



## Briefing: Te Pūtahi Ladies Mile Variation Streamlined Planning Process - Stage Three decisions (part one)

**Date submitted:** 15 August 2024

**Tracking number:** BRF-4721

**Security level:** In Confidence

**MfE priority:** Urgent

Actions sought from Ministers		
<i>Name and position</i>	<i>Action sought</i>	<i>Response by</i>
To Hon Penny SIMMONDS <b>Minister for the Environment</b>	<b>Refer</b> Te Pūtahi Ladies Mile Variation back to Queenstown Lakes District Council for further consideration <b>Sign</b> the attached decision letter in Appendix 7	22 August 2024
CC Hon Chris BISHOP <b>Minister Responsible for RMA Reform</b>	For noting only	

Actions for Minister's office staff
<b>Send</b> the signed letter in Appendix 7 to Queenstown Lakes District Council. <b>Return</b> the signed briefing to the Ministry for the Environment ( <a href="mailto:RM.Reform@mfe.govt.nz">RM.Reform@mfe.govt.nz</a> and <a href="mailto:ministerials@mfe.govt.nz">ministerials@mfe.govt.nz</a> ).

Appendices and attachments
<ol style="list-style-type: none"> <li>Copy of the proposed Te Pūtahi Ladies Mile Plan Variation</li> <li>Clause 83 documents provided by Queenstown Lakes District Council required for the SPP</li> <li>Gazette Notice setting out the SPP</li> <li>Background to the application and summary of changes made through the hearing process</li> <li>Officials' preliminary assessment against the statutory criteria</li> <li>Summary of matters referred back to QLDC for further consideration</li> <li>Draft decision letter to Queenstown Lakes District Council</li> </ol>

Key contacts at Ministry for the Environment			
<i>Position</i>	<i>Name</i>	<i>Cell phone</i>	<i>First contact</i>
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Minister's comments

# Te Pūtahi Ladies Mile Variation Streamlined Planning Process - Stage Three decisions (part one)

## Key messages

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1. Queenstown Lakes District Council (QLDC) submitted the final documentation<sup>1</sup> for your statutory decision making<sup>2</sup> on Te Pūtahi Ladies Mile Plan Variation (the Variation) on 29 April 2024 (see Appendices 1 and 2).
2. The Variation has gone through a Streamlined Planning Process (SPP) which is intended to expedite planning decisions by restricting appeal rights once a decision is made. The Variation has been heard and considered by an Independent Hearing Panel (IHP) whose recommendations provide the evidential basis for the version of the plan you are being asked to consider by QLDC.
3. You can approve, decline or refer the Variation back to QLDC for further consideration with or without specific recommendations. You do not have statutory powers to directly make amendments yourself to the Variation. In making this decision, you must have regard to whether QLDC has met the procedural requirements of the RMA and whether the Variation meets the requirements of the RMA. You may have regard to any other matter and the purpose of a SPP.
4. The previous Minister for the Environment made a Direction for the SPP in March 2023 following QLDC's request for it (see Appendix 3). There is significant local interest in this Variation because it relates to intensified urban growth in a district with long-standing housing affordability challenges. The Variation would enable approximately 2,400 new homes as well as commercial centres, schools, and other amenities (see Appendix 4).
5. We recommend that you refer the Variation back to QLDC. While it is likely to be appropriate for you to approve the Variation in due course, we have identified that the approach to staging development until the necessary infrastructure is in place includes matters that are likely to be ultra vires<sup>3</sup> (see Appendix 6) and these matters must be addressed first. [REDACTED]  
[REDACTED]
6. Referring the variation back will also provide an opportunity for QLDC to address some technical drafting matters.
7. The Variation requires upgrades to State Highway 6 (SH6) and a high school to be built before development can proceed fully. Only one of the three New Zealand Transport Agency Waka Kotahi (NZTA) led SH6 upgrades is fully funded and the high school is not funded in Budget 24/25. While this may impact the implementation of development or require developers to address these infrastructure requirements, it is not unusual for plans to stage development in this way. QLDC will be able to seek updates from the

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<sup>1</sup> As required under Schedule 1, Clause 83(1) of the Resource Management Act 1991 (RMA)

<sup>2</sup> Under clause 84, Schedule 1 of the RMA

<sup>3</sup> I.e. beyond the legal powers available under the RMA for district plans

Ministry of Education and/or NZTA when reconsidering the matters we recommend referring back.

8. QLDC has discretion to decide the process and timeframe for reconsidering the Variation<sup>4</sup>. It is likely amending the Variation could delay the process by 3-6 months.

[REDACTED]

9. Once QLDC has given further consideration to the matters, it would send the Variation back to you for your decision.
10. If you agree to refer the Variation back to QLDC, you can sign the draft letter in Appendix 7 notifying QLDC of your decision and reasons. We suggest meeting with officials if you wish to consider alternatives.

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<sup>4</sup> Consistent with the statutory requirements set out in clause 86(3), Schedule 1 of the RMA

## Recommendations

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Clause 83 documents provided by Queenstown Lakes District Council required for the  
We recommend that you:

- a. **Note** that the Streamlined Planning Process set out in the Direction to Queenstown Lakes District Council was completed on 29 April 2024 and that the proposed planning instrument (Te Pūtahi Ladies Mile Variation) and the required documentation has been provided to you in accordance with the Direction and clause 83(1) of Schedule 1 of the Resource Management Act 1991 (see Appendices 1 and 2).
- b. **Note** that under clause 84(1) of Schedule 1 of the Resource Management Act 1991 you may:
  - i. refer the proposed Variation back to Queenstown Lakes District Council with your approval
  - ii. refer the proposed Variation back to Queenstown Lakes District Council for further consideration with or without specific recommendations for changes to the proposed Variation
  - iii. decline to approve the proposed Variation.
- c. **Note** that under clause 91 of Part 5 of Schedule 1 of the Resource Management Act 1991 there is in effect no right of appeal against this decision but that it is subject to judicial review.

Either (recommended)

- d. **agree** that in deciding which action to take, pursuant to clause 84, Schedule 1 of the Resource Management Act 1991 you have had regard to (see analysis table in Appendix 5):
  - i. whether Queenstown Lakes District Council has complied with the procedural requirements, including timeframes required by the Direction
  - ii. whether, and if so, how Queenstown Lakes District Council has had regard to the Statement of Expectations
  - iii. whether, and if so, how Queenstown Lakes District Council has met the requirements of the Resource Management Act 1991, regulations made under it, and any relevant national direction.
  - iv. the purpose of the Streamlined Planning Process
  - v. any other matter relevant to your decision.

Yes | No

- e. **agree** that the proposed Te Pūtahi Ladies Mile Variation as submitted under clause 83(1) of Schedule 1 of the Resource Management Act 1991 and as attached at Appendices 1 and 2 is **referred back** under clause 84(1)(a)(ii) of Schedule 1 to Queenstown Lakes District Council for further consideration without specific recommendations for changes.

Yes | No

- f. **agree** that the matters you are referring back to Queenstown Lakes District Council for further consideration without specific recommendations for changes to the Variation are set out in Appendix 6 to this briefing.

Yes | No

- g. **agree** the reasons for your decision are:

1. further consideration by Queenstown Lakes District Council of the matters specified will be more likely to ensure that the Variation:
  - a. is clear and certain enough to enable its objectives to be met
  - b. can be implemented effectively
  - c. will achieve a well-functioning urban environment including maximising opportunities to enable housing
  - d. stages development effectively to manage impacts on State Highway 6 (SH6).

Yes | No

or

- h. **meet** with officials for further discussion if you would like to make an alternative decision.

