

Before the Queenstown Lakes District Council

In the Matter of the Resource Management Act 1991

And

In the Matter of the Queenstown Lakes Proposed District Plan
Chapters 7, 8, 9 , 10 and 11 (Residential Zones)

**Legal Submissions for Pounamu Bodies
Corporate Committees and Panorama
Body Corporate (Submitter 208 and
Further Submitter 1148)**

Dated: 20 October 2016

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Introduction

1. These legal submissions are prepared on behalf of the Pounamu Bodies Corporate Committees (**Pounamu**) and the Panorama Body Corporate (**Panorama**) in relation to Pounamu's submission and further submission on the Queenstown Lakes Proposed District Plan (**Proposed Plan**).
2. The relevance of Panorama's interest in this hearing will be addressed shortly.
3. Legal submissions and evidence were presented for Pounamu during Hearing Stream 1 (relating to Chapter 3 – Strategic Directions, Chapter 4 – Urban Development and Chapter 6 – Landscapes)¹, which are also relevant to this hearing.
4. In particular, the legal submissions previously presented set out the background to and context of Pounamu's submission, and the statutory framework within which decisions on the provisions of the Proposed Plan, and on submissions, must be made. They are adopted for the purposes of this hearing (copy attached as **Attachment A**).
5. Mr Walsh's previous evidence addresses, at a high level, the importance of striking the right balance in the Proposed Plan between enabling and encouraging residential intensification, and the need to ensure a high level of quality and amenity, so that higher density residential neighbourhoods are attractive living environments for existing and future residents. Mr Walsh's previous evidence complements his evidence for this hearing², and a copy is attached to his 30 September 2016 statement as Appendix TCW5.
6. For the avoidance of doubt, both the previous legal submissions and Mr Walsh's earlier evidence are relevant to and should be read by the Panel for the purposes of this hearing.

¹ Legal Submissions for Pounamu Body Corporate Committees dated 21 March 2016 and Statement of Evidence of Timothy Walsh dated 25 March 2016.

² Dated 30 September 2016.

Panorama Body Corporate

7. The Panorama Body Corporate comprises the owners of 34 luxury apartments at 29 Panorama Terrance. The Panorama Apartments are located immediately to the north/north west of the Lot 5³ site with which Pounamu's submission is primarily concerned. A copy of the diagrams for one of the Panorama titles is attached to these submissions as **Attachment B**, and shows the location of the Panorama land and apartment buildings in relation to Lot 5.
8. Like the Pounamu Apartments, the Panorama Apartments were designed and developed in anticipation of the construction of the Hilton Hotel on Lot 5. The Panorama Apartments, like the Pounamu Apartments, were established under the same resource consent that authorised the Hotel, and were to be operated conjunctively with the Hotel, and share its facilities. Accordingly, Panorama shares the concerns expressed by Pounamu in relation to the development of Lot 5 under the proposed High Density Residential Zone (**HDRZ**) provisions.
9. Panorama did not make a submission on the Proposed Plan, however it did provide written feedback on the draft chapter that was notified for consultation in February 2015. A copy of Panorama's feedback on the draft chapter is attached as **Attachment C**.
10. Pounamu and Panorama now seek that the name of Submitter 208 and Further Submitter 1148 be amended to include the Panorama Body Corporate. They do not seek to alter the substance of the submission or the relief sought, noting that should the relief sought in Pounamu's submission be granted, Panorama's concerns will be addressed.
11. It is unclear whether any formal application is required to amend the submitter's name as requested, however out of an abundance of caution, an application for a waiver of time in which to file an amended submission and further submission amending the name of the submitter (only)⁴ is now sought under section 37 of the Act. Copies of the amended submission

³ Lot 5 DP351561.

⁴ Including consequential/grammatical corrections. Note also that Pounamu's name has also been corrected, as it was incorrectly expressed when the original and further submissions were lodged.

and further submission (tracked version) are **attached** to these submissions.

12. Under section 37A(1) of the Act, when determining whether to waive compliance with a time limit, the Council must consider:
 - (a) The interests of any person who, in its opinion, may be directly affected by the waiver;
 - (b) The interests of the community in achieving adequate assessment of the effects of the proposal, policy statement, or plan; and
 - (c) Its duty under section 21 to avoid unreasonable delay.
13. It is submitted that no person will be directly affected by the waiver, as the inclusion of Panorama as a joint submitter does not alter the scope of or the relief sought in Pounamu's original submission. The community and all parties to the District Plan Review process have already had an opportunity to consider the issues raised and relief sought in Pounamu's submission and to lodge further submissions if they considered that necessary. Therefore, no persons will be prejudiced by amending the name of the submitter as sought, so as to include Panorama.
14. It is submitted the inclusion of Panorama as a joint submitter will not raise any new issues, or give rise to any scope issues, but that it will better provide for the interests of the community in achieving an adequate assessment of effects of the Proposed Plan, as more members of the community will be involved in the process.
15. It is submitted that the inclusion of Panorama as a joint submitter to Pounamu's original submission will not cause any delay, as it is merely a technical change, and no further consideration beyond the amendment to the submitter name is required.
16. It is submitted that if the waiver is not granted as sought, it is nonetheless open to Pounamu to present evidence and legal submissions which addresses the Panorama Apartment complex, provided these do not seek to enlarge the scope of the relief sought in the original submission.
17. In this regard, counsel confirms that Panorama's concerns will be addressed if Pounamu's relief is granted, and accordingly confirms that the

scope of relief being pursued is unaltered by the amendment to the name of the submitter so as to include Panorama.

Pounamu Apartments

18. The Pounamu Bodies Corporate Committees comprise the owners of the 68 apartments at 110 Frankton Road.
19. The Pounamu Apartments are privately owned luxury 5 star apartments available for short and long term accommodation. Currently approximately 50% of the apartments are used for short term accommodation, 40% are used for long term accommodation, 5% are owner occupied and 5% are holiday homes.
20. The Pounamu Apartments are of high quality architectural design with extensive native landscaping appropriate for the high profile location on the main entrance to Queenstown.
21. The Pounamu Apartments were designed and built so they could operate in a dual key configuration. Only seven apartments currently operate under a dual key, as visitor accommodation, although consent has been sought for a further thirty five apartments to operate in this way.⁵ These 35 apartments are currently consented to operate as visitor accommodation.
22. The dual key apartments are comprised of a one bedroom apartment with a full kitchen, in conjunction with a separate and independent one bedroom studio style room. The one bedroom full kitchen apartments have views over Frankton Road and across Lake Wakatipu, however the studio rooms only have views north across Lot 5. All natural light to the studio rooms (daylight and sunlight) is also derived from this elevation. Mr Walsh's⁶ evidence contains a floor plan of the apartments illustrating this layout (Figure 5).
23. The apartments are south and south east facing (depending on the particular apartment block, of which there are four). The only sunlight to the apartments is on the north and north west elevations, where the apartments are built very close the boundary of Lot 5. The proximity of the

⁵ RM 160666.

⁶ Dated 31 September 2016.

apartments to the boundary of the site (and Lot 5) is illustrated by the certificate of title diagrams, copies of which are attached as **Attachment D**.

24. There is a pedestrian access way between the apartments, to the north of the apartments and between the boundary of Lot 5. There is an informal access between Apartment Blocks 2 and 3, (visible in the photo at Figure 6 of Mr Walsh's evidence), however this is located on Lot 5 and enjoys no legal protection. No other usable outdoor space is provided on site (excepting the apartment balconies).
25. There is currently a grassed outdoor and play area located to the north of Apartment Block 2, and a wood chipped outdoor area behind Apartment Block 3, however these areas are located on Lot 5 pursuant to an informal agreement with the landowner, and also enjoy no legal protection.

Panorama Apartments

26. The Panorama Body Corporate comprises the owners of the 34 apartments at 29 Panorama Terrace.
27. The Panorama Apartments are located to the north west of, and immediately adjoin Lot 5. They are comprised of 29 two bedroom and five two and a half/three bedroom luxury apartments. Approximately 40% of the Panorama Apartments are currently used for short term accommodation, and 60% for long term accommodation, or owner occupied.
28. The Panorama Apartments comprise four blocks. The smaller southern block comprises five two levelled, two and a half/three bedroom apartments which abut Lot 5 and currently enjoy views of Lake Wakatipu. On the ground floor of this block are five, two bedroom serviced apartments, two of which are managed as part of the Pounamu Apartments as short term visitor accommodation.
29. The larger northern apartment block sits at a slightly higher elevation, and comprises a total of 24 two bedroom apartments over two storeys, with garaging provided underneath the apartments at ground level.

Hilton Development

30. As described in Pounamu's original submission⁷, and in the legal submissions presented in relation to Hearing Stream 1, the Pounamu Apartments (and also the Panorama apartments - originally referred to as "Pounamu Prime"), were originally intended to form part of the Hilton Hotel complex, along with Lot 5.
31. The Pounamu and Panorama Apartments were designed and developed so as to be integrated with the Hilton Hotel complex in terms of access, landscaping, outlook, outdoor space, and general building location and orientation.
32. The location of the Pounamu and Panorama sites in relation to Lot 5 is illustrated in Figure 3 of Mr Walsh's evidence.
33. The Hilton Hotel development was consented in 2008 following an Environment Court appeal against the Council's original decision, which was to decline consent. During the Environment Court appeal process, the proposal was amended to address identified issues in respect of building height, amongst other matters. This consent history is detailed more fully in Mr Walsh's evidence.⁸ The masterplan for the consented development is attached Pounamu's Hearing Stream 1 legal submissions, and also to Kimberly Banks' Summary Evidence dated 7 October 2016.
34. Development of the Hilton Hotel on Lot 5 did not ultimately proceed, because the developer became insolvent. The Hilton Hotel was instead established at Kawarau Falls, and Lot 5 has remained vacant since.
35. Significant earthworks were carried out on Lot 5 under the original grant of consent however, as can be seen in the photos contained in Mr Walsh's (Figures 6 and 7). These earthworks are also readily apparent from a site visit to the Pounamu and Panorama sites, which the submitters strongly encourage for the Panel. These earthworks have, through excavation, both significantly lowered the actual ground level, and levelled (so as to flatten) a large part of the Lot 5 site
36. The resource consent for the Hilton Hotel complex has been extended twice since the original grant, most recently in April 2016, for a further 3

⁷ Dated 23 October 2015.

