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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	Otago Regional Council
Contact person (if follow-up is required)	Joanna Gilroy
	s 9(2)(a)
	p s 9(2)(a)

Comment form

Please use the table below to comment on the application.

Project name	Lakeview, Taumata, Queenstown
General comment – potential benefits	No Comment. This question would best be addressed by the District Council.
General comment – significant issues	The ORC Natural Hazards Team has commented that there is detailed information relevant to the site and surrounding areas contained in ORC's report 'Otago Alluvial Fans Project Selected areas of Otago (April 2009)'. Any application should identify and address the natural hazard context and issues of the site, and surrounds – particularly landslide risk from the Ben Lomond reserve uphill area. Examples can be taken from ORC's involvement in the recent Skyline redevelopment applications from 2019. The ORC Policy team noted that careful assessment will need to be taken when considering the height of the hotels and any potential for adverse effects on outstanding natural landscape values. The ORC Consents team noted that best practice control measures and management should be in place in order to ensure the permitted activity rule for the discharge of storm water to a reticulated system can be met at all times
Is Fast-track appropriate?	There is no reason why this application could not go through the standard RMA consent process within statutory timeframes.
Environmental compliance history	The ORC compliance team has reported no compliance history relating to QT Lakeview Developments Limited.

Reports and assessments normally required	An erosion and sediment control plan to address the effects of the earthworks to be carried out would be expected as the activity will involve Earthworks for Residential Development for which there are rules in proposed Plan Change 8 to the Regional Plan: Water A report outlining dust control measures to be implemented during the development phase would be expected given the scale of development and that the site is located adjacent to a built up urban area. This relates to the Regional Plan: Air. A hydrological report would be expected to be submitted to support any application for the diversion of groundwater. This relates to the Regional Plan: Water A detailed site investigation would be expected to be provided as the site is recorded as being a partially investigated site on the ORC HAIL Register and may meet the definition of a contaminated site under the Regional Plan: Waste for Otago.
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	Nil
Insert responses to other specific requests in the Minister's letter (if applicable)	NA
Other considerations	NA

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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 **QUEENSTOWN
LAKES DISTRICT
COUNCIL**

www.qldc.govt.nz

12 August 2021

OFFICE OF THE MAYOR

Minister for the Environment
New Zealand Government
C/- Ms Stephanie Frame, Manager, Fast-Track Consenting Team

By email: fasttrackconsenting@mfe.govt.nz

Dear Minister,

**COVID-19 RECOVERY (FAST-TRACK CONSENTING) ACT 2020 – LAKEVIEW-
TAUMATA, QUEENSTOWN – COMMENTS SOUGHT**

Thank you for your letter dated 29 July 2021, seeking the comments of the Queenstown Lakes District Council (Council) on the project (Project) referred to in your letter.

The Council has an established relationship with the applicant and developers 94 Feet and is the owner of the land in question. Accordingly, the purpose of this letter is to provide some over-arching comments on the Project to supplement the more specific and technical responses compiled by the Council's Planning and Development team. The Council is keen to ensure that the Minister and officials have a full and transparent understanding of the Council's involvement in this particular project.

Development Agreement

94 Feet is a party to a development agreement (DA) dated 10 October 2019 with the Council. As such, in addition to its statutory functions under the Resource Management Act 1991 (RMA), the Council also has an interest in the Project in its capacity as the landowner and party to the DA, and therefore has a financial interest in the Project. The Council manages these different functions by ensuring appropriate segregation of roles by Council officers.

The proposed project is consistent with Council's established intention to support the development of the upper area of Central Queenstown as a mixed-use development area that would support and enhance the future of the Town core.

The Council promulgated a Plan Change (PC50) to provide for such development. PC50 was publicly notified in June 2014 and made operative in July 2016. These provisions now provide the planning framework for the area and the development is consistent with its intention for the area. As a financial participant Council will receive income from the progressive sale of the land and from any super profits realized by the development which is planned to occur over a decade or longer.

The Project's Master Development Plan

Under the DA 94 Feet was required to obtain the Council's approval of the Master Development Plan (Master Plan) for the Project. The Council issued this approval on 10 November 2020.

