

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

Under of the Resource Management Act
1991

In the Matter of a request under clause 21 of the
First Schedule to the Act for a
Change to the Queenstown Lakes
Proposed District Plan

By **THE HILLS RESORT LIMITED**
Requestor

**Opening Legal Submissions for The Hills
Resort Limited on PC1**

Dated: 13 April 2026

MAY IT PLEASE THE PANEL

INTRODUCTION

1. These opening legal submissions are presented on behalf of The Hills Resort Limited (**THRL**), the requestor of Private Plan Change 1 (**PC1** or **Plan Change**) to the Queenstown Lakes Proposed District Plan (**PDP**).
2. THRL's request is made under clause 21 of Schedule 1 to the Resource Management Act 1991 (**RMA** or **Act**). The request is for changes to Chapter 47 – the Hills Resort Zone (**HRZ**) – of the PDP, and consequential changes to Chapters 25 (Earthworks) and 27 (Subdivision and Development).

BACKGROUND

3. The Hills golf course was progressively developed by the Hill family via resource consent between 2000 and 2007. The course is rated as a marquee course by NZ Golf Tourism and has hosted the New Zealand Open on multiple occasions
4. The HRZ was confirmed by the Environment Court via consent order in September 2021 and has been operative since that time. The zone provides a framework for the golf course and complementary resort facilities including visitor accommodation, staff accommodation, residential activities, and a public pedestrian/cycleway.
5. In 2023, the Hill family formed a partnership with Ric Kayne and Jim Rohrstaff, internationally respected golf developers responsible for Tara Iti (world's top 20) and Te Arai Links. Significant investment is now underway including a major course renovation, a clubhouse extension, a new golf training facility, and visitor accommodation.
6. The redesign of the championship course has necessitated the reconfiguration of development areas identified on the HRZ Structure Plan, which is the primary driver for PC1.

WHY THE PLAN CHANGE IS NEEDED

7. PCI is needed because the current routing of the golf course conflicts with some activity areas on the operative Structure Plan. The redesigned course requires

activity areas to be relocated or adjusted so that development sits safely outside golf corridors and ball dispersion areas.

8. Rerouting of the golf course is generally permitted under the current HRZ provisions, but it necessitates changes to the Structure Plan that are most efficiently achieved through a plan change.
9. In addition, THRL seeks to provide limited additional residential activity and additional recreational amenity for residents and guests of the resort.

SUMMARY OF CHANGES SOUGHT

10. PC1 proposes the following key changes:
 - (a) Revision of the size, extent and/or location of various Activity Areas (A1, A2, A4, A5, A6, A10, and A11);
 - (b) Addition of eleven new Home Sites (HS6–HS16) for residential accommodation. These can also be used for visitor accommodation (**VA**);
 - (c) Addition of two new Activity Areas: a Golf Training Facility (AA GTF) and Sports Courts and Gardens (**AA SG**). The GTF is already consented and construction is underway. The addition of a GTF Activity Area to the HRZ Structure Plan will reflect the consented activity.
 - (d) A new specified location for helicopter take-off and landings (**AA H**), close to the Clubhouse;
 - (e) Addition of Structural Planting Areas (**SPA**) and revisions to Landscape Amenity Management Areas (**LAMA**);
 - (f) Consequential amendments to Chapters 25, 27, and the zone provisions.
11. The maximum quantum of residential activity permitted in the HRZ (66 residential units) is not proposed to change.

WHAT THE PLAN CHANGE WILL ACHIEVE

12. PC1 will enable a planning framework that properly aligns with the improved golf course design and planned activities. It will facilitate substantial investment in

world-class golf and resort facilities, enhance the reputation of the Queenstown Lakes region as an international golf destination, and contribute to the local economy through high-value tourism.

13. The Plan Change will maintain the landscape character and visual amenity values of the zone and surrounding environment through the careful siting of the development areas and a comprehensive suite of controls including LAMAs, SPAs, building height controls, and matters of discretion.

EVIDENCE FILED FOR THRL

14. Evidence has been filed for THRL from the following witnesses:
 - (a) **Emma Hill** – Director of THRL.
 - (b) **Brett Thomson** – Masterplanning.
 - (c) **Yvonne Pflüger** – Landscape.
 - (d) **Andy Carr** – Traffic.
 - (e) **Christopher Day** – Noise from the proposed SG AA.
 - (f) **Jeffrey Andrew Brown** – Planning.

SUMMARY OF SUBMISSIONS

15. Twenty submissions were made on PC1, with one subsequently withdrawn (Draper #13), including 12 submissions in full support. Concerns raised in opposing submissions or those seeking amendment relate to:
 - (a) New homesites HS9-16 as viewed from Hogans Gully Road (Draper #13, Weber/Gibson (#20));
 - (b) Traffic/cyclist safety on Hogans Gully Road (Weber/Gibson (#20), Brinsley (#17));
 - (c) Privacy and amenity impacts from the rerouted cycle/pedestrian trail and HS5-8 access road (Dan #15);

- (d) Proximity of AA S2, helicopter noise from proposed AA H, and the extension of AA2 (Page (#18)):
- (e) Visibility and enlargement of AA4 from Advance Terrace and the effects of activities in the proposed AA SG (Todd (#2) and Brown (#4)):
- (f) Provision of additional trail connectivity though neighbouring land in Hogans Gully Road (Queenstown Trails Trust (#16)).

