

Memorandum on Compliance

File	FTC000027
To:	Sandra Balcombe, Manager Land and Oceans Applications
Copy to:	
From:	Elliott Dennett, Senior Advisor
Date:	03 August 2021
Subject:	Silverlight Studios: Assessment whether the application complies with clause 3(1) of Schedule 6 of the COVID-19 Recovery (Fast-track Consenting) Act 2020

Purpose

1. The purpose of this memo is to assist you in making your decision on whether the Silverlight Studios application, received by the Environmental Protection Authority (**EPA**) on 27 July 2021 lodged by Silverlight Studios Limited, complies with the requirements of clause 3(1) of Schedule 6 of the COVID-19 Recovery (Fast-track Consenting) Act 2020 (**the Act**).

Conflict of interest

2. I confirm that I do not have any conflict of interest in this matter that would prevent me making this assessment.

The application

3. A project referred to a Panel by a referral order is eligible to be considered by an expert consenting panel. On 29 January 2021, Schedule 10 Silverlight Studios was inserted into the COVID-19 Recovery (Fast-track Consenting) Referred Projects Order 2020 (**the referral order**).
4. The applicant applied for consents relating to Silverlight Studios on 27 August 2021.
5. The EPA must either provide the consent application to the Expert Consenting Panel (if complete) or return it to the person who lodged it (if incomplete), as set out in paragraphs 12 – 15 below.

Project

6. The scope of the project, as described in the referral order, is—

- (a) to construct and operate a film studio complex, including—
 - (i) film location sets; and
 - (ii) buildings for post-production facilities; and
 - (iii) a film school; and
 - (iv) a screening theatre; and
 - (v) a film exhibition centre; and
 - (vi) supporting facilities such as food and retail services; and
- (b) to construct a wall surrounding the film studio complex; and
- (c) to construct the associated infrastructure for the film studio complex, including roading, parking, and pedestrian access.

Fast-track consenting application process

Legislative context

7. Clause 2(1), Schedule 6 of the Act states that a person authorised in accordance with section 15 may apply for a resource consent that would otherwise be required under section 88 of the Resource Management Act 1991 (RMA).
8. Clause 3(1), Schedule 6 of the Act states that *“within 5 working days of receiving a consent application or notice of requirement, the EPA must determine whether the application or notice—*
 - (a) relates solely to 1 or more of the listed projects or referred projects; and*
 - (b) does not breach clause 2(3)(c) or (4); and*
 - (c) contains all the information required under clauses 9 to 13.”*
9. Clause 3(2), Schedule 6 of the Act states that *“if the EPA is satisfied that a consent application or notice of requirement complies with the matters listed in subclause (1), the EPA must provide the application or notice to the panel appointed to determine that application or notice.”*
10. Clause 4(1), Schedule 6 of the Act states that *“if the EPA determines that a consent application or notice of requirement does not comply with the requirements of clause 3(1), it must return the application or notice immediately to the person who lodged it, with written reasons for the EPA’s determination”.*

Prerequisites for the application

11. There are a number of prerequisites for an application to be lodged as set out in this table.

Reference to clause in Schedule 6	Preliminary Matter	Comment	Accept/reject
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Clause 2(1) or 2(2)	Application is made by authorised person or requiring authority	Yes	Accept
Clause 2(3)(b)	Application is in approved form and manner	Yes	Accept
Clause 2(3)(c)	Application complies with any restrictions and obligations in either:		
	(i) Schedule 2; or	N/A	N/A
	(ii) Schedule 3 and referral order	<p>Clause 6 of the Referral Order requires:</p> <p>a. an integrated transport assessment prepared in consultation with the New Zealand Transport Agency</p> <p>b. a lighting assessment</p> <p>c. a three waters services report that—</p> <p>(i) identifies the preferred servicing options; and</p> <p>(ii) assesses the alternatives that have been considered; and</p> <p>(iii) describes discussions held, and agreements made, with the Queenstown Lakes District Council; and</p> <p>(iv) assesses the effects of any water takes and discharges, with an outline of any proposed mitigation of these effects.</p> <p>These have been provided with the application. Refer Appendix 1 below.</p>	Accept

Clause 2(4)(a)	Applications must not relate to an activity that is classified as a prohibited activity in a:		
	(i) Relevant plan or proposed plan	The application does not identify that any of the activities are prohibited.	Accept
	(ii) RMA regulations (including any NES)	The application does not identify that any of the activities are prohibited.	Accept
Clause 2(4)(b)	Applications must not relate to an activity that is to occur within a customary marine title area unless agreed by the appropriate customary marine title group	The Project is not within the marine and coastal area.	Accept
Clause 3(1)(a)	Relates solely to 1 or more of the listed projects or referred projects	I am satisfied the draft application relates to the project as described in the Referral Order	Accept

Conclusions on preliminary matters

12. The application can proceed to an assessment of whether the application contains all the information required under clauses 9 to 11 of Schedule 6 of the Act.

