



Queenstown Lakes District Council

**Section 42A Hearing Report
For Hearing commencing 23 November 2023**

Report dated: 29 September 2023

**Report on proposed plan change variation request,
submissions and further submissions**

Te Pūtahi Ladies Mile

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ABBREVIATIONS USED

Abbreviation	Full text
AEP	Annual Exceedance Probability
BRA	Building Restriction Area
CCRA22	Climate Change Response Act 2022
DoC	Department of Conservation
FDS	Future Development Strategy
GFA	Gross Floor Area
HASHAA	Housing Accords Special Housing Areas Act (2013)
HBA	Housing and Business Development Capacity Assessment
HBL	Housing Bottom Lines
HDCA	Housing Development Capacity Assessment
HDR	High Density Residential Precinct
HDRZ	High Density Residential Zone (PDP)
Housing Accord	Queenstown Lakes District Housing Accord
IHP	Independent Hearings Panel
LDR	Low Density Residential Precinct
LDSRZ	Lower Density Suburban Residential Zone (PDP)
LFR	Large Format Retail
LHESCCA	Lake Hayes Estate Shotover Country Community Association
LLR-A	Large Lot Residential A (PDP)
MDR	Medium Density Residential Precinct
MoE	Ministry of Education
NES	National Environmental Standard
NPS-FW	National Policy Statement for Freshwater Management
NPS-HPL	National Policy Statement for Highly Productive Land
NPS-IB	National Policy Statement for Indigenous Biodiversity
NPS-UD	National Policy Statement on Urban Development
ODP	Operative District Plan
ONF	Outstanding Natural Feature
ONL	Outstanding Natural Landscape
ORC	Otago Regional Council
PDP	Proposed District Plan
PORPS19	Partially Operative Regional Policy Statement

pRPS21	Proposed Regional Policy Statement
QCC	Queenstown Country Club
QLDC or The Council	Queenstown Lakes District Council
RD	Restricted Discretionary
RMA or the Act	Resource Management Act 1991
RPS	Regional Policy Statement
RVA	Residential Visitor Accommodation
SH6	State Highway 6
SHA	Special Housing Area
SNA	Significant Natural Area
Spatial Plan	Queenstown Lakes Spatial Plan
SPP	Streamlined Planning Process
TPLM or TPLM Variation	Te Putahi Ladies Mile
TPLMZ	Te Putahi Ladies Mile Zone
u/h	Units per hectare
UGB	Urban Growth Boundary
VA	Visitor Accommodation
WBLUS	Wakatipu Basin Land Use Study
WBRAZ	Wakatipu Basin Rural Amenity Zone

APPENDICES

Appendix A	J Brown CV
Appendix B	Notified TPLM provisions
Appendix C	Legal advice on scope issues
Appendix D	Analysis of provision amendments sought by submitters
Appendix E	Response to further submissions

1. SUMMARY

1. This s42A report addresses the Te Pūtahi Ladies Mile Variation (**TPLM Variation**), which proposes the rezoning of 120 ha of land at the eastern corridor of Queenstown, from rural zonings to urban zonings.
2. The Queenstown Lakes District Council (**QLDC**) is promoting the TPLM Variation, and the Minister for the Environment has accepted it for processing under the Streamlined Planning Process (**SPP**) under Subpart 5 of the Resource Management Act 1991 (**RMA** or **the Act**). Submissions and further submissions have been lodged.
3. In this s42A report I:
 - describe the site and the context;
 - describe the TPLM Variation and its background;
 - set out the statutory tests for evaluating rezonings;
 - address scope issues;
 - set out the Council's rationale for the TPLM Variation and why it has taken the lead role in promoting it;
 - assess the submissions and further submissions;
 - provide recommendations on the TPLM Variation provisions, in light of the assessment of the submissions and further submissions;
 - evaluate the recommended provisions under the statutory tests and provide an overall conclusion.
4. The TPLM Variation area is a large, generally flat area that straddles State Highway 6 between the Shotover River and Lake Hayes, west of Frankton, Queenstown. To the north is the Outstanding Natural Feature (**ONF**) of Slope Hill, and to the south are the existing suburbs of Lake Hayes Estate and Shotover Country Estate, and the Queenstown Country Club, a retirement village. The TPLM Variation area north of SH6 is in rural lifestyle zoning, and the areas south of SH6 are in rural and large lot residential zonings.
5. The TPLM area, along with the existing communities listed above, are part of the “Eastern Corridor” which is identified in the Council’s Spatial Plan as an area for urban expansion, given the existing suburban development, the proximity to the major employment and commercial area of Frankton, and the location on a significant transport route.

6. The TPLM Variation zoning proposes the TPLM Zone for all areas north of SH6 and a mix of the TPLM Zone, the Low Density Suburban Residential Zone (**LDSRZ**) south of SH6. The TPLM Zone's Zone Purpose statement includes:

The Te Pūtahi Ladies Mile Zone implements the Spatial Plan and Te Pūtahi Ladies Mile Masterplan by providing a planning framework designed to achieve an integrated urban environment. The purpose of the Zone is to ensure efficient use of land for the provision of housing within an integrated, well-functioning, and self-sustaining urban community, that is inclusive of communities in nearby zones.

7. In summary the TPLM Zone objectives and policies promote:
- (a) Development that complements and integrates with development within the Zone and with the existing communities south of SH6 by the spatial structure of key roads, open spaces, green networks, walkways and cycleways;
 - (b) A range of residential intensity and diversity of housing choice to promote affordable homes, a self-sustaining community, and efficient use of urban land, including by promoting a tripartite classification of residential precincts: high density, medium density and low density; and requiring *minimum* densities of residential units in the high and medium density precincts and otherwise managing the total number of residential units throughout the Zone;
 - (c) Compact, convenient, accessible and complementary commercial centres to meet the needs of local residents both within the Zone and in the existing Ladies Mile communities;
 - (d) A range of compatible activities within the Zone, including schools, community, and commercial activities, and the avoidance of activities that would undermine the intent of the Zone for permanent residences;
 - (e) The minimisation of generating additional vehicle trips along State Highway 6; the reduction, as far as practicable, of vehicle trips along State Highway 6 generated by the existing Ladies Mile communities (Lake Hayes Estate, Shotover Country Estate and the QCC); the discouragement of private vehicle use and encouragement of active and public transport modes; and the avoidance of development until specific transport infrastructural works have been completed;
 - (f) An attractive built environment with a high level of residential and neighbourhood amenity and high quality urban design outcomes; and
 - (g) Development that supports resilience to the current and future effects of climate change.

8. The layout is governed by a Structure Plan which identifies the key spatial items for development, including roads and active transport links, open spaces, building restriction areas and protected items.
9. There are six Precincts within the TPLM Zone:
 - The Low Density Residential (**LDR**) Precinct;
 - The Medium Density Residential (**MDR**) Precinct;
 - The High Density Residential (**HDR**) Precinct;
 - The Open Space Precinct;
 - The Commercial Precinct – providing for town centre-type activities;
 - The Glenpanel Precinct, providing a secondary commercial centre based on an historic homestead.
10. There are acknowledged existing peak hour traffic congestion issues on SH6, and the TPLM Variation provisions promote public and active transport to achieve mode shift away from reliance on private vehicles, which dominate the traffic behaviours from the existing Eastern Corridor settlements. The provisions require that certain transport-related works are completed before development within the TPLM Zone can commence, to ensure that infrastructure and development are integrated.
11. The development standards impose residential density ranges including minimum densities, for the MDR and HDR Precincts, to ensure that these areas will accommodate a significant population and will not be used for low density typologies.
- 10.1 The intention is for the TPLM Variation to assist in managing Queenstown’s continuing and projected rapid growth, by providing more land for urban use in an efficient way. The provisions would enable around 2100 – 2400 residential units to establish within the TPLM Zone, and would allow the Eastern Corridor to reach a population of around 10,000. The TPLM Zone provisions are intended to complement the existing suburban communities within the Eastern Corridor and in combination with those communities to become a well-functioning urban environment under Policy 1 of the NPS-UD, by:
 - (a) Enabling, along with the existing Eastern Corridor communities, a wide variety of homes that would meet the needs, in terms of type, price, and location of different households; including for Māori to express their cultural traditions and norms;
 - (b) Contributing to the variety of sites that are suitable for certain business activities in terms of location and site size, for the primary purpose of serving the day to day needs

of the Eastern Corridor communities and communities further afield, while taking into account the role of the larger, more regional centre nearby at Frankton;

- (c) Through the requirements for transport infrastructure works to precede development to better enable public transport services and active transport links, providing better accessibility options between housing, jobs, community services, natural spaces, and open spaces;
- (d) Contributing to supporting, and limiting as much as possible adverse impacts on, the competitive operation of land and development markets within the Wakatipu;
- (e) Supporting reductions in greenhouse gas emissions by reducing as far as possible private vehicle trips within and to and from the Eastern Corridor, while requiring and encouraging (through resource consent requirements) attention to sustainability in site and building design; and
- (f) Promoting resilience to the likely current and future effects of climate change through appropriate stormwater management methods.

12. The key issues identified by submitters and further submitters include, in broad summary:

- Impacts of more urban development, and intense urban development, on traffic congestion on SH6 and the transportation network;
- Impacts of urban development on stormwater runoff and the water quality of sensitive receiving environments particularly Lake Hayes;
- Impacts on ecological values;
- Impacts on landscape and amenity values;
- Concerns that schools, commercial development and other social amenities may not eventuate;
- Concerns about the required traffic infrastructure upgrades delaying development;
- Concerns that density minima will intervene too heavily into what the market would otherwise demand.

13. The matters raised by the submitters are addressed in detail in the evidence of the experts in the various technical disciplines, including economics, traffic, landscape, urban design, ecology, stormwater and civil engineering, heritage, open space and reserves, geotechnical matters and soil contamination. The evidence forms part of this s42A report.

14. Having considered the submissions, further submissions, and evidence, I support the TPLM Variation but consider some changes to the provisions are necessary. The key changes are to the stormwater management regime for the TPLM area, in response to a number of submissions expressing concern about the potential adverse effects of stormwater runoff into Lake Hayes. The Recommended Provisions require a centralised, integrated stormwater management system across the TPLM Variation area north of SH6; this is a significant step-change from the notified version of provisions.
15. I note here that the Recommended Provisions relating to stormwater management are “draft” and I invite other parties’ witnesses to suggest any improvements, noting that drafting changes would need to be within the context of delivering a centralised, integrated stormwater management system for the TPLM Zone north of SH6.
16. The Recommended Provisions also modify the transport infrastructure works provisions, by adding bus lanes, to complement the other works required, but there is no change to the requirement for the works to be completed before development can commence.
17. There is also no change to the density minima; the intention is still for the TPLM Variation north of SH6 to develop primarily as a medium and high density urban environment with walkability to the Commercial Precinct and primary bus routes, and for the centrally located Commercial Precinct to provide for the day-to-day needs of the whole Eastern Corridor. To assist in achieving that, the maximum size of the supermarket enabled within the Commercial Precinct is increased to 4000m², to enhance its likelihood of establishment.
18. There is no change to the notified provisions in relation to the maximum residential yields in the Low Density Precinct areas, but greater flexibility in lot sizes.
19. The Recommended Provisions include many more minor modifications to the notified provisions, in response to submissions.
20. I have evaluated the Recommended Provisions against the statutory tests for rezonings. Taking into account the submissions and further submissions and the opinions of the Council’s experts in the range of resource management disciplines that are engaged by this rezoning, in my view the TPLM Variation, in the form now presented in the Recommended Provisions:
 - (a) Accords with and assist the Council in carrying out its functions under the Act;
 - (b) Accords with the matters in ss6, 7, and 8 of the Act and achieve the purpose of the Act under s5;
 - (c) Gives effect to the relevant objectives and policies of the PORPS19 and the pRPS21;
 - (d) Gives effect to the relevant objectives and policies of the NPS-IB, the NPS-FW and

the NPS-UD;

- (e) Has appropriate regard to actual or potential effects on the environment, including any adverse effects;
- (f) Promotes objectives that are the most appropriate way to achieve the purpose of the Act;
- (g) Promotes policies, rules and methods that are the most appropriate for achieving the TPLM objectives and the higher order objectives of the PDP.

21. I therefore support the TPLM Variation, in the form now proposed in the Recommended Provisions.

2. INTRODUCTION

2.1 My full name is Jeffrey Andrew Brown.

2.2 I have the qualifications of Bachelor of Science with Honours and Master of Regional and Resource Planning, both from the University of Otago. I am a full member of the New Zealand Planning Institute. I am also a member of the New Zealand Resource Management Law Association. I was employed by the Queenstown Lakes District Council (**QLDC**) from 1992 – 1996, the latter half of that time as the District Planner. Since 1996 I have practiced as an independent resource management planning consultant, and I am currently a director of Brown & Company Planning Group Ltd (**BCPG**), a consultancy with offices in Auckland and Queenstown. I have resided in Auckland since 2001.

2.3 **Appendix A** contains a more detailed description of my work and experience.

2.4 I have been engaged by the Queenstown Lakes District Council (**QLDC** or the **Council**) to prepare this s42A report for the Te Pūhahi Ladies Mile (**TPLM**) Plan Variation (the **TPLM Variation**). BCPG was the planning consultant firm appointed as part of the TPLM consultant team for the TPLM masterplanning and associated TPLM Variation formulation (the TPLM provisions, s32 evaluation, and the consultation and engagement summary) from 2020 – 2022. I also assisted with drafting the Council's application to the Minister for this Streamlined Planning Process (**SPP**)¹.

¹ My colleague Christine Edgley and myself were the key BCPG planners working on the TPLM tasks

3. CODE OF CONDUCT

3.1 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 and will follow it when presenting evidence at the hearing. 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.

4. STRUCTURE OF THE S42A REPORT

4.1 This report addresses the following:

- Section 5 Description of the TPLM Variation;
 - Section 6 Background to the TPLM Variation and the SPP;
 - Section 7 Statutory context;
 - Section 8 Stakeholder engagement and consultation;
 - Section 9 Jurisdictional issues;
 - Section 10 Rationale for, and the Council's role in promoting, the TPLM Masterplan and Variation;
 - Section 11 Submissions and further submissions – analysis and recommendations – Part A: “High-level” themes;
- Introduction
- Theme A Growth in the District should be stopped or slowed
 - Theme B More land is not required for urban growth
 - Theme C Adequacy and outcomes of consultation
 - Theme D Appropriateness of Ladies Mile for urban development
 - Theme E Appropriateness of other locations for urban development
 - Theme F Certainty, robustness and outcomes of the provisions
 - Theme G Density minima provisions
 - Theme H Infrastructure staging triggers
 - Theme I Stormwater and ecology

Theme J	Visitor Accommodation and Residential Visitor Accommodation
Theme K	Land productivity and the NPS-HPL
Theme L	Sustainability and climate change
Theme M	Aviation issues
Theme N	Glenpanel Precinct and heritage issues
Section 12	Submissions and further submissions – analysis and recommendations – Part B: Zone extension and rezoning requests;
Section 13	Recommended changes to provisions in response to submissions and further submissions;
Section 14	Section 32 tests and overall conclusion;
Section 15	Expectations of the Minister regarding the SPP.

4.2 The key documents I have used, relied on and/or referred to, in preparing this section 42A report are listed in [Table 1](#).

Table 1: Documents referred to

Flint's Park, Glenpanel and Laurel Hills SHA applications
Housing Accords and Special Housing Areas Act 2013 + Lead Policy
The Housing Development Capacity Assessment 2021
The Housing Development Capacity Assessment 2021 Technical Report
Housing Infrastructure Fund – Detailed Business case – Ladies Mile
Ladies Mile Te Putahi Masterplan Establishment Report
National Policy Statement for Freshwater Management
National Policy Statement for Highly Productive Land
National Policy Statement for Indigenous Biodiversity
National Policy Statement on Urban Development
Otago Regional Council Proposed Regional Policy Statement 2021
Otago Regional Council Partially Operative Regional Policy Statement 2019
Queenstown Lakes District Council Operative District Plan – legacy chapters
Queenstown Lakes District Council Proposed District Plan
Te Pūtahi Ladies Mile Streamlined Planning Process Application and documents
Te Pūtahi Ladies Mile s32 evaluation report
Te Pūtahi Ladies Mile – submissions and further submissions
Wakatipu Basin Land Use Study 2017

5. TE PŪTAHI LADIES MILE PLAN VARIATION – OVERVIEW

- 5.1 The TPLM Variation proposes the rezoning of 120 ha of land at the eastern corridor of Queenstown, from rural zonings to urban zonings. An overview of the TPLM Variation and its background is set out below.

Location and description

- 5.2 The land subject to the TPLM Variation is located within the area between the Shotover River and Lake Hayes, locally known as Ladies Mile. More specifically, the TPLM Variation includes land north and south of State Highway 6 (SH6), broadly between the terraces above the Shotover River to the west, Threepwood (adjacent to Lake Hayes) to the east, Slope Hill (an Outstanding Natural Feature (ONF)) to the north, and the existing residential suburbs of Shotover Country Estate and Lake Hayes Estate to the south. These features are shown on **Figure 1** below.

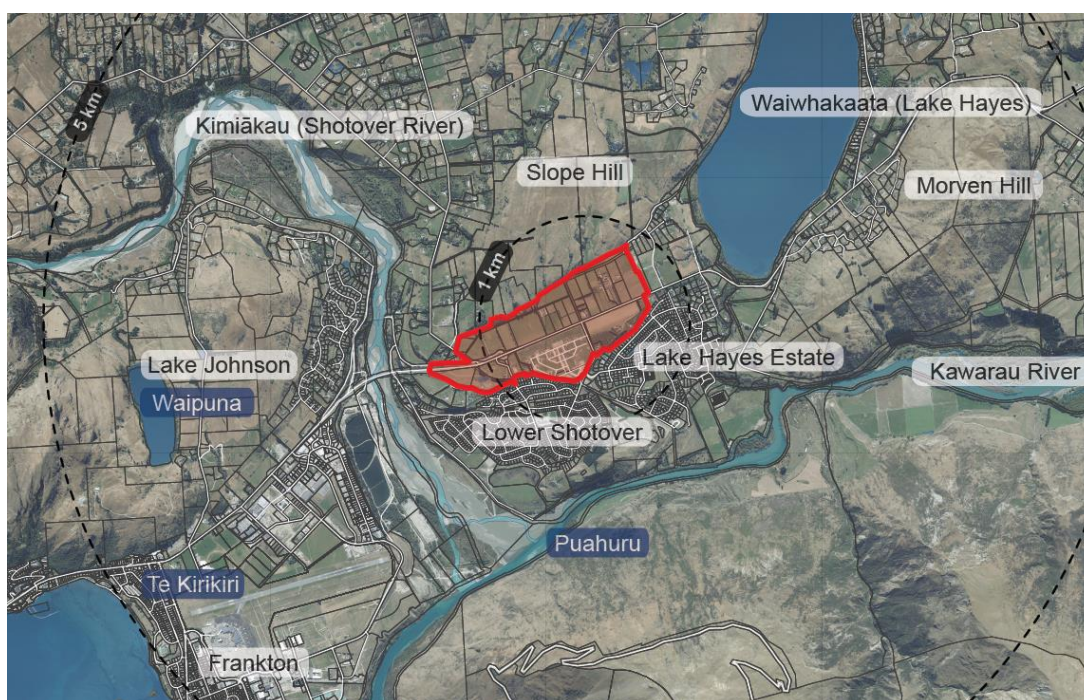


Figure 1: The focus area (red) in context within the wider Wakatipu Basin area east of Queenstown

- 5.3 The subject land is largely flat, with minor changes in topography, and is in multiple ownerships, with properties ranging in size from around 0.4ha to 14.5ha.

- 5.4 Land uses on the northern side of SH6 include rural living, vacant rural land with limited productive and rural activities, a nursery, and a pet lodge. One of the rural blocks contains an historic villa (Glenpanel) and grounds.
- 5.5 To the south of SH6 is the Queenstown Country Club (**QCC**) (a retirement village), rural lifestyle properties, and vacant rural blocks.
- 5.6 The land is currently in a mix of zones: the Rural Zone, Rural Lifestyle Zone and Large Lot Residential Zone under the PDP. The current PDP zonings are shown in **Figure 2** below.

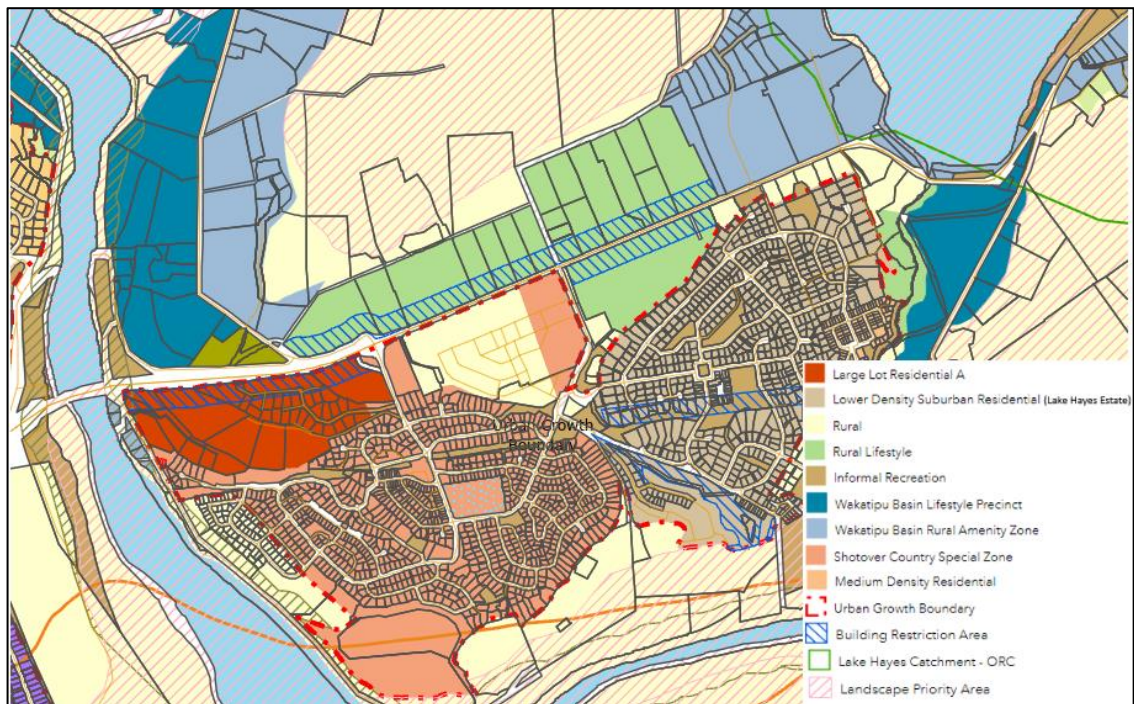


Figure 2: Existing zonings

- 5.7 The Urban Growth Boundary (**UGB**) currently includes the established suburban areas and the QCC.

The TPLM Variation

- 5.8 The overall objective of the TPLM Variation is to urbanise the Ladies Mile area in the most efficient manner possible by providing for a range of urban land uses and related, complementary features, as follows:

- (a) A range of – but primarily higher – density residential typologies to enable *and require* housing capacity for a significant number of residential units (in the order of 2400);
- (b) A town centre to provide commercial and service activities catering primarily to local needs including those to be accommodated in the new urban community and the existing communities at Lakes Hayes Estate and Shotover Country Estate, and

potentially for other communities in the wider Wakatipu Basin; and a secondary local centre based on the Glenpanel Homestead area;

- (c) New educational facilities for the local and wider Wakatipu Basin catchments;
- (d) A range of public open spaces including a significant community recreational facility for the new and existing local communities;
- (e) Integrated transport and movement networks within and beyond the Zone, with a particular focus on promoting a significant mode shift to active and public transport;
- (f) The requirement that necessary transport infrastructure is constructed and operational ahead of residential, commercial or other development;
- (g) Protection of key existing natural features including mature vegetation, and recognition of view corridors to immediate and more distant ONFs and Outstanding Natural Landscapes (**ONLs**).

5.9 To achieve this objective, the proposal is:

- (a) for all of the subject land north of SH6 and that part of the subject land south of SH6 that does not contain the QCC and another smaller parcel on the eastern side of Howards Drive², to:
 - (i) rezone the land to the **Te Pūtahi Ladies Mile Zone (the TPLMZ)**, a new Special Purpose urban zone, in a new bespoke chapter, Chapter 49, to the Proposed District Plan (**PDP**);
 - (ii) realign the UGB to include the new TPLMZ north of SH6³;
 - (iii) update existing PDP district-wide provisions to accommodate the TPLMZ, including Chapters 4 (Urban Development), 25 (Earthworks), 27 (Subdivision), 29 (Transport), 31 (Signs) and 36 (Noise); and
- (b) for the part of the subject land south of SH6 containing the QCC and Lot 2 DP 536321 and Lot 403 DP 322452 (the Doolytle land), to rezone the land to the PDP Lower Density Suburban Residential Zone (the **LDSRZ**).

5.10 The proposed TPLMZ zoning plan is shown in **Figure 3** below.

² Lot 2 DP 536321 and Lot 403 DP 322452 (the Doolytle land, referenced in Submission #81)

³ Noting that the parts of the Plan Variation area south of SH6 are already within the UGB, including the part zoned Rural containing the QCC

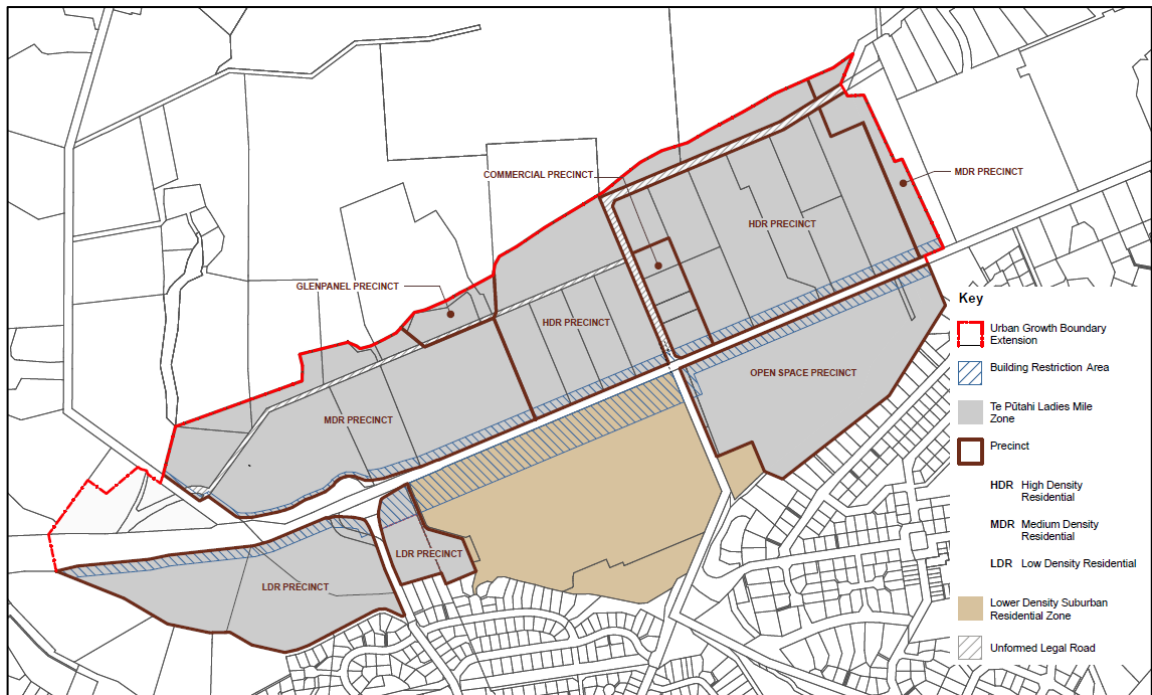


Figure 3: TPLMZ Zoning Plan

5.11 The TPLMZ contains six precincts:

- The Commercial Precinct, located centrally in the Zone, and to accommodate a town centre;
- The Glenpanel Precinct – to accommodate a smaller local centre, based around the Glenpanel historic homestead and grounds;
- The High Density Residential (**HDR**) Precinct; located close to the Commercial Precinct;
- The Medium Density Residential (**MDR**) Precinct, located in the western and eastern ends of the Zone;
- The Low Density Residential (**LDR**) Precinct, located south of SH6; and
- The Open Space Precinct, located on Council-owned land on the south side of SH6 opposite the Commercial Precinct and HDR Precinct.

5.12 The TPLMZ provisions are set out in full in [Appendix B](#) and below I summarise them.

Zone purpose – Chapter 49.1

5.13 This sets out the overall objective (i.e. in the sense of the purpose of the Zone) and generally describes the various spatial elements of the Zone and the provisions. The first paragraph provides a good overview of the Zone:

The Te Pūtahi Ladies Mile Zone implements the Spatial Plan and Te Pūtahi Ladies Mile Masterplan by providing a planning framework designed to achieve an integrated urban environment. The purpose of the Zone is to ensure efficient use of land for the provision of housing within an integrated, well-functioning, and self-sustaining urban community, that is inclusive of communities in nearby zones.

5.14 I address the Spatial Plan and Masterplan in the background discussion, from paragraphs 6.35 below.

Objectives and policies – Chapter 49.2

5.15 The objectives and policies promote, in summary:

- Development that complements and integrates with development within the Zone and with the existing communities south of SH6 by the spatial structure of key roads, open spaces, green networks, walkways and cycleways;
- A range of residential intensity and diversity of housing choice to promote affordable homes, a self-sustaining community, and efficient use of urban land, including by promoting a tripartite classification of residential precincts: high density, medium density and low density; and requiring *minimum* densities of residential units in the high and medium density precincts and otherwise managing the total number of residential units throughout the Zone;
- Compact, convenient, accessible and complementary commercial centres to meet the needs of local residents both within the Zone and in the existing Ladies Mile communities;
- A range of compatible activities within the Zone, including schools, community, and commercial activities, and the avoidance of activities that would undermine the intent of the Zone for permanent residences;
- The minimisation of generating additional vehicle trips along State Highway 6; the reduction, as far as practicable, of vehicle trips along State Highway 6 generated by the existing Ladies Mile communities (Lake Hayes Estate, Shotover Country Estate and the QCC); the discouragement of private vehicle use and encouragement of active and public transport modes; and the avoidance of development until specific transport infrastructural works have been completed;
- An attractive built environment with a high level of residential and neighbourhood amenity and high quality urban design outcomes; and
- Development that supports resilience to the current and future effects of climate change.

Rules and assessment

5.16 The themes from the objectives and policies are implemented by the rules, and I describe them below under the following sub-headings:

- The Structure Plan;
- Activities;
- Standards;
- Assessment Matters;
- Subdivision;
- Transport.

Structure Plan

5.17 The Structure Plan identifies, and the related provisions protect, the locations of key features and future infrastructure, to ensure that development across the TPLMZ is coordinated and integrated. The Structure Plan comprises the following individual sheets:

(a) The *Structure Plan – General* (one sheet) showing the following key features:

- (i) Road types;
- (ii) Key intersections, crossings and future road and pedestrian links;
- (iii) Active travel routes and links;
- (iv) Open spaces;
- (v) Landscape / amenity areas and buffers;
- (vi) Development Sub-Areas;
- (vii) Existing trees to be retained;

(b) The *Structure Plan – Building Heights* (one sheet); and

(c) The *Structure Plan – Roading Sections* (three sheets).

5.18 The *Structure Plan – General* is shown in [Figure 4](#) below.

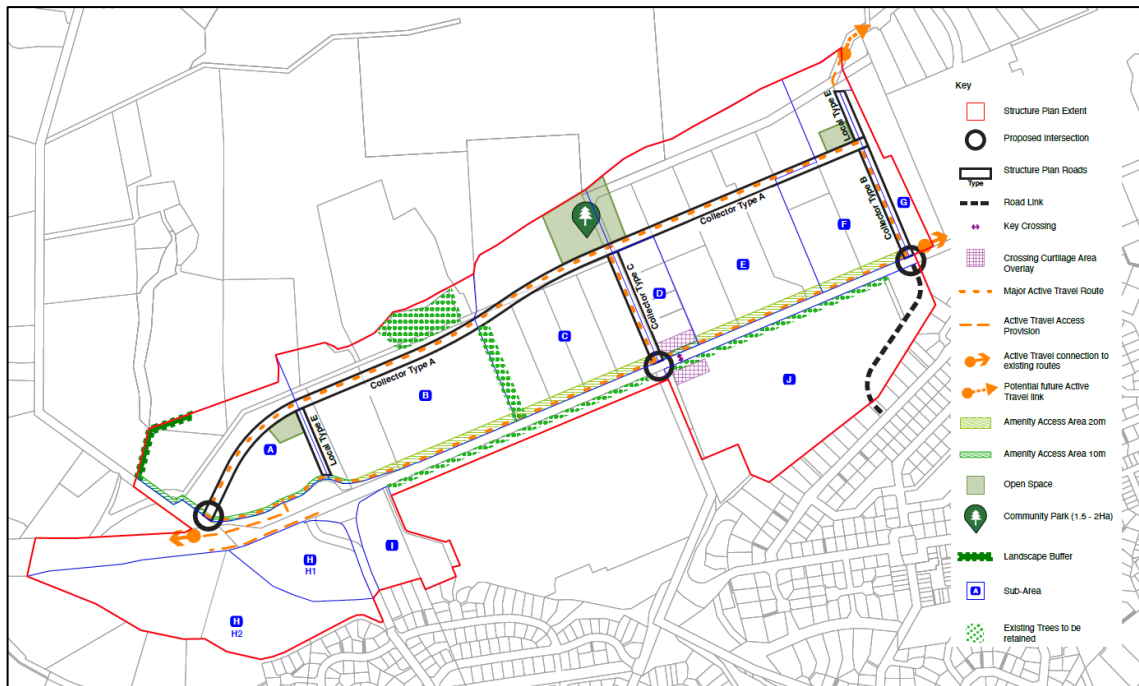


Figure 4: TPLMZ Structure Plan – General

Activities

- 5.19 In the Open Space precinct the provisions of Chapter 38 (Open Space and Recreation) relating to the Community Purposes Zone apply. (Some precinct-specific standards also apply⁴).
- 5.20 The activities provided for – and not provided for – in all the other TPLMZ precincts are set out in the table in Rule 49.4. The activities are divided into two categories: residential, and non-residential.

Residential

- 5.21 In the residential category, permitted activities include Residential activities⁵, Homestays and Home occupations⁶. Non-complying activities⁷ include Residential Visitor Accommodation⁸, one residential unit per site, and Residential Flats⁹. Two or more residential units per site in

⁴ These are in Table 4 of Rule 49.5

⁵ Defined as the use of land and buildings by people for the purpose of permanent residential accommodation, including all associated accessory buildings, recreational activities and the keeping of domestic livestock. For the purposes of this definition, residential activity shall include Community Housing, emergency refuge accommodation and the non-commercial use of holiday homes. Excludes visitor accommodation, residential visitor accommodation.

⁶ Rules 49.4.1 – 49.4.3

⁷ Rules 49.4.5 – 49.4.7

⁸ Defined as the use of a building established as a residential unit (including a residential flat) by paying guests, where the length of stay by any guest is less than 90 nights. Excludes: Visitor Accommodation and Homestays. Note: Additional requirements of the Building Act 2004 may apply

⁹ A residential activity that comprises a self-contained flat that is ancillary to a residential unit and meets certain dimensional and other criteria listed in the definition.

the Medium Density Residential (**MDR**) Precinct and the High Density Residential (**HDR**) Precinct are Restricted discretionary (**RD**) activities with discretion restricted to, in broad summary, urban design matters, parking and access, and infrastructural matters¹⁰.

Non-residential

5.22 The activity status for non-residential activities are, in summary:

<i>All precincts:</i>	Buildings for non-residential activities are RD activities, with discretion restricted to, broadly, the same matters as for residential activities (see paragraph 5.21 above); Commercial Recreation and Community Activities not otherwise listed are Discretionary activities; Activities not listed, drive-through restaurants, Large Format Retail (LFR) not otherwise provided for, Visitor Accommodation, and a range of service and industrial-type activities are all either Non-complying or Prohibited activities (the latter including Service Stations); Inconsistency with the Structure Plan elements (beyond a degree of tolerance) is Non-complying.
<i>Commercial Precinct:</i>	Offices, Education Activities, Retail, Commercial Activities, one LFR tenancy are all Permitted activities. Licensed Premises are a Controlled activity;
<i>Commercial, Glenpanel Precincts:</i>	Retail activities, Community Activities, Licensed Premises;
<i>HDR Precinct:</i>	Commercial Activities with no more than 100m ² gross floor area (GFA) per site are Permitted activities;
<i>MDR and LDR Precincts:</i>	Commercial Activities with no more than 100m ² gross floor area (GFA) per site are RD activities, with discretion restricted to benefits in serving day-to-day needs of local residents, amenity and traffic issues;
<i>HDR, MDR and LDR Precincts:</i>	Education Activities are RD activities, with discretion restricted to traffic, walking and cycling accessibility and linkages, infrastructure and noise;
<i>Crossing Curtilage Overlay:</i>	Development is an RD activity, with discretion restricted to

¹⁰ Rule 49.4.4

effects on and integration with the Key Crossing (across SH6).

Standards

- 5.23 The tables at Rule 49.5 sets out the various standards for activities and built development within the precincts. All precincts have standards for building bulk and location (generally including but not necessarily across all precincts: building height, coverage, setbacks, recession planes, building separation, permeable surfaces, building length, outlook space) and amenities (acoustic insulation, lighting, waste, noise, fencing etc). Development not in accordance with the Structure Plan (and outside some tolerance limits) is non-complying.
- 5.24 Building heights for the areas north of SH6 are shown on the Structure Plan – Building Heights, and range between maxima of 8m through to 24.5m, with transition areas, based on proximity to SH6 and the eastern boundary of the TPLMZ. The purpose of these standards is twofold: to ensure that there is sufficient height to accommodate the densities required, and to retain to a reasonable extent views from SH6 through to Slope Hill.
- 5.25 Two categories of standards are notable and deserving of further description: residential density; and staging of development to integrate with transport infrastructure.

Residential density

- 5.26 A density range is required to be achieved in the MDR and HDR Precincts; these ranges are 40 – 48 (residential units per hectare (u/h)) in the MDR Precinct and 60 – 72 u/h in the HDR Precinct. Non-complying consent is required if a proposed development does not achieve these ranges. The purpose of these standards is to ensure that the Zone promotes as far as possible the most efficient use of land for the intended purpose of accommodating a large number of residents, and providing a critical mass to sustain the town centre and modal shift to active and public transport.
- 5.27 In the LDR Precinct, maximum numbers of units in the relevant Sub-Areas (as shown on the *Structure Plan – General*) are not to be exceeded; Non-complying consent is required for breaching the standard. The purpose of these standards is to ensure that the impacts on existing traffic on Stalker Road are managed, and to avoid large numbers of people living too far away from bus stops.

Staging

- 5.28 Standards require that development within the various Sub-Areas shown on the *Structure Plan – General* is not to occur prior to certain transport infrastructural works being completed. The works include intersections, bus stops, bus lanes¹¹, pedestrian / cycle crossings, and

¹¹ Note – bus lanes have been added to the infrastructure staging triggers as a result of submissions. This is addressed in more detail in Section 11, Theme H,

active travel links. The purpose of these standards (in tandem with other attributes of the TPLMZ) is to ensure that:

- development and transport infrastructure are integrated;
- development on the north and south sides of SH6 are integrated;
- the key traffic works to support the new population and a shift to active and public transport are guaranteed to be in place prior to (residential and commercial development) occurring;
- additional congestion on SH6 is minimised.

Assessment of land use applications

5.29 Chapter 49.7 sets out the assessment matters for site and building design and apply to all RD activities. They require assessment of context and character; relationship of the development to the street and public open spaces; residential amenity; access, parking and servicing; safety; sustainability and resilience; and accessibility.

5.30 The assessment matters, in combination with the various standards for buildings and activities, have been crafted to engender an attractive built environment with good relationships between buildings, streets and open spaces and high levels of residential and neighbourhood amenity.

Subdivision – Chapter 27

5.31 TPLMZ specific provisions are included in Chapter 27 (the District-wide chapter for subdivision and development). These include an objective, policies and rules that are tailored to supporting and implementing the Chapter 49 provisions. These include:

- the requirement for consistency with the Structure Plan elements;
- provision of open spaces;
- achieving urban form imperatives;
- achieving the traffic and related imperatives;
- requiring stormwater management systems to avoid discharges to Lake Hayes and to avoid the adverse effects of discharges to the Shotover and Kawarau Rivers, SH6 and groundwater resources.

5.32 Subdivision that complies with the Structure Plan is a RD activity¹², with no minimum lot sizes in all precincts except the LDR precinct, which has a minimum lot size of 450m². Discretion is restricted to the range of matters already inherent in the PDP's rules for RD urban subdivision¹³, and bespoke matters for the TPLMZ, and the assessment is guided by assessment matters¹⁴. The matters of discretion include, notably:

- how the subdivision design will enable the achievement of the minimum residential density requirements;
- the methods proposed for ensuring that building typologies provide for a diversity of housing choice.

5.33 In addition, the “information requirements” – being information that must be included in a subdivision application – includes:

- a. **A statement demonstrating how the subdivision layout will enable:**
 - i. **the densities expected in the relevant Precinct; and**
 - ii. **diversity of future building typologies on the sites created by the subdivision, to offer maximum choice for residential or business owners or tenants, and any methods (including by way of consent notices on the titles to be created, or other instrument) to ensure such diversity.**

5.34 The purpose of this information is to ensure that the subdivision will enable and will not foreclose the achievement of the residential densities required in the HDR and MDR precincts. In support of the matters of discretion in this regard, the assessment matters include:

...

- c. **The extent to which:**
 - i. **the configuration of sites is suitable for future development:**
 - (a) **to accommodate development intended by the Zone, including the required residential densities in the relevant Precinct;**

...

- d. **The extent to which the subdivision will help achieve the density expected in the residential precincts as set out in Rules 49.5.12, taking into account the information requirements in Rule 27.7.28.1, including whether any design parameters are to be secured through an appropriate legal mechanism;**
- e. **The extent to which the subdivision will help achieve diversity of housing choice, including whether any parameters relating to building typologies are to be secured through an appropriate legal mechanism.**

¹² Rule 27.7.28.1

¹³ Rule 27.5.7, which address matters such as spatial layout, infrastructure, open spaces, ecology etc

¹⁴ At 29.9.8.1

5.35 These reinforce the intent of the Zone to achieve densities and efficient use of the land available.

5.36 The discretion also covers the spatial layout of the subdivision and its relationships to and integration with other sites and development, within the Sub-Area and with neighbouring Sub-Areas, including for roading, walkways and cycleways, open spaces, and three waters infrastructure, including the retention and treatment of stormwater, and integration with the stormwater network within the Zone.

Transport – Chapter 29

5.37 The District-wide provisions of Chapter 29 apply to the TPLMZ and there are additional bespoke TPLMZ rules, including for parking rates, access and access points (relating to structure plan elements) and requirements for cycle parking, lockers and showers. Maximum parking rates apply to residential activities, offices, retail, and education, with RD activity consent required for exceeding the maximums. No maximums apply to other activities, and there are no minimum parking requirements.

6. BACKGROUND TO THE TPLM VARIATION

6.1 This overview of the background to the TPLM Plan Variation addresses the following:

- Population growth and housing affordability;
- Development in the wider Ladies Mile area;
- The District Plan review, existing zoning and efficient land use;
- Moves towards urban development at TPLM, including the PDP, Housing Accords and Special Housing Areas Act 2013 (**HASHAA**) approvals, and the Whaiora Grow Well Partnership / Spatial Plan; and
- The masterplanning process;

Population growth, housing demand and affordability

6.2 The SPP application document traversed this topic¹⁵, and Ms Fairgray's evidence, with the benefit of more recent data, addresses dwelling demand and capacity and the role of the TPLM Variation.

¹⁵ SPP application, part 1.2.1

- 6.3 Queenstown Lakes District is a high growth district within New Zealand¹⁶. The 2018 Census showed the District to be growing at the fastest rate in the country, growing by an average of 6.8% per year between 2013 and 2018. Further, over the last two decades the District has become the most expensive place in New Zealand to live, while at the same time the population more than doubled to approximately 42,000, and the number of residents, jobs and visitors is expected to approximately double over the next 30 years.
- 6.4 The Housing Development Capacity Assessment 2021¹⁷ (**HDCA**) finds that at a total urban environment level, there is sufficient development capacity to meet projected long-term demand (inclusive of a margin). Ms Fairgray states that while capacity across Queenstown is large relative to demand, only a share of capacity will be taken up by the market, with the total size of capacity only one factor in the ability to meet long-term housing need, with location and type of development also critical factors¹⁸.
- 6.5 Ms Fairgray's analysis is that demand for urban dwellings is projected to double in the District over the long term, amounting to demand for an additional 20,000 urban dwellings (including a 15% – 20% margin) over the next 30 years, with around two-thirds of the demand projected to be in the Wakatipu Ward¹⁹.
- 6.6 Housing supply, choice and affordability have not kept up with growth and many residents struggle to find suitable and affordable homes. While housing numbers have been increasing, housing affordability has been steadily decreasing, with the average median house price in the District increasing from \$873,469 in June 2017 to \$1,018,250 in March 2021. This is a significant issue for the District, as (at that time) 83% of first-home buyer households and 37% of renters are spending more than 30% of their income on housing costs. These are at levels far higher than other parts of the country.
- 6.7 The HDCA further finds that there is a current shortfall of housing in price bands below \$500,000 (a shortfall of 2,350 affordable dwellings in 2020 for first home buyers, with the majority of these households in rental accommodation). These housing affordability shortfalls will worsen if there are no interventions to help first home buyers get into the housing market.
- 6.8 More recent (2022 – 2023) modelling²⁰ indicates that housing demand is likely to change. Medium to higher density dwellings will account for increasing shares of the growth in demand and dwelling stock over time; the market is currently dominated by detached dwellings which

¹⁶ National Policy Statement on Urban Development 2020 Appendix: Tier 1 and Tier 2 urban environments and local authorities.

¹⁷ Housing Development Capacity Assessment 2021 Main Report ([link](#)) and Housing Development Capacity Assessment 2021 Technical Report ([link](#))

¹⁸ Evidence of Susan Fairgray dated 27 September 2023, paragraph 18 (Executive Summary)

¹⁹ *ibid*, paragraph 10

²⁰ Modelling undertaken by Susan Fairgray for the Council's Intensification Variation, referenced in her evidence at paragraphs 11 - 17

account for 83% of the baseline existing housing stock, and this share is projected to fall to 61% to 68% by 2051.

6.9 The Council's methods and interventions to address housing generally, and affordability in particular, include:

- The Intensification Variation, to implement policy 5 of the NPS-UD, which directs councils to enable more height and density in certain locations. The Intensification Variation also aims to implement the wider directive of the NPS-UD, to ensure well-functioning urban environments that meet the changing needs of the communities and future generations. This Variation has been notified and (at the time of writing) is in the submission phase;
- The implementation of various aspects of the Queenstown-Lakes Spatial Plan, including the advancement of the Eastern Corridor for urban expansion. The TPLM Variation is the method for directly implementing the Spatial Plan in this regard;
- The Inclusionary Housing Variation, which intends to introduce "Inclusionary Housing" rules into the PDP to help more people access affordable housing in the District. The provisions would require most new residential subdivisions and developments to pay an "affordable housing financial contribution", and the money would be collected by Council and provided to the Queenstown Lakes Community Housing Trust²¹ (or another registered Community Housing Provider), providing them with an ongoing funding stream to deliver affordable housing.

6.10 The TPLM Variation is therefore a component of the wider intentions for managing population growth and housing, and enabling (and, to the extent possible, directing) the efficient use of land at Ladies Mile to provide the best opportunity for a range of housing options to meet current and future needs.

Development in the Ladies Mile area – brief overview

6.11 Until 1998 the wider Ladies Mile area, encompassing the level terraces between the Shotover River, Slope Hill, Lake Hayes, and the Kawarau River, was zoned rural. Since then the Ladies Mile area south of SH6 has since the 1990s been progressively rezoned and developed.

6.12 The Lake Hayes Estate urban residential area was established through a submission to the First Generation PDP process (1995 – 1998) and was subdivided and developed over the subsequent decade or so. It now mostly contains typical suburban residential development,

²¹ The Queenstown Lakes Community Housing Trust, formed in 2007, is a community-owned not-for-profit organisation that has the task of ensuring residents of the District "have access to decent and secure tenure housing at a cost within their means" ([link](#))

with lot sizes around 500 – 1000m², with some small scale commercial (a café / bar, and an office) two childcare centres, and various home occupations.

- 6.13 The Shotover Country Estate urban residential area commenced development in 2012 and subsequently subdivided and developed into residential lots in the order of 200 – 750m². It also contains a primary school, a preschool, and various home occupations.
- 6.14 Collectively, the Lake Hayes Estate and Shotover Country Estate suburbs provide for around 1500 residential units and is the largest residential population centre in the Wakatipu Basin.
- 6.15 In October 2014 the Council and Government entered into the Queenstown-Lakes District Housing Accord (the **Housing Accord**), intended to increase housing supply and improve housing affordability in the District. A “Lead Policy” was developed under the Housing Accord, to identify appropriate areas for growth and affordability outcomes.
- 6.16 At Ladies Mile, the Lead Policy included the approval of ^{22 23}:
- the Bridesdale Special Housing Area (**SHA**) (approximately 136 residential units) in 2014;
 - the Queenstown Country Club SHA (376 retirement units);
 - the Shotover Country SHA (101 residential units) which was an extension to the zoned area of Shotover Country²⁴.

District Plan review, existing zoning and efficient land use

- 6.17 The Council is currently reviewing its Operative District Plan in stages. Stage 1 was notified in 2015, Stage 2 was notified in 2017, and Stage 3 was notified in 2019. Appeals on some decisions are still being determined. Further stages are expected to be notified over the next year or two, to include land not yet reviewed, as well as variations arising from the stages to date.
- 6.18 The TPLM land was initially notified as Rural Zone in Stage 1 of the Review, with the eastern end adjacent to Lake Hayes subsequently varied to the Wakatipu Basin Rural Amenity Zone (**WBRAZ**) as a result of the Wakatipu Basin Variation in Stage 2. The Wakatipu Basin Variation was initiated following the Independent Hearings Panel’s Stage 1 recommendation

²² The Ladies Mile Te Pūtahi Masterplan Establishment Report ([link](#)), page 9

²³ The approved SHAs have so far resulted in 50 residential units being made available to the Queenstown Lakes Community Housing Trust for affordable housing purposes in the wider Ladies Mile area

²⁴ Changes in zoning through the PDP also allows for an additional 119 residential units (although this is under appeal)

to commission a Wakatipu Basin Land Use Study²⁵ (**WBLUS**) to identify an integrated planning regime for the wider Wakatipu Basin area.

- 6.19 The WBLUS was completed in 2017. It identified that additional urban scale development was appropriate at TPLM, noting it had high capability to absorb additional development. To achieve urban development, the WBLUS recommended the inclusion of a Ladies Mile Gateway Precinct overlaid on top of the WBRAZ. The Precinct anticipated low to medium density housing (1:450m² and/or 1:250m²), subject to a 75m setback from State Highway 6 and all buildings requiring resource consent. It recommended a structure plan process to assess amenity, landscape and infrastructure issues.
- 6.20 The Council deliberately chose, at that time, not to move forward with the recommendations of WBLUS and did not include the majority of the area within the Wakatipu Basin variation. At that time, it was anticipated that the area would likely be subject to future SHA applications under the HAASHA, and an indicative master planning exercise had been undertaken as part of Lead Policy (which I address further below).
- 6.21 Decisions on the zoning of this land were notified as part of the Stage 2 decisions in 2019. Although the Independent Hearings Panel recognised the urban potential of the TPLM area, under the scope of submissions the area was subsequently zoned Rural, Rural Lifestyle, Wakatipu Basin Rural Amenity Zone, Large Lot Residential A, and Open Space, which are the current “decisions version” PDP zonings.
- 6.22 **Figure 5** below shows these zonings. The possible residential yield is approximately 20 sections in the Rural Lifestyle Zone (green) and 99 sections in the Large Lot Residential A Zone (red).

²⁵ Wakatipu Basin Land Use Study ([link](#))

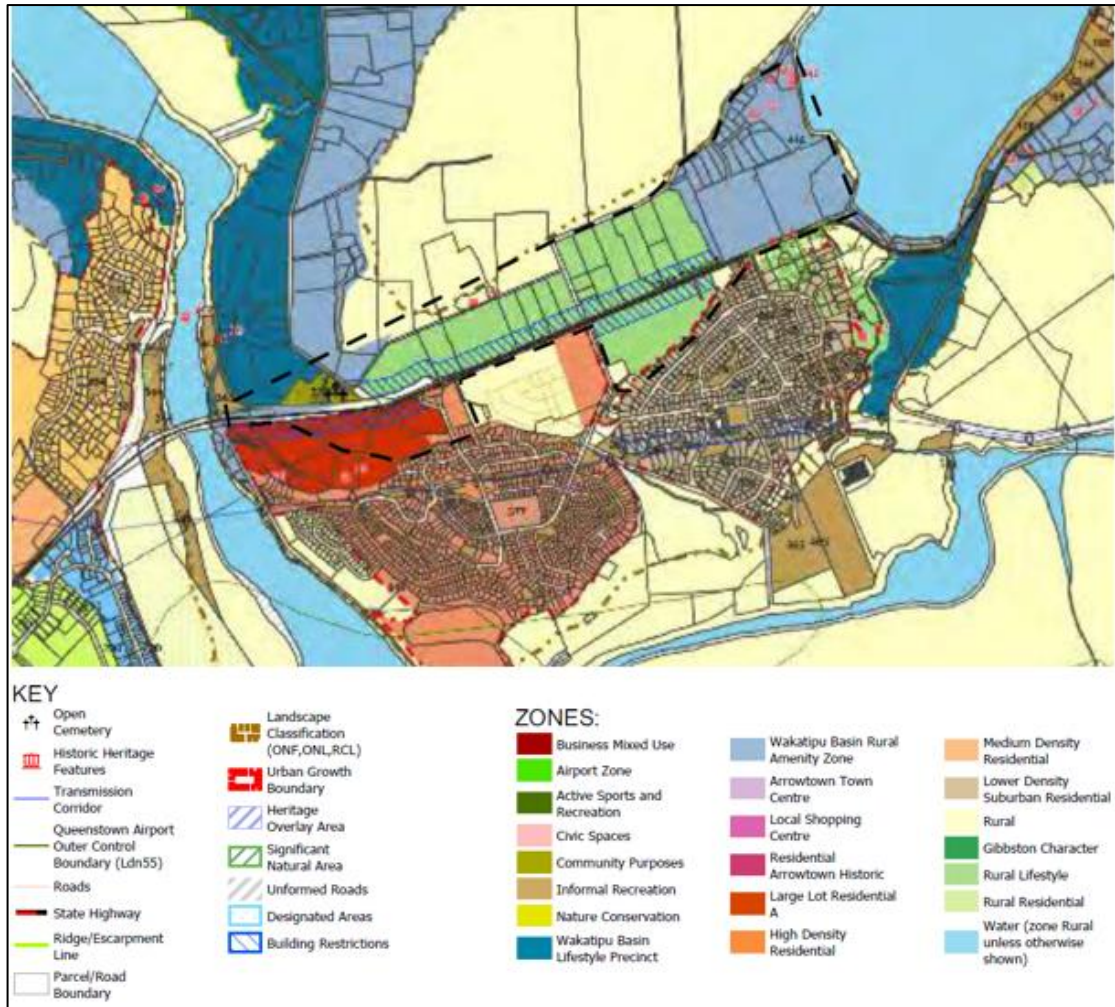


Figure 5: Proposed District Plan decisions version zoning – Stage 2 (The TPLM focus area outlined in black dashed line)

6.23 Any future development in the TPLM area therefore would, currently, be via a resource consent application under the provisions of the rural / rural lifestyle / large lot / open space zonings, or via plan variation or private plan change requests. Due to the large number of underlying titles and ownership and the existing zonings, any future development has the strong potential to be piecemeal and *ad hoc*.

Moves towards urban development at TPLM

6.24 In October 2017 the Council agreed to incorporate the part of the Ladies Mile area north of SH6 into the Housing Accord’s Lead Policy. This included an Indicative Masterplan, to provide for intensive residential development with a small mixed-use area²⁶. This Indicative Masterplan is shown in **Figure 6** below:

²⁶ This aligned with the then *National Policy Statement – Urban Development Capacity 2016*, which directed high growth Councils (including the QLDC) to provide sufficient urban development capacity to support housing and business growth, put greater emphasis on enabling change and development when making decisions about urban development, and ensure that planning processes facilitate urban development.

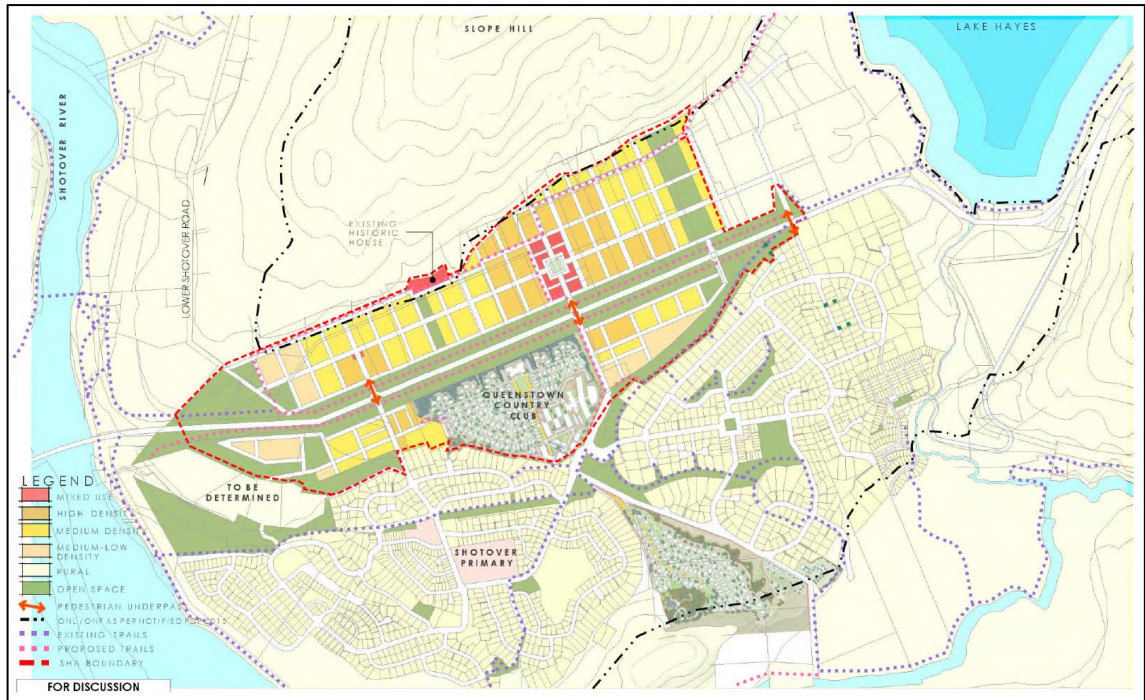


Figure 6: Indicative Masterplan from Lead Policy

6.25 In July 2018 the *Housing Infrastructure Fund – Detailed Business case – Ladies Mile*, prepared for the Ministry of Business, Innovation and Employment, was released. It found that the preferred future development scenario for Ladies Mile (north of SH6) would be transport and three waters infrastructure to enable the mixed density residential development of 1,100 lots, and that it would be uneconomic to develop fewer lots; the greater density of 1,100 would be the minimum requirement for affordability and is achievable.

6.26 The Detailed Business Case was QLDC’s formal request to obtain a \$19.2 million Housing Infrastructure Fund loan (with repayments being made from development contributions) and \$6.5 million via the Local Road Funding Assistance Rate. The transport works identified included:

- Access via a roundabout controlled intersection at SH6/Howards Drive;
- One pair of bus stops and bus shelters on SH6 (location to be confirmed);
- SH6 pedestrian/cycleway underpass near bus stops;
- Footpaths along SH6 to the underpass and bus stops;
- Access in later stage of development from Lower Shotover Road and SH6/McDowell Drive;
- Internal bus stops (developer to provide);
- Increased bus frequency and direct routes;

- Park and ride hub for 'Cromwell' traffic;
- SH6 bus priority;
- Reduce SH6 speed limit to 80km/h;

6.27 In April 2019 three SHA proposals for development within the area covered by the Indicative Masterplan were lodged with the Council. These were:

- Laurel Hills (south of SH6 and west of Stalker Drive) – 156 dwellings;
- Glenpanel (north of SH6) – 207 dwellings;
- Flint's Park (north of SH6) – 151 dwellings.

6.28 These applications were rejected by the Council, primarily due to traffic and infrastructure concerns. Further, the Council was already recognising the need to masterplan the TPLM area comprehensively.

6.29 In 2022 the original Flint's Park SHA application was updated and re-submitted under the *COVID-19 Recovery (Fast-track Consenting) Act 2020*, seeking around 384 residential units (without a primary school) or 197 (with a primary school), commercial centre, early childhood centre, Glenpanel Homestead retained for commercial use, public open space, and infrastructure.

6.30 The Independent Hearings Panel (**IHP**) refused the resource consent for the project, having regard to the project's effects on the environment and it being contrary to PDP objectives and policies (in Chapters 3, 4, 6 and 22).

6.31 The Council (and the IHP) has recognised the potential for *ad hoc* and inefficient urban outcomes at TPLM and has taken steps to deliver a comprehensive and integrated response for an optimal urban development outcome. The Council's steps are generally summarised as follows.

