

## FTAA–2505–1078: Application received for referral of the project under the Fast-track Approvals Act 2024 – Stage 2 decisions

### Project Name: Ridgeburn

|                 |                |                      |        |
|-----------------|----------------|----------------------|--------|
| Date submitted: | 2 October 2025 | Tracking #: BRF–6811 |        |
| Security level: | In-Confidence  | MfE priority:        | Urgent |

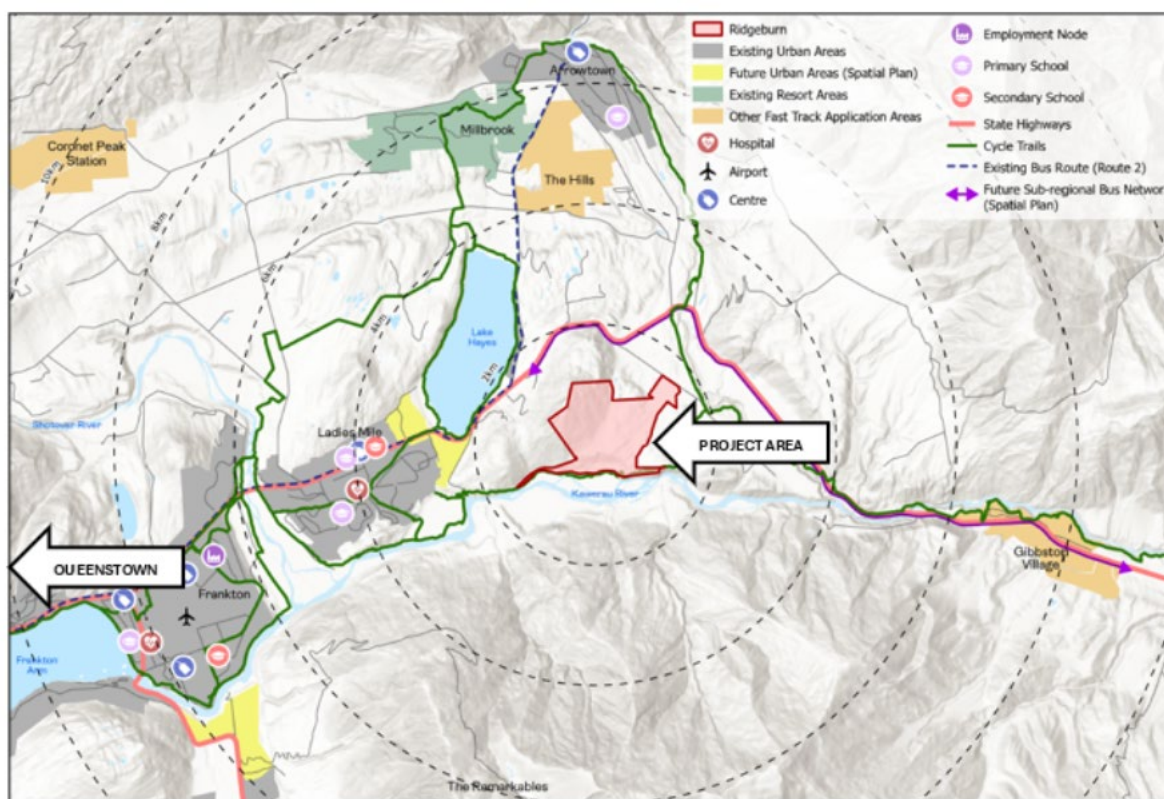
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|--------------------------------------------------|-----------------------------|----------------|
|                                                  | Action sought:              | Response by:   |
| To Hon Chris Bishop, Minister for Infrastructure | Decision on recommendations | 9 October 2025 |

|                                     |                                                                                                                                                                                                                                                                                                                                                                                                                                                                       |
|-------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Actions for Minister's Office staff | Return the signed briefing to MfE – email to: <a href="mailto:FTAreferrals@mfe.govt.nz">FTAreferrals@mfe.govt.nz</a><br>Approved the attached notice of decisions letter (if signed).                                                                                                                                                                                                                                                                                 |
| Number of attachments: 6            | Appendices: <ol style="list-style-type: none"> <li>Statutory framework for making decisions</li> <li>Application documents for Ridgeburn (refer File Exchange)</li> <li>Stage 1 Briefing decisions (refer File Exchange)</li> <li>Section 18 Report on Treaty settlements and other obligations (refer File Exchange)</li> <li>Comments received from all parties the Minister invited to comment (refer File Exchange)</li> <li>Draft Notice of Decisions</li> </ol> |

