

THE HILLS RESORT LIMITED

Request for a Change to the Proposed Queenstown Lakes District Plan

14 November 2024

BROWN&COMPANY
P L A N N I N G G R O U P



The Hills Resort Limited: Request for a Change to the Proposed Queenstown Lakes District Plan

1. Introduction

1.1 Overview

The Hills Resort Limited (**THRL**) requests a change (the **Change**) to the Queenstown Lakes District Council's (**QLDC**) Proposed Queenstown Lakes District Plan (**PDP**), to change The Hills Resort Zone (**THRZ**) Structure Plan by amending the location and extent of existing Activity Areas, establishing ten additional Home Sites in the south of THRZ and providing for three new Activity Areas associated with the resort, along with consequential amendments to provisions arising from these changes.

The specific changes proposed to the PDP are:

- (a) Amend Chapter 47.1 of the PDP (THRZ Zone Purpose) as follows:
 - (i) Amend Section 47.1.2 Activity Areas to:
 - a. Include descriptions for the new Golf Training Facility (**GTF**), Sports Courts and Gardens (**SCG**) and Helipad (**H**) Activity Areas, and include minor updates to descriptions or names of other Activity Areas;
 - b. Delete the description for the Driving Range Activity Area and Activity Area A7, which have been removed from the Structure Plan;
 - c. Update the description of the Home Sites Activity Areas to include reference to the additional 10 new Home Site Activity Areas;
 - d. Include reference to visitor accommodation activity within the Clubhouse Activity Area;
 - e. Delete the reference to residential activity within the description for Activity Areas A3 and A6;
 - f. Include reference to residential activity within the description for Activity Areas A5 and A10;
 - g. Update the size descriptions of Activity Areas A1, A2, A4, A5, A6, A10, A11 and the Home Sites;
 - (ii) Include new Section 47.1.5 Structural Planting Framework to describe the role of the proposed Structural Planting Areas (**SPAs**) and include reference to these areas in Sections 47.1.1 and 47.1.2;
- (b) Amend Chapter 47.2 of the PDP (THRZ objectives and policies) as follows (amended text underlined for additions and ~~struck through~~ for deletions):
 - (i) Amend Policy 47.2.1.4 to include reference to a connection between Hogans Gully Road and McDonnell Road as follows:

47.2.1.4 *Require the provision of walkway and cycleway access through the Zone that connects Hogans Gully Road and McDonnell Road in the locations generally shown on the Structure Plan contained in Section 47.7.*

- (ii) Amend Policy 47.2.1.5 to include reference to the Golf Training Facility Activity Area:

47.2.1.5 *Provide for commercial activities within the Clubhouse Activity Area and the Golf Training Facility Activity Area that complement and are necessary to the functioning of the Resort, café, restaurants and licensed premises in Activity Area 9, and elsewhere across the Zone as part of the Visitor Accommodation amenities.*

- (iii) Amend Policy 47.2.1.8 to delete reference to the Clubhouse Activity Area and Activity Areas A5 and A10, and add reference to A3 and A6 as follows:

47.2.1.8 *Avoid the establishment of Residential Units in Activity Areas A1, A5 and A10 and the Clubhouse Activity Area.*

- (iv) Include a new Policy 47.2.1.13 for the new Sports Courts and Gardens Activity Area as follows:

47.2.1.13 Provide for Recreational and Commercial Recreational Activities and buildings, and ancillary structures and activities, for the use by visitors and residents of the Zone, in the Sports Courts and Gardens Activity Area.

