

BEFORE THE HOMESTEAD BAY [FTA-2506-1071] EXPERT PANEL

In the matter of

of the Fast-Track Approvals Act 2024

And

approvals sought under the Resource Management Act 1991 and the Wildlife Act 1953.

**Record of Decision of the Expert Consenting Panel
under Section 87 of the
Fast-Track Approvals Act 2024**

Decision 1: Approvals relating to Resource Management Act 1991 granted subject to conditions.

Decision 2: Approvals relating to Wildlife Act 1953 granted subject to conditions.

Date of Decisions: 18 February 2026

Date of Issue: 18 February 2026

Expert Panel: Jayne Macdonald
(Chair)

Alan Pattle
(Member)

Jane Kitson
(Member)

Rosalind Day-Cleavin
(Member)

***Comments received
under Section 53 of the
FTAA:*** 4 November 2025

***Details of any hearing
under Section 57 of the
FTAA:*** No hearing was held.

***Comments received under
Section 70 of the FTAA:*** 21 January 2026 (s70(1)) and 28 January 2026 (s70(4))

***Comments received under
Section 72 of the FTAA*** 22 January 2026

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APPENDIX A: CONDITIONS OF CONSENT**APPENDIX B: CONSENTS REQUIRED**

DECISION MADE BY THE PANEL: RCL HOMESTEAD BAY LTD

PART A: EXECUTIVE SUMMARY

- 1 This is an application by RCL Homestead Bay Limited (**RCL** or the **Applicant**) for resource consents under the Resource Management Act (**RMA approvals**) to subdivide and develop land and for a wildlife approval under the Wildlife Act 1953 in relation to lizard habitat during subdivision works on the site (collectively, the **Application**).
- 2 The Application site is located at the southern end of the Te Tapuae Southern Corridor of the Queenstown urban area and has a combined area of approximately 205ha (the **Site**).¹
- 3 The development comprises:
 - (a) Subdivision of the Site to provide 1438 standard residential lots, 22 medium density super lots and fourteen high density superlots;²
 - (b) Creation of three commercial superlots which have a combined area of approximately 2.5 hectares;³
 - (c) Land use consent for a residential units within each of the 1438 standard residential lots;
 - (d) Flexibility to allow potential school sites should the Ministry of Education be interested in acquiring the land for a school;
 - (e) Development of parks and reserves, recreational trails and implementation of approximately 19 hectares of native planting with complementary pest and weed control;
 - (f) Development of supporting infrastructure including roading, improvements to State Highway 6 (**SH6**), a water supply, water treatment and reservoirs, stormwater treatment infrastructure, wastewater treatment infrastructure and land disposal areas.
- 4 The Application was included as a listed project in Schedule 2 of the FTAA.
- 5 The Environmental Protection Authority (**EPA**) assessed the Application and deemed the substantial application to be complete (and within scope) on 8 July 2025, thereby meeting the requirements of s46.⁴ The application was then forwarded to the Panel Convener who set up a panel under s50.

¹ Lot 12 Deposited Plan 364700 and Lot 8 Deposited Plan 443832.

² The application describes the potential future development within the superlots as being able to accommodate 203 residential units in the medium density superlots and 890 residential units in the high density superlots.

³ The application states that 11,000m² of retail floor space can be accommodated in the commercial superlots, whereas Schedule 2 FTAA refers to an approximately 1,100 square metres retail precinct. The Applicant, commenting on the legal advice received by the Panel states that the commercial floor space description in Schedule 2 is a result of a typographical error. We observe, whether an error or not, *Ngāti Kuku Hapu Trust v Environmental Protection Agency* NZHC 2046 is authority for the position that a substantive application cannot expand the scope of a listed application. The matter of the size of the retail offering will be for the Applicant to address when it pursues future land use consents for the commercial superlots.

⁴ Initially, the substantive application was deemed by the EPA to be incomplete due to competing applications. The application was returned to the applicant as per s47(9) of the Act, and the Applicant subsequently reapplied.

- 6 On 15 September 2025 an expert panel was appointed to determine the Application (**Panel**). The Panel has assessed the Application applying the relevant statutory criteria within the purpose and context of the FTAA.⁵
- 7 An amended Application was received on 19 September 2025 following further consultation and engagement with statutory participants including the Otago Regional Council (**ORC**), Queenstown Lakes District Council (**QLDC**), Department of Conservation (**DoC**), and iwi representatives. The amended application was the subject of the s53 FTAA written comment period.
- 8 The Panel received comments from 34 commenters⁶ and a response to those comments from the Applicant.⁷ The Panel has carefully reviewed all of that information in evaluating the Application.
- 9 We must make a separate decision in respect of each of the approvals sought.⁸
- 10 The following FTAA Schedules apply to the Application:
 - a. Schedule 5, clause 17 sets out the criteria and other matters for assessment of the resource consent applications under the RMA;
 - b. Schedule 7, clause 5, sets out the criteria for assessment of the application for a wildlife approval under the Wildlife Act.
- 11 The Panel considers that, having considered all relevant matters, the Project meets the purpose of the FTAA and having regard to all the relevant decision-making criteria, the approvals sought should be granted.
- 12 The Panel therefore grants approval for the Application subject to the conditions in **Appendix A**.
- 13 This decision is made in accordance with section 87FTAA. This decision covers all the approvals sought under the substantive application. This decision document includes:
 - a. The decision – throughout and summarised in Parts K & L;
 - b. The reason for the decision – throughout and summarised in Parts K & L;
 - c. A statement of the principal issues in contention – Part E; and
 - d. The main findings on the principal issues in contention – throughout and summarised in Part E;

⁵ During the Panel's consideration of the Application, the Fast-track Approvals Amendment Act received Royal assent on 16 December 2025 and introduced transitional provisions applying to "live" applications (those not decided prior to 17 December 2025, being the first commencement date). Under Schedule 1, Part 2, clauses 6–14, the Application continues to be determined under the principal Act, subject to specified transitional modifications. These modifications include, new s81 and new s84A (enabling the Panel to impose conditions requiring infrastructure to be made adequate to support the project, with the obligation on the applicant only). Where applicable, the Panel has had regard to these transitional provisions in its decision-making. In particular, the Panel has had regard to s84A in its consideration of transport effects, including the adequacy of transport infrastructure to support the Project (as discussed in the transport assessment section of this decision)

⁶ Those parties invited to comment under s53 FTAA, Minute 1 of the Panel 29 September 2025.

⁷ RCL Homestead Bay Ltd, Response to written comments, 4 November 2025.

⁸ Section 87(1) FTAA

PART B: OVERVIEW OF THE APPLICATION AND PROCEDURE

Application

Applicant

14 RCL Homestead Bay Limited is the authorised person for the Homestead Bay project in terms of s42(1) of the FTAA and as set out in Schedule 2 of the FTAA.

Site and surrounding environment

15 The Site is comprised of Lot 12 Deposited Plan 364700 and Lot 8 Deposited Plan 443832 and is located at the southern end of the Te Tapuae southern corridor of the Queenstown urban area. The Applicant provides a detailed description of the Site,⁹ which we summarise as follows:

- a. The Site is located at the southern end of the outwash plain enclosed by the Remarkables (Kawarau Maunga) to the east and Peninsula Hill, Jacks Point Hill and Lake Wakatipu (Whakatipu Waimaōri) to the south and southwest. The Kawarau River (Waipuna) is located to the north and Ōraka / Drift Bay is located to the south.
- b. Lot 8 is bounded by SH6 to the east. To the west, Lot 8 adjoins Homestead Bay Road and a privately owned lot (Lot 102 Deposited Plan 517771), Chief Reko Road (private road) and five vacant rural residential sized lots. To the south, Lot 8 adjoins Crown lakeside reserve, as well as eight residential properties and the wastewater disposal lot (Lot 60 Deposited Plan 27520) within the adjoining Ōraka subdivision. To the north is Lot 12 which is described below.
- c. Lot 12 adjoins SH6 to the east. Jacks Point is located to the north of the lot and there are 29 residential lots which adjoin Lot 12. Lot 12 also adjoins Jacks Point Rise (a private road) and an open space area within the Jacks Point development. To the west of Lot 12 is Jack Tewa Park, Homestead Bay Road and part of the Jacks Point Golf Course which includes a wetland. To the south is Lot 8 which is described above.

⁹ Parts 1 and 3 of the Application.



Figure 1 Location of Application Site. Lot 12 shown in yellow outline and Lots 8 in blue outline. [Source: Section 3 of the Application]

16 The Site is located within an area identified within the Queenstown Lakes Spatial Plan 2021¹⁰ (**QLSP**) as a “future urban area” at the southern end of the Te Tapuae/Southern Corridor which is identified as a “priority development area” in the QLSP. A local centre is also identified for the Homestead Bay site.

17 The Site is identified as an “Indicative Future Expansion Area” in Chapter 4 – Urban Development of the Queenstown Lakes Proposed District Plan (**PDP**). Lot 12 is entirely zoned “Jacks Point Zone” and Lot 8 is split zoned “Jacks Point Zone” and “Rural Zone”.

18 The Rural zoned portion of Lot 8 is outside of the Lake Wakatipu and Remarkables Outstanding Natural Landscapes (**ONLs**) and therefore is classified as a Rural Character Landscape (**RCL**) in the PDP.

19 Lake Wakatipu (Whakatipu Waimāori) is a Ngāi Tahu Statutory Acknowledgement Area under the Ngāi Tahu Claims Settlement Act 1998 (**NTCSA**). According to Schedule 75 of the NTCSA the special association of Ngāi Tahu with the lake includes:

- The lake supported nohoanga and villages which were the seasonal destinations of Otago and Murihiku whānau and hapū, exercising ahi kā and accessing mahinga kai and providing a route to access pounamu beyond the head of the lake.
- The lake also supported the permanent settlements of Tāhuna (present day Queenstown) as well as a pā site at the current location of the Queenstown Gardens and various kāika.

¹⁰ The Queenstown Lakes Spatial Plan 2021 was developed by QLDC in partnership with Central Government, Aukaha and Te Ao Marama Inc

- 20 The PDP identifies Whakatipu Wai Māori as a wāhi tūpuna area. The PDP wāhi tupuna overlay covers the surface waters of the lake and extends to the lakeshore but does not include any part of the Site.
- 21 The Regional Plan: Water for Otago (Water Plan) identifies Whakatipu Waimāori as holding the following Kāi Tahu beliefs, values and uses – kaitiakitanga, mauri, wāhi tapu, waahi taoka, Mahika kai, kohanga, trails and cultural materials.
- 22 The Site is located within Air Zone 3 and is not within an identified air shed.
- 23 There are no provisions of the Queenstown Lakes Operative Plan that are of relevance to the proposal as all relevant provisions within the PDP as they apply to the Site and the application have legal effect.

Overview of the application

- 24 The Application is described in Schedule 2 of the FTAA as:

Develop approximately 2,800 residential allotments, an approximately 1,100 square metre commercial retail precinct, and associated features such as parks, trails, and native revegetation.¹¹

- 25 The Application describes the Project as:

A master-planned subdivision providing for low, medium and high-density residential lots, as well as the development of a local centre and associated reserves, landscaping, roading and servicing. Land use consent is also sought for the construction of future residential units, flats and accessory buildings on the single house lots created by the subdivision.¹²

- 26 More specifically, the application includes **subdivision** consent to create:

- a. Approximately 1474 stand-alone residential lots across the Site 22 medium density superlots and 14 high density superlots;
- b. Three commercial super lots ranging in size from 0.24ha – 1.79ha;
- c. Nine Reserve lots proposed to be vested under the Reserves Act 1977 that will result in three Community Parks and five Local Parks. Two Connection Reserves are also proposed.
- d. Utility Reserves to contain the utilities required to service the development, as well as the channels and areas for the conveyance and detention of stormwater and the areas required for on-site wastewater disposal.
- e. Roading Lots to provide access and to service the subdivision.
- f. Potential school locations.

¹¹ [Fast-track Approvals Act 2024 No 56 \(as at 30 May 2025\), Public Act Schedule 2 Listed projects – New Zealand Legislation](#)

¹² Application, section 6.

- 27 The proposed subdivision is to be undertaken in stages with indicative stages including Stages 1-19.
- 28 The Project also includes **land use** consent and a suite of design controls for the future development of residential dwellings on the single house lots.
- 29 No land use consents are sought for the construction of buildings on the medium and high density super lots or commercial super lots.

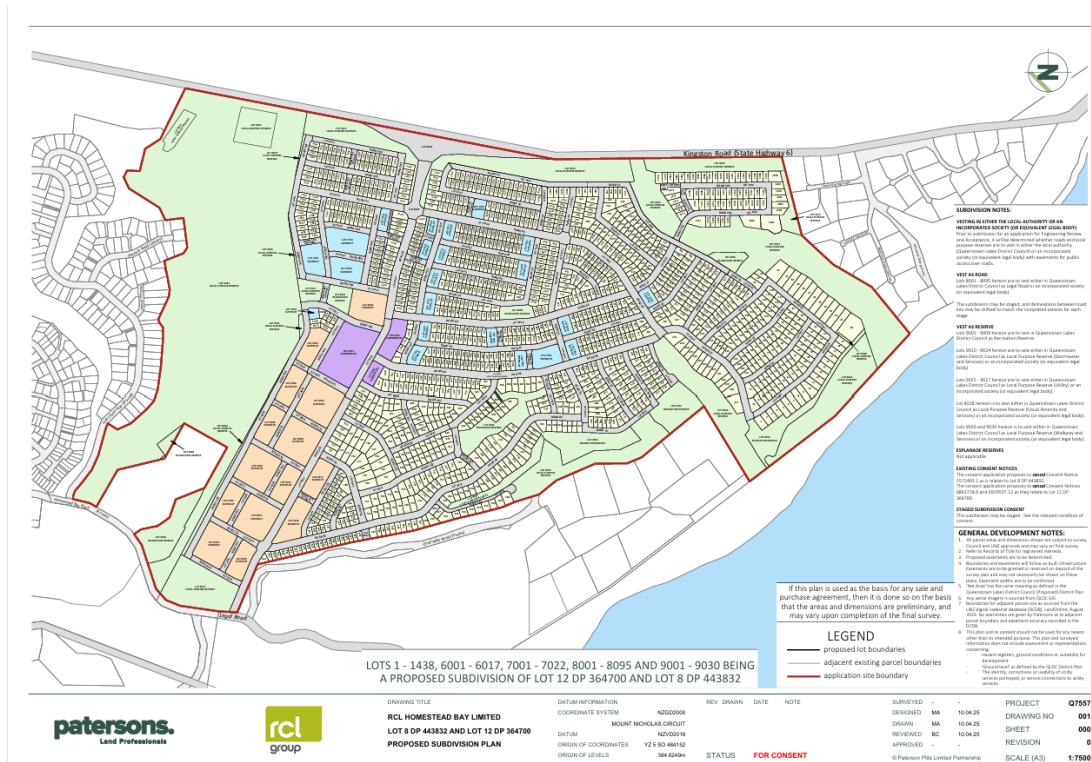


Figure 2 Proposed subdivision plan. Source: Appendix M to Application.

Resource consents

30 The Application provided a detailed breakdown of the approvals sought under the RMA pursuant to Section 42(4)(a) of the FTAA.¹³

31 The Panel has reviewed all the documentation and the further information provided by the Applicant and the participants and summarises the necessary consents at **Appendix B**. The Panel agrees with the Applicant that, in terms of the PDP, relevant regional plans (Water, Waste, Air) and relevant National Environmental Standards (**NESs**)¹⁴ overall the Application is a non-complying activity.¹⁵ We did not receive a contrary assessment from either **QLDC** or **ORC** on the matter of activity status.

13 Section 7, Application.

¹⁴ National Environment Standard for Assessing and Managing Contaminants in Soil to Protect Human Health (NES-CS); National Environmental Standard for Freshwater (NES-FW).

15 Section 7: Application

Approvals relating to a wildlife approval under the Wildlife Act 1953

32 Pursuant to s42(4)(h) the Applicant is seeking a wildlife approval under the Wildlife Act 1953 as the proposed subdivision involves the potential destruction of habitat, the killing of lizards and the release of lizards. Schedule 7, clause 5 sets out the criteria for assessment of an application for a wildlife approval.

Management Plans

33 The Application stated the following management plans are proposed to be implemented to manage the environmental effects of the Project and form part of the conditions:

- a. Environmental Management Plan (EMP)
- b. Wetland Management Plan (WMP)
- c. Erosion and Sediment Control Adaptive Management Plan (ESCAMP)
- d. Earthworks Management Plans (EWMP)
- e. Construction Management Plan (CMP)
- f. Chemical Treatment Management Plan (CTMP)
- g. Lizard Management Plan (LMP)
- h. Fish Management Plan (FMP)
- i. Pest and Weed Management Plan (PWMP)
- j. Contaminated Site Management Plan (CSMP)
- k. Traffic Management Plan (TMP)
- l. Odour Management (OMP)

Procedure

34 The following matters of procedure are relevant for this decision.

Meetings and site visits

35 On 18 September 2025, the Panel held a project overview briefing with representatives from the Applicant as recorded in Minute 1.¹⁶ The purpose of the meeting was to familiarise the Panel with the content of the Application for consents and provide clarification of aspects of the Application. Minute 1 recorded the site visit undertaken by the Panel on 18 September 2025 where we visited the project site and surrounding area affected by the proposal. We were accompanied by Melita Raravula (Application Lead, EPA), Dan Wells (a representative of RCL) and Amanda Leith (Planner for the Applicant,

¹⁶ Minute 1 of the Expert Panel, 29 September 2025.

Remarkable Planning Limited). We toured the subject site and area by vehicle and by foot to observe key project and site features.

36 Much of the Panel’s correspondence, deliberations and decision-making occurred over email following review, drafting and commenting on drafts of further information requests, this decision report and the conditions. Notwithstanding this, the Panel met on 8 occasions.¹⁷ Where appropriate the Panel issued Minutes recording steps to be taken in its deliberations or directions to be given. These are set out in Panel Minutes 1 to 10.

37 Other advice and reports obtained

Section 51 Report – Wildlife Approval

38 Pursuant to section 51(2)(c) of the Act, if a wildlife approval is sought then the Panel Convenor must direct the EPA to obtain a report from the Director-General of Conservation (**DoC**) addressing the matters set out in clause 3 of Schedule 7. That Report was received on 13 October 2025 and is addressed below in our consideration of the applicable criteria and effects assessment; however we record here that DoC considers that subject to recommended conditions, the proposed activities are broadly consistent with the purpose of the Wildlife Act.

Section 18 Report – Treaty Settlements

39 Pursuant to section 52 of the Act, on 31 July 2025 the Panel Convener provided the Panel with a report obtained under section 18 on Treaty settlements and other obligations. Appended to that report is a list of the relevant Māori groups including relevant iwi authorities, treaty settlement entities, and a copy of the Statutory Acknowledgement for Whakatipu-wai-Māori (Lake Wakatipu) from the NTCSA.

Invitations to comment

40 In accordance with s53(2), the Panel invited comments on the Application by letter dated 29 September 2025.¹⁸ Responses to this invitation were due on 28 October 2025. Comments were received on time from the following 34 parties:

- 1) *Game Animal Council*
- 2) *Land Information New Zealand*
- 3) *Stephen and Karen Pearson*
- 4) *Japan Limited*
- 5) *Hon Chris Bishop*
- 6) *Hon Simon Watts*
- 7) *Hon James Meager*
- 8) *Alistair Corbett*
- 9) *Maja and Andrew Marshall*
- 10) *Reuban Brama*
- 11) *Jane-Louise Cook*
- 12) *David and Suzanne Anderson*
- 13) *DS & JF Jardine*

¹⁷ 6 November 2025; 14 November 2025; 26 November 2025; 5 December 2025; 11 December 2025, 16 December 2025; 5 February 2026 and 13 February 2026 All meetings were held online via MS Teams, with the Panel meeting in person at the Project Overview briefing and during the site visit on 18 September 2025.

¹⁸ Panel Minute 1, 29 September 2025.

14) *Elizabeth McCusker*
 15) *Victoria Trow*
 16) *Julie Scott*
 17) *Ben Terry and Meredith Parkin*
 18) *Annie Rankin & Gary Johnson*
 19) *Ōraka (Lakeside Estates Homeowners Association)*
 20) *Homestead Bay Residents Society Incorporated*
 21) *Chris and Jamie Seymour*
 22) *Jennifer & Marcus Schoo*
 23) *John & Mary Holland*
 24) *Joanna & Simon Taverner*
 25) *Amelia Wilkinson*
 26) *Sara & Hadley Patterson*
 27) *Helen Brosnan*
 28) *Jacks Point Group*
 29) *Jacks Point Residents and Owners Association (JPROA)*
 30) *Ministry of Education*
 31) *Kā Rūnaka*
 32) *NZTA / Waka Kotahi*
 33) *QLDC*
 34) *ORC*

41 The Panel would like to thank all parties who commented for their contributions. The following is a summary of the key themes/matters raised in the comments:

- a. General support for the development
- b. Alignment with the Schedule 2, FTAA listing for the project and economic benefits
- c. Subdivision Design
- d. Reserves and open spaces
- e. Ecology
- f. Cultural values
- g. Landscape values
- h. Transport and internal roading
- i. Servicing
- j. Construction effects
- k. Natural hazards
- l. Community housing
- m. Health, education, emergency and postal services
- n. Cumulative effects

Applicant's response to invited persons comments

42 On 4 November 2025 the Applicant provided a response to the comments received on the application. This included minor amendments or updates to the Application.

43 The Panel has considered the Applicant's responses, and, where appropriate, refers to the detail of the information provided in other parts of this Decision.

44 The Panel sought legal advice with respect to matters raised in comments regarding the reduced scope of the Application, and assessment and evaluation of the application against the relevant counter-factual.¹⁹

45 That advice and the Applicant's comments on the same are discussed in other parts of this Decision.

Further information

46 The Panel made seven requests for further information in accordance with s67 of the FTAA. The nature of those requests and responses are summarised below:

- a. RFI-1, 29 October 2025.²⁰ Request for information from Kā Rūnaka – Provision of a final completed Cultural Impact Assessment for the Homestead Bay application.
- b. RFI-2, 10 November 2025.²¹ Request for information from the Applicant (Conditions, Economic Assessment, Wetland Loss) and the QLDC (Open Space, Liquification Risk).
- c. RFI-3, 20 November 2025.²² Request for information from the Applicant (Response to Liquification Hazards, and Legal advice).
- d. RFI-04, 24 November 2025.²³ Request for information from QLDC (seeking comment on Applicant's high level 'per DUE unit cost' for southern corridor with regard to wastewater servicing).
- e. RFI-05, 12 February 2026.²⁴ Request for information from Applicant (Subdivision consent condition 51; Land use consent, wetlands).
- f. RFI-06, 13 February 2026. Request for information from Applicant (Subdivision consent condition 22).²⁵
- g. RFI-07, 13 February 2026. Request for information from Applicant (Amended National Direction).²⁶

¹⁹ From Mr Matt Allan, Brookfields Lawyers, dated 20 November 2025

²⁰ Request 1 for further information from Kā Rūnaka, 29 October 2025.

²¹ Request 2 for further information from Applicant and QLDC, 10 November 2025.

²² Request 3 for further information from Applicant, 20 November 2025.

²³ Request 4 for further information from QLDC, 24 November 2025.

²⁴ Request 5 for further information from Applicant, 12 February 2026.

²⁵ Request 6 for further information from Applicant, 13 February 2026.

²⁶ Request 7 for further information from Applicant, 13 February 2026.

Expert Conferencing

47 Various technical issues were raised in comments regarding the efficacy of the proposed standalone onsite wastewater treatment system. The Panel directed²⁷ that the relevant experts (wastewater, water quality, planning and cultural) participate in conferencing with a view to narrowing the issues and refining conditions.

48 Conferencing took place on 19 and 20 November 2025, and was facilitated by Sharon Dines, an independent facilitator appointed by the EPA. The experts produced a joint witness statement (**JWS**) dated 21 November 2025, resolving all technical matters. The JWS included agreed amendments to conditions. The Panel notes that mitigation measures related to cultural effects of the wastewater discharges, including mauri disruption, were not resolved through conferencing, with the position of Kā Rūnaka being that disruption of the mauri cannot be mitigated. This is discussed further in that part of our Decision addressing cultural effects.

Conditions

49 The Application included a set of draft conditions.²⁸ ORC and QLDC, in their capacity as regulatory authorities, provided detailed feedback and a set of amended draft conditions with their formal comments as invited commentors. Other parties who commented also suggested revisions to conditions, some of which are discussed in other parts of our Decision.

50 The Applicant produced an annotated set of conditions in its response to comments received. We observe that it adopted the majority of changes sought by ORC. Following the JWS the Applicant circulated updated conditions incorporating the amendments to conditions agreed in the JWS.

51 In accordance with Section 70 of the FTAA, the Panel provided draft conditions to the Applicant and persons invited to comment on 17 December 2025, requiring responses by 21 January 2026. Responses received and our consideration of those are addressed throughout our Decision including in Part J. The Panel also prepared and circulated for comment at the same time a draft set of conditions for the proposed Wildlife Act approval.

52 Under section 72 FTAA the Panel invited comment from the Ministers for Māori Crown Relations: Te Arawhiti and Māori Development on 17 December 2025.

Hearing

53 The Panel has exercised its discretion not to require a hearing on any issue under section 56 FTAA. The Panel was able to adequately consider all issues based on the information available including the Application, comments received, responses to comments, expert conferencing and the further information provided by the Applicant, QLDC, and invited persons. The material issues involved were comprehensively addressed in the documentation provided, and technical expert differences of opinion with respect to the

²⁷ Minutes 3 and 5.

²⁸ Appendix T, Application.

standalone wastewater treatment facility resolved through expert conferencing. Residual issues were sufficiently clear for the Panel to consider and make findings on.

54 The Panel is mindful of the emphasis on time limited decision-making in the present process, the purpose of the FTAA in section 3, to facilitate the delivery of infrastructure and development projects with significant regional or national benefits, and the procedural principles in section 10 FTAA that require the Panel to take all practicable steps to use timely, efficient, consistent, and cost effective processes that are proportionate to the Panel's functions, duties or powers.

Timing of the Panel decision

55 In accordance with the panel convenor minute dated 29 August 2025, the time frame for the panel to issue its decision documents under sections 79 and 88 is 18 February 2026.

PART C: LEGAL CONTEXT

Legal context for a listed project under the FTAA

56 In accordance with section 42 an authorised person²⁹ for a listed project may lodge a substantive application with the EPA. The substantive application is required to follow the process set out in sections 43 and 44. The Applicant lodged the substantive application on 17 June 2025.

57 The EPA decided that the Application was complete and within scope³⁰ on 8 July 2025. The EPA made a recommendation on whether there are competing applications or existing resource consents for the same activity on 22 July 2025.³¹ The EPA then provided the Application to the panel convenor and at the same time requested a report from the responsible agency³² under section 18 FTAA. A report was received on 31 July 2025

Legal advice on reducing the scope of a listed project

58 Comments received (including from the various Jacks Point entities³³) claimed the proposal is materially reduced from the Schedule 2 description. As a consequence, they submit the Panel is confined to assessing only the 1,438 dwellings and associated works now sought, excluding benefits said to arise from later superlot development.

59 The Applicant agreed with the legal advice from Brookfields, that an application need not replicate the Schedule 2 listing, submitting that overall residential capacity remains broadly aligned with the listing, and the creation of medium/high-density and commercial superlots provides a reasonable basis to expect subsequent delivery (with benefits quantified across a range from 1,436 to 2,531 units).

²⁹ FTAA, sections 4 and 42

³⁰ FTAA, section 43

³¹ FTAA, section 47

³² The Ministry for the Environment is the responsible agency for section 18.

³³ Jacks Point Group, Jacks Point Residents and Owners Association (JPROA)

Statutory framework and interpretive tension

60 Section 81 of the FTAA requires us to determine the “substantive application”; some subsections refer to “project”, which for listed projects is defined by Schedule 2. The legal advice explains the resulting interpretive tension and concludes that, read contextually, our task is to assess the proposal as lodged under s81, while ensuring that the application remains within an acceptable range of the Schedule 2 listing. We accept that reasoning.

Can a listed project be advanced at reduced scope?

61 The legal advice is clear that the FTAA does not prohibit a substantive application that delivers a portion of a listed project, and that the Act does not require identity between the application and Schedule 2. That view is supported by: (a) the text of ss 42–46; (b) the practical realities of large, staged developments; and (c) early FTAA decisions that have granted superlot-based subdivisions, treating enabled capacity as part of the benefits case (while recognising later consenting steps). We adopt that analysis.

How should benefits tied to superlots be treated?

62 While we circle back to benefits of the Project in Part G of the decision, we address this issue in greater detail at this point in our Decision. Benefits from elements consented now (e.g., the 1,438 dwellings) are relatively certain.

63 Benefits premised on future development of superlots are contingent: they depend on further approvals, including new planning instruments, delivery timeframes and market conditions. We consider these benefits but assign them proportionately reduced weight. Factors relevant to weight include: evidential support for likelihood and timing of delivery; the nature of any further approvals; and whether economic assessments treat contingent capacity as equivalent to consented development.

64 Applying those factors here, we are satisfied there is a coherent rationale for the superlot approach and a pathway to delivery has been identified; nevertheless, uncertainty remains as to timing and ultimate yield. We therefore place primary weight on the direct, consented components and secondary, discounted weight on potential benefits from superlot development.

