

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

UNDER the Resource Management Act 1991 (RMA)

**IN THE MATTER Variation to Queenstown Lakes Proposed District Plan - Urban
Intensification under Schedule 1 of the Resource Management Act
1991.**

STATEMENT OF LAY EVIDENCE OF VICKI JONES

**IN RELATION TO SUBMISSIONS LODGED BY ALISTAIR HEY (281), CARL SMILEY
(581), BARBARA JARRY (655) AND A FURTHER SUBMISSION LODGED BY DUNCAN
& TEIJA BOSCOE (1386)**

Introduction

1. My name is Victoria (Vicki) Jones
2. I helped to prepare the submissions lodged by submitters 281 Alistair Hey, 581 Carl Smiley, and 651 Barbara Jarry and further submitter 1386¹ (in support of 281) Duncan & Teija Boscoe (the submitters/ submissions). This evidence is being presented on behalf of these submitters.
3. I am a Planner with over 30 years' experience in policy and consent planning; 26 years of that being predominantly in the Queenstown Lakes District. I have lived at 86 Hensman Road, Queenstown, with my partner, Alistair Hey since 2009 and, prior to that, I lived at Sunset Lane for 2 years. I am therefore very familiar with the block of land that is the subject of these submissions (**subject land**). As I have a personal interest in the Council's decision on the zoning of the subject land shown in the submissions I am therefore providing this evidence as a lay witness.
4. As my evidence contains some technical/ detailed information, I have prepared this in advance and am circulating it in accordance with the timeframes outlined in the panel's 3rd Minute dated 5 June 2025.

Scope of Evidence

5. Myself and the other submitters giving lay evidence in respect of the subject land have allocated the various matters we wish to raise with the panel between us so as not to duplicate and to be as efficient as possible. On this basis, my evidence addresses the following matters:
 - a) Submissions lodged in relation to the subject land.
 - b) Appropriateness of the MDRZ boundary through the subject land.
 - c) Alternative height provisions for the sites on the northern side of Star Lane.
 - d) Appropriateness of Medium Density Residential (MDRZ) zoning given the width of the lanes within the subject land.
 - e) Consideration of the proposed MDRZ zoning of the subject land in light of the PDP objectives.
6. Parts of my evidence below relies on, and refers to the urban design evidence prepared by Mr Harland on behalf of the submitters.

Submissions lodged in relation to the subject land

7. In addition to the submissions shown in Figure 1 of Mr Harland's evidence, there is also a submission in opposition to the MDRZ zoning lodged by Mr Grant and Lyndel Hardy (submitter 286) who reside at 90 Hensman Rd. I have shown their property in blue in figure 1 below:

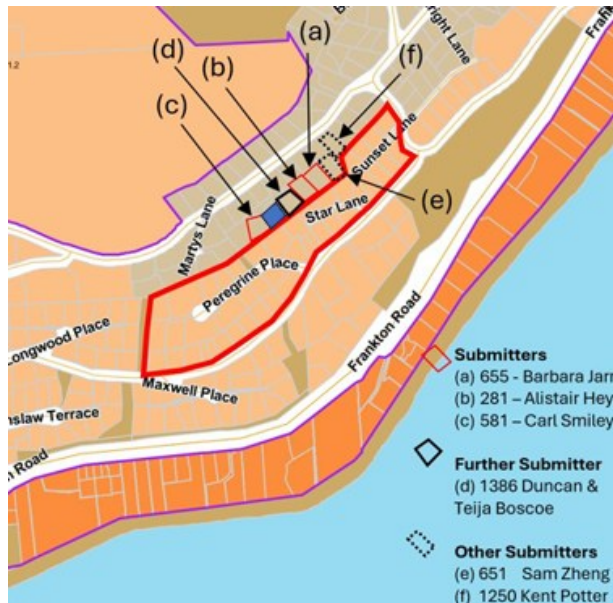


Figure 1: Mr Harland's Figure 1 with the addition of the submission from G and L Hardy (in blue)

8. In addition, Judith Middendorf lodged a further submission in support of submissions OS281.2, OS281.3, OS581.1, OS581.4, OS651.1, OS651.4, OS655.1, and OS655.4; all of which seek LDSR zoning of the subject land.
9. From my research, with the inclusion of the additional submission from the Hardys, I believe that Figure 1 above identifies all the submissions from owners within the subject land. Bringing this to the attention of the panel is relevant as it reinforces that there is a high degree of opposition from the owners of land that adjoins the MDRZ and no submissions in support of rezoning any of the subject land as MDRZ.