Yes | No

## Signatures

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Rebecca Scannell  
Programme Director – Resource Management, Urban and Infrastructure  
**Environmental Management and Adaptation**  
**15 August 2024**

Hon Penny SIMMONDS  
**Minister for the Environment**  
**Date**

# Te Pūtahi Ladies Mile Variation Streamlined Planning Process - Stage Three decisions (part one)

## Context

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*The background to TPLM, the Variation, and the Streamlined Planning Process (SPP) undertaken to date are summarised in Appendix 4.*

1. Key points to note include:
  - Te Pūtahi Ladies Mile (TPLM) has a rare combination of characteristics in Queenstown Lakes District (QLDC) that make it suitable for intensified urban development
  - housing affordability in Queenstown is a critical issue for the District
  - the Variation will enable up to 2,400 new residential units as well as a commercial, educational and recreational facilities
  - the area faces significant existing transport constraints, particularly that State Highway 6 (SH6) and the Shotover Bridge are already at capacity during some peak hours.
2. The Variation proposes to manage the effects of growth on the transport network by:
  - staging development until appropriate infrastructure is in place
  - managing demand by providing more facilities and services on the east side of the bridge both for the new development and existing neighbouring subdivisions.
  - promoting medium- and high-density housing to create sufficient demand for higher frequency public transport services.

*You are now the decision maker on the Variation but there are some constraints on your ability to direct specific changes.*

3. Your options at this stage are set out in clause 84, Schedule 1 of the Resource Management Act 1991 (RMA). You can:
  - a. approve the Variation
  - b. refer the Variation back to QLDC for further consideration with or without specific recommendations for changes
  - c. decline to approve the Variation.
4. Your specific statutory considerations for this decision are summarised in the analysis table in Appendix 5. We note that the substantive considerations that you must have regard to relate to whether or not QLDC has complied with the procedural requirements in the SPP Direction, had regard to the Minister for the Environment's Statement of Expectations, and whether the Variation meets the requirements of the RMA and

relevant national direction made under it. In addition, you may have regard to the purpose of the SPP, and any other matters that you consider relevant.

5. In doing so, the recommendations of the Independent Hearing Panel (IHP), which are based on their hearing of and consideration of submissions and QLDC's reporting, forms the evidential basis for the version of the Variation you are being asked to consider.
6. The IHP consider the Variation meets the requirements of the RMA. Officials have reviewed the relevant information provided against the statutory criteria to advise you on whether the requirements of a SPP and the RMA have been met.
7. In having regard to "any other matter", however, it should be noted that QLDC's recommendations have been through an extensive hearings process as well as previous consultation on the Masterplan. [REDACTED]  
[REDACTED]
8. [REDACTED] This could lead to delays to the process and to achieving its objectives to deliver more housing in Queenstown. This should be weighed against the purpose of the SPP (ie, the significance of any changes proposed needs to be considered in light of delays that may be caused by addressing them at this stage).
9. While you are able to refer the Variation back to QLDC with specific recommendations for changes, these changes need to be within scope of the Variation.
10. There is no specific timeframe within which you must make your decision. However, there is a general duty under section 21 of the RMA to avoid unreasonable delay and your decision should consider the purpose of a SPP.

## Analysis and advice

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*It is likely to be appropriate for you to approve this Variation once some matters have been resolved by QLDC.*

11. Having reviewed the final recommendation report, we consider QLDC has in general taken an appropriate approach in their consideration of the issues, has had regard to the Minister for the Environment's Statement of Expectations, and has addressed the relevant statutory requirements. There were some minor non-compliances with deadlines in the Direction but we do not consider these significant enough to impact your ability to approve the Variation.
12. Because there is no right to appeal the Variation if you approve it<sup>5</sup>, we recommend that you refer the Variation back to QLDC for further consideration to address the matters

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<sup>5</sup> The only appeals that can be made on a SPP relate to notices of requirement, designations or heritage protection orders. There are no notices of requirement or heritage protection orders in the Variation area and the scope of the Variation does not include changes to the two existing designations held by QLDC so there are, in effect, no appeal rights on the Minister's decision on this SPP.



discussed below and summarised in Appendix 6, to ensure that any version of the Variation that you approve is robust and workable.

13.

[REDACTED]

14. The key changes that we recommend you seek relate to:

- a. reconsidering the planning method proposed to stage development until the necessary infrastructure to support it is in place. The proposed mechanism of using mandatory RMA resource consent conditions to restrict the ability of developers or landowners to apply for Code Compliance Certificates (CCC) under the Building Act 2004 is likely to be beyond the powers of RMA district plans
- b. technical drafting matters on several points where information may have been omitted or is not sufficiently clear.

21. We also recommend that the matters you refer back to QLDC are drafted broadly enough to give them sufficient scope to make consequential amendments and to address other matters related to the implementation of the staging provisions or other technical drafting matters that QLDC may have identified since they submitted their reports.

*The main mechanism used to link development staging to SH6 upgrades may be ultra vires*

[REDACTED].

15. The proposed Variation rules for development in most of the Variation area require that resource consents include a condition requiring that a CCC under section 92 of the Building Act 2004 must not be applied for before specified transport infrastructure upgrades are completed.

16.

[REDACTED]

17. Finding a different method for the staging provisions will likely require complex changes to the Variation. However, QLDC does have other feasible options as these types of provisions are not uncommon in other plans.

*There are technical errors in some provisions as drafted that will create challenges for implementation of the Variation.*

18. There are some technical errors in the version of the Variation sent for your approval (see Appendix 6). Most of these are typos and formatting errors.

*We have concerns that unclear timing and relationships between infrastructure provision and development could make delivery challenging.*

19. The number of buildings that can be developed in the Variation area is linked to development of a high school and upgrades to SH6. If development cannot proceed (or

has significant obstacles to proceeding) until that infrastructure is in place, implementation would be delayed.

20. Some key infrastructure to unlock development is not funded in the current Budget. QLDC would also have scope if the Variation is referred back to seek updated information from NZTA and the Ministry of Education and give further consideration to how it will ensure there is a clear pathway forward to achieving the Variation's objectives.
21. There are some pathways now (eg, developers could decide to fund the bus lane upgrades themselves or could decide to apply for non-complying resource consents to proceed with development ahead of upgrades) but these are more costly and uncertain.

*While referring the Variation back to QLDC would create some delays it can also reduce the need for QLDC to make further changes outside the SPP.*

22. If you decide to refer the Variation back to QLDC, it will be up to them to decide on the process that they wish to use to reconsider the Variation in light of your reasons and recommended changes consistent with clause 86, Schedule 1 of the RMA. [REDACTED]

23. Referring the Variation back to QLDC on the matters identified would be consistent with the purpose of the SPP. We have sought to limit the recommended matters for referral to what is absolutely necessary to implement the Variation and ensure that its objectives are achieved rather than an exhaustive review or list of specific recommended changes. This gives QLDC scope to amend other issues to achieve the same purpose and to identify the best options for addressing these matters from their perspective.

*The RMA requires that you inform QLDC of your decision in writing with reasons.*

24. We recommend if you decide to refer the Variation back to QLDC for further consideration, you provide the following reasons:
  - a. Further consideration by Queenstown Lakes District Council of the matters specified will be more likely to ensure that the Variation:
    - i. is clear and certain enough to enable its objectives to be met
    - ii. can be implemented effectively
    - iii. will achieve a well-functioning urban environment including maximising opportunities to enable housing
    - iv. stages development effectively to manage impacts on State Highway 6 (SH6).
25. In our view, the original SPP Direction does not need to be amended to reflect the additional time required for QLDC to respond to any changes you recommend because the 260 days specified in the Direction only applied to the time between notification and provision of QLDC's reports to you.

