

UNDER the Resource Management Act
1991

AND

IN THE MATTER of the **TE PUTAHI LADIES
MILE PROPOSED VARIATION**
to the **QUEENSTOWN LAKES
DISTRICT PLAN**

AND

IN THE MATTER of further submissions by
**WINTER MILES AIRSTREAM
LIMITED** pursuant to Clause 8 of
Schedule 1 to the Act

FURTHER SUBMISSIONS BY WINTER MILES AIRSTREAM LIMITED

To: QUEENSTOWN LAKES DISTRICT COUNCIL

Name of further submitter: WINTER MILES AIRSTREAM LIMITED

1. This is a further submission by Winter Miles Airstream Limited ("WMAL" or "Submitter") in support of or in opposition to the principal submissions lodged by various submitters in relation to the proposed variation to the Queenstown Lakes Proposed District Plan ("PDP") to known as the Ladies Mile Variation ("Variation 1" or "LMV").
2. WMAL lodged a submission in relation to Variation 1.
3. WMAL is a land development firm based in Queenstown which was founded in 2022 and undertakes a range of land subdivision and housing projects.
4. WMAL is the owner of a 3.3267 ha parcel of land ("Site") (Lot 2 DP 359142) that is currently zoned Rural Lifestyle in the PDP and is located within the area that is subject to the LMV. The Site contains a residential dwelling, a number of ancillary buildings and a helipad. WMAL's interests as landowner are therefore directly affected by the potential effects of the subject matter of the LMV, to the extent that the LMV will be determinative of the development potential of the Site.
5. WMAL is therefore a company that has an interest in Variation 1 that is greater than the interest that the general public has.
6. WMAL makes these further submissions both in support of and in opposition to the principal submissions lodged by other submitters on Variation 1.

7. The submissions that WMAL supports are as follows:
 - (a) OS77 - Ladies Mile Property Syndicate.
 - (b) OS93 – Sanderson Group and Queenstown Commercial Limited.
 - (c) OS105 – Mary Hill Limited.
 - (d) OS108 - Milstead Trust.
8. The submissions that WMAL opposes are as follows:
 - (a) OS44 – Department of Conservation.
 - (b) OS104 – Waka Kotahi.
9. The parts of the above submissions that WMAL supports or opposes, the reasons for that support or opposition, and the decisions sought (in terms of allowing or disallowing the submissions) are set out in **Appendix A (attached)**.
10. Without limiting the generality of the submissions in **Appendix A**, the relief sought by WMAL in this further submission:
 - (a) Represent sound planning principles and practice that will promote sustainable management purpose of the Resource Management Act 1991 (“RMA”);
 - (b) Represents the most appropriate way to achieve the objectives of Variation 1, PDP, in terms of section 32 of the RMA;
 - (c) Will give effect to the National Policy Statement on Urban Development 2020; and
 - (d) Will assist the Council in carrying out its statutory duties under the RMA including the integrated management of the effects of the use, development, or protection of land.
11. If others make similar submissions, WMAL would not consider presenting a joint case at any hearing.

DATED 3 August 2023

WINTER MILES AIRSTREAM LIMITED

by its solicitors and duly authorised agents

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Appendix A

Table showing the parts of the submissions that WMAL supports or opposes, the reasons for that support or opposition, and the decisions sought (in terms of allowing or disallowing the submission).

Submission Point	Decision requested by Original Submitter	WMAL Support/Oppose	Reason for Further Submission	Relief Sought	
Submission 44 – Department of Conservation					
OS44.1	That the proposed Variation is not approved unless or until there is adequate offsetting and/ or compensation for the loss of bird habitat, and provision for a consolidated stormwater management approach.	Oppose	It is acknowledged that the plan change would reduce the available land for certain identified bird species to forage. However, the current zoning of the area is Rural Lifestyle, which would enable more intensive development than currently exists along Ladies Mile and would also significantly reduce the availability of land for birds to forage on through the construction of buildings, roads, domestic landscaping and an increase in activity including an increase in the number of predators (i.e., cats and dogs) in the area. Further, the ecological reports (included as part of the notified Variation) cannot confirm how the open paddocks of the Ladies Mile contribute to foraging for birds as they nest in the braided river to the southwest and would be more likely to rely on the land adjacent to the river for foraging.	Disallow the relief sought.	

