

12 August 2024

Queenstown-Lakes District Council
10 Gorge Road
Queenstown, 9300

Tēnā koutou,

Submission on a Resource Consent Application - RM230874

Thank you for the opportunity to submit on the Resource Consent Application RM230874 from McDonald's Restaurant NZ Ltd, (hereafter McDonald's). This application refers to Section 88 of the Resource Management Act 1991 (RMA) for land use consent to construct a restaurant building and undertake a 24-hour restaurant activity, involving a drive-through activity, carparking and landscaping, with associated building setback, earthworks, transport, signage and noise standard breaches.

This submission has been compiled by the National Public Health Service (NPHS) Te Waipounamu region, Health New Zealand – Te Whatu Ora. NPHS Te Waipounamu services the South Island including Queenstown-Lakes District.

NPHS recognises its responsibilities to improve, promote and protect the health of people and communities of Aotearoa New Zealand under the Health Act 1956¹ and the Pae Ora (Healthy Futures) Act 2022.² Pae Ora requires the health sector to protect and promote healthy communities and health equity across different population groups by working together with multiple sectors to address the determinants of health.

This submission sets out matters of interest and concern to NPHS Te Waipounamu, and our recommendations are based on available evidence about public health and equity.

NPHS Te Waipounamu opposes the application as it currently is.

General Comments:

1. Health is defined by the World Health Organization (WHO) as: “*A state of complete physical, mental and social wellbeing and not merely the absence of disease or infirmity*”.⁶ Part 2, section 5 of the RMA states sustainable management means “*managing the use, development, and protection of natural and physical resources in a way, or at a rate, which enables people and communities to provide for their social, economic, and cultural well-being and for their health and safety*”. We contend that the health impacts of the proposed application need to be further explored by the applicant.
2. Health and wellbeing are influenced by a wide range of factors beyond the health sector. These factors are often referred to as the ‘social determinants of health’, and can be described as the

environmental, economic and social conditions in which people are born, grow, live, work and age.³

- The diagram below shows how these determinants of health are complex and interlinked. Initiatives to improve health outcomes and overall quality of life must involve organisations and groups beyond the health sector, including local government and businesses, if they are to have a significant impact.

