report obtained under section 18
- d. the report obtained under section 19.

40. We will undertake this action on your behalf.

41. We have attached a notice of decisions letter to the applicant based on our recommendations (refer Appendix 8) and we will provide it to all relevant parties. We will provide you with an amended letter if required.

42. Our recommendations for your decisions follow.

## Recommendations

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43. We recommend that you:

- a. **Note** section 21(3) of the Fast-track Approvals Act 2024 (the Act) requires you to decline the referral application from Fulton Hogan Land Development Limited (the applicant) if you are satisfied that the Parkburn project (the project) involves an ineligible activity, or you consider that you do not have adequate information to inform the decision under this section, or if you are not satisfied that the project meets the referral criteria in section 22 of the Act.

Noted

- b. **Agree** that before deciding on the application for project referral under section 21(1) of the Act you have considered:

- i. the application in Appendix 2
- ii. the report obtained under section 18 in Appendix 4
- iii. the report obtained under section 19 in Appendix 5
- iv. any comments and further information sought under sections 17 and 20 and provided within the required timeframe in Appendix 6 and 7.

Yes / No

- c. **Agree** you are satisfied the project will meet the referral criteria in section 22 of the Act as:

- i. it is a development or infrastructure project that would have significant regional or national benefits because:
  - (1) it will increase the supply of housing through the provision of approximately 1,000 residential units
  - (2) it will deliver significant economic benefits by:
    - (a) providing approximately 60 full-time equivalent (FTE) jobs and contributing approximately \$91 million to GDP associated with design, infrastructure and civil construction over a 10-year period;
    - (b) providing or enabling approximately 271 FTE jobs and contributing approximately \$381 million to GDP associated with building construction over a 10-year delivery period; and
    - (c) enabling approximately 147 ongoing FTE jobs and approximately \$14 million annually to GDP through the operation of non-residential activities after construction is complete
- ii. referring the project to the fast-track approvals process would facilitate the project, including by enabling it to be processed in a more timely and cost-effective way than under normal processes because public and limited notification is precluded and appeal rights are limited
- iii. referring the project to the fast-track approvals process is unlikely to materially affect the efficient operation of the fast-track approvals process because the project is not overly complex and is similar to the type of application that panel members are experienced in dealing with under the Resource Management Act 1991.

Yes / No

d. **Agree** there is no reason the project must be declined under section 21(3).

Yes / No

e. **Agree** to accept the referral application under section 21(1) and refer all of the project to a panel under section 26(2).

Yes / No

f. **Agree** to specify Fulton Hogan Land Development Limited as the person who is authorised to lodge a substantive application for the project.

Yes / No

g. **Agree** to specify under section 27(3)(b) of the Act:

i. the following persons or groups from whom a panel must invite comments in addition to those specified in section 53 of the Act:

(1) Aukaha

(2) Te Ao Mārama Incorporated.

Yes / No

h. **Agree** that the Ministry for the Environment will provide your notice of decisions to:

i. anyone invited to comment on the application including local authorities and relevant Māori groups

ii. the panel convener

iii. the Environmental Protection Authority (EPA)

iv. the Department of Conservation as the relevant administering agency.

Yes / No

i. **Approve** the draft notice of decisions letter to the applicant (attached in Appendix 8).

Yes / No

## Signatures

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Ilana Miller  
**General Manager, Delivery and Operations**

