

BEFORE THE MT IRON [FTAA-2602-1173 EXPERT PANEL

Under

The Fast-Track Approvals Act 2024 (the *FTAA*)

In the matter of

the deliberations and decisions of the Expert Panel appointed under section 50 and Schedule 3 of the FTAA for the Mt Iron Junction application seeking approvals under the Resource Management Act 1991 to

- (a) 250 residential units of varying residential typologies including medium density residential (including terrace housing and dual-key units) and high density residential including two three storey apartment buildings each containing 36 units;
- (b) A childcare centre;
- (c) Two publicly accessible and vested reserves with recreational infrastructure;
- (d) Internal roading, pedestrian and cycle connections, and landscaping; and
- (e) 13 residential sites within the development to be provided to the Queenstown Lakes Community Housing Trust.

Expert Panel

Dr Lee Beattie
(*Chair*)

Ian Munro
(*Member*)

Alan Pattle
(*Member*)

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

Dated 28 September 2026

Decision: Approval is granted subject to conditions

Date of Decision:

28 September 2026

Date of Issue:

28 September 2026

***Comments received
under Section 53 of
the FTAA:*** 26 June 2026

***Details of any hearing
under Section 57 of
the FTAA:*** A hearing was held on 26 August 2026

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DECISION MADE BY THE PANEL: MT IRON JUNCTION

PART A: EXECUTIVE SUMMARY

- 1 This is an application for Mt Iron Junction (Mt Iron) by Mt Iron Junction Limited (**MIJ**) to enable a medium and high-density residential neighbourhood at on a 5.98ha site at 237 Wānaka–Luggate Highway, Wānaka.¹ The Proposal is for a resource consent for subdivision, land use, and discharge consents under the Resource Management Act 1991 (**RMA**) and in terms of both district and regional consents. This comprises:
 - (a) 250 residential units of varying residential typologies including medium density residential (including terrace housing and dual-key units) and high density residential including two three storey apartment buildings each containing 36 units;
 - (b) A childcare centre;
 - (c) Two publicly accessible and vested reserves with recreational infrastructure;
 - (d) Internal roading, pedestrian and cycle connections, and landscaping; and
 - (e) 13 residential sites within the development to be provided to the Queenstown Lakes Community Housing Trust (Trust).
- 2 The Application was included as a referred project. On 7 May 2026 an expert panel was appointed to determine the Application (**Panel**).
- 3 The Panel has assessed the Application applying the relevant statutory criteria within the purpose and context of the FTAA.
- 4 The Panel received comments from identified commentators and a response to those comments from the Applicant, Queenstown Lakes District Council (Council), Otago Regional Council (Regional Council), New Zealand Transport Agency/Kata Kotahi (NZTA) and all the other parties invited to comment, including the residents in Old Racecourse Road.
- 5 A number of information requests were made and information provided. A hearing was had in relation to transportation infrastructure adjacent to the Site.
- 6 The Panel has carefully reviewed all of that information in evaluating the Application.
- 7 Schedule 5, clause 17 sets out the criteria and other matters for assessment of resource consent applications under the RMA. As no other approvals have been sought, schedules relating to other kinds of approvals are not relevant.
- 8 The Panel finds that, having considered all relevant matters, the Proposal meets the purpose of the FTAA and that, having regard to all the relevant decision-making criteria, the approvals sought should be granted. The Panel therefore grants approvals sought, as set out in **Appendix 1** and subject to the conditions set out in **Appendix One**.
- 9 This Decision is made in accordance with section 87 of the FTAA and covers all the approvals sought under the substantive application. The Decision includes the following parts:

¹ The site consists of two lots (Lots 2 and 6 DP605028), held in Record of Title 1186396 and Lot 3 DP 359869 held in Record of Title 243580

- 9.1 Executive summary – Part A;
 - 9.2 An overview of the Mt Iron Junction Application - Part B;
 - 9.3 The legal context for the Panel’s consideration of the approvals sought – Part C;
 - 9.4 The input received from iwi authorities and the legal context for the Panel’s consideration of that input – Part D;
 - 9.5 An assessment of the effects of Mt Iron Junction application– Part E;
 - 9.6 The regional and national benefits of Mt Iron Junction – Part F;
 - 9.7 Approvals that would otherwise be applied for under the RMA – Part G;
 - 9.8 Overall approach – Part H;
 - 9.9 Approach to conditions – Part I; and
 - 9.10 Final Decision – Part J
- 10 The Decision also includes the following appendices
- 10.1 Appendix 1: Resource Consents Granted;
 - 10.2 Appendix 2: Conditions.
- 11 Finally, we would like to acknowledge that we have become aware through the media of the Government’s desire to potentially amend the Development Contribution framework under the Local Government Act 2004 as it relates to resource consenting under the FFTA 2024. To the extent that we have powers under the FTAA 2024 as it is currently enacted to consider the matter of infrastructure-related effects (and their potential mitigation) generally, no commenter raised any development contribution concerns with us (noting NZTA did raise concerns relating to the capacity and related issues associated with the SH84 / SH6 roundabout adjoining the Site). Consequently, we have not considered this matter any further.

PART B: overview of the application and PROCEDURE

Application

- 12 MIJ provided a detailed description of the environmental setting for Mt Iron Junction in Sections 1.1 to 1.6 of the Mt Iron Junction Planning Report (**Planning Report**)² including the following key characteristics.
 - 12.1 Purpose of the Application;
 - 12.2 Summary of the Application;
 - 12.3 Project Location Overview;
 - 12.4 Summary of Approval's sought;
 - 12.5 Technical Reports/Plans;
 - 12.6 Supporting Documents/Assessment; and
 - 12.7 Key Finding and Conclusions
- 13 The Applicant also provided a number of specialist reports addressing a range of other characteristics and establishing the appropriate context from which the Applicant considers the Proposal ought to be assessed.

Site and surrounding environment

- 14 We adopt the Applicant's description of the existing environment without repeating it here, unless specified otherwise. In doing so we would like to acknowledge that we have viewed the property from all the locations shown in the Applicant's Landscape Assessments including from different points on the walking track to the summit of Mt Iron.
- 15 The Site is generally triangular-shaped sitting at the north-western side of the SH6 and SH84 roundabout in eastern Wānaka. Rising immediately north-west of the Site is Mt Iron, a very well-known feature and landmark. The Site itself is generally very flat and is in a generally cleared and vacant state. The Panel is aware that until relatively recently the north-eastern part of the Site was covered in mature trees. The land is zoned Rural and it sits outside of an Urban Growth Boundary identified within the Proposed District Plan.
- 16 Land to the north and adjoining the Site is zoned Large Lot Residential A; whereas land to the east and across SH6 is zoned Rural Residential. South across SH84 the land is zoned Rural Lifestyle, and beyond that are a combination of zones comprising the Three Parks area.
- 17 Generally, the Site is approximately 1.1km from the Three Parks urban centre along Sir Tim Wallis Drive. From its opposite side, it is approximately 1.8km from the Albert town commercial centre.
- 18 The Site is subject to a relevant resource consent (Council ref. RM181471) and has been subdivided to provide for part of that (RM230506). In summary, the proposal is to retain the

² Paterson Mt Iron Junction Fast-track Approvals Act 2024 Substantive Application Planning Report dated 20 Feb 2026.

previously consented service station in the general centre of the Site, and expand on a small cul-de-sac road that has been vested.

Overview of the application

- 19 MIJ seeks RMA authorisations to enable a medium and high-density residential neighbourhood at on a 5.98ha site at 237 Wānaka–Luggate Highway, Wānaka, comprising the following key activities:
 - 19.1 250 residential units of varying residential typologies including medium density residential (including terrace housing and dual-key units) and high density residential including two three storey apartment buildings each containing 36 units;
 - 19.2 A childcare centre;
 - 19.3 Two publicly accessible and vested reserves with recreational infrastructure;
 - 19.4 Internal roading, pedestrian and cycle connections, and landscaping; and
 - 19.5 13 residential sites within the development to be provided to the Queenstown Lakes Community Housing Trust.

The location of the above listed Areas is shown in Figure 1 below.



Figure 1 Mt Iron Junction Masterplan

- 20 Given the scale of the Proposal, it is anticipated that the project build will be undertaken in 5 stages over a ten year period. Consequently, consent is sought for a 10-year period.

Resource consents

- 21 The Panel has reviewed all the documentation and the further information provided by MIJ and other participants and lists the necessary resource consents in **Appendix 1**.

- 22 Both of the District and Regional consent requirements have been set out in detail within Section 4.1 to 4.6 of the Planning Report³. This includes the need to vary resource consent RM181471 under s.127 and ability to cancel a consent notices from this consent under s.221 of the RMA.
- 23 There was no disagreement between the parties over the consents required and those set out in the Planning Report are adopted for the Panel's decision.
- 24 Under the "bundling" principle the overall activity status for the Mt Iron Junction resource consents is non-complying.

Procedure

- 25 The following matters of procedure are relevant to this Decision.

Panel Convener Steps

- 26 The Panel was set up under section 50 of the FTAA with effect from 30 April 2026. The Panel began work on 30 April 2026. But, for the purposes of section 53 the commencement date for the Panel was set down as 7 May 2026.

Initial Panel briefing and site visit

- 27 The Panel attended an initial briefing session hosted by MIJ on 18 May 2026 and a site visit on 18 May 2026.

Other Panel meetings

- 28 Much of the Panel's correspondence, deliberations and decision-making occurred over email following the receipt of comments (including on the draft Decision and approval conditions), as did the Panel's review of available documentation and answers given at the hearing. The Panel also met on Teams or in person most weeks to discuss the Application.

Comments and reports on the Application

- 29 The FTAA does not contain a notification process and there is no obligation to hold a hearing. The primary mechanism by which third parties can provide information to a Panel is through the provision of comments (section 53, FTAA).
- 30 The Panel invited comments on the Application in accordance with section 53 by a Minute 2 dated 21 May 2026. Responses to this invitation were due on 19 June 2026. The Panel received comments from 15 parties, summarised in **Appendix 3**.
- 31 Also considered were the reports required by sections 18 and clause 10 of Schedule 3 of the FTAA. The Panel thanks all parties who commented for their contributions. The matters raised in the comments are primarily discussed in Part E of this Decision under the relevant effects-based headings to which the comments relate.

³ Paterson Mr Iron Junction Fast-track Approvals Act 2024 Substantive Application Planning Report dated 20 Feb 2026.

MIJ's response to invited persons comments

- 32 In accordance with section 55, MIJ responded to the s.53 comments on 26 June 2026. MIJ's response proposed significant changes to the Proposal and included, amongst other matters changes to the design response long the common boundary with Old Racecourse properties, further information regarding the roundabout with State Highway 6/84 and an updated set of draft conditions for all of the approvals sought.

Appointment of technical advisors

- 33 The Panel appointed Mr Blair Devlin (Planner, Director at Vivian + Espie Ltd) to assist with and work with the parties to develop the conditions of consent. The Panel notes that Mr Devlin's appointment was to assist the Panel meet its statutory obligations in the event that a decision to grant consent was eventually made by the Panel. Mr Devlin's appointment should not be misunderstood as indicating any decision or intent to grant consent existed in the mind of the Panel either at or before the time of his appointment.
- 34 This appointment was made under clause 10(3) of Schedule 3 of the FTAA.
- 35 The Panel records its appreciation for the assistance provided by Mr Devlin, who provided his working-set of consent conditions to the Panel under tight timeframes. The Panel confirms that it took Mr Devlin's working-set of conditions and determined each one fully and with reference to the evaluation contained in this decision report.

Further information

- 36 The Panel, from time to time, also sought further clarifying information, mainly from MIJ but also the Councils and NZTA. Minutes 5, 6 and 7 were issued with these requests. Each request was responded to.
- 37 A draft of this Decision (including proposed conditions) was circulated to relevant parties on 8 September 2026 and their comments have, where appropriate, been taken into account for the final decision.

Conditions

- 38 The Panel's procedure relating to the establishment of conditions is set out in Part K of this Decision and is summarised below.
- 39 The Applicant provided a draft set of conditions as part of the substantive Application and continued to update them as the Application was processed.
- 40 A number of persons who provided comments also commented on those draft conditions. We discuss those comments primarily in Part E of this Decision where relevant, and in relation to some particular conditions, in Part I of this Decision.
- 41 On 22 September 2026, the Applicant provided a further consolidated updated set of proposed conditions, following the hearing (detailed below) and after having received feedback from the Council and NZTA on the conditions associated with transportation and active travel matters.
- 42 The Panel considered all comments received on the draft conditions as required under section 70 of the FTAA and amended the conditions where appropriate.

Hearing

- 43 The Panel convened a hearing in Wānaka on 26 August 2026. The hearing considered the following topics:
- 43.1 Active travel and the provision and funding of the all-weather pedestrian and cycle linkages to and from the Site:
- (a)** the rationale for the proposed design, width, and location of those linkages; and
 - (b)** the need for a connection to Aubery Road, and potentially further north
- 43.2 The operational capacity of the State Highway 6/84 roundabout:
- (a)** Setting out the expected increase in traffic using the roundabout without the Mt Iron Junction Housing Scheme, and the expected effects on queues and delays at the roundabout;
 - (b)** Adding in the increase in traffic that will be generated by the Mt Iron Junction Housing Scheme and showing the change in queues and delays at the roundabout; and
 - (c)** Taking the increase in traffic that would be generated by the Mt Iron Junction Housing Scheme in (b), but instead of allocating it to the Site, add it to scenario (a) as if it were to occur on other zoned land with housing capacity (this will help identify any specific operational roundabout issues or effects spatially caused by how and from where a quantum of vehicles equivalent to what the proposal would result in specifically enters/exits the roundabout).

Suspensions

- 44 The processing of the substantive Application was suspended at the Applicant's request, effective from 28 August 2026.⁴ The process was resumed effective from 4 September 2026.

Comments from the Minister for Māori Crown Relations: Te Arawhiti and Minister of Māori Development

- 45 Under section 72 of the FTAA, the Panel invited comment on its draft decision from the Ministers for Māori Crown Relations: Te Arawhiti and Māori Development. No comments were received

Final Decision

- 46 The Final decision was issued on 28 Sept 2026

⁴ Panel Minute 11 dated 27 August 2026.

PART C: LEGAL CONTEXT

Legal context for a listed project under the FTAA

- 47 In accordance with section 42 an authorised person⁵ for a listed project may lodge a substantive application with the EPA. The substantive application is required to follow the process set out in sections 43 and 44. The Applicant lodged the substantive application on 24 Feb 2026.
- 48 The EPA decided that the Application was complete and within scope⁶ on 17 March 2026. The EPA made a recommendation on whether there are competing applications or existing resource consents for the same activity on 17 March 2026. The EPA then provided the Application to the panel convenor and at the same time requested a report from the Ministry responsible agency⁷ under section 18 FTAA on 1 April 2026. A report was received on 19 May 2026.

The scheme of the FTAA

The purpose of the FTAA

- 49 Section 3 of the FTAA states:

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

- 50 The FTAA provides a single process for seeking a range of approvals which would otherwise have to be sought under different statutes and by different processes. This is provided for in section 42, and the approvals which can be granted include all those sought by the Applicant.

General provisions that apply in relation to all fast-track approval applications

- 51 Section 81 provides, relevantly:

- (1) *A panel must, for each approval sought in a substantive application, decide whether to—*

...

(aab) must consider a relevant Government policy statement:

- (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—*

- (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*

⁵ FTAA, sections 4 and 42

⁶ FTAA, section 43

⁷ The Ministry for the Environment is the responsible agency for section 18.

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.*

52 Section 81(3) refers to the schedules to the FTAA that provide specific criteria to be taken into account in relation to the different types of applications that may be dealt with under the FTAA. As noted already, they are discussed later when we address the particular RMA approvals that are sought.

53 Section 81(4) provides:

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.

54 Sections 83, 84A and 85 relevantly provide:

s.83: Conditions must be no more onerous than necessary

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

s.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*

s.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*

(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.*

55 Section 85(4) means that non-compliance with, say, a Plan policy requiring ‘avoidance’ of an outcome that might usually preclude the granting of an approval, would not itself be fatal to an application.⁸ As we will explain shortly, there are provisions in the Schedules that are generally to a similar effect.

Application of section 85(3)

56 Consistent with the approach adopted by other Panels⁹, we see the exercise provided for by section 85(3) as requiring assessments:

- (a) of the extent of the regional or national benefits of Mt Iron Junction
- (b) of the significance of adverse impacts; and
- (c) whether the adverse impacts are ‘sufficiently significant’ to be out of proportion to the regional or national benefits of Mt Iron Junction after allowing for, amongst other things, compensation that may be provided.

A general comment on the way the Schedules work

57 As we have explained, we will leave for later in this Decision detailed reviews of the decision-making criteria the RMA approvals that are sought. However, a brief comment at this point on the general way in which they operate is appropriate.

58 The Schedules specify that the Panel must take into account a list of criteria. These lists always start with the “purpose of this Act” and direct the Panel to give the greatest weight to that purpose. It will be recalled that that purpose is:

.. to facilitate the delivery of infrastructure and development projects with significant regional or national benefits.

59 Relevantly, clause 17(1) of Schedule 5, which applies to resource consents, provides:

17 Criteria and other matters for assessment of consent application

⁸ For an example of a consent being refused on this basis, see *Environmental Defence Society Incorporated v The New Zealand King Salmon Company Limited & Ors* [2014] NZSC 38; [2014] 1 NZLR 593.

⁹ For example, Waihi North Project [FFTA2404-1046] and Sunfield Project FFTA2503-1039]

- (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.*

60 Clauses 17(3) and (4) provide:

- (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.*

61 These subclauses should be read in conjunction with section 85(4) with which they in part overlap. They mean that directive policies in legislation that would usually require an application to be declined are to be taken into account in the manner outlined in clause 17(4), by recognising that:

- (a) *they would usually require the Applications to be declined; but*
- (b) *do not require the Panel to decline the Application.*

PART D: iwi authorities

What this Part is about

62 The FTAA imposes a number of requirements on the procedure we must adopt and the decision we can make. In this Part we review these requirements.

