

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

Under the **RESOURCE MANAGEMENT ACT 1991**

In the matter **OF A REQUEST UNDER CLAUSE 21 OF THE FIRST
SCHEDULE TO THE ACT: PRIVATE PLAN CHANGE 1 TO
THE QUEENSTOWN LAKES DISTRICT PLAN (THE HILLS
RESORT ZONE)**

**OPENING LEGAL SUBMISSIONS ON BEHALF OF QUEENSTOWN LAKES
DISTRICT COUNCIL**

Dated: 13 April 2026

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MAY IT PLEASE THE HEARING PANEL

1. INTRODUCTION

1.1 These submissions are filed on behalf of Queenstown Lakes District Council (**Council**) in its reporting role in respect of the private plan change requested by The Hills Resort Limited (**THRL**).

1.2 The private plan change relates to the provisions of the Queenstown Lakes Proposed District Plan (**PDP**) that apply to The Hills Resort Zone. The private plan change is 'Private Plan Change 1' to the PDP (**PPC1**), and proposes:

- (a) changes to Chapter 47 (The Hills Resort Zone / **THRZ**) including to the Hills Resort Zone Structure Plan (**Structure Plan**); and
- (b) consequential changes to District Wide Chapters 25 (Earthworks) and 27 (Subdivision and Development).

1.3 The objective of THRZ (PDP objective 47.2.1) is to provide for:

An integrated golf resort development that principally provides for a range of visitor industry related activities, while also providing for limited residential activity, all of which are located and designed with particular regard to maintaining the landscape character and amenity values of the Zone and surrounding environment.

1.4 To that end, Chapter 47 of the PDP provides for a range of Activity Areas (**AAs**) where particular activities are envisaged. The AAs are shown on the Structure Plan. The policies, rules and activity standards in Chapter 47 support the development of the AAs, and generally intend to ensure that Objective 47.2.1 is achieved.

1.5 Chapter 47 emphasises the landscape values of THRZ, and that buildings are anticipated where they are able to be "*absorbed by the underlying topography and vegetation, are visually recessive and set back from ridgeline features*".¹ Landscape Amenity Management Areas (**LAMAs**) are provided for, to mitigate the visual and cumulative effects of buildings and to contribute to the amenity of THRZ.

¹ PDP at 47.1.3.

- 1.6 In his section 42A report / planning evidence for the Council, Mr Barr summarises the changes sought to the existing provisions as follows²:

The changes are sought ... to enable the existing 18-hole Golf Course to be rerouted. Substantial changes are proposed to the location of residential activity by way of the dispersal of eleven new Home Sites (HS) (HS 6-16) located on the southern portion of THRZ in what is currently Golf Activity Area (AA G) and utilised as open space and an existing 9-hole Golf Course. That 9-hole golf course / AA G is proposed to be removed. A new vehicle access is proposed from Hogans Gully Road, to service the new HSs.

[THRL] is not proposing to change the maximum amount of residential activity permitted by THRZ, which is 66 residential units.

In addition, amendments are sought ... to the location and shape of several activity areas and a new Sportsground (SG) Activity Area, a new Golf Facilities (GF) area adjacent to the clubhouse (AA C), and a new helicopter landing and departure area (AA H) located adjacent to AA C.

- 1.7 New Structural Planting Areas (**SPAs**) are also proposed to complement the LAMAs. The SPAs are to be located around the proposed new Home Sites (**HSs**) and are intended to "ensure a homogenous appearance of vegetation that visually connects the [AAs] and integrates built development into the landscape".³
- 1.8 A key focus for the Council in considering PPC1 has been the extent to which the 11 new HSs are in keeping with the overarching objective for THRZ.

2. THE PROCESS FOLLOWED FOR PPC1

- 2.1 The Hearing Panel will be aware that the usual process for plan changes is modified where a private plan change is being pursued. Part 2 (clauses 21 – 29) of Schedule 1 to the Resource Management Act (**RMA**) provides for requests for changes to be made to district plans, and sets out the process to be followed.

² Statement of Evidence and section 42A report of Craig Alan Barr, 13 February 2026, at [1.2] – [1.4].

³ Statement of Evidence of Jeffrey Andrew Brown, 13 March 2026, at [2.5(f)].

2.2 These submissions outline that modified statutory process, and how it has been followed in respect of PPC1.

The private plan change request and Council's further information request

- 2.3 Pursuant to clause 22, THRL made its request for a change to the PDP to the Council on 14 November 2024. In doing so, THRL:
- (a) explained the purpose of and reasons for PPC1;
 - (b) included a section 32 evaluation report in respect of PPC1 (**section 32 report**); and
 - (c) described the anticipated environmental effects of PPC1, in an overall assessment of environmental effects (**AEE**) and supporting technical documents.
- 2.4 On 11 December 2024 the Council wrote to THRL (pursuant to clause 23) requesting further information necessary to enable the Council to better understand PPC1 and how its effects on the environment would be managed (**request for further information**). The Council's request for further information posed a series of questions for THRL to address.
- 2.5 On 15 May 2025, THRL responded to the request for further information,⁴ and also provided updated versions of its overall private plan change request document, section 32 report, AEE and technical documents.

Notification of PPC1, submissions and further submissions

- 2.6 After receiving THRL's response to the request for further information, the Council **accepted** the request pursuant to clause 25(2). The decision to accept the request, and to continue to process PPC1 as a private plan change with THRL as the proponent, is distinct from a decision to adopt the request and then process it as if it was a Council-initiated plan change.
- 2.7 The Council's decision to accept the private plan change request:
- (a) meant that, pursuant to clause 29, Part 1 of Schedule 1 applied from that point on (with all necessary modifications); and
 - (b) triggered the requirement to notify PPC1 (pursuant to clause 26).

