



FTAA-2605-1240: Application received for referral of the project under the Fast-track Approvals Act 2024 – Stage 2 decisions

Project Name: Waitiri Project

Date submitted	7 August 2026	Tracking	26-BRF-02106
Security level	In-Confidence	Priority	Urgent

To	Action sought	Response by
Hon Chris Bishop Minister for Infrastructure	Decisions on recommendations	14 August 2026

Actions for Minister's Office staff	Return the signed briefing to: FTAreferrals@mcert.govt.nz Send email to Ministers to invite written comments
Number of appendices: 6	Appendices: 1. Statutory framework for making decisions 2. Application documents for Waitiri project 3. Stage 1 Briefing Note and decisions 4. Section 18 Report on Treaty settlements and other obligations 5. Comments received from invited parties 6. Draft Notice of Decisions

Ministry contacts

Name	Position	Telephone	1 st contact
Max Gander-Cooper	Principal Author		
Stephanie Frame	Manager	s9(2)(a)	✓
Ilana Miller	General Manager	s9(2)(a)	



Project location



Image 1: Approximate location of the project area

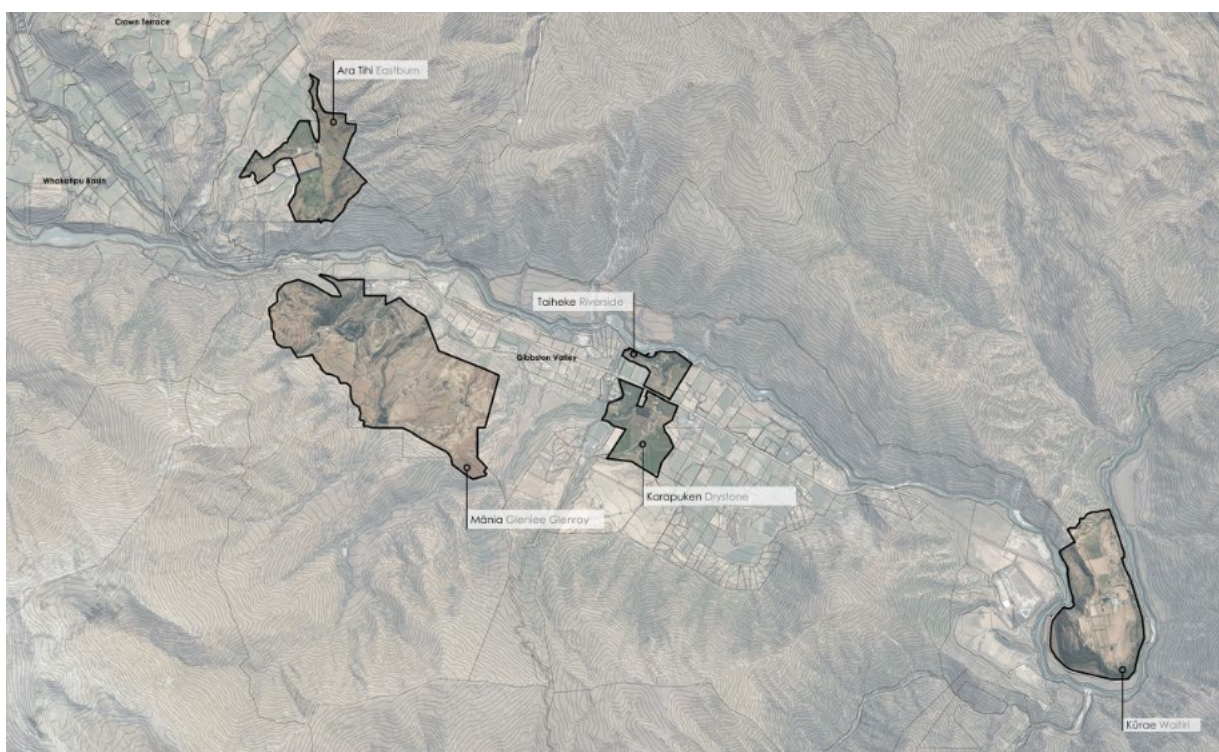


Image 2: Approximate location of the five development areas proposed for the project

Key messages

1. This briefing seeks your decisions under section 21 of the Fast-track Approvals Act 2024 (the Act) on the application from Oaks Living Limited (the applicant) to refer the Waitiri project (the project) to the fast-track approvals process.



