

14 August 2026

PO Box 1986, Shortland Street, Auckland 1140

PRIVATE PLAN CHANGE REQUEST TO THE PROPOSED DISTRICT PLAN

Rural General Zone

and

Operative District Plan

Frankton Flats Special Zone

REQUEST FOR FURTHER INFORMATION

Tēnā koe Hannah,

This request for further information seeks to better understand the nature of the private plan change request in respect of the effect it will have on the environment, and how any potential effects are being managed. The information sought is considered to be appropriate to the actual or potential environmental effects anticipated from the implementation of the plan change request.

It has been made pursuant to Clause 23 of Schedule 1 of the RMA 1991, which outlines:

(1) Where a local authority receives a request from any person under [clause 21](#), it may within 20 working days, by written notice, require that person to provide further information necessary to enable the local authority to better understand—

(a) the nature of the request in respect of the effect it will have on the environment, including taking into account the provisions of [Schedule 4](#); or

(b) the ways in which any adverse effects may be mitigated; or

(c) the benefits and costs, the efficiency and effectiveness, and any possible alternatives to the request; or

(d) the nature of any consultation undertaken or required to be undertaken—

if such information is appropriate to the scale and significance of the actual or potential environmental effects anticipated from the implementation of the change or plan.

The Council has requested comments on the proposal from consultant experts (effects from airport noise) to help inform the requests for information under cl 23 of the First Schedule. When expert input has been considered, it has been stated. However, no formal reports were commissioned in accordance with cl 23(3) of the First Schedule.

Site location and description

Section 2.3 of the Section 32 Report references a figure previously noted in the report, which is broken, reading as “As Outlined above, the Plan Change Area is located at 28-30 Grant Road and 3 Murchison Road, Frankton as shown in Error! Reference source not found”. Noted as there are two figures included into the report prior to this reference. Based upon the context it is assumed that the reference being made is to Figure 2: Sites subject to the 2013 land swap agreement. The land transferred to QGL is shown in green outline and land transferred to QLDC in pink outline.

Information requested pursuant to cl23(1)(a) of the First Schedule:

1. Amend references within the report to accurately reference the correct figures.

Site Access & Transport

No assessment or statement of the transport related effects were provided with the application regarding the proposed changes to the provisions within the Proposed District Plan (PDP) and Operative District Plan (ODP).

Information requested pursuant to cl23(1)(a) and (b) of the First Schedule:

1. Confirm, if any, the effects regarding transport and/or changes to site access will occur through the development of a 900m2 Health Care Facility within the Frankton Flats A Zone to Lot 10 DP 486920 or Lot 6 DP 476309

Consultation and identification of persons directly affected by the proposed change

Consultation with Queenstown Airport Limited

It is noted that two meetings have been held between the parties in mid and late 2025. The report does not note the outcome of those meetings, and if any agreement has been reached between the parties.

Information requested pursuant to cl23(1)(a) and (b) of the First Schedule:

2. Confirm the outcome of those meetings, including if any written agreement exists between the Applicant and QAC regarding the proposed changes in consultation section (Section 5)

Commentary on persons directly affected by proposed change

The application states under paragraph 5.2 that ‘limited notification of the plan change could be served only on Queenstown airport. No other persons are considered to be directly affected by the proposed change.’

The proposed changes to Section 12.18.3 of the Operative District Plan and Chapter 21 of the Proposed District Plan note that the changes to provisions regarding a Health Care Facility as an activity would occur in the Rural General Zone (Lot 10 DP 486920 or Lot 6 DP 476309) or within the

Frankton Flats Special Zone if 'a Health Care facility is not consented on Lot 10 DP 486920 or Lot 6 DP 476309'¹.

The PDP and ODP both define 'health care facility' as "Means land and/or buildings used for the provision of services relating to the physical and mental health of people and animals but excludes facilities used for the promotion of physical fitness or beauty such as gymnasias, weight control clinics or beauticians". This is noted as the definition does not denote that the land and/or building in question falling under 'health care facility' need to solely be used for such a purpose. As the time of this request such activities are taking place within the Frankton Flats A Zone (Physiotherapist).