### Ministry for the Environment contacts

| Position                                                   | Name              | Cell phone | 1 <sup>st</sup> contact |
|------------------------------------------------------------|-------------------|------------|-------------------------|
| Principal Author                                           | Max Gander-Cooper |            |                         |
| Manager                                                    | Stephanie Frame   | s 9(2)(a)  | ✓                       |
| Acting General Manager, Investment Strategy and Operations | Suzanne Doig      | s 9(2)(a)  |                         |

## Project area



## Key messages

1. This briefing seeks your decisions under section 21 of the Fast-track Approvals Act 2024 (the Act) on the application from Ridgeburn Limited (the applicant) to refer the Ridgeburn 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-6492) with your initial decisions annotated is in Appendix 3.
3. The project is to develop a comprehensive residential and mixed-use development on approximately 212 hectares at 122 Morven Ferry Road, Arrow Junction, near Queenstown. The project may include works within the road reserves of Morven Ferry Road and State Highway 6.
4. The project involves:
  - a. the establishment and operation of approximately 1250 residential units (including 180 affordable units), a workers accommodation/accommodation complex, and commercial village precinct (which may include retail, hospitality, community services, office space, supermarket and daycare)
  - b. 60 hectares of landscape and ecological enhancement, including native planting
  - c. integration with existing and proposed walking and cycling trails

5. The project will require the proposed approvals:
  - a. Resource consents under the Resource Management Act 1991
  - b. Wildlife approvals under the Wildlife Act 1953
  - c. Archaeological approvals under the Heritage New Zealand Pouhere Taonga Act 2014.
6. We recommend you **accept** the referral application as the project meets the criteria set out in section 22 of the Act and does not appear to involve an ineligible activity.
7. We seek your decisions on this recommendation and on the proposed directions to the applicant and the expert 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 report in Appendix 4, the written comments from invited parties in Appendix 5, and any document that requires your consideration under section 16 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 where 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 in Appendix 4 identifies ten groups as the relevant Māori groups identified under s18(2).
12. The Ngāi Tahu Claims Settlement Act 1998 is the relevant Treaty settlement for the project area, and the section 18 report does not identify any other obligations such as Mana Whakahono ā Rohe or joint management agreements.
13. While the Ngāi Tahu settlement provides for a statutory acknowledgement over Lake Wakatipu, downstream of the Kawarau River which flows past the project area, this is some distance away and the information provided by the applicant suggests it will not be affected by the project. We have not identified any other provisions of the Treaty settlement which may be relevant to this application.
14. Kāti Huirapa Rūnaka ki Puketeraki and Te Ao Mārama Inc provided comments on the referral application. Both expressed a neutral position on the application, until they have more information to assess the impacts of the project, but are continuing to engage with the applicant.
15. The Minister for Māori Development/Minister for Māori Crown Relations: Te Arawhiti supports the application subject to the applicant continuing to engage with the identified Māori groups in this report. We do not consider it necessary to include a requirement for the applicant to provide evidence of their continued engagement with the Māori groups identified. We note an expert panel considering a substantive application for the project must invite comments from relevant iwi authorities and Treaty settlement entities, and

may invite comment from any other person they consider appropriate, under section 53 of the Act.

16. The section 18 report does not identify 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**

17. We do not consider there are any effects of Treaty settlements or other documents on decision-making.

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

18. The project initially included a water supply option that would have required an easement across public conservation land. The applicant has since confirmed this option will not be pursued therefore no section 19 report is required.

### **Written comments received**

19. Comments were received from Queenstown Lakes District Council (QLDC), Otago Regional Council (ORC), two Ministers, Department of Conservation (DOC), Heritage New Zealand Pouhere Taonga (HNZPT), New Zealand Transport Agency Waka Kotahi (NZTA), Kati Huirapa Rūnaka ki Puketeraki (KHRP) and Te Ao Mārama Inc. The key points of relevance to your decisions are summarised in Table A.
20. The key points from the comments are:
- a. QLDC did not specifically oppose project referral but raised concerns around infrastructure (transport, wastewater, water supply and stormwater management) needed to support the development.
  - b. ORC neither supported nor opposed project referral but raised concerns about groundwater quality and potential infrastructure constraints to service the project.
  - c. The Minister for Economic Growth acknowledged the benefits of the project while not commenting specifically on whether she considered they were significant either regionally or nationally.
  - d. The Associate Minister of Housing did not oppose the project being referred and considered it will help increase housing supply.
  - e. DOC commented that with appropriate design and conditions, effects can be managed and DOC is not aware of any other reason the project should not be referred. DOC noted that the project may require Conservation Act 1987 approvals for a water supply pipeline over public conservation land. We discuss this further in Table A.
  - f. HNZPT neither supported nor opposed project referral but requested you specify certain information the applicant should provide with their substantive application, and parties from whom a panel should invite comments. We note that HNZPT are a relevant administering agency for this project and we agree with their request that an expert panel invite comments from Aukaha and Te Ao Mārama Inc. We also note that both of these groups are identified in the section 18 report as other Māori groups with relevant interests (section 18(2)(k)).

