

Before the Expert Panel

Under the

Fast-track Approvals Act 2024

And

In the Matter of

an application for approvals by Mt Iron Junction Limited to develop 250 medium to high density residential dwellings, a childcare centre, a retail building, a café, reserve areas and recreation amenities

Memorandum of Counsel on behalf of
Mt Iron Junction Limited
in relation to Minute 7

Dated: 14 August 2026

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MAY IT PLEASE THE EXPERT PANEL

Introduction

1. This memorandum of counsel is filed on behalf of Mt Iron Junction Limited (**MIJ**) in response to Minute 7 of the Expert Panel dated 22 July 2026.
2. This memorandum addresses the following matters as directed by Minute 7 in turn:
 - (a) The outcome of discussions with the Old Racecourse Road neighbours on proposed additional amendments to the Mt Iron Junction Housing Scheme (**Project**).
 - (b) The outcome of discussions with New Zealand Transport Agency Waka Kotahi (**NZTA**) and Queenstown Lakes District Council (**QLDC**) in relation to proposed active transport links.
 - (c) Confirmation on a scaled plan of what additional land, if any, is potentially required for the roundabout and otherwise more information as to what detailed design works MIJ considers could be implemented to appropriately tie in with or integrate with an upgraded roundabout.
3. As addressed in more detail throughout this memorandum, we consider that all matters raised in Minute 7 have been appropriately addressed by MIJ following further discussions with the relevant parties. This includes agreement with NZTA on the interface between the Project and future upgrades to the roundabout.

Engagement on amendments with Old Racecourse Road neighbours

4. Minute 7 provides that the Expert Panel has remaining potential concerns surrounding the effects on the Old Racecourse Road neighbours. The Expert Panel confirms this inquiry relates solely to the landscaping and built-form response on the common boundaries with these properties and not the Old Racecourse Road neighbours' views on the overall development.¹
5. Minute 7 seeks the outcome of discussions with the Old Racecourse Road neighbours and whether amendments made to the Project have addressed their concerns on this matter including whether agreement has been reached.²

¹ Minute 7 of the Expert Panel, 22 July 2026 at [4].

² At [8].

Engagement with Old Racecourse Road neighbours post Minute 7

6. Following receipt of Minute 7, Counsel for MIJ met with a group of the Old Racecourse Road neighbours on 29 July 2026. The neighbours confirmed that they wished to meet as a group and conveyed their views collectively.
7. The Old Racecourse Road neighbours expressed that they were seeking the following amendments to the Project:
 - (a) a 6 metre setback along the boundary;
 - (b) single storey units only along the boundary; and
 - (c) a reduction in density along the boundary through a 50% reduction in units with planting in between the units.
8. Key concerns raised by the Old Racecourse Road neighbours were privacy and being overlooked by two storey dwellings. The Old Racecourse Road neighbours stated that changes were also sought to enable better integration between the Project and the existing large lot character of their properties by softening the transition between the two.
9. The Old Racecourse Road neighbours also raised concerns that proposed landscape screening when mature would result in a lack of sunlight to the proposed units. They considered that future occupants of the units would remove trees which were proposed for screening in order to improve sunlight access. This was an underlying reason for their request for an increased setback to allow screening for the Old Racecourse Road neighbours and to allow sunlight to the proposed units over time.
10. The Old Racecourse Road neighbours provided photos taken from their properties of the Site, to demonstrate their viewpoints, for MIJ to consider.
11. MIJ wishes to express its appreciation to the Old Racecourse Road neighbours for agreeing to meet and their time discussing the Project and their concerns.

Mt Iron Junction Limited Mitigation Response

12. MIJ has considered the points raised by the Old Racecourse Road neighbours, particularly their concerns in relation to privacy and views, and whether the amendments sought can feasibly be accommodated in the Project.
13. As a result of the Old Racecourse Road neighbours' feedback and taking into account practical considerations as well as scope matters, MIJ has agreed to amend the Project to reduce the height of the units along the boundary to single storey only.

