

**BEFORE THE INDEPENDENT HEARING PANEL  
FOR THE QUEENSTOWN LAKES PROPOSED DISTRICT PLAN**

<b>Under the</b>	Resource Management Act 1991
<b>In the matter</b>	of the Urban Intensification Variation to the proposed Queenstown Lakes District Plan

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**REBUTTAL EVIDENCE OF CORINNE FRISCHKNECHT  
ON BEHALF OF QUEENSTOWN LAKES DISTRICT COUNCIL**

**PLANNING: TEXT – Queenstown Town Centre, Local Shopping Centre, Medium Density  
Residential Zone, High Density Residential Zone**

**25 July 2025**

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Appendix 1: Ms Helen Mellsop review of landscape evidence of Tony Milne,  
dated 3 July 2025

## **1. QUALIFICATIONS AND EXPERIENCE**

- 1.1** My full name is Corinne Frischknecht. I hold the position of Senior Policy Planner at Queenstown Lakes District Council (the Council or QLDC). I have been in this position since February 2024.
- 1.2** I prepared the Section 42A Report on the text of the town centres and business zones, and medium and high density residential for Queenstown Lakes District Council (**QLDC** or **Council**) dated 6 June 2025 (**s42A Report**) on the Urban Intensification Variation (**UIV** or **Variation**).
- 1.3** My qualifications and experience are set out in my s42A Report at paragraphs 1.1 to 1.4.
- 1.4** Although this is a Council hearing, I confirm that I have read the Code of Conduct for Expert Witnesses contained in the Environment Court Practice Note 2023 and that I agree to comply with it. I confirm that I have considered all the material facts that I am aware of that might alter or detract from the opinions that I express, and that this evidence is within my area of expertise, except where I state that I am relying on the evidence of another person. The Council, as my employer, has authorised me to give this evidence on its behalf.

## **2. SCOPE OF REBUTTAL EVIDENCE**

- 2.1** My Rebuttal Evidence is provided in response to the following evidence filed on behalf of various submitters:
- (a) Scott Freeman has prepared planning evidence in support of ‘multiple Queenstown submitters’;<sup>1</sup>
  - (b) Charlotte Clouston for Continuum Hotel Limited (771);

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<sup>1</sup> (Man Street Properties Limited (991), Horne Water Holdings Limited & Shotover Memorial Properties Limited (998), Trojan Holdings Limited (965, 966, 967, 968, 969), Beach Street Holdings Limited (1006), O’Connell’s Pavilion Limited (987), Accommodation and Booking Agents (Queenstown) Limited (1009), Skyline Properties Limited (970, 971, 972, 973, 974, 976), Strand Corporate Trustee Limited (983), QRC House Limited (985), Cactus Kiwi NZ Limited Partnership (1004), Fiveight Queens Holdings Limited (1000), GCA Legal Trustee 2021 (1287), Skyline Enterprises Limited (977), High Peaks Limited (999), Hulbert House Limited (997), Ashourian Partnership (1008), Pro-Invest Property 1 Limited Partnership (986), Richard Thomas (832)).

- (c) Charlotte Clouston for Queenstown Gold Limited (765);
- (d) John Ashby for Reid Trust (878);
- (e) Scott Freeman for Skyline Properties Limited (972);
- (f) Scott Freeman for Cactus Kiwi NZ Limited Partnership (1004);
- (g) Charlotte Clouston for Acorn Mountain Trustees Limited, Clearwest Trustees Limited, Oak Wood Trustees Limited, St Marthas Trustees Limited, J F C Henderson (Collective) (779);
- (h) Tim William for Matt Laming (449);
- (i) John Edmonds for Fortune Fountain Group Limited (769);
- (j) John Edmonds for Scenic Hotel Group Ltd (763) and Queenstown Residential Group Ltd (764);
- (k) Richard Kemp for M and Y Wilson (682);
- (l) Scott Freeman for Ashourian Partnership (1008), Skyline Tours Limited (984) and Pro-Invest Property 1 Limited Partnership (986);
- (m) Carey Vivian for Ian Farrant (1233) Lady Eleanor Skeggs (1132) Julie and Bruce Steenson (1135) Maria Young (1058) Marie and Warwick Osborne (1131) John & Judy Young (1134) Prue Hendry (1057)
- (n) Tim William for Willowridge Developments, Orchard Road Holdings Limited & Three Parks Properties Limited (948);
- (o) Charlotte Clouston for Latitude 45 Development Ltd (768);
- (p) Scott Edgar for Scott & Jocelyn O'Donnell (641, 657); and
- (q) John Edmonds for Arthurs Point Trustee Limited (1260).

**2.2** I have also read and considered the following statements of evidence and have taken them into account in preparing my rebuttal evidence, but consider no specific response is necessary:

- (a) Neil Thomas for John O'Shea, Helen Russell, John Russell and Mary-Louise Stiassny (198);
- (b) Tim Williams for Universal Developments Hāwea Ltd and LAC Property Trustees Ltd (617);
- (c) Scott Edgar (planning) for Henley Property Ltd (658) Evolution Trust Ltd (660) D & K International Properties Ltd Partnership (662) Ardmore Trustee Nominee Ltd (663) Edgar planning Ltd (FS1327);

- (d) Charlotte Clouston for MacFarlane Investments Ltd and J Thompson (767);
- (e) Samantha Kealey for Queenstown Airport Corporation Limited (822); and
- (f) Melissa Brook for Queenstown Airport Corporation Limited (822).

**2.3** I have read the following statements of evidence on matters other than planning:

- (a) Dave Compton-Moen for Coherent Hotel Ltd (773, 1351) Continuum Hotel Limited (771) Queenstown Gold Limited (765);
- (b) Dave Compton-Moen for Queenstown Gold Limited (765);
- (c) Dave Compton-Moen for Reid Trust (878); and
- (d) Paula Costello for 'multiple Queenstown submitters'<sup>2</sup>

**2.4** Where I do not respond to a particular evidence statement, or general theme, this does not mean I have not considered the subject matter, but that I have nothing further to add and my views remain as expressed in my S42A Report.

**2.5** My evidence has the following attachments:

- (a) **Appendix 1:** Ms Helen Mellsop review of landscape evidence of Tony Milne, dated 3 July 2025.

**2.6** The "Rebuttal Recommended Provisions", as recommended in Council's rebuttal, is included at Appendix A to Ms Bowbyes' Rebuttal Evidence.

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<sup>2</sup> (Man Street Properties Limited (991), Horne Water Holdings Limited & Shotover Memorial Properties Limited (998), Trojan Holdings Limited (965, 966, 967, 968, 969), Beach Street Holdings Limited (1006), O'Connell's Pavilion Limited (987), Accommodation and Booking Agents (Queenstown) Limited (1009), Skyline Properties Limited (970, 971, 972, 973, 974, 976), Strand Corporate Trustee Limited (983), QRC House Limited (985), Cactus Kiwi NZ Limited Partnership (1004), Fiveight Queens Holdings Limited (1000), GCA Legal Trustee 2021 (1287), Skyline Enterprises Limited (977), High Peaks Limited (999), Hulbert House Limited (997), Ashourian Partnership (1008), Pro-Invest Property 1 Limited Partnership (986), Richard Thomas (832)).

### **3. EXECUTIVE SUMMARY**

#### **3.1** Material issues raised in evidence by submitters are:

##### **Queenstown Town Centre s42A:**

- (a) The planning evidence of Ms Clouston and urban design assessment by Mr Compton-Moen for Continuum Hotel Limited (771) supports amendments to the height precinct plan in respect of 2 and 22 Earl Street. I have updated my recommendation on this submission and now recommend that 2 and 22 Earl Street be subject to Height Precinct 4.
- (b) The planning evidence of Mr Ashby and urban design assessment by Mr Compton-Moen for Reid Trust (878) supports amendments to the height precinct plan in respect of 11-15, 17 and 19 Rees Street. I have updated my recommendation on this submission and now recommend that 11-15, 17 and 19 Rees Street be subject to Height Precinct 3.
- (c) The planning evidence of Mr Freeman for Skyline Properties Limited (972) supports amendments to the height precinct plan and in respect of 48 and 50 Beech Street. I have updated my recommendation on this submission and now recommend that a new Height Precinct (7) is created for 48 – 50 Beach Street and Rule S42A 12.5.9 Maximum building is amended to include a new maximum building height of 15m for height Precinct 7.
- (d) The planning evidence of Mr Freeman and urban design assessment by Ms Costello for Cactus Kiwi NZ Limited Partnership (1004) supports an amendment to where building height is measured from for 10 Man Street. I have updated my recommendation on this submission and now recommend that Rule 12.5.9 is updated so that building height at 10 Man Street is measured from a fixed datum point on the property, being RL 326.5 masl.
- (e) The planning evidence of Ms Clouston for Acorn Mountain Trustees Limited, Clearwest Trustees Limited, Oak Wood Trustees Limited, St Marthas Trustees Limited, J F C Henderson (Collective) (779) and Mr Freeman for multiple submitters who oppose notified Rule 12.5.8 building setback of upper floors. I have accepted some of the concerns

raised by Mr Freeman in his evidence and now recommended that the rule is amended to remove matter of discretion d).

- (f) The planning evidence of Mr Freeman for multiple submitters who opposes Rule 12.5.11 Minimum Ground Floor Height. I disagree with Mr Freeman's suggested new wording to the rule or matters of discretion and not made any further recommendations to the rule as notified.

**Local Shopping Centre s42A:**

- (g) The planning evidence of Mr Freeman for Matt Laming (449) seeks an increase of the LSCZ permitted height for the LSCZ in Hāwea. I have updated my recommendation on this submission and now recommend amendments to Rule 15.5.7 Building Height to enable a maximum building height of 14m in LSCZ in Hāwea.

**Medium Density Residential s42A:**

- (h) The planning evidence of Mr Edmonds and landscape assessment of Mr Milne for Arthurs Point Trustee Limited (1260) seeks to increase the maximum building height to 11m for 182D Arthurs Point Road. I disagree with Mr Edmond and Mr Milnes relief sought and not made any further recommendations to Rule 8.5.1 Building Height as notified.
- (i) The planning evidence of Mr Freeman and urban design assessment by Ms Costello for multiple submitters that seek deletion of the notified requirement for recession planes to be applied on all sites (including sloping sites) in the MDRZ. I disagree with Mr Freeman and Ms Costello's relief sought and not made any further recommendations to Rule 8.5.7 Recession Planes as notified.

**High Density Residential s42A:**

- (j) The planning evidence of Mr Freeman and urban design assessment by Ms Costello for multiple submitters supports amendments to building heights, notification provisions and matters of discretion in respect of the land that is contained within the four blocks bound by Frankton Road, Coronation Drive, Beetham and Melbourne Streets within the HDRZ. I

- disagree with Mr Freeman's and Ms Costello's relief sought and not made any further recommendations to Rule 9.5.1.1 Building Height as notified.
- (k) The planning evidence of Mr Kemp for M and Y Wilson (682) supports revised maximum heights for a building in the HDRZ at Wānaka. I disagree with Mr Kemp's relief sought and not made any further recommendations to Rule 9.5.1.4 - Building Height as notified.
  - (l) The planning evidence of Mr Vivian for a number of submitters (1233, 1132, 1135, 1058, 1131, 1134, 1057) supports reduced building heights within the Lismore HDRZ. I disagree with Mr Vivian's relief sought and not made any further recommendations to Rule 9.5.1.4 - Building Height as notified.
  - (m) The planning evidence of Mr Williams for Willowridge Development, Orchard Road Holdings Limited and Three Parks Properties Limited (948) supports a building height of 20m in the HDRZ at Three Parks. I disagree with Mr Williams relief sought and have not made any further recommendations to Rule 9.5.1.4 - Building Height.
  - (n) The planning evidence of Ms Clouston and urban design assessment by Mr Crompton-Moen for Latitude 45 Development Ltd (768) seeks additional heights in HDRZ and BMUZ at Frankton North. I disagree with Ms Clouston's and Mr Compton-Moen's relief sought and not made any further recommendations to Rule 9.5.1.4 - Building Height as notified.
  - (o) The planning evidence of Mr Edgar for Scott & Jocelyn O'Donnell (641, 657) supports a number of changes to restrict Visitor Accommodation in the HDRZ. I disagree with Mr Edgar's relief sought and not made any further recommendations in regards to visitor Accommodation.



#### **4. QUEENSTOWN TOWN CENTRE**

##### **Height Precinct Plans**

###### Height Precinct 5

**4.1** In her paragraph 32, Ms Clouston's evidence for Queenstown Gold Limited (765) accurately points out that the s42A Recommended Provisions<sup>3</sup> includes a disconnect between the text of proposed Rule 12.5.9 stating 16m height for Height Precinct 5, and the proposed Figure 2 Height Precinct Map, which shows a 16.5m height for Height Precinct 5.