Overall alignment with Schedule 2

65 When the identified superlot capacities are included, the total residential capacity (approximately 2,531 units) sits within a reasonable range of the Schedule 2 figure of “approximately 2,800”. The geographical location and character are consistent with Schedule 2. On that basis, and subject to the weighting approach above, we find the application falls within scope.

Decisions on approvals

66 Section 81 describes the decision-making framework under the FTAA.³⁴ Relevant to the approvals sought in this instance, that framework comprises:

81 Decisions on approvals sought in substantive application

- (1) A panel must, for each approval sought in a substantive application, decide whether to—
 - (a) grant the approval and set any conditions to be imposed on the approval; or
 - (b) decline the approval.
- (2) For the purpose of making the decision, the panel—
 - (aaa) must, if the substantive application relates to an unlisted project, consider the Minister's reasons for accepting the referral application that are stated in the notice given by the responsible agency under section 28(1):
 - (aab) must consider a relevant Government policy statement:
 - (a) must consider the substantive application and any advice, report, comment, or other information received by the panel under section 51, 52, 53, 55, 58, 67, 68, 69, 70, 72, or 90:
 - (b) must apply the applicable clauses set out in subsection (3) (see those clauses in relation to the weight to be given to the purpose of this Act when making the decision):
 - (c) must comply with section 82, if applicable:
 - (d) must comply with section 83 in setting conditions:
 - (e) may impose conditions under section 84:
 - (ea) may impose conditions under section 84A:
 - (f) may decline the approval only in accordance with section 85.
- (3) For the purposes of subsection (2)(b), the clauses are as follows:
 - (a) for an approval described in section 42(4)(a) (resource consent), clauses 17 to 22 of Schedule 5:
 - (b) for an approval described in section 42(4)(b) (change or cancellation of resource consent condition), in relation to a condition of a coastal permit specified under section 186H(3) of the Fisheries Act 1996, clauses 20 to 22 of Schedule 5:
 - (c) for any other approval described in section 42(4)(b) (change or cancellation of resource consent condition), clause 23 of Schedule 5:
 - (d) for an approval described in section 42(4)(c) (certificate of compliance), clause 27 of Schedule 5:
 - (e) for an approval described in section 42(4)(d) (designation), clauses 24 and 25 of Schedule 5:
 - (f) for an approval described in section 42(4)(e) (concession), clauses 7 to 9 of Schedule 6:
 - (g) for an approval described in section 42(4)(f) (land exchange), clauses 29 to 33 of Schedule 6:
 - (h) for an approval described in section 42(4)(g) (conservation covenant), clauses 45 and 46 of Schedule 6:
 - (i) for an approval described in section 42(4)(h) (wildlife approval), clauses 5 and 6 of Schedule 7:
 - (j) for an approval described in section 42(4)(i) (archaeological authority), clauses 4 and 5 of Schedule 8:
 - (k) for an approval described in section 42(4)(j) (complex freshwater fisheries activity approval), clauses 5 and 6 of Schedule 9:
 - (l) for an approval described in section 42(4)(k) (marine consent), clauses 6 and 7 of Schedule 10:
 - (m) for an approval described in section 42(4)(l) (access arrangement), clauses 7, 9, and 10 of Schedule 11:
 - (n) for an approval described in section 42(4)(m) (access arrangement), clauses 8, 9, and 10 of Schedule 11:
 - (o) for an approval described in section 42(4)(n) (mining permit), clauses 19 to 21 of Schedule 11.

³⁴ A new section 81 was introduced by way of the Fast-track Approvals Amendment Act which received Royal assent on 16 December 2025. The transitional provisions of the amendment act stipulate that the new section 81 applies to "live" applications not decided prior to 17 December 2025. The new section 81 therefore applies to our consideration the Application.

- (4) When taking the purpose of this Act into account under a clause referred to in subsection (3), the panel must consider the extent of the project's regional or national benefits.
- (5) For the purposes of subsection (4), if the substantive application was made under section 42(1)(aa) or (b), the panel—
 - (a) must treat the stage of the project to which the application relates as constituting the project; but
 - (b) may consider the regional or national benefits of the whole project, having regard to the likelihood that any later stages of the project will be completed.
- (6) Despite subsection (2)(a), the panel—
 - (a) is not required to consider any advice, report, comment, or other information it receives under section 51, 53, 55, 67, 69, 70, or 72 after the applicable time frame; but
 - (b) may, in its discretion, consider the information as long as the panel has not made its decision under this section on the approval.
- (7) To avoid doubt, nothing in this section or section 82 or 85 limits section 7.

Ability to decline consent

- 67 Section 85 FTAA sets out the limited circumstances when approvals must or may be declined.
- 68 Section 85(1) and (2) sets out the matters that apply to a mandatory decline decision. Section 85(3) sets out the matters that must be considered by the Panel in forming a view that the approval sought should be declined:

Approval may be declined if adverse impacts out of proportion to regional or national benefits

- (3) A panel may decline an approval if, in complying with section 81(2), the panel forms the view that—
 - (a) there are 1 or more adverse impacts in relation to the approval sought; and
 - (b) those adverse impacts are sufficiently significant to be out of proportion to the project's regional or national benefits that the panel has considered under section 81(4), even after taking into account—
 - (i) any conditions that the panel may set in relation to those adverse impacts; and
 - (ii) any conditions or modifications that the applicant may agree to or propose to avoid, remedy, mitigate, offset, or compensate for those adverse impacts.
- (4) To avoid doubt, a panel may not form the view that an adverse impact meets the threshold in subsection (3)(b) solely on the basis that the adverse impact is inconsistent with or contrary to a provision of a specified Act or any other document that a panel must take into account or otherwise consider in complying with section 81(2).
- (5) In subsections (3) and (4), **adverse impact** means any matter considered by the panel in complying with section 81(2) that weighs against granting the approval.

69 The Panel has set out its assessment of the impacts of the Project within Part F of this Decision and has concluded that there are likely to be some adverse impacts. However, after taking into account the conditions that the Applicant has offered (and amended through the application process), and as further amended by the Panel, it is the Panel's considered view that the adverse impacts are not sufficiently significant to be out of proportion to the Project's regional benefits. The Panel has therefore concluded that the Applicant should be granted the approvals sought.

Approvals relating to the Resource Management Act 1991

70 The relationship of the FTAA with the RMA is outlined in Schedule 5 which provides the consent application process that applies rather than the standard RMA consent application process. Clause 17 states:

17 Criteria and other matters for assessment of consent application

- (1) For the purposes of section 81, when considering a consent application, including conditions in accordance with clauses 18 and 19, the panel must take into account, giving the greatest weight to paragraph (a),
 - (a) the purpose of this Act; and
 - (b) the provisions of Parts 2, 3, 6, and 8 to 10 of the Resource Management Act 1991 that direct decision making on an application for a resource consent (but excluding section 104D of that Act); and
 - (c) the relevant provisions of any other legislation that directs decision making under the Resource Management Act 1991.
- (2) For the purpose of applying any provisions in subclause (1),—
 - (a) a reference in the Resource Management Act 1991 to Part 2 of that Act must be read as a reference to sections 5, 6, and 7 of that Act; and
 - (b) if the consent application relates to an activity that is the subject of a determination under section 23 of this Act, the panel must treat the effects of the activity on the relevant land and on the rights or interests of Māori as a relevant matter under section 6(e) of the Resource Management Act 1991; and
 - (c) to avoid doubt, for the purposes of subclause (1)(b), when taking into account section 104(1)(c) of the Resource Management Act 1991, any Mana Whakahono ā Rohe or joint management agreement that is relevant to the approval is a relevant matter.
- (3) Subclause (4) applies to any provision of the Resource Management Act 1991 (including, for example, section 87A(6)) or any other Act referred to in subclause (1)(c) that would require a decision maker to decline an application for a resource consent.
- (4) For the purposes of subclause (1), the panel must take into account that the provision referred to in subclause (3) would normally require an application to be declined, but must not treat the provision as requiring the panel to decline the application the panel is considering.
- ...
- (6) For the purposes of subclause (1), the provisions referred to in that subclause must be read with all necessary modifications, including that a reference to a consent authority must be read as a reference to a panel.
- (7) Sections 123 and 123A of the Resource Management Act 1991 apply to a decision of the panel on the consent.

71 The Panel has considered clauses 17 and 18 of Schedule 5 FTAA and concluded that the purpose and principles of the RMA in sections 5, 6, and 7 remain relevant to our decision-making.

72 The Panel has taken into account the provisions of Parts 2, 3, 6, and 8 to 10 of the RMA which are relevant to consideration of the Application before it. The Panel observes that, although the Application has an overall activity status of “non-complying” under the RMA, the Panel is excluded from considering section 104D of the RMA (relating to particular restrictions for non-complying activities) by virtue of clause 17(1)(b) Schedule 5 FTAA.

73 The Panel has considered the Te Tapuae Southern Corridor Structure Plan (**TTSC**) to be a relevant ‘other matter’ in its assessment of the Application under s104(c) of the RMA.

74 More generally, the Panel has assessed the Application taking into account the relevant provisions of the RMA relating to decision making on consent applications and particularly the matters identified as relevant under section 104 RMA and the purpose and principles

of the RMA in Part 2. Its assessment of those matters is set out in more detail in the relevant sections of this Decision.

Approvals relating to a wildlife approval under the Wildlife Act 1953

75 Schedule 7, clause 5 sets out the criteria for assessment of an application for a wildlife approval. Clause 5 states:

5 Criteria for assessment of application for wildlife approval

For the purposes of [section 81](#), when considering an application for a wildlife approval, including conditions under [clause 6](#), the panel must take into account, giving the greatest weight to paragraph (a),—

- (a) the purpose of this Act; and
- (b) the purpose of the Wildlife Act 1953 and the effects of the project on the protected wildlife that is to be covered by the approval; and
- (c) information and requirements relating to the protected wildlife that is to be covered by the approval (including, as the case may be, in the New Zealand Threat Classification System or any relevant international conservation agreement).

76 We have considered the relevant provisions of the Wildlife Act, informed by the [s51](#) report from DoC, and concluded that the purpose and principles of the Wildlife Act 1953 remain relevant to our decision-making.

PART D: IWI AUTHORITIES

Section 18 Report for a listed project

77 The Ministry for the Environment provided a report under [s18](#) in accordance with section 49. The Report³⁵ identified that:

- a. The NTCSA is the relevant Treaty settlement for the project area.
- b. No other obligations such as Mana Whakahono ā Rohe or joint management agreements are identified in relation to the project area.
- c. The statutory acknowledgement over nearby Whakatipu-wai-māori (Lake Wakatipu), provided for by the NTCSA, may be relevant to the panel's consideration of this application, if the proposed activities for which approvals are being sought will affect the lake.
- d. The statutory acknowledgement requires a consent authority to provide a summary of the application to the holder of the statutory acknowledgement (Te Rūnanga o Ngāi Tahu), and the consent authority must have regard to the statutory acknowledgement in making notification decisions under the RMA.
- e. The panel acts as the consent authority in this instance, and this obligation may be met through the invitation to comment under section 53 of the Act.

Substantive application information

78 The Applicant outlines the consultation and engagement by the Applicant with mana whenua including with representatives of Kā Rūnaka, and notes that a consultation

³⁵ [Homestead-Bay-section-18-report_Redacted.pdf](#)

process agreement has been entered into between it and Kā Rūnaka, which the Applicant says establishes the framework for ongoing dialogue between the parties with regard to the Application. The Applicant regards that agreement as enduring, extending beyond the fast-track consent application process. It is apparent that the Applicant is looking to build a strong and enduring relationship with Kā Rūnaka beyond the fast-track consenting process and through to the implementation of the development.

79 We provide further detail in relation to the comments provided by Kā Rūnaka on the proposal below in our discussion of the cultural effects of the proposal.

Statutory requirements

Treaty settlements and recognised customary rights

80 Section 7 requires all persons performing functions and exercising powers under the FTCA to act in a manner that is consistent with the obligations arising under existing Treaty settlements and customary rights recognised under the Marine and Coastal Area (Takutai Moana) Act 2011 and the Ngā Rohe Moana o Ngā Hapū o Ngāti Porou Act 2019. In this case the Panel must act in a manner consistent with obligations arising under the NTCSA.

Effect of treaty settlements and other obligations

81 Section 82 provides:

82 Effect of Treaty settlements and other obligations on decision making

- (1) This section applies if a Treaty settlement, the Marine and Coastal Area (Takutai Moana) Act 2011, or the Ngā Rohe Moana o Ngā Hapū o Ngāti Porou Act 2019 is relevant to an approval.
- (2) If the settlement or Act provides for the consideration of any document, the panel must give the document the same or equivalent effect through the panel's decision making as it would have under any relevant specified Act.
- (3) The panel must also consider whether granting the approval would comply with section 7.
- (4) In this section, **document**—
 - (a) means any document, arrangement, or other matter; and
 - (b) includes any statutory planning document amended as a result of the settlement or Act referred to in subsection (1).

82 The AEE records that Lake Wakatipu (Whakatipu-wai-maori) is a Ngāi Tahu Statutory Acknowledgement Area under the NTCSA, and Ngāi Tahu have a special association with the lake as per Schedule 75 of that Act.

Conditions relating to Treaty settlements and recognised customary rights

83 Section 84 provides:

84 Conditions relating to Treaty settlements and recognised customary rights

- (1) For the purposes of section 7, the panel may set conditions to recognise or protect a relevant Treaty settlement and any obligations arising under the Marine and Coastal Area (Takutai Moana) Act 2011 or the Ngā Rohe Moana o Ngā Hapū o Ngāti Porou Act 2019.
- (2) This section applies in addition to, and does not limit, any other powers to set conditions under this Act.

84 Kā Rūnaka have not sought the imposition of any conditions to recognise or protect the Treaty settlement or any other statutory obligations. The Panel concludes that further conditions are not required for the purposes of section 7.

Procedural matters in the context of Treaty settlements and other arrangements

85 Schedule 3, clause 5 of the FTA provides:

(1) This clause applies if any Treaty settlement Act, the Ngā Rohe Moana o Ngā Hapū o Ngāti Porou Act 2019, or any other iwi participation legislation, or any Mana Whakahono a Rohe or joint management agreement, includes procedural arrangements relating to the appointment of a decision-making body for hearings and other procedural matters, such as the following:

- (a) a requirement for iwi or hapū to participate in the appointment of hearing commissioners to determine resource consent applications or notice of requirement lodged under the Resource Management Act 1991;
- (b) a requirement that notice be given to any person or specified class of person of any steps in a resource management process;
- (c) any consultation requirements with iwi or hapū;
- (d) any other matter of procedure for determining a matter granted under a specified Act that corresponds to an approval under this Act.

86 The statutory acknowledgement in the NTCSA requires a consent authority to provide a summary of the application to the holder of the statutory acknowledgement (Te Rūnanga o Ngāi Tahu), and the consent authority must have regard to the statutory acknowledgement in making notification decisions under the RMA. The Panel acts as the consent authority in this instance. Te Rūnanga o Ngāi Tahu was invited to comment on the Application under section 53 of the FTA as were the various Rūnanga who exercise mana whenua.

87 Overall, the Panel is satisfied that it has complied with all of the procedural requirements in relation to Treaty settlements and therefore meets its obligations under schedule 7 and clause 5 schedule 3 of the FTA.

Assessment of consent application

88 As noted above clause 17 of Schedule 5 of the FTA provides the criteria and other matters for assessment of consent applications.

PART E: PRINCIPAL ISSUES IN CONTENTION

89 The principal issues in contention identified in initial comments from parties were:

- (a) The scope of the Application as listed in Schedule 2 verses as lodged;
- (b) Environmental Effects, including:
 - Subdivision Design
 - Open Space and Recreation
 - Cultural
 - Ecology
 - Landscape and Visual Amenity

- Transportation
- Infrastructure Servicing
- Construction effects
- Natural Hazards
- Community Housing
- Cumulative Effects
- Economic Benefits/Positive Effects

(c) Suitability of the Site and receiving environment for onsite wastewater disposal;

(d) The loss of wetlands and the application of the NPS-FM hierarchy;

(e) The adverse impacts of the proposal as a result of timing of construction of the spine road and undermining or delay in corridor-wide upgrades for QLDC infrastructure;

(f) Consistency with relevant national and regional planning instruments;

(g) Adequacy of conditions of consent;

90 The Panel has addressed the principal issues in contention in the appropriate sections of this Decision, which may not be in the order listed above. In summary, the Panel finds as follows:

(a) Scope of the Application (Schedule 2 / listed project vs as lodged)

91 The Panel has obtained and relied on independent legal advice regarding the relationship between the listed project description and the substantive application as lodged. The Panel is satisfied that the FTA does not prohibit an application that delivers a reduced scope or staged portion of a listed project, and that the Panel's task is to assess the proposal as lodged, while ensuring it remains within an acceptable range of the Schedule listing.

(b) Environmental effects

92 The Panel finds that the actual and potential environmental effects raised in comments—covering subdivision design, open space and recreation, cultural matters, ecology, landscape and visual amenity, transportation, construction effects, natural hazards and community housing—are overall acceptable in the context of this proposal and the FTA. The Panel is satisfied that the conditions imposed (including management plans, monitoring, and where necessary offsetting/compensation) will appropriately avoid, remedy, mitigate, offset or compensate for identified adverse effects.

(c) Suitability of the Site and receiving environment for onsite wastewater disposal

93 The Panel is satisfied that the technical issues raised regarding wastewater were resolved through expert conferencing, and that conditions appropriately provide for either an on-site land disposal solution or connection to the QLDC network (if and when available), together with the associated monitoring and controls necessary to protect the receiving environment.

(d) Loss of wetlands and application of the NPS-FM effects management hierarchy

94 The Panel has carefully considered the NPS-FM provisions and the effects management hierarchy in relation to the loss of natural inland wetlands. While the proposal involves the removal of six wetlands, the Panel is satisfied that the conditions (including the certified Wetland Management Plan for the retained wetland, long-term protection, monitoring and adaptive management) together with the staged wetland restoration/rehabilitation contribution, provide an acceptable package of mitigation and offsetting/compensation in the circumstances. The Panel accepts that residual ecological loss remains but finds the proposal acceptable subject to the imposed conditions.

(e) Alleged adverse impacts on wider TTSC delivery (spine/link road timing and corridor-wide infrastructure upgrades)

95 The Panel does not accept that, on the information and expert assessments before it, the proposal as conditioned would materially delay or undermine development elsewhere in the wider structure plan area. The Panel finds that the link road is, in substance, dependent on the project proceeding and is more likely to facilitate access for other structure plan land, and that the wastewater conditions ensure any on-site servicing solution does not preclude or compromise future integration with QLDC's network or longer-term servicing strategy.

(f) Consistency with relevant national and regional planning instruments

96 The Panel has assessed the proposal against the relevant statutory and other planning instruments, and (taking into account the conditions imposed and the Panel's findings on the key contested topics such as wastewater, wetlands, transport and cumulative effects) is satisfied the proposal is generally consistent with the relevant policy direction overall, and can proceed in an appropriate manner under the FTA framework.

(g) Adequacy of conditions of consent

97 The Panel is satisfied that the conditions are adequate, certain and enforceable, and have been framed to achieve the necessary environmental outcomes without being more onerous than required.

PART F: EVALUATION OF EFFECTS

98 Schedule 5 clause 5(4) requires a consent application to provide an assessment of an activity's effects on the environment covering the information in clauses 6 and 7. These matters include:

- (a) an assessment of the actual or potential effects on the environment:
- (b) if the activity includes the use of hazardous installations, an assessment of any risks to the environment that are likely to arise from such use:
- (c) if the activity includes the discharge of any contaminant, a description of—
 - (i) the nature of the discharge and the sensitivity of the receiving environment to adverse effects; and
 - (ii) any possible alternative methods of discharge, including discharge into any other receiving environment:
- (d) a description of the mitigation measures (including safeguards and contingency plans where relevant) to be undertaken to help prevent or reduce the actual or potential effect of the activity:
- (e) identification of persons who may be affected by the activity and any response to the views of any persons consulted, including the views of iwi or hapū that have been consulted in relation to the proposal:
- (f) if iwi or hapū elect not to respond when consulted on the proposal, any reasons that they have specified for that decision:
- (g) if the scale and significance of the activity's effects are such that monitoring is required, a description of how the effects will be monitored and by whom, if the activity is approved:
- (h) an assessment of any effects of the activity on the exercise of a protected customary right.
- ...
- (j) any effect on the people in the neighbourhood and, if relevant, the wider community, including any social, economic, or cultural effects:
- (k) any physical effect on the locality, including landscape and visual effects:
- (l) any effect on ecosystems, including effects on plants or animals and physical disturbance of habitats in the vicinity:
- (m) any effect on natural and physical resources having aesthetic, recreational, scientific, historical, spiritual, or cultural value, or other special value, for present or future generations:
- (n) any discharge of contaminants into the environment and options for the treatment and disposal of contaminants:
- (o) the unreasonable emission of noise:
- (p) any risk to the neighbourhood, the wider community, or the environment through natural hazards or hazardous installations.

99 The AEE provided an assessment of these matters at section 13 of the Application and various technical reports were appended. Participants who commented also raised a range of actual and potential effects.

100 When evaluating the effects of the Project in this part of the decision, we have:

- a. adopted a definition of the receiving environment that encompasses not just the environment that presently exists, but also the future state of the Environment as it might be modified by the utilisation of rights to carry out a permitted activity under a district or regional plan or by the implementation of resource consents

which have been granted at the time a particular application is considered, where it appears likely that those resource consents will be implemented;³⁶

- b. had regard to the relevant planning provisions identified in Part I; and
- c. had regard to the ameliorating effect of any conditions of consent that have been offered by the Applicant and those which are proposed to be imposed by the Panel.

101 Given the relatively uncontentious nature of much of the information received on the assessment of effects, this decision generally focusses on those effects where there is a level of dispute and/or a level of uncertainty.

102 The following main categories of actual and potential effects on the environment exist:

- a. Subdivision design;
- b. Open space and recreation;
- c. Cultural;
- d. Ecology – Freshwater (Wetlands), Terrestrial (Lizards), Other (Avifauna);
- e. Landscape, visual amenity/character;
- f. Transportation Effects – network, internal roading, connectivity, public transport, parking, walking and cycling;
- g. Infrastructure servicing – water, wastewater, stormwater; (and related odour, contamination effects);
- h. Construction effects – wind, earthworks, dust;
- i. Natural hazards;
- j. Community housing;
- k. Community services - Health/Education/Emergency/Postal;
- l. Cumulative effects – water quality/aquatic ecology; duration of construction phase activities; stormwater; and
- m. Economic benefits, Positive effects – Employment, recreation, biodiversity.

103 The Panel has addressed the above effects thematically throughout our discussion below. Each effect section provides an evaluation of the key assessment material, a summary of comments received and Panel findings including conditions. The Panel has also had

³⁶ *Queenstown Lakes District Council v Hawthorn Estate Ltd* [2006] NZRMA 424 at [84]

regard to the relevant planning provisions when evaluating the effects of the proposal, as noted in Part I of our Decision.

Subdivision Design

104 The Applicant's Assessment of Effects concludes that the Proposal creates a well-designed and well-functioning urban environment which will provide a range of housing options that are well connected to transport links, open spaces and commercial and community activities, whilst also providing integration with the surrounding landholdings.³⁷ The Proposal is supported by an Urban Design Assessment prepared by Hugh Nicholson of 'Urbanshift'.³⁸

105 Mr Nicholson reached the following urban design conclusions on key matters:

- a. The Proposal will contribute to a well-designed and compact urban form, that would be a desirable and healthy place to live. It includes an appropriate mix of residential, commercial and open space land with provision for future community and educational activities;
- b. The Proposal enables an increased residential density along the Southern Corridor with a mix of housing types, appropriate to meet the objectives of the PDP while responding to the character of the site;
- c. The Proposal includes a high quality and accessible network of open spaces which would allow for both active and passive recreational activities. The network is highly walkable, and all the proposed allotments would be within or close to 400 metres from the nearest public open space. The open space network incorporates key landscape features, and it is proposed to revegetate local ecological habitats on the lakeside escarpment and in the gullies;
- d. The Proposal provides a high level of accessibility to the proposed town centre and public open spaces, and the potential sites for schools and community facilities. Most of the proposed allotments would be within an easily walkable distance of these activities; and
- e. The Proposal makes provision for and would assist in making a future public transport route along the Southern Corridor viable. It would provide a network of cycling and walking trails with access to open spaces and active recreation. The proposed street network would support a secondary route north parallel to State Highway 6 connecting and improving access to a number of existing and future developments to the north and west.

106 Overall, Mr Nicholson considered that the Proposal meets the objectives of the QLSP and is consistent with the objectives and policies of Chapter 27 Subdivision and Development of the Proposed Plan, along with the Subdivision Design Principles from the QLDC Subdivision Design Guidelines with regard to urban design matters.³⁹

³⁷ Application: 10 April 2025.

³⁸ Application: Appendix O, Urban Design Assessment, 22 March 2025.

³⁹ Application: Urban Design Assessment, 22 March 2025.

Comments Received

107 Many of the comments from the adjoining Jacks Point residents raised concerns relating to subdivision design and can be summarised as follows:

- a. That a similar design philosophy should be utilised for the development of the Homestead Bay subdivision as has been applied throughout Jacks Point, including working with the natural contours, avoiding significant cut and fill or flattening out of areas and integration of planting and open space buffers;
- b. That the existing shelterbelt of trees along the northern boundary of Lot 8 is retained and reinforced for visual screening purposes and wind protection;
- c. That the development incorporates a range of design controls; and
- d. Concern that the proposal may result in light pollution on the night sky.

108 We note JPROA sought that Panel confine its approval to just the 1,438 residential lots and associated infrastructure, leaving the balance land retained in one title, meaning there would be no superlots until such time as the future consent/plan change process authorising actual use of them has been completed in a comprehensive manner. They specifically sought that the high/medium residential and commercial uses should be retained in a balance title, and the medium density lots embedded within the residential subdivision area be held/amalgamated into a single title.

109 The Lakeside Estate Homeowners Association (Ōraka residents) requested specific landscape treatments with regard to the southern boundary of the Homestead Bay land as it adjoins Ōraka to avoid or mitigate adverse effects on the views from their properties. We note that Ōraka also sought changes along the SH6 boundary, and we have addressed these matters in our assessment of Landscape matters below.

Applicant response to comments

110 In response to comments from adjoining Jacks Point residents, Ms Leith explained that the Southern Corridor land is identified as one of limited remaining existing greenfield areas within Queenstown that is suitable for such development to meet population projections and anticipated demand for housing over the short, medium and long terms. She commented that a pod or enclave style of subdivision design (such as developed at Jacks Point) creates a less efficient development form in terms of maximising lot and density numbers and this style of development is unlikely to provide the housing needs that the QLDC are seeking through the Southern Corridor. She remained of the view that the proposed mix of lower, medium and high-density areas are aligned with the anticipated development and established character of the Southern Corridor.⁴⁰

111 Relying on the assessment provided by Mr Nicholson, Ms Leith explained that a 'green frame' has been the focus of the design intent, rather than open spaces provided between the various pods or enclaves that characterize the Jacks Point subdivision. She explained that this design approach provides a greater number of future houses but also softens the edges of the development as viewed from neighbouring properties and

⁴⁰ Applicant Response to Written Comments, 4 November 2025.

people passing the site and settles the development into the landscape. She also noted that landform has been carefully considered in the subdivision design, for example the provision of larger lots where the land is sloping, and more meandering roads and open spaces in the more elevated and undulating western parts of the site.

112 Turning to the shelterbelt of trees along the northern boundary of Lot 8, Ms Leith did not consider the retention of the shelterbelt to be required given their proximity to the works required to be undertaken to the northern channel and the shelterbelt being of unsuitable species to be adjacent to urban development. She observed that the boundary of Lot 8 is located a minimum of 275m away from the closest boundary line of the Jacks Point residential properties and this distance is considered to provide suitable mitigation of potential visual effects in an urban setting (and presumably also having little effect as a shelter belt for wind at that distance). Further, she noted that subdivision roading is proposed along the northern boundary of Lot 8 and this will incorporate street trees which will provide some visual softening of the future built form from these properties.

113 In response to concerns relating to light pollution, Ms Leith confirmed that any street lighting within the development will be required to meet the requirements set out in the QLDC's Southern Light Strategy 2017, as incorporated into Conditions 23(g) and (h). She further noted that the distance of streetlights from the adjacent Jacks Point residential properties will minimise the effects of street lighting on these parties.

114 Of the design controls sought, Ms Leith confirmed that some matters raised⁴¹ are already provided for as part of the Proposal as evidenced in the subdivision plans and design controls in Appendices M and N to the Application, respectively. Notably, Ms Leith explained that similar design and material controls are proposed as have been implemented through the QLDC PDP for the Jacks Point Zone as well as similar private design controls imposed via covenant at Hanley's Farm. She remained of the view that the Proposal provides a suitable colour and material palette to ensure that the Queenstown vernacular is maintained by the development whilst also providing flexibility and avoiding undue expense.

115 Ms Leith did not agree with comments received that the use of solar panels should be limited on the basis that it would seem to be an unwarranted outcome at the cost of environmental objectives. She confirmed that the location and screening of plant on commercial roofs will be addressed as part of the future land use consents for those commercial developments.