14. The twelve units along the boundary of 27, 33 and in part 34 Old Racecourse Road will be amended from Typology B Units to Typology A Units. The layout of those units will remain as amended by MIJ in the request for information documentation provided to the Expert Panel on 20 July 2026 and the setback of these Typology A units from the boundary is 2.5m from the end bedroom wall and 4.3m from the living room. Updated architectural and urban design plans showing these amendments are provided as **Appendices A and B**.
15. MIJ conveyed this amendment to the Old Racecourse Road neighbours by email on 31 July 2026 and asked for their position.
16. The Old Racecourse Road neighbours have confirmed that they welcome the reduction to single storey units along the boundary but are not in agreement as they still seek a 6m setback and reduction in density of 50%.
17. MIJ has liaised with the Old Racecourse Road neighbours in drafting this section of the memorandum to ensure that their position has been communicated correctly.

Mt Iron Junction Limited Position to the Expert Panel

18. In response to the Old Racecourse Road neighbours' concerns MIJ has amended the application to amend the units along the boundary to single storey only despite this resulting in a net loss of bedrooms across the Project.³
19. As part of the first stage of amendments to the Project made following the Old Racecourse Road neighbours' Section 53 comments, MIJ amended the Project to replace the Typology B (two storey) units in Blocks 30 and 12 which sit directly across the boundary from 29 and 35 Old Racecourse Road respectively with Typology A (single storey units). This amendment was offered due to the direct interface with the boundary of 29 and 35 Old Racecourse Road to reduce the height and bulk of built form presented to these particular neighbours, and address the privacy, overlooking, and visual dominance concerns raised in respect of this interface.
20. This amendment resulted in a net loss of bedrooms across the Project. Amending all units along the boundary to be single storey only as part of this second stage of amendments to the Project will result in a further net loss of bedrooms.
21. MIJ does not consider that a further setback nor a reduction in dwellings is reasonable. Mr Compton-Moen and Ms Belu outline that these amendments would require a substantial redesign of the wider masterplan.⁴ They consider that to

³ Figure and Ground Limited, Response to Minute 7, 7 August 2026.

⁴ DCM Urban Design Limited, Response to Minute 7, 13 August 2026 at page 2.

provide that any further southward movement of the units to enable a greater building setback would require the adjoining internal road to be relocated, which would have consequential effects on the lots, buildings, access arrangements, engineering infrastructure and landscape design on the opposite side of the road and across the wider eastern part of the Project.⁵

22. In response to concerns that future occupants of the units will remove the trees that are proposed as screening to gain access to sunlight, proposed landscaping is required to be protected in accordance with Condition 8 of the proposed land use consent conditions. Condition 8 provides that planting must be maintained and irrigated. If any plant or tree dies, it must be replaced within the next available planting season. To secure this further MIJ also proposes new Condition 55(j) of the proposed subdivision consent conditions which requires this condition to be registered on the titles by way of consent notice.
23. Mr Compton-Moen and Ms Belu consider that as the trees are located along the southern boundary of the neighbouring properties, their proposed height is not expected to result in significant additional shading.⁶ Shadows will generally fall towards the Site, with only limited shading of the neighbouring properties occurring during the morning and evening during the summer when the sun is at a lower angle.⁷ These effects are minor and limited in duration, while the proposed trees provide screening and softening of the built form along the boundary.⁸
24. We submit that MIJ has done all that it practically can to accommodate the Old Racecourse Road neighbours' requests and to address their concerns considering the Site and Project layout, scope considerations and the requirement to provide significant regional benefits under the Fast-track Approvals Act 2024 (FTA) test for approval. The reduction in height will create a noticeable difference from the original proposal for the residents of Old Racecourse Road.
25. Mr Compton-Moen and Ms Belu consider that the replacement of the remaining Typology B dwellings with Typology A dwellings will positively address the Old Racecourse Road neighbours' concerns regarding privacy, overlooking, shading and the perceived height and scale of the proposed built form.⁹ The change removes all upper-level rooms and windows from the interface and establishes a consistent single-storey edge along the full length of the boundary, while retaining the increased setbacks, revised glazing and enhanced landscape treatment previously proposed.¹⁰ They consider this provides a direct response to the effects identified

⁵ DCM Urban Design Limited, Response to Minute 7, 13 August 2026 at page 2.

