

Details of submitter1365

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Behalf of:	Southern Planning Group

**FORM 5**  
**SUMBMISSION ON PROPOSED QUEENSTOWN LAKES DISTRICT PLAN**

**Clause 6 of Schedule 1, Resource Management Act 1991**

**To:** Queenstown Lakes District Council

**Submitter Details:**

Name of submitter: Moraine Creek Limited

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**1. This is a submission on the Proposed Queenstown Lakes District Plan.**

**2. Trade Competition**

The submitter could not gain an advantage in trade competition through this submission.

**3. Omitted**

**4. Moraine Creek Limited's submission is that:**

- 4.1 Moraine Creek Limited owns the property that is legally described as Lot 1 Deposited Plan 300273 as held within Certificate of Title 2020. The site is physically located at the corner of Wanaka-Mt Aspiring Road and Old Station Ave, Wanaka.
- 4.2 In terms of the Operative District Plan ("ODP"), the subject site is located within the Rural Lifestyle Zone as identified on Planning Map 22.
- 4.3 In the Proposed District Plan ("PDP"), the subject site is proposed to be zoned Low Density Residential as illustrated on Planning Map 22.
- 4.4 In addition to the proposed re-zoning of the subject site, Moraine Creek Limited has an interest in the subdivision chapter of the proposed District Plan as this impacts on the future ability to subdivide the subject site should the proposed Low Density Residential Zoning be confirmed.
- 4.5 The director of Moraine Creek Limited also holds an interest in the commercial tourism and aviation sectors and is interested in the provisions for informal airports and commercial recreation activities in the Rural Zone, and the visitor accommodation provisions in all chapters of the District Plan.

The submitter **supports** the PDP on the following basis:

- 4.6 The proposed re-zoning of the subject site from Rural Lifestyle to Low Density Residential is an appropriate continuation of the existing land use pattern in the immediate area.
- 4.7 The submitter supports all objectives, policies and guidelines of the PDP that promote the zoning and use of the subject site as Low Density Residential.

The submitter **opposes** the PDP on the following basis:

- 4.8 The submitter opposes the change of subdivision activity status in the Low Density Residential Zone that meets the minimum allotment size from Controlled under the ODP to Discretionary pursuant to the PDP.
- 4.9 Specifically, the submitter opposes the PDP objectives, policies and guidelines that inform and support the following rules:

**Rule 27.4.1** All subdivision activities are Discretionary Activities except otherwise stated.

**Rule 27.9.1** Except where as specified in Rule 27.9.2, applications for resource consent for the following activities shall not require the written consent of other persons and shall not be notified or limited-notified.

- a Boundary adjustments.
- b All restricted discretionary and discretionary activities, except within the Rural Zone.

**Rule 27.9.2** Rule 27.9.1 does not apply to the following. The provisions of the RMA apply in determining whether an application needs to be processed on a notified basis.

Where the application site or activity:

- a. Adjoins or has access onto a State highway;
- b. Contains an archaeological site or any item listed under the Heritage New Zealand Pouhere Taonga Act 2014;
- c. Requires the Council to undertake statutory consultation with iwi;
- d. Is in the Makarora Rural Lifestyle Zone and within an area subject to any natural hazards including erosion, flooding and inundation, landslip, rockfall, alluvion, avulsion or subsidence.
- e. Prior to any application for subdivision within 32m of the centreline of the Frankton – Cromwell A 110kV high voltage transmission line traversing the Shotover Country Special Zone being processed on a non-notified basis the written approval as an affected party is required from Transpower New Zealand Limited;
- f. Discretionary activities within the Jacks Point Zone.

The submitter **supports** the PDP on the following basis:

- 4.10 The submitter supports the proposal to remove the Discretionary Activity status for informal airports on Public Conservation Land and Crown Pastoral Lease Land and provide for Permitted Activities on these land tenures.

- 4.11 Such an approach will reduce the ‘double dipping’ of assessment presently carried out between the Department of Conservation, Land Information New Zealand and the Council for these activities and leave the assessment of effects to the statutory body responsible for administration of the land.
- 4.12 The submitter also supports the proposal for a limited number of flights on a privately owned Rural Zone property subject to the proposed setback limitations.
- 4.13 The submitter also supports the inclusion of NZS 6807: 1994 Noise Management and Land Use Planning for Helicopter Landing Areas into the noise standards of the District Plan as this is the only recognised New Zealand Standard specifically targeted at the assessment of noise from helicopters.
- 4.14 Specifically the submitter supports the following PDP objectives and policies that support and inform the following rules:

**Objective 21.2.11** Manage the location, scale and intensity of informal airports.

**Policy 21.2.11.1** Recognise that informal airports are an appropriate activity within the rural environment, provided the informal airport is located, operated and managed so as to minimise adverse effects on the surrounding rural amenity.

