

**Before the Independent Hearing Panel
appointed by Queenstown Lakes District Council**

In the Matter

The Resource Management Act 1991

AND

In the Matter of

a proposed variation to the
Queenstown Lakes Proposed District
Plan – Te Pūtahi Ladies Mile Zone

**Opening Legal Submissions for
Doolytle & Son Limited**

Dated: 4 December 2023

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INTRODUCTION

1. These opening legal submissions are presented on behalf of Doolytle & Son Ltd (**Doolytle**)¹ in relation to the proposed Te Pūtahi Ladies Mile (**TPLM**) variation (**Variation**) to the Queenstown Lakes Proposed District Plan (**PDP**).
2. Doolytle owns land at 466 Frankton – Ladies Mile Highway, legally described as Lot 2 DP 536321 and Lot 403 DP 322452 (**Site**). Lot 2 DP 536321 is the main parcel, with Lot 403 DP 322452 being a small parcel adjacent to and amalgamated with Lot 2 DP 536321. The location of this land is shown at **Annexure A**.
3. In the notified Variation, the Site has been zoned Low Density Suburban Residential Zone in accordance with the PDP.
4. Doolytle seeks inclusion of both blocks of land within the TPLM – Commercial Precinct. As an alternative relief, it seeks that the Site be rezoned High Density Residential.
5. Queenstown Lakes District Council (**Council**) opposes a rezoning of the Site to TPLM – Commercial Precinct, but agrees that a zoning of High Density Residential is appropriate for the Site.²
6. It is Doolytle's case that the use of the Site for local commercial activity for the immediate local catchment is the most appropriate use of the land and will complete a corridor of non-residential activity connecting the proposed commercial precinct with the existing commercial activity, through to the residential communities beyond that.

Scope

7. In the Council's section 42A Report, the recommending officer noted that the submission seeking rezoning of Lot 403 DP 322452, being a narrow sliver of land adjacent to and amalgamated with the larger parcel Lot 2 DP 536321, was out of scope as it was not "on" the Variation.
8. Counsel filed a memorandum on 6 November 2023 addressing Doolytle's position that the submission seeking to include Lot 403 DP 322452 was within scope of the Variation.

¹ Submitter #81.

² Statement of Rebuttal Evidence of Jeffrey Brown dated 10 November 2023 at paras [108]-[109].

9. Counsel understands that Council agrees with Doolytle's position on this point and has provided submissions to the Panel confirming its view that the submission within scope of the Variation.³ We agree with those submissions.
10. In light of the above, we submit that the Panel has scope to determine the relief sought by Doolytle over both parcels of land.

The Doolytle Vision

11. Doolytle seeks to enable local neighbourhood commercial activity on the Site to service the immediate surrounding catchment of Shotover Country and Lake Hayes Estate, where there is currently a limited offering of commercial services. It will also service the proposed community at Ladies Mile and will diversify the commercial services offered in the Commercial Precinct.
12. This will play an important role in achieving the vision of the Masterplan of considering State Highway 6 as a gateway corridor to Queenstown that celebrates the evolving nature of the wider Wakatipu Basin.⁴
13. In order to implement this vision, Doolytle seeks a rezoning of the Site be included in the Structure Plan extent and be zoned as TPLM – Commercial Precinct.
14. For completeness, we note that the amendments sought to the provisions of the Variation related to large format retail and minimum floor area for large format retail as set out in Annexure A of Mr Dunn's evidence are no longer being pursued. The 12m building height relief sought for the Doolytle land is still be pursued. Doolytle seeks the same Commercial Precinct provisions as are proposed by Council on the northern side of State Highway 6.
15. The Doolytle land is not dependent on waiting for new roads and surrounding networks to be developed compared to other parts of the variation on the north side of State Highway 6 so could be developed comparatively quicker. Doolytle has an established client base and has demand for smaller-footprint commercial spaces.
16. Due to the location of the Site in a corridor of non-residential activity, Doolytle considers that the most appropriate zoning is another non-residential use, being a commercial zoning. If commercial zoning is not considered to be appropriate by the Panel, high density residential zoning is the most compatible zoning for the site in amongst the corridor of mixed alternative activities.