Withdrawal of the Draper submission

16. The Draper submission (#13) has since been withdrawn, following THRL's amendments to HS9-16. Weber/Gibson made a further submission on the Draper submission - the only further submission on PC1. With the Draper submission withdrawn, the Weber/Gibson further submission falls away.

SUMMARY OF QLDC'S EVIDENCE

17. QLDC has prepared a section 42A report and filed evidence addressing PC1 as notified, and matters raised in submissions.
18. **Craig Barr (Planning)** – Mr Barr prepared the s42A Report¹. He recommends that PC1 is confirmed subject to amendments, including reducing landscape effects of HS9–16; relocating the Hogans Gully Road access eastward; introducing a staging rule requiring 14 VA units before HS6–16 can be developed; and extending the walking/cycling trail over neighbouring land in Hogans Gully.
19. **Bridget Gilbert (Landscape)** – Ms Gilbert considers that the landscape effects of the plan change will be minor and that development will maintain landscape character and amenity values, making it appropriate from a landscape perspective, although she raised concern about the collective landscape effects of HS9–16, and recommended a number of changes to these HSs and to the SPA.
20. **Antoni Facey (Transport)** – Mr Facey recommends relocation of the Hogans Gully Road access eastward but otherwise concludes that PC1 is appropriate from a transportation perspective.

¹ 13 February 2026, plus and an addendum dated 18 March 2026

CHANGES MADE BY THRL SINCE NOTIFICATION

21. Since notification of PC1, THRL has made a number of revisions to the proposal in response to concerns raised in submissions and by the Council's experts. These revisions are set out in Mr Thomson's and Mr Brown's evidence and are reflected in the revised Structure Plan and provisions at Attachment B to Mr Brown's evidence. The key revisions are now summarised.

Hogans Gully House Sites

22. In response to the Draper (#13) and Weber/Gibson (#20) submissions, and Ms Gilbert's landscape assessment, THRL has made the following changes to the proposed Hogans Gully house sites (HS9-16):
- (a) The RL levels and maximum building heights for HS9, HS10, HS11, HS12, HS15 and HS16 have been reduced by 1-2 metres.
 - (b) HS15 has been repositioned to the north as recommended in Ms Gilbert's evidence, and the height also reduced, as above.
 - (c) The SPAs have been expanded in three areas to infill open, elevated, flatter areas with planting.
 - (d) SPA 9–12 has been extended to the west to integrate development with future possible development on the adjacent BHT land.
 - (e) The HS16 LAMA has been extended to join with existing landform to the east, with the addition of specimen trees.

Vehicle access

23. The proposed vehicle access from Hogans Gully Road has been relocated 35m to the east, as recommended by Mr Facey. A new rule (Rule 47.5.23) limits use of this access to HS9–16 only, preventing it from being used as a through-road for vehicles from other parts of the zone.

Cycle/pedestrian trail

24. The cycle/pedestrian trail has been extended along the Hogans Gully Road frontage within the plan change area, in response to QTT's submission. The trail endpoint

has been positioned at the HS9–16 vehicle access location, east of the 64 Hogans Gully Road vehicle access, in response to concerns conveyed directly to THRL by Submitter #20 (Weber/Gibson).

Planting around the Dan property

25. In response to Mr Dan’s submission (#15) and Mr Barr’s recommendation, a new matter of control has been added to Rule 47.4.1(f) requiring planting to ensure maintenance of privacy to the Dan property (Lot 2 DP 518669), with a corresponding addition to Policy 47.2.1.4. In addition, the existing hedge along the boundary at the northwestern corner of the Dan property is to be protected in perpetuity, with its retention shown on the Structure Plan.

Activities within AA SG

26. In response to the Todd (#2) and Brown (#4) submissions, THRL has significantly reduced the scope of activities and built form provided for in AA SG:
- (a) Restaurants have been removed as a permitted activity in AA SG (deleted from Rule 47.4.18);
 - (b) The maximum gross floor area for any building has been reduced from 200m² to 60m²;
 - (c) The maximum number of buildings has been limited to three;
 - (d) Retail activity within AA SG has been limited to one non-permanent food truck;
 - (e) A new standard (Rule 47.5.20A) limits the hours of any retail activity, including any licensed premise, within AA SG to 0800–2000 (i.e., daytime hours).

Main resort entry

27. THRL is no longer proposing to relocate the main entry to the Resort on McDonnell Road. The notified Plan Change had shown the main entry repositioned approximately 50m to the south, to accommodate a planned water storage

reservoir. That reservoir is no longer required, and accordingly the main entry will remain in its current location.

