



Memorandum

Christchurch

Level 1
141 Cambridge Terrace
Christchurch 8013
PO Box 110
Christchurch 8140

+643 366 8891

Whangarei

Auckland

Hamilton

Tauranga

Wellington

Nelson

Queenstown

Dunedin

15 Porowini Avenue, Morningside, Whangarei 0110

PO Box 91250, Auckland 1142

PO Box 1094, Hamilton 3240

PO Box 13373, Tauranga 3141

PO Box 11340, Wellington 6142

27 Vanguard Street, Nelson 7010

PO Box 1028, Queenstown 9348

49 Water Street, Dunedin 9016

+649 358 2526

+649 358 2526

+647 960 0006

+647 571 5511

+644 385 9315

+643 548 8551

+643 441 1670

+643 470 0460

Attention: Onur Oktem – FTAA Programme Manager QLDC

Company: Queenstown Lakes District Council

Date: 12/06/2026

From: Sue McManaway, Principal, Landscape Planner

Message Ref: Mt Iron Junction Housing Scheme (FTSA2601-1173) Fast Track Application –
Landscape Peer Review

Project No: BM210008_078

Executive Summary

Boffa Miskell Limited (BML) has been engaged by Queenstown Lakes District Council (QLDC) to provide a peer review of the Landscape Assessment Report (Appendix D1-D3 to the Application) by Rough Milne Mitchell Landscape Architects Limited (RMM) for the Mt Iron Junction Housing Scheme Fast Track Application (the Project).

I find that the RMM Landscape Assessment is generally consistent with recognised landscape assessment methodology and provides a comprehensive description of the Site and its wider context.

The key differences that arise as between my opinion and RMM are largely due to differences in the interpretation of the receiving environment. In relation to this, I note the RMM decision not to undertake a detailed evaluation against PDP Chapter 21 (Rural Zone) provisions relevant to the Site as part of the RMM Landscape Assessment on the basis that the Site appears to be an anomaly, and is peri-urban, not rural.

The Site occupies a prominent gateway location at the eastern approach to Wānaka, immediately adjacent to the Mt Iron Outstanding Natural Feature (ONF). Recent decision-making consistently identifies this locality as transitional in character, but still reflective of a rural living / rural edge environment, where maintaining openness, visual amenity, and the legibility of Mt Iron as a 'sentinel' feature are important.

The RMM Assessment characterises the receiving environment as peri-urban and concludes that it has a moderate to high capacity to absorb further development. In contrast, I find that the transitional nature of the landscape, the existing pattern of relatively low-density development in the immediate context, the sense of openness retained under the consented development, and the Site's proximity to Mt Iron with its gateway function, indicate a more constrained landscape capacity (no more than moderate).

Visual effects in close proximity to the Site are likely to be more pronounced than those identified in the RMM Assessment, reaching **moderate-high** levels in short sections of the approach to Wānaka, particularly from the east on the Wānaka-Luggate Highway.

In regard to landscape effects, I consider that the Project will not dominate Mount Iron and will not have adverse effects on Mount Iron's physical values. However, the Project does have potential to have adverse effects on Mount Iron's perceptual values, including reducing the clarity or legibility of Mount Iron as a meaningful gateway to Wānaka.

These effects are spatially contained and viewpoint-specific and partially mitigated over time by planting however I consider they fall more in the **moderate range** than low to low-moderate as concluded in the RMM Assessment.

Introduction

1. Boffa Miskell Limited (BML) has been engaged by Queenstown Lakes District Council (QLDC or Council) to provide a peer review of the Landscape Assessment Report. Mt Iron Junction Housing Scheme, Wānaka Fast-track Approvals Act Application (Appendix D1) and Landscape Graphic Attachment Part 1, Part 2 and Part 3 (Appendix D1, D2 and D3) prepared by Rough Milne Mitchell Landscape Architects Limited (RMM), dated 17 December 2025 (referred to as 'the RMM Assessment').
2. To assist with understanding the Project, I have also reviewed the Urban Design Graphic Attachment (Appendix B1) with a particular focus on the visualisations and the methodology provided on page 45.
3. The Project comprises 250 residential units, a café and market building, a childcare centre, two main reserve areas and landscape treatment within a 5.99ha 'Site' comprised of three lots at 237 Wānaka Luggate Highway. The Site is to be accessed from, and internal circulation afforded by, Junction Road and Mountain Roads via the State Highway (SH) 6 and SH84 roundabout.
4. Whilst this Project is being lodged through the FTAA process, the RMM Assessment also describes it as a variation to the consented development within the Site, as approved by RM181471, noting that the approved Caltex Service Station within Lot 1 DP605028, and Junction Road and Mountain Road are not within the Site and do not form part of this Fast-track application.

Background - Site History

5. The subject site has been the focus of several recent resource consent decisions which are appended to this memo (**Appendix 1-3**).
6. In April 2020, Commissioners declined an application by Mt Iron Junction Ltd (see **Appendix 1**: RM181471) for a staged mixed-use development, finding that the proposal constituted urban development in a rural zone and would generate adverse landscape and visual effects, particularly in relation to the Mt Iron setting and entry to Wānaka.

'In summary:

- a. The adverse landscape, visual and character (amenity) effects of this prominent urban-intensity development in what is a predominantly rural locality will be more than minor.*
 - b. It has potentially more than minor adverse effects on the network of Wānaka's commercial centres.*
 - c. There are likely to be more than minor cumulative effects based on the combination of the adverse amenity value effects of the proposal in conjunction with the intensity and 'use' effects of the new commercial centre drawing a large volume of customers and visitors into the Site in a way that will exacerbate the very urban nature of the activity in this predominantly rural setting.'*¹
7. This decision was appealed, and the Environment Court subsequently granted consent in April 2021 for a revised proposal (see **Appendix 2**: NZEnvC 53).² The Court's approval was contingent on a modified scheme that reduced the scale and intensity of development and incorporated mitigation, including the establishment of a Protected Landscape Area (PLA) to maintain openness and rural character.

¹ Decision - Mt Iron Junction Ltd (RM181471) 7 April 2020, paragraph 162 (see Appendix 1)

² *Mt Iron Junction Ltd v Queenstown Lakes District Council* [2021] NZEnvC 53 (see Appendix 2)

'In order to address landscape concerns in particular, aside from the significant revision from the original application, the additional mitigation measures implemented are noted as including:

- a. a reduction in the amount of built form and signage across the site;*
- b. refinements to the materials and colour palette of the proposed buildings and signage (especially for the service station where basically all "Caltex red" has been removed, including from the building parapet);*
- c. increased setback between the built form and the [state highways];*
- d. amendments to the building layout to avoid a consistent built edge parallel to the site boundary and to create a more informal, rural/semi-rural character development;*
- e. a "protected landscape area" on the western side of the site, which is to be protected by way of covenant from further subdivision, use and development until such time as the site is zoned to provide for greater intensity of urban development;*
- f. a substantial increase in the amount of landscaping mitigation and planting across the site, especially around the service station buildings, including:*
 - i. earth mounding of a consistent height of 3.5m to the south and west of the service station buildings to immediately screen the buildings and views from SH 84 from a regular vehicle height and a bus height;*
 - ii. increased density of planting on top of the earth mounding to provide additional screening of the service station activity;*
 - iii. consolidation and simplification of other planting across the site to better complement the receiving environment;*
- g. changes to the overall planting palette to restrict the number of exotic species proposed and increase the planting of predominately native species local to the area; and*
- h. introduction of an informal planting layout along the boundary in common with the Mt Iron ONF scenic reserve to better integrate with the adjacent land.'*³

8. The particular importance of the PLA in retaining rural landscape and rural amenity characteristics was noted:

*'The PLA is to be maintained as an open area, retaining rural landscape and rural amenity characteristics in the form of open meadow with scattered trees and was considered to be a critical component to enable the site to maintain rural characteristics and rural landscape values when considered in the context of the ODP and PDP objectives and policies.'*⁴

9. In February 2025, a further application by McDonald's Restaurants (NZ) Ltd (see **Appendix 3: RM230874**) for a drive-through restaurant and associated works, including changes to the existing consent, was declined ⁵

10. At the core of the discussion was the nature of the landscape character of the Site. The Commissioners agreed with the landscape architects for the Council and Submitters that the Applicant's landscape architect overstated the urban nature of the locality.

*'While the locality can be described as a transitional area between urban and rural, the immediate context is outside the urban growth boundary for Wānaka and the existing activities and landscape character are typical of a rural living environment. We acknowledge if constructed the consented development will further alter the character of the site. However, we do not consider that the consented development, or even the service station, creates a commercial node. Further we find the proposed development at odds with the character typically associated with rural living. We therefore agree with Mr Denney that the proposed development is inconsistent with the landscape values of the site and its wider context.'*⁶

11. The setback of the proposed McDonald's building was considered another key issue. The Commissioners noted that one of the benefits of the consented Mt Iron Junction development was

³ Ibid, paragraph 16

⁴ Ibid, paragraph 10

⁵ Decision - McDonald's Restaurants (NZ) Limited (RM230874) 12 February 2025 (see Appendix 3)

⁶ Ibid, paragraph 167

the location of the majority of the consented buildings to the rear of the site along the boundary with Mount Iron. In contrast, the proposed McDonald's building was located closer to the road boundary.⁷

12. The Commissioners agreed with the Council's Landscape Architect that the proposed development would sit at the foreground of views to Mount Iron and would be the most visually prominent building in this view, resulting in adverse effects on visual amenity that would be moderate to moderate-high within 200m of the roundabout.⁸
13. The Commissioners found that the proposal would have a more than minor adverse effect on the approach to Wānaka, the landscape character and the visual amenity values of Mt Iron and *'that the proposal is contrary to the objectives and policies of both the ODP and the PDP taken overall.'*⁹
14. Overall, consistent themes emerging from these decisions is that the Site occupies a 'gateway' landscape at the entrance to Wānaka, with a transitional character where maintaining visual amenity associated with views to Mt Iron and a sense of openness and rural/rural-living character that distinguish this locality from the urban area of Wānaka, have been repeatedly identified as important.

Peer Review Approach

15. The purpose of this memorandum is a high-level appraisal of the Landscape Effects Assessment (LEA) undertaken by RMM rather than a parallel assessment and follows the concepts and principles outlined in Te Tangi a te Manu: Aotearoa New Zealand Landscape Assessment Guidelines¹⁰ (the 'Guidelines'). The purpose of this memorandum is a peer review of the Landscape Effects Assessment (LEA) undertaken by RMM rather than a parallel assessment and follows the concepts and principles outlined in Te Tangi a te Manu: Aotearoa New Zealand Landscape Assessment Guidelines (the 'Guidelines').
16. I undertook a Site visit on 17 April 2026. The weather was clear and sunny. I did not fully enter the Site but visited the wider area and specifically, viewpoint locations 1-23 from the RMM Landscape Graphic Attachment - Part 3.
17. The focus of this peer review is to confirm (or not), that the Landscape Assessment undertaken by RMM:
 - follows a sound methodology and method for the purpose,
 - accurately describes, interprets, and evaluates the relevant landscape character and values,
 - analyses the effects on landscape values in a balanced and reasoned way,
 - reaches credible findings supported by reasons, and
 - makes appropriate recommendations with respect to findings.¹¹

RFI Response

18. The Applicant has provided a response to information gaps raised by QLDC in Mt Iron Junction Fast Track – Information Gaps, dated 30 April 2026:
 - Fast-track - RFI Response 1 - Landscape (RMM, 7 May 2026); and
 - A graphic attachment (DCM Urban, 13 May 2026)
19. This memo takes the information provided in the RMM and DCM Urban responses into consideration.

⁷ Ibid, paragraph 170

⁸ Ibid, paragraph 174

⁹ Decision - McDonald's Restaurants (NZ) Limited (RM230874) 12 February 2025, paragraphs 131, 177-182

¹⁰ 'Te Tangi a te Manu: Aotearoa New Zealand Landscape Assessment Guidelines', Tuia Pito Ora New Zealand Institute of Landscape Architects, July 2022.

¹¹ Ibid, paragraph 6.61

Qualifications and Experience

20. I (Sue McManaway) am a registered landscape architect and have practiced for over 20 years. I hold the qualification of Bachelor of Landscape Architecture with Honours (2001) from Lincoln University as well as a Bachelor of Arts Degree in History and Education (1993) from the University of Otago. I am currently employed as a Principal Landscape Planner in Boffa Miskell Limited's (BML) Christchurch office.
21. My experience covers both area-based assessments such as the identification of outstanding natural features and landscapes (ONF/Ls) and project-based assessments including both the assessment of landscape and visual effects for development projects for applicants and acting as a peer reviewer for councils. Project experience has included many types and scales, including urban development proposals from subdivisions in rural landscapes to large-scale buildings in existing urban environments as well as proposals in ONF/Ls.
22. As the author of this peer review, I am familiar with the landscape context, landscape character and potential public/private viewing audiences in this area. I have not had any involvement in any previous resource consent applications or appeals in relation to this Site.
23. I confirm that I have read the Code of Conduct for expert witnesses contained in the Environment Court Practice Note 2023. This report has been prepared in compliance with that Code, as if it was expert evidence presented in proceedings before the Environment Court. Unless I state otherwise, this report is within my area of expertise and I have not omitted to consider material facts known to me that might alter or detract from the opinions expressed in this report.

Methodology

24. The RMM Assessment contains a methodology section at Section 1.2, page 5, stating that it has been informed by the Te Tangi a te Manu: Aotearoa New Zealand Landscape Assessment Guidelines and uses the 7-point scale effects rating (very low to very high), which is appropriate.
25. While I consider the Assessment to be generally aligned with best practice guidance, a methodological issue arises from its approach to the planning framework. Specifically, the assessment does not undertake a detailed evaluation against the PDP Chapter 21 (Rural Zone) provisions, which I will address further in the section on Relevant Policy Provisions below.

The Project

26. The Project includes 250 residential units, a café and market building, a childcare centre, two main reserve areas and extensive landscaping throughout the Site.
27. The Project is thoroughly described in section 2.0 of the RMM Assessment, identifying the components under the following headings:
 - Residential Units:
 - Unit Type A: 26 x single-level (5m) townhouses consisting of two designs (T1-T2).
 - Unit Types B and C: 70 x two-level (7m) townhouses consisting of four designs (T3-T6).
 - Unit Types D: 62 x two-level (7.5m) townhouses consisting of three designs (T9-T11).
 - Unit Types E and E1: Two x three-level (9m) buildings containing 20 x single-level and two-level units (T7 and T8).
 - Apartments: 72 apartments situated within two x three-level (10m) apartment buildings.

- Commercial Hub:
 - The café and market building is proposed immediately east of Junction Road, opposite the service station. The retail floor area will be 429m² and 5.6m tall. Signage platforms face Junction Road and the SH6 and SH84 roundabout.
 - A childcare centre is proposed to be located immediately north of Mountain Road and will be 400m² and 4.2m tall.
 - The Project will not alter the consented Caltex Service Station (RM181471) however, the RMM Assessment identifies that the native vegetated earth mound associated with the service station is within the Site and a variation to RM181471 is proposed to remove it (to accommodate the proposed development).
- Access and Internal Roads
 - The Site is accessed via Junction Road and Mountain Road (both legal roads) that are accessed from the SH6 / SH84 roundabout.
 - All commercial buildings are accessed directly off Junction Road and Mountain Road. Most non-residential vehicle movements are contained to the central portion of the Site. Cyclists and walkers can enter and exit the Site to the east and west.
 - Several design changes are proposed within Junction Road and Mountain Road's legal road corridors, including alterations to the Mountain Road cul-de-sac, access through to the Junction Road extension, changes to footpath alignments, and changes to the landscaping and street trees.
- Landscaping:
 - A landscape plan has been prepared, consisting of two main open recreational and amenity spaces, exotic amenity trees along streets and located within the proposed properties along the Site's northern and southern boundaries, and native shrub plantings along the southern boundary.
 - The RMM RFI Response clarifies that proposed plantings in privately owned areas will be secured through consent conditions, required to be implemented prior to occupation, and will be maintained and replaced if necessary. I consider the reliance on conditions in this context to be standard and appropriate in principle.
 - This boundary planting is described as having been chosen and located to visually break up the bulk and scale of the proposed built form, provide a vegetated foreground for most views toward Mount Iron, nestle the built form into the Site, reduce the visibility of 'on-ground' activities and screen potential headlight glare from cars within the Site on SH road users. The point is made that the proposed planting has not been designed to visually screen the entire Project from view.

28. The description provided is at an appropriate level of detail to assist with understanding the application and potential landscape and visual effects of the completed Project.

Construction

29. The RMM RFI Response sets out detail of the proposed staging and construction timeframes and provides an assessment of landscape and visual effects of the construction phase noting,

'Construction is to start in the southwest corner of the site (Stage 1) and continue northeast (Stages 2- 4) before finishing in the southern part of the site (Stage 5). It is estimated that the construction phase will take 5 years. Importantly, the entire site will not be in a full state of construction, rather

*only small, staged portions will be done at a time. Due to this the proposed construction works will not be overly prominent to the point that they will not detract from the overall view to Mt Iron.*¹²

30. The RRM Response finds that overall, the construction phase of the proposed Project will have a low to moderate degree of effect on visual amenity.
31. Given the proximity of development to the road boundaries, I consider there to be potential for effects greater than moderate at times during the construction process however these will be temporary and not significant. I agree with the RMM RFI Response that construction activities are regularly seen in the wider area and that since RM181471 was approved, further development at the Site is also anticipated, reducing potential visual effects of the construction phase overall.

Relevant Policy Provisions

32. The RMM Assessment does not undertake a detailed evaluation against the PDP Chapter 21 (Rural Zone) provisions on the basis that the Site, at 5.99ha, is too small to constitute a landscape in its own right, drawing on the Environment Court's *Sticky Forest* decision¹³ and is not considered to form part of a Rural Character Landscape in any meaningful sense. I understand that the *Sticky Forest* decision relates to an appeal seeking to change the zone of land within the PDP, it is not a resource consent appeal.
33. In their RFI Response, RMM clarify that the purpose of Section 3.3. was to emphasise that '*the current Rural zoning of the Site appears to be an anomaly, left out from the PDP review process and is at odds with the consented development and the developing context of Wānaka.*'¹⁴
34. While it is reasonable to recognise that the Site exhibits transitional characteristics, the Site remains formally zoned Rural / Rural Character Landscape, and Chapter 21 provides the primary policy expression of how landscape character and visual amenity are to be managed in that context.
35. I note that an assessment has been undertaken as stated against Strategy Chapters 3, 4 and 6 of the PDP which partially overlap with Chapter 21 assessment matters and provided in section 6 of the RMM Assessment. However, the decision not to undertake a detailed assessment against these provisions makes the assessment of effects highly dependent on the characterisation of the Site and its context and places more reliance on the interpretation of the receiving environment as "peri-urban". This is particularly relevant given that recent decision-making has affirmed the locality as transitional but still reflective of rural living character (see paragraph 10).
36. Regardless of the level of rural character expressed at the Site and immediate context, the Site is zoned Rural / RCL in the PDP, and those provisions are therefore relevant.

Existing Landscape and Pattern of Growth

37. The RMM Assessment provides a detailed description of the Site and its wider context, including the physical, perceptual, and associative attributes of the landscape. This includes appropriate recognition of Mount Iron as an Outstanding Natural Feature (ONF), identified for its very high physical, associative, and perceptual values, and its role as a prominent landmark and 'sentinel' at the eastern approach to Wānaka,¹⁵ drawing correctly on the relevant PDP Landscape Schedule (21.22.11).
38. The Site is located immediately adjacent to Mount Iron and occupies a highly prominent position at the intersection of SH6 and SH84, forming part of the recognised entry experience to Wānaka. As acknowledged in both the RMM assessment and previous decision-making, this location performs a gateway or threshold function, where the landscape transitions from rural and semi-rural environments into the township.

¹² RMM RFI Response, 2.2, p7

¹³ RMM Assessment, 4.1, p13, and 5.3.3, p42

¹⁴ RMM Assessment, section 3.3, page 11

¹⁵ RMM Assessment, 4.2.1, p13

39. The RMM Assessment characterises the receiving environment as “peri-urban”, particularly based on the growth of Albert Town, surrounding development and infrastructure, and the consented development within the Site (RM181471). The Assessment describes Albert Town, once a separate rural settlement, as having become a suburb of Wānaka, noting this as *‘due to the growth of primarily residential development through this area wrapping around the base of Mount Iron’*.¹⁶
40. A finding of the Assessment is that the Site therefore has moderate to high landscape capacity to accommodate further development, inferred largely from this existing pattern of modification.
41. I consider the description of development as wrapping around the base of Mount Iron implies a sense that Mount Iron is embedded entirely within urban form whereas, when approaching from the east, it currently still reads as a landform at the edge of settlement, not embedded within it.
42. While I agree that the Site sits between urban environments which are contained to the east by the Ōrau / Cardona River, the density of that urban development varies and, in both the consented Site context and in the immediate vicinity of the Site, is currently relatively low density, comprising:
- Large-Lot Residential to the north at the base of Mt Iron.
 - Rural Lifestyle and Rural Residential immediately to the south and east.
 - Higher levels of density are north of Aubrey Road including the commercial hub and greatest intensification further north in the context of this level of development.
43. This results in a landscape that retains a degree of openness and informal interface with Mount Iron.
44. I agree that the Site is clearly influenced by urbanisation and in transition to a higher level of modification under the consented development. However, there is an existing sense of openness retained under the consented development and by nearby zoning, albeit to a low level and contained to this southeast corner. The Large Lot development adjacent to the Mt Iron ONF for example, has a greater level of open space and provides a buffer and an informal interface that responds to the naturalness of the ONF. This is in contrast to the proposed northwest development boundary formed by a continuous row of development with no buffer, which would create a hard edge to both the ONF and to the adjacent Large Lot properties on Old Racecourse Road.
45. As highlighted in the 2025 Commissioner decision (RM230874), the Site and immediate context are outside the urban growth boundary for Wānaka and the existing activities and landscape character are typical of a rural living environment.¹⁷
46. Independent of the degree of urban influence, as acknowledged by the RMM Assessment, the Site performs a ‘threshold’ role for Mount Iron and the eastern entry to Wānaka. That function, and the role of the existing level of open space, has implications for sensitivity and capacity that I consider are under-estimated in the Assessment. The proximity of the Project to the Mt Iron ONF means that the effects on the feature and perception of it from outside need to be well considered.
47. As identified by the Environment Court,¹⁸ maintaining a sense of openness, the legibility of Mount Iron, and a distinction between rural edge and urban form are key. While the consented development introduces a degree of urbanisation, the layout is carefully configured, particularly through the Protected Landscape Area (PLA) and the set-back of built form.
48. I consider the capacity of the Site to accommodate the density and distribution of the Mt Iron Junction Project to be no more than moderate.

Visual Effects

Visualisations

¹⁶ RMM Assessment, p14

¹⁷ RM230874, para 167

¹⁸ *Mt Iron Junction Ltd v Queenstown Lakes District Council* [2021] NZEnvC 53

49. The viewpoints and photographs provided to support the RMM Assessment provide a comprehensive narrative to assist with understanding the nature and scale of visual effects.
50. The original RMM Assessment is supported by 4 visualisations. The RFI Response by DCM Urban provides an additional fifth visualisation from a location agreed with RMM that centres on one of the taller apartments proposed, from SH6, at the entrance to 38 Albert Town-Lake Hawea Road.
51. An updated methodology for their preparation is also provided and set out in the RMM RFI Response which helpfully includes information about Field of View (FoV) and Reading Distance.
52. I note some of the panoramic images seem to have visible bowing distortion, which is affecting the visualisation content, most obviously on the Visualisations from SH84 (8.1-8.3). Having reviewed the updated methodology and FoV information, the warp may be a consequence of fitting 120 deg on an A3 page.
53. I also note that on the Location Map in Appendix D4, Viewpoint 12 is shown at the intersection of Balneaves Lane and SH6/SH84 with the view oriented westwards toward the Site. The viewpoint is centred on an area of open space within the site layout, rather than being directly aligned with a building frontage. However, Visualisation 12.1 shows built form occupying the central portion of the view. While the photograph is from the intersection of Balneaves Lane, the visible buildings and layout appear more akin to what might be seen from Viewpoint 19.
54. Overall, in considering the visualisations as 'indicative renders' as described in the DCM Urban RFI Response, I agree with RMM¹⁹ they provide a helpful representation of what the Project will look like.

Assessment

55. I agree with the RMM Assessment where it clearly acknowledges the role of the Mt Iron ONF in views of the Site and visual amenity:

'as a large-scale glacial feature that has a very strong influence on this area as it is a dominant backdrop to the Site and the river terraces contributing to moderate-high degree of visual amenity'.²⁰
56. The RMM Assessment finds that adverse visual effects as a result of the Project will range from very low to moderate, with the most noticeable effects occurring from SH6 when entering Wānaka, SH6 immediately east of the Site, SH84, Balneaves Road and nearby residential properties.
57. While the visualisations indicate that the built form and the vegetation associated with the Project *'will not interfere with views to the Mount Iron's more impressive rock outcrops'*²¹, I note they represent views from the far side of the road. I consider it likely that when passing adjacent to the Site i.e. on the west or north side of the road, particularly when opposite the proposed 9m-10m high buildings, there is potential for these buildings to be visually prominent and visibility of the upper parts of Mount Iron, including the rock bluffs, to be considerably reduced. The experience is likely to be momentary as most viewers will be transitory. This effect would be less pronounced if the highest buildings were set further back into the development and part of the backdrop rather than adjacent to the road.
58. The RMM Assessment also considers that *'The majority of the residential development will stand less than 8m tall and therefore will appear comparatively low lying'* and finds that:

*'... the proposal will only slightly detract from Mount Iron's prominent and distinctive landform and skyline at the entrance in Wānaka. The built form, in particular its bulk and density may draw the eye, however, Mount Iron will continue to be seen as a large foreboding landscape feature and will continue to have a very strong influence on this area, remaining as a dominant backdrop to the Site.'*²²

¹⁹ RMM RFI Response, 2.6, p9

²⁰ RMM Assessment, 5.2.1, p19

²¹ Ibid, 5.2.1, p21 and 5.3.1, p40

²² Ibid, 5.2.1, pp20-21

59. The RMM Assessment recognises that the tallest building *'will continue to marginally detract from Mount Iron's prominence due to its height, size, overall mass and the limited ability of the vegetation to effectively nestle the scale of this apartment building into the Site.'*²³ but considers the building will be *'partly mitigated by its location and visibility to the right-hand side of the view when entering Wānaka'.*
60. While I agree that the location slightly to the right assists in reducing effects on Mt Iron, regardless of the difference in height between the proposed buildings and Mount Iron, in the close views described as representing the eastern approach, the built form will be experienced as prominent when in the foreground by the viewer rather than as a low-lying development. I also note that many of the taller exotic, deciduous species proposed, will not merge with, but be somewhat in contrast to the existing vegetation cover on Mount Iron's slopes, particularly in autumn with the changes in colour and appearance of bare branches in winter. Greater use of indigenous plantings including the palette 'State Highway Boundary Tree Species' shown in Appendix D3 to the RMM Assessment would assist with landscape and visual integration.
61. The RMM Assessment acknowledges some loss of legibility, including at the base of Mount Iron where the flat terrace transitions into rising slopes. I agree that the bulk of the feature will typically remain legible in these views, however I consider that the built form, experienced in the foreground of and at eye level in close views, will do more than draw the eye, it will change the experience of viewing the entirety of the feature. Where the toe of the landform is obscured by layers of built form, it cuts off the context and coherence of the totality of the feature. While the visual catchment in which this is experienced is small, I consider that the sensitivity of these views as a 'gateway' experience has the potential to magnify the level of adverse visual effect.
62. Therefore, I consider there is potential for adverse visual effects as a result of the Project to be up to moderate-high when approaching from east, entering the SH6 / SH84 roundabout and when passing in close proximity to the taller apartment buildings, acknowledging that this would be a transitory view for travellers.
63. I also note that the RMM Assessment provides the following assessment of effects of the removal of the screening earth mound associated with the consented petrol station:
- 'The consented Caltex Service Station will be seen nestled behind the roadside landscaping for the final 150m stretch of this road. Whereas currently, the consented landscaping and approximately 3m tall mound are anticipated to screen it from view. Seeing the service station in an urban context will not adversely affect road user's amenity because they are commonly located in urban environments, therefore it will not appear of place and the proposed vegetation will further effectively reduce its overall prominence, settling it into the Site.'*²⁴
64. I consider that, once mature, the proposed vegetation as shown in the Masterplan, pages 09-11, Appendix D3, will assist in screening the consented petrol station, primarily the lower portions of the structure and activity, in views from the south (represented in Visualisations 5.1-5.3). More open views will be available from the east and over the time it takes for vegetation to grow.

Landscape Effects

65. The Assessment correctly recognises Mt Iron is a unique, highly visible, publicly accessible, reserve and landmark within Wānaka's urban environment.
66. Mount Iron has been identified as an ONF in the PDP, which in brief is due to its:
- ***"Very high physical values relating to the prominent and classic roche moutonnée landform, the predominance of regenerating indigenous vegetation with important habitat values for indigenous fauna, reflected in its partial SNA status and the mana whenua features association with the area.***

²³ Ibid, 5.3.1, p41

²⁴ RMM Assessment, paragraph 5.2.2, page 22

- **Very high** associative values relating to the mana whenua associations of the areas, the significant recreational attributes, historic farming use, and the strong shared and recognised values as part of the local and regional sense of place.
- **High** perceptual values relating to the legibility, visual prominence, memorability and naturalness of the hill, its contrast with surrounding urban areas and the ability for people to access and experience the feature.”²⁵

67. I consider there to be a strong overlap between the shared and recognised values identified as contributing to associative values, and the perceptual values relating to visual prominence and memorability. The schedule references the views to Mount Iron as being important in relation to both shared and recognised values (as a widely visible landmark) and in regard to perceptual values where it is described as:

‘A prominent and distinctive component of views from surrounding areas of the Upper Clutha Basin, including Wānaka township, Albert Town and the southern parts of Lake Wānaka. Natural landmark at the entry to Wānaka from the east, where it dominates the entry experience.’²⁶

68. Therefore, effects on these values need to be considered under Policy 6.3.2.7 of the PDP:

‘Ensure that subdivision and development in the Outstanding Natural Landscapes and Rural Character Landscapes in proximity to an Outstanding Natural Feature or Outstanding Natural Landscape does not compromise the landscape values of that Outstanding Natural Feature or Outstanding Natural Landscape.’

69. The RMM Assessment finds that urban development within the Site will not compromise the landscape values of Mount Iron.²⁷

70. The RMM Assessment considers that the pattern of development wrapping around Mount Iron,

‘...highlights its natural character as it emphasises the contrast between the distinctive roche moutonnée landform feature of Mount Iron and the surrounding urban areas located on the flatter land, rather than detracting from it. Therefore, the proposed development will not alter the landform or landcover that contributes to Mount Iron’s very high landscape values, nor will it reduce its natural character.’²⁸

71. While the Site is influenced by existing and consented development, it occupies a sensitive gateway position at the base of an Outstanding Natural Feature. As such, its capacity for further development is constrained by the need to retain Mount Iron’s legibility, contrast, and gateway role. Therefore, the form of that development requires careful calibration.

72. I consider there is potential for the density of the proposed Project to read as urban intensification that may erode the clarity of the ‘gateway’ function or entry experience²⁹ and competes with rather than reinforces the legibility of Mount Iron, albeit to a low level.

73. At paragraph 5.3.3, page 42 of the RMM Assessment acknowledges that the proposed level of development within the Site will be denser than the majority of development within the receiving and wider environment but concludes that it will be in keeping with the peri-urban character within the receiving environment:

‘Mount Iron will continue to be seen as the dominant feature, as a sentinel at the entrance to Wānaka and will maintain a very strong influence on this area as it will continue to be the dominant backdrop to the west facing views.’

Overall, whilst the proposed development will have a very low to moderate degree of effect on the visual amenity that these road users and residents experience, the proposed development will have

²⁵ QLDC Proposed District Plan Landscape Schedule 21.22.11, paragraphs 22-24

²⁶ Ibid, paragraph 15

²⁷ RMM Assessment, 6.4, p47

²⁸ Ibid paragraph 5.3.1, p40

²⁹ PDP Schedule 21.22.11 paragraph 15

*a low to low-moderate degree of adverse effects on Mount Iron's high perpetual values as its legibility, visual prominence, memorability, naturalness, and its contrast with surrounding urban areas will remain intact.*³⁰

74. I consider this overstates the degree of alignment with the immediate context. My view is that the Project will not be entirely in keeping with existing immediate pattern of development in that it is not simply a continuation of what is already there, but an intensification in an area that is disconnected from higher density development in Albert Town and Three Parks.
75. Much of the immediate nearby development is characterised by spacing, openness, setbacks from road frontages and informal, low-density interfaces with the Mount Iron ONF. Therefore while I agree that the Project does not alter the physical attributes associated with Mount Iron, it has the potential to change the visual density at the eastern gateway, changing the role of the Site from "transitional/peri-urban" to "urban edge node"; and the experience of arriving at Wānaka from SH6/SH84 will be more built, with more foreground-dominated building in close range views and less open.
76. Currently, Mount Iron reads as a marker that you have arrived at Wānaka, not yet within it. With the Project, Mount Iron becomes a backdrop to an urbanised scene rather than an arrival cue or edge marker.
77. I consider this to be a subtle but meaningful change to the perceptual values of Mount Iron and its shared and recognised values in terms of its role 'as a sentinel at the entrance to Wānaka', although not one that reaches the level of significant adverse effect. While I do not consider that the Project will entirely 'compromise the landscape values'³¹ of Mt Iron, it will detract from them.
78. The RMM Assessment also notes the associative values identified at Mount Iron which include mana whenua associations. No cultural assessment or mana whenua engagement is referenced however I note that the RMM Assessment concludes that there are no adverse associative effects. I consider that the limitations of the RMM Assessment in assessing effects on those values without mana whenua input should be acknowledged, particularly as their associations are unlikely to stop at the ONF boundary.
79. I also consider there to be a strong overlap between the shared and recognised values and perceptual values where they relate to visual prominence, memorability and the association of the feature as a gateway marker and therefore am of the view that there is potential for adverse effects on those aspects of associative values.
80. Overall, I consider it is reasonable to conclude that the Project:
- Will not dominate Mount Iron, and
 - Will not have adverse effects on Mount Iron's physical values.
81. However, the Project does have potential to have adverse effects on Mount Iron's perceptual values, including reducing the clarity or legibility of Mount Iron as a meaningful gateway to Wānaka.
82. These effects are spatially contained and viewpoint-specific and partially mitigated over time by planting however I consider they fall more in the moderate range than low to low-moderate as concluded in the RMM Assessment.

Conclusion

83. Overall, the RMM Assessment is comprehensive, generally aligned with best practice guidance, and demonstrates a sound understanding of the Site, Mt Iron, and the wider Upper Clutha landscape context. It appropriately identifies Mt Iron as an Outstanding Natural Feature and recognises the importance of the Site in relation to the gateway experience at the eastern approach to Wānaka.

³⁰ RMM Assessment, 5.3.1, p41

³¹ Policy 6.3.2.7 of the PDP

84. However, I note the RMM decision not to undertake a detailed evaluation against PDP Chapter 21 (Rural Zone) provisions relevant to the Site. While I consider it reasonable to recognise that the Site exhibits transitional characteristics, regardless of the level of rural character expressed, the Site is zoned Rural / RCL in the PDP, and those provisions are therefore relevant.
85. My review identifies several areas where I differ in the weighting and interpretation of effects. In particular, I consider that the assessment tends to understate the sensitivity of the Site as a transitional gateway location and, in turn, overestimates its capacity to absorb the scale and density of development proposed. While the RMM Assessment characterises the receiving environment as peri-urban and concludes a moderate to high capacity for change, I consider that that due to the existing pattern of development, degree of openness, and the Site's role at the base of Mt Iron with its gateway function, indicate a more constrained landscape capacity (**no more than moderate**).
86. This difference in baseline interpretation carries through to the assessment of effects. In terms of visual effects, while I generally agree that effects will vary across the viewing audience and that many will be transient, I consider the RMM Assessment understates the prominence of built form in close proximity views. The scale, density, and positioning of development, especially the taller buildings, are likely to result in a more visually dominant foreground, reducing visibility of the lower slopes and parts of the landform in certain views. As such, I consider that the greatest level of adverse visual effects is more appropriately characterised as **moderate-high**, rather than low to moderate as concluded in the RMM Assessment, but not significant. These are limited to short sections of SH6 next to the higher density development, where they are experienced as transient effects.
87. In terms of landscape effects, while I agree that the Project will not adversely affect the physical attributes of Mt Iron and that it will remain a dominant feature, I consider the effects on its perceptual and associative values are understated. In particular, the Project has the potential to diminish the legibility and clarity of Mt Iron's role as a gateway marker and 'sentinel' at the entrance to Wānaka, by introducing a more continuous and intensified urban foreground. This represents a subtle but meaningful shift in how the feature is experienced within the landscape. Consequently, I consider that landscape effects on these values fall within the **moderate range**, rather than low to low-moderate as identified in the RMM Assessment however, not significant.

Appendix 1: Decision - RM181471



DECISION OF THE QUEENSTOWN LAKES DISTRICT COUNCIL

RESOURCE MANAGEMENT ACT 1991

Applicant:	Mt Iron Junction Limited
RM reference:	RM181471
Location:	237 Wanaka – Luggate Highway (SH84), Wanaka at the intersection with Albert Town- Lake Hawea Road (SH6)
Proposal:	To undertake a staged, mixed-use development with Stage 1 comprising a service station, workers' accommodation, terrace housing units, childcare centre, mini golf facility all with associated roading, services, landscaping and earthworks. Stage 2 seeks consent for the buildings but not the future land use activity for the buildings.
Type of Consent:	Land Use
Legal Description:	Lot 5 Deposited Plan 15016 held in Record of Title OT5B/115
Zonings:	Rural General - Operative District Plan Rural - Proposed District Plan
Activity Status:	Non-complying Activity
Public Notification:	16 May 2019
Commissioners:	Ian Munro, Jane Taylor and Jane Sinclair
Date of Decision:	7 April 2020
Decision:	CONSENT IS REFUSED

IN THE MATTER

of the Resource Management Act 1991

AND

IN THE MATTER

of an Application to **QUEENSTOWN LAKES DISTRICT COUNCIL** by **MT IRON JUNCTION LIMITED**

Council Reference: **RM181471**

DECISION OF COMMISSIONERS IAN MUNRO (CHAIR), JANE TAYLOR AND JANE SINCLAIR APPOINTED BY QUEENSTOWN LAKES DISTRICT COUNCIL PURSUANT TO SECTION 34A OF THE RMA 1991

The Hearing and Appearances:

Hearing Date: 12 & 13 February 2020, in Wanaka.

Appearances for the Applicant:

Mr. Joshua Leckie, Legal Counsel;

Mr. Stephen Schikker, owner and Applicant;

Mr. Duncan White, Planning Consultant with Patterson Pitts Limited Partnership;

Mr. Michael Botting; Surveyor and Partner of Patterson Pitts Limited Partnership;

Mr. Andrew Carr; Transport Engineer and Director of Carriageway Consulting Limited;

Mr. David Campton-Moen, Urban Designer and Director of DCM Urban Design Limited;

Mr. Robert Bosma, Design Principal and Director of Three Sixty Architecture; and

Ms. Nikki Smetham, Landscape Architect of Rough & Milne Landscape Architects Limited.

Appearances for the Submitters:

Mr. Simon Telfer; representing Active Transport Wanaka;

Mr. Arne Cleland on behalf of Ms Jenny Cleland;

Mr. Richard Shaw, Resource Management Planner, New Zealand Transport Agency;

Mr. David Aldridge, Civil Engineer, New Zealand Transport Agency;
Mr. Ben Gresson, Legal Counsel for Willowridge Developments Limited;
Ms. Alison Devlin, General Manager for Willowridge Developments Limited; and
Mr. Paddy Baxter, Landscape Architect and Director of Baxter Design Limited for Willowridge Developments Limited.

Appearances for the Queenstown Lakes District Council:

Ms. Sarah Gathercole, Senior Planner, at Council;
Mr. Cameron Jones, Land Development Engineer, at Council;
Mr. Chris Rossiter, Transportation Engineer at Stantec;
Mr. Jamie Exeter, Acoustic Engineer of Styles Group;
Ms. Jane Rennie, Urban Designer and Senior Principal at Boffa Miskell Limited;
Mr. Richard Denney; Landscape Architect of Denney Landscape Architecture Limited; and
Ms. Charlotte Evans, Hearings Secretary.

Abbreviations:

The following abbreviations are used in this decision:

Mt Iron Junction Limited	‘the Applicant’
Queenstown Lakes District Council	‘the Council’
The Operative Queenstown Lakes District Plan	‘the ODP’
The Proposed Queenstown Lakes District Plan	‘the PDP’
Assessment of Environmental Effects	‘AEE’
Resource Management Act 1991	‘the RMA’
Other Rural Landscape	‘ORL’
New Zealand Transport Agency	‘NZTA’
Willowridge Developments Limited	‘Willowridge’
State Highway 84	‘SH84’
State Highway 6	‘SH6’

The land subject to this application is referred to as “the site”.

The hearing was closed on Friday 27 March 2020 following receipt of the requested information, supplied in writing on behalf of the Applicant. We acknowledge a delay in the closing of the Hearing on account of the nationwide lockdown in effect due to the Coronavirus pandemic.

INTRODUCTION

1. This decision is made of behalf of the Queenstown Lakes District Council ('the Council') by Independent Hearings Commissioners Ian Munro, Jane Taylor and Jane Sinclair, appointed and acting under sections 34 and 34A of the Resource Management Act 1991 ('the RMA') to hear and determine the application by Mt Iron Junction Limited, ('the Applicant').
2. In considering and reaching this decision we have considered the:
 - (a) application, its AEE and all its supporting documents;
 - (b) Council officer's section 42A report, along with the attached supporting reports;
 - (c) pre-circulated evidence from the Applicant;
 - (d) Applicant's evidence at the hearing;
 - (e) submissions received by the Council;
 - (f) submissions presented at the hearing, including submitter's evidence;
 - (g) responses to our questions during the hearing;
 - (h) Applicant's right of reply;
 - (i) site visit;
 - (j) Wanaka Town Centre Master Plan;
 - (k) Wanaka Structure Plan; and
 - (l) relevant provisions of both the Operative and Proposed Queenstown Lakes District Plans.

SITE DESCRIPTION

3. The site is described in detail within the AEE and we adopt that description. In summary, the proposed development is located at 237 Wanaka-Luggate Highway, Wanaka. It is a triangular shaped rural allotment of 5.83 hectares bounded by Wanaka-Luggate Highway (SH84) to the south and Albert Town-Lake Hawea Road (SH6) to the east. Adjacent to the north-west boundary is a long rectangular shaped lot, split approximately halfway into two lots. The southern lot is Crown-owned land managed by the Department of Conservation and forming part of the Mt Iron Scenic Reserve. The northern lot is in private ownership. We understand that the northern lot has been recently purchased by

the Applicant. The site currently contains two dwellings, a number of assorted small storage sheds, and open rough grassland between a grid of mature pine shelterbelts.

THE PROPOSAL

4. The proposal is described in detail in the Application and is summarised in Mr White's planning evidence, which we refer to¹. In brief, the proposal is to develop the site in multiple stages with this Application relating to Stage 1 which seeks approval for:
 - (a) a service station with associated signage, retail store, carwash and laundromat;
 - (b) workers' accommodation consisting of 10 units;
 - (c) terrace housing consisting of 17 two or three bedroomed units;
 - (d) a childcare centre;
 - (e) a mini-golf facility; and
 - (f) the associated earthworks, roading, servicing infrastructure and landscaping. Also proposed alongside Stage 1, are
 - (g) the buildings identified as part of Stage 2.
5. We understand that Stage 2 (or subsequent stages) will seek approval for the land use activities within the Stage 2 buildings, namely a motel and a commercial precinct.
6. Vehicle access to the site is proposed via a single access point from the State Highway network. To enable access, the Applicant has collaborated with NZTA about an upgrade of the intersection adjacent to the site. We understand that due to continued growth pressure which has exacerbated delays, queuing and created safety concerns, NZTA has confirmed that the intersection will be upgraded and that this will happen in the near future, with construction potentially starting in 2021. We were advised that NZTA has confirmed its agreement to the preferred intersection upgrade solution being a five-leg roundabout, which will enable access to the site. We understand that the roundabout is an essential precursor to enable the development of the site. At the time of the hearing, the final design was nearing agreement between the parties. We understand the roundabout is not part of the application as it is located on land controlled by NZTA. Its construction would be the responsibility of the NZTA. We are aware that a condition of consent has been volunteered by the Applicant that the roundabout be operational prior to the operation of the Stage 1 land use activities. We will return to the issue of the roundabout further below.

¹ Evidence of Duncan White, 20 December 2019, at [24]-[30].

AMENDMENTS TO THE APPLICATION

7. A number of amendments have been made to the application since it was notified, which were drawn to our attention. These amendments include:
 - (a) A revised Master Plan amending the internal road layout to be more compliant with the ODP and PDP transport rules, in particular swept paths and size of parking spaces, and the incorporation of the most recent design updates for the proposed roundabout;
 - (b) An amended plant palette, including changes to the proposed tree planting located on the spine road;
 - (c) Changes to the proposed colours of the buildings to be more recessive;
 - (d) Amendments to the outdoor living areas associated with the Terrace Housing units;
 - (e) Relocating the workers' accommodation reception office to the eastern corner of the building containing the managers accommodation; and
 - (f) Amendments to the design of Building 5, Stage 2, to include a clock tower structure.
8. We accept that the proposed changes are within the scope of the application as notified, and in that respect no party objected.

NOTIFICATION AND SUBMISSIONS

9. The application was publicly notified on 16 May 2019, with the submission period closing 14 June 2019. The Council received 36 submissions within the timeframe for lodging a submission, of which one submission was later withdrawn. Of the 35 submissions, 25 were in support, 6 were in opposition and 4 were neutral.
10. The submissions have been summarised in Appendix 1 of the Council's section 42A report prepared by Ms Gathercole and we adopt this summary.

AFFECTED PARTY APPROVALS

11. Written approvals were provided from the following parties:
 - (a) Department of Conservation as administrators for the adjoining Reserve land to the north-west of the site.

THE HEARING, SITE VISIT AND APPEARANCES

12. We undertook a site visit and viewed the site from various surrounding roads in the morning of 12 February 2020, prior to the commencement of the hearing. We also re-visited the site and again viewed it from the various surrounding roads in the evening on the same day. We are satisfied that we obtained a good understanding of the site and the receiving environment.
13. Pre-circulated expert evidence was received before the hearing from the Applicant as well as from submitters Willowridge Ltd and NZTA.
14. The Applicant presented legal submissions at the hearing, following which each expert witness provided a written summary statement of their evidence and verbally summarised their key issues and conclusions. Following the presentation of their summary statements, each witness was available to answer questions from the Commission. We note that at times our questions extended to the Council's staff as appropriate.
15. The submitter Willowridge Ltd was represented by legal Counsel, Mr. Gresson, who presented legal submissions. Its expert landscape witness Mr. Paddy Baxter and General Manager, Ms. Alison Devlin, were also available for questioning by the Commission.
16. The submitter NZTA was represented by Mr. Richard Shaw, Resource Management Planner, and Mr. Dave Aldridge, Civil Engineer, who summarised their positions and were available for questioning by the Commission.
17. The submitter Aurora Energy, did not attend the hearing but tabled a brief email updating the Commission on its position.
18. The section below is a summary of the evidence we heard. The detail of the expert evidence in particular is addressed below in the assessment of environmental effects and in our section addressing the matters in contention.

Appearances for the Applicant

19. **Mr. Leckie**, legal Counsel, presented opening legal submissions addressing the site and the environment; the proposal; key updates since evidence was filed; the statutory framework; the staging approach; submissions and engagement; effects assessment; Regional and District Plan assessment; a Part 2 of the RMA assessment; and an overall conclusion.
20. He helpfully set out that the key issues under debate were the opposing opinions between the landscape architects and urban designers with respect to the effects of the proposal on the landscape and visual amenity values.
21. Mr Leckie addressed the Rural General zoning in the ODP and advised there is agreement between the landscape experts that the site is classified as Other Rural

Landscape (ORL). With reference to the PDP, he advised that there was agreement that the site is zoned Rural, located within a Rural Character Landscape.

22. Relying on the opinion of Ms. Smetham, he submitted the site has few redeeming features from a rural landscape perspective and conveys a moderate, unremarkable amenity against the scale and dramatic backdrop of Mt Iron. He submitted that the intersection has reduced the quality of the setting and that the imminent upgrade will further impact the site. Mr Leckie submitted that there was agreement between the experts that the character of the receiving environment has been affected by development in the area, where Mr. Denney described it as a “landscape in transition” and Ms. Smetham, as “peri-urban”.
23. Mr. Leckie discussed the disagreement between the experts as to whether or not the site is a “gateway”. He submitted that the Applicant’s evidence is that it is an appropriate urban edge and the proposal will be complementary and beneficial to the arrival experience, providing a logical rationale and aesthetic outcome.²
24. Mr. Leckie updated the Commission on the outcomes of further discussions with the NZTA, specifically, that NZTA has confirmed that the intersection will be upgraded and will likely occur as early as 2021. He stated there is agreement that the appropriate upgrade is a five-leg roundabout, which will enable access to the site, and that there is agreement on the revised design. He further advised that the Otago Regional Land Transport Plan has been varied to enable the intersection upgrade and that the next step is the allocation of funding by NZTA which includes the execution of an agreement between NZTA and the Applicant, under which the Applicant will make a contribution to the cost of the roundabout. Mr. Leckie submitted that there is now sufficient certainty about the deliverability of the roundabout, the site access and the adjacent environment to be able to impose a condition requiring the construction of the roundabout prior to operation of the activities.
25. Mr Leckie submitted there was agreement that the proposal requires a non-complying activity consent but there was some minor disagreement on some of the transport and signage consent triggers. He directed us to the section 104D (of the RMA) threshold tests and acknowledged that on strict application of the rural objectives, the proposal would be contrary to some of the provisions. However, he submitted that the objectives and policies need to be considered in the context of the site which is not typically rural in character. He submitted that the receiving environment is a key basis for our assessment and that the section 42A report does not appear to acknowledge the actual character of the receiving environment.
26. Mr Leckie submitted that the effects of the proposed activities will be minor at most, and on this basis the proposal meets the section 104D(1)(a) (of the RMA) effects gateway for non complying activities. Following on from that, his advice was that we are able to consider the application under section 104(1) (of the RMA), and that having regard to all the matters in section 104(1) it is ultimately appropriate to grant consent subject to conditions under s.104B (of the RMA).

² Evidence of Ms Smetham, 20 December 2019, at [92] to [105].

27. In responding to the Willowridge submission, he set out that the complete Master Plan had been included to show the overall rationale and benefits of the project, the integrated design and to enable an assessment of cumulative effects and that this approach ensures certainty for investment. He also stated that a staged approach was not unusual or inappropriate and confirmed that the Stage 2 buildings are sought under PDP Rule 21.4.11 as a discretionary activity.
28. Mr Leckie raised issue with Ms. Devlin giving evidence as an employee and not as an independent expert and stated that although she had participated in the planning expert witness conferencing, she is not an independent expert and we should be cautious with the weight we apply to her statements contained in the Joint Witness Statement.
29. Mr. Leckie submitted that Willowridge is a trade competitor and has not established any adverse effects from the proposal on it, and that limited weight should be afforded to the submission.
30. In regard to the consenting process, Mr. Leckie explained that the Applicant purchased the land after submissions were lodged, hearings held and Council decisions had been made on the PDP and while the previous owner had sought to rezone the land to Rural Lifestyle zone, evidence in support of the submission was not presented and the Rural zoning was retained. He advised that the Applicant elected not to pursue the original submission through the PDP appeals process, preferring instead to advance plans to develop the site through the resource consent process.
31. In addressing the other submissions, Mr Leckie stated there was overwhelming support, emphasising the proposal's positive effects including improving views to Mt Iron, enhancing the entrance to Wanaka, providing workers accommodation, relocating the service station out of Wanaka town centre, and delivering a roundabout.
32. Mr Leckie advised that expert conferencing had identified the areas of agreement (transport, engineering and servicing) and narrowed the areas of disagreement (landscape, urban design and planning matters). He submitted that there were significant positive effects and that the section 42A report failed to acknowledge some of these key positive effects.
33. In relation to landscape effects, he acknowledged the disagreement between the experts on the level of effects and that we should prefer the assessment of Ms. Smetham that the site has little, if any, rural or semi-rural amenity and that given the scale of Mt Iron adverse effects on visual amenity will be low. He also submitted that the panoramic views from Mt Iron would not be affected. In response to issues relating to the proposed planting, he stated that the planting palette has been designed to continue the existing green corridor and to recognise the District's Autumn colours.
34. In regard to urban design effects, he acknowledged the disagreement between the experts and stated this stems from a tension between landscape outcomes and urban design outcomes. He submitted we should prefer the evidence of Mr. Compton-Moen that the zoning does not reflect the character of the site and that the low building coverage, clustering and design approach proposed means the proposal will not visually dominate and be a well-designed, campus like hub on a future key movement corridor.

