

**Before a Hearings Panel appointed by
The Queenstown Lakes District Council**

Under

the Resource Management Act 1991

And

In the Matter

of the Proposed Queenstown District
Plan - Urban Intensification Variation

**Legal Submissions on behalf of
Multiple Queenstown Submitters**

Dated: 5 August 2025

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INTRODUCTION

1. These legal submissions are made on behalf of multiple Queenstown submitters (**Submitters**) on the Proposed District Plan (**PDP**) Urban Intensification Variation (**Intensification Variation**). Collectively the Submitters make up a large portion of landowners in the central Queenstown area.
2. Evidence on behalf of the Submitters has been filed by Ms Costello (Urban Design) and Mr Freeman (Planning).
3. The Submitters largely support the intent of the Intensification Variation including changes made though evidence on behalf of the Council to respond to evidence filed on behalf of the Submitters. These legal submissions therefore focus on outstanding points of disagreement between the Queenstown Lakes District Council (**Council**) section 42A, and evidence filed in opposition to the Submitters' points.
4. The Submitters' properties are detailed below (split per zone). We have attached a copy of the maps showing the Submitters' properties to these submissions at **Appendix A**. These are the same maps that were appended to the evidence of Mr Freeman.

Queenstown Town Centre Zone

5. The Submitters located within the PDP Queenstown Town Centre Zone (**QTCZ**) are as follows:
 - (a) Man Street Properties Limited (**991**): 14-26 Man Street. The building on the site is referred to as the Man Street Carpark.
 - (b) Trojan Holdings Limited (**967**): 25 Camp Street and 7/9 Duke Street. The building on this site is referred to as The Station Building.
 - (c) Horne Water Holdings Limited & Shotover Memorial Properties Limited (**998**): 9 Shotover Street. The building on this site is referred to as the Outside Sports / Lane Neave Building.
 - (d) Trojan Holdings Limited (**966**): 68 & 70 Memorial Street.

- (e) Trojan Holdings Limited (**968**): 24 Beach Street. The building on this site is referred to as Stratton House.
- (f) Beach Street Holdings Limited (**1006**): 23, 25 and 27 Beach Street.
- (g) O'Connell's Pavilion Limited (**987**): 30 Beach Street. This site contains O'Connell's Pavilion.
- (h) Accommodation and Booking Agents (Queenstown) Limited (**1009**): 18 Ballarat Street. The building on this site is referred to as the Skyline Arcade.
- (i) Skyline Properties Limited (**973**): 20 Ballarat Street.
- (j) Skyline Properties Limited (**972**): 48 and 50 Beach Street.
- (k) Skyline Properties Limited (**970**): 18, 20, 24 and 26 Rees Street.
- (l) Skyline Properties Limited (**971**): 1, 3 Ballarat Street. The building on this site is referred to as Eichardts.
- (m) Skyline Properties Limited (**976**): 2 Rees Street. The building on this site is referred to as the Town Pier Building.
- (n) Skyline Properties Limited (**974**): 19-23 Shotover Street. The building on this site is referred to as the Chester Building.
- (o) Strand Corporate Trustee Limited (**983**): 61 Beach Street.
- (p) QRC House Limited (**985**): 7 Coronation Drive.
- (q) Cactus Kiwi NZ Limited Partnership (**1004**): 10 Man Street.
- (r) Fiveight Queens Holdings Limited (**1000**): 39 Beach Street.
- (s) GCA Legal Trustee 2021, Justine Byfield, William Johnstone and Peter Oliver (**1287**): 6 and 8 Beetham Street.

Business Mixed Use Zone

6. The Submitters located within the Business Mixed Use Zone (**BMUZ**) are as follows:

- (a) Trojan Holdings Limited (**965**): 97, 101, 103, 109, 116, 120 and 121 Gorge Road.
- (b) Skyline Enterprises Limited (**977**): 16 Hylton Place.
- (c) High Peaks Limited (**999**): 51 Gorge Road.

High Density Residential Zone

7. The submitters located within the High Density Residential Zone (**HDRZ**) are as follows:
- (a) Skyline Properties Limited (**975**): 117 Hallenstein Street.
 - (b) Skyline Tours Limited (**984**): 8 and 10 Stanley Street, 11 Sydney Street and 4 Coronation Drive.
 - (c) Trojan Holdings Limited (**969**): 11 Henry Street.
 - (d) Hulbert House Limited (**997**): 5 and 7 Malaghan Street.
 - (e) Ashourian Partnership (**1008**): 12, 16 and 20 Stanley Street.
 - (f) Pro-Invest Property 1 Limited Partnership (**986**): 13 Stanley Street.