2. A copy of the application is in Appendix 2. This is the second briefing on this application. The first (Stage 1) briefing (26-BRF-01523) with your initial decisions annotated is in Appendix 3.
3. The project is to undertake a mixed-use development across five geographically distinct but interrelated sites within Gibbston Valley, Queenstown, with a total area of approximately 828.2 hectares (ha).
4. The five sites within the project area are described as:
 - a. Ara Tihi – Eastburn (approximately 127.7 ha), located at 108–117 and 163 Eastburn Road, and 54 Preservation Lane, Arrow Junction
 - b. Mānia – Glenlee/Glenroy (approximately 398.8 ha), located at 1786 Gibbston Highway
 - c. Taiheke – Riverside (approximately 30.99 ha), located at Gibbston Highway and 48 Rafter Road
 - d. Karapuke – Drystone (approximately 74.72 ha), located at 2188 Gibbston Highway
 - e. Kūrae – Waitiri (approximately 196.01 ha), located at 3207 Gibbston Highway.
5. The project includes the subdivision, construction, and establishment of residential, non-residential, and associated infrastructure and open space areas, including:
 - a. approximately 1,115 residential lots across a range of densities and typologies, including approximately 167 high-density lots, 209 medium-density lots, 393 low-density lots, 183 large residential lots, 114 rural living lots, and 49 rural lots
 - b. allotments to enable non-residential and community activities, including a resort precinct (approximately 3.96 ha), an 18-hole golf course, and approximately 2.63 ha of clubhouse and community hub space
 - c. provision for community and service elements, including a village precinct incorporating approximately 7,200 m² of commercial gross floor area, a 2.10 ha site for a potential school, and approximately 6.15 ha identified as a cultural node for a conference centre and visitor accommodation
 - d. provision and construction of supporting infrastructure and land use components, including a plant nursery (approximately 4.47 ha), solar farm (approximately 3.73 ha), and mitigation buffer (approximately 5.11 ha)
 - e. establishment of an open space network of approximately 284 ha incorporating native restoration, revegetation, and mitigation planting
 - f. provision and construction of infrastructure and transport elements to support the development, including a potential underpass across State Highway 6 to connect the north and south sides of the highway, or alternative arrangement.
6. The applicant seeks the following approvals through the fast-track approvals process to authorise the project:
 - a. resource consents under the Resource Management Act 1991
 - b. wildlife authority under the Wildlife Act 1953
 - c. an archaeological authority under the Heritage New Zealand Pouhere Taonga Act 2014.

7. We recommend you **accept** the referral application as the project meets the criteria set out in section 22 and does not appear to involve an ineligible activity.
8. We seek your decisions on this recommendation and on the proposed directions to the applicants, the expert panel and notification of your decisions.

Assessment against statutory framework

9. The statutory framework for your decision-making is set out in Appendix 1. You must apply this framework when you are deciding whether to accept or decline the referral application and when deciding on any further requirements or directions associated with referral of the project.
10. Before accepting the project, you must consider the application (in Appendix 2), the section 18 Treaty settlements report (in Appendix 4), any comments from invited parties (in Appendix 5), any further information requested from the applicant, the relevant local authorities, or the relevant administering agencies (in Appendix 6) and any document that requires your consideration under section 16 and comply with any procedural requirements under section 16. Following that, you may accept the application if you are satisfied that it meets the criteria in section 22 of the Act and if there are no reasons meaning you must decline the application. We provide our advice on these matters below.

Section 18 Treaty settlements and other obligations report

11. The Ministry for Cities, Environment, Regions & Transport (the Ministry) has prepared a Treaty settlements and other obligations report under section 18 of the Act.
12. The report identifies 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, Aukaha, and Te Ao Marama Incorporated as the relevant groups for the project area.
13. The Ngāi Tahu Claims Settlement Act 1998 is the relevant Treaty settlement for the project area. the report does not identify any other obligations such as Mana Whakahono ā Rohe or joint management agreements.
14. The Ngāi Tahu Claims Settlement Act 1998 provides for a statutory acknowledgement over Te Wairere (Lake Dunstan). While the project area does not include or adjoin this statutory area, the statutory acknowledgement may be relevant if the proposed activities (such as the discharge of stormwater) may directly affect the lake. Under the RMA and the relevant Treaty settlements, a consent authority must have regard to a statutory acknowledgement when deciding whether an iwi is an 'affected person' for the purposes of notification decisions and must provide a summary of any consent applications relevant to the statutory area to a statutory acknowledgement holder. The report considers the process of inviting comment from these groups under the Act is comparable to the requirements for statutory acknowledgements under the RMA and Treaty settlements.
15. You received comments on the application from Kāti Huirapa Rūnaka ki Puketeraki, Te Rūnanga o Moeraki, and Aukaha. All three groups have yet to form a view on the project. Kāti Huirapa Rūnaka ki Puketeraki and Te Rūnanga o Moeraki have entered into a process agreement with the applicant as a basis for continued engagement. Kāti Huirapa Rūnaka ki Puketeraki and Te Rūnanga o Moeraki ask that you require consultation with mana whenua be completed, and a cultural or Treaty settlement impact assessment is finalised, before a substantive application is submitted.

16. The report does not raise any matters which make it more appropriate for the proposed approvals to be authorised under another Act or Acts.

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

17. The section 18 report does not identify any procedural requirements on you under section 16.

Section 19 Report in relation to use of public conservation land

18. While you agreed in the stage 1 briefing to seek a section 19 report from the Director-General of Conservation, further investigation has confirmed that the project does not include public conservation land, so no such report is required.