SUBMITTER EVIDENCE

28. Submitter evidence has been filed for two submitters, Todd (#2) and Dan (#13).
29. **Graeme Todd's** evidence expresses concern about the visual impacts of the extension of AA4, and the siting of AA SG, particularly potential noise effects from activities in AA SG, including from temporary events permitted under PDP Chapter 35, on Advance Terrace residents.
30. **Dr Shayne Galloway's** evidence on behalf of the Todd submitters opines that AA SG is not appropriately sited from a recreation planning perspective because it transfers adverse amenity effects from the private to the public domain, and that the AA should be relocated centrally within the resort.
31. **Simon Dan's** evidence confirms he is comfortable with the revisions to address his concerns, including planting proposed for his western boundary, and requests similar provisions for his northern boundary. He also requests that the hedge is kept to a height that maintains his mountain views.

SUMMARY OF JOINT WITNESS STATEMENTS

32. Expert witness transport, landscape and planning conferencing has been undertaken since the evidence was filed.

Transport JWS (25 March 2026)

33. With the Hogans Gully access road relocated, Mr Carr and Mr Facey record complete agreement on all transport matters. Both experts conclude that from a transportation perspective, PC1 can be recommended for approval.

Landscape JWS (27 March 2026)

34. Ms Pflüger and Ms Gilbert are in general agreement that with the Homesite amendments, the landscape effects of the development enabled by PC1 will be minor and that the development outcome will maintain landscape character and amenity values.

Planning JWS (7 April 2026)

35. Mr Brown and Mr Barr are in agreement on almost all matters, including the provisions for the Hogans Gully Road access, the new Homesites (including with regards to height), the SPA and LAMA areas, the SG AA, the AAH (including its location), AAS1 and S2 (including regrading ownership requirements for any worker accommodation), planting requirements for the Dan property, and the 6-month timing reference in Rule 27.7.22. Only two matters remain unresolved:
- (a) The trail along Hogans Gully Road through the BHT land; and
 - (b) The staging rule proposed by Mr Barr.

STATUTORY AND LEGAL FRAMEWORK

Private Plan Change

36. As stated earlier, this hearing concerns a private plan change request under clause 21 of Part 2 of the First Schedule to the Act.
37. The request has been accepted by the council under Clause 25(2)(b). The request has been notified under clause 26 and submissions have been made.
38. Under clause 29(1) of the First Schedule, the same public notification, submission and hearing processes apply to the private plan change request as for any council led plan change.
39. Under clause 29(4), after considering the proposed change and any submissions made, and undertaking a further evaluation of the change in accordance with section 32AA as necessary (noting a section 32 evaluation was provided by THRL along with the plan change request), your task is to make a decision (or recommend a decision) to approve, approve with modifications or decline the request, giving reasons.

Assessment Framework

40. The statutory framework for plan changes is well established and is addressed in Mr Brown's evidence and Mr Barr's s42A Report. Your task is to determine what

41. provisions are most appropriate for the PDP. The key statutory tests, working from the top down, are:
- (a) Section 74(1)(b): The plan must accord with Part 2 of the Act — particularly the purpose in section 5 (sustainable management) and the matters of national importance in section 6.
 - (b) Section 74(1)(a): The provisions must accord with and assist the Council in carrying out its functions under section 31.
 - (c) Section 75(3)(a) and (c): The provisions must give effect to any national policy statement and regional policy statement.
 - (d) Section 76(3): Rules must have regard to actual and potential effects on the environment, including adverse effects.
 - (e) Section 32: The proposal must be evaluated as to whether the objectives are the most appropriate way to achieve the purpose of the Act², and whether the policies, rules and methods are the most appropriate means of achieving those objectives³, by identifying other reasonably practicable options⁴ for achieving the objectives taking account of efficiency and effectiveness⁵, costs and benefits⁶, and the risks of acting or not acting in conditions of uncertainty⁷.
 - (f) Section 32AA: Where an already-proposed provision is sought to be amended, the examination focuses on the amended parts and whether they represent improvement.
42. The framework has been traversed by the Environment Court in various decisions, including leading cases *Long Bay-Okura Great Park Society Incorporated & Ors v North Shore City Council*⁸ and *Colonial Vineyard Limited v Marlborough District Council*⁹.

² Section 31(1)(a),

³ Section 32(1)(b)

⁴ Section (b)(i)

⁵ Section 32(1)(b)(ii)

⁶ Section 32(2)(a)

⁷ Section 32(2)(c)

⁸ *Long Bay-Okura Great Park Society Inc & Ors v North Shore City Council* NZEnvC A078/08 at [34]

⁹ *Colonial Vineyard Limited v Marlborough District Council* [2014] NZEnvC 55

Established Legal Principles

43. The Courts have established a number of principles of general application to plan changes which provide further guidance for your decision-making task.

Recourse to Part 2

44. Because the PDP has been recently reviewed, it can be assumed to have been prepared in accordance with, and its objectives embody, Part 2 of the Act¹⁰. As PC1 does not propose any new or amendment to any existing PDP objectives, recourse to Part 2 is not required.

Optimum Planning Solution

45. There is no presumption that the terms of the Plan Change are appropriate or inappropriate. You are required simply to seek an optimum planning solution based on the information and options put before it¹¹.

“Most Appropriate”

46. The words ‘most appropriate’ in section 32 do not require the ‘superior’ method to be chosen. Under section 32, appropriate means ‘suitable’¹²,

Alternatives

47. The RMA does not require a site-specific plan change to include an assessment of alternatives,¹³ although, the phrase "most appropriate" in section 32 implies a comparison between alternative options, generally including the status quo¹⁴ and possibly other reasonably practicable options raised by cogent evidence.¹⁵ The level of detail should correspond to the significance of the anticipated effects. That is, it must be proportionate to the effects of the proposal.