⁸ Dated 30 September 2016.

year period (i.e. until April 2019). As the Panel will be aware, under section 125 of the Act, before an extension to a consent lapse date can be granted, the Council must be satisfied that substantial progress or effort has been made and continues to be made towards giving effect to the consent, amongst other matters. It can therefore be assumed that the consent for the hotel complex (or something similar) will be implemented.

Right of Way Access Over Lot 5

37. Lot 5 is subject to a right of way easement, the location of which is shown in the title diagram attached as **Attachment E**.
38. The right of way easement effectively dissects Lot 5. It was originally intended to provide access to the reception area of the Hilton Hotel, and access through the site for hotel related traffic, and maintenance and servicing purposes.
39. The access is currently used as a vehicle/pedestrian through route for the owner/occupiers of the Pounamu and Panorama Apartments, and is also used informally for some parking for the apartments.
40. The right of way easement is registered on the title of Lot 5 for the benefit of the Pounamu and Panorama land. Copies of the relevant easement instruments are attached as **Attachment F**.
41. As the name suggests, the purpose of the right of way easement is to provide access⁹ (vehicle and pedestrian), and includes the right to establish, maintain and repair the access, and for it to be kept clear at all times of obstructions (whether caused by parked vehicles, deposit of materials, or unreasonable impediment).¹⁰
42. The right of way easement is not subject to any express or implied rights or powers that enable the easement to be used for anything other than its stated purpose. Therefore using the easement for outdoor space purposes, or for landscaping for example, is not permitted.

⁹ Being a right to go, pass and repass over and along the right of way, exercisable at all times day and night, with or without vehicles machinery and equipment of any kind (Property Law Act 2004, Schedule 5)

¹⁰ Land Transfer Regulations 2002, Schedule 4.

43. The background to and context of the consented hotel development and the Pounamu/Panorama/Lot 5 sites is wholly relevant to the consideration of Pounamu and Panorama's submission, for reasons explained shortly.

Summary of Pounamu and Panorama's Concerns

44. Pounamu and Panorama (together, the **Bodies Corporate**) are concerned that the proposed HDRZ provisions are skewed too far toward residential intensification, at the expense of residential amenity.
45. The Bodies Corporate are specifically concerned with the potential for the future development of Lot 5 under the proposed HDRZ provisions to give rise to significant effects on the apartments.¹¹
46. The Bodies Corporate are concerned that such effects will arise as a result of proposed changes to the zone's objectives and policies, building height, building setbacks, recession planes, site coverage controls, outdoor living requirements, urban design criteria and other development controls,¹² which are notably less stringent and less directive than the comparable Operative Plan provisions.
47. Specifically, under the proposed HDRZ provisions:
- (a) buildings of up to 7 metres can be established as permitted activities, and buildings up to 10 metres as restricted discretionary activities.¹³ Building height is measured from original (i.e. pre-

¹¹ Lot 5 is a large, vacant brownfield site that adjoins the Pounamu Apartments on its south and south east boundaries, and the Panorama Apartments on its north and northwest boundaries.

¹² As detailed in Pounamu's submission dated 23 October 2016.

¹³ This assumes Lot 5 is a "sloping site" as defined, noting that the definitions of "flat" and "sloping site" in the Proposed Plan is unclear. As notified these definitions did not contain the words "ground level" (a term that is defined in the Proposed Plan, and requires building height to be measured from original ground level (i.e. the ground level prior to any excavations or earthworks), however the relevant HDRZ rules (9.5.1 and 9.5.2) contain a note which clarifies that the definition of building height (and thus, original ground level) is relevant to determining whether a site is "flat" or "sloping".

On this basis, although part (but not all) of Lot 5 has been excavated so that a large part of the site appears flat, it is nonetheless a "sloping site" for the purposes of the proposed HDRZ provisions, as the original ground slope was greater than 6 degrees.

The section 42A reporting officer recommends that the definitions of "flat" and "sloping sites" be relocated to Chapter 2, and amended so to remove the reference to the definition of "building height". The reporting officer assesses this as a "consequential amendment."

However, the recommended amendment gives rise to more ambiguity than it resolves.

That is because, with the reference of the definition of "building height" removed, a sloping site could be made a flat site through excavation, given that ground slope is to be

excavated) ground level, meaning buildings on Lot 5 could be much taller;

- (b) such buildings need to be set back only 2 metres from any boundary;
- (c) there are no recession plane requirements;¹⁴
- (d) buildings can be large and long, with no requirements for modulation or other architectural features to break up and/or add interest to the built form;
- (e) there are no urban design assessment criteria, and the urban design matters addressed by the rules are vague; and
- (f) notification requirements are limited.

48. The Bodies Corporate are concerned that the development of Lot 5 under these provisions will give rise to significant adverse effects in terms of building dominance, shading, access to daylight and sunlight, privacy, outlook, and the overall integration of development on the Pounamu/Panorama/Lot 5 sites.

49. The Bodies Corporate are also concerned that provisions will enable, and may even encourage, development on Lot 5 that is incompatible with the existing apartment development (e.g. low cost worker accommodation), which will adversely effect the character of the existing environment and development on these sites.

50. Accordingly, through their submission on the Proposed Plan, the Bodies Corporate seek a zoning for Lot 5 which addresses these concerns.

51. Specifically, the Bodies Corporate seek a zoning for Lot 5 that has appropriate regard to the consenting history of Lot 5 and the Pounamu and Panorama sites, maintains the residential amenity that would be achieved

determined by the measurement of the extremities of each building elevation (which will be located on flat ground due to the excavation).

Clearly this is not the intention of the definition, or the related rules. The definitions of "flat" and "sloping site" therefore require further refinement from that recommended by the reporting officer.

This refinement could include, for example, the addition of the word 'original ground slope' in the definition of "flat" and "sloping site", so as to make clear that the relevant rules can not be circumvented by excavating the site.

¹⁴ Because Lot 5 is a sloping site.

by this consented development and under the Operative Plan, and ensures an outcome that is appropriate in terms of Part 2 of the Act.

Evidence for Pounamu and Panorama

52. Expert planning evidence has been lodged in support of the Bodies Corporate's submission.
53. Specifically, evidence by Timothy Walsh has been pre-lodged¹⁵ which describes the potential for adverse effects and the nature of those effects under the proposed HDR zoning of Lot 5, and proposes some zone wide and site specific amendments to address such effects, and to ensure the provisions are the most appropriate in terms of section 32 of the Act.
54. Mr Walsh's evidence is, in summary, that:
 - (a) Appropriately located high density neighbourhoods can potentially bring a multitude of benefits to the District's communities, provided they are desirable places to live. It is therefore important that the Proposed Plan strikes the right balance between enabling and encouraging residential intensification, and the need to ensure a high level of quality and amenity so that higher density neighbourhoods are attractive living environments for existing and future residences and visitors;¹⁶
 - (b) The proposed HDRZ provisions are, however, skewed too far towards intensification at the expense of residential amenity;
 - (c) The proposed HDRZ provisions will enable development that has the potential to give rise to adverse significant adverse effects on adjoining properties (specifically the Pounamu and Panorama Apartments);
 - (d) Site specific controls for Lot 5 will address these potential adverse effects by improving design quality and outcomes, and ensuring appropriate protection of amenity values, while maximising the potential benefits of high density residential developments as anticipated by the HDRZ.

¹⁵ Dated 30 September 2016.

¹⁶ Hearing Stream 1 Evidence of Tim Walsh dated 25 March 2016.

- (e) Amendments to some of the zone wide HDRZ provisions are required to ensure that they better achieve the purpose of the Act.

Executive Summary

55. The case for the Bodies Corporate can be summarised as follows:

- (a) The section 32 evaluation of the HDRZ places too much focus on economic issues, and too little focus on other important resource management considerations, such as maintenance and enhancement of amenity values and of the quality of the environment, and is therefore unbalanced;
- (b) The proposed HDRZ provisions are consequently skewed too far toward intensification, at the expense of residential amenity;
- (c) The Council's own expert evidence is that quality urban design and amenity outcomes are critical to the success of high density residential areas, and that additional design controls or guidelines may be required to ensure appropriate amenity outcomes;
- (d) The section 42A assessment overlooks or pays insufficient regard to the Council's own evidence in this respect;
- (e) In respect of the Bodies Corporate's submission, the section 42A assessment suffers from the same flaw as the section 32 evaluation, in that it places too greater weight on economic issues, and fails properly to consider other important resource management issues;
- (f) Further, the section 42A assessment fails to properly identify and assess the Bodies Corporate's important submission points on such issues;
- (g) Additionally, it contains errors and inaccuracies that are material to the conclusions reached and recommendations made;
- (h) Accordingly, in respect of the Bodies Corporate's submission, the section 42A report is of little assistance and should be given little weight;

- (i) Overall, the Council's case is flawed, and does not demonstrate that its preferred HDRZ provisions are the most appropriate for Lot 5, in terms of section 32;
- (j) In contrast, Mr Walsh's expert planning evidence takes a more balanced and considered approach, and should be preferred to that of the Council;
- (k) Mr Walsh properly identifies and assesses all the relevant resource management issues for the zoning of Lot 5, and then recommends site specific development controls for the Lot, which appropriately address the issues raised in the Bodies Corporate's submission, by way of a site specific Structure Plan in conjunction with minor amendments to zone wide provisions, while still ensuring the purpose of the HDRZ is achieved;
- (l) Mr Walsh's recommendations better achieve the relevant objectives and policies, and the sustainable management purpose of the Act.

56. These issues are now addressed in some detail.

Appropriateness of the Council's Approach

Section 32 Evaluation

- 57. The section 32 evaluation identifies six resource management issues which it states are "key issues" of relevance to the proposed HDRZ, namely: urban form; development capacity/potential and housing affordability; growth pressures: residential and visitor accommodation; dwelling capacity; the impact of height, recession plane, private open space and other development controls on housing supply and urban growth management objectives; and urban design and amenity values.
- 58. The methods identified to address these issues are: to confirm the extent of the existing HDRZ; liberalise the existing rules, and simplify and streamline the provisions. The Bodies Corporate consider the section 32 evaluation is too narrowly focused in this regard. It fails to consider other reasonable methods of addressing the identified issues, such as extending the boundaries of the HDRZ, or zoning new HDRZ land, for example.

