

**BEFORE THE URBAN INTENSIFICATION
HEARINGS PANEL**

Under	The Resource Management Act 1991 (the Act)
In the Matter	of a submission on the Urban Intensification Variation on the Queenstown Lakes proposed District Plan
Between	BRONWYN TEAT SUBMITTER
And	QUEENSTOWN LAKES DISTRICT COUNCIL

SUBMISSIONS OF COUNSEL FOR BRONWYN TEAT

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May it please the Panel:

Introduction

1. The Teat Family Trust owns the property at 48 Brownston Street. It is a unique property within Wānaka Town Centre in that it is bisected by Bullock Creek. Over the last several years it has been developed by the Trust as a food truck village. Bronwyn (Bonny) and Nev Teat (Trustees) reside at 16 Aspiring Terrace, Wānaka along with their son, Casey. Their eldest son Jesse and his family own a property at 16 Mills Road.
2. Bonny spent many of her childhood summers in Wānaka with her family who were farmers in South Otago. Bonny and Nev established a large Kiwifruit orchard in the Bay of Plenty during which time they would still often travel to Wānaka for skiing holidays. In 1993 Nev and Bonny sold their orchard and moved to Wānaka to be closer to Bonny's parents. For a number of years they lived at 48 Brownston Street and operated the Bullock Creek Lodge that used to be located on the opposite side of Brownston Street. They sold the property in 2003.
3. The Family felt a strong affinity with the Brownston Street Property. When the opportunity came to repurchase it in 2015, they took it. The family had observed a number of developers attempt to develop the property in various ways, none of which appeared consistent with the qualities of the property, particularly Bullock Creek. Once they retook ownership, Casey Teat has spent his time devoted to transforming the property in a more sensitive and appropriate way. Where the inherently qualities of Bullock Creek are leveraged, allowing people to engage with it and enjoy the beautiful environment that it creates.

4. The development project has seen the property extensively landscaped with several food trucks located around the property. The existing dwelling has been renovated and is now occupied by an interior design and floral business. Recently a new structure has been added along the street frontage enclosing the property to create an inner sanctuary for people to get away from the bustle and enjoy Bullock Creek. The back section of the property is being developed.
5. Given the Teat's long term association with Wanaka and the Brownston Street site, they were concerned to see the proposed changes under the Urban Intensification Variation. They are concerned about the impact that this will have on the 'Wānaka experience', and particularly those sensitive and valued features such as Bullock Creek and Lake Wānaka.
6. Ms Teat made a submission on the Urban Intensification Variation (**Variation**) to the proposed Queenstown Lakes District Plan (**Plan**).¹ In her submission, Ms Teat opposed some of the proposed amendments to the Plan and sought the following relief:
 - (a) Opposed the proposed increased building height limits in the Wānaka Town Centre, High Density Residential Zone and Medium Density Residential Zone as they exist in Wānaka, and sought the current limits be retained.
 - (b) Sought that building height limits in High Density Residential Zone along Lakeside Road should be 12m.
 - (c) Sought an increase to the building height limit increasing in Three Parks to 16.5m.

¹ Submitter 927.

- (d) Sought the Medium Density Residential Zone should remain in Three Parks and Anderson Road. Ms Teat seeks to withdraw this part of her relief.
7. Ms Teat's primary concern relates to the proposed increase in height within the Wanaka Town Centre (**WTC**) and Medium Density Residential Zone. And in particular, how the proposed changes in proximity to Lake Wānaka will effect the Lake Wānaka outstanding natural landscape (**ONL**). The thrust of these submissions is that building heights in proximity to Lake Wānaka should not be increased, as their effects on the adjacent ONL have not been properly considered. Increasing these building heights would not be consistent with Part 2 of the RMA.
 8. Ms Teat considers that there is no urgency to accelerate development in the WTC. The Housing and Business Capacity Assessment 2021 for the Queenstown Lakes District Council (**Council**) did not identify a shortfall in demand for the WTC. Therefore, the Council are not at risk of non-compliance with their obligations in the National Policy Statement on Urban Development 2022 (**NPSUD**). Ms Teat seeks the Panel retain the status quo for the WTC and undertake a spatial planning exercise to ensure appropriate developments.
 9. Ms Teat considers that any further increases in building height within the WTC require more careful consideration to better understand the different dynamics between WTC and Three Parks and where it is most appropriate to locate the higher density commercial development proposed by a 20m height limit. Her concern is that such a significant change within the WTC risks 'killing the golden goose', that being the beautiful and unique alpine village quality that Wanaka has.
 10. It is now 10 years since the Proposed District Plan was first notified. Much has changed and Three Parks has evolved considerably in that time. It is clear that it is becoming the commercial service centre of