6.32 In May 2019 the Council agreed that²⁷:

Ladies Mile may be developed for urban purposes in the medium to long term and that a proactive Council led planning approach should be undertaken, taking into account the wide range of community, housing, recreation, transport, green space and infrastructure considerations on Ladies Mile and the surrounding area.

²⁷ Minutes from QLDC meeting of 30 May 2019

6.33 The Council also resolved to undertake an investigation into preparing and notifying a variation to the PDP to provide for an integrated approach to development.

6.34 The resolution led to the commissioning and preparation of the *Ladies Mile Te Putahi Masterplan Establishment Report* (February 2020)²⁸ which set the direction for the subsequent TPLM masterplanning process. The report considered the various options available to the Council, and was consulted on widely, and concluded that the preferred option would be for the Council to develop a masterplan and associated plan change in parallel, while engaging with the Minister for the Environment about utilising the streamlined planning provisions of the Act for processing the change.

Spatial Plan

6.35 In parallel with the above moves and the *Establishment Report* preparation, the Whaiora Grow Well Partnership, in 2020 an urban growth partnership between Central Government, Kāi Tahu, and the QLDC was formed, as a forum to align decision-making and collaboration on the long-term direction for the District. The Partnership acknowledges that the District is facing growth-related challenges across housing, transport and the environment that may have flow-on effects nationally, particularly given the importance of the District to the nation's tourism sector²⁹. In July 2021, following a period of public consultation, the Partnership released the *Queenstown Lakes Spatial Plan* (the **Spatial Plan**), a vision and framework for how and where the communities of the wider Wakatipu and Upper Clutha can “grow well”.

6.36 The Spatial Plan states³⁰:

Three new future urban areas are identified for investigation – at Te Putahi / Eastern Corridor and at the northern and southern ends of the Te Tapuae / Southern Corridor. These locations integrate with existing development and are located on the proposed frequent public transport network. They will support local services, community facilities and provide more affordable housing choices.

6.37 The Spatial Plan identifies the TPLM area as being within the west-east corridor, which along with the north-south corridor is a consolidation of the urban extent of Queenstown and the key new areas for urban expansion. Te Pūtahi Ladies Mile is more specifically identified as including:

- (a) A small local, transit-oriented and mixed-use centre located along a frequent public transport network³¹;

²⁸ Prepared by QLDC, Rationale and SPG in February 2020 ([link](#))

²⁹ *Whaiora Grow Well Partnership Terms of Reference* dated December 2020, part 3

³⁰ *Whaiora Grow Well Spatial Plan*, page 59

³¹ Queenstown Lakes Spatial Plan (Grow Well Whaiora) July 2021 page 59 ([link](#))

- (b) A new transit-oriented neighbourhood offering new housing choices³²;
- (c) Land identified as a “priority” development area³³.

6.38 The spatial elements of the Wakatipu Basin are shown in Map 7 of the Spatial Plan³⁴, reproduced in **Figure 7** below.

³² *ibid*, page 66

³³ *ibid*, Map 9 page 68

³⁴ *ibid*, page 58

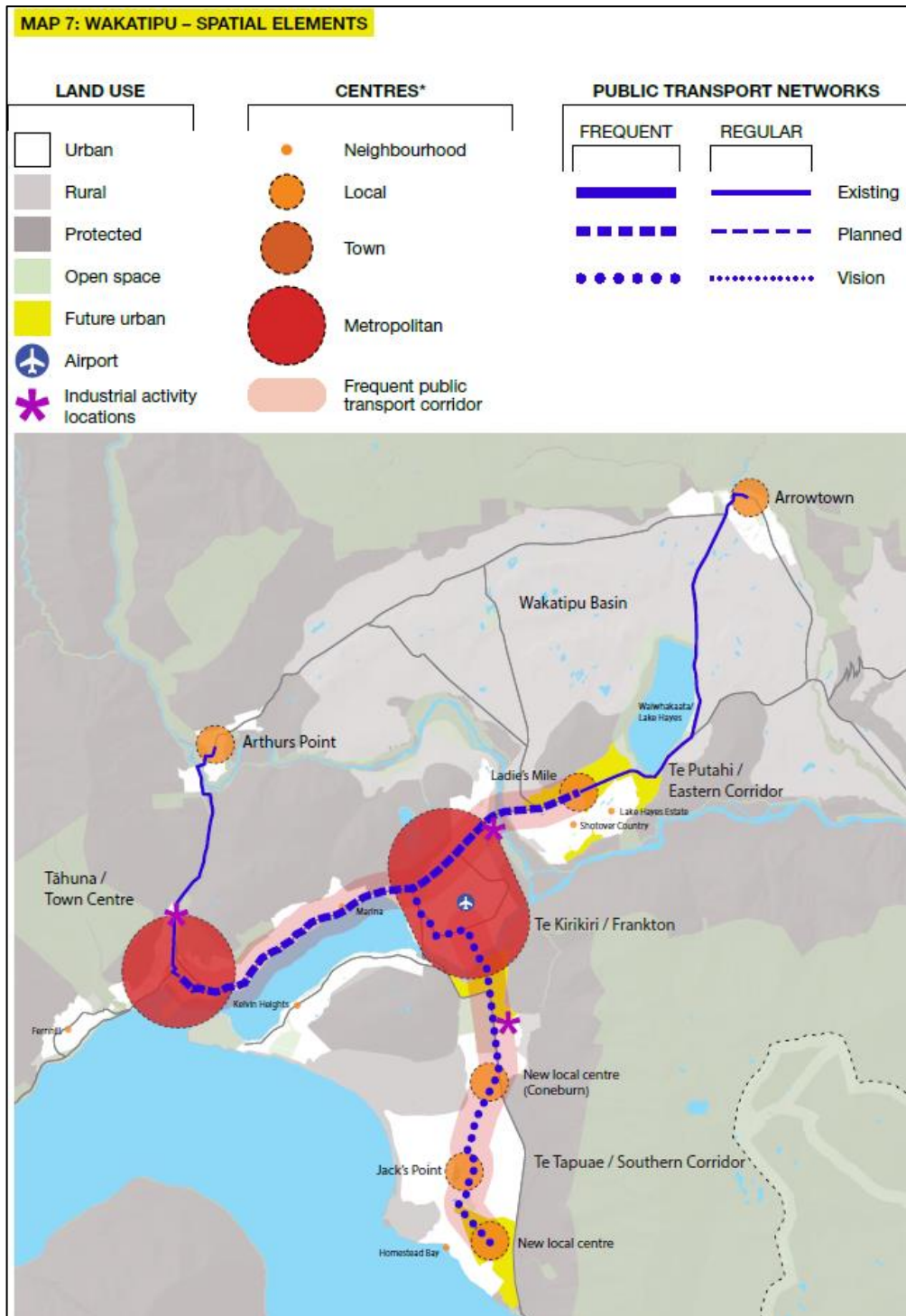


Figure 7: Spatial Plan showing the TP Eastern and TT Southern Corridors

The TPLM masterplanning process and Plan Variation

6.39 Following on from the findings of the *Establishment Report*, the Council appointed (following a tender process) a consultant team³⁵ to develop the TPLM Masterplan and the plan variation

³⁵ The consultant team appointed comprised Candor3, Studio Pacific Architecture and Brown & Company Planning Group, and I along with my colleague Christine Edgley were the planners who assisted the masterplanning team and prepared the plan variation provisions, the s32 and associated documents, and the SPP application draft

provisions that are the subject of this hearing. The masterplanning process commenced in 2020 and concluded in 2022, with the Council adopting³⁶ the masterplan and associated proposed PDP provisions. I will not further describe the masterplanning process and the related consultation as this is well covered in the evidence of Mr Harland. The community and stakeholder engagement during the masterplanning process is discussed below.

- 6.40 The proposed TPLM zoning, structure plan and provisions reflect the Masterplan and seek to give effect to the Masterplan outcomes through the PDP. Other outcomes will be realised through other Council operations and inter-agency co-operation, including, for example, an expanded public transport offering for the community (comprising additional vehicles and roading layout modifications to achieve faster and more reliable services) for the existing communities and the future TPLM community.
- 6.41 The TPLM Variation is therefore the culmination of a series of moves, over the last five+ years, towards comprehensive, integrated urban development of the TPLM area, as one of the principal vehicles for implementation of the Spatial Plan's intent in providing for new greenfields urban areas to efficiently accommodate population growth.

The SPP

- 6.42 The QLDC filed the application for a SPP to the Minister for the Environment on 31 October 2022. The Minister responded on 26 January 2023 and 23 March 2023. In the latter response the Minister set out his expectations of the SPP – these are as follows:

Proposed Statement of Expectations

The expectations of the Minister for the Environment are that the proposed Te Pūtahi Ladies Mile Plan Variation:

- (i) 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):**
- (ii) ensures that future development will be undertaken in a manner which recognises the limitations of the existing transport network in this location:**
- (iii) ensures appropriate and feasible infrastructure is provided for in Te Pūtahi Ladies Mile Zone, including stormwater management that allows for future climate change impacts, and access to everyday needs through transport options that support emissions reduction (such as public and/or active transport):**

³⁶ ([link](#))

- (iv) 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.

The expectations of the Minister for the Environment for Queenstown Lakes District Council are that in undertaking the Streamlined Planning Process as directed the Council will:

- (i) continue to engage with Te Rūnanga o Moeraki, Kāti Huirapa Rūnaka ki Puketeraki, Te Rūnanga o Ōtākou, Hokonui Rūnanga, Te Rūnanga o Awarua, Te Rūnanga o Ōraka Aparima, Te Rūnaka o Waihōpai and Waka Kotahi/New Zealand Transport Agency throughout the streamlined planning process:
- (ii) place on a publicly accessible website the dates and anticipated timeframes for the process steps (with updates as necessary).

6.43 The Variation was notified on 27 April 2023 and attracted 121 submissions and 19 further submissions.

7. STATUTORY CONTEXT

7.1 The Act sets out the statutory framework for the functions of territorial authorities in meeting the purpose of the Act, for the preparation and content of District Plans, and for changes and variations, to plans.

7.2 The tests³⁷ to be applied to rezoning proposals are whether the proposed provisions:

- A. Accord with and assist the Council in carrying out its functions and achieve the purpose of the Act (section 74(1) of the Act);
- B. Accord with Part 2 of the Act (section 74(1)(b));
- C. Give effect to the regional policy statement (section 75(3)(c));
- D. Give effect to any national policy statement (s75(3)(a));
- E. In the case of rules, have regard to the actual or potential effects on the environment, including, in particular, any adverse effect (s76(3));
- F. In the case of objectives, are the most appropriate way to achieve the purpose of the Act (s32(1)(a));

³⁷ The tests are from *Colonial Vineyard v Marlborough District Council* [2014] NZEnvC 55, cited with approval in various case including *R Adams and others v Auckland Council* [2018] NZEnvC 8 and *Edens v Thames-Coromandel District Council* [2020] NZEnvC 13.

G. In the case of policies and methods, are the most appropriate way to achieve the objectives, having regard to their efficiency and effectiveness (s32(1)(b)) and taking into account (under s32(2)):

- (i) the benefits and costs of the proposed policies and methods; and
- (ii) the risk of acting or not acting if there is uncertain or insufficient information about the subject matter of the policies, rules of other methods.

7.3 I will follow these tests in evaluating the submissions and further submissions, in Part 10 below, and, in light of that evaluation, make final conclusions in relation to each test. First, however, I briefly summarise each test and the key relevant matters for the rezoning proposal. I note also that the TPLM s32 evaluation report³⁸ provided a detailed overview of the various planning instruments that were considered when preparing the Variation provisions and evaluated the most appropriate way to achieve the purpose of the Act including by examining the various zoning options. I will not repeat that analysis but simply observe that the s32 evaluation concluded that the TPLM Variation option was the most preferred option in achieving the purpose of the Act, and that the TPLMZ provisions were the most appropriate, compared with alternatives, in achieving the TPLM objectives.

Test A: the Council's functions – s74(1)

7.4 The Council's functions are set out in section 31 of the Act:

31 Functions of territorial authorities under this Act

- (1) **Every territorial authority shall have the following functions for the purpose of giving effect to this Act in its district:**
 - (a) **the establishment, implementation, and review of objectives, policies, and methods to achieve integrated management of the effects of the use, development, or protection of land and associated natural and physical resources of the district:**
 - (aa) **the establishment, implementation, and review of objectives, policies, and methods to ensure that there is sufficient development capacity in respect of housing and business land to meet the expected demands of the district: ...**
 - (b) **the control of any actual or potential effects of the use, development, or protection of land, including for the purpose of —**
 - (i) **the avoidance or mitigation of natural hazards; and**
 - (iia) **the prevention or mitigation of any adverse effects of the development, subdivision, or use of contaminated land:**
 - (iii) **the maintenance of indigenous biological diversity:**
 - (d) **the control of the emission of noise and the mitigation of the effects of noise:**

³⁸ Section 32 Report dated 27 April 2023, Appendix 2, and sections 7 and 8.

7.5 Of relevance to the TPLM Variation are therefore:

- The integrated management of the effects of the use, development of protection of land and resources;
- Sufficiency of development capacity;
- Natural hazards;
- Land contamination;
- Maintaining indigenous biodiversity;
- Control of noise emissions.

Test B: Part 2 of the Act

7.6 Section 5 sets out the purpose of the Act being the sustainable management of natural and physical resources:

- (2) **In this Act, sustainable management means managing the use, development, and protection of natural and physical resources in a way, or at a rate, which enables people and communities to provide for their social, economic, and cultural well-being and for their health and safety while —**
- (a) **sustaining the potential of natural and physical resources (excluding minerals) to meet the reasonably foreseeable needs of future generations; and**
 - (b) **safeguarding the life-supporting capacity of air, water, soil, and ecosystems; and**
 - (c) **avoiding, remedying, or mitigating any adverse effects of activities on the environment.**

7.7 The relevant s6 matters of national importance that must be recognised and provided for in relation to managing the use, development, and protection of natural and physical resources, are:

- (b) **the protection of outstanding natural features and landscapes from inappropriate subdivision, use, and development:**
- (d) **the maintenance and enhancement of public access to and along the coastal marine area, lakes, and rivers:**
- (e) **the relationship of Maori and their culture and traditions with their ancestral lands, water, sites, waahi tapu, and other taonga:**
- (f) **the protection of historic heritage from inappropriate subdivision, use, and development:**
- (h) **the management of significant risks from natural hazards.**

7.8 These are relevant in that:

- The TPLM Variation location is immediately adjacent to Slope Hill, an ONF, and some of the submissions bring the ONF “into play”;
- The provisions enable public trail links to join through to the existing public trail around Lake Hayes;
- Water quality is a significant issue for Kāi tahu;
- Glen Panel Homestead is a listed heritage item;
- There is a general duty to recognise and manage risks from natural hazards, although there are no *significant* natural hazards affecting the land.

7.9 The relevant s7 matters to which particular regard must be had are:

- (b) the efficient use and development of natural and physical resources:**
- (ba) the efficiency of the end use of energy:**
- (c) the maintenance and enhancement of amenity values:**
- (d) intrinsic values of ecosystems:**
- (f) maintenance and enhancement of the quality of the environment:**
- (g) any finite characteristics of natural and physical resources:**
- (i) the effects of climate change:**

7.10 These are engaged by the TPLM Variation because:

- The Variation is based, fundamentally, on the efficient use of land for a range of urban purposes, and the associated reduction in energy consumption and reducing the adverse effects from climate change;
- There would be significant changes to the perceptions of amenity values and the quality of the environment;
- Components of wider ecosystems are present within the resource area, including highly mobile and endangered / bird species];
- Land that possesses the attributes required for larger scale urban expansion in the Wakatipu is a finite resource.

7.11 Section 8 (Treaty of Waitangi) requires that the principles of the Te Tiriti o Waitangi or Treaty of Waitangi be taken into account. The principles as they relate to resource management derive from the Te Tiriti / The Treaty itself and from resource management case law and

practice. They are summarised as follows:

- (a) The active protection of the partnership between the two parties;
- (b) The protection of resources of importance to tangata whenua from adverse effects;
- (c) The active participation by tangata whenua in resource management decision making;
- (d) The obligation to act reasonably, honourably and in good faith towards each other; and
- (e) The obligation to make informed decisions on matters that affect the interests of Māori.

7.12 The submission from Te Runanga o Ngai Tahu³⁹ (collectively, Kai Tahu) states:

The contemporary relationship between the Crown and Ngāi Tahu is defined by three core documents; Te Tiriti o Waitangi (the Treaty), the Ngāi Tahu Deed of Settlement 1997 (Deed of Settlement) and the Ngāi Tahu Claims Settlement Act 1998 (NTCSA). These documents form an important legal relationship between Ngāi Tahu and the Crown. Of significance, the Deed of Settlement and NTCSA confirmed the rangatiratanga of Kāi Tahu and its relationship with the natural environment and whenua within the takiwā.

As recorded in the Crown Apology to Ngāi Tahu (see Appendix Two), the Ngāi Tahu Settlement marked a turning point, and the beginning for a “new age of co-operation”. In doing so, the Crown acknowledged the ongoing partnership between the Crown and Ngāi Tahu and the expectation that any policy or management regime would be developed and implemented in partnership with Ngāi Tahu.

7.13 Kai Tahu has been involved in this process, as part of the project working group throughout the development of the TPLM masterplan and variation (as outlined in the discussion of consultation and engagement, at Section 8 below). Kai Tahu’s submission notes support for the intent of the Variation and seeks various amendments to better incorporate the broader interests and aspirations of Kāi Tahu within the District and to improve outcomes for te taiao (the natural environment). These are addressed in my evaluation, particularly at Section 11, Theme I below.

7.14 I refer to the purpose and principles of the Act under other s32 tests also, below.

Test C: the Regional Policy Statement (RPS)

7.15 There are two versions of the Otago Regional Council’s (ORC) RPS: the Partially Operative RPS 2019 (**PORPS19**) and the proposed RPS 2021 (**pRPS21**).

7.16 The TPLM Variation must *give effect to* any operative RPS (i.e. the PORPS 19). The sets the

³⁹ Submitter #100 (Aukaha and Te Ao Marama Inc on behalf of the Papatipu Rūnanga and Te Rūnanga o Ngāi Tahu)

direction for future management and promotion of the sustainable management of the region's natural and physical resources and provides the policy context for regional plans and the framework for district plans.

7.17 The key objectives, policies and methods in the PORPS 2019 relevant to the TPLM Variation relate to:

- economic, social and cultural wellbeing;
- integrated management of resources;
- quality of natural resources and ecosystems (including water quality), including the protection of freshwater and seek to maintain or enhance, the natural functioning and life supporting capacity of waterbodies.;
- landscapes, including the protection of outstanding natural landscapes and features and managing effects on highly valued landscapes;
- urban growth and development, including that that urban development is well designed and managed in an integrated manner; to be consistent with any FDS; and to provide sufficient development capacity; and
- rural economic production and the protection and management of significant soils.

7.18 The TPLM Variation has been assessed against these provisions, as set out in Appendix 2A of the s32 report. I will not address that assessment here but do so in Section 14, after I have considered the submissions and further submissions.

7.19 The pRPS21 has been split into two parts: one relating to provisions deemed to be a freshwater planning instrument and the other for parts which are not deemed to be related to freshwater. The 'non-freshwater parts' are continuing through the Schedule 1 process and decisions on submissions are pending. The 'freshwater parts' are proceeding through the freshwater planning process (s80A of the RMA). Both processes are relevant to the TPLM area.

7.20 The TPLM Variation must *have regard to* the pRPS21 (s74(2)), to the extent that the content has a bearing on resource management issues of the district. Analysis of the TPLM Variation against the proposed RPS is detailed in Appendix 2A of the s32 report. The following summarises this.

7.21 The pRPS21 identifies eleven significant resource management issues for the region and explains how national direction will be applied in the Otago context. The eleven issues can be broken down into:

- natural asset-based issues (natural hazards, climate change, pest species, water quantity and quality, and biodiversity loss);
- two place-based issues of regional significance (being Otago's coast and lake areas); and
- those issues relating to economic and domestic pressures, cumulative impacts and resilience.

7.22 The key relevant provisions for the TPLM Variation relate to: integrated management; freshwater; land and soil; ecosystems and indigenous biodiversity; and urban form and development. The natural resources based provisions, while very detailed, mirror those in the national instruments (which I address below) and their intent is also very similar to the PORPS19; I will not further detail these but address them in Section 14 below. On urban development and development in rural areas, the key objectives are:

Objective UFD-02 Development of urban areas

The development and change of Otago's urban areas:

- 1) **improves housing choice, quality, and affordability,**
- 2) **allows business and other non-residential activities to meet the needs of communities in appropriate locations,**
- 3) **respects and wherever possible enhances the area's history, setting, and natural and built environment,**
- 4) **delivers good urban design outcomes, and improves liveability,**
- 5) **improves connectivity within urban areas, particularly by active transport and public transport,**
- 6) **minimises conflict between incompatible activities,**
- 7) **manages the exposure of risk from natural hazards in accordance with the HAZ–NH – Natural hazards section of this RPS,**
- 8) **results in sustainable and efficient use of water, energy, land, and infrastructure,**
- 9) **achieves integration of land use with existing and planned development infrastructure and additional infrastructure and facilitates the safe and efficient ongoing use of regionally significant infrastructure,**
- 10) **achieves consolidated, well designed and located, and sustainable development in and around existing urban areas as the primary focus for accommodating the region's urban growth and change, and**
- 11) **is guided by the input and involvement of mana whenua.**

Objective UFD-03 Strategic planning

Strategic planning is undertaken in advance of significant development, expansion or redevelopment of urban areas to ensure that

- 1) **there is sufficient development capacity supported by integrated infrastructure provision for Otago’s housing and business needs in the short, medium and long term,**
- 2) **development is located, designed and delivered in a way and at a rate that recognises and provides for locationally relevant regionally significant features and values identified by this RPS, and**
- 3) **the involvement of mana whenua is facilitated, and their values and aspirations are provided for.**

Objective UFD-04 Development in rural areas

Development in Otago’s rural areas occurs in a way that:

- 1) **avoids impacts on significant values and features identified in this RPS,**
- 2) **avoids as the first priority, land and soils identified as highly productive by LF–LS–P19 unless there is an operational need for the development to be located in rural areas,**
- 3) **only provides for urban expansion, rural lifestyle and rural residential development and the establishment of sensitive activities, in locations identified through strategic planning or zoned within district plans as suitable for such development; and**
- 4) **outside of areas identified in (3), maintains and enhances the natural and physical resources that support the productive capacity, rural character, and long-term viability of the rural sector and rural communities.**

Objective UFD-05 Urban development and climate change

The impacts of climate change are responded to in the development and change of Otago’s urban areas so that:

- 1) **the contributions of current communities and future generations to climate change impacts are reduced,**
- 2) **community resilience increases,**
- 3) **adaptation to the effects of climate change is facilitated,**
- 4) **energy use is minimised, and energy efficiency improves, and**
- 5) **establishment and use of small and community-scale distributed electricity generation is enabled.**

7.23 The provisions, in summary, seek to:

- Improve housing choice and affordability;
- Deliver good urban design outcomes, including consolidation, connectivity and integration with existing urban areas;
- Ensure development integrates with infrastructure;
- Ensure sufficient capacity for housing;
- Promote urban expansion through forward strategic planning;

- Ensure that urban development is efficient and sustainable.

7.24 I address these themes further in Section 14 below, after I have considered the submissions and further submissions.

Test D: National Policy Statements

7.25 The TPLM Variation is required to give effect to National Policy Statements. The following NPSs are relevant:

- NPS for Highly Productive Land (**NPS-HPL**);
- NPS for Indigenous Biodiversity (**NPS-IB**);
- NPS for Freshwater Management (**NPS-FW**);
- NPS on Urban Development (**NPS-UD**).

7.26 Other than the NPS-IB (which commenced after notification of the TPLM Variation) the application of these national instruments to the TPLM Variation is addressed at Appendix 2A of the s32 report, and I briefly address them below.

NPS Highly Productive Land

7.27 The NPS-HPL contains central government direction as to how regional councils and territorial authorities must manage “highly productive land” (**HPL**). Every regional council must map HPL in its region.⁴⁰ Clause 3.5(7) provides that until a regional policy statement containing maps of highly productive land in the region is operative, each relevant territorial authority and consent authority must apply this National Policy Statement as if references to HPL were references to land that, at the commencement date:

- (a) **is**
 - i. **zoned general rural or rural production; and**
 - ii. **LUC 1, 2, or 3 land; but**
- (b) **is not:**
 - i. **identified for future urban development; or**
 - ii. **subject to a Council initiated, or an adopted, notified plan change to rezone it from general rural or rural production to urban or rural lifestyle.**

7.28 The TPLM Variation land area is identified as Land Use Capability ‘Class 2’ soil as mapped by the New Zealand Land Resource Inventory. The TPLM Variation land is a mix of Rural

⁴⁰ Clause 3.4(1)

Zone, Rural Lifestyle Zone and Large Lot Residential Zone under the PDP.⁴¹

7.29 A recent Environment Court decision⁴² has confirmed that the Rural Zone land under the PDP will be ‘general rural or rural production’ land for the purpose of Clause 3.5(7). The land in the Rural Lifestyle Zone under the PDP will not be ‘general rural or rural production’, nor will the land zoned Large Lot Residential. The majority of the TPLM Variation land is in the Rural Lifestyle Zone or Large Lot Residential under the PDP. A small strip of land the northern side of the Structure Plan area and the QCC land is zoned Rural.

7.30 However, as noted above, the definition of HPL also excludes land that is identified for future urban development; or subject to a Council initiated, or an adopted, notified plan change to rezone the land from general rural or rural production to urban or rural lifestyle.

7.31 “*Identified for future urban development*” is defined at Clause 1.3 and means:

- (a) **identified in a published Future Development Strategy as land suitable for commencing urban development over the next 10 years; or**
- (b) **identified:**
 - (i) **in a strategic planning document as an area suitable for commencing urban development over the next 10 years; and**
 - (ii) **at a level of detail that makes the boundaries of the area identifiable in practice.**

7.32 The NPS-HPL came into effect in October 2022. QLDC has not yet developed a Future Development Strategy (**FDS**) that fully meets the requirements of the NPS-UD (I understand that the FDS may be programmed for 2024). However, the QLDC Spatial Plan (2021) was prepared in a manner consistent with the requirements of an FDS and is a “strategic planning document”. “Strategic planning document” is defined under Clause 1.3 as meaning any non-statutory growth plan or strategy adopted by local authority resolution. The Spatial Plan meets these requirements as a non-statutory growth plan adopted by QLDC.

7.33 The Spatial Plan identifies the TPLM Structure Plan area as a Future Urban Area, and identifies the QCC land as Urban. The TPLM Structure Plan area is suitable for commencing urban development over the next 10 years, and urban development has already commenced on the QCC land.

7.34 The Ministry for the Environment has provided guidance on the interpretation of Clause 3.5(7) and, specifically, Clause 1.3(b)(ii) relating to the level of detail needed to identify the area in a strategic planning document. The Ministry of the Environment guidance states that the

⁴¹ See [Figure 2: Existing Zoning](#).

⁴² *Wakatipu Equities Limited v Queenstown Lakes District Council* [2023] NZEnvC 188.

strategic planning document must include mapping that is specific enough to identify the boundaries of the future urban area and know with certainty whether a particular land parcel is included or excluded. The TPLM Variation land is clearly identified in the Spatial Plan, and, in my view, this reaches the level of detail required to make the boundaries identifiable in practice.

- 7.35 The NPS-HPL therefore does not apply to the TPLM Variation land because:
- (a) The land zoned Rural Lifestyle or Large Lot Residential under the PDP does not fall within land zoned under the “general rural or rural production” zone as required for HPL; and
 - (b) The land zoned Rural Zone under the PDP that does fall within land zoned under the “general rural or rural production” zone is identified for future development under the Spatial Plan and, therefore, excepted from the definition of HPL.

NPS Indigenous Biodiversity

- 7.36 The NPS-IB commenced on 4 August 2023. The objective is *to maintain indigenous biodiversity across Aotearoa New Zealand so that there is at least no overall loss in indigenous biodiversity after the commencement date.*
- 7.37 Clause 3.8(1) and 3.8(2) require that every territorial authority undertake a district-wide assessment to identify areas of significant indigenous vegetation or significant habitat of indigenous fauna that qualify as a Significant Natural Area (**SNA**), using the assessment criteria in Appendix 1 of the NPS-IB.
- 7.38 QLDC has previously undertaken such an assessment in the development of Chapter 33 (Indigenous Vegetation and Biodiversity) of the PDP. No SNAs were identified within the TPLM Variation area at that time. The NPS-IB however also states that if a territorial authority becomes aware (as a result of a resource consent application, notice of requirement or any other means) that an area may be an area that qualifies as an SNA, then a further assessment must be undertaken, and a new SNA identified within the next appropriate plan change.
- 7.39 Ecological assessments have been undertaken in association with the development of the Masterplan by e3 scientific. This has been peer reviewed and further analysis and assessment of biodiversity values within the TPLM area has been undertaken by Dawn Palmer and is outlined in her evidence. In summary, Ms Palmers’ ecological assessment has identified:
- (a) the presence, or likely presence, of highly mobile bird species within the TPLM Variation area that are threatened or at risk;
 - areas of potential foraging habitat for black-fronted terns (terns) (Threatened -

Nationally Endangered) and black-billed gulls (gulls) (At Risk - Declining);

- areas of potential foraging and potentially nesting habitat for South Island pied oystercatchers;

(b) localised matagouri (At Risk – Declining).

7.40 Ms Palmer clarifies that matagouri “*is secure in the South Island and is a common species within Otago and shrublands in the Lakes Ecological Region*” and that the presence of matagouri within the area would not meet the criteria for an SNA^{43 44}.

7.41 The provisions of the NPS-IB apply to “highly mobile fauna” with “specified highly mobile fauna” defined as “*the Threatened or At Risk species of highly mobile fauna that are identified in Appendix 2*” of the NPS-IB. Appendix 2 of the NPS-IB includes the following specified highly mobile bird species that have occurred or potentially occur within the TPLM Variation area:

- blackfronted tern – Threatened (Nationally Endangered);
- South Island pied oystercatcher – At Risk (Declining);
- black-billed gull - At Risk (Declining).

7.42 Ms Palmer considers that the habitat for these species within the TPLM area is not sufficient for the area to be an SNA.

7.43 The provisions of NPS-IB apply to subdivision, land use and development within SNAs; as well as the effects of subdivision, land use and development on indigenous biodiversity outside of SNAs (clause 3.16). As noted above, there is no SNA identified or required to be identified within the TPLM Variation area.

7.44 Clause 3.16 states:

- (1) If a new subdivision, use, or development is outside an SNA and not on specified Māori land, any significant adverse effects of the new subdivision, use, or development on indigenous biodiversity outside the SNA must be managed by applying the effects management hierarchy.**
- (2) All other adverse effects of any activities that may adversely affect indigenous biodiversity that is outside an SNA (other than indigenous biodiversity on specified Māori land (see clause 3.18)), must be managed to give effect to the objective and policies of this National Policy Statement.**

⁴³ Evidence of Dawn Palmer dated xx September 2023, paragraph 184

⁴⁴ Appendix 1(1)(b) of the NPS-IB

(3) Every local authority must make or change its policy statements and plans to be consistent with the requirements of this clause.

7.45 The *effects management hierarchy* is defined at Clause 1.6 and adopts a tiered approach of firstly requiring avoidance of effects, or where avoidance is not practicable that effects are then minimised, remedied, offset or compensated for. Following assessment down this hierarchy, if more than minor effects remain, the activity should be avoided.

7.46 Ms Palmer's opinion is that the amendments to the TPLM Variation provisions addressed in her evidence will ensure that effects will be mitigated to an acceptable level⁴⁵.

NPS Freshwater Management

7.47 The NPS-FM (together with its associated National Environmental Standard (**NES-FW**) requires freshwater to be managed in a way that gives effect to *Te Mana o te Wai*.

7.48 *Te Mana o te Wai* refers to the fundamental importance of water and recognises that protecting the health of freshwater protects the health and well-being of the wider environment. This is applied through a hierarchy that gives first priority to the health and well-being of water; second priority to the health and drinking water needs of people, and third, the ability of people and communities to provide for their social, economic, and cultural well-being.

7.49 In implementing and giving effect to the NPS-FM and NES-FW, local authorities must actively involve tangata whenua in freshwater management including in the development of district plans (Clause 3.4) and ensure that freshwater is managed in an integrated way that considers the effects of the use and development of land on a whole-of-catchment basis (Policy 3).

NPS Urban Development

7.50 The ways in which the TPLM Variation gives effect to the provisions of the NPS-UD are addressed in detail within Appendix 2A of the s32 report. I do not repeat this but summarise and reiterate the key elements.

7.51 The NPS-UD has eight objectives, which in summary, seek to achieve *well-functioning urban environments* that enable residential and business development to meet expected demand, and in the right locations to meet social, economic, and cultural wellbeing, and health and safety. The meaning of *well-functioning urban environments* is set out in Policy 1:

Policy 1: Planning decisions contribute to well-functioning urban environments, which are urban environments that, as a minimum:

(a) have or enable a variety of homes that:

⁴⁵ Evidence of Dawn Palmer, paragraphs 22, 25

- (i) meet the needs, in terms of type, price, and location, of different households; and
- (ii) enable Māori to express their cultural traditions and norms; and
- (b) have or enable a variety of sites that are suitable for different business sectors in terms of location and site size; and
- (c) have good accessibility for all people between housing, jobs, community services, natural spaces, and open spaces, including by way of public or active transport; and
- (d) support, and limit as much as possible adverse impacts on, the competitive operation of land and development markets; and
- (e) support reductions in greenhouse gas emissions; and
- (f) are resilient to the likely current and future effects of climate change.

7.52 Achieving and enabling a *well-functioning urban environment* has been at the forefront of decision making on the masterplanning, zoning, structure plan and zone provisions for the Variation, taking into account the location and adjacency of existing suburban communities and infrastructure including SH6.

7.53 For housing and business capacity, the NPS-UD sets different implementation requirements for different urban environments, with QLDC being defined as a 'Tier 2' local authority. As a Tier 2 authority, QLDC is required to:

- (a) prepare a Housing and Business Development Capacity Assessment (**HBA**) every 3 years, to assess housing and business demand over the short, medium and long term;
- (b) prepare a Future Development Strategy (**FDS**) every 6 years, to set out how to achieve well-functioning urban environments and provide sufficient development capacity;
- (c) set Housing Bottom Lines (**HBL**) (the amount of development capacity that is sufficient to meet expected housing demand plus the appropriate competitiveness margin) for the short-medium term and the long term, and insert these into the District Plan.

7.54 QLDC's latest HBA was prepared in 2021, and HBLs have been inserted into Chapter 4 (Urban Development) of the PDP, now settled. This Chapter includes the TPLM Variation area as a part of the Queenstown-Lakes Long Term Urban Environment (as an indicative future expansion area), and the HBLs include the potential capacity of the TPLM Variation area.

7.55 As discussed in Section 6 above (Background), the QLDC has not yet developed a FDS, however the Queenstown Lakes Spatial Plan (2021) was prepared in a manner consistent with an FDS with the intent to providing sufficient development capacity and achieving well-

functioning urban environments. The FDS required by the NPS-UD must be prepared by 2024, and the Council is currently developing this as part of the Spatial Plan 2024.

National Environmental Standards

7.56 The TPLM Variation is required to be consistent a NES in accordance with section 44A of the RMA. The following NESs are relevant:

- (a) NES for Air Quality;
- (b) NES for Sources of Drinking Water;
- (c) NES for Assessing and Managing Contaminants in Soil to Protect Human Health;
- (d) NES for Freshwater;

7.57 The existing district wide chapters of the PDP already give effect to the above NESs, and the TPLM Variation does not introduce provisions that would be inconsistent with any of these.

7.58 The NES Contaminants in Soil will be required to be considered and addressed as necessary through resource consent processes, as the evidence of Mr Beardmore identifies the potential presence of HAIL activities within the subject area⁴⁶.

National Planning Standards

7.59 District plans are required to give effect to a national planning standard (s75(3)(ba)). The first national planning standards were introduced in 2017 and seek to achieve consistency across the structure, format and definitions of RMA policy and plans across the country.

7.60 Different implementation timeframes apply to different local authorities in giving effect to the national planning standards. As QLDC had already commenced a review of the District Plan prior to the release of the national planning standards, the required implementation timeframe is seven years to make changes (i.e. by 2024), and nine years for definitions (i.e. by 2026).

7.61 QLDC intends to undertake a comprehensive process of giving effect to the national planning standards within the specified timeframe, with the preference to update all PDP chapters at the same time. Accordingly, the TPLM Variation has not been developed in accordance with the required format of the national planning standards, but this will be undertaken in due course when the PDP as a whole is transitioned to the standards' conventions.

7.62 I note also that the TPLMZ has been formulated as if it were to be a "Special Purpose" zone under the national planning standards, in anticipation of the imminent transition.

⁴⁶ Evidence of Simon Beardmore dated 27 September 2023, paragraph 14

Test E: actual or potential effects on the environment, including, in particular, any adverse effect

7.63 The effects on the environment caused by the TPLM Variation's rules are addressed specifically in the various technical reports submitted in support of the Variation, and many submissions raise matters that relate in one way or another to effects of the development on the environment. These can be broadly categorised as (in no particular order):

- Effects on ecological values and water quality;
- Traffic effects;
- Landscape effects;
- Retail distribution effects;
- Effects on existing amenity values;
- Effects on heritage values;
- Effects on infrastructural services;
- Positive effects.

7.64 I will address the categories further in Sections 11 – 13 below, in relation to the submissions and further submissions, and in Section 14.

Test F: whether the objectives are the most appropriate way to achieve the purpose of the Act

7.65 The settled higher order objectives and policies of the strategic chapters of the PDP accord with the purpose and principles of the Act, having been tested since 2015 through the public policy process. The higher order chapters are:

- Chapter 3 (Strategic Direction);
- Chapter 4 (Urban Development);
- Chapter 5 (Tangata Whenua);
- Chapter 6 (Landscapes).

7.66 Any new rezoning should therefore be evaluated as to whether it is consistent with the higher order objectives and policies, and hence to determine whether it is the most appropriate way to achieve the purpose of the Act. This evaluation was undertaken in the s32 evaluation at Appendix 2A of the SPP application. I will revisit that assessment in Section 14 below, but

below identify the higher order provisions most relevant to the TPLM Variation.

7.67 The key Chapter 3 strategic objectives (**SO**) and strategic policies (**SP**) are:

- SO 3.2.1** The development of a prosperous, resilient and equitable economy in the District.
- SO 3.2.1.9** Infrastructure in the District that is operated, maintained, developed and upgraded efficiently and effectively to meet community needs and to maintain the quality of the environment.
- SO 3.2.2** Urban growth is managed in a strategic and integrated manner.
- SO 3.2.2.1** Urban development occurs in a logical manner so as to:
 - a. promote a compact, well designed and integrated urban form;
 - b. build on historical urban settlement patterns;
 - c. achieve a built environment that provides desirable, healthy and safe places to live, work and play;
 - d. minimise the natural hazard risk, taking into account the predicted effects of climate change;
 - e. protect the District's rural landscapes from sporadic and sprawling urban development;
 - f. ensure a mix of housing opportunities including access to housing that is more affordable for residents to live in;
 - g. contain a high quality network of open spaces and community facilities; and
 - h. be integrated with existing, and proposed infrastructure and appropriately manage effects on that infrastructure.
- SO 3.2.3** A quality built environment taking into account the character of individual communities
- SO 3.2.3.1** The District's important historic heritage values are protected by ensuring development is sympathetic to those values.
- SO 3.2.3.2** Built form integrates well with its surrounding urban environment.
- SO 3.2.4** The distinctive natural environments and ecosystems of the District are protected.
- SO 3.2.4.4** The water quality and functions of the District's lakes, rivers and wetlands are maintained or enhanced.
- SO 3.2.4.5** Public access to the natural environment is maintained or enhanced.
- SO 3.2.6** The District's residents and communities are able to provide for their social, cultural and economic wellbeing and their health and safety.
- SO 3.2.6.3** The contribution that community social, recreational and cultural facilities and activities make to identity and sense of place for residents of the District is recognised and provided for through appropriate location and sound design.

- SO 3.2.7.1** Ngāi Tahu values, interests and customary resources, including taonga species and habitats, and wāhi tūpuna, are protected.
- SP 3.3.7** Avoid additional commercial zoning that is likely to undermine the function and viability of the Frankton commercial areas as the key service centre for the Wakatipu Basin, or which will undermine increasing integration between those areas and the industrial and residential areas of Frankton.
- SP 3.3.15** Apply provisions that enable urban development within the UGBs and avoid urban development outside of the UGBs.

7.68 Under Chapter 4, the key objectives and policies are:

- Objective 4.2.1** Objective – Urban Growth Boundaries used as a tool to manage the growth of urban areas within distinct and defensible urban edges.
- Policy 4.2.1.1** Define Urban Growth Boundaries, where required, to identify the areas that are available for the growth of urban settlements.
- Policy 4.2.1.3** Ensure that urban development is contained within the defined Urban Growth Boundaries, and that aside from urban development within existing towns and rural settlements, urban development is avoided outside of those boundaries.
- Policy 4.2.1.4** Ensure Urban Growth Boundaries encompass, at a minimum, sufficient feasible development capacity and urban opportunities consistent with:
 - a. the anticipated medium term demand for housing and business land within the District assuming a mix of housing densities and form;
 - b. ensuring the ongoing availability of a competitive land supply for urban purposes;
 - c. the constraints on development of the land such as its topography, its ecological, heritage, cultural or landscape significance; or the risk of natural hazards limiting the ability of the land to accommodate growth;
 - d. the need to make provision for the location and efficient operation of infrastructure, commercial and industrial uses, and a range of community activities and facilities;
 - e. a compact and efficient urban form;
 - f. avoiding sporadic urban development in rural areas;
 - g. minimising the loss of the productive potential and soil resource of rural land; and
 - h. A future development strategy for the District that is prepared in accordance with the National Policy Statement on Urban Development Capacity
- Policy 4.2.1.5** When locating Urban Growth Boundaries or extending towns and rural urban settlements through plan changes, protect the values of Outstanding Natural Features and Outstanding Natural Landscapes.

- Policy 4.2.1.5a** When locating Urban Growth Boundaries or extending towns and rural settlements through plan changes to provide for urban development have particular regard to minimising significant adverse effects on the values of open rural landscapes.
- Objective 4.2.2A** A compact and integrated, and well designed urban form within the Urban Growth Boundaries that:
- (i) is coordinated with the efficient provision, use and operation of infrastructure and services; and
 - (ii) Is managed to ensure that the Queenstown Airport is not significantly compromised by the adverse effects of incompatible activities.
- Policy 4.2.2.1** Integrate urban development with existing or proposed infrastructure so that:
- a. urban development is serviced by infrastructure of sufficient capacity; and ...
- Policy 4.2.2.2** Allocate land within Urban Growth Boundaries into zones which are reflective of the appropriate land use having regard to:
- a. its topography;
 - b. its ecological, heritage, cultural or landscape significance if any;
 - c. any risk of natural hazards, taking into account the effects of climate change;
 - d. connectivity and integration with existing urban development;
 - e. convenient linkages with public transport;
 - f. the need to provide a mix of housing densities and forms within a compact and integrated urban environment;
 - fa. the level of existing and future amenity that is sought (including consideration of any identified special character areas);
 - g. the need to make provision for the location and efficient operation of infrastructure and utilities, including regionally significant infrastructure;
 - h. the need to provide open spaces and community facilities that are located and designed to be safe, desirable and accessible;
 - i. the function and role of the town centres and other commercial and industrial areas as provided for in Chapter 3 Strategic Objectives 3.2.1.2 - 3.2.1.5 and associated policies; and
 - j. the need to locate emergency services at strategic locations.
- Policy 4.2.2.3** Enable an increased density of well-designed residential development in close proximity to town centres, public transport routes, community and education facilities, while ensuring development is consistent with any structure plan for the area and responds to the character of its site, the street, open space and surrounding area.
- Policy 4.2.2.4** Encourage urban development that enhances connections to public recreation facilities, reserves, open space and active transport networks.

- Policy 4.2.2.5** **Require larger scale development to be comprehensively designed with an integrated and sustainable approach to infrastructure, buildings, street, trail and open space design.**
- Policy 4.2.2.6** **Promote energy and water efficiency opportunities, waste reduction and sustainable building and subdivision design.**
- Policy 4.2.2.7** **Explore and encourage innovative approaches to design to assist provision of quality affordable housing.**
- Policy 4.2.2.13** **Define the Urban Growth Boundaries for the balance of the Wakatipu Basin, as shown on the District Plan web mapping application that:**
- a. are based on existing urbanised areas;**
 - b. identify sufficient areas of urban development and the potential intensification of existing urban areas to provide for predicted visitor and resident population increases over the planning period;**
 - c. enable the logical and sequenced provision of infrastructure to and community facilities in new areas of urban development;**
 - d. protect the values of Outstanding Natural Features and Outstanding Natural Landscapes;**

7.69 The key Chapter 5 provisions are:

- Objective 5.3.1** **Consultation with tangata whenua occurs through the implementation of the Queenstown Lakes District Plan Policies**
- Policy 5.3.1.1** **Ensure that Ngāi Tahu Papatipu Rūnanga are engaged in resource management decision making and implementation on matters that affect Ngāi Tahu values, rights and interests, in accordance with the principles of the Treaty of Waitangi.**
- Policy 5.3.1.3** **When making resource management decisions, ensure that functions and powers are exercised in a manner that takes into account 5 iwi management plans.**

7.70 The imperatives from these provisions can be broadly summarised as:

- New urban development is strategically located;
- Infrastructure and development are integrated and co-ordinated;
- Landscape values are protected;
- Nature conservation values are protected;
- There are increased densities close to centres;
- There is a range of housing typologies with emphasis on affordability;
- Ngāi Tahu values are taken into account in decision making;

- Commercial centres have regard to the centres hierarchy;
- New urban areas are designed comprehensively.

7.71 The s32 evaluation considered the TPLM Objectives (in Chapter 49.2) in the context of the higher order objectives and policies, and, in summary, found that the Objectives are consistent with and achieve the higher order provisions. I further consider the TPLM objectives in Section 14 below in the context of the s32 test, following my analysis of the submissions and further submissions.

Test G: whether the policies and methods are the most appropriate way to achieve the TPLM Objectives

7.72 The s32 evaluation assessed the ways in which the policies and methods achieve the TPLM objectives, having had regard to alternative provisions, and taking into account the efficiency and effectiveness of the provisions, the costs and benefits, and the risk of acting or not acting. I will not further address that evaluation here but will revisit the provisions once I have addressed the submissions and further submissions.

8. STAKEHOLDER ENGAGEMENT AND CONSULTATION

8.1 The stakeholder engagement and consultation undertaken over the Establishment Report, the Spatial Plan, and the Masterplan processes has been considerable, and is summarised in [Table 2](#) below.

Table 2 – stakeholder and community consultation

Date	Consultation undertaken
<i>Te Putahi Ladies Mile Masterplan Establishment Report</i>	
1 November 2019	Landowners' workshop (major landowners)
4 November 2019	Community workshop
13 November 2019	Transport and Land Use integration workshop (public sector stakeholders and iwi representatives)
Unknown	Major landowners meeting (four out of the five landowners)
<i>Queenstown Lakes District Council Spatial Plan July 2021</i>	
18 February – 20 March 2019	My Place Session – Community Workshop Roadshow
4 – 27 November 2019	Grow Well Whaiora – Community Workshop Roadshow
7 November – 8 December 2019	Let's Talk – QLDC online community engagement website
19 – 20 November 2019	Upper Clutha and Wakatipu
29 September and 1	Targeted Stakeholder workshops – Luggate and Hawea settlements

October 2020	
December 15 – 26 January 2021	Pre-consultation engagement of the Draft Spatial Plan
15 March – 19 April 2021	Public submission period open
3 – 4 May 2021	Hearing of submissions
<i>Te Pūtahi Ladies Mile Masterplan</i>	
2020 - 2021	Various group and individual meetings with landowners and other stakeholders
2020 – 2021	Various meetings with the LHESCCA
12 – 16 November 2020	Let's Talk online survey
12 November 2020	Public open day session
14 November 2020	Public open day session
30 April 2021 – 28 May 2021	Draft Masterplan and draft provisions released for community feedback
5 May 2021	Community information evening session
2020 – 2021	Ongoing liaison with Aukaha / Te Ao Marama, Waka Kotahi, Kāinga Ora, Ministry of Education, and Council officers, as part of the TPLM working group meetings
<i>Ladies Mile Pet Lodge Consultation</i>	
17 August 2020	Meeting with Pet Lodge owners
31 August 2020	Site visit to Pet Lodge with owners
11 September 2020	Phone call with Pet Lodge owners
20 October 2020	Meeting with Pet Lodge owners
21 October 2020	Meeting with Pet Lodge owners following the landowner presentation
12/14 November 2020	Public open day session
30 April 2021 – 28 May 2021	Draft Masterplan and draft provisions released for community feedback
5 May 2021	Community information evening session – direct conversation with TPLM representatives
Online meeting	Discussion with Pet Lodge owners and representatives regarding Howards Drive intersection design and Waka Kotahi discussions

8.2 This complements Appendix C to the SPP application which sets out in detail the consultation and engagement undertaken during the TPLM Masterplanning and Variation process that preceded the SPP application.

9. JURISDICTIONAL MATTERS / SCOPE

9.1 Before recommending any amendments to the TPLM Variation, the Hearing Panel must consider whether there is scope to make such amendments. In doing so, the Hearing Panel must consider whether:

- First, submissions received are “on” the TPLM Variation; and
- Secondly whether the amendments are within the scope of the submissions.

9.2 There is a substantial body of case law on the matter of scope, and I have asked for legal advice on the matter. Wynn Williams has provided that advice and I attach it, at [Appendix C](#). Wynn Williams’ conclusions are that some submissions are not within scope. A summary is set out in [Table 3](#) below.

Table 3: Wynn Williams summary of the submissions considered to be not within scope

Rezoning beyond TPLM Variation Area			
Submitter	Point	Summary	Reasons
Jo and Matt Dobb #37	OS37.1 - OS37.7	The extent of the TPLM Variation be extended to include re-zoning of the upper terrace of the site located at 13 Ada Place, Lake Hayes Estate, and rezone the upper terrace of 13 Ada Place, Lake Hayes Estate to EITHER: (i) Te Putahi Ladies Mile Zone (Medium Density Precinct), to align with the northern side of the Ladies Mile, OR: (ii) Low Density Suburban Residential zone, to align with Lake Hayes Estate or the Queenstown Country Club	It is considered that this submission is not “on” the TPLM Variation. 13 Ada Place was not notified as being rezoned or included in the TPLM Variation, and therefore there was no analysis within the s32 Report of any change to this land.

<p>Anna Hutchinson Family Trust #107</p>	<p>OS107.1 - OS017.21</p>	<p>That the area to the west of the notified Variation boundary (Part Section 62 Block III Shotover SD, Part Section 888R Block III Shotover SD, Part Section 62 Block III Shotover SD, Lot 1 DP 17388, Lots 2 and 3 DP 310444, Lots 1, 2, 3, and 5 DP 516751, and Section 159 Block III Shotover SD) (Extension Area) is included within the UGB, and that the Extension Area is rezoned to TPLM Zone and that a mix of MDR and LDR Precincts be applied to the area in the manner shown in Attachment A to the submission.</p> <p>The submitter also seeks for the relevant Precinct provisions and standards set out in Table 2: 49.5.15-49.5.36, and Table 1: 49.5.1-49.5.14 (as more specifically modified by this submission) to apply to the Extension Area.</p>	<p>It is considered that this submission is not “on” the TPLM Variation.</p> <p>The Extension Area was not notified as being rezoned or included in the TPLM Variation, and therefore there was no analysis within the s32 Report of any change to this land.</p> <p>This is a significant change to the TPLM such that substantial analysis in s32 Report would have been required for this change.</p>
<p>Extension of the UGB and consequential amendments to the Slope Hill ONF</p>			
<p>Submitter</p>	<p>Point</p>	<p>Summary</p>	<p>Reasons</p>
<p>Maryhill Limited #105</p>	<p>OS105.8</p>	<p>That the boundary and classification of the lower flanks of Slope Hill ONF be amended, noting this ONF is yet to be tested through the separate proposed landscape schedule process.</p>	<p>It is considered that this submission is not “on” the TPLM Variation.</p> <p>While TPLM Variation amends the UGB, it is not proposing to amend the Slope Hill ONF. This is very clear in s32 (and substantive further s32 analysis would be required to encroach into the Slope Hill ONF).</p> <p>Further, the Slope Hill ONF is currently being reviewed in a proposed Variation to the QLDC PDP: Priority Area Landscape Schedules. Any shifts to the Slope Hill ONF through the TPLM Variation would likely deny those parties involved in the landscape schedules process an effective opportunity to respond to these additional changes.</p>
	<p>OS105.9</p>	<p>That the developable land outside of the amended boundary of the Slope Hill ONF be included in the Masterplan and / or rezoned for rural lifestyle or residential purposes as a transition or buffer to the residual farm land.</p>	
	<p>OS105.10</p>	<p>That the UGB and TPLM Variation Structure Plan boundary be amended to align with the amended Slope Hill ONF boundary.</p>	
<p>Glenpanel Development Limited #73</p>	<p>OS73.3</p>	<p>That the UGB be extended (and any consequent extension of the relevant Zoning and Precinct) to better enable the extent of development that is appropriate</p>	<p>I do not consider this submission point to be “on” the TPLM Variation.</p> <p>While TPLM Variation amends the UGB, it is not proposing to</p>

		in the Glenpanel Precinct, together with critical infrastructure that will support the eastern corridor into the future.	amend the Slope Hill ONF. This submission point seems to be on presumption that Slope Hill ONF would also change, given development sought in that area. Same reasons as above.
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9.3 Notwithstanding Wynn Williams recommendations regarding what submissions and submission points are not “on” the TPLM Variation, I provide recommendations on the merits of these submissions and submission points at Sections 12 and 13 below, should the Hearing Panel come to a different conclusion on scope.

10. RATIONALE FOR, AND THE COUNCIL’S ROLE IN PROMOTING, THE TPLM VARIATION

10.2 In this section I explain the rationale for the Council taking the leadership role in masterplanning the TPLM area and advancing this Variation.

10.3 I refer to this rationale when I consider the submissions and further submissions on the TPLM Variation, in Sections 11 – 13 below.

10.4 To reiterate (from Section 5 above), the lead-off paragraph in the TPLM Zone’s Purpose statement, at Chapter 49.1, is:

The Te Pūtahi Ladies Mile Zone implements the Spatial Plan and Te Pūtahi Ladies Mile Masterplan by providing a planning framework designed to achieve an integrated urban environment. The purpose of the Zone is to ensure efficient use of land for the provision of housing within an integrated, well-functioning, and self-sustaining urban community, that is inclusive of communities in nearby zones. ...

10.5 This promotes three key elements which are central to the rationale for the TPLM Variation:

- implementing the Spatial Plan;
- ensuring the efficient use of land for housing;
- achieving an integrated, well-functioning and more self-sustaining urban community inclusive of the nearby communities.

10.6 To build on these key elements the rationale for the TPLM Variation, and for the Council’s promotion of it, comprises a series of inter-related and co-dependent factors which I set out as follows:

- (a) The NPS-UD requires that the Council provides at least sufficient development capacity to meet expected demand for housing and business land over the short, medium and long terms⁴⁷ and that planning decisions contribute to well-functioning urban environments that as a minimum (and among other things) have a variety of homes that meet the needs of different households in terms of type, price and location⁴⁸;
- (b) The regional policy statements direct (in broad summary) that the management of interconnected natural and physical resources is integrated and co-ordinated; that urban growth and development is well designed, strategic, and integrates effectively with adjoining urban and rural environments; that infrastructure and land use are integrated; that ecosystem health and wellbeing is protected; and that housing capacity, choice, quality and affordability is improved;
- (c) A key facet of the PDP's strategic direction is that urban growth is managed in a strategic and integrated way, with a compact, well designed and integrated urban form that provides a mix of housing opportunities and desirable, healthy and safe places to live, work and play; while protecting rural landscapes from sporadic and sprawling urban development; integrating with infrastructure; and protecting nature conservation values;
- (d) The population of the Queenstown / Wakatipu area (and indeed the rest of the District) continues to grow, with consistently one of highest growth rates in the country. While there is zoned and feasible capacity, there is nevertheless demand for new dwellings in the Queenstown area, and a projected gradual shift in demand to more intensive dwellings in response to affordability pressures, household trade-offs and development opportunity⁴⁹;
- (e) In the Wakatipu, greenfields land that has the combination of attributes necessary for larger scale, integrated and co-ordinated urban development is a finite resource, and the efficient use of such land is therefore critical. These attributes are:
 - (i) Of sufficient size to accommodate significant population and associated facilities, amenities and services;
 - (ii) Outside of ONLs, ONFs or other significant features;
 - (iii) Able to be developed so that water quality and effects on nature conservation

⁴⁷ NPS-UD, Policy 2

⁴⁸ *ibid*, Policy 1(a)(i)

⁴⁹ Evidence of Susan Fairgray dated 27 September 2023, paragraphs 11 – 17.

values and sensitive receiving environments can be properly managed;

- (iv) Flat (for development efficiencies) and sunny (for ongoing energy efficiencies);
 - (v) Not prone to significant natural hazards;
 - (vi) Adjacent to and able to integrate with existing urban areas;
 - (vii) Where land use development and infrastructure are able to be integrated, both spatially and temporally, and efficiently;
- (f) The Ladies Mile area possesses many if not all these attributes and hence has repeatedly been recognised as being suitable for urban expansion, including during the District Plan review and in the Spatial Plan formulation – the latter identifying Ladies Mile as the “Eastern Corridor” which, along with the “Southern Corridor” are the two key greenfield locations in the Wakatipu identified for significant urban development. The HIF funding for infrastructure works based on serving 1100 units on the northern side of SH6 at Ladies Mile is further recognition of the appropriateness of the land for urban expansion⁵⁰;
- (g) Given the current PDP zonings, the multiple landowners⁵¹ and the various indications (as above) that the Eastern Corridor is suitable for urban development, it is in my view inevitable that the TPLM area will be developed in one way or another, including:
- (i) in accordance with the current zonings, which would yield around 120 large residential lots and rural lifestyle lots; or
 - (ii) if landowners successfully obtain approvals for urban development under non-RMA mechanisms and largely out of the Council’s control, such as is being attempted (I understand) again through the Covid fast track consenting legislation; or
 - (iii) if landowners apply through RMA mechanisms (resource consents or plan changes) that are potentially out of the Council’s control by succeeding at Environment Court level through direct referral or after unsuccessful first instance hearings;

– which, in any of these scenarios, would, or would potentially, be *ad hoc* and lead to un-coordinated, unintegrated and inefficient outcomes;

⁵⁰ As I discussed in Section 6 above

⁵¹ There are 16 landowners within the TPLM Variation area

- (h) The existing dormitory suburbs within the Eastern Corridor do not provide a diversity of housing typologies, are low density and lack adequate community facilities or social amenities to serve the day to day needs of their communities, and are not well served by public transport. This has resulted in a dependency on private vehicles as the primary mode of transport and a high number of private vehicle trips outside of the Eastern Corridor;
- (i) The large vacant remaining spaces available at TPLM north and south of SH6 provide the opportunity for a single, comprehensive, masterplanned urban expansion that takes account of all the natural and physical resources and that can contribute to fulfilling the Council's functions and responsibilities under the national, regional and district instruments;
- (j) In recognition of the TPLM's location and other attributes, the Council has taken the opportunity to promote a single, comprehensive, masterplanned approach to urban expansion at TPLM. In resolving to do so, the Council considered this to be a significantly superior forward planning option than the alternative and in all likelihood *ad hoc* methods;
- (k) In formulating the TPLM Masterplan and Variation, the immediate and wider environmental conditions at TPLM were recognised, particularly the existing suburban development, the SH6 corridor and the peak period traffic pressure already on it, the nearby and surrounding landscape values; the sensitivity of natural values and waterways; and the need for land use efficiencies and promoting housing affordability (and noting that the TPLM Variation is being promoted at a time that the Council's Inclusionary Housing Variation, which more directly deals with providing for affordable housing across the District, is also progressing);
- (l) In response to the environmental conditions the TPLM Variation provisions enable or require:
 - (i) Urban zoning for a range of urban housing densities, to promote as far as possible affordability choices for the market, and to provide for and require (over much of the area) higher and medium density housing typologies, and range of housing unit size, that complement the generally lower densities and larger-scale unit sizes in the existing Eastern Corridor communities. The goal is to attain, across the whole of the Eastern Corridor, a critical mass of population that can sustain social facilities and amenities, and public transport, to be implemented from now through to a horizon (based on the Spatial Plan) to around 2050;
 - (ii) Provision of new social facilities and amenities, including retail, other

commercial activities, offices, recreation and schools, for the day to day needs of the new and existing Eastern Corridor suburban communities; as well as communities further afield including Arrowtown and the other urban and rural / rural lifestyle communities in the Wakatipu Basin;

- (iii) Provision of convenient north-south linkages for vehicles, public transport, walking and cycling to access the range of facilities and amenities between the communities south of SH6 and the new communities to the north;
- (iv) Provision of new roading in specific locations; the requirement for upgrading works within the SH6 corridor with the goal of SH6 becoming an urban avenue rather than a rural highway, to facilitate a significantly better public transport service for the existing and new communities within the Eastern Corridor and better integration for pedestrians and cyclists between north and south of SH6;
- (v) The requirement for the transport infrastructure upgrades to be in place prior to the rollout of residential and commercial development, to ensure that the infrastructure upgrading, to enhance the public transport offering for the Eastern Corridor, is in step with the development it serves;
- (vi) A significantly greater degree of self-sufficiency within the Eastern Corridor, taking into account (i) – (v) above, to:
 - contain as far as possible private vehicle trips within the Eastern Corridor;
 - reduce as far as possible the number of private vehicle trips to destinations outside the Eastern Corridor and particularly to the west across the Shotover Bridge;
 - maximise the opportunities for active and public transport within and to and from the Corridor;
- (vii) A sensitive approach to stormwater management, taking into account the effects on water quality within the area and the sensitivity of external receiving environments;
- (viii) An approach to subdivision, site and building design that strikes (in my view) a balance between necessary intervention (to ensure that good urban design and amenity outcomes) and unnecessary intervention (to avoid overly limiting the flexibility that developers and designers wish for);
- (ix) The contribution to the reduction of greenhouse gas emissions through:

- reducing car dependence by maximising residential yield within the limited land area available; enabling commercial, educational and recreational opportunities within easy, walkable proximity of most of the residential population; maximising the opportunities for convenient public and active transport; and
 - promoting and encouraging carbon reductions in design;
- (x) The mitigation of the effects of climate change through appropriate stormwater management; and
- (xi) Through the Structure Plan, and the non-complying status to depart from the Structure Plan for key physical elements, the co-ordination and integrated subdivision and development across the Zone despite the multiple ownerships.