59. Further, notwithstanding the identified issues, the section 32 evaluation is overly focussed on economic related issues, with insufficient consideration given to the environmental effects of the identified methods. The evaluation is unbalanced in this respect.
60. The unbalanced focus on economic issues arises because the evaluation relies very heavily on research carried out by the Productivity Commission in respect of the supply of land for housing. The Productivity Commission's reports are, by the nature of their purpose and scope, also primarily focussed on economic issues: the 2012 report investigated "Housing Affordability", with the follow on 2015 report ("Using land for Housing") focussing on how the affordability issue could be addressed. The section 32 evaluation also refers to two reports prepared by Insight Economics, which, as is to be expected given the reports' authors, are focussed on similar issues.
61. While the economic issues identified in the reports are matters that are relevant to and should be considered in the formulation of the Proposed Plan, there are also other matters that which ought to be considered and addressed, including the maintenance and enhancement of amenity values under section 7(b) of the Act; the maintenance and enhancement of the quality of the environment under section 7(f); the requirement to avoid, remedy or mitigate any adverse effects of activities (including on amenity values and the quality of the environment) under section 5, and the integrated management of the effects of the use and development of land and the protection of physical resources under section 31.
62. Because these matters are not given due consideration in the section 32 evaluation, the proposed HDRZ provisions are consequently weighted too far in favour of residential intensification at the expense of residential amenity, and as such, are not the most appropriate way of achieving the purpose of the Act. This is discussed in further detail later in these submissions.

Section 42A Report

63. The section 42A reporting officer recommends that some of the Bodies Corporate's submission points be accepted or accepted in part. However,

for the most part, the report writer recommends that the Bodies Corporate's submission points be rejected.

Focus of the Bodies Corporate's Submission

64. The reporting officer states that the Bodies Corporate's submission is primarily concerned with the "*Pounamu Hotel's loss of outdoor living space*".¹⁷ This is fundamentally incorrect, and completely oversimplifies and understates the Bodies Corporate's concerns.
65. As is apparent from its original and further submissions, the Bodies Corporate's concerns are much broader than this.
66. As previously stated, the Bodies Corporate are concerned with the potential for significant adverse effects on the Pounamu and Panorama Apartments arising from development on Lot 5 under the proposed HDRZ provisions. The specific controls and nature of the effects they are concerned with have been previously detailed in these submissions (refer paragraphs 44 – 49).
67. The reporting officer's overly narrow and incomplete summary of the Bodies Corporate's concerns suggests that she has either overlooked or does not understand or appreciate its submission, and accordingly, that she has failed to properly assess it.

Use of Right of Way Easement for Purposes other than Access

68. In response to what the reporting officer perceives to be the Body Corporates' concerns (i.e. loss of outdoor living space) she opines¹⁸ that the right of way easement on Lot 5 could be used to "*provision of outdoor living*", and that the easement areas provides "*a sufficient area of open space within the site*".
69. In her summary statement¹⁹ the officer expresses her understanding that the consented plans for the Hilton Hotel identified the use of the right of way easement for landscaping/amenity purposes, and opines that the

¹⁷ At paragraph 8.13.

¹⁸ At paragraph 8.15

¹⁹ Dated 7 October 2016, at paragraph 5.

location of the easement will ensure that sufficient separation between development on Lot 5 and the Pounamu apartments will be achieved.

70. The reporting officer's opinions on this issue are misconceived. As explained earlier in these submissions, the legal purpose of the right of way easement over Lot 5 is access. The right of way easement can not be lawfully utilised for landscaping and/or outdoor space, as the reporting officer suggests.
71. The Environment Court approved plan appended to the reporting officer's evidence summary (Appendix 4) is consistent with this purpose. It shows an access way to the then proposed hotel's reception area (including a turning bay), which would also provide access through the site. The plan indicates some ancillary landscaping of this access way in proximity to the hotel reception, the purpose of which can be reasonably assumed as being to mitigate the effects of/enhance the amenity of the access way, but not to provide an area of usable outdoor space.
72. As is apparent from the approved plan (and the other plans appended to these legal submissions and the Figures in Mr Walsh's evidence), the accessway/right of way is located some distance from the Pounamu Apartments (other than where it joins Frankton Road). The right of way will not, therefore, provide any separation or relief between the Pounamu Apartments and development on Lot 5, as the reporting officer suggests.
73. Accordingly, the reporting officer's assessment of this issue is fundamentally flawed.
74. The plan appended to the reporting officer's evidence summary is of assistance to the extent that it shows the location of the consented hotel buildings on Lot 5 in proximity to the Pounamu and Panorama Apartments, the provision of outdoor space between the buildings, and the overall integrated development of the sites. This development plan (or earlier iterations of it) was extensively scrutinised by the Council and then the Environment Court, and was ultimately found to be appropriate for this high profile site.
75. It is submitted that development of the nature and with such characteristics as shown in approved plan is appropriate for, and should be encouraged by the Lot 5 site's zoning.

Dominance, Access to Daylight and Sunlight, Loss of Privacy, and Outlook

76. While still focussed on the (misconceived) purpose of the Bodies Corporate's submission (i.e. loss of outdoor space) the reporting officer states that the occupants of the Pounamu Apartments "*are able to enjoy an appreciation of openness from the orientation of the building towards the lake and an uninterrupted view*".²⁰
77. However, this is not correct for all the Pounamu Apartments.
78. As explained earlier in these submissions, (and in Mr Walsh's evidence), a number of the Pounamu Apartments are under dual key configuration, whereby the studio style rooms do not enjoy any Lake views, but rather, only views towards the north, across Lot 5. The reporting officer's comments (as cited above) are therefore incorrect in respect of these rooms.
79. In any case, as already explained, the Bodies Corporate's concerns in respect of the proposed HDRZ provisions do not relate to views, but rather to the potential for tall, dominant, poorly designed buildings to be established on Lot 5 in close proximity to the apartment complex (noting again that there are no recession plane requirements for Lot 5 because it is a sloping site), resulting in significant adverse effects in terms of loss of or reduced access to daylight and sunlight for the northern elevations of the apartments (being the only elevations where sunlight is received), and adverse effects on privacy and outlook from the apartments, amongst other matters.²¹
80. (Presumably)²² in response to the Bodies Corporate's concerns in respect of these potentially significant adverse effects, the reporting officer notes that development of four or more lots on Lot 5 will require consent under

²⁰ At paragraph 8.16,

²¹ Refer paragraphs 45 – 49 of these legal submissions.

It is noted that Panorama shares these concerns, although due to the orientation of the apartment complex in proximity to Lot 5, is unlikely to lose access to sunlight, but is likely to have views to Lake Wakatipu significantly adversely affected.

²² The potential significant adverse effects raised in Pounamu's submission are not expressly addressed by the reporting officer, but it is assumed paragraph 8.21 – 8.25 of the report responds, albeit indirectly and incompletely, to these submissions points.

Rule 9.4.4, and recommends the inclusion of an additional matter for that rule, relating to “*the maintenance of visual privacy of adjoining lots*”.²³

81. This additional matter of discretion is supported by the Bodies Corporate, as is the recommended new notification clause,²⁴ however it is submitted that these additions do not go far enough to address the matters of concern to the Bodies Corporate, and do not address the other potential significantly adverse effects of development on Lot 5 under the HDRZ provisions, as summarised previously.
82. Also (presumably)²⁵ in response to the Bodies Corporate’s concerns in respect of the potential for significant adverse effects of development on Lot 5 under the HDRZ provisions, the reporting officer states that recession planes apply to all site boundaries.²⁶ However, this is not the case for Lot 5, being a sloping site as defined²⁷. The reporting officer’s assessment is therefore incorrect, and the potential significant adverse effects identified in the Bodies Corporate’s submission (relating to loss of access to daylight and sunlight in particular), remain unaddressed.
83. The reporting officer does not otherwise consider or assess the potential adverse effects arising from development on Lot 5 under the proposed HDRZ provisions as identified in the Bodies Corporate’s submission. It is submitted the assessment is deficient in this respect.

Urban Design Criteria and Objectives and Policies

84. In response to the Bodies Corporate’s concern in relation to the removal of the urban design assessment that is required for development in the HDRZ under the Operative Plan, the reporting officer states²⁸ that this criteria has been removed in lieu of more direct objectives, policies and standards, which the officer says are supported by Mr Falconer.
85. However, the section 42A report writer is not comparing like with like. Whereas urban design assessment criteria can apply to all development

²³ At paragraph 8.24.

²⁴ Ibid.

²⁵ Refer footnote 20.

²⁶ At paragraph 8.25.

²⁷ Rule 9.5.6.2 provides that there are no recession plane requirements for sloping sites.

²⁸ At paragraph 8.7.

(or development of a specific nature or with specific effects, depending on how the relevant rule is drafted), the objectives and policies only come into play, in any practical sense, for non-complying activities.

86. Additionally, while the proposed HDRZ provisions contain matters of discretion for residential development comprising 4 or more units (which requires a restricted discretionary resource consent under Rule 9.4.4), these matters are very vaguely expressed, and are not supported by any assessment criteria to further guide development outcomes anticipated in the zone.
87. Further, the matters of discretion contain less detail and guidance as to anticipated outcomes than the related objectives and policies, which under section 75(1) of the Act, the rules must implement.
88. Accordingly, these (vague) rules are not the most appropriate way to achieve and implement the more detailed objectives and policies.²⁹
89. Mr Walsh considers this issue in some detail and recommends that the assessment matters be redrafted so that they are more detailed and provide better focus and guidance on environmental outcomes, so to better achieve the relevant objectives and policies.
90. Mr Walsh also assesses the appropriateness of these changes (including in terms of section 32AA) in his evidence.

Effect of Bodies Corporate's Relief on Development Yield of HDRZ

91. The reporting officer cites the economic evidence of Mr Osborne in support of a large number her recommendations on the Bodies Corporate's various submission points. The inference in the officer's evidence appears to be that if the Bodies Corporate's submission is allowed, it will reduce the potential quantum of development/yield of the HDRZ.³⁰

²⁹ Mr Walsh recommends that the assessment matters be redrafted so that they are more detailed and provide better focus and guidance on environmental outcomes, so to better achieve the relevant objectives and policies.