Wānaka. Increasingly, professional services (lawyers, accountants, financial advisors), healthcare and fitness facilities etc are establishing out there. Whilst it is also home to large format retail as intended by the Plan, it is clearly not providing only for that. It is submitted that this presents an opportunity to protect the unique qualities of the WTC which is increasingly tending toward boutique, tourism focussed provision.

11. In these submissions the following matters will be addressed:

- (a) Purpose of Urban Intensification Variation,
- (b) Council recommendations,
- (c) NPSUD Policy 5 considerations,
- (d) Section 6 considerations, and
- (e) Appropriate height for the zone.

Purpose of Urban Intensification Variation

12. The purpose of the Variation is to give effect to the NPSUD, specifically by giving effect to Policy 5. Policy 5 says:

Regional policy statements and district plans applying to tier 2 and 3 urban environments enable heights and density of urban form commensurate with the greater of:

(a) the level of accessibility of existing or planned active or public transport to a range of commercial activities and community services; or

(b) relative demand for housing and business use in that location.

13. Council is a tier 2 authority. Policy 5 requires that heights and density of urban form must be enabled to meet the accessibility or housing and business demand requirements. These requirements are identified when the Council completes its Housing and Business Development Capacity Assessment and a Future Development Strategy.
14. While this Variation seeks to give effect to the NPSUD, the Panel and Council cannot put their blinkers on and ignore the other decision-making considerations in pursuit of giving effect to the NPSUD. Section 74 of the Resource Management Act (**Act**) provides a list of matters that must be considered when preparing and changing a district plan. These still apply, regardless of the purpose of the change. At s 74(1)(b) the Act requires that a territorial authority must prepare and change its district plan in accordance with the provisions of Part 2. It must also ensure that the proposed changes implement the relevant existing provisions of the District Plan. The variation cannot be considered in a vacuum, absent the wider policy direction within the Plan.

Council recommendations

15. In the s 32 report, the preferred option for the WTC was to increase the maximum building height 16.5m with a 4m setback for upper floors above 12m. The evaluation report considered that this would provide a balance between intensification and maintenance of existing character and amenity, particularly from the adjoining public spaces including the Lake Wānaka ONL.²
16. The s 32 Report considered the 20m height limits inappropriate due to the potential adverse effects on the existing 'low rise' character of the

² At page 51.

WTC. Which in turn may adversely effect the enjoyment and attraction of the WTC for tourists and residents.

17. The s 42A report on the Town Centres and Business Zones recommended that maximum building heights in the WTC should increase to 20m.³ The s 42A report departed from the s 32 reports recommendations as:

In my opinion, providing for a maximum height of 16.5m for the WTCZ, but with an additional tier to enable buildings between 16.5m and 20m as restricted discretionary activity would provide an appropriate balance of giving effect to the broader objective of the NPS-UD but also ensures adequate amenity values are achieved within intensification areas.⁴

18. In the s 42A report, the reporting officer considered the submissions raised and the findings of the council experts and recommended the following:

- (a) Include an additional policy under objective 13.2.3 and amendments to rule 13.5.10 that allows for buildings between 16.5m and 20m in the Town Centre in situations where the outcome is of high-quality design and the additional height would not result in shading that would adversely impact on adjoining residential zone and/or public space.⁵

19. Ms Teat disagrees with the s 42A and s 32 officer's findings as neither have appropriately considered the wider range of policy imperatives including the need to protect the adjacent ONL. The conclusions of the section 42A report have a singular focus on implementation of the NPSUD and internal amenity within the WTC itself. It is submitted that

³ Corinne Frischknecht 'Urban Intensification Variation s 42A report – Town Centre's and Business Zones' 6 June 2025 at page 5.

