

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

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**Under** the Resource Management Act 1991

**In the matter of:** Te Putahi Ladies Mile Plan Variation to the Propose  
Queenstown Lakes District Plan

**and** the submissions by Winter Miles Airstream Ltd

Supplementary Planning Evidence of Brett James Giddens

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15 December 2023



**TOWNPLANNING**  
GROUP

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1. **INTRODUCTION**

1.1 My full name is Brett James Giddens.

1.2 I am the Managing Director of Town Planning Group (NZ) Limited, a resource management and planning consultancy established in 2006 that provides planning and resource development advice to private clients, local authorities and government agencies New Zealand-wide.

1.3 My qualifications and experience are outlined in my primary evidence in Chief dated 20 October 2023, as was my commitment to comply with the Environment's Court Expert Witness Code of Conduct.

**Purpose of evidence**

1.4 The purpose of this supplementary brief of evidence is to:

(a) respond to the questions put to me by the Panel (in particular, Commissioner Munro); and

(b) provide further planning commentary regarding the request of Winter Miles Airstream Limited (**WMAL**) to have 2,500m<sup>2</sup> of their land identified within the Commercial Precinct of the Te Pūtahi Ladies Mile Zone.

1.5 Specifically, this evidence outlines my suggested planning approach to accommodating the proposed 2,500m<sup>2</sup> Commercial Precinct within the WMAL land in Sub-Area E.

2. **WMAL REQUEST FOR COMMERCIAL PRECINCT**

2.1 WMAL is the owner of a 3.3267 ha parcel of land (**Site**) (Lot 2 DP 359142). It is proposed to be located within the High Density Residential Precinct under the Variation.

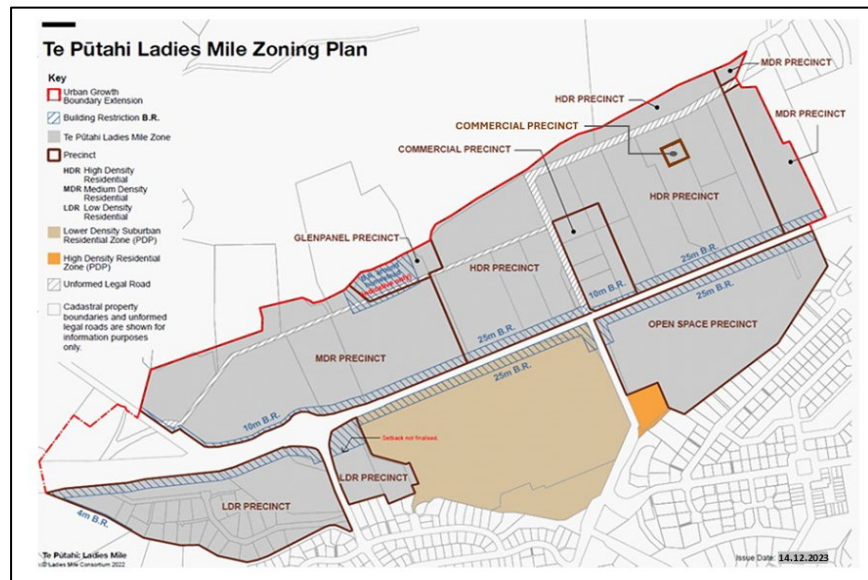
2.2 At [13.1] of the WMAL submission, WMAL requested:

*That the [WMAL] land encompassing the LMV is rezoned to urban zoning enabling high density urban development with 5,000m<sup>2</sup> of its land located in the commercial precinct.*

2.3 My primary evidence supported a reduced area of 2,500m<sup>2</sup> on the basis that it would have no measurable effects on the commercial precinct at Ladies Mile and will be indiscernible in scale (and therefore negligible in effect) to the commercial centres of Frankton and Queenstown.<sup>1</sup>

### 3. PROPOSED COMMERCIAL PRECINCT

3.1 I have assisted WMAL with identifying the area of Commercial Precinct land on the Structure Plan. This is identified in the figure below with a full copy of the plan included in **Annexure A**.



