



**Queenstown Lakes District Council**

**Section 42A Hearing Report**

**REPLY**

**following the hearing on the Te Pūtahi Ladies  
Mile proposed plan variation request,  
submissions and further submissions.**

**Hearing dated 27 November – 14 December  
2023**

**Reply Report dated: 30 January 2024**

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PO Box 323 QUEENSTOWN 9348  
Tel +64 3 379 7622  
Fax +64 3 379 2467

**WYNN WILLIAMS**

Solicitor: L F de Latour | K H Woods  
([lucy.delatour@wynnwilliams.co.nz](mailto:lucy.delatour@wynnwilliams.co.nz)  
[kate.woods@wynnwilliams.co.nz](mailto:kate.woods@wynnwilliams.co.nz))

## **CONTENTS**

1.	<b>SUMMARY</b>	<b>3</b>
2.	<b>INTRODUCTION</b>	<b>8</b>
3.	<b>TRANSPORT</b>	<b>10</b>
4.	<b>STORMWATER</b>	<b>15</b>
5.	<b>DENSITY</b>	<b>19</b>
6.	<b>DIVERSITY OF HOUSING PRODUCT, AFFORDABILITY</b>	<b>21</b>
7.	<b>THE AMENITY ACCESS AREA, SETBACKS FROM STATE HIGHWAY 6, AND THE OPEN SPACE AREA SOUTH OF STATE HIGHWAY 6</b>	<b>25</b>
8.	<b>RESIDENTIAL VISITOR ACCOMMODATION</b>	<b>34</b>
9.	<b>BUILDING HEIGHTS, STRUCTURE PLAN LAYOUT</b>	<b>37</b>
10.	<b>SUPERMARKET</b>	<b>39</b>
11.	<b>COMMERCIAL PRECINCT – LOCATION</b>	<b>41</b>
12.	<b>WINTER MILES AIRSTREAM – ADDITIONAL COMMERCIAL PRECINCT</b>	<b>42</b>
13.	<b>DOOLYTTLE – ZONING OF LAND AT HOWARDS DRIVE</b>	<b>43</b>
14.	<b>GLENPANEL</b>	<b>46</b>
15.	<b>QUEENSTOWN COUNTRY CLUB – SETBACK, PROVISIONS FOR ADDITIONAL DEVELOPMENT</b>	<b>52</b>
16.	<b>FINLIN – INFRASTRUCTURE TRIGGERS FOR SUB-AREA F AND G</b>	<b>58</b>
17.	<b>DOBB – ZONING OF UPPER TERRACE</b>	<b>58</b>
18.	<b>KOKO RIDGE – ADDITIONAL PROVISIONS TO ENABLE MEDIUM DENSITY</b>	<b>59</b>
19.	<b>ANNA HUTCHINSON FAMILY TRUST – EXTENSION ZONING</b>	<b>67</b>
20.	<b>ANTICIPATED SCHOOLS</b>	<b>71</b>
21.	<b>OTHER ISSUES</b>	<b>73</b>
21.	<b>THE TPLM VARIATION PROVISIONS – REPLY VERNON AND S32AA</b>	<b>74</b>

## **APPENDICES**

**Appendix A – Reply Version provisions dated 30 January 2024**

**Appendix B – s32AA evaluation**

## 1. SUMMARY

- 1.1 This s42A Reply report addresses issues that arose during the hearing of the request for, and submissions and further submissions lodged to, the TPLM Variation. The Reply report includes the final recommended TPLM Variation provisions, and the s32AA evaluation of the recommended changes to the provisions since the notified version.
- 1.2 The following summarises my reply and conclusions to the various remaining issues that arose during and following the hearing.

### *Traffic issues*

- 1.3 Various traffic issues are addressed in the Reply, as follows:
- (a) The traffic infrastructure staging rules are updated in line with Colin Shields' response to Dave Smith's summary presented at the hearing;
  - (b) Carparking provisions remain unchanged other than for the supermarket, where a more lenient parking rate is provided for in light of the vehicle-oriented nature of this activity;
  - (c) Traffic is not an adequate enough reason to retain the upper density levels in the density standards in the Medium Density Residential (**MDR**) and High Density Residential (**HDR**) Precincts;
  - (d) New provisions are now included in the TPLM Variation provisions to better enable monitoring of consents and their contribution to modal shift, including by additions to the High Traffic Generating Activity provisions, and the travel demand plan provisions;
  - (e) Amendments to the Structure Plan are required to address the change to a signalised intersection at the State Highway 6 (**SH6**) / Stalker Road intersection;

### *Stormwater*

- 1.4 On stormwater:
- (a) Various changes to the provisions are now included since the 8 December 2023 version was provided to the Panel and the parties;
  - (b) The most significant change is the addition of indicative swale locations on the Structure Plan;
  - (c) Mr Bathgate's suggested changes to the key stormwater policy, that give the policy additional strength, are accepted, with some tweaking;

- (d) The notification provisions in Chapter 27 and Chapter 49 are retained as a key mechanism for ensuring consultation, collaboration and co-ordination between the various landowners for implementing the integrated stormwater management system for the TPLM Zone north of SH6.

***Density***

- 1.5 In the HDR Precinct the two-limbed rule is retained:
  - (a) the minimum density is reduced to 50 dwelling units per hectare (d/ha);
  - (b) the averaging mechanism allows applications of less than 50 d/ha but not less than 40 d/ha, with requirement for information about how the average of 50 d/ha will be achieved at a later time;
- 1.6 The upper range limits in the MDR Precinct and the HDR Precinct (48 and 72 d/ha respectively) are deleted on the basis that the market would likely not yield the overall densities anyway, and the upper limits may otherwise constrain some proposals.

***Diversity of housing product, affordability***

- 1.7 New matters of discretion are included, to allow the consent authority to better address the mix of housing typologies proposed in an application, and to take into account whether the applicant has any agreement with the Housing Trust or similar.

***The Amenity Access Area, setbacks from State Highway 6 (SH6), and the open space area south of SH6***

- 1.8 The Reply addresses the various roles of the SH6 corridor and the Amenity Access Area (**AAA**) and open space area south of SH6.
- 1.9 An updated regime for the AAA is recommended. It is a distillation of the urban design, landscape and traffic evidence and questioning at the hearing. There are updated provisions in Chapter 4 (Urban development) and Chapter 49. The recommended provisions include two AAA widths: the AAA – *Wide* for the mid-block areas (14.5m); and the AAA – *Narrow* (10m) for the areas near intersections, fronting the Commercial Precinct, and west of the SH6 / Stalker Road intersection. There is also a recommended reduction in the 25m width of the Building Restriction Area (**BRA**) to 10m on the south side of SH, near the key intersections.
- 1.10 The provisions are to include an updated cross-section for the AAA – *Wide* area, a long section, and a species list for trees.

***Residential Visitor Accommodation***

- 1.11 The Residential Visitor Accommodation (**RVA**) provisions in the HDR Precinct are recommended to be slightly relaxed, in response to the economics evidence. The rules allow 50% of units in a HDR Precinct building to be used for RVA for up to 90 nights per annum, with non-complying status for applications beyond those quanta.

***Building heights and Structure Plan layout***

- 1.12 A new recession plane rule, with matters of discretion, is recommended for the Commercial Precinct, to enable better management of effects on residential amenity at the interface with neighbouring residential precincts.

- 1.13 The Reply addresses:

- the rationale for the location of the highest buildings not immediately adjacent to SH6 and the rationale for SH6 being the main public transport route not the main internal road;
- the use of the wording “consistent with” versus “in accordance with” [the Structure Plan].

***Supermarket***

- 1.14 The parking rate for the supermarket is reduced.
- 1.15 The infrastructure staging rules for a supermarket are relaxed somewhat to provide the supermarket with less consenting obligations and to kick-start the Commercial Precinct uptake.

***Location of the Commercial Precinct***

- 1.16 The Commercial Precinct extension is to the east, not to the north.

***Winter Miles Airstream Limited – additional commercial precinct area***

- 1.17 The Winter Miles Airstream Limited’s (**WMAL**) additional commercial area is recommended to be rejected.

***Doolytle & Sons – zoning of land at Howard’s Drive***

- 1.18 The recommendation is for the commercial zoning proposal on the Doolytle land to be rejected but for the land to be zoned PDP High Density Residential Zone (**HDRZ**). New Chapter 9 provisions are recommended for this change from the PDP Low Density Suburban Residential Zone (**LDSRZ**) as notified.

***Glenpanel – water tanks, building height, heritage values of the homestead***

1.19 On the various Glenpanel matters:

- (a) I do not support the (even now reduced) urban growth boundary around Glenpanel's water tank site;
- (b) A new regime is recommended to address setbacks of buildings, and height of buildings, with respect to the homestead;
- (c) Tweaks are recommended to an assessment matter to further address the effects of TPLM development on the heritage values of the homestead.

***Queenstown Country Club – setback and provisions for additional development***

1.20 The updated provisions proposed by Mr Farrell after the hearing for development within the 75m setback area from SH6 on the Queenstown Country Club (**QCC**) land, outside the BRA adjacent to SH6, are largely accepted and with some minor modifications.

***D Finlin***

1.21 The concerns Mr Finlin expressed about the traffic infrastructure staging rules for Sub-Areas F and G are not supported, based on the updated package of those rules promoted by Mr Smith and further updated by Mr Shields.

***J and M Dobb – zoning of upper terrace south of SH6***

1.22 The rezoning of the upper terrace of the Dobb property to an urban zone is not supported based on analysis of how the eastern roundabout, which has shifted east in line with the change to the configuration of the Collector Type B road and TPLM Zone eastern boundary treatment, will be located. There would not be space for built development on the terrace except for east of the roundabout, which would be problematic for access and would result in a poor urban design outcome.

***Koko Ridge – additional provisions to enable medium density***

1.23 The updated provisions submitted by Mr Devlin, which enable further density (potentially to medium density standards) within Sub-Area H2 (in response to prompting by the Panel), are largely supported except that rules are recommended to ensure that the row of dwellings adjacent to the southern escarpment are established at a low density, in line with the notified outcome. The more medium density would therefore be located centrally within the Sub-Area. This is to address the effects of the more intense development on the landowners to the south, particularly Corona Trust, and to align the development with the policies regarding residential amenity.

***Anna Hutchison Family Trust – zoning extension at western end of TPLM***

- 1.24 The issues raised by Mr Winchester in his submissions about the TPLM s32 and the area it covered, and the communication between the Anna Hutchison Family Trust (**AHFT**) representatives and the Council are commented on.
- 1.25 On the merits of the AHFT zoning extension, the recommendation is to reject the extension, on the basis of Mr Shields' concerns regarding the traffic implications and the UGB problems that Mr Skelton (and I) have identified. The eastern land, including the AHFT, should be subject to a separate masterplanning and plan change process.
- 1.26 However, I acknowledge that on the merits the issues are more finely balanced than was the case at the time of the hearing given the additional information provided by the AHFT after the hearing and how this has allayed Ms Fairgray's concerns about AHFT development diluting density in the TPLM.

***Anticipated schools***

- 1.27 The Minister of Education (**MoE**) has not yet secured land for a high school or a primary school in the TPLM Zone but has indicated a clear interest and commitment to the provision of educational facilities at Ladies Mile.
- 1.28 I have considered whether the provisions should include a rule that acts as a trigger (akin to the traffic infrastructure staging rules) by delaying development within the TPLM Zone until there is confirmation by the MoE of commitment to a high school (for example by way of a designation), but do not recommend such a rule.
- 1.29 Also in relation to schools, and development in general, I recommend changes to the assessment matter relating to the need for a travel demand plan. The changes include requiring such a plan for developments of 10+ units (not 25+ units) and for assessment of mode share of travel including active travel and public transport modes, and including for travel to and from schools.

***Discretionary v non-complying breach status for development standards***

- 1.30 The PDP convention is (generally) that the default status for breaches of development standards is restricted discretionary, or non-complying, and this is generally adopted for the TPLM Zone, based on what the standard is seeking to address. Where the non-complying status is used in the TPL Zone, it is with good reason, and I prefer it to the discretionary status.

***Provisions for bulk lot subdivision***

- 1.31 The provisions for bulk title subdivisions are enhanced (with a policy, additional matter of discretion and information requirement) to clarify the expectations for such subdivisions.

## 2. INTRODUCTION

- 2.1 My full name is Jeffrey Andrew Brown. I have the qualifications and experience as set out in paragraph 2.2 and Appendix A of the s42A Report for the Queenstown Lakes District Council's Te Pūtahi Ladies Mile (**TPLM**) Plan Variation (the **TPLM Variation**) dated 29 September 2023.
- 2.2 I authored the s42A Report. I attended the pre-hearing meeting on 9 and 10 October 2023. I attended the witness conferencing for planning on 2 and 3 November 2023 and am a signatory to the two joint witness statements for planning, both dated 3 November 2023. I prepared a statement of rebuttal evidence, dated 10 November 2023 and a written statement of responses to questions from parties, dated 24 November 2023. I also prepared a summary of my evidence and rebuttal evidence dated 6 December 2023. I attended the hearing on 27 November, 4 – 8 and 11 – 14 December 2023 in full, and addressed the Hearings Panel on 27 November, 6, 7 and 14 December 2023.
- 2.3 I prepared various changes to the TPLM Variation draft provisions, including the version dated 8 December 2023 which was the latest version prior to the current version promoted in this s42A Reply.

### ***Code of Conduct***

- 2.4 I confirm that I have read the Code of Conduct for expert witnesses contained in the Environment Court Practice Note 2023. Accordingly, I have complied with the Code in the preparation of this evidence. Unless I state otherwise, this assessment is within my area of expertise, and I have not omitted to consider material facts known to me that might alter or detract from the opinions I express.

### ***This Report***

- 2.5 This s42A Reply Report (**s42A Reply**) is provided in accordance with Clause 13.1 of the Hearing Panel's Direction 1, dated 10 August 2023.
- 2.6 The s42A Reply addresses issues that arose during the hearing of the request for, and submissions and further submissions lodged to, the TPLM Variation. During the hearing the Council presented legal submissions and expert evidence on a range of issues, and submitters and further submitters presented legal submissions and expert and lay evidence on a range of issues also.
- 2.7 Through the formal and subsequent informal joint witness conferencing and other discussions between witnesses and parties, many issues raised in submissions have been resolved and provisions agreed, and (at the time of writing) are not subject to questions from the Panel. Parties have addressed the Panel on many of these issues.

- 2.8 Other issues raised in submissions are not able to be resolved, given the competing positions between some submitters and the Council and other submitters. These include higher level issues such as traffic effects, stormwater effects, and landscape effects, and whether the TPLM Variation should be adopted or rejected based on these issues. Some of the Panel's questions to the Council witnesses are relevant in this regard. In this report I address these higher level issues and questions first before moving to less generic issues relating to specific provisions or specific sites.
- 2.9 Overall and in summary, I continue to support the TPLM Variation, subject to further changes that I consider are necessary and appropriate based on my evaluation of the information presented at the hearing, the information provided by parties following the hearing, and the further Reply statements of the Council's experts following the hearing, in response to the Panel's comments and questions.

***Report structure***

- 2.10 In light of the above, in this report I address the following topics, in this order:
- Traffic;
  - Stormwater;
  - Density;
  - Diversity of housing product, affordability;
  - The Amenity Access Area, setbacks from State Highway 6 (**SH6**), and the open space area south of SH6;
  - Residential Visitor Accommodation;
  - Building heights and Structure Plan layout;
  - Supermarket;
  - Location of the Commercial Precinct;
  - Winter Miles Airstream Limited – additional commercial precinct area;
  - Doolittle & Sons – zoning of land at Howard's Drive;
  - Glenpanel – water tanks, building height, heritage;
  - Queenstown Country Club – setback and provisions for additional development;

- D Finlin;
- J and M Dobb – zoning of upper terrace south of SH6;
- Koko Ridge – additional provisions to enable medium density;
- Anna Hutchison Family Trust (**AHFT**) – zoning extension at western end of TPLM;
- Anticipated schools;
- Other issues including discretionary v non-complying breach status for development standards; and bulk lot subdivision.

2.11 For each topic I briefly recap the issues and provide my response including (as necessary) with any further recommended changes to the TPLM provisions. I provide a final set of recommended TPLM provisions at **Attachment A**. In Attachment B I provide the s32AA evaluation of all of the changes I am recommending to the notified version of provisions.

### **3. TRANSPORT**

3.1 The transportation issues I address in this section are:

- Traffic infrastructure staging rules;
- Carparking;
- Traffic issues relating to a total “cap” on residential units in the Zone;
- Mode share monitoring;
- State Highway 6 / Stalker Road intersection.

3.2 There are other more site-specific traffic issues which I address in other sections of this Reply report.

#### ***Traffic infrastructure staging rules***

3.3 Since the hearing and since Mr Shields and Mr Smith submitted further information in response to the Panel’s questions, Mr Shields has further reflected on the transport infrastructure staging rules and considers further amendments are necessary to the

transport infrastructure staging requirements for certain Sub-Areas<sup>1</sup>. For convenience these are set out in **Table 1** below (which is based on Mr Smith's Table 2 from paragraph 2.8 of his summary statement presented at the hearing). The green shaded cells are those additions proposed by Mr Smith, and the red tracked changes are Mr Shields' proposed changes to Mr Smith's additions.

**Table 1 - Transport Infrastructure Staging Rules**

PROVISION	49.5.10			49.5.33				49.5.50		49.5.56
PRECINCT	LDR Precinct			MDR and HDR Precincts				Glen-panel Pr'ct	Com Pr'ct	Open Space Pr'ct
STRUCTURE PLAN SUB-AREA	H1	H2	I	A	B	C/E	F/G	B	D	J
Dedicated westbound bus lane on SH6 ( <b>Howards Drive to Shotover Bridge (part of NZUP package)</b> )		<b>Y*</b>		<b>Y</b>	Y	Y	<b>Y</b>	Y	Y	<b>Y</b>
<i>Western PACKAGE 1:</i>										
Upgrade to <b>existing signalise</b> SH6/ Stalker Road intersection				Y	Y	<b>Y</b>	<b>Y</b>	<b>Y</b>	<b>Y</b>	<b>Y</b>
Intersection on Lower Shotover Road at Spence Road				Y	<b>Y</b>	<b>Y</b>	<b>Y</b>	<b>Y</b>	<b>Y</b>	<b>Y</b>
Bus stops on SH6, west of Stalker Road intersection (one on each side of SH6)		<b>Y*</b>		Y	Y	<b>Y</b>	<b>Y</b>	Y	<b>Y</b>	<b>Y</b>
Safe pedestrian/ cycle crossing of SH6 <b>west of</b> Stalker Road intersection				Y	Y	<b>Y</b>	<b>Y</b>	Y	<b>Y</b>	<b>Y</b>
<i>Central PACKAGE 2:</i>										
Upgrade to <b>existing signalise</b> SH6/ Howards Drive intersection						Y	<b>Y</b>		<b>Y</b>	<b>Y</b>
Bus stops on SH6, west of Howards Drive intersection (one on each side of SH6)						Y	<b>Y</b>		Y	Y
Safe pedestrian/ cycle crossing of SH6 <b>east of</b> Howards Drive intersection <b>at location shown on the Structure Plan as Key Crossing (+/- 40m)</b>						Y	<b>Y</b>		Y	Y
<i>Eastern PACKAGE 3</i>										
Eastern roundabout on SH6							Y			

<sup>1</sup> Reply Statement of Colin Shields dated 26 January 2024, at paragraphs 15 – 27



**Mode share monitoring**

3.8 The Panel has asked whether the provisions can / should incorporate monitoring of achievement of mode shares, for example no more development if mode share targets are not met.

