

**BEFORE THE EXPERT PANEL APPOINTED UNDER THE FAST-TRACK
APPROVALS ACT 2004**

Under The Resource Management Act
1991 (the **Act**)

In the Matter of the substantive application for
the Mt Iron Junction Housing
Scheme at 237 Wānaka-
Luggate Highway, Wānaka.

Between **MT IRON JUNCTION LIMITED**
Applicant

And **CM AND JC MORGAN FAMILY**
TRUST
Invited Party

MEMORANDUM OF COUNSEL RE DRAFT CONSENT CONDITIONS

DATED 15 SEPTEMBER 2026



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MEMORANDUM OF COUNSEL

May it please the Panel:

1. These comments are made on behalf of the owners of [REDACTED], Wānaka. [REDACTED] is legally described as [REDACTED] and is held in RT158963. It is owned by the CM and JC Morgan Family Trust (The Morgans).
2. The Morgans received the Panel's draft decision to grant the Mt Iron Junction Housing Scheme at 237 Wānaka-Luggate Highway. The Panel has asked for comments from the specified parties on the draft consent conditions.

Comments on draft conditions

3. The Morgans support the inclusion of conditions that secure the mitigation measures relied upon by the Panel in reaching its recommendation to grant consent. In particular, the draft decision identifies the following matters as material to reducing the effects on the Old Racecourse Road interface:
 - (a) One-storey dwellings along the Old Racecourse Road boundary;
 - (b) Increased building setbacks from adjoining residential properties;
and
 - (c) Refined boundary landscaping and ongoing maintenance requirements.
4. While these matters appear to be secured through the approved subdivision, architectural and landscape plans referenced in the draft conditions, the Morgans seek greater certainty and explicit mention of these mitigations in the consent conditions.

5. The Morgans seek the following conditions are inserted into the land use consent:

Housing

15A. The design of Units 25–62 shall be limited to single storey dwellings.

15B. No heat pump unit servicing Lots 25–62 shall be located on the western side of any dwelling facing the properties at 25A–35 Old Racecourse Road.

6. The Morgans also seek a condition restricting the location of heat pump units servicing dwellings along the Old Racecourse Road interface. Any heat pump units located on the western side of the dwellings have the potential to create ongoing noise and amenity effects for adjoining residential properties. Given the Panel's reliance on interface mitigation measures to address effects on the Old Racecourse Road neighbours, it is appropriate that the location of heat pump units is also addressed through a specific condition.
7. The Morgans consider the addition of these conditions to the Land Use Consent will sufficiently assist in securing the mitigation measures relied upon by the Panel.

Consent notices

8. The Morgans submit that the mitigation measures relied upon by the Panel to address effects on Old Racecourse Road neighbours should also be explicitly secured by consent notices registered against the relevant titles.
9. The Panel's draft decision records that the original proposal would not have been acceptable in the absence of the revised interface treatments and associated mitigation measures. In particular, the Panel relied upon the one-storey dwellings, increased setbacks, and refined

landscape treatment along the Old Racecourse Road interface. Those measures are fundamental to the grant of consent.

10. Currently, the consent “secures” these controls through condition 55h of the subdivision consent:

All future buildings must be in accordance with land use consent FTSA202 (QLDC Reference).

11. As drafted, the controls remain dependent on the land use consent. The issue with relying on this condition to secure all of the relevant controls is that it is an extraneous document to the consent notice. It requires anyone looking at the consent notice to locate the land use consent.
12. Securing these measures solely through the resource consent and associated plans creates a risk that the outcomes relied upon by the Panel may not endure in the event that future development, redevelopment, or replacement of dwellings occurs on the relevant lots.
13. The Morgans seek that these controls be expressly stated within the consent notice so that it can operate as a self-contained instrument. Consent notices would provide greater certainty that the setback requirements, one-storey housing typology, and landscape treatments affecting the Old Racecourse Road interface continue to bind successor owners and remain effective in the long term.
14. We have provided proposed drafting for conditions applicable to the Morgans. However, we would recommend that all of the land use controls are incorporated directly into the consent notice to ensure security and clarity.
15. Accordingly, the Morgans request that the draft conditions be amended to require consent notices to be registered against the relevant titles

and giving effect to those mitigation measures. The Morgans propose the following condition 55(i) in the subdivision consent:

a. 55(i) On Lots 25-62:

- i. The design of Units shall be limited to single storey dwellings.
- ii. the Units shall be setback a minimum distance of 2.2m from the western boundary with the 25A-36 Old Racecourse Road properties; legally described as Lot 1 DP 572625 (RT 1058119), Lot 2 DP 572625 (RT 1058120), Lot 2 DP 338608 (RT 158963), Lot 2 DP 314781 (RT 58274), Lot 2 DP 614617 (RT 1226847), Lot 1 DP 614617 (RT 1226846), Lot 2 DP 571619 (RT 1036539), Lot 2 DP 392818 (RT 372037).
- iii. The units shall not locate any heat pump unit servicing on the western side of any dwelling facing the properties at 25A–35 Old Racecourse Road.

16. The Morgans thank the Panel for the opportunity to provide these comments.

Dated 15 September 2026

Bridget Irving / Hannah Perkin

Counsel for CM and JC Morgan Family Trust