⁶ DCM Urban Design Limited, Response to Minute 7, 13 August 2026 at page 2.

⁷ DCM Urban Design Limited, Response to Minute 7, 13 August 2026 at page 2.

⁸ DCM Urban Design Limited, Response to Minute 7, 13 August 2026 at page 2.

⁹ DCM Urban Design Limited, Response to Minute 7, 13 August 2026 at page 2.

¹⁰ DCM Urban Design Limited, Response to Minute 7, 13 August 2026 at page 2.

by the Old Racecourse Road neighbours without requiring a substantial redesign of the wider masterplan.¹¹

26. In addition, the setback and density proposed are consistent with similar urban zoning outcomes provided for in the Proposed District Plan seen in the urban Wānaka environment.
27. Under Resource Management Act 1991 (**RMA**) case law, resolution by agreement is not necessarily required in undertaking consultation.¹²

Relevance to decision-making

28. Although agreement has not been reached with the Old Racecourse Road neighbours, MIJ submits that the landscape and amenity effects of the Project have been appropriately addressed in accordance with the statutory framework of the FTA.
29. The Legal Overview submitted with the Substantive Application addresses the relevant statutory framework for the Project.¹³ In summary, the decision making processes for each approval require an Expert Panel to “*take into account*” specific matters relevant to the approval type but, in all instances, to give the greatest weight to the purpose of the FTA which is “*to facilitate the delivery of infrastructure and development projects with significant regional or national benefits*”.¹⁴
30. The instances in which an Expert Panel must decline approvals are limited in accordance with Section 85(1) of the FTA. Under Section 85(3), an Expert Panel may decline an approval if the adverse impacts of the proposal are sufficiently significant to be out of proportion to the proposal's regional and national benefits.
31. Mr Compton-Moen and Ms Belu consider that the replacement of the remaining Typology B units with Typology A units along the boundary provides a direct positive response to address the Old Racecourse Road neighbours' concerns regarding privacy, overlooking, shading and the perceived height and scale of the proposed built form.¹⁵
32. Considering the amendments made to the Project in response to the Expert Panel's request for information, Mr Smith's opinion was that the effects on the majority of the Old Racecourse Road neighbours would be nil to low degree depending on the

¹¹ DCM Urban Design Limited, Response to Minute 7, 13 August 2026 at page 2.

¹² *Land, Air, Water Association v Waikato Regional Council* NZEnvC Auckland A110/01, 23 October 2001; [2001] LGHNZ 44 at [453].

¹³ Legal Overview, 18 February 2026 at [51]-[76].

¹⁴ Fast-track Approvals Act 2024, Section 3.

¹⁵ DCM Urban Design Limited, Response to Minute 7, 13 August 2026 at page 2.

season due to the deciduous trees.¹⁶ For 34 and 35 Old Racecourse Road, effects would reduce to very low to low moderate.¹⁷

33. With this further amendment to reduce the height of units along the boundary to single storey only, effects will be reduced even further.
34. We submit that these nil to low moderate effects (at most), which must be weighed against the significant regional benefits of the Project, do not provide a basis to decline the Project. The Section 85(3) threshold is not met here as these impacts cannot be said to be *“adverse impacts are sufficiently significant to be out of proportion to the project’s regional or national benefits”*.