63 Any particular concerns that iwi groups raised with us are addressed later, in E9

Section 18 Report

64 The Ministry for the Environment (MFE) provided a report under s.18 in accordance with s.49 has identified Te Rūnanga o Ngāi Tahu, Te Rūnanga o Waihao, Te Rūnanga o Moeraki, Kāti Huirapa Rūnaka ki Puketeraki, Te Rūnanga o Ōtākou, Hokonui Rūnanga, Waihōpai Rūnaka, Te Rūnanga o Awarua, Te Rūnanga o Ōraka-Aparima, Aukaha, and Te Ao Marama Incorporated as relevant groups for the project area (Mt Iron Junction).

65 This report also identified the Ngāi Tahu Claims Settlement Act 1998 is the relevant Treaty settlement for the project area. The project area does not include the marine and coastal area, and we have not identified any other obligations such as Mana Whakahono ā Rohe or joint management agreements that are relevant to the project area.

66 While the Ngāi Tahu settlement provides for a statutory acknowledgment over nearby Mata-au (Clutha River), based on the information provided by the applicant it appears that it is unlikely to be directly affected by the project. Nevertheless, MFE noted that under the RMA and Treaty settlements, a consent authority must have regard to a statutory acknowledgement when deciding whether an iwi is an 'affected person' for the purposes of notification decisions, and must provide a summary of any consent applications relevant to the statutory area to a statutory acknowledgement holder (Te Rūnanga o Ngāi Tahu). The Panel acts as the consent authority in this instance, and we consider this obligation may be met through the invitation to comment under section 53 of the Act.

67 The MIJ's Planning report identifies a relevant Māori groups for the Mt Iron Junction project area. All relevant groups listed were invited to comment on the Application under section 53(2) of the FTAA on 21 May 2026.

68 No comments were received.

Statutory requirements

Treaty settlements and recognised customary rights

69 Section 7 requires all persons performing functions and exercising powers under the FTAA to act in a manner that is consistent with the obligations arising under existing Treaty settlements and customary rights recognised under the Marine and Coastal Area (Takutai Moana) Act 2011 and the Ngā Rohe Moana o Ngā Hapū o Ngāti Porou Act 2019. However, given the nature of the proposal, these were not relevant to the Application.

70 It is unclear as to whether or not section 7(2) operates to exclude section 7(1) from our consideration. On the one hand, we are clearly exercising a 'judicial function' in making this decision, which would indicate that the section 7(1) does not apply.

71 On the other hand, section 82(3) and 84(1) below quite explicitly direct that the Panel is required to consider and apply section 7 in the context of making a decision or imposing a condition. In light of that ambiguity, we will include consideration of section 7(1) in the

context of sections 82(3) and 84(1), however we will also state whether, if section 7(1) does not apply, our consideration of the matters identified in those sections would not have led to any different outcome. The Panel also notes that even if section 7(1) did not apply to it as a mandatory duty, it seems that the Panel would still be free to choose to act in accordance with section 7(1) of its own accord and we confirm that we would do and have done so.

Effect of treaty settlements and other obligations

72 Section 82 provides:

82 Effect of Treaty settlements and other obligations on decision making

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

73 Schedule 3, clause 5 of the FTAA provides:

- (1) *This clause applies if any Treaty settlement Act, the Ngā Rohe Moana o Ngā Hapū o Ngāti Porou Act 2019, or any other iwi participation legislation, or any Mana Whakahono a Rohe or joint management agreement, includes procedural arrangements relating to the appointment of a decision-making body for hearings and other procedural matters, such as the following:*
 - (a) *a requirement for iwi or hapū to participate in the appointment of hearing commissioners to determine resource consent applications or notice of requirement lodged under the Resource Management Act 1991;*
 - (b) *a requirement that notice be given to any person or specified class of person of any steps in a resource management process;*
 - (c) *any consultation requirements with iwi or hapū;*
 - (d) *any other matter of procedure for determining a matter granted under a specified Act that corresponds to an approval under this Act.*
- (2) *The panel convener or panel must—*
 - (a) *comply with the arrangements in the legislation, arrangement, or agreement referred to in subclause (1) as if they were a relevant decision maker (such as a local authority, department, Crown entity, or board of inquiry); or*
 - (b) *obtain the agreement of the relevant party under the legislation, arrangement, or agreement to adopt a modified arrangement that is consistent with achieving the purpose of this Act and the other legislation, arrangement, or agreement referred to in subclause (1).*
- (3) *The party referred to in subclause (2)(b) may not unreasonably withhold their agreement to a modified arrangement (as described in that subclause).*
- (4) *If the panel convener or panel are unable to obtain agreement under subclause (2)(b) (in circumstances where that agreement is not unreasonably withheld) they must stop processing the substantive application and must direct the EPA to return the application to the applicant immediately.*
- (5) *The panel must also direct the EPA to give written notice to the following that processing of the substantive application has stopped:*
 - (a) *the relevant local authorities; and*
 - (b) *if advice or a report has been requested from a person under section 51 and is yet to be provided to the EPA, that person; and*
 - (c) *if a recommendation has been requested from the relevant chief executive under section 48 and is yet to be made, the relevant chief executive; and*

- (d) *if persons or groups have been invited to provide comments under section 35 or 53, those persons or groups.*
- (6) *The panel and a person referred to in subclause (5)(b) or (c) must stop processing the substantive application if they receive notice of the stoppage*

Recognition of and compliance with Treaty settlement

- 74 MIJ has engaged with iwi groups. This is addressed Section of 6.10 of the Planning Report and at Appendix J Iwi Consultation Process Agreement and Letter. The Panel has been advised that such consultation has been on-going.
- 75 Minute 1 from the Panel Convenor set out the process she followed in relation to the appointment of this Panel. Schedule 3 to Minute 1 sets out the "relevant iwi authorities and relevant Treaty settlement entities".
- 76 As noted, we invited (under section 53) the "relevant iwi authorities for the project area" as identified in the section 18 report to comment in Minute 2.
- 77 No comments were received.

Conclusions as to sections 7(1)(a) and 82 and clause 5 of Schedule 3 of the FTAA

- 78 As is apparent, there has been consultation with iwi groups by MIJ. As well, the Panel Convenor has sought to consulted with iwi groups on the appointment of this Panel.
- 79 For the reasons generally provided in this Part, we conclude that:
 - a) The process has been conducted in way that is not inconsistent with obligations under Treaty settlements (for the purposes of section 7(1)(a));
 - b) Granting of the approvals complies with section 7(1) (for the purposes of section 84(3));
 - c) There are no conditions beyond those that we are imposing that would be appropriate for recognition or protection of Treaty settlements (for the purpose of section 84(1));
 - d) The section 18 report concludes that:
 - 1) there are no documents that the Panel must give the same or equivalent effect to under section 82 requirements; and
 - 2) there are no other procedural requirements that the Panel must comply with under schedule 3, clause 5 of the Act.

PART E: EVALUATION OF EFFECTS

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

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

81 The Applicant provided an assessment of these matters in Section 6 of the Planning Report and technical assessments submitted with the Application. Participants who commented also raised a range of actual and potential effects. The additional information provided by the Applicant and other commenters in response to our Minutes also included revised or additional assessments of effects.

82 The Panel has carefully considered all effects assessed in the Application, and those raised by those persons who made comments on the Application. We do not address every potential effect here as it is not practicable or necessary for us to do so. Rather, we have focussed on those effects that we consider most relevant to this Application.

83 Where we have not discussed specific comments as to potential effects, we adopt with approval, the Applicant's response to those comments, or otherwise consider that they have

been satisfactorily addressed through further information provided through this fast-track process, or through conditions imposed on the consent. If they are not addressed at all, the Panel considers that they were not material to our Decision on the Application.

- 84 The following main categories of actual and potential effects on the environment exist:
- a. Landscape Issues;
 - b. Hazards, including Fire risk;
 - c. Urban design and amenity;
 - d. Transportation/Roundabout;
 - e. Active travel and Connection issues;
 - f. Engineering/Three waters;
 - g. Cultural effects;
 - h. Implications of S.127 application; and
 - i. Positive effects, including the provision of affordable housing
- 85 The Panel has addressed these effects thematically throughout our discussion below. The Panel has also had regard to the relevant planning provisions in evaluating the effects of the Project, as noted in Part H: Planning Framework.
- 86 In terms of our assessment of effects, it is relevant to record that the statutory approach for fast track consent applications does differ in some important ways from the conventional RMA approach for resource consents, particularly non-complying activities. Although it is necessary for adverse effects to be avoided, remedied or mitigated, it is not the case that for a fast track consent any particular threshold or severity of environmental effect must be avoided or (conversely) achieved. Fast track consent applications are also subject to a specific consideration of the acceptability of adverse effects relative to the regional or national benefits of the project (s.85(3) FTAA).
- 87 In terms of the relevant receiving environment, the Panel has applied the test in *Hawthorn*.¹⁰ The environment includes that which presently exists. It also:
- ...embraces the future state of the environment as it might be modified by the utilisation of rights to carry out a permitted activity under a district or regional plan or by the implementation of resource consents which have been granted at the time a particular application is considered, where it appears likely that those resource consents will be implemented.*¹¹
- 88 Finally, the Panel would like to acknowledge that the Applicant has engaged with both the Council and Regional Council in advance of lodging their application which helped narrow the areas in of contention between the Applicant and the Councils.

¹⁰ *Queenstown Lakes District Council v Hawthorn Estate Ltd* [2006] NZRMA 424 at [84].

¹¹ *Queenstown Lakes District Council v Hawthorn Estate Ltd* [2006] NZRMA 424 at [84].

E1 Landscape Issues

Approach

- 89 This section considers the landscape effects of the Project, with particular focus on landscape impacts, including landscaping proposed and the design and appearance of the building forms on the wider landscape. The finer-grain landscaping impacts upon the residents in Old Racecourse Road have been considered in detail within the urban design and amenity section.
- 90 The application was supported by a Landscape and Visual Assessment completed by Mr Paul Smith in accordance with the Te Tangi a te Manu: Aotearoa New Zealand Landscape Assessment Guidelines (**TTatM Guidelines**). This was accompanied by a number of landscape renders showing the potential impact of the proposal in the landscape from a range of different viewpoints.
- 91 Mr Smith acknowledged that the proposal would result in a change to the open spacious nature of the site; suggested that the nature and context of the Site was peri-urban and not rural; and concluded that the Site had a high absorption capacity for the level of development proposed. He also suggested that the Site's rural zoning was an anomaly in terms of its context, especially as the town has expanded around Mt Iron.¹²
- 92 He was of the view that the Proposal would have low to moderate adverse visual and landscape impacts and that the proposal will not adversely affect the physical or associated values of the Mt Iron ONF or the Ōrau/Cardona River. As a result, he was of the view that the Proposal will be visually and contextually integrated into the Wānaka's urban fabric.

Comments received

Council

- 93 The Council engaged Ms Sue McManaway, Landscape Architect to undertake a peer-review of Mr Smith's Landscape and Visual Assessment. Ms McManaway was of the view that his assessment was generally consistent with recognised landscape assessment methodology and provided a comprehensive description of the Site and its wider context. However, the Site in her view was reflective of a rural living / rural edge environment, where maintaining openness, visual amenity, and the legibility of Mt Iron as a 'sentinel' feature were important.
- 94 She suggested that the landscape was more likely to be experienced in shorter-range views, especially as one entered Wānaka's along the Wānaka-Luggate Highway and this would fall into the moderate to high adverse visual and landscape effects range, but would reduce to a moderate level over time as the landscaping established.
- 95 In terms of the Proposal's impact on Mt Iron, Ms McManaway was of the view that the Proposal would not dominate Mount Iron and would not have adverse effects on Mount Iron's physical values. However, she suggested that the proposal does have potential to have adverse effects on Mount Iron's perceptual values, including reducing the clarity or legibility of Mt Iron as a meaningful gateway to Wānaka.

¹² Section 7 of Mr Smith's Landscape and Visual Assessment dated 17 Dec 2025

CM Morgan and JC Morgan Family Trust

- 96 The Panel also received landscape comments from Ms Anne Steven, a Senior Landscape Architect in the District on behalf CM Morgan and JC Morgan Family Trust, residents and invited parties to comment. In essence, her comments were broadly grouped into two parts. The first part related to the landscape values associated with the proposal and the second part related to the impacts upon her clients from the built form, visual impacts and proposal landscaping along the common boundary between the sites. The issues associated with the impacts along the common boundary are considered in detail within the urban design and amenities section below.¹³
- 97 Turning to the wider landscape impacts Ms Steven considered that area was peri-urban in nature, but the site itself was zoned rural and still maintained an open and spacious character. She then spent some time considering this in light of the relevant planning provisions for the site and how the proposal sat outside the Wānaka's urban boundary.
- 98 She did not agree with Mr Smith that the site's zoning was something of an anomaly and when a finer grain analysis was undertaken, she suggested that the rural zoning was not an isolated 'pocket' but a contiguous part of the Mt Iron reserve. Consequently, in her view the Proposal would have an impact on the open and spacious characteristics of the site which supported its relationship with Mt Iron, and the level and type of housing topologies proposed would be inappropriate for the foreground of Mt Iron. She also like Ms McManaway raised concerns about the viewing opportunities as one entered the township along the Wānaka-Luggate Highway.
- 99 In saying this she agreed with Mr Smith's Landscape and Visual Assessment that the Proposal would not have any effects on on the inherent values of the Mt Iron ONF. However, the Proposal would adversely affect the appreciation of views of Mt Iron in a high profile gateway location and she considered the degree of adverse effect to be at least Moderate and possibly High in the shorter term.¹⁴

Applicant's response to comments.

- 100 The Applicant's landscape architect, Mr Smith provided a retailed response to Ms Steven and Ms McManaway landscape assessments.¹⁵ In essence, He spent some time discussing the site's characteristics and the areas of agreement and disagreement between the landscape architects. This included an analysis of the relevant policy approaches and how these should be applied to the rural or peri urban environment.
- 101 He maintained his view that the proposal would have low to low-moderate adverse effects on the landscape values of the receiving environment due to the density and bulk of built form proposal and landscaping proposed.

Panel Findings

- 102 As the Panel has found in the Urban Design and Amenity section below, while we agree the site is zoned Rural the receiving environment has changed over time and in many ways has become at least part-urbanised with the level of residential development in the surrounding

¹³ Memorandum from Ms Anne Steven's dated 19 June 2026

¹⁴ Paragraph 66 of Ms Anne Steven's Memorandum dated 19 June 2026

¹⁵ Mr Smith's response to comments under s. 53 dated 26 June 2026

environment. While we appreciate and understand Ms Steven's and Ms McManaway's analysis within the statutory framework and appreciate the rationale for their approach we do agree with Mr Smith that the environment has evolved over time and now exhibits more peri-urban than rural characteristics.

- 103 As a result, when the landscape values are framed in this context we agree with Mr Smith's view that the proposal will have acceptable landscape and visual impacts. It is also relevant to note that neither Ms Steven nor Ms McManaway were of the view that the Proposal would adversely affect the physical values of the Mt Iron ONF. Acknowledging that both had concerns especially in the shorter-range views as one entered the township along the Wānaka–Luggate Highway, in this 'gateway' location. While we understand this position the Panel favours Mr Smith's view on this matter and does not believe that these effects would be at a level or a commensurate significance relative to the project's benefits that would warrant refusal of consent.
- 104 Ms McManaway raised the issue of the Mount Iron's perceptual values, including reducing the clarity or legibility of Mt Iron. In this regard we agree with Mr Smith, and the Panel finds, given the scale and nature of the Proposal in context it would sit comfortably at the base of Mt Iron without impacting on its legibility, ecological or perceived values. We also note that we did not receive any comments from Iwi over any cultural or landscape effect the Proposal could have with Mt Iron.
- 105 Having weighed the evidence, we conclude that the adverse landscape effects of the proposal are acceptable and would fall within the low to moderate range once the landscape has become established.

E2 Hazards, including Fire Risk

Approach

- 106 This section considers the natural hazard risks associated with the Project, including geotechnical stability, seismic hazards, wildfire risk, earthworks-related hazards and the suitability of the site for the proposed development. The Panel has considered the geotechnical, engineering and hazard assessments lodged with the Application together with the comments received from invited parties.

Comments received

- 107 Comments on natural hazards focused primarily on wildfire risk, geotechnical stability and the suitability of the site for intensive residential development. Concerns were raised regarding the proximity of future residents to vegetation and open land that may be susceptible to wildfire, the ability to safely evacuate residents in the event of a fire, emergency access arrangements, and the adequacy of firefighting water supply. Further comments addressed more general geotechnical and seismic risks associated with earthworks and development of the site.

Applicant's response to comments

- 108 The Applicant's geotechnical and engineering assessments conclude that the site is suitable for the proposed development subject to implementation of the recommended design measures and engineering controls. In relation to wildfire risk, the Mr Cowan for the Applicant considered the wild fire risk to be low/moderate. The highest risk was to units 1-26 along

the northern boundary to fire in the adjacent kanuka scrub. However, a 15m vegetated clearance separation was present which mitigated that risk. He considered that the residual risks can be appropriately managed through use of fire retardant materials, access arrangements, separation distances, vegetation management, emergency planning, firefighting water supply and conditions of consent. He considers that these measures will reduce wildfire risk to an acceptable level for an urban development of this nature.

- 109 The Applicant also responded to the Panel's request for more information relating to potential hazards associated with service station emissions.