He advised that the Applicant's experts have worked collaboratively to achieve an appropriate balance between landscape and urban design outcomes and that what the Council's landscape and urban design experts are seeking is contradictory in that Ms. Rennie suggests the development should present a more highly visible and legible built form, but Mr. Denney seeks to maintain openness and promote a soft transition at the arrival into Wanaka.

35. In regard to noise effects, he submitted that discussions are still occurring between the experts and it is expected that an agreed set of conditions will be circulated as part of closing submissions.
36. Overall, Mr. Leckie submitted that adverse effects of the proposal will be minor at most and that there will be a range of positive effects.
37. Mr. Leckie addressed the objectives and policies in both the ODP and PDP and with reference to the ODP, he submitted the proposal is consistent with, and not contrary to, all the relevant objectives and policies. He advised us that it is vital that the provisions be considered in the context of the site, and in that context, the proposal achieves the intent of the ODP. In regard to the PDP, he acknowledged the proposal is contrary to some of the PDP objectives and policies relating to urban development outside of the Urban Growth Boundary and development to urban densities in the Rural Zone. However, he submitted that given the uncertainty surrounding the PDP, the PDP should be afforded less weight than the ODP in this circumstance. Importantly, he acknowledged that the proposal does not meet the objectives and policies limb test of section 104D(1)(b) of the RMA.
38. Finally, Mr. Leckie submitted that it is appropriate for the Commission to consider the proposal against Part 2 of the RMA and that the proposal is consistent with these provisions.
39. **Mr. Schikker**, one of the directors of the applicant company, addressed his pre-circulated statement and covered the history of the site; issues facing Wanaka stemming largely from its current rate of growth; evolution of the proposal; application process; submissions and the section 42A report. He explained that the site was historically used as a strawberry farm and the pine trees were planted as part of a petting farm venture. He submitted that two of the biggest issues facing Wanaka were the lack of accommodation options and increased traffic, and that the development would assist in solving some of these issues.
40. He stated that the site's proximity makes it the perfect location as it is within walking distance of Three Parks, Wanaka and Albert Town. He stated that the site is not isolated in that, for example, it takes only 8 minutes to cycle into town, making it suitable for this type of development. He was disappointed with the apparent disconnect between the Council's elected members who identify workers accommodation as a key issue, and the Council's staff who have recommended refusal of the application.
41. He submitted that relocating the service station out of Wanaka town centre would reduce traffic issues in the town centre and that the positioning of the service station was an important part of the design and function of the development. He also stated the upgrade

to the intersection was important to the Applicant as there are existing significant safety concerns which has prompted NZTA to acknowledge traffic waiting times are reaching a threshold and that changes must be made sooner rather than later. Mr. Schikker was also of the opinion that the Three Parks development as well as the new primary school will only add to the pressure on the roading infrastructure and that the upgrade is crucial.

42. In regard to the impact on Wanaka's town centre, Mr. Schikker stated that the Applicant does not intend to provide any commercial space, or target businesses, that might wish to relocate from the town centre. He explained that as a lakefront business owner he understands the importance of retaining a viable town centre. He informed the Commission that possible future tenants would be a gym, a café/restaurant and offices and that a proposed childcare facility is in response to growing demand. The mini-golf venture would provide additional options to holiday makers and tourists. He advised that the service station is the major focus and is an anchor tenant and that the site is perfect for refuelling on the way into or out of town. He reiterated the overwhelming support for the proposal shown in the submissions received and that the proposal will complement rather than compete with the Three Parks development.
43. Mr Schikker explained that Wanaka has three gateways – from the north, from the south and from the east. He described that when travelling from the north one crosses the Albert Town bridge which has traffic lights, and travel through a 70km/hr zone with houses on both sides of the road and that views of Mt Iron are blocked by the mature pine trees. When travelling from the east, one passes the Wanaka Airport and numerous lifestyle properties, and crosses the Cardrona River to Mt Iron Junction. He pointed out that the Wanaka Town Centre Master Plan identifies the eastern entrance to Wanaka as being on the eastern side of the Cardrona River Bridge. In his opinion the existing views of Mt Iron are dominated by the pine trees and that the future roundabout will be the major focus. He highlighted that the development provides view shafts through to Mt Iron. He disagreed with the recommendations of the Council's experts and considered that a better entrance to Wanaka would be the proposal's carefully sited, architecturally designed buildings set amongst well designed landscaping.
44. Mr. Schikker also responded to issues raised in the section 42A report on soil quality and stated that the soils on the site do not naturally support a rural use. Finally, he stated that an alternative use would be to subdivide the site into 2000m² sections, allowing 20 dwellings on the property and that this sort of development would lack the benefits of a mixed-use master planned development.
45. **Mr. Botting**, surveyor, briefly updated the Commission that all engineering and servicing matters had been agreed between Council and the Applicant and that an updated agreed set of conditions will be circulated.
46. **Mr. Carr**, transportation engineer, presented a summary statement and updated the Commission on revisions to the roundabout design and site layout. He advised that the layout had now been agreed by NZTA and that the revised design is shown on the updated Master Plan. He further stated that all traffic engineers agree that the layout is appropriate and that any further technical design aspects can be refined as part of the detailed design process. He reiterated that the experts agree that the existing

intersection will result in extensive queueing by 2021 which is likely to lead to unsafe driver behaviour and increased road safety risks.

47. Mr. Carr advised that he had carried out a further evaluation of the intersection in November 2019 and concluded that the performance of the intersection had further deteriorated. He advised that the proposed roundabout will address the safety concerns and create significant positive safety effects.
48. Mr. Carr addressed the issues raised by Stantec relating to vehicles waiting to exit the service station onto the Link Road which could block larger vehicles attempting to enter the service station, resulting in queues extending back to the roundabout. He advised that changes to the entry/exit onto Link Road had been made so that it is a one way in, entry only. In regard to concerns that the on-street and overflow parking towards the west of the site would become unavailable when consents for Stage 2 were implemented, he advised that a detailed evaluation of Stage 1 parking demand must accompany the resource consent for Stage 2. In regard to rubbish collection for the residential units, he advised that changes had been made so that it was now a more-workable solution. Overall, Mr. Carr was of the opinion that all transportation matters had now been addressed and that he supports the application. In response to questions from the Commission, Mr. Carr, clarified that the construction timeframe for the intersection upgrade had been brought forward by approximately 14 months by the proposed development and that without the development it may have been 3-to-4 years.
49. **Mr. Bosma**, architect, briefly summarised his evidence stating the proposed building designs create a quality mixed use development that fits well with the site and environment. He was of the opinion that the modulation of building height, combined with carefully selected materials and colours provides a pleasant and appropriate level of variety. He further stated that the building typologies will be an asset to Wanaka. He reiterated his view that the proposal reflected a 'campus' typology, with buildings surrounded by open space.
50. **Mr. Compton-Moen**, urban designer, presented a summary statement highlighting his key points and conclusions from his evidence. He advised that some changes had been made and concluded that the proposal is acceptable and appropriate in urban design terms, with the design being sympathetic to its prominent location. He opined that the development connected with and was a logical extension of Albert Town and the existing urban development occurring in the area. He also was of the opinion that the Cardrona River and escarpment is the natural edge to Wanaka when arriving from the east and that this is consistent with the Outer Growth Boundary in the Wanaka Structure Plan. He further submitted that this will become more apparent with the construction of the roundabout. He was also of the opinion that the proposal is consistent with the Wanaka Town Centre Master Plan which positions the eastern gateway to the east of the Cardrona River.
51. Mr. Compton-Moen was of the opinion that the existing Rural zoning was no longer appropriate given the adjoining land uses and zoning, the proposed roundabout and the site's proximity to other developments, which include commercial, urban and semi-urban developments. His opinion was that the comprehensive development approach is a

positive method to achieve a well-designed, campus-like hub, on a future key movement corridor. Further, the scale, form, materials and detailing are appropriate, which balance urban design attributes with landscape amenity concerns.

52. In his opinion, the scale and character will not compromise views of Mt Iron but there would be a change in character which he considered would be acceptable and beneficial for the legibility of the site. He was also of the opinion that the development provided a high level of connectivity for pedestrians and that there are positive outcomes with the relocation of the service station from central Wanaka. Finally, he was of the opinion that the site is within an urban environment.
53. **Ms. Smetham**, landscape architect, presented a summary statement highlighting her key points and conclusions. She opined that the context of the site and the receiving environment is peri-urban not rural and that the context of the site is not overwhelmingly rural with a high urban influence. In her opinion, the site is within a peri-urban landscape, dominated by State Highways, Mt Iron and the Cardrona River, as well as a diverse mix of activities. She considered the site was in close proximity to Three Parks, Albert Town and Wanaka town centre.
54. She explained that the proposal has been designed to achieve a campus-like setting which acknowledges the transition between urban and rural landscapes and that the key outcomes were a spatial hierarchy with formal and informal directional movement, strong visual legibility and high functioning amenity, while recognising the natural setting, the peri urban setting and surrounding development patterns.
55. She acknowledged that there would be a change to the existing landscape from a rural lifestyle character to a more urban character but the development is sympathetic to the setting and will retain some rural characteristics. She highlighted the positive landscape benefits including the treed landscaped corridor and view shafts to Mt Iron. Ms. Smetham was also of the opinion that the proposal would fit well into the context and provide numerous connections to Mt Iron tracks and the wider network and that the proposal would be seen as infill, rather than urban sprawl.
56. In conclusion, Ms. Smetham opined that there would be a range of adverse effects from very low to low and that in terms of cumulative effects, the peri-urban character has the capacity to absorb this type of development.
57. **Mr. White**, planning consultant, presented a summary statement and updated the Commission on changes made to the Application since evidence was filed. He explained that the roundabout is an essential precursor to enable the development, however, it is not part of the application. Instead, a condition of consent is volunteered to require the roundabout be operational prior to the operation of any Stage 1 land use activities.
58. He advised that discussions were ongoing with NZTA and that there is now general agreement on the design. He stated that NZTA are scheduled to consider a funding request and that a Heads of Agreement is in the process of being finalised which will potentially will bring forward the construction of the roundabout.

59. Mr. White opined that as well as the improved safety effects, the roundabout will change the character of the area and that an appropriate land use adjacent to the roundabout should be considered. Further, that the Rural zoning was not reflective of the character of the site taking into account the nature of the surrounding peri-urban land uses and the busy intersection. He was also of the opinion that the sites location and characteristics mean that it is not appropriate for the site to be used for productive rural use.
60. In regard to the consenting process, he advised that a resource consent provides the Council with a greater degree of certainty over future land uses and building design than a plan change and more certainty over timing as a result of the consent lapse date as well as allowing for public participation.
61. Mr. White disagreed with the conclusions in Ms. Gathercole's section 42A report and opined that adverse effects would be minor, as the character is currently defined by peri-urban land uses, and the roundabout will further change the character of the area. He reiterated the proposal's numerous positive effects and that the low building coverage and high landscape coverage will assist with mitigating landscape and visual effects as well as providing a high amenity streetscape that integrates with the natural landscape.
62. Mr. White concluded that adverse effects will be no more than minor and that the Application is able to satisfy the section 104D(1)(a) RMA gateway. In regard to section 104D(1)(b) of the RMA - the objectives and policies gateway - he acknowledged that the application does not pass this based on development outside of the urban growth boundary and development of urban density in the Rural zone. However, his overall conclusion was that as one of the section 104D gateway tests had been passed, the application is able to be considered under sections 104 and 104B and that consent should be granted. He further advised that the proposal represents sustainable management and will give effect to the purpose of the RMA 1991.
63. Finally, he advised that an updated set of draft conditions had been prepared which incorporated changes to the traffic conditions and updated plan references.

Appearances for the Submitters

64. **Mr. Telfer**, on behalf of Active Transport Wanaka, spoke to his written submission and stated the group is generally supportive of the proposal, but is concerned with the shared pathway connections to the wider network. He stated that the proposed shared pathway doesn't appropriately connect or meaningfully contribute to the network and that better links between Wanaka and Albert Town are required. He explained that the 3m wide shared pathway requires an appropriate linkage to join the existing network as there is an absence of a pathway entering into the site and leaving the site in both directions. Mr. Telfer sought that conditions be imposed on any consent granted to ensure that appropriate linkages are in provided for.
65. **Mr. Cleland** read from a written submission. He explained that he has experience with native plants within Otago and Southland having started a nursery in 1979 as well as being involved with landscape design. He advised that he is very familiar with the

climate and natural vegetation of the Upper Clutha. Mr. Cleland submitted he was concerned with the impact the development would have on the approach to Wanaka from the east and that it would become urbanised rather than the existing semi-rural setting. He stated that the palette of plants reinforces the urbanisation, and many of the proposed plants are inappropriate for the climate and conditions.

66. In regard to the arrival experience, Mr Cleland was of the view that *“Mt Iron creates a sense of arrival, then the vista of the mountains opens up as you drive around the base and you have arrived and that this sense of arrival should not be underestimated”*. In his opinion, the approach from the east is essentially rural to the Cardrona River bridge then semi-rural past PuzzleWorld to the Anderson Road roundabout. He acknowledged that this would change with the Three Parks roundabout but will essentially remain semi-rural as Three Parks will be screened by topography and existing trees until one arrives at the Three Parks roundabout.
67. He stated that he supports the roundabout but its positioning means that the proposed commercial area cannot be effectively screened and that the petrol station will be highly visible. He also stated that it is the visibility of the development that will urbanise the junction not the roundabout, and that there are numerous examples of roundabouts in rural areas which still retain a rural character. He suggested that to retain a semi-rural character the development would need to be predominately screened and that this is not the case.
68. Mr Cleland explained that the plant selection was not appropriate as there is a focus on exotic species, which are more urban and that natives would help create a sense of place and connect with Mt Iron. He was also concerned with the potential for some of the species to spread into the reserve and that some of the species are not appropriate for the climate of the site.
69. **Mr. Aldridge**, civil engineer for NZTA, summarised his pre-circulated evidence and advised that the intersection would likely require an upgrade by 2025 due to its diminishing ability to accommodate the forecasted traffic flow. He stated that a roundabout is suitable for the intersection to improve both efficiency and safety and that the roundabout would remove the existing priority for through traffic along SH6 and SH84. He further advised that as this is the main connection between Wanaka and the airport a long-term transport strategy for both Council and the Transport Agency should be undertaken.
70. Mr. Aldridge advised that there is a risk of associating the implementation of the roundabout with the proposed development. While the roundabout needs to be in place for the activity to be able to operate, the delivery of the roundabout is itself independent of the application. He stated that there may be imbalanced traffic flows at the roundabout with traffic generated by the development being different to the traffic demands on the state highways. He further acknowledged the design is still not completely finalised and that some minor technical matters still need to be worked through.

71. **Mr. Shaw**, on behalf of NZTA, verbally summarised the main points and conclusions of his pre-circulated evidence. He explained that the NZTA submission was neutral and that potential effects on the operation of the highway could be addressed through recommended conditions. He also stated that there had been ongoing discussions with the Applicant regarding the process for confirming the design and funding share and that confirmation of the design footprint is crucial, as it establishes the new legal boundary. He highlighted the importance of designating the footprint including all visibility splays to ensure adequate control to manage the potential use of land. Mr. Shaw advised that there was now general agreement on the design; however, some minor modifications through the technical design stage may be required.
72. In regard to funding he advised an application had been made to confirm the funding within the Safe Networks Programme and that funding was now available. A meeting was scheduled for 20 February 2020 to obtain more certainty. He explained that the proposal would bring the construction of the roundabout forward by a matter of months and if the proposal was refused, the NZTA would still go ahead with the intersection improvements but the roundabout would be four legs and possibly smaller in diameter. He supported a condition of consent to ensure the development cannot be occupied until such time as the intersection improvement was constructed and operational.
73. In regard to reverse sensitivity, Mr. Shaw sought conditions to ensure that buildings containing noise sensitive activities are designed, constructed and maintained to achieve reasonable indoor acoustic amenity where they are located within 100m of the nearest traffic lanes on a state highway. He submitted that the draft conditions proposed by Mr. White are generally consistent with the approach of the Agency and will effectively address the potential for reverse sensitivity for the childcare and residential uses, but they could be extended to cover the workers accommodation units.
74. **Mr. Gresson**, legal Counsel for Willowridge, presented written legal submissions. He submitted that consent should be declined under s.104D of the RMA as the adverse effects were more than minor and the proposal was contrary to the objectives and policies of both plans. His submission addressed the independence of Ms. Devlin; trade competition; Section 104D; landscape visual amenity and rural character effects; and the staged approach to development. In regard to Ms. Devlin, he accepted the legal submission of the Applicant and agreed caution should be applied to the weight given to Ms. Devlin's statements in the joint planning witness statements, and added that at no stage did Ms. Devlin purport to being an independent expert and that no concerns were raised during her attendance at the conferencing. He also submitted her statements in the Joint Witness Statement do not compromise its validity as such statements and opinions were also expressed by other planning experts.
75. Mr. Gresson submitted that Willowridge is not a trade competitor, referring us to a High Court decision, *Queenstown Central Limited v Queenstown Lakes District Council* [2013]NZRMA 239 (HC), where he relied on the findings that whilst property developers are competing as to the appropriate zoning of land or use of land there is no justification for extending the phrase "trade competitors" to property developers competing for the best use of land. He submitted Willowridge's interests relate to the appropriate use of rural zoned land in an important part of Wanaka and does not relate to commercial

competition. He further stated that Willowridge is concerned with changes to the character of a prominent location and entry to Wanaka, and to ensure that growth and development occurs in an appropriate way.

76. Mr. Gresson submitted that the proposal does not pass either of the section 104D gateway tests and reiterated that the Applicant has acknowledged that the proposal will be contrary to the objectives and policies of at least the PDP. Therefore, the Applicant is relying on the first gateway test and that in the opinion of Mr. Baxter, adverse effects on landscape, rural amenity and character will be more than minor. Mr. Gresson, acknowledged that while some effects could be mitigated and that there may be some positive effects, such matters are not relevant unless the adverse effects are first demonstrated to be no more than minor. He advised the Commission that positive effects, mitigation and environmental offsets can only be considered in terms of an assessment of section 104 of the RMA and not part of the gateway assessment under section 104D. He set out that these matters are not relevant for the Commission to consider unless it is first satisfied that adverse effects will be no more than minor.
77. Mr. Gresson, relying on the opinion of Mr. Baxter, submitted that the site has an underlying ruralness; is located within a semi-rural setting; Mt Iron maintains a semi-rural character; and that the proposal will have a more than minor adverse effect on rural character. He submitted that the density and extent of built form along with associated activity would change this character to a more than minor degree and further that the proposed service station in itself, would have more than minor effects, as it will need to be well lit and noticeable. He also advised that the northern side of SH84 contains no development between the Anderson Road roundabout and the site, and that the western side of the Highway in this vicinity has a Building Restriction Area imposed under the PDP.
78. Mr. Gresson advised that the examples given by Mr. White of other service stations in Queenstown are not located within the rural zone nor rural residential or semi-rural locations and are all located in Low Density Residential zones or the Frankton Flats Special zone. He acknowledged that the site had some potential to absorb development, however the extent of what is proposed exceeds the threshold.
79. In regard to the staged development, Mr. Gresson submitted that the Applicant is now seeking consent for buildings rather than building envelopes as initially sought and that the Council cannot assess the effects of a building independent of its use. He submitted that these matters are interrelated and that the information provided falls below what would normally be acceptable to enable proper consideration, and that the Commission should exercise caution with this consenting approach.
80. **Ms. Devlin**, General Manager for Willowridge, spoke to her pre-circulated evidence and summarised her conclusions. In her opinion, the application proposes urban development on a semi-rural site at what could be considered a 'gateway' to Wanaka. She opined that there will be adverse cumulative effects which will be more than minor on landscape and character. In particular, that the service station was in the most prominent location and the workers accommodation and apartment housing would be inappropriate activities for the site. She was also concerned that the level of detail

contained in the application did not enable a full assessment of likely effects. Finally, she concluded that the proposal was inconsistent with the objectives and policies of the District Plan and does not meet the purpose of the RMA.

81. **Mr. Baxter**, landscape architect for Willowridge, summarised his conclusions reached in his pre-circulated evidence. In his opinion, the development is a comprehensive urban development which will change the existing landscape character from semi-rural to urban by way of its scale, density and character. He acknowledged that while the site is not truly rural in character, the site is nevertheless, semi-rural, reflecting the underlying zoning patterns. He stated that while there are glimpses of dwellings in the Rural Living zone, the lot sizes allow for substantial tree planting and generous setbacks which is a realistic outcome for the zone. He opined that the amenity that arises from these rural zones is largely treed amenity with minor glimpses of dwellings, set back from the roads as far as practically possible and that putting the minor semi-urban environment aside that exists at the eastern side of the intersection, the landscape character is still semi-rural. He stated that when travelling from the east, the change from rural to semi-rural was abrupt and distinctive and that the rural character continues past Puzzling World until Three Parks becomes visible.
82. In regard to the ONF values of Mt Iron, as seen from the east, he was of the opinion that they benefit from a lack of development on the site and that those values are reinforced by a distinct lack of development on the feature's eastern flanks. He described the eastern side as the natural side where it is viewed in the absence of a developed foreground.
83. He advised the Commission that if the site was subdivided into two residential lots, it would be realistic to expect substantial tree planting for road screening and that if five 6,000m² lots were created a semi-rural amenity would still be maintained. Mr Baxter acknowledged that there may be an opportunity for screening to be undertaken for more comprehensive development, however the proposed density and planting is at odds with the existing rural amenity. He also considered it unrealistic to expect a service station to be fully (or even mostly) screened from road views.
84. In addressing the objectives and policies, Mr. Baxter was of the opinion that the landscape values between the Cardrona River and Puzzling World display a degree of ruralness and that while there are some structures visible, they occupy a minor portion of the landscape. He acknowledged that this landscape is not always 'open' in character, however the enclosing treed landscape is a recognised extension of the Mt Iron landscape, which is open in character.
85. Mr. Baxter concluded that the cumulative effects of the development would tip the balance of rural character into a peri-urban character by the introduction of a scale of urban use not consistent with rural character. In regard to the roundabout, Mr. Baxter was of the view that a roundabout of the scale required does not necessarily confer an urban character and that a semi-rural character can still be maintained, such as the roundabout located at the Lower Shotover/Stalker Road/SH6 intersection in Queenstown. He also opined that the lighting requirements of a state highway roundabout would not change the semi-rural character. Finally, he advised that in his

opinion the 'gateway' was where the semi-rural character begins to transition into semi-urban, then urban. In his opinion, this is currently located east of Puzzling World where the road grade drops significantly and the enclosing tree lined landscape transitions into open views of Three Parks development on the left and Wanaka township ahead.

Council Officers

86. **Mr. Jones**, land development engineer, briefly addressed engineering matters. He advised that there was general agreement between the engineers on the majority of engineering infrastructure relating to wastewater, telecommunications, power, natural hazards and earthworks. He also advised that there may be some design details that still need to be worked through relating to traffic engineering matters but these could be completed as part of the detail design stage. He advised that there was an outstanding matter associated with stormwater disposal, stating that there were no issues with the design, however, no detail had been provided as to the location of the soakage and if the system is located in an undesirable location it could make it difficult to vest the road. Mr. Jones advised some changes may need to be made to the previously recommended conditions.
87. **Mr. Exeter**, consultant acoustic engineer for the Council, provided a brief update of where discussions were at regarding noise effects. He advised that he was working with the Applicant's acoustic engineer to achieve an agreed set of conditions.
88. **Mr. Rossiter**, consultant traffic engineer, updated that there was general agreement between the Council and the Applicant on transport effects such that the roundabout is the appropriate intersection improvement and that although the design is largely agreed there may be some minor amendments required through the detail design stage. He stated that various transport-related site standards are triggered relating to the internal layout and that there is general agreement on these issues.
89. **Ms. Rennie**, consultant urban designer, spoke briefly and advised the Commission that her conclusions had not changed. She provided additional comments on the importance of the shared walkway through the site being able to adequately connect to existing linkages in the wider environment and that the extension is important. She also raised there was some uncertainty with the how the changes to the visibility splays would affect the Master Plan. She concluded that the proposal is not appropriate in this location and will not result in best practice urban design outcomes.
90. **Mr. Denney**, consultant landscape architect for the Council, briefly updated the Commission and advised that his conclusions had not changed. He advised that as an adjoining property was now owned by the Applicant his previous comments on that particular matter were now outdated. From hearing the evidence, he stated that the proposal would be slightly more visible than he had assessed as the landscaping was more visually open than anticipated. In regard to the roundabout he advised that some positive rural outcomes maybe achieved and that it would not necessarily result in an urban environment. Overall, he agreed with Mr. Baxter and advised that the proposal was contradictory to the Rural zoning of both plans and as an urban development it

does not adequately respond to the landscape context in terms of its immediate proximity to Mt Iron and as a gateway to Wanaka.

91. **Ms. Gathercole**, planner, briefly updated the Commission on matters that were raised in the hearing. She advised that her overall recommendation had not changed from her section 42A report. She clarified that she will work with Mr White to achieve an agreed set of reasons for consent to assist the Commission. Ms Gathercole remained of the opinion that the proposed Caltex signage protruding above the roof line remained an issue. In regard to consenting requirements she advised that there was enough information and she was satisfied that consent under the National Environmental Standard for Assessing and Managing Contaminants in Soil to Protect Human Health ("**NES**") was not required. She also clarified that the existing paths located along SH84 are generally located within the State Highway designation and that any extensions to the paths would need to be undertaken by NZTA. Further she clarified that some of the walkways are located on DoC land and that the Council would be unlikely to get involved with construction of walkways on land it does not own. Finally, she stated that matters raised in regard to timing of the roundabout had now been resolved.

Right of Reply

92. The Applicant submitted written closing submissions responding to matters raised at the hearing. A number of documents were attached to the submission including: an agreed list of consent triggers (with the Council staff); an updated Master Plan; site coverage calculations; confirmation letter from the Caltex operator; response to acoustic matters; visual simulations; and an updated draft set of conditions.
93. Mr. Leckie confirmed that agreement had been reached between the Applicant and the Council on a list of consent triggers and that the planners agree that a non-complying activity consent is required.
94. Mr. Leckie updated the changes that have been made to the Master Plan including the current roundabout design, visibility splays and site boundaries. He also updated that the Applicant and NZTA are progressing towards a Heads of Agreement and that the discussions are still on-going. He reiterated that NZTA have agreed that a roundabout will happen and that the design is agreed and therefore draft condition 6 is capable of fulfilment but has been amended to reflect that construction of the roundabout can happen in parallel with construction on site.
95. Mr. Leckie responded to whether the intersection upgrade can be considered as a positive effect and submitted that the Applicant accepts that the development cannot proceed without the roundabout, however the proposal will enable positive effects as the agreed design is funded by the Applicant. He submitted that the positive effects include that construction will occur faster, the consenting process will be quicker and the proposal provides for connectivity. Mr Leckie clarified that the Applicant is not relying on these positive effects to mitigate adverse effects as the mitigation of adverse effects and recognition of positive effects are separate aspects of the statutory assessment. He submitted that the application stands on its own without these positive effects but it would be appropriate to consider them as part of section 104(1)(a) RMA analysis.

96. Mr. Leckie confirmed that if changes to the site boundary are required these would be minimal and not result in any internal layout changes. He also confirmed that no changes are required to the proposed mitigation as a result of the visibility splays.
97. Responding to relocating the service station, Mr. Leckie updated that the Applicant has obtained a letter from the existing Caltex operators setting out their intentions and that they have signed a lease.
98. Mr. Leckie advised that the two outstanding acoustic matters raised by the Council's acoustic consultant Mr Exeter relating to reverse sensitivity conditions sought by NZTA have now been resolved and the draft set of conditions has been updated.
99. In regard to the walking and cycling connections, Mr Leckie confirmed that the majority of the shared path will be vested in Council with a small area located within land vested in Council as reserve. He also set out that there was agreement that a footpath on the link road was not required but that there is room should it be needed in the future. He advised that an advice note has been added relating to providing for public transport at a later stage. In regard to the extension of the shared path to the wider connections, Mr. Leckie advised that the Applicant intends to meet again with DoC to work together to implement new trails through to the existing trail network.
100. Mr. Leckie confirmed detailed design of the buildings will take into account sustainable design practices and an advice note has been added to address this. He also set out that a number of the conditions require plants to be maintained and irrigated and that the site gets sufficient sunlight in winter and that an advice note has been added to ensure consideration of appropriate species. He reiterated that the proposed development will be appropriately screened. He also set out the changes that have been made to the conditions.
101. In responding to the points raised by Willowridge, Mr Leckie asserted that Willowridge is a trade competitor and directed us to case law on that matter. He submitted that as a trade competitor, the RMA requires consideration of whether Willowridge is directly affected by the proposal and that Willowridge only raised broad adverse effects on the wider environment and did not raise any direct effects, therefore it would be contrary to section 308B of the RMA to consider their submission. He further stated that as the broad matters raised by Willowridge are also raised by Council and other submitters they have been addressed in the Applicant's evidence and responded to in these closing submissions.
102. Mr. Leckie specifically addressed paragraph 16 of Willowridge's legal submission referring to a statement that positive effects, mitigation and environmental offsets can only be considered in the section 104 assessment and cannot be considered as part of the section 104D gateway assessment. He agreed that positive effects and environmental offsets are not appropriate considerations under section 104D but disagreed on the comments relating to mitigation, submitting that the law has been incorrectly applied. He also submitted that the section 104D evaluation must be undertaken on a holistic basis, looking over the entire application and range of effects,

not just individual effects and that this approach has been recently confirmed by the Environment Court.

103. Mr. Leckie was critical of the comments made by Willowridge relating to scale and density and that their concerns were unsubstantiated, submitting that the 13.8% building coverage and 47.9% soft landscaping will result in a “campus like setting”. He also submitted that a building can be considered independent of its use and that the application contains the appropriate level of detail. Finally, he submitted that the Willowridge submission should be disregarded.
104. Mr. Leckie confirmed that the application does not seek to authorise any commercial activities for Stage 2 and that the plans have been updated to remove any reference to the commercial or other Stage 2 uses. He also advised that a new condition has been included to require that a future combined application be made for the commercial activities and that this application would have to demonstrate compliance with protecting the viability of Wanaka’s town centre and Three Parks.
105. In regard to the site and receiving environment, Mr. Leckie set out the disagreement relates to what level of development was present in the area and what is the capacity of the site to absorb the development. He submitted that the proposal tends toward a landscape driven outcome instead of making a strong urban design statement and that there will be limited visibility due to the buffer, proposed planting and low site coverage. He also submitted that the viewing context (100km/h highway) is important and that the proposal is therefore appropriate.
106. In addressing the District Plan framework, Mr. Leckie submitted that the objectives and policies should provide some context for the gateway assessment, however, the main focus must be the assessment of the existing character of the site and surrounding environment and the effects of the proposal including mitigation measures. He submitted that the proposal is consistent with all relevant ODP provisions and many relevant PDP provisions and that the Rural zoning is a useful indication of what activities are appropriate in a rural location. However, ultimately, the RMA is an effects based statute that does not seek to direct and control activities based on underlying zoning, which is important as there is general agreement that the zoning is not representative of the receiving environment and that a real world analysis is required applying guidance from the District Plan framework in light of that context.

THE DISTRICT PLAN AND RESOURCE CONSENTS REQUIRED

The Operative District Plan

107. The site is zoned Rural General under the ODP. There was agreement between the landscape experts that the site is classified as an Other Rural Landscape (ORL). There was also agreement between the planners that the proposal requires a **non-complying activity** consent. The agreed list of consent triggers was attached as Appendix 1 to the Applicant’s reply submissions and we adopt this.

108. There was also agreement between the planners that the relevant provisions of the ODP are Part 4 (District Wide), Part 5 (Rural General) and Part 14 (Transport), Section 16 (Hazardous Substances), Section 18 (Signage) and Section 22 (Earthworks). We agree with this analysis.

The Proposed District Plan

109. In her section 42A report Ms. Gathercole advised that the PDP was in various stages of the process, in that:
- (a) Council notified Stage 1 of the PDP (Stage 1 Decision Version 2018) on 5 May 2018 and under these provisions the site was zoned Rural;
 - (b) Council notified its decisions on Stage 2 of the PDP (Stage 2 Decision Version 2019) on 21 March 2019; and
 - (c) Council notified Stage 3 (Stage 3 Notified Version 2019) on 19 September 2019.
110. She advised that the application was received November 2018, and as such, the application should be processed, considered and decided as an application for the type of activity that it was for, or was treated as being for, at the time the application was lodged. There was no disagreement between the parties in relation to this understanding, and as such we have considered the ODP and the PDP's policy framework (objectives and policies) with what we consider to be the appropriate weight, a point that we will return to later in the decision.
111. The planners agreed that a **non-complying activity** consent is required under the PDP. The updated list of consent triggers was attached as Appendix 1 to the Applicant's reply submissions and we adopt this.
112. There was also agreement by the planners that the most relevant chapters of the PDP are Chapters 3, 4, 21, 25, 28, 29, 31 and 36. We agree with this analysis.
113. Overall, we find that consent is required as a **non-complying activity**.

Operative Regional Policy Statement

114. Both Ms. Gathercole and Mr. White directed us to Part 5 Land, Part 9 Urban Environment, Part 11 Natural Hazards and Part 13 Waste and Hazardous Substances of the Operative Regional Policy Statement.

Partially Operative Regional Policy Statement

115. Both Mr. White and Ms. Gathercole helpfully set out the relevant provisions of the Proposed Regional Policy Statement. We understand that this policy statement was notified on 23 May 2015 and decisions were notified on 1 October 2016. Appeals were lodged with the Environment Court, covering a wide range of topics. Consent orders have now been signed off by the Environment Court addressing those appeals and we have assessed this proposal against the consent order version of the proposed RPS where that is relevant.

116. The relevant objectives and policies are found in Chapters 1,4 and 5. These generally align with the Operative Regional Policy Statement.

RELEVANT STATUTORY MATTERS

The Resource Management Act 1991

117. As a **non-complying** activity, the application must be considered in terms of sections 104D and 104 of the RMA. Section 104D(1) provides a threshold test for non-complying activities where we may grant resource consent only if we are satisfied that:
- (a) the adverse effects on the environment will be no more than minor; or
 - (b) the proposal will not be contrary to the objectives and policies of the ODP and PDP.
118. In this instance, it was common ground that the proposal was contrary to the PDP and that this alone was sufficient for the application to fail the second section 104D(1)(b) gateway. This means that the application must pass the first gateway test set out in section 104D(1)(a), or be refused consent without further consideration,
119. Section 104(1) outlines the matters we must then, subject to Part 2, have regard to when considering an application and any submissions received. Section 104B provides for us to grant or refuse the consent. Finally, sections 108 and 108A empowers the Commission to impose conditions on resource consents if granted.

National Environmental Standard for Assessing and Managing Contaminants in Soil to Protect Human Health (“NES”)

120. Ms. Gathercole confirmed at the hearing that she was satisfied that no consent is required under the NES. We accept Ms. Gathercole’s evidence in this regard.

National Policy Statement on Urban Development Capacity (NPS-UDC)

121. There was agreement between the planning experts that NPS-UDC was a relevant consideration and that the Queenstown Lakes District is deemed a ‘high growth area’. There was general agreement that the application is consistent with the relevant provisions of the statement. We agree with this conclusion. However, we agree with Ms. Gathercole that as Council’s assessments do not identify a need for more residential or business capacity, this should not be a determinative factor.

Relevant Plans

122. As noted earlier, the ODP and PDP, and the RPS and PRPS are all relevant to our decision.

Other relevant and reasonably necessary matters

123. We record our acceptance that the following non-statutory matters are relevant and reasonably necessary to an analysis under section 104 of the RMA:
- (a) The Wanaka Structure Plan;

- (b) The Wanaka Town Centre Master Plan;
- (c) The shortage of worker accommodation in Wanaka.

PERMITTED BASELINE AND RECEIVING ENVIRONMENT

124. Under section 104(2) of the Act, we have discretion to take into account the permitted baseline when considering the effects on the environment of the proposed development. We accept that there is no permitted baseline that is relevant to the proposal.

PRELIMINARY MATTERS

125. Having read and heard the evidence and submissions presented, before turning to the assessment of effects and our assessment of the relevant objectives and policies, it is first necessary to make findings on two matters, as they relate to the context within which we should consider the application. These matters are:
- (a) The roundabout and its relevance; and
 - (b) The status of Willowridge Ltd.

Roundabout

126. We find that NZTA is likely to undertake an intersection improvement within the next several years and that it is likely that this would be by way of a roundabout of similar dimensions and overall effects to that described to us through the Hearing.
127. We accept the Applicant's argument that as a result of its application (and related consultation with NZTA), and its development (were consent to be granted), it is likely that the roundabout will be delivered in an earlier timeframe than would have otherwise been the case, by perhaps as much as a year or slightly more. We find that it is fair and reasonable to acknowledge this as a positive effect in terms of improved safety and efficiency at the roundabout, and that this should fairly be counted in the Applicant's favour.
128. However, we do not agree that the roundabout will bring any other positive effects relevant to the proposal, or that the positive benefits of an earlier roundabout offset, balance, mitigate or otherwise remedy any of the non-traffic related adverse effects of the proposal. The proposal would not be able to proceed in its current form without the roundabout, and it could be argued that the roundabout will facilitate additional adverse effects on the environment (such as the proposal's), which would be far less likely to occur if the roundabout did not occur. We are therefore reluctant to overemphasise the importance of this third-party (NZTA) infrastructure upgrade.
129. Overall, we find that the roundabout is a necessary facilitating piece of infrastructure for the proposal to proceed and that in any event it (or one similar to it) is likely to be developed by NZTA in the foreseeable future.

130. Related to this, we do not accept that the roundabout is a character 'game changer' in the way that the Applicant's experts portrayed. We do not see how the addition of the roundabout would change this environment from being materially less rural or more urban. We prefer the evidence of Mr. Baxter that roundabouts are not inherently 'urban', and that they do commonly occur in the rural environment on busy roads and highways.
131. Ultimately, we find that the roundabout will add an incremental additional built form element, but will not materially change or mitigate the proposal's adverse effects. As Mr. Leckie indeed advised us, the application must (and in his view does) 'stand on its own two feet'. We therefore do not consider the roundabout needs to be considered any further alongside or as part of the proposal.

Willowridge

132. We find that Ms. Devlin should not have participated in the planners' expert caucus and that it defeats the purpose of the expert caucusing process to the extent that we have disregarded the Joint Witness Statement that arose from it. However, we do recognise that Ms. Devlin openly acknowledged her role as an employee of Willowridge at the Hearing, and it is relevant that until the Hearing no party had objected to her participation in the expert caucusing process. Having discussed this directly with Ms. Devlin (who does have experience as a planner) at the Hearing, we are inclined to view her participation was well-intentioned and brought about by her wishing to assist us. We see no need to take it further and are satisfied that no prejudice or damage to a fair hearing of the application has resulted in this instance.
133. In terms of Willowridge itself, in this instance we find that the submission and the evidence it presented are directly related to the effects of the proposal and do not come close to what we consider would fall to be treated as trade competition. We have carefully considered Willowridge's participation in this process and the wording of its submission.
134. Specifically, section 104(3)(a)(i) of the RMA specifies that we must not have regard to "trade competition or the effects of trade competition". This does not go so far as to state that developers as 'trade competitors' with one another must or should not make submissions at all to any other development proposals. We find that the correct approach is for us to consider the submission made by Willowridge and, as appropriate and on merit, disregard any part or parts of it that fall in our view as trade competition.
135. We find the submission and evidence presented by Willowridge admissible and relevant, and that no parts of it need to be disregarded.

PRINCIPAL ISSUES IN CONTENTION

136. It was common ground between the parties that landscape and visual amenity effects were the principal effects in contention. Mr. White, based on Ms. Smetham's and Mr. Compton-Moen evidence, was of the view that adverse effects would be minor. Ms.

Gathercole, based on Mr. Denney's and Ms. Rennie's evidence, concluded adverse effects will be more than minor.

137. There was also agreement that overall the proposal is contrary to the objectives and policies of the PDP and accordingly, for us to be able to consider the proposal under sections 104 and 104B of the RMA, we had to first satisfy ourselves that it passed the section 104D(1)(a) gateway test for non-complying activities.
138. We therefore list the key matters in contention as being a two-step process:
139. First, we must reach a determination whether or not the proposal's adverse effects on the environment are minor or more than minor. If they are more than minor, then we must refuse consent without considering the merits of the proposal in accordance with section 104. This would render other matters in contention moot.
140. Secondly, and only if we find in the first step that adverse effects are minor and the proposal therefore passes the gateway test in section 104D, the additional matters of contention would be:
- a. Is the proposal consistent or not with the provisions of the Operative District Plan?
 - b. Is sufficient and appropriate landscaping provided?
 - c. Does the proposal integrate appropriately with walking and cycling trails?
 - d. What conditions of consent should apply?
108. For completeness, we accept Mr. Leckie's submission that a Part 2 assessment would be relevant in this instance, however we would not be placed to do this until we had passed the s.104D(1)(a) gateway as discussed above.

MAIN FINDINGS ON THE PRINCIPAL ISSUES IN CONTENTION

141. Our main findings on the principal issues in contention, and the reasons for our findings are set out as follows.

Effects of the Activity on the Environment / section 104D(1)(a) of the RMA

142. We note at the outset that in our s.104D(1)(a) assessment, we have considered the proposal in light of adverse effects and how they could be avoided, remedied or mitigated including through the imposition of conditions of consent. We have not considered any positive effects or any environmental offsetting, or the overall merits of the proposal.
143. We note for completeness that issues associated with servicing (including stormwater), wastewater, potable water, fire-fighting supply, power and telephone, natural hazards and earthworks were not in contention between the parties. We agree, and find that subject to conditions of consent, any adverse effects associated with these issues can

be adequately avoided, remedied or mitigated. We are satisfied that adverse noise-related effects could also be managed acceptably. For all of these effects, we are also satisfied that any adverse effects would be at most minor.

144. We also find that any adverse traffic or transportation effects, including effects relating to pedestrians or cyclists, would be minor or less than minor, and we are generally accepting of Mr. Carr's evidence.
145. In summary, we find that adverse effects are more than minor, or are likely to be so, in terms of:
 - a. Landscape, visual, and character (amenity) effects;
 - b. The potential effects relating to creation of a new centre in Wanaka; and
 - c. Cumulative effects as a result of the above two categories of adverse effects.

Landscape, visual and character (amenity) effects

146. There was agreement that the site is zoned Rural General and classified as an ORL under the Operative District Plan. The relevant assessment matters are found in section 5.4.2.2(4), which we have considered. In this instance, there was a clear divide between those experts that had identified the locality as being peri-urban or semi-urban, and in which context the proposal was argued as having at worst minor adverse effects, and those that concluded that it was semi-rural, and in which case, more than minor adverse effects were argued to result.
147. The Applicant's case was that we should not be overly led by the classifications within the Plan or the current zoning of the land, and that we should take a real-world approach that reflects the circumstances on the ground. We agree that it would be artificial to take anything other than a real-world approach, and this is where we started our evaluation of the evidence.
148. A lot of effort was put into searching for Wanaka's 'gateways' by the various witnesses, however we find that this is not a relevant consideration. The purpose of identifying whether the Site is a gateway is, in the context of this application, an indirect way of asking whether and to what extent the Site is more, or is less, visually sensitive to the development of the proposed buildings and commercial activities. We prefer to focus instead and more directly on the question of whether or not the Site can accommodate a mixed-use activity of the scale proposed.
149. We acknowledge that there is a substantial area of 'grey' between what could be termed a 'pure urban' environment such as Dunedin or Wellington City CBD's, and a 'pure rural' environment such as a high-country station in the elevated Canterbury plains free of any visible human structures at all. But this is not a new or novel problem, and occurs on many applications every year in New Zealand's provincial towns and areas.
150. We consulted the District Plan and RMA, and also the Oxford English Dictionary, but found no useful or authoritative means of dividing the continuum between pure urban and pure rural into other categories such as were put to us in evidence (including peri-

urban). We ultimately find that we do not need to do so, and that in taking a real-world approach we can more fundamentally direct our attention to what is in the environment, and whether individually and collectively it is closer to the qualities associated with 'rural' uses, or those associated with 'urban' uses. Our findings are that:

- i. Rural character does not in our view mean a lack of buildings, roads, people or activities. It is not the same as 'natural' or 'wild' (although could include these qualities). Rather it is the significant predominance of open space, vegetation, and very low overall development densities that signify when one has left towns and urban areas and is in the proverbial 'country'. It can include substantial development of a rural nature, such as an orchard or vineyard. It can also include large structures associated with rural and farming activities.
- ii. Conversely, we find that 'urban' is the condition resulting when built elements visually become the significantly predominant characteristic of the environment, including a prevalence of network infrastructure, roads, car parks, buildings, domestic gardens, extensive landform modifications, and the obvious presence of many people concentrating into a relatively small space.
- iii. The ODP and PDP both identify a population density transition between 'urban' and 'rural' in the residential zones, specifically, in the PDP, the Large Lot Residential zone, and the Rural Residential and Rural lifestyle zones. We have taken from this framework that at densities of greater than 1 dwelling per 4,000m²³, it is accurate to describe the intensity of human development as more-urban. At dwelling densities lower than 1 dwelling per hectare, it is more accurate to describe the intensity of human development as more-rural.
- iv. The State Highways are of themselves neither rural or urban; they are simply roads that extend across the country. We do accept that some are more-rural in character, and some are more-urban. Some have quite urban characteristics but are in a rural environment. Similarly, the prospect of additional lighting at the intersection, the prospect of a roundabout, or even traffic signals are also things that happen commonly in both urban and rural contexts. We do not agree that the roundabout will result in anything more than an incremental change in the character of the environment, and will not of itself materially change this part of Wanaka. In this respect we prefer the evidence of Mr. Baxter. The roundabout is not a trigger that then opens this part of Wanaka to urban development.
- v. In terms of the Site itself, we do not agree that the Site exhibits anything other than a predominantly rural character. It is almost entirely in open space and trees of a variety of species. Buildings are scattered and of simple, shed-type geometric shapes, and they are very thoroughly screened from general public view. We do not accept that the Site itself contains anything that would mitigate or otherwise foreshadow urban-scaled development. In that respect, we also record our finding that the ODP and PDP rural zonings that apply to the land are a compatible fit with those existing characteristics. We do not in that context

³ This is also a standard referred to in the RMA, albeit for the purposes of urban tree protections, in section 76(4)(c) of the Act.

agree with Mr. Leckie's submissions that the zones do not match the environment.

- vi. In terms of the balance of the local environment around the Site, we find that it has a predominantly rural character albeit one that is domesticated and occupied rather than wild. It is visually dominated by open spaces, vegetation, a general absence of large or continuous areas of buildings and commercial signage. It does contain a number of buildings that are visible however (individual dwellings and other buildings that are residentially-scaled). Of the analyses we received from experts, the phrase "semi-rural" used by both Mr. Denney and Mr. Baxter comes closest to what we have seen.
 - vii. However, we prefer to simply record that as we see the facts, the environment is a predominantly rural one and is not either predominantly urban or generally urban. On that basis, we can understand and accept the view expressed by all of the expert designers we heard from that the Site would be suited to a rural residential development outcome. But we cannot understand or agree with Mr. Compten-Moen's view that the Site is part of Albert Town; the urban area for that village ends over 500m north of the Site (Kingfisher Crescent).
 - viii. Overall, our observation of the environment, articulated in what we found to be a very compelling lay description from Mr. Arne Cleland, is that the environment is one that possesses considerably more ruralness about it than urban-ness. We find that it should be described as possessing predominantly rural characteristics.
 - ix. Turning to the proposal, we consider that it is for an urban development that will function as a commercial centre. It contains high-density residential activities, commercial buildings and signage that is visually prominent in its engagement with the highway edge. We find the descriptions advanced on behalf of the Applicant, that the site is a rurally-compatible 'campus' with low building coverage, to be unconvincing – much of that open space is given over to areas of rectilinear paved car parking and forecourt areas likely to be lit at night time. We consider that the proposal will be for a scale and intensity of use that is significantly greater than any existing activity closeby (that which can be seen from the Site).
151. Even when we take into account the incremental additional built character of the planned roundabout, we find the proposal likely to be jarring in its presentation of urban development in this setting of predominantly rural characteristics.
152. We find the service station and activities behind it likely to visually detract from the predominantly rural characteristics of the environment to an extent that will be more than minor, and in that respect, we prefer the evidence of Mr. Denney and Mr. Baxter. We specifically record that the arguments made in support of the environment being urban or peri-urban in character to be poorly justified. Even if we had found this to be better-substantiated, there was no rationale given as to how a peri-urban character would then justify what is a considerably more intensive urban development again (some of the

Applicant's team accepted that the proposal was an urban centre in response to questions from the Commission, which we struggled to correlate with the descriptions of peri-urbaness we were given).

153. We are particularly concerned at the visual impact of the proposal in the night-time environment, where the silhouette of Mt. Iron is often darker than the night sky and will be diminished by the lighting of the service station forecourt and signage, especially because the design of the roundabout approaches will mean people coming in from the east will be turned to face the service station directly as the foreground to Mt Iron. We find that this aspect of the proposal had not been well acknowledged or addressed in the Applicant's evidence.
154. The ONF that is Mt Iron is a significant contributor to the amenity and character values of this area of Wanaka. We agree with Mr Baxter and Mr Denney that the first views of Mt Iron across the Site (when approaching from the east on SH6) confer a unique and dramatic "sense of place" on arrival to Wanaka, and that the proposed development would significantly detract from this experience. Although the proposal does include removal of existing tall trees and an increase in views to the feature (including some ground-to-sky viewshafts), we are unable to consider positive effects in our s.104D(1)(a) assessment. Even if we were to instead consider these changes to the environment as mitigating factors to balance the addition of the proposal's adverse urban character effects, we still find that the overall adverse character effects proposed are more than minor. A development outcome that continues a more recessive pattern that is predominantly screened from view is necessary to achieve a minor (or less than minor) level of adverse effects.

New centre in Wanaka

155. In response to questions from us as to the scale, nature and purpose of the proposal, the Applicant's urban designer Mr. Compten-Moen conceded that the proposal amounted to a new commercial centre in Wanaka. This was not subsequently disputed or corrected by the Applicant's team or Mr. Leckie. This was a factor in our finding above with respect to the character of the proposal, because we cannot reconcile the comings and goings and operational intensity of a commercial centre as anything other than firmly 'urban' in nature.
156. We were surprised that a characteristic as fundamental as whether or not the proposal is for a new commercial centre was omitted from the application or any of the evidence. We expect that had the application made this clear, some form of analysis of the effects of that on other centres in Wanaka would have been very likely undertaken.
157. We find that a new commercial centre in Wanaka has not been adequately justified, and that there may be an array of social and economic effects on existing or planned centres within Wanaka that have not been considered or assessed. We are aware that the PDP process has considered issues of Wanaka's future population and needs, and a number of commercial centre zones have been provided and enabled. None were identified in the vicinity of the Site.

158. The size and extent of commercial activity enabled in each zoned commercial centre has been carefully identified so as to meet local needs while also reinforcing the primacy of Wanaka town centre. We find that economic analysis to establish the extent of commercial activity, if any, that can appropriately locate on the Site without inappropriately adversely affecting the network of other centres and the wellbeing benefits they provide locals (which we see as a quite different matter to protecting the centres in a trade competition sense) is lacking in this instance.
159. Because we have no basis on which to identify whether or not the proposed commercial Gross Floor Area (GFA) in Stage 1, and the future commercial GFA signalled in the Stage 2 buildings, are or are not likely to have adverse effects on other Wanaka centres, we are left in a position of having to acknowledge that these may have the potential to be more than minor.

Cumulative effects

160. We find that the combination of the proposal's landscape, visual and character (amenity) effects with the potential effects associated from the creation of a new (small) centre in Wanaka likely to reinforce and exacerbate each other. The proposal's urban characteristics will in particular be emphasised by the volume and scale of customers and other visitors likely once Stages 1 and 2 are operating. Although we are not considering commercial uses within the Stage 2 buildings, their inclusion within Stage 1 does give us appropriate scope to consider the potential overall scale of commercial activity that this application is seeking to in-part establish now.
161. We find that these cumulative adverse effects would also be more than minor.

