

Ayrburn Screen Hub - Fast Track Substantive Application

Appendix 42: Substantive Application Information Table

SUBSTANTIVE APPLICATION		
Requirements of the Act		Comment
Requirements for Substantive Application		
43(1)	<p>A substantive application—</p> <p>(a) must be lodged in the form and manner approved by the EPA; and</p> <p>(b) must—</p> <p>(i) explain how the project to which the application relates is consistent with the purpose of this Act; or</p> <p>(ii) for a project referred under section 21(1)(a),—</p> <p>(A) explain how both the stage to which the application relates and the whole project are consistent with the purpose of this Act; and</p> <p>(B) contain information relating to the likelihood that any later stages of the project will be completed; and</p> <p>(c) must demonstrate that the project does not involve any ineligible activities; and</p> <p>(d) must, if the application is lodged by more than 1 authorised person, state the proposed approval to be held by each person; and</p> <p>(e) must comply with</p> <p>(i) any information requirements specified by the Minister under section 27(3)(b)(ii); and</p>	<p>a) The substantive application, is lodged in the form and manner approved by the EPA;</p> <p>b) This is a Project referred under Section 21(1)(a). The Project will be undertaken in one stage. Explanation on how the Project is consistent with the purpose of the Act is provided at Section 5.3 of the AEE.</p> <p>c) The Project does not involve any ineligible activities, as outlined in Section 3.4 and Appendix 43 of the AEE, the proposed activity:</p> <ul style="list-style-type: none">• Would not occur on identified Maori land, refer to attached Schedule of Consultation with Maori at Appendix 34;• Would not occur in a customary marine title area, refer to attached Schedule of Consultation with Maori at Appendix 34;• Would not occur in a protected customary rights area;• Would not occur on Maori customary land or land set apart as a Maori reservation as defined in section 4 of Te Ture Whenua Maori Act 1993, refer to attached Schedule of Consultation with Maori at Appendix 34;• Is not an aquaculture activity;• Is not an activity that would require an access arrangement under section 61 or 61B of the Crown Minerals Act;