Hon Chris Bishop  
**Minister for Infrastructure**

**Date:**

**Table A: Stage 2 analysis**

<b>Recommendation</b>	<u>Accept</u> the referral application and refer the project to the fast-track approvals process		
<b>Project details</b>	<b>Project Name</b>	<b>Applicants</b>	<b>Project Location</b>
	Parkburn	<p>Fulton Hogan Land Development Limited</p> <p>c/- Town Planning Group</p> <p>The applicant is registered as a New Zealand Limited Company and is eligible to apply.</p>	<p>922 Luggate-Cromwell Road (State Highway 6), Cromwell, located approximately 8 kilometres to the north of the Cromwell township and adjacent to Lake Dunstan / Te Wairere. The project will include works within the State Highway 6 (SH6) road reserve.</p> <p>Legal descriptions:</p> <ul style="list-style-type: none"> <li>• Section 64-65 Block IV Wakefield Survey District (RT OT10B/1452)</li> <li>• Part Section 62-63 Block IV Wakefield Survey District and Part Section 63 Block IV Wakefield Survey District and Section 1 Survey Office Plan 365897 and Section 4 Survey Office Plan 557380 (RT 1019401)</li> </ul>
<b>Project description</b>	<p>The project is to subdivide land and develop a mixed-use urban development at 922 Luggate-Cromwell Road (SH6), Cromwell, located approximately 8 kilometres to the north of the Cromwell township and adjacent to Lake Dunstan / Te Wairere. The project will include works to backfill and rehabilitate part of the existing Parkburn quarry site and works within the SH6 road reserve.</p> <p>The project will be applied for as a single substantive application but will be delivered in multiple stages. The project will include:</p> <ol style="list-style-type: none"> <li>a. bulk earthworks to backfill and rehabilitate a quarry</li> <li>b. subdivision to create approximately 1,000 allotments and enable construction of approximately 1,000 residential units across a range of densities (which may be constructed by a person or persons other than the applicant)</li> <li>c. subdivision to create allotments and enable construction of a neighbourhood centre (which may include retail, commercial, medical and early childhood education activities) and a primary school (all of which may be constructed by a person or persons other than the applicant)</li> <li>d. landscaping and development of an open space network including recreation and esplanade reserves, and restoration along the margins of Parkburn Stream and Lake Dunstan / Te Wairere</li> <li>e. formation of two coves extending into Lake Dunstan / Te Wairere</li> <li>f. associated infrastructure, including for three waters services and transport (including external site access works).</li> </ol> <p>The project will require the proposed approvals:</p> <ol style="list-style-type: none"> <li>a. resource consents under the Resource Management Act 1991 (RMA)</li> <li>b. a concession under the Conservation Act 1987</li> <li>c. approval under the Wildlife Act 1953.</li> </ol>		
<b>Minister invites comments / requests information</b>	<b>Summary of comments from invited parties</b>		
	<p><b>Local authorities</b></p> <p><u>Central Otago District Council (CODC)</u></p> <p>CODC provided no general comments on the referral application.</p> <p>In response to our section 17(3)(a) competing applications check, CODC advised it is not aware of any competing application or applications. In response to 17(3)(b) existing resource consents, CODC advised it is not aware of any existing resource consents issued where sections 124C(1)(c) or 165ZI of the RMA could apply.</p> <p><u>Otago Regional Council (ORC)</u></p> <p>ORC neither supported nor opposed project referral but noted the following:</p> <ul style="list-style-type: none"> <li>• the project is proximate to future public transport services proposed for the next 10 years and there is also an opportunity to strengthen active transport connections in the project design. There are currently no public transport services in the area, however if a future service between Cromwell and Wānaka, or a Cromwell township service, become viable, the proposed urban form, with some design changes, could support it to some extent. Future proofing the transport infrastructure to accommodate public transport is encouraged and the project's staging plan is supported</li> <li>• additional groundwater take/use and discharge consents may be required if dewatering occurs, and the CODC compliance team requests involvement in reviewing draft consent conditions</li> <li>• the applicant has a related site at Pembroke Heights in Wānaka where an abatement notice was issued in July 2024 and an infringement notice in April 2025</li> <li>• further information will be required to support a substantive application, including a Detailed Site Investigation and any required management or remediation plans, updated ecological surveys, including with field verification, and additional ecological assessments</li> <li>• ORC does not currently manage the margins of the Park Burn and further information will be required on the purpose, management and maintenance of the esplanade reserve.</li> </ul> <p>In response to our section 17(3)(a) competing applications check, ORC advised it is not aware of any competing application or applications. In response to 17(3)(b) existing resource consents, ORC advised it is not aware of any existing resource consents issued where sections 124C(1)(c) or 165ZI of the RMA could apply.</p>		

## **Ministers**

### Minister for Economic Growth

The Minister for Economic Growth noted the economic benefits identified in the applicant's economic assessment and considered the primary long-term benefit of the proposal would be the provision of additional housing which is critical for a growing economy. The Minister considered the project would provide a significant boost in housing supply and could be assessed under section 22(2)(a)(iii) of the Act for its potential to increase housing supply, address housing needs or contribute to a well-functioning urban environment.

