

Hansen Family Trust – Submitter 380 – 18b McBride Street.

Lay Witness evidence of Chris Hansen on behalf of the Hansen Family Trust.

Frankton LSCZ.

Airport Reverse Sensitivity.

Para 8.34 of the s42a report the planner concludes that there are adverse effects to the Airport due to incompatible activities.

However, the EPA's expert panel in their decision of 25 June 2024 for Worker Accommodation at 1 Hansen Road found that effects were less than minor and adequately mitigated by the imposition of 2 conditions.

- (a) Acoustic attenuation required in any building containing residential activities.
- (b) Registration of no complaints covenant in favour of QACL.

I see no difference for the Frankton site; they are less than 200 metres apart.

Therefore, the height limit can be increased without adverse effect with the inclusion of appropriate mitigation.

While I acknowledge that the Airport is regionally significant infrastructure, it is unrealistic to expect that there should be zero growth within its control boundaries. Particularly when the airport activities are growing and increasing effects. We need to be able to accommodate the very people arriving in the district that the airport brings here.



Chris Hansen

4 July 2025.

FAST-TRACK CONSENTING

Worker Accommodation – Hansen Road

BEFORE THE EXPERT CONSENTING PANEL CONCERNING THE WORKER ACCOMMODATION – HANSEN ROAD PROJECT

IN THE MATTER

of the COVID-19 Recovery (Fast Track Consenting) Act 2020 (the FTCA) and the deliberations and final decision of the Expert Consenting Panel appointed under Clauses 2, 3, and 4 of Schedule 5 of the FTCA to consider the application for consents for Worker Accommodation – Hansen Road

Expert Consenting Panel

Clare Lenihan (Chair)
Hoani Langsbury (Member)
Vicki Toan (Member)

Comments received under Clause 17(4) of Schedule 6 to the FTCA: Details of any hearing if held under Clause 21 of Schedule 6 to the FTA: Date of Hearing if held:

28 March 2024

No hearing was held (refer to Clause 20, Schedule 6 to the FTA)

Nil

Date of Decision:

25 June 2024

Date of Issue:

25 June 2024

Date of Minor Corrections:

24 July 2024

**RECORD OF DECISION OF THE EXPERT CONSENTING PANEL
UNDER CLAUSE
37 OF SCHEDULE 6 OF THE FTCA**

TABLE OF CONTENTS

Executive Summary	3
Abbreviations:.....	4
PART A: The Application	5
PART B: Decision-making Process and Procedural Matters	11
PART C: Legal Framework	13
PART D: Effects on the Environment and Findings	17
PART E: Planning instruments and other relevant matters.....	47
PART F: Conclusion	63
APPENDIX 1: Parties invited to comment.....	67
APPENDIX 2 - Further Information requests.....	68
APPENDIX 3 Special Advisors.....	69
APPENDIX 4 Conditions	70

EXECUTIVE SUMMARY

- [1] This is a decision on an application for resource consents by No.1 Hansen Road Limited (**Applicant**) for Worker Accommodation at Frankton, Queenstown. The Applicant sought a referral under the COVID-19 Recovery (Fast-Track Consenting) Act 2020 (**FTCA**).¹ The Minister was satisfied the project would help achieve the purpose of the FTCA and referred it to this expert consenting panel (**Panel**).
- [2] The application, as lodged, involved constructing and operating a mixed-use development consisting of eight buildings, between 3-6 stories in height, with 554 rooms/units (including hostel type rooms, and 1, 2 and 3-bedroom units) for up to 710 workers. There would be associated communal facilities, infrastructure and landscape treatment, and 15 commercial/retail tenancies on the ground floor. Resource consent is required in respect of 17 separate matters, three of which are non-complying activities, so the overall activity status is non-complying.
- [3] The Applicant already has consent under the Resource Management Act 1991 (**RMA**) for a 15-lot subdivision of the site and earthworks have been undertaken along with construction of a 17.3m high, 96.3m long car park building, with approval given for construction of a fourth level, containing commercial/office space.
- [4] The majority of the site is flat (as a result of consented earthworks) and then rises to a steep slope at the rear, forming part of the foothills of Queenstown Hill, an Outstanding Natural Landscape (**ONL**). To the west of the site is the Frankton Cemetery, and to the east, the City Impact Church.
- [5] Although the Panel considered the majority of adverse effects could be satisfactorily dealt with by the imposition of conditions, it remained concerned about adverse effects on the ONL, particularly in relation to the height of five of the eight blocks. After the Panel communicated its concerns to the Applicant, the Applicant submitted a reduced height Proposal, removing a storey from each of the five identified blocks. The re-design reduced the number of rooms but retained the same total maximum occupancy capacity by reconfiguring the room typologies.
- [6] The Panel considered that although there will still be some adverse effects on the ONL, it is satisfied overall these would not be more than minor. In relation to the objectives and policies of the relevant district plans, the Panel found that although the Proposal would be inconsistent with some important directive policies; overall, it would not be contrary to the objectives and policies of both district plans. The Proposal will provide much needed worker accommodation for the Queenstown District Lakes District. Granting consent would promote employment (both during construction and post construction, by providing accommodation for Queenstown workers) to support New Zealand's recovery from the economic and social impacts of COVID-19 and support the certainty of ongoing investment across New Zealand. This is while continuing to support the sustainable management of natural and physical resources, as required by the FTCA.
- [7] The Panel therefore grants consent, subject to the Conditions set out in Appendix 4.

¹ Described in the COVID-19 Recovery (Fast-track consenting) Referred Projects Order 2020 (referral order), inserted by the Minister for the Environment (**Minister**) on 8 April 2022

ABBREVIATIONS:

AEE	Assessment of Environmental Effects
Applicant	No. 1 Hansen Road Limited
CNVMP	Construction noise and vibration management plan
EPA	Environmental Protection Authority
FTCA	COVID-19 Recovery (Fast-Track Consenting) Act 2020
HNZ	Heritage New Zealand Pouhere Taonga
NZILA	New Zealand Institute of Landscape Architects
NZUP	New Zealand Upgrade Programme
ONL	Outstanding natural landscape
Panel	Expert Consenting Panel appointed to consider this application
Proposal	Worker Accommodation – Hansen Road Project
QACL	Queenstown Airport Corporation Limited
QLDC	Queenstown Lakes District Council
RMA	Resource Management Act 1991
TAMI	Te Ao Marama Incorporated

PART A: THE APPLICATION

Expert Consenting Panel

- [8] On 22 February 2024, the Panel Convenor appointed the expert consenting panel (**Panel**). The Panel consists of:

Clare Lenihan (Chair)

Hoani Langsbury (Member)

Vicki Toan (Member)

The Applicant

- [9] No. 1 Hanson Road Limited is the Applicant and the authorised person for the Worker Accommodation – Hansen Road Project.

The Application

- [10] The Applicant sought resource consents to construct eight buildings between 3-6 storeys in height to provide 554 rental accommodation units/rooms for the purpose of worker accommodation, in addition to ground floor commercial/retail tenancies and communal facilities. The Applicant submitted a revised Proposal on 18 June 2024, which reduced the number of rooms to 476 (the number of occupants remains the same). This is discussed later in this decision.
- [11] The application site is located at 1 Hansen Road, Frankton, Queenstown. The site contains a single-storey dwelling located in the south-eastern corner, close to Hansen Road and State Highway 6 (**SH 6**) which has been repurposed and is currently used as a construction site office. The southern site frontage adjoins SH 6, however the access to the site is from Hansen Road. The front part of the site is flat, and the rear slopes up steeply behind, where it forms part of the wider Queenstown Hill / Te Tapunui ONL.
- [12] The location and layout of the site are shown in Figures 1 and 2 below.



Figure 1: Proposed site location

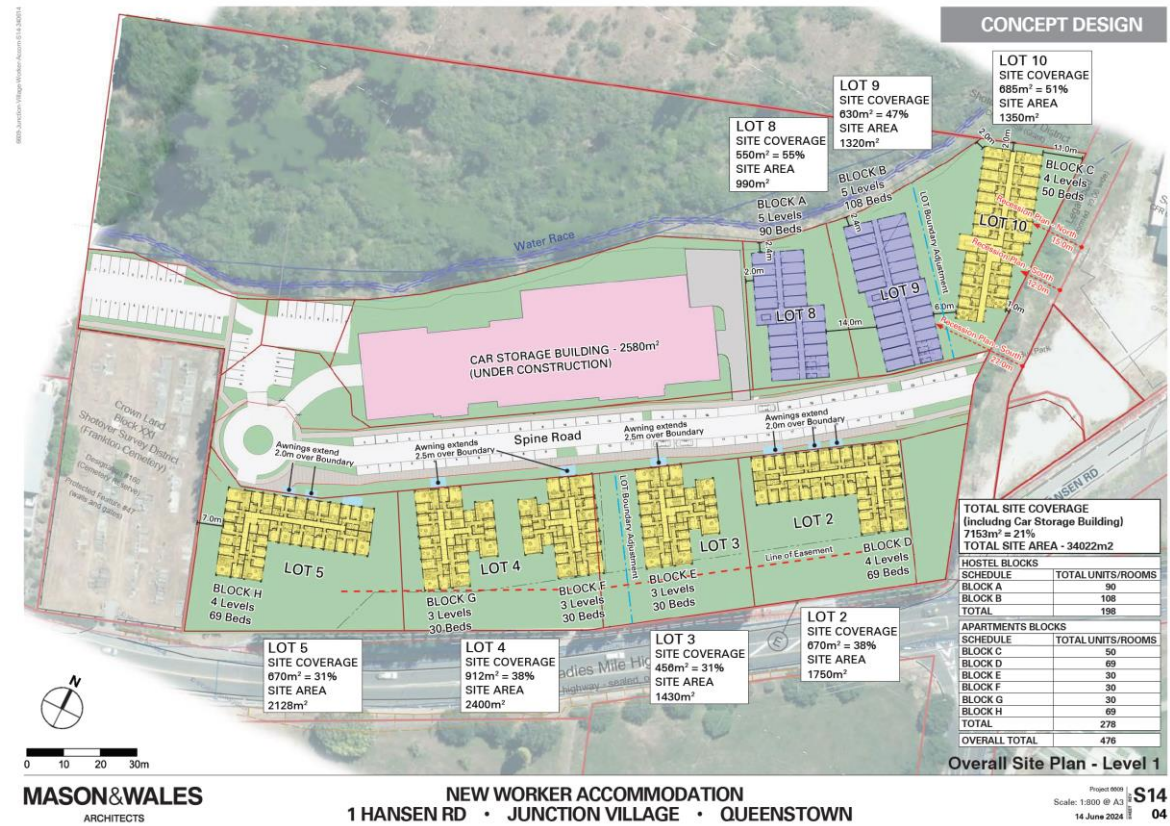


Figure 2: Proposed layout of the site

Planning Context

- [13] The Assessment of Environmental Effects (**AEE**) identified the application site as being zoned Rural General Zone in the Queenstown Lakes Operative District Plan (**ODP**), and a combination of Local Shopping Centre Zone and Rural Zone in the Queenstown Lakes Proposed District Plan (**PDP**).
- [14] Part of the Application site also falls within an ONL in the PDP.

Consents Required

- [15] The Application Form identifies the consents sought are under the PDP only because the relevant sections of the PDP are operative.
- [16] Aspects of the Proposal that require consents within the Local Shopping Centre Zone, include:²
 - (a) Buildings
 - (b) Building coverage
 - (c) Setbacks and sunlight access adjoining a residential zone
 - (d) Residential density
 - (e) Residential use at ground floor level; and
 - (f) Building height.
- [17] Consent is also sought under the Rural Zone for a range of matters, including:
 - (a) Residential activity
 - (b) Buildings and activity not provided for
 - (c) Building setback from boundaries and roads; and
 - (d) Building height.
- [18] Consents are also required under the Transport chapter, for:
 - (a) Off-site parking
 - (b) Rental vehicles (pool vehicles); and
 - (c) High traffic generating activities.

² See section 8.1 of the AEE.

- [19] No consents are identified as being required under the Regional Plan: Water for Otago.
- [20] When considering the application, the Panel has bundled the activities to the activity with the highest status for the overall Proposal, which is **Non-Complying**.³

Description of the activity

- [21] The original Proposal consisted of eight separate buildings, with varying heights between three and six storeys (between 11.4 m and 19.2 m respectively).
- [22] Upon receipt of Minute 9, the Applicant requested the Panel suspend processing and it provided a revised Proposal on 18 June 2024
- [23] The revised design of each building, compared to the original application, is set out in Table 1 below. Other changes made are discussed throughout this decision.

Table 1

Building	Original Height	Original Unit/Room Numbers	Revised Height	Revised Unit/Room Numbers	Revised Typology	Revised Description
Block A	6 storeys (19.2 m plus 2 m ventilation duct)	105 rooms/units	5 storeys (16.4 m plus 2 m ventilation duct)	90 rooms/units	All hostel typology	Ground floor (level 0)- 6 rooms/units, general storage and bike storage, shared cooking and living facilities, including kitchen, lounge, common area, bathrooms, veranda and sunroom Level 1-4- 21 rooms/units on each floor
Block B	6 storeys (19.2 m plus 2 m ventilation duct)	127 rooms/units	5 storeys (16.4 m plus 2 m ventilation duct)	108 rooms/units	All hostel typology	Ground floor (level 0)-8 rooms/units, general storage and bike storage, shared cooking and living facilities, including kitchen, lounge, common area, bathrooms, veranda and sunroom Level 1-4- 25 rooms/units on each floor
Block C	5 storeys (16.5 m)	54 rooms/units	4 storeys (13.7 m)	50 rooms/units	All 1-bedroom typology	Ground floor (level 0)-8 rooms/units, storage and a

³ Reer to clause 32(1) of Schedule 6 of the FTCA

Building	Original Height	Original Unit/Room Numbers	Revised Height	Revised Unit/Room Numbers	Revised Typology	Revised Description
						commercial tenancy (120 m ²) Level 13- 14 rooms/units on each floor
Block D Corner Block	5 storeys (17.1 m)	89 rooms/units	4 storeys (14.6 m)	69 rooms/units	17 x 1-bedroom typology 20 x 2-bedroom typology 4 x 3-bedroom typology	Ground floor (level 0)- 9 rooms/units, storage, 4 x retail tenancies (18 m ² – 75 m ²), including a 'hole in the wall food outlet' Level 1-3- 20 rooms/units on each floor
Block E	3 storeys (11.6m)	30 rooms/units	3 storeys (11.8 m)	30 rooms/units	6 x 1-bedroom typology 12 x 2-bedroom typology	Ground floor (level 0)- 4 rooms/units, storage, commercial and retail tenancies (90 m ² -125 m ²) Level 1-2- 13 rooms/units on each floor
Block F	3 storeys (11.9 m)	30 rooms/units	3 storeys (11.8 m)	30 rooms/units	6 x 1-bedroom typology 12 x 2-bedroom typology	Ground floor (level 0)- 4 rooms/units, storage, commercial and retail tenancies (90 m ² -125 m ²) Level 1-2- 13 rooms/units on each floor
Block G	3 storeys (11.6 m)	30 rooms/units	3 storeys (11.8 m)	30 rooms/units	6 X 1-bedroom typology 12 x 2-bedroom typology	Ground floor (level 0)- 4 rooms/units, storage, commercial and retail tenancies (90 m ² -125 m ²) Level 1-2- 13 rooms/units on each floor
Block H Corner Block	5 storeys (17.4 m)	89 rooms/units	4 storeys (14.6 m)	69 rooms/units	17 x 1-bedroom typology 20 x 2-bedroom typology 4 x 3-bedroom typology	Ground floor (level 1)- 9 rooms/units, storage, 3 x retail tenancies (18 m ² – 75 m ²), including a 'hole in the wall food outlet' Level 1-3- 20 rooms/units on each floor

- [24] The Landscape Plans detail the indicative planting types, locations and paving for the communal gardens and ground floor outdoor living spaces. The Applicant confirmed the Landscape Concept Plan submitted with the application remains appropriate for the site.
- [25] The hillslope behind the development will be subject to weed control and the removal of pest plants is proposed. Native revegetation planting to the slope is proposed where practical, to encourage biodiversity and enhance the ONL behind the development.
- [26] A requirement for finalised/detailed landscape plans was included in the proposed conditions.

Access/Transport

- [27] Access to the Buildings is to be provided via a new road off Hansen Road, which is to be constructed as part of the underlying subdivision development.
- [28] The application does not specifically identify locations for bicycle parking but had included (via the proposed conditions) that one space per unit be provided and shown on the landscape plans.
- [29] There are no minimum car parking requirements in the PDP, however limited car parking is proposed (some 36 spaces), including mobility parking, and a car share facility will be available to the residents.

Infrastructure Servicing

- [30] Connections to mains for water and wastewater can be provided:
 - (a) Water mains fronting the site within SH 6 have sufficient capacity for the proposed development, and suitably sized and located connections into the buildings will be made during construction; and
 - (b) The wastewater pipe network, on-site wastewater pump station and associated emergency storage are intended to vest in the Queenstown Lakes District Council (**QLDC**) with the necessary easements, via the underlying subdivision consent process. Suitably sized and located connections into the buildings will be made during construction.
- [31] On-site soakage disposal to ground is proposed:
 - (a) Under the existing subdivision consent, the stormwater system consists of a gravity pipe network to a soakage area located in front of Blocks D to H protected by the necessary easements. The consent provides for the stormwater pipe and soakage system to be vested in QLDC; and
 - (b) Under the existing subdivision consent the system was sized and designed for future development within the lots, and as confirmed in the Infrastructure Assessment, the capacity is sufficient to accommodate the proposed development. Suitably sized and located connections into the buildings will be made during construction.

PART B: DECISION-MAKING PROCESS AND PROCEDURAL MATTERS

Meetings / Site Visit

- [32] Numerous meetings were undertaken in-person and virtually (via Microsoft Teams).
- [33] A site visit was undertaken by the Panel on 29 February 2024. This involved viewing the site and surrounding area from various aspects, along with the viewpoints submitted with the application.

Written Approvals

- [34] No written approvals were supplied as part of this application.

Invitations to comment

- [35] On 5 March 2024, the Panel invited written comments on the Proposal from those parties listed in clauses 17(6) and 17(7) of Schedule 6 of the Act.⁴ The Panel also invited comment from further parties it considered appropriate, in accordance with clause 17(8) of Schedule 6 of the Act⁵. Comments, due no later than 28 March 2024, were received from parties listed in Appendix 1.⁶
- [36] In accordance with clause 18(5) of Schedule 6 of the FTCA, copies of all comments received were sent to the Applicant for response, which was received on 12 April 2024.⁷
- [37] On 17 April 2024 the Panel accepted a late comment from Queenstown Airport Corporation Limited (**QACL**).⁸
- [38] All written comments received on the Proposal have been carefully considered by the Panel. The comments and the Applicant's responses are discussed in the relevant sections of this decision.
- [39] The Panel would like to acknowledge the effort and thank all those who chose to provide comment on the application. The comments have greatly assisted the Panel in its consideration and decision-making.

Further Information

- [40] The Panel, through the Environmental Protection Authority (**EPA**), requested further information on numerous occasions, in accordance with Clause 25 of Schedule 6 of the FTCA. This is set out in Appendix 2.

⁴ Clause 17(1) of Schedule 6 of the FTCA expressly prohibits limited and public notification, but rather directs comments are to be invited from specified parties.

⁵ Minute 1 of the Panel dated 5 March 2024.

⁶ Southland District Council, Te Ohu Kaimoana, Rakiura Māori Lands Trust and the Minister of Climate Change did not provide any written comments.

⁷ Pursuant to clause 19 of Schedule 6 of the FTCA.

⁸ Minute 3 of the Panel dated 17 April 2024.

Special Advisors

[41] The special advisors appointed and the reports they wrote are listed in Appendix 3.

Hearing

[42] Pursuant to clause 20 of Schedule 6 of the FTCA, there is no requirement for a panel to hold a hearing in respect of a consent application and no person has a right to be heard by a panel.

[43] The Panel did not find it necessary to conduct a hearing.

Conditions

[44] In accordance with clause 36 of Schedule 6 of the FTCA, on 22 May 2024 the Panel circulated its draft conditions⁹ and invited comments from the following:

- (a) The Applicant; and
- (b) Every person or group that provided written comments in response to the invitations given under clause 17(2) of Schedule 6 of the FTCA.

[45] Comments on draft conditions were received from:¹⁰

- (a) The Applicant
- (b) Aukaha (1997) Limited
- (c) City Impact Church Queenstown Inc
- (d) Heritage New Zealand Pouhere Taonga
- (e) Otago Regional Council
- (f) Queenstown Airport Corporation Limited
- (g) Queenstown Lakes District Council; and
- (h) New Zealand Transport Agency Waka Kotahi

[46] The above comments are discussed in the relevant sections of this decision.

Timeframes

[47] In the case of this Proposal, a referred project, clause 7A(1) of Schedule 45 of the Referral Order specifies that the Panel must issue its final decision no later than 25

⁹ See Minute 6.

¹⁰ Minute 10 of the Panel, dated 23 June 2023

[13]

working days after the date specified for receiving comments under clause 18 of Schedule 6 of the FTCA.

- [48] The Applicant sought extensions for 12 days and the Panel extended the 25-working day period by a further 25 working days, due to the nature of the Proposal and the need for further work to be undertaken.

PART C: LEGAL FRAMEWORK

FTCA Referral

- [49] A referred project is one that is referred to a panel by way of an Order in Council after scrutiny by the relevant Minister(s), which in this case was the Minister for the Environment. After taking into account the criteria and related matters in sections 18 and 19 of the FTCA, the Minister was satisfied that the Proposal would help achieve the purpose of the FTCA.

Requirements of the FTCA for decision making

- [50] Whilst the Minister found that the Proposal would help achieve the purpose of the FTCA, the Panel is not bound by such determination and must make its own assessment of the application against the purpose as set out in section 4 of the FTCA.

