

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

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

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**STATEMENT OF REBUTTAL EVIDENCE OF MICHAEL LOWE  
10 November 2023**

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## Introduction

- 1 My full name is Michael Lowe. I am an Urbanist at Studio Pacific Architecture (**Studio Pacific**).
- 2 I prepared a statement of evidence on behalf of Queenstown Lakes District Council (**QLDC** or **Council**) dated 29 September 2023 on the submissions and further submissions to the Te Pūtahi Ladies Mile Plan Variation (**TPLM Variation**). My evidence considered the urban design aspects of the TPLM Variation, including the built form and design of the TPLM Variation precincts, the TPLM Variation standards that control built form and urban design impacts on heritage items, and also responded to submissions that related to build form and urban design.
- 3 I have the qualifications and experience as set out at paragraphs 6 to 10 of my statement of evidence dated 29 September 2023.
- 4 I repeat the confirmation given in my evidence that I have read the Code of Conduct for Expert Witnesses contained in the Environment Court Practice Note 2023, and that my evidence has been prepared in compliance with that Code.

## Scope of rebuttal evidence

- 5 In preparing this rebuttal statement, I have read and considered the evidence filed on behalf of submitters as that evidence relates to my evidence. I also attended the expert conferencing session on 1 November 2023 and have also read and considered the Joint Witness Statement produced at that expert conferencing session.
- 6 In this evidence I respond to the:
  - (a) Statement of Evidence of Cameron Wallace on behalf of the Ladies Mile Property Syndicate (77) dated 20 October 2023.
  - (b) Statement of Evidence of Hannah Hoogeveen on behalf of the Ladies Mile Property Syndicate (77) dated 20 October 2023.
  - (c) Statement of Evidence of Erin Stagg on behalf of Sanderson Group and Queenstown Commercial Limited (93) dated 20 October 2023.
  - (d) Statement of Evidence of Wendy Chartres-Moginie on behalf of Corona Trust Limited (99) dated 20 October 2023.

- (e) Statement of Evidence of Dave Compton-Moen on behalf of Koko Ridge and Wayne Foley dated 20 October 2023.
  - (f) Statement of Evidence of Megan Justice on behalf of Maryhill Limited (105) dated 20 October 2023.
  - (g) The experts' joint witness statement (**JWS**) on urban design dated 1 November 2023.
- 7 In preparing this evidence, I have also considered:
- (a) The experts' JWS' on planning, dated 2 and 3 November 2023.
  - (b) The experts' JWS on economics, dated 2 November 2023.
- 8 My rebuttal evidence addresses the following urban design matters:
- (a) The urban design evidence on minimum densities and matters raised in the evidence of Mr Wallace.
  - (b) The Structure Plan prescriptiveness.
  - (c) The request for storage facilities by Maryhill Limited.
  - (d) The increased height limit sought in the evidence of Sanderson Group and Queenstown Commercial Limited.
  - (e) The setbacks between the Koko Ridge and Corona Trust land.
- 9 Mr Dun and Mr Harland have also prepared rebuttal evidence on urban design matters and my evidence should be read alongside their evidence. In particular:
- (f) Mr Dun's evidence addresses the requested reduction of SH6 setbacks, the rezoning sought by the Anna Hutchinson Family Trust; the Glenpanel Precinct; the rezoning sought by Doolytle & Sons; and the extension to the Commercial precinct sought by the Sanderson Group.
  - (g) Mr Harland's evidence addresses the alignment with the Te Kirikiri Frankton Masterplan; the western extent of the TPLM Variation; walkability assumptions and the layout of the proposed Western Node proposed in the evidence in support of the Anna Hutchinson Family Trust requested rezoning.