10.7 Taking into account all of the above in a holistic sense, the intention is for the TPLM Variation to complement the existing suburban communities within the Eastern Corridor and in combination with those communities to become a well-functioning urban environment under Policy 1 of the NPS-UD. More specifically on the components of Policy 1, I consider that the TPLM Variation will:

- (g) Enable, along with the existing Eastern Corridor communities, a wide variety of homes that would meet the needs, in terms of type, price, and location of different households; including for Māori to express their cultural traditions and norms;
- (h) Contribute to the variety of sites that are suitable for certain business activities in terms of location and site size, for the primary purpose of serving the day to day needs of the Eastern Corridor communities and communities further afield, while taking into account the role of the larger, more regional centre nearby at Frankton;
- (i) Through the requirements for transport infrastructure works to precede development to better enable public transport services and active transport links, provide better accessibility options between housing, jobs, community services, natural spaces, and open spaces;
- (j) Contribute to supporting, and limiting as much as possible adverse impacts on, the competitive operation of land and development markets within the Wakatipu;
- (k) Support reductions in greenhouse gas emissions by reducing as far as possible private vehicle trips within and to and from the Eastern Corridor, while requiring and encouraging (through resource consent requirements) attention to sustainability in site and building design; and

- (l) Promote resilience to the likely current and future effects of climate change through appropriate stormwater management methods.

10.8 I will further consider these specific matters, and the overall rationale for the Masterplan and Variation in Part 12 below, following my consideration of the submissions and further submissions.

11 ANALYSIS OF SUBMISSIONS AND FURTHER SUBMISSIONS

INTRODUCTION

11.1 The submissions (as supported or opposed by further submissions) seek that the Variation be rejected or accepted or seek that amendments are made to the TPLM Variation provisions, for various reasons. In this section I address the various “themes” from the submissions. These are:

- A. Growth in the District should be stopped or slowed;
- B. More land is not required for urban growth;
- C. Adequacy and outcomes of consultation;
- D. Appropriateness of Ladies Mile for urban development;
- E. Appropriateness of other locations for urban development;
- F. Certainty, robustness and outcomes of the provisions;
- G. Density minima provisions;
- H. Infrastructure staging triggers;
- I. Stormwater and ecology;
- J. Visitor Accommodation and Residential Visitor Accommodation;
- K. Land productivity and the NPS-HPL;
- L. Sustainability and climate change;
- M. Aviation issues;
- N. Heritage and the Glenpanel Precinct.

11.2 I work through these themes as follows, and break them down into sub-themes as necessary, with reference to the evidence of the experts in the relevant disciplines as necessary, and also to the rationale for the Variation that I discussed in Section 10 above. In my discussion I indicate whether I agree or disagree with the various submissions, my reasons, and comment on the implications if any for the Variation.

11.3 I may not specifically refer to or address an aspect of a submission however that does not mean that I have not considered it, or the subject matter of that submission, in forming my opinion regarding the submission and its reasoning. In many cases, where I am

referring to and relying on the expert opinion of other witnesses, they will have addressed the submission points relevant to their discipline in more detail.

- 11.4 There are also some matters raised in submissions on specific TPLM Variation provisions that I do not specifically discuss in this section. Appendix D to this Report contains my evaluation and recommendations on the various modification to TPLM Variation provisions sought by submitters. Where I do not specifically address a matter raised in submission in this section, Appendix D should be consulted.

THEME A: GROWTH IN THE DISTRICT SHOULD BE STOPPED OR SLOWED

- 11.5 Submitters¹ consider that the District's growth rate should be slowed down because of the perceived current and future negative outcomes of rapid growth, that Queenstown cannot continue to grow at its current rate.
- 11.6 Firstly, there is what could be called a social justice issue arising from existing residents – who are presumably living in the District for lifestyle or other reasons that are personal to them – seeking to “close the door” on new entrants wishing to live in the District for their lifestyle or other reasons.
- 11.7 Secondly, there is no practical legal mechanism for the Council to “close the door” by slowing or stopping the rate of the District's growth. The RMA does not provide a mechanism. Any Council decision to consciously not zone for or allow any more housing would be contrary to the sustainable management purpose of the Act (s5) and the functions of the Council (s31), and would also be contrary to the NPS-UD, the regional instruments and the settled higher order provisions of the PDP. These all direct the Council to manage growth by (among other things) providing for well-functioning urban environments, closely monitoring growth, ensuring a forward supply of housing, and ensuring a competitive housing market.
- 11.8 I therefore disagree with the submissions seeking that the Council (and TPLM Variation) somehow slows or stops growth in the District.

THEME B: MORE LAND IS NOT REQUIRED FOR URBAN GROWTH

- 11.9 Submitters² consider that the problem of a lack of housing will not be solved by rezoning

¹ #57 (C Austin), #70 (J Alexander), #118 (M Barrett)

² #23 (N Lisitsina), #32 (L Martin), #35 (P Chudleigh), #47 (R Burnell), #57 (C Austin), #70 (J Alexander), #76 (M Wheeler), #111 (R Hanan)

more land for new housing and that there is already sufficient available land zoned including for higher density residential development, such as Remarkables Park and the Five Mile. They consider that the existing zones should be built out before new land is zoned.

- 11.10 I agree that there are existing zoned areas of land that are undeveloped. These include large parts of Kelvin Heights, Remarkables Park and the Frankton Flats. I address the latter two areas further under Theme E below. Their zonings, in part, allow for high density residential development, and some development for that purpose has been undertaken, but there are still large areas available.
- 11.11 The Council's Intensification Plan Variation documentation shows that there is still a lot of plan-enabled housing capacity that is commercially feasible and realisable, in current market conditions, and this demonstrates that the Council is meeting its obligations under Policy 2 of the NPS-UD which requires that authorities, at all times, provide at least sufficient development capacity to meet expected demand for housing and for business and land over the short term, medium term and long term.
- 11.12 Ms Fairgray has addressed this issue. She considers that the sufficiency of dwelling capacity at the total urban area level (i.e. at the district scale) forms only one component in assessing the appropriateness of the TPLM Variation. She agrees that dwelling demand could be met at the total district level without the Variation and that both the existing baseline dwelling capacity and capacity that would be available under the Council's proposed Intensification Variation provisions generate plan-enabled capacity that substantially exceeds projected long-term demand³. She goes on to state:

[63]. In my view, it is appropriate for plan enabled and commercially feasible dwelling capacity to exceed demand. Only a portion of the capacity is likely to be available to or taken up by the market to be developed into dwellings.

[64]. I also consider that the sufficiency of dwelling capacity at the total urban area level forms only one component in assessing the ability for Queenstown to meet long-term housing demand and the appropriateness of the TPLM Variation proposal within this context. The location and type of dwelling development opportunity enabled under each planning scenario are not neutral. These are key factors that relate to the sufficiency of development opportunity in response to the level of relative demand that occur across different locations and parts of the market within the urban environment. It is important to provide choice and location to the market to provide a range of different locations that are appropriate for development.

³ Evidence of Susan Fairgray dated 27 September 2023, paragraph [62]

[65] I consider that the development patterns enabled under the TPLM Variation have an efficient location relative to current and future patterns of development in Queenstown’s spatial economic structure. My assessment of the development opportunity provided by the TPLM Variation is that it is likely to increase the range of dwelling types and range of values in the eastern corridor part of Queenstown. Diversifying the dwelling mix in this location is important in meeting relative demand through better aligning with long-term patterns of community demand. I consider that that these aspects are important to achieving a well-functioning urban environment in this location over the long-term.

11.13 I agree with and rely on Ms Fairgray’s views on this point, and reiterate further that, based on Ms Fairgray’s views, the Variation aligns with NPS-UD Policy 1 (well-functioning urban environments) and Policy 5, which states:

Policy 5: Regional policy statements and district plans applying to tier 2 and 3 urban environments enable heights and density of urban form commensurate with the greater of:

(a) the level of accessibility by existing or planned active or public transport to a range of commercial activities and community services; or

(b) relative demand for housing and business use in that location.

11.14 With reference to the rationale for the TPLM Variation that I discussed in Section 10 above, the Variation complements the existing lower density zonings and typologies at Lake Hayes Estate and Shotover Country Estate by requiring medium and higher densities, appropriately located in proximity to the new commercial centres and public transport, and provides facilities and amenities for the whole of the Eastern Corridor. These features collectively ensure that the TPLM and the Eastern Corridor are consistent with Policies 1 and 5 (both limbs (a) and (b)) above.

11.15 A further point on this theme is that there is no ability under the RMA for the Council to *make* a landowner develop their land for a certain purpose. The landowner can choose to not develop their land if they wish, and that is why larger areas of some urban zones, such as Kelvin Heights and Remarkables Park, have been vacant for a long period despite the opportunities (respectively, low density residential and high density mixed use residential) presented by the zoning.

11.16 The same would apply to the TPLM Variation, and I discuss this further in Theme F below. The TPLM Variation is not intended to be a “fast fix” but is taking a longer time horizon in meeting the Council’s obligations under the NPS-UD.

11.17 I therefore disagree with the submissions seeking to reject the Variation on the basis that

there is already sufficient land zoned for urban development.

THEME C: ADEQUACY AND OUTCOMES OF CONSULTATION

11.18 Submitters have expressed concerns about consultation and I have considered these in the following sub-themes:

- A perceived lack of consultation;
- That during the consultation the large majority of residents opposed the TPLM Masterplan and TPLM Variation and the Council has persisted regardless;
- That the representations to the Minister in the SPP application regarding consultation were misleading.

11.19 I address these as follows.

Sub-theme: Perceived lack of consultation

11.20 Submitters⁴ allege that the level of consultation undertaken during the masterplanning and variation process was inadequate.

11.21 The Council and its consultants undertook extensive consultation with a wide range of parties during the masterplanning and variation formulation (2020 – 2022), and the preceding process of developing the *Establishment Report* (2019 – 2020), in addition to the consultation for the Spatial Plan that promoted the Eastern Corridor.

11.22 The full list of the consultation undertaken for these three processes is set out in **Table 2** in Section 8 above (paragraph 8.1). That reveals that numerous engagements took place over a long period, with a wide group of consultees.

11.23 I therefore disagree with the submissions alleging that the consultation with the community and stakeholders was inadequate.

11.24 The Ladies Mile Pet Lodge Ltd (#78) submission at point 6 states: “*the Pet Lodge is deeply concerned as to the total lack of consultation with them as a directly affected party since the Variation process began*”. This allegation is plainly unfounded. Numerous direct consultations (in person and on-line) took place with this submitter over the course of the masterplanning and variation formulation – these are set out in **Table 2** also.

Sub-theme: That the large majority of residents are in opposition but the Council

⁴ #111 (Ralph Hanan), #79 (LHESCCA), #78 (Ladies Mile Pet Lodge Limited)

has persisted regardless

- 11.25 Submitters⁵ correctly state that during the April 2021 community consultation period for the Masterplan and TPLM Variation, a significant majority (86%) of respondents opposed the Variation. This consultation ran for 20 working days and included two online surveys (one for the draft Masterplan and one for the draft planning provisions) as the primary method for collecting feedback, while feedback via email was also received.
- 11.26 The feedback focused heavily on whether development was appropriate in this location and especially on the impacts on existing traffic congestion in the area. Concerns also included the lack of flexibility in various plan provisions and the impact that these may have on development outcomes.
- 11.27 Positive outcomes were identified also, including the provision of additional facilities and open spaces.
- 11.28 In response to the feedback the Council directed⁶ that further work be undertaken on the planning provisions and other methods to consider a staged approach that would restrict development until the necessary transport interventions had been confirmed.
- 11.29 Revised detailed planning provisions (an objective, policy suite, and rules to stage development) were accordingly developed, together with analysis of a range of transport-related mechanisms to be progressed via other, non-RMA methods. The Council at its October 2021 meeting resolved to adopt the TPLM Masterplan and Variation while acknowledging that the management and funding of stormwater, ecological plan and location of schools were yet to be resolved.
- 11.30 This consultation and subsequent response to the feedback received was in the context of:
- (a) The numerous more informal direct or indirect engagement sessions that the Council and/or the consultant team undertook with the community, including the LHESCCA, other stakeholders (the Ministry of Education, Aukaha, Te Ao Marama, Waka Kotahi, Kāinga Ora, Friends of Lake Hayes, ORC) and the landowners; and
 - (b) The gravity of the Spatial Plan as the key forward-thinking strategic indicator of urban expansion.
- 11.31 In addition to the consultation as discussed above, the Council's approach has been

⁵ Submitters #111 (Ralph Hanan), #79 (LHESCCA), #78 (Ladies Mile Pet Lodge Limited), #23 (N Lisitsina), #32 (LMartin), #42 (B Yuill), #47 (R Burnett), #59 (L Prytherch)

⁶ QLDC meeting dated 29 July 2021

influenced by:

- (a) the independent expert assessments and recommendations across the three processes (*Establishment Report*, Spatial Plan and the TPLM Masterplan / Variation) in relation to key issues (including in particular traffic, stormwater and ecology, and residential density);
- (b) the Council's own expertise in a variety of disciplines (traffic, civil engineering, parks and open spaces, planning); and
- (c) the consultation with the ORC and the relevant national authorities (especially Waka Kotahi and Kāinga Ora);
- (d) the PDP and regional and national planning instruments that direct the Council's roles and responsibilities in managing urban growth.

11.32 The Council has therefore consulted widely with the community and other parties, taken the feedback on board and acted to resolve the key issues (predominantly the traffic issues) raised in the feedback and addressed them, while also recognising the overall goals for managing urban growth in the short, medium and long terms. I do not consider that the submitters' concern about the Council's response to the consultation is a valid reason for the Council to shift direction.

Sub-theme: That the representations to the Minister in the SPP application regarding consultation were misleading

11.33 R Hanan (#111) alleges that the communications to the Minister for the Environment were misleading in that the Council indicated in the SPP documentation that consultation occurred and those consulted with were supportive of the QLDC's plans.

11.34 This allegation is unfounded. The Council's covering letter to the Minister included reference to the extensive consultation undertaken for the masterplan and variation, and the s32 evaluation submitted with the SPP request provided accurate information about the consultation and responses⁷.

Summary

11.35 For the foregoing reasons I disagree with the submitters' concerns about the adequacy and outcomes of the consultation undertaken during the various steps of this Variation process.

⁷ Section 32 Evaluation Report dated 9 June 2022, Sections 2.2 and 3

THEME D: THE APPROPRIATENESS OF LADIES MILE FOR URBAN DEVELOPMENT

- 11.36 Submitters⁸ consider that the Ladies Mile location is inappropriate for accommodating the urban growth. Other submitters⁹ consider that Ladies Mile is appropriate for urban development and support – at least in principle – the Variation (noting that many of these submitters conditionally support and/or oppose certain aspects of the Variation).
- 11.37 The issues raised in the submissions can be broken down into the following sub-themes:
- Traffic effects;
 - Effects on landscape values and rural character;
 - Other effects on the environment and other issues;
 - The TPLM in context of higher order objectives and policies;
 - Precedent;
 - The inevitability of development at Ladies Mile.
- 11.38 I emphasise again (but will not repeat) the overall rationale for the masterplanning process and the TPLM Variation which I discussed in Section 10 above.

Sub-theme: Traffic effects

- 11.39 The majority if not all of the submissions referred to in paragraph 11.36 that oppose the Variation are concerned about the traffic effects arising from the Variation. Their key

⁸ #1 (J Allen), #2 (U Davis), #3 (G Mark-Dear), #4 (G Dear), #5 (M Pettit), #6 (T Sanders), #9 (J Berriman), #10 (M Camilleri), #11 (I Moore), #12 (K Smith), #13 (J Newson), #14 (B Findlay), #15 (N Crouch), #16 (V Noskov), #17 (N Brown), #18 (S Melton & P Wong), #20 (S Belk), #21 (N Fairweather), #22 (A Meredith), #23 (N Lisitsina), #25 (J James), #26 (K Pirovano), #28 (J Lazar), #29 (H MacPherson) *note – unfortunately has since passed away, #30 (J Doe), #31 (G McBride), #32 (L Martin), #33 (J Crane), #34 (D Andrew), #35 (P Chudleigh), #38 (J Johnston), #39 (R Bowman), #40 (A Styris), #41 (S Pratley), #42 (B Yuill), #43 (M Spary), #44 (DoC), #47 (R Burnell), #48 (L Anderson), #49 (N Busst), #52 (G Egerton), #53 (P Thompson), #54 (S & K Strain), #57 (C Austin), #58 (R Cranfield), #59 (L Prytherch), #60 (M Pryde), #61 (Shotover Primary School), #61 (A McCarthy), #62 (J Smith), #63 (S Thornburg), #64 (R Kuhm), #65 (W Stiven), #66 (R George), #67 (S O'Donnell), #68 (N Winstone), #70 (J Alexander), #72 (T Stack-Forsyth), #74 (Blakely Wallace Family), #75 (Park Ridge Limited), #76 (M Wheeler), #78 (Ladies Mile Pet Lodge Limited), #79 (LHESHCCA), #82 (Roman Catholic Bishop of Dunedin), #84 (FlightPlan2050), #87 (M Read), #88 (L Nicolson), #89 (S Victor), #90 (D Behan), #91 (A Morris), #92 (S Brent), #96 (R Copland), #97 (P Crick), #98 (L McQuillan), #106 (Queenstown Country Club), #109 (R Macleod), #110 (T Sydney), #111 (R Hanan), #112 (J Lee), #113 (D Bergin), #114 (G Griffin), #115 (K & J Crane), #116 (M Bailey), #117 (N Martin), #118 (M Barrett), #119 (J Hamilton), #120 (L Keoghan), #121 (D Foggo), #122 (M Cole-Bailey), #123 (R Crick), #124 (G Tayler), #125 (N Scholfield)

⁹ #8 (N Sygrove), #19 (K Hill) #37 (J & M Dobb), #45 (Caitness Developments Limited), #46 (Shotover Country Limited), #51 (G Erving), #55 (Clark Fortune McDonald) #56 (AA Southern Lakes), #71 (G & S Stalker), #73 (Glenpanel Development Ltd), #77 (Ladies Mile Property Syndicate), #80 (80 Koko Ridge Limited), #81 (Doolytle and Son Limited), #83 (Otago Regional Council), #85 (No. 1 Hansen Road Limited), #86 (Ministry of Education), #93 (Sanderson Group & Queenstown Commercial Limited), #94 (Winter Miles Airstream Limited), #95 (C Evans), #99 (Corona Trust), #100 (Aukaha and Te Ao Marama Inc), #101 (D Finlin), #102 (A Reid), #103 (T Allen), #104 (Waka Kotahi), #105 (Maryhill Limited), #108 (Milstead Trust)

points of concern are, in summary:

- The existing transport infrastructure (SH6, intersections and the Shotover Bridge) is already overwhelmed and is congested and cannot tolerate the additional traffic from a further 2400 residential units in this area;
- The mode shift targets are unrealistic because people will still need to use private cars, will not use buses, and will not use active transport especially in the winter;
- There are flaws in the data and modelling;
- The parking maxima are too low;
- Various concerns about the development infrastructure triggers;
- Sylvan Street.

11.40 Waka Kotahi (#104) supports the Variation and seeks various changes to the provisions.

11.41 Other submitters support the Variation including in relation to traffic issues; these are referred to in paragraph 11.36 also.

11.42 Mr Shields and Mr Pickard have addressed the traffic issues in detail and responded to the submissions, and I will not repeat that detail but summarise and add to it, from my planning perspective, as follows.

Waka Kotahi's submission

11.43 The changes Waka Kotahi seek to the provisions are discussed by Mr Shields.¹⁰ They include the requirement for the bus lanes on SH6 to be included as components of the transport infrastructure staging standards at Rules 49.5.10, 49.5.33, 49.5.50, and 49.5.56. Mr Shields supports those inclusions (and I discuss them further in Theme H below and in [Appendix D](#)).

Existing congestion of the road network

11.44 Mr Shields acknowledges (as does Mr Pickard and as do I) the existing peak period congestion on SH6.¹¹ That problem will continue indefinitely without a range of interventions, and the Variation is one of the interventions. I addressed this in Section 10 above: to reiterate, the rationale is based on the requirement for the transport infrastructure upgrades to be in place prior to the rollout of residential and commercial

¹⁰ Evidence of Colin Shields dated 29 September 2023 at paragraph [64].

¹¹ Evidence of Colin Shields dated 29 September 2023 at paragraph [25].

development, and to promote a significantly greater degree of self-sufficiency within the Eastern Corridor, to contain as far as possible private vehicle trips within the Eastern Corridor; reduce as far as possible the number of private vehicle trips to destinations outside the Eastern Corridor and particularly to the west across the Shotover Bridge; and to maximise the opportunities for active transport within and to and from the Corridor.

11.45 The activities enabled within the Commercial Precinct, particularly the supermarket, and the open spaces and schools, as well as the high residential densities to support these facilities and amenities and the public transport strategy, are fundamental components of the intent of more self-sufficiency within the Eastern Corridor and less vehicle trips outside it.

11.46 These work alongside the other interventions by the Way2Go partners (Waka Kotahi, ORC and the QLDC) that Mr Pickard discusses¹², including:

- behavioural change initiatives (parking management planning, travel demand management, and travel management associations); and
- physical interventions including bus lanes and intersection treatments on SH6, the active travel network; and specific capex projects.

11.47 As discussed by Mr Shields¹³, the current transport infrastructure and hence commuter behaviour in the Eastern Corridor communities is car orientated and car dependent, and the national and local transport policies and strategies and investments are focussed on public and active transport modes rather than perpetuating the problems arising from car oriented infrastructure.

11.48 I agree with and support Mr Shields' and Mr Pickard's views on this issue.

Mode shift targets unrealistic

11.49 Mr Shields¹⁴ considers that the mode shift targets are challenging but achievable given the high density and mix of uses (and walkability) along with the public and active transport initiatives, both within the TPLM provisions and via other non-RMA means as discussed by him and Mr Pickard. These include enhanced bus services and enhanced bus priorities to provide "reliable and quick" bus journey times.

11.50 For these reasons, and the detailed reasoning provided by Mr Shields in relation to the mode shift targets, I consider that the suite of provisions (including the addition of the

¹² Evidence of Tony Pickard dated 29 September 2023, paragraphs [14] – [19].

¹³ Evidence of Colin Shields dated 29 September 2023, paragraphs [21] – [22].

¹⁴ *ibid*, paragraphs [110] – [127].

required bus lanes into the infrastructure staging standards) and the other non-RMA initiatives will be sufficient in achieving modal shift.

Flaws in data and modelling

11.51 Mr Shields responds to these criticisms and considers that the Transport Strategy that underpins the Variation is based on adequate modelling (the 2048 Queenstown Strategic Transport Model) which is the model used by the Way2Go partners for other projects also.

11.52 Further modelling has been undertaken using the Way2Go partners' updated 2053 Queenstown Strategic and public transport models and also 2023 transport surveys. As reported in Mr Shields' evidence¹⁵, this reconfirms the Transport Strategy findings.

Parking maxima too low

11.53 The restriction in parking, by imposing parking maxima, is a key part of the overall traffic strategy to reduce reliance on the private car. Mr Shields explains this¹⁶, and concludes that he does not agree with increasing the parking maxima other than in the LDR Precinct.

11.54 I agree, for the reasons discussed by Mr Shields.

Concerns with the development staging triggers

11.55 I address this under Theme H below, and Mr Shields addresses it also¹⁷. The staging rules are necessary to ensure that development and infrastructure are integrated and so that the necessary infrastructural elements are guaranteed to be in place, and so that the development can benefit from the transport initiatives immediately.

11.56 For this reason I agree with Mr Shields in not agreeing with a trigger point of 400 residential units in Sub-Areas B, C and E before the infrastructure works are completed.

Sylvan Street

11.57 As discussed by Mr Shields¹⁸ the Sylvan Street link is an integral component of the overall transport strategy, as an additional and convenient connection for all transport modes. Mr Shields explains how the effects of that link can be mitigated, including during construction, and I agree with his assessment.

¹⁵ *ibid*, paragraphs [46] – [55].

¹⁶ *ibid*, paragraphs [145] – [153].

¹⁷ *ibid*, paragraphs [96] – [101].

¹⁸ *ibid*, paragraph [157].

Summary

- 11.58 Overall I agree with Mr Shields' and Mr Pickard's responses to the submissions and consider that the modifications to the provisions, in response to Waka Katahi's submission, will further strengthen the intentions of and enhance the prospect of the success of the Transport Strategy.
- 11.59 I therefore disagree with the submissions that seek that the Variation be rejected on traffic grounds, and agree with the submissions that seek that the Variation be accepted with the changes to provisions that are supported by Mr Shields, as discussed above.

Sub-theme: Landscape and rural character

- 11.60 Submitters¹⁹ consider, in broad summary, the TPLM Variation will adversely affect landscape and amenity values, including the Slope Hill ONF, the rural character of the local and wider area, and the "rural gateway entrance to Queenstown".
- 11.61 Bridget Gilbert and Steve Skelton have addressed the submissions in detail and I rely on their expert opinions. Mr Skelton has assessed the values of the local and wider landscape and the impact of the TPLM zoning on these values. He acknowledges that the Variation will change the character of the area, from rural to urban, and considers that the change will be well contained and limited to the immediate surrounds. In relation to the key public viewpoint of the development area, SH6, he states:

46. *The main adverse effect associated with the proposed variation can be attributed to a reduction of visual access across an open landscape to the foot of Slope Hill. However, from much of the land adjacent to SH6, these views are not currently available as the highway is lined with vegetation and/or mounding. A loss of openness and reduction in open character is anticipated by the existing Rural Lifestyle zoning in the TPLM Variation Area. That existing amenity value is likely to be reduced in the future with anticipated Rural Lifestyle type development and its accompaniments such as rural character trees, mounding, buildings, hedges and the like. ...*

48. *I consider the development of the TPLM Variation Area will change the visual amenity as experienced from the TPLM portion of SH6 in the vicinity of the site. However, the memorable and valued views across open spaces to the wider mountain ranges will largely be retained through the use of BRAs. I consider the TPLM Variation will result in low-moderate adverse effects on visual amenity from SH6 as visual access across open lands to the foot of Slope Hill will be reduced.*

¹⁹ #5 (R Petit), #6 (T Sanders), #12 (K Smith), #14 (B Findlay), #16 (V Noskov), #17 (N Brown), #20 (S Beck), #21 (N Fairweather), #22 (A Meredith), #23 (J James), #31 (G McBride), #32 (L Martin), #34 (D Andrew), #35 (P Chudleigh), #40 (A Styris), #42 (B Yuill), #43 (M Spary), #47 (R Burnell), #50 (K Netzier), #60 (M Pryde), #67 (S & B Odonnell), #70 (J Alexander), #72 (T Stack-Forsyth), #74 (Blakely Wallace Family), #97 (LHESCCA), #97 (P Crick), #98 (L McQuillan), #109 (R Macleod), #114 (G Griffin), #118 (M Barrett)

- 11.62 Mr Skelton concludes that overall the TPLM Variation will result in low-moderate adverse effects on the visual amenity experienced from TPLM, and no more than a very low adverse effects on the visual amenity experienced in other parts of the surrounding landscape. He considers that the Variation will change the character of TPLM, but the landscape of the Whakatipu Basin as a whole will be maintained. therefore disagrees with the various submitters that consider the Variation will cause adverse effects on these values.
- 11.63 Ms Gilbert has specifically focussed on the submissions relating to the effects on the Slope Hill ONF. In summary, she considers that²⁰:
- (a) The Slope Hill ONF mapping was confirmed by the Environment Court in the Topic 2.7 Decision;
 - (b) The TPLM Variation area avoids encroaching into the Slope Hill ONF;
 - (c) The introduction of urban development directly adjacent the ONF is a reasonably common occurrence in the more developed parts of the District, and that it is an inevitable consequence that urban development will be juxtaposed against ONLs or ONFs in a district in which approximately 97% of the land area is classified as either ONL or ONF;
 - (d) The extent of the TPLM Variation being outside of the Slope Hill ONF along with the various TPLM provisions will ensure that the urban development will not destroy the ONFs and ONLs in the area, will not compromise the part of Slope Hill ONF running down to Ladies Mile, will not adversely impact the Slope Hill ONF; and will not erode the Slope Hill ONF and the broader ONL.
- 11.64 In her view the TPLM Variation will not have adverse effects on the Slope Hill ONF and she therefore does not support the submissions relating to the Slope Hill ONF.
- 11.65 Ms Gilbert has also considered the submissions seeking that the ONF boundary be shifted or that development is allowed within the ONF. She does not support those submissions for the following reasons²¹:
- (a) The mapped extent of Slope Hill ONF and its s6(b) status has been confirmed by the Environment Court Decisions on QLDC PDP Topic 2²²;
 - (b) The boundary of the ONF is based on legible geomorphological factors, and the

²⁰ Evidence of Bridget Gilbert dated 29 September 2023, paragraphs [22] – [29].

²¹ *ibid*, paragraphs [40] – [64], [69] – [74].

²² The ONF boundary is fixed and submissions seeking any change to that boundary are out of scope of the TPLM Variation

land within the ONF contributes to the ONF's attributes and values;

- (c) The PDP objective and policy framework for ONFs and ONLs seeks their protection, and the shift of urban development into the ONF would conflict with this direction;
- (d) Enabling urban development up the lower reaches of the ONF slopes would irreversibly change the landform and would be inappropriate.

11.66 I rely on and agree with Ms Gilbert and Mr Skelton on these matters and therefore do not agree with the various submissions seeking that the Variation be rejected on landscape grounds or that the zoning is moved up into the lower slopes of Slope Hill.

Sub-theme: Other categories of effects on the environment

11.67 Submitters consider that the TPLM zoning and provisions will adversely affect existing activities and users at Ladies Mile, including Threepwood residents; the Pet Lodge; the Shotover Primary School roll; and that high density will lead to social problems.

The Pet Lodge – sensitivity / reverse sensitivity effects

11.68 The existing Ladies Mile Pet Lodge business is located at the northeastern corner of the proposed Howards Drive / SH6 intersection on the TPLM Structure Plan. The Pet Lodge land would be within the Commercial Precinct of the TPLM Zone.

11.69 Ladies Mile Pet Lodge Ltd (#78) considers that reverse sensitivity effects will arise in relation to the proposed urban activities and the existing, consented and long standing Pet Lodge business, and that it is unrealistic to propose commercial uses surrounding the Pet Lodge business. Although not stated what the reverse sensitivity effects would arise from, from the consultation that was undertaken with the Pet Lodge operators I understand that the issues are:

- the potential for noise generated within the Pet Lodge (such as dogs barking) attracting complaints from nearby landowners, and that this potential would be exacerbated by more intensive activities that bring more people to the area; and
- the potential for activities on nearby properties to adversely affect the pets in residence at the Lodge (presumably to a greater degree than the existing effects from heavy vehicles on the adjacent highway).

11.70 The existing PDP rules manage the effects of noise, and vibration, during construction activities and day-to-day operations. The proposed Chapter 36 rules for the TPLM Zone allow higher noise levels within the Commercial Precinct, which would apply to the Pet

Lodge and the neighbouring properties to the north, but not to the HDR Precinct to the west and east, which have lower noise limits.

- 11.71 I am aware that there are no-complaint covenants on properties around the Pet Lodge, in favour of the Pet Lodge and its on-going effects. The properties with such covenants are shown (with yellow dot) on the following aerial (the Pet Lodge is marked with the red dot):



- 11.72 The Pet Lodge's consents, and the covenants, would carry forward regardless of the underlying zoning of the land.
- 11.73 In my view the noise and vibration rules, and the existing use rights and covenants, should be adequate in addressing noise generated from within the Pet Lodge and the interplay of effects on and from surrounding properties.
- 11.74 Ultimately this is an existing rural activity and there will be inevitable incompatibilities with urban activities on adjacent and nearby properties, but the consents and the covenants would allow the operation to remain indefinitely, and developers of adjacent properties will need to bear this in mind.

Effects on Threepwood

- 11.75 Submitters²³ consider that the development will have adverse effects on aspects of activities at Threepwood, located immediately east of the TPLM area. The effects include the interruption of the active link trail along the paper road from the TPLM to Marshall Ave (within Threepwood) and then on to Lake Hayes; the stormwater management effects;

²³ #33 (Threepwood Farm Residents Association and the Threepwood Custodians Limited), #48 (L and D Anderson), #115 (K and J Crane)

and the ownership of the pump station land; and traffic. The latter three of these issues are addressed elsewhere in this report and/or by other witnesses.

- 11.76 The concern about the impact of the active travel link through part of Threepwood's farm, is that the legal road link passes across the only part of Threepwood that links the grazing areas on Slope Hill with the farm buildings and operations area, and hence would interfere with safe and efficient farm operations and cause risk to walkers and cyclists. The further concern is that if the farming operations need to be curtailed to remedy this problem, then the grazing land would revert to scrub with consequential landscape impacts.
- 11.77 I consider that this situation can be remedied reasonably simply with the type of cattle stop and / or gate system that is used extensively on public trails around New Zealand, including on the Central Otago Rail Trail and other similar routes and including public trails that cross active farms. The details of these works are set out in the *New Zealand Cycle Trail Design Guide*²⁴ and I would be confident that a suitable system could be designed to deal with the concern raised by the submitters.

Effects on Shotover Primary School roll

- 11.78 The Shotover Primary School Board of Trustees (Submitter #61) is concerned that the additional population from the TPLM Variation may have on the Shotover Primary School roll and the pressure it will place on the school's resources. The submission indicates that the school has capacity until, at current growth rate, 2030 before it reaches its current maximum enrolment capacity.
- 11.79 I understand that concern and note the Ministry of Education's submission in relation to the need for both new primary and secondary school sites and the Ministry's work in identifying and evaluating sites for both schools.
- 11.80 Because of the Ministry's efforts and given the period before the school's capacity would be reached I consider that rejecting the Variation on the basis of the potential future impact on the Shotover School is not justified.

Effects of high higher densities on social behavioural problems

- 11.81 M Barrett (#118) considers that with higher density living the Council will "have little or no ownership, minimal responsibility for social behaviour, and minimal control, the likelihood for problems developing seem considerable". No further reasons are provided.

²⁴ [\(link\)](#)

- 11.82 The are many instances of higher density living, including in this District, with no evidence that social behavioural problems arise to any greater extent than from other housing typologies, and whether or not the Council retains any ownership.
- 11.83 I therefore disagree with the submitter that the higher density promoted in the Variation will lead to social behavioural problems.

That the provisions will cause litigation risk

- 11.84 M Barrett (#118) also considers that the multiple ownerships and multiple developers will create considerable potential for litigation and associated costs, from defending cases in the Environment Court or in enforcing the masterplan.
- 11.85 I generally disagree but cannot discount any potential for litigation if enforcement is required by any parties (while noting that through the SPP there is no appeal right, of the final decision on the TPLM Variation, to the Environment Court). I do not consider that the potential for litigation is a valid reason for rejecting the Variation.

Sub-theme: The TPLM in the context of higher order objectives and policies

- 11.86 Submitters²⁵ consider that the Variation is contrary to the Strategic Direction in Chapter 3 of the PDP or that the Variation area is outside the UGB and has not been assessed against the wider strategic objectives and policies of the Wakatipu Basin. In contrast, the ORC (#83) considers that the Variation is consistent with key provisions of the PORPS19 and the pRPS21, and the submitters²⁶, in broadly supporting the Variation, generally support the UGB shift. The submitters²⁷ seeks confirmation (and extension) of the UGB. The submitter²⁸ generally supports the Variation but opposes and seeks changes to specific provisions, and considers that the Variation in its current form is contrary to higher order provisions.
- 11.87 I disagree with the submitters that consider the Variation is contrary to the PDP's strategic direction, for the following reasons:
- (a) The proposed TPLM Variation objectives have been evaluated in the context of s32(1)(a), as to their appropriateness in achieving the purpose of the Act and the higher order Strategic Direction objectives and policies of the PDP, and found to

²⁵ #75 (Park Ridge Ltd), #79 (LHESCCA)

²⁶ Refer footnote 9

²⁷ #73 (Glenpanel Development Limited), #108 (Milstead Trust)

²⁸ #93 (Sanderson Group)

meet that test²⁹, and I agree with that evaluation;

- (b) The Variation includes the intention of expanding the existing UGB at Ladies Mile around the TPLM Variation land, and this component of the Variation was thoroughly evaluated in the s32 evaluation;
- (c) Chapter 4 (Urban Development) of the PDP includes policies that address the circumstances where a UGB can be identified or changed, and the Variation is consistent with these policies and circumstances;
- (d) The higher order objectives and policies of the PDP give effect to the regional and national planning instruments, and the Variation is therefore, in the ascending hierarchy of instruments, consistent with those regional and national instruments, as discussed in the s32 and generally in Section 10 above.

11.88 In making the point in (d) above I am cognisant of the Otago Regional Council's submission that the Variation is consistent with the RPS.

11.89 I address these points later when I revisit the s32 tests.

Sub-theme: The precedent for urban development in rural areas

11.90 Submitter³⁰ expressed concerns that the urbanisation of rural land would cause an undesirable precedent for other rural areas being urbanised, and would lead to environmental creep into other rural areas.

11.91 The alleged "precedent" is in the sense that if this Variation is accepted then decision-making authorities would be obliged to accept any proposal for urban development on rural land. I disagree that if the TPLM Variation is accepted then a "precedent" would arise because every situation will have its own locational and other unique factors.

11.92 As I discussed in Section 10 above, the TPLM Variation:

- has been signalled (in the Stage 1 decisions) by the PDP Independent Commissioners in their holistic evaluation of the Wakatipu Basin during the PDP public policy process;
- is provided for in the Spatial Plan and is the key method for implementing the Spatial Plan's Eastern Corridor;

²⁹ s32 Evaluation Report dated 9 June 2022, part 7

³⁰ #35 (P Chudleigh)

- has HIF funding for works to service new urban development;
- is the outcome of a lengthy masterplanning process involving all stakeholders;
- aligns with the higher order objectives and policies of the relevant district, regional and national planning instruments;
- has been accepted by the Minister as qualifying for the SPP.

11.93 These factors would not be easily replicable. Further, the circumstance of the TPLM's location within the partially developed Eastern Corridor and the need for a node of more intensive amenity developed for the Eastern Corridor, and the benefits that derive from that intensive node, cannot be replicated.

11.94 These factors would not be easily replicable.

11.95 I therefore consider that any concerns about "precedent" are unfounded, and I disagree with the submitters on this point.

Sub-theme: That the Council's position that the Ladies Mile will inevitably be developed is flawed and that the Variation is therefore unnecessary

11.96 N Lisitsina (#23) considers that the Council can resist applications for development and that the Council's insistence that the area will inevitably be developed is flawed, and that the Variation is therefore not necessary for that reason.

11.97 I addressed this issue in Section 10 above in my discussion of the rationale for the TPLM Masterplan and Variation. I reiterate that, either through the existing Rural Lifestyle or Large Lot Residential zonings, or through RMA or non-RMA processes with or without the Council's agreement, while recognising the level of attention that the Eastern Corridor has received since 2017 about being urbanised, it is inevitable, in my view, that the TPLM land will be developed in one way or another.

11.98 I therefore do not consider that the Council's position on this issue is flawed. The Council and national authorities have, rightly in my view, resisted the more recent SHA and Fast Track applications in part because there is clear rationale for supporting and promoting a holistic approach. The TPLM Variation is the culmination of this intent.

THEME E: APPROPRIATENESS OF OTHER LOCATIONS FOR URBAN DEVELOPMENT

11.99 Submitters consider that other locations should be prioritised for growth ahead of Ladies

Mile. The locations identified by the submitters are:

- The Frankton Flats – Five Mile, Remarkables Park, and Frankton;
- Queenstown Airport;
- Jacks Point / Hanley Farm / Kingston Road;
- Kingston;
- Central Queenstown;
- Gorge Road;
- “Towards Glenorchy”
- Malaghans Road
- Dalefield / Thurlby Domain

11.100 I address these locations, as sub-themes, as follows:

Sub-theme: The Frankton Flats – Five Mile, Remarkables Park, and Frankton

11.101 Submitters³¹ consider that the Ladies Mile location is inferior to the Frankton Flats locations comprising Five Mile, Remarkables Park, and Frankton for accommodating urban growth. Their reasons are that there is existing infrastructure within these urban areas; there would be reduced pressure on SH6; these areas are already readily serviced by public transport; and that there is already provision for higher density, mixed uses (retail and commercial) and employment.

11.102 I agree that the Frankton locations have distinct benefits for urban growth. These benefits have already been recognised in the ODP when the Remarkables Park Special Zone, the Frankton Flats A Special Zone and the Frankton Flats B Special Zone were introduced, to complement the existing Frankton corner shopping area, the Glenda Drive industrial area, the airport, the Events Centre, and the Low Density residential zones. Development within all of these locations is developing in the manner allowed for by the respective zonings. The infrastructure, roading links, commercial and social facilities and amenities are already in place, with established (in the case of Frankton Corner) or establishing (in the case of Remarkables Park and Five Mile) local residential catchments around the centres.

³¹ #5 (R Pettit), #32 (L Martin), #35 (P Chudleigh), #42 (B Yuill), #58 (R Cranfield),

- 11.103 The Remarkables Park and Frankton Flats A and B zones are “legacy” ODP zones and are yet to be transitioned into the PDP (the transition is expected in a future stage of the PDP) however the PDP (and the Spatial Plan) recognise Frankton, along with central Queenstown, as the key commercial and employment hubs for the Wakatipu.
- 11.104 Their development for noise sensitive activities (residential and schools) is constrained somewhat by airport noise contours and the presence of industrial zonings (Glenda Drive and Five Mile Activity Areas D and E), hence there is limited further area available within the Frankton areas for significant residential expansion or for schools, noting also that the Remarkables Primary School at Lake Avenue in Frankton and the Wakatipu High School at Hawthorne Drive in Remarkables Park are reasonably recent (in the last decade or so) community additions – the latter having shifted from its long term location in Gorge Road, Queenstown.
- 11.105 In their formulation, the various Frankton zones, while aiming to enable certain activities and to accommodate more density than had hitherto been enabled in the District, were subject to constraints based on impacts on landscape values.
- 11.106 The Frankton Flats A zoning allows buildings up to 9m, with some allowed up to 12m if they are located more than 100m from SH6, in recognition of the impact on views of The Remarkables from SH6. In Frankton Flats B, building heights range from 6.5m to 18.5m depending on the setback distance from SH6, to provide for views of surrounding Outstanding Natural Landscapes and views from State Highway 6 to the face of The Remarkables, as well as for internal amenity. In the Remarkables Park Special Zone the building heights range from 7m to 21m,
- 11.107 The capacity for additional urban development, particularly residential, in the Frankton zones is therefore constrained by the zones’ location adjacent to the airport noise boundaries and the particular height and location envelopes.
- 11.108 The residential and business growth of the Frankton locations has been factored into the growth analysis.
- 11.109 The Frankton locations are therefore already identified, zoned and developed or being developed for urban purposes, with an established role in the planning instruments, and this is all recognised in the forecasts for growth. The TPLM is intended to complement Frankton, given its attributes as I discussed in Section 10 above. The Eastern and Southern Corridors are significant urban growth areas as well as the Frankton locations.
- 11.110 As I addressed above, there is no opportunity under the RMA for the Council to *make* landowners develop their land, and I therefore disagree with the submissions seeking that the other areas be *made* to develop before the TPLM land is rezoned.

11.111 Even if the Frankton zones are upzoned to accommodate significantly more people, and in doing so give more gravity to Frankton, does not solve the current problem of relatively poorly serviced (re facilities and amenities) dormitory suburbs at Ladies Mile and the existing traffic congestion, and does not give those residents reasons to not travel west for most if not all of their needs.

Sub-theme: Queenstown Airport

11.112 Submitter #118³² considers that Ladies Mile should not be contemplated for urban expansion until the future of Queenstown Airport is known, on the basis that the airport land would be suitable for urban expansion.

11.113 I do not doubt that the airport location would be suitable for urban growth, given its immediate adjacency to the existing Frankton urban zones that I addressed above. Further, if the airport were ever to relocate then adjacent land would be released from the impediments arising from adjacency to the airport (air noise contours and their limitations on Activities Sensitive to Airport Noise (**ASANs**), and the various surface controls and their limitations on built development).

11.114 However, Queenstown Airport is a locally, regionally and nationally significant infrastructure item, and as far as I am aware there are no plans to relocate it (the Queenstown Airport Corporation has released its draft Masterplan (May 2023) with a 10 year plan for managing the airport's growth).

11.115 Accordingly I do not further address the airport land as an alternative for accommodating significant urban growth.

Sub-theme: Jacks Point / Hanley Farm / Kingston Road

11.116 Submitters³³ consider that the Jacks Point / Hanley Farm / Kingston Road area is superior to Ladies Mile because there is more capacity for additional traffic without the bottlenecks inherent in the Ladies Mile area.

11.117 The Jacks Point / Hanley Farm / Kingston Road area is already recognised as a growth area – it is the Spatial Plan's "Southern Corridor" as shown in Figure 7 at paragraph 6.38 in Section 6 above, and through existing urban zonings in the PDP. The rurally zoned area at Homestead Bay south of Jacks Point and west of SH6 is subject to PDP submissions seeking urban zonings.

11.118 The benefits of this area for urban growth are the large land capacity at Hanley /

³² #118 (M Barrett)

³³ #6 (T Sanders), #13 (J Newson), #60 (M Pryde),

Homestead Bay area. Services connections in place and expansions are planned in medium term. Roading connections to SH6 existing or planned. The Southern Corridor area is intended to be self-sufficient to the extent that it can provide for its day-to-day needs (when the town centre area at Jacks Point is developed) but, like TPLM, is nevertheless part of the wider catchment of the Frankton Flats containing the higher-order retail centres and employment areas.

- 11.119 Jacks Point and Hanley Downs are already developed or under development as lower and medium density residential suburbs. Jacks Point has a purposely low density, spacious character, and there is little capacity for consolidation and higher densities. Hanley Downs has predominantly medium density typologies. Homestead Bay has some capacity for higher density but is somewhat constrained by landscape values, notably the Council's desire to retain the expansive views of the lake when viewed from SH6. The area east of SH6 is not appropriate for urban or much other development given its role as part of the Remarkables ONF.
- 11.120 There are traffic congestion problems on the southern SH6 route to and from Frankton, and I understand that the relatively new Kawarau Falls Bridge will be at capacity in 5 – 10 years' time³⁴. Like the Eastern Corridor, the intention for the Southern Corridor is to provide zoning for residential expansion, with facilities and amenities to serve the local day-to-day populations, with support for public and active transport to reduce as far as necessary the need for SH6 trips in private vehicles.
- 11.121 To this extent, the Southern Corridor will be efficient and effective in accommodating urban growth, as is already recognised in the overall strategy for urban expansion, and is intended to be complementary to, not a substitute for, the Eastern Corridor, and vice versa. Both locations are intended are to provide land for to contribute to accommodating and managing urban growth over the short, medium and long term horizons and to establish, in their own ways, well-functioning urban environments.

Sub-theme: Kingston

- 11.122 M Barrett (#118) suggests an expanded satellite settlement at Kingston (in conjunction with relocating Queenstown airport and developing the land for urban purposes).
- 11.123 I have addressed the airport land above. I do not consider that Kingston possesses the various necessary attributes for accommodating significant urban growth, given its significant distance from the main retail and employment destinations in the Wakatipu. Given the distance, any effort to develop a viable alternative for meaningful urban growth

³⁴ Tony Pickard (pers. comm.)

is unrealistic, even, in my view, in the long term.

Sub-theme: Central Queenstown

- 11.124 L McQuillan (#98) considers that high density apartment development is better suited to the town centre, including because of the traffic issues at Ladies Mile.
- 11.125 The Queenstown town centre and the areas north towards and at the base of Bobs Peak west of the primary school, including the Lakeview development on the old camping ground and in the Brunswick St / Thompson St / Lomond Crescent area, and west towards Queenstown Hill, are appropriate for high density development given its close proximity and walkability to central Queenstown, (although I would note that there is likely limited capacity for significant residential growth in the Queenstown Town Centre zone itself given the role of that centre and the other activities it accommodates).
- 11.126 That appropriateness is borne out in the existing ODP or PDP zonings, including the Town Centre Transition Sub-Zones, the Lakeview Sub-Zone, and the HDRZ. There is capacity for additional height given the location adjacent to the very vertically dominant ONL (Bobs Peak), and the Intensification Variation generally increases the building height limits in the HDRZ to enable more capacity, in line with the NPS-UD direction³⁵. There is existing infrastructure and roading, and construction of the Main Street arterial link, intended to create a more efficient roading link between Frankton Road to the east of central Queenstown and Lake Esplanade to the west, is underway.
- 11.127 Accordingly, there are benefits from increasing the capacity of the area broadly surrounding the central Queenstown.
- 11.128 There are costs also, including that the town centre has more facilities and amenities targeted at the visitor market (galleries, duty free retail, ticketing offices etc) not the day-to-day needs of local residents (other than the pharmacy, some retail stores and the Gorge Road supermarket). The areas surrounding the town centre contain long established suburban sized lots accommodating low density, medium density and higher density development, and significant consolidation of ownership to enable larger scale residential development to achieve high densities and volume of residential units would be required.
- 11.129 Further, in respect of traffic, the main retail areas for the local residents' market is at Frankton, as well as the high school, the airport and the main routes east to Cromwell and south to Invercargill, and there is already reasonably heavy congestion on SH6A between Queenstown and Frankton, in both directions, at various times of the day.

³⁵ Note that the Intensification Plan Change does not affect the Town Centre Transitional Sub-Zones because they are legacy operative zones and not yet transitioned into the PDP

Additional residential capacity in Queenstown will likely exacerbate this unless there are initiatives, as is being promoted for TPLM, for behavioural changes and enhanced public transport offerings.

- 11.130 Accordingly, there are some efficiencies in accommodating larger scale residential growth in central Queenstown but it is not a viable long term area for absorbing growth; other areas are required to play a role also, and all areas complement one another in fulfilling the national direction.

Sub-theme: Gorge Road

- 11.131 R Pettit (#5) considers that the Gorge Road area is underutilised given the proximity to public transport and central Queenstown. Gorge Road is currently a mix of HDRZ and Business Zone, with some currently residential parts still to be transitioned into the PDP.
- 11.132 There is likely capacity for additional height and density (such as is currently establishing on the old high school site and potentially in the business land on the eastern side of Gorge Road), and the area is already connected to services, with arterial roading already and public transport in place. It is close to and within easy walkable / cyclable range of central Queenstown, and close to employment such as at Industrial Place.
- 11.133 However, there is limited land area availability overall, and would require relocation of the larger scale transport and industrial yard activities. Significantly, one of the reasons for not transitioning the area into the PDP is because of the potential natural hazard risks. The Council is currently working to understand the nature, scale and risk of the natural hazards (alluvial fan debris flow risk, flooding and rock fall) present within and adjacent to the Gorge Road ODP High Density Residential Zone. Parts of the Gorge Road area have not yet been transitioned into the PDP as detailed investigations and community consultation in relation to risk tolerance are being carried out as part of developing a plan response. This is being undertaken under section 6(h) of the Act (the management of significant risks from natural hazards). Once the outcomes are known, the proposed PDP zoning of the areas and their related planning provisions will be notified. Currently due to the further work required, the natural hazard risk in this area means that intensification is considered to be inappropriate³⁶.
- 11.134 Depending on how the natural hazard issues are addressed in the PDP transition for this area, there may or may not be potential for upzoning and additional building height, as there would appear to be capacity for significant height increase given the surrounding topography. In all other respects the same planning and traffic issues would apply to the Gorge Road area as apply to the central Queenstown area as discussed above. Like

³⁶ QLDC *Urban Intensification Variation*, s32, paragraphs 6.2.1 ([link](#))

Queenstown, Gorge Road would be complementary to, but not a substitute for, other locations in accommodating future growth.

Sub-theme: “Towards Glenorchy”

- 11.135 T Sanders (#6) considers that an area “towards Glenorchy” is a better area for urban growth than Ladies Mile because of the traffic and infrastructure concerns at Ladies Mile. The submission does not more specifically identify an area, but it is assumed to mean west of Sunshine Bay, and potentially including the pockets of development at Wilsons Bay, Moke Lake Road, and Bobs Cove. These are in rural living zones, and collectively would have very limited capacity to accommodate significant urban growth given their topography. They are distant from urban infrastructure, facilities and amenities, and would not be amenable to efficient public or active transport links.
- 11.136 Other than these few pockets of rural living, all land between Sunshine Bay and Wyuna (approximately 30km north) is ONL and would be unsuitable for urban expansion of any meaningful scale. The area lacks the combination of attributes that I consider are necessary for larger scale, integrated and co-ordinated urban development.
- 11.137 I therefore do not agree with the submissions that promote the “towards Glenorchy” areas as viable alternatives to TPLM for urban development.

Sub-theme: Malaghans Road

- 11.138 L Prytherch (#59) considers that the Malaghans Road area is preferable to Ladies Mile because of the traffic issues at Ladies Mile. Malaghans Road runs through the northern part of the Wakatipu Basin.
- 11.139 This comprises a large land area, with many large lots in single ownership and potentially amenable to comprehensive masterplanning and development. The area is connected, via Malaghans Road, to Arthurs Point and Queenstown to west and Millbrook / Arrowtown to the east, and Frankton to the south (via Lower Shotover, Dalefield, Domain and Hunter Roads) but at reasonable distance. Given the size, it is probable that large scale infrastructure could be engineered to accommodate urban expansion.
- 11.140 However, urban expansion in this area would likely not be able to integrate with any existing urban area because of topography and distance, and there would be difficulties in establishing a whole new well-functioning urban environment. Also, unless the new urban settlement were completely self-sufficient for retail, employment and community facilities and amenities, traffic would need to traverse the Basin to reach the regional centre at Frankton, and in doing so use SH6 or SH6A, thereby I could not see any real traffic advantage of this location over Ladies Mile.

- 11.141 The area lacks the combination of attributes that I consider are necessary for larger scale, integrated and co-ordinated urban development.
- 11.142 More significantly, the Wakatipu Basin Land Use Study (2017) identified the Malaghans Road area as having Low or Very Low capacity to absorb additional development, and this has since been codified (as recently as 2023 Environment Court decisions) in the WBRAZ.
- 11.143 For these reasons I do not agree with the submissions that consider the Malaghans Road area to be superior to Ladies Mile for accommodating urban growth.

Sub-theme: Dalefield / Thurlby Domain

- 11.144 G Griffin (#114) considers that the Dalefield / Thurlby Domain area is preferable to Ladies Mile for urban growth because the scenic values relative to the highway and entrance to Queenstown should be maintained.
- 11.145 I disagree, for the reasons addressed in the landscape evidence of Mr Skelton and also that the Dalefield / Thurlby Domain area is largely steep with contours that would not be efficient for urban development and is characterised by a very large number of well-established smaller rural lifestyle lots. Comprehensive urban development would be very difficult to plan, zone for, and implement in these circumstances.
- 11.146 In all other respects the same problems that I identified for the Malaghans Road area in relation to proximity to centres and traffic would arise for the Dalefield / Thurlby Domain area. The area lacks the combination of attributes that I consider are necessary for larger scale, integrated and co-ordinated urban development.
- 11.147 I therefore disagree with the submission that considers this area to be superior to Ladies Mile for accommodating urban growth.

Summary – alternative locations

- 11.148 Overall I conclude that many of the areas suggested by submitters as preferable areas for urban growth (the Frankton locations, the Southern Corridor, Queenstown, and Gorge Road) are all complementary to TPLM, and vice versa, and through the Spatial Plan they are all intended to work together to accommodate growth and to create well-functioning urban environments. The other areas, for the reasons I have discussed, are not viable options for accommodating large scale urban growth.
- 11.149 I therefore disagree with the various submissions that other locations should be preferred for urban growth.

THEME F: CERTAINTY, ROBUSTNESS AND OUTCOMES OF THE PROVISIONS

11.150 Submitters raise concerns and criticisms which I break down into the following sub-themes:

- The uncertainty around whether the development will actually occur;
- The uncertainty about whether the schools will eventuate within the TPLM area;
- The uncertainty about whether the commercial precinct and social amenities will eventuate and if they do, whether they would adequately service the population they are intended for;
- The uncertainty about whether the structure plan will be adhered to and whether the housing typologies will be developed;
- The uncertainty that the residential housing would be affordable, and, relatedly, that no inclusionary zoning provisions are included in the Variation;

11.151 I address these as follows.

Sub-theme: Uncertainty that development will occur

11.152 Submitters³⁷ consider that there is no obligation for landowners to adhere to a specific timeline for construction, potentially resulting in long periods of vacant land. I disagree, because there is significant commitment (from the HIF funding, the Way2Go partners' collaboration, and from what I understand (anecdotally) to be at least some of the developers' intentions to advance their development plans as quickly as possible if the zoning is confirmed.

11.153 Other submitters³⁸ consider that the Variation provisions are too prescriptive to the extent that the intended development will not occur or will be significantly delayed. I discuss these further under Theme F below.

Sub-theme: Uncertainty that any schools will eventuate within the TPLM Zone

11.154 Submitter #79 (LHESCCA) considers that there are still no guarantees that a secondary school will be confirmed and has concerns about the contingency if the school is not

³⁷ #76 (M Wheeler), #79 (LHESCAA), #118 (M Barrett)

³⁸ #73 (Glenpanel), #105 (Maryhill)

confirmed (point 4.9.1).

- 11.155 Submitter #86 (MoE) confirms that (at the time of preparing the submission) the TPLM Variation area has attributes that would support provision of appropriate primary and secondary school facilities in a range of locations in the area; and that it has not yet acquired land in the Variation area for education purposes, but that it is engaging with landowners and the Council to acquire a suitable site(s).
- 11.156 I do not know, at the time of preparing the s42A report, if any further progress has been made between parties in the acquisition of land for future schools within the Variation area.
- 11.157 I agree that the schools, particularly the secondary school, are one of the key facilities that underpin the Transport Strategy and the modal shift and that at least until there is confirmation that MoE has acquired land or lodged a Notice of Requirement, there are no guarantees that the new schools will eventuate at Ladies Mile. However, the strong indication is that the MoE intends to establish a primary and secondary school in the TPLM Zone area, and that has been the assumption since the masterplanning phase and the engagement with the stakeholders, including MoE, since 2020.

Sub-theme: Uncertainties in relation to the Commercial Precinct

- 11.158 Submitters consider that there is no need for an additional commercial centre³⁹; and that there is too much uncertainty that the commercial centre and other amenities will eventuate and if they do, whether they will serve their intended purpose⁴⁰.
- 11.159 Natalie Hampson has addressed this theme, and other themes related to the Commercial Precinct, and I rely on her evidence and conclusions. My understanding of and conclusions based on her assessment on this theme⁴¹ are:
- (a) The Eastern Corridor area is currently under-served by retail, commercial service and community facilities (meaning reliance on the commercial centres to the west);
 - (b) A larger-scale supermarket in the TPLM's Commercial Precinct is commercially viable and that there is potential for this to be established in the short-medium term without any material retail distributional effects on other centres);
 - (c) The Commercial Precinct is strategically located (within the Eastern Corridor) to

³⁹ #21 (N Fairweather)

⁴⁰ #47 (R Burnell), #57 (C Austin), #76 (M Wheeler), #79 (LHESCCA), #119 (J Hamilton)

⁴¹ Evidence of Natalie Hampson dated 27 September 2023, paragraphs [15] – [17], [102] – [107].

attract a supermarket operator particularly if there is provision for the supermarket to be visible from the highway (and I address this latter point in Section 13 (at Rule 49.5.38.3) below);

- (d) Amending the GFA cap on a supermarket anchor from 2000m² to 4000m² would enhance the attractiveness of the Commercial Precinct for a supermarket operator;
- (e) The Commercial Precinct would hence have the potential, as is desired and is the intent of its dedicated zoning, to better serve the day to day needs of the Eastern Corridor communities;
- (f) The timing of the development within the Commercial Centre is unknown and is difficult to regulate for, and is ultimately a market decision; the role of the PDP is to enable the opportunity for the desired activities to locate in the various precincts in the right way (development standards, design assessment) but otherwise the Council does not have a role in when such development will happen;
- (g) The Commercial Precinct will reduce the number of shopping trips that need to cross the Shotover Bridge, but will not, in and of itself, provide sufficient employment to reduce employment-related trips across the bridge.

