

16 December 2025

Trevor Robinson
Expert Panel Chair

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Tēnā koutou,

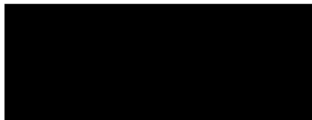
Attention: The Chair and Members of the Expert Panel for FTAA-2508-1093

Waterfall Park Developments Limited – Fast-track Consent Application – Otago Regional Council comment on the substantive application for the Ayrburn Screen Hub [FTAA-2508-1093] under section 53(2) of the Fast-track Approvals Act 2024.

Otago Regional Council has reviewed the substantive application for the Waterfall Park Developments Limited Fast-track application and provides the following written comments in the form of a memorandum, made in accordance with section 53(2) of the Fast-track Approval Act 2024 (FTAA).

These comments summarise Otago Regional Council's overall feedback on the proposal.

Nāku iti noa, nā



Joanna Gilroy
General Manager Environmental Delivery

SECTION A: EXECUTIVE SUMMARY

1. In accordance with s53(2) of the Fast-track Approvals Act 2024 (**FTAA**) the Otago Regional Council (**ORC**) has been invited to provide comment on the substantive application for the Ayrburn Screen Hub (**the Application**) lodged by Waterfall Park Developments Limited (**the Applicant**).
2. The purpose of this memorandum is to summarise ORC's overall conclusions on the Application to assist the panel in making a decision on the Application under section 81 of the FTAA.
3. The ORC assumes that all information pertaining to the application is taken as read. Information from these documents is not repeated here, unless there is a need to emphasise a specific point. The ORC understands the panel has visited the site.
4. The approvals sought are for a certificate of compliance, restricted discretionary and discretionary activities under the Regional Plan Water for Otago (**RPW**). The applicant has not sought approval for any activity that would be prohibited under any regional plan or national environmental standard.
5. Consultation between the ORC and the Applicant has been occurring since pre-lodgement of the application. In ORC's view, the Applicant has demonstrated a real commitment to genuine consultation. The Applicant has facilitated site visits for ORC staff, as well as meetings with ORC Staff. Additionally, the Applicant has been receptive to feedback provided through the review process of draft documents and has updated application information and made alterations to proposed conditions as a result of this feedback.
6. The ORC notes that the FTAA imports most RMA provisions relevant to the assessment of resource consent applications, with necessary modifications. The ORC therefore followed a similar assessment process to that which would be undertaken if the ORC were processing the application under the RMA.
7. The ORC considers that there are no unresolved issues with the application in terms of the activities sought under the RPW and agrees with the resulting consent conditions put forth in the application. The ORC is also in agreement with the conditions relating to the Public Transport Network (Bus Stop Condition 70) outlined in the QLDC land use consent conditions in the application. The ORC considers the adverse effects to be less than minor. The ORC also notes that if the application is granted it will provide positive effects for the Otago Region. In particular the ORC supports the application due to the proposed improvement of water quality sought in the Lake Hayes Catchment.

SECTION B: INTRODUCTION

8. This memorandum has been prepared by Team Leader Consents, Mat Bell of the ORC. This memorandum has been prepared with consideration to the substantive application lodged with the Environmental Protection Agency (**EPA**) on 26 August 2025, in response to an invitation to comment by the EPA on 19 November 2025.
9. This memorandum is structured in the following way:
 - Section C Purpose of the FTAA
 - Section D Assessment of Effects
 - Section E Policy Assessment

- Section F Other Matters
- Section G Purpose and Principles of the RMA
- Section H Sections that direct Decision Making
- Section I Consent Conditions
- Section J When an Approval Must or May be Declined
- Section K Conclusions

10. The approvals sought which are under the ORC’s jurisdiction under the RMA are outlined in the Table 1 below. The comments in this memorandum are focused on these activities in the application. The exception to this is the effects on the public transport network. These activities are addressed by the land use consent under the QLDC’s jurisdiction.