116 In response to Ōraka, Ms Leith considered the relief sought would have a significant effect on the developable yield of the site and undercut the benefits of the proposal in terms of housing supply. In accordance with Objective 4 of the NPS-UD, she considered that views change over time as areas develop and that urbanisation of the site was signalled under the Spatial Plan and has been further approved under the adoption of the Southern Corridor. However, Ms Leith confirmed that the Applicant, following discussions with Ōraka representatives, was willing to provide further mitigations to address the amenity concerns of commentors. Specifically, the Applicant now proposes to:

⁴¹ Matters relating to site coverage; mix of smaller and larger sites; roofing colours and material controls.

- a. increase the buffer at the northern boundary of Ōraka, to reduce the depth of the lots and provide additional landscaping and low mounding as a visual buffer;
- b. provide additional semi-permeable planting along the edge of the properties that front that gully to "soften" those views; and
- c. limit the height of the first row of houses opposite the Ōraka properties to 6m (one storey) rather than 8m.

117 Ms Leith advised that while these mitigation measures have been discussed with Ōraka representatives, they were not completely satisfied by these measures.

118 In response to JPROA's comments on the superlots, Ms Leith considered it to be an impractical and unnecessarily narrow consideration to confine the Panel's approvals to the 1,438 residential lots and infrastructure only. She commented that the subdivision has been designed to establish a realistic yield for the full future development anticipated on the site and it is considered that it would be more problematic to show a part system for only a portion of the full anticipated development of the site. She noted the similarity with the adjacent Jacks Point scheme where large areas of wastewater disposal were consented based on the estimated yields of indicative master plans for the residential and village areas.

Panel Findings

119 The Panel has considered the information provided by the Applicant, including the urban design assessment by Mr Nicholson which we found to be helpful. Having visited the site and observed the approximate distances between the Site and the existing adjacent properties, and having considered the subdivision plans, design controls and conditions of consent, we are satisfied that the subdivision design is appropriate and in accordance with development anticipated by the relevant non-statutory planning documents (QLSP, TTSC) and is consistent with the relevant objectives and policies of the PDP. In reaching this finding we note we received no planning or urban design evidence to the contrary.

Conditions

120 The Applicant provided an updated set of consent conditions in response to the comments received from Ōraka. The updated conditions reflect the additional mitigation offered in response to concerns regarding subdivision design (and landscape and visual amenity as addressed below), including additional mitigation in response to the relief sought by Ōraka (Landscaping Plans, mounding, mitigation planting and height of buildings). We discuss Ōraka's comments on conditions below in relation to landscape and amenity.

Open Space and Recreation

121 The Proposal includes several recreation reserves that are proposed to be vested as part of implementation of the subdivision consent. These include both local and community parks as defined by the QLDC's Future Parks and Reserves Provisions Plan 2021 (**Parks Plan**) and their location, development and use are intended to be consistent with the QLDC's Parks and Open Spaces Strategy 2021 (**Parks Strategy**). The Application is supported by indicative reserve designs (prepared by STR Landscapes attached as Appendix S to the Application) that would be developed further with the QLDC Parks and Reserves team, and mana whenua, in the event the Application is granted. It is

concluded in the AEE that overall, the proposal would result in positive recreational benefits for the future residents of the subdivision as well as for the wider community.

Comments Received

122 Many of the adjoining Jacks Point residents expressed a desire for Lot 12 to be permanently protected from development via various mechanisms to provide openness and separation from the Homestead Bay development.

123 The QLDC and some adjoining Jacks Point residents sought to ensure that the open spaces provided as part of the development is of sufficient size, quality and location to make sure that they are genuinely usable for the community. QLDC specifically sought that the reserve network must be reconfigured to provide flat, usable land, remove all encumbrances, clearly separate wastewater infrastructure from recreation areas, and secure continuous, safe trail connections. QLDC considers that this is best achieved through the proposed landscape and scheme plans being updated 'up front' to demonstrate a revised reserve network prior to a decision being made. However, in the event the Panel reached a decision in the absence of updated plans, it put forward recommended conditions of consent within Appendix 4 to its comments, including:

- a. Lot 9001 shall provide a minimum 3000m² of unencumbered flat useable area for recreation activities. This should meet the requirements of a Local Park as defined in the Strategy.
- b. One of either Lot 9002 or 9003 must provide a minimum of 1.5 hectares of contiguous, unencumbered, flat, developable land, suitable for recreation activities and recreation infrastructure. This should meet the requirements of a Community Park as defined in the Parks Plan. Advice Note: If the Land Treatment Area with Wastewater is not required, this could be achieved through the amalgamation of Lots 9002, 9003, and Lot 9027.
- c. Lot 9005 shall provide a minimum of 3000m² of unencumbered flat useable area for recreation activities. To meet the requirements of a Local Park as defined in the Parks Plan. Advice Note: If 1.5 hectares of contiguous, unencumbered, flat, developable land, suitable for recreation activities and recreation infrastructure is provided this would meet the requirements of a Community Park.
- d. The Bore access road currently shown located within Lot 9001 is to be held within a separate title and classified as Local Purpose reserve.
- e. All encumbrances from proposed recreation reserves to vest in Council shall be removed.
- f. The designation on Lot 9009 shall either: i. Be removed. OR ii. Additional recreation reserve equivalent to that provided in Lot 9009 must be shown on the scheme plan, to be approved by the Parks and Open Spaces Planning Manager.

Applicant response to comments

124 In response to concerns about Lot 12, Ms Leith stated that the predominant use of Lot 12 for land treatment area as part of the on-site wastewater disposal option will provide for the open space characteristics of the land to be largely maintained. She commented that the only buildings proposed on Lot 12 under this servicing option are the construction of the reservoirs and water and wastewater treatment plants adjacent to SH6 and there may also be buildings constructed on the proposed Reserve Lot 9009 (within the southwest corner of Lot 12) by QLDC in the future as an expansion of Jack Tewa Park. She considered that the majority of Lot 12 would visually be similar to its existing state subject to additional planting areas. Ms Leith also noted that if the option to connect to QLDC's wastewater network is pursued this would free up most of Lot 12 for other future activities and possibly development subject to resource consents.

125 The Applicant disagreed with much of the assessment and recommendations provided by the QLDC. Ms Leith observed that a requirement for 33,275m² of reserve land for the Homestead Bay development has been calculated by QLDC under QLDC's current Development Contributions policy, with 84,000m² being provided as part of the development. However, primarily for reasons of topography and existing encumbrances, only 1,700m² of the proposed recreation reserve land is currently being indicated as acceptable by QLDC.

126 Ms Leith provided a detailed response to the concerns raised by QLDC specifically relating to Reserve Lots 9001, 9003, 9005 and 9009. Overall, she concluded that the proposed recreation reserve land within Homestead Bay is consistent with the Strategy and the Parks Plan and it will be capable of accommodating the range of sport and recreation infrastructure sought by QLDC such as "*play equipment, public toilets, hard courts, BBQs and small community rooms*" across the many reserves proposed for the development. She noted that the Strategy and Parks Plan does not appear to intend that this range of infrastructure be capable of being developed on every reserve, rather that a diversity of quality, multi-purpose reserves are provided for the community.

127 Ms Leith recommended a standard QLDC condition of consent (QLDC condition 13A) requiring that detailed plans for each of the reserves be submitted to the QLDC Parks and Reserves team for approval prior to works commencing for each stage. It is intended that the discussions for the development of each reserve commence at an early point in the planning for each stage of the development to gauge QLDC's intended use for each of the reserves so that the design of the reserve can be developed to fit with this. If specific areas of flat land are desired by QLDC for a particular purpose such as creation of a tennis court within the reserve, then these could be provided as part of the detailed design of the reserve and created via the subdivision earthworks for that stage.

128 In respect to encumbrances, Ms Leith noted that the existing encumbrances across the proposed reserve lots were acknowledged in the AEE in support of the application. She confirmed that:

- the no build covenant that applies to parts of the proposed Reserve Lots 9002 and 9003 will be extinguished upon vesting of the applicable reserve lots in QLDC as obliged by instrument 10441473.5. A copy of legal advice received by RCL in relation to this matter was attached as Appendix C to the Applicant's response to comments.

- prior to the vesting of the Lot 9009, the Applicant will liaise with the servient tenements of the easements with the aim of rationalising and potentially relocating / removing the easement rights. It may be impractical to remove all of these, however it is considered that if they can be relocated to an area of the lot which will not unduly affect the development of the lot as intended by the QLDC then this will still be a good outcome in providing for the expansion of the sport and recreation facilities at Jack Tewa Park.
- based on the Parks Plan there is flexibility for easements to remain within the Community Park if agreed with the QLDC and this can be addressed with QLDC prior to the acceptance of the vesting and development of the Reserve Lot 9009 under proposed Conditions 5, 13A and 52(hh). If an area of reserve is deemed by QLDC to be compromised by the existence of easements, that can be factored into the development contribution credits granted, noting that the application includes reserve land well in excess of the minimum reserve land requirements.
- there are many Recreation Reserves within the Queenstown Lakes District that contain easements for underground and above ground infrastructure such as three waters pipes and above ground electricity transformers. It is considered that provided this infrastructure is sensitively located so not to affect the feasible recreational use or development of the reserve for its intended purpose (e.g. easements aligned with a boundary) then these would be suitable and in line with the above exception allowed by the Parks Plan.
- The existing Aurora designation over a portion of the proposed Reserve Lot 9009 does not currently contain any infrastructure for this purpose and initial discussions with Aurora have indicated a willingness to consider alternatives or amendments to this.

Further comment from QLDC in response to Panel RFI

129 In response to the Panel's RFI,⁴² QLDC provided further comment as summarised below:

- Proposed Lot 9001 – **disagreement** remains about whether reserve improvements need to be located on suitably flat areas of the reserve – the QLDC position is that the flat usable space at the top of the reserve area needs to accommodate car parking and recreation improvements/infrastructure.
- Proposed Lot 9002 – **agreement** that Lot 9002 should be amended from a Community Park to Nature Reserve.
- Proposed Lot 9003 – **disagreement** that proposed Lot 9003 is of a suitable size, standard and purpose that adheres to the Parks Plan for a Community Park. QLDC's position is that the Park needs to be increased in size to accommodate more flat land and would be more appropriately sized at 2 hectares to meet demand.
- Proposed Lot 9005 – **agreement** that Lot 9005 should be reclassified as a Local Park rather than a Community Park. However, this reduces the provision of Community Park as the development will only deliver one Community Park (which is constrained

⁴² Panel Minute 4

by configuration and topography as discussed above) and as such this is a further departure from the TTSC which requires 2-3 Community Parks.

- Proposed Lot 9009 – **uncertainty** whether the encumbrances and designation on this lot are sufficiently addressed.

Panel Findings

130 Having considered the application and further information provided, we agree with the Applicant that the proposed recreation reserve land within Homestead Bay is generally consistent with the outcomes sought by the Strategy and the Parks Plan. While we acknowledge QLDC's concerns, we are mindful of the undulating nature of the land and the practical limitations this creates for the development of the reserve land to meet precise reserve design requirements. We agree with Ms Leith that the Strategy and Parks Plan do not appear to intend that the expected range of infrastructure be developed on every reserve, rather, that a diversity of quality, multi-purpose reserves are provided for the community across the reserve land.

131 With regard to encumbrances on Reserve Lots 9002 and 9003, we are satisfied that these have been appropriately addressed by the Applicant, noting that legal advice has been provided to confirm that the no build covenant that applies to parts of the proposed Reserve Lots 9002 and 9003 will be extinguished upon vesting of the applicable reserve lots in QLDC as required by instrument 10441473.5. We are further satisfied that the Applicant has provided appropriate measures and processes, via conditions of consent, to resolve any other encumbrance-related matters prior to QLDC's acceptance of vesting and development of the reserve.

132 In any event, as discussed below, the combination of conditions leave the ultimate discretion with QLDC as to whether it will accept for vesting all or any part of the lots proposed to vest as reserve. As noted by the Applicant, in the event any proposed reserve land is not accepted for vesting in QLDC, this will be factored into development contributions levied on the development. Pursuant to condition 6, if any land is not to be accepted for vesting, the relevant scheme plans are to be updated, and the land instead shown as lots to be owned by a common entity.

Conditions

133 We have referred to conditions 5 and 6 above. In the event QLDC does accept land for the purposes of reserve, we are satisfied that proposed condition 13A provides an appropriate mechanism and process to ensure that, for each stage of the subdivision, a detailed landscape plan is submitted to the QLDC Parks and Reserves and Open Spaces Planning Manager for certification. The condition requires that the landscape plans include details of areas of flat land to be created on the reserves, and how the existing encumbrances are to be addressed and managed. We have made a minor amendment to this condition (as proffered by the Applicant) to clarify that it applies only to those lots QLDC agrees are to be vested in it pursuant to condition 5.

134 An advice note also makes clear that any specific areas of recreation reserve that are proposed to be vested and that are to be burdened by existing or proposed easements, or a designation may not qualify for reserve land development contributions. A further advice note states that, prior to the preparation of the detailed landscaping plans for any recreation reserve, the QLDC Parks and Reserves team are to be consulted with regard

to their ideas and recommendations for the development and design of the recreation reserve. We find these advice notes to appropriate and provide relevant guidance.

135 We have made some minor amendments to two of the remaining advice notes to improve the clarity of outcomes sought. Specifically:

- we have removed the bullet point noting "*that the consent holder should also be aware that the certification of any landscape plan does not remove the requirement to ensure Council approval of vesting of reserve areas*". The need for this note is superseded as a result of our amended Condition 13A.
- we have amended the bullet point addressing development contribution credits to make clear that development contribution credits are subject to separate approval from QLDC.

136 We find that the combination of conditions will ensure that discussions occur between the Applicant and QLDC regarding the intended purpose and use for each of the reserves so that the design of the reserves can be developed, as far as practicable, to align with the outcomes sought by QLDC. As noted above, in the event QLDC does not accept any reserve land to vest, condition 6 clearly establishes a process for the relevant scheme plan(s) referenced in condition 1 to be updated to show those areas as lots to be owned by a common entity, to be established in accordance with condition 7.

Cultural

Approach

137 The structure of this section differs from other parts of Section F. Cultural effects can only be authentically expressed by mana whenua. This section first summarises the effects as articulated by Kā Rūnaka, followed by the applicant's proposed mitigation measures and subsequent considerations incorporated into consent conditions. Aspects identified by Kā Rūnaka in the Cultural Impact Assessment (**CIA**) are also considered elsewhere in our effects assessment where relevant.

Kā Rūnaka Comments Received

138 Kā Rūnaka have consistently highlighted that the proposed development sits within a cultural landscape of high significance, connected to Kāi Tahu whakapapa, wāhi tūpuna, and mahika kai. Key concerns include:

- (a) Loss of cultural landscape integrity: Large-scale earthworks and subdivision will alter the natural character of Homestead Bay, diminishing its cultural and spiritual values.
- (b) Wetlands and gullies: These features are valued for their ecological and cultural functions, supporting taoka species and customary practices. Their removal or modification is considered a significant cultural impact.
- (c) Taoka species and biodiversity: Indigenous flora and fauna, including lizards and birds, are integral to Kāi Tahu identity and customary use. Habitat loss and increased predation from domestic pets were raised as concerns.
- (d) Wāhi tūpuna and archaeological sites: Earthworks create a risk of disturbing sites of cultural heritage and koiwi tangata.

- (e) Discharge to land and water: Kā Rūnaka expressed a strong position that any discharge of waste, even after treatment, represents a disruption to the mauri of wai and cannot be mitigated. As stated during expert conferencing: *"We do not wish to see any discharge of waste into this whenua or wai, including puna, streams, tributaries, the lake or rivers. We consider any discharge to land or water, either at site or after treatment at a wastewater treatment plant, to be a disruption to the mauri of the wai. Such impacts cannot be mitigated."* This reflects a fundamental cultural principle that the mauri (life force) of water should remain uncompromised.

139 Additional cultural aspirations expressed in the CIA include:

- (a) Governance and co-management of ecological areas and reserves.
- (b) Embedding mātauraka Kāi Tahu and tikaka in design, restoration, and monitoring.
- (c) Provision for cultural interpretation and naming to reflect Kāi Tahu values.
- (d) Mechanisms for Kāi Tahu involvement in environmental monitoring.
- (e) Improved access to mahika kai and wāhi tīpuna.
- (f) Opportunities for Kāi Tahu social and economic participation, including housing, procurement, and restoration partnerships.

(Note: Kā Rūnaka requested mechanisms such as exclusivity or a right of first refusal for affordable housing allocations. The applicant acknowledged this aspiration but did not agree to implement it as part of the consent conditions.)

Applicant response to comments

140 The applicant acknowledged these cultural values and proposed measures to avoid, remedy, and mitigate adverse effects, including:

- (a) Wetland Management Plan for Lot 9002 to protect and restore the remaining ephemeral wetland through fencing, indigenous planting, and monitoring.
- (b) Lizard Management Plan certified by the Department of Conservation to salvage and relocate lizards and enhance habitat.
- (c) Indigenous revegetation programme, including 19 hectares of planting and infill planting to strengthen ecological and cultural values.
- (d) Accidental Discovery Protocol to manage unexpected finds of cultural heritage or koiwi tangata in accordance with Heritage New Zealand and iwi requirements.
- (e) Offsetting and compensation, including staged financial contributions to local wetland restoration projects.

Continued engagement and cultural outcomes

141 Kā Rūnaka and the applicant entered into a Process Agreement in April 2025, prior to completion of the CIA. This agreement establishes a framework for ongoing dialogue and collaboration throughout detailed design and implementation phases.

142 It is acknowledged that not all relief sought to uphold Kāi Tahu cultural values can appropriately be imposed as conditions of consent under the RMA. While the proposed consent conditions incorporate important ecological and cultural safeguards—such as

wetland protection, pest management, and accidental discovery protocols—they do not, and cannot, fully address matters relating to governance, integration of mātauraka Kāi Tahu and tikaka, cultural interpretation, mahika kai access, and socio-economic participation.

143 Accordingly, the Process Agreement assumes a critical role in delivering these outcomes. It is intended to provide a mechanism for partnership and the implementation of cultural values that extend beyond the scope of statutory conditions. However, it must be recognised that the agreement does not form part of the consent and therefore lacks the legal enforceability of consent conditions. This creates a residual risk that key cultural aspirations may remain dependent on good faith arrangements rather than binding obligations.

Panel Findings

144 The Panel finds that effects on cultural values, beliefs, uses, and associations are only partially addressed. In our deliberations, we have been able to consider only the conditions proposed by the Applicant, as no drafting options for conditions were provided by Kā Rūnaka. We note that the Applicant's reliance on process agreements may achieve some of the outcomes sought in the CIA; however, this approach is not ideal, given the limited enforceability of such documents.

145 We note that specific cultural effects identified were mainly associated with other environmental effects such as water quality and habitat protection. To the extent that Kā rūnaka raised environmental concerns, then we have addressed those in our assessment of environmental effects. For reasons described there, we conclude that the majority of effects are overall low and are appropriately managed by the proposed conditions of the RMA approvals and the wildlife approval. We consider proposed conditions go some way to addressing matters related to the cultural values of importance to Kā Rūnaka.

Conditions

146 The conditions proposed by the applicant to address Kā Rūnaka concerns focus on culturally important ecological matters. The Panel considers these measures to be robust and enforceable under the FTA. However, they do not fully meet the cultural values and needs identified in the Kā Rūnaka CIA, and during expert witness conferencing. The absence of conditions directly supplied by Kā Rūnaka is regrettable, as such input would have significantly assisted the Panel's decision-making.

Ecology

Approach

147 This section focuses on the key ecological issues identified in the applicant's AEE and/or raised by submitters: (Freshwater) wetlands and (Terrestrial Ecology) lizards.

148 The Panel acknowledges that several additional ecological matters were raised, including water quality and aquatic ecology, and birds and terrestrial habitat. Conditions and considerations relating to water quality and aquatic ecology are addressed in the Infrastructure Servicing and Construction Effects sections. Matters relating to avifauna

and terrestrial habitats (other than wetlands) are covered within the conditions and required management plans under Open Space and Recreation, Landscape and Visual Amenity, Infrastructure Servicing, and Construction Effects, as well as the conditions outlined in this section. The management plans proposed by the applicant are described in paragraph 32.

Freshwater (Wetlands)

149 The Application involves the permanent loss of six natural inland wetlands (marsh, swamp, and ephemeral types), with only one ephemeral wetland (Wetland 4) retained.

150 The total wetland loss is approximately 0.095 ha, representing 89% of site wetlands. Ephemeral wetlands are a critically endangered ecosystem and historically rare, making any loss significant. While the wetlands are degraded (small, isolated, exotic-dominated), ephemeral wetlands retain moderate ecological value and unique hydrology.

151 Potential adverse effects include:

- Construction-phase impacts such as soil compaction, infilling, sedimentation, weed invasion, and hydrological disruption within 100 m of the retained wetland.
- Post-development risks include reduced catchment area (by 28%), potential drying, increased disturbance, and edge effects.

152 The Applicant’s Proposed Management: Avoidance was not practicable due to subdivision design constraints, and no alternative layout was assessed. The Applicant proposed mitigation through a Wetland Management Plan (Appendix QQ), including:

- Fencing or boulder barriers to protect Wetland 4 during construction.
- Indigenous planting around wetland margins to improve soil moisture retention and buffer pollutants.
- Weed control (soft rush, jointed rush, kneeed foxtail).
- Threatened plant (*Carex resectans*) protection via marking and monitoring.
- Wetland condition monitoring (three permanent plots, annual surveys for five years).
- Hydrology mitigation via retention ponds to release water to Wetland 3 during dry periods.

153 Offsetting was limited to extensive terrestrial indigenous planting (19 ha) and gully enhancement; no creation of new wetlands was proposed. Recommendations from ORC peer review⁴³ included strengthening the Wetland Management Plan, applying Otago RPS significance criteria, and requiring adaptive measures for hydrological changes, wetland offsetting, and extended monitoring.

Comments Received

154 ORC identified the permanent loss of six natural inland wetlands (including critically endangered ephemeral wetlands) as a key issue. ORC considers the applicant’s application of the Effects Management Hierarchy under the NPS-FM 2020 to be inadequate, noting that avoidance and minimisation were not fully explored and offsetting was not quantified. The Wetland Management Plan (WMP) provides details on

⁴³ AEE - Homestead Bay: Appendix RR – Otago Regional Council peer reviews

fencing, planting, weed control, and monitoring for the retained wetland (Wetland 4), but ORC raised concerns about:

- (a) **Hydrology:** The wetland's catchment will reduce by 28%, and the WMP lacks a clear water level regime, triggers for intervention, and long-term hydrological management.
- (b) **Offsetting/Compensation:** No biodiversity calculations were provided to demonstrate that wetland loss is offset. Compensation via terrestrial planting does not meet NPS-FM principles for aquatic offsetting.
- (c) **Residual Effects:** ORC concluded that more than minor residual adverse effects remain, including loss of wetland extent and values and uncertainty around hydrological impacts on the retained wetland.

155 Relief Sought by ORC:

- (a) Require a hydrological assessment and clear water level regime for Wetland 4.
- (b) Extend monitoring and management beyond three years; include adaptive management triggers.
- (c) Provide offsetting calculations or justification consistent with NPS-FM principles.
- (d) Strengthen consent conditions to ensure long-term protection and ecological outcomes.

156 DoC considered the destruction of three high-value ephemeral wetlands and other marsh/swamp habitats a significant adverse effect. DoC supports the WMP for Wetland 4 but notes that it only mitigates effects on that wetland and does not offset losses elsewhere. Key recommendations include:

- (a) Extending the WMP implementation period from three years to at least ten years to align with NPS-FM requirements.
- (b) Including clear intervention triggers if monitoring shows ongoing adverse effects.
- (c) Integrating pest and predator control to protect restoration planting and enhance biodiversity outcomes.

157 Relief Sought by DoC:

- (a) Strengthen conditions to require a 10-year WMP implementation period.
- (b) Include adaptive management and intervention triggers in conditions.
- (c) Prevent stormwater runoff from entering the wetland catchment.
- (d) Require pest and predator control as part of wetland restoration.
- (e) Consider regional-scale compensation for ephemeral wetland loss.

158 Kā Rūnaka: Kā Rūnaka comments, including the CIA, emphasised that wetlands are culturally significant as transitional zones where the mauri of land and water intersect. The loss of six natural inland wetlands is considered a direct impact on mauri, whakapapa, and mahika kai values. The CIA states that the proposal undermines kaitiakitaka and tino rākātirataka, and that mitigation measures are framed as aspirations rather than binding commitments.

159 Relief Sought by Kā Rūnaka:

- (a) Avoid further degradation of mauri by protecting remaining wetlands.
- (b) Embed mana whenua in governance and monitoring of wetland management.

- (c) Incorporate mātauraka Māori and tikaka into the WMP and related ecological plans.
- (d) Provide legal mechanisms for long-term protection of wetlands and associated cultural values.
- (e) Support ecological restoration initiatives that uphold Ki Uta Ki Tai principles.

160 Fish & Game New Zealand: opposed the destruction of wetlands and recommended that they be retained and incorporated into reserves and open spaces. If offsetting is pursued, Fish & Game seeks restoration of wetlands near Lake Wakatipu rather than terrestrial planting. Fish & Game highlights that ephemeral wetlands provide habitat for game birds and are remnants of a nationally diminished ecosystem.

161 Relief Sought by Fish & Game NZ:

- (a) Avoid wetland destruction and incorporate wetlands into the development as reserves.
- (b) If offsetting occurs, target wetland restoration near Lake Wakatipu.
- (c) Strengthen conditions to ensure wetland protection and enhancement measures are enforceable.

Applicant response to comments

162 The Applicant acknowledged the concerns raised by the DoC, ORC, Fish & Game New Zealand, and Kā Rūnaka regarding the permanent loss of six wetlands within the Homestead Bay site, including three ephemeral wetlands classified as a critically endangered ecosystem. Submitters highlighted the need for robust application of the effects management hierarchy under the NPS-FM, hydrological management for the retained wetland, and formal offsetting or compensation measures.

163 In response to these concerns, the Applicant prepared an updated Wetland Management Plan (Appendix 3C) for the retained ephemeral wetland (Wetland 4, Lot 9002). The WMP sets out a comprehensive approach to ensure no net loss of wetland extent and values and to achieve ecological enhancement. Key commitments include:

- (a) Hydrological Monitoring: Two dipwells will be installed at the northern and southern ends of the wetland, with monthly water level measurements for 10 years. Rainfall data will be recorded and correlated with wetland water levels. Monitoring will commence prior to earthworks to establish baseline conditions.
- (b) Adaptive Management: Annual reporting to ORC will identify any adverse trends. If monitoring indicates hydrological decline, mitigation measures such as irrigation or stormwater supplementation may be considered only as a last resort and subject to consultation with DoC and ORC, noting DoC's preference for monitoring and planting rather than artificial water inputs.
- (c) Wetland Condition Monitoring: Three permanent vegetation plots (including one within the ephemeral wetland) will be established and monitored annually for 10 years. Photopoints will be used to track changes in vegetation structure and composition.
- (d) Restoration Planting: Indigenous planting will occur in four zones (shrubland, copper tussockland, sedge/rushland, and ephemeral wetland turf species) to improve resilience and biodiversity. Planting will follow eco-sourcing principles and include measures for plant protection and maintenance.

- (e) Pest and Weed Management: Predator control (including rabbits and mice) will be integrated into the Pest and Weed Management Plan. Weed control will target invasive species such as knee foxtail and jointed rush.
- (f) Legal Protection: Wetland 4 will be vested as a Local Purpose (Nature) Reserve or protected by covenant if vesting is not accepted by QLDC.
- (g) Stormwater Protection: No stormwater runoff from adjacent development will enter the wetland catchment.

164 Wetland Loss and Compensation: Retention of the six wetlands was assessed as impractical due to site constraints and hydrological risks. To address residual adverse effects, the Applicant proposes the following compensation package:

- (a) \$150,000 total contribution (three staged payments of \$50,000) to an appropriate organisation for wetland rehabilitation projects within the Wakatipu Basin.
- (b) Priority will be given to ephemeral wetland restoration where feasible, consistent with DoC and Fish & Game recommendations.
- (c) Conditions require confirmation of payment before s224c at 300, 600, and 900 lots.
- (d) The Applicant will consult DoC, ORC, and Kā Rūnaka on project selection to ensure ecological equivalence and cultural integration

165 Cultural Considerations: The Applicant acknowledges the cultural significance of wetlands. In response to the CIA, the Applicant commits to:

- (a) Ongoing engagement with mana whenua under the Process Agreement.
- (b) Opportunities for Kā Rūnaka involvement in monitoring and restoration activities.
- (c) Embedding mātauraka Māori and tikaka in the implementation of the WMP and associated ecological plans.
- (d) Exploring partnership opportunities for reserve management and ecological projects

166 Alignment with Submitter Relief:

- (a) DoC: Extended monitoring (10 years) accepted; adaptive management triggers included; compensation confirmed and targeted toward wetlands.
- (b) ORC: Hydrological monitoring and intervention process added; staged compensation secured; conditions reflect adaptive management.
- (c) Fish & Game: Compensation prioritises wetland restoration near Lake Wakatipu where feasible; Applicant agrees to consult on project selection.
- (d) Kā Rūnaka: Cultural values acknowledged; restoration projects will consider opportunities for mana whenua involvement and mātauraka integration.

167 Residual Misalignment: While the Applicant strengthened mitigation and compensation measures, some areas do not fully align with the relief sought by commentators:

- (a) Avoidance of Wetland Loss: Commentators sought retention of all wetlands; six wetlands will still be destroyed.
- (b) Ephemeral Wetland Restoration Guarantee: Conditions require funding for wetland rehabilitation, but do not guarantee restoration of ephemeral wetlands; it is only a stated preference.
- (c) Formal Co-Management: Kā Rūnaka requested governance or co-management roles; current commitments are limited to engagement and consultation.

