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**BEFORE THE ENVIRONMENT COURT
AT CHRISTCHURCH**

ENV-2007-CHC

IN THE MATTER of the Resource Management Act
1991

AND

IN THE MATTER of an appeal pursuant to Clause
14 of the First Schedule of the
Resource Management Act 1991

BETWEEN **LAURENT RABOT**

Appellant

AND **QUEENSTOWN LAKES
DISTRICT COUNCIL**

Respondent

**NOTICE TO ENVIRONMENT COURT OF AN APPEAL ON A DECISION ON
PLAN CHANGE 10 UNDER CLAUSE 14 OF THE FIRST SCHEDULE OF
THE RESOURCE MANAGEMENT ACT 1991**

**ANDERSON LLOYD
LAWYERS
QUEENSTOWN**

Solicitor: Vanessa Walker

Appellant's Solicitor
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To: The Registrar
Environment Court
Christchurch

1. Laurent Rabot ("Appellant") appeals the decision of the Queenstown Lakes District Council ("Respondent") on Plan Change 10 of the Queenstown Lakes District Partially Operative District Plan ("District Plan").
2. The Appellant made a Submission on Plan Change 10.
3. The Appellant received notice of the Decision on 17 October 2007.
4. The Decision was made by the Respondent.
 - a. The Decision is in respect of improvements to the amenity values of the High Density Residential Zone ("HDRZ"), located within the Queenstown and Wanaka urban areas, amending the district plan in relation to objectives and policies, new sub-zones, changes to activity status, introduction of new rules, and changes to bulk, location and appearance of standards. The Appellant is appealing the decision in its entirety.
5. The Appellant is the owner of the land located at 80-82 Thompson Street, and is a Director of Buena Vista (2006) Ltd that owns the land located at 78 Thompson Street, Queenstown ("the Land"). The Land has been re-zoned from Sub-Zone B (as notified under Plan Change 10), to Sub-Zone C pursuant to the Plan Change 10 Decision (the "Decision"). The Appellant made a submission on the notified Plan Change provisions.

6. The reasons for the Appellant's appeal are:
- a. The Respondent erred in its assessment, conclusions and recommendations, in particular failing to adequately consider that the recommended provisions are not the most appropriate way:
 - i. to achieve the purposes of the Resource Management Act 1991 ("Act"); and
 - ii. of implementing the relevant objectives and policies of the District Plan.
 - b. The Respondent failed to properly identify, quantify or adequately analyse the factual situations existing prior to notification of Plan Change 10 and the anticipated outcomes of the recommended Plan Change 10 provisions, in particular consented but not yet built development which when built will change the existing character of the HDRZ.
 - c. The Respondent has failed to adequately consider bulk, location and topographical features in respect of the Sub-Zone C area of Thompson/Lomond/Glasgow Streets locality ("the Area"), in particular resulting in onerous constraints on developments from the following rules:
 - i. Multi-unit development activity status;
 - ii. Setbacks from road and internal boundaries;
 - iii. Continuous building length;
 - iv. Maximum building size (maximum building footprint);
 - v. Building coverage;
 - vi. Landscape coverage;

- vii. Height limits;
 - viii. Earthworks;
 - ix. Site Density.
- d. In drawing its conclusions the Respondent has erred in placing too much focus on residential amenity issues and has failed to clarify and distinguish between the purposes and intended outcomes of the HDRZ compared to the Low Density Residential Zone ("LDRZ") in the District Plan to the extent that:
- i. Plan Change 10 adversely impacts on the Appellant's and other landowners' ability within the Area to develop land within the HDRZ for activities within the purpose of the HDRZ, and to a higher density compared to the LDRZ; and
 - ii. By reducing the ability to develop to a higher density in the HDRZ, Plan change 10 blurs the distinction between the HDRZ and the LDRZ, with the result that the HDRZ is effectively a de facto LDRZ; and
 - iii. The Respondent has erred in increasing the Site Density provision in Sub-Zone C from 200m² as notified under Plan Change 10 to 350m² in its decision which is unreasonable and not within the continuum of submissions as no submission was made or has been heard to justify such an increase in Site Density.
- e. The Respondent also failed to provide adequate justification for re-zoning some Sub-zones and not others, in particular within the Area by incorrectly placing considerable weight on the number of submissions made by residents in the Area requesting Sub-zone C, and insufficient weight on the recommendations contained in the Section 32 Report for the Area and the Submissions in Opposition to Plan Change 10.

- f. The Respondent erred in its consideration of the District Wide issues under Part 4 of the District Plan as Plan Change 10 makes significant changes to Part 7 without addressing essential linkages with Part 4. Overall, the Respondent has failed to adequately address the extent to which the changes are or are not consistent with the District Wide Issues, Objectives and Policies of Part 4.

- g. The Respondent erred in finding that the matter of HDRZ height limits is beyond the scope of Plan Change 10 as it directly relates to the bulk and location provisions addressed by the Plan Change. Constraints resulting from the Plan Change in respect of site coverage and building footprint size, which do not reflect the significant range of topographical characteristics of the land contained within the HDRZ, can be suitably offset by an increased height limit.

- h. The Respondent erred in concluding that earthworks remain a restricted discretionary activity and that matters relating to earthworks in respect of ground level, that the Plan Change although encouraging excavation does not provide scope to the standards triggers for resource consent or status of earthworks activities.

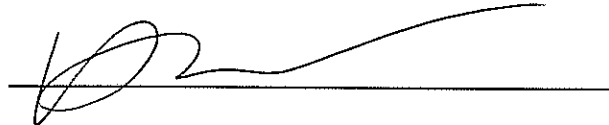
- i. The Respondent has failed to adequately consider that the HDRZ contains the majority of land zoned to provide for visitor accommodation and is therefore critical to the District's ability to provide for future visitor accommodation growth and to enable the resultant flow on to economic and social benefits for the District, and justifies the Community money spent on infrastructure such as the upgrading of the Queenstown airport to accommodate tourist / visitors, and the significant sum invested in attracting tourists to the District.