Medium Density Residential Zone

8. The submitter located within the Medium Density Residential Zone (**MDRZ**) is as follows:
- (a) Richard Thomas (**832**): 634 Frankton Road.

Lower Density Suburban Residential Zone

9. The submitters located within the Lower Density Suburban Residential Zone (**LDSRZ**) are as follows:
- (a) RF Corval NZQ Pty Limited (**835**): 554 Frankton Road. The building located on this site is referred to as The Sherwood.
 - (b) Tepar Limited (**652**): 16, 18 and 20 The Terrace.
 - (c) Park Lake Limited (**653**): 154 and 158 Park Street.

- (d) Earnslaw Lodge Limited (**654**): 77 Frankton. The building on this site is referred to as Earnslaw Lodge.

LEGAL TESTS

10. We have read the opening legal submissions by the Council, in particular the summary of the statutory functions of Council and the legal responsibilities relating to scope.
11. We particularly agree with Ms Scott's submissions that giving effect to Policy 5 of the National Policy Statement for Urban Development (**NPS-UD**) will assist in achieving Policy 2¹ and that visitor accommodation activities are in scope of the Variation in relation to changes to heights and densities.²
12. We also agree with Ms Scott's submissions on scope and that the variation only applies to land which has already been brought into the PDP. Existing ODP land will eventually have the NPS-UD applied when they are brought into the PDP.³
13. Given that, we adopt the Council's summary of the relevant legal tests and do not propose to repeat the statutory functions and legal tests, except to provide a brief summary of the relevant tests in the NPS-UD.

NATIONAL POLICY STATEMENT ON URBAN DEVELOPMENT

14. The NPS-UD was notified in August 2023 and has provided highly directive national policies on the development of our towns and cities. As a result, Tier 2 councils such as QLDC are required to notify changes to their plans that implement the NPS-UD. In particular, these changes centre on enacting Policy 5 relating to intensification.

¹ Opening Legal Submissions for Queenstown Lakes District Council dated 25 July 2025 at [3.2].

² Opening Legal Submissions for Queenstown Lakes District Council dated 25 July 2025 at [4.11].

³ Opening Legal Submissions for Queenstown Lakes District Council dated 25 July 2025 at [4.5] – [4.8].

15. Policies 2, 5 and 6 of the NPS-UD are directive policies and should be given effect to by the Intensification Variation.⁴

Policy 2: *Tier 1, 2, and 3 local authorities, at all times, provide at least sufficient development capacity to meet expected demand for housing and for business land over the short term, medium term, and long term.*

Policy 5: *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 by 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.*

Policy 6: *When making planning decisions that affect urban environments, decision-makers have particular regard to the following matters:*

- (a) the planned urban built form anticipated by those RMA planning documents that have given effect to this National Policy Statement*
- (b) that the planned urban built form in those RMA planning documents may involve significant changes to an area, and those changes:*
 - (i) may detract from amenity values appreciated by some people but improve amenity values appreciated by other people, communities, and future generations, including by providing increased and varied housing densities and types; and*
 - (ii) are not, of themselves, an adverse effect*
- (c) the benefits of urban development that are consistent with well-functioning urban environments (as described in Policy 1)*

⁴ National Policy Statement on Urban Development

(d) any relevant contribution that will be made to meeting the requirements of this National Policy Statement to provide or realise development capacity

(e) the likely current and future effects of climate change.

16. Lower order planning documents such as the PDP must give effect to national direction.⁵
17. Relevant to the Panel's task, in our submission the directive approach provided for in the NPS-UD needs to outweigh protection of the existing environment in areas subject to the Intensification Variation and provide for increased height and density where appropriate. The NPS-UD specifically directs decision-makers to give particular regard to the fact that changes due to its effects may detract from amenity values.⁶ Amendments to District Plan provisions as a result of the NPS-UD should therefore not be driven by existing character or amenity but should seek strategic outcomes.
18. In order to align with the direction to provide for development capacity in Policy 2 of the NPS-UD, the Intensification Variation should provide for sufficient development capacity in the short, medium and long term.
19. In our submission, the relief supported in Ms Costello and Mr Freeman's evidence seeking further extensions to height and enablement of development will support growth in the short and medium term, and will also extend the support for growth into the long term.
20. In terms of the 'qualifying matters' from Clause 3.32 of the NPS-UD, we consider that the relief supported by Ms Costello and Mr Freeman better achieves the outcomes directed by Policies 2 and 5 of the NPS-UD without impacting "qualifying matter" themes, so we do not consider there is a need to refer to the 'qualifying matters'.