3.9 Mr Shields and I have conferred on this and agree that the TPLM provisions can be modified to ensure that monitoring of mode share is contemplated at the resource consent stage of development. Mr Shields explains these<sup>4</sup>, and the changes are as follows:

- Modify Assessment Matter 49.7.2:

49.7.2 For any residential building ~~in the High-Density Residential Precinct~~ containing ~~25~~ **10** or more residential units, or for any building containing commercial, retail or educational activities:

- A travel demand management plan (Residential, Workplace or School Travel Plan), is to be prepared in conjunction with the Council, that includes:
  - An assessment of actual mode share of travel and operational and management measures to be implemented to reduce private vehicle trips and to facilitate active and public transport including to and from educational activities;
  - Key performance targets; and
  - Monitoring and reporting methods.

- A consequential modification to Chapter 29 – Transport as follows:

**29.9 Thresholds for new high traffic generating activities, including changes of use**

Table 29.5			
	Activity	Development type	Threshold
...			
<u>29.9.10</u>	<u>Development in the Te Pūtahi Ladies Mile Zone</u>	<u>Any building containing residential, commercial, retail, or educational facilities</u>	<u>For any residential development 10 residential units.</u> <u>Any other building containing commercial, retail, or educational facilities</u>

3.10 The changes ensure that all residential development over 10 units (as well as any building containing commercial, retail or educational facilities) are caught by Assessment Matter

<sup>4</sup> Ibid, at paragraphs 5 – 6

49.7.2, and that an Integrated Transport Assessment (**ITA**) is required for such developments, at the resource consenting stage. The threshold of 10 residential units is somewhat arbitrary but will ensure that reasonable sized developments (in this context, meaning 10+ units) are required to provide the ITA and the travel demand management (**TDM**) plan and will be assessed as to their intentions for and likely contributions to mode share. The provisions allow the consent authority to impose conditions in relation to key performance targets and monitoring.

- 3.11 Smaller developments (up to 9 units) are not captured by the provisions and this reflects our (Mr Shields and I) thinking that many developments in the Zone will be of reasonable size or greater; that the 10+ unit developments will ultimately be required to capture the traffic effects of existing smaller developments in their preparation of the ITA and TDM, and the transaction costs of preparing an ITA and TDM for smaller developments would be unreasonable for the scale of the project.
- 3.12 I consider that this is an effective and efficient method of ensuring that:
- accurate information is provided at consenting stage; and
  - the progress of mode share can be monitored over time for individual consents, and, ultimately, collectively should the Council wish to periodically “take stock” of mode share progress by aggregating and evaluating the individual monitoring outcomes, if the Council at some time decides that there is need for such a collective evaluation.
- 3.13 The addition to Assessment Matter 49.7.2(a)(i) in relation to assessment of mode share for educational facilities reflects the current uncertainty about schools establishing in the TPLM Zone, to ensure that that transport to and from existing (and planned) schools is considered. I address this further in Part 20 below, in relation to schools.
- 3.14 I address the issues further in the s32AA evaluation at [Attachment B.55](#).
- 3.15 In summary I consider that the additions to the provisions contribute to how the provisions will manage transport-related effects arising from the TPLM Variation, in the overall context of the TPLM Zone’s intention for higher density residential development and to provide a range of social amenities and facilities, to reduce the need for private vehicle trips from the Ladies Mile area by allowing the Ladies Mile area to be more self-sufficient. I consider that appropriate monitoring and management mechanisms are built into the provisions.

***State Highway 6 / Stalker Road intersection***

- 3.16 Mr Shields is recommending an amendment to the Structure Plan for the collector road,

addressed in his Reply statement<sup>5</sup> and included in updated structure plan. Given the agreement that SH6/Stalker Road intersection should be signalised, there are amendments to the TPLM Structure Plan to ensure that Local Road Type E is amended to a Collector Road Type A.

#### 4. STORMWATER

4.1 In relation to stormwater and its impacts on Waiwhakaata Lake Hayes, through the course of the hearing I have given further consideration as to whether the provisions are sufficient to ensure the necessary integration between different landowners to ultimately ensure the protection of Waiwhakaata Lake Hayes.

4.2 In response to questions from the Hearing Panel and the evidence of Mr Gardiner and Ms Prestidge, further amendments to the stormwater provisions were proposed in the 8 December 2023 version of the provisions. These amendments incorporated additional recommendations which had been recommended by Ms Prestidge (and agreed to by Mr Gardiner) when their evidence was given as follows:

- changes to amend Rule 27.7.28 to require flows from Slope hill to be soaked to ground for the 1% AEP event, or if not possible, as close to 1% as possible.
- an update to the information requirements to use the climate change adjusted rainfall to use the RCP8.5 values;
- a new information required to require that a single pre-development full catchment hydraulic model encompassing Slope Hill and the full TPLM Variation Area for all critical design storms up to and including the 1% AEP event be prepared.

4.3 Additional amendments were also included in order to capture the key matters within the provisions in order to avoid the need for separate guidelines;

- these included a new “integration” heading, grouping all of the information requirements relating to integration together and reordering and re-writing some of these to make it clear what the different elements to ensure integration and co-ordination are; and
- a new information requirement “(v) *the manner by which any land owned by the Applicant along the tow of Slope Hill will be made available for stormwater*”

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<sup>5</sup> *ibid*, at paragraph 12

*management*" to make it clearer that land along Slope Hill will be required to address storm-water run-off from Slope Hill.

- 4.4 Mr Gardiner addresses this in his Reply statement confirming that while he still sees benefit in standalone stormwater guidelines, whether QLDC chooses to do so or not does not undermine the TPLM Variation which adequately captures the concept via the proposed provisions<sup>6</sup> (subject to some final amendments which I have incorporated into the provisions).
- 4.5 In terms of other ways of ensuring integration, I am now also recommending that the swale to address stormwater from Slope Hill be shown on the Structure Plan as recommended by Mr Gardiner. This is shown on the Reply version of the Structure Plan, and is addressed in the s32Aa evaluation at [Attachment B.36](#).
- 4.6 Mr Gardiner explains that for the eastern part of the Variation that the swale should be fixed along the Collector Road A, but due to the topography of the land there is more flexibility in the western part of the Variation area. I agree with his reasoning in relation to this.
- 4.7 In terms of integration in the event that the Ministry of Education did proceed with designated a school site, I agree with the Council's legal submissions that no further amendments to the provisions are necessary<sup>7</sup>.
- 4.8 Commissioner Allen also queried whether development contributions or differential rating could provide Council with another lever for requiring stormwater integration. I agree that there may be some methods such as this that could be utilised by the Council. However, I also understand that the Council does not intend to construct any stormwater system itself and any such mechanism would sit outside the PDP provisions. Accordingly, it remains my opinion that the most efficient and effective option is to ensure that the provisions achieve the necessary integration.
- 4.9 One issue of concern to the Hearing Panel was whether the first developer's stormwater solution locks in place the location of stormwater solution for neighbouring (downstream) developers. If this is the case, the Panel wanted to understand the notification process of how affected neighbours will be notified of applications and whether it is effective and efficient?
- 4.10 In my view it is the only effective method (within the Plan) (noting that it was agreed by the planners in the JWS). Notably the evidence given by some of the developers highlighted the way in which the developers already collaborate on issues and I hope this

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<sup>6</sup> Reply statement of John Gardiner dated 26 January 2024, at paragraph 8

<sup>7</sup> Closing submissions of QLDC dated 26 January 2024, at paragraphs 26 – 28

would continue to occur under the TPLM Variation (albeit that the provisions provide the regulatory mechanism to force the involvement of neighbouring landowners if required).

- 4.11 I agree it may not be very efficient method (because one developer could delay another's development) but I do not consider that the other options will be effective. In particular I have considered whether there could be an option that the rules require that a developers' agreement with the Council (and other parties, such as ORC and Kai Tahu) as a staging trigger. However, this may give rise to vires issues and even if that method was implemented, it would still be necessary to ensure that a subdivision does not get approved unless the consent authority is satisfied that the stormwater design has taken into account the upstream and downstream situations and the overall integrated solution, and the option of notification / limited notification would still be necessary.
- 4.12 I also consider that the provisions do not preclude a Development Deed or similar mechanism being utilised outside of the PDP provisions to help facilitate efficiencies in the consenting and construction processes.
- 4.13 I have also considered the matters raised in the summary statements of Meg Justice for Maryhill and Mr Brett Giddens for Winter Miles Airstream Limited. These witnesses considered that provision for temporary / interim stormwater management devices/ infrastructure needs to be expressly provided for in the stormwater provisions that apply to the northern site of SH6 to ensure that development is not stalled until the entire integrated stormwater system is in place.
- 4.14 This was discussed in the Planning JWS and it was agreed that a provision recognising that temporary solutions may be necessary given the timing of different developers. However, I consider that Rule 27.7.28.1, matters of discretion as currently worded do not preclude a developer from constructing their piece of the integrated jigsaw, including using it on an interim basis, if the integrated whole is not yet fully operational, as long as it is or will be part of the integrated whole.
- 4.15 Mr Giddens also proposed that the notification provision relating to stormwater be deleted from Rule 49.6. I disagree with this change because the notification clause is a key mechanism for ensuring that the relevant affected parties including upstream and downstream neighbours and Kāi Tahu are at least aware of the proposal and have opportunity to participate whether by written approval or limited notification.
- 4.16 Importantly, all the stormwater experts (including Mr Ladbrooke, who presented his evidence following the provision of the 8 December provisions) are agreed that the stormwater provisions will achieve an improvement in the water quality in Waiwhakaata Lake Hayes, including by reducing the frequency of rainfall events generating run-off to Waiwhakaata Lake Hayes by requiring soakage to ground for the 1%AEP event. I

reiterate that requiring soakage to ground for a 1%AEP event (compared to the Code of Practice requirement for a 5% AEP) will see no runoff to Waiwhakaata Lake Hayes expect in very large rainfall events.

- 4.17 The improvement to Lake Hayes as discussed above should in my view satisfy the Friends of Lake Hayes' concerns as discussed by Mike Hanff at the hearing.
- 4.18 Despite the expert alignment, the Council has been encouraged to consider whether the provisions for Waiwhakaata Lake Hayes could be more aspirational in terms of ultimate impact on Waiwhakaata Lake Hayes. In response to some of these questions, Mr Bathgate for Kāi Tahu has proposed some further amendments to Policy 27.3.24.7 in his response to the Hearing Panel dated 15 December 2023.
- 4.19 His suggested drafting of Policy 27.3.24.7 is provided below; his amendments are in red, and my (minor) changes are in green. His evidence stated that I have followed other 'aspirational' policies in the same suit, by using the 'Require subdivision to...' style of drafting. I consider this drafting provides a more aspirational approach to fresh water management, in line with higher order policy documents.

27.3.24.7 ~~Require subdivision design to sustain and enhance the mauri and health of fresh water and avoid the adverse effects of stormwater on Waiwhakaata Lake Hayes by requiring~~ **Require the mauri and health of fresh water to be sustained and enhanced by subdivision design that avoids the adverse effects of stormwater on Waiwhakaata Lake Hayes, and requires:**

- (a) An integrated stormwater management system for the entirety of the TPLM Zone north of State Highway 6 and the contributing Slope Hill catchment; and
- (b) Soakage to ground of runoff generated by the 1% AEP event for development in the TPLM Zone north of State Highway 6; and
- (c) For the contributing Slope Hill catchment ~~requiring~~ **require** soakage to ground of runoff generated by the 1% AEP event or as close as possible to the 1% AEP event; and
- (d) ~~Requiring that~~ The design of stormwater management systems to avoid stormwater discharges (other than ~~co-ordinated~~ overland flow) to Waiwhakaata Lake Hayes.

- 4.20 I generally agree that this wording (and particularly the references to "sustaining and enhancing the mauri and health of freshwater") is more aspirational, and also reflects that soakage to ground of the 1%AEP is being required.
- 4.21 These minor changes are included in the Reply Version of provisions at **Attachment A**. Mr Gardiner has also recommended some changes also to the 8 December 2023 version

of the provisions<sup>8</sup> and I agree with those changes – they are also included in the Reply Version.

- 4.22 I address all of the changes to the stormwater provisions in the s32AA evaluation at [Attachment B.46](#). Overall, I consider that the provisions as now recommended achieve the purpose of the Act and fulfil the Minister’s Expectation (iv) which states:

**Expectation (iv) That the TPLM Variation ensures future development will be undertaken in a manner that recognises and protects sensitive receiving environments including in particular Slope Hill, Waiwhakaata / Lake Hayes and the Shotover River.**

## 5. DENSITY

- 5.1 There are two sub-topics: density in the HDR Precinct; and whether a density cap is necessary.

### *Density in the HDR Precinct*

- 5.2 To recap, the notified Rule 49.5.16.2 required in the HDR Precinct a density of 60 – 72 residential units per hectare (d/ha) across the gross developable area of the site. Following evidence exchange and witness conferencing, we modified the rule by reducing the density to 50 – 72 d/ha and also included in the rule the option of allowing an average of at least 55 d/ha, with a requirement that if a development proposed a density of less than the average (but not less than 40 d/ha) the applicant would need to demonstrate how the average would ultimately be achieved in a later stage of development.
- 5.3 Following comments received on a version of this rule sent to the parties in the weeks prior to the hearing, the updated wording was presented at the hearing on 4 December 2023 and distributed to the parties.
- 5.4 The updated rule attracted feedback at the hearing, most notably from the Ladies Mile Property Syndicate and Sanderson Group witnesses, who are, overall, seeking lower density (40 d/ha) in the HDR Precinct.
- 5.5 Ms Fairgray has responded in detail to the feedback in her Reply Statement. In summary, she:
- (a) Supports an overall minimum density of 50 d/ha<sup>9</sup>;

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<sup>8</sup> Reply statement of John Gardiner dated 26 December 2024, at paragraph 9

<sup>9</sup> Reply Statement of Susan Fairgray dated 17 January 2024, at paragraphs 4 – 5

- (b) Supports retaining the development opportunity for higher density dwellings (4+ storey apartments), with the ability to develop at reduced densities if higher density dwellings do not become feasible in the long-term; and enabling the rest of the HDR Precinct land area to develop, from the short-term, at densities that are currently market feasible (i.e. down to 40 d/ha)<sup>10</sup>;
- (c) Supports retaining the development opportunity for higher density dwellings because they would be beneficial for long term housing need in the community, and would likely contribute positively to improving housing affordability in Queenstown<sup>11</sup>;
- (d) Considers that if most (at least 90%) of the HDR Precinct is developed at densities that are currently commercially feasible then between 100 and 275 higher density apartments would be required in the HDR Precinct to achieve an overall density of 50 d/ha<sup>12</sup>;
- (e) Considers that this is unlikely to generate a cost of lost development potential in the long term because the total scale of the combined MDR and HDR Precinct relative to market demand mean that significant shares of the precincts are likely to remain vacant into the long term irrespective of retaining areas for future higher density (under the averaging limb in Rule 49.5.16).

5.6 I agree with Ms Fairgray's analysis and conclusions on this issue. I consider that retaining the mechanisms for achieving the minimum density requirement in the HDR Precinct is necessary to achieve the overall intent of the TPLM Zone to achieve a range of residential intensity and diversity of housing choice and affordability (to paraphrase Objective 49.2.2) and the related policies especially those for the HDR Precinct (Policies 49.2.2.1 and 49.2.2.2). If in the long term the higher density product is foreseeably unviable, then that can be addressed at the time through resource consents or a plan change.

5.7 I therefore consider that the two-limbed mechanism in Rule 49.5.16 should be retained, but the average density in the averaging limb be reduced to 50 d/ha. This change is set out in s 6.13 below (I discuss dwelling diversity in Part 6 below and propose some further modifications to Rule 49.5.16).

***Density caps***

5.8 Ms Fairgray has also considered whether an overall density cap is necessary – i.e. whether the upper range limits in the MDR Precinct and the HDR Precinct (48 and 72

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<sup>10</sup> *ibid*, paragraph 6

<sup>11</sup> *ibid*, paragraph 13

<sup>12</sup> *ibid*, paragraph 15

d/ha respectively) are necessary. Her conclusion is that they are not necessary, for several reasons<sup>13</sup>, including that the upper limit may unnecessarily constrain some proposals; that the market would not likely yield overall dwelling densities towards the high end of the range, and that the height limits would be adequate to contain development.

- 5.9 On reflection, I agree with Ms Fairgray. I note that she confines the latter point (height limit being a constraining factor on yield) to the MDR Precinct and is silent in relation to the HDR Precinct, but I consider that the height limit, even with the degree of flexibility allowed<sup>14</sup>, would apply to the HDR Precinct also.
- 5.10 I therefore recommend deleting the upper limits of the density ranges in Rule 49.5.16, and modifying the relevant limbs of the rule as follows “... **at least 40 –48 residential units per hectare** ...” and “... **at least 55 50 –72 residential units per hectare** ...” respectively for the MDR and HDR Precincts. The full wording is set out in paragraph 6.13 below (after I address dwelling diversity).
- 5.11 The key reason for the “cap” created by the upper limits in Rule 49.5.16 was to limit development to within the 2400 total unit numbers derived from the traffic modelling. I have asked Mr Shields if he has any comment on Ms Fairgray’s updated position on the upper limits, and he has confirmed that he is comfortable with removing the upper limits in Rule 49.5.16.1 and 14.5.16.2(a).
- 5.12 The s32AA evaluation of the changes is set out in [Attachment B.20](#).