- j. The Respondent failed to adequately take into account the inconsistency and impact of the Plan Change 10 rules on established principles of urban growth – the essence of which is to consolidate growth in existing zones, and encourage compact urban form and higher density living environments in order to:
 - i. Protect the outstanding natural landscape and natural values of the District; and
 - ii. Achieve transport and energy efficiency.

- k. The Respondent's decision has failed to encourage comprehensive development as a development that exceeds three units per site that fully complies with the relevant rules in Part 7 of the District Plan shall be a restricted discretionary activity. The failure to encourage such development, which can be suitably provided for by the Appellant and others in the Area, results in:
 - i. Unreasonable development restrictions on the Appellant and others in the Area that economically inhibits the Appellants' ability and that of others in the Area to provide accommodation in a cost efficient manner which in turn creates pressure on the limited supply of land for urban growth; and
 - ii. Adverse economic and social consequences to the Appellant and others in the Area; and
 - iii. Contradiction with the principles and purposes of the Act which seek to achieve efficient use and development of natural and physical resources, and enable people and communities to provide for their economic and social well-being, and
 - iv. Negative effects on the vitality of adjoining urban centres from reduced residential density; and
 - v. Contradiction with the vision of the community as detailed in the District Plan.

7. The Appellant seeks the following relief:
 - a. That the Appeal be allowed and that:
 - i. Plan Change 10 be cancelled or withdrawn and that the original HDRZ rules be re-instated in respect of the Sub-Zone C Area.
 - b. In the event that the above relief is not granted, then the Appellant seeks the following relief:
 - i. That the Area is re-zoned to Sub-Zone B and that the provisions relating to Sub-Zone B as prescribed in the Decision apply subject to the relief requested in paragraph (ii) below.
 - ii. Alter the status of Multi-unit development exceeding 3 units from a restricted discretionary activity to a controlled activity.
 - iii. Such further additional, amended or consequential changes to any relevant part of the District Plan as are considered necessary to address the issues and concerns raised in this Appeal and relief sought.
 - iv. To amend or delete the provisions that are unreasonable and that go beyond the scope of the notified provisions.
8. The following documents are attached to this Notice:
 - a. A copy of the relevant decision.
 - b. A copy of the District Plan Rules as per the recommendations of the Respondent.
 - c. Sub-Zone Maps as attached to the Decision.

- d. A copy of the Appellant's original Submission.
- e. A list of all names and addresses of persons to be served with a copy of this Notice.



Vanessa Walker – Counsel for the Appellant

Date: 29 / 11 / 07

Advice to recipients of copy of notice of appeal*How to become party to proceedings*

You may be a party to the appeal if you made a submission on the matter of this appeal and you lodge a notice of your wish to be a party to the proceedings (in form 33) with the Environment Court within 30 working days after this notice was lodged with the Environment Court.

You may apply to the Environment Court under section 281 of the Resource Management Act 1991 for a waiver of the above timing requirements (see form 38).

How to obtain copies of documents relating to appeal

The copy of this notice served on you does not attach a copy of the Appellant's Submission or the Decision (and associated documents attached to the Decision) appealed. These documents may be obtained, on request, from the appellant.

Advice

If you have any questions about this notice, contact the Environment Court Unit of the Department for Courts in Auckland, Wellington, or Christchurch.

Schedule B – Persons to be served with a copy of this notice

Queenstown Lakes District Council

C/- MacTodd

PO Box 653

Queenstown

Queenstown Lakes District Council

C/- Scott Figenshow

Policy Analyst

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Baker, M. A.	180 Beacon Road		Wanaka
John Barton	16 Westburn Terrace	Burnside	CHRISTCHURCH
R. O. Boyd	1 Baker Grove		WANAKA
Vance and Carol Boyd	Box 53		QUEENSTOWN
Gregory and Jane Brick	19 Cornell Road		WELLESLEY, MA 02482 NEW ZEALAND
Jay and Jewell Cassells	5 Brisbane Street		QUEENSTOWN
Mark Chapman	C/- Grovely	RD2	Christchurch 8021
Anne Cooper	38 Helwick Street		Wanaka
J Crawford Anderson	9 Peak View Ridge		Wanaka
Fiona Crutchley	8 Helwick Street		Wanaka
Marie de Groot	100 Kings Drive		Wanaka
Joy Durrant	Body Corp Secretary 'Sesia Vista'	PO Box 10-982	WELLINGTON
Edwin Elliott	PO Box 1115		QUEENSTOWN
Stewart Fletcher	28 Missy Crescent	RD 3	CROMWELL
Dale Fluit	4 Elderberry Cres		Wanaka
Marilyn Fraser	1 Hunter Cres		Wanaka
Lucy Fullerton	Loess Lane		HAWEA FLAT
Adrienne Gardner	4 Kidson Lane		Wanaka
Goodman Steven Tavendale and Reid	PO Box 442		Christchurch
H & J Smith Holdings Limited	C/- J. Smith	H & J Smith Limited PO Box 1741	INVERCARGILL
Michael Harris	58 Hunter Road	RD 1	QUEENSTOWN
Tina Haslett	PO Box 204		ARROWTOWN
T E Hunt	23 Bills Way		WANAKA
IHG Queenstown Limited and Carter Queenstown Limited	C/- Philip Carter	PO Box 2726	CHRISTCHURCH
Carolyne Johnson	Stonebridge	188 Domain Road	QUEENSTOWN
Gerald Johnson	188 Domain Road		QUEENSTOWN
Helen Johnston	14a Little Oak Common		Wanaka
Janey Johnston	219 Lakeside Road		Wanaka
Rob Johnston	219 Lakeside Road		Wanaka
Shona Johnstone	99 Youghal Street		Wanaka

