

IN THE MATTER

of the Fast-track Approvals Act 2024 ("**FTAA**")

AND

IN THE MATTER OF

an application for approvals by Simplicity Living Limited ("**SLL**") to develop a comprehensively planned residential development at 10-12 Lower Shotover Road ("**Project**")

**LEGAL CONSIDERATIONS ON BEHALF
OF SIMPLICITY LIVING LIMITED**

7 AUGUST 2026

1. SUMMARY

- 1.1 This memorandum is provided on behalf of SLL in support of its substantive application under the FTAA for approvals to develop the Project ("**Application**"). The Project is a referred project under the FTAA and represents a unique opportunity to address Queenstown's acute housing crisis through a comprehensively planned, high-quality residential community.
- 1.2 Queenstown has a critical housing affordability issue. Given Queenstown's significance, this is a regional issue. This Project is unique in that it seeks to address this issue head on through the provision of affordable quality long-term rental housing stock.
- 1.3 The Project involves the development of a comprehensive residential community comprising approximately 1,100 residential units (in a variety of three-level walk up apartments and five to eight level apartment blocks), a commercial / retail centre, parking buildings, community spaces, public transport and road upgrades, and the infrastructure required to service the development. The Project will make a significant and lasting contribution to the district's well documented housing and rental crisis.
- 1.4 To authorise the Project, SLL seeks resource consents under the Resource Management Act 1991 ("**RMA**"), a wildlife approval under the Wildlife Act 1953 ("**Wildlife Act**"), and a concession under the Conservation Act 1987 ("**Conservation Act**").
- 1.5 Importantly, the Project area has already been through a comprehensive plan change process that rezoned the land for urban development. The potential effects of urbanisation were assessed and tested through that process, and the Project is aligned with the outcomes that Queenstown Lakes District Council ("**QLDC**") determined were appropriate for this land. The Project is also strongly aligned with QLDC's growth strategy as set out in the Spatial Plan 2021 which identifies Te Pūtahi Ladies Mile ("**TPLM**") as one of six priority development areas in Queenstown.
- 1.6 The Project delivers substantial regional benefits that strongly align with the purpose of the FTAA, including a direct capital injection of approximately \$461 million into the regional economy, broader economic activity of \$919 million, significant employment opportunities over the construction years, and critically, a major increase in housing supply and diversification of rental stock in a district that desperately needs both.

- 1.7 The Project is not opportunistic and has been developed to directly address the issue of housing affordability in Queenstown. Its effects have been thoroughly assessed, and any adverse effects of the Project will be appropriately avoided, remedied or mitigated through an extensive set of proposed conditions. There are no significant adverse effects, and certainly no adverse impacts sufficiently significant to outweigh the Project's regional benefits.
- 1.8 There has been an ongoing body of work to improve the wider transport network surrounding the TPLM area. Through the transport upgrades proposed as part of the Project, SLL is making a fair and reasonable contribution to this body of work and to the broader transport infrastructure required to support the anticipated development within the TPLM Zone. Because of this contribution, no additional transport conditions or improvements are required for the Project.
- 1.9 The Panel can have confidence that the Project achieves the purpose of the FTAA, and SLL respectfully requests that the Panel grant the resource consents, wildlife approval and concession to authorise the Project.

2. CONTEXT AND BACKGROUND

- 2.1 The Applicant, SLL, is a sophisticated and experienced developer that undertakes residential development on a build-to-rent basis, meaning it plans, constructs, funds, owns, and manages its housing developments directly. This model allows it to build at lower cost and retain properties over the long term rather than sell them on completion.
- 2.2 SLL's operations in New Zealand originated in Auckland and are now expanding into the Queenstown Lakes District, an area in dire need of more housing and rental options. SLL has purchased land along Ladies Mile to deliver a large-scale build to rent project on Ladies Mile.
- 2.3 The TPLM area is the corridor on the eastern approach to Queenstown, between Frankton and Lake Hayes. The area was historically characterised by rural, rural lifestyle and large lot residential zoning. However, QLDC promoted urbanisation of the area through the Ladies Mile Masterplan process, which contemplated a more comprehensive urban structure including medium and higher density housing, local centres, schools, open space, community facilities, and public transport improvements. The TPLM plan variation was proposed by QLDC to give statutory effect to this masterplan work. The plan variation became operative in December 2024 and rezoned approximately

120ha of land to a special purpose TPLM Zone which enables major urban development, including residential units, local centres, schools, community facilities, transport connections and open space.

- 2.4 This Application gives effect to the TPLM Zone and its anticipated outcomes. As the Project is largely aligned with the outcomes of the Plan Change process, the potential effects of the Project have, to a large extent, already been assessed and tested.