OS44.4	<p>That the Variation is not approved unless or until offsite monitoring and effects management measures have been developed and confirmed in relation to native bird species. These could include stand-alone measures, and/or collaboration with, or support for, existing community initiatives</p>	Oppose	<p>WMAL does not support the requirement for off-site monitoring and/or effects management measures as part of the Variation. WMAL considers the effects of urbanisation on bird habitat is a wider issue and does not consider that that the plan change should be contingent on monitoring being established as it would require coordination between multiple government agencies, including Council and DOC. In addition, it is unclear how effects on native bird populations could be monitored and attributed to the development of Te Pūtahi Ladies Mile rather than development in the vicinity of the Lower Shotover more generally.</p>	Disallow the relief sought.	
OS44.6	<p>That an additional matter of discretion be inserted into Rule 27.7.8.1 as follows, or wording to like effect: <u>"x. ecological and natural values"</u></p>	Oppose	<p>Te Pūtahi Ladies Mile is proposed to be a high density area, with some of the highest density development in New Zealand. Requiring consideration and compensation of effects on ecological and natural values would not support achieving the levels of density required and proposed through this plan change.</p>	Disallow the relief sought.	

OS44.7	That an additional assessment matter be added to 29.9.8.1 as follows, or wording to like effect: <i>"x. the extent to which the subdivision protects, maintains or enhances indigenous biodiversity, including through offsetting or compensation measures."</i>	Oppose	Requiring offsetting and ecological compensation would undermine the intent of Variation 1, particularly insofar as the loss of foraging habitat in this instance is large open fields that cannot be replaced with trees or other urban vegetation solutions.	Disallow the relief sought.	
Submission 77 – Ladies Mile Property Syndicate					
OS77.6	That Rule 49.5.16.2 (Density) be amended as follows: In the High Density Residential Precinct, development shall achieve a minimum density of <u>40</u> 60-72 residential units per hectare across the gross developable area of the site... <u>NE RD</u>	Support	This submission point supports the general direction and amendments sought by the submitter.	Allow the relief sought, to the extent it is consistent with the relief sought by WMAL.	
OS77.8	That clause (b) of Policy 49.2.6.4, relating to a preference for an underpass to be provided at the Key Crossing be deleted, as follows: Policy 49.2.6.4 Encourage the use of pedestrian and cycling modes by: a. Requiring high-quality, well connected, integrated and legible walking and cycling routes and linking to existing routes outside the Zone; b. Preferring the provision of an underpass for the Key Crossing indicated on the Structure Plan;	Support	This submission point supports the general direction and amendments sought by WMAL.	Allow the relief sought, to the extent it is consistent with the relief sought by WMAL.	
OS77.12	That the land shown as unformed legal road located to the north of the proposed	Support	This submission point supports the general direction and amendments sought by WMAL.	Allow the relief sought, to	

	Collector Type A (as shown respectively on the Zoning Plan and the Structure Plan). which connects to Marshall Avenue in the east be included in the High Density Residential and Medium Density Residential Precincts.			the extent it is consistent with the relief sought by WMAL.	
Submission 93 – Sanderson Group and Queenstown Commercial Limited					
OS93.2	That Policy 49.2.1.1 is amended as follows: Require Encourage development that is <u>generally</u> consistent with the Structure Plan to ensure the achieve integrated, efficient and co-ordinated location of activities, primary roading, key intersections, open spaces, green networks, and walkway / cycleway routes.	Support	This submission point supports the general direction and amendments sought by the WMAL.	Allow the relief sought, to the extent it is consistent with the relief sought by WMAL.	
OS93.3	That Policy 49.2.6.3 is amended as follows: Provide for efficient and effective public transport through: a) Requiring enabling higher residential densities within the Zone north of State Highway 6; b) Ensuring road widths and configurations are consistent with their efficient utilisation as bus routes; c) Discouraging private vehicle ownership and use by <u>not requiring limiting</u> onsite carparking via maximum rates for residential, office, retail and education activities; d) Limiting on-street parking; and	Support	This submission point supports the general direction and amendments sought by WMAL.	Allow the relief sought, to the extent it is consistent with the relief sought by WMAL.	