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<p>(ii) the requirements listed in subsection (3) that apply to the approvals sought; and</p> <p>(f) must, if the authorised person has applied under section 39 for a determination under section 23 or 24, include a copy of the notice under section 39(4); and</p> <p>(g) must, if the application seeks an approval for an activity that is the subject of a determination under section 23, set out the steps taken to secure the agreement referred to in section 5(1)(a); and</p> <p>(h) must state whether the application relates to a priority project and, if so, include confirmation that, to the best of the applicant's knowledge, there are no competing applications; and</p> <p>(i) must be made by the deadline specified in the notice under section 28(3)(d); and</p> <p>(j) must not lodge a substantive application unless any fee, charge, or levy payable under regulations in respect of the application is paid.</p>	<ul style="list-style-type: none"> • Will occur on land and therefore does not involve any activity that would be prevented under section <u>165J</u>, <u>165M</u>, <u>165Q</u>, <u>165ZC</u>, or <u>165ZDB</u> of the Resource Management Act 1991 which relate to activities in the coastal marine area; • Would not occur on land that is listed in Schedule 4; • Would not occur on a national reserve or other reserve land held under the Reserves Act 1977; • Is not a prohibited activity under the Exclusive Economic Zone and Continental Shelf (Environmental Effects) Act 2012 or regulations made under that Act; and • Is not a prohibited activity under section 15B and 15C of the Resource Management Act 1991. <p>d) The application is only lodged by 1 authorised person as outlined in Section 3.2 of the AEE;</p> <p>e)</p> <p>(i) The Minister has specified under section 27(3)(b)(ii) that following information must be submitted with the application lodged for the project:</p> <ul style="list-style-type: none"> • <i>a full stormwater report that is peer reviewed, including flood modelling details;</i> • <i>an independently peer reviewed landscape report;</i> • <i>an infrastructure assessment, including consideration of whether existing water supply and wastewater pump station infrastructure is adequate to service the development (alongside other consented development in the wider Ayrburn area that is yet to be built), or</i>
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		<p><i>whether any upgrades would be needed to service the development;</i></p> <ul style="list-style-type: none"> • <i>application for all necessary resource consents that would be otherwise be required, and for which approval is sought under the Fast-track Approvals Act 2024, to undertake the project (including, for example, any consents required in respect of Rule 13.5.3.1 of the Regional Plan: Water for Otago).</i> <p>The response to the information requirements specified under section 27(3)(b)(ii) is provided in Section 3.5 of the AEE.</p> <p>(ii) The requirements of subsection (3) are those set out in:</p> <ul style="list-style-type: none"> - Section 42(4)(a) (resource consent), clauses 5 to 9 of Schedule 5; and - Section 42(4)(b) (change or cancellation of resource consent condition), clause 10 of Schedule 5. <p>These requirements are listed below in this document and are addressed in the AEE.</p> <p>f) The authorised person has not applied under section 39 for a determination under section 23 or 24;</p> <p>g) Approval for an activity that is the subject of a determination under section 23 is not sought;</p> <p>h) The application does not relate to a priority project;</p> <p>i) The application is made by the deadline specified in the notice under section 28(3)(d), which is 13 May 2027;</p>
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		j) Any fee, charge, or levy payable under regulations in respect of the application has been paid.
Resource Consent - Clauses 5 to 9 of Schedule 5		
Clause 5 of Schedule 5 - Information required in consent application		
5(1)(a)	A description of the proposed activity	Refer to Section 5.1 of the AEE.
5(1)(b)	<p>A description and map of the site at which the activity is to occur, including whether the site is within or adjacent to—</p> <p>(iii) a statutory area (as defined in the relevant Treaty settlement Act); or</p> <p>(iv) ngā rohe moana o ngā hapū o Ngāti Porou; or</p> <p>(v) a protected customary rights area under the Marine and Coastal Area (Takutai Moana) Act 2011;</p>	<p>Refer to Section 4.2 of the AEE.</p> <p>The site is not within or adjacent to a Statutory Acknowledgement Area, ngā rohe moana o ngā hapū o Ngāti Porou, or a protected customary rights area under the Marine and Coastal Area (Takutai Moana) Act 2011.</p>
5(1)(c)	<p>Confirmation that the consent application complies with section 46(2)(a), (b), and (d):</p> <p>A substantive application complies with this subsection if</p> <p>a) the application complies with:</p> <p> a. section 42 (Authorised person may lodge substantive application for approvals); and</p> <p> b. sections 43 (Requirements for substantive application) and 44 (Information must be specified in sufficient detail); and</p> <p>b) the application relates solely to a listed project or a referred project; and</p> <p>c) the EPA considers that, on the face of the application, the project does not appear to involve an ineligible activity; and</p>	<p>Refer to Section 3 of the AEE.</p> <p>a) The application complies with Section 42 as Waterfall Park Developments Limited lodged the referral application and is the person who is authorised to lodge a substantive application for the project under section 27(2), this is confirmed in the Notice of Decision on application for referral of the Ayrburn Screen Hub project under the Fast-track Approvals Act 2024, attached at Appendix 40.</p> <p>The requirements of the substantive assessment are addressed above in this table. This application complies with Section 43.</p> <p>As detailed in Section 3.0 and Section 3.3 of the AEE, the information provided in this application is sufficiently detailed</p>

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	<p>d) any fee, charge, or levy payable under regulations in respect of the application is paid.</p>	<p>to correspond to the scale and significance of the matters that will be assessed in considering whether to grant the approvals sought, including any adverse effects of the activities to which the approvals relate. This takes into account any proposal by the applicant to manage the adverse effects of an activity through conditions. This application complies with Section 44.</p> <p>b) The application relates solely to a referred project;</p> <p>c) As outlined above in this table and in Section 3.4 of the AEE, this project is not an ineligible activity.</p> <p>d) Any fee, charge, or levy payable under regulations in respect of the application has been paid.</p>
5(1)(d)	<p>The full name and address of:</p> <ul style="list-style-type: none"> i. each owner of the site and of land adjacent to the site; and ii. each occupier of the site and of land adjacent to the site whom the applicant is unable to identify after reasonable inquiry; and 	<p>Refer to Appendix 5 of the AEE which includes:</p> <ul style="list-style-type: none"> i. the full names and addresses of each owner of the site and of land adjacent to the site, and ii. each occupier of the site and of land adjacent to the site whom the applicant is unable to identify after reasonable inquiry.
5(1)(e)	<p>A description of any other activities that are part of the proposal to which the consent application relates.</p>	<p>Refer to Section 5.4 of the AEE, there are no other activities that are part of the proposal to which the consent application relates.</p>
5(1)(f)	<p>A description of any other resource consents, notices of requirement for designations, or alterations to designations required for the project to which the consent application relates</p>	<p>Refer to Section 5.5 of the AEE.</p>
5(1)(g)	<p>An assessment of the activity against sections 5, 6, and 7 of the Resource Management Act 1991; and</p>	<p>Refer to Section 11.3.4-11.3.11 of the AEE.</p>

