

Comments on applications for referral under the COVID-19 Recovery (Fast-track Consenting) Act 2020

This form is for local authorities to provide comments to the Minister for the Environment on an application to refer a project to an expert consenting panel under the COVID-19 Recovery (Fast-track Consenting) Act 2020.

Local authority providing comment	Queenstown Lakes District Council
Contact person (if follow-up is required)	Tony Avery – General Manager, Planning and Development
	Click or tap here to enter text.
	Click or tap here to enter text.

Comment form

Please use the table below to comment on the application.

Project name	Brackens Ridge
General comment – potential benefits	<p>Queenstown Lakes District Council (QLDC) acknowledges the social and economic costs associated with the availability and price of land for residential purposes. The Queenstown Lakes Proposed District Plan (PDP), alongside other key strategic growth documents (i.e., the Queenstown Lakes Spatial Plan) signal the current methods and future strategies intended to manage these challenges in line with those expectations of the RMA and other national directions, in particular, the National Policy Statement on Urban Development (NPS UD).</p> <p>While the application wouldn't provide 'additional' land for residential development, it would enable the more efficient use of land that is already zoned for development (under the Arrowsmith South Special Zone (ASSZ)).</p> <p>Currently, the ASSZ enables the development of up to 17 residential units on the site. The proposed application seeks approval for a significantly greater amount of development, being 104 lots providing for 208 residential units (comprising one primary and one secondary unit). While the PDP is currently meeting its expectations under the NPS UD in terms of residential development capacity¹, this additional development yield will have benefits in terms of the provision of further housing supply in a location with high house prices, it would enable the more efficient use of the land that is already zoned for development, increase competition in the Arrowsmith housing market, and would promote further economic activity within in the District's broader economy.</p> <p>Plans submitted with the application illustrate that the proposal would provide an additional connection between McDonnell Road and Centennial Avenue. There are currently no other such road connections between Arrowsmith and the existing intersection between the two roads some 3 kms to the south. As such, this proposed road connection would provide for a more efficient road layout and improved transport connections.</p>

¹ The Council's Housing Capacity Assessment has shown that there is sufficient land zoned and feasible for residential development capacity over the short and medium term.