- g. NZTA did not oppose project referral but raised concerns about the effects of the project on the State Highway network, and requested if the project is referred you require the applicant to provide an Integrated Transport Assessment with their substantive application. We consider you should require the applicant to provide additional information with their substantive application in response to this request.
- h. Te Ao Mārama and KHRP neither supported nor opposed project referral.
- i. The Minister for Arts, Culture and Heritage, Minister for the Environment and Minister for Regional Development responded with no comments on the application.

### **Further information provided by applicant, relevant local authorities, relevant administering agencies**

- 21. You requested further information from QLDC under section 20 of the Act. We have taken the information provided into account in Table A.

### **Reasons to decline**

- 22. The statutory framework in Appendix 1 sets out the situations where you must decline the application for referral under section 21(3).
- 23. We do not consider you must decline this application.
- 24. 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 Table A.
- 25. We have considered the matters in section 21(4) and this is discussed in Table A. We do not consider you should decline the project for any of these reasons.

### **Reasons to accept**

- 26. The statutory framework in Appendix 1 sets out the reasons you can accept a project for referral.
- 27. 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 as a residential and mixed-use development that would have significant regional or national benefits because it:
    - i. will increase the supply of housing and address housing needs
    - ii. will deliver significant economic benefits
  - b. 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 the complexity of the existing planning framework, including rural zoning, means the project would require a private plan change or a suite of non-complying resource consents. These paths would likely involve notification, lengthy processing timeframes, and appeal risk
  - c. 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 a land development project that is not novel in the New Zealand context

and is consistent with applications which could be considered under the existing consenting regimes.

## Other matters

28. We have identified an issue further to the matters identified above and our analysis of this is in Table A.
29. QLDC, ORC and NZTA all raised concerns that the project is likely to have adverse effects on existing transport infrastructure and may require upgrades to that infrastructure which is not currently planned or funded.
30. QLDC also identified that, while the project proposes to deliver private water and wastewater solutions, the applicant indicates these may be vested in Council in the future. Given the location of the project site in relation to existing infrastructure, QLDC has stated it would not accept vesting.
31. We note the recent draft decline decision<sup>1</sup> issued by the expert panel for the Delmore listed project indicated that the inability of the project to be serviced by existing infrastructure was a sufficiently significant adverse impact that it outweighed the benefits of the project.
32. While we do not consider the situation for this project is analogous, as the applicant here proposes to deliver private infrastructure to service the project, there is a possibility that the effects of the project on infrastructure could be considered a significant adverse impact by a panel.
33. We recommend that in order to address this you require the applicant to provide detailed infrastructure capacity assessments with their substantive application, including evidence of consultation with the relevant infrastructure providers where appropriate.

## Conclusions

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34. We consider the project meets the section 22 criteria and you could accept the application under section 21 of the Act and refer the project to a panel with the specifications outlined below.
35. If you decide to refer the project, we recommend specifying under section 27 of the Act that the panel must invite comments from the Chief Executive of NZTA, Te Ao Mārama Inc and Aukaha in addition to those persons and groups listed in section 53.
36. This recommendation acknowledges NZTA's role in managing the state highway network and provides an opportunity for them to comment on any potential effects on the state highway network at the substantive application stage. This recommendation also addresses the request from HNZPT as an administering agency for this project.

## Next steps

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37. The Ministry for the Environment (MfE) 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.

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<sup>1</sup> <https://www.fasttrack.govt.nz/projects/delmore/draft-decision-and-conditions>

38. If you decide to refer the project, MfE 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. On your behalf we will provide all 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
40. We have attached a draft notice of decisions letter to the applicant based on our recommendations in Appendix 6 that we will provide to all relevant parties. We will provide you with an amended letter if required.
41. Our recommendations for your decisions follow.

## Recommendations

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42. 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 Ridgeburn Limited for the Ridgeburn project (the project) if you are satisfied that 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 referral of the project 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. any comments and further information sought under sections 17 and 20 and provided within the required timeframe in Appendix 5.