- [51] The purpose of the FTCA is set out in section 4:

The purpose of [the FTCA] is to urgently promote employment to support New Zealand's recovery from the economic and social impacts of COVID-19- and to support the certainty of ongoing investment across New Zealand, while continuing to promote the sustainable management of natural and physical resources.

- [52] When considering a consent application, clause 31 of Schedule 6 of the FTCA sets out matters the Panel must have regard to, which are subject to Part 2 of the RMA and the purpose of this Act.

- [53] The Panel appointed to consider the comprehensive care retirement village at Kohimarama considered the legal framework for referred projects in some detail in section C of their decision dated 12 May 2021 (Kohimarama Decision), its analysis being accepted in the decision of another panel (Northbrook Decision) on 4 August 2021, and several other decisions since. We respectfully adopt these analyses rather than repeating them here, however we record some of the more relevant provisions of the FTCA.

- [54] Section 12(2) of the FTCA provides, in the case of referred projects, that the process for obtaining a consent under Schedule 6 to the FTCA applies in place of the process under the RMA.

- [55] Clauses 31 and 32 of Schedule 6 set out the key requirements, when considering resource consent applications for referred projects.

- [56] Subclauses (1) and (2) of clause 31 of Schedule 6 relevantly set out matters to which a Panel must have regard. These are set out below:

- (1) When considering a consent application in relation to a referred project and any comments received in response to an invitation given under section 17(3), a panel must, subject to Part 2 of the Resource Management Act 1991 and the purpose of this Act, have regard to-

- (a) any actual and potential effects on the environment of allowing the activity; and

[15]

- (b) any measure proposed or agreed to by the consent Applicant to ensure positive effects on the environment to offset or compensate for any adverse effects that will or may result from allowing the activity; and
- (c) any relevant provisions of any of the documents listed in clause 29(2); and
- (d) any other matter the panel considers relevant and reasonably necessary to determine the consent application.

- (2) In respect of the matters listed under subclause (1), a panel must apply section 6 of this Act (Treaty of Waitangi) instead of section 8 of the Resource Management Act 1991 (Treaty of Waitangi).

[57] As the Panel observed in the Kohimarama Decision, *"clause 31(1) has significant similarities to s 104 RMA, but with the addition of scope to consider offset and compensation and that consideration is subject not just to Part 2 of the RMA but also, the purpose of this Act"*.

[58] The documents set out in clause 29(2) the Panel is to have regard to are:

- (a) a national environmental standard
- (b) other regulations made under the Resource Management Act 1991
- (c) a national policy statement
- (d) a New Zealand coastal policy statement
- (e) a regional policy statement or proposed regional policy statement
- (f) a plan or proposed plan; and
- (g) a planning document recognised by a relevant iwi authority and lodged with a local authority.

[59] Clauses 31(4) to (6) of Schedule 6 of the FTCA set out matters which the Panel may or must disregard.

[60] Subclause (4) provides:

When forming an opinion for the purposes of subsection (1)(a), a panel may disregard an adverse effect of the activity on the environment if a national environmental standard or the plan permits an activity with that effect.

[61] The Panel records that it has not disregarded any adverse effects in terms of the above discretion.

[62] No issues arise for the Proposal in terms of the matters prescribed in clauses 31(5)(a) and 31(6) of Schedule 6 of the FTCA.

- [63] The Panel is satisfied that no issues arise in terms of the matters in subclauses (8) to (11) of clause 31, except for subclause (9) which requires us to have regard to further information that we received in answer to requests.
- [64] Clause 32(1) of Schedule 6 of the FTCA provides that sections 104A to 104D apply to a Panel's consideration of a consent application for a referred project.
- [65] Clause 32 further prescribes "*other matters relevant to decisions*" for referred projects. Of particular note, as set out in subclause (12) a panel must decline a consent application for a referred project if that is necessary, in order to comply with Section 6 (Treaty of Waitangi) of the FTCA.
- [66] Clause 35 provides that the Panel may grant a resource consent subject to conditions it considers appropriate, and sections 108, 108A to 112, and 220 of the RMA apply to any conditions imposed.

PART D: EFFECTS ON THE ENVIRONMENT AND FINDINGS

- [67] This section of the decision is organised by the effects and sets out the Panel's findings on each matter. In each case we discuss the main issues, feedback received and our findings.
- [68] The Panel feels obliged to record it struggled at times with the quality of information provided by the Applicant, particularly in response to requests for further information and Peer Reviews.

Existing Environment

- [69] The existing environment was described in detail in the AEE as the "current environment" in Section 9 Part 3. However, the Panel sets out a summary of the existing environment as it is essential context for understanding environmental effects.
- [70] The site is located in Frankton, Queenstown, which is an older, mainly residential area. It lies on flat land that is located across the east end of Lake Wakatipu and at the outlet of the Kawarau River, though is framed on all sides by ONLs or ONFs. Queenstown Airport is located adjacent to the site. The northern extent of the centre lies at the foothill to both Queenstown Hill/Te Tapunui, an ONL, and Ferry Hill, an Outstanding Natural Feature. It is considered to be a gateway into and from Central Otago and Southland, given its proximity to Queenstown Airport and SH 6/6A. The Te Araroa trail is present to the south of the site, over SH 6.
- [71] In general, the site centre enjoys close views of Lake Wakatipu, the Remarkables, Queenstown Hill/Te Tapunui and Peninsular Hill, and more distant views to Coronet Peak and the Crown Range. These are key landscape experiences from within the Frankton area, both for residents, day visitors and those transiting. This landscape setting and the backdrop of the ranges is a fundamental component of the character of the area, including creating a unique arrival experience for those entering Frankton.
- [72] The site is located on the north-eastern periphery of Frankton. The vast majority of the land adjoining the site is used for low density/low intensity activities and is not fully developed. To the east and south, it remains open and park like in character, with the airport beyond. The land immediately adjoining the east/southeast of the site (over Hansen Road) currently has a more open, partly rural, character to it, comprising the City Impact Church, pasture land and small scale dwellings and ancillary buildings.
- [73] The land adjoining the site to the northeast, between SH 6 and the ONL hill to its north, is zoned as a mix of Low Density Residential and Mixed Business Use.
- [74] The site is fronted by SH 6 to the south. To the south east of the site, over SH 6, are large open spaces associated with the Queenstown Events Centre and Frankton Golf Course.
- [75] To the north will remain as an open rural landscape (with an ONL overlay).
- [76] The Frankton Cemetery adjoins the site to the west, with an established mixed use and commercial area further west, at the intersection of SH 6 and SH 6A (the Terrace Junction).

- [77] Further east/southeast are the retail and hospitality areas of Queenstown Central and Five Mile. These centres provide several larger format retail anchors with a medium to small format retail street being developed. These developments provide a more local offering associated with servicing the residential communities along SH 6/6A.
- [78] Franktown centre is located to the south west. It is lower density and low rise, with detached and semi-detached housing. The local retail and transitory servicing facilities there are typically 2-3 storeys high. The scale of development is relatively small, principally being a local shopping centre and meeting needs of transiting people (such as service stations and convenience foods).
- [79] The existing environment against which the application is to be considered includes a consented car park, 17.1 m in height and 96.3 m in length, running east-west at the base of the ONL.
- [80] The existing environment also includes views of the distant ONL (the Crown Range). The Landscape and Visual Effects Assessment submitted with the application noted that large trees on the cemetery boundary previously obscured these views. As these trees have been removed, they no longer form part of the existing environment. Several large exotic trees were also located along the SH 6 frontage of the site; however, these have since been removed as part of the SH 6 upgrade works. A cluster of established exotic trees remain at the corner of the SH6 and Hansen Road. Vegetation on the slope of the hill to the north of the site consists of a mix of both native and exotic shrubs and trees of variable heights.
- [81] The importance of Queenstown Hill/Te Tapunui (including its sub-hills) to tangata whenua as wāhi tupuna (only just extending into the top of the Site) and an ancestral settlement locality Te Kirikiri is recognised. European heritage values are also recognised (mainly the cemetery, and origin of the name Frankton).
- [82] The site is located in close proximity to the Frankton Bus Hub, cycle and walking trails, the recreational amenities at the Queenstown Events Centre and Frankton beach, the amenities in Five Mile, Queenstown Central, the Remarkables Park shopping areas and Glenda Drive businesses.
- [83] Section 15.2 of the AEE addresses the permitted baseline. The Panel agrees with this assessment and in particular highlight that as all buildings require a restricted discretionary activity resource consent, that any bulk and location standards are not to be treated as wholly part of the permitted baseline.

Cultural effects

- [84] The potential effects of the Proposal on cultural values were considered in Section 16 of the AEE. The summary described that two Iwi Environmental Entities (Aukaha and Te Ao Marama Inc “**TAMI**”) had been consulted at the time of lodging the proposal with the EPA, indicating that consultation was to be ongoing. Appendix 3 of the AEE includes a summary of emails, phone calls, and hui that took place.
- [85] Aukaha raised concerns with the management and treatment of wastewater and stormwater in the District and the system’s ability to service the development.
- [86] The Ngai Tahu Claims Settlement Act 1998 includes a Statutory Acknowledgment for Whakatipu-wai-māori, providing recognition of the significance of the Māori history of the Lake and the wider Wakatipu basin.

- [87] The Proposal is not within a statutory acknowledgement area or a wāhi tūpuna mapped area, but sits within a wider cultural landscape.

Comments received

- [88] Mana whenua identified concern with the significant generation of stormwater that would occur and required the implementation of measures to attenuate and treat stormwater flows before discharging to Whakatipu-wai-Māori.
- [89] Importantly, none of the proposed development impacts directly on Lake Wakatipu although there is the potential for indirect effects to arise from stormwater. Mana whenua identified that the stormwater network discharged directly into Whakatipu-wai-Māori and the Applicant proposed a soakage system to address the issue of when the local stormwater network is at capacity. The preference of Kā Rūnaka is for implementation of soft solutions to manage stormwater at place.
- [90] The development site sits within a highly significant area to mana whenua. It is a landscape steeped in mana whenua histories and is surrounded by mapped wāhi tūpuna. This landscape embodies the values of mana, mauri, whakapapa and tapu.
- [91] Mana whenua sought to ensure that the Heritage New Zealand Pouhere Taonga Archaeological Discovery Protocol would be adhered during all activities associated with the development. The expectation is that contractors would be trained to a sufficient standard to enable the identification of archaeological materials through an induction process.
- [92] The Minister for Māori Crown Relations and Treaty of Waitangi Negotiations sought the Panel take account of the concerns of mana whenua in relation to the capacity issues identified with the QLDC Wastewater and Stormwater Network.
- [93] The Minister for Arts, Culture and Heritage, agreed with the need for an Accidental Discovery Protocol as a much more effective vehicle for protecting potential archaeological values. Heritage New Zealand Pouhere Taonga (HNZ) supported the participation of Aukaha, TAMI and Kā Rūnaka to ensure Māori heritage is recognised and any adverse effect is mitigated.
- [94] HNZ specifically referenced Aukaha and TAMI with regard to concerns relating to the management and treatment of wastewater and stormwater and supported ongoing consultation with mana whenua to ensure Māori heritage is recognised within the urban design, stormwater and landscaping planning and identified adverse effects are mitigated.

Applicant response to Comments

- [95] In regard to wastewater capacity at the QLDC Kimiākau (Shotover River) resulting from the activity, Kā Rūnaka preferred issues with the QLDC Shotover Wastewater Treatment Plant were addressed. The Applicant responded in saying they were not the appropriate party to manage QLDC Wastewater Treatment Plant issues.
- [96] In response to Iwi and others concerns relating to the management of stormwater at the site, the Applicant noted that Engineering Acceptance and Design Certification were required for the stormwater design for the site.

Evaluation and Findings

- [97] During its deliberations, the Panel read and considered the following documents:
- (a) The application and associated documents, including Appendix 17 containing correspondence with Iwi authorities
 - (b) Ngāi Tahu Claims Settlement Act 1998
 - (c) Comments received on the application in response to an invitation to do so, particularly those from Aukaha (1997) Limited
 - (d) Te Tangi a Taurira – The Cry of the People – The Natural Resource and Environmental Iwi Management Plan; and
 - (e) Kāi Tahu Ki Otago Natural Resource Management Plan (2005).
- [98] The Panel agrees with the Applicant that QLDC is the appropriate entity to deal with any issues with its Shotover Wastewater Treatment Plant.
- [99] The Panel has inserted conditions 23 and 24 in relation to stormwater and wastewater to take account of concerns raised by submitters.

Landscape and visual amenity

- [100] The potential effects of the Proposal on the landscape and visual amenity were assessed by James Paxton in a Landscape and Visual Effects Assessment dated 24 October 2023 (LVA).¹¹
- [101] The LVA set out the assessment methodology, the statutory context, the existing environment, a description of the Proposal, the visual catchment and viewing audience, an assessment of landscape and visual effects and a summary of effects. The LVA included a concept design and two sets of attachments, including a series of visual simulation viewpoints to understand the extent of visibility of the Proposal and impact on surrounding audiences, as well as a series of maps, plans and aerial images of the site location, District Plan Maps and photographs taken from surrounding public spaces.
- [102] The LVA identified the statutory context as including the ODP and PDP, noting advice the OPD was no longer relevant for the site, so only the PDP provisions were considered (the Panel comments more about that later). The LVA also considered the Queenstown Lakes Spatial Plan (July 2021) and the Te Kiri Kiri/Frankton Masterplan (January 2020), noting these documents would provide direction and a decision-making framework for the future. Chapters of the PDP considered were Chapter 3: Strategic Direction, Chapter 6: Landscape and Rural Character, and Chapter 15: Local Shopping Centre Zone.
- [103] The LVA highlighted key landscape and visual considerations as:

¹¹ A registered Landscape Architect and Urban Designer and the Director of Reset Urban Design Limited

- (a) The Site is located within the 'Frankton Village' area (as identified in the Te Kirikiri/Frankton Masterplan) which is primarily zoned Local Shopping Centre, within which development should seek to respond to the existing character, quality and amenity values of the neighbourhood setting
- (b) There is a portion of the flat part of the Site zoned rural (not within an ONL) and part of the development is proposed on this area (referred to as the 'rural triangle' in the AEE)
- (c) The site has specific considerations with regard to managing effects on the amenity and historic values in and around the cemetery; and
- (d) The northern portion of the Site is within the ONL.

[104] The LVA is separated into two parts - an assessment of the landscape effects of the Proposal and an assessment of the visual effects of the Proposal:

- (a) The assessment of Landscape Effects considered the attributes of the receiving landscape and their susceptibility to change, separating the site into two distinct portions (the northern portion and the southern portion). The assessment also considered the site's landscape values (referencing people's aesthetic perception of the environment), and landscape character, derived from landform, land cover and land use; and
- (b) The assessment of Visual Effects considered a total of six representative viewpoints from which the Proposal was assessed utilising the photographic perspectives appended to the LVA. It noted that change in these locations is not in itself an adverse outcome, particularly where development is anticipated.

[105] Mr Paxton's assessment concluded that the overall change on the landscape (including to attributes, values and character) would be low, for the following reasons:

- (a) Although the development will alter the site's existing landscape, it is considered to be already highly modified with little or no noted significant natural features or values, (with the exception of the ONL hillslope (which will not be physically modified)), so the Proposal will have a low adverse effect on the landscape values of the site. In fact, it was considered that the proposed landscaping and high-quality architectural design will improve the qualities of the site and ensure a positive outcome with respect to its overall perceived landscape value
- (b) Due to the scale and extent of the immediate and wider surrounding landscape (Queenstown Hill/Te Tapunui, QEC open space), the landscape has the ability to accommodate the proposed development without undue consequences to its surrounding landscape character, which was already low. The hill slope behind the buildings, as well as the wider landscape (mountains, hills, rivers and lakes) provide a high amenity back drop, providing scale to the development in the foreground. The proposed landscape treatment would add to this, softening the scale of the buildings
- (c) The effects of the Proposal on the Queenstown Hill/Te Tapunui ONL would be low, retaining its key features, with only views of the lower base to be "slightly affected". The height of the buildings, which will sit at the ONLs base, are well below what would be a height level that would adversely impact the

prominence of the hill or views to it. This would maintain its legibility and prominence in the wider landscape. The overall heights and scale of the buildings are considered acceptable, with the additional height successfully mitigated through landscaped frontage, adequate setbacks from road frontages, spacings between buildings and architectural detailing; and

- (d) The architectural design and treatments proposed would successfully recess the buildings within their surrounds through suitable colour, material and building design and layout choices. It was also anticipated that these design choices would facilitate its strong visual connection with its backdrop, from key viewing locations.

[106] Mr Paxton's assessment concluded that the magnitude of visual effects of the Proposal at each of the identified viewpoints would range from low to low-moderate. for a range of the following reasons:

- (a) In the context of a growing urban landscape, the Proposal would sit comfortably and relate strongly in terms of height and scale at this important junction. Despite the scale and height of the Proposal, it is suitable for the developing and anticipated urban environment, seen as an extension of the existing commercial environment
- (b) The ONL (Queenstown Hill) is a prominent feature which "draws the eye" away from the Proposal to be located at its base
- (c) Physical separation between the site and viewpoint
- (d) Vegetative screening (existing and proposed)
- (e) Screened by existing development
- (f) Building design, layout and landscape mitigate effects from nearby locations; and
- (g) Views will be transient.

[107] Below is a copy of his summary of effects from each of the six viewpoints.

VP #	Quality of View	Existing Value	Sensitivity	Visual Effects
1	Low-moderate	Moderate	Low	Low
2	Low-moderate	Low-moderate	Low	Low
3	Low-moderate	Moderate	Low	Low-moderate
4	Low-moderate	Moderate	Low	Low
5	Low	Low-moderate	Low	Low
6	Low-moderate	Low	Low	Low-moderate

Figure 3.

[108] The LVA concluded that when combining both the landscape and visual effects of the Proposal, the overall effects would be Low, and the proposed development would positively contribute to the future urban environment of Frankton.

Comments received

- [109] The Frankton Community Association expressed concern any height or zoning breaches would set the standard for future developments. It considered the higher buildings would be better suited closer to the hill behind, to reduce the impact.
- [110] Country Lane Queenstown Ltd requested building heights be reduced to what is provided for in the PDP.
- [111] QLDC submitted:
- (a) the proposed activity was not considered to be a significant departure from the relevant objectives and policies of the district plan, but the maximum building height would represent a substantial breach to the relevant standard of the zone
 - (b) The District Plan sets a clear expectation that the height, scale, appearance and location of buildings should achieve a built form that complements the existing patterns of development and is consistent with established amenity values and provide for consideration of minor height infringements where they help achieve higher quality design outcomes and do not significantly adversely affect amenity values within the Local Shopping Centre Zone; and
 - (c) There was no need to get a landscape peer review in this instance.
- [112] City Impact Church indicated concern about the bulk and location of Block C, at the northeast corner of the site - it would be 16.5 m high, well above the 10 m maximum in the Local Shopping Centre Zone, be visually dominant and located 11.66 m from the western boundary of the Church site. There would also be a 5.2m recession plane, resulting in additional shading and a recession plane breach. The Church sought the design and location of Block C be reconsidered and set back further from its boundary, to reduce bulk, dominance and shading effects. It also requested views of the ONL be considered in the context of the proposed building heights.

Peer review

- [113] The Panel sought a peer review from Ms Anne Steven, a landscape architect based in Wanaka.
- [114] Ms Steven¹² expressed a number of concerns with the LVA, including:
- (a) The LVA insufficiently acknowledged the values of the Site in its local context particularly in relation to identified values of ONL, had undervalued its sensitivity, and had incorrectly used a non-statutory, assumed “metropolitan” future as the receiving environment against which to assess effects
 - (b) The effects of the proposed development were described as “*anticipated, planned and expected*” (para. 9.2) despite no demonstrated consistency with the ambient urban pattern and form and zone purpose, and in accordance with the zone provisions. This resulted in an overall assessment of adverse effects rated Low and was inconsistent with the effect on the values of the ONL (in particular visual access to and connection with ONL from urban

¹² Report dated 27 May 2024.

areas), on the ambient urban character and established amenity values of the Local Shopping Centre Zone and reflected the lack of assessment against the purpose and objectives and policies for the Local Shopping Centre Zone in particular

- (c) Not all relevant statutory provisions were identified, and there was no reference to Schedule 21.22.12 PA ONL Western Whakatipu Basin of the PDP. It appeared assumptions had been made about the anticipated outcomes of future zoning on the Site
- (d) There were errors in the identification of the correct landscape context and receiving environment. The Site's context is dominated by the open spaces of the large open recreation grounds, which also buffer the Site from the more intensive higher-rise development further east, and the ONL hill behind. The stronger contextual relationship with the existing Frankton village was not adequately recognised, notwithstanding the physical break due to Frankton Cemetery
- (e) The visual context was overly skewed to the more intensively developed urban areas further east, even though the actual visual and physical link is weak, and the visual link with Frankton village as the more relevant visual context was insufficiently acknowledged. This resulted in assessment of visual effect (visual change) that was lower than it would actually be (likely to be Moderate to High)
- (f) The buildings would be more visually prominent than assessed if the correct Local Shopping Centre Zone was used as the reference landscape. The obvious hostel-like accommodation purpose and large-scale repeated patterning of elements on buildings and the repeated building form served to emphasize the prominence and divergence from ambient character. The function of the prominent "landmark" buildings at an important gateway location as worker accommodation rather than a civic or public service function would detract from integrity of the urban area; and
- (g) The blocking out effect of views of distant ONL to west and east was given insufficient weight, given that visual access to ONL was identified as a key value of the area.

[115] Ms Steven recommended some changes to the proposed conditions and further assessment work be carried out by the Applicant (including a detailed list).

[116] The Applicant responded to Ms Steven's report,¹³ noting they had differing opinions regarding levels of "completeness" of the LVA and "differing views" on levels of sensitivity regarding the existing context and changing urban form. The Applicant considered:

- (a) The site is large, modified, and flat and is located adjacent to a large-scale intersection of transport, retail and commercial, open space and residential uses

¹³ Via a Memorandum prepared by Reset dated 31 May 2024

- (b) The scale of change in this concentrated area of development was evident not just in the host of masterplans and policies but nearby in the recently built form and activities in Queenstown Central and Five Mile centres
- (c) The soon to be completed 17.3 m high car park building on the site screens a long low section of the ONL and provides proof that the integrity of the adjacent ONL is not compromised by similar scale development; and
- (d) Ms Steven's Peer Review did not fully appreciate the changing urban form and scale of the developing context which made this Proposal supportable from a landscape perspective.

Revised proposal

[117] The Panel was still dissatisfied after reading the Applicant's response to Ms Steven's Peer Review and considered the Applicant continued to:

- (a) insufficiently acknowledge the values of the Site
- (b) undervalue its sensitivity
- (c) rely on general statements in non-statutory documents and assumed "metropolitan" future as the receiving environment against which to assess effects; and
- (d) makes assumptions have been made about the anticipated outcomes of future zoning on the Site.

[118] The Applicant also failed to identify and discuss Schedule 21.22.12 PA ONL West Whakatipu Basin.¹⁴ Whilst still at the proposed stage, the hearings on these Schedules concluded in 2023 and the amended version of the Schedules¹⁵ are now considered to be relevant and carry some weight.

[119] Having had the benefit of a Site visit, the Panel considered the main issue with the values of the ONL was the height of several of the Blocks - A, B, C, D and H. The Panel agrees with Ms Steven that from a visual coherence perspective, buildings increasing in height away from the hill is detracting.

[120] Although the lower three storey buildings (Block E, F and G) are located in front of the carpark building to allow for views over them (even though there is no residential use), there was not similar consideration given to maintaining views of the mountain ONL from public places looking east and west with respect to Blocks D and H - described in the AEE as the "bookends". Block H in particular had the potential to have adverse effects on the values of the ONL and adverse visual effects given its location beside the cemetery and prominence as viewers come along SH6 and have longer views of the ONL and Crown Range blocked.

¹⁴ It incorrectly identified Schedule 21.22.2 Ferry Hill PA instead.

¹⁵ Appendix 2 Reply Versions of the PA Schedules 15 December 2023 - <https://www.qldc.govt.nz/your-council/district-plan/proposed-district-plan/hearings/landscape-schedules>

- [121] Although the other taller Blocks, A, B and C, are located at the rear of the site, Block A is adjacent to the City Impact Church, and along with Blocks B and C, the height is well in excess of that provided for in the PDP, which provides a framework in which to consider adverse effects.
- [122] After considering the above and commencing deliberations, the Panel issued Minute 9, communicating to the Applicant that:
- (a) having considered all the evidence, relevant statutory documents and legislative provisions in detail, if it had been required to deliver a decision on the Application before it, the decision of the Panel would likely be to decline consent; and
 - (b) the Panel would be open to considering a reduced height Proposal - removing one storey from Blocks A, B, C, D and H.
- [123] Upon receipt of Minute 9, the Applicant requested the Panel suspend processing and it provided a revised Proposal on 18 June 2024.
- [124] As a result of the revised Proposal, the building heights are now as follows in Table 2:

Table 2

Block	Original No. Storeys	Original Height	Revised No. Storeys	Revised Height
A	6	19.2 m + 2 m ducts	5	16.4 m + 2 m ducts
B	6	19.2 m + 2 m ducts	5	16.4 m + 2 m ducts
C	5	16.5 m	4	13.7 m
D	5	17.1 m	4	14.6 m
E	3	11.6 m	3	11.8 m
F	3	11.9 m	3	11.8 m
G	3	11.6 m	3	11.8 m
H	5	17.4 m	4	14.6 m

- [125] There would still be a variety of building heights across the site and all building footprints and view shafts through the site will be preserved.
- [126] The overall effect on the ONL would be reduced and the built form more in keeping with (and integrated with) existing surrounding land uses, including the consented carparking building.

Further expert comment and Applicant response

- [127] The Panel provided the revised Proposal to Ms Steven. Her comments included:¹⁶

¹⁶ [Further report provided 19 June 2024.](#)

- (a) Removing one storey reduces the effects of protrusion above ambient height of other buildings in the Zone - it creates a stepping back effects from front to rear of the Site
- (b) The lower height of Blocks D and H reduces the “visual blocking” of the ONL behind, but this is not of great concern given the vast majority of the ONL hill landform is visible above
- (c) Block H remains noticeably high in context, exacerbated by the location of the high resident wing forming an abrupt high “closed off” wall next to the cemetery. This effect could be mitigated by removing one more storey from at least the residential wing of Block H and having more of a public interface along the west face with more detail on the ground floor. This would create a stepping up effect, rather than the current “bookending” (for which there is no explanation in the AEE)
- (d) Reducing the height of Block D reduces the effect of “over height” buildings. Although the same height as Block H, this block is on the outer edge of the Zone and in proximity to the higher intensity zone further to the east (with a currently undeveloped site in between). It is also backdropped by the taller buildings of the Car Park and Blocks A and B; and
- (e) The proposed tree planting had the potential to block views. Consideration should be given to species of limited height and spacing, so that some clearer views to the mountains are maintained. This is on the basis these views have significance, given they are from the busiest road and state highways, and contribute to the established amenity values of the neighbours and to the values of the ONL itself (in accordance with the Schedule).

[128] The Applicant’s response to Ms Steven comments on the revised Proposal included:

- (a) Long range views to the distant ONLs are overstated
- (b) Long range views to the Crown Range ONL would be retained
- (c) Buildings are set back from SH6.
- (d) Planned works of New Zealand Upgrade Programme would make the approach to the roundabout from the west 5-6 lanes¹⁷ and the location of the highway is shifting away from the site in planned works, which will also reduce the impact on Crown Range ONL and Ben Lomond ONL; and
- (e) For the cemetery:
 - i. No public interface is proposed along the western façade in order to reduce any adverse effects on users of the cemetery/open space zone; and

¹⁷ Although the Panel understands the full NZUP project has been pared back and some bus lanes and bus priority measures have been reduced.

- ii. Incorporating retail on the ground floor could introduce new adverse effects on cemetery users including noise and amenity impacts, associated with people movement.

Conditions

[129] As well as the reduced heights described above, the following conditions are considered to further avoid, remedy or mitigate adverse effects of the buildings on the ONL:

- (a) the elevation plan for the west wall should also include adjacent landscaping so that the effect is read as a whole. Trees planted along the boundary would have a more mitigating effect on the perceived bulk and height than green wall surface treatment. The species selected should be of limited height and spacing to ensure views to the mountains are maintained
- (b) The submitted design should include details of all exterior lighting, stormwater management elements including soft drainage forms and soakage areas, signage, rubbish disposal, outdoor storage facilities
- (c) There should be a requirement to use local stone and aggregate in cladding, walls, gravel surfacing and paving. There should also be a requirement to use plant species characteristic of the Wakatipu Basin. The purpose of this condition is to enhance local character and sense of place
- (d) The Proposal for the treatment of the rear of the Site behind the buildings, where the water race is, and the landscape management and restoration of the ONL part of the Site should be provided for Council approval as part of the overall package, as it is described as part of the proposal and is subject to policies around appropriateness of species and consistency with existing character, as well as protecting ONL values and legitimately improving biodiversity; and
- (e) The plant schedules should include the Latin and common name of all species in the design.

Evaluation and findings

[130] Although the revised Proposal still represents a major change for this Site, and there would be adverse effects on *some* views of the ONL and the distant Crown Range ONL (in particular, as people travel along the short part of SH 6 from the Frankton roundabout), the reduced heights along with the other proposed conditions bring the extent of adverse effects within a level of change the Panel considers is appropriate in the framework of the PDP and no more than minor overall.

Construction effects (noise, traffic, dust, OLS)

Potential Effects

[131] The potential effects of the Proposal with respect to construction related effects were considered in Section 15.3.2.6 of the AEE, and construction noise and vibration specifically by the Acoustic Assessment provided in Appendix 18.

- [132] In summary the AEE considered that all effects (noise, dust, hours, traffic, parking etc) could be managed by a construction management plan and a construction noise and vibration management plan which were included in the Applicant's proposed conditions of consent.

Comments received

- [133] In response to the Panel's request for comments on the application, QACL identified that the construction phases of the Proposal could result in adverse effects on airport operations from the potential intrusion of tower cranes on the Airport Approach and Protection Measures, set out in the Designations chapter of the PDP, and, notably, any new objects are prohibited except where the penetration is short term and been authorised by the QACL.

Peer review

- [134] The Panel commissioned Styles Group to undertake an independent peer review of the Applicant's Acoustic Assessment, dated 21 May 2024. While the main findings are discussed under the acoustic section below, the peer review also commented on construction noise and vibration. Mr Styles noted that:

- (a) The plan showed that there are paved surfaces (for car parking) that are very close to the cemetery boundaries. It may be challenging for compaction activities to comply with the requirements of the Rule if insufficient attention is paid to the management of vibration. However, compliance will be practicable to achieve if the constructor monitors and manages vibration proactively as the works progress.
- (b) Compliance with the construction noise limits in Rule 36.5.13 would be possible to achieve but would likely require acoustically effective hoardings around the boundaries with 1092 Frankton Road and the Frankton Cemetery. These should adequately mitigate noise levels from construction activities at ground level but would do little or nothing to mitigate the noise from any elevated noise sources, including the construction of Block H immediately east of the Frankton Cemetery.

- [135] Mr Styles recommended that:

- (a) The proposed construction noise and vibration management plan (**CNVMP**) specifically address construction vibration and the need to monitor and manage vibration at the Frankton Cemetery when high-vibration works are undertaken within 30 m of the cemetery boundary
- (b) In respect of construction noise, the Applicant either maintain its wishes to retain the permitted activity status (and thus further demonstrate that compliance could be achieved) **or** that the application includes an infringement to the standards.

Responses from Applicant

[136] The Panel directed the Applicant to provide a response to the QACL concerns regarding potential intrusion into the Airport Approach and Protection Surfaces.¹⁸

[137] The Applicant's response confirmed that:¹⁹

- (a) If the crane type is carefully selected, then it will remain below the Airport Approach and Protection Surfaces; and
- (b) It was not applying for non-compliance with the construction noise standard and that effects will be managed through the CNVMP – including via a proposed condition and objectives, adopting the best practicable option and defining the procedures to manage noise and vibration effects to ensure the noise and vibration standards in the PDP are met.

Responses to Draft Conditions

[138] QACL's response to draft conditions recommended inserting additional specific measures to the Construction Management Plan to address crane height and the Airport Approach and Protection Surfaces.

[139] QLDC response to draft conditions recommended an additional matter to be inserted into the final Landscape Concept Plan (to be submitted prior to works), addressing how the Frankton Cemetery is to be fully protected throughout the construction works.

Evaluation and findings

[140] The Panel finds that the effects associated with construction can be appropriately mitigated and managed, subject to conditions. However, the Panel finds that the conditions specific to construction management, construction traffic and construction noise and vibration proposed by the Applicant were not entirely sufficient to address the potential for effects, and the concerns of QACL. The Panel has imposed more detailed conditions regarding the management plans.

[141] QLDC recommended the Frankton Cemetery be included in the conditions; however, the Panel considers this is better addressed in the Construction Management Plan and the CNVMP.

[142] The Panel also acknowledges the concern of Mr Styles in respect of compliance with the noise and vibration standards but considers that the CNVMP will be able to address this. Should any non-compliance with the noise or vibration standards arises through the detailed design process, the Applicant would need to obtain a separate resource consent.

¹⁸ Further Information Request 2 dated 11 April 2024

¹⁹ A letter prepared by Graeme Lester of Construction Survey, Dated 19 April 2024

Transport, traffic and access

Application

- [143] The potential transportation effects of the Proposal were considered in Section 15.3.2.3 of the AEE prepared by John Edmonds and Associates, by way of a summary of the “Transport Infrastructure Assessment” provided in Appendix 2 undertaken by Carriageway Consulting Limited. It was unclear from this report who wrote the assessment and what their credentials are.

- [144] The Transport Infrastructure Assessment described the proposed site and its surrounds from a traffic perspective, including discussion on road classifications and formation; existing intersections, pedestrian/cycle facilities and public transport facilities and planned upgrades relevant to the Proposal.

- [145] The Transport Infrastructure Assessment considered the transported-related requirements of the District Plan where several non-compliances were identified with respect to the provision of parking/loading/bicycle spaces, the width of the vehicle crossing and sight distances.

- [146] The Transport Infrastructure Assessment identified that the most relevant of the upgrade works was in the immediate vicinity of the site and involved upgrades to roundabouts, intersections and road closures as well as significant investment in non-car travel, to the immediate east and west of the site. The NZ Upgrade Programme (**NZUP**) by NZ Transport Agency Waka Kotahi (**NZTA**) was a response to the high pressure already experienced by this part of the roading network due to the volumes of traffic already present, where capacity is exhausted and even small changes in traffic flows result in disproportionately large changes in queues and delays. The NZUP upgrades would serve to increase the capacity of this part of the roading network, which in turn would result in reduced queues and delays overall.

- [147] Consultation between the Applicant and NZTA has been ongoing as the NZUP upgrades would have a notable impact on the functionality of the project and to ensure the two projects integrate with one another (i.e. location of crossings). The NZUP upgrade project is in relatively early stages and there may be a consequential short-term timing issues with respect to the completion of both projects (i.e., the Proposal may be completed before the NZUP upgrades).

- [148] Consequently, NZTA has suggested some appropriate short-term measures (until NZUP upgrades are complete), as follows:
 - a) Installation of a raised island along the highway to address the existing near inability to right-turn out of Hansen Road. This would prevent the right-turn movement out of Hansen Road (at all times) and require vehicles to turn left and then U-turn around the SH 6 / Grant Road roundabout; and

 - b) A formal crossing of SH 6 to be put in place to enable pedestrians and cyclists to move between the site and the existing walking/cycling routes at the south of the highway (refer subsequent section).

- [149] With the above mitigation implemented, the Transport Infrastructure Assessment considered that the proposed development could be accommodated on the road network with the NZUP upgrades in place, with the changes to queues and delays as a result of the Proposal, being minimal.

- [150] Should the NZUP NZTA project not proceed, and the Proposal does, queues and delays would be seen to increase, despite, as determined by Carriageway Consulting, the proposed development generating relatively little traffic. The suggested mitigation would be implemented, but all traffic travelling to or from the west ultimately has to pass through the SH 6/6A roundabout, where capacity is already exhausted. This aside, the Transport Infrastructure Assessment considers that the

proposed development can be accommodated on the road network without the NZUP schemes in place, since in practice, it makes little difference to the expected levels of efficiency. Moreover, the scenario where the development is in place without the NZUP schemes being implemented is expected to be very short and may not occur at all in practice.

- [151] The Transport Infrastructure Assessment indicates that there are currently low numbers of people walking and cycling along the highway due to the limited amount of development in this area and absence of designated infrastructure. These modes are taking place on the off-road routes to the south of the highway. There are no crossing facilities over the State Highway.
- [152] The availability of public transport in the area is considered excellent with nearby Frankton Bus Hub being a well-used transport service. All five of the services operating in the Queenstown area pass through this Hub.
- [153] As noted above, it is anticipated that this will be improved as part of the upgrade works where bus lanes are proposed, as well as a shared walking/cycling route along the State Highway and pedestrian phases are proposed at intersections.
- [154] Should the timing of projects result in a period where the Proposal is complete, with roading upgrades still in construction, two consent conditions were recommended, as below:
- (a) *“The first is that a crossing facility of State Highway 6 should be put in place for the north-south movement to/from the site. This should provide a convenient route to connect the site to the walking/cycling routes on the southern side of the highway”.*
 - (b) *“The second condition of consent is that a walking link should be put in place to the west of the site, to enable it to connect to Terrace Junction. While this has a number of potential destinations which may be attractive to residents, the key consideration is that it enables the connection of the site to the existing footpath network which currently terminates at Terrace Junction. This also then means that a route is formed for residents to cross State Highway 6A at the existing refuge further east”.*
- [155] The Transport Infrastructure Assessment concluded that these two conditions mean that pedestrian and cyclists movements to and from the site will be appropriately provided for, through eliminating the existing severance created by the highway and connecting to the existing walking and cycling provisions in the area.
- [156] Section 8.0 of the assessment provided a robust consideration of all relevant rules from Chapter 15: Local Shopping Centres; and Chapter 29: Activities, Parking and Loading, Access; and concluded that any resultant non-compliances would be less than minor, as any adverse effects can be suitably mitigated by conditions, if needed, as below:

- (a) Implementation of a car-share schemes for residents would reduce personal car ownership (and hence the need for parking) while not reducing the ability of residents to access a car when required.
- (b) Secure and sheltered cycle parking must be provided at a rate of at least one space per unit.

[157] Carriageway Consulting Limited concluded with the statement *that “the proposal can be supported from a traffic and transportation perspective and it is considered that there are no traffic and transportation reasons why it could not be approved subject to the noted conditions of consent.”*

Comments Received

[158] In response to the Panel’s request for comments on the application, NZTA confirmed that the existing SH 6 intersection with Hansen Road and Joe O’Connell Road was not of an adequate standard to provide for the proposed development. Rule 15.5.5(c) of the PDP requires an intersection upgrade prior to retail and office tenancies operating. NZTA requested changes to the Applicant’s proposed conditions that would apply in the event the NZUP did not proceed prior to the occupation of the site.

[159] Frankton Community Association expressed concern that the car parking provided for residents on site was inadequate with the Proposal relying heavily on the Frankton Bus Hub and noted that the Proposal should provide for easy/good access for road crossings at SH 6 and Hansen Road for vehicles and pedestrians.

[160] City Impact Church identified traffic as a primary concern, in particular the increase in vehicle movements to and from Hansen Road as a result of the proposed development. The proposed development will exacerbate congestion at the intersections of Hansen Road and SH 6, which is already congested at peak times with traffic associated with the Early Childhood Education Centre at 3 Hansen Road.

[161] Country Lane Queenstown Limited queried the accuracy of the Transport Infrastructure Assessment prepared by Carriageway Consulting Limited in respect of the existing traffic environment on Hansen Road in respect of daily vehicle movements, high on-street parking utilisation. Approaches have been made to QLDC to install no-stopping-at-all times broken yellow lines on the northern side of Hansen Road. The efficacy of the ride share car arrangement is questioned; this system being novel in Queenstown.

[162] QLDC requested the Panel consider ensuring there are good footpath links to the bus, cycling and walking networks, sufficient loading spaces for the commercial and retail activities. It also noted that there is no legal on-street parking available on Hansen Road under the Council’s Traffic and Parking Bylaw.

Further Information Requested

[163] The Panel sought further information from the Applicant in respect of the contingency measures proposed if NZUP did not proceed and the impact this would have on the conclusions in the Transport Infrastructure Assessment. The Applicant’s response reiterated its proposed conditions:

- (a) Installation of pedestrian and cyclist crossing of SH 6

- (b) A footpath between Terrace Junction and the site, and
- (c) The prohibition of right-hand turns out of Hansen Road.

- [164] The Panel also sought further information from QLDC as to whether it was satisfied any street parking effects could be managed via creation of formed spaces. QLDC's response stated it had some concerns about the Proposal's reliance on on-street parking Hansen Road. It suggested that the Applicant's Transport Infrastructure Assessment be peer reviewed.
- [165] QLDC noted that the site was located in close proximity to the Frankton Bus Hub, cycle and walking trails, the recreational amenities at Queenstown Events Centre and Frankton Beach, the amenities at Five Mile, Queenstown Central, Remarkables Park Shopping Centre, and Glenda Drive such that reliance on vehicles and associated car parking may be less in reality than modelled by the Applicant.

Peer Review

- [166] The Panel commissioned CKL to undertake an independent peer review of the Applicant's Transport Infrastructure Assessment. The peer review identified that:
- (a) The Transport Infrastructure Assessment appropriately identified the shortcomings in the existing multimodal trip environment due to a lack of connectivity with the site
 - (b) With either the NZUP or the conditions proposed by the Applicant (and modified by NZTA) there is a suitable degree of certainty that the potential for multimodal trips to be made is supported, as is the potential for a corresponding reduction in car trips and parking demand; and
 - (c) There is a shortfall between carparking demand and parking supply - The parking demand generated by the worker accommodation activity of 283 spaces is reasonable, but the car parking demand generated by the commercial and retail units does not appear to have been assessed. It is acknowledged that there are no minimum car parking requirements in the PDP in accordance with the National Policy Statement on Urban Development.
- [167] The peer review made a number of recommendations including increasing the number of ride share cars available to residents to 56, requiring management of the remaining 23 car parking spaces on the site (including on the internal road) through time restrictions and allocation to the commercial and retail spaces.

Applicant's Response

- [168] The Applicant accepted the draft conditions relating to traffic and transport matters including the increase in ride share cars to be provided in the development.

Evaluation and Findings

[169] Matters the Panel considered in relation to this matter included:

- (a) The site's proximity to the Frankton Bus Hub, the Queenstown Events Centre and several commercial centres for shopping and entertainment
- (b) The availability of ride share cars and cycle parking in the development
- (c) The absence of car parking minimums in the PDP; and
- (d) The absence of lawful on-street parking on Hansen Road.

[170] After considering the above, the Panel finds that the effects of the Proposal on traffic, car parking, and the local road network can be appropriately managed through conditions of consent and will be minor or less than minor.

Reverse Sensitivity (Airport and rural)

Airport (Acoustic)

Application

[171] The potential reverse sensitivity effects of the Proposal (specifically with respect to airport noise) were considered in Sections 15.3.1.5 and 15.3.2.4 of the AEE. The assessment acknowledges that the potential for such effects has been a primary concern of QACL, noting that the portion of the site within the Local Shopping Centre Zone is located within the Airport's Outer Control Boundary (Ldn55) (**OBC**).

[172] Mitigation in the form of acoustic insulation and ventilation systems within the buildings in the OCB would be provided to ensure compliance with the respective noise requirements (of Chapters 15 and 36 of the District Plan),. This is supported by an Acoustic Assessment prepared by Norman Disney & Young, which confirms compliance. While detailed design still remains, compliance with these standards incorporates the requirement that all windows and external doors to internal critical listening environments remain closed at all times.

[173] Due to the site's location within the OBC, consultation with the QACL was undertaken (with a summary of their interactions provided in their Appendix 3). This detailed that one of the things that the QACL was concerned about was reverse sensitivity, particularly as the doors and windows are required to remain closed in order to achieve compliance with the necessary standards. They raised concern that as this has the potential to impact user's residential amenity it could be expected that these are opened. This in turn may generate complaints regarding noise and could limit future growth of the airport.

[174] The assessment explained that the potential for reverse sensitivity effects is well mitigated in this instance. Reasons are summarised as follows:

- (a) The mitigation proposed in critical listening environments (insulation and ventilation systems) would attenuate the airport noise, to be compliant with the level of internal amenity anticipated in the Plan. Doors and windows are required to be closed in order to achieve this however fresh air will be provided to all rooms/units via mechanical ventilation systems

- (b) The model of accommodation to be provided means that it is likely the majority of tenants will be medium term or seasonal residents. If at any point the residents are unhappy about the QACL operations, these residents have the choice to find alternative accommodation
- (c) The QACL operations are limited to 6am to 10pm, ensuring that both internal and external nighttime noise levels in the development will be comparable to other urban residential living environments around the district
- (d) There is no requirement or expectation for residential or visitor accommodation rooms/units to provide any outdoor living space in the Local Shopping Centre Zone, however a high quality communal outdoor space is offered for residents as part of the development. Outdoor spaces within the OCB are not required to be acoustically mitigated from aircraft noise, or any other noise, and therefore the amenity anticipated in the outdoor space is that anticipated in the PDP; and
- (e) The site is not in a location where a high level of outdoor amenity is expected, due to number of factors (i.e. its zoning and future anticipated development; noise limits for other activities in the Local Shopping Centre Zone; proximity to SH 6, mixed use developments, service station, roundabouts and construction activities). The assessment therefore considers the expectation for a noise-free outdoor environment is unrealistic, and only a moderate level of outdoor amenity could be expected in the zone, and on this site, regardless of the presence of aircraft noise.

[175] As further mitigation, and to address specific concerns of QACL with respect to the opening of doors/windows and related implications, two covenants are offered, to be registered on the titles to the Site. These are as follows:

- (a) A no complaint covenant will be registered which will advise owners (and consequentially residents) that the accommodation is within the OCB, and no complaints will be permitted for noise associated with the Queenstown Airport operations; and
- (b) A covenant advising that there shall be no removal of any acoustic attenuation from the buildings. Although this is unlikely to be able to occur as it is well integrated into the building, to remove any doubt, this covenant has been offered.

[176] The assessment goes on to comment the other potential noise source that could also generate reverse sensitivity effects, is the adjacent State Highway. It considers that the acoustic mitigation required in response to the site's location within the Local Shopping Centre Zone and OCB will adequately mitigate the noise emitted by the adjoining State Highway, ensuring reverse sensitivity is not a concern.

[177] The assessment also discusses the permitted baseline established in the Local Shopping Centre Zone where 50 above ground residential units are provided for as a permitted activity, subject to acoustic insulation standards. It is argued that this 50-unit limit was imposed as it was demonstrated any more units could potentially adversely affect the roading network; the limit was not in any way related to the OCB or associated potential for reverse sensitivity. The assessment considers that as they have concluded that the traffic and transportation effects of the development are to be suitably mitigated, there is no reason for the density of the proposed

development (and therefore the potential for reverse sensitivity effects) to be limited to 50 units on this site.

Comments Received

- [178] QACL opposed the application because the deliberate placement of an intensive residential activity, being an activity sensitive to aircraft noise within the OCB, was contrary to planning policy in the Frankton urban area under which residential densities have not been allowed to increase in order to protect the amenity of future residents and the ongoing operation of the Airport. QACL identified a number of provisions in the Partially Operative Regional Policy Statement for Otago 2019 and the Proposed District Plan, including objective 4.2.2A and policies 4.2.2.14-17 in the Proposed District Plan.
- [179] The NZ Transport Agency Waka Kotahi noted that the southern boundary of the site is also located adjacent to State Highway 6 and there is potential for effects on health and wellbeing from noise and vibration due to the sensitive nature of the worker accommodation activity. Conditions relating to façade treatment were supported.

Peer Review

- [180] The Panel commissioned Styles Group to undertake an independent peer review of the Applicant's Acoustic Assessment. The peer review identified that the Proposal is likely to fail to comply with the standards in rule 15.5.4 of the Proposed District Plan because some individual elements of the façade will not have an airborne sound insulation of at least 40 dB Rw+Ctr determined in accordance with ISO 10140 and ISO 717-1. It recommended that the Applicant:
 - (a) Either demonstrate that each individual element of the façade could comply with rule 15.5.4, or
 - (b) Amend its application to infringe rule 15.5.4 to the extent that the entire façade complies with the standard in rule 15.5.4 as a whole.
- [181] The peer review also commented on the mechanical ventilation in the OCD, the operational noise generated by the Proposal, construction noise and vibration and the Applicant's proposed conditions.
- [182] The Panel found the peer review helpful, including in particular, the summary set out in response to QACL's comments on the Proposal:
 - (a) The proposed units are close to the outer edge of the OCB and some units are outside it
 - (b) The proposed acoustic treatment measures (even if they are relaxed slightly to require the 40 dB Rw+Ctr to apply to the whole façade) will result in very low levels of future aircraft noise inside the Critical Listening Environments. Internal noise levels are likely to be well below 25dB LDN – this is significantly lower than the generally accepted level of 40dB LDN inside habitable rooms applied in land use controls around most other new Zealand airports
 - (c) The future aircraft noise levels inside Critical Listening Environments in the OCB will be significantly lower than the aircraft noise levels in the Critical

Listening Environments just outside the OCB (in the northeast of the Site). This is because the acoustic treatment provisions apply inside the OCB but not outside it; and

- (d) The future outdoor aircraft noise levels will vary across the Site, but perhaps 56dB LDN_h (estimated) to 54dB LDN (or between 54 and 55 dB) at the units just outside the OCB. The difference between 54dB LDN and 56dB LDN_h will not be noticeable to any person. The outdoor environments inside the OCB will be subject to future aircraft noise that is slightly higher than what is normally desirable for a residential area. The adverse effects of aircraft noise outside are generally limited to annoyance and some disruption of outdoor activities, such as socialising and passive recreation. The effects in this case will be relatively low given the Sites proximity to the edge of the OCB. The effects can be mitigated to some degree by designing and managing the outdoor areas such that the occupants will not have high expectations for outdoor amenity.”

Applicant's Response

- [183] The Applicant accepted Styles Group's "option 2" and amended its Proposal to seek additional consent for a breach of rule 15.5.4.

Evaluation and Findings

- [184] The Panel accepted Styles Group's recommendations as to conditions and included them in the draft conditions. With the conditions imposed, the Panel considers that the potential reverse sensitivity effects of the Proposal on the Airport are less than minor and that the effects associated with residential activities in the OCB, operational noise generated by the Proposal, and construction noise and vibration, can be appropriately mitigated and managed.
- [185] The conditions relied on the inclusion of the *Augier* conditions imposed in response to the Applicant's clear and unequivocal undertakings in its application and conditions proposed by the Applicant including:
 - (a) A condition requiring the registration of a no complaints covenant in favour of the Queenstown Airport Corporation; and
 - (b) A condition requiring the retention of acoustic attenuation in the buildings.

- [186] The Panel is satisfied that the acoustic mitigation through design of the buildings will adequately mitigate external noise, including noise generated by the Airport and SH 6 ensuring reverse sensitivity is not a concern with the location of residential development on this site.

Potential Effects (Rural Land Uses)

- [187] The potential reverse sensitivity effects of the Proposal on adjacent rural land uses were not considered by the Applicant in its AEE. The assessment of the potential for reverse sensitivity effects was predominantly focussed on the Airport, and to a lesser extent, the adjacent State Highway.

Panel findings (Rural Land Uses)

- [188] The Panel has considered the application and made its own judgment, that effects are anticipated to be negligible. While the location of the Proposal is adjacent to rurally zoned land, the site is physically disconnected from any active rural land uses and located near to Local Shopping Centres, Transport Hubs, State Highways and other mixed use activities. The land to the north of the site is an ONL, which has steep topography and is currently used for pastoral grazing. It is considered that there is little-to-no potential for any more active land uses to eventuate in this location that would have the potential to be affected by reverse sensitivity (without consent approval). Therefore, it is not anticipated that rural land uses will be subject to reverse sensitivity effects as a result of the Proposal and its occupation of a small area of rurally zoned land.

Infrastructure & Servicing Effects

Potential Effects

- [189] The potential effects of the Proposal on infrastructure were considered in Section 15.3.2.5 of the AEE, by way of a summary of the “Junction Village Worker Accommodation Infrastructure Report” provided in Appendix 8 and 8A prepared by A. Hopkins, of Paterson Pitts Group.

Comments received

- [190] QLDC’s comments, in response to the Panel’s request for comments, included:
- (a) Identification that the Proposal relied on infrastructure, including three waters servicing, authorised by other resource consents and requested the Panel ensure that these will be relied on or any relevant requirements included in this consent
 - (b) Concern that the NZ Fire Service Code of Practice for Firefighting Water Supplies SNZ PAS 4509:2008 are not able to be fulfilled by hydrants alone and that the conditions include requirements for sprinklers within the buildings
 - (c) Concern that buildings D & E are in very close proximity to the buried onsite soakage gallery that is to be vested in QLDC under another resource consent. It is structurally critical that foundations are not irrigated or compromised by the adjacent buried soakage gallery and that QLDC can adequately maintain and replace the buried system without fear of catastrophic building failure or damage. In the absence of any evidence to prove that the foundations would not comprise the system, it was recommended that conditions be imposed to address the matter; and
 - (d) A recommendation that the conditions include a requirement for underground power and telecom service connections.
- [191] Comments received from the City Impact Church included concern that the final levels and impervious area may cause flooding onto the surrounding sites and roads. The City Impact Church also requested that the stormwater system and its associated maintenance be assessed to ensure adequate capacity.

- [192] Comments received on infrastructure (wastewater and stormwater) from Aukaha and TAMI have been addressed under “Cultural Effects” below.

Responses to Draft Conditions

- [193] The QLDC response to draft conditions recommended inserting a condition addressing building foundations for Blocks D&E in proximity to the onsite soakage, to address the concern raised in their original comments.

Panel Evaluation and findings

- [194] The Panel agrees that conditions can be imposed to address any adverse effects arising from wastewater, stormwater, water supply and network utilities to service the Proposal (and in respect of stormwater managed the concerns raised by the City Impact Church) specifically those for engineering review, and acceptance and completion of these works prior to occupation of the buildings. The Panel also accepts the condition recommended by QLDC addressing building foundation in proximity to the onsite soakage is appropriate.
- [195] With imposition of the above conditions, the Panel finds any adverse effects will be less than minor.

Natural Hazards

Potential Effects

- [196] The potential effects of the Proposal on natural hazards were considered in Section 15.3.7 of the AEE, by way of a brief summary of the “Geotechnical Assessment Report” provided in Appendix 9 prepared by both John Konsal and Mark Adam, who are respectively a Geotechnical Engineer and an Engineering Geologist, at RDA Consulting.

Comments received

- [197] Comments received from The City Impact Church regarding flooding have been addressed under the “servicing effects” section above.

Panel findings

- [198] The Panel has considered the application and the material presented before it and finds that with the imposition of conditions, the effects will be less than minor.

Ecological Effects

Potential Effects

- [199] The potential effects of the Proposal on ecology were considered briefly in Section 15.3.3 of the AEE, which concluded there would be no adverse effects given:
- (a) The area of the site to be developed is devoid of any notable vegetation and natural ecosystems, having already been earth worked and is currently amid construction activities

- (b) Infrastructure, earthworks, and all construction will be managed to ensure no adverse effects on the water quality of fresh water, notably the irrigation water race behind the development; and
- (c) Some pest weed management and subsequent planting is proposed of the ONL at the rear of the site, and upon completion of the development, the site will be landscaped. The AEE comments that these works would result in a positive outcome, enabling ecological linkages to the other, surrounding sites.

Panel findings

- [200] The Panel finds the proposed development will have negligible adverse effects on the current ecological values of the site. The Panel noted that eradication of pest weeds and planting were proposed within the ONL, and landscaping of the site post construction should be considered as mitigation for the visual impact of the development, not to offset any potential adverse ecological effects.

Greenhouse Gas Effects

Potential Effects

- [201] The potential effects of the Proposal with respect to greenhouse gas emissions were considered in Section 15.3.2.7 of the AEE, which included a summary of the "Sustainable Design Support" report provided in Appendix 27, prepared by DETA Consulting Ltd. The objective of this report was to provide sustainable design opportunities able to be utilised within the building design, with a focus on options to reduce energy consumption and carbon emissions. It was unclear from this report who wrote the assessment and what their credentials were.
- [202] The draft conditions of consent prepared with the Application required that detail on the sustainable approaches to be utilised in the building would be provided at detailed design stage.
- [203] The AEE noted that currently, many employees travelled across town and from outside the district (such as Cromwell, Clyde, Alexandra and Wanaka, likely due to the shortage of housing) into Frankton and Queenstown for employment where daily commutes of 90km and 1.5 hours each way are not uncommon. This Proposal would result in a significant reduction of carbon emissions if many more workers were able to reside in the development and utilise adjoining pedestrian/cycle routes and the public travel corridor. The Economic and Social Impacts Assessment prepared by Benje Patterson (attached as Appendix 25 to the Application) estimated that approximately 5,451 jobs were available near the site that could be accessed by active travel (namely pedestrians/cyclists) and/or public transport.
- [204] The AEE concluded that with the inclusion of the above measures, the Proposal would benefit through sustainable design and ultimately reduce greenhouse gas emissions.

Panel evaluation and findings

- [205] The Panel finds that the Proposal would benefit through sustainable design and would reduce and manage greenhouse gas emissions generated by the Proposal.

- [206] The Panel also recognises that the construction management plan required by conditions of consent includes the identification of the sustainable construction management measures to be implemented for the duration of construction.

Archaeological/Heritage Effects

Potential Effects

- [207] The potential effects of the Proposal on archaeological and historic heritage sites of value were considered in Sections 11.3 and 15.3.4 of the AEE. The Proposal is located adjacent to the Frankton Cemetery which is designated within the Plan, but is not recorded as an archaeological site. The Cemetery is bounded by a stone wall and gates which are registered as a historic heritage feature (Ref. 47) in the PDP
- [208] Consultation with heritage specialists and QLDC was undertaken as part of the underlying subdivision approval and continues. As part of this approval, a public pathway with planting would be established around the perimeter of the common boundary with the cemetery, adjoining the heritage wall.
- [209] There would be works near to the common boundary with the cemetery, however considering the separation the above path and planting provides (which will be protected by a public access easement), adverse effects were not anticipated.
- [210] An early Heritage Assessment from February 2011 was discovered (prepared by Jackie Gillies & Associates for a previous plan change) after which comment was sought from Origin Heritage Consultants. They confirmed via brief email that the development was unlikely to have heritage effects., and from a heritage perspective, the “extent of place” did not extend past the title of the cemetery site. They did not anticipate that a heritage authority would be required for the development.

Peer review

- [211] The Acoustic peer review of Mr Styles highlighted that there would be a need to monitor and manage vibration at the Frankton Cemetery when high-vibration works are undertaken within 30 m of the cemetery boundary. These have been addressed under the “construction effects” above.

Draft Conditions

- [212] In response to the draft conditions, Papatipu Rūnaka supported the inclusion of an Accidental Discovery Protocol condition, however, recommended amendments be made to make the process clearer if kōiwi or other artifacts are discovered during construction, and the inclusion of provision for cost recovery by iwi representatives or their supporting entities during such processes.
- [213] Commentary from QLDC in respect of heritage effects was outlined under the “construction effects” above.

Panel findings

- [214] The Panel finds that with imposition of the proposed conditions, the potential for adverse archaeological and historic heritage effects would be suitably avoided, and as with the findings for the construction effects, potential effects can be managed

via conditions of consent. The Panel also accepted the amendments to the Accidental Discovery conditions by Papatipu Rūnaka.

Loss of Productive land

Potential Effects

- [215] Consideration of the adverse effects resulting from the loss of productive land was not directly addressed in the AEE but consideration was given to the Proposal's consistency with, and applicability of, the National Policy Statement on Highly Productive Land (**NPSHPL**) (in Section 12.3.3). The area of rural land subject to the application was not considered to be highly productive (despite its LUC rating (LUC2)) given its comparatively small area, segregation from other rurally zoned land (by topography), location within a very urban context and current use.

Panel evaluation and findings

- [216] The Panel notes that this part of the site is predominantly flat and has a strong physical and visual connection with the 'urban' zoned land. It lacks distinctive topographic and landscape features that contribute to any rural character, and its scale and shape, as well as being isolated from any rural activities, make it unsuitable for accommodating any functioning rural activities.
- [217] The Panel finds that the development will not adversely affect the productive capacity of the rural zone. The productive potential of the soil is very limited and when considering the area and its location, it not practical to be used for productive purposes.

Urban Design Effects

- [218] The potential urban design effects of the Proposal were considered in Section 15.3.2.2 of the AEE, which included a summary of the findings from the "Urban Design Assessment" report provided in Appendix 24, prepared by Reset. In summary Reset found that "*the proposal aligns well with the existing site context and fits well with the planned future urban environment along the SH6/SH6A corridors. The proposed development will make a positive contribution to the role and functionality of the Frankton local centre, offering suitable commercial uses and a diverse range of residential options.*"

Panel Evaluation and Findings

- [219] The Panel notes that some of these comments are relevant from an urban design perspective, in particular those relating to the integration with the existing surrounding character. The changes made to the application to reduce the height of buildings will assist with this integration.
- [220] In general the Panel finds that the Proposal will have urban design effects that would not be more than minor. Although the Reset Report was not updated for the revised proposal, key design components were retained and thus are still relevant. These are:
- (a) Between each building, open areas (walk/cycle ways) are proposed to ensure viewing shafts and permeable connections from the State Highway to the internal spine road within the site

- (b) The SH 6 streetscape elevation will feel varied along the facades as the buildings undulate not only in their position but also by virtue of their L-shaped design and surrounding landscape treatment
- (c) On the ground plane, over 50% of the on-grade levels of each building (excluding A-C) will be retail and food and beverage outlets facing each other, the State Highway, or the central spine road. These will spill out into the common areas to create active exteriors; and
- (d) The landscape planning is designed to provide a parkland environment for residents to enjoy, that features a variety of trees (native and exotic), cobbled areas, and potted plants.

Economic Effects

Potential Effects

[221] The potential economic effects of the Proposal were considered in Section 15.3.1.7 of the AEE, which included a summary of the “Economic and Social Impacts” assessment report provided in Appendix 25, prepared by Benje Patterson of Benje Patterson Ltd. The report concluded that generally these outcomes would be positive, given:

- (a) The provision of 554 rooms/units (capable of accommodating up to 710 persons²⁰) provides economic benefits through enabling local businesses to operate without staff shortages (that are currently a direct result from the housing shortage in the district). The inclusion of a variety of room/unit typologies will enable the development to cater to a range of accommodation price points
- (b) Collectively the labour supplied by the workers living at 1 Hansen Road would help generate approximately \$60 million of GDP annually in the Queenstown Lakes economy, being 1.5% of all Queenstown Lakes current economic output; and
- (c) Over 540 fulltime equivalent jobs will be created through the pre-construction, construction, and post-construction phases of the development. These are described below:
 - i. Pre-construction (which has already commenced): being Proposal design, engagement of expert consultation, consenting processes, and detailed design roles
 - ii. Construction: active project management of the development, prepare the site for development (via earthworks), provisions of infrastructure, building construction, and the supply and production of all related materials; and
 - iii. Post construction: Ongoing income generation and employment through the ground floor retail tenancies, and on-site

²⁰ Although the number of rooms has reduced, the number of people accommodated remains the same.

management of the accommodation development and its occupants.

- [222] In addition to the direct economic benefits of the employment created pre, during and post development, the Economic and Social Impacts assessment explains that an economic multiplier effect could be created (of 2x or 3x). This would generate positive effects on other local business, for example. supermarkets, banks, restaurants, entertainment facilities, sports facilities and trades people (who would undertake on-going work and maintenance on the site).

Panel findings

- [223] The Panel notes that as a result of the Revised Proposal, the number of rooms was reduced to 476 but the Applicant advised the number of people that could be accommodated would remain the same. The Panel considers the benefits identified in the Economic and Social Impacts report would remain largely the same.
- [224] The Panel finds that the economic effects to be generated by the development would be positive for the reasons described in the AEE and accompanying assessment. The Panels also acknowledges that the provision of accommodation of this nature may also contribute to a more equitable economy by freeing up other housing for permanent residents. The Proposal would also assist prosperity through the direct provision of “workers accommodation”, where there is currently a significant shortage in housing and accommodation options for tenants needing accommodation for longer than 90 days.

Positive Effects

Potential Effects

- [225] The potential positive effects resulting from the Proposal have been considered in Section 15.3.8 of the AEE and include from the development itself, on the neighbourhood, community, and wider Queenstown Lakes District, as follows:
- (a) The provision of medium to long term accommodation for up to 710 people (within 476 rooms/units), intended for local employees. This will benefit the economy of the district by enabling local businesses to operate without staff shortages directly resulting from the housing shortage in the district
 - (b) The Proposal would result in some 540 full time equivalent jobs created, through the design, construction and operation phases
 - (c) The worker accommodation demand is likely to be primarily among people in tourism-focussed industries, as well as construction. These industries account for more than half of all jobs in Queenstown Lakes. The accommodation would provide more than 10% of the expected increase in demand for rental accommodation (6,582 people) in Queenstown Lakes District over the next decade
 - (d) The Proposal would provide for a diversity of rental housing in the district through a mix of hostel-type accommodation with shared cooking and living facilities, and 1, 2, and 3 bedroom apartments

- (e) Due to the high density design, site layout, ground floor retail which will service the site, and internal and external communal facilities, the development would provide for a community within the development itself, providing for the social needs of residents. The location of the site, and nature of development in turn will integrate the social benefits into the wider community
- (f) The development provides for a reduction in carbon emissions through limited car parking availability and the incorporation of alternative modes of transport (electric vehicle/bicycle charging locations and bike storage), and by providing accommodation in walking distance to employment
- (g) The worker accommodation node is appropriately located, being located within an established urbanised area, between two main employment centres (Frankton Business Hub and Remarkables Park and Queenstown Town Centre) and on a public transport route, with pedestrian and cycling provision (which will be upgraded by Waka Kotahi)
- (h) Sustainable design options would be incorporated into the development at detailed design stage; and
- (i) The planting of the hillslope (ONL) and site would increase biodiversity and enable ecological linkages with the wider Queenstown Hill.

Panel findings

- [226] The Panel agrees that the development will provide for the positive effects described above.

PART E: PLANNING INSTRUMENTS AND OTHER RELEVANT MATTERS

National Planning Instruments

National Environmental Standards

- [227] In relation to the **National Environmental Standard for Assessing and Managing Contaminants in Soil to Protect Human Health (NES-Soil)**, section 12.1.3 of the AEE states:

‘A Detailed Site Investigation has been previously prepared for the site (**Appendix 21**) which identifies the site is not a HAIL site, and therefore the NES does not apply. As such, no assessment of objectives or policies is required’.

- [228] The DSI prepared by Opus International Consultants Limited (Appendix 21 to the AEE), was prepared in 2016 to support a land use change, to a “*high density multi-unit development that would comprise a mix of residential and commercial apartment blocks (12 total) surrounded by car parking and grassed areas*”. This report concluded it was highly unlikely that there was a risk to human health resulting from the proposed development (at that time) and the site was considered suitable for development in accordance with the provision of this NES.

- [229] The Panel accepts the assessment that no issue arises in relation to the Resource Management (National Environmental Standards for Human Drinking Water) Regulations 2007, in that drinking water will be provided via the public reticulated network, and not the water race at the sites rear (which is used for irrigation).

National Policy Statements

National Policy Statement on Urban Development 2020

- [230] QLDC is identified as a Tier 2 local authority in the National Policy Statement on Urban Development 2020 (**NPS-UD**), meaning all provisions except Policies 3 and 4 (which apply to Tier 1 authorities) apply.
- [231] The Panel has reviewed the relevant objectives and policies in the NPS- UD, which are those that refer to “planning decisions”. In *Eden-Epsom Residential Protection Soc Inc v Auckland Council* and more recently *Middle Hill Ltd v Auckland Council*, the Environment Court decided that there is no requirement to give effect to objectives and policies in the NPS-UD that do not require planning decisions. In this regard, the Court in *Middle Hill* held that Objectives 2, 5 and 7 and Policies 1 and 6(c) and 6(e) were the only provisions of the NPS-UD on which the Court must focus. While those cases related to private plan changes, the findings of the cases would appear to be relevant to “planning decisions” involving resource consents also.
- [232] Section 12.3.2 of the AEE addresses Objectives 1, 2, 3, 4, 6 and 8, and Policy 1, and to some extent, Policy 6. It does not directly address Objective 5 (relating to the need to take into account the principles of the Treaty of Waitangi), Objective 7 (which relates to the need for local authorities to have robust information about urban environments to inform planning decisions) or Policy 6(c) and (e) (relating to the benefits of urban development and the likely and current and future effects of climate change), although these are generally discussed elsewhere in the AEE.

- [233] The AEE assesses that the Proposal aligns with the objectives and policies of the NPS-UD.
- [234] The Panel agrees with the Applicant's overall assessment of the NPS-UD, although focusses its assessment on objectives and policies relevant to "planning decisions" as broadly discussed below:
- (a) Objective 2 - The Proposal is likely to assist in addressing the districts housing affordability problem and will support competitive markets through a unique contribution to the market and targeted at relieving housing supply through the provision of rental accommodation specific to "workers"
 - (b) Objective 5 - Consultation with two iwi authorities (Aukaha and Te Ao Marama Inc) has been ongoing, with opportunity to comment on the Proposal and draft conditions offered. The detailed design of the Proposal will continue to enable them to express their cultural traditions and norms through inputs into design and landscaping responses
 - (c) Policies 1 and 6(c) - The Panel considers the Proposal is capable of contributing to well-functioning urban environment:
 - i. It will enable an accommodation option that is not currently well provided for in the area, with individual units offered in a variety of typologies (being a mix of apartments and hostel arrangements) to meet the needs to the more transient nature of workers in this region. The involvement of iwi and the Proposal's effect on housing affordability are addressed above (Policy 1(a) and 6(c))
 - ii. The Proposal provides for a variety of business sectors within the Site, seeking to establish both residential (workers accommodation) units and commercial/retail/food and beverage/office activities at the ground level. (Policy 1(b))
 - iii. The Proposal site is located within an established urbanised area, between two employment centres and on a public transport route, with pedestrian and cycling provision. The Proposal will offer a variety of onsite retail/commercial activities (as noted above) that will service the site, and internal and external communal facilities, with larger scale community facilities accessible locally (i.e. airport; medical centres/hospital; supermarket). Natural landscapes and open spaces are nearby and accessible (Policy 1(c))
 - iv. The Panel also notes Policy 1(c), and minimum expectations for good accessibility, including by way of public or active transport. The Proposal will assist in the importance of achieving a modal shift from private car to bus and active travel through:
 - The future NZUP upgrades for active mode connections and future upgrades of public transport infrastructure are noted, and the sites' proximity to these upgrades is also acknowledged. In the interim the Proposal includes appropriate interim measures to enable "active mode" connections to a wider network and public transport; and

- The Proposal limits private car use through its overall design (and inherent lack of car parking and reliance only on a ride share scheme), plus onsite parking for active travel modes.
- v. The Proposal will support the competitive operation of the land development market through the provision of accommodation options into the rental housing market (Policy 1(d)); and
 - vi. A large number of feasible options exist to suitably reduce and manage greenhouse emissions to be generated by the Proposal, and subsequently, climate change. Most notably, the Proposal will utilise a range of sustainable building design elements; reduce dependency on private motor vehicles and promote shared transport, public transport and active transport methodologies (with connections to the nearby transport hub, onsite bicycle storage facilities, and a car share programme). (Policy 1(e) and (f)); and
- (d) Policy 6(e) - the Panel is generally satisfied that the potential effects of climate change have been adequately addressed, as the AEE states and as noted above with respect to managing greenhouse emissions. The ability for all existing/consented infrastructure to cater for the proposed development has considered the impact of climate change, particularly with respect to stormwater.

[235] With respect to Objective 7 (which relates to the need for local authorities to have robust information about urban environments to inform planning decisions), QLDC does not appear to have a Future Development Strategy, as required in accordance with Subpart 4 of Part 3 of this Policy Statement. However, as the AEE describes, QLDC has produced two non-statutory documents that could be considered a similar strategy or plan (the Queenstown Lakes Spatial Plan and Frankton Masterplan). Both these documents include the site, with the Local Shopping Centre Zone within the UGB and Rural Zone (outside the UGB). The Queenstown Lakes Spatial Plan identifies Frankton (including the site) as being a Metropolitan Centre, which provide for *'a broad range of commercial, community, recreational and residential activities ... the urban form is predominantly high density'*. The Frankton Masterplan identifies the future use of this site to be mixed use *'including residential, with small to medium format retail fronting SH 6'*. Though the above does not apply to the rurally zoned area of the site, the Panel accepts these non-statutory documents provide an indication as to the form of development that is anticipated.

National Policy Statement for Highly Productive Land 2022

[236] Section 12.1 of the AEE considered the Proposal with respect to the NPSHPL, and stated that:

“The NPS for Highly Productive Land is relevant as the rurally zoned land within the site, particularly the small 'rural triangle' on the flat part of the site that will be incorporated within the development is classified as LUC 2”.

[237] Although a Land Use Classification score of 2 does indicate the land should have a productive potential, the AEE, with consideration of the relevant clauses of this NPS, concluded that the “rural triangle” part of the site is not considered Highly Productive Land, stating the following:

“the 'rural triangle' does not form a large and geographically cohesive area considering differing land ownerships, and the parcels of urban land” {referencing Clause 3.4(1)(c);

“the land is identified for future urban development in the non-statutory growth plan of the Queenstown Lakes Spatial Plan, and the Frankton Masterplan (Attached as Appendix 22 and 23), being a 'strategic planning document' (as defined in the NPS” {and referencing Clause 3.4(2)}.

“the land is a small, discrete area of LUC 2, but separated from a large and geographically cohesive area of LUC 1, 2 or 3 land, through the topography of the site, being the hill slope behind, the roading network, and urban development, and therefore need not be included as Highly Productive Land” {referencing Clause 3.4(5)}

[238] The Panel agrees the productive potential of the soil is very limited. When considering the area (approx. 3660 m²) and location of the “rural triangle” (between an approved car storage building, the Local Shopping Centre Zone, the water race and a paper road (with low density residential and mixed use business on the opposite side of the road)), it is not practical for the land to be used for productive purposes. Further, this portion of the site has already been earth worked via existing resource consent approved by QLDC and it is likely that the soils have already been significant disturbed (and/or stripped).

[239] The above factors are considered to limit any contribution towards productive potential of this portion of land. Therefore, the Panel accepts this assessment.

Regional Planning Instruments

Regional Policy Statements

[240] Section 12.5.1 and 12.5.2 of the AEE addressed the Partially Operative Otago Regional Policy Statement 2019 and the Proposed Otago Regional Policy Statement 2021.

[241] The Panel concurs with these assessments and finds that the Proposal is generally consistent with the Regional Policy Statements as it:

- (a) Provides for the economic, social and cultural wellbeing of the Queenstown community as it will support the region's economy by providing additional jobs
- (b) Would contribute to the supply of worker accommodation
- (c) Is coordinated with infrastructure for servicing; and
- (d) Seeks to reduce greenhouse gas emissions through construction techniques and reduction in motor vehicle use.

[242] The Panel records that in respect of the relevant RPS matters as relevant to effects on natural landscapes that there is a degree of inconsistency with objectives and policies that seek to protect the values of the ONL as the development does not avoid all effects on ALL values (however notably creates some positive effects on other values).

QLDC District Plans

[243] The ODP and PDP are relevant.

[244] In terms of relevant PDP rules, Appendix 16 of the AEE provided a list of relevant rules, with brief commentary also provided in a “Reason” column.

Operative District Plan

[245] The AEE did not address the ODP, however comments on the Proposal received from QLDC identified that the objectives and policies should still be considered. The Panel agrees.

[246] The Applicant addressed the ODP objectives and policies in Annexure 1 to the Response to Further Information dated 29 April 2024, and that response provided commentary on the “weight” to be given to the ODP provisions.

[247] The Panel largely accepts the assessment from the Applicant (including that the PDP provisions should be afforded more weight) however, the Panel findings in respect of effects “in” and “on” the ONL have been addressed in considerable detail under the PDP and differ from the Applicant’s assessment. In general:

- (a) There is a degree of inconsistency with objectives and policies that seek to protect the values of the ONL (e.g. Objective 4.2.5 and its corresponding Policy 3) as the development does not avoid all effects on ALL values (however notably creates some positive effects on other values); and
- (b) While some objective and policies (e.g. 4.2.5 Policy 6) seek to avoid new development in ONLs in Wakatipu basin, and thus a degree of inconsistency will occur, the portion of the ONL where development will occur can be distinguished from the hillslope (where the key ONL values are identified).

Proposed District Plan Objectives and Policies

[248] These are discussed in the section below.

Section 104D – Non-complying activity

[249] Under section 104D of the RMA, the Panel (acting as a consent authority) may only grant a resource consent for a non-complying activity if it is satisfied that at least one of the following two ‘gateway’ tests are met:

- (a) The adverse effects of the activity will be minor, under s104D(1)(a); or
- (b) The activity will not be contrary to the objectives and policies of a plan (and/or proposed plan, if there is one), under s104D(1)(b) RMA.

[250] Section 104D has been considered by the Courts to be both an ‘entry’ and ‘exit’ test and a ‘threshold or high level test’ that establishes jurisdiction for a decision maker to consider a resource consent application under s 104(1). The tests under sections

104 and 104D are different, however, and an application passing the broad or high level filter of s104D will not necessarily be granted consent under s104(1).²¹

- [251] In terms of whether section 104D or section 104 should be considered first, the Applicant submitted the Panel simply needed to ensure it addressed section 104D as part of the decision-making process but other than that considered the requirements of both could be met in whatever order the Panel decided to make its assessment.

Adverse effects of activity will be minor

- [252] In terms of section 104D(1)(a), in the AEE, the Applicant reached the conclusion this gateway test was met because the effects from the Proposal, as assessed by the Applicant, would potentially be minor.
- [253] After carefully considering the revised Proposal and proposed conditions, the Panel has found that although there will still be some adverse effects, overall the adverse effects of the Proposal on the environment will be minor.

Not contrary to objectives and policies of RCP

- [254] The second limb of the gateway test relates to whether a Proposal is contrary to the objectives and policies of the relevant plan.
- [255] In relation to the second limb of the gateway test, the Applicant's AEE concluded that, overall, granting consent would not be contrary to the objectives and policies of the PDP, and the application therefore passes the second gateway test of s104D(1)(b).
- [256] In terms of s104D(1)(b), the Panel has been mindful that consent for non-complying activities is unlikely to find direct support from any specific provisions of a plan. The Court of Appeal has noted: ²²

'The Act provides for a spectrum of activities ranging from prohibited to permitted. In between are non-complying, discretionary and controlled, activities. There is a clear conceptual difference between a prohibited activity and a non-complying one. Consent may be granted for the latter, but not for the former...'

- [257] The way policies are worded is important when interpreting their meaning and applying them to a Proposal before a decision-maker. Where plans use directive terms such as "avoid", "protect" and "ensure", these should be given greater weight than less directive worded policies. If a Proposal involves an activity which a plan directs should be avoided, it is more likely to be contrary to the objectives and policies of the plan than when the plan uses less directive language.²³
- [258] Context is also relevant. Although some policies may use directive words, their context may dictate more or less weight is given to those objectives or policies e.g. the words following, may deal with subject matter that is relatively confined and less

²¹ *Foster v Rodney DC* [2010] NZRMA 159 (EnvC).

²² *Arrigato Investments Ltd v Auckland Regional Council (Arrigato)* [2002] 1 NZR 232 (CA) at [17]

²³ *Glenpanel development Ltd v Expert Consenting Panel* [2023] NZHC 2069

directly relevant in the big picture. Or they may be zone and Proposal relevant. Not every objective or policy with directive words will have more weight attached to it.

- [259] The Panel accepts it is required to give 'a fair appraisal of the objectives and policies read as a whole'.²⁴ However, the Panel understands there may be some circumstances where a single objective or policy could be sufficient for a Proposal to fail the second limb of the gateway test - if it is contrary to an objective or policy which, when the plan is read as a whole, is very important and central to the Proposal before the consent authority, it may be open to the consent authority to find the Proposal is contrary to the objectives and policies under s104D.²⁵
- [260] The Panel also notes that 'inconsistent with' is not the same as 'contrary to',²⁶ and that 'contrary' should not be restrictively defined. The Panel notes 'contrary' contemplates being opposed to in nature, different to, or opposite and also repugnant and antagonistic; and, therefore, means something more than just non-complying. The Panel acknowledges that a Proposal which is a non-complying activity cannot for that reason alone be said to be contrary.²⁷
- [261] Finally, the relevant plan provisions must all be considered comprehensively and, where possible, appropriately reconciled.²⁸
- [262] The Panel has carefully considered all of the relevant objectives and policies of both the ODP and the PDP but below highlights the most relevant directive objectives and policies relevant to the zones and particular activity. The relevant Chapters are:
- (a) Chapter 3 Strategic Direction
 - (b) Chapter 4 Urban Growth
 - (c) Chapter 6 Landscape and Rural Character
 - (d) Chapter 15 Local Shopping Centre Zone
 - (e) Chapter 21 Rural Zone; and
 - (f) Chapter 29 Transport.

Chapter 3 Strategic direction

- [263] This chapter gives guidance about interpretation and application in relation to other chapters. For plan implementation (which includes determining resource consents) it provides:²⁹

²⁴ *R J Davidson Family Trust v Marlborough District Council* [2018] NZCA 316 at [73].

²⁵ *Queenstown Central Ltd v Queenstown Lakes District Council* [2013] NZRMA 239 at [126]-[127].

²⁶ *Crater Lakes Park Ltd v Rotorua District Council* EnvC A126/09, 2 December 2009 at [171].

²⁷ *NZ Rail Ltd v Marlborough DC* [1993] 2 NZLR 641, [1994] NZRMA 70.

²⁸ *Royal Forest and Bird Protection Society of New Zealand Inc v New Zealand Transport Agency* [2021] NZHC 390 at [30].

²⁹ PDP 3.18.

- (a) The Strategic Objectives and Strategic Policies in this Chapter may provide guidance on what the related objectives and policies in other chapters of the Plan are seeking to achieve in relation to the Strategic Issues; and
- (b) The relevant objectives and policies of the plan (including Strategic Objectives and Strategic Policies in this Chapter) are to be considered together and no fixed hierarchy exists between them.

[264] Relevant overarching objectives in this chapter from which directive objectives and policies flow include:

- (a) Objective 3.2.1 - The development of a prosperous, resilient and equitable economy in the District
- (b) Objective 3.2.2 Urban growth is managed in a strategic and integrated manner; and
- (c) Objective 3.2.5 The retention of the District's distinctive landscapes.

[265] Objectives and policies that flow from this seek to **protect** ONLs both within and outside the Rural Zone (Objective 3.2.1.8, Objective 3.2.5.2.a, Objective 3.2.5.3, policy 3.3.30), rural landscapes (Objective 3.2.2.1), and regionally significant infrastructure from incompatible activities (policy 3.2.24B), and **avoid** adverse effects on ONLs from residential subdivision, use and development where there is little capacity to absorb change (policy 3.3.31).

[266] The Proposal accords and assist to achieve the overarching objectives, along with Objective 3.2.2.1 and Policy 3.2.24B. Although it does not accord with the remaining directive objectives and policies in this Chapter (given the Panel's findings about some adverse effects on the ONL); overall, the Panel consider the Proposal is not contrary to these provisions.

Chapter 4 Urban Growth

[267] As mentioned in earlier in this decision, a reasonable portion of the development is outside the Urban Growth Boundary, in the Rural Zone.

[268] The relevant overarching objectives in this chapter is 4.2.1 Urban Growth Boundaries used as a tool to manage the growth of urban areas within distinct and defensible urban edges.

[269] Policies that flow from this objective seek to:

- (a) **Ensure** that urban development is contained within the defined Urban Growth Boundaries and avoided outside of those boundaries, Policy 4.2.1.3; and
- (b) Rural land outside of the Urban Growth Boundaries **is not used** for urban development until a change to the Plan amends the urban Growth boundary and zones additional land for urban development purposes, Policy 4.2.2.20.

[270] As the proposed development is not contained within the UGB, it conflicts with the above two policies.

- [271] A further policy is to **Ensure** lighting standards for urban development avoid unnecessary adverse effects on views of the night sky, Policy 4.2.2.10. Conditions are proposed so the Proposal will accord with and assist to achieve this policy.

Chapter 6 Landscape and Rural Character

- [272] A small part of the development is within the ONL (Blocks A and B). The Applicant considers the ONL line should have followed the water race, which would mean the development is entirely outside the ONL.

- [273] Ms Steven's view is that:

- (a) The ONL reflects a lack of ground truthing to accurately determine the line as it is her understanding it should follow the base of the slope and not include any of the flat land; and
- (b) ONL lines mapped in the district plan mapping are understood as being high level and subject to ground truthing at site/project level. Development on adjoining land can also have an effect on the values of ONL as perceived by those looking at it.

- [274] The Panel considers that the ONL line is as it appears in the PDP meaning that parts of the Proposal (Blocks A and B) is in the ONL. But, as only a small portion of the Proposal is within the ONL of the flat, earth worked site, any additional effects on the ONL (additional to the effects of all of the Blocks outside the ONL) would be negligible.

- [275] The main provisions to be considered then are those relating to effects **on** the ONL.

- [276] The relevant overarching objective in this chapter is 6.3.2 Managing Activities in the Rural Zone, the Gibbston Character Zone, the Rural Residential Zone and the Rural Lifestyle Zone.

- [277] Directive policies which flow from this include:

- (a) Policy 6.3.2.1 **Avoid** urban development and subdivision to urban densities in the rural zones; and
- (b) Policy 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.

- [278] The Proposal is urban development (partially) within a Rural Zone. The Panel considers less weight should be placed on this policy however, given this portion of the site is a small triangle on flat land, indistinguishable from the remainder of the site and isolated from the remaining rural environment and physically severed from the rural surrounds by the existing water race.

- [279] The Panel considers the Proposal does not conflict with Policy 6.3.2.1, nor does it conflict with Policy 6.3.2.7, given the Applicant's revised Proposal and conditions imposed.

- [280] Policy 6.3.2.2 is **Ensure** that the location and direction of lights does not cause excessive glare and avoids unnecessary degradation of views of the night sky and of landscape character, including of the sense of remoteness where it is an important part of that character.
- [281] The Proposal accords with and assists to achieve the above policy.
- [282] There is also an overarching Policy, 6.3.3 Managing activities on Outstanding Natural Features and in Outstanding Natural Landscapes, from which Policy 6.3.3.1 flows and provides:
- (a) Recognise that subdivision and development **is inappropriate** on Outstanding Natural Features or in Outstanding Natural Landscapes unless:
 - i. Landscape values are **protected**; and
 - ii. 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
- [283] Note, this objective does not address effects “on” the ONL (as these are covered by other objectives and policies), only “in” the ONL. As the built form in the ONL would be visible beyond the boundary of the site, overall, the Proposal is contrary to this policy (as it cannot meet clause (b)). However, the Panel consider the effects from within the ONL beyond the site will be indistinguishable from the effects of the buildings outside the ONL (which are the majority of the adverse effects), so it places less weight on this policy.
- [284] The Panel does not consider the part of the Proposal within the ONL conflicts with the above policy.
- [285] Overall, the Panel does not consider the Proposal conflicts with the objectives and policies in this Chapter.

Chapter 15 Local Shopping Centre Zone

- [286] There are three relevant overarching objectives in this Chapter. There are also site-specific provisions for No 1 Hansen Road. The overarching objectives and their related policies are:
- (b) **Objective 15.2.1 Local Shopping Centres provide a focal point for a range of activities that meet the day to day needs of the community at a limited scale that supplements the function of town centres**
- [287] Directive policies flowing from this include to **provide for** a diverse range of activities the meet the needs of local communities (Policy 15.2.1.1) and **ensuring** local shopping centres remain small scale (Policy 15.2.1.2).
- [288] The Panel considers a diverse range of activities may be provided for and the shopping centre aspect of the development is at a small scale.
- (a) **Objective 15.2.2 Buildings respond to the existing character, quality and amenity values of their neighbourhood setting.**

- [289] Policy 15.2.2.2 flows from this - development comprises a scale commensurate with the receiving environment.
- [290] The worker accommodation aspect of the development is not entirely commensurate with the receiving built environment, as although there is a large structure already there, it does not provide for worker or other accommodation. The size and number of buildings are also not responding to the existing character, which is currently an empty site, apart from the car park, adjacent to a cemetery on one side, a Church on the other and large open recreational grounds opposite, which also buffer the Site from the more intensive higher-rise development further east, and the ONL hill behind.
- [291] The Panel considers the Proposal is in conflict with this Policy.
- [292] Policy 15.2.2.3 also flows from this objective - **Provide for** consideration of minor height infringements where they help achieve higher quality design outcomes and do not significantly adversely affect amenity values.
- [293] The Panel considers that given the revised designs propose to remove one storey from five of the Blocks, this will lessen adverse effects on amenity values. The Panel considers the revised heights are more in line with the outcomes anticipated by the PDP and enables the Panel to consider minor height infringements. This will assist the Proposal to achieve higher quality design outcomes.
- (a) **Objective 15.2.3 Adverse environmental effects received both within and beyond the zone are minimised.**
- [294] Further directive policies to achieve this objective:
- (a) **Require** acoustic insulation (Policy 15.2.2.3)
- (b) **Ensure** lighting that doesn't cause significant glare to other properties etc. (Policy 15.2.3.2) and
- (c) **Avoid** establishment of activities not consistent with established amenity values or are more appropriately located elsewhere (Policy 15.2.3.3).
- [295] Further conditions have been imposed in relation to:
- (a) Having the acoustic insulation within the Airport OCB that will comply with the PDP standards.³⁰ The Proposal accords with and assists to achieve Policy 15.2.3.2; and
- (b) ensuring as far as possible that lighting doesn't cause significant glare to other properties...and promoting lighting design that mitigates adverse effects on views of the night sky. The Proposal accords with and assists to achieve Policy 15.2.3.3
- [296] For **Policy 15.2.3.4, avoid** establishment of activities not consistent with established amenity values or are more appropriately located elsewhere, the Panel considers that although revised Proposal will lessen adverse effects on amenity values,

³⁰ Conditions 40-45

activities not consistent with established amenity values will be established by the Proposal going ahead. The Panel considers the Proposal is in conflict with this Policy

[297] The **site specific Hansen Road** Policy 15.2.3.5 provides:

For development of the site(s) at 1 Hansen Road, between Hansen Road and the Frankton Cemetery (as shown on the District Plan web mapping application), in addition to other Zone-wide requirements:

a. **ensure** that development is undertaken in an integrated manner, having particular regard to ensuring the safe and efficient operation of the transport network;

b. implement specific controls to limit effects on the historic values of the neighbouring cemetery.

[298] The Applicant suggested the 50-unit limit was imposed as it was demonstrated anything over and above this could potentially adversely affect the roading network; the limit was not in any way related to the OCB or associated potential for reverse sensitivity. The Panel accepts this interpretation is available given the wording in Policy 15.2.3.5a.

[299] The effects on SH 6 are agreed between NZTA and the Applicant's traffic engineer as being able to be managed through the conditions of consent requiring walking and cycling connections across SH 6 and other safety measures (e.g. no right turn etc) should the timing of any planned NZUP works in this location not align with the development/occupation of any residential or commercial activities on the site.

[300] The underlying subdivision (RM210491) incorporated planting and a walkway directly adjacent to the Frankton Cemetery. The Proposal seeks to integrate further with through the use of a "green wall" along this façade to soften the wall facing the Frankton Cemetery. In addition, specific controls are proposed during works to ensure that the cemetery wall is not compromised.

[301] The Proposal is considered to accord with and assists to achieve this policy.

Chapter 21 Rural Zone

[302] Both the Applicant and Ms Steven are of the view that there appears to have been a mapping error when it comes to the corner triangle of the site that sits within the Rural Zone and the land should have retained an urban zoning, as it had in the ODP, and be located within the UGB (the same as the remainder of the urban area of the site). QLDC had a different view, and advised no submitter sought rezoning of the site.

[303] The Panel also notes there is an Urban Intensification Variation, which includes the Local Shopping Centre Zone, but there is no Proposal to include the rural portion of the subject site or increase the height limits in the zone (noting further submissions are still to be heard, so it is at an early stage).

[304] The Panel must apply the operative PDP provisions. However, as previously noted the site is relatively distinct from the wider rural zoned landscape, being a small triangle nestled between the approved carpark building, the Local Shopping Centre Zone and a residential zone (containing the City Impact Church). For these reasons, the Panel gives less weight to some of the objectives and policies in this Chapter.

- [305] The relevant parts of Objective 21.2.1 (A range of land uses, including farming, are enabled while) provide:
- (a) **Protecting** the landscape values of Outstanding Natural Features and Outstanding Natural Landscapes.
- [306] As noted in landscape and visual amenity effects section, as only a small portion of the development is **in** the ONL, the majority of the adverse effects will be **on** the ONL. As identified by Ms Steven, the main adverse effects are on the views to and from the ONL, and the broader views to the Crown Range ONL when traveling east along SH 6 from just before the Frankton roundabout. These effects will be differently perceived depending on whether the viewer is walking, cycling or driving, the latter being more fleeting.
- [307] The Panel considers that the revised Proposal, along with conditions, does not conflict with this objective.
- [308] Policy 21.2.1.11 is “**Provide for** the establishment of commercial, retail and industrial activities where these would protect, maintain or enhance rural character, amenity values and landscape values”.
- [309] The Panel considers that the revised Proposal, along with conditions, does not conflict with this objective.
- [310] Policy 21.2.1.15 is “**Ensure** traffic from new commercial activities maintains:
- (a) The safe and efficient operation of the roading and trail network; and
- (b) access to public places.
- [311] The Panel considers the Proposal accords with and assist to achieve this policy,

Overall finding s104D

- [312] In addition to the objectives and policies listed above, the Panel has considered all relevant objectives and policies in both the ODP and the PDP.
- [313] The Panel considers that there is no one objective or policy that is so directive that it alone merits a decline under s104D(1)(b).
- [314] The Panel finds, after considering the above and applying a fair appraisal of the provisions as a whole, the Proposal is not contrary to the objectives and policies of the ODP or the PDP.
- [315] Thus, the Proposal passes both gateway tests of s104D.

Other Relevant Matters

- [316] Clause 31(1)(d) of the CRFTCA requires the Panel to have regard to any ‘other matter’ it considers relevant and reasonably necessary to determine the application. The Panel sets out below other matters the Panel has had regard to in making its decision on the Proposal.

Queenstown Lakes District Spatial Plan (July 2021) & Frankton Masterplan (January 2020)

- [317] Both the Queenstown Lakes District Spatial Plan and the Frankton Masterplan have been addressed in section 18.1 of the AEE which states:

Both these strategy documents include the site as a whole, with both the Local Shopping Centre and Rural zone included. The Queenstown Lakes Spatial Plan identifies Frankton (including the site) as being a Metropolitan Centre, as is the Queenstown Town Centre, which provide for 'a broad range of commercial, community, recreational and residential activities ... the urban form is predominantly high density'. The Frankton Masterplan identifies the future use of this site to be mixed use- 'including residential', with small to medium format retail fronting State Highway 6.

- [318] The proposal is consistent with these two strategic spatial plans, in that the project will provide for a high-density development, with small to medium retail, commercial and community facilities to provide for the residents and other users."
- [319] The Applicant's Planning, Landscape and Visual Assessment and Urban Design Assessment all relied on these masterplans as part of what a future environment might look like and thus sought to rely on these to justify the intensity of the proposal (e.g. bulk and increased height). The reliance on these documents to justify a future environment and thus acceptance of potential effects was also criticised by the peer review of Ms Steven.
- [320] With respect to the Frankton Masterplan, while the Map may include the entire site at 1 Hansen Road, the Panel do not consider that this provides any justification for expansion of urban development into the Rural Zone, and in reading the text associated with the masterplan (in particular 2.4) note that the planning context is the PDP and its UGB, with no moves, milestones or key features related to expansion outside of the UGB.
- [321] Similarly, while the Spatial Plan mapping may include the entire site at 1 Hansen Road, the Panel do not consider that this provides any justification for expansion of urban development into the Rural Zone, and in reading the text associated with the spatial plan note that new areas for urban expansion in the Wakatipu area were specifically identified (and do not include the rural portion of the site).
- [322] The Panel do however concur that the Frankton Masterplan signals an intent for mixed use development on the site and that in respect of the Spatial Plan agree that it signals an intent for a future Metropolitan centre in this location (including a much wider area than just the subject site), with SH 6 being a frequent public transport corridor. Development within the Frankton Metropolitan Centre is identified as being a mix of high-density living options alongside the commercial services.
- [323] The Panel finds that the Proposal does not undermine the achievement of the outcomes of Masterplan or Spatial Plan, and that future residents and users of the site will directly benefit from the wider actions identified on both plans for the area (particularly in terms of public transport, walking cycling connections, open space strategies).

Other Non-Statutory Documents

- [324] The Applicant AEE has addressed other relevant non-statutory documents in sections 18.2-18.4 and provided an assessment against these. These included a:

- (a) Joint Housing Action Plan 2023-2028
- (b) Queenstown Lakes Homes Strategy 2021-2031; and
- (c) Otago Regional Public Transport Plan 2021-2031.

[325] The Panel accepts the assessment of the Applicant in respect of the Joint Housing Action Plan and the Queenstown Lakes Homes Strategy.

[326] The Panel notes the assessment from the Applicant on the Regional Public Transport Plan does not, however, directly rely on the reasons provided, as provision of customers to use public transport is not directly relevant. The Panel agrees that the project will benefit from enhancements to the public transport network to achieve the objectives of the Plan.

Precedent effects

[327] Potential precedent effects on airport operations of allowing the Proposal were considered in Section 15.3.1.5.2 of the AEE, which identified the unique characteristics of the site which would distinguish this application from others. These are:

- (a) The Proposal is not a typical full time residential, or owner/occupier model, but a medium (seasonal) to longer term rental accommodation for local workers
- (b) There are no other Local Shopping Centre Zone sites within the OCB of this scale
- (c) The OCB passes through the site, such that the development spans the OCB line, ensuring the accommodation is at the far limit of the OCB; and
- (d) The FTCA has been repealed, so no other developments (that have not already been lodged) can benefit from the purpose of that legislation i.e. they cannot benefit from the overarching purpose of urgently promoting employment to support New Zealand's recovery from the economic and social impacts of COVID-19 or from supporting the certainty of ongoing investment across New Zealand.

[328] No assessment of any other potential precedent (i.e. urban development outside of the Urban Growth Boundary (**UGB**), urban development within the ONL, or increased height) was provided.

[329] QACL³¹ raised concerns about the potential for precedent for intensive residential development within the OCB.

[330] The Panel largely accepts the Applicant's assessment of potential precedent effects on the QACL and considers this Proposal can be distinguished from other forms of residential development in the OCB.

³¹ Invitation to comment.

[331] The Panel also considers:

- (a) The area of land falling outside the UGB and within the ONL is relatively discrete, and the ONL is associated with the hillslope rather than the flats where the development is; and
- (b) In terms of an increased height, the Panel does not consider that any precedent would occur as each new building in the Local Shopping Centre Zone requires a restricted discretionary activity consent allowing each application to be considered on its own merits.

Te Tangi a Te Manu: Aotearoa/New Zealand Landscape Assessment Guidelines

[332] The Panel has had regard to the NZILA Guidelines - Te Tangi a Te Manu, which provide guidance for landscape assessment in Aotearoa New Zealand including providing guidance for landscape assessment promoting Te Ao Māori and Te Ao Pakeha perspectives.

Other Comments raised about the application

[333] Comments on the application and draft conditions from City Impact Church Queenstown Inc raised additional concerns in respect of:

- (a) The area on the Landscape Concept Plan submitted with the application marked “Future Development Area”; and
- (b) Signage.

[334] The Panel considered these matters and found that:

- (a) The area on the Landscape Concept Plan submitted with the application marked “Future Development Area” is located outside of the land identified in the Referral Order and the application as the application site. It therefore does not form part of the application and it is beyond this Panel’s jurisdiction to consider what it may be used for in the future or impose conditions in respect of its future use; and
- (b) The Proposal does not include provision for signage. Any signage must, therefore, comply with the permitted activity standards in the PDP or be the subject of a further application for resource consent.

PART F: CONCLUSION

[335] When considering a consent application, Clause 31 of Schedule 6 of the FTCA sets out matters the Panel must have regard to, which are subject to Part 2 of the RMA and the purpose of the FTCA.

Purpose Part 2 of the Resource Management Act

[336] The Panel notes a Part 2 assessment may not be necessary. In the *R J Davidson Family Trust* case the Court of Appeal stated³²:

Suppose there were a Proposal to carry out an activity which was demonstrably in breach of one of the policies in the NZCPS, the consent authority could justifiably take the view that the NZCPS had been confirmed as complying with the Act's requirements by the Supreme Court. Separate recourse to pt 2 would not be required, because it is already reflected in the NZCPS, and (notionally) by the provisions of the regional coastal plan giving effect to the NZCPS. Putting that another way, even if the consent authority considered pt 2, it would be unlikely to get any guidance for its decision not already provided by the NZCPS. But more than that, resort to pt 2 for the purpose of subverting a clearly relevant restriction in the NZCPS adverse to the Applicant would be contrary to King Salmon and expose the consent authority to being overturned on appeal.

[337] The Panel has found the Proposal will have no more than minor adverse effects on the environment and overall is not contrary to the objectives and policies of the ODP and the PDP (thus passing both gateway tests of s104D). However, for the avoidance of doubt, we consider Part 2 of the RMA.

[338] For Part 2, a number of the sections are considered relevant and require consideration, including:

- (a) Section 5(2) - enabling people and communities to provide for their social, economic, and cultural well-being
- (b) Section 6 states the Panel must recognise and provide for the following matters of national importance:
 - i. Section 6(b) the protection of outstanding natural features and landscapes from inappropriate subdivision, use, and development
 - ii. Section 6(e) the relationship of Māori and their culture and traditions with their ancestral lands, water, sites, wāhi tapu, and other taonga
 - iii. Section 6(f) the protection of historic heritage from inappropriate subdivision, use, and development; and
 - iv. Section 6(h) the management of significant risks from natural hazards; and

³² *R J Davidson Family Trust v Marlborough District Council* [2018] NZCA 317 at [71]

- (c) Section 7 have regard to managing the use, development and protection of natural and physical resources.

- [339] A panel must apply section 6 of this Act (Treaty of Waitangi) instead of section 8 of the RMA.
- [340] In terms of section 5(2) the Proposal will contribute to the wellbeing (social and economic) of residents and the community through the creation of employment opportunities through design, construction and operation phases (540 FTE). The nature of the Proposal will also create wider economic benefits and assist prosperity of local business though the direct provision of “workers accommodation” (where there is currently a significant shortage in housing and accommodation to meet this need).
- [341] In terms of section 6(b), with the proposed conditions, the Proposal will protect the ONLs from inappropriate use and development.
- [342] In terms of section 6(e) and 8, the Proposal will provide for the relationship of Māori and their culture and traditions and the principles of the Treaty of Waitangi through the ongoing consultation that has been undertaken with two iwi authorities (Aukaha and Te Ao Marama Inc). This has incorporated opportunities to give feedback on the Proposal and draft conditions and will remain ongoing through its detailed design phase of the Proposal through input into design and landscaping responses.
- [343] In terms of section 6(f) the Panel considers that the historic heritage associated with the adjoining cemetery is suitably protected through development setbacks from the site and a green wall facing the area, to aid integration.
- [344] In terms of section 6(h) the Panel considers that the site is not subject to any significant risk from natural hazards, noting that risk of liquefaction and schist debris landslide to be ‘very low’ or none and the site is not located within a flood hazard area.
- [345] In terms of section 7 the Proposal:
 - (a) Acknowledges the kaitiakitanga role (which is also a form of stewardship) of the local iwi through consultation and ongoing engagement (section 7(a) and (aa))
 - (b) Involves an efficient use of natural and physical resources that will provides for a new typology of accommodation to help meet the shortfall in rental housing supply in Queenstown (sections 7(b) and (g))
 - (c) Sustainable building methods shall be employed to ensure end use of energy is efficient (section 7(ba) and (j))
 - (d) Layout and design appropriately manages the potential for adverse amenity effects on the surrounding character of the area and adjacent ONL. The Proposal promotes a compact urban form though the use of mixed use apartment style development. The urban form is generally well designed and can integrate with its surrounds (sections 7(c) and (f)); and
 - (e) The effects of climate change have been taken into consideration with respect to the design of engineering solutions. The Proposal will also reduce dependency on private motor vehicles and promote shared transport, public

transport and active transport methodologies decreasing demand on energy and in turn, managing climate change effects (section 7(i) and (j)).

- [346] Overall, the Panel finds that the consents as granted would better enable the local community of Frankton, and wider Queenstown, to provide for their social, cultural and economic wellbeing and for their health and safety while ensuring that the effects of the Proposal itself are appropriately avoided, remedied, or mitigated. We note that for the avoidance of doubt, our decision on Part 2 is consistent with our views arising from the relevant planning provisions. In that sense, we have not used Part 2 to override the policy directions in those documents, which we understand have been competently prepared. Rather, our evaluation under Part 2 simply confirms the findings we have made elsewhere in this decision.
- [347] Given the above, and for reasons set out earlier in the decision, the Panel finds the Proposal achieves the purpose of the RMA.
- [348] In terms of Section 6 of the FTCA (section 8 of the RMA) the Panel has been mindful it must act in a manner consistent with the principles of the Treaty of Waitangi and Treaty Settlements and considers granting the application is consistent with this obligation.

Purpose of the FTCA

- [349] The purpose of the FTCA is set out in section 4:

The purpose of the FTCA is to urgently promote employment to support New Zealand's recovery from the economic and social impacts of COVID-19- and to support the certainty of ongoing investment across New Zealand, while continuing to promote the sustainable management of natural and physical resources.

- [350] The Act introduces a short-term consenting process to fast-track projects that can boost employment and economic recovery, while continuing to promote the RMA's purpose of the sustainable management of natural and physical resources. The Proposal will develop much-needed medium – long term worker accommodation and enhance workers choice while contributing to affordability. It will create flow on benefits in terms of employment and economic activity for the Queenstown region. It represents a highly efficient use of a site in a predominantly urban area.
- [351] The Proposal will create positive economic effects, through the creation of employment opportunities through design, construction and operation phases (540 FTE) which contribute to a prosperous economy in the District and of those people and industries affected by COVID-19.
- [352] The nature of the Proposal will also create wider economic benefits and assist prosperity of local business though the direct provision of “worker accommodation”, as there is currently a significant shortage in housing and accommodation for tenants longer than 90 days (as allowable for visitor accommodation). The provision of accommodation of this nature may also contribute to a more equitable economy, by freeing up other housing for permanent residents.
- [353] The Panel considers that the Project will achieve the purpose of the FTCA.

Conditions

- [354] The Applicant provided a draft set of conditions with its Application at Appendix 6.

[355] As required, the Panel released its draft conditions on 22 May 2024 and received comments from several parties. The Panel has amended the conditions (Appendix 4) as a result of comments received and is satisfied that any adverse effects arising from the construction and operational phase of the Proposal have been adequately addressed through the various management plans and associated conditions.

Conclusion

[356] The Panel **grants** resource consent for the Proposal.

[357] The Panel notes, in relation to clauses 38 and 45 of Schedule 6 to the FTA, that a person entitled to appeal is to file any appeal with the High Court no later than 15 working days after the date on which the person was notified of the decision of the Panel under clause 38(1).

Dated 25 June 2024



Clare Lenihan (Chair)



Hoani Langsbury (Member)



Vicki Toan (Member)

APPENDIX 1: PARTIES INVITED TO COMMENT

In addition to the Ministers of the Crown specified in clause 17(6)(i), the Director-General of Conservation specified in clause 17(6)(j) and the organisations specified in clause 17(6)(k) to (u), the following parties were invited for comment on the Worker Accommodation – Hansen Road application:

- (a) Queenstown Lakes District Council
- (b) Otago Regional Council
- (c) Te Rūnanga o Ngāi Tahu
- (d) Waka Kotahi NZ Transport Agency
- (e) Aukaha (1997) Limited
- (f) Te Ao Mārama Incorporated
- (g) Queenstown Airport Corporation Limited
- (h) Frankton Community Association
- (i) Upper Clutha Environmental Society
- (j) Owners and Occupiers of properties as listed in the invitation to Comment:
<https://www.epa.govt.nz/assets/Uploads/Documents/Fast-track-consenting/Worker-Accommodation-Hansen-Road/List-of-invited-parties.pdf>

APPENDIX 2 - FURTHER INFORMATION REQUESTS

Request 1 to the Applicant

On 1 March 2024, the Panel sent a request for further information from the Applicant regarding landscape matters, clarification on variances from the referral order, transport upgrades and onsite amenity.

<https://www.epa.govt.nz/assets/Uploads/Documents/Fast-track-consenting/Worker-Accommodation-Hansen-Road/RFIs-and-Responses/Worker-Accommodation-Hansen-Road-further-information-request.pdf>

Request 2 to the Applicant and QLDC

On 11 April 2024, the Panel sent a second request for further information. From the Applicant the Panel requested further information regarding works within the ONL and acoustic matters. From QLDC the Panel requested further information regarding the zoning, ONL and parking.

<https://www.epa.govt.nz/assets/Uploads/Documents/Fast-track-consenting/Worker-Accommodation-Hansen-Road/RFIs-and-Responses/Second-Request-for-Information.pdf>

Request 3 to the Applicant

On 22 April 2024, the Panel sent a third request for further information from the Applicant regarding the objectives and policies of the ODP.

<https://www.epa.govt.nz/assets/Uploads/Documents/Fast-track-consenting/Worker-Accommodation-Hansen-Road/RFIs-and-Responses/Further-Information-Request-3.pdf>

Request 4 to the Applicant

On 13 May 2024, the Panel sent a fourth request for further information from the Applicant regarding landscape matters, urban design matters and matters relating to various non-statutory documents.

<https://www.epa.govt.nz/assets/Uploads/Documents/Fast-track-consenting/Worker-Accommodation-Hansen-Road/RFIs-and-Responses/FTC102-Further-Information-Request-4.pdf>

APPENDIX 3 - SPECIAL ADVISORS

Special Advisors

As recorded in Minute 4, the Panel appointed Ms Steven to assist the Panel with landscape matters, including draft conditions³³.

As recorded in Minute 5, the Panel appointed Ms Makinson to assist the Panel with transport matters, including draft conditions, and Mr Styles to assist the Panel with acoustic matters, including draft conditions.

Reports

Landscape

- (a) Ms Steven provided a report on landscape matters on 27 May 2024. The Panel invited the Application to provide comment in Minute 7³⁴.
<https://www.epa.govt.nz/assets/Uploads/Documents/Fast-track-consenting/Worker-Accommodation-Hansen-Road/Reports/Worker-Accommodation-Hansen-Road-Landscape-Peer-Review.pdf>
- (b) On 19 June 2024, Ms Steven provided a further report on landscape matters.
<https://www.epa.govt.nz/assets/Uploads/Documents/Fast-track-consenting/Worker-Accommodation-Hansen-Road/Reports/FTC102-Landscape-memorandum-19-June-2024.pdf>

Acoustic

- (a) Mr Styles provided a report on acoustic matters on 21 May 2024.
<https://www.epa.govt.nz/assets/Uploads/Documents/Fast-track-consenting/Worker-Accommodation-Hansen-Road/Reports/Worker-Accommodation-Hansen-Road-Acoustic-Peer-Review.pdf>

Transport

- (a) Ms Makinson provided a report on transport matters on 8 May 2024.
<https://www.epa.govt.nz/assets/Uploads/Documents/Fast-track-consenting/Worker-Accommodation-Hansen-Road/Reports/Worker-Accommodation-Hansen-Road-Transportation-Advice.pdf>

³³ Clause 10(3) of Schedule 5 of the FTCA provides that a panel may appoint a special adviser to assist the panel with an application in relation to any matters the panel may determine

³⁴ On 8 June 2023 via Minute 8 and 9 June 2023, via Minute 9

APPENDIX 4 - CONDITIONS OF CONSENT

No.1 Hansen Road Limited's application for resource consent under the COVID-19 Recovery (Fast-track Consenting) Act 2020 to establish worker accommodation for 710 people in 8 buildings across 476 units/rooms, with a mix of typologies, as a non-complying activity under the Queenstown Lakes Proposed District Plan is granted subject to conditions.

Conditions of Consent

Under clause 35(3) of schedule 6 of the COVID-19 Recovery (Fast-track Consenting) Act 2020 and sections 108 and 108AA of the Resource Management Act 1991, this consent is subject to the following conditions:

A. General Conditions

Activity in Accordance with Application

1. The development shall proceed in accordance with the information and plans submitted with the application formally received by the Environmental Protection Agency on 9 November 2023 and 18 June 2024, including all supporting additional information submitted. In the event that any of the provisions of the following documents conflict with the requirements of these conditions of consent, these conditions of consent must prevail.

Drawing Title and Reference	Architect/Author	Rev.	Dated
Overall Site Plan – Ground Level – Sheet 03	Mason & Wales	S14	14 June 2024
Overall Site Plan – Level 1 – Sheet 04	Mason & Wales	S14	14 June 2024
Block A – Hostel Floor Plan – Ground Level – Sheet 05	Mason & Wales	S14	14 June 2024
Block A – Hostel Floor Plan – Levels 1 to 4 – Sheet 06	Mason & Wales	S14	14 June 2024
Block B – Hostel Floor Plan – Ground Level – Sheet 07	Mason & Wales	S14	14 June 2024
Block B – Hostel Floor Plan – Levels 1 to 4 – Sheet 08	Mason & Wales	S14	14 June 2024
Block C – Apartment Floor Plan – Ground Level – Sheet 09	Mason & Wales	S14	14 June 2024
Block C – Apartment Floor Plan – Levels 1 to 3 – Sheet 10	Mason & Wales	S14	14 June 2024
Block D and H – Apartment Floor Plan – Ground Level – Sheet 11	Mason & Wales	S14	14 June 2024
Block D and H – Apartment Floor Plan – Levels 1 to 3 – Sheet 12	Mason & Wales	S14	14 June 2024
Block E, F and G – Apartment Floor Plan – Ground Level – Sheet 13	Mason & Wales	S14	14 June 2024
Block E, F and G – Apartment Floor Plan – Levels 1 and 2 – Sheet 14	Mason & Wales	S14	14 June 2024
South Elevation – Sheet 15	Mason & Wales	S14	14 June 2024
Block H – South Elevation – Sheet 16	Mason & Wales	S14	14 June 2024

Block G – South Elevation – Sheet 17	Mason & Wales	S14	14 June 2024
Block F – South Elevation – Sheet 18	Mason & Wales	S14	14 June 2024
Block E – South Elevation – Sheet 19	Mason & Wales	S14	14 June 2024
Block D – South Elevation – Sheet 20	Mason & Wales	S14	14 June 2024
Block A – South Elevation – Sheet 21	Mason & Wales	S14	14 June 2024
Block B – South Elevation – Sheet 22	Mason & Wales	S14	14 June 2024
Block C – South Elevation – Sheet 23	Mason & Wales	S14	14 June 2024
Block H – South Elevation – Sheet 24	Mason & Wales	S14	14 June 2024
Block H – East Elevation – Sheet 25	Mason & Wales	S14	14 June 2024
Block H – North Elevation – Sheet 26	Mason & Wales	S14	14 June 2024
Block H – West Elevation – Sheet 27	Mason & Wales	S14	14 June 2024
Block G – South Elevation – Sheet 28	Mason & Wales	S14	14 June 2024
Block G – East Elevation – Sheet 29	Mason & Wales	S14	14 June 2024
Block G – North Elevation – Sheet 30	Mason & Wales	S14	14 June 2024
Block G – West Elevation – Sheet 31	Mason & Wales	S14	14 June 2024
Block F – South Elevation – Sheet 32	Mason & Wales	S14	14 June 2024
Block F – East Elevation – Sheet 33	Mason & Wales	S14	14 June 2024
Block F – North Elevation – Sheet 34	Mason & Wales	S14	14 June 2024
Block F – West Elevation – Sheet 35	Mason & Wales	S14	14 June 2024
Block E – South Elevation – Sheet 36	Mason & Wales	S14	14 June 2024
Block E – East Elevation – Sheet 37	Mason & Wales	S14	14 June 2024
Block E – North Elevation – Sheet 38	Mason & Wales	S14	14 June 2024
Block E – West Elevation – Sheet 39	Mason & Wales	S14	14 June 2024
Block D – South Elevation – Sheet 40	Mason & Wales	S14	14 June 2024
Block D – East Elevation – Sheet 41	Mason & Wales	S14	14 June 2024
Block D – North Elevation – Sheet 42	Mason & Wales	S14	14 June 2024
Block D – West Elevation – Sheet 43	Mason & Wales	S14	14 June 2024
Block A – South Elevation – Sheet 44	Mason & Wales	S14	14 June 2024
Block A – East Elevation – Sheet 45	Mason & Wales	S14	14 June 2024
Block A – North Elevation – Sheet 46	Mason & Wales	S14	14 June 2024
Block A – West Elevation – Sheet 47	Mason & Wales	S14	14 June 2024
Block B – South Elevation – Sheet 48	Mason & Wales	S14	14 June 2024
Block B – East Elevation – Sheet 49	Mason & Wales	S14	14 June 2024
Block B – North Elevation – Sheet 50	Mason & Wales	S14	14 June 2024
Block B – West Elevation – Sheet 51	Mason & Wales	S14	14 June 2024
Block C – South Elevation – Sheet 52	Mason & Wales	S14	14 June 2024
Block C – East Elevation – Sheet 53	Mason & Wales	S14	14 June 2024
Block C – North Elevation – Sheet 54	Mason & Wales	S14	14 June 2024
Block C – West Elevation – Sheet 55	Mason & Wales	S14	14 June 2024
Landscape Site Plan	Reset	B	11/10/2023

Landscape Site Plan Architecture Update Overlay	Reset		14/06.2024
-------------------------------------------------	-------	--	------------

2. Changes to unit/room typologies may occur within the buildings, provided the overall size, height, bulk and location of the buildings remains the same and the number of beds and bedrooms remain the same as approved, while maintaining a mix of unit/room typologies. The maximum number of residential units authorised for use for worker accommodation under this consent is 476 for up to 710 persons.

Advice Note: The purpose of this condition is to avoid a variation under s.127 of the RMA, for an internal layout change.

General

3. The Consent Holder must implement the certified management plans required by the conditions of this consent and all works and activities authorised by this consent must be carried out in accordance with the certified management plans required by the conditions of this consent listed below:
 - a) Architectural Design Plans
 - b) Construction Management Plan
 - c) Construction Traffic Management Plan
 - d) Construction Noise and Vibration Management Plan
 - e) Traffic Management Plan
 - f) detailed landscape design drawings and written documentation; and
 - g) Lighting Plan.

Staging

4. Construction may be staged. The conditions of this consent shall be applied only to the extent that they are relevant to each particular stage.

Lapsing of Consent

5. In accordance with clause 37(7) of Schedule 6 to the COVID-19 Recovery (Fast-Track Consenting) Act 2020, this consent shall lapse two years after the date it is granted unless:
 - a) The consent is given effect to; or
 - b) The period after which the consents lapse under section 125 of the RMA is extended.

Advice Note: Schedule 6, Part 2, clause 42(5) states the ability to extend a lapse period under

section 125(1A) of the RMA.

Monitoring Deposit

6. The consent holder is liable for costs associated with the monitoring of this resource consent under the Resource Management Act 1991.

B. Operational Conditions

Use

7. No residential unit used for worker accommodation shall be used for visitor accommodation or residential visitor accommodation or Homestay, as defined in the Queenstown Lakes Proposed District Plan. Each time a residential unit is used for worker accommodation it shall have a minimum occupancy period of 90 nights/days.
8. The consent holder must, at all times, ensure that a full and accurate register of all occupiers of worker accommodation units is maintained, that includes the name(s) and length of stay (i.e., entry and exit dates) of each occupier or group of occupiers. The register, which must contain the preceding 5 years (or all years the register has been in place prior to the completion of the first 5 years) must be made available to the Queenstown Lakes District Council upon request of a council officer, within 48 hours of the request to view the register being made.
9. The residential units used for worker accommodation shall not be subdivided into individual units or otherwise made available for individual ownership or sale (including by way of unit title or cross lease subdivision or conversion into leasehold estate(s)). This condition does not apply to commercial activities or retail units, which are able to be separately titled and sold.

Advice Note: the intention of this condition is to prohibit individual residential units used for worker accommodation from being unit titled and sold off individually for an owner-occupier or landlord-tenant model of accommodation, but enable buildings, or parts of the buildings (i.e., whole floors, or multiple floors) to be unit titled so that employers can purchase blocks of units for employees.

Design Response- Block H

10. Prior to the application for building consent for Building H, the consent holder shall submit to the QLDC for approval, a detailed architectural design for the western facade of Block H in response to its dominance effect and its location adjacent to the Frankton Cemetery. The design must employ a variety of architectural techniques and landscaping to help mitigate the dominance effects of Block H in relation to its western façade. Architectural and landscape techniques that could be used include, for example, creating contrast in materials and colours, incorporating rhythm generated by solid and void sections, creating recesses by stepping back part(s) of the building, providing variation in roofline, and increasing glazing/visually light areas, louvres and the use planting (adjacent to and on the building). Landscaping could include, for example, a row of trees planted adjacent to the boundary (subject to condition 31). The Queenstown Lakes District Council at its discretion may have the architectural and landscape design peer reviewed at the consent holder's expense.

Advice Note: the intention of this condition is to mitigate the dominance effects of Block H in relation to its western façade and to soften the façade facing the Frankton Cemetery, through the use of materiality, design features and landscaping.

Architectural Design Plans

11. In addition to condition 10, prior to the lodgement of building consent for any of the buildings (except for earthworks, foundations, and structure), the consent holder shall provide to the Council for written certification, a finalised set of architectural detail drawings and materials specifications. The submitted information shall be consistent with the consented architectural plans listed in condition 1, and at a minimum, the submitted information shall include:

- a) the residential unit configuration and amount and location of commercial and retail space
- b) details of the buildings' façade treatment and architectural features
- c) materials schedule and specification, sample palette of materials, surface finishes and colour schemes (including colour swatches) referenced on the architectural elevations; and
- d) external rooftop services and plant, and visual and aural screening elements (if any).

Construction Management Plan

12. Prior to the commencement of any works on site that are authorised by this consent, the consent holder must submit a Construction Management Plan (**CMP**) to the Queenstown Lakes District Council for certification. The CMP must include but is not limited to the following matters:

- a) The identity of the site manager or project manager responsible for the site (site manager) and his or her contact details (phone, postal address, email address), including contact details for a 7 days a week 24 hours a day contact;
- b) The location of notice boards that clearly identify the name, telephone number and address for service of the site or project manager;
- c) An outline of the construction programme, proposed staging (if any), and proposed hours and days of operation for construction activities;
- d) Measures to be adopted to ensure the health and safety of the general public;
- e) Procedures for controlling sediment runoff, dust and the removal of soil, debris, and construction materials from public roads or places. Dust mitigation should include use of water sprays to control dust nuisance on dry or windy days;
- f) Maintenance of access to immediately adjoining properties and other properties on Hansen Road;
- g) Measures to be adopted to ensure that pedestrian access past the works is provided at all times and that such access is safe;
- h) Any need for temporary road closures and/or other restrictions on the surrounding road network for the transportation of plant, machinery, and materials or for other reasons relating to construction activities;

- i) The location and design of all hoardings and gantries (if any);
- j) Measures to be adopted to minimise impacts of visual amenity for neighbours, including any screening proposed, and to maintain the site in a tidy condition in terms of disposal/storage of rubbish, storage and unloading of building materials and similar construction activities;
- k) The proposed design of temporary fencing, barriers, and screens around the site to minimise adverse visual effects from State Highway 6 and adjacent public spaces, stop rubbish spreading, and control dust. Elements should be visually coherent and robust as possible to maintain a continuously tidy and well-maintained appearance;
- l) Control procedures for delivery and removal of construction materials from public roads or places;
- m) Measures to be adopted to limit the disturbance caused by the delivery of materials to the site on adjacent landowners and occupiers;
- n) The location of infrastructure, including site offices, site amenities, contractor(s) yard access, equipment unloading and storage areas, contractor(s) car parking and security;
- o) Ingress and egress from the site for construction, trade, and worker vehicles and machinery during the construction period;
- p) Maintenance of land stability at the site surrounds;
- q) Procedure including timeframes for advising adjoining landowners and occupiers of planned construction activities;
- r) Measures to assess and implement any special measures for protection of buildings or infrastructure on adjacent sites; and
- s) Procedures for responding to complaints about construction works. The consent holder must acknowledge receipt of a complaint related to construction works promptly and must respond to such complaint as soon as practicable after the complaint was received;
- t) Measures to maintain the structural integrity of the cemetery wall adjoining the site;
- u) Procedures for incident management;
- v) Methods for updating the CMP as required to further improve practices; and
- w) Details for providing notice and confirmation to Queenstown Airport Corporation of:
 - i. when construction cranes are to be erected and details of their height and location; and

- ii. certification from a registered surveyor that the cranes comply with the relevant Queenstown Airport protection surfaces.

13. The construction works authorised by this consent must be carried out in accordance with the certified CMP and a copy of the certified CMP must be kept on site for inspection by council officers during monitoring visits.

Construction Traffic Management Plan

14. Prior to the commencement of any works on site that are authorised by this consent, the consent holder shall submit a Construction Traffic Management Plan (**CTMP**) to the Queenstown Lakes District Council for certification. The objective of the CTMP is to ensure that during construction the surrounding road network (including the footpaths) operates safely and efficiently for all road users including pedestrians. The CTMP shall include specific details relating to avoiding, remedying or mitigating adverse effects on the environment from construction and management of all works associated with this development, and setting out procedures to be followed which ensure compliance with the conditions of consent, as follows:

- a) Contact details of the appointed contractor or project manager (phone number, email, postal address);
- b) A general outline of the construction programme;
- c) Plans showing areas where stockpiles, equipment (including contractor parking) will occur so that there is no obstruction of public spaces (e.g. roads);
- d) Plans showing the location of any site offices, staff facilities and staff car parking required during the construction period;
- e) An overview of measures that will be adopted to prevent unauthorised public access during the construction period;
- f) Location of traffic signs on surrounding streets and proposed signage for traffic management purposes during construction;
- g) Temporary protection measures that will be installed to ensure that there shall be no damage to public roads, footpaths, berms, kerbs, drains, or other public assets as a result of the earthworks and construction activities.

The above details shall be shown on a site plan and supporting documentation as appropriate. The certified CTMP shall be implemented and maintained throughout the entire construction period.

15. The CTMP shall be prepared in accordance with Queenstown Lakes District Council's requirements for construction traffic management plans (if any) and the NZ Transport Agency's Code of Practice for Temporary Traffic Management and must include but is not limited to the following matters:

- a) A parking management plan for construction traffic;
- b) Measures to address the transportation and parking of oversize vehicles (if any);

- c) Provision for cleaning facilities within the site to thoroughly clean all vehicles prior to exit to prevent mud or other material from being dropped on the road. In the event that mud or other material is dropped on the road, resources on hand to clean up as soon as possible;
- d) Provision for traffic management plans in compliance with the latest edition of the NZ Transport Agency Code of Practice for Temporary Traffic Management;
- e) Measures to ensure the site access point is clearly signposted;
- f) Measures to be adopted to ensure that pedestrian access on the public footpaths and berms in the vicinity of the site is safe during construction works;
- g) Identification of proposed numbers and timing of heavy vehicle movements throughout the day;
- h) Identification of the location of vehicle and construction machinery access during the period of site works;
- i) Identification of storage and loading areas for materials and vehicles; and
- j) Identification of relevant Queenstown Lake District Council and NZ Transport Agency approvals for works within road corridors (if any).

16. The construction works authorised by this consent must be carried out in accordance with the certified CTMP and a copy of the certified CTMP must be kept on site for inspection by council officers during monitoring visits.

Construction Noise and Vibration Management Plan

17. A construction noise and vibration management plan (**CNVMP**), prepared by a suitably qualified person, shall be submitted to Council at least 20 working days prior to commencement of construction activities on the site. The objectives of the CNVMP are to:

- a) Identify and adopt the best practicable option (BPO)
- b) Define the procedures to manage noise and vibration effects to ensure the noise and vibration standards in the Proposed District Plan are met;
- c) Inform the duration, frequency, and timing of works to manage disruption; and
- d) Require engagement with affected receivers and timely management of complaints.

18. The CNVMP must be prepared with reference to Annex E of NZS6803:1999 Acoustics – Construction Noise and Appendix B of DIN4150:1999 Structural Vibration – Part 3 and must include at a minimum:

- a) The construction noise and vibration limits for the project;
- b) Contact details of the appointed contractor or project manager (e.g., phone number and email);

- c) A general outline of the construction methodology for the project or each stage of the project and details of how noisier works will be scheduled for the least sensitive periods of the day where practicable;
- d) The limitations on working days and hours including the limitations on significant noise generating works between 0730 and 1800 Monday to Saturday. No works may occur on Sundays or public holidays
- e) Details for providing written advice of the works to receivers within 50 m of the site boundaries;
- f) Neighbour consultation and engagement procedures
- g) Minimum separation distances for compliance (mitigated and unmitigated)
- h) Methods to monitor and manage the effects of vibration on the Frankton Cemetery where high-vibration works are carried out within 30 m of the boundary with the Frankton Cemetery;
- i) Requirements and specifications for acoustically effective barriers on and/or within site boundaries and additional localised screening around individual noisy machinery;
- j) Details of practicable noise and vibration mitigation measures to be applied during the various stages of the construction period;
- k) A procedure for responding to noise and vibration complaints;
- l) A procedure for noise and vibration monitoring during the works and any corrective actions that may be required; and
- m) Procedures for ensuring that all contractors and operators on site are aware of the requirement to minimise noise and vibration effects as far as practicable on neighbouring sites.

19. The construction works must be carried out in accordance with the CNVMP and a copy of the certified CNVMP must be kept on site for inspection by council officers during monitoring visits.

Accidental Discovery

20. In the event that an unidentified archaeological site is located during works, the following applies:

- a) Work must cease immediately at that place and within 20 m around the site;
- b) The contractor must shut down all machinery, secure the area, and advise the site or project manager;
- c) The site or project manager shall secure the site and notify the Heritage New Zealand Regional Archaeologist. Further assessment by an archaeologist may be required;

- d) If the site is of Māori origin, the Site Manager must notify the Heritage New Zealand Regional Archaeologist and the appropriate Papatipu Rūnaka of the discovery and ensure site access to enable appropriate cultural procedures and tikanga to be undertaken, as long as all statutory requirements under legislation are met (Heritage New Zealand Pouhere Taonga Act; Protected Objects Act);
- e) If human remains (kōiwi tangata) are uncovered the site or project manager must advise the Heritage New Zealand Regional Archaeologist, NZ Police and the Papatipu Rūnaka and the above process under (d) shall apply. Remains are not to be moved until such time as Papatipu Rūnaka and Heritage New Zealand have responded;
- f) Works affecting the archaeological site and any human remains (kōiwi tangata) shall not resume until Heritage New Zealand gives written approval for work to continue. Works affecting a site of Māori origin or containing kōiwi tangata must not resume until Papatipu Rūnaka give written approval for work to continue. Further assessment by an archaeologist may be required;
- g) Provision must be made for cost recovery by papatipu rūnaka representatives or their supporting entities (Aukaha Ltd and Te Ao Marama Inc) for their time to ensure subsequent actions are appropriate and in accordance with tikanga, particularly following disturbance of kōiwi;
- h) Where Papatipu Rūnaka or Iwi so request, any information recorded as the result of the fund such as a description of location and content is to be provided for their records;
- i) Heritage New Zealand will determine if an archaeological authority under the Heritage New Zealand Pouhere Taonga Act 2014 is required for works to continue;
- j) It is an offence under section 87 of the Heritage New Zealand Pouhere Taonga Act 2014 to modify or destroy an archaeological site without an authority from Heritage New Zealand irrespective of whether the works are permitted or a consent has been issued under the Resource Management Act 1991; and
- k) Prior to commencing ground disturbing activities, the consent holder shall ensure that all staff (including sub-contractors) involved in or supervising works on site are familiar with the Accidental Discovery Protocol.

Advice Note: Under the Heritage New Zealand Pouhere Taonga Act 2014, an archaeological authority must be obtained from Heritage New Zealand Pouhere Taonga prior to the modification 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 the Queenstown Lakes District Council.

The contact information for the HNZPT Regional Archaeologist referred to above are:

*Rebecca Benham Archaeologist Otago/Southland
Heritage New Zealand Pouhere Taonga
PO Box 5467 Dunedin
Ph. +64 3 470 2364
Mobile +027 240 8715*

Fax. +64 3 477 3893
rbenham@heritage.org.nz

Geotechnical

21. The recommendations in the Geotechnical Assessment prepared by RDA Consulting, dated 13th October 2023, with job number 52250 shall be implemented and complied with.

Engineering

General

22. All engineering works shall be carried out in accordance with the Queenstown Lakes District Council's policies and standards, being QLDC's Land Development and Subdivision Code of Practice adopted on 8th October 2020 and subsequent amendments to that document up to the date of issue of any resource consent.

Advice Note: The current standards are available on Council's website via the following link:
<http://www.qldc.govt.nz>

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

23. The consent holder shall obtain and implement a traffic management plan approved by Council prior to undertaking any works within or adjacent to Council's Road reserve that affects the normal operating conditions of the road reserve through disruption, inconvenience or delay. The Traffic Management Plan shall be prepared by a certified Temporary Traffic Management Planner (TTMP) as validated on their CoPTTM ID certification. All contractors obligated to implement temporary traffic management plans shall employ a qualified Site Traffic Management Supervisor (STMS) to manage the site in accordance with the requirements of the NZTA's "*Traffic Control Devices Manual Part 8: Code of practice for temporary traffic management*". The STMS shall implement the Traffic Management Plan. A copy of the approved plan shall be submitted to the Manager of Resource Management Engineering at Council prior to works commencing.
24. 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 QLDC's Land Development and Subdivision Code of Practice, in relation to this development.
25. Prior to commencing works on the site the consent holder shall obtain 'Engineering Review and Acceptance' from the Queenstown Lakes District Council for development works to be undertaken and information requirements specified below. 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. The 'Engineering Review and Acceptance' application(s) 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 22, to detail the following requirements:

- a) The provision of a bulk water supply to each building within the development from the Council water supply network as installed under RM161140 (as varied by RM210491) in terms of Council's standards and connection policy. These connections shall include 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.
- b) The provision of a minimum 150mm gravity foul sewer connection from each building within the development to the Council gravity wastewater network as installed under RM161140 (as varied by RM210491).
- c) The provision of a primary stormwater connection from all potential impervious areas within the development to the Council reticulated stormwater disposal system as installed under RM161140 (as varied by RM210491).
- d) The provision of secondary protection system consisting of secondary flow paths 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 development. Soft solutions which utilise natural processes will also be incorporated to enhance stormwater quality and manage stormwater flows.
- e) Confirmation that the wastewater pumpstation installed under RM161140 (as varied by RM210491) is suitably designed to cater for the wastewater flows from the development. If required, this shall include any upgrades or alterations to the existing pumpstation to ensure that average and peak flows can be sustainably accommodated.
- f) Upgrading of the wastewater pumpstation installed under RM161140 (as varied by RM210491) to include a minimum 66m³ of emergency storage.
- g) Replacement of the current installed OD180mm (DN159mm) water pipe with a larger DN200mm pipe, or alternatively undertake specific water network modelling to confirm suitable peak flows and pressures for the development based on the current OD180mm (DN159mm) water supply pipe.
- h) The provision of Design Certificates for all engineering works associated with this development submitted by a suitably qualified design professional (for clarification this shall include, but not limited to, all Water, Wastewater and Stormwater Infrastructure). The certificates shall be in the format of the QLDC's Land Development and Subdivision Code of Practice Schedule 1A Certificate.
- i) The provision of a Design Certificate submitted by a suitably qualified design professional for any changes or upgrades to the Wastewater Pump Station installed under RM161140 (as varied by RM210491). The certificates shall be in the format of Engineering NZ Producer Statement PS1 or the QLDC's Land Development and Subdivision Code of Practice Schedule 1A Certificate.

To be completed when works finish and before occupation of buildings

26. Prior to the occupation of any building, the consent holder shall complete the following:

- a) The provision of confirmation that all infrastructure required under RM161140 (var RM210491) has been suitably constructed and vested in Council.

- b) 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 Water, Wastewater and Stormwater reticulation (including private laterals and toby positions).
- c) The completion and implementation of all reviewed and accepted works detailed in Condition 25 above.
- d) If required, a Computed Easement Plan and draft easement instrument shall be provided to the Queenstown Lakes District Council's Team Leader: Subdivision, Development Contributions and Property for approval showing details of all necessary changes to the easement in gross over the vested wastewater pump station installed under RM161140 (as varied by RM210491). This requirement is specifically intended to capture any significant increase in footprint of the vested pumpstation (i.e. increase emergency storage). The easement/s as approved shall be registered on the relevant lot title/s prior to the occupation of the buildings.
- e) Any power supply and/or 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 consent holder shall remedy any damage to all existing road surfaces and berms that result from work carried out for this consent.
- g) The submission of Completion Certificates from both the Contractor and Accepted Engineer for all infrastructure engineering works completed in relation to or in association with this development (for clarification this shall include all Water, Wastewater and Stormwater Infrastructure). The certificates shall be in the format of the QLDC's Land Development and Subdivision Code of Practice Schedule 1B and 1C Certificate.
- h) The submission of Completion Certificates from both the Approved Contractor and Approved Certifier for any changes or upgrades to the Wastewater Pump Station installed under RM161140 (as varied by RM210491). The certificates shall be in the format of Engineering NZ Producer Statements, or the QLDC's Land Development and Subdivision Code of Practice Schedule 1B and 1C Certificate.

Soakage Gallery

27. Multistorey buildings "D" & "E" are in very close proximity to the buried onsite soakage gallery that is to be vested in Queenstown Lakes District Council. It is structurally critical that the foundations of these buildings are not irrigated or compromise the adjacent onsite soakage gallery, including Queenstown Lakes District Councils ability to adequately maintain and replace the buried onsite soakage gallery without fear of catastrophic failure of the buildings D&E. Evidence of how this will be achieved shall be provided to Queenstown Lakes District Council at the time of building consent. The Queenstown Lakes District Council at its discretion may have the evidence peer reviewed at the consent holder's expense.

Sustainable Design

28. At building consent stage, a statement setting out how sustainable design options have been incorporated into the building design shall be submitted to the Queenstown Lakes District Council, with reference to the Deta Sustainable Design Report, dated 14/09/2023. The

Queenstown Lakes District Council at its discretion may have the building design, in regard to the sustainable design options, peer reviewed at the consent holder's expense.

Water Race

29. The water race within the site shall be protected from any damage for the duration of the construction and landscape works.

Landscape Design

30. Prior to the commencement of any works under this consent on the site, the consent holder shall provide to the Queenstown Lakes District Council's Parks & Open Spaces Planning Manager for certification, a finalised set of detailed landscape design drawings and supporting written documentation which have been prepared by a suitably qualified and experienced professional.

31. The information must be consistent with the Landscape Concept Plan(s) prepared by Reset Urban Design dated October 2023 and these conditions. At a minimum, this information must include landscape design drawings, specifications and maintenance requirements including:

- a) All works shall meet Part 7 – Landscape, of QLDC's Land Development and Subdivision Code of Practice (dated 2020) and subsequent amendments to that document up to the date of issue of any resource consent.
- b) Details of the green wall on Building H and other landscaping adjacent to the Frankton Cemetery
- c) Details of all hard and soft landscaping elements including all exterior lighting, stormwater management elements including soft drainage forms and soakage areas, signage, rubbish disposal, and outdoor storage facilities, etc.
- d) The widening of the two parallel car parking spaces to the north-east of the car storage building, by 0.3 m where they abut an obstruction.
- e) An annotated planting plan(s) which communicate the proposed location and extent of all areas of planting.
- f) A plant schedule based on the submitted planting plans, height and / or grade at time of planting and an estimated height / canopy spread at maturity including species lists that include the Latin and common names of all species in the design.
- g) Details of draft specification documentation for any specific drainage, soil preparation, tree pits, staking, irrigation and mulching requirements.
- h) A landscape maintenance plan (report) and related drawings and specifications for the finalised landscape design.
- i) Details of the landscape management and restoration planting proposed for the ONL at the rear of the site that is consistent with the existing character and landscape values of the ONL and protects the values of the ONL and improves biodiversity in the ONL including:

- i. a detailed plant schedule including the Latin and common names of all species in the design, the height and/or grade and density of planting at the time of planting and the estimated height/canopy spread at maturity; and
- ii. a maintenance plan including information as to how and when plants that fail will be replaced.

32. Within the first planting season of the completion of development or the first stage of the development, the consent holder shall implement:

- a) The landscape management and restoration planting proposed for the ONL as per condition 31(l); and
- b) the landscape design which has been approved by the QLDC in Condition 31 in respect of the development of the first stage of the development; and
- c) thereafter retain and maintain this landscape (planting, footpaths, furniture, bike storage facilities) in perpetuity to the satisfaction of the QLDC in accordance with the maintenance plans approved under Condition 31.

And, if the development is staged, all other landscape design which has been approved by the QLDC in Condition 31 shall be implemented on a staged basis in the first planting season after the completion of each stage. All landscaping (planting, footpaths, furniture, bike storage facilities) must be retained in perpetuity to the satisfaction of the QLDC in accordance with the maintenance plans approved under Condition 30.

33. Trees planted along the frontage of Blocks F-H must include a range of species. Appropriate species must be selected to ensure that trees do not exceed 8 metres in height at maturity to retain views through and over the site or trees must be maintained at a maximum height of 8 metres.

Advice Note: The purpose of condition 31 is to ensure that all landscaping works are implemented in conjunction with the completion of the first stage of the development if construction is staged.

Transportation and cycle parking

34. At least 43 vehicles shall be provided and retained on-site for a car share scheme to be operated, which allows residents to hire a car that is charged in increments of time.

35. If any residential unit used for worker accommodation, commercial or retail activity on the site is to be occupied, operate, or commence trading prior to any site works commencing for the adjacent NZUP schemes, then:

- a) A north-south pedestrian and cyclist crossing of State Highway 6 shall be constructed prior to the any worker accommodation unit or commercial or retail activity being occupied, operating, or commencing trading together with a footpath on the north side of State Highway 6 along the boundary of the site that connects to the pedestrian and cyclist crossing place. The location and design of the crossing and the footpath shall be agreed with NZ Transport Agency. The consent holder shall provide the Queenstown Lakes District Council with correspondence from NZ Transport Agency confirming works in State Highway 6 have been constructed to NZ Transport Agency standards.

- b) A pedestrian and cyclist link shall be constructed prior to the any worker accommodation unit or commercial or retail activity being occupied, operating, or commencing trading to connect the western side of the site with the Terrace Junction development. The location and design of the pedestrian link shall be agreed with NZ Transport Agency. The consent holder shall provide the Queenstown Lakes District Council with correspondence from NZ Transport Agency confirming works in State Highway 6 have been constructed to NZ Transport Agency standards.
- c) A raised median shall be constructed on the westbound approach to Hansen Road or the southbound lane on Hansen Road shall be reorientated to restrict vehicles to left-out movements only from Hansen Road onto State Highway 6 prior to any worker accommodation unit or commercial or retail activity being occupied, operating, or commencing trading. The location and design of the raised median shall be agreed with NZ Transport Agency. The consent holder shall provide the Queenstown Lakes District Council with correspondence from NZ Transport Agency confirming works in State Highway 6 have been constructed to NZ Transport Agency standards. The purpose of this condition is to ensure that right-out movements from Hansen Road to State Highway 6 are prevented.
36. Details and location of required secure and sheltered cycle parking, at a rate of at least one space per unit. This can be within the buildings, or external to the buildings, as long as they are located on the Site.
37. Cycle Parks and end of trip facilities in accordance with the following table (Proposed District Plan cycle parking spaces requirements)

Activity	Customer Cycle Parks	Staff Cycle Parks	End of Trip Facilities
Restaurants, Cafes, taverns and Bars	2 spaces for first 125sqm and 1 space for every 150sqm thereafter	Only required for >500sqm	For 2 – 10 long terms cycle parks, 1 locker is required
Offices	2 spaces for first 500sqm and 1 spaces for every 750sqm thereafter	For offices >150sqm, 1 spaces, then 1 space for every additional 150sqm	
Retail	<300sqm, no requirement	1 space for 200sqm	

Lighting Plan

38. As part of any building consent, the consent holder shall provide a Lighting Plan for certification by QLDC. This plan shall include proposed locations, lux levels and types of lighting (i.e. manufacturer's specifications once a lighting style has been determined). The lighting plan shall demonstrate that all lighting complies with Rule 15.5.9 and any other relevant PDP lighting standards, to avoid any light spill onto neighbouring properties and adverse effects on the night sky.
39. The Lighting Plan certified by the QLDC shall be implemented as part of the construction of the development and maintained thereafter.

Acoustic- Façade Design and Critical Listening Environments

40. As part of any building consent application, the consent holder shall provide certification from a suitably qualified expert to confirm that all façades and roofs of all critical listening environments located within the Queenstown Airport Outer Control Boundary have been designed to have an airborne sound insulation performance of at least 40 dB R_{w+Ctr} determined in accordance with ISO 10140 and ISO 717-1. The certification shall demonstrate how the design and construction of each Critical Listening Environment in each block will meet this requirement, prior to occupation of each block.
41. At the completion of construction, written confirmation shall be provided by a suitably qualified and experienced person that the building facades and roofs have been constructed in accordance with the certified design
42. As part of any building consent application, the consent holder shall provide certification from a suitably qualified expert to confirm that all Critical Listening Environments located within the Queenstown Airport Outer Control Boundary are designed to meet the requirements of Rule 36.6.2 of the Proposed District Plan. The Consent Holder shall provide written advice from a suitably qualified expert to the satisfaction of the Council that demonstrates how the design and construction of each Critical Listening Environment in each block will meet this requirement, prior to occupation of each block.
43. At the completion of construction, written confirmation shall be provided by a suitably qualified and experienced person that all Critical Listening Environments have been constructed in accordance with the certified design.

Acoustic

44. The consent holder shall ensure that the cumulative noise rating level from all activities on the site comply with the noise limits and assessment methods in Rule 15.5.8 (Shopping Centre Zone), 36.5.1 (Rural Zone), 36.5.2 (Low Density Residential Zone and Open Space and Recreation Zone) when measured and assessed at any point on any site in these zones.
45. The selection, design and installation of all external mechanical plant and equipment on the subject site must be reviewed by a suitably qualified acoustic specialist at the detailed design stage of the project, to ensure that the cumulative noise rating level from all noise sources on the site will comply with the noise limits in 44 above. The Consent Holder shall provide written advice from a suitably qualified acoustics expert to the satisfaction of the Council that demonstrates how the requirements in condition 26A will be met, prior to occupation of each block.

C. Ongoing Conditions/Covenants

Land Covenants

46. Prior to the occupation of any residential unit authorised for worker accommodation in accordance with this consent, a land covenant in favour of the Queenstown Lakes District Council shall be registered on the records of title of the site (all lots both prior to and after the subdivision authorised by RM161140 varied by RM210491) requiring that:
- a) No residential unit authorised for worker accommodation under this consent shall be used for visitor accommodation or residential visitor accommodation or Homestay as defined in the Queenstown Lakes Proposed District Plan. Each time the residential unit is used for worker accommodation the unit shall have a minimum occupancy period of 90 nights/days.
 - b) The consent holder must, at all times, ensure that a full and accurate register of all occupiers of worker accommodation units that includes the name(s) and length of stay (i.e., entry and exit dates) of each occupier or group of occupiers. The register, which must contain the preceding 5 years (or all years the register has been in place prior to the completion of the first 5 years), must be made available to the Queenstown Lakes District Council upon request of a council officer within 48 hours of the request to view the register being made.
 - c) The residential units authorised for worker accommodation shall not be subdivided into individual units or otherwise made available for individual ownership or sale (including by way of unit titled or cross lease subdivision or conversion into leasehold estate(s)).
 - d) The facades and roofs of all critical listening environments located within the Queenstown Airport Outer Control Boundary are maintained and retained to have an airborne sound insulation performance of at least 40 dB Rw+Ctr.
47. Prior to the occupation of any residential unit authorised for worker accommodation under this consent, a land covenant in favour of the Queenstown Airport Corporation Limited shall be registered on the records of title of the site (all lots both prior to and after the subdivision authorised by RM161140 varied by RM210491) setting out that:
- a) The worker accommodation units are located in the vicinity of the flight paths and airspace utilised by aircraft taking off or landing at Queenstown Airport and are within or in close proximity to the Outer Control Boundary for Queenstown Airport where noise and other effects from activities at Queenstown Airport and from overflying aircraft using Queenstown Airport may cause disturbance or annoyance to owners and occupiers of the worker accommodation units;
 - b) The owners and occupiers of all worker accommodation units (whether directly or indirectly through another person) must not object to, complain about, bring any proceedings, take any steps in respect of or in any way to restrict, constrain, or prohibit any lawfully conducted activity or practice conducted at or from Queenstown Airport, whether existing or proposed, whether carried out by Queenstown Airport Corporation Limited or any party authorised by Queenstown Airport Corporation Limited; and
 - c) The covenantors are obliged to directly inform all occupiers of worker accommodation units of the existence of and meaning of this covenant.

48. In the event that the Engineering Acceptance issued under Condition 24 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 land Covenant in favour of the Queenstown Lakes District Council) shall be registered on the relevant Records of Title detailing these requirements for the lot owner(s). The instrument shall be prepared by the Council's solicitors at the consent holder's expense to ensure that all of the Council's interests and liabilities are adequately protected.

Advice 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 s.127 of the Resource Management Act.

49. On completion of earthworks, a land covenant pursuant to Section 108(2)(d) of the Resource Management Act 1991 in favour of the Queenstown Lakes District Council shall be registered on the Records of Title of the subject site (all lots both prior to and after the subdivision authorised by RM161140 varied by RM210491) requiring the performance of any ongoing requirements for protection of secondary flow paths or minimum floor levels for buildings, where deemed necessary by the Queenstown Lakes District Council to satisfy Condition 24(d) above. The instrument shall be prepared by the Council's solicitors at the consent holder's expense to ensure that all of the Council's interests and liabilities are adequately protected.

Advice Notes

The consent holder may require additional consents from the Otago Regional Council.