As there are potentially existing activities which meet the definition of "Health Care Facility" within the Proposed District Plan's Chapter 2 (Definitions) within the 5 Mile Shopping Centre within the Frankton Flats Special Zone, the report needs to analyse the effects of the plan change proposal on these existing activities, and any other persons directly affected by the proposed change.

Information requested pursuant to cl23(1)(a) and (b) of the First Schedule:

3. Provide assessment on who is directly affected by the proposed change, including justification for the parties have been identified as being affected by the proposed changes.
4. If additional people are identified as potentially directly affected by the proposed change, provide details any consultation undertaken (if any).

Section 32 Evaluation

Existing Health Care Facility provision as part of Five Mile Centre

As currently drafted, the application notes that the land in question (Lot 10 DP 486920 or Lot 6 DP 476309) forms "part of the Five Mile Centre, and will be developed for urban purposes"². It is noted that the land in question is zoned within the Rural General Zone, and not within an urban zone within the PDPs Part 3: Urban Environment. This differs from the land within the Frankton Flats Special Zone within the ODP, with the zones purpose (12.18.1) being 'to enable development of a new shopping centre incorporating opportunity for retailing, office, educational, visitor and residential accommodation and leisure activities, in a high amenity urban environment'. The application does not acknowledge the difference in purposes between the ODP's Frankton Flats Zone and the PDP's Rural General Zone.

The application equates that the 'unrealised' provision of a medical centre within the ODP's Frankton Flats Special Zone, which is contained within land, which is not zoned within the Council's PDP, should be applied to land zoned within the PDP's Rural General Zone due to the land (plan change and Frankton Flats 5 Mile Shopping Centre) being located within the Operative and Proposed Plans Outer Control Air Noise Boundary.

¹Plan Change Provisions "Amend Rule 12.18.3.5" P.1.

² Section 32 Report 2.2 The Proposed Plan change request P.8

The application specifically notes that “it is sought that flexibility for the unrealised provision for healthcare be equally applied to the Plan Change Area”³ without confirming as to why the Operative provisions (ODP 12.18.3.3(ii) and 12.18.3.5) are unrealised.

As stated above, there are potentially existing activities which meet the definition of “Health Care Facility” within the Proposed District Plan’s Chapter 2 (Definitions) within the 5 Mile Shopping Centre within the Frankton Flat’s Special Zone.

The Section 32 analysis (Section 7.2.2 Other reasonably practicable options for achieving the Objectives) outlines five options which have been considered, with the Option 2 (Amend the Frankton Flats Special Zone provisions under the ODP and Rural Zone provisions under the PDP to enable a Health Care facility to establish within the Plan Change area) being considered the most appropriate. Option 1 (Status Quo) was considered to not be efficient or effective in achieving the objective of the Plan Change as the Prohibited Status under the Rural Zone for Activities Sensitive to Aircraft Noise prevents the establishment of a new facility. The Section 32 analysis does not consider if there are existing ‘health care facilities’ within the Frankton Flats Special Zone in its options analysis section.

Information requested pursuant to cl23(1)(c) of the First Schedule:

5. Provide confirmation that the health care facility provision in Section 12.18.3.3(ii) and 12.18.3.5 of the ODP is unrealised, and that no existing health care facilities exist within the Frankton Flats Zone. If such activities do exist, include this into the Section 32 Options costs and benefits analysis.

Appropriateness of RD activity status

Section 6.1 establishes that the plan change site has already been developed for urban land uses but does not explain or provide an analysis regarding relevant policies which are different between the Plan change site (which is zoned within the PDP) and the 5 Mile shopping centre (which is primarily zoned within the ODP).

