

11 December 2024

The Hills Resort Limited
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Brown & Company Planning Group
PO Box 1467, Queenstown
9348

File:
Your ref:

PRIVATE PLAN CHANGE REQUEST TO PROPOSED DISTRICT PLAN CHAPTER 47
THE HILLS RESORT ZONE
REQUEST FOR FURTHER INFORMATION

Tēnā koe Jeff and Christine,

This request for additional information seeks to better understand the nature of the plan change request and how any potential effects are being managed.

This request is made pursuant to Clause 23 of Schedule 1 of the RMA 1991.

Site Access

The proposal identifies two new access points onto the local public road network; at Hogans Gully Road, and a new service/construction access approximately 70m from the existing access on McDonnell Road.

1. Please provide a statement from a suitably qualified and experienced traffic specialist which:
Confirms the suitability of these new accesses from a traffic safety perspective, including sight distances from the access points onto the road, and whether any existing (or proposed) vegetation needs to be modified to achieve adequate access safety.

Servicing

The AEE (section 6 of Document 3) identifies that no changes are sought with regard to water and wastewater servicing.

It is understood that the following options are available:

- (a) wastewater can be managed by either connection to the QLDC wastewater system which runs through and adjacent to the Site, or by the development of a private communal on-site wastewater disposal scheme.

- (b) potable water can be supplied via the Council's reticulated network (which runs adjacent to the site) or through the use of existing or new bores on site as required to meet demand.

Where reticulated water or wastewater options are chosen and connection to the Council's network is sought, consultation with the Council's Property and Infrastructure department would be required to confirm connection, capacity and required upgrades.

2. Can the Applicant confirm that its expectations have not changed with regard to potential connected reticulation.

Landscape

Existing Landscape Context

The landscape assessment references the McDonnell Subdivision adjacent the site and through which access is proposed. This is one example of a change to the receiving environment since the DPR process which may be of relevance in considering the proposed plan change.

3. To assist a clear understanding of the changes to the receiving environment in the vicinity of the site, please provide a scaled context graphic that shows the indicative layout of other development approved by a resource consent or anticipated through changes to zoning in the vicinity of the site, since THRZ Chapter 47 was confirmed by the Environment Court on 7 September 2021.

The area covered is expected to include (but not necessarily be limited to) the following properties:

- a) Hogans Gully Resort Zone (PDP Chapter 48)
- b) The outcome of the rezoning appeal on 508A Arrowtown-Lake Hayes Road (A Feeley, E Borrie & LP Trustees Limited), specifically the outcome provided for in Environment Court decision [2023] NZEnvC 263.
- c) Approved resource consents along McDonnell Road (both sides of the road other than the Lower Density Suburban Residential Zone), including any relevant resource consent at 175 McDonnell Road and/or rezoning as identified in Environment Court decision [2023] NZEnvC 278.
- d) Approved resource consents along Hogans Gully Road in proximity to the Site, including the land legally described as Lot 1 DP 550502 owned by Lakes Hayes Limited, the property at 157 Hogans Gully Road legally described as Lot 2 DP 596041, and Lot 6 DP 392663 owned by Veritas Hill Limited.
- e) Land on the western side of Arrowtown-Lake Hayes Road owned by Waterfall Park Development Limited, specifically the outcome of Environment Court Appeal ENV-2019-CHC-90.

Description of the Proposed Provisions

The provisions specify a building RL height for each AA and HS. It would appear that some RLs assume a ground level height that approximates a mid-point across the AA or HS, suggesting an

intention to balance cut and fill across the AA or HS. Others (eg SG activity area¹) would appear to assume a ground level that corresponds to the highest contour within the activity area.

4. Please advise the rationale that has informed the proposed Building RL for each AA and HS in terms of the existing ground levels.

Little commentary is provided with respect to the location, scale or design of the accessways to the new HSs throughout the ('retired) nine-hole golf course area.

5. Please advise the design rationale for the proposed accessway alignment to the new HSs. The landscape effects of this aspect of the plan change should also be addressed in the landscape effects commentary discussed below.

The Master Planning Design Statement explains that many of the AAs have been reconfigured to accommodate the golf course dispersion corridors. It is noted that there appears to be an overlap between the golf course dispersion corridors and A2 and A4.