³ Opening legal submissions on behalf of Queenstown Lakes District Council dated 24 November 2023, at para [39].

⁴ Masterplan Report, page 51.

THE LAW

17. The statutory framework for district plan variations is set out in the Council's opening legal submissions.⁵ We agree with counsel's summary and in the interests of efficiency do not repeat that framework here. We emphasise that section 32 of the RMA is of particular relevance to the Variation. This section sets out the relevant statutory tests that must be carried out to determine the most appropriate way to achieve the purpose of the Act.
18. Section 32(1)(b) requires an examination of whether the provisions of the proposal are the most appropriate way to achieve the objectives of the plan.
19. Section 32(2) requires that an assessment under subsection (1)(b)(ii) must identify and assess the costs and benefits of the environmental, economic, social and cultural effects that are anticipated from the implementation of the provisions.
20. Mr Dunn has completed a thorough section 32AA analysis of the relief sought by Doolytle, which is contained in his evidence in chief.⁶
21. Although critical of the relief sought by Doolytle, the Council witnesses have not completed a thorough section 32AA analysis detailing the costs and benefits of the relief sought by Doolytle.⁷
22. In our submission, and on reliance on Mr Dunn's evidence, the relief sought by Doolytle can be preferred in a section 32 sense as it better achieves the objectives of the Variation, the relevant PDP provisions and the purpose of the Act.

Te Pūtahi Ladies Mile Zone Purpose

23. The purpose of the underlying proposed **TPLM** Zone is to ensure the efficient use of land for the provision of housing within an integrated, well-functioning and self-sustaining urban community, that is inclusive of communities in nearby zones.⁸ This reflects Design Principle 4 of the Masterplan, which is to create self-sustained and connected communities.⁹

⁵ Opening legal submissions on behalf of Queenstown Lakes District Council dated 24 November 2023, at paras [14] – [51].

⁶ Statement of Evidence of Alex Dunn dated 20 October 2023, at para [29] – [75].

⁷ Section 32(2) Resource Management Act 1991

⁸ 49.1 (Zone Purpose), Notified Te Pūtahi Ladies Mile Zone Provisions, 27 April 2023.

⁹ Design Principle 4, Te Pūtahi Ladies Mile Final Masterplan Report dated June 2022.

24. In terms of delivering that purpose, the purpose of the Commercial Precinct is for it to be centrally located and provide a focal point for commercial activities and amenities to serve the resident community while not undermining the role of the commercial areas at Frankton or the Queenstown Town centre.¹⁰
25. The Doolytle Site would do precisely that. Doolytle is seeking a precinct for the Site that will, in our submission, better achieve the purpose of the TPLM Zone than residential activity would.

Appropriateness of applying a Commercial Precinct Zoning to the Site

26. The TPLM Final Masterplan Report contains 'design principles' which have been incorporated into the notified version of the Variation.
27. Design Principle 4 seeks to create self-sustained and *connected communities*. This Design Principle has been carried over into the Zone Purpose statement:
- The purpose of the Zone is to ensure efficient use of land for the provision of housing within an integrated, well-functioning, and self-sustaining urban community, that is inclusive of communities in nearby zones.
28. The Zone Purpose intentionally includes reference to inclusivity of communities in nearby zones. The closest communities to Ladies Mile are the existing nearby zones of Lake Hayes Estate and Shotover Country.
29. The successful delivery of Design Principle 4 will be communities that are self-sustained and connected. In our submission, the notified version delivers an outcome for the northern side of State Highway 6 without giving sufficient consideration to the corridor that will connect that with the existing residential communities on the south side of the corridor. The connectivity between Ladies Mile, Lake Hayes Estate and Shotover Country and their self-sustainability as a collective is a key objective of the Variation and will be better achieved with local commercial activity on the Doolytle Site.