⁴ At paragraph 6.125 on page 83.

⁵ At page 5 of the s42A report.

approach is not consistent with the assessment requirements in the Act.

NPS-UD Policy 5 considerations

20. The enabled heights and density of urban form need to correspond with the level of accessibility **or** the relative demand for housing and business. Whichever is greater. It is submitted that the QLDC has already met this test. The recommended 20m height limit is gratuitous and unnecessary to meet the Council's NPSUD obligations.
21. Barkers and Associates prepared an Accessibility and Demand Analysis and an Urban Design Report that informed the s 32 and s 42A reports. Barkers and Associates recommended a height limit of 20m in the WTC.⁶ They concluded a 20m height limit would be commensurate with level of accessibility and demand, additional to the WTC's role as the primary centre serving the Upper Clutha area.⁷
22. The Barkers and Associates Analysis identified the main urban area of Wānaka was compact. Meaning goods and services were easily accessible within a relatively short timeframe. The report concluded the WTC performed as an area of high accessibility.⁸
23. The Housing and Business Capacity Assessment 2021 found that the Queenstown Lakes District (**District**) has sufficient plan enabled capacity to meet demand in all locations for the short-, medium-, and long-term scenarios. The WTC is a substantial area of plan enabled capacity, with an estimated zoned capacity for an additional 13,200

⁶ Appendix 4 to the s 32 report. District Plan Urban Design Review produced by Barkers and Associates at page 44.

⁷ *Ibid* at page 44.

⁸ Accessibility and Demand Analysis Method Statement produced by Barkers and Associates at page 27.

dwellings, it accounts for nearly one-third of the district's urban capacity and nearly all (86%) of the Wānaka Ward's urban capacity.⁹

24. While the Policy 5 test is disjunctive, one is not generally achieved without the other. The regulatory impact statement for the NPSUD considered that "enabling a greater density and height will add to development capacity, and by doing so in areas of high demand and access, it will improve the responsiveness and competitiveness of the market and contribute to well-functioning urban environments".¹⁰ The WTC is an area of high accessibility and already has high development capacity to meet demand.
25. The nationwide application of the NPSUD must also be considered. The NPSUD provides a blanket approach to requiring development, this is to ensure that New Zealand has enough houses available to meet demand and create a competitive market. However, that requirement also needs to be 'localised' and responsive to the relevant policy imperatives in an area.
26. It is submitted that there is no NPSUD justification for such a significant leap for building height size. The NPSUD obligations in relation to the WTC are satisfied through the notified outcome. It is not appropriate to erode other policy outcomes in aid of further additional capacity.
27. While the NPSUD provides that a change in amenity values is not, in itself, an adverse effect.¹¹ This concern goes beyond being an objection to a change in amenity. The WTC is on the interface of an ONL, recognised in s 6 as a nationally important matter.

⁹ M.E Consulting 'Housing Development Capacity Assessment 2021 Main Report' at page 107

¹⁰ Regulatory Impact Statement for the National Policy Statement for Urban Development at page 15.

¹¹ Policy 6 of the NPSUD.

28. If increasing building heights are not necessary from a NPSUD perspective. Then what is the purpose in putting the adjacent ONL in jeopardy? Especially when the WTC is a high amenity tourism focussed zone that borrows some of it's amenity from Lake Wānaka. The increase in building heights is all risk, little reward.

Future Development Strategy

29. The Council have not yet completed a Future Development Strategy for the District. It is submitted in proceeding with this Variation prior to developing an FDS the Council have skipped a step. The purpose and content of the FDS is set out at cl 3.13 of the NPSUD:

(1) The purpose of an FDS is:

a. to promote long-term strategic planning by setting out how a local authority intends to: National Policy Statement on Urban Development 2020 – updated May 2022

i. achieve well-functioning urban environments in its existing and future urban areas; and

ii. provide at least sufficient development capacity, as required by clauses 3.2 and 3.3, over the next 30 years to meet expected demand;

b. and assist the integration of planning decisions under the Act with infrastructure planning and funding decisions.

