



18 June 2026

Dr Lee Beattie
Expert Panel Chair

via EMAIL: substantive@fasttrack.govt.nz

Tēnā koutou,

Attention: The Chair and Members of the Expert Panel for Mt Iron Junction Limited

Mt Iron Junction Limited – Fast-track Consent Application – Otago Regional Council comment on the substantive application for the development at 237 Wānaka-Luggate Highway, Wānaka [FTAA-2602-1173] under section 53(2) of the Fast-track Approvals Act 2024.

Otago Regional Council has reviewed the substantive application for the Mt Iron Junction 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. The comments should be read in conjunction with Appendices 1 to 4, attached to this memorandum.

Nāku iti noa, nā

A handwritten signature in black ink, appearing to read 'Jo Gilroy'.

Jo Gilroy
General Manager Environmental Delivery

SECTION A: EXECUTIVE SUMMARY

1. In accordance with section 53(2) of the Fast-track Approvals Act 2024 (**FTAA**) Otago Regional Council (**ORC**) has been invited to provide comment on the substantive application for the Mt Iron Junction development at 237 Wānaka-Luggate Highway, Wānaka (**the site**) lodged by Mt Iron Junction Limited (**the Applicant**).
2. The purpose of this memorandum is to summarise ORC's assessment and overall conclusions on the application to assist the Panel in making a decision on the application under section 81 of the FTAA.
3. 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 key aspects.
4. The approvals sought from ORC are restricted discretionary activities under the relevant regional plan. The applicant has not sought approval for any activity that would be prohibited under any regional plan or national environmental standard.
5. Consultation between ORC and the Applicant has occurred since pre-lodgement of the application. In ORC's view, the Applicant has demonstrated a commitment to genuine consultation. The Applicant has facilitated a site visit for ORC staff and a technical consultant engaged by ORC, as well as a meeting between planning and technical experts.
6. The Applicant has been receptive to feedback provided through a peer-review process and has updated application information as a result of this feedback. Updated information provided during the pre-lodgement process included confirmation that an onsite bore had been removed and that contingency measures proposed to be implemented in the event Sediment Basin 3 was overwhelmed are appropriate. Based on this, ORC considers the key issues have been addressed through the Applicant's substantive application.
7. Since lodgement of the substantive application, ORC have engaged with the Applicant on draft conditions and have provided a revised set of proposed conditions to the Applicant. There is a high level of agreement on the proposed conditions and there has been no further correspondence in relation to the revised conditions since they were provided to the Applicant.
8. ORC notes that the FTAA imports most Resource Management Act 1991 (**RMA**) provisions relevant to the assessment of resource consent applications, with necessary modifications. ORC has therefore followed a similar assessment process to that undertaken if ORC were processing the application under the RMA.

SECTION B: INTRODUCTION

9. This memorandum has been prepared by Consultant Planner Hannah Goslin from Incite on behalf of ORC.
10. This memorandum has been prepared with consideration of:
 - a) the original substantive application lodged with the Environmental Protection Agency (**EPA**) on 24 February 2026; and

- b) Revised Draft Consent Conditions that are based on the Applicant's proposed conditions (provided as Appendix Q to the Substantive Application) attached to this memorandum as Appendix 1.
- 11. This memorandum is structured in the following way:
 - a) Section C: Purpose of the FTAA
 - b) Section D: Assessment of Effects
 - c) Section E: Policy Assessment
 - d) Section F: Other Matters
 - e) Section G: Purpose and Principles of the RMA
 - f) Section H: Sections that direct Decision Making
 - g) Section I: Consent Conditions
 - h) Section J: When an Approval Must or May be Declined
 - i) Section K: Conclusions
- 12. Informing the assessment of adverse effects contained within Section D of this memorandum is a technical peer-review assessment undertaken by Mr Will Nicolson (Principal Environmental Consultant and Planner, Landpro) of the following:
 - a) Environmental Management Plan prepared by Enviroscope (Appendix L of the substantive application, dated 20 February 2026); and
 - b) Revised draft consent conditions attached to this memorandum as Appendix 1.
- 13. Comments from ORC's Transport Team have been used to inform the assessment of Other Matters within Section F of this memorandum.
- 14. These reviews are attached as follows:
 - a) Appendix 1 – Revised consent conditions and ORC comments;
 - b) Appendix 2 – Technical peer-review undertaken by Mr Nicolson;
 - c) Appendix 3 – Comments from ORC Transport Team; and
 - d) Appendix 4 –Assessment of proposal against National Policy Statement for Infrastructure 2025.