Assessment of compliance table

13. An assessment table against Clauses 9-11, Schedule 6 of the Act is included in Appendix 1.
14. The information provided must be in sufficient detail to correspond to the scale and significance of the effects that the activity is anticipated to have on the environment, taking into account any proposal by a consent applicant or requiring authority to manage adverse effects through conditions, including requiring the preparation of a management plan (Clauses 13(3) and 14 of Schedule 6).
15. The information in the application has been assessed on the basis that the scale of the activity is medium, and may have more than minor effects on the environment after taking into account mitigation measures and conditions.
16. My view is that the application does comply with clause 3(1) and can be provided to the Panel.

Appendix 1: Clauses 9-11

Resource consent application

Table 1: Checklist of completeness requirements in Clauses 9-11 of Schedule 6 of the Act

Reference to clause in Schedule 6	Requirement	Is the information present? (include section/page reference)	Is the information provided in sufficient detail? Y/N
Clause 9			
Clause 9(1)(a)	A description of the proposed activity	Yes This has been provided in section 2.0, pages 12 – 54 Supported by various appendices	Yes
Clause 9(1)(b)	A description and map of the site at which the activity is to occur	Yes This has been provided in section 3.0, pages 54 – 61 Supported by appendix 2 and 3	Yes
Clause 9(1)(c)	Confirmation that the consent application complies with clause 3(1)	Yes This has been provided in section 4.0, pages 61 – 67 Supported by various appendices	Yes

Reference to clause in Schedule 6	Requirement	Is the information present? (include section/page reference)	Is the information provided in sufficient detail? Y/N
Clause 9(1)(d)	The full name and address of: i. Each owner of the site and of land adjacent to the site	Yes This has been provided in section 5.0, pages 64 – 66 This is supported by Appendix 23	Yes
	ii. Each occupier of the site and of land adjacent to the site who, after reasonable enquiry, is able to be identified by the applicant	Yes This has been provided in section 5.0, pages 67 – 68 This is supported by Appendix 23	Yes
	Were reasonable inquiries made?	Yes	Yes
Clause 9(1)(e)	A description of any other activities that are part of the proposal to which the consent application relates	Yes This has been provided in section 7.0, page 79	Yes
Clause 9(1)(f)	A description of any other resource consents, notices of requirement for designations, or alterations to designations required for the proposal to which the consent application relates	Yes This has been provided in section 6, pages 68 – 79 and section 8.0, page 79.	Yes
Clause 9(1)(g)	An assessment of the activity against— (i) Part 2 of the RMA	Yes	Yes

Reference to clause in Schedule 6	Requirement	Is the information present? (include section/page reference)	Is the information provided in sufficient detail? Y/N
Section 19		This has been provided in section 9.0 pages 80 - 85	
	(ii) the purpose of this Act	Yes This has been provided in section 10.0, pages 85-86	Yes
	(iii) the following matters (set out in section 19 of the Act - whether project helps to achieve purpose of Act):	Yes This has been provided in section 11.0, pages 86 - 91	Yes
	(a) the project's economic benefits and costs for people or industries affected by COVID-19	Yes This has been provided in section 11.0, pages 86 – 87 This is supported by appendix 16	Yes
	(b) the project's effect on the social and cultural well-being of current and future generations	Yes This has been provided in section 11.0, page 87.	Yes
	(c) whether the project would be likely to progress faster by using the processes provided by this Act than would otherwise be the case	Yes This has been provided in section 11.0, pages 87 – 88.	Yes
	(d) whether the project may result in a public benefit by, for example: generating employment; increasing housing supply; contributing to well-functioning urban	Yes	Yes

Reference to clause in Schedule 6	Requirement	Is the information present? (include section/page reference)	Is the information provided in sufficient detail? Y/N
	environments; providing infrastructure in order to improve economic, employment, and environmental outcomes, and increase productivity; improving environmental outcomes for coastal or freshwater quality, air quality, or indigenous biodiversity; minimising waste; contributing to New Zealand's efforts to mitigate climate change; and transition more quickly to a low-emissions economy (in terms of reducing New Zealand's net emissions of greenhouse gases); promoting the protection of historic heritage; strengthening environmental, economic, and social resilience, in terms of managing the risks from natural hazards and the effects of climate change; or any other benefit(s) identified.	This has been provided in section 11.0, page 88 – 91 This is supported by appendix 15	
	(e) whether there is potential for the project to have significant adverse environmental effects, including greenhouse gas emissions:	Yes This has been provided in section 11.0, page 91	Yes
	(f) any other matter that the Minister considers relevant.	The referral order does not include any other matter that the Minister considers relevant	Yes
Clause 9(1)(h)	An assessment of the activity against -- (a) any relevant provisions in a national environmental standard, including: i. Any relevant objectives, policies or rules ii. Any requirement, condition, or permission in any rules iii. Any other requirements	Yes This has been provided in section 12.0, pages 91 – 93.	Yes

