

**Before the Hearing Commissioners
at Queenstown**

In the Matter of

the Resource Management Act
1991

And

In the Matter of

a proposed variation to the
Queenstown Lakes Proposed
District Plan – Urban Intensification
Variation

**Summary Statement of
Scott Anthony Freeman
for multiple Queenstown submitters**

Dated: 6 August 2025

Lane Neave
2 Memorial Street
Queenstown
Solicitor Acting: Joshua Leckie
Email: Joshua.leckie@laneneave.co.nz
Phone: 03 372 6307

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INTRODUCTION

Qualifications and Experience

1. My name is Scott Anthony Freeman. I reside in Queenstown. I am a Director of Southern Planning Group Limited.
2. I have the qualifications and experience set out at paragraphs 2-5 of my statement of evidence dated 5 July 2025.
3. I reconfirm that I have read and agree to comply with the Code of Conduct for Expert Witnesses in the Environment Court Practice Note 2023.

CORRECTIONS

4. In paragraph 47 of my evidence, I reference Rule 9.5.9.1(iv). This is incorrect as the rule reference should read Rule 12.5.9.1(vii).

KEY POINTS

5. In this statement, I provide a summary of the key points in my evidence.
6. Subject to the points raised below, I consider that the purpose of the UIV will give effect to the NPS-UD and in particular Policy 5 which seeks to enable greater building height and density of urban form that is 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.
7. The general approach of the UIV is appropriate, in that the highest levels of urban intensification are proposed to occur in locations that have the greatest accessibility to employment, community services, public and active transport networks, and other amenities.
8. The various authors of the Council s42A reports (and Mr Cam Wallace from an urban design perspective) have addressed a number of submission points from the submitters that Ms Costello and I represent. We appreciate the proactive approach from the Council and I note that agreement has been

reached on the following UIV provisions (as contained in the Council rebuttal evidence):

- a) Deleting the matter of discretion (d) from Rule 12.5.8 in the QTCZ that deals with sunlight and shading effects when dealing with a breach of the building façade height and setback of upper floors.
 - b) Confirmation of a bespoke 15m height regime (Height Precinct 7) via Rule 12.5.9(vii) in the QTCZ for the site located at 28 and 50 Beach Street.
 - c) Confirmation of bespoke 20m height regimes above fixed datum levels for the sites located at 14-26 and 10 Man Street, via Rules 12.5.9.1(viii) and (ix) in the QTCZ.
9. However, there are still a few areas of disagreement, which I will summarise below.
10. Appendix A to my evidence dated 4 July 2025 sets out my position on various provisions. I have re-attached again at **Appendix A** for ease of reference today.

QUEENSTOWN TOWN CENTRE ZONE

Rule 12.5.8 – Building façade height and setback of upper floors

11. There are three outstanding points in terms of Rule 12.5.8.
12. In relation to the site located at 48 and 50 Beach Street, there is agreement on a bespoke height regime for this site through Height Precinct 7 (maximum height of 15m) via Rule 12.5.9. In Appendix A in my evidence, I have included Height Precinct 7 within Rule 12.5.8.2 that also applies to Height Precincts 3 and 4. In the Council's rebuttal version of the QTCZ provisions, Height Precinct 7 has not been included within Rule 12.5.8.2. I assume this is an oversight.
13. In the case of applying Rule 12.5.8 to Areas A and B within Height Precinct 3 (14-26 and 10 Man Street), I consider that adjustments to this rule would be useful with respect to Areas A and B to facilitate the intent of the rule – being a consistent street front façade experience for users of the public realm.

14. I still consider that a breach of Rule 12.5.8 should be precluded from either limited or public notification under Rule 12.6.2. This is because the matters of discretion from Rule 12.4.7 and Rule 12.5.8 will provide appropriate control over built form that exceeds the permitted threshold.

Rule 12.5.11 – Minimum ground floor height

15. Appendix A presents two alternative options to the Council rebuttal version of Rule 12.5.11. As stated in my evidence, I do not have an issue with the overall intent of Rule 12.5.11, however, the present rule will be problematic for extensions and alterations to existing buildings. As such, I consider Rule 12.5.11 should only apply to new buildings, or a new assessment is added to deal with existing buildings that are captured by this rule.

