

FTAA-2502-1025: Application received for referral of the project under the Fast-track Approvals Act 2024 – Stage 2 decisions

Project Name: Powerhouse Funicular Railways Queenstown Regional Development

Date submitted:	11 August 2025	Tracking #: BRF-6250	
Security level:	In-Confidence	MfE priority:	Urgent

	Action sought:	Response by:
To Hon Chris Bishop, Minister for Infrastructure	Decision on recommendations	18 August 2025

Actions for Minister's Office staff	Return the signed briefing to MfE: FTAreferrals@mfe.govt.nz Approve the attached draft Notice of Decisions letter
Number of appendices: 8	Appendices (see File Exchange for appendices 2-7): <ol style="list-style-type: none"> 1. Statutory framework for making decisions 2. Application documents for the project 3. Stage 1 Briefing Note and decisions 4. Section 18 report on Treaty settlements and other obligations 5. Section 19 report on use of public conservation land 6. Comments received from invited parties, including the further information responses received from Otago Regional Council 7. Further information received from the applicant 8. Draft Notice of Decisions

Ministry for the Environment contacts

Position	Name	Cell phone	1 st contact
Principal Authors	Ashiley Sycamore Stephen Church		
Manager	Stephanie Frame	s 9(2)(a)	✓
General Manager	Ilana Miller	s 9(2)(a)	

Proposed Powerhouse Saddle Funicular Upper Station

Proposed Bowen Peak Chairlift & Base Station

Proposed Powerhouse Suburban Funicular Upper Station

Proposed Fernhill Heights Suburb

Proposed Powerhouse Funicular Railways Lower Station

Ben Lomond

Queenstown Hill Recreation Reserve

Queenstown

FERNHILL

SUNSHINE BAY

Ben Lomond

PROPOSED TE TAUMATA O HAKITEKURA UPPER SHELTER
DEPT OF CONSERVATION TOILET
PROPOSED SITE UPPER STATION FOR POWERHOUSE FUNICULAR RAILWAY
ELEVATION 1,304m
49°09'08"S 168°37'41"E

PROPOSED BOWEN PEAK 6 SEATER EXPRESS CHAIRLIFT
ELEVATION 1140m TO 1540m
44°59'45"S 168°38'17"E TOP
45°00'05"S 168°38'10"E BOTTOM

INDICATIVE EMERGENCY ACCESS ROAD
LOCATION SUBJECT TO DESIGN

SADDLE FUNICULAR RAILWAY
4.385m LONG

PROPOSED FUNICULAR RAILWAY PASSING LOOP AND INTERMEDIATE STATION

PART RUN 794
RT 010/112
QUEST MOONLIGHT LIMITED

PART SEC 42 BLOCK 1
MID WAKATIRU SD
RT 11 SA. 0856,
07/11/15E
NZ GASSETTE 160 F 11027
MID WAKATIRU THE QUEEN

SECTION 15
BLOCK 1
MID WAKATIRU SD
RT 010/112
QUEST MOONLIGHT LIMITED

SECTION 14
BLOCK 1
MID WAKATIRU SD
RT 010/112
QUEST MOONLIGHT LIMITED

SECTION 13
BLOCK 1
MID WAKATIRU SD
RT 010/112
QUEST MOONLIGHT LIMITED

SECTION 12
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QUEST MOONLIGHT LIMITED

SECTION 11
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RT 010/112
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SECTION 10
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RT 010/112
QUEST MOONLIGHT LIMITED

SECTION 1
BLOCK 1
MID WAKATIRU SD
RT 010/112
QUEST MOONLIGHT LIMITED

LEGAL ROAD

ONE MILE CREEK WALKING TRACK

SUBURBAN FUNICULAR RAILWAY TO FERNHILL HEIGHTS
1.880m LONG

LOT 1
PASSION DEVELOPMENT LIMITED

PROPOSED COMMERCIAL POWERHOUSE PRESENT LOWER STATION
FOR POWERHOUSE FUNICULAR RAILWAY
ELEVATION 335m
45°01'15"S 168°38'58"E

TAUMATA O HAKITEKURA

Scale 0m 100m 200m

2

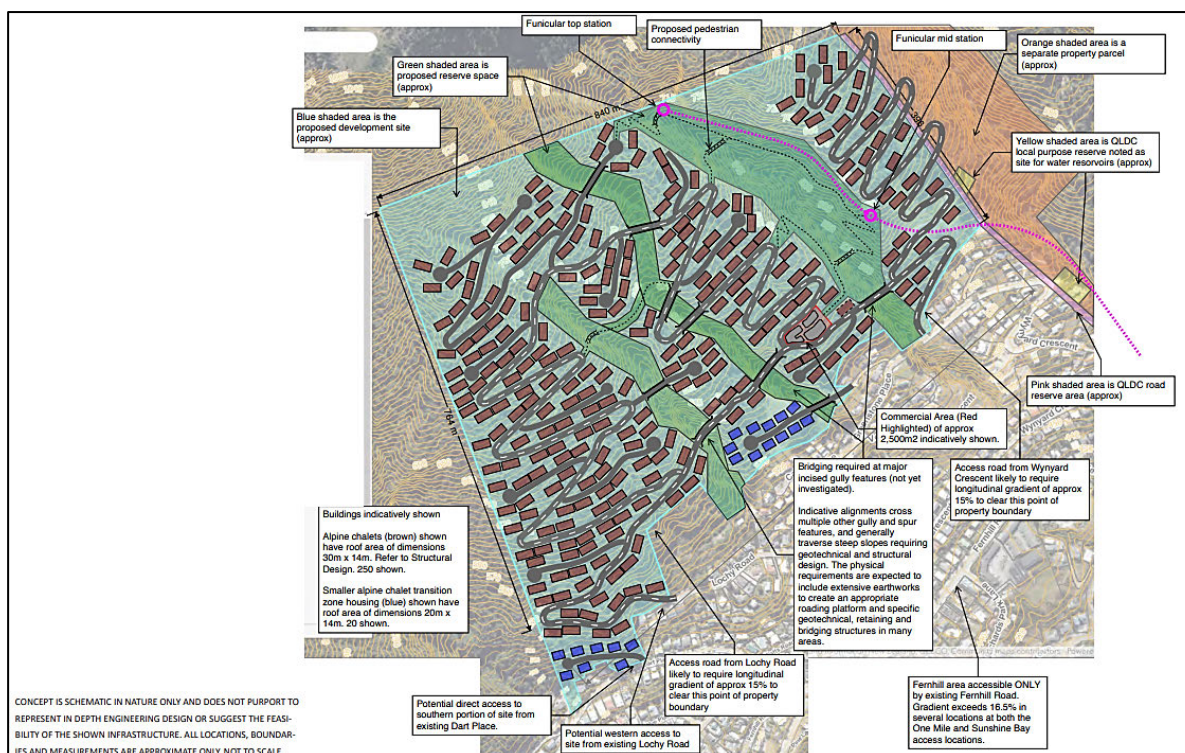


Image 3: Schematic plan of the proposed residential development

Key messages

1. This briefing seeks your decisions under section 21 of the Fast-track Approvals Act 2024 (the Act) on the application from Bowen Peak Limited (the applicant) to refer the Powerhouse Funicular Railways Queenstown Regional Development project (the project) to the fast-track approvals process.
2. A copy of the application is in Appendix 2. This is the second briefing on this application. The first briefing (Stage 1 – BRF-5975) with your initial decisions annotated is in Appendix 3.
3. The project is described by the applicant as involving several activities within the Fernhill, Lake Esplanade, and Ben Lomond area of Queenstown including:
 - a. a development (labelled as the 'Powerhouse Precinct') within One Mile Recreation Reserve to provide retail, hospitality and tourism offerings, a 1,500-person conference facility, and associated carpark building
 - b. a high-density residential development (labelled as 'Fernhill Heights') of approximately 1,040 housing units for 2,000+ residents, and associated subdivision
 - c. two funicular railways (including stations) connecting the Powerhouse precinct to the new residential suburb and the Powerhouse precinct to the Ben Lomond – Te-Taumata-o-Haketikura Saddle
 - d. a seasonal ski field and mountain bike park on Bowen Peak, serviced by a six-seater chairlift
 - e. a top station building associated with the ski field containing a bar/restaurant, retail, and guest services

- f. predator-free fencing covering a 3-hectare area within One Mile Recreation Reserve and a 180-hectare predator-free sanctuary near the top of the One Mile Creek valley
 - g. construction of a boardwalk and walking trail along the One Mile Creek stream
 - h. wilding pine removal and native planting within the One Mile Recreation Reserve.
4. The project is described by the applicant as requiring the proposed approvals:
 - a. resource consents under the Resource Management Act 1991
 - b. archaeological authority under the Heritage New Zealand Pouhere Taonga Act 2014
 - c. concessions (lease/recreation permit) under the Conservation Act 1987
 - d. wildlife permits under the Wildlife Act 1953
 - e. approvals/lease under the Reserves Act 1977.
 5. We recommend you decline the referral application under sections 21(3)(a) and 21(3)(c) of the Act. This is because, in our view, you do not have adequate information to properly inform your referral decision. Without sufficient detail, we consider that you cannot be satisfied the project will deliver significant regional or national benefits, nor that referring it is unlikely to affect the efficient operation of the fast-track approvals process.
 6. A summary of why we consider the available information insufficient to support your decision is provided below, with a detailed explanation in Table A.
 7. We consider the project to be conceptually ambitious but lacking technical validation. No engineering assessments have been provided to support the design, including assessments of natural hazards or three-waters infrastructure. The residential development plan (refer to Image 3) explicitly states that the concept is *“schematic in nature only and does not purport to represent in-depth engineering design or suggest the feasibility of the shown infrastructure – all locations, boundaries and measurements are approximate only – not to scale.”*
 8. Under section 13(4)(h), a referral application must include *“a description of the anticipated and known adverse effects of the project on the environment.”* Comments from local authorities highlight several site-specific challenges, including:
 - a. a steep terrain (a gradient of 1:2.6 and an elevation up to 860 metres above sea level at the proposed residential site)
 - b. no existing or planned capacity for three-waters infrastructure
 - c. multiple natural hazard risks including slope instability (landslides, rockfall, and potential debris flows), ice/snow, seismic activity associated with a fault line, flooding, and wildfire.
 9. The applicant has not described how these potential adverse effects would be addressed.
 10. Due to the absence of technical detail, key aspects of the proposal – such as the number and location of residential units, infrastructure feasibility, and overall viability – cannot be reliably confirmed. While some uncertainty may be acceptable on a flat, unconstrained site, the constraints here mean that any future substantive application, once informed by engineering design, could differ significantly from the current proposal.
 11. Approving a referral application without sufficient information, including a clearly defined project description, risks undermining the efficiency of the fast-track approvals process and may result in a Notice of Decision that is inaccurate and unable to be progressed to an expert panel at the substantive application stage.