- (iii) Include reference to SPAs in Policy 47.2.1.14 (b) as follows:

47.2.1.14 *Maintain the landscape character and visual amenity values of the Zone, including the values described in 47.1.3, by:*

a. ...

b. *Requiring the establishment of Landscape Amenity Management Areas (LAMAs) and Structural Planting Areas (SPAs) in accordance with the Structure Plan in Section 47.7 to ensure that the potential adverse effects of built form are avoided or mitigated, and to contribute to the amenity of the Zone; and*

- (c) Amend Chapter 47.4 of the PDP (THRZ activity rules) as follows:

- (i) Amend Rule 47.4.1 to include reference to the requirement to establish connection between Hogans Gully Road and McDonnell Road, remove the requirement for strict compliance with the Structure Plan location, and add an additional matter of control:

- (ii) Amend Rule 47.4.3 to delete Matters of Control (b) and (c) and add a new note to Matter of Control (d);

- (iii) Include new Rule 47.4.3A to require Controlled Activity consent for the establishment of any SPA identified on the Structure Plan;

- (iv) Amend Rule 47.4.4 to include reference to SPAs (if applicable) and new Rule 47.4.3A;

- (v) Consequential amendments to Rules 47.4.4, 47.4.5 and 47.4.11 to include reference to new Activity Areas GTF, SCG and HS6-16 and delete reference to Activity Area A7;

- (vi) Amend Rule 47.4.6 to include buildings for toilet facilities within Activity Area G as a Permitted Activity;
 - (vii) Include new Rule 47.4.6A to provide for specific buildings within Activity Area SCG (pergolas and pavilions for shelter and amenity; toilet facilities, greenhouses, café/restaurant and structures ancillary to recreational facilities) as a Permitted Activity;
 - (viii) Amendments to Rules 47.4.9 to 47.4.15 to update references to Activity Areas to reflect: the deletion of A7 from the Structure Plan; the removal of residential activity from A3 and A6; the addition of residential activity to A5 and A10; the addition of visitor accommodation activity to Activity Area C and HS1; and the removal of the requirement to retain Activity Areas S1 and S2 in the same ownership;
 - (ix) Amendments to Rules 47.4.17 to 47.4.20 to update references to reflect the new Activity Areas SCG and GTF;
 - (x) Deletion of Non-Complying Rules 47.4.5, 47.4.7, 47.4.22, 47.4.27 and 47.4.32;
- (d) Amend Chapter 47.5 of the PDP (THRZ activity standards) as follows:
- (i) Amend Standard 47.5.2 (Provision of walkway / cycleway) to describe the location of the walkway / cycleway on the Structure Plan as indicative;
 - (ii) Amend Standard 47.5.3 (Maximum Height – all Activity Areas except Activity Areas 4 and 5) to update the existing heights for Activity Areas A1, A6, A10 and A11; delete the reference to Activity Area A7; and add new height standards for Activity Areas HS6-HS15, GTF and SCG;
 - (iii) Amend Standard 47.5.5 (Maximum Height –Activity Areas 4 and 5) to update the existing height for Activity Areas A5;
 - (iv) Amend Standard 47.5.8 (Building Coverage – Homesites) to add coverage standards for Activity Areas HS6-HS15;
 - (v) Amend Standard 47.5.9 to update references to Activity Areas to reflect the new Helipad Activity Area and the removal of helicopter landings and take-offs from the Clubhouse Activity Area;
 - (vi) Amend Standard 47.5.10 (Building Coverage – Areas A1, A2, A3, A6, A7, A8, A9, A1, S1 and S2) to: delete reference to Activity Area A7; include reference to and add building coverages for Activity Areas GTF, SCG and C; and amend the building coverage for Activity Areas A1, A2 and A9;
 - (vii) Include new Standard 47.5.14A (Buildings in Activity Area SCG) as follows:
 - Buildings in Activity Area SCG
 - a. Buildings in Activity Area SCG shall be limited to:
 - i. pergolas and pavilions for shelter and amenity
 - ii. toilet facilities
 - iii. greenhouses
 - iv. café / restaurant
 - v. any structure ancillary to the recreational facilities, including fences

b. The maximum gross floor area of any building shall be 200m².

with a breach to be a Discretionary Activity.

- (viii) Amend Standard 47.5.17 (Residential Activity within Visitor Accommodation units) to delete reference to Activity Area A7;
- (ix) Amend Standard 47.5.18 (Residential Density in Activity Areas HS1-HS5) to include reference to new Activity Areas HS6-HS15;
- (x) Amend Standard 47.5.20 (Retail Sales) to include reference to new Activity Area GTF;
- (xi) Include new Standard 47.5.22 (Planting) as follows:

Planting

a. Within any LAMA established in relation to HS6 to HS15, all plantings shall be from the species identified in the Hills Resort Zone Plant List contained at Section 47.9.

b. Within any SPA, all plantings shall be from the species identified in the Hills Resort Zone Plant List contained at Section 47.9.