## **6. DIVERSITY OF HOUSING PRODUCT, AFFORDABILITY**

- 6.1 On this issue it is worth noting the Minister’s expectation (underlining mine):

**Expectation (i): That the TPLM Variation contributes to providing sufficient opportunities for the development of housing and business land to ensure a well-functioning urban environment including maximising opportunities to enable housing, particularly of the typologies identified as a shortfall in Queenstown’s Housing Development Capacity Assessment 2021 (housing suitable for older households, smaller households, and lower and lower-middle income households).**

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<sup>13</sup> *ibid*, paragraphs 21 – 24

<sup>14</sup> See Rule 49.5.17 – RDA consent required for height exceedance

6.2 It is also worth noting Policy 1(a)(i) of the NPS-UD, which captures the Minister's expectation, states (my emphasis):

Policy 1: Planning decisions contribute to **well-functioning urban environments**, which are urban environments that, as a minimum: **have or enable a variety of homes that:**

(i) **meet the needs, in terms of type, price, and location, of different households;**

6.3 Ms Fairgray addressed whether the MDR and HDR Precincts should be combined into one zone. Ms Fairgray supports the retention of the differentiation between the MDR and HDR Precincts, for the reasons she sets out<sup>15</sup>, and does not support delineating specific sites within the Zone for higher density development, located around the Commercial Precinct, and then combining the remaining HDR Precinct areas within the MDR Precinct into one precinct. She considers the market should be left to determine the best way to develop the HDR Precinct over time, and within the confines of the density interventions in Rule 49.5.16.

6.4 I agree with that approach and consider that the distinction between the MDR and HDR Precincts is necessary to contribute to housing diversity and affordability, over the short, medium and long terms, and to achieve Objective 49.2.2 and the policies for density, diversity, and affordability.

6.5 The Panel asked the Council team to consider whether any alternative methods for requiring dwelling diversity and affordability of housing choice should be included in the provisions. In relation to the affordable housing issue, the Panel also queried whether agreements with the Queenstown Lakes Community Housing Trust could be included as a matter of discretion.

6.6 I have considered the option of a standard requiring a certain average number of bedrooms, but discounted that option because it could lead to the average being achieved by providing whatever the standard says the average is, with little variation in typologies or unit size. This could be overcome with a more sophisticated rule (such as requiring proportions of different unit sizes) but I think that would be too interventionist, on top of the interventions already contained in the provisions, and would require more market information at the plan-making stage that would likely change over time.

6.7 Also, in any case it is apparent that to achieve the higher densities required by Rule 49.5.16, smaller units are likely, and this will, overall, counterbalance the typologies that will inevitably arise in the LDR and MDR Precincts, and to some extent possibly in the

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<sup>15</sup> Reply Statement of Susan Fairgray dated 17 January, at paragraphs 26 – 30

HDR Precinct “lower density” areas (that would arise when the averaging rule, Rule 49.5.16.2(b) to achieve densities lower than 50 d/ha, is used).

6.8 For signalling to developers that a mix of housing typologies and/or sizes should be being contemplated during their design phase, a better option, as promoted by Erin Stagg in her suggested updates to Rule 49.5.16 as presented at the hearing, is a matter of discretion about the mix of dwellings.

6.9 Her suggested wording for this matter of discretion is:

(b) The mix of housing typologies proposed, including the percentage of the development that will be comprised of one and two bedroom units.

6.10 I support the intent of the matter of discretion but consider that a focus on the percentage of one and two bedroom units does not clearly direct the applicant or Council officer or decision maker in any particular way. I would prefer wording that more directly serves Objective 49.2.2 and the HDR Precinct policies as follows:

(b) The mix of housing typologies proposed, ~~including the percentage of the development that will be comprised of one and two bedroom units~~ and whether, and how, the mix contributes to maximising housing choice in the Zone including by the range of bedroom numbers, accessibility, and housing affordability for the owner / occupier and rental markets.

6.11 The wording would focus attention on the mix and how it contributes to diversity in the Zone, but in itself does not obligate a developer to achieve any particular unit size in any individual development. Rather, it would allow the decision-maker with discretion to refuse an application or require changes on the grounds that there is insufficient mix, which may perhaps take into account market information from the wider area and the type of housing product already emerging in the Precinct or in the Zone. I have discussed this amendment with Mr Lowe, and he also agrees with proposed amendment.<sup>16</sup>

6.12 Lastly, I consider the Panel's suggestion of including whether or not an applicant has engaged with the Queenstown Lakes Community Housing Trust (or similar organisation) as a matter of discretion is a worthwhile addition to further reinforce the need for affordability housing.

6.13 Taking into account my discussion of density in Part 5 above, and my discussion of diversity as above, the Reply Version wording of Rule 49.5.16 is as follows (the black wording is the version distributed to the Panel and the parties on 4 December 2023, and the green wording denotes the changes now proposed in this Reply Version):

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<sup>16</sup> Reply statement of Michael Lowe dated 26 January 2024, at paragraph 9

**49.4 Rules – Activities**

	Activities located in the Te Putahi Ladies Mile Zone	Activity status
...		
49.4.6A	Any application under Rule 49.5.16.2(b) for a residential density of less than 40 residential units per hectare.	NC
...		

**49.5 Rules – Standards**

Table 2	Standards for activities located in the Medium Density Residential Precinct and the High Density Residential Precinct	Non-compliance status
...		
49.5.16	<p>Residential Density</p> <p>49.5.16.1 In the Medium Density Residential Precinct, residential development shall achieve a density of <u>at least 40</u> <del>48</del> residential units per hectare across the gross developable area of the site.</p> <p>49.5.16.2 In the High Density Residential Precinct, residential development shall achieve:</p> <p>(a) a density of <u>at least 50</u> <del>72</del> residential units per hectare across the gross developable area of the site; or</p> <p>(b) An average density of <u>at least 55</u> <del>50</del> residential units per hectare across the gross developable area of the land in the HDR Precinct in the same ownership or control of the applicant.</p> <p>For the purpose of this rule, gross developable area of a site means the land within the site shown on the Structure Plan, excluding the following:</p> <p>a. Building Restriction areas as shown on the Structure Plan and planning maps;</p> <p>b. Roads, Open Space, Amenity Access Areas and Landscape Buffer as shown on the Structure Plan;</p> <p>c. Stormwater management areas;</p> <p>But including any roads, reserves, accesses and walkways not shown on the Structure Plan.</p> <p><i>Information requirements for applications under Rule 49.5.16.2(b):</i></p> <p>The applicant shall provide a statement (along with any plans and supporting information) demonstrating how future stages of residential development on the site of the application, or on other land in the HDR Precinct in the same ownership or control of the</p>	<p>NC</p> <p>NC</p> <p>RD</p> <p>Discretion is restricted to:</p> <p><u>a.</u> the manner by which the average residential density <u>of 50 residential units per hectare across the gross developable area of land</u> will be achieved by future stages of development on land in the HDR Precinct in the same ownership or control of the applicant;</p> <p><u>b.</u> <u>The mix of housing typologies proposed, and whether, and how, the mix contributes to maximising housing choice in the Zone including by the range of bedroom</u></p>

	applicant, will attain the average residential density required by Rule 49.5.16.2(b); including the methods to ensure that land allocated for the future stage(s) will be protected for development so that the average residential density is attained across the current and future stages.	<u>numbers, accessibility, and housing affordability for the owner / occupier and rental markets.</u> <u>c. whether the applicant has any agreement in place with the Queenstown Lakes Community Housing Trust or similar organisation for specific provision of community housing.</u>
<b>49.5.16A</b>	Any application under Rule 49.5.16.2(b) shall demonstrate how the average residential density shall be achieved by future stages of development on land in the HDR Precinct in the same ownership or control of the applicant.	NC
...		

**Advice note:** For the purposes of Rule 49.5.16.2(b), an example of an acceptable method to ensure that land allocated for the future stage(s) will be protected for development so that the average residential density is attained across the current and future stages is a covenant, to which the Council is a party, registered on the title that includes the land to be protected.

- 6.14 I provide a s32AA evaluation of the updates to the provisions at [Attachment B.20](#).
- 6.15 In summary consider that the provisions now appropriately balance the need for maximising density over the medium and longer terms, while sufficiently allowing for development to get underway in the short term, while maintaining the focus on attaining a diversity of housing product to contribute to affordability and choice.
- 7. THE AMENITY ACCESS AREA, SETBACKS FROM STATE HIGHWAY 6, AND THE OPEN SPACE AREA SOUTH OF SH6**
- 7.1 The SH6 corridor (the carriageway and the open spaces on either side) were a prominent topic during the hearing. SH6 itself has a traffic movement function as well as an amenity function, being the place from where adjacent activities are visible in the short range and hills and mountains are visible in the mid- and longer ranges. The spaces alongside SH6 play a significant role in the public and active transport objectives of the TPLM Variation, as well as providing landscaped amenity for SH6 users and (in time) for occupants of the built urban environment on either side. The corridor needs also to facilitate north-south movement by vehicles, pedestrians and cyclists.

- 7.2 Given the TPLM's role as the Wakatipu's first urban area encountered by a traveller from the east, the SH6 corridor at TPLM and the activities alongside have a "gateway" role also – in presenting a high quality experience that juxtaposes the urban environment and the wider scenic values of the Wakatipu. The Remarkables, in particular, provide a distinct sense of place, and views from SH6 to this and other distant ONLs, as well as to Slope Hill, was always an important facet of the "gateway" experience (and hence the 75m setback on the south side, in the notified TPLM Variation provisions).
- 7.3 The proximity of the urban development to the SH6 carriageway gained more prominence as the hearing progressed, with the traffic engineers identifying that the "friction" created by closer proximity between buildings and the carriageway aids in motorists' perception of an urban and hence low-speed driving environment. The reduction of the SH6 speed limit to 60km/h therefore needs to be accompanied by urban development in close proximity to the carriageway.
- 7.4 The SH6 corridor overall therefore has multiple roles: carriageway, amenity corridor, public and active transport link, "gateway", facilitator of north-south links and of the appropriate urban speed environment.
- 7.5 There is general acceptance (from the urban design and traffic witnesses<sup>17</sup>) that the Amenity Access Area (**AAA**) on the northern side of the carriageway, and the open space area on the south side, must provide:
- Continuous, formed active travel routes along the length of the TPLM area – a dedicated cycle lane and a dedicated pedestrian lane on the north and south sides of SH6, linking to the bus stops, and integrating with the adjacent development;
  - Landscaping, to provide a high level of amenity for users of the active travel links and for passers-by on SH6 and for occupants of the neighbouring development;
  - On the south side, sufficient open space to maintain views to The Remarkables from SH6 as part of the gateway experience.
- 7.6 The above is reflected in the updated policy and rule framework that was circulated to the parties on 21 December 2023. These provisions have been further considered by Mr Lowe<sup>18</sup> in response to Mr Church's 18 January 2024 questions, and I support Mr Lowe's proposed changes which are in green below:

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<sup>17</sup> See the respective JWSs

<sup>18</sup> Reply statement of Michael Lowe dated 26 January 2024, at paragraph 36

- In Chapter 4, a new limb (d) to Policy 4.2.2.21 in Chapter 4 – Urban development:

4.2.2.21 Ensure that development within the Te Pūtahi Ladies Mile Zone provides for:

...

c. a landscaped gateway treatment:

- adjoining State Highway 6 to provide high quality amenity for both road users and adjoining residential areas; and
- adjoining the eastern end of the Zone north of State Highway 6 to provide a designed urban edge ~~that promotes the containment of the urban development within the landscape~~ that contains urban development within the landscape by creating a clearly legible landscape buffer;

d. as part of the landscaped gateway treatment required by Policy 4.2.2.21 c. above, require, on each of the northern and southern boundaries of the state highway corridor, a continuous, legible and uniformly designed walkway and cycleway linkage that integrates development with the bus services along the highway and enables active travel along the full length of the Zone.

...

- In Chapter 49, amend limb (a) of Policy 49.2.6.4 as follows:

49.2.6.4 Encourage the use of pedestrian and cycling modes by:

- (a) Requiring high-quality, well connected, integrated and legible walking and cycling routes and linking to existing routes outside the Zone including by the Amenity Access Area on the north side of the state highway and an active travel route on the south side of the state highway;

...

7.7 The formation and ultimate ownership of the AAA and the active travel link area on the south side of SH6 are to be settled on also. Ms Galavazi's preference is that the AAA is formed in the manner required by the rules and that it is vested as Local Purpose Reserve (Connection); and that it is not Recreation Reserve and therefore is not eligible for Reserve Land Development Contribution Credits. However, some parties have pushed back on this. Under the RMA the Council is not empowered to require land to be vested, therefore the provisions should not be definitive on the end ownership. For example, it may be that the AAA could function as a series of easements in gross. I consider that the ownership would be determined at the consent stage, as the AAA is progressively developed, but with the rule indicating that the preference is for Council ownership.

7.8 I note that this particular issue is further addressed in the Council's closing legal submissions.

7.9 The updated provision that was circulated to the parties on 21 December 2023 is: amend Rule 27.7.28.1 (subdivision within the TPLM Zone) by adding the following matter of discretion:

27.7.28	<p><b>Te Pūtahi Ladies Mile Zone</b></p> <p>27.7.28.1 Subdivision of land within the Te Pūtahi Ladies Mile Zone</p> <p>Discretion is restricted to:</p> <p>...</p> <p><u>j. The design and ownership / management of the Amenity Access Area and the active travel link on the south side of State Highway 6. The preference is for the Amenity Access Area to be formed and vested in the Council as Local Purpose Reserve (Connection).</u></p> <p>...</p>	RD
...	...	
	<p>27.7.28.3 Within the Amenity Access Area, development shall be consistent with the <del>“State Highway 6 Typical Road Section”</del> <i>[insert final name of cross-section, long section and species list]</i> in the Structure Plan in 27.13.XX.</p> <p>Discretion is restricted to:</p> <ol style="list-style-type: none"> <li>a. Integration between, and passive surveillance of, walkway and cycleway linkages;</li> <li>b. Consistency of landscaping and pathway treatments throughout the Amenity Access Area;</li> <li>c. Connectivity of any access or road.</li> </ol>	RD

7.10 There are still competing opinions about the width of the AAA. Mr Harland, Mr Dun and Mr Lowe, for the Council, prefer the following (as sent to the parties on 21 December 2023) and also addressed in the Reply statement of Mr Dun<sup>19</sup>, and the Reply statement of Michael Lowe<sup>20</sup>:

***For the mid-block sections (the “AAA – Wide” areas now marked on the Structure Plan):***

- 20m SH6 road reserve with 4 lane carriageway (i.e. one travel lane and one bus lane in each direction), central median strip and 1.7m strip between each side of the carriageway and the road reserve boundary;
- 16.5m AAA on north side, including 7m berm (with feature trees, possibly up to 30m high), a 3.0m cycleway and 2.4m footpath, and 3.5m berm (with smaller trees, around 6 – 8m high);
- 2m road boundary setback with 3m ‘build to zone’ (requiring that buildings are no further away than 3m of the setback);

<sup>19</sup> Reply statement of Stuart Dun dated 18 January 2024, at paragraphs 3 to 9

<sup>20</sup> Reply statement of Michael Lowe dated 26 January 2024, at paragraphs 22 to 35

- Open space area on the south side of road reserve, containing existing planting and existing shared path for cyclists and pedestrians, with varying overall building setback from the road reserve boundary (but generally 25m, for QCC site);
- Spacing between trees: 25m distance between the feature trees in the 7m wide berm and 12.5m between the smaller trees in the 3.5m wide berm;
- Overall width between buildings on either side of the SH6 corridor is 63.5m (based on 25m building setback on southern side).

***For the sections close to the signalised intersections (the “AAA – Narrow” areas now marked on the Structure Plan:***

- Minimum AAA of 10m, comprising 2.4m minimum footpath, 0.6m minimum buffer, 3m minimum two-way cycleway, and one row of trees (using the same species as the wide AAA) in the space between the road carriageway and cycleway, and to be able to accommodate a bus board and a lighting area.

7.11 Mr Weir, Mr Rossouw (assisting Mr Weir) and Mr Bartlett for Glenpanel support the following<sup>21</sup>:

***Glenpanel witnesses’ cross-section for mid-block areas (AAA – Wide):***

- 20m SH6 road reserve with 4 lanes and landscaped median strip;
- 12m AAA, with two 3m wide tree planting berms; with the cycle and pedestrian ways;
- 2m building setback from the northern edge of the AAA;
- 25m open space area on the south side of road reserve;
- **59m** total separation between building faces;

***Glenpanel witnesses’ cross section for areas near the signalised intersections (AAA-Narrow):***

- 20m SH6 road reserve with 4 lanes and landscaped median strip;
- 12m ‘Urban Amenity’ Area on north side with bus stop, with the cycle and pedestrian ways and planting area;

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<sup>21</sup> From the JWS for Urban Design and Transport dated 24 November 2023

- No building setback from the northern edge of the AAA;
- 25m open space area on the south side of road reserve;
- **57m** total separation between building faces.

7.12 Given Mr Shields' view, supported by Mr Smith, that a shorter separation distance (around 10m) between the SH6 carriageway and buildings on either side is preferable for the necessary "friction" to support the perception of an urban, lower speed environment, my preference is a shorter width AAA on the north side – of 12m or at most 14m, with at least 2m building separation distance from the boundary (as I do not agree that buildings should be able to be constructed on the boundary – there needs to be some room for front gates, front door shelter and landscaping within the private domain). Mr Shields also considers that the minimum distance between the carriageway and nearby trees needs to be at least 5m.

7.13 Taking this into account, I consider that the AAA should comprise:

***For the mid-block areas (AAA – Wide):***

- 6.5m wide berm, with a single row of trees (that are 5m from the carriageway edge), and to accommodate the bus stops;
- 3m wide 2-way cycle path;
- 2m wide berm, with a single row of trees;
- 2.5m wide 2-way pedestrian path;
- a total width of 14m; with a 2m building setback from the northern edge, the width on the north side, from road reserve to building, would be 16m.

***For the areas at the intersections (AAA – Narrow):***

- As per the Council witnesses preference: Minimum AAA of 10m, comprising 2.4m minimum footpath, 0.6m minimum buffer, 3m minimum two-way cycleway, and one row of trees (using the same species as the wide AAA) in the space between the road carriageway and cycleway, and to be able to accommodate a bus board and a lighting area;
- A 2m setback of buildings from the northern edge of the AAA – Narrow, except that a 0m setback would apply where the AAA – Narrow fronts the Commercial Precinct.

7.14 The AAA – Narrow areas would apply as follows:

- Fronting the Commercial Precinct;
- 50m from the SH6 / Howards Drive intersection west of Howards Drive on the north side of SH6;
- 50m from the SH6 / Howards Drive intersection east and west of Howards Drive on the south side of SH6 (I discuss this further in relation to the Queenstown Country Club, below in Part 15);
- 50m from the SH6 / Stalker Road intersection east of Stalker Road on the north side;
- Extending west of the SH6 / Stalker Road intersection on the north side through to Lower Shotover Road and the northwestern edge of the Zone, as shown on the Structure Plan;
- 50m from the SH6 / Stalker Road intersection east and west of Stalker Road on the south side of SH6.