⁴ <https://www.qldc.govt.nz/media/jgvmsp2n/rfi-response-letter-15may25.pdf>

- 2.8 PPC1 was publicly notified on 15 August 2025. The notified versions of the PPC1 documents are on the Council's website,⁵ and listed in the evidence / section 42A report of Mr Barr for the Council. The notified documents (including the section 32 report and AEE) are those provided by THRL on 15 May 2025, in response to the Council's request for further information.
- 2.9 21 submissions were lodged, as summarised in Mr Barr's evidence / section 42A report for the Council. Of the 21 submissions lodged:
- (a) one submission was withdrawn prior to the Council finalising and notifying its summary of submissions;
 - (b) twelve submissions supported PPC1 and did not seek any amendments to the notified version; and
 - (c) eight submissions opposed PPC and / or sought amendments to address concerns raised.⁶
- 2.10 On 23 October 2025, the Council publicly notified the summary of decisions requested by submissions (and also gave notice that further submissions could be made). One further submission was lodged, by Iris Weber and Dave Gibson in support of the submission by James and Janine Draper.
- 2.11 On 15 January 2026, Brown and Company (on behalf of THRL) wrote to the Council to explain that it had reached agreement with the Drapers to include provisions in PPC1 to address the Drapers' submission, and that the Drapers had agreed to withdraw their submission on that basis. The Drapers formally withdrew their submission on 26 March 2026.

Evidence exchange and expert witness conferencing

- 2.12 The Hearing Panel was subsequently formally appointed by the Council, and set directions / a timetable to hearing in Minute 1 (issued on 13 January 2026). The key steps in the timetable ahead of the hearing have included:
- (a) the Council filing its section 42A report / evidence (13 February 2026);
 - (b) THRL as proponent filing its evidence (13 March 2026);

⁵ [QLDC - Application Private Plan Change - The Hills Resort Zone](#)

⁶ Mr Barr's evidence includes a map indicating where the submitters who raise concerns reside in relation to the PPC1 site.

- (c) submitters filing lay and expert evidence (20 March 2026);
- (d) expert witness conferencing; and
- (e) any Council rebuttal evidence (9 April 2026).

Council section 42A report / evidence

2.13 The Council's section 42A reporting / evidence includes:

- (a) the primary section 42A report / expert planning evidence, prepared by Craig Barr;
- (b) expert landscape evidence, prepared by Bridget Gilbert; and
- (c) expert transport evidence, prepared by Antoni Facey.

2.14 The Council evidence considered and commented on PPC1 and the supporting documentation as notified. In providing their evidence, the Council's experts carefully considered and addressed the submissions lodged (as relevant to their expertise).

2.15 In his section 42A report / planning evidence, Mr Barr:

- (a) summarised the conclusions of THRL's section 32 report, and provided his overview comments in respect of those conclusions;⁷
- (b) recommended modifications to PPC1 as notified, and in doing so provided a brief analysis of the requirements of section 32AA of the RMA in relation to those modifications.⁸

2.16 At the direction of the Hearing Panel (in its Minutes 2 and 3), Mr Barr provided a more detailed analysis of the amendments he recommended to PPC1 as notified against the requirements of section 32AA.⁹

THRL and submitter evidence

2.17 THRL filed five statements of expert evidence. That evidence responded to the submissions, and to the Council's section 42A reporting / evidence.

2.18 Two submitters filed lay and / or expert evidence:

⁷ Statement of Evidence of Craig Alan Barr and section 42A Report, 13 February 2026, at [6.1] – [6.6].

⁸ Statement of Evidence of Craig Alan Barr and section 42A Report, 13 February 2026, at [16.1] – [16.3].

⁹ Addendum to section 42A Report of Craig Alan Barr, 18 March 2026.

- (a) Graeme Todd Family Trust and Jane Todd: lay evidence of Graeme Todd; and expert recreation and open space planning evidence of Dr Shayne Galloway; and
- (b) Simon Dan (lay evidence).

Expert witness conferencing and further material

2.19 Expert witness conferencing was arranged, and joint witness statements (**JWSs**) produced and filed, in respect of:

- (a) Transport (Mr Carr for THRL and Mr Facey for the Council);¹⁰
- (b) Landscape (Ms Pflüger for THRL and Ms Gilbert for the Council);¹¹ and
- (c) Planning (Mr Brown for THRL and Mr Barr for the Council).¹²

2.20 THRL subsequently filed additional material that the Landscape JWS recorded would be helpful (the full Structure Plan on an aerial photograph base with contours; and the visual simulations with no planting).

2.21 The Council did not file any rebuttal evidence.

3. THE STATUTORY FRAMEWORK FOR CONSIDERATION OF PPC1

3.1 PPC1 is generally to be assessed by reference to the same matters that are relevant when assessing a council-initiated plan change.¹³

3.1 The legal framework for district plans (and changes to district plans) is set out in sections 72 to 77 of the RMA. The Environment Court gave a comprehensive summary of the mandatory requirements for district plans in *Colonial Vineyard Ltd v Marlborough District Council*,¹⁴ an extract from which is set out in **Appendix 1**. The decision predated the 2013¹⁵, 2017¹⁶

¹⁰ Joint Witness Statement Transport, 26 March 2026.

¹¹ Joint Witness Statement Landscape, 27 March 2026.

¹² Joint Witness Statement Planning, 7 April 2026.

¹³ As discussed above, clause 29 of Schedule 1 to the RMA provides that Schedule 1 of the RMA applies to private plan changes.

¹⁴ *Colonial Vineyard Ltd v Marlborough District Council* [2014] NZEnvC 55, at [17].

¹⁵ In particular, amendments to section 74(1) (which brought together and clarified the matters a District Plan must be "in accordance with"; and sections 32 and 32AA (which replaced the requirements for consideration of alternatives).

