

TO: The Hearing Administrator, Lynley Scott, [DP.Hearings@qldc.govt.nz](mailto:DP.Hearings@qldc.govt.nz)

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

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

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

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

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

**STATEMENT OF EVIDENCE OF MARK TYLDEN**

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

**Introduction, qualifications and experience**

1. My name is Mark Tylden.
2. I am one of two directors of the submitter company, GDL. I am authorised to give this evidence on behalf of GDL.
3. I also have a very personal connection to the relevant land and its surrounds, as the existing Glenpanel homestead is the family home, which the family farms. We have a long association with the site, and I am significantly “hands-on” in the hobby farming of the site.
4. My background is in international Oil & Gas Exploration and Production - specifically Deepwater Subsea Engineering on large and complex projects. I have held a number of senior roles in major projects, including as Lead Engineer, Principal Engineer and in Senior Management.

5. Many of the projects I was involved with were multi-billion (US) dollar projects, of significant complexity and risk, but were able to be delivered far quicker and with significantly less regulatory red-tape than for what is a simple planning rezoning for an area that has been identified (by QLDC itself in its Urban Development chapter of its PDP) as part of the urban environment.
6. This is also in the context where Queenstown is crying out for additional housing. The delays we have experienced in our ability to deliver housing is hugely frustrating, both for GDL as applicant, but also for all the current and potential members of the community who want affordable housing options to buy or rent.
7. The purpose of this statement is to provide evidence to the Panel, on key background and “real-world” matters. Generally, in this affidavit, when I use the term “we”, I am referring to GDL. If there is something particularly personal or which relates to something I have directly experienced, then I will use personal pronoun “I”. In both instances, however, I am giving this evidence as a director of GDL.

### **Background**

8. We had originally hoped that the site could be developed as part of the Housing Accords and Special Housing Areas Act 2013 (HASHAA) process. This followed, in 2017, QLDC including the Ladies Mile into Category 2 of the HASHAA Implementation Policy . This specifically included:
  - (a) an Indicative Master Plan.
  - (b) an Indicative Landscape Strategy; and the Ladies Mile Development Objectives.
9. Ultimately the Special Housing Areas that were proposed in Ladies Mile as part of the HASHAA were not adopted by QLDC – despite officer recommendations in support, and in April 2019 the opportunity to develop Ladies Mile under HASHAA fell away (with the repeal of that legislation).
10. At the time, our HASHAA application was refused by QLDC councillors, the key impediment appeared to be political. The vote was split 6-4 with

councillors opting to investigate a council led masterplan and plan variation for the area.

11. Through the HASHAA process, however, it became clear that developing Ladies Mile was an important piece of the puzzle to cater for Queenstown's future growth. Therefore, notwithstanding QLDC's rejection of the HASHAA application, in late 2019, it agreed that the Ladies Mile area should be developed for urban purposes in the medium term and that a proactive Council-led planning approach should be taken. This led to the Ladies Mile Te Putahi Masterplan Establishment Report in February 2020.
12. This then resulted in QLDC preparing a Masterplan over the Ladies Mile, that became known as Te Pūtahi Ladies Mile Draft Masterplan and Plan Variation. On 28 October 2021, QLDC adopted that Masterplan over the whole Ladies Mile area. On 30 June 2022, QLDC adopted a final Masterplan, and Variation that it was to request the Minister put through the Streamlined Planning Process (**SPP**).
13. In short, it has taken a long time to get to the point of the SPP Variation.
14. We now only have one chance to get things right, as there are no appeals against the Minister's decision on the SPP Variation (made in light of this Panel's recommendations). This will shape the long term future of development of the Ladies Mile.