With any breach to be a Restricted Discretionary Activity with discretion restricted to the effects on landscape character.

- (e) Amend THRZ Structure Plan included at Section 47.7 to:
 - (i) Delete Activity Areas A7 and DR;
 - (ii) Add new Activity Areas H, SCG and GTF;
 - (iii) Add new Activity Areas HS6-HS15 with associated LAMAs;
 - (iv) Add new SPAs;
 - (v) Amend the size, extent and / or location of Activity Area 1, 2, 4, 5, 6, 10, and 11;
 - (vi) Amend the indicative location of the future cycle / pedestrian trail;
 - (vii) Add two new vehicle accesses: one on McDonnell Road to enable a separate access for construction vehicles during development of the resort and for delivery, maintenance and staff vehicles during operation of the resort; and one on Hogans Gully Road to provide access from Hogans Gully Road to HS9-14;
- (f) Amend the Indicative LAMA Plans included at Section 47.8 to reflect the changes to the Structure Plan;
- (g) Include a new Section 47.9 Hills Resort Zone Plant List;
- (h) Amend typographical and drafting errors in Chapter 47;
- (i) Consequential amendments to District Wide chapters:
 - (i) Amend Table 25.2 in Chapter 25 (Earthworks) to provide for the new Activity Areas HS6-15 and SPAs;

- (ii) Amend Rules 27.7.22.1, 27.7.23 and 27.7.24 in Chapter 27 (Subdivision and Development) to remove references to Activity Area A7 and include reference to HS6-15;
- (iii) Amend Rule 27.7.22.1 to include reference to Activity Areas C, G, GTF and SCG and a consequential amendment to matter of control (c) to refer to any LAMA;
- (iv) Amend Rule 27.7.22.1 to delete the requirement in matter of control (d) for planting to be physically completed for a minimum of six months to meet the definition of “established”;
- (v) Amend Rule 27.7.22.1 to delete matter of control (e) relating to staging of Activity Area 4;
- (vi) Amend Rule 27.7.22.1 to include reference to SPAs in matter of control (d) and (f) and include a new matter of control (g) to enable Council oversight of the establishment and effectiveness of any SPA;
- (vii) Amend Rules 27.7.22.1, 27.7.22.2, 27.7.23 and 27.7.24 to fix typographical and cross-referencing errors;
- (viii) Include the amended THRZ Structure Plan at Section 27.13.16.

The Request documentation is structured as follows:

- DOCUMENT 1:** This document, which contains the Request for the Change – overview of the requested changes, the site, the background to the Request, the Request, and the statutory framework for the Request under the Resource Management Act 1991 (**RMA**);
- DOCUMENT 2:** The Change – the relevant chapters of the PDP with the requested changes marked up as tracked changes;
- DOCUMENT 3:** The assessment of effects on the environment;
- DOCUMENT 4:** The evaluation under section 32 of the RMA; and
- DOCUMENTS 5 – 7:** The technical reports in support of the Change.

1.2 The Requestor

The Requestor is The Hills Resort Limited (**THRL**). The address for service of THRL is:

The Hills Resort Limited
 C/- Brown and Company Planning Group
 PO Box 1467
 QUEENSTOWN

Attention: Jeff Brown / Christine Edgley

T: 03 409 2258
 E. jeff@brownandcompany.co.nz
 E. christine@brownandcompany.co.nz

2. The Site

The Site is legally described as Lot 1 DP 501981 and Lots 1-5 DP 516022 and is contained within Records of Title 755877, 803676-803678 and 1068487-1068488.

The Records of Title are attached. The total land area subject to the Change is approximately 162ha.

The Site and environs, and the existing environment, are described in more detail in the Assessment of Environmental Effects ([DOCUMENT 3](#)) and the Landscape Assessment ([DOCUMENT 6](#)).