## Te Tiriti analysis

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26. The Ngāi Tahu Claims Settlement Act 1998 gives effect to the Ngāi Tahu Deed of Settlement 1997 signed by the Crown and Te Rūnanga o Ngāi Tahu with clauses relating to decision making under the RMA. Accordingly, Ngāi Tahu rūnanga may have a heightened interest in the matters addressed by QLDC through the Variation.
27. QLDC has involved the relevant rūnanga<sup>6</sup> through the development of the spatial plan and the Variation. Ngāi Tahu representatives sat on the working group that developed the Variation and the rūnanga supported the use of a SPP.
28. The SPP Direction required that:
  - a. the IHP include at least one panel member with knowledge, skills and experience in Ngāi Tahu values as relevant to the proposal.
  - b. QLDC continue to engage with the relevant Papatipu Rūnanga throughout the SPP.
29. QLDC appointed Hoani Langsbury to sit on the IHP. He has more than 14 years experience as an independent Iwi commissioner and has tribal affiliations with Ngāi Tahu.
30. The Papatipu Rūnanga and Te Rūnanga o Ngāi Tahu made a joint submission on the Variation and presented expert evidence at the hearing. The IHP largely accepted the relief sought in this submission.
31. The RMA does not specifically require you to consult on your decision on the SPP with Treaty partners but you have the option to do so. As a decision maker on the SPP, you must have regard to whether or not your decision meets the requirements of the RMA including Part 2 considerations. More detailed analysis on this point is provided in Appendix 5 with the assessment of the Variation against the statutory considerations.
32. Our advice in this instance is that it is not necessary to undertake further consultation at this time reflecting the extensive involvement that the Papatipu Rūnanga and Ngāi Tahu have had throughout the process to date and the specific consideration that has already been given to their views through the hearings process.
33. However, if you wish to refer matters back to QLDC for further consideration that are not in scope of the Variation as it was considered by the IHP's recommendations, then further consultation with Treaty partners may be necessary. This would particularly be the case if any changes touched on matters that they have signalled in their submission as being of interest to them such as the stormwater management regime.

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<sup>6</sup> Te Rūnanga o Moeraki; Kāti Huirapa Rūnaka ki Puketeraki; Te Rūnanga o Ōtākou; Hokonui Rūnanga; Te Rūnanga o Awarua; Te Rūnanga o Ōraka Aparima; and Te Rūnaka o Waihōpai.

## Other considerations

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### Consultation and engagement

34. We sought updates from the MoE and NZTA on the timing of delivery of the high school and SH6 upgrades in the New Zealand Upgrade Programme (NZUP) (which is now part of the Roads of Regional Significance work) following decisions on the new budget.
35. MoE responded that they are not funded in 24/25 for secondary school site acquisition in Queenstown and cannot speculate on what funding might become available in future budget years. They will continue to monitor demand to ensure that education accommodation is delivered when it is needed. They have written to QLDC and advised them of this position and expressed their preference that QLDC do not use development triggers tied to the construction of the high school.
36. NZTA responded that the “Queenstown Package” (formerly NZUP) has funding committed to a reduced scope from that originally proposed. Most of the remainder of the package has been submitted to the National Land Transport Plan (NLTP) for funding in 24-27 [REDACTED]. The final portion, which includes the dedicated westbound bus lane on SH6 from Howards Drive to the Shotover Bridge, has not yet been programmed.
37. They also expressed concerns about the timing of potential development in relation to speed limit reductions and intersection upgrades on SH6 when QLDC’s recommendations make SH6 upgrades a pre-requisite to enabling development in the majority of the Variation area.
38. You have also received correspondence from several stakeholders on the Variation. This includes:
  - a. support from a developer for the Variation as recommended by the IHP and seeking your urgent approval<sup>7</sup>.
  - b. concern about the capacity of the wastewater system to absorb the additional development<sup>8</sup> discussed at in Appendix 5.
  - c. concern about the traffic and amenity impacts of the Variation on existing neighbourhoods, impacts on the landscape values of Lake Hayes and Slope Hill, loss of highly productive land, and use of development for short term rental accommodation instead of affordable housing<sup>9</sup>. In our view, these matters have been considered by the IHP in their recommendations.
  - d. opposition to inclusion of the AHFT land<sup>10</sup> discussed in Appendix 4.
  - e. opposition to the use of development triggers to stage development<sup>11</sup> from a developer in the area. Our analysis of these triggers is discussed above.

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<sup>7</sup> CORM-2832

<sup>8</sup> CORM-2650

<sup>9</sup> CORM-2568

<sup>10</sup> CORM-2434

<sup>11</sup> CORM-2697

39. In general, this correspondence has not raised matters that have not already been considered by the IHP with the exception of implementation issues with the staging provisions as discussed above. The IHP considered these provisions in detail but introduced the final versions of them in their recommendations report. They sought comment on the draft report but as per the SPP Direction submitters were only able to comment on technical errors, not substantive decisions.

40.

## Risks and mitigations

41. There is significant local interest in the Variation, as evidenced by the correspondence you have already received, and the history of development pressure on TPLM.
42. There have been several consents<sup>12</sup> applied for within the TPLM area through fast-track consenting processes<sup>13</sup>. There is a risk if the decision on the Variation is delayed too long that other developers may seek to progress development in TPLM on a case-by-case basis without realising the intended benefits of the TPLM approach.
43. You can mitigate the risk of delays to the process by clearly defining what you are referring back to QLDC for further consideration and ensuring these are framed in a way that is answerable and proportionate to minimise unnecessary delay.

## Legal issues

44.

45.

## Financial, regulatory and legislative implications

46. No financial, regulatory, or legislative implications are associated with the proposals in this briefing.

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<sup>12</sup> Glenpanel Development Ltd for 429 Frankton-Ladies Mile Highway; Glenpanel Development Ltd for 14 Lower Shotover Road; Maryhill Ltd for 429 Frankton-Ladies Mile Highway.

<sup>13</sup> COVID-19 Recovery (Fast-track Consenting) Act 2020

## Next steps

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47. Your decision must be provided to QLDC in writing with reasons. A draft decision letter has been provided in Appendix 7 for you to sign.
48. Once QLDC has received your decision, it must—
  - a. reconsider the Variation in light of your stated reasons and any recommended changes
  - b. make any changes that it considers appropriate; and
  - c. resubmit the revised Variation to you.
49. Once the Variation has been resubmitted, we can provide you with advice to support your further decision making.

Appendices 1-2 Copies of the Clause 83 documents provided by QLDC required for the SPP These are already publicly available on QLDC's website

<https://www.qldc.govt.nz/your-council/district-plan/te-putahi-ladies-mile-variation/>

### Appendix 3 Gazette Notice setting out the SPP

This is already publicly available on the New Zealand Gazette website and MfE's website

<https://gazette.govt.nz/notice/id/2023-go1172>



## Appendix 4: Background to the application and summary of changes made through the hearing process

*Te Pūtahi Ladies Mile (TPLM), as a locally rare area suitable for potential intensified urban development near Queenstown, has faced pressure to develop for some time.*

1. The Variation will rezone approximately 120 hectares from its existing rural and rural lifestyle zoning to enable integrated urban development – specifically capacity for approximately 2,400 households, a commercial precinct, two local shopping centres, several schools and local parks and a large open space precinct. The Variation seeks to enable medium to high density residential development in particular.
2. Queenstown Lakes District is a high growth area which has faced long-standing housing affordability issues.
3. As one of a limited number of areas near Queenstown that contains flat, developable land not in an Outstanding Natural Landscape (ONL) or Outstanding Natural Feature (ONF)<sup>1</sup>, with no significant identified natural hazards, and feasible access to infrastructure servicing, there has been significant development pressure on the Te Pūtahi Ladies Mile area for some time.



Figure 1 Study area for Te Pūtahi Ladies Mile masterplanning exercise showing the site context. The Variation as notified included most of this area but excluded the Country Club and rural land to the east along Waiwhakaata/Lake Hayes (see Figure 2 below for the final recommended Variation area)

*A number of planning exercises have been undertaken to promote well-integrated development.*

<sup>1</sup> 97% of the land area in Queenstown Lakes District is classified as ONL or ONF and subject to development controls to protect those features.