7.15 I consider that the AAA – Wide and AAA – Narrow widths are appropriate, recognising the various roles of the AAA as I have discussed above.

7.16 While there is a 2m setback for buildings from the northern edge, there is also a 3m “build-in” area so that buildings are not further away than 5m from the AAA, to ensure that there is a consistent row of buildings near SH6.

7.17 The rows of trees would be consistent in height and I consider that up to 20m (at maturity) is appropriate, and consistent in separation from each other (a distance of around 25 – 30m) and from intersections. This is sufficient to:

- When viewed from SH6, soften but not screen the urban development and the views towards Slope Hill;
- Provide an urban boulevard experience for SH6 users and AAA users;
- Along with the space and vegetation on the south side, provide a high quality urban gateway experience that encloses the corridor within a treed but urban setting while enabling visual connections to, and deriving sense of place from, the mid and longer range landscapes.

7.18 Larger trees would become in my view too dominant and detract from the overall boulevard experience, particularly given the height of the nearby buildings and the need

for the urban development to be dominant, for the traffic speed environment. Larger trees would also overhang and shed more detritus onto the SH6 carriageway (although I am not sure whether that is a significant safety or maintenance issue).

- 7.19 On the south side, I consider that the 25m open space area (defined by the BRA on the Zoning Plan) is appropriate, except where it would narrow to a 10m BRA in the locations I identified above, in the vicinity of the intersections. I acknowledge that the views to The Remarkables could be obscured but this would be momentarily to a SH6 traveller passing through the intersections, and the closer proximity allowed has urban design merit as has been generally discussed and agreed by the urban designers.
- 7.20 The AAA – Wide form would be set out in a cross section and in long sections (one for each side of SH6) and would be accompanied by an indicative species list of trees for each row and these would be species that would grow to similar heights and widths. The list would take into account the QLDC’s “Planting Guide – Trees” (that is available on QLDC’s website and reviewed regularly).<sup>22</sup> The long section would include a note that the tree spacings would be “25 – 30m” and would be indicated with a \* for flexibility, so that a general pattern of the tree lines are consistent with the existing pattern on the south side of SH6.
- 7.21 The AAA – Narrow form can in my view be addressed by wording in the provisions, and is difficult to design for at this stage because the design would be dependent on the design of the intersection. The additional wording would be in Chapter 27, as follows:

27.7.28	<b>Te Pūtahi Ladies Mile Zone</b> ...	RD
	...	
	<p>27.7.28.3 Within the Amenity Access Area – <b>Wide shown on the Structure Plan</b>, development shall be consistent with the “<del>State Highway 6 Typical Road Section</del>” [<i>insert final name of cross-section, long section and species list</i>] in the Structure Plan in 27.13.XX.</p> <p><b>27.7.28.4 Within the Amenity Access Area – Narrow shown on the Structure Plan, the Amenity Access Area shall comprise the following:</b></p> <ul style="list-style-type: none"> <li>• <b>Minimum overall width of 10m;</b></li> <li>• <b>2.4m minimum footpath;</b></li> <li>• <b>0.6m minimum buffer;</b></li> <li>• <b>3m minimum two-way cycleway;</b></li> <li>• <b>one row of trees between the road carriageway and cycleway, with spacings to be consistent with the AAA – Wide long section;</b></li> </ul>	RD

<sup>22</sup> <https://www.qldc.govt.nz/services/environment-and-sustainability/trees/#tree-policy>

	<ul style="list-style-type: none"> <li>• <u>space to accommodate a bus board and a lighting area.</u></li> </ul> <p>Discretion is restricted to:</p> <ul style="list-style-type: none"> <li>• Integration between, and passive surveillance of, walkway and cycleway linkages;</li> <li>• Consistency of landscaping and pathway treatments throughout the Amenity Access Area;</li> <li>• Connectivity of any access or road.</li> </ul>	
	<p><u>27.7.28.5 Any driveway or other vehicle access within the AAA – Wide or AAA - Narrow</u></p>	<u>NC</u>

- 7.22 These updated provisions will, in my opinion, fulfil the multiple objectives of the AAA and the open space area south of SH6 including the “gateway” role and the active travel role. It will also provide clear, but filtered, views from the highway to the urban development in the foreground and to the ONF in the background. The vegetation will complement but not dominate the built environment.
- 7.23 The Panel asked for my opinion, and implications for the TPLM Variation provisions, on the role of the AAA in the context of the s6 duty to protect outstanding natural landscapes and features from inappropriate subdivision use and development.
- 7.24 The TPLM Zone does not intrude into the ONF of Slope Hill (as covered by Ms Gilbert in her EIC and Rebuttal evidence) and Mr Skelton has addressed the effects of TPLM Zone development on views to Slope Hill and other ONFs and ONLs.
- 7.25 Given the role of the AAA (which I discussed in paragraphs 7.5 above) in enabling visual connection to the surrounding mountainous landscapes, I consider that the provisions I set out above will not enable appropriate visual connections (from SH6 and from the AAA and the south side open space area) to the surrounding mountainous landscapes – possibly not to every part of every mountain from every part of these vantage points, but at least from many, and to provide an adequate sense of place and to reinforce the “gateway” experience. It does so while fulfilling the AAA’s role as a public and active transport corridor, and for compressing development adjacent to the SH6, for the traffic speed reduction.
- 7.26 I address the updated AAA provisions in the s32AA evaluation at [Attachment B.36](#).
- 7.27 I consider that the updated Chapter 4 and Chapter 49 objectives and policies relating to the SH6 corridor, which I set out in paragraph 7.6 above, are appropriate for the various roles that the AAA – Wide and AAA – Narrow and the south side open space area are required to fulfil.

## 8. RESIDENTIAL VISITOR ACCOMMODATION

8.1 The other PDP residential zones such as the High Density Residential Zone allow as a permitted activity Residential Visitor Accommodation (**RVA**) for up to 90 nights per annum. RDA consent is required to exceed 90 nights<sup>23</sup>, and the discretion is restricted (noting that these also apply to other standards in the RVA rule such as number of guests, vehicle use, registration and records) to:

- a. **The location, nature and scale of activities;**
- b. **Vehicle access and parking;**
- c. **Privacy and overlooking;**
- d. **Outdoor lighting;**
- e. **The management of noise, rubbish, recycling and outdoor activities;**
- f. **Guest management and complaints procedures;**
- g. **The keeping of records of the Residential Visitor Accommodation use, and availability of records for Council inspection; and**
- h. **Monitoring requirements, including imposition of an annual monitoring charge.**

8.2 In the notified TPLM Zone provisions RVA was a non-complying activity in all activity areas on the basis that RVA is already well supplied in other zones and the TPLM Zone is intended to provide for the needs of local residents including by ensuring that units are available as far as possible for permanent residents.

8.3 Following the witness conferencing and in light of Ms Fairgray's position in her evidence, in the Rebuttal Version of provisions I agreed to a limited opportunity for RVA in the High Density Residential (**HDR**) Precinct, as follows:

- (a) RVA would be a permitted activity in the HDR Precinct (Rule 49.4.5A), subject to standards;
- (b) The standard (Rule 49.5.37) is in two parts:
  - RVA is allowed in units within buildings of 3 storeys or less for up to 30 nights per annum (on the basis that this would be a financial incentive for families who may wish to rent their units for short-term accommodation while they are away on leave, which may assist affordability of units). Note that I did not include the actual rule for that type of RVA; the rule is now included in the Reply Version of the provisions, at [Attachment A](#); and

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<sup>23</sup> PDP Rule 9.5.15.1

- RVA is allowed within buildings of at least four storeys for up to 90 nights per annum and a maximum of 25% of the units within a building are allowed to be available for RVA.

8.4 As with other PDP zones, there would be a limit on the total number of guests per stay; and the breach status for these standards would be non-complying.

8.5 The reason for me agreeing to the RVA opportunity in the higher density developments (4 storeys plus) is, based on the economics evidence, the additional impetus that RVA would give for development of the higher density buildings in the HDR Precinct because the allowance of RVA is attractive to investors. The number of units able to be used for RVA should be limited (and I chose up to 25%, not 50% as preferred by Ms Fairgray in her rebuttal<sup>24</sup> because allowing too many units to be used for RVA could have adverse effects in relation to:

- units remaining vacant for large periods and not being available for permanent living, as is the case for many units in the District; and
- the amenity values of occupants of other units in the building and the potential for there to be too many transient visitors such that a “community” spirit of long term residents would not establish.

8.6 Hannah Hoogeven in her presentation at the hearing took into account Tamba Carleton’s economics perspective about RVA and considered that the same RVA rules that apply to all other PDP residential zones should apply in the HDR Precinct, on the basis that the provisions need to be enabling of development in order to achieve the housing objectives of the zone and there is a risk of precluding investor purchasers from the higher density market. This was generally supported at the hearing by Megan Justice and Brett Giddens.

8.7 In her Reply Statement<sup>25</sup> Ms Fairgray supports no 90 day (or other) limit for RVA within higher density apartment buildings in the HDR (and Commercial) Precincts because she considers the 90 day limit would likely reduce the incentive offered by RVA to increase the feasibility of development. She considers an appropriate share of dwellings within the higher density developments that should be set aside as RVA should be up to 50% of dwellings within a 6 storey apartment building.

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<sup>24</sup> Statement of rebuttal evidence of Susan Fairgray dated 10 November 2023, at paragraphs 105 – 107

<sup>25</sup> Reply Statement of Susan Fairgray dated 17 January 2024, at paragraph 35

8.8 For the RVA allowance in the up-to-3 storey developments in the HDR Precinct I did not sense any opposition to the provisions I promoted in the Rebuttal Version (i.e. 30 nights RVA per annum only in 100% of units, non-complying to breach).

8.9 For the developments of 4+ storeys, the respective positions are, in summary:

Witness	Number of units available for RVA in a development	Number of nights per annum RVA allowed per unit	Breach status
J Brown (Rebuttal)	25%	90	<ul style="list-style-type: none"> <li>• NC for # units</li> <li>• NC for # nights</li> </ul>
H Hoogeven / T Carleton / M Justice / B Giddens (Hearing)	100%	90	<ul style="list-style-type: none"> <li>• n/a for # units,</li> <li>• RDA for # nights</li> </ul>
S Fairgray (Reply)	50%	365	--

8.10 I disagree with Ms Fairgray in relation to the number of nights per annum as the 90 nights per annum is standard across the PDP residential zones. No other zone allows greater than 90 nights per annum for permitted RVA. I also disagree with RVA being provided for in the Commercial Precinct because VA is already provided for in that precinct. However, if the Panel is minded to accept RVA in the Commercial Precinct then it should be in 4+storey buildings only and subject to the same standard as for the HDR Precinct which I address below.

8.11 I disagree with Ms Hoogeven et al on the number of units in a development that can be available for RVA. If every unit can be used for RVA, there is much less prospect that as many units as possible will be available for permanent residential accommodation, whether by owners or tenants.

8.12 I acknowledge that the RVA opportunity will provide needed impetus for higher density developments in the HDR Precinct, given the market conditions that do not favour the taller apartment typology in the short-medium and possibly the longer term. Choosing either variable (percentage of RVA units in a development or number of nights available for RVA) is somewhat arbitrary but I consider that a combination of 50% of units available for RVA, for 90 nights per year, with non-complying status for proposals beyond 90 days is an appropriate balance when weighing up:

- the need to retain as many units as possible to be available for permanent residents;
- residential amenity and effects on establishing a long-term community of permanent residents; and

- promoting market incentive for getting buildings established in the first place.

8.13 I further consider that if the opportunity for RVA as provided by the above parameters in the rules is insufficient and in a given case is the difference between a residential apartment building being constructed or not, then that can be proved with market and building economics evidence at the time the development is being proposed and consented.

8.14 I evaluate the modifications to the provisions under s32AA in [Attachment B.12](#). In summary I consider that the updated rule is appropriate when balancing the factors I identified above and achieves the relevant objective, Objective 49.2.5, relating to a range of compatible activities within the Zone.

## **9. BUILDING HEIGHTS, STRUCTURE PLAN LAYOUT**

9.1 Commissioner Makinson raised concerns around the juxtaposition of different height levels through TPLM Zone, and what provisions ensure these differencing heights will be integrated. Michael Lowe has addressed in his Reply statement<sup>26</sup>. He states that in any event, there is likely to be few occurrences of six level apartments and if a six-storey apartment were proposed the height difference is manageable through the proposed bulk and location rules, as well as the RDA assessment matters where potential integration issues can be resolved through the orientation of building outlooks, on-site landscaping, and visual screening. Recession planes or separation by vested roading will mitigate effects between neighbouring sites.

9.2 Mr Lowe notes there are some areas of improvement, as follows:

- Insert a recession plane standard in the Commercial Precinct standards such that where the Commercial Precinct boundary adjoins either the MDR or HDR Precinct, the Commercial Precinct should adopt the sunlight recession plane height and angles of the MDR or HDR Precinct;
- The Building Heights Plan – amend the Building Heights Plan to soften the transition between the HDR Precinct and the LDR Precinct on the eastern side of the Variation area<sup>27</sup>.

9.3 I agree with Mr Lowe's assessment in this regard and note also that the combination of the range of development standards (recession plane, landscaped permeable surface,

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<sup>26</sup> Reply Statement of Michael Lowe dated 26 January 2024, at paragraphs 3 – 5

<sup>27</sup> *ibid* – the plan is shown at paragraph 5 of Mr Lowe's Reply statement and in the Reply Version of provisions at [Attachment A](#).

building coverage, boundary setbacks, outlook space, outdoor living space, building separation within sites) contribute to acceptable co-existence of different buildings in the same or nearby Precincts.

9.4 The additional recession plane standard in the Commercial Precinct would be:

Table 3	Standards for activities located in the Commercial Precinct and the Glenpanel Precinct	Non-compliance status
...		
49.5.41	Building Height ...	RD
49.5.41A	<p><u>Recession Plane</u></p> <p><u>Where the Commercial Precinct boundary adjoins the MDR or HDR Precinct, the sunlight recession plane standard of the MDR or HDR Precinct, as applicable, shall apply to any building within the Commercial Precinct.</u></p>	<p><u>RD</u></p> <p><u>Discretion is restricted to:</u></p> <p><u>a. the effects on residential amenity, dominance and access to sunlight;</u></p> <p><u>b. the effects on the amenity of, and sunlight access to, streets and other public areas.</u></p>
...		

9.5 The modifications are addressed under s32AA in [Attachment B.31](#).

9.6 In summary I consider that the modifications are appropriate and will be effective in achieving the relevant objectives of the TPLM Zone, including Objective 49.2.7 which among other things seeks a built environment that positively responds to streets and open spaces and provides a high level of residential and neighbourhood amenity.

9.7 Various high-level points about the Structure Plan were raised at the hearing. These are as follows:

- Rationale for locating highest buildings closer to Slope Hill, not closer to SH6;
- Rationale for the Collector Type A Road being the main bus route, not SH6;
- Use of “in accordance with” versus “consistent with” for rules relating to the Structure Plan.

9.8 I address these as follows:

***Rationale for location of highest buildings***

- 9.9 This matter relates to balancing the landscape and urban design imperative for taller buildings closer to Slope Hill against the benefits of having highest density closest to the SH6 public and active transport corridor.
- 9.10 The building heights step up from SH6, from 13m to 17m to 24.5m, which reflects the urban design desire to enhance amenity (including sunlight access) within the SH6 corridor including the AAA, and for buildings to not dominate the corridor. It should also be noted that these heights are all “high” in the Queenstown-Lakes context. The areas where the highest heights are provided for are still within easy walking distance of SH6, and the Commercial Precinct, and I do not consider that the distance should dictate that the highest heights should be immediately adjacent to SH6.

***Rationale for SH6 being the main public transport route, not the Collector Type A road***

- 9.11 The SH6 corridor is the most logical place for the main public transport route, given that it will exist from the outset (noting the traffic infrastructure staging rules) and the Collector Type A road will be some time (possibly many years before it is fully formed and able to accommodate public transport, if there is ever a demand for an interior public transport route through the TPLM Zone). Also, there is no appetite for the Council to designate and form the interior road up front.
- 9.12 As above, I consider that all of the highest building height areas are within easy walking distance of the SH6 bus stops and are not separated from SH6 by a large distance, therefore there is not a great deal of difference as to whether the main public transport route is SH6 or the interior road, in my view.

***Use of “consistent with” vs “in accordance with” in relation to the Structure Plan***

- 9.13 This is addressed in the Council’s closing legal submissions, which examines the case law and concludes that there is merit in the references in the TPLM Variation provisions being changed where necessary to “... in accordance with ...” and “generally in accordance with ...” [the Structure Plan].
- 9.14 These changes are set out in the Reply Version of the provisions at [Attachment A](#).

**10. SUPERMARKET**

- 10.1 There are two relevant matters relating to the supermarket in the Commercial Precinct.
- 10.2 The first relevant matter is the recommended carparking provisions for the supermarket. Mr Shields and I were both asked about this by the Panel and we have conferred. We agree that a maximum of 1 carpark per 25m<sup>2</sup> GFA is appropriate for the supermarket, with

restricted discretionary consent required to exceed this<sup>28</sup>. This parking rate is consistent with other zones that enable large format retail.