⁵ Resource Management Act 1991, Section 75 (3)

⁶ National Policy Statement on Urban Development 2020, May 2022 Edition, Policy 6

SUMMARY OF RELIEF SOUGHT

21. With the exception of the points below, the Submitters largely seek confirmation of the Intensification Variation in the form proposed in Council's Section 42A Report.
22. The Submitters' experts support the upzoning of the following land as recommended in the Section 42A report:
 - (a) Submission 835 (RF Corval NZQ Pty Ltd) at 554 Frankton Road and 6 Golden Terrace from LDRZ to MDRZ; and
 - (b) Submissions 652 (Tepar Ltd at 16, 18 & 20 The Terrace), 653 (Park Lake Limited at 154 & 158 Park Street), and 654 (Earnslaw Lodge Ltd at 77 Frankton Road) from LDRZ to HDRZ.
23. The Submitters' experts agree with Council that these rezonings will better support the implementation of the NPS-UD.
24. Following the release of Council's rebuttal evidence on 25 July 2025, Council and the Submitters' experts are in agreement on the following matters that were previously in dispute:
 - (a) confirmation of removal of the matter of discretion related to consideration of sunlight or shading effects in Rule 12.5.8 relating to building façade and upper floor setback requirements;
 - (b) confirmation of the bespoke height regime at 15m in Rule 12.5.9 for QCTZ Precinct 7 (48-50 Beach Street);
 - (c) confirmation of the bespoke height regime of 20m above RL 327.1 masl in Rule 12.5.9 for QCTZ Precinct 3 Area A (Man St Properties – 14-26 Man Street);
 - (d) confirmation of the bespoke height regime of 20m above RL 326.5 masl in Rule 12.5.9 for QCTZ Precinct 3 Area B (Cactus Kiwi – 10 Man Street);
25. The remaining points of difference between Council and the Submitters' experts are on:

- (a) the application of Rule 12.5.8 building façade height and setback applying to QCTZ Precinct 7 (48-50 Beach Street).
- (b) amendment of QTCZ rule 12.5.11 relating to minimum ground floor height of 4m to apply to only new buildings;
- (c) amendment of QTCZ rule 12.5.11 relating to an additional matter of discretion for practical cost implications applying to the minimum ground floor height of 4m;
- (d) amendment of non-notification QTCZ rule 12.6.2 to add breaches of building façade height and setback of upper floors (rule 12.5.8);
- (e) the creation of a Stanley Street and Melbourne Street height precinct in HDRZ rule 9.5.1 where the height limit of 16.5m would continue to apply and the non-compliance status would continue to be restricted discretionary but non-notification rule 9.6.1.2 would apply to this precinct;
- (f) the removal of a matter of discretion within height limit HDRZ rule 9.5.1 relating to building dominance and sunlight access relative to neighbouring properties;
- (g) amendment of the activity status from non-complying to discretionary for HDRZ rule 9.5.4 of breaching landscaped permeable surface coverage; and
- (h) amendment of the MDRZ recession planes at rule 8.5.7 to remove the proposed southern boundary recession plane of 35° at 4m with all other boundaries having a recession plane of 60° at 4m and instead apply a blanket recession plane of 60° at 4m for *all* boundaries;
- (i) amendment of the LDRZ recession planes at rule 7.5.5 to revert back to the PDP status quo where recession planes did not apply to sloping sites.

