

BEFORE THE QUEENSTOWN LAKES DISTRICT COUNCIL

UNDER the Resource Management Act 1991

IN THE MATTER of submissions and further submissions
on the Queenstown Lakes District
Council Proposed District Plan – Urban
intensification variation

BY **LATITUDE 45 DEVELOPMENT LTD**

Submitter 768

STATEMENT OF EVIDENCE OF CHARLOTTE CLOUSTON

Dated: 4 July 2025

Statement of evidence of Charlotte Clouston

Introduction

- [1] My name is Charlotte Lee Clouston.
- [2] I hold the qualifications of Bachelor of Laws (Honours) and Bachelor of Science (Environmental Science and Geography) from the University of Auckland.
- [3] I have 6 years' experience practicing as a planner. Prior to planning, I practiced resource management law for over 2 years. I currently work as a planner for John Edmonds & Associates in Queenstown.
- [4] I am familiar with Latitude 45 Development Limited's (**Latitude 45**) submission on the Queenstown Lakes Proposed District Plan 2023 – Proposed Urban Intensification Variation (the **Variation**) to the Queenstown Lakes Proposed District Plan (**PDP**) and its interests in the block of land at 111 Frankton-Ladies Mile Highway (**Latitude 45 Land**).

Code of Conduct

- [5] Although this is not an Environment Court hearing, I note that in preparing my evidence I have read the Environment Court's Code of Conduct for Expert Witnesses in its Environment Court Practice Note 2023 and I agree to comply with it. My qualifications as an expert are set out above. I confirm that the issues addressed in this brief of evidence are within my area of expertise. I have not omitted to consider material facts known to me that might alter or detract from the opinions expressed.

Scope of evidence

- [6] In preparing my evidence, I have reviewed:
- (a) Submission 768 and Further Submission 1332
 - (b) Further Submissions on Submission 768
 - (c) Section 42A Reports, dated 6 June 2025
 - (d) QLDC Proposed District Plan

- (e) QLDC Operative District Plan
- (f) Section 32 Report and Appendix 3 - Demand and Accessibility Assessment
- (g) National Policy Statement on Urban Development 2020

The Submitter

- [7] Latitude 45 owns the property at 111 Frankton-Ladies Mile Highway (**Latitude 45 Land**).
- [8] The Latitude 45 Land currently comprises an existing residential dwelling, and has resource consent for the following redevelopment:
 - (a) Bulk subdivision into five lots, including an access lot; and
 - (b) Residential townhouses, including subdivision, comprising 50 units and maximum height of 14.22m.
- [9] Latitude 45 have aspirations for comprehensive redevelopment of the Latitude 45 Land, including a mixture of activities such as residential, visitor accommodation and commercial to cater to anticipated demand and growth in the area. The feasibility of development of these sites will be determined in part by the planning framework, including height and density considerations.

Site Context

- [10] The Latitude 45 Land is split-zoned Business Mixed Use, Business Mixed Use Area A and High Density Residential within the PDP. This zoning reflects the Frankton North Structure Plan. The southern extent of the Latitude 45 Land is partially within the Queenstown Airport Outer Control Boundary.
- [11] The Latitude 45 Land is adjoined by a Transpower sub-station site to the west. To the north are the Queenstown Hill and Ferry Hill Outstanding Natural Landscapes.
- [12] The PDP rules, objectives and policies are not subject to outstanding appeals and are deemed operative for the Latitude 45 Land.

The submission

[13] The Summary of Decisions Requested in Submission 768 is:

Submission Point #	Summary of Submission Point / Relief Sought	S42A Recommendation
OS768.1	That the general intention to increase building height limits in the variation for HDR is supported for Frankton North.	Reject
OS768.2	That the general intention to increase building height limits in the Variation for the BMUZ for Frankton North is supported.	Reject
OS768.3	That a consequential amendment to Rule 9.6.1.2 for non-notification of restricted discretionary application for buildings between 16.5 and 24m in Frankton North.	Reject
OS768.4	That a consequential amendment to Rule 16.6.2.2 for non-notification of restricted discretionary applications for buildings between 16.5m and 24m in Frankton North.	Reject
OS768.5	That the failure to remove the max building height limit of 20m and associated non-complying activity status in Frankton North is opposed.	Reject
OS768.6	That the provision be amended to refer to the 'adverse effects of visitor accommodation activity on the residential amenity values or nearby residents is avoided, remedied or mitigated'.	Reject
OS768.7	That objectives 9.2.1, 9.2.2, and 9.2.3 be amended by removing initial reference to 'high density residential' from each objective and amending Objective 9.2.3 by removing the term 'existing'.	Reject
OS768.8	That the proposed definition of 'habitable room' is amended to 'any room in a residential unit or visitor accommodation unit that exceeds 8m ² , except for a garage, hallway, stairwell or laundry'.	Reject
OS768.9	That a new definition of "Principal Habitable Room' is included being 'the habitable room within a residential unit or visitor accommodation unit with the largest floor area'.	Reject
OS768.10	That the rule for outlook space (per unit) is amended to read "the Principal Habitable Room must have an outlook space with a minimum dimension of 4m in depth and 4m in width; and"	Reject

OS768.11	That Rule 9.6.1.2 is amended to read “Building heights exceeding 16.5 at Frankton North as identified in Rule 9.5.1.1”	Reject
OS768.12	That 16.5.9.1 d) maximum height of 20m is changed to 24m.	Reject
OS768.13	That 16.6.2.3 is added to read “Building heights exceeding 16.5m in Frankton North business mixed use zone”.	Reject
OS768.14	That the intention of the variation, subject to the amendments identified in the submission is generally supported.	Accept

[14] A further submission from Submitter 1329 FII Holdings Limited supported the relief sought by Latitude 45.

[15] A further submission from Submitter 1355 Queenstown Airport Corporation opposed submission point OS768.2.

Points in contention

[16] The recommendations in the s42A reports reject the Latitude 45 submission points.

[17] My evidence is focused on the following points in contention:

- (a) Maximum height in High Density Residential Zone at Frankton North; and
- (b) Height limits in Business Mixed Use Zone at Frankton North.

High density residential zone – Frankton North

[18] The existing height limits in the HDR zone at Frankton North are 12m (Rule 9.5.4.1) and 20m (Rule 9.5.4.2). Resource consent is required for a restricted discretionary activity for building height between 12m and 20m. As set out in the s42A reports, restricted discretionary activities are described as anticipated outcomes and activities within the plan. Resource consent is required for a non-complying activity for building height exceeding the maximum height limit of 20m.

- [19] The Variation as notified proposes to increase the permitted height limit from 12m to 16.5m for Frankton North. The Variation proposes to retain the 20m maximum height limit, beyond which non complying consent is still required. The matters of restricted discretion applying to consents between the permitted and maximum height limits is proposed to remain the same in the Variation.
- [20] The Variation as notified does not propose a maximum height limit and associated non-complying activity status for areas other than Wanaka and Arthurs Point (both 12m) and Frankton North (20m).

Removal of maximum height limit at Frankton North

- [21] Ms Corinne Frischneckt provides commentary on the Latitude 45 submission to remove the maximum height limit of 20m in paragraphs [5.162] – [5.164] of the s42A report for Chapter 9.
- [22] Ms Frischneckt agrees that 24m would provide for an efficient use of the land. However Ms Frischneckt is not convinced to remove the maximum height limit, given the absence of section 32AA analysis of effects of increased height on the receiving environment and concerns regarding achieving SP 3.3.30 in protecting the landscape values of the District's outstanding natural features and landscape.
- [23] Ms Frischneckt further considers at paragraph [5.234] that "*building heights contribute to the acceptable level of built form on the site and its interface with the surrounding environment and any buildings in this location above 20m may result in adverse effects off site that are considered to be more than minor*".
- [24] I consider it is appropriate to remove the 20m maximum height limit for the HDR zone at Frankton North. This is consistent with the HDR zoning more generally, which does not have a specified maximum.
- [25] The consented townhouses are 14.2m tall (RM230416) and is likely to be implemented. The area at Frankton North is set into the landscape, with the ONL features prominent at higher elevations than the Latitude 45 land and surrounding urban zoned land, such that greater height can be accommodated.