### Associate Minister of Transport

The Associate Minister of Transport supported project referral and considered the project aligns with the Government's strategic priorities of housing development and economic growth. The Minister did not provide comments on the operational impacts of the project on the local transport network but noted that ORC, CODC and the New Zealand Transport Agency have been involved in the development of the referral application and could provide comments on these aspects.

### Minister for the Environment

The Minister for the Environment responded with no comment on the referral application.

## **Māori groups**

### Kāti Huirapa Rūnaka ki Puketeraki (Puketeraki)

Puketeraki neither supported nor opposed project referral but noted it has a mana whenua interest in the project area under the Te Rūnanga o Ngāi Tahu Act, and that the area is very significant with many geographic features having statutory acknowledgements underlining their cultural significance. Puketeraki noted it, alongside other Papatipu Rūnanga, has had constructive dialogue with the applicant on proposed consultation and engagement for the project, its effects and mitigation, and that it has entered into an agreement with the applicant that addresses these matters. Puketeraki was yet to form a view on the merits of the project but expected to do so following further engagement with the applicant.

## **Administering agencies**

### Department of Conservation (DOC)

DOC was not aware of any reason the project should not be referred. DOC noted it does not have sufficient information to determine the level of any actual or potential environmental effects of the project but that it is likely that with appropriate design and conditions, effects can be managed to appropriate levels.

DOC noted the information in the referral application was adequate, however detailed ecological surveys would be required to support a substantive application for the project and a Wildlife Act approval should be applied for to protect wildlife present at the site that are likely to be impacted. DOC also noted the application for a concession would need to include the details required under the Act, including details of the type of concession being sought, and recommended the applicant undertake further consultation with DOC prior to finalising and lodging a substantive application.

DOC noted that a Wildlife Act approval for the project would not take significantly longer than the process under the Act, however noted there may be benefits to the applicant in combining this with RMA approvals.

To provide for the most-efficient use of the 'one stop shop' approach of the Act, DOC recommended the applicant consider whether any additional approvals are required for the project, including any culverts that might require a complex freshwater fisheries activity approval, and that these be included within the scope of the referral application. DOC noted there have been other fast-track projects where exclusion of some conservation approvals has resulted in inefficiencies and additional costs. The applicant has confirmed that no complex freshwater fisheries activities approvals are sought.

DOC did not make any specific recommendations with respect to your directions to the applicant or the panel.

## **Other persons or groups**

### New Zealand Transport Agency Waka Kotahi (NZTA)

NZTA did not oppose project referral but noted it would need to see a substantive application for the project to fully understand the potential adverse effects on the state highway network and any necessary mitigation measures. NZTA noted it has had pre-application engagement with the applicant on matters of interest to NZTA, including the effects of highway traffic noise on proposed noise sensitive activities. NZTA also noted it was involved as a submitter on Plan Change 21 (PC21) that rezoned the site for urban development, and through that process it agreed on transport infrastructure plan change provisions with the applicant. NZTA considers the PC21 provisions set a baseline for the management of effects on the state highway and supports the inclusion of a potential school site and commercial centre, internal road connections to the north and south of the project area, an active mode connection to the Lake Dunstan Trail, and internal road designs to support future public transport services.

In addition to the information already identified by the applicant, NZTA noted the substantive application should include an updated integrated transport assessment (including detailed trip generation data), detailed information for internal road connections to adjacent properties and the Lake Dunstan Trail, and mitigation measures to address the effects of highway traffic noise on proposed noise sensitive activities.

We note the project area is live-zoned for urban development, and we do not consider it necessary for you to require the applicant to submit specific transport-related assessments with their substantive application to a panel. We consider these matters will generally be covered by the requirements of clause 5 Schedule 5 of the Act.