<sup>1</sup> [6.31] of primary evidence. In that regard, I remain of the view that 5,000m<sup>2</sup> remains supportable.



3.2 The proposed commercial precinct is 2,500m<sup>2</sup> in area and would be located alongside the proposed Collector Road through the property. In my opinion, the precinct is appropriately located within the site.

#### 4. **RATIONALE FOR PROPOSED PLANNING PROVISIONS**

4.1 Following the line of questioning from Commissioner Munro, I understand a key concern of including a commercial precinct within the WMAL land is ensuring that the distribution of commercial activity is not greater than what is anticipated on the site. In this regard, Permitted Activity Rule 49.4.8 is of direct relevance:

*Commercial Activities comprising no more than 100m<sup>2</sup> of gross floor area per site in the High Density Residential Precinct*

4.2 This rule, in effect, provides for a considerable area of Commercial Activity (as defined) in the HDR precinct in circumstances where multiple sites are created by subdivision.

4.3 In my opinion, there are two options for managing commercial activity on the WMAL land over and above the 2,500m<sup>2</sup> of proposed Commercial Precinct, namely:

- (a) amending Rule 49.4.8 so it has a smaller cap than 100m<sup>2</sup> per site, or a cumulative total of commercial activity on the WMAL land within the HDR precinct; or
- (b) amending Rule 49.4.16 to include the HDR precinct located on the WMAL land, meaning it is not permitted and additional commercial activity is captured in the same manner as the LDR and MDR precincts by requiring consent a restricted discretionary activity.

4.4 I examine both options further below.

**Option 1 – Density-Based Rule**

4.5 Rule <sup>2</sup> 49.5.16 (Residential Density) directs that residential development in then HDR Precinct shall achieve:

- (a) a density of 50-72 units per hectare across the gross developable area of the site; or
- (b) an average density of at least 55 residential units across the gross developable area of the site.

4.6 I have applied the 55 residential unit density as a conservative anticipated density.

4.7 Removing the area of the WMAL site that includes the collector road (approximately 2,000m<sup>2</sup>) and amenity access area (approximately 800m<sup>2</sup>), in addition to the removal of 15% (approximately 5,000m<sup>2</sup>) of the land for additional internal roading and open space, this leaves approximately 2.54 hectares of land available for development.

4.8 A density of 55 over 2.54 hectares of land equates to approximately 140 residential units. While I consider this number/yield low if buildings were constructed to 5 or 6 levels (as provided for), it is a conservative number to work from for the purpose of my analysis here.

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<sup>2</sup> Hearings Version 8 December 2023

- 4.9 If the density of 140 was translated into 140 sites (which could be achieved via subdivision), then this could equate to **14,000m<sup>2</sup>** of GFA for commercial activity on the WMAL site as a permitted activity under the current rule framework.
- 4.10 To ensure that no additional commercial activity is provided and to establish a baseline expectation, a comparison would need to be made against say **12,000m<sup>2</sup>** of commercial activity enabled through the proposed 2,500m<sup>2</sup> Commercial Precinct (where I have assumed it is developed to an upper extent of 2,000m<sup>2</sup> over 6 levels, taking into account that 20% of the site area needs to be permeable).
- 4.11 Taking this approach, the commercial activity yield under Rule 49.4.8 would need to be capped at 2,000m<sup>2</sup> to ensure the overall commercial yield for the site, alongside the Commercial Precinct, is not exceeded.
- 4.12 This approach comes with some uncertainty. In my opinion, the residential yield of the site will be higher than 140 units if the maximum height (6 levels) is advanced alongside a well-planned design and unit size 'package'. I would expect this number to be closer to 220 units, which aligns with the advice WMAL has been provided through its initial bulk and location concepts.
- 4.13 The other source of uncertainty is not knowing / the difficulty of predicting how many of those units would practically be used for commercial activity (or a portion of those units). While the commercial activity allowance provided for in the current framework could easily create an outcome in which the site could provide a significant area of commercial activity, this would likely be market driven and sits outside my expertise to make assumptions on for the purpose of defining a specific rule framework.
- 4.14 I do note here, however, that I consider it highly likely that commercial activity will be established on the WMAL site with or without the Commercial Precinct due to the benefits that commercial activity has to helping 'kick start' land development and assist with overall development feasibility (as discussed by Mr Wensley at the hearing). It is the quantum of this which is unknown at this stage.