(d) Quantitative Biodiversity Gain: DoC requested formal offset calculations under NPS-FM; conditions provide indicative costs but no measurable biodiversity gain assessment.

Panel Findings

168 The Panel finds that effects on wetlands are only partially avoided. Wetland 4 (Lot 9002) will be retained and enhanced under a certified Wetland Management Plan, supported by a 10-metre fenced buffer, covenant for long-term protection, hydrological and ecological monitoring for ten years, indigenous planting, and pest control. Conditions also prohibit stormwater inflows and require adaptive management responses if monitoring indicates decline, consistent with DoC's preference for monitoring and planting rather than artificial water inputs.

169 The applicant accepted staged offset funding (\$150,000) for wetland restoration projects in the Wakatipu Basin, fauna salvage requirements, and robust construction-phase controls. These measures strengthen mitigation and offsetting obligations under the FTAA and respond to NES-F requirements for wetland setbacks.

170 However, six nationally rare ephemeral wetlands will be removed. While the offset package and management plans provide mitigation, the panel remains uncertain as to whether the proposal fully achieves NPS-FM expectations for avoidance and measurable biodiversity gain. Overall, having considered the comments and the Applicant's revised conditions, we are uncertain that the proposed offsetting will achieve no net loss or a net gain of ephemeral wetlands. This reflects the rarity of this ecosystem and the inherent difficulty of securing like-for-like outcomes through off-site remediation. Notwithstanding this uncertainty, the conditions require the Applicant to make staged financial contributions toward wetland rehabilitation projects within the Wakatipu Basin through an ORC-certified Wetland Compensation Plan (as discussed below) and associated funding and delivery arrangements. Those contributions are intended to support the restoration of another wetland within the Basin, although the wetland type and ecological equivalence have not been predetermined. We are satisfied that the restoration and long-term protection of Wetland 4, the retained ephemeral wetland on the site, will be achieved through the certified Wetland Management Plan and its requirements for monitoring, fencing, planting, and pest control. However, because the off-site compensation does not ensure a like-for-like replacement of ephemeral wetland habitat, a degree of residual ecological loss remains. Therefore while aspects of the proposal align with the NPS-FM, the application and conditions are not fully consistent with the NPS-FM's requirement for natural inland wetlands.

Conditions and comments on conditions

171 DoC sought amendments to Condition 9 to strengthen the Wetland Management Plan (WMP) for Wetland 4, including:

- i. measurable 10-year ecological outcomes with specified indigenous cover and species-richness thresholds for ephemeral turf and rushland vegetation, and expansion of the rushland extent to approximately 0.14 ha;
- ii. commencement of physical restoration in Year 1;
- iii. implementation of the WMP in perpetuity; and
- iv. additional detail on hydrological protection and any supplementation, long-term protection measures (including fencing), pest plant and animal control, monitoring and contingency triggers, and reporting.

172 In response, the Applicant advised that although it initially considered the condition adequate, further review led it to accept several of DoC's suggested refinements. The Applicant agrees with most of DoC's recommended 10-year outcome metrics, subject to amendments recommended by Wildlands, namely, that outcomes should reference a mixture of sedge and rush species, and that the rushland area should remain at 0.09 ha rather than be expanded to 0.14 ha, as expansion would require modification of wetland hydrology and could adversely affect wetland values.

173 The Applicant opposed commencing physical restoration in Year 1, citing the need to first establish baseline hydrological data. They also did not support implementation of the WMP in perpetuity, instead proposing a 10-year implementation period aligned with the staging of subdivision works. Except for these points, the Applicant is agreeable to incorporating the balance of DoC's recommendations into revised Conditions 8–10, which we include in the conditions attached to our decision, together with two additional reporting requirements: annual ecological monitoring reports for a minimum of 10 years, and a five-year "lessons learnt" report to support wider understanding of ephemeral wetland restoration and management. The Panel is satisfied with the applicant's response and finds it adequately addresses the matters raised by DoC.

174 Fish & Game and DoC both sought amendments to the wetland compensation conditions to provide greater assurance that the compensation payments are applied to tangible wetland rehabilitation outcomes that properly compensate for the loss, rather than functioning as an unverified contribution.

175 The applicant opposed further conditions on the basis that Mana Tāhuna Charitable Trust has an established Lake Hayes restoration programme and that the existing "or an alternative organisation approved by ORC" wording already enables ORC oversight if a different recipient is used.

176 The Panel has not accepted the Applicant's reasons for retaining the conditions as per our draft condition, for the reason that it does not provide an adequate enforceable mechanism to ensure the funds are applied to clearly defined wetland compensation outcomes that correspond to the significant wetland loss. The Panel prefers a hybrid of the conditions suggested by Fish and Game and DoC, that retains the staged instalment structure and flexibility as to recipient, but requires (before each instalment is paid) an ORC-certified Wetland Compensation Plan and an executed funding/delivery agreement, and (after each instalment) an implementation and expenditure report, using the staged payments as an proportionate compliance lever to provide accountability for delivery and spend, without imposing an extended annual monitoring regime. We have included new Condition 20 to this effect.⁴⁴

177 This approach addresses the core concern raised by Fish & Game and DOC about accountability for the expenditure of compensation funds, while remaining proportionate via the use of staged payments as the key enforcement lever rather than imposing a long-term monitoring regime.

178 The subdivision conditions retain the existing "proof of payment" gateway at the 300, 600 and 900 lot s224(c) milestones, but do not replicate the detailed wetland compensation planning, certification, accountability and reporting requirements, as

⁴⁴ Land use consent RMFT25.003.05

those matters are appropriately addressed and enforced through the ORC land use consent for wetland. We have therefore included a short advice note following the subdivision milestone conditions⁴⁵ to clarify that QLDC's role is limited to receiving confirmation of payment, and that the payments are to be made only in accordance with, and following compliance with, the relevant ORC wetland consent conditions

Terrestrial Ecology (Lizards)

179 The application involves the permanent loss of approximately 7.5 hectares of lizard habitat and associated risks of mortality and displacement of McCann's skink (*Oligosoma maccanni*) during earthworks. Without mitigation, these effects were assessed as more than minor. The applicant proposes a Lizard Management Plan (**LMP**) certified under the Wildlife Act, incorporating salvage and relocation before earthworks, preparation of release sites, habitat enhancement through indigenous planting and refugia creation, and pest control. The LMP also provides for monitoring and adaptive management.

Comments Received

180 DoC and ORC supported the LMP framework but sought enforceable conditions to ensure implementation, legal protection of release sites, and integration with other management plans. DoC recommended oversight by a qualified herpetologist during habitat works and alignment with Wildlife Act permit requirements. Kā Rūnaka emphasised the cultural significance of indigenous fauna and requested opportunities for involvement in monitoring.

Applicant Response to Comments

181 The applicant accepted DoC and ORC recommendations, agreeing to embed the LMP as a certified condition, cross-referenced in subdivision and earthworks consents. Conditions now require legal protection of enhanced habitat areas through vesting or covenant, herpetologist oversight during works, and integration of pest control measures. Copies of the certified LMP must be provided to QLDC and ORC for compliance monitoring.

Panel Findings

182 We find the applicant's response adequate. Conditions secure certification of the LMP by DoC, require implementation across all relevant consents, and mandate legal protection of habitat areas. While residual habitat loss remains, the proposed measures substantially reduce direct mortality risk and support long-term habitat enhancement. Integration of pest control and cultural engagement opportunities further strengthens ecological outcomes.

Conditions

183 The Applicant agreed to embed DOC and ORC relief in conditions by requiring a DOC-certified LMP (Condition 14), making it available on site and integrating its recommendations into landscaping and pest plans, mandating herpetologist oversight during habitat works, and securing legal protection of habitat areas through vesting or

⁴⁵ 52(oo) – (qq)

covenants (Condition 7(b)(iv)); the Panel finds these measures adequate and enforceable.

Freshwater (water quality and aquatic ecology)

184 The Application is supported by comprehensive expert assessments related to the design and assessment of the wastewater system, and the environmental sensitivity and risks of the system on groundwater and surface water bodies.⁴⁶ As discussed at the beginning of this section, we address these effects in our discussion and findings under the heading 'Wastewater' below.

Landscape and visual amenity

185 The Application is supported by a comprehensive Landscape Assessment Report prepared by Paul Smith, Landscape Architect⁴⁷ along with a Landscape Design Document⁴⁸ and Landscape Plans.⁴⁹ Mr Smith explained that the proposal:

- a. includes provision of a network of reserves and open park spaces designed to enhance the localised landscape features within the Site by including high levels of indigenous vegetation planting.
- b. contributes to the amenity of future residents by providing walking / cycling trails throughout the development, that connect onto the wider trail network.
- c. provides native vegetation designed to be consistent and integrate with the planting patterns in Jack's Point and Hanley's Farm and assist with visual mitigation around the perimeter of the Site.
- d. will result in potential adverse visual effects of a very low to low-moderate degree.
- e. will result in a low to moderate degree of adverse landscape effects (combined physical, perceptual and associative values).
- f. provide a wide range of beneficial outcomes relating to community connectivity and ecological enhancement.

186 While Mr Smith acknowledged that the development would result in a change to the existing character of the Site, he stated that when considered in the surrounding context of the receiving environment, it is evident that the gently sloping land adjacent to SH6 and other residential developments is well-suited to additional urban growth. He further noted that the Site has been identified within the QLSP as an area for future urban development. His assessment was that the residential development will appear in keeping with the existing pattern of residential development within the central valley; will maintain views to the Remarkables Mountain Range (and other surrounding hills mountain peaks); and will maintain most views to Lake Whakatipu.

Comments Received

187 Landscape concerns were addressed in comments from numerous adjacent residents. Many emphasised the location of the Site between the two Outstanding Natural Landscapes of Lake Wakatipu and the Remarkables and recommended additional landscape works along the SH6 boundary and/or for the provision of greater setbacks for development from SH6 to screen or minimise the views of the subdivision. Many of

⁴⁶ Refer to Appendix B and HH

⁴⁷ Application: Appendix FF Landscape Assessment Report, 10 April 2025.

⁴⁸ Application: Appendix P Landscape Design Document, 10 April 2025.

⁴⁹ Application: Appendix S Landscape Plans, 10 April 2025.

these submitters also referenced the level of screening provided along the SH6 frontage of Jacks Point, Ōraka and Hanleys Farm as what should be provided along the Homestead Bay SH6 frontage.

- 188 The comments received from Ōraka (Lakeside Estates Homeowners Association) detailed specific landscape treatments (relying on the technical input provided by Rebecca Lucas, Landscape Architect, by way of a revised landscape plan) with regard to the southern boundary of the Homestead Bay land as it adjoins Ōraka to avoid or mitigate adverse effects on the views from their properties. Ōraka also sought changes along the SH6 boundary.
- 189 Joanna Dey, a landscape architect, represented the concerns of Joanna and Simon Taverner. She firstly queried why the lack of landscape expertise on the Expert Panel and then went on to state that policy direction prioritises housing yield often at the expense of place-specific design quality. She sought that appropriate landscape principles were applied to ensure open spaces are of sufficient size quality and location.
- 190 Kā Rūnaka considered the proposal would alter the landscape character and visual amenity of the area, replacing open rural vistas with dense residential and commercial built form.⁵⁰ The comments were supported by Dr Alayna Rā⁵¹ who undertook a landscape peer review of the Applicant's Landscape Assessment Report.⁵² Dr Rā concludes that Applicant's Landscape Assessment Report falls short of meeting Māori expectations as set out in Te Tangi a te Manu (TTatM) and the core principles of Te Tiriti o Waitangi. As a result, she considered that the Application fails to operationalise the protection of mauri and kaitiakitaka and provides no clear mechanisms for accountability or restoration of Kāi Tahu interests. Dr Rā recommended that the landscape assessment for the Homestead Bay Development be comprehensively re-written in direct collaboration with a Kāi Tahu or a Māori landscape planner who is endorsed by Kā Rūnaka.
- 191 The Memorandum of Counsel for Kā Rūnaka states that:

“..there is minimal attempt to consider publicly available information regarding Kāi Tahu interests in this landscape. Furthermore, there is little evidence of Kāi Tahu or Kā Rūnaka participation in shaping the assessment, and key concepts such as kōrero tuku iho, whakapapa, and hikoi are not meaningfully integrated into the methodology or findings. The assessment remains dominated by western planning paradigms, with Kāi Tahu values treated as secondary or siloed. As a result, the report fails to operationalise the protection of mauri and kaitiakitaka and provides no clear mechanisms for accountability or restoration of Kāi Tahu interests.⁵³

Applicant response to comments

- 192 In response to the landscape concerns raised by commentors, the Applicant remained of the view that the Proposal will respect the values of the adjacent Outstanding Natural

⁵⁰ Comments received from Kā Rūnaka under s53(2) FTAA.

⁵¹ Indigenous Design Director, WSP.

⁵² Comments received by Kā Rūnaka under s53(2) FTAA – Attachment 1: Peer Review Memo, dated 24 October 2025

⁵³ Comment on behalf of Te Rūnanga o Moeraki, Kāti Huirapa Rūnaka ki Puketeraki, Te Rūnanga o Ōtākou, Hokonui Rūnanga, Waihōpai Rūnanga, Te Rūnanga o Awarua and Te Rūnanga o Ōraka-Aparima, 28 October 2025.

Landscapes and will provide the necessary balance of maintaining views through the site while mitigating the visual effects of the future built form. Ms Leith explained that:

"The landscape values of the subject site have been assessed as being different to those for Jacks Point and Hanley's Farm as both of these subdivisions are formed within the valley, with views from SH6 across the sites having the backdrop of Jacks Point Hill and Peninsula Hill, however the views of significance in relation to the subject site are across the site towards the glimpse of Lake Wakatipu and the mountains beyond. Consequently, the landscape and urban design of the proposed development has sought balance between maintaining these view connections across and through the site, whilst providing landscape mitigation to soften the visual effects of the buildings. It is noted that the diversion of flood flows from the upstream Remarkables catchment is also provided for within the SH6 setback area via a swale"

193 With respect to the mitigations sought by Ōraka, Ms Leith stated that she did not consider it to be practical nor a requirement of the FTAA to make the proposed development invisible from the Ōraka properties. However, amendments to the landscaping treatment have been proposed by the Applicant to address the Ōraka concerns, including to:

- increase the buffer at the northern boundary of Ōraka;
- reduce the depth of the lots and provide additional landscaping and low mounding to act as a visual buffer;
- add semi-permeable planting along the edge of the properties that front that gully to "soften" the views from these properties; and
- volunteer a condition of consent limiting the height of the first row of houses opposite the Ōraka properties to 6m (one storey) rather than 8m.

194 Ms Leith noted that while these proposed mitigation measures have been discussed with Ōraka representatives, Ōraka are not completely satisfied by these measures.

195 In terms of the concerns of Kā Rūnaka, Mr Wells for the Applicant provided a response to the CIA provided by Kā Rūnaka.

Panel Findings

196 Subject to the imposition of appropriate conditions of consent we find that any landscape and visual effects will be appropriately avoided, remedied or mitigated. In reaching this finding we note that while some comments raised landscape related concerns supported by technical specialists, we were not persuaded to adopt the relief sought. We are satisfied that the evidence provided by the Applicant is comprehensive and that proposed mitigations suitably manage landscape and visual effects of the proposal.

197 Landscape change from a rural to an urban environment is an anticipated outcome of this development and aligns with the strategic direction for the Southern Corridor. In acknowledging this, we also recognise Kā Rūnaka's evidence that whenua and wai carry ancestral memory and that the landscape is "like a book" of names, stories and traditions; accordingly, urbanisation can diminish mauri and threaten ongoing cultural connections, including access to mahika kai and wāhi tūpuna. The Decision therefore treats these as relevant landscape effects and relies on mitigation and implementation commitments that reduce further mauri degradation (including careful

stormwater/wastewater and earthworks management) and that embed mana whenua input through ongoing engagement, monitoring feedback, and opportunities such as reserve design and place naming under the Process Agreement framework.

198 We record here that we do not consider the Panel Composition a matter relevant to our consideration.⁵⁴

Conditions

199 The Applicant provided an updated set of consent conditions in response to the comments received from Ōraka. The updated conditions reflect the additional mitigation offered in response to concerns regarding landscape and visual amenity (and subdivision design), including additional mitigation in response to the relief sought by Ōraka (landscaping Plans, mounding, mitigation planting, height of buildings).

Comments on Conditions

200 Ōraka continues to pursue a 6 metre height limit be extended further into the development site to better protect Ōraka amenity without changing density of the development. We agree with the Applicant that on the evidence, there is no justification for extending this height restriction further into the development site. Our discussion of this issue above remains relevant, and we have not accepted the request.

Transportation

201 The AEE explains in some detail the roading network around and proposed through the Site. The proposed access, transport and roading formation to, and within the proposed development is described in detail in the Integrated Transport Assessment (**ITA**), attached as Appendix V to the application. The Transportation Analysis Summary (**TAS**)⁵⁵ observes that demand on SH6 between the southern corridor and Frankton is expected to exceed capacity as early as 2026.

State Highway Access

202 The development will be accessed via a new roundabout access off SH6. Offsetting will enable the roundabout to be constructed predominantly 'off-line' so that traffic movement along SH6 is not otherwise unduly impeded. The design of the roundabout is not included in the Application as it is proposed that the Applicant will liaise with NZTA to utilise the existing SH6 designation.⁵⁶ A condition of consent requires the roundabout to be completed prior to stage 1 of the development being completed and the issue of s224(c) certification for Stage 1.⁵⁷ NZTA have raised no technical concern with the proposal for a roundabout in this location, nor the timeframe for completion.

Internal Transport Network

⁵⁴ Appointment of expert panels is a key duty of the Panel Convenor under clause 3(1) of Schedule

⁵⁵ Appendix GG

⁵⁶ As occurred with the formation of the SH6/Jacks Hanley Drive intersection and the Park Ridge roundabout located further to the north, within the southern corridor

⁵⁷ Condition 52(e)

203 The ITA⁵⁸ describes a multi-modal transport network which makes provision for pedestrian networks, and a neighbourhood cycle route through the Site to connect to Homestead Bay Road. A public transport loop is also proposed, connecting to the southern corridor 'spine road' at Homestead Bay Road and supporting expansion of public transport into the Site.

Connections to Surrounding Development

204 A roading connection to Homestead Bay to the northwest is proposed to provide connectivity to existing and future development to the west and to provide for the extension of the public transport network. A roading connection has also been provided for along the western boundary of the Site to provide a future link to Chief Reko Road should this become a public road in the future.⁵⁹

Road Improvements

205 The Applicant proposes a number of improvements be undertaken along SH6 to improve the efficiency and safety of the highway. These are:

- A new single lane roundabout at the existing SH6 entrance to Hanley's Farm;⁶⁰
- A further roundabout at the SH6/Māori Jack Road intersection into Jacks Point;⁶¹

206 The Applicant explains that development is staged from south to north, as a result of the NZone skydiving operation and associated development constraints which would otherwise mean the connecting internal road linking SH6 and Homestead Bay Road would be constructed very late in the development. Acknowledging the strategic importance of this road, the Applicant proposes that it be constructed prior to the issue of s224(c) for up to 1200 lots.⁶²

Active transport and recreational trails

207 The Application describes the active and recreational transport routes with the Site and connections to adjoining developments and areas, including within residential areas, reserves, potential school sites and to Homestead Bay.

Comments Received

208 A number of comments were received on transport related matters, including from NZTA, QLDC and ORC as well as residents of neighbouring developments. We refer to these comments below either by specific reference to commenter or under the common themes that emerged.

209 The ORC points to some inconsistencies between the project and key public transport plans and policies and observes that the project partially provides for the public transport

⁵⁸ Which is a requirement of the PDP

⁵⁹ Road 6, Lot 8016

⁶⁰ Completed prior to s224(c) for 600 residential lots or an alternative agreed with NZTA (upgrade or monetary contribution). Condition 52(f)

⁶¹ Completed prior to s224(c) for 1400 lots or alternative agreed with NZTA (upgrade or monetary contribution). Condition 52(h)

⁶² Condition 52(g)

network's current services and future improvements. Concerns include insufficient housing density or land use diversity to guarantee affordable provision of high frequency public transport beyond the high-density mixed-use spine;⁶³ and adequacy of contribution towards mitigation for poor public transport performance on SH6.⁶⁴ On this matter, ORC suggest the Applicant should contribute to the costs of developing a northbound SH6 bus lane to an extent proportional to the demand caused by the project, as well as other improvements as and when required.

210 ORC also raise as an issue the adequacy of connectivity to the future Homestead Bay Village, with a 'highly indirect' bus route to the same; and roading and bus stop design to accommodate larger buses. ORC recommends an additional link to Homestead Bay Village be made further south within the Site, via parts of planned recreation reserve.⁶⁵ ORC also recommended that there be further investigation into a Park and Ride facility between the Applicant and appropriate agencies, and coordination with respect to interim public transport routing.

211 ORC support the analysis undertaken in the TAS of recommendations for the greater corridor transport network.

212 The QLDC support the Applicant's intent to deliver a connected internal network. QLDC identify some refinement with the design of the internal street network and acknowledges these matters can be resolved through detailed design and recommends conditions requiring the same. It expresses the view that provision for active and public transport remains limited, and that construction of the spine road connecting SH6 to Homestead Bay Road should be included within earlier stages of the development. It suggests some modifications to conditions to address cycle and pedestrian connectivity. It raises similar concerns to those of NZTA (discussed below) with the improvements required to the greater southern corridor and funding contributions to the same.

213 NZTA's comments record that there has been engagement with the Applicant since January 2023 to present, initially with respect to a private plan change which would have enabled comparable development to the current application. NZTA observes that the combination of developments (this application and those consented and plan enabled) along the southern corridor will soon exceed the capacity of SH6. NZTA agrees with the WSP assessment⁶⁶ that a significant programme of works is required to manage safety and efficiency along the corridor but says presently there is no funding pathway for the same.

214 In addition to intersection upgrades, NZTA consider the Applicant should provide some other improvements identified by WSP, such as a northbound bus lane on the approach to Kawarau Falls bridge and dual-laning of SH6 from south of Park Ridge roundabout to a new intersection in the vicinity of Boyd Road. NZTA note other improvements will be required to address the cumulative effects of developments along the corridor.

215 NZTA supports the staged approach for intersection improvements, but queries the trigger levels, and suggests additional modelling should be undertaken.⁶⁷ Absent the

⁶³ i.e. low density single-use urban form

⁶⁴ Resulting from travel demand exceeding capacity

⁶⁵ Which they say would provide a more effective bus connection to a future ferry service and improve consistency with relevant pORPS policies EIT-TRAN-P21(3), (5) and P22.

⁶⁶ Appendix GG

⁶⁷ To account for growth at Kelvin Heights and Kingston

funding path for network improvements beyond those proposed by the Applicant, NZTA suggest a 'hold point' for development of the project, and thereafter a condition to manage cumulative effects on the wider corridor linked to timing of wider network improvements.

- 216 NZTA support the mixed use development proposed, but suggest commercial development needs to occur earlier to help suppress the need for private trips outside the Site. NZTA also supports the identification of lots that could accommodate a primary school, and is generally supportive of the internal road design, suggesting that local residential streets be designed to manage kerb side parking availability.
- 217 NZTA supports the approach of using the designation process for the new roundabout into the Site and conditions for completion prior to s224(c). The wording of conditions for upgrades (roundabout or other agreed form of upgrade) at the intersections of Jack Hanley Drive and Māori Jack Road are also supported, but again, the modelling for trigger levels is queried.
- 218 NZTA support the provision of a road between SH6 and Homestead Bay Road being secured by consent condition but again query the trigger of 1200 lots. NZTA supports the grade 2 construction condition with respect to the A7 route. NZTA suggests some condition amendments with respect to the stormwater diversion channel and is supportive of construction management conditions. Minor amendments are sought to conditions regarding management of noise sensitive activities within 80m of SH6.
- 219 DS & JF Jardine also raise concerns with the timing of completion of the connecting road between SH6 and Homestead Bay Road, noting their land has limited practical legal road access and timing delay may hinder development of other land in the corridor, which they say is an adverse impact to weigh against any regional benefits. The Jardines request a condition that the connector road be constructed as soon as practicable.

Other comments

- 220 A number of other commenting parties raise similar issues as those discussed above, and in particular, with respect to traffic congestion and cumulative effects. The Jacks Point group address the JPROA owned and maintained trails network and the added strain on the same as a result of increased usage. They submit that the impact on the JPROA trails has not been assessed nor any commitment made towards ongoing maintenance. The Jacks Point group also raise concerns about Homestead Bay construction traffic and use of Homestead Bay Road, Māori Jack Road and Jacks Point Rise.
- 221 Homestead Bay Residents Society raise concerns regarding any proposal to construct an entry/exit onto Chief Reko Road, noting it is not legal road, but a private right of way. They are also concerned with a lack of assessment of the proximity of Chief Reko Road and the connector road, where they both intersect Homestead Bay Road in close proximity to each other.

Applicant response to comments

- 222 The Applicant acknowledges the programme of works required within the southern corridor, and that infrastructure investment will be needed. It notes the Applicant is a small contributor to the need for the *overall* programme, and to the extent that

developers are to fund state highway and other transport upgrades, its contribution should be equitable. In this regard, it observes that the intersection upgrades it will fund are a significant investment, estimated to be \$27 million. It submits the need for these upgrades go beyond the effects of the application and are in part a benefit of the proposal.

- 223 In response to NZTA's comments about there being no funding pathway, it suggests this is overstated and rather, it is a case that no funding is currently allocated. Its notes that NZTA are preparing a Queenstown Strategic Network Plan which will look at future infrastructure needs of the district and that its consultant, WSP, is involved in that work.
- 224 In response to NZTA's suggestion that the Applicant fund a section of dual-laning and a bus lane, the Applicant considers these projects should be publicly led with greater ability to spread fair and equitable funding, and that it is willing to continue discussions with NZTA to this end. It suggests there are various funding options available.
- 225 In response to NZTA's submission on a "hold point", the Applicant states that this creates an appreciable risk of delay and completion of the project, that is beyond its control (i.e. funding and construction of other SH6 upgrades), which in turn would erode the benefits of the FTAA process. Addressing concerns with the timing of upgrades the Applicant is to deliver, it notes that the Homestead Bay roundabout will be completed prior to s224(c) for the first stage and in place before development of any of the lots.
- 226 Regarding the two further intersection upgrades, its position is that the triggers are based on modelling that identifies when Homestead Bay development will create adverse effects upon the functioning of these intersections. The Applicant clarifies that modelling did include background growth for Kelvin Heights and Kingston, but did not make provision for additional growth forecast after the latest TRACKS model updates nor currently zoned full land use capacity. It says the triggers have been based on the available forecasts at that time, and that if extra growth is assumed elsewhere, the scale of mitigation would be similar.
- 227 Responding to NZTA's suggestion that there be a condition tying timing of commercial activities to a level of residential development, the Applicant reasons this is not necessary as it will be motivated to deliver commercial activities sooner than later.
- 228 Regarding internal roading, the Applicant notes that many of QLDC's comments can be addressed at the engineering design stage, and likewise ORC's comments for future proofing for larger vehicle use. It submits the shared path network is appropriate supporting connectivity, and the operating speed of 40km/h is feasible.
- 229 Responding to the Homestead Bay Road connection from SH6, the 1200 trigger is the Applicant's estimate based on a logical staging of the development taking into account above and below ground infrastructure and the need to limit the extent of the earthworked areas. The Applicant says it is reticent on NZTA's suggestion it should fund acquisition costs associated with the upgrade at Māori Jack Road and will discuss this further with NZTA. In its revised conditions, the Applicant has accepted NZTA's change of condition wording for the Māori Jack Road intersection upgrade.
- 230 The Applicant offers conditions to address concerns from Jacks Point residents/group about Homestead Bay construction vehicles accessing Māori Jack Road and/or

Homestead Bay Road.⁶⁸ The Applicant notes there is no evidence to support the assertions that the Jacks Point roads are operating at or over capacity. Its position is that the road connection between Jacks Point and Homestead Bay is a good urban planning outcome and is consistent with various planning instruments and the TTSP.

- 231 Commenting on public transport, the Applicant proposes that public transport commence by accessing Homestead Bay via SH6 with the bus service to extend directly through the various developments as connectivity evolves over time. The potential for a future Park and Ride remains but is not tied to this proposal. The Applicant suggests there are more effective means to encourage lower private car ownership than limiting parking within roads.
- 232 The Applicant notes that active travel trails connect to SH6 and other roads, and to the Jacks Point trails. There is no legal right to connect a trail to Oraka. Conditions of consent address the design of trails and requirement to meet a grade 2 standard. The Applicant submits that there are benefits in retaining public walking trails within or adjacent to the gully areas, including access to Lake Wakatipu.
- 233 Responding to the Homestead Bay Residents Society, the Applicant acknowledges Chief Reko Road is not vested as legal road, and a proposed roading connection is indicative only, with an allowance made for a future possible connection should the status change. The Applicant provides an assessment that indicates how engineering design will reduce the operating speed to 30km/h between Road 1 and Chief Reko Road to support a 5 second separation at the operating speed.