³⁰ At paragraph 8.22 for example, where the reporting officer refers to 'increasing the level of activity on a given quantum of land' and 'maximising the opportunities available to a significant land resource'.

92. The reporting officer appears to maintain this opinion in her summary evidence³¹, notwithstanding Mr Walsh's evidence, which recommends site specific development controls for Lot 5 instead of zone wide controls, as sought in the Bodies Corporate's original submission.³²
93. At this juncture it is important to note that the Bodies Corporate do not oppose the HDR zoning of Lot 5 in its entirety. Rather, they accept that zoning, but seeks what it considers (and Mr Walsh agrees) are appropriate controls on building design and amenity outcomes for development within the zone, and specifically on Lot 5.
94. The specific development controls for Lot 5 recommended by Mr Walsh include increased building setbacks, recession plane requirements, tighter controls on continuous building length, a maximum building footprint area for any single building, and a more stringent consenting regime for buildings that breach the 7 metre height limit, by way of a Structure Plan for the Lot.
95. It is submitted that these controls do not affect the opportunity for high density residential development on Lot 5, and are unlikely to have any significant effect on the potential development yield of the site,³³ (and even less effect in context of the zone), but will ensure development outcomes on Lot 5 that are more appropriate for the site, its location and context.
96. That is, high density residential development will still be enabled on Lot 5, but the Structure Plan controls will ensure that any development on the Lot takes account of, and is integrated with the immediately surrounding environment. It is submitted that this approach is supported by Mr Osborne's and Mr Falconer's evidence, for reasons shortly discussed.
97. In light of the above, it is submitted that the concerns expressed by the reporting officer in respect of reduced high density development opportunities for and yield of Lot 5 are overstated.

Validity of Bodies Corporate's Concerns

³¹ Dated 7 October 2016.

³² See for example, paragraph 5 of Kimberly Banks' summary statement dated 7 October 2016.

³³ Refer Appendix TCW4 to Mr Walsh's evidence dated 31 September 2016, where he undertakes an assessment of these potential effects in terms of section 32AA of the Act.

98. The reporting officer opines³⁴ that it is not appropriate for changes to the HDRZ rules to be justified on the basis of “*failed development arrangements*”, presumably referring to the Hilton Hotel development, and the Bodies Corporate’s submission that the consent for that development is of some relevance to the zoning of Lot 5.
99. However, the Bodies Corporate’s submission is much broader than that, and in making this statement, the reporting officer appears to miss the point of the submission.
100. As previously stated, the Bodies Corporate’s submission concerns the potential for significant adverse effects on the Pounamu and Panorama Apartments arising from development on Lot 5 under the proposed HDRZ provisions, particularly as compared with development enabled under the Operative Plan’s zoning, and development consented under the Operative zoning.³⁵
101. The Bodies Corporate’s submission is also concerned with ensuring the Proposed Plan achieves the integrated management of the effects of the use and development of land and physical resources of the District, specifically, the integrated management of the use and development of Lot 5 and the Pounamu and Panorama sites.
102. Such issues (integrated management and consideration of effects) are relevant matters and must be considered when formulating the Proposed Plan by virtue of section 5(2)(c), section 7(c) and (f), section 31, section 32 and section 74 of the Act.
103. Accordingly, the concerns raised in the Bodies Corporate’s submission are valid resource management issues, and cannot be discounted in the manner the reporting writer suggests.

QLDC’s Evidence

104. The section 42A reporting officer relies on the evidence of Messrs, Osborne and Falconer in support of many of her recommendations to reject the Bodies Corporate’s relief.

³⁴ At paragraph 8.14.

³⁵ Refer paragraphs 44 – 49 above.

105. However, this evidence does not support the recommendations. This is explained in some detail below.

Mr Osborne's evidence

106. The section 32 evaluation purports that development and design controls are stifling development within the HDRZ.³⁶

107. As previously noted, this evaluation relies heavily and primarily on work undertaken by the Productivity Commission. The limits of this work have already been discussed.

108. The focus on economics is continued in the section 42A report. For example, at paragraph 8.22 the reporting officer cites Mr Osborne's evidence, which she summarises as stating that "*a key purpose of planning is to produce the most efficient use of an economy's land resource, and increasing the level of activity on a given quantum of land provide for the protection or use of other land.*"

109. In response to the Bodies Corporate's submission opposing the "downgrading of controls" in the HDRZ, the reporting officer purports that, "*in light of Mr Osborne's evidence, maximizing the opportunities available to a significant land resource is important in improving efficient land use in other areas*". Further, that "*the HDRZ should encourage and enable high intensity development within the zone to address current and potentially worsening housing and accommodation shortages*".³⁷

110. It is unclear as to why the reporting officer considers the urban design and amenity focused controls supported by the Bodies Corporate will limit development opportunities or choice within the zone, or affect development yield.

111. In any case, rather than provide a basis for rejecting the Bodies Corporate's submission in respect of such controls, Mr Osborne's evidence in fact supports them.

³⁶ For example, on page 13, the following bold statement is made: "***Put simply, the current height rules are a fundamental barrier to enabling the supply of apartments and visitor accommodation necessary to provide for the overall wellbeing of the District.***"

³⁷ Paragraph 8.23.

112. For example, at paragraph 4.2 of his evidence³⁸ Mr Osborne states that “...flight from **badly designed built form** has resulted in dispersal of residential activity in many cities.”
113. At paragraph 4.4, he states: “there are a variety of costs and benefits attributable to intensified residential development. It is important to note that **the level and realisation of the economic costs and benefits are often linked to these general benefits and rely on such factors as the quality of the built form...**”
114. In relation to building height he notes, at paragraph 5.2, that “while the land cost per unit may decrease **typically it is more expensive per square metre to deliver higher density residential product to the market. This increase is dependent on the type of the product, but typically ranges from increased propensity for multi-storey dwellings to apartments, and ranges from an additional 10% to over 300%**”.
115. At paragraph 5.4 he states: “**Changes to built form can impact property values. This cost is directly relates to the urban design criteria applied to a higher density location. In terms of the values attributable to property in the District, views and sunlight play a significant role. High level residential densities have the potential to impact upon existing wealth levels through property values of these attributes are not appropriately managed. In the long run these urban design requirements are likely to improve the overall market acceptance of the product and safeguard existing values.**”
116. It is submitted that while Mr Osborne’s evidence is supportive of intensified residential development, his support is only in very general terms (noting his evidence contains no analysis of the proposed HDRZ provisions), and is qualified by the comments highlighted above, which emphasise that carefully considered development and design controls are critical to the success of increased residential densities. This qualification of support for higher density living is overlooked or ignored in the section 42A report.
117. Mr Osborne’s evidence is consistent with Mr Walsh’s in respect of the need for well designed higher density neighbourhoods.

³⁸ Dated 14 September 2016.

118. Mr Walsh considers³⁹ that poorly designed high density developments/neighbourhoods can result in an increase in real and perceived safety concerns, contribute to increased crime rates, increase management and maintenance costs, degrade the amenity experienced by residents of the areas; weaken the investment potential of any areas, and generally affect the desirability of an area to live. Mr Walsh's evidence is that, as the desirability of higher density neighborhoods diminish, so do the benefits that these areas yield.

Mr Falconer's evidence

119. Mr Falconer's support for the HDRZ provisions is similarly qualified. As with Mr Osborne's evidence, the qualifications are significant and wholly relevant to the Bodies Corporate's submission.
120. Mr Falconer emphasises that the HDRZ requires *more* design consideration than other zones; this includes Medium Density Residential Zone, in respect of which he states that design is a "*critical element*". Accordingly, on Mr Falconer's evidence, design is a *more than critical element* in the HDRZ. However, the general approach of the zone, which is supported by the Council, is that it contain fewer and less detailed controls on building design and amenity outcomes.
121. Mr Falconer acknowledges that in some cases, specific contextual considerations may be appropriate⁴⁰. The Bodies Corporate consider (and Mr Walsh agrees) that Lot 5 and its surrounding sites (Pounamu and Panorama) is one such case. Mr Falconer acknowledges as much at paragraph 5.41, where he states that "*given the prominence and scale of the [Lot 5] site, I believe that any future development proposal should be encouraged to go through the Urban Design panel, or given specific attention through urban design guideline, should these be adopted.*"
122. In respect of the latter he recommends the preparation of an HDRZ specific Residential Design Guideline, which he says would allow for an expanded approach to address design considerations, including providing a response

³⁹ At paragraph 6.4 and 6.5 of his 25 March 2016 evidence.

⁴⁰ At paragraph 2.4.

to context.⁴¹ He also recommends the mandatory use of the Urban Design Panel for HDRZ developments of more than 6 units, stating: *"the cost and further management required of such a process is, in my opinion, outweighed by the benefits of good design"*.⁴²

123. In respect of the continuous building length rule (notified rule 9.5.8) Mr Falconer considers the stated 30m limit is "reasonable" but that "[a] *High Density Residential Design Guideline could also add provisions to modulate the form of the building*".⁴³
124. Noting the above, Mr Falconer's support for HDRZ is clearly subject to there being additional controls on building development and design than are proposed in the HDRZ provisions that are supported by the Council.
125. In Mr Falconer's opinion, appropriate additional controls include a zone specific Design Guideline and the mandatory use of the Urban Design Panel.
126. Presumably these additional controls are required because, in Mr Falconer's expert view, the HDRZ provisions do not otherwise go far enough to ensure appropriate urban design outcomes will be achieved.
127. However, the Council does not support the mandatory use of the Urban Design Panel, and its support for a Design Guideline is muted, at best.
128. Mr Falconer's views are largely consistent with Mr Walsh's, as set out above and in his written response to questions from the Panel during the Stream 1 hearing.⁴⁴
129. Although Mr Walsh does not agree that the Urban Design Panel should be mandatory, he strongly supports the use of Design Guidelines and considers they *"can be a helpful tool for informing developers of the community's expectations in respect of urban design matters and guiding appropriate urban design outcomes."* A copy of Mr Walsh's written

⁴¹ At paragraph 5.9.

⁴² At paragraph 5.13.

⁴³ At paragraph 5.32.

⁴⁴ Mr Walsh was unable to attend in person due to personal circumstances and was therefore excused, but responded to questions by the Panel in writing.

response to the Hearing Stream 1 Panel's questions is attached as **Attachment G**, for this Panel's convenience.