Active Transport Links

35. The Expert Panel confirms that this inquiry relates solely to connections from the Site to Aubrey Road (north), and from the Site to the State Highway (SH) 84 underpass to Three Parks (west) only.¹⁸ The Expert Panel does not consider that an additional potential crossing and path connection along SH6 (east) as identified by NZTA is relevant to the Project or its effects.¹⁹
36. MIJ has been in discussions with NZTA and QLDC as well the Wānaka Upper Clutha Community Board, the Upper Clutha Tracks Trust and Bike Wānaka (**Community Groups**) as advocates for active transport in the area in relation to the active transport links.
37. Mr Joyce has produced the plan provided as **Appendix C** showing QLDC’s *“wish list”* of preferred active transport links in the immediate area which has formed the basis for these discussions. This plan shows:
 - (a) active transport links B1 (along Aubrey Road) – B2 (along SH6);
 - (b) paths C1 and C2 (internal to the Site);
 - (c) active transport links D1 – D2 (along SH84 to the Sir Tim Wallis Drive underpass); and
 - (d) path E1 (a recreational trail connection upgrade from the Site to the Mount Iron tracks).

¹⁶ RMM Landscape Architects, Response to Request for Further Information, 20 July 2026, pages 8-10.

¹⁷ RMM Landscape Architects, Response to Request for Further Information, 20 July 2026, pages 9-11.

¹⁸ Minute 7 of the Expert Panel, 22 July 2026 at [10].

¹⁹ Minute 7 of the Expert Panel, 22 July 2026 at [10].

38. MIJ has carefully evaluated this “*wish list*” and now proposes additional active transport links to be included in the required mitigation actions of the FTA application:
- (a) MIJ continues to offer to fund and form paths C1, C2 and E1 as part of the Project. Path E1 will be formed to a recreational path standard to allow pedestrians within the development to access the Mt Iron tracks.
 - (b) MIJ now also offers to fund and form active transport link D1 – D2 as part of the Project. Mr White and Mr Joyce have reviewed the Austroads Guide to Road Design, Part 6A: Paths for Walking and Cycling and considered the likely number of cyclists and pedestrians using the links. From this assessment, they consider that the D2 sections of the path should be 2.5m wide. D1 will have a higher number of pedestrians and is therefore proposed to be 3m wide. Both sections of path will be unlit apart from in areas where lighting exists or is required for the new roading network.²⁰
39. The B1 and B2 active transport links to the north of the Site will not be progressed as they do not address an effect associated with the Project.²¹ There is expected to be very little demand generated from the Project to travel to the north.²² They will be a matter for future consideration by QLDC beyond this application and FTA process.
40. In response to the Expert Panel’s request for information, MIJ previously offered a condition to contribute \$250,000 towards the active transport links around the Site. However, as the costs of constructing the D1 and D2 links are expected to be considerably higher than \$250,000, MIJ proposes to undertake the works to deliver this link as part of the Project. Counsel submit this is a preferable mitigation approach for the Expert Panel’s consideration given the certainty of outcome and deliverability of that, compared to an “*unallocated*” cash contribution.
41. Mr White has prepared updated conditions to provide for the formation of the links as follows:²³
- (a) link D1 – D2 will be formed as part of, or prior to, the stage of the subdivision that includes the 50th residential unit;
 - (b) path E1 will be constructed as part of the first stage of the subdivision that includes residential units; and

²⁰ Mt Iron Junction – Response to Minute 5 of the Expert Panel - Shared Path Costing, Patersons, 20 July 2026 at page 4.

²¹ Statement of Evidence of Andy Carr, Response to Section 53 Comments, 26 June 2026 at [59].

²² Statement of Evidence of Andy Carr, Response to Section 53 Comments, 26 June 2026 at [59].

²³ Proposed subdivision conditions of consent, new condition 9(p).

- (c) these paths will be constructed in accordance with the QLDC Engineering Code of Practice.