¹⁶ In particular, amendments to section 6(h) (which added "management of significant risks from natural hazards" to the matters of national importance); section 31(1)(aa) (which added a new function for territorial authorities to ensure sufficient housing and business land development capacity); sections 32 and 32AA (further refinements and clarifications); and section 74(1)(ea) (which added "National Planning Standards" to the matters a District Plan must be "in accordance with").

and 2024¹⁷ amendments to the Act coming into effect so must be read subject to the effects of those amendments. Together, the *Colonial Vineyard* requirements and those amendments provide the legal tests that must be applied when assessing and making recommendations on PPC1.

- 3.2 The overall requirement (pursuant to section 72) is that the PDP – and therefore PPC1 – must **accord with and assist the Council to carry out its functions so as to achieve the purpose of the RMA.**¹⁸
- 3.3 The purpose of the RMA is to promote the sustainable management¹⁹ of natural and physical resources. Under section 6, identified matters of national importance must be recognised and provided for and, under section 7, particular regard is to be had to listed "*other matters*". Under section 8, the principles of the Treaty of Waitangi are to be taken into account.
- 3.4 Section 31 sets out the functions of the Council as a territorial authority. A key function of territorial authorities is, through the establishment of objectives, policies and methods, to achieve integrated management of the effects of the use, development or protection of land and natural and physical resources.
- 3.5 Section 73 provides for the preparation and change of district plans, and specifies that: "*Any person may request a territorial authority to change a district plan, and the plan may be changed in the manner set out in Part 2 or 5 of Schedule 1*".
- 3.6 PPC1 has been requested pursuant to section 73, and as discussed is being pursued as per the process set out in Part 2 of Schedule 1.²⁰
- 3.7 In accordance with section 74 district plans must be prepared and changed:
- (a) in accordance with:
 - (i) the territorial functions set out in section 31 and the provisions of Part 2 of the RMA (mirroring section 72 as noted above);
 - (ii) the requirement to prepare a section 32 report (discussed below);

¹⁷ The Resource Management (Freshwater and Other Matters) Amendment Act 2024 amended the requirement to undertake further evaluations under s 32AA to streamline the wording slightly and remove the reference to national planning standards in s 32AA(3).

¹⁸ Sections 72 and 74(1) of the RMA.

¹⁹ As that phrase is defined in s 5(2) of the RMA.

²⁰ Part 5 of Schedule 1 provides for the streamlined planning process, which is not being followed here.

- (iii) any relevant national policy statement, national planning standard, and / or regulations;
- (b) having regard to:
 - (i) any proposed regional policy statement and / or proposed regional plan;
 - (ii) management plans and strategies prepared under other Acts; and
- (c) taking into account any relevant planning document recognised by an iwi authority.

3.8 Under section 75, a district plan *"must give effect"* to any national policy statement, and the operative regional policy statement and must *"not be inconsistent with"* a water conservation order or an operative regional plan (for any matter specified in section 30(1)).

3.9 Finally, sections 75(1) and 76 contemplate district plan policies implementing objectives and rules implementing policies, with rules thereby achieving the objectives and policies of a plan.

Sections 32 and 32AA and clause 29 of Schedule 1

3.10 Under section 32, an evaluation report must examine whether the objectives of the plan change are the most appropriate way to achieve the purpose of the RMA, and whether the provisions (policies, rules or other methods) are the most appropriate way to give effect to those objectives. This requires:

- (a) identifying reasonably practicable options and assessing the efficiency and effectiveness of the provisions through identifying, assessing and, if practicable, quantifying the benefits and costs of the environmental, economic, social and cultural effects including opportunities for economic growth and employment; and
- (b) assessing the risk of acting or not acting if there is uncertain or insufficient information about the subject matter of the provisions.

3.11 As discussed above, the primary section 32 obligation for private plan changes is on the proponent (in this case, THRL). Mr Barr has considered and commented on THRL's section 32 report.

- 3.12 In considering and ultimately proposing amendments to the notified provisions of PPC1, Mr Barr has then carried out a further evaluation of those amendments in accordance with section 32AA of the RMA.
- 3.13 Clause 29(4) of Schedule 1 to the RMA specifically provides for decisions on private plan changes, as follows:

(4) After considering a plan or change, undertaking a further evaluation of the plan or change in accordance with section 32AA, and having particular regard to that evaluation, the local authority—

(a) may decline, approve, or approve with modifications the plan or change; and

(b) must give reasons for its decision.

The relevant statutory instruments

- 3.14 The PPC1 documents as notified consider the statutory framework, as does Mr Barr in his evidence, and subsequently Mr Brown in his evidence for THRL. Counsel does not understand there to be any disagreement between the expert planners, or THRL and the Council, in terms of what matters / provisions are relevant in respect of that framework.
- 3.15 In particular, Mr Barr and Mr Brown have identified that:
- (a) The National Policy Statement for Freshwater Management and National Policy Statement for Indigenous Biodiversity are of some limited relevance;
 - (b) The Operative (2019) and Proposed (2021) Otago Regional Policy Statement (Operative 2019, and Proposed 2021) and Regional Plan: Water provide high level guidance; and
 - (c) The most relevant statutory planning provisions are the objectives and policies of the PDP, including in particular the Strategic Objectives and Policies in Chapter 3 and the objective and policies specific to THRL (Chapter 47).

4. ISSUES / EFFECTS AND THE COUNCIL'S POSITION

- 4.1 Mr Barr identified the key substantive issues to be addressed in his section 42A report / evidence, referring to the submissions, and to the expert evidence of Mr Facey and Ms Gilbert for the Council. An up-to-date summary in respect of the key issues is provided below, covering:
- (a) Landscape including visual effects;
 - (b) Noise and other amenity effects;
 - (c) Traffic, access and trails;
 - (d) Whether rearranging the residential activity in THRZ as proposed "*renders the activity more akin to a separate node of rural residential activity rather than the portion of residential activity associated with a resort zone*"; and
 - (e) Miscellaneous planning matters.
- 4.2 Of note, most (but not all) issues have been resolved between the experts for THRL and the experts for the Council.