### Urban design justification for density

- 10 The Urban Design JWS records the 'in principle' agreement between the urban designers that a minimum density threshold is needed as there is a risk that the TPLM Variation area could be under developed without it and that this would not be a good urban design outcome (page 9 of the JWS).
- 11 However, there was no agreement reached as to what the density thresholds should be. In particular, the evidence of a number of submitters particularly focusses on the density in the High Density Residential (**HDR**) precinct which in the notified TPLM Variation is "60 to 72 residential units per hectare across the gross development area of the site" (Standard 49.5.16).
- 12 Mr Wallace's statement of evidence, on behalf of Ladies Mile Property Syndicate (77) discusses the minimum densities proposed for the TPLM Variation (paragraphs 10 to 19) focussing on the HDR precinct density set out above.
- 13 Included in his evidence is a comparative analysis of the TPLM Variation against Hobsonville and Stonefields, two large developments in Auckland.<sup>1</sup> Mr Wallace concludes at paragraph 17 that his analysis indicates that the minimum density provisions proposed for the HDR precinct in the TPLM Variation will likely be unprecedented in the New Zealand context.
- 14 I do not agree with the comparison that Mr Wallace has undertaken comparing the TPLM Variation with Stonefields and Hobsonville, for the following reasons:
- (a) His example measures the wider Stonefields neighbourhood (which includes a variety of density areas: stand alone houses, terraces and apartments) and compares this to a TPLM's HDR precinct.
  - (b) There appears to be inflation of the overall density figure, by not equitably excluding parks or key roads that would have appeared on an equivalent Structure Plan. The TPLM Variation specifically excludes Structure Plan roads, open space, amenity access areas,

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<sup>1</sup> The analysis is included in Appendix 1 of Mr Wallace's evidence

and landscape buffers as shown in the Structure Plan from density calculations, and also a further 15% of land to be used for stormwater management.<sup>2</sup>

- 15 If Mr Wallace’s density analysis is applied to a high density part of the Stonefields development; using a similar area to my theoretical example of ~5 hectares (set out below), and excluding key structure plan elements noted above, then the densities would be similar (and in fact higher) than those proposed for the HDR precinct in the TPLM Variation as demonstrated in the analysis below (image produced by Mr Harland using property title information from Grip maps survey software).



Stonefields - Central Area Density

Total Dwellings	404 Units
Total Apartments	290 (71.7%)
Gross Area	5.81ha (includes 0.8ha of main entrance road)
Gross Density	69.5 dph
Gross Density (excluding main entrance road)	80.6 dph

- # Apartments in each building
- # Terraces in each block

- 16 Mr Wallace also expressed concern, at paragraph 11 of his evidence, that the minimum density provisions are driven by public transport and mode shift rather than specific urban design related matters. I note as set out above that it was agreed in the Urban Design JWS that a “minimum density threshold is needed as there is a risk that TPLM could be underdeveloped without it”.<sup>3</sup> Whilst there are transport considerations for these minimum density provisions, transport mode shift is just one benefit gained from increasing density.

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<sup>2</sup> Statement of evidence of Susan Fairgray dated 29 September 2023, at paragraph 72.  
<sup>3</sup> Urban Design Joint Witness Statement, dated 1 November 2023, at page 9.

- 17 It remains my opinion, as stated in my evidence in chief at paragraph 35(a), that minimum density provisions provide for positive urban design outcomes. For example, in the HDR Precinct they will ensure density is maximised around and supports the local centre and schools. Furthermore, in the long-term it will ensure land is used efficiently as sought through the Grow Well Spatial Plan. Ms Fairgray's evidence also addresses the economic justification for the residential densities. I address a proposed change to the HDR precinct minima in paragraph 31 below.