SECTION C: PURPOSE OF THE FTAA

- 15. 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
- 16. To assist the Panel, ORC has considered:

¹ FTAA section 3

² FTAA section 81(4)

- 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.

SECTION C.1 – POSITIVE EFFECTS

17. The Applicant in their substantive application considers that the proposal will result in the following positive effects:
 - a) Addresses identified shortfalls in attached housing capacity in the Wānaka urban area and wider ward across the short, medium, and long term, helping to meet current and future housing demand.
 - b) Delivers 180 additional one- and two-bedroom dwellings, increasing housing diversity and providing more affordable housing options in a market experiencing significant housing affordability pressures.
 - c) Provides 13 additional affordable homes through the Queenstown Lakes Community Housing Trust (QLCHT), supporting low-income households, social wellbeing, and workforce retention.
 - d) Increases the supply of long-term rental housing, including build-to-rent dwellings, which is expected to improve rental availability and affordability, particularly for seasonal and local workers.
 - e) Supports a well-functioning urban environment through medium-density development in a highly accessible location close to employment, services, schools, recreation, and open space.
 - f) Generates significant economic benefits, including approximately \$121 million in construction investment, substantial regional economic activity, and support for employment during the development phase.
 - g) Creates ongoing employment opportunities associated with the operation of the proposed daycare, café, and grocery store.
18. ORC agrees that these are positive effects that are likely to result from the proposal, although notes that we have not undertaken a peer review of the economic assessment provided in the substantive application. The significance of these effects is considered in Section C.2.

SECTION C.2 – REGIONAL OR NATIONAL SIGNIFICANCE

19. The FTAA does not contain a definition of significant regional or national benefits. However, in relation to a referral application, section 22(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.*
20. ORC has given consideration to these matters in forming a view on whether the positive effects likely to result from the application are of regional or national significance.
 21. ORC has not relied on the fact that this application is a listed project in Schedule 2 of the FTAA as evidence of significant regional or national benefits.
 22. The substantive application states that the proposal will result in a number of positive social, economic and cultural benefits for the region as it will provide for future growth and housing in the region. The main economic benefits of the proposal are outlined in the Wānaka Housing and Economic Assessment - Mt Iron Junction Fast Track Application prepared by Savvy Consulting (2025) attached as Appendix G to the Substantive Application.
 23. ORC has not undertaken a peer review of the economic assessment. However, taking the information provided at face value, ORC considers that the benefits identified by the Applicant are of regional significance.

SECTION C.3 – IS THE PURPOSE OF THE FTAA MET?

24. Based on the information provided by the Applicant, the proposal will likely result in the following regionally significant benefits:
 - a) A significant contribution to currently unmet demand for housing, and particularly smaller dwelling types, within a timeframe aligned with the period of greatest identified housing constraint.
 - b) Regional-scale economic effects associated with the proposal, including construction-phase employment and value-added impacts within the Otago region and longer-term economic effects arising from improved housing availability for the local workforce.
25. The Applicant concludes that the proposal contributes to the delivery of housing and associated economic outcomes that extend beyond localised effects and are relevant at a regional scale, consistent with the purpose of the FTAA.

26. Overall, ORC considers that the development project, when assessed as a whole, is likely to provide significant regional benefits for the purposes of the FTAA. However, ORC notes that its involvement is limited to approvals required for residential earthworks and associated activities within its functions.³ While these approvals are necessary to facilitate the broader development project, the regional benefits identified above arise primarily from the delivery of the residential development itself, rather than from the residential earthwork activities in isolation.