	e) <u>requiring encouraging necessary upgrades to transport infrastructural works related to public transportation to be in place prior to commensurate with development and community needs.</u>				
OS93.8	That Policy 49.2.7.11 be amended as follows: Apply recession plane, building height, yard setback and site coverage controls as the primary means of ensuring <u>Ensure the provision of</u> a minimum level of outlook, sunshine and light access <u>through high quality building design, while acknowledging that through an application for land use consent an outcome superior to that likely to result from strict compliance with the controls may well be identified.</u>	Support	This submission point supports the general direction and amendments sought by WMAL.	Allow the relief sought, to the extent it is consistent with the relief sought by WMAL.	
OS93.12	That Rule 49.4.8 (Commercial Activities comprising no more than 100m ² of gross floor area per site in the High Density Residential Precinct) be amended as follows: Commercial Activities comprising no more than 100m² of gross floor area per site in the High Density Residential Precinct. <u>P</u>	Support	This submission point supports the general direction and amendments sought by WMAL.	Allow the relief sought, to the extent it is consistent with the relief sought by WMAL.	
OS93.14	That default non-complying Rule 49.4.22 (Activities not otherwise listed) be deleted.	Support	This submission point supports the general direction and amendments sought by WMAL.	Allow the relief sought, to the extent it is consistent with the relief sought by WMAL.	

OS93.18	That Rule 49.5.16 (Density) be amended as follows: In the High Density Residential Precinct, development to an average density of 60 <u>40</u> residential units per hectare per <u>net</u> site <u>area</u> across the gross developable area of the site. NE D	Support	This submission point supports the general direction and amendments sought by WMAL.	Allow the relief sought, to the extent it is consistent with the relief sought by WMAL.	
Submission 104 – Waka Kotahi					
OS104.1	That the proposal is supported in principle as the vision and principles set out in the Transport Strategy are consistent with the outcomes sought by Waka Kotahi.	Support	WMAL supports the general direction and amendments sought by Waka Kotahi. Overall, it is considered that the proposal can result in the construction of a transit-oriented development (TOD) that is largely self-sufficient and helps support a modal shift in transportation in the District.	Allow the relief sought, to the extent it is consistent with the relief sought by WMAL.	
OS104.3	That Policy 27.3.24.6 (is amended to read as follows: "Avoid development where specific transport infrastructural works in Rules 49.5.10, 49.5.33, 49.5.50 and 49.5.56 have not been completed, unless it can be demonstrated that development will avoid future and cumulative adverse effects from additional traffic movements on State Highway 6. "	Oppose	While WMAL supports the construction of the roundabout and bus stops prior to the development within Te Pūtahi Ladies Mile occurring, it does not support any requirement to construct the underpass prior to development occurring. WMAL therefore considers that Policy 27.3.24.6 should be retained as notified in order to allow some flexibility should it be demonstrated that specific infrastructural works are not required.	Disallow the relief sought.	
OS104.14	That Policy 49.2.6.5 is amended to read;	Oppose	While WMAL supports the	Disallow the relief sought.	