Panel Findings

- 110 The Panel is satisfied that the site is suitable for the proposed development from a natural hazards perspective.
- 111 We accept the conclusions of the geotechnical and engineering assessments that geotechnical stability, seismic hazards and earthworks-related risks can be appropriately managed through detailed design, engineering approval and compliance with the recommendations of the relevant technical reports. We have not been presented with evidence identifying any geotechnical constraint that would prevent the development proceeding.
- 112 Wildfire risk requires more detailed consideration. We acknowledge the concerns raised regarding the exposure of future residents to potential wildfire events and the importance of ensuring safe access, evacuation and firefighting capability. However, we are satisfied that wildfire risk can be appropriately managed through the combination of subdivision design, access arrangements, defensible space, vegetation management, firefighting water supply, emergency response planning and the conditions imposed. In reaching this conclusion, we note that wildfire risk is not unusual for developments located on the margins of existing vegetation and open land, and is increasingly addressed through site-specific design and management measures.
- 113 While wildfire risk cannot be entirely eliminated, we are satisfied that the proposed mitigation measures appropriately reduce the risk to future residents and property and provide a suitable framework for ongoing management of that hazard.
- 114 Overall, we conclude that natural hazards, including wildfire risk, do not present a constraint that would prevent the Project proceeding and that the effects associated with those hazards can be appropriately avoided, remedied or mitigated through the conditions imposed. In the case of human health associated with potentially carcinogenic emissions relating to the consented service station, we accept the Applicant's assessments that any risks can be readily managed based on the separation distances that would apply between service station emissions and receivers.

E3 Urban design and amenity

Approach

- 115 This section addresses matters relating to the layout and distribution of activities on the Site and their effects on adjacent land, namely the two state highways and of particular interest adjoining land to the north-west of the Site zoned Large Lot Residential A. Also relevant is consideration of on-site amenity, including safety.

- 116 The Applicant provided detailed assessments addressing the urban design, landscape, traffic, and planning dimensions of this topic. The Applicant also relied substantially on the PDP's Medium Density Residential zone provisions, which in its view gave a helpful steer towards what acceptable outcomes for the type and density of living proposed might look and feel like.

Comments received

- 117 The Council and Regional Council both agreed with several of the Applicant's identified positive effects relating to a well-functioning urban environment, at least at a general level. The Council identified a number of on-site layout concerns including the design of building facades that faced the two highway frontages. The Council identified a number of recommendations that could address those concerns. Neither of the two Councils recommended refusal of consent in relation to this topic, but the Council did make the point that it felt the degree of urban-ness exhibited by the Site had been overstated by the Applicant (see the previous landscape effects section) and that rural-related adverse effects were on that basis more severe than claimed.
- 118 Several commenters identified concerns with the design and amenity effects of the proposal in terms of its density¹⁶, built form scale and extent¹⁷; visual dominance¹⁸; intensity and noise¹⁹; overlooking and/or shadowing²⁰; incompatibility with existing built patterns and character²¹; and cumulative overall effects²². Some commenters raised concerns with the solar orientation of the Site and questioned whether an acceptable on-site amenity could be achieved for future residents²³. These commenters, who we summarise as 'the neighbours' for convenience, were united in their objections to the proposal. Several identified alternative outcomes that could address the stated concerns, featuring less density, greater setbacks from the Site boundaries; and more effective landscape screening.
- 119 The neighbours raised related concerns in terms of the District Plan's zoning and policy frameworks, which we acknowledge but will address separately in this decision.
- 120 We also acknowledge that in response to the commenters and our own reading of the application we asked a number of questions of the Applicant (see Minutes 5 and 6).

Applicant's response to comments (and related Panel queries).

- 121 In response to the Council's concerns relating to the design, the Applicant proposed a number of design changes including a certification-method to finalise the design of building facades that faced a highway by the time of Building Consent. In response to the neighbours' concerns, the Applicant proposed a number of design refinements seeking to further mitigate

¹⁶ For example P Barham & L McFarlane.

¹⁷ For example J Fitchew & J Fitchew-Carroll.

¹⁸ For example G Ryan & S Johnson.

¹⁹ For example V Laird & L Smeets.

²⁰ For example B Irving & H Perkin, Gallaway Cook Allan Lawyers, Counsel for CM Morgan and JC Morgan Family Trust.

²¹ For example G Lang.

²² For example J Lang.

²³ For example J Fitchew & J Fitchew-Carroll.

the proposal's adverse effects relating to the Old Racecourse Road LLRA zoned properties' boundary.

122 The Applicant did not accept more fundamental objections relating to the suitability of the Site for the density proposed, and in the various technical responses provided to us many reasons in support of the application were reaffirmed.

123 In response to our written queries, the Applicant proposed further amendments, including updated building façade elevations, and a reduction of building height adjacent to the Old Racecourse Road properties' boundary to one-storey dwellings only. Complementing this were clarifications regarding proposed boundary landscaping. We recognise that these further refinements did not fully resolve the concerns of the Old Racecourse Road neighbours (and we did receive non-solicited comments from Ms Vida Laira and Mr Luke Smeets to confirm this), but we record our appreciation for the discussions that occurred through this period between the parties. Key revisions made through the responses to our written queries are, in summary, that:

123.1 The LLRA zone interface was modified to be have 1-storey dwellings, along with a refinement of boundary landscaping and ongoing requirements that this be maintained.

123.2 Enhancements to the Site's state highway frontage landscaping were provided.

123.3 Updated architectural plans were provided.

Panel Findings

124 We find that there are four aspects to this topic that require determination:

124.1 Density, transition and neighbourhood character;

124.2 Effects on the two State Highway interfaces and with Mt Iron;

124.3 Effects within the Site; and

124.4 Effects on adjoining Large Lot Residential A zoned land.

Density, transition and neighbourhood character

125 We commence by re-stating that although largely vacant, the Site is subject to an approved resource consent which is likely to be in-part given effect to. That shall be considered part of the existing environment. This is for a cul-de-sac road and a service station in the approximate centre of the Site. In our evaluation that follows, we have factored those in.

126 We agree with the Applicant that the Site is an appropriate location for the type and general density of development proposed, subject to achieving an acceptable interface with adjoining land. We agree that, over time, urban Wānaka has grown primarily through the large-scale Three Parks and Northlake / Hikuwai developments but also via expansion of development in Large Lot and Rural Residential developments, and lastly residential intensification. At one time there was a readily distinguishable settlement of Wānaka, and a smaller one of Albert Town, both separated by a fairly large rural hinterland. That time has passed. Although the Site and its neighbourhood are not fully urban, the proximity between true urban character development – on both the Wānaka and Albert Town sides; the consented service station on the Site that will relate to both; the urban-scaled and intensity highway roundabout; and the

extent of residential development directly adjacent to the Site (albeit at low densities) in this context all combine to create a peri-urban, rather than rural, character.

- 127 When we surveyed the vista from the slopes and top of Mt Iron, we saw a variety of land use activities, densities, and intensities across a large area. Although there was variation in the density of what we saw and occasional gaps between subdivisions, it was a quite continuous view of what has become a major urban town. Overall we were left with the clear impression of an urban environment rather than a rural one. The Site was contained within the area that we considered has a more urban than rural character. Our direct observations aligned with the Applicant's assessments.
- 128 We do not agree with the Council that the Site forms part of or substantially contributes to any relevant rural character or related qualities integral to the locality or Wānaka overall; the Site is in a currently largely undeveloped state (subject to the consented cul-de-sac and service station) but that is not of itself sufficient to make land 'rural', in the same way that Pembroke Park in central Wānaka is vacant but does not on that basis possess an inherently rural-character. Although Mt Iron is a significant natural feature, that is also not of itself definitive evidence that there is an underlying ruralness to the environment – there are examples in many New Zealand towns and cities of large natural features sitting within urban as well as rural environments. We are satisfied that existing development in the vicinity of the Site, although developed to Large Lot Residential A and Rural Residential scaled outcomes, is of a collective spatial spread, cumulative scale, and rectilinear morphology (lot layouts, fences, distribution of buildings, etc), as to create a character that is best described as urban or peri-urban. We fundamentally agree with the Applicant that, over time, urban growth and expansion in Wānaka has effectively marched to the Site.
- 129 Recognising that the Site has a rural zone, and adjoining private properties have a Large Lot Residential A zone, we do not agree that the District Plan, RMA, or FTAA envisage a conformance-led, activity-based approach to decision making. It is in summary not a tick-box exercise in rule compliance, and it is not appropriate to conclude that an adverse effect will inherently arise just because a proposal might differ substantially from what a planning document seeks (section 85(4) FTAA sets a safeguard against that very approach). The statutory requirements directing our decision making process are premised on a performance-led or what is often described as "effects-based" approach stemming from a real-world analysis.
- 130 On the Site, and as is the case on almost all private sites in Wānaka, an applicant is largely free, regardless of the zone that applies, to propose whatever land use activities they wish on their land²⁴, and have that determined with an open mind based on the specific circumstances around that. It follows that we cannot simply require the Site to be used only for a rural purpose simply because the land is zoned rural, or (in the alternative) require activities or land use densities similar to the existing developments undertaken by others on land adjacent to the Site just for the sake of achieving some land use similarity.
- 131 We acknowledge that the concept of a transition in land use densities (where successive neighbouring developments are similar or only incrementally change), can be desirable in some instances. Related to this is the principle that configuring development to spatially and visually 'fit in' with its existing surrounds is usually one sensible way to avoid, remedy or mitigate potential adverse effects – especially those relating to aesthetic coherence preferences. Although forming an important base to the comments opposed to the proposal

²⁴ Other than those described within the relevant resource management plans and policy documents as Prohibited Activities.

made by the neighbours, these are not techniques that we consider are compulsory or have particular superiority. We do not agree with the neighbours that a lack of a density transition, or that the development might resultantly not 'fit in' well with the densities and land use patterns adjacent to the Site is of itself proof of inappropriate adverse effects.

- 132 On the basis of all of the above, we find that the proposal will not achieve or contribute to a rural character or one that can be described as anything other than a medium and high density urban character. The neighbourhood will change from being peri-urban to one that is more generally urban in character. In light of the existing context of the neighbourhood and how over time its peri-urban character has established – albeit in the shadow of a large natural feature - we find that the proposal will not have inappropriate or significant adverse effects inherently arising from its scale, intensity or character. We do not agree that the number of dwellings or resultant traffic and intensity proposed within the Site is itself inherently adverse noting how much traffic already uses the state highways and roundabout. We are unable to identify any relevant adverse effect arising from the development sitting 'on the wrong side' of the Wānaka Urban Growth Boundary; in a real-world sense the Site will give occupants convenient access to a wide variety of urban goods, services, and social opportunities and will form a logical part of urban Wānaka, including in terms of its ability to accommodate a cluster of more-affordable houses.
- 133 Overall we do not agree that we have a valid justification to reduce the density of the proposed development simply for its own sake, or for the explicit purpose of better-relating to the proposed densities and land use types that exist nearby. In reaching this conclusion we agree that there would be hundreds of hypothetically different proposals that could have been made on the Site. Some of these could have been based on Rural Residential or LLRA zone-type densities and patterns being sought. Such hypotheticals would likely result in a much more comfortable 'fit' with the immediately local development patterns adjacent to the Site being achieved, and would not have given rise to the aesthetic coherence and character-related issues that the proposal does raise. Ultimately though our task to determine the application does not extend to imaging every other possible way the Site might be developed and then only permitting the one that is the least 'different' to the existing environment.

State Highways and Mt Iron

- 134 We prefer the Applicant's collective evidence, which includes changes made in response to comments received, that an acceptable visual quality and overall built form response to the two highways will occur. We agree that potential adverse effects have been avoided, remedied or mitigated by way of the combination of the following:
- 134.1 Extensive landscaping around the state highway frontages;
 - 134.2 The massing and scale of individual buildings and their visual design that provides visual interest, and a breaking-up of potential visual scale;
 - 134.3 The placement of open spaces, car parking areas and other gaps between and around buildings that will vary their proximity to viewers outside the Site. From the ground level, most buildings will be significantly screened by the outermost perimeter buildings. Most casual passers-by will not readily perceive the true scale or the development or its extent.
- 135 Specifically, the two highways do not include any dedicated pedestrian or cyclist facilities adjacent to the roundabout (although the roundabout itself does include facilities, they do not connect to anything). Persons travelling alongside the Site's frontages will do so from within vehicles. Although at peak periods vehicles may pause or sit in a queue, for most times

vehicles will be continuously moving. Although we cannot predict what additional pedestrian or cycle facilities NZTA may in the future wish to place within the State Highway designations, we fundamentally agree with the Applicant that the optimal and most desirable pedestrian and cyclists desire line will be to avoid the roundabout as much as possible (and enjoy a shorter route) by short-cutting through the Site along its north-western site boundary as has been provided for in the proposal.

- 136 The consequence of this is that we do not see the Site's State Highway boundaries as being highly sensitive in the way that a conventional street with land use frontage and ability for the public to linger or pause on a footpath (or sit on a bench) might be. The proposal provides for a well-landscaped highway interface with, on both highways, several dwellings positioned to present habitable room windows facing the road. These will contribute to the visual interest of buildings and to passive surveillance. We do not agree with the Council that further design modifications to the buildings are warranted to address any actual or potential adverse effect of concern.
- 137 We are satisfied that the combination of building scale, setback-widths of each State Highway, and proposed landscaping, will be sufficient to mitigate potential adverse effects on land opposite the Site across the highways such that the reasonable amenity values and utility of that land will be maintained. Ultimately, users of the state highways will undertake trips that expose them to a wide variety of land use densities, types, and even entire settlements. The proposal will as one very small part of that not stand out as inappropriate or detrimental to the quality of that experience as a whole.

Effects within the Site

- 138 We prefer the Applicant's collective evidence, which includes changes to the application in response to comments received, that the proposed masterplan provides acceptable on-site amenity and outcomes that will otherwise provide for the needs of site users in a safe and convenient manner. This includes streets and movement routes that will be visually interesting and overlooked (passive surveillance). Living environments will be commensurate with what the PDP generally signals as acceptable for a medium or high density setting. Having considered the architectural and landscape plans, we accept that the dwellings will each have acceptable solar access, privacy, and outlook sufficient to avoid, remedy or mitigate potential adverse effects that can be attributed to higher-intensity living. Proposed landscaping will add visual amenity and privacy.
- 139 The design of the Site, with only one vehicular access and at an 'edge' of Wānaka between two State Highways, will naturally limit the volume and extent of general public through-movement; most Site users will be persons residing on the Site or visiting the Site rather than moving more generally as part of a broader trip. The exception to this will be pedestrians or cyclists using the through-site connection proposed. This has been designed to meet the Council's standards for public roads, and otherwise has a width, spaciousness, and landscaping that will maintain what is a generally quite high underlying level of visual amenity for pedestrians and cyclists enjoying Wānaka's urban area.
- 140 In terms of Mt Iron, the proposal will provide a built form response that will provide passive surveillance of the adjacent existing trails in a way that will not detract from the open space qualities of Mt Iron. Mt Iron will visually rise well above the development and although the proposal sitting as a low skirt in its foreground will to some viewers be detracting, by the same token occupants within the Site will enjoy previously unavailable views of and access to Mt Iron. Overall we find that the (non-purely landscape-related) outstanding amenity, character, and natural landform qualities of Mt Iron will be maintained. In reaching this conclusion, we have also traversed the Mt Iron tracks and satisfied ourselves that users of

these will not have their own amenity values compromised as a result of the proposal proceeding. For the most part the tracks are so elevated or screened by vegetation that the proposal will form a very minor if at all any part of the experience.

- 141 We accept the Applicant's evidence that relevant adverse effects have been appropriately managed.

Large Lot Residential A zoned land

- 142 We acknowledge that the PDP provisions for the LLRA zone could enable a higher intensity of development (i.e., further subdivision and densification) than exists at this time, although regardless this has not turned our decision one way or the other.

- 143 In response to comments received and our own questions, the proposal has been revised since our commencement. Although adjoining neighbours have confirmed they continue to oppose the scale, intensity and character of the proposal (seeking fewer dwellings and deeper boundary setbacks in particular), the Applicant has nevertheless increased building setbacks, reduced buildings to a 1-storey height, and refined its landscaping proposal.

- 144 We record that as-lodged, the proposed interface with the LLRA zone neighbours was not acceptable and would not have been approved. We find that although existing residents are not entitled to permanent retention of a rural-type outcome on the Site for their amenity benefit, they are entitled to reasonable retention of a level of amenity on their own land that is sufficient for the outcomes sought for the LLRA zone to be maintained. We also note that constructively and in fairness to them, the neighbours' comments struck us as recognising that some form of housing development on the Site could be acceptable.

- 145 In terms of the current version of the proposal as at August 2026, we do not agree with adjoining neighbours that there is a case for greater building setbacks than now proposed; limiting relevant building heights to 1-storey and providing consistent boundary landscaping will be sufficient to maintain a reasonable level of amenity for the neighbours. We do not agree that remaining adverse effects will be of a scale or nature that could justify additional changes (or conditions of consent). Specifically:

145.1 We do not agree that the reasonable amenity, privacy or comfort of neighbours (or relating to the use of neighbouring land) can only be provided for if the Site be used only for strictly rural or rural-type activity.

145.2 We are aware that until recently, the part of the Site that was adjacent to the LLRA zone was densely planted in tall trees. Although now cleared, the proposed landscaping proposed (and boundary fencing) will visually block the majority of the development adjacent to the neighbours in a way that will be consistent with the shelterbelts / hedgerows that are very common in rural environments.

145.3 The Applicant has included proposed conditions of consent to require maintenance and as appropriate replanting of the new landscaping. We also accept the Applicant's expert evidence that the proposed landscaping will of itself not be of a scale and height likely to unreasonably block sun or outlook for neighbours.

145.4 1-storey dwellings will not be visually dominant or intrusive, and for example habitable windows will not be high enough to enable any overlooking or related privacy effects for neighbours. We accept that the density of dwellings proposed and their linear march along the boundary presents, in plan-view, a very urban character. But we

disagree that this will have adverse effects materially different to, and potentially less than, any of the following hypotheticals we tested in exploring the issue:.

- (a) A lower density of houses adjacent to the boundary (approximately 50% of what is proposed) with the same boundary setbacks as now proposed, but with accessory buildings alongside those and parallel to the boundary, such as houses each with a garage (possibly detached) next to those. This is on the basis that in the LLRA zone various accessory buildings as well as dwellings are permitted and are not unusual.
- (b) A lower density of houses adjacent to the boundary (approximately 50% of what is proposed), boundary setbacks increased to approximately 8m, but at 2-storeys in building height. Lesser development intensity would be offset by a much greater real-world creation of intervisibility and privacy loss across the boundary, more likely to create nuisances for neighbours.