- 10.3 The new rule is set out in the Reply Version of provisions, at [Attachment A](#). A brief s32AA evaluation is set out at [Attachment B.51](#).
- 10.4 The key reason for amending the rule to enable more parking for the supermarket is that the supermarket is an important “anchor” development for the Commercial Precinct and for the TPLM Zone as a whole. Minimising, as far as practicable, the planning hurdles and transaction costs to enable development of a supermarket will enhance the attractiveness of the TPLM Zone to potential supermarket operators. While it is intended that the TPLM Zone overall is less dependent on private vehicles, a supermarket is by nature a car-based destination and shoppers will likely drive there from within the TPLM Zone or from Lake Hayes Estate, Shotover Country, Arrowtown, etc.
- 10.5 The second relevant matter is whether there should be relaxation of the traffic infrastructure staging rules for the supermarket, as an incentive for a supermarket developer to be an early coloniser of the Zone.
- 10.6 Completion of the Howards Drive / SH6 intersection would still be necessary before the supermarket could become operational.
- 10.7 The traffic infrastructure triggers required for Sub-Area D (which covers the Commercial Precinct) under Rule 49.5.50 include the upgrades to the SH6 / Howard’s Drive intersection; bus stops on SH6 west of Howards Drive; the pedestrian crossing across SH6 east of Howards Drive (at the key crossing); and the dedicated westbound bus lane on SH6.
- 10.8 I have conferred with Mr Shields and we agree that the SH6/Howards Drive intersection is required before the supermarket can open in order to provide the necessary access for the supermarket, but that the other transport interventions identified for Sub-Area D are not specifically required for a supermarket.
- 10.9 The changes to the rule are therefore as follows:

<b>Table 3</b>	<b>Standards for activities located in the Commercial Precinct and the Glenpanel Precinct</b>	<b>Non-compliance status</b>
49.5.50	Staging development to integrate with transport infrastructure ...	NC

<sup>28</sup> I addressed this in my summary dated 6 December 2023, paragraph 11(f)

	Sub-Area	Transport infrastructural works	
	...		
	D	<p>Upgrade to <del>the existing</del> <b>signalise</b> SH6 / Howards Drive intersection</p> <p>Bus stopped on State Highway 6, west of Howards Drive intersection (one on each side of SH6)</p> <p>Safe pedestrian / cycle crossing of SH6 / <del>east of</del> <b>Howards Drive intersection at location shown on the Structure Plan as Key Crossing (+/- 40m)</b></p> <p><b><u>Except that in the case of a supermarket under Rule 49.4.14 the only transport infrastructural work that applies is:</u></b></p> <ul style="list-style-type: none"> <li><b><u>Upgrades to the existing SH6 / Stalker Road Howards Drive intersection.</u></b></li> </ul>	
	...		

10.10 These changes are set out in the Reply Version of provisions, at [Attachment A](#) and a brief s32AA evaluation is set out at [Attachment B.26](#). The change is appropriate, in my view, to reduce the consenting hurdles and transaction costs for a supermarket operator, to facilitate early investment of this key anchor commercial facility for the Eastern Corridor community.

## 11. COMMERCIAL PRECINCT – LOCATION

11.1 Ms Stagg’s evidence and summary addressed the location of the expansion of the Commercial Precinct, which had been agreed to by the Council witnesses in their Rebuttal. She seeks that the extension is towards the north of the existing Commercial precinct location site rather than to the east as recommended in the Council’s rebuttal version of the TPLM Zone provisions.

11.2 Mr Dun in his Reply statement maintains his view that the appropriate location for the Commercial Precinct extension is to the east along SH6, to contain the Commercial Precinct between SH6 and Collector Road A, which clearly defines the Commercial Precinct and creates a logical footprint. He considers that if the Commercial Precinct were to be extended to the north, then it is critical that the view corridor towards Slope Hill is maintained<sup>29</sup>.

11.3 I agree with Mr Dun for the reasons he set out in his Reply statement. I consider that the shorter, wider footprint of the Commercial Precinct area is better than a longer, narrower

<sup>29</sup> Reply Statement of Stuart Dun dated 18 January 2024, at paragraphs 9 – 10

footprint, given it would likely be more accessible to more people, taking into account the existing target market to the south and the walkability / cyclability along the AAA.

11.4 Ms Stagg also raised the issue of increasing the maximum size of offices from 200m<sup>2</sup> to 350m<sup>2</sup>. Ms Hampson addressed this in her Rebuttal Statement and does not agree with the increase, on the basis of the overall role of the Commercial Precinct in the hierarchy of centres<sup>30</sup>. I accept Ms Hampson's expert opinion on this matter and therefore do not support the relief sought.

## **12. WINTER MILES AIRSTREAM – ADDITIONAL COMMERCIAL PRECINCT**

12.1 Mr Giddens explained in his summary at the hearing the reasons for the additional 2500m<sup>2</sup> of Commercial Precinct on Winter Miles Airstream Limited's (WMAL) land<sup>31</sup>.

12.2 In response to questions from the Panel, in his subsequent supplementary statement dated 15 December 2023, Mr Giddens put forward two options for managing commercial activity on the balance WMAL land (which is within the HDR Precinct). I understand that the issue being resolved is if the MWAL request for 2500m<sup>2</sup> commercial area is accepted by the Panel, would there need to be a rule that reduces the otherwise allowable commercial space arising from the TPLM Zone Rule 49.4.8 which allows 100m<sup>2</sup> commercial activities per site. His two options are:

- amend Rule 49.4.8 so it has a smaller cap than 100m<sup>2</sup> per site, or a cumulative total of commercial activity on the WMAL land within the HDR precinct; or
- amending Rule 49.4.16 to include the HDR Precinct located on the WMAL land, meaning it is not permitted and additional commercial activity is captured in the same manner as the LDR and MDR precincts by requiring consent a restricted discretionary activity.

12.3 Mr Giddens considers Option 2 to be the most certain and effective approach.

12.4 Ms Hampson's view is that the proposed location of the 2500m<sup>2</sup> commercial area is within the walkable catchment of the TPLM Zone's Commercial Precinct and therefore she does not support an efficient network of commercial areas due to overlap of centre catchments<sup>32</sup>. She considers that there is insufficient demand to support additional

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<sup>30</sup> Statement of rebuttal evidence of Natalie Hampson dated 10 November 2023, at paragraph 66; Statement of evidence of Natalie Hampson dated 27 September 2023, at paragraphs 93 to 96.

<sup>31</sup> Brett Giddens' summary statement dated 15 December 2023, paragraphs 2.3 and 4.3

<sup>32</sup> Statement of rebuttal evidence of Natalie Hampson dated 10 November 2023, at paragraph 9

commercial zoning in the east of the Structure Plan area over and above the capacity already provided for by the primary Commercial Precinct<sup>33</sup>.

12.5 Ms Hampson also considered WMAL's suggestion of using the commercial space, if accepted by the Panel, for offices. Her view is that:

- the adverse effects and opportunity costs of having concentrated office activity in a separate location from the primary Commercial Precinct would be greater than those associated with convenience retail and service activity that would be limited to the ground floor;
- many office-based businesses would be unlikely to provide functional amenity for surrounding residents in the eastern part of the Structure Plan area, and that an office building would do little to meet the day to day needs of the local community, as intended by the Commercial Precinct;
- an office space on the Submitter's site would compete with the primary Commercial Precinct for office floorspace demand, and therefore diminish or slow the commercial feasibility of providing mixed use buildings in the Commercial Precinct<sup>34</sup>.

12.6 I rely on and agree with Ms Hampson and for these reasons I do not support WMAL's proposed 2500m<sup>2</sup> commercial zoning, and therefore do not need to consider Mr Giddens' options for consequential changes to Rule 49.4.8 or 49.4.16 for commercial activities in the TPLM Zone's residential precincts.

### 13. DOOLYTTLE – ZONING OF LAND AT HOWARDS DRIVE

13.1 The submitter is seeking that its land be rezoned TPLM Commercial Precinct with a 12m height limit, or that the land be rezoned PDP High Density Residential Zone (**HDRZ**). This confines the scope of possible outcomes for the site.

13.2 Ms Hampson does not support the TPLM Commercial Precinct over the Doolytle land, on the basis that it would dilute the efficiency and effectiveness of the Commercial Precinct but supports the use of the land for more intensive residential development<sup>35</sup>. She considers that if the Panel is minded to support a commercial outcome on the Doolytle site then the PDP Local Shopping Centre Zone (**LCSZ**) would be more appropriate fit than TPLM Commercial Precinct, on the basis that the provisions of the

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<sup>33</sup> *ibid*, paragraph 20

<sup>34</sup> *ibid*, paragraphs 10 – 19

<sup>35</sup> *ibid*, paragraph 22

LSCZ are more in-tune with adjoining low or medium density housing in terms of the scale and nature of development anticipated<sup>36</sup>.

13.3 Stu Dun supports the PDP HDRZ over the Doolytle site, with a 12m height limit, from his urban design perspective<sup>37</sup>.

13.4 Colin Shields supports the HDRZ over the Doolytle site on traffic grounds, and considers that the additional rule insertions should include traffic infrastructure triggers akin to those for the TPLM<sup>38</sup>, such that development of the site should not proceed until certain infrastructure is in place. This includes:

- QLDC engineering design standard compliant site access from Howards Drive;
- Provision of sealed footpath on Howards Drive between the site access and SH6 to provide a safe walking route to the proposed bus stops on SH6;
- Provision of sealed footpath on Howards Drive between the site access and the Jones Avenue intersection to provide a safe walking route to the existing bus stops on Jones Avenue and to the Kawarau Park Centre.

13.5 I consider that high density residential development is appropriate on the Doolytle site, and that it be zoned PDP HDRZ, with a height limit of 12m, and with traffic infrastructure standards. I note that this is preferred to the TPLM HDR Precinct only because of the scope issue.

13.6 The modification to the Chapter relevant rule would be (additions in green):

## 9.2 Objectives and Policies

...

9.2.11 Objective – On Lot 2 DP 36321 and Lot 403 DP322452 (Doolytle site, 466 Howards Drive) provide for high density residential development that complements the lower density environment nearby, and ensure that development is integrated with timing of transport infrastructure upgrades.

### Policies

9.2.11.1 On Lot 2 DP 36321 and Lot 403 DP322452 (Doolytle site, 466 Howards Drive):

- restrict building height so that development is compatible with nearby land uses;

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<sup>36</sup> ibid, paragraphs 22 – 28

<sup>37</sup> Statement of rebuttal evidence of Stuart Dun dated 10 November 2023, at paragraph 49

<sup>38</sup> Reply Statement of Colin Shields dated 26 January 2023, at paragraph 40

- promote more opportunity for permanent residents by restricting Residential Visitor Accommodation;
- require that development is preceded by transport infrastructural works, to avoid additional adverse effects of high density development on the roading network.

## 9.5 Rules – Standards

	Standards for activities located in the High Density Residential Zone	Activity Status
...		
9.5.1	<p>Building Height – Flat Sites in Queenstown</p> <p>...</p> <p><u>9.5.1.6 On Lot 2 DP 36321 and Lot 403 DP322452 (Doolytle site, 466 Howards Drive), a maximum building height of 12m</u></p>	...
...		
9.5.15	<p>Residential Visitor Accommodation where:</p> <p>...</p> <p><u>9.5.15.6 On Lot 2 DP 536321 and Lot 403 DP322452 (Doolytle site, 466 Howards Drive) no more than 50% of units in any building may be used for Residential Visitor Accommodation.</u></p> <p>Note: The Council may request that records are made available to the Council for inspection at 24 hours' notice, in order to monitor compliance with rules 9.5.15.1 to 9.5.15.56</p>	...
...		
<u>9.5.18</u>	<p><u>Staging development to integrate with transport infrastructure</u></p> <p><u>Development (except for utilities, the specified transport infrastructural works, and other physical infrastructure) on Lot 2 DP 536321 and Lot 403 DP322452 (Doolytle site, 466 Howards Drive) shall not occur prior to all the corresponding transport infrastructure works listed below being completed:</u></p> <p><u>(a) QLDC engineering design standard compliant site access from Howards Drive;</u></p> <p><u>(b) Provision of sealed footpath on Howards Drive between the site access and SH6 to provide a safe walking route to the proposed bus stops on SH6; and</u></p> <p><u>(c) Provision of sealed footpath on Howards Drive between the site access and the Jones Avenue intersection to provide a safe walking route to the existing bus stops on Jones Avenue and to the Kawarau Park Centre.</u></p>	<u>NC</u>

13.7 These are set out in the Reply Version of the TPLM Variation provisions at [Attachment A](#). My reasons for supporting high density residential development of the Doolytle land are:

- It is within a residential environment (the QCC is adjacent);
- It is within easy walking and cycling distance) of the TPLM Commercial Precinct and the SH6 active and public transport corridor;
- It is close to the commercial offerings at the small QCC commercial area (“Kawarau Park”);
- It complements the lower density typologies of Lake Hayes Estate, Shotover Country and QCC;
- It derives direct amenity from the adjacent Open Space Precinct (Sub-Area J) and is easily walkable to the recreation values of that Precinct;
- It would not in my view create adverse sensitivity or reverse sensitivity effects by its proximity to the Open Space Precinct; there are many instances in most urban areas of residential activities and outdoor recreational activities co-existing. Noise and lighting from the playing fields would be during day and early evenings, not late during normal sleeping hours.

13.8 The s32AA evaluation for these changes is at [Attachment B.41 and B42](#).

## 14. GLENPANEL

14.1 Four issues are in play for Glenpanel: water tanks on Slope Hill; height of buildings in relation to the homestead; effects on the homestead’s heritage values; the location of the driveway; and the protected row of trees on the existing Glenpanel driveway.

### *Water tanks*

14.2 The proposal is now not for an expansive extension of the urban growth boundary (**UGB**) up Slope Hill to accommodate water tanks, but for a small, localised pocket of UGB for the tanks. As I set out in my rebuttal evidence<sup>39</sup>, I disagree that the UGB is necessary for the tanks as there is already an adequate planning framework in the PDP.

14.3 Further, in their presentation at the hearing the Maryhill representatives mentioned that their land, which also stretches up Slope Hill, is suitable for the water tanks, but they did

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<sup>39</sup> Statement of rebuttal evidence of Jeffrey Brown dated 10 November 2023, at paragraphs 186 – 189

not address the consenting issues and I therefore assume they are ambivalent about Glenpanel's rationale for shifting the UGB.

***Buildings and building height and setbacks in context of the Glenpanel homestead***

14.4 There has been conferencing and other communications between experts in relation to building height and setbacks in the Glenpanel Precinct and the effects on the heritage values of the Glenpanel Homestead.

14.5 Mr Murray's provisions as tabled following the hearing are as follows (the version below distils out other matters that do not relate to this topic such as density) (Mr Murray's additions to the 8 December version of provisions and amended subsequent to the hearing are in red):

**Policies**

...

49.2.4.2

(a) Require development within the Glenpanel Precinct to protect the historic heritage values of the Glenpanel Homestead and its setting (the setting includes the established Homestead grounds) and ~~manage adverse effects of development on the historic heritage values of Glenpanel Homestead and its setting.~~

(b) Enabling additional building height provided such intensification is undertaken in accordance with best practice urban design principles and adverse effects on heritage and character attributes of the Glenpanel homestead and gardens are avoided or satisfactorily mitigated.

...

**49.5 Rules – Standards**

...

Table 3	Standards for activities located in the Commercial Precinct and the Glenpanel Precinct	Non-compliance status
...		
49.5.41	<p>Building Height</p> <p>49.5.41.1 Buildings shall not exceed the maximum number of storeys shown on the Te Pūtahi Ladies Mile Building Heights Plan.</p> <p>49.5.41.2 In the Glenpanel Precinct, building height shall not exceed 8m.</p> <p>...</p> <p>49.5.41.4 Building height shall not exceed the maximum heights shown on the Te Pūtahi Ladies Mile Building Heights Plan.</p>	<p>RD</p> <p>Discretion is restricted to:</p> <p>a. ...</p> <p><u>e. Heritage values of the Glenpanel Precinct</u></p> <p>D</p> <p>RD</p> <p>Discretion is restricted to:</p> <p>...</p>

		<u>f. Heritage values of the Glenpanel Precinct</u>
49.5.42	Setbacks in the Glenpanel Precinct Buildings shall be setback at least 3m from a boundary with a residential precinct or a public open space.  <u>Buildings shall be setback at least 40m from the Glenpanel Homestead where buildings higher than 8m are proposed.</u>	RD Discretion is restricted to: ... <u>D</u>
...		

...

#### 49.7 Assessment Matters for Site and Building Design

...

49.7.1 In considering whether or not to grant consent and/or impose conditions on a resource consent, regard shall be had to the assessment matters set out below. The relevance of the considerations will vary from site to site.

##### a. Context and character

Whether the design of the development is in keeping with, or complements, the scale and character of development anticipated for the Te Pūtahi Ladies Mile Zone and relevant significant natural, heritage and cultural features, through consideration of the extent to which the development:

...

- (iii) integrates with, protects and enhances the character and heritage values of the Glenpanel Precinct and wider setting with specific regard given to the Homestead grounds, and driveway

14.6 In summary as I understand it Mr Murray is recommending a 40m setback of buildings from the homestead, and outside this area a discretionary rule to enable buildings between 8 – 17m in height.

14.7 Mr Miller in his Reply Statement recommends slightly different relief to Mr Murray, as follows:

- a 40m setback around the homestead (no buildings);
- a building height limit of 8m within a wider setback area (80m to the east of the homestead and 100m to the west) (and maintaining a depth of 40m to the north and 40m south of the homestead);
- a 17m height limit in the Glenpanel Precinct outside of this larger setback area.

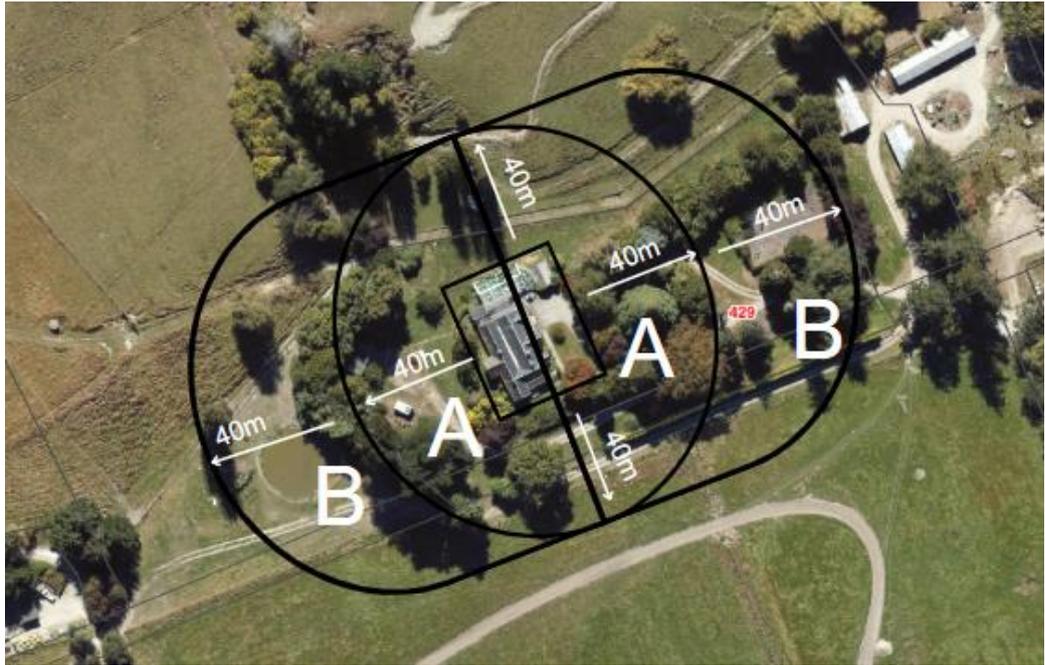
14.8 I have set these setback areas out on an aerial, as follows:



- 14.9 Note that the Homestead grounds do not extend directly east and west from the edges of the Homestead but more northeast and southwest, and the above illustration recognises this orientation.
- 14.10 I broadly agree with Mr Miller's approach, for the reasons he sets out in his Reply Statement, noting also the protection afforded to the Glenpanel area (not just the homestead) under Chapter 26 of the PDP (Historic Heritage) which applies a Category 3 listing and RDA consent is required for development<sup>40</sup> within the setting. I question whether the additional 60m to the southwest is too far, however, and whether this could be trimmed back to 40m, in the interests of not unreasonably disabling development in this area. My preference is for a further 40m, not 60m.
- 14.11 This is shown on the updated plan below, which also identifies areas marked A and B, which I refer to in rules below. This plan would ideally be part of the Building Heights Plan, possibly as an inset, or an additional sheet. Regardless, the plan is a suitable platform for crafting rules, and far easier than if the setbacks are explained with words only.