*Refinements to the density calculation*

- 18 Mr Wallace and Ms Hoogeveen suggest several changes to the method of density calculation in support of the submission made by Ladies Mile Property Syndicate Limited. Although I provide comment on each matter raised below, ultimately my opinion differs to each of these witnesses as to which density method is appropriate.
- 19 At paragraph 27 of his statement of evidence, Mr Wallace recommends stormwater areas be excluded from the developable density calculation. I can confirm this has already been captured in the notified TPLM Variation as noted above (and explained in the evidence in chief of Susan Fairgray at paragraph 72.).
- 20 Mr Wallace also seeks exclusions under Rule 49.5.16.2 to not include public roads identified on the TPLM Structure Plan on the grounds it has unintended consequences of discouraging public street networks. This is further expanded on by the statement of evidence of Ms Hoogeveen at paragraph 3.10 of her evidence, where she recommends changing from a *Gross area* density to *Net area* approach.
- 21 At paragraph 24 of his evidence, Mr Wallace notes that a gross density calculation will potentially incentivise developers to provide fewer public street networks, and even opt to use more space efficient private street and Joint Ownership Allotment Lanes (JOAL) layouts. This could result in reduced network linkages and he recommends vested roads are excluding from the developable area equation.
- 22 I understand the concern raised about wanting more certainty in developers providing public street-based networks through their sites, as this ensures the public movement network remains publicly accessible and under Council control.

- 23 If a net developable area approach is used, further to and in keeping with the rational of Mr Wallace's recommendation, I would also recommend that vested pedestrian and cycle linkages are excluded from the net developable area equation as well.
- 24 I also note the net developable area calculation method (outlined below) comes with risk. It will make it difficult to forecast the global yield as the percentage of land allocated for roading will vary on each development site.
- 25 I have provided the following table demonstrating a theoretical 5ha site to assist with understanding the differences when using net area (as proposed above by Mr Wallace and Ms Hoogeveen) vs the equivalent gross area.

	<b>Net area 73 H/ha</b>	<b>Gross area 55 H/ha</b>
	5.0 Ha Gross site area Less 15% stormwater = 4.25 Ha Less vested roading: @ 25% = 3.19 Ha = <b>233 Dwellings</b> OR Less vested roading: @ 35% = 2.76 Ha = <b>202 Dwellings</b> = (~13% reduction)	5.0 Ha Gross site area Less 15% stormwater = 4.25 Ha = <b>234 Dwellings</b> (guaranteed).
<b>Pros</b>	When used in conjunction with a minimum density range, the net developable method encourages developers to use vested roads as they do not affect required yield target.	Guaranteed yield certainty after stormwater is excluded.
<b>Cons</b>	It is difficult to forecast what the developed yield range will be as predictions have to be made up front about the development efficiency based on the amount of land required for vested roading which is excluded from the calculation. I.e. the above example shows up to 13% variation in dwelling output.	Can incentivise using private roads over vested roads (vested roads are more desirable for enabling public access) as using a network of private roads may be more economical depending on Council's standards for minimum roading dimensions. Therefore, more planning provisions are required to ensure sites still enable a level of publicly accessible connectivity.

- 26 The variance in potential dwellings using the net developable area method are shown in a graph in Appendix A Figure A1 of Ms Susan Fairgray's rebuttal evidence.
- 27 Having some certainty over the minimum global yield is critical as it is related to the feasibility of public transport and the commercial centre.
- 28 On this point I provide revised density targets below using the *net area* calculation method (I note area allowances include a 15% loss of developable land to stormwater devices). Once stormwater is deducted a further 25% is deducted for the assumed loss of developable land to vested roading (Note the 25% was taken from Mr Wallace's evidence at paragraph 28):
- (a) **HDR Precinct Density range** = 73 – 96 residential units/ha (net developable area)
  - (b) **MDR Precinct Density range** = 53 - 64 residential units/ha (net developable area) <sup>4</sup>
- 29 The recommended equivalent figures in gross developable area are:
- (a) **HDR Precinct Density range** = 55-72 residential units/ha gross developable area .
  - (b) **MDR Precinct Density range** and 40-48 residential units/ha gross developable area.
- 30 It should be noted that the above *gross* developable area minima, of 55 residential units/ha is less than the notified TPLM Variation of 60-72 residential units/ha.
- 31 From an urban design perspective it is considered that this slight reduction in the HDR precinct minima (for clarity purposes this is a change from 60H/ha in the notified TPLM Variation down to newly proposed 55H/ha gross – or 73 net equivalent) change will potentially result in less density in the long term if the developers build to the minima.
- 32 However, on balance I am comfortable that this new minima falls within the range supported by Ms Susan Fairgray, and will still deliver taller