Reference to clause in Schedule 6	Requirement	Is the information present? (include section/page reference)	Is the information provided in sufficient detail? Y/N
	(b) Any relevant provisions in any other regulations made under the RMA, including:	Yes	Yes
	i. Any relevant objectives, policies or rules	This has been provided in section 12.0, pages 93 - 94.	
	ii. Any requirement, condition, or permission in any rules		
	iii. Any other requirements		
	(c) Any relevant provisions in any national policy statement, including:	Yes	Yes
	i. Any relevant objectives, policies or rules	This has been provided in section 12.0, pages 94 – 99.	
	ii. Any requirement, condition, or permission in any rules		
	iii. Any other requirements		
	(d) Any relevant provisions in a New Zealand coastal policy statement, including:	Yes	Yes
	i. Any relevant objectives, policies or rules	This has been provided in section 12.0, page 99.	
	ii. Any requirement, condition, or permission in any rules		
	iii. Any other requirements		
	(e) Any relevant provisions in any regional policy statement or proposed regional policy statement, including:	Yes	Yes
	i. Any relevant objectives, policies or rules	This has been provided in section 12.0, page 99.	
	ii. Any requirement, condition, or permission in any rules		
	iii. Any other requirements	This is supported by appendix 27 and 28	
	(f) Any relevant provisions in a plan or proposed plan, including:	Yes	Yes

Reference to clause in Schedule 6	Requirement	Is the information present? (include section/page reference)	Is the information provided in sufficient detail? Y/N
	i. Any relevant objectives, policies or rules	This has been provided in section 12.0, page 99 – 110 This is supported by appendix 29 and 30	
	ii. Any requirement, condition, or permission in any rules		
	iii. Any other requirements		
	(g) Any relevant provision in any planning document recognised by a relevant iwi authority and lodged with a local authority, including:	Yes This has been provided in section 13.0, pages 100 – 101	Yes
	i. Any relevant objectives, policies or rules	This is supported by appendix 20	
	ii. Any requirement, condition, or permission in any rules		
	iii. Any other requirements		
Clause 9(1)(i)	Information about any Treaty settlements that apply in the project area, including—	Yes This has been provided in section 13.5, page 101.	Yes
	(i) the identification of the relevant provisions in those Treaty settlements	This is supported by appendix 19	
	(ii) a summary of any redress provided by those settlements that affects natural and physical resources relevant to the project or project area	Yes This has been provided in section 13.5, page 101. This is supported by appendix 19	Yes
Clause 9(1)(j)	The conditions that the applicant proposes for the resource consent	Yes	Yes

Reference to clause in Schedule 6	Requirement	Is the information present? (include section/page reference)	Is the information provided in sufficient detail? Y/N
		<p>This has been provided in section 14.0, pages 101 – 102</p> <p>This is supported by appendix 6.</p>	
Clause 9(4)(a)	<p>An assessment of the activity's effects on the environment that includes the following information (set out in clause 10 Schedule 6 of the Act):¹</p> <p>(a) an assessment of the actual or potential effects on the environment</p>	<p>Yes</p> <p>This has been provided in section 15, pages 102 – 126</p> <p>This is supported by various appendices.</p>	Yes
	<p>(b) if the activity includes the use of hazardous installations, an assessment of any risks to the environment that are likely to arise from such use</p>	<p>Yes</p> <p>This has been provided in section 15, page 125</p>	Yes
	<p>(c) if the activity includes the discharge of any contaminant, a description of—</p> <p>(i) the nature of the discharge and the sensitivity of the receiving environment to adverse effects; and</p> <p>(ii) any possible alternative methods of discharge, including discharge into any other receiving environment</p>	<p>Yes</p> <p>This has been provided in section 15, page 120</p>	Yes

¹ The application does not need to include any additional information specified in a relevant regional policy statement or plan that that would be required in an assessment of environmental effects under Schedule 4 of the RMA.