11. Table 1: Approvals Sought under the ORC's Jurisdiction

Activity and RMA section	Regional Plan: Water rule and status	Notes
Section 14 water permit to divert water	RPW Discretionary Activity Rule 12.3.4.1	Due to the catchment size of Mill Creek in excess of 50 hectares in area.
Section 13 land use consent extract alluvium	RPW Restricted Discretionary Activity Rule 13.5.2.1	Due the volume of alluvium to be extracted in excess of 20 cubic metres per month.
Section 13 land use consent to disturb the bed of a watercourse	RPW Discretionary Activity Rule 13.5.3.1	Disturb the bed and banks and remobilise bed material of Mill Creek to construct a sediment trap, divert water, and maintain a sediment trap
Section 139 of the RMA Certificate of Compliance	RPW Permitted Activity Rule 13.5.1.10	To install and maintain two sediment traps in tributaries of Mill Creek.

12. Informing the assessment of adverse effects contained within this memorandum were audits undertaken by ORC’s Science, Natural Hazards, Engineering, Transport, Compliance and Consent Teams.

13. ORC has worked with the applicant on recommended consent conditions. This was initially through ORC staff providing conditions of consent for a similar activity and then working with the Applicant on conditions once these had been fine tuned for the site. The result is the Applicant’s volunteered consent conditions in the Application’s Appendix 6, as provided to the EPA on 26 August 2025. These are also attached to this memo as Appendix 1.

SECTION C: PURPOSE OF THE FTAA

14. The purpose of the FTAA is to facilitate the delivery of infrastructure and development projects with significant regional or national benefits.¹ When taking in account the purpose of the FTAA the panel must consider the extent of the project’s regional or national benefits.²

15. To assist the Panel, ORC has considered:

- a) The positive effects of the Application;
- b) Whether the positive effects are regionally or nationally significant; and
- c) Whether the purpose of the FTAA is met.

Positive Effects:

¹ FTAA section 3

² FTAA section 81(4)

16. The Applicant considers in its assessment of effects that the proposal will result in the following positive effects:
- a) Regionally significant benefit through the provision of a purpose-built screen production facility to meet the shortage of production facilities in Otago.
 - b) Will provide significant economic benefits to the Otago Region.
 - c) Will contribute to the wider economic and social well-being of the Queenstown Lakes District.
 - d) Will enhance public trail connectivity and improve existing recreational infrastructure.
 - e) Will result in a net gain in indigenous biodiversity values.
 - f) Will directly contribute to the improvement of water quality in the Lake Hayes catchment.
17. The ORC agrees that these are positive effects that are likely to result from the proposal. The significance of these effects is considered below.

Regional or National Significance

18. The FTAA does not contain a definition of significant regional or national benefits. However, in relation to a referral application, s22(2) lists a number of criteria that the Minister may consider when determining whether a project is an infrastructure or development project that would have significant regional or national benefits. The Minister may consider whether the project:
- (i) *has been identified as a priority project in a central government, local government, or sector plan or strategy (for example, in a general policy statement or spatial strategy), or a central government infrastructure priority list:*
 - (ii) *will deliver new regionally or nationally significant infrastructure or enable the continued functioning of existing regionally or nationally significant infrastructure:*
 - (iii) *will increase the supply of housing, address housing needs, or contribute to a well-functioning urban environment (within the meaning of policy 1 of the National Policy Statement on Urban Development 2020):*
 - (iv) *will deliver significant economic benefits:*
 - (v) *will support primary industries, including aquaculture:*
 - (vi) *will support development of natural resources, including minerals and petroleum:*
 - (vii) *will support climate change mitigation, including the reduction or removal of greenhouse gas emissions:*
 - (viii) *will support climate change adaptation, reduce risks arising from natural hazards, or support recovery from events caused by natural hazards:*
 - (ix) *will address significant environmental issues:*
 - (x) *is consistent with local or regional planning documents, including spatial strategies.*
19. The ORC has considered these matters in forming a view on whether the positive effects likely to result from the application are of regional or national significance. An assessment of each positive effect claimed by the Applicant is presented below.