In my letter approving the Master Plan, I noted that:

"The Master Plan contains a number of changes from the Concept Development Plan, the material modification being to the proposed height of buildings on lots 6, 7 and 8. This required more protracted consideration by QLDC and necessitated the Councillor workshops to brief the elected members and capture their views on the Master Plan and the proposed height."

The letter of approval stated that:

"...the Master Plan should be approved by QLDC as landowner to capture the high standard of design and innovation proposed and enable you to proceed to seek resource consent through the formal regulatory process."

The material considerations in support include your stated commitment to carbon neutrality, innovative use of mass timber construction and community energy systems, use of high-quality cladding, glazing and finishes to moderate the visual impact of the built form, and commitment to apply for resource consent on a public notification basis. Going forward it will be important to preserve these aspects of the Master Plan."

A copy of this letter is attached.

Proposed height of buildings

QLDC's letter of approval assumed 94 Feet would follow the usual RMA consenting process, and as part of reaching its position the Council was influenced by the offer by 94 Feet to seek full public notification of its application, particularly in response to the proposal's departure from the height limits in the District Plan. Nevertheless, the fast-track consenting process introduced by the New Zealand Government to promote employment and economic recovery is available to 94 Feet as an alternative.

The Council is disappointed that 94 Feet has now chosen to make use of the Covid fast-track legislation but acknowledges the right of 94 Feet to do so. The advice provided by the Council's resource consent team objectively assesses the proposal in the light of the legislation.

It is Council's view that a public notification process should be undertaken in this matter. It is important to capture the aspirations and intent of the community, which are embodied in PC50. Public notification under the usual RMA consenting process would have ensured that the Project received fulsome scrutiny to ensure that the community's aspirations in PC50 were correctly assessed and applied, including in relation to the height of the buildings.

I note that the fast-track consenting process does provide opportunities for this scrutiny to occur, through referral to an expert panel, the opportunity for the panel to decide the scope of public comment, and the selection of appropriate panel members to address any specific

areas of sensitivity. Notwithstanding this the Council considers that the standard RMA process remains more consistent with the assurances given by the developer to the Council when the Council approved the Master Plan.

In conclusion, there is an overriding expectation by Councilors that 94Feet should follow the process it proposed at the time the Master Plan was agreed, and in so doing allow widespread community comment through the process.

Yours sincerely

A handwritten signature in blue ink, appearing to read 'Jim Boulton', with a stylized, sweeping underline.

Jim Boulton ONZM
Mayor

A handwritten signature in blue ink, appearing to read 'Mike Theelen', with a stylized, sweeping underline.

Mike Theelen
Chief Executive

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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)	Mike Theelen, Chief Executive Officer
	Tony Avery, General Manager, Planning and Development
	Click or tap here to enter text.

Comment form

Please use the table below to comment on the application.

Project name	Lakeview – Taumata Queenstown
General comment – potential benefits	As set out in response to Specific Question 1 below, Queenstown Lakes District Council (QLDC) has committed significant resources to changing the Operative District Plan through Plan Change 50 (PC50) and undertaken an exchange of reserve land under the Reserve Act 1977, to provide for the extension to the Queenstown Town Centre. The proposed Lakeview – Taumata Queenstown project is consistent with the intent of PC50 and will: 1. Support the economic and cultural vitality of the Town Centre; 2. Provide additional residential housing capacity of a typology (one to two bedroom units) in a location that can be provided with the necessary amenity, along with access to services and employment; 3. Provide additional residential, visitor and retail activities that will support the development of public transport; 4. Complement the other actions Council has undertaken to support the Town Centre, including approval to construct a new arterial route;
General comment – significant issues	The development is a restricted discretionary consent under the District Plan. The proposal does not represent a significant departure from the plan, though elements of the proposal (as outlined below) involve significant departure from the standards for the zone
Is Fast-track appropriate?	Refer to specific question 1 below.
Environmental compliance history	Refer to specific question 5 below.
Reports and assessments normally required	Refer to specific question 4 below.