12. Several parties invited to comment, including Queenstown Lakes District Council (QLDC), Otago Regional Council (ORC), the Department of Conservation (DOC), Māori groups, and the Minister for the Environment, have also raised concerns about the adequacy of the information provided.
13. Comments received from QLDC consider that the Powerhouse Precinct would conflict with the potential QLDC Stage 3 Arterial Bypass alignment, which remains under investigation and is not guaranteed. QLDC do not support development that relies on uncertain infrastructure, or occupies land potentially required for future Arterial links. Without clarity on transport feasibility, the precinct's viability remains uncertain.
14. Both QLDC and the Director-General of Conservation (via the section 19 report) question the proposed ski field's elevation and climate suitability. The application does not include evidence of reliable snowfall and economic viability, especially given climate change projections. This is critical, as the ski field underpins the viability of other components of the proposal, which the applicant relies on in their assessment of the section 22 referral criteria, including the funicular railway and associated residential development.
15. A detailed explanation of the recommendation to decline is provided in Table A. We seek your decisions on these recommendations.

Assessment against statutory framework

16. The statutory framework for your decision-making is set out in Appendix 1. You must apply this framework when you are deciding whether to accept or decline the referral application and when deciding on any further requirements or directions associated with referral of the project.
17. We have considered if there are any reasons for declining the project, and we provide our advice on these matters below.
18. In accordance with section 21 of the Act, you must decline the referral application if you consider the project does not meet the criteria in section 22, involves an ineligible activity or does not contain adequate information for you to make your decision. You may decline the application for any other reason, including those listed in section 21(5), whether or not the project meets the section 22 referral criteria.
19. However, before you make that decision you must consider the application and the reports and comments, including:
 - a. the section 18 Treaty settlements report (in Appendix 4)
 - b. the section 19 report on the use of public conservation land (in Appendix 5)
 - c. any comments received from invited parties, including the further information received from Otago Regional Council (in Appendix 6)
 - d. the further information received from the applicant (in Appendix 7).
20. We discuss these matters and provide our advice below.

Section 18 Treaty settlements and other obligations report

21. The section 18 report identifies Te Rūnanga o Ngāi Tahu, Te Rūnanga o Waihao, Te Rūnanga o Moeraki, Kāti Huirapa Rūnaka ki Puketeraki, Te Rūnanga o Ōtākou, Hokonui Rūnanga, Waihōpai Rūnaka, Te Rūnanga o Awarua, Te Rūnanga o Ōraka-Aparima, Aukaha, and Te Ao Marama Incorporated as the relevant groups under section 18(2).

22. The report identifies the Ngai Tahu Claims Settlement Act 1998 as relevant to the project area but based on the information provided by the applicant it is not apparent whether the project will have implications for any redress obligations.
23. Five of the 11 Māori groups invited for comment have provided feedback on the application: Te Rūnanga o Ngāi Tahu, Te Rūnanga o Ōtākou, Te Rūnanga o Moeraki, Kāti Huirapa Rūnaka ki Puketeraki, and Te Ao Marama Inc. All groups recommend you decline the referral request, as they consider the application does not meet the consultation or information requirements of the Act.
24. Under section 18(3)(b) a draft of the report is required to be provided to the Minister for Māori Development and the Minister for Māori Crown Relations, Minister Potaka. Minister Potaka raised concerns there has been no meaningful consultation with relevant Māori groups and that they have not been provided with sufficient information to assess the impact of the proposal. He recommends the applicant provides more information to the groups and consults them in a meaningful way.
25. The report does not identify any matters which make it more appropriate for the proposed approvals to be authorised under another Act or Acts.

Section 16 Effects of Treaty settlements and other obligations on decision-making

26. In accordance with the section 18 report assessment above, we have not identified any documents that you must give the same or equivalent effect to, or procedural requirements you must comply with under section 16.

Section 19 report in relation to use of public conservation land

27. As the area includes public conservation land (PCL), the Director-General of Conservation has prepared a report (see Attachment 5) which sets out:
 - a. The PCL affected by the project includes:
 - i. Ben Lomond Scenic Reserve – managed by DOC
 - ii. Ben Lomond Commonage Recreation Reserve (locally known as the One Mile Reserve and Te-Taumata-o-Hakitekura Ben Lomond Reserve) – vested in QLDC
 - iii. Queenstown Water Supply Reserve – vested in QLDC.
 - b. The following existing arrangements for the administration, access to, or use of PCL:
 - i. public access is available for walking, mountain biking, paragliding, and hang gliding, with DOC maintaining the Ben Lomond Walkway
 - ii. nearly 30 active permits and a licence to occupy support commercial, recreational and research activities
 - iii. community groups contribute to conservation and trail maintenance
 - iv. an informal carpark exists near Wynyard Crescent – discussions are underway between DOC and QLDC to establish a land management agreement for QLDC to manage this part of the scenic reserve.
 - c. The following risks and potential liabilities to the Crown that relate to any proposed approvals of the kind described in section 42(4)(e), (f), (l) or (m) of the Act:

- i. project failure risks: incomplete or failed developments on PCL may result in financial, legal, health and safety, and reputational harm to the Crown, especially if land is left disturbed or contaminated, potentially requiring Crown-led remediation
- ii. feasibility concerns: the project is lacking evidence of technical viability, development experience, or financial capacity – particularly those aspects of the project proposing novel or marginal activities, which pose heightened risks
- iii. conflict and legal exposures: fast-tracked approvals may disrupt existing lawful activities or concessions, leading to legal challenges, compensation claims, and reputational damage, especially if approvals conflict with the pre-existing land interests or are used to inflate land value without genuine intent.

28. The section 19 report did not include any recommendations.

Written comments received

29. Comments were received under section 17 of the Act from the parties below:

- a. relevant local authorities – Queenstown Lakes District Council (QLDC) and Otago Regional Council (ORC) (we note that ORC's main comments were received within the specified time frame. ORC also submitted amended comments after the time frame and we recommend you consider these at your discretion. The amended comments confirmed that no existing resource consents are relevant to the project under sections 124C(1)(c) or 165ZI of the RMA)
- b. relevant portfolio Ministers – the Minister for the Environment, the Minister of Conservation, the Minister of Climate Change, the Minister for Land Information, the Minister for Tourism and Hospitality, and the Associate Minister of Housing (we note that comments from the Associate Minister of Housing were received after the specified time frame – we recommend you consider these at your discretion)
- c. relevant administering agencies – Department of Conservation (DOC) and Heritage New Zealand Pouhere Taonga (HNZPT)
- d. the Māori groups identified in the list provided to the Minister – Te Rūnanga o Ngāi Tahu, Te Rūnanga o Moeraki, Kati Huirapa Runaka ki Puketeraki, Te Runanga o Ōtākou, and Te Ao Marama Incorporated (TAMI) which includes comments on behalf of Ngāi Tahu ki Murihiku (encompassing Hokonui Rūnanga, Waihōpai Rūnaka, Te Rūnanga o Awarua, and Te Rūnanga o Ōraka-Aparima).

30. The key points relevant to your decision-making are outlined in Table A, with a concise summary provided below:

- a. QLDC, DOC, and all Māori groups who provided comment opposed project referral and noted concerns including: feasibility and viability of project delivery given the lack of detailed assessments and designs, lack of detail on three-water infrastructure servicing or plans to service the project (in relation to freshwater, wastewater, and stormwater), misalignment with Conservation Management Strategies and the purpose of the Reserves Act 1977, lack of consultation with Māori and effects on cultural values

- b. the Minister for the Environment, Minister of Climate Change, Minister for Land Information, Minister for Tourism and Hospitality, HNZPT, and ORC neither supported or opposed project referral, though some raised concerns including: multiple natural hazard risks and lack of information about three-water infrastructure servicing, and effects on an Outstanding Natural Landscape. None of these parties considered the project would deliver significant regional or national benefits
 - c. the Associate Minister of Housing considers the residential component of the project a relevant response to housing pressures in the Queenstown Lakes District and notes no concerns with the application proceeding to the substantive stage
 - d. the Minister of Conservation had no comments for the project and noted that DOC would provide comments in their capacity as a relevant administering agency.
31. The following parties were invited to comment on the project under section 17 of the Act; however, no responses had been received at the time this briefing was finalised: the Associate Minister of Transport, the Ministry for the Environment, Te Rūnanga o Waihao, and Aukaha.

Further information provided by the applicant and relevant local authorities

32. In response to your request for further information under section 20 of the Act the applicant and ORC provided further information within the specified time frame. The applicant clarified that the proposed lease term sought under the Conservation Act 1987 for the construction and operation of the project within PCL is 25 years, and also provided further details regarding land access.
33. ORC confirmed that a ski area could qualify as regionally significant infrastructure (while noting if the area ceased to be used as a ski field, it will no longer be captured by the definition of “ski area infrastructure”). ORC noted that the ski area is proposed to be a mountain bike park during times of the year when natural snowfall declines. ORC considered that the funicular railways could be considered as a “rapid transit service” under the National Policy Statement for Urban Development 2020, however unless they were integrated into the public transport network, the funiculars would not qualify as regionally or nationally significant infrastructure.
34. You must consider all information received within the specified time frame. We have taken this information into account in our analysis and advice, and this is explained in Table A.

