

TO: The Hearing Administrator, Lynley Scott, DP.Hearings@qldc.govt.nz

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

UNDER THE Resource Management Act 1991 (“**Act**”)

IN THE MATTER OF a Variation to the proposed Queenstown Lakes District Plan (Te Pūtahi Ladies Mile) in accordance with Part 5 of Schedule 1 to the Resource Management Act 1991 (“**Variation**”)

BETWEEN **GLENPANEL DEVELOPMENT LIMITED (“GDL”)**
Submitter

AND **QUEENSTOWN LAKES DISTRICT COUNCIL (“QLDC”)**
Proponent of the Variation

REPRESENTATIONS ON BEHALF OF GDL

Before a Hearing Panel: David Allen (Chair), & Commissioners Gillian Crowcroft, Hoani Langsbury, Judith Makinson and Ian Munro

INTRODUCTION

1. I am the project manager for GDL.
2. These representations are filed on behalf of GDL in accordance with the Panel’s directions in minute 1 at [11.9], with leave granted by the Panel on 14 November 2023 for them to be up to 20 pages to recognise extent of GDL’s submission and evidence.
3. I focus on the key matters at issue. I have also had the benefit of being able to review the draft legal submissions for the Anna Hutchinson Family Trust (“**AHFT**”), together with the independent legal opinion by Chapman Tripp on scope/ jurisdiction (“**CT opinion**”). GDL generally supports and relies on AHFT’s legal submissions and the CT opinion in respect of scope, as relevant to GDL’s submission. I will focus on the particular factual matters at to be taken into account.

WHO GDL IS / GDL'S BACKGROUND

4. While GDL could be characterised as a “developer”, it is more properly conceived of as a landowner who wishes to develop the land that they live on (and have a longstanding connection with). GDL is not a “faceless” corporate entity seeking a quick return from upzoning (or the granting of consent). GDL’s director wishes to continue to live, with his family, on the balance farm land that will be left following the rezoning (and farm it), and so is necessarily invested in ensuring that the development is something that he can be proud of.

5. GDL has a long history now of attempting to obtain approvals to develop its site (known as “**Flint’s Park**”), including under the Housing Accords and Special Housing Areas Act 2013 (“**HASHAA**”) process. This was the process that enabled the Queenstown Country Club development “across the road” from GDL, but which the Council refused to allow for Flint’s Park (contrary to the recommendations of its officers). GDL was also unsuccessful, on 22 November 2022, in obtaining consent through the COVID-19 Recovery (Fast-track Consenting) Act 2020 (“**FTCA**”) consent process. This was despite the Minister for the Environment referring the Flint’s Park project into the FTCA process, in reliance at the time on the inclusion of the land within the Council’s Spatial Plan. Rightly or wrongly (and GDL would say wrongly – with an appeal to the Court of Appeal pending), the Flint’s Park 2022 FTCA application was rejected by the Panel determining it, principally on the basis that the site was, at the time, outside the urban growth boundary (“**UGB**”). This was despite:
 - (a) the PDP commissioners in the course of their consideration of Stage 1 of the PDP commence in 2015 stated that the land north of SH6 the would be better suited to an urban zone and that a Structure Plan process would be a good outcome;
 - (b) the Wakatipu Basin Landscape Study in 2017 identified Ladies Mile as having a High capacity to absorb growth and recommended a density of 1:250m²;
 - (c) the Te Pūtahi Ladies Mile Masterplan adopted by Council on 30 June 2022;

- (d) the Council having requested this Variation be directed into the SPP process by the Minister on 30 October 2022;
 - (e) the requirements of the National Policy Statement – Urban Development (“**NPSUD**”);
 - (f) the amendments made to Chapter 4 of the Proposed District Plan (“**PDP**”) to include the site as within the Queenstown-Wakatipu Urban Environment; and
 - (g) the undeniable fact that there is a housing shortage crisis in Queenstown, including the Wakatipu Basin, with resultant implications on housing affordability.
6. Now that the SPP Variation has been notified and is well underway, Flint’s Park is (mostly, in terms of the intended development areas) within the UGB and the “development-friendly” UGB objectives and policies have taken immediate effect under the SPP Variation. Accordingly, GDL has lodged a further application for consent to the EPA for processing and determination under the FTCA (on 4 December 2023). It is identical to its earlier application, except all the buildings on the (current) Slope Hill outstanding natural feature (“**ONF**”) have been removed, other than the water reservoirs.
7. GDL has also previously obtained resource consent for an upgraded access to its site from the State Highway, to a standard that will accommodate the full development of its site. All engineering and other approvals (eg NZTA’s approval as road controlling authority) have been obtained and GDL intends to soon proceed to construct that access. This goes hand in hand with the consent that GDL has to operate the homestead as a commercial operation. GDL has also sought and obtained two consents authorising the subdivision of its land into five rural lifestyle lots.
8. In terms of *Hawthorn*, the activities authorised by these consent must be considered as part of the existing environment.
9. In short, GDL has been doing everything it reasonably can do to advance development of its land, and bring desperately needed housing to the market; while ensuring that it has a back-up option, should its preferred development plans. It will continue to do so.