SECTION D: ASSESSMENT OF EFFECTS

SECTION D.1 – STRUCTURE OF THIS SECTION

27. In Section D, ORC considers how the Applicant proposes to manage activities to avoid, remedy, or mitigate adverse effects.
28. ORC has limited its assessment to the actual and potential adverse effects of activities that would otherwise require regional resource consents under the RMA. Where this assessment relies on the advice of technical experts as set out in the memoranda attached as Appendix 2, this is explicitly stated.

SECTION D.2 - LIMITATIONS OF ASSESSMENT

D.2.1 Matters not Assessed by ORC

29. 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 ORC, or because these matters are better assessed by others:
- a) Local amenity;
 - b) Residential development capacity;
 - c) Additional business capacity;
 - d) Landscape character and visual amenity;
 - e) Urban form and expansion/design
 - f) Transportation (excluding public transport for which comments have been provided as described in Section F of this memorandum);
 - g) Noise and vibration associated with construction;
 - h) Wildfire risk;
 - i) Noise effects;
 - j) Infrastructure and servicing;
 - k) Archaeological effects;
 - l) Terrestrial ecology effects; and
 - m) Cultural effects.
30. As indicated above, ORC has relied on the information provided by the Applicant and not independently verified or sought a peer review on the economic impacts of the Applicant's proposal.

³ As set out in Section 30(1) of the RMA

D.2.2 Effects on Cultural Values, Practices, and Beliefs

31. 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 matters, but to recognise that it is for mana whenua to determine how a proposal may affect their cultural values, practices, and relationship with te taiao.
32. The application states that Aukaha Ltd are currently undertaking a cultural impact assessment for the proposal on behalf of Te Rūnanga o Ngāi Tahu (TRONT) and that TRONT reserves their position on the proposal until the cultural impact assessment is complete.⁴
33. ORC acknowledge that the following groups have been invited to provide comments on the application⁵:
 - a) Relevant iwi authorities, including TRONT, in accordance with section 53(2)(b) of the FTAA 2024; and
 - b) Relevant Treaty settlement entities and Papatipu Rūnaka, including TRONT and the relevant rūnaka within the project area, in accordance with section 53(2)(c) of the FTAA 2024.
34. 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, and that their views will be an important consideration for the Panel.

SECTION D.3 – APPROVALS SOUGHT

35. The Applicant seeks approvals under the FTAA for the following activities that would otherwise require resource consent under the RMA. These are listed in Table 2.

Table 2: *Approvals sought*

RMA section	Activity requiring consent	Relevant rule	Activity status
s9 RMA – Land use consent	Use of land for earthworks for residential development	RPW Rule 14.5.2.1	Restricted discretionary
s15 RMA – Discharges	Discharge of sediment into water or onto or into land where it may enter water associated with earthworks for residential development.		

36. ORC agrees with the applicant's assessment of the relevant rules of the Regional Plan: Water for Otago (RPW), the Regional Plan: Air for Otago (RPA), and the Regional Plan: Waste for Otago (RPWaste).

SECTION D.4 – EFFECTS ASSESSMENT

⁴ Section 6.10 of the Substantive Application, dated 20 February 2026.

⁵ As per Minute 2 of the Expert Panel dated 21 May 2026.

