

**BEFORE THE AYRBURN SCREEN HUB [FTAA-2508-1093] EXPERT  
PANEL**

**In the matter of**      The Fast-track Approvals Act 2024

**And**      approvals sought for resource consents, variations to consent conditions,  
and a certificate of compliance that would otherwise be sought under the  
Resource Management Act 1991,

**Record of Decisions of the Expert Panel**  
**Under section 87 of the**  
**Fast-track Approvals Act 2024**

**Date of Decisions:**    13 May 2026

**Date of Issue:**        14 May 2026

**Expert Panel:**

Trevor Robinson (Chair)

Hoani Langsbury

David McMahon

Ray O'Callaghan

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## LIST OF ACRONYMS

<b>Term:</b>	<b>Meaning</b>
AEE	Substantive Application and Assessment of Environmental Effects dated 22 August 2025
ALHR	Arrowtown Lake Hayes Road
BPO	Best Practicable Option
CIA	Cultural Impact Assessment
EMP	Environmental Management Plan
EPA	Environmental Protection Authority
FTAA	Fast-track Approvals Act 2024
FTE	Full Time Equivalent
GDP	Gross domestic product
JWS	Joint Witness Statement
KTKO NRMP	Kāi Tahu ki Otago Natural Resource Management Plan 2005
NPSIB	National Policy Statement on Indigenous Biodiversity 2023
NPV	Net Present Value
NZILA	Tuia Pita Ora Institute of Landscape Architects
OS area	Open space area (as shown on the structure plan)
ONMP	Operational Noise Management Plan

ORC	Otago Regional Council
ORP	Otago Regional Plan
PDP	Proposed Queenstown Lakes District Plan
QLDC	Queenstown Lakes District Council
RMA	Resource Management Act 1991
SMP	Stormwater Management Plan
SQEP	Suitably Qualified and Experienced Person
TTaT	Te Tangi a Tauri 2008
UGBs	Urban Growth Boundaries
WBRAZ	Wakatipu Basin Rural Amenity Zone
WPDL/applicant	Waterfall Park Developments Limited

**PART A: EXECUTIVE SUMMARY**

- [1] Waterfall Park Developments has applied under the Fast-track Approvals Act 2024 in relation to a film and television screen hub involving studio and office facilities and associated accommodation (201 units) located on the applicant's Ayrburn Farm Property in the Wakatipu Basin.
- [2] All of the approvals sought are for matters that would otherwise be sought under the Resource Management Act 1991:
- a. a land use consent for activities within the jurisdiction of Queenstown Lakes District Council. Under the rules of the Proposed Queenstown Lakes District Plan those activities have the status of Non-Complying Activities;
  - b. variations to three conditions in an existing subdivision consent that the applicant holds and that would otherwise preclude activities for which land use consent is sought. This approval also is within the jurisdiction of Queenstown Lakes District Council;
  - c. two land use consents and a water permit for activities within the jurisdiction of Otago Regional Council. Under the rules of the Regional Plan: Water those activities have the status of Discretionary activities; and
  - d. Certificate of Compliance for activities within the jurisdiction of Otago Regional Council.
- [3] The Minister for Infrastructure determined that the Ayrburn Screen Hub should be referred to the fast-track process by reason of the regional and potentially national benefits it would give rise to.
- [4] The Expert Hearing Panel invited Comments on the application from the required statutory parties, adjacent landowners and five other parties that it identified as having an interest in the subject-matter of the application

sufficient to warrant their being invited to provide Comments. A total of 18 separate substantive Comments were received.

- [5] The Expert Hearing Panel convened three conferences with the parties, directed that Joint Witness Statements be prepared by independent experts who had provided evidence variously on landscape, economic and planning issues, and made numerous requests for information of the applicant and other parties. The Expert Hearing Panel determined that it did not need to convene a hearing of the application in light of the material it had received.
- [6] The Expert Hearing Panel has considered all of the material put before it in arriving at its decision.
- [7] The key findings made by the Expert Hearing Panel are:
- a. While there is considerable uncertainty regarding the extent of regional benefits from the operation of the screen hub, the combination of the construction and operation of the screen hub would have significant regional economic benefits.
  - b. Actions proposed by the applicant to improve water quality in Mill Creek and consequently Whakaata/Lakes Hayes would have significant regional benefits.
  - c. The evidence before the Expert Hearing Panel does not support a finding that the screen hub would have national benefits.
  - d. Adverse landscape effects of the screen hub would be more than minor, but not significant, and reducing over time.
  - e. All other adverse effects would be less than minor, not significant and appropriately managed by conditions.
  - f. National and regional direction is supportive of the water quality enhancements forming part of the screen hub proposal, but otherwise largely neutral.

- g. The screen hub is contrary to a number of objectives and policies of the Proposed Queenstown Lakes District Plan, particularly those related to management of urban development and landscape. In this case, the Non-Complying Activity status under the rules of that Plan reflects the fact that those objectives and policies are highly directive and do not cater for a development such as the screen hub.
- h. The screen hub is on-balance consistent with Part 2 of the Resource Management Act 1991, and more clearly consistent with the purpose of the Fast-track Approvals Act 2024. The Expert Hearing Panel needs to give the latter the greatest weight in its decision-making process.

[8] This combination of findings would have led the Expert Hearing Panel to decline the land use consent application within the jurisdiction of Queenstown Lakes District Council had that application been made under the Resource Management Act 1991. It would not have passed through either gateway in section 104D of that Act.

[9] Section 104D does not, however, apply to the Expert Hearing Panel's determination under the Fast-track Approvals Act 2024.

[10] Under section 85(3) of the latter Act, the Expert Hearing Panel may decline the screen hub application only if it finds the adverse effects of the screen hub are sufficiently significant to be out of proportion to the project's national and regional benefits. The Expert Hearing Panel has found the inverse to be the case; that is to say that the regional benefits of the screen hub are out of proportion to its adverse effects.

[11] It follows that the only permissible decision the Expert Hearing Panel can make is to grant the application seeking approvals for the Ayrburn Screen Hub.

- [12] Proposed conditions managing the adverse effects of the screen hub have been through many iterations and are now significantly improved, both in terms of substantive merit and mechanics. The Expert Hearing Panel has, however, made selected amendments to the final iteration of conditions tabled by the applicant responding to the comments of other parties.
- [13] The Panel would like to thank all parties for their constructive input in a necessarily constrained timeframe.

## **PART B: OVERVIEW OF THE APPLICATION AND PROCEDURE**

### **Applicant**

- [14] The applicant seeking approvals and variations to consent conditions under the Resource Management Act 1991 (**RMA**) is Waterfall Park Developments Limited (**WPDL**).
- [15] WPDL is a subsidiary of Winton Land Limited, a public company with shares listed on both the New Zealand and Australian Stock Exchanges.
- [16] Winton has a substantial portfolio of development projects including residential dwellings, apartments and retirement village units.
- [17] The project site described further below is located in the Wakatipu Basin and currently forms part of a larger property that until relatively recently was farmed as a single unit known as Ayrburn Farm.
- [18] WPDL has developed part of Ayrburn Farm into a premium hospitality precinct, repurposing historic farm buildings and constructing additional buildings for hospitality purposes designed to blend in with the original historic buildings. The hospitality area is operated by a related company owned by Winton.
- [19] WPDL also holds a number of resource consents to develop other parts of the former Ayrburn Farm property, including for a retirement village or a hotel<sup>1</sup>. At the time of the Panel's site visit, the retirement village was under construction. More recently, the applicant has obtained consents for three high-end residential units<sup>2</sup> on another part of the broader property.

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<sup>1</sup> Refer the description in the applicant's Substantive Application and Assessment of Environmental Effects (**AEE**) dated 22 August 2025 at section 4.3

<sup>2</sup> RM 250715

## Project Site

- [20] The area which is the subject of these applications comprises some 26.25 hectares making up the western part of the former Ayrburn Farm. The lower part of the project site is predominantly flat, rising steeply to the north-west of the base of the Wharehuanui Hills and Christine's Hill.
- [21] Mill Creek runs along the eastern margins of the project site. The Countrywide Trail, which forms part of the nationwide Te Araroa Trail, runs along the western margins of the project site. Where it adjoins the flatter part of the project area, the trail sits on a paper road. Further up, as the trail climbs up the hill, it mostly sits on the applicant's land<sup>3</sup>. The northern boundary of the project area adjoins Millbrook Resort and the properties forming part of that resort.
- [22] South of the project area, there are a series of substantial rural lifestyle residences with frontages onto Speargrass Flat Road. Further south again lies Whakaata/Lake Hayes. Mill Creek is the primary tributary feeding into the lake, which in turn feeds into the Mata-au/Kawarau River.
- [23] Currently, the flat part of the project site has several temporary structures and storage areas associated with development on the adjacent Hospitality Precinct. The land is also being used for temporary stockpiling of earthworks associated with construction being undertaken by the applicant on other parts of the site. Part of the project site is also consented for use as an overflow carpark associated with one of the developments on the Hospitality Precinct.
- [24] On the southern part of the project area, inside the boundary fence running east-west, is a recently constructed cycle/walking trail.

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<sup>3</sup> That fact is of some significance in the assessment of the visual effects of the screen hub that we discuss further in Part E below.

- [25] In the following section, key project elements are shown superimposed on a map of the project site.

### **Description of Project**

- [26] The concept outlined in the application documents is of an integrated film production facility featuring two studios, accommodation and supporting facilities and amenities. The application characterises the facility as a ‘screen hub’ and we will use that terminology for convenience, while noting Comments from invited parties challenging whether that is an accurate description of what is proposed.

- [27] As described in the applicant’s Assessment of Environmental Effects (**AEE**)<sup>4</sup>, the key elements are:

- a. Filming stages;
- b. Workshops;
- c. Offices and dressing rooms;
- d. A reception area;
- e. 201 accommodation units;
- f. A gym/wellness area and VIP/screening area;
- g. Depot;
- h. Open spaces and comprehensive landscaping;
- i. Associated infrastructure;
- j. Water quality improvement;
- k. Riparian planting; and
- l. Public cycle trail connections.

- [28] The AEE states that the film studio is proposed to have a footprint of 7,200m<sup>2</sup> and a gross floor area of 8,554m<sup>2</sup>, comprising two stages, a fabric

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<sup>4</sup> AEE dated 22 August 2025, section 5.1.

and costume laundry, office spaces, art department area for props and set decoration facilities and construction workshops.

- [29] The film studio is designed to be sunk into the hill on the northern part of the project area and would have a height of 15 metres from the base to the roof apex.
- [30] The screen hub design also includes 201 accommodation units comprising a total of 247 bedrooms distributed across 12 two-storey buildings. 62 of those units are proposed to contain full kitchens. Two of the accommodation buildings are designed to operate as either accommodation or film office space as required. A third accommodation unit would also have lounge and gym/wellness facilities and a VIP room that doubles as a screening room.
- [31] A separate two-storey building is intended to provide hotel reception and office facilities, including a bar and lounge area, a reception area, a breakfast area, a lobby staffroom and meeting rooms.
- [32] The final three level building is proposed to provide room for a depot on the ground floor and two floors of offices. The depot is proposed to be used for deliveries and be ancillary to the existing adjacent Hospitality Precinct.
- [33] Ground and first floor areas of all of these buildings are provided in section 5.1.1 of the AEE. Their location on the project site is shown on Figure 1 following, which is an updated version of a plan in the AEE<sup>5</sup>.

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<sup>5</sup> 10 February 2026 revision of the Ayrburn Hub Design Report (page 15).



Figure 1: Outline of the proposed project

- [34] It is noted that some elements of the screen hub design have changed since the AEE was lodged. We discuss those changes further below.
- [35] Also associated with the project proposal, as described in the AEE, are comprehensive landscape planting, sediment control measures including an in-line sediment retention pond, and extensive riparian planting.
- [36] Access to the site is provided off Ayr Avenue, a private road off Arrowtown Lake Hayes Road (**ALHR**) that also provides access to the adjacent Hospitality Precinct and the proposed retirement village on the eastern half of the broader site.

## Application Process

[37] WPDL applied to the Minister for Infrastructure under section 13 of the Fast-track Approvals Act 2024 (**FTAA**) seeking referral of the Ayrburn Screen Hub project on 11 February 2025. The Minister's decision accepting the referral application to the fast-track approvals process under section 26(2)(a) of the FTAA is set out in a letter dated 13 May 2025 signed by his delegate.

[38] That letter noted that the Minister was satisfied that:

- a. the project as an infrastructure or development project that would have significant regional and national benefits as it:
  - i. will deliver significant economic benefits through its economic impact in the Otago Region, and may also deliver significant economic benefits nationally if it attracts new productions that would otherwise not have occurred in New Zealand; and
  - ii. will address significant environmental issues by supporting water quality enhancement of Waiwhakaata Lake Hayes, which has regionally significant benefits due to the importance of this highly valued lake to the community, mana whenua, regional and district councils and visitors;
- b. referring the project to the Fast-Track approvals process:
  - i. would facilitate the project, including by enabling it to be processed in a more timely and cost-effective way than under current processes; and
  - ii. is unlikely to materially affect the efficient operation of the Fast-Track approval process.

[39] As we note in Part C of our Report, the Panel is required to take into account the Minister's reasons for referring the project to the Fast-Track process, as above<sup>6</sup>.

[40] WPDL lodged its substantive application on 28 August 2025. The Environmental Protection Authority (**EPA**) confirmed that the substantive application complied with the requirements of section 42(2) of the FTAA by

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<sup>6</sup> FTAA section 81(2)(aaa).

a letter dated 12 September 2025. We do not have any material before us to suggest the EPA's assessment in this regard was incorrect.<sup>7</sup>

- [41] In a further letter dated 25 September 2025, the EPA confirmed that the substantive application did not have a competing application for the purposes of section 47(3) of the FTAA and did not have existing resource consents for the purposes of section 47(8) of the FTAA.
- [42] Following a conference convened by the Fast-track Panel Convenor on 15 October 2025, the Panel Convenor appointed the members of the Expert Panel and directed that the decision timeframe should be 55 working days from the date that the applicant's Response to Comments is received (i.e. 2 April 2026), subject to any suspension of processing of the application.
- [43] The Panel commencement date for the purposes of section 53 of the FTAA was fixed by the Panel Convenor as 5 November 2025.
- [44] The Expert Panel undertook a comprehensive site visit on 17 November 2025, including viewing the adjacent Ayrburn Hospitality Precinct and noting the location of the project site relative to Millbrook Resort, the township of Arrowtown, and adjacent properties.
- [45] During the course of processing the application, the Expert Panel has convened three conferences:
- a. an initial online conference on 10 November 2025 during which the applicant briefed the Panel on key aspects of the screen hub proposal and the Panel took the opportunity to ask the parties present questions clarifying aspects of the application;
  - b. an online conference on 30 January 2026 to discuss legal issues arising out of the applicant's Response to Comments, factual questions the

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<sup>7</sup> Refer also section 3.4 of the AEE

Panel had for the applicant's film industry expert, Mr David Gibson, and for the Panel to clarify issues arising out of the Joint Witness Statement (JWS) the economic experts had provided with its authors; and

- c. a further online conference on 3 February 2026 to discuss issues arising out of the JWS provided to the Panel by landscape experts with its authors.

[46] By a Minute dated 19 November 2025, the Expert Panel invited Comments on the application under section 53 of the FTAA. In addition to the parties required to be invited pursuant to the FTAA (relevant Ministers, local authorities, iwi authorities and adjoining landowners) the Expert Panel determined that it should invite Comment from:

- a. Aukaha and Te Ao Mārama Inc as the representatives of Papatipu Rūnaka on resource matters;
- b. Wai Whakaata/Lake Hayes Strategy Group and Friends of Lake Hayes Inc as parties with an interest in and consulted by the applicant in relation to potential adverse effects on water quality in Lake Hayes and its tributaries; and
- c. Queenstown Trails Trust as the body with most interest in the countryside trail and a party consulted by the applicant on the basis of its potential interest in the applications.

[47] The period for making Comments closed on 17 December 2025. Within that period, the Expert Hearing Panel received substantive Comments from:

- a. three of the relevant Ministers;
- b. Otago Regional Council (ORC);
- c. Queenstown Lakes District Council (QLDC);
- d. Te Aō Mārama Inc; and
- e. 12 adjacent landowners.

- [48] Of the adjacent landowners, 11 of the parties who provided Comments live on or adjacent to the southern boundary of the project site and one lives on the northern (Millbrook) boundary.
- [49] On 5 January 2026, the applicant sought that processing of its application be suspended from the end of 13 January 2026. The Expert Panel granted that request by a Minute dated 8 January 2026. Processing recommenced on 23 January 2026. Interpolating the period of suspension meant that the due date for the Expert Panel's final decision moved to 15 April 2026.
- [50] The applicant provided a comprehensive Response to Comments under section 55(2) of the FTAA on 23 January 2026.
- [51] As part of its Response to Comments, the applicant objected to QLDC's Comment including two 'personal' comments from the Mayor and Councillor Belk. Counsel for QLDC responded to this objection at the conference we convened on 30 January 2026 making it clear that these additional comments were intended to form part of QLDC's Comment. On that basis, they are accepted into the record. The Panel has noted the submissions made by counsel for the applicant regarding the weight to be given to them.
- [52] During the course of processing the application, the Expert Panel made a number of requests for information pursuant to section 67 of the FTAA. These were primarily to the applicant, but it also requested information from ORC, QLDC and two of the Commenting parties (Mr Paul Dougherty and Ms Rebecca Hadley).
- [53] The responses to those various information requests added materially to the body of information before the Panel that it has considered in arriving at its decision. It included, among other things:

- a. a final Cultural Impact Assessment (**CIA**) on behalf of the relevant iwi authorities with the only substantive change being removal of the word ‘draft’;
- b. amendments and additions to the suite of applications before the Expert Panel that we will discuss in greater detail below; and
- c. successive iterations of proposed consent conditions.

[54] The Panel directed also that independent experts providing reports to the Panel conference and received JWSs as follows:

- a. Messrs Tim Heath and Phil Osborne (for WPDL) and Ms Natalie Hampson (for Mr David Kidd) conferenced on economic issues, and produced a JWS dated 16 January 2026;
- b. Mr Tony Milne (for WPDL) and Ms Bridget Gilbert (for QLDC) conferenced on landscape issues and produced a JWS dated 16 January 2026; and
- c. Messrs Karl Cook (for WPDL), Marcus Langman (for QLDC), and Carey Vivian (for Mr and Mrs Hadley, Mr Kidd and Mr Jan Andersson) conferenced on selected condition issues and produced a JWS dated 20 February 2026.

[55] By minute dated 25 February 2026, the Panel advised interested parties that it considered that it had all the information it required to make a decision and had decided not to convene a hearing.

[56] On 13 March 2026, the Panel released its draft decision and conditions. Pursuant to section 70 of the FTAA, it invited comment on its draft conditions by close of 26 March 2026 from the applicant, parties who had made Comments, and from ORC and QLDC. Pursuant to section 72, the Panel invited comment on its draft decision and conditions by close of 27 March 2026 from the Minister for Māori Crown Relations: Te Arawhiti and the Minister for Māori Development.

- [57] By close of 27 March 2026, the Panel had received comment from the Minister for Māori Crown Relations: Te Arawhiti and the Minister for Māori Development. The same Minister (Hon Tama Potaki) holds both portfolios and so this was a single comment which supported both the draft decision and the conditions “subject to the Expert Panel having due regard to the cultural impact assessment conditions included with the assessment of environmental effects”. The Expert Panel considered that it had had due regard to the cultural impact assessment conditions included with the assessment of environmental effects and thus did not make any changes to the draft conditions to respond to the Minister’s comment.
- [58] By close of 26 March 2026, the Panel had received five comments from parties invited to comment under section 70 and one from the applicant. Two of those comments (from Te Ao Mārama and ORC) did not propose any changes to the draft conditions. Te Ao Mārama requested that the conditions mitigating effects on cultural values are not changed without iwi input.
- [59] The applicant proposed a series of largely minor non-substantive changes to the draft conditions which we accept. The applicant also, at our request and in consultation with QLDC, produced a sequentially numbered set of conditions with internal cross referencing changed to reflect the renumbering. Consequentially, the set of conditions attached to our Final Decision has different numbering to the conditions referenced by the parties in their comments and responses to our requests for information. We have therefore retained the original numbering, but inserted a note in brackets after references to specific conditions to advise of the updated numbering where applicable.
- [60] In its comments, QLDC suggested three sets of additional changes. The first was to note the applicant’s responsibility for costs QLDC incurs

reviewing draft management plans. In its reply, the applicant accepted the suggested changes, as do we.

[61] The second set of suggested condition changes sought a change of terminology so that the conditions consistently refer to the Council's role as one of approval rather than certification. The applicant was neutral on the suggested changes. We discuss them in the final section of our report. In summary, we agree that that change is appropriate when the Council is reviewing engineering plans, but we do not consider that it is appropriate when the Council is reviewing other management plans.

[62] Lastly, QLDC suggested amendments to express Māori terms in southern dialect spelling and with macrons, as appropriate. The applicant had no issues with the suggested changes, regarding it as a matter for Te Ao Mārama and for us. We consider them an improvement, better recognising the mana of the relevant rūnaka. The nature of the suggested changes means that they do not alter the effect of the conditions and we did not consider they triggered a need to consult further with Te Ao Mārama. We therefore accept the suggested changes, noting that we have made parallel changes to the ORC conditions, along with amending the names of taoka species (drawing on the Ngāi Tahu Claims Settlement Act 1998 - Schedule 97) and picking up one or two additional corrections.

[63] We had two sets of requested changes from adjacent neighbours. The first was from a group of invited parties<sup>8</sup> who helpfully combined to produce a marked up set of conditions and covering comments. We will reference their comments and suggested condition changes as being those of the **'Speargrass Flat neighbours'**. The second was provided by Counsel for

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<sup>8</sup> Neil Green and Suzie Bognar, Paul Dougherty and Hilary Poole, Jane and Halford Shaw, Catherine Taylor and Graham Smith and Rebecca and James Hadley

David Kidd who likewise provided a marked up set of conditions and covering comments.

[64] The comments received from the Speargrass Flat neighbours and David Kidd covered a number of conditions. We will address their comments on conditions managing and mitigating adverse effects in the context of our discussion of the relevant effects topic. Comments on more general ‘process’ conditions are addressed as part of our discussion of conditions in the final section of our decision.

[65] The applicant provided a comprehensive reply to comments on conditions including an updated set of conditions with additional suggested amendments responding to the comments of other parties on 2 April 2026.

### **Principal Issues in Contention**

[66] The principal issues put in contention by Comments from invited parties and requiring determination by the Panel in its decision were:

- a. the extent of economic benefits the screen hub project would have, and in particular whether the Panel could be satisfied on the evidence before it that those benefits would be significant at a regional and/or national level;
- b. the extent of the adverse effects the screen hub would have, in particular as regards landscape and visual amenity, noise, and traffic, and consequential effects on local amenity values;
- c. the consistency or otherwise of the screen hub project with the Proposed Queenstown Lakes District Plan (**PDP**); and
- d. whether, as a consequence of the determination of the above matters, the approvals sought should be granted.

## Prior Applications

[67] The FTAA requires that an application for referral include disclosure of “whether any activities that are involved in the project, or are substantially the same as those involved in the project, have been the subject of an application or a decision under a specified Act”<sup>9</sup>. The applicant answered in the negative, but did note a previous proposal for a retirement village on the same land which was withdrawn.

[68] Counsel for Mr Andersson suggested that the applicant’s response was unduly narrow, and that it should have disclosed to the Minister the lengthy history of previous unsuccessful attempts the applicant and its predecessor had made to develop the land. Counsel provided us with a detailed chronology of applications and events relevant to the site. Mr James Hadley made a similar point in his Comments and provided us with a chronology that significantly overlapped with that of counsel for Mr Andersson.

[69] In summary, these parties noted over a period of some 10 years:

- a. three applications under the Housing Accords and Special Housing Areas Act 2013 variously for 150+ low density residential sites, a high density retirement village including 201 freehold lots and a mixed density residential development of 140 lots potentially subdividable into 295 lots, all of which were rejected by QLDC at the outset;
- b. applications during the various stages of the development of the PDP and appeals thereon, seeking rezoning to enable:
  - i. Low density residential use and an extension of the Waterfall Park (Resort) zone to cover the site;
  - ii. A retirement village and residential use;
  - iii. Urban residential use and a retirement village;
  - iv. A retirement village;

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<sup>9</sup> FTAA section 13(4)(u)

- v. Rural residential development; and
- c. an application under the COVID-19 Recovery (Fast-Track Consenting) Act 2020 for a retirement village.

[70] For good measure, the parties told us about unsuccessful litigation that the applicant had commenced against QLDC and Mr and Mrs Hadley on related issues.

[71] We were unclear what the parties expected us to do with this information other than to conclude that the site has a lengthy history, the applicant has pursued multiple legal avenues to advance its interests and that at times, relations between the applicant and its neighbours have been fraught, to use a neutral expression.

[72] As far as the suggestion of failure to comply with the requirements of the FTAA is concerned, if it is well-founded, that was at an earlier stage of the process. Those with an interest in the matter needed to challenge the Minister's decision to refer the application by way of judicial review if they considered it sufficiently material to the Minister's decision. We observe, however, that the requirement was to disclose similar applications under Specified Acts. The Housing Accords and Special Housing Areas Act 2013 and the COVID-19 Recovery (Fast-Track Consenting) Act 2020 are not defined as 'Specified' Acts. Further, the RMA is a Specified Act, but a submission seeking rezoning of land is not an 'application'. We note in this regard, the record of the Environment Court's preliminary observations and directions attached to its Interim Decision on the zoning of the land, which included the following comment about the difference between the two:

This is not a case about a development. This is a case about a zoning choice, under s 32, including in that regard s 32, in what is the most appropriate way of achieving relevant objectives and policies, and also part 2 of the Act to the extent that objectives are also in the mix. So, well at least to that extent.

It is difficult for the Court in one sense to receive evidence that is very much about a development proposition which is not, which may well be a matter to be considered in a more rounded sense at a consenting stage.

This is a planned choice case, not a resort consent development case per se,...<sup>10</sup>

[73] In summary, the Panel's view is that the applicant cannot be criticised for not disclosing the history of the various unsuccessful attempts to enable development of the site as part of its referral application.

[74] The Environment Court's decision on the appropriate zoning of the site is instructive. It (and the subsequent decisions finalising relevant PDP provisions) clearly explain the factual findings that underpin the Structure Plan. Counsel for Mr Andersson was one of many parties who emphasised to us the Court's findings that the identified Residential Area had a moderate capacity to absorb development, and development with a greater density than that "would not maintain the landscape character and visual amenity values of LCU 8 or the Basin as a whole, and was therefore inconsistent with the PDP's core objectives".<sup>11</sup>

[75] Clearly, the findings of the Environment Court are entitled to respect. We need, however, to bear in mind that as the Court itself pointed out, it was determining the appropriate zoning for the site, not a site-specific resource consent application. While it considered the potential for setbacks and landscape planting to mitigate potential adverse effects, the Court did not reference mitigation on the scale proposed by the applicant here, which has the effect of making the proposed development largely screened from public viewpoints.

[76] Even more importantly, the Court was applying the RMA. Our decision has to be made under the FTAA. Counsel for Mr Andersson pointed out to us

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<sup>10</sup> *Waterfall Park Developments Ltd v QLDC* [2023] NZEnvC 207, Annexure 2

<sup>11</sup> Legal Submissions for Jan Andersson at [28]

that the Environment Court “expressly rejected the notion of a balancing approach whereby other benefits, such as economic or ecological enhancements, might justify compromising landscape values”<sup>12</sup>. As we discuss further in Part C of our decision, that is precisely the judgment that section 85(3) of the FTAA requires us to make when deciding whether or not to grant the approvals sought.

[77] Counsel for Mr Andersson also submitted that the Court’s findings reinforce the fact that key objectives requiring that the landscape character and visual amenity values of the Basin and its constituent Landscape Character Units be maintained or enhanced are not “aspirational or discretionary and establish a clear and binding framework against which any proposed zoning or development must be assessed”<sup>13</sup>. Again, as we will discuss in Part C, relevant Plan objectives do not have the force and effect under the FTAA that they have under the RMA, and cannot determine the outcome on their own.

[78] These differences mean that we cannot treat the Environment Court’s findings as determinative to the decisions we need to make. It is also the reason why we reject the argument made by and for Mr Kidd that the Environment Court’s decision should be treated as final.

[79] The related argument of counsel for Mr Kidd<sup>14</sup> was that he had a legitimate expectation that the planning framework governing the site had conclusively been resolved, and that he acted in reliance on that expectation in entering a contract for extensive refurbishment and extension of his family home. We fail to see how such an expectation could prevail over the statutory direction in section 85(3) of the FTAA as to the limited circumstances in which we might decline the application before us. We also note that Mr Kidd committed to his house improvements in May 2025, well after the FTAA

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<sup>12</sup> Ibid

<sup>13</sup> Ibid at [27]

<sup>14</sup> Legal Submissions of Jayne Macdonald for David Kidd at 8.10-8.11

was enacted, and while he did not know the applicant planned to pursue that avenue at that time, that option was obviously open to it if it could obtain the Minister's consent to refer its application.

- [80] More generally, the Panel considers that counsel for the applicant made a valid point in his memorandum responding to Comments when he pointed to the actual and proposed legislation in the RMA space in recent times and suggested that “it could reasonably be said that nobody in New Zealand can have any expectation or confidence that any planning/resource management outcome which potentially affects them, is final”.<sup>15</sup>

## Approvals Sought

### *District Council Jurisdiction*

- [81] The applications before us within QLDC's jurisdiction reflect the fact that although a number of appeals remain to be resolved, the PDP has entirely overtaken the Operative District Plan as it relates to matters of relevance to the proposed screen hub.
- [82] The project area is zoned Wakatipu Basin Rural Amenity Zone (**WBRAZ**). The rules governing the WBRAZ are contained in Chapter 24 of the PDP.
- [83] Also relevant to the application, a Structure Plan<sup>16</sup> governs the project area. The following Figure 2 taken from the AEE<sup>17</sup> shows the various elements of the screen hub project superimposed on the Structure Plan.

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<sup>15</sup> Applicant's Response to Comments, Legal Memorandum dated 23 January 2026 at [56]

<sup>16</sup> Schedule 27.13.22 of the PDP

<sup>17</sup> AEE dated 22 August 2025, Figure 13

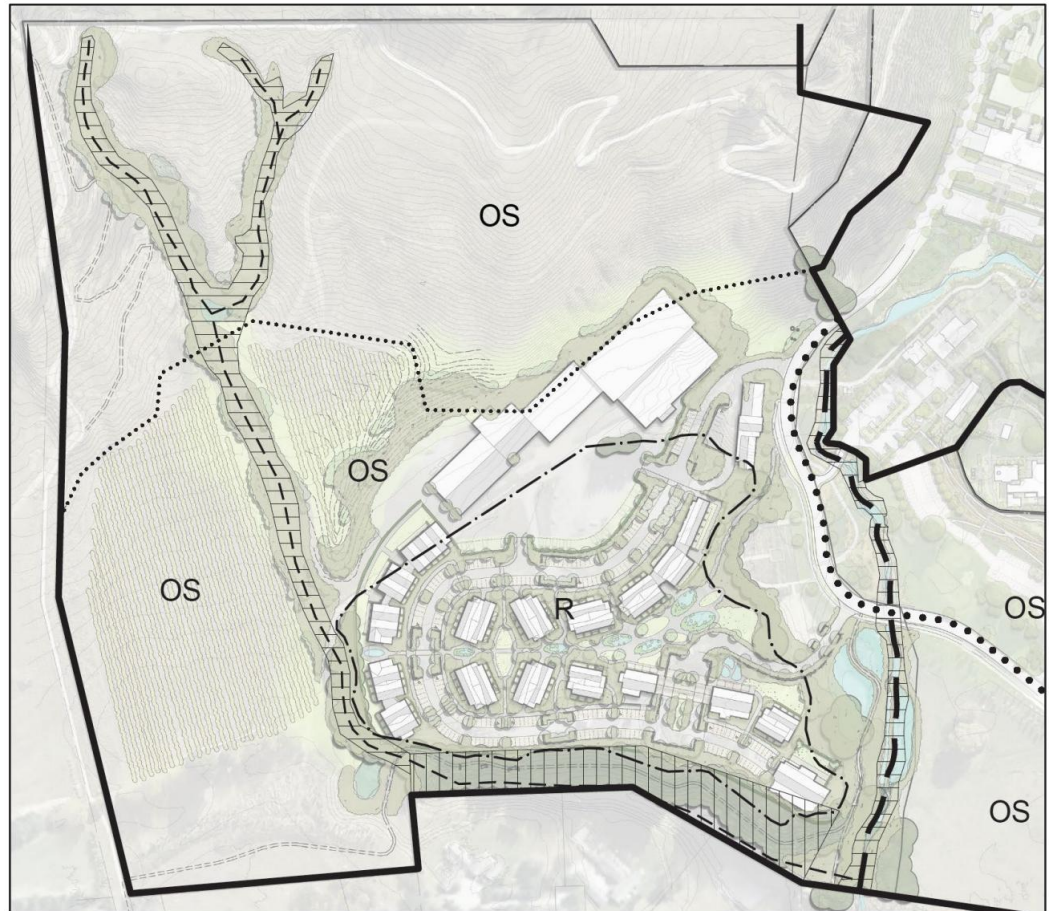


Figure 2: Screen Hub site plan overlaid on the Structure Plan

[84] Relevantly, ‘R’ means Residential Activity Area, ‘OS’ means Open Space Area, the dotted line running east-west is a Pasture Line, the horizontal hashed lines denote riparian planting areas, and the vertical hashed lines denote a protected tree area. We discuss the significance of these notations below.

[85] Section 6.1.1 of the AEE contains an assessment of PDP rules the screen hub triggers which we largely adopt. In summary, the screen hub falls under a number of rules requiring RMA consents in Chapters 24 (Wakatipu Basin), 25 (Earthworks) and Chapter 29 (Transport). Overall, the application is a non-complying activity under the PDP because it includes:

- a. Commercial activities not otherwise provided for;

- b. Buildings within the OS area;
- c. Planting within the OS area; and
- d. Buildings exceeding 8 metres in height.

[86] The aspect of the AEE analysis of PDP rules we do not accept is its classification of the proposed accommodation units as ‘visitor accommodation’. WPDP confirmed at the conference we convened on 30 January 2026 that it was not proposing to limit stays in the accommodation units to less than 90 days. At the conference, Mr Cook characterised the accommodation as a commercial activity within Rule 24.4.23. Given the AEE had already identified other activities on the site as falling under that rule, this shift in position does not alter the classification of the application overall, but it has potential implications for our assessment of the activity under the objectives and policies of the PDP.

[87] Commenting parties suggested to us that the film studio buildings in particular might be characterised as industrial<sup>18</sup>. Such comments were more focussed on their external appearance and likely noise profile than the nature of the activity being undertaken. Since the same rule governs both commercial and industrial activities (24.4.23), the difference in classification is not material for the purposes of identifying relevant rule triggers.

[88] The AEE also identified the need for variation to the conditions of a subdivision consent WPDL has obtained (RM250135) and is the process of implementing. That consent allows for the subdivision of the broader site, among other things, to reflect the PDP Structure Plan. Accordingly, once implemented, the Residential Activity Area identified in the Structure Plan would form one property (as Lot 9) and the OS Area another (as Lot 4). RM250135 has conditions precluding, among other things, planting of vegetation other than pasture grass, crops or grapevines within the new Lot

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<sup>18</sup> See for example the Comments of G Van Deursen, R and N Hart, H and J Shaw, and the legal submissions for J Andersson

4 not authorised by a resource consent (Condition 15(a)), planting of vegetation other than pasture grass above the pasture line on the new Lot 4 (Condition 15(b)) and buildings within the new Lot 4 (Condition 15(d)).