26. These points are the focus of the remainder of our legal submissions.

OUTSTANDING POINTS – PROPOSED RELIEF

Rule 12.5.8 – Building façade height and setback of upper floors and requested non-notification

27. There are three separate points of relief relating to this rule:
- (a) that Rule 12.5.8 (building façade height and setback of upper floors) should apply to Height Precinct 7 (48-50) Beach Street;
 - (b) Mr Freeman and Ms Costello’s interpretation of the application of rule 12.5.8; and
 - (c) Rule 12.5.8 should be precluded from limited or public notification under Rule 12.6.2.
28. In relation to Rule 12.5.8 not applying to Height Precinct 7 at 48-50 Beach Street, we consider that this may have been an oversight in Council’s s42A Report as Height Precinct 7 is a newly agreed Precinct in the s42A Report so the application of Rule 12.5.8 may have been missed by Council. However, if the lack of application of Rule 12.5.8 to Height Precinct 7 is not an oversight by Council in the s42A reports, then we submit that Rule 12.5.8 would be an appropriate control to apply to Height Precinct 7 as per the evidence of Mr Freeman.⁷
29. With regard to the application of Rule 12.5.8, our interpretation is that because Rule 12.5.8 is to be measured from ground level and the focus on the rule is on *façade* height, in the case of Height Precincts 3A and 3B (Man Street), the rule should be applied from street level. We consider that Council may not have considered the application of this rule in relation to Height Precincts 3A and 3B where the maximum height is taken from a datum level below Man Street level.
30. In relation to whether Rule 12.5.8 should be precluded from limited or public notification under Rule 12.6.2, Ms Frischknecht considers that bringing Rule 12.5.8 under the ambit of Rule 12.6.2 precluding limited notification would be inappropriate due to the potential for cumulative adverse effects on the scale and appearance of built form.⁸

⁷ Evidence of Scott Freeman dated 4 July 2025 at [65].

⁸ Rebuttal evidence, Section 42A Report of Corinne Frishknecht dated 25 July 2025 at 4.58

31. By excluding Rule 12.5.8 from public or limited notification, the Intensification Variation would be better providing for density and height in an appropriate zone with more certainty for developers and applicants in the high demand area of the Town Centre Zone. The matters of discretion contained in Rule 12.5.8 still allow for the Council to manage the appropriate development of sites contained in the QTCZ. We consider that excluding Rule 12.5.8 from limited or public notification would better achieve the enablement of height under Policy 5 in a high-demand zone.

Rule 12.5.11 – Minimum ground floor height

32. Mr Freeman's position on Rule 12.5.11 related to the 4m minimum ground floor level height is that Rule 12.5.11 should be amended to only apply to new buildings or a matter of discretion be applied to consider practical cost implications of compliance.
33. Rebuttal evidence for the Council disagrees with the proposed relief.
34. We submit that, in line with the enabling directions of the NPS-UD, rule 12.5.11 related to the 4m minimum for ground floor height should be amended to either only apply to new buildings or a matter discretion be applied to consider practical cost implications of compliance because the rule as drafted will be practically difficult to comply with for existing buildings when developers are applying for resource consents to carry out alterations to buildings.
35. If Rule 12.5.11 was amended to only apply to new buildings, developers who wish to undertake alterations to existing buildings would have greater certainty that a building design does not have to try to comply with this rule. We consider that this would assist the Intensification Variation in better providing for development capacity through limiting the application of this rule.

Stanley Street and Melbourne Street Properties Height Precinct

36. The Submitters seek a non-notification rule for resource consents required for building heights between 16.5m and 20m in the High Density Residential Zone within the four blocks bound by Frankton Road, Coronation Drive, Beetham and Melbourne Streets as these blocks are dominated by large-

scale visitor accommodation activities being the Holiday Inn Express, Millenium and the Ramada. Further, Ms Frischknecht does not consider it appropriate to use the existing Ramada Hotel as a relevant baseline for future height in the vicinity.⁹

37. Council disagrees with Mr Freeman and Ms Costello on the basis that the existing building forms within the proposed Stanley Street and Melbourne Street Properties Height Precinct are no different from other High Density Residential Zone areas.
38. We consider that application of the non-notification rule 9.6.1.2, when the area is already contemplated for buildings over that size, is in line with the enabling Policy 5 of the NPS-UD. The area is in close proximity to the Town Centre Zone, is well connected to public transport, is bordered by two key arterial roads in and out of the town centre, is within walking distance to the town centre and the area is dominated by existing large visitor accommodation buildings. The Ramada Hotel and its built form and height is a relevant part of the existing environment.
39. In particular, a restricted discretionary status with non-notification implements will not remove the restricted discretionary analysis designed to consider all relevant matters of discretion and which directive policies should prevail, and to what extent.¹⁰ This will still allow for amenity to be considered to the appropriate level, in line with Policy 6 of the NPS-UD.
40. As described by Ms Costello,¹¹ the application of the non-notification rule to height breaches up to 20m in this area will provide additional certainty in the consenting process for developers is likely to encourage greater density. We agree with this statement. We also note that the evidence of Mr Wallace on Urban Design for Council, would support a 20m height as a permitted activity.¹²
41. We consider that Mr Freeman and Ms Costello with their many years of experience in working in the Queenstown Lakes District both for Council and in private consultancy, are well-placed to comment on their experiences related to how a rule subject to a non-notification clause can affect the level

⁹ Rebuttal evidence, Section 42A Report of Corinne Frischknecht dated 25 July 2025 at 7.16.