Written comments received

19. Comments were received from Otago Regional Council (ORC), Queenstown Lakes District Council (QLDC), three Ministers, three Māori groups, the Department of Conservation (DOC), Heritage New Zealand Pouhere Taonga (HNZPT) and NZ Transport Agency Waka Kotahi (NZTA). The key points of relevance to your decisions are summarised in Table A.
20. The key points from the comments are:
- a. ORC confirmed there are no competing applications or applications relevant to sections 124C(1)(c) or 165ZI of the RMA. While ORC identified several matters which the applicant should address at the substantive stage (including infrastructure servicing and matters in the regional plan), it did not oppose project referral
 - b. NZTA, while not specifically opposing the project, considered it could have significant adverse effects on the state highway network due to increased private vehicle demand, and that if the project is referred it should be accompanied by a comprehensive integrated transport assessment. NZTA considers the proposed development is unnecessary as there is existing zoned land for residential development beyond the projected demand for the Queenstown area
 - c. HNZPT did not oppose project referral, confirmed an archaeological authority will be required, and identified certain heritage reports that should be provided with a substantive application
 - d. QLDC considered the project application does not contain sufficient information for you to make a decision, and therefore you must decline it. The reasons that QLDC sets out for why the application should be declined are:
 - i. the application does not demonstrate how each stage meets the requirements of section 22
 - ii. the project will not enable a well-functioning urban environment
 - iii. the project will be contrary to the Otago Regional Policy Statement, Queenstown Lakes District Plan and Queenstown Lakes Spatial Plan
 - iv. the project risks significant adverse effects, including reverse-sensitivity effects and significant costs to the Victoria Flats landfill, effects on an outstanding natural landscape,



- the potential loss of Gibbston Valley as an internationally recognised wine-growing region, and transport effects on State Highway 6 and the Shotover Bridge
- v. the project is reliant on private infrastructure provision and private maintenance arrangements
 - vi. the project's benefits assessment does not account for whether the benefits represent new benefits or the redistribution of benefits that may otherwise occur in the district
 - e. while QLDC opposed project referral, if the project is referred it identified several reports that should be provided with a substantive application for the project
 - f. DOC did not oppose project referral and noted the applicant would need to consider whether the project would require freshwater fisheries approvals
 - g. the Minister for Māori Crown Relations: Te Arawhiti and Minister for Māori Development supported project referral and encouraged the applicant and panel to have regard to Treaty settlements and the feedback from Māori groups
 - h. the Minister of Education did not comment on whether the project should be referred and noted it would create additional demand on local schools
 - i. the Minister for Arts, Culture and Heritage responded with no comments on the application
 - j. comments from Māori groups are summarised at paragraph 19.

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

21. You did not request any further information from the applicant, relevant local authorities or relevant administering agencies under section 20 of the Act.

Reasons to decline

22. The statutory framework in Appendix 1 sets out the situations where you must decline the application for referral under section 21(3).
23. While QLDC consider you must decline the application because it does not contain sufficient information to inform your decision (particularly regarding assessments for each individual stage), we disagree. We consider QLDC have misinterpreted the requirements of the Act regarding staging (mistaking staged subdivision within a single application for an intention to lodge multiple substantive applications).
24. We do not consider you must decline this application.
25. You may also decline the application for any other reason under section 21(4). The Act gives some guidance on matters you could consider when deciding whether to decline an application and these are set out in Appendix 1.
26. Both NZTA and QLDC considered the project would have significant adverse effects on the environment, and QLDC considered you should decline the project on this basis. We consider these matters can generally be considered by an expert panel with the benefit of appropriate assessments, and recommend you direct the applicant to provide certain assessments to assist an expert panel and invite comments from relevant additional parties.



27. We consider the most significant issue for the project is the potential effect on the transport network. We acknowledge the highly constrained transport network in the Queenstown Lakes District, and agree that both this project and the cumulative effect of multiple fast-track projects is placing pressure on the efficient operation of the networks. We recommend you direct the applicant to provide an integrated transport assessment with their substantive application which includes, but is not limited to, effects on the road network and the funding solution for any necessary upgrades.
28. We have considered the matters above and this is discussed in Table A, and we do not consider you should decline the project for any of these reasons.

Reasons to accept

29. The statutory framework in Appendix 1 sets out the reasons you can accept a project for referral.
30. Our assessment of these matters is summarised in Table A. We consider the project meets the requirements of section 22, as it:
 - a. is an infrastructure or development project because it involves land development and subdivision
 - b. it would have significant regional or national benefits because it would increase housing supply and have significant economic benefits
 - c. referring the project to the fast-track approvals process would facilitate the project, including by enabling it to be processed in a more timely and cost-effective way than under normal processes because it would be processed more quickly than under the standard consenting pathway and appeals under the Act are limited to the High Court and only on points of law
 - d. is unlikely to materially affect the efficient operation of the fast-track approvals process because it is a land development project that a panel could be expected to consider under the standard consenting regime.
31. If you disagree, you must decline the referral application under section 21(3)(a) of the Act.

Conclusions

32. We consider the project meets the section 22 criteria and you could accept the referral application under section 21 of the Act and refer the project to the fast-track approvals process with the specifications outlined below.
33. We consider that if you decide to refer the project, you should specify under section 27 of the Act the following requirements that should apply to the project:
 - a. a deadline for lodging the substantive application of two years from the date of your notice of decisions
 - b. the following information that must be submitted with the substantive application:
 - i. an integrated transport assessment which includes, but is not limited to, effects on the road network and the funding solution for any necessary upgrades
 - ii. assessment of the feasibility of three waters services for the project
 - iii. noise, odour and amenity assessments in relation to the Victoria Flats Landfill
 - iv. assessment of the effects of the proposal on the viticultural values of the Gibbston Valley

- c. NZTA and the Central Otago Winegrowers Association as persons or groups from whom a panel must invite comments from in addition to those specified in section 53.
- 34. The above restrictions are required to assist the panel in assessing the adverse impacts of the project, and to provide relevant comment on the viticultural values of the region.