---

<sup>40</sup> Development is defined for the Chapter 26 rule as new buildings and structures, earthworks that would otherwise required consent, car park areas exceeding 15m<sup>2</sup> within view of a public road and 40m<sup>2</sup> located elsewhere



14.12 Based on this, I agree with Mr Murray’s proposed changes to the policy and the assessment matter, and the matters of discretion, and I further recommend the following activity rule and standards, to be accompanied by the additional Building Heights Plan for Glenpanel:

**49.4 Rules – Activities**

	Activities located in the Te Putahi Ladies Mile Zone	Activity Status
...		
<u>49.4.XX</u>	<u>Buildings within the area marked A on the Building Heights Plan for the Glenpanel Precinct</u>	<u>NC</u>

**49.5 Rules – Standards**

...

Table 3	Standards for activities located in the Commercial Precinct and the Glenpanel Precinct	Non-compliance status
...		
49.5.41	Building Height 49.5.41.1 Buildings shall not exceed the maximum number of storeys shown on the Te Pūtahi Ladies Mile Building Heights Plan.  49.5.41.2 In the Glenpanel Precinct, <u>within the area marked B on the Glenpanel</u>	RD Discretion is restricted to: b. ... <u>e. Heritage values of the Glenpanel Precinct</u>  D

	<p><b>Building Heights Plan</b> building height shall not exceed 8m.</p> <p>...</p> <p>49.5.41.4 <b>Unless otherwise specified,</b> <del>B</del>building height shall not exceed the maximum heights shown on the Te Pūtahi Ladies Mile Building Heights Plan.</p>	<p>RD</p> <p>Discretion is restricted to:</p> <p>...</p> <p><u>f. Heritage values of the Glenpanel Precinct</u></p>
49.5.42	<p>Setbacks in the Glenpanel Precinct</p> <p>Buildings shall be setback at least 3m from a boundary with a residential precinct or a public open space.</p> <p><del>Buildings shall be set back at least 40m from the Glenpanel Homestead where buildings higher than 8m are proposed.</del></p>	<p>RD</p> <p>Discretion is restricted to:</p> <p>...</p> <p><u>D</u></p>
...		

14.13 The height limits in the areas outside the area marked B would be 17m, which would be marked on the Building Heights Plan.

14.14 I prefer the non-complying status for buildings within the area marked A because this better reflects Mr Miller's concerns about provisions that are too enabling of development close to the homestead.

***Heritage values of the homestead***

14.15 Robin Miller recommended a new assessment matter for addressing the effects of development on the Glenpanel Homestead (Assessment Matter 49.7.1(a)(iii)). At the hearing Werner Murray proposed additions to that Assessment Matter, and Mr Miller agrees with Mr Murray's additions with some further changes. The underlined wording in clause (iii) below is Mr Murray's additions, and the tracks in green are Mr Miller's proposed additions:

**a. Context and character**

Whether the design of the development is in keeping with, or complements, the scale and character of development anticipated for the Te Pūtahi Ladies Mile Zone and relevant significant natural, heritage and cultural features, through consideration of the extent to which the development:

...

- (iii) integrates with, protects and enhances the character and heritage values of the Glenpanel Precinct and wider setting with specific regard given to the homestead, its grounds, and the existing driveway.

14.16 I agree with both Mr Murray's and Mr Miller's additions, because they provide better protection for the heritage values of the homestead (in addition to the protection already afforded by the PDP's Chapter 26 – Heritage).

14.17 I address the changes further in the s32AA evaluation at [Attachment B.32](#).

***Additional road on the Structure Plan?***

14.18 Glenpanel is seeking that an additional road – a Collector Type E Road – running from south of the homestead (more or less) to SH6, is included on the Structure Plan, with latitude for shifting the road by 80m to allow for a mid-block signalised crossing (between the Howards Drive and Stalker Road intersections)<sup>41</sup>. I disagree with the need for this additional road to be shown on the Structure Plan because the developer can promote it at the tie of subdivision without complicating the Structure Plan (and provisions for flexibility) at the plan-making stage. Mr Shields addressed this issue in his response to the Panel's questions dated 13 December 2023<sup>42</sup> and does not support the additional road on the Structure Plan.

***Protected row of trees on the Structure Plan***

14.19 From the Structure Plan submitted by Glenpanel on 18 December 2023 it appears that the protection of the tree row along the existing Glenpanel driveway, lying east of the Stalker Drive extension and the Howards Drive extension, has been removed. Mr Dun<sup>43</sup> does not support that change, and nor do I, because the tree row contributes to the sense of place and amenity values for the Zone as a whole.

14.20 The various modifications discussed above and agreed are addressed in the s32AA evaluation at [Attachment B.32](#).

**15. QUEENSTOWN COUNTRY CLUB – SETBACK, PROVISIONS FOR ADDITIONAL DEVELOPMENT**

15.1 The notified TPLM Variation proposed that the QCC site, which is currently zoned Rural, be rezoned to the PDP's Chapter 7 – the Low Density Suburban Residential Zone (**LDSRZ**), with a 75m BRA adjacent to SH6.

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<sup>41</sup> Memorandum of Counsel for Anna Hutchison Family Trust dated 18 December 2023, page 8 – 9

<sup>42</sup> Colin Shields' response to Panel questions dated 13 December 2023, at paragraphs 6 – 12

<sup>43</sup> Reply Statement of Stuart Dun dated 18 January 2024, at paragraph 14

- 15.2 The public open space area on the QCC land immediately south of SH6 is around 25m wide and contains trees, lawn and a public pedestrian / cycle trail. The land is subject to an existing BRA and an easement in gross for the public access.
- 15.3 QCC's submission sought that the 75m BRA be reduced to 25m, thereby allowing development closer to SH6, and this was accepted by the Council witnesses in their rebuttal, provided there were some restrictions on development outside the BRA so that views to The Remarkables would be retained and that built development would respect the existing high quality of urban development at the QCC. Provisions to address this were proposed in rebuttal and the QCC witnesses commented on them at the hearing.
- 15.4 Subsequent to that and in response to the Panel's questions at the hearing Mr Farrell submitted some modifications to the provisions<sup>44</sup>, with reference to "the commercial node which will fall on the QCC site". The Council witnesses have not agreed to any additional commercial node on the QCC site, but rather have entertained the idea of built development closer than 25m from SH6 close to the Howards Drive intersection, to mirror, more or less, the "AAA – Narrow" area on the northern side of SH6. If there was any indication that this could accommodate a commercial node then that is a miscommunication.
- 15.5 Mr Farrell's update provisions are as follows (taken from the Appendix which I note is slightly different to main text of the response). The red text is the Council's rebuttal version and the blue text is Mr Farrell's changes.

**7.2.1 Objective - Development within the zone provides for a mix of compatible suburban densities and a high amenity low density residential living environment for residents as well as users of public spaces within the zone.**

**Policies**

...

7.2.1.8 Within the Queenstown Country Club Village site, provide for the following activities:

- (a) retirement village development as a discretionary activity;
- (b) retirement village housing within 75m of State Highway 6 outside the Building Restriction Area, as a restricted discretionary activity, where the housing addresses both the immediate and surrounding context including a layout, scale, form and density of development that addresses the public realm and retains a level of spaciousness with views to the wider ONLs; and
- (c) urban development at and around the intersection of Te Pūtahi Ladies Mile and Howards Drive including within the Building Restriction Area, as a restricted discretionary activity, where the development positively contributes to the Te Pūtahi Ladies Mile Commercial Precinct node and public transport corridor.

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<sup>44</sup> Supplementary Statement of Ben Farrell dated 21 December 2023

...

## 7.4 Rules – Activities

Rules – Activities		
	<b>Activities located in the Lower Density Suburban Residential Zone</b>	
...		
7.4.11	Retirement Villages <u>Except this rule shall not apply to buildings that are Restricted Discretionary activities under Rule 7.4.24.</u>	D
...		
<u>7.4.24</u>	<p><u>Queenstown Country Club (west of Howards Drive, Ladies Mile)</u></p> <p><u>7.4.X.1 Buildings within <del>120m</del> 75m of the boundary with the highway and outside the Building Restriction Area</u></p> <p><u>7.4.X.2 Buildings within 20m of the Howards Drive Road Boundary</u></p> <p><u>Discretion is restricted to:</u></p> <ul style="list-style-type: none"> <li><u>a. Location, external appearance, site layout and design of buildings and how the development addresses its context to contribute positively to the character of the area and the highway frontage;</u></li> <li><u>b. Scale, form, density and separation between buildings to maintain a sense of spaciousness when viewed from the highway and to maintain views to the wider ONLs from the highway;</u></li> <li><u>c. The activation of the highway frontage and avoidance of the rear of buildings facing the highway;</u></li> <li><u>d. Design and integration of landscaping and fencing, <del>including existing vegetation;</del></u></li> <li><u>e. Infrastructure, access and parking design; including the avoidance of parking areas <del>visible from</del> located between buildings and the highway;</u></li> <li><u>f. Stormwater management.</u></li> </ul> <p><u>Information requirements:</u></p> <ul style="list-style-type: none"> <li><u>a. Applications for resource consent shall contain a design statement describing how the proposed building location and appearance achieves the matters of discretion and is commensurate with existing buildings within the Queenstown Country Club <del>and the approved development plan of SH160140.</del></u></li> </ul> <p><u>7.4.X.3 Urban development within 100m of the intersection of the State Highway Howards Drive intersection.</u></p> <p><u>Discretion is restricted to:</u></p> <ul style="list-style-type: none"> <li><u>a. location, external appearance, site layout and design of buildings and how they address the Node including contributing positively to its amenity and character;</u></li> </ul>	RD

	<p>b. <a href="#">scale, form, density and legibility of buildings to create a prominent urban edge at the Node;</a></p> <p>c. <a href="#">built development to support activation and overlooking of the public realm;</a></p> <p>d. <a href="#">integration of public realm features, including street trees and active mode and public transport linkages; and</a></p> <p>e. <a href="#">the effect of development on transport and a reduced speed limit at Te Pūtahi Ladies Mile.</a></p>	
<a href="#">7.4.X.2</a>	<a href="#">Buildings within the Building Restriction Area within the Queenstown Country Club</a>	<a href="#">D</a>
<b>Rules – Standards</b>		
7.5.X	<p>Building Height (for flat sites)</p> <p>7.5.1.1 Wānaka and Hāwea: Maximum of 7 metres.</p> <p>7.5.1.2 Arrowtown: Maximum of 6.5 metres.</p> <p>7.5.1.3 Kawarau Heights: Maximum of 4.5m and 6m as identified on the Structure Plan in 27.13.15.</p> <p>7.5.1.4 All other locations <a href="#">except buildings within the Queenstown Country Club</a>: Maximum of 8 metres.</p> <p>Queenstown Country Club</p> <p><a href="#">7.5.1.5 Within <del>420m</del> 75m of the boundary with SH6: Maximum of 6m</a></p> <p><a href="#">7.5.1.6 Beyond 75m of the boundary with SH6: Maximum of 8m</a></p>	<p>NC</p> <p><a href="#">D</a></p>
7.5.X	<p>Density</p> <p>The maximum site density shall be:</p> <p>i. one residential unit or dwelling per 300m<sup>2</sup> net site area, or</p> <p>ii. one residential unit or dwelling per 800m<sup>2</sup> net site area at Lake Hāwea South within Area B as identified in the Structure Plan in 27.13.19.</p> <p><a href="#">Except this rule does not apply to the Queenstown Country Club.</a></p>	NC
<a href="#">7.5.X</a>	<p><a href="#">Maximum number of residential units</a></p> <p><a href="#">7.5.X.1 Queenstown Country Club within <del>420m</del> 75m of the boundary of SH6 – A maximum of 42 units.</a></p>	<a href="#">NC</a>
<a href="#">7.5.X</a>	<p><a href="#">Maximum Floor Area</a></p> <p><a href="#">7.5.X.1 Queenstown Country Club within <del>420m</del> 75m setback from the boundary with the highway – individual buildings shall have a maximum floor area of 310m<sup>2</sup>.</a></p>	<a href="#">D</a>

15.6 My comments are as follows. On the proposed policy:

- I consider that the policy can be simplified considerably, for example there is no need to refer to an activity status.

- I do not support building within the BRA, as typically all BRAs in the PDP carry a non-complying status for buildings because they are set aside to be building-free. For the area close to the Howards Drive intersection where buildings could be closer than 25m from SH6, I would rather the BRA be reduced in width (which will need to be shown on the Zoning Plan);
- I set out my preferred wording in the set of provisions below.

- 15.7 On the rules that refer to the distance from SH6 of 120m, sought to be changed to 75m by Mr Farrell: if the 75m distance is adopted then a potential outcome is a greater intensity of development – i.e. 42 units could be within 75m not 120m of SH6. Taking into account the Council witnesses position on residential intensity in the TPLM Zone and on the Doolittle land (which I addressed in Part 13 above), I am comfortable with more intensive development on the QCC land in this location (amounting to possibly 20 – 30 units, and given the RD status relating to design and consistency with the existing QCC character). This is because the land is within easy walking distance to the Commercial Precinct and the public transport corridor. The height controls will continue to ensure that the wider views to The Remarkables are maintained.
- 15.8 On the matters of discretion in Rule 7.4.24 (d) and (e), I agree with these changes. On (d), the vegetation of most amenity value is the trees in the BRA area. On (e), the intent is to allow discretion to avoid parking areas facing SH6.
- 15.9 On the information requirement (a), I am comfortable with the deletion of the reference to the approved QCC development plan because this sets a defined building layout, which would now be contrary to (because it is of a lesser intensity) the allowance for more intense buildings, as I discussed above in relation to the reduction of 120m to 75m.
- 15.10 I oppose the new Rule 7.4.X.3. If the BRA line is adjusted to allow for development closer to SH6 and Howards Drive, near the intersection, then there is no need for such a rule because the existing RDA rule (Rule 7.4.24) is sufficient.
- 15.11 I support the changes to the height standard. The key issue is views from the SH6 corridor to The Remarkables (as I discussed in Part 7 above), and the changes to the rule will not affect these views.
- 15.12 My recommended provisions are therefore as follows (changes shown in green):

**Policies**

...

7.2.1.8 Within the Queenstown Country Club Village site, provide for ~~the following activities:~~

(a) ~~retirement village development as a discretionary activity;~~

- ~~(b) retirement village housing within 75m of State Highway 6 and outside the Building Restriction Area adjacent to State Highway 6, as a restricted discretionary activity, where the housing addresses both the immediate and surrounding context including a layout, scale, form and density of development that addresses the public realm and retains a level of spaciousness, is consistent with the character of the Queenstown Country Club, maintains with views to the wider ONLs, and positively addresses the public realm. ; and~~
- ~~(c) urban development at and around the intersection of Te Pūtahi Ladies Mile and Howards Drive including within the Building Restriction Area, as a restricted discretionary activity, where the development positively contributes to the Te Pūtahi Ladies Mile Commercial Precinct node and public transport corridor.~~

...

<p><u>7.4.24</u></p>	<p><u>Queenstown Country Club (west of Howards Drive, Ladies Mile)</u></p> <p>...</p> <p><del>7.4.X.3 Urban development within 100m of the intersection of the State Highway Howards Drive intersection.</del></p> <p><del>Discretion is restricted to:</del></p> <ul style="list-style-type: none"> <li><del>f. location, external appearance, site layout and design of buildings and how they address the Node including contributing positively to its amenity and character;</del></li> <li><del>g. scale, form, density and legibility of buildings to create a prominent urban edge at the Node;</del></li> <li><del>h. built development to support activation and overlooking of the public realm;</del></li> <li><del>i. integration of public realm features, including street trees and active mode and public transport linkages; and</del></li> <li><del>j. the effect of development on transport and a reduced speed limit at Te Pūtahi Ladies Mile.</del></li> </ul>	<p><u>RD</u></p>
<p><u>7.4.X.2</u></p>	<p><del>Buildings within the Building Restriction Area within the Queenstown Country Club</del></p>	<p><u>D</u></p>

(and accepting the other rules proposed by Mr Farrell with no further changes).

- 15.13 I examine the changes further under s32AA in **Attachment B.39 and B.40**.
- 15.14 The Panel questioned whether the Structure Plan boundary needs to protrude into the QCC land, and what the purpose of this is. In my view it is worth retaining the Structure Plan boundary over the part of the QCC land because it captures the trees to be protected (being the row of established trees along the SH6 frontage, which will complement the intended tree rows in the AAA on the north side). The boundary could be shifted slightly so that it doesn't take in land beyond the area of the tree row, but whether the location is its current location or slightly shifted is moot.

## **16. FINLIN – INFRASTRUCTURE TRIGGERS FOR SUB-AREAS F AND G**

16.1 Mr Finlin in his presentation at the hearing indicated support for the TPLM Variation but is concerned about two matters:

- that the area covered by Sub-Areas F and G is disproportionately low for the quantum of transport infrastructure allocated to those Sub-Areas: Sub-Areas F and G comprise 9% of the TPLM Variation area but are allocated a third of the transport infrastructure staging triggers, while the remaining 91% is allocated the other two thirds of the triggers; and
- NZTA may consider the transport infrastructure for Sub-Areas F and G to be very low priority, or perhaps not prioritise it at all, therefore delaying the development of these Sub-Areas.

16.2 Mr Shields addresses Mr Finlin's points in his reply summary. Mr Shields does not consider any changes are necessary to the transport infrastructure trigger provisions. He remains of the view that the eastern roundabout works, and westbound bus lane between Howards Drive and the eastern roundabout, is required only for Sub-Areas F and G as this forms the main access into these Sub-Areas, as well as providing the necessary improved bus journey time and reliability for the two Sub-Areas on the approach to the SH6 / Howards Drive intersection<sup>45</sup>.

16.3 I agree with Mr Shields for the reasons as set out above, and I do not recommend any changes to the infrastructure staging provisions in response to Mr Finlin's points.