### **Key concerns**

15. As a developer, as well as from a community perspective, we have the following key concerns:
  - (a) The Variation is generally too complex and controlling, particularly in respect of triggers and consent requirements. In respect of triggers, the Variation risk being something of a Clayton's zoning, ie a Zone that looks like it can deliver housing to the market, but cannot in fact, or at least not for a considerable period of time. It also risks "gaming" across the landholdings, if the way the triggers work can enable one landholder to hold up development of another landholder's development. GDL wishes to see the triggers removed, so that each landowner can advance proposals for their land on their merits, and having regard to whatever

capacity or other constraints exist at the time. As everyone know, development can drive the provision of infrastructure, and there are mechanisms such as consent conditions and development contributions to ensure that effects and wider infrastructure costs can be addressed. Landowners are very capable of entering into development contribution agreements, and will readily do so if it will unlock the development of their land on commercial terms. The consenting burden also needs to be reduced. The time and cost of obtaining resource consents (which may still be subject to appeals), is a significant barrier to the swift delivery of housing. Delays only drive up prices further.

- (b) The density requirements are also unrealistic, in many cases, as they require delivery of a product that is too expensive to deliver, or which the market simply doesn't exist for. Try securing funding for a project that doesn't stack up, or can't be sold. So the risk is that landowners will refuse to progress development on their land, or wait until the market is there for higher density development. Neither outcome will deliver urgently needed housing to the market anytime soon. Or alternatively, there will be a multitude of non-complying applications made – with good reason and justification, with result in departures from the SPP Variation's unduly utopian ideals.
- (c) For GDL in particular, the SPP Variation has adopted the existing arbitrary boundary of the Slope Hill ONF as its UGB and zone boundary. That ONF boundary currently sits across the GDL site at an arbitrary location, which does not tie to any particular contour or feature. It does not align with the toe of the slope, although that "toe of the slope" terminology is thrown around. The ONF boundary is also unfairly imposed on the GDL site, as it dips lower on the GDL site than the properties either side, and further around the ONF. In other areas of Slope Hill, the ONF line rises to avoid existing dwellings, or to follow man-made features, such as water races. In other words, it does not faithfully follow the "feature", let alone reflect what is outstanding in respect of the feature. As it relates to the GDL site, it is unnecessarily constraining, and will severely compromise what can be delivered

around the Glenpanel homestead. In other words, it sets the Glenpanel precinct, and the long term protection of the Historic Homestead as a community focal point, up to fail. I talk more about this more below.

### **The ONF**

16. I have a very personal connection with the land, and know it well. The existing Glenpanel Homestead is the family home, and the family currently farms the wider landholding, as well as using it for our recreational enjoyment.
17. As part of the intended development, including that envisaged under the current SPP Variation process, the historic Glenpanel Homestead and its immediate grounds is intended to be opened to the public in some way. We already hold a consent for it to be used as a café, but it could become a function centre, wedding venue, art gallery, or similar, supported by mixed use and residential development in the immediate and wider vicinity. Having community facilities around the Homestead will be positive for the surrounding areas of the Mile, particularly as more development occurs into the future. However, the historic Homestead also needs to “breathe”, and it makes sense to have some of its current grounds protected, if not extended. It can provide a connection to Slope Hill, and the ONF, that could increase people’s appreciation and experience of the ONF. For example, a walkway or park area could be provided.
18. But the only way this will be successful, is if a critical mass of mixed use development can occur either side of the Homestead. Presently, the site is too constrained by the zoning to allow this.
19. While I understand that the SPP Variation is to set a zone and plan provisions, I illustrate our current vision for the Homestead precinct in the following Plan. The current ONF and Ladies Mile zone boundary is shown in the olive green line. It can be immediately seen that there isn’t much depth to the zone beyond the east-west collector road proposed.