### Contact Energy Limited

Contact Energy Limited neither supported nor opposed project referral but identified two matters of potential concern. Firstly, that the elevation of all private land and road reserves within the project area should be a minimum of 197.0 metres to reduce flooding risks from Lake Dunstan (noting Contact's normal operating maximum water level is 194.5 metres), and secondly, that an easement or deed of covenant over the proposed 'small lake cove' lots will be required to provide for Contact's water storage, and protect against liability for issues such as flooding, damage and maintenance. Contact Energy Limited considered both matters can be managed appropriately through design solutions or by registering an easement or deed of covenant on the relevant titles.

Contact Energy Limited also reserved the right to review the technical reports once they become available to formalise its position on the project.

	<p><b>Further information from applicant, relevant local authorities, relevant administering agencies</b></p> <p><b>The applicant</b></p> <p>Following the Stage 1 briefing, the applicant provided clarification on their compliance history and confirmed that no culverts will be installed as part of the project that would require a complex freshwater fisheries activity approval.</p> <p><b>Local authorities</b></p> <p><u>CODC</u></p> <p>The referral application noted that CODC are currently working through a road stopping process with respect to an unformed legal road that extends through the project area. CODC were therefore asked for additional information on the timeframe for completion of the road stopping process and whether this process may prevent or delay project delivery. In response, CODC advised that its elected members have authorised CODC staff to work through the required road stopping process without further approval being needed from elected members (unless there are objections received via the public notification process under the Local Government Act 1974). CODC anticipated the public notification process would begin early in 2026 but could not provide certainty of outcome or timeframes.</p> <p>We note the unknown outcome of the road stopping process presents a risk to the applicant of project delivery, however given the location and orientation of the unformed legal road we consider this is a design issue that can be addressed by the applicant and considered by a panel in a substantive application for the project.</p>
<p><b>The Minister must decline an application if the Minister is satisfied that the project involves an ineligible activity [section 21(3)(b)]</b></p>	<p>Based on the information in the application, we consider you can be satisfied the project does not involve an ineligible activity because it:</p> <ul style="list-style-type: none"> <li>• would not occur on identified Māori land, Māori customary land or a Māori reservation as confirmed by the relevant records of title</li> <li>• would not occur in a customary marine title area or protected customary rights area as it is not in the common marine and coastal area</li> <li>• is not an aquaculture activity or activity that is incompatible with aquaculture activities that would occur in an aquaculture settlement area and for which the applicant is not authorised to apply for a coastal permit because it will not occur in the common marine and coastal area or an aquaculture settlement area</li> <li>• would not require an access arrangement which cannot be granted under the Crown Minerals Act (including s61(1A)) because it does not include an access arrangement</li> <li>• would not be prevented by section 165J, M, Q, ZC or ZDB of the RMA because it will not occur in the common marine and coastal area</li> <li>• would not occur on Schedule 4 land as confirmed by the records of title</li> <li>• would not occur on a national reserve as confirmed by the records of title</li> <li>• would not occur on a reserve held under the Reserves Act 1977 that is managed by or vested in someone other than the Crown or a local authority and that person has not consented in writing as confirmed by the records of title</li> <li>• is not a prohibited activity or decommissioning activity under the Exclusive Economic Zone and Continental Shelf (Environmental Effects) Act 2012, or a prohibited activity under s15B or s15C of the RMA and no such activities are proposed</li> <li>• is not for the purpose of an offshore renewable energy project.</li> </ul> <p>No comments raised by parties invited to comment have indicated that the project would be ineligible for referral.</p>
<p><b>The Minister must decline an application if the Minister considers they do not have adequate information to inform the decision [section 21(3)(c)]</b></p>	<p>We consider that you have adequate information to inform the referral decision.</p>
<p><b>Section 22 assessment criteria</b></p>	
<p><b>The project is an infrastructure or development project that would have significant regional or national benefits [section 22(1)(a)]</b></p>	<p>You <u>must</u> consider a relevant Government Policy Statement (GPS) [s22(1A)].</p> <p>The only current relevant GPS is the Government Policy Statement on Grocery Competition. The project includes subdivision to create allotments and enable construction of a neighbourhood centre which may include retail and commercial activities. However, there is no clear indication that the commercial activities will include a supermarket development or grocery-related activities, therefore we consider the Government Policy Statement on Grocery Competition is not relevant to your decision.</p> <p>You <u>may</u> consider any of the following matters, or any other matters you consider relevant.</p> <p><i>Will increase the supply of housing, address housing needs, or contribute to a well-functioning urban environment [s22(2)(a)(iii)]</i></p> <p>The applicant notes the project will provide for an additional approximately 1,000 residential units and considers this will make a significant contribution to housing supply within the Cromwell and wider Central Otago District, directly responding to identified housing needs. The applicant considers the project will provide additional, more affordable housing opportunities, particularly for those currently priced out of nearby centres such as Queenstown and Wānaka. The applicant also considers the increased housing supply and land capacity, enhanced economic activity and local employment, upgrades and efficient utilisation of existing infrastructure, and establishment of a local commercial centre, will contribute meaningfully to a well-functioning urban environment.</p>