HIGH DENSITY RESIDENTIAL ZONE

16. In Ms Costello's and my evidence, we promote the inclusion of the proposed Stanley Street and Melbourne Street Height Precinct, with the key rule considerations being:
- a) Permitted height to 16.5m as per Rule 9.5.1.1;
 - b) Restricted Discretionary height between 16.5m to 20m;
 - c) Non-notification for building height between 16.5m and 20m as per Rule 9.6.1.2
17. Both Ms Costello and Mr Wallace support a 20m height limit in the Stanley Street and Melbourne Street Height Precinct from an urban design perspective.
18. While it is correct that there is a restricted discretionary consenting pathway to exceed 16.5m, in my considerable experience in dealing height breaches in the HDRZ, it will most likely be challenging to gain straight forward consents that exceed the permitted height limit. This is especially the case when matters of discretion (b) and (e) come into play under Rule 9.5.1.1 (noting that we seek the deletion of *neighbouring properties* from (b)).
19. In my experience, certainty is a key driver for the intensification as proposed by the UIV. This is not only certainty for developers, but equally as important,

certainty for the Council who will administer the planning provisions moving forward.

20. The Stanley Street and Melbourne Street Height Precinct is clearly an area that can and should accommodate further intensification. As such, the bespoke provisions as contained in Appendix A to by evidence should apply to this area.
21. I note that the non-complying activity status of breaching the minimum permeable landscape coverage (20%) was challenged in a number of submissions. The HDRZ provides a permitted building coverage of 70%, and in adding the minimum permeable landscape coverage of 20%, this equates to 90% of a site. The remaining 10% of the site will struggle to contain any access or hard surfacing. I have had experience of developments where the building coverage is close to the permitted 70%, and all other bulk and location rules are met, however, the minimum permeable landscape coverage is not adhered to. This then trips the development into a non-complying status. In my view, this is counterproductive to the desired intensification for the HDRZ. I consider breaching the minimum permeable landscape coverage should therefore be a discretionary activity.

MEDIUM DENSITY RESIDENTIAL ZONE & LOWER DENSITY SUBURBAN RESIDENTIAL ZONE – RECESSION PLANES

22. Ms Costello in her evidence has clearly articulated the effects of the recession planes on sloping slopes in the MDRZ and LDSRZ. Via the JWS that was produced by Ms Costello and Mr Wallace, there was further confirmation of the negative effects of imposing recession planes on sloping sites.
23. The MDRZ will perform a key role in housing intensification, however, UIV recession planes will have some effect on sloping sites that do not abut a road or reserve at the lower boundary. Ms Costello (supported by Mr Wallace) considers that there should be a blanket recession plane regime (60° at 4m) for all applicable boundaries.
24. The LDSRZ is subject to gentle intensification under the UIV. However, the recession planes that Council seeks to maintain will actually reduce the permitted development potential for this zone. In my view, this is counter-

productive and contrary to the goal of the UIV. While there is always a consenting pathway, the question I have is why create this issue in the first place? In my view, the existing PDP height limits for flat and sloping sites should remain.

CONCLUSION

25. I generally support the intent of the UIV, however, I consider that minor amendments to certain standards within the QTCZ, HDRZ, MDRZ and LDSRZ will properly give effect to the intensification goals of the UIV.



Scott Anthony Freeman

6 August 2025

**APPENDIX A – RECOMMENDED AMENDMENTS TO THE UIV
PROVISIONS**

APPENDIX A

RECOMMENDED AMENDMENTS TO THE UIV PROVISIONS

The provisions amended below are based on the s42A report.

The following is noted:

- Underlined/crossed out black text from the notified UIV
- Underlined/crossed out red text from the s42A
- Underlined/crossed out text in blue from the evidence of Scott Freeman