[89] The AEE identified the need for a variation of Condition 15(d) under section 127 of the RMA to allow the buildings proposed to be located on OS land/Lot 4.

[90] Subsequently, as part of the applicant's response to the Panel's first information request dated 18 November 2025, it identified the need for an additional variation to Condition 15(b) to enable proposed planting above the pasture line that would otherwise be contrary to that condition. We note that QLDC had pointed the issue out to the applicant as part of consultation on the application.

[91] In addition, the applicant's counsel noted:

Conditions 15(b) and 15(d) RM240982 referred to above result from Chapter 27 Rule 27.7.32.2 of the PDP which requires the imposition of certain Consent Notice conditions. Accordingly the variations to Conditions 15(b) and 15(d) being requested would, if granted, result in a breach of Rule 27.7.32.2. It is questionable whether an s127 variation can legally be granted if that would result in breach of a rule when the original consent containing the conditions in question had not included consent for breach of that rule. To avoid any doubt on this issue, the applicant seeks consent to any breach of Rule 27.7.32.2 consequential upon the granting of the two s127 variations detailed above (refer Part 6.1.1 of the amended Planning Report).

[92] Counsel also addressed potential concerns about scope to add additional applications, pointing out that the applicant had sought any other resource consents necessary to implement the proposal in its AEE<sup>19</sup> and that the effects of the additional applications had been addressed.

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<sup>19</sup> AEE dated 22 August 2025 at section 6.1.3

- [93] The Panel considered the concern underpinning the additional application was potentially unfounded, given that resource consents authorise activities not breaches of rules<sup>20</sup> and that caselaw suggests that the test for whether an application properly falls to be determined under section 127 of the RMA depends on whether the consent authority considers that the variations to conditions sought materially alter the nature and/or scale of the consented activity<sup>21</sup>. Further, introduction of an additional subdivision application raised the question of what exactly was being applied for; whether, for instance, it would entirely replace the existing consent, or just selected parts, and if so, which parts. The Panel sought to clarify these matters with both QLDC and the applicant.
- [94] In response to our queries, Mr Langman for QLDC confirmed that in his view, the consent condition changes sought did not materially alter the nature and scale of the consented activity “because the conditions that require the consent notices prohibiting buildings / planting in the OSAA, are only sought to be amended to the effect that the prohibition does not apply to any building / planting enabled by the Screen Hub consent, when granted. The variation itself does not enable development in the OSAA, it just removes the prohibition beyond the activity described in the Fast-track application”. QLDC also confirmed its view that the additional condition variation was in scope.
- [95] Subsequently, in her 3 February 2026 response to the Panel’s further request for information, counsel for the applicant confirmed that if the Panel agreed with that view (which we do, for the reasons Mr Langman gave), the applicant withdrew the additional subdivision consent application.
- [96] In the same memorandum, the applicant advised it had identified the need for a third consequential variation to the conditions of RM250135, this time

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<sup>20</sup> Refer *Marlborough District Council v Zindia* [2019] NZHC 2765

<sup>21</sup> Refer *Te Runanga o Ngati Ava v Bay of Plenty Regional Council* [2022] NZCA 598 (not challenged on appeal- see *Sustainable Otakiri Inc v Whakatane District Council* [2025] NZSC 158 at [15-16])

to Condition 15(a) to provide for proposed planting in the Tree Protection Area on the southern boundary of the Project Area identified in the PDP Structure Plan.

[97] The Panel considers that that variation also properly falls within the purview of section 127 of the RMA and is within scope for the same reasons.

[98] The end result is that the Panel needs to determine WPDL's application for variations to Conditions 15(a), 15(b) and 15(d).

#### *Regional Council Jurisdiction*

[99] In section 6.1.2 of the AEE, the applicant identified the need for three resource consents within ORC's jurisdiction, which would authorise:

- a. Damming and diversion of water (i.e. Mill Creek) for establishment of the proposed in-line sediment trap;
- b. Extraction of alluvium of greater than 20m<sup>3</sup> in any month within the bed of a river; and
- c. Disturbance of the bed and banks of a river (and subsequent bed remobilisation) to construct a sediment trap, divert water, remove bed material and maintain a sediment trap in Mill Creek.

[100] The overall (bundled) activity status of these consents was assessed as discretionary.

[101] ORC concurred with this analysis, as do we.

[102] In addition, WPDL sought a certificate of compliance under section 139 of the RMA in respect of the disturbance of the bed of an ephemeral river to enable the installation of two sediment traps, located within an ephemeral tributary of Mill Creek.

## PART C: DECISION-MAKING FRAMEWORK

[103] The various applications detailed in Part B above fall to be considered under the FTAA, which introduces both additional considerations than those that would normally arise in relation to a suite of applications under the RMA, and variations to the way some matters would ordinarily be canvassed in such an application.

[104] There is now a body of decisions under the FTAA that we can draw on to guide our decision-making process. However, we need to keep in mind that all of the FTAA decisions to date at the point we were preparing our draft decision have been considering ‘listed’ projects<sup>22</sup>, and there are some differences when a ‘referred’ project is in issue.

[105] We also need to ensure that we factor into our decision-making process the amendments made to the FTAA in December 2025 to the extent they are relevant to us. For this purpose, in the preparation of our draft decision, we assumed that our final decision would be made after 31 March 2026, as has proven to be the case.

[106] The purpose of the FTAA is a key consideration<sup>23</sup>. Section 3 states:

The purpose of this Act is to facilitate the delivery of infrastructure and development projects with significant regional or national benefits.

[107] The Expert Panel on the Taranaki VTM project considered and rejected arguments that the purpose of the FTAA is merely procedural; enabling a quicker decision-making process<sup>24</sup>. We concur. Like that Expert Panel, we

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<sup>22</sup> There are three other referred projects under consideration that proceeded roughly in parallel with the Ayrburn Screen Hub, or one case slightly ahead of it. As at the date of preparation of our draft decision, none had reached the point of a final decision.

<sup>23</sup> As discussed below, Clause 17(1) of Schedule 5 directs that when considering the criteria relevant to a resource consent application, greatest weight must be given to the purpose of the FTAA.

<sup>24</sup> Taranaki VTM Expert Panel Draft Decision, dated 4 February 2026 at [69]

note the High Court’s observation in *Ngāti Kuku Hapū Trust v Environmental Protection Agency*<sup>25</sup> that:

[66] In enacting the FTA, Parliament made a deliberate decision to de-emphasise factors which might militate against approval. For example, the cabinet minute which approved the inclusion of the 149 listed projects noted it was the Government's intention to establish a consenting and permitting process that “makes it substantially easier for projects to be approved than the status quo, with a high bar needing to be reached for a panel to decline a project”. ...

[108] FTAA decisions are not just quicker than, in this case, decisions under the RMA. They are more likely to result in a decision to grant the consents sought.

[109] How much more likely is directed by section 85:

**85 When panel must or may decline approvals**

(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 projects 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.

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<sup>25</sup> [2025] NZHC 2453

[110] The Waihi North Expert Panel summarised section 81(3)<sup>26</sup> as requiring assessment:

- a. of the extent of the WNP’s regional or national benefits;
- b. of the significance of adverse impacts; and
- c. whether the adverse impacts are “sufficiently significant” to be out of proportion to the WNP’s regional or national benefits after allowing for, amongst other things, compensation that may be provided.

[111] We have adopted that same approach, while noting the point made by the Taranaki VTM Expert Panel<sup>27</sup> that even if the third question is answered in the affirmative, the Panel still has a discretion to grant the approvals sought. That Panel also observed that even if a project has significant adverse impacts, it may still be approved if the impacts are proportionate to the project’s benefits. We consider that point logically flows from the way the third question is framed.

[112] As also noted by the Waihi North Expert Panel<sup>28</sup>, section 85(4) means that non-compliance with say avoidance policies that would usually preclude the granting of an approval is not itself fatal to an application.

[113] The Taranaki VTM Expert Panel discussed this point in greater detail, finding<sup>29</sup> that

...no adverse impact may be held to be out of proportion to the benefits of the project if the only basis for reaching that conclusion is that the impact is inconsistent with or contrary to a specified Act or other document the panel is required to take into account. That is not to say that the panel may not have regard to inconsistency with or breach of a relevant legislative provision or document; just that the inconsistency or breach may not be the only reason for holding the adverse impact to be disproportionate.

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<sup>26</sup> Waihi North Expert Panel Final Decision, dated 18 December 2025 at page 34

<sup>27</sup> Taranaki VTM Expert Panel Draft Decision, dated 4 February 2026 at [246]

<sup>28</sup> Waihi North Final Expert Panel Decision, dated 18 December 2025 at page 33

<sup>29</sup> Taranaki VTM Expert Panel Draft Decision, dated 4 February 2026 at [241]

- [114] The Taranaki VTM Expert Panel discussed what it means when section 85(3)(b) references adverse impacts that are “out of proportion” to the benefits of a project. It found a test based on whether the identified adverse impacts (after mitigation by any consent conditions or modifications) are larger, worse, or more important than the benefit to be useful<sup>30</sup>.
- [115] With respect to that Panel, we consider that test fails to put sufficient weight on the words “out of proportion” read in light of the purpose of the FTAA. A finding that adverse impacts are out of proportion to the benefits of a project suggests to us that there is a material difference between the two, not just that adverse impacts are marginally greater than the benefits.
- [116] The distinction we make may be somewhat academic because the comparison of adverse impacts and benefits will usually (as in this case) be between incommensurables that do not lend themselves to precise judgements. The Taranaki VTM Expert Panel also said<sup>31</sup> that it is not a like-for-like assessment and that the required analysis is inherently evaluative. We agree with that view.
- [117] In this case, we have found that the evaluation of benefits relative to adverse impacts produces a clear conclusion, and thus the issue of interpretation is academic for that reason also.
- [118] We need to address here an argument put to us by counsel for Mr Kidd, Ms Jayne Macdonald, that the term “adverse impact” is broader than the term “adverse effect” used in the RMA. Ms Macdonald suggested that the latter is confined to biophysical effects and does not capture “broader planning and community impacts”. The latter were said to include urban development creating non-environmental impacts, psychosocial and wellbeing impacts and community character, among other things.

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<sup>30</sup> Taranaki VTM Expert Panel Draft Decision, dated 4 February 2026 at [247]

<sup>31</sup> Ibid

- [119] That distinction has not, so far as we can identify, been drawn in other FTAA Expert Panel decisions. The draft Expert Panel Decision on the Delmore application treated “adverse impact” as synonymous with “adverse effect”<sup>32</sup> Nor do we consider that it is accurate to suggest that the RMA concept of adverse effect is limited in the matter Ms Macdonald submitted.
- [120] Leading cases have consistently emphasised the breadth of the RMA decision of ‘effect’<sup>33</sup>. Recently, the Supreme Court has commented that it is difficult to conceive of a more open-textured definition<sup>34</sup>.
- [121] Our interpretation is that to the extent that the Courts have found limits on recognition of what Ms Macdonald termed non-environmental, psychosocial and wellness impacts, this has been because of a lack of probative evidence to support claimed effects of this kind and a concern that such effects involve double-counting of more tangible environmental effects<sup>35</sup>. The latter is a particular concern in this case because most of the ‘wider’ impacts Ms Macdonald put to us, if well founded, would be derived from excessive noise, lighting and visual effects, all of which are assessed as discrete potential impacts of their own.
- [122] Accordingly, we do not find there to be a meaningful distinction to be made between ‘adverse impacts’ and ‘adverse effects’.
- [123] Further direction regarding the Panel’s decision-making process is provided in section 81:

**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—

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<sup>32</sup> Delmore Expert Panel Draft Decision, dated 29 August 2025 at [144]

<sup>33</sup> See for instance *EDS v The King Salmon Coy Ltd* [2014] NZSC at [23]

<sup>34</sup> *Sustainable Otakiri Inc v Whakatane District Council* [2025] NZSC 158 at [49]

<sup>35</sup> See for example *Contact Energy Ltd v Waikato Regional Council* Environment Court A4/200 at [250-255]

(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):

...

(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):

...

(d) must comply with section 83 in setting conditions:

...

(ea) may impose conditions under section 84A:

(f) may decline the approval only in accordance with section 85.

....

(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.

[124] We record that we have considered the application along with the other material described in section 81(2)(a).

[125] Section 81(2)(aaa) and (ea) were inserted by the Fast-track Approvals Amendment Act 2025 and apply to this application<sup>36</sup>. We discussed the implications of section 81(2)(aaa) with the parties at our conference on 30 January 2026. Counsel for the applicant, Ms Hill, agreed that this amendment does not displace the need for us to make our own factual findings on the extent of the project's regional or national benefits, consistent with the approach of previous FTAA Expert Panels<sup>37</sup>, but she suggested it would be an appropriate starting point. Counsel for QLDC, Ms Scott, disagreed and submitted that the Minister's reasons are a matter to take into account rather than a starting point that must be displaced on the evidence.

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<sup>36</sup> Refer FTAA, Schedule 1, Part 2

<sup>37</sup> See the Maitahi Village Expert Panel Final Decision, dated 18 September 2026 at [86]

[126] We agree with Ms Scott. There are multiple matters that the FTAA directs must be taken into account, including but not limited to section 81(4). They cannot all be ‘starting points’, but all of them must be given genuine consideration, rather than mere lip service, such as by listing them and then setting aside<sup>38</sup>.

[127] Section 81(2)(ea) incorporates new section 84A by reference. The latter states:

**84A Conditions relating to infrastructure**

(1) The panel may set conditions to ensure that the infrastructure in the project area or other infrastructure the project will rely on is or can be made adequate to support—

(a) the project; or

(b) the stage of the project to which the application relates.

(2) This section applies in addition to, and does not limit, any other powers to set conditions under this Act.

(3) To avoid doubt, a condition set under this section may impose an obligation on the applicant only.

[128] This section has particular significance given QLDC’s advice that there is currently insufficient potable water capacity in its network to supply the project’s needs that we discuss in Part E of our decision.

[129] Section 7(1)(a) of the FTAA provides:

(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 ...

[130] The Panel reviewed the report prepared under section 18 of the FTAA addressing this matter.

[131] In preparing the section 18 report, the Ministry for the Environment identified and requested comments and advice from Te Rūnanga o Ngāi

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<sup>38</sup> Refer Waihi North Expert Panel Final Decision, dated 18 December 2025 at page 243

Tahu as the settlement entity and the respective Papatipu Rūnaka through Te Ao Mārama and Aukaha representing:

- a. Te Rūnanga o Ōtākou;
- b. Kati Huirapa Rūnaka ki Puketeraki;
- c. Te Rūnanga o Moeraki;
- d. Hokonui Rūnanga;
- e. Waihōpai Rūnanga;
- f. Te Rūnanga o Awarua; and
- g. Te Rūnanga o Ōraka-Aparima

[132] Te Ao Mārama and Kāti Huirapa Rūnaka ki Puketeraki responded pursuant to section 17(1)(d) outlining ongoing engagement requirements with the applicant and were neutral on the activity, neither providing opposition nor support.

[133] The Minister for Māori Development and the Minister for Māori Crown Relations: Te Arawhiti were invited to comment on the draft report but had no concerns or comments.

[134] The views of Te Puni Kōkari in relation to relevant Māori groups were considered and incorporated into the report.

[135] The section 18 report identified the Ngāi Tahu Claims Settlement Act 1998, with no other obligations being identified.

[136] Various principles and obligations in the Crown acknowledgment(s) and apology of the Ngāi Tahu Settlement apply broadly to the application and are discussed further in the Cultural Effects section in Part E of our decision along with any specific concerns of Iwi and mana whenua.

[137] Given that the approvals sought are those that would otherwise be considered under the RMA, the relevant schedule for the purposes of section 81(2)(b) is Schedule 5. Clauses 17-22 of that schedule apply to the

consideration of resource consent applications. Clauses 19-22 are not relevant to these particular applications.

[138] Clause 17 provides key direction, as follows:

**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

....

- (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.

[139] Given our conclusion in Part B that the land use consent within QLDC's jurisdiction is a non-complying activity, the exclusion of section 104D in Clause 17(1)(b) is of particular relevance.

[140] The Waihi North decision suggested<sup>39</sup> that when dealing with directive avoidance policies in planning instruments which, when taken together with section 104D, might usually require an application to be declined, it had taken the approach of:

- a. taking into account that they would usually engage the “bottom line” approach taken in King Salmon and thus require an application to be declined; but
- b. recognising and that they do not require the Panel to decline an application.  
[Footnote omitted]

[141] The Waihi North Expert Panel also noted<sup>40</sup> that Clause 17(2)(a) arguably disappplies (by omission) section 8 of the RMA (which requires decision-makers to take into account the principles of the Treaty of Waitangi), commenting

We say “arguably” because the cl 17(2)(a) definition of Part 2 of the RMA is said to apply only to references in the RMA and does not explicitly refer to cl 17(1)(b) which provides that the provisions of Part 2 of the RMA are “must take into account” factors.

[142] The Panel said it had approached the Application on the assumption that it was required to take into account the principles of the Treaty. We agree with and have adopted the same approach.

[143] Clause 18 is also relevant. It reads:

**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.

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<sup>39</sup> Waihi North Expert Panel Final Decision, dated 18 December 2025 at page 243

<sup>40</sup> Waihi North Expert Panel Final Decision, dated 18 December 2025 at page 242

[144] Clause 23 provides direction in relation to applications to vary/ change conditions of resource consents, such as the applications we have before us:

**23 Criteria for assessment of application for change or cancellation of condition**

For the purposes of section 81, when considering an application for the change or cancellation of a condition,—

(a) the panel must apply section 127(1) and (3) of the Resource Management Act 1991 as if—

(i) in section 127(3) of the Resource Management Act 1991, the reference to sections 88 to 121 of that Act were to the provisions of Part 6 of that Act that relate to decision making on a resource consent; and

(ii) the provisions of Part 6 of that Act were read with all necessary modifications, including that a reference to a consent authority must be read as a reference to a panel; and

(b) the panel must consider any Mana Whakahono ā Rohe or joint management agreement that is relevant to the approval; and

(c) to avoid doubt, section 127(4) of the Resource Management Act 1991 does not apply.

[145] We have not been advised of any Mana Whakahono ā Rohe or joint management agreement that would be relevant to the approvals sought.

[146] Section 127(4) of the RMA relates to the determination a council would normally make as to whether to notify a section 127 application, which is obviously not relevant to our inquiry.

[147] Clause 27 applies to applications for certificates of compliance:

**27 Criteria and other matters for assessment of applications for certificate of compliance**

(1) For the purposes of section 81, the panel must grant the certificate of compliance if the activity that the certificate is intended to cover can be done lawfully in the particular location without a resource consent.

(2) The panel must not grant the certificate of compliance if—

(a) the application under this Act for the certificate is made after a proposed plan is notified; and

(b) the activity could not be done lawfully in the particular location without a resource consent under the proposed plan.

(3) The panel must not grant a certificate of compliance if a notice for the activity is in force under section 87BA(1)(c) or 87BB(1)(d) of the Resource Management Act 1991.

[148] Clause 27(3) is not relevant to consideration of the Certificate of Compliance the applicant has sought.

## PART D: ASSESSMENT OF BENEFITS

### General Approach

- [149] As above, we need first to assess the extent of the regional and national benefits the Ayrburn Screen Hub would have.
- [150] We have approached the identification of potential benefits in the light of the identification in section 22(2)(a) of the FTAA criteria the Minister might have considered when deciding whether or not to refer a project to the fast-track process. Other Expert Panels have found this section of assistance, and the Taranaki VTM Expert Panel noted indications from the Select Committee report on the FTAA that this was intended<sup>41</sup>.
- [151] Unsurprisingly, section 22(2)(a)(iv) identifies that the Minister might consider whether a project will deliver significant economic benefits.
- [152] We note also that another criterion<sup>42</sup> is whether a project will address ‘significant environmental issues’.
- [153] As noted in Part B above, the Minister’s reasons for referral in this case noted benefits in both of these categories.
- [154] The wording of the purpose of the FTAA and of section 85(3)(b) means that our finding as to whether relevant benefits are ‘significant’, and if so, how significant, is of critical importance to our ultimate decision.
- [155] We are assisted in our examination of that question by previous FTAA Expert Panel decisions. The Maitahi Village Expert Panel interpreted

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<sup>41</sup> Taranaki VTM Expert Panel Draft Decision, dated 4 February 2026 at [82]

<sup>42</sup> Section 22(2)(a)(iv)

significance to mean, “sufficiently great or important to be worthy of attention; noteworthy” based on its ordinary meaning<sup>43</sup>.

[156] The Waihi North Expert Panel stated:

[842] “Significant” is a word of indeterminate meaning. It can, for instance, be used in the sense of “game-changing”. But it can also have meanings along the lines of “worthy of note”.

[843] In the context of “deliver significant economic benefits” and “development of natural resources including mining”, it is not particularly likely that any one mining project will produce game-changing effects, certainly across the country as a whole. The same can be said of any one project to “increase the supply of housing”. Indeed, in a large city, even a substantial housing project is unlikely to make a material change to the supply of housing. All of this supports the view that “significance” is not to be determined by reference to whether implementation of the project will appreciably change national or regional gross domestic product or the annual tax revenue of the Government. Rather it is an indication of scale.

[157] We agree with this approach to the assessment of benefits. We also agree with the Maitahi Village Expert Panel that “the question of whether a project is indeed one with significant regional or national benefits remains an intensely factual determination turning on the particular circumstances of the Application”<sup>44</sup>.

[158] In relation to the assessment of economic benefits, other Expert Panels have discussed whether the focus should be on gross benefits or net benefits. In some cases, parties have argued that all benefits and detriments (aka adverse impacts) should be considered from an economic perspective, in a comprehensive cost benefit analysis.

[159] Consistent with the latter approach, Mr Dougherty critiqued the applicant’s economic analysis in his Comment because it had not factored in adverse environmental effects.

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<sup>43</sup> Maitahi Village Expert Panel Final Decision, dated 18 September 2026 at [516]

<sup>44</sup> Maitahi Village Expert Panel Final Decision, dated 18 September 2026 at [515]

- [160] As the Taranaki VTM Expert Panel noted<sup>45</sup>, the danger with the latter approach in reaching the decision section 85(3) requires is that adverse environmental impacts are double counted; once in determining the extent of net benefits, and again when determining whether those same adverse impacts outweigh net benefits. That cannot be right.
- [161] However, we agree with the conclusion reached by that Panel (following the approach of the Waihi North Expert Panel in this regard)<sup>46</sup> that where identified and able to be quantified, economic disbenefits should be taken into account when identifying the true scale of economic benefits. Thus, to take an apposite example, if the effect of the Ayrburn Screen Hub is only to capture demand currently being met at film studios in Auckland or Wellington, that would constitute a regional benefit (economic activity in the Otago Region is increased) but not a national benefit. Considered at a national level, the end result is economically neutral.
- [162] The Taranaki VTM Expert Panel also noted, unsurprisingly in our view, that any assessment of regional benefits is region-specific. Thus, what would be worthy of attention in the Auckland Region may not be so in the Otago Region, and vice versa.
- [163] The Taranaki VTM Expert Panel approached its inquiry that reference to ‘regional’ benefits should not be focussed solely on benefits within the regional council boundary. We agree and record that this is relevant because the applicant’s film industry expert described benefits accruing to the Otago/Southland region.
- [164] Another more general point we draw from previous FTAA decisions is that economic benefits occurring in the future should be discounted to produce a Net Present Value (**NPV**)<sup>47</sup>. The applicant’s original economic assessment

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<sup>45</sup> Taranaki VTM Expert Panel Draft Decision, dated 4 February 2026 at [88]

<sup>46</sup> Taranaki VTM Expert Panel Draft Decision, dated 4 February 2026 at [90-91]

<sup>47</sup> Waihi North Expert Panel Final Decision Report, dated 18 December 2025 at [770]

authored by Messrs Heath and Osborne was based on a 6% discount rate based on Treasury Guidelines. The expert economic witness for Messrs Kidd and Andersson, Ms Hampson, noted in her statement of evidence that Treasury Guidelines had changed and the recommended discount rate for commercial developments is now 8% with a 2% sensitivity.

- [165] In their JWS, Messrs Heath and Osborne agreed that discount rates should be rerun at 8% and 2% to reflect the updated guidance, and revised projections were produced subsequently.
- [166] Mr Paul Dougherty, who has considerable expertise in economics<sup>48</sup> but is not independent (he owns one of the adjacent rural lifestyle properties), criticised use of Treasury Guidelines for this purpose, arguing that they are a simplified public sector tool that do not differentiate based on the risk inherent in different commercial projects. In his view, a discount rate in excess of 10% should have been used. He noted that in his experience property developers would apply discount rates of 15-20% to recognise the risks of individual projects.
- [167] In their response dated 20 February 2026, Messrs Heath and Osborne noted a range of factors influencing the choice of discount rate if one were to adopt a bespoke rate, some of which supported a rate less than 8% (for example, the discount rate for construction would reduce once construction had commenced). They supported the use of an 8% discount rate.
- [168] We accept Mr Dougherty's evidence that the private sector might well employ significantly higher discount rates than those in the Treasury Guidelines to recognise commercial risk (which would in turn produce materially lower net present value predictions). However, we note Ms Hampson's evidence that Treasury discount rates have been cited in multiple FTAA economic assessments. Messrs Heath and Osborne made the same

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<sup>48</sup> He qualified himself as a long-standing senior partner in a prominent investment bank

point. That accords with our understanding<sup>49</sup>. We consider it significant also that Ms Hampson supported rerunning the NPV calculations based on the Treasury Guidelines. In the JWS she co-authored, she specifically disagreed with Mr Dougherty's suggestion (in his initial Comment) of using a 10% discount rate). We do not find the case for a discount rate greater than 8% persuasive.

[169] We are also concerned that if we were to adopt a materially higher discount rate to account for project risk as Mr Dougherty urges, we might end up double-counting the uncertainties of the predicted returns over time.

[170] Accordingly, we accept the use of an 8% discount rate as Ms Hampson recommends, with the use of a 2% rate for comparison, and factor in the inherent uncertainties of the predicted expenditure separately as part of our broad evaluative assessment<sup>50</sup>.

### **Regional Economic Benefits**

[171] Messrs Heath and Osborne identified two categories of regional economic benefit, the first derived from construction of the screen hub and the second from its ongoing operation. We will separate them out in the same way.

#### *Capex Benefits*

[172] The Property Economics Report supporting the AEE authored by Messrs Heath and Osborne assumed a three-year construction period commencing in 2025 with a total direct expenditure of \$190 million and a total regional output NPV (assuming a 6% discount rate and taking into account modelled induced and indirect benefits) of \$257.6 million. Associated with this

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<sup>49</sup> The Waihi North Expert Panel Final Decision for instance accepted use of an 8% discount rate- see [771]

<sup>50</sup> Compare Waihi North Expert Panel Final Decision, dated 18 December 2025, Footnote 78

expenditure, they predicted a total regional employment of 1,890 Full Time Equivalent (**FTE**) years.

- [173] Recalculation on the basis of the revised Treasury Guidelines and a deferred construction start date of 2026 produced a total regional output of \$252.2 million (8% discount rate) and \$268.6 million (2% discount rate).
- [174] We had two issues with that calculation. The first arises from the potential that the construction workforce would be drawn from the local/regional labour market and would just result in construction workers shifting from other construction work in the area, i.e. it would not be a benefit relative to the counterfactual of no screen hub. Ms Hampson noted that potential in her evidence. Mr Osborne answered that concern at the conference we convened on 30 January 2026, advising that in his view Queenstown projects attract workers to the area. We accept that while there is likely to be a level of displacement from other projects locally, a substantial proportion of the FTE years predicted would be incremental.
- [175] The second issue is that the assumption of a 2026 start date is unlikely to be borne out if approvals are granted. As we discuss in Part E, the need for the bulk of construction work to await confirmation of a sufficient potable water supply means that the construction phase would likely be deferred at least 1-2 years and potentially longer. The applicant has sought a lapse period of 6 years, which is indicative of the potential delay. As Ms Hampson pointed out, if construction start is delayed, or substantially extended in duration, the NPV calculation would reduce to reflect discounting over a longer period. Mr Osborne provided us with revised modelling of the regional NPV assuming variously a four year construction period and a six year construction period, both commencing in 2026. Compared to the previously assessment of \$252.2 million (8% discount rate) and \$268.6 million (2% discount rate), the end result was an assessed NPV of \$226.3 and \$224.2 million (discounted at 8%) and \$255.6 and \$255 million (discounted at 2%).

[176] While the Minister’s reasons for referral, which we are required to take into account, do not separate out construction and operational benefits, in the JWS (Economic), Ms Hampson expressed the view that the then assessed capex NPV (applying a 6 % discount rate) of \$258 million supporting 1890 FTE years likely constitutes a significant regional benefit.

[177] We concur. Even taking account of the qualifications above, we find that the predicted capex related boost to the regional economy over the period of construction would be worthy of attention or noteworthy i.e. significant.

[178] We also find that the creation of predicted construction jobs would be a significant benefit to the region in its own right. As discussed in the Waihi North Expert Panel Decision<sup>51</sup>;

An increase in the number of well-paying jobs strengthens the resources, resilience and social cohesion of the community in which they are located. More generally additional employment is correlated with economic growth.

[179] Ms Macdonald submitted to us that construction-phase multipliers alone cannot be sufficient to satisfy the statutory requirement that the Project “would have significant regional or national benefits”<sup>52</sup>.

[180] Ms Macdonald based that submission on three strands of argument:

- a. The text and scheme of the FTAA focus on projects delivering ongoing benefits;
- b. Panels are directed to look at the benefits of “the project”, not just the build;
- c. The section 85 proportionality test assumes enduring benefits are in play.

[181] Addressing each point in turn, construction is an inherent part of any project. While, as Ms Macdonald observes, the language of the FTAA is forward

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<sup>51</sup> Waihi North Expert Panel Final Decision, dated 18 December 2025 at [819]

<sup>52</sup> Legal Submissions for Mr David Kidd at 5.15

looking, at least as regards economic benefits, there is no indication we could identify that short term construction benefits do not qualify, by definition. Put another way, the significance of economic benefits needs to be determined by an assessment of the nature and scale of the benefits the project would likely deliver, whatever they may be, not on the economic benefits a project would not or may not deliver.

[182] As regards the weight Ms Macdonald placed on the required approach to assessment of staged projects, we do not consider her starting point to be correct. Counsel describes this as a direction to take into account later stages of a staged project if the Panel is satisfied that the later stages will be completed. Section 81(5)(b) is framed as a discretion, not a direction. More telling in our view is the direction in section 81(5)(a) that in a staged project the Panel must treat the project as limited to the stage(s) before it unless it exercises that discretion. In other words, the default is that we must assess the regional and national benefits of whatever the applicant puts before us even if that may not constitute the whole project.

[183] Lastly, we do not draw the implication from section 85 that Ms Macdonald seeks to rely on. Economic benefits may be short or long term. Adverse impacts may be short or long term. Section 85 requires that one must be compared with the other. A significant long term adverse impact may prevail over a significant short term economic benefit, or it may not. The judgment required is whether the former is out of proportion to the latter.

[184] We also note the relevance of discounting future economic benefits to calculate the NPV that we have found to be required. Contrary to Ms Macdonald's submissions about the nature of the inquiry, this ensures more weight is placed on near term economic benefits (in this case construction benefits) than on long term operational economic benefits.

[185] In summary, we do not accept Ms Macdonald's submissions on this point for these reasons.

*Operational Benefits*

[186] The underpinning of the applicant's assessment of the operational benefits of the proposed Screen Hub came from the evidence of Mr Gibson, who has an impressive career in film and television production to draw on. Mr Gibson identified a hole in the Queenstown film and television market that the screen hub seeks to fill.

[187] In summary, film and television productions come to the wider Queenstown area because they want the region's landscapes as the backdrop to their productions. On-location shooting, however, is only a proportion of any production. Studio time is typically required, and the absence of studio facilities means that productions will balance on-location film shooting in the Queenstown area with in-studio shooting outside the region - in Wellington, Auckland, Australia, or even further afield.

[188] The screen hub would offer an integrated facility to keep productions in Queenstown for a much longer proportion of the total shoot and de-risk productions against expensive downtime because of adverse weather that might dissuade them from coming at all.

[189] Mr Gibson also described the accommodation element of the screen hub as being a major attraction to large scale productions, in particular, with accommodation in the area in short supply.

[190] Mr Gibson's assessment of the desirability of the screen hub proceeding was supported by a number of film industry participants with strong credentials.

[191] Mr Gibson addressed specifically what level of expenditure might be expected at the screen hub, noting a matrix of possibilities, each with its own

area spend - domestic drama series, domestic telemovie, offshore-financed television series, offshore-financed film and television commercials. He commented:

If there was one domestic film or series and one offshore financed film or TV series plus the TV commercials spend one could expect a domestic regional area spend between \$31.5 million and \$39 million. If the Gods were on your side (and the Screen Hub can accommodate all of the above) those numbers could be added together and achieve \$65.5 million domestic regional area spend. This would be just under 5% of the recent annual NZ spend.

- [192] Property Economics used the latter figure as the basis for its assessment of ongoing regional benefits over a ten-year period from 2027, assuming a steady increase in revenue over that time and a 6% discount rate, producing a modelled regional NPV of \$462.2 million.
- [193] Commenting parties were sharply critical of this predicted NPV, for a number of reasons.
- [194] We have already discussed the issue of discount rates.
- [195] Ms Hampson queried the separate line item Messrs Heath and Osborne had factored into their NPV calculation for film studio related accommodation suggesting that this might double-count the expenditure concerned. She also noted suggestions in the application documents that if the screen hub is successful, the proportion of film crews living locally (and not requiring accommodation) would increase over time.
- [196] She, along with a number of lay Commenters, queried the robustness (to use a neutral phrase) of basing their assessment on a scenario Mr Gibson had described as depending on God being on the applicant's side. She suggested that it should be treated with considerable caution.
- [197] In his Comments, Mr Dougherty took aim at the assumed steady increase in revenue over time, and indeed the entire basis for Mr Gibson's expenditure

scenarios (issues that Ms Hampson had also raised). While Mr Gibson had pointed to confidence in the industry being demonstrated by new studios and expansion of existing studios in Auckland and Wellington, Mr Dougherty noted a significant downturn in the industry and a deteriorating forward outlook. Another Commenting party, Mr Andersson, produced a Ministry of Business and Employment Cabinet paper discussing the pressure the industry was under due, among other things, to increased subsidies other countries were offering offshore film productions making New Zealand uncompetitive. That paper recommended central government increase the rebate offered, which we understand has now occurred, but Ms Hampson considered that it was too early to determine if the revised policy settings would reverse the downward trend<sup>53</sup>.

[198] Ms Hampson also expressed concern that the screen hub might be developed in stages, with the risk that, for example, the second film studio might never be built.

[199] Overall, Ms Hampson considered that the claimed regional benefits from operation of the screen hub to be overstated. She considered that there was insufficient evidence to support that conclusion.

[200] Criticisms of the assessment of operational benefits were supported by a brief of evidence from Mr Sean Kelly, who qualified himself as having had a lengthy career in the film industry in technical crew roles. Mr Kelly considered, in summary, that:

- a. the location of existing studios in Auckland and Wellington provided cost advantages to productions because the bulk of the workforce is there;
- b. historical experience suggests long-term high utilisation of permanent studios in Queenstown is unlikely; and

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<sup>53</sup> Natalie Hampson, Evidence for Jan Andersson and David Kidd, at [36]

- c. while the availability of some accommodation near the studio might be convenient in some cases, there is no industry practice or need for large, permanent on-site accommodation complexes for productions in Queenstown.

[201] We note that Ms Hampson's evidence contradicted that of Mr Kelly on the last point. She observed<sup>54</sup>:

The provision of accommodation adjacent to the production facilities will be, as I understand it, a first-of-its-kind offering in New Zealand and is especially beneficial in the QLD given potential challenges of securing residential or commercial visitor accommodation at scale throughout the year at short to moderate notice for small to medium sized productions or for large productions, even when booked well in advance. QLD doesn't really have a low season anymore. The adjoining accommodation units enhance the ability to attract productions that would not otherwise come or to the region, including production activity that requires studio facilities in addition to location shooting. It could help expand the range and duration of screen production activity that occur in the region each year. As such, the provision of adjoining accommodation further enhances the economic benefits that could be achieved.