130. The Bodies Corporate also strongly support the formulation of a Design Guideline of the HDRZ, and agree with Mr Falconer that Lot 5 should be given specific attention in that Guideline.
131. In light of the above, it is apparent that, in the absence of the additional design controls supported by Mr Falconer, his evidence is not as supportive of the Council's preferred HDRZ provisions as the reporting officer suggests.
132. Other parts of Mr Falconer's evidence suggest that he does not fully appreciate, or otherwise has failed to properly assess, the potential effects of the proposed HDRZ provisions.
133. For example, at paragraphs 5.22 – 5.24 he discusses the recession plane rule. There he states that *"[r]ecession planes are important planning design controls that ensure adequate solar access and minimize shading effects on neighbouring properties."*⁴⁵
134. At paragraph 5.24 he states: *"Many parts of central Queenstown have **steep south facing sites**. Therefore, I consider the lower angle for the south face [in notified rule 9.5.6] is required for solar access."*
135. However, the recession plane rule to which Mr Falconer refers only applies to flat sites, and not to the "steep south facing sites" which Mr Falconer identifies will benefit from the rule. For such sites (i.e. sloping sites) there are no recession plane requirements. The potential implications and effects of the rule therefore appear to be misunderstood, or not assessed by Mr Falconer.
136. This is of particular significance for Pounamu, because Lot 5 is sloping site located immediately north of the Pounamu site. The southern boundary of Lot 5 (being the Pounamu site's northern boundary) will not be subject to any recession plane requirements (notified rule 9.5.6.2), and buildings need be set back from the boundary by only 2 meters. In combination with the height restrictions (7 metres as a permitted activity and 10 metres as

⁴⁵ At paragraph 5.23.

restricted discretionary) the potential effects on the Pounamu site, in terms of solar access and shading, as referred to by Mr Falconer, are significant.

137. Mr Falconer's apparent misunderstanding of the recession plane requirements continues at paragraph 5.39. There he discusses the potential effects of the development of Lot 5 on adjoining sites, and states the recession plane controls are "*in place*" which he presumably considers will serve to mitigate the potential effects of such development. However, as just explained, this is incorrect, as no recession plane requirements apply to Lot 5.
138. Similarly, he is mistaken in his understanding of the provision of open space for the apartments (specifically, the relevance of the right of way easement for open space purposes, which has previously been discussed in these submissions), and the "*open views of the lake from the apartments*", which he presumably considers are available from all apartments, but which in fact are not enjoyed by the "dual key" configured apartments (also previously discussed). For these apartments, the development of Lot 5 in proximity to the southern boundary of the Lot has the potential to give rise to the significant adverse effects described previously.
139. Mr Falconer's conclusions on these matters appear to be drawn directly from the section 42A report. Because this report contains factual errors in respect of the existing development of and environment surrounding the apartments, and the rules that apply to Lot 5, so too does Mr Falconer's evidence.
140. Given these errors, which, as with the section 42A report, are material to Mr Falconer's conclusions in respect of the Bodies Corporate's specific submission points, it is submitted that little weight can be placed on this part of his evidence (paragraphs 5.36 – 5.40 in particular).

Summary of Section 42A Report and QLDC's Evidence

141. The Council's economic evidence makes clear that quality urban design and amenity outcomes are critical to the success of high density residential areas.

142. Similarly, the Council's urban design evidence makes clear that building and urban design considerations, including that respond to the particular context of a site, are important aspects of any high density residential zone. The urban design evidence recommends additional design controls (in the form of a Design Guideline and mandatory use of the Urban Design Panel), which suggests that the controls in the proposed HDRZ provisions perhaps do not go far enough.
143. The section 42A assessment pays insufficient regard to this evidence however, particularly when assessing and making recommendations on the Bodies Corporate's various submission points.
144. The section 42A assessment places too much weight on economic matters, and fails to pay sufficient regard to other important resource management issues that are required to be considered under sections 31 and 32, and Part 2 of Act.
145. The section 42A report contains numerous errors and inaccuracies in respect the assessment of the Bodies Corporate's submissions. The errors and inaccuracies are material to the conclusions reached and recommendations made on the Bodies Corporate's submission.
146. The section 42A report fails to properly assess the Bodies Corporate's important submission points, particularly in respect of the significant adverse effects that will potentially arise from development under the proposed HDRZ provisions.
147. Accordingly, it is submitted that little weight should be afforded to the report in so far as it purports to address the Bodies Corporate's specific submission points.
148. However, the section 42A does recommend a number of amendments to the HDRZ provisions which improve (i.e. are better than) the notified to provisions and are supported by the Bodies Corporate. These are addressed in Mr Walsh's evidence.
149. Mr Walsh considers that additional amendments are required to ensure the issues raised by the Bodies Corporate are appropriately addressed, and the HDRZ chapter satisfies section 32. These additional amendments are summarised in the next section of these legal submissions.

Mr Walsh's Evidence

150. Mr Walsh's evidence for the Bodies Corporate is summarised earlier in these submissions. As Mr Walsh notes in his evidence, he has considered the concerns raised by the Bodies Corporate in their submission, and agrees they are valid.
151. He recommends site specific development controls for Lot 5 to address these issues, along with a number of relatively minor amendments to other zone wide provisions, so that they better achieve the purpose of the Act, or the relevant objectives and policies, as the case may require.
152. As also noted earlier, in respect of the Lot 5 specific provisions, Mr Walsh recommends site specific controls on building footprint area, building setbacks, recession plane requirements, continuous building length, building height and accessory buildings, by way of a Structure Plan for Lot 5, to be located within Chapter 9⁴⁶. Mr Walsh recommends a rule that requires all development on Lot 5 accord with the Structure Plan, or otherwise discretionary resource consent will be required.
153. Mr Walsh explains that the intent of the Structure Plan is to ensure that further development on Lot 5 appropriately recognises and responds to existing development on adjacent sites.⁴⁷
154. Mr Walsh has carried out a section 32AA evaluation in respect of the recommended Structure Plan approach (and his recommended amendments to other provisions), which is set out in Appendix TCW4 to his evidence.
155. Mr Walsh acknowledges that while the Structure Plan controls may limit, to some extent, the development yield of Lot 5, the reduction is likely to be minor when considered within the context of the site as a whole, and is mitigated by the fact that:
- (a) a comprehensive hotel development has been consented for the site, and the consent is likely to be implemented;

⁴⁶ Refer Appendix TCW3 of Mr Walsh's evidence dated 31 September.

⁴⁷ At paragraph 8.6.

- (b) earthworks have previously been undertaken on Lot 5 which already provide a significantly greater building envelope compared to the original ground contour;
 - (c) the site is very large, which provides for a wide variety of development options.
156. In addition to the above, it is submitted that the Structure Plan is appropriate because:
- (a) It addresses significant adverse effects on the Pounamu and Panorama sites that would potentially arise under and are not otherwise addressed by the Council's proposed HDRZ provisions;
 - (b) The Structure Plan approach is already used elsewhere in the Proposed Plan;
 - (c) The Pounamu/Panorama/Lot 5 circumstance is unusual in that it involves partially developed Brownfield sites, where existing development was planned and has been built so as to integrate with the development on all sites, and where such existing development is only recently established and is unlikely to be redeveloped in the foreseeable future;
 - (d) The Pounamu/Panorama/Lot 5 circumstance is not replicated elsewhere in the HDRZ.
157. It is submitted that a site specific approach, as recommended by Mr Walsh, is the most appropriate method to respond to and address these unique circumstances.

Part 2

158. As the Panel will be aware, the application of section 5 involves *an overall broad judgment* of whether a proposal will promote the sustainable management of natural and physical resources. This approach recognises that the RMA has a single purpose and *such a judgment allows for*

*comparison of conflicting considerations and the scale or degree of them and their relative significance or proportion in the final outcome.*⁴⁸

159. The Council's position on the HDRZ appears to be that there are competing Part 2 considerations, namely providing for the communities' economic being (section 5(2)), versus avoiding, remedying and mitigating adverse effects on the environment (section 5(2)(c)), and maintaining and enhancing amenity values and the quality of the environment (Section 7(c) and (f)).
160. The Council's position appears to be that providing for economic wellbeing should trump other Part 2 matters in this instance.
161. However, the Council's own evidence is that the economic wellbeing sought to be enabled by the HDRZ (in the form of increased diversity of well located and more affordable housing) may not be achieved if these other important Part 2 matters – avoiding or mitigating adverse effects, and maintaining amenity values and the quality of the environment - are not also achieved.
162. Mr Walsh's evidence demonstrates that these Part 2 matters are not mutually exclusive in this case, but can instead be achieved in tandem, by making some relatively minor amendments to the HDRZ provisions, including site specific amendments for Lot 5, so as to better address the potential for adverse effects on amenity values and the quality of the environment, while still achieving the purpose of the Zone.
163. Mr Walsh's approach is therefore more consistent with, and better achieves the sustainable purpose of the Act.



R Wolt
Counsel for Pounamu Body Corporate Committee and Pounamu Body Corporate

⁴⁸ See *New Zealand Rail v Marlborough DC* [1993] 2 NZLR 641, [1994] NZRMA 70

AMENDED SUBMISSION 208 AND FURTHER SUBMISSION 1148

Form 5

Submission on publicly notified proposal for policy statement or plan, change or variation

Clause 6 of Schedule 1, Resource Management Act 1991

To: Queenstown Lakes District Council

services@qldc.govt.nz

NAME OF THE SUBMITTER:

1. Pounamu Bod~~iesy~~ Corporate Committees and Panorama Body Corporate (Bod~~iesy~~ Corporate).

PROPOSAL THAT THIS SUBMISSION RELATES TO:

2. This is a submission on the Queenstown Lakes Proposed District Plan (**Proposed Plan**).

TRADE COMPETITION STATEMENT:

3. The Bod~~iesy~~ Corporate could not gain an advantage in trade competition through this submission.

SPECIFIC PROVISIONS THAT THIS SUBMISSION RELATES TO ARE:

4. The following parts of the Proposed Plan:
 - (a) Chapter 2 Definitions;
 - (b) Chapter 3 Strategic Direction;
 - (c) Chapter 4 Urban Development;
 - (d) Chapter 7 Low Density Residential;
 - (e) Chapter 9 High Density Residential;
 - (f) Chapter 27 Subdivision;
 - (g) The relevant planning maps; and
 - (h) The associated section 32 reports and other supporting documents.