30. An FDS would identify a plan for meeting demand through a spatial planning exercise. It would enable for more careful and contemporary consideration of the relationship between WTC and Three Parks. It is submitted that the Council has put the cart before the horse and is

attempting to implement Policy 5, without the higher strategic direction an FDS would provide.

31. An FDS would also require identification of constraints on development. It must be noted that the WTC area sits above an aquifer which is well known to present significant challenges for development of large structures. The challenges associated with developing on the aquifer plagued and ultimately thwarted the development aspirations of the previous owners of 48 Brownston Street for example. It is highly questionable that development at the intensity contemplated by this variation will ever be achievable in light of these constraints.

Section 6 considerations

32. Section 6(b) requires the protection of outstanding natural features and landscapes from inappropriate subdivision, use, and development. It is submitted that the effects of development in the WTC on the adjacent ONL are relevant. These effects have not been properly considered in the s 42A report.
33. Lake Wānaka is identified as an outstanding water body in the Otago Regional Policy Statement.¹² The District Plan divides Lake Wānaka into different Priority Areas that make up the ONL. The WTC borders the Roys Bay Priority Area, which encompasses the ONL of the Roys Bay and Bremner Bay area of Lake Wānaka, including Mātakitaki (Ruby Island) ONF. It is acknowledged that the WTC is not within the ONL/F itself. However, given its proximity, and the fact that the lake is extensively viewed with the WTC in the background, careful consideration of how the development of the WTC may affect the ONL/F is required.

¹² At LF-FW-P11 Otago's *outstanding water bodies* in the proposed Otago Regional Policy Statement. This provision is not subject to appeal and has legal effect under s 86B

34. In *Rangitikei Guardians Society Inc v Manawatu-Wanganui Regional Council* the Court considered that a proposed wind farms effects on an adjacent ONL. The Court held that being outside of the ONL did not preclude a s 6 consideration of the effects of the activity on the proximate ONL.¹³
35. While the Courts findings in *Rangitikei* concerned a consenting process, it would be non-sensical to restrict these considerations to only consenting processes and not plan changes or variations. Section 6 does not provide that protection of ONLs only extends to the perimeter of the ONL itself. If a rule in a plan may have an adverse effect on an ONL, then s 6 is engaged.
36. The changes proposed in the WTC are fundamental. It is important to consider the changes against higher order policy direction in the Plan. The s 6 considerations are clearly expressed in the Plan's existing objective and policy direction.
37. Strategic Objective 3.2.5 seeks the retention of the District's distinctive landscapes. This objective addresses Strategic Issues 2 and 4:
 - (a) *Strategic Issue 2: Growth pressure impacts on the functioning and sustainability of urban areas, and risks detracting from rural landscapes, particularly its outstanding natural features and outstanding natural landscapes.*
 - (b) *Strategic Issue 4: Some resources of the District's natural environment, particularly its outstanding natural features and outstanding natural landscapes and their landscape values, require effective identification and protection in their own right as well as for their significant contribution to the District's economy.*

¹³ [2010] NZEnvC 14 at [60] and [93]-[95].

38. These Strategic Issues articulate the tension between allowing growth and development, while ensuring said development does not detract from the ONL. Objective 3.2.5.3 drops down from Strategic Objective 3.2.5 and borrows the wording from s 6:

In locations other than the Rural Zone, the landscape values of Outstanding Natural Features and Outstanding Natural Landscapes are protected from inappropriate subdivision, use and development.

39. This objective applies it to the entirety of the District, not just ONLs. WTC is a primary location for appreciation of the ONL. Contemplation of development's effects on the Lake is required to determine if it meets the "appropriate" standard set by s 6.
40. The RMA requires that ONLs are protected from "inappropriate" activities. The Court in *New Zealand Rail v Marlborough District Council* considered that inappropriate has a wider connotation than the word unnecessary and must be judged from the perspective of preserving the matters identified as being of national importance.¹⁴ Inappropriate implies that there are developments that are appropriate. For a development to be appropriate, then it should not adversely affect the values of the ONL.
41. In *Richard Henry Estate Ltd v Southland District Council* the Court considered when a development becomes inappropriate. In this case Judge Jackson held that a development becomes inappropriate when it "diminishes in any significant way the outstanding natural landscape or the reasonable person's perception of it."¹⁵ The Court also provided guidance in *Rangitikei* for considering adverse effects on ONLs at [97]:

¹⁴ *New Zealand Rail v Marlborough District Council* NZRMA 70 at 85, upheld in *Pigeon Bay Aquaculture Ltd v Canterbury Regional Council* ENC Christchurch C179/03 at [41].

