

**BEFORE THE INDEPENDENT HEARING PANEL APPOINTED BY THE  
QUEENSTOWN LAKES DISTRICT COUNCIL**

**UNDER** the Resource Management Act 1991 (RMA)  
**IN THE MATTER** of the Te Pūtahi Ladies Mile Plan Variation in accordance  
with section 80B and 80C, and Part 5 of Schedule 1 of the  
Resource Management Act 1991.

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**MEMORANDUM OF COUNSEL ON BEHALF OF QUEENSTOWN  
LAKES DISTRICT COUNCIL SEEKING CLARIFICATION  
28 MARCH 2024**

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## Introduction

- 1 We refer to the Panel's Draft Recommendation Report on the Te Pūtahi Ladies Mile Variation (**TPLM Variation**) dated 12 March 2024. The Panel requested that Queenstown Lakes District Council (**Council**) prepare an updated Structure Plan, Building Heights Plan, Zoning Plan in line with the Panel's recommendations.<sup>1</sup>
- 2 The Council intends to provide the updated Structure Plan, Building Heights Plan, Zoning Plan, as requested, when it provides its comments on the draft recommendation report and provisions by 1pm Friday 5 April 2024.
- 3 The Panel noted that, to the extent necessary, the Panel would accept an initial or preliminary Memorandum of Counsel from Council should there be any doubt as to what changes are to be made to the plans.<sup>2</sup> The Council seeks to clarify one matter regarding changes to the Building Heights Plan and elaborates on this below.
- 4 However, for completeness, we note the Council has prepared a draft updated Structure Plan, Building Heights Plan and Zoning Plan and these were circulated to all submitters on 22 March 2024. The Council provided these draft updated plans to submitters as some submitters had requested the draft plans be provided to assist with their review of the Panel's draft recommendation report ahead of the deadline for filing submitter comments on 27 March 2024.
- 5 The Council has also separately liaised with the Anna Hutchison Family Trust (**AHFT**) on the draft updated plans in accordance with the comments in the Panel's draft recommendation report.<sup>3</sup> AHFT has provided the Council with its suggested refinements to the draft plans prepared by the Council, as well as including these suggested refinements in its comments on the Panel's draft recommendation report filed on 27 March 2024. The Council is generally comfortable with these

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<sup>1</sup> Draft Recommendation Report and Recommendations of the Hearing Panel dated 12 March 2024, at 13.15.

<sup>2</sup> Draft Recommendation Report and Recommendations of the Hearing Panel dated 12 March 2024, at 1.14, 13.15.

<sup>3</sup> Draft Recommendation Report and Recommendations of the Hearing Panel dated 12 March 2024, at 14.52.

suggested refinements and will address these matters as part of its comments next week.

- 6 Several submitters also raised several discrete matters relating to the draft updated Structure Plan and Zoning Plan as part of their comments submitted on 27 March 2024. As with the AHFT, the Council will address these matters in its comments and provide updated plans (where it agrees with an amendment sought by a submitter) as part of its response next week.
- 7 We note that in accordance with paragraph 1.13(c) of the draft decision, the Council is required to collate all the submitter comments, along with the Council's own comments, along with a tracked and clean version of the provisions and file these on Friday 5 April 2024.
- 8 The Council's intention in relation to the provisions is to include the submitter requested amendments to the provisions (with a comment box indicating which submitter sought the amendment), along with any changes requested by the Council. Where the Council agrees with a submitter's requested amendment to the provisions that will be indicated in the Council comments, otherwise the Council is not proposing to further comment on changes sought by the submitters (other than if there are implementation matters for the Panel to be cognisant of).
- 9 If the Panel's expectations in relation to the Council's collation of the submitter comments were different to this approach proposed, it would be helpful if the Panel could indicate accordingly.

#### **Clarification relating to Building Heights Plan**

- 10 The Council has made the amendments to the Building Heights Plan as requested by the Panel in the Draft Recommendation report, being:
  - (a) Deleting references to "storeys" from the Building Heights Plan, and converting to metres instead;<sup>4</sup>
  - (b) Extending Building Heights Plan to include the Anna Hutchinson Family Trust land (**AHFT land**).<sup>5</sup>

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<sup>4</sup> Draft Recommendation Report and Recommendations of the Hearing Panel dated 12 March 2024, at [13.14(j)].

<sup>5</sup> Draft Recommendation Report and Recommendations of the Hearing Panel dated 12 March 2024, at [13.14(h)].

- 11 The draft updated Building Heights Plan is attached to this memorandum.
- 12 The Building Heights Plan as notified includes a graduated approach to building heights to reduce visual dominance of the TPLM development by 'stepping down' the building heights close to the adjacent rural and rural residential areas along the eastern (Threepwood) border and western (Lower Shotover Road) border.<sup>6</sup> This western (Lower Shotover Road) border is shown in a blue circle in **Figure 1**.
- 13 As a result of the inclusion of the AHFT land into the Building Heights Plan, the AHFT land is now the 'western border' of the TPLM Variation area (see **Figure 1**).



**Figure 1:** Extract from draft Building Heights Plan, showing the current 'stepping down' of building heights in the western (Lower Shotover Road) area of the TPLM Variation in blue, and the Extension Area.

- 14 Council seeks to clarify whether the Panel:
- (a) Wishes to retain the Building Heights Plan as currently prepared in the **attached** draft Building Heights Plan and also shown in the blue circle above (a maximum building height of 11 metres, down to 8 metres); or
  - (b) In the alternative, all of the land in the blue circle to have a maximum building height of 13 metres, noting this is generally consistent with other areas of Medium Density Residential Precinct in the TPLM Variation.

<sup>6</sup> As explained in the Statement of Evidence of Michael Lowe, dated 29 September 2023.

- 15 The Council would be grateful if the Panel can provide this clarification prior to the Council's comments being filed by 1pm Friday 5 April so that the updated Structure Plan to be filed by the Council can reflect the Panel's preferred approach to this issue.

**Directions sought**

- 16 Counsel respectfully seek any directions or clarification to address the matters raised in paragraphs 9 and 15 above.



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L F de Latour | K H Woods

Solicitor for the Queenstown Lakes District Council

# Te Pūtahi Ladies Mile - Building Heights Plan

## Key

 Structure Plan Extent

 8m max

 13m max

 min 8m overlay

 max 11m overlay

 17m max

 24.5m max

 Cadastral property boundaries and unformed legal roads are shown for information purposes only.

Refer to Building Heights Plan (Glenpanel Homestead)

**DRAFT**