Panel Findings

- 234 Having considered the application materials, the ITA, the TAS, and the written comments received, we record at the outset that no expert transportation evidence was provided by any commenter.⁶⁹ On the whole, the commenters appeared to align with the Applicant's technical assessments. In the circumstances we place material weight on the uncontested transport assessments produced by the Applicant, while taking into account the practical issues and refinements raised by agencies and other parties.
- 235 We find that safe and efficient SH6 access can be achieved through the new roundabout proposed, subject to the condition that the roundabout be completed before s224(c) for the first stage. NZTA has not raised a technical objection to a roundabout in this location or to the proposed timing. Those matters are appropriately secured by conditions and provide sufficient certainty for initial access.
- 236 The proposed internal transport network is a coherent multimodal layout that makes adequate provision for walking, cycling and public transport, including an internal loop that can interface with the southern corridor "spine road." Design refinements identified by QLDC and ORC (such as bus operating envelopes and future-proofing for larger vehicles, detailed street typologies, and active-mode linkages) are capable of resolution at the engineering design stage and are appropriately addressed by conditions requiring

⁶⁸ Conditions 20 and 21

⁶⁹ NZTA in making its comments on conditions, clarify that its comments have been assisted by input received from various in-house technical experts including transport planners.

compliance with specified standards (including the grade-2 trail standard) and submission of final detailed design plans.

- 237 We accept the logic of the external connections, including the roading link toward Homestead Bay and the provision for a future link along the western boundary toward Chief Reko Road, should that become public. These links improve legibility and resilience of the local network and support progressive extension of public transport. The associated staging advanced by the Applicant responds to site constraints and the NZone operations, while still securing early delivery of key through-site connectivity.
- 238 On corridor effects and upgrades, we agree with NZTA and ORC that SH6 between the southern corridor and Frankton is under pressure and that a broader programme will ultimately be required. However, in an FTAA context it is neither necessary nor equitable to require the Applicant to fund corridor-wide, public-led works (such as dual-laning and a northbound bus lane) beyond the scale of its effects. The package of upgrades the Applicant will deliver (including the new SH6 roundabout at Homestead Bay and staged intersection works) represents a substantial and proportionate contribution.
- 239 We are not persuaded that an additional “hold point” tied to unrelated third-party funding decisions is appropriate, given the uncertainty such a control would introduce and the risk it would undermine the very benefits the FTAA pathway is intended to secure. The adopted conditions instead provide clear triggers for the Applicant’s upgrades and enable ongoing dialogue and coordination with corridor planning led by the relevant agencies.
- 240 Turning to comments by DS & JF Jardine about the timing of the SH6–Homestead Bay Road connection, we acknowledge their concern that delay could constrain practical legal access to other land in the corridor. We find: (i) the Applicant has committed to bring forward the through-site connection (despite staging constraints) by constructing it prior to the issue of s224(c) for up to 1,200 lots; (ii) on the technical information before us, the proposed link road is in substance dependent on this project proceeding; and (iii) based on the Applicant’s projections of delivery of 250 lots/dwellings per annum,⁷⁰ the 1200 threshold could be met by 2031 at the earliest, which would see the road delivered earlier than under an alternative QLDC initiated plan change process, which the Applicant estimates would not see the first stage of development commencing until 2029, and potentially much later.⁷¹ In the absence of the project, there is no identified pathway by which the connection would be constructed within a comparable timeframe. On balance, the project is therefore more likely to facilitate—rather than impede—access to other structure plan land.
- 241 In summary, subject to the conditions we impose, the transportation effects are acceptable.

Conditions

- 242 The Applicant has accepted the amendments sought by NZTA to address the timing and standard for the SH6 roundabout and other intersection improvements, as well as acoustic treatment. The conditions have been amended so there is certainty that the roundabout will be constructed prior to s224(c) for the first stage of the development.

⁷⁰ Appendix EE, Urban Economics, Part 7, page 15

⁷¹ Applicant further information response dated 26/11/25

Conditions are included to address construction traffic management and restriction of access via adjoining roads.

Comments on Conditions

JPROA

- 243 JPROA seeks a condition requiring, as a prerequisite to the issue of a s 224(c) certificate for Stage 1, that the consent holder enter an agreement with JPROA to contribute 50% of the maintenance costs of JPROA's privately owned trails network. JPROA submits that the Project will increase use of its trails, green spaces and local roads, and that no contribution is offered.
- 244 The Applicant opposes the condition, submitting that future Homestead Bay residents will have only those access rights that the public has, and that Jack's Point residents would have similar rights in relation to any areas within Homestead Bay to which the public has lawful access. The Applicant also notes that the Project is required to provide an internal trails network.
- 245 We accept that an increase in nearby population may result in increased recreational use of existing networks in the locality. However, in this case the approvals do not include a specified connection to the Jacks Point trails network, and the location, ownership and legal access arrangements for the Project's trails will be confirmed through later detailed design processes. In that context, the extent to which the Project would materially increase demand on JPROA's privately owned network is not sufficiently defined to justify the particular obligation sought.
- 246 In addition, the proposed condition would make Stage 1 certification contingent on the consent holder entering a private agreement with a third party. Conditions should provide certainty and be capable of being complied with without requiring the agreement or compliance of third parties. The proposed condition would, in substance, introduce a third-party dependency into the s 224(c) certification pathway.
- 247 We have also considered the proportionality requirement in s 83 of the FTAA. An ongoing obligation to fund 50% of the maintenance costs of a privately owned trail network—without a defined, consented connection and without secured public access rights—would be more onerous than necessary to address any effects attributable to this Project.
- 248 For those reasons, we decline to impose the condition sought by JPROA. We note that nothing in this decision prevents the Applicant and JPROA from reaching voluntary arrangements for connectivity and shared outcomes.

QLDC

- 249 QLDC seeks to bring forward the trigger for upgrading the SH6 / Jack Hanley Drive intersection, submitting that the current trigger (completion prior to s 224(c) for 600 lots) may be too late given current operating conditions and the safety sensitivity of SH6 in a 100 km/h environment. QLDC also submits that baseline traffic volumes at Jack Hanley Drive were underestimated in the application reporting, and that the modelling

that informed the “600 lots” trigger relies on uncertain assumptions (including the timing and diversion effects of a northern alternative access) without sensitivity testing.

- 250 The Applicant opposes the change, noting that the upgrade is prioritised early, that there is a lag between titling and occupancy, and that comparison of WSP’s 2024 model volumes with QLDC’s March 2025 counts shows some movements were underestimated while others were overestimated, with smaller differences in the PM peak. The Applicant also points to the prospect of a future northern connection providing alternative access and reducing critical SH6 right-turn queue demand.
- 251 We are mindful and place weight on the fact that this intersection sits on a high-speed state highway and that the consequence of congestion and delay is not limited to amenity; it may translate into materially increased safety risk through reduced gap acceptance and increased exposure. In that context, we consider it necessary that the conditions manage risk on a precautionary basis where there is uncertainty in key modelling assumptions.
- 252 While the updated count comparison suggests the application modelling was not fundamentally inconsistent with observed volumes, it does not resolve the core issue raised by QLDC: whether, under conservative assumptions (including limited or delayed diversion to alternative routes), the intersection may reach an unacceptable safety and operational regime earlier than the “600 lots” trigger. We also consider it inappropriate to rely on the timing of third-party network improvements as the primary basis for deferring mitigation required to manage the Project’s effects.
- 253 We therefore prefer an approach that ensures the intersection upgrade is addressed early, before development progresses too far and have amended condition 52(f) accordingly. We have made provision for the trigger to be deferred where updated information shows that doing so would not create any adverse safety effects. A clear “no later than” limit is retained so the upgrade is still delivered within a defined level of development.

NZTA

- 254 NZTA requests that the Panel reconsider its draft position and include an additional “hold point” mechanism to manage capacity and safety effects on SH6 (Southern Corridor) pending delivery of a wider programme of corridor improvements. NZTA reiterates its concern that, if development proceeds without that wider programme being in place, adverse effects on corridor performance would be considerable, and notes that its Principal Transport Planner has undertaken a “first principles” analysis of potential impacts.
- 255 The specific condition proposed by NZTA would require the consent holder, prior to the issue of titles in Stage 1, to prepare a further transport assessment to “establish a development hold point and trigger levels relating to the staged delivery of the programme of SH6 Southern Corridor improvements … and any additional measures to reduce traffic demand on the corridor”. That assessment would then be submitted to QLDC and NZTA for certification of the modelling and recommendations, and the resulting hold point/trigger levels would be implemented and would “supersede” triggers stated elsewhere in the conditions.

256 In our draft decision, we had already addressed the competing positions on corridor effects, including NZTA’s advocacy for a “hold point”, and set out our reasons for declining a control that would introduce uncertainty and would tie development progress to wider corridor works that are not within the Applicant’s control and go beyond the scale of the Applicant’s effects. NZTA’s s 70 comment does not identify an implementation gap in the draft conditions (i.e., that the conditions fail to give effect to the Panel’s findings), but instead largely restates the merits argument for a corridor-programme-linked hold point and asks the Panel to depart from its earlier reasoning.

257 We have nevertheless considered whether the additional material referred to by NZTA (including the “first principles” analysis) demonstrates that our draft conditions are inadequate to manage the transport effects of the Project within the effects envelope assessed in our draft decision. We are not persuaded that it does. In particular, the proposed mechanism remains directed to securing certainty around the timing and delivery of wider corridor improvements, rather than to ensuring that the Applicant’s mitigation is proportionate to, and sufficient for, the scale of the Project’s effects as found by the Panel.

258 We therefore maintain our conclusion reached in our draft decision, that an additional hold point of the kind sought by NZTA is not appropriate in the FTAA context. It would create a material risk of delay and uncertainty that is inconsistent with the benefits of the fast-track pathway and would in substance operate as a control dependent on third-party funding and delivery decisions unrelated to the Applicant’s mitigation package.

259 We have also considered whether section 84A (Conditions relating to infrastructure) provides a basis to adopt NZTA’s proposed hold point. Section 84A enables conditions to ensure that infrastructure in the project area, or other infrastructure the project will rely on, “is or can be made adequate” to support the project or relevant stage. While on the face of it, the SH6 is within the subject matter of section 84A (it is other infrastructure the project will rely on) section 84A(3) makes clear that a condition under that section may impose an obligation on the applicant only.

260 In the circumstances of this Project, the constraint in section 84A(3) would be significant. The “programme of SH6 Southern Corridor improvements” contemplated by NZTA is, in material respects, a wider public-led programme outside the Applicant’s control. A hold point tied to the “staged delivery” of that wider programme would therefore operate, in substance, as a third-party-dependent control: the Applicant’s ability to progress would be contingent on funding, programming, and delivery decisions by others. We consider that this would introduce uncertainty and workability concerns and would not be an appropriate use of section 84A in this case.

261 Further, even if characterised as an “applicant-only” obligation in form (i.e., a restriction on the Applicant progressing), the proposed condition would still need to comply with the FTAA requirement in section 83 that conditions be no more onerous than necessary to address the reason for which they are imposed. For the reasons set out in our draft decision on corridor effects and proportionality, we are not satisfied that a corridor-programme-dependent hold point is necessary to address the effects attributable to this Applicant, nor that it is proportionate in light of the mitigation package and clear triggers already required by the conditions.

262 We also place weight on the structure of NZTA’s proposed condition wording, which would defer the setting of decisive development triggers to a future assessment and

certification process, and would allow those future trigger levels to “supersede” the Panel’s triggers in other conditions. In our view, that approach would re-open and potentially displace matters of substance that the Panel has already determined in its draft decision and would add avoidable uncertainty to the approvals framework.

263 For these reasons, we decline NZTA’s request to include the proposed “hold point” condition. We confirm the findings in our draft decision and our approach of managing transport effects through a defined, proportionate package of Applicant-delivered upgrades and clear development staging triggers, together with ongoing coordination mechanisms, rather than by conditioning development progress on the timing and delivery of wider corridor improvements.

Condition 51

264 In relation to NZTA’s requested amendment to Condition 51(h), we do not accept the proposed deletion of the final sentence. Condition 51(h) addresses a future roundabout or alternative intersection upgrade to provide access from State Highway 6 into Jacks Point at Māori Jack Road and includes an alternative pathway of written confirmation from NZTA that the estimated construction and land acquisition cost has been paid. NZTA sought to delete this payment alternative; however, the applicant opposed that change on the basis that some of the land potentially required to deliver the upgrade is outside the applicant’s control and may need to be acquired by NZTA using its designation and Public Works Act powers.

265 The Panel accepts that land acquisition risk is materially different at this location, including the potential for non-cooperation by third-party landowners (notably Jacks Point entities who have opposed the development), and that it would be unreasonable for the applicant to complete development contingent on matters beyond its direct control. Retaining the existing “completion or payment” structure appropriately manages that risk while still ensuring NZTA is satisfied as to the scope and delivery of the upgrade, and that funding is secured where physical construction cannot be completed by the applicant due to external land acquisition constraints.

266 We therefore agree with the applicant and retain the final sentence of Condition 51(h). We note that NZTA’s deletion has been accepted in relation to Condition 51(g), where the same land acquisition and third-party control issues do not arise.

Infrastructure Servicing

General

267 The AEE states that the project is to be serviced by new three waters infrastructure (water supply, wastewater and stormwater (drainage and flood mitigation)), as opposed to extending existing QLDC infrastructure. This is due to the distance from and constraints of the existing infrastructure within the Southern Corridor. The proposal is supported by an Engineering Feasibility Report prepared by Stantec and various subconsultants. It has been peer reviewed by ORC’s consultants

268 The Applicant’s stated preference is for water supply and wastewater infrastructure to be vested in QLDC once it is constructed and commissioned. However, QLDC favour connection to QLDC’s reticulated infrastructure that already services parts of Jacks Point and Hanley’s Farm developments to the north. At this time no agreement has been

reached on this matter and the proposal is therefore based on stand-alone schemes for the development. We discuss this further below.

Water Supply

- 269 It is proposed to service the development with potable water via a new borefield consisting of one deep production bore (with provision for a second bore), a rising main, a treatment plant and storage reservoirs. The bores are located on the south-eastern boundary to the Site while the treatment plant and storage reservoirs are on the higher ground on the north-western corner of the Site on Lot 12. This configuration allows gravity servicing to the lower elevations of the development while pumped supply will be needed to service the remainder (over 50%) of the development.
- 270 The existing bore has sufficient proven capacity to adequately supply up to 1,900 residential dwellings. This will cover the creation and development of all of the single house lots (Lots 1 – 1438) for which subdivision and land use consent is sought. The second bore will be needed to supply the further stages of the development. Consideration has been given to the potential for bore contamination from the proposed wastewater irrigation scheme on the application site which concluded that the associated risks to the bore water quality are low.

Wastewater

- 271 The construction and operation of a new on-site wastewater treatment plant and land disposal system is proposed to service the development. The treatment plant will be located adjacent to the proposed water treatment plant on the northwest corner of Lot 12, from where it will feed treated wastewater to irrigation areas across Lot 12 and parts of Lot 8.
- 272 The wastewater treatment and disposal system has been sized for discharge from between 2,500 and 2,600 dwelling equivalents. Initially, wastewater will be of domestic sewage strength sourced solely from the residential units. As commercial development proceeds in later stages the strength will increase requiring upscaled treatment. A modular activated sludge type treatment process will be used to achieve the stringent discharge standards for land application that are to apply.
- 273 The treated effluent is to be disposed via sub-surface drip irrigation the land treatment areas (**LTA's**) at an average design irrigation rate of 7.1mm per day. The dripper lines will be installed at approximately 200 to 300mm depth below ground to prevent freezing. This will also prevent odour. The total area required for irrigation at full development is expected to be up to 28.5 ha. The LTA's will be managed by a combination of cut and carry grass system, cut and leave grass system, light sheep grazing and native vegetation plantation to allow for nutrient management.
- 274 The proposed LTA's on Lot 12 will be adjacent to and potentially overlap with the wastewater irrigation scheme that services Jack's Point Village. Area M which is leased from the Applicant, is consented under the Jacks Point Village (**JPV**) scheme. The land is currently surplus to the needs of the JPV which has obtained connection to the QLDC

public sewer. The Applicant has assumed access to this land for its own purposes but has yet to obtain agreement from JPV. This matter is addressed later in this Decision through agreement reached by the relevant experts for the parties during Expert Conferencing.

Comments on Conditions

275 In relation to wastewater and Consent RMFT25.003.10, the Panel notes that the substantive comments on the wastewater conditions were received from JPROA. We have had due regard to those comments and the reasons advanced for them, as well as the Applicant's responses. Overall, we are satisfied that the Applicant has appropriately addressed the matters raised and we accept the Applicant's responses and the consequential amendments to the wastewater condition suite. The Panel makes the following comments on the more specific matters raised by JPROA.

276 JPROA raised an asserted inconsistency in Condition 9(b) between the stated application rate of 5–8 mm/day and the revised wording in Condition 6, which allows higher application rates (up to 10.8 mm/day for sloping land and 21.3 mm/day for non-sloping land once the area is in operation). The Panel considers JPROA has misunderstood the role of Condition 9(b). Condition 9(b) functions as a staging and capacity safeguard to ensure that sufficient land is available for the *next* stage of development based on wastewater flows generated by *previous* stages. In that context, retaining the 5–8 mm/day rate is appropriately conservative and provides a prudent margin when confirming land availability for future stages. We are satisfied that Condition 6 then provides the operational framework for higher application rates once the land application system is established and managed in accordance with the certified management regime. Accordingly, we do not make the sought changes to Condition 9(b) and it is retained as proposed.

277 JPROA also sought amendments to Conditions 9 and 40 to require additional land to accommodate wet weather flows. The applicant opposed that change and advised that wet weather flows were addressed through expert caucusing, and that any potential adverse effects associated with wet weather infiltration are avoided by compliance with Conditions 6 and 36. The Panel accepts that response. In particular, the suite of operational and performance controls provided by Conditions 6 and 36 is directed at avoiding adverse effects from infiltration and variable flows, and we are not persuaded that a further "additional land" requirement is necessary or proportionate in this context. No amendment is therefore made to Conditions 9 and 40 in response to this point.

278 JPROA further suggested that each lot should be required to include primary wastewater tanks (as used in parts of Jacks Point) to reduce the risk of odour. The applicant considers this unnecessary, noting that the proposed treatment plant is a more sophisticated system than that currently used at Jacks Point and is designed to receive and treat the full wastewater load without pretreatment. The Panel accepts that position and is not satisfied, on the material before us, that requiring lot-level pretreatment tanks is necessary to achieve appropriate odour outcomes for this proposal. In any event, we are not persuaded that pretreatment tanks would provide the odour reduction benefit asserted by JPROA in the circumstances of the proposed treatment system. No condition is imposed requiring primary tanks at each lot.

279 JPROA also sought further amendment to Condition 38 (and subdivision condition 23(y)(iv) in relation to the surrender of an existing easement over the land application area prior to its use by the applicant (easement Area XQ). JPROA requests that the condition be amended so that, if the consent holder proposes to use Area XQ as a land treatment area, the consent holder must first obtain JPROA's consent to that use, rather than being able to demonstrate that the proposed use is not for a conflicting purpose.

280 The applicant opposed the proposed amendment on the basis that it would make the condition more onerous than the relevant easement agreement. The Panel agrees.

281 We have considered the easement instrument. It grants JPROA rights to treat wastewater within the defined "Wastewater Treatment Area". The instrument also expressly contemplates that the Grantor may grant "Other Rights" over the servient land, provided that any such grant does not diminish the Grantee's rights under the instrument, and includes covenants that the Grantor must not impede or interfere with those rights. Disputes in connection with the instrument are subject to an arbitration mechanism.

282 Condition 38 is to operate consistently with the parties' legal arrangements, and we are not satisfied that the additional wording sought by JPROA is necessary or appropriate as a planning control. We therefore accept the applicant's position and do not adopt the amendment proposed by JPROA. Such a requirement would be more onerous than necessary for the purpose of ensuring compatibility of uses within Area XQ and would introduce a third-party dependency into the consent compliance pathway. The question of whether a proposed use diminishes rights under the easement is properly determined by reference to the easement terms and the remedies provided for within that instrument.

283 Finally, JPROA also sought an amendment to Condition 23 of the wastewater discharge to land consent to require surface water quality monitoring to commence prior to any earthworks, rather than being tied only to earthworks authorised under RMFT25.003.01 (residential earthworks). JPROA's concern was that additional earthworks are likely to be consented in due course for associated infrastructure (including wastewater and transport works) and that monitoring should commence before those activities begin, given the potential for earthworks of any type to affect surface water quality and, in turn, JPROA's water supply.

284 The applicant indicated it was prepared to accept an amendment in principle, subject to wording changes. However, the wording advanced by the applicant did not fully address the "any earthworks" scope sought by JPROA, as it remained effectively linked to the residential earthworks consent. In this regard, we note that the timing of commencement of surface water monitoring was addressed in the joint witness statement on wastewater, where the Applicant's planner agreed to amend the condition to ensure monitoring commences prior to commencing earthworks (Agenda Item 5, JWS). Against that background and having considered the potential effects of earthworks on surface water quality and the relevance of those effects to JPROA's water supply, we consider it reasonable and appropriate that Condition 23 captures all earthworks rather than a subset tied to a particular consent. We have therefore amended Condition 23 to require surface water quality monitoring to commence prior to the commencement of any earthworks on the site, consistent with the intent discussed in the joint witness statement and the outcome sought by JPROA.

Stormwater

285 Management of stormwater requires systems to cope with stormwater generated off the Site from the Remarkables to the east of SH6 and stormwater generated within the development itself.

286 Three naturally occurring channels: Northern, Middle and Southern Creeks drain onto SH6 uphill from the Site. The proposed strategy is to divert these flows to the north or south around the margins of the proposed development into the existing gully along the southern portion of Lot 8 and the existing channel along the southern boundary of Lot 12. Flood protection diversion channels / bunds will be constructed along the SH6 boundary of the Site to ensure the flows are diverted.

287 The stormwater flows will then continue to flow into Lake Wakatipu as currently occurs, with the stormwater being diverted north into the Northern Channel being carried westward through the channel and the existing 4m x 1m box culvert under Homestead Bay Road to join Māori Jack Stream and then Lake Wakatipu.

288 Stormwater originating from within the proposed development footprint will be managed by a primary pipe and road stormwater network supported by a secondary flow path system within the large road network. The on-site stormwater reticulation is designed to ensure that there is no increase in post development flows leaving the Site.

289 Several stormwater outlets are proposed into the Northern Channel and Southern and Central Gullies which will contain stormwater detention basins and gross pollutant traps. Shallow depth flows will pass through vegetation and natural roughness on the gully floors. Additional treatment through the highly permeable gullies will also occur.

Comments Received

290 Many commenters consider that wastewater disposal is the most critical unresolved issue. The proposal to rely on Lot 12 for treatment and land-based disposal is widely criticised as inadequate, theoretical, and risky. Residents point out that Lot 12 was designed only for Jack's Point's needs, not for thousands of additional dwellings, and that seepage could contaminate the local water supply bore and Homestead Bay's pebble beach. Odour modelling is also questioned, with prevailing southerly winds likely to carry smells directly into neighbouring homes.

291 The Jacks Point Group and JPROA highlighted legal conflicts, noting easements that give them exclusive wastewater disposal rights over parts of Lot 12. They warned that the Applicant's overlapping discharge proposals could compromise existing consented systems, reduce capacity for future Jacks Point expansion, and breach legal agreements. Both groups sought conditions limiting wastewater approvals to the 1,438 standalone lots currently proposed, excluding superlots, and requiring adaptive management plans, reserve disposal areas, and stricter irrigation limits.

292 Several comments were to the effect that the only sustainable solution is connection to QLDC's reticulated network. QLDC's own TTSP anticipates major investment in a Southern Corridor wastewater scheme, and landowners such as the Jardines stress that self-servicing would undermine this coordinated approach. They warn that if the Applicant proceeds with its own disposal fields, it will reduce development capacity across the corridor and delay wider infrastructure upgrades. Independent verification of

capacity, odour control, and resilience under heavy rainfall is repeatedly requested as a condition of consent.

293 QLDC strongly oppose the Applicant's standalone wastewater and water supply system. It considers this approach inefficient, unsustainable, and inconsistent with its long-term servicing framework. Concerns include fragmented networks, risks of sub-standard private systems, and future costs to homeowners or ratepayers if vesting is required. QLDC's preference is for the development to connect to its reticulated wastewater and water network, with costs and responsibilities clearly defined through a Developer Agreement to secure cost-sharing and delivery.

294 QLDC considers stormwater management is generally acceptable but requires further assurance. The TTSC promotes nature-based solutions such as vegetated channels and wetlands, which the Application partially aligns with. Yet QLDC remains concerned about downstream capacity, cumulative effects, and maintenance responsibilities. The southern gullies, which play a vital ecological and drainage role, are particularly at risk from proposed subdivision layouts and public access. QLDC recommends enforceable conditions to ensure integration with its wider corridor drainage network and long-term performance.

Applicant response to comments

Water

295 The applicant acknowledges QLDC's preference for extending the reticulated potable water scheme but notes that this option requires significant upgrades and high development contributions, making it financially uncertain. Instead, the Applicant proposes an on-site groundwater supply with treatment and reservoirs, which has been peer-reviewed and found secure. It remains open to interconnection or vesting with QLDC in the future and supports an "either/or" condition to allow flexibility between connecting to QLDC's scheme or using the on-site option.

Wastewater

296 While the majority of comments preferred connection to QLDC's reticulated network, the Applicant highlights unresolved capacity issues at the Shotover ponds and other constraints, meaning QLDC is not currently ready to accept such a connection. The Application therefore seeks approval for both options: on-site disposal and potential future connection. Peer reviews by ORC confirm the on-site system is viable subject to clarifications, and the Applicant has addressed concerns about discharge quality, monitoring, and overlapping land treatment areas. The Applicant argues the scheme is conservatively designed, suitable for staged verification, and compliant with odour and water quality standards.

Stormwater

297 Concerns about contamination of Lake Wakatipu and downstream gullies were addressed by confirming stormwater measures meet QLDC's Code of Practice and permitted activity standards under the Otago Water Plan. The Applicant explains that peak runoff increases will be minimal compared to larger catchments, with controls ensuring pre-development flow rates are not exceeded. Specific gullies and outlets raised by residents have been accounted for, with swales and diversions designed to protect neighbouring properties

and SH6 infrastructure. Maintenance responsibilities will be confirmed before subdivision completion.

Expert Conferencing

298 Following the receipt of comments and responses, the Panel directed that the parties undertake expert conferencing to clarify and reconcile, if possible, the opposing technical opinions on wastewater. The expert conferencing was held on 19-20 November 2025. Representatives from the Applicant, ORC, QLDC, the JPROA, and Kā Rūnaka participated.

299 The matters considered addressed the following primary issues:

- Treated effluent standards
- Irrigation hydraulic and nutrient loading rates
- Groundwater and surface water monitoring
- Interrelationship with JPROA's water supply and irrigation scheme
- Adaptive management and remedial action

300 The Panel was pleased to learn that the conferencing was successful in resolving all technical points of difference. At the same time amendments to the relevant conditions were agreed which has been very helpful in compiling this Decision. The Panel especially thanks the participants for their very open and cooperative approach which has resulted in the settlement of what had the makings of being the most critical unresolved issue for the Application.

Panel Findings

301 In the process of the interchange of comments, responses and the expert conferencing the Panel considers that key points in contention have either been resolved or are appropriately deferred to steps following in the regulatory process such as engineering review and acceptance. Where the Applicant has addressed matters raised by commenting parties the Panel is generally satisfied with the Applicant's response and accepts that the any outstanding matters will be addressed through application of the consent conditions.

302 The Panel is satisfied that the issues raised by commenters around the adverse effects, risks and uncertainties of wastewater land application were resolved during the Expert Conferencing. In addition, the issue around connection of the wastewater network to the QLDC network has been suitably addressed in the conditions by provision for either onsite land disposal or QLDC network connection. We do not accept that QLDC network connection needs to be mandatory in order to mitigate residual effects as we consider that these will be appropriately managed through the Conditions should the onsite option be chosen.

303 Similarly, we consider that connection to the QLDC water supply network should not be mandatory and that the option for an onsite water supply as provided for in the conditions is appropriate.

304 We address in Part G of this decision the comments that were addressed to the economic impacts of onsite water and wastewater disposal systems versus connection to QLDC infrastructure.

Conditions

305 The Applicant provided an updated set of consent conditions in response to the comments received from ORC, DoC, JPROA and resulting from the expert conferencing. The updated conditions address the concerns raised in comments and reflect the agreements reached in expert conferencing.

306 We note that in the updated condition set provided by the Applicant, the rate and quantity of abstraction in Condition 2 of RMFT25.003.09 was shown as deleted, which we took to be an error. We have reinstated these details to ensure compliance with groundwater resource allocation limits.

Comments on Conditions – Ownership of Servicing and Assets

307 QLDC sought a change to Condition 5 of the Subdivision Consent to ensure connection to Council's assets is at the sole discretion of QLDC as owner of the network these assets would connect to. The amendments sought included a requirement for a "Developers Agreement" and associated Advice Note. The Applicant did not consider the changes were necessary and stated that "if connection to Council's services is agreed, the terms of the agreement can be worked through at that time".