THE KEY ISSUES

The fundamental issue – the Variation must proceed

10. As GDL sees it, the most fundamental issue is that the Variation be adopted, as soon as possible. That is by far the “most appropriate” outcome in terms of giving effect to the purpose of the RMA, let alone the NPS-UD, Chapter 4 of the PDP and in particular the Housing Bottom Lines in section 4.1.2 and the Queenstown-Lakes Urban Environment future expansion area as identified in Figure 1. In terms of “giving effect to” the NPS-UD, together with Chapter 4 of the PDP, GDL says that there is almost no option but for the Variation to be approved. It is too important to fail.
11. Should that not be the case, while it might cause GDL some consenting issues if the Variation were refused, GDL is confident that it will still be able to advance development on its land, and quickly. If GDL cannot consent something along the lines of its FTCA application, then rural lifestyle development in accordance with what would then be a confirmed current zoning remains a viable commercial option. There is a significant risk that GDL will not wait any longer, and it could not be criticised for moving to Plan “D” if the Variation were to be refused. Without being overly dramatic, if rural lifestyle were developed on GDL’s site, that would imperil the ability to ever deliver an integrated, medium-high density development pattern across the Ladies Mile.
12. In a sense, it is now or never.
13. To the extent that the Variation has some “issues”, it is the Panel’s unenviable task to resolve them to the best of its ability in the time available, and on the basis of the evidence put before it. There have been some significant changes arising – even on the Council’s case, such as the move to a 60km urban speed environment on the State Highway. Substantial flow on effects arise from that. There are also the well-ventilated issues of what the required or encouraged density should be, and what is really “driving” the Variation. Then there are more of the site-specific issues, which is where GDL’s focus primarily lies, although its case does address some of the more fundamental matters. These are identified below.

Other key matters of interest to GDL

14. Taking something of a “top-down” approach (physically), GDL wishes to address the Panel on the following matters:
- (a) **UGB extension:** GDL’s request to extend the UGB to 423m RL, so as to accommodate the proposed water reservoirs (to service the entire SPP Variation area).
 - (b) **Zone extension:** GDL’s request to extend the zone slightly up the toe of the slope, with a consequential shift to the current line of the ONF.
 - (c) **Historic Glenpanel precinct:** GDL’s request to give the historic Glenpanel homestead greater room to breathe, but to allow greater density of development around it by providing for additional height (13m to the west and 17m to the east). Excessive tree protection provisions are also considered inappropriate, and counterproductive to ensuring appropriate maintenance of the grounds over time.
 - (d) **The East-West Collector road:** GDL’s request to have the this road follow the existing paper road alignment, which is closer to the historic homestead and will better support visibility and connectivity with it.
 - (e) **Density on the “Flat”/ overall:** Overall, GDL supports achieving an average density of 40 dwellings per Ha (gross). Its current FTCA application achieves 45 dwellings per Ha (gross).
 - (f) **The State Highway interface:** GDL supports, given the 60 km/hour operating environment now proposed, enabling development closer to the State Highway, and around any intersections.
 - (g) **Stormwater:** GDL has investigated stormwater issues more than probably anyone on the Mile, as it has had to provide sufficient detail to support a FTCA consent application. Its advice is that technical solutions can be achieved for a coordinated approach to stormwater, even if advanced in a piecemeal basis.
 - (h) **Triggers:** GDL is concerned about having triggers that constrain wholesale development until there is necessary infrastructure in

place. It is very much a chicken and egg issue. In the real world, to shift behaviour (ie from private vehicle use to public transport), the public transport option:

- (i) first, has to be available; and
- (ii) second, has to be more attractive than getting in the car.