DECISION

161. The proposal is for a non complying activity. Before any consideration of its merit, positive effects, or other extenuating circumstances can occur, we are required by s.104D of the RMA to be satisfied that it will either not be contrary to the relevant District Plans' objectives and policies, or have adverse effects that will not be more than minor.
162. It is common ground that the proposal was contrary to the objectives and policies of the PDP because it is for urban development outside of the identified urban growth boundary. For the reasons in this decision the proposal will have adverse effects that are more than minor. In summary:
- a. The adverse landscape, visual and character (amenity) effects of this prominent urban-intensity development in what is a predominantly rural locality will be more than minor.
 - b. It has potentially more than minor adverse effects on the network of Wanaka's commercial centres.
 - c. There are likely to be more than minor cumulative effects based on the combination of the adverse amenity value effects of the proposal in conjunction

with the intensity and 'use' effects of the new commercial centre drawing a large volume of customers and visitors into the Site in a way that will exacerbate the very urban nature of the activity in this predominantly rural setting.

163. Because the proposal therefore fails both of the s.104D RMA gateway tests for non complying activities we are required to refuse consent.
164. This requirement does not indicate a rejection of the Applicant's many efforts to mitigate the adverse effects likely or the other positive effects that were explained to us at the Hearing and which we largely accepted. We also acknowledge the submissions made in support of the proposal and the worker accommodation aspect that is a very pressing community issue in Wanaka.
165. We confirm that for the reasons set out above we have not proceeded to reach any view on the proposal's merit under s.104 of the RMA, and accordingly have no view on whether or not consent might have been ultimately merited under s.104B of the RMA.

A handwritten signature in black ink, appearing to read 'Ian Munro', with a stylized, flowing script.

Ian Munro

For the Hearings Commissioners (Ian Munro, Jane Taylor and Jane Sinclair)

7 April 2020

Appendix 2: Decision - [2021] NZEnvC 53

IN THE ENVIRONMENT COURT
AT CHRISTCHURCH

I TE KŌTI TAIAO O AOTEAROA
KI ŌTAUTAHĪ

Decision No. [2021] NZEnvC 53

IN THE MATTER

of the Resource Management Act 1991

AND

an appeal under s120 of the Act

BETWEEN

MT IRON JUNCTION LIMITED

(ENV-2020-CHC-17)

Appellant

AND

QUEENSTOWN LAKES DISTRICT
COUNCIL

Respondent

Court: Environment Judge P A Steven
Hearing: In Chambers at Christchurch
Last case event: Joint memorandum of counsel dated 9 April 2021
Date of Decision: 19 April 2021
Date of Issue: 19 April 2021

DETERMINATION

A: Under s279(1)(b) of the Resource Management Act 1991, the Environment Court, by consent, orders that:

- (1) the appeal is allowed to the extent that the resource consent is granted subject to:



MT IRON JUNCTION LTD V QLDC – DETERMINATION

- (a) the conditions marked Appendix 1; and
 - (b) the plans marked Appendix 2;
- attached to and forming part of this decision.

- (2) the appeal is otherwise dismissed.

B: Under s285 of the Act, there is no order as to costs.

REASONS

Introduction

[1] This proceeding concerns an appeal by Mt Iron Junction Limited against the decision of the Queenstown Lakes District Council (‘the Council’) declining an application for resource consent for a mixed-use development at 237 Wānaka-Luggate Highway, Wānaka.

[2] The decision appealed against declined the application, although following court-assisted mediation and subsequent informal correspondence and meetings, the parties to the appeal reached agreement as to terms of an amended proposal for which consent could be granted by order of the court.

[3] By Minute¹ the court requested confirmation that the experts are agreed that the adverse landscape, visual and character (amenity) effects of the proposal will not be contrary to relevant objectives and policies or be no more than minor. That evidence was to be provided by way of affidavit. The court reserved its position, pending the provision of that evidence.

[4] The appellant responded by filing affidavits of Nicola Smetham, landscape architect, and Duncan White on planning; with the Council filing affidavits from Richard Denney, landscape architect and from Fiona Blight on planning.

¹ Dated 4 March 2021.

Amended draft conditions of consent were also filed including track changes, along with a brief memorandum from counsel for the appellant and the Council.²

[5] While the court is content to grant the proposal by consent, I traverse the background and affidavit evidence given the non-complying activity status and initial decline of consent following the first instance hearing. Further, it was common ground from the outset that the proposal was not able to pass the second gateway test for a non-complying activity.

Planning context

[6] The site is zoned Rural General under the Operative District Plan ("ODP") and rural under the Proposed District Plan ("PDP"). It is adjoined by a mixture of rural (including the Mt Iron Outstanding Natural Feature ("ONF")), Rural Lifestyle, Rural Residential and Large Lot Residential zones.

[7] Despite its zoning, the landscape architects each agreed (more or less) that the zoning of the site did not reflect its current character or amenity, particularly taking into account the nature of the surrounding commercial and residential land use activities. Context was an important consideration for the experts.³

Proposal

[8] The parties seek orders from the court for a proposal which had been revised throughout the course of mediation. It includes:

- (a) a service station with associated signage, retail store, car wash and laundromat;
- (b) workers' accommodation comprising nine units;

² Dated 9 April 2021.

³ Particularly for Mr Denney. See [11] of his affidavit sworn 9 April 2021.

- (c) terrace housing residential units comprising 13 two or three bedroom units;
- (d) associated earthworks, roading, servicing and infrastructure and landscaping; and
- (e) a Protected Landscape Area ('PLA') on the western side of the site.

[9] The PLA will be the subject of a restrictive covenant which is intended to maintain a sense of rural openness and open character as mitigation of the intensive building development and commercial activity to the east of the PLA, and would be restricted from being used as a construction yard for the proposed development, or as a spill-over area to support any of the proposed commercial or residential activities.

[10] The PLA is to be maintained as an open area, retaining rural landscape and rural amenity characteristics in the form of open meadow with scattered trees and was considered to be a critical component to enable the site to maintain rural characteristics and rural landscape values when considered in the context of the ODP and PDP objectives and policies.⁴

Consent authorities' reasons for declining the application for resource consent

[11] Before the Council at first instance it was common ground that the proposal was contrary to the objectives and policies of the PDP because it is for urban development outside of the identified Urban Growth Boundary ('UGB').

[12] The decision appealed against also concluded that the "effects gateway" under s104D was not able to be met, in the result that there was no jurisdiction to consider a grant of consent for the proposal. A key finding related to the landscape, visual and character (amenity) effects of the service station and the urban activities behind it, including in the night time environment due to the

⁴ Affidavit of Richard Denney sworn 9 April 2021 at [4.4].

lighting of the service station forecourt and signage on part of the site that is the foreground to Mt Iron.

[13] As noted in the court’s Minute of 4 March 2021, the proposal was amended to remove many of the urban elements initially proposed that had supported the Council’s decision at first instance on the “effects” gateway.

[14] Orders are sought for the amended proposal on the basis that this is able to be met, although no expert evidence from the landscape architects involved in the appeal has been provided.

“Effects” gateway – s104D

[15] Ms Smetham, for the appellant, deposes that due to the significant revision from the original application for resource consent, the revised proposal will have very low adverse effects on landscape character, very low effects on the Mt Iron ONF, and very low effects on visual and amenity values in the vicinity. She also deposes that cumulative effects will also be very low in her assessment.⁵

[16] In order to address landscape concerns in particular, aside from the significant revision from the original application, the additional mitigation measures implemented are noted as including:⁶

- (a) a reduction in the amount of built form and signage across the site;
- (b) refinements to the materials and colour palette of the proposed buildings and signage (especially for the service station where basically all “Caltex red” has been removed, including from the building parapet);
- (c) increased setback between the built form and the [state highways];
- (d) amendments to the building layout to avoid a consistent built edge parallel

⁵Affidavit of Nicola Jane Smetham affirmed 8 April 2021 at [39].

⁶ Affidavit of Nicola Jane Smetham affirmed 8 April 2021 at [25].

to the site boundary and to create a more informal, rural/semi-rural character development;

- (e) a “protected landscape area” on the western side of the site, which is to be protected by way of covenant from further subdivision, use and development until such time as the site is zoned to provide for greater intensity of urban development;
- (f) a substantial increase in the amount of landscaping mitigation and planting across the site, especially around the service station buildings, including:
 - (i) earth mounding of a consistent height of 3.5m to the south and west of the service station buildings to immediately screen the buildings and views from SH 84 from a regular vehicle height and a bus height;
 - (ii) increased density of planting on top of the earth mounding to provide additional screening of the service station activity;
 - (iii) consolidation and simplification of other planting across the site to better complement the receiving environment;
- (g) changes to the overall planting palette to restrict the number of exotic species proposed and increase the planting of predominately native species local to the area; and
- (h) introduction of an informal planting layout along the boundary in common with the Mt Iron ONF scenic reserve to better integrate with the adjacent land.

[17] For the Council, Mr Denney considers that the service station is the more challenging element within the site and landscape as it is to be sited centrally on a highway junction and within a prominent public viewpoint towards Mt Iron.⁷

[18] He deposes that “A typical service station due to its scale and nature at this selected location has potential to incur adverse effects on landscape character and

⁷ Affidavit of Richard Douglas Denney affirmed 9 April 2021 at [5.2].

visual amenity that I consider would likely be more than moderate”.⁸

[19] However, he further deposes that appropriate mitigation will be achieved as intended, once the proposed planting matures. Although he considers the proposed mitigation measures to achieve a finely balanced landscape outcome in terms of appropriate mitigation of adverse effects on landscape and amenity values, once that mitigation planting establishes and provides “screening and softening of built forms of activity as intended”, he considers that visual effects will diminish to moderate-low, over a 5-10 year timeframe.⁹

[20] On the basis of the landscape evidence of Ms Smetham and Mr Denney, both planners (Mr White for the appellant and Ms Blight for the Council) are able to conclude that the effects gateway is able to be surmounted.

[21] Ms Blight’s regulatory assessment goes further and addresses the amended proposal in the context of objectives and policies of the ODP and PDP in light of the revisions made to the proposal.

[22] As further assistance to the court, Ms Blight undertook an assessment of the relevant s104 matters, including provisions of the objectives and policies of the ODP and PDP.¹⁰

[23] Under the ODP, she considers the proposal is not contrary to the relevant objectives and policies when viewed as a whole, although it is contrary to the objectives and policies of the PDP. Her conclusion is that the proposal is “finely balanced”.¹¹

[24] Relying on Mr Denney’s assessment, Ms Blight considers that provided the PLA and other landscape mitigation measures are retained, the proposal “has been

⁸ Affidavit of Richard Douglas Denney affirmed 9 April 2021 at [5.2].

⁹ Affidavit of Richard Douglas Denney affirmed 9 April 2021 at [5.4].

¹⁰ Affidavit of Fiona Carol Blight affirmed 9 April 2021 at [113].

¹¹ Affidavit of Fiona Carol Blight affirmed 9 April 2021 at [104].

reduced to a level that is appropriate and will retain its [the sites'] rural characteristics".¹² Having considered all relevant s104 matters, Ms Blight concludes:¹³

...in my opinion the proposal as now reduced and submitted to the Court sufficiently avoids, remedies or mitigates adverse environmental effects to an acceptable level (and minor in extent), providing that the PLA and its associated covenant preventing further development, and other landscape mitigation measures are retained and imposed via appropriate conditions of consent. I consider that the consent conditions submitted to the Court will achieve this outcome.

When viewed holistically, and in the context of the location of the Site (being a semi-rural area surrounded by a mixture of other, more intensive zoning), along with the imposition of the PLA and other landscaping measures to retain rural character and mitigate adverse landscape and visual effects, it is my opinion that the Proposal is appropriate.

The Site is only just outside the urban growth boundary, and is between the centres of Albert Town and Wanaka, with other commercial and social activities across the highway. The grant of consent to this proposal would not, in my opinion, set a precedent for ad hoc development in the rural zone, outside the UGB more generally.

Discussion

[25] I have considered (and accept) the landscape and planning evidence as traversed above and I am now satisfied that the making of the order will promote the purpose of the Act, having followed due process.

[26] All parties to the proceeding have executed the memorandum requesting the order. I also record that all parties are satisfied that all matters proposed for

¹² Affidavit of Fiona Carol Blight affirmed 9 April 2021 at [113].

¹³ Affidavit of Fiona Carol Blight affirmed 9 April 2021 at [115]-[117].

the court's endorsement fall within the court's jurisdiction, and conform to the relevant requirements and objectives of the RMA including, in particular, Part 2.¹⁴

Outcome

[27] Therefore, the court makes the orders at A under s279(1) RMA, being orders by consent, rather than representing a decision or determination on the merits pursuant to s297 RMA.



P A Steven
Environment Judge



¹⁴ Joint memorandum of counsel dated 5 February 2021 at [23].

CONDITIONS OF CONSENT

GENERAL

1. That the development be undertaken/carried out in accordance with the following plans and documents:

Paterson Pitts Group

- W6221 - Mt Iron Junction – Earthworks Drawings – Cut Fill Areas – Sheet 201 – Rev C – 18/12/20
- W6221 - Mt Iron Junction – Earthworks Drawings – Design Contours– Sheet 202 – Rev C – 18/12/20
- W6221 - Mt Iron Junction – Earthworks Plans – Long Section – Sheet 203 – Rev C –18/12/20
- W6221 - Mt Iron Junction – Earthworks Plans – Long Section – Sheet 204 – Rev C –18/12/20
- W6221 - Mt Iron Junction – Road Layout – Sheet 300 – Rev C – 18/12/20
- W6221 - Mt Iron Junction – Roading Hierarchy Plan – Sheet 301 – Rev C – 18/12/20
- W6221 - Mt Iron Junction – Roading Cross Section – Sheet 302 – Rev C – 18/12/20
- W6221 - Mt Iron Junction – Car Park Locations – Sheet 303 – Rev C – 18/12/20
- W6221 - Mt Iron Junction – Vehicle Tracking – Sheet 304 – Rev C – 18/12/20
- W6221 - Mt Iron Junction – Concept Stormwater Layout – Sheet 400 – Rev C – 18/12/20
- W6221 - Mt Iron Junction – Concept Stormwater Soakpit – Sheet 401 – Rev C – 18/12/20
- W6221 - Mt Iron Junction – Concept Foul Sewer Layout – Sheet 501 – Rev C – 18/12/20
- W6221 - Mt Iron Junction – Concept Water Layout – Sheet 601 – Rev C – 18/12/20
- W6221 - Mt Iron Junction – Site Clearance Site Management Plan – Sheet 101 – Rev B – 18/12/20
- W6221 - Mt Iron Junction – Bulk Earthworks Site Management Plan – Sheet 103 – Rev B – 18/12/20
- W6221 - Mt Iron Junction – Post Earthworks Site Management Plan – Sheet 103 – Rev B – 18/12/20
- W6221 - Mt Iron Junction – Bulk Earthworks Site Management Plan Detail Drawings – Sheet 104 – Rev B – 18/12/20

Rough & Milne Landscape Architects

Master Plan

- Mt Iron Junction Master Plan – 4 February 2021

Detailed Plans

- Mt Iron Junction – Planting Plan 1 – West Corner SH84 – 21 December 2020
- Mt Iron Junction – Planting Plan 2 – Meadow SH84 – 21 December 2020
- Mt Iron Junction – Planting Plan 3 – North Spine Road – 21 December 2020
- Mt Iron Junction – Planting Plan 4 – Service Station – 4 February 2021
- Mt Iron Junction – Planting Plan 5 – Workers Accommodations – 21 December 2020
- Mt Iron Junction – Planting Plan 6 – East Link Road Meadow – SH6 – 21 December 2020
- Mt Iron Junction – Planting Plan 7 – Terrace Housing 1 – 21 December 2020
- Mt Iron Junction – Planting Plan 8 – Terrace Housing 2 – 21 December 2020
- Mt Iron Junction – Earthworks – Mounding Contours – 4 February 2021
- Mt Iron Junction – Earthworks - Cross Sections – AA BB – 21 December 2020
- Mt Iron Junction – Earthworks - Cross Sections - CC DD – 21 December 2020
- Mt Iron Junction – Earthworks - Cross Sections – EE FF – 21 December 2020
- Mt Iron Junction – Materials Palette – 17132 – 21 December 2020
- Mt Iron Junction – Colour Palette – 21 December 2020

Three Sixty Architecture

General

- Mt Iron Junction – Architectural Design Statement – 21 December 2020

Worker's Accommodation

- Mt Iron Junction – Worker's Accommodation – Ground Floor Plans – 21 December 2020
- Mt Iron Junction – Worker's Accommodation– Elevations – 21 December 2020
- Mt Iron Junction –Worker's Accommodation – Elevation Details – 21 December 2020

Terrace Housing

- Mt Iron Junction – Terrace Housing – Ground Floor – 21 December 2020
- Mt Iron Junction – Terrace Housing – First Floor – 21 December 2020
- Mt Iron Junction –Terrace Housing – Elevations – 21 December 2020
- Mt Iron Junction – Terrace Housing – Sketches – 21 December 2020
- Mt Iron Junction – Terrace Housing – 2 Bedroom Villa – 21 December 2020
- Mt Iron Junction – Terrace Housing – 3 Bedroom Villa – 21 December 2020

SHA Architecture

- Caltex Mt Iron Junction – Architectural Statement – 21 December 2020
- Caltex Mt Iron Junction – Key Plan – Ref 18035 – Sheet 101 - Rev L – 21 December 2020
- Caltex Mt Iron Junction – Site Plan – Ref 18035 – Sheet 102 - Rev L – 21 December 2020
- Caltex Mt Iron Junction – Signage Details – Ref 18035 – Sheet 201 - Rev L – 4 February 2021
- Caltex Mt Iron Junction – Perspectives – Ref 18035 – Sheet 301 - Rev L – 4 February 2021

stamped as approved on date

and the application as submitted, with the exception of the amendments required by the following conditions of consent.

2. This consent shall not be exercised and no work or activity associated with it may be commenced or continued until the following charges have been paid in full: all charges fixed in accordance with section 36(1) of the Resource Management Act 1991 (**Act**) and any finalised, additional charges under section 36(3) of the Act.
3. The consent holder is liable for costs associated with the monitoring of this resource consent under section 35 of the Act.
4. This consent shall lapse unless given effect to within ten years from the date of consent.
5. No buildings authorised by this consent shall be occupied by tenants or the public until the roundabout at the intersection of State Highway 6, State Highway 84 and Riverbank Road has been constructed and is operational.
6. The consent holder shall supply the consent authority with written confirmation from Waka Kotahi NZ Transport Agency (road controlling authority) that any proposed intersection and/or vehicle crossing works will not adversely affect State Highway 6 and/or State Highway 84.
7. At least three weeks prior to any works being carried out in the State Highway road reserve, an agreement to work on the State Highway must be completed and submitted to Waka Kotahi NZ Transport Agency's maintenance contractor for approval.
8. At least seven days prior to commencing works on site, the consent holder shall submit to Waka Kotahi NZ Transport Agency or its network management consultant, Aspiring Highways, and to the Road Corridor Engineer at Council, for certification and acceptance an application to undertake

works within a State Highway road reserve and a Traffic Management Plan. The Traffic Management Plan shall be prepared by a Site Traffic Management Supervisor (**STMS**). All contractors obligated to implement Traffic Management Plans shall employ a qualified STMS on site. The STMS shall implement the Traffic Management Plan. No works shall commence until the Traffic Management Plan is approved by Waka Kotahi NZ Transport Agency, or its network management consultant and Council. A copy of the approved plan shall be submitted to the Manager of Resource Management Engineering at Council prior to works commencing.

9. Prior to commencement of any site works the consent holder shall provide to the Council confirmation from Aurora Energy Limited that they have sought and obtained all necessary approvals under NZECP34 or that such approvals are not required.

Advice Note: The consent holder is advised of its Health and Safety Obligations when working in proximity to electricity infrastructure and it is recommended that it consult Aurora's 'Stay Safe Near Electricity Guide' when preparing to carry out the works anticipated by this consent. If the consent holder has questions about these issues it is recommended that they contact Aurora to discuss.

BULK EARTHWORKS

Environmental Management Plan

10. At least 15 working days prior to any works commencing on site the consent holder shall submit an Environmental Management Plan (**EMP**) to Council's Monitoring and Enforcement Team for review and acceptance **HOLD POINT 1**. This document must be prepared by a Suitably Qualified and Experienced Person (**SQEP**). The EMP shall be in accordance with the principles and requirements of the *Queenstown Lakes District Council's Guidelines for Environmental Management Plans* and specifically shall address the following environmental elements as specified in the guidelines:

- a) Administrative Requirements

- (i) Weekly site inspections;
- (ii) Monthly environmental reporting;
- (iii) Independent audit by SQEP;
- (iv) Notification and management of environmental incidents;
- (v) Records and registers;
- (vi) Environmental roles and responsibilities of personnel (including nomination of Principal Contractor); and
- (vii) Site induction.

- b) Operational Requirements

- (i) Erosion and sedimentation (including an Erosion and Sediment Control Plan (**ESCP**)) (to be prepared by a SQEP);
- (ii) Water quality;
- (iii) Dust;
- (iv) Cultural heritage;
- (v) Noise (to be prepared by a SQEP);
- (vi) Vibration (to be prepared by a SQEP);
- (vii) Chemical and fuel management; and
- (viii) Waste management.

The EMP shall give consideration to staging the earthworks in defined areas within the overall site to minimise visual impacts during those works.

The EMP shall identify that the landscape protection area as shown on the Mt Iron Junction Master Plan – 4 February 2021, shall not be used for construction activity, including but not limited to temporary storage of materials, machinery and vehicles, except for that required for landscape works within the landscape protection area.

The EMP (and any sub-plans e.g. ESCP described below) shall also be consistent with any recommendations outlined in the Patterson Pitts – Engineering Plans referred to in Condition 1.

11. Prior to ground-disturbing activities on the initial stage of works or any subsequent new stage of works, the consent holder shall engage a SQEP to prepare and submit an ESCP to Council's Monitoring and Enforcement Team for review and acceptance. This plan shall be a sub-plan of the overarching EMP and must be prepared in accordance with the requirements outlined on pages 13 – 18 in *Queenstown Lakes District Council's Guidelines for Environmental Management Plans*. These plans must be updated when:
 - a) The construction program moves from one Stage to another; or
 - b) Any significant changes have been made to the construction methodology since the original plan was accepted for that Stage; or
 - c) There has been an Environmental Incident and investigations have found that the management measures are inadequate.
12. Prior to commencing ground-disturbing activities, the consent holder shall nominate an Environmental Representative for the works program in accordance with the requirements detailed on pages 9 and 10 of the *Queenstown Lakes District Council's Guidelines for Environmental Management Plans*.
13. Prior to commencing ground disturbing activities, the consent holder shall ensure that all staff (including all sub-contractors) involved in, or supervising, works onsite have attended an Environmental Site Induction in accordance with the requirements detailed on page 8 of the *Queenstown Lakes District Council's Guidelines for Environmental Management Plans*.
14. The consent holder shall install measures to control and/or mitigate dust, silt run-off and sedimentation that may occur, in accordance with the Council's Land Development and Subdivision Code of Practice and 'A Guide to Earthworks in the Queenstown Lakes District' brochure, prepared by the Council and in accordance with the ESCP submitted under Condition 10 above to ensure that neighbouring sites remain unaffected from earthworks. These measures shall be implemented prior to the commencement of any earthworks on site and shall remain in place for the duration of the project, until all exposed areas of earth are permanently stabilised. As-built documentation for these controls shall be provided by a SQEP **HOLD POINT 2**. It is noted that earthworks required to construct environmental management controls are allowed to commence once Council has provided notice that **HOLD POINT 1** has been met.
15. The consent holder shall implement suitable measures to prevent deposition of any debris on surrounding roads by vehicles moving to and from the site. In the event that any material is deposited on any roads as a result of the works, the consent holder shall take immediate action, at his/her expense, to clean the roads. The loading and stockpiling of earth and other materials shall be confined to the subject site.

During Construction:

16. All works shall be undertaken in accordance with the most current version of the EMP as accepted as suitable by Council.
17. The EMP shall be accessible on site at all times during work under this consent.
18. The consent holder shall establish and implement document version control. Council shall be provided with an electronic copy of the most current and complete version of the EMP at all times.
19. The consent holder shall develop and document a process of periodically reviewing the EMP as outlined on page 6 of the *Queenstown Lakes District Council's Guidelines for Environmental Management Plans*. No ground disturbing activities shall commence in any subsequent stage of

development until an EMP has been submitted and deemed suitable by Council's Monitoring and Enforcement Team.

20. The consent holder shall undertake and document weekly and Pre and Post-Rain Event site inspections as detailed on pages 10 and 11 of the *Queenstown Lakes District Council's Guidelines for Environmental Management Plans*.
21. A SQEP shall monitor the site monthly to ensure that the site is complying with its EMP, identify any new environmental risks arising that could cause an environmental effect and suggest alternative solutions that will result in more effective and efficient management. This must include a specific audit by the SQEP of the effectiveness of the ESCP. The outcome of these inspections should be included in the monthly environmental report referred to in Condition 22 below.
22. The consent holder shall complete and submit exception reporting to Council in the form of a monthly environmental report. The monthly environmental report shall be submitted to Council's Regulatory Department within five working days of the end of each month.
23. In accordance with page 9 of the *Queenstown Lakes District Council's Guidelines for Environmental Management Plans*, where any Environmental Incident where the EMP has failed leading to any adverse environmental effects offsite occurs, the consent holder shall:
 - a) Report to Council details of any Environmental Incident within 12 hours of becoming aware of the incident.
 - b) Provide an Environmental Incident Report to Council within 10 working days of the incident occurring as per the requirements outlined on page 9 of *Queenstown Lakes District Council's Guidelines for Environmental Management Plans*.
24. Environmental records are to be collated onsite and shall be made available to Council upon request; immediately if the request is made by a Council official onsite and within 24 hours if requested by a Council officer offsite. Records and registers to be managed onsite shall be in accordance with the requirements outlined on page 10 of the *Queenstown Lakes District Council's Guidelines for Environmental Management Plans*.
25. Any discharge (refer definition in the *Queenstown Lakes District Council's Guidelines for Environmental Management Plans*) that leaves the site shall comply with the Water Quality Discharge Criteria outlined on page 19 of the *Guidelines*.
26. The earthworks, batter slopes and site management shall be undertaken in accordance with the recommendations of the report by GeoSolve (GeoSolve ref 170839, dated March 2018).
27. Hours of operation for earthworks, shall be:
 - a) Monday to Saturday (inclusive): 7.30am to 6.30pm
 - b) Sundays and Public Holidays: No Activity

In addition, no heavy vehicles are to enter or exit the site, and no machinery shall operate earlier than 7.30am. All activity on the site is to cease by 6.30pm.

28. All earthworks, geotechnical investigations and fill certification shall be carried out under the guidance of a suitably qualified and experienced geotechnical professional as described in Section 2 of the Council's Land Development and Subdivision Code of Practice. At the completion of onsite earthworks, the geo-professional shall incorporate the results of ground bearing test results regardless of whether affected by development cut and fill earthworks and include the issue of a Geotechnical Completion Report and Schedule 2A certificate covering all land within the development. The Schedule 2A certification shall include a statement under Clause 3(e) covering section 106 of the Act. In the event the Schedule 2A includes limitations or remedial works against the lot, the Schedule 2A shall include a geotechnical summary table identifying requirements against the lot for reference by future lot owners. The certificate and any supporting information shall be submitted to the Manager of Resource Management Engineering at Council.

29. In the event that the Schedule 2A certificate issued under Condition 28 contains limitations or remedial works required, then a section 108 covenant or alternative effective legal instrument shall be registered on the relevant Computer Freehold Registers. The section 108 covenant condition shall read; *"Prior to any construction work (other than work associated with geotechnical investigation), the owner for the time being shall submit to Council for certification, plans prepared by a suitably qualified engineer detailing the proposed foundation design, earthworks and/or any other required works in accordance with the Schedule 2A certificate attached. All such measures shall be implemented prior to occupation of any building."*
30. All earth worked and/or exposed areas shall be progressively grassed, revegetated, or otherwise stabilised at the completion of work in that area of the site.
31. The consent holder shall remedy any damage to all existing road surfaces and berms that has arisen from work carried out for this consent.

DEVELOPMENT INFRASTRUCTURE

To be completed prior to the commencement of any works on-site

32. All engineering works shall be carried out in accordance with the Council's policies and standards, being the Council's Land Development and Subdivision Code of Practice and subsequent amendments to that document up to the date of issue of any resource consent unless otherwise authorised under this consent.

*Note: The current standards are available on Council's website via the following link:
<http://www.qldc.govt.nz/planning/resource-consents/qldc-land-development-and-subdivision-code-of-practice/>*

33. The owner of the land being developed shall provide a letter to the Manager of Resource Management Engineering at Council advising who their representative is for the design and execution of the engineering works and construction works required in association with this development and shall confirm that these representatives will be responsible for all aspects of the works covered under Sections 1.7 & 1.8 of the Council's Land Development and Subdivision Code of Practice, in relation to this development.
34. At least 7 days prior to commencing excavations, the consent holder shall provide the Manager of Resource Management Engineering at Council with the name of a suitably qualified geo-professional as defined in Section 1.7 of the Council's Land Development and Subdivision Code of Practice who is familiar with the GeoSolve report (GeoSolve ref 170839, dated March 2018) and who shall supervise the earthworks procedure and soakage testing, in accordance with the report recommendations. Should the site conditions be found unsuitable for the proposed excavation/construction methods, then a suitably qualified and experienced engineer shall submit to the Manager of Resource Management Engineering at Council new designs/work methodologies for the works prior to further work being undertaken, with the exception of any necessary works required to stabilise the site in the interim.
35. At least 5 working days prior to commencing work on site the consent holder shall advise the Manager of Resource Management Engineering at Council of the scheduled start date of physical works. Compliance with the prior to commencement of works conditions shall be demonstrated.
36. Prior to commencing any works on the site, the consent holder shall obtain 'Engineering Review and Acceptance' from the Council for all development works and information requirements specified in this condition. The application shall include all development items listed below unless a 'partial' review approach has been approved in writing by the Manager of Resource Management Engineering at Council. An 'Engineering Review and Acceptance' application shall be submitted to the Manager of Resource Management Engineering at Council for review, prior to acceptance being issued. At Council's discretion, specific designs may be subject to a Peer Review, organised by the Council at the applicant's cost. The 'Engineering Review and Acceptance' application(s) shall include copies of all specifications, calculations, design plans and Schedule 1A design

certificates as is considered by Council to be both necessary and adequate, in accordance with Condition 32, to detail the following requirements:

- a) The provision of a water supply to each unit within the development in terms of Council's standards and connection policy. A water supply connection shall also be provided to the Department of Conservation boundary in such a position that it can be extended in future to service possible future visitor services. The costs of making these connections shall be borne by the consent holder. This shall include either:
 - i) Installation of an Acuflo GM900 toby valve for each unit located at the junction between Council's reticulation and the unit's lateral.

And/OR

- ii) A bulk flow meter which consists of an approved valve and valve box with backflow prevention and provision for water metering to be located at the road reserve boundary. The costs of the connection shall be borne by the consent holder.

Regardless of the option chosen above, a High Hazard back flow valve shall be provided at the service station's water connection to the wider network.

- b) The provision of a 150mm diameter foul sewer within the development and a connection to the Department of Conservation boundary in such a position that it can be extended in future to service possible future visitor services to Council's reticulated sewerage system in accordance with Council's standards and connection policy. The costs of the connections shall be borne by the consent holder and the connections shall be in a position that can be extended to service buildings within each of these sites.
- c) Provision of a suitable firefighting water supply and hydrants with adequate pressure and flow to service the development and accompanying report from a suitably qualified professional demonstrating compliance with the NZ Fire Service Code of Practice for Firefighting Water Supplies 2008 (SNZ PAS 4509:2008) (or superseding standard). Any alternative solution must be approved in writing by the Area Manager for the Central North Otago branch of the Fire Emergency New Zealand. Any buildings on the lots shall either be fitted with a sprinkler system and/or be designed with an appropriate fire cell size to meet the requirements of SNZ PAS 4509 for the relevant water supply classification prior to the occupation of any buildings. Any water reticulation containing fire hydrants shall be vested to Council and provided with suitable easements in gross of no less than 3m in width.
- d) The provision of a stormwater collection and disposal system which shall provide both primary and secondary protection for the development, in accordance with Council's standards and connection policy. This shall include:
 - i) The provision of soak pits/infiltration galleries adequate to dispose of the runoff from the development during the critical 1% AEP storm event. Percolation testing shall be undertaken by a suitably qualified professional at the individual soak pit/infiltration gallery locations to adequately demonstrate that soakage is available in all areas proposed for soakage. The method for soakage testing is to be agreed with the Manager of Resource Management Engineering at Council prior to testing. A copy of the test results shall be provided to the Manager of Resource Management Engineering at Council along with the design of the soak pits/infiltration galleries based on the percolation testing results. The soak pit/infiltration gallery design shall be in general accordance with the "Acceptable Solutions and Verification Methods for New Zealand Building Code Clause: E1/VM1 Surface Water," except for using the 1% AEP storm event, taking into account the critical storm duration and ensuring the soak pits/infiltration galleries will drain within 24 hours of the end of the critical event.

Note: It is strongly recommended that the consent holder reaches agreement with Council's Property and Infrastructure Department regarding the location of the soak

pits/infiltration galleries prior to completing their design to ensure that there are no issues in the event that the site is subdivided and the soak pits/infiltration galleries are vested.

- ii) A reticulated primary system to collect and dispose of stormwater from all potential impervious areas within each lot to the soak pits/infiltration galleries approved under Condition 36(d)(i), above. This shall include details of treatment solutions to avoid adverse water quality effects on receiving waters, low impact design solutions are encouraged. As a minimum there shall be provision for the interception of settle-able solids, hydrocarbons and floatable debris prior to discharge from the site. The individual lateral connections shall be designed to provide gravity drainage for the entire area within each activity area.
- iii) A secondary protection system consisting of secondary flow paths to the soak pits/infiltration galleries approved under Condition 36(d)(i) above to cater for the 1% AEP storm event and/or setting of appropriate building floor levels to ensure that there is no inundation of any buildable areas within the lots, and no increase in run-off onto land beyond the site from the pre-development situation.
- iv) A predevelopment and post development contour plan shall be provided for the stormwater design, in particular, ensuring that all stormwater run-off from earth mounding around the service station is collected and disposed of within the subject site.
- e) The provision of road lighting in accordance with Council's road lighting policies and standards, including the *Southern Light* lighting strategy. Any road lighting installed on private roads/rights of way/access lots shall be privately maintained and all operating costs shall be the responsibility of the lots serviced by such access roads. Any lights installed on private roads/rights of way/access lots shall be isolated from the Council's lighting network circuits.
- f) The formation and sealing of the roads shown on the stamped and approved plans, in accordance with Council's standards except where noted otherwise below or otherwise agreed to by Council. The road design shall include the following:
 - i) The road between the roundabout and the southwest-northeast 'spine road' shall be formed in general accordance with Figure E23 of the Council's Land Development and Subdivision Code of Practice, except that no recessed parking is required. No stopping at all times road markings shall be installed on both sides of the road.
 - ii) The southwest-northeast 'spine road' shall be formed in general accordance with Figure E15 of the Council's Land Development and Subdivision Code of Practice.
- g) A minimum sightline measured at 2.5m from the nearest edge of the shared footpath/cyclepath, and extending a minimum of 10m on either side shall be achieved between all roads and vehicle crossings. Objects within the sight triangle shall be limited to a maximum of 1m in height.
- h) The formation of the internal 'T' intersection, in accordance with the latest Austroads intersection design guides or otherwise agreed to by Council. These designs shall be subject to review and acceptance by Council with any associated costs met by the consent holder. All signage and marking shall be in accordance with Waka Kotahi NZ Transport Agency's Manual of Traffic Signs and Markings (MOTSAM) and the Traffic Control Devices Manual.
- i) The provision of sealed vehicle crossings that shall be constructed to each part of the development to Council's standards. This shall include:
 - i) Street trees shall be planted at a size that provides for a minimum of 1.5m of clear space between the lowest branches and the adjacent carriageway. Tree trunks to be no greater than 200mm in width when mature.

- ii) The length of the northern vehicle crossing to the service station shall be minimised such that a 99th percentile vehicle can enter the site while a fuel tanker is waiting to leave the site.
 - iii) Appropriate road markings and signage shall be installed on the vehicle crossings to the service station to ensure vehicles keep left.
 - iv) The eastern vehicle crossing to the service station is to operate as a one-way entrance from the link road. The vehicle crossing onto the spine road shall operate as a two-way entrance and exit.
 - j) The formation of a shared path with a minimum width of 3.0m as shown on the stamped as approved plans, with a minimum formation standard in accordance with Drawing B5-26 of the Council's Land Development and Subdivision Code of Practice.
 - k) The consent holder shall engage an independent and suitably qualified and experienced traffic engineer to carry out a detailed design safety audit in general accordance with the Waka Kotahi NZ Transport Agency Manual "Road Safety Audit Procedures for Projects" and section 3.2.7 of the Council's Land Development and Subdivision Code of Practice. This shall include confirmation that appropriate traffic signs and road marking have been provisioned in accordance with the MOTSAM and the Traffic Control Devices Manual. The consent holder shall comply with any recommendations at their own cost. A copy of this report shall be submitted to Council for review and acceptance.
 - l) The provision of a PS1 Producer Statement shall be submitted for any permanent retaining walls within the lot which exceed 1.5m in height or are subject to additional surcharge loads.
 - m) The provision of Design Certificates for all engineering works associated with this subdivision submitted by a suitably qualified design professional (for clarification this shall include all Roads, Water, Wastewater and Stormwater reticulation). The certificates shall be in the format of the Council's Land Development and Subdivision Code of Practice Schedule 1A Certificate.
37. Prior to commencing any works on the site, the consent holder shall submit an External Lighting Plan (ELP) prepared by a suitably qualified and experienced lighting consultant to the Manager of Resource Consents at Council for review and certification (as being in accordance with this condition). The ELP shall detail the location of all external lighting and details for all lighting fixtures, with measures to mitigate and manage lighting effects, and must demonstrate that the external lighting is in accordance with the Council's *Southern Light* lighting strategy. The ELP can be prepared and certified in stages. The ELP must demonstrate the following:
- a) All external lighting (excluding under the service station forecourt canopy and signage):
 - i) must be down lighting only;
 - ii) must be capped or filtered to avoid excessive light spill on surrounding ground;
 - iii) must not direct light beyond the boundary of the site towards State Highway 6, State Highway 84 and adjacent properties;
 - iv) must not be used to highlight or accentuate built forms, structures, or landscape features that may distract from the natural values and character of the surrounding landscapes; and
 - v) must not create light pollution of the night sky.
 - b) All external lighting attached to buildings and structures must be on a timer or sensor switch, or managed to be switched off when the site is not occupied by people.
 - c) All external lighting attached to buildings and structures must not exceed 3m in height above surrounding ground. All other external lighting must be no higher than 1m above surrounding ground.

38. All external materials and colours shall be submitted to Council for certification prior to construction. All external materials and colours for all buildings and structures shall be of natural tones of grey, green and brown with a light reflectivity value of between 8% and 30%, and between 8% and 20% for the roof (with the exception of the Caltex Red within the Caltex Star logo on the service station building, forecourt canopy and signage). All materials of a natural finish such as timber, plaster, concrete and steel shall be treated to achieve the above colour controls. For the avoidance of doubt, this condition shall take precedence where any difference arises between this condition and the approved plans identified in Condition 1.

At the completion of works

39. At the completion of works the consent holder shall complete the following:
- a) The submission of 'as-built' plans and information required to detail all engineering works completed in relation to or in association with this subdivision/development at the consent holder's cost. This information shall be formatted in accordance with Council's 'as-built' standards and shall include all Roads (including right of ways and access lots), Water, Wastewater and Stormwater reticulation (including private laterals and toby positions).
 - b) The completion and implementation of all works detailed in Condition 36 above.
 - c) In the event that the water supply installed is as per Condition 36(a)(i), an Elster PSM V100 or Sensus 620 water meter shall be installed or provided to Council's maintenance contractor Veolia for each unit as per Condition 36(a)(i) above, and evidence of supply shall be provided to Council's Subdivision Inspector.
 - d) Any wired telecommunications or electrical connections shall be underground from existing reticulation and in accordance with any requirements and standards of the network provider.
 - e) The submission of Completion Certificates from the Contractor and the Engineer advised in Condition 33 for all engineering works completed in relation to or in association with this subdivision (for clarification this shall include all Roads, Water, Wastewater and Stormwater reticulation). The certificates shall be in the format of a Producer Statement, or the Council's Land Development and Subdivision Code of Practice Schedule 1B and 1C Certificate.
 - f) All newly constructed foul sewer and stormwater mains shall be subject to a closed circuit television (CCTV) inspection carried out in accordance with the New Zealand Pipe Inspection Manual. A pan tilt camera shall be used and lateral connections shall be inspected from inside the main. The CCTV shall be completed and reviewed by Council before any surface sealing.
 - g) All signage shall be installed in accordance with Council's signage specifications and all necessary road markings completed on all public or private roads (if any), created by this development.
 - h) Road naming shall be carried out, and signs installed, in accordance with Council's road naming policy.
 - i) An engineer's PS4 Producer Statement shall be submitted for any permanent retaining walls within the lot which exceed 1.5m in height or are subject to additional surcharge loads.
 - j) All earth worked and/or exposed areas shall be progressively grassed, revegetated, as per the Detailed Planting Plan and stabilised within three months of the completion of work in that area of the site.
 - k) The consent holder shall remedy any damage to all existing road surfaces and berms that result from work carried out for this consent.
40. All external lighting shall comply with the Council certified ELP for the site prepared in accordance with Condition 37 above.

Covenants

41. In the event that the Engineering Acceptance issued under Condition 36 contains ongoing conditions or requirements associated with the installation, ownership, monitoring and/or maintenance of any infrastructure subject to Engineering Acceptance, then at Council's discretion, a Covenant in Gross (or other alternative legal instrument acceptable to Council) shall be registered on the relevant Records of Title detailing these requirements for the lot owner(s). The final form and wording of the document shall be checked and approved by Council's solicitors at the consent holder's expense prior to registration to ensure that all of the Council's interests and liabilities are adequately protected. The applicant shall liaise with the Subdivision Planner and/or Manager of Resource Management Engineering at Council in respect of the above. All costs, including costs that relate to the checking of the legal instrument by Council's solicitors and registration of the document, shall be borne by the applicant.

[Note: This condition is intended to provide for the imposition of a legal instrument for the performance of any ongoing requirements associated with the ownership, monitoring and maintenance of any infrastructure within this development that have arisen through the detailed engineering design and acceptance process, to avoid the need for a consent variation pursuant to section 127 of the Act].

42. On completion of earthworks, a covenant pursuant to section 108(2)(d) of the Act shall be registered on the Register of Title of the subject site providing for the performance of any ongoing requirements for protection of secondary flow paths or minimum floor levels for buildings, where deemed necessary by Council to satisfy Condition 36(d)(iii) above. The final wording of the instrument shall be checked and approved by the Council's solicitors at the consent holder's expense prior to registration to ensure that all of the Council's interests and liabilities are adequately protected.
43. In the event that the Schedule 2A certificate and Geotechnical Completion Report issued under Condition 28 contains limitations or remedial works required, then a covenant pursuant to section 108(2)(d) of the Act shall be registered on the relevant Records of Title detailing requirements for the lot owner(s). The final wording of the instrument shall be checked and approved by the Council's solicitors at the consent holder's expense prior to registration to ensure that all of the Council's interests and liabilities are adequately protected.

SITE-WIDE LANDSCAPING

44. The approved Mt Iron Junction Master Plan – 4 February 2021 and Detailed Planting Plans for each area listed under the heading "Detailed Plans" in Condition 1 above shall be implemented within the first planting season following completion of earthworks and infrastructure installation, and the plants shall thereafter be maintained and irrigated in accordance with the Detailed Planting Plans in the relevant area. If any plant or tree should die or become diseased it shall be replaced within the next available planting season.
45. Details of the hard landscaping for each Detailed Planting Plan area shall be submitted to Council for certification prior to implementation of the Detailed Planting Plans. Hard landscaping details shall include all pavements, retaining and freestanding walls, barriers, bollards and fences, drainage, furniture, landscape features etc. All hard landscaping elements shall be of design and external appearance that comply with the external materials and colours controls for buildings as listed below, and use natural materials and colours that are complementary, sympathetic to, and blend into the Mt Iron context.
46. A Landscape Management Plan (LMP) shall be submitted to Council for certification prior to implementation of the Detailed Planting Plans. The LMP shall include:
- a) Planting methodology for all planting including details of street tree pits, tree staking and guying, site preparation to support healthy and sustained growth of planting areas, and establishment of meadow and lawn areas.
 - b) Details of an irrigation watering system to be installed for all landscape planting and frequency and duration of operation until such time planting has successfully established and becomes

- self-sustaining with healthy growth. Irrigation shall be managed to encourage deep root growth and shall gradually reduce the dependency for irrigation over a three year period.
- c) Organic mulching, weed and pest control measures for the first three years since completion of planting to support healthy growth and establishment.
 - d) Identify the timing for the staged removal of the belt of pines along the western boundary of the landscape protection area identified on the Mt Iron Junction Master Plan – 4 February 2021 over a five year period.
47. All trees to be planted (including replacement trees) shall be planted in accordance with the Council certified LMP, best horticultural practice and as per the Detailed Planting Plans. All trees shall be planted in tree pits of no less than 1m deep and 1m by 1m and shall be backfilled with organic rich topsoil to support root growth, with the sides of the tree pit ripped to loosen any soil compaction and to support tree root growth beyond the tree pit. All trees to be double staked or guyed to best horticultural practice, include a slow release fertiliser within back filled topsoil, and an organic mulch applied around the base of the tree to suppress weeds and retain moisture.
 48. All grassed areas as shown the approved Mt Iron Junction Master Plan – 4 February 2021 shall be managed as a continuous healthy grass sward. All grassed areas within the landscape protection area shall be managed as open grazed pasture or meadow grassland, and may be seasonally cut to maintain a healthy meadowland and to manage fire risk. The areas shall not be managed as regularly mown lawn.
 49. All trees shall be managed to achieve healthy growth, full mature growth potential and natural form.
 50. Any planting within the final State Highway 6/State Highway 84 intersection visibility splays, as shown indicatively on the Mt Iron Junction Master Plan – 4 February 2021, shall be ground cover only (maximum height of 1.1m).
 51. Any trees that could grow in excess of 2m in height shall be located a minimum of 4m away from the final State Highway 6/State Highway 84 intersection visibility splays, as shown indicatively on the Mt Iron Junction Master Plan – 4 February 2021.
 52. The belt of pines (*P.radiata*) shown to be retained along the western boundary of the site on the Mt Iron Junction Master Plan – 4 February 2021 shall be removed in stages, with total removal within 5 years of granting consent. All other existing wilding species within the site shall be removed within 2 years of works beginning on site. Wilding species are defined as:

Contorta or lodgepole pine (*Pinus contorta*);
 Scots pine (*Pinus sylvestris sylvestris*);
 Douglas fir (*Pseudotsuga menziesii*);
 European larch (*Larix decidua*);
 Corsican pine (*Pinus nigra*);
 Bishops pine (*Pinus muricata*);
 Ponderosa pine (*Pinus Ponderosa*);
 Mountain pine (*Pinus mugo uncinata*);
 Dwarf Mountain pine (*Pinus mugo*);
 Maritime pine (*Pinus pinaster*);
 Sycamore (*Acer pseudoplatanus*);
 Hawthorn (*Crataegus monogyna*);
 Boxthorn (*Lycium ferocissimum*);
 Buddleia (*Buddleja davidii*);
 Grey willow (*Salix cinerea*);
 Crack willow (*Salix fragilis*);
 Cotoneaster (*Simonsii*);
 Rowan (*Sorbus aucuparia*);
 Spanish heath (*Erica lusitanica*);
 Broom (*Cytisus scoparius*);
 Gorse (*Ulex europeaus*).

53. Where they apply to areas of the site containing buildings, the Detailed Planting Plans shall be subject to a fire risk assessment, and shall comply with the recommendations of the Fire and Emergency New Zealand which shall be submitted to Council in writing. If the recommendations reduce the mitigation requirements, and in particular the visual screening of the service station from State Highway 84, then an amended Detailed Planting Plan shall be submitted to Council for certification that achieves the mitigation requirements of this consent and the recommendations of Fire and Emergency New Zealand.
54. All completed landscape works, including earthworks, planting and fencing along State Highway 84, shall be certified by Council as completed as per the approved Earthworks and Detailed Planting Plans and hard landscaping details prior to occupation of any buildings within that Detailed Planting Plan area.

LANDSCAPE PROTECTION

Service Station Setback and Landscape Mounding

55. The consent holder shall ensure no less than a 35m setback between the southern boundary of the site and the service station forecourt area, as shown on the Mt Iron Junction Master Plan – 4 February 2021.
56. The consent holder shall implement earth mounding at a minimum height of 3.5m above the finished floor level of the service station buildings, to the full extent as shown on the Earthworks – Mounding Contours Plan referred to in Condition 1.
57. The earthworks shown in the Earthworks – Mounding Contours Plan referred to in Condition 1 may be implemented separately, and subsequently, to the earthworks shown in the Patterson Pitts – Engineering Plans referred to in Condition 1.
58. The completed landscape earth mounding around the service station shall be surveyed and a contour plan showing final contours of earth mounding shall be submitted to Council for certification prior to planting beginning on the mound. The plan shall clearly show the heights of the full extent of earth mounding in relation to the finished floor levels of the service station buildings.
59. The earth mounding around the service station shall be maintained to no less than the height and extent as shown on the Earthworks – Mounding Contours Plan referred to in Condition 1.

Covenant Condition

60. Prior to the exercise of this consent, the consent holder shall enter into and have registered on the property title the area marked as "Protected Landscape Area" on the Mt Iron Junction Master Plan – 4 February 2021, a Covenant in Gross pursuant to Sections 116(1)(a) and (b) of the Land Transfer Act 2017 in favour of those parties in the Schedule hereto. The covenant shall provide for the following matters in respect of the "Protected Landscape Area" while the covenant continues to have legal effect:
 - a) The area shall be retained in open space or rural use with landscape planting as shown on the Detailed Landscape Plans for this area to preserve the sense of open space and rural character;
 - b) The grassland area of the "Protected Landscape Area" identified on the plan shall be managed as a meadow, to be fenced and grazed, or seasonally cut to maintain a healthy meadow grassland and to manage fire risk, and shall not be maintained as a lawn.
 - c) The area shall be fenced with post and wire farm fencing to a height of no more than 1.2m along the entire length of its State Highway 84 boundary.
 - d) There shall be no subdivision (as is defined in the Resource Management Act 1991) of the "Protected Landscape Area";
 - e) There shall be no use or development of the "Protected Landscape Area" other than as shown on the Mt Iron Junction Master Plan – 4 February 2021 and associated Detailed Landscape Plans for this area. The area shall be kept free of all buildings, structures

including signs, temporary and long term storage or parking of vehicles (informally or formally), containers, marquees, machinery, materials, and above ground service and utility cabinets or structures;

- f) Notwithstanding the restrictions in (a) to (e) above, temporary use of the "Protected Landscape Area" shall be allowed for Waka Kotahi NZ Transport Agency during the construction and upgrade of the adjacent State Highway 6/State Highway 84 intersection. For the avoidance of doubt, temporary use includes the establishment and use of temporary signage, fencing, buildings and structures (e.g. portaloos, site offices and enclosed storage), and the storage or parking of construction vehicles, machinery and materials.
- g) The restrictions in (a) – (e) shall continue until such time that rules or standards arising from a change in zoning are treated as operative (under the Resource Management Act 1991) for the "Protected Landscape Area" and shall thereafter be deemed to be null and void and of no legal effect. For the purposes of this condition:
 - i. **change in zoning** means a change in District Plan zoning rules or standards which provides for greater intensity of urban development than the Operative District Plan Rural General zone or the Proposed District Plan Rural zone.

The covenant shall outline the purpose of the "Protected Landscape Area". The open space is to be part of the overall development of the site and contributes to maintaining a balance of rural character and context for adjacent built development. Prior to finalising and registering the covenant, a draft covenant shall be submitted to Waka Kotahi for review and certification that the wording of the covenant is in accordance with Condition 60(f).

SERVICE STATION

General

- 61. The service station shall not include a high flow diesel pump and nor shall it be advertised as a truck stop.
- 62. The carwash shall only operate between 0800 and 2000 hours.
- 63. Service vehicles, including tankers, rubbish collection and other deliveries, shall not enter or exit the site to drop-off or pick up goods on Mondays to Fridays between 7am to 9am and between 4pm to 6pm.
- 64. The planting within the landscaped area on the earth mound to the south and west of the service station area as per the Planting Plan – Service Station referred to in Condition 1 shall not be amended pruned, trimmed or altered in any manner, and the earth mound shall not be lowered or excavated. The area shall be maintained for landscape mounding and planting only and shall not be used for the placement of services, utilities, lighting, signs, materials etc., or for temporary storage or parking.

Engineering

- 65. The layout of the service station shall be in accordance with the Mt Iron Junction Master Plan – 4 February 2021.
- 66. All engineering works for the service station shall be carried out in accordance with the Council's policies and standards, being the Council's Land Development and Subdivision Code of Practice and subsequent amendments to that document up to the date of issue of any resource consent unless otherwise authorised under this consent.