	<p>The Minister for Economic Growth considered the project would increase housing supply and the Associate Minister of Transport considered the project aligns with the Government's strategic priorities of housing development and economic growth.</p> <p>We note that some of the allotments proposed for residential use may be on-sold as vacant land and a third party or parties may be responsible for constructing some of the residential units. Whilst some of the housing supply benefits will therefore be attributable to third parties, they are still associated with and a result of the project. We consider the provision of approximately 1,000 residential units will increase the supply of housing and can be considered regionally significant, and that you can refer the project on this criterion.</p> <p><i>Will deliver significant economic benefits [s22(2)(a)(iv)]</i>  The applicant has provided an economic assessment in support of the project and considers the project will generate a wide range of significant economic benefits. These include:</p> <ul style="list-style-type: none"> <li>• providing approximately 60 full-time equivalent (FTE) jobs and contributing approximately \$91 million to GDP associated with design, infrastructure and civil construction over a 10-year delivery period</li> <li>• providing or enabling approximately 271 FTE jobs and contributing approximately \$381 million to GDP associated with building construction over a 10-year delivery period</li> <li>• enabling approximately 147 ongoing FTE jobs and approximately \$14 million annually to GDP through the operation of non-residential activities.</li> </ul> <p>We note that some of the allotments proposed for residential use may be on-sold as vacant land and a third party or parties may be responsible for constructing some of the residential units. Similarly, built development within the neighbourhood centre and of the primary school may be delivered by a third party or parties. Whilst some of the economic benefits outlined by the applicant will therefore be attributable to third parties, they are still associated with and a result of the project.</p> <p>We consider the economic information provided by the applicant is adequate to inform your referral decision and accept the project will deliver significant economic benefits.</p> <p><i>Will support development of natural resources, including minerals and petroleum [s22(2)(a)(v)]</i>  The applicant considers the proposal will enable additional housing supply that can support the demands that are expected to arise from the proposed mining operations planned across Central Otago.</p> <p>There is no evidence the project will support the development of natural resources and we do not consider you should use this as a basis for referral.</p> <p><i>Will support climate change mitigation, including the reduction or removal of greenhouse gas emissions [s22(2)(a)(vii)]</i>  The applicant considers the following features of the project promote a low-carbon urban form, support climate change mitigation and the reduction of greenhouse gas emissions:</p> <ul style="list-style-type: none"> <li>• provision of retail and commercial activities, and a potential future school site, to reduce the need to travel to Cromwell for daily needs</li> <li>• road network design to support integrated and efficient movement of traffic and to accommodate future public transport services</li> <li>• connection to existing walking and cycling trail to promote active transport and reduce private vehicle reliance.</li> </ul> <p>We agree that some features of the project may promote a low-carbon urban form, however we do not consider the project will support climate change mitigation to the extent that it is likely to be a significant regional benefit. We therefore do not consider you should use this as a basis for referral.</p> <p><i>Will support climate change adaptation, reduce risks arising from natural hazards, or support recovery from events caused by natural hazards [s22(2)(a)(viii)]</i>  The applicant notes the site is generally free from natural hazards but considers the integrated urban layout, local convenience, employment and active transport opportunities contribute to a more adaptive, resilient, and low-carbon urban environment, consistent with national climate adaptation priorities.</p> <p>We do not consider this is likely to be a significant regional benefit, and do not consider you should use this as a basis for referral.</p> <p><i>Will be consistent with local or regional planning documents, including spatial strategies [s22(2)(a)(x)]</i>  The applicant notes the site is already zoned for urban development and the project will provide for additional opportunities and maximise the efficient use of the land resource to meet the housing needs of the region. The applicant considers the project is consistent with the relevant regional planning documents but acknowledges there may be some inconsistency with the Central Otago District Plan (CODP) provisions specific to the Parkburn development area.</p> <p>Due to the potential misalignment of the project with the CODP provisions, we do not consider you should use this criterion as a basis for referral.</p> <p><i>Any other matters that may be relevant [s22(b)]</i>  The applicant notes the project will deliver a range of positive outcomes including an improved visual outlook of the site, riparian planting and improved ecological and freshwater outcomes for Parkburn Stream and Lake Dunstan / Te Wairere.</p> <p>While the restoration along the margins of Parkburn Stream and Lake Dunstan / Te Wairere may have positive effects, we do not consider you should refer the project on the basis of this other matter.</p>
<p><b>Referring the project to the fast-track approvals process [section 22(1)(b)]</b></p>	<p><i>Would facilitate the project, including by enabling it to be processed in a more timely and cost-effective way than under normal processes [s22(1)(b)(i)]</i>  The application notes the departures from the relevant Structure Plan for the site under the CODP and the non-complying activity status are likely to create significant delays if the project proceeds under normal RMA processes. The applicant also considers the ability to advance a plan change is limited given the recent operative status of the Structure Plan and therefore referral through the Act will support and facilitate more timely and efficient delivery of the project.</p> <p>We agree with the applicant that the use of the fast-track process would facilitate the project in a more timely and cost-effective manner than under conventional RMA pathways, primarily because public and limited notification is precluded and appeal rights are limited.</p>