3. Background to the Request

The Hills golf course was progressively developed by the Hill family via resource consent between 2000 and 2007. Upon completion the course rated as the #2 golf course in the South Island, and within the top seven courses in New Zealand. The Hills is rated as a “marquee course” by NZ Golf Tourism and has been the tournament venue for the NZ Open on many occasions.

The Hills golf course is subject to a Special Zoning, named ‘The Hills Resort Zone’ (**THRZ**), which provides a zoning framework for the maintenance and further development of the golf course and the development of complementary resort facilities, including supporting and other recreational activities, clubhouse and restaurant facilities, visitor accommodation, staff accommodation, residential activities, plus a public pedestrian/cycle way through the resort to Arrowtown. THRZ was confirmed by the Environment Court via consent order in September 2021 and has been operative since that time.

The resort presently comprises the 18-hole championship golf course and a clubhouse but is otherwise mostly undeveloped. It is intended that further development that implements THRZ will be undertaken on a staged basis.

Since THRZ became operative, detailed planning work has been undertaken to position the 18-hole championship course as a course of greater international acclaim (a top 50 course within the southern hemisphere), the premier course in the South Island and a top five course nationally. The detailed planning work has determined that the current routing of the golf course could be significantly improved and that rerouting is necessary to achieve premier status.

While rerouting of the golf course is generally permitted under the current THRZ provisions, the rerouting will necessitate the reconfiguration or relocation of some of the development areas identified on THRZ Structure Plan. The details of and reason for these changes are set out in detail in the Design Statement ([DOCUMENT 5](#)).

In addition to the detailed planning work being undertaken for the golf course, planning work has also begun on resort facilities including visitor accommodation, residential accommodation, golf facilities and other recreational offerings. In light of the changes required to the Structure Plan as a consequential outcome of the rerouting of the golf course, THRL also seeks amendments to the Structure Plan and provisions to ensure these resort facilities are provided for. The amendments to the Structure Plan include additional Home Sites for residential accommodation, two new development areas to provide for golf training facilities and sports and recreation for visitors and residents, and a new specified location for helicopter take-off and landings.

In summary, the key reasons for the Request are:

- a. To ensure amendments to the location of Activity Areas arising from design changes to the golf course are reflected in the Structure Plan and provisions for THRZ; and
- b. To provide limited additional residential activity and additional recreational amenity for residents and guests of the resort.

These reasons are examined and analysed in [DOCUMENT 4](#).

4. The Change

The amendments proposed to the PDP are detailed above in Part 1 and in [DOCUMENT 4](#).

The amended provisions of THRZ and consequential amendments to District-Wide chapters are contained in [DOCUMENT 2](#).

5. Statutory framework under the Resource Management Act 1991 (Act)

5.1 Part 2 of the Act

The purpose of a district plan is to assist territorial authorities to carry out their functions in order to achieve the purpose of the Act (Section 72 of the Act). Part 2 of the Act sets out the Act's purpose and principles.

The purpose and principles of the Act are achieved by the outcomes promoted by this Change, as discussed below.

Section 8

Section 8 requires that, in achieving the purpose of the Act, all persons exercising functions and powers under it, in relation to managing the use, development, and protection of natural and physical resources, shall take into account the principles of the Treaty of Waitangi (Te Tiriti o Waitangi). The plan change request process will necessarily involve consultation with iwi authorities through the serving of notice in addition to the informal consultation already undertaken. The principles of the Treaty are therefore taken into account.

Sections 6 and 7

There are no relevant section 6 matters (matters of national importance).

The key section 7 matters (other matters to which regard must be given) are:

- (b) The efficient use and development of natural and physical resources:**
- (c) The maintenance and enhancement of amenity values:**
- (f) The maintenance and enhancement of the quality of the environment:**
- (g) Any finite characteristics of natural and physical resources:**

The Change is an efficient use and development of the natural and physical resources of the land given the existing physical infrastructure. The Change will maintain and enhance the amenity values and the quality of the environment, because of the location and design of the activities promoted in THRZ.