11.160 In summary, the Commercial Precinct's purpose, and to a lesser extent the Glenpanel Precinct's purpose, is to cater to the day-to-day shopping needs of the Eastern Corridor communities, and a larger anchor supermarket will assist in achieving that. Based on Ms Hampson's evidence, there is already sufficient local demand within the local catchments and, while the Council cannot prescribe when, it is likely that the Commercial Centre would be developed in the short – medium term.

11.161 I therefore do not agree with the various submissions expressing concern about the uncertainty in whether the Commercial Centre will eventuate are not, and whether it will fulfil its intended role.

Sub-theme: Uncertainty about whether the structure plan will be adhered to and whether the densities and housing typologies and other features of the Zone will eventuate

11.162 Submitters⁴² are concerned that despite the role of the Structure Plan and the provisions the Council cannot control what the developers will do and the layout, densities and other

⁴² #76 (M Wheeler), #79 (LHESCCA),

intentions of the masterplan will not eventuate, taking into account market conditions and the Council's lack of control over what the market does.

- 11.163 The planning framework has features that include:
- (a) The Structure Plan, with key spatial elements (roads, intersections, active travel links, and so on) that *must* be provided (typically at time of subdivision) in the Structure Plan locations (subject to some minimal locational tolerance for some elements), with non-complying consent required for any breach;
 - (b) The densities in the MDR and HDR Precincts are required by the standards, with non-complying consent required for any breach of the density ranges;
 - (c) The diversity of housing product is required to be demonstrated as part of the building design, as matters of discretion, and guided by the assessment matters; and the Council can refuse an application if the intent of the provisions, including the objectives and policies, is not demonstrated in an application;
 - (d) The site and building design is governed by the bulk and location standards and by the matters of discretion, and guided by the assessment matters, and the Council can refuse any application that does not satisfy the relevant standards or meet the expectations of the objectives and policies.
- 11.164 In my view the objectives and policies have been crafted in a manner that provides decision makers with the appropriate rigour in testing applications through s104D and/or s104;
- 11.165 I therefore consider that the provisions are robust and meet the Zone's intent, and I therefore disagree with the submissions.
- 11.166 I further discuss the density minima under Theme G below.

Sub-theme: Affordable housing – uncertainty that the housing will be “affordable” and that no inclusionary zoning provisions are included in the Variation

- 11.167 Submitters⁴³ consider that there is too much uncertainty that affordable housing will eventuate, and that inclusionary zoning initiatives are not included in the Variation. The issues are exemplified by three of the submitters:

⁴³ #32 (L Martin), #35 (P Chudleigh), #57 (C Austin), #76 (M Wheeler), #79 (LHESCCA), #92 (S Brent), #94 (Winter Miles Airstream Ltd), #98 (L McQuillan), #103 (T Allen), #111 (R Hanan), #119 (J Hamilton)

- Submitter #57 (C Austin) states that no inclusionary housing is included in the TPLM Variation; questions why the Queenstown Lakes Community Housing Trust is not involved within the Masterplan or with existing landowners; and considers that extra housing supply will not offer more affordability because landowners and developers will activate on their opportunity only when it suits them and not before, regardless of the planning provisions; and that even then, housing units may not be affordable;
- Submitter #98 (L McQuillan) states that Variation enables development but does not set house prices or stop apartments being used as holiday apartments; it does not make any use of Queenstown's existing underutilised housing stock; and that it does nothing to guaranteed affordable housing but rather guarantees profits to developers;
- Submitter #105 (Maryhill Limited)states that there would be efficiencies in the Inclusionary Housing Variation and the TPLM Variation merging; and that if the intention is to provide for a separate plan change or variation introducing inclusionary housing objectives, including any land contribution requirements through development, these should be progressed in combination with the TPLM Variation. The submitter also considers that any affordable housing contribution requirements should be considered within the context of the intended contributions of community, open space, parks, and infrastructure land identified within the TPLM Structure Plan.

11.168 Other submitters⁴⁴ consider that the provisions will assist in greater affordability by requiring density.

11.169 In response to these submission points, I discuss the following:

- The suite of provisions in the Variation that address affordability;
- The evidence of Susan Fairgray;
- Kāinga Ora's further submission;
- The Inclusionary Housing Variation.

The TPLM provisions that address affordability

11.170 The provisions include an objective, policies, rules and information requirements that in combination provide the most opportunity, and intervention, to achieve the goal of

⁴⁴ #51 (G Erving), #95 (C Evans), #100 (Te Rūnanga o Ngāi Tahu, Papatipu Rūnanga)

affordable housing (and this will be in combination with the Inclusionary Housing Variation provisions, in whatever form they are in through that process, which I discuss below). The relevant TPLM provisions are (my underlining):

Within Chapter 49 (TPLM Zone):

49.2.2 Objective – 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.

Policies

- 49.2.2.1 Within the Medium and High Density Residential Precincts:
- a. Promote affordability and diversity of housing by maximising choice for residents through encouraging a range of residential typologies, unit sizes and bedroom numbers.
 - b. Avoiding development that does not achieve the residential densities required in each Precinct, and avoiding low density housing typologies including single detached residential units.
- 49.2.2.2 Within the High Density Residential Precinct, require a high density of residential units that are well designed for terraced housing, multi-storey townhouses and apartment living typologies, set within attractive landscaped sites, along with key parks and open spaces, and public transport routes.
- 49.2.2.3 Within the Medium Density Residential Precinct, require residential development to achieve a density, including by multi-storey townhouses, semi-detached, duplexes and similar typologies, that is distinct from the adjoining lower and medium densities available in the developments south of the State Highway and the higher density available in other areas within the Zone.

49.4 Rules – Activities

	Activities located in the Te Pūtahi Ladies Mile Zone	Activity Status
	Residential Activities	
...		
49.4.4	Two or more residential units per site in the Medium Density Residential Precinct and High Density Residential Precinct Discretion is restricted to: ... b. <u>how the design advances housing diversity, including the range of unit types to achieve a diverse range of choice including size, typology and affordability;</u>	RD
...		
49.4.5	<u>Residential Visitor Accommodation</u>	NC
...		
49.4.33	<u>Visitor Accommodation</u>	NC
...		

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>Density</p> <p>49.5.16.1 In the Medium Density Residential Precinct, <u>development shall achieve a density of 40 – 48 residential units per hectare</u> across the gross developable area of the site.</p> <p>49.5.16.2 In the High Density Residential Precinct, <u>development shall achieve a density of 60 – 72 residential units per hectare</u> across the gross developable area of the site. ...</p>	<u>NC</u>

Within Chapter 27 (Subdivision):

Zone		Activity Status
...
27.7.28	<p>Te Pūtahi Ladies Mile Zone</p> <p>27.7.28.1 Subdivision of land within the Te Pūtahi Ladies Mile Zone</p> <p>Discretion is restricted to: ...</p> <p>b. <u>how the subdivision design will enable the achievement of the minimum residential density requirements set out in the relevant Zone provisions;</u></p> <p>c. <u>the methods proposed for ensuring that building typologies provide for a diversity of housing choice (taking into account the zoning of the land).</u></p> <p>...</p> <p>Information requirements:</p> <p>a. <u>A statement demonstrating how the subdivision layout will enable:</u></p> <p>i. <u>the densities expected in the relevant Precinct; and</u></p> <p>ii. <u>diversity of future building typologies on the sites created by the subdivision, to offer maximum choice for residential or business owners or tenants, and any methods (including by way of consent notices on the titles to be created, or other instrument) to ensure such diversity.</u></p>	RD

27.9.8 Restricted Discretionary Activity – Subdivision Activities within the Te Pūtahi Ladies Mile Zone

In considering whether or not to grant consent or impose conditions in respect to subdivision activities under Rule 27.7.28.1, the Council shall have regard to the following assessment matters:

27.9.8.1 Assessment Matters in relation to Rule 27.7.28.1 ...

- c. The extent to which:
 - the configuration of sites is suitable for future development;
 - to accommodate development intended by the Zone, including the required residential densities in the relevant Precinct; ...
- d. The extent to which the subdivision will help achieve the density expected in the residential precincts as set out in Rules 49.5.12, taking into account the information requirements in Rule 27.7.28.1, including whether any design parameters are to be secured through an appropriate legal mechanism;
- e. The extent to which the subdivision will help achieve diversity of housing choice, including whether any parameters relating to building typologies are to be secured through an appropriate legal mechanism.

- 11.171 In summary these provisions focus on ensuring that there is a diversity of housing product and choice and *require* the residential densities in the medium and high density precincts, noting the unqualified *avoid* in the TPLM Zone policies. The methods include the requirement for information, at subdivision stage, about how the lots being created will fulfil the density obligations.
- 11.172 Requiring higher densities within a finite space necessitates smaller land areas per residential unit, thereby maximising yield, and which supports affordability, and gives the best opportunity (without inclusionary zoning or non-RMA interventionist methods) for better affordability and enhancing opportunities for more people to enter the housing market. Ms Fairgray discusses this point in more detail⁴⁵.
- 11.173 Relatedly, the string discouragement of Residential Visitor Accommodation and Visitor Accommodation in the residential precincts, through the non-complying status will ensure that the TPLM land and housing stock is retained for the primary purpose of housing fulltime residents of the District, rather than supporting the visitor accommodation industry.
- 11.174 Removing any restriction or direction on density in this location and allowing the market

⁴⁵ Evidence of Susan Fairgray dated 27 September 2023, paragraphs 82 to 86

to dictate the typologies of housing provided risks the inefficient use of the finite land resource for housing because the market could and perhaps would respond with primarily standalone typologies (and the larger land areas that these require) as these are, typically, the simplest to consent and sell. This would not provide a diversity in housing typology from the existing supply in the Eastern Corridor (which is primarily standalone housing) and would not contribute to enhancing housing affordability.

Susan Fairgray's evidence

11.175 Ms Fairgray's evidence supports the intent of the TPLM provisions to achieve affordability through density. Her analysis indicates that:

- (a) Detached dwellings are higher in value and less affordable than attached dwellings, and have continued to increase in value through time⁴⁶;
- (b) The TPLM Variation area is likely to deliver a range of dwelling typologies that predominately occur within the lower part of the dwelling value profile, achieved through a combination of smaller land areas per dwelling and a wider range of dwelling sizes⁴⁷; and
- (c) The residential development patterns encouraged within the TPLM are likely to deliver more affordable dwelling options than the existing supply of dwellings in the Eastern Corridor.

11.176 Ms Fairgray therefore disagrees with the submitters that consider that urban expansion in this location will be unlikely to result in more affordable dwellings. She also disagrees that the non-local purchase of dwellings would prevent the accessibility of the affordable dwellings to the local market⁴⁸ because she considers that non-locally owned dwellings may be offered to local households within the rental market, and that the rental market is more likely to be a more viable option to lower income households and workers⁴⁹.

Kāinga Ora

11.177 Kāinga Ora (further submission #136) is the Government's delivery entity for housing and urban development with particular interest in facilitating and enabling affordable housing delivery in the Queenstown Lakes District.

⁴⁶ *ibid*, paragraph 83

⁴⁷ *ibid*, paragraph 84

⁴⁸ Submission #111 (R Hanan)

⁴⁹ Evidence of Susan Fairgray dated 27 September 2023, paragraphs 132 – 136

11.178 Kāinga Ora opposes submissions seeking the weakening of the objective and policy framework for density and the reduction in the minimum density requirements in the Medium Density and High Density Residential Precincts. Kāinga Ora's reasons are because the reductions would not achieve the outcomes of the Variation to provide for the development proposed within the particular precinct.

Inclusionary Housing

11.179 As discussed in Section 10 above, the Inclusionary Housing Variation is currently being processed by the Council. During the formulation of the TPLM Masterplan and Variation provisions the notion of including Inclusionary zoning-type provisions was contemplated but was decided against because of the parallel process underway and the desire to not replicate the processes. The Inclusionary Housing provisions, in whatever form they take following decisions (and possibly appeals) the intent is that they will apply district-wide and will capture development in TPLM.

Summary

11.180 Based on the above assessment, on the points raised in the three submissions (#57, #98, #105) I summarised in paragraph 11.166 above I respond as follows:

- (a) Inclusionary housing is not a feature of the TPLM Variation, and the Queenstown Lakes Community Housing Trust is not involved thus far; their inclusion and involvement will be at the development stage in the manner that the Inclusionary Housing Variation provides for;
- (b) I agree that the provisions cannot force landowners and developers when to act, and that they will act on their opportunity when they choose to, however the provisions that require the density minima and a range of typologies and unit sizes provide the best opportunity for development to provide affordable housing;
- (c) I agree that the Variation does not (and cannot) set house prices or stop private owners from using their apartments as a second (holiday) home for themselves, but the provisions can and do regulate the units' use for Residential Visitor Accommodation or Visitor Accommodation;
- (d) I agree that the Variation does not (and cannot) make any use of Queenstown's existing underutilised housing stock;
- (e) As I stated above, the Variation provides a significant opportunity for affordable housing to be established;
- (f) I disagree that efficiencies would arise from merging the Inclusionary Housing Variation and the TPLM Variation; they are already in two separate and purposely

distinct processes. Their “merging” will be inevitable, however, when the Inclusionary Housing provisions take effect (following decisions on submissions);

- (g) When the Inclusionary Housing provisions are applied to development in TPLM, and depending on the final form of the Inclusionary Housing provisions, any “spatial” contributions (of community, open space, parks, and infrastructure land identified within the TPLM Structure Plan) offsetting Inclusionary Housing contributions would be addressed, and this would include whether those spatial contributions would already be offsetting other development contributions.

Summary

- 11.181 The TPLM Variation gives effect to housing affordability through the considerable supply it will contribute to the housing market, the range in typologies it provides for, and the densities required to be achieved.
- 11.182 I consider that the benefits of the provisions (density and diversity) outweigh the costs of allowing a purely market lead approach which may not yield the most appropriate mix of residential product. Likewise, there is considerable risk of not intervening in the market to the extent promoted in the provisions.
- 11.183 Taking Ms Fairgray’s analysis and conclusions about density and affordability into account, I do not agree with the submissions that oppose or have concerns about the TPLM provisions, and I support Kāinga Ora’s further submission points in this regard. I consider that the interventions proposed in the TPLM Variation provide the best opportunity for the land to be used in the most efficient manner, in the short, medium and long terms, in providing for affordable housing.
- 11.184 I further address the density minima in Theme G below.

THEME G: THE DENSITY MINIMA PROVISIONS

- 11.185 I addressed the issues of affordability under Theme F above. A related theme raised by submitters⁵⁰, is the prescriptivity of the density minima and the imposition on market freedom. They oppose the density minima, and seek that they be reduced, because (in summary) they consider the minima are: unrealistic; will not satisfy a market need; are too inflexible in catering to the market as the market evolves; would be practically, financially and time-prohibitive to develop; are not based on a clear case relating to effects on the environment (beyond positive effects) that also addresses development feasibility;

⁵⁰ #73 (Glenpanel Development Limited), #77 (Ladies Mile Property Syndicate), #93 (Sanderson Group and Queenstown Commercial Limited), #94 (Winter Miles Airstream Limited) #105 (Maryhill Limited), #107 (Anna Hutchinson Family Trust), #108 (Milstead Trust)

will result in a lack of housing diversity; are not supported by evidence on the developability to the densities proposed; will have the perverse outcome of delaying development; does not take into account market desires or construction costs or the developers' ability to finance or their appetite for risk; that the provisions will not work in the "real world"; and are not adequately supported by evidence that the densities would lead to transport modal shift.

- 11.186 They consider that no minima, or reduced minima, perhaps with no maxima, would lead to more sustainable outcomes.
- 11.187 The contrary view is taken by some submitters⁵¹ who support the densities and in the case of Kāinga Ora oppose submissions seeking reductions to the density minima in both the MDR and HDR Precincts.
- 11.188 The purpose of the densities is three-fold:
- (a) In combination with the existing lower density suburban residential development at Ladies Mile, and the lower density proposed in the Variation's LDR Precinct, and in tandem with the matters of discretion, they ensure that a range of typologies and unit sizes will be developed, thereby encouraging diversity of housing product;
 - (b) In combination with the traffic infrastructural triggers and range of activities within the TPLM area (Commercial Precinct, schools, community facilities, open spaces and recreation) enhance the potential for transport modal shift by creating critical mass of population close to the centre and the public transport route;
 - (c) Utilising the finite land resources within the Wakatipu Basin in the most efficient manner, by promoting the opportunity for a greater population to reside there.
- 11.189 Accordingly, the suite of rules (that I set out and discussed under Theme F above) is proposed, which in combination with the other various provisions, are intended to fulfil the NPS-UD's Policy 1 for well-functioning urban environments and to maximise the benefits of intensification.
- 11.190 If the density minima provisions were to be removed or relaxed, allowing the market to develop freely, or more freely, then there is potential (in my view a likely significant potential) that a landowner would develop (as is signalled by submitters such as #57 and #98) in their own interests and that that could well involve whatever typology would be most attractive to the market in the short term. This is borne out in submission #73 which states⁵²: "*The pathways and barriers the variation is seeking, introduces unnecessary and*

⁵¹ #51 (G Erving), #85 (No. 1 Hansen Road Limited), #136 (Kāinga Ora), #99 Corona Trust

⁵² #73 (Glenpanel Developments Limited), paragraph 10

significant costs that will inevitably be passed onto the housing market. This is particularly the case given the holding costs sustained by the landowners while waiting for QLDC to approve or otherwise support any development of the Variation area. The Variation needs to be truly enabling of development, rather than just being superficially so."

11.191 In line with the direction from the NPS-UD (noting Policy 1(a) and the need for urban environments that as a minimum have or enable a variety of homes that meet the needs in terms of type, price and location of different households), the TPLM Variation is not just about developing in the short term, although I recognise the importance of providing housing to the market quickly. However, this should be driven not by an individual developer's holding costs but by the need to comprehensively plan and to ensure all the related components of urban development, in a geography with high growth and finite land resource availability, are aligned.

11.192 Further, I rely on the architectural / urban design evidence of Mr Stu Dun and the economics evidence of Ms Fairgray that support the densities proposed.

11.193 Mr Dun refers⁵³ to the exercises undertaken to test the densities and concluded that through a comprehensive approach to development the densities are able to be met from a technical perspective; and that, from a spatial perspective the minimum densities and other provisions lead to the outcomes the TPLM Variation seeks in respect of housing provision, identity and place, livability and wellbeing, and connection to public transport. From his urban design perspective, he considers⁵⁴ that:

... Doing density well will provide a critical population mass that will support public transport and the social infrastructure to provide for high levels of liveability and self-sustaining communities. The approach to density is described further on in my evidence.

11.194 This aligns with the earlier modelling undertaken during the TPLM masterplanning process⁵⁵ which demonstrated that the densities proposed are practically feasible, and which contributed to the crafting of the density and related bulk, location and design standards.

11.195 Ms Fairgray's summarises her assessment of the minimum densities proposed as follows⁵⁶:

143 I support the TPLM Variation proposed minimum densities within the MDR

⁵³ Evidence of Stu Dun dated 29 September 2023, paragraph 45

⁵⁴ *ibid*, paragraph 31

⁵⁵ *TPLM Ladies Mile Final Masterplan Report*, June 2022

⁵⁶ Evidence of Susan Fairgray, paragraphs 143-145.

and HDR precincts. In my view, they encourage a pattern of development (in terms of dwelling mix within each area) that is appropriate for establishing an urban node in this location. ...

144 *I consider that proposed HDR and MDR precinct minimum densities encourage patterns of dwelling development, most of which are likely to be feasible in the short to medium-term and are already established within the Queenstown market. Only a small share of the total land area within the HDR Precinct is required to develop at higher densities, which I consider a likely to increase in feasibility over the medium to long-term when demand becomes more established.*

145 *I consider that the TPLM is likely to develop over the medium to long-term as a residential node with a dwelling mix that is better suited to patterns of community demand. I note there are trade-offs for existing land owner developers that would be able to achieve greater short-term returns with a less intensive development pattern. However, I consider that shorter-term development at a reduced density is likely to be less beneficial for long-term community demand.*

11.196 I am also mindful of Kāinga Ora's role as a significant nationwide player in the residential development market, in particular in higher density typologies, and Kāinga Ora's overall support for the masterplan and Variation and the density minima.

11.197 Based on my assessment above, I comment as follows on the submitters' various points in opposition to the density minima:

- (a) The minima are not in my view unrealistic, in the Queenstown market, over the short, medium and longer terms, and the densities will satisfy market need, given the evidence of Mr Dun and Ms Fairgray and the support from Kāinga Ora;
- (b) Taking into account the Eastern Corridor holistically, the minima are flexible in the sense that collectively they promote a range of densities and typologies for developers to bring to the market;
- (c) Will, therefore, be flexible in catering to the market as the market evolves;
- (d) The minima are practically feasible but, I acknowledge, perhaps not by every landowner or developer *now*, but by a (possibly) future landowner at some point when they consider the market conditions are right;
- (e) The minima are based on a clear case of the potential (and likely) adverse effects of developing to lesser densities, in particular the cumulative effects from not realising the potential of the Eastern Corridor to be more self-sufficient and to develop as a well-functioning urban environment;

- (f) The minima will not result in a lack of housing diversity; rather, diversity and affordability are more likely to emerge, in the time horizon anticipated by the Variation;
- (g) The minima are supported by expert design and economics evidence, as discussed above;
- (h) The minima will not necessarily delay development, depending how a developer plans their development, and noting Ms Fairgray's assessment of how the density would or could be attained;
- (i) The minima will cater to market desires, over time, and is likely to produce a long-term pattern of dwellings that are better suited to long-term community need;
- (j) The developers' preferences are not key considerations, in my view. This Variation is not about zoning for what is currently optimal for a particular developer but is a comprehensive, integrated approach for the wider success of the Eastern Corridor and across a broader horizon, taking into account all of the components of a successful urban expansion in this location; and
- (k) The densities are adequately supported by evidence that they would lead to transport modal shift; I address that point in more detail when I address transport issues, in Section 12 below.

11.198 In a s32 sense, I consider that there are (clearly) costs associated with adopting the density minima, including the possible opportunity costs to developers of not being able to develop for their short-term gain now, if they consider that the market is not ready for medium or higher density housing typologies or if they consider their business model is not oriented towards that scale of development. However, as will have been apparent from my above analysis, I consider that these costs are heavily outweighed by the benefits that the density minima will bear, across the longer horizon, and in fulfilment of the various higher order, including NPS-UD, imperatives. A reduction in densities would result in a less efficient pattern of development that would not suit long-term community need, as discussed by Ms Fairgray⁵⁷.

11.199 I consider that the densities required will lead to the efficient use of the finite land resources available for urban development in the Wakatipu. The density standards, and non-complying status for breaching the standards, will be effective in ensuring that the key objective, Objective 49.2.2, is achieved.

11.200 There is a significant risk of not acting to ensure that the wider range of densities prevails

⁵⁷ Evidence of Susan Fairgray, paragraphs 96 – 102, 107-108.

across the TPLM area, in that without the intervention and if left to the market, the critical mass of population required for more self-sufficiency in the Eastern Corridor, and the intent of the transport strategy, will not eventuate.

- 11.201 I therefore consider that the overall intent of the density minima is sound and I support their retention in the TPLM provisions.

THEME H: THE INFRASTRUCTURE STAGING TRIGGERS

- 11.202 Submitters⁵⁸ oppose the infrastructure triggers and seek that they be removed or modified. Their reasons are, in summary: that the timing of development is not within the control of the applicant, which is not ideal; the budget of the authorities (Waka Kotahi, ORC and the QLDC) should not be a determining factor in the timing of development, and developers should be able to pay development contributions to fund the works required rather than depending on external agency funding; that provisions requiring all infrastructure to be in place prior to dwellings being constructed is poor policy choice; that other methods are available rather than the triggers being enshrined in the District Plan; that it is inefficient; that the required SH6 Key Crossing east of Howards Drive would be costly and problematic to require prior to development; and that the trigger rules are unrelated to the submitters' development land and that not all development generates demand on traffic and infrastructure.
- 11.203 Submitter #105 opposes the triggers in part and seeks that for Sub-Areas B, C and E the relevant rule is amended to require the upgrading of infrastructure works when 400 units are occupied within those sub-areas, or other possible mechanisms, and also that there is scope for future technological advances to be recognised that could result in different infrastructure solutions.
- 11.204 Other submitters⁵⁹ support the infrastructure staging triggers, including Waka Kotahi, which supports them with some modifications (in relation to road safety).
- 11.205 The purpose of the infrastructure staging provisions is to ensure that the transport infrastructure upgrades are in place prior to the rollout of residential and commercial development. This will ensure that the infrastructure upgrading is in step with the development it serves, and that the adverse effects of development (the exacerbation of the existing peak hour traffic congestion on SH6) are avoided without the remedying or

⁵⁸ #45 (Caithness Developments Limited), #55 (Neil McDonald and Clarke Fortune McDonald & Associates), #73 (Glenpanel Developments Limited), #77 (Ladies Mile Property Syndicate), #78 (Ladies Mile Pet Lodge Limited), #80 (Koko Ridge Limited), #93 (Sanderson Group Limited), #94 (Winter Miles Airstream Limited), #103 (T Allen), #105 (Maryhill Limited), #108 (Milstead Trust)

⁵⁹ #51 (G Erving), #104 (Waka Kotahi),

mitigation that the staging works will provide.

- 11.206 I was involved in the discussions with the Council following the April 2021 period of public consultation and the consequential formulation of the infrastructure staging provisions and can confirm that, along with the density provisions, the Council is likely to have not proceeded with the Variation if these provisions were not included.
- 11.207 I rely also on Mr Shields' discussion and justification for the infrastructure staging provisions⁶⁰.
- 11.208 The infrastructure staging provisions are consistent with the direction in the NPS-UD, the regional instruments and the higher order PDP objective and policies for development and infrastructure to be integrated. The infrastructure staging provisions ensure that the roading infrastructure will:
- (a) integrate with and support the overall intent of the TPLM Zone and the wider Eastern Corridor;
 - (b) ensure the necessary transport infrastructure is planned, funded and staged to integrate with the urban growth enabled by the Zone;
 - (c) along with the activity mix within the Zone, encourage land use development and patterns that reduce demand for private vehicle trips, especially during peak periods to the west.

SH6 Key Crossing

- 11.209 Submitter #78 (Ladies Mile Pet Lodge Ltd) states that the Council and advisers are unaware, because of the alleged lack of consultation with that party, that the Pet Lodge owners intend to continue to operate the Pet Lodge from the current premises at Ladies Mile (on the property immediately northeast of the proposed Howards Drive / SH6 roundabout). The Council and its advisers (including myself) are aware of that, as a result of the consultation undertaken with the Pet Lodge owners in relation to the earlier consultation version of the TPLM structure plan which included parts of the Key Crossing within the Pet Lodge property. In response to that consultation the structure plan was modified so that the Key Crossing now only lies within the SH6 road corridor. It is accessible to pedestrians and cyclists without needing access across any part of the Pet Lodge property.
- 11.210 The only related aspect of the Structure Plan that does affect the Pet Lodge property (and the land on the opposite side of SH6) is the "Crossing Curtilage Area Overlay", within

⁶⁰ Evidence of Colin Shields, paragraphs 35 - 37, 96 - 101.

which RD consent (Rule 49.4.19) is triggered for development (new buildings and structures, earthworks requiring consent under Chapter 25, and car parking areas), with discretion restricted to the effects of the proposed development on the provision of the Key Crossing, including consideration of the integration of the development with the design, legibility, and safety of the crossing.

- 11.211 The Crossing Curtilage Area Overlay does not form part of the infrastructure triggers, and the Pet Lodge can continue to operate without affecting the infrastructure trigger provisions.

Summary

- 11.212 I am satisfied that Objective 49.2.6 and its related policies and methods for infrastructure staging works and their timing with respect to development are necessary to achieve the higher order provisions and hence the purpose of the Act. They will ensure that the existing and potential future adverse effects of Eastern Corridor development are avoided, remedied or mitigated, while enabling urban growth.
- 11.213 The provisions have undoubted costs, from delaying development until the necessary works are in place, but these costs are outweighed, in my view, by the benefits, as discussed above. In combination with the other features of the provisions (layout, mix of activities and density) they are efficient and will be effective in properly integrating the timing of infrastructure works with rollout of residential and commercial development. There are significant risks of not including the staging provisions, being the exacerbation of the existing adverse effects of peak time congestion of the SH6 corridor.
- 11.214 I therefore support the retention of the infrastructure staging provisions and I disagree with the submissions seeking their relaxation or removal.

THEME I: STORMWATER AND ECOLOGY

- 11.215 Submitters⁶¹ are concerned about how stormwater from the TPLM Variation area will be managed when developed, including the effects on receiving water bodies, and wider ecological effects arising from urban development of the TPLM area.
- 11.216 The approach to stormwater management evolved during the masterplanning process, as has been described in detail in the evidence of John Gardiner. In summary, and as

⁶¹ #33 (Threepwood Farm Residents Association & The Threepwood Custodians #39 (Friends of Lake Hayes Inc), #40 (A Styris), #43 (M Spary), #44 (Department of Conservation), #48 (L & D Anderson), #50 (K Netzier), #64 (R Kuhm), #67 (S & B O'Donnell), #83 (Otago Regional Council), #98 (L McQuillan), #100 (Aukaha and Te Ao Marama Inc on behalf of the Papatipu Rūnanga and Te Rūnanga o Ngāi Tahu), #110 (T Sydney), #112 (J Reese and R Lee), #114 (G Griffin), #115 (K & J Crane), #120 (L & P Keoghan)

set out in the Masterplan Report⁶², based on a series of Guiding Principles for stormwater management the original draft masterplan (October 2021) proposed two centralised detention areas and swales to deal with water quality and quantity including capturing natural flows from Slope Hill. However, neither the Council nor the landowners were considered to be in a position to lead the implementation of the proposed centralised system, and the approach therefore shifted to a focus on developers promoting individual or less centralised stormwater management solutions to be assessed at resource consent stage, while still following the same guiding principles. The approach included the following key policy in the notified provisions:

27.3.24.7 Require the design of stormwater management systems to avoid stormwater discharges to Lake Hayes and avoid the adverse effects of discharges to the Shotover and Kawarau Rivers, the State Highway network, and groundwater resources.

11.217 The Guiding Principles, while not forming part of the notified provisions, are:

- Utilise stormwater management solutions that mimic the natural water cycle and enhance the water quality;
- Employ an integrated stormwater management approach that supports connectivity to the natural environment and gives effect to Te Mana o te Wai and the community wellbeing;
- Manage flooding and surface water flow to safeguard the community and infrastructure in a sustainable manner.
- The hydrological regime in the area is replicated such that the maximum rate of discharge and peak flood levels post development are no greater than pre-development;
- That there are no overland flows from attenuation systems or soak pits for 1% AEP events or less unless there is a defined and acceptable overland flow path
- Ensure that there is a maximum 24-hour drain-down for any attenuation systems basis/soak pits for 1% AEP events;
- That there are no overland flows across SH6 for 1% AEP events or less;
- That there are no direct discharges from the development area into Lake Hayes;
- That runoff from all roads is managed through appropriate treatment device(s);

⁶² TPLM Ladies Mile Final Masterplan Report, June 2022

- Avoid a proliferation of multiple stormwater management systems and devices. Depending on location and land ownership structures this may necessitate co-operation of multiple landowners to ensure an acceptable approach;
- Implement stormwater management solutions that deliver lifecycle operational and economic resilience;
- Align 'blue' stormwater solutions and the wider 'green' landscape and open space strategies wherever possible.

11.218 I note that the PDP's Chapter 27 (Subdivision and Development) lists as a matter of discretion for urban subdivision applications (which are a listed RD activity), the consistency with the principles and outcomes of the QLDC Subdivision Design Guidelines⁶³. Those Guidelines include a series of Stormwater Management guidelines that are not as detailed as those listed in the above paragraph, but still would allow the Council to require developers to promote stormwater management solutions that address wider ecological and landscape considerations.

11.219 Submitters #100 (Aukaha and Te Ao Marama Inc on behalf of the Papatipu Rūnanga and Te Rūnanga o Ngāi Tahu), #44 (Department of Conservation (**DoC**)) and #39 (Friends of Lake Hayes (**FOLH**)) in summary consider that water quality, stormwater management and wider ecological values should be more integral to the TPLM Variation provisions; that the Guiding Principles from the Masterplan Report should have a more explicit role in the provisions; and that a lack of a consolidated stormwater approach across the TPLM, and reliance on individual systems, creates too much uncertainty and risk to sensitive receiving environments, including Lake Hayes and the Shotover and Kawarau Rivers.

11.220 Their relief sought includes a series of changes to the provisions, from the zone purpose statement through to the rules, that reflect a comprehensive, centralised zone-wide approach to stormwater management. Further submitters⁶⁴ oppose the relief generally (some without providing reasons on this point), and submitters #126 and #139 indicate that they seek to be involved in any future process involving the provision of stormwater management solutions.

11.221 In light of the submissions, Mr Gardiner has re-evaluated the options available for stormwater management, and has identified three options⁶⁵:

Option 1: A comprehensive integrated solution with between one and four communal

⁶³ PDP Chapter 25, Clause 27.9.3.1(b)

⁶⁴ #126 (Sanderson Group), #134 (Winter Miles Airstream Ltd), #137 (Glenpanel Development Ltd) and #139 (Ladies Mile Syndicate)

⁶⁵ Evidence of John Gardiner dated 29 September 2023, paragraph 83

stormwater management devices to manage Slope Hill runoff and stormwater within the development area;

Option 2: A SH6 amenity corridor for stormwater: this could be piped network and stormwater devices or sales and stormwater devices adjacent to SH6;

Option 3: Stormwater management devices midway between SH6 and Slope Hill.

11.222 His analysis is that Option 1 is preferred, and Mr Gardiner states⁶⁶:

Effectively this approach requires integration across the sub-catchments and construction of centralised stormwater management devices but limits the number of devices to mitigate future issues for the community and Council in terms of maintenance over the long term. At the same time the approach attempts to provide developers with more flexibility than the original option in the draft Masterplan which indicated where the stormwater devices would be located...

In my opinion an integrated stormwater disposal regime allowing up to four stormwater management devices across the TPLM Variation Area provides more flexibility for landowners than the original draft Masterplan. Allowing choice in the siting of devices provides further flexibility.

11.223 Mr Gardiner considers that the integrated option would achieve the Guiding Principles for stormwater management at TPLM.⁶⁷

11.224 Ms Prestidge's evidence complements Mr Gardiner's assessment. She recommends the following matters be provided for in the TPLM provisions⁶⁸:

- (a) All stormwater management infrastructure is to be designed and constructed in accordance with the current QLDC Draft Code of Practice 2022 requirements and additional provisions below;**
- (b) A fully integrated stormwater management solution for Slope Hill (including treatment) is to be co-ordinated across development blocks to provide between 1 and 4 facilities (detention basins and/or soakage devices). This will include co-ordinated overland flow paths through the developments to ensure no adverse effects on downstream properties;**
- (c) Land along the toe of Slope Hill be made available for made available for stormwater management;**
- (d) Pre-treatment of Slope Hill Runoff and treatment of first flush from roads, carparks etc must be provided to ensure longevity of soakage devices;**

⁶⁶ *ibid*, paragraphs 89 and 94

⁶⁷ *ibid*, paragraph 93

⁶⁸ Evidence of Amy Prestidge dated 29 September 2023, paragraph 54

- (e) **Stormwater runoff from events up to and including the 1% AEP event is to be soaked to ground. If this is proven infeasible, stormwater from events up to and including the 5% AEP is to be soaked to ground with overflow of stormwater permitted to Lake Hayes or Hayes Creek;**
- (f) **Easements are to be provided as required for new stormwater trunks and swales cross private property. Where possible infrastructure will be coordinated within QLDC-owned road corridors and the State Highway 6 corridor;**
- (g) **Sediment and erosion control plans be prepared by a suitably qualified temporary works engineer and be implemented for the duration of the construction;**
- (h) **All stormwater management systems will be designed considering climate change adjusted rainfall (RCP6.0 for the period 2081-2100).**

11.225 Ms Prestidge also considers that the integrated, centralised stormwater management system gives effect to Te Mana o te Wai⁶⁹. She also considers that if the integrated stormwater concept is implemented, it will improve the water quality in Lake Hayes in that either no runoff that is sediment laden will make it to the lake, or only the larger events would result in discharges to the lake but these events would be less frequent, because of the attenuation capacity in the system, than in the current undeveloped situation and therefore there would be less frequent discharges to the lake.⁷⁰

11.226 In reliance on the evidence of Mr Gardiner and Ms Prestidge I therefore agree with the submissions seeking that an integrated, centralised stormwater management system for TPLM be provided for by the provisions⁷¹; and disagree with the submissions and further submissions that oppose such a system (listed in footnote 62).

11.227 The TPLM Variation provisions therefore need to be modified to reflect this position. The recommended provisions are as follows (**I invite from the parties commentary on, and suggestions for improvements in the drafting**). It should be noted that scope for the modifications to the zone purpose, objectives and policies are from #100 (Kāi Tahu).

- (a) Add to the Zone Purpose statement (49.1)

...

The planning framework is informed by the key Kāi Tahu values including whanaukataka, haere whakamua and mauri of water. These values support family and community focused development (whanaukataka) which

⁶⁹ *ibid*, paragraph 53

⁷⁰ *ibid*, paragraph 46

⁷¹ Submitters #100 (Aukaha and Te Ao Marama Inc on behalf of the Papatipu Rūnanga and Te Rūnanga o Ngāi Tahu), #44 (DoC) and #39 (FOLH)

contributes to whānau whakaruruhau, the practice of sheltering and protecting. The values also support future focused sustainable development that recognises the needs of future generations (haere whakamua), and development that recognises the life force in land, water and the natural environment (mauri).

The Structure Plan guides subdivision and development within the Zone and sets out key roading connections, well connected and legible walking and cycling routes, and an open space network for recreation and enhancement of ecological values.

...

Appropriate management of stormwater is a key consideration in developing Te Pūtahi Ladies Mile Zone. This must include stormwater management solutions that are integrated across the Zone, that mimic the natural water cycle, and that give effect to Te Mana o te Wai. These solutions must include attenuation and treatment and avoid direct discharges to Waiwhakaata Lake Hayes, and avoid adverse effects of discharges to Kimiākau/Shotover River or the Kawarau River.

- (c) Modify Objective 49.2.7:

49.2.7 Objective – An attractive built and natural environment that positively responds to streets and open spaces, provides a high level of residential and neighbourhood amenity, achieves high quality urban design and ecological outcomes and incorporates indigenous biodiversity in design.

- (d) Modify Policy 49.2.7.3:

49.2.7.3 Acknowledge and celebrate the area's cultural heritage, including incorporating indigenous vegetation and reference to tangata-whenua Manawhenua values, in the design of public and private spaces, where appropriate

- (e) Modify Objective 49.2.8:

49.2.8 Objective – Development that supports resilience to, and mitigation of, the current and future effects of climate change and contributes to an integrated approach to stormwater management.

- (f) Modify the assessment matters at 49.7:

...

- f. Sustainability and resilience

Whether the development incorporates innovative design responses

that are likely to create a benefit for the environment [and contribute to the Kāi Tahu values set out in Policy 4.2.2.21.f](#), in the areas of carbon emission reductions, stormwater management and water quality, biodiversity, renewable energy, and energy efficiency, significantly beyond the minimum levels required by the Plan, through consideration of the extent to which the development:

- (i) Demonstrates design initiatives to reduce carbon emissions through reductions in:
 - embodied energy (e.g. materials and construction processes);
 - operational energy use (e.g. thermal performance, heating and cooling, waste minimisation including organics, transport emissions); and
 - end of life emissions (e.g. design for end of life reuse-recovery-recycle).
- (ii) Supports indigenous biodiversity by providing a diversity of native vegetation species in the appropriate arrangement and location [and considering the form and function of ecological corridors](#).
- (iii) Reduces operational water use through the inclusion of water efficient fixtures, and fittings, and onsite water retention and detention; and
- (iv) Includes the appropriate management of stormwater through water sensitive design and through the retention and treatment of stormwater, and integration with the stormwater network within the Zone, [and gives effect to the Guiding Principles for Stormwater Management set out in Chapter 27 Assessment Matters at 27.9.8](#).

(g) Modify Objective 27.3.24 as follows:

27.3.24 Objective – Urban development comprising a mix of medium and high density housing, commercial centres, schools, [ecological corridors and areas for stormwater management](#), parks and open spaces for active and informal recreation, and a network of walkways and cycleways, that: ...

(h) Modify Policies 27.3.24.3 and 27.4.24.7 as follows:

27.3.24.3 Require a range of open spaces and facilities including:

- a. Sports grounds (for active and informal recreation) and associated community activities;

- b. Local parks for informal recreation;
- c. A network of walkways and cycleways throughout the Structure Plan area integrating development with Lake Hayes, the Shotover River, the adjacent Ladies Mile suburban settlements, Frankton and the Wakatipu Trails network; and
- d. A coherent and consistent landscaped setback adjacent to State Highway 6 (Amenity Access Area) that maintains the key elements of the gateway experience including significant views.
- e. Areas that function as ecological corridors and stormwater management areas, as part of a wider blue-green network

27.3.24.7 Require the design of stormwater management systems to avoid direct stormwater discharges to Lake Hayes and avoid the adverse effects of discharges to the Shotover and Kawarau Rivers, the State Highway network, ~~and~~ groundwater resources and to neighbouring sites.

(i) Modify Rule 27.7.28.1 by inserting a new matter of discretion:

j. How the stormwater management proposed for the subdivision will be managed as part of a centralised, integrated stormwater management system for the TPLM Zone north of SH6.

(j) Insert a new information requirement:

b. A statement and supporting plans and specifications with a level of detail as necessary to demonstrate how the stormwater management proposed will be managed as part of a centralised, integrated stormwater management system for the TPLM Zone north of SH6, including:

i. the manner by which the system within the land subject to the application will integrate with the system on adjoining or nearby land within the same catchment or sub-catchment, and where stormwater management devices can be shared for development across multiple properties;

ii. the manner by which a fully integrated stormwater management solution for Slope Hill and the TPLM Zone north of SH6 (including treatment) is to be co-ordinated across development blocks to provide between 1 and 4 facilities (detention basins and/or soakage devices) across the TPLM Zone north of SH6, including co-

ordinated overland flow paths through the developments to ensure no adverse effects on downstream properties;

iii. the manner by which land along the toe of Slope Hill will be made available for stormwater management;

iv. how pre-treatment of Slope Hill Runoff and treatment of first flush from roads, carparks etc will be provided to ensure longevity of soakage devices;

v. how stormwater runoff from events up to and including the 1% AEP event are to be soaked to ground. If this is proven infeasible, how stormwater from events up to and including the 5% AEP is to be soaked to ground

vi. The easements to be provided as required for new stormwater trunks and swales cross private property. Where possible infrastructure will be coordinated within QLDC-owned road corridors and the State Highway 6 corridor;

vii. Sediment and erosion control plans, prepared by a suitably qualified temporary works engineer and be implemented for the duration of the construction;

viii. How the stormwater management system(s) have been designed considering climate change adjusted rainfall (RCP6.0 for the period 2081-2100).

(k) Modify the assessment matters at 27.9.8:

c. The extent to which:

...

ii. the subdivision design provides for:

(c) the appropriate management of stormwater through a centralised, integrated management system for the TPLM Zone land north of SH6, through water sensitive design and through the retention and treatment of stormwater, and integration with the stormwater network within the Zone, taking into account the Guiding Principles for stormwater management

...

(k) Insert after the assessment matters:

[insert *Guiding Principles for stormwater management in the TPLM.*]

These are listed in paragraph 11.217 above.

- 11.228 In addition to water quality effects, ecological values must be addressed, as raised by, in particular, #44 (DOC). The TPLM Variation area, while not having any significant natural areas, is foraging habitat for some native bird species (which include At-Risk and Threatened species being terns, gulls and South Island pied oystercatchers (**SIPO**)) which feed periodically in the paddocks. DOC also states that McKann's skink is likely to be present in the area, and that matagouri is naturally present in the area.
- 11.229 Dawn Palmer addresses the issues raised by DOC and I discuss them here because they are inherently linked to the stormwater response. Her evidence⁷² is that:
- (a) The TPLM Variation area has very limited amount of indigenous vegetation, most has been planted, a few scattered matagouri are naturally present on the southern escarpment of 516 Ladies Mile located on the southern side of SH6;
 - (b) There is evidence that the TPLM Variation area has been fleetingly used as foraging habitat by highly mobile threatened or at-risk bird species;
 - (c) The Open Space Precinct area may continue to provide foraging and potentially nesting habitat following the TPLM Variation, subject to the management of that land;
 - (d) The opportunity to reinstate areas of indigenous vegetation within the TPLM Variation area are limited by the proposed density of residential development, however indigenous vegetation can be incorporated into open spaces, blue-green networks and the stormwater management areas;
 - (e) The preferred integrated stormwater management system would provide beneficial opportunities to incorporate indigenous biodiversity and provide some habitat for indigenous avifauna.
- 11.230 In relation to other ecological impacts, Ms Palmer considers:
- (a) The TPLM area is not a Significant Natural Area under the NPS-IB⁷³;
 - (b) The TPLM area is of relatively low habitat value for gulls, terns and SIPO; but the broader landscape-scale assessments to identify and assess the relative importance of foraging, roosting and nesting habitat throughout the Basin will

⁷² Evidence of Dawn Palmer dated 29 September 2023, paragraphs . [17], [42], [91] – [92].

⁷³ *ibid*, paragraphs [169] – [181].

need to occur to implement the NPS-IB⁷⁴;

- (c) The workstreams created by the implementation of the requirements of the NPS-IB, NPS-HPL, and NPS-UD and the incorporation of their outcomes into the regional and district instruments will have a bearing on the higher order PDP provisions that maintain, protect and enhance indigenous biodiversity, and that this should include research to improve understanding of (including through monitoring) habitat use by At-Risk, Threatened and specified highly mobile species and the relative importance of the identified habitats. This information is not yet available and should be produced following the broader analysis of the District, but is not necessary for the TPLM Variation.

11.231 Submitter #44 (DOC) seeks that the proposed Variation is not approved unless or until there is adequate offsetting and/or compensation for the loss of bird habitat, and provision for a consolidated stormwater management approach, and that unless or until off-site monitoring and effects management measures have been developed and confirmed in relation to native bird species. These could include stand-alone measures, and/or collaboration with, or support for, existing community initiatives.

11.232 Further submitters⁷⁵ oppose this relief.

11.233 Ms Palmer addresses this in some detail, at paragraphs 142 – 168. I acknowledge that there is bird habitat of which there is not a lot of data, and that the habitat may be adversely affected by urban development, but that there are mitigating factors including the habitat of the Open Space Precinct, the other parks and open spaces on the northern side of SH6 (as shown on the Structure Plan) and the blue-green corridor and related areas that will form the integrated stormwater solution. This is all in the context of the wider Basin with many areas of flat open rural land near waterways that would offer habitat in one way or another.

11.234 At this point I do not consider that provisions requiring offsetting and compensation, for implementation at the time of subdivision or land use application, should be adopted into the TPLM provisions. Such a rule would seem to me to be very uncertain and difficult to calculate and administer, given the fleetingness of the birds' use of the habitat⁷⁶ and the local differences between different properties.

11.235 My preference would be, as DOC suggests, a collaborative monitoring and management regime, involving the stakeholders (including the Council, DOC, Forest and Bird, BirdsNZ,

⁷⁴ *ibid*, paragraph [158].

⁷⁵ #126 (Sanderson Group), #129 (Milstead Trust), #134 (Winter Miles Airstream Ltd), #137 (Glenpanel Development Ltd), #139 (Ladies Mile Property Syndicate), #141 (Maryhill Limited)

⁷⁶ Evidence of Dawn Palmer, paragraph [26], [51], [150].

and the landowners) and at a local and wider, valley-wide scale, not just a property-by-property TPLM scale. This would be likely be an arrangement that sits outside the RMA.

- 11.236 I therefore (provisionally) recommend rejecting DOC's submission in relation to specific rules requiring offsetting or compensation measures, because I am unsure how a rule like that would work, practically, in the absence of a wider programme of monitoring and management. However, I look forward to evidence from the parties.

THEME J: VISITOR ACCOMMODATION AND RESIDENTIAL VISITOR ACCOMMODATION

- 11.237 The TPLM Variation provisions expressly seek to avoid Visitor Accommodation (**VA**) (hotels, motels, etc) and Residential Visitor Accommodation (**RVA**) (short term leasing of dwelling units, such as through Air BnB) within the Zone, consistent with the intended role of the Zone in providing for the needs of local residents (Policy 49.2.5.5, and associated rules which list VA and RVA as non-complying), and on the basis that the short-term visitor accommodation market is well catered for in many other zones.
- 11.238 Submitters⁷⁷ consider that there should be some provision for these activities in the Zone, and that RVA should be permitted with a similar approach to that which is applied in other residential zones as it does not generate effects that warrant the non-complying status. Other submitters⁷⁸ support the current avoidance policy and rules and consider that the housing should be retained for permanent residents whether owners or tenants.
- 11.239 The partial use of a dwelling for RVA (for example at 90 nights per year such as is enabled in other residential zones) encourages homes to either remain empty, other than for short term rental leases which (I understand) can provide significantly greater returns than long term rentals. This has actual or potential adverse effects from reduced housing supply, availability, and affordability.
- 11.240 I note that Ms Fairgray considers these submissions from an economic perspective. In her view, she supports enabling some level of visitor accommodation as this may improve the household economic position and increase the viability of high-density development.
- 11.241 On review of the submissions and expert evidence, I consider there is sufficient supply and zoned land to provide for short term RVA such that the TPLM does not need to provide for this activity within the TPLM residential precincts, and I support retaining the

⁷⁷ #73 (Glenpanel Developments Limited), #77 (Ladies Mile Property Syndicate), #80 (Koko Ridge Limited and W Foley), #93 (Sanderson Group and Queenstown Commercial Limited), #94 (Winter Miles Airstream Limited), #105 (Maryhill Limited)

⁷⁸ #51 (G Erving), #95 (C Evans)

approach to discourage this activity. Further, the TPLM Zone presents the opportunity for a “fresh start” as a new greenfields urban zone, and such discouragement rules are not being applied retrospectively to existing home owners who may already be relying on and are consented for RVA use of their home.

11.242 However, I consider that VA could be more enabled within the Glenpanel Precinct and the Commercial Precinct, as this may enhance the commercial take-up of other activities in these precincts. This may generate more economic and social benefits by increasing the diversity and vibrancy of these areas, as well as providing accommodation options for visitors to nearby family living within the zone. Ms Hampson supports a more enabling approach to Residential Visitor Accommodation and Visitor Accommodation in the Commercial Precinct⁷⁹, but, to avoid this activity potentially displacing other commercial activities in the Commercial Precinct, she considers this should be above ground floor only.

11.243 I therefore recommend that VA be provided for as a Discretionary Activity within the Glenpanel and Commercial Precincts, with amendment to notified policy 49.2.5.5, and inclusion of a new policy, Policy 49.2.5.6, as follows (additions underlined):

49.2.5.5 Avoid Visitor Accommodation and Residential Visitor Accommodation in the residential precincts, consistent with the role of the Zone in providing for the needs of local residents.

49.2.5.6 Provide for Visitor Accommodation within the Commercial Precinct and the Glenpanel Precinct provided that this activity is consistent with the objectives and policies for those Precincts.

11.244 These recommended changes are reflected in the **Recommended Provisions** at Section 13.

11.245 I consider that there are benefits in providing for VA within the two commercial areas of the Zone, as discussed above, and that the costs (the potential loss of floor area to an activity not expressly for the purpose of serving the day to day needs of the local communities) are outweighed by the benefits provided that the overall purpose and function of the commercial precincts prevails. This is worked into my proposed wording of the new policy. I do not consider there are any significant risks of providing for VA in this way, and some efficiencies may be derived from the potential for VA to further drive the development in the commercial precincts.

THEME K: LAND PRODUCTIVITY AND THE NPS-HPL

⁷⁹ Evidence of Natalie Hampson dated 27 September 2023, paragraphs 185 - 188.

- 11.246 M Spary (#43) considers that the land is productive farmland and that the values (productive, scenic, and rural) would be lost by urbanisation.
- 11.247 I addressed the NPS-HPL in Section 7 above (Statutory Context). In summary, the NPS-HPL does not apply to the TPLM Variation land.
- 11.248 I therefore disagree with the submitter to the extent that the submission raises the productive capacity of the land.

THEME L: SUSTAINABILITY AND CLIMATE CHANGE

- 11.249 Submissions⁸⁰ on the theme of sustainability and climate change generally seek that the provisions give greater recognition to emissions reductions through building and construction sustainability and waste and recycling.
- 11.250 By way of background, the Council is required under s74 to have regard to *Te hau mārohi ki anamata – Aotearoa New Zealand’s First Emissions Reduction Plan (ERP)* and the *Aotearoa New Zealand’s First National Adaptation Plan* prepared under the Climate Change Response Act 2022 (**CCRA22**). These plans were addressed in the s32 analysis and the potential effects of climate change, and the desire to encourage emissions reductions and sustainability in development, have been considered through the development of the TPLM provisions.
- 11.251 At a broad level, the TPLM Variation promotes sustainable urban development through its location and design. The TPLM seeks to provide all elements to achieve a well-functioning urban environment which can reduce greenhouse gas emissions by creating more self-sufficient and connected urban communities within the Eastern Corridor to reduce the need for private vehicle trips and encourage public and active transport. There are two aspects to this.
- 11.252 Firstly, the location is on a strategic growth corridor in proximity to existing centres, integrating with existing residential areas and facilities, is more efficient and sustainable than urban expansion in more distant locations (as I discussed in Theme E above).
- 11.253 Secondly, the design of the provisions takes a prescriptive approach to location of activities, density, transport staging upgrades, maximum parking rates, and the spatial layout of development to increase the opportunity for the desired mode shift and accessibility outcomes, and hence reduction of emissions. The promotion of commercial

⁸⁰ #100 (Aukaha and Te Ao Marama Inc on behalf of the Papatipu Rūnanga and Te Rūnanga o Ngāi Tahu), #7 (S Waddlingham), #57 (C Austin)

and education activities further encourages the degree to which the Easter Corridor can be self-sufficient.

11.254 Further, at the development level, the provisions include specific reference to sustainability and climate change, to encourage consideration of methods to reduce energy, waste and emissions. This includes:

Objective 49.2.8 Development that supports resilience to the current and future effects of climate change; and

Policy 49.2.8.1 Encourage site layout and building design that promote sustainability, including design that conserves energy, reduces waste and reduces emissions.

11.255 The matters of discretion and assessment matters for development (Rules 49.4.4 and 48.4.18) and the assessment matters for site and building design (Clause 49.7)(f) (“Sustainability and resilience”) collectively encourage innovative design responses to reduce emissions (including at all stages from embodied, process and end of life emissions) and improve environmental outcomes.

11.256 Submitter #100 supports Objective 49.2.8 but seeks that the Zone policy framework be amended to include a statement of direct policy intent as to how the Zone will contribute to emissions reductions. It seeks include reference to the “mitigation of” climate change. I consider the notified wording of the objective to be appropriate, as the reduction of emissions (as above) is one way to support resilience to climate change, with Policy 49.2.8.1’s reference to reducing emissions.

11.257 Submitter #7 requests that recycling is incorporated into the plan and compost bins be provided to houses that want them. The notified provisions include a standard (Rule 49.5.8) requiring residential activities to provide sufficient space for waste, green waste and recycling bins. The TPLM Variation cannot control whether the Council provides facilities for disposal of such waste; such provision would be through a separate Council initiative⁸¹. I therefore consider that these provisions provide an appropriate level of regulation on this matter.

11.258 Submitter #57 supports the assessment matters under Clause 49.7(f) (the specific assessment matters for sustainability and resilience) but considers they are not sufficiently clear and structured to achieve compliance. I consider that it is appropriate for the provisions to *encourage* consideration of methods to improve environmental outcomes and reduce emissions, and for the Council to consider how a development will

⁸¹ I note for example Auckland Council’s recent (July 2023) initiative for providing food waste bins to each household, for weekly collection.

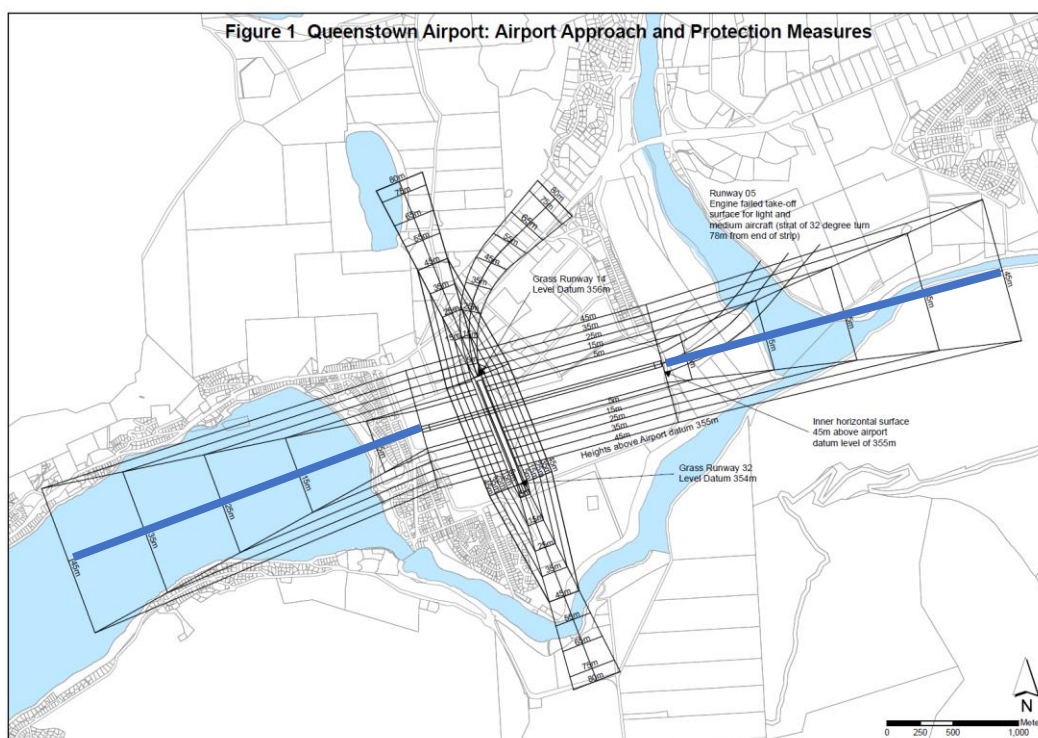
address this in the assessment of a resource consent application, but not to regulate to the extent of setting specific targets or methods.

11.259 That is not to say that the choice to satisfy the assessment matter is optional to a developer, but that there are many different ways that building sustainability can be achieved, and in my view it is important the provisions allow flexibility, and allowing for future changes in knowledge and technology. Too much prescription would inevitably become onerous to development of the Zone, in my view.

THEME M: AVIATION ISSUES

11.260 Three submitters raise issues related to aviation. Submitter #30 (J Doe) is concerned that there will be population underneath the flight path of Queenstown Airport.

11.261 The TPLM land is not underneath the flight path, which is shown on the excerpt below from PDP planning maps Figure 1 (*Queenstown Airport: Airport Approach and Protection Measures*); the approach paths are the straight lines (overlaid by the thick blue line) extending from each end of the airport runway. At the eastern end of the runway the flight path is a considerable distance from the TPLM land.



11.262 I therefore disagree with the submitter.

11.263 Submitter #69 (Airways Corporation of New Zealand) seeks that Rule 29.5.24.1 be amended as follows:

There shall be no direct property access for vehicles from the collector road Type A on the Structure Plan to land located north of the road except where such direct property access already exists as at 9 June 2023.

11.264 This is to allow access from collector road A to land north of the road to access navigational aid ("Nav Aid") at the top of Slope Hill.

11.265 I support the submission, but would prefer to add further words (in blue below) to better specify the purpose of the submitter's change:

There shall be no direct property access for vehicles from the collector road Type A on the Structure Plan to land located north of the road except where such direct property access already exists as at 9 June 2023 for the purpose of access to the Airways Corporation Nav Aid on Slope Hill.

11.266 Submitter #84 (FlightPlan2050) seeks that the provisions be amended so that the building restriction zone south of SH6 to be extended across the open space precinct to the same depth (to the north), and that the SH6 landscape plan be restricted to plants less than 2 m height within 30 m of the road centreline, and to 4 m for the remainder up to 40 m from the road centreline.

11.267 These changes are to enable the use of SH6 at Ladies Mile as an emergency aircraft runway, if a natural hazard (seismic) event affects Queenstown Airport, or if Queenstown Airport is disestablished and is used for urban purposes.

11.268 On these two reasons I comment:

(a) If a seismic event is of such magnitude that Queenstown Airport's runway is out of action, chances are SH6 at Ladies Mile will be similarly afflicted. If not, and the bridges are out, then helicopters would seem to me to be the logical form of transport (and acknowledging that I am not an expert on civile defence response planning);

(b) If the Queenstown Airport land is ever converted to urban activities, it would be sensible to retain a sufficient width of the existing runway, and to adopt building setbacks and landscaping on either side so that the runway can still be used by emergency aircraft.

11.269 I also note that neither the Queenstown Airport or the Airways Corporation have filed submissions seeking similar relief as #84.

11.270 For these reasons I do not consider that the costs of adapting the SH6 corridor at Ladies Mile to be able to be used as an emergency runway, including the loss of the existing amenity treescape along much of the southern side, are outweighed by the benefits seen

by #84.

THEME N: HERITAGE AND THE GLENPANEL PRECINCT

11.271 Submissions⁸² seek changes to the Structure Plan and provisions applicable to the Glenpanel Precinct. Heritage and archaeological values within the TPLM Variation area were considered initially by an assessment undertaken by Origin Consultants (**Origin**) in 2022 and Robin Miller provides further expert evidence on heritage matters in responses to submissions. Prior to addressing the specific submission point, I set out the background and context to the heritage and archaeological values of the Glenpanel Precinct and Mr Miller's evidence.