SUBMISSION:

Introduction

5. The ~~Pounamu Body~~Bodies Corporate ~~Committee~~ comprises ~~a committee of~~ the owners of apartments, including the 68 apartments at 110 Frankton Rd, Queenstown (**Pounamu Apartments**).
6. The Pounamu Apartments are 5 star luxury apartments catering for short and long term (90 days plus) accommodation. They are located on the main entrance to Queenstown and enjoy panoramic views across the lake and mountains, for which they are renowned. The Apartments have recently been rated as the second best accommodation in Queenstown and

the third best in New Zealand (Travellers Choice Awards 2015). They are of high quality architectural design, and have extensive native landscaping appropriate for their high profile location on the main entry into Queenstown. As highly rated, major visitor accommodation catering to the District's tourists, the Apartments contribute significantly to the social and economic wellbeing of the District and New Zealand.

General Concerns with the Proposed Plan

7. Queenstown has unique aesthetic appeal, due to its surrounding landscape, and also the quality and design of its built form. For the most part, and particularly development that has occurred since Plan Change 10, Queenstown's urban areas have been developed with a high level of regard to the surrounding character and have achieved a high quality of design.
8. High quality, well designed development in areas close to the Town Centre and in visitor accommodation areas is critical to the character and success of Queenstown as a destination for visitors as well as making it an attractive place to live for its residents.
9. It is therefore of considerable concern to the Bodiesy Corporate that the Proposed Plan seeks to significantly downgrade the development controls that apply in the High Density zone in particular and to remove the urban design review provisions that were introduced as part of Plan Change 10 altogether.
10. The downgrading of control is purportedly aimed at enabling development in these areas, with an end goal of addressing a purported housing issue faced by the District. However, while addressing this issue is important, it should not be undertaken in a way that compromises neighbourhood character and amenity, or in a way that adversely affects neighbours' amenity.
11. It is of further concern that little, if any, analysis has been undertaken of alternative options for addressing the purported housing issue, for example, by rezoning or expanding existing urban areas. This is an obvious method, but has not been adequately evaluated in the section 32 analysis, and the analysis is deficient in that regard.

Particular Concerns with the High Density Residential Zone

12. The Bodiesy Corporate are concerned by proposed changes to the High Density Residential Zone, particularly in so far as they relate to the former site for the Hilton Hotel Complex on land to the rear of and immediately adjoining the Pounamu Apartments, legally described as Lot 5 DP 351561, Certificate of Title reference 211090 (**Lot 5**).
13. The Pounamu Apartments were originally part of an overall comprehensive development to be managed by the Hilton Hotel Complex (which was ultimately built at Kawarau Falls). For example, the Apartments are set back from Frankton Road against the rear of the site. As such there is no land available on the Bodiesy Corporate's site for outdoor living for the Apartments' residents, as this was to be provided on Lot 5 within the Hilton Hotel Complex. Access between the 4 Pounamu Apartment blocks was to be via the Hotel Complex. There is currently an easement in place that runs through the centre of Lot 5 (refer **attached** plan) which is used for access purposes between the Apartments. The future development of Lot 5 will need to take account of and provide for this easement.
14. The Bodiesy Corporate are concerned that if the High Density Residential Zone is confirmed as notified, the close relationship of Lot 5 and the Pounamu Apartments, as evidenced by the above, may not be appropriately recognised and provided for, and the amenity of the Apartments may be significantly affected by development that is enabled by the Proposed Plan.
15. The Bodiesy Corporate recognises that the amenity currently enjoyed by the Apartments will change when Lot 5 is ultimately developed under its currently zoning. However it considers that the Proposed Plan, which provides for more intensive development at a greater scale, will result in far more significant adverse amenity effects, including a loss of maintenance of open

space between buildings, loss of access to daylight, loss of privacy and outlook, and development that is overbearing and dominant at a scale that is inappropriate for the location.

16. It is concerned that the downgrading of controls on development in the High Density Residential Zone will enable development, including infill housing, of significant height, bulk and scale that does not integrate well with its surroundings and which is inappropriate for and detracts from the current amenity of the Apartments' high profile site.
17. To this extent, the Bodiesy Corporate **are** particularly concerned by the following proposed changes to the High Density Residential Zone:
 - (a) the watering down of the focus in the objectives and policies on protection of amenity values;
 - (b) increased building height;
 - (c) relaxed site coverage controls;
 - (d) changes to recession plane requirements;
 - (e) reduced front and side boundary setbacks;
 - (f) no outdoor living requirements;
 - (g) removal of specific urban design considerations, assessment criteria and the urban design review process; and
 - (h) the Floor Area Ratio requirement.
18. The Bodiesy Corporate **considers** that the history of Lot 5 and its relationship to the Pounamu Apartments, should be recognised and provided for in the Proposed Plan, as should the existing character of the Apartments and the amenity enjoyed by the Apartment's residents. To this extent, the Bodiesy Corporate considers that the new zoning should encourage visitor accommodation development on Lot 5 that integrates with and recognises the historical relationship between development on the Pounamu Apartments' site and Lot 5.

Particular Concerns with the Low Density Residential Zone

19. While the Bodiesy Corporate **supports** the retention of the Low Density Residential Zone on the lake side of Frankton Road opposite the Pounamu Apartments **it is they are** concerned that a significant provision which protects views out across the lake is to be removed (ie 7.5.5.2(xix) Height and Elevation Restrictions along Frankton Road).
20. As the Council may be aware, several years ago Pounamu Management sought the removal of large wilding pines on the lakeside of Frankton Road opposite the Apartments, and ultimately removed those (with the Council's approval) at its own cost, to provide clear visual connections to the lake and mountains from the Apartments, and to provide better access to daylight, for the ground floor Apartments in particular.
21. The Bodiesy Corporate **are** concerned that the removal of this Operative Plan rule will result in development of a height, bulk and scale that significantly affects the amenity currently enjoyed by the Apartments by obstructing visual connections and possibly affecting access to daylight, particularly in the winter months, from the ground floor Apartments.
22. Largely unobstructed views to the lake and beyond from the Apartments are currently enjoyed due to most of the development on the lake side of Frankton being single storeyed, at least for the first row of sections back from the Road.
23. Therefore, the Bodiesy Corporate **considers** that this Operative rule should be retained.

Overall Position on the Proposed Plan

24. The Bodiesy Corporate supports some aspects of the Proposed Plan, where they will ensure that appropriate development outcomes, which have due regard to and protect neighbours' amenity, will be achieved.
25. However for the most part the Bodiesy Corporate opposes the Proposed Plan, in particular the proposed High Density Zone provisions, as they will result in poorly designed infill development of significant height, bulk and scale, that does not integrate well with its surroundings and which is inappropriate for and detracts from the current amenity enjoyed by neighbours, and residents of the Pounamu Apartments in particular.
26. The Bodiesy Corporate considers that, as notified, the Proposed Plan:
 - (a) will not promote the sustainable management of natural and physical resources;
 - (b) will not provide for the efficient use and development of natural and physical resources;
 - (c) is otherwise inconsistent with the relevant provisions of the Resource Management Act 1991 (**Act**), including the purposes and principles of Part 2 of the Act; and
 - (d) does not result in the most appropriate plan provisions in terms of section 32 of the Act.

Decision Sought:

27. The Bodiesy Corporate seeks the following decision from the Council:
 - (a) That the amendments to the High Density Residential Zone contained in the Proposed Plan be disallowed, and the Operative Zone provisions be retained, or equivalent provisions included in the Proposed Plan (i.e. status quo), including retention of the urban design panel and associated urban design considerations; and
 - (b) That the amendments to the Low Density Residential Zone contained in the Proposed Plan in relation to the removal of the Operative Plan rule 7.5.5.2(xix) relating to Height and Elevation Restrictions along Frankton Road, be disallowed, and the Operative Zone provision be retained, or equivalent provisions included in the Proposed Plan (i.e. status quo); and
 - (c) That amendments be made to the Strategic Direction provisions to manage the form of urban development within UGBs by ensuring developments continue to be of a high quality and that adverse effects of development on nearby properties are appropriately avoided, remedied or mitigated; and
 - (d) That amendments be made to the Urban Boundary provisions to ensure adverse effects of development are appropriately avoided, remedied or mitigated; and
 - (e) That amendments be made to the Subdivision provisions to ensure lot sizes are appropriate and comprehensive design is undertaken; or
 - (f) That the relief in (a) - (e) above be allowed in relation to Lot 5 and the Pounamu Apartments site only (i.e. status quo for Lot 5 and Pounamu Apartments site); or

- (g) That the Proposed Plan include a requirement (for example, by way of a Structure Plan with associated rules or the creation of a Special Zone, or similar) that Lot 5 be developed in a manner that has regard to and is integrated with development on the Pounamu Apartments site, to address the concerns of the Body Corporate outlined in this submission; or
- (h) That the Proposed Plan be amended in the manner set out in the attached table (**Annexure A**); or
- (i) That the Proposed Plan be amended in a similar or such other way as may be appropriate to address the matters raised in the Body Corporate's submission; and
- (j) any consequential decisions required to address the matters raised in the Body Corporate's submission.

The Bodiesy Corporate Wishes to be Heard In Support of Its their Submission:

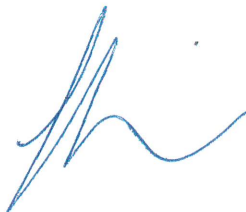
28. If others make a similar submission, the Bodiesy Corporate will consider presenting a joint case with them at a hearing.