37. In accordance with Schedule 5 (clauses 5(4), 6 and 7) of the FTAA, the application includes an assessment of the actual and potential environmental effects associated with the proposed development of the site.
38. Under RPW Rule 14.5.2.1 discretion is restricted to the following matters:
- a) Any erosion, land instability, sedimentation or property damage resulting from these activities; and
 - b) Effectiveness of the proposed erosion and sediment control measures in reducing discharges of sediment to water or to land where it may enter water; and
 - c) The extent to which the activity complies with the Erosion and Sediment Control Guidelines for Land Disturbing Activities in the Auckland Region 2016 (Auckland Guideline document GD2016/005); and
 - d) Any adverse effect on water quality including cumulative effects, and consideration of trends in the quality of the receiving waterbody.
39. Earthworks activities, if not appropriately managed, can cause adverse effects on the environment. Primarily due to the erosion of soils via water and subsequent generation of sediment that can migrate offsite or into sensitive receiving environments such as freshwater systems.
40. The Applicant proposes to undertake approximately 36,650 square metres of earthworks over an area of 5.98 hectares for the proposed housing and mixed-use development. A description of the site characteristics relevant to the earthworks activity is provided in Table 2 of the EMP. The key characteristics of the site are that:
- a) it is predominantly flat, sloping at less than a 2% gradient west to east;
 - b) it is naturally free draining with no seepages or ponding water being evident within the site boundary;
 - c) there are no surface water bodies within or near the site boundaries. The nearest surface water body is the Cadrona River located 430 metres southeast of the site;
 - d) groundwater was not observed in test pits which were to a depth of 4.5 metres below ground level and a piezometer to a depth of 6.7 metres below ground level during the geotechnical investigation; and
 - e) there is no contaminated land at the site.
41. A description of the proposed earthworks activity is provided in Section 3.3 of the substantive application. Further detail regarding the proposed earthworks methodology and the erosion and sediment control measures to be implemented on site is provided in the Erosion and Sediment Control Plan (ESCP) contained within the Environmental Management Plan (EMP). The EMP and ESCP have been prepared in accordance with the Queenstown Lakes District Council (QLDC) EMP Guidelines, Auckland Council Guideline GD2016/005, and the Otago Regional Council (ORC) Guide for Residential Earthworks in Otago. Based on the Applicant's

proposed consent conditions⁶ the Applicant proposes to submit a finalised version of the EMP for review and acceptance by the consenting authority. The Applicant proposes to implement and maintain the measures set out in the EMP for the duration of the earthworks activities on the site. Key aspects of the proposal include:

- a) Staging of earthworks at the site to ensure the extent of disturbed land is minimised to the extent necessary;
 - b) Installation of a range of erosion and sediment control devices including clean and dirty water diversions, sediment basins, stormwater inlet protection and silt fences and socks;
 - c) Avoiding works during significant or adverse weather events;
 - d) Undertaking regular inspections and maintenance of erosion and sediment control devices to ensure their effective function is maintained;
 - e) Implementation of water quality monitoring and comparison to discharge quality criteria for any sediment discharges from sediment basins; and
 - f) Progressive stabilisation of disturbed surfaces and removal of erosion and sediment control devices once the site is stabilised.
42. The Applicant has proposed a suite of consent conditions to secure the implementation of, and compliance with, the measures set out in the EMP. Subject to adherence to the EMP and the proposed conditions, the Applicant considers that the potential adverse effects associated with erosion and sediment generation, ecological values, and aquatic ecosystems can be appropriately managed and minimised.
43. ORC has commissioned a peer review of the EMP and the revised consent conditions by Mr Nicholson (Principal Environmental Consultant and Planner, Landpro). Mr Nicholson's review forms part of these comments and is appended as Appendix 2. Mr Nicholson's review has been undertaken on the basis that the EMP provided with the substantive application is a draft and that the EMP will be further refined and provided to the consenting authority for review and approval prior to works commencing at the site.
44. Mr Nicholson's review considers the proposed erosion and sediment controls are likely to be effective and that effects from erosion, land instability, sedimentation and effects on water quality can be appropriately managed provided various design refinements and areas of clarification are resolved on provision of a finalised EMP in accordance with the revised conditions of resource consent. ORC notes that design refinements and areas requiring further clarification as identified in Mr Nicholson's review are typical of similar residential development proposals in the region.
45. Mr Nicholson's review comments for Section 5.5, Table 8 of the EMP notes two areas of discrepancy between the EMP and the Applicant's proposed conditions related to the discharge quality limit for turbidity and the order of discharge quality parameters for sampling. It has been inferred that the Applicant's proposal is what is set out in the proposed

⁶ Specifically condition (12) of 'Part B – Subdivision Conditions' on page 7 of Appendix Q to the Substantive Application.

consent conditions (and as reflected in the revised conditions attached to this memorandum) but the Applicant may wish to clarify if this is not the case.