Commercial Corridor

30. In his evidence, Mr Dunn considers that the provision of additional land in the Commercial Precinct on the Doolytle Site will assist in achieving the objectives of

¹⁰ Te Pūtahi Ladies Mile Zone Purpose Statement, notified version, 27 April 2023.

the Variation as it will create a corridor of commercial activity to connect the Variation land with the existing communities of Shotover Country and Lake Hayes Estate.¹¹

31. This commercial corridor will consist of the Commercial Precinct as notified to the north of State Highway 6, the Doolytle Site, as well as the small commercial centre at Kawarau Park to the south of State Highway 6.
32. In our submission, establishing a commercial corridor that provides commercial services to communities on both sides of State Highway 6 better achieves the objectives the Variation, particularly Proposed Objective 49.2.2,¹² Proposed Objective 49.2.3¹³ and Proposed Objective 49.2.6.¹⁴
33. In her statement of rebuttal evidence, Ms Hampson (an economist) disagrees that a corridor of commercial activity will be formed if the Site is zoned TPLM – Commercial Precinct. This is because of the presence of the Open Space Precinct, which sits between the Site and the Commercial Precinct as notified.¹⁵ The implication of this is that the corridor would be interrupted by the Open Space Precinct such that it would not read as a corridor of commercial activity, but rather as an isolated area of commercial activity. Ms Hampson also considers that a corridor is not necessary to connect Lake Hayes Estate and Shotover Country with the Variation area.¹⁶
34. In response, we draw the Panel's attention to paragraph 107 of Mr Dunn's evidence, where he says that:
- While there is an area of open space precinct and the State Highway that would bisect the two areas of commercial precinct zoning, the areas would read together as a wider town centre environment to not only the new TPLM community, but also a town centre environment that would service the existing Lake Hayes Estate and Shotover Country communities.
35. Additionally, we submit that the presence of the Open Space Precinct will not interrupt the functionality of the corridor, especially as the Council appears to have plans to establish some built form on the Open Space Precinct area directly adjacent to the Site.¹⁷ In our submission, the proposed potential built form on the Commercial and Open Space Precincts, combined with the existing built form at the Queenstown

¹¹ Statement of Evidence of Alex Dunn dated 20 October 2023, at para [32].

¹² Which refers to a self-sustaining community and efficient use of urban land.

¹³ Which refers to the Commercial Precinct being compact, convenient and accessible for meeting the needs of local residents.

¹⁴ Which refers to minimising the generation of additional vehicle trips along State Highway 6.

¹⁵ Statement of Rebuttal Evidence of Natalie Hampson dated 10 November 2023, at para [31(b)].

¹⁶ At para [31(b)].

¹⁷ Te Pūtahi Final Draft Masterplan Report, Appendix A, at page 37.

Country Club, Kawarau Park, and the proposed built form of the Site, will, as Mr Dunn says, read together as a wider town centre environment.¹⁸

36. Additionally, the existing built form and land-use pattern along the proposed corridor is exclusively non-residential, with the presence of the Queenstown Country Club retirement village and the commercial centre at Kawarau Park on the south side of State Highway 6. This, combined with the proposed built form on the Open Space Precinct, will have the effect of reading as a corridor of non-residential activity linking both sides of State Highway 6 regardless of the aerial-view zoning maps.
37. Ms Hampson considers that a corridor is not necessary to connect the notified Commercial Precinct with the existing communities at Lake Hayes Estate and Shotover Country. However, presumably this conclusion is limited to Ms Hampson's economic expertise. Mr Dun, for Council, agrees with Ms Hampson that a commercial zoning of the Doolytle land would not be a logical extension of the proposed commercial centre on the north side of SH6 and would not create a commercial corridor.¹⁹ Mr Dun does not give reasons behind his conclusions and appears to rely on the evidence of Ms Hampson despite the matter being one of urban design and not economics. We submit that a corridor approach to urban design in this context will generate an outcome that better integrates the north and south sides of State Highway 6 and provides for a convenient and accessible way for meeting the needs of local residents, particularly at Shotover Country and Lake Hayes Estate.
38. A corridor approach to urban design has previously been endorsed by other local authorities, especially for high growth areas like Auckland. For example, the Independent Hearings Panel appointed for the Auckland Unitary Plan endorsed a Centres and Corridors Strategy as a planning tool that achieves good urban design outcomes.²⁰ While in a different context, we submit that a corridor approach to commercial activity will also achieve a good urban design outcome for the high growth area of the Ladies Mile/Eastern Corridor area.
39. Accordingly, in response to Ms Hampson's rebuttal statement, while a corridor approach to commercial activity is not strictly required in order for the Commercial Precinct to service the existing communities at Shotover Country and Lake Hayes Estate, we submit that it is an urban design outcome that better achieves the connectivity and self-sustaining communities purposes of the Variation. From a section 32AA sense, the question is not what is necessarily required, but the appropriateness of a proposal in achieving the objectives of the Variation.