6. Please confirm that the current A2/A4 and golf dispersal corridor overlap is acceptable from an operational perspective or amend the Structure Plan accordingly. (NB any amended layout in this regard should be used as the basis for the photomontages and plans requested as part of the Clause 23 request for information.)

The provisions anticipate two planting strategies in the vicinity of the new HSs: SPA and LAMA. The SPA strategy is effectively 'locked in' via the Structure Plan layout and the Plant List at 47.9. The LAMA planting strategy is more 'open ended', effectively requiring a review process to ensure it delivers the outcomes outlined in 47.4.3 (a). The latter includes reference to whether the LAMA provides 'adequate mitigation of future buildings'. In contrast, the SPA planting is intended to contribute to 'visual coherence and amenity' and 'integration when viewed from public viewpoints'. 47.1.5 explains that the SPA species are required to be used for the LAMAs around HS 6-15. The varying intentions of the two planting strategies read alongside the requirement for the LAMAs around HSs 6-15 to use the SPA species may cause confusion in the administration of the provisions.

Further, the Master Planning Design Statement explains that the SPA planting is intended to enhance the ecological values of the site (and noting that reference to this role of the SPA has been added to 47.1.1 Resort Zone Purpose).

It is also noted that:

- a) The detailed LAMA plans provided during the DPR process, included a version draped over an aerial photograph with contours, which enabled a clear understanding of the existing vegetation patterns alongside the proposed mounding and planting strategy.

¹ Noting that the term SCG is used in the provisions, and SG on the Structure Plan.

- b) The Landscape Assessment assumes that tree planting will be undertaken in gullies around the HSs.

7. On this basis, please provide:

- a) A version of the more detailed LAMA, SPA, HS and AA mapping (1:4,000 scale), overlaid on an aerial with existing/proposed contours. Please ensure that the dwelling at 113 Hogans Gully Road (owned by the proponent) is legible on this mapping and that contours numbers are legible.
- b) The design rationale for the layout and configuration of the SPA and LAMA planting strategies around HSs 6-15. With reference to the SPA, given the 'ecological enhancement' and 'integration' intentions of this planting strategy, it would be usual for this to be supported by expert ecological and landscape assessment. The latter would address such matters as the reasoning underpinning the proposed SPA layout in terms of landscape legibility and coherence (put another way, why the SPA planting is laid out in the way that it is, which, for example, sees the SPA applied to some steeper areas and not others etc). The ecological assessment would typically evaluate the existing ecological values of the broader context within which the SPA is located, comment on the ecological enhancement potentials of the area and then evaluate the merits of the proposed SPA strategy.
- c) The design rationale for including both the LAMA and SPAs around HSs 6-15, particularly where the two planting strategies overlap.
- d) Please advise where in the proposed provisions guidance on the use of tree plantings in gullies around the HSs is addressed.

8. Please advise on the following minor discrepancy identified in the Landscape Report as follows (see yellow highlighted text):

a) *Activity Area A5:*

Small expansion to the north along the western side of A5, remaining at 40% building coverage leading to 0.14ha increase in built form. RL remains at 418.5 and 7m rolling height. Max RL changed from 419.5 to 422.0. Max rolling height remains 8m. Buildings this height would require a restricted discretionary activity consent. Buildings any taller would require a non-complying activity consent.

Modelled Views and Photomontages

The Landscape Assessment relies on a series of existing photographs and modelled views to support the landscape effects analysis. The modelled views have been constructed in a way that does not allow a clear understanding of:

- a) the difference between existing vegetation and proposed vegetation in each view;
- b) the influence of landform modification in mitigating buildings in each view;
- c) a clear understanding of the difference between the development outcome anticipated by the existing and proposed provisions.

It is also noted that the DPR process for THRZ relied on technically accurate photomontages to assist a clear understanding of landscape effects.

9. On this basis, please provide Photomontages for the modelled viewpoints showing:
 - a) Existing view
 - b) PDP THRZ simulation view with building envelope and legible new mounding and mitigation planting (assuming 5 years growth).
 - c) Proposed PC building envelope for each AA and HS.
 - d) Proposed PC building envelope with proposed mounding.
 - e) Proposed PC building envelope with proposed mounding and mitigation planting (assuming 5 years growth). Where relevant, please distinguish between SPA and LAMA plantings.
 - f) Version of (e) above, draped over (b) above.