308 We have considered the amendments sought and we are not persuaded that the approach of conditioning a Developer Agreement is suitable for the following reasons:

1. Condition 5 already achieves the necessary clarity by requiring the consent holder to confirm, before engineering acceptance and s223 approval, whether QLDC will accept any allotments/assets/infrastructure, and making clear this is entirely at QLDC's sole discretion.
2. QLDC's proposed condition 5(b) would require (and attempt to prescribe the content of) a future developer agreement dealing with commercial and technical terms (e.g., upgrades, cost apportionment, potential credits, and connection terms) that are properly the subject of separate negotiations and approvals if, and only if, QLDC elects to accept vesting and/or permit a connection.
3. As framed, proposed condition 5(b) is not a practical "compliance" condition for the consent holder in the usual RMA sense: it depends on third-party agreement and future negotiations and would risk uncertainty/enforceability concerns (and effectively "conditioning" a contract whose terms are not known at the time of consent).

309 However, the Panel is satisfied that it is nevertheless appropriate for the consent holder to be on notice of the likely requirements should it pursue vesting/connection. Accordingly, the Panel includes an advice note summarising (non-exhaustively) the matters QLDC may require to be addressed in any developer agreement, without converting that separate negotiation process into an enforceable consent obligation.

Construction Effects

310 The Proposal is supported by a Construction Management Plan and Environmental Management Plan prepared by Stantec New Zealand to ensure that any potential nuisance effects during construction will be able to be avoided, remedied or mitigated.⁷²

Comments Received

311 Several of the Jacks Point residents sought clarification on the construction Management Plan with regard to the wind category utilised and whether additional dust management measures are needed.

312 Comments received from the ORC state that additional conditions are recommended because of the scale and duration of the works to ensure that the Site does not become a significant source of dust that could be transported beyond the Site boundary. The conditions sought impose a requirement to cease earthworks if the wind speed is higher than 14m per second and a requirement to install an anemometer on the Site to measure wind speed.

Applicant response to comments

313 Ms Leith explained that the BRANZ mapping referred to by the Jacks Point residents is for the purposes of structural building design and identifies two small locations on the Site that are extra high wind zones, being the two highest points. She commented that most of the Site is in a high wind zone with some very high areas, which is the same as the neighbouring Jacks Point and Hanley's Farm developments.

314 Ms Leith commented that the extensive list of mitigation measures in the Environmental Management Plan will ensure that dust does not leave the Site during construction and these measures are enforceable by the ORC and QLDC. She confirmed that the recommended conditions put forward by the ORC are accepted by the Applicant.

Panel Findings

315 Subject to the imposition of appropriate conditions of consent we find that any construction effects will be appropriately avoided, remedied or mitigated.

Conditions and comments on conditions

316 The Applicant provided an updated set of consent conditions in response to the comments received. Condition 36 reflects the additional requirements recommended by the ORC to ensure that the Site does not become a significant source of dust that could be transported beyond the site boundary.

317 JPROA and the Jacks Point Group sought amendments to the conditions to clarify that construction traffic (including traffic associated with subdivision development and building works) would be prevented from using the Jacks Point roading network—

⁷² Application: Appendix X Construction Management Plan and Environmental Management Plan (Updated August 2025)

specifically Māori Jack Road and Homestead Bay Road—to access the Site. The Applicant agreed to these amendments.⁷³

Natural Hazards

General

- 318 The Site being located on alluvial fan deposits between the Remarkables and Lake Wakatipu is subject to several natural hazards. The Geotechnical Report assesses the seismic and liquefaction hazards and slope stability, and the Natural Hazard Assessment assesses the alluvial fan flooding and debris flow risks, rock fall, debris avalanche and lake seiche hazards. The Natural Hazards Assessment takes into account the RCP8.5 climate change scenario for rainfall and snow melt and also includes a qualitative risk analysis for each hazards following the framework provided in Appendix 6 of the Otago Regional Policy Statement 2021 (RPS). The application material assesses the risks associated with each of the hazards and where appropriate identifies mitigation requirements or required design responses.
- 319 While the Site is located in a severe seismic risk zone the risks to earthworks, slopes and buildings are said to be addressable by the use of appropriate seismic loadings during design. The liquefaction risk assessment which indicates a “probably low” risk over the upper terrace has relied on the QLDC GIS Natural Hazards Map and site information on the groundwater regime. A part of the upper terrace has a raised liquification risk (“medium vulnerability”) due to an interpreted perched water table at shallow depth. The assessment concludes that that development is possible and the liquefaction risk over most the Site is relatively low.
- 320 The debris flood hazard associated with flood/debris flows running down the three main channels off the Remarkables onto the Site has been addressed in the stormwater assessment. Interception bunds and channels along SH6 are proposed to divert these flows away from the development to the existing gulleys and channel that cross the application site.
- 321 The potential for a lake seiche (like tsunami) to occur is also assessed in the Geosolve Natural Hazards Assessment noting that there is no known record of this occurring since human occupation.
- 322 Overall, the risks that have been identified through the hazard assessments are considered to be appropriately addressed through the design of the subdivision, including the diversion swale and bund and the appropriate sizing of the Northern channel.

Comments Received

- 323 Some comments question the broader hazard resilience. Queenstown’s isolation, seismic risk, and limited emergency infrastructure mean that any large development must plan for civil defence contingencies. Residents want the existing airstrip at Lot 8 to be retained

⁷³ At JPROA’s request, condition 13(e) has also been amended to link these requirements to the access arrangements set out in the Construction Management Plan.

as they consider it is vital for emergency access. The Minister for Climate Change also noted that the application provides no national or regional climate mitigation benefits, and that the compounding effect of hazards would be valuable.

324 QLDC identified significant gaps in the Applicant's assessment of liquefaction risk, noting investigations have been limited to parts of the site, leaving large areas unverified. This is particularly concerning as land earmarked for social and community infrastructure lies within zones where liquefaction is possible. Without comprehensive testing, the proposed layout cannot be considered safe or resilient.

Applicant response to comments

325 The applicant responded on the matter of liquefaction raised by QLDC regarding the settlement risk to the water reservoirs on the northeastern side of Lot 12 and wastewater and water treatment plant buildings in that area. Additional ground information and assessment was produced by the Applicant which confirmed the original low liquefaction risk categorisation.

Panel Findings

326 The assessment of a range of natural hazards by the Applicant raised only one matter that requires a finding by the Panel; that related to the potential for liquefaction of the ground under the Site during seismic conditions. Following response by the Applicant to this matter, the Panel is satisfied that this risk is low and needs no further consideration in this decision.

Conditions

327 No changes to the Conditions proposed by the Applicant relating to natural hazards have been made as a result of the comments received.

Community Housing

328 The Applicant addressed the QLSP and the identified need to ensure the development of future urban areas prioritise the delivery of affordable housing options. It stated that:

*"The proposal will deliver a regionally significant increase in supply of housing within Queenstown, with the types of housing proposed responding directly to demand for 'affordable' homes"*⁷⁴

329 The Application considers that the proposal responds positively to the QLSP, resulting in a positive effect by providing smaller dwellings (such as townhouses, terrace housing and apartments) which are generally considered to be more affordable.⁷⁵

Comments Received

330 The Queenstown Lakes Community Housing Trust (QLCHT) seeks that 5% of the new sections created at Homestead Bay be made available as community housing to QLCHT, to be delivered in stages consistent with the subdivision staging. QLCHT commented that a 5% contribution would mean approximately 125 community dwellings would be available as affordable housing for low-moderate income households. It sought that a covenant

⁷⁴ Application, Section 1 Summary of Proposal

⁷⁵ Application, Section 13.1 Positive Effects

be applied to the titles of these properties to ensure they are retained as affordable housing in perpetuity.⁷⁶

331 QLDC noted that while the Proposal includes the provision of a variety of housing typologies (including more affordable smaller high density housing) the Application does not seek land use consents for the construction of buildings on the high density super lots, which will be subject to a separate and future resource consent process. It considered that the achievement of perpetual housing affordability requires a specific legal contribution mechanism to a registered Community Housing Provider and recommended a condition of consent to this effect.⁷⁷ The comments received place reliance on a technical report that has since been provided in Appendix 1 to the Applicant's response to comments.⁷⁸

332 Kā Rūnaka commented that the ongoing housing crisis in the Queenstown Lakes District has disproportionately impacted Kāi Tahu whānau, many of whom face significant barriers to securing affordable, secure, and appropriate housing within their takiwā. Kā Rūnaka sought a mechanism on affordable housing allocations (such as exclusivity or a right of first refusal) prior to their release to the private market or third-party providers like the QLCHT.⁷⁹ The commentary states that:

"For Kāi Tahu and Kā Rūnaka, access to affordable housing is not merely a policy preference, it is a fundamental socio-economic priority that underpins whānau wellbeing, intergenerational equity, and the ability of mana whenua to remain connected to their ancestral landscapes"

"Such arrangements would not only support the retention and return of Kāi Tahu whānau to their whenua but also represent a tangible expression of Tiriti-based partnership and the recognition of Kā Rūnaka as Treaty partners with enduring rights and responsibilities in the region. Embedding these opportunities into the development framework would demonstrate a commitment to equitable outcomes and uphold the mana of Kā Rūnaka in shaping the future of their takiwā"

Applicant response to comments

333 In response to the comments received, and further engagement with the QLCHT, the Applicant has offered to provide the 5% contribution for affordable housing. Specifically, the Applicant proposes to deliver 5% of houses under the sub-market rental model (used by RCL at Hanley's Farm) in partnership with the QLCHT with legal mechanisms to secure the status of the housing agreed between RCL and the Trust.⁸⁰

334 The Applicant asserted there is no effects or policy basis that would compel the Applicant to make a contribution to affordable housing and that the condition offered is provided on an *Augier* basis and represents a positive effect of the proposal.⁸¹

⁷⁶ Comments received from Queenstown Lakes Community Housing Trust under s53(2) FTAA.

⁷⁷ Memorandum of Counsel, Response to written comments, 4 November 2025. Appendix 4 Proposed Subdivision Consent Conditions (QLDC).

⁷⁸ Memorandum of Counsel, Response to written comments, 4 November 2025. Appendix 1 Summary of the Te Tapuae Southern Corridor Structure Plan and assessment against the Fast Track Resource Consent for Homestead Bay and Affordable Housing.

⁷⁹ Comments received from Kā Rūnaka under s53(2) FTAA.

⁸⁰ Memorandum of Counsel, Response to written comments, 4 November 2025.

⁸¹ Memorandum of Counsel, Response to written comments, 4 November 2025.

335 Mr Wells, in response to the CIA provided by Kā Rūnaka stated that the Applicant is not in a position to enter into formal arrangements such as "first right of refusal" for housing, however noted that relationships developing via the Process Agreement offer the potential for future opportunities to be considered.⁸²

Panel Findings

336 We are satisfied that the condition offered represents a positive effect. We agree it can be accepted as a condition of consent on an 'Augier' basis. We agree with commentators that the Proposal provides a clear opportunity to improve housing affordability in the District.

337 We have considered the CIA provided by Kā Rūnaka and the associated relief sought relating to community housing. Given our discussion in addressing cultural impacts, we are prepared to accept the position of the Applicant, noting that that relationships developing via the Process Agreement may offer the potential for future opportunities to be considered.

338 We discuss alignment of the proposal against the policy framework in Part H of this Decision.

Conditions

339 The updated condition provided by the Applicant has been agreed to with the QLCHT. The Panel is satisfied that this condition secures an appropriate outcome in terms of affordable community housing.

Community Services

Provision for a future primary school

340 The Applicant's assessment of effects notes that the Ministry of Education (**MOE**) has 'flagged' the likely need for a second primary school within the southern corridor. The application records that the MOE would likely use its designation powers to secure approvals for a school site, with acquisition of a future site a matter for negotiation between the Applicant and the MOE.

341 The Applicant has identified two sites of approximately three hectares each, within Lot 8 which could accommodate a school. The locations are centrally located and border roads and are located in the vicinity of the planned medium density superlots. A school site on these lots could be accommodated without wholesale changes to the remainder of the proposed subdivision plan.

Comments Received

342 A number of comments were received raising concerns about the capacity of existing health, education, emergency and postal services in the area and their ability to cope with additional population demands.

⁸² Memorandum of Counsel, RCL Group, 18 November 2025.

Applicant response to comments

343 With the exception of a future primary school, the Applicant submits that these other community related services are matters that are outside of its control to resolve. In response to comments that attribute some importance to the airstrip on Lot 8 having a civil defence function, the Applicant notes the QLSP and TTSC have identified Lot 8 as the location for future housing and this is not compatible with ongoing use of the land for an airstrip due to noise and reverse sensitivity effects once residential development starts to be developed closer to the airstrip.

344 As noted above, there is flexibility in the proposed subdivision layout for a new school site, should MOE be interested in acquiring land for a school.

Panel Findings

345 The Panel has considered the information provided by the Applicant and comments received. The Panel agrees that the approach adopted for the future location of and provision for a primary school, taking into account location and access is appropriate. The Panel agrees that retention of the grass airstrip within Lot 8 for the purposes of providing a civil defence function is inappropriate in the context of the future urban development of the Site. We agree that the other matters raised in comments under this topic heading are outside of the control of the Applicant to deliver or resolve.

Conditions

346 Relevant to future use of part of the Site for a school, MOE in their comments sought amendment to a number of conditions to better accommodate that future use and provide flexibility. In response, the Applicant observes that flexibility is already provided for in the conditions, and further, no change is required and any consent notice conditions as these can be addressed in any future variations to the subdivision plan, and by the use of the designation process to secure approvals for a school. We agree and do not propose any changes to conditions from those proffered by the Applicant.

Cumulative Effects

347 Potential cumulative effects of the Proposal were addressed in several appendices to the Application, including: GG (Transport), FF (Landscape), B (Engineering Feasibility Report addressing water quality and aquatic ecology), HH (Wastewater), and PP (Water Quality and Aquatic Ecology).

Comments Received

348 The ORC's written comment raised the following concerns with regard to cumulative impacts of the Proposal:

- The development is of significant scale, representing approximately 27% of the 9,350 total units projected to be built in the Southern Corridor by 2053.
- The development is one of several large-scale developments in the Southern Corridor, and no consideration has been given to the potential cumulative effect on water quality and aquatic ecology of these multiple significant land use changes.
- The construction-phase activities will occur over an extended duration.

- d. Future landowners are likely to commence earthwork activities on individual lots concurrently with the bulk earthworks undertaken by the Applicant
- e. Poor management of stormwater from the partially developed and fully developed site could have substantial adverse impacts on water quality in onsite streams and Lake Wakatipu, but these discharges are permitted by the RPW.

Applicant response to comments

349 Ms Leith acknowledged the significant scale of the Proposal, reflecting the regional scale and associated benefits including the increase in housing supply as well as the forecast economic benefits. She considered any potential cumulative effects of the proposal are satisfactorily addressed in the Application and supporting technical reports. She noted in particular that the cumulative effects of the proposed loss of the wetland areas on the Site are sought to be compensated for to enable the enhancement of the ecological values within the District.

350 With respect to the duration of the construction phase, Ms Leith explained that a Construction Management Plan, an Environmental Plan along with an Adaptive Management Plan have been prepared to guide the administrative and operational procedures and practices to ensure that potential effects are managed. She considered that the Adaptive Management Plan is particularly useful for large, longer-term developments as it involves a continuous loop of monitoring to evaluate the effectiveness of actions and to identify any unexpected impacts and this reduces uncertainty. On this basis, she concluded that the potential cumulative effects resulting from the extended duration of the project can be suitably mitigated.

351 In response to the concern that future lot owners may be developing their individual sites at the same time as additional subdivision stages being undertaken by the Applicant, Ms Leith highlighted this is a matter that the Applicant has current experience with at Hanley's Farm. While she acknowledged that responsible environmental controls on development sites of all scale are necessary, the enforcement of these controls is largely out of the Applicant's control once the lots have been created and the roading and infrastructure has been vested in QLDC. In her view, the ORC and QLDC play a key role in ensuring that cumulative effects arising from poor management of the smaller sites do not emerge through educating and enforcing the Regional and District Plan provisions. In the event the Homestead Bay infrastructure is not vested in the QLDC, she acknowledged that the Applicant and the future Incorporated Society will have a greater role to play in education and enforcement.

352 Ms Leith observed that the concern raised by the ORC about the management of stormwater appears to be a concern about the level of discharges permitted by the Regional Water Plan rather than the cumulative effects of discharges. She confirmed that the potential cumulative effects on water quality and aquatic ecology which relate to stormwater discharges have been addressed in Appendix PP to the Application. Further she noted that conditions of consent for the monitoring of heavy metals (as a result of stormwater discharges) have been incorporated into the wastewater monitoring regime at the request of ORC's peer reviewer, and that this goes beyond the requirements of the Regional Water Plan.

Panel Findings

353 We have carefully considered the comments received alongside the relevant technical assessments and we are satisfied that the cumulative effects of the Proposal will be appropriately managed subject to appropriate oversight and adherence to conditions of consent, including the suite of management plans.

354 We note that in the event the Homestead Bay infrastructure is not vested in the QLDC, the Applicant will be required to establish an Incorporated Society (or equivalent legal body) to ensure enforcement of all relevant conditions of consent.

Conditions

355 The Panel is satisfied with the conditions of consent as proposed and has made no changes.

Positive Effects

356 The Application is put forward on the basis that the proposal will result in regional level positive benefits due to the significant increase in housing supply, and housing choice. Other positive benefits are said to include the alignment of the proposal with strategic planning documents, such as the Grow Well Whaiora – Queenstown Lakes Spatial Plan, provision of additional commercial and community activities within the southern corridor – including employment, recreational benefits, improved biodiversity and integration of the development with other landholdings. The applicant also submits that the self-sufficiency of infrastructure is a positive benefit of the proposal and provides opportunities of integration for infrastructure on adjacent landholdings.

357 As discussed elsewhere in this Decision the proposal allows for the possibility of a new primary school site with the identification of two potential sites, each three hectares in size.

358 The provision of reserves is seen as a positive effect for both passive and active recreation. Some 19 hectares of native planting is to be undertaken in the vicinity of areas to vest as reserve and existing native vegetation retained and maintained where possible, which will have positive effects on indigenous biodiversity and habitat restoration.

359 Regional benefits are said to include:⁸³

- Construction contributing \$720.3 million to GDP and 4,420 FTE jobs;
- \$160million of indirect impact to primary sector GDP supporting 980 FTE jobs
- Once constructed, future residents contribute \$67.6 million and support 679 FTE jobs;
- Retail centre to contribute \$21.7 million and support 223 FTE jobs.

Comments Received

⁸³ Appendix EE, based on 2531 dwellings and 11,000m² of retail – noting our earlier discussion of the scope of the listed project and retail provision of 1,100m²

360 The Ministers for Infrastructure and South Island (also Associate Minister for Transport) submitted in support of the application saying that the development reflects the Government's economic growth, housing and infrastructure priorities.

361 Some challenged the extent of positive economic benefits of the project with respect to the extent of housing and commercial development being delivered by the substantive application; and the standalone wastewater scheme.⁸⁴

Applicant response to comments

362 The applicant provided a further assessment of the positive economic benefits of the proposal as per the table below and maintained that the proposal will have positive economic benefits judged against a range of development scenarios.

Based on Urban Economics' reporting the range of economic benefits is as follows:

	Development Yield Scenario	
Economic Contribution and Employment	1,438 dwellings	2,531 dwellings + 11,000m² commercial GFA¹
Total value-added to GDP from construction	\$399 million & 2,450 FTE jobs	\$720 million & 4,420 FTE jobs
Direct impact on construction sector	\$187 million & 1,150 FTE jobs	\$338 million & 2,075 FTE jobs
Indirect impact on Primary Industries	\$88 million & 540 FTE jobs	\$160 million & 980 FTE jobs
Ongoing household expenditure on retail (per annum)	\$37 million & 300 FTE jobs	\$68 million & 570 FTE jobs

363 As discussed above, in response to comments from QLCHT the Applicant is offering a contribution to affordable housing by way of a sub-market rental model, similar to that used in Hanley's Farm, in partnership with QLCHT. It cites this as a positive effect of the proposal.

Panel Findings

364 The Panel accepts that the proposal will result in a material increase in housing supply and housing choice at a scale that is significant in a district and regional context. We consider this to respond positively to the well-documented pressures on housing in the Queenstown Lakes District and to be consistent with the strategic growth direction set out in Grow Well Whaiora – Queenstown Lakes Spatial Plan. In this regard we note the supporting comments from the Ministers for Infrastructure and South Island (also Associate Minister for Transport), which reinforce that the development aligns with current Government priorities for economic growth, housing delivery and infrastructure

⁸⁴ In particular, Jacks Point Group, Jardine and QLDC

investment. We attach some weight to those comments as an indication of the strategic and economic importance of the proposal at more than just a local scale.

- 365 A further positive effect is the provision for a new primary school, with two potential three-hectare sites identified within the structure plan. Although ultimate delivery and timing of any school rests with the Ministry of Education and other processes, the deliberate spatial allocation of suitable sites within the urban form is an important enabling outcome. It provides a realistic opportunity for a future school to be co-located with residential development, community facilities and open space, which in turn has positive implications for access to education, reduced travel needs and community cohesion.
- 366 The open space and ecological restoration components of the proposal are also positive, noting that QLDC raises various issues as to size and configuration of proposed reserves, which are addressed in a separate section of our assessment. In addition, some 19 hectares of native planting is proposed, with an emphasis on areas adjoining or within land to vest as reserve, and the retention and maintenance of existing native vegetation where practicable. We accept the applicant's expert assessments that this will result in positive effects on indigenous biodiversity, habitat restoration and landscape character over time, subject to appropriate conditions securing planting, maintenance and pest management.
- 367 We also consider the proposed infrastructure approach to have positive aspects. The self-sufficiency of key infrastructure, including wastewater, reduces reliance on already constrained existing networks and provides resilience and flexibility in the staging of development. At the same time, the potential to integrate infrastructure with adjoining landholdings in the future creates opportunities for more efficient and co-ordinated servicing outcomes across the wider southern corridor.
- 368 We consider the affordable housing provision offered by the Applicant a further positive effect of the proposal and presents a clear opportunity to improve housing affordability.

PART G: REGIONAL OR NATIONAL BENEFITS OF THE PROJECT

- 369 Section 3 of the FTAA states that the purpose of the Act is to facilitate the delivery of infrastructure and development projects with *significant regional or national benefits*.
- 370 As noted above in Part C section 81(4) FTAA specifically requires the panel to consider the extent of the project's regional or national benefits.⁸⁵
- 371 The assessment of adverse impacts in relation to an approval sought is particularly relevant in the context of a decision to decline an approval. An approval can only be declined if the adverse impacts are out of proportion to regional or national benefits.⁸⁶
- 372 There is no specific definition of significant regional or national benefits in the context of listed projects. Section 22 FTAA, which relates to the criteria for assessing a referral

⁸⁵ If the application was a referral application – the panel must treat the stage of the project to which the application relates as constituting the project; but may consider the regional or national benefits of the whole project, having regard to the likelihood that any later stages of the project will be completed (section 81(5) FTAA).

⁸⁶ Section 85(3) FTAA

application, provides the following:

(2) For the purposes of subsection (1)(a), the Minister may consider—

- (a) whether the project—
 - (i) has been identified as a priority project in a central government local government, or sector plan or strategy (for example, in a general policy statement or spatial strategy), or a central government infrastructure priority list;
 - (ii) will deliver new regionally or nationally significant infrastructure or enable the continued functioning of existing regionally or nationally significant infrastructure;
 - (iii) will increase the supply of housing, address housing needs, or contribute to a well-functioning urban environment (within the meaning of policy 1 of the National Policy Statement on Urban Development 2020);
 - (iv) will deliver significant economic benefits;
 - (v) will support primary industries, including aquaculture;
 - (vi) will support development of natural resources, including minerals and petroleum;
 - (vii) will support climate change mitigation, including the reduction or removal of greenhouse gas emissions;
 - (viii) will support climate change adaptation, reduce risks arising from natural hazards, or support recovery from events caused by natural hazards;
 - (ix) will address significant environmental issues;
 - (x) is consistent with local or regional planning documents, including spatial strategies;

373 We note that s22(2) (a)(i), (iii), (iv) and (x) appear to be of potential direct relevance to the Application. Although s22 applies to referral decisions, we treat it as a useful (non-exhaustive) indicator of the kinds of benefits Parliament contemplated, rather than a determinative test for this listed project.

374 The Panel considers the Project's regional benefits arise primarily from:

- (a) the scale of additional housing enabled along the southern corridor; and
- (b) the associated employment and economic activity generated during construction and through the ongoing operation of the new residential and local-centre community.

375 The consented subdivision provides for 1,438 standard residential lots (plus medium/high density and commercial superlots), with enabled capacity across the consented framework assessed within a range of approximately 1,436 to 2,531 units (noting that benefits reliant on later superlot development are contingent and are given proportionately reduced weight).

376 On the information before us (including the Urban Economics assessment referenced in the Application materials), the Project is expected to generate the following quantified economic benefits:

- a. Construction phase: contribution of \$720.3 million to GDP and 4,420 FTE jobs.
- b. Indirect primary sector effects: \$160 million of indirect impact to primary sector GDP supporting 980 FTE jobs.
- c. Operational (resident) spending effects: future residents contributing \$67.6 million and supporting 679 FTE jobs.

- d. Local centre effects: retail centre contributing \$21.7 million and supporting 223 FTE jobs.
- e. In addition, the Project includes substantial enabling infrastructure works (including State Highway intersection works), with the Applicant estimating approximately \$27 million in intersection upgrades.

377 The AEE addresses these significant regional benefits of the Application in sections 13.1 and 18 supported by an expert economic assessment from Urban Economics.⁸⁷ We have discussed the economic benefits of the project under our consideration of positive effects across the range of residential and commercial development to be delivered. Urban Economics have also assessed the scenario of a reduced scope, based on 1,438 dwellings, and found that level of development will continue to provide regionally significant economic benefits.⁸⁸ We have found that the project will result in a material increase in housing supply and choice, at scale that is significant at a district and regional context. We did not receive any expert economic assessments that presented a contrary view.

378 QLDC and DS and JF Jardine suggested that there are components of the Application that should be classified as adverse impacts, which should weight against or discount the extent of the benefits. These claimed adverse impacts relate to economic impacts on QLDC's ability to deliver water and wastewater upgrades along the southern corridor in the event the Applicant proceeds with standalone services; and the timing of construction of the connection or "spine" road between SH6 and Homestead Bay Road. We address those comments in further detail below.

Counterfactual and Economic Benefits and Impacts — Servicing Configuration (Wastewater) and Southern Corridor Implications

379 Under ss 81(4) and 85(3) of the FTAA the Panel must consider the extent of the project's regional or national benefits and weigh those benefits against the adverse impacts in relation to the approval sought. A question arising in this case is whether, and against what "counterfactual" scenario, those benefits and adverse impacts should be evaluated.

380 Parties invited us to consider whether the appropriate counterfactual is:

- a. the current zoning and use of the site (largely rural and resort zoning with existing activities); or
- b. a future urban development scenario broadly consistent with the TTSC, recently adopted by QLDC but not yet implemented through the District Plan.

381 The independent legal advice we received on this issue confirms there is no express statutory requirement in the FTAA to adopt or apply a particular counterfactual, although explicit consideration of one or more counterfactual scenarios may be a useful evaluative tool.

Submissions and positions of the parties

Jardine interests

⁸⁷ Appendix EE

⁸⁸ Memorandum with updated assessment dated 17 November 2025

382 The Jardines submit that when considering whether there are significant regional benefits the Panel “must” do so against a relevant counterfactual, which they say is development of the Site and wider corridor occurring in accordance with the TTSC.

383 On that basis they contend that:

- a. the primary benefit of the proposal is not that it enables development which would otherwise not occur, but that it enables the Homestead Bay component of the Structure Plan to occur more quickly; and
- b. any claimed benefit in accelerating development must be tested against potential adverse impacts on the timing or feasibility of other development anticipated under the Structure Plan.

384 They argue that such adverse impacts could arise if:

- a. the project proceeds on a self-serviced basis for wastewater, thereby undermining or delaying corridor-wide upgrades to QLDC’s wastewater network; and/or
- b. completion of the connecting road between State Highway 6 and Homestead Bay Road is deferred, with the effect of delaying development opportunities elsewhere in the Structure Plan area.

385 The Jardines say that to ensure there is a net regional benefit and no material adverse impact on other Structure Plan development, conditions “must” require wastewater to be disposed of via QLDC’s network and the link road to be completed as soon as possible. They say only in that way will the proposal maximise regional benefits under the FTA.

QLDC

386 QLDC advise that the TTSC was adopted on 4 September 2025 following technical assessment and community consultation. It represents its most up-to-date strategic direction for this area, including the Site. QLDC says the TTSC should properly be regarded as a relevant “other matter” under s 104(1)(c) RMA and be given appropriate weight in the assessment of the proposal under the FTA.

Applicant

387 Commenting on the legal advice received, the Applicant accepts that the Panel has a discretion to consider counterfactuals as an evaluative tool but questions the value of assessing the proposal against the TTSC counterfactual. It points out that the FTA application was lodged in advance of the TTSC being adopted, and that there remains uncertainty, particularly as to the timing of its implementation through plan change processes, including in light of the current government’s “Plan Stop” directive.

388 It says its economic evidence identifies a “Base Case” scenario in which the land continues in its existing rural use under current zoning. Benefits of the project are then assessed relative to that Base Case. It further submits that even assuming prompt implementation of the TTSC, the sequence of plan change, submissions, hearings, appeals and subsequent subdivision applications means that development of Homestead Bay under a conventional RMA process is unlikely to commence before about 2029, and likely later. It says the temporal dimension of earlier delivery via the FTA process is fundamental to both feasibility and the scale of benefits.