Next steps

- 35. The Secretary for the Environment (the Secretary) must give notice of your decisions on the referral application, and the reasons for them, to the applicant(s) and anyone invited to comment under section 17 and publish the notice on the Fast-track website.
- 36. If you decide to refer the project, the Secretary must also give notice of your decision to:
 - a. the panel convener
 - b. any additional iwi authorities or Treaty settlement entities that you consider have an interest in the matter other than those invited to comment under section 17
 - c. the Environmental Protection Authority (EPA)
 - d. the relevant administering agencies.
- 37. You must also provide all of the information you received that relates to this application to the EPA and the panel convener, including:
 - a. the referral application
 - b. any comments received under section 17
 - c. the report obtained under section 18
 - d. if a report was obtained under section 19, that report.
- 38. We will undertake this action on your behalf.
- 39. We have attached a notice of decisions letter to the applicant(s) based on our recommendations (refer Appendix 6) and we will provide it to all relevant parties. We will provide you with an amended letter if required.
- 40. Our recommendations for your decisions follow.



Recommendations

41. We recommend that you:

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

Noted

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

- i. the application in Appendix 2
- ii. the report obtained under section 18 in Appendix 4
- iii. any comments and further information sought under sections 17 and 20 and provided within the required timeframe (if you have received any comments or further information after the required timeframe you are not required to consider them but may do so at your discretion) in Appendix 5.

Yes / No

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

- i. it is a development project that would have significant regional or national benefits because it involves the subdivision and development of land and will:
- ii. it will increase housing supply by providing approximately 1,115 new residential units [s22(2)(a)(iii)]
- iii. it will deliver significant economic benefits by contributing \$2.17 billion to GDP and enabling 12,507 full-time equivalent years of employment across the project development period
- iv. referring the project will facilitate it, including by enabling it to be processed in a more timely and cost-effective manner than under normal processes as it will enable the project to proceed without a plan change, the process preclude public notification, and appeals are limited to points of law and only to the High Court
- v. referring the project would not materially affect the efficient operation of the fast-track approvals process as the project is not novel in the New Zealand context and is not out of step with the kind of projects an expert panel could be expected to consider under standard consenting processes.

Yes / No

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

Yes / No



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

Yes / No

- f. **Agree** to specify Oaks Living Limited as the person who is authorised to lodge a substantive application for the project

Yes / No

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

- i. The deadline for lodging the application is two years from the date of your notice of decisions letter
- ii. The following information that the applicant must submit with the substantive application:
- iii. a comprehensive integrated transport assessment that includes, but is not limited to:
- iv. identifying the existing capacity of the local road network and State Highway 6 to service traffic associated with both the project while it is carried out and the resulting development; and
- v. identifying potential cumulative effects of the greenfield urban expansion not identified within current strategic growth planning documents for the wider Queenstown area on the local road network and State Highway 6; and
- vi. identifying any upgrades to the local road network and State Highway 6 that are required to service the traffic identified in (a) and mitigate any cumulative effects identified in (b); and
- vii. identifying any funding required to carry out those upgrades (including who will provide that funding); and
- viii. information on discussions held, and agreements made, between the authorised person and QLDC or NZTA (or both) about transport infrastructure (including discussions and agreements about the matters referred to in subparagraphs (a) to d)
- ix. proposed three waters network design solutions and network locations, including feasibility for potable water distribution and location of any wastewater disposal fields and how these integrate with public open space
- x. noise, odour and amenity assessments in relation to the Victoria Flats Landfill and demonstration as to how any potential reverse sensitivity effects are to be managed so as not to compromise the ongoing operation and development of the landfill
- xi. an assessment of the effects of the proposal on the viticultural values of the Gibbston Valley, including reverse sensitivity (particularly to frost fans and other critical viticultural machinery), economic effects on land value and ongoing viability for grape-growing
- xii. The following persons or groups from whom a panel must invite comments in addition to those specified in section 53:
- xiii. Chief Executive of NZ Transport Agency Waka Kotahi
- xiv. Central Otago Winegrowers Association



Yes / No

- h. **Agree** that the Secretary for the Environment will provide your notice of decisions to:
- i. Anyone invited to comment on the application including local authorities and relevant Māori groups
 - ii. the panel convener
 - iii. The Environmental Protection Authority (EPA)
 - iv. The following relevant administering agencies:
 - v. Department of Conservation
 - vi. Heritage New Zealand Pouhere Taonga

Yes / No

Signatures

Stephanie Frame
Manager – Fast-track Operations

Hon Chris Bishop
Minister for Infrastructure

Date:

Table A: Stage 2 analysis

Recommendation	<u>Accept</u> the referral application and refer the project to the fast-track approvals process		
Project details	Project Name	Applicant	Project Location
	Waitiri project	Oaks Living Limited	The project area comprises five distinct development areas over a total area of approximately 828.2 hectares (ha) within Gibbston Valley, Queenstown. These sites are: – Ara Tihi – Eastburn (approximately 127.7 ha), located at 108–117 and 163 Eastburn Road, and 54 Preservation Lane, Arrow Junction – Mānia – Glenlee/Glenroy (approximately 398.8 ha), located at 1786 Gibbston Highway – Taiheke – Riverside (approximately 30.99 ha), located at Gibbston Highway and 48 Rafter Road – Karapuke – Drystone (approximately 74.72 ha), located at 2188 Gibbston Highway – Kūrae – Waitiri (approximately 196.01 ha), located at 3207 Gibbston Highway.
Project description	The project includes the subdivision, construction, and establishment of residential, non-residential, and associated infrastructure and open space areas, including: 1. approximately 1,115 residential lots across a range of densities and typologies, including approximately 167 high-density lots, 209 medium-density lots, 393 low-density lots, 183 large residential lots, 114 rural living lots, and 49 rural lots 2. allotments to enable non-residential and community activities, including a resort precinct (approximately 3.96 ha), an 18-hole golf course, and approximately 2.63 ha of clubhouse and community hub space 3. provision for community and service elements, including a village precinct incorporating approximately 7,200 m² of commercial gross floor area, a 2.10 ha site for a potential school, and approximately 6.15 ha identified as a cultural node for a conference centre and visitor accommodation 4. provision and construction of supporting infrastructure and land use components, including a nursery (approximately 4.47 ha), solar farm (approximately 3.73 ha), and mitigation buffer (approximately 5.11 ha) 5. establishment of an open space network of approximately 284 ha incorporating native restoration, revegetation, and mitigation planting 6. provision and construction of infrastructure and transport elements to support the development, including an underpass across State Highway 6 to connect the north and south sides of the highway. The applicant seeks the following approvals through the fast-track approvals process to authorise the project: 1. resource consents under the Resource Management Act 1991 2. wildlife authority under the Wildlife Act 1953 3. an archaeological authority under the Heritage New Zealand Pouhere Taonga Act 2014.		
Minister invites comments / requests information	Comments from invited parties		
	Local authorities <i>Queenstown Lakes District Council (QLDC)</i> QLDC strongly opposes project referral for the following reasons: 1. You do not have sufficient information to inform your decision, because the applicant has failed to provide an assessment of each stage of the project as required by section 13(4)(f)(iii). We note: in our view QLDC has misunderstood the requirements of the Act. 13(4)(f)(iii) is only applicable if the applicant proposes to lodge multiple substantive applications for the project, which is not the case here. 2. QLDC also considers you have insufficient information because the application does not provide sufficient information for you to assess its adverse effects, including cumulative effects 3. The project is a car-centric development located well away from labour markets and public transport servicing, and will not contribute to a well-functioning urban environment 4. The project is directly contrary to the Queenstown-Lakes District Plan (QLDP), Queenstown Lakes Spatial Plan (QLSP) and Otago Regional Policy Statement (RPS), which direct that urban development occur within the Urban Growth Boundary or where it can achieve a well-functioning urban environment. Urban development should also be avoided in the Gibbston Character Zone, which reserves land for viticultural purposes 5. The project is likely to result in significant adverse effects, including on the State Highway Network, on an Outstanding Natural Landscape under the RMA, the Kāwarau Gibbston Dark Sky Reserve, current and future viticultural activities in an internationally acclaimed wine-growing area. The Kūrae-Waitiri Development Node of the project is also proximal to the Victoria Flats Landfill (VFL), and could result in significant reverse sensitivity effects which could threaten the viability of a regionally significant piece of infrastructure 6. The project is reliant on private water infrastructure delivered by the applicant and maintained by a private entity that is not yet established. This presents a risk to the council if the infrastructure were not to be constructed to an appropriate standard or if it was not maintained appropriately. 7. The application does not set out how natural hazards will be avoided, and includes development in areas identified as “very high risk” where the National Policy Statement on Natural Hazards requires development is avoided. The key concern from QLDC appears to be the potential for significant adverse effects, particularly on the viability of the Gibbston Valley as a viticultural area, and the transport network, and the potential for those to be cumulative with the effects arising from other out of phase fast-track development. <i>Otago Regional Council (ORC)</i> ORC stated there are no competing applications that they are aware of, or existing resource consents under sections 124C(1) or 165ZI that are relevant to the project.		

ORC identified various consents required for the project and relevant information to support the application. ORC flagged that the project site is not currently serviced by public transport and if it were approved the applicant would be expected to fund and deliver bus stops to service the project, along with information on how the project would support other sustainable transport modes.

Ministers

Minister for Māori Crown Relations: Te Arawhiti and Minister for Māori Development

The Minister supports the application and encourages the applicant and the panel to have due regard to relevant Treaty settlement legislation and instruments and any feedback from relevant Māori groups as set out in the section 18 report.

Minister of Education

The Minister did not support or oppose project referral, but noted the project is expected to generate additional student demand of 200-300 students and place demand on the Arrowtown and wider Wanaka School network. This will require further assessment. While the project includes land for a school, this has not been assessed by the Ministry for suitability.

Minister for Arts, Culture and Heritage

The Minister replied with no comments on the project.

Māori Groups

Kāti Huirapa Rūnaka ki Puketeraki (Puketeraki), Te Rūnango O Moeraki (Moeraki)

Both parties noted they have mana whenua over the project area, that the area is culturally significant to them, and they have entered into an engagement agreement with the applicant and request that if the project is referred you require the applicant to complete iwi engagement and provide a Treaty Settlement Impact Assessment with the substantive application.

Aukaha (1997) Limited (Aukaha)

Aukaha supported the view of other Māori groups that a Treaty Settlement Impact Assessment should be provided with a substantive application, but otherwise did not comment on the application.

Administering agencies

Department of Conservation (DOC)

DOC did not oppose project referral, and considered that any adverse effects arising from the project could be appropriately avoided, remedied or mitigated through design or conditions. DOC noted the applicant has not identified that a freshwater fisheries approval is required, but that this will depend on the design of culverts within the project and it should be considered.