Yes / No

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

- i. it is an infrastructure or development project that would have significant regional or national benefits because it:
  - (1) will increase the supply of housing, and address housing needs by providing approximately 1250 new residential units
  - (2) will deliver significant economic benefits, including \$997 million in direct expenditure and contributing 1462 job-years
- 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 the complexity of the existing planning framework, including rural zoning, means the project would require a private plan change or a suite of non-complying resource consents. These paths would likely involve notification, lengthy processing timeframes, and appeal risk.
- 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 a land development project that is not novel in the New Zealand context and is consistent with applications which could be considered under the existing consenting regimes.

Yes / No

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

Yes / No

- e. **Agree** to accept the referral application under section 21(1) of the Act and refer the whole project to the next stage of the fast-track process under section 26(2)(a).

Yes / No

- f. **Agree** to specify Ridgeburn 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)(ii) the following information the applicant must submit with the substantive application for the project:

- i. a transport infrastructure assessment that—
  - (1) identifies the existing capacity of the local road network and State Highway 6 to service traffic associated with both the project while it is carried out and the resulting development; and
  - (2) identifies any upgrades to the local road network and State Highway 6 that are required to service that traffic; and
  - (3) identifies any funding required to carry out those upgrades (including who will provide that funding); and
  - (4) contains information on any discussions held, and any agreements made, between the authorised person and Queenstown-Lakes District Council or the New Zealand Transport Agency (or both) about transport infrastructure (including discussions and agreements about the matters referred to in subparagraphs (1) to (3))
- ii. an assessment of the relevant infrastructure for three waters services that—
  - (1) identifies the existing condition and capacity of that infrastructure; and
  - (2) identifies any upgrades to that infrastructure that are required in connection with the subdivision and the proposed development; and
  - (3) identifies any funding required to carry out those upgrades (including who will provide that funding);
  - (4) contains information on any discussions held, and any agreements made, between the authorised person and Queenstown-Lakes District Council about the relevant infrastructure (including discussions and agreements about the matters referred to in subparagraphs (1) to (3)).

Yes / No

- h. **Agree** to specify under section 27(3)(b)(iii) of the Act the following persons or groups from whom a panel must invite comments in addition to those specified in section 53:

- i. the Chief Executive of NZ Transport Agency Waka Kotahi
- ii. Aukaha

iii. Te Ao Mārama Incorporated

Yes / No

i. **Agree** that on your behalf the Ministry will provide your notice of decisions to:

- i. anyone invited to comment on the application including relevant local authorities, relevant administering agencies, the Minister for the Environment and relevant portfolio Ministers, and relevant Māori groups
- ii. the panel convener
- iii. the Environmental Protection Authority

Yes / No

j. **Sign** the notice of decisions letter to the applicant attached in Appendix 6.

Yes / No

## Signatures

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Suzanne Doig  
**Acting General Manager, Investment Strategy and Operations**

