

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)	Alexandra King, Consents Manager (Acting)
	s 9(2)(a)
	P 0800 474 082 s 9(2)(a)

Comment form

Please use the table below to comment on the application.

Project name	Man Street Hotel
General comment – potential benefits	No Comment. This question would best be addressed by the District Council.
General comment – significant issues	<p>The ORC Policy team report they have no comments to add to this application given similar consented activities have been enabled for the site and there are no obvious hazard risks which have not already been discussed in the application.</p> <p>The ORC Transport team have no comments on this application.</p>
Is Fast-track appropriate?	There is no reason, from a regional council perspective, why this application could not go through the standard RMA consent process within statutory timeframes. However, ORC have no objection to this proceeding as a Fast-Track application.
Environmental compliance history	<p>The application states that there are two developers behind the Partnership, being Trojan Holdings Limited (THL) and David Baffsky AO.</p> <p>Further details of the persons/entities who are behind The Queenstown Hotel (NZ) Limited Partnership (Partnership) are given in appendix F, including details of their preferred operator, TFE Hotels.</p> <p>ORC compliance team has reported that:</p> <ul style="list-style-type: none"> Trojan Holdings Ltd does not feature in any regulatory files. The Directors of Trojan Holdings Ltd <ul style="list-style-type: none"> Paul Anderson – Name does not relate to any regulatory files John Canahan – Name does not relate to any regulatory files John Davies – May be a consent holder (there is no middle name listed in Accela, which makes it hard to confirm). There

	<p>was a minor non-compliance in 2010 regarding record keeping requirements for a septic tank. The septic tank consent has expired with out replacement. There was also a consent for a bore that did not have any non-compliances.</p> <ul style="list-style-type: none"> ○ Michael Davies – is referenced in Accela for three bore consents. One of the bore consents was under the name Hogans Gully Farming Ltd. There were no non-compliances with these bores. ○ Neil Johnston – Name does not relate to any regulatory files ○ Peter Kean – Name does not relate to any regulatory files ○ Noel Saxon – Name does not relate to any regulatory files ○ Murray Valentine – Name does not relate to any regulatory files • David Baffsky – Name does not relate to any regulatory files <p>There are no compliance concerns regarding the company name or the names of the individuals.</p> <p>Unfortunately the preferred operator TFE Hotels operates a number of hotel brands/chains. There is not enough information to confirm compliance with all the TFE Hotel brands</p>
Reports and assessments normally required	It is noted that under the Regional Plan: Air for Otago rule 16.3.13., discharges from building and construction activities, including road construction and maintenance, but excluding the remediation of asphalt surfaces (seal burning) is a permitted activity, providing any discharge of smoke, odour, particulate matter or gas is not noxious, dangerous, offensive or objectionable at or beyond the boundary of the property. If this cannot be met, consent is required.
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)	N/A
Other considerations	N/A

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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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 (QLDC)
Contact person (if follow-up is required)	Fiona Blight Manager Resource Consents

Comment form

Please use the table below to comment on the application.

Project name	Man Street Hotel
General comment – potential benefits	<p>A hotel has been consented under the RMA for this site (Council reference RM180981). That consent does not lapse (in terms of being given effect to) until 19 September 2024. The resource consent was for a non-complying activity (overall) and was granted on a non notified basis. The non-complying aspect of RM180981 was over allowable height elements:</p> <ul style="list-style-type: none">• Area A has a maximum allowable height of 11m above RL327.1 masl – 14.2m was consented (3.2m over height)• Area B has a maximum allowable height of 14m above RL327.1 masl – 14.2m was consented (0.2m over height)• Area C (viewshaft area) has a maximum allowable height of 0m above RL327.1 masl – the consented building partially encroaches into this viewshaft area and it has a consented height of 11.45m (11.45m over height)• Area D (viewshaft area) has a maximum allowable height of 3m above RL327.6 masl – the consented building partially encroaches into this viewshaft area and it has a consented height of 10.7m (7.7m over height) <p>Further to the above RM180981 also consented a hotel with a building coverage across the site of 76.2% where 70% is permitted under the District Plan.</p> <p>The activity of a hotel is not unanticipated on this site. Visitor Accommodation is a controlled activity.</p>
General comment – significant issues	<p>This proposal seeks authorisation for a hotel that also contains over height elements and building within Area C and D (viewshafts protected by height controls). Different to the hotel consented under RM180981 is the height breaches:</p> <ul style="list-style-type: none">• Area A has a maximum allowable height of 11m above RL327.1 masl – this proposal seeks to breach that by a further height of 12.3m, which is a further 9.1m over the consented height under RM180981• Area B has a maximum allowable height of 14m above RL327.1 masl – this proposal seeks to breach that by a further height of 9.8m, which is a further 9.6m over the consented height under RM180981