Background and context

11.272 As summarised in the evidence of Mr Miller, the TPLM Variation area and wider environs has heritage value relating to its agricultural history dating back to the 1860s, and there is noted to be a high likelihood of subsurface archaeological features. The Glenpanel Homestead is the only historic building of significance remaining within the TPLM Variation area.

11.273 The Origin assessment was undertaken prior to the development of the zoning provisions and Structure Plan, and provided a number of 'broad brush' design principles and recommendations to mitigate adverse effects on the homestead site and its contextual setting (and these recommendations are outlined in Mr Miller's evidence). Mr Miller considers the Glenpanel Precinct may support the adaptive reuse of the historic homestead, with positive outcomes, and that the homestead could become a community hub. However, Mr Miller considers that some of the original recommendations were not translated into the TPLM Variation.

11.274 Accordingly, before turning to the submissions I will outline the ways in which the TPLM provisions seek to acknowledge and protect the heritage values; and how the provisions of District wide Chapter 26 (Historic Heritage) would apply to the development of the site in addition to any TPLM Variation provisions.

11.275 The significance of the Glenpanel Homestead and wider setting was considered in the development of the TPLM Structure Plan and provisions, being identified within the "Glenpanel Precinct" where specific rules apply. The Glenpanel Precinct allows for the building to be repurposed for compatible community or commercial activities that can highlight its heritage significance; and increase public connection to and enjoyment of the site. Objective 49.2.4 and Policies 49.2.4.1 and 49.2.4.2 seek to ensure development is

⁸² #105 (Maryhill Limited), #108 (Milstead Trust), #73 (Glenpanel Development Limited)

of an appropriate scale and potential adverse effects on heritage values can be managed. These are:

Objective 49.2.4 **The Glenpanel Precinct provides for non-residential activities that complement the role of the Commercial Precinct with development which responds to the character of the area.**

Policy 49.2.4.1 **Enable small-scale commercial and community activities to serve the day-to-day needs of the local community.**

Policy 49.2.4.2 **Require development within the Glenpanel Precinct to manage adverse effects of development on the historic heritage values of Glenpanel Homestead and its setting.**

11.276 Policy 49.2.7.3, which applies to all Precincts, is also relevant:

Policy 49.2.7.3 **Acknowledge and celebrate the area's cultural heritage, including incorporating indigenous vegetation and reference to tangata whenua values, in the design of public and private spaces, where appropriate.**

11.277 A notified 8m maximum height limit applies within the Glenpanel Precinct, and existing trees on the Homestead site as well as along the current access from SH6 are proposed to be retained (and are annotated on the structure plan). Other features of the Structure Plan which also serve to mitigate heritage effects include the area east of the homestead lot which is also identified with an 8m height limit, with 13m being enabled within the MDR Precinct on the western side (being at the 'back' side) of the building and gardens. Additionally, the collector road and main active travel route runs along the southern boundary and provides for increased public connectivity to the site, as well as providing separation to the MDR precinct to the south.

11.278 The Glenpanel Homestead is also already identified as a 'Category 3' protected heritage building under District-wide Chapter 26 (Historic Heritage) of the PDP. The Homestead has local significance and is not on the Heritage New Zealand Pouhere Taonga List.

11.279 Chapter 26 has the following description for Category 3 buildings.

Category 3 Heritage Features are significant to the District and/or locally and their retention is warranted. The Council will be more flexible regarding significant alterations to heritage features in this Category. Category 3 shall include all other places of special historical or cultural value.

11.280 This recognises that although the building is noted to have significance, it has a lower classification and the Council will be 'more flexible' regarding significant alterations.

11.281 The Chapter 26 rules require a resource consent (Rule 26.5.7) for any building alterations, as well as any development within the “setting” or “extent of place” of the heritage feature under Rule 26.5. These are defined under the PDP as follows:

Setting: Means the area around and/or adjacent to a heritage feature listed under the Inventory of Listed Heritage Features in Section 26.8 and defined under 26.8.1, which is integral to its function, meaning, and relationships, and which is contained in the same legal title as the heritage feature listed on the Inventory of Listed Heritage Features. (Refer also to the definition of ‘Extent of Place’).

Extent of Place: Means the area around and/or adjacent to a heritage feature listed in the Inventory of Listed Heritage Features under Section 26.8 and which is contained in the same legal title as a heritage feature listed in the Inventory, the extent of which is identified in Section 26.8.1.

11.282 These definitions therefore apply to the “legal title” and therefore any future development within the existing legal title of the homestead would require resource consent, with specific heritage assessment being required under Chapter 26. I acknowledge the comment of Mr Miller that if subdivision of the Glenpanel Precinct occurred it would no longer be within the same legal title, and these provisions would not apply. However, Rule 27.5.13 in the Subdivision chapter requires Discretionary activity consent for the subdivision of land containing a heritage item scheduled in the Plan, and the objectives and policies in that chapter address effects of subdivision on heritage values.

11.283 I therefore consider that the existing provisions of Chapters 26 and 27, in addition to the proposed TPLM provisions and Structure Plan collectively enable suitable assessment of heritage values at the time of subdivision or land use development, within the context of the broader objectives and expectations to be achieved by the rezoning of the wider area to a high-density urban environment.

11.284 I do however acknowledge the recommended improvements that could be made to the provisions identified by Mr Miller⁸³. There may be limited (or no) scope for these changes, however, but in principle I agree that the following changes would improve the TPLM Variation provisions, should the Panel find that there is scope:

- (a) Inclusion of heritage as a matter of discretion for subdivision in the TPLM Zone (Rule 27.7.28.1) and for breaches of development standards within the Glenpanel Precinct; and within the MDR and HDR precincts adjacent to the Glenpanel Precinct where Chapter 26 would not apply;

⁸³ Evidence of Robin Miller dated 29 September 2023, paragraph [25].

- (b) Identifying an active travel connection within the row of trees along the existing access to the homestead;
 - (c) Inclusion of specific reference to the Homestead site within 49.7 Assessment Matters for Site and Building Design applicable to the Glenpanel Precinct; and within the MDR and HDR precincts adjacent to the Glenpanel Precinct where Chapter 26 would not apply.
- 11.285 I do not agree that further design controls should be added, and instead prefer to rely on the existing approach of Chapter 26 and the specified evaluation criteria that are required to form the basis of any assessment of effects of activities affecting heritage features (26.2.3).

Response to submissions

- 11.286 The submitters #73 (Glenpanel) #105 (Maryhill) and #108 (Milstead) generally support the intent of the Glenpanel Precinct but seek some changes to the notified provisions relating to building height, precinct boundaries and protected trees.
- 11.287 In relation to building height, #73 seeks increased heights of 17m within the Glenpanel Precinct; and #108 opposes the 8m height limit and seeks that building heights are increased generally and to 17m “*on the eastern side of the Glenpanel Precinct*”, and seeks to allow better interface between different building heights. Submitter #108 also seeks that Rule 49.5.17 (matters of discretion) and Assessment matter 49.7.1 be amended to reference the need for consideration to the interfaces between buildings so they do not result in an abrupt change.
- 11.288 Michael Lowe and Mr Miller have addressed these submissions in their evidence. Mr Miller considers that the maximum building height should not be increased as this further risks the homestead being enclosed by taller buildings, and that the Glenpanel homestead section has limited capacity for intensive development which could affect its setting and contextual value. Mr Lowe recommends retention of the notified building heights, and considers that increased height can be assessed through the resource consent process.
- 11.289 I agree with Mr Miller and Mr Lowe and consider the notified heights to be appropriate, and that resource consent can be sought for buildings of increased heights, should such a proposal be justifiable following an assessment of environmental effects. I therefore do not support these submission points.
- 11.290 However, I agree with submitter #108’s point that the effects of abrupt changes in heights of adjacent precincts should be considered, and I recommend accepting in part that submission. I recommend changes to Rule 49.5.17 (matters of discretion) and

Assessment matter 49.7.1 to include reference to the interface between building heights, as set out in the Recommended Provisions in Section 13.

- 11.291 Submission #105 seeks that the boundary between the Glenpanel Precinct and the adjacent HDR Precinct in Sub-Area C be amended in the south-west corner of Lot 7 DP 463532 to reflect recent boundary changes approved by subdivision consent RM220050. I discuss this in more detail in Section 12 and in summary I recommend that the boundary be shifted between the Glenpanel Precinct and HDR Precinct to allow for a more uniform boundary and provide a slight additional physical separation to the homestead. This may align more with Mr Miller's preference.
- 11.292 The Structure Plan identifies an overlay of existing trees to be protected within the Glenpanel Precinct and along the existing access from the state highway. Submission #108 seeks that the Structure Plan be amended to identify specific trees to be protected, noting that species of trees on the site include exotic species, and some do not have values of particular significance to be protected and also that they do not cover the whole property as the mapping overlay suggests.
- 11.293 The trees on the site are not intended to be scheduled, and Mr Miller considers that the retention of trees assists in retaining a sense of place to the homestead. Accordingly, the context of the trees and their contribution (or otherwise) to the heritage values of the site should be considered as part of any redevelopment or alteration proposal, and I consider the broader mapping approach to be appropriate. I therefore do not support the submission point.

SUMMARY

- 11.294 As detailed above I disagree with some submitters and agree with others on the various submission points and reasons offered by submitters. Subject further to my more detailed assessment of the submissions seeking zone extensions or changes (Section 12) or modifications to specific provisions (Section 13), I support the TPLM Zone, and further address the s32 tests in Section 14.

12 REZONINGS AND MAPPING CHANGES


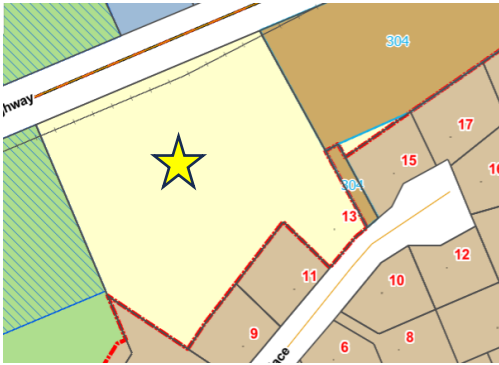
INTRODUCTION

- 12.1 Several submissions request rezoning to enable inclusion within the TPLM Zone, or for various amendments to the zone boundaries, precinct boundaries, the structure plan and other mapping annotations.
- 12.2 In making recommendations on mapping changes (including rezoning) for the TPLM Zone, I have had regard to the matters set out in s32. A s32 evaluation report was prepared and notified with the TPLM Variation and contains a detailed analysis of the proposal against relevant statutory matters, the objectives of the TPLM Variation and how these give effect to higher order strategic chapters, and in turn, how the TPLM Variation accords with Part 2 of the Act. Further background is also provided in the Statutory Context section of this s42A report (at Section 7).
- 12.3 Some of the rezoning submissions are considered to be out of scope, as they are not “on” the plan variation. This is discussed in Section 9 (jurisdictional matters) of this report and will also be addressed in the Council’s legal submissions at the hearing.
- 12.4 Nonetheless, in the event that the Panel considers these submissions to be within scope, in this section I assess the merits of them and provide recommendations.

REZONINGS

Submission 37 – Jo and Matt Dobb

Property and submission summary	
Scope determination	Out of scope - not “on” the variation.
Further submitters	None
Land area / request referred to	13 Ada Place, Lake Hayes Estate
Legal description	Lot 275 DP 333981
Existing PDP zone and mapping annotation	Rural Zone Transmission line
Notified proposed TPLM Zone	N/A
Zone and mapping annotations requested	That either a) The extent of the TPLMZ plan change be amended to include the upper terrace of 13 Ada Place (Lot 275 DP333981) as follows: i. Within the TPLMZ zoning map ii. Within the Structure Plan extent (red line)

	<ul style="list-style-type: none"> iii. Within the MDR Precinct (to align with the proposed Sub-Area on the northern side of the Ladies Mile) iv. Within Sub-Area 'G' (to align with the proposed Sub-Area on the northern side of the Ladies Mile) v. Subject to a 25m Building Restriction Area <p>OR</p> <p>b) The upper and lower terrace be rezoned to Low Density Suburban Residential as per the adjoining Lake Hayes Estate and nearby Queenstown Country Club, subject to a 25m Building Restriction Area adjacent to the State Highway and over the embankment area.</p> <p>OR</p> <p>c) Any consequential relief necessary or alternative zoning approaches to enable residential development of the upper terrace of 13 Ada Place.</p>
Hazard mapping	N/A
Aerial photo	
PDP mapping	
Summary of Council assessments and recommendations	
Landscape (Mr Skelton)	Opposed
Urban design (Mr Dun)	Opposed
Residential Density (Ms Fairgray)	Support in part
Overall Recommendation	
Recommendation	Accept in part - If determined within scope
Summary	The request to rezone the upper terrace to TPLM MDR Precinct is not supported.

Alternative relief is supported to rezone a part of lower terrace containing the existing residential dwelling to PDP LDSR Zone, as shown by the orange hatching on the below image.



Analysis

- 12.5 The submitter seeks to include the upper terrace of 13 Ada Place within the TPLM Zone as either PDP LDSR or TPLM MDR Precinct. This land adjoins the eastern extent of the zone, on the southern side of SH6. The submission states it is focussed on the rezoning of the upper terrace, however within the marked-up changes sought, as an alternative, also seeks rezoning of both the upper and lower terrace.
- 12.6 The evidence of Mr Dun explains that the Zone seeks to achieve a high quality 'gateway' experience to SH6, which retains a rural outlook with views from SH6 to Slope Hill and views south to the Remarkables by retaining a larger set back to the southern side of SH6 and restricting development.¹ Increased building heights are concentrated on the northern side of SH6 set against the backdrop of Slopehill to enable retention of views from SH6, with building heights kept lower on the southern side with generous setbacks. The Open Space Precinct defines the notified south-eastern extent of the zone, and is anticipated to be developed as open space, sports fields and associated community buildings. While some buildings may be located in the Open Space Precinct, the land will largely remain of an open park like character (albeit no longer rural). Mr Dun states that *"Housing on the upper terrace in this location would be highly visible and inconsistent with the character of the southern side of SH6 that is proposed"*.² Mr Skelton considers the rezoning *"...would see a change of character and an anomalous site within the Lake Hayes Estate area which would read as incongruent with the existing patterns of development"*.³


¹ Evidence of Stuart Dun dated 29 September 2023, paragraph [25].

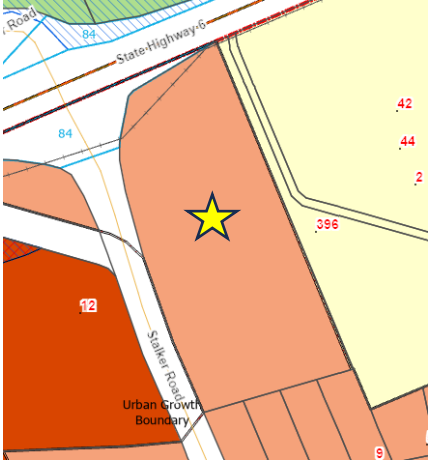
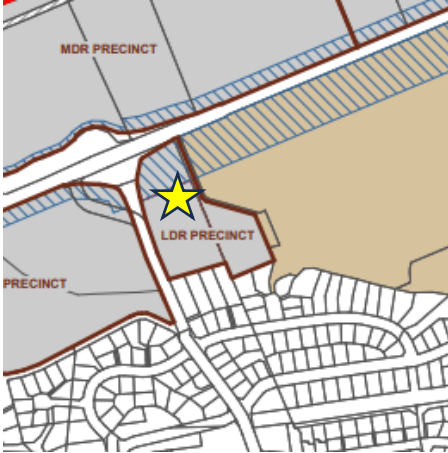
² Evidence of Stuart Dun dated 29 September 2023, paragraph [100].

³ Evidence of Stephen Skelton dated 29 September 2023, paragraph [103].

- 12.7 Additionally, the submitter states that physical access to the land would be via the new road link shown on the Structure Plan. The Sylvan Street Road link is however identified for the purpose of public and active transport links only and is not intended to accommodate residential traffic.
- 12.8 For the reasons above, and relying on the evidence of Mr Dun and Mr Skelton, I consider that the inclusion of the submitters land and potential presence residential buildings on the upper terrace south of SH6 would compromise the intent of the Structure Plan and disrupt the visual character of the immediate approach from the east; with immaterial benefit in terms of housing supply or other community benefit.
- 12.9 If the Panel considers there is scope, I suggest alternative relief to rezone the part of the lower terrace containing the existing residential dwelling to the LDSRZ. I accept that the Rural zoning of the lower terrace containing the dwelling appears to be an anomaly, and it is not known the background as to why this was not resolved through earlier stages of the PDP review. Although this would result in a split zoning to the submitters' land, this may avoid complexities and unnecessary consent requirements for additions or alterations to the existing dwelling associated with its current rural zoning. The LDSRZ may also support limited infill/intensification on the lower terrace.

Submitter 46 – SHOTOVER COUNTRY LIMITED

Property and submission information	
Scope determination	Within Scope
Further submitters	FS136 – Supports the submission as it relates to the removal of the 75m BRA.
Land area / request referred to	Corner of Stalker Road and Frankton – Ladies Mile Highway
Legal description	Section 7 SO 485598, Lot 1 DP 510256
Aerial photo	
PDP zone and mapping annotation	Shotover Country Special Zone (Open space activity area 5a) (ODP)

	
Notified proposed TPLM Zone	<p>TPLM Low Density Residential Precinct – Sub Area 'I'</p> 
Zone and mapping annotations requested	<p>(a) The TPLM Low Density Residential Precinct be confirmed OR</p> <p>The site and land located within the LDR Precinct to the east of Stalker Road (Sub-Area 'I') be excluded from the TPLMZ and rezoned to PDP Low Density Suburban Residential.</p> <p>(b) That the 75 BRA on the site be reduced to 25m to align with the BRA on the opposite side of Stalker Road.</p> <p>(c) That a parcel of land (Lot 1 DP 510256) within Sub Area 'I' that has been included with the Low Density Suburban Residential zoning, rather than the TPLMZ. This is an inconsistency because the Sub-Area 'I' rule for density includes this land.</p> <p>(d) That the red dotted line that passes through the site as shown on the Zoning Map should be removed, as it seems to be an error.</p> <p>(e) Any other changes to achieve the matters listed above.</p>
Summary of Council assessments and recommendations	
Transport (Mr Shields)	Opposed
Urban design (Mr Lowe)	Reject
Landscape (Mr Skelton)	Reject
Overall Recommendation	

Recommendation	Accept in part
Summary	<p>(a) That the rezoning to PDP LDSR is recommended to be rejected.</p> <p>(b) That the relief sought to reduce the 75M BRA is recommended to be rejected.</p> <p>(c) That Lot 1 DP 510256 is recommended to be rezoned from LDSR to TPLM Zone – LDR Precinct.</p> <p>(d) That the red dotted line that passes through the site is recommended to be removed.</p>

Analysis

- 12.10 The submitter seeks either that TPLM Low Density Residential Precinct be confirmed or that the site be excluded from the TPLMZ and rezoned to PDP Low Density Suburban Residential; and that the 75m BRA be reduced to 25m.
- 12.11 By way of background to this submission, the land has been recently approved for a residential subdivision to create 18 lots under RM220624, which included land use consent for buildings within a defined building platform for each lot. RM220624 was publicly notified, and consent was granted on 18 July 2023, which was after the lodgement of their TPLM submission. The approved plans are shown in [Figures 1 and 2](#) below.
- 12.12 With regard to the relief sought, I address each element separately. Firstly, the submitter supports the notified TPLM LDR Precinct, however, also seeks that the land be rezoned to PDP LDSR. Rezoning to PDP LDSR would have the effect of removing the land from being subject to the density cap of 30 residential units under Rule 49.5.11. The submitter discusses that the residential yield from the site would be similar under either scenario. However, I consider inclusion of the site within the TPLM Variation area and being subject to Rule 49.5.11 would provide greater certainty and ability to manage potential effects. I also reiterate the background context to the rezoning of the TPLM Variation area, which was predicated on a proactive and integrated approach in which transport and other community concerns could be managed. A range of methods are proposed to ensure this, with the residential density ranges being linked to increased support for social amenities and the transport strategy and mode shift targets, whereby increased densities would necessitate greater mode shift to achieve the desired levels of service.



Figure 1 - Approved plan RM220624

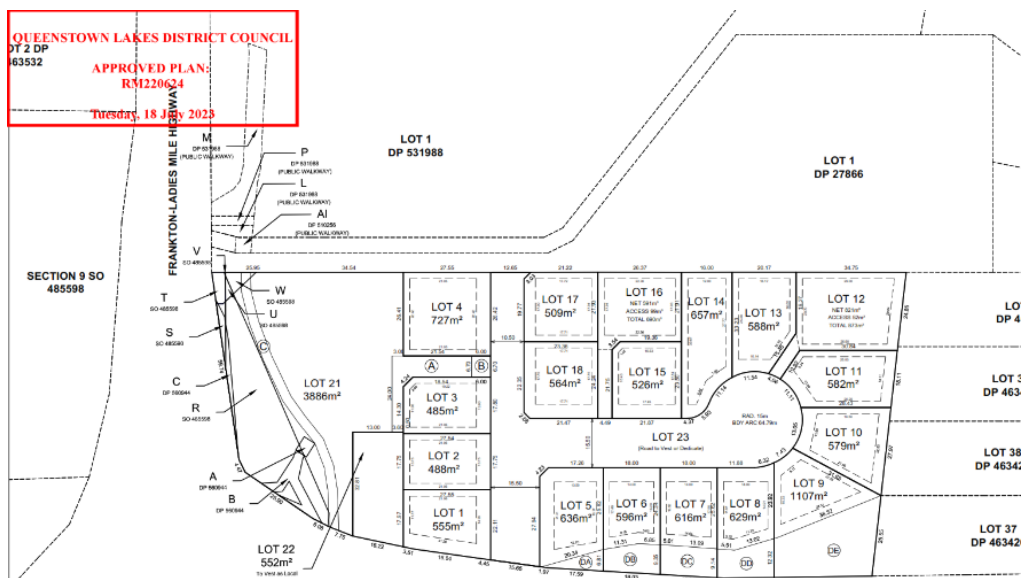


Figure 2 - Approved plan RM220624

- 12.13 Mr Shields has reviewed this and other similar submissions and does not support removing the density limits within Sub Areas H1 and H2 and I on the basis that they are a significant distance from the intended location of community facilities and bus stops, and increasing the number of units on these sites will increase private vehicle use.⁴
- 12.14 Accordingly, I consider the site should be retained within the TPLMZ and I do not support the rezoning to the LDSRZ.
- 12.15 The requested reduction of the BRA width would allow buildings to be located within 25m of SH6. The Submitter considers that the 75m BRA is modelled off the Queenstown Country Club site, yet that their site is differentiated from the QCC site, as it has existing bunding and

⁴ Evidence of Colin Shields dated 29 September 2023, paragraph [65] – [66].

landscape planting that forms part of the receiving environment. This opinion was also advanced within RM220624. The application originally submitted for RM220624 sought consent for 20 lots, with Lots 19 and 20 being located within the area of the currently notified 75m BRA. An extract of the original proposed scheme plan is at **Figure 3** below.

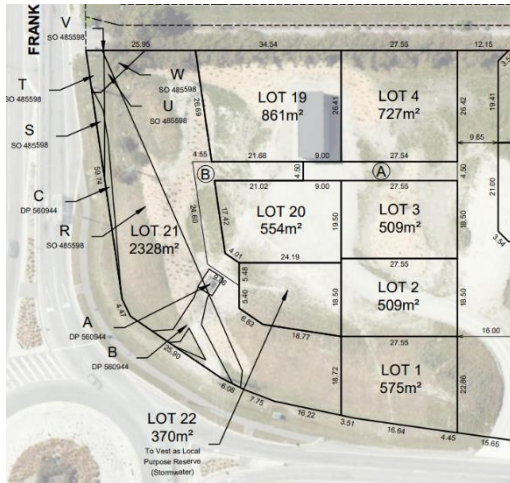


Figure 3 - Original scheme plan submitted for RM220624 (note this was not approved)

- 12.16 The proximity of Lots 19 and 20 to the SH and associated visual/landscape effects was a matter of contention through the hearing, and comprehensive urban design and landscape assessments were undertaken on this matter. The result was that Lots 19 and 20 were subsequently removed from the proposal. Additionally, the conditions of consent require the existing bunding to be modified and landscaped to appear more natural, as shown above. The final decision of RM220624 has the effect of consenting building platforms within approximately 62m of the SH, rather than 75m.
- 12.17 Mr Lowe has reviewed the relief sought from an urban design perspective and considers that the 75m BRA should be retained as notified because on the south side of SH6, this creates a continuous well-defined built form edge along the flat land in alignment to a similar contour level/ viewpoint elevation as experienced from SH6; and that such a setback allows views to be retained from the highway looking south to the Remarkables, and looking west towards the Peninsula Hill.⁵ Mr Skelton has reviewed the requested amendment to the BRA and does not support the relief, stating that the:

The 75 metre BRA is consistent across most of the southern approach of SH6 (noting the BRA is 25m where it adjoins the Open Space Precinct) and is a design response seeking to maintain the openness... If this BRA were to be reduced, it would diminish

⁵ Evidence of Michael Lowe dated 29 September 2023, paragraph [66].

*the sense of openness and would result in an anomalous level of development closer to the highway which would read as distinctly different to that proposed.*⁶

12.18 I agree with Mr Lowe and Mr Skelton and in acknowledging the detailed assessment which was undertaken as part of RM220624, I recommend that the submission be rejected and the notified 75m BRA be retained.

12.19 The submitter also notes that the Structure Plan - Building Heights plan contains a red line through the site which appears to be an error. I have highlighted this in yellow in **Figure 4** below. I agree, and accept the relief sought to remove these lines.



Figure 4 – lines (highlighted) to be removed


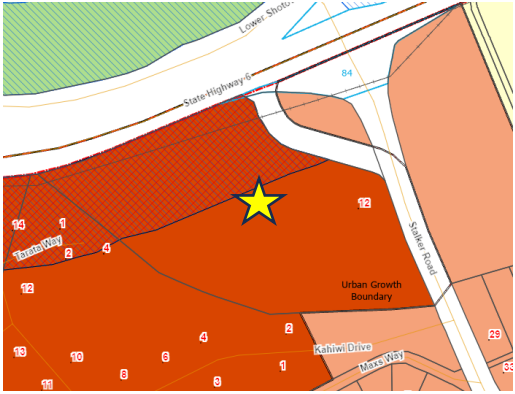
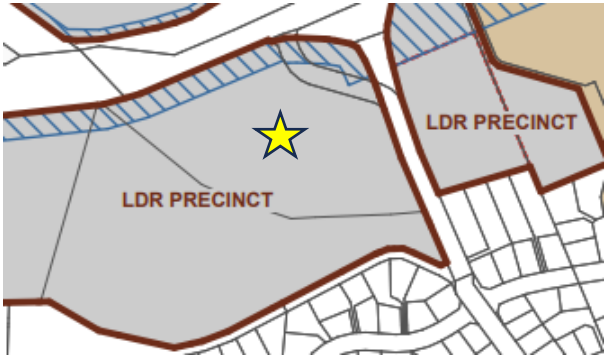
12.20 Lastly, the submitter notes that Lot 1 DP 510256 alongside the QCC site, has been zoned as PDP LDSR, rather than TPLM Zone and this is an inconsistency because the Sub-Area 'I' rule for density includes this land. This lot is indicated in **Figure 5** below (highlighted yellow). I agree, and accept the relief sought to rezone this lot to TPLM Zone – LDR Precinct.



Figure 5 – Lot 1 DP 510256

⁶ Evidence of Stephen Skelton dated 29 September 2023, paragraph [104].

Submitter 45 – Caithness Development Limited

Property and submission information	
Scope determination	Within scope
Further submitters	None
Land area / request referred to	12 Stalker Road
Legal description	Lot 4 DP 325561, Section 4-5 SO 485598
Aerial photo	
Existing zone and mapping annotation	<p>Split zoned Large Lot Residential (PDP), Shotover Country Special Zone (ODP)</p> 
Notified proposed TPLM Zone	<p>TPLM Low Density Residential Precinct, 'H1' sub area.</p> 
Zone and mapping annotations requested	<p>The TPLM Low Density Residential Precinct be confirmed. OR The site be excluded from the TPLM Zone and rezoned to PDP Lower Density Suburban Residential (LDSR).</p>

Summary of Council assessments and recommendations	
Transport (Mr Shields)	Opposed
Overall Recommendation	
Recommendation	Reject – rezoning to PDP LDSR Accept – retention of TPLM LDR Precinct
Summary	N/A

Analysis

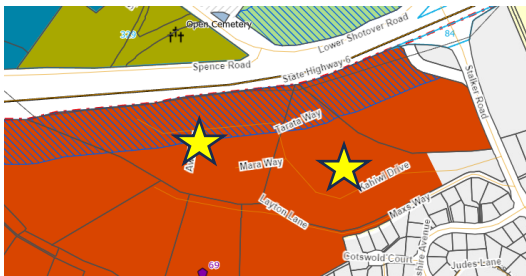
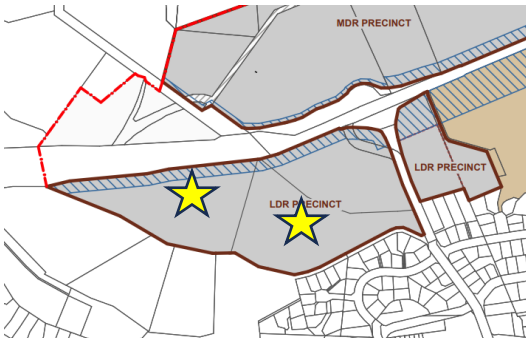

- 12.21 The submitter supports the notified TPLMZ LDR Precinct and the 25m BRA, however, also seeks that the land be rezoned to the PDP LDSRZ. The submitter notes that the residential yield from the site would be similar under either zoning scenario. However, rezoning to the LDSRZ would have the effect of removing this land from being subject to the transport infrastructure upgrade requirements applicable to sub area H1 under Rule 49.5.10, which requires bus stops, an active travel link, and a SH6 crossing to be established west of Stalker Road. Additionally, rezoning to PDP LDSR would also mean that the site would not be captured by Rule 49.5.11 which sets a maximum residential density of 38 residential units. These restrictions of the TPLM LDR precinct are important for managing potential effects to both the local and state highway road network.
- 12.22 The submission states that delivering the transport upgrades is not within the control of the applicant and can only be undertaken by NZTA or ORC and suggests that development should not be linked to these works.
- 12.23 Mr Shields has reviewed this and other similar submissions and does not support removing the density limits within Sub Areas H1 and H2 on the basis that they are a significant distance from the intended location of community facilities and bus stops, and increasing the number of units on these sites will increase private vehicle use.⁷ Mr Shields does however agree that sub areas H1 and H2 could be removed from the requirement to provide bus stops and pedestrian crossings to the north side of SH6; but that the requirement for the provision of the active travel link should remain.⁸ I agree with Mr Shields on this point and note that the requirement for the provision of bus stops and pedestrian crossings of SH6 will still be retained within Sub Area A on the north side of SH6.
- 12.24 For these reasons and replying on the evidence of Mr Shields, I do not support any rezoning which would allow the land to develop at increased residential densities. However, in Section 13 I have recommended changes to Rule 49.5.10 for transport infrastructure upgrades.

⁷ Evidence of Colin Shields dated 29 September 2023, paragraph [65] – [66].

⁸ Evidence of Colin Shields dated 29 September 2023, paragraph [65] – [66].

Accordingly, I consider the notified zoning should be retained, and I recommend rejecting the rezoning to LDSRZ.

Submitters 80 – Koko Ridge Limited & W Foley and 103 – T Allen

Property and submission summary	
Scope determination	Within scope
Further submitters	FS 142, 148 - Oppose
Land area / request referred to	Koko Ridge
Legal description	Lot 1 DP 431492 Lot 2 DP 325561
Existing PDP zone and mapping annotation	Large Lot Residential A 
Notified proposed TPLM Zone	TPLM LDR Precinct – Sub Area H2 
Zone and mapping annotations requested	PDP LDSR Precinct
Aerial photo	
Summary of Council assessments and recommendations	
Transport (Mr Shields)	Opposed
Overall Recommendation	

Recommendation	Reject
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Analysis

- 12.25 Submissions 80 and 103 relate to the residential development known as 'Koko Ridge' and seek: that the density limit of 60 residential units on Sub Area H2 be removed; that the maximum residential standard is 350m² per residential unit; or alternatively that the land be rezoned to the PDP LDSRZ to be the same as the Queenstown Country Club. The submissions also seek to amend the provisions to enable development in the H1 and H2 precincts to occur independently of transport upgrades and independently of development on the north side of SH6.
- 12.26 The land in Sub Area H2 was previously part of an SHA proposal known as 'Laurel Hills'. As addressed in Section 6 above, the Council resolved to undertake a proactive and integrated approach to the development of Ladies Mile, and this ultimately led to the refusal of the SHA and inclusion of this land within the TPLM Variation.
- 12.27 The land within Sub Area H2 was then rezoned within earlier stages of the PDP review to Large Lot Residential A (**LLR-A**). The land has since been subdivided in accordance with the LLR-A zoning and is now referred to as 'Koko Ridge' consented under RM190553 & RM211276. The Koko Ridge development is consented for 37 lots across two stages, with each lot being approximately 2000m² in size. [Figure 6](#) below illustrate the approved plans.

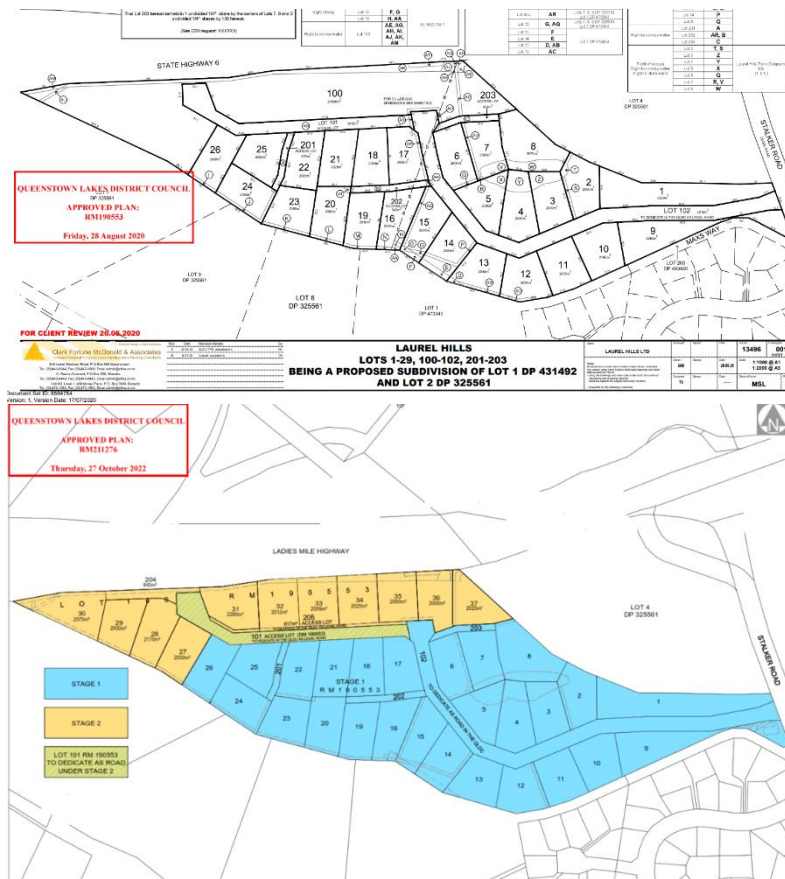


Figure 6 – Koko Ridge consented plans


- 12.28 Rezoning to the PDP LDSRZ would mean that the site would not be captured by Rule 49.5.11 which sets a maximum residential density of 60 residential units for sub-Area H2. The removal of the maximum residential density on this land would have the effect of enabling subdivision down to the minimum lot size for the TPLM LDR Precinct – being 1 residential unit per 450m² based on the notified provisions (noting that this is recommended to be reduced to 300m² – as identified in Section 13). This could result in effectively quadrupling the existing consented density to enable each 2000m² lot to be split into four, or a total of somewhere in the order of 150 units.
- 12.29 Rezoning to PDP LDSR would also have the effect of removing the land from being subject to the transport infrastructure upgrade requirements applicable to sub area H1 under Rule 49.5.10, which requires bus stops, an active travel link, and a SH6 crossing to be established west of Stalker Road (and I note the submitter has made separate submissions on Rule 49.5.10 seeking this outcome).
- 12.30 Mr Shields has reviewed this and other similar submissions and does not support removing the density limits within Sub Areas H1 and H2 on the basis that they are a significant distance from the intended location of community facilities and bus stops, and increasing the number

of units on these sites will increase private vehicle use.⁹ Mr Shields does however agree that sub areas H1 and H2 could be removed from the requirement to provide bus stops and pedestrian crossings to the north side of SH6; but that the requirement for the provision of the active travel link should remain.¹⁰ I agree with Mr Shields on this point and note that the requirement for the provision of bus stops and pedestrian crossings of SH6 will still be retained within Sub Area A on the north side of SH6.

12.31 For these reasons and relying on the evidence of Mr Shields, I do not support the requested rezoning to PDP LDSR which would allow the land to develop at increased residential densities and without being subject to other TPLM zone standards. However, in Section 13 I have recommended changes to Rule 49.5.10 for transport infrastructure upgrades, to the effect that sub areas H1 and H2 are required to provide active travel links only. Accordingly, I consider the notified zoning should be retained, and I recommend rejecting the request to rezone the land to LDSRZ.

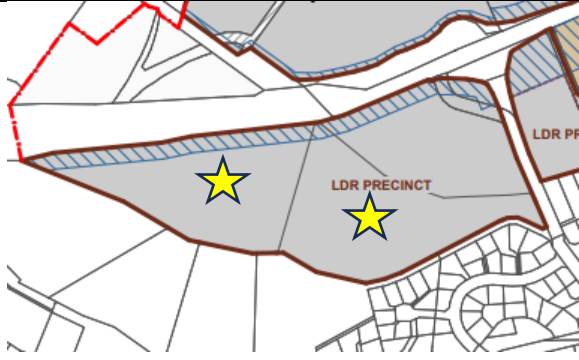
12.32 I also recommend rejecting the submissions to remove or amend the residential density limit applicable to this land under Rule 49.5.11.

Submitter 65 – Wayne Stiven

Property and submission information	
Scope Determination	Within scope
Further submitters	-
Land area / request referred to	Koko Ridge
Legal description	Lot 2 DP 325561 & Lot 1 DP 431492
Aerial photo	
PDP mapping	Large Lot Residential A
Notified proposed TPLM Zone	Low Density Residential Precinct

⁹ Evidence of Colin Shields dated 29 September 2023, paragraph [65] – [66].

¹⁰ Evidence of Colin Shields dated 29 September 2023, paragraph [65] – [66].

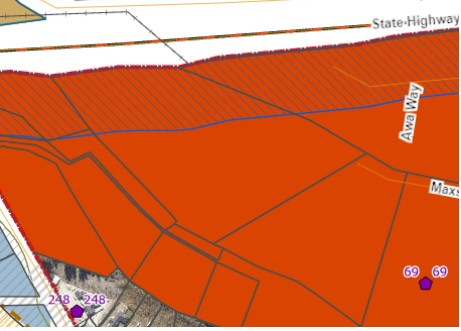
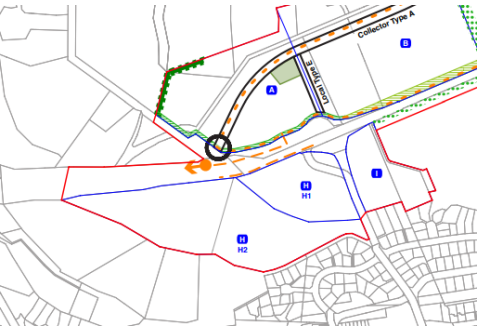

	
Zone and mapping annotations requested	The submitter opposes the rezoning of the land within the TPLM Zone and seeks the land be excluded.
Overall Recommendation	
Recommendation	Reject

Analysis

- 12.33 The submitter is a resident of Shotover Country and opposes the rezoning of the Koko Ridge land (as described above) within the TPLM Zone. The land is within Sub Area H2 and was previously part of the Laurel Hills SHA proposal. The Council rejected the SHA proposal and resolved to undertake a proactive and integrated approach to the development of Ladies Mile, which led to the inclusion of the Koko Ridge land within the TPLM Variation. The inclusion of this land within the TPLM Zone aligns with the previous resolution of Council and ensures any further development of this land is required to be considered against the TPLM purpose and objectives. Rule 49.5.11 sets a maximum of 60 residential units on this land to mitigate traffic effects that the submitter is concerned with.
- 12.34 I recommend that this submission is rejected and that the TPLM – LDR Precinct is retained. The reasons for the TPLM zone, the desired outcomes and mechanisms proposed to mitigate traffic effects have been discussed throughout this evidence.

Submitter 99 – Corona Trust

Property and submission information	
Scope determination	Within scope
Further submitters	FS 131 – Opposes
Land area / request referred to	Kahiwi Drive
Legal description	Lot 2 DP 325561
Area	4.1047ha
PDP zone and mapping annotation	Large Lot Residential A

	
Notified proposed TPLM Zone	<p>LDR Precinct – Sub Area H2</p> 
Zone and mapping annotations requested	<p>The submitter owns land at 53 Max's Way, immediately south and adjoining Sub Area H2.</p> <p>Seeks that Sub Area H2 is removed from the TPLM Variation, or that effects on the submitter are addressed through amendments to provisions.</p> <p>Seeks a 20m BRA/setback is provided along the southern boundary.</p> <p>Seeks a landscape buffer along the southern boundary.</p>
Supporting technical information or reports	Photos provided
Aerial photo	
Summary of Council assessments and recommendations	
Urban Design (Mr Lowe)	Opposes
Overall Recommendation	
Recommendation	Reject

Analysis

- 12.35 The submitter seeks a down-zoning, to remove the LDR Precinct – Sub Area H2 from the variation; or in the alternative, provide a number of amendments to provisions to increase setbacks and reduce visual effects on their property located to the south at 53 Maxs Way.
- 12.36 As discussed above, the land within Sub Area H2 was previously part of the Laurel Hills SHA which was rejected by the Council and the land included within the current proposed TPLM Variation.
- 12.37 Also as discussed above the current PDP zoning of the land is LLR-A Zone, and the land has been subdivided in accordance with the LLR-A zoning ('Koko Ridge') under RM190553 and RM211276. I note that as part of that decision, effects to the submitters land and southern boundary were considered, with conditions imposed limiting building height to 5.5m for four of the lots adjoining the submitter's land, within a defined building platform and 4m boundary setback. The decision therefore has taken into account and addressed effects on the submitter's property, and any change to how these effects are managed would require a further consenting process.
- 12.38 The existing LLR-A zoning provides for a lower density of development of 1 unit per 2000m², with a building height of 8m, and boundary setbacks of 4m. The submitter refers to the restrictions of the existing covenant EI5907860.3 on the title of Lot 2 DP 325561. I have reviewed this covenant and it restricts development on Lot 2 DP 325561 to a maximum of 5.5m above ground. While I appreciate this covenant restriction applies, this does not mean that the zoning should not change. The covenant provides a level of mitigation to the submitter, and any changes to the covenant would be required to be either undertaken by agreement or via the courts through s317 of the Property Law Act. This matter will be addressed in legal submissions; however, I understand that the covenant provides strong protection, even in circumstances of changing planning context.
- 12.39 Additionally, as illustrated in the submitter's images, the foreground views from the property at 53 Max's Way are affected by the existing terrace edge, in addition to existing mounding along SH6. As a result, and due to being situated at lower elevation, wider views of the mountains to the north and north-east appear to be limited; although no specific landscape assessment has been provided.
- 12.40 I consider that the notified TPLM zoning will provide for the efficient use of this land, and to ensure it remains subject to the particular rules and restrictions that apply in this zone, namely the maximum residential density and transport upgrades. I note that Sub-area H2 is subject to notified Rule 49.5.11 which specifies a maximum of 60 residential units in order to mitigate transport effects. Koko Ridge has currently already consented more than half of this at 37 lots (RM211276). Any increase to this would therefore need to be subject to the specified

transport upgrades, and would also not be a significant change, remaining at a relatively low density. The existing consent RM211276 (in addition to the covenant discussed above) already imposes restrictions on the nearest lots to mitigate visual effects, and irrespective of the zone provisions, any change to these conditions would require a variation to conditions or a new resource consent.

- 12.41 The rezoning to TPLMZ LDR Precinct is aligned with the Council resolution to ensure an integrated approach to the development of Ladies Mile, in addition to giving effect to Policy 6 of the NPS-UD:

... that the planned urban built form ... may involve significant changes to an area, and those changes:

- (i) may detract from amenity values appreciated by some people but improve amenity values appreciated by other people, communities, and future generations including by providing increased and varied housing densities and types; and**
- (ii) are not, of themselves, an adverse effect ...**

- 12.42 The policy recognises that urban environments can change over time and the NPS-UD places less emphasis on site specific amenity in favour of wider community benefits associated with increased housing density and types.

- 12.43 I note also that further subdivision of the land would still be required to consider the below provisions which address residential amenity of neighbouring sites.

Objective 49.2.7 An attractive built environment that positively responds to streets and open spaces, provides a high level of residential and neighbourhood amenity, achieves high quality urban design outcomes.



Policy 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.

- 12.44 The submitter requests that more specific reference is added to the provisions to address effects on neighbouring sites outside the Zone, including effects on the land they own at 53 Max's Way. I consider that the notified provisions, in addition to the requirements under s95 notification assessment of the RMA, sufficiently address effects and that no further changes to provisions are needed, noting that the provisions do not exclude consideration of adjacent sites or zones.

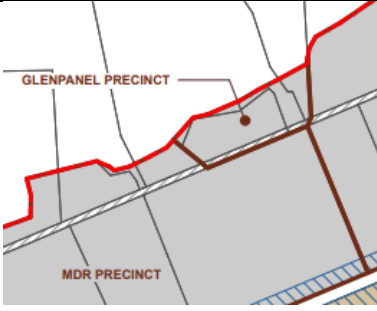
12.45 For these reasons I do not support the submission points seeking the removal of Sub area H2 from the Variation, and I consider the notified zone to be more appropriate. In reliance on the evidence of Mr Lowe, I do not consider an additional landscape buffer or BRA is necessary in this location.¹¹ I do however consider that an increased setback from the southern boundary of Sub Area H2 may be appropriate and assist with setting back future built form from this boundary and the terrace edge. I recommend this be made consistent with the existing LLR-A setback of 4m, and to be applicable to the southern boundary only. As such I recommend the below amendment:

[New rule 49.5.6.5: In Sub-Area H2: Minimum setback from boundary with LLR-A Zone: 4m](#)

Submitter 73 – Glenpanel Development Limited

Property and submission information	
Scope determination	Out of scope – not “on” the variation
Further submitters	FS141 – Supports the submission entirely FS142 – Opposes entirely
Land area / request referred to	429 Frankton – Ladies Mile Highway
Legal description	Lot 2 DP 463532, Lot 1 DP 20162, Lot 1 DP 463532, and Section 1 SO 24954
Aerial photo	
PDP zone and mapping annotation	Rural Lifestyle, Rural Outstanding Natural Feature (Slope Hill) Building Restriction Area 
Notified proposed TPLM Zone	Medium Density Residential Precinct, Glenpanel Precinct

¹¹ Evidence of Michael Lowe dated 29 September 2023, paragraph [68].

	
Zone and mapping annotations requested	That the UGB be extended (and any consequent extension of the relevant Zoning and Precinct) That the Slopehill ONF be amended to align with the extended UGB.
Hazard mapping	Alluvial fan, area susceptible to shallow debris flows
Summary of Council assessments and recommendations	
Landscape / ONL (Ms Gilbert)	Opposed
Overall Recommendation	
Recommendation	Reject
Summary	Submission point is rejected as amendments to the ONF are out of scope and would result in adverse landscape effects.

Analysis

12.46 Submission #73 seeks the expansion of the UGB (and any consequent extension of the relevant Zoning and Precinct). The notified northern boundary of the TPLMZ and the UGB in this location abuts the boundary of the Slope Hill ONF, and by expanding the UGB the submitter also seeks that a part of the ONF boundary be also shifted to enable urban development.

12.47 The submitter does not include mapping of the preferred UGB/ONF position, and no landscape evidence is provided. Ms Gilbert provides landscape evidence for the Council and opposes this relief from a landscape perspective. She states that:

the mapped extent of Slope Hill ONF and its status as a s 6(b) RMA landscape feature has been confirmed by the Environment Court Decisions on QLDC PDP Topic 2 – Rural Landscapes (and I understand is outside of the scope of the TPLM Variation)¹²

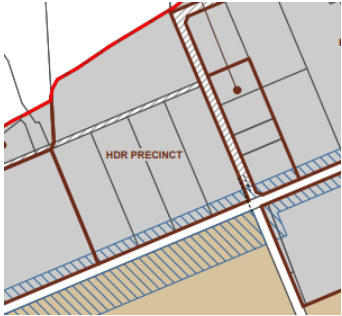

12.48 Ms Gilbert further notes that the ONF boundary line confirmed by the Environment Court corresponds to a clearly legible geomorphological boundary and is appropriate from a landscape perspective.¹³


¹² Evidence of Bridget Gilbert dated 29 September 2023, paragraph [45].

¹³ Evidence of Bridget Gilbert dated 29 September 2023, paragraph [49].

12.49 I refer to and rely on the evidence of Ms Gilbert and recommend that the submission point is rejected on the basis that it would result in adverse landscape effects, and accordingly the notified UGB position and zoning extent is more appropriate.

Submitter 77 – Ladies Mile Property Syndicate

Property and submission information	
Scope determination	Within scope
Further submitters	FS126 – Support FS134 - Support FS 141 - Support
Land area / request referred to	497 Frankton – Ladies Mile Highway
Legal description	Lot 1 DP 359142
PDP zone and mapping annotation	Rural Lifestyle Building Restriction Area
Notified proposed TPLM Zone	High Density Residential Precinct 
Zone and mapping annotations requested	<ul style="list-style-type: none"> • That the unformed legal road be zoned HDR Precinct. • That, if the unformed legal road shown on the Ladies Mile Zoning Plan (north of the collector Type A road) is not included in the residential precincts as requested, the requirement to vest a new east to west road in the location prescribed in the Structure Plan - General Map is opposed. • That the 20 metre wide Amenity Access Areas and Building Restriction Areas shown on the Structure Plan and Zoning Plan be reduced in width to 10 metres.
Aerial photo	

PDP mapping	Rural Lifestyle 
Summary of Council assessments and recommendations	
Urban design	Reject
Overall Recommendation	
Recommendation	Reject

Analysis

12.50 The submitter seeks that the unformed legal road be zoned and included within the TPLMZ HDR Precinct. The unformed road is not zoned, as this is the approach applied consistently across the District and was confirmed during earlier stages of the PDP review for Chapter 29 – Transport. Section 29.3.2.2 of the Transport Chapter states:

29.3.2.2 At the time a road is lawfully stopped under any enactment, the land shall no longer be subject to the provisions that apply to roads (Table 29.2 and Table 29.4) and the provisions from the adjoining zone (as shown on the District Plan web mapping application) apply from the date of the stopping. Where there are two different zones adjoining either side of the road, the adjacent zone extends to the centre line of the former road.

12.51 Accordingly, if the unformed road is legally stopped in future, it will be rezoned in accordance with the adjoining zone, being TPLMZ HDR Precinct. As this process has not occurred yet under other legislation, I consider it would be inappropriate to rezone the unformed road and I recommend rejecting this submission point.

12.52 The submitter also requests that, if the unformed legal road is not included in the residential precincts as requested, the requirement to vest a new east to west road in the location prescribed in the Structure Plan - General Map is opposed. The submitter does not state reasons for this relief or suggest an alternative. I note that the provisions do not allow for variation in the location of the E-W collector Type A road through the site, and this is intentional, as the position of the E-W Type A collector is important to ensure retention of sufficiently sized land area and block sizes to the north, as well as to ensure an integrated

outcome across multiple land ownerships. Any non-consistency with the structure plan for the location of this road can then be assessed as a NC activity via Rules 49.5.15 and 27.7.28.2.

12.53 Mr Dun discusses the Collector Road Type A and states:

The location of Collector Road A has been carefully considered to provide primary east west access through Te Putahi Ladies Mile. The collector road has not been aligned with the existing paper road as this is closer to Slope Hill and would result in narrower development parcels at the base of Slope Hill.¹⁴

12.54 I also consider there may be potential benefit in retaining the paper road for roading purposes, to provide an internal access laneway through future development. I consider that this could not be confirmed until the time of development and that such an outcome is not prevented by the structure plan or provisions.

12.55 Finally, the submitter seeks the Amenity Access (AA) area and BRA be reduced to 10m in width. Mr Lowe responds to this submission from an urban design perspective and notes that the 25m BRA north of SH6 (including the AA area) has several desired outcomes, being:

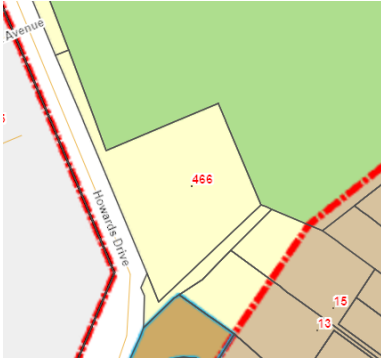
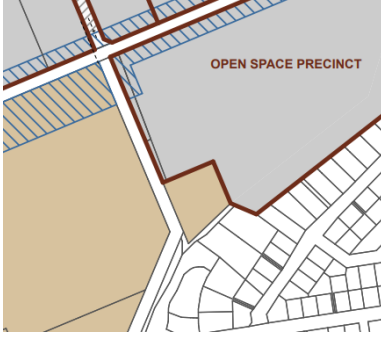

- ***It futureproofs space in the structure plan for an amenity access lane that could support active transport linkages as well as a more activated and desirable passive surveillance Crime Prevention Through Environmental Design (CPTED) outcome along the SH6 street frontage - with the potential for front doors and building access to face SH6 as opposed to a less-desirable rear yard condition.***
- ***Creates a layered planted landscape buffer that enables good on-lot amenity planting along SH6 active transport pathways also providing a more desirable outlook to houses by screening traffic (from busy SH6); and will soften the visual dominance of the new development when viewed from SH6.***
- ***The combination of the proposed setback and height restriction overlay will lessen the relative scale of the development against the outlook to Slope Hill ONL.***
- ***The 25m setback complements the existing 75m setback to the south of SH6. Overall achieving a spacious multi-modal transport corridor with the potential for extensive landscape amenity adjacent to what effectively will be the northern Queenstown gateway entrance/exit transition from a rural to semi-urban setting (vice versa). This is a positive contextual design response to urbanisation in the Ladies Mile context.***¹⁵

12.56 I rely on Mr Lowe's opinions and recommend that the rezoning of the paper road, and any amendment to the 25m BRA or AA area, be rejected.

¹⁴ Evidence of Stuart Dun dated 29 September 2023, paragraph [79].

¹⁵ Evidence of Michael Lowe dated 29 September 2023, paragraph [67].

Submitter 81 – Doolittle and Sons Limited

Property and submission information	
Scope determination	Lot 2 DP 536321 - Within scope Lot 403 DP 322452 – out of scope, not “on” the variation.
Further submitters	FS138 – Support
Land area / request referred to	466 Frankton – Ladies Mile Highway
Legal description	Lot 2 DP 536321 and Lot 403 DP 322452
Area	9503m ²
PDP zone and mapping annotation	Rural 
Notified proposed Zone	PDP Lower Density Suburban Residential Zone 
Zone and mapping annotations requested	TPLM Commercial Precinct If not commercial, then PDP High Density Residential Zone. Inclusion of adjacent Lot 403 DP 322452 (zoned Rural) within the TPLM Zone.
Aerial photo	
Summary of Council assessments and recommendations	

Commercial retail (Ms Hampson)	Opposed.
Urban Design (Mr Dun)	Opposed
Overall Recommendation	
Recommendation	Reject
Summary	Rezoning to Commercial Precinct is rejected due to potential adverse economic effects, and rezoning to HDR Precinct is considered out of scope. It is recommended that the notified TPLM LDSR Zoning is retained.

Analysis

12.57 The submitter firstly seeks confirmation that the land was intended to be rezoned as PDP LDSRZ as part of the Variation; and also requests that it be rezoned from the notified PDP LDSRZ to TPLM Commercial Precinct, or alternatively PDP HDR. In addition, the submitter seeks to include an adjacent land parcel Lot 403 DP 32245 (that is amalgamated with Lot 2) within the TPLM Variation.

12.58 Firstly, the submission seeking rezoning of the smaller narrow parcel being Lot 403 DP 32245 is considered to be out of scope. However, if the Panel take a different view on scope, in my view it would be practical to include this parcel that is held within the same title, and this would avoid a narrow rural zoned piece of land sandwiched between LDSR zones.

12.59 Ms Hampson has reviewed the relief sought for a Commercial Precinct zoning from an economic perspective and considers that¹⁶:

if this combined land area was developed at 50% site coverage, it would provide ground floor GFA of approximately 4,750sqm GFA, and could sustain between 15 and 47 small format shops/tenancies.

12.60 She notes that no economic evidence is provided with the submission, and rejects the proposed rezoning because (in summary):

- Non supermarket large format retail is not supported in the TPLM area;
- The rezoning would create another commercial centre in close proximity to others and would compete in the same market;
- There is insufficient demand to justify the rezoning;

¹⁶ Evidence of Natalie Hampson dated 27 September 2023, paragraph [200].

- Spreading commercial zoning over new locations may compromise the ability to develop a viable, compact, and vibrant centre in the notified Commercial Precinct.


12.61 Mr Dun has reviewed the requested relief from an urban design perspective and is opposed to commercial zoning for similar reasons to Ms Hampson; and in relation to the HDR Zoning, also opposes this on the basis that this pattern of residential development would be inconsistent with surrounding environment on south of SH6 and may result in traffic effects that require further consideration.¹⁷

12.62 I also note that the alternative relief (rezoning to the PDP HDR Zone) is also considered to be out of scope as the TPLM Variation does not propose any changes to the Chapter 9 – HDR provisions or zoning, and such relief would not have been reasonably expected by submitters.



12.63 Additionally, an HDR zoning in this location is inconsistent with the surrounding low density land use pattern in addition to the likely future character of the adjacent Open Space Precinct and could be considered a ‘spot’ zoning. No urban design or transport evidence to assess the costs and benefits of an HDR zoning has been provided by the submitter. I consider the notified PDP LDSRZ will enable an appropriate scale of residential intensification on the site that will be consistent with adjacent development, and accordingly I consider this zoning to be more appropriate recommended that the notified TPLM LDSRZ is retained.

12.64 I refer to and rely on the evidence of Ms Hampson and Mr Dun and recommend that the rezoning to both TPLMZ Commercial Precinct and PDP HDRZ be rejected.

Submitter 94 – Winter Miles Airstream Limited

Property and submission information	
Scope determination	Within Scope
Further submitters	-
Land area / request referred to	499 Frankton – Ladies Mile Highway
Legal description	Lot 2 DP 359142
PDP zone and mapping annotation	Rural Lifestyle 

¹⁷ Evidence of Stuart Dun dated 29 September 2023, paragraph [103]-[104].

Notified proposed TPLM Zone	TPLM High Density Residential Precinct 
Aerial photo	
Zone and mapping annotations requested	That 5000m ² of commercial precinct is provided on the submitters land, within the notified TPLM HDR precinct.
Summary of Council assessments and recommendations	
Economic / density (Ms Hampson)	Opposed
Overall Recommendation	
Recommendation	Reject
Summary	Submission is recommended to be rejected on the basis of adverse effects to the notified commercial centre, and loss of HDR residential capacity.

Analysis

- 12.65 The submitter seeks that an allowance of 5,000m² of Commercial Precinct is provided on the land within the notified HDR Precinct to ensure that sufficient provision for commercial activity is made in response to the demand from the rezoning.
- 12.66 The commercial land sought would be within approximately 310m of the notified Commercial Precinct. Ms Hampson has assessed this submission. She notes firstly that the submitter does not provide any evidence to justify that additional commercial land is needed, in addition to the notified Commercial Precinct and existing commercial facilities within Kawarau Park. She considers that if this land were rezoned it may support around 25 tenancies at ground floor alone.¹⁸ Ms Hampson does not support the relief to include additional commercial land within the Structure Plan area, especially land that is discrete from the notified Commercial


¹⁸ Evidence of Natalie Hampson dated 27 September 2023, paragraph [195] – [196].

Precinct and that will operate as an additional centre or centres within the Structure Plan Area.
She states:


Providing for additional centre land will dilute/disperse demand and foot traffic over two (or more) centres, which will have an adverse effect on the vitality and vibrancy of the notified Commercial Precinct.¹⁹

12.67 Further to this assessment, rezoning the land from HDR Precinct to Commercial Precinct would result in a loss of residential capacity and density, which is necessary to support a well-functioning urban environment, and create a critical mass to support the viability of the notified Commercial Precinct, in addition to other services within the zone such as community activities, recreation and bus services. I rely on the evidence of Ms Hampson, and recommend that the relief sought be rejected.