**4.2** I note that the legend in the Height Precinct Plan the s42A Recommended Provisions is incorrect and should read 16m total height, as per the notified version and to align with the height set out in Rule 12.5.9. This appears to have been an error. Therefore, I recommend the legend in the Height Precinct Plan is updated to reflect the notified version, in that the height limit for Height Precinct 5 remains 16m.

###### 2 and 22 Earl Street

**4.3** Ms Clouston has prepared planning evidence in support of Continuum Hotel Limited (771) which seeks that the Height Precinct Plan be amended so that 2 and 22 Earl Street is subject to Height Precinct 4, rather than Height Precinct 3 as notified. The effect of this amendment would be to change the permitted height for 2 and 22 Earl Street from 20m (as notified) to 24m. Ms Clouston's evidence is supported by urban design evidence prepared by Mr Compton-Moen.

**4.4** Mr Compton-Moen's evidence has been assessed by Mr Wallace in Sections 6.7 and 6.8 of his rebuttal evidence, who concurs that the location of the Novotel site in relation to the adjacent steeply sloping, wooded open space means it could more readily accommodate increased height without any wider urban design impacts.

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3 Found in Appendix 1 of the Strategic Evidence s42A

**4.5** I agree with Ms Clouston in that the greater height is commensurate with high accessibility for the QTCZ and will enable increased intensification within the highest order centre. This is consistent with PDP Strategic Objective 3.2.1.2 and Strategic Policy 3.3.3.

**4.6** I rely on and agree with Mr Wallace’s assessment. When assessing the built form that can be achieved on the site with the notified version of the provisions, against the relief that the submitter is seeking, in my view, the outcomes are similar, and would still align with the PDP objectives, particularly PDP SO 3.2.3 and SOs 3.2.3.1, 3.2.3.2 and 3.2.3.2 in that the relief sought and integrating with its surrounding urban environment by retaining the overall “amphitheatre” type configuration of the QTCZ as discussed in Paragraph 6.2.4 of the Urban Design Report attached to the s32 Report.

#### Recommendation

**4.7** I have therefore updated my recommendation on this submission and now recommend that 2 and 22 Earl Street be subject to Height Precinct 4. The Section 32AA analysis for this recommendation has been included as part of my overall recommendation for amendments to the Height Precinct Plan.

#### 27 Brecon Street

**4.8** Ms Clouston has also prepared planning evidence in support of Queenstown Gold Limited’s submission (765) which seeks that the height precinct plan be amended so that 27 Brecon Street, is subject to Height Precinct 4, rather than Height Precinct 5 as notified.

**4.9** I note that this block of land is not within Height Precinct 4 as suggested by Ms Clouston and is included within the area of land known as Lakeview (also PC50) that is currently zoned Queenstown Town Centre in the ODP and is yet to be reviewed through the District Plan review. As outlined in the Section 32 and Section 9 of Ms Bowbyes Strategic Evidence, this zone needs to be reviewed holistically and 27 Brecon Street (along with the rest of the PC50 land) was not

within the scope of the UIV. I understand legal submissions for QLDC will address this.

11-15, 17 and 19 Rees Street

**4.10** Mr Ashby has prepared planning evidence in support of Reid Trust (878) which seeks that the Height Precinct Plan be amended so that 11-15, 17 and 19 Rees Street, is subject to Height Precinct 3, rather than Height Precinct 2 as notified. The effect of the amendment sought would be to change the permitted height from 12m (as notified) to 20m. This is supported by urban design evidence prepared by Mr Compton-Moen.

**4.11** This has been assessed by Mr Wallace in Sections 6.9 and 6.10 of his rebuttal evidence who generally concurs with the findings of Mr Compton-Moen and is supportive of the proposed increase in height at these sites from 12m to 20m. He also considers that the overall increase in shading of the submitters requests to have a low effect.

**4.12** I rely on and agree with Mr Wallace's assessment. When assessing the built form that can be achieved on the site with the notified version, against the relief that the submitter is seeking, in my view, the outcomes are similar, and would still align with the PDP objectives, particularly PDP SO 3.2.3 and SOs 3.2.3.1, 3.2.3.2 and 3.2.3.2 in that the relief sought and integrating with its surrounding urban environment by retaining the overall "amphitheatre" type configuration of the QTCZ as discussed in Paragraph 6.2.4 of the Urban Design Report attached to the s32 Report.

Recommendation

**4.13** I have therefore updated my recommendation on this submission and now recommend that 11-15, 17 and 19 Rees Street be subject to Height Precinct 3. The Section 32AA analysis for this recommendation has been included as part of my overall recommendation for amendments to the Height Precinct Plan.

48 – 50 Beach Street

**4.14** Mr Freeman has prepared planning evidence in support of Skyline Properties Limited (972) which seeks that the Height Precinct Plan be amended to create a new Height Precinct 7 for the properties at 48 and 50 Beach Street with a maximum height limit of 15m. The effect of the amendment sought would be to change the permitted height from 8m to 15m. This is supported by urban design evidence prepared by Ms Costello.

**4.15** I acknowledge that this point was missed in my S42A report. I accept Mr Freeman's assessment in his evidence, particularly at paragraphs 58-61.

**4.16** Under the current PDP Height Precinct Plan, the property is contained within PDP Height Precinct 1 as shown below. The maximum building height under the PDP for Precinct 1 is 12m.



*Figure 1: Current PDP Height Precinct Plan*

**4.17** The notified and s42A Height Precinct Map locate the property within Height Precinct 1, which provides for an 8m permitted building height limit and therefore has the effect of decreasing the height standard by 4m. The site at 48-50 Beach Street has an existing building with a building height of 12m. Breach of the 8m height limit requires a non-Complying activity resource consent.

- 4.18** The height of 48-50 Beach Street was assessed as part of Stage 1 of the PDP.<sup>4</sup> Paragraph 554 of the IHP Recommendation Report noted that:

*Relying upon Mr Church's evidence, and the Section 32 Report, with the exception of removing the reference to 4 storeys from notified Rule 12.5.9 and enabling the creation of landmark buildings to be considered at resource consent stage, Ms Jones considered the Precinct P1 height rules as notified (12 m) to be the most appropriate, when compared with the alternatives proposed: a maximum 8.5 m height; the ODP rules; or increase in heights beyond the 12 m height.*

- 4.19** In Paragraph 563 of the Report, the Independent Commissioners found that:

*"Taking into account Ms Jones' opinions and explanations as to the criteria chosen, how it was developed over time, the objective or outcome, and deployment of the model, we agree and accept all of these matters are appropriate to properly enable and inform choices in height for the various precincts. Our findings in this regard are also made in reliance upon Mr Church's evidence."*

- 4.20** In Paragraph 571 of the Report, the Independent Commissioners recommended that:

*"..... in terms of 48 – 50 Beach Street:*

- a. 12 m be the permitted height;*
- b. between 12 to 15 m be a restricted discretionary activity; and*
- c. above 15m be non-complying."*

- 4.21** I note that Council's planner at the time, Ms Jones, relied on Mr Church's view and opinion that the role of landmark buildings should be included as a matter of discretion in relation to whether granting restricted discretionary height is appropriate.

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4      Hearing      of      Submissions      on      Proposed      District      Plan,      Report      11.  
<https://www.qldc.govt.nz/media/xfpku5jp/report-11-stream-8-chapters-12-13-14-15-16-17.pdf>

- 4.22** I agree with Mr Freeman in paragraph 61 of his evidence in that the rationale adopted by the Independent Hearings Panel for Stage 1 of the PDP to confirm the notified (and current) height limit for the site remain valid. I also agree with Mr Freeman and Ms Costello that there should be recognition of the existing long-term height of the existing building on the property and the existing PDP height regime that provides for such.
- 4.23** In paragraphs 64 and 65 of his evidence, Mr Freeman considers the applicable heights to apply to the site and concludes that it be placed in its own Height Precinct (7) with a maximum height limit of 15m, and breaching this limit would require a non-complying activity consent. He notes that this breach is the same status as per the PDP maximum height limit. Height Precinct 7 would then be added to Rule 12.5.8.2 (Building façade height and setback of upper floors). This would require a 3m setback for buildings that exceed 12m in height, provided that the maximum height of the building does not exceed 16m, noting that the maximum height limit of 15m will apply within Height Precinct 7.
- 4.24** In Appendix A of his evidence, Mr Freeman has provided recommended amendments to the UIV provisions. These include amendments to *Rule 12.5.8.2 Maximum façade height and setback of upper floors* and *Rule 19.5.9.1 Maximum building height* to include a new maximum 15m in Height Precinct 7 with any breaches being non-complying.
- 4.25** I disagree with Mr Freeman that a breach of the 15m building height limit is the same status as per the PDP maximum height limit as this would allow for buildings up to 15m as permitted, whereas the current PDP applies a tiered approach and enables building heights up to 12m as permitted, and between 12 to 15 metres as restricted discretionary activity. However, I do agree with Mr Freeman that replicating the existing PDP height limits, would disrupt the general structure of s42A Rules 12.5.8, 12.5.9 and the Height Precinct Map.
- 4.26** This has been assessed by Mr Wallace in his rebuttal evidence who considers it appropriate to maintain an exception for this site that is reflective of the existing situation.

**4.27** When considering an appropriate height for these sites, I considered the wider planning framework. Rule 12.5.8 requires building setback of upper floors, and subject to PDP Rule 12.4.7, urban design related matters can continue to be appropriately addressed by assessing the external appearance and the impact of all buildings in the QTCZ under the restricted discretionary framework. Therefore, I agree with paragraph 64 of Mr Freemans evidence and am satisfied that Council will have sufficient discretion via Rule 12.4.7 and policy guidance to ensure a suitable design outcome for any built form on the site that exceeds 12m (but below 15m).

#### Recommendation

**4.28** I have therefore updated my recommendation on this submission and now recommend that a new Height Precinct (7) is created for 48 – 50 Beach Street and Rule S42A 12.5.9 Maximum building is amended to include a new maximum building height of 15m for height Precinct 7. The Section 32AA analysis for this recommendation has been included as part of my overall recommendation for amendments to the Height Precinct Plan.

#### Mapping Error

**4.29** A review of the notified Height Precinct Map has identified that three areas have been incorrectly included in Height Precinct 1 (8m height limit) as notified. These areas do not contain any developable land, and their inclusion appears to be a mapping error.

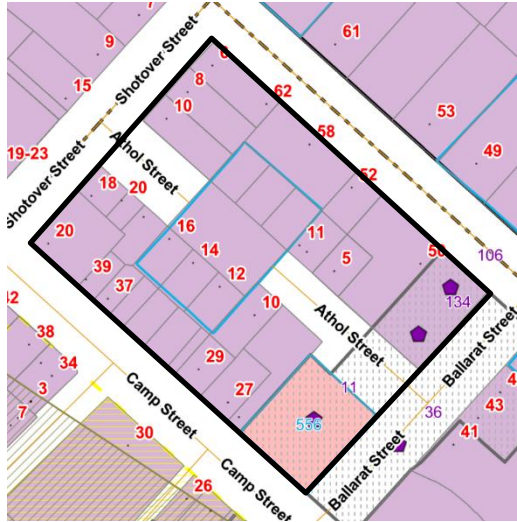


Figure 2: PDP planning map extract

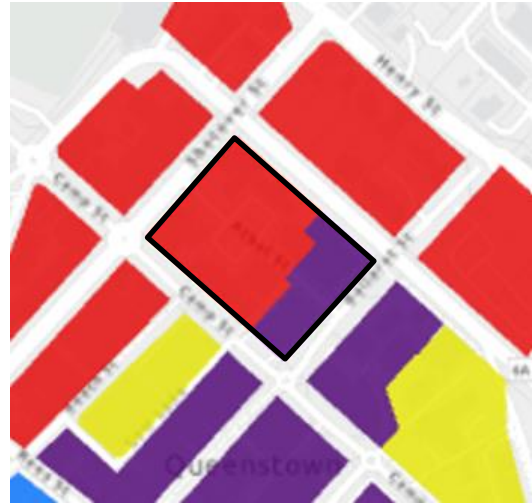


Figure 3: UIV notified Height Precinct Map

**4.30** None of these areas are associated with developable titles or anticipated built form, and applying a height limit is not meaningful or necessary.

**4.31** Therefore, it is recommended that the Height Precinct 1 overlay be removed from the following areas under Clause 16(2) of Schedule 1 of the RMA:

- (a) The two unzoned legal road segments of Athol Street adjacent to Designation 81;
- (b) The Civic Spaces-zoned Village Green.