[202] The JWS by Messrs Heath and Osborne, and Ms Hampson addressed many of the above points. We have already noted Messrs Heath and Osborne's agreement that their predicted operational benefits should be rerun with an 8% discount rate, with a 2% comparator.

[203] Messrs Heath and Osborne also agreed that the separate accommodation line item should be removed.

[204] Their remodelled predictions provided as part of the applicant's Response to Comments varied from those supporting the AEE in other key respects:

- a. the modelled 10-year period commenced in 2029;
- b. the assumed 5% annual growth in expenditure over the 10-year term was limited to the first five years, with 1% growth thereafter; and

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<sup>54</sup> At [95]

c. a second expenditure scenario based on Mr Gibson's advice was modelled with studio expenditure in the first year of \$31.5 million.

[205] The end result was an assessed regional NPV of \$362.7 million and \$514.3 million (at discount rates of 8% and 2% respectively based on the original scenario of a \$65.5 million studio spend in the first year) compared with an assessed NPV of \$178.5 million and \$253.7 million at the lower spend scenario.

[206] As part of the applicant's Response to Comments, Mr Gibson also provided further commentary. He sought to rebut Mr Kelly and also responded to the implication drawn from his initial report that the scenario Messrs Heath and Osborne had modelled was unduly optimistic, commenting<sup>55</sup>:

In Paragraph 58/59 of my report I suggested a matrix of productions that could access the Screen Hub in the first year and gave a conservative example of two scenarios with related spend. I also gave another scenario with the phrase "*If the Gods were on your side*" representing an upper scenario. It is challenging and difficult to predict exact spend, so modeling a range of scenarios anywhere between the lower and upper expected scenarios 31.5m - 65.5m could be considered acceptable depending on your appetite for risk.

[207] Mr Gibson also provided support for the assumed 5% average increase in expenditure/ revenue over the initial years of operation.

[208] The applicant responded to Ms Hampson's concern that only one film studio might be constructed by precluding use of the accommodation units until both studios are constructed and operational through revised conditions.

[209] We sought to clarify aspects of the economic issues in contention at the conference we convened on 30 January 2026. At that conference, Mr Osborne confirmed that he and his colleague Mr Heath had not assessed any regional economic benefit from non-studio use of the on-site accommodation, and they had assumed that demand for the screen hub

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<sup>55</sup> At 2.4

would be entirely ‘new’. We asked Mr Gibson if there was potential for the screen hub to displace demand currently being met by the film studio opened in Frankton relatively recently. He confirmed that for reasons canvassed in his Response to Comments, the screen hub would provide superior facilities to the Frankton studio<sup>56</sup> and while they might prove complementary, there was a chance the latter might cease operation. Mr Osborne confirmed for his part that if displacement of economic activity at the Frankton was ‘real’, then it should be taken into account.

[210] We discussed with Mr Osborne also his revised assumption that the first year of operation would be 2029. For the reasons set out above in relation to the timing of construction benefits, we considered this to be an unlikely scenario. To assist us, Mr Osborne subsequently provided us with revised modelling to capture the effect of a delayed start. Compared to a 2029 operational start date, with predicted NPVs as above, NPVs for a 2032 start date would be reduced to \$282.4 million (\$65.5 million initial spend, 8% discount rate) or 484.1 m (65.5 million initial spend, 2% discount rate), \$139 million (\$31.5 million initial spend, 8 % discount rate) and \$238.8 million (\$31.5 million initial spend, 8 % discount rate).

[211] The responses we received from Messrs Gibson and Osborne prompted us to ask two further questions. Firstly, Mr Osborne’s acceptance that if the screen hub captured demand currently being met by the Frankton studio that needed to be factored in prompted us to ask what information the parties had about the operation of the Frankton studio, in particular, what contribution it is currently making to the regional economy. QLDC was unable to assist us.

[212] In his response dated 19 February 2026, Mr Gibson provided us with further information indicating that the Frankton Studio’s current contribution to the

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<sup>56</sup> In summary, the latter is housed in a converted department store that has a low ceiling and supporting interior beams that are not optimum. The screen hub would also offer a complete range of supporting facilities.

regional economy is derived from a telefeature franchise for which it is well adapted. He noted that his comment referenced above (that the studio might not continue in operation) related to the potential for the studio to close once the telefeature franchise currently being filmed is completed. He noted that if the Frankton studio does continue in operation, it is not suited to the range of productions that the screen hub would service. Drawing on Mr Gibson's assessment, Mr Osborne did not consider any adverse displacement would be material. We find that while there may be some level of displacement in future, it is unlikely to be material to our assessment of regional economic benefits<sup>57</sup>.

[213] Secondly, Mr Gibson's confirmation that his predicted area spend in different scenarios included time (and accommodation costs) for on-location film shoots suggested to us that a proportion of the predicted area spend might be part of the counterfactual, i.e. it would not be 'new'. We asked Messrs Gibson and Osborne to comment. Mr Gibson clarified in his 19 February 2026 response that his expenditure scenarios were of entirely new productions, rather than productions which would otherwise come to Queenstown for location shoots, and go elsewhere for in-studio production work. As such, they do not form part of the counterfactual. Subsequently (in a response dated 25 February 2026 to our request for clarification) Mr Gibson advised that he expected the screen hub would cause productions already coming to Queenstown to stay longer, but he had not sought to quantify that additional potential benefit.

[214] Lastly, we record that we received a further statement from Mr Dougherty dated 10 February 2026. Mr Dougherty remained of the view that Mr Gibson's expenditure scenarios were just that, scenarios that may or may not come to pass rather than predictions of what is likely to occur.

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<sup>57</sup> We did not consider potential displacement of the Silverlight film facility relevant in this context. Although consented on a site near Wānaka, that proposal has not proceeded and the indications we had from a number of parties is that it is unlikely to do so.

- [215] Mr Dougherty also suggested that we should have regard to the economic activity generated by high-end residences as the likely alternative use of the land if the screen hub does not proceed. Mr Osborne commented on that reasoning in a memorandum dated 20 February 2026, suggesting that such residences would not add to the regional economy. If they are not built on this site, they would likely be built on some other site in the Wakatipu Basin. The same argument could of course be made in relation to much larger housing developments. We quoted above a section of the Waihi North Expert Panel Final Decision citing that fact as one of the reasons why a test of significance based on the increment to regional gross domestic product (**GDP**) was inappropriate.
- [216] The better answer, it seems to us, is that the screen hub does not displace residential housing because that housing does not currently exist, and could not exist without a resource consent, which has not been sought, much less obtained.
- [217] As to the reliability of Mr Gibson’s scenarios, the language of his initial report (“if the Gods were on your side”) did not engender great confidence in the likelihood that the higher expenditure scenario would be borne out. Similarly, Mr Gibson did not explicitly say that in his view the lower spend scenario was likely to come to pass. He said that if it occurred, it would generate the level of expenditure identified.
- [218] His subsequent statement that anything between the two “expected” scenarios “could be considered acceptable” was carefully hedged.
- [219] The current downturn in the film industry, and its sensitivity to the decisions of our own and other governments make regarding the level to which they are prepared to subsidise international film productions, make it particularly challenging to make predictions about economic returns 5-15 years into the future.

- [220] Mr Gibson is clearly well placed to express an opinion on such an inherently uncertain question and did not shrink from acknowledging the uncertainties. He is also, in our view, better placed to form a view than Mr Kelly due to his long experience in getting film and television productions off the ground. He clearly considered the screen hub to be an attractive proposition to film and television producers.
- [221] We also prefer Mr Gibson's view as to the utility of having accommodation associated with the film hub over Mr Kelly's, not least because Ms Hampson substantially agreed with him.
- [222] Commenting parties emphasised the lack of evidence justifying the number of accommodation units<sup>58</sup>. We note Mr Gibson's advice (as part of the applicant's Response to Comments) that a big offshore film production might bring hundreds of crew members to the area, all of whom require accommodation. We also observe that most of the identified environmental impacts are not materially altered by the number of accommodation units - if there were six rather than twelve accommodation units for instance - or the extent to which they are occupied.
- [223] Overall, however, we agree with Ms Hampson's view that the applicant's initial assessment of regional economic benefits was likely overstated for a range of reasons.
- [224] We take Mr Osborne's modelled NPV of regional economic benefits at \$139 million over a 10-year period commencing in 2031, assuming a \$31.5 million spend in the first year of operation as the most reliable estimate available. We have not identified any material disbenefits that would justify discounting that NPV further, but we do put a substantial asterisk next to it because of the uncertainties Mr Gibson properly acknowledged.

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<sup>58</sup> See Ms Hampson's commentary on this point in her evidence at [74]

- [225] The question is whether that is a significant regional benefit, taking account of those uncertainties.
- [226] The Minister thought the economic benefits of the screen hub (combining construction and operational expenditure) were significant, and we are required to have regard to his reasoning. However, that view was on the basis of the originally assessed benefits.
- [227] Ms Hampson calculated the originally assessed benefits as a percentage of annual GDP<sup>59</sup>. It is a small number. Revised in accordance with the updated modelling, it would be smaller still.
- [228] We do not consider this sort of comparison to be helpful for the reasons given by the Waihi North Expert Panel quoted above.
- [229] We asked Mr Osborne how the assessed economic benefits compared with other projects he was familiar with being considered under the FTAA. He supplied us with a list in a memorandum dated 3 February 2026. We noted three regional projects, one listed<sup>60</sup> and two referred<sup>61</sup>, with an assessed NPV under \$100 million.
- [230] Even acknowledging the uncertainties, the operational contribution of Ayrburn Screen Hub to the regional economy does not appear out of place in such a list. If it were necessary to categorise operational expenditure/contribution separately we would err on the side of finding it worthy of attention or noteworthy, and therefore ‘significant’.
- [231] Combining construction and operational economic benefits at a regional level, we find the significance test is met.

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<sup>59</sup> Natalie Hampson, Evidence for Jan Andersson and David Kidd at [49]

<sup>60</sup> Arataki

<sup>61</sup> Brookvale Green and Southern Link Inland Port

### **National Economic Benefits**

[232] We can deal with this question relatively briefly.

[233] In the Minister's reasons for referral, he was of the view that the economic benefits of the Ayrburn Screen Hub might be nationally significant if it attracted film productions that would otherwise be hosted offshore. On the face of the matter, he had not formed a view as to how likely that was to occur.

[234] Mr Gibson stated in his report supporting the AEE<sup>62</sup> that the screen hub could be expected to result in more screen productions happening in New Zealand. He did not say how many more.

[235] Mr Gibson's evidence indicated to us, however, that the Screen Hub is likely to pull studio work that would otherwise have been done in Auckland or Wellington to Queenstown. If, and to the extent that occurs, the net benefit to the nation is neutral.

[236] The modelling evidence presented by the applicant did not suggest that the economic benefits of the Screen Hub to New Zealand would be materially greater than to the region. While in a regional context, that level of benefits might be considered worthy of attention or noteworthy, the same is not the case at a national level.

[237] In the JWS on economic issues, Messrs Heath and Osborne expressed the view that while there may be national economic benefits, they are less likely to reach the threshold of nationally significant.

[238] Ms Hampson did not consider that the screen hub would deliver national benefits.

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<sup>62</sup> At [74]

[239] We find that we have insufficient evidence from which to conclude that the Ayrburn Screen hub would provide economic benefits that are nationally significant.

### **Beneficial Effects on Water Quality in Whakaata/Lake Hayes**

[240] The applicant's AEE described its proposal to establish an in-line sediment retention pond within Mill Creek upstream of the southern site boundary, with the objective of protecting Lake Hayes from nutrient inputs resulting from sediment reaching the lake and substantially improve water quality of Mill Creek and Lake Hayes<sup>63</sup>. The AEE also noted the proposal for riparian planting which provides shade for the watercourse and helps filter runoff into the channel, contributing to the long-term maintenance of consistently healthy water quality in Mill Creek.

[241] The AEE recorded<sup>64</sup> that ORC's Lake Hayes Management Strategy categorised "The conservation of the Lake Hayes resource is of regional and national importance both economically, recreationally and for its intrinsic and scenic values". It noted also that progressive eutrophication of the lake resulting from sediment-borne phosphorus has been a significant issue, citing a number of reports identifying the need to reduce nutrient inputs.

[242] The applicant's proposals had the support of Friends of Lake Hayes, an organisation committed to the protection and enhancement of Lake Hayes, which recorded its view in a letter<sup>65</sup> that they represented "a tangible and science-based step towards improving catchment health".

[243] In its Comment, ORC agreed with the applicant's assessment and expressed the view that the positive effects resulting from the additional sediment trap removing some 900 m<sup>3</sup> of sediment from the catchment per year, together

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<sup>63</sup> Section 5.1.6

<sup>64</sup> At Section 5.3.2

<sup>65</sup> Refer the applicant's Further Information Response dated 18 November 2025, Schedule E

with the other water quality enhancement measures proposed, were of regional and national significance<sup>66</sup>.

[244] As already noted, the Minister was of the view that the water quality enhancement benefits resulting from the proposed works were of regional significance.

[245] The importance of Waiwhakaata/ Lake Hayes was also noted in the CIA provided by mana whenua.

[246] The importance of Waiwhakaata/ Lake Hayes and the value of actions that would enhance water quality in Mill Creek, and hence the lake into which it flows were not challenged. The Comment of Greg and Lianne Collins did raise the question as to whether those benefits reflected existing obligations the applicant has. While that seemed an unlikely proposition to the Panel (if the proposed actions were already required by existing resource consents, the applicant would presumably not have needed new consents to enable them to be undertaken), we asked QLDC and ORC to address that issue.

[247] Both councils provided a comprehensive response that has satisfied us that the proposed works, and the water quality improvements they would create, are benefits of the screen hub project.

[248] We find on the basis of the material summarised above that those benefits are at least of regional significance, and might potentially be considered of national significance, although the evidence for the latter is limited.

### **Other Benefits**

[249] The screen hub development would also deliver benefits in the form of enhancement of the Queenstown trail network in the area.

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<sup>66</sup> ORC Comment at [23-24]

- [250] The proposal is that the upper section of the Countrywide Trail, where it drops down steeply from Millbrook Resort, be rerouted further into the applicant's land so that it is not as steep and is accessible to a wider range of trail users. The applicant also proposed a new trail connection along the western bank of Mill Creek.
- [251] It is proposed that these new trails, together with the existing trail running east-west along the southern boundary of the site be formalised by way of public access easements in favour of QLDC.
- [252] Queenstown Trails Trust, the charitable trust administering the trail network, provided written support for these proposals, describing them as providing a significant benefit and amenity to trail users, and an enhancement of the trail network.
- [253] As part of its Response to Comments, the applicant proposed (with the Trails Trust's agreement) rerouting the existing East-West trail further into the applicant's land to address concerns expressed by Greg and Lianne Collins, Robyn and Nick Hart and Geoff van Deursen regarding the loss of privacy that the presence of the trail on their northern boundaries had created.
- [254] While not reaching the point of constituting a regionally significant benefit in terms of the purpose of the FTAA, we identify the new trails as a public benefit that should be taken into account in our ultimate decision.
- [255] Rerouting the existing trail is more of a private benefit to affected neighbours, but is nonetheless a positive benefit of the project.

## Conclusion

[256] We have found that the environmental benefits (specifically the enhancement of water quality in Mill Creek and Whakaata/ Lake Hayes) and the economic benefits of the Ayrburn screen hub are of regional significance.

[257] That means that unless we find that the adverse impacts of the screen hub proposal are sufficiently significant as to be out of proportion to those benefits, the approvals sought must be granted<sup>67</sup>.

[258] In practice, to reach that conclusion, we must conclude that there are adverse effects that are both significant, and more significant than the identified benefits. The following section of our decision therefore assesses the extent of adverse impacts the Ayrburn Screen Hub would have.

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<sup>67</sup> Applying section 85(3)(b) of the FTAA

## PART E: ASSESSMENT OF ADVERSE IMPACTS

### Landscape and Visual Effects

[259] It appears that the Minister recognised that landscape was likely to be a key effects issue as he directed that the substantive application filed by the applicant include a peer reviewed landscape report.

[260] Mr Tony Milne was the principal author of the Rough Milne Mitchell landscape assessment report supporting the application. His report was peer reviewed by Mr Shannon Bray (Wayfinder Landscape and Strategy). Messrs Milne and Bray are landscape architects with extensive experience assessing a wide range of different projects.

[261] Mr Milne's report reviewed the key aspects of the application, summarised relevant PDP provisions, and described the landscape within which the screen hub would sit, its site, and the landscape values potentially affected by the development. He then summarised those values in terms of the seven-point scale developed by Tuia Pita Ora Institute of Landscape Architects (**NZILA**) in its published guidelines<sup>68</sup>. Mr Milne classified the site as having moderate physical values, low-moderate perceptual values and low-moderate associative values. He classified the wider receiving environment as having high physical values, moderate high perceptual values and moderate associative values<sup>69</sup>.

[262] Mr Bray considered that Mr Milne had collectively and accurately captured the key landscape values of the site and surrounding landscape<sup>70</sup> but did not explicitly venture a view as to whether Mr Milne's summary of those values in terms of the NZILA guidelines was correct.

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<sup>68</sup> 'Te Tangi a te Manu: Aotearoa New Zealand Landscape Assessment Guidelines'. Tuia Pita Ora New Zealand Institute of Landscape Architects, July 2022.

<sup>69</sup> Rough Milne Mitchell, Landscape Assessment Report dated 15 August 2025 at section 4.4

<sup>70</sup> Wayfinder Peer Review of Landscape Assessment Report at page 9

[263] Mr Milne undertook a detailed assessment of landscape and visual effects, identifying<sup>71</sup> potential effects as including:

- a. Effects on the open space values of Christine’s Hill and the rural values of the paddocks within the Site and adjoining Arrowtown-Lake Hayes Road.
- b. Effects on visual amenity, perceptual and associative values as experienced from within the receiving environment.
- c. Effects on visual amenity, perceptual and associative values as experienced by the residential developments located to the south of the Site along Speargrass Flat Road.
- d. Effects on visual amenity, perceptual and associative values as experienced by users of the Countryside Trail/Te Araroa Trail located to the west of the Site.
- e. Effects on the values identified to be maintained and enhanced in LCU 8<sup>72</sup>.

[264] Mr Bray agreed that Mr Milne had captured the broad issues, but considered the PDP policy framework provides a more comprehensive list of the key potential issues<sup>73</sup>.

[265] The primary focus of Mr Milne’s assessment was on visibility and visual effects. He described visual effects as a subset of landscape effects<sup>74</sup>. Mr Milne provided visual simulations of the site showing the views from a number of selected locations.

[266] In the case of two of those viewpoints, located on the Countrywide Trail, Mr Milne provided simulations of what he described as “potential development enabled by the Ayrburn Structure Plan”. He said that this “informed my assessment of the extent and significance of potential adverse effects on views”.<sup>75</sup>

[267] Mr Milne identified<sup>76</sup> viewers potentially affected by the application as:

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<sup>71</sup> Rough Milne Mitchell, Landscape Assessment Report dated 15 August 2025 at section 5.1

<sup>72</sup> LCU8 is a reference to the Landscape Unity described in the schedule to Chapter 24 of the PDP and within which the project site sits.

<sup>73</sup> Wayfinder Peer Review of Landscape Assessment Report at page 9

<sup>74</sup> Citing the NZILA guidelines

<sup>75</sup> Rough Milne Mitchell, Landscape Assessment Report dated 15 August 2025 at section 5.2

<sup>76</sup> Ibid

- a. walkers and cyclists using the Countryside Trail/Te Araroa Trail. Note, this is for those areas of trail outside of the legal boundary of the Site;
- b. the public users of ALHR, where motorists and passengers may get very short and seasonal views of the proposed development between the exiting exotic vegetation when travelling towards Lake Hayes or Arrowtown; and
- c. the residents who occupy the residential lots to the south of the Site and who have rural views into the Site.

[268] Mr Milne did not consider that developments on the site would be visible from Speargrass Flat Road.

[269] Mr Milne then assessed views from groupings of viewpoints in terms of effects on visual amenity and effects on identified perceptual and associative values as experienced from the viewpoints.

[270] Effects in both categories for public users from viewpoints on ALHR and Hogans Gally Road, east of the site, were assessed as Very Low.

[271] The effects for public users from viewpoints at public places on the Countrywide Trail (west of the site) were assessed as Low to Moderate and Low at most respectively. The assessment noted the extent of screening provided by the extended spur landform and progressively growing landscape planting, as well as the changes that would occur as a result of development consistent with the Structure Plan. Mr Milne also noted that both the views and perceptions of the mountains and surrounding landscape character would be unchanged.

[272] Views from Speargrass Flat Road, west of Countrywide Trail, and from locations on Ayr Avenue were described as limited by the spur extension and associated planting (the former) and by a combination of existing landform and vegetation (the latter).

[273] Mr Milne also commented on more distant views from elevated viewpoints. He considered the development would be extremely difficult to see from

these viewpoints, with other pockets of development much more clearly visible.

[274] While Mr Milne assessed light effects (as Low), we have considered those issues separately.

[275] Mr Bray noted that most of Mr Milne’s visual material focussed on potential visibility from the Countrywide Trail. He considered that focus appropriate and that the visualisations demonstrated both the effectiveness of the proposed mitigation and that the spur appears “well integrated” into the overall context<sup>77</sup>.

[276] Considering broader landscape effects, Mr Milne emphasised the nature and scale of development “enabled by the Ayrburn Structure Plan” suggesting that it would result in “complete loss of any significant values of ‘openness’, ‘spaciousness’ and ‘rural character’ associated with this area of the Site”.<sup>78</sup> As regards loss of OS values, Mr Milne emphasised the fact that only a relatively small area is affected at the toe of Christine’s Hill.

[277] Considered in terms of the values identified in PDP Schedule 24.8 (LCU8), Mr Milne noted the provision for development in the Structure Plan, which would maintain and enhance those values, along with the amenity provided by existing vegetation and the high quality of existing landscape design. In his view<sup>79</sup>, “the attributes that contribute to existing rural amenity - namely the open areas on the wider Ayrburn site, would remain and an additional vineyard and all its seasonal benefits would be established on the land adjacent to the Countryside Trail/ Te Araroa Trail”.

[278] Mr Milne considered the character values of the Countrywide Trail specifically. He considered changes to the local landscape in the form of

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<sup>77</sup> Wayfinder Peer Review of Landscape Assessment Report at page 9

<sup>78</sup> Rough Milne Mitchell, Landscape Assessment Report dated 15 August 2025 at section 5.3.1

<sup>79</sup> Ibid at section 5.3.2

replacement of pasture by vineyards, revegetation of drainage swales, and incorporation of development into a revised matrix, both not adverse and anticipated within LCU8. He also considered partial views of development to be an existing notable quality of the landscape. Overall, he considered rural character and amenity values to remain High and the impact on identified values Very Low-Low.

[279] When considering the proposal relative to Chapter 24 of the PDP, consistent with the conclusions he had reached as above, Mr Milne considered that the proposed development would maintain and enhance overall landscape character and visual amenity values of the Wakatipu Basin and “will result in a well-considered aggregation of built form in an area of the Site that can absorb it, and it will be enhanced and settled into its surrounding environment through a comprehensive landscape approach” He also considered that, “visibility of the proposal will be limited and when it is seen it will be viewed within a wider context within which it will be consistent and not incongruent”<sup>80</sup>.

[280] Lastly, Mr Milne considered the proposed spur extension would appear as a natural extension of the existing landform and, operating in conjunction with proposed planting, would be sympathetic to the natural topography and existing land use patterns. In summary, “there will be a change in the existing open space character of the part of the Site, but this will not result in adverse visual amenity effects”<sup>81</sup>.

[281] Mr Bray concurred with the latter view. More generally, Mr Bray noted the connection from a perceptual perspective with the wider Ayrburn development, as well as the “remarkably” limited visibility from surrounding landscapes, the absence of the proposal limiting views to the surrounding mountains from public viewpoints or neighbouring properties. He therefore

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<sup>80</sup> Ibid at section 6.1.2

<sup>81</sup> Ibid at section 6.1.3

concurred with Mr Milne's view that adverse impacts on visual amenity would vary from Very Low to Low-Moderate.

- [282] Mr Bray also quoted with agreement Mr Milne's summary in relation to effects on landscape character, as follows:

Amenity will be derived through existing treed landscape setting and variety of the wider views that are enjoyed.

The attributes that contribute to existing rural amenity – namely the open areas of the wider Ayrburn site, will remain and an additional vineyard and all its seasonal benefits will be established...

The proposal will add a series of buildings ... into a contained area of the rural landscape.

Due to the proposed containment of the development cluster, the new built form will quickly become integrated into this changed landscape.

Rural character values and amenity values will remain high and therefore the impact of the proposal of the values .... are considered to be very-low to low.

- [283] In relation to consistency with relevant PDP objectives and policies, Mr Bray considered that the extent of loss of open space values would be low, and be mitigated by the proposed extended spur, and the proposed planting and associated vineyard. He also considered the extended spur would result in beneficial landscape options, and the design responses aligned with the character of the Ayrburn development.

- [284] At the initial briefing conference we convened on 10 November 2025, we queried Mr Milne's reliance on development envisaged by the Structure Plan. It appeared to us that he was applying a Permitted Baseline analysis, and as the applicant subsequently confirmed, residential development within the Residential Activity Area was at best a Restricted Discretionary Activity (i.e. not Permitted).

- [285] We also sought information as to the level of effects in the period before proposed screen planting was mature (Mr Bray told us in his peer review report that that might take 8-10 years).
- [286] Mr Milne addressed both matters in his Addendum Landscape Assessment memo dated 18 November 2025. In relation to the Permitted Baseline, Mr Milne confirmed that he had misread the applicant's planning report and now understood (based on legal advice) that potential residential development of the site could not be used as a permitted baseline. Accordingly, he provided an updated assessment focussing on users of the Countrywide Track, since in his view, potential residential development would make no difference at other viewpoints.
- [287] Mr Milne advised that when viewed from higher points on the Trail, the proposed development would reduce the current rural scenic outlook due to the reduction of open pasture and the introduction of built form, but views to the backdrop hills and mountains would be retained. Mr Milne considered that the proposed built form would only be intermittently visible and sensitivity of viewers would vary.
- [288] Overall, Mr Milne's assessment of the extent of potential visual effects increased to Low-Moderate to Moderate (visual amenity effects) and Low-Moderate at most (perceptual and associative effects).
- [289] Mr Milne's assessment of the level of effects on the character and values of LCU8 similarly increased to Low to Low-Moderate.
- [290] Mr Milne's consideration of short-term effects while planting matures was assisted by simulations of the proposed development with the extended spur in place after 5 years. He considered that effects over the first two to three years at mid-way along the Trail and the first five years at elevated locations would be Low-Moderate and Moderate at most respectively.

- [291] We received many Comments raising landscape and visual issues of the screen hub as a concern. We derived most assistance from the Comments / evidence of the two landscape architects who provided us with their views (Ms Gilbert for QLDC and Ms Rebecca Hadley) as they are best equipped by training and experience to express an opinion on these matters. We have, however, considered all points of view put to us.
- [292] We note that as an adjacent property-owner, Ms Hadley is not an 'independent' expert. Accordingly, where her and Ms Gilbert's views diverged, we have generally placed more weight on Ms Gilbert's opinion.
- [293] Reviewing Ms Gilbert's report, which she described as a peer review of the application, we put to one side technical issues she raised about the stabilisation of the extended spur landform and of the slopes above the firm studio buildings. These are addressed later in this Part of our decision.
- [294] Ms Gilbert firstly expressed concern that Mr Milne had overlooked a number of matters impacting on the evaluation required:
- a. Aspects of the existing landscape of the site and local area (including the absence of a legible defensible edge between the Waterfall Park Zone and the Ayrburn Structure Plan area, the semi-rural-industrial type character of much of the flat land within the site, and the distinctive landform character of the continuous sequence of glacially carved slopes that forms the southern side of the Wharehuanui Hills).
  - b. The 'identity' or 'sense of place' dimensions of associative (landscape) values articulated via a deliberate spatial and planning strategy (via the Ayrburn Structure Plan) that seeks to: retain a degree of spaciousness, openness and 'ruralness' in this part of the Wakatipu Basin, including the Open Space areas of the site that forms a continuous spatial patterning of more rural land that links with Wakatipu Basin Rural Amenity Zone land to the west and east (i.e. east of Arrowtown Lake Hayes Road); and enable a reasonably modest level of rural living development change via the two pockets of Residential Activity Area along the northern edge of the established rural living enclave at the northern end of Lake Hayes.
  - c. The collective character of the development as displaying an urban development typology as a consequence of the scale, character, and extent of the proposed

built development (including retaining structures, lighting, and paved areas), combined with the commercial nature and intensity of the proposed land uses.<sup>82</sup>

[295] Ms Gilbert expressed general agreement with Mr Milne that the proposed development has been located and designed to optimise its visual containment and that, in time, the proposed built development would be successfully visually absorbed into the wider context. She also agreed that the existing and proposed development at Ayrburn embodies a high-quality development character and that the proposed development complements the existing Ayrburn development character.

[296] She differed, however, from Mr Milne's visual assessment of views from the Countrywide Trail, categorising them as being Moderate-High in the short term, reducing to Moderate-Low after five years and Low in the long term (10 years and beyond).

[297] As regards landscape effects, including cumulative effects, she disagreed with Mr Milne's assessment, expressing the view that such effects would be Moderate to Moderate-High. She summarised her views for that position as follows:

- a. The very poor fit of the proposal with the landscape related intentions of Chapters 24 and 27 of the PDP for the area, and in particular the deliberate spatial approach to carefully constrained rural living (and other) development in this part of the Basin (including the Residential Activity Area), and retain a continuous band of more spacious and open, 'undeveloped' land throughout Speargrass Flat, including across the Open Space area. I consider that this speaks to an adverse effect in terms of the associative or 'sense of place' / identity dimension of landscape values.
- b. The reduction in the legibility and expressiveness values associated with the Wharehuanui Hills landform as a consequence of the incongruous scale, extent, and form of the proposed landform spur around the northwestern side of proposed development area.
- c. The cumulative effects of the development as evidenced by its failure to maintain the landscape character and visual amenity values set out in Schedule 24.8 LCU 8, and the risk to the Basin's landscape more generally were the proposal to be seen as setting an appropriate outcome for the management of

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<sup>82</sup> Bridget Gilbert, Landscape Peer Review dated 17 December 2015, paragraph 2.2

edges between non rural zone and more intensively developed areas, and the WBRAZ<sup>83</sup>.

- [298] In contrast to Ms Gilbert, Ms Hadley considered the screen hub to be inauthentic, noting the need for “a very large artificial hill extension” to screen built form and isolation of the land immediately to the east of the Countrywide Trail, among other things.
- [299] Ms Hadley described the site as part of an important and legible landscape feature – the Speargrass Flat valley – which has an open pastoral landscape character with high rural amenity values.
- [300] She emphasised the open rural character of the valley and noted its importance as one of only two remaining rural areas in the Wakatipu Basin.
- [301] Ms Hadley also described the applicant’s landscape assessment as being narrow with the principal focus on visibility. She categorised the effects on the site and the surrounding environment as being high.
- [302] She also referenced the loss of amenity to the rural residential landowners to the south of the project site. In her view, the area would lose its rural residential character, not just because of the loss of rural outlook, but also because of noise, lighting and traffic effects. We discuss those latter effects in separate sections of this Part of our decision.
- [303] As regards consistency with the PDP, Ms Hadley disagreed with Mr Milne’s assessment. She was of the view that the screen hub would be inconsistent with the objectives and policies of both Chapter 4 (Urban Development) and Chapter 24 of the PDP. She pointed specifically to the identified low capacity of the OS area of the Structure Plan to absorb development.

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<sup>83</sup> Ibid at paragraph 2.9

[304] Ms Hadley had similar issues with Mr Bray's peer review.

[305] The JWS on landscape issues is notable for agreement that:

- a. there is no legible defensive edge between the proposed built development and the Ayrburn hospitality area<sup>84</sup>;
- b. the current character of much of the site is that of semi-rural industry, but this is a short-term condition<sup>85</sup>;
- c. Ms Gilbert had accurately described the 'sense of place' dimensions of associative values in her peer review report<sup>86</sup>;
- d. the proposed development comprises 'urban development' in a rural setting<sup>87</sup>;
- e. the 16mm photographs supplied by Mr Milne provide context only<sup>88</sup>;
- f. the section of the Countrywide Trail relevant to the development is a sensitive location<sup>89</sup>;
- g. Mr Milne and Ms Gilbert did not share the concern expressed by Ms Hadley regarding the effects on views from ALHR and Tobins Track<sup>90</sup>;
- h. only a relatively small proportion of the OS area is affected, and the significance of that incursion is mitigated, albeit for reasons that differ as between the authors<sup>91</sup>;
- i. the authors were not as concerned as Ms Hadley regarding the effects of proposed vegetation planting west of the site<sup>92</sup>;
- j. the Andersson property is likely to experience a similar level of adverse effects to the highest viewpoint (#5) on the Countrywide Trail<sup>93</sup>.

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<sup>84</sup> JWS on landscape at 4.1

<sup>85</sup> JWS on landscape at 4.2

<sup>86</sup> JWS on landscape at 4.3

<sup>87</sup> JWS on landscape at 5.1

<sup>88</sup> JWS on landscape at 6.1

<sup>89</sup> JWS on landscape at 6.3

<sup>90</sup> JWS on landscape at 6.4. We note that the Tobins Track lookout is on the Crown Terrace looking over the Wakatipu Basin towards Lake Wakatipu

<sup>91</sup> JWS on landscape at 6.5

<sup>92</sup> JWS on landscape at 6.7

<sup>93</sup> JWS on landscape at 8.6

- [306] Ms Gilbert also recorded her view<sup>94</sup> that adverse visual amenity effects in relation to the Millvista Lane properties on the northern boundary of the site can be expected to be Moderate-High in the short term, reducing to Moderate-Low after five years and Low in the long-term. She also considered<sup>95</sup> that the existing boundary vegetation or proposed replacement planting would ensure that effects on the Collins property at 523 Speargrass Flat Road are appropriately managed.
- [307] Subsequently, Ms Gilbert confirmed her conditional agreement in the JWS that, having regard to the information the applicant had supplied with its Response to Comments, she was comfortable that the proposed slope stabilisation options available would allow for the proposed planting strategy to be implemented<sup>96</sup>.
- [308] Mr Milne produced two Supplementary Landscape Assessment Memoranda responding to Comments, one dated 9 January 2026 that was available at the Joint Witness Conference, and the other dated 21 January 2026. Mr Bray also produced a Supplementary Assessment dated 14 January 2026.
- [309] As part of Mr Milne's 9 January 2026 memorandum, he presented modelled views from the Andersson property and suggested that Mr Andersson's comments referencing a change of view from pastoral green field to industrial sized buildings were overstated. Mr Milne shared Ms Gilbert's views noted above as regards effects on the Collins' property.
- [310] Like Mr Milne, Mr Bray considered that he had assessed both identity and sense of place, albeit not in precisely those terms. Mr Bray also took issue with Ms Gilbert's critique of his and Mr Milne's assessment of landscape effects.