¹⁰ *King Salmon*

¹¹ *Fairley v North Shore City Council* [2010] NZEnvC 208

¹² *Rationale Transport Society Inc v NZTA* [2012] NZRMA 298

¹³ *Brown v Dunedin City Council* [2003] NZRMA 420 (HC)

¹⁴ *King Salmon*

¹⁵ *Colonial Vineyards*

Jurisdictional scope: submissions

48. The jurisdictional scope for submissions on a plan change is constrained by whether the submission is "on" the plan change—that is, whether it addresses matters covered by the notified plan change or variation. This inquiry is typically guided by a two-limb test.
49. The first limb focuses on whether the submission addresses the degree of alteration to the status quo proposed by the plan change. Specifically, a submission must raise a relevant resource management issue and is "on" a plan change if it directly relates to the alteration proposed, or put another way, addresses the change to the status quo advanced by the proposed plan change. There must be a direct connection between the submission made and the degree alteration proposed by the plan change request. A helpful question for you to ask is whether the particular management regime in the district plan for a particular resource is altered by the plan change. Submissions must be on the proposed plan change and cannot raise matters unrelated to what is proposed. Incidental or consequential changes are permissible, provided they do not require substantial new analysis and would not take interested persons by surprise¹⁶.
50. Once the first limb is satisfied, the second limb considers fairness and natural justice, assessing whether the planning instrument might be appreciably amended without participation by those potentially affected.¹⁷
51. You must apply the scope test in a realistic, workable fashion, not from a perspective of legal technicality. The breadth of the jurisdictional scope for submissions will depend on the terms of the proposed change.¹⁸

¹⁶ *Clearwater Resort Limited v Christchurch CC*, HC Christchurch AP34/02, 14 March 2003; *Burdon v QLDC* [2025] NZEnvC 122; *Federated Farmers v Mackenzie District Council* [2013] NZEnvC257; *Patterson Pitts Limited Partnership v Dunedin City Council* [2022] NZEnvC234; *Halswater Holdings Ltd v Selwyn District Council* C036/99; *Palmerston North City Council v Motor Machinists Ltd* [2013] NZHC 1290

¹⁷ *Calcutta Farms Limited v Mata Mata Piako District Council* 2018 NZEnvC 187; *Environmental Defence Society Inc v Otorohanga District Council* [2014] NZEnvC 70; *Brown v Rodney District Council* A180/2002; *Albany Land owners v Auckland City Council* [2017] NZHC 138

¹⁸ *Clova Bay Residents Association Inc v Marlborough District Council* [2026] NZEnvC 20; *Re Otago Regional Council* [2022] NZEnvC69; *Upper Clutha Environmental Society Inc v QLDC* [2022] NZEnvC 84

Jurisdictional Scope: decision

52. For the scope of decisions that you can make on the Plan Change request, the leading case is *Countdown Properties Northlands Limited v Dunedin City Council*¹⁹. There the High Court considered a number of issues arising out of the plan change process including the decision-making process in relation to submissions. The Court confirmed that the paramount test is whether or not the amendments are ones which are fairly raised by the notified plan change itself and in submissions on the plan change²⁰. This involves a question of degree to be judged by the terms of the proposed change and the content of submissions. Any decision, including any amendments, must be “on” the plan change itself, not just the submissions. Defining the scope of the plan change its objectives and its context helps determine the limits of the decision that you can make. Settled matters not put in question by the plan change cannot be opened through the decision.²¹

KEY ISSUES FOR DETERMINATION

53. The issues arising from the evidence, submissions, and JWS for your determination are now addressed, with reference to the legal tests.

Issue 1: Cycle/pedestrian trail through the BHT land

54. QTT has sought the extension of cycle/pedestrian trail over Lot 6 DP 392663 - land adjoining the south-east corner of the HRZ. Mr Barr recommends the same.
55. THRL submits that this aspect of the QTT submission and Mr Barr’s related recommendation is not “on” PC1 and fails for jurisdictional scope.
56. As just explained, to be legally valid, a submission must be “on” the plan change. It must directly relate to the alteration proposed, or put another way, it must address the change to the status quo advanced by the plan change request. A helpful framing of the test is to ask whether the particular management regime in the district plan for a particular resource is altered by the plan change. Submissions that raise matters unrelated to what is proposed do not meet this threshold.