	"Avoid development where specific transport infrastructural works have not been completed, unless it can be demonstrated that development will avoid future and cumulative adverse effects from additional traffic movements, particularly at weekday daily peak periods on State Highway 6.		construction of the roundabout and bus stops prior to the development within Te Pūtahi Ladies Mile occurring, it does not support any requirement to construct the underpass prior to development occurring. WMAL therefore considers that Policy 49.2.6.5 should be retained as notified in order to allow some flexibility should it be demonstrated that specific infrastructural works are not required.		
OS104.33	That the following improvements with regard to safety would be required to facilitate the development envisaged by the Structure Plan. -Howards Drive Roundabout -Grade-separated crossing points (Howards Drive and Stalker Road vicinity) for pedestrians to achieve cross highway access to buses and schools and wider community. -Shared path connections along the highway and to the underpasses linking to the wider network. -Adequate bus stops on the highway	Neutral	These changes could potentially provide for safe pedestrian crossing without requiring the construction of an underpass. This aspect is supported by WMAL.	Allow the relief sought, to the extent it is consistent with the relief sought by WMAL.	
OS104.36	That further discussion with Council is required to provide clarity around how much on street carparking is being provided.	Neutral	WMAL supports and seeks to be involved in any future process involving discussions regarding parking provisions.	Allow the relief sought, to the extent it is consistent with the relief sought by WMAL.	

Submission 105 – Mary Hill Limited					
OS105.4	That public transport providers be required to ensure a reliable, frequent and convenient public transport service, and corresponding infrastructure, in order to facilitate a modal shift.	Support	If a modal shift is going to be successful, regular, reliable and frequent public transport will be required. This submission supports the general direction and amendments sought by WMAL.	Allow the relief sought, to the extent it is consistent with the relief sought by WMAL.	
OS105.5	That the provisions be amended to create greater flexibility for commercial, community, and other non-residential activities throughout the HDR precinct so as to allow flexibility in design for apartment style typologies, including housing seasonal staff, offices, and gyms.	Support	If a modal shift is going to be successful, regular, reliable and frequent public transport will be required. This submission supports the general direction and amendments sought by WMAL.	Allow the relief sought, to the extent it is consistent with the relief sought by WMAL.	
OS105.11	That the policies requiring strict adherence to the Structure Plan are opposed	Support	If a modal shift is going to be successful, regular, reliable and frequent public transport will be required. This submission supports the general direction and amendments sought by WMAL.	Allow the relief sought, to the extent it is consistent with the relief sought by WMAL.	
OS105.13	That greater flexibility be allowed for in the design, size, and location of the public park within Sub Area C and otherwise allow flexibility to create smaller and more dispersed parks to assist in managing stormwater if a significant single park is to be pursued.	Support	If a modal shift is going to be successful, regular, reliable and frequent public transport will be required. This submission supports the general direction and amendments sought by WMAL.	Allow the relief sought, to the extent it is consistent with the relief sought by WMAL.	
OS105.15	That a potential location for a school zoning/ education area be identified/ indicated within Sub-Area C or otherwise provided for through enabling policy support. An	Support	If a modal shift is going to be successful, regular, reliable and frequent public transport will be required. This submission supports the	Allow the relief sought, to the extent it is consistent with	

	indicative school site is shown on the north side of the State Highway in Appendix E of the submission.		general direction and amendments sought by WMAL.	the relief sought by WMAL.	
OS105.17	That the provisions be amended to enable greater flexibility to ensure the developments are responsive to community demand, whilst encouraging a modal shift.	Support	If a modal shift is going to be successful, regular, reliable and frequent public transport will be required. This submission supports the general direction and amendments sought by WMAL.	Allow the relief sought, to the extent it is consistent with the relief sought by WMAL.	
OS105.18	That the building and urban design standards be simplified in order to ensure the TPLM land is able to be developed efficiently and effectively.	Support	If a modal shift is going to be successful, regular, reliable and frequent public transport will be required. This submission supports the general direction and amendments sought by WMAL.	Allow the relief sought, to the extent it is consistent with the relief sought by WMAL.	
OS105.19	That, in addition to the specific amendments requested to Table 2 with respect to height, residential density, noncompliance activity statuses set out in Appendix B of the submission, all standards in Table 2 (Standards for activities located in the MDR Precinct and the HDR Precinct relating to building form and design outcomes), which are additional to, or more restrictive than, the Medium Density Residential Standards (in the Resource Management (Enabling Housing Supply and Other Matters) Amendment Act 2021) are opposed in part unless justified by further evidence and Section 32 assessment.	Support	If a modal shift is going to be successful, regular, reliable and frequent public transport will be required. This submission supports the general direction and amendments sought by WMAL.	Allow the relief sought, to the extent it is consistent with the relief sought by WMAL.	