Reference to clause in Schedule 6	Requirement	Is the information present? (include section/page reference)	Is the information provided in sufficient detail? Y/N
	(d) a description of the mitigation measures (including safeguards and contingency plans where relevant) to be undertaken to help prevent or reduce the actual or potential effect of the activity	Yes This has been provided in section 15, pages 102 - 126	Yes
	(e) identification of persons who may be affected by the activity and any response to the views of any persons consulted, including the views of iwi or hapū that have been consulted in relation to the proposal	Yes This has been provided in section 15.0, pages 102 – 115 This is supported by Appendix 7, 19, 20 and 22	Yes
	(f) if iwi or hapū elect not to respond when consulted on the proposal, any reasons that they have specified for that decision	N/A	N/A
	(g) if the scale and significance of the activity's effects are such that monitoring is required, a description of how the effects will be monitored and by whom, if the activity is approved	Yes This has been provided in section 15, pages 102 - 115	Yes
	(h) an assessment of any effects of the activity on the exercise of a protected customary right	N/A – the Project is not within the marine and coastal area.	N/A
Clause 9(4)(b)	An assessment of the activity's effects that also covers the following matters (set out in clause 11 of Schedule 6 of the Act):	Yes This has been provided in section 15.0, pages 102 - 115	Yes

Reference to clause in Schedule 6	Requirement	Is the information present? (include section/page reference)	Is the information provided in sufficient detail? Y/N
	(a) any effect on the people in the neighbourhood and, if relevant, the wider community, including any social, economic, or cultural effects		
	(b) any physical effect on the locality, including landscape and visual effects	Yes This has been provided in section 15.0, pages 115 - 119	Yes
	(c) any effect on ecosystems, including effects on plants or animals and physical disturbance of habitats in the vicinity	Yes This has been provided in section 15.0, page 119	Yes
	(d) any effect on natural and physical resources having aesthetic, recreational, scientific, historical, spiritual, or cultural value, or other special value, for present or future generations	Yes This has been provided in section 15.0, pages 119 – 121	Yes
	(e) any discharge of contaminants into the environment and options for the treatment and disposal of contaminants	Yes This has been provided in section 15.0, pages 121 - 122	Yes
	(f) the unreasonable emission of noise	Yes This has been provided in section 15.0, pages 122 - 125	Yes

Reference to clause in Schedule 6	Requirement	Is the information present? (include section/page reference)	Is the information provided in sufficient detail? Y/N
	(g) any risk to the neighbourhood, the wider community, or the environment through natural hazards or hazardous installations.	Yes This has been provided in section 15.0, pages 125 - 126	Yes
Clause 9(5)	Is there a cultural impact assessment? If a cultural impact assessment is provided, is it prepared by or on behalf of the relevant iwi authority?; OR If a cultural impact assessment is not provided, a statement of reasons given by the relevant iwi authority for not providing that assessment	Yes This has been provided in section 16.0 page 126 This is supported by appendix 20.	Yes
Clause 9(6)(a)	If a permitted activity is part of the proposal to which the consent application relates, a description that demonstrates that the activity complies with the requirements, conditions, and permissions for the permitted activity (so that a resource consent is not required for that activity under section 87A(1) of the RMA)	Yes This has been provided in section 17.0, page 126.	Yes
Clause 9(6)(b)	If the activity is to occur in an area that is within the scope of a planning document prepared by a customary marine title group under section 85 of the Marine and Coastal Area (Takutai Moana) Act 2011, an assessment of the activity against any resource management matters set out in that planning document (for the purposes of clause 30(3))	Yes This has been provided in section 18.0, pages 126 – 127.	Yes

Reference to clause in Schedule 6	Requirement	Is the information present? (include section/page reference)	Is the information provided in sufficient detail? Y/N
Clause 9(6)(c)	<p>In the case of a referred project, all the additional information required by the relevant referral order.</p> <p>(a) an integrated transport assessment prepared in consultation with the New Zealand Transport Agency; and</p> <p>(b) a lighting assessment; and</p> <p>(c) a three waters services report that—</p> <p>(i) identifies the preferred servicing options; and</p> <p>(ii) assesses the alternatives that have been considered; and</p> <p>(iii) describes discussions held, and agreements made, with the Queenstown Lakes District Council; and</p> <p>(iv) assesses the effects of any water takes and discharges, with an outline of any proposed mitigation of these effects.</p>	Yes	Yes
		<p>(a) an integrated transport assessment prepared in consultation with the New Zealand Transport Agency</p> <p>Yes</p> <p>This has been provided in section 15.34 – 15.41, Pages 109 – 110.</p> <p>This is supported by appendix 17</p>	Yes
		<p>(b) a lighting assessment</p> <p>Yes</p> <p>This has been provided in Appendix 9</p>	Yes
		<p>(c) a three waters services report that—</p> <p>(i) identifies the preferred servicing options; and</p>	Yes

Reference to clause in Schedule 6	Requirement	Is the information present? (include section/page reference)	Is the information provided in sufficient detail? Y/N
		<p>(ii) assesses the alternatives that have been considered; and</p> <p>(iii) describes discussions held, and agreements made, with the Queenstown Lakes District Council; and</p> <p>(iv) assesses the effects of any water takes and discharges, with an outline of any proposed mitigation of these effects.</p> <p>Yes</p> <p>This has been provided in Appendix 7</p>	

ENDS