20. Yet, if the zone boundary were extended (and the ONF reduced) a small amount (and to a level that is consistent with the location of the ONF line elsewhere on Slope Hill) it would unlock additional developable areas – while still allowing the Homestead to breathe and, significantly, connect with the gully behind it.
21. I know that the Council says that there is no scope or jurisdiction to amend the ONF line through this SPP process. I will let others address the legal position, but it seems to me, from a practical perspective, that this process will be the only time that the fine grained details of the ONF line will be considered. If we are locked out of considering the matter through this process, then it will simply be too late. We do not have the resources or will to promote a private plan change to shift the ONF. And I can't see the Council looking to advance the issue again any time soon. So the development pattern will effectively be set, permanently, by this decision.
22. I understand that the Council is saying that the ONF boundaries were recently set by the Environment Court, and shouldn't be revisited again so soon. I was involved in the PDP process that confirmed the ONF line, but I did not understand how critical it was for consenting decisions at the time.

In terms of time, the process started in 2014 – so next year it will have been 10 years since the process of looking at the ONF line last commenced.

23. Given that I did not understand the blight that the ONF line places on land at the time, I did not seriously challenge it, and so its boundaries have never been robustly set, at least not in respect of the GDL site. In terms of the consequences of the ONF line, I understand that it was only in 2014 that the Supreme Court in NZ King Salmon changed the approach to consideration of policies, such that an “avoid” policy became much stronger direction to “not allow” something, compared to previous approaches. So how were we to know at the time how critical the ONF line would be to preventing the reasonable use of our land.
24. We see the ONF as a significant, and undue, interference in private property rights. If the Council wants Slope Hill as a park or scenic reserve, then it should acquire it.
25. I say the interference is undue, because, to normal people – the people who live in the community – the Slope Hill ONF is not a sacred feature that should not be used. Normal people might appreciate it as a pleasant, mostly open, green hill, but people do not stop to pause and look at it because it is a breathtaking sight (unlike, say the Remarkables). I understand that the importance of landscapes and features should be informed by the community’s views of them. The community does not value this ONF to the same extent as many others.
26. The lower parts of the slope are also going to be obscured from view by development in front of it. So the community’s “appreciation” of that Part of the ONF will be lost in any event.
27. I also understand that much is being made of the Slope Hill ONF being a roche moutonnée. Since it is having such a drastic impact on our ability to use our land, I have spent time and effort researching and trying to understand just what a “roche moutonnée” actually is, and so what actually the “feature” is that is looking to be protected. A roche moutonnée seems, in simple terms, to be a type of rock formation created by the passing of a glacier. So the feature would be obscured if native (or other) revegetation was allowed to occur. In other words, the only reason the feature can currently be seen, is because it has been cleared and farmed. So it is the

unnatural human modification of the Slope Hill that allows us to see the “feature” as it is today.

28. We want to continue to farm the balance of Slope Hill that will be left following development on the flat and, to whatever extent allowed, on the “toe of the slope”. But if we cannot move to live on that balance land, following the return of the historic homestead to the public, there will be little incentive, or real practical ability for us to do so. It will be too small for any commercial farming, and will likely be left to regenerate (and so the feature will be lost on the site). The only way to protect the ONF in the long term, is to allow its reasonable use.
29. In respect of the “toe of the slope”, I understand that the lower parts of the slope were part of an ancient riverbed or lake, and so they are different to the roche moutonnée parts of the Hill. Where the “feature” truly starts seems to be a matter of debate. It also seems debateable as to whether, if the feature does extend all the way to where the ONF line is currently placed, the feature is outstanding, or natural at that point.
30. I do not see it as outstanding, and as I have said above, the lower parts will be obscured by development in front of it. In addition the lower parts are even more highly modified than the upper slopes, and so are even less natural. As part of maintaining access, I have worked the lower slopes, and note that they are noticeably “siltier” than higher up. I have also undertaken planting in those lower slopes, particularly around the main gully. To the extent this is a feature (within a feature), that has perhaps been to our detriment, as it has improved the legibility and expressiveness of that gully.
31. Finally, in terms of the outstandingness, naturalness, and extent of a roche moutonnée “feature”, I note that commonly held out examples of such features show the rock much more prominently than even the farmed upper slopes of Slope Hill. For example, in New Zealand:
  - (a) Waimakariri valley, North Canterbury (Charles Cotton’s *The geomorphology of New Zealand* (1922)):