Hon Chris Bishop  
**Minister for Infrastructure**

**Date:**

Table A: Stage 2 analysis

| Recommendation                                           | Accept and refer                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                |                                                                                                                                       |                                                                                                                              |
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| Project details                                          | Project Name                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    | Applicant                                                                                                                             | Project Location                                                                                                             |
|                                                          | Ridgeburn                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       | Ridgeburn Limited<br>c/- Barker & Associates<br><br>The applicant is a legal company and eligible to apply for the relevant approvals | 122 Morven Ferry Road, Arrow Junction, near Queenstown and within the road reserve of Morven Ferry Road and State Highway 6. |
| Project description                                      | <p>The project is to develop a comprehensive residential and mixed-use development on 212 hectares at 122 Morven Ferry Road, Arrow Junction, near Queenstown. The project may include works within the road reserves of Morven Ferry Road and State Highway 6.</p> <p>The project involves:</p> <ol style="list-style-type: none"> <li>the establishment and operation of approximately 1250 residential dwellings/units (including 180 affordable dwellings/units), a workers accommodation/accommodation complex, and commercial village precinct (which may include retail, hospitality, community services, office space)</li> <li>60 hectares of landscape and ecological enhancement, including native planting</li> <li>integration with existing and proposed walking and cycling trails</li> </ol> <p>The project will require the proposed approvals:</p> <ol style="list-style-type: none"> <li>Resource consent approvals under Resource Management Act 1991 (RMA)</li> <li>Wildlife approvals under the Wildlife Act 1953</li> <li>Archaeological approvals under the Heritage New Zealand Pouhere Taonga Act 2014.</li> </ol>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                     |                                                                                                                                       |                                                                                                                              |
| Minister invites written comments / requests information | Written comments from invited parties                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                           |                                                                                                                                       | Further information from applicant, relevant local authorities, relevant administering agencies                              |
|                                                          | <p><b>Local authorities</b></p> <p><u>Queenstown Lakes District Council (QLDC)</u><br/>QLDC is not aware of any competing applications nor consents under section 142C(1)(c) or 165ZI of the RMA.</p> <p>QLDC considered that as it has not been provided with a full draft application prior to lodgement, the applicant's obligations under section 11 have not been satisfied.</p> <p>While QLDC did not expressly oppose project referral, it noted the following concerns:</p> <ul style="list-style-type: none"> <li>The project is not located in a future growth area, nor is it consistent with any QLDC plan or policy, and the proposed District Plan directs that growth outside of the urban growth boundary should be avoided</li> <li>The project site is located within and adjacent to an Outstanding Natural Feature, and QLDC have concerns about whether and to what extent the values of that feature will be protected</li> <li>The project will pose significant issues for QLDC if the proposed private water and wastewater systems are intended to be vested in the council</li> <li>The Environment Court turned down a recent rezoning application for a neighbouring site, despite that only seeking provision for 30 additional homes.</li> </ul> <p>QLDC raised particular concerns about the effects of the project on transport (including congestion arising from increased road users), on the adjacent Outstanding Natural Landscape and Outstanding Natural Feature, and on water and wastewater infrastructure. The applicant has indicated that they may connect the private water and wastewater solution associated with the project to the council's infrastructure. QLDC has identified that there is no council infrastructure near the project site, nor is there any planned for approximately 30 years, so QLDC would not be in a position to accept any vested infrastructure.</p> <p>QLDC raised concerns about whether the adverse effects of the project on outstanding natural values could be mitigated.</p> <p>With regard to significant regional or national benefits, QLDC acknowledged it is commendable that the applicant seeks to provide additional housing, it is inappropriate in the proposed location and the adverse impacts may outweigh the benefits of the project.</p> <p>QLDC also noted the listed project – Homestead Bay is currently progressing through substantive consideration and includes 2500 houses and a commercial area, and if it is successful then demand for housing and commercial space in the district may need to be reevaluated.</p> <p>Some QLDC comments anticipate a level of technical information that is not required for you to decide the referral but will be expected for a substantive application.</p> <p><u>Otago Regional Council (ORC)</u><br/>ORC commented that the project had no competing applications and there are no relevant consents under sections 124C(1)(c) or 165ZI of the RMA.</p> |                                                                                                                                       | The further information from QLDC on the significance of benefits has been included in their wider comments.                 |