**4.32** These are minor corrections to improve the accuracy and clarity of the planning maps. The changes do not alter the effect of the provisions, or the outcome intended by the variation, and therefore do not require a section 32AA evaluation.

#### Recommendation

**4.33** I recommend for the reasons given in the assessment, that relief sought by Skyline Properties Limited (972), Continuum Hotel Limited (771), Reid Trust (878) is accepted and that:

- (a) The Precinct Plan is updated to:
  - (i) Reclassify 2 and 22 Earl Street from Height Precinct 3 to Height Precinct 4; and
  - (ii) Reclassify 11-15, 17 and 19 Rees Street from Height Precinct 2 to Height Precinct 3; and



- (iii) Create a new Height Precinct (7) for 48 – 50 Beach Street as shown below:

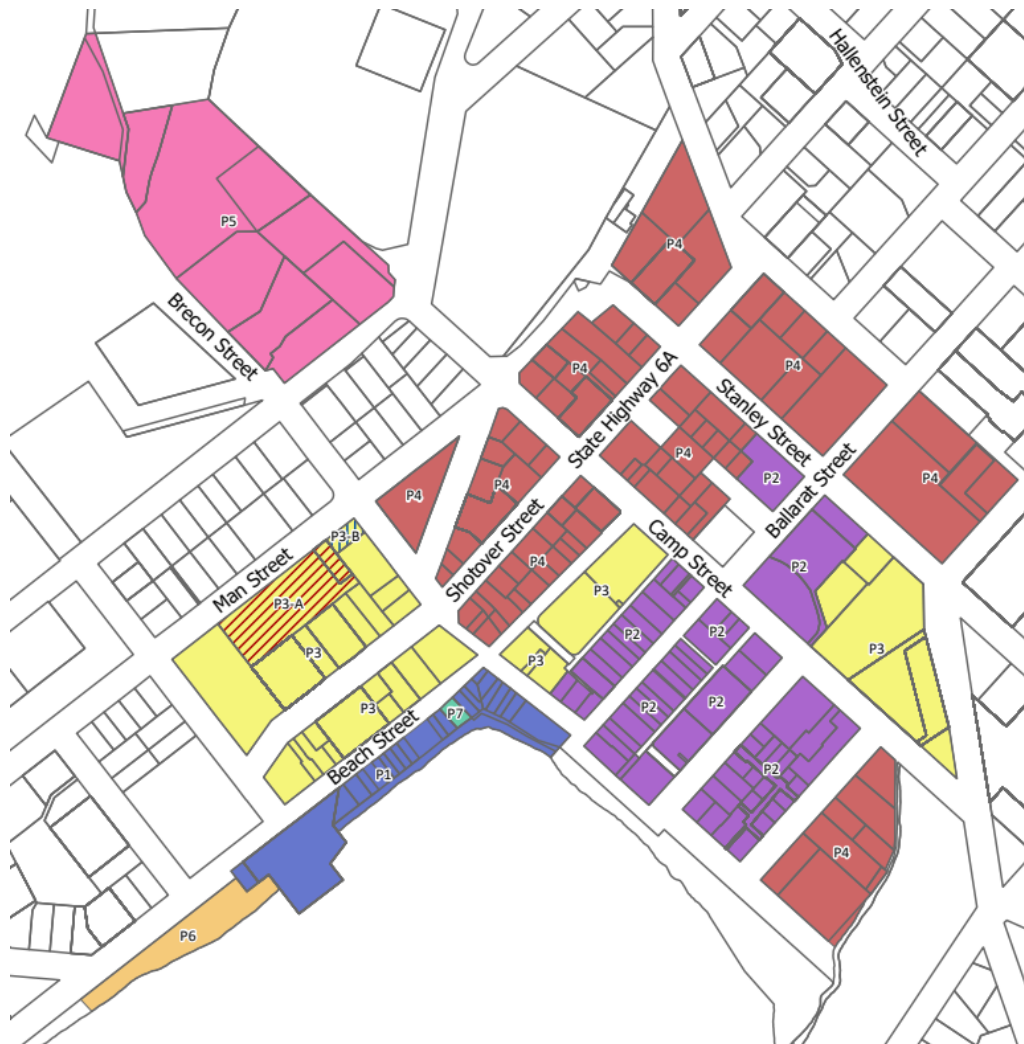


Figure 4: Rebuttal recommended Precinct Plan

- (b) Rule 12.5.9 is updated to apply a height limit of 15m for Height Precinct 7 as follows (changes in blue):

**S42A 12.5.9 Maximum building and façade height**

*For the purpose of this rule, refer to the Height Precinct Map (Figure 2 at the end of this Chapter).*

12.5.9.1 Maximum height limit of:

- i. 8m in Height Precinct 1.
- ii. 12m in Height Precinct 2.
- iii. 20m in Height Precinct 3.

- iv. 24m in Height Precinct 4.
- v. 16m in Height Precinct 5.
- vi. 8m in Height Precinct 6.
- vii. 15m in Height Precinct 7.
- viii. .....

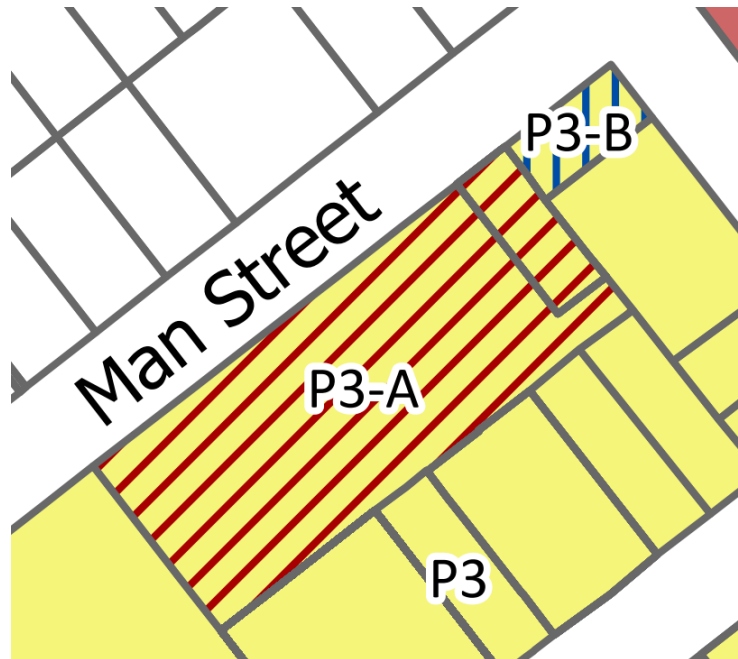


Figure 5: rebuttal recommended Precinct Plan

#### Section 32AA analysis

- 4.34** In my opinion, the amended Height Precinct Plan and corresponding height provisions are more appropriate in achieving the objectives of the RMA, NPS-UD and PDP than the notified provisions. In particular, I consider that:
- (a) It better recognises that the sustainable use of land is achieved by enabling greater heights within the QTCZ and subsequently densities. Consequently, it is more efficient and effective than the notified objective in achieving the purpose of the RMA;
  - (b) It recognises the existing long-term height of the existing building at 48 – 50 Beach Street and provides an appropriate height regime for development on the site, alongside other controls in the PDP, to ensure a suitable design outcome for any built form on the site;
  - (c) It enables a greater variety of homes within the QTCZ with good accessibility to jobs, community services, natural spaces, and open spaces

and therefore more efficient and effective than the notified provisions in achieving the objectives of the NPS-UD and particularly contributing to well-functioning urban environments;

- (d) It will assist with implementing PDP strategic directions, particularly, SO 3.2.1 and 3.2.2 and SP 3.2.1.2 and 3.2.2.1; and
- (e) It results in economic benefits by supporting economic activity and diversification of commercial and community activities and services within the town centre and will encourage residential apartment development within the QTCZ at above ground floor levels which will provide for additional housing choice.

#### **Rule 12.5.9.1 Building height**

**4.35** Mr Scott Freeman has prepared planning evidence in support of Cactus Kiwi NZ Limited Partnership (1004) in support of building height at 10 Man Street being measured from a fixed datum point on the property, being RL 326.5 masl.

**4.36** In paragraph 49 of his evidence, Mr Freeman notes that the key issue is that while the property is flat due to being built up in the past, the original ground level is well below the current ground level (and such is steeply sloping in a southerly direction).

**4.37** Mr Freeman seeks an amendment to s42A Rule 12.5.9.1 as follows by adding a new sub-part to this rule (new text, bold underlined):

*viii. In Height Precinct 3 (Man Street), in Area A(2) shown on the Height Precinct Map, the maximum height shall be 20m, above RL 326.5 masl.*

**4.38** In paragraph 107 of her urban design evidence, Ms Costello supports this change for 10 Man Street. Her view is that a fixed datum is an appropriate urban design response particularly given its corner position, providing for a landmark building in this location, and an edge to the Brecon Street steps.

**4.39** I acknowledge that this submission point, and the associated relief was missed in my S42A report. Mr Wallace has considered Ms Costello's evidence at Section 5 of his rebuttal evidence. Mr Wallace has modelled the relief and considers that any

impact associated with this change is low-to-negligible in terms of potential urban design effects, noting that any future development would remain subject to a resource consent process.

- 4.40** When considering the relief sought, I acknowledge that existing Rule 12.5.9.1(d) (which is proposed to be deleted in the notified provisions) provides bespoke height provisions where the building height is measured from a fixed datum point. This responds to the topography of Height Precinct 7 (Man Street) as identified in the existing Height Precinct Plan as well as the location of the site which has two frontages, which in turn means two high level building setbacks. When assessing the built form that can be achieved on the site with the notified version, against the relief that the submitter is seeking, in my view, the outcomes are similar, and would still align with the PDP objectives, particularly PDP SO 3.2.3 and SO's 3.2.3.1, 3.2.3.2 and 3.2.3.2 in that the relief sought integrated with its surrounding urban environment by retaining the overall amphitheatre approach.

#### Recommendation / Section 32AA analysis

- 4.41** For the reasons discussed above, I recommend that the relief sought by Cactus Kiwi NZ Limited Partnership (1004) is accepted and Rule 12.5.9 is updated so that building height at 10 Man Street is measured from a fixed datum point on the property, being RL 326.5 masl as follows:

#### **S42A 12.5.9 Maximum building and façade height**

*For the purpose of this rule, refer to the Height Precinct Map (Figure 2 at the end of this Chapter).*

##### 12.5.9.1 Maximum height limit of:

- ix. 8m in Height Precinct 1.
- x. 12m in Height Precinct 2.
- xi. 20m in Height Precinct 3.
- xii. 24m in Height Precinct 4.
- xiii. 16m in Height Precinct 5.
- xiv. 8m in Height Precinct 6.
- xv. 15m in Height Precinct 7.

- xvi. In Height Precinct 3 (Man Street), in Area A shown on the Height Precinct Map, the maximum height shall be 20m, above RL 327.1 masl
- xvii. In Height Precinct 3 (Man Street), in Area B shown on the Height Precinct Map, the maximum height shall be 20m, above RL 326.5 masl

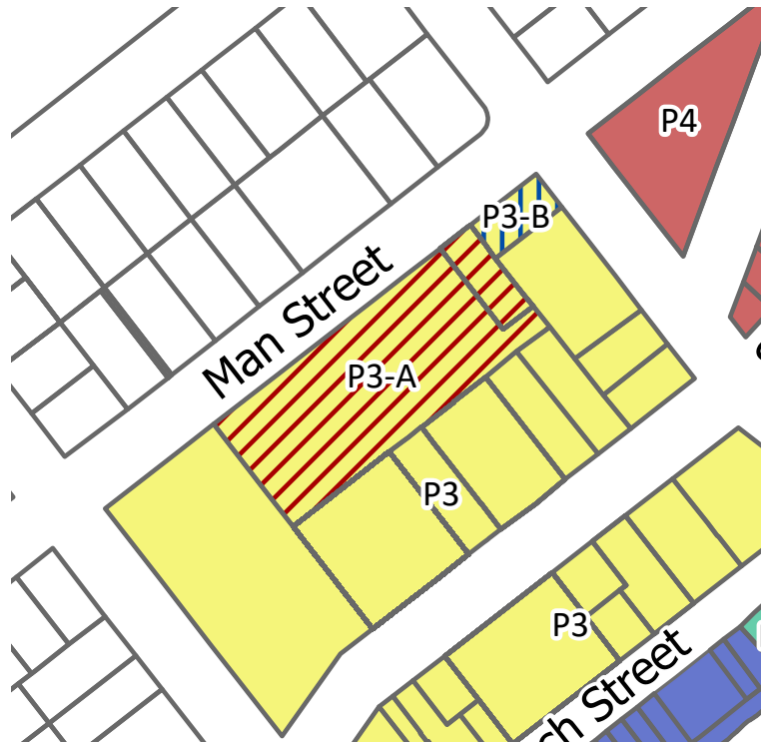


Figure 6: S42A recommended Precinct Plan with identified Areas A and B

- 4.42** In my opinion, the amended height provisions are more appropriate in achieving the objectives of the NPS-UD and PDP than the notified provisions. In particular, I consider that:
- (a) As shown by 3D modelling, any impact associated with the recommended amendments is low-to-negligible in terms of potential urban design effects; and
  - (b) There will be benefits from improved plan interpretation and more efficient plan administration;

**Rule 12.5.8 – Building façade height and setback of upper floors**

- 4.43** Ms Clouston has prepared planning evidence in support of Acorn Mountain Trustees Limited, Clearwest Trustees Limited, Oak Wood Trustees Limited, St Marthas Trustees Limited, J F C Henderson (Collective) (779) who seek

amendments to notified Rule 12.5.8.1 so that building setback of upper floors apply to buildings that exceed a height of 8.5m rather than 8m.