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<sup>94</sup> JWS on landscape at 8.5

<sup>95</sup> JWS on landscape at 8.8

<sup>96</sup> Email from Counsel for QLDC to the EPA dated 4 February 2026

- [311] Mr Milne’s second memorandum provided feedback on additional Chapter 24 policies.
- [312] As part of the applicant’s Response to Comments, its counsel returned to the issue of the Permitted Baseline, suggesting that while development of the site is not a Permitted Activity, recent authority suggested that an ‘anticipated’ environment might be relevant to the assessment of effects under s104(1(a) of the RMA, the policy assessment under s104(1)(b) and/or s104D in the case of non-complying activities. Counsel referred us to the decisions of the High Court in *Frost v QLDC*<sup>97</sup> and *The Mahora Residents Society Inc v Hastings District Council*<sup>98</sup> and to the decision of the Environment Court in *Waimarino v QLDC*<sup>99</sup>.
- [313] Because this was a new point, we gave other parties leave to respond to this argument. Ms Macdonald, counsel for David Kidd, and Ms Scott, counsel for QLDC, provided submissions. Both submitted that the argument made for the applicant should be rejected, noting that the ‘anticipated’ outcome in this case is a Restricted Discretionary Activity, the outcome of any application for which (contrary to the submissions for the applicant) is not assured. Both also distinguished the *Frost* and *Mahora* cases on the basis that the anticipated outcome there was a Controlled Activity.
- [314] Ms Scott also referred us to cases holding that an anticipated environment requiring a Restricted Discretionary Activity consent could not be taken into account<sup>100</sup>.
- [315] Both Ms Scott and Ms Macdonald acknowledged in different ways that the Structure Plan and zone provisions might be taken into account from a policy perspective. In reply, Ms Hill for the applicant emphasised that point,

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<sup>97</sup> [2021] NZHC 1474 at [68]

<sup>98</sup> [2024] NZHC 3322 at [70]

<sup>99</sup> [2024] NZEnvC at [102]-[103]

<sup>100</sup> *Wallace v Auckland Council* [2021] NZHC 3095, at [131]; *Sydney St Substation Ltd v Wellington City* [2017] NZHC 2489; *Drive Holdings Ltd v Auckland Council* [2021] NZEnvC 159 at [84]

and pointed to the non-notified consent the applicant had received authorising rural lifestyle development in the Residential Activity Area south of Ayr Avenue (RM250715). We have reviewed that decision. While granted on a non-notified basis, we noted the careful analysis of relevant considerations against a background where all adjoining neighbours gave their written approval. We also noted the statement in section 3.3.2 of the consent decision that:

This change to the structure plan has altered what the district plan says about anticipated built development and what is acceptable in terms of the character of the environment and associated landscape in this area. Restricted discretionary activities are however not part of the existing environment or effects anticipated by the plan....

- [316] We also observe that in the *Mahora Residents* case relied on by counsel for the applicant, the Court explicitly noted that the controlled activity status of the development considered meant that issues identified in the leading case on the ‘existing environment’<sup>101</sup> about uncertainty if the existing environment were taken to include the effects of consents yet to be granted did not arise. The *Frost* decision is framed more widely, but given the contrary authority where anticipated outcomes were Restricted Discretionary Activity, we consider it should be confined to Controlled Activities, which was what was in issue.
- [317] In summary, we accept the submissions of Ms Scott and Ms Macdonald that the Structure Plan and related zone provisions might be taken into account in a policy analysis, but not more broadly in the assessment of effects as some sort of quasi-Permitted Baseline.
- [318] At the conference we convened on 3 February 2026, we had a number of questions for Mr Milne and Ms Gilbert arising out of their JWS.

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<sup>101</sup> *Queenstown – Lakes District Council v Hawthorn Estate Ltd*, (2006)12 ELRNZ 299

- [319] In relation to their agreement<sup>102</sup> that viewpoints 6 and 7 on the upper section of the Countrywide Trail, should continue to be considered because of the potential for the improvements to the Trail proposed might not proceed, we noted that those improvements were the subject of proposed conditions requiring them to be made if the consents are exercised. They agreed that as a result, views from those viewpoints should be disregarded.
- [320] We also queried the landscaping proposed on the extended spur, asking if the trees shown in the simulations from viewpoints on the Countrywide Trail would continue to grow beyond 10 years (i.e. what was shown in the simulations Mr Milne had provided). Mr Milne told us that the ultimate height would vary according to species, so that Mountain Beech for instance would likely grow as much again over time, and that that while other species would keep growing, they would not grow as high.
- [321] We asked how common a dense line of native trees on a spur or ridgeline (as proposed) is in the Wakatipu Basin. Ms Gilbert said it was not that common, but both she and Mr Milne called to mind emerging areas of native trees in and on the margins of the Wakatipu Basin. Ms Gilbert thought that they might initially appear incongruous, but as broader vegetations emerge, they would fit into the wider landscape.
- [322] Given their answers to these questions, we queried the potential to modify the proposed planting plan to reduce the adverse effects on openness of vegetation located on the spur, while retaining screening of the built elements of the screen hub when viewed from the Countrywide Trail. Both Ms Gilbert and Mr Milne considered that there were options with potential merit, and we asked Mr Milne to consult with Ms Gilbert and report back to us.

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<sup>102</sup> JWS on landscape at 6.2

[323] More generally, we asked Ms Gilbert about a paragraph in Mr Milne’s initial report<sup>103</sup>, suggesting that the character of the Wakatipu Basin was already changing, as follows:

Rezoning and development within this wider landscape setting is resulting (and will result) in a broadly changing and developing landscape that isn’t rural as such (despite its zoning) but is the place for development and human activity.

[324] Ms Gilbert did not agree. She considered that the PDP is seeking to manage cumulative effects in the Wakatipu Basin by having a clear spatial strategy and that she was not seeing evidence that the Basin was, in the Chair’s words, “a lost cause”.

[325] In relation to the potential for cumulative effects, we asked Mr Milne to comment on Mr Bray’s comment that the District Plan might indicate a ‘tipping point’, and whether exceedance of the landscape capacity identified in the Structure Plan was such an indication. Mr Milne acknowledged the Environment Court’s views on what level of development would exceed the capacity of the landscape that we put to him (and which we discussed in Part B above). However, he noted the co-location with the Ayrburn Hospitality Precinct. In his view, that still allows the breathing space envisaged by the PDP east and west of the site, with effects contained in the middle.

[326] Subsequently Mr Milne reported back in a Supplementary Landscape Assessment Memorandum dated 10 February 2026, recommending a revised planting plan on the western side of the site that would, in his view, be perceived more as an extension of the riparian gully planting that has already taken place on the Site rather than as a ‘finger’ of solid native shrub and tree planting extending ‘up the slope’ from the toe of the proposed spur extension. It included replacement of the proposed grapevines on the

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<sup>103</sup> Section 4.1.5

western part of the site (that Ms Hadley had criticised) and their replacement with native tussock and shrub planting.

[327] In his view, while there would still be a reduction of a sense of spaciousness and openness associated with the site from public viewpoints on the Countrywide Trail, the proposed revised spur planting would result in an increased perception of these landscape values beyond the Site.

[328] Ms Gilbert confirmed her view in a Peer Review of the same date that the end result would improve the impression of openness, while achieving an appropriate level of visual mitigation in time, for the development as seen from the trail.

[329] Mr Milne provided also a detailed description of proposed planting on the southern boundary of the site that Ms Gilbert considered both accurate and appropriate, subject to two issues being addressed. The applicant's counsel noted in her memorandum dated 10 February 2026 that the applicant had adopted Ms Gilbert's position on the first point (the minimum height of replacement trees) and explained the reason for the way existing planting had been described in the documents. We record that we are satisfied with that explanation.

[330] We gave Ms Hadley the opportunity to comment on the merits of the revised planting plan (or otherwise). Her further comment dated 17 February 2026 continued to be critical of the overall proposal, noting that while it meant that more of the mountain view would be visible, the Crown Terrace would still be obscured, as would the open landscape on the valley floor. More fundamentally, Ms Hadley considered that the changes continued to focus on visibility effects rather than broader landscape effects.

[331] As regards planting on the spur, she regarded this as remaining unnatural, with no equivalent in the Speargrass Valley and other planting (eg on the neighbouring property to the west) in gullies or on hillsides.

- [332] Ms Hadley had similar views about the planting on the southern boundary-it addressed visibility effects, but not rural amenity and wider landscape effects.
- [333] Mr Milne responded in a brief memorandum dated 20 February 2026. He agreed that a number of the examples of active revegetation in the Basin are occurring on hillsides and in gullies. He provided photographs of the neighbouring property Ms Hadley had referenced, suggesting that planting there was occurring both in gullies and on ridgelines. He noted also that at one point the whole Basin would have been clothed in native forest.
- [334] Mr Milne also disagreed with Ms Hadley's comments regarding loss of views of Crown Terrace.
- [335] As regards the southern boundary of the site, Mr Milne was confident that at the minimum height of replacement planting (6.5m), the proposal would be screened from Speargrass Flat Road. He responded to Ms Hadley's criticism of the proposed acoustic fence on the southern boundary noting that there are a wide variety of fences in the Basin. He did not regard this one as inherently 'urban', as Ms Hadley had suggested, and he also noted the mitigating effect of the proposed hedging both sides, which he considered would likely enclose the fence within two to three years.

#### *Discussion of Issues*

- [336] We start from the premise that the current activities on the site, which the JWS (landscape) described as semi-rural industrial in character, should mostly be disregarded. As confirmed in the *Hawthorn* decision<sup>104</sup> already noted, our assessment of effects is forward looking and needs to take account of likely changes to what is seen on the ground. Most of the activities currently occurring on the site are temporary construction-related

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<sup>104</sup> *Queenstown – Lakes District Council v Hawthorn Estate Ltd*, (2006)12 ELRNZ 299

activities associated with development of the wider site that will need to be removed either when construction is completed or when subdivision of the broader site is finalised, whichever occurs first.

[337] The exception is the use of part of the site as a formed and landscaped overflow carpark for events on two of the venues operated by the applicant's associated company east of the site which we were advised is authorised by existing resource consents<sup>105</sup>.

[338] We accept also that views from the Countrywide Trail are a key consideration. Mr Milne and Ms Gilbert disagreed on the sensitivity of the viewing audience from the Trail. We acknowledge Ms Gilbert's point<sup>106</sup> that there is no evidence of the make-up of that audience, but we tend to agree with Mr Milne that it is likely to encompass a wide cross-section of the local and visitor community with a similarly wide cross-section of sensitivities to the effects of development. While the steepness of the Trail might perhaps militate against its use by the very young and very old members of the community, one of the objectives of the Trail enhancement project is to make the Trail more accessible.

[339] We agree with Ms Gilbert and Mr Milne that views from parts of the Trail proposed to be located on the applicant's land as part of the Trail upgrade should be excluded from consideration. Although required to be the subject of an easement in favour of QLDC in the proposed conditions, the PDP defines 'public place' to exclude such trails. We understand from previous involvement in the development of the PDP that this is quite deliberate, to avoid disincentivising landowners from agreeing to the location of trails on their land.

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<sup>105</sup> Applicant's response dated 4 February 2026 to the Panel's information requests.

<sup>106</sup> JWS on landscape at 6.3

- [340] That means that the key viewpoints among those assessed by Mr Milne are #5 (at the top of the trail where it emerges from Millbrook resort alongside the southern boundary of the Andersson property) and #8 (mid-way down the trail on the flatter ground west of the site).
- [341] More generally, we consider that Ms Gilbert (and Ms Hadley) correctly identified that Mr Milne's (and to a lesser extent Mr Bray's) primary focus was on visibility and visual effects. We are not suggesting that they ignored broader landscape considerations, but these appear to have been given substantially less attention than visual effects.
- [342] While visibility and visual effects are important, they are not the sole criteria for an acceptable landscape outcome. In this context, out of sight is not out of mind. We consider that Ms Gilbert provided a better appreciation of the merits of the proposed development relative to those broader criteria than did Messrs Milne and Bray. We were impressed by her careful examination of those issues and to the extent that she differed from Ms Hadley in relation to those matters, we preferred her evidence also.
- [343] Thus, while the extended spur would do an admirable job of screening views of built environment from the north and west (taking into account also the associated landscaping), particularly once the proposed planting is established, the spur is not a natural feature, and we consider Messrs Milne and Bray put too much weight on whether it would appear natural. It may well do (that was our lay appreciation, based on the simulations we were provided with), but an expert would recognise that it introduces a new landform that is out of step with the natural forces that created the Speargrass Flat valley. The proposed planting presents the inverse issue. As Mr Milne observed, the 'natural' state of the landscape was one of complete native bush coverage. Partial revegetation of the western margins of the site in the manner proposed is accordingly 'natural' almost by definition. However, its consistency with perceptual values of naturalness that compare

what one sees in the Wakatipu Basin to a Europeanised landscape of grass pasture and exotic deciduous trees is more problematic.

[344] Ms Gilbert considered that the original planting plan would appear incongruent with the landscape initially, but gradually merge into the broader landscape. She described the revisions to that plan proposed by Mr Milne an improvement in terms of reducing adverse effects on the impression of openness and better integrating the proposed plantings into the surrounding landscape. We concur with that view, which we prefer to Ms Hadley's contrary opinion. We note that Ms Gilbert's assessment of adverse effects on views from the Trail (Moderate-Low after five years and Low in the long term (10 years and beyond) did not change as a result.

[345] We will have more to say about the application of relevant PDP objectives and policies in Part F below, but it seemed to us that all three planners who analysed the relevant provisions (Mr Cook for the applicant, Mr Langman for QLDC and Mr Vivian for Mr and Mrs Hadley and Messrs Andersson and Kidd) failed to take account of the fact that this is not a proposal involving subdivision and residential development. While, for a period, the applicant advanced an application for subdivision, as discussed in Part B above, that was withdrawn. Accordingly, the policies of Chapter 24 managing subdivision or residential development<sup>107</sup> do not appear to apply. It appears to us therefore that the key considerations from a landscape perspective are Objective 24.2.1 (landscape character and visual amenity values in the Wakatipu Basin are maintained and enhanced) and Policy 24.2.1.7 (Ensure that subdivision and development maintains or enhances the landscape character and visual amenity values identified in Schedule 24.8 - Landscape Character Units). These provisions overlap with Objective 24.2.2 (Non-residential activities maintain or enhance amenity values) and Policy 24.2.2.1 (Ensure traffic, noise and the scale and intensity of non-residential activities do not have an adverse impact on landscape character

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<sup>107</sup> E.g. Policies 24.2.1.1-24.2.1.5,

and amenity values, or affect the safe and efficient operation of the roading and trail network or access to public places).

- [346] Key values that Schedule 24.8 identifies as being maintained or enhanced are:

Integration of buildings with landform and/or planting.

Maintenance of a spacious and open outlook in views from the Queenstown Trail and Arrowtown Lakes Hayes Road, including the southbound view as one descends Christine's Hill.

- [347] The landscape assessments we have before us call into question whether a "spacious and open outlook" from the public areas of the Countrywide Trail are maintained. We struggle with Mr Milne's view that the identified LCU 8 values are 'maintained' given the assessed, albeit varying, levels of adverse effect on those values, although we consider that adverse effects on those values have been mitigated as much as they practically can be, consistent with the development proceeding. In terms of the emphasis given in Policy 24.2.2.1 on development intensity not adversely affecting (rural) landscape character, the insertion of a pocket of urban development, however well designed and screened, also raises obvious questions.

- [348] Schedule 24.8 also emphasises the role the Speargrass Flat LCU has as a 'breathing space' between the Hawthorn Triangle and the Lake Hayes Rural Residential LCUs. This is the area west of the site. Ms Hadley emphasised the role of the site as part of the breathing space between North Lake Hayes and Arrowtown, which in our view is not what Schedule 24.8 is referencing. Be that as it may, to the extent maintenance of breathing space between North Lake Hayes and Arrowtown is a desirable outcome, this has already been compromised by the development (actual and consented) on the broader Ayrburn site linking North Lake Hayes and Millbrook. Arguably, one benefit of the extended spur landform and associated planting is to create a defensible boundary on the western margins of the property when

currently Mr Milne and Ms Gilbert agree there is none at present, thereby better preserving remaining breathing space.

[349] There is also the question whether the spur extension is an inappropriate modification to the natural landform for the purposes of Policy 24.2.1.6. The Policy does not identify what factors determine appropriateness in this context. Clearly the extent of adverse effects on landscape and visual character values would be one relevant criterion given the objective sought to be achieved.

[350] Last but certainly not least, given the consensus that the screen hub constitutes urban development, the proposed development is clearly contrary to the strategic direction of the PDP precluding urban development outside identified urban growth boundaries (**UGBs**), including Policy 4.2.1.3<sup>108</sup>).

[351] Against that background we have three competing views as to the level of landscape effects, summarised in the JWS as:

- a. Mr Milne - Low to Low-Moderate;
- b. Ms Hadley - High; and
- c. Ms Gilbert - Moderate to Moderate-High.

[352] Helpfully, the NZILA guidelines align the steps on their seven-point scale with levels of effect recognisable under the RMA (and the FTAA). Thus, Mr Milne's assessment equates to something between a less than minor and a minor effect. Ms Hadley's assessment equates to something more than minor and significant. And Ms Gilbert's assessment equates to something more than minor but not significant.

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<sup>108</sup> Refer also Policy 4.2.2.20, specific to the Wakatipu Basin.

- [353] We also note that Ms Gilbert considered that many of the identified adverse landscape effects would reduce over time.
- [354] We prefer Ms Gilbert's assessment, both as to the overall level of effect and the fact that it would reduce over time. As above, we consider that Mr Milne (and Mr Bray) placed insufficient weight on non-visual landscape factors. We similarly consider that Ms Hadley correctly focussed on the latter as an important consideration, but overstated the level of those effects.
- [355] We have considered potential adverse landscape and visual effects on neighbouring landowners separately. We agree with Mr Milne's view that the effects concerning Mr Andersson are overstated. The drone photos Mr Milne produced looking north from the apex of the studio buildings do not show any of the Millvista Lane dwellings appearing above the hill. Clearly though, there would be an adverse effect as a result of what Mr Andersson can see of the proposed accommodation buildings. We accept Ms Gilbert's quantification of the level of effect as Moderate-High in the short term, reducing to Moderate Low after five years and Low in the long-term, that is to say, more than minor in the short term reducing to less than minor over time.
- [356] We consider, based on the evidence of Mr Milne and Ms Gilbert, that landscape and visual effects on the landowners on the southern boundary would be appropriately managed, noting that the three nearest neighbours would have the choice whether or not to have the conifers between them and the project site replaced as proposed. The continued existence of the conifers, and their condition, was a particular concern of Mr Kidd, one of those neighbours. We consider that the applicant's proposed conditions appropriately address his request for relief in this regard. We have not amended the draft conditions to prohibit structures on the bank or in the planted area as he requested as this is already addressed in the conditions of the subdivision consent.

- [357] In summary therefore, we find the level of landscape effects to be more than minor but not significant, and reducing over time.
- [358] We have not identified any additional conditions or (with two exceptions) substantive changes to conditions that would further mitigate the assessed level of landscape effects that we consider we should direct.
- [359] The first exception is Condition 56 (now Condition 68), which references certification by the Council's Parks & Open Spaces Planning Manager, but did not clearly specify what that officer would be certifying. We have amended the condition to provide more direction.
- [360] The second exception is Condition 62 (now Condition 81), which governs the external appearance of buildings. The second sentence of the proposed condition permit certified amendments to the materials and colours specified in the Architectural Design Report. Mr Vivian sought that that sentence be deleted. We consider this provision is problematic because it provides no direction as to what it is that QLDC would be certifying. We could not identify a suitable amendment to provide that direction, with alternatives we considered providing QLDC with too great a discretion, which would be unsatisfactory. We therefore agree with Mr Vivian's solution.
- [361] We note that the Comment provided by Halford and Jane Shaw sought that the Panel impose a covenant precluding development creep to the west. We have no power to impose a 'covenant' on a land use consent. That is a mechanism used in subdivision consents, and in this case, the applicant's existing subdivision consent already contains such a covenant. We regard a condition (on the land use consent) to this effect as unnecessary (because of the controls in the subdivision consent) and ineffective (because it could not preclude subsequent applications to vary the condition).
- [362] Following the release of our draft decision pursuant to section 70 of the FTAA, Counsel for Mr Kidd requested the addition of a new Condition

59AA to follow Condition 59A (now Condition 75) which would preclude removal of existing exotic screening trees until the landowner approval process had been completed. The applicant did not consider such a provision was required. We agree with the applicant as we do not consider that there is any material ambiguity or lack of clarity in the existing conditions.

### **Historic Heritage**

[363] In her Comments, Ms Hadley suggested that the proposed screen hub development would degrade the heritage values of the Ayrburn farm buildings due to the loss of open space around them and the location of a separate cluster of new buildings alongside them<sup>109</sup>.

[364] Ms Gilbert noted her agreement that “The development will undermine the impression of the Ayrburn precinct heritage buildings (in WPZ) as a cluster surrounded by open space”<sup>110</sup>.

[365] The applicant supplied a heritage assessment addressing Ms Hadley’s comments as part of its Response to Comments<sup>111</sup>. The key conclusions of the author (Mr Robin Miller) were):

- a. The open rural character that surrounds the historic buildings has not been identified by heritage professionals as being an essential element of their heritage value/significance. Accordingly changes to that open rural character should not be seen as causing degradation.
- b. From a heritage perspective, the proposed location of the Screen Hub is considered to be sufficiently far away that the legibility of the heritage buildings and their group value will not be lost.
- c. The heritage values of the adaptively reused farm buildings, now a hospitality precinct and public space, will not be eroded by loss of open space to the South and West.

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<sup>109</sup> Rebecca Hadley Comment dated 17 December 2025 and pages

<sup>110</sup> JWS (Landscape) at 6.9(c)

<sup>111</sup> Origin Consultants Ltd, Heritage expert response to heritage matters raised in the Rebecca Hadley Comments received as part of the Fast Track application, 9 January 2026

- [366] Neither Ms Hadley nor Ms Gilbert qualified themselves as having expertise in heritage values. We also observe that while agreeing with Ms Hadley, Ms Gilbert did not venture a view on the potential loss of heritage values, but rather on the effect on landscape values (which she is demonstrably qualified to comment on). We have already addressed landscape and visual effects.
- [367] We prefer Mr Miller's opinion on heritage values for these reasons and conclude there would be no material loss of heritage values if the screen hub proceeds as proposed.

### **Traffic**

- [368] The AEE initially identified the key transport effects as low for both the construction and operational aspects of the screen hub proposal.
- [369] During construction, temporary increases in heavy vehicle movements on local roads are anticipated, and the AEE identified<sup>112</sup> potential safety and efficiency effects at the site access points and the nearby ALHR /Speargrass Flat Road intersection, as well as potential impacts on pedestrians and cyclists.
- [370] Operationally, the development is expected to generate only modest additional vehicle trips, resulting in minor intersection delays, potential future turning constraints at a key nearby intersection, and occasional parking demand exceeding on-site supply.
- [371] The initial proposed conditions<sup>113</sup> for both the construction and operational aspects of the proposal focused on monitoring traffic, managing intersection

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<sup>112</sup> AEE dated 22 August 2025 at section 9.4.2, page 68

<sup>113</sup> Conditions 46-55, 70 and 38, Ayrburn Screen Hub Planning Report Fast-track Approvals Act Substantive Application, prepared by B&A, dated 22 August 2025, Page 42

performance through trigger-based upgrades, and supporting mode shift through public transport, by way of providing for a bus stop.

[372] The concerns raised by opposing Commenting parties<sup>114</sup>, both in relation to construction and operational traffic effects, primarily focused on increased traffic volumes, associated impacts on residential amenity, and cumulative pressure on the local road network. Some of the aforementioned parties specifically identified concerns about safety and congestion from additional traffic movements, including cumulative effects on Speargrass Flat Road and increased traffic flows more generally.

[373] One invited party considered that the proposal was inconsistent with Policy 24.2.2.1 amenity values relating to traffic perspective<sup>115</sup>.

[374] Whilst several of the invited parties<sup>116</sup> sought that overall proposal be declined, in the event that the proposal was approved, they specifically sought the upgrade to the Speargrass Flat Road intersection, along with specific conditions relating to traffic management for both construction traffic and operational car parking, and access matters.

[375] QLDC supported the imposition of conditions and confirmed that a public roading intersection upgrade is necessary to address traffic safety upfront in preference to the applicant's volunteered condition to only upgrade the intersection if triggered by monitoring.<sup>117</sup>

[376] In response to the matters raised, the applicant provided an updated Planning Statement with a more fulsome objective and policy assessment. Specifically, in relation to Transport matters, the applicant considered that only Objectives 29.2.2 and Objective 29.2.4 were relevant and Objectives

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<sup>114</sup> Graham Smith & Catherine Taylor, Jan Andersson, Neil Green and Suzie Bognar, David Kidd, Paul Dougherty and Jane and Halford Shaw

<sup>115</sup> Comment of Rebecca Hadley, Page 43

<sup>116</sup> Jan Andersson, Jane and Halford Shaw, David Kidd, and Paul Dougherty

<sup>117</sup> QLDC Technical Memo from Richard Powell, dated 17 December 2025, section 2.4

29.2.1 and Objective 29.2.3 and the supporting policies were not relevant other than with respect to the upgrade to the ALHR/Speargrass Flat Road intersection and proposed bus stop, which are addressed by Objective 29.2.2).<sup>118</sup>

[377] As regards the concerns raised by invited parties relating to the objective and policy assessment, the Panel is satisfied that the proposal is consistent with the relevant Transport objectives and policies of the PDP.

[378] The applicant also responded to invited parties' concerns in relation to traffic and amenity concerns by relocating the film studio related traffic away from the southern side boundary.<sup>119</sup>

[379] The applicant provided an updated suite of conditions<sup>120</sup> that incorporated changes sought by QLDC, in particular, Condition 15(g)(v) that requires the provision of two public bus stops on ALHR and Condition 15(j) that requires the provision of a right hand turn bay from ALHR (north) to Speargrass Flat Road as follows:

Condition 15: Prior to commencing works on the site (except for earthworks and erosion and sediment controls which may be undertaken when the EMP has been certified by Council under Condition 12, tree removal, planting and construction of fencing), the consent holder shall obtain 'Engineering Review and Acceptance' from the Council for development works.

...

(j) Roading upgrades for a right-turn bay from Arrowtown - Lake Hayes Road (north) to Speargrass Flat Road.

[380] To support the above condition, a further condition (Condition 36C - now Condition 35) was volunteered by the applicant that required "The cost of

<sup>118</sup> Planning Statement - section 2.5 PDP Chapter 29 Transport, dated 23 January 2026

<sup>119</sup> Applicant's Legal Memorandum, 'Response under section 55 to Comments received by the EPA as a result of invitations under section 53 Ayrburn Screen Hub FTAA-2508-1093', dated 23 January 2026, Para 15 b. page 5

<sup>120</sup> Dated 4 February 2026

roading and public transport upgrades required by Condition 15(v)(g)(v) and (j) shall be borne by the consent holder”.

[381] The Panel remained concerned that the chapeau of Condition 15 may not clearly reflect the applicant’s intent that the transport upgrades are to be implemented prior to the operation of the studio hub, rather than merely submitted to Council for review and acceptance, and accordingly, requested that the applicant propose revised wording through Minute 17.<sup>121</sup>

[382] The applicant provided redrafted conditions in response, specifically amendments to Condition 15(j) and a new Condition 36BB (now Condition 39), which the Panel sought review and input on from QLDC via Minute 18.<sup>122</sup>

[383] QLDC supported proposed Condition 36BB and sought a minor wording changes in Condition 15(j) for grammatical reasons.<sup>123</sup>

[384] Therefore, the Panel are subsequently satisfied amended and new condition as worded below adequately reflects the intended upgrades and the corresponding timing of implementation as set out below:

- a. Condition 15 (j) which now includes the wording “**The provision of** roading upgrades for a right-turn b from Arrowtown – Lake Hayes Road (north) to Speargrass Falt Road [emphasis added]”
- b. Condition 36BB (now Condition 39) which states “The roading and public transport upgrades required by Condition 15(v)(g)(v) and (j) **shall be implemented prior** to the commencement of screen hub activities or use of accommodation units” [emphasis added]

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<sup>121</sup>Minute 17, dated 2 March 2026

<sup>122</sup> Minute 18, dated 4 March 2026

<sup>123</sup> Response to Minute 18 prepared by Marcus Langman, dated 6 March 2026

[385] The Panel considers that relocating film studio-related traffic away from the southern site boundary, together with the condition requiring the proposed intersection upgrade be implemented prior to the commencement of screen hub activities, and two new bus stops, adequately addresses the transport effects identified in the AEE and the concerns raised by invited parties, particularly in relation to managing both construction and operational traffic effects on amenity, road safety and providing for improved modal shift.

[386] Given that QLDC, as the road controlling authority, supports the proposed transport conditions, which are measurable and enforceable, the Panel expressed the view in its draft decision circulated to the parties that it was satisfied that traffic effects can be appropriately managed and would be less than minor overall.

[387] The draft conditions circulated to the parties were the subject of one comment in relation to traffic issues. The Speargrass Flat neighbours sought that Condition 38 (now Condition 54) be amended to direct the consent holder to require its contractors and sub-contractors not to use Speargrass Flat Road west of the ALHR intersection for heavy vehicle transport to and from the site during construction.

[388] The applicant did not support such a restriction. Its reasons were:

- a. there was no evidence to support it, or to assess consequential effects on traffic flows;
- b. it could be difficult to monitor and enforce; and
- c. it had previously been raised in comments, and therefore sought to revisit a substantive issue.

[389] Addressing the final point, the draft conditions (and the draft decision supporting those conditions) were just that i.e. drafts. Section 70 gives parties who had previously provided comments the right to make comments

on the draft conditions. The Speargrass Flat neighbours have exercised that right and we consider that we need to consider the merits of their suggested amendment afresh.

[390] It is true that the Speargrass Flat neighbours did not provide evidence supporting their request. It is also true that the applicant's traffic assessment did not assess the effects of construction traffic on either traffic flows or local amenity. The applicant's noise assessment concentrated on operational traffic noise, and as far as we can see, did not address the potential effects of heavy construction traffic.

[391] The applicant's traffic assessment did, however, note that Speargrass Flat Road is a Collector Road, "indicating a role providing both through traffic and local access". By contrast, the ALHR is noted as an Arterial Road. In our view, the latter is demonstrably better suited to carrying heavy construction traffic than Speargrass Flat Road.

[392] Lastly, we think concerns regarding monitoring and enforcement are overstated. The Panel is very familiar with large construction projects that include prescribed heavy traffic routes to and from the site. Generally, this is managed through Construction Traffic Management Plans. The applicant has not proposed the use of such a plan and we consider that the Speargrass Flat neighbours' request is a reasonable and not particularly onerous request.

[393] Having said that, we consider also that the suggested condition wording needs to focus more specifically on heavy construction traffic to and from the site and to make it clear that the consent holder's obligation is to make such a requirement via the contracts it enters into with its construction contractors. We have amended it accordingly.

## Noise

- [394] The potential noise effects associated with the proposal were considered in the AEE under the headings of ‘Construction Noise and Vibration’ and ‘Acoustic and Operational Effects - Acoustic Amenity’.<sup>124</sup> An acoustic assessment accompanied the AEE addressing both the construction and operational noise effects.<sup>125</sup> With respect to ‘Construction Noise and Vibration’, the AEE identified that temporary construction noise (including potential intermittent higher noise from heavy machinery and possible rock breaking) and minor vibration effects are the key potential impacts.
- [395] The acoustic modelling carried out by the applicant’s consultant confirmed compliance with construction noise standards set by New Zealand Standard NZS 6803:1999 and vibration standards, using conservative assumptions (e.g. “[noise levels of] up to approximately 80 dB LAeq at nearby receivers”).
- [396] From an operational noise perspective, the AEE identified noise sources from visitor and staff vehicle movements, workshops, sound stages, backlot activities, and general on-site functions.
- [397] The acoustic assessment also confirmed that, with mitigation measures implemented through the Operational Noise Management Plan (**ONMP**), all enduring/permanent activities would comply with the relevant District Plan noise limits for the surrounding rural and lifestyle environment.
- [398] The AEE did acknowledge that activities on the backlot, if unmitigated, could result in District Plan noise exceedances. However, the AEE concluded that the following mitigation measures for backlot activities would ensure compliance with those noise limits, including:

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<sup>124</sup> AEE dated 22 August 2025 at sections 9.5.1 and 9.4.3

<sup>125</sup> Ayrburn Screen Hub Assessment Of Noise Effects, prepared by Marshal Day Acoustics, Dated 7 August 2025

- a. using battery or electric-powered wind and rain machines, limited to daytime operation;
- b. restricting night-time use of such equipment;
- c. limiting the sound output of the director's public address systems; and
- d. prohibiting pyrotechnics and internal combustion engines

[399] Draft conditions for both 'Construction Traffic, Noise and Vibration' (Conditions 38-45 – now Conditions 54, 57 and 59) 'and Operation Noise' (Condition 37 – now Condition 41) were volunteered with the substantive application.<sup>126</sup>

[400] The key construction noise-related concerns raised by invited parties<sup>127</sup> related primarily to operational noise effects, but noise effects arising from construction activities also featured; in particular the prolonged construction activity<sup>128</sup> and ongoing noise from set construction.<sup>129</sup> In specific terms, these parties raised the following matters:

- a. existing excessive noise from temporary construction currently (Greg and Lianne Collins);
- b. considerable length of construction period (Paul Dougherty);
- c. disruption from early morning machinery early morning machinery (Geoff Van Deursen); and
- d. enduring another 36 months of construction noise (Jane and Halford Shaw).

[401] The collective view of these parties who raised concerns about operational noise was that such noise effects had not been fully assessed or independently verified, with two parties<sup>130</sup> requesting a peer review of the

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<sup>126</sup> Appendix 6 of the AEE – Proposed Draft Consent Conditions

<sup>127</sup> Jan Andersson, Jane and Halford Shaw, Geoff Van Deursen, David Kidd, Paul Dougherty, Neil Green and Suzie Bognar and Graham Smith & Catherine Taylor.

<sup>128</sup> Greg and Lianne Collins, Paul Dougherty

<sup>129</sup> Geoff Van Deursen

<sup>130</sup> Jane and Halford Shaw, and Neil Green and Suzie Bognar

Marshall Day Acoustics assessment. Specific concerns raised by invited parties relating to the noise effects of operational activities were as follows:

- a. Geoff Van Deursen considered the predicted noise impacts to be more than minor.
- b. Robyn and Nick Hart raised concerns regarding how noise from the visitor accommodation would be managed.<sup>131</sup>
- c. Jan Andersson, Jane and Halford Shaw, and David Kidd sought stricter (unspecified) noise limits to be applied if the application is approved.
- d. Paul Dougherty, Neil Green and Suzie Bognar and Geoff Van Deursen were of the view that the noise effects could not be adequately mitigated by conditions or noise management plans.

[402] Overall, the focus of concerns of invited parties was on the potential for unacceptable operational noise from the development affecting surrounding residential properties.

[403] QLDC's review of the application sought changes to volunteered conditions for both 'Operation Noise' and 'Construction Traffic, Noise and Vibration'; namely Conditions 37, 39 and 41 (now Conditions 41, 55 and 57 respectively)

<sup>132</sup>

[404] Based on its consideration of the AEE and the concerns of the invited parties, the Panel issued Minute 6<sup>133</sup> which sought further information from the applicant on the following noise matters:

- a. Clarification on whether the noise issues raised by adjacent residents, including concerns about current noise from the existing hospitality area, affect the conclusions in the QLDC review report.

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<sup>131</sup>Submission from Robyn and Nick Hart, Page 6, undated

<sup>132</sup> Appendix 6 of QLDC Comments, amending the applicant's 18 November 2025 version of conditions

<sup>133</sup> Dated 18 December 2025

- b. A summary from QLDC of any noise complaints received about the Ayrburn property, the outcomes of investigations, and any enforcement actions taken.

[405] The Panel also noted that it would consider whether independent acoustic advice was required after receiving the QLDC response.

