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Comments on applications for referral 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)	Fiona Blight
	Manager Resource Consents
	s 9(2)(a)

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Project name	The Tucker Beach to Arthurs Point to Arrowtown Trail Project
General comment	<p>Queenstown Lakes District Council (QLDC or Council) considers that the proposal is likely to be fast track appropriate given the public benefit and the alignment with the Council's District Plans.</p> <p>The Queenstown Lakes District has an existing extensive active transport network of cycle/pedestrian trails. The proposed trail will provide for the establishment of a key link in the District's expanding active transport network.</p> <p>The policy framework in both the QLDC Operative District Plan and Proposed District Plan provides for and encourages the establishment of an integrated, safe, and efficient transport network that reduces dependency on private motor vehicles and promotes the use of active transport, such as pedestrian and cycle linkages. The benefits arising from public walking and cycling trails are acknowledged in the framework.</p>
Is Fast-track appropriate?	<p>Yes, the fast-track consenting process is likely to be appropriate for this application.</p> <p>The application would require a discretionary activity consent under both the Council's Operative and Proposed District Plans.</p> <p>There is a strategic community benefit in allowing for the Project to proceed through the fast-track consenting process. The Project will be a continuation of the extensive trail network that has been successfully established within the Queenstown Lakes area. The existing trail network has been well-received by the public and is utilised by a significant number of people, both locals and visitors. It is also supported by the District Plan policy framework.</p> <p>There are a number of processes the applicants must navigate to undertake the Project including obtaining District and Regional Council resource consents, DoC permits, LINZ permits, and easements over private properties (QLDC understands that not all property easements have yet been secured). However, the resource consent process will likely be the most time consuming process involved.</p> <p>Obtaining consent through the fast-track consenting process would enable the applicants to implement the Project more quickly, providing the benefits outlined in the application to the Minister, with less risk, and in a shorter timeframe than otherwise provided for.</p> <p>Key parties, such as iwi and directly affected landowners, will still be involved through the fast-track consenting process.</p>
Environmental compliance history	There is no known compliance or enforcement history associated with the applicant.

Insert responses to other specific requests in the Minister's letter (if applicable)

Please see below for a response to your questions:

1. History of the application

The Queenstown Trails Trust (QTT), established in 2002, has an extensive history of successful, collaborative work within the Queenstown Lakes area. The current proposal, which has been planned for some time, is a continuation of that work.

Following preliminary discussions, on 25 March 2020 the QTT attended a formal pre-application meeting with the QLDC resource consent planners to discuss the proposal, and the associated resource consent application that would be required. On 17 April 2020 the QTT lodged the resource consent application for the project with the Council (resource consent reference RM200336).

The application documents are comprehensive and include a detailed assessment of environmental effects.

The applicant volunteered public notification because the proposal extends through multiple private properties and traverses classified landscapes.

The applicant has put the application on hold before public notification, pending the outcome of this request for the project to go through the COVID-19 Recovery (Fast-track Consenting) Act.

2. Given the nature of the consents required by the applicant, do you consider it would be necessary for the applications to Queenstown Lakes District Council and Otago Regional Council to be considered at the same time (ie, are you likely to defer the current application under s91 of the RMA)?

The proposed bridge over the Shotover River will require resource consent from the Otago Regional Council.

QLDC would be unlikely to defer the application before it under s91 as QLDC considers it has sufficient understanding of the nature of the proposal without that ORC application (and as such would not be able to meet the s91(1)(b) test for deferral).

3. Given the nature of the consents required by the applicant, should both councils decide/need to hold a hearing, can you foresee any reason why the applications would not be heard and decided together (as per s102 of the RMA)?

An application before ORC may not need to be notified. However, if notification were required under both the District Plan and Regional Water Plan (or the proposal is approved to be referred to this fast-track consent process), it would be efficient for the applications to be heard and decided together.

4. Any iwi groups/contacts, other than those identified by the applicant, that you consider the expert consenting panel should seek written comment from if the project is referred to a panel. Are there any existing accords/agreements?

The applicant, as reflected in the application material, has undertaken consultation with Ngai Tahu through its established RMA organisations for the QLDC area, being Aukaha and Te Ao Marama. These two organisations undertake any required liaison with the seven Runanga affiliated to the District, and with Te Runanga o Ngai Tahu (TRoNT), and provide comments and or

	<p>approvals on behalf of Runanga on projects. QLDC has an accord with Ngai Tahu. There are no other iwi that Council considers should be involved.</p> <p>5. <i>Local groups with interest in freshwater, biodiversity, heritage and other environmental issues that you consider the expert consenting panel should seek written comment from if the Minister decides to refer the project to a panel.</i></p> <p>Comment should be sought from Otago Fish and Game due to works within and directly adjoining the Shotover River. Comment should also be sought from the Tucker Beach Residents Society and the Arthurs Point Community Association, being organisations representing owners and occupiers within the immediate vicinity of the project.</p>
Other considerations	<p>The resource consent lodged with QLDC, can be viewed on eDocs (the Council's electronic information portal for Building and Resource Consents) via the below link. Search using the reference RM200336.</p> <p>https://edocs.qldc.govt.nz/</p>

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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 the decision to refer projects 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
	Manager Consents
	s 9(2)(a)

Comment form

Please use the table below to comment on the application.