POUNAMU BODIESY CORPORATE COMMITTEES AND PANORMA BODY CORPORATE

Solicitors and authorised agents **LANE NEAVE**

Per:

RM Wolt / J E Walsh



Date: 23 October 2015

ADDRESS FOR SERVICE:

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**POUNAMU APARTMENTS BODIES CORPORATE
ANNEXURE A – PROPOSED DISTRICT PLAN SUBMISSION**

Sub #	The provisions that relate to the Bodlesy Corporate's submission	The Bodlesy Corporate's submissions are that:	
		Oppose/Support in Part/Support	Reasons
High Density Zone Provisions			
1	9.1 Zone Purpose	Oppose	<p>High density areas of Queenstown which have been recently developed (particularly those under the recent Plan Change 10 provisions to the Operative Plan) have been developed with a high level of regard to surrounding character and for the most part are of a high quality, which is critical in ensuring Queenstown retains its unique aesthetic appeal.</p> <p>Because higher density residential zones are anticipated to be developed to a greater intensity, effects on character and neighbourhoods have potential to be even more significant and therefore it is important to ensure that such adverse effects are appropriately avoided, remedied or mitigated.</p> <p>This is particularly important in Queenstown where a high level of amenity is integral to support and foster the unique aesthetic qualities of Queenstown. This is critical to the character and success of Queenstown as a destination for visitors as well as making it a good place to live for its residents.</p> <p>Accordingly, amendments are sought to ensure these issues are appropriately dealt with.</p>
2	Objective 9.2.2	Oppose	<p>The section 32 report recommends relaxation of development controls to allow for intensification however, little (if any) proper analysis has been undertaken of the option of zoning new areas to address housing supply issues. An amendment is sought to allow for such consideration to take place.</p>

The following relief is sought (or such similar amendments that achieves the same outcome):
(Note changes are shown underlined and struck through)

Amend 9.1 as follows:

The High Density Residential Zone will provide for more intensive use of land within close proximity to town centres that is easily accessible by public transport, cycle and walk ways. In conjunction with the Medium Density Residential Zone, the zone will play a key planning role in minimising urban sprawl and consolidating growth in existing urban areas.

In Queenstown, buildings greater than two storeys up to 7 or 8 metres in height (depending on whether the site is flat or sloping) are anticipated. Buildings that breach these height limits are appropriate only where neighbourhood amenity, access to sunlight and light, and view shafts can be protected and adverse effects on nearby properties can be avoided, remedied or mitigated, and are subject to high design quality and environmental performance.

...
Development controls will provide some degree of appropriate protection for existing amenity values. However given the focus on intensification, over time some private and public views and amenities will be affected to varying degrees as the character of this area changes and evolves into one that is more urban.
Small scale commercial activity will be enabled, either to support larger residential and visitor accommodation developments, or to provide low impact local services.

Amend as follows:

Objective 9.2.2 – High-density housing development and visitor accommodation will occur in urban areas close to town centres and other appropriately zoned areas, to provide greater housing diversity and respond to strong projected growth in visitor numbers.

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Sub #	The provisions that relate to the Bodlesy Corporate's submission	The Bodlesy Corporate's submissions are that:		The following relief is sought (or such similar amendments that achieves the same outcome): (Note changes are shown underlined and struck through)
		Oppose/Support in Part/Support	Reasons	
3	Policy 9.2.1.1	Oppose	<p>As above, high density areas of Queenstown which have been recently developed (particularly those under the recent Plan Change 10 provisions to the Operative Plan) have been developed with a high level of regard to surrounding character and for the most part are of a high quality, which is critical in ensuring Queenstown retains its unique aesthetic appeal.</p> <p>Because higher density residential zones are anticipated to be developed to a greater intensity, effects on character and nearby properties has potential to be even more significant and therefore it is important to ensure that such adverse effects are appropriately avoided, remedied or mitigated.</p> <p>The submitter agrees that a consent process should be available to breach height limits, but it should remain at the existing height limits in the Operative Plan and where site specific merits and effects on nearby properties can be appropriately considered.</p>	<p>Amend as follows:</p> <p>Policies 9.2.1.1 Provide sufficient high density zoned land with the potential to be developed to greater than two storeys 7 or 8 metres in Queenstown (depending on whether a site is flat or sloping) and two storeys in Wanaka to enable diverse housing supply and visitor accommodation close to town centres. A consent process is available to breach these height limits where the merits of an application and effects on nearby properties can be appropriately considered.</p>
4	Policy 9.2.2.1	Oppose	<p>As above, because higher density residential zones are anticipated to be developed to a greater intensity, effects on character and nearby properties have potential to be even more significant and therefore it is even more important to ensure that such adverse effects are appropriately avoided, remedied or mitigated.</p>	<p>Amend as follows:</p> <p>9.2.2.1 Buildings shall address streets, nearby properties and other public spaces with active edges with limited presentation of blank and unarticulated walls or facades.</p>
5	Policy 9.2.2.7	Oppose	<p>As above, because higher density residential zones are anticipated to be developed to a greater intensity, effects on character and nearby properties have potential to be even more significant and therefore it is even more important to ensure that such adverse effects are appropriately avoided, remedied or mitigated.</p>	<p>Amend as follows:</p> <p>9.2.2.7 Incentivise greater building height where development is designed to achieve a high environmental performance and only where effects on nearby properties can be avoided, remedied or mitigated.</p>
6	New Policy	Oppose	<p>There are no policies in the Proposed Plan however which discuss the existing character of areas and how development should be cognisant of that, particularly in terms of the scale and design of new development and the impacts that can have. Accordingly, a Policy is sought to deal with this important issue.</p>	<p>Amend by adding a new policy after 9.2.2.7 as follows: Policy 9.2.2.8 Ensure that development is designed to have regard to and where appropriate reflect the existing character of neighbouring properties and neighbourhoods, particularly in regards to design, scale and appearance.</p>
7	New Policy	Oppose	<p>Several key policies of the Operative Plan (such as Part 7, Policy 3.4) recognise the world class landscape that Queenstown sits within. Development should reflect these significant landscape values and this should remain a policy in the Proposed Plan.</p>	<p>Amend by adding the following policy: Ensure that external appearance of buildings reflect the significant landscape values and enhance a coherent urban character and form as it relates to the landscape.</p>

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Sub #	The provisions that relate to the Bodlesy Corporate's submission	The Bodlesy Corporate's submissions are that:		The following relief is sought (or such similar amendments that achieves the same outcome): (Note changes are shown underlined and struck through)
		Oppose/Support in Part/Support	Reasons	
8	Objective 9.2.3	Oppose	Ensuring new development achieves a high level of amenity and high quality of development is paramount to retaining Queenstown's status as a world class destination. View shafts, access to sunlight and other similar considerations are critical in achieving a high level of amenity for both residents and users of visitor accommodation facilities.	Amend as follows: 9.2.3 Objective – A reasonable degree of protection of amenity values is an important consideration, <u>will be provided, particularly in areas which are becoming within the context of an increasingly intensified and urban zone where character is changing.</u>
9	Policy 9.2.3.1	Oppose	As above, ensuring new development achieves a high level of amenity and high quality of development is paramount to retaining Queenstown's status as a world class destination.	Amend as follows: Policy 9.2.3.1 <u>Developments controls such as Apply recession planes, building height, floor-area-ratio, yard setback and site coverage controls are as the primary means of limiting overly intensive development and ensuring reasonable protection of neighbours' outlook, sunshine and light access, and privacy of nearby properties is appropriately protected.</u>
10	Policy 9.2.3.2	Oppose	As above, ensuring new development achieves a high level of amenity and high quality of development is paramount to retaining Queenstown's status as a world class destination.	Amend as follows: Policy 9.2.3.2 Ensure that where development standards are breached, impacts on the amenity values of neighbouring nearby properties, including on their outlook, <u>sunlight and light access and privacy, and on public views (especially towards lakes and mountains), are no more than minor relative to a complying development scenario.</u>
11	New Policy	Oppose	The Operative Plan recognises that achieving a balance between built form and open space is an important consideration and this policy should be included within the Proposed Plan.	Amend by adding the following policy: <u>Ensure a balance between building activity and open space on sites to provide for on and off-site amenity, outdoor living and planting.</u>
12	Rule 9.4.1	Support	Activities not anticipated are appropriately recognised as non-complying.	Retain Rule 9.4.1
13	Rule 9.4.4	Oppose	Effects on neighbours and nearby properties and achieving high quality developments are important considerations, particularly in high density areas where increased density can have a significant effect on amenity and character. The urban design assessment criteria has also been removed and should be reinstated. Accordingly, amendments are sought to ensure those effects are appropriately dealt with.	Amend as follows: Dwelling, Residential Unit, Residential Flat comprising four (4) or more per site Discretion is restricted to all the following: <ul style="list-style-type: none"> The location, scale, external appearance and design of buildings and impacts on nearby properties, particularly on sunshine and light access, outlook and privacy The extent to which the development positively addresses the street and has had regard to the character of the surrounding area

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Sub #	The provisions that relate to the Bodlesy Corporate's submission	The Bodlesy Corporate's submissions are that:		The following relief is sought (or such similar amendments that achieves the same outcome): (Note changes are shown underlined and struck through)
		Oppose/Support in Part/Support	Reasons	
14	Rule 9.4.9	Oppose	Visitor accommodation activities have potential to directly impact on nearby properties' amenity. Accordingly, amendments are sought to ensure those effects are appropriately dealt with.	<ul style="list-style-type: none"> The extent to which building mass is broken down and articulated in order to reduce impacts on neighbouring nearby properties and the public realm Parking and access arrangements: safety and efficiency The extent to which landscaped areas are well integrated into the design of the development and contribute meaningfully to the amenity of the development and nearby properties 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 mitigated¹. The extent to which the building is consistent with the Urban Design Assessment Criteria listed in [xx]. <p>And reinsert the Operative Plan Assessment Matters relating to the New Zealand Urban Design Protocol contained at 7.7.2xiii of the Operative Plan</p> <p>Amend as follows:</p> <p>Visitor Accommodation involving the commercial letting of one (1) residential unit or dwelling per site for more than 90 nights in any calendar year. Control is reserved to all of the following:</p> <ul style="list-style-type: none"> The location, nature and scale of activities on site Impacts on nearby properties Parking and access: safety, efficiency and impacts on on-street parking and neighbours Noise and methods of mitigation (through design and management controls) Hours of operation Accommodation format and numbers of guests 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 mitigated¹. The extent to which the building is consistent with the Urban Design Assessment Criteria listed in [xx]. <p>And reinsert the Operative Plan Assessment Matters relating to the New Zealand Urban Design Protocol contained at 7.7.2xiii of the Operative Plan</p>