[406] In its Response to the Comments received from invited parties and QLDC and the matters for clarification raised in Minute 6, the applicant provided the following:

- a. Updated Draft Conditions of Consent, including:
  - i. Revising Condition 37a (now Condition 41a) to specify a 75 dB  $L_{AFmax}$  limit.
  - ii. Added Conditions 37A–37K (now Conditions 42-53) to address operational noise from the film studios, workshop buildings, accommodation reception / lobby and gym, and the requirement for a Suitably Qualified and Experienced Person (**SQEP**) to prepare the ONMP.
  - iii. Added Conditions 42A–B (now Conditions 60-61) to require construction noise monitoring.
- b. A Supplementary Noise Assessment Memo<sup>134</sup>, including additional recommendations, namely a 2.4m high acoustic barrier be installed along the southern boundary and around the film studio. Refer **Figure 3** below.
- c. A peer review<sup>135</sup> confirming that the amended proposal and updated conditions of consent would adequately manage and mitigate potential noise effects, with only minor updates needed to the ONMP.

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<sup>134</sup>Supplementary Noise Assessment Memo from Marshall Day, dated 20 January 2026

<sup>135</sup>Ayrburn Screen Hub– Peer Review of Noise Assessment, ONMP’s and Conditions, by Styles Group, dated 22 January 2026

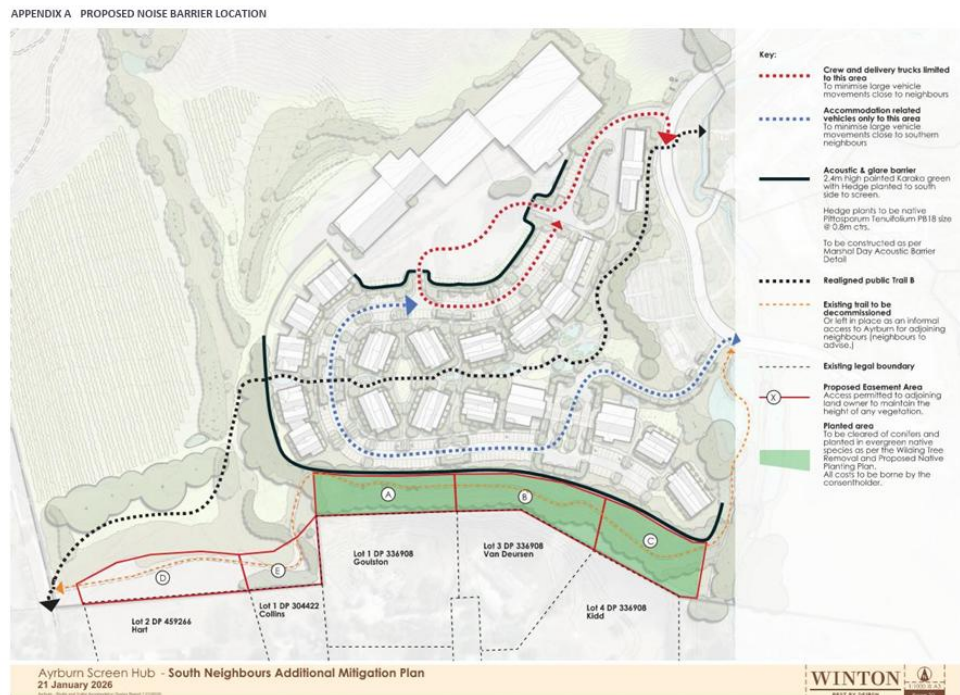


Figure 3: Proposed acoustic and glare barrier shown as a solid black line.  
*Source:* Marshall Day Supplementary Noise Assessment Memo, dated 20 January 2026

[407] QLDC also provided a response to Minute 6, that set out a summary of the number of noise complaints recorded regarding operations at the Ayrburn site between 21 December 2023 through to 26 January 2026. Recorded noise complaints were low in 2023–2024, increased in 2025 largely due to a small number of isolated nights and compliance queries (with only two Excessive Noise Directions issued across the period), and to date in 2026, two complaints had been received with no further action taken due to noise not deemed excessive at the time.<sup>136</sup>

[408] QLDC suggested that the Panel would benefit from receiving an independent peer review of the Marshall Day acoustic assessment to confirm

<sup>136</sup> QLDC Response to Further Information Requested by the Expert Panel Ayrburn Screen Hub under s67 Fast-track Approvals Act 2024, dated 27 January 2026

the scale of potential noise effects and advise on appropriate mitigation measures and conditions before deciding whether to grant consent.<sup>137</sup>

[409] In Minute 9<sup>138</sup> the Panel noted that it wished to address in its planned conference with the parties, whether there was scope to add the proposed acoustic and glare barrier to the application given the point the process had reached. At that conference, the applicant noted that its original application included provision for a fence. Following the conference, the Panel sought via Minute 10 further details as to how the application had described the proposed fence on the southern boundary of the site.<sup>139</sup>

[410] Ahead of the response to Minute 10, the applicant provided further amendments to the draft conditions on 30 January 2026, which included two additional conditions (Condition 40A and 40B limiting the hours of construction and restrictions on vehicles entering and existing the site).<sup>140</sup>

[411] On 3 February 2026, the applicant filed a legal response to Minute 10, which submitted that legal scope existed to add the acoustic barrier fence on the southern boundary at this stage, and that it did not raise any natural justice issues given that a fence was included in the original substantive application (as part of the masterplan and Design Report), and the location has remained the same throughout the process. Subsequent changes to the fence were limited to additional detail and specifications (including (reduced) height and materials) to respond to glare and noise concerns, rather than introducing a fundamentally new element.<sup>141</sup>

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<sup>137</sup> Appendix 1, QLDC response dated 27 January 2026

<sup>138</sup> Minute 9, dated 28 January 2026

<sup>139</sup> Minute 10, dated 30 January 2026

<sup>140</sup> Proposed Draft Consent Conditions, dated 30 January 2026, noting that those conditions were subsequently deleted, as discussed below.

<sup>141</sup> Memorandum Of Counsel for the Applicant in Response to Minutes 10 and 11 of the Expert Panel, dated 3 February 2026

- [412] On 4 February 2026 the applicant provided further design detail on the Backlot fence and Retaining fence<sup>142</sup>.
- [413] The Panel sought further clarification regarding acoustic fencing through Minute 12 and in particular whether proposed trail and vehicle crossings would compromise their acoustic performance.<sup>143</sup>
- [414] The Applicant's Legal Counsel responded to part of that question in Minute 12, advising that alignment of the trail had been revised in consultation with the Queenstown Trails Trust to run outside the acoustic barrier on the southern boundary and providing an updated phasing plan and revised conditions to address the timing and sequencing of planting removal and acoustic fence construction.<sup>144</sup>
- [415] To ensure that all invited parties concerns were adequately addressed, the Panel issued Minute 14<sup>145</sup>, seeking further clarification to ensure the robustness and effectiveness of the proposed noise mitigation package. While the Panel did not consider an additional independent peer review necessary (given one had already been provided), it sought that Mr Styles review the full suite of amended noise conditions and explicitly confirm whether they were fit for purpose. The Panel also requested clarification from Mr Styles on whether the specified 20mm timber palings for the acoustic barrier would achieve the required acoustic performance, and sought expert comment on whether gaps in the acoustic barrier around the film studio backlot to allow truck access would compromise its effectiveness.
- [416] Marshall Day's response to Minute 14 concluded that the vehicle-access gaps in the backlot acoustic barrier would cause a localised reduction in acoustic performance, creating a small "lobe" of noise extending through the

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<sup>142</sup> Attachment 6, Backlot Fence and Retaining, dated 4 February 2026

<sup>143</sup> Minute 12, dated 4 February 2026

<sup>144</sup> Memorandum of Counsel for the applicant in Response to Minutes 12 and 13 of the Expert Panel, dated 10 February 2026

<sup>145</sup> Minute 14, dated 13 February 2026

openings. However, it qualified this advice by stating that this effect is confined internally within the site and would have an inconsequential impact on neighbouring receivers.<sup>146</sup>

[417] Mr Styles' response to Minute 14 corroborated the conclusions of Marshall Day regarding the 'gaps' in the backlot barrier; namely that whilst they would allow some noise from the yard area to 'escape', the effects would be localised and have no appreciable effect on the noise level at neighbouring properties.<sup>147</sup>

[418] On the matter of the conditions, Mr Styles was satisfied that, with some minor changes to wording and structure to Conditions 40A, 40B and 41 (Condition 41 is now Condition 57), the full suite of noise conditions was appropriate and robust for managing the proposal's noise effects.

[419] The applicant responded to Mr Styles' review by agreeing to the minor changes in wording and recommending that the acoustic barrier specification be reinforced through inclusion of a cross-reference in Conditions 37J and 37K (now Conditions 52 and 53) to Condition 1.

[420] On the basis of the invited parties' Comments, along with QLDC's further requests for updated consent conditions, and in addition the updated proposal of the acoustic barrier fence and amended condition suite, the Panel's evaluation of all noise effects at the point it circulated its draft decision and conditions to the parties was that:

- a. Based on the independent review from Mr Styles, the Panel was satisfied that the mitigation measures, including the construction and placement of acoustic barriers, in conjunction with the proposed conditions address all potential noise effects. We were satisfied in particular that comments seeking greater certainty that actions will be taken to ensure a satisfactory

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<sup>146</sup> Memorandum from Marshall Day, dated 16 February 2026

<sup>147</sup> Letter from Styles Group, dated 19 February 2026

noise outcome had been appropriately addressed through additional condition requirements.

- b. The Panel was also satisfied that there are no scope issues or basis for concern based on the rules of natural justice arising from the introduction of acoustic fencing, due to the fact that the fences were proposed in the initial application.
- c. Consent compliance was not a matter for the Panel's consideration<sup>148</sup> and enforcement of consent condition requirements sits appropriately with QLDC.

[421] Overall, and taking into account the revisions to the proposal and the suite of noise conditions proposed (and independently reviewed), we found that in respect to:

#### Construction Noise Effects

- a. NZS 6808:1999 is a well-recognised and commonly applied standard and the Environment Court has observed that although such standards are not binding, and compliance with a relevant standard is not decisive; such standards are nevertheless commonly used and are generally accorded respect<sup>149</sup>.
- b. Compliance with construction noise and vibration standards set by New Zealand Standard NZS 6803:1999 is an appropriate control on construction effects arising from this proposal.
- c. Significantly, NZS 6803:1999 specifically recognises the effect of lengthy construction periods by imposing more stringent limits for project with long term construction timeframes and those particular limits would apply here.

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<sup>148</sup> We accept the point made in the applicant's response to Comments at paragraph 136, based on long-standing authority (*Barry v Auckland City Corporation* [1975] 2 NZLR 646 (CA) and *88 The Strand Ltd v Auckland City Council* [2002] NZRMA 475 (HC)) that we are entitled to assume that consent condition requirements will be complied with.

<sup>149</sup> *Body Corporate 164980 and Body Corporate 107678 v Auckland City Council* (1996) A87/96

- d. Conditions 39, 40A, 40B, 41, 42, 42A and 42B (now Conditions 55-58) appropriately reference NZS 6803 where required and we were therefore satisfied that the conditions would therefore appropriately control construction vehicle and machinery operation days and times to minimise potential construction noise effects raised by invited parties.

#### Operational Noise Effects

- e. From an operational noise perspective, the original condition set has been independently reviewed and has been bolstered by the following key new conditions:
- i. Condition 37 (now Condition 41) which includes a 75 dB  $L_{AFmax}$  limit which provides for a more stringent explicit peak noise limit than provided for under the PDP.
  - ii. Conditions 37E–G (now Conditions 47-49) which further manage noise effects from the accommodation and its associated facilities (including the lobby and gym) by controlling amplified sound and requiring doors and windows to be closed during specified hours.
- f. In overall terms, we were satisfied that the noise sources from visitor and staff vehicle movements, workshops, sound stages, backlot activities, accommodation activities and noise generated from general on-site functions would, with mitigation measures implemented through the ONMP, including the construction of an acoustic barrier, comply with the relevant District Plan noise limits for the surrounding rural and rural residential environments, and manage noise to an appropriate standard. The only changes we made to the conditions governing these matters at draft condition stage was to provide greater direction in relation to the Council certification process in Conditions 37C and 37D (now Conditions 45 and 46)– making explicit what would otherwise be implicit.

[422] More generally, and drawing on Marshall Day’s Response to Comments, we observe that whilst noise issues for both the construction and operational

phase of proposal were one of the two principal concerns raised by the parties invited to Comment ( the other being landscape and visual effects), the test of acceptability (for noise) is not audibility *per se* (i.e. whether generated noise can be heard or not in binary sense) but rather whether it is acceptable in relation to the relevant standards and rules. In this case, there is clear evidence from the two experts who have presented on this topic - Marshal Day and Styles Group - that for construction noise, NZS 6808 will apply and can be complied with and that – for enduring operational noise - the standards in the QLDC District Plan can be adhered to.

[423] The Panel issued Minute 18<sup>150</sup>, seeking QLDC's final review of the applicant's revised conditions.<sup>151</sup> QLDC concurred with the amended Conditions 37J and 37K (now Conditions 52 and 53) but noted that the removal of Conditions 40A and 40B would eliminate restrictions on construction timing and related effects. QLDC therefore recommended amending Condition 41 (now Condition 57) to include an explicit exclusion of noisy construction activities on public holidays as follows shown in bold underline:

In addition to the requirements of condition 39, earthmoving plant, trucks, craneage, rock excavation equipment and any other noise plant, machinery or construction processes used or undertaken during the construction of the project may only be operated between 0730 and 1800 hours from Monday to Friday, and between 0830 and 1300 on Saturday **(both excluding public holidays)**. Only construction work that is inaudible at any occupied building on another site (such as planting, painting, electrical fitout or interior work) may be conducted outside of these hours.<sup>152</sup>

[424] Those conclusions and the independent verification by Style Group that the conditions enforcing the NZS 6803 and the District Plan provisions are fit for purpose, were an important factor in the Panel reaching a final (draft) view on noise issues.

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<sup>150</sup> Minute 18, dated 3 March 2026

<sup>151</sup> Revision 6 of the proposed consent conditions dated 3 March 2026

<sup>152</sup> Response to Minute 18, prepared by Marcus Langman, Paragraph 15, dated 6 March 2026

[425] Following the circulation of the Panel’s draft decision and conditions, we received a number of suggested condition amendments from the Speargrass Flat neighbours and counsel for Mr Kidd. The applicant suggested several changes to its conditions to respond to those comments.

[426] The Speargrass Flat neighbours sought inclusion of a new Condition 36D specifying hours of operation for the studio facilities. Their covering commentary noted that in its AEE, the applicant had stated:

The Screen Hub’s production activities will generally operate as follows:

- Normal hours for preparation and shooting will be 0800 – 1845 Monday to Friday;
- Work outside these hours or on weekends will only occur occasionally;
- The majority of filming will take place during daytime hours;
- Night-time or twilight shoots may occasionally be needed, but these are typically done on external locations rather than at the Screen Hub; and
- If night-time sequences must be filmed on-site, they will be shot inside the sound stage, where the controlled environment prevents noise effects.

[427] The applicant’s position was that the suggested conditions were not necessary because other conditions manage the effects of operations outside normal hours.

[428] As the Speargrass Flat neighbours note, the scope of a resource consent is determined by the terms of the application for consent. However, the text set out above is not framed in absolute terms - the words “generally” and “occasionally” provide ‘wiggle room’ when determining scope.

[429] We accept that at a certain point, an excessive number of occasions when the studio is operating beyond normal hours would be outside the scope of the application, and we could envisage scenarios where that would definitely be the case. However, it is not at all easy to identify what that point is in advance; when something is occurring sufficiently often that it ceases to be ‘occasional’ or ‘generally’.

[430] The Speargrass Flat neighbours accepted that reasonable exceptions should be provided for, but left it to us to define what they might be.

[431] Again, that presents us with a problem, coming up with a description of reasonable exceptions that would be sufficiently certain to be enforceable. Having given the matter considerable thought, we have decided that the better approach is to record the intention of the consents (as set out in the passage quoted above) in an Advice Note. While not directly enforceable, that will at least address the problem the Speargrass Flat neighbours identify of the scope of the application being lost in the EPA archive, and might serve as a springboard for a section 128 consent condition review. We have added an Advice Note to what is now Condition 41 in the following terms:

The consent holder's ability to comply with the noise standards in this condition will be assisted by it operating in accordance with its consent application which indicated an intention to operate generally as follows:

- Normal hours for preparation and shooting will be 0800 – 1845 Monday to Friday;
- Work outside these hours or on weekends will only occur occasionally;
- The majority of filming will take place during daytime hours;
- Night-time or twilight shoots may occasionally be needed, but these are typically done on external locations rather than at the Screen Hub; and
- If night-time sequences must be filmed on-site, they will be shot inside the sound stage, where the controlled environment prevents noise effects.

[432] The Speargrass Flat neighbours sought the addition of a new condition requiring that activities on site be undertaken in accordance with the relevant ONMP. The applicant did not make that change, but did not explain the rationale for its position. We agree that the consent holder should be required to act in accordance with its certified ONMPs, but regard this as a matter not limited to noise. The conditions should require that the consent holder act in accordance with all of its approved/ certified (as applicable) management plans. We have therefore checked whether this is the case for each management plan and inserted conditions to require that where the draft conditions did not do so.

- [433] The Speargrass Flat neighbours sought amendment of Condition 37 (now Condition 41) to insert additional low frequency noise standards. The relief sought may be reasonable, but as the applicant has pointed out, we have no expert evidence to support it. We cannot impose additional noise controls when we have no evidence as to the effect of those controls.
- [434] The Speargrass Flat neighbours sought that Condition 37C (now Condition 44) be amended to:
- a. lengthen the period prior to commencement of studio operations by which the required ONMP must be provided;
  - b. delete reference to monitoring occurring “at appropriate times” implying that monitoring would be continuous;
  - c. delete reference to monitoring responding to complaints and/or QLDC requests; and
  - d. add a new sub-condition requiring notification of specified events to adjoining neighbours.
- [435] Counsel for Mr Kidd sought a similar additional sub-condition requiring notification of adjoining owners and occupiers for planned outdoor filming between 8pm and 8am, outdoor use of pyrotechnics and/or wind or rain machine.
- [436] The applicant agreed with the desirability of the additional sub-condition, and suggested a definition of ‘Adjoining Neighbour’ to be clear as to who this includes - in this and other conditions using that term. It did not make the other amendments requested.
- [437] This definition overlaps with a comment from the Speargrass Flat neighbours picking up on a reference in the draft conditions to a plan of adjoining neighbours that they had not seen. They said it should include parties who had been invited to comment. We note that the failure to

provide interested parties with a copy of that plan was our error. The chair omitted to ask the EPA to upload it on the Fast-track website.

- [438] Addressing the substance of the matter, we consider the applicant is correct, and in the context in which the term is used (notification to neighbours of relevant information), the focus should be on ‘adjoining’ rather than ‘adjacent’ landowners, since the former are most directly affected. Those who receive such information can always share it with their neighbours if they wish.
- [439] That said, we did not find the applicant’s suggested definition entirely satisfactory. It is based on adjoining neighbours ‘opting in’: i.e. advising that they wish to receive relevant material. In this case, given the level of interest exhibited through this process, we consider that should be amended to an ‘opt out’ model: i.e. adjoining neighbours receive material unless they advise that they do not wish to receive it.
- [440] Addressing the substance of the additional sub-condition, we consider it a desirable amendment.
- [441] Turning to the other requested amendments, we tend to agree with the Speargrass Flat neighbours that a 10 day timeframe before the studio is operational appears overly truncated, particularly given that the facilities will be under construction for several years. The Speargrass Flat neighbours suggested 30 days. There is no magic in any particular timeframe, but we consider that such conditions should specify timeframes in working days and that unless there is reason to have different time limits, they should all be the same. We have amended this and other conditions to impose a 20 working day time limit.
- [442] As regards the deletion of reference to ‘appropriate times’ for monitoring, we agree that this is problematic because it does not identify whose opinion as to what is appropriate is relevant. We do not agree that it should be

deleted entirely. That would have the effect that monitoring should be 24/7, which is impractical. We have therefore amended the condition to state that the SQEP preparing the Plan should determine what times are appropriate.

[443] Lastly, we do not agree with the suggestion that reference to noise complaints or QLDC requests should be deleted. We consider that monitoring whenever noise levels are approaching the specified limits is too onerous an obligation. They might sit permanently just under the limit.

[444] The Speargrass Flat neighbours sought amendments to the parallel condition governing the accommodation units (was Condition 37D, now Condition 45) to:

- a. enlarge the timeframe prior to the accommodation being operational;  
and
- b. specify the contents of the relevant management plan.

[445] The applicant agreed with the latter suggestion, but not the former. We think the failure to specify the contents of the management plan was a gap, and we agree with the applicant's approach of using the contents of the management plan governing studio activities as a model.

[446] We agree that the time period specified should be longer and have substituted 20 working days for the reasons set out above.

[447] The Speargrass Flat neighbours requested an additional condition providing for a communication loop with neighbours regarding the contents of the two ONMPs. The applicant agreed in substance with the suggestion, inserting reference to 'adjoining neighbours' as defined. We regard the suggested provision for consultation with the most directly affected neighbours as a positive change and adopt the applicant's suggested wording.

- [448] The Speargrass Flat neighbours suggested that Condition 37E (now Condition 47) be amended to insert a maximum noise level at one metre from outdoor speakers. We were told that this was to ensure consistency with the consents governing use of outdoor speakers in the hospitality precinct. We did not have evidence before us explaining the basis for this standard, and why it was required in addition to the maximum noise limit in Condition 37 (now Condition 41). We decline to impose it solely on the grounds of consistency between different consents.
- [449] The Speargrass Flat neighbours sought expansion of Conditions 37F and 37G (now Conditions 48 and 49) to include the accommodation units. The applicant opposed these changes on the basis that they are not practical and other conditions manage the adverse effects of concern. We agree that imposing obligations of this sort on the consent holder are problematic because the latter's ability to control what users of its accommodation units do is limited and find the suggested condition changes excessively onerous as a result.
- [450] The Speargrass Flat neighbours sought that Condition 40 (now Condition 56) be amended to provide greater notice to neighbours, a more generalised mode of communication, more information about the work programme and an opportunity for feedback. We consider that feedback is best handled through the NLG and that the extent and manner of notice is adequate. We consider, however, that a single notice is insufficient and that adjoining neighbours should be advised at various stages of the construction process.
- [451] The Speargrass Flat neighbours sought that Condition 42A (now Condition 60) be amended in two places, the first to refer to points "in time", and the second to add reference to "the boundary" of adjoining occupied receivers. The applicant accepted both suggestions. We think the changes are helpful but we consider the second would be clearer if it referred to the "property boundary". We have made that additional change.

- [452] The Speargrass Flat neighbours sought that Condition 42C (now Condition 62) be reframed to require that noise monitoring automatically be provided to adjoining neighbours and to a neighbourhood liaison group they had separately sought be established. Their commentary identified the difficulty that neighbours might not know to ask for information. Counsel for Mr Kidd sought similar relief.
- [453] The applicant's sole suggested amendment in response was to use 'Adjoining Neighbours' as the reference point.
- [454] In relation to the request for a neighbourhood liaison group, the applicant did not favour this option, suggesting that given the relatively small catchment of directly affected neighbours, direct information flows were preferable.
- [455] For their part, the Speargrass Flat neighbours made it clear that they were not seeking a 'full-blown' community liaison group of the kind commonly utilised in large infrastructure projects, but rather something that was proportionate to the issues they had raised.
- [456] We considered that there was potential merit in the Speargrass Flat neighbours' suggestion and so we asked the applicant to draft a condition providing for such a group without prejudice to its view that it was not required. The applicant did so and this has been helpful in crystallising our view that such a group would be helpful as a conduit to affected neighbours. In the context of Condition 42C/62, inserting reference to the group as an automatic recipient, while retaining the ability for individual neighbours to request information, would be helpful.
- [457] More generally, we consider that a neighbourhood liaison group might play a valuable role observing and reporting to its members regarding the trends in information provided by the applicant, particularly during the construction period, rather than just the day-to-day minutiae. On this basis,

we have largely adopted the applicant's without prejudice draft condition (as new Condition 108), and inserted a cross reference to it in this condition.

[458] The Speargrass Flat neighbours sought substantive amendments to Condition 42D (now Condition 63), so that non-compliant activities could not continue while mitigation measures were being developed and to tie recommencement to further monitoring. The applicant substantially accepted their point and, in our view, its revised condition substantially deals with the issue, although we have amended the language to align it with Condition 42F (now Condition 65).

[459] The wording of Condition 42E (now Condition 64) was the subject of considerable contention. Both the Speargrass Flat neighbours and counsel for Mr Kidd took issue with consent holder monitoring depending on whether a complaint is 'reasonable'. The applicant's position was that reasonableness is a common legal and planning term, and appropriate for use in a context such as noise, which is inherently subjective. It also suggested that the existing condition would enable oversight by QLDC.

[460] It seems to us that both positions have merit. Professional noise monitoring is not without cost, and unreasonable complaints ought not to generate an immediate requirement for such monitoring. The revisions suggested by the Speargrass Flat neighbours and counsel for Mr Kidd would enable that scenario to occur. On the other hand, the consent holder should not be in the position of determining whether a complaint about its activities is reasonable<sup>153</sup>. While, as the applicant observes, QLDC has oversight of the operation of the condition, precisely because noise issues are subjective, such oversight is unlikely to be effective in practice.

[461] In our view, what is required is a process by which the reasonableness of a complaint is determined independently. QLDC is the obvious candidate to

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<sup>153</sup> *Nemo iudex in causa sua* (no one is the judge in his own case)

make such a determination and we have redrafted the condition to that effect.

[462] The Speargrass Flat neighbours suggested that monitoring should commence ‘immediately’. We do not think that is practicable given that it requires mobilisation of an external expert. Like the applicant, however, we accept counsel for Mr Kidd’s suggestion that the requirement to capture other noise sources should be subject to a practicability qualification.

[463] Condition 42F (now Condition 65) raises the same issues that we have discussed above in relation to Condition 42D (Condition 63). We accept the applicant’s proposed revision to align the two conditions.

[464] Both the Speargrass Flat neighbours and counsel for Mr Kidd raised issues about Condition 42G (now Condition 66), seeking a tighter timeframe for providing monitoring results and wider dissemination. The applicant accepted the first point, substituting 5 working days, and accepted the second, broadening the condition to include the complainant as a recipient. We agree with those changes, but we also consider that the neighbourhood liaison group should be provided with monitoring information so it can track the progress of construction from a noise perspective.

[465] The Speargrass Flat neighbours sought a new Condition 70B requiring periodic reports to QLDC on the results of operational monitoring, changes to procedures and feedback from neighbours directly and via the neighbourhood liaison group. We do not consider this a necessary addition. The conditions already require what is, in our view, an appropriate level of reporting to QLDC, and the Council has indicated agreement with what is proposed.

[466] Lastly, in terms of specific changes, the Speargrass Flat neighbours suggested a new section 128 review condition specifically addressing noise issues. The applicant accepted that request in part and combined changes responding to

it with a section 128 review condition related to accommodation units. We address the point in that context below.

[467] Following our review of comments on our draft conditions, the Panel has reflected on the more general issues of certainty and enforceability raised by the Speargrass Flat neighbours and counsel for Mr Kidd. We are satisfied that our initial conclusions on noise issues remain valid against the background of the amendments we have made.

[468] On the above basis, the Panel concludes that adverse noise affects associated with the construction and operation of the proposed facility would not be significant and would be appropriately managed.

### **Lighting and Glare**

[469] The AEE addressed potential lighting and glare effects, stating that, “Lighting will be in accordance with QLDC’s Southern Light standards, ensuring no adverse nighttime effects on landscape character or visual amenity.”<sup>154</sup>.

[470] However, one opposing Commenting party<sup>155</sup> raised concerns of loss of amenity through lighting/sky glow effects.<sup>156</sup>

[471] In particular, the Comment sought inclusion of an additional condition “no night filming and no exterior lighting after 6:00pm (except emergency lighting)”<sup>157</sup>.

[472] Mr Kidd’s legal counsel reiterated this request, and sought further that proposed lighting be fully shielded, downward lighting with no spill onto

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<sup>154</sup> AEE dated 22 August 2025 at Section 5.1.9, page 3

<sup>155</sup> David Kidd

<sup>156</sup> Legal Submission for David John Kidd prepared by Jayne Macdonald, dated 17 December 2025, Para 7.2(a), page 28

<sup>157</sup> Comments of David John Kidd in Response to Application for Approval of Ayrburn Screen Hub, undated

neighbouring properties, no floodlights, and independent boundary monitoring with real-time reporting, post-construction certification, and quarterly compliance checks.<sup>158</sup>

[473] We note that the evidence of Mr Kidd’s planning expert agreed with the applicant’s assessment of PDP objectives and policies relating to night sky effects (Objective 4.2.2.10 and Policy 24.2.1.16), explicitly stating that “the ASH project is consistent with this policy”.<sup>159</sup>

[474] QLDC’s assessment of the proposal noted that uplighting was proposed in a way that would ‘minimise’ light spill. However, given the PDP lighting rules applying to the site (Rule 24.5.17 – Glare) require ‘no upward light spill’ and that the application had not applied for consent under this rule, the matter of uplighting could either be avoided, by way of condition, or would need to be applied for as part of a future consent.<sup>160</sup>

[475] In relation to this, QLDC provided a condition of consent (Condition 61x) that sought “There shall be no external up-lighting, including, but not limited to, [lighting of] any feature, tree or building”<sup>161</sup>. The applicant subsequently adopted this condition in their 23 January 2026 version of proposed conditions and it is now Condition 80.

[476] The Panel is satisfied that the imposition of the condition sought by QLDC and accepted by the applicant, provides certainty that consent is neither sought nor required for any breach of lighting/glare provisions. On that basis, and taking account of the applicant and Commenter’s conclusion that the proposal is consistent with the relevant PDP objectives and policies in relation to managing the effects of lighting, particularly on the night sky, the

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<sup>158</sup> Legal Submission for David John Kidd prepared by Jayne Macdonald, dated 17 December 2025, Para 7.2(a), page 28

<sup>159</sup> Brief of Evidence of Carey Vivian in Support of the Comments of Jan Andersson, David Kidd and James & Rebecca Hadley, dated 17 December 2025, Page 41

<sup>160</sup> QLDC Planning review of substantive application, prepared by Marcus Langman, dated 12 December 2025, Para 38

<sup>161</sup> Proposed Draft Consent Conditions (QLDC – Land Use), Version 2, dated 18 November 2025

Panel agrees with the initial assessment of the AEE that there would be “no adverse nighttime effects on landscape character or visual amenity.”<sup>162</sup>

[477] Furthermore, the Panel consider Conditions 60 and 61 (now Conditions 78 and 79) that require a certified Light Management Plan, provide added confidence that the concerns of Mr Kidd, particularly in relation to the compliance of with the QLDC provisions, would be appropriately addressed. We note that we have added clarification as to what exactly QLDC would be certifying.

[478] Counsel for Mr Kidd sought additional changes to Conditions 60 and 61 in the draft conditions circulated to the parties (now Conditions 78 and 79) to provide greater specification as to the standards to be met and pre-occupation inspection. In particular counsel for Mr Kidd sought that Condition 60/78 be altered such that “all external luminaires shall be full [sic] cut-off / fully shielded and installed, aimed and maintained so as to prevent upward light spill and light spill onto adjoining properties” and that Condition 61/79 add specific reference to verification of conditions at the notional boundary. The applicant did not consider these changes were required, on the basis that they are already provided for in QLDC’s standards and the Lighting Management Plan respectively.

[479] In assessing this, we note firstly that the control of external luminaires and verification of compliance are matters that the LMP will need to address and that has been the subject of the draft LMP prepared by Xyst and the existing conditions respectively, and secondly that Condition 61/79 prohibits any external up-lighting, which will assist in prevent upward light spill and light spill onto adjoining properties.

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<sup>162</sup> AEE dated 22 August 2025, at section 5.1.9, page 3,

- [480] We can therefore be confident the certification of the LMP will appropriately deal with these matters without any further alteration of this condition.
- [481] We note that the applicant accepted counsel's other requested change to Condition 61/79 addressing the position if non-compliance is identified. We agree with that change.

### **Geotechnical Effects**

- [482] The potential effects associated with geotechnical issues relating to the Screen Hub site were considered in the AEE under the heading 'Geotechnical and Site Stability'<sup>163</sup>. The AEE states that the suite of recommended mitigation measures adopted through consent conditions are incorporated into the proposed design and would be implemented through the detailed engineering and construction phases. The AEE therefore considered that any adverse geotechnical and land stability effects would be avoided or appropriately mitigated.
- [483] Detailed assessment of geotechnical matters was addressed in a report authored by GeoSolve Ltd, entitled 'Geotechnical Report for Resource Consent'<sup>164</sup>, which was contained in Appendix 25 of the AEE. The Geosolve assessment included a detailed investigation of geotechnical issues on the site, subsurface conditions, liquefaction risk, engineering implications and an assessment of neighbouring structures/hazards.
- [484] Geosolve concluded that the development is feasible from a geotechnical perspective provided the recommendations of its report are followed. Key findings of the Geosolve report were that the risk of liquefaction on the site is low, and cut slopes higher than 3m or steeper than 3:1 (horizontal to vertical) should be subject to specific engineering design or structurally

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<sup>163</sup> AEE dated 22 August 2025 at section 9.2

<sup>164</sup> Geotechnical Report for Resource Consent, prepared by Geosolve, dated June 2025

retained or, alternatively could be assessed for stabilisation using a soil nail system solution.

- [485] The Geosolve report identified the anticipated need for retaining to be required at the proposed cut along the northern extent of the proposed development.
- [486] Section 7.6 of the Geosolve report stated that engineered fill slopes less than 3m in height should be constructed with a batter of 3:1 (horizontal to vertical). Fill slopes that are higher or steeper than this should be subject to specific engineering design. It also noted that retaining systems involving a geogrid reinforced slope could allow construction of fill batters at steeper slopes.
- [487] The Panel issued a request in Minute 2<sup>165</sup> for confirmation from the project engineers of the maximum gradient of the proposed constructed 'spur' on the northwest side of the development and any associated issues relating to retaining structures on this slope. The Panel wanted to be clear regarding the effect, if any, that retaining structures might have on the steeper earthworks and if any retaining structures might have an influence on proposed landscape planting within those structures.
- [488] The applicant responded to Minute 2 on 18 November 2025<sup>166</sup>. The response included Schedule B which contains a letter from Geosolve to WPD, dated 14 November 2025, in which Geosolve confirmed that the engineered fill is expected to have a batter of 2:1 (horizontal to vertical) and that geogrid reinforcing within the fill would not be visible to the final slope face. Geosolve stated that the geogrid should not restrict the proposed planting of mixed native shrubs and tree plantings.

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<sup>165</sup> Minute 2, dated 11 November 2025 at [3(c)]

<sup>166</sup> Applicant's response to Minute 2 of Expert panel (18-11-25) at [7]

- [489] QLDC noted in its Comment on the application<sup>167</sup> that its landscape expert (Ms Gilbert) had concerns regarding the feasibility of proposed mitigation planting upon the engineered spur landform due to the likely requirement for geogrid reinforcement, which may potentially limit the ability for large tree species to successfully establish. Similar concerns were expressed regarding the large cut batter on the northwestern side of the site.
- [490] The applicant noted in its Response to Comments<sup>168</sup> that Geosolve had restated in a letter dated 19 December 2025 its opinion that the proposed geogrid reinforcement design will comprise of horizontally laid geogrids without a surficial wrap or hard facing product and that the surface will be able to be planted through as required. Geosolve also confirmed construction would enable beech trees to be planted on the engineered slope. Geosolve explained in its response that the soil nail reinforced area in the northwestern cut zone was considered to be of sufficiently low enough angle to have mesh matting installed rather than shotcrete. It considered the mesh matting could be cut if the incision is reinforced around the outside of the cut area.
- [491] A separate commentary from The Plant Store, provided as part of the applicant's Response to Comments, supported the conclusion that the proposed planting plan was feasible. QLDC subsequently advised that having considered this additional material, Ms Gilbert was no longer concerned about the issue<sup>169</sup>
- [492] The applicant provided an updated suite of conditions<sup>170</sup> that included agreed conditions [11] and [14] relating to geotechnical matters.