145.5 For completeness, we do not see a justifiable scenario where we could impose a requirement for only 1-storey dwellings and much deeper setbacks than have now been proposed; scenarios (a) and (b) above represent versions of what we consider the outcomes sought by the commenters could credibly lead to (including because of what specific outcomes the commenters identified, which did not refer to only 1-storey building heights).

145.6 The configuration of development along this boundary, positioning private outdoor living spaces alongside, has inherently less adverse effects than if for instance a vehicular accessway had been placed along the boundary – this would have provided deeper setbacks in line with what the neighbours advised us they sought, but in a way that also provided lighting nuisance, less privacy, and much more noise.

145.7 The Panel have reviewed the proposal and conditions relating to construction (including earthworks and subsequent development or construction), and are satisfied any adverse effects including on users of adjacent land will be reasonable in this context. We find, and agree with the Applicant that the potential adverse construction effects can be appropriately address through the conditions of consent.

146 For all of the above, we prefer and adopt the Applicant's expert assessments and conclusions.

147 We also wish to confirm for the neighbours that in reaching this conclusion, while we are operating under and have complied with the requirements of the FTAA, the proposal is not the beneficiary of a short-cut or truncated consideration of potential adverse effects on the environment. We have considered all relevant adverse effects and have only granted consent on the basis of being satisfied that the revised proposal will be acceptable having regard to the reasonable amenity we consider must be maintained on the LLRA zone properties. We see nothing that would definitively suggest the revised proposal might not have proven consentable under the 'normal' resource consent process, or that a private plan change might not have been successful at changing the zone (potentially leading to an outcome with greater adverse effects than has been proposed). But in coming to our ultimate conclusion, the Panel accepts the neighbours' opinions that they will be adversely affected by the proposal and would strongly prefer an alternative development outcome on the Site.

148 Overall, we consider a limitation of building height to only 1-storey substantially mitigates potential adverse effects and will be more beneficial than any other single design change. In conjunction with the setbacks and landscaping proposed, an acceptable outcome will result.

E4 Transportation/Roundabout

Approach

- 149 This section considers the transportation effects of the Project, with particular focus on the operation and future capacity of the SH6/SH84/Riverbank Road/Junction Road roundabout, the effect of Project traffic on that intersection, and the transport mitigation proposed by the Applicant.
- 150 The Panel has considered the Integrated Transport Assessment, the evidence of Mr Carr for the Applicant, the evidence of Mr Baker, Mr Johnston and Ms Dempster for NZTA, together with the comments received from invited parties and the evidence presented at the hearing on 26 August 2026.

Comments received

- 151 Transport was one of the principal issues raised by commenting parties. A key concern was the effect of the Project on the operation of the SH6/SH84/Riverbank Road/Junction Road roundabout and whether the Project would materially worsen congestion at an intersection that is already forecast to experience capacity constraints.
- 152 Commentators were concerned that the development would add substantial additional traffic to the roundabout, worsening congestion and accelerating the need for future upgrades. Concerns were also raised regarding the adequacy of the proposed mitigation and whether sufficient land had been secured to accommodate future capacity improvements, including the potential introduction of a second circulating lane.
- 153 NZTA accepted that wider growth throughout Wānaka, Albert Town, Hāwea and the Upper Clutha would contribute significantly to future congestion. However, NZTA maintained that the traffic generated by the Project should be assessed on its own merits and that the Project's contribution to future congestion should be specifically identified and addressed. NZTA considered that the Project would consume available capacity at the roundabout and advance the timing at which future upgrades become necessary. We note that there was no disagreement about the extent of increased delays that the development was predicted to cause; NZTA stated that it was "comfortable with the accuracy and level of detail of analysis presented in Integrated Transport Assessment (**ITA**)".
- 154 A further issue concerned the extent of land required to accommodate future upgrading of the roundabout. Notwithstanding that it held a designation over land needed for expansion of the roundabout, NZTA sought certainty through the consents for the Project that sufficient land would be protected and vested to enable a future dual-lane roundabout together with associated traffic lanes, drainage and supporting infrastructure.

Applicant's response to comments.

- 155 Mr Carr concluded that the roundabout is already approaching its practical capacity and that significant congestion is forecast to occur even in the absence of the Project. Based on both historic traffic growth rates and the Queenstown Lakes District strategic transport model, Mr Carr concluded that the critical SH84 western approach is expected to exceed available capacity by around 2030 irrespective of whether the Project proceeds.

- 156 Mr Carr modelled future roundabout performance both with and without the Project. The Applicant submitted that the modelling demonstrated that substantial congestion is predicted to occur irrespective of the Project because of broader growth pressures within the Wānaka transport network. The Applicant also submitted that once the roundabout is operating at or near capacity, relatively small increases in traffic can generate disproportionately large increases in modelled delay, and therefore the absolute delay figures are not exact.
- 157 In response to the Panel's request in Minute 5, Mr Carr also modelled an alternative scenario in which development generating an equivalent volume of traffic occurred in Albert Town rather than at Mt Iron Junction. The Applicant submitted that congestion outcomes were broadly similar under both scenarios and that the differences in overall roundabout performance were not material in practice.
- 158 The Applicant further submitted that provision had been made to ensure future upgrading of the roundabout is not compromised. The Applicant accepted the vesting of land required by NZTA to facilitate a future second circulating lane and associated infrastructure and maintained that the proposed subdivision layout preserves future upgrade options.

Hearing

- 159 A hearing was held on 26 August 2026 to further examine the future operation of the SH6/SH84/Riverbank Road/Junction Road roundabout, the contribution of the Project to future congestion, the implications of equivalent growth occurring elsewhere within Wānaka, and the land required to accommodate future upgrades to the roundabout.
- 160 The Applicant presented further evidence from Mr Carr, including the additional modelling requested by the Panel. Mr Carr restated that significant congestion is expected to occur at the roundabout irrespective of whether the Project proceeds and that overall roundabout performance would be broadly similar under the equivalent development in Albert Town scenario.
- 161 NZTA accepted that wider growth throughout Wānaka and the Upper Clutha will contribute significantly to future congestion. However, NZTA maintained that the Project should be assessed on the basis of the traffic it generates and that it will contribute additional demand at the roundabout and advance the timing of future improvements.
- 162 The hearing also addressed the future upgrading of the roundabout. NZTA confirmed that the revised development layout would not prevent a future upgrade to a dual-lane roundabout, provided the identified land required for that upgrade is appropriately protected and vested. NZTA sought conditions requiring vesting of Lots 700 and 701 for that purpose.

Panel Findings

- 163 The Panel accepts that the Project will increase traffic at the SH6/SH84/Riverbank Road/Junction Road roundabout and will contribute to additional congestion. We also accept NZTA's evidence that the Project will consume part of the remaining capacity of the roundabout and bring forward the need for future improvements.
- 164 The Applicant did volunteer a financial contribution to NZTA towards the costs of a future roundabout but in response to our questions NZTA confirmed that it lacked a facility to receive such funding for a widening project. At the hearing NZTA explained that even if a situation arose where it wished to proceed with a roundabout upgrade, there is no guarantee it would obtain funding due to competition from other needy projects. We find that a voluntary financial contribution from the applicant would be appropriate.

- 165 However, the hearing evidence established that the roundabout is expected to experience significant congestion in any event as a consequence of wider growth occurring throughout Wānaka and the Upper Clutha. We place considerable weight on the evidence that the roundabout is forecast to reach capacity within the planning horizon irrespective of whether the Project proceeds, and that in this context the Project will not significantly worsen what is likely to happen in any event. We do not agree with NZTA that there is a specific effect singularly attributable to the development or that there is a way to fairly imagine some users of the roundabout do not contribute to adverse effects but other users will. It could be just as easily (but equally unhelpfully) said that it is not traffic from the Site that will create adverse effects on the roundabout's performance, but all the other people using it. At issue is plainly a future cumulative effect resulting from all current and future users wanting to use the same part of the transport network at the same time, and ultimately it will fall to NZTA to either tolerate the resultant queueing and delay effects, or secure investment from its funding sources to provide an upgrade for the whole community.
- 166 The Panel therefore considers that while the Project will create an increment of additional congestion, that effect will diminish in significance over time as broader urban growth becomes the dominant contributor to delays at the roundabout. We also note Mr Carr's analysis indicating that an equivalent scale of residential growth occurring elsewhere within the urban area would result in broadly similar transport outcomes. In conclusion, the issue facing the roundabout is development in Wānaka, not specifically development on the Site.
- 167 We are satisfied that future upgrade options for the roundabout have been appropriately protected. NZTA confirmed that the revised layout will not preclude a future dual-lane roundabout, provided the identified land is vested and protected through conditions.
- 168 Having weighed the evidence, we conclude that the adverse transportation effects of the Project are acceptable. While the Project will increase congestion at the roundabout, those effects are outweighed by the significant housing, employment and wider economic benefits that the Project will provide to Wānaka and the wider region. Subject to the conditions imposed, transportation effects do not justify declining the Application.

E5 Active Travel and Connections

Approach

- 169 This section addresses the provision of pedestrian and cycle facilities to and through the Site, and in terms of connecting the Site to the existing urban neighbourhoods of Wānaka. This includes land controlled by the Applicant but also DOC, NZTA, and the Council.
- 170 The Applicant provided assessments, concluding that the proposal²⁵:

Overall, while private vehicle use will remain a primary mode of transport, the proposal incorporates design measures that support walking, cycling and future transport adaptability, and represents a more efficient and resilient development pattern than dispersed rural residential development in the context of climate change.

²⁵ Paterson Mr Iron Junction Fast-track Approvals Act 2024 Substantive Application Planning Report dated 20 Feb 2026, section 6.7.7.

- 171 The proposal relied on connections to existing trails associated with Mt Iron to connect Site occupants to other parts of Wānaka. Within the Site, a series of roads to vest including pedestrian and cyclist facilities was proposed. We surmised that the Applicant considered it would fall to the Councils or NZTA (or others) to provide any additional services outside of the Site but connecting to it in the future.
- 172 From the outset, we acknowledge that we identified this issue to the Applicant as being of particular relevance to the ultimate merits of whether a consent could be granted (refer to Minute Two onwards).

Comments received

- 173 The Councils and NZTA did not accept the Applicant's position, and did not agree that reliance on Mt Iron recreational tracks was satisfactory. The key changes sought (all to be provided by the Applicant) were:

173.1 Provision of all-weather facilities connecting from the Site along SH84 to the existing underpass giving access to the Three Parks development;

173.2 Provision of all-weather facilities connecting from the Site along SH6 to existing footpaths within Aubrey Road;

173.3 Provision of all-weather facilities along the state highway frontages;

173.4 Provision for future bus stops.

- 174 The justification for the above was in two dimensions. The first was that without such facilities the Site could not adequately integrate or function as part of urban Wānaka; and secondly that the adverse effects of that situation would not be acceptable. For example, the Council in its high-level summary comments stated:

2.7. The lack of safe, direct, and all-weather active transport connections between Albert Town, the subject site, Three Parks, and the Wānaka town centre significantly undermines this development being a good outcome. This disconnect limits the ability of the development to integrate effectively with the wider urban area.

2.8. As a consequence, future residents are likely to encounter practical barriers to walking, scootering and cycling to key destinations, including employment areas, education facilities, and retail centres. This may be exacerbated through the 'affordable housing' proposed, where occupants are more dependent on alternative transport options as opposed to reliance on private vehicle use. This will reduce the development's ability to support mode shift away from private vehicle use.

2.9. Without meaningful improvements to connectivity, the proposal cannot be considered a fully integrated or well-functioning extension of the urban area.

- 175 At face value, we considered the Councils' and NZTA's concerns to have much merit and we asked numerous questions of the Applicant (see Minute 5), and eventually requested the Applicant to confer with the Councils and NZTA (including because any additional connections beyond the Site would need the relevant infrastructure operator's approval) (see Minute 6). We record our appreciation for the goodwill of these parties in undertaking the discussions that resulted.

- 176 Also for clarity, as the process unfolded we indicated that we did not seek additional consideration of potential active mode links along the state highway frontages on the basis that the proposed through-site 'diagonal' linkage between the state highways (linkages C1 and D1 described below) was sufficient to manage relevant adverse effects of the proposal and, being more direct (shorter walk) and subject to less highway nuisance, would likely be of much greater appeal to users in any event. We also accepted that planning for future bus stops was not possible given the lack of such planning to date by the Councils and NZTA (that should not be seen as a criticism, but it meant no meaningful evaluation of what bus stop locations might, should or could be set aside in the meantime was possible).

Applicant's response to comments.

- 177 After a period of discussion between the Applicant and the Councils and NZTA, a revised proposal was put forward. This included assessment of potential off-site active mode linkages and the various positions of the parties on each. We refer to Active Transport Links Plan²⁶, prepared by the Applicant, and which identified the various linkages assessed. In summary:

177.1 Linkages A1 and A2 are existing Mt Iron trails. These are unsealed.

177.2 Linkage A3 is within Old Racecourse Road (no sealed / formal footpath at this time).

177.3 Linkages B1 and B2 were potential linkages along the SH6 frontage (B1) and then along Aubrey Road (B2) to Sherwin Avenue.

177.4 Linkages C1 and C2 are proposed within the Site.

177.5 Linkage D1 is proposed to be an upgrade to an existing informal track outside of but running close and parallel to the Site.

177.6 Linkage D2 is a new proposed linkage along the edge of SH84, connecting to the existing underpass approach.

177.7 Linkage E1 is an existing informal track connecting linkages C2 and A1/A2 proposed to be upgraded.

- 178 Remaining disagreement was one topic explored at a limited Hearing held in Wānaka on 26 August 2026, on which date we also undertook an additional site visit that included physically walking the proposed active mode routes.

- 179 In summary, the key differences remaining by the completion of the limited Hearing were:

179.1 Whether linkage D2 should have a 2.5m sealed width or be 3m;

179.2 Whether one or both of linkages B2 and B1 should be required and if so to what standard;

179.3 When the additional linkages to be required should be provided; and

179.4 Whether any (or all) linkages should be lit to allow nighttime use.

²⁶ Active Transport Links Plans, Patersons drawing no. 003 (R2) dated 30 July 2026

- 180 Of the above, the most fundamental disagreement was in relation to additional active mode linkages along SH6 to (or beyond) Aubrey Road. The Council and NZTA considered that at least linkage B2 was essential (the Council, but not NZTA) also saw linkage B1 as essential). The Applicant did not accept that there was sufficient justification for either linkage based on the proposal or its likely adverse effects.

Panel Findings

- 181 As originally proposed, we would not have granted consent. From the outset, we could not reconcile what we saw as a contradiction inherent in the application. The Site was argued as being simultaneously sufficiently adjacent to urban Wānaka that an outcome comparable to what the Medium Density Residential zone provides for was warranted, but at the same time was so separated and disconnected from urban Wānaka that it would be appropriate for the development to be generally vehicle-dependent save for passive use of adjacent Mt Iron recreation trails. Either the Site is capable of supporting a neighbourhood as an integrated part of urban Wānaka, or it is not. If the latter is the case, an isolated medium and high density 'island' would always likely struggle to win the Panel's support.
- 182 It is not unusual when development occurs for developers to provide necessary infrastructure upgrades needed to avoid, remedy or mitigate the potential adverse effects of that development, particularly when a development proceeds ahead of when a Council might have otherwise planned and funded public-led upgrades. This is the situation that applies to this matter. We have no doubt that at some point the Council will program various works in this part of Wānaka to provide or upgrade active mode facilities. The evidence is however clear that there are no public plans to provide such facilities in the near term.
- 183 We therefore find that the Applicant must provide necessary active mode improvements as an inseparable part of any planning consent, unless in the alternative the landowner wishes to defer development until such future time as those necessary services are provided publicly.
- 184 We accept that the proposal cannot do any more in terms of maintaining opportunity for future bus stops along one or both of the Site's highway frontages. NZTA has a designated area and works within that to form bus set downs would be a matter between itself and the Councils as and when a specific solution is identified. We remain unconvinced that there is any specific adverse passenger transport effect arising from the proposal that would otherwise be in need of specific management.
- 185 We find many of the Council's preferences appeared to cross-over between justifiable measures to avoid, remedy or mitigate specific potential adverse effects reasonably attributable to the application, and works that coincided with what the Council independently has identified as desirable long term or strategic outcomes. We do not agree that the proposal will give rise to any materially greater or new demand for active travel south east or south west of the Site than already exists, and for that reason we do not accept any active mode linkages in those directions can be justified. This includes active mode facilities along the state highway frontages themselves. We find the Applicant's solution provides a more efficient and appealing solution that will provide efficient and convenient active mode access to SH84, SH6, and between those. The Council and NZTA remain free to provide whatever additional 'public good' type facilities under their own powers, and connect the network to any future bus stops as and when they are developed.
- 186 We generally accept the Applicant's proposals including for linkages C1, C2 and E1. We do not consider there is a demonstrable need to change these.
- 187 In terms of SH84 and linkage D2:

- 187.1 We queried why a new linkage was required compared to an upgrade to the existing facility in linkage A1. We were advised by the Council that Link A1 would require agreement from DOC, but more pertinently A1 was a recreational trail with a very different functional role to an all-weather path likely to be used by commuters and students including in wet weather periods and in the dark. We accept this.
- 187.2 On our second site visit, it was raining and the trails were wet. Ruts and depressions made by bike tyres and boots or dog paws were full and overflowing with water. The trails were usable but only with care, and required at-times leaps or jumps to avoid major pooled puddles. The trails are manifestly insufficient to meet the needs of an urban neighbourhood in a safe manner.
- 187.3 We find that Linkage D2 is essential to provide for the needs of future Site users and to in so doing avoid, remedy and mitigate several transport and amenity-related adverse effects. It must be provided, prior to the occupation of any dwelling(s) on the Site, and prior to the operation of any commercial activity excluding the consented service station (which we agree will be by its very nature an overwhelmingly private vehicle-orientated activity).
- 187.4 We agree with the Applicant's (supported by NZTA) view that a 2.5m width of active mode facility will be appropriate based on the likely demand for two-way pedestrian and cycle travel generated by the proposal. The Council sought 3m, but we are satisfied this was based on its own long-term preferences and what it saw as an efficient 'do it once, and do it right' type opportunity. We do not criticise that thinking, but we are confined to matters that we can reasonably and fairly attribute to the proposal's effects. We are satisfied that a 2.5m facility can be widened to 3m in the future should the Council wish to undertake such an improvement such as by providing an additional 0.5m width strip alongside the 2.5m path (i.e., approving a 2.5m width now will not foreclose a wider outcome in the long term).
- 187.5 When walking the D2 linkage from the Site towards the Three Parks SH84 underpass, this placed us facing oncoming vehicular traffic on the adjacent state highway. Periods of sloped ground form a barrier and mean the link will need to hug the edge of the highway rather than enjoy a wide spatial separation buffer. There are no lights on the highway, and no adjacent activities providing private lighting or passive surveillance. We find the experience of walking at low-light or night time conditions lit only by oncoming vehicle headlights (and possibly surprising drivers), where vehicles are travelling at generally 80km/h and in reasonably close proximity to pedestrians or cyclists to be inherently unsafe, with low-probability but high-severity adverse effects possible (serious injury or fatality). We find that lighting is essential along linkage D2, but accept the Council's and NZTA's advice that relatively simple bollard-type solutions rather than conventional street poles would be sufficient. Although we carefully considered Mr Carr's reasons (on behalf the Applicant) why lighting might not be necessary, he conceded he had not walked the route in question. This diminished our willingness to accept his general principles for how and where lighting should be provided ahead of the specific concerns identified for this particular linkage by the Council's and NZTA's experts, validated by our own physical route inspection.
- 188 In terms of SH6 and linkage B2:
- 188.1 We agree with the Applicant that by some margin, the SH84 / Three Parks direction of travel will likely generate the greatest demand for active travel from the Site. We also agree with the Applicant that it is not for it to solve any existing shortcoming in active

mode facilities linking people north-east in Albert Town from the Three Parks area to the south-west.