If development has to occur first, in order for business cases to be made and funding set aside for public transport options, then so be it. And if there is some “pain” in the meantime, that will only increase pressure from the funding side, and attractiveness of the public transport option once it is available.

- 15. These matters are expanded on further below.
- 16. I do not repeat the evidence in detail, but will let the experts speak to that, in their summaries and in response to questions.

UGB AND ZONE EXTENSION, WITH A CONSEQUENTIAL CHANGE IN THE ONF AS A CONSEQUENCE OF THE ZONE EXTENSION – SCOPE/ JURISDICTION

- 17. As indicated above, GDL adopts the AHFT submission and CT opinion in respect of GDL’s scope to extend the UGB and the Ladies Mile Zoning through a submission.
- 18. In respect of its original submission, GDL sought, identified, or stated, the following:

- (a) At [4](b):

... extension of the UGB (and any consequent extension of the relevant Zoning and Precinct) so as to better enable the extent of development that is appropriate in the Glenpanel Precinct, together with critical infrastructure that will support the eastern corridor into the future.

- (b) At [11]:

... to re-align the Urban Growth Boundary to a more logical, and appropriate edge, to better enable the extent of development that is appropriate in the Glenpanel Precinct, together with critical infrastructure that will support the eastern corridor into the future.

- (c) At [12]:

It is considered the extension of the urban growth boundary further up the slope would have a less than minor effect on the wider environment

(d) At [13]:

The role of Slope Hill will continue to change as Ladies Mile urbanises and this will include key infrastructure elements (up to the 423m contour) that will need to be placed on Slope Hill to meet the needs of the community.

(e) In terms of relief sought:

a. That the Plan Change is to be adopted, along with all necessary amendments to address the concerns, issues, and other matters raised in this submission (including any necessary additional or consequential relief).

b. In respect of alternative, additional, and other relief (including consequential relief), as recorded above, the submitter has sought to ensure that the SPP Panel, and ultimately the Minister, has all the jurisdiction or scope necessary to make all necessary changes to achieve the general and specific outcomes sought by the Submitter.

(f) And, at [6], when identifying what parts of the Variation the related to:

The Submitter overall seeks that the Variation, and all its provisions (including its spatial extent) achieve a well-functioning urban environment, that gives effect to the relevant superior planning instruments or provisions, including the NPS-Urban Development, the RPS, and Strategic Chapters 3 and 4 of the District Plan (in particular), and ultimately achieves the purpose of the RMA. The provisions need to be efficient and workable, having regard to the market and particular needs of the District. Achieving this outcome may require modification, deletion, addition and other amendments to the Variation beyond those specifically identified in this submission. This is particularly the case as there are no appeal rights under the Streamlined Planning Process, and so no opportunity to correct or further improve the provisions of the Variation, on appeal to the Environment Court. This submission is intended to give the SPP Panel, and ultimately the Minister, all the jurisdiction or scope that is required to get the Variation provisions right.

19. The submission needs to be taken as a whole, and approached in a realistic and workable fashion rather than one founded on legal nicety: *Royal Forest and Bird Protection Society Inc v Southland District Council* [1997] NZRMA 408 (HC).

20. On this basis, and relying further on the AHFT submissions and the CT opinion on scope, it is GDL's position that:

(a) There can be little doubt that the UGB extension was sufficiently identified in its submission, with the purpose of allowing critical infrastructure (the water reservoirs "up to the 423m contour") as well as to allow consequent extension of the relevant Zoning and Precinct in the Glenpanel Precinct area.

- (b) The submission included consequential relief, and, if the extension of the UGB or, more likely, the Ladies Mile Zoning and Precinct at in the Glenpanel precinct required a consequential change to the ONF, that must also be within scope.
- (c) The potential for the relief sought now clarified through evidence was well telegraphed in the submission, and anyone that was concerned could have submitted in opposition.
- (d) In that regard, it is noted that a similar submission made by the Milstead Trust, seeking:

... that the urban growth boundary identified in Schedule 49.8 be extended further north, and the relevant Glenpanel Precinct zoning be extended to reflect this submission point. This will enable the extent of development that is appropriate in the Glenpanel Precinct including critical infrastructure that will support the eastern growth corridor in the future

was in fact opposed in a further submissions by the Ladies Mile Pet Lodge Limited and Park Ridge Limited.