Appropriateness of the notified MDRZ boundary through the subject land

¹ Late submission accepted 4 June 2025 (Minute 2 'Hearing Panel Direction: Late original submissions and late further submissions')

10. Mr Harland provides detailed evidence as to why the boundary is inappropriate from an accessibility and demand perspective and I agree with, and adopt, that evidence. Further to that, as referenced in Mr Harland's evidence², both Mr Wallace and Ms Morgan consider that it is preferable to utilise natural boundaries such as roads, parks, streams or steep topography as opposed to utilising property boundaries. Mr Harland confirms that he agrees with that approach. Given the level of agreement between the experts in this regard, I struggle to reconcile the evidence of Mr Wallace and Ms Morgan with their support for the boundary proposed through the subject land, which is determined by the property boundaries.
11. To help the panel understand the topography at the interface of the proposed LDSR and MDRZ boundary below the submitters' properties (and the building height implications of that), we had cross sections prepared through the submitters' land to the northern boundary of Star Lane by draughtsman, Mr Jason Rhind. These have been circulated separately as expert evidence. To understand the topography of the subject land in a broader sense, a topo plan and two cross sections have also been prepared and these are attached to this evidence as **Appendix 2**. From my reading of these plans/ sections, while the rear of the Star Lane sites adjoining the submitters' land is relatively steep, it is not unique and while the gradients below the submitters' land varies, the gradients are generally consistent with those that exist below Star Lane (and, in fact, in relation to 90 and 92 Hensman Road, for example, is less steep) and, indeed above the submitters' land, where that land is vacant (see Section A) . This suggests to me that the contours shown beneath built development is not reflective of the natural topography pre development and that, in fact, the natural slope of the land between Panorama Terrace and Hensman Road is likely to be relatively consistent with very localised variations as is typical of Queenstown Hill. Having considered this material, the proposed zone boundary does not appear to follow a clear natural boundary that provides a clear demarcation of the LDRZ and MDRZ zones and would effectively internalise the effects of medium density development in the way that a distinct topographical feature, road, lane, or other public space would.
12. By comparison, using Panorama Terrace as the boundary (as sought in the primary relief of the submissions and supported by Mr Harland) or the alternative of using the lanes and Peregrine Place as the boundary³ potentially in combination with the distinct topographical feature shown in the below figure that exists at the far south-western corner of the subject land, would be considerably better aligned with the expert evidence.



Figure 2: An example of a distinct topographical feature which could provide an appropriate zone boundary and sensitive interface between zones (source: QLDC's snowfall elevation map).

Alternative height provisions for the sites on the northern side of Star Lane

13. Related to the above discussion on the appropriateness of the boundary is the effect that the proposed MDRZ height provisions would have on the amenity of the submitters' land. The submitters will outline how they use their properties and how the proposed MDRZ will affect their amenity in their evidence whereas I will focus on briefly considering the possible potential alternative height provisions that may go some way to addressing their concerns.
14. For context, without derogating from the primary relief sought by the submitters (that the subject land all remain LDRZ), the submissions alternatively seek that:

In the event that the properties on Star Lane remain zoned MDR, that a bespoke non complying building height standard be introduced for the MDR properties on the northern side of those lanes, that no building shall breach a specified RL, which is set at the RL of the finished floor levels or existing ground levels of the adjoining LDSR zoned properties to the north. This would be in addition to the proposed 11(+1) metre rolling height rule.

15. Further to this, Mr Harland discusses, at paragraphs 53 and 54 of his evidence, that should the LDRZ not be retained, he would support a more nuanced approach is taken to how the bulk and location standards apply at the interface along the LDSR and MDRZ boundary.
16. The cross sections prepared by Mr Rhind show the heights that would be enabled under the UIV LDRZ and the UIV MDRZ provisions as currently recommended in the Council's

² Evidence of Mr Harland, Paragraph 51

³ Ibid

s 42A report and provide a useful tool for considering the effect that these, and other alternative, height provisions could have on the submitters' amenity.