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<sup>4</sup> For comparison, Ms Fairgray in her evidence calculates this as around 55 to 60 dwellings per net hectare, Ms Fairgray's rebuttal evidence, paragraph 70.



4+level lifted apartment typologies which are important for delivering housing diversity and affordability.

- 33 I also note that from an urban design perspective it is important to consider the long term outcomes of this project over a 50-100+ year outlook. And in my opinion it would be a poor decision to reduce the density to a level that places too greater reliance on meeting short-medium term demands (as attractive as this might seem now).
- 34 It is critical for the Hearing Panel to note that it is very challenging to densify medium density land retrospectively due to the granulated land ownership. For example my understanding of greenfield development at Hobsonville Point is that the end population will nearly be double what was originally planned for in the structure plan for Hobsonville partly due to the density ramping up in the final stages as land runs out.
- 35 I also note that the proposed range of 55-72 residential units/ha gross developable area falls within the range recommended supported in the economic evidence of Adam Thompson (paragraph 19), as well as Ms Susan Fairgray's rebuttal evidence (paragraph 9) regarding the minima range.
- 36 The MDR Precinct density range is unamended from the notified TPLM Variation. Ms Fairgray's rebuttal evidence continues to support the notified densities (paragraph 70) from an economic perspective, as do I from an urban design perspective. I note the agreement from the Urban Design JWS page 9 "In principle it was agreed that a minimum density threshold is needed as there is a risk that TPLM could be underdeveloped without it, which would not be a good urban design outcome."
- 37 I also note that Mr Bruce Weir's evidence on behalf of Glenpanel Development Limited is generally supportive of the proposed MDR precinct density range (paragraph 17) notwithstanding his concern outlined in paragraph 18 of his evidence seeking more flexibility. Mr Dun's evidence addresses matters raised in the evidence of Mr Weir and Mr Compton-Moen as it relates to Glenpanel Development Limited further

**Other matters in Mr Wallace's evidence**

38 In paragraph 25 and 26 of his evidence, Mr Wallace also raises concerns that the development standards set out basic parameters which will impact on the density that can be delivered via the various housing typologies. Mr Wallace uses a worked example at paragraph 25 of his evidence and concludes that "the provisions as recommended may actually incentivise the delivery of a large number of narrow terraced typologies to minimise the need to construct a greater number of potentially unviable apartment products to meet the minimum density requirements".

39 I partly agree with Mr Wallace and have undertaken similar enquiries to test if the minimum density requirement could be met using a uniform narrow typology. However, within the TPLM Variation, it is my opinion that specific objectives, policies, and rules address this concern. For example, Objective 49.2.2 of the TPLM Variation states that:

**Objective 49.2.2 – Development achieves a range of residential intensity and diversity of housing choice to promote affordable homes, a self-sustaining community, and efficient use of urban land.**

40 Mr Wallace also raised in paragraph 25(c) of his evidence that enabling outlook spaces over shared driveways, or compromised privacy of outdoor open spaces positioned to front roads can lead to poor design outcomes.

41 I do not agree with this entirely but understand the concern. It is my opinion that there is a natural progression in building typology design (and subsequential change in the nature of on-lot amenity) along the density scale moving from lower density housing to higher density apartments.

42 For example, apartment buildings commonly have outdoor living spaces facing a street or parking areas, and utilise borrowed outlook spaces beyond their balcony or ground floor yard. I am comfortable with this outlook condition occurring in medium - higher density environments.