- 4.44** Mr Freeman has prepared planning evidence in support of multiple submitters who oppose the notified building setback of upper floors for Height Precinct 2, 3 and 4 for the reasons set out in paragraph 68 of his evidence. The main reason being that the bulk of the sites within the QTCZ are small parcels of land with direct frontage (or multiple frontages) to a road that will be significantly affected by the setbacks. This is supported by Urban Design evidence by Ms Costello.

#### *Discussion*

- 4.45** In paragraph 19 of her evidence, Ms Clouston considers there is benefit in increasing the height to 8.5m to reflect the permitted PDP parapet height. Ms Clouston notes that the proposed frontage height of 8m effectively reduces the height limit that applies to her clients' land<sup>5</sup> from the existing framework in the PDP.
- 4.46** This has been addressed by Mr Wallace in his rebuttal evidence who considers that retention of the existing PDP exclusion relating to the provision of parapets up to 8.5m in height gives rise to any specific adverse urban design effects and may have some small upside in allowing for some increased flexibility during the design of any new building.
- 4.47** The existing rules that Ms Clouston is referring to (PDP Rule 12.5.8, and 12.5.9) provide for the parapet to extend above the maximum building height by 0.5m, therefore enabling an architectural feature (i.e. the parapet) some flexibility in the current height rule. In my view, Notified Rule 12.5.8 requiring setback at upper floors serves a different purpose to the existing rules (PDP Rules 12.5.8 and 12.5.9) providing exemptions for parapets. Given that all buildings in the QTCZ would require resource consent for a restricted discretionary activity subject to Rule 12.4.7 anyway, I do not consider it any more onerous for any additions or alterations to also be considered on its merits through the same process for any breaches to Rule 12.5.8.

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5 16 and 18 Camp Street, and 14, 28, 29, 30 and 35 Ballarat Street.

- 4.48** Ms Clouston also supports the intention of the advice note recommended in paragraph 5.133 my S42A evidence, however in paragraph 23 of her evidence Ms Clouston considers there would be improved clarity if the advice note was to be moved to the front of the rule, e.g. ahead of 12.5.8.1.
- 4.49** Even though I agree with Ms Clouston’s statement in paragraph 24 in that the position of the advice note in s42A Rule 12.5.8 suggests that the exception only applies to Rule 12.5.8.2, as the text is indented in line with this sub-rule, I disagree that moving the advice note to the start of the rule would improve clarity. In my view the necessary clarity would be achieved by amending the advice note to say “Rule 12.5.8” rather than ‘this rule’. This change is shown in the Rebuttal Recommended Provisions at Appendix A of Ms Bowbyes’ Rebuttal Evidence.
- 4.50** I have not undertaken a section 32AA evaluation of the recommended amendment to replace the words ‘this rule’ with ‘Rule 12.5.8’ in the advice note in s42A Rule 12.5.8. I consider that this is a minor non policy change to improve clarity of the drafting.
- 4.51** In his evidence, Mr Freeman acknowledges that upper-level building setbacks are an appropriate design response and in paragraph 73 supports a 4m minimum upper floor setback for Height Precinct 2. Mr Freeman supports the S42A recommendation in that the required setbacks of upper floors from roads are exempted from applying to boundaries adjoining Cow Lane, Searle Lane or any pedestrian links identified in Figure 1 in the QTCZ.
- 4.52** Ms Costello’s urban design evidence supports removing matter of discretion d) *any sunlight or shading effects created by the proposal on adjacent sites and/or their occupants* in Rule 12.5.8. Ms Costello also considers that it would be appropriate for this amendment to be made in conjunction with amending Rule 12.6.2 to exempt breaches to Rule 12.5.8 from public notification. Ms Costello’s view, these amendments would be appropriate as potential shading (of adjacent QTCZ sites) has the potential to inappropriately limit intensification within the QTCZ. This is supported by Mr Freeman in paragraph 75 of his evidence.

- 4.53** I accept that this setback standard may have greater comparative impact on permitted building mass when applied to smaller and corner sites as outlined in paragraph 75 of Ms Costello’s evidence and as such there could be justifiable examples of breaches to this standard in order to achieve intensification by increased building height. I also agree that there may be some justifiable examples of breaches to this standard in order to achieve intensification by increased building height, especially on corner sites, without undesirable urban design impact.
- 4.54** The purpose of this standard is set out in Section 5.4.1 of the Urban Design Report, attached to the S32 Report, as:.....*to provide for some additional daylight/ sunlight opportunities onto the street and neighbouring sites and to help to reduce the visual impact of the additional height enabled.*
- 4.55** Removing matter of discretion d) has been addressed by Mr Wallace who is satisfied that the purpose of this rule and accompanying matters of discretion are better targeted towards effects on the streetscape / public open space rather than neighbouring sites. Therefore, Mr Wallace agrees that removing matter of discretion d) is appropriate given the purpose of the rule.
- 4.56** I rely on the evidence of Mr Wallace in regard to purpose of the rule and associated effects. I am satisfied that with the existing matters of discretion contained within Rule 12.5.8, particularly (a)<sup>6</sup> as well as Rule 12.4.7 which applies to all building in the QTCZ, particularly matters of discretion (b)<sup>7</sup> and (e)<sup>8</sup>, still enables assessment of external appearance and visual dominance of the building(s) as viewed from the street(s) and adjacent properties. Therefore, I agree that matter of discretion (d) can be removed, in conjunction with my recommendation below that limited notification is not precluded for any breaches of this rule. This change is included in the Rebuttal Recommended Provisions at Appendix A of Ms Bowbyes’ Rebuttal Evidence.

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6 “external appearance and visual dominance of the building(s) as viewed from the street(s) and adjacent properties”.

7 “external appearance, including materials and colours”.

8 “the impact of the building on the streetscape, heritage values, compatibility with adjoining buildings, the relationship to adjoining verandas”.



- 4.57** In regard to the amendments sought to Rule 12.6.2, I would be receptive to including this rule in Rule 12.6.3 which precludes public notification and would be consistent with paragraph 6.63 of my S42A recommendation for the equivalent rule for WTCZ to be included in Rule 13.6.3. However, I do not agree with Ms Costello or Mr Freeman that it should be covered by Rule 12.6.2 which precludes limited notification as well.
- 4.58** In my opinion, it is appropriate to enable a high-density development to be subject to limited notification tests where it infringes the built form permitted activity standards. Infringing one of these standards would mean that the development is subject to the RMA notification tests but not necessarily require notification if it is determined that the infringement does not result in adverse effects. Infringing the permitted activity standards may generate cumulative adverse effects on the acceptability of the scale and appearance of built form that can be achieved on the site, particularly if other built form standards are not met, and therefore there may be cases where adverse effects on adjoining sites are considered to be more than minor.
- 4.59** I note that removing matter of discretion *(d) any sunlight or shading effects created by the proposal on adjacent sites and/or their occupants* partially addresses the concerns raised in Mr Freeman's evidence, by not inappropriately limiting intensification within the zone.

Recommendation / Section 32AA

- 4.60** For the reasons discussed above I recommend that Rule 12.5.8 is amended to delete matter of discretion (d) as follows:

RD

Discretion is restricted to:

- a. external appearance and visual dominance of the building(s) as viewed from the street(s) and adjacent properties;
- b. streetscape character and amenity;
- c. views along the street and viewshafts;

~~d. any sunlight or shading effects created by the proposal on adjacent sites and/or their occupants.~~

e. adequate daylight access to streets;

f. wind tunnel effects.

**4.61** I consider that the proposed amendment to the matters of discretion for Rule 12.5.8 is more appropriate in achieving the objectives of the PDP than the notified provisions. In particular, I consider that:

- (a) The recommended amendments will more accurately capture effects on the streetscape / public open space rather than neighbouring sites; and
- (b) The recommended amendments will not have any materially greater environmental, economic, social, and cultural effects than the notified provisions. However, there will be benefits from improved clarity and direction provided by the amended matters of discretion.

#### **Rule 12.5.11 Minimum Ground Floor Height**

**4.62** Mr Freeman has prepared planning evidence in support of multiple submitters. In paragraph 31 of his evidence, Mr Freeman notes that “given that I make comments below regarding the notified Rule 12.5.11 that deals with the minimum ground floor height, I generally oppose the current wording of notified Policy 12.2.3.7.”

**4.63** No further detail is provided by Mr Freeman on Policy 12.2.3.7. For the reasons discussed in my S42A report<sup>9</sup> and the reasons set out below, I am still of the view that Policy 12.2.3.7 is important to provide policy support for Rule 12.5.11 and I do not recommend any changes to it.

**4.64** Mr Freeman considers that some further adjustment to the wording of Rule 12.5.11 is warranted to provide a level of clarification that the standard should not apply to alterations to existing buildings.

**4.65** As outlined in paragraph 78 of his evidence, Mr Freeman agrees with the purpose of Rule 12.5.11 and supports the change recommended in paragraph 5.161 of my s42A evidence on QTCZ, to require minimum heights to be measured floor-to-floor,

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9 Paragraph 5.39.

rather than floor-to-ceiling, as was notified. However, he still has concerns with both the notified and s42A report versions of Rule 12.5.11 in that the changes do not specify whether the rules apply to a completely new building or to alterations and/or renovations to an existing building.

**4.66** Mr Freeman acknowledges that, while the status of breaching Rule 12.5.11 is Restricted Discretionary, the sole matter of discretion does not deal with the likely practical and potentially significant cost implications of complying with this rule. I stand by my view and discussion in paragraph 5.156 of my S42A evidence on QTCZ and that amendments to the wording of Rule 12.5.11 as suggested by the submitter could potentially make the rule unduly complex or uncertain.

**4.67** As an alternative option, Mr Freeman has provided wording for a new matter of discretion added to Rule 12.5.11 in paragraph 81 of his evidence, that reads:

*For alterations and extensions to existing buildings, the practical and cost implications of complying with the minimum floor to floor height requirement.*

**4.68** I do not support the matter of discretion put forward by Mr Freeman for the following reasons:

- (a) Alterations to existing buildings are generally internal and therefore generally do not trigger district plan provisions;<sup>10</sup>
- (b) An extension to an existing building could be of a significant scale (including for a staged development) and could significantly impact the street frontage. Both Mr Wallace and Ms Costello are of the opinion that Rule 12.5.11 is important for street-facing development;
- (c) There are no environmental effects associated with cost implications.

**4.69** I also note that in paragraph 82 of her evidence, Ms Costello only supports amendments to exclude building alterations but does not offer a definition of 'alteration'.

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10 With the exception of Historic Heritage provisions.

- 4.70** Therefore, I am not minded to change my position from my S42A opinion in that there is a consenting pathway for any breaches to this rule and that this is captured by the existing matter of discretion a. *The ability to maintain flexibility of the ground floor for a range of commercial uses.*

## **5. LOCAL SHOPPING CENTRE ZONE**

### **Rule 15.5.7 Building Height**

- 5.1** In my paragraph 8.54 of my S42A evidence on LSCZ, I recommend that the maximum building height for Hāwea remains 10m, as notified.
- 5.2** Mr Williams has prepared planning evidence in support of Matt Laming's submission (449) which seeks increasing the LSCZ permitted height from 10m to 14m for the LSCZ in Hāwea (as opposed to the LSCZ located in Hāwea South). This is supported by massing plans prepared by ThreeFold Architecture within the Hāwea township context.
- 5.3** This has also been assessed by Mr Wallace in Section 5 of his rebuttal evidence where he is supportive of the proposed increase in height for a number of reasons that have been summarised below:
- (a) its location being generally well separated from adjacent residential uses;
  - (b) building setbacks and recession planes continue to apply where it adjoins a residential zone to manage potential interface; and
  - (c) it enables a greater level of development to help support an increased commercial offering for local residents and enhance walkability.
- 5.4** I agree with Mr Williams' evidence in that the Hāwea LSCZ provides a unique opportunity for additional height due to its location, as specified in paragraphs 7 – 10 of Mr Williams' evidence. As set out in paragraph 16 of his evidence, I agree with Mr Williams that this additional height in this location would provide opportunities to maximise views to the north/lake above ground floor and therefore opportunities for residential development, and a more diverse range of housing types, including apartments.