389 On the infrastructure issues raised by the Jardines, the Applicant contests that self-servicing of wastewater or the proposed timing of the link road would hinder or delay wider Structure Plan development, and points to the project's role in facilitating that link road and associated infrastructure.

Independent legal advice and other Panel decisions

390 The legal advice we obtained concludes that:

- a. there is no express obligation in s 81(4) or elsewhere in the FTAA to adopt or apply a counterfactual;
- b. nevertheless, when a panel identifies the benefits a project will deliver it is implicitly asking what the position would be without the project, so explicit consideration of counterfactuals may be a useful analytical tool;
- c. both a "current zoning" counterfactual and a "Structure Plan" counterfactual have strengths and limitations; and
- d. it is open to a panel, after weighing those matters, to conclude that a proposal delivers regionally significant benefits irrespective of which counterfactual is adopted.

391 We also received material noting that the issue of the "relevant counterfactual" has arisen in other FTAA proceedings, including the Waihi North project. In that case one economic witness suggested the counterfactual should be non-implementation of the project under the FTAA, so that the relevant benefits were confined to acceleration effects only. The panel there considered such an approach inconsistent with s 85(3), which requires adverse impacts "in relation to the approval sought" to be weighed against the project's regional or national benefits, not only its timing benefits.

Our assessment

Is a counterfactual required as a matter of law?

392 We accept the legal advice that the FTAA does not prescribe any particular counterfactual, nor does it require us to adopt one at all. The statutory task is to consider "the extent of the project's regional or national benefits" (s 81(4)) and to weigh those benefits against the adverse impacts in relation to the approval sought (s 85(3)).

393 In practical terms, benefits and adverse impacts are always understood relative to some "without project" scenario. We therefore consider it appropriate and helpful to be explicit about the scenarios we have in mind, while recognising that they are evaluative tools rather than legal pre-conditions.

394 We do not accept that the FTAA requires us to confine our assessment of benefits to the difference between implementation under the FTAA and implementation under an assumed Structure Plan pathway. That narrower characterisation of the counterfactual is similar to the approach rejected in Waihi North, and in our view would unduly constrain the analysis contemplated by s 85(3).

Current zoning / existing use counterfactual

395 The first and most concrete reference point is the current planning status and use of the Site. Parts of the land are zoned Jacks Point Resort Zone and parts Rural Zone, with the

Rural area identified as an "Indicative Future Expansion Area" in Chapter 4 (Urban Development) of the PDP. Much of the land currently supports rural activities.

396 This "current zoning" scenario aligns with the Base Case used in the Applicant's economic assessment and provides a clear and well-defined baseline against which to measure the additional housing, infrastructure and economic activity generated by the project.

Structure Plan counterfactual

397 We therefore use the Structure Plan primarily as a lens to test whether approval would materially hinder or distort that wider pattern; our findings on servicing configuration and corridor implications below inform that test.

398 The TTSC is a recent, council-endorsed strategy for urbanisation of the wider corridor, including Homestead Bay, at densities broadly comparable to (and in some respects higher than) those proposed in this application. We agree with QLDC that it is an important "other matter" and an appropriate lens through which to test the implications of the proposal.

399 However, the TTSC has no statutory (RMA) effect at this time. Its implementation will require one or more plan changes and subsequent consenting processes, with attendant uncertainties as to timing and ultimate form. Even on optimistic assumptions, the information before us indicates that development of Homestead Bay in accordance with the TTSC is unlikely to commence in the short term.

400 In those circumstances we do not regard the Structure Plan scenario as a fixed "counterfactual world" which must be assumed to occur regardless of the outcome of the Application. Rather, we treat it as an indicative planning trajectory against which we can test whether the project would unduly hinder or distort the wider development pattern QLDC envisages.

Temporal benefits and the Jardines' argument

401 We address the servicing and corridor issues—on the present evidential record—immediately below and then return to the consequences for the overall counterfactual framing.

402 We accept that, if one assumes the TTSC proceeds broadly as currently envisaged, a key difference between that scenario and an FTAA approval may be the timing of development at Homestead Bay. On that premise, the Jardines say the relevant benefit is acceleration of development at this location, which may or may not be positive once any delay or opportunity cost to other Structure Plan areas is taken into account.

403 We do not accept that the benefits of this project are confined to timing differences. For the reasons above, it cannot be assumed that Structure Plan implementation at Homestead Bay is certain or imminent in the absence of this approval. The project secures a comprehensive subdivision pattern, key infrastructure (including the link road) and a substantial quantum of residential capacity that, on the information before us, is unlikely to be delivered in the same timeframe or with the same degree of certainty through an RMA plan-change led process.

404 We also do not find persuasive submissions from commenters that the project, as conditioned, would materially delay or undermine development elsewhere in the Structure Plan area.

405 On the roading network, the 'link road' between SH6 and Homestead Bay Road is in substance dependent on this project proceeding. As we have discussed earlier in this Decision, in the absence of the project there is no identified pathway for that road to be constructed in the same timeframe. The project therefore appears more likely to facilitate, rather than impede, access for other Structure Plan land.

406 On wastewater, while the Jardines raise concerns about self-servicing, the technical material before us does not demonstrate that the project's proposed arrangements would compromise the feasibility or economics of future corridor-wide upgrades. Conditions are available (and are imposed in this Decision) to ensure that any on-site wastewater solution does not preclude future integration with QLDC's network and is aligned with the Council's longer-term servicing strategy. As we discussed under the wastewater effects section of our Decision, conditions provide the option of either onsite land disposal or QLDC network connection.

407 In light of the technical information before us, we do not accept that any acceleration benefits at Homestead Bay are cancelled out – or outweighed – by adverse impacts on the delivery of other Structure Plan development.

Servicing configuration (wastewater) and corridor implications

408 The Panel sought and received further information under s 67 FTAA with respect to these matters.⁸⁹ The Applicant says that even if Council reaches a different view on the servicing costs it has presented, any potential additional cost should be weighed against the project's regional-scale benefits. We accept that framing: the FTAA requires us to consider the extent of regional or national benefits and to weigh those benefits against adverse impacts in relation to the approval sought.

QLDC's timing position

409 QLDC in summarising the key issues⁹⁰ records that there is no current certainty as to the design, funding and timing of upgrades needed to service the project via the public network (including conveyance across Frankton Flats and capacity at/above Hanley's Farm pump station). QLDC confirms that (i) initial Hanley's Farm upgrades are already allocated to zoned-land growth and do not include capacity for the project; (ii) additional downstream conveyance works are signalled in the LTP for 2027–2028, but QLDC cannot commit to meeting the project's timeframes until feasibility, design and pricing work is complete; and (iii) any early use of public capacity would require cost-sharing mechanisms to be settled.

410 Following from that timing uncertainty, we also place weight on the fact that the consent conditions provide servicing flexibility - the development may proceed either with on-site water and wastewater systems or via connection to QLDC's reticulated network (if and when that pathway becomes available). This "either/or" approach responds directly to the evidence that, while QLDC prefers reticulation, there are acknowledged timing

⁸⁹ Applicant response to Minute 4 dated 17 November 2025 and QLDC response dated 28 November 2025

⁹⁰ Comments dated 28 October 2025, at 2.2.2

and funding uncertainties associated with delivering the Council’s preferred option within the Project’s timeframes.

411 We do not treat the presence of a “choice” as an economic benefit in itself. Rather, it is relevant to the certainty and deliverability of the housing outcomes (and associated economic benefits), because it reduces the risk that those benefits are contingent upon a single servicing pathway outside the Applicant’s control. In that respect, it also informs our assessment of concerns that self-servicing could undermine future corridor-wide upgrades: on the technical material before us, and having regard to the conditions imposed, we are not persuaded that the Project’s proposed arrangements would compromise the feasibility or economics of future corridor-wide upgrades, and the conditions are framed to ensure that any on-site solution does not preclude future integration with QLDC’s network.

412 Accordingly, we treat the servicing conditions as a risk-management mechanism within the overall FTA weighing exercise: they support the reliability of the Project’s regional benefits while limiting the prospect of material adverse impacts on the wider corridor servicing strategy.

413 As mentioned above, the Applicant provided a comparative analysis of corridor upgrades of a high-level nature that relied on assumptions that were disputed by QLDC (including the treatment of staging, scope/lengths and cost linearity, and the omission of whole-of-life and onsite WWTP costs). The information received from the Applicant and QLDC on this issue did not persuade us that a public-network alternative would be more cost-efficient per dwelling unit, nor do we find a reliably quantified corridor detriment from the standalone configuration.

414 Applying the Applicant’s balancing submission, we recognise the project’s regional-scale benefits (construction-phase employment/GDP and ongoing household expenditure). However, because neither a net servicing benefit nor a quantified servicing detriment has been established to any degree of certainty on the technical information before us, we do not add positive weight for servicing-related efficiencies, and we do not discount benefits for an unquantified servicing detriment. Those regional benefits are therefore carried forward unaltered into our weighing.

Overall conclusion on counterfactual

415 Drawing the above together, our conclusions are:

- The FTA does not require us to adopt a single “correct” counterfactual scenario, but it is useful to have regard to both the current zoning / existing use baseline and the indicative Structure Plan pathway.
- The current zoning / existing use scenario provides the clearest and most certain baseline for quantifying benefits, particularly in economic terms.
- The TTSC is an important strategic context and we have used it to test whether approval of the project would materially hinder or distort the wider development pattern QLDC envisages; on the evidence, we are satisfied it does not.
- We do not confine our assessment of benefits to timing effects alone, and we do not accept that the regional benefits of the project under s 81(4) are limited to acceleration of development that is otherwise inevitable.

- e. The project's regional benefits are recognised on construction and ongoing expenditure; they are neither increased by unproven servicing efficiencies nor discounted for an unquantified servicing detriment.

416 Accordingly, we are satisfied that the proposal delivers regionally significant benefits whether assessed against the current zoning / existing use baseline or against a Structure Plan-consistent future development scenario. Our subsequent evaluation of the extent of those benefits, and our weighing of them against the project's adverse impacts under s 85(3), is therefore robust to the choice of counterfactual and does not turn on resolving that question one way or the other.

417 The remaining adverse impacts of note for the purposes of this overall weighing exercise are (a) wetland loss and (b) transport effects on the SH6 corridor. We have already found the wetland effects to be significant and only partially avoided, and we accordingly ascribe that loss material adverse weight. We also record our concern that offsetting or compensation must achieve like-for-like wetland outcomes to be effective. We have also considered submissions on transport effects, including NZTA's concerns about corridor operation and safety. We have nevertheless concluded that, when weighed against the scale and relative certainty of the regional benefits identified above, and taking into account the conditions and agreed modifications imposed to avoid, remedy, mitigate, offset and compensate for adverse impacts, these adverse impacts do not justify declining approvals under s 81(3) of the FTAA.

418 We also record NZTA's comments on the transport condition suite, including its submission that the potential impacts of the Homestead Bay development on the operation and safety of the SH6 southern corridor could be significant, and that additional controls are required to align development with delivery of a wider programme of corridor works. NZTA did not address the benefits assessment under s 81(4) or provide economic evidence directed to the "out of proportion" test; however, we have treated its comments as raising potentially material adverse impacts that must be weighed in our overall evaluative judgment under ss 81(3)–(4) and 85(3), alongside the regional benefits we have identified.

419 For the reasons set out in our assessment of transport related effects our analysis of NZTA's s70 comments on conditions, we are not persuaded that NZTA's proposed corridor-programme-linked "hold point" is necessary or proportionate to address effects attributable to this project, or that it would be workable in the fast-track context. In particular, the proposed mechanism would in substance condition development progress on the timing and delivery of wider corridor improvements that are, in material respects, outside the Applicant's control and dependent on third-party funding, programming and (potentially) land acquisition decisions. That would introduce material uncertainty and delay risk and would go beyond a defined mitigation response to the project's assessed effects.

420 We have instead addressed transport effects through a defined and proportionate package of Applicant-delivered upgrades and clear development staging triggers, together with coordination mechanisms. We therefore weigh NZTA's concerns as part of the adverse impacts picture, but find that - after taking into account the conditions imposed and the Applicant's agreed modifications—any remaining adverse transport impacts are not of a scale or character that are sufficiently significant to be out of proportion to the project's regional benefits for the purposes of s 81(3)(b). This conclusion is reached on the basis of the magnitude and management of effects, and not

solely on the basis of consistency (or otherwise) with planning instruments or statutory documents.

421 Accordingly, having weighed the residual adverse impacts associated with wetland loss and transport effects (including NZTA's corridor safety concerns) against the significant regional benefits identified above, we find the project will deliver significant regional benefits, principally through the material and relatively certain increase in housing supply and choice, the delivery of enabling infrastructure (including the SH6–Homestead Bay Road link), and associated economic activity. We have taken a cautious approach to benefits dependent on later superlot development, giving those benefits reduced weight in accordance with our earlier analysis. We do not accept that the concerns raised about wastewater self-servicing or the timing of the link road amount to adverse impacts that materially erode the net regional benefits, particularly having regard to the conditions imposed and the absence of reliable quantified evidence of corridor-wide detriment. Accordingly, the extent of the project's regional benefits is significant for the purposes of s 81(4) of the FTA notwithstanding the residual adverse effects that will remain.

PART H: STATUTORY DOCUMENTS

422 The AEE addressed the relevant statutory documents and identified relevant provisions. Rather than repeat all of that here, this section addresses the documents of particular relevance to the Application (particularly the relevant provisions) and the comments received. Where there has been no material dispute about the provisions identified as being relevant to our assessment of the Application, we have adopted the Applicant's assessment for the purposes of our decision on the RMA approvals. The Panel also relies on our conclusions on effects and the conditions we have decided to impose in support of the conclusions reached on relevant planning provisions (including Part I: Regional and District Planning Framework as relevant to the topic area).

National Policy Statements

New and amended national direction instruments

423 During the Panel's consideration of this application, ten new or amended national direction instruments under the Resource Management Act 1991 were notified in the New Zealand Gazette on 18 December 2025 and came into force on 15 January 2026. The Government introduced three new instruments and amended seven existing instruments, including instruments relating to natural hazards, indigenous biodiversity, freshwater management, infrastructure, and highly productive land.

424 To assist the Panel to understand whether, and if so how, these new and amended instruments are relevant to the approvals sought, the Panel issued a minute to the Applicant directing the Applicant to provide an assessment of the application/implications of the new/amended national direction instruments that are relevant for consideration.

425 The Panel has taken the Applicant's response into account in its assessment below of the proposal to the extent the instruments are relevant to matters the Panel is required to consider. The relevant National Policy Statements were addressed section 16 of the AEE,

in Appendix LL to the Application, and the Applicant's response to our RFI⁹¹ and include:

- National Policy Statement for Freshwater Management (**NPSFM**);
- National Policy Statement on Urban Development (**NPSUD**);
- National Policy Statement for Indigenous Biodiversity (**NPSIB**); and
- National Policy Statement for Highly Productive Land (**NPSHPL**).
- National Policy Statement for Infrastructure (**NPSI**)
- National Policy Statement for Natural Hazards (**NPSNH**)

National Policy Statement for Freshwater Management Amendment 2025

426 In response to our RFI⁹² the Applicant confirmed that the changes to this NPS that came into effect on 15 January 2026 are related to quarrying activities. These amendments are not of relevance to the assessment of the proposal. The Applicant stated that the NPS assessment provided in **Appendix LL** of the substantive application is still considered relevant, taking into account the amendments to the application that have been made during the processing of the application to further mitigate the potential adverse effects upon freshwater values. We accept that the Applicant's NPS assessment remains relevant.

427 The NPSFM sets out a framework under which local authorities are to manage freshwater (including groundwater).⁹³ The objective of the NPSFM is to ensure that natural and physical resources are managed in a way that prioritises the:⁹⁴

- health and well-being of water bodies and freshwater ecosystems;
- health needs of people (such as drinking water); and
- ability of people and communities to provide for their social, economic, and cultural well-being, now and in the future.

428 This objective reflects the hierarchy of obligations in Te Mana o te Wai.⁹⁵

429 The NPS-FM is of particular relevance to this Application given that seven natural inland wetlands meeting the definition of the NPSFM have been identified within the Site, along with ephemeral streams within the Central and Southern gullies. As addressed in Part F the proposed subdivision development will require the permanent removal of six small, isolated wetlands including two marsh wetlands (0.073 hectares), one swamp wetland (0.009 hectares), and three ephemeral wetlands (0.045 hectares). The total area of wetlands affected is 0.095 hectares.⁹⁶

430 The key policy in dispute is Policy 6. **Policy 6** seeks to avoid further loss of extent of natural inland wetlands, protect their values and promote their restoration.

431 We understand that the NPS-FM requires that for any activity affecting a natural inland wetland's extent or values (including cumulative effects and loss of potential value), the NPS-FM requires a sequential effects management hierarchy: avoid adverse effects where practicable; if not, minimise where practicable; if not, remedy where practicable.

⁹¹ RFI-07, 13 February 2026. Request for information from Applicant (Amended National Direction).

⁹² Applicant Response to RFI-07 (Minute 10) – National Direction, 16 February 2026.

⁹³ NPSFM clause 1.5.

⁹⁴ NPSFM clause 2.1.

⁹⁵ NPSFM clause 1.3.

⁹⁶ Applicant's Response to Comments, Appendix D: Wildlands Memorandum, November 2025.

Where more than minor residual adverse effects remain after those steps, aquatic offsetting must be provided where possible. Aquatic offsets must achieve no net loss and preferably a net gain in wetland extent and values. If aquatic offsetting is not possible or not appropriate, aquatic compensation must be provided; and if aquatic compensation is not appropriate, the activity itself must be avoided.

432 The **Clause 3.21 Definitions relating to wetlands and rivers** states the following:

Effects management hierarchy, in relation to natural inland wetlands and rivers, means an approach to managing the adverse effects of an activity on the extent or values of a wetland or river (including cumulative effects and loss of potential value) that requires that:

- a. adverse effects are avoided where practicable; then
- b. where adverse effects cannot be avoided, they are minimised where practicable; then
- c. where adverse effects cannot be minimised, they are remedied where practicable; then
- d. where more than minor residual adverse effects cannot be avoided, minimised, or remedied, aquatic offsetting is provided where possible; then
- e. if aquatic offsetting of more than minor residual adverse effects is not possible, aquatic compensation is provided; then
- f. if aquatic compensation is not appropriate, the activity itself is avoided.

433 **Clause 3.22 Natural inland wetlands** requires that every regional council must include a specific policy (or words to the same effect) in its regional plan addressing the loss of extent of natural inland wetlands. We discuss Policy 10.4.8 of the Regional Plan below.

434 Initially, the Applicant assessed the Project as being consistent with the objective and policies of the NPSFM, including Policy 6. However, following the receipt of comments, the Applicant acknowledged that its initial recommendation (that the effects on wetlands could be avoided, minimised and remedied in line with the effects management hierarchy under Clauses 3.21 and 3.22) was not viable or achievable. Rather, the Applicant considered offsetting and/or compensation to be an appropriate way to manage the loss of wetlands and resulting adverse effects and offered a wetland compensation package, as has been described at paragraph 156, of our ecological effects discussion. The Applicant also prepared an updated Wetland Management Plan (Appendix 3C⁹⁷) for the retained ephemeral wetland (Wetland 4, Lot 9002), setting out an approach to ensure no net loss of wetland extent and values (incorporating hydrological monitoring) and to achieve ecological enhancement. These are also discussed in the ecological effects part of this Decision at paragraph 155.

435 Having considered the comments and the Applicant's revised conditions, we remain uncertain that the proposed offsetting will achieve no net loss or a net gain of ephemeral wetlands. This reflects the rarity of this ecosystem type and the inherent difficulty of securing like-for-like outcomes through off-site compensation.

436 Notwithstanding this uncertainty, the conditions require the Applicant to make staged financial contributions toward wetland rehabilitation projects within the Whakatipu Basin through an ORC-certified Wetland Compensation Plan and associated funding and

⁹⁷ Applicant Response to RFI (Panel Minute 4) Appendix 3C and 3D – Updated Wetland Management Plan

delivery arrangements. These contributions are intended to support the restoration of another wetland within the Basin, although the wetland type and ecological equivalence have not been predetermined.

437 We are satisfied that the restoration and long-term protection of Wetland 4, the retained ephemeral wetland on the site, will be achieved through the certified Wetland Management Plan and its requirements for monitoring, fencing, planting, and pest control. However, because the off-site compensation does not ensure a like-for-like replacement of ephemeral wetland habitat, a degree of residual ecological loss remains.

Panel Finding

438 While aspects of the proposal align with the NPS-FM, the application and conditions are not fully consistent with the NPS-FM's requirements for natural inland wetlands.

National Policy Statement on Urban Development

439 The Applicant states that under Section 3.2(1) of the NPS-UD, the Queenstown Lakes District is a tier 2 authority and QLDC is required to provide "at least sufficient development capacity in its district to meet expected demand for housing: (a) In existing and new urban areas; and (b) For both standalone dwellings and attached dwellings; and (c) In the short term, medium term, and long term."

440 In its AEE,⁹⁸ the Applicant comments that the QLSP was prepared to be consistent with the direction of the NPS-UD to provide sufficient development capacity and to achieve well-functioning urban environments. It considers the proposal aligns with the objectives and requirements outlined for the Site under the QLSP and explains that:

- the Site is identified as a 'future urban' area at the end of the Southern Corridor which is to integrate with the existing roading and active travel networks in the corridor to support mode shift;
- the Application includes a local centre to provide for the day-to day needs of residents in the corridor and reduce the need to travel outside of the corridor for these needs;
- the proposal provides for approximately 2,500 residential units, including a variety of housing typologies;
- the proposal will increase the District's housing supply but will also provide for more affordable housing in the development of smaller, townhouses, apartments;
- a comprehensive network of reserves, recreational trails and ecological planting is proposed as part of the Application which will integrate with the other existing developments in the corridor; and
- the Homestead Bay proposal is considered to be an addition to the Southern Corridor of Queenstown which will in itself, but also in conjunction with the other existing (or under construction) developments, constitute a well-functioning urban environment that will enable residents of the corridor and the wider Queenstown community, including the future generations, to provide for their social, economic, and cultural wellbeing, and for their health and safety.

⁹⁸ Application: Appendix LL

441 **Policy 6** of the NPS-UD applies to 'planning decisions that affect urban environments', requiring that councils have regard to among other things:

- a. *that the planned urban built form in those RMA planning documents may involve significant changes to an area, and those changes:*
 - (i) *may detract from amenity values appreciated by some people but improve amenity values appreciated by other people, communities, and future generations, including by providing increased and varied housing densities and types; and*
 - (ii) *are not, of themselves, an adverse effect;*
- b. *... the benefits of urban development that are consistent with well-functioning urban environments (as described in Policy 1);*
- c. *any relevant contribution that will be made to meeting the requirements of this National Policy Statement to provide or realise development capacity; ...*

442 As the Application is for a resource consent, it is considered a 'planning decision' for the purposes of the NPS-UD.⁹⁹

443 The Panel considers that the Project will improve housing affordability by supporting competitive land and development markets (**Objective 1**). It will contribute to a well-functioning urban environment by enabling a variety of homes. It is in a location that has good access to public open spaces, town centres and transport services (**Policy 1**). It will also provide urban development benefits and release significant development capacity (**Policy 6**).

444 The NPS-UD seeks to provide well-functioning urban environments, and NPS-UD Policy 1 sets out what constitutes a 'well-functioning urban environment' and requires that planning decisions contribute to such environments. The Panel has assessed the Application against NPS-UD Policy 1 and finds that the Application is consistent with NPS-UD **Objective 1 and Policy 1**.

445 The increase in housing enabled by the Application will improve housing affordability simply through increasing the supply, as reflected in the economic assessment report. In addition, proposed provision for community housing is likely to have a direct, rather than market led, impact on the supply of housing at an affordable and social level. The Panel finds that the Application achieves NPS-UD **Objective 2**.

446 Comments from the QLDC and others focused on the provisions of the NPS-UD which recognise the importance of the integration of infrastructure provision and funding decisions with urban development. As discussed in other parts of our Decision, QLDC expressed concerns regarding the 'standalone' infrastructure for water and wastewater proposed to service the development and considered this approach risks undermining the TTSC by fragmenting QLDC's intended network, limiting the economies of scale and creating inefficiencies in servicing the anticipated future development across the wider area. On this basis, it considered that the proposed development would not give effect to the objectives and policies of the NPS-UD if the 'standalone' water and wastewater service approach is pursued. Conversely, if the development were to connect to QLDC's reticulated infrastructure planned under the TTSC, QLDC considered the proposal would

⁹⁹ NPSUD, 1.4 interpretation, definition of 'planning decision'.

be consistent with these provisions. Notwithstanding, QLDC acknowledged significant timing and funding uncertainties in delivering its preferred option.

447 Given our findings in the wastewater effects section of our Decision, we are satisfied that all technical matters were resolved via Expert Conferencing, and the question around connection of the wastewater network to the QLDC network has been suitably addressed in conditions by provision for either onsite land disposal or QLDC network connection.

Panel Finding

448 We have assessed the Application against all relevant provisions of the NSP-UD and find the Proposal to be consistent with all relevant objectives and policies.

National Policy Statement for Highly Productive Land Amendment 2025

449 In response to our RFI¹⁰⁰, the Applicant advised that changes to this NPS that came into effect on 15 January 2026 are with regard to quarrying activities and considered these amendments are not of relevance to the assessment of the proposal. We accept this advice.

450 We agree with the Applicant's assessment and find that the NPS-HPL is not applicable to the assessment of the proposal.

National Policy Statement for Indigenous Biodiversity Amendment 2025

451 In response to our RFI¹⁰¹, the Applicant confirmed that the changes to this NPS that came into effect on 15 January 2026 are with regard to quarrying activities. These amendments are not of relevance to the assessment of the proposal. An assessment of this NPS was provided in **Appendix LL** of the substantive application. The Applicant stated that since this time, amendments to the application have been made to strengthen the ecological benefits of the proposal and to mitigate the potential adverse effects on indigenous biodiversity. The proposal is therefore still considered to be consistent with the requirements of the NPS. We accept this assessment.

452 The objective of the NPSIB is:

- (a) *to maintain indigenous biodiversity across Aotearoa New Zealand so that there is at least no overall loss in indigenous biodiversity after the commencement date; and*
- (b) *to achieve this:*
 - (i) *through recognising the mana of tangata whenua as kaitiaki of indigenous biodiversity; and*
 - (ii) *by recognising people and communities, including landowners, as stewards of indigenous biodiversity; and*
 - (iii) *by protecting and restoring indigenous biodiversity as necessary to achieve the overall maintenance of indigenous biodiversity; and*
 - (iv) *while providing for the social, economic, and cultural wellbeing of people and communities now and in the future.*

453 As described in the ecological effects section of our Decision, the Application involves the permanent loss of approximately 7.5 hectares of lizard habitat and associated risks of mortality and displacement of McCann's skink (*Oligosoma maccanni*) during earthworks. We are satisfied that the Lizard Management Plan condition, the condition requiring legal

¹⁰⁰ Applicant Response to RFI-07 (Minute 10) – National Direction, 16 February 2026.

¹⁰¹ Applicant Response to RFI-07 (Minute 10) – National Direction, 16 February 2026.

protection of habitat areas through vesting or covenants, and the integration of pest control and cultural engagement opportunities are suitable to avoid outcomes for indigenous biodiversity on the Site that would otherwise be contrary to the objective of the NPSIB.

Panel Finding

454 The Panel is satisfied that the proposal is consistent with the NPSIB.

National Policy Statement for Natural Hazards 2025

455 The objective of this new National Policy Statement (NPS) is for the natural hazard risk to people and property associated with subdivision, use and development to be managed using a risk-based proportionate approach.

456 In the Applicant's response to our RFI¹⁰² it confirmed that the substantive application for Homestead Bay included a Natural Hazard Assessment (**Appendix B**) assessing the alluvial fan flooding and debris flow risks, rock fall, debris avalanche and lake seiche hazards. This report included an assessment of the risks to people and property as a result of these hazards and utilised a riskbased proportionate approach as required by the above NPS objective. The Geosolve alluvial fan and debris flow risks were also peer reviewed by Fluent and WSP respectively with the feedback incorporated into the final report in **Appendix B** and the report was peer reviewed by SLR on behalf of the Otago Regional Council assessment of the application.

457 The Applicant has considered the proposal against 6 policies relying on the technical natural hazard assessments supplied with the substantive application. The Applicant also tabled a letter from Geosolve¹⁰³ confirming that "existing reporting and natural hazard risk assessments are considered to meet the requirements of the NPS for Natural Hazards, resulting in a low natural hazard risk for the proposed development provided the proposed mitigations are implemented".

Panel Finding

458 The Panel is satisfied that the proposal is consistent with the NPSNH

National Policy Statement for Infrastructure 2025

459 In its response to our RFI¹⁰⁴ the Applicant explained that this new NPS has been developed to provide national direction to support the development, maintenance and upgrade of infrastructure across New Zealand and applies to the operation, maintenance, renewal and upgrade of existing infrastructure as well as the development of new infrastructure. This NPS is of relevance to the assessment of the proposal given that new infrastructure is proposed to service the development.

460 The Applicant has assessed the proposal against the 11 key policies and concluded the proposal (including the conditions of consent that are proposed) will ensure that the

¹⁰² Applicant Response to RFI-07 (Minute 10) – National Direction, 16 February 2026.

¹⁰³ Attachment to Applicant Response to RFI-07 (Minute 10) – National Direction, 16 February 2026.