Ned Jolly	36 Upton Street		WANAKA
Mary Jowett	PO Box 999		QUEENSTOWN
Lynn Kane	22 Tenby Street		WANAKA
Richard Kane	22 Tenby Street		WANAKA
Martin Kennedy	50 Oregon Drive		QUEENSTOWN
Jack Kilpatrick	33 Faulks Terrace		Wanaka
Ngaire Kilpatrick	33 Faulks Terrace		Wanaka
Bill & Loris King	120 Brownston Street		WANAKA
Lake House Consultants	PO Box 515	193 Frankton Road	QUEENSTOWN
Alan Leahy	227 Riversdale-Waikaia Road		
Melinda Leahy	227 Riversdale-Waikaia Road	RD6	Gore
William Lee	18 Brinkburn Street		OAMARU
Sharron Lind	54 Bills Way		Wanaka
David Neil Little	5 Oakwood Place		Wanaka
Victoria Lund	PO Box 876		QUEENSTOWN
Gill and Rick Maclean	PO Box 295		WANAKA
Richard Mayes	PO Box 138		WANAKA
Sarah Mayes	P.O. Box 138	Wanaka New Zealand	
Donald McKinlay	PO Box 281	82 Golf Course Rd	Wanaka
Carolyn McPhee	24 Tenby Street		Wanaka
Tom McPhee	24 Tenby Street		WANAKA
Diana Meahen	8 Sycamore Place		Wanaka
Grant Meldrum	56 Panorama Terrace		QUEENSTOWN
Susie Meya	10A Tenby Street		WANAKA
Michael Morel	PO Box 1047		QUEENSTOWN
Murray Cockburn Partnership Ltd	23 McKerrow Place		Queenstown
Andy Nielson	9 Kennedy Crescent		WANAKA
Deborah Oding	Hayes Road	Ladbrooks RD 4	Christchurch
Rex Patton	Hayes Road	Ladbrooks RD4	CHRISTCHURCH
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Julie Perry	28B Fairlands Avenue	Waterview	AUCKLAND
Peter Flemming and Associates	PO Box 498		QUEENSTOWN
Dorothy Pittaway	9 Botting Place		Wanaka
Norman William Pittaway	9 Botting Place		Wanaka
A J Preen	335 Church Street		TIMARU

R Gould Family Trust	C/- B Gould	Anderson Lloyd	PO Box 201	QUEENSTOWN
Jennifer Reid	3 Waimana Place			Wanaka
Lynley Barkman Rodger	22 Wilely Road			Wanaka
Gwenda Ross	36 Upton Street			WANAKA
Leith Rowley	8/62 Tenby Street			Wanaka
Elizabeth Russell	26 Norman Terrace			Wanaka
William Russell	26 Norman Terrace			Wanaka
Murray Sheppard	21 Hedditch Street			WANAKA
Roma Simpson	10B Tenby Street			Wanaka
Ronald Simpson	10B Tenby Street			WANAKA
J.W.A Smith	PO Box 824			INVERCARGILL
E M Spijkerbosch	PO Box 247			QUEENSTOWN
Terry and Susan Stevens	2128 Gibbston Highway	RD1		QUEENSTOWN
Simon Stewart	Box 333			Wanaka
Gordon Robert Stretch	18 Stonebrook Drive			Wanaka
E. Patricia Stuart	32 Warren Street			WANAKA
J K Stuart	32 Warren Street			WANAKA
Beverley Sutherland	Aspiring Lodge Motels	16 Dunganvon Street		Wanaka
Ian Sutherland	16 Dunganvon Street			Wanaka
Graham Taylor	114 Shortcut Road	RD2		Wanaka
Robert Taylor	PO Box 600			QUEENSTOWN, 9197
Richard Thomson	975 Frankton Road			QUEENSTOWN
Dennis Thorn	PO Box 25-896	St Heliers		AUCKLAND
Whitney Thurlow	10a Tenby Street			WANAKA
Nicky Tompkins	PO Box 969			QUEENSTOWN
Transit New Zealand	PO Box 5241			DUNEDIN
Alexander Turnbull	19 Bills Way			Wanaka
Bert & Jenny Turnbull	80 Youghal Street			WANAKA
Joyce Turnbull	19 Bills Way			WANAKA
Bryan Lloyd Umbers	36 Dunganvon Street			Wanaka
Grant Umbers	45 Rata Street			Wanaka
Julie Umbers	45 Rata Street			Wanaka
Anne Urlwin	PO Box 259			WANAKA
Roger Urlwin	1 Blacksmiths Road			Wanaka
Fred Van Brandenburg	PO Box 2016			QUEENSTOWN
Brian Watt	80a Hunter Cres			Wanaka