Heritage New Zealand Pouhere Taonga (HNZPT)

HNZPT did not comment on whether the project should be referred. It confirmed an archaeological authority and resource consents related to historic heritage will be required, and identified certain reports which should be provided with a substantive application for the project. HNZPT noted the project sites within a landscape that is significant to Ngāi Tahu, and if the project is referred the applicant should continue to engage meaningfully with Māori groups.

Any other persons or groups

NZ Transport Agency Waka Kotahi (NZTA)

NZTA did not specifically oppose project referral, but considered that the nature, scale and location of the proposed development have the potential to result in significant adverse effects on the state highway network, specifically from a wider network view of the transport system.

From a strategic transport planning perspective, the proposal represents substantial greenfield urban expansion in a location that is not identified within current strategic growth planning documents for the wider Queenstown area. The site is located outside existing urban areas and has limited access to employment, education, retail and community services. As stated in the applicant’s transport assessment, opportunities for walking, cycling and public transport are constrained due to the distance from established urban centres, such as Frankton and Queenstown, and the rural nature of the surrounding environment.

The Queenstown Transport Business Case (QTBC) identified that future growth cannot be accommodated through additional road capacity alone and that increased reliance on public transport, active modes and travel demand management will be required to achieve a sustainable transport network. In contrast, the proposed development is likely to generate a high level of private vehicle dependency, resulting in increased demand on State Highway 6 (SH6) and the wider transport network.

NZTA notes that there are up to an additional 6500 new residential lots enabled or proposed through fast-track in the Morven Ferry and Ladies Mile areas, and that consideration should be given to the need for new housing in greenfield areas, and the cumulative effect on the roading network.

NZTA also requested that if the project is referred, you direct the applicant to provide an Integrated Transport Assessment with their substantive application that:

- identifies the existing capacity of the local road network and SH6 to service traffic associated with both the project while it is carried out and the resulting development; and

	- identifies potential cumulative effects of the substantial greenfield urban expansion not identified within current strategic growth planning documents for the wider Queenstown area on the local road network and SH6; and - identifies any upgrades to the local road network and SH6 that are required to service the traffic identified in (i) and mitigate any cumulative effects identified in (ii); and - identifies any funding required to carry out those upgrades (including who will provide that funding); and - contains information on discussions held, and agreements made, between the authorised person and QLDC or NZTA (or both) about transport infrastructure (including discussions and agreements about the matters referred to in subparagraphs (i) to (iv)).
The Minister must decline an application if the Minister is satisfied that the project involves an ineligible activity [section 21(3)(b)]	We consider you can be satisfied that the project does not involve an ineligible activity because it: - would not occur on identified Māori land, Māori customary land or a Māori reservation as confirmed by the relevant records of title and consultation with iwi authorities - would not occur in a customary marine title area or protected customary rights area as it is not in the coastal marine area (CMA) - is not an aquaculture activity or activity that is incompatible with aquaculture activities that would occur in an aquaculture settlement area and for which the applicant is not authorised to apply for a coastal permit because it will not occur in the CMA - would not require an access arrangement which cannot be granted under the Crown Minerals Act (including s61(1A)) because it does not include an access arrangement and would not occur on Schedule 4 land - would not be prevented by section 165J, M, Q, ZC or ZDB of the RMA because it will not occur in the CMA - would not occur on Schedule 4 land as confirmed by the records of title - would not occur on a national reserve as confirmed by the records of title - would not occur on a reserve held under the Reserves Act 1977 that is managed by or vested in someone other than the Crown or a local authority and that person has not consented in writing as confirmed by the record of title - is not a prohibited activity or decommissioning activity under the EEZA, 15B or 15C of the RMA as it does not involve these activities - is not for the purpose of an offshore renewable energy project. because it will not occur offshore. No comments raised by parties invited to comment have indicated that the project would be ineligible for referral.
The Minister must decline an application if the Minister considers they do not have adequate information to inform the decision [section 21(3)(c)]	While QLDC consider you do not have sufficient information to inform your decision, because the applicant has not addressed the benefits of each proposed stage of the development, we consider QLDC has misunderstood the requirements of the Act. The applicant is only required to provide an assessment against section 22 for each stage if the applicant proposes to lodge multiple substantive applications for the project, which is not the case here. We consider you have sufficient information to inform your decision.
Relevant considerations and procedural requirements in Treaty settlement, Mana Whakahono ā Rohe, joint management agreement, or the Marine and Coastal Area (Takutai Moana) Act 2011 or the Ngā Rohe Moana o Ngā Hapū o Ngāti Porou Act 2019 [section 16]	N/A
Section 22 assessment criteria	
The project is an infrastructure or development project that would have significant regional or national benefits [section 22(1)(a)]	<i>The Minister <u>must</u> consider a relevant Government policy statement (GPS) [s22(1A)]</i> The only current GPS is the Government Policy Statement on Grocery Competition. As this project does not involve a supermarket development or grocery-related activities, there is no GPS relevant to your decision. The Minister <u>may</u> consider any of the following matters, or any other matters the Minister considers relevant: <i>Will increase the supply of housing, address housing needs, or contribute to a well-functioning urban environment [s22(2)(a)(iii)]</i> The applicant states that a key regional issue is the shortage of housing in Queenstown Lakes. The applicant notes that the Queenstown Lakes Spatial Plan (July 2021) identifies affordable housing as one of the district's most pressing issues. In that context, the applicant considers enabling the project through the fast-track process would assist in addressing land supply and infrastructure constraints. The applicant outlines that the project will enable 1,115 residential units, representing a material increase in housing supply in the context of Queenstown Lakes and Otago's housing shortage and affordability pressures and improve housing choice and affordability by increasing the availability of housing across a broader range of typologies and price points, thereby assisting to relieve house price and rental pressures.