OS105.20	That the subdivision regime be simplified through concise objectives, policies, and assessment matters, which seek to achieve an integrated and high quality mixed urban/residential outcome for the Structure Plan area.	Support	If a modal shift is going to be successful, regular, reliable and frequent public transport will be required. This submission supports the general direction and amendments sought by WMAL.	Allow the relief sought, to the extent it is consistent with the relief sought by WMAL.	
OS105.21	That the provisions and Structure Plan are amended in order to ensure the rezoning anticipates a realistic and feasible density and height outcome for residential development that will encourage a 'modal shift'.	Support	If a modal shift is going to be successful, regular, reliable and frequent public transport will be required. This submission supports the general direction and amendments sought by WMAL.	Allow the relief sought, to the extent it is consistent with the relief sought by WMAL.	
OS105.22	That the provisions and Structure Plan are amended in order to promote the development of alternative modes of transportation (other than private vehicle usage) to complement the increased residential density enabled within the zone.	Support	If a modal shift is going to be successful, regular, reliable and frequent public transport will be required. This submission supports the general direction and amendments sought by WMAL.	Allow the relief sought, to the extent it is consistent with the relief sought by WMAL.	
OS105.23	That the provisions and Structure Plan are amended in order to ensure that the requirements for infrastructure upgrades are realistic and proportionate to the development proposed, allowing for appropriate levels of development to occur prior to construction, and ensuring that stormwater is managed appropriately across the Zone to avoid stormwater runoff impacting adjacent landowners.	Support	If a modal shift is going to be successful, regular, reliable and frequent public transport will be required. This submission supports the general direction and amendments sought by WMAL.	Allow the relief sought, to the extent it is consistent with the relief sought by WMAL.	

OS105.24	That the provisions and Structure Plan are amended in order to ensure that the affordable housing and development contribution requirements, if any, are determined through this Variation and withdrawn from the Inclusionary Housing variation, and that these provisions are realistic and equitable, taking into account the common infrastructure and community asset land indicated in the Structure Plan, such as to not dissuade affordable and efficient development of the land.	Support	If a modal shift is going to be successful, regular, reliable and frequent public transport will be required. This submission supports the general direction and amendments sought by WMAL.	Allow the relief sought, to the extent it is consistent with the relief sought by WMAL.	
OS105.25	That the provisions and Structure Plan are amended to include methods by which the Structure Plan restrictions on development, including infrastructure areas, protected trees, parks, amenity access areas, and recreation, are to be equitably offset/ compensated with landowners.	Support	If a modal shift is going to be successful, regular, reliable and frequent public transport will be required. This submission supports the general direction and amendments sought by WMAL.	Allow the relief sought, to the extent it is consistent with the relief sought by WMAL.	
OS105.36	That Policy 49.2.5.5 (renumbered by this submission to 49.2.5.4) be amended as follows: 49.2.5.5 49.2.5.4 Avoid Visitor Accommodation and Residential Visitor Accommodation Provide for seasonal and short term worker accommodation,-consistent with	Support	If a modal shift is going to be successful, regular, reliable and frequent public transport will be required. This submission supports the general direction and amendments sought by WMAL.	Allow the relief sought, to the extent it is consistent with the relief sought by WMAL.	

