

9 October 2025

Jane Borthwick
Panel convener for the purpose of the Fast-track
Approvals Act 2024 (FTAA)

Tēnā koe Jane,

MINUTE OF THE PANEL CONVENER

**Advising date for convener conference for Waterfall Park Developments Limited
[FTAA-2508-1093] (3 October 2025)**

Thank you for your minute dated 3 October 2025 regarding Water Park Developments Limited's development proposal (Ayrburn Screen Hub).

Otago Regional Council (**ORC**) can confirm that representatives Mat Bell (Team Leader Consents), and Jenny Ross (Team Leader Consents), will be attending the convener's conference on **15 October 2025**.

Please see below ORC's response to the request in the minute referenced above regarding the two schedules: 'Participants' estimated timeframe' and 'Matters to consider when preparing for conference'.

ORC trust this information will assist the panel convener regarding the decisions under schedule 3 and section 79 of the FTAA.

Please advise if you need any further clarification on any matters raised in this response.

We look forward to working with you at the convener's conference.

Nāku iti noa, nā



Mat Bell
Team Leader Consents

Matters to consider when preparing for conference

Approvals

[1] *The number and range of approvals sought.*

The Applicant seeks resource consent for the activities shown in Table 1 under the Regional Plan: Water for Otago (**RPW**). Table 1 includes commentary on each activity to assist the Convenor and future panel in the application of the relevant rules.

The overall activity status in respect of approvals required from Otago Regional Council is **discretionary**.

Table 1 *Approvals Sought*

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

Complexity

[2] *The level of complexity will have a bearing on the appropriate frame for decision making and may include:*

- (a) *Legal Complexity: novel or difficult legal issues -*
 - (i) *involve untested law or interpretation of statute;*
 - (ii) *involve application for multiple approvals;*
 - (iii) *interface with two or more statutes; and*
 - (iv) *engage constitutional law and public law.*
- (b) *Evidentiary Complexity: stemming from the volume, type, or technical nature of evidence -*
 - (i) *include challenges like managing expert reports or dealing with conflicting factual or opinion evidence; and*
 - (ii) *often involve technical or scientific analysis.*
- (c) *Factual Complexity: arises from the volume and nature of evidence -*
 - (i) *requires careful management of extensive information or reports, including expert opinion in specialised fields; and*

(ii) necessitates analysis if technical, scientific, or highly specialised subject matter are involved.

Table 2, below, provides consideration of these specific matters.

Table 2 Consideration of complexity

Level of complexity	Specific provision	ORC comment
(a) Legal Complexity: novel or difficult legal issues	(i) involve untested law or interpretation of statute;	ORC do not consider that there is any legal complexity relating to untested law or interpretation of statute.
	(ii) involve application for multiple approvals;	Approvals are required under sections 13, and 14 and 139 of the RMA for activities regulated by ORC. Additional approvals are required for matters regulated by QLDC. ORC notes that the types of approvals sought from ORC are common to other projects in the area and throughout Otago.
	(iii) interface with two or more statutes; and	Setting aside FTAA, the RMA is the primary statute for this proposal; ORC considers that the following statutory documents are of relevance to this proposal: 1) National Policy Statement for Freshwater Management 2020 2) Resource Policy Statement for Indigenous Biodiversity 2023 3) National Policy Statement for Urban Development 2020 4) National Policy Statement for Highly Productive Land 2024 5) Operative Otago Regional Policy Statement 2019 6) Proposed Otago Regional Policy Statement 2021 7) Regional Plan: Water for Otago

	(iv) engage constitutional law and public law.	The activities have a discretionary activity status in respect of authorisations sought from ORC. As such, constitutional and public law is not anticipated to apply.
(b) Evidentiary Complexity: stemming from the volume, type, or technical nature of evidence	(i) include challenges like managing expert reports or dealing with conflicting factual or opinion evidence; and (ii) often involve technical or scientific analysis.	The application contains an Assessment of Environmental Effects supported by appendices, which are technical in nature. This level of information is very detailed and has allowed the ORC to fully understand the activities applied for.
(c) Factual Complexity: arises from the volume and nature of evidence -	(i) requires careful management of extensive information or reports, including expert opinion in specialised fields; and (ii) necessitates analysis if technical, scientific, or highly specialised subject matter are involved.	The ORC has assessed the information internally. The ORC considers that no further expert opinion in specialised fields is required. As above, the ORC has internally assessed the information and considers no further analysis is required.

Issues

[3] Issues identified by the applicant and other participants:

(a) during consultation; and

(b) any disputed fact or opinion, or legal issue, that is or is likely to be of consequence to the determination of the application.

ORC has internally undertaken audits of the technical information provided in the application in relation to:

- Aquatic ecology (ORC Resource Science Unit)
- Surface water quality (ORC Resource Science Unit)
- Engineering and Flooding hazard (ORC Engineering and Natural Hazards Teams); and
- Bus Transport (ORC Transport Team)

Feedback on the application has also been provided by the ORC Consents and ORC Compliance

Teams. There has been a large amount of consultation with the applicant as well as several meetings to discuss the applications, the anticipated effects and also to agree on draft conditions of consent.

The ORC is now at a point that it has no further concerns with the applications. The effects of the activities have been assessed and will be appropriately addressed by the agreed draft conditions of consent.

Panel membership

[4] Consider:

- (a) the knowledge, skills and expertise required to decide the application under clause 7(1) of Schedule 3*
- (b) whether there are factors that warrant the appointment of more than four panel members, such as:*
 - (i) the circumstances unique to a particular district or region; or*
 - (ii) the number of applications that have to be considered in that particular district or region; or*
 - (iii) the nature and scale of the application under consideration; or*
 - (iv) matters unique to any relevant iwi participation legislation.*

The ORC considers that the type of approvals sought are common to other developments within the Queenstown Lakes District and within the wider Otago Region. A panel member with expertise in planning would likely be helpful. Overall, the ORC is happy to support the QLDC recommendations for Panel Members.

Tikanga

[5] Iwi authorities and Treaty settlement entities are invited to advise:

- (a) whether tikanga is relevant to any aspect of the applications for approval.*
- (b) how the panel might receive assistance on those matters.*
- (c) the time required to adequately respond.*

ORC will take direction from the panel and relevant iwi authorities and Treaty settlement entities regarding tikanga.

Procedural requirements

[6] Consider and prepare to indicate:

- (a) willingness to engage directly with the panel as necessary to advance progress of the application efficiently (briefings, meetings, conferencing).*
- (b) likelihood of any form of hearing process being required and, if so, time that should be allowed for such process in the time frame allocated by the panel convener. Forms of hearing include:*
 - (i) Disputed fact or opinion or*
 - (ii) Selected topics or issues which the panel seeks clarification (whether disputed or not).*
 - (i) Proposed conditions.*
 - (ii) Legal issues.*

ORC is willing to engage with and assist the panel as necessary to advance progress of the application. As noted above the ORC has no concerns with the applications and is in agreement with the draft consent conditions put forth by the applicant.

Anything else?

[7] Is there any other information needed to decide time frames or panel composition?

No.

Participants' estimated timeframe

As ORC considers that it has no unresolved issues with regard to the activities, it is happy to rely on direction of timeframes from the other parties. ORC notes that the QLDC has requested time to allow for evaluation of draft conditions of consent and ORC supports this request.

ORC is happy to further discuss timeframes in the meeting on 15 October if it would be of assistance to the Convenor.