Legal advice (*Legally privileged*)

35. Where there is the exercise of a statutory decision-making power, there is a risk of judicial review of the exercise of that power. From our legal review of the relevant information, the applicant may consider the Minister has adequate information to inform their decision so there is a risk that the applicant may seek judicial review of the Minister’s decision on that basis.

36. Of relevance, the Environmental Protection Authority is currently a respondent in a judicial review proceeding in relation to the Act.¹ One of the grounds for judicial review is sufficiency of information to inform a decision made by the Environmental Protection Authority that a substantive application was complete under section 46 of the Act. Although there is a risk of legal challenge to the Minister's decision to decline the referral application, we consider there is a low risk of success for the reasons set out in this briefing.

Reasons to decline

37. The statutory framework in Appendix 1 sets out the situations where you must decline the application for referral under section 21(3).
38. Under section 21(3)(a) of the Act, we consider you must decline this referral application, as you do not have sufficient information to be satisfied that the project meets the criteria in section 22(1)(a) (*ability to deliver regionally or nationally significant benefits*) or section 22(1)(b)(ii) (*the project is unlikely to materially affect the efficient operation of the fast-track approvals process*). In addition, we consider that you must also decline the application under section 21(3)(c), as the information provided is inadequate to inform your decision under section 21(3). This is our consideration based on the available information; however, you retain the discretion to agree or disagree with our recommendations and determine the outcome of the referral application.
39. We consider that the project does not include an ineligible activity, as outlined in Table A, and accordingly there is no reason that the project must be declined under section 21(3)(b). We note that this does not preclude declining the referral application under other relevant provisions of the Act, as recommended above.
40. You may also decline the application for any other reason under section 21(4). The Act provides some guidance on matters you could consider when deciding whether to decline an application and these are set out in 21(5). We have considered section 21(4) and the matters under section 21(5), and this is outlined in Table A. We do not consider you should decline the project under section 21(4).

Reasons to accept

41. The statutory framework in Appendix 1 sets out the reasons you can accept a referral application.
42. We do not consider the project meets the requirements in section 22 of the Act. As summarised above and detailed in Table A, this is primarily due to significant concerns about the project's feasibility – particularly in relation to three-water infrastructure servicing, the challenges posed by natural hazards, the potential conflict with QLDC's Arterial Bypass, and the ski field's viability. Given the high level of uncertainty around whether the project as currently proposed can be delivered, and whether the project details would remain materially consistent between an approved referral decision and any subsequent substantive application, we do not consider you can be satisfied that the project will have significant regional or national benefits.

¹ *Ngāti Kuku Hapu Trust v The Environmental Protection Authority* [CIV-2025-485-375]. The matter has been set down for hearing in August.

43. If you agree, you must decline the referral application under section 21(3)(a) of the Act.
44. If you disagree, we have provided an alternative option in our recommendations that would enable you to accept the referral application and refer the project to the fast-track approvals process under section 21(1) of the Act. Should you choose this option, we will provide you with a revised notice of decisions letter, along with our recommendations for appropriate directions both to a panel and the applicant.

Conclusions

45. We consider that based on the matters outlined above and detailed in Table A, you must decline the application under section 21(3)(c) of the Act because you do not have adequate information to inform your referral decision. As a result, we also consider you cannot be satisfied the project would have significant regional or national benefits, nor that the project is unlikely to affect the efficient operation of the fast-track approvals process. Therefore, we also recommend you must decline the application under section 21(3)(a).
46. Notwithstanding our recommendations, the decision to accept or decline the referral application remains at your discretion.

Next steps

47. MfE must give notice of your decisions on the referral application to the applicant and any parties invited to comment under section 17, including the reasons for your decisions, and publish the notice on the Fast-track website.
48. A draft Notice of Decisions letter addressed to the applicant has been prepared based on our recommendations (refer to Appendix 8). Subject to your approval, we will send a copy to anyone invited to comment on the application. If any amendments to the letter are required, we will provide you with an updated version accordingly.
49. Our recommendations for your decisions follow.

Recommendations

50. We recommend that you:

- a. **Note** section 21(3) of the Fast-track Approvals Act 2024 (FTAA) requires you to decline the referral application from Bowen Peak Limited (the applicant) if you are satisfied that the project involves an ineligible activity, or you consider that you do not have adequate information to inform the decision under this section or if you are not satisfied that the Powerhouse Funicular Railways Queenstown Regional Development Project (the project) meets the referral criteria in section 22 of the FTAA.

Noted

- b. **Agree** that before deciding to make a decision on the application for project referral under section 21(1) of the FTAA you have considered:

- i. the application in Appendix 2
- ii. the report obtained under section 18 in Appendix 4
- iii. the report obtained under section 19 in Appendix 5
- iv. any comments and further information sought under sections 17 & 20 of the FTAA and provided within the required time frame (if you have received any comments or further information after the required time frame you are not required to consider them but may do so at your discretion) in Appendices 6 and 7.

Yes / No

- c. **Agree** to exercise your discretion under section 17(7)(b) to consider the amended comments received from Otago Regional Council after the time frame specified under section 17(6) of the FTAA

Yes / No

- d. **Agree** to exercise your discretion under section 17(7)(b) to consider the late comments received from the Associate Minister of Housing after the time frame specified under section 17(6) of the FTAA

Yes / No

- e. **Note** that under section 21 of the FTAA you **must** decline a referral application if:

- i. the application **may not** be accepted under section 21(1) (which relates to the criteria for assessing a referral application in section 22); or
- ii. you are **satisfied** that the project involves an ineligible activity; or
- iii. you are **satisfied** that you do not have adequate information to inform your referral decision.

Noted

- f. **Note** that you **may** decline a referral application for any other reason, whether or not the project meets the criteria in section 22, including (but not limited to) the reasons for decline set out in section 21(5).

Noted

- g. **Agree** that the project does not include an ineligible activity, as outlined in Table A, and therefore there is no reason that the project must be declined under section 21(3)(b) of the FTAA. *Note: this does not preclude declining the referral application under other relevant provisions of the FTAA.*

Yes / No

SELECT YES TO ONE OF THE TWO OPTIONS – 50(H) OR 50(I)

- h. *Recommended option* – **Decline** the referral application under section 21(3) of the FTAA, on the basis that:
- i. you do not have adequate information to inform your decision under section 21(3)(c) as outlined in Table A. This is due to significant concerns about the project's feasibility, particularly in relation to:
 - three-water infrastructure servicing
 - risks associated with natural hazards
 - a conflict with QLDC's Arterial Bypass
 - the viability of the proposed ski field.
 - ii. consequently, you cannot be satisfied that:
 - the project would have significant regional or national benefits (*under section 21(3)(a) and section 22(1)(a)*) given the high level of uncertainty around whether the project, as currently proposed, can be delivered
 - referring the project is unlikely to affect the efficient operation of the fast-track approvals process (*under section 21(3)(a) and section 22(1)(b)(ii)*). Approving a referral application without sufficient information – including a clearly defined description for this project supported by technical assessments – may result in a Notice of Decision that is inaccurate and unable to be progressed to an expert panel at the substantive application stage.

Yes / No

OR

- i. *Alternative option* – **Accept** the referral application and refer the project to the fast-track approvals process under section 21(1) of the FTAA as you consider you have adequate information to inform your decision. As a result, you:
- i. are satisfied that the project does not involve an ineligible activity under section 5 of the FTAA.
 - ii. are satisfied that the project would have significant regional benefits under section 22(1)(a) of the FTAA, by:
 - increasing the supply of housing (1,040 new housing units) and addressing housing needs in the Queenstown Lakes District, including a commitment by the applicant to allocate 5% of residential lots for affordable housing
 - delivering significant economic benefits, as outlined in the applicant's high-level economic assessment (in Appendix 2).

- iii. consider that referring the project to the fast-track approvals process would facilitate the project, including by enabling it to be processed in a more timely and cost-effective way than under normal processes, as stated under section 22(1)(b)(i) of the FTAA, because:
 - the project requires multiple approvals under several specified Acts, and time frames under the FTAA are typically shorter than under those standard processes.
- iv. consider that referring the project is unlikely to affect the efficient operation of the fast-track approvals process, as stated under section 22(1)(b)(ii) of the FTAA.

Yes / No

- j. **Approve** the notice of decisions letter to the applicant (attached in Appendix 8).
Note: Please confirm this recommendation only if you have also agreed to option 50(h) above.

Yes / No

- k. **Agree** that MfE will provide the notice of decisions to anyone invited to comment on the application including relevant local authorities, the Minister for the Environment and relevant portfolio Ministers, relevant administering agencies, and relevant Māori groups.

Yes / No

- l. **Note** that should you decide to accept the referral application (*i.e. you have agreed with option 50(i) above*), we will provide you with a revised notice of decisions letter, along with our recommendations for appropriate directions to a panel and the applicant.