[26] Frankton (generally) was considered the second most accessible centre in the Demand and Accessibility section 32 report. In accordance with the NPS-UD, it is therefore a suitable location for additional height and intensification. Although of limited weight, the QLDC Spatial Plan also identifies aspirations for Frankton to function as a metropolitan centre.

[27] Mr Cameron Wallace states at paragraph [9.10] in the Urban Design s42A report: *“In my opinion, the actual or potential effects of increased building height are well understood (e.g. shading, dominance) such that appropriate matters of discretion can be applied and considered as part of an overall design review as part of the resource consent process”*.

[28] I agree with Mr Wallace that the effects of increased building height can be managed through appropriate matters of discretion. I consider that the following can be added to Rule 9.5.1.1 as a matter of discretion to address Ms Frischneckt’s concern:

Discretion is restricted to: ...

h. where the building is located on a site that adjoins an ONL or ONF, effects on landscape values of the ONL or ONF”.

[29] The addition of this matter of discretion would expressly provide for assessment of ONL or ONF values for heights greater than 16.5m, where buildings are to be located on sites next to, or in the foreground of, the ONL or ONF. This addresses the comment of Ms Frischneckt in paragraph [5.163].

[30] I am of the view that removing a maximum and the associated non-complying activity status would enable additional height and flexibility of design, subject to the resource consent process for a restricted discretionary activity. This is consistent with the proposed Variation for the wider HDR zone.

[31] There are other examples throughout the district where HDR Zones adjoin ONL, for example Queenstown Hill and lower Fernhill, and are not subject to a specified maximum height limit. The description of restricted discretionary activity status throughout Ms Frischneckt’s s42A reports is of these activities as anticipated by the Plan. On this reasoning, I

therefore consider that increased height in the HDR zone adjacent to ONLs is anticipated by the Variation.

- [32] I do not consider an additional height limit, and consenting threshold is necessary for Frankton North, given it is an appropriate area for increased heights relative to accessibility, will create greater supply and flexibility for development. If the Panel considers a maximum height is required, I consider 24m would be the appropriate upper limit. This aligns with the maximum building height proposed for the Queenstown Town Centre.

Non-notification

- [33] The Variation as notified proposes to amend the non-notification provisions for building heights in Frankton North to apply to heights between 16.5m and 20m, as identified in proposed Rule 9.5.1.1. The s42A reports make no change to this proposal.

- [34] I consider that the non-notification provision should be amended to apply to building heights between 16.5m and 24m at Frankton North. The 24m reference point aligns with the maximum permitted building height in the Queenstown Town Centre. This would add to the efficiency of resource consent processing for applications, and enables a pathway for notification for buildings exceeding that threshold as deemed necessary.

- [35] I am of the view that impacts of height can be assessed through the matters of discretion, as set out above in paragraph [28] and can be assessed without limited or public notification.

- [36] Furthermore, there are other built form standards i.e. recession planes and building setbacks that could result in limited notification of a development, regardless of the building height.

Business Mixed Use Zone – Frankton North

- [37] The existing height limits in the BMUZ zone at Frankton North are 12m (Rule 16.5.8) and 20m (Rule 16.5.9.1). Resource consent is required for a restricted discretionary activity for building height between 12m and 20m. Resource consent is required for a non-complying activity for building height exceeding the maximum height limit of 20m.

- [38] The Variation as notified proposes to increase the permitted height limit from 12m to 16.5m for Frankton North. The Variation proposes to retain the 20m maximum height limit.
- [39] Latitude 45 supports the 16.5m permitted height limit for Frankton North as notified in the Variation.
- [40] Mr Cameron Wallace states at paragraph [12.1] in the Urban Design s42A report that: *“Generally speaking, the BMUZ is located in areas with moderate to high levels of accessibility and are suitable to enable heights and densities consistent with that provided for in the HDRZ”*.
- [41] I agree with the above statement from the Mr Wallace, and consider the Latitude 45 Land is appropriate for additional height, without a set maximum height limit, for the reasons set out in [23] – [31] of my evidence above. Removal of the maximum height limit would be consistent with the approach in the HDR zone.
- [42] If a maximum height limit is deemed necessary, I consider 24m would be more appropriate, reflecting the permitted height limit in the Queenstown Town Centre in the Variation.
- [43] The resource consenting pathway for non-compliance with permitted height limits in the Queenstown Town Centre zone is non-complying. There is no discretionary height limit within the QTCZ. The resource consenting pathway for the HDR zone where a maximum limit is not specified is restricted discretionary.
- [44] The Frankton North BMUZ has the additional layer of a maximum height limit, as a non-complying activity. The non-complying activity status rules as currently drafted reflect that greater height is anticipated for the town centre and HDR zone than the BMUZ. I consider that from a plan administration and efficiency point of view, removal of a maximum height limit and associated additional tier of consenting would streamline the process specific to height breaches.
- [45] The resource consenting pathway provides the appropriate process to assess any effects of additional height, restricted to the relevant matters of discretion for height effects. Given the location of the land in Frankton