¹⁹ [1994] NZRMA 145

²⁰ Also see network *Tasman Ltd v Tasman District Council* C05708, where the Environment Court referred to the *Countdown Properties* test

²¹ *Federated Farmers of New Zealand Inc v Mackenzie District Council*

57. PC1 does not alter the management regime for the Lot 6 land. Lot 6 DP 392663 is not within the bounds of HRZ. It is not the subject of any provision that PC1 proposes to change. The zoning and rules that apply to the Lot 6 land under the PDP are wholly unaffected by PC1. There is accordingly no alteration to the status quo for that land to which the QTT submission could relate.
58. There is no direct connection between the QTT submission and the degree of alteration proposed by PC1. PC1 proposes changes to Activity Areas, Home Sites, and associated provisions within the HRZ. The trail is rerouted in some places to account for the homesites. However, the extension of the trail over land outside the HRZ zone boundary is not a matter that arises from or is consequential upon those changes.
59. THRL does not own the Lot 6 land. Requiring the identification of a trail on land outside the plan change area, and not in the Requestor's ownership, goes beyond what can properly be imposed as part of a private plan change request. The Panel has no ability to compel the creation of a trail easement over third-party land.
60. The trail extension is not necessary to address an environmental effect of PC1. The QTT submission seeks an improved public trail connection, which, while a desirable outcome, is one that is not caused by or responsive to any alteration proposed by the Plan Change. It is a freestanding proposal to improve the wider trail network.
61. The Lot 6 land is zoned WBRAZ under the PDP. That zoning is subject to an Environment Court appeal and is not yet operative. Because it is not operative, the WBRAZ zoning cannot be amended - for example, to show the trail over the land - by this plan change (plan changes can only be pursued for operative zones – s43AA RMA). Any change to the WBRAZ provisions to show the trail would require a variation under clause 16A of the First Schedule to the RMA, which is a different, council-initiated process. PC1 is a private plan change to the HRZ under clause 21 of Schedule 1; it cannot effect changes to a different zone that is itself under appeal. This further illustrates that the QTT submission is seeking relief that is beyond the jurisdictional reach of PC1.
62. As with any submission, your decision, including any amendments, must be “on” the plan change itself, not just the submissions. Given there is no jurisdictional

scope for QTT's submission, nor is there jurisdictional scope for a decision that extends the trail over Lot 6.

63. Notwithstanding the jurisdictional scope problem, THRL proposes to extend the cycle/pedestrian trail along the Hogans Gully Road frontage within the plan change area, as detailed in Mr Thomson's and Mr Brown's evidence. THRL has consulted with QTT on this trail extension. QTT has confirmed that it welcomes the extension and says it will enable a much better connection into the existing and future networks in the Hogans Gully Basin. The QTT correspondence is **attached**.
64. The Panel is respectfully invited to find that requiring a trail to be identified on the BHT /Lot 6 land is beyond the scope of PC1 and that the provisions within the plan change area adequately provide for trail connectivity.

Issue 2: Staging rule

65. Mr Barr recommends a new staging rule requiring the construction of a minimum of 14 visitor accommodation (VA) units within the HRZ before any building in HS6–16 can be undertaken. Mr Barr says this is necessary to ensure that the HRZ remains a "resort" as defined by the PDP²². THRL opposes this recommendation. It does not arise from or address a submission or a change to the status quo advanced by the proposed plan change. A decision to accept Mr Barr's recommendation would not be "on" the plan change. That is, there is no jurisdictional scope for this decision. Nor is there any valid effects or policy basis. Mr Bown gives detailed reasons in his evidence. In summary:

- (a) **No change to the quantum of development:** PC1 does not propose to change the maximum number of residential units (66) or the total number of units (150, inclusive of VA and residential) permitted in the zone. The rules that give effect to the PDP definition of "Resort" - Rules 47.5.15 and 47.5.16 - are not being changed. That is, the existing management regime that ensure the definition is met is not altered by PC1, and Mr Barr's recommendation, therefore, is not directly related to any alteration proposed.

²² "Resort means an integrated and planned development involving low average density of residential development (as a proportion of the developed area) principally providing temporary visitor accommodation and forming part of an overall development focused on onsite visitor activities." – PDP Chapter 2, Definitions

- (b) **No existing staging requirement:** THRZ does not currently contain any staging provision requiring VA to be built before residential units. Mr Barr’s recommendation represents a new restriction not contemplated when THRZ was promulgated.
- (c) **Integration of home sites:** The additional home sites are integrated into the balance of the zone through consistent landscape treatment (LAMAs and SPAs) and access links (golf cart, walking, cycling) to the main resort facilities.
- (d) **Consistency with Objective 47.2.1:** The addition of home sites, while maintaining the existing rules limiting residential activity, is consistent with Objective 47.2.1 which provides for “limited residential activity” within an integrated golf resort.
- (e) **The Hogans Gully Resort Zone comparison is distinguishable:** Mr Barr relies on the staging provisions in the Hogans Gully Resort Zone (Rule 48.5.2). However, that zone was undeveloped at the time of zoning, whereas THRZ already has an established 18-hole golf course, clubhouse, and associated facilities. The starting point is materially different.
- (f) **VA investment is underway:** Construction of the first visitor accommodation units (Clubhouse Suites) has already commenced. Mr Brown will provide further details of the VA roll out when presenting his evidence summary. The evidence demonstrates a genuine commitment to delivering visitor accommodation as part of the resort development.

66. Accordingly, a staging rule is not within the scope of the decisions that you can make on the plan change. Even if it were, it is not necessary or appropriate. The existing provisions of THRZ are sufficient to maintain the zone’s integrity as a resort.