46. Mr Nicholson's review also notes that the proposed turbidity limit of 150 Nephelometric Turbidity Units (NTU) may be too high due to some soils in Wānaka having a much lower field equivalent to 50 mg/L Total Suspended Solids (TSS). Mr Nicholson notes that given there are no nearby watercourses, he would be open to further justification to demonstrate the appropriateness of 150 NTU as a discharge quality limit for the site. Similarly, Mr Nicholson also notes that a visual clarity limit of 100 millimetres may be appropriate, but seeks further justification to demonstrate that it is appropriate for the site. The revised conditions attached as Appendix 1 adopt the discharge quality limits proposed by the Applicant.
47. Mr Nicholson's review also considers that either visual clarity or turbidity are included as discharge quality limits, noting that turbidity is a more robust mechanism for quantifying suspended sediment load. The revised conditions attached as Appendix 1 provide limits for visual clarity and turbidity as proposed by the Applicant.
48. Proposed conditions formed part of the Applicant's proposal.⁷ ORC reviewed those consent conditions and provided a revised set to the Applicant. Since this date, there has been no further engagement with the Applicant on the proposed conditions. As shown in Appendix 1, there is a high level of agreement between ORC and the Applicant on the proposed conditions. Key revisions proposed by ORC are as follows:
 - a) ORC considers a separate set of consent conditions relevant to the land use consent and discharge permit approvals are required. This is to ensure ORC's compliance, monitoring and enforcement role with respect to the approvals is clear. It is also understood that QLDC have not obtained peer reviews of the proposal from an environmental management perspective.
 - b) Additional conditions identifying the site, relevant documentation works must occur in accordance with, staging, stabilisation of entrances and provision of information to ORC to assist with compliance and monitoring.
49. Overall, ORC is satisfied that these effects have been appropriately avoided, remedied, or mitigated by the measures proposed by the Applicant. ORC also notes that the residential earthworks proposal including the EMP, ESCP and revised consent conditions set out in Appendix 1, is consistent with other residential earthworks proposals considered within the Otago region.

SECTION E: POLICY ASSESSMENT

50. In accordance with FTAA Schedule 5 Clause 17(b) the Panel must take into account any relevant provisions of the statutory instruments listed in RMA s104(b).
51. ORC considers that the following statutory documents are of relevance to this Application (and to regional council functions):
 - a) National Policy Statement for Urban Development 2020 (**NPS-UD**)

⁷ Appendix

- b) National Policy Statement for Infrastructure 2025 (**NPS-I**)
 - c) National Policy Statement for Natural Hazards 2025 (**NPS-NH**)
 - d) National Policy Statement for Freshwater Management 2020 (**NPS-FM**)
 - e) Operative Regional Policy Statement 2019 (**ORPS 2019**)
 - f) Proposed Otago Regional Policy Statement 2021 (**pORPS 2021**)
 - g) Regional Plan: Water for Otago (**RPW**)
 - h) Kāi Tahu Ki Otago Natural Resource Management Plan 2005 (**NRMP**)
 - i) Ngāi Tahu ki Murihiku Natural Resource and Environmental Iwi Management Plan 2008 (**NREIMP**)
52. The Applicant has provided an assessment of relevant provisions of most of the above-listed statutory planning documents in Appendix S to the substantive application. ORC generally agrees with this assessment.
53. Commentary is focused on the areas where ORC is not in agreement with the Applicant's assessment, where ORC considers that there are omissions in the Applicant's assessment, or where relevant documents have been updated since the Application was lodged.
54. ORC considers that:
- a) The NPS-I is relevant because the proposal involves the construction of roads and a shared pedestrian and cycle path, as well as stormwater, wastewater and water supply infrastructure, which are all within the scope of the definition of 'infrastructure' in section 2 of the RMA and therefore the NPS-I in accordance with section 1.3 of that document.
 - b) The National Policy Statement for Highly Productive Land 2022 (**NPS-HPL**) is not relevant to the Application as the site of the proposal is not located on highly productive land.
 - c) The National Policy Statement for Indigenous Biodiversity 2023 (**NPS-IB**) is relevant but has limited application as the site has been cleared of indigenous vegetation for the recent State Highway 6 upgrades and is predominantly covered in pasture species such as tall fescue and revegetating weeds.
 - d) The National Environmental Standard for Assessing and Managing Contaminants in Soil to Protect Human Health 2011 (**NES-CS**) and the National Environmental Standards for Sources of Human Drinking Water 2007 (**NES-DW**) are not relevant to this application.
55. ORC agrees with and has no further comments on the Applicant's assessments of the NPS-UD, NPS-NH or NPS-FM.