¹⁸ Statement of Evidence of Alex Dunn dated 20 October 2023, at para [107].

¹⁹ Statement of Rebuttal Evidence of Stuart Dun dated 10 November 2023 at [48]

²⁰ Recommendation Report of the Auckland Unitary Plan Independent Hearings Panel, Topics 016, 017, 090 and 081, July 2016.

Council's Position

Compact Urban Form

40. The section 42A reporting officer recommends that a rezoning of the Site to TPLM – Commercial Precinct be rejected on the basis that spreading commercial zoning over new locations may compromise the ability to develop a viable, compact and vibrant centre in the notified Commercial Precinct, which would be contrary to Proposed Objective 49.2.3 of the Variation.
41. In our submission, the evidence of Mr Dun demonstrates that providing a commercial zoning to the Site will not compromise a compact Commercial Precinct due to the location of the Site within a logical corridor of commercial activity.²¹ The proposed corridor would be centrally located within the Variation area.
42. In our submission, we consider that the Council has taken an unduly narrow approach to what is considered a compact commercial precinct. In considering what is compact, we submit that the Council has placed significant weight on the ability of the Commercial Precinct to service the new Ladies Mile community on the north side of State Highway 6 and has not properly considered the need for the Commercial Precinct to also service the existing communities at Lake Hayes Estate and Shotover Country. In our submission, when a wider approach is taken that better considers existing communities, a Commercial Precinct corridor can still be considered compact in the context of the wider environment that it is intended to serve.
43. This wider approach is in keeping with the purpose and objectives of the Variation, which seeks to create an “integrated, functioning and self-sustaining” urban community.²²
44. In support of this wider approach, we refer to the economic evidence of Mr Heath, whose evidence aligns with Mr Dun’s in concluding that the Council has taken too narrow of an approach in determining the extent of the Commercial Precinct area, as well as the extent of the Variation area as a whole.²³ This is consistent with the evidence of Mr Dunn, who considers that the Council appears to have considered

²¹ At para [99].

²² 49.1 Te Pūtahi Ladies Mile Zone, notified version, 27 April 2023.

²³ Statement of Evidence of Tim Heath dated 20 October 2023, at paras [15] – [16].

the Variation “in isolation” and without regard to the existing urban areas of Lake Hayes Estate and Shotover Country.²⁴

45. We also refer to the Urban Design Evidence of Mr Bruce Weir (for the Anna Hutchinson Trust) who confirms that 800m is a distance that people can comfortably walk in 10 minutes and is considered a walkable catchment.²⁵ The vast majority of Lake Hayes Estate and Shotover Country is over 800m from the notified and amended Commercial Precinct and therefore, residents of Lake Hayes Estate and Shotover Country are more likely to use their private car to access this area. If the Doolytle land was rezoned to Commercial Precinct, a large proportion of residents of Lake Hayes Estate and Shotover Country will be within a walkable 800m distance of a greater variety of services on the Doolytle Site. This would better align with the Council’s Ladies Mile Transport Strategy that seeks to reduce traffic generation and provide for “walkable urbanism”.
46. Mr Shields, Council’s traffic engineering expert, confirms that there is currently peak period congestion on SH6 and that the intention of the TLM Variation is to provide high density residential development and key community facilities within a short walking distance to enable a mode choice from private car to public and active transport modes.²⁶ In my submission, encouraging active transport will be more successful in relation to the existing established residential communities where commercial activity is closer which will in turn will reduce congestion.
47. Accordingly, we submit that the compact form of the Commercial Precinct will not be compromised as a result of rezoning the Site to TPLM – Commercial Precinct and will instead achieve a convenient and accessible commercial corridor that will better meet the needs of the local residents on both sides of State Highway 6 and respond to the existing Ladies Mile communities.