Landscape including visual effects

- 4.3 Objective 47.2.1 is the single PDP objective for THRL. It directs:
- An integrated golf resort development that principally provides for a range of visitor industry related activities, while also providing for limited residential activity, all of which are located and designed with particular regard to maintaining the landscape character and amenity values of the Zone and surrounding environment.*
- 4.4 This objective is central to the consideration of PPC1 by the Council and Hearing Panel. With that in mind, Ms Gilbert was engaged by the Council to consider the plan change and relevant submissions from a landscape and visual amenity perspective.
- 4.5 Ms Gilbert's evidence considers the notified version of PPC1, and in particular the Landscape Report prepared by Ms Pflüger on behalf of

THRZ. Ms Gilbert also considered and commented on the submissions relating to landscape and visual amenity matters.²¹

- 4.6 Ms Gilbert confirmed her view that Ms Pflüger's assessment accords with best practice²²; but adds that she has relied primarily on her own site visit / field work and review of the notified documents in assessing landscape and visual amenity effects.²³
- 4.7 Addressing the relevant submissions, Ms Gilbert:
- (a) Recorded her agreement with Ms Pflüger that the adverse visual effects arising from the new AA SG and expanded AA A4 will be low / minor (responding to the Todd and Brown submissions raising concerns about effects on their dwellings on Advance Terrace).²⁴
 - (b) Noted the agreement between THRZ and the Drapers in terms of the reduced RL and building heights for HSs 9, 10, 11 and 16, and limiting the use of the Hogans Gully Access Road (Ms Gilbert's overall landscape analysis factored in this agreement).²⁵
 - (c) Recommended additional planting be added to the Structure Plan, in the vicinity of Mr Dan's residence at 214 McDonnell Road to provide screening between the new trail and the dwelling.²⁶
 - (d) Recorded her support for a trail link across the THRZ, through the Boxer Hill Trust land, to connect with the trail network at Ayrburn (in response to the Queenstown Trail Trust submission).²⁷
 - (e) Noted that the shelterbelt of poplars on the Boxer Hill Trust land (beyond the PPC1 land) could be removed as a permitted activity, and factored that into her overall analysis (in response to the Weber and Gibson submission seeking retention of the shelterbelt, and increased screening of the eight new HSs in the south eastern part of the PPC1 land).²⁸

²¹ The Todd, Brown, Draper, Dan, Williams and Weber / Gibson submissions, and the Weber / Gibson further submission.

²² Statement of Evidence of Bridget Mary Gilbert, 13 February 2026, at [4.1].

²³ Statement of Evidence of Bridget Mary Gilbert, 13 February 2026, at [4.5].

²⁴ Statement of Evidence of Bridget Mary Gilbert, 13 February 2026, at [6.5].

²⁵ Statement of Evidence of Bridget Mary Gilbert, 13 February 2026, at [6.6].

²⁶ Statement of Evidence of Bridget Mary Gilbert, 13 February 2026, at [6.9].

²⁷ Statement of Evidence of Bridget Mary Gilbert, 13 February 2026, at [6.11].

²⁸ Statement of Evidence of Bridget Mary Gilbert, 13 February 2026, at [6.12].

- 4.8 The Landscape Report concluded that the notified version of PPC1 would have very low adverse landscape and visual amenity effects.²⁹ However, Ms Gilbert's opinion is that the eight new HSs in the southern part of the PPC1 site, within the Speargrass Flat valley catchment, *"introduce an appreciable landscape change to the landscape outcome anticipated by the [PDP] that has the potential to be contrary to [Objective 47.2.1] and generate more than minor adverse landscape-related effects."*³⁰
- 4.9 In her evidence Ms Gilbert emphasised:
- (a) the potential for those eight HSs and associated roading has the potential to "read as rural living development sprawl";³¹ and
 - (b) there is a potential 'disconnect' between the eight HSs and the main golf course resort area, which *"is at odds with the notion of resort zones as integrated developments"*.³²
- 4.10 Ms Gilbert stressed the importance of carefully managing the visibility of the built form of each HS.³³ Ms Gilbert recommended amendments to the notified PPC1 provisions, to limit the visibility of the new HSs, through a combination of:
- (a) 'mounding' extent / height;³⁴ and
 - (b) reduced or built form elevation / height.³⁵
- 4.11 In making her recommendations, Ms Gilbert specifically referred to the agreement between THRL and the Drapers, which has subsequently resulted in THRL proposing updated provisions that:
- (a) reduce the RL and maximum building heights for proposed new House Sites 9, 10, 11 and 16 by 1 metre; and
 - (b) limit the use of the proposed new access off Hogans Gully Road to the eight new House Sites at the south-eastern, Speargrass Valley end of THRL.³⁶

²⁹ Statement of Evidence of Bridget Mary Gilbert, 13 February 2026, at [7.1].

³⁰ Statement of Evidence of Bridget Mary Gilbert, 13 February 2026, at [7.4].

³¹ Statement of Evidence of Bridget Mary Gilbert, 13 February 2026, at [7.4(a)].

³² Statement of Evidence of Bridget Mary Gilbert, 13 February 2026, at [7.4(b)].

³³ Statement of Evidence of Bridget Mary Gilbert, 13 February 2026, at [7.5].

³⁴ Statement of Evidence of Bridget Mary Gilbert, 13 February 2026, at [7.7].

³⁵ Statement of Evidence of Bridget Mary Gilbert, 13 February 2026, at [7.8].