*Note: The current standards are available on Council's website via the following link:
<http://www.qldc.govt.nz/planning/resource-consents/qldc-land-development-and-subdivision-code-of-practice/>*

67. Prior to commencing any work on the service station site the lead contractor for the service station shall submit a detailed 'Site Management Plan', detailing dust and sediment controls, including a construction methodology to the Manager of Resource Management Engineering at Council for acceptance prior to works commencing. The construction methodology component of this document shall include all stages of excavation, construction, stormwater control measures, and retention measures to ensure adequate support is provided to the excavation, such that no adverse effects specifically from the construction of the service station are caused to surrounding land, structures, roads, underground services and waterways.
68. The lead contractor for the service station shall install measures to control and/or mitigate any dust, silt run-off and sedimentation that may occur, in accordance with the Council's Land Development and Subdivision Code of Practice and 'A Guide to Earthworks in the Queenstown Lakes District' brochure, prepared by the Council and in accordance with the site management plan submitted under Condition 67 above to ensure that neighbouring sites remain unaffected from earthworks. These measures shall be implemented prior to the commencement of any earthworks on site and shall remain in place for the duration of the service station project, until all exposed areas of earth are permanently stabilised.
69. The service station operator shall provide a letter to the Principal Resource Management Engineer at Council advising who their representative is for the design and execution of the engineering works and construction works required in association with this development and shall confirm that these representatives will be responsible for all aspects of the works covered under Sections 1.7 & 1.8 of the Council's Land Development and Subdivision Code of Practice, in relation to this development.
70. At least 5 days prior to commencing excavations, the consent holder shall provide the Principal Resource Management Engineer at Council with the name of a suitably qualified professional as defined in Section 1.7 of the Council's Land Development and Subdivision Code of Practice who shall supervise the excavation and filling procedure and retaining wall construction and ensure compliance with the recommendations of this report for the service station. This engineer shall continually assess the condition of the excavation and shall be responsible for ensuring that temporary retaining is installed wherever necessary to avoid any potential erosion or instability.
71. Prior to the commencement of any works beyond bulk earthworks on the service station site the consent holder shall provide to the Principal Resource Management Engineer at Council for review and certification, copies of specifications, calculations and design plans as is considered by Council to be both necessary and adequate, in accordance with Condition 66, to detail the following engineering works required:
- a) Provision of High Hazard back flow valve at the property boundary in conjunction with an appropriate water meter that complies with Council's Water Meter Policy Dated August 2015.
 - b) The provision of fire hydrants with adequate pressure and flow to service the development in accordance with the NZ Fire Service Code of Practice for Firefighting Water Supplies SNZ PAS 4509:2008. Any alternative solution must be approved in writing by the Area Manager for the Central North Otago branch of Fire Emergency New Zealand.
 - c) The provision of a collection and treatment system for all areas within the site with potential for hydrocarbon contaminants. This shall include design details and calculations for the interception of petroleum hydrocarbons meeting the *Environmental Guidelines for Water Discharges from Petroleum Industry Sites in New Zealand: 1998 prepared by the Ministry for the Environment*.
 - d) The provision of a collection and treatment system(s) for the car wash in accordance with Council trade waste requirements and Council standards. The system shall discharge the treated water to Council wastewater reticulation.
 - e) The provision of Design Certificates for all engineering works associated with the service station submitted by a suitably qualified design professional (for clarification this shall include all Roads, Water, Wastewater and Stormwater reticulation). The certificates shall be in the

format of the Council's Land Development and Subdivision Code of Practice Schedule 1A Certificate.

- f) The construction and sealing of all vehicle crossings, vehicle manoeuvring areas and onsite car parking spaces in general accordance with Council's standards.
72. All temporary retention systems shall be installed immediately following excavation to avoid any possible erosion or instability.
73. On completion of earthworks within the building footprint and prior to the construction of the building, the consent holder shall ensure that either:
- a) Certification from a suitably qualified engineer experienced in soils investigations is provided to the Principal Resource Management Engineer at Council, in accordance with NZS 4431:1989, for all areas of fill within the site on which buildings are to be founded (if any). Note this will require supervision of the fill compaction by a chartered professional engineer;
- or
- b) The foundations of the building shall be designed by a suitably qualified engineer taking into consideration any areas of uncertified fill on-site.
74. Prior to the occupation of the buildings, the consent holder shall complete the following engineering works, in accordance with Condition 66:
- a) The completion and implementation of all certified works detailed in Condition 71 above.
 - b) The submission of 'as-built' plans and information required to detail all engineering works completed in relation to or in association with this development at the consent holder's cost. This information shall be formatted in accordance with Council's 'as-built' standards and shall include all Roads (including right of way and access lots), Water, Wastewater and Stormwater reticulation (including private laterals and toby positions).
 - c) The submission of Completion Certificates from both the Contractor and Approved Engineer for all infrastructure engineering works completed in relation to or in association with this service station (for clarification this shall include all Roads, Water, Wastewater and Stormwater reticulation). The certificates shall be in the format of the Council's Land Development and Subdivision Code of Practice Schedule 1B and 1C Certificate.
 - d) The consent holder shall remedy any damage to all existing road surfaces and berms that result from work carried out for this consent.
 - e) Any power supply and wired telecommunications connections to the buildings shall be underground from existing reticulation and in accordance with any requirements/standards of the network provider's requirements.
 - f) The construction and sealing of all vehicle manoeuvring and car parking areas to Council's standards. This shall include:
 - i. Parking and loading spaces shall be clearly and permanently marked out.
 - ii. Provision shall be made for stormwater disposal.
 - iii. Staff parking for the service station shall be clearly and permanently marked.
 - g) Installation of a drenching system along the back of the service station building for fire mitigation purposes.

Signage

75. Details of the signage to be installed shall be submitted to Council for certification prior to installation and shall confirm and demonstrate the following:
- a) No signs shall be located within the "Protected Landscape Area".
 - b) One pylon sign not exceeding 2.2m in height and containing only the Caltex logo and Caltex lettering in white on a green background shall be located in the location as shown on the approved service station plans.
 - c) One garden sign not exceeding 2.1m in height shall be located in the location as shown on the approved service station plans. Details of the graphics proposed on this sign shall be submitted for certification.
 - d) No signage shall be located within the final State Highway 6/State Highway 84 intersection visibility splays, as shown indicatively on the Mt Iron Junction Master Plan – 4 February 2021 referred to in Condition 1.
 - e) No illumination or lighting shall be emitted from the narrow sides or the top of the sign.
 - f) The only parts of illumination shall be backlighting of areas of the logo and text.
 - g) No part of any lighting is to be directed towards the night sky, adjacent properties or the State Highway.

Hazardous Substances

76. The consent holder shall submit the Hazardous Substances Location Test Certificate required under the Hazardous Substances (Classes 1 to 5 Controls) Regulations 2001 to The Manager Resource Consents, within one month following completion of the installation of the tanks and thereafter shall provide any renewal certificate within one month of the date of issue.
77. The consent holder shall have an up to date Hazardous Substances Location Test Certificate at all times.

TERRACE HOUSING

78. That the terrace housing development be carried out in accordance with the relevant approved plans listed in Condition 1.
79. Terrace housing units that are within or partly within 100m of the edge of the State Highway 6 and/or State Highway 84 carriageway shall be designed, constructed and maintained to achieve:
- a) An indoor design noise level of 40 dB LAeq(24hr) inside all habitable spaces.
 - b) If windows must be closed to achieve the design noise levels, the building must be designed, constructed and maintained with a ventilation and cooling system. For habitable spaces the system must achieve the following:
 - i. Ventilation must be provided to meet clause G4 of the New Zealand Building Code. At the same time, the sound of the system must not exceed 30 dB LAeq(30s) when measured 1m away from any grille or diffuser.
 - ii. The occupant must be able to control the ventilation rate in increments up to a high air flow setting that provides at least 6 air changes per hour. At the same time, the sound of the system must not exceed 35 dB LAeq(30s) when measured 1m away from any grille or diffuser.
 - iii. The system must provide cooling that is controllable by the occupant and can maintain the temperature at no greater than 25°C. At the same time, the sound of the system must not exceed 35 dB LAeq(30s) when measured 1m away from any grille or diffuser.
 - c) A design report prepared by a suitably qualified and experienced acoustics specialist must be submitted to the Council demonstrating compliance with this condition prior to construction or alteration of any building. The design must take into account the future permitted use of the

state highway; for existing roads this is achieved by the addition of 3 dB to existing measured or predicted noise levels.

80. All engineering works shall be carried out in accordance with the Queenstown Lakes District Council's policies and standards, being the Council's Land Development and Subdivision Code of Practice and subsequent amendments to that document up to the date of issue of any resource consent except as approved through this resource consent.

*Note: The current standards are available on Council's website via the following link:
<http://www.qldc.govt.nz/planning/resource-consents/qldc-land-development-and-subdivision-code-of-practice/>*

To be completed prior to the commencement of any works on-site

81. The owner of the land being developed shall provide a letter to the Manager of Resource Management Engineering at Council advising who their representative is for the design and execution of the engineering works and construction works required in association with this development and shall confirm that these representatives will be responsible for all aspects of the works covered under Sections 1.7 & 1.8 of the Council's Land Development and Subdivision Code of Practice, in relation to this development.
82. Prior to commencing works on site, the consent holder shall obtain and implement a traffic management plan approved by Council if any parking, traffic or safe movement of pedestrians will be disrupted, inconvenienced or delayed, and/or if temporary safety barriers are to be installed within or adjacent to Council's road reserve.
83. Prior to commencing any works on the site, the consent holder shall obtain 'Engineering Review and Certification' from the Queenstown Lakes District Council for all development works and information requirements specified below. An 'Engineering Review and Acceptance' application shall be submitted to the Manager of Resource Management Engineering at Council and shall include copies of all specifications, calculations, design plans and Schedule 1A design certificates as is considered by Council to be both necessary and adequate, in accordance with Condition 81, to detail the following requirements:
- a) The provision of a water supply to each unit in terms of Council's standards and connection policy. This shall include an Acuflo GM900 as the toby valve and an approved water meter as detailed in QLDC Water Meter Policy (Appendix A), dated August 2015. The costs of the connections shall be borne by the consent holder.
 - b) The provision of a foul sewer connection from all units to Council's reticulated sewerage system in accordance with Council's standards and connection policy.
 - c) The disposal of stormwater for all impervious areas of the site.
 - d) The provision of a sealed vehicle crossing to the site and sealed vehicle manoeuvring and parking areas that shall be constructed to Council's standards.
 - e) The provision of Design Certificates for all engineering works associated with this subdivision/development submitted by a suitably qualified design professional (for clarification this shall include all Roads, Water, Wastewater and Stormwater reticulation). The certificates shall be in the format of the Council's Land Development and Subdivision Code of Practice Schedule 1A Certificate.

To be completed prior to the occupation of the units

84. Prior to the occupation of the units the consent holder shall complete the following:
- a) The completion and implementation of all works detailed in Condition 83 above.

- b) An Elster PSM V100 or Sensus 620 water meter shall be provided to Council's maintenance contractor Veolia for all units, and evidence of supply shall be provided to Council's Subdivision Inspector.
- c) Written confirmation shall be provided from the electricity network supplier responsible for the area, that provision of an underground electricity supply has been made available (minimum supply of single phase 15kva capacity) to the boundary of all units created and that all the network supplier's requirements for making such means of supply available have been met.
- d) Written confirmation shall be provided from the telecommunications network supplier responsible for the area, that provision of underground telephone services has been made available to all units and that all the network supplier's requirements for making such means of supply available have been met.
- e) The submission of Completion Certificates from the Contractor and the Engineer advised in Condition 81 for all engineering works completed in relation to or in association with this subdivision/development (for clarification this shall include all Roads, Water, Wastewater and Stormwater reticulation). The certificates shall be in the format of a Producer Statement, or the Council's Land Development and Subdivision Code of Practice Schedule 1B and 1C Certificate.
- f) All newly constructed foul sewer and stormwater mains shall be subject to a closed circuit television (CCTV) inspection carried out in accordance with the New Zealand Pipe Inspection Manual. A pan tilt camera shall be used and lateral connections shall be inspected from inside the main. The CCTV shall be completed and reviewed by Council before any surface sealing.
- g) The consent holder shall remedy any damage to all existing road surfaces and berms that result from work carried out for this consent.
- h) The construction and sealing of all vehicle manoeuvring and car parking areas to Council's standards. This shall include the provision shall be made for stormwater disposal.
- i) The submission of 'as-built' plans and information required to detail all engineering works completed in relation to or in association with this development at the consent holder's cost. This information shall be formatted in accordance with Council's 'as-built' standards and shall include all Roads (including right of ways and access lots), Water, Wastewater and Stormwater reticulation (including private laterals and toby positions).

WORKERS' ACCOMMODATION

- 85. That the workers' accommodation development be carried out in accordance with the relevant approved plans listed in Condition 1.
- 86. The workers' accommodation units shall be retained in a single ownership and shall not be further subdivided.
- 87. The units shall not be rented for short term visitor accommodation.
- 88. Workers' accommodation units that are within or partly within 100m of the edge of the State Highway 6 and/or State Highway 84 carriageway shall be designed, constructed and maintained to achieve:
 - a) An indoor design noise level of 40 dB LAeq(24hr) inside all habitable spaces.
 - b) If windows must be closed to achieve the design noise levels, the building must be designed, constructed and maintained with a ventilation and cooling system. For habitable spaces the system must achieve the following:

- i. Ventilation must be provided to meet clause G4 of the New Zealand Building Code. At the same time, the sound of the system must not exceed 30 dB LAeq(30s) when measured 1m away from any grille or diffuser.
 - ii. The occupant must be able to control the ventilation rate in increments up to a high air flow setting that provides at least 6 air changes per hour. At the same time, the sound of the system must not exceed 35 dB LAeq(30s) when measured 1m away from any grille or diffuser.
 - iii. The system must provide cooling that is controllable by the occupant and can maintain the temperature at no greater than 25°C. At the same time, the sound of the system must not exceed 35 dB LAeq(30s) when measured 1m away from any grille or diffuser.
- c) A design report prepared by a suitably qualified and experienced acoustics specialist must be submitted to the Council demonstrating compliance with this condition prior to construction or alteration of any building. The design must take into account the future permitted use of the state highway; for existing roads this is achieved by the addition of 3 dB to existing measured or predicted noise levels.
89. All engineering works shall be carried out in accordance with the Queenstown Lakes District Council's policies and standards, being the Council's Land Development and Subdivision Code of Practice and subsequent amendments to that document up to the date of issue of any resource consent.

*Note: The current standards are available on Council's website via the following link:
<http://www.qldc.govt.nz/planning/resource-consents/qldc-land-development-and-subdivision-code-of-practice/>*

90. Prior to occupation of the units the consent holder shall prepare a management plan for the workers' accommodation units (WAMP). The objectives of the WAMP are to ensure that the units function safely and effectively, without causing unreasonable adverse noise and amenity effects on the neighbouring landowners and community. The WAMP shall accordingly include the following:
- a) Property manager details;
 - b) Management of onsite facilities and parking;
 - c) Rubbish and recycling;
 - d) Avoidance of nuisance effects, including avoiding loud music and large outdoor groups after 22:00 hours;
 - e) Emergency procedures; and
 - f) Planting and maintenance of fruit trees and vegetable gardens.

The WAMP shall be submitted to the Council's Manager Resource Consents for certification that it achieves the above objectives, and the consent holder shall review and update the WAMP periodically or at the Council's request.

91. The onsite manager shall ensure the workers' accommodation activity is undertaken in accordance with the WAMP (above) and any amendments.

To be completed prior to the commencement of any works on-site

92. The owner of the land being developed shall provide a letter to the Manager of Resource Management Engineering at Council advising who their representative is for the design and execution of the engineering works and construction works required in association with this development and shall confirm that these representatives will be responsible for all aspects of the

works covered under Sections 1.7 & 1.8 of the Council's Land Development and Subdivision Code of Practice, in relation to this development.

93. Prior to commencing works on site, the consent holder shall obtain and implement a traffic management plan approved by Council and Waka Kotahi NZ Transport Agency if any parking, traffic or safe movement of pedestrians will be disrupted, inconvenienced or delayed, and/or if temporary safety barriers are to be installed within or adjacent to Council's road reserve.
94. Prior to commencing any works on the workers' accommodation site, the consent holder shall obtain 'Engineering Review and Certification' from the Queenstown Lakes District Council for all development works and information requirements specified below. An 'Engineering Review and Acceptance' application shall be submitted to the Manager of Resource Management Engineering at Council and shall include copies of all specifications, calculations, design plans and Schedule 1A design certificates as is considered by Council to be both necessary and adequate, in accordance with Condition 89, to detail the following requirements:
 - a) The provision of a water supply to each unit in terms of Council's standards and connection policy. This shall include either:
 - i) an Acuflo GM900 as the toby valve and an approved water meter as detailed in QLDC Water Meter Policy (Appendix A), dated August 2015. The costs of the connections shall be borne by the consent holder.
 - or
 - ii) A bulk flow meter which consists of an approved valve and valve box with backflow prevention and provision for water metering to be located at the road reserve boundary. The costs of the connection shall be borne by the consent holder.
 - b) The provision of a foul sewer connection from all units to Council's reticulated sewerage system in accordance with Council's standards and connection policy.
 - c) The disposal of stormwater for all impervious areas of the site.
 - d) The provision of a sealed vehicle crossing to the site and sealed vehicle manoeuvring and parking areas that shall be constructed to Council's standards.
 - e) The provision of Design Certificates for all engineering works associated with this subdivision/development submitted by a suitably qualified design professional (for clarification this shall include all Roads, Water, Wastewater and Stormwater reticulation). The certificates shall be in the format of the Council's Land Development and Subdivision Code of Practice Schedule 1A Certificate.

To be completed prior to the occupation of the units

95. Prior to the occupation of the units the consent holder shall complete the following:
 - a) The completion and implementation of all works detailed in Condition 94 above.
 - b) An Elster PSM V100 or Sensus 620 water meter shall be provided to Council's maintenance contractor Veolia for all units, and evidence of supply shall be provided to Council's Subdivision Inspector.
 - c) Written confirmation shall be provided from the electricity network supplier responsible for the area, that provision of an underground electricity supply has been made available (minimum supply of single phase 15kva capacity) to the boundary of all units created and that all the network supplier's requirements for making such means of supply available have been met.
 - d) The submission of Completion Certificates from the Contractor and the Engineer advised in Condition 92 for all engineering works completed in relation to or in association with this

subdivision/development (for clarification this shall include all Roads, Water, Wastewater and Stormwater reticulation). The certificates shall be in the format of a Producer Statement, or the Council's Land Development and Subdivision Code of Practice Schedule 1B and 1C Certificate.

- e) All newly constructed foul sewer and stormwater mains shall be subject to a closed circuit television (CCTV) inspection carried out in accordance with the New Zealand Pipe Inspection Manual. A pan tilt camera shall be used and lateral connections shall be inspected from inside the main. The CCTV shall be completed and reviewed by Council before any surface sealing.
- f) The construction and sealing of all vehicle manoeuvring and car parking areas to Council's standards. This shall include:
 - a. Parking and loading spaces shall be clearly and permanently marked out.
 - b. Provision shall be made for stormwater disposal.
- g) The consent holder shall remedy any damage to all existing road surfaces and berms that result from work carried out for this consent.
- h) The submission of 'as-built' plans and information required to detail all engineering works completed in relation to or in association with this subdivision at the consent holder's cost. This information shall be formatted in accordance with Council's 'as-built' standards and shall include all Roads (including right of ways and access lots), Water, Wastewater and Stormwater reticulation (including private laterals and toby positions).

REVIEW

96. Within ten working days of each anniversary of the date of this decision the Council may, in accordance with Sections 128 and 129 of the Resource Management Act 1991, serve notice on the consent holder of its intention to review the conditions of this resource consent for any of the following purposes:
- a) To deal with any adverse effects on the environment that may arise from the exercise of the consent which were not foreseen at the time the application was considered and which it is appropriate to deal with at a later stage; and
 - b) To avoid, remedy and mitigate any adverse effects on the environment which may arise from the exercise of the consent and which have been caused by a change in circumstances or which may be more appropriately addressed as a result of a change in circumstances, such that the conditions of this resource consent are no longer appropriate in terms of the purpose of the Resource Management Act 1991.

ADVICE NOTES

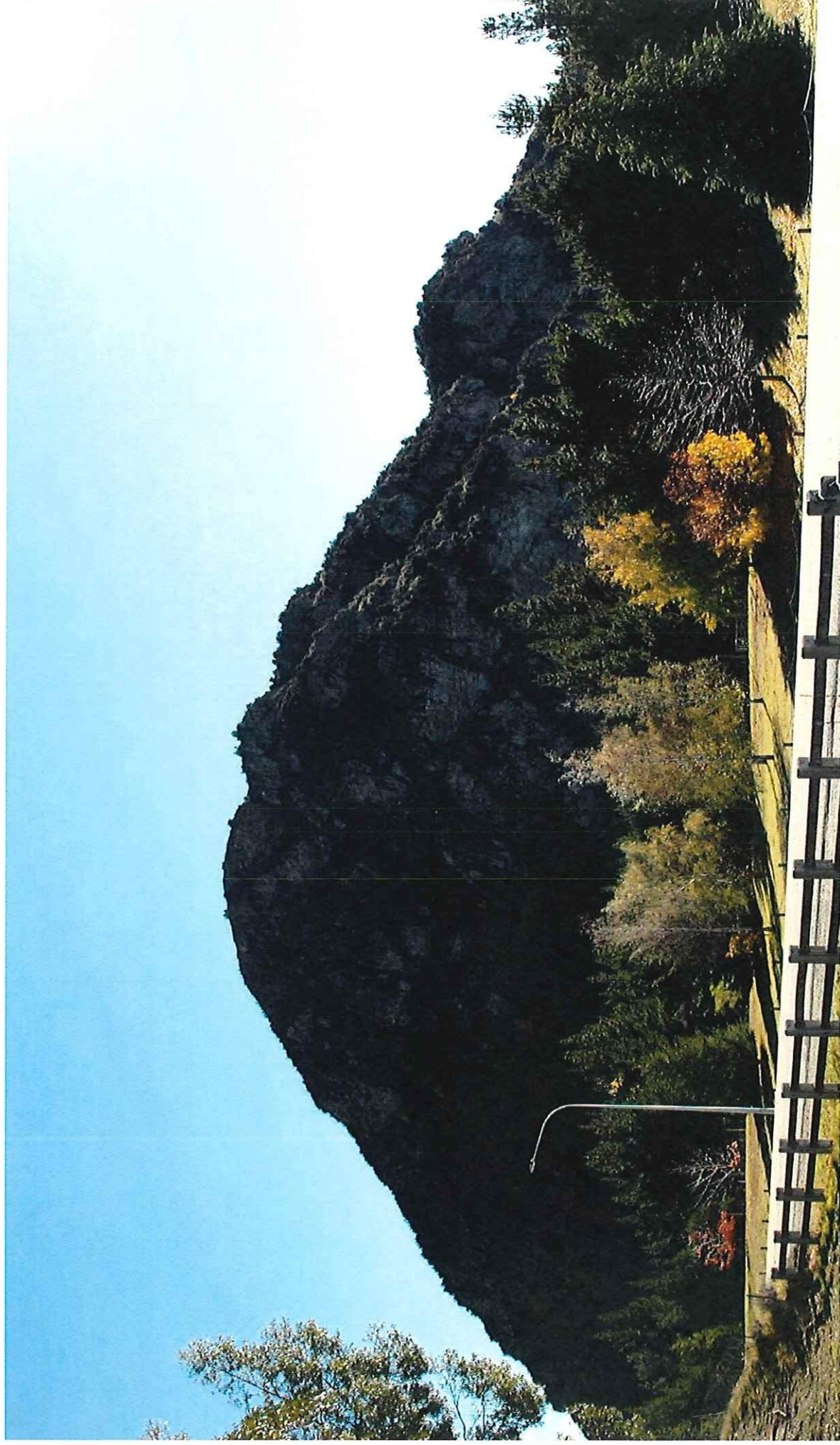
1. The consent holder is advised that any retaining walls, including stacked stone and gabion walls, proposed in this development which exceeds 1.5m in height or walls of any height bearing additional surcharge loads will require Building Consent, as they are not exempt under Schedule 1 of the Building Act 2004.
2. Prior approval via a Connection to Council Services for a Temporary Water Take is required if Council's water supply is to be utilised for dust suppression during earthworks. This shall include the use of a backflow prevention device to prevent contamination of Council's potable water supply.
3. The consent holder is advised that the residential units should be designed and constructed using energy efficient principles to reduce energy consumption and create warm, healthy living spaces.
4. This site may contain archaeological material. Under the Heritage New Zealand Pouhere Taonga Act 2014, the permission of the Heritage New Zealand Pouhere Taonga must be sought prior to the modification, damage or destruction of any archaeological site, whether the site is unrecorded

or has been previously recorded. An archaeological site is described in the Act as a place associated with pre-1900 human activity, which may provide evidence relating to the history of New Zealand. These provisions apply regardless of whether a resource consent or building consent has been granted by Council. Should archaeological material be discovered during site works, any work affecting the material must cease and the Heritage New Zealand Pouhere Taonga must be contacted (Dunedin office phone 03 477 9871).

5. The consent holder is advised that if it is proposed to subdivide in future, then all services should be installed to the development in accordance with the Council's Land Development and Subdivision Code of Practice adopted on 3 May 2018 and subsequent amendments to that document up to the date of issue of any subdivision consent. It is recommended that Council's Engineers are contacted prior to installation of services to arrange for all necessary inspections to be carried out so that services can be checked for compliance with the Council's Code of Subdivision prior to backfilling. Otherwise, services may require excavation and inspection at time of subdivision and CCTV footage may be required to demonstrate compliance with the Council's Land Development and Subdivision Code of Practice and subsequent amendments to that document up to the date of issue of any consent.
6. This consent triggers a requirement for Development Contributions, please see the attached information sheet for more details on when a development contribution is triggered and when it is payable. For further information, please contact the DCN Officer at QLDC.

Schedule - Parties to receive benefit of Covenant in Gross pursuant to Sections 116(1)(a) and (b) of the Land Transfer Act 2017 (pursuant to Condition 60)

1. Queenstown Lakes District Council



Mt. Iron Junction

FINAL CONSENT PLANS

Prepared for Mt Iron Junction by Rough and Milne Landscape Architects Ltd | February 2021

CONTENTS

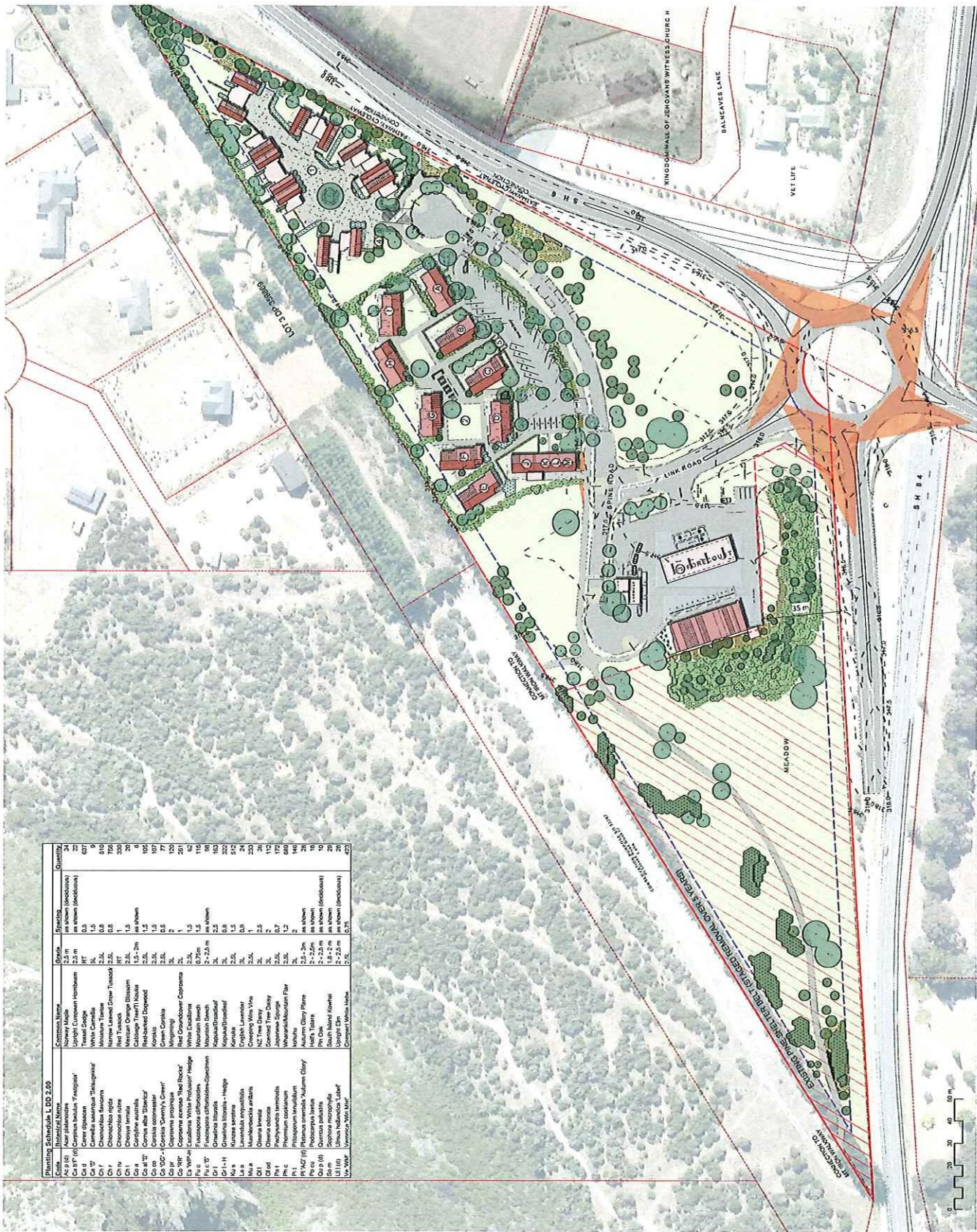
Attachment 1 Rough + Milne Landscape Architects - Master Plan			
Master Plan with Planting	4	Terrace Housing - First Floor Plans	28
Master Plan	5	Terrace Housing - Elevations	29
		Terrace Housing - Sketches	30
Attachment 2 Rough + Milne Landscape Architects - Detailed Plans		Terrace Housing - 2 Bed Villa	31
Planting Plans - West Corner SH84	7	Terrace Housing - 3 Bed Villa	32
Planting Plans - Meadow SH84	8	Attachment 4 SHA Architects – Service Station Plans	
Planting Plans - North Spine Road	9	Caltex Service Station - Architectural Statement	34
Planting Plans - Service Station	10	Caltex Service Station - Key Plan	35
Planting Plans - Workers Accommodations	11	Caltex Service Station - Elevations	36
Planting Plans - East Link Road Meadow – SH6	12	Caltex Service Station - Signage Details	37
Planting Plans - Terrace Housing – 1	13	Caltex Service Station - Perspectives	38
Planting Plans - Terrace Housing – 2	14	Attachment 5 Patterson Pitts – Engineering Plans	
Earthworks - Mounding contours	15	Earthworks Plans – Cut and fill areas	40
Earthworks - Cross sections	16	Earthworks Plans – Design contours	41
Materials Palette	20	Earthworks Plans – Long section	42
Colour Palette	21	Earthworks Plans – Long section	43
		Road Layout	44
Attachment 3 Three Sixty Architects – Residential Plans		Roading Hierarchy Plan	45
Architectural Statement	23	Roading Cross Section	46
Workers Accommodation - Ground Floor Plans	24	Car Park Locations	47
Workers Accommodation - Elevations	25	Vehicle Tracking	48
Workers Accommodation - Elevation Details	26	Concept Stormwater Layout	49
Terrace Housing - Ground Floor Plans	27	Concept Stormwater Soakpit	50
		Concept Foul Sewer Layout	51
		Concept Water Layout	52
		Site Clearance	53
		Bulk Earthworks	54
		Post Earthworks	55
		Bulk Earthworks Details	56

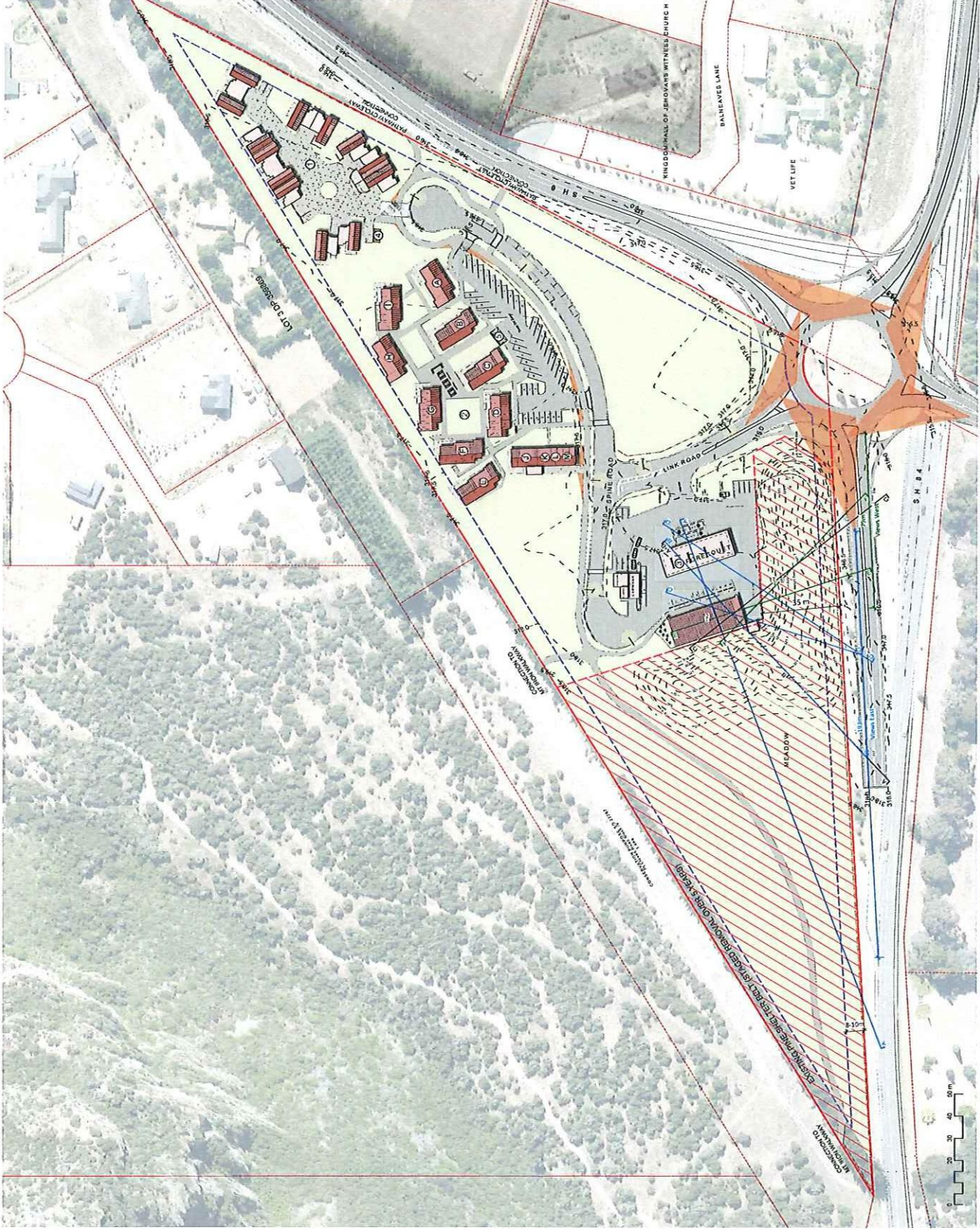
NB: This document is intended to be printed A3 landscape format

ATTACHMENT 1
ROUGH + MILNE LANDSCAPE ARCHITECTS
MASTER PLAN

DATE	DATE	NOTES
02/07/2021	02/07/2021	Medication RTI
02/07/2021	02/07/2021	Final Content Plans
02/07/2021	02/07/2021	Final for Consent

LEGEND	
	Threshold Parking
	Footpath 3m width
	Exposed Aggregate
	Nourishing with Prepared Contours
	500m Intervals
	Terrace Housing
	Worker's Accommodation
	Accommodation Units
	Manager Accommodation & Office
	Drying Room, Laundry, Rubbish
	Cafex Station
	Covered Communal Bin
	Shuttle Bus Shelter
	Property Boundary
	8m-lin Setback
	Post & Rail Fence
	Signline Splays
	Protected Landscape Area





LEGEND

- Threshold Paving
- Footpath 3m width
- Exposed Aggregate
- Mounding with Proposed Contours @ 50mm intervals
- Terrace Housing
- Worker's Accommodation
- Accommodation Units
- Manager's Accommodation & Office
- Drying Room, Laundry, Rubbish Callex Station
- Covered Communal Bin
- Shuttle Bus Shelter
- Property Boundary
- 8m-10m Setback
- Post & Rail Fence
- Signline Displays
- Protected Landscape Area
- Views East
- Views West
- 1m High Retaining Wall

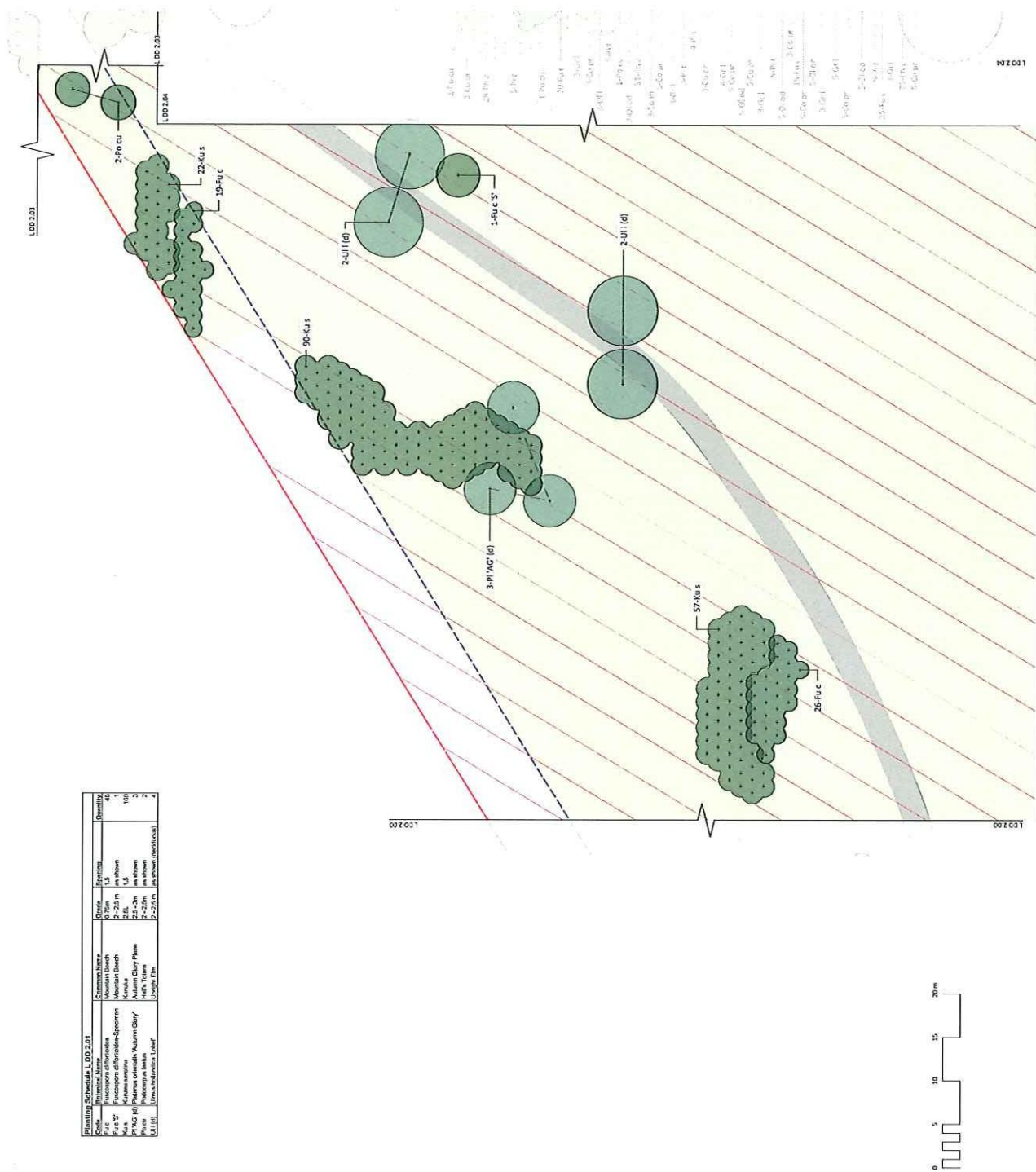


LANDSCAPE MASTER PLAN
 Mt Iron Junction
 SH 8 corner SH B4
 Warrakilla, Otago

DATE	17/12/2020
DESIGNED	17/12/2020
DRAWN	17/12/2020
CHECKED	17/12/2020
STATUS	FINAL CONSULT PLAN
PROJECT NO.	L 101
SHEET	2 of 15

ATTACHMENT 2
ROUGH + MILNE LANDSCAPE ARCHITECTS
DETAILED PLANS

Planting Schedule L DO 251			
Code	Botanical Name	Quantity	
1	Passiflora citrifolia	40	
2	Passiflora ligularis	40	
3	Passiflora suberosa-Specimen	100	
4	Passiflora suberosa	100	
5	Passiflora ligularis	100	
6	Passiflora ligularis	100	
7	Passiflora ligularis	100	
8	Passiflora ligularis	100	
9	Passiflora ligularis	100	
10	Passiflora ligularis	100	
11	Passiflora ligularis	100	
12	Passiflora ligularis	100	
13	Passiflora ligularis	100	
14	Passiflora ligularis	100	
15	Passiflora ligularis	100	
16	Passiflora ligularis	100	
17	Passiflora ligularis	100	
18	Passiflora ligularis	100	
19	Passiflora ligularis	100	
20	Passiflora ligularis	100	
21	Passiflora ligularis	100	
22	Passiflora ligularis	100	
23	Passiflora ligularis	100	
24	Passiflora ligularis	100	
25	Passiflora ligularis	100	
26	Passiflora ligularis	100	
27	Passiflora ligularis	100	
28	Passiflora ligularis	100	
29	Passiflora ligularis	100	
30	Passiflora ligularis	100	
31	Passiflora ligularis	100	
32	Passiflora ligularis	100	
33	Passiflora ligularis	100	
34	Passiflora ligularis	100	
35	Passiflora ligularis	100	
36	Passiflora ligularis	100	
37	Passiflora ligularis	100	
38	Passiflora ligularis	100	
39	Passiflora ligularis	100	
40	Passiflora ligularis	100	
41	Passiflora ligularis	100	
42	Passiflora ligularis	100	
43	Passiflora ligularis	100	
44	Passiflora ligularis	100	
45	Passiflora ligularis	100	
46	Passiflora ligularis	100	
47	Passiflora ligularis	100	
48	Passiflora ligularis	100	
49	Passiflora ligularis	100	
50	Passiflora ligularis	100	
51	Passiflora ligularis	100	
52	Passiflora ligularis	100	
53	Passiflora ligularis	100	
54	Passiflora ligularis	100	
55	Passiflora ligularis	100	
56	Passiflora ligularis	100	
57	Passiflora ligularis	100	
58	Passiflora ligularis	100	
59	Passiflora ligularis	100	
60	Passiflora ligularis	100	
61	Passiflora ligularis	100	
62	Passiflora ligularis	100	
63	Passiflora ligularis	100	
64	Passiflora ligularis	100	
65	Passiflora ligularis	100	
66	Passiflora ligularis	100	
67	Passiflora ligularis	100	
68	Passiflora ligularis	100	
69	Passiflora ligularis	100	
70	Passiflora ligularis	100	
71	Passiflora ligularis	100	
72	Passiflora ligularis	100	
73	Passiflora ligularis	100	
74	Passiflora ligularis	100	
75	Passiflora ligularis	100	
76	Passiflora ligularis	100	
77	Passiflora ligularis	100	
78	Passiflora ligularis	100	
79	Passiflora ligularis	100	
80	Passiflora ligularis	100	
81	Passiflora ligularis	100	
82	Passiflora ligularis	100	
83	Passiflora ligularis	100	
84	Passiflora ligularis	100	
85	Passiflora ligularis	100	
86	Passiflora ligularis	100	
87	Passiflora ligularis	100	
88	Passiflora ligularis	100	
89	Passiflora ligularis	100	
90	Passiflora ligularis	100	
91	Passiflora ligularis	100	
92	Passiflora ligularis	100	
93	Passiflora ligularis	100	
94	Passiflora ligularis	100	
95	Passiflora ligularis	100	
96	Passiflora ligularis	100	



NOTE:
All specimen trees (2m or above
at time of planting) shall have a
minimum caliper of 30mm.