- 5.5** Even though it is not located in an area considered highly accessibility, my support for increasing the permitted building height to 14m is conditional on retaining the recession planes for the Hāwea LSCZ, as notified. Notified Rule 15.5.2 applies where buildings on sites adjoining Residential zones, the least restrictive sunlight access/ recession plane of that zone would apply. This ensures that impacts on adjoining properties are appropriately mitigated, being visual and dominance effects, shading and privacy.
- 5.6** I agree with paragraph 18 of Mr Williams' evidence that potential effects of permitting 14m high buildings is mitigated through the Hāwea LSCZ's separation from residential properties by legal road width of 30m.
- 5.7** Enabling a height of 14m would enable more efficient use of land and sustainable management of natural and physical resources and contribute to well functioning environments. The increased height would in my view give effect to SO 3.2.1, in developing a prosperous, resilient and equitable economy in the District and also SP 3.3.12 in that it would provide for a wide variety of activities and sufficient capacity within commercially zoned land to accommodate business growth and diversification.

#### Recommendation / Section 32AA Analysis

- 5.8** For the reasons discussed above, I recommend that the relief sought by Matt Laming is accepted and the height limit for Hāwea LSCZ is increased to 14m and Rule 15.5.7 is amended as follows:

##### *15.5.7 Building Height*

- a. *for the Local Shopping Centre Zone located at Albert Town, Arrowtown, Fernhill, Lake Hāwea South, Hāwea and Hāwea, Sunshine Bay and Cardrona Valley Road Kelvin Heights the maximum building height shall be 7-14m;*
- b. ~~*for the Local Shopping Centre zone located at Lake Hāwea South the maximum building height shall be 12m; and*~~
- c. *for the Local Shopping Centre Zone located at Frankton, Albert Town, Arrowtown, Hāwea, Sunshine Bay and Cardrona Valley Road the maximum building height shall be 10m.*

~~for all other areas in the Local Shopping Centre Zone the maximum building height shall be 10m.~~

**5.9** In my opinion, the additional height for the LSCZ at Hāwea is more appropriate in achieving the objectives of the RMA, NPS-UD and PDP than the notified provisions. In particular, I consider that:

- (a) It better recognises that the sustainable use of land is achieved by enabling greater heights within the Lake Hāwea and subsequently densities. Consequently, it is more efficient and effective than the notified objective in achieving the purpose of the RMA;
- (b) The particular context of the LSCZ in this location, and adjacent residential uses, can ensure amenity values and potential adverse effects of additional height can be appropriately managed;
- (c) It would better enable the development of more intensive typologies where accessibility is likely to improve and therefore more efficient and effective than the notified provisions in achieving the objectives of the NPS-UD and particularly contributing to well-functioning urban environments; and
- (d) It would give effect to SO 3.2.1, in developing of a prosperous, resilient and equitable economy in the District and also SP 3.3.12 in that it would provide for a wide variety of activities and sufficient capacity within commercially zoned land to accommodate business growth and diversification.

## **6. MEDIUM DENSITY RESIDENTIAL ZONE**

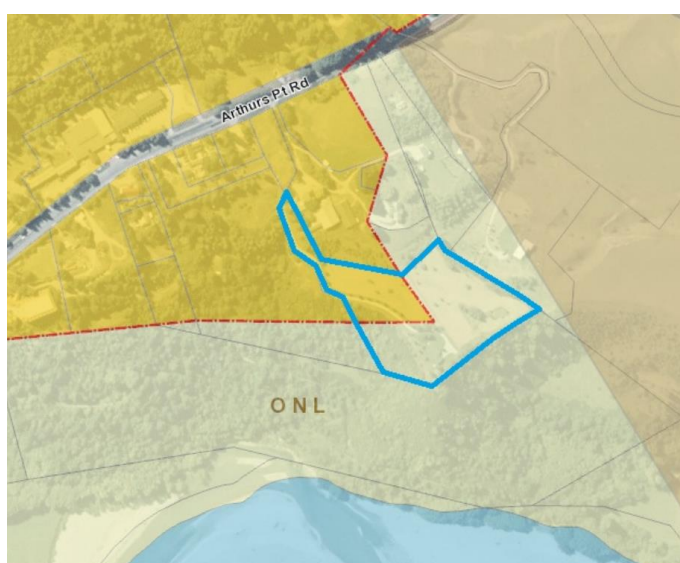
### **Rule 8.5.1 Building Height**

**6.1** Mr Edmonds has prepared planning evidence supporting a 11m height limit on the Mid Terrace of 182D Arthurs Point Road and Mr Milne has provide a supporting landscape assessment (that assesses 11+1m) on behalf of Arthurs Point Trustee Limited (1260) . The change would be made through amendments to proposed Rule 8.5.5.1(a).

*Planning Background – 182D Arthurs Point Road*

**6.2** In paragraph 6.12 of his evidence, Mr Edmonds notes that at the time of issuing consent RM191333, the 12m height limit was permitted where buildings were to be used for visitor accommodation purposes.

**6.3** For context, the site was previously zoned Rural Visitor Zone (**RVZ**) under the Operative District Plan (**ODP**), which enabled a height limit of 12m for Visitor Accommodation under the Zone Standard 12.4.5.2(a), with the south and eastern portion zoned Rural General in the ODP (prior to notification of stage 1 of the PDP) as shown in the Figure below:



*Figure 7: PDP map, Yellow ODP Rural Visitor Zone, Cream Rural Zone*

**6.4** In the ODP, part of the submission site was zoned Rural Visitor Zone, and part was zoned Rural General.

**6.5** In Stage 1, the rural part of the site was notified as Rural Zone. In the response to submissions on Stage 1, Council's decision rezoned the Rural Zone part of the site to MDR Zone, with building restriction areas (**BRAs**) over the more sensitive parts of the submission site. At that time the height limit for MDR Zone was 8m. That decision was appealed.

**6.6** In the Council's decisions on Stage 3B, the Rural Visitor Zone part of the site was rezoned to MDR. That decision was also appealed.

- 6.7** Through resolution of the appeals<sup>11</sup> against the Council's decisions on Stage 1 and Stage 3B of the PDP in October 2022, the MDR zone and 8m height limit were retained, but the BRAs were refined, a visitor accommodation subzone overlay was applied, and a new site-specific building height rule (PDP Rule 8.5.1.2) was introduced.

#### *Discussion*

- 6.8** In paragraph 8.1 of his evidence Mr Edmonds considers that an 11m height limit is appropriate to give effect to the amended objectives and policies of the MDRZ. In paragraph 27 of his evidence, Mr Milne supports an increase in building height on the Mid Terrace and to adequately protect the values of the Shotover PA, he recommends bespoke provisions for the Mid Terrace, including staggering building height limits adjacent to the lip of the escarpment to ensure built form appropriately considers the identified landscape values of the Shotover River PA. Even though he refers to it multiple times in his evidence Mr Milne has not provided any further detail on the proposed height step back rule that he recommends or included in Mr Edmond's evidence.

- 6.9** Section 6.2.2 of the s32 Report outlines the rationale for retaining location-specific building height standards and particularly page 38 specifically refers to Arthurs Point and notes that:

*Given Section 6(b) of the RMA, it is considered that the maintenance of the existing permitted building heights along the ONL and ONF boundaries in this location will manage this potential effect. It is also noted that the Arthurs Point area did not perform well in the accessibility and demand analysis and a height increase on this basis is also not warranted to give effect to the NPS-UD.*

- 6.10** Given that the site has been subject to numerous appeals discussed above, where consideration of the impact on the ONL and ONF were considered and the most

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<sup>11</sup> *Arthurs Point Trustee Ltd v Queenstown Lakes District Council* [2022] NZEnvC 195, Decision issued on 6 October 2022.



recent decision being October 2022, I am of the view that the current provisions remain the most appropriate for the site.

**6.11** Furthermore, the landscape report provided by Mr Milne has been peer reviewed by Ms Mellsop who supports the retention of the 8m height limit for the following reasons (her report is attached to this evidence as **Appendix 1**):

- (a) From public viewpoints to the west and south-west, taller buildings would be visible against the skyline or against the ONL backdrop of Coronet Peak or the escarpments east of Littles Road. This is in contrast with development on the upper terrace of Arthurs Point, which is viewed against the backdrop of Mount Dewar slopes. The taller buildings would detract from the perceived naturalness and coherence of the views and adverse visual effects would be more difficult to mitigate with landscaping on the terrace edge;
- (b) Taller buildings would be visible from the adjoining land to the east within the ONL and from Littles Road and visual dominance of taller buildings would be more difficult to mitigate with planting. There is no marked topographical change or vegetative buffer that would mitigate the potential adverse effects of taller MDR development on this adjoining rural land;
- (c) The submission site is both vertically and horizontally separated from the HDR zone on the upper terrace. Increasing building height would result in a spread of more bulky development down into the river corridor and outside the focal node around Arthurs Point Road. As a result it would detract from the quality of the wider rural landscape.
- (d) The Mid Terrace is at a similar RL to MDR-zoned land to the west that is also subject to proposed Rule 8.5.5.1(a) in relation to building height; and
- (e) Compared with 8m buildings, taller built development would have greater adverse effects on the legibility of the river corridor landforms and on the naturalness and scenic attributes of the river corridor and adjoining ONF. It would be more difficult to maintain the valued attributes of the Kimiākau (Shotover River) ONF through design and landscaping within the MDR zone, particularly the 'visually discreet character of the majority of built development bordering the area'.

- 6.12** I rely on Ms Mellsop's view that the Mid Terrace is a relatively sensitive location within the river corridor and that the adverse effects of increased height on the values of the receiving landscape (including those of the Kimiākau (Shotover River) ONF would be moderate in magnitude.
- 6.13** The Activity Status for breaching height is non-complying pursuant to Rule 8.5.1. I stand by my view as outlined in paragraph 4.121 of my 42A Report in that an assessment as to whether greater heights at this location is appropriate should continue to be assessed on its merits through a resource consent process to ensure that it is appropriate given its location adjacent to an ONL and an ONF. I am not convinced that the height limits and associated potential effects upon the surrounding ONL/Fs as proposed by the submitter aligns with Section 6(b) of the RMA.

#### **Rule 8.5.7 Recession Planes**

- 6.14** Mr Freeman has prepared planning evidence in support of multiple submitters, seeking deletion of the notified requirement for recession planes to be applied on all sites (including sloping sites) in the MDRZ (notified Rule 8.5.7). This is supported by Urban Design evidence by Ms Paula Costello.
- 6.15** Ms Costello and Mr Wallace having completed Joint Witness Conferencing and have an agreed position in respect of notified Rule 8.5.7, as outlined in a Joint Witness Statement. Ms Costello and Mr Wallace have agreed that, the application of a 4m + 600 recession plane from the southern boundary of a sloping site in the MDRZ would be appropriate in urban design terms.

#### *Discussion*

- 6.16** The UIV proposes to amend notified Rule 8.5.7 to remove the current limb that exempts recession planes from applying to buildings on sloping sites (excluding accessory buildings) with an activity status for breaches to notified Rule 8.5.7 being restricted discretionary.