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|  | <p>ORC also noted the following:</p> <ul style="list-style-type: none"> <li>• ORC are not intending to extend public transport services east of Arrowtown-Lakes Hayes Road as is stated in the application</li> <li>• The location and design of the project would not incentivise active or public transport use and residents of the development would be reliant on private vehicle use, which would have adverse effects on the Whakatipu Basin's congestion and greenhouse gas emissions</li> <li>• A substantive application should include an integrated transport assessment</li> <li>• The lack of detail about how the project will be serviced by key infrastructure (transport and three waters) raises concerns about long-term costs to council and ratepayers if retrofits are required.</li> <li>• Groundwater in the Wakatipu Basin is known to contain arsenic. The applicant should regularly test groundwater bores through different seasons to assess risk.</li> <li>• The lack of specific information on wastewater treatment, disposal fields and water supply makes it difficult to assess risk on groundwater and drinking water</li> <li>• There may be wetlands present on the site.</li> <li>• There are natural hazard risks from the Kawarau River, rock falls and mine works. The applicant should provide a hazard assessment with their substantive application.</li> </ul> <p>We note ORC have not indicated that the application should not be referred.</p> <p>We consider the information that QLDC and ORC identified an applicant should provide with their application to a panel is generally covered by Clause 5 of Schedule 5 of the Act and no direction is necessary. We address this further below under the heading 'reasons to decline'.</p> <p><b>Ministers</b></p> <p><u>Minister for Economic Growth</u><br/>The Minister noted the application's economic assessment shows the project could have significant short-to-medium term economic benefits, including \$997 million in direct expenditure, \$710 million in business activity in the Otago region, and 6555 full-time jobs.</p> <p>The Minister considered the project would be a substantial investment for housing infrastructure in the Queenstown area, and the benefits include significant employment opportunities and the provision of high-density and more affordable housing options in a tourism-focused region. The Minister considered the project aligns with the Government's economic growth ambitions to increase housing supply, which is crucial to a growing economy.</p> <p><u>Associate Minister of Housing</u><br/>The Associate Minister considered the project would help respond to significant housing demand in the district and noted Queenstown Lakes is one of the most expensive places in New Zealand to buy or rent a home.</p> <p>The Associate Minister noted the project site is not located in an urban or future urban zone so does not align with the Queenstown Lakes Spatial Plan or District Plan. Despite this, the Associate Minister had no concerns with the project being referred.</p> <p><u>Minister for Arts, Culture and Heritage</u><br/>The Minister responded with no comments on the application.</p> <p><u>Minister for the Environment</u><br/>The Minister responded with no comments on the application.</p> <p><u>Minister for Regional Development</u><br/>The Minister responded with no comments on the application.</p> <p><b>Māori Groups - s18(2)</b></p> <p>We note comments received from Māori Groups are more fully incorporated in the section 18 Treaty settlements and other obligations report, as s18(l)(i) requires a summary of the comments received by the Minister after inviting comments.</p> <p><u>Te Ao Mārama</u><br/>Te Ao Mārama Inc. provided comments on behalf of Ngāi Tahu ki Murihiku, the kaitiaki rūnanga whose takiwā includes the site the application is within. Ngāi Tahu ki Murihiku consists of Te Rūnanga o Awarua, Hokonui Rūnanga, Te Rūnanga O Oraka Aparima and Waihōpai Rūnanga, who together with Otago papatipu rūnaka hold mana whenua status within this rohe.</p> <p>Te Ao Mārama were neutral on project referral.</p> <p><u>Kati Huirapa Runaka ki Puketeraki (KHRP)</u><br/>KHRP stated there is not sufficient information to assess the environmental effects of the project but they have an agreement for ongoing engagement with the applicant. They are therefore neutral on project referral.</p> |  |
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|  | <p><b>Administering agencies</b></p> <p><u>Department of Conservation (DOC)</u><br/> DOC comments are that although there is insufficient information to determine the level of any actual and potential environmental effects, that it is adequate for a referral decision, and that with appropriate design and conditions, any such effects can be managed and is not aware of any other reason the project should not be referred.</p> <p>DOC noted:</p> <ul style="list-style-type: none"> <li>• They have not identified any ineligible activities</li> <li>• They do not consider there are any other reasons the application should be declined</li> <li>• The Ngai Tahu Claims Settlement Act 1998 applies to the project area</li> <li>• They have identified three other applications which, if they are granted, would authorise those applicants to carry out activities nationally (including the project site). However, DOC notes that none of these approvals would preclude the applicant for this project from obtaining approvals specific to the project site, so this is considered low risk.</li> <li>• The project does not appear to be inconsistent with the Otago Conservation Management Strategy.</li> </ul> <p>DOC noted that the application included a water supply option involving water take from the Kawarau River, and that the supply pipeline would traverse public conservation land. This would require the preparation of a section 19 report, and the inclusion within the scope of the application of an easement under the Conservation Act 1987. In response to a request from officials, the applicant confirmed that the scope of the project no longer included water supply from the Kawarau River, so no easement is required.</p> <p>DOC requested that if the project is referred you specify that the applicant provide evidence of further consultation with DOC. As an expert panel considering a substantive application for the project is required to seek comment from DOC as a relevant administering agency for the project, we do not consider this direction is necessary.</p> <p><u>Heritage New Zealand Pouhere Taonga (HNZPT)</u><br/> HNZPT did not comment on whether the project should be referred but noted the project may impact on identified archaeological values and the project is located in the takiwā of Ngāi Tahu ki Murihiku.</p> <p>HNZPT requested that if the project is referred, you specify that the applicant must provide:</p> <ul style="list-style-type: none"> <li>• Confirmation that the applicant has undertaken a site survey for the archaeological authority process</li> <li>• Confirmation that an archaeological authority will be obtained prior to commencement of works</li> </ul> <p>HNZPT also requested that if the project is referred, you specify that an expert panel must invite comments from:</p> <ul style="list-style-type: none"> <li>• HNZPT</li> <li>• Aukaha</li> <li>• Te Ao Marama, Inc.