Traffic Impacts

48. In the Council’s section 42A report, High Density Residential zoning was opposed for the Site on the basis that it would be inconsistent with the surrounding environment on the south side of State Highway 6 and may result in traffic effects that require further consideration.
49. Doolytle has commissioned a greenhouse gas report prepared by Lumen, and which is attached as Annexure B to Mr Dunn’s evidence. This report illustrates that

²⁴ Statement of Evidence of Alex Dunn dated 20 October 2023, at para [104].

²⁵ Statement of Evidence of Bruce Weir dated 20 October 2023 at [28].

²⁶ Statement of Evidence of Colin Shields dated 29 September 2023 at [72].

the proposed rezoning to TPLM – Commercial Precinct, will reduce transport-related emissions associated with employee commuting and customer travel, which will assist in achieving Proposed Objective 49.2.6 as well as the Government’s targets for reducing emissions by light weight vehicles by 20 percent by 2035.

50. This will better achieve Proposed Objective 49.2.8 of the Variation, which directs development that supports resilience to the current and future effects of climate change.
51. In his rebuttal evidence, Mr Brown notes that Mr Shields, a traffic expert, agrees that High Density Residential zoning is appropriate on the Site.²⁷ In our submission, due to the Site’s location, the traffic effects generated by applying a TPLM – Commercial Precinct zoning can be managed in keeping with the objectives of the Variation.
52. More specifically to transport design matters, these will be appropriately controlled at the time of resource consenting by the matters of discretion listed in the restricted discretionary activity status for buildings used for non-residential activities:²⁸

h. Parking and access layout: safety, sufficiency for emergency access, efficiency and impacts on on-street parking and travel management;

....

j. The spatial layout of the development, and its relationship to and integration with other sites and development, taking into account the location of:

- (i) *i. Roads, walkways and cycleways throughout the Sub-Area including Indicative Roads as shown on the Structure Plan and where these will connect to adjoining sites and (where relevant) neighbouring Sub-Areas and (where relevant) State Highway 6, including intersection layout and design;*

...

53. The restricted discretionary activity status for non-residential buildings reflects a conscious decision by Council in that more granular transport assessments would be required at the time of resource consent application once more exact development details are known.²⁹ It is therefore considered that demand management of traffic related to a commercial zoning of the Doolittle land can be assessed at the time of resource consent application for commercial buildings.

²⁷ Statement of Rebuttal Evidence of Jeffrey Brown, dated 10 November 2023 at para [108].

²⁸ Rule 49.4.18 Te Pūtahi Ladies Mile Zone, notified version, 27 April 2023.

²⁹ Evidence of Colin Shields dated 29 September 2023 at [19].

54. Doolittle has provided indicative plans of the entry and exit points to the Site, which are attached to Mr Dunn's evidence at Annexure C and demonstrate that feasibility of access to a commercial development. This "left in – left out" design enables persons travelling by vehicle within Lake Hayes Estate and Kawarau Heights, and to a lesser extent Shotover Country if they take the Howards Drive access, to stop at the Site easily. This design also promotes transport network efficiency and general safety, which is likely to result in less vehicle trips and/or the ability to walk to access commercial services for those that reside on the south side of the State Highway.³⁰
55. In addition, a corridor of commercial activity will better achieve Proposed Objective 49.2.6, which relates to the minimisation of additional vehicle trips along State Highway 6. Mr Dunn has provided evidence that extending the Commercial Precinct to offer a wider variety of commercial services will have a positive effect as it will likely result in a greater proportion of people using active travel modes, resulting in less requirements to travel by car along State Highway 6 to access commercial services.³¹
56. Logic dictates that providing for more commercial activity on the same side of State Highway 6 as the current residential population, will better enable active transport such as walking and biking.
57. In relation to the broader network given the Howards Drive/SH6 intersection is to be upgraded, it is difficult to understand why that upgrade could not anticipate generation from the Doolittle relief.