Issue 3: Page submission (#18) – AA S2, AA 2, and AA H

67. The Page submission raises three matters: the proximity of staff accommodation in AA S2 to the Pages’ property at 148 McDonnell Road; the extension of AA2; and the location of the proposed helicopter landing area (AAH). Each is now addressed.

68. **AA S2 (staff accommodation):** AA S2 already exists on the operative THRZ Structure Plan and is not modified by PC1 (i.e., it is settled). Accordingly, there is no jurisdictional scope to make amendments to this activity area through this process.
69. **AA 2 (extension):** While AA 2 is being extended to the north, THRL has reduced the maximum RL and maximum building height within the whole of AA2, including the operative area, by 1 metre. This reduction, in combination with the LAMA running parallel to the Pages' boundary, will ensure the Pages' amenity values continue to be maintained. The Pages cite a 2002 agreement with the late Sir Micheal Hill relating to the protection of their views. THRL is not aware of any formal or informal agreement regarding preservation of the Page's views in perpetuity. While it is not clear from the information provided, the 2002 plan attached to the Page submission may relate to a consenting process undertaken by Sir Micheal Hill around that time for residential subdivision and land use. That consent was granted but never implemented and has since lapsed. It has no relevance presently.
70. **AA H (helicopter landing area):** The Pages seek that the existing no-fly zone over their property is maintained. The proposed location of AA H is very close to the existing location within AA C where helicopter landings and take-offs are currently provided for (under operative Rule 47.4.35), and in fact moves the helipad slightly further from the Page property. Both Mr Barr and Mr Brown agree the adverse effects are likely to be the same as the current provisions allow.

Issue 4: Todd (#2) and Brown (#4) submissions – Activity Area SG

71. The Todd and Brown submissions seek that the proposed location of AA SG be rejected, and alternatively (per the Todd submission) relocated to AA C. The submissions raise concerns about hours of operation, noise effects, traffic effects, and a mismatch between the proposed rules and the intended use shown in the concept plans. Dr Galloway, for the Todd submitters, opines that the siting of AA SG at the zone boundary is inconsistent with standard recreation facility siting principles, and that it should be relocated centrally within the resort to avoid externalising amenity effects to neighbouring properties on Advance Terrace.
72. **Rules:** The concerns raised by the Todd/Browns have been substantively addressed by the amendments to the AA SG provisions summarised earlier and detailed in Mr

Brown's evidence. The amendments significantly reduce the potential scale of built form and activity in AA SG. Provision for restaurants has been removed, and retail is limited to a single non-permanent food truck operating within prescribed hours. These changes address the disconnect between the rules as notified and the anticipated use identified by the Todd and Brown submitters.

73. **Noise:** Mr Day's expert noise evidence confirms that predicted noise from all three main sources in AA SG – music, court sports, and people noise – will comply with the PDP noise limits by a considerable margin at the closest residential interface (18 Advance Terrace, 375m distant). The PDP noise limits are more conservative than most district plan noise limits, providing for a high level of residential noise amenity.
74. **Visual Impacts:** Both Ms Gilbert and Ms Pflüger assess the visual effects of the proposed AA SG as appropriate (low).
75. **Siting:** The particular siting of AA SG is a function of the masterplan design of the resort and the constraints imposed by the golf course layout. The recreation facility siting principles advanced by Dr Galloway, while of theoretical interest, have little application when planning a private facility such as a golf resort. In any case, no evidence has been presented of a reasonably practical, suitable alternative location for the AA SG. Given the expert evidence that noise and visual effects will be acceptable, there is no cogent evidential basis for a finding that adverse amenity effects or 'costs' will be 'externalised' to neighbouring properties on Advance Terrace or that the AA should be relocated to address an adverse effect.
76. **Temporary Events:** Mr Todd's concern about the potential use of AA SG for Temporary Events is not "on" the Plan Change. Temporary Events are currently permitted on any site within the HRZ under PDP Rule 35.4.5, as they are for any site within the District. PC1 does not propose to alter this existing regime. Mr Todd's suggestion that AA SG will "attract" Temporary Events²³ of a certain size or type, with a certain effect, is speculative. In any case, any potential use of AA SG for Temporary Events would be managed under Chapter 35 of the PDP which sets standards for permitted events, including a limitation to daytime hours (8am-8pm), with only seven events permitted per calendar year.

²³ Todd evidence, [24]

77. Accordingly, the Panel is respectfully invited to reject the Todd/Brown submissions and confirm the location of AA SG as proposed.

Issue 5: Todd (#2) and Brown (#4) submissions – enlargement of Activity Area 4

78. The Todd and Brown submissions seek that the enlargement of AA 4 be rejected, on the basis of visual effects from their properties. The visual effects have been thoroughly assessed and found to be acceptable by both landscape experts. Ms Pfluger's assessment is that the visual effects will be comparable to the currently approved location for A4, i.e. comparable to the approved baseline. Ms Gilbert's assessment is of low visual effects, given the distance and elevation of the Arrowtown escarpment viewers, the proposed provisions managing building height, coverage and appearance, and the visual mitigation provided by the LAMA.
79. Given the consistent conclusion of both landscape experts that the visual effects of the AA 4 expansion are low and acceptable, the Panel is respectfully invited to reject the Todd and Brown submissions on this point.