Submitter 96 – Copland, Ferry Hill Trust

Property and submission information	
Scope determination	Out of scope – not “on” the variation
Further submitters	-
Land area / request referred to	Land adjacent to Hansen Road, Tucker Beach
Legal description	N/A
PDP zone and mapping annotation	<p>Wakatipu Basin Rural Amenity Zone, Wakatipu Basin Lifestyle Precinct, Rural Zone</p> 
Notified proposed TPLM Zone	N/A
Zone and mapping annotations requested	Land adjacent to Hansen Road to be High Density Residential, approve the proposed Middleton development in Tucker Beach.
Supporting technical information or reports	Nil
Hazard mapping	N/A

¹⁹ Evidence of Natalie Hampson dated 27 September 2023, paragraph [197].


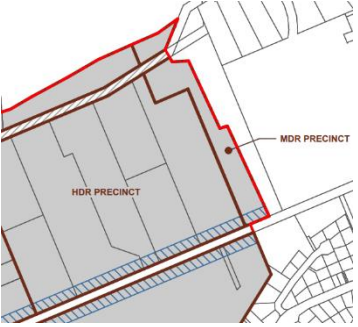

Aerial photo	
Overall Recommendation	
Recommendation	Reject

Analysis

- 12.68 The submitter seeks that land adjacent to Hansen Road to be PDP High Density Residential Zone as it is close to existing infrastructure and services.
- 12.69 I note that firstly the submission is out of scope, being physically removed from the TPLM plan change area, and additionally, the submitter does not refer to a specific land area to be rezoned.
- 12.70 I agree with the submitter that Hansen Road is in close proximity to services and amenities within Frankton, including the bus interchange. However, the TPLM Variation has not analysed this land under s32 as it would not give effect to the objectives of the current variation for a compact and connected urban environment at Ladies Mile. I therefore recommend that the submission be rejected.

Submitter 101 – David Finlin

Property and submission information	
Scope determination	Within scope
Further submitters	-
Land area / request referred to	21 and 25 McDowell Drive
Legal description	Lot 1 DP 475308, Section 54 Block III Shotover SD, Part Section 49 Block III Shotover SD
PDP zone and mapping annotation	Rural Lifestyle Building Restriction Area

	
Notified proposed TPLM Zone	<p>TPLM High Density Residential Precinct, Medium Density Residential Precinct</p> 
Zone and mapping annotations requested	<p>Land zoned MDR Precinct (Sub Area-G) should be widened for a consistent width for the length of the boundary.</p> <p>Seek open space deleted from submitters land and from structure plan.</p>
Supporting technical information or reports	Nil
Aerial photo	
Summary of Council assessments and recommendations	
Urban design (Mr Lowe)	Accept in part
Open space (Ms Galavazi)	Opposed – as it relates to the deletion of the Open Space Precinct
Overall Recommendation	
Recommendation	Accept in part – Rezoning of the MDR Precinct and eastern boundary

12.71 **Analysis**

12.72 The submitter considers that the MDR Precinct located on the eastern side of the submitter's land (Sub Area G) is particularly narrow and seeks that it be widened to ensure the land can be reasonably used and developed; and that the Open Space area in the northern corner of the submitter's land be deleted from the Structure Plan, and that such open spaces be provided for through subsequent development proposals. Various clarifications are also sought to the Structure Plan, Building Height and Zoning Maps.

12.73 With regard to the extent of the MDR Precinct, the notified precinct boundary has been aligned with the location of collector roads A and B, which are key structural elements. The MDR Precinct at the eastern edge of the Zone also provides a transition in density and height to the adjacent land. Firstly, I note that it is not possible to shift the boundary of the MDR Precinct further east, as this is not within the scope of the Variation.

12.74 However, prompted by this submission, in addition to other submissions²⁰ relating to the visual effect of the Zone generally, the eastern boundary treatment of the Zone has been reviewed by the urban design and landscape experts, and an alternative design response is now proposed. Mr Lowe highlights the importance of ensuring a quality outcome to this edge of the Zone, given its primacy within views approaching the Zone from the east along SH6.²¹ Mr Skelton also discusses this eastern edge in relation to its role to provide a defensible edge to rural living areas of Threepwood and the open, rural zoned lands that edge of the Lake Hayes ONF.²²

12.75 I agree with these comments and consider the edge treatment to this location to be important to the overall amenity of the Zone and achieving a quality "gateway" experience, as well as an appropriate boundary with adjacent rural and rural living activities.

12.76 Mr Lowe presents an alternative design solution for this eastern edge. This proposes to realign the position of collector road Type B to instead run alongside the eastern boundary of the zone and widen this to enable incorporation of a 12m wide landscaped buffer on the eastern edge with shared path. He states²³ that this design amendment will improve visual outcomes by:

- (a) Providing for a well-designed landscape edge to the adjacent rural zone which would provide good vegetation screening with an attractive layering of planting**

²⁰ Nadia Lisitsina (submitter 23), Philippa Crick (submitter 97), Gordon Griffin (submitter 114), Maryhill Limited (submitter 105), Martin Barrett (submitter 118), Rosemary Lee Crick (submitter 123).

²¹ Evidence of Michael Lowe dated 29 September 2023, paragraph [35].

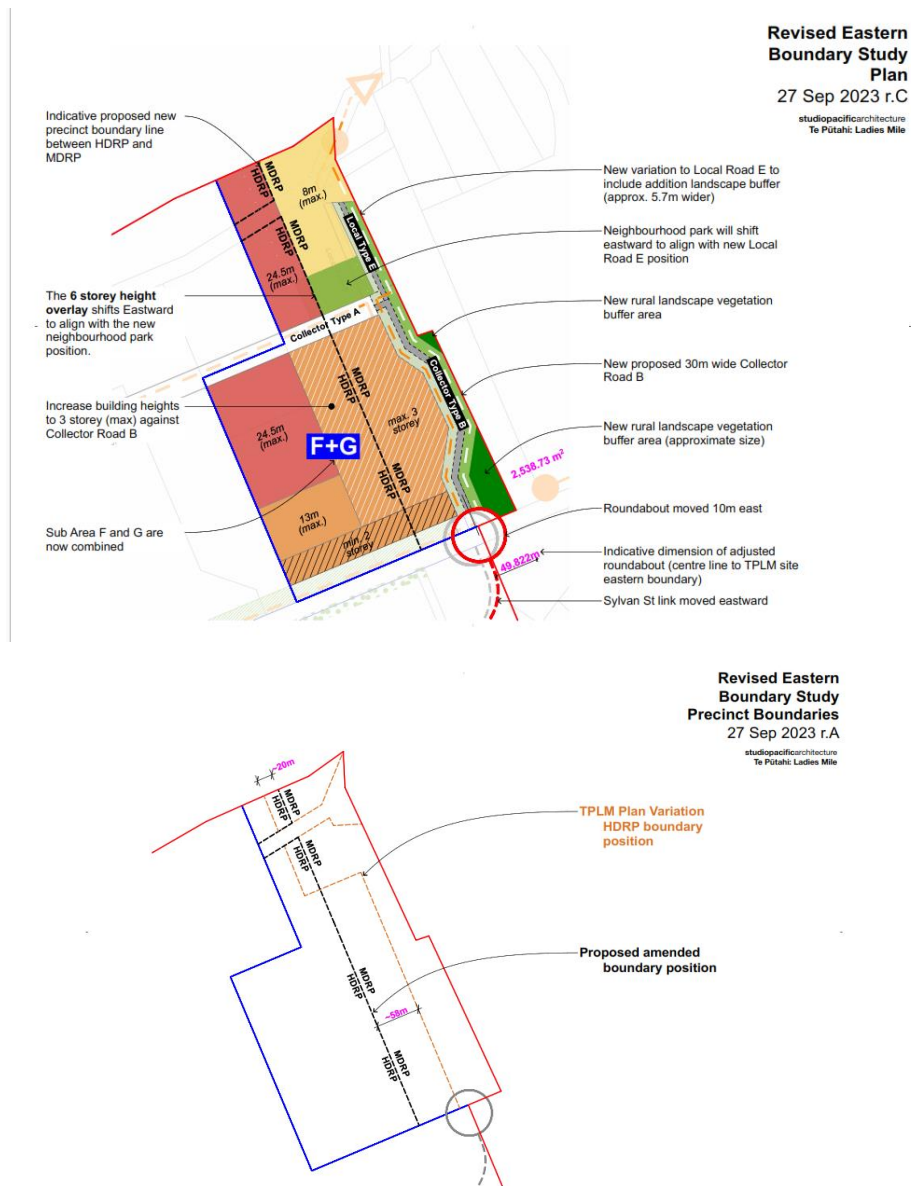
²² Evidence of Stephen Skelton dated 29 September 2023, paragraph [56].

²³ Evidence of Michael Lowe dated 29 September 2023, paragraph [102].

and trees of a scale respectable to the adjacent TPLM built form, and of a landscape character similar to the existing large shelter belt;

(b) improving the general public's outlook to adjacent rural land by creating a new public street along the rural boundary that offers a new experiential view point.

12.77 The proposed amendments are illustrated in the diagrams in **Figure 7** below (and also included in Mr Lowe's evidence).²⁴



²⁴ Evidence of Michael Lowe dated 29 September 2023, Figure 8 at page 28 and Figure 10 at page 40.



Figure 7 – diagrams of eastern boundary treatment

12.78 The proposed eastern buffer and realignment of the collector road results in other consequential changes to the structure plan, building heights plan and zoning plan, which are identified in the above figures. These consequential changes include:

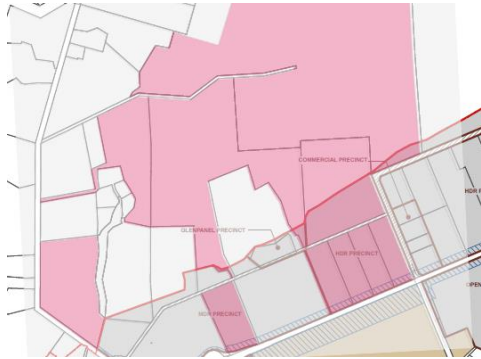
- (a) Re-alignment of the eastern roundabout slightly further east;
- (b) Neighbourhood park shift further east to align with the position of the re-aligned 'Type E' road;
- (c) Sub area F and G have been combined;
- (d) Re-alignment of the MDR and HDR precinct boundary, to remove the 'narrow strip' of MDR and align the MDR with the internal collector road;
- (e) Amendment to building height plan to require max 3 storey building heights alongside Road Type B.

12.79 I also note that there may be a need to incorporate stormwater infrastructure, such as a swale, within this area, and Rule 49.5.15 is therefore also proposed to be amended to enable slight variation to the position of Road Type B and E.

12.80 I consider this solution will be of benefit in creating a higher quality and sensitive urban edge to the adjacent rural living area, and provide additional outdoor amenity and active and passive recreational opportunities for the Zone in general. It will avoid the potential of back ends of MDR dwellings facing the eastern boundary (under the notified Structure Plan layout). In my view these recommended modifications to the Structure Plan provide alternative relief to the submitter's request, and resolve the concern about the 'narrow' strip of MDR Precinct.

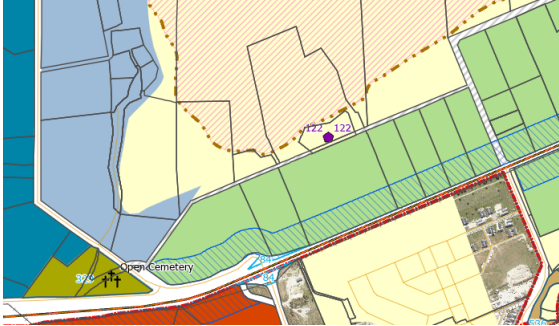

- 12.81 The deletion of the local park is opposed by Ms Galavazi, who notes that the Structure Plan provides for two Local Parks and one Community Park on the northern side of SH6 that are centrally located and easily accessible, while also being connected by high quality walking and cycle networks. The location is consistent with QLDC’s Parks and Open Spaces Strategy 2021 which requires that local parks are within 400m – 600m from residential areas.²⁵ Ms Galavazi states that in order to ensure a cohesive network of open space and quality reserves, it is important that these are identified in the Structure Plan. This enables Council to strategically acquire the appropriately sized reserves in the appropriate locations.²⁶
- 12.82 In relation to other inconsistencies discussed by the submitter, I am unclear what these relate to and with the exception of changes recommended in response to other submissions, I consider the information contained on the plans are appropriate and are referenced as needed through the rules. Merging the zoning, height and structure plans would create a large level of detail on a single plan and my preference is for separate plans.
- 12.83 For these reasons, the submission is recommended to be accepted in part, as it relates to alternative relief for the modification of the ‘narrow’ MDR strip. Refer to section 11 Theme N of my evidence for my recommendation on these matters and the eastern boundary edge treatment.


Submitter 105 – Maryhill

Property and submission information	
Scope determination	Amendment to ONF - Out of scope – not “on” the variation. Amendments to Structure Plan – within scope.
Further submitters	FS126 – Support
Land area / request referred to	Submitters land in pink 
Legal description	Multiple

²⁵ Evidence of Jeannie Galavazi dated 28 September 2023 at paragraph [23] – [25].

²⁶ Evidence of Jeannie Galavazi dated 28 September 2023 at paragraph [47].

<p>PDP zone and mapping annotation</p>	<p>Rural, Rural Lifestyle, Wakatipu Basin Rural Amenity Zone Building Restriction Area Outstanding Natural Feature (ONF)</p> 
<p>Notified proposed TPLM Zone</p>	<p>MDR Precinct, HDR Precinct, open space, amenity and active travel links.</p> 
<p>Zone and mapping annotations requested</p>	<ul style="list-style-type: none"> • Amend ONF boundary and developable land outside amended ONF boundary to be rezoned for rural living (residential or lifestyle), seek UGB and Structure Plan boundary be amended to align with amended ONF • Reduce the width and prescription for the 20m Amenity Access area, or otherwise remove this requirement. • Allow for greater flexibility in the design, size, and location of the public park within sub Area C and otherwise allow flexibility to create smaller and more dispersed parks to assist in managing stormwater if a significant single park is to be pursued; • Identify or indicate potential location of school zoning / education area within Sub-Area C, or otherwise provide for this through enabling policy support • Amend the boundary location between Glenpanel precinct and HDR precinct, Sub-Area C to reflect recent boundary changes. Boundary to move East to achieve alignment with RM220050.

Aerial photo	
Summary of Council assessments and recommendations	
Landscape / ONL	Opposed
Urban Design	Opposed
Overall Recommendation	
Recommendation	<p>Accept in part – limited to the amendment of the boundary of the Glenpanel Precinct only.</p> <p>Accept in part FS126</p> <p>Reject – all other submission points relating to modification of the structure plan or zoning.</p>

Analysis

- 12.84 The submitter seeks to amend the location of the Slope Hill ONF boundary and the UGB further upslope to include further residential or lifestyle zoned land. Various other changes are sought to the Structure Plan.
- 12.85 Firstly, any amendment to the ONF and rezoning of land further up Slope Hill is not part of the scope of the current Variation. As discussed in the landscape evidence of Ms Gilbert, the mapped extent of the Slope Hill ONF and its status as a s6(b) RMA landscape feature has been confirmed by the Environment Court Decisions on QLDC PDP Topic 2 – Rural Landscapes.²⁷ The Council is currently within the hearings process of a variation to include Landscape Schedules within the PDP, with the purpose to define the landscape and amenity values of protected landscapes within the District. The Landscape Schedules process was directed by the Environment Court Decisions for QLDC PDP Topic 2 – Rural Landscapes, and its scope is limited to the content of the schedules, it does not change any aspect of the previously confirmed identification or mapping of ONF or ONL boundaries. Ms Gilbert also refers to potential cumulative and precedent effects:

²⁷ Evidence of Bridget Gilbert dated 29 September 2023, paragraph [45].

Also problematic, is the inference that if urban creep up the roche moutonnée is small scale, it is acceptable. I consider that the steep and continuous landform character across the southern side of Slope Hill means that, were urban development enabled across the lower slopes, it would be extremely difficult to resist such development spreading higher on landscape grounds.²⁸

12.86 For these reasons, Ms Gilbert opposes the proposed rezoning and the amendment sought to the ONF and UGB boundaries.

12.87 In relation to the Amenity Access Area, Mr Lowe discusses that this area could support active transport linkages as well as a more activated and desirable passive surveillance CPTED outcome along the SH6 street frontage.²⁹ Mr Dun, Mr Lowe and Mr Skelton also discuss more generally the desired appearance of the SH6 'gateway', where generous setbacks are important to maintain views to the surrounding mountains. Mr Dun notes that the 25m BRA and AA area with active transport and street trees will:

... complement the existing trees to the south and provide a consistent corridor with a distinct character. The creation of this setback also encourages front doors towards SH6, rather than rear fences.³⁰

12.88 I rely on the evidence of Mr Dun, Mr Lowe and Mr Skelton and recommend the AA Area is retained as notified.

12.89 Changes to the public park identified within Sub Area C are not supported by Ms Galavazi, as she discusses that a Community Park must be 1.5 – 2ha in size, and to ensure a cohesive network of open space and quality reserves it is important that these are identified up front in the TPLM Structure Plan. Ms Galavazi also states that if stormwater infrastructure is required on recreation reserves then the reserve needs to be increased to accommodate both functions.³¹ I agree with Ms Galavazi and consider the identification of the community park on the Structure Plan is important to provide greater certainty of this outcome, particularly as public open space is an important element of high-density development where private open space is limited. Should an alternative location for the park be proposed by a developer, this could be considered through a resource consent process. Accordingly, I also recommend rejecting this submission point.

12.90 With regard to school zoning, the zone provisions are intended to enable and encourage education facilities throughout the zone under Policy 49.2.5.1, with a Permitted activity status in the Commercial Precinct, or Restricted Discretionary activity status elsewhere. However,

²⁸ Evidence of Bridget Gilbert dated 29 September 2023, paragraph [61].

²⁹ Evidence of Michael Lowe dated 29 September 2023, paragraph [67].

³⁰ Evidence of Stuart Dun dated 29 September 2023, paragraph [25](c).

³¹ Evidence of Jeannie Galavazi dated 28 September 2023 at paragraph [55].

the provision or specific location of a school is subject to external factors, as discussed elsewhere in my evidence. The notified provisions are considered suitably practical and flexible to provide for education facilities.

- 12.91 Lastly, the submitter seeks amendment to the eastern boundary of the Glenpanel Precinct to align with subdivision consent RM220050. An aerial image of the location with the amended boundary position sought by the submission is indicated on the diagrams in **Figure 8** below (in red).

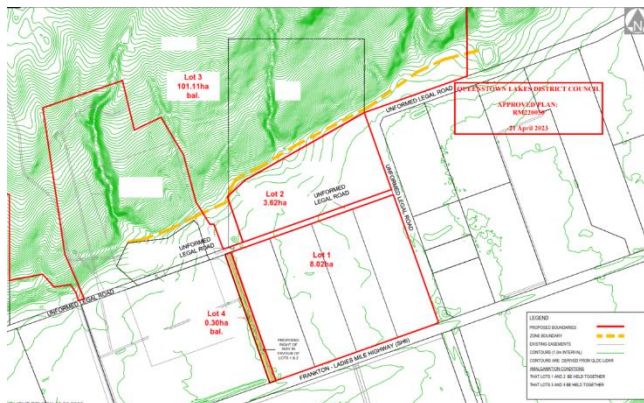


Figure 8 – eastern boundary of Glenpanel Precinct and approved plan of RM220050

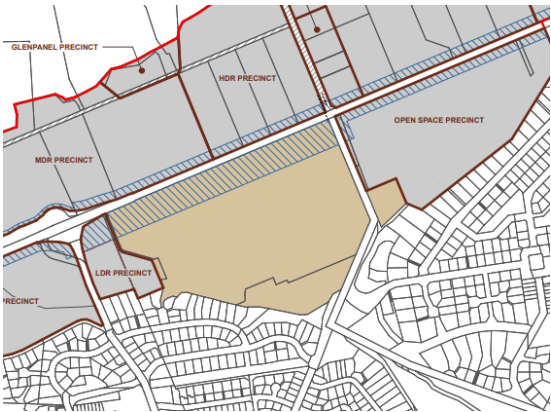
- 12.92 RM220050 was granted in April 2023 and consists of a boundary adjustment subdivision which is stated to have the purpose to separate the hillslope farmland from the lower flat developable land within the TPLM variation area. Lot 3 comprises the farmland lot predominantly on Slope Hill but also including a small area of flat land adjacent to the Glenpanel Homestead to retain the existing farm sheds within this lot. These farm sheds and adjacent modified area can be seen on the aerial image above.


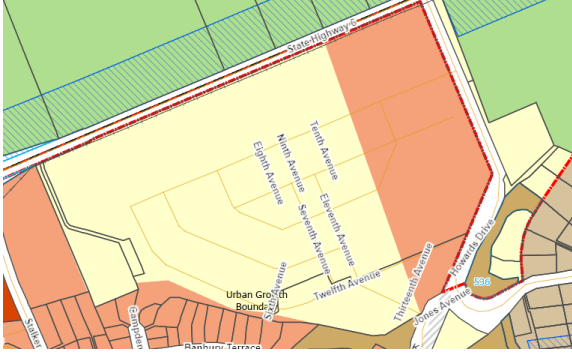
- 12.93 This requested amendment to the precinct boundary essentially has the effect of rezoning approximately 1200m² from HDR Precinct to Glenpanel Precinct. The Glenpanel/HDR Precinct boundary does not necessarily need to follow legal boundaries, and the subdivision consent has not yet been implemented. However, the amended boundary position requested by the submitter may be more practical for future development, as well as being beneficial in providing an additional physical buffer to the Glenpanel Homestead (as discussed in the

evidence of Mr Miller, as addressed in Section 11, Theme N), as I note the Origin Consultants assessment considers there is the possibility of archaeological evidence surrounding the outbuildings.

12.94 For these reasons I recommend accepting the submission (and therefore accept in part FS126) and recommend that the Glenpanel Precinct boundary be shifted east to align with the boundary of Lot 3 of RM220050. I consider that a consequential amendment should be made to also amend the building heights plan so that building height remains at 8m maximum within the entire area of the Glenpanel Precinct.

Submitter 106 – Queenstown Country Club Village Limited

Property and submission information	
Scope determination	Within Scope
Further submitters	-
Land area / request referred to	Queenstown Country Club (QCC)
Legal description	Lot 1 DP 531988
PDP zone and mapping annotation	Rural Zone (PDP) Shotover Country Special Zone (ODP)
Notified proposed TPLM Zone	PDP Lower Density Suburban Residential Zone 
Zone and mapping annotations requested	Opposes zoning entirely Remove Building Restriction Area Remove protected trees
Supporting technical information or reports	Nil
Hazard mapping	N/A

Aerial photo	
PDP mapping	
Overall Recommendation	
Recommendation	Reject

Analysis

- 12.95 The QCC site is currently zoned part Rural Zone (under the PDP) and part Shotover Country Special Zone (under the ODP) and is proposed to be rezoned to PDP LDSR Zone under the TPLM Variation. Specific analysis of the proposed rezoning of this site is provided in Section 10 of the s32 report; this assessment remains relevant.
- 12.96 The submitter opposes the Variation entirely, including the rezoning to the PDP LDSRZ because the submitter considers the provisions do not suitably provide for or enable the ongoing development of the site for retirement village purposes. As discussed in the s32 analysis, the existing Rural zoning is inappropriate for the now urban character of the site and has generated ongoing consenting requirements for the retirement village. It is acknowledged that the LDSRZ does not provide specifically for “Retirement Villages” (as defined), and/or the nuances of this particular type of development. However, following the consideration of alternatives under s32, the notified PDP LDSRZ was considered to be the most appropriate zone type of the PDP, and most aligned with the nature of existing activities and the existing and anticipated built form character. Fundamentally, a retirement village is a residential activity and therefore a residential zone is appropriate.
- 12.97 The activity status for Retirement Villages is Discretionary under the existing Chapter 7 provisions. The Zone Purpose, Objective 7.2.5 and Policies 7.2.5.1 to 7.5.2.3 recognise that community activities are anticipated where they are compatible with residential amenity. I

consider this status to be appropriate to allow consideration of the site and development specific considerations which are best assessed through a resource consent process. While the development standards of the LDSRZ may not specifically match this development, I consider the zone is appropriate, as the development remains located within a low-density residential environment and therefore any breaches to development standards can be considered in this context. Similarly, I do not consider a non-notification clause is necessary, as the need for notification will be considered with regard to the nature of the proposal.

- 12.98 It is my view however that the scale of commercial, office and healthcare activities that are now located within the “Kawarau Park” area are not particularly suited to the LDSR Zone, however, as above, they remain located within primarily a residential area. The PDP’s Local Centre Zone may be more appropriate, but is not likely within scope.
- 12.99 The submitter seeks to remove the land from being subject to minimum densities. I note that the site has been notified as PDP LDSRZ and is not within the TPLMZ. It is therefore not subject to minimum densities or transport upgrades.
- 12.100 The only part of the site subject to the Structure Plan is the highway frontage, which is identified as a BRA (75m) and with a notation for ‘existing trees to be retained’. Both of these are sought to be deleted from the Structure Plan by the submitter. However, these items reflect existing conditions applicable to the site under the existing consent SH160140. Condition 45 of SH160140 requires that there are no buildings or structures within 75m of SH6, and other conditions require implementation and retention of landscaping along the SH frontage. Mr Lowe considers that:

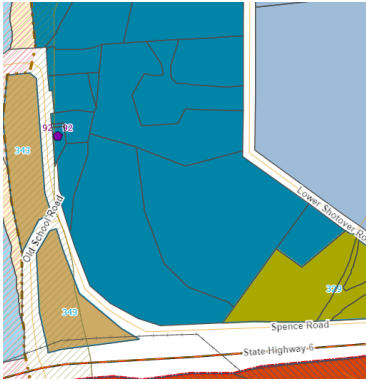
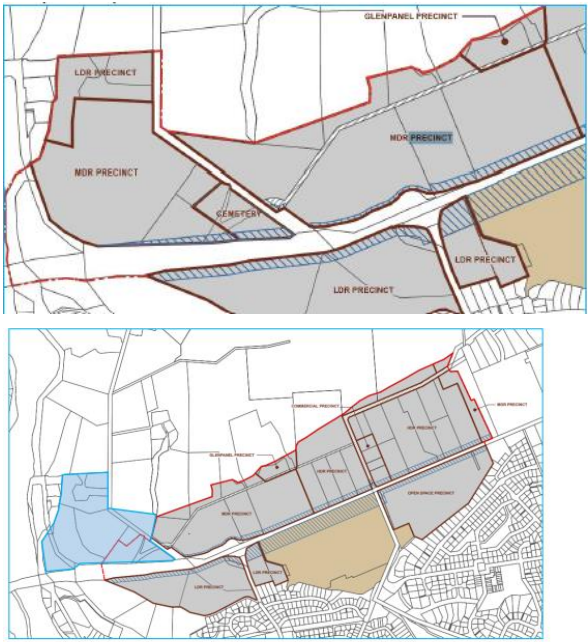
On the south side of SH6, the existing 75m building restriction area has created a continuous well-defined built form edge along the flat land in alignment to a similar contour level/ viewpoint elevation as experienced from SH6. This setback has resulted in a legible open character which supports views to the south to the Remarkables and looking west towards the Peninsula Hill... It is a key contributor to the sense of openness experience when moving through Ladies Mile.³²


- 12.101 Mr Dun also refers to the importance of the setback and existing trees to the desired character of the gateway arrival sequence.³³
- 12.102 I agree with and rely on Mr Lowe and Mr Dun and recommend the BRA and trees should be retained on the Structure Plan. Overall, I recommend that all submission points be rejected and recommend the notified zoning, structure plan and provisions are retained.

³² Evidence of Michael Lowe dated 29 September 2023, paragraph [66].

³³ Evidence of Stuart Dun dated 29 September 2023, paragraph [25].

Submitter #107 – Anna Hutchinson Family Trust

Property and submission information	
Scope determination	Out of scope – not “on” the variation.
Further submitters	FS140, FS142, FS143, FS144, FS145, FS146, FS147, FS148, FS149, FS150 – All oppose the relief sought
Land area / request referred to	Spence Road, Lower Shotover Road
Legal description	Multiple – refer to submission <i>Table 1: Properties subject to this submission</i>
Area	Approx. 20 ha
PDP zone and mapping annotation	<p>Wakatipu Basin Lifestyle Precinct</p> 
Notified proposed TPLM Zone	N/A
Zone and mapping annotations requested	 <p><i>Figure 3: The Extension Area</i></p> <p>That the TPLM Zone is extended to the west to include the Extension Area identified in Appendix A of the submission, and this land be included within the UGB and within the MDR and LDR Precincts.</p>

	For the relevant Precinct provisions and standards set out in the submission, including amended zoning, structure plan and building height plan to apply to the Extension Area, and Any alternative, consequential or other amendments to give effect to the intent of the submission.
Hazard mapping	Existing landslide features
Aerial photo	
Summary of Council assessments and recommendations	
Landscape (Mr Skelton)	Opposed
Urban Design (Mr Dun)	Opposes
Residential Economic (Ms Fairgray)	Opposes
Transport	Opposes
Overall Recommendation	
Recommendation	Reject #107 Accept FS140, FS142, FS143, FS144, FS145, FS146, FS147, FS148, FS149, FS150

Analysis

- 12.103 The submission seeks an extension to the notified TPLMZ to include an additional area of approximately 20ha at the western end of the Zone, extending generally from the existing western boundary at Lower Shotover Road towards the Shotover River. The submitter has proposed amended zoning, structure plans and building height plans alongside this. The proposed plan amendments sought by the submission are in [Figure 9](#) below.



Figure 9 – proposed zone extension to the west, sought by #107

- 12.104 The submission is considered out of scope as it is not “on” the Variation, as addressed in Section 9 above and in Wynn Williams memorandum in [Appendix C](#). The matter of scope will be further discussed in Council’s legal submissions presented at the Hearing. Of particular relevance is that such a significant change to the status quo should have been subject to detailed analysis under s32, and no such analysis has been undertaken by Council or the submitter.
- 12.105 Should the Panel take a different view on the scope of the submission, myself and other experts have considered its merits.
- 12.106 The submitter justifies the rezoning on the basis that it is necessary to meet housing demand targets of the NPS-UD and will achieve a well-functioning urban environment through better transport and multi modal connections. The economic evidence of Ms Fairgray discusses projected dwelling demand across the district over the short, medium and long term; as well as the zoned feasible development capacity. She states that *“I consider that the total area of the TPLM is already large relative to medium-term projected growth across the Wakatipu Ward. Further expansion of the TPLM MDR Precinct area would increase its scale of the development relative to the level of projected growth”*.³⁴
- 12.107 Ms Fairgray also notes that it is a significant extension (20ha) compared to the relative size of the notified zone. She does not support the proposed MDR Precinct on the basis that it is a less efficient location that is further from the commercial precinct, and this may disperse density and intensification from occurring around the commercial precinct, compromising its viability and vitality.³⁵ She does however consider the land may be appropriate for the LDR Precinct as development at lower densities is unlikely to disperse this from the other precincts

³⁴ Evidence of Susan Fairgray dated 27 September, paragraph [113](a).

³⁵ Evidence of Susan Fairgray dated 27 September paragraph [113](d).

and notes it has positive locational attributes such as being closer to core areas of amenity in Frankton.

- 12.108 I also agree with the submitter that the location has good proximity to the Frankton commercial area and active travel links, and that these are arguably more enabling of active travel modes than other more distant parts of the notified zone. However, the location is also at greater separation from the notified TPLM Commercial Precincts and less convenient to this, as well as potential schools and open space areas.
- 12.109 The submitter also suggests that the notified TPLM zone extent “...*will not deliver the intended yield of 2400 homes*”. I note that development in the TPLM zone is required to meet minimum density targets on a per land area basis. The notified TPLM zone extent is sufficient to achieve an appropriate density that is able to achieve a critical mass to support the feasibility of public transport and commercial and community activities. However, if the effect of the rezoning were to increase the total overall number of residential units, it would however generate additional transport effects and require a greater mode shift beyond the current required 50%.
- 12.110 Mr Shields has reviewed the rezoning and is opposed to the relief on the basis that the zoning would be much further away from the proposed centres, high school and sports hub; in addition being more than 800m from the nearest bus stops. He also notes the proposal would require rerouting of the bus route, increasing passenger journey times; and that LDR Precinct could also compromise the transport strategy as it relates to sustaining a viable public transport network.³⁶
- 12.111 The submitter has not provided a detailed assessment of landscape effects. Mr Skelton has assessed the potential landscape and visual amenity effects and undertaken a modelling exercise to demonstrate the possible appearance of the rezoning. He considers that the notified TPLMZ extent has limited visibility from the west whereas the rezoning would be highly visible from many locations west of the site, including SH6, Jims Way, the Queenstown trail and the Old Shotover Bridge, and would give rise to moderate to high adverse effects. Mr Skelton describes that the Shotover River terraces (ONF) have an open natural character that “*would change from being a predominantly open and natural view ... to being a midground of urban character elements between two ONFs*”.³⁷ Mr Skelton’s recommendation from a landscape point of view is that the rezoning is rejected.
- 12.112 Mr Skelton also discusses the importance having a defensible urban edge to the Zone generally. He considers the existing notified Zone extent is well contained by a distinct

³⁶ Evidence of Colin Shields dated 29 September 2023, paragraph [70].

³⁷ Evidence of Stephen Skelton dated 29 September 2023, paragraph [91].

biophysical feature and that the inclusion of the submitters land would potentially undermine this edge and create a risk of development spreading beyond the defined Zone extent.³⁸

- 12.113 Mr Dun has reviewed the proposal from an urban design perspective and discusses that the intent of the TPLM Structure Plan and Variation to create high quality walkable neighbourhoods that integrate transport and land use objectives, and the proposed western extension would be providing housing further from the proposed commercial centre and amenities and may encourage car-oriented development. Mr Dun also opposes the rezoning.³⁹
- 12.114 The submitter has not provided an assessment of geotechnical conditions or natural hazards and the hazards database identifies a landslide feature within the site.
- 12.115 Taking into account the submission and the views of Council's experts, I consider that the location does have some positive aspects for urban development through greater proximity to Frankton and the Old Shotover Bridge cycle connection. However, I consider that the greater separation from the TPLM Commercial Precinct is relevant, and the rezoning may favour westbound trips to commercial areas, rather than eastbound.
- 12.116 I agree partially with Ms Fairgray that the land could support a lower density of development. I note that the existing zoning is Wakatipu Basin Lifestyle Precinct (**WBLP**) and this already allows for rural living development at an average density of 1 residential unit per hectare. An important difference is that a key purpose of the WBLP is to maintain or enhance landscape character, with subdivision and rural development required to be designed to be sensitive to the landscape context. Accordingly, development under the existing zoning is likely to be larger lots, low rise and with effects from public areas being filtered views towards low density dwellings only.
- 12.117 For these reasons, and in reliance on the evidence of Mr Skelton, Mr Shields, Ms Fairgray and Mr Dun, I recommend rejecting the relief sought by submission #107 entirely; and therefore accept FS140, FS142, FS143, FS144, FS145, FS146, FS147, FS148, FS149, FS150 which oppose the rezoning.

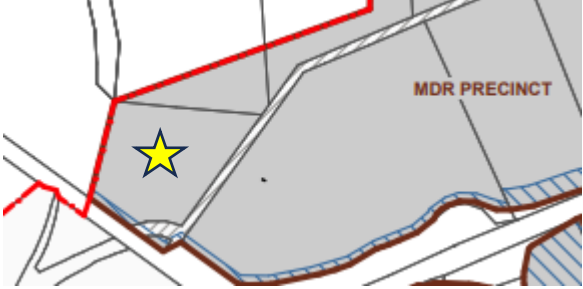


OTHER MAPPING CHANGES

Submitter 71 – GW & SE Stalker

Property and submission information
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³⁸ Evidence of Stephen Skelton dated 29 September 2023, paragraph [98].

³⁹ Evidence of Stuart Dun dated 29 September 2023, paragraph [112] – [116].

Scope determination	Within scope
Further submitters	-
Land area / request referred to	70 Lower Shotover Road
Legal description	Lot 5 DP 438514
PDP zone and mapping annotation	Wakatipu Basin Rural Amenity Zone, Rural Zone
Notified proposed TPLM Zone	TPLM - Medium Density Residential Precinct 
Zone and mapping annotations requested	<p>That buildings and improvements on that part of 14 Lower Shotover Road (Lot 3 DP 438514 and Lot 201 DP 391412) that is within the proposed Ladies Mile Structure Plan are set back from the boundary of 70 Lower Shotover Road (Lot 5 DP 438514) by at least 25m.</p> <p>That a 5 m height restriction is applied to the first row of buildings and improvements located on that part of 14 Lower Shotover Road (Lot 3 DP 438514 and Lot 201 DP 391412) that is within the proposed Ladies Mile Structure Plan, which adjoins the boundary of 70 Lower Shotover Road (Lot 5 DP 438514) and has evergreen screen planting minimum 2m in height.</p>
Aerial photo	
PDP mapping	Wakatipu Basin Rural Amenity Zone 
Summary of Council assessments and recommendations	
Urban Design (Mr Lowe)	Accept in part
Overall Recommendation	

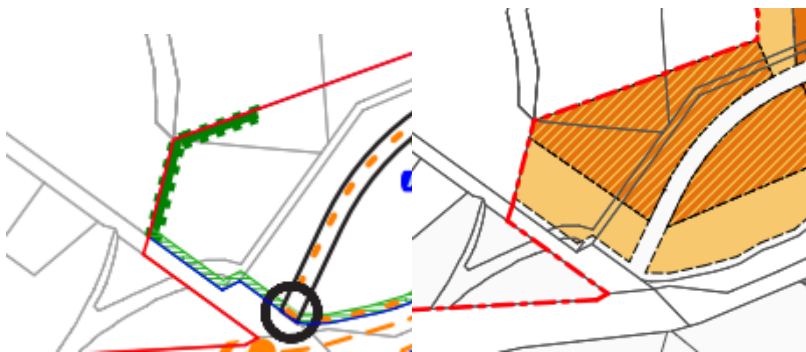
Recommendation	Accept in part
Summary	<p>It is recommended to:</p> <ul style="list-style-type: none"> - Specify the minimum width of the landscape buffer - Amend the structure plan to wrap the 8m height limit along the entire western edge of Sub Area A.

Analysis

12.118 In summary, the submission seeks increased setbacks and reduced building height at the western boundary of the TPLM zone, adjoining their land and existing right of way access. The locations referred to are indicated in the image below, which is included in the submission.



12.119 The Structure Plan identifies this area as being within the TPLMZ MDR Precinct, Sub Area A, with a landscape buffer identified along the western boundary, and building heights of 8m, with a small corner of 3 storey maximum (13m).



12.120 Some relief along this boundary is provided by the landscape buffer. Mr Skelton notes this landscape buffer has the purpose of containing the effects of the development and reducing visibility to Lower Shotover Road to the north or west of the site boundaries.⁴⁰ The landscape

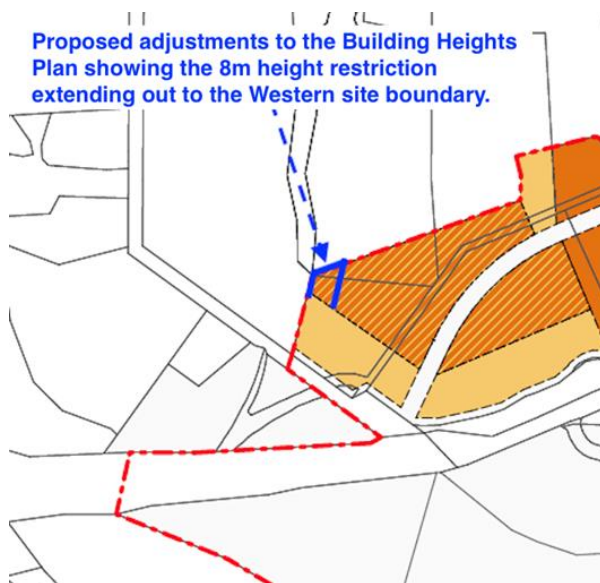
⁴⁰ Evidence of Stephen Skelton dated 29 September 2023, paragraph [49].

buffer is required through Rule 49.5.15 which requires development to be undertaken in accordance with the Structure Plan (otherwise being a Non Complying activity), and via a matter of discretion under 49.4.4 which applies to buildings of more than 2 units, and Rule 27.7.28 for subdivision, requiring “...the establishment of the “Landscape Buffer Area” shown on the Structure Plan, and the methods to ensure it is maintained in perpetuity”.

12.121 Other applicable rules of relevance to the location of built form at this boundary include boundary setbacks of 1.5m (Rule 49.5.22) and recession planes (Rule 49.5.18), and Rule 49.4.4 and the matters of discretion which requires consent for 2 or more buildings with consideration of “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”.

12.122 I consider that these provisions go some way to guiding an appropriate setback and building height in this location. However, the boundary setback required is only 1.5m (being a side boundary), and the width of the landscape buffer is not specified. I note that the same scenario occurs at the eastern end of the zone, where the MDR Precinct adjoins land within the Wakatipu Basin Rural Amenity Zone (elsewhere in this evidence I discuss recommended changes to the eastern zone boundary).

12.123 I consider the 25m setback sought by the submitter to be excessive, however Mr Lowe and Mr Skelton consider the width of the landscape buffer/planting strip could be specified, in addition to its purpose and the types and heights of planting anticipated, and that this would also provide for an additional setback of buildings from the adjacent WBRAZ. Additionally, Mr Lowe recommends that the 8m height limit of the structure plan be wrapped along the entire Western edge of ‘Sub area A’, as shown in the image below.⁴¹



⁴¹ Evidence of Michael Lowe dated 29 September 2023, paragraph [57].

12.124 I agree with these recommendations and therefore recommend inclusion of a new rule specifying requirements for the western landscape buffer as below and as indicated in the **Recommended Provisions** in Section 13. This rule reflects the recommendations of Mr Skelton.


49.5.X Landscape buffer

The Landscape Buffer shown on the Structure Plan within Sub Area A shall be no less than 6 metres wide along its full length and include:

- (i) a diverse range of 70% native species to enhance biodiversity values with a minimum plant spacing of 1.5m;**
- (ii) no less than 30% of planting which will reach a mature height of over 10 meters.**
- (iii) no less than 30% of planting which shall reach a mature height of over 4 meters.**
- (iv) the balance of planting may be comprised of shrubs and small trees which contribute to biodiversity and amenity values.**

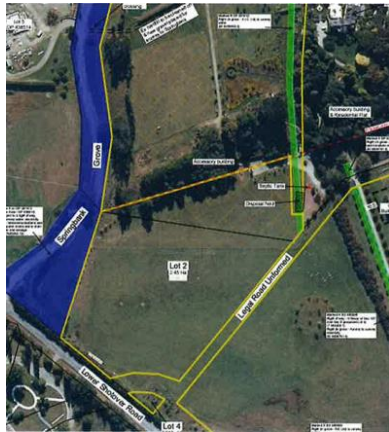
12.125 I also agree with Mr Lowe’s recommended modification to the 8m building height adjoining the submitters boundary and consider this, with the recommended 6m planting strip, and potentially recession planes, will provide sufficient mitigation to the submitters’ property.

Submitter #82 – Roman Catholic Bishop of Dunedin

Property and submission information	
Scope determination	Within scope
Further submitters	-
Land area / request referred to	14 Lower Shotover Road, Lake Hayes
Legal description	Lot 3 DP 438514 (Lot 2 of RM220154)
PDP zone and mapping annotation	Wakatipu Basin Rural Amenity Zone
Notified proposed TPLM Zone	TPLM - Medium Density Residential Precinct 

Analysis

- 12.126 The submitter seeks that a specific overlay is applied over existing Lot 3 DP 438514 (Lot 2 of RM220154) that identifies the area as being “education and place of worship activity area”, as they consider the site is particularly suited for such activities and they have been investigating purchase of the land for this purpose, including on-site staff accommodation. The site referred to is illustrated below.



- 12.127 To support this, the submitter also seeks a number of changes to provisions, considering that the notified provisions do not suitably allow for development of community activities within the MDR Precinct. In particular, it is noted that such a development in the MDR Precinct would not achieve the minimum densities required by Rule 49.5.16 and therefore require Non-Complying resource consent. The submitter also seeks a new definition for “Education and Places of Worship Activity” to detail the mix of activities intended.
- 12.128 I have reviewed the requested overlay/activity area and changes sought to provisions. I consider that notified Rule 49.4.21 provides for Community Activities to establish anywhere in the zone as a Discretionary Activity, and Rule 49.4.17 provides for Education Activities in the MDR Precinct as an Restricted Discretionary activity. Notified Policies 49.2.5.1 and 49.2.5.3 also provide for education and communities anywhere in the zone, where these support community and economic wellbeing and adverse effects are minimised. Churches also fall within the existing definition of Community Activities under the PDP. I consider this framework to be appropriate, as firstly there is no guarantee that the proposed activity would definitely locate on this site to require a site specific overlay/activity area; and secondly, a discretionary status enables a broad consideration of positive and potential adverse effects and the objectives and policies. I also consider it is not necessary to specify a new definition as the mix of activities proposed are already captured by other existing definitions, with associated staff accommodation being enabled as a residential activity within the MDR Precinct.
- 12.129 I therefore reject the submission point seeking an overlay or specific activity area to provide for an education and place of worship area.

13 REZONINGS AND MAPPING CHANGES

- 13.1 I have evaluated the submissions and further submissions in Section 11 (high level themes) and Section 12 (zone extensions and rezoning requests) above, and in [Appendix D](#) I have assessed the submissions seeking modifications to the TPLM Variation provisions. I have recommended that submissions are either accepted, accepted in part or rejected.
- 13.2 Where the submissions are accepted or accepted in part, I have recommended modifications to the provisions. These modifications are set out below, in tracked form (in blue) with the submitter identified in the adjacent comment boxes.

49 Te Pūtahi Ladies Mile Zone

49.1 Zone Purpose

[The](#) Te Pūtahi Ladies Mile Zone implements the Spatial Plan and Te Pūtahi Ladies Mile Masterplan by providing a planning framework designed to achieve an integrated urban environment. The purpose of the Zone is to ensure efficient use of land for the provision of housing [and supporting community and commercial facilities](#), within an integrated, well- functioning, and self-sustaining urban community [that integrates with nearby zones](#), that is inclusive of communities in nearby zones.

Commented [MF1]: #100 Te Rūnanga o Ngāi Tahu, Papatipu Rūnanga

Commented [MF2]: #105 Maryhill Limited

The planning framework is informed by the key Kāi Tahu values including whanaukataka, haere whakamua and mauri of water. These values support family and community focused development (whanaukataka) which contributes to whānau whakaruruhau, the practice of sheltering and protecting. The values also support future focused sustainable development that recognises the needs of future generations (haere whakamua), and development that recognises the life force in land, water and the natural environment (mauri).

The Structure Plan guides subdivision and development within the Zone and sets out key roading connections, well connected and legible walking and cycling routes, and an open space network for recreation [and enhancement of ecological values](#).

Commented [MF3]: #100 Te Rūnanga o Ngāi Tahu, Papatipu Rūnanga

Commented [MF4]: #105 Maryhill Limited

The Zone enables [high a range of residential densities, including high densities](#) to ensure the most efficient use of the land, while promoting reduction in reliance on private vehicle trips [and emissions](#) through the provision, within the Zone, of commercial, recreational, education and other activities for residents within the Zone as well as residents in nearby zones.

Commented [MF5]: #100 Te Rūnanga o Ngāi Tahu, Papatipu Rūnanga

Access to State Highway 6 is limited to key points, for safety and efficiency of the highway, and the access links with the south side of the highway promotes integration with the nearby established residential communities. The provision of transport infrastructural works, including public transport infrastructure, prior to development is key to avoiding adverse effects from increased private vehicle trips on State Highway 6 through shifts to other transport modes. Private vehicle ownership is discouraged by maximum carparking rates.

[Appropriate management of stormwater is a key consideration in developing Te Pūtahi Ladies Mile Zone. This must include stormwater management solutions that are integrated across the Zone, that mimic the natural water cycle, and that give effect to Te Mana o te Wai. These solutions must include attenuation and treatment and avoid direct discharges to Waiwhakaata Lake Hayes, and avoid adverse effects of discharges to Kimitākau/Shotover River or the Kawarau River.](#)

Commented [MF6]: #100 Te Rūnanga o Ngāi Tahu, Papatipu Rūnanga

To achieve the Zone purpose, the Zone provides for a range of residential densities and land use activities across six Precincts identified on the Planning Maps. The purpose of each Precinct is:

- The Low Density Residential Precinct, on the south side of State Highway 6, supports integration with the adjoining lower density residential communities of Shotover Country, Lake Hayes Estate and the Queenstown Country Club, while acknowledging the transport limitations;
- The Medium Density Residential Precinct provides for a range of housing typologies including terrace, semi-detached, duplex, and townhouses on the north side of State Highway 6, to a density of at least 40 units per hectare, within easy walking distance to facilities;
- The High Density Residential Precinct provides for multi-unit accommodation, to a density of at least 60 units per hectare, in locations close to areas of public open space, future transportation links, and facilities;
- The Commercial Precinct is centrally located within the Zone and provides a focal point for commercial activities and amenities to serve the resident community while not undermining the role of the commercial areas at Frankton or the Queenstown Town Centre;
- The Glenpanel Precinct provides for commercial activities [and community activities](#) where these are compatible with the heritage values of the Glenpanel Homestead and supports open space and a sense of community; and
- The Open Space Precinct covers the Council-owned land on the south side of State Highway 6 and provides for community activities centred around a sports hub.

Commented [MF7]: #108 Milstead Trust

49.2 Objectives and policies

49.2.1 Objective – Development complements and integrates with adjoining urban development at Te Pūtahi Ladies Mile and development south of State Highway 6.

Policies

49.2.1.1 Require that development is consistent with the Structure Plan to ensure the integrated, efficient and coordinated location of activities, primary roading, key intersections, open spaces, green networks, and walkway / cycleway routes.

49.2.2 Objective – 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.

Policies

49.2.2.1 Within the Medium and High Density Residential Precincts:

- a. Promote affordability and diversity of housing by maximising choice for residents through encouraging a range of residential typologies, unit sizes and bedroom numbers.
- b. Avoiding development that does not achieve the residential densities required in each Precinct, and avoiding low density housing typologies including single detached residential units.

49.2.2.2 Within the High Density Residential Precinct, require a high density of residential units that are well designed for terraced housing, multi-storey townhouses and apartment living typologies, set within attractive landscaped sites, along with key parks and open spaces, and public transport routes.

49.2.2.3 Within the Medium Density Residential Precinct, require residential development to achieve a density, including by multi-storey townhouses, semi-detached, duplexes and similar typologies, that is distinct from the adjoining lower and medium densities available in the developments south of the State Highway and the higher density available in other areas within the Zone.

49.2.2.4 Within the Low Density Residential Precinct, manage the total number of residential units provided for within the Zone to avoid significantly increasing vehicle trips and adverse effects on the safe and efficient operation of State Highway 6.

49.2.3 Objective - The Commercial Precinct is compact, convenient and accessible for meeting the needs of local residents

Policies

49.2.3.1 Provide for a range of office and small-scale retail, office and other commercial activities that meet the needs of local residents, other than one medium-sized supermarket.

49.2.3.2 ~~Limit the establishment of Service Stations and~~ Avoid the establishment of ~~Service Stations, and~~ business activities that would undermine the function and role of other centres, including Industrial, Service, Large Format Retail activities and large office spaces.

49.2.3.3 Enable residential activities above ground level while acknowledging that there will be a lower level of residential amenity due to the mix of activities in the Commercial Precinct.

49.2.3.4 Enable development of a scale up to 6 storeys to provide for an intensity to accommodate the Precinct's core range of activities while maximising the land area available for surrounding residential development and public spaces.

49.2.3.5 Require higher floor to ceiling heights at ground floor level in buildings to provide for flexible use for a range of activities.

Commented [MF8]: #93 Sanderson Group and Queenstown Commercial Limited

Commented [MF9]: #45 Caithness Development Limited, #46 Shotover Country Limited, #105 Maryhill Limited, #108 Milstead Trust

49.2.3.6 Require acoustic insulation for Critical Listening Environments to limit the impact of town centre noise on occupants.

49.2.4 Objective - The Glenpanel Precinct provides for non-residential activities that complement the role of the Commercial Precinct with development which responds to the character of the area.

49.2.4.1 Enable small-scale commercial and community activities to serve the day-to-day needs of the local community.

49.2.4.2 Require development within the Glenpanel Precinct to manage adverse effects of development on the historic heritage values of Glenpanel Homestead and its setting.

49.2.5 Objective – A range of compatible activities are provided for within the Zone.

49.2.5.1 Enable education activities throughout the Zone and ensure that any potential adverse effects of the education activities, including buildings, on neighbourhood amenity are minimised by:

- a. promoting a high standard of building and site design including the location of open space and setbacks;
- b. the efficient provision and design of vehicle access and carparking.

49.2.5.2 Limit commercial activities in the residential precincts to a scale that maintains the primacy of the Commercial Precinct for these activities, supports the social and economic well-being of the local community, and avoids or mitigates adverse effects on residential amenity.

49.2.5.3 Provide for community activities in the Zone where these support the health and safety and the social and economic well-being of the local community and adverse effects on the residential Precincts are minimised.

49.2.5.4 Avoid the establishment of activities that are not consistent with the amenity values of the Zone, cause inappropriate environmental effects, and are more appropriately located in other zones.

49.2.5.5 Avoid Visitor Accommodation and Residential Visitor Accommodation in the residential precincts, consistent with the role of the Zone in providing for the needs of local residents.

49.2.5.6 Provide for Visitor Accommodation within the Commercial Precinct and the Glenpanel Precinct provided that this activity is consistent with the objectives and policies for those Precincts.

49.2.6 Objective - Development in the Zone minimises the generation of additional vehicle trips along State Highway 6, and reduces, as far as practicable, vehicle trips along State Highway 6 generated by the adjoining residential areas at Ladies Mile.

49.2.6.1 Provide for a range of activities to serve residents of the Zone and residents within adjoining Ladies Mile residential areas (including areas on the south side of State Highway 6 and Threepwood) that reduce the need for travel along State Highway 6, including:

- a. Educational facilities;
- b. A variety of commercial activities to provide for the day-to-day needs of the Ladies Mile communities;
- c. Recreational and open space areas; and
- d. Other community facilities including sportsgrounds and buildings for community uses.

49.2.6.2 Require the integration of the Zone with the adjoining residential areas at Ladies Mile and State Highway 6 by:

- a. Strategically locating intersections at key points on State Highway 6 and Lower Shotover Road;
- b. Requiring multiple pedestrian and cycle crossings of State Highway 6, Lower Shotover Road and Howards Drive at locations that support integration with public transport within walking distance of residential areas; and

Commented [MF10]: #94 Winter Miles Airstream Limited

Commented [MF11]: #36 Fire and Emergency New Zealand

Commented [MF12]: #73 (Glenpanel Developments Limited), #77 (Ladies Mile Property Syndicate), #80 (Koko Ridge Limited and W Foley), #93 (Sanderson Group and Queenstown Commercial Limited), #94 (Winter Miles Airstream Limited), #105 (Maryhill Limited)

c. Providing for new road connections that enable access to bus services.

49.2.6.3 Provide for efficient and effective public transport through:

- a. Requiring higher residential densities within the Zone north of State Highway 6;
- b. Ensuring road widths and configurations are consistent with their efficient utilisation as bus routes;
- c. Discouraging private vehicle ownership and use by limiting onsite carparking via maximum rates for residential, office, retail and education activities;
- d. Limiting on-street parking; and
- e. Requiring transport infrastructural works related to public transportation to be in place prior to development.

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;
- b. Preferring the provision of an underpass for the Key Crossing indicated on the Structure Plan;
- c. Discouraging private vehicle ownership and use by limiting onsite carparking via maximum rates for residential office and retail activities;
- d. Requiring minimum cycle parking to be provided onsite for commercial, educational and residential activities; and
- e. Enhancing active travel experiences by requiring adjacent development to integrate with the Key Crossing shown on the Structure Plan and by providing high-quality recreation spaces along routes.

49.2.6.5 Avoid development where specific transport infrastructural works have not been completed, ~~unless it can be demonstrated that development will avoid future and cumulative adverse effects from additional traffic movements, particularly at weekday daily peak periods, on State Highway 6.~~

Commented [MF13]: #104 Waka Kotahi

49.2.6.6 Require Workplace and School Travel Plans that will demonstrate how private vehicle trips will be reduced and to promote greater reliance on public and active transport.

49.2.7 Objective – An attractive built environment that positively responds to streets and open spaces, provides a high level of residential and neighbourhood amenity, achieves high quality urban design and ecological outcomes and incorporates indigenous biodiversity in design.

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Policies

In all Precincts

49.2.7.1 Encourage building design that integrates with public spaces and provides for a pedestrian-friendly environment including active street frontages.

49.2.7.2 Minimise opportunities for criminal activity through incorporating Crime Prevention Through Environmental Design (CPTED) principles as appropriate in the design of building layout, public and semi-public spaces, and landscaping.

49.2.7.3 Acknowledge and celebrate the area's cultural heritage, including incorporating indigenous vegetation and reference to ~~langata-whenua~~ Manawhenua values, in the design of public and private spaces, where appropriate.

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49.2.7.4 Ensure that the location and direction of lights does not cause significant glare to other sites, roads, and public places and promote lighting design that mitigates adverse effects on views of the night sky.

49.2.7.5 Ensure that outdoor storage areas and any carparking areas are appropriately located ~~and or~~ screened to limit adverse visual effects and to be consistent with the amenity values of the Zone ~~or those of any adjacent zone.~~

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- 49.2.7.6 Require all new buildings, relocated buildings and additions and alterations to existing buildings that contain as Activity Sensitive to Road Noise located adjacent to a State Highway to be designed to maintain internal residential amenity values and, in particular provide protection to sleeping occupants from road noise.
- 49.2.7.7 Encourage accessibility through universal design of spaces, to enable ease of use by all potential users.
- 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.

All Precincts north of State Highway 6

- 49.2.7.9 Require high quality building and site design that promotes and supports neighbourhood amenity values, reflects the highly visible location close to the state highway, and that is appropriate in the setting adjacent to the outstanding natural feature of Slope Hill.
- 49.2.7.10 In the Medium and High Density Residential Precincts and the Commercial Precinct, require that development responds to its context, with a particular emphasis on the following essential built form outcomes:
 - a. achieving high levels of visual interest and avoiding blank or unarticulated walls or facades;
 - b. achieving well-overlooked, activated streets and public open spaces, including by not dominating street edges with garaging, parking or access ways;
 - c. achieving a variation and modulation in building mass, facades, materials and roof forms;
 - d. using well-designed landscaped areas to add to the visual amenity values of the development for residents or visitors, neighbours, and the wider public.

Medium and High Density Residential Precincts

- 49.2.7.11 Apply recession plane, building height, yard setback and site coverage controls as the primary means of ensuring a minimum level of outlook, sunshine and light access, while acknowledging that through an application for land use consent an outcome superior to that likely to result from strict compliance with the controls may well be identified.
- 49.2.7.12 Ensure built form achieves reasonable levels of privacy for occupants of the subject site and neighbouring residential sites and units, including through the use of building setbacks, offsetting windows from one another, screening, or other means.
- 49.2.7.13 Require a high level of landscape amenity which:
 - a. uses indigenous planting to increase ecological values, preferring vegetation that naturally occurs and/or previously occurred in the area; and
 - b. uses exotic planting to maintain local character where appropriate.

49.2.8 Objective – Development that supports resilience to, and mitigation of, the current and future effects of climate change and contributes to an integrated approach to stormwater management.

- 49.2.8.1 Encourage site layout and building design that promote sustainability, including design that conserves energy, reduces waste and reduces emissions.
- 49.2.8.2 Require a minimum level of permeable surface on a site for stormwater management and landscape amenity.
- 49.2.8.3 Subject to the limit on the maximum number of storeys, allow greater building height only where development is designed to achieve an improved standard of quality, including its environmental

Commented [MF18]: #93 Sanderson Group and Queenstown Commercial Limited, #105 Maryhill Limited

Commented [MF19]: #100 Te Rūnanga o Ngāi Tahu, Papatipu Rūnanga

sustainability.

49.3 Other Provisions and Rules

49.3.1 District Wide

Attention is drawn to the following District Wide chapters.

1. Introduction	2. Definitions	3. Strategic Direction
4. Urban Development	5. Tangata Whenua	25. Earthworks
26. Historic Heritage	27. Subdivision	28. Natural hazards
29. Transport	30. Energy and Utilities	31. Signs
32. Protected Trees	33. Indigenous Vegetation and Biodiversity	34. Wilding Exotic Trees
35. Temporary Activities and Relocatable Buildings	36. Noise	37. Designations
38. Open Space and Recreation	39. Wahi Tupuna	Planning Maps

49.3.2 Interpreting and Applying the Rules

49.3.2.1 A permitted activity must comply with all rules listed in the Activity and Standards tables, and any relevant district wide rules.

49.3.2.2 Where an activity does not comply with a standard listed in the standards tables, the activity status identified by the "Non-Compliance Status" column shall apply. Where an activity breaches more than one standard, the most restrictive status shall apply to the activity.

49.3.2.3 Within the Open Space Precinct, all provisions of Chapter 38 (Open Space and Recreation) relating to the Community Purposes Zone apply with the exception of the rules in Table 4 below.