Noted

Signatures



Ilana Miller
General Manager, Delivery and Operations

Hon Chris Bishop
Minister for Infrastructure

Date:

Table A: Stage 2 analysis

Recommendation to the Minister	<u>Decline</u> the referral application under section 21(3)(a) and section 21(3)(c) of the Act.		
Project details	Project Name	Applicant	Project Location
	Powerhouse Funicular Railways Queenstown Regional Development	<p>Bowen Peak Limited</p> <p>The applicant is a registered NZ limited company and is eligible to apply for the approvals sought.</p>	The project area comprises several sites within the Fernhill, Lake Esplanade, and Ben Lomond area of Queenstown. The project involves both private and public land. Refer to Attachment 5 in the Stage 1 briefing for a summary of the titles and relevant instruments.
Project description	<p>The project is described by the applicant as involving several activities within the Fernhill, Lake Esplanade, and Ben Lomond area of Queenstown including:</p> <ol style="list-style-type: none"> a development (labelled as the 'Powerhouse precinct') within One Mile Recreation Reserve to provide retail, hospitality and tourism offerings, a 1,500-person conference facility, and associated carpark building a high-density residential development (labelled as 'Fernhill Heights') of approximately 1,040 housing units for 2,000+ residents, and associated subdivision two funicular railways (including stations) connecting the Powerhouse precinct to the new residential suburb and the Powerhouse precinct to the Ben Lomond – Te-Taumata-o-Haketikura Saddle seasonal ski field and mountain bike park on Bowen Peak, serviced by a six-seater chairlift a top station building associated with the ski field containing a bar/restaurant, retail, and guest services predator-free fencing covering a 3-hectare area within One Mile Recreation Reserve and a 180-hectare predator-free sanctuary near the top of the One Mile Creek valley construction of a boardwalk and walking trail along the One Mile Creek stream wilding pine removal and native planting within the One Mile Recreation Reserve. <p>The project is described by the applicant as requiring the proposed approvals:</p> <ol style="list-style-type: none"> resource consents under the Resource Management Act 1991 (RMA) archaeological authority under the Heritage New Zealand Pouhere Taonga Act 2014 concessions (lease/recreation permit) under the Conservation Act 1987 wildlife permits under the Wildlife Act 1953 approvals/lease under the Reserves Act 1977. 		
Minister invites comments / requests information	Comments from invited parties		
	<p>Local authorities</p> <p><i>Queenstown Lakes District Council (QLDC)</i></p> <p>QLDC stated they are not aware of any competing applications or existing resource consents that would affect the project.</p> <p>QLDC queries the applicant's claim that the proposed ski-field development will deliver significant regional and national benefits, as they note no evidence has been provided to confirm reliable snowfall or climate suitability at Bowen Peak, casting doubt on the ski-field's viability. QLDC considers this concern is heightened by the development's staging, which prioritises housing (by 2027) ahead of the ski-field and funicular railways (2033–2035), creating a risk that the benefits may never materialise. QLDC also find the purpose of the housing to be unclear – whether it is intended for ski-field workers or visitor accommodation – especially since it precedes the ski-field itself by approximately 6-8 years. Without peer-reviewed evidence of the ski-field's feasibility and enforceable commitments to its timely completion, QLDC state they cannot be confident the project will deliver the claimed benefits and are concerned about potential significant adverse effects from the proposal.</p> <p>QLDC note that the project area falls within the Proposed District Plan (PDP) provisions and has attached a copy of a PDP chapter relevant to the project (Western Whakatipu Basin PA: Schedule of Landscape Values). The comments include a high-level assessment of the project against the relevant PDP provisions that covers the following potential adverse effects: landscape and visual amenity, engineering, transport and traffic, natural hazards and stormwater, infrastructure capacity, and effects on the One Mile Reserve. Key points raised by QLDC in this assessment include:</p> <ul style="list-style-type: none"> – as the project area is located within a prominent ONL, the scale and earthworks of Fernhill Heights – along with the proposed funicular and chairlift – are likely to cause significant, unmitigable adverse effects on landscape values – the proposed multi-storey carpark, conference centre, and funicular station conflict with the potential QLDC Stage 3 Arterial Bypass alignment, which remains under investigation and is not guaranteed – QLDC does not support development that relies on uncertain infrastructure, or occupies land potentially required for future Arterial links – it is unclear who would own, operate, maintain, and review infrastructure relating to the funicular railway – QLDC does not support taking ownership or responsibility for the proposed funicular, as it is a bespoke transport solution with lower priority than other District growth areas identified in the Spatial Plan – the funicular railway crosses an active fault line and a major landslide zone, and the lower precinct is potentially at risk from other hazards including flooding and contamination, as the site is located on an alluvial fan and a historic landfill – the feasibility of the proposed roading network for the residential development is highly uncertain due to the site's steep terrain (average gradient of 1:2.6) and lack of detailed engineering, with concept designs indicating extensive bridging across gullies that may not be viable – the extension of private roads into reserve land lacks technical justification, and the proposal to have the funicular railway located over the roads raises safety concerns. Given the steep terrain and elevation of the residential development area, vesting these roads to QLDC is likely to be unacceptable due to high maintenance and ice management costs – the site of the residential development is within a Fire and Emergency NZ designated wildfire "red zone", yet no wildfire mitigation measures, or hazard tolerance assessments have been provided – the scale of the residential development exceeds Council three-water service capacity, with no known mitigation for severe adverse effects on wastewater, water supply, and stormwater. The amount of stormwater from the proposed roads and chalets impermeable areas will be substantial with significant potential to create significant adverse effects on land downstream. – the project would irreversibly damage One Mile Reserve's ecological, recreational, and landscape values through extensive earthworks, vegetation clearance, and infrastructure encroachment. 		