	We note that QLDC considers the project does not meet this criterion as it will not contribute to a well-functioning urban environment. We do not consider the project must increase housing supply <i>and</i> address housing needs <i>and</i> contribute to a well-functioning urban environment. We consider the project will increase housing supply and you can refer the project on this basis. <i>Will deliver significant economic benefits [s22(2)(a)(iv)]</i> The applicant states that the project will provide the following economic benefits: - generate approximately \$2.17 billion in direct capital expenditure over the 11-year development period, excluding land; and - generate significant employment benefits, including approximately 2,028 full-time equivalent (FTE) years in the peak development year and around 12,507 FTE years in total over the full 11-year development period; and - of the total employment effects, approximately 5,138 FTE years are identified as direct employment, with a further 5,732 FTE years arising indirectly and through induced effects across the wider regional economy; and - support the Queenstown Lakes and wider Otago tourism economy through the resort, lodge and golf course components, which are expected to attract visitors, stimulate expenditure, and contribute to the district's tourism recovery and resilience. We consider the project meets this criterion and you can refer the project on this basis. <i>Will support climate change mitigation, including the reduction or removal of greenhouse gas emissions [s22(2)(a)(vii)]</i> The applicant states that the project will provide a reduction in reliance on travel to Queenstown, and a lesser extent, Cromwell, through the provision of village, retail, education and commercial components, designed to meet a greater share of residents' day-to-day needs within the Gibbston area. The applicant considers a greater proportion of trips are expected to be directed toward the Cromwell and eastern SH6 network rather than toward Queenstown, thereby minimising congestion. Overall, the applicant considers that the project will contribute to efforts to mitigate climate change and reduce net emissions of greenhouse gases. We consider the likelihood that the project will be reliant on private vehicle usage and is not proposed to be serviced by public transport networks means you cannot be confident this criterion is met. We do not recommend you refer the project on this basis. <i>Will address significant environmental issues [s22(2)(a)(ix)]</i> While the applicant states that no existing significant issues will be addressed, they also identify that the project will provide for a 280 ha area of ecological benefits, including provision of open space, riparian enhancement, creation of ecological corridors, wetland and gully protection, indigenous habitat enhancement, weed and pest management, and native revegetation across the project. For this reason, the applicant considers that the project will provide significant environmental benefits to the region. As the applicant acknowledges the project will not address an existing significant environmental issue, we do not consider the project meets this criterion.
Referring the project to the fast-track approvals process [section 22(1)(b)]	<i>Would facilitate the project, including by enabling it to be processed in a more timely and cost-effective way than under normal processes [s22(1)(b)(i)]</i> The applicant states that referring the project to the fast-track approvals process would facilitate its delivery by enabling the necessary approvals to be considered through a single, integrated statutory pathway, rather than through the standard planning processes that would be lengthy, uncertain, and resource intensive. We consider that the project is likely to be progressed more quickly under the Act than the standard consenting pathway and agree with the applicant's assessment. <i>Is unlikely to materially affect the efficient operation of the fast-track approvals process [s22(1)(b)(ii)]</i> The applicant states that referring the project is unlikely to materially affect the efficient operation of that process. Although the proposal is substantial in scale, the applicant considers the issues it raises are not novel in either planning or technical terms. The applicant states that the project will be supported by detailed expert input across the relevant disciplines, enabling the substantive issues and effects of the proposal to be clearly identified and evaluated. The applicant considers that the project does not raise unusual legal or factual complexity that would be likely to place disproportionate demands on the fast-track system or require exceptional process adaptations. We agree with the applicant's assessment.
Reasons to decline	
Minister <u>must</u> decline [section 21(3)]	<i>The Minister <u>must</u> decline a referral application if:</i> <i>The application may not be accepted under subsection 1 (meets referral criteria)</i> We consider the project meets the criteria in section 22. <i>The Minister is satisfied the project involves an ineligible activity</i> We do not consider the project includes an ineligible activity. <i>The Minister considers that they do not have adequate information to inform the decision under this section</i> We consider you have sufficient information to inform your decision.