Will deliver significant economic benefits

20. The applicants economic report (Appendix 11 of the Application) concludes that the proposal would result in significant benefits to the Queenstown-Lakes District, the Otago Region and the national economy, as summarised below:
- a) \$258 million in regional economic activity during the construction and development phase, over a period of three years;
 - b) Over 1,890 full-time equivalent (FTE) job years throughout construction, resulting in more than 630 FTE jobs sustained each year across the Otago Region during the build period;

- c) \$462 million in additional economic output expected over a ten-year period once the Screen Hub is operational; and
 - d) More than 370 FTE supported annually, many of which are specialised roles unique to the screen production industry.
21. The economic benefits of the proposal as set out in the economic report (Appendix 11 to the Application) are not being questioned by the ORC. The ORC has not undertaken its own economic assessment. Taking this report at face value, the ORC agrees that the proposal's economic benefits are of regional if not of national significance.

Will address significant environmental issues

22. The Application assessment of effects and its Appendix 12 outlines that Lake Hayes has undergone nutrient enrichment since intensification and development began in the catchment. The RPW has set controls via rules in the plan on some activities in the Lake Hayes catchment recognising that some activities will have a negative effect on the water quality of Lake Hayes.
23. Sediment traps are already in place on the Applicant's adjacent site, and water quality monitoring records demonstrate that they reduce sediment loads, along with some nutrients, from moving further downstream to Lake Hayes. The applicants proposed sediment trap in Mill Creek is estimated to be able to remove a further 900 cubic metres of sediment from the creek per year. This and the other measures proposed seek to remedy the significant environment issue and will likely contribute to the ecological restoration of Lake Hayes.
24. The ORC agrees with the Applicant's assessment and considers that this positive effect is of regional and national significance.

Consistency with planning documents

25. One of the key objectives of the RPW (Objective 7.A.1) is to maintain and enhance water quality where possible, if it is degraded. The application is considered consistent with this document, as it seeks to improve the water quality of the Lake Hayes Catchment.
26. The Application outlines that Lake Hayes and its conservation is regarded as of a matter of Regional and National Importance cited from the ORC Lake Hayes Management Strategy (1995). The Waiwhakaata (Lake Hayes) Strategy (2025) builds on the 1995 Strategy and lists 10 Objectives. The application of these objectives as a primary framework ensures activities contribute effectively to the strategic vision: "To uphold the mana of the name, Waiwhakaata, so our actions are reflected in the waters." This strategy is attached as Appendix 2 to this memorandum.
27. The ORC considers that the Application is consistent with the above strategies, as it seeks to improve water quality in the Lake Hayes catchment.
28. In terms of transport, ORC has an interest in the proposal as a land use development which will generate additional transport demand and require investment in public transport infrastructure and services. To enable connectivity to the site via public transport, the Applicant has included the provision of two new bus stops on Arrowtown–Lake Hayes Road.
29. Although the Applicant has not undertaken a full assessment of the consistency of the proposal with ORC strategic public transport documents, the ORC considers that the proposal is not expected to be an impediment to the goals in these documents being achieved.

30. The Applicant outlines that the proposal strongly aligns with the Queenstown Lakes Spatial Plan as it promotes a creative economy, addresses acknowledged constraints, and promotes sustainable growth, and employment. The Applicant also contends that the proposal has been designed to address the key outcomes of the QLDC's Economic Diversification Plan and has cited key outcomes of the plan. The ORC agrees that the proposal will likely be consistent with the Economic Diversification Plan. However, as above an in-depth assessment of consistency with these plans is an assessment matter for QLDC.

Is the purpose of the FTAA met?

31. Based on the information provided by the Applicant, the ORC considers that the Application constitutes a development project with significant regional benefits. The ORC agrees that the Application is likely to generate positive effects meeting the threshold of national significance.

SECTION D: ASSESSMENT OF EFFECTS

Approvals Sought

32. The ORC has limited its assessment to the actual and potential adverse effects of activities that would otherwise require regional resource consents under the RMA.

33. The Applicant seeks approvals under the FTAA for activities that would otherwise require resource consent under the RMA. These are a water permit to divert water, and a land use consent to disturb the beds and banks of Mill Creek to construct and maintain a sediment trap and remove sediment.