- 188.2 But we do not accept that the proposal will not generate regular active mode demand to and from the Albert Town area to the north-east. In fairness to Mr Carr, he agreed that some demand would be created, just not significant enough to justify an active travel facility. The Council and NZTA disagreed, noting that there were recreational, café, sports, and social (i.e., friends) destinations within an easy walk of the Site within Albert Town. Conversely, the proposal will also accommodate commercial activities and an Early Childhood Care activity that may appeal to existing neighbours within an easy walk or bike ride of the Site. Mr Carr did alert us to the presence of existing ECE activities within Albert Town but we did not see what definitive point he was making; when faced with a choice of providers people will make their selection for many reasons other than just which provider is closest to their house – such as cost, alignment with the teaching philosophy of the provider, or to remain within a social group.
- 188.3 We find that the proposal, including so as to achieve a well-functioning urban environment that is part of an integrated urban neighbourhood (expanded on later), will generate demand for two-way active travel trips between the Site and Aubrey Road that requires provision of a formed all weather facility. We make reference again to our wet-weather route inspection and walk of the route. It is not satisfactory to remain in an unsealed state noting the unacceptably high safety risks of a user potentially slipping and sliding towards oncoming vehicular traffic.
- 188.4 Similar to our concerns with the SH84 linkage, proposed linkage B2 hugs a state highway and will require users to walk alongside an 80km/h carriageway often towards the oncoming traffic flow. Even though the numeric demand for use may not be high, we are satisfied that the potential safety risks presented to users sit in the low probability but high severity bracket, and can only be reasonably managed by requiring provision of the linkage, prior to the occupation of any dwelling(s) on the Site (excluding Stage 1) or commencement of any commercial activities other than the consented service station as set out previously in the context of linkage D2.
- 188.5 This linkage must be lit, for the same reasons we set out in relation to linkage D2.
- 189 In terms of Linkage B1:
- 189.1 We agree with NZTA that the potential effects of the proposal can be addressed by requiring an active mode linkage alongside SH6 to Aubrey Road. We do not agree with the Council that the Applicant can be justifiably held responsible for upgrading within Aubrey Road.
- 189.2 Aubrey Road is a local road with a 70km/h speed limit. It has regularly positioned dwellings that can contribute to overlooking as well as private light-spill onto the road. There is also an existing (unformed) trail along the eastern side of the road, well separated from the carriageway.
- 189.3 The density of development along Aubrey Road is such that there is already clearly demand for active travel, evidenced by the informal trail that has been walked into the road berm by users. People will already be walking or cycling to friends' houses or other destinations within the neighbourhood. We do not agree that the Applicant should be responsible for any upgrade(s) within this road, noting that the incremental additional active travel resulting from the proposal proceeding will not materially change the existing situation along this road.

- 189.4 We are satisfied that any enhanced facilities within the road fall to the Council's ordinary powers and functions as a Road Controlling Authority and Local Government unit.
- 190 In terms of Linkage D1:
- 190.1 We were concerned by comments made by Mr. Carr at the limited hearing that having active travel routes that were in some places lit and in other places unlit could discourage use. This was a general comment that Mr Rossiter (for the Council) agreed with.
- 190.2 Having determined that Linkages B2 and D2, including because of their adjacency to unlit 80km/h state highways, required lighting to be satisfactorily safe and appealing, we considered the totality of the routes that would result from the proposal.
- 190.3 We identified that linkage C1 would be lit given it is along a road to vest. Linkages E1 and A1-A3 do not suffer a lack of lighting as these are recreational trails unrelated to all-weather facilities catering for day-to-day planned trips needed to be relied on by commuters or school students, including after dark. Link C2 is short and would be passively lit from the streetlighting within the public road to vest at its southern end.
- 190.4 This means that in terms of Mr Carr's concerns, only link D1 stands out as a missing, unlit link. With that link lit, there would be a continuous safe and high-amenity facility from the SH84 underpass, along SH84 (D2), alongside (D1) and then through (C1) the Site, and then along SH6 to Aubrey Road (B2).
- 190.5 Having reflected on Mr. Carr's concerns, our separate findings that linkages D2 and B2 must each be lit, and that we do not wish to create any unintended adverse effects arising from an inconsistently lit active mode solution, we find that link D1 must also be lit.
- 191 Overall and for the above reasons, we find that the Site requires active mode linkage improvements additional to what the Applicant has offered, but that these can be required by way of reasonable conditions of consent. On this basis, potential adverse effects related to active mode travel and demand generated by the proposal can be appropriately managed, and will be acceptable.
- 192 Lastly, we wish to record our appreciation to the two Councils, NZTA and Applicant, and their respective witnesses. Substantial good-faith was shown on all sides and was invaluable in helping us narrow the issues into focus, and then determine a workable solution.

E6 Engineering/Three Waters

Approach

- 193 This section addresses the engineering and three waters matters raised by the Application and by parties commenting under section 53 of the FTAA. The matters considered include water supply, wastewater servicing, stormwater management, earthworks and environmental management, development engineering matters, and related servicing conditions.

- 194 The three waters servicing strategy proposes that the project be serviced by connection to existing bulk water supply and wastewater infrastructure that passes through the site, with stormwater managed on-site through a combination of vested and privately owned systems.
- 195 The Panel has approached this topic by considering:
- 195.1 whether the proposed water supply and wastewater networks have sufficient capacity and can be implemented through detailed engineering approval;
 - 195.2 whether the stormwater approach is acceptable in principle, including whether soakage, ownership, vesting and maintenance arrangements can be sufficiently secured;
 - 195.3 whether earthworks and erosion and sediment controls are adequate to manage construction-phase effects;
 - 195.4 whether the subdivision engineering layout, including services to all lots, access arrangements and road / service interfaces, can be resolved through conditions and engineering acceptance; and
 - 195.5 whether any residual uncertainty requires further information, amendments to conditions, or deferral to detailed design.
- 196 In undertaking that assessment, the Panel has had regard to the technical comments from Council, including its Property and Infrastructure and Land Development Engineering technical memoranda, the comments from Regional Council and its peer reviews, and comments from adjacent parties who raised concerns about infrastructure capacity, stormwater, flooding, groundwater, and servicing effects.

Comments received

General engineering and servicing

- 197 Council's Property and Infrastructure memorandum records that the proposed water supply and wastewater servicing approaches are appropriate, with sufficient network capacity identified to accommodate the project, subject to detailed design, compliance with the Land Development and Subdivision Code of Practice, and engineering approval.
- 198 The Council's Land Development Engineering memorandum similarly supports the proposal overall from an engineering perspective, subject to appropriate conditions and detailed engineering approval. It records that water, wastewater, stormwater, power and telecommunications can be serviced, with design and detail matters to be addressed at engineering acceptance. It also concludes that earthworks and natural hazards are acceptable from an engineering perspective, while identifying wildfire risk as an outstanding concern because no wildfire assessment had yet been provided. That has since been addressed and is covered under Natural Hazards.
- 199 Several adjacent parties raised broader concerns about whether existing infrastructure can support the scale and intensity of the proposed development. Gordon Lang raised concerns about water supply, wastewater systems, stormwater management, roads and transport infrastructure, and community services and facilities. Janet Lang similarly raised questions about water supply capacity, wastewater network capacity, stormwater management, roading upgrades, public transport, and school and health service capacity. Ian and Lois Miles were

concerned about the functionality of the water supply infrastructure to adequately respond in a fire.

Water supply and wastewater

- 200 The principal agency comments on water supply and wastewater are relatively positive. Council's Property and Infrastructure memorandum concludes that sufficient network capacity has been identified for water supply and wastewater, subject to detailed design, compliance with the Council's Land Development and Subdivision Code of Practice, and engineering approval.
- 201 The comments from adjacent parties take a more cautious view. Their concerns were generally not framed as detailed technical opposition to the proposed water and wastewater solution, but as questions about whether existing external infrastructure and community services can accommodate the development. Gordon Lang and Janet Lang both raised infrastructure capacity as a general concern.

Stormwater

- 202 Stormwater was identified as acceptable in principle by Council's Property and Infrastructure memorandum. The proposed approach involves on-site soakage up to and including the 1 percent annual exceedance probability event. However, Council noted that further work is required to confirm asset ownership boundaries, ensure compliance with Council vesting requirements, and undertake independent peer review of design and modelling. Those matters were considered capable of being secured through detailed design, engineering plan approval, and consent conditions.
- 203 Adjacent-party concerns focused on the potential for increased impervious surface area, changed runoff patterns, flooding risk and downstream effects. Gordon Lang raised concern that the intensity of development and increase in hard surfaces may significantly alter stormwater runoff patterns and create risks for neighbouring properties and downstream environments. Janet Lang also identified stormwater management as one of the infrastructure capacity questions requiring confidence before development occurs. Ian and Lois Miles raised concern about spring water and possible contamination by soak pits.

Earthworks, erosion and sediment control

- 204 The Regional Council engaged Landpro to undertake a technical review of the Environmental Management Plan prepared by Enviroscope. That review was limited to the Environmental Management Plan, the Earthworks Cut / Fill Depths plan, and draft conditions provided by Otago Regional Council. The review considered matters including erosion, land instability, sedimentation, property damage, the effectiveness of erosion and sediment control measures, compliance with erosion and sediment control guidelines, and adverse effects on water quality including cumulative effects.
- 205 The Regional Council's overall comment records that consultation with the Applicant occurred from pre-lodgement, including a site visit and technical engagement. It states that the Applicant was receptive to feedback provided through the peer-review process and updated the application material, including confirmation that an onsite bore had been removed and that contingency measures proposed if Sediment Basin 3 was overwhelmed were appropriate. The Regional Council concluded that key issues had been addressed through the substantive application.

Development engineering, subdivision and conditions

- 206 The Council's Land Development Engineering memorandum supports the proposal overall, subject to appropriate conditions and detailed engineering approval. It records that parking and road design are largely compliant, although refinements are required by conditions. It also identifies that all saleable lots should have access and services before title, and that clarification is required for the ownership of Lot 203, which is identified as a jointly owned access lot but is not amalgamated to another lot.
- 207 The same memorandum identifies wildfire risk as the main outstanding concern from a development engineering perspective, as no wildfire assessment had yet been provided. The Panel addresses wildfire risk separately, but records here that wildfire risk also has an engineering dimension because it may affect access, evacuation, firefighting water supply, and the appropriateness of subdivision and access design.

Applicant's response to comments

General response

- 208 The Applicant's response is that the proposed engineering and three waters servicing strategy is feasible and can be appropriately managed through detailed design, engineering approval, and conditions. That position is materially supported by the Council technical comments, which record that water supply and wastewater servicing are appropriate in principle, that stormwater servicing is generally acceptable in principle, and that the overall three waters strategy is feasible subject to further design, engineering plan approval, peer review where required, and consent conditions.
- 209 In relation to development engineering, the Applicant relies on the ability to resolve design detail through the standard engineering acceptance process. The Council's Land Development Engineering memorandum supports that approach overall, subject to recommended conditions and detailed engineering approval.

Water supply and wastewater

- 210 The Applicant's position, as reflected in the material reviewed by the Council, is that water supply and wastewater can be provided through existing external infrastructure with sufficient capacity for the project. The Applicant accepts that detailed design, compliance with the Land Development and Subdivision Code of Practice, engineering approval, and conditions are required to secure the final servicing outcome.

Stormwater

- 211 For stormwater, the Applicant proposes on-site management, including soakage for events up to and including the 1 percent AEP event. The Applicant's response to comments is that the stormwater system can be finalised through detailed design and engineering approval, with remaining matters such as modelling confirmation, asset ownership, vesting boundaries and long-term maintenance to be secured by conditions.
- 212 The Applicant's response to concerns about potential off-site stormwater and flooding effects is therefore condition-based rather than a redesign of the servicing strategy. The Panel understands that the proposed conditions need to ensure that final design demonstrates no unacceptable increase in risk to neighbouring properties, that stormwater assets are appropriately vested or privately maintained, and that the system is capable of being operated and maintained over the life of the development.

Earthworks and environmental management

- 213 In response to the Regional Council's technical review of the Environmental Management Plan, Thomas Grandiek, on behalf of the Applicant, provided evidence addressing comments raised by the Regional Council and Council.
- 214 The Applicant's response is that construction-phase effects associated with earthworks, erosion and sediment control can be managed through the Environmental Management Plan, finalised controls, and conditions.

Engineering conditions and residual matters

- 215 The Applicant accepts that a number of engineering matters should be resolved through conditions and engineering approval rather than determined fully at the fast-track decision stage. These include detailed design of three waters infrastructure, stormwater modelling and ownership boundaries, compliance with Council standards, utility services to all saleable lots, and refinement of subdivision engineering details. The Applicant notes that the Council Land Development Engineering supports the proposal on that basis.
- 216 Wildfire risk was identified in the engineering reviews as an outstanding issue when the application was first assessed because a wildfire assessment had not yet been provided. However, that matter was subsequently addressed through additional assessment and proposed consent conditions. The Panel addresses wildfire risk in detail under Natural Hazards, but notes here that wildfire management has an engineering dimension because it influences subdivision design, emergency access, firefighting water supply and evacuation arrangements.
- 217 The Panel is satisfied that the consent conditions require an appropriate implementation of any consequential wildfire mitigation measures. Accordingly, wildfire risk does not represent a remaining uncertainty within the engineering and three waters framework and can be appropriately managed through compliance with the conditions imposed.

Panel Findings

- 218 The Panel is satisfied that the proposed engineering and three waters servicing strategy is feasible and can be appropriately implemented through detailed design, engineering approval and the conditions imposed.
- 219 We accept the conclusions of the Council and Regional Council technical reviewers that water supply, wastewater servicing, stormwater management, earthworks and subdivision engineering can be accommodated subject to compliance with relevant engineering standards and approval processes.
- 220 While a number of detailed design matters remain to be resolved, we are satisfied that these are matters of implementation rather than principle and can be appropriately addressed through the engineering acceptance process and consent conditions.
- 221 We further note that wildfire risk, which was initially identified as an outstanding engineering concern, has since been addressed through additional assessment and the proposed consent conditions. We are satisfied that the conditions provide an appropriate framework to ensure that matters such as firefighting water supply, emergency access and any required mitigation measures are incorporated into the final design and development of the Project.

- 222 Overall, we conclude that the engineering and three waters effects of the Project can be appropriately avoided, remedied or mitigated.

E7 Cultural effects

Approach

- 223 As noted, the Panel invited (under section 53) the “relevant iwi, hapū entities for the project area” as identified in the Ministry for the Environment’s section 18 report to comment, in accordance with the principles of partnership and active protection under Te Tiriti o Waitangi.
- 224 The Applicant has advised that there was a consultation agreement in place with the relevant Iwi groups, but this has not resulted in formal engagement from iwi in the identification of cultural effects or mitigation of any effects for this application. We understand from the Applicant that Aukaha is currently undertaking a cultural impact assessment for the project on behalf of Te Rūnanga o Ngāi Tahu.²⁷ However, this was not provided to the Panel.

Comments received

- 225 As the Panel has set out above, all the relevant iwi, hapū entities for the project area as identified in the Ministry for the Environment’s section 18 report were invited to make comments on the application.
- 226 No comments were received.

Applicant’s response to comments.

- 227 The Applicant considers that the Proposal does not result in any adverse impacts on cultural values, and states that the key mitigation measures regarding cultural effects are that the design layout and response address the key environmental components of iwi interest, particularly stormwater, streams, wetlands, landscaping and ecology.
- 228 The Applicant also considers that the principle of Ki Uta Ki Tai as encouraged by the relevant iwi management plan have been given affect to through the application. The Panel has also considered these matters in part of Analysis of the relevant planning policy issues in section H below.