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<sup>167</sup> QLDC Comment dated 17 December 2025, section 5.2

<sup>168</sup> Applicant's Response to Comments, Legal Memorandum dated 23 January 2026 at [3h]

<sup>169</sup> Email from Counsel for QLDC to the EPA dated 4 February 2026.

<sup>170</sup> Dated 4 February 2026

- [493] The Panel is satisfied that the proposed steeper cut and fill batters requiring retaining solutions can be constructed with appropriate retaining solutions that do not restrict or prevent the Landscape Planting Plan to be implemented.
- [494] The Panel therefore considers that geotechnical matters can be managed via the agreed consent conditions in a manner that avoids adverse geotechnical effects.

### **Stormwater**

- [495] The potential effects associated with management of stormwater relating to the Screen Hub proposal were considered in the AEE under the heading ‘Stormwater Management’<sup>171</sup>. The AEE stated that the stormwater management proposals responded to the requirements of the QLDC Land Development and Subdivision Code of Practice and are designed to contribute to measurable improvements in the water quality of the Lake Hayes catchment, consistent with Policy 24.2.4.2 of the PDP.
- [496] Detailed assessment of stormwater management was addressed in a document authored by CKL Ltd, entitled ‘Stormwater Management Plan’ (**SMP**)<sup>172</sup> which was contained in Appendix 13 of the AEE. This SMP presented details on the strategy and objectives of the proposed SMP, the Best Practicable Option (**BPO**) for stormwater management on the Site, the components of the solution proposed for stormwater management on the Site, details of a proposed additional sediment retention basin on Mill Creek to reduce sediment load in Mill Creek, and how the Plan would provide the required protection from flooding.
- [497] Appendix 3 of the SMP contains a Flood Model Report that sets out CKL’s assessment of flooding impacts on the Site and the surrounding catchment.

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<sup>171</sup> AEE dated 22 August 2025 at section 9.6.4

<sup>172</sup> Stormwater Management Plan, CKL Ltd, dated 30 January 2025

The assessment used an expanded flood model based on the previous Northbrook Waterfall Park Flood Model.

- [498] The Flood Model Report concluded that the Screen Hub is largely unaffected by overland flow from Mill Creek due to its elevation. It also concluded that any post development increases in peak flows from the Screen Hub catchment would be minor and will not result in significant downstream impacts within Mill Creek.
- [499] The SMP set out details of the proposed on-site stormwater elements that are designed to manage stormwater flows, provide attenuation of peak flows and remove contaminants to the extent that is reasonably feasible. The SMP outlined the proposed swales, rain gardens, pod wetlands, proprietary devices and tertiary infiltration ponds proposed to achieve the objectives and outcomes of the proposed SMP.
- [500] Policy 24.2.4.2 of the PDP seeks to restrict subdivision, development and land-use within the Lake Hayes catchment unless it can contribute to water quality improvements in the catchment.
- [501] The applicant has responded to Policy 24.2.4.2 in the form of enhanced sediment removal from the Lake Hayes catchment through the construction and operation of additional sediment ponds to that required for the Screen Hub sub-catchment alone.
- [502] Section 8 of the SMP described the presence of two existing sediment retention ponds within Mill Creek that have been constructed to reduce sediment load to Lake Hayes. The SMP also described a proposed third in-line sediment retention pond on Mill Creek and two in-line ponds in the upstream tributary as part of the Screen Hub development. The applicant's consultant concluded that the proposed pond may fill up with sediment roughly every year and remove 900m<sup>3</sup> of sediment annually. The two in-line

ponds on the upstream tributary would add to the volume of sediment removed from the catchment annually.

[503] The expected sediment removal from the Lake Hayes catchment is considered by the Panel to be significant and the regional benefits associated with this removal are discussed in paragraphs [240] – [248] of this Decision.

[504] A peer review of the proposed stormwater management for the Screen Hub was presented in Appendix 14 of the AEE<sup>173</sup>. This peer review considered flooding effects and stormwater quality. The peer review authors agreed with the conclusions of the Flood Report and the flood hazard assessment. They also agreed that the treatment train approach to be used was appropriate and that the contaminant load model was appropriate. They concluded that it is likely that contaminant loads would reduce, providing that the proposed facilities perform as expected and are maintained appropriately over time.

[505] QLDC stated in its Comment on the application<sup>174</sup> that “The proposed stormwater approach appears to be a continuation of the existing Ayrburn precinct stormwater system, which is considered to be an exemplar for managing and treating stormwater to Lake Hayes, which Council supports”. Council concluded that the stormwater system appears feasible and capable of meeting the QLDC Land Development and Subdivision Code of Practice 2025 requirements.

[506] The applicant provided an updated suite of conditions<sup>175</sup> that included Conditions 15(d) and 35 (now Condition 33) dealing with stormwater matters. These conditions were agreed with QLDC.

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<sup>173</sup> AEE – Appendix 14 Stormwater and Flood Risk Peer Review, prepared by Storm Environmental, dated 23 July 2025

<sup>174</sup> QLDC Comment dated 17 December 2025, section 6.4

<sup>175</sup> Dated 4 February 2026

[507] The Panel considers that the proposed stormwater management solutions, in conjunction with the agreed conditions of consent, are notable, reflect best practice and are likely to provide a positive benefit for sediment management to Lake Hayes. The Panel is therefore comfortable that the proposed stormwater management for the development would not create flood risk to the downstream catchment or risk of increased sediment and contaminant loads to Mill Creek or Lake Hayes.

### **Earthworks and Sediment Control**

[508] The earthworks proposed for the development of the screen hub were considered in the AEE under the heading ‘Bulk Earthworks’<sup>176</sup>. The AEE stated that the proposed earthworks involve excavation of approximately 80,400m<sup>3</sup> and placement and compaction of approximately 74,400m<sup>3</sup> of material. The area affected by earthworks is approximately 91,000m<sup>2</sup>. The maximum cut depth is approximately 9.5m and the maximum fill depth is approximately 12.5m.

[509] A notable component of the earthworks is the proposed creation of an extension of a spur on the north-western side of the site, shown on the application drawings<sup>177</sup>. The potential impacts of the proposed spur extension on landscape and natural character are discussed in the subsection of this Part of our decision addressing those issues.

[510] As described in paragraph [480], the detailed assessment of geotechnical matters was addressed in a report authored by Geosolve Ltd, entitled ‘Geotechnical Report for Resource Consent’<sup>178</sup>, which was contained in Appendix 25 to the AEE. Earthworks stability matters are discussed in paragraphs [481] – [484].

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<sup>176</sup> AEE, at section 5.1.10

<sup>177</sup> AEE - Appendix 20 Engineering Assessment – PPG [page 5 sheet 210 Rev B]

<sup>178</sup> Geotechnical Report for Resource Consent, prepared by Geosolve, dated June 2025

- [511] The proposed methodology and processes for managing erosion and sediment control associated with earthworks activities were outlined in the Environmental Management Plan (**EMP**)<sup>179</sup>, prepared by Enviroscope, which was contained in Appendix 21 of the AEE. The EMP included detailed drawings and calculation of the erosion and sediment control devices proposed to be used.
- [512] The Performance Criteria for the proposed erosion and sediment control measures described in the EMP<sup>180</sup> were stated as being in accordance with industry best practice and being consistent with the Auckland Region Guidelines, QLDC Guidelines and ORC Guidelines for erosion and sediment control, environmental management plans and residential earthworks activities.
- [513] There were no issues of substance relating to earthworks raised in Comments received, other than planting on retained/reinforced earthworks slopes, which has been covered in paragraphs [485] – [491].
- [514] The applicant provided an updated suite of conditions<sup>181</sup> including Conditions 6 – 14, 16 and 18 that relate to earthworks and the associated EMP. These conditions were agreed between the applicant, QLDC, and ORC.
- [515] The Panel considers that the extent of earthworks is large relative to the site area. However, the Panel also accepts that the proposed extent of earthworks results largely from the combination of the scale of the building footprint relative to the area of the site, the applicant's desire to set the taller buildings back close to the toe of the hill and the applicant's desire to achieve some degree of visual screening of the buildings with the extended spur fill

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<sup>179</sup> Environmental Management Plan, prepared by Enviroscope, dated May 2025 at section 4

<sup>180</sup> Environmental Management Plan, prepared by Enviroscope, dated May 2025 at section 4.1

<sup>181</sup> Dated 3 March 2026

structure. The Panel accepts that the scale of the earthworks is necessary to achieve the proposed design outcomes.

- [516] The Panel accepts that potential adverse effects from earthworks arise through outcomes such as construction noise, erosion and sediment discharge to water courses, dust discharges and potential land instability. These issues have been assessed, and the Panel is satisfied that matters can be managed via the agreed consent conditions, and more specifically, the implementation of the EMP and associated Erosion and Sediment Control Plan in a manner that avoids adverse effects from earthworks other than the permanent effect on landscape character discussed separately.

### **Potable Water Supply**

- [517] The potential effects associated with potable water supply from the Screen Hub were considered in the AEE under the heading ‘Water Supply’<sup>182</sup>. The AEE presented the view that the projected peak demand of 12.8l/s remains within the existing modelled allocation of 45l/s and therefore, based on the assessments undertaken by CKL, the proposed Screen Hub development can be fully serviced by the existing water supply infrastructure.
- [518] Detailed assessment of potable water supply issues was addressed in a report authored by CKL Ltd, entitled ‘Water and Wastewater Assessment’<sup>183</sup>, which was contained in Appendix 16 to the AEE. CKL estimated the expected potable water demand using the QLDC’s Code of Practice for Residential Development and the NZ Standard 4404 ‘Land Development and Subdivision Infrastructure’ along with other recognised industry references and SNZ PAS 4509 for fire water supply.
- [519] CKL proposed that the development be serviced by an extension of the existing water supply network serving the Ayrburn Domain and Waterfall

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<sup>182</sup> AEE, at section 9.6.2

<sup>183</sup> Water and Wastewater Assessment, prepared by CKL, dated 30 June 2025

Park, which is serviced off a 315mm diameter water main connected to the Lake Hayes-Arrowtown bulk water main. CKL's assessment was based on previous model estimates of boundary pressures derived from water network modelling carried out by Mott MacDonald Ltd in 2018.

[520] CKL concluded that, based on its modelling and pressure testing undertaken (and inherently relying on the previous Mott MacDonald modelling output), the proposed development could be reliably serviced by the existing network, with significant pressure headroom remaining.

[521] QLDC stated in its Comment on the application<sup>184</sup>, "Council has concerns regarding the Applicant's approach to servicing for the proposal as outlined in a technical memo prepared by Council's property and Infrastructure Engineer Mr. Richard Powell"<sup>185</sup>. QLDC stated further that while the Ayrburn Precinct is located within the Council's scheme boundaries, the proposed Screen Hub is not. The Council also considered the water modelling undertaken in 2018 that the applicant had relied upon to be outdated. QLDC considered there was insufficient capacity to service the development without appropriate upgrades to the wider supply network. QLDC had initiated further modelling, but the results of that work would not be available earlier than March 2026.

[522] The applicant's Response to Comments relating to water supply matters, was set out in the applicants Legal Memorandum<sup>186</sup>. This document noted that the additional modelling being carried out by QLDC was not primarily focussed on assessing water supply matters relating to the Screen Hub proposal, but was to address water supply requirements for a wider area over the next 30 years as part of QLDC's renewal of their water supply bore resource consent from ORC.

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<sup>184</sup> QLDC Comment dated 17 December 2025 at section 6.2

<sup>185</sup> Technical Memo dated 17 December 2025

<sup>186</sup> Applicant's Response to Comments, Legal Memorandum dated 23 January 2026 at [57]

- [523] The applicant's Response to Comments noted further that although the outcome from the modelling exercise and QLDC's associated assessment of upgrade requirements to the water supply network were still unknown, the applicant had the comfort of knowing the QLDC water supply must be reconsented within a short time frame and further discussions between the applicant and QLDC had resulted in an agreed set of conditions that could deal with this uncertainty.
- [524] The applicant provided an updated suite of conditions<sup>187</sup> that incorporated changes sought by QLDC, in particular, Condition 36AA (now Condition 36) that deals with responsibility for costs associated with water network upgrading required to service the Screen Hub and precludes any substantive above-ground construction work until a suitable potable water supply has been secured.
- [525] The Panel is satisfied that the proposed conditions dealing with potable water supply are appropriate and workable for the parties. The Panel accepts QLDC's view that anticipated future upgrading of the water supply network, as provided for by the conditions of consent, ensures the Screen Hub can be serviced with sufficient flow, pressure and firefighting capacity without triggering adverse effects on flow, capacity or pressure in other parts of the network.
- [526] We note that in their comments on the draft conditions circulated to the parties, the Speargrass Flat neighbours suggested an amendment to Condition 36A (now Condition 35) posing a specific requirement in relation to flow rates of water supplied to properties on Speargrass Flat Road, while deferring to us as to whether such an assurance is necessary. The applicant's view was that it would be impossible to determine the cause of altered flow rates. We tend to agree. QLDC's plan is to expand water supply capacity to meet water demand in the area generally, not just on the site. QLDC will

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<sup>187</sup> Dated 4 February 2026

test the adequacy of the proposed water supply by modelling both supply and demand. We do not consider the suggested condition change is either necessary or appropriate against that background.

[527] The suggested Condition 36AA (now Condition 36) operates as a condition precedent ensuring that no buildings are constructed before this is confirmed.

[528] The Panel is therefore satisfied that the proposed potable waste supply solution, in conjunction with the proposed conditions address all potential potable water supply effects.

### **Wastewater Disposal**

[529] The potential effects associated with wastewater disposal from the Screen Hub were considered in the AEE under the heading 'Wastewater Infrastructure'<sup>188</sup>. The AEE stated that the existing QLDC infrastructure has sufficient capacity to deal with the wastewater flows from the Screen Hub without triggering potential adverse effects.

[530] Detailed assessment of wastewater issues was contained in a report entitled 'Water and Wastewater Assessment'<sup>189</sup>, prepared by CKL Ltd., which was contained in Appendix 16 to the AEE. The wastewater flow from the Screen Hub was estimated to be 131m<sup>3</sup>/d when fully operational, of which a large proportion relates to the proposed accommodation on the site. CKL stated in table 6 of its report that this estimate of wastewater volume compares with a flow of 174m<sup>3</sup>/d from Ayrburn Domain and Waterfall Park.

[531] The CKL report described the proposed management of wastewater from the Screen Hub involved conveyance to an existing wastewater pump station within the Ayrburn complex and pumped to the QLDC wastewater

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<sup>188</sup> AEE, at section 9.6.1

<sup>189</sup> Water and Wastewater Assessment, prepared by CKL, dated 30 June 2025

reticulation system. CKL concluded that the design flows from the existing development at Waterfall Park, Ayrburn Domain, the Screen Hub and a small 3-Lot subdivision to be connected to the system would be 307m<sup>3</sup>/d, compared to a capacity in the system of 416m<sup>3</sup>/d.

[532] QLDC confirmed in its Comment on the application<sup>190</sup> that sufficient capacity exists within the council's wastewater scheme to accept the expected flows from the proposed development.

[533] Draft conditions for management of wastewater disposal (Conditions 15(b) and (c) and 36B- now Condition 37) were volunteered with the substantive application<sup>191</sup> and on-going discussions on conditions between the applicant, QLDC and ORC have not required substantive amendment to the wording of those conditions.

[534] On the basis of the technical assessment provided in the application by CKL, the absence of any contrary comments on wastewater matters from invited parties, the presence of supporting Comments from QLDC that the existing infrastructure has the capacity to accept the wastewater disposal from the development, and that the proposed condition suite is appropriate, the Panel is satisfied that the proposed wastewater disposal solution, in conjunction with the proposed conditions address all potential wastewater disposal effects.

## **Ecology and Biodiversity**

[535] The applicant's consideration of potential effects on ecosystems and ecology<sup>192</sup> focussed on potential effects on the freshwater ecological values of Mill Creek.

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<sup>190</sup> QLDC Comment dated 17 December 2025 at section 6.3

<sup>191</sup> Appendix 6 in the AEE – Proposed Draft Consent Conditions

<sup>192</sup> AEE, at section 9.7, pages 77-79 supported by 'Ecology Assessment', SLR Consulting New Zealand dated 25 July 2025 (Appendix 12 to the AEE)

- [536] To the extent that such effects might be caused by stormwater runoff, we have addressed those effects separately.
- [537] To the extent that construction activities, in particular, the construction of the in-line sediment pond might lead to contaminant discharges, the applicant proposed that this be addressed by an Environmental Management Plan with provisions managing, among other things, clean and dirty water diversion channels, sediment retention ponds and concrete washout and refuelling areas. Overall, the AEE assessed the potential for adverse construction effects on aquatic ecology to be low and spatially confined.
- [538] The applicant assessed the ongoing effects of the proposed in-line sediment pond separately, noting that the Ecology Assessment had identified the area of streambed affected as having moderate spawning value and confirmed that downstream habitat would continue to support aquatic life.
- [539] Overall, adverse effects on stream habitat and function were assessed as low.
- [540] ORC expressed no concerns regarding any of these issues and agreed with the conditions the applicant proposed to manage these potential effects. We did not identify any contrary view in the Comments received from invited parties.
- [541] In summary, we accept the applicant's assessment that the adverse effects on aquatic values and ecology are likely to be low.
- [542] As noted by QLDC in its Comments, the applicant did not assess the potential effects on terrestrial ecology. Given the relevance of the National Policy Statement on Indigenous Biodiversity 2023 (**NPSIB**) to our decision making, this was problematic and the applicant sought to fill that gap with provision of a Terrestrial Ecology Assessment authored by SLR Consulting New Zealand and a separate Lizard and Incidental Fauna Assessment

prepared by LizardExpertNZ (Dr Mandy Tocher) as part of its Response to Comments.

- [543] As already noted, much of the site area proposed to be developed is being used for temporary construction activities. SLR therefore relied on a 2021 assessment undertaken by an ecologist employed by one of SLR's predecessor companies. At that time, the flat areas of the site were mostly in pasture.
- [544] The Terrestrial Ecology Assessment describes the site as highly disturbed and dominated by exotic vegetation. It was assessed as not meeting the threshold for significance set out in the PDP.
- [545] The Terrestrial Ecology Assessment noted that the wetlands in the ephemeral watercourse on the western side of the site should be considered 'natural wetlands' for the purposes of the National Policy Statement for Freshwater Management 2020. However, the proposed works within the wetland were considered to be permitted activities under relevant rules.
- [546] The assessment considered that overall adverse effects on terrestrial vegetation and wetlands would be no more than minor, and that planned revegetation would likely be a positive influence on ecological function and indigenous biodiversity.
- [547] The assessment also noted planned removal of pest plant species and management of the potential for introduction of new weed species via the Landscape Management Plan.
- [548] The Terrestrial Ecology Assessment also assessed potential adverse effects on avifauna, noting that although nine indigenous bird species were identified as being present in 2021, of which one was classed as

Threatened<sup>193</sup>, the Site generally did not provide good quality habitat for threatened or at-risk species. The Terrestrial Ecology Assessment noted that a pair of eastern falcon had subsequently been identified as resting (by Dr Tocher) on the north eastern margins of the application Site (outside the area being developed).

- [549] Potential effects on avifauna were identified as net positive, with restoration of waterways and wetlands described as consistent with the NPSIB.
- [550] Dr Tocher's separate assessment of potential effects on herpetofauna noted the presence on the site of the nationally and regionally 'Not Threatened' McCann's skinks, particularly in unmown and uncultivated areas on Christine's Hill, along fencelines and around rubbish and firewood sites. She did not find tussock skinks, but identified suitable habitat for them.
- [551] Dr Tocher noted that identification of the site as a habitat for indigenous skinks means that the applicant will require a permit under the Wildlife Act 1953. Counsel for the applicant advised in his memorandum covering the applicant's Response to Comments that it would address that separately.
- [552] To address the potential adverse effect of project earthworks on indigenous lizards, Dr Tocher recommended an additional condition directing a lizard survey be undertaken prior to works commencing. If any are found, a Lizard Management Plan is required identifying how potential adverse effects on the lizard population are appropriately avoided, remedied or mitigated. In practice this would involve capture and release.
- [553] In our view, Dr Tocher's recommended condition, which the applicant adopted, needed greater specificity as to what the Lizard Management Plan would be seeking to achieve. Our revised version of that condition (86A –

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<sup>193</sup> South Island pied oystercatcher (*Haematopus finschi*)

as now Conditions 101-107) provides both an objective for this management plan and greater detail as to its contents and the process for its creation.

[554] We are comfortable that with appropriate rewording of Condition 86A to what is now Conditions 101-107, the proposed management of potential effects on lizards will be acceptable and that, more generally, adverse effects on terrestrial ecology would likely be low.

[555] We note that our revised draft conditions referenced pest control in Condition 86H. The applicant noted in its comments on draft conditions that no pest control is proposed. We consider that reasonable given Dr Tocher's assessment of potential effects and have deleted that condition.

### **Cultural Effects**

[556] Effects on Māori values and interests were addressed in the CIA prepared by Te Ao Mārama Inc. A draft CIA was provided to the applicant prior to the completion of the AEE and included with the AEE when it was submitted to the EPA.

[557] This landscape embodies the values of mana, mauri, whakapapa and tapu, as discussed in the CIA.

[558] The Ngāi Tahu Claims Settlement Act 1988 includes Statutory Acknowledgments for Whakatipu-wai-māori and Mata-au/ Clutha River, providing recognition of the significance of the Māori history of the Lake and the wider Wakatipu Basin.

[559] The CIA refers to Te Waiwhakaata, the surrounding ancestral lands and waters, inclusive of the Ayrburn Farm. These include, but are not limited to, the wider Wakatipu Basin and Mata-au as a place to gather food and other resources as identified in the oral histories of the area by Mana whenua.

[560] Importantly, none of the proposed development impacts directly on either Statutory Acknowledgment area although there is the potential for indirect effects to arise from stormwater and sediment runoff. Those effects are addressed in separate sub-sections of this Part of our decision.

[561] The CIA noted there are many positives associated with the screen hub project, including tourism, hospitality, employment and economic opportunities. The CIA referred to ki uta ki tai – from the mountains to the sea – which strongly aligns with the Friends of Lake Hayes’ moto “fix the catchment and fix the lake”. It is noted that the Screen Hub is proposing to undertake riparian planting and landscaping as well as intercepting stormwater through sediment traps.

[562] Key recommendations in the CIA were:

- Ki uta ki tai(from the mountains to the sea) and Wai(water), providing for protection and restoration of the mauri of Te Wai Whaakata by ensuring that:

- (a) The reintroduction and enhancement of Taoka species such as tuna
- (b) Riparian planting that continues along Mill Creek supporting water quality and amenity.
- (c) The provision of additional sediment traps inclusive of regular monitoring and maintenance to improve water quality of Te Waiwhakaata.

- Associations and connections to the cultural landscapes

The construction of large structures has the potential for significant intergenerational effects on Te Waiwhakaata and surrounding landscape.

- a) Ongoing dialogue is required to determine possible methods for

addressing intergenerational impacts.

- Mauri

It is of great importance that Te Waiwhakaata and the surrounding environment can be restored overtime to a natural landform.

a) Provisions for Mana whenua to participate in restoration planning and implementation at the site of the activity.

[563] There are a range of conditions proposed to implement the recommendations within the CIA, including engagement with Mana Whenua, stormwater management design, sedimentation and biodiversity. Engagement and working with mana whenua is particularly important as the implementation of the project progresses. These include recommendations to further kōrero to determine pathways for addressing intergenerational impacts.

[564] In addressing the issues associated with the taiao, Ngāi Tahu ki Murihiku wish to be engaged in the development of restoration plans and to be part involved on site as part of any conditioned restoration.

[565] Ngāi Tahu ki Murihiku noted that while the proposal presented in the application is not inconsistent with mana whenua environmental and cultural values, it is imperative that the design outcomes, physical works and infrastructure and landscape treatment are managed sensitively to mitigate potential adverse effects on cultural values and, where appropriate, consider the reintroduction and enhancement of tuna in the Mill Stream catchment.

[566] As discussed elsewhere in this Part of the decision, provision is made to enhance water quality and access, which relates to mahika kai practices.

[567] Te Ao Mārama responded to the invitation to Comment on behalf of Ngāi Tahu and the affected Papatipu Rūnanga of Otago and Murihiku (Ngāi Tahu ki Murihiku). The primary purpose of Commenting was to preserve the

ability for Ngāi Tahu ki Murihiku (via Te Ao Mārama) to be involved in potential changes to established and agreed conditions. In summary, Te Ao Mārama reiterated Ngāi Tahu ki Murihiku's neutral position in relation to the application based on the proposed conditions.

[568] We received several Comments from ORC and QLDC in relation to an Accidental Discovery Protocol, both being supportive of similar recommendations in the CIA. The amended Consent Conditions provide for this.

[569] In its Response to Comments from the ORC and QLDC regarding Te Waiwhakaata, the applicant referred the Panel to the Lake Hayes Management Plan. We find this is consistent with mana whenua aspirations for water quality improvements in the catchment as expressed in the CIA prepared by Te Ao Mārama.

[570] Indigenous biodiversity outcomes identified in the CIA are reflected in the in the conditions in relation to riparian and ecological planting provisions and addressed further in our discussion of Ecological Effects.

[571] Consideration of cultural effects occurs against the background of the two Iwi Management Plans relevant to this application - Kāi Tahu ki Otago Natural Resource Management Plan 2005 (**KTKO NRMP**) and Te Tangi a Tauri 2008 (**TTaT**). These planning documents cover Otago and Murihiku respectively and overlap in the shared Takiwa of the central lakes district. The planning documents define the issues, provide generic objectives as they relate to resource management and development activities.

[572] Both Iwi management plans identify Wai Māori concerns as<sup>194</sup>:

- a. deteriorating water quality as a cultural issue;

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<sup>194</sup> KTKO NRMP at 5.3.2 and TTAT at 3.5.10

- b. channel reshaping leading to loss of habitat, lack of proper riparian management; and
- c. sediment from land use and development.

[573] The general objective of the plans is that water in catchments is healthy and supports Kāi Tahu values.

[574] Wai Māori general policies are to:

- a. promote the protection and enhance of the mauri of all water; and
- b. require discharge systems be well maintained and regularly serviced.

[575] Cultural Landscapes are a feature of both plans, with maintenance, enhancement and riparian restoration specifically applicable.

- a. Seeking riparian enhancement, buffer zones, fencing, and related streamside management tools as conditions of consents
- b. Ensure that activities in upper catchments have no adverse effect on mahika kai, water quality and quantity in lower catchments.

[576] KTKO NRMP (5.6.4) is consistent with TTAT in that it discourages:

- a. erection of structures in culturally significant landscapes
- b. subdivisions and buildings in culturally significant landscapes

[577] The assessment in the CIA and the stance taken by Te Ao Mārama in its Comment suggests that in broad terms, the proposal is consistent with the outcomes KTKO NRMP and TTaT are seeking.

[578] Further, in the Panel's view, the mitigation of potential adverse effects on Māori cultural values and interests would be achieved through adherence and compliance with current and future ORC and QLDC planning provisions developed and endorsed in partnership with Mana Whenua.

- [579] As above, the Comment received from Te Ao Mārama indicated neutrality in relation to the approvals sought for the screen hub, and a continued interest in reviewing draft conditions.
- [580] The Panel has interpreted that position as agreement that as at the date the Comment was made, potential adverse cultural effects were both not significant and appropriately addressed in proposed conditions.
- [581] Te Ao Mārama’s comment on the Draft Conditions circulated on 13 March 2026 confirmed that those conditions reflect “engagement and agreement that has occurred between Ngāi Tahu ki Murihiku and the applicant”. Te Ao Mārama noted that any change to the conditions agreed between the applicant and iwi would undermine the relationship and mitigation measures put in place to address the concerns of iwi.
- [582] As above, the only subsequent changes to the relevant conditions have been to express Te Reo terms in the southern dialect and to correct reference to taoka species based on the Ngāi Tahu Claims Settlement Act 1998 - Schedule 97.

### **Other Effects and Issues**

- [583] Counsel for Mr Kidd, Ms Macdonald, identified a number of considerations that she categorised as adverse impacts of the proposed screen hub, distinguishing that term from the focus in the RMA on adverse effects. In Part C of our decision, we disagreed that such a distinction was valid. In our view, it is not material whether one seeks to describe an adverse impact or an adverse effect. The issue is whether there is sufficient evidence to support the existence of the claimed impact / effect and whether it has been assessed already. The latter inquiry is necessary to ensure we do not double-count effectively the same consideration. We also need to keep in mind the way in which different effects are treated in the FTAA, as discussed in Part C above. In particular, section 85(4) directs that the fact that a particular adverse

impact is contrary to (e.g.) a relevant Plan provision is not enough on its own to tip the balance in favour of decline.

[584] The first identified impact is of urban development causing non-environmental effects<sup>195</sup>. The concept of a non-environmental effect is a curious one given the wide definitions in the RMA of ‘environment’ and ‘effect.’ Ms Macdonald appeared to be classing potential precedent effects of allowing this instance of ‘urban development’ to occur at this location, together with changes to the character of an area.

[585] We consider that the latter class of effect has already been assessed under our examination of landscape and visual effects.

[586] In relation to potential precedent effects, we agree with Mr Langman’s assessment<sup>196</sup> in his planning review for QLDC, that a positive decision on this application could only occur in the context of fast-track approvals. We are dubious as to whether it would occur even in that limited case because of the critical role the comparison of benefits and detriments plays in the decision-making process under the RMA. Under the RMA, a similar development elsewhere in the Wakatipu Basin would be considered under section 104D and in our view would be unlikely to gain consent, whatever the outcome in this case.

[587] We do not class this as a separate significant adverse effect of its own.

[588] Ms Macdonald raised the effect of a permanent landform modification, contrary to the PDP<sup>197</sup>. We have addressed the effect of the proposed spur extension as part of our examination of landscape and visual effects.

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<sup>195</sup> Legal Submissions for David Kidd at 6.6-6.8

<sup>196</sup> Planning review of substantive application under the Fast-track Approvals Act 2004 [sic], Marcus Langman, 12 December 2025

<sup>197</sup> Ibid at 6.10

- [589] We do not class this as a separate significant adverse effect of its own.
- [590] Ms Macdonald submitted that the location of the site outside the UGBs identified in the PDP “risks impacting the District’s growth management outcomes and negatively impacting public interest considerations regarding District growth management”<sup>198</sup>. She submitted that this extends beyond mere inconsistency with the PDP, and has adverse impacts “on the integrity of the District’s strategic growth framework, loss of defensible urban edges, out-of-sequence development, and precedent effects that undermine spatial planning outcomes”.
- [591] We have addressed precedent effects above. In our view ‘plan integrity’ effects, to the extent that they are relevant effects at all, arise because of precedents set that are inconsistent with the Plan and are thus addressed as substantially the same point. Ms Macdonald did not identify any specific infrastructural implications of the project, but we note that the ability of QLDC’s water supply and wastewater networks to accommodate the development has been addressed separately.
- [592] We do not class this as a separate significant adverse effect of its own.
- [593] Ms Macdonald raised<sup>199</sup> the deliverability and practical enforceability of limitations on the applicant’s activities. We have addressed this issue in our consideration of noise issues, which appears to be the issue of greatest concern to Commenting parties. In summary, while QLDC may not have been as active and effective as Mr Kidd and his neighbours would wish in pursuing their noise complaints, the evidence QLDC has supplied does not support Ms Macdonald’s submissions on this point against the background of relevant case authority.

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<sup>198</sup> Legal Submissions for David Kidd at 6.9

<sup>199</sup> Ibid at 6.11-6.13

- [594] Counsel for Mr Kidd suggested that, if approvals were granted, a bond be imposed to secure performance. In some cases, bonds provide important assurance that consent conditions will be complied with. That is most often the case where the consent holder might abandon a site having ongoing adverse effects on the environment such as a continuing contaminant discharge or hazard risk, leaving the council to deal with the situation. A bond can then fund remedial action. We see no basis for imposition of a bond in this case, and no value in doing so.
- [595] We do not class deliverability and practical enforceability as a separate significant adverse effect of its own.
- [596] Ms Macdonald raised<sup>200</sup> issues around the length of construction overlaid on previous years of construction noise. We have addressed management of construction activities in our consideration of noise effects.
- [597] We do not class this as a separate significant adverse effect of its own.
- [598] Ms Macdonald raised<sup>201</sup> the potential for psychosocial and wellbeing impacts. To the extent that such effects arise from the FTAA application process, they are an inevitable effect of almost every application. We do not think that they can be given great weight given the statutory environment in which we are operating. We note that one benefit of the FTAA at least is that the process is fast and all interested parties will know the final outcome much faster than they would have done if the application had followed the normal route under the RMA. To the extent that this issue turns on noise effects, we have addressed the matter under that heading.
- [599] Accordingly, we do not class this as a separate significant adverse effect of its own.

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<sup>200</sup> Ibid at 6.14-6.15

<sup>201</sup> Ibid at 6.16-6.18

- [600] Ms Macdonald raised<sup>202</sup> issues of privacy and security effects, citing Mr van Deursen’s concern about the existing private trail on his boundary. That trail is part of the existing environment and not an effect of the proposed development. In any event, as we discuss in Part D of our decision, the applicant proposes to relocate that trail. We class it as a benefit of the project not an adverse effect for us to take into account.
- [601] Ms Macdonald submitted<sup>203</sup> that the project “threatens the rural character, local identity, and public recreational experience of the area, with concerns about loss of public landscape values, as described in Mr Vivian’s evidence”. We have addressed these matters in our assessment of landscape and visual effects.
- [602] We do not class this as a separate significant adverse effect of its own.
- [603] Ms Macdonald submitted<sup>204</sup> that we should take account the uncertainty that the claimed economic benefits of the project would deliver. We have considered that matter in our assessment of the benefits of the project in Part D of our decision.
- [604] As part of her analysis of this point, Ms Macdonald suggested that “uncertainty as to deliverability creates a distinct psychosocial/wellbeing impact for immediately adjoining residents”. The provision of a lapse date provides safeguards against excessive delays in commencement of construction. In our view, the removal of the initially suggested provision allowing for staging of construction incentivises the applicant to complete the project.
- [605] We do not class this as a separate significant adverse effect of its own.

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<sup>202</sup> Ibid at 6.19

<sup>203</sup> Ibid at 6.20

<sup>204</sup> Ibid at 6.21-6.29

- [606] Ms Macdonald suggested separately that the applicant's actions and failure to engage with its neighbours exhibit a lack of good faith that should "weigh heavily against the exercise of any discretionary[sic] or balancing of impacts."<sup>205</sup>
- [607] We can understand Mr Kidd's irritation that although he was in regular communication with the applicant's representatives, they did not see fit to forewarn him of the applicant's intention to pursue an application under the FTAA.
- [608] However, we can equally appreciate that until the Minister made the decision to refer the project, there was no certainty that the project would be considered under the FTAA (the point Mr Watts made to Mr Kidd).
- [609] Further, the applicant was under no legal obligation to consult with its neighbours.
- [610] We find that the evidence is insufficient to justify a finding that the applicant lacked good faith in its dealings with its neighbours. We also observe that our decision whether or not to grant consents is not discretionary in the sense Ms Macdonald uses that term if we find that the significance of the benefits of the project outweigh the adverse effects. As discussed in Part C above, the discretion arises in the inverse situation.
- [611] Our weighing of the benefits and detriments is the result of our weighing of benefits and detriments/ adverse impacts. This is an exercise of judgement on the evidence. There is no room for that judgement to be skewed by an allegation of absence of good faith, even if we were to find that to be well founded.