34. The applicant also seeks a certificate of compliance for a permitted activity to install and maintain two sediment traps in ephemeral tributaries of Mill Creek. The ORC agrees that a certificate of compliance can be issued for this activity as the Applicant has demonstrated that it can meet all the provisions of Permitted Activity Rule 13.5.1.10 of the RPW.

Effects of concern to the ORC

35. The main effects of concern of the ORC, were related to:

- a) Effects of instream ecology and water quality during construction, and maintaining the sediment trap into the future;
- b) Effects on fish passage;
- c) Risk of contaminant spills and pest introduction;
- d) Effects of flow process, flooding and erosion of Mill Creek due to the proposed works; and
- e) Effects on public transport.

Consultation, ORC Assessment and Conditions

36. Throughout the pre-application stage, referral and leading up to the substantive application stage the Applicant has consulted with, had meetings hosted site visits and provided draft assessments of effects to the ORC. Each of the relevant units of the ORC has reviewed the documents, made comments and discussed these with the applicant prior to lodgement of the substantive application.

37. As a result of this prior consultation with the Applicant, ORC now have no concerns with the proposal in relation to the effects listed above.

38. The instream works, and diversion of water and ongoing maintenance will be well managed in accordance with industry best practice. The ORC is confident that the effects of the proposal will be appropriately managed, avoided or remedied to a point where they are considered low.
39. This thorough process has resulted in all issues being resolved and the ORC and the Applicant agreeing on a set of conditions of consent for the activities. The ORC Transport Team have also agreed with the relevant conditions of consent on the QLDC land use consent. Both sets of conditions are included in the Application as Appendix 6 (and attached as Appendix 1 to this memorandum).

Limitations

40. The ORC has not assessed the following subject matters, on the basis that these matters are not directly related to an approval that would otherwise be sought from the ORC, or because these matters are better assessed by others such as the QLDC:
- a) Landscape and noise effects;
 - b) Underlying natural hazards affecting the suitability of the site for development (except for flooding due to the alteration of Mill Creek);
 - c) Cultural effects (further discussed below);
 - d) Terrestrial ecology and indigenous biodiversity;
 - e) Effects from earthworks outside the beds and banks of watercourses; and
 - f) Water supply and wastewater management
41. As discussed above in Section C, the ORC has relied on the information provided by the Applicant to inform economic impacts but has not independently verified this information or sought a peer-review on these matters.

Effects on Cultural Values, Practices, and Beliefs

42. The ORC has not undertaken an assessment of the potential adverse effects that the proposal may have on cultural values, practices, and beliefs. This is not to diminish the importance of these effects, but to recognise that it is for mana whenua to determine how a proposal impacts on their cultural values.
43. The ORC understands that the following groups have been invited to provide comments on this application:
- a) Relevant iwi authorities, namely Te Rūnanga o Ngāi Tahu, in accordance with s53(2)(b);
 - b) Relevant Treaty settlement entities, namely Te Rūnanga o Ngāi Tahu, Te Rūnanga o Moeraki, Kāti Huirapa Rūnaka ki Puketeraki, Te Rūnanga o Ōtākou, Hokonui Rūnanga, Waihōpai Rūnaka, Te Rūnanga o Awarua, Te Rūnanga o Ōraka-Aparima, in accordance with s53(2)(c).
44. The ORC considers that these are the appropriate persons to speak to the actual or potential effects of the proposal on Kāi Tahu cultural values, practices, and beliefs.

Cumulative Effects

45. The ORC is satisfied that the activities requiring approval will be managed in accordance with best practice and that the effects of those activities will individually be low.
46. The ORC notes that the Applicant has given some consideration to the potential cumulative effects that may result from the multiple activities proposed by this Application in combination with each other and in combination with other activities in the catchment.