	<p>Overall, QLDC considers the project to be highly unfavourable in the context of broader district growth and planning. As noted above, QLDC identifies the project area is within a protected Outstanding Natural Landscape and faces major constraints related to essential infrastructure – particularly three-waters and transport connectivity. They also raise significant concerns regarding the use of reserve land. QLDC believes the adverse environmental and infrastructural impacts of the proposal are likely to outweigh any potential economic benefits from the unproven ski-field component. Based on these constraints and risks, QLDC concludes that the development cannot be supported in its proposed location.</p> <p><i>Otago Regional Council (ORC)</i> ORC confirmed there are no competing applications that would affect the project. ORC’s comments received on 7 May 2025 identified several existing resource consents issued where sections 124C(1)(c) of the RMA could apply, however they provided an amended response on 24 June 2025 stating no such consents exist.</p> <p>ORC’s comments include a high-level assessment of the project against the following matters: resource consents, natural hazards, transport matters and policy context, policy, strategy, contaminated land, and ecology. Key points raised by ORC in this assessment include:</p> <ul style="list-style-type: none">– multiple resource consents may be required for the project due to potential impacts on wetlands, groundwater, residential earthworks, contaminated sites, and watercourses, and advises careful consideration of relevant regional and national planning rules– the project area is exposed to several types of natural hazards including slope stability (landslide, rockfall, and possibly debris flow), flooding, and wildfire– the project lacks sufficient evidence to demonstrate positive contributions to the wider transport network and raises significant concerns about its integration, viability, and potential negative impacts on Queenstown’s already strained transport infrastructure– the proposal requires a more detailed assessment of how it aligns with local and regional planning frameworks, particularly regarding urban integration, climate adaptation, natural hazard risks, and protection of natural landscapes and biodiversity, especially given Fernhill’s status outside identified priority development areas– while certain elements of the project may align with strategic priorities, such as biodiversity enhancement and sustainable transport, insufficient assessment of environmental effects prevents a definitive conclusion on overall strategic alignment– due to the presence of two verified HAIL sites within the proposed development area, particularly the Fernhill Closed Landfill and Lake Esplanade Mine Tailings, further site investigation is warranted to assess and mitigate the risk of contaminant mobilisation during earthworks– if the project is referred, any substantive application should include an ecological assessment, hazard and risk assessments, contaminated land assessment, natural hazard management plans, and an integrated transport assessment. <p>Ministers</p> <p><i>Minister for the Environment</i> The Minister for the Environment identifies concerns regarding the adequacy of information provided to assess potential adverse environmental effects on the Outstanding Natural Landscape (ONL) within the project area – particularly given the project’s prominent location near Lake Wakatipu. The Minister notes that the proposal will likely be visible from key public and recreational areas and contrasts this application with previous ones that included at least high-level expert assessments. The Minister states that the applicant has offered an unattributed view that effects on the ONL will be “moderate” and indicated a preference to delay detailed design and expert input until referral certainty is achieved. The Minister considers that, without a qualified landscape assessment, it is unclear how the potential for significant adverse effects on the ONL can be ruled out. The Minister identifies that the applicant will be required to provide more detailed assessments if the application progresses to the substantive stage, but suggests that early identification of such effects would improve the efficiency of the fast-track approvals process and enable appropriate strategies to avoid, remedy, or mitigate adverse effects.</p> <p><i>Minister of Conservation</i> The Minister of Conservation had no comments for the project and noted that the Department of Conservation would provide comments in their capacity as a relevant administering agency.</p> <p><i>Minister of Climate Change</i> The Minister of Climate Change states that while the project includes some measures that support emissions reductions, these are not considered to deliver significant regional or national benefits. The Minister notes that the proposal does not contribute to climate change adaptation, risk reduction from natural hazards, or recovery from hazard-related events. Although the plan to replace plantation forests with native species to reduce fire risk aligns with action 5.9 of the National Adaptation Plan (prioritising nature-based solutions), its impact is assessed as negligible at a regional or national level. Additionally, the Minister observes that no risk assessment has been undertaken, and that the climate-related benefits identified are minimal when considered under sections 22(2)(vii) and (viii) of the Act.</p> <p><i>Minister for Land Information</i> The Minister for Land Information states that while the application aligns with Government policy goals for development, it is unclear whether the proposed infrastructure will be situated on Crown land, which would require approval under the Crown Pastoral Land Act 1998 and the Land Act 1948. The Minister notes that the site includes Land Use Capability (LUC) 8 land, which is unsuitable for agriculture and therefore the development would have no appreciable impacts on any potential agricultural uses.</p> <p><i>Minister for Tourism and Hospitality</i> The Minister for Tourism and Hospitality considers while it’s likely the project will somewhat contribute to the Government’s tourism growth goals; the scale of the project is unlikely to be significant at a national level. The Minister acknowledges the value of such developments for hosting major events but notes potential workforce and social license challenges if multiple projects proceed simultaneously in the same area, which may have a negative impact on tourism overall.</p> <p><i>Associate Minister of Housing</i> The Associate Minister of Housing acknowledges that the Queenstown Lakes district faces acute housing affordability challenges, with high property prices and rents driven by rapid population growth and tourism. The Minister considers the proposed residential development a relevant response to these pressures, especially given its location near public transport and the commitment to allocate 5% of sections to the Queenstown Lakes Community Housing Trust. From the perspective of the Housing Portfolio, the Minister has no concerns about the project proceeding to the next stage.</p> <p>Administering agencies</p> <p><i>Department of Conservation (DOC)</i> DOC identifies that parts of the project are located on the Ben Lomond Scenic Reserve, One Mile Creek Recreation Reserve, and a Water Supply Reserve, but states the plans lack sufficient scale to accurately identify the affected public conservation land. DOC states the Scenic Reserve is held by the Crown to protect and preserve its scenic and natural features in perpetuity for public benefit, enjoyment, and use – and also</p>
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	<p>acknowledges every scenic reserve shall be maintained in line with the requirements of section 19(2) of the Reserves Act 1977. The Recreation Reserve is vested in the QLDC for recreation, public enjoyment, and protection of the natural environment. DOC states the substantive application should describe how it will meet these requirements of the Reserves Act 1977 and the purposes for which the land is held.</p> <p>DOC notes the applicant has not yet conducted ecological investigations, which will be required to support a substantive application. Threatened species of lizard are known to be in the Fernhill area, including the orange-spotted gecko and Otago skink. DOC considers field surveys are required to confirm their presence and, if found, a Lizard Management Plan will be necessary under the Wildlife Act 1953. Additional surveys are also needed to identify other protected wildlife that may be impacted and determine if further approvals are required.</p> <p>DOC considers the proposed activity to be inconsistent with the Otago Conservation Management Strategy 2016, which aims to protect prominent ridgelines and mountain tops in their natural state and discourages new ski field development in favour of enhancing existing ski field sites. DOC notes the Strategy's precautionary approach due to climate change risks and the need to consider remediation costs if facilities become inoperable. DOC also highlights that the site lies within an Aircraft Access Red Zone, where landings are generally not permitted, further conflicting with the proposal.</p> <p>DOC notes the applicant has identified required permissions but provided no detail, and based on the information available, the project would likely require a mix of leases (e.g., for the railway stations), licences (e.g., for the railway), and easements (e.g., passing of ski lift cables, chairs, and access road). DOC also highlights uncertainty around the predator-free sanctuary's implementation and ongoing maintenance, and notes that any fencing must allow public access to remain compatible with the Scenic Reserve's purpose.</p> <p>Overall, DOC considers the project likely to be inconsistent with both the purpose of the affected reserves under the Reserves Act 1977 and the Otago Conservation Management Strategy. If referred, DOC considers the applicant must demonstrate how the proposal aligns with the statutory land purposes. DOC also highlights potentially significant ecological impacts, noting the need for thorough baseline surveys and clear measures to minimise or offset adverse effects.</p> <p><i>Heritage New Zealand Pouhere Taonga (HNZPT)</i> HNZPT confirm that the applicant undertook pre-application consultation with the agency. HNZPT identified known and potentially unrecorded archaeological sites within the project area including archaeological site E41/228 (gold workings) and E41/228 (goldmining features – tailings and water race), and potential unrecorded archaeology relating to infrastructure part of the Queenstown Water Supply Reserve.</p> <p>If the project is referred to the fast-track approvals process, HNZPT recommend the following information be provided by the applicant with a substantive application:</p> <ul style="list-style-type: none"> – an archaeological assessment – to determine if an archaeological authority is required before commencement of works, and – a cultural impact assessment – to understand the impact of the proposed development on mana whenua values of the area, or direct impact on Lake Wakatipu. <p>Māori Groups</p> <p><i>Te Rūnanga o Ngāi Tahu, Te Rūnanga o Moeraki, Kāti Huirapa Runaka ki Puketeraki, Te Runanga o Ōtākou, and Te Ao Marama Incorporated (which encompasses the following Māori groups – Hokonui Rūnanga, Waihōpai Rūnaka, Te Rūnanga o Awarua, and Te Rūnanga o Ōraka-Aparima)</i></p> <p>The comments received from the groups were consistent and are summarised as follows:</p> <ul style="list-style-type: none"> – they do not support the referral request, and they ask that you decline it as they consider the application does not meet the consultation or information requirements of the Act – they believe the applicant has misrepresented the consultation that occurred with Te Rūnanga o Ōtākou, and that consultation with one entity does not represent consultation with all relevant parties – Te Rūnanga o Ōtākou state that the applicant sent them some background information, which was shared with a komiti, but no formal response was provided. The applicant was advised in writing that sharing information does not represent meaningful engagement, and that Ōtākou does not speak for the wider interests of other papatipu rūnanga – none of the other groups who commented had previous contact with the applicant and were not aware of the project until they received the invitation to comment via the Fast-track portal. Kāti Huirapa Rūnaka ki Puketeraki contacted the applicant on two occasions to seek clarification on their statements about consultation. According to Kāti Huirapa Rūnaka ki Puketeraki, the information the applicant subsequently provided them does not support the claims in their application that the CEO of Te Rūnanga o Ōtākou distributed information to the other seven rūnanga and that no negative feedback was received from them – all five groups confirm the project is located in an area of deep connection and long association for Ngāi Tahu, but note the application lacks sufficient detail to understand the impacts of the proposal on cultural values and connections – in regard to Whakatipu-wai-māori, they have noted the statutory acknowledgement in the Ngāi Tahu Claims Settlement Act 1998, and also the Water Conservation (Kawarau) Order 1997 as evidence its significance has been recognised by the Crown. The lake is identified as a wāhi tūpuna under the QLDC Proposed District Plan (PDP) and has a notation as an Outstanding Natural Landscape. The proposal also partly relates to another wāhi tūpuna, Te Taumata o Hakitekura (Ben Lomond) in the QLDC PDP – Te Rūnanga o Ngāi Tahu also reference the provisions relating to taonga species and Right of First refusal in the Ngāi Tahu Claims Settlement Act 1998. <p>Further information from the applicant and relevant local authorities [section 20]</p> <p><i>The applicant</i> The applicant was asked to clarify the anticipated lease term under the Conservation Act 1987 and provide evidence of access to privately held land within the project area. In response, the applicant stated that, following resource consent approval, they intend to seek a five-year lease for construction, followed by a ten-year commercial lease with one renewal option for an additional ten years. They noted that forecasting beyond this initial 25-year period is not feasible due to potential economic, climatic, political, and geographic changes. Regarding the privately held land (RT 838157), the applicant provided a signed sale and purchase agreement, highlighting clauses that grant the applicant the sole right to purchase and develop the land if a resource consent is issued.</p> <p><i>Relevant local authorities</i> Otago Regional Council (ORC) was invited to provide an assessment on whether the ski infrastructure qualifies as 'regionally significant infrastructure' under the proposed Otago Regional Policy Statement, and whether the funicular railways meet the criteria for 'nationally significant infrastructure' as defined in the National Policy Statement for Urban Development 2020.</p> <p>ORC does not fully agree with the applicant's claim that the proposed funicular railways meet the definitions of 'rapid transit services' and 'nationally significant infrastructure' under the National Policy Statement for Urban Development 2020. ORC states that while the funiculars could qualify if integrated into the public transport network, the current proposal lacks such integration, planning, and connectivity. Additionally, ORC highlights concerns about demand, journey times, and limited potential for mode shift due to car-dependent urban design and poor links to key urban centres (including Queenstown town centre and Frankton).</p>
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	<p>ORC agrees that the proposed Bowen Peak ski infrastructure meets the definition of 'regionally significant infrastructure' under the Proposed Otago Regional Policy Statement (pORPS), as it qualifies as 'ski area infrastructure'. However, ORC notes that the ski area will be smaller than others in the district and that its classification depends on continued use as a ski area; if repurposed, it may no longer meet the definition.</p>
<p>The Minister must decline an application if the Minister is satisfied that the project involves an ineligible activity [section 21(3)(b)]</p>	<p>Based on the information in the application, we consider the application does not involve an ineligible activity because:</p> <ul style="list-style-type: none"> – it would not occur on identified Māori land, Māori customary land or a Māori reservation as confirmed by the relevant records of title and consultation with iwi authorities – it would not occur in a customary marine title area or protected customary rights area as the project area is not in the coastal marine area – it is not an aquaculture activity or activity that is incompatible with aquaculture activities that would occur in an aquaculture settlement area and for which the applicant is not authorised to apply for a coastal permit because the project area is not in the coastal marine area – would not require an access arrangement which cannot be granted under the Crown Minerals Act (including s61(1A)) because the application does not include an access arrangement and would not occur on Schedule 4 land – would not be prevented by section 165J, M, Q, ZC or ZDB of the RMA because the project area is not in the common marine and coastal area – would not occur on Schedule 4 land as confirmed by the records of title relevant to the project area – would not occur on a national reserve as confirmed by the records of title relevant to the project area – would not occur on a reserve held under the Reserves Act 1977 that is managed by or vested in someone other than the Crown or a local authority and that person has not consented in writing as confirmed by the records of title and the comments received from DOC and QLDC – the project will occur on a scenic reserve managed by DOC, and a recreation reserve and water-supply reserve vested in the QLDC – is not a prohibited activity or decommissioning activity under the EEZA, 15B or 15C of the RMA as the project area is not in the coastal marine area or New Zealand's exclusive economic zone – is not for the purpose of an offshore renewable energy project because it will not occur offshore or involve renewable energy production. <p>No comments raised by parties invited to comment have indicated that the project would be ineligible for referral.</p>
<p>The Minister must decline an application if the Minister considers they do not have adequate information to inform the decision [section 21(3)(c)]</p>	<p>While the proposal is conceptually ambitious, we note that it lacks the support of technical validation, as no engineering assessments (including natural hazards or three-waters) have been undertaken to support its design. Consequently, we consider that you do not have adequate information to inform the referral decision. The project area presents several challenges and key aspects of the proposal – such as its location, the number of residential units, and other project details – are likely to be significantly influenced by the outcomes of such assessments. To support this conclusion, we have provided an assessment identifying areas where the application lacks sufficient information, structured according to the activities within the proposed development, as well as other key matters.</p> <p><i>Residential Development – Fernhill Heights</i></p> <p>The referral application proposes a high-density residential development (labelled as 'Fernhill Heights') of approximately 1,040 housing units for 2,000+ residents, and associated subdivision. The application states the high-density housing will be in the form of 250 alpine chalets (each with four apartments) along with 20 transitional alpine chalets (each with two apartments) between Fernhill and a proposed new suburb 'Fernhill Heights' over a 56-hectare privately owned property above Fernhill. A plan titled "<i>Fernhill Heights Development – Access Concept Design – Site Plan</i>" is included in page 17 of Appendix C of the application.</p> <p>The plans submitted are not based on any engineering design or geotechnical assessment and are presented only as schematic concepts. The site plan explicitly states that the concept is "<i>schematic in nature only and does not purport to represent in-depth engineering design or suggest the feasibility of the shown infrastructure – all locations, boundaries and measurements are approximate only – not to scale.</i>"</p> <p>The concept plan depicts switchback roads to service the development, with portions encroaching onto reserve land, as well as nine vehicle bridges and four pedestrian bridges spanning three major, yet-to-be-investigated incised gully features. The application lacks an assessment of how the proposed residential development will accommodate three-water service capacity, and this omission is also reflected in the absence of any discussion of anticipated or known adverse environmental effects related to these services. According to QLDC, the scale of the development exceeds the Council's existing capacity for water supply, wastewater, and stormwater services, with no identified mitigation measures to address the potential for significant adverse effects. This raises questions about the feasibility and cost of delivering the proposed development.</p> <p>This lack of technical detail means key aspects of the proposal cannot be accurately determined, such as the number and location of residential units, feasibility of infrastructure delivery, and overall, the viability of the development. While such uncertainty might be tolerable on a flat, unconstrained site, this particular location presents significant challenges, including:</p> <ul style="list-style-type: none"> – a steep gradient of 1:2.6 – three major incised gully features – uncertain infrastructure capacity – heavily afforested with wilding pines – located within a Fire and Emergency NZ designated wildfire "red zone" – slope stability risks (including rockfall and possibly debris flow, as well as classification as a major landslide zone) – site elevation of up to 860 metres above sea level, which would require investment in ice management. <p>Given these constraints, any future substantive application – once informed by engineering design and assessments – could differ substantially from the current referral application. Proceeding without adequate information, including a clearly defined and fixed project description, risks undermining the integrity of the fast-track approvals process and could result in a Notice of Decision that is inaccurate or misleading.</p> <p><i>Conference Centre & Commercial Development – Powerhouse Precinct</i></p> <p>The referral application proposes a development within One Mile Recreation Reserve to provide retail, hospitality and tourism offerings, along with a new Convention Centre (conference/function facility with 1,500 person auditorium for international conferences) and associated 500 car park building.</p> <p>In comments received from QLDC, they note the Powerhouse Precinct is in conflict with the potential QLDC Stage 3 Arterial Bypass alignment, which remains under investigation and is not guaranteed. QLDC state they do not support development that relies on uncertain infrastructure, or occupies land potentially required for future Arterial links. QLDC also considers the proposal lacks sufficient detail to assess traffic impacts, alignment with the potential Bypass roundabout, or the feasibility of safe and efficient access to the arterial link. No coach parking or manoeuvring provisions are evident, which may require substantial land.</p> <p>The viability of the Powerhouse Precinct is currently uncertain, as its development is contingent upon the establishment of the QLDC Stage 3 Arterial Bypass alignment prior to the anticipated construction start in 2029. Without clarity on the feasibility of the associated roading infrastructure, it remains unclear whether the precinct can proceed as planned. Further consultation between the applicant and QLDC is essential to determine how transport requirements for the project can be effectively addressed.</p>