<p>General comment – significant issues</p>	<p>The application seeks a quantum of development significantly greater than what is currently provided for under the ASSZ. It will result in very different land use outcomes compared to what is anticipated under the existing zoning. If the application is accepted for consideration under the fast-track process, the following issues will need to be considered:</p> <p>Strategic urban development and planning:</p> <ul style="list-style-type: none"> - The subject land is located within the ASSZ. The ASSZ has not yet been included in the current district plan review. This is primarily because the zone is comparatively new, being made operative in May 2015. As such, the land is currently managed by objectives, policies and rules within the Queenstown Lakes District Operative District Plan (ODP), in particular, sections 12.31 and 12.32. Given this, those objectives, policies and rules of the PDP do not currently apply to resource consent applications on the subject land (apart from any which relate to historic heritage or water management). It is intended that the ASSZ be considered as part of future stages of the district plan review process. - The subject land, while within the ASSZ, is currently located outside of an Urban Growth Boundary (UGB). The Arrowtown UGB is located to the immediate northwest of the subject land. The nature, scale and intensity of development proposed in the application qualifies as Urban Development as defined in the definitions chapter of the ODP. - UGBs are an important tool used to manage urban growth within the District. They have been critical in achieving better urban growth outcomes by way of achieving distinct and defensible urban edges, avoiding sporadic and/or ad hoc urban development in the rural area, and in protecting the District's highly valued landscapes (see Section 4 (District Wide Issues) of the ODP). - The UGB around Arrowtown manages Arrowtown's special character and contained urban form that is now synonymous with the settlement. It is noted that the local community consider these special characteristics to be highly important. Section 4 of the ODP highlights that growth around Arrowtown is to be limited by way of the UGB to preserve and enhance these characteristics. These matters were traversed in the plan change promulgating the ASSZ, including the containment of the Arrowtown urban area, but have not been reconsidered under the higher order strategic direction framework of the more recent PDP. - It is noted that Arrowtown has not been identified as a location anticipated to absorb further urban growth under the Queenstown Lakes Spatial Plan. No future urban areas have been identified in or around the Arrowtown UGB. The Spatial Plan identifies Arrowtown as a 'smaller settlement' that will accommodate a limited amount of growth through 'infill development and expansion within those areas already zoned in the District Plan for urban development'. - Any fasttrack resource consent process will need to consider how the proposed development fits into the directions set out within the wider ODP, and if there is support for urban development of the kind proposed outside of Arrowtown's UGB. <p>Historic Heritage:</p> <ul style="list-style-type: none"> - The site subject to this application is known to contain listed heritage features (references 364 and 126 – see PDP Chapter 26 Historic Heritage). Any fast track application will need to consider potential adverse effects on these heritage features. <p>Landscape and visual amenity:</p> <ul style="list-style-type: none"> - The amount of built form proposed is significantly greater than what is provided for under the ASSZ. The ASSZ contains a structure plan which identifies a range of areas subject to different land use controls. Predominantly, the application proposes to locate the additional development within identified 'rural living' parts of the ASSZ
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	<p>structure plan. However, some parts of the development encroach into ‘private open space’ areas of the ASSZ structure plan.</p> <ul style="list-style-type: none"> - The ASSZ chapter of the ODP sets out that the ‘rural living’ areas have building platforms designed to a location, density and clustering that seeks to achieve a special rural character and an attractive edge to Arrowtown, while the ‘private open space’ areas have been identified to enhance and maintain areas of particular ecological and landscape value. - Any fast track resource consent process will need to consider how the proposed development impacts the intended outcomes of the ASSZ and the special character of this part of Arrowtown. <p>Transport and access:</p> <ul style="list-style-type: none"> - The number of residential units proposed by the application in comparison to that provided for under the ASSZ will result in a significantly greater number of traffic movements to and from the site. - Plans submitted with the application illustrate the creation of a new road link through the land between McDonnell Road and Centennial Avenue. The potential transport and access effects associated with this new road link will need to be taken into account. - Any fast track resource consent process will need to consider the effects of these additional traffic movements on the safe and efficient operation of the immediate and surrounding road network. <p>Infrastructure and servicing:</p> <ul style="list-style-type: none"> - The additional demand placed on existing infrastructure and services (water, wastewater, stormwater) in this area from the significantly greater development yield will need to be considered if the application is accepted. - Because Arrowtown has not been identified as accommodating future urban growth in the Queenstown Lakes Spatial Plan, infrastructure upgrades have not been anticipated. Council does not have any intention to upgrade water, wastewater or stormwater infrastructure in the Arrowtown scheme boundaries to support growth of the kind proposed. - It is also noted that the subject land is located outside of the Arrowtown scheme boundaries for water, wastewater and stormwater services. Developments outside of existing scheme boundaries require detailed investigations in terms of their potential effects on the network.
Is Fast-track appropriate?	<p>The Council considers that the application may be a suitable candidate for consideration as a fast track resource consent. However, as described elsewhere in this summary the proposal would lead to considerably different development outcomes from that which is anticipated under the ASSZ. These outcomes, when considered in isolation, would challenge what is anticipated by the higher order directions of the ODP and the ASSZ.</p> <p>However, the ASSZ was developed, considered and approved in the period leading up to May 2015. Since this time, new national direction has been issued to address pressures on the social, economic, cultural and environmental wellbeing of New Zealand communities. In particular, this direction focuses on the way and rate that land is enabled for residential housing supply. The PDP has since responded to this national direction and a new set of strategic objectives and policies have been prepared to reflect these changes.</p> <p>Chapter 4 (Urban Development) of the PDP directs that UGBs be reviewed and amended as and when required. When the ASSZ is incorporated into the PDP framework, and in the event that Arrowtown’s UGB is reviewed at the same time, it would need to be considered through the lens of the current set of national directions and the PDP’s revised approach for managing urban growth. These considerations would, among other things, take into account those matters set out</p>