- 6.17** The provision was informed by Section 4.3.2 of the Urban Design Report, which recommended that the sunlight admission standards would benefit from amendments and simplification so as to not undermine any benefit from relaxing the height standard.
- 6.18** Page 6 of the Urban Design Report acknowledges that the lower sunlight admission plane proposed for the southern boundary partly acknowledges Queenstown's geographic location and predominantly mountainous or hilly topography without fundamentally undermining the ability to deliver medium density typologies.
- 6.19** I consider the same issues apply as for the LDSRZ in that the application of different recession planes rule for flat and sloping sites is unduly complex and could lead to entire sites that are mostly flat, being considered a sloping site, because a building is proposed on a small part of the site that is sloping. Given the notified increased height permitted (from 8m to 11 +1m) on sloping sites, in my view it is appropriate that the current exemption for sloping sites is removed, to ensure that effects on adjacent properties are appropriately managed. In my view, removal of the flat / sloping site distinction also has the benefit of removing current complexity from the rule.
- 6.20** On page 11 of her evidence, Ms Costello has shown the impact on a 35-degree sloped site only, noting that the impact of the proposed recession plane is significant in restricting the establishment of any building (without significant earthworks).
- 6.21** However, given that the definition of sloping site in the PDP means a site where the ground slope is greater than 6 degrees,<sup>12</sup> I am not convinced that the one example provided by Ms Costello is a true reflective of all sloping sites in Queenstown. Particularly when comparing this with the Urban Design Report where the modelling on pages 21 and 22 indicated that typical medium density typologies could still be enabled on sloping sites with a more restrictive recession

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12 Means a site where the ground slope is greater than 6 degrees (i.e. greater than 1 in 9.5). Ground slope in relation to building height shall be determined by measurement over the extremities of each building elevation. Where any elevation indicates a ground slope of greater than 6 degrees (i.e. greater than 1 in 9.5), rules applicable to sloping sites will apply.

plane depending on its orientation. Therefore, I am not persuaded by Ms Costello's comment in paragraph 44 of her evidence where she considers that: *"The potential impact on buildable envelope in the MDRZ (when compared to the status quo of 8m with no recession planes) results in no benefit in terms of buildable envelope on such sites and stymies intensification and the viability of infill."*

## **7. HIGH DENSITY RESIDENTIAL ZONE**

### **7.1 Chapter 9 – Purpose Statement**

**7.2** Mr Edmonds has provided planning evidence on behalf of Fortune Fountain Group Limited (769) noting that the last paragraph in the Purpose Statement would be improved by removing the reference to the location *"....near the town centres and within Arthurs Point"*, as the explanation of where the HDRZ is located is explained in the first paragraph.

**7.3** I note that the submission point referred to by Mr Edmonds in relation to the Purpose Statement (769.1) sought amendments to refer to the *'adverse effects of visitor accommodation activity on the residential amenity values of nearby residents is avoided, remedied or mitigated'*. The relief now sought in Mr Edmond's evidence was not sought in the original submission by Fortune Fountain Group Limited (769) and therefore do not consider this in scope. Even if they were in scope, I do not consider the changes sought by Mr Edmonds to be necessary.

**7.4 Chapter 9 - Objectives and Policies** Mr Edmonds has provided planning evidence on behalf of Scenic Hotel Group Ltd (763), Queenstown Residential Group Ltd (764) and Fortune Fountain Group Limited (769) supporting the removal of the word 'existing' from Objective 9.2.3 as this term *conflicts with the proposed zone standards that increase building and other changes focused on intensification*.

**7.5** Mr Kemp has provided planning evidence on behalf of M and Y Wilson (682) and that inclusion of the term "existing amenity values" in the HDRZ purpose statement and Objective 9.2.3 is problematic.

7.6 I note that in paragraph 5.53 of my S42A Report I make the following recommendation:

*~~'High density residential development~~ Development maintains an appropriate minimum level of existing amenity values for neighbouring sites as part of positively contributing to the urban amenity values sought within the zone.'*

7.7 However, due to an administrative error this recommendation was not marked up on the S42A Recommended Provisions. I stand by my assessment in paragraphs 5.44 - 5.52 of my s42A Report (which includes a s32AA assessment) and removing the word existing is more appropriate in achieving the objectives of the PDP than the notified version. This recommended amendment is now included in the Rebuttal Recommended Provisions, attached to Ms Bowbyes' Rebuttal Evidence as Appendix A.

7.8 Mr Kemp submitted planning evidence on behalf of M and Y Wilson (682) supporting the following amendments to Objective 9.2.3.

*Objective – High density residential development ~~maintains a minimum level of existing amenity values for neighbouring sites~~ **provides for positive urban design outcomes, while recognising that amenity values experienced by neighbours will change over time as development occurs to achieve the high-density outcomes sought by the zone** ~~as part of positively contributing to the urban amenity values sought within the zone."~~*

7.9 I note that this relief was sought in the original submission by M and Y Young and Mr Kemp has not provided any further argument to persuade me to change my position as outlined in paragraph 5.46 of my S42A report.

7.10 **Rule 9.5.1.1 Building Height Queenstown**

7.11 Mr Freeman has prepared planning evidence in support of multiple submitters seeking amendments to building heights in the HDRZ. This is accompanied by urban design evidence from Ms Costello.

- 7.12** Ashourian Partnership (1008), Skyline Tours Limited (984) and Pro-Invest Property 1 Limited Partnership (986) are seeking changes to the permitted height limit for the land that is contained within the four blocks bound by Frankton Road, Coronation Drive, Beetham and Melbourne Streets. These submitters originally sought a permitted building height of 18.5m for the subject four blocks.
- 7.13** Mr Freeman and Ms Costello seek that Rule 9.5.1.1 be amended to enable greater building heights on the four blocks via the following amendments:
- (a) Retain the permitted building height at 16.5m as per s42A Rule 9.5.1.1;
  - (b) Amend Rule 9.5.1.1 to include a restricted discretionary building height for heights between 16.5m and 20m on the four blocks; and
  - (c) Amend Rule 9.6.1.2 to refer to the restricted discretionary height band, thereby precluding it from limited and full notification.
- 7.14** Ms Costello also considers that matter of discretion (b) under Rule 9.5.1 should be amended to remove neighbouring properties when dealing with building dominance and sunlight access.

*Discussion*

- 7.15** I still stand by my view in my S42A Report, particularly paragraph 5.138 that any non-compliance with this rule has a consenting pathway through a restricted discretionary activity consent.
- 7.16** Even though I agree with points a) and b) by way of reasoning provided by Ms Costello in paragraph 56 of her evidence, and that it is dominated by visitor accommodation activity, the building forms are no different from other HDRZ areas. Ms Costello in point c) considers that the existing character of the areas to be dominated by visitor accommodation activity and generally larger building forms than are typical in other HDRZ areas. However, I note that other than the Ramada Hotel and Holiday Inn (on the corner of Sydney Street and Stanley Street), which are both 15m in height, there are no other buildings in the four blocks that are greater than 8m in height. I address point d) in paragraph 5.136 of my S42A Report where I do not consider it appropriate to use Ramada Hotel as a relevant baseline for future height in the vicinity. Furthermore, the four blocks referred to

in the evidence has a sloping topography that needs to be considered and may result in varying level of effects particularly with increased heights.

**7.17** Amending matter of discretion (b) to remove reference to '*neighbouring properties*' as requested on page 3 of Appendix A of Mr Freeman's evidence would have implications on the entire HDRZ that extend beyond the four blocks subject to Mr Freeman's evidence. Given that there is no tiered approach for building heights for the HDRZ that triggers non-complying activity (as provided for Frankton North in Rule 9.5.1.5), then there is no 'ceiling building height' and therefore I do not consider it appropriate to amend the matters of discretion or notification as requested by the submitters and I remain of the opinion it is appropriate that any breaches would be assessed on a case-by-case basis, including a notification assessment, informed by the effects associated with the activity, including the extent of departure from the permitted height.

**7.18** In my view, the submitter has not provided any location-specific resource management issues or reasoning that distinguishes the site from other sites in the HDRZ. An accompanying policy for the provisions sought has not been recommended by Mr Freeman. In my view, the restricted discretionary activity consent for breaches to Rule 9.5.1 coupled with the matters of discretion provide an appropriate consenting pathway for buildings greater than 16.5m.

#### **Rule 9.5.1.4 - Building Height Wānaka**

**7.19** Mr Kemp has provided planning evidence on behalf of M and Y Wilson (682), seeking that the revised maximum heights for a building in the HDRZ at Wānaka should be associated with a non-compliance standard of restricted discretionary, rather than discretionary, for consistency with the Queenstown height limits anticipated in 9.5.1.1, with similar matters of restricted discretion.

**7.20** Mr Vivian has provided planning evidence on behalf of a number of submitters (1233, 1132, 1135, 1058, 1131, 1134, 1057) and considers that 12m buildings within the Lismore HDRZ will create a built form that is contrary to the character of Wānaka.

- 7.21** Mr Williams has prepared planning evidence in support of Willowridge Development, Orchard Road Holdings Limited and Three Parks Properties Limited (948) supporting a building height of 20m in the HDRZ at Three Parks.

*Discussion*

- 7.22** In paragraph 7.3 Mr Kemp acknowledges that the receiving context of the HDRZ in Wānaka differs in some respects from that of Queenstown but he does not agree that this distinction alone justifies the imposition of a more restrictive planning pathway. I note that Mr Kemp has not offered any additional matter of discretion to support restricted discretionary activity status for height breaches in Wānaka.

- 7.23** I consider that the scale of development within the Wānaka Town Centre and HDRZ is considerably different to Queenstown and therefore does not provide a direct comparison. The discretionary activity status for breaches to the Building Height Rule in the Wānaka HDRZ, is consistent with the current PDP, being discretionary for buildings exceeding a height of 10m. In paragraph 7.6 of his evidence, Mr Kemp notes that both locations are subject to the same overarching intensification goals under the NPS-UD. However, section 6.2.2 of the s32 Report acknowledges that even though the HDRZ area of Wānaka performed well in the accessibility and demand analysis, it did not perform as well as the HDRZ at Queenstown and Frankton. The same building height as the Queenstown HDRZ in this location is therefore not justified and in my view this also applies to the activity status. The HDRZ in Wānaka along Lakeside Road currently has an existing 7m or 8m permitted building height (depending if the site is flat or sloping), and a maximum building height limit of 10m, with any breaches to 10m being a Discretionary Activity. This already provides for tiered additional height of 5-6m in the HDRZ in Wānaka. Therefore, I am not persuaded by the arguments put forward by Mr Freeman to amend the activity status.

- 7.24** I also retain my view outlined in paragraph 5.159 of my S42A Report, that Discretionary activity status for height breaches allows consideration of land stability and the groundwater table in the vicinity of properties on Lismore Street.



- 7.25** In paragraph 5.6 of his evidence, Mr Vivian notes that the *“the increase from 7m to 12m will significantly affect my clients outlook to the south-west, particularly as a result of the establishment of large visitor accommodation buildings”*. In his paragraph 5.11 Mr Vivian draws attention to subclause (b)(i) of Policy 6 of the NPS-UD and that a 12m height plane is weighted in favour of visitor accommodation activities. I disagree with Mr Vivian, in that both residential activities and visitor accommodation is anticipated in the HDRZ. In my view, the existing objectives and policies in the PDP currently provide an enabling framework for both residential and visitor accommodation activities, and there is no hierarchy of objectives within the plan that prioritises one over the other.
- 7.26** This is also emphasised in the existing PDP, including in the last paragraph of the Zone purpose, that *“[v]isitor accommodation, residential visitor accommodation and homestays are anticipated and enabled in this zone, ....”* and also Policy 9.2.8.1 *to provide sufficient high density zoned land to enable a range of accommodation options for visitors to establish close to town centres.”* This is also discussed in more detail in my response to Submissions 641, and 657 in Section 7 of this report. I also note that Policy 5 of the NPS-UD refers to *‘enable heights and density of urban form’* and is not restricted to just residential activities.
- 7.27** Regarding outlook from Mr Vivian’s clients’ properties, I note that the HDRZ Purpose Statement states that *“the focus on intensification, moderate to substantial change is anticipated including to both public and private views as the character of land within the zone develops into one that is characteristically urban.”*
- 7.28** In my view, the submitter has not provided any resource management issues or reasoning to warrant this area to retain existing building heights to protect their current outlook and I also note that there are already reduced heights for HDRZ to acknowledge the character of Wānaka.
- 7.29** Therefore, I remain of the view as set out in paragraph 5.152 of my S42A Report that retaining existing height limits for Lismore Street HDRZ would not give effect to the NPS-UD, particularly Policy 5 in enabling heights and density of urban form commensurate with the greater of the level of accessibility or relative demand.