	<p><i>Is unlikely to materially affect the efficient operation of the fast-track approvals process [s22(1)(b)(ii)]</i>  The applicant considers the activities involved in the project (earthworks and urban development) are straightforward in nature therefore the proposal is not expected to impact the efficiency of the fast-track approvals process.</p> <p>We agree the project will not significantly impact the efficiency of the fast-track approvals process.</p>
<b>Reasons to decline</b>	
<b>Minister <u>must</u> decline [section 21(3)]</b>	<p><i>The Minister <u>must</u> decline a referral application if:</i></p> <p><i>The application may not be accepted under subsection 1 (meets referral criteria)</i>  We consider the project meets the referral criteria.</p> <p><i>The Minister is satisfied the project involves an ineligible activity</i>  We do not consider the project includes an ineligible activity.</p> <p><i>The Minister considers that they do not have adequate information to inform the decision under this section</i>  We consider you have adequate information to inform your decision.</p> <p>We do not consider that you must decline the application under this section.</p>
<b>Minister may decline [section 21(4) and 21(5)(a-h)]</b>	<p>You <u>may</u> decline a referral application for any other reason, whether or not it meets the criteria in section 22.</p> <p>Reasons to decline a referral application under subsection 4 include, without limitation:</p> <p><i>The project would be inconsistent with a Treaty settlement, Ngā Rohe Moana o Ngā Hapū o Ngāti Porou Act 2019, Marine and Coastal Area (Takutai Moana) Act 2011, a Mana Whakahono ā Rohe, or a joint management agreement</i>  No inconsistencies have been identified within the Section 18 Treaty settlements report.</p> <p><i>It would be more appropriate to deal with the matters that would be authorised by the proposed approvals under another Act or Acts</i>  The Section 18 Treaty settlements report does not state it would be more appropriate to deal with the matters that would be authorised by the proposed approvals under another Act or Acts.</p> <p><i>The project may have significant adverse effects on the environment</i>  The applicant identified the project has the potential for adverse environmental effects, including effects from earthworks and construction, geotechnical and land contamination effects, landscape, character and amenity effects, transport related effects, servicing and infrastructure effects, reverse sensitivity effects and ecological effects. The applicant provided preliminary technical assessments covering some of these matters and considers that no significant environmental constraints or adverse effects have been identified that would prevent the site from being developed for the proposed residential and mixed-use activities.</p> <p>No comments received raised concerns regarding significant adverse effects on the environment.</p> <p><i>The applicant(s) has a poor compliance history under a specified Act that relates to any of the proposed approvals</i>  The application details that Auckland Council issued Abatement Notice ABT21733379 in respect of a property owned by the applicant at 1636 Dairy Flat Highway where the farmer leasing the site had mistakenly undertaken work within an area deemed to be a waterway. The applicant undertook the corrective actions required under the Abatement Notice and the matter was closed by Auckland Council on 12/11/2024.</p> <p>ORC commented that the applicant has a site at Pembroke Heights in Wānaka where an abatement notice was issued in July 2024 and an infringement notice in April 2025. However, the applicant has clarified that these compliance issues relate to WFH Properties Ltd who are the developer of Pembroke Heights, and not the applicant. The applicant is a partner in WFH Properties Ltd, however it has a different governance and management structure to the applicant.</p> <p>We consider these matters to be minor in nature and do not consider you should decline the referral application on the basis of poor compliance history.</p> <p><i>The project area includes land that the Minister for Treaty of Waitangi Negotiations considers necessary for Treaty settlement purposes</i>  No such land has been identified.</p> <p><i>The project includes an activity that is a prohibited activity under the Resource Management Act 1991</i>  Neither the applicant, CODC or ORC have identified any prohibited activities for the project under the RMA.</p> <p><i>A substantive application for the project would have one or more competing applications</i>  No competing applications have been identified at this stage; however, we note the Environmental Protection Authority (EPA) is required to re-check this following the lodgement of a substantive application.</p> <p><i>In relation to any proposed approval of the kind described in section 42(4)(a) (resource consents), there are one or more existing resource consents of the kind referred to in section 30(3)(a)</i>  No such resource consents have been identified, including by the applicant, CODC or ORC.</p>