	<p><i>Ski Field</i> The referral application proposes a seasonal ski field on Bowen Peak, featuring a chairlift and a top station building that includes a bar/restaurant, retail, and guest services. The applicant considers that the proposal meets the criteria under section 22 for referral, citing the ski area and mountain bike chairlift as regionally significant infrastructure.</p> <p>However, both QLDC and the Director-General of Conservation (via the section 19 report) raise substantive concerns regarding the viability of the ski field. They note that the proposed elevation does not demonstrate reliable snowfall or climatic suitability to support a viable ski operation. While the application briefly acknowledges that climate change may affect components of the development – particularly the ski field – it does not provide any substantive assessment of whether a ski field at Bowen Peak is feasible under current or projected climatic conditions.</p> <p>Further information is required to determine whether the ski field is technically and economically viable, particularly in light of predicted snowfall patterns and the anticipated impacts of climate change. This is particularly important, as this aspect of the project could have cascading effects on the viability of other components of the proposal – such as the proposed funicular railway, intended to transport tourists to the ski field, and the residential development, which may serve as visitor or worker accommodation to support ski field operations.</p> <p><i>Three-Waters Infrastructure</i> In contrast to other referral applications, this application does not provide any information on how the project will be serviced in relation to three-waters infrastructure – namely freshwater supply, stormwater management, and wastewater disposal. At least a general level of detail on this matter is typically expected at the referral stage, as it demonstrates that the applicant has considered the feasibility of servicing the development and the potential reliance on Council infrastructure (including any capacity constraints).</p> <p>The absence of this detail is particularly concerning given the scale of the proposed development. The application's assessment of "anticipated and known adverse effects of the project on the environment" does not address potential impacts on three-waters infrastructure. According to QLDC, the proposed development exceeds the current capacity of Council's water supply, wastewater, and stormwater networks. No mitigation measures have been identified to address these capacity constraints, or the potential for significant adverse effects.</p> <p>The lack of consideration and information on three-waters servicing and infrastructure capacity represents a critical gap in the application. It raises questions about the project's feasibility and the potential for significant adverse environmental and infrastructure-related effects.</p> <p><i>Natural Hazard Risk</i> As noted above, the application has not incorporated natural hazard risks into the project design, which may result in significant changes between the referral and substantive stages. These changes could be so substantial that the substantive application no longer aligns with the referral documentation, potentially rendering it incomplete and ineligible for referral to an expert panel.</p> <p>Under section 13(4)(h), a referral application must include "a description of the anticipated and known adverse effects of the project on the environment" – the application does not include a description of natural hazard effects. At a minimum, a general level of detail on natural hazard risk (if it exists in relation to the project area) is typically expected at the referral stage to demonstrate that the applicant has considered the feasibility of developing the site safely and sustainably, particularly in areas known to be prone to natural hazards.</p> <p>The absence of technical assessments is particularly concerning given the project area's challenging topography and known hazard exposure. The residential development site features a steep gradient with major gully formations, which are commonly associated with increased susceptibility to landslides and rockfall. Additionally, the area is identified by local authorities as being at risk of wildfire, further compounding the potential hazards. QLDC notes that the location of the funicular railways crosses an active fault line, which puts the development at risk to earthquakes.</p> <p>The application's assessment of "anticipated and known adverse effects of the project on the environment" does not address these natural hazard risks. Without engineering design details or hazard mitigation strategies, it is not possible to determine the safe placement of residential units, the feasibility of infrastructure delivery, or the overall viability of the development. This lack of consideration represents a critical gap in the application and raises serious questions about the safety and sustainability of the proposed development.</p> <p>In summary, the omission of natural hazard risk assessments undermines the credibility of the application and its ability to demonstrate that the development can proceed without exposing future residents and infrastructure to significant risk. We note that the applicant has stated natural hazard assessments will be undertaken as part of the substantive application, however given the project area's constraints, a comprehensive hazard assessment is essential to inform design decisions and ensure that appropriate mitigation measures are in place.</p> <p>It is further noted that several parties invited to comment under section 17 expressed concerns regarding the adequacy of information provided in the application. These included ORC, QLDC, all five Māori groups who responded (particularly in relation to general information and consultation), DOC (specifically concerning details on required DOC permissions), and the Minister for the Environment (with respect to potential adverse effects on the Outstanding Natural Landscape within the project area).</p> <p>In line with the assessments above, we therefore recommend that you do not have adequate information to inform a decision. If you agree with this recommendation, the application <u>must</u> be declined under section 21(3)(c) of the Act.</p>
<p>Relevant considerations and procedural requirements in Treaty settlement, Mana Whakahono ā Rohe, joint management agreement, or the Marine and Coast Area (Takutai Moana) Act 2011 or the Ngā Rohe Moana o Ngā Hapū o Ngāti Porou Act 2019 [section 16]</p>	<p>N/A</p>
<p>Section 22 assessment criteria</p>	