43 However, I further agree with Mr Wallace that street facing outdoor areas do put more pressure on needing quality designed building frontages and yard landscaping.

44 In light of this, I make two recommendations:

- (a) That the planners consider if the restricted discretionary status is sufficient to deliver the required level of design control to these conditions.
- (b) That the zone objectives and policies and rules be updated to include 'reduce occurrences of ground level primary living outlook areas overlapping a street or vehicular areas'.

### **Structure Plan prescriptiveness**

45 Ms Justice, on behalf of Maryhill Limited (105), stated in her evidence at paragraph 29 that there is a risk that heavily prescriptive structure plans and provisions can prevent development if they cannot be met. Ms Justice further noted that this may not become apparent until resource consent-level design work is undertaken. Ms Justice refers to the Kingston Village Special Purpose Zone as an example of this occurring.

46 Whilst I understand Ms Justice's concern, I am of the view that the TPLM Variation Structure Plan, with the inclusion of the recommendations in Mr Brown's rebuttal evidence that clarify flexibility of selected structure plan elements, will reduce this risk.

47 However, I consider that there are benefits of locking in key structure plan elements (particularly ones that span multiple landowners) as this provides landowners with certainty over the position of these elements where they meet their site boundaries. For example Collector Road A and the SH6 Amenity Access Area which creates the minimum level of site continuity that ensures consistent internal site connectivity in an East West direction. From an Urban Design perspective it would be a poor outcome if these were misaligned multiple times as it crossed various land owners. I have reviewed the TPLM Structure Plan and am unable to see any further elements that could be removed without compromising the desired outcomes of the TPLM Variation.

### **Height limit increase sought by Sanderson Group and Queenstown Commercial**

48 In the evidence of Ms Stagg, at paragraphs 63 to 67 she discusses increasing heights to 32 metres. I refer to paragraph 55 of my evidence in chief which outlines my rationale for not enabling a blanket height overall to 32 metres. It is not within my expertise to advise on the

appropriate activity status for this. However, I point to the Planning JWS on page 7 where all experts “agreed that R 49.5.17.1 sets exceeding 6 levels as non-complying, while R 49.5.17.3 sets exceedance of the height limits as Restricted Discretionary to be inconsistent. Agreed that these should be consistent in terms of activity status and matters of discretion/assessment. Agreed that activity status for both exceedances should be RDA.”

### **Storage facilities**

- 49 Ms Justice, in her evidence, from paragraphs 39 to 44 discusses storage facilities and their appropriateness in the TPLM Variation Area, specifically at the base of Slope Hill within Maryhill Limited’s land. She concludes at paragraph 44 of her evidence, that an overlay (or other appropriate spatial layer mechanism) that identifies an area at the base of Slope Hill as being suitable for commercial storage activities is appropriate, as well as including the inclusion of a rule that provides for storage activities as a controlled activity in the HDR Precinct.
- 50 I agree with Ms Justice’s statement at paragraph 42 that adequate off-site storage facilities support higher density living. However, the type and purpose of this storage needs to be appropriate for the context of the TPLM Variation and land-use and outcomes sort surrounding the submitters site. It is my opinion that large-scale storage facilities are inappropriate in this location, for the following reasons:
- (a) The proposed site location is so close to the town centre and would be more appropriately used for residential.
  - (b) My view is that a storage zone would encourage a potentially ‘mono use’ area of land-use. Particularly if the type of storage is not used frequently by residents during the week.
  - (c) I consider light industrial sites outside of the TPLM site to be more suitable for large storage solutions dealing with vehicles, boats and campervans.
- 51 In my opinion a smaller scale ‘urban storage solution’ that can support the day to day needs of residents (and which would be used frequently by residents throughout the week) is more appropriate for the TPLM Variation area.