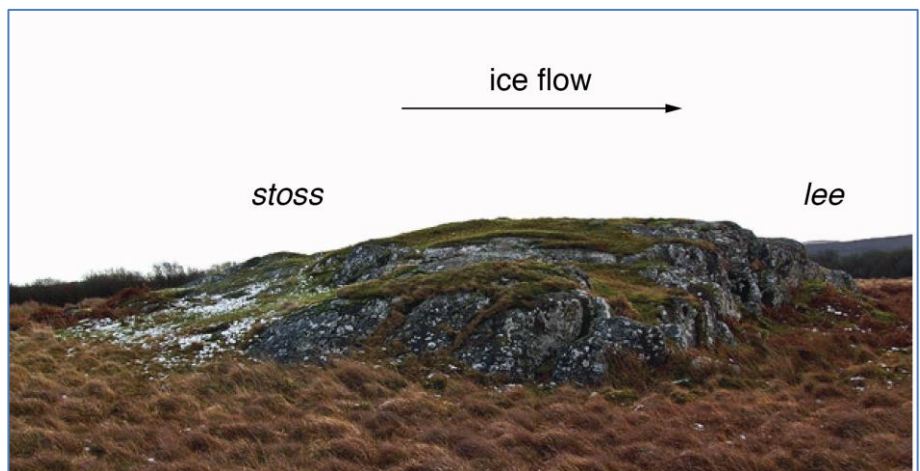


(b) Mount Iron:



32. Internationally:

(a) Castle Loch, southwest Scotland:



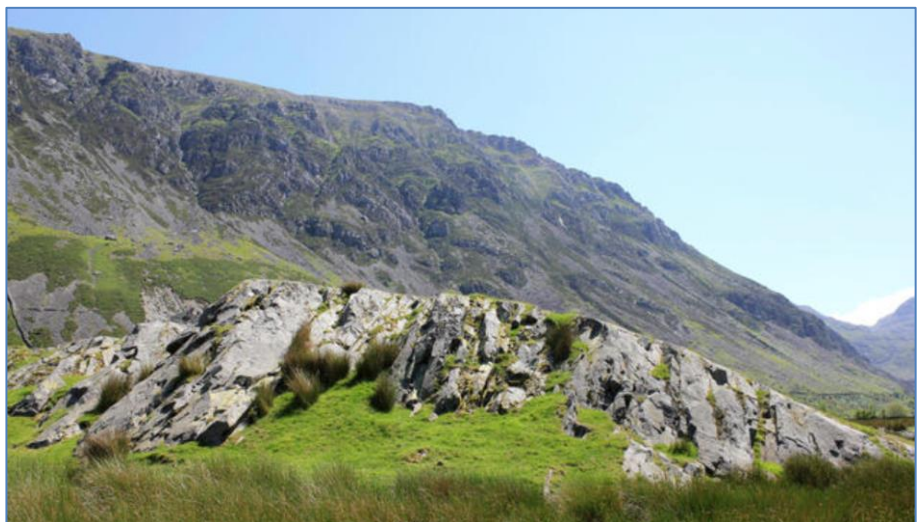
(b) Near Myot Hil, UK:



(c) Cascade Range, Cle Elum, Washington:



(d) Nant Francon Valley, Wales:





(e) Nant Ffrancon valley, Snowdonia, Wales:



(f) Tuolumne Meadows, Yosemite National Park, California:



(g) Vallee des Merveille:



33. It seems fairly plain that these examples of roche moutonnée features show how prominent and obvious the “rock” is. By comparison, Slope Hill is more grassy knoll than rock:



34. So the “toe of the slope”, at least on the GDL site, which is grassed and planted, as well as modified by access tracks and other human interventions, cannot seriously be considered part of the “sheepback rock” feature, or at least not an outstanding or natural part of it. This is the real world, rather than landscape fantasy.

**20 October 2023**  
**Mark Tylden**