4. The area has been identified as a potential urban growth area since 2017 and went through a consultation process on a proposed non-statutory Masterplan in 2019. The Variation was proposed to introduce a Structure Plan into the proposed Queenstown Lakes District Plan (QLDP) which would give statutory weight to the integrated development approach sought in the Masterplan.
5. One of the reasons Queenstown Lakes District Council (QLDC) gave for seeking a direction for a SPP was because a number of individual developers were seeking to apply under the COVID-19 Recovery (Fast-track Consenting) Act 2020 for fast-track consents. There was a concern that this would lead to *ad hoc* development that would not achieve the kinds of integrated outcomes sought by the Masterplan.
6. QLDC applied in October 2022 to the Minister for the Environment for a direction to use a SPP for the Variation. The Direction was issued on 20 March 2023 (for a copy of the Direction see Appendix 3).

*The area faces some constraints, particularly traffic and stormwater management.*

7. The limited capacity of the Shotover Bridge to the west of the Variation area was identified as a key constraint on potential growth in this area. The Shotover Bridge is already at capacity at some peak times and there are no plans or funding to expand, upgrade, or replace the Bridge in the short to medium term.
8. The lack of services and facilities for the existing subdivisions at Shotover Country and the Lake Hayes Estate, particularly a supermarket and schools on the east side of the Shotover River, was identified as a contributing factor to the traffic congestion. 19% of the westbound traffic over the Bridge at the morning peak is for pupil drop off.
9. The Variation proposed to address this by enabling the development of additional commercial, educational and recreational facilities on the east side of the Bridge to reduce demand and by providing for a density of residential development that would support more frequent public transport services to the area.
10. The site is close to Waiwhakaata / Lake Hayes and the Shotover and Kawarau Rivers, and the approach to managing stormwater has been a key consideration through the various planning exercises. Waiwhakaata / Lake Hayes in particular has known water quality issues.
11. During the master planning exercise options for an integrated stormwater approach were explored but the Variation as notified deferred decision-making on stormwater to the consenting and development stage. Local *rūnaka* did not support this decision.
12. In the IHP's recommendation version, the Structure Plan now identifies an integrated stormwater approach and the Variation includes principles to give effect to Objective 2.1 of the National Policy Statement for Freshwater Management 2020 (NPS-FM) which sets out a hierarchy for the use of freshwater prioritising in the first instance the health and well-being of water bodies. The Variation includes policies and criteria which include giving effect to NPS-FM objectives including to restore the mauri of Waiwhakaata / Lake Hayes. The policies include avoiding stormwater discharges to Waiwhakaata / Lake Hayes except for overland flow in extreme weather events.

13. A QLDC Councillor and deputy chair of the Infrastructure Committee wrote to you after you received the reports expressing concern about the capacity of the Shotover Wastewater Treatment Plant to absorb the demand from the new development<sup>2</sup>. QLDC responded that their evidence to the IHP always acknowledged that upgrades would be required and reiterated their position that provision of wastewater infrastructure for the development is feasible.

*Advice to the Minister for the Environment on TPLM SPP has been provided in several stages.*

14. Ministerial decision making on SPPs happen in several stages as set out in clauses 76-78 and 84-87 of Schedule 1 of the RMA. The Ministry for the Environment's advice is usually provided in three stages.

Briefing	Ministerial decisions required	TPLM SPP
<b>Stage 1 Briefing</b> Decision to consult on use of a SPP and a draft Direction	<ul style="list-style-type: none"> <li>whether the application for a SPP is complete or if further information is required</li> <li>whether the application meets the 'entry criteria'</li> <li>whether the Minister should proceed to consult, the contents of the draft Direction, and with whom to consult.</li> </ul>	QLDC lodged its application in October 2022.  The Minister for the Environment decided to consult on a draft Direction in early February 2023.
<b>Further information briefing</b>	Required if the Minister decides to formally request further information following the Stage 1 Briefing.	This was not requested for the TPLM SPP.
<b>Stage 2 Briefing</b> Decision to use a SPP	<ul style="list-style-type: none"> <li>whether to give a Direction to use the SPP or decline the request</li> <li>if a Direction is issued, its final content.</li> </ul>	The Minister for the Environment decided to issue a Direction on 20 March 2023.  The Direction was gazetted on 30 March 2023.
<b>Stage 3 Briefing</b> Decision on the proposed planning instrument	<ul style="list-style-type: none"> <li>whether to:               <ul style="list-style-type: none"> <li>refer the proposed planning instrument back to the local authority with approval;</li> <li>refer the proposed planning instrument back to the local authority for further consideration with or without specific recommendations; or</li> <li>decline to approve the proposed planning instrument.</li> </ul> </li> </ul>	This is the stage we are currently at.

<sup>2</sup> CORM-2650

15. We have also included a flowchart of the SPP at the end of this Appendix for reference.

*Hearings have been held and recommendations reports have now been provided by QLDC for your consideration.*

16. In accordance with the SPP Direction, the Variation was publicly notified on 27 April 2023, submissions and further submissions were received and hearings were held in December 2023. The IHP prepared recommendation reports and QLDC then provided a copy of the Variation and the various reports required by clause 83(1) of Schedule 1 of the RMA for your consideration on 29 April 2024.

*The Independent Hearing Panel's report sets out how the key matters were considered.*

17. The IHP recommends that you approve the Variation. Their key reasons are that:

- a. Housing affordability is a significant resource management issue facing Queenstown
- b. The experts agree that TPLM site is an efficient location for future urban growth and has a combination of attributes that make it a scarce resource in the District for that purpose
- c. While the development will change the current rural character of the area, this is already somewhat compromised
- d. Development staging provisions and provision of more services, infrastructure and public and active transport facilities on the east side of the Shotover Bridge will be able to manage the traffic impacts of the Variation on SH6
- e. Effects on other sensitive receiving environments including Waiwhakaata / Lakes Hayes, the Shotover River, the Kawarau River, Slope Hill, and heritage sites in the Variation area can be managed.

*The IHP recommends some changes to the Variation as notified including additional staged development triggers and accepting submissions from neighbours' sites seeking inclusion in the rezoning.*

18. To manage the potential traffic generation impacts of the Variation, the IHP recommends introducing provisions that restrict development until specified thresholds have been met. For example, development that would result in more than 1,100 households before the high school is built would require a resource consent as a restricted discretionary activity.

19. Likewise, certain 'blocks' of the site (see Figure 2 below) can only be developed after specified upgrades to the transport network have been completed including bus priority lanes, bus stops, more frequent services and intersection upgrades.

20. Other changes introduced by the Panel include:

- a. Reducing the minimum densities in the High Density Residential (HDR) precinct from 50 households per hectare (hh/ha) to 40 hh/ha to avoid delays to uptake in that precinct



- b. Reducing the required building setback distances from SH6 to provide for a more urban character that would support reduction to speed limits and improve connectivity between residential suburbs on the north and south sides of SH6
- c. Removing the car parking maximums.