Further, there has been an appreciable change to the receiving environment associated with the Ayrburn development since the DPR process.

10. On this basis it is requested that a new photomontage viewpoint is modelled being the outlook from the intersection of Ayrburn Lane and Arrowtown Lake Hayes Road.

11. Please also include a Photomontage Methodology Statement.

Landscape Effects Commentary

The Landscape Assessment assumes that the earthworks and planting in the vicinity of the new HSs will be carried out comprehensively by the developer.

12. Please confirm how the proposed provisions deliver on this assumption.

The existing assessment relies on commentary of the effects of each AA and HS on a 'component by component' basis.

13. To enable a clearer understanding of the cumulative landscape (including visual) effects of the proposed provisions, please provide additional landscape effects commentary for each of the viewpoints. This should include:
 - a) a clear description of what is likely to be visible under the existing provisions;
 - b) the changes that are proposed in each view;
 - c) the potential visibility of any proposed changes in the outlook (under the proposed provisions); and
 - d) the landscape related effects of the proposed changes, clearly explaining any temporal reduction in effects associated with mitigation/integration planting (including assumptions re plant growth rates etc).
14. The landscape effects analysis should also include:

- a) Commentary on the effects of the proposed provisions in views from Tobins Track and the Zig Zag lookout, which are vantage points that have been identified by the Environment Court as being of importance in the consideration of rezoning appeals in the eastern part of the Whakatipu Basin, since the DPR process.
- b) Due to the introduction of the SPG and an additional access point on Mc Donnell Road, commentary with respect to effects on the outlook from Mc Donnell Road.
- c) Commentary in relation to the proposed accessways to the new HSs (as mentioned above).

(NB photomontages for these additional 'viewpoints' are not required.)

Landscape Character Unit

The proposed amendments to the AA and HS are located in a Landscape Character Unit (24.8) (LCU 22: the Hills).

- 15. Please confirm if it has been considered necessary to amend the text of the LCU (22) as a result of this Plan Change?

- 16. If yes, please specify what changes would be made to the Landscape Character Unit (22), if not please elaborate on this reasoning.

Indigenous Biodiversity and Structural Planting Areas (SPA)

Sections 9 and 10 of the AEE (Document 3) states that the proposal will improve biodiversity outcomes for the site arising from the proposed SPAs.

The section 32 evaluation report (Document 4) states in seven instances that the proposal will result in increased biodiversity values arising from the requirement to undertake indigenous planting within the new Structural Planting Areas prior to development the new Homesites.

The Design Statement (Document 5) refers to the intention of the SPAs to apply to identified areas around the proposed homesites that would be revegetated with grey shrubland, which picks up on the vegetation patterns already present on the property and found throughout the Wakatipu Basin.

The proposed amendments to 47.1.1 refer to the SPA enhancing ecological values. The proposed amendments to Policy 47.2.1.14 (b) refer to the SPA to contribute to the amenity of the zone.

In some places on the Structure Plan, the SPA and LH/LAMA vegetation areas overlap, and the proposed text in section 47.1.5 states that 'the same species are required to be used in the relevant LAMA for HS6-15, to ensure visual cohesion between the areas'.

- 17. On this basis, please advise on the following:

- a) Whether the existing LAMA rule framework (Rule 47.4.3) is sufficient in its current form to ensure visual cohesion between the respective homesites (noting that proposed Rule 47.5.22 requires plantings in certain LAMA's to conform to the list in the proposed SPA planting schedule in 47.9).
- b) Whether it is appropriate to obtain a botanical survey of the areas intended to be covered by the SPA framework, to ascertain the current composition, extent and values of the indigenous vegetation.
- c) That the establishment of indigenous vegetation as proposed on The Hills Structure Plan is viable and successful outcomes are likely (including through Rule 47.4.3A as currently drafted).
- d) The appropriateness and relevance of the addition of the SPA concept into Policy 47.2.1.14 (noting that this policy focuses on 'landscape and amenity'), and whether there needs to be greater recognition of enhancement of indigenous biodiversity.
- e) Whether the parameters of control in proposed Rule 47.4.3A are appropriate where they refer to visual coherence and amenity, and not indigenous vegetation or indigenous biodiversity values.
- f) Whether the matters of discretion in Rule 47.5.22 should refer to matters other than 'landscape character'.
- g) Whether the proposed matters of control (g) in Subdivision Chapter Rule 27.7.22 are appropriate.