3. PROJECT OVERVIEW

Project details

- 3.1 A detailed description of the Project is included in the Application at section 5. In summary, the Project involves:
- (a) 1,085 residential units, delivered across forty buildings comprising walk-up terrace units and apartment blocks (ranging from three to eight storeys), with a mix of one, two and three-bedroom layouts to support a diverse resident community;
 - (b) four community buildings, a small-scale retail area (to be provided later), and landscaped internal courtyards and green spaces;
 - (c) two carpark buildings to support the development; and
 - (d) the provision of supporting transport and three waters infrastructure, both internal and external to the Site.
- 3.2 The Project is consistent with the outcomes contemplated by the TPLM Zone, which were comprehensively considered throughout the plan change process.
- 3.3 SLL is proposing to construct and deliver all infrastructure (including water supply, wastewater, stormwater and transport) necessary to support its development.
- 3.4 In terms of the transport infrastructure, SLL is proposing a range of transport upgrades within the existing road network and within the Site itself, including a new signalised intersection of SH6 with Stalker Road and Lower Shotover Road, construction of a westbound bus lane, additional upgrades to Lower Shotover Road, a collector road to access the Site from SH6, and shared paths to enable active mode transport internally and along SH6. These upgrades align with the broader body of work to improve the transport network

surrounding the TPLM area. SLL is making a fair and reasonable contribution to the transport infrastructure required to support development within the TPLM Zone.

- 3.5 Regarding the water supply and wastewater infrastructure, SLL is proposing to deliver the conveyance infrastructure (both internal and external) required to support its development and is seeking the necessary approvals for these works in its Application.
- 3.6 The Project is a referred project under the FTAA. SLL lodged its referral application on 10 April 2026, and the Minister for Infrastructure referred the project to the Fast-track on 3 June 2026. The Notice of Decision records that the referred project is to construct and establish a residential development under a build-to-rent model along Ladies Mile in Queenstown, on approximately 10 hectares at and adjoining 12 Lower Shotover Road. The project description involves:
- (a) Approximately 1,100 residential units, across a mix of three-storey walk up apartments and five to eight storey apartment buildings.
 - (b) Community facilities, including community rooms, indoor recreation and family spaces, open spaces and parks, and onsite car parking (including in buildings).
 - (c) Local commercial and retail activities.
 - (d) The provision of new internal roads within the site and upgrades to the external roading network.
 - (e) The construction of a signalised intersection and bus lane on State Highway 6.
- 3.7 All aspects of the Project are clearly covered within this Project description and the Project is entirely consistent with and reflective of the project that was referred to the fast-track process.

Approvals required

- 3.8 In order to authorise the construction and delivery of the Project summarised above, SLL through this Application seeks:
- (a) resource consents under the RMA;
 - (b) a wildlife approval under the Wildlife Act; and

- (c) a concession under the Conservation Act.

4. LEGAL CONTEXT

Decision making framework

- 4.1 Section 81 describes the decision-making framework under the FTAA. It provides that a Panel must, for each approval sought in a substantive application, decide whether to grant the approval and set any conditions or decline the approval.
- 4.2 For the purpose of making the decision, the Panel must consider a range of matters listed in section 81(2), and apply the following clauses:
- (a) for resource consent, clauses 17 - 22 of Schedule 5;¹
 - (b) for a concession, clauses 7 to 9 of Schedule 6; and²
 - (c) for a wildlife approval, clauses 5 and 6 of Schedule 7.³
- 4.3 The Panel must also act in a manner that is consistent with obligations arising under existing Treaty Settlements and customary rights recognised under the Marine and Coastal Area (Takutai Moana) Act 2011 and Ngā Rohe Moana o Ngā Hapū o Ngāti Porou Act 2019.⁴
- 4.4 In respect of section 7, it is only the Ngāi Tahu Claims Settlement Act 1998 ("**Settlement Act**") that applies to the Project area. The Panel is therefore required to give consideration to this and consider whether granting the approvals would comply with section 7.⁵ A summary of the relevant provisions of the Settlement Act is provided at section 4.3 of the Application.
- 4.5 The Application also assesses the Project against the planning documents recognised by relevant iwi authorities that apply to the Project area. As set out in section 7.4.7 of the Application, the Project can be constructed and operated in a manner that is generally consistent with the environmental and resource management outcomes sought by those documents.
- 4.6 Beyond the Treaty Settlements and iwi management plans described above, SLL has directly engaged with Ngāi Tahu in relation to the Project. SLL has

¹ FTAA, section 81(3)(a).

² FTAA, section 81(3)(f).

³ FTAA, section 81(3)(i).

⁴ FTAA, section 7, 82 and 84.

⁵ FTAA, section 82.

also entered into a Process Agreement with a range of Rūnaka to set out how SLL will engage with Ngāi Tahu in relation to the Project.