21. There is therefore considered to be no issue in respect of the *Motor Machinists*¹ “two limb” approach to the assessment of whether a submission is “on” a Variation relied on by counsel for the Council, in particular in respect of:

- (a) The First Limb, as the submission simply seeks to extend the UGB which is already being moved by the Variation, together with (but not as far) the new Zone and Precinct proposed by the Variation, with a consequential change to the ONF.
- (b) The Second Limb, is also met as fair and adequate notice was given in the submission itself, which was effectively opposed by some submitters (through their opposition to a similar submission by the Milstead Trust).

22. In respect of the second limb, it is relevant to note that it is also well known that:

- (a) GDL wishes to develop on the toe of the slope where the extended Zone and Precinct is sought (with the consequent shifting of the

¹ *Palmerston North City Council v Motor Machinists Limited* [2013] NZHC 1290.

ONF), through its 2020 FTCA application and previous HASHA consent applications; and

(b) GDL wishes to have water reservoirs at about the 423m contour, through its through its 2020 FTCA application.

23. It is notable through the 2022 FTCA process that not one single neighbour registered any concern at the development proposed on the ONF on the toe of the slope (or even the farm dwelling proposed on the mid-slope), through their opportunity to comment on the FTCA proposal.
24. The merits of the UGB, and Zone and Precinct extension (with the consequent shift of the ONF line) are discussed further below.

UGB Line

25. In respect of the relief seeking an extension of the UGB line to the 423m RL contour, this is promoted on the basis that this is most appropriate to provide a clear, or clearer, consent pathway to enable the water reservoirs required to service the proposed development on the Ladies Mile. The Council has identified two different potential locations for the water reservoirs on the ONF in its Variation material, but has not sought to enable any consent pathway for them (or to provide any specific policy support for them). This is surprising, given that without water reservoirs the development anticipated by the Variation will not be able to occur. The provision of potable water is – arguably – an even more fundamental impediment to development than the development of the busway.
26. GDL has had to consider the provision of water carefully, in advancing its Flint's Park proposal through the FTCA process. It is too inefficient and costly to develop an interim measure to service such a development (up to some 370 dwellings), such as storages tanks on the flat with a pumping solution, to then later decommission any such temporary measure once a wider solution is in place. The water reservoirs proposed as part of the Flint's Park proposal are designed and capable of serving all the requirements of the Mile, and would be vested in the Council once constructed as a public asset (with appropriate easements for access etc). From an infrastructure perspective, it is understood that Council has no issue with the water reservoirs being located generally where proposed by GDL.

27. While the 2022 FTCA Panel considering the GDL’s FTCA consent application had some other elements before it in the ONF (development on the toe of the slope, as is sought to be facilitated through this process, and a new farm dwelling mid-slope) as well as the proposed water reservoirs, it found that the proposal was contrary to the ONF group of objectives and policies. While Council representatives now say that the tanks themselves aren’t urban development, or won’t read as urban development, that defies how widely urban development is defined in the PDP.² There is no exemption in that definition for utilities, other than for “regionally significant infrastructure”³ which the water reservoirs, because they do not treat water, are not. So, by definition, the water reservoirs are urban development that is to be avoided outside the UGB and in the Rural Zone.⁴
28. Furthermore, the water reservoirs are of such a size and location, for functional reasons, that they will be visible on the ONF, contrary to the direction given in the latest version of the Slope Hill Landscape Priority Area Schedules that there is “**limited** landscape capacity for infrastructure that is **buried or located such that they are screened from external view**”. In other words, there is no easy consent pathway, and the significant ONF and UGB “avoid” policies would weigh against any consent application for water reservoirs in the ONF – whatever the Council or its witnesses currently say about the matter in this process.
29. GDL seeks to resolve these tensions now, which is the appropriate thing to do, as acknowledged by Mr Brown (although he downplayed the tensions), and as supported by the latest Supreme Court authority in *Port Otago*.⁵ In that decision, the Court held that in “giving effect” to directive policies within

² “Means development which is not of a rural character and is differentiated from rural development by its **scale**, intensity, visual character and the dominance of built structures. Urban development may also be characterised by a **reliance on reticulated services** such as water supply, wastewater and stormwater and by its cumulative generation of traffic. For the avoidance of doubt, a resort development in an otherwise rural area does not constitute urban development, nor does the provision of **regionally significant infrastructure** within rural areas.”