**Policy 21.2.11.2** Protect rural amenity values, and amenity of other zones from the adverse effects that can arise from informal airports.

**Table 6 Rule 21.5.2.5** Informal Airports Located on Public Conservation and Crown Pastoral Land”  
Informal airports that comply with the following standards shall be permitted activities:

- 21.5.25.1 Informal airports located on Public Conservation Land where the operator of the aircraft is operating in accordance with a Concession issued pursuant to Section 17 of the Conservation Act 1987;
- 21.5.25.2 Informal airports located on Crown Pastoral Land where the operator of the aircraft is operating in accordance with a Recreation Permit issued pursuant to Section 66A of the Land Act 1948;
- 21.5.25.3 Informal airports for emergency landings, rescues, fire-fighting and activities ancillary to farming activities;
- 21.5.25.4 In relation to points (21.5.25.1) and (21.5.25.2), the informal airport shall be located a minimum distance of 500 metres from any formed legal road or the notional boundary of any residential

unit or approved building platform not located on the same site.

**Table 6 Rule 21.5.26**

Informal Airports Located on other Rural Zoned Land

Informal Airports that comply with the following standards shall be permitted activities:

- 21.5.26.1 Informal airports on any site that do not exceed a frequency of use of 3 flights\* per week;
- 21.5.26.2 Informal airports for emergency landings, rescues, fire-fighting and activities ancillary to farming activities;
- 21.5.26.3 In relation to point (21.5.26.1), the informal airport shall be located a minimum distance of 500 metres from any formed legal road or the notional boundary of any residential unit of building platform not located on the same site.  
*\*note for the purposes of this Rule a flight includes two aircraft movements i.e. an arrival and departure.*

**Table 3 Rule 36.5.13**

Helicopters

Sound from any helicopter landing area must be measured and assessed in accordance with NZ 6807:1994 Noise Management and Land Use Planning for Helicopter Landing Areas. Sound from helicopter landing areas must comply with the limits of acceptability set out in Table 1 of NZS 6807. For the avoidance of doubt this rule does not apply to designated airports.

- 4.15 The submitter **opposes** the District Plan on the following basis:
- 4.16 Heli-skiing is an important commercial recreation activity in the Queenstown Lakes District. However, it has in the past been required to obtain resource consent for both the helicopter landings and the commercial guided activity because the group sizes are generally greater than five people.
- 4.17 While the Council should be commended for removing the barriers for helicopter landings on Public Conservation Land and Crown Pastoral Lease (upon which heli skiing occurs) as noted above, the proposed changes to commercial recreation activities undertaken outdoors which increases the threshold to ten people in a group, will still necessitate a Discretionary Activity Consent for heli skiing.
- 4.18 Specifically, it is common for heli skiing to involve two helicopters and groups of clients / guides incorporating 12 - 14 people (inclusive of the pilots) operating con-currently.

It is undoubtedly the helicopters that have the most significant effects on the environment and the PDP now seeks to make such landings Permitted Activities.

- 4.19 In addition, the entire activity of heli skiing is controlled by the Department of Conservation or Land Information New Zealand through the issuing of Concessions and Recreation Permits as all heli skiing occurs on high altitude Crown Pastoral Lease or Public Conservation Lands. Accordingly, given the isolated environments in which the activity occurs and the assessment undertaken by other statutory organisations it submitted that it is more efficient and effective that the commercial recreation activity of heli skiing should be aligned with the helicopter landing component of the activity and be Permitted.
- 4.20 Accordingly, the submitter seeks an amendment to Rule 21.4.16 (Table 1 of Chapter 21 Rural Areas) to include Heli Skiing as a Permitted Activity.
- 4.21 The Submitter **Opposes** the District Plan on the following basis:
- 4.22 The Queenstown Lakes District relies significantly on tourism as the backbone of its economic prosperity. At the present time, one of the key restraints for the tourism sector and its growth is the lack of available guest beds particularly during peak times.
- 4.23 It is understood that the PDP seeks to make the provision of visitor accommodation ("VA") in the Low Density Residential Zone more difficult i.e. limit the letting of a residential unit or flat for VA purposes to one such building per site and for more than 180 nights per annum a Non-Complying Activity consent will be required. Presently the ODP requires a Discretionary Activity consent for VA (or Controlled Activity Consent within a VA Sub-Zone) in the Low Density Residential Zone.
- 4.24 The submitter appreciates the intent of the new provisions in the Low Density Residential Zone is to provide for low key peer to peer type accommodation facilities whilst maintaining a sufficient base of properties for long term residential activity. This is not opposed by the submitter but the Non-Complying Activity status for longer term VA is not supported.
- 4.25 The reason for this opposition is that the Section 32 analysis that accompanies Part 7 – Low Density Residential Zone chapter provides no evidence that monitoring of the operative provisions and the Discretionary Activity status for VA within the Low Density Residential Zone has been ineffective or inefficient.
- 4.26 The proposed Non-Complying Activity status for longer term VA activities will impose uncertainty on development/use and therefore cost without any justifiable benefits.
- 4.27 It is also understood that the Council will be developing rules for the Visitor Accommodation Sub-Zones as part of the District Plan review, Stage 2. Until then, applicants and landowners who have Low Density Residential Zone sites with a VA sub-zone overlay have been advised to rely on the ODP provisions that relate to the Visitor Accommodation Sub-Zones (which provide for VA as a Controlled activity pursuant to Rule 7.5.3.2(ii)).