Land that has the various attributes of the land is a finite resource in the Basin and the zoning and associated provisions should reflect these attributes.

The Change therefore achieves the principles in section 7 of the Act.

Section 5

The purpose of the Act, in section 5, is:

5 Purpose

- (1) *The purpose of this Act is to promote the sustainable management of natural and physical resources.***
- (2) *In this Act, sustainable management means managing the use, development, and protection of natural and physical resources in a way, or at a rate, which enables people and communities to provide for their social, economic, and cultural well-being and for their health and safety while—***
 - (a) *sustaining the potential of natural and physical resources (excluding minerals) to meet the reasonably foreseeable needs of future generations; and***
 - (b) *safeguarding the life-supporting capacity of air, water, soil, and ecosystems; and***
 - (c) *avoiding, remedying, or mitigating any adverse effects of activities on the environment.***

When a person or community wishes to use resources to enable wellbeing and for their health and safety, they can only do so if the potential of that resource is sustained, its life-supporting capacity is safeguarded, and adverse effects on the environment are avoided, remedied or mitigated.

On the basis of the examination in Part 2.5 of **DOCUMENT 4**, the Change achieves the sustainable management purpose of the Act by enabling appropriate activities and development, and accordingly social and economic well-being, in a manner that: sustains the potential of the natural and physical resources of the site and the wider Wakatipu Basin, for future generations; will continue to safeguard the life-supporting capacity of air, water, soil, and ecosystems; and will avoid or mitigate potential adverse effects including effects on landscape and visual amenity values.

5.2 Section 73 and Schedule 1 to the Act

Any person may request a territorial authority to change a district plan (Section 73(2)), and the plan may be changed in the manner set out in Schedule 1. Clause 22 of Schedule 1 (Form of request) requires that the request:

- shall be made in writing and shall explain the purpose of, and reasons for, the change and contain an evaluation report prepared in accordance with section 32 for the change; and
- where environmental effects are anticipated, shall describe those effects, taking into account clauses 6 and 7 of Schedule 4, in such detail as corresponds with the scale

and significance of the actual or potential environmental effects anticipated from the implementation of the change.

The evaluation under section 32 of the Act is in [DOCUMENT 4](#).

The assessment of effects on the environment, addressing Clause 6 of Schedule 4 (information required in assessment of environmental effects); and Clause 7 (matters that must be addressed by assessment of environmental effects) is in [DOCUMENT 3](#).

Under Clause 25 of Schedule 1 the Council is to consider the request and may reject the request in whole or in part but only on certain grounds, as follows:

- (a) *the request or part of the request is frivolous or vexatious; or*
- (b) *within the last 2 years, the substance of the request or part of the request—*
 - (i) *has been considered and given effect to, or rejected by, the local authority or the Environment Court; or*
 - (ii) *has been given effect to by regulations made under section 360A; or*
- (c) *the request or part of the request is not in accordance with sound resource management practice; or*
- (d) *the request or part of the request would make the policy statement or plan inconsistent with Part 5; or*
- (e) *in the case of a proposed change to a policy statement or plan, the policy statement or plan has been operative for less than 2 years.*

The Council would not have adequate grounds to reject the request under clauses (a) – (d) above because:

- the request is not frivolous or vexatious;
- within the last 2 years, the substance of the request has not been considered by the Council or the Environment Court;
- the request accords with sound resource management practice;
- the request would not make the PDP inconsistent with Part 5 of the Act.

Under clause (e), THRZ provisions have been operative for more than 2 years¹.

5.3 Sections 75(3) and (4) and section 74(2)(a) of the Act

Under Section 75(3) a district plan must give effect to any national policy statement, any New Zealand coastal policy statement, and any regional policy statement.

The only National Policy Statements (**NPS**) with even limited relevance are the NPS-Freshwater Management and the NPS-Indigenous Biodiversity, which are addressed in Part 7 of the section 32 evaluation ([DOCUMENT 4](#)).