Country Belgium
Website www.abbott.be
Address Abbott
Phone +32 (0)2 512 3411
Fax +32 (0)2 512 3412
E-mail info@abbott.be

MEDIATION PLANTING PLAN 2
Mt Iron Junction
SH 6 corner SH 84
Wanaka, Otago

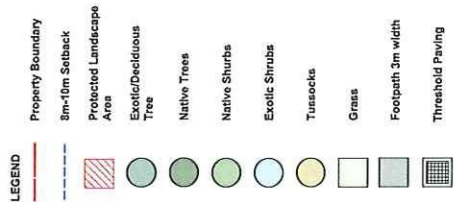
JOB No.	17112
SCALE	1:200 @ A1, 1:400 @ A3
DATE	10/29/2020

DESIGNED	ENLA
DRAWN	ED
CHECKED	WS

STATUS	FINAL CONSULT PLANS
DRAWING No.	REFUSION
L2.01	C

5 of 15

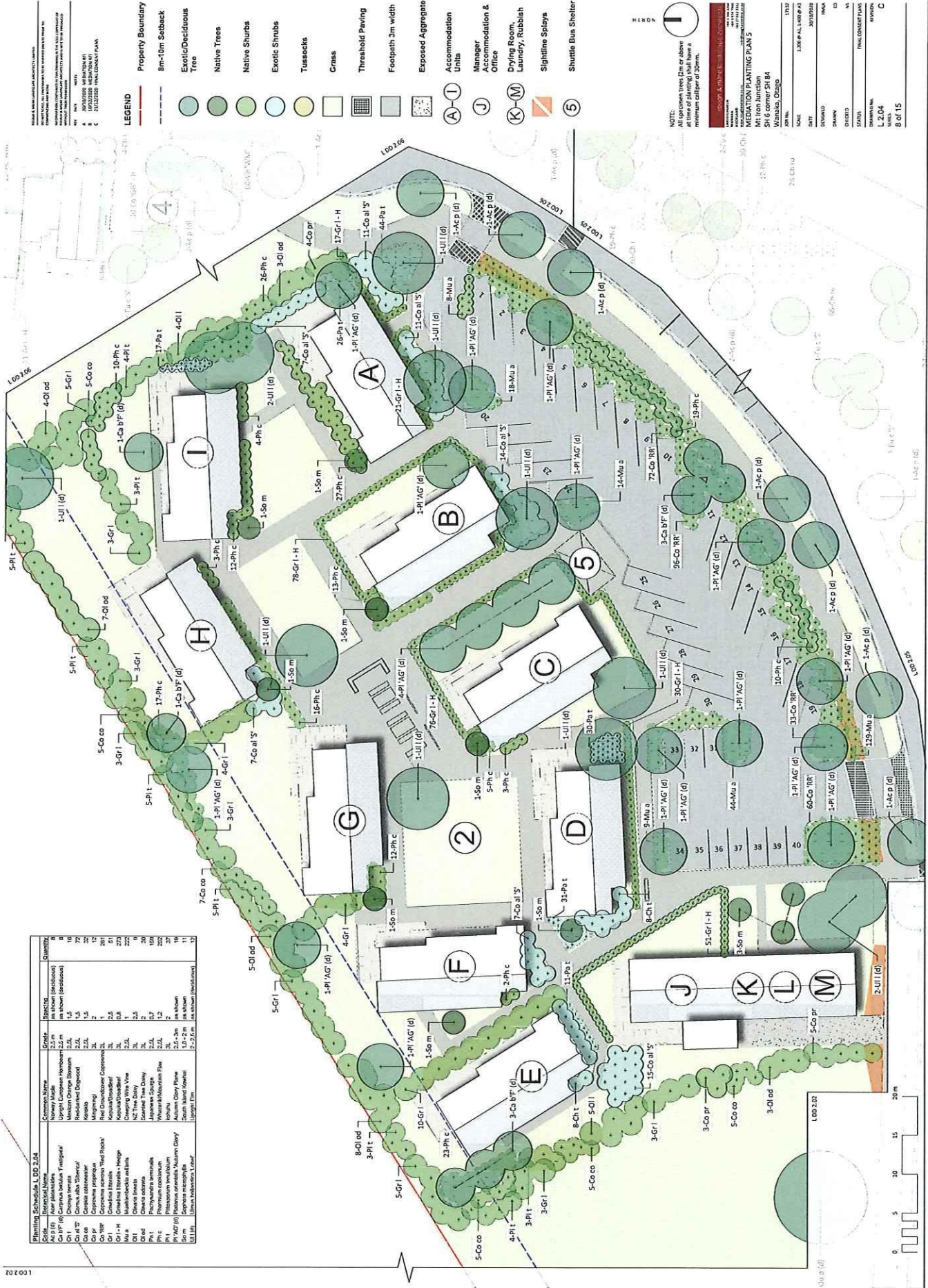
STUDY	DESIGN	NO. OF PATIENTS	NO. OF PATIENTS WITH PROSTATECTOMY	NO. OF PATIENTS WITH PROSTATECTOMY AND METASTASIS	NO. OF PATIENTS WITH PROSTATECTOMY AND METASTASIS AND PROSTATECTOMY
1	Retrospective	100	100	100	100
2	Retrospective	100	100	100	100
3	Retrospective	100	100	100	100
4	Retrospective	100	100	100	100
5	Retrospective	100	100	100	100
6	Retrospective	100	100	100	100
7	Retrospective	100	100	100	100
8	Retrospective	100	100	100	100
9	Retrospective	100	100	100	100
10	Retrospective	100	100	100	100
11	Retrospective	100	100	100	100
12	Retrospective	100	100	100	100
13	Retrospective	100	100	100	100
14	Retrospective	100	100	100	100
15	Retrospective	100	100	100	100
16	Retrospective	100	100	100	100
17	Retrospective	100	100	100	100
18	Retrospective	100	100	100	100
19	Retrospective	100	100	100	100
20	Retrospective	100	100	100	100
21	Retrospective	100	100	100	100
22	Retrospective	100	100	100	100
23	Retrospective	100	100	100	100
24	Retrospective	100	100	100	100
25	Retrospective	100	100	100	100
26	Retrospective	100	100	100	100
27	Retrospective	100	100	100	100
28	Retrospective	100	100	100	100
29	Retrospective	100	100	100	100
30	Retrospective	100	100	100	100
31	Retrospective	100	100	100	100
32	Retrospective	100	100	100	100
33	Retrospective	100	100	100	100
34	Retrospective	100	100	100	100
35	Retrospective	100	100	100	100
36	Retrospective	100	100	100	100
37	Retrospective	100	100	100	100
38	Retrospective	100	100	100	100
39	Retrospective	100	100	100	100
40	Retrospective	100	100	100	100
41	Retrospective	100	100	100	100
42	Retrospective	100	100	100	100
43	Retrospective	100	100	100	100
44	Retrospective	100	100	100	100
45	Retrospective	100	100	100	100
46	Retrospective	100	100	100	100
47	Retrospective	100	100	100	100
48	Retrospective	100	100	100	100
49	Retrospective	100	100	100	100
50	Retrospective	100	100	100	100
51	Retrospective	100	100	100	100
52	Retrospective	100	100	100	100
53	Retrospective	100	100	100	100
54	Retrospective	100	100	100	100
55	Retrospective	100	100	100	100
56	Retrospective	100	100	100	100
57	Retrospective	100	100	100	100
58	Retrospective	100	100	100	100
59	Retrospective	100	100	100	100
60	Retrospective	100	100	100	100
61	Retrospective	100	100	100	100
62	Retrospective	100	100	100	100
63	Retrospective	100	100	100	100
64	Retrospective	100	100	100	100
65	Retrospective	100	100	100	100
66	Retrospective	100	100	100	100
67	Retrospective	100	100	100	100



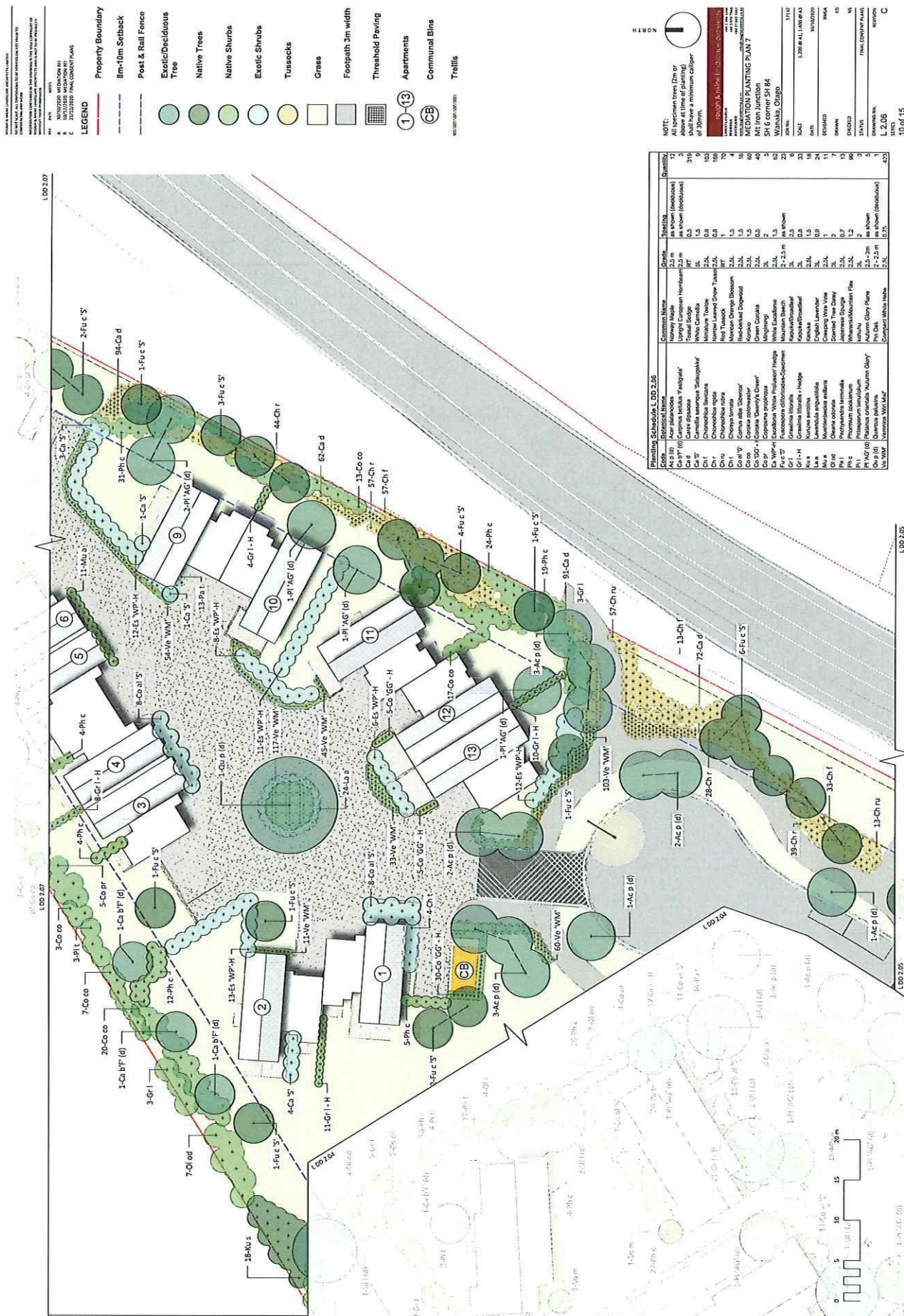
NOTE:
All specimen trees (2m or above at time of planting) shall have a minimum collar of 30mm.

rough & milne *journalism* *publishing*

MEDICATION PLANTING PLAN 3	
MT Iron Junction	
SH 6 corner SH 84	
Winnaka, Oregon	
201 No.	17112
SCALE	1:200 @ A1, 1:400 @ A3
DATE	30/01/2020
DESIGNED	RMKA
DRAWN	LD
CHECKED	NS
STATUS	FINAL CONSENT PLANS
FORWARDED No.	
L 2.02	REVISION
DATE	C
6 of 15	

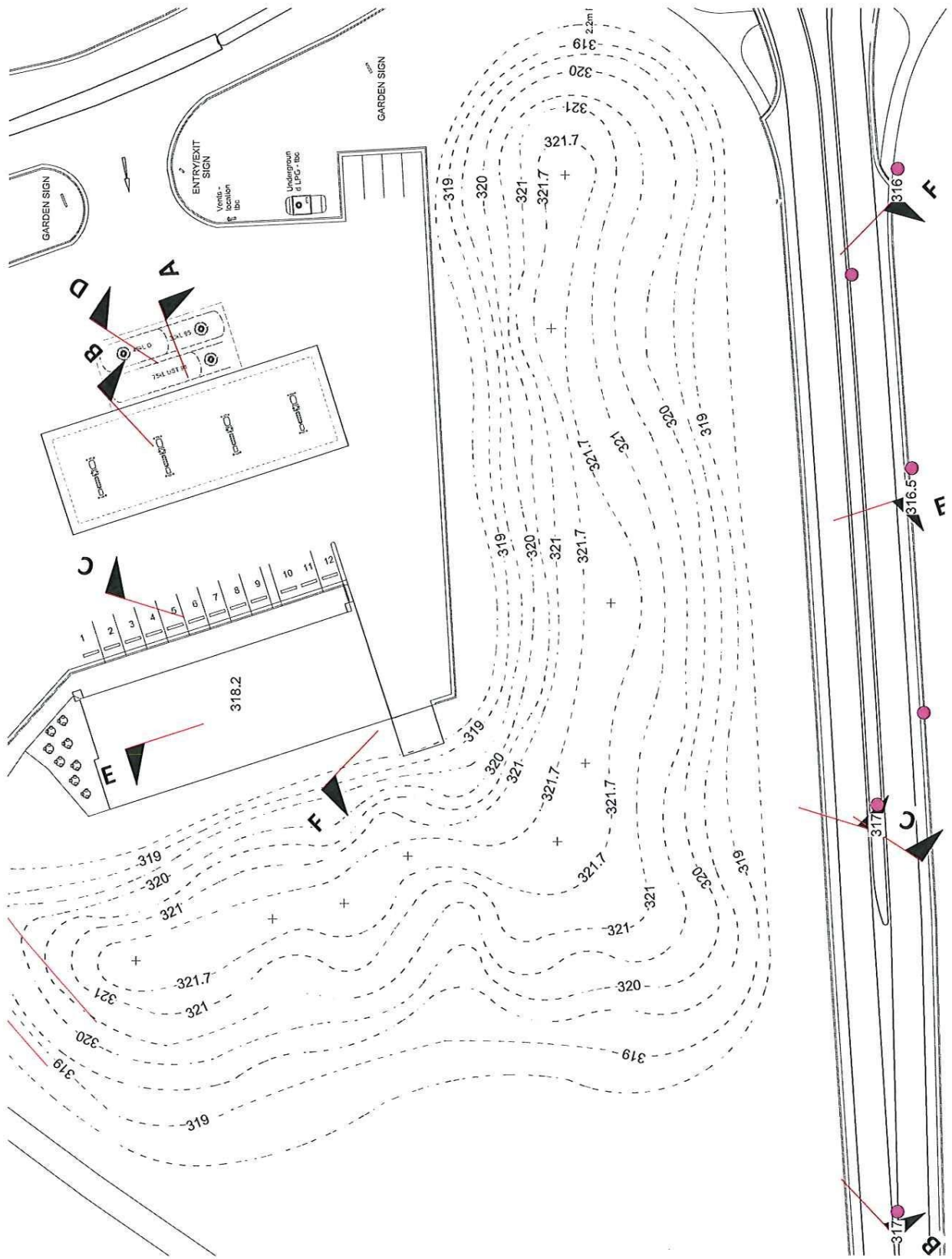


Planting Schedule L.DD 2.04			
Code	Botanical Name	Common Name	Quantity
Gr1	Grass	Grass	100
Gr2	Grass	Grass	100
Gr3	Grass	Grass	100
Gr4	Grass	Grass	100
Gr5	Grass	Grass	100
Gr6	Grass	Grass	100
Gr7	Grass	Grass	100
Gr8	Grass	Grass	100
Gr9	Grass	Grass	100
Gr10	Grass	Grass	100
Gr11	Grass	Grass	100
Gr12	Grass	Grass	100
Gr13	Grass	Grass	100
Gr14	Grass	Grass	100
Gr15	Grass	Grass	100
Gr16	Grass	Grass	100
Gr17	Grass	Grass	100
Gr18	Grass	Grass	100
Gr19	Grass	Grass	100
Gr20	Grass	Grass	100
Gr21	Grass	Grass	100
Gr22	Grass	Grass	100
Gr23	Grass	Grass	100
Gr24	Grass	Grass	100
Gr25	Grass	Grass	100
Gr26	Grass	Grass	100
Gr27	Grass	Grass	100
Gr28	Grass	Grass	100
Gr29	Grass	Grass	100
Gr30	Grass	Grass	100
Gr31	Grass	Grass	100
Gr32	Grass	Grass	100
Gr33	Grass	Grass	100
Gr34	Grass	Grass	100
Gr35	Grass	Grass	100
Gr36	Grass	Grass	100
Gr37	Grass	Grass	100
Gr38	Grass	Grass	100
Gr39	Grass	Grass	100
Gr40	Grass	Grass	100
Gr41	Grass	Grass	100
Gr42	Grass	Grass	100
Gr43	Grass	Grass	100
Gr44	Grass	Grass	100
Gr45	Grass	Grass	100
Gr46	Grass	Grass	100
Gr47	Grass	Grass	100
Gr48	Grass	Grass	100
Gr49	Grass	Grass	100
Gr50	Grass	Grass	100
Gr51	Grass	Grass	100
Gr52	Grass	Grass	100
Gr53	Grass	Grass	100
Gr54	Grass	Grass	100
Gr55	Grass	Grass	100
Gr56	Grass	Grass	100
Gr57	Grass	Grass	100
Gr58	Grass	Grass	100
Gr59	Grass	Grass	100
Gr60	Grass	Grass	100
Gr61	Grass	Grass	100
Gr62	Grass	Grass	100
Gr63	Grass	Grass	100
Gr64	Grass	Grass	100
Gr65	Grass	Grass	100
Gr66	Grass	Grass	100
Gr67	Grass	Grass	100
Gr68	Grass	Grass	100
Gr69	Grass	Grass	100
Gr70	Grass	Grass	100
Gr71	Grass	Grass	100
Gr72	Grass	Grass	100
Gr73	Grass	Grass	100
Gr74	Grass	Grass	100
Gr75	Grass	Grass	100
Gr76	Grass	Grass	100
Gr77	Grass	Grass	100
Gr78	Grass	Grass	100
Gr79	Grass	Grass	100
Gr80	Grass	Grass	100
Gr81	Grass	Grass	100
Gr82	Grass	Grass	100
Gr83	Grass	Grass	100
Gr84	Grass	Grass	100
Gr85	Grass	Grass	100
Gr86	Grass	Grass	100
Gr87	Grass	Grass	100
Gr88	Grass	Grass	100
Gr89	Grass	Grass	100
Gr90	Grass	Grass	100
Gr91	Grass	Grass	100
Gr92	Grass	Grass	100
Gr93	Grass	Grass	100
Gr94	Grass	Grass	100
Gr95	Grass	Grass	100
Gr96	Grass	Grass	100
Gr97	Grass	Grass	100
Gr98	Grass	Grass	100
Gr99	Grass	Grass	100
Gr100	Grass	Grass	100





PROJECT: MT IRON JUNCTION
 DRAWING NO: 21030500
 DATE: 04/02/2021
 DRAWN BY: J. HARRIS
 CHECKED BY: J. HARRIS
 DESIGNED BY: J. HARRIS
 PROJECT MANAGER: J. HARRIS
 CLIENT: MT IRON JUNCTION
 LOCATION: SH 6 CORNER SH 84
 WINDSOR, CHIGO
 SHEET NO: 3 OF 15

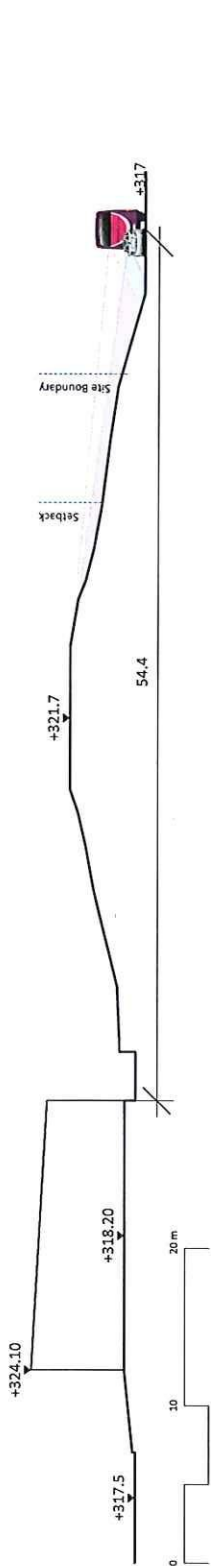


PROJECT	MT IRON JUNCTION
DRAWING NO	21030500
DATE	04/02/2021
DRAWN BY	J. HARRIS
CHECKED BY	J. HARRIS
DESIGNED BY	J. HARRIS
PROJECT MANAGER	J. HARRIS
CLIENT	MT IRON JUNCTION
LOCATION	SH 6 CORNER SH 84
SHEET NO	3 OF 15

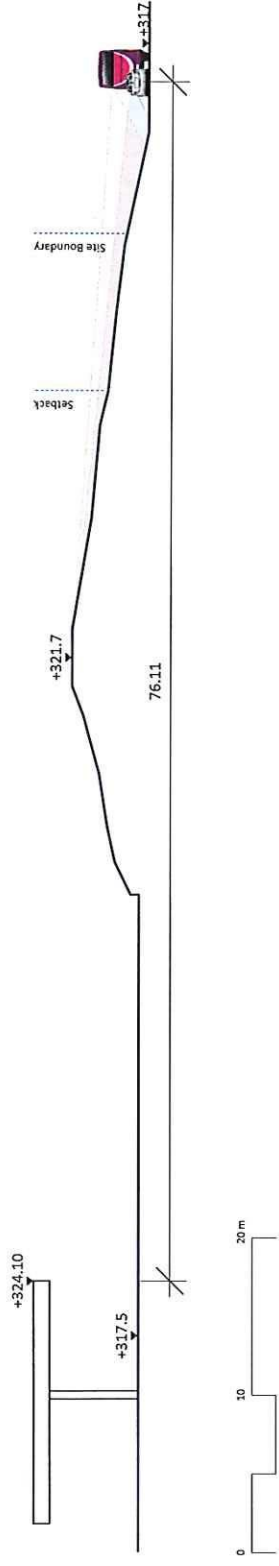
DESIGN & LANDSCAPE ARCHITECTS LLP
1000 PINE STREET, SUITE 1000
DENVER, CO 80202
TEL: 303.733.1000
WWW.DLA-LLP.COM
DESIGNED BY: J. L. HARRIS
DRAWN BY: J. L. HARRIS
CHECKED BY: J. L. HARRIS
DATE: 12/15/2020
PROJECT: MT IRON JUNCTION
SHEET: 18 OF 15

LEGEND

View range from a car
1.15m from ground
View range from a bus
2.36m from ground

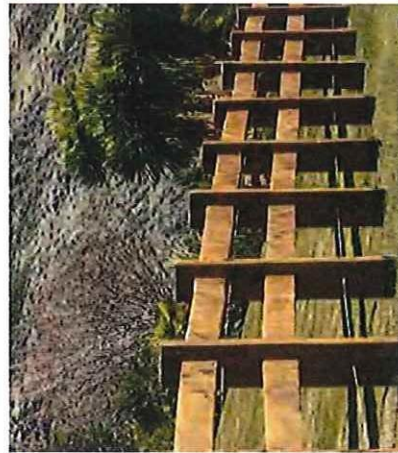
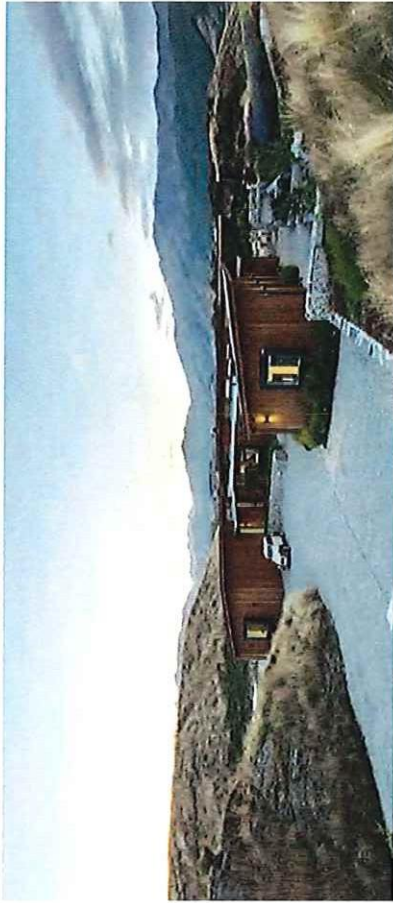


CROSS SECTION CC
1:150 @ A1 or 1:300 @ A3
-3.5m high mound



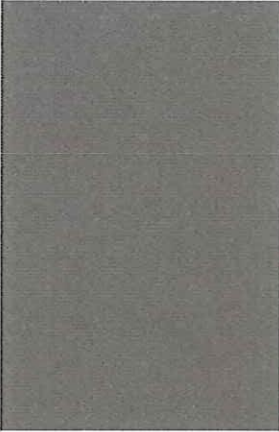
CROSS SECTION DD
1:150 @ A1 or 1:300 @ A3
-3.5m high mound

DESIGN & LANDSCAPE ARCHITECTS LLP
1000 PINE STREET, SUITE 1000
DENVER, CO 80202
TEL: 303.733.1000
WWW.DLA-LLP.COM
DESIGNED BY: J. L. HARRIS
DRAWN BY: J. L. HARRIS
CHECKED BY: J. L. HARRIS
DATE: 12/15/2020
PROJECT: MT IRON JUNCTION
SHEET: 18 OF 15





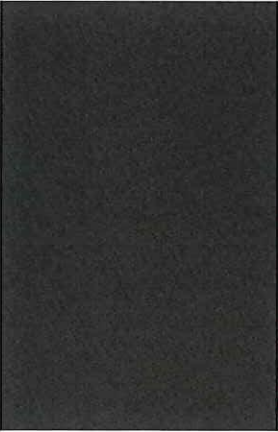
Coloursteel - Grey Fraits 10% LRV



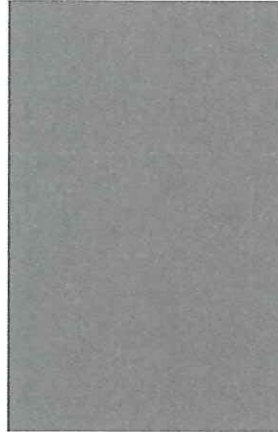
Resene - Mavora 23% LRV



Dryden Wood Oil - Black Teak



Coloursteel - Ironsand 8% LRV



Resene - Whakarewarewa 29% LRV



Dryden Wood Oil - Clear



Coloursteel - Sandstone Grey 27% LRV



Dryden Wood Oil - Slate



Coloursteel - Karaka 8% LRV

NOTE:

COLOUR PALETTE

Mavora to be used on painted brick.

Dulux Mavora and Whakarewarewa to be used over bagged brickwork at motel units.

Other colours to be within 5-30% LRV range

MATERIALS PALETTE

Cedar to be bandsawn face finish, cedar has no LRV

Boardform Concrete to be used at Retail area as shown white in the cross sections.

ATTACHMENT 3
THREE SIXTY ARCHITECTS
RESIDENTIAL PLANS

ARCHITECTURAL DESIGN STATEMENT

This statement sets out the design philosophy for Mt Iron Junction's new development with regards to the design of the residential and commercial buildings. The intention is to present a palette of architectural elements that provide a consistent design theme that is strongly based on the local area and reflects a Central Otago vernacular.

Landscaping plays an integral part of the overall design with both building and landscape form taking references from the surrounding area and the bulk of Mount Iron.

Roof pitches are varied between the two typologies with Terrace housing comprised of 45-degree pitched gables separated by low linkages that break the mass of building forms so that individual units are clearly identified. The worker accommodation units are lower pitched with asymmetric roof lines pitched at 25 and 16 degrees. Overall, this provides an appropriate level of modulation and rhythm that reflects the surrounding alpine peaks.

The overall height of the proposed terrace housing has been set at 7.9m, with lower worker housing units set at 4.4m. This provides a consistent alpine aesthetic to the overall development and provides a pleasing mix of building heights referencing the Mount Iron topography.

Cladding is a mix of plaster or bagged brick veneer in repeating tones of earthy white colours combined with vertical oiled cedar and charcoal colorsteel siding on selected units to break up the pattern of the housing and provide contrast.

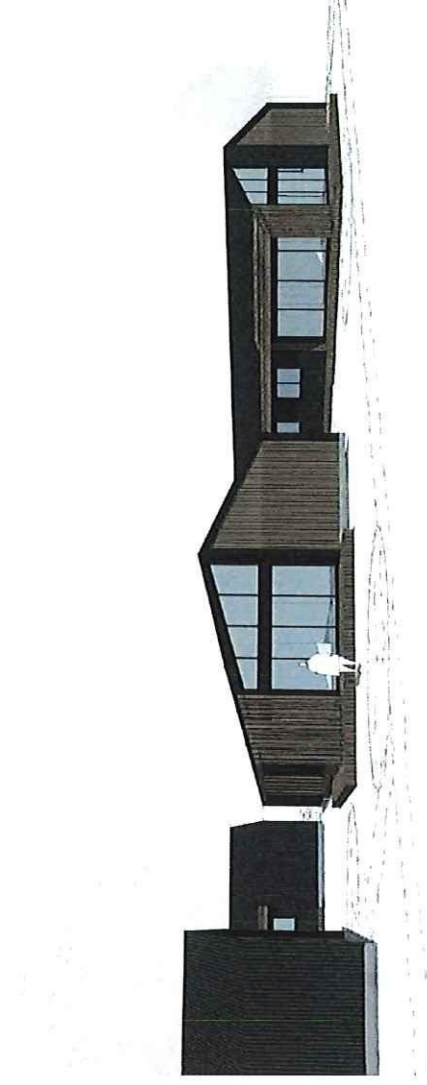
All down pipes and gutters are colour matched with the roofs.

Worker accommodation units are lower in scale and are laid out in a campus-like pattern which allows the landscaping to integrate with pathways. Cladding is colorsteel in charcoal grey colour tones. This is mixed with accents of vertical cedar shiplap boarding with a band sawn texture finished in a penetrating wood oil.

The building elements designed for this development acknowledge the importance of the site both in colour, textures and variety of form, while maintaining an overall continuity of design and appearance.



terrace housing

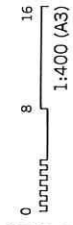


worker accommodation

Architectural
Design Statement

Three
Sixty
Architecture

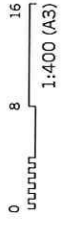




Areas:
Typical Unit Area: 175sqm
Total GFA: 1,575sqm
Office and amenity building:
Total GFA: 240sqm



LEGEND:
J MANAGER'S ACCOMMODATION
K OFFICE
L LAUNDRY & DRYING ROOM
M RUBBISH



north elevation



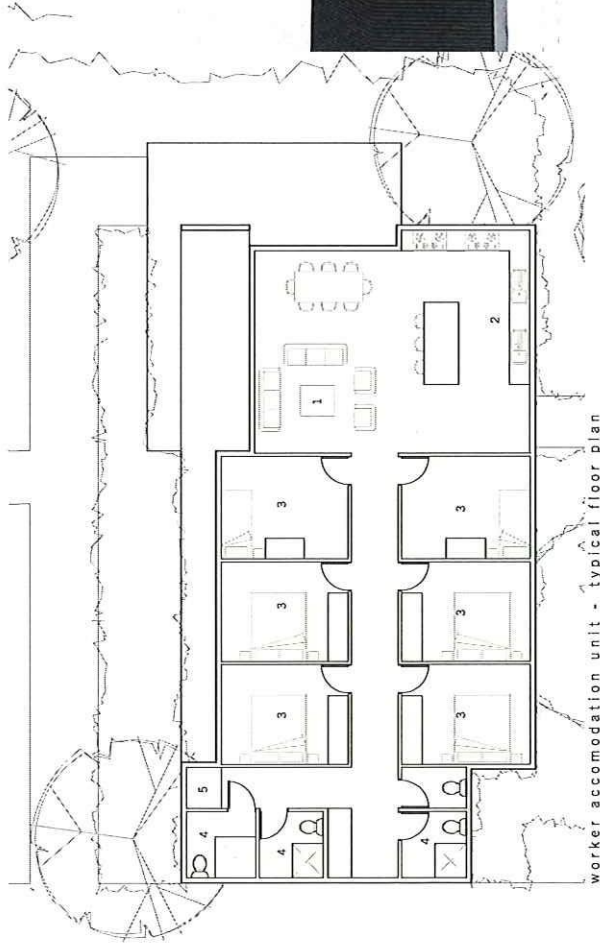
west elevation

east elevation



south elevation





worker accommodation unit - typical floor plan



worker accommodation - north perspective

- LEGEND:
- 1 LIVING
 - 2 BEDROOM
 - 3 BEDROOM
 - 4 BATHROOM
 - 5 STORAGE



north elevation



east elevation



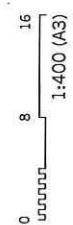
west elevation



south elevation

Three
Sixty
Architecture





Areas:

Unit 1,3,4,5,6,7,9	
Ground Floor:	89 sqm
First Floor:	64 sqm
Total:	153 sqm

Unit 2,8,10,11,12,13:	
Ground Floor:	92 sqm
First Floor:	68 sqm
Total:	160 sqm



Terrace Housing
Ground floor

Three
Sixty
Architecture





Terrace Housing
First floor

Three
Sixty
Architecture





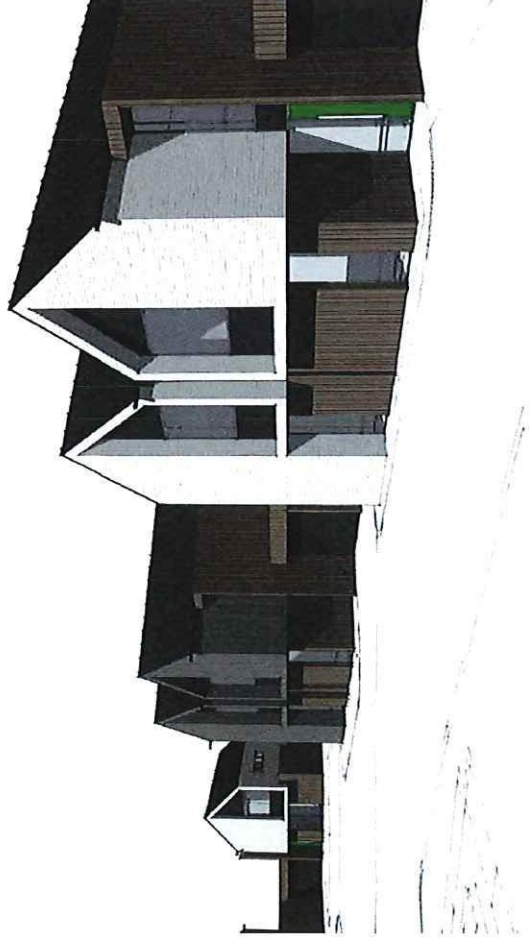
Terrace Housing
Elevations

Three
Sixty
Architecture





southwest view

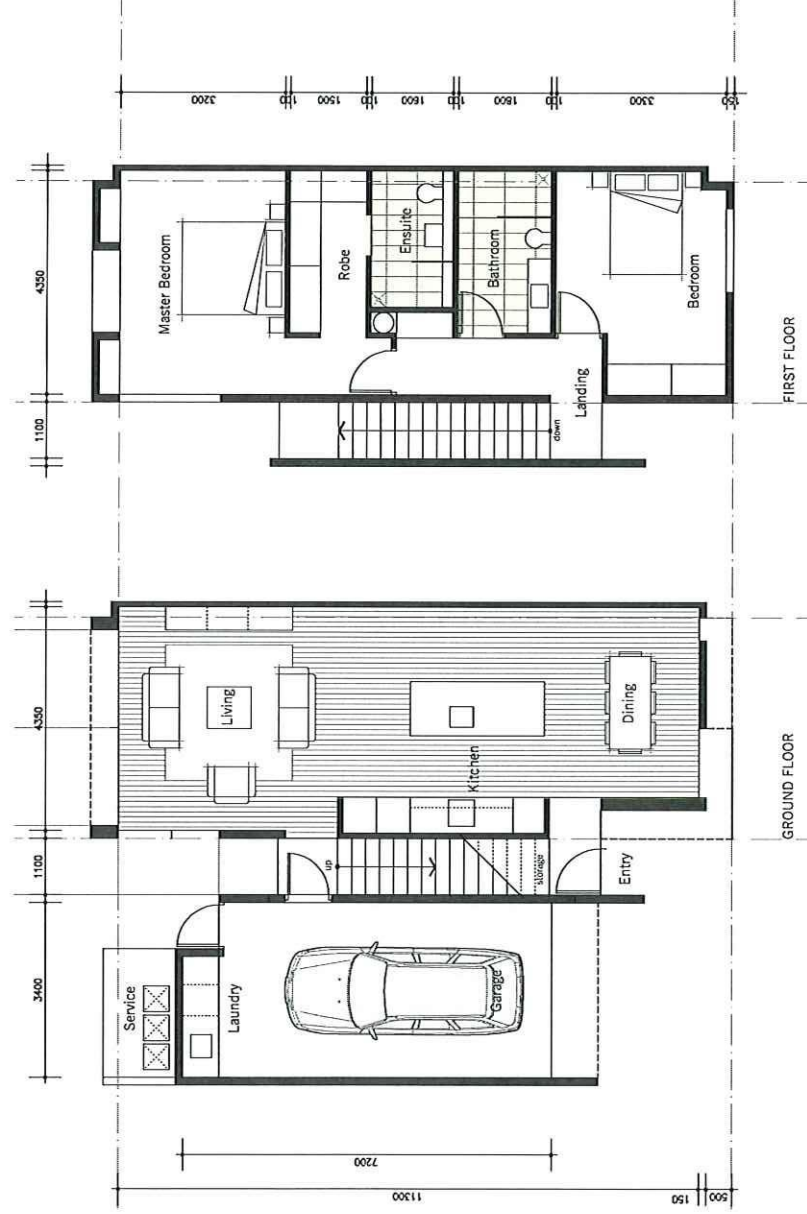
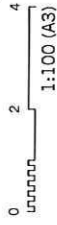


northeast view

Terrace Housing
Sketches

Three
Sixty
Architecture

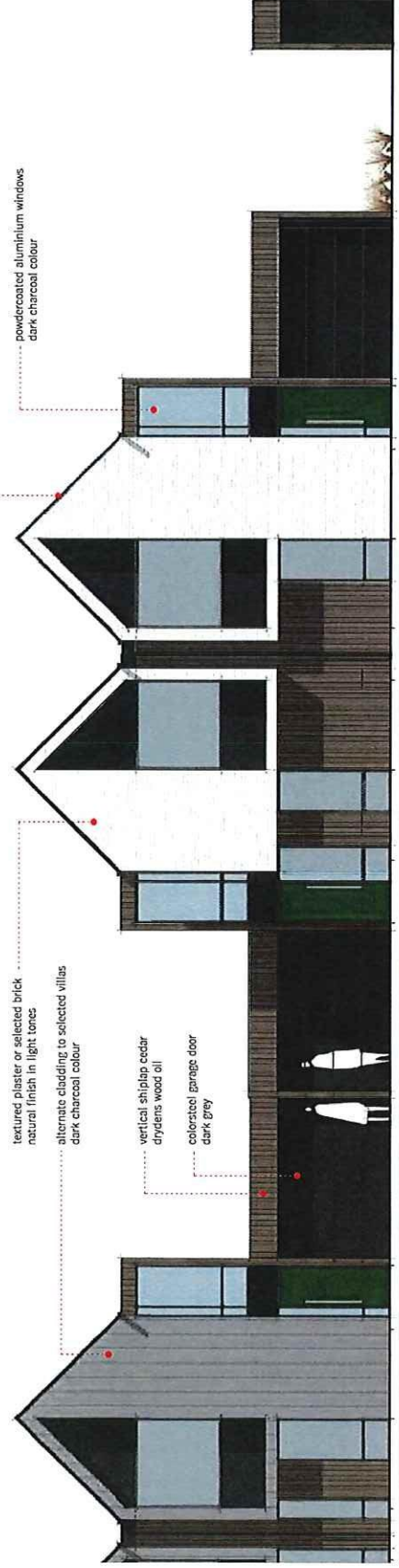


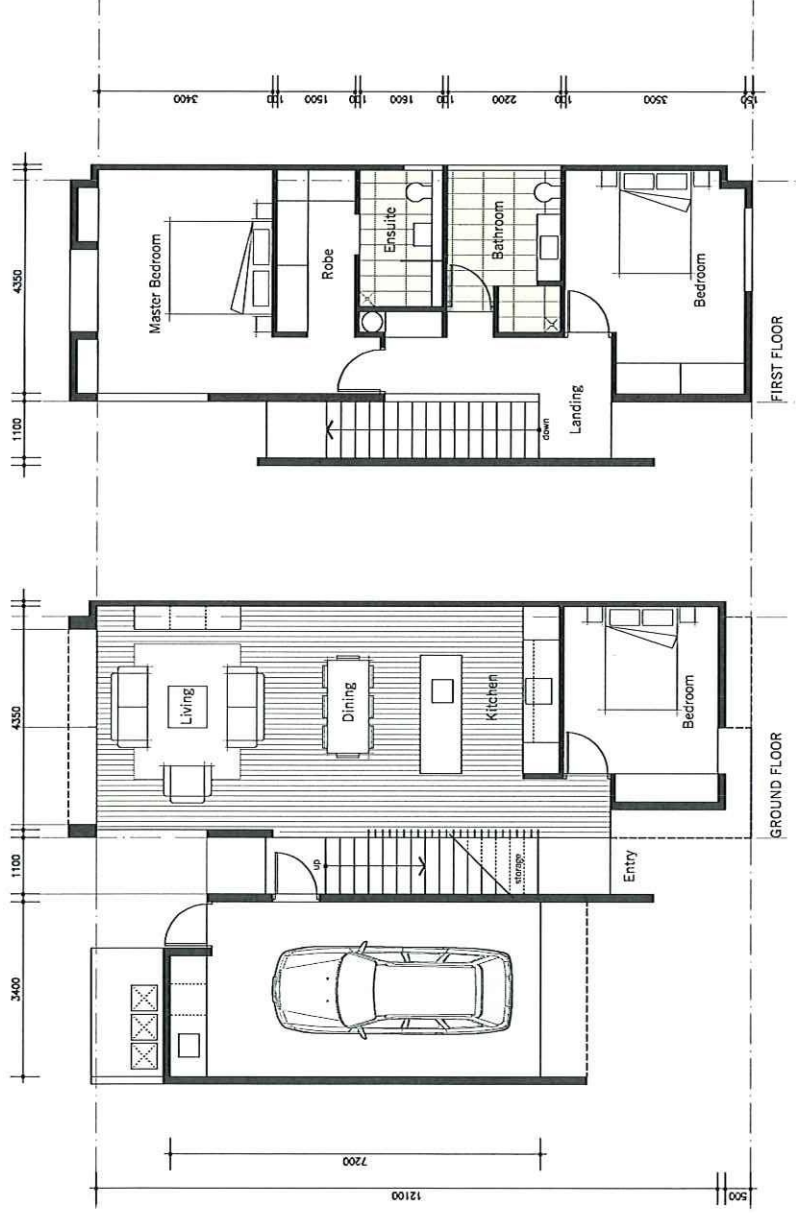
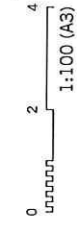


Areas:	
Ground Floor:	63.0 sqm
First Floor:	64.0 sqm
Garage:	26.0 sqm
Total:	153.0 sqm

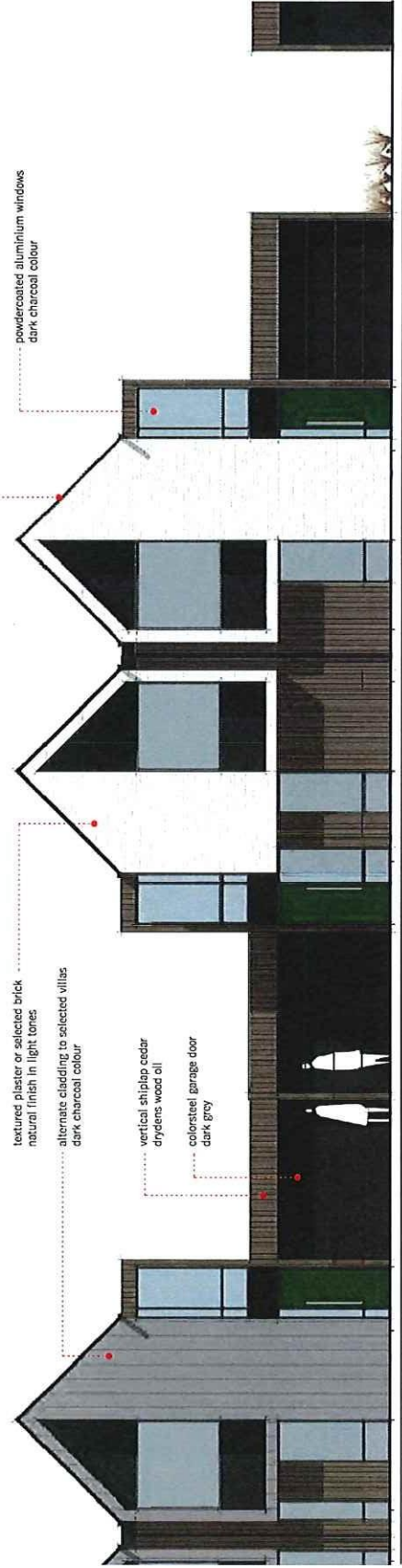
Terrace Housing 2 bedroom villa

Three
Sixty
Architecture





Areas:	
Ground Floor:	66.0 sqm
First Floor:	68.0 sqm
Garage:	26.0 sqm
Total:	160.0 sqm



textured plaster or selected brick
natural finish in light tones
alternates cladding to selected villas
dark charcoal colour

vertical shiplap cedar
drydens wood oil

colorsteel garage door
dark grey

colorsteel roof
dark grey

powdercoated aluminium windows
dark charcoal colour

Terrace Housing
3 bedroom villa

Three
Sixty
Architecture



ATTACHMENT 4
SHA ARCHITECTS
SERVICE STATION PLANS

Architectural Statement for Caltex Service Station

Service stations provide a service to the community and are by the nature of the product they sell, required to be strategically distributed throughout our cities and towns. They follow a set formula in terms of layout and design and need to be clearly visible to motorists.

This proposed service station is very different in nature to a standard service station. Due to the sensitive location close to Mt Iron and being on the edge of the Wanaka urban centre, care was taken in the development of the design to ensure that it fits appropriately into this setting.

The service station convenience store building will have a height of approximately 5.9m from ground level. It is proposed to include schist cladding along the bottom 0.8m of the shop frontage and for two additional panel areas along the shop frontage to reduce the amount of glazing, and thus illumination plus feature panels of schist stone divide the shop front glazing. Schist stone will also be showcased in a feature wall of approximately 6.0m high facing SH84.

The use of schist, and the significant extent of it, is unusual (and expensive) compared to a standard service station build and reflects the careful, sensitive design of the proposed building in this location.

The shop, carwash, and laundromat exterior walls will be a mixture of Eurotray or similar colorsteel cladding and schist stone which will be complementary to the surrounding environment and blend with the architecture of the adjacent residential buildings. The colorsteel will be Windsor Grey to provide a dark natural palette to the exterior of the buildings. Windsor Grey has a LRV of 7% and is a dark, recessive colour as requested by the Council.

There is a small "on the spot" dark blue banner as shown on the "Elevations" plan. There are no brightly coloured banners along the building frontages, as queried by the Council.

The canopy strip will not be the standard "Caltex Red" colour. Instead it will be largely the same grey as the building colour, with an area of "Caltex Green" behind the white Caltex lettering and with the Caltex Star Logo. The white Caltex lettering and Caltex Star Logo are relatively small in the context of the overall service station built form, including the shop, carwash and laundromat. This is evident from the "Elevations" plan.

The canopy posts will be steel posts with a schist cladding for the 1.5m high plinth, which is again unusual for a service station build. The skeletal structure of the canopy provides line of sight for viewers through to the surrounding landscape, including Mt Iron.

The canopy strip will have reduced LED lighting with a 35% reduction compared to a standard Caltex service station, with no LED lighting on the north or west sides.

The canopy top roof, window joinery and shop roof colour will also be Windsor Grey (LRV 7%) in order that the building blends into the environment, particularly when viewed from the top of Mt Iron. No mechanical plant will be located on the roof of any building.

In terms of the signage, this has been designed to be generally simple and for information purposes in this location. The proposed free-standing Caltex pylon sign adjacent to State Highway 84 was specifically designed for this site. The Caltex main identification signage is generally 9.0m in height. For this site, it will be only 2.2m in height, including a schist base, and it will consist of only the white Caltex lettering and Caltex Star Logo on a Caltex Green background.

The Caltex signage is necessary to notify drivers from a distance that they are approaching a service station so they can prepare to safely enter the site. The signage will be clear, simple and appropriate for a service station in this location.

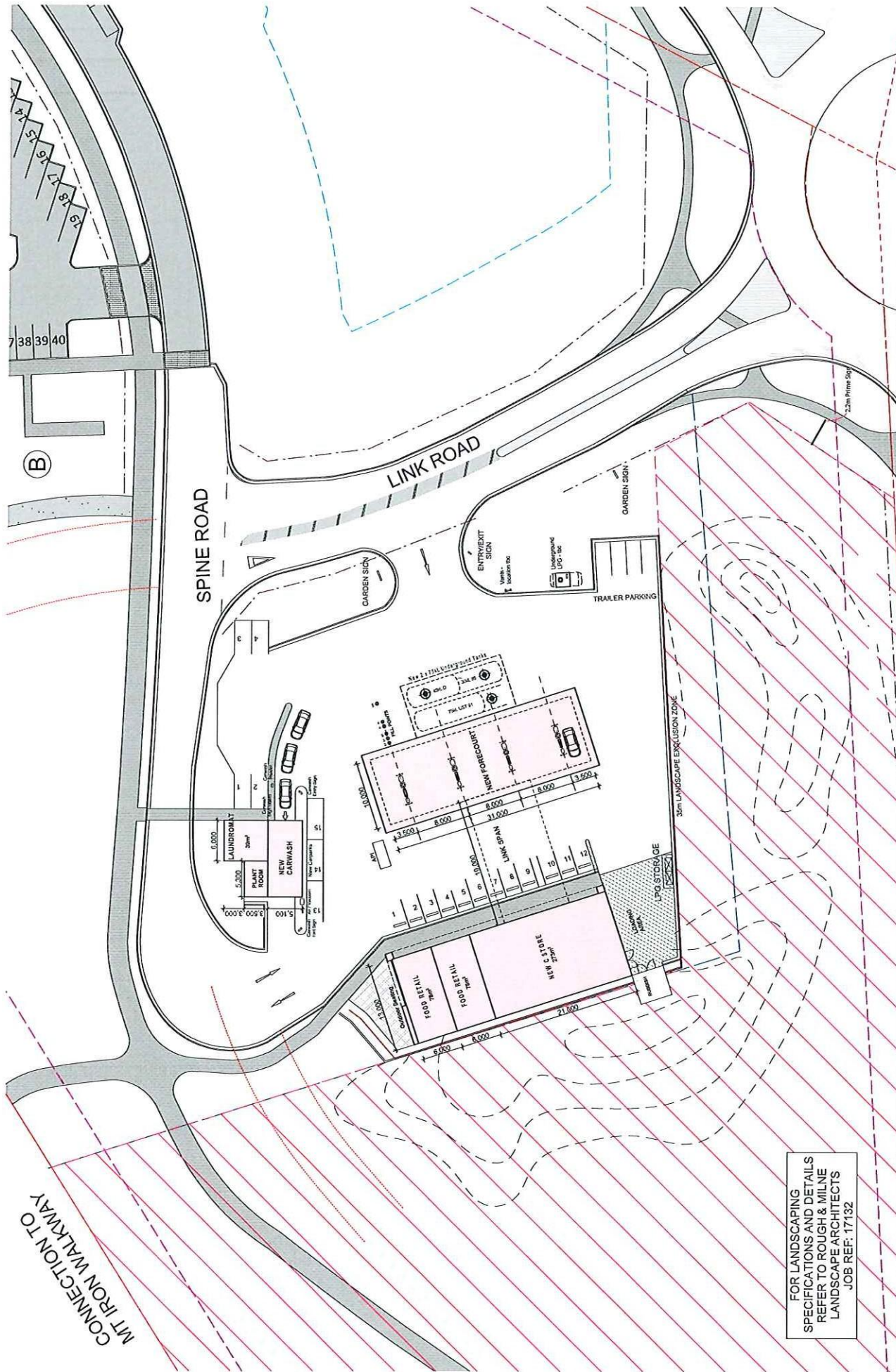
It is considered that the signage will be visually compatible with the scale and character of the building to which it relates. The signage is necessary to identify the site as a Caltex service station but, in the manner proposed, will not be inappropriate in this location.

Two garden signs are proposed along the Link Road, outside of the Landscape Protection Area (one to the north and one to the south of the entrance). One of these garden signs has been relocated from State Highway 84 to Link Road. These will have a height of 2.1m and a width of 1.2m, giving a sign area of 2.04m². They will display information related to the service station. There are also directional signs at the entrance for traffic guidance.

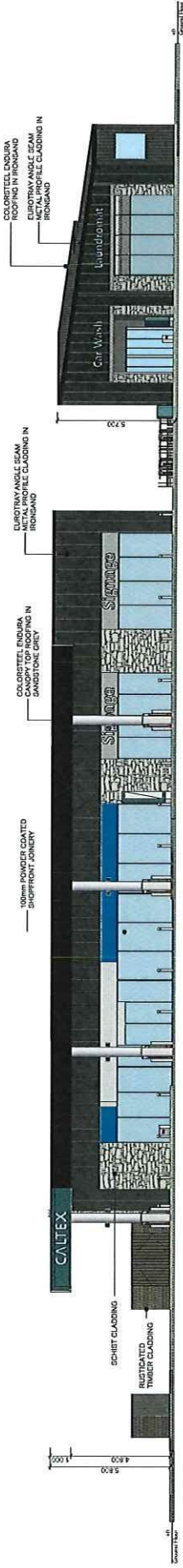
No signage will involve illumination from the side or top of the signs, the only parts of illumination will be backlighting or areas of the logo and text, and no part of any lighting will be directed towards the night sky, as per the Council's request. The text colouring will be the standard Caltex white text over a dark green background, also as per the Council's request.

In summary, it is considered that the design is a low key service station design using local materials (eg schist stone), less lighting (eg 35% LED reduction on the canopy strip), reduced signage (as explained above) and subdued colouring (mainly Windsor Grey at 7% LRV).

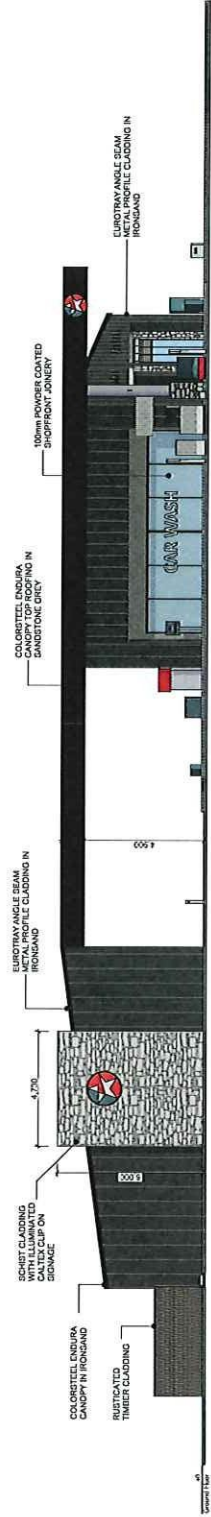
It is considered that the proposed Caltex service station will be of a similar design to the Queenstown NPD service station. That service station was taken into consideration in the development of the design for this proposed service station and there are many similarities in relation to colour and material choices, including the use of tray cladding and schist stone, although it is noted that the service station proposed here uses significantly more schist and has less glazing along the shop frontage. It is also considered that the service station will not be out of context with the new BP Wanaka, which opened in August 2020.



