

BEFORE THE FAST-TRACK EXPERT PANEL

UNDER

of the Fast-track Approvals Act 2024 (the FTAA)

IN THE MATTER

of an application by Waterfall Park Developments Limited under section 42 seeking approval for the Ayrburn Screen Hub project (FTAA-2508-1093)

MEMORANDUM OF COUNSEL FOR THE APPLICANT IN RESPONSE TO MINUTE 14 OF THE EXPERT PANEL

Dated: 20 February 2026

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MAY IT PLEASE THE COMMISSIONERS:

Introduction

- [1] The purpose of this memorandum is to address matters arising from Panel Minute 14 and related materials referred to within the same.
- [2] In support of this memorandum, the following attachments are also filed by way of link with the EPA:
- (a) Economic response to Minute 14 (20.02.26)
 - (b) Film Expert response to Minute 14 (19.02.26)
 - (c) Marshall Day response to Minute 14 (16.02.26)
 - (d) Styles Group response to Minute 14 (19.02.26)
 - (e) Landscape response to Minute 14 (20.02.26)
 - (f) Planning response to Minute 14 (20.02.26)

Applicant response to Ms MacDonald and Mr Dougherty and Minute 14

- [3] The Applicant has accepted the opportunity extended to it in paragraph 3 of Panel Minute 14, to respond to the matters raised by commenting party, Mr Dougherty.
- [4] The Applicant's economic response to Minute 14 and Mr Dougherty's further comments can be summarised¹ as:
- (a) The economic scenarios provided for the proposal continue to appropriately demonstrate additional benefits to that which are already generated by the film sector in the region.
 - (b) The proposal responds to a specific filming need and there are no adverse displacement effects that would impact the economic conclusions already assessed by the Applicant.
 - (c) Regardless of different variables assessed by the economic experts, the proposal itself has remained constant, as have the

¹ Summary of Economic response to Minute 14 (20.02.26).

expert economic conclusion for the Applicant, that the proposal will have significant regional construction and operational impact benefits.

- [5] The memorandum of Counsel filed by Ms Macdonald accompanying the further commentary from Mr Dougherty provides context to the same, and therefore a short response by the Applicant is appropriate.
- [6] Firstly, while the Panel has recognised Mr Dougherty’s ‘particular interest in the matters the subject of expert evidence’², greater weight should be placed upon the conclusions of economic experts in the instance of conflict. While Mr Dougherty has a particular interest in the matters the subject of expert evidence, he has not provided expert comment as an economist, nor in accordance with any expert code of conduct, nor provided ‘expert testimony.’³
- [7] Ms Macdonald considers, at paragraph 6, bullet point 2, that the ‘Applicant has undertaken a qualitative regional-significance argument where quantification is contested: the applicant’s economist relies on qualitative “uniqueness/additive” considerations to support regional significance’.
- (a) The Applicant’s position is that the qualitative ‘uniqueness / additive’ considerations are relevant, however they are not central to the economic conclusions on economic significance.
- (b) This matter was traversed in the Applicant’s legal memorandum of 23 January 2026, referring to Part 5.3.1 Economic Benefits on pages 36-39 of the Ayrburn Screen Hub Planning Report dated 18 November 2025, and the three components of the economic benefits identified in the Application:
- (i) Financial contribution (the focus of expert economic evidence).

² Panel Minute 8, at paragraph [5].
³ Paul Dougherty Comment at [2].

- (ii) Alignment with the QLDC's Economic Diversification Strategy.
- (iii) National benefits to the New Zealand film and television industry.⁴

[8] Ms Macdonald further states, at paragraph 6, bullet point 4, that 'The project rationale has been materially reframed: the applicant's evidence now indicates that visitor accommodation is intended to operate as a hedge against the volatility of screen production and to cross-subsidise the studios'.

- (a) The Applicant disagrees and says the proposal has not been reframed. The Proposal has always been proffered as one which is a screen production facility and includes buildings for studio, workshop, office, venue, storage and logistics, accommodation. The facilities are expressed as being made available by the operator for wider public use when not being used for screen productions.⁵ Accommodation will primarily be utilised by production crews however, to optimise the efficient operation of the proposal and to reinforce the operational sustainability of the screen production facilities, the accommodation will be available for general visitor accommodation at times when not required for screen production purposes.⁶
- (b) Providing further evidence demonstrating the interconnected nature of the accommodation and screen production does not suggest a reframing of the application. Rather, the Applicant has demonstrated an efficient use of the proposal's component parts. The permanent nature of the studios component, together with the priority booking regime, will create the basis for development of an industry that could significantly contribute to diversification of the Queenstown economy.

⁴ Applicant legal memorandum dated 23 January 2026, at [98] – [102] explains further the relevance of considering all three components of economic benefits.

⁵ Applicant's AEE at 5.1.3

⁶ Applicant legal memorandum dated 23 January 2026, at [102].

- (c) Given there is no change to rationale of the project there is also no consequent change in terms of assessing attribution and net additionality of benefits. The submission does not advance the legal position on this further, which has already been addressed in response to comments received on the visitor accommodation component, at paragraphs 30-31, and 102-104 of the Applicant's legal memorandum dated 23 January 2026.



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R E M Hill
Counsel for the Applicant