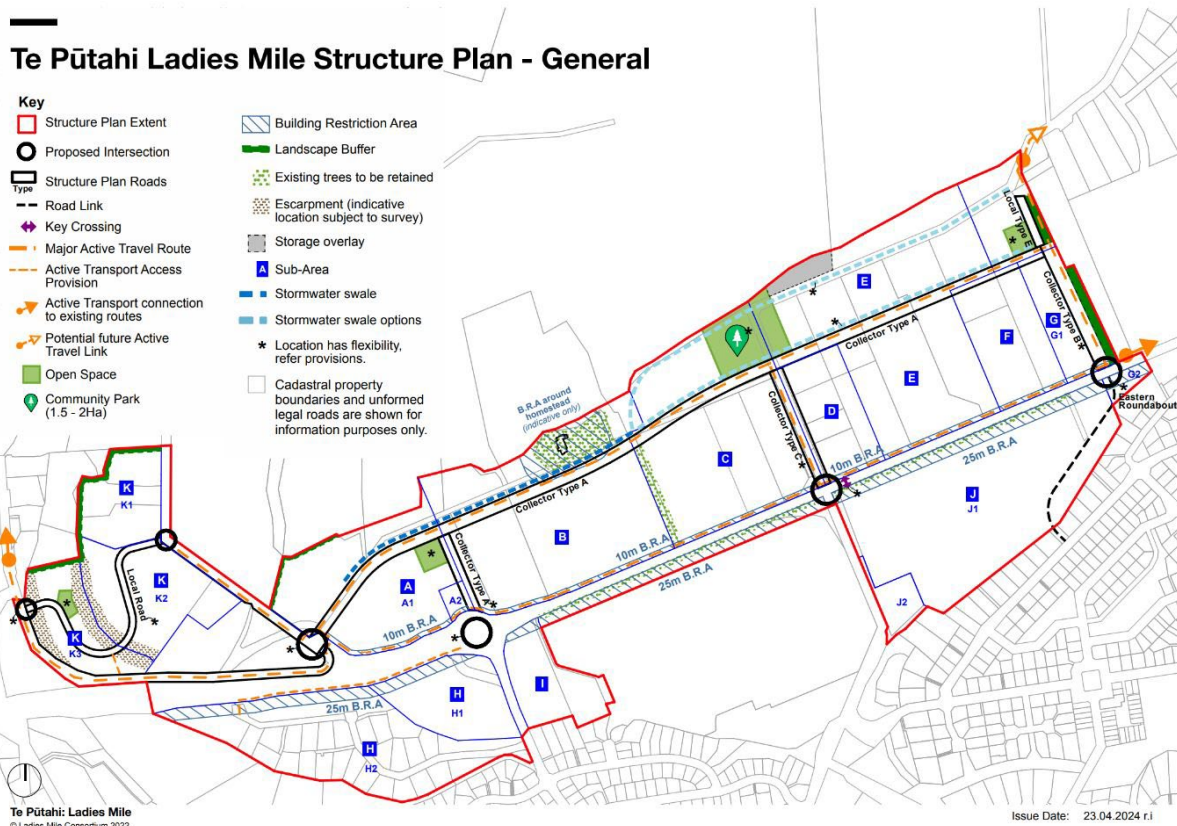


Figure 2 Structure Plan for Te Pūtahi Ladies Mile Variation as recommended by the IHP. See Appendix 2 for additional layers including zoning and building height controls.

The IHP's recommendations include additional areas in the Variation beyond what was proposed in the original SPP application from QLDC but this does not preclude your ability to approve the new Variation area.

21. The IHP recommended including an additional triangular area to the northwest of SH6 and Lower Shotover Road which increases the area of the Variation from what was notified by approximately 1/6<sup>th</sup>. This was in response to a submission by the Anna Hutchinson Family Trust and is referred to in the reports as the AHFT land. You received correspondence from a neighbour objecting to the inclusion of this area in the Variation<sup>3</sup> on the basis that the AHFT land was not included in the original reports and there was not adequate opportunity to respond to the submission seeking its inclusion.
22. We note that the IHP considered the impact of including the AHFT land at length through the hearings process including its effects on infrastructure. There was an opportunity for neighbours to participate in the hearing through the further submission

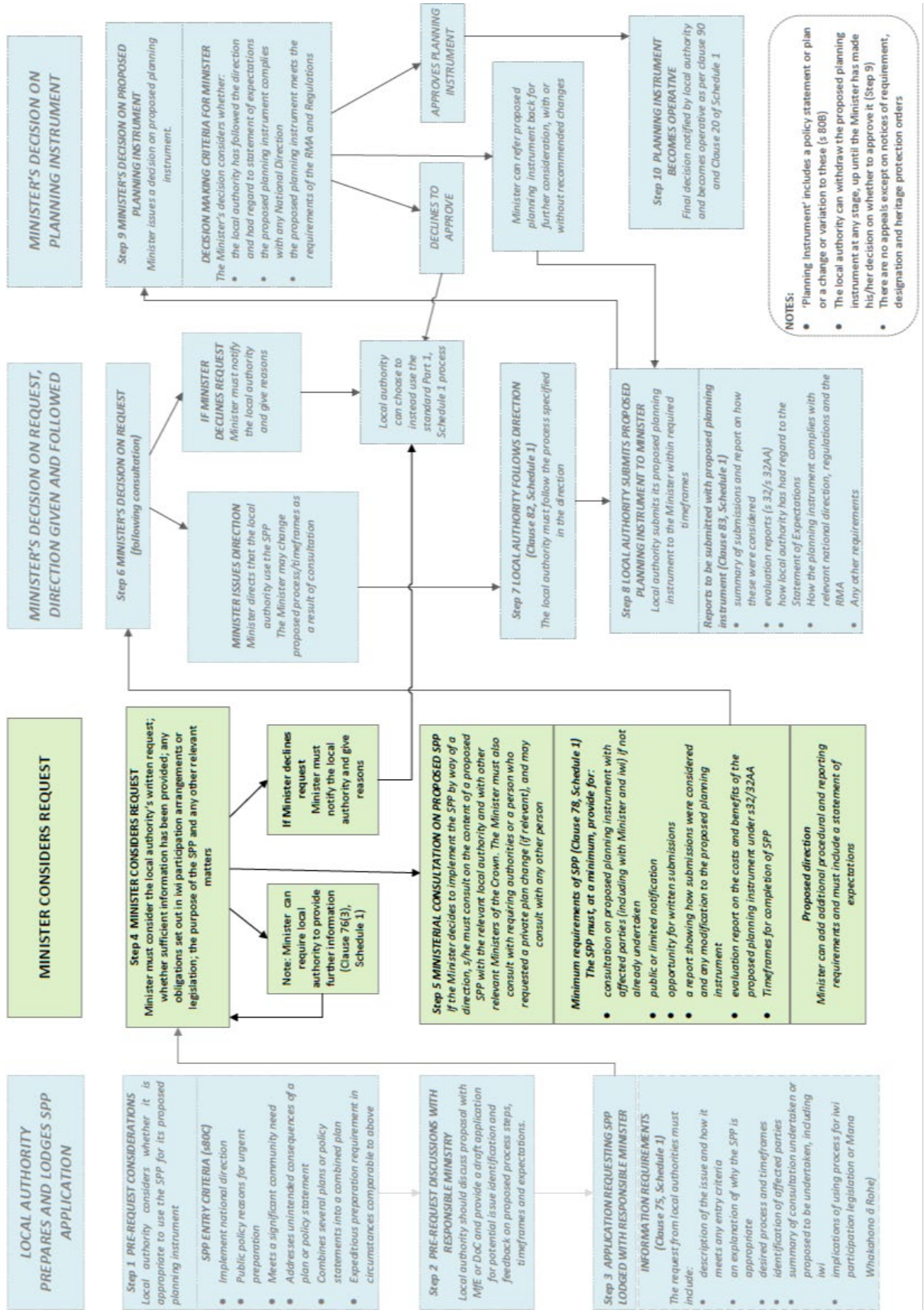
<sup>3</sup> CORM-2434

process and AHFT proactively served a copy of its submission to neighbouring properties to ensure that this opportunity was available.

23.