	the role of the residential amenity outcomes sought for the Zone. in providing for the needs of local residents				
OS105.45	That Policy 49.2.7.11 be amended as follows: 49.2.7.11 Apply recession plane, building height, yard setback and site coverage controls as the primary means of ensuring a minimum high quality building design through provision for level of outlook, sunshine and light access, while acknowledging that through an application for land use consent an outcome superior to that likely to result from strict compliance with the controls may well be identified.	Support	If a modal shift is going to be successful, regular, reliable and frequent public transport will be required. This submission supports the general direction and amendments sought by WMAL.	Allow the relief sought, to the extent it is consistent with the relief sought by WMAL.	
OS105.48	That Council consider including a new definition of seasonal or short-term worker accommodation and/ or changes to the residential activity definition to provide for worker accommodation options.	Support	If a modal shift is going to be successful, regular, reliable and frequent public transport will be required. This submission supports the general direction and amendments sought by WMAL.	Allow the relief sought, to the extent it is consistent with the relief sought by WMAL.	
OS105.62	That, where possible, standards should be deleted and replaced with policy direction for high quality urban design outcomes, to provide for high quality and varied urban design outcomes.	Support	If a modal shift is going to be successful, regular, reliable and frequent public transport will be required. This submission supports the general direction and amendments sought by WMAL.	Allow the relief sought, to the extent it is consistent with the relief sought by WMAL.	
OS105.63	That the activity status of Standard 49.5.16 (Density) be changed from Non complying to Discretionary and the rule be further amended as follows:	Support	If a modal shift is going to be successful, regular, reliable and frequent public transport will be required. This submission supports the	Allow the relief sought, to the extent it is consistent with	

	<p>Residential Density 49.5.16.1 In the Medium Density Residential Precinct, development shall achieve an average density of 40 —48 residential units per hectare across the gross developable area of <u>a</u> the site. 49.5.16.2 In the High Density Residential Precinct, development shall achieve an average density of 4060—72 residential units per hectare across the gross developable area of <u>a</u> the site. For the purpose of this rule, gross developable area of a site means the land within the a site shown on the Structure Plan, excluding the following: Building Restriction areas as shown on the planning maps; Roads, Open Space, Amenity Access Areas and Landscape Buffer as shown on the Structure Plan But including any vested or private roads, reserves, accesses and walkways not shown on the Structure Plan. Note: this standard only applies when a development includes residential activity. NB: The submitter reserves leave to provide evidence and/ or further submissions proposing different, including lower, average densities to those outlined above.</p>		<p>general direction and amendments sought by WMAL.</p>	<p>the relief sought by WMAL.</p>	
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Submission 108 – Milstead Trust					
OS108.4	That the density requirements be reconsidered to be lower, encouraging bigger lots.	Support	This submission supports the general direction and amendments sought by WMAL.	Allow the relief sought, to the extent it is consistent with the relief sought by WMAL.	
OS108.5	That Rule 49.5.18.1 (Recession Planes) be amended to increase the vertical height above the boundary from which the recession plane starts and increasing the degree of recession from boundaries.	Support	This submission supports the general direction and amendments sought by WMAL.	Allow the relief sought, to the extent it is consistent with the relief sought by WMAL.	
OS108.17	That road 'Collector Type A' shown on 49.8 (Structure Plan) be aligned with the existing legal road.	Support	This submission supports the general direction and amendments sought by WMAL.	Allow the relief sought, to the extent it is consistent with the relief sought by WMAL.	
OS108.22	That Rule 49.5.16.1 (Density) be amended by replacing 'gross developable area' with 'net developable area'.	Support	This submission supports the general direction and amendments sought by WMAL.	Allow the relief sought, to the extent it is consistent with the relief sought by WMAL.	
OS108.23	That Rule 49.5.16.1 (Density) be amended to decrease density.	Support	This submission supports the general direction and amendments sought by WMAL.	Allow the relief sought, to the extent it is consistent with the relief sought by WMAL.	
OS108.33	That 49.4.7 be amended to enable residential flats (as defined in the PDP) within the Low density Residential and Medium Density Residential precincts as a permitted activity	Support	This submission supports the general direction and amendments sought by WMAL.	Allow the relief sought, to the extent it is consistent with the relief sought by WMAL.	