	<p>in objective 4.2.1 of the PDP and its suite of policies, which include anticipated demand for housing, competitive land supply, any constraints associated with the land, effects on outstanding natural features and landscapes, and its proximity to the existing Arrowtown urban area.</p> <p>The ASSZ is located entirely on the eastern side of McDonnell Road. Land to the west of McDonnell Road is located within the somewhat distinct open area dominated by the Whakatipu Basin Rural Amenity Zone and the resort zones of Millbrook and The Hills which are not defined as being Urban Development. Despite this, the Council has not yet considered the appropriateness of urban development on the site or surrounding area, nor has it comprehensively considered the appropriateness of the existing UGB around Arrowtown. However, it is acknowledged that the UGB around Arrowtown is coming under pressure from various planning processes, including those associated with the district plan review and various resource consent applications. The current application is another example of this pressure.</p> <p>If the application was accepted for fast track processing and was approved, the Council would need to carefully consider how the underlying zoning, and the location of the UGB, may need to be amended to take into account the scale of development anticipated. Any such process would generate a high degree of public interest.</p> <p>It is also noted that a fast track consent process would exclude the Arrowtown community from participating or providing views on the appropriateness of the proposed development (unless the appointed panel decided to notify or engage community members). Given the level of interest of the local community in the location and type of urban development in and around Arrowtown, this should be a matter that is taken into account. On balance, Council would prefer that the Arrowtown community is given an opportunity to express their preferences on the proposal.</p>
Environmental compliance history	There is no known environmental compliance history.
Reports and assessments normally required	<p>The following assessments would normally be required by the Council for the assessment of the proposal:</p> <ul style="list-style-type: none"> - Ecological - Geotechnical and natural hazards - Traffic and transport - Water and wastewater - Stormwater - Landscape and visual amenity - Urban design - Historic heritage - Construction, including earthworks - Contaminated land <p>Assessment against relevant parts of the Queenstown Lakes Operative District Plan</p> <ul style="list-style-type: none"> - Section 3 – Sustainable management - Section 4 – District wide issues - Section 12 – Special Zones – Arrowtown South (12.31 and 12.32) - Section 13 – Heritage and PDP Chapter 26 (Historic Heritage) - Section 14 – Transport - Section 15 – Subdivision Development and Financial Contributions - Section 18 – Signs - Section 22 – Earthworks - Definitions

	<p>Assessment against other relevant statutory policy documents:</p> <ul style="list-style-type: none"> - Resource Management Act 1991, - National policy statements - Partially Operative Otago Regional Policy Statement 2019 - Proposed Otago Regional Policy Statement 2021 <p>Assessment against Iwi management plans</p> <ul style="list-style-type: none"> - The Cry of the People, Te Tangi a Tauria: Ngāi Tahu ki Murihiku Natural Resource and Environmental Iwi Management Plan 2008 - Kāi Tahu ki Otago Natural Resource Management Plan 2005
Iwi and iwi authorities	Aukaha and Te Ao Marama
Relationship agreements under the RMA	None applicable
Insert responses to other specific requests in the Minister's letter (if applicable)	<p>In response to the specific questions raised by Stephanie Frame, Manager Fast-Track Consenting Team in the letter to Mike Theelen dated 15 September 2022:</p> <ol style="list-style-type: none"> 1. Are there any reasons that you consider it more appropriate for the project, or part of the project, to proceed through existing Resource Management Act 1991 (RMA) consenting processes rather than the processes in the FTCA? Please see comments in other parts of this summary. 2. What reports and assessments would normally be required by the Council for a project of this nature in this area? Please see comments in other parts of this summary. 3. Does the applicant, or a company owned by the applicant, have any environmental regulatory compliance history in your district? Please see comments in other parts of this summary. 4. Do you have any comments on potential effects of the project on existing infrastructure? Please see comments in other parts of this summary.
Other considerations	There are no other considerations that are noted at this time.

Note: All comments, including your name and contact details, will be made available to the public and the applicant either in response to an Official Information Act request or as part of the Ministry's proactive release of information. Please advise if you object to the release of any information contained in your comments, including your name and contact details. You have the right to request access to or to correct any personal information you supply to the Ministry.

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Local authority providing comment	Otago Regional Council
Contact person (if follow-up is required)	Joanna Gilroy
	s 9(2)(a)
	P 0800 474 082 M s 9(2)(a)

Comment form

Please use the table below to comment on the application.