Weighting of considerations

- 4.7 A feature of the FTAA is the express weighting of considerations. This is contained in clause 17 of Schedule 5 in relation to RMA consents, and the equivalent provisions for assessment of applications for concessions and wildlife approvals are contained in clause 7 of Schedule 6 and clause 5 of Schedule 7 respectively.
- 4.8 In considering whether to grant SLL's RMA approvals, the Panel must apply clauses 17 to 22 of Schedule 5.⁶ Equivalent provisions are contained in clauses 7 to 9 of Schedule 6 for concessions, and clauses 5 and 6 of Schedule 7 for wildlife approvals.
- 4.9 Clause 17(1) of Schedule 5 provides that when considering a consent application and setting conditions (in accordance with clause 18), the Panel must take into account, giving the greatest weight to paragraph (a):
- (a) the purpose of the FTAA; and
 - (b) the provisions of Parts 2, 3, 6 and 8 – 10 of the RMA that direct decision making on an application for a resource consent (but excluding section 104D); and
 - (c) the relevant provisions of any other legislation that directs decision making under the RMA.
- 4.10 While this hierarchy approach is distinct from the RMA framework, the use of a hierarchy of considerations has precedent in other legislation. For example section 34(1) of the Housing Accords and Special Housing Areas Act 2013 ("HASHAA") similarly required decision-makers to give weight to the purpose of the HASHAA and the matters in Part 2 of the RMA in a prescribed order.⁷
- 4.11 Expert panels under the FTAA have adopted a generally consistent approach to the weighting exercise required under clause 17(1) of Schedule 5, as set out below:⁸

⁶ FTAA, section 81(3)(a).

⁷ Housing Accords and Special Housing Areas Act 2013, section 34(1).

⁸ For example, Wellington International Airport Southern Seawall Renewal Expert Panel decision dated 15 May 2026 at [89] – [91]; Bledisloe and Fergusson Wharf Extension Expert Panel decision dated 21 August 2025 at [121].

- (a) Each factor listed in clause 17(1) must be assessed individually. This individual assessment is important as it ensures a panel does not rely solely on the purpose of the FTAA at the expense of the other listed matters, for example environmental effects do not become less than minor simply because the project meets the purpose of the FTAA.
- (b) Once individual assessment has been completed of each factor, the panel must then stand back and conduct an overall weighting exercise in accordance with the prescribed weighting.⁹ As set out in the FTAA, the prescribed weighting requires a panel to give the greatest weight to the purpose of the FTAA.

Assessment of the Project against the purpose of the FTAA

- 4.12 The Panel must consider the national and regional benefits in relation to the Application, considering the facts before them. The Application provides an analysis of the Project against the purpose of the FTAA and concludes that the Project has a range of significant regional benefits.
- 4.13 The scale of the Project alone means it is significant in the context of the Otago Region. The Project will deliver approximately 1,100 new residential units as part of an integrated residential neighbourhood supported by community facilities, infrastructure, open space, and a local shopping centre. A development of this scale, delivering housing to address a significant affordability crisis in Queenstown, is clearly a project with significant regional benefits for the purposes of the FTAA.
- 4.14 From an economic perspective, the Project represents a significant investment in the TPLM area and Queenstown Lakes District and broader Otago Region. The Project will have significant wide-ranging economic benefits, including:
 - (a) \$461 million direct expenditure from the development and construction phase of the Project;
 - (b) \$919 million total Net Present Value of economic activity (direct, indirect, and induced) over the development and construction period;
 - (c) 912 FTE years of total direct employment over the development and construction period, and 40 – 50 permanent FTEs in property management and maintenance;

⁹ *Enterprise Miramar Peninsula Inc v Wellington City Council* [2018] NZCA 541 at [52] – [53].

- (d) 2,309 FTE years total indirect and induced employment over the development and construction period;
 - (e) An additional (approximately) 1,085 rental homes in a market which has grown by just 228 additional rentals per year; and
 - (f) Tenure security in a district with 24% annual worker turnover.
- 4.15 The Project will also have a range of (non-monetised) qualitative economic benefits including by delivering:
- (a) increased housing supply and capacity in Queenstown;
 - (b) Rental supply in the district's most undersupplied dwelling typology;
 - (c) Long-term, secure rental tenure;
 - (d) Labour market retention;
 - (e) Affordable rental housing; and
 - (f) Increased density around transport nodes and corridors to support need for improved public transport and associated mode shift.
- 4.16 As demonstrated above, the Project clearly has significant regional benefits.

Conditions

- 4.17 Under the FTAA, a panel must not set a condition that is more onerous than necessary.¹⁰
- 4.18 SLL has prepared an extensive set of proposed conditions, which are attached to the Application. These conditions have been drafted and developed over time, with input and engagement from SLL's technical experts. These conditions will adequately avoid, remedy and mitigate the adverse effects of the Project on the environment and are, in our submission, no more onerous than necessary.¹¹

Ability to decline approvals

- 4.19 Section 85 of the FTAA sets out the limited circumstances when approvals must or may be declined. None of these circumstances apply in this case.

¹⁰ FTAA, section 83.

¹¹ As required by FTAA, section 83.

- 4.20 Section 85(3) also provides that a Panel may decline an approval where there are one or more adverse impacts, and those adverse impacts are sufficiently significant to be out of proportion to the Project's regional or national benefits (after taking into account conditions). As set out in the Application, there are no significant adverse effects and no adverse impacts which would outweigh the Project's significant regional benefits.

5. CONCLUSION

- 5.1 In our submission the Panel can have confidence that the adverse effects of the Project will be appropriately managed through the proposed conditions, and the Project will achieve the purpose of the FTAA.
- 5.2 SLL respectfully requests the Panel grant the resource consents, wildlife approval and concession.

DATED 7 August 2026

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