¹⁰ *Port Otago Ltd v Environmental Defence Society Inc* [2023] NZSC 112

¹¹ Evidence of Paula Costello dated 4 July 2025 at [60].

¹² Statement of Evidence of Cameron Wallace dated 6 June 2025 at [9.12]

of certainty which a landowner has when considering the degree of intensification for their land. Both Mr Freeman and Ms Costello consider that the lack of certainty for landowners can limit the degree to which sites are intensified which is contrary to the position of Ms Frischknecht who appears to rely on a restricted discretionary pathway alone to provide for further intensification of HDRZ sites.¹³

42. We consider that Council's position does not appropriately achieve the outcomes of the NPS-UD and could go further in providing certainty to developers to enable height through the restricted discretionary consenting pathway for buildings between 16.5m and 20m which Council refers to.¹⁴ The application of the non-notification rule to these restricted discretionary activities will assist in enabling heights and densities in this area and will better achieve the outcomes directed by Policies 2 and 5 of the NPS-UD.

Removal of matter of discretion relating to building dominance and sunlight access relative to neighbouring properties in HDRZ

43. The Submitters seek the removal of the matter of discretion under the 16.5m maximum height rule in the High Density Residential Zone related to the effects of building dominance and sunlight access relative to neighbouring properties.
44. Council considers that the removal of this matter of discretion is inappropriate as this would have implications on the entirety of the High Density Residential Zone.¹⁵
45. Mr Freeman and Ms Costello were considering the application of this matter of discretion in the context of the proposed Stanley Street and Melbourne Street Properties Height Precinct, where the area is surrounded by many individual residential properties, and should any application be limited or publicly notified, would likely receive many submissions. The application of this matter of discretion may stymie the intensification of this area. Thus it is

¹³ Rebuttal Evidence of Corrine Frischknecht dated 25 July 2025 at 7.15 and 7.18

¹⁴ Rebuttal evidence, Section 42A Report of Corinne Frischknecht dated 25 July 2025 at 7.16.

¹⁵ Rebuttal evidence, Section 42A Report of Corinne Frischknecht dated 25 July 2025 at 7.17.

considered that the removal of this matter of discretion would better give effect to the enablement of height and densities in areas of high demand as required by Policies 2 and 5 of the NPS-UD.

46. Furthermore, we consider that the removal of this matter of discretion related to the effects of building dominance and sunlight on neighbouring properties is anticipated by the NPS-UD in Policy 6 where decision-makers must have regard to the fact that the Intensification Variation may have involve significant changes to an area and may detract from the amenity appreciated by some people by providing increased housing densities.

Landscaped permeable surface in the High Density Residential Zone

47. The Submitters request a change in the activity status for Rule 9.5.7 related to the minimum 20% landscaped permeable surface coverage from non-complying to discretionary. Council disagrees and has not changed the activity status in the s42A Report.¹⁶ Council has not provided any justification for not amending the rule.
48. Changing the activity status for a breach of permeable surface limits from a non-complying activity to a discretionary activity better achieves the requirements of the NPS UD.
49. By making a breach non-complying, the Intensification Variation would make obtaining a resource consent for this activity significantly more onerous. We consider this is inconsistent with the NPS-UD's requirement to enable the density of urban form and the Panel should prefer the evidence of Ms Costello on this point.¹⁷

¹⁶ S42A Report, Amy Bowbyes, Appendix A at page 9-14

¹⁷ Evidence of Paula Costello dated 4 July 2025 at [67].