³⁶ Mr Brown's proposed new matter of control for Rule 27.2.22, and amendment to Policy 47.2.1.4

- 4.12 Ms Gilbert noted whether the individual reductions in built form height provided for in that agreement would achieve a similar outcome to the measures she proposed, would be helpful but not a complete solution, or would be complementary to the measures she proposed.
- 4.13 Ms Gilbert concluded that if the amendments she proposed were adopted (and subject to her review of matters of detail), the landscape effects of PPC1 would be minor, and appropriate in terms of Objective 47.2.1.³⁷
- 4.14 In her evidence, Ms Pflüger stated that she agreed with Ms Gilbert that "*the visual effects of some of the homesites can be minimised further through design amendments*".³⁸ Ms Pflüger explained the amendments to the provisions were being proposed to address Ms Gilbert's recommendations.
- 4.15 That was confirmed by Ms Brown in his evidence,³⁹ and in the updated PPC1 provisions. The amendments focus primarily on the eight Speargrass Valley HS's addressed by Ms Gilbert (with an emphasis on changes to the built form of those HS's). The amended provisions also:
- (a) expand the coverage of the SPAs to improve the visual integration of the Speargrass Valley HSs;
 - (b) provide for the retention of the existing hedge along the western boundary of the Dans' property, and require planting to ensure the privacy of the Dans' property is maintained in respect of the trail through THRZ. Mr Brown and Mr Barr agree that the new matter of control in Rule 47.4.1(f) proposed by Mr Brown in his evidence is appropriate and sufficient to address the potential effect raised by Mr Dan;⁴⁰ and
 - (c) provide for the expansion of the SPA areas in proximity to the boundary with the Boxer Hill Trust property. This is in response to Ms Gilbert's evidence seeking integration between the development of THRL, and of the Boxer Hill Trust property.
- 4.16 In consideration of those amendments, Ms Gilbert confirmed in the Landscape JWS that the landscape effects of the development enabled by PPC1 will be minor, and "*the development outcome will maintain the*

³⁷ Statement of Evidence of Bridget Mary Gilbert, 13 February 2026, at [8.1] and [8.2].

³⁸ Statement of Yvonne Pflüger (Landscape), 13 March 2026, at [36].

³⁹ Statement of Evidence of Jeff Andrew Brown, 13 March 2026, at [3.12].

⁴⁰ Planning JWS.

landscape character and amenity values of THRZ and the surrounding environment, making it appropriate from a landscape perspective".⁴¹

4.17 Ms Gilbert and Ms Pflüger agreed in the JWS that it would be appropriate for THRL to provide, before the hearing:⁴²

- (a) the full updated Structure Plan on an aerial photograph based with contours; and
- (b) a version of the updated visual simulations with no planting.

4.18 Those materials were provided via a memorandum of counsel filed on 2 April 2026. Counsel understands Ms Gilbert has reviewed and is comfortable with those materials.

Traffic and access

4.19 In terms of vehicle access to THRZ, PPC1 proposes:

- (a) a new vehicle access to THRZ off Hogans Gully Road,⁴³ and
- (b) relocating (by approximately 50 metres to the south) of the existing vehicle access off McDonnell Road.

4.20 Mr Facey's evidence for the Council is that the originally proposed location of the Hogans Gully Road access would not provide for adequate sight distances, and therefore would not be appropriate from a transport safety perspective.⁴⁴ In his evidence Mr Facey identified two alternative options:

- (a) relocating the proposed access by 35 metres to the east;⁴⁵ or
- (b) abandoning the Hogans Gully Access Road and providing access to the eight Speargrass Valley HSs via the McDonnell Road access.⁴⁶

4.21 Mr Facey considered that the proposed relocation of the McDonnell Road vehicle access was appropriate in transport terms.⁴⁷

4.22 Mr Facey also addressed the submissions relating to transport matters. In summary, Mr Facey:

⁴¹ Landscape JWS, 27 March 2026, at [3.5].

⁴² Landscape JWS, 27 March 2026, at [3.7].

⁴³ With access now proposed to be limited to the eight new Speargrass Valley HSs.

⁴⁴ Statement of Evidence of Antoni Facey, 13 February 2026, at [1.3].

⁴⁵ Statement of Evidence of Antoni Facey, 13 February 2026, at [3.18].

⁴⁶ Statement of Evidence of Antoni Facey, 13 February 2026, at [1.3(a)].

⁴⁷ Statement of Evidence of Antoni Facey, 13 February 2026, at [1.3(b)].

- (a) Reiterated that he did not have an issue with the proposed relocation of the McDonnell Road access from a transport perspective (in response to Simon Dan)⁴⁸, and that the proposed Hogans Gully Road access would be appropriate in transport terms if shifted 35 metres to the east (in response to AW Brinsley Family Trust);⁴⁹
- (b) Explained that submissions seeking that Hogans Gully be designed to cater for cyclists, that speed limits should be reduced and that the road surface should be of noise minimisation quality were beyond the scope of the PPC (in response to AW Brinsley Family Trust, and Iris Weber and Dave Gibson);⁵⁰ and
- (c) Explained that heavy traffic movements off Hogans Gully Road will be managed via consent applications and conditions (in response to Iris Weber and Dave Gibson).⁵¹

4.23 In response to Mr Facey's evidence, THRL agreed to shift the proposed Hogans Gully Road access by 35 metres to the east. Mr Carr for THRL recorded his understanding that on that basis there were no points of difference between him and Mr Facey. That was confirmed in the Transport JWS,⁵² where Mr Carr and Mr Facey confirmed their shared view that the relocated Hogans Gully Road Access "*would operate safely and efficiently, with appropriate sight distances provided for turning traffic*", and that the access design and location would be assessed when land use / subdivision consents are sought.⁵³

4.24 Ms Gilbert and Ms Pflüger have agreed in the Landscape JWS that the new access is appropriate from a landscape perspective,⁵⁴ while Mr Barr and Mr Brown have agreed in the Planning JWS that the updated provisions restricting the use of the Hogans Road Gully access are appropriate.⁵⁵

4.25 In light of Mr Facey's evidence and the Transport JWS, the Council is comfortable with the current / updated version of PPC1 (in particular,

⁴⁸ Statement of Evidence of Antoni Facey, 13 February 2026, at [6.3].

⁴⁹ Statement of Evidence of Antoni Facey, 13 February 2026, at [6.7].