</li> </ul> <p>We do not consider you need to specify the information identified by HNZPT or specify that HNZPT need to be invited to comment (they are already required to be invited to comment by a panel). We note that HNZPT are a relevant administering agency for this project and we agree with their request that an expert panel invite comments from Aukaha and Te Ao Mārama Inc. We also note that both of these groups are identified in the section 18 report as other Māori groups with relevant interests (section 18(2)(k)).</p> <p><b>Other person(s) or groups</b></p> <p>We note the following groups were primarily invited to comment and advise on whether there are any matters which may adversely affect project delivery.</p> <p><u>Waka Kotahi – New Zealand Transport Agency (NZTA)</u><br/> NZTA did not oppose project referral, but noted that:</p> <ul style="list-style-type: none"> <li>• An upgrade to the Morven Ferry Road and State Highway 6 (SH6) will be necessary to accommodate the development, and the project may require upgrades to the Arrow Junction Road intersection with SH6. These upgrades may require additional land acquisition, which may affect project delivery.</li> <li>• There are some concerns about the potentially significant impacts on the functioning of the wider SH6 network, as the project site is not identified in any strategic growth planning or public transport planning. This will result in residents of the development being reliant on private vehicle use, which is likely to have significant downstream effects on the state highway network.</li> <li>• The project is likely to exacerbate existing traffic issues at Ladies Mile and Shotover Bridge, contributing to significant delays and potentially requiring highway infrastructure upgrades to mitigate the impacts.</li> </ul> <p>Despite these concerns, NZTA did not oppose referral, but would want to ensure the effects of the proposal could be appropriately mitigated. NZTA requested that if you refer the project you require the applicant to provide an Integrated Transport Assessment that identifies the impact of the anticipated vehicle generation on the State Highway network.</p> |  |
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|                                                                                                                                                                                                                                                   | Given NZTA's concerns, and their identification that the project may require further upgrades to SH6, we recommend you require the applicant to provide a transport infrastructure capacity assessment with their substantive application.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    |  |
| The Minister must decline an application if the Minister is satisfied that the project involves an ineligible activity (section 21(3)(b))                                                                                                         | <p>Based on the information in the application, we consider the project can be accepted for referral and 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 and consultation with iwi authorities</li><li>would not occur in a customary marine title area or protected customary rights area and is land-based</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 and will not occur in the common marine and coastal area</li><li>would not require an access arrangement which cannot be granted under the Crown Minerals Act (including s61(1A)) and does not require 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 EEZA, 15B or 15C of the RMA and no such activities are proposed</li><li>is not for the purpose of an offshore renewable energy project as the area is onshore and no such activities are proposed.</li></ul> <p>There have been no comments received from invited parties to indicate that the project involves an ineligible activity and should not be accepted for referral.</p>                                                                                                                                                                         |  |
| The Minister must decline an application if the Minister considers they do not have adequate information to inform the decision (section 21(3)(c))                                                                                                | We consider you have sufficient information to inform your referral decisions.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                |  |
| Relevant considerations and procedural requirements in Treaty settlement, Mana Whakahono ā Rohe, joint management agreement, or the Marine and Coast Area (Takutai Moana) Act 2011 or the Ngā Rohe Moana o Ngā Hapū o Ngāti Porou Act 2019 – s16. | N/A                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                           |  |
| Section 22 assessment criteria                                                                                                                                                                                                                    |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               |  |
| The project is an infrastructure or development project that would have significant regional or national benefits [section 22(1)(a)]                                                                                                              | <p>The Minister may consider any of the following matters, or any other matters the Minister considers 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 considers the development of 1,250 residential dwellings/units in total (including 180 residential dwellings/units as 'affordable') to be a significant increase in development capacity for the purposes of the National Policy Statement on Urban Design 2020 (NPS-UD) and therefore the project contributes to a well-functioning urban environment.</p> <p>In addition, the applicant considers that the inclusion of 'affordable' housing (through provision of approximately 180 residential dwellings/units to be priced between \$599,000 and \$999,000) represents a significant and urgently needed contribution to the district's constrained supply of more affordable housing.</p> <p>When commenting on the benefits of the project QLDC acknowledged the need for housing, it did not consider it was appropriate in this location, and the need for housing and commercial space in the district may be impacted if the Homestead Bay project is approved by an expert panel.</p> <p>We note the Associate Minister of Housing considered the project would help respond to significant housing demand in the district.</p> <p>We consider this degree of housing supply constitutes a significant regional benefit and you could refer the project on this basis, however we do not consider you could be satisfied the project contributes to a well-functioning urban environment.</p> <p><i>Will deliver significant economic benefits [s22(2)(a)(iv)]</i></p> <p>The applicant considers the development project will deliver significant economic benefits at a regional level, including \$997 million in direct expenditure and employment opportunities of approximately 6,555 full-time equivalent job years (including a peak year with 1,462 full-time equivalent job years) over a 5-year development period across multiple sectors.</p> |  |