4.28 This approach is non-sensical as if the PDP becomes operative before Stage 2 is progressed these landowners will be required to seek a Non-Complying Activity Consent for development of their sites which will clearly be in breach of the relevant Objectives and Policies.

4.29 As a result of the concerns outlined above, the submitter specifically opposes the following policies, objectives and rules relating to VA within the Low Density Residential Zone:

**Policy 7.2.1.3** The zone may support low intensity forms of visitor accommodation (such as peer to peer accommodation) to meet anticipated visitor demand, where this can be sensitively integrated with existing residential premises;

**Objective 7.2.8** Enable low intensity forms of visitor accommodation that is appropriate for a low density environment to respond to strong projected growth in visitor numbers;

**Policy 7.2.8.1** The zone will support the following types of peer to peer visitor accommodation where this is designed in a manner to limit effects on residential areas associated with noise, lighting, vehicle access and parking (on-street and off-street):

- bed and breakfast
- homestay
- commercial letting of a residential unit, dwelling or flat.

*Note – A Management Plan shall be provided detailing operational controls to achieve compliance with the above policy.*

**Policy 7.2.8.2** Visitor accommodation is designed to maintain the privacy and amenity of adjoining residential properties through sensitive layout of entertaining areas, parking and incorporation of screening methods;

**Rule 7.4.21** Visitor Accommodation involving the commercial letting of one (1) residential unit, flat or dwelling per site, up to a maximum of 28 nights per calendar year.

**Rule 7.4.22** Visitor Accommodation involving the commercial letting of one (1) residential unit, flat or dwelling per site, for more than 28 days but less than 180 nights per calendar year. Control is reserved to all of the following:

- The location, nature and scale of activities on site



- Parking and access: safety, efficiency and impacts to on-street parking and neighbours
- Noise and methods of mitigation (through design and management controls)
- Hours of operation
- Accommodation format and numbers of guests
- Management procedures, contact details and record of tenancies
- Where a site is subject to any natural hazard and the proposal results in an increase in gross floor area: an assessment by a suitably qualified person is provided that addresses the nature and degree of risk the hazard(s) pose to people and property, whether the proposal will alter the risk to any site, and the extent to which such risk can be avoided or sufficiently mitigated<sup>1</sup>.

Note – Registration as a Holiday Home or Homestay is required. A Management Plan should be submitted to demonstrate compliance with the matters of control.

**Rule 7.4.1** Activities that are not listed in this Table (Non-Complying Activities).

- 4.30 The submitter **opposes** in part the PDP in respect of the Medium Density Residential Zone provisions.
- 4.31 Specifically the Non-Complying Activity status for VA within the proposed Medium Density Residential Zones in both Queenstown and Wanaka is opposed.
- 4.32 Objective 8.21 and Policy 8.2.1.1 are contradictory in that they refer to the Medium Density Sub-Zones being close to town centres and local shopping zones, activity centres and public transport routes that is appropriate for medium density housing or visitor accommodation uses yet the Rules provide for anything other than registered home stays or holiday homes let for up to 180 nights per year to be a Non-Complying Activity.
- 4.33 It is submitted that VA in the Medium Density Sub-Zone should be a Controlled Activity. The submitter therefore opposes the following Objective and Policies that support and inform Rules 8.4.1, 8.4.22 and 8.4.23:

**Objective 8.2.9** Enable low intensity forms of visitor accommodation that are appropriate for a medium density environment and do not adversely impact on the supply of permanent rental accommodation.