## **17. DOBB – ZONING OF UPPER TERRACE**

17.1 Mr Devlin and Mr and Mrs Dobbs in their presentation at the hearing further explained the submission seeking that the upper terrace of the Dobb land be rezoned from rural to the TPLM Zone Medium Density Residential (**MDR**) Precinct to align with northern side of TPLM, or the PDP Low Density Suburban Residential Zone to align with Lake Hayes Estate or the QCC.

17.2 I reiterate the point made in the s42A Report<sup>46</sup> and in the Rebuttal statement<sup>47</sup> that the upper terrace of the Dobb property, adjacent to SH6, will in all likelihood be required for the SH6 eastern intersection (a roundabout).

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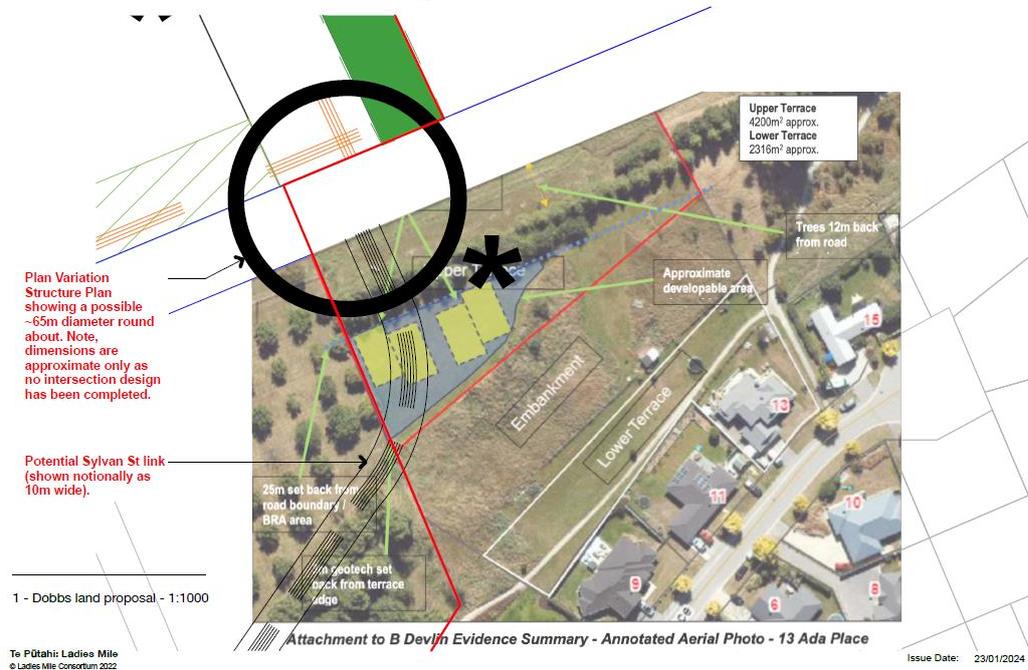
<sup>45</sup> Reply statement of Colin Shields dated 26 January 2024, at paragraphs 28 – 29

<sup>46</sup> S42A Report, Part 12, p133 – 136

<sup>47</sup> Statement of rebuttal evidence of Jeffrey Brown dated 10 November 2023, at paragraph 130

17.3 Mr Lowe has prepared an indicative plan of what the layout of this would look like, including the potential Sylvan Street leg to the south, overlaid on Mr Devlin’s plan presented at the hearing. This is as follows:

**Dobbs land Structure Plan overlay**



17.4 My view is that it is apparent that much of the western part of the Dobb upper terrace will be taken up by the intersection, leaving the eastern part of the terrace physically possible for dwellings. Access to those dwellings would be very difficult given the proximity to the roundabout, and also, some isolated dwellings immediately prior to the roundabout, in the “gateway”, would be out of place and a poor urban design outcome.

17.5 My view on this is informed also by the opinion of Mr Dun and Mr Skelton as set out in their respective EIC<sup>48</sup>. I consider that the rural zoning is appropriate and should remain.

**18. KOKO RIDGE – ADDITIONAL PROVISIONS TO ENABLE MEDIUM DENSITY**

18.1 Following the discussion with the Panel at the hearing Mr Devlin was asked to prepare some additional provisions for Sub-Area H2 (the Koko Ridge land) to enable more density, potentially akin to medium density.

18.2 Mr Devlin’s amendments, in purple, are set out below.

**Policies**

<sup>48</sup> Statement of evidence of Stuart Dun dated 29 September 2023, at paragraphs 25 and 100; and statement of evidence of Steve Skelton dated 29 September 2023, at paragraph 103

...

[49.2.7.X](#) Within discrete areas of the Sub-Area H2 away from the southern escarpment edge, facilitate a mixture of densities and housing typologies.

#### 49.4 Rules – Activities

	Activities located in the Te Putahi Ladies Mile Zone	Activity status
...		
49.4.5	Residential Visitor Accommodation <a href="#">in the Low Density Residential, Medium Density Residential, Commercial Centre, Glenpanel and Open Space Precincts</a> <a href="#">except as provided for in Sub-Area H2 where Rule 49.5.XX applies</a>	NC
<a href="#">49.4.5A</a>	<a href="#">Residential Visitor Accommodation in the High Density Residential Precinct</a>	<a href="#">P</a>
...		
Rules – Standards		
49.5.1	Residential Density Maximum residential density of one residential unit per <a href="#">450-300m<sup>2</sup></a> , <a href="#">except where Rule 49.5.6.5 applies then the maximum residential density is one residential unit per 200m<sup>2</sup></a>	NC
49.5.2	Building Height A maximum of 8m, <a href="#">except that within 20m of the common boundary of Lot XXX [Corona Trust property] the maximum height shall be 5.5m</a>	NC
49.5.3	Building Coverage A maximum of 40%, <a href="#">except for a development where Rule 49.5.XX applies</a>	D
...		
49.5.5	Recession plane The following recession planes apply to all buildings: <ul style="list-style-type: none"> <li>a. Northern boundary: 2.5m and 55 degrees</li> <li>b. Western and eastern boundaries: 2.5m and 45 degrees</li> <li>c. Southern boundaries: 2.5m and 35 degrees.</li> </ul> Except that: <ul style="list-style-type: none"> <li>a. gable ends roofs may penetrate the building recession plane by no more than one third of the gable height.</li> <li>b. recession planes will not apply on boundaries with roads.</li> <li>c. <a href="#">Buildings sharing a common or party wall</a></li> </ul>	RD Discretion is restricted to any sunlight, shading, or privacy effects created by the proposal on adjacent sites.
49.5.6	Minimum Building Setbacks 49.5.6.1 Minimum setback from road boundary: 4.5m 49.5.6.2 Setback from waterbodies: 7m 49.5.6.3 All other boundaries: 2m <a href="#">except as</a>	D

	<p><u>provided for in 49.5.6.4 – 49.5.6.5</u></p> <p>49.5.6.4 In Sub-Area H1: Minimum setback from boundary with Sub-Area H2: 6m</p> <p>49.5.6.5 <u>in Sub-Area H2: Provided any boundary is not within 6m of the top of the escarpment that runs along or near the southern boundary of Sub-Area H2 the minimum setback for all other boundaries in 0m between the sites with contiguous ownership.</u></p> <p><del>49.5.6.4 In Sub-Area H2: Minimum setback from southern boundary: 4m</del></p> <p>Except that:</p> <ol style="list-style-type: none"> <li>eaves may be located up to 600mm into any boundary setback along eastern, western and southern boundaries and up to 1m into any boundary setback along northern boundaries.</li> <li>accessory buildings for residential activities may be located within the boundary setback distances (other than from road boundaries <u>and boundaries within 4m of the top of any escarpment</u>), where they do not exceed 7.5m in length, there are no windows or openings (other than for carports) along any walls within 1.5m of an internal boundary, and they comply with rules for Building Height and Recession Plane.</li> <li><u>within 4m of the top of an escarpment the storage (temporary or otherwise) of any object greater than 1.5m high is not permitted.</u></li> <li><u>setbacks do not apply to site boundaries where a common party wall is proposed between two buildings on adjacent sites.</u></li> </ol>	
...		
49.5.10	<p>Staging development to integrate with transport infrastructure</p> <p>Development (except for utilities, <u>the specified transport infrastructural works</u> and other physical infrastructure) within the Sub-Areas shown on the Structure Plan shall not occur prior to all the corresponding transport infrastructural works <u>for the Sub-Area</u> listed below being completed.</p> <p><del>For the purposes of this rule, “completed” means when the works are physically completed and are able to be used for the intended purpose.</del></p> <p><del>For the purposes of this rule, “development” means a building for which a Code Compliance Certificate has been issued by the Council. Any application under Rules 49.4.4, 49.4.18, and any other application involving a building shall include a condition requiring that a Code Compliance Certificate under s92 of the Building Act 2004 shall not be applied for in respect of that building before the corresponding transport infrastructural works for the Sub-Area are completed.</del></p>	NC

	H1 & H2	<a href="#">Link to</a> Active Travel link to State Highway 6 bus stops									
	H2	<del>Bus stops on State Highway 6, west of the Stalker Road intersection (one on each side of the State Highway 6)</del> <del>Pedestrian/ cycle crossing across State Highway 6 west of Stalker Road intersection</del>									
49.5.11	<p>Maximum number of Residential Units</p> <p>The total number of residential units shall not exceed the maximums in the table below:</p> <table border="1"> <thead> <tr> <th>Sub-Area (as shown on the Structure Plan)</th> <th>Maximum number of residential areas</th> </tr> </thead> <tbody> <tr> <td>Sub-Area H1</td> <td>38</td> </tr> <tr> <td>Sub-Area H2</td> <td><del>408</del> <a href="#">140</a></td> </tr> <tr> <td>Sub-Area H3</td> <td>30</td> </tr> </tbody> </table>		Sub-Area (as shown on the Structure Plan)	Maximum number of residential areas	Sub-Area H1	38	Sub-Area H2	<del>408</del> <a href="#">140</a>	Sub-Area H3	30	
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Sub-Area H3	30										
...											
<a href="#">49.5.XX</a>	<p><b><a href="#">Residential Visitor Accommodation in Sub-Area H2</a></b></p> <p><del>49.5.X.X The activity is on a lot greater than 2000m<sup>2</sup> in Sub-Area H2 only and</del></p> <p><del>49.5.X.X The activity complies with the standards specified in 11.5.13 of the Large Lot Residential (A) Zone.</del></p>		<a href="#">NC</a>								
49.5.XX	<p><del>New residential units on sites greater than 2000m<sup>2</sup> within the H2 Sub-Area shall be subject to the bulk and location controls specified in the Large Lot Residential (A) Zone provisions (11.5.1 – 11.5.14).</del></p>		<del>As required by Rules 11.5.1 – 11.5.4</del>								
<a href="#">49.5.XX</a>	<p>The following rules from Table 2 – Standards for activities located in the Medium Density Residential Precinct will apply to Sub-Area H2 if the provisions in <a href="#">clause 49.5.6.5 for 0m internal boundary setbacks are utilised.</a></p> <p><a href="#">49.5.19 Landscaped permeable surface</a></p> <p><a href="#">49.5.21 Building coverage [45%]</a></p> <p><a href="#">49.5.23 Outlook space</a></p> <p><a href="#">49.5.24 Outdoor living space</a></p> <p><a href="#">49.5.28 Residential storage</a></p> <p><a href="#">49.5.30 Garages</a></p>		<a href="#">As per listed rule</a>								
...											
<b>Chapter 27 – Subdivision</b>											
...											
<b>Rules – Standards for Minimum Lot Areas</b>											
...											
<a href="#">Te Pūtahi Ladies</a>	<a href="#">Low Density Residential Precinct</a>		<del>450</del> <a href="#">300m<sup>2</sup></a> <a href="#">200m<sup>2</sup></a>								

<u>Mile Zone</u>	<u>Low Density Residential Precinct that utilises Rule 49.5.6.5</u>																									
...																										
27.7.30	<p><b>The dimensions of lots in the following zones, other than for access, utilities, reserves or roads, shall be able to accommodate a square of the following dimensions:</b></p> <table border="1"> <thead> <tr> <th>Zone</th> <th></th> <th>Minimum Dimensions (m=meters)</th> </tr> </thead> <tbody> <tr> <td>Residential</td> <td>Medium Density</td> <td>12m x 12x</td> </tr> <tr> <td></td> <td>Large Lot</td> <td>30m x 30m</td> </tr> <tr> <td></td> <td>All others</td> <td>15m x 15m</td> </tr> <tr> <td></td> <td><u>TPLM LDR Precinct (Sub-Area H2)</u></td> <td><u>[20 or 25m] alongside the southern boundary adjacent to [Corona Trust lots]</u></td> </tr> <tr> <td>Settlement</td> <td>All Settlements</td> <td>15m x 15m</td> </tr> <tr> <td>...</td> <td></td> <td></td> </tr> </tbody> </table>				Zone		Minimum Dimensions (m=meters)	Residential	Medium Density	12m x 12x		Large Lot	30m x 30m		All others	15m x 15m		<u>TPLM LDR Precinct (Sub-Area H2)</u>	<u>[20 or 25m] alongside the southern boundary adjacent to [Corona Trust lots]</u>	Settlement	All Settlements	15m x 15m	...			NC
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...																										
<b>Chapter 36 – Noise</b>																										
Rule Number	General Standards				Non-compliance status																					
	Zone sound is received in	Assessment location	Time	Noise limits																						
36.5.2	Te Pūtahi Ladies Mile Zone – Low, Medium and High Density Residential Precincts	Any point within site	0800h to 2000h	50 dB LAeq (15 min)	NC																					
			2000h to 0800h	40 dB LAeq (15 min)																						
...																										

18.3 I comment on these provisions below, and take into account Michael Lowe's comments also, from his Reply statement.

18.4 I support the proposed policy but would prefer the following wording:

49.2.7.X Within discrete areas of the Low Density Residential Precinct Sub-Area H2 away from the southern escarpment edge, facilitate a mixture of densities and housing typologies while maintaining amenity values of properties south of the southern escarpment edge.

- 18.5 This wording better follows on from the policy that immediately precedes it, which, to recap, is:
- 49.2.7.8 In the Low Density Residential Precinct, ensure that the height, bulk and location of development maintains a low density suburban character and maintains the amenity values enjoyed by users of neighbouring properties, in particular, privacy and access to sunlight.
- 18.6 On Rule 49.4.5 (for RVA), I agree with Mr Devlin’s addition, which “grandfathers” RVA on the sites that remain at Large Lot Residential A density.
- 18.7 Rule 49.5.1 (density): I agree with Mr Devlin’s addition to allow some smaller lots down to 200m<sup>2</sup>, in accordance with the new Rule 49.5.6.5 which I address below.
- 18.8 Rule 49.5.2 (building height): I disagree with the deletion for the reasons discussed in the s42A Report<sup>49</sup> - the rule should be addressing the effects at issue, which are the effects on amenity values of the Corona Trust property.
- 18.9 Rule 49.5.3 (coverage): I agree with the addition and there needs to be an upper limit; Mr Devlin’s analysis states that the limit is 45% (the MDR Precinct limit) through the link by his proposed new rule (49.5.XX) which I address below.
- 18.10 Rule 49.5.5 (recession plane): I agree with this addition but the wording needs to be: **“Recession planes will not apply to buildings sharing a common or party wall”**.
- 18.11 Rule 49.5.6 (minimum building setbacks): I disagree with Mr Devlin’s clause 49.5.6.5 and agree with Mr Lowe’s discussion on this point<sup>50</sup>. Taking into account Mr Allen’s whiteboard illustration at the hearing (which Mr Lowe reproduced in his Reply statement), I am comfortable with lots fronting the Corona Trust boundary that are narrower than 20m (as per subdivision Rule 27.7.30) provided they have a 2m side yard setback, in accordance with the scenarios in Mr Allen’s illustration, but that should be for the row of dwellings that fronts Corona Trust. If Mr Devlin’s 6m rule is accepted then as Mr Lowe points out the outcome could be row of houses with 0m setbacks from each other, 6m from the Corona boundary, which is a significant enough departure from the LDR Precinct as notified, and in my view would not achieve Policy 49.2.7.8 or the new Policy 49.2.7.X that I addressed in paragraph 18.4 above.
- 18.12 I consider that the additional density should be central within the Koko Ridge land, and not adjacent to or obviously apparent from the Corona Trust property. This would be

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<sup>49</sup> S42A Report, para 12.38

<sup>50</sup> Reply statement of Michael Lowe dated 26 January 2024, at paragraph 17

achieved by enlarging the key dimension in the rule from 6m to 20m (being the length of a typical low density section), or the following wording:

**49.5.6.5 In Sub-Area H2: the minimum setback of buildings from boundaries of sites in contiguous ownership is 0m provided that this does not apply within 20m of the southern boundary of Sub-Area H2, where Rule 49.5.6.3 applies.**

18.13 I support an outcome where the built form outcome that would be apparent when viewed from the Corona Trust land is consistent with a LDR Precinct outcome, and this would be at most the outcome from Mr Allen's illustration. This would be achieved by the above rule.

18.14 Rule 49.5.6.4 (as proposed by Mr Devlin to be deleted) regarding setback of buildings from the southern escarpment: I disagree with this deletion for the reasons set out in the s42A report and in rebuttal. The 4m setback from the boundary near the top of the escarpment edge should be maintained (as it reflects the LLR-A Zone setback), and the rule reinstated as follows:

**49.5.6.5A In Sub-Area H2: Minimum setback from southern boundary: 4m**

18.15 On the exemptions in Rule 49.5.6:

- Exemptions b. and c. both refer to the "top of the escarpment" which I do not agree with because it is not defined and the interpretation could be ambiguous. The exemption should be from the property boundary which is clear and measurable. My preference is to delete the additional words in exemption b. and to change exemption c. as follows:

c. within 4m of a boundary adjacent to the top of an escarpment the storage (temporary or otherwise) of any object greater than 1.5m high is not permitted.

- Exemption d. should be modified so that it does not capture Rule 49.5.6.5, so the wording would be:

d. setbacks do not apply to site boundaries where a common or party wall is proposed between two buildings on adjacent sites provided this does not apply where Rule 49.5.6.5 applies.

18.16 The default status of these rules is discretionary, so there is a consenting pathway if any owner wishes to have accessory storage not in compliance with these rules.

18.17 Rule 49.5.10 (staging infrastructure rule): Mr Devlin states that the text defining "completed" and "development" appears to be a cut and paste from the MDR and HDR sub-areas (and I confirm it is) and that the purpose of the rules is to not require the Low Density development of Sub-Areas H1 and H2 to be held up by infrastructure that will not

be supported by the low level of development within these Sub Areas, but provide the relevant connections for when it is built.