<p>The project is an infrastructure or development project that would have significant regional or national benefits [section 22(1)(a)]</p>	<p>As noted above, we recommend you must decline the application on the basis they do not have adequate information to inform the decision. However, we have assessed the project against the section 22 criteria for completeness and in case you do not agree with this recommendation.</p> <p>The Minister may consider any of the following matters, or any other matters the Minister considers relevant.</p> <p><i>Will deliver new regionally or nationally significant infrastructure or enable the continued functioning of existing regionally or nationally significant infrastructure [s22(2)(a)(ii)]</i></p> <p>The applicant considers that the project meets this criterion as the two funicular railways align with the definitions of 'rapid transit services' and 'nationally significant infrastructure' as outlined in the National Policy Statement on Urban Development 2020. Additionally, the applicant has indicated that the Bowen Peak ski area and mountain bike chair lift are considered regionally significant infrastructure, being classified as 'Ski Area Infrastructure' in the Proposed Otago Regional Policy Statement. The project does not propose to enable the continued functioning of existing regionally or nationally significant infrastructure.</p> <p>ORC does not fully agree with the applicant's claim that the proposed funicular railways meet the definitions of 'rapid transit services' and 'nationally significant infrastructure' under the National Policy Statement for Urban Development 2020. ORC states that while the funiculars could qualify if integrated into the public transport network, the current proposal lacks such integration, planning, and connectivity. Additionally, ORC highlights concerns about demand, journey times, and limited potential for mode shift due to car-dependent urban design and poor links to key urban centres (including Queenstown town centre and Frankton). ORC agrees that the proposed Bowen Peak ski infrastructure meets the definition of 'regionally significant infrastructure' under the Proposed Otago Regional Policy Statement, as it qualifies as 'ski area infrastructure'. However, ORC notes that the ski area will be smaller than others in the district and that its classification depends on continued use as a ski area; if repurposed, it may no longer meet the definition. QLDC states no evidence has been provided to demonstrate reliable snowfall or climatic suitability to support a viable ski-field at Bowen Peak. Consequently, QLDC has concerns that the ski-field component of this proposed development may not provide the regional and national benefits claimed, leaving potentially significant adverse effects from other aspects of the proposal, particularly the large-scale housing development.</p> <p>The section 19 report prepared by the Director-General of Conservation states the proposal appears to involve technically novel aspects, and the elevation of the proposed ski field site is considered marginal, casting doubt on its suitability for future ski field development.</p> <p>Given the lack of integration of the proposed funicular railways into the public transport network, the unknown viability of the proposed ski field, and the absence of clear evidence that the project will deliver or enable the continued functioning of infrastructure of regional or national significance, we consider that the project does not meet the threshold required under this criterion. Based on the assessment above, including comments received from QLDC, ORC, and the s19 report prepared by the Director-General of Conservation, we advise that the project <u>does not</u> meet the criterion under section 22(2)(a)(ii).</p> <p><i>Will increase the supply of housing, address housing needs, or contribute to a well-functioning urban environment [s22(2)(a)(iii)]</i></p> <p>The project includes a high-density residential development of 1,040 housing units for 2,000+ residents in the Queenstown area, and associated subdivision. The application highlights that the development has the capacity to accommodate residents equivalent to 7.6% of the projected population growth in Queenstown Lakes from 2024 to 2053, and 2.7% of Otago's population growth. The application includes a signed agreement between Bowen Peak Ltd (the Applicant) and Queenstown Lakes Community Housing Trust to commit 5% of the residential lots for affordable housing.</p> <p>The Associate Minister of Housing considers the residential aspect of the project to be a relevant response to the housing pressures in the Queenstown Lakes District, especially given the commitment to allocate 5% of sections to the Queenstown Lakes Community Housing Trust. From the perspective of the Housing Portfolio, the Associate Minister of Housing has no concerns about the project proceeding to the next stage.</p> <p>ORC questions the proposed project's contribution to well-functioning urban environments. ORC considers the development would not succeed in providing "good accessibility for all people between housing, jobs, community services [...] including by way of public or active transport" under the NPS-UD Policy 1(c) due to its large share of residential land use and lack of integration into the wider public transport network, resulting in Fernhill Heights residents requiring use of the Queenstown roading network to access jobs and community services.</p> <p>As detailed above under the assessment of section 21(3)(c), the site of the residential development presents significant challenges as raised in the comments from the relevant local authorities including a steep gradient with major gully features, uncertain infrastructure capacity, and natural hazard risk from landslides, rockfall, and wildfire. Without technical details such as engineering design and geotechnical assessments, key aspects of the housing development cannot be accurately determined, including the number and location of residential units, feasibility of infrastructure delivery, and overall, the viability of the development. For this reason, and based on the comments from QLDC and ORC, we consider you cannot be satisfied the project meets the criterion under section 22(2)(a)(iii).</p> <p>However, we note if the Minister disagrees with the recommendation to decline the application under section 21(3)(c), the project could be referred under section 22(2)(a)(iii) on the basis that the project proposes to increase the supply of housing (1,040 new housing units) and address housing needs (due to the agreement to commit 5% of the residential lots for affordable housing).</p> <p><i>Will deliver significant economic benefits [s22(2)(a)(iv)]</i></p> <p>The applicant considers the following aspects of the project will result in significant economic benefits:</p> <ul style="list-style-type: none"> – employment related to the Saddle funicular railway line serving the ski area and mountain bike park is expected to average 150 staff throughout the year, peaking at 250 during the winter season due to increased activity at the ski area. Additionally, the conference facility and Powerhouse Precinct (retail and hospitality businesses) are projected to create up to 175 jobs. – the conference facility is anticipated to host 39,000 delegates per year – the equivalent of one 500 to 1,000 delegate event each week. – the Saddle funicular railway line is projected to carry 1.1 million passengers annually. Of these, an estimated 1 million will sightsee, bike, or visit the proposed Ben Lomond predator-free sanctuary, while 100,000 will ski at the proposed Bowen Peak ski area. – visitors to the Powerhouse Precinct and during their stay in Queenstown are expected to spend up to \$127 million annually. Additionally, visitors accessing the skiing, biking, and nature experiences are projected to spend a further \$120 million each year. <p>As outlined above in the assessment of section 21(3)(c), we recommend that you currently lack sufficient information to make an informed decision regarding the referral application. In the absence of evidence confirming the feasibility and viability of the proposed development, it remains uncertain whether the project would deliver significant economic benefits. Accordingly, we advise that the project <u>does not</u> satisfy the criterion set out in section 22(2)(a)(iv).</p> <p>However, we note if the Minister disagrees with the recommendation to decline the application under section 21(3)(c), the project could be referred under section 22(2)(a)(iv) on the basis that the project would deliver significant economic benefits as detailed in the high-level economic assessment submitted in Appendix A of the application.</p>
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	<p><i>Will support climate change mitigation, including the reduction or removal of greenhouse gas emissions [s22(2)(a)(vii)]</i></p> <p>The applicant considers that the two funicular railways will provide a public transport option that will reduce the need for private vehicles to access the proposed residential development in Fernhill Heights. The application states that the funicular railways are electrically powered (with a solar contribution) and do not rely on fossil fuels, thereby supporting climate change mitigation. The Saddle funicular is designed to carry 770 people per hour and uses the energy equivalent of only three electric cars. The applicant further asserts that this transport option supports climate change mitigation by significantly reducing greenhouse gas emissions from mountain biking and snow skiing activities, compared to the emissions generated by motor vehicle access to other ski fields in New Zealand.</p> <p>The Minister of Climate Change states that while the project includes some measures that support emissions reductions, these are not considered to deliver significant regional or national benefits. Additionally, the Minister observes that no risk assessment has been undertaken, and that the climate-related benefits identified are minimal when considered under this criterion of the Act. ORC considers more evidence is required to demonstrate the proposed funicular railways will replace enough private vehicle trips to “support climate change mitigation”.</p> <p>Based on the assessment above, including comments received from the Minister of Climate Change and ORC, we advise that the project <u>does not</u> meet the criterion under section 22(2)(a)(vii) of the Act.</p> <p><i>Will support climate change adaptation, reduce risks arising from natural hazards, or support recovery from events caused by natural hazards [s22(2)(a)(viii)]</i></p> <p>The applicant considers that the project meets this criterion on the basis that removing plantation forestry from the Fernhill Heights block, to enable the proposed residential development, will reduce wildfire risk. ORC states large-scale vegetation removal may assist with reducing wildfire risk, but conversely may exacerbate slope stability issues.</p> <p>The Minister of Climate Change considers that the project does not contribute to climate change adaptation, risk reduction from natural hazards, or recovery from hazard-related events. The Minister states that while the plan to replace plantation forests with native species to reduce fire risk aligns with action 5.9 of the National Adaptation Plan (prioritising nature-based solutions), its impact is assessed as negligible at a regional or national level. The Minister concludes that the climate-related benefits identified are minimal when considered under this criterion of the Act.</p> <p>QLDC and ORC have identified several natural hazard risks that could be exacerbated by the proposed project, including slope stability issues (such as landslides, rockfalls, and potential debris flows), flooding, earthquakes (as the project area crosses an active fault line), and wildfires. The applicant states that natural hazard assessment will be undertaken as part of the substantive application, with particular focus on the detailed design of the funicular railways. The applicant considers risks identified in the QLDC Hazard Maps are common in Queenstown and they anticipate these can be appropriately mitigated, however no engineering or geotechnical assessments have been prepared to inform the project design. The assessment of anticipated and known adverse effects of the project on the environment provided with the application does not address natural hazards, despite their relevance to the project's potential impact.</p> <p>ORC states that several existing landslide features are mapped in this wider Fernhill-Bowen Peak area, and within the existing Fernhill suburb, there have been at least 17 Natural Hazards Commission (formerly EQC) claims settled since 1997 for either ‘landslip’ or ‘storm and flood’ damages.</p> <p>Based on the assessment above, including comments received from the Minister of Climate Change, QLDC, and ORC, we advise that the project <u>does not</u> meet the criterion under section 22(2)(a)(viii) of the Act.</p> <p><i>Will address significant environmental issues [s22(2)(a)(ix)]</i></p> <p>The applicant considers the project introduces a new public transport option (being the funicular railway), which they state will promote a shift in transportation modes and improve connectivity to Fernhill Heights and the recreational opportunities within the One Mile / Ben Lomond reserves corridor. The applicant considers this connection to Fernhill Heights could reduce reliance on motor vehicles, thereby lowering greenhouse gas emissions. Additionally, the applicant has noted the project proposes restoration works and conservation through predator-free fencing and enclosed breeding areas for native birds. The applicant believes this will boost investment in conservation initiatives and enhance educational opportunities for firsthand wildlife experiences.</p> <p>In regard to the funicular railway, ORC considers there is a risk these services will not operate at high capacity due to their inability to replace enough private vehicle trips. ORC recommends the application include projections of expected mode shift and address challenges such as the car-dependent design of Fernhill Heights (as each chalet is proposed to include a two car garage) and the wider Wakatipu Basin, poor integration of the funiculars with the transport network, and lack of connection to key centres like Queenstown and Frankton. As noted above, the Minister of Climate Change considers that the climate-related benefits of the project are minimal.</p> <p>In regard to the predator-free fencing, DOC states it is unclear how the sanctuary would be enabled and where responsibility for the maintenance would lie. ORC has indicated that certain elements of the proposal may align with their strategic priorities, including the establishment of a predator-free sanctuary. ORC have also expressed that it would be reassuring to have a clear assurance that specific stages of the proposal will not proceed until the sanctuary is fully established.</p> <p>The application lacks sufficient detail, particularly regarding the funicular railway’s potential to reduce greenhouse gas emissions and the predator-free fencing’s conservation benefits. As a result, we are unable to confidently assess whether the project will address significant environmental issues. Based on the assessment above, including comments received from the Minister of Climate Change, DOC, and ORC, we <u>do not recommend</u> that the Minister refer the project on the basis that it will address significant environmental issues, as outlined in section 22(2)(a)(ix) of the Act.</p> <p><i>Is consistent with local or regional planning documents, including spatial strategies [s22(2)(a)(x)]</i></p> <p>The applicant considers some aspects of the project are generally consistent with relevant planning documents, particularly enabling recreational use of recreation reserves, conservation/restoration, and public transport. The applicant also acknowledges other aspects are not generally consistent with the relevant planning documents. The applicant considers the project will introduce built form into the Open Space Zones of the Proposed Queenstown Lakes District Plan, as well as urban development within rural zoned land, and outside the identified Urban Growth Boundary. The housing aspect is not within an area identified for growth in the QLDC Spatial Plan; however, the applicant notes the proposed development is adjacent to existing housing in Fernhill. QLDC has released a draft Te-Taumata-o-Hakitekura Ben Lomond & Te Tapunui Queenstown Hill Reserve Management Plan for public consultation, and the applicant lodged a submission in relation to this, seeking alignment between the project and the Reserve Management Plan.</p> <p>QLDC considers the project inconsistent with the Proposed District Plan, as it does not meet the criteria for development within the Outstanding Natural Landscape and conflicts with several 'avoid policies' – typically grounds for consent refusal, as supported by case law. Additionally, QLDC finds the proposal misaligned with key strategic documents, including the Queenstown Lakes Spatial Plan, Long-Term Plan, Economic Diversification Plan, and 30-Year Infrastructure Strategy, due to the absence of strategic planning or infrastructure investment in the project area.</p>
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	<p>ORC Policy's team states the proposed development does not fall within the Queenstown Spatial Plan's priority development areas and ORC's Transport team has not planned to increase Fernhill's public transport services to accommodate the urban growth in the proposed Fernhill Heights suburb. Overall, ORC considers that while certain elements of the project may align with strategic priorities, such as biodiversity enhancement and sustainable transport, insufficient assessment of environmental effects prevents a definitive conclusion on overall strategic alignment.</p> <p>Based on the assessment above, including comments received from QLDC and ORC, we <u>do not recommend</u> that the Minister refer the project on the basis that it is consistent with local or regional planning documents, including spatial strategies, as outlined in section 22(2)(a)(x) of the Act.</p> <p>To conclude, we consider that you cannot be satisfied that project would have significant regional or national benefits. If you agree with this recommendation, the application <u>must</u> be declined under section 21(3)(a) of the Act.</p>
Referring the project to the fast-track approvals process [section 22(1)(b)]	<p><i>Would facilitate the project, including by enabling it to be processed in a more timely and cost-effective way than under normal processes [s22(1)(b)(i)]</i></p> <p>The applicant notes that, given the multiple resource consent requirements from the local and regional authorities, and concessions/approvals required under various legislation, the fast-track approvals process provides an avenue to consolidate and streamline these processes together. It is noted that the project involves a range of development activities across multiple sites of public and private land. Several approvals are required from five specified Acts including the Resource Management Act 1991, Heritage New Zealand Pouhere Taonga Act 2014, Conservation Act 1987, Wildlife Act 1953, and Reserves Act 1977.</p> <p>Based on the above assessment, it is likely that referring the project to the fast-track approvals process would likely facilitate the project, including by enabling it to be processed in a more timely and cost-effective way than under normal processes.</p> <p><i>Is unlikely to materially affect the efficient operation of the fast-track approvals process [s22(1)(b)(ii)]</i></p> <p>The applicant considers that the referral of this project is unlikely to affect the efficient operation of the fast-track approvals process. The applicant has stated that they are committed to undertaking additional assessment and detailed design for the substantive application phase. The applicant intends to lodge one substantive application if the project is referred.</p> <p>Contrary to the applicant's assertion, there are concerns that this project may materially affect the efficient operation of the fast-track approvals process. The application appears to be incomplete and underdeveloped, and lacks a general level of detail on information that is typically expected at the referral stage, to the extent it is not even clear that the project could feasibly be delivered. Notably, there is no evaluation of natural hazard risks, despite the site being exposed to multiple hazards including slope stability, landslides, flooding, rockfall, and fault line proximity. Additionally, there is no assessment of infrastructure capacity, particularly regarding three-waters services, nor any indication of how these services will be delivered.</p> <p>These gaps suggest that the project has not been sufficiently thought through and may require frequent requests for additional information during the substantive application phase. Such requests can place a disproportionate burden on the officials at the EPA, expert panels, and other parties invited to comment on substantive applications, potentially delaying the timely processing of other applications.</p> <p>Furthermore, the proposed funicular railway is novel in the New Zealand context, which may introduce additional complexity and demand greater scrutiny and resources. Without a comprehensive suite of assessments to support the funicular railway proposal, this could further strain the fast-track approvals system and compromise its efficiency.</p> <p>Given these factors, we consider the project does not meet the criterion under s22(1)(b)(ii). It poses a credible risk of disrupting the streamlined nature of the fast-track approvals process and should be carefully reconsidered before referral. In line with the assessment above, we therefore recommend that referring the project would likely materially affect the efficient operation of the fast-track approvals process. If you agree with this recommendation, the application <u>must</u> be declined under section 21(3)(a) of the Act.</p>
Reasons to decline	
Minister <u>must</u> decline [section 21(3)]	Minister may decline [section 21(4) and 21(5)(a-h)]
<p><i>The Minister must decline a referral application if:</i></p> <p><i>The application may not be accepted under subsection 1 (meets section 22 referral criteria)</i></p> <p>As outlined above, we consider that you <u>do not</u> have adequate information to make an informed decision – specifically, information necessary to establish the project's viability and confirm that it meets the section 22 referral criteria. We consider that you cannot be satisfied that the project would have significant regional or national benefits, or that it is unlikely to affect the efficient operation of the fast-</p>	<p><i>The Minister <u>may</u> decline a referral application for any other reason, whether or not it meets the criteria in section 22.</i></p> <p><i>Reasons to decline a referral application under subsection 4 include, without limitation:</i></p> <p><i>The project would be inconsistent with a Treaty settlement, Ngā Rohe Moana o Ngā Hapū o Ngāti Porou Act 2019, Marine and Coastal Area (Takutai Moana) Act 2011, a Mana Whakahono ā Rohe, or a joint management agreement</i></p> <p>The s18 report has not identified that the project would be consistent with these documents.</p> <p><i>It would be more appropriate to deal with the matters that would be authorised by the proposed approvals under another Act or Acts</i></p> <p>Although several parties invited to comment did not support the referral application, none provided specific feedback on this matter. As such, there is no evidence to suggest that the issues addressed by the proposed approvals would be more appropriately managed under a different Act or Acts.</p> <p><i>The project may have significant adverse effects on the environment</i></p> <p>The application does not include adequate information for you to make an adequate decision on whether the project may have significant adverse effects on the environment, specifically in relation to natural hazard risk and three-water infrastructure.</p>