[REDACTED]

# SPP FLOWCHART



## Appendix 5: Officials' preliminary assessment against the statutory criteria

RMA statutory requirements	Summary of application	Officials' assessment
The Minister for the Environment must have regard to the following criteria:		
<p><i>Clause 83(1)</i></p> <p>The local authority must submit to the responsible Minister, within the time required by the Direction, the documents listed in Clause 83(1)</p>	<p>The Direction required no more than 260 working days between gazettal of the Direction (30 March 2023) and provision of the recommendations and reports. QLDC submitted all of the required documents on 29 April 2024, 256 working days after gazettal - 4 working days early.</p>	<p>This requirement has been met.</p>
<p><i>Clause 81(2)</i></p> <p>The territorial authority must consult the relevant requiring authority or heritage protection authority on the recommendations before it submits to the Minister information that relates to a requirement, designation, or heritage order.</p>	<p>The scope of the Variation does not include changes to notices of requirement, designations or heritage protection orders in the Variation area. There are only two designations in the Variation area both held by QLDC.</p>	<p>This requirement has been met.</p>
<p><i>Clause 84(2)(a)</i></p> <p>Whether and if so, how, the local authority has complied with the procedural requirements, including time frames, required by the Direction</p>	<p>Most of the substantive procedural requirements in the Direction have been met including the overall timeframes for the SPP, the required experience levels for the Independent Hearing Panel (IHP), and requirements to publicise the Direction.</p> <p>The Panel took an extra 10 working days to prepare its draft report (step 11). The Panel gave submitters an additional week to comment on the draft recommendations report (step 12). QLDC did not meet the ten working day deadline between receipt of comments suggesting minor corrections and providing</p>	<p>The intent of this requirement has been substantively met. While QLDC missed several internal process deadlines (steps 11-13), these were not by significant lengths of time within the context of the overall SPP and the overall timeframes for the process were met. We do not consider that any parties would have been disadvantaged by the additional time taken on several steps, particularly those giving them opportunities to flag technical errors, or that this was inconsistent with the purpose of the SPP.</p>



RMA statutory requirements	Summary of application	Officials' assessment
	<p>reports to the Minister (step 13). The reports still met the overall timeframes for the SPP.</p> <p>Other procedural requirements related to the experience of the IHP members. QLDC posted biographies of the Panel members on its hearings website<sup>1</sup>.</p> <p>QLDC was required to place the dates and anticipated timeframes for the process steps on a publicly accessible website and keep these updated.</p>	<p>We agree that the mix of skills and experience represented by the Panel members meets the requirements of the Direction.</p> <p>We agree that QLDC has met the requirements to make information about the SPP publicly available.</p>
<p><i>Clause 84(2)(b)(i)</i></p> <p>Whether the local authority has had regard to the statement of expectations</p>	<p>Appendix 5 to the reports provided by QLDC (in Appendix 2 to this Briefing Note) summarises how QLDC has had regard to the statement of expectations.</p>	<p>We agree that QLDC has had regard to the statement of expectations on the basis of the reports provided by QLDC. Our analysis of individual expectations follows.</p>
	<p><i>Expectation 1(a): TPLM Variation contributes to providing sufficient opportunities for the development of housing and business land to ensure a well-functioning urban environment including maximising opportunities to enable housing, particularly of the typologies identified as a shortfall in Queenstown's Housing Development Capacity Assessment 2021 (housing suitable for older households, smaller households, and lower and lower-middle income households).</i></p> <p>QLDC's view is that they have had regard to this expectation by providing for and setting minimum densities in Medium Density Residential (MDR) and High Density Residential (HDR) precincts at 40 dwellings per hectare (net).</p>	<p>We agree that QLDC has had regard to this expectation on the basis of the reports provided by QLDC.</p>


<sup>1</sup> <https://www.qldc.govt.nz/your-council/district-plan/proposed-district-plan/hearings/te-putahi-ladies-mile/>

RMA statutory requirements	Summary of application	Officials' assessment
	<p>They have sought to provide a well-functioning urban environment by providing for local commercial centres, schools and recreational facilities within the Variation area which will also improve integration and services with existing suburbs to the south of SH6.</p>	
	<p><i>Expectation 1(b): TPLM Variation ensures that future development will be undertaken in a manner which recognises the limitations of the existing transport network in this location.</i></p> <p>QLDC's view is that they have had regard to this expectation by introducing transport infrastructure triggers which limit development until specified upgrades to the transport network are in place. QLDC have also added a restriction on more than 1,100 dwellings until a new high school is completed.</p> <p>Adding commercial centres and education and recreation facilities on the east side of the Shotover River is also intended to reduce private vehicle trips by enabling more employment opportunities and access to services nearer to residents.</p>	<p>We agree that QLDC has had regard to this expectation on the basis of the reports provided by QLDC.</p>
	<p><i>Expectation 1(c): TPLM Variation ensures appropriate and feasible infrastructure is provided for in Te Pūtahi Ladies Mile Zone, including stormwater management that allows for future climate change impacts, and access to everyday needs through transport options that support emissions reduction (such as public and/or active transport).</i></p> <p>QLDC's view is that they have had regard to this expectation by requiring an integrated, centralised stormwater management system is developed in</p>	<p>We agree that QLDC has had regard to this expectation on the basis of the reports provided by QLDC.</p> <p>A QLDC councillor and deputy chair of their Infrastructure Committee wrote to you highlighting her concerns about limitations with the wastewater disposal field at the Shotover Wastewater Treatment Plant which is currently in breach of its consent conditions with the regional council. In her view, this called into question the</p>

RMA statutory requirements	Summary of application	Officials' assessment
	<p>accordance with guiding principles. They have used stormwater modelling predictions (RCP8.5) which make conservative assumptions about climate change impacts.</p> <p>Their evidence was that it will be feasible to provide drinking water and wastewater services to the area.</p> <p>The upgrades to the transport network and provisions of more local services as discussed above are anticipated to provide enhanced opportunities for public and active transport.</p>	<p>capacity of the Plant to absorb the additional wastewater demand from development in the Variation area.</p> <p>We wrote to QLDC for clarification and their view is that the evidence presented to the IHP acknowledged there was a need for upgrades to the wastewater system to service the new development. They maintain their position that providing wastewater servicing to the Variation area is feasible.</p> <p>We consider that sufficient information on the appropriateness and feasibility of wastewater servicing for the Variation area was provided to the IHP by a suitably qualified expert for you to conclude that QLDC has had regard to this expectation.</p>
	<p><i>Expectation 1(d): TPLM Variation ensures future development will be undertaken in a manner that recognises and protects sensitive receiving environments including in particular Slope Hill, Waiwhakaata/Lake Hayes and the Shotover River.</i></p> <p>QLDC's view is that they have had regard to this expectation by inclusion of stormwater provisions which include avoiding the adverse effects of stormwater on Waiwhakaata/Lake Hayes and avoiding the adverse effects of discharges to the Shotover and Kawarau Rivers.</p> <p>Slope Hill, an Outstanding Natural Feature (ONF) has been protected by ensuring that the Variation does not overlap with the ONF area. The provisions promote view corridors from SH6 to Slope Hill and to the Remarkables to the south.</p>	<p>We agree that QLDC has had regard to this expectation on the basis of the reports provided by QLDC.</p>

RMA statutory requirements	Summary of application	Officials' assessment
	<p><i>Expectation 1(e): QLDC will continue to engage with Te Rūnanga o Moeraki, Kāti Huirapa Rūnaka ki Puketeraki, Te Rūnanga o Ōtākou, Hokonui Rūnanga, Te Rūnanga o Awarua, Te Rūnanga o Ōraka Aparima, Te Rūnaka o Waihōpai and Waka Kotahi/New Zealand Transport Agency throughout the streamlined planning process.</i></p> <p>QLDC notes that it has continued to engage with NZTA on traffic modelling and transport infrastructure upgrades. It has also met with Kāi Tahu representatives to discuss the stormwater management approach.</p>	<p>We agree that QLDC has had regard to this expectation on the basis of the reports provided by QLDC.</p>
<p><i>Clause 84(2)(b)(ii)</i></p> <p>Whether the local authority has met the requirements of the RMA, regulations made under it, and any relevant national direction</p>	<p><i>Part 2</i></p> <p><i>Is the proposal consistent with Part 2 of the RMA including:</i></p> <ul style="list-style-type: none"> <li><i>a. promotes sustainable management</i></li> <li><i>b. recognises and provides for the matters of national importance in section 6</i></li> <li><i>c. has particular regard to the “other matters” in section 7</i></li> <li><i>d. takes into account the principles of the Treaty of Waitangi.</i></li> </ul>	<p>We agree that the Variation meets the requirements of Part 2 of the RMA (subject to the clarifications and changes discussed below being provided by QLDC).</p>
	<p><i>Has met the other RMA requirements for district plan making including section 31, section 32, section 32AA, and section 72-77B.</i></p>	<p>We agree that the Variation is consistent with the functions of a territorial authority under section 31 and that sufficient evaluation reports under section 32 and section 32AA have been prepared to support the Variation.</p>