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<sup>205</sup> Ibid at 8.12-8.14

- [612] The submissions of counsel for Mr Andersson suggested that the failure of the applicant to assess alternatives is relevant to the judgement we make whether or not to grant the approvals sought because “if the same public benefits could be achieved with fewer adverse effects, then the proposal as lodged imposes undue harm disproportionate to its need”<sup>206</sup>.
- [613] The applicant’s response was that it was under no obligation to assess alternatives. It noted that under the Fourth Schedule of the RMA applicants are only required to assess alternatives if adverse effects on the environment are significant, if contaminants are being discharged, or if the application would have more than minor adverse effects on customary activities. The last is clearly not relevant and the adverse effects of concern to Mr Andersson do not relate to contaminant discharges. That leaves the only route open if adverse effects are significant. We have not identified any adverse effect that is significant. We put to the applicant that the position may not be as clear as its counsel had suggested, noting cases that have found an obligation to assess alternatives may arise under the RMA if Plan provisions make that a relevant consideration.<sup>207</sup>
- [614] Counsel for the applicant addressed the issue at the conference we convened on 30 January 2026, submitting that the cases we had referred her to all involved significant adverse effects. In addition, counsel for the applicant submitted (in the applicant’s Response to Comments) that the FTAA does not import the requirements of the Fourth Schedule but rather has its own requirements for a compliant application that do not include a requirement to assess alternatives.

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<sup>206</sup> Legal Submissions for Jan Andersson at [34]

<sup>207</sup> *EDS v The New Zealand King Salmon Co Ltd* [2014] NZSC 38 at [170] and cases following it such as *Tauranga Environmental Protection Society Inc v Tauranga City Council* [2021] 3 NZLR 882 (HC) and *Waimea Plains Landscape Preservation Society Inc v Gore District Council* [2022] NZEnvC 29

- [615] The applicant's various responses have merit, but even more fundamentally, counsel for Mr Andersson misstates the effect of section 85(3) of the FTAA. We are not required to assess whether the same public benefits can be achieved with fewer adverse impacts. Rather, section 85(3) requires us to assess the benefits and the adverse impacts of what the applicant proposes and compare one with the other.
- [616] We are required to consider whether the extent of adverse effects may be reduced by imposition of appropriate conditions, but that exercise is based on the activity the subject of application is proceeding at the location sought, not some alternative.
- [617] In summary, we do not find the potential for the screen hub to proceed on an alternative site or sites to be relevant to our assessment of its benefits or detriments/ adverse impacts.
- [618] Lastly, we need to address issues raised around the provision made for accommodation. The application sought consent for 201 accommodation units and associated reception area and gym/wellness area to be "primarily be utilised by film crews. However, in order to assist with economic viability, the accommodation would be available for general visitor accommodation at times when not required for studio production purposes".<sup>208</sup> and to be used for "events such as wedding and conferences"<sup>209</sup>.
- [619] The Applicant initially proffered conditions of consent (Conditions 68 and 69<sup>210</sup> - now Conditions 88 and 89) that collectively sought a portion of the accommodation remain reserved for production crews to prevent overbooking by non-production crew guests, including a requirement for record-keeping on this basis for monitoring and enforcement purposes. This condition was based on a sliding scale, proportional approach,

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<sup>208</sup> AEE at section 6.1.1

<sup>209</sup> AEE at section 3.3

<sup>210</sup> Appendix 6 of the AEE - Proposed Draft Conditions

essentially allowing long-term bookings to reserve more rooms for production crew, while shorter-term bookings could only reserve fewer rooms.

[620] Concerns were raised surrounding the proposed accommodation by a number of invited parties<sup>211</sup> with respect to the overall erosion of the studio's functional primacy through accommodation becoming an independent or dominant activity rather than a directly supporting the studio use. While we consider descriptions of the proposed film study as a 'trojan horse' for obtaining consent for the associated accommodation<sup>212</sup> an unlikely prospect given the extent of the investment the applicant is proposing to make in the film study component, this is nevertheless a legitimate concern.

[621] A variety of mitigation measures to address this risk were sought by invited parties including the following:

- a. restricting existing hotel and retirement village consents to avoid duplication;<sup>213</sup>
- b. prohibiting the repurposing of approved studios and offices;<sup>214</sup>
- c. restricting the conversion, subdivision, or separate sale of accommodation units;<sup>215</sup>
- d. limiting accommodation to directly support film hub activities and legally securing that relationship through consent conditions;<sup>216</sup> and
- e. staging or deferring accommodation delivery to ensure film studio is established first and remains the dominant activity.<sup>217</sup>

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<sup>211</sup> E.g. Neil Green and Suzie Bognar, Paul Dougherty and David Kidd

<sup>212</sup> Refer the Comments of Neil Green and Suzie Bognar, Rebecca Hadley, Halford and Jane Shaw, and Councillor Belk (as part of the QLDC Comment)

<sup>213</sup> Neil Green and Suzie Bognar

<sup>214</sup> Paul Dougherty

<sup>215</sup> Paul Dougherty

<sup>216</sup> Paul Dougherty, David Kidd, Neil Green and Suzie Bognar

<sup>217</sup> David Kidd

- [622] The Panel does not have the power to constrain use of existing consents that are not before it (request a) and any conditions we imposed could not preclude future resource consent applications seeking the changes requests (b) and (c) are designed to prevent.
- [623] Furthermore, in respect to request (d), the Panel agrees with Ms Hampson's evaluation that the visitor accommodation component would help achieve a sustainable and consistent occupancy level and return on investment. Therefore, limiting the accommodation solely for the film hub purposes is not an efficient or effective use of the proposed resource<sup>218</sup>.
- [624] In respect of request (e), the applicant provided a revised condition of consent (Condition 67- now Condition 87) to address the issue. The revised condition seeks to ensure the film studios are established before occupation of the accommodation. As part of her comments on the draft conditions circulated to the parties, counsel for Mr Kidd sought amendments to this condition to insert a Council confirmation requirement and a series of tests as to whether the studio facilities, riparian planting, sediment traps and trail connections are completed and operational. The applicant did not consider that these changes were necessary although it agreed in substance with counsel for Mr Kidd's request that a definition of 'Occupied/Occupied' be inserted. We agree that with the additional definition the applicant proposed (we prefer the applicant's drafting to that of counsel for Mr Kidd) the condition is clear and unambiguous as is. Accordingly, we have not amended it.
- [625] The Panel also notes that feedback from QLDC highlighted concerns with Condition 68 (now Condition 88) and suggested that for long-term bookings (bookings in advance of 365 days), all accommodation should be reserved

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<sup>218</sup> Evidence of Natalie Hampson for J Andersson and D Kidd at [71].

for the Screen Hub, rather than always allowing at least 10% for general visitors.<sup>219</sup> We will come back to that suggestion.

[626] In deliberating on this matter, the Panel considered three potential options for the proposed accommodation:

**Option A:** no external use permitted/or removal of the visitor accommodation

**Option B:** unrestricted/carte blanche use of the visitor accommodation

**Option C:** controlled usage through conditions to ensure primary film-crew use and that public use for visitor accommodation remains secondary.

[627] The Panel disregarded Option A, accepting the applicant's evidence that "limiting the accommodation to use by studio related personnel would expose the project to that volatility and would run the risk of periods (which could be considerable) with accommodation units sitting empty."<sup>220</sup> and therefore, the Panel accepts that the ability to utilise the accommodation for visitor accommodation when not occupied by visiting cast and crew is appropriate and acceptable as it assists with the overall economic viability of the proposal (and therefore better serves the purpose of the FTAA).

[628] The Panel also rejected Option B, noting concerns raised by invited parties that could lead to scenarios where the accommodation could proceed without the studio,<sup>221</sup> or the studio elements remaining substantially unused<sup>222</sup>.

[629] Therefore, the Panel considers that Option C is the most appropriate approach to balancing the accommodation needs first and foremost that support the screen hub activities whilst ensuring efficient and effective use of the accommodation when not utilised for its primary function. This

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<sup>219</sup> QLDC feedback on Proposed Draft Consent Conditions, amending applicant's 18 November 2025 version

<sup>220</sup> Statement By Chris Meehan, Para 10, dated 21 January 2026, page 2

<sup>221</sup> Legal Submissions for David John Kidd dated 17 December 2025 at [6.22]

<sup>222</sup> Robyn and Nick Hart Comment at page 8

would contribute to the proposals overall economic viability and support the region's needs for tourist accommodation.

[630] Having tentatively reached that conclusion, the Panel sought the assistance of the planning witnesses as to how this might best be achieved. In Minute 14, the Panel sought joint witness conferencing between the three planners to address the concern raised by QLDC that the proposed conditions setting out the accommodation usage were too complex and difficult to monitor or enforce. The Panel sought a workable option that still ensures the accommodation's primary purpose remains to support film studio activities, even if some non-film use is allowed.

[631] The resultant JWS<sup>223</sup> in response to Minute 14 provided a useful collation of matters that were agreed to by the participants summarised below in a)-g) as follows:

- a. The condition should specify that the purpose of accommodation is for screen activities; any other usage only assists in economic viability.
- b. The condition must specify the number of accommodation units rather than percentages.
- c. The limits need to be specific to the buildings they apply to.
- d. Time periods need to be measured in weeks and fixed dates, not days and no sliding scale.
- e. The proportion of units for non-film use needs to be ensure both film activities are supported and unused units are efficiently used.
- f. Terms used in the condition, such as "Film Studio Use" and "Non-Film Studio Use" need to be clearly defined<sup>224</sup>.

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<sup>223</sup> Joint Witness Statement In Relation To Planning (Conditions 68 and 69), Prepared by Karl Cook (WPDL), Marcus Langman (QLDC) and Carey Vivian (on behalf of Jan Andersson, David Kidd and James & Rebecca Hadley, dated 20 February 2026

<sup>224</sup> Our draft decision circulated to the parties noted the JWS as agreeing that the condition should record that beyond 365 days, non-studio accommodation use should be nil. Counsel for Mr Kidd's reliance on that 'agreement' to support substantive condition changes prompted us to check the JWS, whereupon we identified that we had been in error, and the JWS did not contain such an agreement. We have therefore deleted reference to it.

[632] However, the JWS did not provide for the corresponding version of the conditions to reflect the agreed positions. The Panel therefore issued a further Minute 17<sup>225</sup> seeking that the applicant produce revised proposed conditions to this effect. Mr Cook did so on 3 March 2026 and we are satisfied that this revision of Conditions 68 and 69 (now Conditions 88 and 89) addresses the concerns we had regarding their complexity and enforceability.

[633] This leaves the substance of the conditions, and QLDC's suggestion that 100% of the accommodation should be reserved for film studio related use more than 12 months into the future. Relevant to this suggestion, we note that at the conference we convened on 30 January 2026, we asked Mr Gibson how far in advance a large offshore production would seek to lock in its crew accommodation. Productions of this sort were identified by Mr Gibson in his report as a prime target for the screen hub, and would have the largest demand for accommodation. Mr Gibson's answer was that the producers would be looking to pencil in accommodation bookings 6-12 months in advance, and would be 'pretty definite' 6 months out. Arguably, this supported QLDC's view that a greater proportion of accommodation be reserved for studio related use in the longer term than the applicant had proposed.

[634] Mr Gibson also told us that the smaller productions the screen hub seeks to attract could have much shorter lead times, and need to be able to accommodate, for example, delays in funding coming through altering start dates. That could suggest that within 365 days, the percentages reserved for film studio accommodations should be greater than the applicant proposes, particularly in the short term.

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<sup>225</sup> Minute 17, dated 2 March 2026

- [635] In Minute 18 dated 4 March 2026 we invited Messrs Cook, Langman and Vivian to comment on that line of reasoning. Messrs Cook and Langman took up that option.
- [636] Mr Langman's view was that there was a disjunct between Mr Gibson's answers to our questions and the applicant's position. He proposed that beyond 39 weeks into the future, all accommodation units be reserved for film studio use, with an adjusted percentage of reserved units (expressed as a number of units) working down from 39 weeks.
- [637] Mr Cook suggested that condition amendments increasing the number of accommodation units reserved would not be effects-based, would be contrary to the purpose of the FTAA and would be more onerous than necessary, contrary to section 83 of the FTAA. He suggested also that the Minister's referral decision accepted that accommodation would be available to the public, and imposing further restrictions would be contrary to the Minister's decision.
- [638] We note that we are required to take account of the Minister's reasons for referral. We are not bound by them. We also observe that the Minister's decision was non-specific as to what proportion of accommodation might be utilised by the general public. We do not consider that it guides our decision on this aspect of the application.
- [639] Mr Cook was on stronger ground suggesting that additional restrictions would not be effects-based. Once the screen hub is built, whether the accommodation units are occupied by film studio crew or members of the general public would make little or no difference to their effects.
- [640] What is has the potential to do however is make the film studio less attractive to film producers because the screen hub would not be able to accommodate all of their crews, thereby reducing the economic benefit to the region, and

consequently operating in a way that makes the project less consistent with the purpose of the FTAA.

[641] On the other hand, if (as Mr Cook asserts) the increased restriction risks undermining the economic viability of the proposal, that too would be contrary to the purpose of the FTAA.

[642] We have given this matter very careful consideration. We find that the revised percentage of rooms reserved for film studio use Mr Langman proposed in the short term (less than 6 months) is not sufficiently different to the numbers Mr Cook supported to be material. We would not be justified in rejecting Mr Cook's position in that regard.

[643] As regards the longer term (in excess of 6 months), Mr Gibson told us that producers of large offshore productions would start talking to suppliers up to a year out. At 12 months, the difference between Mr Cook's position (90% or 181 rooms reserved) and Mr Langman's (100% or 201 rooms reserved) is not huge, and given the need to achieve a return on the applicant's investment in the film studios, it would be incentivised to keep as much accommodation available as possible once it started talking to offshore producers. We err on the side of preserving that degree of flexibility for the application. Put another way, we do not consider the additional restriction is necessary in the sense section 83 requires.

[644] That leaves the position between 6 and 12 months at issue. Clearly there is a risk that offshore producers might not surface until, say, nine months before their projected arrival, and Mr Cook's suggested condition would result in a material number of rooms already being committed. Mr Cook suggested an additional monitoring and review condition which would address that risk, allowing the applicant to test how well the process works and whether film productions are actually being disincentivised from booking the screen hub by the unavailability of sufficient accommodation.

[645] On balance, we consider Mr Cook's suggested approach preferable to greater restriction on the applicant, although as discussed below, we have amended the suggested condition in response to comments received following circulation of draft conditions to the parties. On the information before us, we do not consider that restriction necessary, and we consider Mr Cook's suggested approach more consistent with the purpose of the FTAA than Mr Langman's alternative view.

[646] In her comments on the draft conditions circulated to the parties, counsel for Mr Kidd requested substantial changes to the table in Condition 68 (now Condition 88) including no non-studio bookings more than 47 weeks into the future, reduced non-studio accommodation bookings at each prior time-step, and no non-studio bookings accepted in January, February, July or August. In part, this position was based on the error in our draft decision that we have noted above, recording the JWS as having agreed that the condition should preclude non-studio bookings beyond 365 days into the future. Putting that point to one side, we do not find that counsel's submissions cause us to alter our conclusions as set out above. We remain of the view that the key parts of the applicant's suggested conditions are more consistent with the purpose of the FTAA than the alternatives initially supported by Mr Langman, and reiterated by counsel for Mr Kidd.

[647] That is not to say that the draft conditions circulated to the parties would not benefit from less substantive amendments, clarifying their intention and sharpening their expression.

[648] Counsel for Mr Kidd suggested that the primary purpose of the accommodation units be set out in a separate condition. The applicant's view was that it was already appropriately recorded in an advice note. We agree with the applicant's view. While we agree with the recommendation in the JWS that this be recorded on the face of the consents, a statement of purpose, primary or otherwise, does not lend itself to sitting in a separate

condition because it does not create a separate obligation on the applicant. Rather it aids interpretation of other conditions and provides a record that QLDC might have regard to when deciding if it is appropriate to review consent conditions in future. That role is better suited to an Advice Note.

[649] Counsel for Mr Kidd suggested that the chapeau of Condition 68 (now Condition 88) be amended to insert the words “for any stay period”. We do not consider that change necessary.

[650] Counsel for Mr Kidd suggested a new Condition 68A seeking to preclude indirect frustration of the intent of the conditions. We agree with the applicant’s view that this is unnecessary and that other conditions adequately guard against such actions.

[651] Counsel for Mr Kidd suggested a new Condition 68D clarifying the Booking Date used for the operation of Condition 68- now Condition 88. In our view the issue the suggested condition is addressing is better dealt with by a new definition of ‘Booking Date’ counsel had separately suggested. We will come back to that.

[652] Counsel for Mr Kidd suggested that a new Condition 68E clarify the inter-relationship between Conditions 67 and 68- now Conditions 87 and 88 respectively. Counsel makes a valid point, but we consider the result she is seeking (to ensure that Condition 67- now Condition 87- takes priority) can be achieved more simply and equally clearly by adding a few words to the start of condition 68- now Condition 88.

[653] Counsel for Mr Kidd suggested a number of defined terms- for ‘Studio activities’, ‘Persons associated with studio activities’, ‘Booking Date’, ‘Booked’ and ‘Occupation/Occupied’. The applicant agreed with new definitions for the last three terms, suggesting a simplified version of the last. We do not consider the changes the applicant made to the definition of

‘Occupation/Occupied’ materially alters the meaning of the terms defined. Accordingly, we adopt the applicant’s revision in that regard.

- [654] As regards the other two new definitions, we consider that there is merit in having those terms defined, although we have amended both suggested definitions. In the case of ‘Studio activities’, the definition needs to cover the new term inserted by the applicant throughout this group of conditions, of ‘studio related activities’. In the case of ‘Persons associated with studio activities’, we consider that the defined term needs to include family members of studio cast or crew. The presence in an accommodation unit of family members of studio cast or crew, even if they have their own accommodation units, should not, in our view, be ‘counted’ as non-studio use. We do not consider any additional clarification or amendment is required of these conditions.
- [655] Turning to Condition 69 (now Condition 89), both counsel for Mr Kidd and the Speargrass Flat neighbours suggested amendments to the provision for an accommodation register. The applicant responded with amendments adopting the substance of a number of their suggestions. We consider that with one minor change, the applicant’s revision is satisfactory and that additional changes would be more onerous than is necessary. The exception is the suggestion made by counsel for Mr Kidd that the report required to be made to QLDC be supplied within a defined time limit (the 10<sup>th</sup> working day of the following month). In our draft decision circulated to the parties, we noted our view that weekly reporting initially proposed by the applicant was excessively onerous and substituted a monthly reporting obligation. We omitted to record however when such monthly reports needed to be supplied. The suggested amendment fills that gap.
- [656] Condition 70 (now Condition 90) provided for a report to Council two years after the accommodation units are occupied. Counsel for Mr Kidd suggested that multiple reports be provided at different time periods, that these reports

be compiled by an independent professional, and that the reports include additional information and commentary. The Speargrass Flat neighbours similarly suggested a number of reports over time. The applicant suggested that the time should run from when the accommodation units are available to be booked. We agree with the latter change and with the need for more than one report. We consider the proposal for five reports in the first four years of operation to be excessive. We have amended the condition to provide for two reports after two and four years.

[657] We do not agree either with the suggestion that these be independent reports. What is being reported is the contents of a register the applicant is required to maintain, complaints the applicant/consent holder has received, and the latter's knowledge of studio-related bookings being refused. These are factual matters that it is appropriate for the applicant/consent holder to report to QLDC. To the extent that counsel for Mr Kidd suggests broader reporting, we do not consider that to be necessary.

[658] The applicant responded to the suggestion from the Speargrass Flat neighbours that monthly reports be provided to 'any neighbour' on request by inserting reference to Adjoining Neighbours, as defined. We have discussed that definition in the context of noise conditions and we consider its use appropriate in this context also, for similar reasons.

[659] Lastly in relation to accommodation, Condition 71 (now Condition 91a) provided a tailored section 128 review provision related to the operation of the accommodation conditions. Counsel for Mr Kidd suggested expanding the potential relief available. We consider that the wording proffered by the applicant provides sufficient scope for review.

[660] We note that the applicant suggested expanding this same condition to respond to a suggestion by the Speargrass Flat neighbours that a separate review condition be inserted addressing noise issues. The applicant's

suggested amendment is less specific than that proposed by the Speargrass Flat neighbours, but in our view appropriately provides QLDC with a wide discretion regarding the ambit of any review. However, consequent on the Advice Note we have inserted in now Condition 41, we have broadened the applicant's wording to reference the application for consents.

- [661] For completeness, the Panel also finds that the actual and potential associated effects from the accommodation, such as noise and transport, are also adequately managed through the conditions that have already been addressed within the noise and transport sections above.

### **Conclusions Regarding Effects**

- [662] We have found that landscape effects of the screen hub project would be more than minor, but not significant, and reducing over time.
- [663] All other adverse effects are assessed as less than minor.
- [664] We have considered the result of treating effects cumulatively and have not found that to materially alter our assessment.

**PART F: RELEVANT STATUTORY INSTRUMENTS**

[665] We had expert feedback on relevant statutory instruments from:

- a. Mr Cook for the applicant;
- b. Mr Langman for QLDC;
- c. Mr Vivian for Mr and Mrs Hadley, Mr Kidd and Mr Andersson;
- d. Mr Mat Bell for ORC.

[666] We have addressed key plan provisions influencing our effects assessments in Part E of our decision. The purpose of this part is to undertake a more comprehensive analysis of the relevant planning framework.

**National Instruments**

[667] The only National Policy Statement identified in the AEE as relevant was the National Policy Statement on Freshwater Management 2020. The assessment in the AEE<sup>226</sup> was that the Project was consistent with the objectives and policies of this National Policy Statement.

[668] Mr Bell agreed with that assessment, as do we.

[669] Mr Langman identified that the NPSIB was potentially relevant and not assessed by the applicant. Mr Cook undertook an assessment of the NPSIB as part of the applicant's Response to Comments, concluding that the proposal does not raise any issues of concern in relation to the NPSIB. We have discussed the additional expert ecology reports in Part E above. Given that expert analysis, we agree with Mr Cook's assessment.

[670] After the processing of the application commenced, a series of new national policy statements and amendments to national policy statements were gazetted. The additional national direction took effect on 15 January 2026.

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<sup>226</sup> AEE, at section 10.2.3

We asked Mr Cook to review this additional direction, and he reported in a memorandum dated 20 February 2026. Mr Cook identified only the National Policy Statement for Natural Hazards 2025 as requiring analysis. His view was that the applicant's geotechnical and flooding assessments included with the application remained robust and fit for purpose in the context of the new National Policy Statement for Natural Hazards, and that further analysis was not required. We have reviewed Mr Cook's reasoning in section 3.1 of his memorandum and agree with his conclusion that no further amendments to conditions are required to respond to the new National Policy Statement.

[671] The evidence before us was that no other National Policy Statements were relevant. We note specifically Mr Langman's agreement that although the development is urban in character, the National Policy Statement for Urban Development is not relevant because it is not occurring in an urban environment<sup>227</sup>.

[672] The AEE reviewed the potential relevance of the National Environmental Standard for Assessing and Managing Contaminants in Soil to Protect Human Health 2011 and concluded that no additional consents were required under it<sup>228</sup>. Mr Langman concurred with that view, and with the conclusion of the AEE that no additional consents were required under any other National Environmental Standard<sup>229</sup>. Neither Mr Bell nor Mr Vivian commented on this issue and we have no basis to disagree with the assessment of Mr Cook and Mr Langman.

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<sup>227</sup> Planning review of substantive application under the Fast-track Approvals Act 2004 [sic], Marcus Langman, 12 December 2025, paragraph 63.

<sup>228</sup> AEE, at section 10.1.1

<sup>229</sup> Planning review of substantive application under the Fast-track Approvals Act 2004 [sic], Marcus Langman, 12 December 2025, paragraph 62

[673] In summary, national instruments do not provide strong direction other than in relation to water quality, in respect of which the beneficial effects of the project make this a positive feature.

### **Regional Instruments**

[674] There are two iterations of the Otago Regional Policy Statement - the Operative (2019) document and the Proposed document (2023) that is now partly operative and partly the subject of appeal.

[675] Mr Cook's analysis of the provisions of both documents was set out at Appendix 39 to the AEE. In the case of the parts of the Proposed Regional Policy Statement still the subject of appeal, Mr Cook referenced the 'Decisions Version'.

[676] Mr Cook's review of the Proposed Regional Policy Statement identified relevant objectives and policies related to integrated management, mana whenua, land and freshwater, freshwater, land and soil, natural hazards, and historical and cultural values. In each case, Mr Cook found the project consistent with the provision in question. We adopt his analysis with which Mr Bell indicated general agreement. Messrs Langman and Vivian did not offer any comment.

[677] Mr Cook identified relevant provisions in the operative Otago Regional Policy Statement 2019 covering a wide range of topics. In each case, he found the project consistent with the relevant provision. Again, Mr Bell indicated general agreement with Mr Cook's analysis and we adopt it in the absence of any contrary views from either Mr Langman or Mr Vivian.

[678] Turning to the Regional Plan Water, Mr Cook identified relevant provisions as follows:

- a. Policy 5.4.2 prioritising avoidance of key values of surface water bodies and the margins of rivers;
- b. Policy 5.4.3 prioritising avoidance on existing users and priorities when undertaking activities affecting surface water bodies and the margins of rivers;
- c. Policy 5.4.4 promoting opportunities for Kāi Tahu involvement in resource consent processing;
- d. Policy 5.4.8 directing that regard be had to a range of specified features of rivers and their margins;
- e. Policy 5.4.9 directing that particular regard be had to aesthetic values associated with and recreational opportunities provided by rivers and (in the case of recreation) their margins;
- f. Objective 6.3.1 seeking retention of flows sufficient to maintain their life-supporting capacity for aquatic ecosystems, and their natural character;
- g. Objective 7.A.1 seeking to maintain water quality in Otago lakes, rivers, wetlands, and groundwater, but enhance water quality where it is degraded;
- h. Objective 7.A.2 seeking to enable the discharge of water or contaminants to water or land, in a way that maintains water quality and supported natural and human use values, including Kāi Tahu values;
- i. Objective 7.A.3 seeking to have individuals and communities manage their discharges to reduce adverse effects, including cumulative effects, on water quality;
- j. Policy 7.B.2 directing avoidance of objectionable discharges of water or contaminants; and
- k. Policy 7.B.3 directing that discharges with minor or short-term effects.

[679] Mr Cook also identified a number of policies governing water takes, but as he noted, the proposal involves diversions, rather than takes of water.

- [680] In each case, Mr Cook found the project to be consistent with the relevant provision. He emphasised the positive effects on water and aquatic habitat in Mill Creek with specific reference to Objective 7.A.1. and Policy 5.4.2.
- [681] Mr Bell indicated general agreement with Mr Cook's analysis, noting that the improvement of water quality in the Lake Hayes Catchment meets a key objective in the plan. Again, Messrs Langman and Vivian had no comment.
- [682] We accept Mr Cook's conclusions.
- [683] In summary, to the extent that regional instruments provide direction, the project is consistent with that direction. In relation to matters within ORC's jurisdiction, the project derives strong support from the Regional Plan Water.

### **Proposed District Plan**

- [684] Unsurprisingly, there are a number of relevant objectives and policies in the PDP. The consistency (or otherwise) of the screen hub project with those objectives and policies was contentious. We note that ORC / Mr Bell provided no comment on these matters. Mr Langman responded on an 'exceptions' basis (i.e. if he did not comment, he could be taken as agreeing with Mr Cook's assessment).
- [685] The Panel's assessment of relevant PDP provisions reflects its findings on effects issues set of in Part E of this decision.
- [686] The structure of the PDP is that Chapters 3-6 provide high level strategic guidance regarding the operation of the Plan. However, section 3.1B.2 directs that all objectives and policies need to be considered together, i.e. there is no hierarchy between them.

[687] Chapter 3 contains objectives and policies addressing a wide range of topics. Chapter 4 has objectives and policies specific to urban development. Chapter 5 addresses takata whenua. Chapter 6 addresses landscape matters. We address each of these in turn.

*PDP Chapter 3*

[688] Considering first the strategic objectives relating to economic development, there was unanimity among the planners providing comment on PDP matters that the project was consistent with:

- a. SO 3.2.1: The development of a prosperous, resilient and equitable economy in the District
- b. SO 3.2.1.6: Diversification of the District's economic base and creation of employment opportunities through the development of innovative and sustainable enterprises

We concur with that view.

[689] As regards SO 3.1.1.1: "The significant socioeconomic benefits of well designed and appropriately located visitor industry places, facilities and services are realised across the District", Mr Vivian considered the project is not appropriately located and therefore inconsistent with this policy. We consider that position has merit given the strategic provisions directing where urban development is to be located that we discuss below.

[690] In relation to SO 3.2.1.8 which seeks "Diversification of land use in rural areas beyond traditional activities, including farming, provided that... (c) significant nature conservation values and Ngāi Tahu values, interests and customary resources, are maintained", Messrs Langman and Vivian note that clauses (a) and (b) do not apply. They agree however that the project might be considered consistent with this objective in part. We agree with that view.

[691] Mr Langman noted SO 3.2.1.9, “Community needs are met by the efficient and effective operation, maintenance, upgrade and development of infrastructure in the District” as being addressed by conditions of consent. Messrs Cook and Vivian did not assess this objective. We agree with Mr Langman’s assessment. In our view, the development might be seen as inconsistent with this objective at present for the reasons discussed in Part E of our decision, but it would be consistent when building construction commences.

[692] Mr Langman also noted SO 3.2.2, “Urban growth is managed in a strategic and integrated manner” and SO 3.2.2.1, “Urban development occurs in a logical manner so as to:

- a. promote a compact, well designed and integrated urban form;
- b. build on historical urban settlement patterns;
- c. achieve a built environment that provides desirable, healthy and safe places to live, work and play;
- d. minimise the natural hazard risk, taking into account the predicted effects of climate change;
- e. protect the District’s rural landscapes from sporadic and sprawling urban development;
- f. ensure a mix of housing opportunities including access to housing that is more affordable for residents to live in;
- g. contain a high quality network of open spaces and community facilities; and
- h. be integrated with existing, and proposed infrastructure and appropriately manage effects on that infrastructure.”

[693] Messrs Cook and Vivian had not assessed it. Mr Langman considered that as the proposal was urban development in a rural zone and outside defined UGBs, it could not be categorised as strategic management of urban growth, although he noted its location next to Waterfall Park Resort. We agree that

the proposal might be considered integrated for that reason, but it could scarcely be regarded as ‘strategic’ in the sense this objective is using the term.

[694] Mr Langman considered that the proposal was consistent with some elements of SO 3.2.2.1 and not others. On balance, we consider the proposal is neutral as regards these objectives.

[695] SO 3.2.3 seeks “A quality built environment taking into account the character of individual communities”. Mr Cook emphasised the quality of the proposed development in this context, concluding consistency with the objective. Mr Langman agreed about the quality of the development but observed its location between the urban character of the Waterfall Park Zone and the rural residential character on the other side of it. Mr Vivian focussed on the difference in character with the adjacent rural residential properties. On balance, we consider the proposal is neutral as regards this objective, because of the different character of the communities either side of it.

[696] All three planners agreed that the development was consistent with:

- a. SO 3.2.4, “The distinctive natural environments and ecosystems of the District are protected”;
- b. SO 3.2.4.1, “Development and land uses that sustain or enhance the life-supporting capacity of air, water, soil and ecosystems, and maintain indigenous biodiversity”;
- c. SO 3.2.4.4, “The water quality and functions of the District’s lakes, rivers and wetlands are maintained or enhanced”; and
- d. SO 3.2.3.1, “The District’s important historic heritage values are protected by ensuring development is sympathetic to those values”.

We concur.

[697] SO 3.2.5.8 seeks “Within the Wakatipu Basin Rural Amenity Zone: a. the landscape character and visual amenity values of the Basin and of its Landscape Character Units, as identified in Schedule 24.8 are maintained or

enhanced; and b. the landscape capacity of each Landscape Character Unit and of the Basin as a whole is not exceeded'. Mr Cook considered the proposal consistent with this objective. Messrs Vivian and Langman disagreed. Which is correct depends on our assessment of the expert landscape evidence. Our preference for the views of Ms Gilbert means that we find the project inconsistent with this objective. It would both not maintain landscape and visual amenity values and would exceed the landscape capacity of LCU8.

[698] SO 3.2.6.2 seeks, "A diverse, resilient and well-functioning community where opportunities for arts, culture, recreation and events are integrated into the built and natural environment". Mr Cook considered the proposal consistent with this objective. Mr Vivian considered the matter more evenly balanced, but ultimately concluded that on-balance the proposal is consistent with this objective. We concur with Mr Vivian. There are aspects of the proposal that are not integrated with either the built or the natural environment, but overall it might be considered consistent with this objective.

[699] None of the planners referenced SO 3.2.7.1, "Ngāi Tahu values, interests and customary resources, including taonga species and habitats, and wāhi tūpuna, are protected" or SO3.2.7.1, "The expression of kaitiakitanga is enabled by providing for meaningful collaboration with Ngāi Tahu in resource management decision making and implementation". Our findings in relation to cultural effects in Part E above suggest to us that the project is consistent with these objectives, and indeed Chapter 5 of the PDP more generally.

[700] Turning to Chapter 3 policies, given Mr Cook's agreement that the proposal involves urban development, Mr Langman is clearly correct that it is contrary to SO 3.3.15, "Apply provisions that enable urban development within the UGBs and avoid urban development outside of the UGBs"

[701] There was no dispute between the planners that the project is consistent with Policies SO 3.3.17, “Identify heritage items and ensure they are protected from inappropriate development” and SO 3.3.20, “Manage subdivision and / or development that may have adverse effects on the natural character and nature conservation values of the District’s lakes, rivers, wetlands and their beds and margins so that their life-supporting capacity is safeguarded; and natural character is maintained or enhanced as far as practicable.” We concur with that view, and with Mr Langman’s view that the project is also consistent with Policy SO 3.3.27, “Seek opportunities to provide public access to the natural environment at the time of plan change, subdivision or development”.

*PDP Chapter 4*

[702] Mr Cook did not initially consider the provisions of Chapter 4 as he had not categorised the proposed development as urban development. Having been alerted to the point through the feedback of Messrs Landman and Vivian, he accepted both that it was urban development, and he largely agreed with Mr Langman’s view that it was contrary to the objectives and policies of Chapter 4.

[703] The key direction of Chapter 4 is that urban growth occurs within UGBs “and, to a lesser extent, within and adjacent to smaller urban areas, towns and rural settlements” (Policy 4.2.1.3).

[704] The site is not within a UGB, or adjacent to a smaller urban area, town, or rural settlement. Moreover, in the appeals on the PDP, the Environment Court specifically rejected submissions (from the applicant) seeking that the UGB around Arrowtown be extended to include the site<sup>230</sup>.

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<sup>230</sup> *Waterfall Park Developments Ltd v QLDC* [2023] NZEnvC 207

[705] Mr Cook's disagreement with Messrs Langman and Vivian's assessment of Chapter 4 was limited to their categorisation of project inconsistency with machinery provisions directing the establishment of UGBs. We tend to agree with him in that regard, but given his agreement that the project is clearly contrary to directive provisions regarding development outside UGBs (that it be avoided), we do not consider we need to work through the Chapter on a provision-by-provision basis.

*PDP Chapter 6*

[706] There are no objectives in Chapter 6.

[707] Messrs Cook and Vivian assessed various policies in Chapter 6 for their potential relevance. Mr Langman, however, pointed to Policy 6.3.1.4:

Provide a separate regulatory regime for the Wakatipu Basin Rural Amenity Zone, within which the Outstanding Natural Feature, Outstanding Natural Landscape and Rural Character Landscape categories and the policies of this Chapter related to those categories do not apply.

[708] Mr Langman considered, however, that all of the policies Mr Cook (and consequently Mr Vivian) had assessed related to those categories. We agree. While individual policies are framed sufficiently generally that they might apply in the WBRAZ, the headline policies that the sub-policies seek to give effect to are clearly specific to those categories. Policy 6.3.5 is the exception but in that case, the sub policies are restricted to defined locations that do not include this Site. We consider therefore that the intention is that no policies in Chapter 6 apply to the Site.