<p>track approvals process – if you agree with this recommendation, the application must also be declined under section 21(3)(a). However, we note if you disagree with the recommendation to decline the application under section 21(3)(a) and 21(3)(c), the project could be referred under section 22(2)(a)(iii) and section 22(2)(a)(iv).</p> <p><i>The Minister is satisfied the project involves an ineligible activity</i> As discussed above, we do not consider that the project involves an ineligible activity.</p> <p><i>The Minister considers that they do not have adequate information to inform the decision under this section</i> As noted above, we recommend that you must decline the application as you do not have adequate information to inform the decision.</p> <p>We consider that you <u>must decline</u> the application under this section.</p>	<p><i>The applicant(s) has a poor compliance history under a specified Act that relates to any of the proposed approvals</i> The applicant does not appear to have been the subject of any compliance or enforcement action under any of the specified Acts for the proposed approvals.</p> <p><i>The project area includes land that the Minister for Treaty of Waitangi Negotiations considers necessary for Treaty settlement purposes</i> N/A</p> <p><i>The project includes an activity that is a prohibited activity under the Resource Management Act 1991</i> Neither the applicant nor the comments from QLDC and ORC identified any prohibited activities relevant to the project. However, ORC noted that certain activities are classified as Non-Complying or Prohibited under the Regional Plan: Water, and if Natural Inland Wetlands are present within or near the project area, the rules of the NES-Freshwater must also be considered. Based on the information provided with the application, the project does not appear to include any prohibited activities under the RMA.</p> <p><i>A substantive application for the project would have one or more competing applications.</i> The comments from QLDC and ORC state neither Council has record of any competing applications in the same project area.</p> <p><i>In relation to any proposed approval of the kind described in section 42(4)(a) (resource consents), there are one or more existing resource consents of the kind referred to in section 30(3)(a)</i> The comments received from QLDC and ORC did not identify any resource consents of the kind referred to in section 30(3)(a).</p> <p><i>Any other reason</i> N/A</p> <p>As noted previously, we recommend you <u>must</u> decline the application as you do not have adequate information to make an informed decision.</p>
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Statutory framework summary

1. You are the sole decision maker for referral applications. If you accept a referral application then the whole or part of the project will be referred to the fast-track approvals process.
2. If a Treaty settlement, the Marine and Coastal Area (Takutai Moana) Act 2011, the Ngā Rohe Moana o Ngā Hapū o Ngāti Porou Act 2019, a Mana Whakahono ā Rohe or a joint management agreement provides for consideration of any document or procedural requirements, you must, where relevant:
 - a. give the document the same or equivalent effect through this process as it would have under any specified Act; and
 - b. comply with any applicable procedural requirements.
3. You must decline a referral application if:
 - a. you are satisfied the project does not meet the referral criteria in s22
 - b. you are satisfied the project involves an ineligible activity (s5)
 - c. you consider you do not have adequate information to inform your decision.
4. You may decline an application for any other reason, including those set out in s21(5) and even if the application meets the s22 referral criteria.
5. You can decline an application before or after inviting comments under s 17(1). However, if comments have been sought and provided within the required time frame, you must consider them, along with the referral application, before deciding to decline the application.
6. If you do not decline a referral application at the initial stage you must copy the application to, and invite written comments from:
 - a. the relevant local authorities
 - b. the Minister for the Environment and relevant portfolio Ministers
 - c. the relevant administering agencies
 - d. the Māori groups identified by the responsible agency
 - e. the owners of Māori land in the project area: None
 - f. you may provide the application to and invite comments from any other person.
7. You can request further information from an applicant, any relevant local authority, or any relevant administering agency at any time before you decide to decline or accept a referral application (see section 20 of the Act).
8. However, if further information has been sought and provided within the required time frame you must consider it, along with the referral application, before deciding to decline the application.