Jocelyn Wilson	19 Blacksmiths Lane	Wanaka		
W J Wright	19 Berkshire Drive	Hyde Park	Avonhead	CHRISTCHURCH
Jamie Mackay	80 Ruia Street	Po Box 158		GORE
John Borrell	Phil Marshall	PO Box 1467		QUEENSTOWN
Brecon Street Partnership Ltd	C/- Brown & Pemberton Planning Group	PO Box 1467		QUEENSTOWN
Perron Developments Limited	C/- Brown & Pemberton Planning Group	PO Box 1467		QUEENSTOWN
Peninsula Road Limited	C/- Jeff Brown	PO Box 1467		QUEENSTOWN
Clearsky Mountains NZ Limited	C/- Clark Fortune McDonald & Associates	PO Box 553		Queenstown
Alta Apartments	C/- John Edmonds and Associates Ltd	PO Box 95		QUEENSTOWN
Belfast Corporation Limited	C/- John Edmonds and Associates Ltd	PO Box 95		QUEENSTOWN
Cadex Finance Limited	C/- John Edmonds and Associates Ltd	PO Box 95		QUEENSTOWN
J Leeder	C/- John Edmonds and Associates Ltd	PO Box 95		QUEENSTOWN
Stone Crest Apartments	C/- John Edmonds and Associates Ltd	PO Box 95		QUEENSTOWN
Clearsky Mountains NZ Limited and Medcentre Queenstown Limited	C/- Chris Ferguson	PO Box 553		QUEENSTOWN
Wensley Developments Limited	C/- Chris Ferguson	PO Box 553		QUEENSTOWN
Domicile Development Limited	C/- Scott Freeman	PO Box 1081		QUEENSTOWN
Chris and Tim Goodwin	C/- Scott Freeman	PO Box 1081		QUEENSTOWN
James Hadley	C/- Scott Freeman	PO Box 1081		QUEENSTOWN
Reefa Enterprises Limited	C/- Scott Freeman	PO Box 1081		QUEENSTOWN
Sebastian Smith	C/- Scott Freeman	PO Box 1081		QUEENSTOWN
Laurent Rabot	C/- Brett Giddens	PO Box 1081		QUEENSTOWN
Graeme Leonard	C/- Brett Giddens	PO Box 1081		QUEENSTOWN
Maximum Mojo Holdings Limited	C/- Brett Giddens	PO Box 1081		QUEENSTOWN
Queenstown Units Pty Ltd	C/- Brett Giddens	PO Box 1081		QUEENSTOWN
Queenstown Ventures Ltd	C/- Brett Giddens	PO Box 1081		QUEENSTOWN
Viking Properties	C/- Brett Giddens	PO Box 1081		QUEENSTOWN
595 Frankton Road Partnership	C/- Vanessa Walker	Anderson Lloyd Lawyers	PO Box 201	QUEENSTOWN
Bowen Street Enterprises	C/- Vanessa Walker	Anderson	PO Box 201	QUEENSTOWN

Limited		Lloyd Lawyers		
CDL Hotels Limited	C/- Vanessa Walker	Anderson Lloyd Lawyers	PO Box 201	QUEENSTOWN
Fox on the Hill Ltd	C/- Vanessa Walker	Anderson Lloyd Lawyers	PO Box 201	QUEENSTOWN
Highside Limited, Future Recovery Limited, The Phillip Sleigh Family Trust	C/- Vanessa Walker	Anderson Lloyd Lawyers	PO Box 201	QUEENSTOWN
Infinity Investment Group Limited	C/- Vanessa Walker	Anderson Lloyd Lawyers	PO Box 201	QUEENSTOWN
John Thompson and Mc Farlane Investments Limited	C/- Vanessa Walker	Anderson Lloyd Lawyers	PO Box 201	QUEENSTOWN
Brian Kreft	C/- Vanessa Walker	Anderson Lloyd Lawyers	PO Box 201	QUEENSTOWN
Stuart and Pam Maclean	C/- Vanessa Walker	Anderson Lloyd Lawyers	PO Box 201	QUEENSTOWN
Mondrian Property Limited	C/- Vanessa Walker	Anderson Lloyd Lawyers	PO Box 201	QUEENSTOWN
Pasadena Villas Queenstown Ltd	C/- Vanessa Walker	Anderson Lloyd Lawyers	PO Box 201	QUEENSTOWN
Youth Hostel Association of New Zealand Incorporated	C/- Vanessa Walker	Anderson Lloyd Lawyers	PO Box 201	QUEENSTOWN
Emma Jane Ltd	C/- Goodman Steven Tavendale and Reid	PO Box 442		Christchurch New Zealand
Olwyn Pezaro	C/- A M B Green	PO Box 240		AUCKLAND 1
5 Shotover Street	C/- John Edmonds and Associates Ltd	PO Box 95		QUEENSTOWN
Bumbles Backpackers	C/- John Edmonds and Associates Ltd	PO Box 95		QUEENSTOWN
Erin Property Ltd	C/- John Edmonds and Associates Ltd	PO Box 95		QUEENSTOWN
Goldfields Investments Ltd	C/- John Edmonds and Associates Ltd	PO Box 95		QUEENSTOWN
Heartland Developments Wanaka	C/- John Edmonds and Associates Ltd	PO Box 95		QUEENSTOWN

John Edmonds and Associates Ltd	PO Box 95	QUEENSTOWN
Milburn Trust Ltd	C/- John Edmonds and Associates Ltd PO Box 95	QUEENSTOWN
Mulwood Investments Ltd	C/- John Edmonds and Associates Ltd PO Box 95	QUEENSTOWN
Pinpoint Trustees Ltd	C/- John Edmonds and Associates Ltd PO Box 95	QUEENSTOWN
Pounamu Hotel Nominee Limited	C/- John Edmonds and Associates Ltd PO Box 95	QUEENSTOWN
Queenstown Lodge	C/- John Edmonds and Associates Ltd PO Box 95	QUEENSTOWN
Queenstown Villas Ltd	C/- John Edmonds and Associates Ltd PO Box 95	QUEENSTOWN
Queenwood Investments	C/- John Edmonds and Associates Ltd PO Box 95	QUEENSTOWN
Ray Harper - Lakeside	C/- John Edmonds and Associates Ltd PO Box 95	QUEENSTOWN
E Richeceour	C/- John Edmonds and Associates Ltd PO Box 95	QUEENSTOWN
Shotover Property Investments Ltd	C/- John Edmonds and Associates Ltd PO Box 95	QUEENSTOWN
Station Properties Ltd	C/- John Edmonds and Associates Ltd PO Box 95	QUEENSTOWN
Wanaka 57 Ltd	C/- John Edmonds and Associates Ltd PO Box 95	QUEENSTOWN
Watertight Investments Limited	C/- John Edmonds and Associates Ltd PO Box 95	QUEENSTOWN
Wimbledon Investments Ltd	C/- John Edmonds and Associates Ltd PO Box 95	QUEENSTOWN
Woodlot Properties Limited	C/- Carey Vivian PO Box 1559	QUEENSTOWN
Denis and Marilyn Columb	C/- Bryce Whiting PO Box 1043	QUEENSTOWN
Sharon Duncan	C/- Bryce Whiting PO Box 1043	QUEENSTOWN
Heather King	C/- Bryce Whiting PO Box 1043	QUEENSTOWN
G Kingston-Smith	C/- Bryce Whiting PO Box 1043	QUEENSTOWN
Ruth and Trevor Luzmoor	C/- Bryce Whiting PO Box 1043	QUEENSTOWN
Evan Patterson	C/- Bryce Whiting PO Box 1043	QUEENSTOWN
Kay Shaw	C/- Bryce Whiting PO Box 1043	QUEENSTOWN
Michael and Chris Stone	C/- Bryce Whiting PO Box 1043	QUEENSTOWN
A G Swan	C/- Bryce Whiting PO Box 1043	QUEENSTOWN
Leonie Sykes	C/- Bryce Whiting PO Box 1043	QUEENSTOWN
Tim Sykes	C/- Bryce Whiting PO Box 1043	QUEENSTOWN