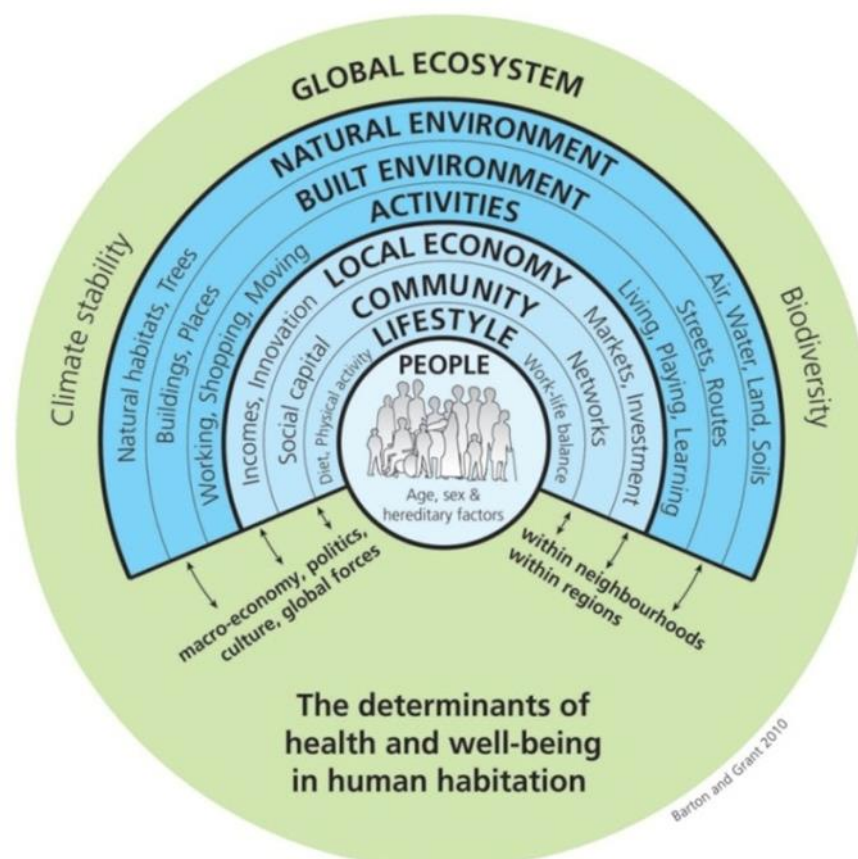


Figure 1: Social determinants of health

- Commercial activities are a determinant of health and wellbeing. They also shape the physical and social environment in which people are born, grow, work, live, and age.⁴ Commercial entities can positively or negatively impact health through direct or indirect pathways.⁵ The complex links between health and the commercial sector are referred to as the commercial determinants of health (CDoH). This definition refers to the product sold and the systems, practices and pathways through which commercial agents drive health and equity.⁵ This includes policy influence and public opinion.⁶
- The diagram below shows how the CDoH are complex and interlinked.⁵