- 18.18 I disagree with that reasoning. The rule needs to be supported by the clarification of the definitions and I support their retention. The intention of the rule as a whole is to ensure that necessary infrastructure is in place prior to development occurring and I see not reason to depart from this intention for the enhanced density (effectively medium density) in Sub-Area H2.
- 18.19 It should be noted also that Mr Shields' (and Mr Smith's) updated triggers include additional triggers for Sub-Area H2, as discussed in Part 3 above and as set out in the table in paragraph 3.3, being the Stalker Road priority lanes and the NZUP works. These are added into the provisions in **Attachment A**. They include reinstatement of the bus stops on SH6 west of Stalker Road intersection (if the Koko Ridge density is increased).
- 18.20 Further on the infrastructure triggers, the "link to" the Active Travel Link to SH6 bus stops, as added in by Mr Devlin, is not supported because the intention is that the whole Active Travel Link from H1 and H2 to the bus stops is in place before the development occurs.
- 18.21 Rule 49.5.11: the increase of unit numbers from 108 to 140 is supported.
- 18.22 Rule 49.5.XX (in relation to RVA): Mr Devlin's addition is supported.
- 18.23 Rule 49.5.XX (in relation to rules adopted from the MDR Precinct to apply in Sub-Area H2 if Rule 49.5.6.5 (for more intense development in H2) is utilised: I agree with Mr Devlin's additions. My only change is that "clause 49.5.6.5" should be changed to "Rule 49.5.6.5" in the chapeau.
- 18.24 Rule 27.6 (minimum lot sizes) and Rule 27.7.30 (lot dimensions): I agree with the addition for smaller lots but this should not apply to lots adjoining the southern edge, where the 300m<sup>2</sup> minimum should apply. The rule should therefore be, to avoid any uncertainty in interpretation:

Zone		Minimum Lot Area
Te Pūtahi Ladies Mile Zone	Low Density Residential Precinct, <u>including any new site adjacent to the southern boundary of Sub-Area H2</u>  <u>Low Density Residential Precinct sites that utilise Rule 49.5.6.5</u>	<del>450</del> <u>300 m<sup>2</sup></u>  <u>200 m<sup>2</sup></u>

- 18.25 This negates the need for any additional clause in Rule 27.7.30 for lot width adjacent to the southern boundary, so I agree with Mr Devlin's deletion.

18.26 Based on the above analysis I therefore generally support the Koko Ridge modifications to the provisions to enable more density in Sub-Area H2, but I agree with Mr Lowe’s view that the effects on amenity values to the south of the southern escarpment and the provisions above address those effects.

18.27 The only matter not addressed in Mr Devlin’s provisions is the point I made in rebuttal<sup>51</sup> about avoiding the possibility of development on the steep escarpment within Koko Ridge’s property. This would be remedied by a rule as follows:

	<b>Activities located within the Te Putahi Ladies Mile Zone</b>	<b>Activity Status</b>
...		
<u>49.4.X</u>	<u>Any built development on the southern escarpment of Sub-Area H2</u>	<u>NC</u>

18.28 I understood from the presentation at the hearing that such a rule is supported by Koko Ridge.

18.29 The modifications as above are addressed in the s32AA evaluation at [Attachment B.25](#).

## **19. ANNA HUTCHISON FAMILY TRUST (AHFT) – EXTENSION ZONING**

19.1 Mr Winchester stated on 13 December in his closing presentation to the Panel and in his written submissions that the Council ignored various attempts by AHFT’s representatives to engage with the Council’s project team, that the Council erred by excluding the AHFT land from the TPLM Variation and s32 and, and should not be able to use the fact that the land had not been subject to adequate s32 evaluation as a reason for rejecting the AHFT submission on the grounds of scope.

19.2 I accept that AFHT representatives made approaches to the Council (myself included) after the TPLM Variation was formally notified and the submissions were filed, in 2023, as part of the Streamlined Planning Process (**SPP**).

19.3 During the TPLM masterplanning and Variation preparation period (2020 – 2022) there was considerable opportunity for the public to directly engage with the Council, including well-advertised open “drop-in” days, public presentations, meetings, an on-line informal feedback link, and a formal submission period on the draft masterplan and variation

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<sup>51</sup> Statement of rebuttal evidence of Jeffrey Brown dated 10 November 2023, at paragraphs 124 – 126

provisions<sup>52</sup>. There were numerous Council agenda items, and the proposal was covered, as I recall, in the media.

- 19.4 During this public engagement phase I was not approached about the AHFT land, and nor were any others in the consultant team (I spoke to Mr Harland, Mr Dun and my colleague Ms Edgely about this). There is no record of anyone promoting the AHFT land during the open days, and no submission seeking a zone extension over the AHFT land was filed on the draft variation when it and the draft masterplan were notified for submissions. No on-line feedback was received, as far as I am aware. The only approach that I am aware of was to Liz Simpson, one of the Council staff working at the time on the TPLM project, who had a meeting with AHFT representatives about adding the AHFT land into the TPLM variation, but I understand this meeting was on 24 August 2022 which was after the TPLM masterplan and variation process (including the extensive public consultation phase) was completed and after the Council, on 30 June 2022, had ratified and adopted the final version of the masterplan and Variation provisions, and approved the SPP application.
- 19.5 Given this background, Mr Winchester's allegation that the Council rebuffed AHFT's approaches is therefore unjustified in my view. The approaches after the formal ratification and after the formal notification were too late for the Council to recognise the AHFT land in the original s32 (which was completed prior to June 2022). I consider it inappropriate for Mr Winchester to lament the non-inclusion of the AHFT land given the lack of earlier engagement by AHFT in this process.
- 19.6 I now further consider the merits of the AHFT submission in light of the additional evidence presented at and following the hearing.
- 19.7 I will reiterate my opinion (that I expressed to the Panel on 7 December 2023) that the TPLM Zone boundaries were well-conceived from the outset, and that, at the eastern end, the boundary is logical and defensible due to:
- The flat land, and the topographical change immediately north, where it rises near Springbank Grove;
  - Lower Shotover Road, and the cemetery on the opposite side of this road, that extends northwest to more or less opposite Springbank Grove.
- 19.8 The topography and the cemetery are immovable items.
- 19.9 When the eastern boundary of the TPLM area was contemplated during the masterplanning process over 2020 – 2022, it was considered that the land north of the

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<sup>52</sup> I described these consultation opportunities in the s42A report at Section 8

TPLM area, in the vicinity of Springbank Road, and the land containing the cemetery and north and west of the cemetery, was in a different “experiential” catchment, as well as being, mostly, in a different physical catchment to the TPLM area.

- 19.10 The TPLM masterplanning and Variation (including the s32 evaluation, etc.) proceeded on this basis.
- 19.11 Ms Fairgray considers that the density mix and extent of zoning proposed by AHFT since the hearing have allayed her earlier concerns about the potential for the extension to dilute intensification within other parts of TPLM closer to the commercial centre<sup>53</sup>. She still has residual concerns about timing of the development of the extension area if developed for lower density, when medium density is a more efficient pattern<sup>54</sup>. I note that this concern would be alleviated by applying the MDR Precinct’s density minima standard.
- 19.12 Mr Shields’ overall position on the AHFT extension is unchanged and he does not support the extension from a traffic perspective<sup>55</sup>. This is for the reasons he has expressed in his evidence, rebuttal and summary statements, which in summary are based on the distance of the AHFT land from the Commercial Centre and SH6 bus stops, which are beyond a reasonable walkable distance, and he does not agree with AHFT’s proposed public transport proposal because it does not comply with the W2G partners’ public transport strategy<sup>56</sup>.
- 19.13 Mr Shields also states that if the Panel is minded to include the AHFT land within the TPLM Variation, he considers that access to the land can be provided without any change required to the TPLM Variation Structure Plan<sup>57</sup>, and he provides the changes to the traffic infrastructure staging rules that would be required if the extension is adopted<sup>58</sup>.
- 19.14 Mr Skelton reiterates the robustness of the current TPLM Variation’s eastern boundary (that I discussed above), the features of which have not been adequately taken into account in Mr Milne’s analysis, in my view.

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<sup>53</sup> Reply statement of Susan Fairgray dated 26 January 2024, at paragraphs 37 – 40

<sup>54</sup> *ibid*, paragraph 41

<sup>55</sup> Reply statement of Colin Shields dated 26 January 2024, at paragraph 30.

<sup>56</sup> Statement of rebuttal evidence of Colin Shields dated 10 November 2023, at paragraph 47; Summary of evidence of Colin Shields dated 4 December 2023, at paragraph 12; Statement of Evidence of Colin Shields dated 29 September 2023, at paragraph 70.

<sup>57</sup> Reply statement of Colin Shields dated 25 January 2024, at paragraph 30.

<sup>58</sup> *ibid*, paragraph 31 – 32.

- 19.15 The proposed AHFT urban boundary relies on a shallow gully and Lower Shotover Road. Mr Skelton's view is that the shallow gully would not be a robust edge because there are other similar gullies further north, and the development would not be well contained<sup>59</sup>.
- 19.16 As I verbally addressed at the hearing on 7 December, I also question, if the AHFT land is accepted for urbanisation at this point, the veracity of the TPLM urban boundary on the eastern side of Lower Shotover Road, in the vicinity of and north of Springbank Road, opposite the AHFT land, and the Lower Shotover Road boundary. The land northwest of TPLM and east of AHFT is slightly more elevated than TPLM and AHFT but is still within the lower slopes of Slope Hill, and is outside the ONF. It currently has a rural lifestyle character, as does the AHFT land, even though it is currently zoned Wakatipu Basin Rural Amenity Zone, not the AHFT's zoning which is Wakatipu Basin Lifestyle Precinct.
- 19.17 I do not consider that the AHFT's proposed urban boundary is sufficiently robust, and contrast it with the robustness of the TPLM Zone boundary at the western end, as I discussed above, and also at the eastern end. The eastern end boundary at face value is identical to the rural land to the east and is not distinguished by any topographical change or other physical feature. However, in my view the urban boundary is robust and defensible in that the TPLM Zone is required to have significant separation from Lake Hayes (for stormwater purposes). The separation also avoids significant visibility of the intense urban zone when viewed from SH6 in the vicinity of Amisfield. The adjacent rural land is also part of the rural/urban "gateway" experience and contributes to the overall sense of place of the TPLM Zone in its wider mountainous context, as perceived in the SH6 approach westwards from Lake Hayes"
- 19.18 As I indicated in my Rebuttal statement, I consider that the Hutchison land is appropriate for urban development at some point, but still not yet. I accept that the density dilution issue is now resolved, as discussed by Ms Fairgray, and I acknowledge that this zoning extension is now a more finely balanced issue than when I prepared my Rebuttal. However, I still have concerns about the traffic issues, as discussed by Mr Shields, and the urban growth boundary definition issue, as I outlined above. I therefore maintain the position that I stated in my Rebuttal:

**181. However, I consider that once the TPLM Zone is better established and the market can more fulsomely reveal what the density make-up within the Zone will be, within the overall development envelope created by the provisions, the Hutchison land should be reconsidered and potentially brought into the TPLM Zone through a plan change process. This would inevitably require a masterplanning exercise to determine the appropriate layout, form, density,**

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<sup>59</sup> Statement of rebuttal evidence of Steve Skelton dated 10 November 2023, at paragraph 23

***setbacks, boundary treatment, integration with the existing urban form, and location of any new non-residential activities.***

19.19 If the Panel is otherwise persuaded, then the provisions for AHFT promoted in the 18 December memorandum, along with the updated traffic infrastructure staging rules from Mr Shields, and the amendments proposed by Mr Dun in his Reply statement would form the basis of the additional provisions.

## **20. ANTICIPATED SCHOOLS**

20.1 The role of the anticipated schools in TPLM, particularly the secondary school, was raised by the Panel at the hearing. Given the potential traffic implications of the secondary school not eventuating, the Panel queried whether it may be appropriate for there to be a rule that requires confirmation of a secondary school in the TPLM Zone before certain residential development can proceed.

20.2 This is a matter that I have commented on previously in the s42A report<sup>60</sup>. I agree that the schools, particularly the secondary school, are one of the key facilities that underpin the modal shift in Mr Shield's traffic evidence and that at least until there is confirmation that the MoE has acquired land or lodged a Notice of Requirement, there are no guarantees that the new schools will eventuate at Ladies Mile.

20.3 In order to understand whether it may be appropriate to include a rule relating to the provision of a secondary school, the Council engaged with the MoE to understand its position on such a rule. The MoE sent the Council a letter setting out its views and this is attached as Appendix A to the Council's closing legal submissions.

20.4 The MoE confirmed it is not supportive of the inclusion of a trigger rule for a secondary school as it (in short) questions the effectiveness and efficiency of such a rule given possible uncertainty/delay in school being delivered.

20.5 The MoE's letter however helpfully reiterated it has a "clear interest and commitment to the provision of educational facilities along Ladies Mile" but it is yet to confirm any land acquisition. It goes on to state that engagement with landowner(s) is continuing, but notes the challenges and complexity involved in securing land amongst competing landowners, particularly given the final form the TPLM provisions are yet to be finalised.

20.6 While I can still see some advantage in including in the TPLM provisions a rule that ties residential development to the confirmation of a secondary school (such as providing a clear direction to landowners that a secondary school should be provided at TPLM), such

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<sup>60</sup> S42A report dated 29 September 2023, at paragraph 11.157.

a rule would lack the required certainty given the absence of confirmed information on the timing and delivery of a secondary school within TPLM. The MoE's letter confirms that decisions relating to acquiring and designating a school are complex (for example, location and scale) and take time, and there may be some time between designation of school site and construction.

- 20.7 Given the likely delay to residential development at TPLM as a result of such a rule I consider that the tests under s32AA of the RMA would not likely be met (in particular, an assessment of the efficiency and effectiveness of the rule achieving the objectives of the TPLM Variation).
- 20.8 Accordingly, I do not support including a rule that requires confirmation of a secondary school in the TPLM Zone before certain residential development can proceed.
- 20.9 In light of the above, Mr Shields and I have discussed whether further amendments can be made to the provisions to address the uncertainty about schools establishing in TPLM.
- 20.10 Currently there is an assessment matter for site and building design within the TPLM Zone that requires a travel demand management plan for certain activities (refer 49.7.2), and this requires "an assessment of actual mode share of travel and operational and management measures to be implemented to reduce private vehicle trips". I consider this assessment should include an assessment of active travel and public transport to educational activities. This will ensure that transport to and from existing (and planned) schools are specifically considered at the resource consenting stage.
- 20.11 Accordingly, I recommend the rule 49.7.2 is amended as follows (the black wording is the notified version, and the green wording denotes the changes proposed in this Reply Version). This also takes into account my suggested amendments to the assessment matters in 49.7.2 in relation monitoring of mode shares discussed above.

49.7.2 For any residential building **in the High Density Residential Precinct** containing **2510** or more residential units, or for any building containing commercial, retail or educational activities:

- a. A travel demand management plan (Residential, Workplace or School Travel Plan), is to be prepared in conjunction with the Council, that includes:
  - i. An assessment of actual mode share of travel and operational and management measures to be implemented to reduce private vehicle trips, **including an assessment of active travel and public transport including to and from educational activities;**
  - ii. Key performance targets; and
  - iii. Monitoring and reporting methods

- 20.12 I address the additional provisions further in the s32AA evaluation, at **Attachment B.35**.

## 21. OTHER ISSUES

### *Discretionary v non-complying default status for development standards*

21.1 In her presentation to the Panel Megan Justice indicated her preference for using discretionary status as the default breach status for development standards, not the non-complying status. The PDP most commonly uses the restricted discretionary status, with matters of discretion, or the non-complying status as the breach status for development standards, and the TPLM Zone generally follows this convention. I consider that the breach statuses of the particular development standards have been well considered during the formulation of the provisions and are appropriate, and that no changes are necessary. The non-complying status still provides a consenting pathway.

### *Superlots*

21.2 The Panel questioned whether the assessment matter at Rule 27.9.8.1(c)(i), for the creation of bulk titles which are intended to later further subdivided, would be adequate on its own or if further provisions should be added to better manage this (likely) development outcome.

21.3 Chapter 27 does not have any specific provisions for bulk title subdivision. I have considered this further and agree that some additional provisions would be helpful for plan users, for the TPLM Zone. I suggest as follows:

#### **Policies**

...

**27.3.24.X**      **Ensure staged subdivisions that create balance or bulk lots are designed with connections to a reticulated water supply, stormwater disposal and/or sewage treatment and disposal system that are of sufficient capacity for the intended future urban development.**

#### **27.7                      Zone – Location Specific Rules**

<b>27.7.28</b>	<p><b><u>Te Putahi Ladies Mile Zone</u></b></p> <p><u>27.7.28.2</u>      <u>Subdivision of land within the Te Putahi Ladies Mile Zone.</u></p> <p><u>Discretion is restricted to:</u></p> <p>...</p> <p><b><u>x. For bulk lot or staged subdivision, the provision of infrastructure servicing (access and all utilities) to each lot that is of sufficient capacity and size to accommodate the zoned development potential, and allows connection of the services associated with the future development that the bulk lot provides for, including provision of legal access arrangements where relevant.</u></b></p>	<u>RD</u>

	<p>...</p> <p>Information requirements:</p> <p>...</p> <p>a. <u>Applications for staged subdivisions involving the creation of larger balance or 'bulk' lots intended for future subdivision and/or development shall demonstrate (by way of technical assessments and Three Waters modelling) infrastructure servicing for access and all utilities that is sufficient to cater for the anticipated, zoned land use and density capacity that the lot provides for, including:</u></p> <p>i. <u>Provision for access approvals or legal instruments necessary for the provision of infrastructure services to the bulk lots;</u></p> <p>ii. <u>Methods to integrate with existing or adjacent developments;</u></p> <p>iii. <u>Consideration and contribution to (where appropriate) infrastructure that is necessary to both service the development but may also benefit or service the wider community and future development on adjoining or nearby land where subdivision and/or development of that land would rely on the bulk lots for infrastructure.</u></p>	
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21.4 These provisions along with the assessment matter 27.9.8.1(c)(i) will provide sufficient guidance and control for bulk lot subdivision, in my view.

21.5 I address the additional provisions further in the s32AA evaluation, at [Attachment B.47 and B.48](#).

## **22. THE TPLM VARIATION PROVISIONS – REPLY VERSION AND S32AA**

22.1 The TPLM Variation provisions have been updated in the Reply Version to account for the matters discussed above. The Reply Version is set out in [Attachment A](#). It incorporate all the accepted changes to the notified version of the provisions, and identifies the source of the change.

22.2 The Reply version of the provisions is evaluated under s32AA in [Attachment B](#).

**J Brown**

**30 January 2024**