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Shotover Park	C/- John Young

PO Box 1043	QUEENSTOWN
Brookfields	PO Box 240 AUCKLAND 1

**SUBMISSION ON PUBLICLY NOTIFIED PROPOSAL FOR
POLICY STATEMENT OR PLAN**

(Clause 6 of the First Schedule to the Resource Management Act 1991)

**QUEENSTOWN-LAKES PROPOSED DISTRICT PLAN
- PROPOSED PLAN CHANGE 10 -
SUBMISSION**

TO: The Principal: Policy
Civic Corporation Ltd
Private Bag 50077
Queenstown

Ph: (03) 442 4777
Fax: (03) 442 4778

NAME: Laurent Rabot

ADDRESS: 80 Thompson Street

**ADDRESS FOR
SERVICE:** John Edmonds and Associates Ltd
PO BOX 95
Queenstown
Attention: H Blackford

TELEPHONE: 03-409-0075
FAX: 03-409-0085
EMAIL: hannah@jea.co.nz

- 1. The specific provisions of the proposed plan change that my submission relates to:**

The submission relates to Proposed Plan Change 10 in its entirety.

- 2. My submission is:**

2.1 Summary

2.1.1 In summary this submission:

- a. Opposes PC10 in its current form on the basis that it has been inadequately researched, that the new provisions inserted by PC10 are inconsistent with the District Plan as a whole and the purpose of the High Density Residential Zone in particular, and that the outcomes will have significant adverse consequences for the District and the nation and are contrary to the purpose and principles of the Resource Management Act 1991 ("the Act").

- b. Proposes amendments to the District Plan to better implement the HDRZ to achieve beneficial social, economic and environmental outcomes for the District and the nation.

2.2 Inadequate Section 32 Analysis

2.2.1 The information used as the basis for PC10, as set out in the accompanying section 32 documentation, is cursory and anecdotal. It does not satisfactorily identify the exact nature of the perceived problem, whether it is a District-wide problem, or whether the problem is specific to certain locations in the District. At best the information provided about the perceived problem presents a reason for the Council to undertake further research to become more informed about the issues, but does not in itself provide justification for the changes proposed in PC10.

2.2.2 PC10 is misconceived and has not been properly assessed or justified under section 32 of the Resource Management Act 1991. In particular, the section 32 process for PC10 is inadequate in that it has not properly identified or evaluated alternatives, costs or benefits. The section 32 documentation:

- a. does not adequately examine whether PC10 is the most appropriate way to achieve the purpose of the Act;
- b. has not had sufficient regard to the efficiency and effectiveness of the new rules and whether they are the most appropriate method for achieving and implementing the relevant objectives and policies of the District Plan;
- c. does not adequately provide a risk assessment in relation to the uncertainty or insufficiency of the information about the subject matter.

2.2.3 The section 32 analysis does not properly identify or quantify the factual situation as it existed prior to notification of PC10 nor the anticipated outcomes of PC10. In particular:

- a. There is inadequate analysis of the extent to which consented but unbuilt development will, when built, change the existing character of the HDRZ.
- b. There is inadequate analysis of outcomes in terms of residential density and consequential effects on availability of residential accommodation.
- c. There is inadequate analysis of the effects reduced residential density will have on the vitality of the adjoining urban centres.
- d. There is inadequate analysis of outcomes in terms of the District's ability to provide for visitor accommodation.
- e. There is inadequate analysis of the economic and social consequences of the changes implemented through PC10.
- f. There is inadequate analysis of and justification for the significant additional restrictions imposed upon landowners as a consequence of PC10.

- g. PC10 proposes to introduce a number of new rules, and to modify existing rules, with the aim of "*improving amenity in the High Density Residential Zone*". The level of amenity as it exists, and the level that is perceived as desirable, have not been adequately investigated or defined. It is therefore difficult to determine if or how the proposed new regime under PC10 will achieve the outcomes it seeks to achieve, whether this outcome is appropriate in the Queenstown, Frankton and Wanaka contexts, and whether it is appropriate in some high density areas but not in others.

2.2.4 The Council has not undertaken sufficient consultation with stakeholders and landowners who have land and/or interests in the HDRZ.

2.2.5 PC10's narrow focus on residential amenity issues has resulted in other significant factors, such as the desirability of urban consolidation, the need for high density residential living environments, and the need to provide for future visitor growth, being overlooked or given insufficient weight.