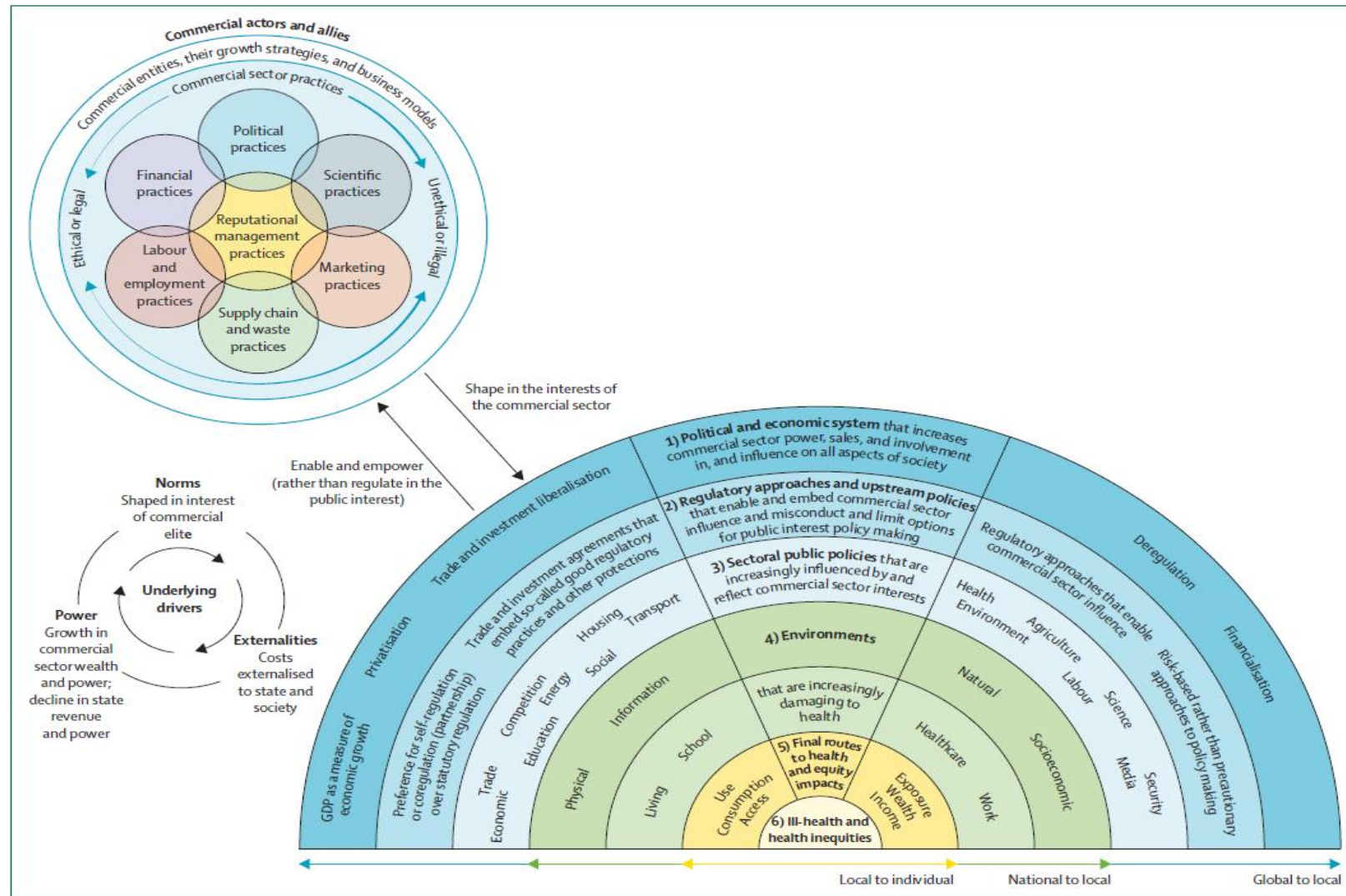


Figure 2: Commercial Determinants of health

Environmental Wellbeing Considerations

1. The environment is a fundamental determinant of human health and wellbeing. Public health prioritises planetary health, climate change, and human health. Related to this application, we are particularly concerned about:
 - a) Environmental sustainability issues associated with takeaway food containers and food waste. A waste audit conducted by Keep New Zealand Beautiful was able to show that 63% of all branded packaging found around New Zealand was from McDonald's.⁷
 - b) Increased traffic and emissions. A report included in the application mentions that there is likely to be about 1610 additional vehicle trips per day. This generation of extra vehicle trips will contribute to the overall greenhouse gas footprint of Wānaka and goes against the objectives and policies of the proposed district plan (PDP) to 'reduce(s) dependency on private motor vehicle and promote(s) the use of public and active transport' and 'contributes towards addressing the effects on climate change'.

Listening to the Community

1. So far 5982 people signed the petition against McDonald's in this location in Wānaka and close to 149 people have filed a submission, most of them opposing the application.
2. Regarding the application, we argue that there is a lack of evidence showing and explaining comprehensively that the strategic objectives (SO) of Chapter 3 of the PDP are being met.
 - a) SO 3.2.1, there is no evidence supporting the fact that transnational (TNC) or multinational (MTC) create a prosperous, resilient, and equitable economy in the District.
 - b) SO 3.2.3 *A quality-built environment taking into account the character of individual communities*. Preferred design, materials, and colours of the built environment in Central Otago are mentioned, but SO 3.2.3 are meant to address strategic issues 3 and 5 (stated in the PDP) which are:

Strategic Issue 3: High growth rates can challenge the qualities that people value in their communities.

Strategic Issue 5: The design of developments and environments can either promote or weaken, safety, health and social, economic and cultural wellbeing.

Wānaka residents have submitted on what matters to them, and the proposed location is a significant concern. The qualities that residents value in this community go beyond technical planning matters, such as design, materials and colours. We encourage council to listen to the concerns of the community.

Statutory Obligations of QLDC

1. The Health Act 1956 / The Local Government Act (Community Wellbeing) Amendment 2019

The Health Act enables local authorities to improve, promote, and protect public health, and to prevent or abate nuisances.¹ The Local Government Act (Community Wellbeing) Amendment 2019 stipulates that local authorities must promote the social, economic, environmental, and cultural wellbeing of communities in the present and for the future.⁸

2. The Local Government Act 2002 (LGA)

The purpose of the Significance and Engagement Policy 2021 under the LGA⁹ is to identify the degree of significance attached to particular proposals. Mana whenua status and values inform significance in relation to land or a body of water, takes into account the relationship of Māori and their culture and traditions with their ancestral land, water, sites, wāhi tapu, valued flora and fauna, and other taonga. The cultural landscape of Mount Iron and its surrounds are significant for Kāi Tahu as mana whenua.

3. The Ngāi Tahu Claims Settlement Act 1998 (NTCSA)

NTCSA enables Kāi Tahu to maintain their traditional relationship with the natural environment. And, to re-establish their ability to exercise kaitiaki responsibilities in the post-settlement era. The NTCSA contains elements of cultural redress focused on restoring cultural responsibilities. And recognises Kāi Tahu mana associated with flora, fauna, and areas of land, and the pragmatic ongoing management of these cultural resources.¹⁰ The NTCSA references: the 'Wanaka Plantation' located near Mount Iron and known locally as 'Sticky Forest'; and Taonga Species. The Crown acknowledges the cultural, spiritual, historic, and traditional association of Ngāi Tahu with taonga species.¹¹ Mount Iron provides a habitat for New Zealand falcon, bellbird, fantail and silvereye¹² all of which are noted Taonga Species within the NTCSA. Therefore, we strongly recommend that a cultural impact assessment be undertaken to assess the cultural impacts of this application on Kāi Tahu in their role as kaitiaki.