- 7.30** In paragraph 14 of his evidence, Mr Williams seeks for a permitted building height of 20m in the Three Parks HDRZ. However, I note that on page 5 of submission 948, submission point 948.9 explicitly seeks a building height of 16m, with the reasoning being that Three Parks can accommodate greater height than the notified 12m permitted height. There does not appear to be scope in submission 948 for a 20m permitted building height.
- 7.31** I agree with Mr Williams in paragraph 11 of his evidence, that the additional policy recommended in my S42A Report is not necessary (s42A Policy 9.2.10.2). This appears to be an oversight in my S42A Report given that my recommendation was to enable a building height up to 16.5m in this location. I agree with Mr Williams in paragraph 12 of his evidence in that the existing policy framework via Objective 9.2.1 and Objective 9.2.2 along with Rule 9.4.5 ensures appropriate guidance is provided in terms of consideration of neighbouring amenity values and good design outcomes. The Residential Zone Design Guidelines applying in the HDRZ also provide direction as to appropriate design outcomes.
- 7.32** However, I remain of the view for the reasons set out in paragraph 5.155 of my S42A Report that 16.5m is the most appropriate height for this zone (as requested in the submitters' submission 948), which is consistent with HDRZ in Queenstown and also provides a more appropriate transition from BMUZ at Three Parks to surrounding residential zones.
- 7.33** If the panel was minded to take a different approach, then an alternative framework could be similar to my recommendations for heights in the Wānaka BMUZ (Three Parks) addressed in Section 7 of my Business Zones evidence where the permitted height notified is 16.5m alongside a tiered approach where building heights between 16.5m and 20m are a restricted discretionary activity, and heights 20m and above are non-complying. Consideration would need to be given to mitigating effects on directly adjoining residential zones (MDRZ and LDSRZ).
- 7.34** In paragraph 9 of his evidence, Mr Williams considers that in a Restricted Discretionary pathway, the applicable matter of discretion (b) where it states

*'building dominance and sunlight access relative to neighbouring properties and public spaces including roads'* creates uncertainty to achieving additional height and is not particularly clear as to the appropriate measurable outcome. Mr Williams considers that recession planes and the upper floor building setback more directly provide for provision of sunlight access and building dominance of buildings regardless of height.

- 7.35** I note that the original submission by Willowridge Development, Orchard Road Holdings Limited and Three Parks Properties Limited (948) sought amendments to the rule to provide for a 16m maximum height in the HDRZ at Three Parks. The relief now sought in Mr Williams' evidence to amend the matters of discretion was not sought in the original submission (948.8) and therefore do not consider this in scope. I also note that this is an existing matter of discretion within the PDP and the UIV did not notify any amendments to the matters of discretion and the relief sought by Mr Williams seeks would have wider implications, beyond Three Parks and therefore I do not consider appropriate or necessary to remove this.

#### **Rule 9.5.1.5 Building Height Frankton North**

- 7.36** Ms Clouston has prepared planning evidence in support of Latitude 45 Development Ltd (768) who seeks additional heights in HDRZ and BMUZ at Frankton North. This is supported by urban design evidence prepared by Mr Compton-Moen.
- 7.37** Ms Clouston considers it appropriate to remove the 20m non-complying activity height limit for the HDRZ at Frankton North. She notes that this is consistent with the HDRZ more generally, which does not have a specified maximum. Ms Clouston has focused her assessment and reasoning on the adjoining ONL and offers the following matter of discretion to Rule 9.5.1.1: *h. where the building is located on a site that adjoins an ONL or ONF, effects on landscape values of the ONL or ONF*".
- 7.38** The land zoned HDRZ within Frankton North was subject to mediation Topic 16 (Rezoning) – ENV-2018-CHC-149 and consent orders were issued in 2020<sup>13</sup>.

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13 <https://www.qldc.govt.nz/media/a2vhl0ey/2020-10-05-consent-order-topic-16-frankton-north.pdf>.

Appellants generally sought the ability to undertake greater densities of development on the Frankton North Structure Plan site.

- 7.39** At the time, constraints identified included that some sites within the rezoning area were reliant on access through neighbouring land, the presence of the National Grid, Aurora's distribution network, existing substations, direction from NZTA as a preference to prohibit any new accesses onto SH6 and utilise the Hawthorne roundabout, and the hilly topography.
- 7.40** The consent orders issued resulted in amendments to the HDRZ framework so that development in the HDRZ could be anticipated up to 20m in height (as a restricted discretionary activity).
- 7.41** In my view, and given the recent decision outlined above, the notified building heights, and tiered approach for building heights in Frankton North, remain most appropriate due to its location and site constraints mentioned above, and is not comparable to the Queenstown Town Centre Zone as suggested in paragraph 32 of Ms Clouston's evidence. Furthermore, the matter of discretion offered by Ms Clouston is not supported by a landscape assessment and also would have further implications that extend beyond just Frankton North. Given to the range of issues identified through mediation as discussed above, I also disagree with the submitter that non-notification provision should be amended to apply building heights 16.5m to 24m. So whilst the decision on the Frankton North Structure Plan predated the NPS-UD, I am of the view that the increased heights and density enabled through that decision, achieved the outcomes sought by Policy 5 of the NPS-UD.
- 7.42** My reasoning above also relates to BMUZ zone.
- 7.43** For the reasons set out above, I stand by my view in my s42A and do not recommend any changes to the s42A provisions in respect of the HDRZ located within Frankton North.

#### **Visitor Accommodation**

- 7.44** Mr Scott Edgar has prepared planning evidence in support of Scott & Jocelyn O'Donnell (641, 657). Mr Edgar states that the UIV provisions creates an imbalance whereby visitor accommodation (**VA**) appears to have been favoured over residential development.
- 7.45** Mr Edgar challenges Ms Bowbyes' position on scope in her s42A Report on strategic evidence, specifically regarding VA activities in the HDRZ. Ms Bowbyes has responded to these specific points in her Rebuttal Evidence, accepting that there is scope (only) to consider visitor accommodation activities through the proposed changes to building heights and density, but not the activity itself.
- 7.46** In paragraph 30 of his evidence, Mr Edgar considers that development objectives for the existing HDRZ are primarily focused on high density residential development. I disagree, and in my view, the existing objectives and policies in the PDP currently provide an enabling framework for both residential and VA activities, and there is no hierarchy of objectives within the plan that prioritises one over the other. This is also emphasised in the existing PDP, including in the last paragraph of the Zone purpose, that “[v]isitor accommodation, residential visitor accommodation and homestays are anticipated and enabled in this zone, .....” and also Policy 9.2.8.1 to *provide sufficient high density zoned land to enable a range of accommodation options for visitors to establish close to town centres.*”
- 7.47** I also disagree with Mr Edgar in paragraph 34 of his evidence in that the recommended amendments to Objectives 9.2.1, 9.2.2 and 9.2.3 and Policy 9.2.3.1 significantly alters the intended development outcomes for the HDRZ and the interaction between residential and VA activities.
- 7.48** My s42A recommended amendments to Objectives 9.2.1, 9.2.2 and 9.2.3 and Policy 9.2.3.1 ensures that these have general application in respect of all development activities within the HDRZ and not just high density residential. Particularly s42A Objective 9.2.2 ensures that development provides a positive contribution to the environment through quality urban design and the corresponding policies refer to built form as well as Residential Zone Design Guide.

- 7.49** In paragraphs 22 – 24 of his evidence, Mr Edgar considers that the UIV provisions, which enable increased height and built form generally while seeking to manage the effects of the enabled intensification by adding controls and matters of discretion almost exclusively to residential development creates an imbalance whereby VA appears to have been favoured over residential development. Whilst I acknowledge that the notified and recommended provisions add additional matters of discretion to Rule 9.4.5 that applies to residential units comprising four or more per site, these are very detailed and targeted (and do not apply to permitted activities, including up to three residential units on a site). VA automatically requires consent pursuant to PDP Rule 9.4.6. In my view the matters of discretion in PDP Rule 9.4.6 are very broad, particularly *a) the location, nature and scale of activities*, and *f) the external appearance of buildings*, which allows consideration of a large range of effects.
- 7.50** Furthermore, existing Objective 9.2.8 and associated policies enable VA whilst ensuring that adverse effects on residential amenity values are avoided, remedied and mitigated to address concerns raised by submitter.
- 7.51** In my view, applying additional or amended controls to visitor accommodation activities, or replicating the residential units matters of discretion outlined in Rule 9.4.5 would have the effect of limiting the matters of discretion, and essentially would have the opposite effect to that which Mr Edgar is seeking.
- 7.52** I note that Rule 5.5A.1, applies to residential and VA activities in that a Non-Complying activity status is triggered if there is not compliance with design guidelines. Therefore, I agree with Mr Edgar that the design guidelines (when reviewed, which is not within the scope of this UIV) should address the intended design outcomes for visitor accommodation within the HDRZ.

**7.53** In summary, I do not support the amendments sought by Mr Edgar's and I do not recommend any additional changes to Chapter 9.

A handwritten signature in black ink, appearing to be 'CF', followed by a horizontal line.

**Corinne Frischknecht**

**25 July 2025**

## **Appendix 1**

**Ms Helen Mellsop review of landscape evidence of Tony Milne, dated 3 July 2025**





# Memo

**FILE REF:** Urban Intensification Variation – Arthurs Point Trustees Ltd (Submitter 1260)

**TO:** **Corinne Frischknecht** – Senior Policy Planner, QLDC

**FROM:** Helen Mellsop – Registered NZILA Landscape Architect

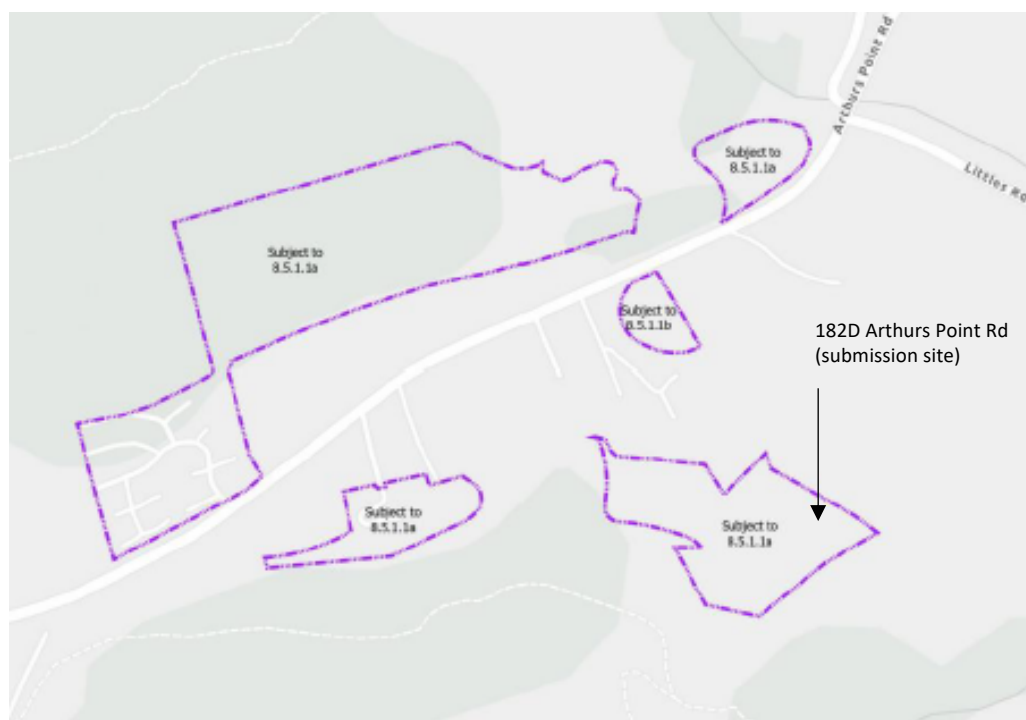
**DATE:** 21 July 2025

**SUBJECT:** **Review of landscape evidence of Tony Milne, dated 3 July 2025**

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## INTRODUCTION

1. This memorandum relates to the submission of Arthurs Point Trustees Limited (Submitter 1260) on the Urban Intensification Variation to the Proposed District Plan (**PDP**). The submitter supports increased height limits for the High Density Residential (**HDR**) and Medium Density Residential (**MDR**) zones but seeks removal of the reference to the Mid Terrace (refer **Figures 1 & 2** below) at 182D Arthurs Point Road (**submission site**) being affected by Rule 8.5.5.1(a). This memorandum provides a peer review of the landscape evidence provided by Tony Milne in support of the submission, dated 3 July 2025.



**Figure 1:** Plan of areas in MDRZ areas in Arthurs Point proposed to be subject to specific rules in the Urban Intensification Variation.



**Figure 2:** Plan of 182 Arthurs Point Rd site boundaries and Mid Terrace area (source: Evidence of Tony Milne, dated 3 July 2025)..