2.2.6 PC10 purportedly excludes from consideration issues relating to visitor accommodation, zone boundaries, and whether the HDRZ is appropriately located. PC10 also does not address the possibility of other activities occurring within the HDRZ. However the extent to which PC10 adversely impacts on the ability to develop visitor accommodation, the extent to which PC10 adversely affects a landowner's ability to develop land within the HDRZ for activities within the purpose of the HDRZ, and the extent to which PC10 blurs the distinction between the HDRZ and the Low Density Residential Zone ("LDRZ") means that, in actual fact, PC10 does directly affect all those issues and accordingly they are all within the ambit of PC10.

2.3 Inadequate Analysis of Location and Topography

2.3.1 PC10 introduces the concept of subzones. While that concept has merit, the section 32 analysis is inadequate because:

- a. It does not provide adequate justification for the subzones which have been chosen.
- b. It does not provide adequate analysis of the different outcomes which will result from the subzones which have been chosen.
- c. Overall there is inadequate analysis of the topographical and locational characteristics which could provide the basis for a range of subzones anticipating different outcomes.

2.3.2 PC10 applies to HDRZ areas in Queenstown, Frankton and Wanaka without differentiating between Queenstown, Frankton and Wanaka. Different locational, topographical and community issues arise in Queenstown compared to Frankton compared to Wanaka. PC10 has failed to address those differences.

2.4 Failure to Consider District Wide Provisions

- 2.4.1 The District Plan is structured with Part 4 containing district wide issues, objectives and policies followed by subsequent Parts addressing different zones, including Part 7 which addresses residential zones. PC10 makes significant changes to Part 7 only without addressing essential linkages with Part 4 and without addressing the extent to which the proposed changes are or are not consistent with the district wide issues, objectives and policies in Part 4.
- 2.4.2 It is necessary that any plan change which makes such significant changes to the HDRZ also address the issue of consistency with Part 4 and make appropriate changes to Part 4 to ensure that the District Plan is internally consistent.

2.5 Constrain Ability to Provide for Growth in Visitor Accommodation

- 2.5.1 The international visitor industry comprises one of the primary bases of New Zealand's economic growth and creates significant economic benefits throughout New Zealand. Those economic benefits in turn create social benefits in terms of New Zealand's ability to provide for its needs in areas such as the provision of health services. The Queenstown District is recognised as one of New Zealand's premier international visitor destinations. As such the ability of the District to provide visitor accommodation is a matter of national importance.
- 2.5.2 The District Plan contains a number of provisions which emphasise the importance of enabling economic growth within the District and the significance of the visitor accommodation industry in providing economic growth within the District.
- 2.5.3 The HDRZ contains the majority of land zoned for provision of visitor accommodation and is therefore critical to the ability for the District to provide for future visitor accommodation and to enable the economic and social benefits which flow from economic activity generated by visitor accommodation.
- 2.5.4 The Queenstown District community is currently investing significantly in the provision of infrastructure to cater for anticipated growth in visitor numbers, such as approximately \$25 million being invested in upgrading Queenstown airport. The Queenstown District community, including both the private and public sectors, also invests significant sums annually in attracting visitors to Queenstown.
- 2.5.5 While PC10 does not change the controlled activity status of visitor accommodation within the zone, it imposes rules which effectively significantly inhibit the ability to provide visitor accommodation in a cost efficient manner. Accordingly PC10 in its current form is:
- a. Contrary to Part II of the Act.
 - b. Contrary to the provisions in the District Plan which anticipate that the District will continue to provide for visitor accommodation and for economic growth.

2.6 Inconsistent with Urban Growth Strategy

- 2.6.1 The District Plan contains a number of provisions in Part 4 relating to urban growth strategy which then flow through into Part 7 (Residential Zones) and Part 10 (Town Centres) and other parts of the District Plan. The essence of that urban growth strategy is of consolidating growth in existing zones, encouraging compact urban form and higher density living environments, and creating new zones specifically to provide for urban growth, in order to protect the outstanding landscape and natural values of the District. The provisions introduced by PC10 adversely impact on that objective to consolidate within existing zones and are inconsistent with the urban growth strategy detailed in Part 4 of the District Plan.
- 2.6.2 Research carried out by the Council indicates that existing residential capacity in the District is likely to be taken up by 2021. The changes introduced by PC10 will reduce the density of development enabled in the HDRZ which is likely to advance the date by which the District's residential capacity is used up. This is contrary to the urban growth strategy contained within the District Plan which seeks to consolidate and intensify urban growth in order to make efficient use of the land resource available to cater for residential living.

2.7 Contrary to Purpose of HDRZ

- 2.7.1 The purpose of the HDRZ as stated in Section 7.5.1.2 of the District Plan can be summarised as to make provision for higher density residential activity and visitor accommodation. PC10 makes no change to that purpose. However the provisions implemented through PC10 will adversely affect the ability to achieve that purpose and accordingly are contrary to the purpose of the HDRZ as stated in the District Plan.
- 2.7.2 PC10 provides an opportunity to strengthen policy support for the HDRZ in order to strengthen and clarify the purpose of the HDRZ and to strengthen the links between the objectives and policies and rules relevant to the HDRZ, all of which will assist to maintain and enhance the vitality of the urban centres.

2.8 Compounds Existing Inconsistencies within the District Plan

- 2.8.1 Prior to notification of PC10 there was a degree of inconsistency within the District Plan between various objectives and policies contained in Part 4 and Part 7 relating to residential zones. In particular there was a lack of clarity and distinction between the purpose and intended outcomes of the HDRZ compared to the purpose and intended outcomes of the LDRZ. PC10 compounds that existing degree of inconsistency by:
- a. Introducing rules which effectively turn the HDRZ into a de facto (and misnamed) LDRZ.
 - a. To some extent, particularly in relation to proposed Subzone C, introducing rules into the HDRZ which limit development to a lower density than allowed in the LDRZ.
- 2.8.2 By significantly reducing the ability to develop within the HDRZ, and by further blurring the distinction between the HDRZ and the LDRZ, PC10 creates a danger of growth pressures spilling into and adversely affecting the LDRZ.