North, in proximity to employment opportunities and transport connectivity, I consider this an appropriate area for intensification in line with the NPS-UD, specifically objective 3 and policy 5.

[46] Ms Frischneckt considers at [7.67] of the s42A report on Chapter 16 that *“Retaining a maximum height limit of 20m for Frankton assists in signalling QTC as the “highest order” centre across the District, with recommended height limits of up to 24m. The use of heights limits is an established method in the PDP to manage the visual effects of development and the 20m height limit, as notified, is also supported by the Urban Design Report”*.

[47] I consider that the permitted height limits in the Queenstown Town Centre Zone (i.e. up to 24m in Height Precinct 4) and the associated activity status of restricted discretionary for height non-compliance, are more enabling than the provisions for the BMUZ. The permitted height in the BMUZ is 16.5m and resource consent required for non-compliance.

[48] Imposing a maximum height limit in the BMUZ, or a maximum height limit less than the permitted height limit in the QTCZ, is not necessary to assert that Queenstown Town Centre is the “highest order” centre. In my view, it is the planning framework overall, rather than building height standards in isolation, that gives effect to Strategic Policy 3.2.1.2 for Queenstown and Wānaka town centres as the hub of the District’s economy. In light of the NPS-UD, intensification should be enabled in appropriate urban areas (Objective 3), such as the BMUZ in Frankton North, given the opportunities in Frankton for employment, public transport and demand for housing and business land.

Non-notification

[49] The Variation as notified proposes to amend the non-notification provision for building heights in the BMUZ in Queenstown to apply to heights between 16.5m and 20m, as identified in proposed Rule 16.6.2.2. The s42A reports make no change to this proposal.

[50] I consider that the non-notification provision should be amended to apply to building heights between 16.5m and 24m at Frankton North, for the same reasons as set out in [33] – [35] above.

Section 32AA analysis

[51] In considering relative costs and benefits of competing options to achieve the higher order objectives and policies of the PDP, I have considered the Variation as notified as an option, contrasted with the Latitude 45 relief sought as an alternative option.

[52] For completeness, I make the following comments relating to the change in height and non-notification in the HDR and BMUZ at Frankton North:

- (a) Removal of a maximum height limit will improve plan administration through a simplified consenting pathway. The matters of discretion for height are specific and appropriate to manage effects related to height; and
- (b) Amending the non-notification clause from an upper height limit of 20m to 24m will enable efficiency in processing consents within a clear range, consistent with the NPS-UD direction for enabling growth in suitable areas.
- (c) Both of these outcomes will align with the intent of the Variation to achieve greater height and density commensurate to accessibility and demand.

[53] Based on the ability to ensure noise attenuation is suitable to address concerns of Queenstown Airport, and without any clear adverse effects identified in relation to landscape or distribution of commercial land, I consider that the benefits of an uplift in height outweigh any adverse effects.

Further Submissions – In Opposition

Gerard Thompson on behalf of Queenstown Central Limited – OS191.1

[54] Latitude 45 made a further submission opposing Submission point 191.1, relating to the removal of the building restriction area along SH6, within Queenstown Central Limited's land.

- [55] I am not opposed to incorporation of ODP land within the UIV framework, where appropriate and where section 32A / 32AA analysis is provided.
- [56] I consider that the landscape area along the State Highway 6 corridor serves a purpose in providing a separation distance / buffer for built form and the highway.
- [57] I would expect to see landscape evidence to support the submitter's position for amendment to the building restriction area.