## QUALIFICATIONS AND EXPERIENCE

2. I hold the qualifications of Bachelor of Landscape Architecture from UNITEC Institute of Technology, Bachelor of Human Biology from University of Auckland and Diploma of Horticulture (Distinction) from Lincoln University. I am a registered member of the New Zealand Institute of Landscape Architects and have been practising for over 24 years. I am currently self employed as a consultant landscape architect. Between January 2008 and March 2010, I was a Senior Landscape Architect at Lakes Environmental Limited, a company contracted to undertake resource management and regulatory functions for the Queenstown Lakes District Council (**QLDC** or **Council**). Since forming my own consultancy in 2010 I have continued to provide landscape architectural services to QLDC on a regular basis. I have appeared regularly as an expert witness at Council Hearings and have also participated in Environment Court mediations and prepared briefs of evidence for a number of appeal hearings in the Environment Court, including in relation to the PDP.
3. I am very familiar with the Queenstown Lakes District, having undertaken landscape assessment peer reviews for numerous rural resource consent applications in the District between 2008 and 2025, and having provided landscape evidence for Council hearings on and appeals to Stages 1, 2 and 3 of the PDP.
4. I provided landscape evidence on the proposed rezonings of the Arthurs Point Operative District Plan (**ODP**) Rural Visitor Zone to Rural or Medium Density Residential zones, which were heard in Stage 3 of the PDP. I was also involved in Environment Court mediation on Stage 3 rezoning appeals within Arthurs Point.

## BACKGROUND

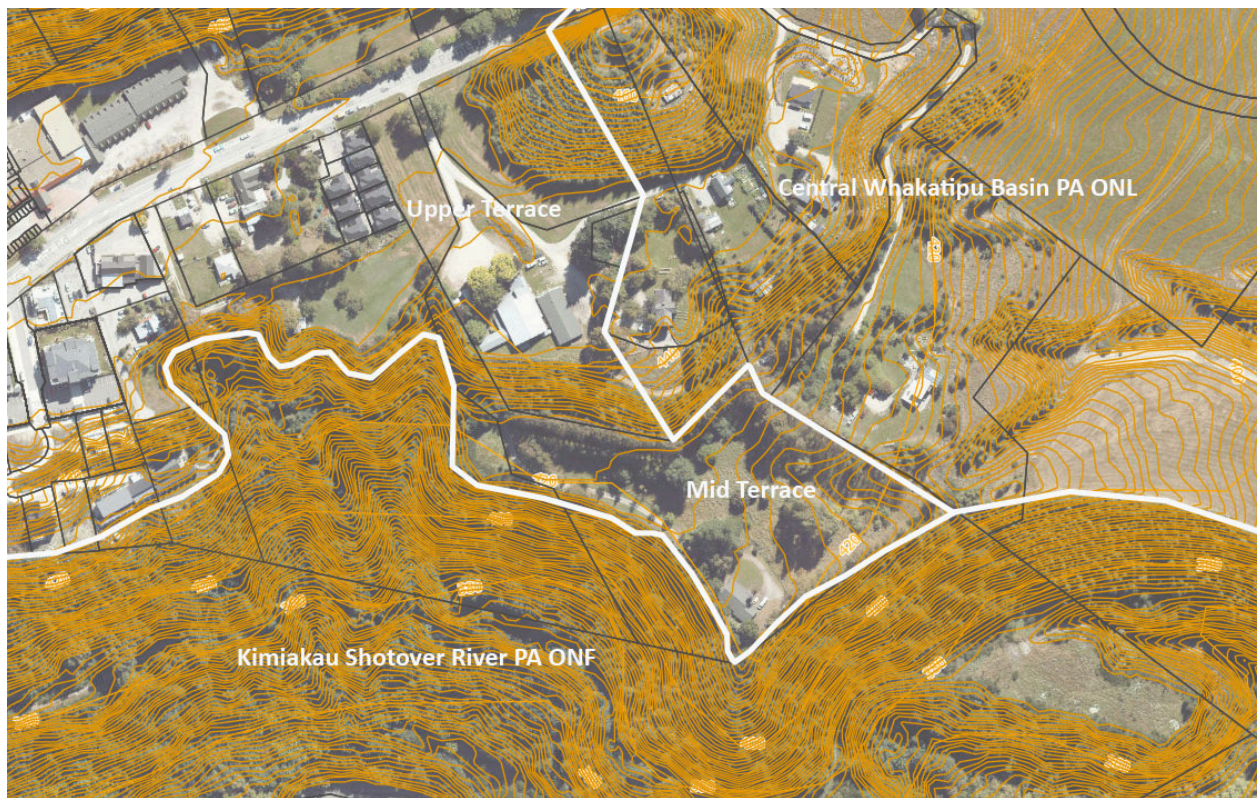
5. In the ODP, part of the submission site was zoned Rural Visitor Zone, and part was zoned Rural General. In Stage 1, the rural part of the site was notified as Rural Zone. In the response to submissions on Stage 1, Council's decision rezoned the Rural Zone part of the site to MDR Zone, with building restriction areas (**BRAs**) over the more sensitive parts of the submission site. At that time the height limit for MDR Zone was 8m. That decision was appealed.
6. In the Council's decisions on Stage 3B, the Rural Visitor Zone part of the site was rezoned to MDR. That decision was also appealed.
7. Through resolution of the appeals<sup>1</sup> against the Council's decisions on Stage 1 and Stage 3B of the PDP in October 2022, the MDR zone and 8m height limit were retained, but the BRAs were refined, a visitor accommodation subzone overlay was applied, and a new site-specific building height rule (PDP Rule 8.5.1.2) was introduced. I was involved in the mediation process that resulted in this framework.
8. A number of resource consents have been granted for the submission site. Of most relevance are:
  - (a) RM191333<sup>2</sup>, which approved 297 visitor accommodation units on the upper terrace of 182 Arthurs Point Road and part of the Mid Terrace, within the part of the site where consents under the ODP Rural Visitor Zone were still required. The zone allowed for building height limits of 12m as a controlled activity, as decisions /appeals had not yet been resolved on the notified MDR in Stage 3B: and
  - (b) RM200384<sup>3</sup>, which approved 35 two-storey terrace houses on the Mid Terrace land, on the part of the site rezoned to MDR in Stage 1, and subject to appeal at the time of the decision.
9. Apartment buildings approved under RM191333 on the upper and mid terraces (refer to Figure 3 below) are up to 12m in height. There are significant landscaping requirements associated with both consents, including removal of wilding conifers on the site, indigenous revegetation of the intermediate escarpment and steeper slopes and planting on the edges of the Mid Terrace to partially screen development.

<sup>1</sup> *Arthurs Point Trustee Ltd v Queenstown Lakes District Council* [2022] NZEnvC 195, Decision issued on 6 October 2022.

<sup>2</sup> Application dated 6 December 2019 and Decision issued on 7 August 2020.

<sup>3</sup> Application dated 5 May 2020 and Decision issued on 13 November 2020.





**Figure 3:** Contour map of submission site and surrounds showing adjoining ONF/ONL Priority Areas (source QLDC GIS).

## PEER REVIEW

### *Landscape setting*

10. A description of the submission site and the receiving landscape, together with an analysis of landscape values and landscape capacity, is contained in paragraphs 11 to 20 of Mr Milne's evidence. I am generally in agreement with the description of the submission site and surrounding landscape, but I note that he does not discuss the character of the land adjoining the north-eastern boundary of the submission site, which is Rural-zoned land with an Outstanding Natural Landscape (**ONL**) classification, and is within the Central Whakatipu Basin Priority Area. This land is slightly lower than the submission site but within the same terrace landform (refer **Figure 1** above). I consider this land adjoining the north-eastern boundary of the submission site to be part of the receiving environment.
11. The Mid Terrace is also immediately adjacent to the Kimiākau (Shotover River) Outstanding Natural Feature (**ONF**) and Priority Area on its western and southern boundaries.
12. I agree with Mr Milne that the Mid Terrace has capacity to absorb additional development without compromising existing character and values, and I also agree that the receiving environment has a moderate-high sensitivity to development (paragraph 26 of Mr Milne's evidence). However, to ensure that the values of the adjacent ONF and ONL are protected, I consider that MDR development on the Mid Terrace needs to be sensitively designed development that is well integrated by appropriate indigenous vegetation. My reasons for this assessment include the following:
  - The Mid Terrace is spatially separated from the HDR zone on the main terrace of Arthurs Point central area, with a BRA on the escarpment between upper and mid terraces;
  - The Mid Terrace is surrounded by ONF and ONL on three sides;



- From viewpoints to the west and south-west on Watties Track, Atley Terrace, the river/river margins, and parts of the newly opened Shotover Gorge trail, it is seen either on the skyline (see **Photograph 1** below) or against the backdrop of Coronet Peak or the escarpments east of Littles Road rather than the slopes and terraces of Mount Dewar. It is also horizontally spatially separated from other urban development within Arthurs Point in these views;
- The visual sensitivity of the Mid Terrace is likely to increase with ongoing removal of wilding trees on the submission site and within the river corridor;
- The Mid Terrace has heightened visual significance because it is within the Kīmiākau Shotover River corridor and development on it is experienced within the context of the ONF and, from some viewpoints, in the foreground of the wider ONL.



**Photograph 1:** View towards the Mid Terrace on 182D Arthurs Point Road from the margins of the Kīmiākau (Shotover River).

### ***Assessment of landscape capacity to absorb additional height***

13. In his paragraph 25, Mr Milne identifies the existing RM19333 consent for 12m buildings on part of the Mid Terrace as evidence that Council considered the particular location had capacity to absorb greater height. However, this consent was assessed under the previous Operative District Plan Rural Visitor Zone provisions, which anticipated up to 12m high visitor accommodation buildings as a controlled activity. When controlled activity height standards are provided it is generally assumed that the environmental effects of that height are acceptable and it is difficult for Council to impose conditions on height. Landscaping for mitigation was a matter of control

under the ODP zoning. Under the notified Urban Intensification Variation MDR zone, the building height standard would be 8m if a new consent was sought.

14. Mr Milne's proposal to retain the 8m height limit within 10m of the escarpment edge has merit (although a similar provision would be needed on the eastern interface with the ONL), but my understanding is that this refinement is not endorsed by the planning evidence from Mr Edmonds' for the submitter dated 4 July 2025.
15. Given the sensitivity of the receiving landscape, I support retaining the 8m height limit for all of the Mid Terrace. My reasons include the following:
  - From public viewpoints to the west and south-west, taller buildings on the Mid Terrace would be visible against the skyline or against the distant ONL backdrop of Coronet Peak or the escarpments east of Littles Road. This is in contrast with development on the upper terrace of Arthurs Point, which is viewed against the immediate enclosing backdrop of Mount Dewar slopes. The taller buildings would detract from the perceived naturalness and coherence of the views and adverse visual effects would be more difficult to mitigate with landscaping on the terrace edge. Although some of the views (eg. Watties Track, Littles Road and the McChesney Road area) would be relatively distant and/or intermittent<sup>4</sup>, views from the Atley Terrace area, the Shotover Gorge Trail and the margins and surface of the river would be of longer duration and relatively close range (within 600-1000m);
  - Taller buildings would be visible from the adjoining land to the east within the ONL and from Littles Road, and visual dominance of taller buildings would be more difficult to mitigate with planting. There is no marked topographical change or vegetative buffer that would mitigate the potential adverse effects of taller MDR development on this adjoining rural land;
  - The submission site is both vertically and horizontally separated from the HDR-zoned land on the upper terrace. Increasing building height would result in a spread of more bulky development down into the river corridor and outside the focal node around Arthurs Point Road. As a result it would detract from the quality of the wider rural landscape.
  - The Mid Terrace is at a similar RL to MDR-zoned land to the west that is also subject to proposed Rule 8.5.5.1(a) in relation to building height;
  - Compared with 8m buildings, taller built development would have greater adverse effects on the legibility of the river corridor landforms and on the naturalness and scenic attributes of the river corridor and adjoining ONF. It would be more difficult to maintain the valued attributes of the Kimiākau (Shotover River) ONF through design and landscaping within the MDR zone, particularly the *'visually discreet character of the majority of built development bordering the area'*.

## CONCLUSIONS

16. I do not agree with Mr Milne's conclusion that there are few clear views towards the submission site and that an increase in building height would therefore be difficult to discern. The increased

<sup>4</sup> In paragraph 29 of his evidence, Mr Milne states that *'Available views are intermittent, distant, and limited, and the Mid-Terrace is viewed against a wider landscape backdrop.'*

bulk and scale of taller development would be seen from public viewpoints to the west and south-west and the extent of visibility (particularly from the Shotover Gorge Trail) may increase if wilding conifers are controlled within the river corridor.

17. In contrast to Mr Milne, I consider the Mid Terrace is a relatively sensitive location within the river corridor, as it is surrounded on three sides by ONF or ONL and is vertically and horizontally separated from the node of HDR development at Arthurs Point. I do not agree with Mr Milne that adverse effects on the values would be very low. In my opinion, the adverse effects of increased height on the values of the receiving landscape (including those of the Kimiākau (Shotover River) ONF would be moderate in magnitude.



Helen Mellsop  
*BLA, BHB, Dip Hort (Distinction)*  
*Registered NZILA Landscape Architect*