

**BEFORE QUEENSTOWN LAKES DISTRICT COUNCIL INDEPENDENT
HEARINGS PANEL**

IN THE MATTER of the Resource Management Act 1991 (**RMA**)

AND

IN THE MATTER of an application for the Te Pūtahi Ladies Mile Variation by Queenstown Lakes District Council to amend the Proposed District Plan in accordance with section 80B and Part 5 of Schedule 1 of the Resource Management Act 1991.

**PLANNING STATEMENT OF EVIDENCE OF HANNAH LEE
HOOGEVEEN ON BEHALF OF LADIES MILE PROPERTY SYNDICATE
(PRIMARY SUBMISSION 77 AND FURTHER SUBMISSION 139)**

20 OCTOBER 2023

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1. INTRODUCTION

1.1 My name is Hannah Lee Hoogeveen. I am a Planner and Associate at Barker & Associates Limited, an independent planning consultancy. I am based in the Tauranga office. Prior to this I was employed by Auckland Council and Auckland City Council as a planner in the resource consents department.

1.2 I was not involved in the preparation of the submission on behalf of Ladies Mile Property Syndicate (Submitter 77). However, I am familiar with the Te Pūtahi Ladies Mile Variation (**TPLM Variation**) as I have reviewed it for other clients and have been advising Ladies Mile Property Syndicate since September 2023.

Qualifications and experience

1.3 I hold a Bachelor of Planning degree with Honours from the University of Auckland. I started my career in 2009 and I have practiced as a planner for more than nine years in New Zealand.

1.4 I have provided planning advice to private clients with respect to the Queenstown Lakes District Plan since 2014. In this time, I have prepared several resource consent applications for the Queenstown Central commercial and retail development, and for the Five Mile retail development, both at Frankton. I have also undertaken reviews of strategic planning documents and prepared submissions on behalf of those clients in this time.

1.5 I have been involved in long-term residential brownfield and greenfield developments, including six years working on the resource consents for the Stonefields development in Auckland, both in my role at Auckland Council and then at Barker & Associates. Other large-scale residential developments I have been involved with from a resource consent perspective have included Springpark, Kāinga Ora developments, and several inner-Auckland apartment developments.

1.6 I have worked on a number of intensification-related plan development and

plan changes on behalf of private clients including the Auckland Unitary Plan and Queenstown Lakes Proposed District Plan Urban Intensification Variation. At Auckland Council I was part of an implementation working group reviewing the residential zone rules of the Auckland Unitary Plan when it was in its infancy.

Code of conduct

- 1.7 I confirm that I have read the Expert Witness Code of Conduct set out in the Environment Court's Practice Note 2023. I have complied with the Code of Conduct in preparing this evidence and I agree to comply with it while giving oral evidence before the Hearings Commissioners. Except where I state that I am relying on the evidence of another person, this written evidence is within my area of expertise. I have not omitted to consider material facts known to me that might alter or detract from the opinions expressed in this evidence.

2. SCOPE OF EVIDENCE

- 2.1 My evidence relates to the submission of Ladies Mile Property Syndicate (**the Syndicate**) on Queenstown Lakes District Council's Te Pūtahi Ladies Mile Variation which proposes to rezone land on the northern and southern side of Frankton-Ladies Mile between Lake Hayes and the Shotover River ("**TPLM Variation**"). The TPLM Variation implements a new Special Zone to the Queenstown Lakes Proposed District Plan (**PDP**), being the Te Pūtahi Ladies Mile Special Zone (**TPLM Special Zone**). The TPLM Variation also amends other associated chapters of the PDP.

Background

- 2.2 The Syndicate owns 4.5 hectares of land at 497 Frankton-Ladies Mile Highway (State Highway 6) (**the Syndicate site**). The land is currently used as a boutique visitor accommodation lodge.
- 2.3 The Syndicate has owned the Syndicate site since November 2018 and has participated in engagement with other landowners and the Ladies Mile Consortium as part of the development of the Te Pūtahi Ladies Mile Masterplan (**the Masterplan**). The Syndicate has also provided feedback

on draft planning provisions for the area at multiple stages and has been actively involved in collaborating with neighbouring property owners and their representatives regarding shared objectives for promoting good quality development outcomes for this area and for its future community.