2.8.3 The notification of PC10 creates an opportunity to address issues which existed prior to notification of PC10 to ensure that the District Plan consistently identifies and distinguishes the objectives for and outcomes anticipated from the HDRZ compared to the LDRZ.

2.9 Opportunity to Refine the HDRZ

2.9.1 Prior to notification of PC10, the HDRZ was a broad and undifferentiated zone. The same objectives, policies and rules applied to a variety of different areas with a variety of differing topography in a variety of different locations. The HDRZ failed to properly consider the factors of locality and topography in particular, and failed to achieve a variety of desirable outcomes capable of flowing from the locational and topographical characteristics of different areas.

2.9.2 PC10 attempts to address this issue by creating subzones. That concept is supported. However the rationale behind the subzones created by PC10 is difficult to determine, in relation to both choice of location and intended outcome. While it is a marginal improvement on the pre-notification situation, a more refined approach is both logical and possible.

2.9.3 PC10 provides an opportunity to further refine the HDRZ to create a range of subzones whose objectives and anticipated outcomes properly relate to, and derive from, locational and topographical characteristics.

2.9.4 PC10 provides the opportunity to review the location and boundaries of the HDRZ, to consider whether those boundaries should be extended or reduced in order to better reflect the development potential and/or desired character of specific areas, and to correct any anomalies which may have occurred at the time of the original zoning decisions.

2.9.5 PC10 provides an opportunity to differentiate Queenstown HDRZ areas from Wanaka HDRZ areas.

2.9.6 PC10 provides an opportunity through subzoning to achieve a greater variety of residential densities and outcomes than is currently achieved through the HDRZ.

2.9.7 PC10 provides an opportunity to review the activities enabled within the HDRZ and to consider whether the location of some HDRZ areas, particularly immediately adjacent to the urban centres, should be rezoned, or should have specific rules inserted which would enable a greater range of activities within the HDRZ within those specific areas.

2.9.8 The provisions of the HDRZ currently do not encourage comprehensive development of large sites because it is possible to have a development which fully complies with the relevant rules in Part 7 at land use consent stage but does not comply with the same rules when a subdivision consent is subsequently issued to create separate titles for buildings which have already been consented or built. This is illogical because effects arising from land use are addressed at land use consent stage. No effects arise when a subdivision consent merely creates titles for buildings already consented or built. PC10 provides the opportunity to remedy this anomaly in order to better facilitate comprehensive development of large sites.

2.10 Inconsistent with Transport Objectives

- 7.10.1 Queenstown faces particular challenges in the area of transport resulting from growth pressures. State Highway 6A between the urban centres of Frankton and Queenstown has capacity limitations. The community is considering public transport and mass transit options which are feasible, by land and/or by water.
- 2.10.2 There is a relationship between high density development and public transport/mass transit options in terms of the number of users required make such options economically viable. The efficient development of the HDRZ will assist in achieving public transport/mass transit services which the community has already indicated it wishes to achieve.
- 2.10.3 The provisions of PC10 significantly restrict the ability to develop the HDRZ. That outcome is counterproductive to achieving public transport/mass transit services.
- 2.10.4 PC10 is inconsistent with Part 7 policies which promote the use of compact urban form in order to reduce the need for vehicles and with Part 14 objectives and policies which promote urban consolidation in order to achieve transport and energy efficiency.
- 2.10.5 PC10 provides an opportunity to strengthen District Plan objectives and policies which promote urban consolidation in order to achieve transport and energy efficiency.

2.11 Promote Inefficient Use of Land

- 2.11.1 The District has a limited supply of land suitable for urban growth, particularly in the Wakatipu Basin in the vicinity of Queenstown and Frankton. Increasing growth pressures on that limited land resource has and will result in increased land prices which adversely affect the ability of residents to provide for their social and economic wellbeing in terms of access to residential accommodation. The provisions of PC10 will result in more inefficient use of that existing limited land resource. This is contrary to the purpose and principles of the Act which seek to:
- a. Achieve the efficient use and development of natural and physical resources.
 - b. Enable people and their communities to provide for their economic and social wellbeing.
- 2.11.2 The community's vision for the District summarised in Part 3.6 of the District Plan commences with the following statement:

"A sustainable District is efficient in the way it uses resources. It is likely to have compact urban centres and strong town centres or retail centres..."

The provisions of PC10 will result in less efficient use of a limited land resource and will adversely affect the ability to achieve and maintain compact urban centres and strong town centres. Accordingly the provisions of PC10 are contrary to the Vision of the community as detailed in the District Plan.

2.12 Unreasonable Restrictions

- 2.12.1 The Act encourages the efficient use and development of land subject to appropriate environmental constraints. PC10 imposes significant restrictions on the ability to develop land within the HDRZ without appropriate justification for those restrictions in terms of achieving desirable environmental outcomes. The extent to which the provisions of PC10 restrict the landowners' ability to use and develop land is not justified under the Act.
- 2.12.2 The proposed restrictions on garages within road setbacks does not take appropriate account of the efficient use and development of land, the topography in many areas of the HDRZ, the necessity or desirability of placing garages within road setbacks, and the relative lack of adverse environmental effect resulting from location of garages within road setbacks.
- 2.12.3 The proposed restrictions on fence heights within road setbacks does not accord appropriate weight to the interests of private landowners in relation to matters such as privacy compared to the interests of the general public.
- 2.12.4 The inclusion of an assessment matter requiring reference to a wide range of urban design guidelines is a scattergun and unfocussed approach which has little, if any, relevance or relationship to the particular urban design characteristics and factors relevant to the limited areas of HDRZ zoned land in the District.

