

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

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

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**REBUTTAL EVIDENCE OF AMY BOWBYES  
ON BEHALF OF QUEENSTOWN LAKES DISTRICT COUNCIL**

**PLANNING:  
STRATEGIC | ARROWTOWN | DEFINITIONS | LDSRZ**

**24 July 2025**

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## **1. QUALIFICATIONS AND EXPERIENCE**

- 1.1** My full name is Amy Narlee Bowbyes, I am employed at Queenstown Lakes District Council (**Council** or **QLDC**) as Principal Planner – Resource Management Policy.
- 1.2** I prepared the Section 42A Reports on Strategic Evidence, Arrowtown, and the text of Chapters 2, 4 and 7 for QLDC 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 on Strategic Evidence 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) Samantha Leeanne Kealey for Queenstown Airport Corporation (**QAC**) (822, 1255);
  - (b) Scott Sneddon Edgar for Scott & Jocelyn O'Donnell (641, 657, FS1358);
  - (c) Philip Blakely for Friends of Arrowtown Village (1272);
  - (d) Justin Wright (747);
  - (e) John Edmonds for Scenic Hotel Group Limited (763) and Fortune Fountain Group Ltd (769, 1346);
  - (f) Scott Sneddon Edgar for Ardmore Trustee Nominee Ltd (663) and Edgar Planning Ltd (FS1327); and
  - (g) Scott Freeman for ('multiple Queenstown submitters').

**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) Charlotte Clouston for Coherent Hotel Ltd (773, FS1351), S Haines & M Spencer (FS1348), D & M Columb (FS1349), S & R Millar (FS1350); and
- (b) Charlotte Clouston for City Impact Church Queenstown Inc (775), No.1 Hansen Road Ltd (766).

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

- (a) Heike Lutz (heritage / character) for Friends of Arrowtown Village (1272);
- (b) Mark Hosie for Friends of Arrowtown Village (1272);
- (c) Chris Day (acoustics) for QAC (822, 1355);
- (d) Melissa Brook (corporate) for QAC (822, 1355);
- (e) Paula Costello for ('multiple Queenstown submitters');
- (f) Dave Hanan (210);
- (g) Bill Hewat (78);
- (h) Jay Cassells (413);
- (i) John Thompson (417);
- (j) Warwick Osborne (1131);
- (k) Kent Potter (1250); and
- (l) Mark Gray (303, 70).

**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** The "Rebuttal Recommended Provisions", as recommended across Council's rebuttal, is included at **Appendix A**.

**2.6** Council is not filing an updated Recommended Decisions on Submissions table with rebuttal evidence, and will file it with Council's reply.

### 3. EXECUTIVE SUMMARY

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

##### **Strategic s42A:**

- (a) The planning evidence of Mr Edgar for Scott & Jocelyn O'Donnell (641, 657, FS1358) raises issues on scope regarding visitor accommodation activities;

##### **Arrowtown s42A:**

- (b) The landscape evidence of Mr Blakely for Friends of Arrowtown Village (1272) seeks that the existing PDP Medium Density Residential Zone (**MDRZ**) provisions be retained for Arrowtown for landscape reasons;
- (c) Mr Blakely also seeks that in the Lower Density Suburban Residential Zone (**LDSRZ**) at Arrowtown, a 6.5m height limit should be applied, with 0.5m additional height enabled via restricted discretionary activity consent for landscape reasons;
- (d) The lay-evidence of Mr Wright (747) seeks that the current PDP provisions for Arrowtown be retained, and seeks other changes to the current PDP provisions, including that the Arrowtown Design Guidelines be applied to permitted activities;

##### **PDP Chapters 2, 4 and 7 s42A:**

- (e) The planning evidence of Mr Edmonds for Scenic Hotel Group Limited (763) seeks amendments to the notified definition of *habitable room*;
- (f) The planning evidence of Mr Edgar for further submitter Edgar Planning Limited (FS1327) seeks amendments to the definition of *ground level*; and
- (g) The planning evidence of Mr Freeman (supported by urban design evidence from Ms Costello) seeks that buildings in the LDSRZ located on sloping sites be exempt from Rule 7.5.5 (recession planes).

#### 3.2 I do not recommend any changes to the s42A recommended provisions subject to these topics, in response to this evidence.