2.4 If the TPLM Variation is approved, future development of the Syndicate's site will be subject to the provisions of the High Density Residential Precinct of the Te Pūtahi Ladies Mile Special Zone (Chapter 49) along with those other provisions that are applicable to the site by way of the Structure Plan maps. Future development of the Syndicate site will also be subject to the consequential changes to District-wide Chapters 4, 25, 27, 29, 31 and 36. Of relevance to my evidence, these include:

- (a) Chapter 49 - Density and gross developable area;
- (b) Chapter 49 - Visitor accommodation; and
- (c) Chapter 27 - Subdivision staging based on third-party infrastructure.

2.5 The Syndicate is generally supportive of the TPLM Variation. However, the Syndicate is principally concerned with minimum density controls, residential visitor accommodation, and subdivision-related matters. I present planning evidence in respect of those matters.

2.6 The scope of my evidence therefore includes a consideration of the following:

- (a) Density provisions;
- (b) Activity status of residential visitor accommodation; and
- (c) Subdivision.

3. DENSITY PROVISIONS

3.1 The density rule for the High Density Residential Precinct¹ requires that a

¹ Rule 49.5.16.2

site shall achieve a minimum density of 60 dwellings per hectare and a maximum of 72 dwellings per hectare (**dph**). A development on a site that has a density outside of this range is a non-complying activity. This minimum density is expressed to be calculated on a “gross developable area” basis. This terminology is somewhat challenging, as it the method in fact represents a half way position between gross and net - despite being expressed as gross there are a number of specific exclusions which take it some way toward being a net calculation.

- 3.2 In their submission, the Syndicate sought changes to the density provisions of the HDRP to reflect what they consider to be more realistic market dwelling densities and typologies in this location, being around 40 dph gross for the minimum of this range. Mr Wallace has calculated that this reflects a (‘true’) net developable area density of approximately 60 dph.
- 3.3 The Syndicate’s relief has not been adopted by the Council officers and the s42a report has retained the density provisions as notified.
- 3.4 In my opinion the density provisions are problematic in terms of achieving the housing delivery and typology outcomes of the TPLM Variation, for the following reasons:
- (a) Mr Anderson in his evidence² and Ms Carleton in her evidence³ set out a number of issues associated with delivering high density development in this location. To summarise, these include limited market attractiveness due to a relative lack of social and natural amenities, and challenging feasibilities for higher density development in general in Queenstown. To that end, both Mr Anderson and Ms Carleton consider that there is considerable risk of no development occurring at all if the minimum density requirements are set too high.
 - (b) In his urban design evidence⁴, Mr Wallace provides a comparison of densities for similar developments elsewhere in the country, including Hobsonville and Stonefields. His density analysis shows

² Statement of evidence by Mr Hamish Anderson, Paragraphs 17-20.

³ Statement of evidence by Ms Tamba Carleton, Paragraphs 21 – 28; and 36 - 55.

⁴ Appendix 1 to Statement of Evidence by Mr Cam Wallace.

the overall density of those developments to be lower than the 60-72 dph range proposed for the High Density Residential Precinct. They do however have a similar variety in built form that the High Density Residential Precinct is seeking to achieve. Only some pockets of those developments achieve the range of 60-72 dph gross, with most below. Very limited pockets are significantly above the range of 60-72 dph, which requires typically 5-6 storey apartment buildings.

- 3.5 Based on the evidence of Ms Carleton, Mr Anderson and Mr Wallace, I consider that the density provisions require revision as there is a real risk that little development could occur in the High Density Residential Precinct as a result of the narrow density range proposed.
- 3.6 Following a review of the s42a report and Council's rejection of the relief sought, I consider that there is an alternative solution to the density provisions that would better achieve the objective of the TPLM Variation, which is ultimately, to deliver dwellings.
- 3.7 A simple change to the inclusions and exclusions of the density rule would retain the Council's intended density range for net developable area. In my opinion excluding *all* vested roads from developable area of a site is appropriate and that should be accompanied by an amendment to the description of developable area to refer to "net developable area". This would mean that the specified minimum density range would more readily be able to be achieved. My recommended changes to the wording of Rule 49.5.16.2 is as follows (in red underline and strike-through):

"49.5.16.2 In the High Density Residential Precinct, development shall achieve a density of 60-72 residential units per hectare across the ~~gross net~~ developable area of the site.

For the purpose of this rule, ~~gross net~~ developable area of a site means the land within the site shown on the Structure Plan, excluding the following:

- a. Building Restriction areas shown on the Structure Plan and planning maps;*
- b. Vested Roads;*

- c. *Open Space, Amenity Access Areas and Landscape Buffer as shown on the Structure Plan;*
- d. [Stormwater management areas](#)

But including any ~~vested or~~ private roads, reserves, accesses and walkways not shown on the Structure Plan.”