DESIGNER  SHA ARCHITECTURE 10/100 RIVERVIEW AVENUE MELBOURNE VIC 3000 PH: 03 9594 1111 WWW.SHAARCHITECTURE.COM.AU	PROJECT TITLE CALTEX MT IRON JUNCTION Mt Iron Junction 3000000	DRAWING TITLE Site Plan	SCALE: 1:200 @ A1, 1:400 @ A3 DATE: 11/12/2020 REF: 16035 LEGAL: RUGGIERI/PAW Lot 5 DP 150116 CHECKED: David Dool DRAWN: Y.L. SHEET: 102	MT Iron Junction 21 DECEMBER 2020 PAGE 36
---	---	--	---	--



6 East Elevation 1:100

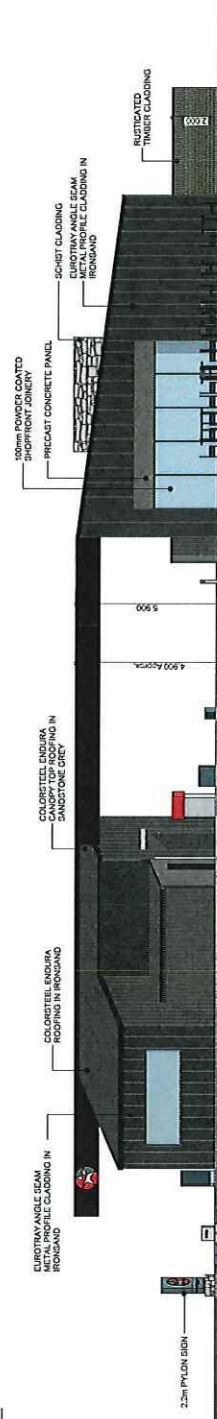


7 South Elevation 1:100



8 West Elevation 1:100

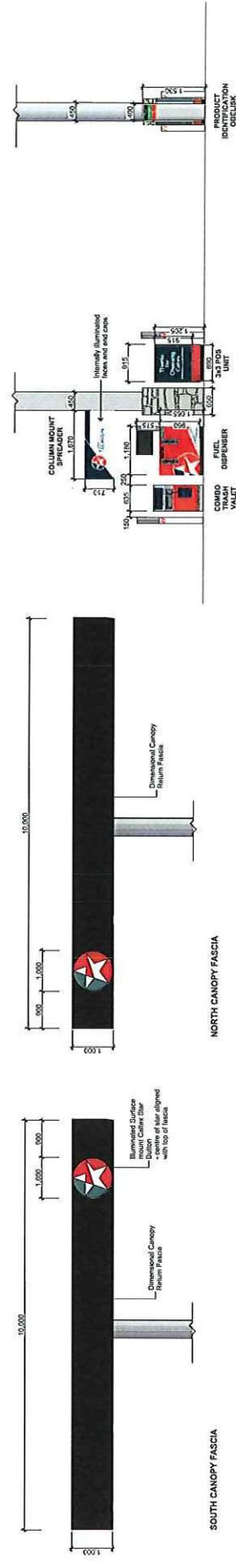
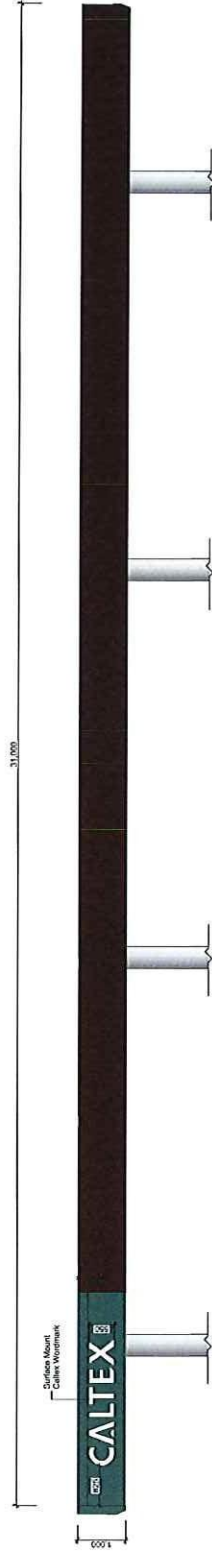
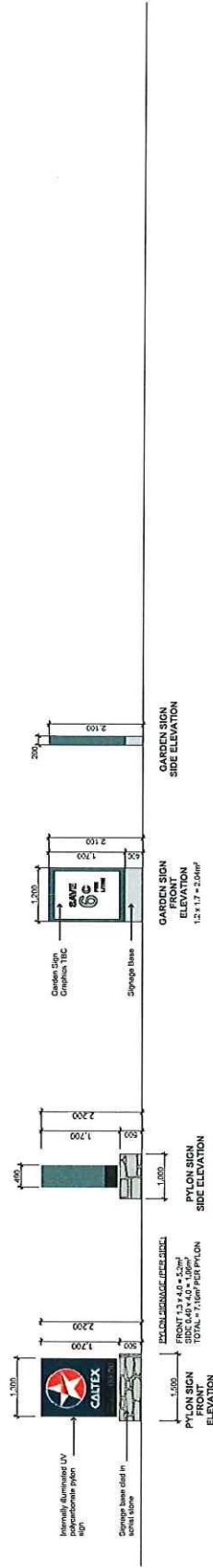
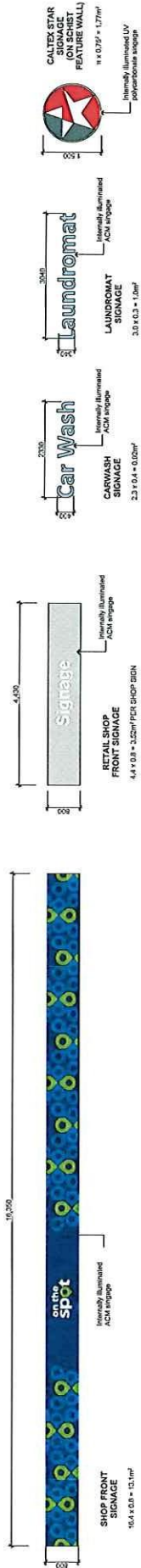
NOTE:
ALL DIMENSIONS ARE
APPROXIMATE PENDING
DETAILED DESIGN



5 North Elevation 1:100

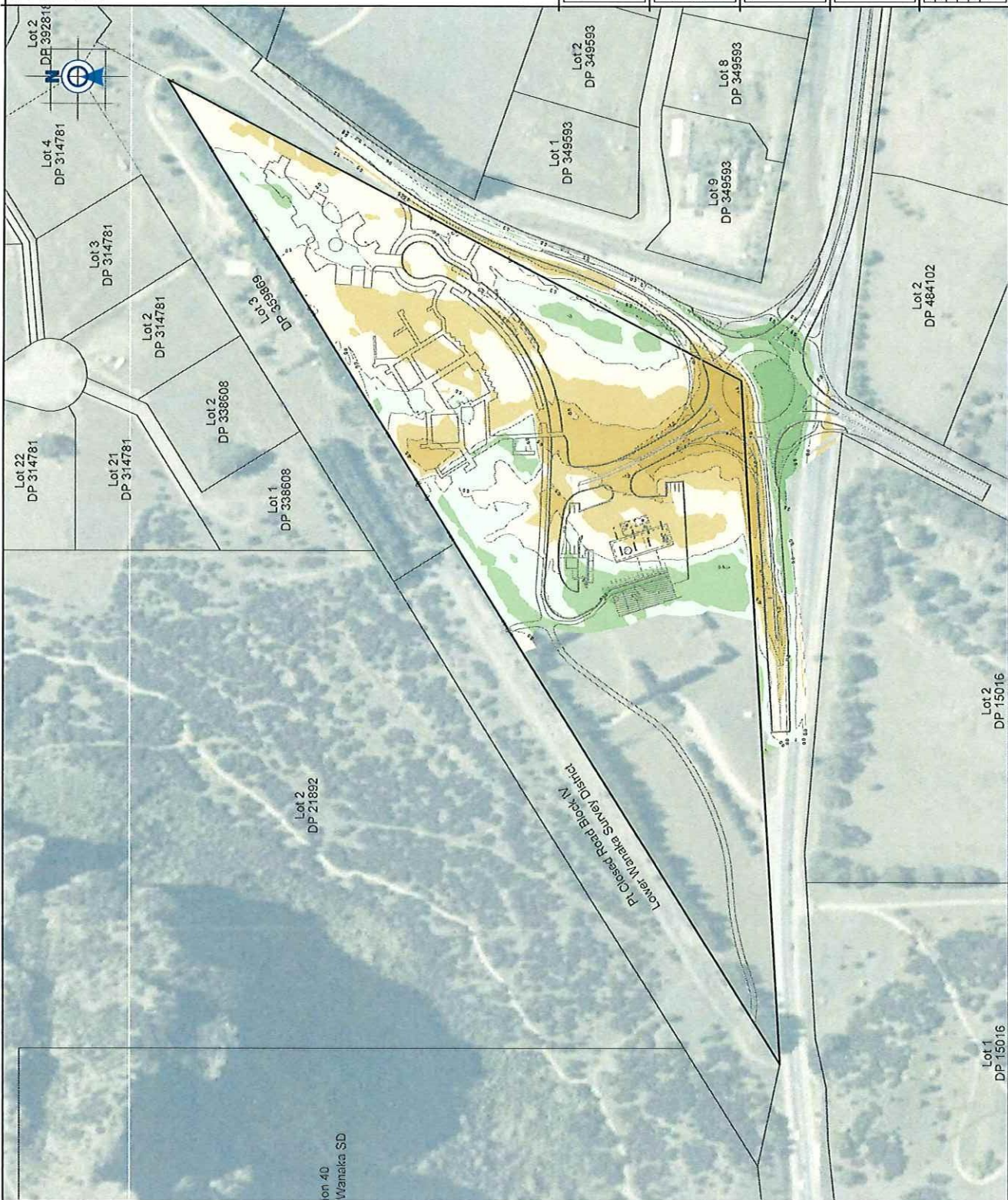
DESIGNER	SHIA Architecture	PROJECT TITLE	CALTEX MT IRON JUNCTION	DRAWING TITLE	Elevations	SCALE	1:100 @ A1, 1:200 @ A3	DATE	11/12/2020
CHECKED	David Shaw	DRAWN	Y.L.	LEGAL DESCRIPTION	Lot 5 DP - 10116	REVISION	201	REF	18035
SHEET	201	SHEET	201	REVISION	L	REVISION	L	REVISION	L





DESIGNER 	PROJECT TITLE CALTEX MT IRON JUNCTION Mt Iron Junction WANAKA	DRAWING TITLE Signage Details	REVISIONS: 1. Initial Design 2. Client Approval 3. Final Design 4. Construction Details			
			SCALE:	1:50 @ A1	1:100 @ A3	DATE: 11/02/2020
			DRAWN:	Y.L.	REF: 18035	LEGAL: 18035
			CHECKED:	David Smith	LEGAL DESCRIPTION: LA 15 DP 15/16	REVISION: L

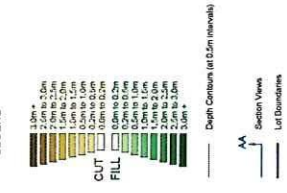
ATTACHMENT 5
PATTERSON PITTS
ENGINEERING PLANS



NOTES

1. The contractor shall be responsible for locating all existing services prior to commencement of works. The contractor shall have good at their own expense any damage to existing services.
2. Levels are in terms of Ordnance Vertical Datum 1955.
3. All works are to be installed as per the CLDC Land Development and Subdivision Code of Practice. Standard drawings are available from the Engineer.
4. Contours at 0.2m interval.

LEGEND



FOR RESOURCE CONSENT

PATERSONPITTS GROUP
Surveying • Planning • Engineering
Your Land Professionals
Wanaka Office
0800 PPGROUP

WANAKA
19 Reece Crescent
or P.O. Box 283
Wanaka 9345
Tel: 03 443 0110
E: info@ppg.co.nz

Mt Iron Junction Ltd
Mt Iron Junction

Resource Consent Drawings
Earthworks Plans
Cut Fill Areas

Drawn by	QC/DAI	Original Date	Scale
Checked by	DAI		1:1000 @ A1
Approved by	DAI		1:2000 @ A3
Drawn No.	01	Sheet No.	DO NOT SCALE
W6221		Revision No.	C
		Date Created	18/12/2020

E:\CSC\15\15016\15016_01_CUT_FILL_AREAS_18122020.DWG



Datum RL = 200.00		Station	
DESIGN SURFACE	0.00	0.00	0.00
NATURAL SURFACE	0.00	0.00	0.00
DEPTH (+Fill/-Cut)	0.00	0.00	0.00
CHANGING	0.00	0.00	0.00

Datum RL = 246.00		B	
DESIGN SURFACE	117.43	0.00	8.00
NATURAL SURFACE	117.63	25.00	0.00
DEPTH (+Fill/-Cut)	117.63	25.00	0.00
CHANGING	117.63	25.00	0.00

Datum RL = 265.00		Station		Chainage	
DESIGN SURFACE	317.8	317.8	317.8	317.8	317.8
NATURAL SURFACE	317.8	317.8	317.8	317.8	317.8
DEPTH (+Fill,-Cut)	0.00	0.00	0.00	0.00	0.00
CHAINAGE	0.00	0.00	0.00	0.00	0.00

PATERSONPITTSGROUP
Surveying • Planning • Engineering
Your Land Professionals
www.ppgroup.co.nz
0800 PPGROUP

WANAKA
19 Rue de la Croix
or P.O. Box 283
Wanaka 9343
T 03 443 0110
E wanaka@ppgroup.co.nz

Chart 1. Location

Mt Iron Junction Ltd
Mt Iron Junction

Purpose & Drawing Title

Resource Consent Drawings

Earthworks Plans

Long Section

Submitted by:	OLUC LUDAR	Original Size	Scale
Designed by:	BIT	A1	1:1000 @ A1 1:2000 @ A3
Drawn by:	BIT		
Checked by:	OLUC		
Approved by:	MAR	Sheet No	DO NOT SCALE
Job No:	W6221	203	Revision No: C
			Date Created: 18/12/2020



FOR RESOURCE CONSENT

Datum RL - 307.00									
DESIGN SURFACE	138.63	0.39	317.54	317.54	135.00	0.02	317.54	317.54	135.00
NATURAL SURFACE	137.54	0.02	317.54	317.54	135.00	0.02	317.54	317.54	135.00
DEPTH (+Fill/Cut)	137.54	0.37	317.54	317.54	135.00	0.02	317.54	317.54	135.00
CHAINAGE	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00

Datum RL - 306.00									
DESIGN SURFACE	138.63	0.39	317.54	317.54	135.00	0.02	317.54	317.54	135.00
NATURAL SURFACE	137.54	0.02	317.54	317.54	135.00	0.02	317.54	317.54	135.00
DEPTH (+Fill/Cut)	137.54	0.37	317.54	317.54	135.00	0.02	317.54	317.54	135.00
CHAINAGE	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00

PATERSONPITTSGROUP
Surveying • Planning • Engineering
Your Land Professionals
www.ppgroup.co.nz
0800 PPGROUP

MANAKA
19 Roroco Crescent
P.O. Box 283
Manakā 9343
T 03 443 0110
E manaka@ppgroup.co.nz

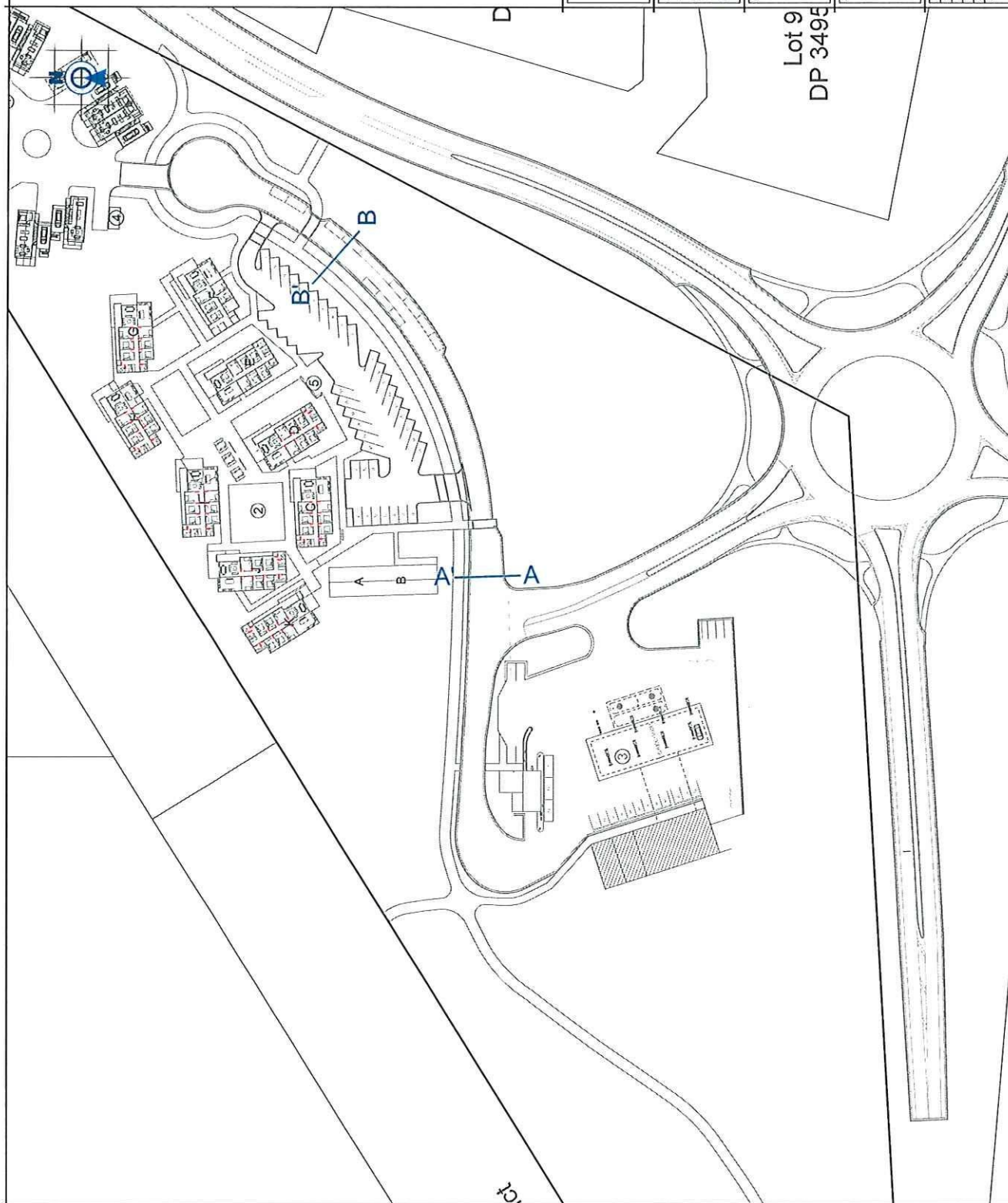
Client & Location

Mt Iron Junction Ltd
Mt Iron Junction

Resource Consent Drawings
Earthworks Plans
Long Section

Drawn by	Checked by	QC'd by	Original Date	Scale
W6221	W6221	W6221	01/12/2020	1:1000 @ A1 1:2000 @ A3
Drawn by	Checked by	QC'd by	Original Date	Scale
W6221	W6221	W6221	01/12/2020	1:1000 @ A1 1:2000 @ A3
Drawn by	Checked by	QC'd by	Original Date	Scale
W6221	W6221	W6221	01/12/2020	1:1000 @ A1 1:2000 @ A3

ENGINEER MANAKA CONSULTING LTD 2020/12/21 10:00 AM



NOTES

7. The contractor shall be responsible for locating all existing services prior to commencement of works. The Contractor shall make good at their own expense any damage to existing services.

Minor Contours (at 0.5m intervals)

Major contours (at 1.0m intervals)

AA

FOR RESOURCE CONSENT

PATERSONPITTSGROUP
Surveying • Planning • Engineering
Your Land Professionals
www.ppgroup.co.nz
0800 PPGROUP

WANAKA
19 Reece Crescent
or P.O. Box 283
Wanaka 8343
T 03 443 0110
E wanaka@ppgroup.co.nz

© COPYRIGHT. This drawing, content and design remains the property of Paterson Petis Limited Partnership and may not be reproduced in part or full or altered without the written permission of Paterson Petis Limited Partnership. This drawing and its content shall only be used for the purpose for which it is intended. No liability shall be accepted by Paterson Petis Limited Partnership for its unauthorized use.

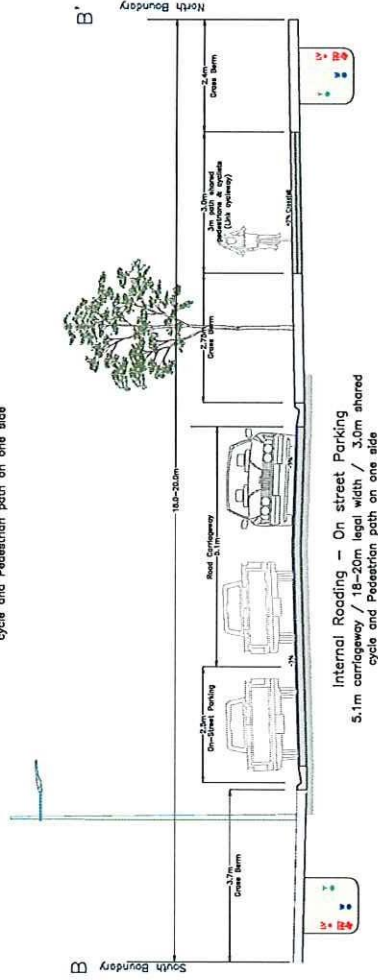
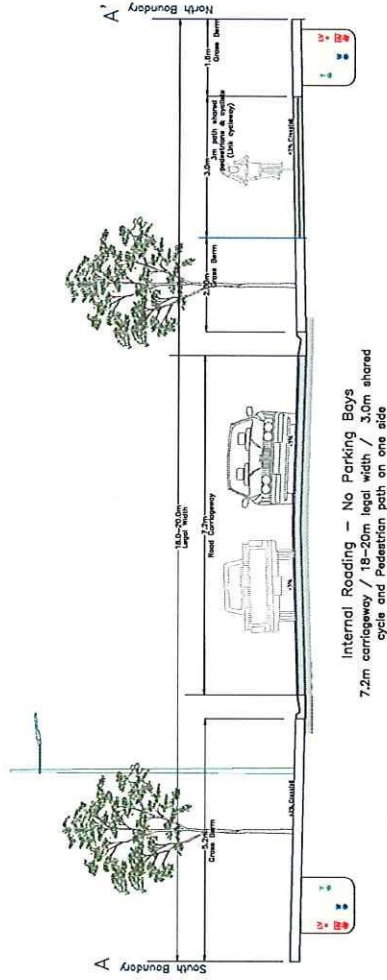
David R. Forstner

Mt Iron Junction Ltd
Mt Iron Junction

Arizona & Drawing Tables:

Resource Consent Drawings
Road Layout

Designed by:	QC/QC (LDR)	Original Size:	Scale:
Asigned by:	BIT	A1	1:500 @ A1
Drawn by:	BIT		1:1000 @ A3
Decided by:	D/W		DO NOT SCALE
Approved by:	M/B		
Drawing No:	Sheet No:	Revision No:	Date Created:
W6221	01	C	18/12/2020



FOR RESOURCE CONSENT

PATERSONPITTSGROUP
Surveying • Planning • Engineering
Your Land Professionals
www.ppsgroup.co.nz
0800 PPSGROUP

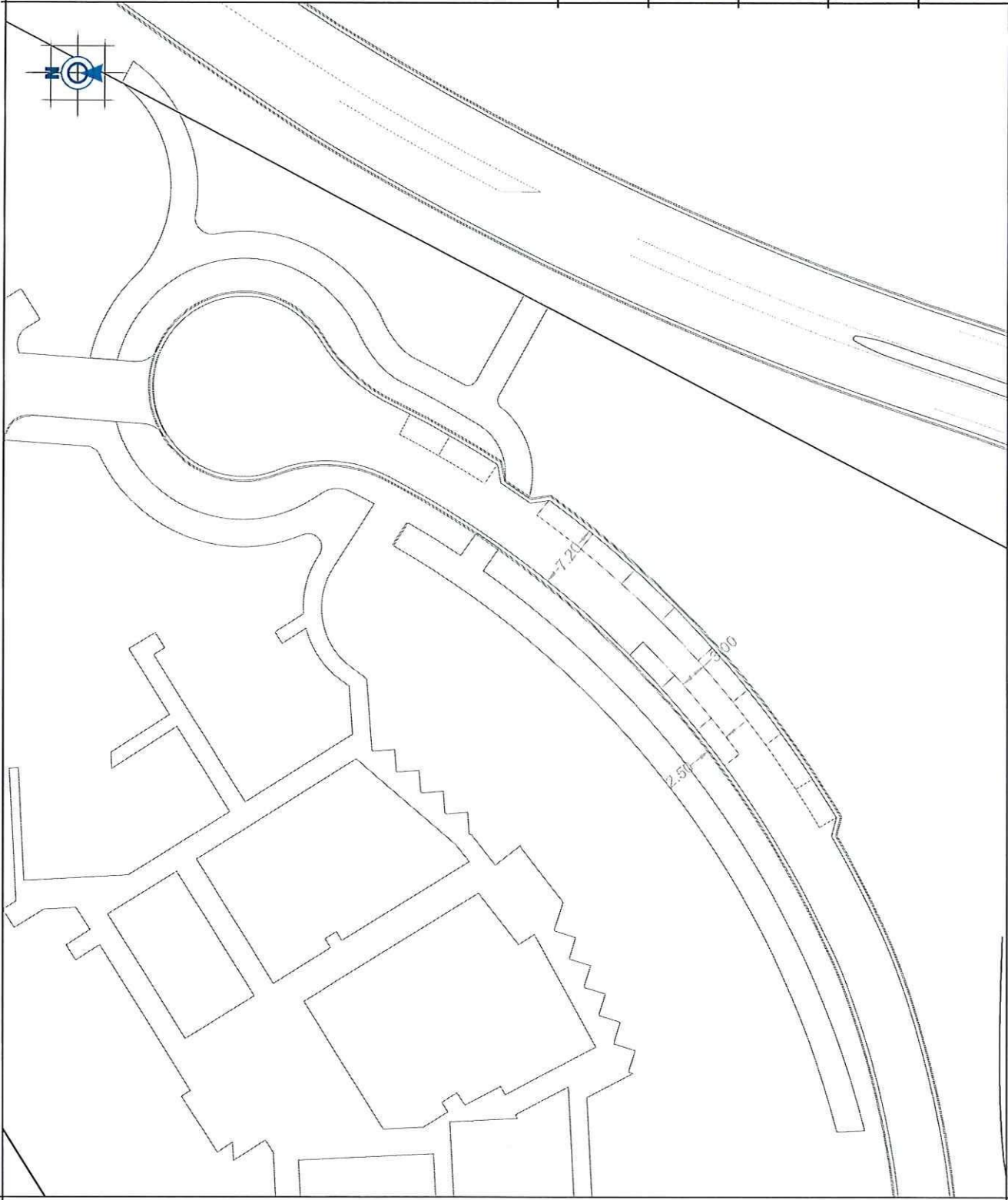
WANAKA
19 Recto Crescent
PO Box 283
Wanaka 9301
T 03 443 0110
E wanaka@ppsgroup.co.nz

Client Location
Mt Iron Junction Ltd
Mt Iron Junction

Resource Consent Drawings
Roading Cross Section

Drawn by	Q.E.C. LEAH	Original Size	Scale
Checked by	BT	A1	1:50 @ A1
Approved by	MA	DO NOT SCALE	1:100 @ A3
Job No.	W6221	Sheet No.	302
		Revision No.	C
		Date Created	18/12/2020

C:\USERS\PI\LANDCONS\DRAWING\MT IRON JUNCTION\SECTION REV C.DWG



NOTES

1. The contractor shall be responsible for locating all existing services prior to commencement of works. The contractor shall make good at their own expense any damage to existing services.
2. Levels are in terms of Quindri Vertical Datum 1958.
3. All works are to be installed as per the QLIC Land Development and Subdivision Code of Practice. Standard drawings are available from the Engineer.
4. Contours at 0.5m interval.

Minor Contours (at 0.5m intervals)
Major contours (at 1.0m intervals)

AA Section Views
Lot Boundaries

FOR RESOURCE CONSENT

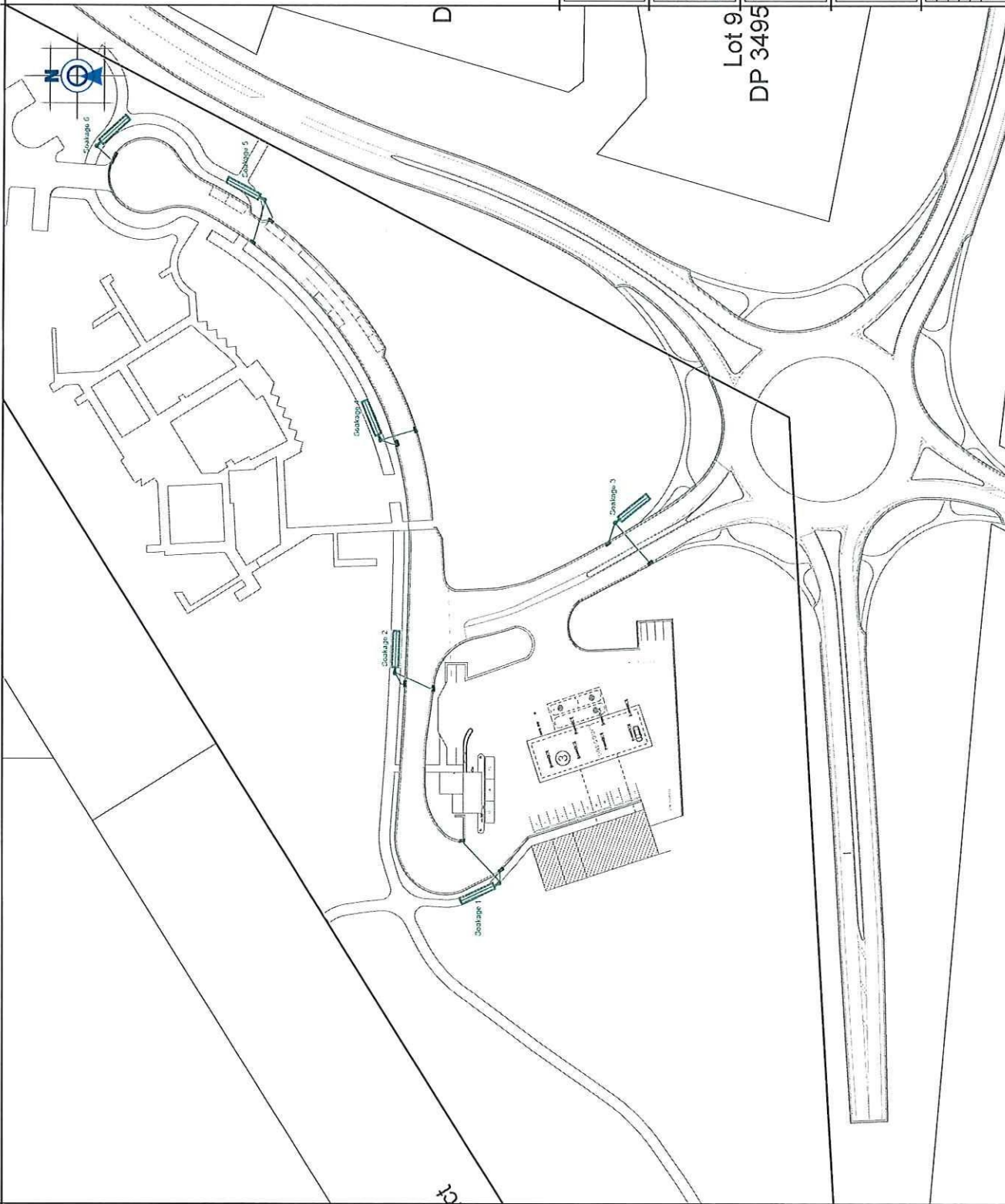
PATERSONPITTSGROUP
Surveying • Planning • Engineering
Your Land Professionals
Wanaka
PO Box 283
Wanaka 91 001
T 03 443 0110
E wanaka@ppsgroup.co.nz

WANAKA
19 Rocco Crescent
PO Box 283
Wanaka 91 001
T 03 443 0110
E wanaka@ppsgroup.co.nz

Client & Location
Mt Iron Junction Ltd
Mt Iron Junction

Purpose & Drawing Title
Resource Consent Drawings
Car Park Locations

Drawn By	Checked By	Original Date	Scale
WIT	WIT	A1	1:200 @ A1 1:400 @ A3
Drawn By	Checked By	Original Date	Scale
WIT	WIT	A1	1:200 @ A1 1:400 @ A3
Drawn By	Checked By	Original Date	Scale
WIT	WIT	A1	1:200 @ A1 1:400 @ A3
Drawn By	Checked By	Original Date	Scale
WIT	WIT	A1	1:200 @ A1 1:400 @ A3
Drawn By	Checked By	Original Date	Scale
WIT	WIT	A1	1:200 @ A1 1:400 @ A3



NOTES

1. The contractor shall be responsible for locating all existing services prior to commencement of works. The contractor shall then give all their own expense any damage to existing services.
2. Levels are in terms of Dunedin Vertical Datum 1955.
3. All works are to be installed as per the GLDC Land Development and Construction Code of Practice. Standard drawings are available from the Engineer.
4. Contours at 0.5m interval.

FOR RESOURCE CONSENT

Minor Contours (at 0.5m intervals)
Major contours (at 1.0m intervals)

AA
Section Views
Lot Boundaries
Stormwater Gully Pit
Stormwater Muffbank

PATERSONPITSGROUP
Surveying • Planning • Engineering
Your Land Professionals
www.ppgroup.co.nz
0800 PPGROUP

WANAKA
18 Poroko Crescent
P.O. Box 263
Wanaka 9343
T 03 443 0110
E wanaka@ppgroup.co.nz

© COPYRIGHT. The design, layout and design elements are property of Paterson Pitts Group. This drawing is for the use of the client only. It is not to be used for any other purpose without the written consent of Paterson Pitts Group. Paterson Pitts Group shall be held responsible for any errors or omissions in this drawing.

Client & Location:
Mt Iron Junction Ltd
Mt Iron Junction

Resource Consent Drawings
Concept Stormwater Layout

Project & Drawing Title:

Drawn By:	GLDC (MAD)	Original Date:	Scale:
Checked By:	MAD		1:500 @ A1
Approved By:	MTF		A1
Drawn By:	MAD		1:1000 @ A3
Checked By:	MAD		DO NOT SCALE
Approved By:	MAD		DO NOT SCALE
Job No:	W6221	Sheet No:	400
		Drawing No:	C
		Revision No:	18/12/2020

NOTES

1. The contractor shall be responsible for loading of existing services prior to commencement of work. The contractor shall make good at their own expense any damage to existing services.
2. Levels are in terms of Dunedin vertical datum 1958.
3. All works are to be installed as per NZS 4604:2004 and C100 amendments to those standards. Standard drawings are available from the Engineer.
4. Concrete at 30m interval.
5. All pipe diameters are NOMINAL, diameter unless otherwise stated.

FOR RESOURCE CONSENT

PATERSONPITTSGROUP
Surveying • Planning • Engineering
Your Land Professionals
Wanaka
8800 PPGROUP

WANAKA
19 Roca Crescent
P.O. Box 283
Wanaka 9140
T 03 443 0170
E wanaka@ppgroup.co.nz

DISCLAIMER: This drawing, unless and otherwise stated, is the property of Paterson Pitts Group Limited Partnership and may not be reproduced without the prior written consent of Paterson Pitts Group Limited Partnership. This liability and its contents shall only be valid for the purpose of the resource consent application and shall not be used for any other purpose without the prior written consent of Paterson Pitts Group Limited Partnership for its unauthorised use.

Client & Location:

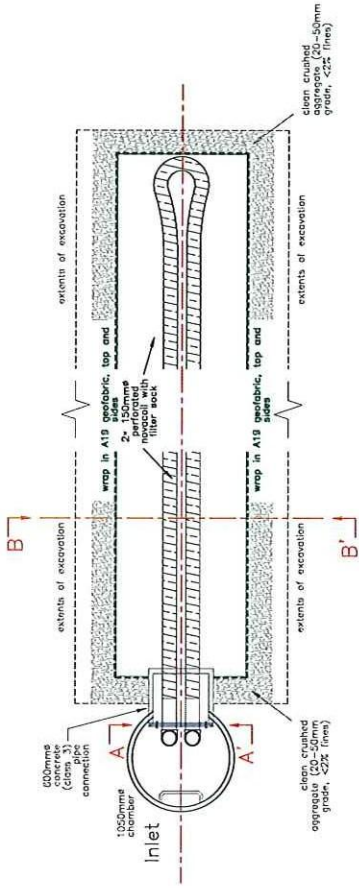
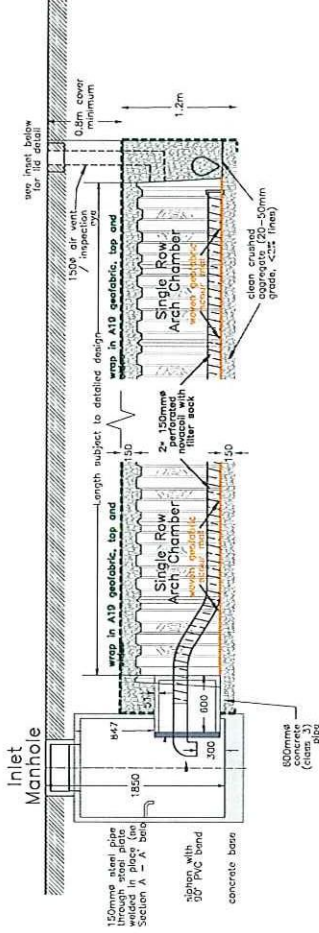
Mt Iron Junction Ltd
Mt Iron Junction

Purpose & Drawing Title:

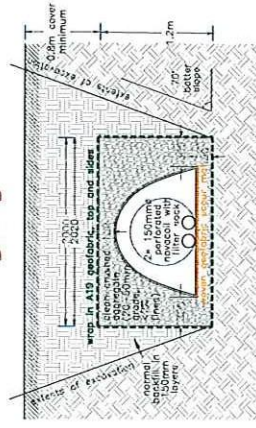
Resource Consent Drawings
Concept Stormwater Soakpit

Drawn by	Checked by	Approved by	Job No.	Drawing No.	Sheet No.	Revision No.	Date Created
W5221	01	401	C	18122020			

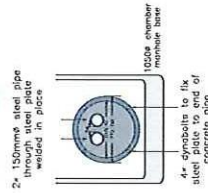
DESIGNED AND DRAWN BY: CONCEPT APICAL DESIGN LTD. C:\DCOR\DRAWING

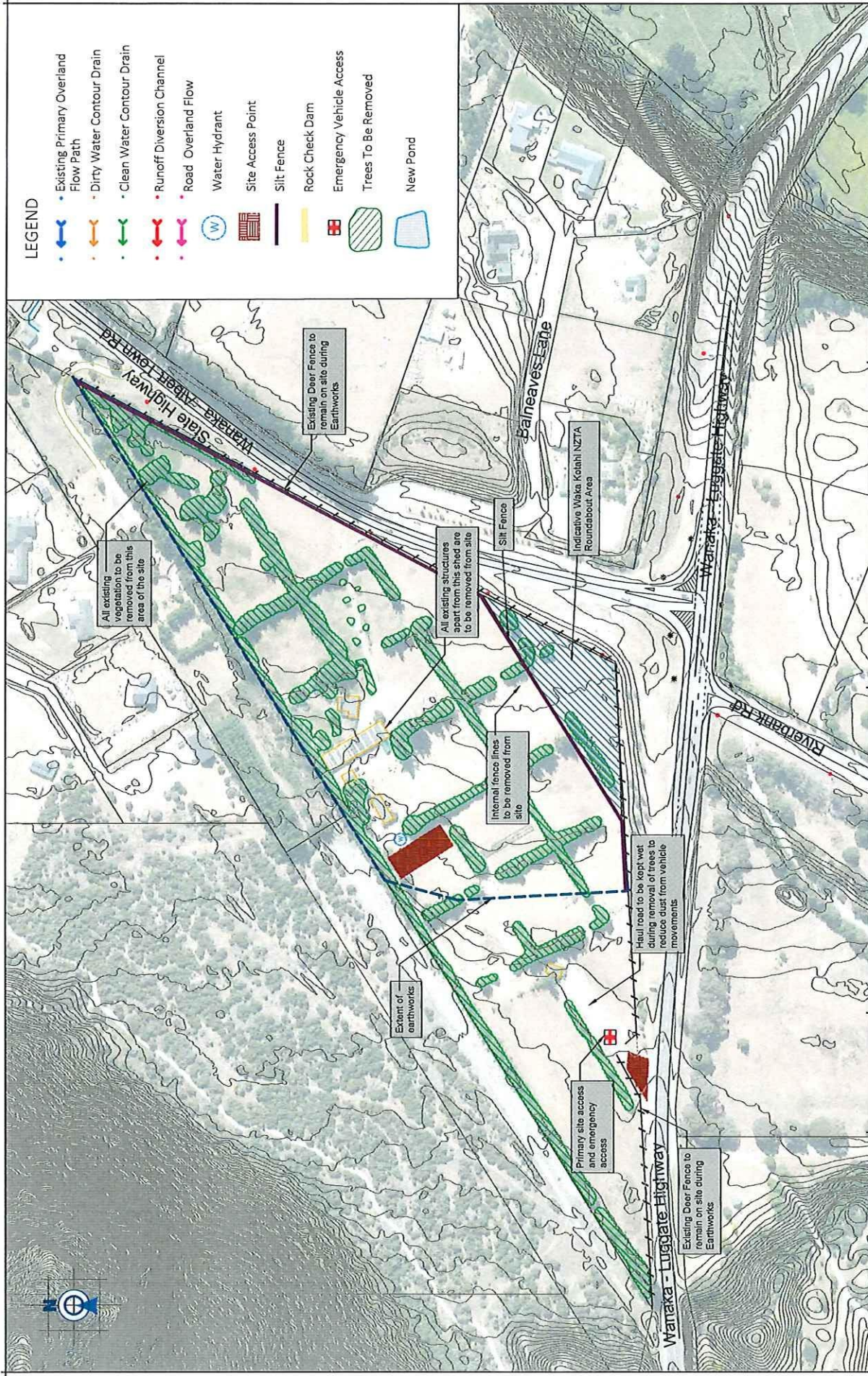


B - B'



A - A'





LEGEND

- Existing Primary Overland Flow Path
- Dirty Water Contour Drain
- Clean Water Contour Drain
- Runoff Diversion Channel
- Road Overland Flow
- Water Hydrant
- Site Access Point
- Silt Fence
- Rock Check Dam
- Emergency Vehicle Access
- Trees To Be Removed
- New Pond

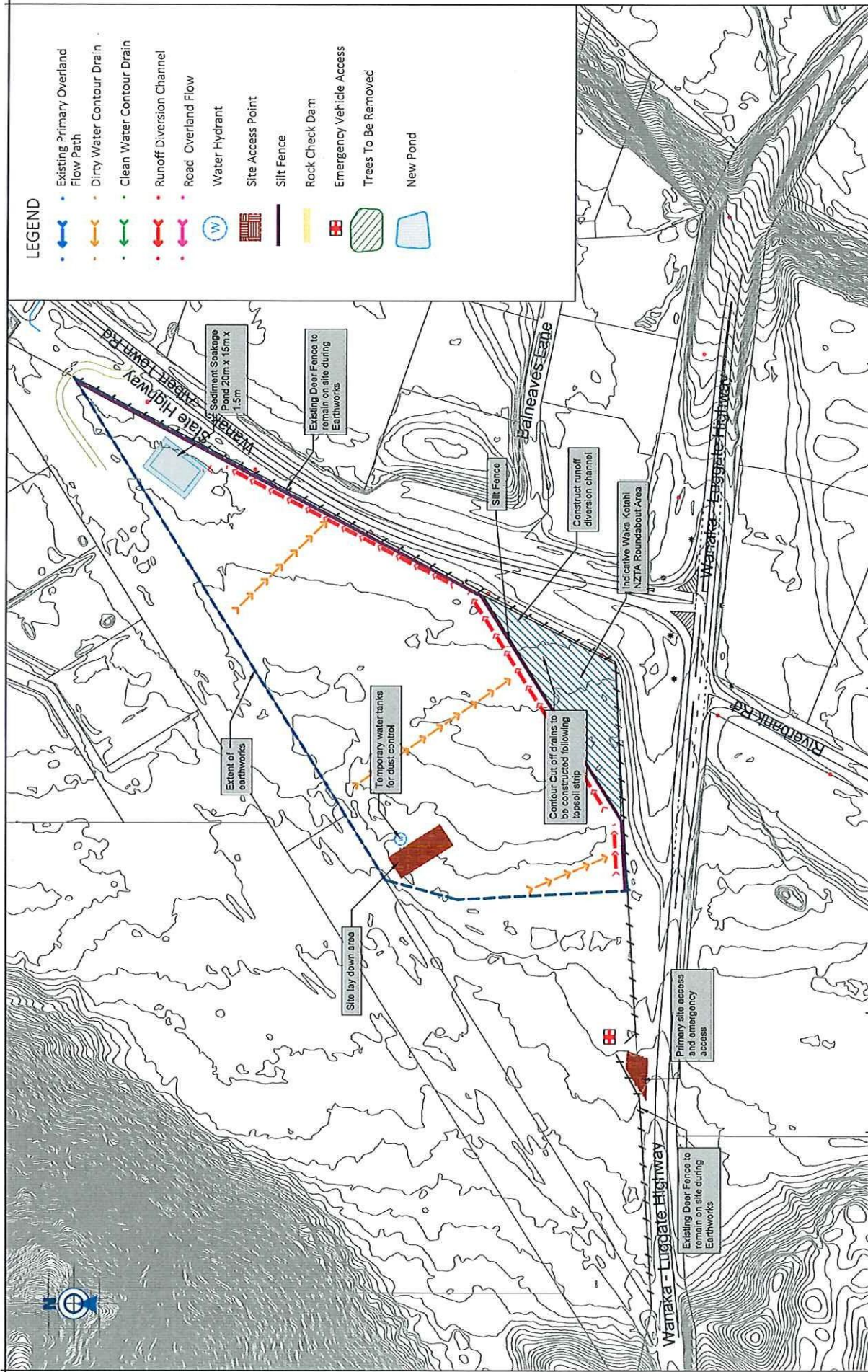
PATERSONPITTSGROUP
Your Land Professionals
www.ppgroup.co.nz
0800 PPGROUP

Wanaka Branch
18 Reeves Crescent
Wanaka 9343
T 03 443 0110
E wanaka@ppgroup.co.nz

Client & Location
Mt Iron Junction Limited
Lot DP 15016
Wanaka

Project & Drawing Title
Site Clearance
Site Management Plan

Designed by	Checked by	Drawn by	Scale
W6221	MJB	DW	A3
Approved by	DO NOT SCALE	Revised by	1:2000 @ A3
Job No.	Sheet No.	Revision No.	Date Created
W6221	101	B	18/12/2020



LEGEND

- Existing Primary Overland
- Flow Path
- Dirty Water Contour Drain
- Clean Water Contour Drain
- Runoff Diversion Channel
- Road Overland Flow
- Water Hydrant
- Site Access Point
- Silt Fence
- Rock Check Dam
- Emergency Vehicle Access
- Trees To Be Removed
- New Pond

PATERSONPITTSGROUP
Your Land Professionals
www.ppgroup.co.nz
0800 PPGROUP

Wanaka BRANCH
19 Rereco Crescent
P.O. Box 283
Wanaka 9100
T 03 443 0110
E wanaka@ppgroup.co.nz

Client Location

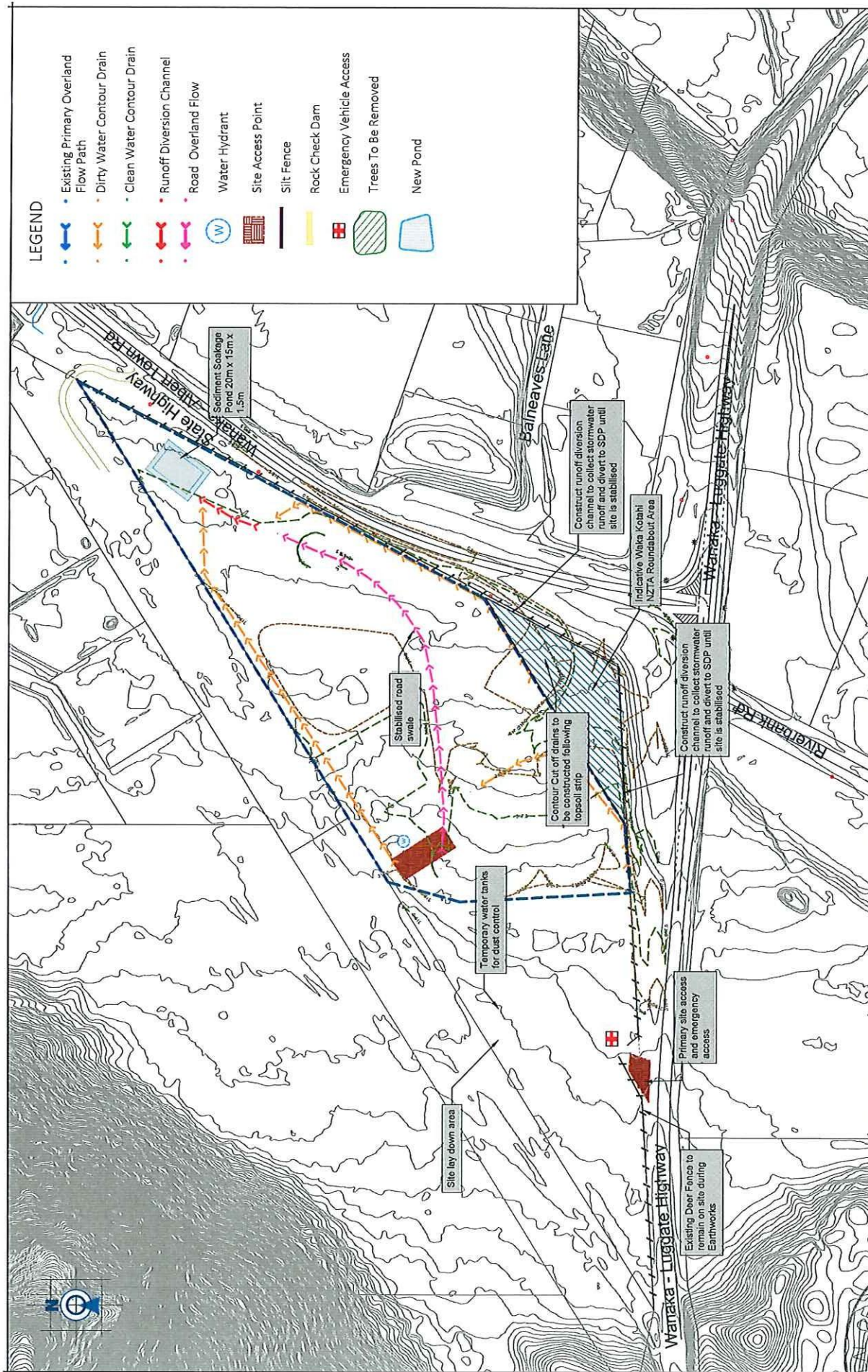
Mt Iron Junction Limited
Lot DP 15016
Wanaka

Project & Drawing Title

**Bulk Earthworks
Site Management Plan**

© COPYRIGHT: This drawing, content and design are the property of Paterson Pitts Group Limited. It is to be used only for the project and site for which it was prepared. It is not to be used for any other purpose without the written consent of Paterson Pitts Group Limited. This drawing and its content and only to be used for the purposes for which it is intended. No liability is accepted by Paterson Pitts Group Limited for any loss or damage caused by its use.

Drawn by	Checked by	Scale	Drawn by	Checked by	Scale
W6221	W6221	1:2000 @ A3	W6221	W6221	DO NOT SCALE
Sheet No.	Sheet No.	Sheet No.	Sheet No.	Sheet No.	Sheet No.
103	103	103	103	103	103
Date	Date	Date	Date	Date	Date
18/12/2020	18/12/2020	18/12/2020	18/12/2020	18/12/2020	18/12/2020



LEGEND

- Existing Primary Overland Flow Path
- Dirty Water Contour Drain
- Clean Water Contour Drain
- Runoff Diversion Channel
- Road Overland Flow
- Water Hydrant
- Site Access Point
- Silt Fence
- Rock Check Dam
- Emergency Vehicle Access
- Trees To Be Removed
- New Pond

Client For	Client Ref	Original Date	Scale
W6221	103	18/12/2020	1:2000 @ A3
Drawn by	DTT	DO NOT SCALE	
Checked by	DM		
Approved by	DM		
Issue No.	B		

© COPYRIGHT: This drawing, content and design remain the property of PATERSON PITTS GROUP and shall not be reproduced or used in part or in full or altered without the written permission of PATERSON PITTS GROUP. This drawing is for the purpose for which it is intended. No liability is accepted by PATERSON PITTS GROUP for any loss or damage arising from the use of this drawing for any other purpose.