4. Te Tiriti o Waitangi

The principles of Te Tiriti o Waitangi imply a partnership, to be exercised with the utmost good faith. It is a key principle of Te Tiriti o Waitangi to actively protect Māori interests. In particular, the interests of Kāi Tahu.

5. Resource Management Act 1991 (RMA)

As per section 8 of the RMA, all persons exercising functions and powers under the RMA Act, in relation to managing the use, development, and protection of natural and physical resources, shall take into account the principles of the Treaty of Waitangi.

6. In Part 2 of the Resource Management Act 1991 (RMA), Sustainable Management is defined as managing the use, development and protection of natural resources in a way or at a rate which enables people and communities to provide for their social, economic and cultural wellbeing and for their health and safety while [...].¹³ We are not aware that a holistic assessment of the value that this proposed new corporate business will add to the social, economic, and cultural wellbeing and physical health of the people and the community of Wānaka has been undertaken.

Context

1. The QLDC website describes Mount Iron as:

*“An iconic landmark in the Upper Clutha. Approximately 2km from the town centre, it offers panoramic views of Wānaka and its surrounds, and is arguably one of the most popular walking tracks in the Upper Clutha with over 180,000 visitors heading up the Mount Iron slopes each year”.*¹⁴

Moreover, Mt Iron has been identified as an Outstanding Natural Feature (ONF) in the PDP, which in brief is due to its:

“Very high associative values relating to the mana whenua associations of the areas, the significant recreational attributes, and the strong shared and recognised values as part of the local and regional sense of place”.

QLDC has recently purchased land around Mount Iron and Little Mount Iron, holding the land as a public reserve. Nature-based settings promote wellbeing and mental health. Therefore, we would further argue that as per clause 7 d) of the RMA, any effects on natural and physical resources having aesthetic, recreational, scientific, historical, spiritual, cultural, or other special value for present and future generations has also been omitted from a full assessment of benefit and harms.

2. Kāi Tahu have previously stated that they are supportive of development within their takiwā, provided activities are undertaken in a way that respects the environment where the activity is to be undertaken and do not adversely affect Kāi Tahu cultural values, customs and their traditional relationship with land and water.¹⁵
3. QLDC lists *healthy and fulfilled people, a good standard of living, a healthy environment, an enabling built environment, connected communities, belonging and identity and Participation and Governance* as outcomes from their Wellbeing Outcomes Framework. *Protect Human and Environmental Health* is also listed in their Strategic Framework. QLDC must make decisions considering the health and social, cultural and environmental wellbeing of the communities it serves, and this includes planning decisions in regards of resource consent.

Comments Specific to the Application

1. NPHS Te Waipounamu recommends that council requests a Health Impact Assessment (HIA) and a Cultural Impact Assessment (CIA) from McDonald's. Consent should not be granted unless such an assessment can demonstrate mostly positive outcomes for the community in terms of their social, cultural and economic wellbeing.
2. The overall application is a non-complying activity. From a public health perspective, we argue that the activity is contrary to the objectives and policies of the PDP, especially policies and objectives in regard to the social, economic, and cultural wellbeing of individuals and communities.

3. We challenge point 8.1.9 'Positive Effects' in the AEE. We are not aware of any evidence to support the claim that a *'high-quality, architecturally designed commercial building, which will be visually integrated within the environment'* is a better option than leaving the piece of land undeveloped close to iconic Mount Iron nor that it's the preferred option of the community in this context. As for the point that McDonald's will 'support the local economy by enabling employment and increased spending in the area', we acknowledge that a new restaurant will create jobs, but we believe the majority of these will be low-paying and offer little security. There is no evidence that spending will increase in the region, but there is argument that a transnational business will be competing with Wānaka's local businesses.
4. We also have questions regarding the attainment of objective 29.2.1 that stipulates McDonald's *will support alternative transport modes, reduce traffic generation and manage the effects of land uses on the transport network*. It seems unlikely that an establishment along a highway will encourage alternate modes of transport and therefore reduce traffic generation.
5. Regarding signs, amenity values are described as natural or physical qualities of an area that contributes to people's appreciation of its aesthetic coherence and cultural and recreational attributes in section 2 of the RMA. We, therefore, disagree with the claim that the applicant will attain SO 31.2.1, and 31.2.1.1-31.2.1.3.