	<ul style="list-style-type: none"> Area C (viewshaft area) has a maximum allowable height of 0m above RL327.1 masl – this proposal seeks to breach that by a further height of 13.2m, which is a further 1.75m over the consented height under RM180981, noting that under RM180981 the building only partially encroached this view shaft Area D (viewshaft area) has a maximum allowable height of 3m above RL327.6 masl – this proposal seeks to breach that by a further height of 20.6m, which is a further 12.9m over the consented height under RM180981 <p>Should the application be accepted by the Minister to proceed through the Fast track Covid-19 consenting process the over height elements of the proposal will need to be carefully assessed in terms of their appropriateness in context of the surrounding environment. Although RM180981 was processed on a non-notified basis, its breaches to the height limits and within the protected view shaft areas were of a lesser extent.</p>
Is Fast-track appropriate?	<p>QLDC has a neutral position as to whether or not this project should be accepted for the Fast Track Covid-19 Consenting process. As above a hotel has been consented under the RMA process previously and that consent is still live such that it could be considered part of the consented environment. QLDC does not make any comment on whether or not this application would also be processed on a non-notified basis, noting that it has not undertaken an assessment of the application against the notification tests of the RMA. It does note that the height breaches proposed under this application are greater in extent than those consented under RM180981 such that the application (were it to be assessed) could require notification under the RMA process.</p>
Environmental compliance history	<p>There is no known history.</p>
Reports and assessments normally required	<p>Critical to an assessment of this application, should it be accepted for the Fast Track Covid-19 Consenting process, will be the assessment of the height breaches to the limits set under the Proposed District Plan, and particularly of the built form proposed within the viewshafts protected through height controls. It will also be imperative for the Expert Consenting Panel to commission an urban design review of the proposal to provide comments on suitability of the proposed form and access / loading areas in context of the surrounding environment.</p>
Iwi and iwi authorities	<p>Kai Tahu</p>
Relationship agreements under the RMA	<p>N/A</p>
Insert responses to other specific requests in the Minister's letter (if applicable)	<p>Not already covered in the above questions:</p> <p>Are there any specific parties you recommend the Minister should require an expert consenting panel to seek comments from?</p> <p>Response: Those parties and surrounding landowners whose comment would normally be sought from an Expert Consenting Panel.</p> <p>Will the applicant require approvals from you to construct this loading zone, and do you expect that obtaining these approvals will impact the applicant's ability to deliver the project?</p> <p>Response: This area is subject to a designation which QLDC is the Requiring Authority. The designation is for the District Arterials project. In accordance with section 176 of the RMA the applicant of this project will not be able to undertake works within that designation that might hinder or prevent the public work designated without the written approval of QLDC as Requiring Authority. The applicant will need to continue to discuss the application detail with QLDC as Requiring Authority such that it can be in a position to confirm it has no issues in regards to the designation.</p> <p>Separate to the designation, any works required within Councils roading network will require the approval of QLDC. The Council has in place processes under which developers can obtain approvals for works in Council Road reserve areas. Note it is understood Council cannot provide permanent exclusive use of an area of public road reserve to a private party.</p>

Other considerations	There is nothing additional to the comments made above.

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