QUEENSTOWN TOWN CENTRE ZONE

12.5.8	<p>Maximum façade height and setback at of upper floors</p> <p><u>For the purpose of this rule, refer to the Height Precinct Map (Figure 2 at the end of this Chapter).</u></p> <p>12.5.8.1 <u>Within Precinct 2, a 4m minimum building setback from all road boundaries shall apply to the area of any building that exceeds a height of 8m from the ground level.</u></p> <p>12.5.8.2 <u>Within Precincts 3, and 4 and 7:</u></p> <p>a) A 3m minimum building setback from all road boundaries shall apply to the area of any building that exceeds a height of 12m from the ground level, providing that the maximum height of the building is no greater than 16m.</p> <p>b) For buildings greater than 16m in height, a 6m minimum building setback from all road boundaries shall apply to the area of any building that exceeds a height of 12m from the ground level.</p> <p><u>Note: This rule does not apply in Precincts 1 and 5, or to boundaries adjoining Cow Lane, Searle Lane, or the pedestrian links identified in Figure 1 of this Chapter.</u></p>	<p>RD</p> <p>Discretion is restricted to:</p> <p><u>a. external appearance and visual dominance of the building(s) as viewed from the street(s) and adjacent properties;</u></p> <p><u>b. streetscape character and amenity;</u></p> <p><u>c. views along the street and viewshafts;</u></p> <p><u>d. any sunlight or shading effects created by the proposal on adjacent sites and/or their occupants.</u></p> <p><u>e. adequate daylight access to streets; f. wind tunnel effects.</u></p>
12.5.9	<p>Maximum building and façade height</p> <p><u>For the purpose of this rule, refer to the Height Precinct Map (Figure 2 at the end of this Chapter).</u></p> <p>12.5.9.1 <u>Maximum height limit of:</u></p> <p style="padding-left: 40px;">i. <u>8m in Height Precinct 1.</u></p>	<p>NC</p>

	<ul style="list-style-type: none"> ii. <u>12m in Height Precinct 2.</u> iii. <u>20m in Height Precinct 3.</u> iv. <u>24m in Height Precinct 4.</u> v. <u>16m in Height Precinct 5.</u> vi. <u>8m in Height Precinct 6.</u> vii. <u>In Height Precinct 3 (Man Street), in Area A(1) shown on the Height Precinct Map, the maximum height shall be 20m, above RL 327.1 masl</u> viii. <u>In Height Precinct 3 (Man Street), in Area A(2) shown on the Height Precinct Map, the maximum height shall be 20m, above RL 326.5 masl.</u> ix. <u>15m in Height Precinct 7</u> 	
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12.5.11	<p><u>Minimum Ground Floor Height OPTION 1</u></p> <p><u>Minimum Ground Floor Height A minimum floor to ceiling floor height of 4m shall apply at the ground floor level of all new buildings.</u></p>	<p>RD</p> <p>Discretion is restricted to:</p> <ul style="list-style-type: none"> a. The ability to maintain flexibility of the ground floor for a range of commercial uses.
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12.5.11	<p><u>Minimum Ground Floor Height OPTION 2</u></p> <p><u>Minimum Ground Floor Height A minimum floor to ceiling floor height of 4m shall apply at the ground floor level of all buildings.</u></p>	<p>RD</p> <p>Discretion is restricted to:</p> <ul style="list-style-type: none"> a. The ability to maintain flexibility of the ground floor for a range of commercial uses. b. <u>For alterations and extensions to existing buildings, the practical and cost implications of complying with the minimum floor to floor height requirement.</u>
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12.6.2 The following Restricted Discretionary activities shall not require the written approval of other persons and shall not be notified or limited notified:

- 12.6.2.1 Buildings, with the exception of wharves and jetties, and buildings on wharves and jetties, in the Queenstown Bay Waterfront Subzone.
- 12.6.2.2 Building coverage in the Town Centre Transition Sub-Zone and comprehensive development.
- 12.6.2.3 ~~W~~waste and recycling storage space
- 12.6.2.4 Building façade height and setback of upper floors.