Economic Demand

58. Ms Hampson on behalf of the Council considers that there has been insufficient evidence provided on economic demand to justify the rezoning of the Site to TPLM – Commercial Precinct.³²
59. Ms Hampson's own Business Development Capacity Assessment 2017 (**BDCA 2017**) concluded that there was demand for commercial land in the Wakatipu Ward in the short, medium and long-term³³ and there was sufficient plan enabled business

³⁰ Business Development Capacity Assessment 2017 Queenstown Lakes District, M.E Consulting, 8 November 2018 at page 139.

³¹ At para [34].

³² Statement of Evidence of Natalie Hampson dated 27 September 2023, at para [2-3].

³³ Business Development Capacity Assessment 2017 Queenstown Lakes District, M.E Consulting, 8 November 2018 at page 97

land capacity for the short, medium and long term.³⁴ Ms Hampson has since confirmed that the Council population projections which the BDCA relied on, appeared to have underestimated the resident population and therefore any growth projected by Council in 2017 was off a lower base population than existed in reality.³⁵ Therefore, it follows that the BDCA 2017 has not accurately forecasted the amount of demand for commercial land in the Wakatipu Ward and the lack of business land supply to meet demand has worsened.

60. Based on market research, there is still low supply and moderate demand in the Queenstown and Frankton area for commercial, retail and office premises³⁶ suggesting that there is a continued need for further commercial zoned land in the short to medium term. As Ms Hampson states, there is always a small risk that a zoned area underestimates long term demand.³⁷ In our submission, it is more appropriate in a section 32 sense to provide the opportunity to meet the current moderate demand than risk the commercial precinct being too small and not providing adequate services to the nearby residents. The Doolytle site would provide a ground floor GFA of approximately 4,750m² and could sustain between 15 and 47 small format shops/tenancies.³⁸ We disagree with Ms Hampson's statement that the rezoning of the Doolytle land will create a third commercial centre.³⁹ In line with the aspiration of the variation to create self-sustained and connected communities,⁴⁰ we consider that the rezoning of the Doolytle land will continue the corridor of commercial land and better service the existing residents of Lake Hayes Estate and Shotover Country in a more accessible way than a commercial zone on the north side of State Highway 6.⁴¹

Section 32AA Analysis

61. Mr Dunn has completed a thorough section 32AA analysis of the relief sought by Doolytle, which is contained in his evidence in chief. In summary, his evidence demonstrates that applying a TPLM – Commercial Precinct zoning to the Site is the most efficient and appropriate way to achieve the objectives of the Variation, in particular achieving an urban form that is better integrated with existing residential communities at Ladies Mile.

³⁴ Business Development Capacity Assessment 2017 Queenstown Lakes District, M.E Consulting, 8 November 2018 at page 139.

³⁵ Statement of Evidence of Natalie Hampson dated 27 September 2023 at [34] – [35].

³⁶ Otago Market Review and Outlook 2023/24, Colliers, 26 October 2023 at pages 4-5.

³⁷ Statement of Evidence of Natalie Hampson dated 27 September 2023 at [152].

³⁸ Statement of Evidence of Natalie Hampson dated 27 September 2023 at [200].

³⁹ Statement of Evidence of Natalie Hampson dated 27 September 2023 at [204].

⁴⁰ Design Principle 4, Te Pūtahi Ladies Mile Final Masterplan Report dated June 2022.

⁴¹ Ladies Mile Commercial Advice, RCG, February 2022, at page 4.

