

**BEFORE THE HEARING PANEL
AT QUEENSTOWN**

UNDER

the Resource Management Act 1991 ("**RMA**")

IN THE MATTER OF

the Proposed Te Pūtahi Ladies Mile Plan Variation to
the Queenstown Lakes Proposed District Plan
 ("**Variation**")

**LEGAL SUBMISSIONS ON BEHALF OF
QUEENSTOWN COUNTRY CLUB VILLAGE LIMITED**

7 DECEMBER 2023

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MAY IT PLEASE THE PANEL

1. SUMMARY

- 1.1 These submissions are presented on behalf of Queenstown Country Club Village Limited ("**QCC**"). Queenstown Country Club is a comprehensive care retirement village located on the southern side of Te Pūtahi Ladies Mile ("**QCC Site**").
- 1.2 The Variation proposed by Queenstown Lakes District Council ("**Council**") will enable the further urbanisation of Te Pūtahi Ladies Mile. While QCC supports the overall intent of the Variation and the appropriateness of rezoning the QCC Site to Lower Density Suburban Residential Zone, it does not consider the proposed Building Restriction Area ("**setback**") of 75 metres as applied to the QCC Site is appropriate. A 75 metre setback was imposed on the QCC site when it was developed in recognition of the surrounding rural environment at that time. However, now the surrounding area is rapidly urbanising. The 75 metre setback proposed in the Variation effectively prevents housing opportunities on that part of the QCC site which is an inefficient use of land, poor planning and out of step with the urbanising nature of the area.
- 1.3 The Council planner agrees that the setback should be reduced from 75 metres to 25 metres, provided that specific standards and design controls are imposed.¹ However, the evidence is far from clear that a setback of even 25 metres is needed. In the absence of such evidence, hindering use of the area within the setback in the manner proposed is not the most appropriate outcome in terms of s32 of the RMA.
- 1.4 A reduced setback will promote efficient and cohesive development of the Te Pūtahi Ladies Mile area. It reflects the changing nature of the Te Pūtahi Ladies Mile area from rural to urban and will also support a change in the look and feel of the road corridor by enabling buildings in closer proximity to the street which is more conducive to a reduction in speeds limits envisaged by the Variation.
- 1.5 Reducing the QCC setback will also continue to protect views and provide a level of spaciousness but enable a consistent landscape character along the SH6 / Te Pūtahi Ladies Mile corridor.

¹ Rebuttal Evidence of Jeffrey Brown on behalf of Queenstown Lakes District Council dated 10 November 2023 at [83].

- 1.6 Overall, the urban design and landscape outcomes sought through the Variation will be better achieved through a reduced setback along the QCC Site.

2. EVIDENCE TO BE PRESENTED

- 2.1 QCC will call evidence from:
- (a) **Mr James Bentley** (Landscape and Visual) – a landscape architect at Boffa Miskell.
 - (b) **Ms Jane Rennie** (Urban Design) – an urban designer at Boffa Miskell.
 - (c) **Mr Ben Farrell** (Planning) – a planning consultant based in Queenstown.

3. BUILDING RESTRICTION AREA

- 3.1 The Variation as notified included a setback of 75 metres on the southern side of Te Pūtahi Ladies Mile. In our submission, applying a 75 metre setback in this area is no longer appropriate as the original rationale for the 75 metre setback to preserve rural amenity no longer exists due to the surrounding area changing to an urban character.

History of the setback

- 3.2 The resource consent for the retirement village development on the QCC Site was approved in 2016 under the Housing Accords and Special Housing Areas Act 2013. This proposal enabled the high demand for retirement village housing in the Queenstown Lakes district to be met. The QCC site was the first comprehensively designed development on the "upper terrace" and at grade to the SH6 / Ladies Mile transport corridor.² When the design for the QCC Site was undertaken, Ladies Mile was largely undeveloped. This was reflected in the zoning of the site (and surrounding environment) as rural and there was a consequent need for the development of the QCC site to consider broader rural landscape issues.³

² Evidence of James Bentley on behalf of Queenstown Country Club Village Limited dated 20 October 2023 at [4.1].

³ Evidence of Jane Rennie on behalf of Queenstown Country Club Village Limited dated 20 October 2023 at [4.4].

- 3.3 Accordingly, a predominant contributing factor for imposing the 75 metre setback was to add a sense of rural character, amenity and openness along Te Pūtahi Ladies Mile.⁴ As stated in Mr Bentley's evidence to the hearing panel at the time of the application "the 75m setback distance of buildings from Ladies Mile will ensure that there is an aspect of rural character being maintained along this important transport corridor".⁵
- 3.4 However, the 75 metre setback area was never intended to be locked up as rural permanently.⁶ This is reinforced by the evidence of Mr Bentley from a landscape perspective that there was an acknowledgement at the time that the rural character would not be retained, and the QCC site was being built in a transitional landscape character that had already occurred with Shotover Country and Lake Hayes Estate.⁷ The setback was an appropriate planning mechanism in the context of the rural environment at that time. But things change.

Change in planning context

- 3.5 The planning context has changed considerably since the QCC Site was approved. The Queenstown Lakes Proposed District Plan ("**PDP**") proposes to rezone the QCC Site, and the surrounding area along Ladies Mile from rural to urban. Further planning changes such as the development of the PDP Strategic Provisions, and the Wakatipu Basin Study have also occurred after the approval of the QCC. There are also a range of urban developments approved or in the process of being constructed in the surrounding environment to the QCC Site.
- 3.6 The Variation itself proposes the rezoning of 120 ha of land at the eastern corridor of Queenstown, from rural zoning to urban zoning.⁸ The Variation signals a move away from ad-hoc development to a comprehensive approach to growth along the corridor.⁹ It is evident that the QCC site is no longer in a rural environment that justifies the need for a 75 metre setback.