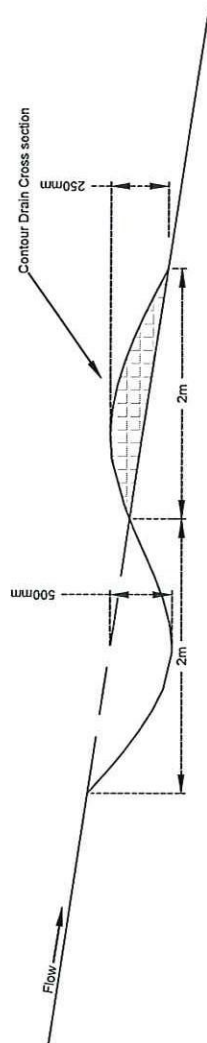
Post Earthworks Site Management Plan

Mt Iron Junction Limited
Lot DP 15016
Wanaka

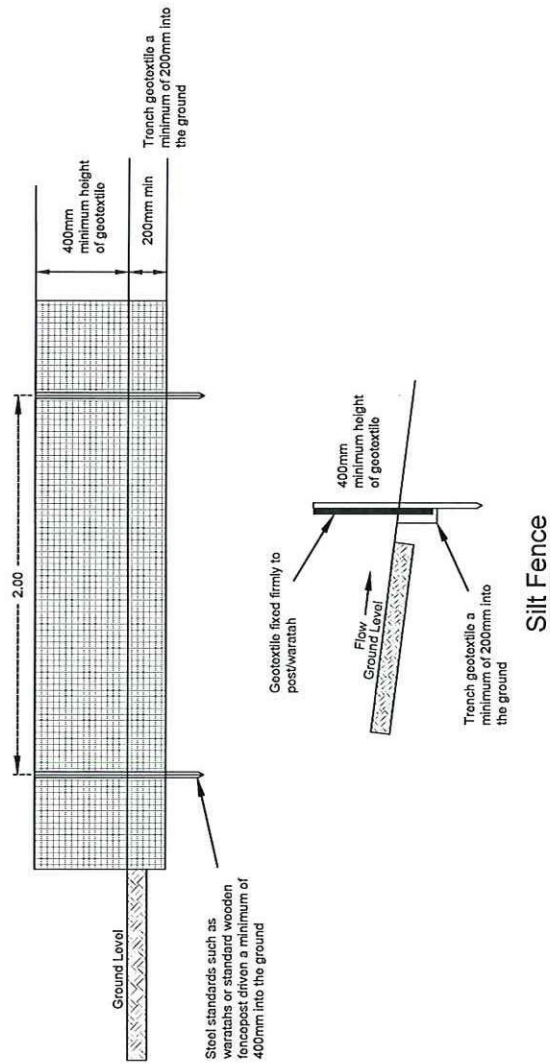
Wanaka Branch
15 Recco Crescent
Wanaka 9343
E wanaka@pittsgroup.co.nz

PATERSONPITTSGROUP
Your Land Professionals
www.pittsgroup.co.nz
0800 PITTSGROUP





Contour Drain Cross section



PATERSONPITTSGROUP
Your Land Professionals
www.ppgroup.co.nz
0800 PPGROUP

WANAKA BRANCH
19 Roede Crescent
or P.O. Box 283
Wanaka 9343
T 03 443 0110
E wanaka@ppgroup.co.nz

Mt Iron Junction Limited
Lot DP 15016
Wanaka

**Bulk Earthworks
Site Management Plan
Detail Drawings**

DISCLAIMER: This drawing, content and design are the property of Pearson Education, Inc. and are not to be reproduced in any form or by any means, electronic or mechanical, including photocopying, recording, or by any information storage and retrieval system, without the prior written permission of Pearson Education, Inc. This drawing and its content shall not be used for any purpose other than that for which it was specifically created by Pearson Education, Inc. and shall not be used for any other purpose without the prior written permission of Pearson Education, Inc.		Scale: Original Size: A3 NTS	
Submitted for: _____ Designed by: MD Drawn by: MD Checked by: MD Approved by: MD	DO NOT SCALE	Drawn No: 104 Revision No: B	Date Created: 18/11/2020
Job No: W6221			

Appendix 3: Decision - RM230874



DECISION OF THE QUEENSTOWN LAKES DISTRICT COUNCIL

RESOURCE MANAGEMENT ACT 1991

Applicant:	McDonald’s Restaurants (NZ) Limited
RM reference:	RM230874
Location:	237 Wānaka-Luggate Highway, Wānaka (in the area known as Mt Iron Junction)
Proposal:	Application under Section 88 of the Resource Management Act 1991 (RMA) for land use consent to construct a restaurant building and undertake a 24-hour restaurant activity, involving a drive through facility, signage, carparking and landscaping, lighting with associated breaches to building setback, earthworks, transport, signage and noise standards. Application under Section 127 of the RMA to change Condition 1 (and subsequently Condition 48) of Resource Consent RM181471 to relocate 25 consented (but not yet planted) trees within the Mount Iron Junction site and to amend the site fencing plan, as well as subsequent consequential amendments to any other conditions, in order to include the proposed plans for this development.
Type of Consent:	Land use consent and changes to conditions of an existing consent under section 127
Legal Description:	Lot 5 DP 15016 contained in Record of Title OT5B/1115
Operative Plan Zoning:	Rural General
Proposed Plan Zoning:	Rural
Activity Status:	Non-complying activity
Public Notification:	12 July 2024 (closing date for submissions 9 August 2024)
Commencement of Hearing:	Monday 25 November 2024
Adjournment of Hearing:	Wednesday 27 November 2024 until 19 December 2024 (Applicant’s Reply)
Close of Hearing:	Friday 20 December 2024
Commissioners:	Helen Atkins (Chair), Lisa Mein & Robert Scott
Date of Decision:	12 February 2025
Decision:	CONSENT IS DECLINED

IN THE MATTER

AND

IN THE MATTER

of the Resource Management Act 1991

of an Application to QUEENSTOWN LAKES DISTRICT COUNCIL BY McDONALD'S RESTAURANTS (NZ) LIMITED

Council Reference: RM230874

DECISION OF COMMISSIONERS HELEN ATKINS, LISA MEIN AND ROBERT SCOTT APPOINTED BY QUEENSTOWN LAKES DISTRICT COUNCIL PURSUANT TO SECTION 34A OF THE RMA ACT 1991

THE HEARING AND APPEARANCES

Hearing Date:

Monday 25 – Wednesday 27 November 2024, in Wānaka. Resumed Thursday 19 December 2024 for the reply (online)

Appearances for the Applicant:

Jeremy Brabant (Counsel)

Daniel Parkinson (Corporate)

Vanessa Liu (Architecture)

Peter Runcie (Acoustic)

Todd Langwell (Traffic)

Paul Smith (Landscape)

Matthew Norwell (Planning)

Appearances for the Council:

Andrew Woodford (Senior Planner)

Jon Styles (Acoustic)

Richard Denney (Landscape)

Chris Rossiter (Traffic)

Lyn Overton (Engineering)

Appearances for the submitters:

Willowridge Developments Limited and Jesse Herbert

Rosie Hill (Counsel)

Erin Stagg (Planner)

Patrick Baxter (Landscape)

Jesse Herbert

Wao Aotearoa Charitable Trust – Monique Kelly
Waste Busters and Plastic Free Wānaka – Sophie Ward
Julia Aspinall
Jane Lloyd
Pierre Marasti
Katy MacPherson
Sian Leigh
Dr John Cossens
Amanda McHolm
Stefan Warnaar
Simon Guthrie
Christine Pounsford
William Gilkison
Dr Conway Powell, Wānaka Flowers
Giles Barker

Hearings Administrators

Trish Anderson and Lynley Scott (P&D Technical Officers – Planning and Development Technical Support)

Note on references in this Decision

Footnotes: All the references in the footnotes use the same descriptors that are used in www.edocs.qldc.govt.nz consent reference RM230874. Unless otherwise stated the documents are under the tab “Hearing documents”.

Mount Iron: When we refer to the actual feature we refer to “Mount Iron” unless it has been appreciated in a quote that we have included. When we refer to the development at the foot of Mount Iron, we refer to the “Mt Iron Junction development” or the “Mt Iron Junction consent”.

INTRODUCTION

1. This decision is made on behalf of the Queenstown Lakes District Council (Council) by Independent Hearings Commissioners: Helen Atkins, Lisa Mein and Robert Scott acting under section 34A of the Resource Management Act 1991 (RMA) to hear and determine the application by McDonalds Restaurants (NZ) Limited (Applicant).
2. As commissioners, we declare that we are not subject to any conflicts of interest and our work history within the district was disclosed to the Council prior to the hearing. We also declare that we are able to objectively and fairly reach a finding on the merits of the application and to treat all parties fairly and evenly.
3. No objections were otherwise received relating to our involvement in the hearing on behalf of either the Council, the Applicant or any of the submitters.
4. The Hearing raised no procedural or administrative issues.

THE PROPOSAL

5. The application presented at the hearing, including amendments to the proposal made since it was lodged with the Council, has been described in detail within the Hearing Agenda papers which are also published and available on the Council website.¹
6. For the purposes of a summary, we have adopted the proposal's description as set out in Section 2 (paragraphs 4 – 7) of the Section 42A report (Section 42A Report) presented on behalf of the Council by Mr Andrew Woodford. The Section 42A Report in turn notes that sections 1.0 – 4.0 of the report entitled *“McDonald’s Restaurant and Drive-through Assessment of Environmental Effects and Statutory Analysis 22 December 2023”* (AEE) is adopted with a few additions and clarifications.²
7. The Section 42A Report includes a useful summary of the key components of the proposal as follows³:
 - (a) Earthworks to facilitate the development, consisting of up to 2050m³ of combined cut and fill.
 - (b) Construction and use of a 445m² building (up to 6.09m in height) for a 24hr restaurant with associated drive-through activity.
 - (c) Vehicle access and parking on site.
 - (d) Landscaping to integrate the development into the site.
 - (e) Signage associated with the restaurant activity, to include a 4.5m high blade sign and smaller wayfinding, and directional signs.
 - (f) Servicing of the site and associated lighting/illumination.

¹ See QLDC website: www.edocs.qldc.govt.nz consent reference RM230874

² Tab ‘Application’ - Application as Notified – Part 1 - AEE

³ Agenda – Council’s s42a Report – Council’s S42A Planning Report [paragraph 7]

- (g) A change to Condition 1 of resource consent RM181471 to relocate 25 consented (but not yet planted) trees within the Mt Iron Junction development site required for landscape mitigation, and to amend the site fencing plan, as well as consequential amendments to any other conditions in order to include the proposed plans for this development. We note that the Applicant added consequential amendments to Condition 48 as part of the Right of Reply.

8. We adopt the description of the site which is agreed between the Applicant and the Council and not disputed by any of the submitters. The description is summarised in the evidence of Mr Norwell for the Applicant as:

... the character of the surrounding area contains a broad variety of established land uses being residential, rural residential, commercial, and community, in a variety of buildings on a variety of lot sizes (generally not larger than 4000m²) all with a backdrop of Mount Iron in the north.⁴

9. As stated in the AEE⁵ (and updated by the Section 42A Report and evidence) the key elements of the Site and surrounding environment are:

- (a) The site sits within the Mt Iron Junction development site;
- (b) The Mt Iron Junction development site is triangular in shape. It is bound to the south by State Highway 84 and to the east by State Highway 6. The Mount Iron reserve borders the northern boundary of the Mt Iron Junction development site;
- (c) The site is currently vacant; However, the approved Link Road access into the Mt Iron site (including curb and channel) is partially completed including access to the service station and proposed MacDonald's sites;
- (d) The site is wholly located within the Rural Zone and Rural Character Landscape of the PDP, and adjoins the Mount Iron Outstanding Natural Feature (ONF);
- (e) A new roundabout at the intersection of State Highways 84 and 6, Riverbank Road, and the Mt Iron Junction site has been constructed at the southeastern corner of the site;
- (f) The Mt Iron Junction development site is subject to an approved, but unimplemented resource consent,⁶ comprising a petrol station, nine workers accommodation units with 54 bedrooms, and 13 two-storey residential units on the site (referred to in this decision as the Mt Iron Junction consent);
- a) The topography of the site is predominantly flat with a gentle slope toward the northern boundary.

10. In terms of the planning history this is contained in the AEE and in the evidence and is summarised in the Section 42A Report at Section 2.1. There is no contention with regards to

⁴ Agenda Applicant's Expert Evidence – Appendix 2 – Planning Evidence - Matthew Norwell [paragraph 4.8(k)]

⁵ Tab 'Application' - Application as Notified – Part 1 – AEE - Section 3.1

⁶ Agenda – Council's s42a Report – Appendix 8 – Environment Court Decision – RM181471 [Decision No. [2021] NZEnvC 53]

the planning history and we adopt the summary in the Section 42A Report. We comment further on the planning history in our discussion on the existing environment below.

11. Following the hearing of evidence, a number of further changes were made to the proposal, and these are described in the Applicant's Reply as follows:
- (a) *The proposed operating hours of the restaurant will be reduced from 24 hours per day to 6 am – 11 pm.*
 - (b) *Consequent on the adjusted operating hours, amended conditions relating to lighting on the Site are offered.*
 - (c) *The blade sign will be reduced in height to 2.2m [footnoted to say: "Which aligns with the height of the consented pylon sign for the Caltex service station."]⁷*

CONSENTS REQUIRED

12. The Section 42A Report noted that there were two matters that consent was applied for as being⁸:
- (a) An application under Section 88 of the Resource Management Act 1991 (RMA) for land use consent to construct a restaurant building and undertake a 24-hour restaurant activity, involving a drive-through facility, signage, carparking and landscaping, lighting with associated building setback breaches, earthworks, transport, signage and noise breaches.
 - (b) An application under Section 127 of the RMA to change Condition 1 of Resource Consent RM181471 to relocate 25 consented (but not yet planted) trees within the Mount Iron Junction site and to amend the site fencing plan, as well as subsequent consequential amendments to any other conditions, in order to include the proposed plans for this development.
13. During the course of the hearing there was discussion about what other conditions in the Mt Junction consent also required changes, and this is referred to in the evidence of Mr Woodford, the Reply from the Applicant and in this decision, further below.
14. As noted, after the hearing some changes were made to the application as noted in paragraph 11 above.
15. The overall bundled activity status is non-complying and this was agreed to by the parties that consent is required under the Proposed District Plan (PDP) for a non-complying activity. We agree with this analysis.

⁷ Applicant's Right of Reply – 18.12.24 at [paragraph 5]

⁸ Agenda – Council's s42a Report – Council's S42A Planning Report [page 3]

MATTERS CONSIDERED

16. In reaching this decision we have considered:

- (a) The application, its AEE and all its supporting specialist assessments and documents;
- (b) The public submissions made on the application;
- (c) The Section 42A Report, with supporting specialist assessments attached to the Report;
- (d) The pre-circulated evidence from the Applicant;
- (e) The information presented at the Hearing including the legal submissions, summaries of evidence, additional presentations from submitters, and responses given to our questions;
- (f) The Council's response to the evidence presented at the hearing;
- (g) The Applicant's Reply;
- (h) Our observations from the visit to the site, the summit of Mount Iron, and its surrounds;
- (i) The relevant provisions of both the Operative and Proposed Queenstown Lakes District Plans; and
- (j) The relevant provisions of the RMA, most notably Part 2, and sections 104, 104D, 108 and 108AA.

NOTIFICATION AND SUBMISSIONS

17. The application was publicly notified on 12 July 2024, with submissions closing on 9 August 2024. The Council received 367 submissions. A summary of the submissions is contained in Appendix 2 of the Section 42A Report.⁹ We adopt that summary. We heard from those submitters listed above. Many of these submitters provided additional material in support of their submissions. A summary of those who presented to us is included in the hearing section below.

SUBMISSIONS

Late Submissions

18. There were three late submissions:

- (a) Diana Aspinall - submitter number: 350;

⁹ Agenda – Council's s42a Report – Appendix 2 – Summary of Submissions

- (b) National Public Health Service – submitter number 356; and
- (c) Sharlene Beare – submitter number 366.

19. We note that the Section 42A Report recommends as follows:

The issues raised in the late submissions are generally covered in other submissions and relate to matters such as the development being in inappropriate location, commercial development in a rural environment, adverse landscape effects, increase in litter, adverse health effects, impact on character and brand of Wanaka. The applicant has confirmed via email dated 29 October 2024, that they ‘do not consider that these late submissions would prejudice any other submitters/the hearings process, and that these could be accepted’. As such the applicant is not in my opinion disadvantaged by these late submissions being received and accepted by the Commission.

I therefore recommended that the late submissions be received and accepted pursuant to the above section [section 37A(1)] of the RMA.¹⁰

20. We agree with the recommendation in the Section 42A Report and receive and have used our discretion to accept the submissions pursuant to section 37A(1) of the RMA.

Nature of the Submissions

21. In terms of the nature of the submissions the Section 42A Report states:

I consider none of the submissions to be frivolous or vexatious, nor have they failed to disclose a reasonable or relevant case. Further, I do not consider any of the submissions would constitute an abuse of the hearing process. None contain offensive language.¹¹

22. We also are of the view that none of the submissions are frivolous or vexatious or would constitute an abuse of the hearing process.

SECTION 42A REPORT

23. A comprehensive Section 42A Report was pre-circulated prior to the hearing, its recommendation is:

- 1. *It is considered that the adverse effects of the activity will be more than minor for the following reasons:*

The development will result in adverse landscape and visual amenity effects due to proximity to the adjacent [Mount] Iron Outstanding Natural Feature, and adversely detract from the values of the Rural Character Landscape that cannot be avoided, remedied or mitigated.

The development is considered more urban rather than rural in nature, taking into account the consent environment of the site. Proposed

¹⁰ Agenda – Council’s s42a Report – Council’s S42A Planning Report [Section 3.2]

¹¹ Ibid at [paragraph 11]

signage, lighting and built form will result in cumulative adverse effects on the environment.

- 2. *The proposal is contrary to the relevant objectives and policies of the Operative and Proposed District Plans. The nature and scale of the development is one of urban development, that is located outside of the defined urban growth boundary, and within a rural zone. In addition, the proposal is inconsistent with or contrary to the objectives and policies of the Regional Policy Statement and Proposed (partially operative) Regional Policy Statement, particularly the objectives and policies relating to the integrated management of natural and physical resources.*
- 3. *The proposal does not promote the overall purpose of the RMA as it does not adequately avoid remedy or mitigate the adverse effects of the proposal. It does not protect the landscape from inappropriate use or development, and it does not maintain or enhance the landscape character and amenity values of the environment.¹²*

24. We consider the Section 42A Report and its accompanying specialist reports in the ‘Hearing’ and the ‘Principal Issues in Contention and Our Finding’ sections below.

HEARING

- 25. Pre-circulated expert evidence was received from the Applicant and from two submitters (Willowridge Developments Limited (Willowridge) and Jesse Herbert) before the hearing and was pre-read.
- 26. In this section of the decision, we provide an overview of the submissions and evidence we heard. We refer to the Council’s website where full records of all materials presented to us is publicly available.¹³ The detail of our findings in relation to what was presented is addressed later in this decision. We confirm that we read all the submissions and material made available to us and have considered those in our findings below. For efficiency reasons we only refer to those who presented to us in person, whether they were expert witnesses or submitters.

Applicant

Legal submissions

- 27. Mr Brabant presented legal submissions at the hearing. The submissions summarised the proposal, the witnesses to be called, an overview of the statutory assessment (including the law on the meaning of ‘environment’ and the identification of environment and assessment, the law in relation to section 104D (including an assessment of the objectives and policies). The matters raised in the Section 42A Report and in the submissions were dealt with in the legal submissions. The submissions concluded with the following:

¹² Agenda – Council’s s42a Report – Council’s S42A Planning Report [page 3]

¹³ www.edocs.qldc.govt.nz consent reference RM230874

In my submission the proposal before you has a pathway through the gateway tests of section 104D and then section 104. That pathway is evident consequent on a proper and lawful identification of the environment against which effects must be assessed, a clearheaded and accurate identification of what those effects are, and then a balanced and comprehensive consideration of applicable AUP [sic] provisions.

Consent can be granted, subject to offered conditions of consent.¹⁴

28. We discuss the meaning of ‘environment’ in section entitled ‘Principal Issues in Contention and Our Finding’ analysis below.
29. Mr Brabant also raised an issue under the heading of trade competition in his opening as follows:

Trade Competition

I turn now to consider potential trade competition matters arising from the submission in opposition lodged by Willowridge Developments Limited (Willowridge).

I understand Willowridge owns and/or controls Three Parks Wanaka, a 140ha mixed use development. Willowridge is in the process of developing Three Parks’ retail and commercial component.

The Willowridge submission opposes this application in its entirety and seeks that consent be declined.

I accept that a developer of property is not a participant in the trade of the use to which the property is likely to be put. In other words, Willowridge cannot be said to be in trade as a convenience food retailer.

However McDonald’s were surprised to receive communications from a Director of Willowridge as recently as 12 November 2024 stating that land could be made available if McDonald’s lose their application for consent. Thus McDonald’s have a situation (as referenced in evidence by Mr Parkinson) where they were offered land in Three Parks by Willowridge at an exorbitant value (such that no economic return would have been possible from the restaurant), now face opposition from Willowridge in their consent process, whilst at the same time that entity is seeking a commercial outcome from defeat of the proposal.

I will address this issue further once I have heard Willowridge’s case.¹⁵

30. The Applicant was not specifically alleging that we should disregard Willowridge’s submission as the submitter was not engaged in convenience food retailing. We address this issue further when we discuss the Applicant’s Reply as Mr Brabant noted he would return to this issue at that point.

¹⁴ Applicant’s Legal Submissions – 22.11.,²⁴ [paragraphs 110 - 111]

¹⁵ Ibid [paragraphs [paragraphs [104 – 109]

Evidence for the Applicant

Mr. Daniel Parkinson – Corporate

31. Mr Parkinson presented a summary statement of his evidence in chief.¹⁶ He explained the business model that McDonald's uses generally and confirmed (in answer to a question from us) that there is currently no franchisee for the Wānaka location. He informed us that the proposed drive-through restaurant will employ approximately 70 staff within the local community.
32. Mr Parkinson provided a number of examples of the community work that McDonalds undertakes in New Zealand such as: Māori Language Week / Te Wiki o te reo Māori, NZ Sign Language Week, Mental Health Awareness Week; and has long-term sponsorship relationships in New Zealand. In addition, he reminded us that McDonalds is the founding / forever partner for Ronald McDonald House Charities. We heard that New Zealand is a strategically important McDonald's beef export market and the role McDonald's is playing with regard to sustainable beef production. Mr Parkinson also outlined McDonald's global packaging and recycling commitments. The proposed Litter Management Plan was attached to Mr Parkinson's evidence in chief.
33. With regards to the proposed restaurant and site selection Mr Parkinson noted the following matters:
- (a) While it is McDonald's preference to consider sites with commercial zoning suitable sites with such a zoning cannot always be found;
 - (b) McDonald's does not look at demographic or socio-economic information to identify gaps in its restaurant network, nor does it consider the presence of competitors, other restaurants , takeaways or schools in the vicinity;
 - (c) When selecting a restaurant site, the typical site characteristics McDonald's looks for are:
 - i. its size – can it accommodate the operational, carparking and access requirements;
 - ii. its location including: traffic considerations, such as proximity to major arterial routes for good visibility, adequate sight lines for signage, high standards for access and traffic safety; and
 - iii. that the developed site will have a high level of amenity and will respect the amenity values of the neighbourhood.
34. Mr Parkinson noted that McDonald's did look at the Wānaka town centre and the Three Parks development but neither of these locations were consider suitable for the reasons stated in his summary statement. He discussed what he described as the "significant" modifications that had been made to the restaurant in order for it to better suit the local environment, including a reduction in signage and a large amount of mitigation planting. He concluded by

¹⁶ Summary Statement – Daniel Parkinson – Applicants Corporate

stating that the proposal will provide a positive outcome to the community and is complementary to the broader service station development.

Ms Vanessa Liu – Architecture

35. Ms Liu did not provide a summary statement but referred to her pre-circulated evidence in chief and took us through the various plans that had been submitted with the application and appended to her evidence to explain the materiality and colour as well as design changes following receipt of submissions including:

- (a) Shifting the building and drive-through 1.4m to the north, away from SH6 and the roundabout;
- (b) Removal of exterior building signage from the northern and western elevations to lessen the overall amount of signage; and
- (c) Amendments to carpark stall depths in accordance with PDP provisions 29.7 and 29.5.2.

36. Ms Liu concluded that:

In my opinion the proposed development for a new McDonald's restaurant building orientation, site signage and materiality has been designed and proposed with consideration of the surrounding context and neighbouring consent developments. In particular, changes to the exterior, materiality and signage have been made in comparison to a standard restaurant in a fully urban setting.¹⁷

Mr Peter Runcie – Acoustic

37. Mr Runcie presented a summary statement of his evidence in chief.¹⁸ He informed us that he assessed construction noise (based on construction activities and equipment) against the relevant rules of the PDP. In his opinion the predicted noise and vibration levels during construction show that compliance with the relevant construction noise and vibration limits can be achieved at surrounding properties through the implementation of standard and commonly adopted measures. In relation to operational noise this was also assessed against the relevant rules of the PDP.

38. Mr Runcie stated that the predicted noise levels show that the proposed development can comply with the relevant daytime noise limits. With regard to the night-time noise limits the predicted noise levels show that the proposed development can comply with the relevant night-time noise limits at most receivers, except for a 1dB infringement at two non-residential properties – 1 Balneaves Lane (a Church) and 2 Balneaves Lane (a Veterinary Clinic). In Mr Runcie's opinion his assessment found the noise effects of the proposal to be reasonable and acceptable based on the negligible level of infringement and that the existing noise environment is influenced by road noise from vehicles on SH6 and SH84.

39. With regard to the Council's noise assessment in the Section 42A Report he noted that the noise generated from the ongoing operation of the development on site will generally be

¹⁷ Agenda – Applicant's Expert Evidence – Appendix 7 – Architectural Evidence - Vanessa Liu – page 227 [at page 232]

¹⁸ Summary Statement – Peter Runcie – Applicants Acoustic

consistent with the existing noise environment in terms of level, character, timing, frequency, and duration and will not have more than minor adverse effects on the environment. Mr Runcie agrees with this conclusion, which is similar to his own assessment. He considers that the recommended conditions of consent are appropriate.

40. In his consideration of the submissions, he noted that, *“Noise from the site would be largely imperceptible and, being driven by vehicle movements, is of a similar nature and character to the existing ambient noise in the area which is driven by traffic on SH6 and SH84.”*¹⁹ He further notes that the Council acoustic specialist arrives at a similar conclusion.

Mr Todd Langwell – Traffic

41. Mr Langwell presented his summary statement of his evidence in chief.²⁰ He referred to the Integrated Transport Assessment dated 20 July 2023 (ITA) for the context of the adjacent transport environment and the assessment of the traffic effects including trip generation, road safety, parking and PDP considerations.
42. In Mr Langwell’s opinion the recently completed roundabout on SH6 which includes a fifth leg to provide a new Link Road into the site and a consented development²¹ (that includes a service station, workers accommodation and a residential development will provide safe and efficient access for the proposed McDonald’s restaurant.
43. In Mr Langwell’s view the on-site layout of circulation and parking will comply with all of the standards in the PDP and will enable the site to function with minimal impact on the surrounding area and road network. He has reviewed the conclusions regarding traffic effects in the Section 42A Report and considers that the recommended draft set of conditions set out in the Council engineering report, with a couple of exceptions that he noted in his evidence in chief, will address and manage any adverse traffic effects that may occur because of the proposal.
44. In commenting on the submissions Mr Langwell stated that *“... there is no new information that has changed my conclusions on this matter.”*²² He notes that NZTA are satisfied with regards to matters relating to general traffic effects and sought draft conditions to address any residual matters and that he is satisfied that each of the concerns can be addressed through conditions.
45. Mr Langwell concluded by saying that:

*I am of the view the site is suitable for a McDonald’s restaurant from an overall transportation point of view, forming part of a vehicle oriented “service” area which can directly serve the travelling public.*²³

Mr Paul Smith – Landscape

46. Mr Smith provided a summary statement which addresses the key points made in his landscape assessment report and his evidence in chief.²⁴ His statement also addresses

¹⁹ Summary Statement – Peter Runcie – Applicants Acoustic – [paragraph 11]

²⁰ Summary of Statement – Todd Langwell – Applicant’s Transport

²¹ See footnote 6

²² Summary of Statement – Todd Langwell – Applicant’s Transport – [paragraph 11]

²³ Ibid [paragraph 13]

²⁴ Summary Statement – Paul Smith – Applicants Landscape

matters raised in the evidence of Mr Baxter. Mr Smith's summary is broken into the three sections: receiving environment; assessment of visual effects; and assessment of landscape effects. Mr Smith helpfully refers to the evidence of Mr Baxter and Mr Denney to differentiate his opinions from theirs. We have therefore referred to this differentiation in this summary and we comment further on these matters in our assessment of the existing environment in the section entitled 'Principal Issues in Contention and Our Finding' below.

47. In relation to the receiving environment, it is Mr Smith's evidence that: *Whilst being a peri-urban environment, Mt Iron that is identified as an ONF is a large-scale glacial feature that has a very strong influence on this area as it is a dominant backdrop to the site and the river terraces. It is also a feature when entering Wānaka from the east.*²⁵
48. The nature of the receiving environment and the way it is described is a matter that is in contention and we return to it in this section of the decision below.
49. In relation to the assessment of visual effects Mr Smith helpfully summarises where Mr Baxter, Mr Denny and he agree and disagree. The assessment is very much affected by the assessment of what the receiving environment is. Mr Smith's assessment of the specifics of the McDonald's proposal are as follows:

I have reviewed my assessment of visibility and effects on visual amenity following the changes to the environment and find that while the proposed building will be visible through filtered views through the proposed landscaping, which was always intended, in the now less-developed area, I do not resile from the conclusions I reached. This is because the proposed McDonald's development, in particular the building, car park and drive-through will be well integrated into the site and its surrounds, and its potential adverse effects on visual amenity, including adverse effects on the high perceptual values of Mt Iron will be mitigated by:

- (a) Its dark recessive cladding, and not incorporating corporate colours (except on some of the signage) on the building, to reduce its potential prominence;*
- (b) The uncluttered appearance of the site because the car park and drive-through will be mostly screened from view;*
- (c) The proposed landscaping will reduce the visibility of built form so only intermittent views between screening vegetation will be gained. Also, the vegetation and species mix will be consistent with and continue to contribute to the green corridor experienced along the highway, most notably SH6;*
- (d) The brevity of the view, as it is only experienced from short stretches of road whilst motorists' brake or accelerate around the roundabout, within this 80km/h speed environment. Notably, we are primarily concerned about the potential degree of adverse effects from a total of 500m of roadway and its immediate surrounds which includes the 140m of road around the roundabout, being limited to a very small area;*

²⁵ Summary Statement - Paul Smith – Applicants Landscape [paragraph 15]

- (e) *It will not be seen directly below Mt Iron's summit, which forms the main focal point of the view;*
- (f) *It sits relatively low in the landscape, similar in height to the Caltex Service Station where it does not impede on its more dramatic exposed cliff faces;*
- (g) *There are no viewpoints where the McDonald's building may intrude on Mt Iron's skyline as it will be located at the base of Mt Iron and dwarfed by this large-scale natural feature;*
- (h) *The peri-urban environment in which it is seen, including the Caltex Service Station, the busy roundabout environment, the commercial and community use of the Vetlife Clinic and Kingdom Hall Church, respectively and the surrounding rural living and large lot residential developments; and*
- (i) *The new overhead LED streetlights around the roundabout and along Junction and Mountain Road, and the future lighting within the Caltex Service Station (including the illuminated, white understory of the forecourt canopy) will assist in reducing the visual prominence of the proposal. Cumulatively, the six additional lights and up to five illuminated signs being seen from any vantage point will be relatively small in size and scale and will have little impact on the illuminated nature of the receiving environment.²⁶*

50. Mr Smith continues to consider that the proposal may well be absorbed into its landscape. In relation to the assessment of landscape effects, like the assessment of visual effects, this assessment is very dependent on the assessment of what the receiving environment is – Mr Smith notes: *The key reason for this, being the difference between Mr Denney, Mr Baxter and I is that I consider that the receiving environment is a peri-urban environment that has a moderate to moderate-high ability to absorb development.²⁷*

51. Mr Smith conclusion is that:

Overall, I continue to consider that the proposed McDonald's development will have a very low to low degree of effect on the receiving environment's peri-urban landscape character. Also, the proposal will have a very low degree of adverse effects on Mt Iron's perceptual values, as it will remain the prominent feature when entering Wānaka.

Therefore, I consider that Mt Iron's high and very high landscape values, in particular the way in which it forms a natural and prominent landmark at the entry to Wānaka will be protected, and the peri-urban landscape character and the visual amenity within the receiving environment will be maintained.²⁸

Mr Matthew Norwell – Planning

52. A summary statement was also provided by Mr Norwell which, in addition to considering the section 42A Report, also considers the evidence of Ms Stagg and Mr Baxter.²⁹ He notes the key effects that are not agreed upon by the experts largely relate to landscape character and

²⁶ Summary Statement - Paul Smith – Applicants Landscape [paragraph 24]

²⁷ Ibid [paragraph 32]

²⁸ Ibid [paragraphs 35 and 36]

²⁹ Summary Statement – Matt Norwell – Applicants [Planning]

visual amenity effects, which include cumulative effects and effects on the ONF of Mount Iron.³⁰

53. Mr Norwell helpfully summarises the difference of opinion between the Council’s landscape architect, the submitter’s landscape architect and that of the Applicant’s landscape architect as being: “... *how the receiving environment is defined. Mr Denney and Mr Baxter both assess the receiving environment as more rural than urban (“semi-rural”), whilst Mr Smith assesses the receiving environment as peri-urban.*”³¹
54. Mr Norwell relies on the evidence of Mr Smith³² and sets out both his own site observations but also his analysis of the PDP. He notes that the PDP does not have a definition of urban environment/character or rural environment/character but does have a definition of urban development.³³ He refers to the definition of rural character in the Tauranga District Plan and states that: “... *I am of the view that there are few rural character attributes in the receiving environment for this Proposal. Further the receiving environment has more attributes that constitute “urban development” as per the PDP definition. As a result, on the rural-urban continuum, it is clear to me that the receiving environment of the proposed development is more urban than rural.*”³⁴
55. Mr Norwell notes that having a rural zone does not infer rural character and he gave evidence that based on the assessment of Mr Smith and his own experience of the site and surrounds the receiving environment is more urban than rural and effects on landscape character and visual amenity should be assessed in this context.³⁵
56. Mr Norwell then went on to consider the newly constructed roundabout and the effect that that has on the character of the environment. He notes that neither the Council nor the submitter’s experts gave much consideration to the roundabout. In his opinion, Mr Norwell considers that the exact details of the roundabout would not have been at the time the Environment Court considered the consent order. He goes on to state the roundabout “... *significantly alters the character of the receiving environment...*”³⁶ in his opinion. Mr Norwell considers that “... *both the Council’s and submitters approach to landscape character, visual amenity values, and the related landscape capacity, in addition to the incorrect application of the receiving environment, has resulted in an assessment of landscape character and visual amenity effects which are inaccurate and assign inflated rural character and amenity to the area and the site.*”³⁷
57. Mr Norwell then goes on to consider Mount Iron and it is his view that the most important assessment should be that of the effects on the Mount Iron ONF. He notes that he agrees with Mr Smith that the prominence of Mount Iron will remain a dominant feature in the approach to Wānaka at the roundabout and not the proposed McDonald’s building and activity or its associated corporate branding. He reiterates this opinion when he discussed the notion of a ‘gateway’ into Wānaka and the role that Mount Iron plays. Mr Norwell then discusses both the consented scheme (which he notes is not likely to be implemented)³⁸ and

³⁰ Summary Statement – Matt Norwell – Applicants [Planning] [paragraph 10]

³¹ Ibid [paragraph 12]

³² Ibid [paragraph 13]

³³ Ibid [paragraph 14]

³⁴ Ibid [paragraph 19]

³⁵ Ibid [paragraph 21]

³⁶ Ibid [paragraph 22]

³⁷ Ibid [paragraph 24]

³⁸ Ibid [paragraph 30]

the Fast Track Approvals Bill (now an Act) and the inclusion of a development at his location in the list of projects. He does not wish to over emphasise the relevance of this matter given that at the time of presenting his evidence the Bill had not been enacted but he considers it to be a relevant other matter for us to consider under s104(1)(c).³⁹ We discuss this further in our assessment below.

58. Mr Norwell concludes his summary statement with the following:

*Overall it is my view that the adverse effects of the proposal are no more than minor and that for this reason, the 'effects limb' of the s104D gateway test is able to be surpassed. I also consider that when read in the round, the proposal is not contrary to the relevant objectives and policies of the PDP and that that this aspect of the gateway test can also be passed.*⁴⁰

Submitter legal submissions and evidence

59. Willowridge and Jesse Herbert were represented by legal counsel, Rosie Hill, planner, Erin Stagg and landscape expert, Patrick Baxter. In addition, Mr Herbert also presented evidence to us. The pre-circulated expert evidence is contained in the folder entitled "Agenda – Submitter's Expert Evidence".⁴¹

Legal submissions

60. Ms Hill pre-circulated her legal submissions in accordance with our direction.⁴² She then updated her submissions to respond to those presented by the Applicant and these were also provided to us.⁴³ In this summary we focus on her updated version.

61. Ms Hill submitted that the submitters disagreed with the Applicant's analysis (both legal and expert) of the receiving environment and said the receiving environment case law cannot be used in an artificial way to deconstruct components of an existing, unimplemented consent to create a more favourable temporary 'environment' for analysis.

62. Ms Hill further submitted that the Applicant is seeking to vary an underlying consent to replace important intentionally defined open landscape areas, with an intentionally visibly prominent building. She accepted that the receiving environment is important as the context for interpretation of policies and objectives of the PDP, but she submitted that is not the situation here where we are being asked to override clear PDP directions about avoiding urban development outside of Urban Growth Boundaries, and the ONF protections of this highly sensitive gateway location. It is the submitters' case that the proposal fails both of the s.104D RMA gateway tests for non-complying activities, and we are required to refuse consent.

63. In support of her submissions Ms Hill relied on the expert evidence presented by the Submitters from Ms Stagg and Mr Baxter. In terms of case law Ms Hill has looked at the same cases as the Applicant and submits that, "[she has] not found case law exactly on point in support for the Applicant's approach in this instance (as in discounting effects of an unimplemented consent that will be partly implemented, on the basis of a future consent to

³⁹ Summary Statement – Matt Norwell – Applicants [Planning] [paragraph 39]

⁴⁰ Ibid at paragraph [42]

⁴¹ <https://edocs.qldc.govt.nz>

⁴² Legal Submissions from Submitters #103 & 243's Counsel – 22.11.24

⁴³ Summary of Legal Submissions from Rosie Hill – Counsel for Submitters – 26.11.24

be applied for).⁴⁴ She then went on to address the evidential standard of “likely to be/not be implemented” and submitted that the information provided by the Applicant, specifically the letters and circumstances on which they are contingent, are not reliable enough for us to rely on.⁴⁵ Ms Hill also disagreed with the weight given by Mr Norwell of the Fast Track Approvals Bill.⁴⁶ She also urged us to prefer the evidence of Mr Denney and Mr Baxter over that of Mr Smith with regards to the consent order for the site and surrounding area.

Mr Patrick Baxter – Landscape

64. Mr Baxter provided us with a summary of his evidence in chief.⁴⁷ Mr Baxter confirmed that he was involved in the consent order process that resulted in the Environment Court issuing its decision in relation to the Mt Iron Junction consent. He noted that: *“The substantive point of my evidence asserts that the proposal as it currently stands is contrary to the landscape outcomes that the 2021 Environment Court decision sought, being the maintenance of a sense of open space and ruralness, being provided substantially by that area of land upon which this proposal seeks to establish a branded fast-food outlet with associated activities.”*⁴⁸ Mr Baxter further noted that in his view the package of landscape mitigation, the protected landscape area, the setback of development from the highway and retention of appropriate areas of open space shown on the consented plan for RM181471 were fundamental to maintaining a sense of ruralness across the site. He agrees that the works undertaken on site to date, in conjunction with the roundabout have resulted in a change to the landscape character. However, in his opinion all of this was to be expected, and once complete, will maintain a sense of ruralness across the site. His opinion is *“that the site sits in a semi-rural setting and not a ‘peri-urban’ or urban setting as Mr Smith describes.”*⁴⁹
65. Mr Baxter agrees with the description of the area and site contained in Mr Denney’s assessment and disagrees with the interpretation of Mr Smith. He concludes that, *“... the proposed development runs against the design principals [sic] laid out in the approved plan, principals [sic] that where [sic] carefully weighed and approved by the Court and, by occupying that area of open space set aside in the consented plan, the proposal tips the balance from semi – rural to semi urban and removes an opportunity to protect those values.”* He finishes by stating that his conclusion stands regardless of whether or not the consented development was to occur on Lot 2 (alluding to the reference that the consented development may not proceed).⁵⁰

Ms Erin Stagg – Planning

66. Ms Stagg also presented a summary of evidence.⁵¹ She noted the concerns of the submitters include social and economic effects, as well as effects on the landscape and rural character. Ms Stagg further notes that her evidence primarily focuses on the landscape and visual effects of the proposal which she says have been extensively addressed in the evidence of Mr. Baxter. She also largely agrees with, and endorses the assessment outlined in the

⁴⁴ Summary of Legal Submissions from Rosie Hill – Counsel for Submitters – 26.11.24 [paragraph 7]

⁴⁵ Ibid [paragraph 21]

⁴⁶ Ibid at paragraph [23]

⁴⁷ Summary Statement of Evidence of PJ Baxter – 26.11.24

⁴⁸ Ibid [paragraph 3]

⁴⁹ Ibid [paragraph 6]

⁵⁰ Ibid [paragraph [55]] [note it is should be paragraph 12]

⁵¹ Summary Statement of Evidence Erin Stagg – Planner for Submitters – 26.11.24

Section 42A Report prepared by Mr. Woodford and the landscape assessment prepared by Mr Denney.⁵²

67. With regard to the meaning of semi-rural and peri-urban Ms Stagg notes that “...we all agree that this is a transitional landscape.” She does not agree with the opinion of Mr Norwell that this is a peri-urban or urban environment. In her opinion, “...*following the implementation of the Mt Iron Junction consent, with or without the townhouses and workers’ accommodation, a sense of ruralness and openness across the site and receiving environment will be maintained.*” Further she does not “... agree that development on the Site to date (under separate subdivision consents or implementation of the roundabout), has changed that environment.”⁵³
68. Ms Stagg concludes by telling us that her conclusion remains the same, that the proposed development is contrary to the objectives and policies of the PDP in relation to landscape matters and urban development outside of the Urban Growth Boundary. She further states that overall, the proposal will result in more than minor adverse effects and will be contrary to the objectives and policies of the PDP (and the Operative District Plan, as well as the Proposed Otago Regional Policy Statement (2021)). She further states that overall, the proposal is for a non-complying activity that does not pass either limb of the threshold test set out in Section 104D and therefore there is no discretion for consent to be granted.⁵⁴ Ms Stagg concludes her evidence do us by stating that,

*Overall I consider that the proposal does not promote the sustainable management of the District’s natural and physical resources and does not meet the primary purpose of the Act.*⁵⁵

Jesse Herbert

69. In addition to his submission Mr Herbert also presented additional material.⁵⁶ Mr Herbert noted that he can confidently say that he represents the majority of the Wānaka population. He was critical of the approach and the information provided by McDonald’s in their presentation to us. Mr Herbert urged us to recognise and consider what he called the kaupapa or underlying culture of Wānaka. He emphasised the importance of Mount Iron to the people of Wānaka and beyond. Mr Herbert also noted that lay people would not consider the area around the site to be urban in the way that the Applicant has described. In his view the special character of the area will be visually adversely affected by the proposal.
70. Wao Aotearoa Charitable Trust (Wao)– Monique Kelly. Wao produced additional notes to its submission.⁵⁷ They strongly oppose the application on the basis of: visual and landscape impact; identity of the community – impact on the outstanding natural feature – Mount Iron; impact on the environment which included a consideration of the purpose of the RMA, the relationship with the Climate Change Response Act 2002 and the NZ Emissions Reduction Plan, the NPS-UD, the District Plan’s objective to protect the rural landscape from sporadic and urban sprawl, the proposal being against the zero waste Kaupapa of Wānaka. Wao stated that:

⁵² Summary Statement of Evidence Erin Stagg – Planner for Submitters – 26.11.24 [paragraph 3]

⁵³ Ibid [paragraph 11]

⁵⁴ Ibid [paragraphs 16 – 19]

⁵⁵ Ibid [paragraph 24]

⁵⁶ Further Submission from Jesse Herbert – Submitter # 243 – 27.11.24 and Further Submission from Submitter #243 – 22.11.24

⁵⁷ Further Submission from WAO – Submitter #367 – 26.11.24

*The current proposal is for a drive through on a site that is zoned Rural. Its focus on a carcentric business model to get a burger through a drive through places a heavy carbon footprint on the weight of that burger. Moreover, it runs counter to the purpose of the NPSUD which seeks to support reductions in greenhouse gas emissions through good planning.*⁵⁸

- 71. Waste Busters and Plastic Free Wānaka – Sophie Ward. This submitter also strongly opposed the application on the basis of its adverse visual impact in this sensitive location. In addition, their opposition related to the waste to landfill and little created due to the reliance on single-use throwaway packaging. We were told that this approach does not align with the community’s core values of environmental protection and zero waste.
- 72. Julia Aspinall – opposes the application and noted that preferably there would be no McDonalds restaurant anywhere in Wānaka in that this global chain does not reflect the values in the vision of the Council. In referencing the values Ms Aspinall refers to the words, unique place, ecosystem, and inspiring landscapes. Her submission is that McDonalds does not meet any of these vision statements.
- 73. Jane Lloyd also opposes the application and provided additional notes to her submission.⁵⁹ Ms Lloyd informed us that she grew up in Dunedin and the Wānaka/Hawea area and received a Bachelor of Consumer and Applied Sciences from University of Otago. She went on to receive a Master of Arts in Psychology from the City College of New York, and a Master of Public Health from Johns Hopkins in the United States. She told us that she had recently published an article in Bio Medical Central Journal of Public Health looking at food system resilience in Aotearoa New Zealand and three other countries and provides peer reviews for journals on food systems. Ms Lloyd stated that she is not opposed to development in Wānaka, but she is concerned that McDonalds will be a ‘trojan horse’ of the fast-food industry in the district. She noted that, *“I believe that in the planning and consenting process we need to start taking a long-term view of the decisions we make when the evidence is clear: in other parts of Aotearoa New Zealand, and in other countries, McDonald’s doesn’t enhance the food environment, and in fact detracts from it.”* Ms Lloyd provided information from Australian research that supported her submission on the disadvantages of us allowing this application. She concluded her submission with a similar comment to that made by Ms Aspinall – that the Applicant is not aligned to the plans and aspirations of the community. She urged us to consider all submissions, expert and non-expert.
- 74. In the presentation of his submission, Pierre Marasti, noted that the future of the Wānaka community is determined by this hearing. Like previous submitters Mr Marasti presented additional material⁶⁰ and emphasised the point that Wānaka prides itself on being single use cups (SUC) free and the amount of waste that McDonalds produces. He also emphasised the beautiful view of Mount Iron that residents and visitors enjoy when they arrive in the town.
- 75. Katy MacPherson opposes the application and presented further notes in support of her submission.⁶¹ Ms MacPherson echoed the views of other submitters with regards to the waste generated from a McDonalds drive-through restaurant. She noted that the proposed Litter Management Plan presented by Mr Parkinson for McDonalds did not sound like a plan

⁵⁸ Further Submission from WAO – Submitter #367 – 26.11.24 [paragraph 10]

⁵⁹ Further submission from Jane Lloyd – Submitter 246

⁶⁰ Further Submission from Pierre Marasti – Submitter #91 – 27.11.24

⁶¹ Further Submission from Katy MacPherson – Submitter # 233 – 27.11.24

but rather an attempt to mitigate community concerns. She also emphasised the negative impact that the proximity of the restaurant to Mount Iron would have and noted that: *“Allowing such a restaurant in this rural area would set a concerning precedent for further developments which could further negatively impact our community and land use; the long-term effects of a restaurant like McDonald’s at such a visual location are likely to severely negatively impact our community.”*

76. Sian Leigh also provided additional notes to her submission⁶² and opposed the application. The key areas she highlighted are the rural zoning, signage and traffic safety. She also offered us her perspective as a holistic nutritionist operating in the community and globally. She concluded by saying that Wānaka is a place that prides itself on community values, local collaboration, shared prosperity and health and wellness. Ms Leigh urged us to refuse consent to the application.
77. Dr John Cossens supported the application and presented additional notes to his submission.⁶³ Dr Cossens was concerned about those submissions that were raising issues around what he described as “broader social issues” (health, nutrition, rubbish and possible undesirable behaviour) and the issue about the McDonalds changing the kaupapa of Wānaka. He considers that we should give such submissions very little weight. He noted that: *“McDonalds is not the change it is simply the symbol of a rapidly changing town. There is a real double standard when submitters like Willowridge and the many others have in fact produced the greatest change to this town. We are the change.”* Dr Cossens went onto to note two things that he in his view were relevant to consider, namely, the rural zone and landscape effects. With regard to the rural zone he considered the zoning to be a planning anomaly – the area is “clearly peri-urban” in his view. As to the landscape effects, he essentially noted that he considers those experts who are stating the importance of the views of Mount Iron to be overstating the position. Dr Cossens noted that he drives through the newly constructed roundabout every day and he considers that the first and most important priority is looking at the traffic with little time to consider Mount Iron. He urged us to remember that context is everything.
78. Amanda McHolm opposed the application and provided additional supporting material to her original submission.⁶⁴ She told us that she had a risk assessment systems background and while she was not asking to be considered an expert, she thought it would be helpful for us to know this by way of context. Ms McHolm provided an extensive commentary on the rockfall event calculations that has been provided by the experts. She referred to a GNS professor that she has communications with. Ms McHolm also noted that she has been in contact with Waka Kotahi (NZTA). She also raised concerns about adverse effects on landscape and rural character values.
79. Stefan Warnaar also opposed the application and provided additional material.⁶⁵ He submitted that granting McDonalds resource consent would not align with the Council’s strategic direction in the District Plan in that it would not provide economic prosperity in an equitable manner, it would set a precent for growth that risks detracting from the surrounding landscapes and the values of the community.

⁶² Further Submitter from Sian Leigh – Submitter # 51

⁶³ Further Submission from John Cossens – Submitter # 56 – 20.01.25

⁶⁴ Further Submission from Amanda McHolm submitter # 280 – 28/11/24

⁶⁵ Further Submission from Stefan Warnaar Submitter # 136 – 27.11.24

80. Simon Guthrie also provided additional material in support of his opposing submission.⁶⁶ He also raised the concern of the precedent that would be set, for other fast-food operators to come to Wānaka, if McDonalds was granted consent. He informed us that he has worked in tourism for 25 years and his customers/clients comment on how lovely and attractive is to visit a town with no fast-food giants. In short, Mr Guthrie said that Wānaka can and should be a town many others around the world should look to emulate. His concern is saying yes to one is saying yes to many.
81. Christine Pounsford raised concerns about the nature of the food sold at McDonalds. She raised a number of examples that were not contained in her original submission. We had to remind Ms Pounsford that it was not the role of the Panel to make a determination about her food safety concerns as that is a matter for the Food Safety Authority. Ms Pounsford did also raise matters in her written submission that were relevant to our consideration and are raised by others – such as the eyesore that the McDonald's would represent and the environmental impacts.
82. William Gilkison opposed the application and submitted a PowerPoint presentation and speaking notes in the support of his submission.⁶⁷ He also raised concerns about the quality of the food served by McDonald's but also made the point that not having a McDonald's is a positive point of difference for Wānaka. Mr Gilkison submitted that the application is not in character, degrades outstanding natural features and jeopardises the viability of established food outlets.
83. Dr Conway Powell from Wānaka Flowers supported the application and also submitted a PowerPoint presentation.⁶⁸ Dr Powell noted that his family have been landowners since 1960 and are local export peony flower growers. He considered that the opposition to McDonalds appears to be ideological. Dr Powell included photographs of the visual impact on Mount Iron this is already occurring from other developments in the Wānaka area. He also disputed the concerns about litter being caused by McDonalds and McDonalds alone. Dr Powell acknowledged that he had a very personal reason for supporting McDonalds which related to his autistic grandchild who has a very inflexible diet which is limited to certain McDonald's food items. Having no McDonalds in Wānaka poses a significant issue for Dr Powell's family when the grandchild comes to visit as they have to travel to McDonalds in Frankton to get food.
84. Giles Barker opposed the application and presented additional material to support his submission.⁶⁹ His primary objection to the proposal was the 24/7 nature of it because in his view the proposed hours are a risk to public health and safety. In his submission, Mr Giles concludes that the application fails to address the significant disparity between Wānaka's current emergency service capabilities and the demands of a 24-hour hospitality operation.
85. There was one submitter that did not attend the hearing as they had not been notified about it. Submitters, Rik and Juliet Deaton (submitter number 26), indicated in their written submission that they wished to be heard but the Council inadvertently failed to contact them about a time to attend the hearing. Given the hearing has adjourned by the time we were informed of this, the only available option was to allow the Deaton's an opportunity to submit

⁶⁶ Further Submission from Simon Guthrie - Submitter # 532 – 27.11.24

⁶⁷ Further Submission from William Gilkison – Submitter # 39; and Presentation from William Gilkison Submitter 39 – 27.11.24

⁶⁸ Further Submission from Conway Powell - Submitter # 72 – 27/11/24

⁶⁹ Further Submission from Giles Barker – Submitter # 101 – 27.11.24

any additional matters in writing by 6th December 2024.⁷⁰ The Deaton's duly did this, and we confirm that we have read both their original submission, and the additional material provided.⁷¹ The Deaton's opposed the application for the same reasons that other opposing submitters have already set out. They emphasised the importance of Wānaka as a tourist attraction and their concern that having a McDonalds would be a huge negative for the town and for New Zealand.

Queenstown Lakes District Council Assessment and Response to Evidence

86. The Council pre-circulated its Section 42A Report and this is referred to above. Present at the hearing were Mr Andrew Woodford, Mr Richard Denney, Mr Jon Styles, Mr Chris Rossiter and Ms Lyn Overton. All of these experts provided specialist reports as part of the Section 42A Report and three of them (Mr Woodford, Mr Denny and Mr Rossiter) provided summary statements of their evidence that had been updated to comment on the matters raised since the Section 42A Report had been circulated.

Mr Andrew Woodford – Planning

87. In addition to the Section 42A Report Mr Woodford also provided a summary of his evidence.⁷² He confirmed that having heard and read respective expert and submitter evidence over the course of this hearing that his overall findings and conclusions in the Section 42A Report are unchanged. Mr Woodford remains of the view that the proposed development will have more than minor adverse effects and is contrary to the objectives and policies of the respective planning documents. Mr Woodford provided more information about the conditions of consent that the Environment Court has agreed to for approved Mt Iron Junction consent and noted a number of them that would require changes if we were minded to grant consent to McDonald's. He further noted that he considered it problematic as to how the proposed development would fit in with the Mt Iron Junction consent.⁷³
88. In terms of the changes to the site and location since the consent order Mr Woodford was of the view that the subject site and surrounding environment has not materially changed. He stated that not only was the roundabout envisaged but it was required as a condition of consent to enable the development.⁷⁴ Mr Woodford stated that he had undertaken another site visit during the week of the hearing and set out his observations. He concluded by saying that: *"To sum up the above observations, no one aspect in isolation would inform my view on how I perceived the area, however when I consider them as a whole, I perceived the area and the site as more rural than urban, that is semi rural."*⁷⁵
89. Mr Woodford referred to some specific submissions, including the issues raised by Ms McHolm, and stated that the rockfall hazard does not pose a risk to the development.⁷⁶ This was further confirmed by Ms Overton.
90. With regard to the Fast Track matter Mr Woodford opined that, he considers "... *that little weight can be placed on the future implications of the Fast Track Approvals Bill, given the infancy of the future legislation and uncertainty of timing and success of any future project.*

⁷⁰ Minute # 5 from the Commission – 02.12.24

⁷¹ Further Submission from Rik & Juliet Deaton – Submitter # 26

⁷² Summary of Evidence of Andrew Woodford – Council Planner – 27.11.24

⁷³ Ibid [paragraph 26]

⁷⁴ Ibid at [paragraph 15]

⁷⁵ Ibid at [paragraph 20]

⁷⁶ Summary of Evidence of Andrew Woodford – Council Planner – 27.11.24 [paragraph 24]

For clarity I consider the Fast Track Legislation could be included as another matter to be considered under 104(1)(c) if the commission finds it not only relevant but also reasonably necessary to determine the application.”⁷⁷

Mr Styles – Acoustic

91. Mr Styles referred to the acoustic specialist report that formed part of the Section 42A Report. He confirmed the contents of that report and noted that he agreed with the evidence of Mr Runcie for the Applicant. Mr Styles reiterated the conclusions contained in the acoustic report which included conditions if we were minded to grant consent.