Panel Findings

- 229 The Panel considers that the conditions of the Proposal appropriately address the cultural effects identified by those who made comments on the Application. The conditions outlined offer Māori opportunities for ongoing participation in the implementation of the design of Mt Iron Junction development.

²⁷ Section 6.10 of the Paterson Mr Iron Junction Fast-track Approvals Act 2024 Substantive Application Planning Report dated 20 Feb 2026

E8 Implications of s.127 application

Approach

- 230 As set out in the Planning Report and Mr Joshua Leckie's Legal Overview²⁸ the Applicant also seeks consent under s.127 to cancel conditions of consent under RM181471 and cancel consent notices under consent RM230506 via s.221(3) of the RMA. The intent of the s.127 application is to enable the proposal to proceed, with the conditions of RM181471 now only relating to the service station on what would become Lot 1 DP 605028. The removal of the consent notices would enable the integration of the current proposal with previous resource consents RM230506 in terms of engineering issues.

Comments received

- 231 Mr Fuller for the Council, while acknowledging that the s.a27 application would reduce the consented development under consent RM181471 highlighted that the implications of this would also remove the protected landscape areas on western side of the site. As there removal was required to enable the further residential development to proceed in these areas. He suggested that good planning practice, in light of the 2019 High Court Decision in *Ballantyne Barker Holdings Ltd v QLDC*²⁹ would require an examination of change in circumstances that now rendered this condition having no further value.³⁰
- 232 It was also Mr Fuller's view that the protected landscape areas are required to maintain the open spacious character of the rural area reflecting the current PDP policy approaches for rurally zoned site. He suggested that there had not been any material change in circumstances that would render this protective covenant of no further value.³¹

Applicant's response to comments.

- 233 In essence, Mr Leckie reinforced his view that the Applicant had the ability to amend these conditions under the FFTA 2024 and that there had been a material change in circumstances that would render this landscape protective covenant of no further value.
- 234 He highlighted that the change in circumstances was the application itself which would enable further residential developments and highlighted the regional economic benefit of the proposal. He also refers this to Mr Smith's landscape evidence that suggested that the covenant was intended to protect the rural values of the site and once this changes the value of covenant was no longer needed.³²

Panel Findings

- 235 The Panel agrees with the Applicant in this regard in finds that there has been a change in circumstance that makes the removal of these covenants appropriate and it was the ability to do so under the FFTA 2024. In reaching this view the Panel agrees with the Applicant, that without the removal of these covenants the development could not proceed and would in the

²⁸ Paragraphs 41 to 44 of Mr Leckie's Legal overview dated 18 Feb 2026

²⁹ *Ballantyne Barker Holdings Ltd v Queenstown Lakes District Council* [2019] NZHC 2844 at [41]-[45]

³⁰ Section 6.3 of Mr Juller's Technical Planning Memo dated 19 June 2026

³⁰ Section 6.5 of Mr Juller's Technical Planning Memo dated 19 June 2026

³² Paragraphs 16 to 23 of Mr Leckie's Reply to Comments dated 26 June 2026

Panel's view undermine the intention of the overall application. The Panel also notes the rapid changes in Wānaka's urban character that have occurred since the original consent was granted including the most-recent Council decisions on its Urban Intensification Variation and development within nearby Three Parks to include a recently consented hospital and second full-size supermarket. This also represents a material change in the circumstances of that original consent.

- 236 As a result and turning our attention to these matters we agree, first that the s.127 application could be considered as part of the overall package of RMA consents before the Panel and that there has been a change of circumstance that would justify the removal of these covenants to enable the development to proceed with the associated regional economic benefits that flow from the application. In this regard we favour Mr Leckie's legal advice. In reaching this view, as the Panel has considered throughout this decision, the environmental and policy implications of the Proposal. The Panel have found that these do not outweigh the benefits of the proposal.
- 237 For completeness the Panel also agrees that it is appropriate to enable the removal of the consent notice under consent RM230506 to proceed via s.221(3) of the RMA.

E9 Positive effects, including the provision of affordable housing

Approach

- 238 This section addresses the positive benefits of the Proposal, including the provision of affordable housing. In saying this it was not in dispute that Proposal would provide a range of positive benefits. What was in dispute was the impact of the Proposal on the environment and its implications to planning policy.
- 239 It was the Applicant's view, as the Panel has explored in the section F (regional benefits) that the Proposal provides significant social and economic benefits and positive effects. These are set out in Section 6.12 of the Planning Report, including:

239.1 The provision of 13 affordable housing dwellings for the Trust

239.2 Increase of Housing Supply and Land for Residential Development;

239.3 More Affordable Housing and Typologies;

239.4 Decreased Marginal Infrastructure Costs; and

239.5 Increase in Local Employment.

Comments received

- 240 Mr Fuller for the Council acknowledged that the Proposal could potentially provide a range of benefits in terms of housing supply, housing diversity and the provision of affordable housing.

However, he highlighted his overall concerns about the impacts of the proposal and implications of planning policy.³³

- 241 The Panel also acknowledges the positive comments on the application received from the Regional Council and the Ministers for Infrastructure and Economic Growth.

Applicant's response to comments.

- 242 The Applicant's responses have sought to reinforce the positive the benefits the Proposal as listed above, which predominantly concentrating on addressing the potential adverse impacts the proposal could generate on the environment and on the comments from the invited parties.

Panel Findings

- 243 The Panel accepts the Applicant's view on the level of positive impacts the Proposal will create and finds that the proposal will provide range of positive impacts. These matters have also been explored in further detail within section F of this decision. In reaching this view the Panel would also like confirm the positive benefits of the provision of affordable housing to the trust is, especially in this part of the District and Otago Region.
- 244 The Panel also accepts the Applicant's offer to limit residential visitor accommodation (RVA) to 20% of the dwellings. This will help ensure the balance of the dwellings will be purchased with an intent for normal residential occupation. In the Rural zone, it is ordinarily a permitted activity for each dwelling to have up to 120 nights RVA use, but a controlled activity between that and 365 nights. The Panel does not accept that 20% of the proposal's dwellings having a controlled activity pathway to 100% RVA use is acceptable in light of the stated purpose of the project and the Applicant's identified benefits. The Project is not Rural, and it would not be appropriate to rely on the Rural zone's Controlled Activity pathway. To this end the Panel has determined that the 20% of dwellings that will be permitted to have an RVA use shall be limited to a maximum of 120 nights' each.
- 245 In response to the comment of CM and JC Morgan Family Trust seeking no RVA use in dwellings adjacent to the Old Racecourse Road properties' boundary, we do not consider such a ban has been demonstrated as necessary or appropriate; we have no evidence to suggest that RVA guests will be definitely noisier or less-neighbourly than other potential occupants in dwellings.
- 246 In doing so, the Panel also acknowledges the positive benefits the active travel options as now proposed and reinforced by the conditions of consent will provide by integrating the Proposal into the wider urban fabric of Wānaka. These will provide active travel options to reduce private vehicle trips and connect the site in a safe, well lighting environment for use in all-weather connections.

³³ Paragraph 1.2 of Mr Fuller's Fast-Track Approval's Act 224 – Technical Memorandum – Planning Policy

PART F: Regional or national benefits of the project

- 247 Section 3 of the FTAA states that the purpose of the Act is to facilitate the delivery of infrastructure and development projects with *significant regional or national benefits*.
- 248 As recorded above in Part C, section 81(4) of the FTAA specifically requires the Panel to consider the extent of the project's regional or national benefits.³⁴
- 249 The assessment of adverse impacts in relation to an approval sought is particularly relevant in the context of a decision to decline an approval. An approval can only be declined if the adverse impacts are out of proportion to regional or national benefits.³⁵
- 250 Because the Panel has found that the Proposal will cause adverse impacts, then a proportionality assessment is required as between those impacts and the claimed regional or national benefits of the project.
- 251 The phrase "significant regional or national benefits" is not further defined in the FTAA. Some guidance as to its meaning can be taken from section 22 of the FTAA, which relates to the criteria for assessing a referral application, provides the following:

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

- 252 Section 22 may be considered to provide useful guidance as to the meaning of the phrase. However, in a previous decision under the FTAA, an expert consenting panel has stated:³⁶

³⁴ If the application was a referral application – the Panel must treat the stage of the project to which the application relates as constituting the project; but may consider the regional or national benefits of the whole project, having regard to the likelihood that any later stages of the project will be completed (section 81(5) FTAA).

³⁵ Section 85(3) FTAA

³⁶ Record of Decision of the Expert Consenting Panel for Maitahi Village dated 18 September 2025 at [515]

for a panel deciding whether a particular project is a project with significant regional or national benefits, s 22(2) can only provide a flavour of, or guide to, what is required. 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.

- 253 Counsel for the Applicant submitted that the Proposal Would meet the key objectives and intent of the NPS- UD by provide these following benefits:
- 253.1 delivering 250 additional residential dwellings and contributing to a well-functioning urban environment in a high demand location;
 - 253.2 By providing for a range of different housing choices and at different pricing points to accommodate for lower and middle incomes;
 - 253.3 Contributing to addressing the housing shortfall in the local market by delivering 11% of the projected demand for additional residential housing in the Wānaka urban area over the medium term and 8% of the Wānaka ward area;
 - 253.4 Restricting the level of short-term rentals within the development to 20% of the overall housing stock;
 - 253.5 The provision of 13 affordable housing units to the Queenstown Lakes Housing trust (Trust);
 - 253.6 contribute to sustaining the construction workforce which is estimated to generate \$86 million in total direct, indirect and induced value added;
 - 253.7 Project will attract up to 125 full time equivalent; and
 - 253.8 Provision of a new childcare centre which is a service that experiences significant demand in Wānaka and the wider region.³⁷
- 254 This was supported by an Housing and Economic analysis undertaken by Ms Natalie Hamspon, as urban geographer which detailed how these benefits were derived.
- 255 At the Panel's initial briefing session hosted by MIJ on 18 May 2026, the Applicant expressed a strong desire to ensure that the housing provided would provide for a range of different housing choices at different price points to enable an opportunity for middle and lower income households. As set out in our Second minute dated 21 May 2026 the Panel supported this approach end suggested to the applicant address these issues further within their economic analysis, with the impact of the Council's recent Urban Intensification Variation.
- 256 The Panel was provided with a memo from Ms Hampson dated 16 July 2026 with further analysis that the price points identified by the Applicant in the proposal would make a material contribution to the supply of more affordable dwellings within the district over the development.³⁸

³⁷ Paragraph 34 of Mr Leckie's legal overview dated 18 Feb 2026

³⁸ Paragraph 16 of Ms Ms Hampson Memo dated 16 July 2026

- 257 The Panel was in the position where the benefits were not rebutted by expert or alternative analysis by any of the parties. While the Council acknowledged that the proposal would provide economic benefits its predominant concerns related to the proposal's potential adverse effects that could generate on the environment and surrounding land use policy issues.
- 258 Some of the residents in Old Racecourse Road questioned and suggested that the potential value and price points provided by the Applicant (as indicated for sale) would not be within the more affordable range and not address the underline issues of housing affordability within this part of the District.
- 259 The Panel also acknowledges the positive comments on the application received from the Regional Council and the Ministers for Infrastructure and Economic Growth.
- 260 The Panel has evaluated the economic benefits and agrees with the Applicant's economic evidence and analysis and with respect to residents in Old Racecourse Road we favour the housing and economic analysis of Ms Hampson.
- 261 In doing so the Panel acknowledges:
- 261.1 The provision of further housing supply which will go some way to addressing and providing for more affordable options within this part of the district. The Panel acknowledges the significant issues in terms of housing affordability within this part of the District;
 - 261.2 In supporting this view, the Panel finds that the provision of 13 affordable housing units for the Trust is a significant benefit generated by the Proposal through the provision affordable housing options for lower income households which are not normally provided through development process. In addition, the Panel accepts the Applicant's evidence that the remainder of the dwellings proposed are likely to sit at or below the median for the Wānaka market, providing more affordable houses generally;
 - 261.3 The restriction of use for short term rentals by significant portion of the dwellings and how this could lead to the vast majority of the dwellings within the Proposal being used for permanent occupation. However, in saying this the Panel believe it is appropriate to impose conditions of consent to ensure this outcome is achieved in practice.
 - 261.4 Will generate up to \$86 million in total direct, indirect and induced value added, creating economic and employment opportunities within this part of the District; and
 - 261.5 Will increase the overall supply of housing, address housing needs, and now as proposed will contribute to a well-functioning urban environment, within the meaning of policy 1 of the National Policy Statement on Urban Development 2020.
- 262 The Panel places the greatest weight on increase in the supply of housing at different price points within this part of the District, which in turn will assist in addressing housing needs, and help in contributing to a well-functioning urban environment. This is supported by the provision of affordable housing for the trust.
- 263 The Panel also finds that the Proposal will result in an increase in employment opportunities, both during construction and within Mt Iron Junction project itself once developed with the provision of childcare and retail options.

- 264 In summary, the Panel finds that Mt Iron Junction proposal will not result in any measurable national benefits, but will result in the following regional benefits:
- 264.1 The provision of further housing supply (250 dwellings) which will go some way to addressing and providing for more affordable options within this part of the district; An economic benefit of somewhere around \$86 million. Included within this category is an increase in employment opportunities, both during and after construction;
 - 264.2 The provision of 13 affordable housing units for the Trust is a significant benefit generated by the Proposal;
 - 264.3 The restriction of use for short term rentals leading to the potential for further permanent occupation of the remainder of the dwellings within the Proposal; and
 - 264.4 Will increase the overall supply of housing, address housing needs, and now as proposed will contribute to a well-functioning urban environment, within the meaning of policy 1 of the National Policy Statement on Urban Development 2020.
- 265 The Panel find that these benefits are regionally significant to this part of the District and outweighs any adverse impact the Proposal may create on the environment. This finding is underpinned by the scale of this Proposal in this part of the District, which puts it clearly into the category of being 'worthy of note', especially with the provision of the 13 affordable housing units to the Trust.

PART G: STATUTORY DOCUMENTS

266 The AEE addressed the relevant statutory documents and identified relevant provisions. Rather than repeat all of that, this section addresses the documents of particular relevance to the Application (particularly relevant provisions) and the comments received. The Panel also relies on our conclusions on effects and the conditions we have decided to impose in support of the conclusions reached on relevant planning provisions (including Part H: Regional and District Planning Framework as relevant to the topic area).

Government Policy Statements

267 The Panel considers that no Government Policy Statements issued under section 10A of the Act are relevant to this Application.

National Policy Statements

268 The relevant National Policy Statements that we must take into account to under clause 17 were addressed in section 7 of the Planning Report and include:

- National Policy Statement on Urban Development 2020 (**NPS-UD**);
- National Policy Statement for Freshwater Management 2020 (**NPS-FM**); and
- National Policy Statement on Natural Hazards (**NPS – NH**)

National Policy Statement on Urban Development 2020

269 The NPS-UD directs local authorities to enable well-functioning urban environments. Its primary purpose is to ensure that planning frameworks provide sufficient development capacity to meet housing and business demand, both now and in the future. It seeks to improve housing supply, support economic productivity and promote sustainable, inclusive urban development through responsive and evidence-based planning.³⁹

270 Policy 6 of the NPSUD applies to 'planning decisions that affect urban environments', requiring that councils have regard to among other things:

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

³⁹ NPS-UD, clause 2.1.

- d) *any relevant contribution that will be made to meeting the requirements of this National Policy Statement to provide or realise development capacity ...*

271 As the Application is for resource consents, it is considered a 'planning decision' for the purposes of the NPSUD.⁴⁰

Applicant's position

272 The Applicant has stated that the proposed development will give effect to the NPS-UD.⁴¹ The Planning Report assesses the Proposal against the objectives and policies the Applicant considered relevant. The Applicant's assessment is as follows:

The site lies outside the Wānaka UGB and is not identified for urban growth in current RMA planning documents. Policy 6(a) requires particular regard to be had to the planned urban built form. That is acknowledged. Notwithstanding that context, the proposal supplies significant additional development capacity in a constrained housing market in the short- to medium- term and broadens housing typology diversity. With 250 dwellings and associated commercial activity, it contributes to a well-functioning urban environment consistent with Objectives 1, 2 and 4 and Policy 1.

Policy 8 requires decision-makers to be responsive to proposals that add significant development capacity, even where that capacity is unanticipated or out-of-sequence. The proposal represents such capacity and is capable of integration with established infrastructure networks, including confirmed potable water and wastewater servicing and active transport connections. Climate-responsive infrastructure design has been incorporated consistent with Objective 8.

When read as a whole, and having particular regard to Policies 6 and 8, the proposal aligns with the direction and intent of the NPS-UD.⁴²

Council's position

273 The Council focused its comments on issues relating to accessibility and how the application should be integrated to improve and provide suitable active travel connections with the rest of the Wānaka township, given the limited and poor pedestrian connections beyond the site. As part of this, Mr Fuller, on behalf of the Council, also highlighted the lack of all-weather pedestrian and cycle paths connecting the site to Three Parks and Albury Road.

274 This assessment was predominantly based on the traffic assessment undertaken by Stantec for the Council.

Panel Finding

275 While this was not really in contention, the Panel considers that the underlying principle and design philosophy expressed through the Application is in accordance with the direction

⁴⁰ NPS-UD, 1.4 interpretation, definition of 'planning decision'.

⁴¹ Paterson Mr Iron Junction Fast-track Approvals Act 2024 Substantive Application Planning Report dated 20 Feb 2026.

⁴² Paterson Mr Iron Junction Fast-track Approvals Act 2024 Substantive Application Planning Report Section 7.1 dated 20 Feb 2026.

and intent of the NPS-UD and will contribute to well-functioning urban environments in this part of the Region.

- 276 The Panel is satisfied that that the potential effects of active travel options for future residents have been appropriately addressed now in the conditions as analysed in Part E of this Decision. Consequently, the Panel is satisfied that the NPS-UD does not present a barrier to granting consents for the Application.