#### **4. MATTERS RELEVANT TO s42A REPORT ON STRATEGIC EVIDENCE**

##### **Visitor Accommodation Activities - Scope**

- 4.1** Mr Edgar has prepared planning evidence in support of submitters<sup>1</sup> seeking the amendments to provisions on visitor accommodation activities in the High Density Residential Zone (**HDRZ**).
- 4.2** At paragraph 9.6 of my Strategic s42A, I provide the opinion that submissions seeking changes to the visitor accommodation provisions are not within scope of the UIV.
- 4.3** Mr Edgar<sup>2</sup> has provided evidence that offers an alternative view on scope. In his view the UIV provisions, which enable increased height and built form generally will have bearing on the establishment of activities enabled within buildings. In the case of the HDRZ, visitor accommodation activities are an enabled activity and are subject to an established provisions framework. Greater building mass enabled by the UIV in the HDRZ will have bearing on all activities provided for in the HDRZ, including visitor accommodation activities.

##### *Discussion*

- 4.4** I have reflected on Mr Edgar's position, and I am persuaded that visitor accommodation is within scope of the UIV, but only insofar as the notified UIV has bearing on visitor accommodation activities through the proposed changes to building heights and density.
- 4.5** Ms Frischknecht addresses the specific amendments sought by Mr Edgar on visitor accommodation provisions in her Rebuttal Evidence on the HDRZ provisions.

##### **Strategic approach to the notified UIV – land within Queenstown Airport Outer Control Boundary**

- 4.6** Ms Kealey has prepared planning evidence for QAC (822, 1355) supporting QAC's submission and further submissions which generally seek limitations on the

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1 641, 657 & FS1358.

2 EIC Scott Sneddon Edgar, 4 July 2025, paragraphs 21 - 28.

establishment of Activities Sensitive to Aircraft Noise (**ASANs**) in the Queenstown Airport Outer Control Boundary (**OCB**).

- 4.7** In her evidence, Ms Kealey summarises the planning background to the PDP provisions related to Queenstown Airport, including the Air Noise Boundary (**ANB**) and OCB shown on planning maps, and the PDP provisions on ASANs.
- 4.8** In my view, Ms Kealey's summary of the planning background is generally accurate.

#### *Discussion*

- 4.9** At paragraphs 81-82 of her evidence, Ms Kealey correctly states that the LDSRZ, Local Shopping Centre Zone (**LSCZ**) and Business Mixed Use Zone (**BMUZ**) are addressed by the notified UIV and are located within the OCB. Ms Kealey accurately summarises the minor impact that the notified LDSRZ and LSCZ would have within the OCB. Ms Kealey also accurately summarises the notified changes to building heights in the BMUZ within the OCB, however Ms Kealey incorrectly states that the degree to which the notified BMUZ would enable ASANs within the OCB is unknown.
- 4.10** Pursuant to PDP Rule 16.4.19, ASANs are a prohibited activity in the Queenstown Airport OCB. The notified UIV does not propose amendments to Rule 16.4.19. At paragraph 112d of her evidence, Ms Kealey acknowledges Rule 16.4.9, however she appears to have overlooked it when forming her opinion that the current PDP provisions are her preferred option in the OCB.

## **5. MATTERS RELEVANT TO s42A REPORT ON ARROWTOWN**

### **Views of the ONL/F**

- 5.1** Mr Blakely has prepared landscape evidence on Arrowtown that supports the Friends of Arrowtown Village (1272) submission opposing the notified UIV provisions for Arrowtown. Ms Lutz has prepared heritage/character evidence for Friends of Arrowtown which Mr Knott has responded to in his rebuttal evidence.

- 5.2** While neither Mr Blakely nor Ms Lutz are planners, I observe that neither statement mention the NPS-UD. No planning evidence has been filed by submitters for Arrowtown. My response to Mr Blakely's evidence is as a planner, and how his views might apply to the assessment of what provisions are most appropriate for Arrowtown, in light of the objective to achieve Policy 5 of the NPS-UD.
- 5.3** Mr Blakely's position, in summary, is that the existing MDRZ provisions should be retained for Arrowtown, and for the LDSRZ at Arrowtown a 6.5m height limit should be applied, with a 0.5m additional height enabled via restricted discretionary activity consent. In Mr Blakely's view, the lower heights will limit impact on existing views of the landscape surrounding Arrowtown.