SECTION E.1 – NPS-I

56. The Applicant has not provided an assessment of the proposal against the NPS-I. The proposal involves construction and/or provision of a range of infrastructure, including roads, cycleways and footpaths, stormwater and wastewater disposal, and water supply. The NPS-I applies to

all infrastructure activities and infrastructure supporting activities, therefore ORC considers it is relevant to the proposal.

57. For completeness, an assessment against this document is attached as Appendix 4.

SECTION E.4 – ORPS 2019

58. ORC generally agrees with the Applicant's assessment against the relevant provisions of the ORPS 2019. ORC notes that all appeals on the pORPS 2021 have been resolved and its provisions are therefore beyond challenge. On this basis, ORC considers that little weight should be placed on the corresponding provisions of the ORPS 2019.

SECTION E.5 – pORPS 2021

59. At the time of writing this memorandum, all appeals on the pORPS 2021 have been resolved via consent orders and it is expected to be made operative in the coming months. For this reason, ORC considers the Panel should limit their assessment to the direction within the pORPS 2021. ORC generally agrees with the Applicant's assessment.
60. The Applicant's assessment does not include an assessment of the HCV – Historical and cultural values chapter of the pORPS. For completeness, ORC notes that:
- a) the site is not within an identified wāhi tūpuna area, and
 - b) the cultural impact assessment commissioned by the Applicant, consideration of relevant iwi management plans, and the proposed use of accidental discovery protocols are methods consistent with the provisions in this chapter.

SECTION E.6 – RPW

61. ORC generally agrees with the Applicant's assessment against the relevant provisions of the RPW, except that the Applicant has not assessed the following policies that ORC considers are relevant: Policies 7.C.2, 7.C.3, and 9.4.18. For completeness, ORC's assessment of these policies is set out below.

Table 3: Additional policy assessments

Policy	Assessment
7.C.2: When considering applications for resource consents to discharge contaminants to water, or onto or into land in circumstances which may result in any contaminant entering water, to have regard to: (a) The nature of the discharge and the sensitivity of the receiving environment to adverse effects; (b) The financial implications, and the effects on the environment of the proposed method of discharge when compared with alternative means; and (c) The current state of technical knowledge and the likelihood that the proposed	There are no surface waterbodies within or nearby to the site boundaries. In addition, groundwater was not observed during the geotechnical investigations detailed within the Geosolve report, dated March 2018. The surrounding area comprises residential dwellings to the north-east, State Highway 6 roading infrastructure to the east and south, and Mount Iron Reserve to the North. The nearest surface water body is an unnamed tributary of the Ōrau / Cardrona River, approximately 430 metres southeast of the site. The Ōrau / Cardrona River itself is approximately 630 metres southeast of the site at its closest point.

method of discharge can be successfully applied.	The nature of the discharge and sensitivity of the receiving environment has been appropriately considered in the EMP. There are no alternative methods of discharge applicable in this case. The methods adopted by the Application are supported by an EMP that aligns with current best practice guidance, ensuring erosion and sediment control measures are designed and implemented to an appropriate standard.
7.C.3: When considering any resource consent to discharge a contaminant to water, to have regard to any relevant standards and guidelines in imposing conditions on the discharge consent.	The EMP generally implements the Auckland Council GD05 guidelines. Where there are deviations (e.g. soakage from sediment basins), this is supported by technical evidence prepared for the site, particularly the geotechnical report.
9.4.18: To identify land of high risk in terms of the vulnerability of underlying groundwater to leachate contamination and to manage, with respect to this land: (a) Change in land use to activities which have the potential to result in leachate discharges, so that the activities are, where practicable, located elsewhere, or contaminants are contained; (b) Existing land use activities so that any potential for groundwater contamination is monitored and, where necessary, corrective action is taken; (c) Point source discharges of water or contaminants to land or groundwater; and (d) Excavation, so that any protective soil mantle or impervious stratum is retained, replaced, or alternative groundwater protection is provided.	The discharge is not located above an aquifer identified as Zone A of the Groundwater Protection Zones on the C-series maps.