Consideration and responses to the above would help understand the basis of the support in the Proposal's supporting documentation that the SPAs will improve biodiversity.

Indicative Trail

On the existing Hills Structure Plan in section 47.7 of the PDP, the indicative Trail is identified as connecting from Hogans Gully Road (west) to McDonnell Road (east) near the northern boundary of Lot 2 Deposited Plan 392663.

The proposed Structure Plan shows the Indicative Trail through the site in greater detail (acknowledging the consultation undertaken with the Queenstown Trails Trust as identified in Document 5), with the indicative Trail being diverted between the boundary of the Arrowtown Retirement Village and the southern boundary of Lot 2 Deposited Plan 392663.

There will be approximately 500m of Trail relocated to the local road network.

- 18. Please identify any adverse effects on the Trail users experience and whether the existing indicative entry point onto McDonnell Road is more appropriate from both a safety perspective and a user experience perspective.
- 19. Part of the proposed indicative Trail is located outside the THRZ and Structure Plan Area where it crosses in front of 113 Hogans Gully Road which is zoned Wakatipu Basin Rural Amenity Zone. Can you identify any impediments to subdivision and development (i.e. in the PDP provisions) of part of the THRZ Structure Plan area applying to a zone other than THRZ?

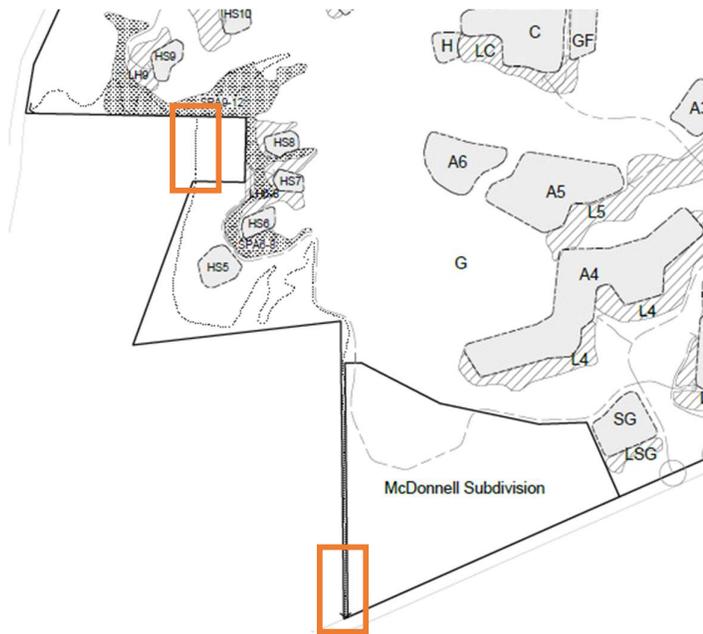


Figure 19-1. Excerpt of the proposed Structure Plan with the Indicative Trail, and orange shape identifying the diversion of the Trail through 113 Hogans Gully Road and realigned access onto McDonnell Road adjacent to the Arrowtown Retirement Village.

Structure Plan

Figures 1-5 below indicate that a part of the proposed amendment to the Structure Plan proposing a road from McDonnell Road (via the existing access) to Homesites 5-8 road appear to be located within the adjoining Site zoned Wakatipu Basin Lifestyle Precinct, on the property legally described as Lot 2 Deposited Plan 392663.

Therefore, it appears as though development activities would encroach outside the existing extent of THRZ.



Figure 20-1. Excerpt of PDP Maps (rotated 90° to conform with the Structure Plan orientation). Yellow shading is THRZ, dark blue shading is the Wakatipu Basin Lifestyle Precinct zoning.



Figure 20-2. Excerpt of the current Structure Plan (PDP Section 47.7). The extent of the Structure Plan conforms to THRZ zone extent.