Recession planes in the Lower Density Suburban Residential Zone and Medium Density Residential Zone

50. The evidence of Ms Costello¹⁸ demonstrates that the recession planes proposed by Council in the Lower Density Suburban Residential Zone and Medium Density Residential Zones cut through the available building envelope on sloping sites and essentially prevent or heavily restrict buildings on these sites, let alone further intensification. The proposed changes to recession changes by Council are:
- (a) Lower Density Suburban Residential Zone: Northern Boundary: 2.5m and 55 degrees; Western and Eastern Boundaries: 2.5m and 45 degrees; Southern Boundary: 2.5m and 35 degrees;¹⁹ and
 - (b) Medium Density Residential Zone Zone: Southern Boundary: 4m and 35 degrees; All other Boundaries: 4m and 60 degrees.²⁰
51. The PDP did not apply recession planes to sloping sites except for accessory buildings.
52. Ms Costello and Mr Wallace have participated in focused expert conferencing on this point, resulting in a Joint Witness Statement (**JWS**) dated 16 July 2025.
53. The JWS details the agreement reached between Ms Costello and Mr Wallace that:
- (a) In the LDSRZ, the recession planes proposed, particularly along southern boundaries on steeper sloping sites (e.g. 20⁰), have the potential to be overly restrictive.
 - (b) Ms Costello noted that her biggest concern is lower recession plane proposed along a southern site boundary on steeper sloping sites and that height limits cannot be sufficiently realised on steeply sloping sites without significant earthworks. A change to recession planes to not apply to sloping sites potentially reduces the extent of earthworks required to accommodate buildings.

¹⁸ Evidence of Paula Costello dated 4 July 2025

¹⁹ S42A Report of Amy Bowbyes, Appendix A: Rule 7.5.5

²⁰ S42A Report of Amy Bowbyes, Appendix A: Rule 8.5.7

- (c) That retaining recession plane exemptions for sloping sites within the LDSRZ was generally appropriate. However, this exemption would benefit from re-inclusion of the former limits on accessory buildings located within a boundary setback to avoid overly bulky and large accessory building at the boundary of sloping sites. Specifically, the re-inclusion of the following limitation on sloping sites:):

“...no part of any accessory building located within the setback distances from internal boundaries shall protrude through recession lines inclined towards the site at an angle of 25° and commencing at 2.5m above ground level at any given point along each internal boundary”

- (d) In the MDRZ, both experts agreed some form of control of development through recession planes remains appropriate.
- (e) An amendment to a 4m + 60° recession plane applying to the southern boundary of sloping sites is comparable in scale to the existing allowable built form outcome in relation to neighbouring properties, being a building at (permitted) 8m height complying with the setback. In this respect the amenity outcome remains the same.
- (f) The application of a 4m + 60° recession plane from the southern boundary of a sloping site in the MDRZ would be appropriate in urban design terms.
54. Surprisingly, this agreement is opposed in Council rebuttal evidence by Ms Bowbyes in regard to the Lower Density Suburban Residential Zone and by Ms Frischknecht in regard to the Medium Density Residential Zone. Ms Bowbyes states that while Ms Costello has shown that the Rules as notified will require Restricted Discretionary consent in some places, this activity status shows that such exceptions are anticipated. Ms Bowbyes considers that the changes proposed by the JWS would be significant and only benefit a discrete number of properties.²¹
55. Ms Frischknecht rejects the findings of the JWS saying that she is not convinced that the one example provided by Ms Costello is a true reflection

²¹ Rebuttal Evidence, Section 42A Report of Amy Bowbyes dated 25 July 2025 at 7.5-7.8

of all sloping sites in Queenstown.²² In contrast the JWS states that Ms Costello and Mr Wallace traversed the orientation and recession plane situation in hillslope suburbs of Queenstown²³ and then both experts agreed on the application of a more appropriate recession plane for the MDRZ.

56. The changes as proposed in the JWS should be accepted by the Panel. Mr Wallace, an urban design expert for the Council, has accepted that to retain the recession planes as in the notified version would have an adverse effect on development in the LDSRZ and MDRZ, limiting the release of development capacity against the direction of the NPS-UD. The relief sought by the Submitters would enable increased intensification on the applicable sites with an acceptable level of adverse effects and there is no alternative urban design evidence before the Panel to the contrary.