17. In comparing the heights enabled by the two scenarios shown in these cross sections, I am conscious that while much lower than under the proposed MDRZ, a reasonably high building form is still permissible at the interface under the UIV LDRZ4. However, it is relevant to consider whether this is actually a realistic proposition given that no additional units are permitted on these sites under the LDRZ zoning (and just 2 units are potentially enabled as a restricted discretionary activity, with density greater than that being non complying) and that building at the rear, rather than the front of the site. would be considerably more complex and costly. Mr Hey, an experienced developer, will discuss this briefly in his lay evidence.
18. Based on the evidence of Mr Hey, I do not consider the height shown as '8m height plan .. (as per the UIV)' on the cross sections would realistically ever eventuate under the LDRZ zoning and that it is the combination of the lack of any maximum density provision and the more permissive height allowance in the MDRZ that, together, make building to the rear of these sites under MDRZ a very real and non-fanciful proposition.
19. While not exhaustive, it appears to me that the following alternative height provisions could be applied at the interface and that these would mitigate the effects on amenity of the MDRZ zoning to varying degrees:
 - a) Apply the PDP LDRZ height provisions
 - b) Apply the UIV LDRZ height provisions
 - c) Apply a bespoke horizontal height rule that enables the MDRZ height at the Star Lane boundary of the site.
20. Given that the MDRZ allows unlimited density as a non notified restricted discretionary activity, it is realistic that even under the LDRZ height provisions, buildings would extend to the rear of the site and affect amenity significantly and in a manner that would not occur if only 1 – 2 units was able to be developed.
21. Therefore, if the panel is of a mind to approve the notified MDRZ zoning despite the accessibility and relative demand analysis undertaken by the Council and further considered in Mr Harland's evidence, then I consider that the application of a horizontal

⁴ I.e. 1 m higher than under the (deemed operative rules) and is not opposed by the submitters

plane height rule in addition to the MDRZ height rules would achieve the best outcome in that it would consolidate development in the lower part of these sites, which would minimise the effects on the submitters' amenity and encourage more affordable development of the sites. Also relevant is that the application of specific height rules and, in particular, rules that are based on a particular masl/ horizontal plane, is a well-established method used in the PDP⁵ to address site specific issues, including the protection of public and private views.

22. Possible wording of the rule could be something like:

8.5.1...

8.5.1.3 Star Lane: Within the area specified on the District Plan web mapping application a maximum of 11 metres plus an additional 1m for pitched roof forms only and a maximum of 424 masl⁶.

Appropriateness of Medium Density Residential (MDRZ) zoning given the width of the lanes within the subject land

23. Mr Harland describes the physical nature of Star Lane and Sunset Lane at Paragraph 18 of his evidence. Of note, the formed carriageway width of each is just 4.4m and 4.9m respectively, the legal widths are just 6m, they have no footpaths, and no passing bays.

24. Given the existing access design and the fact there is no ability to widen either lane, it is relevant to consider whether these lanes are, indeed, capable of providing safe and efficient access and a well-functioning urban environment for its residents under the MDRZ zoning scenario. To do this, I have considered how much intensification could reasonably occur on those lanes as a permitted activity (i.e. thereby providing Council with no ability to assess traffic effects) under the notified UIV and compared the existing geometry/ design of those lanes with what Council's own design standards⁷ consider is generally acceptable for that number of units.

25. Currently, Star Lane serves 6 units. Furthermore, under either the LDSR (PDP) or the LDSR (UIV), two additional units could be constructed on those sites accessed off Star

⁵ For example, Rule 8.5.1.2 (8.5.1.2 in the UIV), (new) UIV Rule 8.5.1.2, Rule 9.5.1.3, and Rule 11.5.1.4.

⁶ The RLs are shown on Mr Rhind's cross sections, meaning the effect of such a rule can be easily ascertained.

⁷ PDP, Rule 29.5.13 and QLDC Subdivision and Land Development Code of Practice 2025, Section 3 and Appendices E and F.

Lane as a permitted activity. Sunset Lane currently serves 9 units and there are no vacant sites or sites over 900 m². As such, under either the LDSR (PDP) or the LDSR (UIV) two additional units can be developed on, and be accessed from, Star Lane as a permitted activity and no additional units can be developed on Sunset Lane as a permitted activity. By comparison, under the MDRZ (UIV), based on the lot sizes and the fact that up to three units per site are permitted in the MDRZ (UIV), the proposed MDRZ rezoning of the sites accessed off these lanes could see up to 20 units accessed off Star Lane and up to 21 units accessed off Sunset Lane. This is a conservative estimate noting that unlimited density is enabled as a non notified restricted discretionary activity under the proposed MDRZ. The calculations used to arrive at these figures are attached as Appendix 1 to this evidence.

26. In summary, based on the 'Access to houses/ townhouses' standards in the QLDC Subdivision and Land Development Code of Practice 2025 (**COP**) any access serving more than 12 units must have a movement lane of at least a 5.5 m and at least a 9 m road reserve and any access serving more than 20 units (e.g. Sunset Lane under the proposed MDRZ) must have a legal width of at least 15 m. Furthermore, the COP and PDP Rule 29.5.13(c) state that no private way shall serve more than 12 units/ any access serving more than 12 units must be vested in Council.