The application includes that the proposed activity status for the activity in the PDP for new Rule 21.4.36A will align with Rule 12.18.3.3(ii) in the ODP, in being a Restricted Discretionary activity. The report does not show in adequate detail how this activity status is appropriate, as the current policy within Chapter 21 (21.2.7.1) includes to prohibit all ASAN’s within the Rural Zone. Analysis is needed to show that a RD activity status is consistent with policies and Rules within the relevant chapters of the PDP.

The report states that “In accordance with sections 5(2)(b) and 5(2)(c), will ensure that future development for a Health Care facility is subject to a restricted discretionary consenting process and the provisions of the ODP, PDP, and Regional Plan. This will ensure that any potential environmental effects can be appropriately avoided or mitigated”⁴ without demonstrating providing how the this will be achieved through changing the status of the plan change land from a prohibited activity to a restricted discretionary activity.

Information requested pursuant to cl23(1)(a), (b) and (c) of the First Schedule:

³ Section 32 Report 2.2 The Proposed Plan change request P.8

⁴ Section 32 Report Section 7.1.2 Assessment of the objective P.18

6. Include further analysis of why the proposed restricted discretionary activity status for the proposed activity is the most appropriate way to manage the activities effects.
7. Provide further analysis of why the consenting pathway within the Frankton Flat's Special Zone is appropriate for the plan change land which is within the Rural Zone of the Proposed District Plan within the Section 32 options analysis.

Evaluation of options to achieve the objectives

Option 1 (status quo): notes that an economic cost of choosing this option will be that there will be no opportunity to develop a healthcare facility on the plan change land but does not consider the existing consenting pathway within the Frankton Flats Special Zone for such an activity. The option does not also consider if such activities currently exist within the Frankton Flats Zone already. The application also does not provide analysis of the existing pathway within the ODP in the efficiency and effectiveness section of Table 1 for Option 1 (Status quo).

Option 2: The Table notes that the plan change 'provides a consenting pathway to establish a new Health Care Facility within the Five Mile Centre, and economic benefits associated with construction and operation'⁵ but does not include provide evidence that the existing pathway within the ODP does not provide for the activity.

Information requested pursuant to cl23(1)(c) of the First Schedule:

8. Include analysis of Status quo option's efficiency and effectiveness which includes the existing consenting pathway within the Frankton Flats Special Zone.

Appropriateness of provisions to achieve the PDP objectives

Section 7.2.1 refers to the requirements under section 32(1)(b) of the RMA requiring an evaluation of whether the provisions are the most appropriate way to achieve the objectives. It further notes that as the proposed change is amending the ODP and PDP, this assessment relates to both the objective of the proposed change, as well as the objectives of the ODP and PDP to the extent they are relevant. The section goes onto list the relevant objectives of the PDP, and notes that there are no relevant objectives in the ODP.

Under Section 7.2.2, the report concludes that option 2 is the most appropriate option to achieve the objective the proposed change and 'retain consistency with the relevant objectives of the PDP.'⁶

In Table 1, under the efficiency and effectiveness assessment of Option 2, there is a comment that *"It is considered overall that this option does not need to extend to modifications to higher-order objectives and policies as the provisions address a very specific matter in the district and continues to give effect of the relevant objectives and policies listed above."*⁷

However, this statement is not further supported or reasoned with reference to each of the relevant PDP objectives referred to in the report.

Information requested pursuant to cl23(1)(c) of the First Schedule:

⁵ Section 32 Report Table 1 P.21

⁶Section 32 Report, section 7.2.2, page 8

⁷ Section 32 Report Table 1 P.22

9. Provide further analysis to show that the proposed changes to policies and rules to the plan change land achieve the relevant objectives of the PDP identified in Section 7.2.1 of the Section 32 Report and are generally consistent with the PDP planning framework.
10. Provide analysis which shows that no changes are required to the identified higher order provisions of the PDP refer to at Section 7.2.1 as a result of the changes proposed. If this is not possible, show the changes required to the identified provisions.

Yours sincerely, Nāku noa nā

Sean Cameron Widdowson