3.8 In my view, the advantages of this amendment are as follows:

- (a) It will remove the incentive to not provide roads to be vested⁵; and
- (b) It will be more effective in achieving the outcomes of the TPLM Variation, being that dwellings will be delivered.

3.9 In his urban design evidence, Mr Wallace notes that roads typically account for approximately 25 to 35% of developable land⁶. The consequence of not excluding all other vested roads (not shown on the Structure Plan) means that the balance of the site has to accommodate an elevated density range in order to achieve the overall required density range of 60-72 dph. This is because vested roads are not, by definition, developable. Including all other vested roads in gross developable area has the effect of increasing that density range by around 25% on the developable part of the site. So the density rule, applied per site and excluding most roads in the HDRP, will actually require a net density of 75-90 dph. An amendment to refer to net developable area resolves this. The implication is that a minimum 60 dph is required for all net developable area, with the overall minimum gross figure effectively being in the order of 45 dph.

3.10 Mr Wallace has also done a calculation of the effects of the adoption of a net developable area approach on the minimum yield across the high density residential precinct. When compared with the TPLM Masterplan modelling and Appendix B of Ms Fairgray’s evidence, his calculations show a difference of approximately 139 less dwellings⁷. This however would not preclude a developer building more and is therefore a comparison of minimum yield. Whilst 139 dwellings across the precinct is not insignificant,

⁵ Evidence of Mr Hamish Anderson, Paragraph 29.

⁶ Evidence of Mr Cam Wallace, Paragraph 23.

⁷ Evidence of Mr Cam Wallace, Paragraph 28.

in my opinion, it needs to be weighed against the risk that the current density rule may not be effective at delivering dwellings at all.

- 3.11 In his evidence⁸, Mr Wallace sets out the typologies and densities in comparable residential developments to TPLM. These are Hobsonville and Stonefields in Auckland. The **gross** density in Hobsonville is 35.3 units per hectare and the **gross** density at Stonefields is 26.1 units per hectare. The **net** density in Hobsonville is 53.8 units per hectare and the **net** density in Stonefields is 40.8 units per hectare. Both developments have a range of housing typologies as illustrated in Appendix 1 to Mr Wallace's evidence. The net density of Hobsonville is similar to the minimum density and built form outcomes that I understand the LMTP Variation is seeking to achieve, particularly by Objective 49.2.2 and Policy 49.2.2.2 and as illustrated in the TPLM Masterplan.
- 3.12 In my view, the change above to Rule 49.5.16.2 to refer to net developable area, will achieve the high density development outcomes that are sought for TPLM.
- 3.13 The main implication of shifting to a net developable area approach is to exclude vested roads. Roads are not an unusual exclusion from developable site area in this District. For example, the residential activity area⁹ for the Frankton Flats B Special Zone sets a 1:200m² density minimum, however all roads are excluded from this calculation¹⁰. Roads are also excluded from the gross developable area calculation at Hobsonville Point.
- 3.14 Overall, I consider that the above change to the wording of Rule 49.5.16.2 will provide for a more effective method in achieving the outcomes of the TPLM Variation, being that dwellings are built, and greater achievement of the variety in built form and housing choice within the high density residential precinct and therefore will better meet those relevant objectives and policies at 49.2.2 and 49.2.2.2.

⁸ Evidence of Mr Cam Wallace, Para 16 and Appendix 1.

⁹ Activity Area C2 of the Frankton Flats B Special Zone in the QLDC Operative District Plan.

¹⁰ Rule 12.20.6.1vii(a)(ii) of the Frankton Flats B Special Zone in the QLDC Operative District Plan.

- 3.15 I also point out that Rule 49.5.16.2 applies to a “site” rather than across the precinct as a whole. As currently worded, this means that every individual site needs to meet the minimum and maximum density requirements rather than this being averaged out over the entire precinct (with some sites being developed more intensively and some sites being developed less intensively). The consequence of the current wording is that there are likely to be numerous non complying activity applications associated with individual site developments that either fall below or above the permitted density range.
- 3.16 In my view, there is no easy way to resolve this issue but it is a matter that could be addressed at the upcoming planning caucusing.
- 3.17 I note that other submitters are seeking a minimum of 40 dph per the current definition of “gross developable area” of the site. If the Hearings Panel find that amendment a more suitable outcome, I would be able to support this from a planning perspective as it achieves the same outcome as the changes I have proposed in this statement.