Project name	Tucker Beach to Arthurs Point to Arrowtown Cycle Trail
General comment	<p>Providing for sustainable growth in the wider Wakatipu Basin will require significant mode shift away from private vehicle dominated travel. The Cycleway connects two Centres (Arrowtown and Queenstown) and will provide a safe and attractive, mostly off road alternative to car based travel between these areas and many other destinations in between by adding to the existing and planned network, as well as connecting to other parts of the planned or existing cycleway network. This provides a potential commuter alternative as well as providing for significant tourism and recreational travel all of which contribute to existing road congestion. As such the cycleway is supported in principle.</p> <hr/> <p>Council has delegated its Section 13 (1)(a) applications to the QLDC with the discretion to resume this function. For activities within beds of rivers, Council resumes this function</p> <p>Council has recently processed applications relating to the development of cycleways. Application RM20.132 by Clutha Gold Trail Charitable Trust to install culverts, extract alluvium and discharge sediment to water for constructing and maintaining a cycle trail was processed without notification within statutory timeframes</p> <p>Based on previous similar applications, required resource consents are likely to be processed without public notification.</p>
Is Fast-track appropriate?	No. Based on previous applications, it is anticipated that the consent process would be without public notification and within statutory timeframes.
Environmental compliance history	No compliance issues relate to Queenstown Trails Trust (Trust)

Insert responses to other specific requests in the Minister's letter (if applicable)

History of the application

This is a new proposal

Any iwi groups/contacts, other than those identified by the applicant, that you consider the expert consenting panel should seek written comment from if the project is referred to an expert consenting panel. Are there any existing accords/agreements?

No.

Given this is an area of shared interest; it is appropriate that consultation occurs with runanga through Aukaha and Te Ao Marama Inc.

Local groups with interest in freshwater, biodiversity, heritage and other environmental issues that you consider the expert consenting panel should seek written comment from, if the project is referred to a panel.

Depending on the level of riverbed disturbance, as well as Fish and Game Otago and Department of Conservation, water users that have access to this section of the Shotover River should be consulted with. Issues relating to use of the tunnel will be considered by the QLDC.

Given the nature of the consents required by the applicant, do you consider it would be necessary or efficient for the applications to Queenstown Lakes District Council and Otago Regional Council (which the applicant has not yet lodged) to be considered jointly (ie, is Queenstown Lakes District Council likely to defer the current application under s91 of the RMA)?

The applicant has identified that the following rules apply to their activity.

ORC Regional Plan: Water for Otago	13.2.2.1	Erection of a single span bridge structure across the Shotover River	Restricted Discretionary	Shotover River (vicinity of Tucker Beach)
ORC Regional Plan: Water for Otago	13.5.3	Alteration of the bed of the Shotover River as a result of disturbance in the river associated with the erection of the proposed bridge	Discretionary	Shotover River (vicinity of proposed bridge)
ORC Regional Plan: Water for Otago	14.2.2.1	Drilling over the Wakatipu Basin Aquifer for geotechnical investigation	Controlled	Landward side of Shotover River in vicinity of proposed bridge

Previous applications for resource consents relating to the development of a cycleway have not been considered jointly with the relevant Territorial Authority. Given the nature of the consents required from ORC, there is no requirement for them to be processed jointly with QLDC.

	<p>Given the nature of the consents required by the applicant, should both councils decide/need to hold a hearing, can you foresee any reason why the application would not be heard and decided together (as per s102 of the RMA)?</p> <p>As noted above previous applications for resource consents relating to the development of a cycleway have not been considered jointly with the relevant Territorial Authority.</p>
<p>Other considerations</p>	<p>Typically, single span bridges would be expected to meet rule 13.2.17 of the Regional Plan Water. It is unclear why this rule cannot be met.</p> <p>The applicant has also stated that the Tucker Beach landfill cap will not be disturbed. Disturbance of a landfill (contaminated) site requires land use consent pursuant to rule 5.6.1 of the Regional Plan Waste.</p> <p>Further consents may also be required if permitted activity rules cannot be complied with. This may involve culverting minor watercourses underneath the track. It is also noted that potential contaminated sites are located near to the proposed cycleway path. As noted, the disturbance of a contaminated site requires land use consent pursuant to rule 5.6.1 of the Regional Plan Waste.</p> <p>Clarification of all activities relating to watercourses and contaminated sites would enable a thorough assessment of the potential consent process.</p>

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