	We do not consider that you must decline the application under this section.
Minister may decline [section 21(4) and 21(5)(a-h)]	<i>The Minister <u>may</u> decline a referral application for any other reason, whether or not it meets the criteria in section 22.</i> <i>Reasons to decline a referral application under subsection 4 include, without limitation:</i> <i>The project would be inconsistent with a Treaty settlement, Ngā Rohe Moana o Ngā Hapū o Ngāti Porou Act 2019, Marine and Coastal Area (Takutai Moana) Act 2011, a Mana Whakahono ā Rohe, or a joint management agreement</i> No comments indicated that the project would be inconsistent with any of these documents. <i>It would be more appropriate to deal with the matters that would be authorised by the proposed approvals under another Act or Acts</i> While no party specifically recommended that the project would be more appropriately dealt with under another Act or Acts, we consider that QLDC's comments reflect QLDC's view that this project would be more appropriately preceded by a plan change to ensure alignment with infrastructure servicing and strategic growth in the district. We consider that the likelihood of the project realising its benefits in a timely fashion under standard consenting processes is low, and consider infrastructure servicing effects can be assessed by a panel with the benefit of certain information identified below. <i>The project may have significant adverse effects on the environment</i> Both QLDC and NZTA considered the project would have significant adverse effects on the environment, particularly on the local road and State Highway network, on the viability of Gibbston Valley as a viticultural area, on an Outstanding Natural Landscape, on the Kaurau Gibbston Dark Sky Reserve, and reverse sensitivity effects on the Victoria Flats Landfill. We consider the potential for adverse effects on the Outstanding Natural Landscape can be assessed by an expert panel with the benefit of a full resource consent application, as this is a matter which is routinely addressed in RMA applications. We note the applicant has also referred to their strategy to address effects on the Dark Sky Park in their application, so we can reasonably expect this to be addressed in a substantive application. We do not consider the potential for effects on the viability of Gibbston Valley viticulture are so clear as to mean the referral application should be declined. However, the applicant has not specifically considered effects on viticultural operations in their referral application, so there is a risk the applicant may not cover this specific issue in a substantive application. We therefore recommend that, if you decide to refer the application, you direct the applicant to provide relevant assessment on this matter, and that you recommend an expert panel must invite comment from the Central Otago Winegrowers Association. We also consider you should direct the applicant to provide reports and evidence that the project will not compromise the ongoing operation and development of the Victoria Flats Landfill (considering potential reverse sensitivity effects), as the applicant does not appear to have identified this specific matter in their referral application, so it similarly may not be addressed in the substantive application otherwise. While we note that Schedule 5 clause 7 requires a substantive application to include assessment of any effects on the people in the neighbourhood and the wider community (including social, economic or cultural effects), However, this is a general requirement, and given the applicant did not identify the specific potential effects outlined above in their referral application, there may be a risk that they do not otherwise address these matters in a substantive application therefore our specific recommendations will help ensure an expert panel has information upfront on these particular matters. We acknowledge the highly constrained transport network in the Queenstown Lakes District, and agree that both this project and the cumulative effect of multiple fast-track projects is placing pressure on the efficient operation of the networks. We recommend you direct the applicant to provide an integrated transport assessment with their substantive application which addresses effects on the road network and the funding solution for any necessary upgrades. We note that the project will be reliant on NZTA approval for new connections to State Highway 6, which should serve as an incentive for the applicant to work collaboratively with NZTA to resolve concerns on the roading network. <i>The applicant(s) has a poor compliance history under a specified Act that relates to any of the proposed approvals</i> We are not aware of any compliance or enforcement action which has been taken against the applicant. <i>The project area includes land that the Minister for Treaty of Waitangi Negotiations considers necessary for Treaty settlement purposes</i> No – the project will occur on private land which is not eligible for Treaty settlement purposes. <i>The project includes an activity that is a prohibited activity under the Resource Management Act 1991</i> We are not aware of any prohibited activities within the scope of the project.

A substantive application for the project would have one or more competing applications.

Neither ORC nor QLDC identified any competing applications for the project. We note that if the applicant is reliant on bore water for water supply this may raise issues of competing applications, but consider this can be addressed by the applicant under section 30.

In relation to any proposed approval of the kind described in section 42(4)(a) (resource consents), there are one or more existing resource consents of the kind referred to in section 30(3)(a)

No consents of these types have been identified.

We do not recommend you decline the application.

Appendix 1: Statutory framework summary

0. You are the sole decision maker for referral applications. If you accept a referral application, then the whole or part of the project will be referred to the fast-track approvals process.
1. If a Treaty settlement, the Marine and Coastal Area (Takutai Moana) Act 2011, the Ngā Rohe Moana o Ngā Hapū o Ngāti Porou Act 2019, a Mana Whakahono ā Rohe or a joint management agreement provides for consideration of any document or procedural requirements, you must, where relevant:
 - a. give the document the same or equivalent effect through this process as it would have under any specified Act; and
 - b. comply with any applicable procedural requirements.
2. You must decline a referral application if:
 - a. you are satisfied the project does not meet the referral criteria in section 22
 - b. you are satisfied the project involves an ineligible activity (section 5)
 - c. you consider you do not have adequate information to inform your decision.
3. You may decline an application for any other reason, including those set out in section 21(5) and even if the application meets the section 22 referral criteria.
4. You can decline an application before or after inviting comments under section 17(1). However, if comments have been sought and provided within the required time frame, you must consider them, along with the referral application, before deciding to decline the application.
5. If you do not decline a referral application at the initial stage you must copy the application to, and invite written comments from:
 - a. the relevant local authorities
 - b. the Minister for the Environment, the Minister for Māori Crown Relations: Te Arawhiti, and the Minister for Māori Development
 - c. any other relevant portfolio Ministers
 - d. the relevant administering agencies
 - e. the Māori groups identified by the responsible agency
 - f. the owners of Māori land in the project area (if applicable)
 - g. you may provide the application to and invite comments from any other person.
6. You can request further information from an applicant, any relevant local authority or any relevant administering agency at any time before you decide to decline or accept a referral application (see section 20 of the Act).
7. However, if further information has been sought and provided within the required time frame you must consider it, along with the referral application, before deciding to decline the application.