4. TRANSPORT

- 4.1 A key constraint on development of this land is the current roading environment, including the Shotover Bridge, which Council and Waka Kotahi/NZTA consider to be at capacity at certain times of the day¹¹. In preparing the masterplan, Council have placed an emphasis¹² on mitigating transport effects associated with the development of the land. One method of mitigating effects has been to require minimum dwelling densities to encourage a modal shift away from private vehicle use¹³.
- 4.2 In his evidence, Mr Parlane addresses the density method of encouraging a modal shift away from private vehicle use¹⁴. Mr Parlane observes that “the impact of increasing density to 40 dph will have a greater impact on alternative modes than further increasing density from 40 up to 60 dph¹⁵”.

¹¹ Council’s S32a report, Issue 2, page 15.

¹² Objective 49.2.6.

¹³ Policy 49.2.6.3(a).

¹⁴ Evidence by Mr John Parlane, Paras 6.6 – 6.9.

¹⁵ Evidence of Mr John Parlane, Para 6.9.

- 4.3 Based on Mr Parlane’s evidence, if the effective minimum density of 40 dph (gross) is accepted by the Hearings Panel, any effect on mode shift and therefore the capacity at the Shotover Bridge and State Highway 6 once the TPLM Special Zone is developed, will be inconsequential.
- 4.4 Similarly, Mr Parlane has also reviewed the effect on mode shift if Rule 49.5.16.2 was amended as set out in my evidence above. His conclusion in relation to my proposed amendment to “gross developable area” remains the same.
- 4.5 That being the case, my view is that there are no traffic related reasons not to accept the modest change to the density control as proposed.

5. RESIDENTIAL VISITOR ACCOMMODATION

- 5.1 Residential Visitor Accommodation (**RVA**) is proposed to be a non-complying activity in the High Density Residential Precinct of the TPLM Variation.
- 5.2 RVA is permitted in all ten of the residential and special purpose zones (that also has a residential component) in the PDP¹⁶. If Council’s proposed provisions were adopted, TPLM would be the only residentially zoned land in the District where RVA would be a non-complying activity.
- 5.3 For the Syndicate, Ms Carleton has outlined the challenges associated with apartment development in Queenstown¹⁷, which she understands to include a lack of depth in buyer demand¹⁸. Ms Carleton outlines attractive investor products which include small terrace houses and apartments¹⁹. This is significant because I understand from Mr Wallace’s evidence²⁰ that the site density requirements of 60-72 dph will result in a large proportion of small terrace houses and apartments.

¹⁶ Of these 10, seven zones have a permitted activity status that is subject to permitted activity conditions pertaining to occupancy levels, outdoor hours, maximum number of stay nights per year, etc. To infringe one or more of the permitted activity conditions, a Restricted Discretionary Activity consent would be required. The other three zones had no permitted activity conditions on RVA.

¹⁷ Evidence of Ms Tamba Carleton, Paras 36-55.

¹⁸ Evidence of Ms Tamba Carleton, Para 50.

¹⁹ Evidence of Ms Tamba Carleton, Para 62.

²⁰ Evidence of Mr Cam Wallace, Para 17.

- 5.4 I understand that RVA is attractive to investors²¹ because it gives them flexibility to rent units short-term as well as long-term. It also attracts investors who might want a holiday home and to be able to rent it out for short stays when they're not using it. By making RVA permitted, it increases the number of purchasers in the market and therefore makes it more likely that dwellings will be built.
- 5.5 A fundamental outcome that the TPLM Variation is seeking to achieve is the delivery of dwellings, much of which needs to be at a higher density to ensure that scarce land resource in Queenstown is used efficiently. It is my understanding from the evidence of Ms Carleton and Ms Fairgray that feasibility of higher density development depends on being attractive to both owner-occupiers and investors.
- 5.6 Based on the evidence of both Ms Carleton, and Ms Fairgray for the Council, I consider that it would be reasonable for the same RVA rules that apply to all of the other residential zones in the PDP, to apply to the High Density Residential Precinct.
- 5.7 Given that the evidence of feasibility relates to apartment-type developments in the high density residential precinct, it is my opinion that the permitted RVA status could only apply in those instances. A more restrictive activity status could be applied to less-dense development (such as the medium density residential precinct and the low density residential precinct), as development within these areas is perhaps less dependent on the investor market. At **Appendix 1**, I have included a copy of the planning provisions that apply to the majority of the residential and special purpose zones of the PDP. In my view, these provisions could be adopted for the high density residential precinct.