**Policies 8.2.9.1** The zone will support the following types of visitor accommodation where this is designed in a manner

to limit effects on residential areas associated with noise, lighting, vehicle access and parking (on-street and off-street):

- bed and breakfast
- homestay
- commercial letting of a residential unit, dwelling or flat.

*Note: A Management Plan shall be provided detailing operational controls to achieve compliance with the above policy.*

**Policy 8.2.9.2** Visitor accommodation shall be designed in a manner to limit effects on residential areas associated with noise, vehicle access and parking.

**Policy 8.2.9.3** Visitor accommodation shall support alternative modes of transport through:

- integration with frequent public transport routes to support convenient connections to a town centre
- promoting safe and convenient pedestrian access to public transport facilities, town centres, parks and reserves

- 4.34 The submitters also **oppose** in part the PDP in respect to the provisions for VA in the High Density Residential Zone.
- 4.35 Specifically, it is noted that the Council are proposing to make VA in the High Density Residential Zone a Restricted Discretionary Activity pursuant to Rule 9.4.10 whereas in the ODP it is presently a Controlled Activity.
- 4.36 The submitter opposes all the PDP objectives, policies and other provisions that inform and support Rule 9.4.10 making all VA activities (not otherwise specified) a Restricted Discretionary activity.
- 4.37 The reasons for this opposition is that the Section 32 analysis that accompanies Part 9 – High Density Residential provides no evidence that monitoring of the operative provisions and the controlled activities status for VA within the High Density Residential Zone have been ineffective or inefficient.
- 4.38 The existing controlled activity status for VA in the High Density Residential Zone has provided an appropriate framework for ensuring good development outcomes. A Controlled Activity consent process enables council to exercise its control to ensure good design outcomes and the avoidance, mitigation or remedying of potential adverse effects, without creating uncertainty and cost to the development process.
- 4.39 Notwithstanding the above, the PDP states at Section 9.6 – Non-Notification of Applications that Restricted Discretionary Activity consents for VA shall not be notified

– either limited or publicly. If the intention is not to require notification in any circumstances, then it is submitted that the Controlled Activity Status is most appropriate and should be retained.

4.40 The submitter **supports** in part the proposed Business Mixed Use Zone.

4.41 The PDP states that the purpose of the BMUZ is as follows:

*“The intention of this zone is to provide for complementary commercial, business, retail and residential uses that supplement the activities and services provided by town centres. Higher density living opportunities close to employment and recreational activities are also enabled. Significantly greater building heights are enabled in the Business Mixed Use Zone in Queenstown, provided that high quality urban design outcomes are achieved.”*

4.42 The submitter agrees with the overarching purpose of the BMUZ, as this zoning structure will enable an appropriate mix of compatible commercial, residential and VA activities in both Queenstown and Wanaka.

4.43 However, it is noted that the activity status for VA within the Business Mixed Use Zone a Restricted Discretionary activity pursuant to Rule 16.4.4. The submitter requests that subject to compliance with all Business Mixed Use Zone provisions, VA should be classified as a Controlled Activity (with the same matters of control as are currently listed in proposed Rule 16.4.4).

**5. The submitters seek the following decision from the Queenstown Lakes District Council:**

- The Low Density Residential Zoning over Lot 1 DP 300273 is maintained;
- The Activity Status for Low Density Residential Zone subdivision that meets the minimum allotment sizes is amended as a Controlled Activity;
- The informal airports provisions as notified are maintained inclusive of the assessment of noise in accordance with NZS 6807:1994;
- The activity status of Heli-Skiing is amended to become a Permitted Activity;
- The activity status for VA in the Low Density Residential Zone, Medium Density Residential Zone and High Density Residential Zone are amended as requested in this submission;
- That the Business Mixed Use Zone is approved as notified with the exception of making VA a Controlled Activity;
- The submitter also seeks such further or consequential or alternative amendments necessary to give effect to this submission, and to:

- (a) promote the sustainable management of resources and achieve the purpose of the Resource Management Act 1991 ("Act");
- (b) meet the reasonably foreseeable needs of future generations;
- (c) enable social, economic and cultural wellbeing; and
- (d) represent the most appropriate means of exercising the Council's functions, having regard to the efficiency and effectiveness of other means available in terms of section 32 and other provisions of the Act

**6. The submitter wishes to be heard in support of their submission.**

**7. If others make a similar submission the submitter will consider presenting a joint case with them at a hearing.**



**Signature**

(Sean Dent on behalf of Moraine Creek Limited)

**Date...**23 October 2015