27. It is clear from the above that the formed and legal width of these lanes fall well short of Council's own design standards for a private lane serving up to 20 units under the PDP⁸ or the QLDC Subdivision and Land Development Code of Practice 2025 (**COP**)⁹ and would permit a level of intensification that is inconsistent with Council's own standards in relation to access and road design. There are also consequential effects on the functioning of the immediately surrounding urban environment that Council may not have considered, such as the reality of 42 wheelie bins lining the narrow (1.2 m) footpaths along Hensman Road and Panorama Terrace, making the footpaths very difficult to use (and unsubtle for those with strollers, luggage, etc) for a day/ night each week and adding further to the poor walkability of this area. It is noted that there are only footpaths on one side of Hensman Road and Panorama Terrace. By way of an example, the photo below shows the current situation on Sunset Lane (although it was taken after most of the refuse (red) bins has been taken in).

⁸ Rule 29.5.13, PDP

⁹ Section 3 and Appendices E and F



Figure 3: Current situation of bins from Sunset Lane

Consideration of the proposed MDRZ zoning in light of the PDP objectives

28. While providing for medium density development is an important component of achieving the PDP objectives, given its poor accessibility / connectivity and poor integration with the adjoining LDSR zone the proposed MDRZ zoning of the subject land will not contribute to achieving various strategic and urban development objectives of the PDP, which relevantly seek to achieve:

- a) A built environment that provides desirable, healthy and safe places to live, work and play (3.2.2);
- b) Built form that integrates well with its surrounding urban environment (3.2.3.2);
- c) Urban development within Urban Growth Boundaries that maintains and enhances the environment (4.2.2 B);
- d) The allocation of land within Urban Growth Boundaries into zones which are reflective of the appropriate land use having regard to various matters, including d) connectivity and integration with existing urban development e) convenient linkages with public transport; and f) the need to provide a mix of housing densities and forms within a compact and integrated urban environment; and g) the level of existing and future amenity that is sought (including consideration of any identified special character areas); and an increased density of well-designed residential development in close proximity to town centres, public transport routes, community and education facilities (4.2.2.3).

29. I also note that the Urban Development Purpose states that "...If not properly controlled, urban growth can result in adverse effects on the quality of the built environment, with flow on effects to the impression and enjoyment of the District by residents and visitors". The fact this zoning is contrary to that purpose is central to the concerns of the submitters.

APPENDIX 1 – CALCULATIONS OF EXISTING AND PERMITTED DENSITY ACCESSED OFF STAR AND SUNSET LANES UNDER VARIOUS SCENARIOS

Properties accessed off Star Lane	Net lot area	Existing residential units	Total capacity (units) permitted under the LDSR (PDP & UIV)	Total capacity under UIV restricted discretionary LDSR rule (300m2)	Total permitted capacity under MDRZ ¹⁰
1 Star Lane	638 m ²	0	1	2	3
3 Star Lane	753 m ²	1	1	2	3
5 Star Lane	686 m ²	1	1	2	3
7(A & B) Star Lane	681 m ²	2	2	2	3
9 Star Lane	787 m ²	1	1	2	3
11 Star Lane	1120 m ²	1	2	3	3 (while the lot size would enable greater density, Rule 8.4.8A would trigger RD status)
Total		6	8	13	20