National Policy Statement for Freshwater Management 2020

- 277 The NPS-FM sets out a framework under which local authorities are to manage freshwater (including groundwater). The NPS-FM seeks to ensure that natural and physical resources are managed in a way that prioritises:⁴³

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

- 278 The Applicant has stated that the proposed development will give effect to the NPS-FM as it does not compromise drinking water or any freshwater ecosystems.⁴⁴

The proposal does not compromise the health and well-being of waterbodies or freshwater ecosystems and does not affect drinking water supplies. Freshwater effects are managed at source and within the site, consistent with Te Mana o te Wai and Policies 1–5 of the NPS-FM. Engagement with mana whenua has occurred and relevant iwi management plans have been considered. The proposal is consistent with the objectives and policies of the NPS-FM 2020.

- 279 We did not receive any contrary views from any of the invited parties to comment on this matter. Consequently, the Panel agrees with the Applicant's view on this matter and finds that the application is consistent with the objectives and policies of the NPS-FM 2020.

- 280 Finally, we note for completeness that no ecological issues were also brought to our attention that required our consideration under NPS-FM 2020.

National Policy Statement for Natural Hazards 2025

- 281 The NPSNH introduces national direction for the management of natural hazard risk. It applies to flooding, landslips, coastal erosion, coastal inundation, active faults, liquefaction and tsunamis.

- 282 The Objective of the NPS-NH, as outlined in clause 2.1, states "Natural hazard risk to people and property associated with subdivision use and development is managed using a risk-based proportionate approach."

⁴³ NPS-FM clause 2.1.

⁴⁴ Paterson Mr Iron Junction Fast-track Approvals Act 2024 Substantive Application Planning Report section 7.3 dated 20 Feb 2026.

- 283 The Applicant has stated that the proposed development will give effect to the NPS-NH as overall level of natural hazard risk is low to moderate and typical of the wider Wānaka environment.⁴⁵

The development adopts a proportionate response through appropriate foundation design, earthworks management and compliance with Building Code requirements. No very high natural hazard risk is identified that would require avoidance under Policy 3, and the proposal does not create or increase significant risk on other sites.

Climate change effects have been considered, and do not materially alter the hazard risk profile. When read as a whole, the proposal manages natural hazard risk using a risk-based and proportionate approach consistent with Objective 2.1 and Policies 1–6 of the NPS.

- 284 We did not receive any comments specifically related to this NPS-NH from the Council. The issue of hazards during the construction process was considered in detail by the Council and it was agreed that these could be appropriately addressed through the conditions consent as we have analysed in Part E above.
- 285 Based on the information provided by the Applicant, the Panel is satisfied that natural hazard risks can be proportionately managed by the Proposal and that the avoidance policies of the NPSNH are not engaged as the Proposal does not involve 'Very High' risk hazards (pursuant to the NPS-NH risk matrix) or present an increased flood risk for neighbouring sites (Policies 3 and 4).
- 286 We are also satisfied that the hazard risk assessment has been based on the best available information (Policy 5), and that the impacts of climate change have been appropriately addressed.

⁴⁵ Paterson Mr Iron Junction Fast-track Approvals Act 2024 Substantive Application Planning Report Section 7.2 dated 20 Feb 2026.

PART H: REGIONAL AND DISTRICT PLANNING FRAMEWORK

- 287 An assessment of the relevant statutory plans has been included within the AEE as is required by Schedule 5, clause 5(1)(h).
- 288 The Panel has reviewed and considered the assessment provided by the Applicant and the comments provided by the two Councils and other commenters. We outline the key matters in the following sections (as well as adding further considerations and assessment).
- 289 On the basis of the revised proposal that has been arrived at by August 2026, and taking into account the lack of specific assessments before us to the contrary, the Panel accepts the Applicant's assessments of the Otago Regional Policy Statement 2019; the Proposed Otago Regional Policy Statement 2021; and the Otago Regional Plan: Water. We also accept that the QLDC Proposed District Plan contains no relevant provisions relating to the Site that are not fully operative, and that on this basis the Operative District Plan does not need further consideration.
- 290 Specifically in terms of the Regional Policy Statements, these do inform the District Plan methods that relate to managing the growth of settlements, establishment of Urban Growth Boundaries, and rural land. We are satisfied that at the scale of the region, the proposal's location immediately adjacent to a UGB, peri-urban character, and proximity to urban destinations, goods and services within what has become a major town (with a hospital at Three Parks recently consented), mean that it does not raise any significant disjunction or conflict. As summarised by the Applicant in the context of the Proposed Otago Regional Policy Statement⁴⁶:

Overall, the proposal aligns with the strategic intent of the PORPS by providing consolidated urban development, supported by infrastructure, avoiding highly productive land, protecting outstanding natural features, managing natural hazards appropriately, and safeguarding freshwater and soil resources.

- 291 In terms of the Proposed District Plan, we have arrived at a different position from the Applicant. The Council, although its overall position on the application (subject to a number of design changes) was expressed quite neutrally, stated⁴⁷:

The proposal is considered inconsistent overall with the strategic direction of the PDP particularly Chapters 3, 4, 6, and also Chapters 21 and 29. In summary, the proposal would introduce substantial urban development outside of the Urban Growth Boundary, create landscape and visual amenity concerns in the Mt Iron gateway environment (in the foreground to an Outstanding Natural Feature (ONF), and does not yet demonstrate the level of integration, accessibility and active transport connectivity required for well-functioning urban development.

- 292 The PDP sets out a very clear framework for the rural zone and the significance of Urban Growth Boundaries is equally clear. The proposal is plainly contrary to the objectives and policies of the Plan relating to avoiding urban development on rural zoned land and outside Urban Growth Boundaries. We see no avoiding that conclusion. For example, the rural zone

⁴⁶ Paterson Mr Iron Junction Fast-track Approvals Act 2024 Substantive Application Planning Report dated 20 Feb 2026, section 7.5.

⁴⁷ Technical Memo: Planning Policy, Mr. Jeff Fuller, 19 June 2026 (Appendix 8 to QLDC comments), paragraph 1.3.

purpose at PDP chapter 21.1 describes the zone as seeking:

.... to enable farming activities and provide for appropriate other activities that rely on rural resources while protecting, maintaining and enhancing landscape values, ecosystem services, nature conservation values, the soil and water resource and rural amenity.

- 293 There is nothing about the application that relates to this. More specifically, policies 4.2.1.3 and (specifically relating to Wānaka) 4.2.2.23 state:

4.2.1.3 Ensure that urban development is contained within the defined Urban Growth Boundaries, and that aside from urban development within existing towns and rural settlements, urban development is avoided outside of those boundaries.

4.2.2.23 Rural land outside of the Urban Growth Boundaries is not used for urban development until a change to the Plan amends the Urban Growth Boundary and zones additional land for urban development purposes.

- 294 On the basis of the above, we find that the proposal is also contrary to Chapter 4 of the PDP.

- 295 We have considered the Medium Density Residential zone provisions and found them helpful in our evaluation of on-site amenity and related effects. They are of no assistance beyond that.

- 296 We are satisfied that the August 2026 version of the proposal and subject to the further (transport) changes we have determined through our previous assessment of effects, raises no conflict or other concern relating to landscape (ONL / ONF), transportation, mana whenua interests, infrastructure, hazards, earthworks, or subdivision matters and in those respects we accept the Applicant's assessments. We are also satisfied that, although in some tension with strategic policy 3.3.15 in particular, the proposal will not be contrary to the very high-level Strategic Direction chapter as a whole.

- 297 Turning to Chapters 4 and 21 of the PDP, the application is sufficiently opposed to the outcomes sought that, despite several instances where the PDP's envisaged outcomes align with the proposal, we cannot agree that there is an overall alignment. We therefore do not agree with the Applicant where it states:

When Chapters 3, 4 and 6 are read together, the District Plan seeks coordinated growth that avoids fragmented expansion, protects rural and landscape values, and achieves compact and well-functioning urban environments. While the proposal is not strictly consistent with the mapped Urban Growth Boundary under Objective 4.2.1, it does not defeat or frustrate the strategic intent of containment, protection of rural character, or maintenance of outstanding natural feature values.

- 298 Respectfully we consider the Applicant is conflating an assessment against the PDP's intended policy outcomes (i.e., whether there is a policy misalignment) and an assessment of resultant effects on the environment (i.e., whether the policy misalignment has significant adverse consequences in real life). The PDP takes a very unambiguous approach to managing urban form and growth. Development is to occur within Urban Growth Boundaries in locations such as Wānaka, and the specified approach to lead to development on the Site is to undertake a plan change to move the UGB. This has not occurred, and we disagree that this fundamental method can be read-down in the way that the Applicant has done by focusing on the reasons why in its view the Site in a real-world way the Site can still achieve the outcomes that the UGB and related growth management policy directives seek.

- 299 Having determined that the proposal is contrary to Chapters 4 and 21 of the PDP, but noting that the proposal is not contrary to any other chapters engaged by the proposal (but does sit in particular tension with strategic policy 3.3.15), we have proceeded to consider what consequence this might have; it is not the case that being contrary to a planning document requires a refusal of consent.
- 300 In this respect it has been very influential in our thinking that the Council, despite also concluding there was a misalignment between the application and its PDP, agreed with many of the Applicant's arguments and in particular with the positive effects and benefits that could be achieved. Although it took a quite neutral position on the application, it was clear to us that if its specific design and transport concerns could be addressed the Council was not actually opposed to the granting of consent.
- 301 We find that the proposal's contrariness to the PDP:
- 301.1 Will not prevent the proposal from delivering the benefits identified by the Applicant, or from the Site making a contribution to a well-functioning urban environment.
 - 301.2 Does not present any precedent-setting risks of concern. The arguments in support of the proposal arise in particular response to the way in which urban Wānaka has grown in recent decades to now be quite close to the Site and contribute to its peri-urban character. It is outside of but very close to the Wānaka Urban Growth Boundary and is supported by evidence (including on behalf of QLDC) that convenient walking and cycling access to a wide range of urban amenities is possible. Our imposed conditions of consent requiring active transport linkages along both SH84 (to the Three Parks underpass) and SH6 (to Aubrey Road) will also address potential PDP transportation policy tensions.
 - 301.3 In terms of the UGB, it is relevant that PDP Strategic Policy 4.2.2.22(d) refers to the Cardrona River as one of the "*natural boundaries to the growth of Wānaka*". Although the proposal is beyond the current UGB, it is within what the PDP itself identifies as a natural ultimate urban boundary.
 - 301.4 Does not lead to any concerning or inappropriate adverse environmental effects. The proposal will contribute to the logical filling-in of a gap between Three Parks and Albert Town urban areas, will achieve a suitable landscape and visual quality, and will not compromise the qualities of Mt Iron. It will not maintain the Site's rural-type open space qualities but we find that this is not of concern given we disagree the Site has any important ruralness noting the consented service station in its centre and adjacency to a major urban-character roundabout. In the case of adjacent land, the combination of proposed landscaping and setbacks that apply, and 1-storey buildings in the case of the LLRA zone boundary, will mitigate potential adverse effects acceptably.
 - 301.5 Is balanced to an extent by the many PDP provisions that the proposal is in keeping with.
 - 301.6 Needs to be finally understood relative to the project's benefits including its contribution to affordable housing.
- 302 Ultimately however, relevant to chapters 4 and 21 of the PDP, we are satisfied that although outside of the UGB the Site and its potential integration into urban Wānaka can be understood and will in our view be appropriate. The overall UGB for Wānaka and the urban coherence of the town will not be compromised as a result of the proposal proceeding. In terms of Chapter

21, we accept the Applicant's arguments that the Site is not in a truly rural setting; does not have any particular rural value or utility given its shape, size and proximity of neighbouring dwellings; and can be developed without creating significant or concerning landscape or character effects. We are satisfied that the arrival experience and gateway to Wānaka (which we find is the bridge crossing the Cardrona River in any event, and which also relates to the statement in Strategic Policy 4.2.2.22 referred to above) will not be compromised although it will change considerably.

303 In overall conclusion, the proposal is consistent with many provisions within the PDP. Although we find the proposal contrary to chapters 4 and 21, it will not result in concerning adverse effects or outcomes that fundamentally compromise the PDP (in part because the specific characteristics and context of the Site allow it to still achieve many of the urban form outcomes described in PDP chapter 4 despite it sitting outside of the UGB). Adverse effects have been suitably avoided, remedied or mitigated albeit in the case of active transport by conditions we have imposed. Limiting dwellings to 1-storey in height along the LLRA zone boundary in conjunction with the setbacks and landscaping proposed will also mitigate adverse effects to an acceptable level.

304 Because of this, it would be disproportionate and unjustified to refuse consent in this instance.

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

305 An application for a resource consent must include an assessment of the activity against any relevant provisions of a planning document recognised by a relevant iwi authority and lodged with a local authority.⁴⁸

306 It is the Panel's understanding that the following planning documents recognised by relevant iwi authorities are relevant to the proposal:

- a. Kāi Tahu ki Otago Natural Resource Management Plan 2005, and
- b. Te Tangi a Tauira – Ngāi Tahu ki Murihiku Natural Resource and Environmental Iwi Management Plan 2008.

307 At section 7.8 of the AEE, the Applicant provided an assessment of the application. It concluded that the proposal was consistent with the two iwi management plans, and that additional consultation with mana whenua did not identify any additional issues or concerns.

308 We have received no contrary information on this topic, and accept the Applicant's conclusions.

⁴⁸ Schedule 5, clause 5(1)(h) and clause 5(2)(g).

PART I: Principal Issues in Contention

309 The principal issues in contention are:

309.1 The Urban design and amenity issues and how they relate to the residential properties in Old Racecourse Road;

309.2 Traffic engineering matters, including impact on roundabout intersection with SH6/84;

309.3 Active travel options to and from the site;

309.4 The s.127 application; and

309.5 Planning policy matters.

310 We set out here an overall summary of our main findings on the key issues in contention, grouped in accordance with the topics outlined above.

Urban design and amenity issues

311 For the reasons set out in Part E of this Decision, the Panel has found that there proposal is of a design quality appropriate to its context and provided for an appropriate level of internal and external amenity for the residents.

312 The Panel also considers that limitation of building height to only 1-storey substantially along the common boundary with the residential properties in Old Racecourse Road mitigates potential adverse effects on these properties and will be more beneficial than any other single design change. In conjunction with the setbacks and landscaping proposed, the Panel finds this to be acceptable outcome will result.

Traffic engineering matters

313 For the reasons set out in Part E of this Decision, the Panel has found that the adverse transportation effects of the Project are acceptable. While the Project will increase congestion at the roundabout, those effects are outweighed by the significant housing, employment and wider economic benefits that the Project will provide to Wānaka and the wider region.

Active travel options

315 For the reasons set out in Part E of this Decision, the Panel has found that the Site requires active mode linkage improvements additional to what the Applicant has offered, but that these can be required by way of reasonable conditions of consent. On this basis, potential adverse effects related to active mode travel and demand generated by the proposal can be appropriately managed, and will be acceptable.

The s.127 application

316 For the reasons set out in Part E of this Decision, the Panel has found that the s.127 application could be considered as part of the overall package of RMA consents before the Panel and that there has been a change of circumstance that would justify the removal of these covenants to enable the development to proceed with the associated regional economic benefits that flow from the application.

Planning policy matters

317 For the reasons set out in Part H of this Decision, the Panel has found the proposal is consistent with many provisions within the PDP. Although we find the proposal contrary to chapters 4 and 21, it will not result in significant adverse effects or outcomes that fundamentally compromise the PDP (in part because the specific characteristics and context of the Site allow it to still achieve many of the urban form outcomes described in PDP chapter 4 despite it sitting outside of the UGB). Adverse effects have been suitably avoided, remedied or mitigated albeit in the case of active transport by conditions we have imposed. Limiting

dwellings to 1-storey in height along the LLRA zone boundary in conjunction with the setbacks and landscaping proposed will also mitigate adverse effects to an acceptable level.

- 318 Turning the relevant Regional and National Policy frameworks (NPS) for the reasons set out in Part G and H of this Decision, the Panel has found the proposal is generally consistent with the relevant Regional and National Policy frameworks.

PART J: OTHER CONSIDERATIONS

- 319 The panel has considered the application in depth as set out in this decision and does not believe that there are any other matters relevant to its consideration. Nor were any other matters brought to the Panel's attention by any of the parties.

PART K: CONDITIONS

FTAA general requirements for conditions

- 320 Section 81 provides that the Panel must set any conditions to be imposed on the approval. The statutory requirements on what conditions are set is determined by what approvals are being sought.
- 321 Section 83 must be complied with and provides:

83 Conditions must be no more onerous than necessary

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

- 322 The Panel has turned its mind to this requirement when assessing the appropriateness of the conditions to be imposed. Our reasons given in relation to conditions in contention reflect this requirement.

FTAA requirements for conditions

Resource consent

- 323 For a resource consent the following clauses of Schedule 5 apply:

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.*

- 324 The underlying purpose of the conditions of a resource consent is to manage environmental effects by setting outcomes, requirements or limits to that activity, and how they are to be achieved.⁴⁹
- 325 Section 220 specifies the conditions that may be imposed on a subdivision consent.
- 326 A number of the conditions require Consent notices to be registered on the Certificate of Title for the underlying lot. Those notices are necessary to require the following conditions imposing them to be complied with on an ongoing basis. The consent notices are targeted and appropriate to ensure that there is ongoing compliance with these requirements beyond the completion of the relevant stage of subdivision and that all future owners of each residential lot are fully informed as to their obligations with respect to these matters.

⁴⁹ *Summerset Village (Lower Hutt) Ltd v Hutt City Council* [2020] MZEnvC 31 at [156].