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|                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                            | <p>We note the Minister for Economic Growth considered the project could have significant economic benefits.</p> <p>We consider this constitutes a significant regional benefit and you could refer the project on this basis.</p> <p><i>Will support climate change mitigation, including the reduction or removal of greenhouse gas emissions [s22(2)(a)(vii)]</i></p> <p>The applicant considers the development project will support national climate goals through a reduction of greenhouse gas emissions by providing the opportunity for solar panels on houses and that the extensive enhancement planting of a 60-hectare native planting area can serve as a lasting carbon sink, as vegetation matures and soil carbon builds over time.</p> <p>We note the feedback from NZTA, ORC and QLDC all raised concerns that the project will be reliant on private vehicle use and increase greenhouse gas emissions.</p> <p>We do not consider you should refer the project on this basis.</p> <p><i>Any other matters that may be relevant [s22(b)]</i></p> <p>a. The applicant considers the development project will promote recreation and tourism in the region by enhancing the cycle trail network to significantly improve public recreational access.</p> <p>b. The applicant considers the development responds directly to historic land clearance degradation through a regionally significant ecological restoration programme, with a strong focus on improving habitat for indigenous flora and fauna.</p> <p>No comments received supported these assertions, and comments from QLDC noted the project may have adverse ecological effects.</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      |
| <b>Referring the project to the fast-track approvals process – s22(1)(b)</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               | <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></p> <p>The applicant considers this satisfied because under the standard RMA process the project would require a plan change to rezone the land or non-complying resource consents with a high chance of public notification and appeals.</p> <p><i>Is unlikely to materially affect the efficient operation of the fast-track approvals process – s22(1)(b)(ii):</i></p> <p>The applicant considers this satisfied because the applicant is the developer responsible for constructing the housing and delivering the infrastructure, ensuring integrated and efficient implementation consistent with the purpose of the fast-track process. We also note this project is not novel in the New Zealand context and is consistent with the type of projects expert panel members would consider under the RMA.</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    |
| <b>Reasons to decline</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             |
| <b>Minister <u>must</u> decline [section 21(3)]</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                        | <b>Minister may decline [section 21(4) and 21(5)(a-h)]</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  |
| <p>You <u>must</u> decline a referral application if:</p> <p><i>The application may not be accepted under subsection 1 (meets referral criteria).</i></p> <p>We consider the project meets the referral criteria.</p> <p><i>You are satisfied the project involves an ineligible activity.</i></p> <p>We have not identified any ineligible activities included in the project scope.</p> <p><i>You consider that you do not have adequate information to inform your decision under this section</i></p> <p>We consider you have adequate information to inform your referral decisions.</p> <p>Overall, we do not consider that you must decline the application under this section.</p> | <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></p> <p>No inconsistencies have been identified, including within the section 18 Treaty report or comments received from Māori groups.</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></p> <p>No comments have specifically stated the project should be considered under another Act or Acts. We note the comments from QLDC do indicate outstanding infrastructure issues, and these may be addressed more effectively through a plan change than a consenting regime. However, we do not consider you should decline on this basis as we consider an expert panel can assess the application under the Act with the benefit of appropriate information and assessments.</p> <p><i>The project may have significant adverse effects on the environment.</i></p> <p>DOC comments indicate insufficient information to determine the level of any actual and potential environmental effects but consider it likely that with appropriate design and conditions, effects can be managed to appropriate levels, and do not foresee any reason the project should not be referred.</p> <p>QLDC raised concerns about potentially significant effects on the adjacent Outstanding Natural Landscape and Outstanding Natural Feature. We consider these matters are more appropriately tested by an expert panel with the benefit of a complete assessment of environmental effects, and you should not decline this referral application on this basis.</p> <p><i>The applicant has a poor compliance history under a specified Act that relates to any of the proposed approvals.</i></p> <p>No such history has been noted.</p> <p><i>The project area includes land that the Minister for Treaty of Waitangi Negotiations considers necessary for Treaty settlement purposes.</i></p> <p>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></p> <p>The project does not include any such activity.</p> <p><i>A substantive application for the project would have one or more competing applications.</i></p> <p>No competing applications have been identified at this stage, however we note the EPA is required to check prior to providing a substantive application to the panel convener.</p> |

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|  | <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></p> <p>No such resource consents have been identified, including by the applicant and relevant local authorities.</p> <p><i>Any other matters</i></p> <p>Comments from NZTA, QLDC and ORC raised significant concerns about the availability of infrastructure to service the project, and the potential that the project will either have adverse effects on existing infrastructure or on infrastructure providers if the private project infrastructure is vested.</p> <p>We consider that in light of the recent draft decision issued by the expert panel considering the Delmore listed project application, there is a risk that panels will consider infrastructure constraints or effects on infrastructure as a key impact that could outweigh the significant regional or national benefits of a project. We recommend that in order to address this you require the applicant to provide detailed infrastructure capacity assessments with their substantive application, including evidence of consultation with the relevant infrastructure providers where appropriate.</p> <p>We do not recommend that you decline the application.</p> |
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## 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 Man 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 s 17(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 this 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:
  - 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.