Issue 6: Dan (#13) submission – hedge height

80. Mr Dan's submission raised privacy and amenity concerns regarding the routing of the cycle/pedestrian trail near his property at 214 McDonnell Road. He has since filed evidence indicating that the amendments promoted by THRL in its evidence - boundary planting and retention of the existing hedge - address his concerns, although he also seeks planting along his northern boundary and maintenance of the hedge at a height that preserves his mountain views.
81. **Planting:** The matter of control proposed by THRL in Rule 47.4.1(f) - "Planting to ensure maintenance of privacy to Lot 2 DP 518669" - is already broadly framed and would enable consideration of planting on both the western and northern boundaries at the time consent is sought. No further amendment is required to address Mr Dan's point.
82. **Hedge:** As to the hedge height, the hedge is existing and its maintenance is not a matter arising from PC1. It is a private matter between neighbours.
83. THRL has also investigated with QTT an alternative trail routing that orients the trail away from the Dan property, through a small gully where intervening landform

would screen the property from the trail. The alternative routing, shown on the **attached** plan, may negate the need for boundary planting, although the matter of control in Rule 47.4.1(f) would be retained to ensure planting can be assessed at the appropriate time. The alternative alignment has been provided to the Dans; QTT has walked it and confirmed it is suitable.

84. The Panel does not need to determine the trail alignment at this stage. The trail location shown on the Structure Plan is indicative, and the exact alignment can be determined at a later time. The attached plan serves to demonstrate that suitable alternatives exist. THRL intends to keep communication with the Dans open on this matter.

CONCLUSION

85. The evidence demonstrates that PC1 is a well-considered and appropriately scaled refinement of the HRZ Structure Plan and provisions, driven by the practical requirements of an improved golf course design and the evolution of a world-class resort.
86. The landscape effects of the Plan Change are agreed by both landscape experts to be minor and appropriate. All transport matters are agreed. The planning experts have reached agreement on the substantial majority of issues. Since notification, THRL has made a number of amendments to the proposal in response to concerns raised by submitters and the Council's experts, which have addressed or substantially resolved many of the issues raised.
87. On the remaining contested matters, THRL's position is supported by the evidence and represents the most appropriate outcome having regard to the statutory framework.

THRL respectfully requests that the Panel confirm PC1 with the amendments as set out in the evidence of Mr Brown.

R Wolt
Counsel for The Hills Resort Limited

Rebecca Wolt

From: Mark Williams | Queenstown Trails Trust <mark.williams@queenstowntrails.org.nz>
Sent: Friday, 10 April 2026 2:58 pm
To: Rebecca Wolt
Subject: RE: The Hills - PC1

Hi Rebecca,

This is great news, and very much welcomed by the Queenstown Trails Trust – much appreciated. This will enable a much better connection into the existing (and future) networks in the Hogans Gully basin.

Please let me know if you need anything further before the hearing next week.

Best regards

Willy

Mark Williams | CEO | **Queenstown Trails**
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www.queenstowntrails.org.nz



From: Rebecca Wolt <Rebecca@rebeccawolt.co.nz>
Sent: Thursday, 9 April 2026 2:57 pm
To: Mark Williams | Queenstown Trails Trust <mark.williams@queenstowntrails.org.nz>
Subject: The Hills - PC1

Hi Willy

Thanks for taking to time to meet us at the Hills a couple of weeks ago to look at trail alignment.

You will recall we discussed the cycle trail routing in the Hogans Gully catchment. QTT has submitted on this and has requested that the trail is extended beyond the Hills Resort Zone (HRZ), to and across adjacent land owned by an entity related to but separate from The Hills (BHT), to connect with Ayrburn.

When we were onsite, I mentioned that the trail could not be extended in this way, because the adjacent land is in separate ownership and its future use is unresolved at this point in time.




However, The Hills proposes to extend the trail within the HRZ, parallel to Hogans Gully Road, with two exit points: at 113 Hogans Gully Road (enabling a connection to the future trail through the Hogans Gully Resort land), and to the east of 164 Hogans Gully Road, where the trail will exit onto the road. This extension will provide cyclists with a safe offroad route where Hogans Gully Road is narrow.

The plan snip below shows the trail extension (in red, with western exit point onto Hogans Gully Rd indicated by arrow in the circle):