2.13 Insufficient Consideration of Bulk and Location Provisions

- 2.13.1 PC10 introduces significant additional bulk and location constraints on development of buildings. While introducing constraints in some areas, PC10 did not also address the potential to offset those constraints by enabling provisions in other areas. eg: constraints in respect of site coverage or building footprint size can be offset by an increase in height limit so that a constraint in ability to develop in one direction is offset by an increase in ability to develop in another direction.
- 2.13.2 The HDRZ currently provides for an 8 metre height limit on land with slope less than 1 and 6 and a 7 metre height limit on land with slope greater than 1 and 6. While that is a differentiation, it is a blunt differentiation which does not adequately reflect the significant range of topographical characteristics of the land contained within the HDRZ. PC10 creates the opportunity to consider height issues in more detail, and, where appropriate, to increase height limits in specific areas to enable increased development where such height increases can be accommodated without significant adverse environmental effects.
- 2.13.3 PC10 requires greater provision of landscaped areas. This requirement reduces the ability to develop at ground level and above. The associated PC8 (Car parking) increases onsite car parking requirements. These two changes, separately and in combination, will encourage excavation to provide for buildings and car parking. However the HDRZ contains restrictive rules relating to earthworks, because they are restricted discretionary activities rather than controlled activities, which leads to public notification issues which inappropriately hinder development. PC10 creates the opportunity to change the status of earthworks activities from restricted discretionary to controlled. This would facilitate and enable development without resulting in adverse effects on the environment.

- 2.13.4 An issue also related to excavation and earthworks is the existing internal setback rules in the HDRZ which result in the illogical situation that parts of a building which are entirely underground, but which result in non compliance with setback distances or building coverage requirements, require consent in relation to breach of setback and building coverage rules despite the fact that there are no aboveground effects resulting from the breaches of those rules. PC10 creates the opportunity to amend the relevant rules to remove that anomaly.

3. Background

The submitter is the owner of the land located at 82 and 80 Thompson Street which is zoned High Density Residential. These properties are legally described as Lot 8 and Part Lot 25 Deposited Plan 7926 and Lot 8 Deposited Plan 11270 respectively, and held in Certificate of Title OT2D/633 and OT383/65 respectively.

The subject sites comprise a combined area of 0.2056 hectares. They are bordered by adjoining residential property and a combination of reserve and DOC land at the rear of the properties (part of the area to be used for the future Man Street bypass).

The applicant may wish to develop a 5-6 residential unit complex connected in a single-line building form over both sites at a later date.

4. I seek the following decision from the local Authority:

General Relief Requested

4.1 The Submitter seeks that PC10 be withdrawn or cancelled.

4.2 In the alternative, the Submitter seeks the following:

- a. That Part 4 of the District Plan be amended as detailed in Appendix A, or in such other manner as the consent authority considers appropriate to take account of and respond to issues arising for determination as a consequence of this Submission.
- b. That Part 7 of the District Plan be amended as detailed in Appendix B, or in such other manner as the consent authority considers appropriate to take account of and respond to issues arising for determination as a consequence of this Submission.
- c. That the subzones within the HDRZ be further refined to create a greater number and/or variety of subzones containing provisions which better reflect the locational and topographical aspects of the different areas within the HDRZ.
- d. That the rules introduced by PC10 be amended or deleted as detailed in Appendix C.
- e. That the rules relating to earthworks applicable in the HDRZ be amended as detailed in Appendix D.

f. That the following exception be inserted into following Rules:

- Rule 7.5.5.1.i Building Coverage.
- Rule 7.5.5.1.iii Setback from Roads.
- Rule 7.5.5.1.iv Setback from Internal Boundaries.
- Rule 7.5.5.1.vi/vii Continuous Building Length (as applicable in the HDRZ).
- Rule 7.5.5.1.xvii Landscape Coverage.
- Rule 7.5.5.1.xviii Fence Heights.
- Rule 7.5.5.2.ii Building Coverage.
- Rule 7.5.5.2.iv Site Density in the HDRZ.
- Rule 7.5.6.1.ii Setback from Roads.
- Rule 7.5.6.1.iii Setback from Internal Boundaries.
- Rule 7.5.6.1.iv/v Continuous Building Length (as applicable in the HDRZ).
- Rule 7.5.6.1.ix Landscape Coverage.
- Rule 7.5.6.1.xii Building Coverage.
- Rule 7.5.6.1.xiii Fence Heights.
- Rule 7.5.6.2.ii Building Coverage.
- Rule 7.5.6.2.xv Site Density in the HDRZ.

The exception to be inserted is as follows:

"This rule shall not apply when:

- a. *land use consent for a development containing a number of separate buildings has been granted for a site; and*
- b. *subdivision consent is subsequently applied for to create separate titles containing a separate building or buildings being part of that consented development; and*
- c. *the development did not require consent in respect of the issue addressed by this rule when the land use consent was considered and granted; and*
- d. *the granting of subdivision consent would trigger non compliance with this rule."*

- a. That the rules in the HDRZ which deal with road setbacks, internal setbacks and building coverage be amended to the effect that the setback and building coverage provisions only apply to buildings at ground level and above ground level.
- b. That the further amendments be made as detailed in the following Section 9 of this Submission entitled "Specific Relief".
- c. That the consent authority make such further additional, amended or consequential changes to any relevant Part of the District Plan as are considered necessary to address the issues and concerns raised in this Submission.

- 4.3 The Submitter requests that PC10 be considered in conjunction with Plan Change 6 and Plan Change 8 because of the interrelationship between the issues raised by these three plan changes.
5. I **WOULD** prefer to make an individual submission at any hearing, as the matters being raised are specific.
6. I **DO** wish to attend the Council hearing of this submission.
7. I **DO** wish to speak in support of this submission at the Council hearing.

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Signed by H Blackford
John Edmonds and Associates Ltd
PO Box 95
Queenstown

Date

On behalf of: **Laurent Rabot**

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