Under Section 74(2)(a) of the Act the *Otago Regional Policy Statement 2019* and the *Proposed Otago Regional Policy Statement 2021* are relevant. These are addressed in Part 6 of the s32

¹ The consent order resolving appeal ENV-2019-CHC-37 was issued on 7 September 2021, meaning three years has now passed since the zoning has been operative.

evaluation ([DOCUMENT 4](#)). In summary, the Change is consistent with and achieves the relevant objectives and policies of the relevant RPS's.

Under section 75(4) a district plan must not be inconsistent with a regional plan for any matter specified in section 30(1). The relevant regional plan, the *Otago Regional Plan (Water and Air)* is addressed in Part 8 of the s32 evaluation. In summary, to the extent that the regional plans are relevant, the Change is not inconsistent with them because the amended provisions of the District Plan will continue to give effect to the regional plans.

In relation to s74 (in addition to the matters in s74(2)(a)), the following have been given regard:

- Queenstown Lakes Spatial Plan 2021
- The Change does not give rise to any potential for trade competition.

Section 75 sets out the contents of district plans. All of the contents required to be included in a District Plan are included as it relates to this Change, as follows:

- the existing, settled objectives; and
- the policies to implement the objectives; and
- the rules to implement the policies.

Under s75(4), there are no relevant water conservation orders. Any consents required under the regional plan to give effect to the development enabled by the Change will be applied for at the time of subdivision and development.

The changes to the rules promoted in this Change are consistent with s76.

5.4 Any other relevant provision of an enactment

There are no other provisions of any enactments that are relevant to the Change.

6. Consultation

Informal consultation has been undertaken with the following parties:

- Queenstown Trails Trust;
- Neighbouring property owners; and
- Iwi authorities.

6.1 Queenstown Trails Trust

Discussions with Queenstown Trails Trust included the provision of topography data of the site to identify preferred trail alignment, and two site walk-overs with Queenstown Trails Trust representative Mark Williams on January and February 2024 to identify further trail alignment options.

It is anticipated that the Queenstown Trails Trust will be served notice of the Change as part of the notification under Schedule 1 of the Act.

6.2 Neighbouring property owners

THRL held informal discussions with neighbouring property owners. It is anticipated that the owners of the adjoining properties will be served notice of the Change as part of the notification under Schedule 1 of the Act.

6.3 Iwi authorities

Email correspondence, which included a broad overview of the proposed amendments to THRS provisions and a copy of the Structure Plan showing the amendments, was sent to Aukaha and Te Ao Marama Inc representatives.

It is anticipated that iwi authorities will be served notice of the Change as part of the notification under Schedule 1 of the Act.

7. Documents for the plan change

The following documents provide detail on specialist subjects to support the Change:

Document No.	Assessment / Discipline	Document name, author, company,	Date
DOCUMENT 1	Request for the Change	<i>The Hills Resort Limited: Request for a Change to the Operative Queenstown Lakes District Plan</i> Brown & Company Planning Group (Jeff Brown, Christine Edgley)	14 November 2024
DOCUMENT 2	The Change – Structure Plan changes and the provisions	<i>The Hills Resort Limited: Changes proposed to the Proposed Queenstown Lakes District Plan</i> Brown & Company Planning Group / RBT Design Limited	14 November 2024
DOCUMENT 3	Assessment of Effects on the Environment	<i>The Hills Resort Limited: Assessment of Effects on the Environment</i> Brown & Company Planning Group (Jeff Brown, Christine Edgley)	14 November 2024
DOCUMENT 4	Section 32 evaluation	<i>The Hills Resort Limited: Evaluation under Section 32 of the Resource Management Act 1991</i> Brown & Company Planning Group (Jeff Brown, Christine Edgley)	14 November 2024
DOCUMENT 5	Design Statement	<i>Design Statement</i> RBT Design Limited (Brett Thompson)	9 October 2024
DOCUMENT 6	Landscape Assessment	<i>Landscape Assessment Report</i> Boffa Miskell (Yvonne Pfluger)	8 October 2024

Document No.	Assessment / Discipline	Document name, author, company,	Date
DOCUMENT 7	Geotechnical Assessment	<i>Addendum Natural Hazards Assessment</i> Geotago Limited (Peter Forrest)	17 October 2024