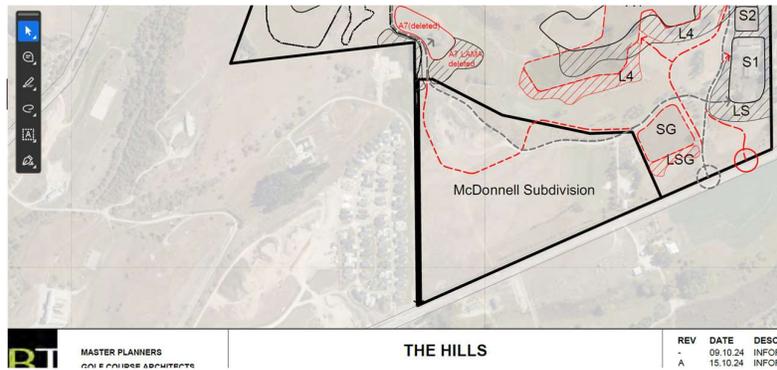


Figure 20-3. Excerpt of Plan Change Document 5 – Appendix 3. Red mark-up illustrating the proposed amendments.

The proposed new road access appears to encroach into the adjoining Wakatipu Basin Lifestyle Precinct zoning.

Note that the solid black line surrounding the area titled ‘McDonnell Subdivision’ does not appear to adhere to the existing cadastral boundaries nor the existing The Hills Resorts Zone Structure Plan.



Figure 20-4. Existing cadastral boundaries (sourced from Gripp App).

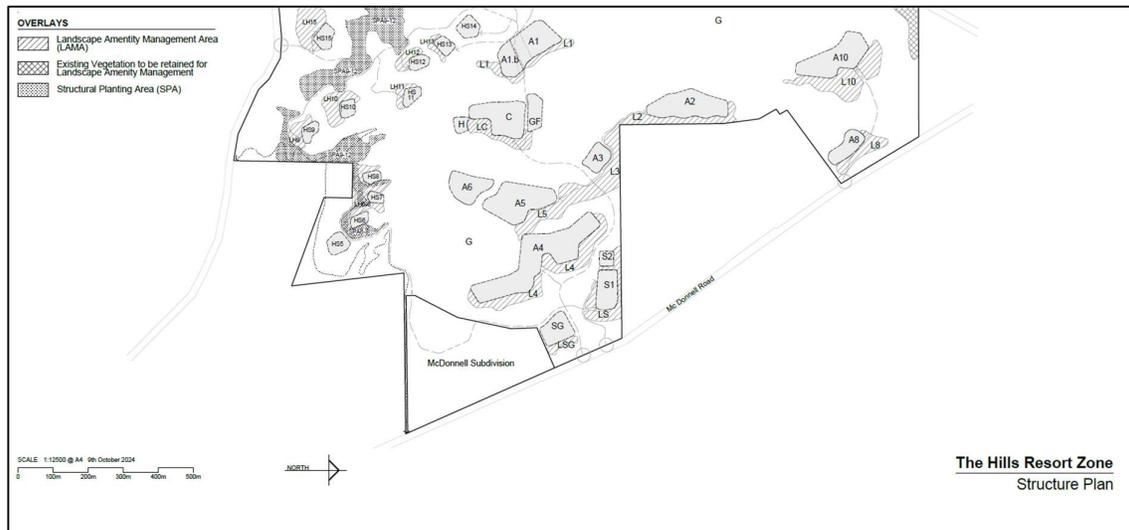


Figure 20-5. Excerpt of Plan Change Document 2 Proposed Structure Plan (Clean Version) showing the proposed road into what is understood to be Wakatipu Basin Lifestyle Precinct zoning.

20. On the basis of the above:

- a. Is that part of Lot 2 Deposited Plan 392663 currently zoned Wakatipu Basin Lifestyle Precinct proposed to be rezoned and included in THRZ?
- b. If the answer to the above is no, can you identify any impediments to subdivision and development (i.e. in the PDP provisions) of a part of the THRZ Structure Plan area applying to a zone other than THRZ?
- c. Please clarify what is meant by the identification of Lot 2 Deposited Plan 392663 as the 'McDonnell Subdivision'. Is this relevant in any way to THRZ and should this title be included on the THRZ Structure Plan?

