

Before the Hearings Panel
Appointed by the Queenstown Lakes District Council

Under the Resource Management Act 1991

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

and **Winter Miles Airstream Limited**

Summary of Evidence
Brett James Giddens

10 December 2023



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Introduction

- 1 My name is Brett Giddens. I am an independent planning consultant who has been advising Winter Miles Airstream Limited (**WMAL**) in relation to the Te Putahi-Ladies Mile Variation (**Variation**).
- 2 WMAL is the owner of a 3.3267 ha parcel of land (**Site**) (Lot 2 DP 359142) that is currently zoned Rural Lifestyle under the PDP. The Site contains a residential dwelling, a number of ancillary buildings and a helipad. It is proposed to be located within the HDR Precinct under the Variation.
- 3 I provided a statement of evidence dated 20 October 2023 setting out my opinion in relation to the issues raised by and relief sought relevant to WMAL's case. My qualifications, experience and confirmation of adherence with the Court's Code of Conduct are set out in my EiC. I participated in both days of the planning witness conferencing.
- 4 My EiC set out my support for the Variation as representing a sound approach to enable a higher density of urban development on Ladies Mile. From WMAL's perspective, the key issues that are still worthy of comment are summarised below taking account where the issues have "evolved to" within the process.

Triggers and Staging¹

- 5 The concern I expressed in my EiC was that the transportation and infrastructure triggers could lead to a freeze on the ability to implement the Zone. In this regard my EiC queried: *what benefit is an enabling urban zone if it cannot efficiently and effectively provide for the outcomes it seeks to enable?* My concern here linked to the ability for short term demands to be met (Policy 2 of the NPS-UD).
- 6 I considered this to be a critical issue, as the implication of having all the triggers required to be completed prior to any development occurring in the zone effectively means that the zoning process achieves little more than assisting longer term demands.²
- 7 Based on the conferencing and subsequent amendments from Mr Brown, my concerns have been addressed as the trigger provisions are much more workable and certain than what was notified. I appreciate the pragmatic approach that was taken during conferencing on this issue.

Commercial Precinct³

- 8 WMAL sought the provision of an area of Commercial Precinct of 5,000m² within its Site. I have read the evidence and response to questions from Ms Natalie Hampson on this matter, and I generally accept her responses.

¹ From 6.34 of my EiC

² 6.36 of my EiC

³ From 6.28 of my EiC

- 9 I do not seek to question Ms Hampson's opinion from an economic perspective, but that is only one aspect that needs to be considered. In that regard, Ms Hampson's response still does not address my concern that there is a high likelihood that the commercial precinct will include visitor accommodation (hotels) given such uses are directed to be provided for under Proposed Policy 49.2.5.5B.
- 10 That, alongside the expansion of the supermarket footprint, would in my opinion mean that there would likely be a reduction in conventional commercial activity within the precinct.
- 11 In my opinion, the WMAL land is a logical location for a relatively confined area of commercial precinct. Ms Hampson's comments did not seek to address any adverse effects of imposing that zoning.

Issues relevant to density

- 12 A query that arose from the planning conferencing was what the Variation is seeking to achieve in terms of residential density; is it "up to" 2,400 households, "at least" 2,400 households, or something else? I have not seen a firm answer on this.
- 13 From a planning perspective, I cannot see how the enabled density in the Variation is not closer to around 3,000 households. Ms Hampson states in her response to questions that "if there was considerable certainty that the Variation was to deliver 3,100 additional dwellings rather than 2,400, then I would reconsider the scale of the Commercial Precinct".
- 14 I support a reduced area of 2,500m² of commercial precinct with in the WMAL Site on planning grounds, namely:
- (a) that I considered it likely based on the provisions and rezoning requests (including upzonings) that the number of households enabled in the Zone would be higher than 2,400; and
 - (b) that residential flats are enabled across the Zone as permitted activities and I have not seen any assessment that those household demands were considered in the overall density expectations.
- 15 In reality, a residential flat often functions as a second household on a site in which two separate families/groups reside in separate accommodation on the same property.

Information requirements⁴

- 16 My EiC took issue with the information requirements for residential development in the HDR Precinct and I requested that more consideration be given to providing a more permissive consenting framework alongside built form and design standards.
- 17 I am concerned that that the matters of discretion in Rule 49.4.4 are so wide that it effectively means that any application under that rule would be treated as a discretionary activity. In my experience, this will likely lead to slow and costly consenting processes that will inhibit the speed of implementation of the zone, increase the costs of development, and therefore, result in a cost burden that will likely be passed onto purchasers, thus reducing affordability.

⁴ From 6.7 of my EiC

- 18 I also raised concern about the consent requirements under Rule 49.4.4 being applicable for “two or more residential units”. In my opinion, this number should be increased to at least 5 residential units in the HDR Precinct to ensure that there is some practical efficiencies in the consenting process which will assist with implementation of the Zone.
- 19 Coupled with the increased unit allowance, I would have less concern on this breadth of the matters of discretion if there was a clear non-notification provision for consent applications under this rule (see section 49.6). I understood that this was contained in the original notified proposal, however the inclusion of matter (j)⁵ relating to stormwater could be taken as being captured by the exclusion under 49.6:

<p>49.6 Rules – Non-notification of Applications</p> <p>The following Restricted Discretionary activities shall not require the written approval of affected persons and shall not be notified or limited notified [except where the application involves any stormwater component]</p> <p>49.6.1 Residential units pursuant to Rule 49.4.4, that comply with all standards.</p> <p>49.6.2 Buildings for non-residential activities pursuant to Rule 49.4.17, that comply with all standards.</p> <p>Note: any application that involves any stormwater management component shall require the written approval of Kāi Tahu and affected landowners in the catchment, and limited notification to these parties is required to any of these parties who do not provide written approval.</p>	<div style="border: 1px solid #ccc; padding: 5px; margin-bottom: 10px;"> <p>Commented [JB95]: Wording in response to Planning JWS discussion</p> </div> <div style="border: 1px solid #ccc; padding: 5px;"> <p>Commented [JB96]: Wording in response to Planning JWS discussion</p> </div>
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- 20 There was considerable discussion during the planning conferencing about enabling more temporary stormwater solutions on sites that would enable development to advance while ensuring that any interim stormwater solution could be included within a wider integrated system.
- 21 My understanding from the planning conferencing is that it was not intended to exclude non-notification of residential development under Rule 49.4.4 because of stormwater, but rather to ensure that if a stormwater solution was being put forward on a “per development/site” basis, that there is the ability to serve notice as a way of ensuring the other parties that would ultimately be part of the integrated stormwater system would be able to have a say in that consenting process.
- 22 The consequence of the drafting at present is that consent for a 2 residential unit development could be caught up in a limited notified consent process. I do not consider that this was intended or is an efficient prospect for the zone.
- 23 I consider that issues relating to stormwater would be best addressed under Rule 27.7.28 of the subdivision and development chapter of the PDP.

Residential visitor accommodation⁶

- 24 My EiC suggested that RVA was provided for as a permitted activity in the HDR Precinct and that the activity did not warrant its non complying activity status.
- 25 My opinion is that RVA is little different than a ‘homestay’, which, notably, is permitted in the proposed zone⁷, and RVA can enable landowners an alternative income stream. The positive effects of RVA have been recognised in the economic JWS.

⁵ “j. The information requirements for stormwater management specified by Rule 27.7.28.1”

⁶ From 6.19 of my EiC

⁷ Rule 49.4.2

26 I am pleased to see that there has been an allowance provided for in the HDR Precinct⁸. I note that the default status is to non-complying activity. In my opinion, as recorded in the Planning JWS, a restricted discretionary activity status is more appropriate for a breach of the rule and that the matters of discretion used from the High Density Residential Zone could be adopted.

SH6 Crossing

27 I understand that through the process the specific need for an underpass cross at SH6 east of Howards Drive has been removed. Mr Leo Hills provided traffic evidence on this matter for WMAL. I confirm that I support the provisions recommended by Mr Brown on this matter⁹.

Amended Provisions

28 Alongside Mr Brown's provisions, I have suggested a number of amendments to the provisions (see **Annexure A**). In summary, these include:

- (a) Amending the zone purpose at 49.1 to make it clear that the end outcome is for an integrated stormwater solution that does not preclude temporary or interim solutions as the zone develops;
- (b) Introduce a new Policy to provide for interim or temporary stormwater systems to integrate with the overall stormwater network;
- (c) Amend Rule 49.4.4. to increase the number of permitted residential units in the High Density Residential Precinct; and
- (d) Amend the non-notification provisions under 49.6 to remove the stormwater exclusions (to be relocated in Chapter 27).

29 I am happy to take any questions that the Panel may have.

Dated: 10 December 2023



Brett James Giddens

⁸ Rule 49.5.XX on page 26 of 8 December 2023 Version

⁹ Namely the deletion of Policy 49.2.6.4 (b).

Annexure A – Amended Provisions

Highlight yellow text are amendments proposed by Mr Giddens (additions underlined and deletions ~~struck out~~).

<p>49.1</p>	<p>Zone Purpose</p> <p>...</p> <p>Appropriate management of stormwater is a key consideration in developing Te Pūtahi Ladies Mile Zone. This must <u>shall</u> include stormwater management solutions, <u>including interim solutions</u>, that are <u>ultimately</u> integrated across the Zone, that mimic the natural water cycle, and that give effect to Te Mana o te Wai. These solutions must <u>shall</u> include attenuation and treatment and avoid direct discharges (other than overland flow) to Waiwhakaata Lake Hayes, and avoid adverse effects of discharges to Kimiākau/Shotover River or the Kawarau River.</p>	
<p><u>New Policy</u> <u>49.2.8.4</u></p>	<p><u>Provide for temporary or interim stormwater solutions to be developed providing any such system can be shown to not be precluded from forming part of an overall integrated stormwater system.</u></p>	
<p>49.4.4</p>	<p>Two or more residential units per site in the Medium Density Residential Precinct; and <u>Five or more residential units per site in the</u> High Density Residential Precinct</p> <p>...</p>	<p>RD</p>
<p>49.6</p>	<p>Rules – Non-notification of Applications</p> <p>The following Restricted Discretionary activities shall not require the written approval of affected persons and shall not be notified or limited notified (except where the application involves any stormwater component):</p> <p>49.6.1 Residential units pursuant to Rule 49.4.4, that comply with all standards.</p> <p>49.6.2 Buildings for non-residential activities pursuant to Rule 49.4.17, that comply with all standards.</p> <p><u>Note: any application that involves any stormwater management component shall require the written approval of Kāi Tahu and affected landowners in the catchment, and limited notification to these parties is required to any of these parties who do not provide written approval.</u></p>	