62. We submit that there are currently issues with the notified Commercial Precinct which contribute to the Variation being less effective than it could be. In our submission, providing a centrally located corridor of commercial activities will better achieve the objectives of the Variation as it will enhance the connectivity between the proposed development at Ladies Mile with the existing communities of Lake Hayes Estate and Shotover Country and will encourage the Eastern Corridor as a whole to be more self-sufficient. This will contribute to a reduction in the number of trips required for day-to-day needs across the Shotover Bridge, which is already at capacity.
63. Further, we submit that the alternative of applying a residential zoning on the site is less appropriate compared to a commercial zoning due to existing and proposed non-residential activities surrounding the site. The effect of this would be to create an isolated pocket of residential activity, which is not the most efficient use of the Site. While the Site looks to be an extension of Lake Hayes Estate, geographically it is distinct due to its elevated profile which has the effect of creating a natural boundary bisecting the Site from the existing residential communities.
64. The widening the Commercial Precinct to extend to the Doolytle Site will create benefits for the Lake Hayes Estate and Shotover Country communities as it will increase the range of commercial services offered closer to that community.
65. In terms of section 32(2), the costs and benefits of the proposed amendments to the Variation, as supported by the evidence of Mr Dunn, are:
- (a) There are no costs in terms of lost opportunities for urban intensification.
 - (b) There is no risk that such a minor commercial centre that is designed to serve the immediate catchment would undermine the centres hierarchy in the District Plan.
 - (c) The benefits in the changes assist with integrating the TPLM Zone with the surrounding areas of Shotover Country and Lake Hayes Estate, an outcome which is specifically sought in the Zone Purpose and through the objectives and policies of the zone.
 - (d) The benefits of expanding the commercial services in the Eastern Corridor will likely result in the reduction of vehicle trips generated along State Highway 6, an outcome which is also specifically sought in the Zone Purpose and in the objectives and policies of the zone.

66. Additionally, we submit that the rezoning of the Doolytle site to TPLM – Commercial Precinct is consistent with the objectives of the Strategic Directions chapter of the PDP. This is supported by the evidence of Mr Dunn.⁴²
67. While the Strategic Directions chapter contains objectives and policies that require the Council to avoid additional commercial zoning that is likely to undermine the function and viability of the Frankton and Queenstown centres,⁴³ we submit that such a small commercial zoning such as that proposed on the Doolytle site, and which is intended to serve the day to day needs of the immediate catchment, will not undermine the existing commercial centres at Frankton and Queenstown.
68. To provide further comfort to that conclusion, the proposed Variation provisions set a maximum floor area for retail activity in the Commercial Precinct of 300m² (for small format retail),⁴⁴ which in our submission will assist in keeping commercial development in the area of a sufficiently small and scale so as not to undermine the Frankton or Queenstown commercial hubs.

Alternative Relief

69. If the Panel is not minded to grant the primary relief sought by Doolytle of a rezoning to TPLM – Commercial Precinct, Doolytle supports an alternative rezoning to High Density Residential (PDP), which is the preferred zoning of the experts for the Council.
70. Following expert conferencing, the planning experts agree that High Density Residential would be a more efficient zoning for the Site compared to the existing Low Density Residential zoning.⁴⁵
71. In our submission, a zoning of TPLM – Commercial Precinct remains the most efficient zoning for the Site. However, should the Panel disagree, we agree with the planning experts and submit that a zoning of High Density Residential would be more appropriate for the Site compared to a Low Density Residential zoning as it would be a more efficient use of land.

Conclusion

72. Council clearly has firm views on the location and size of the Commercial Precinct which seems to be driven by locating commercial activity at the centre of the yet to be developed land, not at the centre of the Ladies Mile community.⁴⁶ In our

⁴² Statement of Evidence of Alex Dunn dated 20 October 2023, at paras [66] – [75].

⁴³ Objective 3.3.4 and Objective 3.3.7, Propose District Plan.

⁴⁴ Rule 49.5.38 Te Pūtahi Ladies Mile Zone, notified version, 27 April 2023.

⁴⁵ Joint Witness Statement of Planning Experts in relation to Te Pūtahi Ladies Mile Plan Variation, Dated 3 November 2023 at Attachment B, page 3.

⁴⁶ Evidence of Stuart Dun dated 29 September 2023 at [103].

submission the addition of the Doolytle Site to the Commercial Precinct has not been appropriately tested by Council's experts.

73. A rezoning of the Site to TPLM – Commercial Precinct will better achieve the objectives of the Variation. If the site were rezoned, this would have the effect of creating a corridor of commercial activity along Howards Drive, which will serve to connect the new Ladies Mile community with the existing communities at Shotover Country and Lake Hayes Estate, which is an outcome specifically sought in the Zone Purpose and the objectives and policies of the Variation.

Dated this 4th day of December 2023



Joshua Leckie
Counsel for Doolytle & Son Limited

Annexure A – Site and Surrounding Environment