Proposed PDP Provisions (Document 2)

21. Clarify what is the consequence of removing the following rules? Is there another rule proposed and what is the activity status?

- a. Rule 47.4.5 if buildings are proposed prior to the relevant LAMA or SPA being completed;
- b. Rule 47.4.7;
- c. Rule 47.4.22;
- d. Rule 47.4.27;
- e. Rule 47.4.32;

22. What are the implications of removing the qualification as to ownership for Rule 47.4.10?

23. Has consideration been given to the use of applying design guidelines to the new homesites HS6-HS15? This may assist with a consistent approach to development and an integrated outcome to achieve Objective 47.2.1.
24. If the answer to the above is yes, what form would any plan provisions take? If the answer is no, how is Objective 47.2.1 proposed to be achieved?

Section 32 Evaluation – Function of the amended THRZ as a resort zone

While acknowledging that the amount of residential activity and visitor accommodation activity is not proposed to be changed, the addition of the new Homesite areas come at the cost of removing an existing nine-hole golf course. In addition, some activity areas which currently provide for only visitor accommodation would, under the proposal, also offer residential activity. A golf offering is understood to be an important part of the purpose of the Zone, and the Zone's purpose statement (47.1) states that its purpose is *"to enable high quality on-site visitor activities and resort facilities, within a golf course setting and with a predominance of open space"*.

The PDP definition of resort is:

Means an integrated and planned development involving low average density of residential development (as a proportion of the developed area) principally providing temporary visitor accommodation and forming part of an overall development focused on onsite visitor activities.

The consistency with the proposal with the PDP's definition of resort is identified at pages 15, 18, 25 and 30 of the section 32 report, however the evaluation appears to rely on the amount of visitor accommodation and residential activity not changing and does not evaluate the implications of the removal of the existing nine-hole golf course nor the relationship between the new Homesites to the resort activity.

25. On the basis of the above, please can you provide consideration of whether the proposal would result in THRZ moving away from the concept of a resort zone (including within the meaning at 47.1 of THRZ), and whether the proposed new Homesites and dispersal of residential activity could mean that the proposed residential and visitor accommodation parts of the development could weaken the overall focus on onsite visitor activities under the PDP definition of 'resort'?

We are interested in understanding further how the proposal will align with Strategic Direction Policy 3.3.1, and that THRZ as sought to be changed would still achieve Objective 47.2.1, despite the removal of one of the golf courses and the changes to the location of residential activity.

Strategic Policy 3.3.1

Make provision for the visitor industry to maintain and enhance attractions, facilities and services within the Queenstown and Wānaka town centres and elsewhere within

the District's urban areas and settlements at locations where this is consistent with objectives and policies for the relevant zone.

The Hills Resort Zone Objective 47.2.1

An integrated golf resort development that principally provides for a range of visitor industry related activities, while also providing for limited residential activity, all of which are located and designed with particular regard to maintaining the landscape character and amenity values of the Zone and surrounding environment.

26. On the basis of the above, please provide comment or further evaluation of the removal of the golf course and dispersed homesites in relation to SP 3.3.1 and Objective 47.2.1. In particular, whether the proposed outcomes would still maintain and enhance visitor attractions, facilities and services as promoted by Strategic Policy 3.3.1, and the extent the following elements of the proposal achieve Objective 47.2.1:
 - a. That the new residential activity elements (i.e Homesites 6-15) are integrated with the golf resort;
 - b. That buildings and vehicle access to Homesites 6-15 would maintain landscape character and visual amenity values of the Zone and surrounding environment.

27. With the proposal resulting in a greater dispersal of development through the Zone (as acknowledged on page 25 of the section 32 report), has consideration been given to staging residential activity development with visitor accommodation and/or visitor industry development of the Zone, or any other methods, as a means to ensure that implementing the THRZ framework still principally provides a resort offering rather than the potential for parts of the plan change to result in rural residential development tacked onto a golf course?

28. If the answer to the above is yes, what form would any plan provisions take?

Yours sincerely, Nāku noa nā

Sean Widdowson