⁵⁰ Statement of Evidence of Antoni Facey, 13 February 2026, at [6.6], [6.10] and [6.11].

⁵¹ Statement of Evidence of Antoni Facey, 13 February 2026, at [6.9].

⁵² Transport JWS, 25 March 2026, at [14].

⁵³ Transport JWS, 25 March 2026, at [8].

⁵⁴ Landscape JWS at 3.5.

⁵⁵ Planning JWS.

showing the relocation of the proposed Hogans Gully Road access) from a road transport and access perspective.

Trails / pedestrian and cycling connectivity

- 4.26 THRL proposes a pedestrian and cycle trail / right of way through THRZ, linking McDonnell and Hogans Gully Roads. At the request of Ms Gilbert, the updated proposed Structure Plan shows this trail through THRZ, and also shows the trail extending beyond THRZ along Hogans Gully Road.
- 4.27 The trail is supported by the Queenstown Trails Trust, and by Mr Barr in his section 42A report.⁵⁶
- 4.28 In the Transport JWS, Mr Facey and Mr Carr "*agreed that the proposal of the Requestor to provide an off-road cycle trail along the site frontage on Hogans Gully Road will provide an enhanced level of safety and amenity for cyclists.*"⁵⁷
- 4.29 The Trust seeks that the trail be extended through the THRZ and west through the adjacent Lot 6 DP 392663 (the Boxer Hill Trust land) to enable a connection to the Ayrburn Heritage Precinct. Ms Gilbert agrees that would be beneficial,⁵⁸ and Mr Barr supports the extension being shown on the Structure Plan.⁵⁹
- 4.30 Mr Brown considers that extension to be outside the scope of PPC1.⁶⁰ However, given the updated Structure Plan already shows the trail extending beyond the boundary of THRZ to the east, and the Boxer Hill Trust land is held in ownership related to THRL, the Council does not see any particular reason why the trail should not also be shown crossing the Boxer Hill Trust Land to the west.

Noise / amenity

- 4.31 PPC1 proposes a new helicopter takeoff and landing zone (AA H). In response to the submission of Mr and Mrs Page raising noise / amenity concerns, Mr Barr explains that:⁶¹

⁵⁶ Statement of Evidence and section 42A report of Craig Alan Barr, 13 February 2026, at [12.2].

⁵⁷ Transport JWS, 25 March 2026, at [13].

⁵⁸ Statement of Evidence of Bridget Gilbert, 13 February 2026, at [6.11].

⁵⁹ Statement of Evidence and section 42A report of Craig Alan Barr, 13 February 2026, at [16.3(e)].

⁶⁰ Statement of Evidence of Jeffrey Andrew Brown, 13 March 2026, at [3.54].

⁶¹ Statement of Evidence and section 42A report of Craig Alan Barr, 13 February 2026, at [13].

- (a) AA H will be slightly further away from the Page property than the existing AA C, where helicopter landings and takeoffs are currently permitted (but will not be under PPC1);
 - (b) THRL's acoustic consultants have identified that noise emissions from helicopter activity will comply with the permitted activity noise limit of 50 dB Ldn at all sensitive receivers (including the Page dwelling). For completeness, and at Mr Barr's request, the acoustic report has subsequently been provided with Mr Brown's evidence and reviewed by Mr Barr.⁶²
- 4.32 The Council is therefore comfortable with the proposed AA H and provisions applying to helicopter takeoffs and landings in PPC1.
- 4.33 In his evidence in respect of the siting of the Activity Area – Sports Ground (**AA SG**), Mr Todd focuses on potential amenity effects, including cumulative effects⁶³ – which the Council understands to be primarily in respect of noise.
- 4.34 Mr Barr had previously considered the Todd submission on the AA GG in terms of visual impact. He has subsequently considered Mr Todd's evidence, along with the accompanying expert evidence on Dr Galloway. The Planning JWS refers to Mr Brown's recommended amendments to provisions relating to the Todd submission, then records that Mr Barr agrees with those amendments, and that they will reduce the scale and potential for disruption to off-site residential amenity.⁶⁴
- 4.35 The Council is comfortable with the updated provisions that apply to the AA SG.⁶⁵ The Council is also comfortable that any residual noise amenity effects on nearby residents can be managed in the usual way, through the application of the noise rules and standards in the PDP. The Council does not consider that any relocation of AA SG is necessary.

Implications for the 'resort zone'

- 4.36 The objective of THRZ (as set out in Objective 47.2.1, which is not sought to be amended by PPC1) is the provision of:

⁶² As confirmed in the Planning JWS.

⁶³ Statement of Evidence of Graeme Morris Todd, 20 March 2026.

⁶⁴ Planning JWS, 7 April 2026, at Annexure A.

⁶⁵ Refer to permitted activity standards 47.5.14A and 47.5.20 and 20A.

An integrated golf resort development that principally provides for a range of visitor industry related activities, while also providing for limited residential activity

- 4.37 The primacy of visitor activities and accommodation is reinforced in the PDP definition of the term "resort", and in the zone purpose statement.
- 4.38 As discussed by Mr Barr in his section 42A report / evidence, there is a risk that the proposed introduction of 11 new HSs (while at the same time removing a 9 hole golf course) will undermine the integrity and function of THRZ as a resort. He states:⁶⁶

"I consider that there is the potential for the plan change to not achieve Objective 47.2.1, and for its consistency with the PDP's definition of 'resort' to be compromised by the proposal which enables creation of 11 new homesites without any assurance that dedicated visitor accommodation activity will be established first."