SECTION E.7 – NRMP

62. ORC advises the Panel of a relevant iwi management plan, being the Kāi Tahu Ki Otago Natural Resource Management Plan 2005 (NRMP).
63. As noted elsewhere in these comments, ORC has not undertaken an assessment of the potential adverse effects that the proposal may have on cultural values, practices or beliefs.
64. ORC generally agrees with the Applicant's assessment of the Wai Māori Policies for the Clutha/Mata-au Catchment in the NRMP. ORC notes that Sections 5.2 and 5.3 of the NRMP provides objectives and policies that apply to the whole of the Otago Region and an assessment of those provisions has not been provided in the Substantive Application. For completeness, ORC's assessment of these objectives and policies is set out below. It is indicated where further consideration by mana whenua is required:

Table 4: Additional Objective and Policy Assessments

Objective/Policy	Assessment
Section 5.2: Otago-wide Objectives i. The rakātirataka and kaitiakitaka of Kāi Tahu ki Otago is recognised and supported. ii. Ki Uta Ki Tai management of natural resources is adopted within the Otago region. iii. The mana of Kāi Tahu ki Otago is upheld through the management of natural, physical and historic resources in the Otago Region. iv. Kāi Tahu ki Otago have effective participation in all resource management activities within the Otago Region. v. The respective roles and responsibilities of Manawhenua within the Otago Region are recognised and provided for through the other objectives and policies of the Plan.	ORC considers mana whenua are best placed to provide an assessment of the proposal against these overarching objectives.
Section 5.3.3 Wāi Māori General Objectives i. The spiritual and cultural significance of water to Kāi Tahu ki Otago is recognised in all water management. iv. Contaminants being discharged directly or indirectly to water are reduced	The Applicant has considered the spiritual and cultural significance of water to Kāi Tahu. Contaminants being discharged to land and water will be reduced as a result of a range of erosion and sediment controls being implemented at the site in accordance with the EMP.
Section 5.3.4: Wai Māori General Policies 8. To encourage all stormwater be treated before being discharged. 10. To encourage Management Plans for all discharge activities that detail the procedure for containing spills and including plans for extraordinary events.	Stormwater will receive treatment via infiltration to land or sediment control device prior to discharge to land. The draft EMP provided with the Substantive Application sets out a range of procedures for containing spills and extraordinary events, such as significant weather events.

SECTION E.8 – NREIMP

65. In addition to the NRMP, the Ngāi Tahu ki Murihiku Natural Resource and Environmental Iwi Management Plan 2008 is also relevant to assess.

66. As noted elsewhere in these comments, ORC has not undertaken an assessment of the potential adverse effects that the proposal may have on cultural values, practices or beliefs.
67. ORC generally agrees with the Applicant's assessment of the relevant policies of the NREIMP.

SECTION F: OTHER MATTERS

68. 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).
69. To assist the Panel, ORC provides an assessment of the impacts on public transport that may arise from the proposal as a relevant other matter under section 104(1)(c) of the RMA. Comments from the ORC Transport Team are attached to this memorandum as Appendix 3 and are summarised below.
70. As set out in the Land Transport Management Act 2003, ORC's responsibilities as the public transport authority for Otago include:
- a) Planning public transport networks;
 - b) Designing, procuring and funding public transport services; and
 - c) Influencing land use via regional policy statements and regional plans developed in accordance with the RMA.
71. There is currently no public transport service within the Upper Clutha area, but active travel elements that enable good connectivity could integrate with a future public transport network servicing the area.
72. As set out in Appendix 3, ORC recommend that the applicant considers future proofing the development for public transport service by implementing the required infrastructure in its designs. To better align with the direction in the pORPS for transport system design and sustainable transportation, the ORC recommends walking and cycling connections to the north-east as well as to the west be added to the development design.
73. ORC considers that a broader assessment of potential traffic effects is more appropriately undertaken by QLDC.