¹⁵ ENC Christchurch C22/2003, 10 March 2003 at [60].

It seems to us that such adverse effects may occur when development undermines the character of a natural feature or landscape in some way thereby diminishing or disrupting the qualities which make it outstanding.

42. It is submitted that the panel must consider whether the proposed changes would diminish the quality of the outstanding natural landscape or the experience of visitors to them.¹⁶ The section 42A report has not done this.
43. The Teat's consider that such tall buildings in the WTC would not be compatible with the largely unmodified and natural Lake Wānaka. The proposed 20m building height limit would block views of the ONL for properties and pedestrians. It would diminish a reasonable person's perception of the ONL, as it would start to 'overpower' the ONL. Taller buildings are more appropriate in the Three Parks area where there is not an adjacent ONL to manage effects on.

Appropriate height limit for the zone

44. In determining the appropriate height limits for the WTC, it is useful to consider the objectives and policies of the Plan. Strategic Issues 1 and 3 identify the difficulty in reconciling growing development with community values:
 - (a) *Strategic Issue 1: Economic prosperity and equity, including strong and robust town centres, and the social and economic wellbeing and resilience of the District's communities may be challenged if the District's economic base lacks diversification and supporting infrastructure.*
 - (b) *Strategic Issue 3: High growth rates can challenge the qualities that people value in their communities.*

¹⁶ At [119]-[122].

45. Strategic Objective 3.2.1 addresses Issue 1, and provides the development of a prosperous, resilient and equitable economy in the District. This Strategic Objective feeds down into objectives, the most relevant being:

- (a) *3.2.1.1: The significant socioeconomic benefits of well designed and appropriately located visitor industry places, facilities and services are realised across the District.*
- (b) *3.2.1.2: The Queenstown and Wānaka town centres¹ are the hubs of New Zealand's premier alpine visitor resorts and the District's economy.*

¹ Defined by the extent of the Town Centre Zone in each case

46. The strategic objective and associated policies place value on the considered design of the Town Centres. This is especially important with the WTC being identified as a hub for New Zealand's premier alpine visitor resorts. Being this hub requires that the WTC remains an aesthetically pleasing area for visitors. Developments that chip away at the amenity of the area and the outstanding values of the Lake will decrease the WTC's prestige in a way that is inconsistent with these objectives.

47. Objective 3.2.1.1 and .2 are implemented by the following policies which make provision for development in the WTC:

3.3.1 Make provision for the visitor industry to maintain and enhance attractions, facilities and services within the Queenstown and Wānaka town centres and elsewhere within the District's urban areas and settlements at locations where this is consistent with objectives and policies for the relevant zone.

3.3.3 Provide a planning framework for the Queenstown and Wānaka town centres that enables quality development and enhancement of the

centres as the key commercial, civic and cultural hubs of the District, building on their existing functions and strengths.

48. These policies put a spotlight on the WTC as an area that requires quality developments, and maintenance and enhancement of visitor industry. The WTC's existing function is as a visitor centre, and it's low-rise character is its strength.
49. The Urban Development Chapter elaborates on the strategic direction in Chapter 3 and provides direction on ensuring appropriate urban development within the District. The importance of the natural amenity of the District is highlighted in the purpose section at 4.1:

Urban growth within the District occurs within an environment that is revered for its natural amenity values, and the District relies, in large part for its social and economic wellbeing on the quality of the landscape, open spaces and the natural and built environment. If not properly controlled, urban growth can result in adverse effects on the quality of the built environment, with flow on effects to the impression and enjoyment of the District by residents and visitors.