Iwi and iwi authorities	Aukaha and Te Ao Marama
Relationship agreements under the RMA	There is a development agreement between QLDC and the QT Lakeview Developments Ltd, whereby QLDC has applied for and been granted subdivision resource consent under the RMA. QLDC is currently undertaking the construction and infrastructure works required by the conditions of the subdivision consent, as well as associated network upgrades. Once the subdivision conditions have been complied with, titles for Stages 1 & 2 can be issued and transferred to QT Lakeview Developments Ltd.
Insert responses to other specific requests in the Minister's letter (if applicable)	Refer to the responses below on the specific matters contained in the letter dated 29 July 2021 (Stephanie Frame, Manager Fast-Track Consenting Team to Mike Theelen, Chief Executive Officer, your reference BRF-189)
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?	The proposed development is consistent with the PC50 planning intentions for the site. The proposal as understood by Council does breach a number of plan rules, which both the RMA and FTCA are able to address. The FTCA provides an expedited process that will enable, if successful, the development to commence earlier than is likely under normal RMA process. The following points are outlined for the Minister's consideration: 1. The 14.5 hectares of land on which the proposed Project is located was rezoned by Queenstown Lakes District Council (QLDC) through Plan Change 50 (PC50), from "High Density Residential Zone" to "Queenstown Town Centre Zone (including Lakeview and Isle Street Sub-zones)". 2. The purpose of PC50 was to enable/facilitate urban development of the upper Town Centre. Accordingly, the permitted, controlled and restricted discretionary activity status applying to most aspects of the Project (eg earthworks) are ones to which relatively standard conditions can be applied. 3. The significant aspect of the Project that will require consideration is in respect to the proposed height of buildings which is subject to a restricted discretionary activity resource consent, with a proposed height being twice that of the restricted discretionary activity trigger. The applicant is providing a visual and landscape assessment to support the proposed 'building up' approach. There is sufficient information provided and clear guidance in the District Plan for the Panel to undertake the necessary assessment and conclude as to whether to refuse or grant consent (with conditions). 4. The FTCA process provides for the Panel to invite comment from any other person it considers appropriate, if that comment would assist in their consideration. In respect of this, QLDC notes that while the site has been zoned for development and contains rules providing for a consenting pathway for additional height, the height of the proposed building means they are likely to be clearly visible from many viewing points around the town. As provided by the FTCA, the Panel will need to consider whom comment should be sought from.
2. The applicant has advised that no rules	It is correct that no rules in the Proposed District Plan apply.

of the Proposed District Plan will apply to the Project, please advise whether this is correct?	This part of the Operative District Plan became operative in July 2016, it was not included in the Proposed District Plan staging (stage 1, 2 or 3) and is not due for review for 10 years from the operative date. However there are a number of Proposed District Plan sections which contain objectives and policies that the Panel will need to consider as these contain strategic provisions that apply across the District: • Section 1: Which explains how the Proposed Plan provisions apply to parts of the district with the staged review • Section 3: Strategic direction • Section 4: Urban Development • Section 5: Tangata Whenua
3. The applicant has advised that Queenstown Lakes District Council are delivering the infrastructure elements of the underlying subdivision in a staged manner that will allow construction of the Project to occur almost a year earlier than anticipated (providing for enabling works to commence in approximately October 2022). Please provide comment on the likelihood of the infrastructure elements being sufficiently advanced to allow the Project to commence in October 2022.	QLDC is contractually committed to delivering sufficient infrastructure to allow the Project to commence in 2022. The infrastructure works associated with the subdivision resource consent are being undertaken by QLDC and are on track with respect to programme. This will enable a variation to the subdivision resource consent to be applied for, that will bond certain infrastructure works that are still under construction. The implementation of the bond will enable the s224 RMA certificate to be issued and the subsequent issue of a title for the new allotments for Stages 1 & 2 that are subject to this Fast Track application. Once title is issued, QT Lakeview Developments Limited will be able to commence development of the Project. The provision of infrastructure to the balance area of the Project will continue.
4. What reports and assessments would normally be required by the council for a project of this nature in this area?	The following assessments would normally be required by Council. Included after each assessment (in brackets) is Council's understanding of the status of these reports being prepared by the applicant: a. Urban design - (underway); b. Community and social - (completed); c. Natural hazards - (completed); d. Traffic - (completed); e. Water, wastewater and stormwater - (completed); f. Landscape and visual amenity - (underway); g. Construction, including earthworks - (completed); h. Cultural - (underway); i. Contaminated land - (underway);