SECTION 32AA

57. For any relief sought which goes beyond that assessed in the s42A Report, the Panel must carry out a s32AA assessment. Mr Freeman has confirmed that the amendments sought by the Submitters:
- (a) are more efficient and effective than the notified provisions in achieving the objectives of the NPS-UD;
 - (b) the amendments will not have any materially significant environmental, economic, social and cultural effects than the notified provisions; and
 - (c) the amendments will improve District Plan usage and effective plan administration; and
 - (d) overall, the amendments will enhance the Intensification Variation as required by the NPS-UD.²⁴
58. We consider that Council's position on the outstanding points of disagreement add barriers to achieving the Policy 5 directives without justifiable reasons.

²² Rebuttal Evidence, Section 42A Report of Corinne Frischknecht dated 25 July 2025 at 6.21

²³ Joint Witness Statement on Urban Design dated 16 July 2025 at 3.4 and 3.6.

²⁴ Evidence of Scott Freeman dated 4 July 2025 at [121].

CONCLUSION

59. The Submitters largely support the intent of the Intensification Variation including changes made by Council in the s42A report, however on the outstanding points between the two parties, we consider that Council's position does not provide the most appropriate way to meet the purposes of the NPS-UD.
60. By making the targeted changes suggested, we submit that the Intensification Variation will give better effect to the NPS-UD and better achieve the purpose of the RMA.

Dated this 5th day of August 2025



Joshua Leckie

Counsel for the Submitters

Appendix A – Submitters' Properties

QUEENSTOWN TOWN CENTRE ZONE – SUBMITTERS



REF	SUBMITTER	ADDRESS
1.	Man Street Properties Ltd (911)	14-26 Man Street
2.	Trojan Holdings Ltd (967)	25 Camp Street, 7-9 Duke Street (The Station Building)
3.	Horne Water Holdings Ltd & Shotover Memorial Properties Ltd (998)	9 Shotover Street, Outside Sports Buildings
4.	Trojan Holdings Ltd (966)	68 & 70 Memorial Street
5.	Trojan Holdings Ltd (968)	24 Beach Street, Stratton House
6.	Beach Street Holdings Ltd (1006)	23, 25, 27 Beach Street
7.	O'Connells Pavilion Limited (987)	30 Beach Street, O'Connell's Pavillion.
8.	Accommodation and Booking Agents (Queenstown) Limited (1009)	18 Ballarat Street, Skyline Arcade
9.	Skyline Properties Ltd (973)	20 Ballarat Street.
10.	Skyline Properties Ltd (972)	48 & 50 Beach Street
11.	Skyline Properties Ltd (970)	18, 20, 24, 26 Rees Street & 44 Beach Street, The Dairy Corner
12.	Skyline Properties Ltd (971)	1, 3 Ballarat Street, 9 Marine Parade, Eichardts
13.	Skyline Properties Ltd (976)	2 Rees Street, Town Pier Building
14.	Skyline Properties Ltd (974)	19-23 Shotover Street, The Chester Building
15.	Strand Corporate Trustee Ltd (983)	61 Beach Street
16.	QRC House Ltd (985)	7 Coronation Drive
17.	Cactus Kiwi NZ Limited Partnership (1004)	10 Man Street
18.	Fiveight Queens Holdings Ltd (1000)	27, 31 Rees Street & 39 Beach Street
19.	GCA Legal Trustees 2021 (1287)	6 & 8 Beetham Street