HIGH DENSITY RESIDENTIAL ZONE

<p>9.5.1</p>	<p>Building Height – Flat Sites in Queenstown</p> <p>9.5.1.1 A Height of <u>16.52</u> metres, including at Frankton North, <u>in the Stanley Street and Melbourne Street Height Precinct and Wānaka (Three Parks)</u>, except where specified in Rules 9.5.1.2, 9.5.1.3 or 9.5.1.4.</p>	<p>RD</p> <p>Discretion is restricted to:</p> <ul style="list-style-type: none"> a. building design and appearance, including roof form articulation and the avoidance of large, monolithic building forms; b. building dominance and sunlight access relative to <u>neighbouring properties</u> and public spaces including roads; c. how the design advances housing diversity, <u>including size and typology</u>; and d. promotion of es sustainability either through construction methods, design or function; e. <u>privacy and outlook</u> for occupants of the subject site and neighbouring sites; f. effects on significant public views (based on an assessment of public views undertaken at the time of the proposal, in addition to any
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	<p>9.5.1.2 In the High Density Residential Zone immediately west of the Kawarau Falls Bridge the maximum building height shall be 10m provided that in addition no building shall protrude above a horizontal line orientated due north commencing 7m above any given point along the required boundary setbacks at the southern zone boundary.</p> <p>9.5.1.3 Within the area specified on the District Plan web mapping application on the south side of Frankton Road (SH6A), the highest point of any building shall not exceed the height above sea level of the nearest point of the road carriageway centreline.</p> <p>9.5.1.4 Maximum building height of 15m. In Wānaka (excluding Three Parks) and Arthurs Point the maximum building height shall be 12m.</p> <p>9.5.1.4 Rules 9.5.1.1 to 9.5.1.4 do not apply to the land at Frankton North. the maximum building height shall be 20m.</p>	<p>specified significant public views identified within the District Plan);</p> <p>g. the positive effects of enabling additional development intensity within close proximity to town centres.</p> <p>D</p> <p>D</p> <p>D</p> <p>NC</p>
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<p>9.5.7.4</p>	<p>Landscaped permeable surface coverage</p> <p>At least 20% of site area shall comprise landscaped (permeable) surface.</p>	<p>NC-D</p>
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9.6.1 The following Restricted Discretionary activities shall not require the written approval of affected persons and shall not be notified or limited notified except where vehicle crossing or right of way access on or off a State Highway is sought:

9.6.1.1 Residential development involving the development of 4 or more residential units where the standards in Rule 9.5 are complied with.

9.6.1.2 Building Heights between 16.52m and 20m [in the Stanley Street and Melbourne Street Height Precinct and](#) at Frankton North as identified in Rule 9.5.4.4.1.1

MEDIUM DENSITY RESIDENTIAL ZONE

<p>8.5.75</p>	<p>Recession Plane</p> <p>a. On flat sites applicable to all buildings;</p> <p>b. On sloping sites only applicable to accessory buildings.</p> <p><u>All locations (excluding Arrowtown):</u></p> <p>8.5.76.1 Northern Southern Boundary: 42.5m and 3555 degrees.</p> <p>8.5.76.21 Western and Eastern All other Boundaries: <u>42.5m</u> and <u>6045</u> degrees.</p> <p>8.5.6.3 Southern Boundaries: 2.5m and 35 degrees.</p> <p><u>Arrowtown only:</u></p> <p><u>8.5.7.3 Southern boundary 2.5m & 35 degrees.</u></p> <p><u>8.5.7.4 Northern boundary 2.5m & 55 degrees.</u></p> <p><u>8.5.7.5 Western & eastern boundaries 2.5m & 45 degrees.</u></p> <p><u>All locations:</u></p> <p>8.5.76.36 Gable end roofs may penetrate the building recession plane by no more than one third of the gable height.</p> <p>8.5.76.4.7 Recession planes do not apply to site boundaries adjoining a <u>Town Centre Zone, Business Mixed Use Zone, Local Shopping Centre Zone</u>, fronting the road, or a park or reserve.</p>	<p>RD</p> <p>Discretion is restricted to:</p> <p>a. any sunlight, shading or privacy effects created by the proposal on adjacent sites and/or their occupants;</p> <p>b. effects on any significant public views (based on an assessment of public views undertaken at the time of the proposal, in addition to any specified significant public views identified within the District Plan);</p> <p>c. external appearance, location and visual dominance of the building(s) as viewed from the street(s) and adjacent properties;</p> <p>d. in Arrowtown, consistency with Arrowtown's character, as described within the Arrowtown Design Guidelines <u>202316</u> 2016.</p> <p>e. Where Electricity Subtransmission Infrastructure or Significant Electricity Distribution Infrastructure as shown on the District Plan web mapping application is</p>
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		located within the adjacent road, any adverse effects on that infrastructure
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