#### *Discussion*

- 5.4** Arrowtown is located in the urban environment and is not located within an ONL/F (although I acknowledge that Feehly Hill is an ONF and the hills to the west of Arrowtown are ONL). The NPS-UD places emphasis on the efficient use of urban land, and the existing LDSRZ and MDRZ provisions for Arrowtown were treated as operative prior to the NPS-UD coming into effect.<sup>3</sup>
- 5.5** Decisions on the Te Pūtahi Ladies Mile Variation (**TPLM**)<sup>4</sup> have provided recent commentary on the tension between enabling efficient use of urban land and maintaining people's current appreciation of ONL/Fs. The TPLM recommendation report<sup>5</sup> acknowledges that there lies a tension between needing to respond to urban growth pressures by enabling urban development while protecting the District's landscape values, including indirect effects such as lost views of a landscape feature arising from development on land that is not itself subject to landscape protection.
- 5.6** The TPLM recommendation report<sup>6</sup> found that, given the high proportion of the District being ONF or ONL, urban development will inevitably be juxtaposed against

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3 All appeals on the LDSRZ and MDRZ were resolved by October 2019.

4 <https://www.gldc.govt.nz/media/ok2n2jak/final-report-and-recommendations.pdf> , Section 9.

5 Ibid, paragraph 9.4.

6 Ibid, paragraph 9.46.



outstanding natural features and landscapes and found that this of itself is not an inherent adverse effect.

- 5.7** In my view, the same logic applies to existing views of ONL/Fs from Arrowtown.
- 5.8** No ‘constraint’ has been applied to the UIV through notification that preserves existing views of ONL/Fs. If such a constraint was to be applied to the UIV, it would likely have the effect of significantly limiting building heights throughout the urban environment, which in turn would result in greater need for urban expansion to provide sufficient development capacity to meet the requirements of Policy 2 of the NPS-UD. In my view, this would be a less appropriate outcome and would not achieve the benefits of efficient use of urban land sought by the NPS-UD and the Queenstown Lakes Spatial Plan 2021.
- 5.9** In my view, the s42A recommended provisions for Arrowtown strike an appropriate balance between enabling additional development opportunities in Arrowtown and limiting impact on Arrowtown’s established character. This position is supported by Mr Knott’s evidence on heritage / character.
- 5.10** I do not recommend any changes to the s42A recommended provisions for Arrowtown.

#### **Lay-evidence of Mr Wright**

- 5.11** Mr Wright has provided lay-evidence in support of his submission (747) which opposes the notified UIV as it relates to Arrowtown. Mr Wright is also an architect and owns an architecture practice based in Arrowtown. My response to Mr Wright is as a planner, and how his views might apply to the UIV.
- 5.12** Mr Wright correctly states<sup>7</sup> that the Arrowtown Design Guidelines 2016 (**ADG**) do not apply to permitted activities. In Mr Wright’s view this is a regulatory gap.
- 5.13** In his evidence at section 13 Mr Wright sets out changes to the current PDP provisions for Arrowtown that, in his view, would address a regulatory gap between

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7 Evidence of J Wright, 8 July 2025; sections 6 & 13.

permitted activity rules and ‘character objectives’, including tightening the current permitted activity standards to better align with the ADG requirements, extending ADG assessment requirements to more activities, implementing design review processes, and codifying design controls into the district plan.

### *Discussion*

**5.14** In my s42A evidence on Arrowtown at paragraphs 4.23 – 4.37 I step through how the current PDP provisions for the LDSRZ and MDRZ for Arrowtown apply, including the instances when the ADG is engaged. In summary, the ADG has most influence in the parts of Arrowtown that have the highest heritage values, being the Arrowtown Town Centre Zone and Arrowtown Residential Historic Management Zone. The Objectives and Policies of the LDSRZ and MDRZ are implemented via a range of methods, including standards which, when breached, engage the ADG.

**5.15** In my view, the changes sought by Mr Wright are beyond the scope of the relief sought in Mr Wright’s submission (747), which seeks retention of the existing provisions: “(r)etention of current building controls for LDSR and MDR Arrowtown and retention of ADG 2016 so that future buildings can reasonably conform to a scale not detrimental to Arrowtown’s character”.<sup>8</sup>

## **6. MATTERS RELEVANT TO s42A REPORT ON CHAPTER 2 - DEFINITIONS**

### **Definition of *habitable room***

**6.1** The notified definition of *habitable room* is as follows:

*“Means any room which is used, intended to be used, or is capable of being used as a living room, dining room, sitting room, or bedroom; and includes kitchens having a floor area of 8m<sup>2</sup> or more, but does not include a room constructed and used as a garage.”*

**6.2** Mr Edmonds has prepared planning evidence for Scenic Hotel Group Limited (763) that seeks amendments to the notified definition of *habitable room* by replacing the notified version of the definition with the following wording:

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8 Submission 747, page 3.