	j. Statutory policy documents including the RMA, national policy statement, regional policy statement, regional plan(s) and district plan(s) – (underway) k. Acoustics, including construction noise – (completed) l. Landscaping – (underway) m. Economics – (completed)
5. Does the applicant, or a company owned by the applicant, have any environmental regulatory compliance history in your district?	None known.
Other considerations	Please see the separately attached letter from the Council outlining the commercial relationship it has with the developer, for background information and awareness only.

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.



10 November 2020

Dean Rzechta
QT Lakeview Developments Limited as trustee of the QT Lakeview Partnership
First Floor, 1127 High Street
Armadale VIC 3143
AUSTRALIA

By Email: s 9(2)(a)

Dear Dean

APPROVAL OF DRAFT MASTER DEVELOPMENT PLAN

1. We refer to clause 4.3 of the the Development Agreement – Lakeview Precinct dated 10 October 2019 between QLDC and QT Lakeview Developments Limited as bare trustee of the QT Lakeview Partnership and Henry Rzechta, Ben Harkham and Augusta Capital Limited (the **Agreement**) and to the draft Master Development Plan (comprising the documents listed in the appendix to this letter) (**Master Plan**) presented to QLDC for its approval under the Agreement.
2. We appreciate your commitment to the proposed development and your support of QLDC's process to evaluate the Master Plan for approval, and your open and willing engagement with our elected members at the two Councillor workshops.
3. The Master Plan contains a number of changes from the Concept Development Plan, the material modification being to the proposed height of buildings on lots 6,7 and 8. This required more protracted consideration by QLDC and necessitated the Councillor workshops to brief the elected members and capture their views on the Master Plan and the proposed height.
4. The evaluation of the Master Plan concluded that the Master Plan, if implemented, would result in a development which would substantially achieve the Project Objectives and the Material Outcomes. However, as you know, the material extent of the height modification posed difficulties for evaluation team and Councillors and there has been considerable discussion and debate on this point. A range of views are held regarding its acceptability.
5. On balance, having regard to the whole of the Master Plan, the majority view is that the Master Plan should be approved by QLDC as landowner to capture the high standard of design and innovation proposed and enable you to proceed to seek resource consent through the formal regulatory process.
6. The material considerations in support include your stated commitment to carbon neutrality, innovative use of mass timber construction and community energy systems, use of the high-quality cladding, glazing and finishes to moderate the visual impact of the built form, and commitment to apply for resource consent on public notification basis. Going forward it will be important to preserve these aspects of the Master Plan.

7. On the basis of the above, we confirm for the purpose of clause 4.3 of the Agreement that the Master Plan is approved.

Yours faithfully

A handwritten signature in dark ink, appearing to be 'Mike Theelen', with a long horizontal flourish extending to the right.

Mike Theelen
Chief Executive Officer

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Appendix – Master Plan Documents

1. **Te Ara Taumata Lakeview Master Development Plan** dated 14 August 2020 and appendices:

- AP.1 Height Review (Monk Mackenzie/Architectus)
- AP.2 Planning Assessment & Review (Mount Hobson Group)
- AP.3 Planning Pre-app minutes (QLDC)
- AP.4 Landscape & Visual Assessment (Isthmus)
- AP.5 Resource Consent Strategy (BerrySimon)
- AP.6 Shadow Studies (Monk Mackenzie/Architectus)
- AP.7 Sustainability Strategy (GRUN)
- AP.8 Stormwater Cut-off Drain (Stellar Report)
- AP.9 Geotechnical Study (ENGEO)
- AP.10 Transport Strategy (Flow)
- AP.11 Art (SCAPE)
- AP.12 Smart City Strategy (Stantec)

2. Lakeview QLDC Councillor Presentations provided to QLDC on 23 October and 2 November respectively

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