- 4.39 Mr Barr – and the Council – consider this can be appropriately addressed through the inclusion of 'staging' provisions.⁶⁷ Those provisions, as proposed by Mr Barr, would require a proportion of the visitor accommodation units anticipated at THRZ to be developed before the proposed new HSs (5 – 16) are developed.
- 4.40 A new Policy 47.2.1A and Rule 47.4.10A would require at least 14 visitor accommodation units to be constructed prior to any of the new HSs (with a breach of that requirement being a non-complying activity).
- 4.41 The Council does not consider that to be a particularly onerous requirement, noting that the eleven new HSs equate to 17% of the total number of permitted residential units at THRZ (and 14 visitor accommodation units equates to 17% of the anticipated visitor accommodation units, if the maximum number of residential units is pursued).
- 4.42 The staging provisions would apply only to the new HSs (not the other HSs already anticipated for THRZ). The staging provisions are a reasonable and necessary measure to ensure that objective 47.2.1 continues to be met, and THRZ remains an integrated resort zone.

⁶⁶ Statement of Evidence and section 42A report of Craig Alan Barr, 13 February 2026, at [14.16].

⁶⁷ Noting that Ms Gilbert is satisfied that the updated provisions proposed by THRL address her concerns from a landscape perspective.

Miscellaneous planning provisions

4.43 Mr Barr addressed the other miscellaneous changes sought to the PDP provisions via PC1 in his evidence. He opposed the following proposed deletions to the existing provisions:

- (i) The reference in Rule 27.2.22(d)(ii) to auditing by the Council no sooner than 6 months after completion (though this was flagged as an interim position subject to further explanation by THRL),⁶⁸
- (ii) Rule 47.4.5 (buildings where the relevant LAMA has not yet been established), Rule 47.4.7 (buildings in Activity Area G) and Rule 47.4.22.⁶⁹ Mr Barr's view is that those non-complying activity rules are important to retain as they clearly specify the consequences of:
 - (1) pursuing buildings where a LAMA is required but has not yet been undertaken (47.4.5 and 47.4.7); or
 - (2) pursuing service activities outside of AA S1 and S2 (47.4.22).
- (iii) The requirement in Rule 47.4.10 that AA S1 and S2 be in the same ownership as AA C and AA G, because that requirement safeguards against the residential activity permitted for staff activity being applied for residential activity generally.⁷⁰

4.44 In his evidence, Mr Brown confirms he is comfortable with the non-complying activity Rules 47.4.5, 47.4.7 and 47.4.22 being retained⁷¹. However, he notes that the 'auditing' provision in Rule 27.2.22 is not necessary as the relevant timing considerations are already addressed in the Chapter 47 provisions;⁷² in the Planning JWS Mr Barr confirms he is comfortable with the provision being deleted on that basis.

4.45 The Planning JWS also records that Mr Barr is now comfortable with the ownership requirement in Rule 47.4.10 being deleted, noting that: "*The policy intentions of The Hills Resort Zone overall, would make it very*

⁶⁸ Statement of Evidence and section 42A report of Craig Alan Barr, 13 February 2026, at [15.7].

⁶⁹ Statement of Evidence and section 42A report of Craig Alan Barr, 13 February 2026, at [16.3(h)].

⁷⁰ Statement of Evidence and section 42A report of Craig Alan Barr, 13 February 2026, at [15.13] – [15.15].

⁷¹ Statement of Evidence of Jeffrey Andrew Brown, 13 March 2026, at [3.69] and [3.70].

⁷² Statement of Evidence of Jeffrey Andrew Brown, 13 March 2026, at [3.71].

*difficult to obtain a resource consent to use AA S1 and S2 for a residential use other than for worker accommodation."*⁷³

- 4.46 The Council is comfortable with the position reached by Mr Barr in respect of these provisions.

5. THE UPDATED PPC1 PROVISIONS AND THE COUNCIL'S PROPOSED FURTHER AMENDMENTS

- 5.1 Mr Barr proposed amendments to the notified version of PPC1, in relation to traffic and transport (in consideration of Mr Facey's evidence), landscape (in consideration of Ms Gilbert's evidence), and general planning matters, including:

- (a) Changes to reduce the landscape effects of the Speargrass Valley HSs (9 – 16);
- (b) Requiring planting to mitigate the visual impact of the proposed trail through THRZ on the Dan property at 214 McDonnell Road;
- (c) Moving the Hogans Gully Road access by 35m to the east, and limiting use of that access to the Speargrass Valley HSs;
- (d) A new policy and rule providing for staging (for at least 14 VA units to be developed ahead of HSs 6 – 16);
- (e) Showing on the Structure Plan the extension of the walkway over the Boxer Hills Trust land; and
- (f) Rejecting the proposed deletion of the following existing provisions:
 - (i) The reference in Rule 27.2.22(d)(ii) to auditing by the Council no sooner than 6 months after completion;
 - (ii) 47.4.5 (buildings where the relevant LAMA has not yet been established);
 - (iii) 47.4.7 (buildings in Activity Area G);
 - (iv) 47.4.22 (service activities); and

⁷³ Planning JWS, 7 April 2026, at Annexure A.

- (v) The requirement in Rule 47.4.10 that AA S1 and S2 be in the same ownership as AA C and AA G.

- 5.2 Mr Barr provided section 32AA analysis in support of (a) – (e) above, being his proposed amendments to PPC1 that would result in the existing provisions being changed.
- 5.3 The latest complete version of the PPC1 provisions are attached to Mr Brown's evidence dated 13 March 2026. Mr Brown included his own s32AA analysis in respect of changes he proposed to the notified version.
- 5.4 For the most part, Mr Brown's amendments either mirror Mr Barr's proposed amendments, or - as confirmed in the Landscape, Transport and Planning JWS – satisfactorily address the matters raised by the Council's experts.
- 5.5 The key exception is that Mr Brown has not provided for the two 'staging' provisions proposed by Mr Barr. As discussed above, those provisions are necessary to ensure that PPC1 is consistent with the objective of and intention behind the zone provisions.
- 5.6 The Council also considers it would be appropriate for the Structure Plan to be updated to show a trail connection across the Boxer Hill Trust land (to connect with Ayrburn).