*“Any room in a residential unit or visitor accommodation unit that exceeds 8m<sup>2</sup>, except for a garage, hallway, stairwell or laundry.”*

- 6.3** At paragraph 5.11 of his evidence, Mr Edmonds states that the notified wording of the *habitable room* definition would be prone to misinterpretation due to the inclusion of references to the intended function of a room, leading to administrative uncertainty.

*Discussion*

- 6.4** I address all relief sought on the notified definition of *habitable room* in my s42A Report on Chapter 2 – Definitions at paragraphs 4.1 – 4.12.
- 6.5** Mr Edmonds’ evidence does not provide sufficient analysis to persuade me that the notified definition of *habitable room* is less appropriate than the amended wording put forward by submission 763. I remain of the view that linking the definition of *habitable room* to a size requirement may mean that the definition unintentionally captures additional room types.
- 6.6** In my view the notified definition, which lists the room types that are captured by the definition, is more appropriate than the amended wording supported by Mr Edmonds, and less likely to result in uncertainty or unintended outcomes.
- 6.7** I recommend that the definition of *habitable room* be retained as notified.

**Edgar Planning Limited, FS1327**

- 6.8** Mr Edgar has prepared planning evidence supporting Edgar Planning Limited’s further submission (FS1327) that seeks amendments to the notified definition of *ground level*. I note that, given that this part of Mr Edgar’s evidence appears to be on his own further submission, it may not be admissible as planning evidence.

*Discussion*

- 6.9** FS1327 was submitted in support and opposition to various submissions on the basis that Edgar Planning Limited seek to use the original submitters’ relief to

amend the definition of *ground level* so the new definition reflects the definition in the National Planning Standards and to make the definition easier to interpret and administer and better enable infill development.

**6.10** **Table 1** below sets out the relief sought in the original submissions that FS1327 is on. None of the relief sought in the original submissions seek the changes to the definition of *ground level* outlined in Mr Edgar's evidence for FS1327.

**Table 1 – Summary of FS1327**

| Original submission point # | Submission point summary   | FS1327 position  |
|-----------------------------|--|------------------|
| OS9.1                       | That the Urban Intensification Variation is retained as notified.  | FS1327.1 Oppose  |
| OS9.2                       | That the proposed amendments are retained as notified.   | FS1327.2 Oppose  |
| OS72.1                      | That the proposed changes be retained as notified.   | FS1327.3 Oppose  |
| OS72.2                      | That we make it easier to build not putting up more barriers and red tape.                               | FS1327.4 Oppose  |
| OS139.2                     | That all the proposed changes are retained as notified.  | FS1327.5 Oppose  |
| OS139.3                     | That all the proposed changes are retained as notified.  | FS1327.6 Oppose  |
| OS468.2                     | That the proposed amendments be retained as notified.  | FS1327.7 Oppose  |
| OS498.2                     | That the proposed amendments are retained as notified.   | FS1327.8 Oppose  |
| OS 807.5                    | That the provisions are amended to better provide for infill development opportunities across all zones. | FS1327.9 Support |

**6.11** As outlined in the guidance on the QLDC Form 6 submission form<sup>9</sup> which summarises the statutory requirements for further submissions,<sup>10</sup> a further submission can only support or oppose an original submission, and it is not an opportunity to make a fresh submission on matters not raised in the submission.

**6.12** I recommend that the relief sought in FS1327 on the PDP definition of *ground level* be rejected on the basis that it seeks to introduce new relief that was not sought in the original submissions that FS1327 is on.

## **7. MATTERS RELEVANT TO s42A REPORT ON CHAPTER 7 – LDSRZ**

### **Notified Rule 7.5.5**

**7.1** Mr Freeman has prepared planning evidence<sup>11</sup> for various submitters, including for submitters seeking deletion of the notified requirement for recession planes to be applied on all sites (including sloping sites) in the LDSRZ (notified Rule 7.5.5). Additionally, Ms Costello has provided urban design evidence on notified Rule 7.5.5 which is addressed in Mr Wallace’s rebuttal evidence.