open space and farming

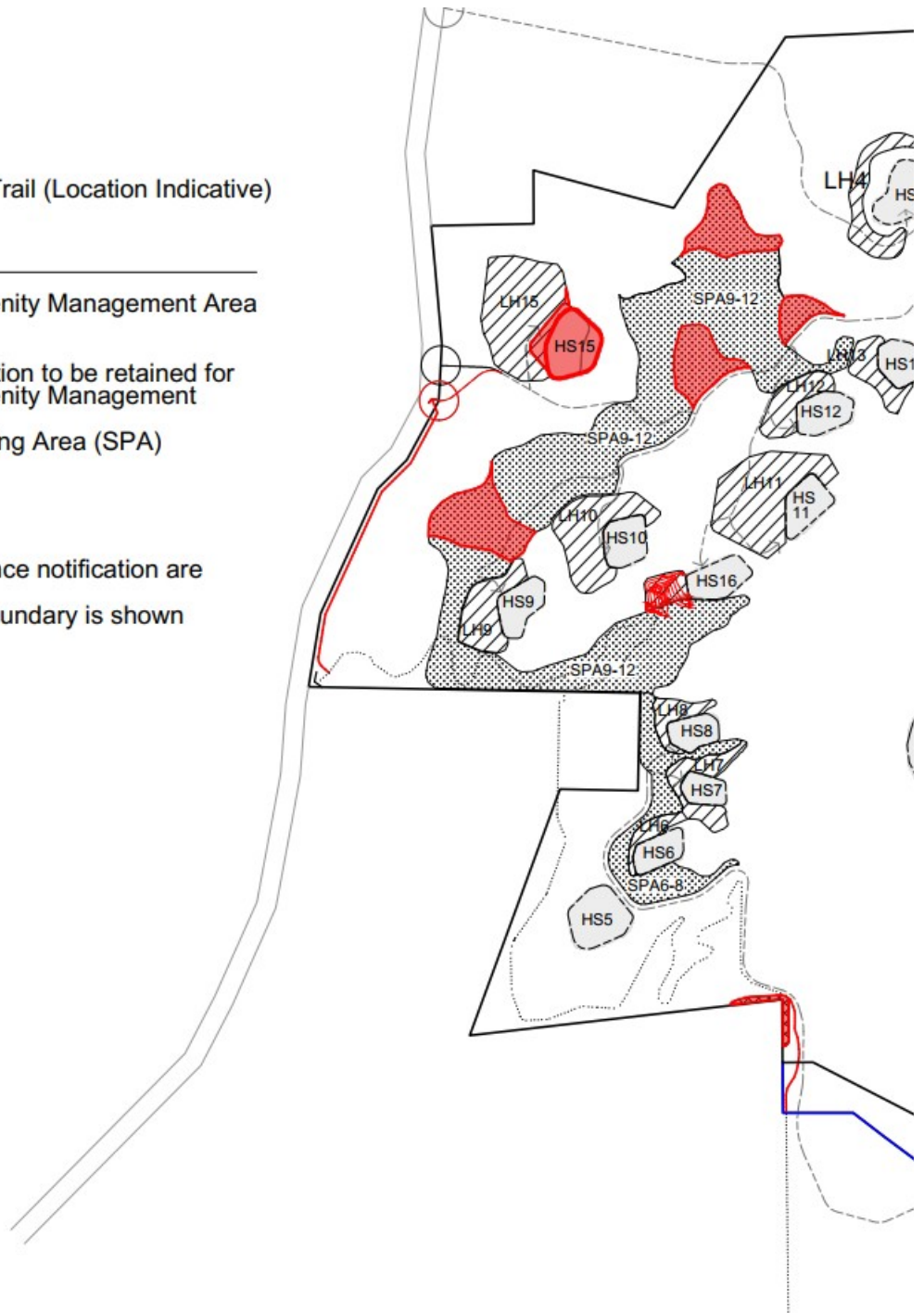
-  Activity Areas
-  Road Access
-  Access Point
-  Walking / Bike Trail (Location Indicative)

OVERLAYS

-  Landscape Amenity Management Area (LAMA)
-  Existing Vegetation to be retained for Landscape Amenity Management
-  Structural Planting Area (SPA)

Revisions highlighted

- The changes made since notification are shown in red
- The corrected zone boundary is shown in blue



You mentioned on site that this would be a good improvement on the current situation and would enable logical connections with other parts of the trail network.

I understand that you do not intend to appear at the hearing next week. It would be helpful, therefore, if you could set out your view on the proposed extension, above, in an email to me, which I can table with the Panel. Ideally by COB tomorrow, so that I can be sure that the Panel receives it in time. If that's not doable, by Monday would be great.

Feel free to get in touch with any questions.

Kind regards

Rebecca Wolt | Barrister

Email | rebecca@rebeccawolt.co.nz

Phone | 021 244 2950



LOT 2
DP 518669

LOT 3
DP 518669

PROPOSED TRAIL
2.5m WIDE
MAX GRADE 10%

CONTOURS	
	MAJOR (5.0m)
	MINOR (1.0m)

FOR REVIEW 30.03.26



CLARK FORTUNE McDONALD
LAND SURVEYORS - LAND DEVELOPMENT - PLANNING CONSULTANTS
QUEENSTOWN | DUNEDIN | CHRISTCHURCH | GORE

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Rev.	Date	Revision Details	By

HILLS DEVELOPMENT ALTERNATIVE TRAIL ALIGNMENT

Client	HILLS HOLDINGS LTD	Surveyed	-	Date	-	Job No.	17481	Drawing No.	01
Notes:	All dimensions shown are in meters unless shown otherwise. Any person using Clark Fortune McDonald drawings and other data accepts the risk of: - Using the drawings and other data in electronic form without requesting and checking them for accuracy against the original hard copy versions. - Ensuring the information is the most recent issue. - Copyright on this drawing is reserved.								
Drawn	RB	Date	30.03.26	Scale	1:300 @ A1 1:600 @ A3	Datum & Level	MT NIC 2000 NZVD2016	Rev.	-