- 4.15 I suggest that as Option 1, Rule 49 .4.8 could be amended to enable a lower cap, as follows:

*Commercial Activities comprising no more than:*

*(a) 65m<sup>2</sup> of gross floor area per site in the High Density Residential Precinct on Lot 2 DP 359142; and*

*(b) 100m<sup>2</sup> of gross floor area per site in the High Density Residential Precinct elsewhere.*

- 4.16 My amendment is a 35% reduction in the permitted yield of commercial activity on the WMAL site, which I consider as a reasonable balance.

### **Option 2 – Amended Restricted Discretionary Activity Rule**

- 4.17 Should the Panel accept the 2,500m<sup>2</sup> area of Commercial Precinct within the WMAL site, another option would be to amend Rule 49.4.16 which currently controls commercial activity in the Low and Medium Density Residential precincts. This could be amended to read as follows:

*Commercial Activities comprising no more than 100m<sup>2</sup> of gross floor area per site in the Low Density Suburban Residential Precinct, ~~or~~ the Medium Density Residential Precinct, or the High Density Residential Precinct on Lot 2 DP 359142.*

*Discretion is restricted to:*

- a. benefits of the commercial activity in servicing the day-to-day needs of local residents;*
- b. hours of operation;*
- c. parking, traffic and access;*
- d. noise*

- 4.18 The proposed rule would operate as a means of controlling further commercial activity on the WMAL site outside the proposed Commercial Precinct.
- 4.19 The benefit of this approach is that it would provide certainty that the new area of Commercial Precinct would not count as additional commercial activity, as any other commercial activity would require resource consent and be tested under the matters of discretion of this rule.
- 4.20 This approach also eliminates the 'guess work' in a comparative analysis of the rules I refer to above.

4.21 On balance, I consider Option 2 would be the most certain and effective approach.

## 5. CONSEQUENTIAL AMENDMENTS

5.1 Following on from the addition of the Commercial Precinct on the WMAL site, I recommend a number of other consequential amendments to the provisions, tracked in full in **Annexure A** and summarised below:

- (a) **Rule 49.4.8:** This amendment reflects **OPTION 1** to reduce the permitted allowance of commercial activity per site to of 65m<sup>2</sup> on the WMAL site.
- (b) **Rule 49.4.14:** Amended rule to ensure that the supermarket site that is provided for within the Commercial Precinct of Sub Area D remains as the one supermarket specifically provided for in the Variation provisions.
- (c) **Rule 49.4.16:** This amendment reflects **OPTION 2** by updating the Restricted Discretionary Activity rule to also include the WMAL land, meaning that up to 100m<sup>2</sup> of commercial activity on a site will trigger the need for resource consent and not be Permitted under Rule 49.4.8.
- (d) **Rule 49.4.18:** Amended the matter of discretion relating to the anchor building on the corner of SH6 to relate to the Commercial Precinct in Sub Area D (this is necessary as WMAL land cannot achieve this the proposed Commercial Precinct is not located on the corner of SH6).
- (e) **Rule 49.4.24:** No change proposed but I note here with the amendment made to Rule 49.4.14, there is no need for a specific supermarket restriction on the WMAL land as this rule would make any such activity Non-Complying.
- (f) **Rule 49.5.38.2:** No change proposed but I note that there is no need to amend this rule as it refers back to Rule 49.4.14 which has been amended to make it clear the one supermarket enabled is in only Sub Area D.



- (g) **Rule 49.5.50:** Amended rule to include Sub Area E as a trigger area – this is consistent with the transport infrastructure trigger in Rule 49.5.33 for the HDR Precinct. This is needed given that the Commercial Activity will generate a demand.

Dated: 15 December 2023



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Brett James Giddens