47. The continued maintenance of the sediment trap will not contribute to cumulative adverse effects (and in fact will likely result in a positive cumulative effect in combination with the other proposed development onsite and the Applicant's existing sediment traps in Mill Creek).
48. The consideration of cumulative flooding effects was included in the Applicants assessment of pre and post development. The flood model report attached as Appendix 13 in the Application, which was also peer reviewed, concludes that the flooding effects will be the same post development. The ORC is in agreement with this assessment.
49. As such the ORC considers that there will be no cumulative effects from the proposal.

SECTION E: POLICY ASSESSMENT

50. ORC considers that the following statutory documents are of relevance to this Application:
 - a) National Policy Statement for Freshwater Management 2020 (**NPS-FM**)
 - b) The Operative Regional Policy Statement 2019 (**ORPS 2019**)
 - c) The Proposed Otago Regional Policy Statement 2021 – including Freshwater Instruments 2021 (**pORPS 2021**)
 - d) The Regional Plan: Water for Otago (**RPW**)
51. The Applicant has provided in Appendix 39 of the Application a comprehensive assessment of relevant provisions of the above-listed statutory planning documents. ORC generally agrees with this assessment.

NPS-FM

52. RMA s104(2F) states that when considering an application and any submissions received, a consent authority must not have regard to clause 1.3(5) or 2.1 of the NPSFM 2020 (which relates to the hierarchy of obligations in the NPSFM 2020).
53. FTAA Schedule 5 clause 17(1)(b) provides that a panel must take into account provisions in part 6 of the RMA that direct decision making but excluding s104D of that Act.
54. RMA s104(2F) is a provision that directs decision making that is not exempted from the panel's assessment matters. Consequently, the ORC has not assessed the Objective of the NPS-FM.
55. The ORC generally agrees with the Applicant's assessment against the policies of this NPS-FM,

ORPS 2019

56. All provisions in this ORPS 2019 are fully operative. The ORC generally agrees with the Applicant's assessment against the relevant provisions of this ORPS 2019. The ORC considers the proposal to be generally consistent with this ORPS 2019. Matters regarding urban growth will be a matter for the QLDC to advise on.

pORPS 2021

57. At the time of writing this memorandum, all appeals on the freshwater provisions of the P-ORPS 2021 have been resolved. A small number of non-freshwater provisions remain under appeal.
58. The ORC notes that the Applicant has assessed the 'decisions' version of the pORPS 2021. The 'appeals' version is the most recent iteration of this document, which includes changes to provisions where those changes have been made by consent order.

59. Nonetheless, the ORC generally agrees with the Applicant's assessment against the relevant provisions of this pORPS 2021. As above matters regarding urban growth will be commented on by the QLDC.

RPW

60. The ORC generally agrees with the Applicant's assessment against the relevant provisions of this RPW. The proposal seeks to improve water quality in the Lake Hayes Catchment which is a key objective in the plan.

SECTION F: OTHER MATTERS

61. FTAA Schedule 5 Clause 17 part (b) directs a panel to take into account any provisions of parts 2, 3, 6, 8, 9, and 10 of the RMA that direct decision making on a resource consent application. This includes consideration of any other matter the consent authority considers relevant and reasonably necessary to determine the application as provided for in RMA s104(1)(c).

62. There are no other matters that the ORC considers relevant to the determination of this application.

SECTION G: PURPOSE AND PRINCIPLES OF THE RMA

63. The statutory direction for a panel to take into account key provisions of the RMA includes consideration of Part 2 of the RMA.

64. The Applicant has included a comprehensive Part 2 assessment within the Application. The ORC agrees with the Applicant that the proposal will meet the sustainable management purpose of the RMA.