Waka Kotahi New Zealand Transport Agency Position on Active Transport

42. Following Minute 7, MIJ has engaged further with NZTA on the active transport links. MIJ provided the updated active transport links plan to NZTA on 7 August 2026 and NZTA confirmed its position on the links proposed by MIJ on 10 August 2026 as follows.
43. NZTA supports the construction of the D1 and D2 links by MIJ as part of the Project and agrees with the proposed formation (width, surface and no lighting) for the paths. In accordance with comments from NZTA, MIJ agrees to enter into a developer agreement with NZTA outside of the FTA process in relation to sections of the path which are located within land administered by NZTA.
44. NZTA agrees that it is desirable for MIJ to construct the shared use paths C1, C2 and E1. As these are all on reserve or intended to be vested as reserve, NZTA defers to QLDC in respect to the design standards for these sections of path.
45. In relation to the B1 and B2 shared use paths, NZTA states that it remains of the view that it would be ideal for MIJ to also construct the B2 section of path given that otherwise, there is no direct safe walking/cycling access into the Site from the north. NZTA states that while it is possible that a shared use path in this location might be less utilised than a shared use path at D2, it is probable that there would be some level of demand for such a path, likely increasing in the future, especially considering the non-residential services that will be offered by the Project.
46. NZTA has advised that, if the Expert Panel is minded to not require MIJ to construct section B2 as part of the Project, then NZTA considers that a barrier should be erected at the northern end of C1 to prevent pedestrians and cyclists from passing onto the highway corridor and traversing alongside the active carriageway lane where there is not a safe path for them to use.
47. MIJ has liaised with NZTA in drafting this section of the memorandum to ensure that its position has been communicated correctly.

Queenstown Lakes District Council Position on Active Transport

48. MIJ met with QLDC on 31 July 2026 to discuss active transport links and has been in subsequent correspondence with QLDC on various design matters for the links

and the updated active transport links plan. QLDC confirmed its position by email on 11 August 2026 as follows:

- (a) QLDC supports the 3m formation width of link D2. However, it considers that link D1 should also be 3m wide rather than 2.5m.
- (b) QLDC would prefer all areas of the shared use path be lit to enable all weather use, improve safety, and further encourage a mode shift.
- (c) QLDC's position is that the shared use path should extend along the southern frontages of the Site to enable future connections from the wider area to the south and east. QLDC acknowledges the constraints in relation to the roundabout widening but states that its position remains.
- (d) QLDC considers that the use of path C1 as the sole thoroughfare through the Site also creates conflict points at the internal intersections, whereas a separate shared use path along the Site frontages would only create a single conflict point.
- (e) QLDC continues to seek that paths B1 and B2 be formed. QLDC considers that a shared use path should be formed at least adjacent to SH6 (shown as B2) to avoid active travel users travelling to/from Albert Town having to use the highway or share the existing recreation path that runs adjacent Mt Iron.
- (f) QLDC reaffirmed their rationale and justification for their preferred layout and arrangement as established within the transport peer review, property and infrastructure technical memo, and parks and reserves technical memo provided within its Section 53 comments.
- (g) QLDC maintains its position that the shared use path should be funded and delivered by MIJ.

49. MIJ has liaised with QLDC in drafting this section of the memorandum to ensure that its position has been communicated correctly.

Bike Wānaka, Upper Clutha Tracks Trust and Wānaka Upper Clutha Community Board Position

50. Although not invited to comment on the Project, MIJ has consulted with the Community Groups to seek their views as advocates for active transport. Overall, the Community Groups support more active transport links.