49.3.2.4 The following abbreviations are used within this chapter:

P	Permitted	C	Controlled
RD	Restricted Discretionary	D	Discretionary
NC	Non Complying	PR	Prohibited

49.4 Rules - Activities

	Activities located in the Te Pūhahi Ladies Mile Zone	Activity Status
	Residential Activities	
49.4.1	Residential Activity	P
49.4.2	Homestay	P
49.4.3	Home occupation	P

	Activities located in the Te Pūtahī Ladies Mile Zone	Activity Status
49.4.4	<p>Two or more residential units per site in the Medium Density Residential Precinct and High Density Residential Precinct</p> <p>Discretion is restricted to:</p> <ol style="list-style-type: none"> 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; how the design advances housing diversity, including the range of unit types to achieve a diverse range of choice including size, typology and affordability; promotion of sustainability and accessibility, either through construction methods, design or function; street activation; parking and access layout: safety, efficiency and impacts on on-street parking and travel management; design and integration of landscaping, including existing vegetation; The spatial layout of the development, and its relationship to and integration with other sites and development, taking into account the location of: <ol style="list-style-type: none"> Roads, walkways and cycleways throughout the Sub-Area including Indicative Roads as shown on the Structure Plan and where these will connect to adjoining sites and (where relevant) neighbouring Sub-Areas and (where relevant) State Highway 6, including intersection layout and design; Open spaces, and their intended function(s), including those open spaces required by the Structure Plan, Indicative Parks as shown on the Structure Plan, and any additional open spaces necessary to serve the future needs of the site and the wider Sub-Area; Three waters infrastructure, including the retention and treatment of stormwater, and integration with the stormwater network within the Zone. within Sub-Areas B and C, the impact of development on existing established trees identified on the Structure Plan; within Sub-Area A the establishment of the "Landscape Buffer Area" shown on the Structure Plan, and the methods to ensure it is maintained in perpetuity; <p>Note that this rule also applies to attached and semi-attached residential units within a site, or across more than one site.</p>	RD
49.4.5	Residential Visitor Accommodation	NC
49.4.6	One residential unit per site within the Medium Density Residential Precinct and the High Density Residential Precinct, except that this rule shall not apply to a residential unit that is attached to residential units on other sites.	NC
49.4.7	Residential Flats	NG
	Non-residential activities	
49.4.8	Commercial Activities comprising no more than 100m ² of gross floor area per site in the High Density Residential Precinct	P
49.4.9	Office Activity in the Commercial Precinct	P
49.4.10	Education Activities in the Commercial Precinct	P

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	Activities located in the Te Pūtahi Ladies Mile Zone	Activity Status
49.4.11	Retail activity in the Commercial Precinct and Glenpanel Precinct, except where provided for elsewhere in this table	P
49.4.12	Community Activities in the Commercial Precinct and Glenpanel Precinct	P
49.4.13	Commercial Activity in the Commercial Precinct, except where provided for elsewhere in this table	P
49.4.14	One Large Format Retail tenancy retailing grocery products within the Commercial Precinct	P
49.4.15	Licensed Premises in the Glenpanel Precinct and the Commercial Precinct Premises licensed for the consumption of alcohol on the premises between the hours of 11pm and 8am, provided that this rule shall not apply to the sale of liquor: a. to any person who is residing (permanently or temporarily) on the premises; and/or b. to any person who is present on the premises for the purpose of dining up until 12am. Control is reserved to: a. the scale of the activity; b. effects on amenity (including that of adjacent residential precincts and reserves); c. noise and hours of operation.	C
49.4.16	Commercial Activities comprising no more than 100m ² of gross floor area per site in the Low Density Suburban Residential Precinct or the Medium Density Residential Precinct. Discretion is restricted to: a. benefits of the commercial activity in servicing the day-to-day needs of local residents; b. hours of operation; c. parking, traffic and access; d. noise	RD
49.4.17	Education Activities within the Low, Medium or High Density Precincts and within the Open Space Precinct for Ministry of Education (or equivalent) operations only Discretion is restricted to: a. Traffic generation, access and parking; b. Provision for walkways, cycleways and pedestrian linkages; c. Infrastructure and servicing; and d. Noise effects.	RD
49.4.18	Buildings for non-residential activities Discretion is restricted to: a. Scale, design and external appearance; b. Signage platforms; c. Lighting; d. Spatial layout of the development, including interrelationship with the street, surrounding buildings and open spaces; e. how the design promotes sustainability and accessibility, either through site layout, construction methods, design or function;	RD

Commented [MF22]: #86 Ministry of Education

	Activities located in the Te Pūhahi Ladies Mile Zone	Activity Status
	<p>f. In the Commercial Precinct, the opportunity to establish an anchor building on the corner with State Highway 6.</p> <p>g. Street activation;</p> <p>h. Parking and access layout: safety, sufficiency for emergency access, efficiency and impacts on on-street parking and travel management;</p> <p>i. Design and integration of landscaping, including existing vegetation;</p> <p>j. The spatial layout of the development, and its relationship to and integration with other sites and development, taking into account the location of:</p> <p>i. Roads, walkways and cycleways throughout the Sub-Area including Indicative Roads as shown on the Structure Plan and where these will connect to adjoining sites and (where relevant) neighbouring Sub-Areas and (where relevant) State Highway 6, including intersection layout and design;</p> <p>ii. Open spaces, and their intended function(s), including those open spaces required by the Structure Plan, Indicative Parks as shown on the Structure Plan, and any additional open spaces necessary to serve the future needs of the site and the wider Sub-Area;</p> <p>iii. Three waters infrastructure, including the retention and treatment of stormwater, and integration with the stormwater network within the Zone.</p>	
49.4.19	<p>Development within the Crossing Curtilage Overlay area shown on the Structure Plan</p> <p>For the purpose of this rule, development means new buildings and structures, earthworks requiring consent under Chapter 25, and car parking areas.</p> <p>Discretion is restricted to the effects of the proposed development on the provision of the Key Crossing, including consideration of the integration of the development with the design, legibility, and safety of the crossing.</p>	RD
49.4.20	Commercial Recreation	D
49.4.21	Community Activities not otherwise listed	D
49.4.22	Activities not otherwise listed	NC
49.4.23	Restaurants with drive-through facilities	NC
49.4.24	Large Format Retail tenancy other than as provided for under Rule 49.4.14.	NC
49.4.25	Buildings within the Building Restriction Area on the planning maps	NC
49.4.26	Service Activity	NC
49.4.27	Industrial Activity	NC
49.4.28	Panel beating, spray painting, motor vehicle repair or dismantling, fibre glassing, sheet metal work, bottle or scrap storage, motor body building	NC
49.4.29	Bulk material storage (except temporary storage during construction of subdivision or buildings)	NC
49.4.30	Factory farming	NC
49.4.31	Fish or meat processing (excluding that which is ancillary to a retail premises)	NC
49.4.32	Forestry	NC
49.4.33	<p>Visitor Accommodation</p> <p>in the Glenpanel Precinct; and</p> <p>in the Commercial Precinct (above ground floor only)</p>	NC-D

Commented [MF23]: #35 Fire and Emergency New Zealand

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	Activities located in the Te Pūtahi Ladies Mile Zone	Activity Status
49.4.34	Mining	PR
49.4.35	Airports	PR
49.4.36	Any activity requiring an Offensive Trade Licence under the Health Act 1956	PR
49.4.37	Cemeteries and Crematoria	PR
49.4.38	Service Stations not otherwise listed	PR
49.4.39	Service Stations in the Commercial Precinct	NC

Commented [MF25]: #45 Caithness Development Limited, #46 Shotover Country Limited, #73 Glenpanel Development Limited, #105 Maryhill Limited. #108 Milstead Trust

49.5 Rules – Standards

Table 1	Standards for activities located in the Low Density Residential Precinct	Non-compliance status
49.5.1	Residential Density Maximum residential density of one residential unit per 450 300m ²	NC
49.5.2	Building Height A maximum of 8m	NC
49.5.3	Building Coverage A maximum of 40%.	D
49.5.4	Landscape permeable surface coverage At least 30% of the site area shall comprised landscaped (permeable) surface	NC
49.5.5	Recession plane The following recession planes apply to all buildings: a. Northern boundary: 2.5m and 55 degrees b. Western and eastern boundaries: 2.5m and 45 degrees c. Southern boundaries: 2.5m and 35 degrees. Except that: a. gable ends roofs may penetrate the building recession plane by no more than one third of the gable height. b. recession planes will not apply on boundaries with roads.	RD Discretion is restricted to any sunlight, shading or privacy effects created by the proposal on adjacent sites.

Commented [MF26]: #80 Koko Ridge Limited and W Foley; #103 T Allen

<p>49.5.6</p>	<p>Minimum Building Setbacks</p> <p>49.5.6.1 Minimum setback from road boundary: 4.5m</p> <p>49.5.6.2 Setback from waterbodies: 7m</p> <p>49.5.6.3 All other boundaries: 2m</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: Minimum setback from southern boundary: 4m</u></p> <p>Except that:</p> <p>a. 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.</p> <p>b. accessory buildings for residential activities may be located within the boundary setback distances (other than from road boundaries), 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.</p>	<p>D</p>
<p>49.5.7</p>	<p>Building length</p> <p>The length of any building elevation above the ground floor level shall not exceed 16m.</p>	<p>RD</p> <p>Discretion is restricted to the external appearance, location and visual dominance of the building(s) as viewed from the streets(s) and adjacent sites.</p>
<p>49.5.8</p>	<p>Waste and Recycling Storage Space</p> <p>49.5.8.1 Residential activities shall provide, sufficient space for waste, green waste and recycling bins per residential unit</p> <p>49.5.8.2 Waste, green waste and recycling bins shall be:</p> <p>a. located where it is easy to manoeuvre for kerbside collections and avoid impeding vehicle movements within and through the site; and</p> <p>b. not directly visible from adjacent sites, roads and public spaces; or</p> <p>c. screened with materials that are in keeping with the design of the building.</p>	<p>RD</p> <p>Discretion is restricted to:</p> <p>a. Effects on amenity values;</p> <p>b. Size, location and access of waste and recycling storage space.</p>
<p>49.5.9</p>	<p>Road noise – State Highway</p> <p>Any new residential building or buildings containing Activities Sensitive to Road Noise located within</p> <p>a. 80 metres of the boundary of a State Highway with a speed limit of 70km/h or greater; or</p> <p>b. 40 metres of the boundary of a State Highway with a speed limit less than 70 km/h</p> <p>Shall be designed, constructed and maintained to ensure that the internal noise levels do not exceed 40 dB LAeq(24h) for all habitable spaces including bedrooms.</p>	<p>NC</p>

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49.5.10	<p>Staging development to integrate with transport infrastructure</p> <p>Development (except for utilities, the specified transport infrastructural works and other physical infrastructure) within the Sub-Areas shown on the Structure Plan shall not occur prior to all the corresponding transport infrastructural works listed below being completed.</p> <p>For the purposes of this rule, "completed" means when the works are physically completed and are able to be used for the intended purpose.</p> <table border="1" data-bbox="243 646 889 873"> <tr> <td data-bbox="243 646 360 762">H1 & H2</td> <td data-bbox="363 646 889 762">Active Travel link to State Highway 6 bus stops</td> </tr> <tr> <td data-bbox="243 766 360 873">H2</td> <td data-bbox="363 766 889 873"> Bus stops on State Highway 6, west of the Stalker Road intersection (one on each side of the State Highway 6) Pedestrian/ cycle crossing across State Highway 6 west of Stalker Road intersection </td> </tr> </table>	H1 & H2	Active Travel link to State Highway 6 bus stops	H2	Bus stops on State Highway 6, west of the Stalker Road intersection (one on each side of the State Highway 6) Pedestrian/ cycle crossing across State Highway 6 west of Stalker Road intersection	NC				
H1 & H2	Active Travel link to State Highway 6 bus stops									
H2	Bus stops on State Highway 6, west of the Stalker Road intersection (one on each side of the State Highway 6) Pedestrian/ cycle crossing across State Highway 6 west of Stalker Road intersection									
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" data-bbox="243 989 889 1136"> <thead> <tr> <th data-bbox="243 989 672 1041">Sub-Area (as shown on the Structure Plan)</th> <th data-bbox="675 989 889 1041">Maximum number of residential units</th> </tr> </thead> <tbody> <tr> <td data-bbox="243 1045 672 1073">Sub-Area H1</td> <td data-bbox="675 1045 889 1073">38</td> </tr> <tr> <td data-bbox="243 1077 672 1104">Sub-Area H2</td> <td data-bbox="675 1077 889 1104">60</td> </tr> <tr> <td data-bbox="243 1108 672 1136">Sub-Area I</td> <td data-bbox="675 1108 889 1136">30</td> </tr> </tbody> </table>	Sub-Area (as shown on the Structure Plan)	Maximum number of residential units	Sub-Area H1	38	Sub-Area H2	60	Sub-Area I	30	NC
Sub-Area (as shown on the Structure Plan)	Maximum number of residential units									
Sub-Area H1	38									
Sub-Area H2	60									
Sub-Area I	30									
49.5.12	<p>Lighting and Glare</p> <p>49.5.12.1 All exterior lighting shall be directed downward and away from adjacent sites and roads.</p> <p>49.5.12.2 No activity on any site shall result in greater than a 3.0 lux spill (horizontal or vertical) of lights onto any other site measured at any point inside the boundary of the other site.</p>	<p>RD</p> <p>Discretion is restricted to effects of light and glare on amenity values, the transportation network, ecological health, and the night sky</p>								

Commented [MF28]: #51 G Erving, #55 Neil McDonald and Clarke Fortune McDonald & Associates, #80 Koko Ridge Limited & W Foley, #103 T Allen, #104 Waka Kotahi, #108 Milstead Trust

Commented [MF29]: #100 Te Rūnanga o Ngāi Tahu, Papatipu Rūnanga

49.5.13	<p>Homestay</p> <p>49.5.13.1 Shall not exceed 5 paying guests on a site per night</p> <p>49.5.13.2 Shall not generate any vehicle movements by heavy vehicles, coaches or buses to or from the site.</p> <p>49.5.13.3 The Council shall be notified in writing prior to the commencement of the Homestay Activity</p> <p>49.5.13.4 Up to date records of the Homestay Activity shall be kept, including a record of the number of guests staying per night, and in a form that can be made available for inspection by the Council at 24 hours notice.</p>	<p>RD</p> <p>Discretion is restricted to:</p> <p>a. The nature of the surrounding residential context, including its residential amenity values and character, and the effects of the activity on the neighbourhood;</p> <p>b. The cumulative effect of the activity, when added to the effects of other activities occurring in the neighbourhood;</p> <p>c. The scale and frequency of the activity, including the number of nights per year;</p> <p>d. The management of noise, use of outdoor areas, rubbish and recycling; and</p> <p>e. The location and screening of any parking and access.</p>
49.5.14	<p>Home Occupation</p> <p>49.5.14.1 No more than 1 full time equivalent person from outside the household shall be employed in the home occupation activity.</p> <p>49.5.14.2 The maximum number of two-way vehicle trips shall be:</p> <p>a. heavy vehicles: none permitted;</p> <p>b. other vehicles: 10 per day.</p> <p>49.5.14.3 Maximum net floor area of 60m².</p> <p>49.5.14.4 Activities and storage of materials shall be indoors.</p>	D

Table 2	Standards for activities located in the Medium Density Residential Precinct and the High Density Residential Precinct	Non-compliance status
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49.5.15	<p>Development shall be consistent with the Structure Plan at 49.8, except that</p> <ol style="list-style-type: none"> The location where Collector Road Types A and B intersect with State Highway 6 or Lower Shotover Road may be varied by up to 10m where required to achieve integration with these intersections. The location of Collector Road Type C may be varied by up to 20m to integrate with the intersection with State Highway 6. The location of the Key Crossing shown on the Structure Plan may be varied by up to 30m. 	NC
49.5.16	<p>Residential Density</p> <p>49.5.16.1 In the Medium Density Residential Precinct, development shall achieve a density of 40 – 48 residential units per hectare across the gross developable area of the site.</p> <p>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 developable area of the site.</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> <ol style="list-style-type: none"> Building Restriction areas as shown on the Structure Plan and planning maps; Roads, Open Space, Amenity Access Areas and Landscape Buffer as shown on the Structure Plan Stormwater management areas <p>But including any vested or private roads, reserves, accesses and walkways not shown on the Structure Plan.</p>	NC

Commented [MF30]: #82 Roman Catholic Bishop of Dunedin

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49.5.17	<p>Building Height</p> <p>49.5.17.1 Buildings shall not exceed the maximum number of storeys shown on the Te Pūtahi Ladies Mile Structure Plan – Building Heights.</p> <p>49.5.17.2 Buildings shall achieve the minimum number of storeys where specified on the Structure Plan – Building Heights.</p> <p>49.5.17.3 Building height shall not exceed the maximum heights shown on the Te Pūtahi Ladies Mile Structure Plan – Building Heights.</p>	<p>NC RD</p> <p>Discretion is restricted to the effects on the ability to achieve the residential density required.</p> <p>RD</p> <p>Discretion is restricted to:</p> <ul style="list-style-type: none"> a. Any sunlight, shading or privacy effects; b. External appearance, location and visual dominance of the building; c. Provision of sustainable design responses. d. interface between building height requirements outlined in Schedule 49.8 Te Putahi Ladies Mile Structure Plan – Building Heights. e. Heritage values of the Glenpanel Precinct
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Commented [MF32]: #108 Milstead Trust

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<p>49.5.18</p>	<p>Recession Plane</p> <p>Buildings shall not project beyond the following:</p> <p>49.5.18.1 In the Medium Density Residential Precinct, the following:</p> <ul style="list-style-type: none"> a. Northern boundary: A 55-degree recession plane measured 2.5m <u>4m</u> above the boundary; b. Western and Eastern boundaries: A 45-degree recession plane measured 2.5m <u>4m</u> above the boundary; c. Southern boundary: A 35-degree recession plane measured 2.5m <u>4m</u> above the boundary. <p>49.5.18.2 In the High Density Residential Precinct, a 45-degree recession plane measured 7m above the boundary, except on the northern boundary of the site a 55-degree recession plane measured 7m above the boundary applies.</p> <p>Exclusions:</p> <ul style="list-style-type: none"> a. Gable end roofs may penetrate the building recession plane by no more than one third of the gable height; b. Recession planes do not apply to site boundaries adjoining the Commercial Precinct, fronting a road, swale, or adjoining a park or reserve; c. Recession planes do not apply to site boundaries where a common or party wall is proposed between two buildings on adjacent sites. 	<p>RD</p> <p>Discretion is restricted to any visual dominance, sunlight, shading or privacy effects created by the proposal on adjacent sites, including effects on the heritage values of the Glenpanel Precinct.</p>
<p>49.5.19</p>	<p>Landscaped permeable surface</p> <p>49.5.19.1 In the Medium Density Residential Precinct, at least 25% of the site area shall comprise permeable surface.</p> <p>49.5.19.2 In the High Density Residential Precinct, at least 20% of the site area shall comprise permeable surface.</p> <p>49.5.19.3 Each residential unit located on the ground floor shall include a minimum of 1 specimen tree (45L) and 3m² of soft landscaping located between the road boundary and the front elevation of any building</p>	<p>NC</p> <p>NC</p> <p>RD</p> <p>Discretion is restricted to external appearance and visual dominance of the building when viewed from the street.</p>
<p>49.5.20</p>	<p>Roof colour</p> <p>The roof of any new building or any building alterations that result in a change in roofing material, shall be coloured within the range of browns, greens, greys blacks and blue greys with a Light Reflectance Value (LRV) of less than 20%.</p>	<p>RD</p> <p>Discretion is restricted to visual effects on Slope Hill when viewed from above</p>

Commented [MF34]: #73 Glenpanel Developments Limited, #93 Sanderson Group and Queenstown Commercial Limited, #94 Winter Miles Airstream Limited, #101 Dave Finlin, #108 Milstead Trust

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Commented [MF36]: #93 Sanderson Group and Queenstown Commercial Limited

<p>49.5.21</p>	<p>Building Coverage</p> <p>49.5.21.1 In the Medium Density Residential Precinct, a maximum of 45%.</p> <p>49.5.21.2 In the High Density Residential Precinct, a maximum of 70%.</p>	<p>RD</p> <p>Discretion is restricted to the following:</p> <p>a. external appearance, location and visual dominance of the building(s) as viewed from the street(s) and adjacent sites;</p> <p>b. external amenity values for future occupants of buildings on the site.</p> <p>NC</p>
<p>49.5.22</p>	<p>Minimum boundary setbacks for buildings</p> <p>49.5.22.1 In the Medium Density Residential Precinct:</p> <p>a. Road boundaries: 3m</p> <p>b. All other boundaries: 1.5m</p> <p>c. Garages shall be setback at least 6m from a road boundary.</p> <p>49.5.22.2 In the High Density Residential Precinct:</p> <p>a. All boundaries: 3m 1.5m</p> <p>b. Garages shall be setback at least 6m from a road boundary.</p> <p>Exclusions:</p> <p>a. Setbacks do not apply to site boundaries where a common or party wall is proposed between two buildings on adjacent sites.</p> <p>b. Roof eaves, entrance awnings, window shading/screening devices and other building elements that provide shelter can extend into the road boundary setback by up to 1.5m on buildings up to a maximum of two storeys in height and up to 1m on all other boundaries.</p>	<p>RD</p> <p>Discretion is restricted to:</p> <p>a. Any privacy effects created by the proposal on adjacent sites;</p> <p>b. External appearance, location and visual dominance of the building as viewed from the street and adjacent sites; and</p> <p>c. Effects on the safety of the transportation network, including pedestrian safety.</p> <p>d. Heritage values of the Glenpanel Precinct</p>

Commented [MF37]: #73 Glenpanel Developments Limited, #77 Ladies Mile Property Syndicate, #93 Sanderson Group and Queenstown Commercial Limited

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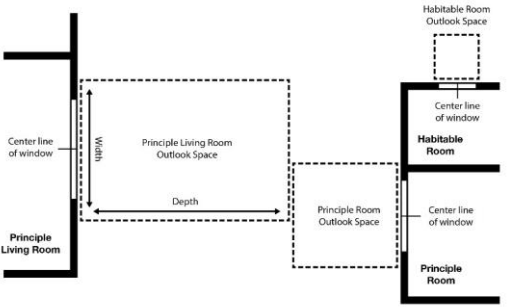
<p>49.5.23</p>	<p>Outlook Space</p> <p>An outlook space that meets the following standards shall be provided from the face of a building containing windows to a habitable room in a residential unit:</p> <p>49.5.23.1 Principal living room: 1-2 storeys: 8m in depth and 4m wide 3 storeys: 10m in depth and 4m wide 4 storeys and above: 12m in depth and 4m wide</p> <p>49.5.23.2 Principal bedroom: 3m in depth and 3m wide</p> <p>49.5.23.3 All other habitable rooms: 1m in depth and 1m wide</p> <p>Notes:</p> <p>a. Outlook spaces are to be the same height as the floor height of the building face to which it applies, with the depth to be measured at right angles from the window to which it applies.</p> <p>b. Outlook spaces from different rooms within the same residential unit or residential flat may overlap.</p> <p>c. Outlook spaces may be located within the site or over a public street, swale, or other public open space but not otherwise over another site.</p> <p>d. Outlook spaces shall be clear and unobstructed by buildings.</p> 	<p>RD</p> <p>Discretion is restricted to effects on residential amenity.</p>
<p>49.5.24</p>	<p>Outdoor living space</p> <p>Each residential unit shall have an outdoor living space that meets the following standards:</p> <p>49.5.24.1 At ground level: Minimum area of 20m², which can be comprised of ground floor and/or balcony/roof terrace space with a minimum dimension of 4m for ground level and 1.8m for above ground level.</p> <p>49.5.24.2 Above ground level: Minimum area of – 1 bedroom unit: 8m² 2 bedroom unit: 10m²</p>	<p>RD</p> <p>Discretion is restricted to:</p> <p>a. effects on residential amenity; b. The extent to which any common space is adequate for providing outdoor</p>

Table 2	Standards for activities located in the Medium Density Residential Precinct and the High Density Residential Precinct	Non-compliance status
	<p>3 or more-bedroom unit: 12m² with a minimum dimension of 1.5m.</p> <p>49.5.24.3 All outdoor living space shall be directly accessible from the residential unit and shall be free from buildings, parking spaces, servicing and manoeuvring areas.</p> <p>49.5.24.4 Buildings with 4 or more residential units above ground level shall provide an additional 4m² of common space per bedroom of above ground level units. Common space shall be landscaped, free of vehicles and accessible.</p> <p>Exclusions: Rule 49.5.24.4 does not apply where the primary entrance of a building is within 100m walking distance of a public park.</p>	<p>seating, landscaping, and informal play spaces and receives adequate sunlight access, and is accessible to all units it is intended to serve.</p>
49.5.25	<p>Lighting and Glare</p> <p>49.5.25.1 All exterior lighting shall be directed downward and away from adjacent sites and roads.</p> <p>49.5.25.2 No activity on any site shall result in greater than a 3.0 lux spill (horizontal or vertical) of lights onto any other site measured at any point inside the boundary of the other site.</p>	<p>RD</p> <p>Discretion is restricted to effects of light and glare on amenity values, the transportation network and the night sky</p>
49.5.26	<p>Building separation within sites</p> <p>The minimum separation distance between buildings containing residential units within the site shall comply with the following:</p> <p>49.5.26.1 Up to two storeys: 2m 3 storeys: 4m 4 storeys: 6m 5 or more storeys: 8m</p> <p>Except that this shall not apply to shared walls for terrace or other attached building typologies.</p> <p>49.5.26.2 Where there is a difference in the number of storeys of the two buildings, the larger separation distance shall apply.</p>	<p>RD</p> <p>Discretion is restricted to:</p> <p>a. External appearance, location and visual dominance of the building; and</p> <p>b. Effects on residential amenity.</p>
49.5.27	<p>Fencing</p> <p>Any fencing located between any road boundary or boundary with a reserve or swale shall have a maximum height of 1.2m, except that fences may be up to 1.8m where they are visually permeable.</p>	<p>RD</p> <p>Discretion is restricted to effects on passive surveillance of the street.</p>
49.5.28	<p>Residential Storage</p> <p>Every residential unit shall have a storage space comprising at least 2m³ per one bedroom and an additional storage space of 1m³ for every bedroom thereafter.</p>	<p>RD</p> <p>Discretion is restricted to effects on residential amenity, including provision of alternative storage solutions.</p>
49.5.29	<p>Maximum building length</p> <p>49.5.29.1 In the Medium Density Residential Precinct, the length of any building elevation above the ground floor level shall not exceed 26m.</p>	<p>RD</p> <p>Discretion is restricted to external appearance, location</p>

Table 2	Standards for activities located in the Medium Density Residential Precinct and the High Density Residential Precinct	Non-compliance status				
	49.5.29.2 In the High Density Residential Precinct, the length of any building elevation above the ground floor level shall not exceed 32m.	and visual dominance of the building				
49.5.30	<p>Garages</p> <p>49.5.30.1 Garage doors and their supporting structures (measured parallel to the road) shall not exceed 50% of the width of the front elevation of the building which is visible from the street.</p> <p>49.5.30.2 Garages shall be setback a minimum of 0.5m from the front elevation of the building which is visible from the street.</p>	<p>RD</p> <p>Discretion is restricted to:</p> <p>a. External appearance, location and visual dominance of the building when viewed from the street;</p> <p>b. Effects on passive surveillance of the street;</p>				
49.5.31	<p>Location of mechanical plant</p> <p>Externally mounted mechanical plant shall not be visible from the street or any public place.</p>	<p>RD</p> <p>Discretion is restricted to:</p> <p>a. External appearance, location and visual dominance of the building when viewed from the street;</p> <p>b. Effects on residential amenity.</p>				
49.5.32	<p>Road noise – State Highway 6</p> <p>Any new residential buildings or buildings containing Activities Sensitive to Road Noise, located within:</p> <p>a. 80m of the boundary of State Highway 6 where the speed limit is 70kmph or greater; or</p> <p>b. 40m of the boundary of State Highway 6 where the speed limit is less than 70kmph</p> <p>shall be designed and constructed to ensure that the internal noise levels do not exceed 40dB LA_{eq(24h)} for habitable spaces.</p>	NC				
49.5.33	<p>Staging development to integrate with transport infrastructure</p> <p>Development (except for utilities, the specified transport infrastructural 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 listed below being completed.</p> <p>For the purposes of this rule, "completed" means when the works are physically completed and are able to be used for the intended purpose.</p> <table border="1" data-bbox="251 1585 857 1665"> <thead> <tr> <th>Sub-Area</th> <th>Transport infrastructural works</th> </tr> </thead> <tbody> <tr> <td>A</td> <td>Intersection on Lower Shotover Road at Spence Road</td> </tr> </tbody> </table>	Sub-Area	Transport infrastructural works	A	Intersection on Lower Shotover Road at Spence Road	NC
Sub-Area	Transport infrastructural works					
A	Intersection on Lower Shotover Road at Spence Road					

Commented [MF39]: #51 G Erving, #55 Neil McDonald and Clarke Fortune McDonald & Associates

Table 2	Standards for activities located in the Medium Density Residential Precinct and the High Density Residential Precinct		Non-compliance status
	B	Bus stops on State Highway 6, west of the Stalker Road intersection (one on each side of the State Highway 6) <u>Safe Pedestrian</u> cycle crossing of State Highway 6 west of Stalker Road intersection	
	C	<u>Appropriately upgraded</u> intersection on State Highway 6 at Howards Drive	
	E	Bus stops on State Highway 6, west of Howards Drive intersection (one on each side of the State Highway 6) <u>Safe Pedestrian</u> cycle crossing of State Highway 6 east of Howards Drive intersection at the location shown on the Structure Plan as Key Crossing (+/- 40m)	
	F	Eastern Roundabout on State Highway 6	
	G	Bus stops on State Highway 6 west of the Eastern Roundabout (one on each side of the State Highway 6) <u>Safe Pedestrian</u> / cycle crossing of State Highway 6 west of the Eastern Roundabout	
	<u>B, C, E, F, G</u>	<u>Dedicated westbound bus lane on State Highway 6</u>	<u>NC</u>

Commented [MF40]: #104 Waka Kotahi

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49.5.34	<p>Homestay</p> <p>49.5.34.1 Shall not exceed 5 paying guests on a site per night</p> <p>49.5.34.2 Shall not generate any vehicle movements by heavy vehicles, coaches or buses to or from the site.</p> <p>49.5.34.3 The Council shall be notified in writing prior to the commencement of the Homestay Activity</p> <p>49.5.34.4 Up to date records of the Homestay Activity shall be kept, including a record of the number of guests staying per night, and in a form that can be made available for inspection by the Council at 24 hours notice.</p>	<p>RD</p> <p>Discretion is restricted to:</p> <ol style="list-style-type: none"> a. The nature of the surrounding residential context, including its residential amenity values and character, and the effects of the activity on the neighbourhood; b. The cumulative effect of the activity, when added to the effects of other activities occurring in the neighbourhood; c. The scale and frequency of the activity, including the number of nights per year; d. The management of noise, use of outdoor areas, rubbish and recycling; and e. The location and screening of any parking and access.
49.5.35	<p>Home Occupation</p> <p>49.5.35.1 No more than 1 full time equivalent person from outside the household shall be employed in the home occupation activity.</p> <p>49.5.35.2 The maximum number of two-way vehicle trips shall be:</p> <ol style="list-style-type: none"> a. heavy vehicles: none permitted; b. other vehicles: 10 per day. <p>49.5.35.3 Maximum net floor area of 60m².</p> <p>49.5.35.4 Activities and storage of materials shall be indoors.</p>	<p>D</p>
49.5.36	<p>Minimum size of residential units in the High Density Residential Precinct</p> <p>49.5.36.1 30m² for studio units</p> <p>49.5.36.2 45m² for one or more bedroom units</p>	<p>D</p>

Table 3	Standards for activities located in the Commercial Precinct and the Glenpanel Precinct	Non-compliance status
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49.5.37	<p>Development shall be consistent with the Structure Plan at 49.8, except that:</p> <ul style="list-style-type: none"> a. The location where Collector Road Types A and B intersect with State Highway 6 or Lower Shotover Road may be varied by up to 10m where required to achieve integration with these intersections. b. The location where Collector Road Type C intersects with State Highway 6 may be varied by up to 20m to integrate with this intersection c. the location of the Key Crossing shown on the Structure Plan may be varied by up to 30 40m. 	NC
49.5.38	<p>Retail activity</p> <ul style="list-style-type: none"> 49.5.38.1 The maximum retail floor area of a single retail tenancy shall be 300m², except as provided for by 49.5.38.2 below. 49.5.38.2 The maximum retail floor area of the single Large Format Retail tenancy retailing grocery products provided for in Rule 49.4.14 shall be 2000m². 49.5.38.3 The single retail tenancy retailing grocery products provided for in Rule 49.4.14 shall not front the State Highway. 	NC
49.5.39	<p>Office activity</p> <p>The maximum gross floor area of a single office tenancy shall be 200m². Except that this rule shall not apply to tenancies operating as a commercial coworking space.</p>	NC
49.5.40	<p>Storage</p> <p>Where a storage area does not form part of a building, the storage area shall be screened from view from all public places, adjoining sites and adjoining precincts.</p>	<p>RD</p> <p>Discretion is restricted to:</p> <ul style="list-style-type: none"> a. the effects on visual amenity; b. consistency with the character of the locality; and c. whether the safety and efficiency of pedestrian and vehicle movement is compromised.
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 Structure Plan – Building Heights.</p>	<p>NC RD</p> <p><u>Discretion is restricted to:</u></p> <ul style="list-style-type: none"> a. <u>Any sunlight, shading or privacy effects;</u> b. <u>External appearance, location and visual dominance of the building;</u>

Commented [MF44]: #104 Waka Kotahi

		<ul style="list-style-type: none"> c. Provision of sustainable design responses. d. How the proposal aligns with the overall structure plan height strategy for the TPLM Zone
49.5.41.2	In the Glenpanel Precinct, building height shall not exceed 8m.	D
49.5.41.3	In the Commercial Precinct, buildings shall achieve the minimum number of storeys where specified on the shown on the Te Pūtahi Ladies Mile Structure Plan – Building Heights.	D
49.5.41.4	Building height shall not exceed the maximum heights shown on the Te Pūtahi Ladies Mile Structure Plan – Building Heights.	RD Discretion is restricted to: <ul style="list-style-type: none"> a. the effects of additional height on the urban form of the Precinct, including the extent to which the building design responds sensitively to the area in terms of use of materials, façade articulation and roof forms; b. the amenity of surrounding streets, lanes, footpaths and other public spaces, including the effect on sunlight access and the provision of public space; c. the protection of public views of Slope Hill and the Remarkables Range; and d. effects on residential amenity, dominance and access to sunlight.

Commented [MF45]: #93 Sanderson Group and Queenstown Commercial Limited

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>RD</p> <p>Discretion is restricted to:</p> <ul style="list-style-type: none"> a. the visual effects of the height, scale, location and appearance of the building, in terms of <ul style="list-style-type: none"> i. dominance; ii. loss of privacy on adjoining sites; and iii. any resultant shading effects.
49.5.43	<p>Residential Activities</p> <p>49.5.43.1 In the Commercial Precinct, all residential activities shall be restricted to first floor level and above, with the exception of foyer and stairway spaces at ground level to facilitate access to upper levels.</p> <p>49.5.43.2 All residential units shall comply with the rules relating to Outlook Space and Outdoor Living Space in Table 1.</p>	<p>RD</p> <p>Discretion is restricted to:</p> <ul style="list-style-type: none"> a. the maintenance of an active street frontage; b. effects on residential amenity.
49.5.44	<p>Education Activities</p> <p>The maximum gross floor area of a single Education Activity shall be 300m².</p>	<p>RD</p> <p>Discretion is restricted to:</p> <ul style="list-style-type: none"> a. The scale of the activity, including effects on residential amenity; b. Effects on the transportation network; c. Effects on the vitality of the Commercial Precinct.
49.5.45	Acoustic Insulation	RD

Table 3	Standards for activities located in the Commercial Precinct and the Glenpanel Precinct	Non-compliance status
	<p>A mechanical ventilation system shall be installed for all critical listening environments in accordance with Table 5 in Chapter 36.</p> <p>All elements of the façade of any critical listening environment shall have an airborne sound insulation of at least 40 dB Rw + Ctr determined in accordance with ISO 10140 and ISO 717-1.</p>	<p>Discretion is restricted to:</p> <ol style="list-style-type: none"> The noise levels that will be received within the critical listening environments, with consideration including the nature and scale of the residential or visitor accommodation activity; The extent of insulation proposed; and Whether covenants exist or are being volunteered which limit noise emissions on adjacent site and/or impose no complaints covenants on the site.
49.5.46	<p>Road noise – State Highway 6</p> <p>Any new buildings containing Activities Sensitive to Road Noise, located within:</p> <ol style="list-style-type: none"> 80m of the boundary of State Highway 6 where the speed limit is 70kmph or greater; or 40m of the boundary of State Highway 6 where the speed limit is less than 70kmph <p>shall be designed and constructed to ensure that the internal noise levels do not exceed 40dB LA_{eq(24h)} for habitable spaces.</p>	NC
49.5.47	<p>Lighting and Glare</p> <p>49.5.47.1 All exterior lighting, other than footpath or pedestrian link amenity lighting, installed on sites or buildings within the precincts shall be directed away from adjacent sites, roads and public places and directed downwards so as to limit the effects on views of the night sky.</p> <p>49.5.47.2 No activity in this zone shall result in a greater than 10 lux spill (horizontal or vertical) of light onto any property within the precincts, measured at any point inside the boundary of any adjoining property.</p> <p>49.5.47.3 No activity shall result in a greater than 3 lux spill</p>	<p>RD</p> <p>Discretion is restricted to effects of light and glare on amenity values, the transportation network, ecological health and the night sky.</p>

Commented [MF46]: #100 Te Rūnanga o Ngāi Tahu, Papatipu Rūnanga

Table 3	Standards for activities located in the Commercial Precinct and the Glenpanel Precinct	Non-compliance status						
	(horizontal or vertical) of light onto any adjoining property which is zoned Residential measured at any point more than 2m inside the boundary of the adjoining property.							
49.5.48	Minimum floor to floor height in the Commercial Precinct The minimum floor to floor height of the ground floor of buildings shall be 4m.	D						
49.5.49	Verandas in the Commercial Precinct Every new, reconstructed or altered building with frontage to the Collector Road Type C as shown on the Structure Plan area shall include a veranda or other means of weather protection that has a minimum depth of 2.5m and a height of 3.5m above the pavement.	RD Discretion is restricted to the effects on pedestrian amenity and the human scale of the built form						
49.5.50	Staging development to integrate with transport infrastructure Development (except for utilities, the specified transport infrastructural works and other physical infrastructure) within the Sub-Areas shown on the Structure Plan shall not occur prior to all the corresponding transport infrastructural works listed below being completed. For the purposes of this rule, "completed" means when the works are physically completed and are able to be used for the intended purpose.	NC						
	<table border="1"> <thead> <tr> <th>Sub-Area</th> <th>Transport infrastructural works</th> </tr> </thead> <tbody> <tr> <td>B</td> <td> Appropriately upgraded Intersection on Lower Shotover Road at Spence Road Bus stops on State Highway 6, west of the Stalker Road intersection (one on each side of the State Highway 6) Safe Pedestrian/ cycle crossing of State Highway 6 west of Stalker Road intersection </td> </tr> <tr> <td>D</td> <td> Appropriately upgraded Intersection on State Highway 6 at Howards Drive Bus Stops on State Highway 6, west of Howards Drive intersection Safe Pedestrian/ cycle crossing of State Highway 6 east of Howards Drive intersection at the location shown on the Structure Plan as Key Crossing (+/- 40m) </td> </tr> </tbody> </table>		Sub-Area	Transport infrastructural works	B	Appropriately upgraded Intersection on Lower Shotover Road at Spence Road Bus stops on State Highway 6, west of the Stalker Road intersection (one on each side of the State Highway 6) Safe Pedestrian/ cycle crossing of State Highway 6 west of Stalker Road intersection	D	Appropriately upgraded Intersection on State Highway 6 at Howards Drive Bus Stops on State Highway 6, west of Howards Drive intersection Safe Pedestrian/ cycle crossing of State Highway 6 east of Howards Drive intersection at the location shown on the Structure Plan as Key Crossing (+/- 40m)
	Sub-Area		Transport infrastructural works					
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B, D	Dedicated westbound bus lane on State Highway 6							
49.5.51	Building Coverage Within the Glenpanel Precinct, the maximum building coverage shall be 50%.	RD Discretion is restricted to:						

Commented [MF47]: #55 Neil McDonald and Clarke Fortune McDonald & Associates

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		<ul style="list-style-type: none"> a. Building dominance; b. Design and integration of landscaping; c. The traffic effects associated with the additional building coverage.
49.5.52	<p>Landscaped permeable surface</p> <p>At least 20% of the site shall comprise permeable surface.</p>	NC

Table 4	Standards for activities located in the Open Space Precinct	Non-compliance status				
49.5.53	Development shall be consistent with the Structure Plan at 49.8.	NC				
49.5.54	<p>Building Height</p> <p>Building height shall not exceed 12m, except that the maximum height of lighting shall be 23m.</p>	D				
49.5.55	<p>Lighting and Glare</p> <p>49.5.55.1 All exterior lighting, other than footpath or pedestrian link amenity lighting, installed on sites or buildings within the precincts shall be directed away from adjacent sites, roads and public places and directed downwards so as to limit the effects on views of the night sky.</p> <p>49.5.55.2 No activity in this zone shall result in a greater than 10 lux spill (horizontal or vertical) of light onto any property within the precincts, measured at any point inside the boundary of any adjoining property.</p> <p>49.5.55.3 No activity shall result in a greater than 3 lux spill (horizontal or vertical) of light onto any adjoining property which is zoned Residential measured at any point more than 2m inside the boundary of the adjoining property.</p>	<p>RD</p> <p>Discretion is restricted to:</p> <ul style="list-style-type: none"> a. Effects of lighting and glare on amenity values; b. Effects of lighting and glare on the transportation network; and c. Effects of lighting and glare on the night sky. 				
49.5.56	<p>Staging development to integrate with transport infrastructure</p> <p>Development (except for utilities, the specified transport infrastructural works and other physical infrastructure) within the Sub-Areas shown on the Structure Plan shall not occur prior to all the corresponding transport infrastructural works listed below being completed.</p> <p>For the purposes of this rule, "completed" means when the works are physically completed and are able to be used for the intended purpose.</p> <table border="1" style="width: 100%; border-collapse: collapse;"> <thead> <tr> <th style="width: 15%;">Sub-Area</th> <th>Transport infrastructural works</th> </tr> </thead> <tbody> <tr> <td style="text-align: center;">J</td> <td> <p>Appropriately upgraded intersection on State Highway 6 at Howards Drive</p> <p>Bus Stops on State Highway 6, west of Howards Drive intersection</p> <p>Safe Pedestrian/ cycle crossing of State Highway 6 east of Howards Drive intersection at the location shown on the Structure Plan as Key Crossing (+/- 40m)</p> </td> </tr> </tbody> </table>	Sub-Area	Transport infrastructural works	J	<p>Appropriately upgraded intersection on State Highway 6 at Howards Drive</p> <p>Bus Stops on State Highway 6, west of Howards Drive intersection</p> <p>Safe Pedestrian/ cycle crossing of State Highway 6 east of Howards Drive intersection at the location shown on the Structure Plan as Key Crossing (+/- 40m)</p>	NC
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49.5.57	Building Coverage	RD				

Commented [MF53]: #51 G Erving, #55 Neil McDonald and Clarke Fortune McDonald & Associates

Commented [MF54]: #104 Waka Kotahi

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	The total maximum ground floor area of all buildings is 500m ² .	<p>Discretion is restricted to:</p> <ol style="list-style-type: none"> a. Building dominance; b. Design and integration of landscaping; c. The traffic effects associated with the additional building coverage.
<u>49.5.XX</u>	<p><u>Landscape buffer</u></p> <p><u>The Landscape Buffer shown on the Structure Plan within Sub Area A shall be no less than 6 meters wide along its full length and include:</u></p> <ul style="list-style-type: none"> • <u>a diverse range of 70% native species with a minimum plant spacing of 1.5m to enhance biodiversity values.</u> • <u>no less than 30% of planting which will reach a mature height of over 10 meters.</u> • <u>no less than 30% of planting which shall reach a mature height of over 4 meters.</u> • <u>the balance of the species can be shrubs and small trees which contribute to biodiversity and amenity values.</u> 	<p><u>RD</u></p> <p><u>Discretion is restricted to:</u></p> <ol style="list-style-type: none"> a. <u>Effects on, or contribution to, biodiversity and amenity</u> b. <u>Screening benefits or effects to adjacent properties</u>

Commented [MF56]: #71 GW & SE Stalker

49.6 Rules – Non-notification of Applications

The following Restricted Discretionary activities shall not require the written approval of affected persons and shall not be notified or limited notified:

- 49.6.1 Residential units pursuant to Rule 49.4.4, that comply with all standards.
- 49.6.2 Buildings for non-residential activities pursuant to Rule 49.4.17, that comply with all standards.

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:

- (i) Includes, where relevant, reference to the patterns of development in and/or anticipated for the Te Pūtahi Ladies Mile Zone such as building dimensions, forms, setbacks and alignments, and secondary materials, design features and vegetation; and
- (ii) Retains or adapts features of the site that contribute significantly to local neighbourhood character, potentially including existing heritage items, site contours and mature trees and other vegetation.
- (iii) [integrates with, protects and enhances the character and heritage values of the Glenpanel Precinct and wider setting.](#)

Commented [MF57]: Evidence of Mr Millar - subject to determination of scope

b. Relationship to the street and public open spaces

Whether the development engages with and contributes to the amenity, safety, attractiveness and vitality of adjacent streets and any other adjacent public open spaces, through consideration of the extent to which the development:

- (i) Orientates building frontages including entrances and windows to habitable rooms toward the street and adjacent public open spaces;
- (ii) Designs buildings on corner sites to emphasise the prominence of these sites and the opportunity to create landmark buildings
- (iii) Encourages 3-6 storey development fronting collector roads to respond to the larger scale of these streets, and to front open spaces to maximise access to recreation and nature; and
- (iv) Avoids facades fronting streets and open spaces that are blank or dominated by garages.
- (v) [Ensure that buildings respond to the interface between adjoining sites, encouraging a soft transition between building heights](#)

Commented [MF58]: #108 Milstead Trust

c. Residential amenity

Whether the built form provides a high level of internal and external residential amenity for occupants and neighbours, through consideration of the extent to which the development:

- (i) Provides for outlook, sunlight and privacy through the site layout, and orientation and internal layout of residential units;
- (ii) Directly connects private outdoor spaces to the living spaces within the residential units;
- (iii) Ensures any communal private open spaces are accessible, usable and attractive for the residents of the residential units
- (iv) Ensures the typologies and layouts of buildings proposed enable a balance of passive surveillance and privacy, including surveillance from ground floor level; and
- (v) Includes tree and garden planting particularly relating to the street frontage, outlook

areas, boundaries, access ways, common spaces, and parking areas.

- (vi) [Ensure that buildings respond to the interface between adjoining sites, encouraging a soft transition between building heights](#)

Commented [MF59]: #108 Milstead Trust

d. Access, parking and servicing

Whether the development provides for active transport and good access and integration of space for any parking and servicing, through consideration of the extent to which the development:

- (i) Integrates access in a way that is safe for all users, and offers convenient access for pedestrians to the street, any nearby parks or other public recreation spaces;
- (ii) Provides for any parking areas and garages in a way that does not dominate the development, Particularly when viewed from the street or other public open spaces; [including a provision for underground or internal parking and storage of bikes, cars, and scooters where possible](#); and
- (iii) Provides for suitable storage and service spaces which are conveniently accessible, safe and/or secure, and located and/or designed to minimise adverse effects on occupants, neighbours and public spaces
- (iv) Addresses three waters infrastructure, in particular stormwater management.
- (v) [Provides for appropriate emergency access onto the site that is clear, unobstructed and visible](#)

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Commented [MF61]: #36 Fire and Emergency New Zealand

e. Safety

Whether the development incorporates Crime Prevention Through Environmental Design (CPTED) principles as required to achieve a safe, secure environment, through consideration of the extent to which the development:

- (i) Provides for views over, and passive surveillance of, adjacent public and publicly accessible private open spaces;
- (ii) Clearly demarcates boundaries of public and private space;
- (iii) Makes pedestrian entrances and routes readily recognisable; and
- (iv) Provides for good visibility with clear sightlines and effective lighting.

f. Sustainability and resilience

Whether the development incorporates innovative design responses that are likely to create a benefit for the environment [and contribute to the Kāi Tahu values set out in Policy 4.2.2.21.f](#), in the areas of carbon emission reductions, stormwater management and water quality, biodiversity, renewable energy, and energy efficiency, significantly beyond the minimum levels required by the Plan, through consideration of the extent to which the development:

Commented [MF62]: #100 Te Rūnanga o Ngāi Tahu, Papatipu Rūnanga

- (i) Demonstrates design initiatives to reduce carbon emissions through reductions in:
- embodied energy (e.g. materials and construction processes);
 - operational energy use (e.g. thermal performance, heating and cooling, waste minimisation including organics, transport emissions); and
 - end of life emissions (e.g. design for end of life reuse-recovery-recycle).
- (ii) Supports indigenous biodiversity by providing a diversity of native vegetation species in the appropriate arrangement and location [and considering the form and functioning of ecological corridors](#);
- (iii) Reduces operational water use through the inclusion of water efficient fixtures, and fittings, and onsite water retention and detention; and
- (iv) Includes the appropriate management of stormwater through water sensitive design and through the retention and treatment of stormwater, and integration with the stormwater network within the Zone [and gives effect to the Guiding Principles for Stormwater Management set out in Chapter 27 Assessment Matters at 27.9.8](#).

Commented [MF63]: #100 Te Rūnanga o Ngāi Tahu, Papatipu Rūnanga

g. Accessibility

Whether the development incorporates design responses that support universal accessibility, through consideration of the extent to which the development:

- (i) Provides a diversity of accessible housing types and associated common spaces (internal and external).
- (ii) Provides universal access to all buildings, where possible.
- (iii) Provides universal access to public open spaces.
- (iv) Provides universal access street design.
- (v) Provides universal access to transport infrastructure including active transport, public transport, and mobility parks.
- (vi) Achieves a target of 15% of the residential units meeting universal design standards as set out in NZS 4121:2001.

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

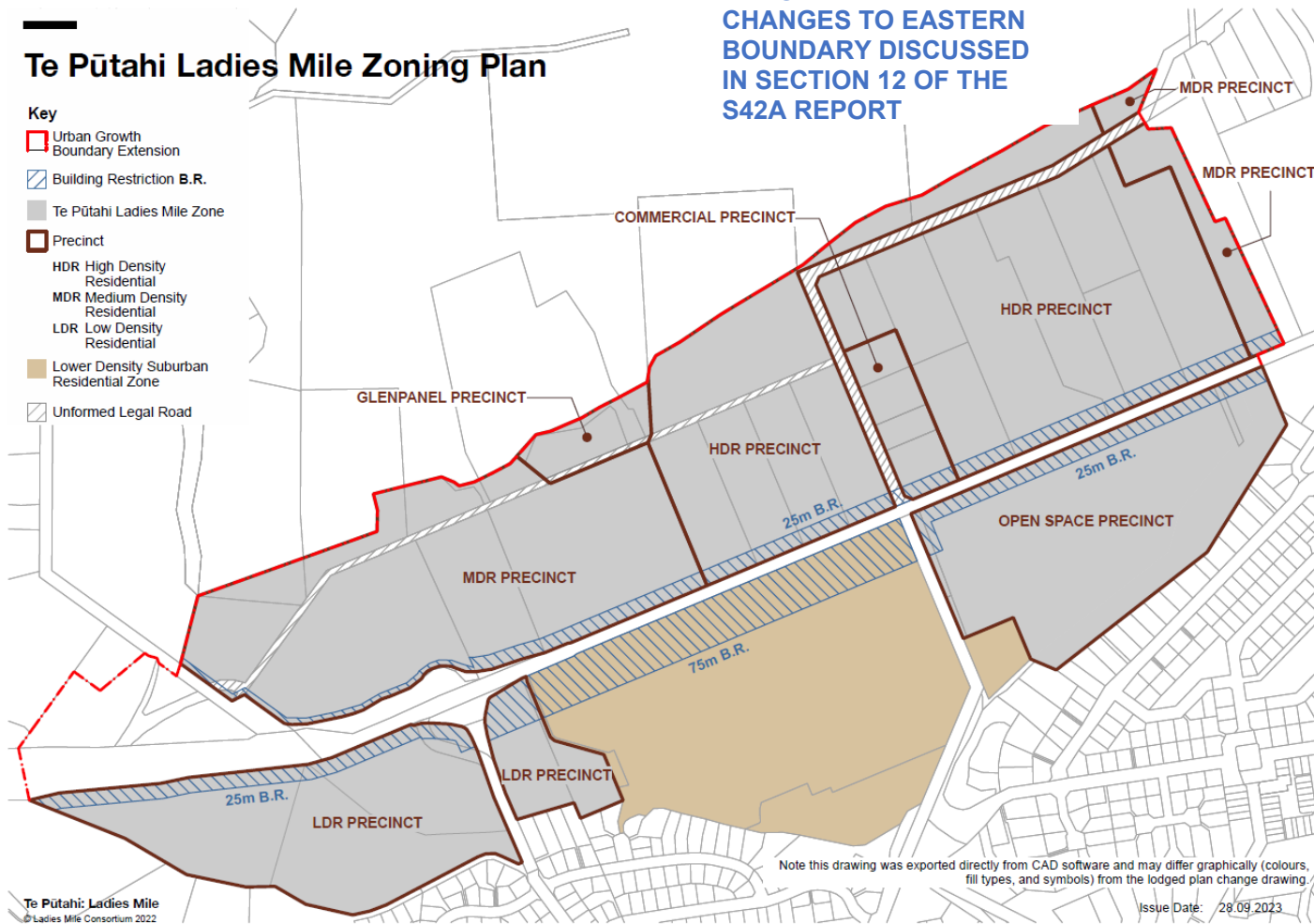
- a. A travel demand management plan (Residential, Workplace or School Travel Plan), is to be prepared in conjunction with the Council, that includes:
 - i. An assessment of actual mode share of travel and operational and management measures to be implemented to reduce private vehicle trips;
 - ii. Key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

49.8 Structure Plan

Te Pūtahi Ladies Mile Zoning Plan

- Key**
- Urban Growth Boundary Extension
 - Building Restriction B.R.
 - Te Pūtahi Ladies Mile Zone
 - Precinct
 - HDR High Density Residential
 - MDR Medium Density Residential
 - LDR Low Density Residential
 - Lower Density Suburban Residential Zone
 - Unformed Legal Road

**REFER TO
RECOMMENDED
CHANGES TO EASTERN
BOUNDARY DISCUSSED
IN SECTION 12 OF THE
S42A REPORT**



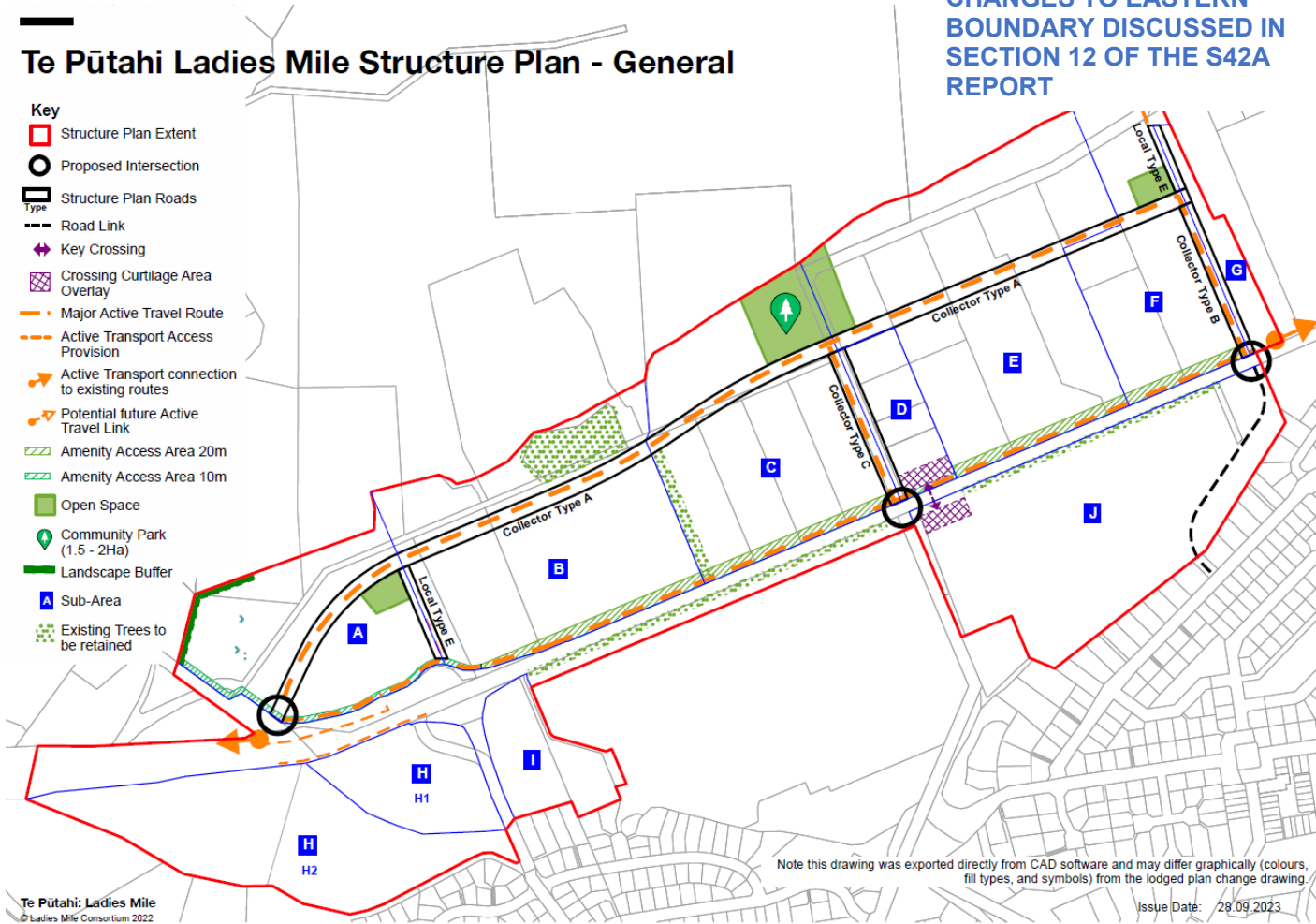
Note this drawing was exported directly from CAD software and may differ graphically (colours, fill types, and symbols) from the lodged plan change drawing.

Issue Date: 28.09.2023

Te Pūtahi Ladies Mile Structure Plan - General

REFER TO RECOMMENDED
CHANGES TO EASTERN
BOUNDARY DISCUSSED IN
SECTION 12 OF THE S42A
REPORT

- Key**
- Structure Plan Extent
 - Proposed Intersection
 - Structure Plan Roads
 - Road Link
 - ◆ Key Crossing
 - Crossing Curtilage Area Overlay
 - Major Active Travel Route
 - Active Transport Access Provision
 - Active Transport connection to existing routes
 - Potential future Active Travel Link
 - Amenity Access Area 20m
 - Amenity Access Area 10m
 - Open Space
 - 🌳 Community Park (1.5 - 2Ha)
 - Landscape Buffer
 - A Sub-Area
 - Existing Trees to be retained



Te Pūtahi Ladies Mile Structure Plan - Building Heights

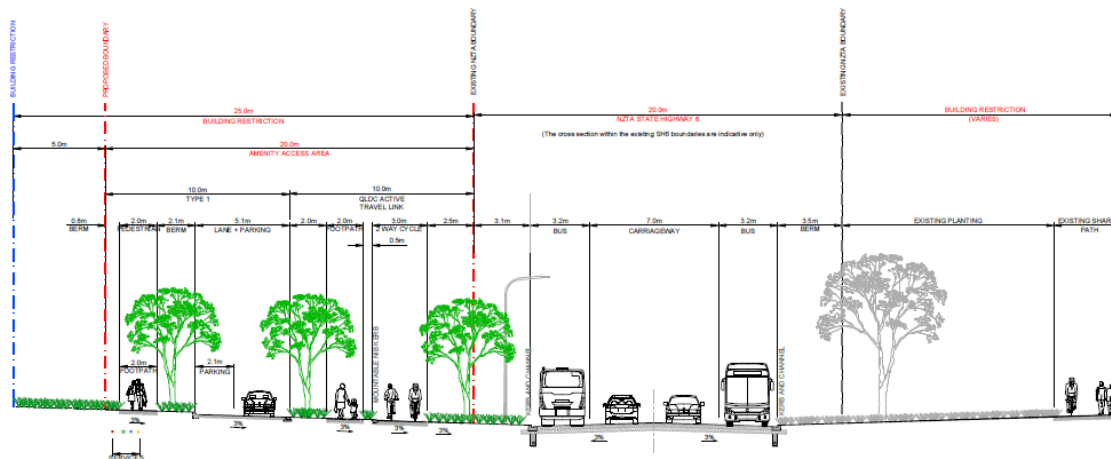
- Key**
- Structure Plan Extent
 - 8m max
 - 13m max
 - min 2 storey overlay
 - max 3 storey overlay
 - 24.5m max (max 6 storey)

REFER TO RECOMMENDED CHANGES TO WESTERN BOUNDARY 8M HEIGHT LIMIT DISCUSSED IN SECTION 12 OF THE S42A REPORT

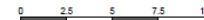
REFER TO RECOMMENDED CHANGES TO EASTERN BOUNDARY DISCUSSED IN SECTION 12 OF THE S42A REPORT

Note this drawing was exported directly from CAD software and may differ graphically (colours, fill types, and symbols) from the lodged plan change drawing.

