

Before the Hearing Panel

Under the Resource Management Act 1991

In the matter of submissions on the Te Pūtahi Ladies Mile Plan Variation

Summary - Statement of evidence of Megan Justice

14 December 2023

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Introduction

- 1 My name is Megan Justice. I have been asked to provide planning evidence by Maryhill Limited (“**MHL or submitter**”) with respect to Te Pūtahi Ladies Mile Plan Variation to the Proposed Queenstown Lakes District Plan.
- 2 From a planning perspective I remain supportive of the rezoning of the site as proposed by the Variation. The matters that I canvassed in my Evidence in Chief (“**EIC**”) have narrowed, and I thank the Council and Mr Brown for the collaborative process to date.
- 3 MHL is an experienced residential land developer. The directors and management team of MHL has undertaken large scale, comprehensive residential re-zoning and subdivision projects, and has built approximately 800 residential units within the Queenstown Lakes District. These developments include the Shotover Country Special Zone and Special Housing Area.
- 4 MHL owns a large proportion of the proposed TPLM variation land:
 - (a) Approximately 12 hectares within the High Density Residential Precinct (“HDR Precinct”), Sub Area E;
 - (b) Approximately 3 hectares within the Medium Density Residential Precinct (“MDR Precinct”), Sub Area B;
 - (c) Approximately 0.4 hectares within the Glenpanel Precinct”, Sub Area B.
- 5 MHL also owns land adjoining the proposed TPLM Zone, including the proposed site for the water reservoir. MHL’s submission on the Variation is supportive of the rezoning. However, it remains concerned over the feasibility of the development outcomes required by the proposed TPLM Zone provisions, particularly in relation to minimum density requirements and the highly prescriptive nature of the provisions and associated Structure Plan.

Submission Points Supported

- 6 At paragraph 12 of my EIC I outline the changes that have been made to the provisions which I support. Based on the updated version of the variation provisions (dated 8 December 2023) these changes have been retained. I remain supportive of them.

Residential Density Minima

- 7 MHL's submission sought changes to the minimum requirement for residential density prescribed for the HDR Precinct and the MDR Precinct. MHL is concerned that the minimum density required within these precincts is:
- (a) Not proven to be in demand by the community, meaning developers may be unwilling to develop the land; and
 - (b) Will not enable a lower density of development at the early stages of development that is expected to be required to generate momentum for the zone.
- 8 I understand that a key factor for the density promulgated in the notified variation is to facilitate a mode shift in transportation choices (for the residents of the Zone). On the basis of Mr Shield's evidence, there is a range of residential density that is expected to result in a mode shift, which is between 40 – 60 units per hectare. Mr Parlane's evidence states that 40 units per hectare is the trigger required to support public transport.¹
- 9 Therefore, based on the expert evidence of Ms Carleton, Mr Parlane and Ms Hoogeveen, I consider the amendments to Rule 49.5.16 set out in Ms Hoogeveen's Summary of Evidence, which simply seeks to change the minimum density for the HDR Precinct to 40-72 units per hectare, to be appropriate.² This largely aligns with the relief sought in MHL's submission.
- 10 I have reviewed the updated Rule 49.5.16 (version dated 8 December 2023) and acknowledge that the additional clause (b) provides a mechanism for the HDR Precinct to allow some lower density development using averaging, to encourage development in the short term. If the Panel prefers this density rule, then I consider the averaging clause, which provides for development that achieves an average of 55 units per hectare in the HDR Precinct, will be useful in enabling some lower density development to occur in the short term.
- 11 I remain of the view that Non Complying is not an appropriate default activity status where a standard that applies to a permitted activity is not achieved. Non-complying in my view should be retained for activities that are not

¹ Paragraph 7.2 of Mr Parlane's Evidence in Chief.

² Based on the updated version of Rule 49.5.16 in the provisions dated 8 December 2023.

appropriate in a zone. I consider that if the density requirements of Rule 49.5.16 are not achieved, the activity status should be Discretionary.

Prescription of Provisions and Structure Plan

12 Mr Brown (in the 8 December version of the provisions) has recommended changes that would integrate some additional flexibility into the Structure Plan. These suggested changes include:

- (a) Identifying some items within the structure plan (with an ‘*’) to which development must be “generally consistent” with, and for a corresponding amendment to be made to Policy 49.2.1.1 and Rule 49.5.15(d);
- (b) Building Heights – Rule 49.5.17 - changing the activity status from NC to RD for a proposal that does not achieve the minimum and maximum number of storeys and maximum building heights.

I support these recommended changes.

13 At paragraph 32 of my EIC I outlined changes that I considered to be necessary to reduce the instances where activities status defaults to non-complying. I remain of the view that these changes will assist in reducing the barriers to developing the zone, by reducing the occurrence of resource consent applications that are non-complying activities.

Storage Facilities

14 The economist’s joint witness statement, the planning joint witness statement and the revised provisions support the inclusion of a rule that provides for a commercial storage facility within an allocated area as a controlled activity. I agree with the proposed rule (Rule 49.4.XX, in the provisions dated 8 December 2023) recommended by Mr Brown.



Figure 1: site recommended for a storage activity in the Structure Plan

Provision of Infrastructure

- 15 MHL's land is expected to be heavily encumbered by shared assets, with the majority of the Community Park on its land, along with a row of protected trees, the 25m wide no-build / Amenity Access Area and land required for roading and intersection upgrades, as well as the possible stormwater management area along the toe of Slope Hill / adjacent to the Collector Road.
- 16 The Community Park is located within the area that is expected to be suitable for stormwater management facilities, at the base of Slope Hill. Enabling reserve land that is required for community assets such as recreational parks to have a dual purpose of stormwater management when vested as reserve, will enable the efficient use of land within the zone.
- 17 Confirmation from Council's reserves officers that there are no barriers (legal or otherwise) to having dual purpose reserves, and subsequently that dual purpose reserves would be encouraged at the Variation site, would greatly assist ensuring the zone is developed efficiently.
- 18 MHLs land also fronts SH6 so is encumbered with the 25m wide building restriction area (on the Zone Plan), which is overlaid with the 'Major Active Travel Route' requirements and the 20m wide 'Amenity Access Area' from the Structure Plan. How this land will be treated at the time of subdivision remains uncertain. My *assumption* is that the entire strip would be vested with Council as road reserve, and that development contributions would be attributed to the landowner in accordance with the development contributions policy. Certainty is required on this matter to allow development plans to progress.

- 19 I agree with Mr Brett's Giddens summary statement (dated 11.12.23) that provision for temporary / interim stormwater management devices/infrastructure needs to be expressly provided for in the stormwater provisions that apply to the northern side of SH6. Providing for interim stormwater management devices / infrastructure will ensure that development of land is not stalled until the entire integrated stormwater system is in place.

14 December 2023

Megan Justice