5(1)(h)	<p>An assessment of the activity against any relevant provisions in any of the documents listed in subclause (2);</p> <p>(2) The documents referred to in subclause (1)(h) are the following:</p> <ul style="list-style-type: none"> i. a national environmental standard: ii. other regulations made under the Resource Management Act 1991: iii. a national policy statement: iv. a New Zealand coastal policy statement: v. a regional policy statement or proposed regional policy statement: vi. a plan or proposed plan: vii. a planning document recognised by a relevant iwi authority and lodged with a local authority. <p>An assessment under subclause (1)(h) must include an assessment of the activity against:</p> <ul style="list-style-type: none"> a) any relevant objectives, policies, or rules in a document listed in subclause (2); and b) any requirement, condition, or permission in any rules in any of those documents; and c) any other requirements in any of those documents. 	<p>Refer to Section 10.0 of the AEE, which provides an assessment against:</p> <ul style="list-style-type: none"> a) a national environmental standard: b) other regulations made under the Resource Management Act 1991, noting c) a national policy statement: d) a New Zealand coastal policy statement: e) a regional policy statement or proposed regional policy statement: f) a plan or proposed plan: g) a planning document recognised by a relevant iwi authority and lodged with a local authority. <p>This assessment relates to any relevant objectives, policies, rules, requirements, conditions, or permissions contained in the applicable documents, as well as any other requirements set out within those documents that are relevant to the Project.</p>
5(1)(i)	<p>Information about any Treaty settlements that apply in the area covered by the consent application, including—</p> <ul style="list-style-type: none"> i. identification of the relevant provisions in those Treaty settlements; and ii. a summary of any redress provided by those settlements that affects natural and physical resources relevant to the project or project area 	<p>Refer to Section 8.1 of the AEE and the Assessment of Ngāi Tahu Settlement attached at Appendix 36.</p>

5(1)(j)	A list of any relevant customary marine title groups, protected customary rights groups, ngā hapū o Ngāti Porou (where an application is within, adjacent to or directly affecting ngā rohe moana o ngā hapū o Ngāti Porou), or applicants under the Marine and Coastal Area (Takutai Moana) Act 2011; and	Refer to Section 8.5 of the AEE. This information requirement is not relevant to the proposal. As outlined in the Schedule of Consultation with Māori attached in Appendix 34 , Te Rūnanga o Ngāi Tahu has submitted a claim for customary marine title. However, since Ayrburn is situated outside the coastal marine area, this provision does not apply to the project.
5(1)(k)	The conditions that the applicant proposes for the resource consent	Refer to Section 5.8 of the AEE.
5(1)(l)	If a notice under section 30(3)(b) or (5) has been received,— (i) A copy of that notice showing that it was received within the time frame specified in section 30(6)(b); and (ii) If a notice has been received under section 30(5), any more up-to-date information that the applicant is aware of about the existing resource consent referred to in the notice.	Queenstown Lakes District Council and Otago Regional Council which have jurisdiction over an area where the approval would apply provided notice under section 30(3)(b) on 22 July 2025 and 28 July 2025 respectively as attached at Appendix 32 of the AEE. These notices confirm that there are no existing resource consents of that kind to which section 124C(1)(c) or 165ZI of the Resource Management Act 1991 would apply. In accordance with Section 30(6)(b) the application for a substantive application has been made within 3 months of receiving the earliest notice.
5(4)	A consent application must include an assessment of the activity's effects on the environment that (a) includes the information required by clause 6; and (b) covers the matters specified in clause 7.	See below in this table and Section 9 of the AEE.
5(5)(a)	If a permitted activity is part of the proposal to which the consent application relates, a description that demonstrates that the activity complies with the requirements, conditions, and permissions for the	Various permitted activities are proposed by way of this application (see Section 6.5 of the AEE).