SECTION G: PURPOSE AND PRINCIPLES OF THE RMA

74. The statutory direction for a panel to take into account key provisions of the RMA includes consideration of Part 2 of the RMA.
75. The Applicant has included a comprehensive Part 2 assessment in section 8 of the application. Subject to the recommended conditions of consent, ORC agrees with the Applicant that the proposal will meet the sustainable management purpose of the RMA.
76. ORC limits its conclusions in this regard to matters that it has directly assessed and peer reviewed. ORC considers 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.⁸
 - b) Have particular regard to kaitiakitanga.⁹
77. ORC considers that QLDC is best placed to assess whether the outstanding natural features and landscapes identified in their district plan are protected from inappropriate subdivision, use, and development.¹⁰

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

78. ORC has considered the relevant sections of the RMA and subsidiary statutory documents which direct decision-making, and makes the following observations:
- a) **RMA Section 87A(6) – Prohibited Activities:** The Application does not seek approval for any activity that would be prohibited.
 - b) **RMA Section 105 – Matters relevant to certain applications:** The matters traversed by this section are adequately discussed throughout the Application and supporting documents.
 - c) **RMA Section 106A – Consent authority may refuse land use consent in certain circumstances:** ORC does not consider that there is a significant risk from natural hazards that is relevant to the construction-phase approvals for land use activities (that would otherwise require regional resource consents).
 - d) **RMA Section 107 – Restriction on grant of certain discharge permits:** 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 Section 107(1)(c)-(g). Consideration of the exemption clauses is therefore not required.
 - e) **RMA Section 123 – Duration of consent:** The Applicant has not provided a proposed duration for the approvals sought in their substantive application.

SECTION I: CONSENT CONDITIONS

79. 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.
80. ORC has focused on the conditions that relate to the approvals that would otherwise be granted by ORC.

SECTION I.1 APPLICANT'S VOLUNTEERED CONDITIONS

81. Generally, ORC considers that the Applicant's volunteered consent conditions are broadly appropriate, and ORC has used these as the basis for continuing work on the suggested consent conditions.

⁸ RMA s6(e) matter of national importance

⁹ RMA s7(a) other matter

¹⁰ RMA s6(b) matter of national importance

82. ORC have provided a revised set of proposed conditions to the Applicant and there have been no further discussions since revised conditions were provided to the Applicant. The revised set of draft conditions are attached to this memorandum as Appendix 1. ORC confirms that it is willing to continue refining conditions, including working collaboratively with the Applicant and other parties if directed by the Panel.

I.1.1 Separation of Resource Consents

83. ORC considers the Applicant has sought the correct approvals. However, the different types of permits should be separated into individual resource consents to ensure it is clear to a compliance officer which conditions relate to each of the activities proposed and which regulator is responsible for monitoring and compliance of each permit.

I.1.2 Consent Duration

84. Section 123 of the RMA applies to a decision of the Panel on the consent.¹¹
85. The Applicant has not proposed a duration in their Application. It is noted in Section 6.12.1 of the application that the delivery of homes can be undertaken swiftly upon approval of the application and can be delivered in its entirety over a five-year period. The Applicant may wish to clarify the durations that are sought.
86. Given the construction phase nature of the approvals required from ORC it is considered a duration of 15-years is appropriate, subject to a condition requiring construction works to be completed within a specified timeframe as set out by revised condition (3) in Appendix 1.

SECTION J: WHEN AN APPROVAL MUST OR MAY BE DECLINED

87. Section 85 of the FTAA sets out when a panel must or may decline an approval.
88. 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).

SECTION K: CONCLUSIONS

89. ORC considers that the Application:
- a) Meets the purpose of the Act, in that it is a development project with significant regional benefits; and
 - b) Will not result in any adverse effects that are sufficiently significant to be out of proportion with the regional benefits, having regard to the proposed avoidance, and mitigation measures, together with appropriate conditions of consent as set out in Appendix 1.

¹¹ FTAA Schedule 5, Clause 17, part (7).

APPENDICES

1. Appendix 1 – Revised consent conditions and ORC comments;
2. Appendix 2 – Technical peer-review undertaken by Mr Nicholson.
3. Appendix 3 – Comments from ORC Transport Team
4. Appendix 4 – Assessment of proposal against National Policy Statement for Infrastructure 2025

