

**From:** Kristy Rusher <Kristy.Rusher@awslegal.co.nz>  
**Sent:** Friday, 26 February 2021 12:31 pm  
**To:** queenstownarterialsfasttrack  
**Subject:** Comments on Queenstown Arterials Project Fast Track Application - Hall Family Trust, Malaghan Street, Queenstown  
**Attachments:** Invitation\_for\_Comment\_Form\_Queenstown\_Arterials\_Project (002) (002).pdf  
**Follow Up Flag:** Follow up  
**Flag Status:** Flagged  
**Categories:** Copied to SharePoint

Hi,

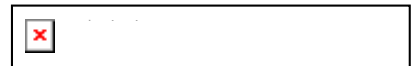
Please find attached a completed comment form in respect of the above project on behalf of the Hall Family Trust, the owners of land at [REDACTED], Queenstown.

Regards,

Kristy Rusher

**Kristy Rusher**  
 Special Counsel

P 03 211 1370  
 Call | Email | Website



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# Invitation for Comment on Queenstown Arterials Project (LP17)

The Queenstown Arterials Project is a Listed Project under the COVID-19 Recovery (Fast-track Consenting) Act 2020

<b>Application Name</b>	Queenstown Arterials Project
<b>EPA Reference</b>	FTC000017
<b>Applicant</b>	Queenstown Lakes District Council
<b>Comments due by</b>	Friday, 26 <sup>th</sup> February 2021
<b>Accessing the application</b>	<i>The full application and supporting documents can be viewed on the EPA website, which can be accessed here:</i>  <a href="https://www.epa.govt.nz/fast-track-consenting/listed-projects/queenstown-arterials-project/the-application/">https://www.epa.govt.nz/fast-track-consenting/listed-projects/queenstown-arterials-project/the-application/</a>

An application has been made by Queenstown Lakes District Council under the COVID-19 Recovery (Fast-track Consenting) Act 2020 for resource consent and notice of requirement for the Queenstown Arterials project.

To comment on the Queenstown Arterials Project application using the form below, please fill in the details and:

- **Email** the form to [queenstownarterialsfasttrack@epa.govt.nz](mailto:queenstownarterialsfasttrack@epa.govt.nz). Please mark in the subject line: "Comments on Queenstown Arterials Project Fast Track Application (Your name/organisation) by Friday, 26th February 2021; or
- **Post** the form to Queenstown Arterials Project Fast Track Application, Environmental Protection Authority, Private Bag 63002, Waterloo Quay, Wellington 6140 in time for the form to be received by the Friday, 26th February 2021; or
- **Deliver in person** to Environmental Protection Authority, Grant Thornton House, Level 10, 215 Lambton Quay, Wellington by Friday, 26th February 2021. Please note that due to potential changes in COVID-19 Alert Levels our reception may not be open to the public. We suggest phoning ahead to check.

**Comments must be received by the EPA, on behalf of the Queenstown Arterials Project Expert Consenting Panel, no later than Friday, 26th February 2021**

If your comment is not received by the EPA by Friday, 26th February 2021 the Panel is not required to consider your comment (although it may decide to). Under the COVID-19 Recovery (Fast-track Consenting) Act 2020 there is no right to seek a waiver of the time limit.

If you are an iwi authority you may share the consent application with hapū whose rohe is in the project area in the application, and choose to include comments from the hapū with any comments you may wish to provide.

## Important information

Your personal information will be held by the EPA and used in relation to the Queenstown Arterials Project consent application process. You have the right to access and correct personal information held by the EPA.

A copy of your comments, including all personal information, will be provided to the Expert Consenting Panel and the applicants.

All comments received on the application will be available on the EPA website.

If you are a corporate entity making comments on this application, your full contact details will be publicly available. For individuals, your name will be publicly available but your contact details (phone number, address, and email) will not be publicly available.

Please do not use copyright material without the permission of the copyright holder.

All information held by the EPA is subject to the Official Information Act 1982.

More information on the fast-track consenting process can be found at <https://www.epa.govt.nz/fast-track-consenting/about/>.

## Comment on the Queenstown Arterials Project Fast-track Application and Notice of Requirement

All sections of this form with an asterisk (\*) are mandatory.

### 1. Contact Details

Please ensure that you have authority to comment on the application on behalf of those named on this form.

Organisation name (if relevant)	Hall Family Trust (AWS Legal as agent per Special Counsel Kristy Rusher)		
*First name	Trevor		
*Last name	Hall		
Postal address	[REDACTED]		
*Home phone / Mobile phone	[REDACTED]	*Work phone	
*Email (a valid email address enables us to communicate efficiently with you)	[REDACTED]		

### 2. \*We will email you draft conditions of consent for your comment about this application

<input checked="" type="checkbox"/>	I can receive emails and my email address is correct	<input type="checkbox"/>	I cannot receive emails and my postal address is correct
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### 3. Please provide your comments on the Queenstown Arterials Project Application

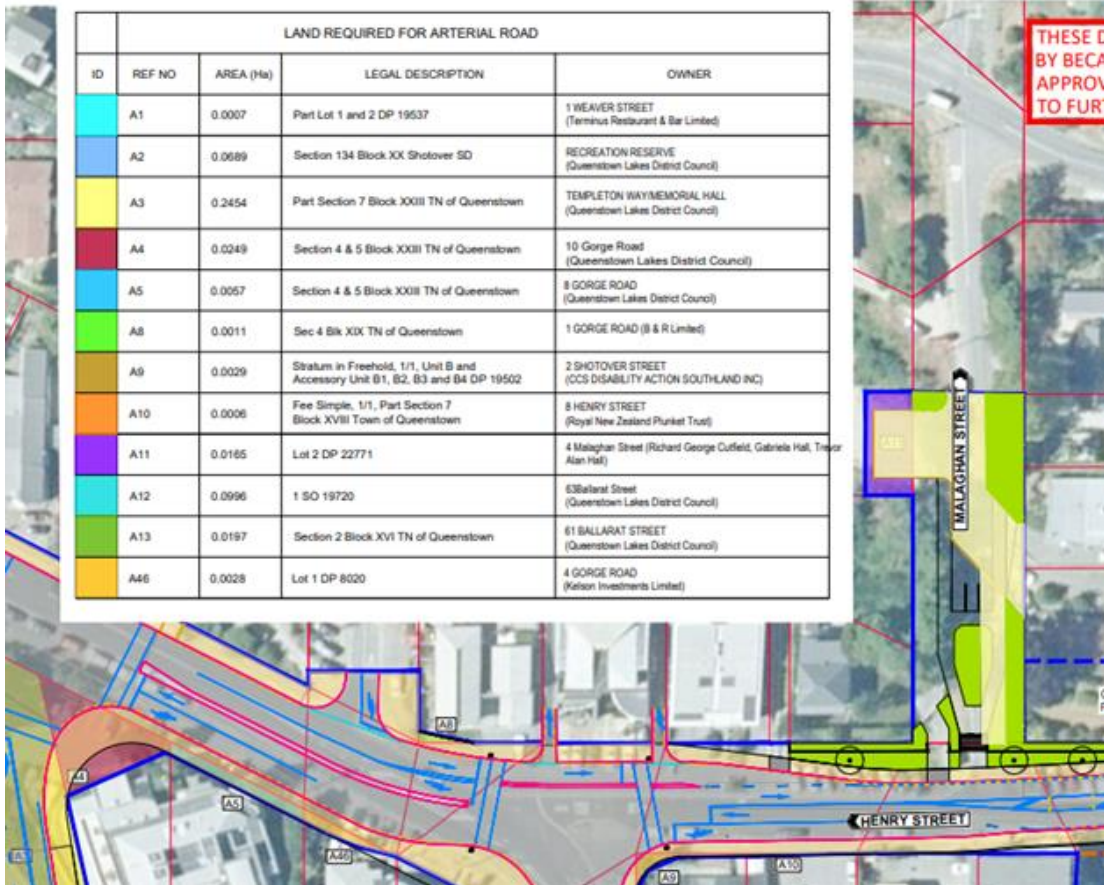
If you need more space, please attach additional pages. Please include your name, page numbers and [insert project name] Application on the additional pages

**Invited Comment from the Hall Family Trust as owners of [REDACTED].**

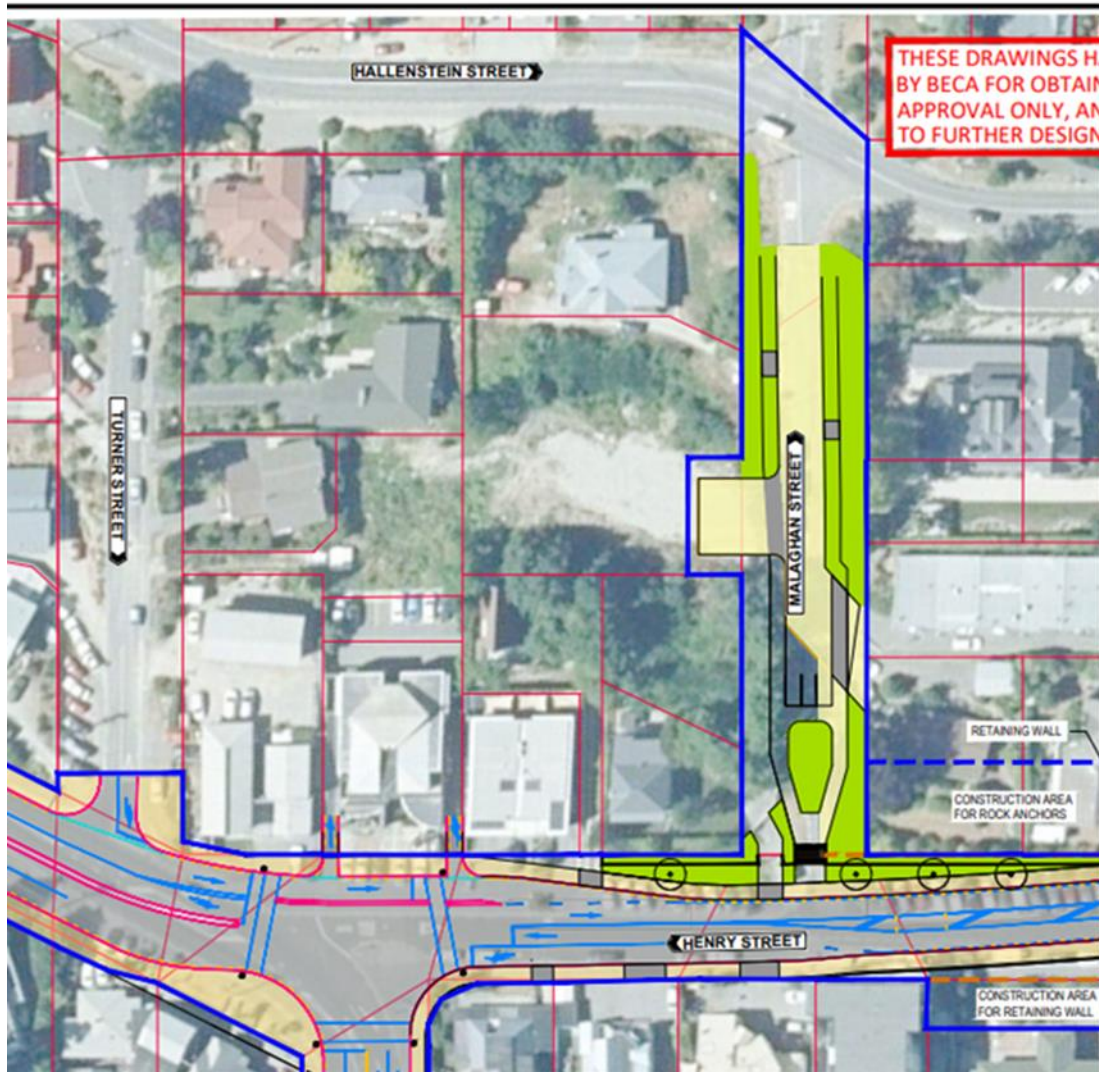
1. The Hall Family Trust (the Halls) are the registered owners of the properties located at [REDACTED], Queenstown. The properties are legally described as [REDACTED] and [REDACTED]. Residential dwellings are established within the properties located at [REDACTED].
2. The property at [REDACTED] is presently vacant, but has practical vehicle access. The property at [REDACTED] has a residential dwelling and associated formed driveway access to Malaghan Street.
3. The comments below concern adverse amenity effects of the project on the residences at [REDACTED] as well as significant concerns about the design and consultation process for this project.

**BACKGROUND**

4. The Halls have been made aware of the application for the Queenstown Arterials Project (the Project) by the Queenstown Lakes District Council (the Council) at a late stage, despite contacting the Council and requesting early contact over design of the route.
5. The following plans included in the application for the Project illustrate the location of the arterial works in the context of the Hall land:



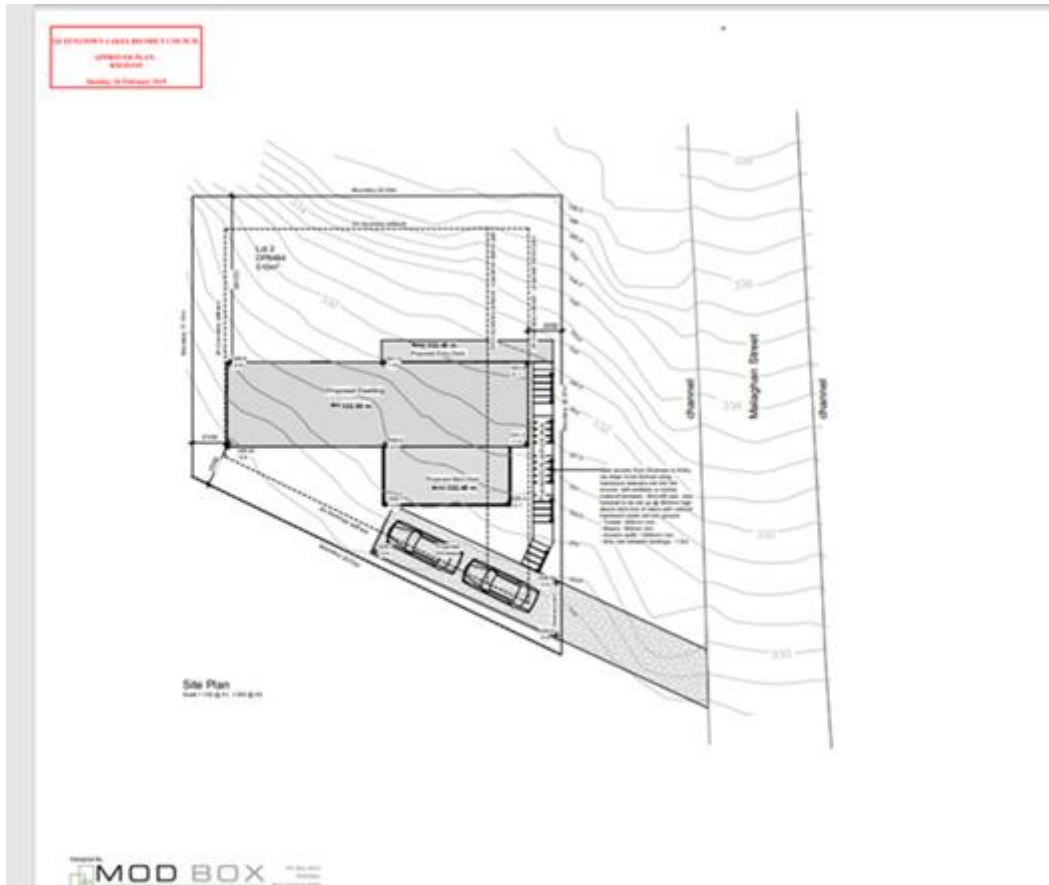
Proposed Route – showing as being located on land at [REDACTED].



6. Both plans indicate that a portion of the Hall land (specifically included within [REDACTED]) will need to be acquired by the Council. The area of the required land is approximately 144m<sup>2</sup>, but may be more – the diagram shows a higher figure, but it is not sufficiently clear to understand how the land area required has been calculated.

**DESIGN CONCERNS**

7. The Halls have several issues with the impact on their property for the proposed works to Malaghan Street.
8. It is understood that as part of the application, the Council is seeking to physically stop through traffic using Malaghan Street, between Hallenstein Street and Henry Street. Aside from assumed on-street parking and pedestrian access, Malaghan Street will be primarily used for vehicular access to the adjoining properties. It is assumed that the portion of the Hall land to be acquired will be to provide for a vehicle turn around area on Malaghan Street.
9. The aerial photos and maps used in the application are not current. The photograph is outdated for [REDACTED], in that it does not show the established residential dwelling that is established on this property. The site plan for established residential dwelling at [REDACTED] is below:



10. The physical works proposed for Malaghan Street as part of the Project do not take into account the established vehicle access to [REDACTED]. The property is a consented 365 holiday rental and onsite parking is required. Removal of vehicle access and onsite parking means that the property may require a further resource consent to comply with the district plan and that the attractiveness of the premises as a holiday accommodation is reduced.
11. It appears from the diagram provided that existing established access to this property will be removed and this will have a detrimental effect on the use and amenity of that land.
12. The consultation diagram also does not explain the use to which the land required for [REDACTED] will be used. It is not clear if this will be carriageway for traffic movements, or for vehicle parking. It is not possible to assess or comment on the impact of that on the Halls property.
13. The consultation documents do not explain what reasonable alternatives were considered instead of using of [REDACTED]. The Halls comment that it appears that practical alternatives to the use of [REDACTED] were available to the QLDC.
14. No design provision for the arterial route has been made for safe alternative access to the land at [REDACTED].
15. The diagram provided for consultation does not make it clear whether the widening of the West side of Malaghan Street will occur wholly on road reserve. If not, further land acquisition from the Halls may be required.

#### Process Concerns

16. Despite the Halls being directly affected by the Project, notice was not served on the Halls. There additionally has been no pre-consultation on the design of the route with QLDC.

17. The consultation information is inadequate. Firstly, the information used for the design of the route is inaccurate. The aerial photographs are out of date and do not show the presence of existing residences.
18. Secondly, the consultation information has not explained how the changes to the road layout will affect the Halls' property, or how the residential vehicle access will remain compliant with traffic safety and design standards given the change to traffic volumes that will result from this project.
19. It clear that this proposal was based on a desk top design, and that the use of inaccurate information has compromised the desing of the route. Therefore the Halls cannot rely on the information presented by the QLDC to fully and accurately identify the effects of the project on them.
20. Had pre-consultation occurred with adequate and accurate information for the design decisions, it may not have been necessary to provide comment, and go to the expense of making this assessment with the assistance of planning professionals. The Halls consider that they have incurred costs which may have been avoided entirely (or substantially less) if adequate and accurate information had been used in the route design.

### **Conclusion**

21. The Halls are rate payers who want progress in Queenstown. The Halls are disappointed that despite being proactively in contact the Council, the have not been adequately consulted and this has resulted in increased costs to both QLDC and the Halls.

### **RESOLUTION SOUGHT**

Some of the Halls concerns can be met through the following outcomes:

- a) Redesign of arterial route (or vehicle access on [REDACTED]) to provide for safe vehicle access for residences at [REDACTED] or alternatively redesign/relocation of the existing vehicle access points; and
- b) Conditions imposed to require that any design and construction costs to create safe vehicle access by relocation/realignment of residential vehicle access on [REDACTED] are met by QLDC; and
- c) Compensation paid to the Halls for reduced amenity effects, and a reduction in the property value due to the development constraints resulting from the project.

### **CONTACT INFORMATION**

Correspondence for the Hall Family Trust may be submitted to:

Kristy Rusher – Special Counsel

AWS Legal - The Forge Level 2/20 Athol Street, Queenstown 9300

[kristy.rusher@awslegal.co.nz](mailto:kristy.rusher@awslegal.co.nz) or Ph 021 400 133

Thank you for your comments