³ Which includes “municipal infrastructure”, but that, in respect of water is limited to “Conveyance of **untreated water** from source to, and including, the point of its treatment to potable standard for an urban environment (see below), but excluding its distribution within that urban environment”. For the Ladies Mile, *treated* water will be conveyed to the water reservoirs, for distribution from the rural environment to what will then be the urban environment.

⁴ 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 6.3.2.1: “Avoid urban development ...in the rural zones.”

⁵ *Port Otago Limited v Environmental Defence Society Incorporated* [2023] NZSC 112.

NPSs that conflict, regional policy statements and plans should seek to reconcile that conflict. That is exactly what GDL is seeking to do now, at a lower level, ie reconcile the conflict that it knows exists in the directive UGB and ONF policies through the SPP Variation, in respect of the provision of critical infrastructure necessary to support the SPP Variation.

30. There is precedent for what GDL seeks, at Jacks Point. There, the UGB extends half-way up the Peninsula Hill ONL. Whether it was appropriate to have the UGB in this location was hotly contested through the PDP process, with one of the key reasons put forward (by the Jacks Point interests) for having the UGB in that location being to facilitate potential infrastructure (such as water reservoirs) that might be needed to support the development of Jacks Point in the future. This was accepted by the Council in that context, and no reason has been given by Council as to why it now takes a different position in respect of extending the UGB into the Slope Hill ONF.
31. As with Jack's Point, the extension of the UGB as sought will not mean open slather for development on the ONF. The world has not ended at the Jacks Point Peninsular Hill ONL that is within the UGB, given the underlying zoning and ONL policies that continue to apply. In this case, at the Slope Hill ONF, the underlying zoning (other than the small extension of the Ladies Mile Zone and Precinct at the toe of the slope, with a consequential adjustment to the ONF – if that relief sought by GDL is successful) will remain Rural, and the protective policies of the ONF will still apply. Any farm dwelling that GDL might in the future seek mid slope would need to be assessed on its merits, and would not, in itself, qualify as urban development able to rely on the policy support arising from the UGB extension (if successful).
32. Put another way, the risk of not extending the UGB as sought (significant consenting issues for critical infrastructure to support the Variation) far outweighs the risk of allowing it (some resulting tension between the UGB and ONF objectives and policies in the future).

Zone extension

33. GDL seeks a small extension of the Ladies Mile Zone (and associated Precinct) slightly up the toe of Slope Hill into what is currently identified as ONF.
34. GDL faces what is essentially a circular argument against this, ie:

- (a) “you can’t have urban expansion into the ONF”,⁶ and
- (b) “you can’t change the ONF” through this process”; so
- (c) “you are therefore out of luck”.
35. Reinforcing this, in conferencing for the Landscape Priority Areas, Ms Gilbert recorded her approach to the development pathway for urban expansion:⁷
- ... urban expansion is inappropriate in an ONL, as such development would mean that the area where the urban expansion is occurring would fail to qualify as ONL. In her opinion, were urban expansion considered to be appropriate in the PA (for example, to achieve urban growth capacity goals), it would be necessary to have the ONL overlay ‘lifted’ before the infill urban development could proceed. It is her understanding that such a process would require a plan change that is beyond the scope of the Variation.
36. So there is no ability for any urban expansion in any ONL, and the only pathway is to pursue a plan change first. Yet, the Council’s position is that achieving such a change in the plan is outside the scope of both the Priority Area Schedule process, and the SPP process.
37. While the more general scope/ jurisdiction issue in respect of the SPP process is addressed above, Council witnesses appear to be resistant to considering the Slope Hill ONF line on the basis that it was “recently” set by the Environment Court, and there is a parallel plan change process underway for identifying the values of the Slope Hill ONF. Yet the PDP process under which the current ONF boundaries were set commenced in 2015. That was soon after the Supreme Court’s decision in *NZ King Salmon* (2014), and the implications of the *King Salmon* approach to “avoid” policies was only just starting to be understood. There was also, at that time, little understanding of the intense development pressures and need for urban intensification on the Ladies Mile.
38. *This* SPP Variation is requiring a fine grained assessment of what development, and where, is most appropriate to enable on the Ladies Mile. Its potential bounds have expanded and retracted over time. In that context, and in any event, whether any particular piece of land is an ONF is a matter

⁶ Refer Gilbert Rebuttal in the Landscape Priority Areas proceedings, at 6.14(a), and the relevant Schedule: “no landscape capacity”. Nothing that “no” has been proposed to be replaced by “Extremely limited or no landscape capacity”, meaning: “there are extremely limited or no opportunities for development of this type. Typically this corresponds to a situation where development of this type is likely to materially compromise the identified landscape values. However, there may be exceptions where occasional, unique or discrete development protects identified landscape values.”