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	permitted activity (so that a resource consent is not required for that activity under section 87A(1) of the Resource Management Act 1991);	
5(5)(b)	If the activity is to occur in an area that is within the scope of a planning document prepared by a customary marine title group under section 85 of the Marine and Coastal Area (Takutai Moana) Act 2011 or the environmental covenant prepared by ngā hapū o Ngāti Porou under section 19 of the Ngā Rohe Moana o Ngā Hapū o Ngāti Porou Act 2019, an assessment of the activity against any resource management matters set out in that document.	Not applicable, the activity is not within the scope of a planning document prepared by a customary marine title group under section 85 of the Marine and Coastal Area (Takutai Moana) Act 2011 or the environmental covenant prepared by ngā hapū o Ngāti Porou under section 19 of the Ngā Rohe Moana o Ngā Hapū o Ngāti Porou Act 2019 (refer Consultation with Māori document Appendix 34).
5(5)(c)	If the activity is to occur in an area that is a taiāpure-local fishery, a mātaihai reserve, or an area that is subject to bylaws made under Part 9 of the Fisheries Act 1996, an assessment of the effects of the activity on the use or management of the area.	Not applicable, the activity is not to occur in an area that is a taiāpure-local fishery, a mātaihai reserve, or an area that is subject to bylaws made under Part 9 of the Fisheries Act 1996.
5(6)	If the applicant is not able to supply the name and address of the owner and each occupier of the site and of land adjacent to the site because the land is Māori land in multiple ownership, the applicant must include a statement to that effect.	Not applicable, the land adjacent to the site is not Māori land in multiple ownership.
5(7)	If the substantive application is to be lodged by more than 1 authorised person, the references to the applicant in subclauses (1)(d), (k), (l) and (6) must be read as references to the authorised person who is to be identified in the application as the proposed holder of the resource consent.	Not applicable, the substantive application is lodged by 1 authorised person.
Clause 6 of Schedule 5 - Information Required to Assess Environmental Effects		
6(1)	The assessment of an activity's effects on the environment under clause 5(4) must include the following information:	See below.

a) An assessment of the actual or potential effects on the environment	Refer to Section 9.0 of the AEE.
b) If the activity includes the use of hazardous installations, an assessment of any risks to the environment that are likely to arise from such use	Not applicable, the activity does not include the use of hazardous installations.
c) If the activity includes the discharge of any contaminant, a description of: <ul style="list-style-type: none"> i. the nature of the discharge and the sensitivity of the receiving environment to adverse effects; and ii. any possible alternative methods of discharge, including discharge into any other receiving environment: 	Section 9.2.2 of the AEE provides an assessment of sedimentation, and identifies that stream works associated with the Mill Creek diversion and in-line sediment trap construction will be conducted offline and in accordance with GD05 best-practice protocols to avoid sediment discharges into flowing water.
d) A description of the mitigation measures (including safeguards and contingency plans where relevant) to be undertaken to help prevent or reduce the actual or potential effect of the activity.	This is provided in Table 3 in Section 5.6 of the AEE.
e) Identification of persons who may be affected by the activity and any response to the views of any persons consulted, including the views of iwi or hapū that have been consulted in relation to the proposal	Refer to Section 7 of the AEE.
f) If iwi or hapū elect not to respond when consulted on the proposal, any reasons that they have specified for that decision.	Refer to Section 7 of the AEE. The Applicant has continued engagement with Te Rūnanga o Ngāi Tahu (TRONT), Aukaha, and Te Ao Mārama Inc (TAMI) via Alisa Cain, an independent cultural and engagement advisor engaged to facilitate discussions, coordinate information sharing, and ensure iwi perspectives were incorporated into the proposal as outlined in the Consultation Summary Report attached at Appendix 33 .

g)	If the scale and significance of the activity's effects are such that monitoring is required, a description of how the effects will be monitored and by whom, if the activity is approved.	Refer to Section 9.9 of the AEE.
h)	An assessment of any effects of the activity on the exercise of a protected customary right	Refer to Section 8.6 of the AEE.