6. CONCLUSION

- 6.1 The Council considers that, if the Panel adopts the further amendments proposed in 5.5 and 5.6 above, PPC1 can appropriately be confirmed. In particular, the provisions would be consistent with the objective and policies for THRZ, the PDP strategic objectives, and ultimately with section 31 and Part 2 of the RMA.

- 6.2 Ms Gilbert and Mr Barr will attend and give evidence at the hearing (and will speak to summaries of their evidence as per the direction in Minute 1). Mr Facey has been excused from attending, but can be available to answer any questions if needed.

Dated: 13 April 2026



T J Ryan

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District Council

APPENDIX 1: CASE EXTRACT

Colonial Vineyard Ltd v. Marlborough District Council [2014] NZEnvC 55 at [17]
(bolded emphasis original):

A. General requirements

1. A district plan (change) should be designed to **accord with**⁷⁴, and assist the territorial authority to **carry out** – its functions⁷⁵ so as to achieve, the purpose of the Act⁷⁶.
2. The district plan (change) must be prepared **in accordance with** any regulation⁷⁷ (there are none at present) and any direction given by the Minister for the Environment⁷⁸;
3. When preparing its district plan (change) the territorial authority **must give effect to** any national policy statement or New Zealand Coastal Policy Statement⁷⁹.
4. When preparing its district plan (change) the territorial authority shall:
 - (a) have regard to any proposed regional policy statement⁸⁰;
 - (b) give effect to any operative regional policy statement⁸¹.
5. In relation to regional plans:

the district plan (change) must **not be inconsistent** with an operative regional plan for any matter specified in section 30(1) or a water conservation order⁸²; and

must have regard to any proposed regional plan on any matter of regional significance etc⁸³;
6. When preparing its district plan (change) the territorial authority must also:
 - **have regard to** any relevant management plans and strategies under other Acts, and to any relevant entry in the Historic Places Register and to various fisheries regulations⁸⁴ to the extent that their content has a bearing on resource management issues of the district, and to consistency with plans and proposed plans of adjacent territorial authorities⁸⁵;
 - **take into account** any relevant planning document recognised by an iwi authority⁸⁶; and
 - **not have regard to** trade competition⁸⁷ or the effects of trade competition;

⁷⁴ Section 74(1) of the Act.

⁷⁵ As described in section 31 of the Act.

⁷⁶ Sections 72 and 74(1) of the Act.

⁷⁷ Section 74(1) of the Act.

⁷⁸ Section 74(1) of the Act added by section 45(1) Resource Management Amendment Act 2005.

⁷⁹ Section 75(3) Act.

⁸⁰ Section 74(2)(a)(i) of the Act.

⁸¹ Section 75(3)(c) of the Act [as substituted by section 46 Resource Management Amendment Act 2005].

⁸² Section 75(4) of the Act [as substituted by section 46 Resource Management Amendment Act 2005].

⁸³ Section 74(2)(a)(ii) of the Act.

⁸⁴ Section 74(2)(b) of the Act.

⁸⁵ Section 74(2)(c) of the Act.

⁸⁶ Section 74(2A) of the Act.

⁸⁷ Section 74(3) of the Act as amended by section 58 Resource Management (Simplifying and Streamlining) Act 2009.

7. *The formal requirement that a district plan (change) must⁸⁸ also state its objectives, policies and the rules (if any) and may⁸⁹ state other matters.*
- B. *Objectives [the section 32 test for objectives]*
8. *Each proposed objective in a district plan (change) **is to be evaluated** by the extent to which it is the most appropriate way to achieve the purpose of the Act.⁹⁰*
- C. *Policies and methods (including rules) [the section 32 test for policies and rules]*
9. *The policies are to **implement** the objectives, and the rules (if any) are to **implement** the policies⁹¹;*
 10. *Each proposed policy or method (including each rule) is to be examined, having **regard to its efficiency and effectiveness**, as to whether it is the most appropriate method for achieving the objectives⁹² of the district plan **taking into account**:*
 - (i) *the benefits and costs of the proposed policies and methods (including rules); and*
 - (ii) *the risk of acting or not acting if there is uncertain or insufficient information about the subject matter of the policies, rules, or other methods⁹³; and*
 - (iii) *if a national environmental standard applies and the proposed rule imposes a greater prohibition or restriction than that, then whether that greater prohibition or restriction is justified in the circumstances⁹⁴.*

Rules

11. *In making a rule the territorial authority must **have regard to the actual or potential effect of activities on the environment**⁹⁵.*
12. *Rules have the force of regulations⁹⁶.*
13. *Rules may be made for the protection of property from the effects of surface water, and these may be more restrictive⁹⁷ than those under the Building Act 2004.*
14. *There are special provisions for rules about contaminated land⁹⁸.*
15. *There must be no blanket rules about felling of trees⁹⁹ in any urban environment¹⁰⁰.*

Other statutes:

16. *Finally territorial authorities may be required to comply with other statutes.*

⁸⁸ Section 75(1) of the Act.

⁸⁹ Section 75(2) of the Act.

⁹⁰ Section 74(1) and section 32(3)(a) of the Act.

⁹¹ Section 75(1)(b) and (c) of the Act (also section 76(1)).

⁹² Section 32(3)(b) of the Act.

⁹³ Section 32(4) of the Act.

⁹⁴ Section 32(3A) of the Act added by section 13(3) Resource Management Amendment Act 2005.

⁹⁵ Section 76(3) of the Act.

⁹⁶ Section 76(2) Act.

⁹⁷ Section 76(2A) Act.

⁹⁸ Section 76(5) as added by section 47 Resource Management Amendment Act 2005 and amended in 2009.

⁹⁹ Section 76(4A) as added by the Resource Management (Simplifying and Streamlining) Amendment Act 2009.

¹⁰⁰ Section 76(4B) — this 'Remuera rule' was added by the Resource Management (Simplifying and Streamlining) Amendment Act 2009.