**7.2** Ms Costello and Mr Wallace having completed Joint Witness Conferencing and have an agreed position in respect of notified Rule 7.5.5, as outlined in a Joint Witness Statement.<sup>12</sup> Ms Costello and Mr Wallace have agreed that, from an urban design perspective, they support the following amendments to notified Rule 7.5.5:

- (a) exclude sloping sites from Notified Rule 7.5.5; and
- (b) amend Notified Rule 7.5.5 to include the following requirement for sloping sites:

*“...no part of any accessory building located within the setback distances from internal boundaries shall protrude through recession lines inclined*

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9 See bottom of page 1 of the Edgar Planning Limited FS1327 submission.

10 Clause 8(2) of Schedule 1 of the Resource Management Act 1991; Clause 6 of Schedule 1 (Forms) of the Resource Management (Forms, Fees, and Procedure) Regulations 2003.

11 EIC Scott Anthony Freeman, 4 July 2025, paragraphs 104 – 109.

12 The Joint Witness Statement queried whether there was scope for this change, which Council has now confirmed its position that there is scope.

towards the site at an angle of 25 degrees and commencing at 2.5m above ground level at any given point along each internal boundary.”

#### *Discussion*

**7.3** The UIV proposes to amend notified Rule 7.5.5 to remove the current limb that exempts recession planes from applying to buildings on sloping sites (excluding accessory buildings) and proposes to amend the activity status for breaches to notified Rule 7.5.5 from the current non-complying activity status, to restricted discretionary. This change was proposed in the UIV in conjunction with a proposal to amend the LDSRZ building height rules to remove the reduced permitted height for sloping sites (PDP Rule 7.5.2- Building Height for sloping sites, prescribes a permitted height of 7m on most sloping sites in the LDSRZ, with non-complying activity status for breaches). The effect of this change for sloping sites in the LDSRZ is accurately summarised by Mr Freeman as resulting in increasing the permitted height by 1m (to 8m) and applying recession planes.

**7.4** PDP Chapter 2 – Definitions includes the following definition of *sloping site* (which is not amended by the notified UIV, and no submissions have been received seeking amendments to it):

*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.*

**7.5** At paragraphs 6.147 and 6.148 of my s42A Report on Chapter 7 I summarise the complexities with the current rules that differentiate between flat and sloping sites. At paragraphs 6.166 to 6.174 I explain my position and s42A recommendation to retain Rule 7.5.5, as notified. The key reasons in my s42A Report on Chapter 7 to retain Rule 7.5.5 as notified are (in summary):

- (a) Notified Rule 7.5.5 is part of a suite of provisions that is enabling of two storey development while limiting adverse effects on adjacent properties;
- (b) Given the notified height increase to 8m permitted on sloping sites, the application of recession planes to sloping sites will ensure that effects on adjacent properties are appropriately managed; and
- (c) Removal of the flat / sloping site distinction will remove current complexity from the height and recession plane rules.

**7.6** Mr Wallace explains his revised position at paragraphs 4.1 – 4.2 of his Rebuttal Evidence where he supports reinstatement of the exemption for sloping sites, with the inclusion of limb (b) above at paragraph 7.2. The key reason provided by Mr Wallace (and emphasised in Ms Costello’s urban design evidence at paragraphs 33-40) is to address instances when proposed buildings are located on a south-facing slope with a steeper gradient.

**7.7** I acknowledge that there will be some instances where site conditions will necessitate a resource consent prior to development occurring in the LDSRZ, including site topography. The amendments to Rule 7.5.5 supported by Ms Costello and Mr Wallace are, in my view, a significant change that would likely benefit a discrete number of properties.

**7.8** I remain of the view that it is appropriate to apply recession planes to all buildings in the LDSRZ, including buildings proposed on sloping sites, and that restricted discretionary activity status for breaches to Rule 7.5.5 would provide an appropriate consenting pathway for breaches to be assessed. Whilst the examples provided by Ms Costello highlight that restricted discretionary activity consent would be triggered for some sites, in my view the restricted discretionary status for

breaches demonstrates that breaches are anticipated, and are able to be assessed on a case-by-case basis.

A handwritten signature in black ink, appearing to read 'Amy Bowbyes', with a stylized, flowing script.

**Amy Bowbyes**

**24 July 2025**