Project conditions

- 327 The Applicant provided a comprehensive set of conditions when the Application was lodged, and these have been refined through the process, with the assistance of Mr Blair and all the parties. As a result, these conditions have been refined in response to comments, evidence and questions from the Panel.
- 328 The Panel in its Minute 13 dated 8 Sept 2026 sought comments on the draft conditions of consent from specified parties under section 70 of the Fast-track Approvals Act 2024 (FTAA), and comments on the draft decision and draft conditions from specified Ministers under section 72 of the FTAA.
- 329 The Panel received comments on the draft conditions from:
- 329.1 The Applicant;
- 329.2 NZTA;
- 329.3 The Council;
- 329.4 CM and JC Morgan Family Trust; and
- 329.5 Vida Laird and Luke Smeets
- 330 We did not receive any comments specified Ministers under section 72 of the FTAA.
- 331 For the most part, save a few minor issues (considered below), the draft conditions were generally agreed as between the Applicant and the parties. The parties are to be commended for their collective effort in seeking to resolve differences as between them in relation to the drafting of conditions.
- 332 Turning to the very minor disagreement between the Applicant, NZTA and the Council, the Panel agrees with the Applicant's approach, as set out in the Mr Leckie's response to comments on the draft conditions dated 22 Sept 2026. As a result, these have been changes have been incorporated in the final conditions. We originally sought to require active travel link B2 to be developed prior to any dwellings on the Site being occupied, but we accept the Applicant's comments to us that link B2 will not connect to anything within the Site until the corresponding stage(s) of development include the continuation of active travel facilities along a new public road to be provided. We have amended condition 53 (gg).
- 333 We also acknowledge the Applicant's willingness to address CM and JC Morgan Family Trust concerns of the location of the heat pumps machinery along the common boundary with the residents in Old Racecourse Road and having this incorporated into the final conditions. In terms of boundary landscaping, we accept the Applicant's comments to us that it is not always practical to provide landscaping at the outset of development given how development can require discrete areas of disturbance. However, we agree that landscaping should be provided along the Old Racecourse Road properties' boundary as early in the development process as practicable and that this will give time for that landscaping to grow and establish. We have modified condition 53 to this end, with the Council taking on a certification role.
- 334 Turning to the comments from Vida Laird and Luke Smeets who raised the need for condition to ensure that the building set back to their boundary were a minimum 2.5 metres. In considering this matter, the Panel agrees with the Applicant's view on this matter, as set out in Mr Leckie's response to comments on the draft conditions dated 22 Sept 2026, in that the

actual setbacks with be 2.5 metres, with the eaves extending to 2.28m from the boundary as shown on the scheme plans.

- 335 This only leaving the issue of the area provided to Trust for social/community housing. The Applicant is of the view that this should be this condition should be 5% of the total number of units within the overall development⁵⁰. While in principle the Panel agrees with this approach, given the application sought to provide 13 units with these forming part of the overall benefits of the proposal, the Panel wants to ensure this condition enable for a range of sized units to be provided. As a result we have reworded this condition to this effect.

Consent notices pursuant to s221 of the RMA

- 336 Consent notices are necessary to require the following conditions to be complied with on an ongoing basis:
- 337 The consent notices are targeted and appropriate to ensure that there is ongoing compliance with these requirements beyond the completion of the relevant stage of subdivision and that all future owners of each residential lot are fully informed as to their obligations with respect to these matters.

Conclusion regarding conditions

- 338 The Final Conditions are attached as Appendix 2. This consolidated set of conditions includes the changes made by the Panel, including in response to comments made on the draft conditions, for the reasons set out in this Decision.
- 339 To the extent the final set contains minor errors, the Panel notes it has powers under section 89 of the FTAA to make minor corrections.

⁵⁰ Paragraphs 10 to 14 of Mr Luckie's respond to draft conditions dated 15 Sept 2026.

PART L: RMA 1991

- 340 Clause 5(1)(g) of Schedule 5 of the Act requires an assessment of the Proposal against sections 5, 6 and 7 of the RMA. MIJ addressed Part 2 of the RMA in Section 8 of the Planning Report.
- 341 The purpose of the RMA, set out in section 5, is to promote the sustainable management of natural and physical resources. In the light of the preceding parts of this Decision, the Panel is satisfied that Mr Iron Junction Proposal will generally promote the sustainable management of natural and physical resources.
- 342 The Panel is satisfied that most potential adverse effects of the Proposal are adequately addressed through the imposition of conditions. We consider these conditions will adequately avoid, remedy or mitigate the potential adverse effects.
- 343 The Panel also acknowledges that some aspects of the Proposal are not consistent/contrary with parts of the Planning framework. For example the proposal is considered to be contrary to PDP chapters 4 and 21. However, the Panel finds that the Proposal will not result in adverse effects or outcomes that fundamentally compromise the PDP (in part because the specific characteristics and context of the Site allow it to still achieve many of the urban form outcomes described in PDP chapter 4 despite it sitting outside of the UGB).
- 344 As has been detailed in Part E of this Decision, the Panel is satisfied that significant risks from natural hazards have been adequately identified and addressed by the conditions of the Proposal (section 6(h)).
- 345 The Panel considers that, although the Proposal will result in a change in amenity value, with much of the land transitioning from rural to urban uses, the development will generate amenity value in the resulting new urban spaces, which will include an *open space network allowing for* the maintenance and enhancement of existing ecological value, consistent with sections 7 (c) and (d).
- 346 As referred to elsewhere in this Decision, the Panel is satisfied that the Application follows design principles for good urban form, as such, the Panel consider the Application will maintain and enhance the quality of the environment (section 7 (f)).
- 347 As summarised above, as a result of the conclusions reached on the potential effects of Mr Iron Junction Proposal, and in the context of the relevant planning provisions and the imposition of appropriate consent conditions, the Panel finds that Mt Iron Junction application is consistent with Part 2 of the RMA.

PART 0: OVERALL ASSESSMENT

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

- (a) *there are 1 or more adverse impacts in relation to the approval sought; and*
- (b) *those adverse impacts are sufficiently significant to be out of proportion to the project's regional or national benefits that the panel has considered under section 81(4), even after taking into account—*
 - (i) *any conditions that the panel may set in relation to those adverse impacts; and*
 - (ii) *any conditions or modifications that the applicant may agree to or propose to avoid, remedy, mitigate, offset, or compensate for those adverse impacts.⁵¹*
- (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).*

349 This test is different from the test developed over the years under the RMA which culminated in the decision of *Environmental Defence Society v The New Zealand King Salmon Company Limited & Ors (King Salmon)*⁵². The King Salmon case was clear – the approach by the Courts and local authorities of adopting an overall judgement approach to environmental decision making under the RMA was incorrect.

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

351 The Panel's decision is meets the purpose of the FTAA, contained in section 3, namely to: facilitate the delivery of infrastructure and development projects with significant regional or national benefits as considered throughout this decision.

352 The Panel has considered the Application and supporting information as well as the comments received on it and on the draft conditions, as well as the further information provided as a result of comments received from other participants and the subsequent refinement of the Application. We have also considered the evidence filed for the hearing, and the answers given to questions at the hearing. We thank all those who commented for their contributions.

353 Overall, the Panel is satisfied that the matters set out in section 81 of the FTAA have been addressed appropriately and that purposes of the FTAA are achieved by this Decision. In reaching this view, the Panel has had regard to the actual and potential effects on the environment of allowing the activity as set out in other parts of this Decision. The Panel has also had regard to the relevant planning documents.

⁵¹ Section 82 FTAA

⁵² [2014] NZSC 38

PART N: DECISION

- 354 The Panel has considered the Application and supporting information as well as the comments received on it and on the draft conditions, as well as the further information provided as a result of comments received from other participants and the subsequent refinement of the Application. We thank all those who commented for their contributions.
- 355 Overall, the Panel is satisfied that the matters set out in section 81 of the FTAA have been addressed appropriately and that purposes of the FTAA is are achieved by this Decision. In reaching that view, the Panel has had regard to the actual and potential effects on the environment of allowing the activity as set out above. The Panel has also had regard to the relevant planning documents.
- 356 The Panel determines to grant the approvals sought subject to the Conditions attached as Appendix A to this Decision.
- 357 As required by section 99 of the FTAA the persons listed in that section are entitled to appeal and must commence any appeals within the 20-working day period from the day this Decision is published under section 88(3).

Dr Lee Beattie
(Chair)

Alan Pattle

(Member)

Ian Munro (Member)

APPENDIX A: CONDITIONS OF CONSENT

Refer to attached document

APPENDIX B: CONSENTS REQUIRED

- ▶ Resource consents for following activities:
 - Land use consent
 - Subdivision consent
 - Change/cancel conditions of resource consent RM181471
 - Cancel a consent notice
 - Discharge permit

No approvals under other legislation or permits are required as part of this application.

Queenstown-Lakes District Council

Queenstown-Lakes District Council has two district plans in effect, the Operative District Plan and the Proposed District Plan (PDP). The Rural zone are treated as operative, and the operative plan provisions are deemed inoperative.

Under the PDP, the site is subject to the following zoning and overlays:

- ▶ Rural Zone
- ▶ Landscape classification – Rural Character Landscape
- ▶ Partially subject to Designation 84 – State Highway

Approval is sought under section 42(4)(a) of the FTAA for land use and subdivision consents that would otherwise be applied for under the RMA. A summary of the PDP rule triggers are identified below.

Section 21 - Rural Zone

- Discretionary Activity under Rule 21.4.9 for the use of land and buildings for residential activity.
- Discretionary Activity under Rule 21.4.11 for the construction of buildings, roading, access, lighting landscaping and earthworks.
- Discretionary Activity under Rule 21.4.23 for a restaurant (the café) in the Rural zone.
- Non-Complying Activity under Rule 21.4.37 for the café, market and childcare centre in the Rural Zone.
- Non-Complying Activity under Rule 21.4.37 as the residential units are not contained within a building platform as no buildings platforms are proposed as land use consent is sought for all buildings.
- Restricted Discretionary Activity under Rule 21.5.1 for future buildings to infringe the existing northwest internal 15m boundary setback, and to infringe proposed boundary setbacks.
- Restricted Discretionary Activity under Rule 21.5.2 for future buildings adjacent to infringe the 20m road setback from SH84 and SH6, and from the proposed internal roading network.
- Restricted Discretionary Activity under Rule 21.7.1 for structures including fencing and rubbish sheds to be located within 10m of existing and proposed roads.
- Restricted Discretionary Activity under Rule 21.7.2 for buildings to infringe the Rural colour palette.
- Restricted Discretionary Activity under Rule 21.7.3 for buildings to exceed the 500m² maximum ground floor area:
 - the café and market building to be 557m²
 - apartment building Block 22 will be 1,264m²
 - apartment building Block 33 will be 1,264m²

- Restricted Discretionary Activity under Rule 21.7.4 for buildings to exceed the maximum building height of 8m
 - Residential units of Typology C (T5) are approximately 8.1m above ground level
 - Residential units of Typology E (T7 and 8) are approximately 9m above ground level
 - The two apartment buildings are proposed at 10m from ground level
- Restricted Discretionary Activity under Rule 21.9.4 for retail sales from the café and market building which has a ground floor area of 557m² and so exceeds the 25m² within the 30m road setback.

► Chapter 25 - Earthworks

- Restricted Discretionary Activity under Rule 25.4.11.2 for earthworks of 5.98ha, exceeding a contiguous area of greater 10,000m²

Note as the application is for a subdivision the earthworks volume, cut, fill and cleanfill transportation volume are exempt under Chapter 25. These infringements are noted below:

- Rule 25.4.2 for earthworks of approximately 36,650m³ and so exceed the maximum permitted volume of earthworks of 1,000m³.
- Rule 25.5.21 for the total volume of imported cleanfill and roading metal to total approximately 8,635m³.

► Chapter 27 - Subdivision

- Discretionary Activity under Rule 27.5.12 for fee simple subdivision within the Rural zone.
- Non-Complying Activity under Rule 27.7.36 for subdivision in the Rural zone that does not include building platforms on every residential lot as required by Rule 27.7.34. None of the residential lots are proposed to have building platforms.
- Non-Complying Activity under Rule 27.7.36 for subdivision in the Rural zone where resultant lots do not meet the 15m x 15m shape factor as required by Rule 27.7.35. Specific building designs for each allotment are proposed.

Note: a further subdivision consent will be required as a Discretionary Activity under Rule 27.5.17 for the unit title subdivision of the apartment buildings in Blocks 22 and 33. This will be applied for as a future, separate consent.

► Chapter 29 – Transport

- Restricted discretionary activity under Rule 29.4.11 for exceeding the high traffic generating activity thresholds in Table 29.5 being:
 - a residential development that is as it exceeds the threshold of 50 residential units as 250 residential units are proposed; and
 - as a mixed-use development and change in use where greater than 50 additional trips are generated during commuter peak hour.
- Restricted discretionary activity under Rule 29.4.12 for residential and commercial parking in the Rural zone.
- Restricted discretionary activity under Rule 29.5.2 in respect to the size of required parking spaces and layout for carpark spaces 350 – 354, 355 – 367, 380 – 384, 450 – 474, 550 – 564, spaces 1 – 36 in Carpark 7A and spaces 1 – 36 in Carpark 8A. The Class 2 dimensions have stall widths between 2.6m and 2.7m with a proportionately longer aisle width for manoeuvring, different to that listed.

- Restricted discretionary activity under Rule 29.5.4 for a reduced number of mobility parking spaces in Carpark 3 (Daycare), and Carpark 4 (retail and café) where one mobility park is provided instead of two.
- Restricted discretionary activity under Rule 29.5.7 for some residential parking space designs (Carparks 5 and 6) to be different to that listed.
- Restricted discretionary activity under Rule 29.5.8 for reduced queuing length in Carparks 1, 4, 7 and 8.
- Restricted discretionary activity under Rule 29.5.13 for some access and road designs to slightly deviate from the Queenstown-Lakes Code of Practice specifications at Roads 2 and 3, and the Junction Road extension, and Roads 1, 2 and 3 that include angled parking.
- Restricted discretionary activity under Rule 29.5.15 for the design of the combined vehicle crossings (up to 7.5m) to exceed maximum residential vehicle crossing width of 6m. Direct crossings to residences are shared with adjoining units and are between 7-7.5m wide. Commercial crossings are 9m wide.
- Restricted discretionary activity under Rule 29.5.17 for reduced sight distances from vehicle access in a 40km speed environment at RoW 5, Lot 58, Lots 416-417, Lots 430-436, Carpark 4 and Carpark 8.
- Restricted discretionary activity under Rule 29.5.21 for reduced Minimum distances of Vehicle Crossings from Intersections that are internal to the development at Lots 21-24 and Carpark 2 (Road 1), Lot 417 (Junction Road / Mountain Road (southwest), Carpark 7 (Mountain Road East / Road 2 (north), Lots 31 - 36 (Mountain Road East / Road 2 (north), Lots 35 - 41 (Mountain Road East / Road 3 (north), and Lots 45 - 50 (Junction Road / Mountain Road (northeast).

► Chapter 36 – Noise

- Non-complying activity under Rule 36.5.1, as daytime noise associated would exceed the 50dB limit at 1 Balneaves Lane (a church) and 2 Balneaves Lane / 20 Albert Town-Lake Hawea Road (a veterinary clinic) which receive noise levels of up to 52 – 55 dB respectively. Internal to the development the loading bay of the café and market is predicted to result in 66 dB LAeq at the upper facades of the apartments to be built on Lot 102.

Variation to Resource Consent RM181471

Approval is sought under section 42(4)(b) for the cancellation of a resource consent condition that would otherwise be applied for under the RMA 1991. This is considered a **discretionary** activity pursuant to section 127 of the RMA and Schedule 5, clause 23 of the FTAA imports the provisions of the RMA that require an application to cancel a resource consent condition to only assess the extent of effects which are different to those already granted. The proposal seeks to vary the conditions of RM181471 to the extent included in Part C of the draft conditions of consent (**Appendix Q**)

Consent Notice Cancellation

This project is for a specific land use and subdivision development and will result in the existing consent notice registered on the title to Lots 2 and 6 DP 605028 becoming redundant and it is proposed to replace the existing consent notice with new specific ongoing consent notice conditions as discussed within the draft conditions (**Appendix Q**).

Approval is therefore sought under section 42(4)(a) of the FTAA to cancel consent notice 1305935.9 from the records of title to Lots 2 and 6 Deposited Plan 605028 that would otherwise be sought under section 221(3) of the RMA.

Consent Notice 1305935.9 (**Appendix A**) for Lots 2 and Lot 6:

All boundary fences along or adjoining any areas of reserve shall be no greater than 1.2 metres in height and shall be no less than 50% visually permeable.

"Good Ground" in accordance with NZS3604 has not been confirmed for these lots due to the presence of weaker bearing soils and variability of soils underlying the entire site plus buried topsoil and uncontrolled fill in the southwest corner of Lot 6. Building foundations, if any, shall require site specific geotechnical investigations and engineering designs to ensure suitable foundation bearing design solutions are achieved in consideration of the Geosolve Limited, Geotechnical Completion Report and Schedule 2A 237 Wanaka-Luggate Highway Road, Wanaka (Ref: 170839.01, dated 19 June 2024 and held on Council's eDocs file under RM230506), including removal of unsuitable material beneath foundations where required.

Otago Regional Council

Regional Plan: Water for Otago (RPW)

Plan Change 8 to the Regional Plan: Water for Otago (RPW) was made operative on 3 September 2022 and introduced new rules for specific activities with the potential to contribute to water quality contamination. This included new consent requirements for earthworks associated with residential development. The proposed earthworks are associated with a residential subdivision and associated infrastructure and therefore fall within definition of residential development⁵³.

- Restricted discretionary consent under rule 14.5.2.1 for the use of land, and the associated discharge of sediment into water or onto or into land where it may enter water, for earthworks for residential development as the area of earth exposed will be more than 2,500m² in any consecutive 12-month period.
- A 10-year timeframe is sought for the residential earthworks to allow for all the proposed subdivision stages to be completed (including additional contingency time).

⁵³ Means the preparation of land for, and construction of, development infrastructure and buildings (including additions and alterations) for residential activities and includes retirement villages. It excludes camping grounds, motor parks, hotels, motels, backpackers' accommodation, bunkhouses, lodges and timeshares. The terms development infrastructure, residential activity, and retirement village are defined in the National Planning Standards.