BUSINESS MIXED USE ZONE – SUBMITTERS



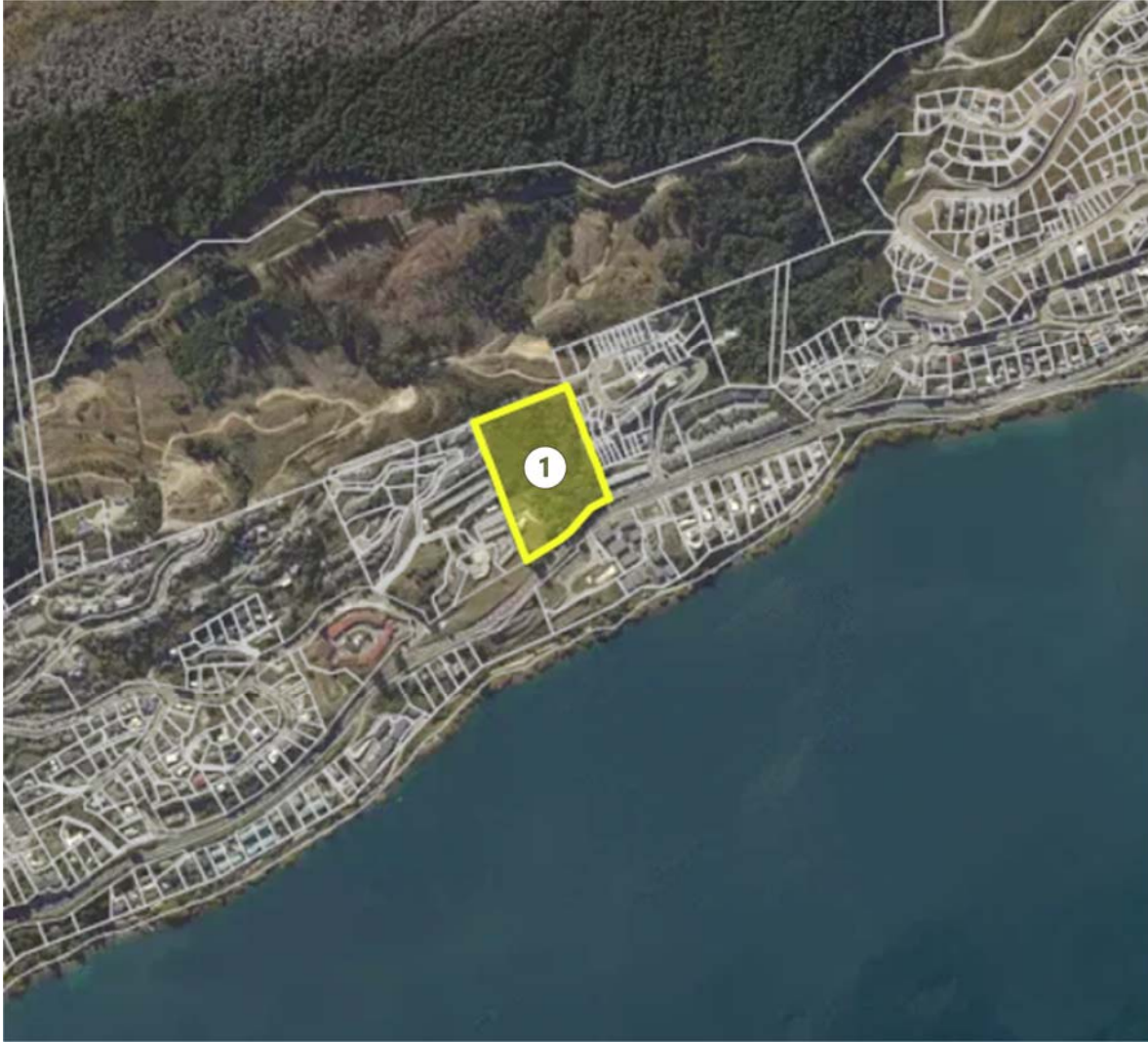
REF	SUBMITTER	ADDRESS
1.	Trojan Holdings Ltd (965)	97, 101, 103, 109, 116, 120 & 121 Gorge Road
2.	Skyline Enterprises Ltd (977)	16 Hylton Place
3.	High Peaks Ltd (999)	51 Gorge Road

HIGH DENSITY RESIDENTIAL ZONE – SUBMITTERS

REF	SUBMITTER	ADDRESS
1.	Skyline Properties Ltd (975)	117 Hallenstein Street
2.	Skyline Tours Ltd (984)	8 & 10 Stanley Street, 11 Sydney Street,
3.	Trojan Holdings Ltd (969)	11 Henry Street
4.	Hulbert House Ltd (997)	5 & 7 Malaghan Street, 66 & 68 Ballarat Street, 1 Henry Street and 62 Ballarat Street
5.	Ashourian Partnership (1008)	12, 16 & 20 Stanley Street
6.	Pro-Invest Property 1 Ltd Partnership (986)	11, 13, 17 Stanley Street, 21 & 25 Sydney Street



MEDIUM DENSITY RESIDENTIAL ZONE – SUBMITTERS



REF	SUBMITTER	ADDRESS
1.	Richard Thomas (832)	634 Frankton Road

REZONING – SUBMITTERS

REF	SUBMITTER	ADDRESS
1.	RF Corval NZQ Pty Ltd (835)	554 Frankton Road & 6 Golden Terrace
2.	Earnslaw Lodge Ltd (654)	77 Frankton Road
3.	Tepar Limited (652)	16, 18 & 20 The Terrace
4.	Park Lake Limited (653)	154 & 158 Park Street