52 However, I note that in the Economics JWS the experts overall supported the option of a storage facility zone.<sup>5</sup> I further understand that the Planning Joint Witness Statement agrees to the inclusion of the rule suggested by Ms Justice at paragraph 44.<sup>6</sup> I note that my opinion is that the rule should have the following two matters included as matters of control:

- (a) building and landscape frontage condition, and activation to streets and public spaces;
- (b) external visual appearance and form and scale.

### **Koko Ridge building setbacks and maximum height**

53 I acknowledge Ms Moginie's statement at paragraph 91 of her evidence that the landowner previously sought a 10m setback from the terrace edge over the four identified building platforms on Lots 27 – 30 of Koko Ridge's Subdivision Stage 2 Consent. Ms Moginie notes this was to specifically address the potential adverse effects on amenity for 53 Maxs Way. I understand these changes sought did not form part of the approved resource consent drawings, and instead the resource consent allows for a 4m setback from the boundary.

54 I also note, this consent was granted prior to the proposed rezoning of the Koko Ridge land by the TPLM Variation.

55 I acknowledge Ms Moginie's concern at paragraph 19 of her evidence that there is already in place a 5.5m height restriction by way of covenant, and in paragraph 91 regarding the need for a mitigating landscape buffer, with the onus being on the developer to mitigate visual impacts.

56 This differs from Dave Compton-Moen opinion on behalf of Koko Ridge and Wayne Foley paragraph 16 whom considers the H2 area capable of absorbing 17H/ha with visual affects being less than minor.

57 There is also disagreement in the two statements from planning experts Mr Devlin and Mr Giddens in the Planning JWS:

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<sup>5</sup> Economic Joint Witness Statement, at page 16; Experts in agreement apart from Adam Thompson who had not considered the matter.

<sup>6</sup> Planning Joint Witness Statement, at page 5.

- (a) Mr Giddens considers that terrace edge issues are important;<sup>7</sup>
- (b) Mr Devlin considers that this is an urban zone and large setbacks from terrace edges are not necessary.<sup>8</sup>

58 The resource consent for Koko Ridge Stage 2 allows for a built-form outcome characterised by the 4m setback, development of only several lots against the submitters land, and under a 5.5m height overlay covenant. As such I believe it's appropriate that the increased density in the H2 site should be mostly in keeping with the outcomes of that consent. In my opinion this would be achieved through:

- (a) Retaining the 4m building setback from the H2 boundary.
- (b) Increase the 5.5m building height restriction from the H2 boundary from 17m to 20m.<sup>9</sup>
- (c) Limit the lot width adjoining the H2 boundary to minimum ~20-25m to help reduce the potential overlooking on the Corona Trust land.

### **Conclusion**

59 In my opinion the notified TPLM Variation minimum and maximum density requirement for the MDR precinct should remain unchanged

60 The minimum density requirement for the HDRP has been reduced to 55 residential units/hectare (gross developable area).

61 The method of yield calculation i.e. gross or net area should be determined based by the planners considering the pros and cons of both options.

62 I have not recommended any changes in response to the evidence by Ms Megan Justice or Ms Erin Stagg as it relates to urban design matters concerning the Structure Plan and the building height limit.

63 In my opinion, additional provisions are needed to ensure storage facilities are appropriate for the TPLM context and resident's needs.

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<sup>7</sup> Planning Joint Witness Statement, at page 5.

<sup>8</sup> Planning Joint Witness Statement, at page 5.

<sup>9</sup> I note that this will ensures that the 5.5m height limit applies to the entirety of lots that about the H2 southern boundary if developed at a 300m<sup>2</sup> (the lot minimum in the LDRP) and also up to ~400m<sup>2</sup> if larger lots are provided.

- 64 I recommend the provisions controlling the built form outcomes on the H2 sub-area condition adjoining Corona Trust should be amended to be generally in keeping with the existing Koko Ridge Consent.

**Michael Lowe**

**10 November 2023**