¹⁰⁴ Applicant Response to RFI-07 (Minute 10) – National Direction, 16 February 2026.

proposal is consistent with the objective and policies of this NPS. We adopt the Applicant's assessment and agree with the conclusions reached.

Panel Finding

461 The Panel is satisfied that the proposal is consistent with the NPSI.

National Environmental Standards

NES for Freshwater Amendment Regulations 2025

462 In response to our RFI¹⁰⁵, the Applicant confirmed that the changes to this NES that came into effect on 15 January 2026 relate to quarrying activities. These amendments are not of relevance to the assessment of the proposal. We accept this advice.

463 The AEE stated that the project requires restricted discretionary consent under the NES for Freshwater for the destruction of the six wetlands for the purposes of urban development. The ORC identified that approvals are sought under the following regulations:

- Regulation 45C parts (1)-(3) – activities in proximity to natural inland wetlands
- Regulation 71 – placement and use of culverts

Panel Finding

464 We have considered the comments received and technical reports and find that conditions of consent appropriately manage any activities occurring in proximity to natural inland wetlands, and the placement and use and maintenance of culverts. We further note the measures committed to by the Applicant relating to mitigation and offsetting (in accordance with the effects management hierarchy approach required under the NPS-FW) respond positively to NES-F requirements for wetland setbacks.

465 The Panel concludes that the proposed development will not be at odds with the intent and purpose of the NES-F.

Resource Management (National Environmental Standards for Detached Minor Residential Units) Regulations 2025

466 In response to our RFI¹⁰⁶, the Applicant stated that this new National Environmental Standard (NES) introduces new standards for detached minor residential units subject to compliance with specific standards. This NES will apply to the lots created by the subdivision which are located within the Rural zoned area of the site (and if later zoned Residential) and will allow for the construction of a minor residential unit in addition to the primary residential unit.

467 The Applicant concluded that the NES is not introducing any additional permitted development that has not already been considered and assessed as part of the substantive application. This is due to the Queenstown Lakes Proposed District Plan (PDP) already permitting the construction of one residential flat per residential unit

¹⁰⁵ Applicant Response to RFI-07 (Minute 10) – National Direction, 16 February 2026.

¹⁰⁶ Applicant Response to RFI-07 (Minute 10) – National Direction, 16 February 2026.

across the District and this is the equivalent of the detached minor residential unit in the NES.

Panel Finding

468 The Panel is satisfied that the proposal is consistent with the NESDMRU.

PART I: REGIONAL AND DISTRICT PLANNING FRAMEWORK

469 An assessment of the following relevant statutory plans has been included within Appendix LL to the AEE as is required by Schedule 5, clause 5(1)(h), including:

- Otago Regional Policy Statement 2019
- Proposed Otago Regional Policy Statement 2021
- Regional Plan: Water for Otago
- Regional Plan: Air for Otago
- Regional Plan: Waste
- QLDC Proposed District Plan
- Te Tangi a Tauira – The Cry of the People
- Kāi Tahu Ki Otago Natural Resource Management Plan 2005

470 The Panel has carefully reviewed the assessment provided by the Applicant (and any relevant comments provided by the QLDC, ORC and other commentators. We record here that where there has been no material dispute about the particular provisions identified as being relevant to our assessment of the Application we have adopted the Applicant's assessment for the purposes of our decision on the RMA approvals.

471 This remainder of this section addresses those key matters where there has been dispute or uncertainty. We outline the key matters in the following sections as well as adding further considerations and assessment.

Proposed Otago Regional Policy Statement June 2021

472 The ORC generally agreed with the Applicant's assessment against the relevant provisions of the pORPS 2021 except for a disagreement about management of adverse effects on natural inland wetlands; some minor inconsistencies with parts of policies relevant to public transport; and the absence of a thorough assessment of cumulative effects.

Panel Finding

473 Given our previous findings relating to wetlands, public transport, and cumulative effects, we are satisfied that the Proposal achieves general consistency with all relevant provisions of the pORPS 2021.

474 We do not understand that there is any other material dispute about the particular provisions identified as being relevant to our assessment of the Application.

Regional Plan: Water

475 The ORC generally agreed with the Applicant's assessment against the relevant provisions of the RPW, with the exception of Policy 10A.2.2, which is particularly directive:

10A.2.2

Irrespective of any other policies in this Plan concerning consent duration, only grant resource consents for takes and uses of freshwater, where this activity was not previously authorised by a Deemed Permit or by a water permit expiring prior to 31 December 2025, for a duration of no more than six years.

476 The ORC further noted that the Resource Management (Consenting and Other System Changes) Amendment Act 2025 includes changes specific to water permits in Otago, and the RPW now contains the following note above policy 10A.2.2:

Note: In addition to Policies 10A.2.2 and 10A.2.3, sections 127A, 127B and 127C of the RMA apply.

477 The ORC considered that given the Applicant has applied for a 35-year term of consent to take and use groundwater, it is therefore **contrary** to Policy 10A.2.2. However, it further stated that

- there is no effects-management reason that the water permit should be limited to six years.
- there will be no significant adverse effects on any other user of water.
- the allocation sought is well within the available allocation for both groundwater and surface water resources.
- the amount of water applied for is efficient and required to service the development.

Panel Finding

478 The Panel has considered the Proposal in respect of this Policy, and we find that the certainty of water supply to this subdivision is of critical importance, as there is currently no reticulated supply option suitable for connection. We agree with the ORC's overall conclusion that the 35-year term of consent is appropriate in that this duration reflects the scale of the activity and the investment required and ensures that there is certainty in the provision of critical development infrastructure, such as for potable water supply and wastewater treatment.

479 We do not understand that there is any other material dispute about the particular provisions identified as being relevant to our assessment of the Application.

Queenstown Lakes Proposed District Plan

Urban Growth

480 The strategic and district wide provisions of the Plan seek to ensure that Urban Growth is managed in a strategic and integrated manner, with integrated infrastructure planning being a core focus of these objectives.

481 The QLDC raised significant concerns regarding the 'standalone' infrastructure for water and wastewater proposed to service the development. This servicing approach risks undermining its TTSC by fragmenting Council's intended network, limiting the economies of scale and creating inefficiencies in servicing the anticipated future development across the wider area.

482 QLDC considered that the proposed development would not give effect to these objectives and policies if the 'standalone' water and wastewater service approach is

pursued. If the development were to connect to Council's reticulated infrastructure planned under the TTSC, it is considered that the proposal would be consistent with these provisions. However, there are significant timing and funding uncertainties in delivering this preferred option, which have not yet been addressed or resolved.

483 We do not understand that there is any other material dispute about the particular provisions identified as being relevant to our assessment of the Application.

Panel Finding

484 Given our findings in the wastewater effects section of our Decision, we are satisfied that all technical matters were resolved via Expert Conferencing, and the question around connection of the wastewater network to the QLDC network has been suitably addressed in conditions by provision for either onsite land disposal or QLDC network connection.

Liquefaction Risk

485 The relevant objectives and policies direct the identification and management of hazard risk, directing that development avoid high-risk areas and not increase exposure to hazards. The approach taken in the PDP restricts new development in hazard-prone locations, requiring mitigation where risk exists, and promoting the use of accurate hazard information to guide land use and infrastructure planning.

486 QLDC raised concerns in regard to the risk from natural hazard on the site, particularly liquefaction risk. QLDC understand that the Applicant is in the process of undertaking further assessment of this to identify this risk and any required mitigation measures. Until this has been completed and any recommendations carried through to the Application, the proposal will not align with these relevant objectives and policies.

Panel Finding

487 Given our previous finding in the natural hazards section of our Decision, the Panel is satisfied that QLDC's concerns are satisfactorily addressed and this risk is low, therefore aligning with relevant policy direction.

Provision of Open Space

488 A key outcome sought through the PDP is for well-functioning urban environments that provide access for all to appropriate open spaces and recreation. QLDC noted that although approximately 8.4ha of recreation reserve is identified, only around 1.7ha is considered usable / fit for purpose. On this basis QLDC did not consider the Application will deliver sufficient, functional public open space to meet the expected recreation needs of future residents and concluded the proposal would be contrary to a number of relevant objectives and policies that seek the provision of appropriate open space and recreation opportunities.

Panel Finding

489 The Panel has considered the comments and consent conditions and is satisfied that overall, from a 'whole of development' perspective, the development provides a network of diverse reserve and open space areas that will align with the general intent of key policies in the PDP, Strategy and Parks Plan. The Panel also notes the urban design assessment underpinning the design of the subdivision and we agree that the proposed reserve and open space areas contribute positively to a well-functioning and compact urban form.

Transport and Connectivity

490 The promotion of public transport and reduction in private car use is encouraged by the relevant planning policies, with direction for new urban development to be designed to enable connection to safe and efficient public and active transport modes.

Panel Finding

491 Given our findings in that section of our Decision addressed to transport and connectivity, we find that the Proposal generally aligns with all relevant objectives and policies.

Housing Choice and Affordability

492 Key objectives and policies seek to ensure planning decisions improve housing affordability and choice supporting competitive land and development markets and encourage innovative approaches to design to assist provision of quality affordable housing.

493 QLDC considered that the Applicant's assessment in regard to housing choice and affordability and its alignment with planning policy provisions regarding this are not fully agreed with, and the proposal would be inconsistent with a number of these policies. QLDC recommended conditions be imposed to address this issue and align the Application with the policy focus on delivering affordable housing.

Panel Finding

494 As discussed in the effects section addressing community housing, we accept the agreed condition put forward by the Applicant in consultation with the QLCHT. On this basis, we consider the proposal aligns with the relevant policy direction.

Planning documents recognised by a relevant iwi authority and lodged with the Council

495 An application for a resource consent must include an assessment of the activity against any relevant provisions of a planning document recognised by a relevant iwi authority and lodged with a local authority.⁹⁴

496 It is the Panel's understanding that the following planning documents recognised by relevant iwi authorities have been lodged with the Council:

Iwi	Iwi Management Plan
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Ngāi Tahu ki Otakou ¹⁰⁷	Kāi Tahu Ki Otago Natural Resource Management Plan 2005
Ngāi Tahu ki Murikiku ¹⁰⁸	Ngāi Tahu ki Murihiku Natural Resource and Environmental Iwi Management Plan 2008 "Te Tangi a Tauira - The Cry of the People"

497 The CIA produced for Kā Rūnaka clearly communicate the values, directions and aspirations that arise out of these iwi management plans. The Panel notes that Kā Rūnaka is not opposed to the Application and made broad recommendations to uphold the cultural values and responsibilities of Kāi Tahu and Kā Rūnaka to guide the application in a way that respects and reflects Kāi tahu values. We observe that we received no specific recommendations or drafting options for any conditions of consent, with the exception of the Joint Witness Statement on wastewater to which Kā Rūnaka participated and were a signatory.

498 We have carefully considered the cultural effects that have been raised in the documentation received, and the response provided by the Applicant to the formal comments and CIA received. Some of the items raised by Kā Rūnaka relate to matters outside of our jurisdiction as an Expert Panel on this application under the FTAAs. We can take those matters no further.

499 In the comments received that relate to matters within our jurisdiction, we note that the specific cultural effects identified were mainly associated with other environmental effects such as water quality and habitat protection. To the extent that Kā rūnaka raised environmental concerns, then we have addressed those in our assessment of environmental effects. For reasons described there, we conclude that the majority of effects are overall low and are appropriately managed by the proposed conditions of the RMA approvals and the wildlife approval. We consider proposed conditions go some way to addressing matters related to the cultural values of importance to Kā Rūnaka.

Treaty settlements

500 As noted in Part D section 7 FTAAs states:

7 Obligation relating to Treaty settlements and recognised customary rights

- (1) All persons performing and exercising functions, powers, and duties under this Act must act in a manner that is consistent with—
 - (a) the obligations arising under existing Treaty settlements; and
 - (b) customary rights recognised under—
 - (i) the Marine and Coastal Area (Takutai Moana) Act 2011;
 - (ii) the Ngā Rohe Moana o Ngā Hapū o Ngāti Porou Act 2019.
- (2) To avoid doubt, subsection (1) does not apply to a court or a person exercising a judicial power or performing a judicial function or duty.
- (3) In this section, **existing Treaty settlements** means Treaty settlements that exist at the time the relevant function, power, or duty is performed or exercised (rather than only those that exist at the commencement of this Act).

¹⁰⁷ Te Rūnanga o Moeraki, Kāti Huirapa Rūnaka ki Puketeraki, Te Rūnanga o Ōtākou, Hokonui Rūnanga, Waihōpai Rūnanga, Te Rūnanga o Awarua and Te Rūnanga o Ōraka-Aparima

¹⁰⁸ Rūnanga Papatipu o Murihiku; Te Rūnanga o Awarua, Te Rūnanga o Oraka/Aparima, Te Rūnanga o Hokonui and, Te Rūnaka o Waihōpai

501 The Panel understands¹⁰⁹ that the NTCSA is of relevance to the Application area.

502 As noted in Part B the Panel directed the EPA to seek comment from the Minister for Māori Crown Relations: Te Arawhiti and the Minister for Māori Development under section 72 FTA. The Minister provided comment supporting the Panel’s decision and the conditions noting the Panel’s findings that not all relief sought to uphold Kāi Tahu cultural values could appropriately be imposed as conditions of consent, and that effects on cultural values, beliefs, uses and associations are only partially addressed.

503 The effect of the NTCSA is discussed earlier in this Decision.

504 Neither Kā Rūnaka nor Te Rūnanga o Ngāi Tahu have requested the imposition of conditions to recognise or protect the relevant Treaty settlement.¹¹⁰

¹⁰⁹ Based on the AEE and the lack of any contrary views or evidence provided to the Panel.

¹¹⁰ Section 84 FTA

PART J: CONDITIONS

FTAA general requirements for conditions

505 Section 81 provides that the Panel must set any conditions to be imposed on the approval. The statutory requirements on what conditions are set is determined by what approvals are being sought.

506 When exercising its discretionary power to set a condition, a Panel must comply with section 83 which provides:

83 Conditions must be no more onerous than necessary

When exercising a discretion to set a condition under this Act, the panel must not set a condition that is more onerous than necessary to address the reason for which it is set in accordance with the provision of this Act that confers the discretion.

Conditions for Resource Consents

507 As the Application seeks approval for resource consents, clause 18 of Schedule 5 applies:

18 Conditions on resource consent

When setting conditions on a consent, the provisions of Parts 6, 9, and 10 of the Resource Management Act 1991 that are relevant to setting conditions on a resource consent apply to the panel, subject to all necessary modifications, including the following:

- (a) a reference to a consent authority must be read as a reference to a panel; and
- (b) a reference to services or works must be read as a reference to any activities that are the subject of the consent application.

Wildlife approval

508 For the grant of a wildlife approval the following clause of Schedule 7 applies:

6 Conditions

- (1) A panel may set any conditions on a wildlife approval that the panel considers necessary to manage the effects of the activity on protected wildlife.
- (2) In setting any condition under subclause (1), the panel must-
 - (a) consider whether the condition would avoid, minimise, or remedy any impacts on protected wildlife that is to be covered by the approval; and
 - (b) where more than minor residual impacts on protected wildlife cannot be avoided, minimised, or remedied, ensure that they are offset or compensated for where possible and appropriate; and
 - (c) take into account, as the case may be, the New Zealand Threat Classification System or any relevant international conservation agreement that may apply in respect of the protected wildlife that is to be covered by the approval.

509 Generally speaking, a resource consent condition must:¹¹¹

- a. be for a resource management purpose, not an ulterior one;
- b. fairly and reasonably relate to the development authorised by the resource consent or designation; and

¹¹¹ *Newbury District Council v Secretary of State for the Environment* [1980] 1 All ER 731 (HL), at 739.

- c. not be so unreasonable that a reasonable planning authority, duly appreciating its statutory duties could not have approved it.

510 The underlying purpose of the conditions of a resource consent is to manage environmental effects by setting outcomes, requirements or limits to that activity, and how they are to be achieved.¹¹²

511 Conditions must also be certain and enforceable.¹¹³

512 A condition must also not delegate the making of any consenting or other arbitrary decision to any person but may authorise a person to certify that a condition of consent has been met or complied with or otherwise settle a detail of that condition.¹¹⁴ Such authorisation is subject to the following:

- a. The basis for any exercise of a power of certification must be clearly set out with the parameters for certification expressly stated in the relevant conditions.
- b. This power of certification does not authorise the making of any waiver or sufferance or departure from a policy statement or plan except as expressly authorised under the Act (s 84 of the RMA).
- c. This power of certification does not authorise any change or cancellation of a condition except as expressly authorised under the Act (s 127 of the RMA).

513 Section 220 specifies the conditions that may be imposed on a subdivision consent.

Project conditions

514 In response to RFI-2, the Applicant provided an updated set of conditions, incorporating amendments arising from comments made. As noted earlier in our Decision, the conditions are largely agreed with ORC and incorporate amendments to wastewater conditions resulting from expert conferencing. We have discussed various conditions and amendments made by the Applicant or the Panel in other parts of this Decision, particularly Part F in our evaluation of effects.

515 We also note we have made some minor amendments to conditions to remedy incorrect rule references within Conditions, and to include lapse dates/consent durations as sought.

516 As required by s 70 and s 72 of the FTAA, on 17 December 2025 we directed the EPA to circulate our draft conditions for comment. Those draft conditions were accompanied by the Panel's draft Decision document.

Comments received on draft conditions

517 The Panel received comments in relation to draft conditions from:

- 1 The Applicant
- 2 Hon James Meager

¹¹² *Summerset Village (Lower Hutt) Ltd v Hutt City Council* [2020] MZEnvC 31 at [156].

¹¹³ *Bitumix Ltd v Mt Wellington Borough Council* [1979] 2 NZLR 57.

¹¹⁴ *Turner v Allison* (1970) 4 NZTPA 104.

- 3 Otago Regional Council
- 4 Maja and Andrew Marshall
- 5 Heritage New Zealand Pouhere Taonga
- 6 Jane-Louise Cook
- 7 Jacks Group
- 8 Lakeside Estates Homeowners Association (Ōraka)
- 9 Department of Conservation
- 10 New Zealand Transport Agency
- 11 Jacks Point Residents and Owners Association (JPROA)
- 12 Fish & Game
- 13 Queenstown Lakes District Council
- 14 Hon Tama Potaka

Applicant's Response to Comments on draft conditions

518 The Applicant provided its response to the comments received on 28 January 2026. Specific responses to conditions comments were provided in table format.¹¹⁵ We do not repeat this detail for the sake of brevity. The Applicant provided the following general response as summarised below:

- 1 the conditions of consent have been through multiple rounds of review/updates;
- 2 the Applicant has incorporated the vast majority of the feedback received where considered relevant and reasonable;
- 3 the draft suite of conditions is comprehensive;
- 4 some conditions sought would (if included in the consent) create significant uncertainty for the implementation of the consent and/or considerable delays in implementing the consent - particularly where discretionary agreements or approvals would be required from other parties, such as requiring development on other privately owned land, negotiation of hold points tied to unknown future transport infrastructure, memorandums of understanding with external parties and the like.

Panel consideration

519 We have discussed comments on conditions, specific requests for new or amended conditions, and the Applicant's response where relevant in our evaluation of effects in Part F. We discuss other comments received below.

Lapse dates and staged implementation

520 QLDC seeks staged lapse dates tied to each stage of the subdivision and land use approvals, expressing concern that, without stage-specific time limits, the development could lawfully remain dormant for a lengthy period (for example, with subdivision activity occurring late in the subdivision term and building occurring late in the land use term). The Applicant considers QLDC's staged proposal to be unnecessary, saying it intends to commence the development immediately following approval. They say the commitment

¹¹⁵ Applicant's s70 Comments, Homestead Bay Response Table

to get on with the project is evidenced by the manner in which it has “front loaded” the FTAA application and its timely engagement with the process.

521 We accept that the fast-track pathway is intended to facilitate timely delivery and provide certainty. We also accept that, for very large multi-stage proposals, there is a legitimate concern if approvals remain dormant for many years before any enabling works or subdivision activity occurs. However, we do not consider it necessary or proportionate to impose stage-by-stage lapse dates across the whole subdivision and land use approvals.

522 In our view, a staged lapse regime would (a) add significant complexity and interpretive risk (including interaction with staging flexibility, “given effect to” tests, and the position of future lot owners), and (b) operate less as an effects-management control and more as a mechanism to compel development timing. The latter is not, on the evidence before us, a problem requiring that level of regulatory intervention for this project—particularly once residential-scale lots are created and enabling infrastructure is delivered.

523 We find that an appropriate and proportionate response is an early-stage activation safeguard, rather than a progressive “use it or lose it” deadline for later stages and propose an amendment to condition 3 such that Stage 1 shall be given effect to within five years. If Stage 1 does not proceed within that timeframe, the consents will lapse. If Stage 1 does proceed, the existing overall lapse periods for the subdivision and land use approvals on our assessment remain appropriate, together with the ability to seek an extension under the relevant statutory provisions where justified.

524 This approach appropriately balances the objective of timely delivery and avoiding indefinite dormancy with the practical realities of a large staged development and the need to avoid disproportionate, uncertain, or overly complex stage-specific lapse machinery.

Other comments on conditions

525 Maja and Andrew Marshall filed comments under s70. The Panel has considered those comments however they did not identify any specific condition requiring amendment, nor propose any specific wording changes. Instead, the comments largely raised broader concerns regarding perceived past non-compliance with dust management requirements, and objections to the location of the proposed wastewater treatment plant, including concerns about potential odour effects. The Marshalls also expressed a preference that wastewater be disposed of via a council reticulated system. The Panel records that connection to a council system may be an option in the future, subject to QLDC agreement and the availability of such servicing, but that matter does not of itself identify a specific deficiency in the current condition framework for this application.

526 In the absence of any condition-specific amendments being sought or supported by evidence and noting that dust and odour effects are addressed through the existing condition suite and the associated management and performance requirements, the Panel has made no changes to the conditions in response to the Marshalls’ comments.

527 Jane Louise Cook provided comments on the QLDC subdivision conditions. While Ms Cook commented on Condition 4(a)(iv) and (v), she did not seek any amendment to those provisions, and no changes have been made in response. Ms Cook also identified minor typographical and clerical errors, and we note that the applicant has accepted those

corrections; accordingly, those agreed minor amendments have been incorporated where relevant. Ms Cook raised a comment in relation to Condition 55(j) (exceptions) however this was expressed as a general observation rather than a proposed amendment to the condition wording, and we are satisfied the condition as drafted remains appropriate; no change has therefore been made. Finally, Ms Cook's comment on Condition 56(i) relates to a placeholder within the condition suite and does not require further attention in the context of this decision.

- 528 DoC, in addition to commenting on the wetland compensation provisions, opposed the "deemed approval" mechanism included in the draft conditions (including subdivision Condition 9(b) and residential earthworks Condition 7(c)), which provides that where a management plan is submitted to the relevant local authority and no feedback is received within the specified timeframe, the plan is treated as approved for the purposes of the condition. DOC did not support any deeming provision.
- 529 The applicant responded that, while certification and review of management plans is fundamental for ensuring compliance with relevant conditions, the purpose and intent of the Fast-track Approvals Act process requires that plan review occurs in a timely manner. The applicant reasoned that a 20 working day period is not onerous and is appropriate to ensure management plan review is undertaken without unreasonable delay, particularly given that many of the relevant management plans have already been submitted with the application and/or have been subject to preliminary review. The Panel notes that QLDC did not oppose the inclusion of the deeming provision in subdivision condition 9(b). We also note that while ORC raised concerns, the applicant advised that similar deeming provisions appear in other conditions (as confirmed through the ORC officer consulted), and that this mechanism is not unusual in the overall condition framework.
- 530 Importantly, the Panel observes that the applicant's wording requires the local authority to provide "feedback" within the stated timeframe; it does not require the plan to be fully certified within that period. In our view, this strikes an appropriate balance between ensuring robust management plan oversight and ensuring that the fast-track process is not undermined by open-ended review periods. For these reasons, we agree with the applicant and retain the deemed approval/feedback mechanism, making no change to the relevant condition.
- 531 In addition to the specific condition changes addressed elsewhere in this decision, a number of further amendments were proposed by submitters/commenters and/or the applicant and were subsequently accepted. Those amendments are generally minor and/or inconsequential in nature, and have been adopted to improve clarity and workability, rectify minor errors or omissions, and promote consistency and better flow across the condition suite. Unless a condition (or proposed amendment) is expressly discussed in another part of this decision, we accept and incorporate those agreed amendments for the reasons advanced by the relevant commenter(s) and/or the applicant in support of them.

Conclusion regarding conditions

- 532 The Panel is grateful to the Applicant and participants and others who provided comments in relation to the draft conditions. The Panel has carefully considered those comments in the manner set out above, and in producing the conditions in Appendix A to this decision.

533 Overall, the Panel is satisfied that the conditions attached in Appendix A comply with the requirements of section 83 and 84 of the FTAA and are consistent with the principles applying to conditions of resource consents described above.

534 To the extent the final condition set contains minor errors, the Panel notes it has powers under section 89 of the FTAA to make minor corrections.

PART K: OVERALL EVALUATION AGAINST STATUTORY CRITERIA

RMA approvals

535 As noted in Part C, Schedule 5, clause 17 sets out how the application is to be assessed under various provisions of the RMA.

536 As explained in Part C, the Panel has assessed the Application taking into account the relevant provisions of the RMA relating to decision making on consent applications and particularly the matters in section 104 RMA and has not taken account of s104D despite the Application being for a non-complying activity overall.

537 The Panel has also considered the application in light of the purpose and principles of the RMA (in Part 2). As a result of the conclusions reached on effects of the Application and in the context of the relevant planning provisions and the conditions, the Panel finds that the Application is generally consistent with Part 2.

Wildlife Act approvals

538 As noted in Part C, Schedule 7, clause 5 sets the criteria for an assessment of an application for a wildlife approval. In this regard:

- DOC's s51 report concludes that, subject to recommended conditions, the proposed activities are broadly consistent with the purpose of the Wildlife Act .
- We see no issue with granting approval as sought, but subject to the updated set of conditions proffered by the Applicant, which incorporate suggestions that the various resource consent conditions require compliance with the Lizard Management Plan.

539 It is important to note that the purpose of the FTAA must be given the greatest weight. In undertaking its overall balancing of the matters set out in clause 17 of Schedule 5, and Schedule 7, clause 5, of the FTAA we have first carefully considered each of the above matters on their own merits. Our conclusions in this respect are set out in the body of the Decision. The Panel then returned to the purpose of the FTAA. We have assessed the extent of the regional benefits of the project to be significant and have therefore accorded the purpose of the FTAA substantial weight in our overall consideration. This has reinforced our decision that the Application should be granted to the approvals sought.

PART L: OVERALL ASSESSMENT

540 As noted in Part C the Panel may decline an approval if, in complying with section 81(2), the Panel forms the view that:

- (a) there are 1 or more adverse impacts in relation to the approval sought; and
- (b) those adverse impacts are sufficiently significant to be out of proportion to the project's regional or national benefits that the panel has considered under section 81(4), even after taking into account—
 - (i) any conditions that the panel may set in relation to those adverse impacts; and
 - (ii) any conditions or modifications that the applicant may agree to or propose to avoid, remedy, mitigate, offset, or compensate for those adverse impacts.¹¹⁶

(4) To avoid doubt, a panel may not form the view that an adverse impact meets the threshold in subsection (3)(b) solely on the basis that the adverse impact is inconsistent with or contrary to a provision of a specified Act or any other document that a panel must take into account or otherwise consider in complying with section 81(2).

541 This test is different from the test developed over the years under the RMA which culminated in the decision of *Environmental Defence Society v The New Zealand King Salmon Company Limited & Ors (King Salmon)*¹¹⁷. The King Salmon case was clear – the approach by the Courts and local authorities of adopting an overall judgement approach to environmental decision making under the RMA was incorrect.

542 In contrast the FTAA clearly envisages an overall judgment or balancing approach to decision making. The Panel must balance the adverse impacts against the regional or national benefits of the project.

543 We have considered the substantive application and the advice, reports, comments and other information received by the Panel. We have applied the provisions of clause 17 of Schedule 5 and clause 5 of Schedule 7 and have ensured that we have given appropriate weight to the relevant provisions of the RMA, and Wildlife Act, and given the greatest weight to the purpose of the FTAA when making our decision.

544 We find that the project will promote the purpose of the FTAA and will have significant regional benefits as reflected in Part G of our Decision.

545 We have referred to the involvement of Te Rūnanga o Ngāi Tahu and Kā Rūnaka in the consent process. Conditions go some way to addressing matters related to the cultural values of importance to them. The Panel concludes that granting the approvals is consistent with section 7 of the FTAA.

546 In imposing conditions set out in Appendix A, we have complied with section 83 of the FTAA. With respect to section 84 of the FTAA we have concluded that no further conditions are necessary to recognise or protect a relevant Treaty settlement.

PART M: FINAL DECISION

547 The Panel has considered the Application and supporting information as well as the comments received on it and on the draft conditions. We thank all those who commented for their contributions.

¹¹⁶ Section 82 FTAA
¹¹⁷ [2014] NZSC 38

548 The Panel determines to grant the approvals sought subject to the conditions attached as Appendix A to this Decision.



Jayne Macdonald (Chair)



Alan Pattle (Member)



Jane Kitson (Member)



Ros Day-Cleavin (Member)

APPENDIX A: CONDITIONS OF CONSENT

APPENDIX B: CONSENTS REQUIRED