Mr Rossiter – Traffic

92. Mr Rossiter prepared a summary of his evidence.⁷⁸ He referred to a number of matters raised by the Applicant and the submitters and talked about the roundabout design. He noted that aspects of the roundabout design (separate footpaths and cycle paths) make it more urban than rural but noted other similar examples in rural locations and said that provision of active mode facilities is not a defining matter. Essentially, Mr Rossiter confirmed his conclusion in his specialist report attached to the Section 42A Report which was that the proposal did not result in more than minor adverse traffic effects.

Ms Overton – Engineering

93. Ms Overton specifically attended the hearing to respond to matters raised by Ms McHolm. She provided a copy of a geotechnical report that had been prepared by GeoSolve for Council in relation to the Mt Iron Junction Limited application in 2018.⁷⁹ This report confirmed the position of Council as set out in the Engineering Assessment and Comments section of the Section 42A Report, including that there is no evidence of existing slope instability on site and that rockfall hazard is assessed as low risk.

Mr Denney – Landscape

94. Mr Denney presented his comments to us orally and then provided us with a written version after the adjournment of the hearing.⁸⁰ He noted a number of amendments that had been made to the proposal since he wrote his attachment to the Section 42A Report⁸¹ and concluded that: *“Overall, the applicant’s and submitters evidence and presentations at the hearing would not alter the conclusions of my peer review landscape report.”*⁸² Mr Denney provided extensive commentary on the Mt Iron Junction consent as he was involved in that Environment Court process.
95. Mr Denney noted that the Applicant’s landscape architect in answer to a question said that a site set further from the highway and closer to Mount Iron would have less adverse effect. Mr Denney agreed with this and noted that setback is an issue with the McDonald’s Restaurant proposal. He stated that, *“The selected site would result in the proposed building, vehicle parking, manoeuvring areas, lighting, gantries etc., having prominence to the immediate fore of views for the highway viewing audience due to the selected corner site*

⁷⁷ Ibid at paragraph [33]

⁷⁸ Summary of Evidence of Chris Rossiter – Transport for Council – 27.11.24

⁷⁹ Geotech Report from Council – 27.11.24

⁸⁰ Summary of Evidence from Richard Denney – 06.12.24

⁸¹ Agenda – Council’s s42a Report – Appendix 3 – Landscape Comments [page 66]

⁸² Summary of Evidence from Richard Denney – 06.12.24 [last paragraph]

location. The proposed building would become the most prominent building in the site (consented and existing context) with resulting adverse effects on the landscape values at this location and context.”⁸³

96. Mr Denney did not resile from his conclusions in the Section 42A Report where he stated :

The landscape report has determined the site sits within a peri-urban landscape, and the subject property and the landscape context has a more urban than rural character. I differ to this analysis and consider the subject property has a more rural than urban character, as consented by RM181471. The wider landscape context is complex and varied, a peri-urban landscape that is changing and transitional between urban and rural. The complexity of this landscape is relevant to the application, as the site is located outside of the urban growth area, adjacent to rural living zones, a large lot residential zone and the outstanding natural feature of Mt Iron a distinct and valued local landmark on entry to Wānaka. This difference in landscape analysis, determination of landscape values and definition of landscape character area, and wider landscape context, as required by Section 3 of the Proposed District Plan has set a difference in landscape effects assessment.

The landscape report through determining a more urban than rural character relevance to the proposal has resulted in low to very low adverse effects on landscape values and visual amenity for a proposal that is an urban type of development on a prominent highway junction corner site.

Reviewing the landscape assessment in a more rural than urban frame with the relevant landscape values applicable to the landscape character area of the RCL within a peri-urban context presents a differing assessment. The location is not purely rural and there is a moderating effect from the peri-urban landscape. The proposal also has supporting planting to soften visual effects, building cladding that is generally recessive in nature and the proposed building generally sits low in views of Mt Iron. The proposal however is clearly urban in character and scale, includes 24hr lighting, illuminated signage, and commercial activity, and although it sits comparatively low to Mt Iron is sufficiently prominent and detracting on the highway frontage to the fore of the valued views and gateway associations to Mt Iron.

The development and proposed landscape mitigation would be inconsistent with existing consented development at this location and the determined landscape values. Adverse effects would be moderate-high on the landscape values, and range from low to moderate-high on visual amenity within a confined but valued viewing catchment, and have an adverse cumulative effect. The scale and location of the selected site and the nature of the proposed development does not present opportunities in this instance for recommending realistic measures to avoid or mitigate adverse effects.⁸⁴

⁸³ Summary of Evidence from Richard Denney – 06.12.24 [page 7]

⁸⁴ Council's s42a Report – Appendix 3 – Landscape Comments [page 94 paragraphs 137 – 139]

ADJOURNMENT

97. At the end of the Council's case the hearing was adjourned, and the Applicant was provided the opportunity to submit its reply in writing and, on request, present it to us orally. During the adjournment we issued three minutes as set out in this section.

Minute 4⁸⁵

98. This Minute provided that the parties could make any changes to the information that had been provided by Mr Herbert about the number of commercial operations that open on 24/7 by 6 December 2024. It also confirmed that the written closing / reply is to be provided by the Applicant by 18th December 2024 and that it needed to cover the following specific matters:

- i. With regards to resource consent RM181471 (including its ability to be implemented) what conditions will need to be amended with reference to the summary statement presented by Mr Woodford on 27 November 2024;
- ii. In answering (i) what is the effect on consent RM181471 if only partial aspects of it are proceeded with. What implications does this have for the Application:

99. In addition, Minute 4 noted that a number of submitters commented on the importance of Wānaka and the values and strong sense of place for members of the community. Specifically, we heard that Wānaka has a very strong focus on waste minimisation, including the implementation of policy against single use packaging waste. We asked the Applicant to specifically comment on this issue.

100. The Minute referenced the submission by Mr Barker regarding the 24/7 nature of the operation and the impact that this could have on emergency services in Wānaka. Mr Barker cited a number of examples from other similar locations where McDonalds do not open 24/7. We asked the Applicant to specifically comment on this issue.

101. The Minute noted that the written closing / reply was to be given to us orally at 11.30am on Thursday 19th December 2024. This was to be livestreamed, and the submitters were invited to attend and/or listen via the livestreamed proceedings (or welcome to attend this in person at the Council's offices in Queenstown).

Minute 5⁸⁶

102. Minute 5 was issued to address two matters that had arisen after Minute 4, namely, the summary statement from Mr Denney and the fact that a submitter had been left off the hearing list. We therefore directed that Mr Denney had until this 6th December 2024 - to submit his written summary statement; and that submitters, Rik and Juliet Deaton (submitter number 26), were given the opportunity to submit any additional matters in writing by 6th December 2024.

⁸⁵ Minute #4 from Commission – 29.11.24

⁸⁶ Minute # 5 from Commission – 02.12.24

Minute 6⁸⁷

103. Minute 6 was issued to address a matter raised in a Memorandum of Counsel on Behalf of Willowridge Developments Limited and Jesse Herbert dated 3 December 2024. In this Memorandum it raised what were essentially natural justice concerns about the decision of the Panel to reconvene the hearing on 19 December 2024 to allow the Applicant to address us orally on closing submissions.
104. We confirmed that we considered that it is appropriate and fair to have a reconvened hearing and that we were satisfied that the necessary remote access facilities are available for the parties.

APPLICANT'S RIGHT OF REPLY

105. The Applicant's reply was comprehensive and including a series of appendices⁸⁸:
- (a) Revised conditions – Attachment 1;
 - (b) Updated Plan set – Attachment 2;
 - (c) Supplementary statement from Mr Parkinson – Attachment 3;
 - (d) Mt Iron Junction – Fast Track plans – Attachment 4;
 - (e) Correspondence from Mr Alan Dippie. Willowridge Developments Limited – Attachment 5.
106. The Reply put forward three amendments to the proposal as a result of matters that had been raised at the hearing. These were:
- (a) The proposed operating hours of the restaurant will be reduced from a 24 hours operation to 6 am – 11 pm.
 - (b) Consequent on the adjusted operating hours, amended conditions relating to lighting on the Site are offered.
 - (c) The blade sign will be reduced in height to 2.2m.
107. In his Reply Mr Brabant stated that:

*The amendments to the proposal do not alter my acknowledgement that the proposed activity is urban in nature. It continues to be the case that I accept the pathway to consent is a narrow one given the zoning of the Site. However, I also maintain that the application for consent should be granted and say the amendments to the proposal have strengthened the reasons why you may conclude that the grant of consent is appropriate.*⁸⁹

⁸⁷ Minute # 6 from the Commissioner – 12.12.24

⁸⁸ Various documents entitled "Right of Reply" and then a name of what the document was about

⁸⁹Applicants Right of Reply – 18.12.24 [paragraph [8]

108. In relation to the matters raised in the opening about Willowridge Mr Brabant did not raise this again in his closing except to note that there had been communications between McDonald's and Willowridge and a copy of it has been provided as Attachment 5.
109. As we noted above, we intended to revisit the issue of trade competition in this section of our decision. Given that the Applicant has not made a substantive issue about this matter we make the following comments about this issue. At the Applicant's own admission, the submitter is not a trade competitor but rather a rival landowner on whose land the Applicant has some early discussion with. The clear implication from the opening submissions (which was not changed in the Reply) are that *"Thus McDonald's have a situation (as referenced in evidence by Mr Parkinson) where they were offered land in Three Parks by Willowridge at an exorbitant value (such that no economic return would have been possible from the restaurant), now face opposition from Willowridge in their consent process, whilst at the same time that entity is seeking a commercial outcome from defeat of the proposal."*
110. While we acknowledge the point that Mr Brabant is making on the motives of Willowridge as a submitter, we are nonetheless satisfied that there is no issue of trade competition that applies such that Willowridge are precluded from having their submission received and considered. We consider the substantive points made by Willowridge in our assessment above.
111. Mr Brabant quite correctly identifies that the proper definition of the "environment" remains a live matter to determine. He repeated his submissions in opening and told us:
- (a) *A correct understanding of the receiving environment (as defined in law) is critical to accurately assessing actual and potential effects on the environment. If the receiving environment is not properly identified in line with case law, then the consequent analysis is fatally flawed.*
 - (b) *Properly identifying the receiving environment and a clear eyed real-world assessment of character and amenity are fundamental to analysis of objectives and policies where those objectives and policies engage with effects.*⁹⁰
112. We were reminded that we must engage with the environment by reference to both what surrounds the Site, and the Site itself. We agree with Mr Brabant's submission that the somewhat unusual aspect of the issue being grappled with is what the future state of the environment might be on the Site. This consideration drives us to consider questions as to the likelihood of the Mt Iron Junction consent being given effect to in part or in full and questions with regard to the Fast Track Approvals Bill which includes a proposed development on the parent site as a listed project able to seek consent subject to the special process put in place by the new legislation.⁹¹
113. Mr Brabant reminded us that the Mt Iron Junction consent was issued as a consent order by the Environment Court and did not go 'through a contested hearing'. He submitted that it was not a decision or determination on the merits, and therefore statements by the Court about its views as to characteristics of the environment are not binding on us.⁹²

⁹⁰ Applicants Right of Reply – 18.12.24 [paragraphs 25]

⁹¹ Ibid [paragraphs 26 and 27]

⁹² Ibid [paragraph 28]

114. Mr Brabant then submitted the Applicant's view (which was covered in the evidence of Mr Smith and Mr Norwell) of the nature of the receiving environment both outside the site and of the site itself. He told us that even though the Applicant urged us to consider what the consent holder of the Mt Iron Junction consent proposes to do with that consent, that whether we consider the townhouses and workers accommodation as being part of the receiving environment or not is irrelevant. Mr Brabant submitted that, "*... the experts for McDonald's still consider that the proposal is appropriate in this location as the receiving environment is much greater than the parent site, and that wider receiving environment has a peri-urban character which can absorb change.*"⁹³

115. We note that the wider environment has now been included as a project in Schedule 2 of the Fast-Track Approvals Act 2024⁹⁴. Mr Brabant refers to this matter, but he makes no specific submission to us about it and does not request that we make a finding as to the likelihood of that project proceeding. We have included consideration of this matter under s104(1)(c) below.

116. Mr Brabant expressly considers the matter in Minute 4 and the notes as follows:

- (a) With regards to the Mt Iron Junction consent and the matters raised by Mr Woodford in his summary statement of evidence additional changes to condition 1 were proposed but no other changes were requested;
- (b) The McDonald's application, and consent, if granted, sits separately from the Mount Iron Junction resource consent. What conditions must be met by that development depend on the extent to which that consent is fully or partially implemented;
- (c) Mr Parkinson's supplementary statement (Attachment 3) deals with the position of McDonald's globally on waste minimisation. Mr Brabant reiterates his submissions in opening that the response to litter management regime is a reasonable and appropriate response to the issue by the Applicant.⁹⁵
- (d) The 24/7 nature of the operation has been addressed by the Applicant amending its operating hours.

117. Mr Brabant concluded his submissions to us by stating:

My conclusion remains consistent with that in my opening submission – namely that the proposal before you has a pathway through the gateway tests of section 104D and then section 104. That pathway is evident consequent on a proper and lawful identification of the environment against which effects must be assessed, a clearheaded and accurate identification of what those effects are, and then a balanced and comprehensive consideration of applicable [PDP]⁹⁶ provisions. Consent can be granted, subject to offered conditions of consent.

*Consent can be granted, subject to offered conditions of consent.*⁹⁷

⁹³ Applicants Right of Reply – 18.12.24 [paragraphs 46]

⁹⁴ Note this Act got royal assent on 23 December 2024 – so a few days after we heard the Reply

⁹⁵ Applicant's Legal Submissions – 22.11.,24 [paragraph 58]

⁹⁶ Corrected orally when presented

⁹⁷ Applicants Right of Reply – 18.12.24 [paragraphs 103 & 104]

HEARING CLOSURE

118. We issued a minute⁹⁸ directing that we closed the hearing on the date of the Minute. We noted that given the working day close down period is between 20 December 2024 and 10 January 2025 we confirmed that the first working day which applies to the issuing of our decision is Monday 13th January 2025. Our decision is therefore due on 3 February 2025.
119. We subsequently issued another minute⁹⁹ that indicated that due to the commitments of the Commissioners in January and the public holiday in Auckland (that is counted as being a working day) we are required to briefly extend the time of our decision by approximately one week. We therefore informed the parties that, in accordance with section 37A of the RMA, our decision will be issued in the week of 10th February and not later than the end of that week.

PLANNING FRAMEWORK

120. In the Section 42A Report Mr Woodford informed us that there are no relevant rules under the Operative District Plan as the relevant rules of Section 5 (Rural), Section 14 (Transport), Section 18 (Signs), Section 22 (Earthworks) are treated as inoperative given the relevant rules under the PDP are treated as operative pursuant to section 86F. He went on to state that the objectives and policies under the Operative District Plan remain relevant, and he provided an analysis of these at paragraph [174] of the Report, which we summarise below.
121. In general, there was not an extensive debate amongst the experts regarding the planning framework and all the experts agreed that the rural zoning was not determinative in this case. The decision in this consent largely turns on the analysis of what the environment is.
122. In this section we largely adopt the analysis contained within the Section 42A Report.¹⁰⁰ Where necessary we include quotes from that Report for ease of reference. A full set of the relevant provisions with regards to the Mount Iron ONF is contained in the Appendix.

Operative District Plan

123. Mr Woodford notes that the Applicant has not undertaken an assessment of the proposal against the relevant objectives and policies under the Operative District Plan (ODP). He considers that sections 4, 5, 14, 16, 18 and 22 are relevant to the proposal. Objective 1 of 4.2.5 (Landscape and Visual Amenity) and Policies 1, 4, 9, 12 and 17 are considered relevant to the proposal as they seek to ensure that use and development is undertaken in a manner which avoids, remedies or mitigates adverse effects on landscape and visual amenity values.¹⁰¹
124. Mr Woodford then provided an analysis of the proposal against the relevant objectives and policies of the ODP that transversed the following matters: the district wide issues; rural areas; transport; signs and earthworks. In relation to landscape and visual amenity (Policy 1)

⁹⁸ Minute # 7 from Commission – 20.12.24

⁹⁹ Minute #8 from Commission with Time Extension – 28.01.25

¹⁰⁰ Agenda – Council's s42a Report – Council's S42A Planning Report [page 31 Section 8.3]

¹⁰¹ Ibid

he concluded that “... the development contrary to this policy given the proximity of the development to the Mt Iron ONF. The proposed built form and activity does not harmonise with ONF and will result in adverse effects on landscape and amenity values.”¹⁰² Generally, Mr Woodford considered that the proposal was not consistent with the remainder of the landscape and visual amenity, urban growth, and rural areas policies. He did consider that the proposal was consistent with some of the transport, signs and earthworks policies but that, overall, the proposal was inconsistent with the majority of the objectives and policies of the ODP.

Proposed District Plan

125. Mr Woodford considered the objectives and policies of the PDP and concluded that:

*Overall, I consider the proposal to be inconsistent or contrary to the relevant objectives and policies relating avoiding urban development and commercial activities in the rural zone, and those objectives and policies relating to landscape character, rural amenity, signage. The Proposal is generally consistent with the relevant objectives and policies of the PDP relating to providing adequate servicing and infrastructure, reverse sensitivity effects, earthworks and transport/access.*¹⁰³

Otago Regional Policy Statement 2019 and Proposed Regional Policy Statement 2021

126. Mr Woodford considered the proposal was overall generally inconsistent with the relevant objectives and policies of the Otago Regional Policy Statement 2019. In terms of the objectives and policies of the Proposed Regional Policy Statement he considered that: *Overall, the proposal is considered to align with relevant provisions of Proposed Otago Regional Policy Statement 2021 as they relate to land and soil and natural hazards. The proposal is contrary to the relevant objective and supporting policies relating to natural landscapes and features.*¹⁰⁴

National Policy Statement on Highly Productive Land 2022

127. Mr Woodford concurred with the statement in the AEE that National Policy Statement on Highly Productive Land 2022 does not apply to this proposal because the subject site is classed as Land Use Capability (LUC) 4 under the New Zealand Land Resource Inventory, and only LUC 1, 2 or 3 soils require attention under the National Policy Statement.¹⁰⁵

National Policy Statement for Urban Development

128. The National Policy Statement for Urban Development (NPS-UD) came into effect on 20 August 2020. Mr Woodford notes that as the subject site is zoned Rural, the NPS-UD has little to no relevance. He goes on to note that in the AEE it states that the zoning of the site is inconsistent with the approved use of the site, and the surrounding land use and zoning context of the site, and that an urban zoning would be more appropriate. This is consistent to the approach taken by the Applicant in this hearing. Mr Woodford reiterates that it is his view that the consent of the site approved under the Mount Iron Junction consent order was approved on the basis that that development maintains the rural character of the site. He

¹⁰² Agenda – Council's s42a Report – Council's S42A Planning Report [page 31 - Section 8.3 – paragraph 176]

¹⁰³ Ibid [paragraph 268]

¹⁰⁴ Ibid paragraph 272]

¹⁰⁵ Ibid paragraph 280]

therefore stated that “...he does not consider that the approved development necessarily requires an urban re-zoning by necessity of the approved development.”¹⁰⁶

Finding on the Planning Framework Matters

129. We have considered the proposal against the policy framework and, in particular the PDP, as have planning experts for the Applicant, Council and submitters.
130. We agree with the evidence of Mr Woodford (and Ms Stagg) that the proposal is contrary to the objectives and policies of both the ODP and the PDP taken overall.
131. Furthermore, and for the reasons set below in the section entitled Principal Issues in Contention and Our Finding with regard to the effects of the proposal on the receiving environment, we find that proposal to be contrary to those objectives and policies that directly relate to ONFs contained in chapter 3, Chapter 6 and Chapter 21 of the PDP, as more specifically identified in the Appendix.

PART 2

132. The Section 42A Report contains a brief assessment of Part 2.¹⁰⁷ We agree that the relevant Plans have been prepared having regard to Part 2 of the RMA and (being cognisant of case law¹⁰⁸) have been rigorously tested through public submissions and Environment Court proceedings and therefore reference to Part 2 would not add anything, and could not justify an outcome ‘contrary’ to the thrust of the policies.
133. We note that notwithstanding this Mr Woodford did consider Part 2 for completeness and concluded:

The proposed development is considered to result in unacceptable effects in terms of landscape character, rural amenity and cumulative effects. I do not consider that the proposal would result in the maintenance and enhancement of the quality of the environment.

*Overall, I consider the proposal does not promote sustainable management in accordance with the purpose and principles of the RMA.*¹⁰⁹

We note that this differs from the view of the Applicant.

MATTERS RAISED BY SUBMITTERS

134. In this section we briefly cover a number of matters raised by submitters that we do not have jurisdiction to consider. These matters were covered by both submitters who presented to us

¹⁰⁶ Agenda – Council’s s42a Report – Council’s S42A Planning Report [page 31 - Section 8.3 – paragraph 281]

¹⁰⁷ Ibid [page 44 - Section 10]

¹⁰⁸ Ibid [paragraph 301]

¹⁰⁹ Ibid [paragraphs 308 and 309]

in person and also by those who provided written submissions but did not present to us. The matters are:

- (a) Food health / nutrition;
- (b) Litter creation; and
- (c) Concerns about a fast food chain being in Wānaka.

135. We acknowledge the concerns raised about food health and nutrition but as we noted during the hearing these are not relevant matters that we can consider under the Act. There is a separate legislative regime¹¹⁰ that is concerned with such matters, and we do not have the jurisdiction to consider food health and nutritional values in this decision.
136. The matter of litter creation and the concerns that many submitters had, namely: that McDonald's will bring more litter into the town and surrounds; and the fact that Wanaka has a commitment to waste reduction, is relevant to our consideration as litter is an environmental effect. The Applicant submitted that *"with respect to potential adverse effects from litter, the evidence describes the focused approach taken to managing that issue. ... this regime is a reasonable and appropriate response to the issue."*¹¹¹ During the hearing we heard more about the issue of litter and the Applicant addressed this in its Reply in Mr Parkinson's Supplementary Statement. Mr Parkinson included considerable commentary on the approach to litter and waste minimisation taken by McDonald's.¹¹² Mr Parkinson did note that in Wanaka there are a number of take away food retailers that appear to use single use packaging.¹¹³
137. We recognise Wanaka's commitment to waste reduction and acknowledge that it is significant issue for many submitters. However, we consider that in this case McDonald's approach towards management of this issue is reasonable and appropriate.
138. In relation to the submissions that raised concerns about a large global fast-food chain being in Wānaka we note this is not within our jurisdiction to consider. As McDonald's correctly noted there are other global fast-food retailers already located in Wānaka and it would not be appropriate to single it out for adverse comment or treatment.

OTHER MATTERS

139. We note that the issue of adverse precedent was raised by the Council, and this is a relevant matter under s.104(1)(c). We also note that the now the Fast-Track Approvals Act 2024 is also a matter we need to consider under this header.

Adverse Precedent

140. In terms of adverse precedent, after traversing the meaning of adverse precedent and the legal test Mr Woodford notes that:

¹¹⁰ Including the Food Act 2014

¹¹¹ Applicant's Legal Submissions – 22.11.,24 [paragraph 58]

¹¹² Right of Reply Attachment 3 – Parkinson Supplementary Evidence

¹¹³ Ibid [paragraph 34 and 35]

In this case, the proposed development if granted could encourage further applications on rural zoned land on the outskirts of urban areas to be developed in similar ways that would result in urban creep. Likewise, the applicant appears to rely on the existing consented environment to justify a visually prominent location and development as being acceptable on the environment. I consider that this could undermine the intent of the PDP.¹¹⁴

141. He goes onto state:

However, there are a range of measures in the PDP to protect against inappropriate development, including the requirement to have specific regard to landscape character, amenity, and adverse cumulative effects (as noted at Paragraph 54). On balance, I do not consider the development to create a precedent effect given the nature and location of the site.¹¹⁵

142. We agree with Mr Woodford that the development does not create a precedent effect for the reasons he has noted. With regard to the Applicant's reliance on the Mt Iron Junction consent, or parts of it, we have commented on this in our section entitled Principal Issues in Contention and Our Findings below.

Fast-Track legislation

143. In terms of the Fast-Track legislation we note that the Applicant has not made a particular submission on this issue. In terms of its legal relevance to the assessment of the likely future state of the environment. Mr Woodford noted that:

I consider that little weight can be placed on the future implications of the Fast Track Approvals Bill, given the infancy of the future legislation and uncertainty of timing and success of any future project. For clarity I consider the Fast Track Legislation could be included as another matter to be considered under 104(1)(c) if the commission finds it not only relevant but also reasonably necessary to determine the application.¹¹⁶

144. Although the Bill is now an Act, we agree with Mr Woodford that due to the uncertainty of timing and success of any future project on the Mt Iron Junction land we can only give little weight to the fact that the future project is listed in Schedule 2. While the listing of the project suggests that the project will proceed to be considered under the Act it requires many things to happen first, such as an application to be made, the appointment of panel to consider the application, a comments period and the various steps that the panel need to consider including, whether or not they would hold a hearing.

PRINCIPAL ISSUES IN CONTENTION AND OUR FINDING

145. We consider that the principal issue in contention is what is the nature of the receiving environment. In this section we briefly traverse what the various parties submitted to us on

¹¹⁴ Agenda – Council's s42a Report – Council's S42A Planning Report [page 42 - Section 8.5 – paragraph 283]

¹¹⁵ Ibid [paragraph 284]

¹¹⁶ Summary of Evidence of Andrew Woodford – Council Planner – 27.11.24 [paragraph 33]

this topic. We then consider those elements of the receiving environment before making our finding in relation to it.

Receiving Environment – parties’ positions

Applicant’s position

146. As noted above, the Applicant acknowledges that the issue of what “existing environment” means is key in this instance, as it is “critical to accurately assessing actual and potential effects on the environment.”¹¹⁷ This existing environment is also accepted by the Applicant as including not only the present state of the environment, but also its future configuration, as held in *Queenstown Lakes District Council v Hawthorn*.¹¹⁸ It is further submitted that, as found in *Queenstown Central Ltd v Queenstown Lakes District Council*, the consent authority cannot consider a future environment which is artificial, but must rather engage in a “real-world analysis”.
147. However, disagreement arises between parties, as to what this “real-world analysis” of the existing environment actually encompasses. The Applicant notes that the key areas of dispute include the “... *ambit of the surrounds, the correct characterisation of the activities, and amenity and character within those surrounds.*”¹¹⁹
148. Further issues are raised as to what the future state of the environment may be, given a range of possible developments that may arise alongside the McDonald’s location. First, a service station, a store, a carwash, workers and visitor accommodation are included within the Mt Iron Junction consent. Secondly, a Fast Track project for intensive housing under the Fast Track Approvals Bill¹²⁰ has also been proposed on the Site.
149. The Applicant submits that the appropriate test in this instance is what developments are “likely” to be given effect to. It is submitted that the letter from the owner of the site (Mt Iron Junction) and Caltex Wānaka is evidence that the service station and store are likely to be given effect and should, therefore, be considered part of the existing environment.¹²¹ However, the Applicant states that the consent holder is unlikely to give effect to the worker and visitor accommodation due to the proposed Fast Track project. From this, it submits that the consented accommodation should not be considered part of the existing environment. As Applicant submits, there is “...*no obligation on the consent holder to give effect to the entirety of the consent.*”¹²² The Applicant goes on to further submit that with regards to the consent, “*That is not unusual. Consents may be obtained and left to lapse. Consents may be varied. Consents may be given effect to in part.*”¹²³
150. The Applicant submits, in its Reply, that the Fast Track proposal is not sufficient “to bring that proposition within the ‘environment.’”¹²⁴ It further submits that, “... *no application has yet been made. Once made, the grant of consent cannot be assumed with complete certainty, although it is now a matter of record that the new legislation gives primary weight in decision-making to the purpose of the Act, which is to ‘facilitate’ the delivery of*

¹¹⁷ Applicant’s Legal Submissions – 22.11.24 [paragraph 12]

¹¹⁸ Ibid [paragraph 20]

¹¹⁹ Ibid [paragraph 26]

¹²⁰ Enacted 23 December 2024

¹²¹ Agenda – Applicant’s Expert Evidence – Planning [pages 115 and 116]

¹²² Applicants Right of Reply – 18.12.24 [paragraph 42]

¹²³ Ibid [paragraph 44]

¹²⁴ Ibid [paragraph 45]

*infrastructure and development projects...". In other words the development outcome is prioritised.*¹²⁵ Ultimately the Applicant submits that if granted under the Fast Track then the character and amenity of the site will be unequivocally urban.¹²⁶

Council's position

151. The Council differs from the Applicant's perspective on the meaning of existing environment, and Mr Woodford concludes that the proposal will have a more than minor effect upon the existing environment under s 104D of the RMA. Mr Woodford emphasises the central importance of the existing environment and refers to Dr John Cossens (submitter #56) as helpfully refining some of the primary matters in contention. Mr Woodford provided his observations on how he perceived the area from a visit he undertook during the hearing week. He did preface his comments with a note that he is a non-landscape expert. Mr Woodford noted such things as the lack of footpaths on some of the roads, clustering of letterboxes in a rural fashion, more spacious and landscaped lots, and the 80 km/hr traffic along the State Highway. Mr Woodford assessed the site to be semi-rural, being more rural than urban.¹²⁷
152. Mr Woodford noted that he considered it somewhat problematic as to how the proposed development will fit into the Mt Iron Junction consent. He finally concluded that "little weight can be placed on the future implications of the Fast Track Approvals Bill, given the infancy of the future legislation and uncertainty of timing and success of any future project." We have addressed this issue in the section entitled Other Matters above.

The Submitters' Position

153. Willowridge and Jesse Herbert (the Submitters) submit that the Applicant's interpretation of the meaning of 'existing environment' is inaccurate and results in an artificial understanding of the Proposal's environmental effects. They argue that this misunderstanding arises from the Applicant's "selective and legally flawed approach" to the existing environment that fails to recognise the proposal's adverse impact on the site's semi-rural character, the view of Mount Iron, and the environment overall. As the Applicant does, the Submitters argue that their approach is in line with the meaning of existing environment established in *Queenstown Lakes District Council v Hawthorn Estate Ltd*. The Submitters reminded us that the Court of Appeal clarified that 'existing environment' includes the future state of the environment as it may be modified by permitted activities and resource consents likely to be implemented.¹²⁸ It was further submitted that the Court held and underlined that a 'real world' analysis is required, cautioning against reliance on artificial or speculative future environments and that the Court warned against these principles being used for 'scope creep', where a proposal under examination relies on (or replaces) an underlying consented environment.
154. In this case, the Submitters submit that the Applicant has "surgically altered" the consent to the point that it is no longer the original consent by signalling that the service station shall be given effect, but not the worker and residential accommodation. The Submitter's submit that it is, therefore, not useful to use a receiving environment comparator due to the likely

¹²⁵ Ibid [paragraph 88]

¹²⁶ Ibid [paragraph 89]

¹²⁷ Summary of Evidence of Andrew Woodford – Council Planner – 27.11.24 [paragraph 19]

¹²⁸ Legal Submissions from Submitters #103 & 243 Counsel – 22.11.24 and Summary of Legal Submissions from Rosie Hill – Counsel for Submitters – 26.11.24

scope creep that would result.¹²⁹ As to the role of the site's zoning as rural the Submitters emphasise the importance of upholding the Plans "finely balanced" outcome and mitigating any adverse effects the Proposal may have on the rural character and environment of the Site. In contrast, they submit that the Applicant's perspective focuses on 'the context' of the existing environment, over the zoning of the Site as rural, which has led the Applicant to suggest that the zoning does not reflect the current character. The Submitters acknowledge that while the site is "not fully rural in character", one must still assess the proposal's effect on the remaining rural character that presently exists, of which they argue are more than merely minor under s 104D of the RMA.¹³⁰

155. We acknowledge the positions that were presented to us on the meaning on the existing environment and we do not disagree that it must be both realistic and based on what our findings are on the landscape context and character of the receiving environment and the effects on landscape character and visual amenity. We turn to consider those matters now.

Receiving Environment - Landscape context and character

156. The Landscape Architect's for the Applicant, Council and Willowridge each had differing opinions on the context and character of the site and its immediate surrounding environment, albeit they all acknowledge the site is not strictly rural in character. To a certain degree this is due to the extent of receiving environment and landscape character area that each has identified. It is also influenced in part by the underlying zone and that the site is located outside the urban boundary of Wānaka.
157. All the landscape experts acknowledged that recent changes to the site, including the removal of trees and the creation of transport infrastructure to support the Mt Iron Junction consent have resulted in a change to the landscape character. We also agree that the receiving environment has changed and is continuing to change. However, there was disagreement as to the extent that change has fundamentally altered the landscape character. This disagreement stemmed from the identification of the receiving environment. There was no disagreement that the site is located at the toe of Mount Iron, which is a natural landmark and gateway feature on the approach to Wānaka from the north and east, particularly the latter as it dominates the entry experience. It is also an ONF as identified within the PDP. There was also no disagreement as to the values of the Mount Iron ONF. The effects of the proposed development on the toe of Mount Iron ONF, particularly when viewed on the approach from the east as described in more detail in the section below.
158. Where there was a difference of opinion was in the identification of the receiving environment. Messrs Denney and Baxter agree that the character values and attributes of the receiving environment and wider context which Mr Denney describes as a "Mt Iron Junction landscape character area" which includes the Mount Iron ONF, the landform patterns of the Upper Clutha Basin, the vegetation patterns (including that to be implemented via the Mt Iron Junction consent), the development and settlement patterns (including that to be constructed as part of Mt Iron Junction consent), the roading network and the gateway to Wānaka.

¹²⁹ Ibid Legal Submissions dated 22.11.24 [paragraph 23]

¹³⁰ Legal Submissions from Submitters #103 & 243 Counsel – 22.11.24 [paragraph 46]

159. Mr Smith, on behalf of the Applicant, considers the landscape context and receiving environment to be much broader than this, as identified within his Landscape Visual Assessment attached to the AEE. In his opinion, the receiving environment includes not only the area immediately surrounding Mount Iron, but also the river terrace and escarpments between the toe of Mount Iron and the Ōrau / Cardrona River and extending to the Ōrau/ Cardrona River bridge to the east and Albert Town to the north.
160. The evidence of Mr Smith and other witnesses for the Applicant placed much emphasis on the context being peri-urban, which they explained to be “*more urban, than rural*”. In his evidence and in answers to questions from us, Mr Smith spoke about the extent of development surrounding the site and Mount Iron that has led to this being a more urban, or peri-urban environment. In particular the expansion of Albert Town to the north and the development of Three Parks on the eastern edge of Wānaka. Mr Smith acknowledged that peri-urban environments tend to “creep” or sprawl. In his response to questions he explained that the Ōrau / Cardrona and Clutha / Mata-Au Rivers create a natural boundary or “hard edge” to Wānaka from the east and north respectively. Notwithstanding the underlying zoning and urban growth aspirations, we agree with Mr Smith’s analysis of those natural boundaries.
161. Mr Denney took a more nuanced approach, agreeing with Mr Smith that the Ōrau/ Cardrona River represents a natural boundary to Wānaka, with more traditional pastoral landscape on the eastern side and more complex peri-urban transitional landscape to the western side of the river. However, he considers the western side peri-urban landscape to be complex, representing a wide variation in land uses, characteristics and values. He also considers the consented Mt Iron Junction development to be more rural than urban in character, understanding it to be granted consent on that basis.¹³¹
162. In contrast Mr Baxter, in his landscape evidence for Willowridge, spoke to the semi-rural character and the importance of maintaining the “*sense of open space and ruralness*”, which he considered to be provided by the open space setback and buffer to the consented development. This is where the Applicant proposing to locate the McDonalds. In response to questions about the differences between peri-urban and semi-rural, Mr Baxter was of the opinion that peri-urban is “of, or immediately adjacent to, urban areas”, whereas semi-rural is “somewhat, but not wholly characteristic of rural areas”.
163. In terms of the debate on the whether the context is “semi-rural” or “peri-urban”, we find that to be largely immaterial. In our view these terms are part of a continuum on the edge of the township and cannot be used as justification for why the proposed activity is or is not appropriate in this location. The site and its location are clearly on the periphery of Wānaka, in an environment that is neither fully urban nor completely rural in character, but rather in a transitional geographic zone between these.
164. In our view, while being peri-urban or semi-rural may have implications for the zoning that applies to the land, the important consideration is the relationship between the proposed development and its impact on the values of the Mount Iron ONF. We now turn to discuss this matter.

¹³¹ Summary of Evidence from Richard Denney – 06.12.24

Receiving environment - Landscape character and visual amenity effects – in particular effects on the Mt Iron ONF

165. As discussed above, effects on landscape character and visual amenity go to the heart of the application. This includes the effects on the perception of spaciousness at the entrance to Wānaka at the junction of SH6 and SH84 and on Mount Iron’s values, particularly when viewed on approach from the east on the Wānaka- Luggate Highway. It also includes effects on the character of the receiving environment.
166. It was clear to us that the landscape architecture experts had different views over the landscape effects generated by the proposal. In part this is because of the approach each took to context as outlined above.
167. We concur with Messrs Denney and Baxter that the Applicant’s landscape architect has overstated the urban nature of the locality. While the locality can be described as a transitional area between urban and rural, the immediate context is outside the urban growth boundary for Wānaka and the existing activities and landscape character are typical of a rural living environment. We acknowledge if constructed the consented development will further alter the character of the site. However, we do not consider that the consented development, or even the service station, creates a commercial node. Further we find the proposed development at odds with the character typically associated with rural living. We therefore agree with Mr Denney that the proposed development is inconsistent with the landscape values of the site and its wider context.
168. In terms of visual amenity effects, we agree the amendments to the proposal presented during and immediately following the hearing have addressed some of the landscape concerns, as articulated by Mr Denney in his post-hearing summary memo dated 4 December 2025. These amendments include:
- (a) Movement of the building 1.4m to the north, further away from the road boundary;
 - (b) Reduction in signage attached to the building;
 - (c) Adjustments to planting, including additional trees along the state highway frontage and inclusion of hedges and removal of timber fences.
169. We agree with Mr Denney that the Mt Iron Junction consent is one outcome for the wider site and other potential outcomes may exist. However, that consent establishes a level of anticipated development that has been tested. We note that the Applicant referred to the Environment Court on a number of occasions and noted that it was not a contested hearing because it was settled by consent order. We do not agree that because the Environment Court process ended up being settled via a consent order that it was not ‘tested’ The Environment Court referred to the evidence that had been received and clearly acknowledged the matters that it considered relevant in its decision. We are therefore viewing the consented development through the Environment Court, and what was intended by that consented development. In other words, the site, to which this application relates, is intended, through the Environment Court decision, to be an informal open grassed area. The primary purpose of that, as stated by both Mr Denney and Mr Baxter, was to create a buffer and setback from SH6, enhancing the open character and views to Mount Iron at the entrance to Wānaka, particularly on the approach from the east on the Wānaka- Luggate Highway. In that sense, the open space buffer and setback approved by the Environment

Court, while retaining a semi-rural setting, was necessary to establish an appropriate open space context for the approved development in order to protect the values of the Mount Iron ONF.

170. It is also noted that one of the benefits of the consented Mt Iron Junction consent is that the majority of the consented buildings are located to the rear of the site along the boundary with Mount Iron. In contrast the proposed McDonald's building is located closer to the road boundary, albeit, as noted above it is proposed to move this 1.4m further away from the road boundary. Mr Smith, stated that the Applicant team has attempted to reduce the visual prominence of the building through design, planting and moving it further away from the boundary. However, we note the site and therefore the proposed building is still located much closer to the road boundary than any of the consented buildings.
171. The landscape values of the Mount Iron Priority Area ONF, are set out in Schedule 21.22.11 of the PDP and state that it has very high physical values, very high associative values and high perceptual values. The site, being at the toe of the ONF, has slightly different values.
172. In response to questioning from Commissioner Scott during the hearing, Mr Smith acknowledged that locating the building closer to the toe of Mount Iron and further away from the road boundary would have less adverse effects on the ONF. In his summary statement, Mr Denney agrees with this.
173. In Mr Denney's opinion, setback is an issue with the current proposal and would result in the proposed development having prominence to the immediate fore of views for the highway viewing audience and ultimately becoming the most prominent building on the site. We take this to mean when viewed from SH6 travelling both from the north from Albert Town and in particular travelling from the east on the Wānaka- Luggate Highway via the Ōrau/Cardrona River, and to a lesser extent from the west on SH84 noting the service station would be visible before the proposed building.
174. We agree with all the landscape architecture witnesses that the westbound approach on SH6 via the Ōrau/Cardrona River is an important view of Mount Iron, particularly as the road ascends the river escarpment. It is from this approach, over a distance of approximately 200m, that the proposed development would sit at the foreground of views to Mount Iron and would be the most visually prominent building in this view. We agree with Mr Denney that adverse effects on visual amenity would be moderate to moderate-high within 200m of the roundabout. We consider that this approach to Wanaka is an important consideration in determining the landscape character of this location and the effects of the proposal upon it.
175. We are less concerned about the visual amenity effects from other approaches to the junction as the proposed development would sit within a context of other development and would have a range of visual amenity effects from low to moderate adverse effects.

Receiving Environment - Finding on Effects

176. In addition to the matters covered above, we have also considered the question of whether the service station could be established under the unimplemented consent if it involved the replacement of the "grass sward" being the grassed area and landscaping between SH6 and the Link Road which is proposed to be occupied by the McDonald's. We heard evidence from Mr Denney that the "grass sward" was a necessary mitigation measure for the service station and needed to be in place as part of its implementation. While the Applicant has sought the

relocation of the planting within the grass sward as part of this application, it does not, in our view address the issue noted by both Mr Denney and Mr Woodford. The Applicant is relying on the implementation of a small portion of the Mt Iron Junction consent, that is the service station, to support its application. This will include the removal of conditions (whether they are part of this application or not) that are required to implement the service station. It is difficult to see how the service station portion of the consent can be implemented while the McDonalds is located on the grass sward and the requirement for the grass sward is still a consent requirement.

177. As noted at paragraph 175 above our primary issue of concern is the visual amenity effects from the westbound approach on SH6 via the Ōrau/Cardrona River to Wānaka. Overall, we find that the proposed development would have a more than minor adverse effect on that approach to Wānaka, the landscape character and the visual amenity values of Mount Iron.

OVERALL CONCLUSION

178. As a non-complying activity, the application is subject to a s.104D RMA “gateway” assessment before a s.104 assessment or s.104B determination can be made. Section 104D requires that adverse effects on the environment must be no more than minor or that the proposal will not be contrary to the objectives and policies of the Operative and Proposed Plans.
179. For the reasons set out in the Planning Framework and our Finding section above we have concluded that the proposal will be contrary to the overall consideration of the objectives and policies of the Operative and Proposed District Plan.
180. For the reasons set out in the Principal Issues in Contention and our Finding section above we consider that the adverse effects on the environment are more than minor adverse effect on the approach to Wānaka, the landscape character and the visual amenity values of Mt Iron.
181. On the basis of the above, the proposal does not pass either of the s104D gateway tests and consequently, we do not have the discretion to consider the merits of the proposal further under section 104 of the RMA.
182. The applicant for consent by McDonald's Restaurants (NZ) Limited is therefore declined.

Helen Atkins
Hearings Commissioner

Lisa Mein
Hearings Commissioner

Robert Scott
Hearings Commissioner

12th February 2025

APPENDIX

OPERATIVE PLAN - RELEVANT PROVISIONS

Note: We have emphasised certain matters within provisions by making them both bold and underlined.

4.2.4 Issues

...

(2) Protection of Outstanding Natural Landscapes and Features

The outstanding natural landscapes are the romantic landscapes - the mountains and the lakes - landscapes to which Section 6 of the Act applies. The key resource management issues within outstanding natural landscapes are their protection from inappropriate subdivision, use and development, particularly where activity may threaten the landscapes openness and naturalness.

(3) Maintenance and Enhancement of Visual Amenity Landscapes

The visual amenity landscapes are the landscapes to which particular regard is to be had under Section 7 of the Act. They are landscapes which wear a cloak of human activity much more obviously - pastoral (in the poetic and picturesque sense rather than the functional sense) or Arcadian landscapes with more houses and trees, greener (introduced) grasses and tend to be on the District's downlands, flats and terraces. The extra quality that these landscapes possess which bring them into the category of 'visual amenity landscape' is their prominence because they are:

- adjacent to outstanding natural features or landscapes; or
- landscapes which include ridges, hills, downlands or terraces; or
- a combination of the above

The key resource management issues for the visual amenity landscapes are managing adverse effects of subdivision and development (particularly from public places including public roads) to enhance natural character and enable alternative forms of development where there are direct environmental benefits.

...

4.2.5 Objective and Policies

Objective:

Subdivision, use and development being undertaken in the District in a manner which avoids, remedies or mitigates adverse effects on landscape and visual amenity values.

...

5 Outstanding Natural Features

To avoid subdivision and/or development on and in the vicinity of distinctive landforms and landscape features, including:

- a. in Wakatipu; the Kawarau, Arrow and Shotover Gorges; Peninsula, Queenstown, Ferry, Morven and Slope hills; Lake Hayes; Hillocks; Camp Hill; Mt Alfred; Pig, Pigeon and Tree Islands;¹³²
 - unless the subdivision and/or development will not result in adverse effects which will be more than minor on:
 - i. Landscape values and natural character; and
 - ii. Visual amenity values
 - recognising and providing for:
 - iii. The desirability of ensuring that buildings and structures and associated roading plans and boundary developments have a visual impact which will be no more than minor in the context of the outstanding natural feature, that is, the building etc is reasonably difficult to see;
 - iv. The need to avoid further cumulative deterioration of the outstanding natural features;
 - v. The importance of protecting the naturalness and enhancing the amenity values of views from public places and *public roads*;
 - vi. The essential importance in this area of protecting and enhancing the naturalness of the landscape.

6 Urban Development

- a. To avoid new urban development in the outstanding natural landscapes of Wakatipu basin.
- b. To discourage urban subdivision and development in the other outstanding natural landscapes (and features) and in the visual amenity landscapes of the district.

¹³² It is noted that neither Mount Iron nor Wānaka is specifically mentioned in this Policy, but they are covered by Policy 6b

- c. To avoid remedy and mitigate the adverse effects of urban subdivision and development where it does occur in the other outstanding natural landscapes of the district by:
 - maintaining the open character of those outstanding natural landscapes which are open at the date this plan becomes operative;
 - ensuring that the subdivision and development does not sprawl along roads.
- d. To avoid remedy and mitigate the adverse effects of urban subdivision and development in visual amenity landscapes by avoiding sprawling subdivision and development along roads.

...

9 Structures

To preserve the visual coherence of:

- a. outstanding natural landscapes and features and visual amenity landscapes by:
 - encouraging structures which are in harmony with the line and form of the landscape;
 - avoiding, remedying or mitigating any adverse effects of structures on the skyline, ridges and prominent slopes and hilltops;
 - encouraging the colour of buildings and structures to complement the dominant colours in the landscape;
 - encouraging placement of structures in locations where they are in harmony with the landscape;
 - promoting the use of local, natural materials in construction.
- b. visual amenity landscapes
 - by screening structures from roads and other public places by vegetation whenever possible to maintain and enhance the naturalness of the environment; and
- c. All rural landscapes by
 - limiting the size of signs, corporate images and logos
 - providing for greater development setbacks from public roads to maintain and enhance amenity values associated with the views from public roads.

PROPOSED DISTRICT PLAN – RELEVANT PROVISIONS

3 Strategic Direction

3.1 A Strategic Issues

The following Strategic Issues are overarching. While not intended to be an exhaustive list or description of issues to be addressed in the District's pursuit of sustainable management, these Strategic Issues are identified as warranting to be addressed at the present time and during the lifetime of the Plan (and beyond) to enable the retention of the special qualities listed at a. - j. of 3.1 Purpose:

...

- b. Strategic Issue 2: Growth pressure impacts on the functioning and sustainability of urban areas, and risks detracting from rural landscapes, particularly its outstanding natural features and outstanding natural landscapes.

...

- d. Strategic Issue 4: Some resources of the District's natural environment, particularly its outstanding natural features and outstanding natural landscapes and their landscape values, require effective identification and protection in their own right as well as for their significant contribution to the District's economy.

...

3.2 Strategic Objectives

- 3.2.1 The development of a prosperous, resilient and equitable economy in the District. (addresses Issue 1)

...

- 3.2.1.8 Diversification of land use in rural areas beyond traditional activities, including farming, provided that:

- a. the landscape values of Outstanding Natural Features and Outstanding Natural Landscapes are protected;
- b. the landscape character of Rural Character Landscapes is maintained and their visual amenity values are maintained or enhanced; and
- c. significant nature conservation values and Ngāi Tahu values, interests and customary resources, are maintained.

...

- 3.2.5 The retention of the District's distinctive landscapes. (addresses Issues 2 and 4)

Outstanding Natural Features and Outstanding Natural Landscapes

...

- 3.2.5.2 Within the Rural Zone, new subdivision, use and development is inappropriate on Outstanding Natural Features or in Outstanding Natural Landscapes unless:
- a. where the landscape values of Priority Areas of Outstanding Natural Features and Outstanding Natural Landscapes are specified in Schedule 21.22,¹³³ those values are protected; or
 - b. where the landscape values of Outstanding Natural Features and Outstanding Natural Landscapes are not specified in Schedule 21.22, the values identified according to SP 3.3.45 are protected.

...

Rural Character Landscapes

...

- 3.2.5.6 In Rural Character Landscapes, new subdivision, use and development in proximity to any Outstanding Natural Feature or Outstanding Natural Landscape does not compromise the landscape values of that Feature or Landscape.

...

4 URBAN DEVELOPMENT

...

- 4.2.2 B Objective - Urban development within Urban Growth Boundaries that maintains and enhances the environment and rural amenity and protects Outstanding Natural Landscapes and Outstanding Natural Features, and areas supporting significant indigenous flora and fauna.

...

6 Landscapes and Rural Character

...

6.3 Policies

...

- 6.3.2 Managing Activities in the Rural Zone, the Gibbston Character Zone, the Rural Residential Zone and the Rural Lifestyle Zone

...

¹³³ Schedule 21.22.11 provides the Schedule of Landscape Values for the Mount Iron Priority Area (PA)

6.3.2.7 Ensure that subdivision and development in the Outstanding Natural Landscapes and Rural Character Landscapes in proximity to an Outstanding Natural Feature or Outstanding Natural Landscape does not compromise the landscape values of that Outstanding Natural Feature or Outstanding Natural Landscape

6.3.3 Managing Activities on Outstanding Natural Features and in Outstanding Natural Landscapes

- 6.3.3.1 Recognise that subdivision and development is inappropriate on Outstanding Natural Features or in Outstanding Natural Landscapes unless:
- a. Landscape values are protected; and
 - b. in the case of any subdivision or development, all buildings and other structures and all changes to landform or other physical changes to the appearance of land will be reasonably difficult to see from beyond the boundary of the site in question.

...

6.3.3.5 Maintain the open landscape character of Outstanding Natural Features and Outstanding Natural Landscapes where it is open at present.

...

6.3.4 Managing Activities in Rural Character Landscapes

...

6.3.4.5 Ensure incremental changes from subdivision and development do not degrade landscape character, or important views as a result of activities associated with mitigation of the visual effects of proposed development such as screen planting, mounding and earthworks.

...

21 Rural

...

- 21.2.1 Objective - A range of land uses, including farming are enabled while:
- a. Protecting the landscape values of Outstanding Natural Features and Outstanding Natural Landscapes;

...

Policies

...

21.2.1.3 **Require buildings to be set back a minimum distance from internal boundaries and road boundaries in order to mitigate potential adverse effects on landscape character, visual amenity, outlook from neighbouring properties and to avoid adverse effects on established and anticipated activities.**

21.2.9 **Objective - Provision for diversification of farming and other rural activities that protect landscape and natural resource values and maintains the character of rural landscapes.**

Policies

21.2.9.1 **Enable revenue producing activities that can support the long term sustainability of the rural areas of the District, provided that such activities:**

- a. utilise natural and physical resources efficiently (including existing buildings and infrastructure);
- b. protect landscape values of Outstanding Natural Features and Outstanding Natural Landscapes;
- c. maintain the landscape character of Rural Character Landscapes and maintain or enhance their visual amenity values;
- d. maintain or enhance amenity values within the rural environment; and
- e. maintain or enhance nature conservation values.