Te Pūtahi Ladies Mile Structure Plan - Roading Sections



STATE HIGHWAY 6 TYPICAL ROAD SECTION
SCALE 1:200m @ A3



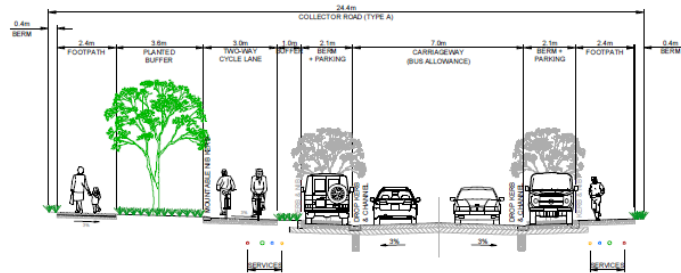
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-	FOR DISCUSSION ONLY	AIC	AIC	22-03-21
A	PROPOSED WIDENING REMOVED	WJ	BH	20-04-22



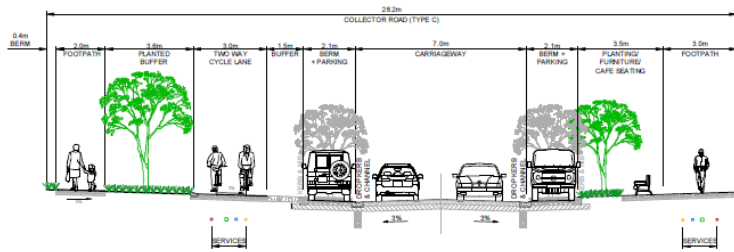
PROJECT	LADIES MILE TYPICAL ROAD SECTION (SHEET 1 OF 3)
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CLIENT	QUEENSTOWN LAKES DISTRICT COUNCIL
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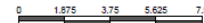
PURPOSE		
FOR DISCUSSION ONLY		
DESIGN	APPROVED	SCALE
DRAWN AIC	BY BH	1:200 @ A3
CHECK BH	DATE MAR 2021	
PROJECT NO.	DRAWING NO.	REV
1457	3-500	A



24.4m WIDE COLLECTOR ROAD TYPE A
SCALE 1:150m @ A3



28.2m WIDE COLLECTOR ROAD TYPE C
SCALE 1:150m @ A3



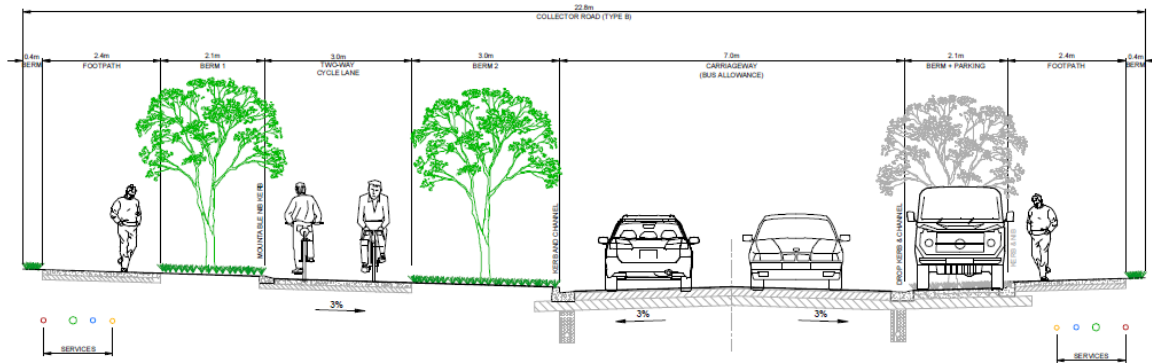
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A	ROAD WIDENED	WJ	BH	13-04-22



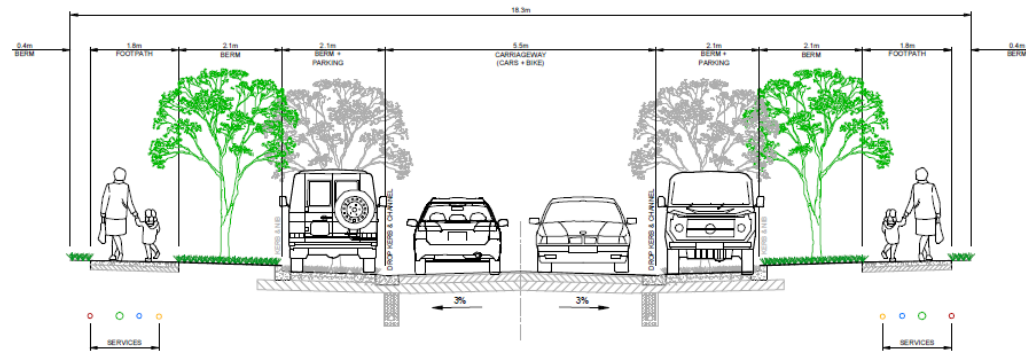
PROJECT
LADIES MILE
TYPICAL ROAD SECTIONS
(SHEET 2 OF 3)

CLIENT
QUEENSTOWN LAKES
DISTRICT COUNCIL

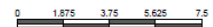
PURPOSE FOR DISCUSSION ONLY			
DESIGN	APPROVED	SCALE	
DRAWN	BY	1:150 @ A3	
CHECK	DATE	MAR 2021	
PROJECT NO.	DRAWING NO.	REV.	
1457	3-501	A	



22.8m WIDE COLLECTOR ROAD TYPE B
SCALE 1:150m @ A3



18.3m WIDE LOCAL ROAD TYPE E
SCALE 1:150m @ A3



REV. DESCRIPTION	BY	APP'D	DATE
- FOR DISCUSSION ONLY	AIC	AIC	22-03-21



PROJECT	CLIENT
LADIES MILE TYPICAL ROAD SECTIONS (SHEET 3 OF 3)	QUEENSTOWN LAKES DISTRICT COUNCIL

PURPOSE			
FOR DISCUSSION ONLY			
DESIGN	APPROVED	SCALE	
DRAWN AIC	BY BH	1:150 @ A3	
CHECK BH	DATE MAR 2021		
PROJECT NO.	DRAWING NO.	REV.	
1457	3-502	-	

4 Urban Development

...

4.2 Objectives and Policies

...

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

- a. an urban development with a strong community identity and sense of place by enabling community activities, including education activities, a commercial centre that meets needs of local residents, and connections to the surrounding landscape and residential communities;
- b. high and medium density residential development to enable diversity of housing choice through different typologies to contribute to increased supply of housing and affordable homes;
- c. a landscaped treatment of the edge of adjoining State Highway 6 to increase amenity for both road users and adjoining residential areas;
- d. integration of key roading north of the State Highway with existing intersections serving development south of the State Highway to encourage connectivity, including walking and cycling trips, between the south and north sides of the State Highway;
- e. reduced reliance on travel by private vehicle through promotion of public and active transport; and
- f. Ngāi Kāi Tahu values, including through:
 - i. Incorporating climate change mitigation and adaptation within design;
 - ii. Protecting the mauri of water with water sensitive design, incorporating on-site management of stormwater and requirement for permeable surfaces, utilising reticulated systems for potable supply and wastewater, incorporating onsite water retention and reducing operational water use;
 - iii. Preferring the use of indigenous vegetation that naturally occurs and/or previously occurred in the area as part of landscape design, including species preferred by indigenous birds; and
 - iv. Incorporating reference to Ngāi Tahu values in design where appropriate.

Commented [MF64]: #86 Ministry of Education

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4.2.2.22 Avoid subdivision and development that does not achieve the residential density range required within the Medium and High Density Residential Precincts of the Te Pūtahi Ladies Mile Zone, to ensure a sufficient population to support viable public transport and social amenities.

25 Earthworks

...

25.5 Rules - Standards

	Table 25.2 – Maximum Volume	Maximum Volume	Total
...	
25.5.5	Queenstown Town Centre Zone Wanaka Town Centre Zone <u>Te Pūtahī Ladies Mile Zone</u> Local Shopping Centre Zone ...	500m ³	

27 Subdivision and Development

...

27.3 Location-specific objectives and policies

...

Te Pūtahi Ladies Mile Zone

27.3.24 Objective – Urban development comprising a mix of medium and high density housing, commercial centres, schools, ecological corridors and areas for stormwater management, and open spaces for active and informal recreation, and a network of walkways and cycleways, that:

- a) complements and integrates with existing urban development and the surrounding landscapes; and
- b) brings about a significant modal shift away from reliance on the private car to enhanced use of public and active transport and creates a community with a strong sense of place.

Policies

27.3.24.1 Require that subdivision and development is undertaken in accordance with the Te Pūtahi Ladies Mile Structure Plan (Schedule 27.13.XX) to promote the integrated, efficient and co-ordinated location of activities, primary roading, key intersections, open spaces, green networks, stormwater management, and walkway / cycleway routes.

27.

27.3.24.2 Enable flexibility of allotment sizes to ensure that scarce land resources are utilised efficiently for medium and higher density residential activities and, in the Commercial and Glenpanel Precincts, to enable a range of non-residential activities.

27.3.24.3 Require a range of open spaces and facilities including:

- a. Sports grounds (for active and informal recreation) and associated community activities;
- b. Local parks for informal recreation;
- c. A network of walkways and cycleways throughout the Structure Plan area integrating development with Lake Hayes, the Shotover River, the adjacent Ladies Mile suburban settlements, Frankton and the Wakatipu Trails network; and
- d. A coherent and consistent landscaped setback adjacent to State Highway 6 (Amenity Access Area) that maintains the key elements of the gateway experience including significant views.
- e. Areas that function as ecological corridors and stormwater management areas, as part of a wider blue-green network.

27.3.24.4 Require subdivision design to achieve a high quality of urban form by:

- a. Avoiding the creation of rear lots and cul-de-sacs unless walking and cycling links provide additional connections to streets;
- b. Encouraging a predominantly north-south street layout to achieve residential amenity through solar gain and improved visual connections to surrounding landscapes;
- c. Promoting a visual connection of development with State Highway 6 through legible frontages with good passive surveillance over the Amenity Access Area;
- d. Supporting visual links north to open spaces at the base of Slope Hill and the Slopehill ONF when viewed from the intersections on State Highway 6 shown on the Structure Plan, and views to The Remarkables from State Highway 6;
- e. Providing for integration with, and passive surveillance over, streets and public spaces;
- f. Within the Amenity Access Area shown on the Structure Plan, requiring continuous walkway and cycleway linkages and the passive surveillance of these, while avoiding continuous road access and parking; and

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Commented [MF69]: #100 Te Rūnanga o Ngāi Tahu, Papatipu Rūnanga

Commented [MF70]: #105 Maryhill Limited

- g. Encouraging integrated applications for subdivision and land use for medium and high density residential development proposals.

27.3.24.5 Provide for a safe and efficient transport network that:

- a. Avoids new access onto the State Highway other than the intersections shown on the Te Pūtahi Ladies Mile Structure Plan (Schedule 27.13.XX);
- b. Ensures that public transport and waste collection can be efficiently and effectively provided within the roading network;
- c. Integrates key roads north of the State Highway with existing and planned intersections serving development south of the State Highway, and provides safe pedestrian and cycleway crossings of the State Highway, to encourage connectivity between the south and north sides of the State Highway;
- d. Ensures that the standard and layout of internal road connections account for long-term traffic demand without the need for subsequent retrofitting or upgrade; and
- e. Prioritises the safe and efficient movement of walking, cycling, and public transport routes over private vehicular use.

27.3.24.6 Avoid development where specific transport infrastructural works identified for Sub Areas A - I in Rules 49.5.10, 49.5.33, 49.5.50 and 49.5.56 have not been completed for their respective Sub Area(s), unless it can be demonstrated that development will avoid future and cumulative adverse effects from additional traffic movements on State Highway 6.

27.3.24.7 Require the design of stormwater management systems to avoid direct stormwater discharges to Lake Hayes and avoid the adverse effects of discharges to the Shotover and Kawarau Rivers, the State Highway network, and groundwater resources and to neighbouring sites.

...

27.6 Rules – Standards for Minimum Lot Areas

No lots to be created by subdivision, including balance lots, shall have a net site area or where specified, an average net site area less than the minimum specified.

Zone		Minimum Lot Area
...		
Te Pūtahi Ladies Mile Zone	Low Density Residential Precinct	450,300m ²
	All other Precincts	No minimum

...

27.7 Zone – Location Specific Rules

Zone		Activity Status
27.7.1	Subdivision consistent with a Structure Plan that is included in the District Plan (except that this rule does not apply to Structure Plan 27.13.7 Criffel Station, 27.3.9 at Frankton North, 27.13.13 Connell Terrace, 27.13.14 Ballantyne Road and 27.13.XX Te Pūtahi Ladies Mile Zone).	C
...		

Commented [MF71]: #77 Ladies Mile Property Syndicate

Commented [MF72]: #77 Ladies Mile Property Syndicate

Commented [MF73]: #100 Te Rūnanga o Ngāi Tahu, Papatipu Rūnanga

Commented [MF74]: #80 Koko Ridge Limited and W Foley, #103 T Allen

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<p>7.7.28</p>	<p>Te Pūtahi Ladies Mile Zone</p> <p><u>27.7.28.1 Subdivision of land within the Te Pūtahi Ladies Mile Zone</u></p> <p>Discretion is restricted to:</p> <ul style="list-style-type: none"> a. <u>the matters contained in Rule 27.5.7;</u> b. <u>the spatial layout of the subdivision, and its relationships to and integration with other sites and development, taking into account the location of:</u> <ul style="list-style-type: none"> i. <u>Roads, walkways and cycleways throughout the Sub-Area including Indicative Roads as shown on the Structure Plan and where these will connect to adjoining sites and (where relevant) neighbouring Sub-Areas and (where relevant) State Highway 6, including intersection layout and design;</u> ii. <u>Open spaces and blue-green or ecological corridors, and their intended function(s), including those open spaces and blue-green corridors required by the Structure Plan, Indicative Parks as shown on the Structure Plan, and any additional open spaces necessary to serve the future needs of the site and the wider Sub-Area;</u> iii. <u>Three waters infrastructure, including the retention and treatment of stormwater, and integration with the stormwater network within the Zone;</u> iv. <u>Heritage and archaeological values, specifically with regard to how the subdivision design integrates with and enhances the character of the Glenpanel Precinct and wider setting.</u> c. <u>how the subdivision design will enable the achievement of the minimum residential density requirements set out in the relevant Zone provisions;</u> d. <u>the methods proposed for ensuring that building typologies provide for a diversity of housing choice (taking into account the zoning of the land).</u> e. <u>within Sub-Areas B and C, the impact of development on existing established trees identified on the Structure Plan;</u> f. <u>within Sub-Area A, the establishment of the "Landscape Buffer Area" shown on the Structure Plan, and the methods to ensure it is maintained in perpetuity;</u> g. <u>within Sub-Area H1, the impact on Sub-Area H2 of landscaping within the 6m setback from the boundary with Sub-Area H2 and methods to ensure that shading effects from landscaping are minimised;</u> h. <u>Transport infrastructural works to be established to support alternatives to private vehicle use, including the imposition of conditions requiring that the relevant transport infrastructural works as identified in Rules 49.5.10, 49.5.33, 49.5.50 and 49.5.56 be completed prior to certification under section 224(c).</u> i. <u>Within the Crossing Curtilage Area Overlay shown on the Structure Plan, the integration of the subdivision layout and potential future development with the Key Crossing.</u> j. <u>How the stormwater management proposed for the subdivision will</u> 	<p>RD</p>
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be managed as part of a centralised, integrated stormwater management system for the TPLM Zone north of SH6.

Information requirements:

- a. **A statement demonstrating how the subdivision layout will enable:**
- i. the densities expected in the relevant Precinct; and
 - ii. diversity of future building typologies on the sites created by the subdivision, to offer maximum choice for residential or business owners or tenants, and any methods (including by way of consent notices on the titles to be created, or other instrument) to ensure such diversity.
- b. A statement and supporting plans and specifications with a level of detail as necessary to demonstrate how the stormwater management proposed will be managed as part of a centralised, integrated stormwater management system for the TPLM Zone north of SH6, including:
- i. the manner by which the system within the land subject to the application will integrate with the system on adjoining or nearby land within the same catchment or sub-catchment, and where stormwater management devices can be shared for development across multiple properties;
 - ii. the manner by which a fully integrated stormwater management solution for Slope Hill and the TPLM Zone north of SH6 (including treatment) is to be co-ordinated across development blocks to provide between 1 and 4 facilities (detention basins and/or soakage devices) across the TPLM Zone north of SH6, including co-ordinated overland flow paths through the developments to ensure no adverse effects on downstream properties;
 - iii. the manner by which land along the toe of Slope Hill will be made available for stormwater management;
 - iv. how pre-treatment of Slope Hill Runoff and treatment of first flush from roads, carparks etc will be provided to ensure longevity of soakage devices;
 - v. how stormwater runoff from events up to and including the 1% AEP event are to be soaked to ground. If this is proven infeasible, how stormwater from events up to and including the 5% AEP is to be soaked to ground
 - vi. The easements to be provided as required for new stormwater trunks and swales cross private property. Where possible infrastructure will be coordinated within QLDC-owned road corridors and the State Highway 6 corridor.
 - vii. Sediment and erosion control plans, prepared by a suitably qualified temporary works engineer and be implemented for the duration of the construction;
 - viii. How the stormwater management system(s) have been designed considering climate change adjusted rainfall (RCP6.0 for the period 2081-2100).

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27.9.8 Restricted Discretionary Activity – Subdivision Activities within the Te Pūtahi Ladies Mile Zone

In considering whether or not to grant consent or impose conditions in respect to subdivision activities under Rule 27.7.28.1, the Council shall have regard to the following assessment matters:

27.9.8.1 Assessment Matters in relation to Rule 27.7.28.1

- a. The matters identified under Rule 27.9.3.1 as it applies to the Te Pūtahi Ladies Mile Zone:
- b. The extent to which a development provides logical integration of infrastructure, including roading (including walking and cycling networks), parks and open spaces within the Sub Area and, where relevant, adjoining Sub-Areas taking into account the relevant matters in (c) below.
- c. The extent to which:
 - i. the configuration of sites is suitable for future development:
 - (a) to accommodate development intended by the Zone, including the required residential densities in the relevant Precinct;
 - (b) that encourages integration with, and passive surveillance over, streets and public spaces;
 - (c) to enable sunlight access to future residential units;
 - (d) to ensure safe, legible and convenient pedestrian, cycling and vehicle access, including through limiting block lengths and provision for clear and unobstructed emergency access;
 - (e) that avoids the use of cul-de-sac roads or private ways unless these are short (less than 50m) or walking and cycling connections are provided to other streets;
 - (f) that encourages interaction with, and visual surveillance over, the State Highway through considering the future layout and orientation of adjacent sites and their likelihood to result in direct pedestrian link to the State Highway, or a road or private way, or the use of detailed façades and direct or gated access from a State Highway-fronting yard.
 - ii. the subdivision design provides for:
 - (a) development of reserves and public open spaces which are suitably located, sized and designed for the intended function;
 - (b) coordinated and appropriately designed and located infrastructure consistent with Council standards, including the provision of a contribution to the upgrade of existing infrastructure to accommodate future development where appropriate;
 - (c) the appropriate management of stormwater through a centralised, integrated management system for the TPLM Zone land north of SH6, through water sensitive design and through the retention and treatment of stormwater, and integration with the stormwater network within the Zone, taking into account the Guiding Principles for stormwater management in the TPLM Zone;
 - (d) the retention of mature existing vegetation, including those identified as “Existing Trees to be retained” on the Structure Plan and other specimen trees where possible, and the introduction of indigenous vegetation (preferably that naturally occurs and/or previously occurred in the area), to contribute to the character and amenity of the future development;

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- (e) existing natural and cultural features to be accessible to the public and, where appropriate, form prominent features within the overall design;
- (f) The extent to which the subdivision will help achieve the density expected in the residential precincts as set out in Rules 49.5.12, taking into account the information requirements in Rule 27.7.28.1, including whether any design parameters are to be secured through an appropriate legal mechanism;
- (g) The extent to which the subdivision will help achieve diversity of housing choice, including whether any parameters relating to building typologies are to be secured through an appropriate legal mechanism.
- (h) the extent to which the subdivision protects, maintains or enhances indigenous biodiversity;
- (i) Applications for staged subdivisions involving the creation of larger 'bulk' lots intended for further subdivision and/or development in the future demonstrate infrastructure servicing (access and all utilities) that is sufficient for the zoned development potential of all of the "bulk" lots to be created, to ensure the land is able to be serviced and developed for the anticipated, zoned land use and density capacity, including:
 - (i) Provision for access approvals or legal instruments necessary for the provision of infrastructure services to the bulk lots;
 - (ii) Methods to integrate with existing or adjacent developments;
 - (iii) 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.

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Guiding Principles for stormwater management in the TPLM Zone:

- a. Utilise stormwater management solutions that mimic the natural water cycle and enhance the water quality;
- b. Employ an integrated stormwater management approach that supports connectivity to the natural environment and gives effect to Te Mana o te Wai and the community wellbeing;
- c. Manage flooding and surface water flow to safeguard the community and infrastructure in a sustainable manner.
- d. The hydrological regime in the area is replicated such that the maximum rate of discharge and peak flood levels post development are no greater than pre-development;
- e. That there are no overland flows from attenuation systems or soak pits for 1% AEP events or less unless there is a defined and acceptable overland flow path
- f. Ensure that there is a maximum 24-hour drain-down for any attenuation systems basis/soak pits for 1% AEP events;
- g. That there are no overland flows across SH6 for 1% AEP events or less;
- h. That there are no direct discharges from the development area into Lake Hayes;
- i. That runoff from all roads is managed through appropriate treatment device(s);
- j. Avoid a proliferation of multiple stormwater management systems and devices. Depending on location and land ownership structures this may necessitate co-operation of multiple landowners to ensure an acceptable approach;
- k. Implement stormwater management solutions that deliver lifecycle operational and economic resilience;
- l. Align 'blue' stormwater solutions and the wider 'green' landscape and open space strategies wherever possible.

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27.10 Rules – Non-Notification of Applications

Applications for all controlled and restricted discretionary activities shall not require the written approval of other persons and shall not be notified or limited notified except:

...

- a. For applications within Te Pūtahi Ladies Mile Zone.

...

27.13 Structure Plans

...

27.13.19 Te Pūtahi Ladies Mile Structure Plan

[insert Structure Plan]

29 Transport

...

29.5 Rules – Standards for activities outside roads

	Table 29.3 –Standards for activities outside roads	Non-Compliance status
...
29.5.5	Dropoff/ pick up (set down) areas in all zones except in the Queenstown Town Centre Zone, the Wanaka Town Centre Zone, and the Arrowtown Town Centre Zone, and within the Te Pūtahi Ladies Mile Zone ...	RD ...
...	...	
29.5.12A	<p><u>Maximum Parking Requirements</u> <u>On land located in the Te Pūtahi Ladies Mile Zone, the number of parking spaces shall not exceed the following rates:</u></p> <p><u>Residential Activity –</u></p> <ul style="list-style-type: none"> Studio or 1 bedroom - 0.5 spaces 2 bedrooms – 1 space 3 or more bedrooms – 1.5 spaces 3 or more bedrooms in the LDR Precinct only – 2 spaces 4 or more bedrooms – 2 spaces <p><u>Offices – 1 per 50m² GFA</u> <u>Retail – 1 per 50m² GFA</u> <u>Education – 0.5 per FTE employee plus 1 visitor space per classroom</u> <u>Activities not listed – no maximum</u></p> <p><u>Except that this rule will not apply to mobility spaces.</u> <u>Note: Maximum parking rates are to be calculated cumulatively.</u></p>	<p>RD</p> <p><u>Discretion is restricted to:</u></p> <ul style="list-style-type: none"> a. <u>The adequacy of parking for the activity;</u> b. <u>Effects on residential intensification and urban design; and</u> c. <u>Effects on the transportation network, including on the uptake of public and active transport modes.</u>
...	...	
29.5.24	<p><u>Roading and access within the Te Pūtahi Ladies Mile Zone</u></p> <p>29.5.24.1 <u>There shall be no direct property access for vehicles from the collector road Type A on the Structure Plan to land located north of the road except where such direct property access already exists as at 9 June 2023 for the purpose of access to the Airways Corporation Nav Aid on Slope Hill.</u></p> <p>29.5.24.2 <u>New roads connecting collector road Type A identified on the Structure Plan to land located north of the road shall not exceed a frequency of more than one every 120m.</u></p> <p>29.5.24.3 <u>New roads connecting collector road Type A identified on the Structure Plan to land located south of the road shall not exceed a frequency of more than one every 60m.</u></p>	<p>RD</p> <p><u>Discretion is restricted to effects on safety, efficiency, and amenity of the site and of the transport network, including the pedestrian and cycling environment.</u></p>

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Table 29.3 –Standards for activities outside roads		Non-Compliance status									
29.5.24.4	The maximum number of access points from the collector road Type C identified on the Structure Plan to land located east of the road shall be two (2).										
29.5.24.5	The maximum number of access points from the collector road Type C identified on the Structure Plan to land located west of the road shall be one (1).										
29.5.25	Carparking within the Te Pūtahi Ladies Mile Zone	RD									
29.5.25.1	Within the Medium Density Residential and the High Density Residential Precincts, uncovered parking between the building and the road boundary of residential units shall be limited to a maximum of one car park per residential unit (provided that any such car park is not additional to the maximum parking requirements).	Discretion is restricted to: a. Effects on safety, efficiency, and amenity of the site and of the transport network, including the pedestrian and cycling environment; and									
29.5.25.2	Within the Medium Density Residential and the High Density Residential Precincts, there shall be a minimum separation distance of 8m between vehicle crossings on public streets, except that combined vehicle crossings will be excluded from this requirement where they service neighbouring parking areas no more than 1m apart.	b. Effects on the amenity of the Zone when viewed from the street									
29.5.25.3	Common parking areas (including open areas or areas within a building at ground-level) that comprise more than two spaces must: a. Not front a street or public open space b. Incorporate 2m wide landscape planting areas at an interval of every four angle parking spaces and between nose-to-nose angle parking, and every three parallel parking spaces.										
29.5.X	a. All vehicular access to fee simple lots, cross lease, unit title or leased premises shall be in accordance with Table 3.2 (Road Design Standards) of the QLDC Land Development and Subdivision Code of Practice 2018, including the notes within Table 3.2 and Appendices E and F; except as provided for in 29.5.14b below. b. All shared private vehicular accesses in the Te Pūtahi Ladies Mile Zone, serving residential units in the High Density Residential Zone, Medium Density Residential Zone, Low Density Residential Zone shall comply with the following standards: (i) <table border="1" data-bbox="256 1352 756 1587"> <thead> <tr> <th>The greater of the actual number of units proposed to be serviced or the potential number of units able to be serviced by the permitted density</th> <th>Formed Width (m)</th> <th>Minimum legal width</th> </tr> </thead> <tbody> <tr> <td>1 to 6</td> <td>3.0</td> <td>4.0</td> </tr> <tr> <td>7 to 12</td> <td>5.5 – 5.7</td> <td>6.7</td> </tr> </tbody> </table> (ii) Except: i. where a shared vehicle access for 1 to 6 units adjoins a State Highway, arterial, or collector road, it shall have a formed width of 5.5m - 5.7m and a legal width of at least 6.7m for a minimum length	The greater of the actual number of units proposed to be serviced or the potential number of units able to be serviced by the permitted density	Formed Width (m)	Minimum legal width	1 to 6	3.0	4.0	7 to 12	5.5 – 5.7	6.7	RD Discretion is restricted to: a. Effects, including positive effects, on the safety, efficiency, and amenity of the site and of the transport network, including the pedestrian and cycling environment and provision for sufficient emergency access. b. The design of the access, including the width of the formed and legal width.
The greater of the actual number of units proposed to be serviced or the potential number of units able to be serviced by the permitted density	Formed Width (m)	Minimum legal width									
1 to 6	3.0	4.0									
7 to 12	5.5 – 5.7	6.7									

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<p>of 6m, as measured from the legal road boundary.</p> <p>ii. To allow vehicles to pass, formed access widths for 1 to 6 units shall include widening to not less than 5.5 m over a 15m length at no more than 50 m spacing (measured from the end of one passing bay to the beginning of the next).</p> <p>iii. The above access width rules do not apply at the time of subdivision to any developments authorised and given effect to by a land-use consent as at the date these provisions are made operative.</p> <p>c. No private way or private vehicle access or shared access in any zone shall serve sites with a potential to accommodate more than 12 units on the site and adjoining sites.</p> <p>d. Private shared vehicle accesses shall have legally enforceable arrangements for maintenance put in place at the time they are created.</p> <p>e. All vehicle access design shall comply with Schedule 29.2.</p> <p>f. The above access width rules do not apply to existing private shared vehicle accessways for the purpose of controlling the number of units that may be built using the accessways, unless the total land served by the accessway could provide for more than 12 units.</p>	<p>c. The on-going management and maintenance of the access.</p> <p>d. Urban design outcomes, including any positive effects on urban design quality.</p> <p>e. The vesting of the access in Council.</p> <p>f. Any positive effects on achieving planned intensification and compact urban form.</p>
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29.10 Minimum requirements for cycle parking, lockers and showers

	Activity	Customer/Visitor Short-Term Bicycle Parking	Private Long-Term Bicycle Parking. This is for the use of staff, students, and residents	End of trip facilities
...
29.10.7	Educational Facility – primary and secondary	1 visitor space per 50 students (capacity)	For Students, 1 per 5 pupils Year 5 and above (capacity) for primary and secondary schools. In addition, within the Te Pūtahi Ladies Mile Zone, for staff 1	Nil, except that within the Te Pūtahi Ladies Mile Zone the following shall be provided: For students 1 locker per every space required.

	Activity	Customer/Visitor Short-Term Bicycle Parking	Private Long-Term Bicycle Parking. This is for the use of staff, students, and residents	End of trip facilities
			<u>bicycle space per 10 on-site workers</u>	<u>For staff. Where 11-100 long-term bicycle parking spaces are required: 1 locker for every space required and 1 shower per every 10 spaces required. Where >100 long-term bicycle parking spaces required: 10 showers for the first 100 spaces required plus two showers for each additional 50 spaces required.</u>
	...			
<u>29.10.13</u>	<u>Residential activity within the Te Pūtahi Ladies Mile Zone</u>	<u>1 per 20 residential units</u>	<u>1 per residential unit</u>	<u>Nil</u>

29.10.134 The following advice note applies to all the provisions in Table 29.6 relating to minimum requirements for cycle parking, lockers, and showers:

29.10.145 In calculating the requirement, all development floor areas cited in the above table shall be rounded down. For example, an office space development of 150m² would require one Private Long-Term Bicycle Parking space and an office of 510m² would require four spaces.

29.10.16 Private Long Term Bicycle parking shall be secure and positioned within the site in order to be accessible from the street.

29.10.17 Cycle parking for residential activity in the Te Pūtahi Ladies Mile Zone can be located in a communal area, including within garaging or cycle storage sheds.

29.10.158 The following footnotes apply only where indicated in Table 29.6:

31 Signs

...

31.14 Rules – Activity Status of Signs in Special Zones

Table 31.14 – Activity Status of Signs in Special Zones		Jacks Point Zone outside of Village Activity Areas and residential Activity Areas	...	Te Pūtahi Ladies Mile Zone
31.14.1	Signs for commercial activities and community activities and Visitor Accommodation in the Commercial Precinct Control is reserved to the matters set out in Rule 31.18.	C	...	C
31.14.2	Identification of a signage platform for a commercial activity or community activity Control is reserved to the matters set out in Rule 31.18.	C	...	C
31.14.3	Signs for visitor accommodation	D	...	D
31.14.4	Signs not associated with commercial activities, community activities or visitor accommodation	P	...	P
31.14.5	Any sign activity which is not listed in Table 31.4 or Rules 31.14.1 to 31.14.4 inclusive.	D	...	D

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36 Noise

...

36.5 Rules – Standards

Table 2: General Standards

Rule Number	General Standards				Non-Compliance Status
	Zone sound is received in	Assessment location	Time	Noise Limits	
36.5.2	Any point within any site	0800h to 2000 h	50 dB LAeq (15 min)	NC
	<u>Te Pūtahi Ladies Mile Zone – Low, Medium and High Density Residential Precincts</u>		2000h to 0800 h	40 dB LAeq (15 min)	NC
36.5.6	<u>Te Pūtahi Ladies Mile Zone – Commercial and Glenpanel Precincts</u> <u>Note: Sound from activities which is received in another zone or Precinct shall comply with the noise limits for that zone or Precinct.</u>	<u>Any point within any other site in the Commercial and Glenpanel Precincts</u>	<u>0800h to 2000 h</u>	<u>60 dB LAeq(15 min)</u>	<u>NC</u>
			<u>2000h to 0800 h</u>	<u>50 dB LAeq(15 min)</u>	
			<u>2000h to 0800 h</u>	<u>75 dB LAFmax</u>	

14 APPLYING THE STATUTORY TESTS AND OVERALL CONCLUSION

The statutory tests

- 14.1 I have assessed the submissions and further submissions (in Sections 11 and 12 above and in [Appendix D](#)), and based on my assessment, which takes into account the evidence of the Council's witnesses across the range of relevant disciplines, I have recommended that submissions and further submissions be either accepted, accepted in part or rejected.
- 14.2 Many of the submissions have sought specific modifications to the TPLM Variation provisions, and I have recommended that some of these are accepted or accepted in part. These modifications are set out in the **Recommended Provisions** in Section 13.
- 14.3 My over-arching recommendation is that the TPLM Variation provisions be accepted, in the form presented in Section 13.
- 14.4 In Section 7 above I set out the statutory tests that must be applied to rezoning proposals, and in the current section I evaluate the TPLM Variation in the context of those statutory tests.
- 14.5 To recap, the statutory tests are whether the provisions:
- A. Accord with and assist the Council in carrying out its functions and achieve the purpose of the Act (section 74(1) of the Act);
 - B. Accord with Part 2 of the Act (section 74(1)(b));
 - C. Give effect to the regional policy statement (section 75(3)(c));
 - D. Give effect to any national policy statement (s75(3)(a));
 - E. In the case of rules, have regard to the actual or potential effects on the environment, including, in particular, any adverse effect (s76(3));
 - F. In the case of objectives, are the most appropriate way to achieve the purpose of the Act (s32(1)(a));
 - G. In the case of policies and methods, are the most appropriate way to achieve the objectives, having regard to their efficiency and effectiveness (s32(1)(b)) and taking into account (under s32(2)):
 - (i) the benefits and costs of the proposed policies and methods; and
 - (ii) the risk of acting or not acting if there is uncertain or insufficient

information about the subject matter of the policies, rules of other methods.

14.6 I evaluate the TPLM Variation in the context of these tests as follows.

Test A: whether the provisions accord with the Council's functions (s74(1)(a))

7.1 Under s74(1)(a) of the Act the Council's functions that are of relevance to the TPLM Variation are:

- The integrated management of the effects of the use, development of protection of land and resources;
- Sufficiency of development capacity;
- Natural hazards;
- Land contamination;
- Maintaining indigenous biodiversity;
- Control of noise emissions.

14.7 I consider that:

(a) The TPLM Variation promotes the integrated management of the effects of the use, development or protection of the TPLM land and resources, and of the wider context, by integrating:

- the existing suburban communities on the southern side of SH6 with the social amenities and facilities promoted on the north side (Commercial Centre, schools) and on the south side (formal recreation, and open space);
- all of the existing and future Eastern Corridor communities with enhanced public transport and active transport opportunities;
- the future TPLM communities within the TPLM land, by active and public transport and open spaces and commercial amenities to serve day to day needs;
- the rollout of urban development and the infrastructural works required to service that development;

- the stormwater management regime, across the TPLM area, in order to protect nature conservation values particularly downstream water quality;
 - streetscapes, site and building design.
- (b) The provisions contribute to enabling sufficiency development capacity and particularly for typologies for which there is or will be market demand;
- (c) The land is relatively free of natural hazards and is appropriate for large scale urban expansion;
- (d) There are no land contamination risks that would impede development;
- (e) The provisions will continue to provide suitable habitat and indigenous biodiversity will be maintained, if not at the individual property scale but at the wider Ladies Mile and Wakatipu Basin scales;
- (f) Noise emissions are adequately addressed through adoption of usual urban-scale noise standards.

14.8 The statutory test is whether the provisions accord with and assist the Council in carrying out its functions to achieve the purpose of the Act (section 74(1)). For the reasons set out above and in Sections 10 – 12 and Appendix D, and in reliance on the evidence of the various experts, I consider that the TPLM Variation Recommended Provisions meet this test.

Test B: whether the provisions accord with Part 2 of the Act (section 74(1)(b))

14.9 I address ss 6 – 8 before I conclude on the purpose of the Act under s5.

14.10 Under s6, the relevant matters of national importance that must be recognised and provided for in relation to managing the use, development, and protection of natural and physical resources are addressed as follows:

- (a) Under s6(b), the TPLMZ does not spread into the adjacent ONF, Slope Hill, and the values of the ONF are protected by the provisions, as addressed by Ms Gilbert and Mr Skelton. I consider that the development enabled by the provisions is appropriate in its landscape context;
- (b) Under s6(d), the provisions enable public trail links to join through to the existing public trail around Lake Hayes, and can link through to the south the Kawarau River trails, thereby enhancing public access to and along the lake and rivers;

- (c) Under s6(e), the recommended provisions place significantly more emphasis on water quality than the notified provisions, as a consequence of Kāi tahu's (and other) submissions, and therefore provide for the relationship of Māori and water and other taonga;
 - (d) Under s6(f), the provisions, along with those in Chapter 26, provide for the protection of historic heritage from inappropriate subdivision, use, and development; and
 - (e) The location of the TPLM Zone avoids any significant risks from natural hazards.
- 14.11 The TPLM Variation therefore recognizes and provides for the relevant matters under s6.
- 14.12 Under s7 the relevant s7 matters to which particular regard must be had are addressed as follows:
- (a) Under ss7(b) and (ba), the TPLM Variation is based, fundamentally, on the efficient use of land for a range of urban purposes, and the associated reduction in energy consumption and reducing the adverse effects from climate change, through providing for a more self-sufficient urban node within the Eastern Corridor and a "well-functioning urban environment";
 - (b) Under s7(c), the TPLM Zone will introduce significant changes to the perceptions of amenity values and the quality of the environment, as discussed by Mr Skelton and Ms Gilbert, and I agree with them that the change is acceptable. I agree with Mr Dun and Mr Lowe that the provisions, including the activity mix, the layout and the development standards for site and building design, will enable an urban environment with a high level of amenity and a high quality environment for residents;
 - (c) Under ss7(d) and (i), components of wider ecosystems are present within the resource area, including highly mobile bird species, as addressed by Ms Palmer, and the integrated stormwater management system reflects the understanding of the values of the wider ecosystems, including of Lake Hayes, and taking into account the longer term effects of climate change;
 - (d) Under s7(g), land that possesses the attributes required for larger scale urban expansion in the Wakatipu is a finite resource, as I discussed in Section 10.
- 14.13 The TPLM Variation therefore has particular regard to the matters relevant under s7.

- 14.14 Under s8, I consider that the principles of the Te Tiriti o Waitangi or Treaty of Waitangi have been taken into account in the TPLM masterplanning and variation process in that there has been active protection of the partnership between the two parties and the provisions promote (and require) the protection of resources of importance to tangata whenua from adverse effects, particularly in relation to water quality.
- 14.15 With regard to s5 I consider that the provisions meet the purpose of sustainable management of natural and physical resources, because the provisions:
- (a) Have been crafted for the purpose of managing the use, development, and protection of the natural resources (the land and water resources) and physical resources (SH6, nearby communities, infrastructure, etc) in the local and wider context, for urban growth;
 - (b) Will enable people and communities to provide for their social, economic, and cultural well-being and for their health and safety, through providing for housing at higher densities and more diverse typologies to improve affordability, and protecting the housing stock as far as possible for permanent residents;
 - (c) Will sustain the potential of the resources to meet the reasonably foreseeable needs of future generations, in the kinds of housing typologies that are currently or are projected to have higher market demand;
 - (d) Will safeguard the life-supporting capacity of air, water, soil, and ecosystems, taking into account the stormwater engineering and ecological evidence;
 - (e) Will avoid, remedy, or mitigate any adverse effects of activities on the environment, as addressed in detail in the evidence on the various environmental disciplines, and as I discuss further under Test E below.
- 14.16 The statutory test is whether the provisions accord with Part 2 of the Act, under s74(1)(b). I consider that the TPLM Variation Recommended Provisions accord with s6, 7 and 8 and achieve the sustainable management purpose of the Act under s5.

Test C: whether the provisions give effect to the regional policy statement (section 75(3)(c))

- 14.17 The TPLM Variation must *give effect* to the PORPS 19 and must *have regard to* the pRPS21.
- 14.18 As I set out in Section 7 above, the key aspects of the PORPS19 and pRPS21 are very similar and I address them together. The aspects that I consider to be most relevant to the TPLM Variation (to the point that I need to comment on them) relate to:

- integrated management of resources;
- quality of natural resources and ecosystems (including water quality), including the protection of freshwater and seek to maintain or enhance, the natural functioning and life supporting capacity of waterbodies;
- urban growth and development, including that that urban development is well designed and managed in an integrated manner; and to provide sufficient development capacity.

14.19 Appendix 2A of the s32 report set out the key RPS objectives and policies on these key aspects (and other aspects).

14.20 On *integrated management*, the RPS provisions seek to achieve the integrated management of Otago's natural and physical resources, and I consider the TPLM Variation provisions achieve the provisions by:

- (a) Ensuring that development integrates with transport infrastructure, recognising the current limitations of the roading network and the benefits of efficient urban development;
- (b) Ensuring that development integrates with stormwater infrastructure, recognising the sensitivity of the natural resources and the receiving environment, and promoting healthy ecosystems and ecosystem services;
- (c) Ensuring that effects of activities on the whole of a natural or physical resource are considered when that resource is managed as subunits.
- (d) Enabling the integration of the communities of Ladies Mile and forming a more cohesive urban environment.

14.21 On *natural resources and ecosystems*, the health and well-being of the freshwater bodies (Lake Hayes and the Shotover and Kawarau Rivers) and their habitats will be at least maintained and potentially improved by the stormwater management response, which minimises the potential adverse effects of indirect discharges of stormwater through the integrated, centralised system and adoption of water sensitive urban design techniques;

14.22 On *urban development*, the relevant provisions, in summary, seek to: improve housing choice and affordability; deliver good urban design outcomes, including consolidation, connectivity and integration with existing urban areas; ensure development integrates with infrastructure; ensure sufficient capacity for housing; promote urban expansion through forward strategic planning; and ensure that urban development is efficient and

sustainable.

14.23 In my view, the TPLM Variation provisions achieve the intent of these regional objectives, by:

- (a) Providing for (and requiring) medium and high densities and a diverse product range will promote the improvement of housing choice and affordability, as addressed by Ms Fairgray;
- (b) Delivering good urban design outcomes, including consolidation, connectivity and integration with existing urban areas, as discussed by Mr Dun, Mr Lowe, Mr Harland, Ms Fairgray, Ms Hampson and Mr Shields;
- (c) Ensuring development integrates with infrastructure, as discussed by Mr Shields and as sought by Waka Kotahi's submission; and as discussed by Mr Gardiner and Ms Prestidge in relation to the now recommended integrated stormwater management provisions, in response to submissions;
- (d) Ensuring sufficient capacity for housing, as discussed by Ms Fairgray;
- (e) Promoting urban expansion through forward strategic planning, inherent in the Spatial Plan's identification of the Eastern Corridor and the Council's efforts to masterplan the TPLM area for the optimal and efficient urban expansion outcome;
- (f) Ensuring that urban development is efficient and sustainable, by providing for a compact urban environment that promotes better self-sufficiency for all of the Easter Corridor communities.

14.24 The statutory test is whether the provisions give effect to the RPS, under section 75(3)(c) and have regard to the proposed RPS. For the foregoing reasons and based on the detailed assessment of the I consider that the TPLM Variation Recommended Provisions give effect to the PORPS19 and has sufficient regard to the pRPS21.

Test D: whether the provisions give effect to any national policy statement (s75(3)(a))

14.25 I addressed the NPS-HPL in Section 7 above and concluded that it is not relevant to the TPLM Variation. The relevant national instruments are the NPS-IB, the NPS-FM and the NPS-UD.

National Policy Statement for Indigenous Biodiversity

- 14.26 There are no SNAs within the TPLM area but the NPS-IB is relevant because of the presence of highly mobile fauna (native bird species) as discussed by Ms Palmer. In her view the loss of known foraging habitat on the north side of SH6 will be mitigated by the retention of smaller open space areas, the establishment of stormwater management units able to act as ephemeral wetlands and the replacement of exotic hedges with more indigenous species, which will provide habitat more suited to indigenous fauna. Appropriate management of the open space precinct within the Open Space Precinct south of SH6 will continue to support foraging in that area.
- 14.27 The objective of the NPS-IB (clause 2.1) is to *maintain indigenous biodiversity across Aotearoa New Zealand so that there is at least no overall loss in indigenous biodiversity after the commencement date*. Ms Palmer's view is that there will be residual loss of habitat, following the mitigations implemented by the stormwater response and that, while not explicitly calculated, the effects are likely to be less than minor.
- 14.28 My view is that, by retaining habitat, and taking into account the other areas which provide habitat to the bird species, the indigenous biodiversity of the TPLM area will be maintained. The TPLM Variation, along with the other relevant sections of the PDP, will give effect to the NPS-IB (acknowledging also that further processes to fully implement the NPS-IB will be required).

National Policy Statement for Freshwater Management

- 14.29 The NPS-FM requires freshwater to be managed in a way that gives effect to Te Mana o te Wai which refers to the fundamental importance of water and recognises that protecting the health of freshwater protects the health and well-being of the wider environment.
- 14.30 I consider that by accepting the submissions of Kāi Tahu, DOC and FOLH (and others) the focus of the Recommended Provisions on requiring an integrated approach to stormwater management aligns with NPS-FM's hierarchy where the first priority is to the health and well-being of water; the second priority to the health and drinking water needs of people, and the third to the ability of people and communities to provide for their social, economic, and cultural well-being.
- 14.31 As I understand it, under the integrated stormwater management approach, the system will intercept runoff from Slope Hill and, along with runoff from the flat lands of the Variation area will detain and treat that water, through management devices, and will avoid direct runoff to any water bodies, including Lake Hayes. Except in the very large rainfall events, stormwater will be captured and treated before soaking to ground or moving overland, through existing sheet areas or channels, before discharging to areas

outside the TPLM area. Overall, this would represent an improvement in water quality in this part of the Lake Hayes catchment.

National Policy Statement – Urban Development

14.32 The key objectives of the NPS-UD are:

Objective 1: New Zealand has well-functioning urban environments that enable all people and communities to provide for their social, economic, and cultural wellbeing, and for their health and safety, now and into the future.

Objective 2: Planning decisions improve housing affordability by supporting competitive land and development markets.

Objective 3: Regional policy statements and district plans enable more people to live in, and more businesses and community services to be located in, areas of an urban environment in which one or more of the following apply:

- (a) the area is in or near a centre zone or other area with many employment opportunities;
- (b) the area is well-serviced by existing or planned public transport;
- (c) there is high demand for housing or for business land in the area, relative to other areas within the urban environment.

Objective 6: Local authority decisions on urban development that affect urban environments are:

- (a) integrated with infrastructure planning and funding decisions; and
- (b) strategic over the medium term and long term; and
- (c) responsive, particularly in relation to proposals that would supply significant development capacity

Objective 8: New Zealand's urban environments:

- (a) support reductions in greenhouse gas emissions; and
- (b) are resilient to the current and future effects of climate change.

14.33 I consider that the TPLM Variation Recommended Provisions give effect to these objectives, as follows:

(a) On Objective 1, as I have discussed in Section 10 and Section 11, Themes D, F and G, the Policy 1 imperatives for well-functioning urban environments are achieved;

(b) On Objective 2, the TPLM Variation provisions will contribute to the Council's

efforts in improving housing affordability, by promoting density and diversity and by a positive contribution towards limiting possible adverse effects on the competitive operation of land and development markets, by the added opportunity for an increase in the contribution of urban residential land to the market;

- (c) On Objective 3: the Zone enables more people to live in, and more businesses and community services to be located in, an area in or near a centre zone and in close proximity to an area with many employment opportunities (Frankton); and in an area that can be and is intended to be, well-served by planned public transport; and where there is a high demand for housing land in the area, relative to other areas within the urban environment;
- (d) On Objective 6: the TPLM Zone provisions require that development is to be integrated with infrastructure planning and funding decisions. The TPL Zone is a strategic approach to housing supply and affordability over the medium term and long term; and it would supply significant development capacity;
- (e) On Objective 8, the TPLM urban environment would make a positive contribution to limiting greenhouse gas emissions, through the provision of accessible facilities to existing residents and future residents, and the encouragement and support provided for public and active modes of transportation, to reduce the need for vehicle trips elsewhere within the Wakatipu Basin to work and play.

14.34 The statutory test is whether the provisions give effect to a national policy statement under section 75(3)(a). For the foregoing reasons, and in reliance on other witnesses I consider that the TPLM Variation Recommended Provisions give effect to the relevant national NPS instruments.

Test E: In the case of rules, whether the provisions have regard to the actual or potential effects on the environment, including, in particular, any adverse effect (s76(3))

14.35 I have addressed the effects of the TPLM Variation provisions on the environment either generally or specifically in most themes in Section 11 (particularly Themes D, F, G, H, I, L and N) and specifically, throughout **Appendix D** in relation to submitters' thoughts about the rules and how development in accordance with the rules would affect the environment. In most categories of effects I have relied on expert opinion of specialists in the relevant disciplines.

14.36 Overall, based on the assessments, I consider that the provisions have had regard to

the actual or potential effects on the environment, including any adverse effect, and conclude that the Recommended Provisions will have adverse effects that are acceptable, in relation to traffic, landscape, water quality and ecology, heritage, amenity values, and in many respects the effects may be positive, over time.

- 14.37 For these reasons I consider that the TPLM Variation Recommended Provisions meet the test for actual or potential effects on the environment.

Test F: In the case of objectives, the extent to which they are the most appropriate way to achieve the purpose of the Act (s32(1)(a))

- 14.38 The s32 evaluation notified along with the TPLM Variation addressed the notified TPLM objectives (which are set out in [Appendix B](#)) and concluded that the objectives are necessary and the most appropriate way to achieve the purpose of the Act, when compared against the status quo zonings and the alternative of adopting existing urban zones and applying them to the TPLM area. I will not repeat that evaluation.

- 14.39 The Recommended Provisions (set out in [Appendix E](#)) include various modifications from the notified version, and a s32AA evaluation of these modifications (in the event the Panel accepts them, along with any other modifications the Panel may accept) will be undertaken after the hearing in the s42A Reply Report or at such time as the Panel may direct).

- 14.40 The modifications to the objectives in the Recommended Provisions are:

Objective 49.2.7 An attractive built environment that positively responds to streets and open spaces, provides a high level of residential and neighbourhood amenity, achieves high quality urban design and ecological outcomes and incorporates indigenous biodiversity in design.

Objective 49.2.8 Development that supports resilience to, and mitigation of, the current and future effects of climate change and contributes to an integrated approach to stormwater management.

Objective 27.3.24 Urban development comprising a mix of medium and high density housing, commercial centres, schools, ecological corridors and areas for stormwater management, parks and open spaces for active and informal recreation, and a network of walkways and cycleways, that: ...

- 14.41 These all relate to the change in the approach to stormwater management, from an individual, landowner lead approach to an integrated approach, as discussed in Section 11, Theme I. I consider that these objectives better align the TPLM Variation with the purpose of the Act, and with the relevant higher order regional and national instruments

as discussed in Tests B, C and D respectively, above.

- 14.42 The statutory test under section 32(1)(a) is the extent to which the objectives are the most appropriate to achieve the purpose of the Act. Taking into account the s32 evaluation of the notified provisions and the few but important improvements to the objectives in the Recommended Provisions, I consider that the objectives are the most appropriate way to achieve the purpose of the Act.

Test G: In the case of policies and methods, whether the provisions are the most appropriate way to achieve the objectives (s32(1)(b) taking into account s32(2))

- 14.43 The Recommended Provisions in Section 13 set out the modifications myself and the other Council witnesses have agreed to. More detailed discussion of the reasons for the modifications are in the submissions, in my Sections 11, 12 and Appendix D, and in the evidence of the other witnesses, suffice to say that the submissions had merit enough, in respect of alternatives, costs, benefits, efficiency, effectiveness and risks of acting or not acting, for us to recommend adopting the modifications sought.
- 14.44 I and the other witnesses may well consider that further modifications are necessary once we have reviewed the evidence of the other parties and attended the witness conferencing, and possibly during or after the hearing, if more information becomes available.
- 14.45 For that reason I do not intend to provide any further discussion on the modifications here, other than to say that I consider that the Recommended Provisions are (at this stage) the most appropriate to achieve the TPLM Zone's objectives, and the higher order PDP objectives in Chapters 3, 4, 5 and 6, and that they achieve the statutory test under s32(1)(b).

Overall conclusion

- 14.46 In my view, taking into account the submissions and further submissions and the opinions of the Council's experts in the range of resource management disciplines that are engaged by this rezoning, the TPLM Variation, in the form now presented in the Recommended Provisions:
- (a) Accord with and assist the Council in carrying out its functions under the Act;
 - (b) Accord with the matters in ss6, 7, and 8 of the Act and achieve the purpose of the Act under s5;
 - (c) Give effect to the relevant objectives and policies of the PORPS19 and the

pRPS21;

- (d) Give effect to the relevant objectives and policies of the NPS-IB, the NPS-FW and the NPS-UD;
- (e) Have appropriate regard to actual or potential effects on the environment, including any adverse effects;
- (f) Promotes objectives that are the most appropriate way to achieve the purpose of the Act;
- (g) Promotes policies, rules and methods that are the most appropriate for achieving the TPLM objectives and the higher order objectives of the PDP.

14.47 As I have indicated in Section 11, Theme I, the Recommended Provisions relating to stormwater management are “draft” and I invite other parties’ witnesses to suggest any improvements, noting that drafting changes would need to be within the context of delivering a centralised, integrated stormwater management system for the TPLM Zone north of SH6.

14.48 Also as I have indicated in Section 11, Theme I, I am cautious about including offsetting / compensation-type provisions that would be triggered at resource consent stage for individual subdivision or land use applications, and at this stage would prefer a wider, more holistic approach to management and monitoring of effects on the bird habitat. I invite other parties to comment on that in evidence also.

14.49 In all other respects I support the TPLM Variation, in the form now proposed in the Recommended Provisions.

15 THE EXPECTATIONS OF THE MINISTER

15.1 In the Minister's direction to the Council dated 23 March 2023 in respect to the SPP, the Minister included a "Proposed Statement of Expectations". In accordance step 13 of the Minister's direction (and clause 83(1) (e) of Schedule 1 of the RMA), the Panel must include in its Report to the Minister a *"summary document showing how the local authority has had regard to the statement of expectations."*

15.2 The expectations are set out below, along with my response on how those expectations have been given regard to based on the SPP process so far.

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)

15.3 The TPLM Variation provisions provide for (and require) medium and high density residential development and a diversity of housing typologies, while promoting commercial development and social and recreational amenities, including schools, and methods to ensure that public transport and active transport infrastructure is integrated with urban development. The TPLM activities will integrate with and complement the existing suburban residential communities within Ladies Mile, and the zoning provides sufficient opportunity for the wider Eastern Corridor to become a well-functioning urban environment.

15.4 The manner by which the TPLM Variation meets this expectation is set out in in more detail in various sections of this s42A report including:

- Section 10 (rationale for the TPLM Variation);
- Section 11, Theme B (in relation to whether the TPLM Variation is needed for urban growth);
- Section 11, Theme D (in relation to the appropriateness of Ladies Mile for urban development);
- Section 11, Theme F (in relation to certainty of outcomes for diversity and affordability of housing typologies, and certainty of outcomes for the commercial centre);
- Section 11, Theme G (in relation to the residential densities);

- Section 13 and Appendix D, in relation to submissions seeking modifications to the TPLM Variation provisions for residential densities and diversity.

15.5 The issue is also addressed in detail in the economic evidence of Ms Fairgray (in relation to housing) and Ms Hampson (in relation to business land); and the urban design evidence of Stu Dun (in relation to urban design outcomes for housing diversity). Their evidence demonstrates how the provisions collectively provide 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.

15.6 I therefore consider that the Expectation (i) is fulfilled.

Expectation (ii) That the TPLM Variation ensures that future development will be undertaken in a manner which recognises the limitations of the existing transport network in this location

15.7 The TPLM Variation provisions require that transport infrastructure works, including new intersections, bus lanes and bus stops on SH6, and pedestrian and cycle crossings of SH6 are completed in a staged manner prior to development within the TPLM Zone. Internal roading and active and public transport routes will be constructed as development within the Zone progresses. These methods have been developed in cognisance of the existing limitations of SH6 and the peak time congestion.

15.8 In combination with the TPLM Zone's intention for higher density residential development and to provide a range of social amenities and facilities, the Zone is intended to reduce the need for private vehicle trips from the Ladies Mile area (including the existing communities of Shotover Country and Lake Hayes Estate and the future TPLM community) to the west along SH6, by allowing the Ladies Mile area to be more self-sufficient.

15.9 This is addressed in detail in the following sections of the s42A report:

- Section 10;
- Section 11, Theme D (in relation to traffic effects);
- Section 11, Theme H (infrastructure staging triggers);
- Section 11, Theme L (sustainability and climate change);
- Section 13 and Appendix D, in relation to submissions seeking modifications to the TPLM Variation provisions for transport-related issues.

15.10 The evidence of Mr Shields and Mr Pickard on transport issues also address, in detail, the transport issues and the methods for how future development recognises the limitations of the traffic network and how the TPLM provisions address those limitations.

15.11 I therefore consider that Expectation (ii) is fulfilled.

Expectation (iii) That the TPLM Variation ensures appropriate and feasible infrastructure is provided for in Te Pūtahi Ladies Mile Zone, including stormwater management that allows for future climate change impacts, and access to everyday needs through transport options that support emissions reduction (such as public and/or active transport)

15.12 As addressed for Expectations (i) and (ii) above, the TPLM Zone provisions promote a well-functioning urban environment that will allow more self-sufficiency for the communities of Ladies Mile and to reduce the need for private vehicle trips outside of Ladies Mile, while also providing enhanced opportunities for increased public transport services, and active transport links. These will support emissions reductions.

15.13 The TPLM Variation provisions require that an integrated, centralised stormwater management system, serving the whole of the TPLM Zone north of SH6, is developed, in accordance with a set of Guiding Principles for stormwater management. The Guiding Principles have been crafted specifically for the TPLM setting in proximity to sensitive receiving waters including Lake Hayes and the Shotover and Kawarau Rivers, and give effect to Te Mana o te Wai under the NPS-FM.

15.14 Stormwater management and the impacts of the TPLM Zone on ecological values are addressed in detail in the following sections of the s42A report:

- Section 11, Theme I (stormwater and ecology);
- Section 11, Theme L (sustainability and climate change);
- Section 13 and Appendix D (in relation to submissions seeking modifications to the TPLM Variation provisions for stormwater, ecological sustainability / climate change-related matters).

15.15 The evidence of Mr Shields and Mr Pickard (transport), and Mr Gardiner and Ms Prestidge (stormwater management, including for climate change impacts) discuss the issues in considerable detail.

15.16 For these reasons I consider that the TPLM Variation ensures that appropriate and feasible infrastructure are provided for in the TPLM Zone provisions, including stormwater management that allows for future climate change impacts, and access to everyday needs

through transport options that support emissions reduction, including public and/or active transport.

15.17 I therefore consider that Expectation (iii) is fulfilled.

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.

15.18 I have addressed the impacts on the receiving water bodies under Expectation (iii) above. The values of the ONF of Slope Hill are recognised by the TPLM Variation provisions which ensure that urban development does not cross into the ONF boundaries, which have been set through earlier PDP processes. The proposed UGB, the zoning and the TPLM Structure Plan all also have the effect of preventing urban development creeping into the ONF area.

15.19 The TPLM provisions address the issue of urban development adjacent to the ONF and promote view corridors to enable visual connections through the development north to Slope Hill (and also south to The Remarkables).

15.20 This matter is addressed in the s42A report in:

- Section 11, Theme D (in relation to effects on landscape values);
- Section 12 (in relation to submissions seeking development into the lower slopes of the Slope Hill ONF);
- Section 13 and Appendix E (in relation to assessment of submissions on the Slope Hill and UGB boundaries).

15.21 The landscape evidence of Ms Gilbert and Mr Skelton addresses the landscape issues and impacts on Slope Hill in considerable detail.

15.22 The TPLM Variation therefore ensures that future development will be undertaken in a manner that recognises and protects the sensitive receiving environments.

15.23 I therefore consider that Expectation (iv) is fulfilled.

15.24 The Minister also expects that in undertaking the SPP the Council will continue to engage with Te Rūnanga o Moeraki, Kāti Huirapa Rūnaka ki Puketeraki, Te Rūnanga o Ōtākou, Hokonui Rūnanga, Te Rūnanga o Awarua, Te Rūnanga o Ōraka Aparima, Te Rūnaka o Waihōpai and Waka Kotahi/New Zealand Transport Agency throughout the streamlined planning process, and to place on a publicly accessible website the dates and anticipated timeframes for the process steps (with updates as necessary).

- 15.25 The Council and its transport witnesses have so far engaged with Waka Kotahi on specific matters relating to traffic modelling and transport infrastructure upgrades following the receipt of Waka Kotahi's submission on the TPLM Variation, and will continue to liaise with Waka Kotahi as the SPP process continues.
- 15.26 On 31 May 2023, the Council met with Kai Tahu representatives to discuss the Council's approach to stormwater management for TPLM. The meeting provided representatives with an opportunity to discuss their concerns and ensure that they were fully understood by the Council. Those discussions have informed the Council's change in approach to stormwater management.