50. The WTC is a hotspot for tourists and residents alike. The proposed height increase with weak and narrowly focussed matters of discretion, can result in reckless developments. If an increased height limit to 20m is to be provided for a significantly more robust suite of provisions is required to ensure quality outcomes. Nebulous reference to 'high quality outcomes' is simply inadequate.
51. The WTC and Three Parks provide for different needs which has evolved significantly since the PDP was first notified in 2015. Unlike the WTC, Three Parks does not border an ONL, nor is it an area frequented for the purpose of appreciating the surrounding landscape.

52. Three Parks Zone is a commercial and business centre with a functional focus. The Zone's purposes for the business and commercial areas are:

The primary purpose of the Three Parks Commercial Zone is to provide an urban centre which enables large format retail activities. Limited smaller scale retail activities are also provided for, which recognises the function these activities play in Wānaka Town Centre which is Wānaka's key retail and business centre.

The primary purpose of the Three Parks Business Zone is to provide for a range of industrial, service and trade related activities. The zone provides for a range of activities not necessarily suited to either the Three Parks Commercial or General industrial and Service zones.

53. Now that development in Three Parks is gaining momentum it is becoming the commercial service hub of Wanaka. The Three Parks Zones do not have an amenity or tourism focus and its development does not have the potential to effect the outstanding landscape. Their purpose is to provide an urban centre for large format retail activities and increasingly a wider range of commercial activities including professional service offices, health and fitness centres etc. Comparing the purpose of the Three Parks Zones with the purpose of the WTC:

Town centres provide a focus for community life, retail, entertainment, business and services. They provide a vital function for serving the needs of residents, and as key destinations for visitors to our District, and provide a diverse range of visitor accommodation and visitor-related businesses. High visitor flows significantly contribute to the vibrancy and economic viability of the centres.

Wānaka's Town Centre is located in a prime lakeside setting, with spectacular views of the mountains and easy access to the lakeside, walkways and public parks. The centre will serve a growing resident population and visitor numbers, for which it plays a vital role as the focal point for community activities and amenities. It will be large enough to

provide a range of retailing, business and entertainment options, but remains compact so as to be accessible on foot. Intensifying residential properties and visitor accommodation will adjoin the fringes of the centre, adding to its vibrancy.

54. In the WTC, the vibrant amenity and experience of the zone is at the centre of its purpose. The WTC provides access to the Lake Wānaka ONL, views of surrounding mountains, a variety of services for both the needs of residents and tourists. Ms Teat's observation has been that the WTC is used for enjoyment by residents and as a tourist hub. Whereas Three Parks is mostly utilised by residents to access necessities.

Bullock Creek

55. Mrs Teat is also concerned about the implications of the blanket height increases on Bullock Creek. As outlined in the introduction The Teat Family have undertaken development of 48 Brownston Street with a reverence for Bullock Creek. It is a unique and highly valued feature of the Wanaka Town Centre Area.
56. It is submitted that more nuance is required in the provisions to ensure that the interface of development with Bullock Creek is managed carefully. That it supports and enhances the natural corridor that is created by Bullock Creek so it remains as an area that people can interact with and can continue to contribute to the high amenity values that are enjoyed.
57. Bullock Creek is identified as a contributor to the values of the Roys Bay PA.
58. To that end it is submitted that reduced height limits along the Bullock Creek Corridor should be maintained in a similar fashion to the

waterfront area. It is proposed that for properties adjacent to Bullock Creek, height limits are not increased via this variation.

Conclusion

59. The Urban Intensification Variation was undertaken by the Council to ensure their obligations under Policy 5 of the NPSUD are met. The HBA has indicated that this requirement has been appropriately satisfied. The Act requires district plans to give effect to national policy statements. There is no need for the Council to go further in this variation and provide an extreme excess of available development capacity.
60. Section 6 requires protection. This is an active requirement. The Panel cannot simply hope that the proposed height limit does not result in adverse effects on a matter of national importance.
61. The concerns of Mrs Teat are not an opposition to development and changing amenity in WTC. It is acknowledged that the WTC must grow and respond to the increasing demand. Ms Teat's concerns are that the proposed increased height limits have not been thoroughly tested, and may cause irreversible damage to the beautiful town she resides in. Particularly in light of the evolving relationship between WTC and Three Parks.



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