⁷ Western Whakatipu JWS.

of fact, to be determined on the evidence.⁸ So too is whether any particular development proposed to be enabled through an extension to the Zone (and Precinct) is “appropriate” or “inappropriate” in s6(b) terms.

39. In terms of the evidence, putting it bluntly, four landscape architects and/ or urban designers support the type of development sought to be enabled by GDL on the toe of the slope, in what is currently ONF:
- (a) Tony Milne (landscape architect);
 - (b) Dave Compton-Moen (landscape architect and urban designer);
 - (c) Bruce Weir (urban designer); and
 - (d) Steve Skelton (landscape architect) [noting that his support was for a previous similar proposal – but also noting that his opinion on this should not diminished because the Council has chosen to limit the scope of his engagement to everything other than the ONF issues at Slope Hill, and instead call Ms Gilbert to give evidence on that matter because Mr Skelton’s opinion on those matters is inconvenient for it].
40. While it is not a numbers game, the only outlier is Ms Gilbert, who cannot contemplate development at the toe of the slope in the ONF because it is an ONF, and the lifting of the ONF is (in her view) outside the scope of this process (as well as the Landscape Priority Area process). In these circumstances, the overwhelming weight of evidence is that the zoning extension that GDL seeks (with a corresponding shift in the ONF line) is the most appropriate outcome under this SPP Variation.
41. It is also noted that you have evidence before you of what the New Zealand Geopreservation Inventory considers to be the extent of the geological feature (the roche moutonnée) on Slope Hill. It is not all the hill, from the head to the toe. In the absence of direct evidence from a geologist, the New Zealand Geopreservation Inventory mapping of the feature should be given significant weight, as an independent, scientific, indication of what is, as a matter of fact, a “feature” to be protected from inappropriate development under the RMA.

⁸ *Man O’War Station Ltd v Auckland Council* [2017] NZRMA 121, at [61].

42. Finally, GDL notes that it is supportive of enabling parks, pedestrian and bike trails, along the toe of Slope Hill, if not up it, but it sees that as a necessary part of, or corollary to, the enabling of development along the toe. That would allow development to interface and interact with that sort of public realm, rather than turn its back to it. That would be the reality otherwise, with buildings put hard up against the ONF boundary, and having their backs to the ONF, with service and other low amenity activities to the rear.

Historic Glenpanel precinct/ East-West collector road

43. The heritage experts have conferenced, and agree that a balance needs to be struck to give the historic Glenpanel homestead room to breathe, but to allow greater density of development around it.
44. From a more commercial, or real-world perspective, it is essential, if the Glenpanel homestead is going to become a self-sustaining operation that will be able to support the preservation and appreciation of its historic heritage into the long term, for a “critical mass” of activity to be achieved around it. The proposed intensification of residential activity (through increased heights), together with some commercial and visitor accommodation in that area is critical to achieving this in the future.
45. So too is having the East-West collector road running close to the frontage of the Glenpanel homestead. It will both contribute to the visibility, appreciation, and expressiveness of the historic homestead, but will give it more room to breathe, rather than having additional development in front of it, which would be the case if the collector road were more to the South, as the Council currently proposes. GDL also notes that its preferred location for the collector road also aligns with the current location of the paper road, and would avoid the Council having to go through road stopping procedures and seeking significant additional vesting through subdivisions (or a new designation and taking process) in order to secure a new corridor for the majority of the East-West collector road.
46. GDL is also concerned that the SPP Variation imposes undue protection on the existing trees around the Homestead. Many are in poor condition, and there needs to be sufficient flexibility to manage removal, as well as additional planting in accordance with an appropriately adopted landscape and planting plan.