*Any other matter*

The layout of the project requires an unformed legal road that extends through the project area to be stopped. CODC advised that its elected members have authorised CODC staff to work through the required road stopping process without further approval being needed from elected members (unless there are objections received via the public notification process under the Local Government Act 1974). CODC anticipated the public notification process would begin early in 2026 but could not provide certainty of outcome or timeframes.

We note the unknown outcome of the road stopping process presents a risk to the applicant of project delivery, however given the location and orientation of the unformed legal road we consider this is a design issue that can be addressed by the applicant and considered by a panel in a substantive application for the project.

We do not consider you should decline the referral application.

## Appendix 1: Statutory framework summary

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1. You are the sole decision maker for referral applications. If you accept a referral application, then the whole or part of the project will be referred to the fast-track approvals process.
2. If a Treaty settlement, the Marine and Coastal Area (Takutai Moana) Act 2011, the Ngā Rohe Moana o Ngā Hapū o Ngāti Porou Act 2019, a Mana Whakahono ā Rohe or a joint management agreement provides for consideration of any document or procedural requirements, you must, where relevant:
  - a. give the document the same or equivalent effect through this process as it would have under any specified Act; and
  - b. comply with any applicable procedural requirements.
3. You must decline a referral application if:
  - a. you are satisfied the project does not meet the referral criteria in s22
  - b. you are satisfied the project involves an ineligible activity (s5)
  - c. you consider you do not have adequate information to inform your decision.
4. You may decline an application for any other reason, including those set out in s21(5) and even if the application meets the s22 referral criteria.
5. You can decline an application before or after inviting comments under s17(1). However, if comments have been sought and provided within the required time frame, you must consider them, along with the referral application, before deciding to decline the application.
6. If you do not decline a referral application at the initial stage you must copy the application to, and invite written comments from:
  - a. the relevant local authorities,
  - b. the Minister for the Environment and relevant portfolio Ministers
  - c. the relevant administering agencies
  - d. the Māori groups identified by the responsible agency
  - e. the owners of Māori land in the project area (if applicable)
  - f. you may provide the application to and invite comments from any other person.
7. You can request further information from an applicant, any relevant local authority or any relevant administering agency at any time before you decide to decline or accept a referral application (see section 20 of the Act).
8. However, if further information has been sought and provided within the required time frame you must consider it, along with the referral application, before deciding to decline the application.