Project name	Brackens Ridge Project
General comment – potential benefits	<p>Comments from the ORC Science Team</p> <ul style="list-style-type: none"> - The applicant has proposed clearing out exotic terrestrial vegetation and planting native trees, which if implemented and maintained will enhance the regional biodiversity values.
General comment – significant issues	<p>From the ORC Policy Team:</p> <ul style="list-style-type: none"> - The proposed number of residential lots is non-complying with the operative District Plan, and likely the Proposed District Plan. It is recommended that this is followed up with the relevant TA. - It is questionable whether the proposal meets the partially operative RPS 2019 Rural Activities policy 5.3.1(e). The current rural lifestyle zoning of 17 lots would support some potential to have productive use of land. The urban proposal of 104 lots would not support this. - There seems to be a disconnect between the Transport Report and the structure plan overlay. The overlay plan shows some indicative walking/cycling provision. This is not reflected in the transport report, where it mostly focuses on walking and cycling from the site to the wider Arrowtown area. It will also likely be difficult to connect walking/cycling access to the existing neighbouring urban areas, as this is unplanned urban development. No reference is made to any relevant Otago/Southland regional land transport plan policies. - Application indicates control on solid fuel burning appliances – however it is not clear whether this means these appliances will be prohibited or that restrictions will be imposed in order to meet ORC emissions performance standards. If the applicant is proposing to prohibit fuel burning appliances, we request this is enforceable by QLDC to ensure that they are not installed at a late date. - There is minimal detail available to be able to assess the management of stormwater on the site. The application includes a memo discussing the potential damming and use of the unnamed tributary of the Arrow to attenuate flows. This solution would very likely require consent under both the RPW and NES-FM if it also impacts wetlands and

	<p>their function. The applicant should provide a level of detail to enable how stormwater will be managed, and effects avoided/mitigated.</p> <ul style="list-style-type: none"> - The applicant should also be aware of rules within the Regional Plan Water that relate to earthworks for residential activities. <p>From the Science Team:</p> <ul style="list-style-type: none"> - The applicant has duly identified natural wetlands in the property (proposed site of subdivision land 17.9 ha for creating 104 residential lots). Alongside, the proposed developmental activities they have elucidated their plan of undertaking natural wetlands management and restoration measures, which if implemented and maintained will enhance the natural wetland values. - The applicant has proposed discharging stormwater run-off onto the land; however this requires further deliberation as run-off from developed and non-developed areas is not the same, particularly when the site is in close proximity of a water body (the natural wetlands). Stormwater runoff that directly discharges onto land in proximity to water bodies has the potential to jeopardise the ecological health of associated waterbodies, and resultantly the wellbeing of residents. Examples of this can be seen at the Bullock Creek Wetland in Wanaka, and Lake Tewa at Jacks Point estate. In both cases the stormwater discharges engendered the Wetlands ecological health as well as raised concerns among the residents. It is therefore recommended that a condition of the consent is to include a stormwater discharge management plan.
Is Fast-track appropriate?	Council sees no reason as to why this application could not follow the normal Council level consent process.
Environmental compliance history	There is no recorded Compliance or Enforcement history for this site or applicant.
Reports and assessments normally required	<p>ORC would expect to see reports that assess effects on wetlands, hydrology information and ecology information as it relates to wetlands.</p> <p>If consent was sought for stormwater or matters relating to the establishment of the stormwater infrastructure we would expect an assessment of stormwater on water quality, cumulative effects, ecological assessments and also assessments from engineers on the risks to other properties. If this work involves damming and diversion then assessments and reports on this would also be required.</p>
Iwi and iwi authorities	Te Rūnanga o Ngāi Tahu (for notified applications only) and Aukaha and Te Ao Marama (consultancies operating on behalf of iwi).
Relationship agreements under the RMA	N/A
Insert responses to other specific requests in the Minister's letter (if applicable)	Click or tap here to insert responses to any specific matters the Minister is seeking your views on.
Other considerations	Click or tap here to insert any other responses you consider relevant for the Minister to be aware of.

Note: All comments, including your name and contact details, will be made available to the public and the applicant either in response to an Official Information Act request or as part of the Ministry's proactive release of information. Please advise if you object to the release of any information contained in your comments, including your name and contact details. You have the right to request access to or to correct any personal information you supply to the Ministry.