Conclusion

1. To summarise, NPHS Te Waipounamu:
 - strongly encourages further meaningful engagement with the community.
 - reminds council of its Te Tiriti obligations to Kāi Tahu as mana whenua.
 - is concerned about the impacts of MNC and TNC, such as McDonalds, on planetary health and the health of current and future generations.
 - recommends a comprehensive HIA (including cultural impact assessment to analyse the cultural impact for Kāi Tahu). We would like to see such an assessment demonstrating that the outcomes for the individuals and the community of Wānaka would mostly be positive before granting consent for this proposed fast-food restaurant.
2. NPHS Te Waipounamu wishes to be heard with respect to this submission.
3. Thank you for the opportunity to submit on the application for a resource consent RM230874.

Ngā mihi,



Vince Barry

Regional Director
National Public Health Service
Te Waipounamu Region

Contact details

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References

1. Health Act 1956.
2. Pae Ora Healthy Futures Act 2022.
3. New Zealand. Public Health Advisory Committee. A way forward: public policy and the economic determinants of health. Published online 2004:67. Accessed May 23, 2024. <https://search.worldcat.org/title/156325485>
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8. Local Government (Community Well-Being) Amendment Act 2019.; 2019.
9. Pemberton S, Humphris R. Locality, Neighbourhood and Health: A Literature Review. www.birmingham.ac.uk/iris
10. Kāi Tahu Ki Otago Natural Resource Management Plan, 2005. Kāi Tahu ki Otago; 2005.
11. Ngai Tahu Claims Settlement Act 1998.
12. Schedule of Landscape Values: Outstanding Natural Feature and Outstanding Natural Landscape Priority Areas.
13. Resource Management Act 1991.
14. QLDC - Mount Iron Reserve Management Plan. Accessed August 5, 2024. <https://www.qldc.govt.nz/your-council/major-projects/mount-iron-reserve-management-plan>
15. Te Ao Marama Inc - Submission on Resource consent application: RM20.007, RM20.007.01 and RM20.007.02.

RE: RM230874 - McDonalds Submission



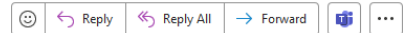
Monica Theriault <Monica.Theriault@southerndhb.govt.nz>

To Karen Mair

Cc Andrew Woodford

Retention Policy Default Policy (20 years)

Follow up. Start by Tuesday, 13 August 2024. Due by Tuesday, 13 August 2024.



Tue 13/08/2024 11:40 AM

Expires 8/08/2044

Kia ora Karen,

Please disregard our previous message.

Thank you for your email regarding the submission on RM230874.

I acknowledge that our submission was received outside the formal submission period and would like to explain this delay.

The delay was due, in part, to recent reforms and the introduction of new operational practices within our organisation. Regrettably, there were internal misunderstandings regarding the timeline and sign-out review needed.

We sincerely apologize for any inconvenience this may have caused.

I did reach out to Andrew Woodford last week to clarify a few points for our consideration/decision making process about whether to submit or not. Andrew affirmed that although the decision would be up to the commissioners, late submissions are sometimes accepted.

We are eager to enhance how the concepts of health promotion can be effectively applied within the RMA framework in collaboration with the council and to develop our relationship so that this can be more efficient in the future. We believe that integrating these perspectives could positively impact future outcomes for communities.

Furthermore, should this application proceed to a hearing, we wish to confirm our intention to speak and present our case.

Please do not hesitate to contact me if you require any further information or clarification.

Thank you for your consideration.

Ngā mihi,

Monica Theriault (she/her)

Health in All Policies Advisor

Te Waipounamu Region | National Public Health Service

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