RMA statutory requirements	Summary of application	Officials' assessment
	<p>The section 32 and section 32AA reports provided by QLDC summarise how the Variation has met RMA requirements for plan making.</p>	<p>QLDC has had regard to the appropriate matters to be considered when preparing a Variation as set out in section 74(2).</p> <p>We agree that QLDC has had regard to the Emissions Reduction Plan (ERP) and the National Adaptation Plan (NAP) (sections 74(2)(d) and (e)). While the analysis is primarily qualitative and could benefit from more detailed quantitative modelling of its anticipated outcomes, there is no explicit direction in the RMA or the ERP that 'having regard to the ERP' requires quantitative analysis.</p>
	<p><i>Has given effect to relevant national direction and regulations including:</i></p> <ul style="list-style-type: none"> <li><i>the National Policy Statement on Urban Development (NPS-UD)</i></li> <li><i>the National Policy Statement for Freshwater Management (NPS-FM)</i></li> <li><i>the National Policy Statement for Highly Productive Land (NPS-HPL).</i></li> </ul>	<p>On balance, we agree that the Variation (subject to QLDC addressing the clarifications and changes identified in our proposed recommendations) will give effect to the relevant national direction and regulations.</p> <p><u><i>National Policy Statement on Urban Development 2020 (NPS-UD)</i></u></p> <ol style="list-style-type: none"> <li>1. On balance, we agree that the Variation will give effect to the NPS-UD (subject to clarification or reconsideration on a few technical points).</li> <li>2. We agree with QLDC's assessment that the Variation will give effect to the objectives and policies of the NPS-UD (subject to the proposed recommended changes and clarifications discussed below). On the whole, it will create a well-functioning urban environment, improve housing affordability, enable people to live near well-served centres, and provide for integrated growth.</li> <li>3. We note that delivering on the outcomes sought by the Variation will be challenging because the area</li> </ol>

RMA statutory requirements	Summary of application	Officials' assessment
		<p>has multiple owners with different aspirations and timeframes for development. The IHP also noted in its report that the staging of the development depends on deliverables that are outside the control of QLDC and developers (delivery of the high school by the Ministry of Education and delivery of upgrades to SH6 by NZTA).</p> <p><i>There are several matters relevant to giving effect to the NPS-UD which we recommend should be referred back to QLDC for further consideration.</i></p> <p><u>Planning mechanisms used to stage development to manage transport impacts</u></p> <ol style="list-style-type: none"> <li>4. We note the implementation of the mechanisms staging development tied to delivery of transport infrastructure. In particular, we suggest it is likely to be ultra vires to use mandatory resource consent conditions to limit the ability of landowners to apply for Code Compliance Certificates under the Building Act 2004.</li> <li>5. There are alternative ways that the Variation could manage growth outpacing the capacity of the transport network. For example, QLDC could use deferred zoning instead of a Special Purpose Zone.</li> <li>6. </li> </ol> <p><u>Technical drafting matters</u></p>

RMA statutory requirements	Summary of application	Officials' assessment
		<p>7. We note that there are some technical drafting matters that could also be addressed by QLDC relating to implementation of the Variation to give effect to the NPS-UD or to clarify the intent of the provisions. For example, the version of the Variation provided by QLDC is missing the activity status which would tell applicants what type of resource consent they need to apply for if their proposed development does not meet the minimum density standards.</p> <p><i>We also note the following matters but do not consider it is necessary to refer the Variation back to QLDC to address them.</i></p> <p><u>Provisions specific to promoting housing affordability</u></p> <p>8. The provisions also do not specifically require affordable housing, but instead use density and limited built form standards as a proxy for affordability. It could be possible for the provisions to require additional work such as an assessment by developers on each development explaining how affordability or density targets might be met. However, it would be challenging to monitor and enforce these requirements and QLDC's approach here is generally consistent with other councils in New Zealand. On that basis, we do not consider it is necessary to refer this matter back to them</p> <p><u>Specific built form standards</u></p> <p>9. The Variation limits heights on the north side of SH6 to 8m in some areas. This can impact the intent of the IHP to maximise opportunities for housing and to enable an urban environment along</p>

RMA statutory requirements	Summary of application	Officials' assessment
		<p>the corridor. The Panel accepted evidence from urban design experts that this height limit was appropriate to retain views to the mountains while also creating a visual impression of entering an urban environment along the SH6 corridor to encourage slower traffic and safer intersection crossings.</p> <p>10. There are also some provisions promoting universal design, sustainable building construction methods and disability access which may have some overlaps with matters also considered under the Building Act 2004 at the building consent stage. This is not ultra vires where the district plan provisions have a different purpose or consider different matters to the purpose of and provisions under the Building Act. The Variation provisions are quite broadly defined and could potentially be drafted with a narrower focus but we consider in practice that this will not create significant enough inefficiencies to warrant referring the Variation back to QLDC on this point (eg, it could be addressed by practice notes developed by QLDC's consenting team).</p> <p>11. However, we do not consider that these issues are significant enough to mean that the recommendation version of the Variation will not give effect to the NPS-UD or Part 2 of the RMA and having regard to the purpose of a SPP do not recommend that you request QLDC amend them.</p> <p><u>Reliance on significant uptake of active and public transport to manage effects on SH6</u></p> <p>12. QLDC acknowledges that the kind of transport mode shift to active and public transport that will be</p>



RMA statutory requirements	Summary of application	Officials' assessment
		<p>required to minimise effects to the existing transport network are “aspirational” but not unprecedented. They cite Aspen, Colorado as an example of a community that has achieved comparable uptake. We consider that the IHP’s conclusions have been reached as a result of robust consultation and expert conferencing from a number of traffic engineers and that the IHP included sufficient expertise to draw a credible conclusion that it is feasible to manage these effects as proposed.</p> <p><i>The Variation gives effect to the other requirements of the NPS-UD as they apply to QLDC.</i></p> <p>13. As QLDC is a Tier 2 local authority under the NPS-UD and is not a specified territorial authority in the RMA, it is not required to implement the Medium Density Residential Standards (MDRS) in this Variation.</p> <p>14. We support the IHP’s recommendation to remove the car parking maximums as this is consistent with the requirements of the NPS-UD.</p> <p><u><i>National Policy Statement for Freshwater Management 2020 (NPS-FM)</i></u></p> <p>15. We agree with QLDC’s assessment that the Variation will give effect to the objectives and policies of the NPS-FM. On the whole, the Variation will provide for the integrated management of freshwater to improve the health and well-being of water bodies.</p> <p>16. We note the framing of Policy 49.2.2.5:</p>

RMA statutory requirements	Summary of application	Officials' assessment
		<p><i>When considering resource consent applications for development that infringes the Zone standards in the residential precincts, prioritise the achievement of housing density, (at higher densities than suburban) choice, and affordability and then support this by prioritising key environmental and ecological outcomes, and then achievement of high-amenity, high-quality outcomes for and along streets, open spaces, and private ways having the function of a road.</i></p> <p>17. This policy sets up a hierarchy of considerations that prioritises delivery of housing which could be read as inconsistent with the NPS-FM.</p> <p>18. However, we consider the risk is limited, in the context of consenting decisions limited to zones/precincts that have already been identified as appropriate for urban development, that this policy would be given more weight than other objectives and policies in the QLDP to protect freshwater values. On that basis, we do not consider it is necessary to refer the Variation back to the QLDC on this point.</p> <p><u><i>National Policy Statement for Highly Productive Land (NPS-HPL)</i></u></p> <p>19. We agree that the Variation will give effect to the NPS-HPL.</p> <p>20. As TPLM is identified in the Queenstown Lakes Spatial Plan as a Future Urban Area, the objectives and policies in the NPS-HPL do not apply to it. The AHFT land which was added later in response to a</p>