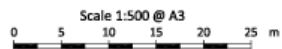
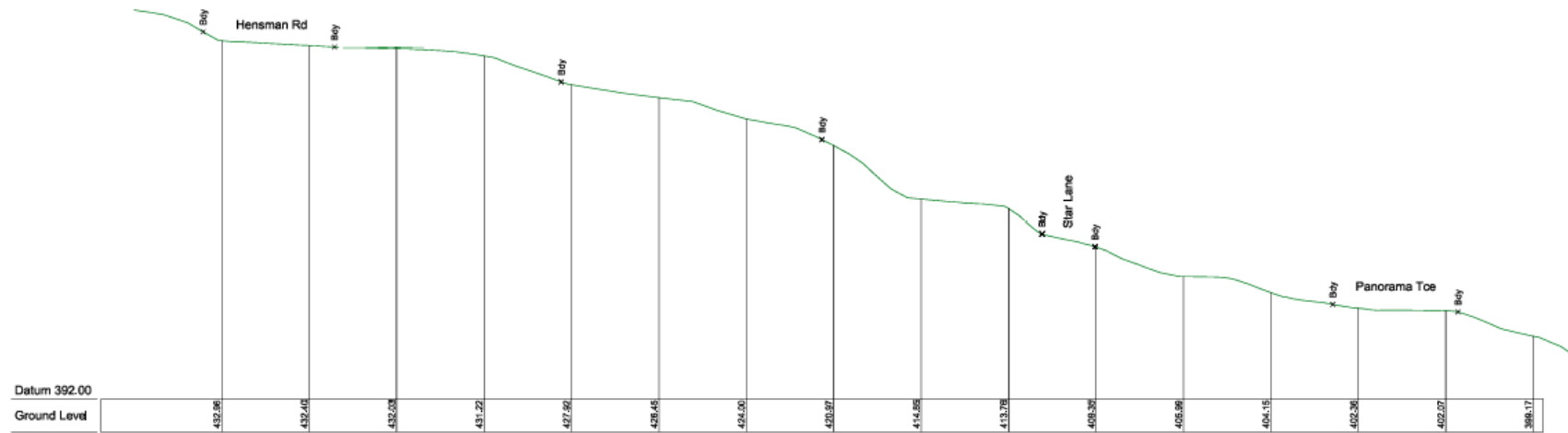
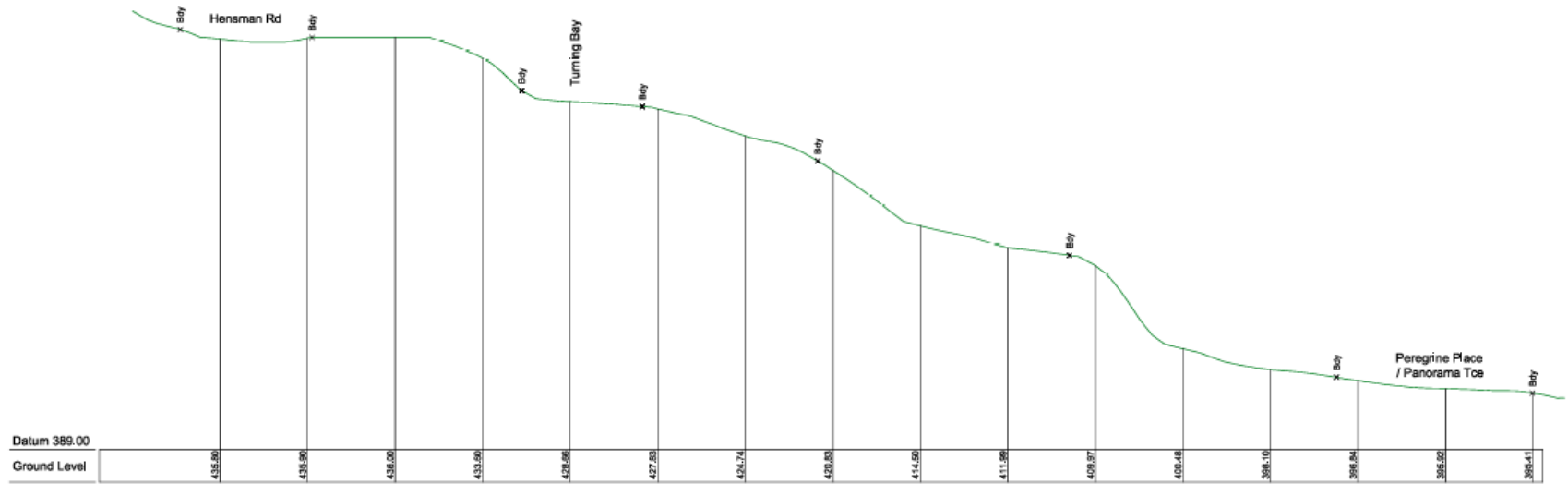
Properties accessed off Sunset Lane	Net lot area	Existing residential units	Total capacity (units) permitted under the LDSR (existing and UIV versions)	Total capacity under UIV restricted discretionary LDSR rule (300m2)	Total permitted capacity under MDRZ ¹¹
2 Sunset Lane	740 m ²	1	1	2	3
3 & 5 Sunset Lane	646 m ²	2	2 (existing use rights)	2	3
4 Sunset Lane	647 m ²	2	2 (existing use rights)	2	3
6 Sunset Lane	653 m ²	1	1	2	3
7 Sunset Lane	639 m ²	1	1	2	3
8 Sunset Lane	659 m ²	1	1	2	3
9 Sunset Lane	746 m ²	1	1	2	3
Total		9	9	14	21

¹⁰ Given the lot sizes, this also happens to align with Mr Harland's density assumption of 1 unit / 200m2

¹¹ Ibid

APPENDIX 2 – TOPO PLAN AND CROSS SECTIONS





NOTES:

- Ground profile has been interpolated from QUDC 1m contours derived from 2021 Lidar data