65. The ORC limits its conclusions in this regard to matters that it has directly assessed. The ORC consider that mana whenua are best placed to determine whether the following have occurred:

- a) Recognise and provide for the relationship of Maori and their culture and traditions with their ancestral lands, water, sites, waahi tapu, and other taonga.³
- b) Have particular regard to kaitiakitanga.⁴

66. The ORC considers that QLDC are best placed to assess whether the outstanding natural features and landscapes identified in their district plan are protected from inappropriate subdivision, use, and development.⁵

SECTION H: SECTIONS OF THE RMA, AND OTHER LEGISLATION UNDER THE RMA, THAT DIRECT DECISION MAKING

67. The ORC has considered the relevant sections of the RMA, and subsidiary statutory documents, which direct decision making, and makes the following observations:

- a) RMA s87A(6) – Prohibited Activities
 - The Application does not seek approval for any activity that would be prohibited.
- b) RMA s105 – Matters relevant to certain applications

³ RMA s6(e) matter of national importance

⁴ RMA s7(a) other matter

⁵ RMA s6(b) matter of national importance

- The matters traversed by this section are adequately discussed throughout the Application and supporting documents.
- c) RMA s106A – Consent authority may refuse land use consent in certain circumstances
- The ORC does not consider that there is a significant risk from natural hazards that is relevant to the for land use activities (that would otherwise require regional resource consents).
- d) RMA s107 – Restriction on grant of certain discharge permits
- The ORC does not consider that the discharge of a contaminant onto or into land in circumstances which may result in that contaminant (or any other contaminant emanating as a result of natural processes from that contaminant) entering water is likely to result in any of the effects listed in s107(1)(c)-(g). Consideration of the exemption clauses is therefore not required.
- e) RMA s123 – Duration of consent
- Refer to consent duration below in Section I.

SECTION I: CONSENT CONDITIONS

68. Section 83 requires that conditions be no more onerous than necessary to address the reason for which it is set in accordance with the provision of this Act that confers the discretion.
69. As discussed in Section D above these conditions have been developed in consultation with the applicant and both parties have agreed on their content.
70. The ORC notes that it is willing to continue to work on conditions, including in collaboration with the Applicant and other participants, to the extent that the Panel requests or directs it to do so.

Consent Duration

71. Section 123 of the RMA applies to a decision of the panel on the consents.⁶
72. The Applicant has not listed what consent term it seeks for the water permit to divert Mill Creek and land use consent to construct and maintain the sediment trap. The Applicant currently holds the following long term consents associated with its existing development:
- a) Land Use Consent RM23.735.01 remove sediment with suction dredge from Mill Creek expires 13 June 2044;
 - b) RM18.426.03 to divert flood flows for the purpose of operating a hotel expires 1 March 2054; and
 - c) RM18.088.03 to construct and maintain a defence against water, and RM18.088.04 to divert Mill Creek for flood protection expires 1 September 2053.
73. As such a term expiring similar to the above held consents would be appropriate in light of the low levels of effects expected. Consents expiring in 2044 is considered to be a medium term duration, and does not reflect the level of investment required by the applicant. The ORC considers a term expiring on 1 September 2053 (in line with RM18.088.03-04) approximately 27 years - a more appropriate longer term.

⁶ FTAA Schedule 5, Clause 17, part (7).

74. Should the Panel be minded to grant the approvals, the ORC considers that this duration is appropriate and reflects the scale of the activity and the investment required by the Applicant

SECTION J: WHEN AN APPROVAL MUST OR MAY BE DECLINED

75. FTAA section 85 sets out when a panel must or may decline an approval. The ORC has not identified any reasons that the Panel must decline any approval sought (that would otherwise require a regional council resource consent under the RMA).

76. The ORC does not consider that the proposal would result in any adverse effect that is sufficiently significant so as to be out of proportion to the project's regional benefits.

SECTION K: CONCLUSIONS

77. The ORC considers that the Application:

- Meets the purpose of the Act, in that it is a development project with significant regional if not national benefits; and
- Will not result in any adverse effect that is sufficiently significant so as to be out of proportion with the regional benefits.
- Supports the granting of the water permit, land use consent, and certificate of compliance.

APPENDICES (attached and linked below)

- Appendix 1: Recommended consent conditions – ORC and QLDC Conditions:
[Appendix 6 Proposed Draft Consent Conditions.pdf](#)
- Appendix 2: Waiwhakaata (Lake Hayes) Strategy 2025
https://www.orc.govt.nz/media/xyrocoyr/ka_waiwhakaatastrategydocument_v5_endorse_d-28042025.pdf