

FTC #153: Application for referred project under the COVID-19 Recovery (Fast-track Consenting) Act 2020 – Stage 1 decisions

Application 2022-104 Brackens Ridge Project

Date submitted:	8 September 2022	Tracking #: BRF-2131	
Security level:	In-Confidence	MfE priority:	Urgent

	Action sought:	Response by:
To Hon David Parker, Minister for the Environment	Decision on recommendations in Table A	To be advised

Actions for Minister's Office staff	<ol style="list-style-type: none"> Return the signed briefing to MfE. Send attached letters (if signed) with accompanying template and links to application documents.
Number of attachments: 3	Attachments: <ol style="list-style-type: none"> Application documents for Brackens Ridge Project (Databox link) Letter to Ministers – inviting comments on Brackens Ridge Project referral Template for ministerial comment

Ministry for the Environment contacts

Position	Name	Cell phone	1 st contact
Principal Author	Alison Grayston		
Manager	Stephanie Frame	s 9(2)(a)	✓
Acting Director	Matthew Barbati-Ross	s 9(2)(a)	

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Key messages

1. This briefing seeks your initial decisions on an application from Mount Soho Trust Limited to refer the Brackens Ridge Project (project) to an expert consenting panel (panel) under the COVID-19 Recovery (Fast-track Consenting) Act 2020 (the FTCA).
2. The project is to subdivide a 17.9 hectare site and construct a housing development at 175 McDonnell Road, Arrowtown, Otago. The project will create approximately 104 residential lots and up to 208 residential units (up to two units per lot). The application includes the associated infrastructure for the subdivision and development of the lots, including roading, walkways, street tree planting, reserves and constructing connections to three waters services.
3. The project will require land use and subdivision consents under the Queenstown Lakes District Plan, land use and discharge consents under the Regional Plan: Water for Otago and resource consents under the Resource Management (National Environmental Standards for Freshwater) Regulations 2020 (NES-F). The proposed activities would have overall non-complying activity status due to exceedances of permitted standards, including a higher density than identified in the Arrowtown South Structure Plan, the proximity of works to natural wetlands and works relating to culverts.
4. We have undertaken an initial (Stage 1) analysis of the referral application, and this is presented along with our recommendations in Table A.
5. The project meets all the eligibility criteria in section 18(3) of the FTCA, but more analysis is needed before we can advise you if they meet the purpose of the FTCA (thus satisfying section 18(2) of the FTCA) and advise you on matters in section 23(5) which may influence your referral decision.
6. We recommend you progress consideration of the application to the next stage of analysis (Stage 2) and invite comments from Queenstown Lakes District Council and Otago Regional Council and specific Ministers listed in section 21(6) of the FTCA.
7. We recommend that you invite comments from the Associate Minister for the Environment (urban policy) and infrastructure provider, Aurora Energy, as additional parties under section 21(3) of the FTCA.
8. We also recommend you request further information from the applicant as detailed in Table A.

Statutory framework summary

9. You are the sole decision maker for the referral application as the project will not occur in the coastal marine area.
10. You may decline the referral application before seeking comments from the relevant local authorities and any relevant Ministers:
 - a. if you are satisfied the project does not meet the referral criteria in section 18 of the FTCA, (which include helping to achieve the purpose of the FTCA) (see sections 18(2) and 23(1) of the FTCA)
 - b. for any other reason (see section 23(2) of the FTCA).
11. If you do not decline the referral application at this stage:

- a. you must provide the application to, and invite comments from, the relevant local authorities and the relevant Ministers prescribed by section 21(6) of the FTCA
 - b. you may provide the application to and invite comments from any other person.
12. You are also able to request further information from the applicant or any relevant local authority at any time before you decide to decline or accept the referral application (see section 22 of the FTCA).

Action sought

13. Please indicate your decisions on the recommendations in Table A.

Signature

A handwritten signature in black ink, appearing to read 'S. Frame', with a stylized flourish at the end.

Stephanie Frame
Manager – Fast-track Consenting

Project to progress

Project details	Project description	Project funding	Is project eligible for referral? [section 18(3)]	Will project help to achieve the purpose of the FTCA? [section 18(2)]						Recommendations	Minister's decisions
				Economic benefits and costs for people or industries affected by COVID-19 [section 19(a)]	Effect on social and cultural wellbeing of current and future generations [section 19(b)]	Likelihood project will progress faster under the FTCA than would otherwise be the case [section 19(c)]	Public benefit [section 19(d)]	Potential for significant adverse environmental effects, including greenhouse gas emissions [section 19(e)]	Any other relevant matters [section 19(f)]		
	in the Arrowtown South Structure Plan, the proximity of works to natural wetlands and works relating to culverts.		designed to ensure that there are no buildings located within POS-P2. (note that POS-P3 is located on the adjacent site and so is not applicable). We have reviewed this information and agree that the project is not a prohibited activity.						recommend seeking further comment at this stage from Aurora Energy.	<p>section 21(3) of the FTCA:</p> <ul style="list-style-type: none"> o Aurora Energy <p>g. Agree to seek further information from the applicant on an assessment of how the project meets the non-complying 'gateway tests' in section 104D of the RMA, and job creation per year; and from Queenstown Lakes District Council on the appropriateness of using the FTCA process and effects on existing infrastructure.</p> <p>h. Sign the attached letters to Ministers.</p> <p>i. Note that while awaiting comments from invited parties and further information, the Ministry for the Environment will, in consultation with the Office of Māori Crown Relations – Te Arawhiti, prepare a report for the purpose of section 17 of the FTCA.</p>	Yes/No

Signed:

Hon David Parker
Minister for the Environment

Date: