

Details of submitter561

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FORM 5
SUMMISSION 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: Three Beaches 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. Three Beaches Limited submission is that:

Background

Three Beaches Limited ("the submitter") owns the following properties in Queenstown:

- Lot 1 DP 6038 (1204m²)
- DP 7355 (1831m²)
- Part Section 5 Block XXXVI Town of Queenstown (443m²)
- Section 4 Block XXXVI Town of Queenstown (950m²)
- Section 9 Block XXXVI Town of Queenstown (954m²)
- Part Section 8 Block XXXVI Town of Queenstown (329m²)

The properties are bound together in one block and respectively adjoin Melbourne, Sydney and Stanley Streets.

The Bungy Backpackers operates from within Lot 1 DP 6038, while a residential dwelling and accessory buildings are contained within Sections 4 and 9 Block XXXVI Town of Queenstown.

Operative District Plan

In terms of the Operative District Plan, the property is contained within the High Density Residential Zone (Sub-Zone A) as identified on Planning Map 35.

Proposed District Plan

In the Proposed District Plan ("PDP"), the property is contained in the High Density Residential Zone as illustrated on Planning Map 35.

Submission Points

The submitter in part **supports** the PDP to the following extent:

- 4.1 The High Density Residential Objectives, Policies and Rules where those provisions support intensive residential and visitor accommodation activities and provide a development framework where those activities are enabled in a more efficient manner from a resource management planning perspective.
- 4.2 In particular the submitter supports the following provisions in the High Density Residential Zone:
 - Rule 9.4.6 Commercial activities comprising no more than 100m² of gross floor area, integrated within a residential development comprising at least 20 dwellings, or within a visitor accommodation development, being provided for as a permitted activity.
 - Rule 9.4.11 Licensed premises being a permitted activity where such is integrated in within a Visitor Accommodation development.
 - Rule 9.5.1.1 The ability to build up to 12 metres or 15 metres where a residential apartment building can achieve certification to a minimum 6 star level using the New Zealand Green Building Council Homestar Tool, or where a visitor accommodation building can achieve a Green Star Rating of at least 4 stars.
 - Rule 9.5.4 The maximum site coverage of 70%.

- Rule 9.5.6 The application of the building height recession planes, in particular that height recession planes do not apply from road boundaries.
- Rule 9.5.8 The continuous length of any building façade above one storey shall not exceed 30m in length.
- Rule 9.5.9 That all building setbacks (including road and internal) shall be 2 metres.
- Rule 9.6.2 The ability for residential development involving the development of 4 or more dwellings and visitor accommodation to be processed on a non-notified basis without the need to obtain written consent from affected parties.

These provisions outlined above area are considered to provide an appropriate balance between allowing intensified development to occur within the High Residential Zone whilst still recognising the importance of good design, the maintenance of amenity values and finally, avoiding potential adverse effects on the environment.

4.3 The submitter in part opposes the PDP on the following basis:

Rule 9.4.10 The PDP objectives, policies and rules that informs and supports Rule 9.4.10 making all visitor accommodation activities (not otherwise specified) a Restricted Discretionary activity. The reasons for this opposition is:

- 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 visitor accommodation within the High Density Residential Zone has been ineffective or inefficient.
- The proposed restricted discretionary status for visitor accommodation activities will impose uncertainty on development and therefore cost without any justifiable benefits.
- The existing controlled activity status for visitor accommodation 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

- The controlled activity status for visitor accommodation in the High Density Residential Zone should be maintained as per the current provisions of the Operative District Plan.

Rule 9.4.12 The provision of licensed premises operating between the hours of 10pm and 8am should be a controlled activity as opposed to a discretionary activity, subject to compliance with the applicable noise standards.

Rule 9.5.7 The minimum landscaped permeable surface coverage should be decreased to 15%.

Rule 27.4.1 The PDP objectives, policies, rules, the QLDC Land Development and Subdivision Code of Practice and the QLDC Subdivision Design Guidelines that informs and supports Rule 27.4.1 making all subdivision activities discretionary.

The submitter opposes the PDP as it relates to the provision of subdivision as a discretionary activity because:

- It does not promote or give effect to Part 2 of the Act,
- It does not meet section 32 of the Act, and
- It is not the most appropriate method for achieving the objectives of the Proposed District Plan having regard to its efficiency and effectiveness, and taking into account the costs and benefits.

The submitter considers the section 32 analysis that accompanies Chapter 27 Subdivision & Development provides no evidence that the monitoring of the operative provisions and the controlled activities status for subdivisions in the High Density Residential Zone has been ineffective or inefficient. The benefits and costs of the effects of the proposed provisions referred to above have not been appropriately assessed or quantified in accordance with section 32, nor have they been assessed with regards to their suitability for giving effect to the relevant objectives and policies.

The submitter considers the proposed discretionary regime for subdivision will impose significant uncertainty and costs on development without any justifiable benefits.

The submitter considers that the existing controlled activity regime for subdivision within the High Density Residential Zone has provided an appropriate framework for ensuring good subdivision outcomes. A controlled activity regime enables

Council to exercise its control to ensure good design outcomes without creating significant uncertainty and cost to the subdivision and development process within a zone that anticipates residential living.

5. The submitter seeks the following decision from the Queenstown Lakes District Council:

5.1 The PDP as notified is confirmed as it relates to providing objectives, policies and rules that support intensive residential and visitor accommodation activities and provide a development framework where those activities are enabled (as outlined in Points 4.1 and 4.2). This outcome will:

- Promote or give effect to Part 2 of the Act;
- Meet the Section 32 requirements of the Act, and
- Is the most appropriate method for achieving the objectives of the PDP having regard to its efficiency and effectiveness, and taking into account the costs and benefits.

5.2 The PDP is modified as per the points addressed in Point 4.3 above.

5.3 Any consequential amendments to give effect to the points above.

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

(Scott Freeman on behalf of Three Beaches Limited)

Date: 23 October 2015