Clause 7 of Schedule 5 - Matters to be Covered in Assessment of Environmental Effects

The assessment of an activity's effects on the environment under Clause 5(4) must cover:

7(a)	Any effect on the people in the neighbourhood and, if relevant, the wider community, including any social, economic, or cultural effects.	Refer to Section 9.0 of the AEE.
7(b)	Any physical effect on the locality, including landscape and visual effects	Refer to Section 9.0 of the AEE.
7(c)	Any effect on ecosystems, including effects on plants or animals and physical disturbance of habitats in the vicinity	Refer to Section 9.7 of the AEE.
7(d)	Any effect on natural and physical resources that have aesthetic, historical, spiritual, or cultural value, or other special value, for present or future generations.	Refer to Section 9.4.4 and Section 9.8.1 of the AEE.
7(e)	Any discharge of contaminants into the environment and options for the treatment and disposal of contaminants	A discharge consent is not sought by way of this application. As outlined in Section 9.2.2 of the AEE, a detailed Erosion and Sediment Control Plan (ESCP) has been prepared and is included in Appendix 1 of the Environmental Management Plan (EMP). This outlines a range of best practice measures to manage sediment generation and runoff during all stages of the earthworks phase.
7(f)	Any unreasonable emission of noise	Refer to Section 9.4.3 and Section 9.5 of the AEE.

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7(g)	Any risk to the neighbourhood, the wider community, or the environment through natural hazards or hazardous installations	Flooding and natural hazard effects are considered in Section 9.6.3 of the AEE.
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Clause 8 of Schedule 5 - Information required in application for subdivision or reclamation

8	Information required for subdivision consent	Clause 8 of Schedule 5 is not applicable as no subdivision is proposed.
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Clause 9 of Schedule 5 - Information required in application including standard freshwater fisheries activity

9	For the purposes of section 43(3)(a) , a consent application for a project that includes a standard freshwater fisheries activity must include the information set out in clause 3 of Schedule 9.	Clause 9 of Schedule 5 is not applicable as the project does not include a standard freshwater fisheries activity.
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Change of Consent Condition - Clause 10 of Schedule 5

Information required in application for change or cancellation of condition

10(a)	For the purposes of section 43(3)(b) an application for the change or cancellation of a condition must include the same information as required by clauses 5 to 9, and those clauses apply as if references to a) a resource consent were references to the change or cancellation of a condition; and b) an activity were references to the effects of the change or cancellation of the condition.	Noted.
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Certificate of compliance - Clause 11 of Schedule 5

11(1)	For the purposes of section 43(3)(c), an application for a certificate of compliance must include the following information:	a) A description of the proposed certificate of compliance is detailed at Section 6.3 of the AEE;
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	<ul style="list-style-type: none"> a) a description of the proposed activity; and b) confirmation that the application for the certificate of compliance complies with section 46(2)(a), (b), and (d); and c) a description of any other resource consents, notices of requirement for designations, or alterations to designations required for the project to which the application for the certificate of compliance relates; and d) an explanation of how the activity meets the relevant provisions of the district or regional plan, and any relevant national environmental standard. 	<ul style="list-style-type: none"> b) The application for the certificate of compliance complies with section 46(2)(a), (b), and (d), as confirmed in Section 3.0, Section 3.3 and Section 3.4 of the AEE. i. application complies with – section 42; and sections 43 and 44, as confirmed in Section 3.0 and Section 3.2 of the AEE. ii. The application relates solely to a listed project; iii. Any fee, charge, or levy payable under regulations in respect of the application is paid c) a description of any other resource consents, notices of requirement for designations, or alterations to designations required for the project to which the application for the certificate of compliance relates is outlined in Section 5.4 of the AEE. d) an explanation of how the activity meets the relevant provisions of the district or regional plan, and any relevant national environmental standard is detailed Section 6.0 and Section 6.5 of the AEE.
11(2)	<p>If the activity is to occur in an area that is within the scope of a planning document prepared by a customary marine title group under section 85 of the Marine and Coastal Area (Takutai Moana) Act 2011 or the environmental covenant prepared by ngā hapū o Ngāti Porou under section 19 of the Ngā Rohe Moana o Ngā Hapū o Ngāti Porou Act 2019, the application must include an assessment of the activity against any resource management matters set out in that document.</p>	<p>The activity is not proposed to occur in an area that is within the scope of a planning document prepared by a customary marine title group under section 85 of the Marine and Coastal Area (Takutai Moana) Act 2011 or the environmental covenant prepared by ngā hapū o Ngāti Porou under section 19 of the Ngā Rohe Moana o Ngā Hapū o Ngāti Porou Act 2019.</p>