6. SUBDIVISION AND STAGING OF DEVELOPMENT

Staging Development to Integrate with Transport Infrastructure

- 6.1 In their submission, the Syndicate sought to ensure that development

²¹ Evidence of Ms Tamba Carleton, Paras 54-55.

within the TPLM Special Zone was not contingent on *all* of the transport infrastructure works listed at Rule 49.5.33 needing to be provided. Rather, the Syndicate considered that just those works associated with the relevant sub-area should need to be provided prior to development of that sub-area.

- 6.2 In the tracked changes to the TPLM Variation text in the Council's s42a report, Mr Brown has clarified this position in the policy²² but not the actual rule. The consequence of this is a policy that more enabling than the method. I consider that the corresponding rule at 49.5.33 should be amended to follow the policy (my addition in **red**):

"49.5.33 Staging development to integrate with transport infrastructure

*Development (except for utilities, the **specified transport infrastructure works** and other physical infrastructure) within the Te Pūtahi Ladies Mile Sub Areas shown on the Structure Plan shall not occur prior to all the corresponding transport infrastructural works **for the Sub-Area** listed below being completed...."*

- 6.3 The above wording, or similar, would better align the methods and policy as amended by the s42a report and avoid unnecessary non-complying activity resource consents where any development precedes all of the transport infrastructure works.

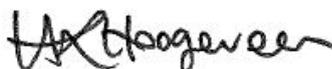
7. CONCLUSION

- 7.1 The TPLM Variation proposes to rezone land from rural and rural lifestyle zones for urban development, including for high density residential purposes. The minimum density and lack of provision for residential visitor accommodation are problematic as they could lead to failure to deliver the anticipated housing typology and density in this area.
- 7.2 The evidence of Mr Wallace, Ms Carleton and Mr Anderson shows that the permitted, narrow density range will result in difficulties establishing development in the High Density Residential Precinct.
- 7.3 In my view this could result in a failure to meet the objectives of the TPLM Variation, both in terms of housing delivery and provision for a range of

²² Policy 27.3.24.6

housing choice and variation in built form outcomes.

- 7.4 The evidence by Mr Parlane establishes that reducing the permitted range to 40 dph (either by amending the definition of gross developable area or amending the density requirement) from 60 dph has little effect on transportation modal shift.
- 7.5 Section 32(1)(b)(ii) of the RMA requires an evaluation of the HDRP provisions in terms of their efficiency and effectiveness in achieving the TPLM Variation objectives. As set out in my evidence, and the evidence of the Syndicate's other specialists, the provisions as currently proposed are unlikely to achieve the housing supply objectives. In my view, the changes that I have proposed to the density and visitor accommodation provisions will be a much more efficient and effective way of meeting the TPLM Variation objectives.



Hannah Hoogeveen

20 October 2023

Appendix 1: PDP Residential Visitor Accommodation Rule

9.4.4	Residential Visitor Accommodation and Homestays	P
9.5.15	<p>Residential Visitor Accommodation where:</p> <p>9.5.15.1 The total nights of occupation by paying guests on a site do not exceed a cumulative total of 90 nights per annum from the date of initial registration.</p> <p>9.5.15.2 The number of guests must not exceed 2 adults per bedroom and the total number of adults and children must not exceed:</p> <ul style="list-style-type: none"> • 3 in a one-bedroom residential unit; 	<p>RD</p> <p>Discretion is restricted to:</p> <ol style="list-style-type: none"> 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

	Standards for activities located in the High Density Residential Zone	Non-compliance status
	<ul style="list-style-type: none"> • 6 in a two-bedroom residential unit; and • 9 in a three-bedroom or more residential unit. <p>9.5.15.3 No vehicle movements by a passenger service vehicle capable of carrying more than 12 people are generated.</p> <p>9.5.15.4 The activity is registered with Council prior to commencement.</p> <p>9.5.15.5 Up to date records of the Residential Visitor Accommodation activity must be kept including a record of the date and duration of guest stays and the number of guests staying per night, and in a form that can be made available for inspection by Council with 24 hours' notice.</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 9.5.15.5.</p>	<p>h. Monitoring requirements, including imposition of an annual monitoring charge.</p>