Density on the “Flat”/ overall

47. Overall, GDL supports achieving an average density of 40 dwellings per Ha (gross). As noted above, its current FTCA application achieves 45 dwellings per Ha (gross). This is largely due to the increased density around the Glenpanel homestead, illustrating the importance of allowing height where appropriate.
48. From a development or practical perspective (something that does appear to have been taxing the Panel), the likely sequence of development for GDL would be to first develop on the “flat”, outwards from its approved SH entrance to the site. The East-West collector road is likely to be constructed relatively early on, although perhaps not in its full final form, but to facilitate circulation around the Flint’s Park site (ie, whether or not it connects for the time being to the properties to the east and west). The key point, in terms of densities, however, is that the denser development around the Glenpanel homestead is unlikely to occur until much later in the future, when there is greater local population mass to support more of the ground-level commercial and mixed use anticipated there, with residential on the upper levels. By then, it is anticipated that the market will be much more supportive of that sort of proposition. Five story apartment-buildings, achievable within the 17m height sought to the west of the homestead, for example, would simply not be commercial viable today (or tomorrow). They are some considerable way away. That said, developers like GDL are planning for that future, as illustrated by its FTCA consent application(s).

The State Highway interface

49. The 60 km/hour operating environment and reduced setbacks to the State Highway (whatever they finally are) is something of a game changer for development fronting the State Highway.
50. GDL’s FTCA consent application(s) did not anticipate this, but, because of the depth of the previously understood setback requirements, it would be a relatively straightforward matter to re-design how to “fill-in” that space as part of any future development. In other words, there was some in-built future-proofing (perhaps more by accident rather than design) in the current development proposal. While a variation or additional consents would be required, that is something that GDL considers entirely feasible. From a

commercial perspective it would be very attractive to have additional development opportunities closer to the State Highway. More broadly, in terms of achieving “numbers” to support public transport initiatives, the release of additional development land would also assist considerably in that regard, without having to push for densities that would not realistically be achieved in smaller land areas.

GDL has always questioned the labelling of the Ladies Mile as being the “gateway” to Queenstown, such that it required significant setbacks and restrictions on development (including on the ONF, wherever it is ultimately identified as including). To the extent that Ladies Mile is a gateway, the SPP Variation presents an opportunity to provide a positive gateway experience into the future – even if that is a different to the one currently experienced.

Stormwater

51. GDL sees this as very much a design issue, that can be resolved at the consent stage, with appropriate direction and outcomes specified in the Plan.
52. As GDL has done in the context of its FTCA application, each developer needs to show what it proposes is workable, and is capable of integrating with (and not transferring issues to) whatever might be proposed by its neighbours. There may need to be some collaboration with immediate neighbours, but there is nothing unusual about that. In that regard, GDL notes that neither of its neighbours “objected” to the proposed stormwater solutions it put forward under its 2022 FTCA application.

Triggers

53. If there are triggers, there has to be a viable consent pathway for development to proceed in advance, where the effects can be assessed and confirmed as acceptable.
54. For example, GDL’s evidence in support of its FTCA application, accepted by NZTA, is that 180 dwellings can be developed immediately, with no more than minor effects. If that were to be accepted, as a matter of fact, by a consent authority, then why should development have to wait until a busway or other intervention as been completed?

55. The same approach should also be available in the future. Despite the best modelling now, it is impossible to conclusively determine now how people, and traffic, will behave into the future. If, or when, a school (or schools), a supermarket, or other traffic “diverting” activities develop on the Ladies Mile, that may open up capacity in the network, before planned traffic infrastructure upgrades have been completed. If a development in the future can demonstrate that its effects on traffic are acceptable, then it should be able to proceed.
56. With this in mind, GDL is concerned if triggers are set and consent is sought in advance of those triggers being met, that non-complying status (with “avoid”-type policies) will prevent consents from being granted when their effects can be demonstrated to be minor, or otherwise acceptable. There is no reason that restricted discretionary status, with appropriate matters identified for consideration, cannot provide the safety sought to avoid adverse traffic effects on the wider public and environment.

CONCLUSION

57. For all these reasons GDL urges the Panel to recommend:
- (a) adoption of the Variation;
 - (b) amendment of the Variation to :
 - (i) extend the UGB and Zone Boundary and Precinct as sought by GDL, together with the consequential minor realignment of the ONF Boundary; and
 - (ii) further address the issues raised by GDL in its submission and evidence, eg as to treatment around the Glenpanel homestead, the location of the collector road, density, stormwater, interface with the State Highway, and triggers.

8 December 2023
James Gardner-Hopkins
Project Manager