RMA statutory requirements	Summary of application	Officials' assessment
		<p>submission is zoned rural lifestyle so does not meet the definition of HPL in the NPS.</p> <p><u>Other national direction and regulations</u></p> <p>21. We agree that the Variation will give effect to the remaining national direction instruments and regulations made under the RMA.</p>
The Minister for the Environment may have regard to the following criteria:		
<p><i>Clause 84(3)(a)</i></p> <p>Consistency with the purpose of the SPP as set out in s80B</p>	<p>The purpose of the SPP is to achieve an expeditious planning process that is proportionate to the complexity and significance of the planning issues being considered.</p> <p>QLDC applied for a SPP for TPLM Variation on the basis that the Variation:</p> <ul style="list-style-type: none"> <li>• will implement a national direction instrument (the National Policy Statement on Urban Development 2020)</li> <li>• is urgent as a matter of public policy</li> <li>• is required to meet a significant community need.</li> </ul>	<p>We consider that approving the Variation is consistent with the purpose of the SPP and the reasons for directing this SPP (subject to QLDC addressing the clarifications and changes identified in our proposed recommendations).</p>
<p><i>Clause 84(3)(b)</i></p> <p>Any other matter relevant to the Minister's decision</p>		<p>We consider that there are other matters to note:</p> <p><u>QLDC's Urban Intensification Variation</u></p> <p>A related Urban Intensification Variation required to implement Policy 5 of the NPS-UD to enable greater heights and more density in certain locations was notified by QLDC on 24 August 2023, approximately one year</p>

RMA statutory requirements	Summary of application	Officials' assessment
		<p>later. Hearings have still not been scheduled. However, the TPLM Variation is a self-contained Special Purpose Zone with its own objective and policy framework which we consider gives effect to the NPS-UD. While there is some risk of misalignment with the decisions version of the other plan change on any objective or policy wording with District-wide applicability, we consider the risk of this is small as they are both giving effect to the same NPS wording.</p> <p>We note the potential intersects with the Urban Intensification Variation but do not consider that this process has significant weight on your decision making on the TPLM Variation.</p> <p>[REDACTED]</p> <p>[REDACTED]</p> <p><u>Pre-requisites for SH6 upgrades and high school delivery</u></p> <p>There are also pre-requisites for reducing the speed limit on SH6 to enable the intersection upgrades to unlock development. These include some initial urban development along the corridor to support changing the One Network Framework classification of that section of SH6 to enable a lower speed limit. Delivery of the high school also depends on sufficient demand in the catchment which assumes a certain level of development.</p> <p>If QLDC, in reconsidering the matters suggested to be referred back wishes to seek updates from the Ministry of Education or NZTA there is scope for them to do so.</p>



Appendix 6 Summary of matters referred back to QLDC for further consideration

This is the same table that appears in the letter in Appendix 7

# Hon Penny Simmonds

Minister for the Environment  
Minister for Tertiary Education and Skills  
Associate Minister for Social Development and Employment



22 AUG 2024

Mike Theelen  
Chief Executive  
Queenstown Lakes District Council  
Private Bag 50072  
QUEENSTOWN 9348  
mike.theelen@qldc.govt.nz

Dear Mike Theelen

## Decision on Te Pūtahi Ladies Mile Variation Streamlined Planning Process

Thank you for providing the required reports and documents under clause 83(1) Schedule 1 of the Resource Management Act 1991 (RMA) to support my decision-making on the Te Pūtahi Ladies Mile Variation (TPLM) Streamlined Planning Process (SPP).

Following Queenstown Lakes District Council's (the Council) completion of the process set out in the SPP Direction on 29 April 2024, I am **referring TPLM back to the Council for further consideration** under clause 84(1)(a)(ii) of the RMA without specific recommendations for changes. I have included a table as an attachment to this letter which sets out the matters referred back with an explanatory comment.

While I recognise the urgency and importance of addressing housing affordability in Queenstown, I want to ensure that the Variation is as robust and workable as possible. This is particularly important given there is no ability to appeal a decision to approve the Variation in this instance.

The reasons for my decision are as follows:

1. further consideration by QLDC of the matters specified will be more likely to ensure that the Variation:
  - a. is clear and certain enough to enable its objectives to be met
  - b. can be implemented effectively
  - c. will achieve a well-functioning urban environment including maximising opportunities to enable housing
  - d. stages development effectively to manage impacts on State Highway 6 (SH6).

In making this decision, I have had regard to the relevant considerations in clause 84 of Schedule 1 of the RMA.

In accordance with clause 86(3) of Schedule 1 of the RMA, you are now required to:

1. reconsider TPLM in light of my stated reasons and recommended changes; and
2. make any changes that the Council considers appropriate; and
3. resubmit TPLM to me.

The RMA does not prescribe a specific timeframe for your response. However, I know you are as conscious as I am of the need to ensure timely decision-making, in light of the important issues being addressed.

Please do not hesitate to contact Rebecca Scannell, Programme Director, Urban and Infrastructure Policy ([rebecca.scannell@mfe.govt.nz](mailto:rebecca.scannell@mfe.govt.nz)) to clarify any of the matters I am referring back for your consideration.

Thank you again for your work to date on this Streamlined Planning Process.

Yours sincerely

A handwritten signature in black ink, appearing to read 'Penny Simmonds', with a stylized, flowing script.

Hon Penny Simmonds  
**Minister for the Environment**

[See attached table for matters referred back for further consideration]



**Matters referred back to Queenstown Lakes District Council (QLDC) for further consideration under clause 84(1)(a)(ii) without specific recommendations for changes**

	<b>Matter</b>	<b>Explanatory comment</b>
1	<p><u>How development will be staged to manage effects on State Highway 6</u></p> <p>The Minister refers back to Queenstown Lakes District Council for further consideration the policies and methods (including rules) in the proposed Te Pūhahi Ladies Mile Variation intended to limit development and manage its consequential traffic generation effects on State Highway 6 (SH6) until the appropriate infrastructure (including a high school) is in place.</p> <p>This includes, in particular, the use of resource consent conditions limiting applications for Code Compliance Certificates (CCC) until specified transport infrastructure upgrades have been completed.</p> <p>If, in the process of reconsidering these policies and methods, the Council considers it is necessary to make consequential or otherwise related changes to the staging provisions in general and/or to reconsider how staging provisions align with the Variation as a whole, those changes would also be within scope of the matters referred back at this time.</p>	<p><u>Use of resource consent conditions limiting applications for Code Compliance Certificates (CCC) until specified transport infrastructure has been completed</u></p> <p>Using a mandatory resource consent condition to limit access to or to add criteria to a process set out as primary legislation under another Act such as the Building Act 2004 is likely to be beyond the legal powers available to district plans under the Resource Management Act 1991 (RMA).</p>
2	<p><u>Technical drafting matters</u></p> <p>The Minister refers amendments to address technical drafting matters to the proposed Te Pūhahi Ladies Mile Variation to improve the clarity of the provisions or to assist with their implementation</p>	<p>The Minister notes a number of technical drafting matters in the version of the Variation provided which range from typos to gaps in information or unclear wording that does not reflect the policy intent and that could affect implementation</p>

Matter	Explanatory comment
back to Queenstown Lakes District Council at this time for further consideration.	<p>The Minister for the Environment is not able under clause 84, Schedule 1 of the RMA to make specific changes to the Variation herself and requests that if QLDC has become aware of any technical drafting matters since submitting their reports that they use this opportunity to amend them.</p> <p>The Minister notes that there are in effect no appeal rights on this Variation if it is approved but that alterations of minor effect or correction of minor errors can also be addressed by QLDC under clause 16, Schedule 1 of the RMA.</p>