⁴ Evidence of Ben Farrell on behalf of Queenstown Country Club Village Limited dated 20 October 2023 at [4.3].

⁵ Evidence of James Bentley at [4.3] quoting the Evidence of James Bentley, dated 9 December 2016 at [17].

⁶ Evidence of Ben Farrell at [4.2(c)].

⁷ Evidence of James Bentley at [4.2(a)].

⁸ Section 42A report at [5.1].

⁹ Evidence of Jane Rennie at [5.2].

75 metre setback is not appropriate

- 3.7 Central issues for consideration of plan changes under section 32 of the RMA include costs, benefits, efficiency and effectiveness. There is a high demand for housing, in particular retirement village housing typologies in the Queenstown Lakes District. The 75 metre setback limits the ability of QCC to provide more houses and assist with meeting this demand.¹⁰ Meeting the demand for retirement villages can be difficult due to the specific factors associated with providing housing for retirees.¹¹
- 3.8 A reduced setback will also better achieve both urban design and landscape outcomes. Maintenance of amenity values and a transitional urban edge will still be achieved through a reduced setback.¹² A reduced setback applies a more considered approach to urbanisation in this location and achieves an efficient use of land and a well-functioning urban environment.¹³
- 3.9 The Te Pūtahi Ladies Mile Masterplan Report which form the basis for the Variation outlines a range of urban design outcomes.¹⁴ Ms Rennie's evidence is that these urban design outcomes can be achieved through a reduced setback, due to the changing character of Te Pūtahi Ladies Mile itself.¹⁵ A reduced setback of no more than 25 metres will:
- (a) enable the development of a high amenity character along the QCC frontage and will contribute to the gateway experience in Queenstown, in a consistent manner with the surrounding Te Pūtahi Ladies Mile area;¹⁶
 - (b) support greater visual connectivity across the corridor, reduce barriers to community cohesion, and better achieve land use integration around the town centre;¹⁷ and
 - (c) support a change to the character of the road corridor envisaged by the Variation by enabling buildings in closer proximity to the road which is more conducive to a reduction in speed limits.¹⁸

¹⁰ Evidence of Ben Farrell at [6.3(a)].

¹¹ Evidence of Ben Farrell at [6.3(d)].

¹² Evidence of James Bentley at [7.2(b)]; [7.2(d)]; [7.2(m)].

¹³ Evidence of Jane Rennie at [6.6].

¹⁴ Evidence of Jane Rennie at [5.2].

¹⁵ Evidence of Jane Rennie at [6.1].

¹⁶ Evidence of Jane Rennie at [6.5] – [6.6].

¹⁷ Evidence of Jane Rennie at [6.8]; [6.13].

¹⁸ Evidence of Jane Rennie at [6.16]; [6.19].

- 3.10 A reduced setback will be consistent with the vision of the Te Pūtahi Ladies Mile Structure Plan. The recognition of the need to maintain views to the mountains from Te Pūtahi Ladies Mile and the need to maintain the visual amenity of the corridor has been addressed by implementing setbacks of 25 metres along Te Pūtahi Ladies Mile,¹⁹ including directly opposite the QCC site. There is no justification from a landscape perspective as to why a 75 metre setback has been proposed at the QCC site.²⁰
- 3.11 Mr Bentley's evidence is that a reduced setback of no more than 25 metres, coupled with provisions around controlling the design, density, location and height will achieve landscape principles outlined in the Te Pūtahi Ladies Mile Structure Plan.
- 3.12 As set out in the evidence of Mr Farrell, a reduced setback is also consistent with the objectives and policy frameworks in the PDP.²¹

Setback area

- 3.13 QCC considers the setback distance applied to the QCC Site should be a maximum of 25 metres. The Council planner agrees that the setback should be reduced from 75 metres to 25 metres, provided that specific standards and design controls are imposed, on the basis of the urban environment of the land which is anticipated to become more urbanised over time.²²
- 3.14 The urban design expert conferencing discussed the appropriateness of a setback of less than 25 metres on both the northern and southern sides of Te Pūtahi Ladies Mile. While no joint view was taken on this point in conferencing, QCC understands a potential option being considered is to reduce the 25 metre setback further. However, the evidence is far from clear that a setback of even 25 metres is needed. In the absence of such evidence, hindering use of the area within the setback in the manner proposed is not the most appropriate outcome in terms of s32 of the RMA.

4. OTHER PROVISIONS RELATING TO THE QCC SITE

- 4.1 The Variation proposes to rezone the QCC site to Lower Density Suburban Residential Zone. QCC views this as entirely appropriate due to the urban character of the site. Mr Farrell sets out his recommended provisions for the

¹⁹ Evidence of James Bentley at [6.1(b)].

²⁰ Evidence of James Bentley at [7.1].

²¹ Evidence of Ben Farrell at [7.31] – [7.33].

²² Rebuttal Evidence of Jeffrey Brown at [83].

QCC Site in Appendix 2 to his evidence. Mr Brown for the Council has proposed a different set of provisions in his rebuttal evidence.²³ Although QCC maintains that the provisions proposed by Mr Farrell are appropriate for development on the QCC Site, QCC will accept the proposed provisions put forward by Mr Brown.

5. CONCLUSION

- 5.1 The proposed 75 metre setback in the notified Variation does not promote an efficient use of land. The reduced setback sought by QCC (and agreed to by Council) will most appropriately achieve the sustainable management purpose of the RMA, better achieve urban design and landscape outcomes and allow for the development of an efficient and cohesive urban environment along Te Pūtahi Ladies Mile.

DATED: 7 December 2023



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²³ Rebuttal Evidence of Jeffrey Brown at [88].