*PDP Chapter 24*

[709] Objective 24.2.1 seeks that:

Landscape character and visual amenity values in the Wakatipu Basin are maintained or enhanced

[710] Mr Cook considered that the project is consistent with this objective on the basis of Mr Milne's assessment. Messrs Langman and Vivian disagreed. We think Mr Cook's conclusion dubious given the revisions Mr Milne made to his assessment of the extent of adverse effects on landscape character in particular. We have preferred Ms Gilbert's evidence on the extent of adverse effects, which in our view makes it clear that the project would not maintain landscape character.

[711] Messrs Cook, Vivian and Langman assessed Policies 24.2.1.2 and 24.2.1.3, disagreeing as to their application. Mr Langman also referred us to Policy 24.2.1.4. Each of these policies governs subdivision and residential development. As discussed in Part E, this development is neither of those things. Accordingly, in our view, they are not relevant.

[712] Policy 24.2.1.6 states:

Ensure subdivision and development is designed (including accessways, services, utilities and building platforms) to minimise inappropriate modification to the natural landform.

[713] Mr Cook considered effects on natural landforms would be minimised, and referenced the conditions to manage effects. Messrs Langman and Vivian pointed to the extent of earthworks proposed and the effects of the extended spur in particular. Mr Vivian noted its location in an area identified as Open Space. The policy provides no guidance as to what might be considered relevant tests of appropriateness, but we find it hard to escape the conclusion that in a policy sense, this particular modification to the landscape is inappropriate given the effects we have assessed it to have on landscape character.

[714] Policy 24.2.1.7 states:

Ensure that subdivision and development maintains or enhances the landscape character and visual amenity values identified in Schedule 24.8 – Landscape Character Units.

[715] Comments received on this policy reflected those on Objective 24.2.1 and for the same reasons, we prefer Mr Vivian's view that the project is inconsistent with this policy.

[716] Policy 24.2.1.8 states:

Maintain or enhance the landscape character and visual amenity values of the Rural Amenity Zone including the Precinct and surrounding landscape context by:

- a. controlling the colour, scale, form, coverage, location (including setbacks) and height of buildings and associated infrastructure, vegetation and landscape elements.

[717] Mr Cook considered the project consistent with this policy, pointing to the design of buildings and the proposed landscaping. Mr Vivian disagreed, pointing to the height of the buildings, particularly the studio buildings. Mr Langman did not advance an opinion. We are dubious about the proposition that the height of the buildings is a particular issue in itself, given that mostly they would not be seen from off site. It is more the number of substantial buildings in close juxtaposition. That might be captured by a focus on the combination of coverage and height. Reference to landscape elements might also be taken to include the extended spur. On balance, we therefore consider that the project is inconsistent with this policy, but we do not regard it as clear-cut.

[718] Policy 24.2.1.10 states:

Provide for farming, commercial, community, recreation, tourism related and other non residential activities that rely on the rural land resource, subject to maintaining or enhancing landscape character and visual amenity values.

[719] Mr Cook considered that the development does rely on the rural land resource and is consistent with the policy. Mr Langman and Mr Vivian both disputed that. We agree that the applicant has not demonstrated that the development relies on the rural land resource in the context of this policy.

As far as we can see, the only elements of the project that could be said to do so are the trail improvements and the riparian planting that the applicant is proffering as mitigation. We also do not consider that the project maintains or enhances landscape character for the reasons discussed in relation to other objectives and policies posing that test. We conclude that the project is inconsistent with this policy.

[720] Policy 24.2.1.13 states:

Control earthworks and vegetation clearance to minimise adverse effects on landscape character and visual amenity values.

[721] Mr Cook referred us to the controls on earthworks via the proposed Earthworks Management Plan as supporting his view that the project is consistent with this policy. Mr Vivian disagreed, pointing to the volume of earthworks proposed in the Open Space area. In our view, earthworks are well controlled, and the extended spur reduces adverse effects on visual amenity values by screening the development, albeit at the cost of adverse effects on landscape character. On balance we consider the development to be consistent with this policy.

[722] Policy 24.2.1.15 states:

Provide for activities that maintain a sense of spaciousness in which buildings are subservient to natural landscape elements.

[723] Mr Cook's view was that spaciousness would be maintained by locating the development where it can be well screened. Mr Vivian disputed that, pointing to the density of development the PDP anticipates might occur on the site. We tend to agree with Mr Vivian. We doubt that the author of this policy had a pocket of urban development in mind when drafting it, or that it was intending that the spaciousness outside the perimeter of the development would suffice, particularly when the spacious elements are physically separated from the built elements.

[724] Policy 24.2.1.16 relates to adverse glare and degrading views of the night sky. Mr Langman expressed concern about a suggestion that uplighting might be envisaged. As discussed in Part E, this has been addressed through conditions, and so we agree with the view of Messrs Cook and Vivian that the project is consistent with this policy.

[725] Policy 24.2.1.17 relates to takata whenua values. Messrs Cook and Vivian agreed that the project appropriately addresses these matters, as do we.

[726] Objective 24.2.2 seeks:

Non-residential activities maintain or enhance amenity values.

[727] Mr Cook considered the project consistent with this objective due to the proposed mitigation. Mr Vivian considered it highly unlikely that the project would be able to maintain and enhance amenity values. Mr Langman noted both localised adverse effects on amenity and positive effects through indigenous planting. We would add reference to the trail relocation, which would clearly enhance amenity for landowners adjoining the southern boundary of the site. We consider some amenity values would likely not be maintained, but some would be enhanced. Overall, we do not find the screen hub clearly inconsistent with this objective.

[728] Policies 21.2.1.1-3 focus on traffic, noise, the scale and intensity of the development, hours of operation and potential nuisance effects. Mr Cook considered that these were all appropriately addressed by conditions. Mr Vivian considered it highly unlikely that amenity values would be able to be maintained or enhanced, while Mr Langman considered that the level of development would likely adversely affect landscape character and amenity values. He also considered that temporary nuisance effects were likely during construction, but that these can be mitigated by conditions. Traffic through the ALHR/ Speargrass Flat Road intersection was of concern to Mr Langman, but the applicant has addressed this matter through conditions.

We consider the project to be largely consistent with these policies due to the number and nature of controls in the conditions. The exception is landscape character which we consider would not be maintained, contrary to Policy 24.2.2.1.

[729] Objective 24.2.3 seeks to manage reverse sensitivity effects. Objective 24.2.4 relates to maintenance and enhancement of water quality, ecological quality, and recreation values. Policy 24.2.4.1 directs that adverse cumulative effects on ecosystem services and nature conservation values be avoided. Policy 24.2.4.2 directs restriction of subdivision, development and use of land in the Lake Hayes catchment unless it contributes to water quality improvement. Policy 24.2.4.3 directs provision for improved public access and the maintenance and enhancement of, the margins of waterbodies including Mill Creek and Lake Hayes. Policy 24.2.4.4 relates to provision of adequate firefighting water and emergency vehicle access. Policy 24.2.4.5 directs regard be had to servicing and infrastructure costs not met by the applicant. Policy 24.2.4.6 relates to provision for walkways and cycleway networks. Policy 24.2.4.7 relates to traffic affecting road safety and efficiency. Lastly, Policy 24.2.4.9 encourages indigenous vegetation planting.

[730] Messrs Cook and Vivian agreed that the project would be consistent with all of these objectives and policies. The only one Mr Langman had a concern about was Policy 24.2.4.4 (fire-fighting water). He considered that this matter could be addressed by conditions. We agree, and we concur also with Messrs Cook and Vivian in relation to the remainder.

*Other PDP Chapters*

[731] Mr Cook assessed the project against a series of policies in Chapter 25 governing the way in which earthworks are undertaken, concluding that the project was consistent with their achievement. Mr Langman did not advance

a contrary view. Mr Vivian disagreed with Mr Cook in respect of one provision only, Policy 25.2.1.4, which reads:

Manage the scale and extent of earthworks to maintain the amenity values and quality of rural and urban areas

[732] Mr Vivian considered that the significant volume of earthworks would do little to maintain amenity values and the quality of this urban area. While the construction phase would be disruptive, conditions will manage that. We are dubious that Mr Vivian's reasoning is well-founded otherwise.

[733] Mr Langman assessed a series of provisions in Chapter 27 related to subdivision. As discussed above, this project does not involve an application for subdivision, but it does involve an application to vary the conditions of an existing subdivision consent. We consider that of the provisions assessed by Messrs Cook and Langman, two are potentially relevant to the application that has been made.

[734] Firstly, Policy 27.3.27.1 directs:

Enable subdivision which is consistent with the Ayrburn Structure Plan located in Section 27.13.

[735] Mr Langman considered the subdivision condition changes sought were inconsistent with that policy. We do not agree. The subdivision in the sense of the division of land parcels will remain the same. Amendment to the conditions would just remove a prohibition on certain land uses occurring. The absence of the prohibition does not mean that the subdivision is inconsistent with the structure plan, particularly given that the land uses have to be the subject of a separate application, which the applicant is also making. In short, we agree with Mr Cook's view on this point.

[736] Secondly, Policy 27.3.27.8 directs:

Avoid buildings within Activity Area OS, as identified on the Ayrburn Structure Plan, and provide for the consistent and integrated management of Activity Area OS.

- [737] This is a different matter. We find it difficult to accept Mr Cook's reasoning that the project is not inconsistent with the outcomes sought by this policy. The project, if it proceeds, will result in buildings being constructed on OS land. By definition, that outcome would not be avoided and the changes to subdivision conditions sought would assist achievement of that outcome. In short, we agree with Mr Langman's assessment that the project is inconsistent with this policy.
- [738] In his commentary on relevant plan provisions, Mr Langman noted that Mr Cook had not assessed a number of provisions in Chapter 28 (Natural Hazards), although he did not himself identify any potentially problematic matters.
- [739] Mr Cook provided additional analysis of natural hazard issues as part of the applicant's Response to Comments. We note also our findings in Part E of our decision regarding geotechnical issues. We do not identify any material inconsistency with the provisions of Chapter 28.
- [740] Mr Cook addressed also provisions in Chapters 29 (Transport) and 36 (Transport). Again, Mr Langman pointed out additional provisions in Chapter 29 that he considered needed to be assessed without suggesting that in his view the end result might be problematic. Mr Cook addressed these matters as part of the applicant's Response to Comments. Given our conclusions in our assessment of potential transport and noise effects, we have not identified any material inconsistency with the provisions of either Chapter 29 or Chapter 36.
- [741] We have identified a wide range of PDP provisions that the project is consistent with. We have also identified a number of PDP provisions the

project is inconsistent with. Many of the latter are highly directive and the inconsistency is clear.

[742] We also need to take account of the status of the applicant's applications as non-complying activities. Often non-complying status is not indicative of inconsistency with the objectives and policies in an RMA Plan. Activities frequently slip into non-complying status because of technical exceedances of selected standard(s) or just because the Plan does not contemplate a particular activity. That is not the case here. Non-complying status is in our view an accurate reflection of the direction of the PDP.

[743] In summary, had this been an application under the RMA, we would have found the application to be contrary to the objectives and policies of the PDP for the purposes of section 104D(1)(b) of that Act.

### **Other Instruments**

[744] Mr Langman drew our attention in his commentary on planning issues for QLDC<sup>231</sup> to the Queenstown Lakes Spatial Plan. That plan sets out where in the Wakatipu Basin urban development is to be located and targeted. The Site proposed is not identified. Mr Langman concluded that the project was inconsistent with the Queenstown Lakes Spatial Plan. Mr Cook accepted that was the case, as do we.

[745] We find that this is a relevant matter for us to consider.

[746] The AEE identified<sup>232</sup> and summarised the two iwi management plans relevant to the applications, being KTKO NRMP and TŪāT. Appendix 35 contained additional detail. We have noted the key features of these plans in our discussion in Part E of Cultural Effects.

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<sup>231</sup> Planning review of substantive application under the Fast-track Approvals Act 2004 [sic], Marcus Langman, 12 December 2025, paragraphs 66-69

<sup>232</sup> AEE at sections 8.3 and 8.4

[747] In summary, we agree with the view expressed in the AEE that “the proposed development can be constructed and operated in a manner that is generally consistent with the environmental outcomes sought by planning documents recognised by relevant iwi authorities”<sup>233</sup>.

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<sup>233</sup> Ibid at 8.4.1

**PART G: PART 2 OF THE RMA**

- [748] Clause 17 of the Fifth Schedule of the FTAA requires that we have regard, among other things to Part 2 of the RMA (but excluding section 8), while giving greatest weight to the purpose of the FTAA.
- [749] Consideration of Part 2 of the RMA starts with the purpose of that Act, as set out in section 5, namely the promotion of sustainable management of natural and physical resources.
- [750] We are satisfied that the project would promote the economic wellbeing of the Queenstown area, and the wider Otago/Southland 'region' as a result of the regional economic benefits we have identified.
- [751] Social wellbeing of the local community is however more problematic given the views expressed in Comments.
- [752] We are satisfied that the project would safeguard the life-supporting capacity of Mill Creek, and Whakaata/Lake Hayes, and the ecosystems relying on them.
- [753] Sections 6(a), and (e) are relevant to the applications. In particular, the project would enhance the natural character of Mill Creek overall following temporary disturbance while the in-line sediment pond is constructed. The position taken by the hapū suggests that the application is neutral as regards section 6(e).
- [754] As regards section 7 matters, the proposal provides benefits in terms of kaitiakitanga. Consistency is more questionable as regards maintenance and enhancement of amenity values. As regards the focus of section 7(f) on maintenance and enhancement of the quality of the environment, the development is well designed and the associated mitigation would enhance the quality of Mill Creek and its tributaries. However, it would not enhance

the quality of the rural environment, given its character as urban development. On the basis that rural areas in the Wakatipu Basin are a finite resource, consistency with section 7(g) is problematic, although the fact that the PDP provides for development of much of the Site, albeit at much lower densities than is proposed, reduces the significance of this aspect of section 7.

- [755] As discussed in Part C of our decision, we consider it appropriate to have regard to the Principles of the Treaty of Waitangi. As Te Tiriti relates to Tino Rakatirataka, Ngāi Tahu with shared interest in the takiwa where the activity is proposed, had and would continue to have the opportunity to provide effective Kaitiakitaka of their taiao, wāhi tapu and wāhi taoka.
- [756] Interested parties agreed that some of the principles and provisions in the Crown acknowledgements and apology of that Treaty settlement apply broadly to the project. However, the respective Papatipu Rūnaka, either directly or through Te Ao Mārama, in summary are not opposed to the granting of the consent(s) subject to acceptable conditions addressing their concerns being included. Hence the activity proposed by the applicant for a screen hub at Ayrburn can be considered not inconsistent with the principles of Te Tiriti or the Ngāi Tahu Claims Settlement Act 1998.
- [757] Overall, we consider that the project is consistent with Part 2, but there are some clear cross-currents within Part 2 that would suggest otherwise.
- [758] Viewed against the instruction to give greatest weight to the purpose of the FTAA, the combination of considerations clearly suggest grant of the application given our finding that the project would deliver significant regional benefits.

## PART H: CONSENT CONDITION VARIATIONS

[759] The applicant has sought variation to three sub-conditions of existing consent RM240982, as follows:

15 a) No vegetation other than pasture grass, crops or grapevines shall be planted within Lots 4 and 5 within Activity Area OS as shown on the Ayrburn Structure Plan referred to in Rule 27.7.32.2 provided that this control does not apply to:

- i. Planting to maintain or replace trees and landscaping along Ayr Avenue or to planting within a Tree Protection Area (TPA) shown on Proposed Subdivision Plan – Pasture Line and Tree Protection Areas, Sheet No. 41, Rev J, dated 12/11/2024 or the mitigation planting consented under Consent FTAA-2502-1008;
- ii. Planting authorised through any resource consent; and
- iii. That part of Lot 5 that is located in the Waterfall Park Zone.

15 b) No vegetation other than pasture grass shall be planted within Lot 4 above the Pasture Line shown on Proposed Subdivision Plan – Pasture Line and Tree Protection Areas, Sheet No. 41, Rev J, dated 12/11/2024. except for the mitigation planting consented under Consent FTAA-2502-1008.

15(d) No building shall be located within Lots 4 and 5 (except for buildings previously consented – refer Condition 14(e) above) and except for buildings consented under Consent FTAA-2502-1008.

[Changes underlined]<sup>234</sup>

[760] In each case, the amendments sought to remove an impediment to the project which the applicant has sought a separate land use consent for, so it can proceed.

[761] As noted in Part F above, the amendment to Condition 15(d) is contrary to Policy 27.3.27.3.

[762] Nevertheless, we find that if it is appropriate to confirm approval for the underlying land use activities, it must similarly be appropriate to grant the subdivision condition changes sought for the same reasons.

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<sup>234</sup> Refer Counsel for the applicant's memorandum dated 3 February 2026

[763] As will be clear from Part J following, that is the position. Accordingly, we confirm grant of the subdivision condition changes sought.

## PART I: CERTIFICATE OF COMPLIANCE

[764] The AEE described the certificate of compliance sought as “the disturbance of the bed of an ephemeral river to enable the installation of two sediment traps, located within an ephemeral tributary of Mill Creek at the two locations marked in blue circles D & E in Figure 11 below”.<sup>235</sup>

[765] The figure cross referenced is reproduced as Figure 4:



Figure 4: Stormwater Overview Plan

[766] The AEE identified the relevant Permitted Activity rule in the Otago Regional Plan Water as Rule 13.5.1.10. That rule reads:

The disturbance of the bed of any ephemeral or intermittently flowing river for the purpose of constructing or maintaining a sediment trap and any associated deposition of bed material is a permitted activity providing:

- a) The construction or maintenance of the sediment trap is undertaken solely for sediment control purposes or to maintain the capacity and effective functioning of the sediment trap; and

<sup>235</sup> AEE at section 5.1.16

- b) The construction or maintenance does not result in destabilisation of any lawfully established structure or cause increased risk of flooding or erosion; and
- c) No works occur in flowing water; and
- d) Any build-up of sediment and other debris (including vegetation) within the sediment trap is removed to maintain the effectiveness of the sediment trap; and
- e) All reasonable steps are taken to minimise the release of sediment during the disturbance and there is no conspicuous change in the colour or clarity of the water body beyond a distance of 200 metres downstream of the disturbance; and
- f) No lawful take of water is adversely affected as a result of the disturbance; and
- g) There is no change to the water level range or hydrological function of any Regionally Significant Wetland; and
- h) There is no damage to fauna or New Zealand native flora in or on any Regionally Significant Wetland

[767] The applicant's assessment of compliance with this rule is contained within Appendix 38 to the AEE.

[768] In its Comment on the application, ORC confirmed verbal advice Mr Bell had previously given that the certificate of compliance might be granted.

[769] We have not identified any reason to doubt ORC's view and accordingly confirm the grant of a certificate of compliance for the disturbance of the bed of an ephemeral river to enable the installation of two sediment traps, located within an ephemeral tributary of Mill Creek at the two locations marked in blue circles D & E in Figure 4 above, subject to compliance with conditions (a)-(h) of Rule 13.5.1.10 as also set out above.

[770] We record that the Expert Hearing Panel received application for this approval on 5 November 2025.

## **PART J: DECISIONS AS TO RESOURCE CONSENTS INCLUDING CONDITIONS**

### **Grant or No Grant**

- [771] As discussed in Part G above, consideration of the purpose of the FTAA, and to a lesser extent Part 2 of the RMA, clearly points toward grant of the approvals sought.
- [772] Principally, that reflects our findings in Part D of our decision that the contribution of the project to the economy and the improvement in water quality in the Whakaata/Lakes Hayes catchment are regionally significant benefits. Our conclusion in this regard took into account the uncertainties around the extent of ongoing regional economic benefits from operation of the screen hub.
- [773] We have not identified any significant adverse effects, either individually or cumulatively in Part E of our decision. The most material adverse effects are in relation to landscape values, which we have found to be more than minor but not significant, and reducing over time.
- [774] In relation to relevant statutory instruments; we have found in Part F;
- a. National direction provides little guidance other than in relation to water quality, where it is positive.
  - b. To the extent that regional instruments provide direction, the project is consistent with that direction, with the Regional Plan Water providing strong support in relation to matters within ORC's jurisdiction.
  - c. The project is inconsistent with a number of directive PDP objectives and policies, such that, viewed overall, it can be considered contrary to the objectives and policies of the PDP.

- [775] We have also found the project to be inconsistent with the Queenstown Lakes Spatial plan, but generally consistent with the two relevant iwi Management plans.
- [776] Section 85(3) of the FTAA directs that we can only decline the application before us if we find that the adverse effect(s) are sufficiently significant to be out of proportion to the project's regional and national benefits.
- [777] Section 85(4) directs that we cannot reach the view that that is the case solely on the basis of a document we are required to take into account. Accordingly, our finding that the project is contrary to the objectives and policies of the PDP (and the Queenstown Lakes Spatial Plan) is a relevant but not decisive consideration.
- [778] We have not found the adverse effect(s) are so significant as to be out of proportion to the project's regional and national benefits in the sense of being materially greater than those benefits. We have found the reverse is the case, i.e. that the identified regional benefits are materially greater than the adverse effects. The former are significant. The latter are not (significant).
- [779] This finding means that the only permissible option under the FTAA is that we grant the application before us.

### **Lapse and Duration**

- [780] The applicant sought a six year lapse period. Our initial reaction was that this appeared excessive in the context of a Fast-track application and we sought justification.
- [781] This was provided on 18 November 2025. Ms Christie's letter on behalf of the applicant recorded that the total construction period was likely to be in the order of 4.8 years, taking account of the period required for detailed

design, engineering acceptance and building consent prior to construction commencing, and final works required after construction.

[782] This appeared reasonable to the Panel and the addition of a condition precluding building construction before an adequate supply of potable water is confirmed provides added justification (as discussed in Part E).

[783] We confirm the grant of consents should be subject to a six year lapse period.

[784] Turning to consent duration, this is only an issue for regional consents. In its Comment on the application, ORC noted that the applicant had not specified a duration for the two consents sought within ORC's jurisdiction. Having considered other ORC consents held by the applicant and the level of investment required by the applicant, ORC proposed a consent term in each case expiring 1 September 2053.

[785] The applicant accepted that position.

[786] We consider that ORC has taken into account the relevant considerations and we agree with the outcome it arrived at.

## **Conditions**

### *Context*

[787] The AEE included a proffered set of volunteered conditions for both QLDC – Land Use and ORC – Water Permit and Land Use consents.<sup>236</sup>

[788] The Panel's evaluation of the actual and potential effects of the proposal on the physical and natural environment including people and communities that comprise that environment and the influence of conditions on those effects

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<sup>236</sup>Appendix 6 to the AEE – Proposed Draft Consent Conditions

in terms of avoidance, mitigation and remediation, has been canvassed in Part E above. The conclusions reached were threefold:

- a. there would be a number of positive effects arising from the additional economic activity and increased employment opportunities generated both during and after construction of the Screen Hub, both regionally and nationally, in addition to beneficial effects on water quality;
- b. the actual and potential effects of the Screen Hub relating a number of matters (including, but not limited to, landscaping and visual effects, historic heritage, traffic, noise, lighting and glare, geotechnical, earthworks and cultural effects) would be appropriately avoided, remedied or mitigated through a robust suite of conditions on the district and regional consents; and
- c. the Screen Hub is capable of being adequately serviced in terms of wastewater, water supply and stormwater management without any anticipated adverse effects through conditions of consent.

[789] The key theme for the Panel in the aforementioned assessment was the suitability of conditions to appropriately manage and reduce potential or actual adverse effects on the social, physical and natural environment. The Panel also focused on the ability of conditions to ensure appropriate infrastructure provision and servicing arrangements are implemented in a timely fashion.

[790] This focus on conditions was intentional and was open to full scrutiny by all parties. To this end, and given the importance of the suite of conditions that have been adopted, the Panel records below the evolution and scrutiny of conditions. Through that process, most focus was placed on transport upgrade(s), noise management, landscaping and accommodation use conditions.

*Evolution and scrutiny of conditions*

- [791] The Panel initially conducted a technical review of the applicant's draft consent conditions to assess if they were fit for purpose, and identified mechanical issues relating to:
- a. Definition and qualification of responsible professionals;
  - b. Certification vs approval;
  - c. Timing and sequencing of conditions;
  - d. Scope and technical completeness; and
  - e. Potential enforceability gaps
- [792] This resulted in the Panel directing the applicant, via Minute 8,<sup>237</sup> to undertake a technical revision exercise of the conditions through conferencing with ORC and QLDC to supply a further revised condition suite.
- [793] Further requests from the Panel to address the conditions were sought through Minutes 10, 11 and 14 based on Comments received from invited parties and further clarification from Panel deliberations, with both Councils and selected invited parties being further invited to provide Comments at various junctures.
- [794] In addition, due to the technical nature of the noise conditions, the Panel sought that Jon Styles, the independent peer reviewer the applicant had instructed on noise issues, review the entire noise conditions package to ensure it was fit for purpose.<sup>238</sup>
- [795] Over the course of the FTAA process, the conditions were amended several times, with amendments and additions driven by Comments received from

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<sup>237</sup> Minute 8, dated 23 January 2026

<sup>238</sup> Minute 14, dated 13 February 2026

invited parties, a JWS between experts and feedback received from both QLDC and ORC as follows:

- a. Version 1: Applicants Proposed Conditions submitted with substantive application, August 2025.
- b. Version 2: Amended by QLDC, dated 18 November 2025.
- c. Version 3: Amended in Response to invited parties' Comments, dated 23 January 2026.
- d. Version 4: Amended by Applicant in response to Minute 10 and 11, dated 30 January 2026.
- e. Version 5: Amended by Applicant in response to Minute 12, dated 4 February 2026.
- f. Amended landscaping Condition 58 and 59A in response to Minute 13, dated 10 February 2026.
- g. Version 6: Amended by applicant in light of JWS<sup>239</sup>, dated 3 March 2026.
- h. New Condition 70 suggested by Mr Cook in his memorandum dated 6 March 2026 in response to Minute 18.
- i. Amended Conditions 1, 11 and 40, dated 9 March 2026.
- j. Amended conditions submitted by the applicant, QLDC, the Speargrass Flat neighbours, and counsel for Mr Kidd on 26 March 2026 with their respective comments on the draft conditions circulated pursuant to section 70 of the FTAA.
- k. An updated version of the applicant's conditions (26 March 2026 version) with further amendments suggested by the applicant as part of its reply to the comments of other parties on 2 April 2026.
- l. A draft neighbourhood liaison condition provided by the applicant on a without prejudice basis at the Panel's request on 8 April 2026.

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<sup>239</sup> Joint Witness Statement in Relation to Planning (Conditions 68 and 69), prepared by Karl Cook (WPDL), Marcus Langman (QLDC) and Carey Vivian (on behalf of Jan Andersson, David Kidd and James & Rebecca Hadley, dated 20 February 2026

[796] The applicant's revised conditions largely resolved the technical matters identified by the panel, although where a certification was required, this was not always agreed between the applicant and the councils. The Panel is now satisfied that matters set out in paragraph 789 (a)-(e) above have been resolved and the conditions are now fit for purpose in a technical sense.

*Principal changes to conditions*

[797] Overall, the version of volunteered consent conditions that were provided with the substantive application were amended and refined over the course of the process and were a result of addressing the following:

- a. Concerns raised by invited parties, including QLDC and ORC
- b. Agreed matters arising from Joint Witness Conferencing
- c. Clarifications sought by the Panel

[798] Whilst the precise details of conditions are canvassed in each of the effects topics in Part E of this decision, it is useful to highlight the key changes that were made to proposed conditions for the QLDC land use consent since the application was lodged to the point when draft conditions were circulated. They were as follows:

**Transport**

Condition 15 (v)(g)(v) and (j) – amended condition to provide for two bus stops, rather than a single bus stop and roading upgrades to provide for a right-turn bay from Arrowtown - Lake Hayes Road (north) to Speargrass Flat Road.

Conditions 36BB and 36C (now Conditions 39 and 40)– new conditions included to provide clarity that the transport upgrades specified in Condition 15 (v)(g)(v) and (j) were to be provided prior to the commencement of the screen hub activities or use of accommodation units and the costs borne by the consent holder.

**Water Supply**

Condition 36A (now Condition 35)– additional condition added in relation to water supply and use.

**Operational Noise**

Conditions 37 (now Condition 41) – amended to include an LAFmax value  
Conditions 37A- 37K (now Conditions 42-53)– new conditions added to control the level mechanical plant noise and of amplified noise and the requirements of an Operational Noise Management Plan.

**Construction Traffic, Noise and Vibration**

Condition 41 (now Condition 57)– updated condition relating to the hours and days of construction operation.

**Construction Noise Monitoring**

Conditions 42A – 42B (now Conditions 58 and 59)– new conditions added to address monitoring requirements and noise complaint processes.

Conditions 43 – 54 have been deleted as a result of the new Conditions 58 and 59

**Landscaping**

Condition 55 c)- h) (now Condition 67 c)- h)) and Conditions 58, 58A, 59A, 59B, 59C (now Conditions 70-74) have been added to provide for further landscape planting and acoustic fencing and clarity relating to the requirement of vegetation removal

**Lighting**

Conditions 60, 61 and 61A (now Conditions 78-80) – updated and newly inserted requiring Lighting Management Plans and clarity on external lighting management.

**Use of Accommodation Units**

Conditions 67-69 (now Conditions 87-89)– the initial provision for phased implementation has been deleted and subsequent conditions amended to specify the use and proportion of unit that may be booked for by persons not associated with the studio activities.

Conditions 70 and 70A (now Conditions 90-91) – an additional monitoring and review condition has been added.

**Public Access**

Condition 71 and 72 (now Conditions 92 and 93)– amended to provide clarity on the pedestrian and cycle trail provisions, easement requirements and associated costs.

[799] The key areas and effects that resulted from the most substantive changes in conditions related to the following areas:

- a. transport;
- b. noise (operational and construction);
- c. landscaping;
- d. use of accommodation;
- e. three waters; and
- f. public access.

[800] The consents relating to transport required upgrades, in particular requiring two bus stops rather than one and roading improvements to provide a right-turn bay from Arrowtown–Lake Hayes Road into Speargrass Flat Road. Critically, the new transport conditions also clarify that these transport upgrades must be completed prior to the commencement of screen hub activities or use of the accommodation units, with all costs borne by the consent holder.

- [801] Conditions addressing construction activities have been updated, including revised construction hours and the introduction of new requirements for construction noise monitoring and complaint management, replacing several earlier construction noise conditions.
- [802] Further amendments relate to landscaping and vegetation management, introducing additional planting and acoustic fencing requirements and clearer provisions around vegetation removal. Lighting controls have also been expanded through updated conditions and the requirement for Lighting Management Plans to guide external lighting.
- [803] As above, amendments also clarify the use of accommodation units, replacing the previous phased approach with provisions specifying the proportion of units that may be booked by persons not associated with studio activities.
- [804] Three waters – new conditions ensure that building construction work does not proceed until the availability of an adequate potable water supply has been confirmed.
- [805] A replacement condition on a terrestrial ecology matter - the Lizard Management Plan – has been included by the Panel drawing on best practice similar conditions from other FTAA decisions.
- [806] Finally, changes made to in relation to public access arrangements, including great clarity over pedestrian and cycle trail provisions, easements, and responsibility for associated costs.

*Conclusion on conditions*

- [807] The applicant's revised conditions largely resolved the technical matters, identified by the panel, although where a certification was required, this was not always agreed between the applicant and the councils. In our draft

conditions, we made some additional amendments to Conditions 37C, 37D, 56, and 60 and 86A (now Conditions 44, 45, 68, 78 and 101) to provide greater direction around certification of management plans. As noted in Part E above, the Panel was unable to devise a sufficiently robust certification test in Condition 62 (now Condition 81) and deleted the suggested provision for changes to exterior colours and materials. Any changes will need to be by way of section 127 amendment. The Panel is now satisfied that matters it had raised about management plan certification have been resolved and the conditions are now fit for purpose in a technical sense.

[808] The Panel's assessment of specific conditions, insofar as they address the appropriateness of managing effects and the need for additional condition changes, is set out in detail in Part E, particularly in relation to landscape, traffic, noise, and accommodation use. The attached conditions include additional more minor amendments to aid readability and clarity as well as to assist implementation by the consent holder and enforcement by the councils.

[809] In each revision of the conditions, the Panel has taken into account Comments received from invited parties and, where relevant, technical experts of the invited parties, the Councils and the applicant. In addressing those concerns the Panel considers that the conditions are fit-for-purpose and now provide greater specificity and certainty. In particular:

- a. There are now clear links to mitigation commitments in the AEE.
- b. The conditions apply SMART<sup>240</sup> principles to ensure clarity for the consent holder, and are capable of implementation, monitoring, and enforcement.
- c. There is a clear process for certification, including defined timing for staging and implementation requirements.

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<sup>240</sup> SMART stands for Specific, Measurable, Achievable, Relevant and Time-bound.

*Comments on Draft Conditions*

- [810] We have traversed the substantive comments on the draft conditions circulated to the parties in some detail in our discussion of effects, noting our reasons for making additional changes to conditions as appropriate. The amended conditions provide for a greater level of information flow to property owners adjoining the site, including via a neighbourhood liaison group, as well as providing greater clarity as to the manner in which consents will be exercised. As part of this, we have added additional definitions of terms used in the conditions and provided cross-references to assist with wayfinding in the condition document.
- [811] There are two more general issues raised in comments. Firstly, the Spreargrass Flat neighbours sought that Condition 66A (now Condition 85) be amended to provide for broader dissemination of the record of complaints to adjoining neighbours and the neighbourhood liaison process. The applicant suggested adding reference to Adjoining Neighbours in response to that comment. We agree with that change, but we have added reference to the neighbourhood liaison group also, reflecting our agreement with the Spreargrass Flat neighbours as to its value.
- [812] Secondly, Mr Langman for QLDC sought amendment of all references to QLDC certifying plans, substituting reference to an approval function as opposed to a certification function. The Applicant in response expressed itself as being neutral on the point.
- [813] We have given this careful consideration and have unanimously agreed that while the Council's role in relation to engineering plans is one of approval and acceptance, the appropriate approach to management plans is one of certification. Underpinning this, is our observation that the Environment

Court<sup>241</sup> has been clear as to the manner in which management plan conditions should be applied. In particular, there has been clear direction that the information requirements for a given management plan are best met through application of certified management plans.

[814] We also note that that these principles have also been well summarised on the MFE Quality Planning website<sup>242</sup>, being a digital ‘good practice’ manual for resource management practitioners administered by the Ministry for the Environment, New Zealand Planning Institute, Resource Management Law Association, New Zealand Institute of Surveyors, Local Government New Zealand and New Zealand Institute of Architects.

[815] Essentially, the certification process is one that has been accepted by the Courts and relevant professional bodies as good practice and on that basis we see no good reason to depart from that approach.

[816] The Panel is satisfied that with the amendments made to its draft conditions, the condition framework is appropriate and capable of managing the effects of the Screen Hub; particularly those relating to the most traversed issues, being traffic, noise, landscaping and accommodation use. Moreover, we are satisfied that the final set of conditions is the most appropriate to avoid, remedy, or mitigate adverse effects, is workable from a SMART perspective, and is no more onerous than necessary as per section 83 of the FTAA.

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<sup>241</sup> Decision on an application for direct referral by New Zealand Transport Agency-Waka Kotahi Decision No. [2024] NZEnvC 133; Environment Court Practice Note 2023 – section 10.4

<sup>242</sup> Refer Conditions relating to existing and future management plans and certification at <https://www.qualityplanning.org.nz/node/917>



**Trevor Robinson (Chair)**



**Hoani Langsbury**



**Ray O'Callaghan**



**David McMahon**

Attachment: District and Regional consent conditions