

Before the Independent Hearing Panel

Under the Resource Management Act 1991

In the matter of submissions and further submissions on the Urban Intensification Variation to the Queenstown Lakes Proposed District Plan

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Legal submissions on behalf of Kelvin Capital Limited

Date: 07/08/2025

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## **May it please the Panel**

- 1 These legal submissions are provided on behalf of Kelvin Capital Limited (**KCL/Submitter**) in relation to the Urban Intensification Variation to the Queenstown Lakes Proposed District Plan (**PDP**) (**Variation**).

## **Background**

- 2 KCL owns land at 685 and 689 Peninsula Road, Kelvin Heights, Queenstown (**Submitter Property**).
- 3 The Submitter opposes the Variation as it affects the Lower Density Suburban Residential Zone (**LDSZ**) at Kelvin Heights and considers there should be no changes to the district plan that would enable greater levels of development at Kelvin Heights. The Submitter considers Kelvin Heights is unable to accommodate more enabling heights and densities, is not located sufficiently close to established commercial areas and does not have the roading, public services and infrastructure to facilitate intensification.

## **Summary of position**

- 4 Mr Thompson's substantive lay evidence dated 9 July 2025 is that:
  - (a) Peninsula Road and the intersection with Kingston Road are already very busy. There is a history of the roads becoming significantly blocked following motor vehicle accidents. This is problematic because Peninsula Road is the only vehicle access to Kelvin Heights.
  - (b) The Kawarau Bridge will be at capacity by 2027.
  - (c) The Variation does not propose any mechanisms (including cycle ways) to address the transport challenges.
  - (d) There is a lack of adequate infrastructure and no funding allocated to address this in the future.
  - (e) The proposed changes are contrary to the amenity and character of Kelvin Heights and are inappropriate in this location.
- 5 Ms Bowbyes' rebuttal evidence confirms she has read Mr Thompson's evidence.<sup>1</sup> It makes no reference to Kelvin Heights or Peninsula Road and does not respond to the concerns raised by Mr Thompson.

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<sup>1</sup> Rebuttal evidence of Amy Bowbyes at [2.3].

- 6 Richard Powell has not provided rebuttal infrastructure evidence.
- 7 The purpose of the Variation is to "give effect to" Policy 5 of the National Policy Statement on Urban Development (**NPS-UD**) and the wider NPS-UD to "ensure a well-functioning urban environment that responds to the diverse and changing needs of people, communities, and future generations". Policy 5 provides:

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 or community services; or

b) Relative demand for housing and business use in that location

- 8 Policy 2 of the NPS-UD is also relevant to the determination of the Variation.<sup>2</sup> It requires:

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.

[emphasis added]

- 9 In order to be "sufficient" in terms of Policy 2, development capacity must be "infrastructure-ready".<sup>3</sup> Development capacity is infrastructure-ready if:

(d) in relation to the short term, there is adequate existing development infrastructure to support the development of the land

(e) in relation to the medium term, either [it is on land that land that is zoned for housing or for business use (as applicable) in an operative district plan], or funding for adequate development infrastructure to support development of the land is identified in a long-term plan

(f) in relation to the long term, either [it is on land that is zoned for housing or for business use (as applicable) in a proposed district plan], or the development infrastructure to support the development capacity is identified in the local

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<sup>2</sup> UIV Section 42A Report – Strategic Overview Evidence Amy Bowbyes – 6 June 2025, at 4.3, 5.20 – 5.23

<sup>3</sup> NPS-UD clause 3.2.

authority's infrastructure strategy (as required as part of its long-term plan).

- 10 In our submission, including the LDSR land at Kelvin Heights is not the most appropriate way for QLDC to meet its obligations under the NPS-UD. Kelvin Heights is not located close to commercial centres, it has a low level of accessibility, it does not meet the short or medium term definition for being "infrastructure-ready" and the evidence of Mr Richard Powell is that "there are no budgeted or scheduled upgrades" to the water supply and wastewater schemes.<sup>4</sup> Including the Kelvin Heights Land will not contribute to a well-functioning urban environment and will simply exacerbate existing traffic and infrastructure issues.

### **Conclusion**

- 11 Including the Kelvin Heights area in the Variation is not the most appropriate way to meet QLDC's obligations under the NPS-UD. The area is not "infrastructure-ready" and has low levels of accessibility. QLDC should focus on areas close to commercial centres.

Dated this 7<sup>th</sup> day of August 2025



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<sup>4</sup> At 5.29 and 5.30.