Amended Proposal before the Expert Panel

51. As described above MIJ now offers to amend the Project to provide for the funding and formation of path D1 – D2 in addition to paths C1, C2 and E1. These paths have been chosen as they are supported by NZTA and QLDC and will primarily provide for the residents and other users of the Project and will therefore manage effects resulting from the Project.
52. In accordance with NZTA's feedback, MIJ also proposes to construct a fence along the highway edge from the intersection of Junction Road to the northern end of the Site as a barrier to prevent pedestrians and cyclists from accessing the highway.²⁴
53. Although MIJ has taken into account all feedback received from NZTA, QLDC and the Community Groups, as reflected in Minute 7, not all active transport links sought by the other parties are relevant to the Project or its effects.
54. We submit that the effects of the Project will be adequately addressed through the formation of paths C1, C2, D1 – D2 and E1 and the existing shared use paths of Junction and Mountain Roads.
55. The conditions will be subject to relevant agency approval at the time of construction given the works will occur on land outside the control of MIJ. However, the support from NZTA demonstrates that this is a deliverable solution that can be given considerable weight by the Expert Panel.

Roundabout upgrades

56. In accordance with Minute 7, MIJ has consulted with NZTA on what additional land is required to upgrade the roundabout.
57. On 7 August 2026, MIJ provided the plans to NZTA showing how the proposed extent of the roundabout widening works relate to the Project. These plans demonstrate that the earthworks, roading and carpark design for the Project can and will be modified to match the levels required for future roundabout widening works. The plans also show the area proposed to be vested in NZTA as highway to enable the future widening.²⁵
58. On 11 August 2026, MIJ and NZTA met to discuss NZTA's technical questions in relation to the roundabout interface. As a result of this meeting, MIJ made design revisions to better match levels and to reduce the area to be vested. These

²⁴ Proposed subdivision conditions of consent, new condition 52(gg).

²⁵ Patersons, Updated Scheme Plan Set, 14 August 2026, Sheet 100.

amendments are reflected in the revised engineering and scheme plans attached as **Appendices D and E**.

59. On 12 August 2026, NZTA confirmed that these plans reflect its feedback. NZTA confirmed that the plans outline a workable and acceptable layout that will not foreclose the ability for the existing roundabout to be upgraded to dual lanes in the future and that the layout also enables relocation of related infrastructure such as stormwater swales that would need to occur as part of an upgrade to the roundabout.
60. In response to paragraphs 16 to 17 of Minute 7, agreement has therefore been reached with NZTA on the land required to accommodate a future roundabout upgrade and the detailed design works to integrate with an upgraded roundabout.
61. These changes are shown on the updated scheme and engineering plans. The implementation of these plans is required by Land Use Condition 4 and Subdivision condition 3. These draft conditions have been updated to refer to the current plan set revisions attached. Subdivision Conditions 20 and 52(hh) specifically require these works to be completed prior to 224(c) to the relevant stages of the development.

Next steps

62. MIJ has addressed all matters raised in Minute 7.
63. MIJ is grateful to the Old Racecourse Road neighbours for agreeing to meet and their time discussing the Project. Although agreement has not been reached with these neighbours, we submit that MIJ has done all that it reasonably can to address their concerns without raising a scope issue or affecting the significant regional benefits the Project will provide. MIJ now proposes further amendment to the Project to amend all units along the boundary to be single storey only. The effects on the Old Racecourse Road neighbours are appropriate and do not prevent the grant of the approvals sought.
64. In relation to active transport links, MIJ has considered feedback from NZTA, QLDC and the Community Groups. MIJ now offers to fund and form active transport link D1 – D2 in addition to paths C1, C2 and E1 as part of the Project.
65. We submit that the effects of the Project will be appropriately addressed through the formation of paths C1, C2, D1 – D2 and E1 by MIJ. To require MIJ to provide or fund any further connections such as paths B1 and B2 would result in invalid conditions which would not be directly connected to the effects of the Project.

Appendices

66. As referred to throughout this memorandum, we provide the updated plans and conditions alongside accompanying technical memoranda as appendices as follows:

- (a) revised architectural plans and accompanying memorandum as **Appendix A**;
- (b) revised urban design plans and accompanying memorandum as **Appendix B**;
- (c) active transport links plan as **Appendix C**;
- (d) revised engineering plans as **Appendix D**;
- (e) revised scheme plans as **Appendix E**; and
- (f) revised conditions of consent as **Appendix F**.



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