Brett Giddens on behalf of Queenstown Airport Corporation – OS822

- [58] Latitude 45 made a further submission opposing points of Queenstown Airport Corporation's submission, relating to height restriction to 12m and prohibited activity status for activities sensitive to airport noise within the Outer Control Boundary (OCB).
- [59] The section 42A report of Corinne Frischneckt on Chapter 16 discusses this submission point at [7.63] – [7.67].
- [60] I consider that a consenting pathway should be available for sensitive activities, rather than a prohibited activity status. The prohibited activity status prevents a landholder from making an application for resource consent.
- [61] Given advances in technology and building materials, such as acoustic insulation, I consider the resource consent process is an appropriate mechanism for assessing built form design and management controls for sensitive activities/uses as required and ensuring suitable noise attenuation, rather than avoiding development on highly accessible and suitably zoned land for development.
- [62] Consented activities within the OCB, including at 1 Hansen Road (the landholding of submitter 766), have determined that sensitive activities i.e. residential, can be appropriate within the OCB with sufficient management.
- [63] Consented activity has determined the receiving environment can absorb additional height than the 12m height limit for BMUZ that the Queenstown Airport Corporation seeks.

- [64] This would enable both intensification of land within Frankton as an accessible area (in line with the direction of the NPS-UD) and encourage mixed use activities throughout the OCB, which could result in positive urban design outcomes.
- [65] A resource consent pathway for activities sensitive to airport noise within the OCB would be consistent with the Strategic Policies and Objectives related to the Queenstown Airport and development at Frankton i.e. Strategic Policy 3.3.6 and Strategic Objectives 3.2.1, 3.2.1.3 and 3.2.2.1. A consenting pathway would also be consistent with Objective 4.2.2 A, providing a process to assess the potential adverse effects of a proposal on Queenstown Airport.
- [66] For these reasons, I oppose the relief sought by Queenstown Airport Corporation.

Further Submissions – In SUPPORT

No. 1 Hansen Road Limited – OS766

- [67] Latitude 45 made a further submission supporting submission point OS776.4 to delete the prohibited activity status in Rule 16.4.19 for activities sensitive to airport noise within the Outer Control Boundary in the Business Mixed Use Zone.
- [68] I agree with the submission point, for the reasons set out in paragraphs [57] – [63]. I have also prepared planning evidence for No. 1 Hansen Road Limited.

Waka Kotahi, NZ Transport Agency – OS200

- [69] Latitude 45 made a further submission in support of Waka Kotahi submission points. Latitude 45 supports Waka Kotahi's submission point recommending reconsideration of development in Frankton in the Variation, with an aim of providing increased development potential at least for land within the OCB.
- [70] I agree with Waka Kotahi that there is more development potential in Frankton than provided for in the UIV as notified.

[71] My reasoning for increased height in respective zonings in Frankton North, related to the Latitude 45 Land, is set out in my evidence above.

Conclusions

[72] I consider that the benefits of removing a maximum height limit, or increasing the maximum height limit for Frankton North, in both the Business Mixed Use zone and the High Density Residential zone, outweigh the costs. There is administrative efficiencies to be gained in a more streamlined process, particularly given the Frankton North area is an area with opportunities for growth.

[73] I recommend an additional matter of discretion be added to the High Density Residential zone height rule 9.5.1.1 to address concerns raised about effects on Outstanding Natural Landscapes:

“h. where the building is located on a site that adjoins an ONL or ONF, effects on landscape values of the ONL or ONF”.

[74] I consider there is benefit in increasing the upper height limits in non-notification clauses for buildings in Frankton North to 24m in both the Business Mixed Use zone and High Density Residential zone. Again, this will result in administrative efficiencies and can be provided for through assessment against specified matters of discretion. There are other built form standards that could require limited or public notification.

[75] I support removal of the prohibited activity status for activities sensitive to airport noise in the OCB. I consider a consenting pathway is appropriate for making decisions on specific applications, and I do not otherwise consider that reverse sensitivity concerns to be a reason for opposing the increased height limits sought.

Dated: 4 July 2025



Charlotte Clouston