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Sub #	The provisions that relate to the Bodlesy Corporate's submission	The Bodlesy Corporate's submissions are that:		The following relief is sought (or such similar amendments that achieves the same outcome): (Note changes are shown underlined and struck through)
		Oppose/Support in Part/Support	Reasons	
15	Rule 9.4.10	Oppose	Visitor accommodation activities have potential to directly impact on the amenity of nearby properties (and might not be only limited to immediate neighbours). Accordingly, amendments are sought to ensure those effects are appropriately dealt with.	<p>Amend as follows:</p> <p>Visitor accommodation (not otherwise identified) Discretion is restricted to all the following:</p> <ul style="list-style-type: none"> The location, scale, external appearance and design of buildings and impacts on nearby properties, particularly on sunshine and light access, outlook and privacy The extent to which the development positively addresses the street and has had regard to the character of the surrounding area The extent to which landscaped areas are well integrated into the design of the development and contribute meaningfully to the amenity of the development and nearby properties <ul style="list-style-type: none"> The extent to which building mass is broken down and articulated in order to reduce impacts on neighbouring nearby properties and the public realm. Parking and access arrangements: safety and efficiency, and potential impacts on neighbours' amenity of nearby properties and on-street parking. 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.
16	Rules 9.5.1, 9.5.2 and 9.5.3 Height	Oppose	<p>The Operative Plan height provisions allow an appropriate level of development to occur whilst maintaining amenity, views and outlook. Access to sunlight is a critical consideration for many south facing aspects of Queenstown and altering the height limits as proposed could have significant adverse impacts on properties.</p> <p>Further, the section 32 report recommends that height should be increased to allow for intensification however, little (if any) proper analysis has been undertaken to the option of zoning new areas to address housing supply issues.</p>	<p>Delete rules 9.5.1, 9.5.2 and 9.5.3 and reinsert the Operative Plan height rules for High Density Zones which require non-complying resource consent to exceed a flat site height limit of 8 metres and sloping site height limit of 7 metres.</p>
17	Rule 9.5.4.1	Oppose	<p>The Operative Plan building coverage provision of 65% (for sub-zone A) allow an appropriate level of development to occur whilst maintaining amenity, views and outlook.</p>	<p>Amend as follows:</p> <p>9.5.4.1 Flat Sites a maximum of 6570% site coverage</p>
18	Rule 9.5.5	Oppose	<p>A floor area ratio is an overly complicated tool which can be better achieved through use of a site or building coverage rule.</p>	<p>Delete Rule 9.5.5</p>

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		Oppose/Support in Part/Support	Reasons	
19	Rules 9.5.6.1, 9.5.6.2 and 9.5.6.3	Oppose	Access to sunlight is a critical consideration for many south facing aspects of Queenstown and altering the recession plane limits as proposed could have significant adverse impacts on properties.	<p>Delete Rules 9.5.6.1, 9.5.6.2 and 9.5.6.3 and Reinstate the Operative Plan provisions for recession planes for High Density Zones which require recession lines inclined towards the site at an angle of 25 degrees and commencing at 2.5m above ground level for flat sites and which apply to all buildings. With respect to sloping sites, ensure that the same recession line applies to sloping sites as it does to flat sites (therefore, apply the recession lines to all buildings on sloping sites, not just accessory buildings).</p> <p>Retain Rule 9.5.7</p>
20	Rule 9.5.7	Support	A requirement of at least 20% of landscaped permeable surface is sufficient and should be retained.	
21	Rule 9.5.8	Oppose	The Operative Plan requires some relief in a continuous façade beyond 16m to provide relief to monotonous and dominant structures. This minor requirement can positively contribute to amenity and should therefore be included.	<p>Amend as follows:</p> <p>Continuous Building Length</p> <p><u>No unbroken building length shall exceed 16m. Breaks in building length shall be a minimum of 2m in depth and 4m in width for the full height of the wall and shall include a discontinuous eave line and roofline at the break. The aggregate continuous length of any building facade above one storey, including breaks, shall not exceed 30m.</u></p> <p>Where a proposal exceeds this length, a Restricted Discretionary activity consent shall be required with discretion restricted to all of the following:</p> <ul style="list-style-type: none"> The extent to which variation in the form of the building including the use of projections and recessed building elements, varied roof form, and varied materials and textures, reduces the potential dominance of the building The extent to which topography or landscaping mitigates any dominance impacts The extent to which the height of the building influences the dominance of the building in association with the continuous building length. 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.
22	Rules 9.5.9.1 and 9.5.9.2	Oppose	Setbacks from neighbouring boundaries are critical controls to preserve neighbouring amenity, privacy and outlook and should be retained as per the Operative Plan.	<p>Delete rules 9.5.9.1 and 9.5.9.2 and Reinsert the Operative Plan road and internal boundary setback rules, including those aspects of the Operative Plan setback rules which require setbacks between buildings on the same site (the mutual setback requirements).</p>

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Sub #	The provisions that relate to the Bodlesy Corporate's submission	The Bodlesy Corporate's submissions are that:		The following relief is sought (or such similar amendments that achieves the same outcome): (Note changes are shown underlined and struck through)	
		Oppose/Support in Part/Support	Reasons		
23	New Rule	Oppose	There are no controls relating to outdoor living space requirements. These are important controls that contribute to both on and off site amenity. There may well be circumstances in which it is appropriate to have less or no outdoor living space as identified in the s32 report, however, these matters and their merits should be addressed through an appropriate resource consenting process where such outcomes on a site specific basis can be assessed.	Insert the Operative Plan Rule 7.5.5.2 (viii) relating to Outdoor Living Space into the Proposed Plan	
24	New Rule	Oppose	There are no controls relating to maximum building footprint size	Reinstate the Operative Plan Rule 7.5.3.3(ii) which requires a maximum building footprint of 500m ²	
25	New provisions – Assessment Matters	Oppose	All of the assessment matters have been removed from the Operative ePlan. These provide valuable guidance and should be reinstated.	Reinstate all of the Assessment Matters that are contained at 7.7 of the Operative Plan	
26	Non-notification provision 9.6.2.1	Oppose	Multi unit development can significantly affect character and amenity and precluding notification in all instances is inappropriate.	Delete 9.6.2.1	
27	Notification provision 9.6.3.1	Oppose	This rule is superfluous if the relief sought to retain the Operative Plan height limit provisions is accepted.	Delete 9.6.3.1	
Low Density Zone Provisions					
28	Policy 7.2.2.2	Oppose	This amendment is sought to give policy support to the amendment requested below in relation to retaining the Operative Plan rule which seeks to protect views from Frankton Road out to the lake.	Amend as follows: Apply height, building coverage, and bulk and location controls as the primary means of retaining the lower intensity character of the zone and ensuring protection of views to the lake from Frankton Road, amenity values in terms of privacy, access to sunlight, and impacts arising from building dominance.	
29	Rules 7.5.1 and 7.5.2 Height	Oppose	The Operative Plan rule 7.5.5.2(xix)(a) Height and Elevation Restrictions along Frankton Road is a critical rule to protect views from the main corridor into Queenstown and should be added to the height rules. Several years ago the submitter sought to remove the large wilding pines on the lakeside of Frankton Road opposite the Apartments, and ultimately removed those (with the Council's approval) at its own cost, to provide clear visual connections to the lake and mountains from the Apartments, and to provide better access to daylight, for the ground floor Apartments in particular. The Bodlesy Corporate are/is concerned that the removal of the Operative	Retain Rules 7.5.1 and 7.5.2 as they relate to Queenstown residential areas, but reinsert Rule 7.5.5.2(xix)(a) of the Operative Plan.	
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Sud #	The provisions that relate to the Bodjesy Corporate's submission	The Bodjesy Corporate's submissions are that:		The following relief is sought (or such similar amendments that achieves the same outcome): (Note changes are shown underlined and struck through)
		Oppose/Support in Part/Support	Reasons	
			Plan rule relating to Height and Elevation Restrictions along Frankton Road will, in conjunction with a 7 or 8m height limit, result in development of a height, bulk and scale that significantly affects the amenity currently enjoyed by the Apartments by obstructing visual connections and possibly affecting access to daylight, particularly in the winter months, from the ground floor Apartments.	
Strategic Direction Provisions				
30	Policy 3.2.2.1.3	Oppose	<p>For the most part, and particularly development that has occurred more recently, Queenstown's urban areas have been developed with a high level of regard to surrounding character and have achieved a high quality of design.</p> <p>Queenstown is well recognised for its high quality design and this is fundamental in ensuring Queenstown retains its unique aesthetic appeal.</p> <p>This high quality character is critical to the character and success of Queenstown as a destination for visitors as well as making it a good place to live for its residents.</p> <p>Accordingly, amendments are sought to ensure these issues are appropriately dealt with.</p>	<p>Amend as follows:</p> <p>3.2.2.1.3 Manage the form of urban development within the UGBs ensuring:</p> <ul style="list-style-type: none"> • That design of development continues to be of a high quality given the critical importance that the character of Queenstown has to its success. • Connectivity and integration with existing urban development; • Sustainable provision of Council infrastructure; and • Facilitation of an efficient transport network, with particular regard to integration with public and active transport systems
31	Policy 3.2.2.1.4	Oppose	<p>Effects on neighbours and neighbourhood character, and achieving high quality developments are important considerations, particularly in high density zones where increased density can have a significant effect on amenity and character. Accordingly, amendments are sought to ensure those effects are appropriately dealt with.</p>	<p>Amend as follows:</p> <p>Encourage a higher density of residential development in locations close to town centres, local shopping zones, activity centres, public transport routes and non-vehicular trails, whilst ensuring adverse effects are avoided, remedied or mitigated.</p>
32	Policy 3.2.3.1.1	Oppose	<p>Effects on neighbours and neighbourhood character, and achieving high quality developments are important considerations, particularly in high density zones where increased density can have a significant effect on amenity and character. Accordingly, amendments are sought to ensure those effects are appropriately dealt with.</p>	<p>Amend as follows:</p> <p>Ensure development responds to the character of its site, the street, open space and surrounding area, whilst acknowledging the necessity of increased densities and some change in character in certain locations may be appropriate and where adverse effects can be avoided, remedied or mitigated.</p>
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		Oppose/Support in Part/Support	Reasons	
Urban Boundary Provisions				
33	Policy 4.2.1.3	Oppose	As above, effects on neighbours and neighbourhood character, and achieving high quality developments are important considerations, particularly in high density zones where increased density can have a significant effect on amenity and character. Accordingly, amendments are sought to ensure those effects are appropriately dealt with.	<p>Amend as follows:</p> <p>Encourage a higher density of residential development in locations that have convenient access to public transport routes, cycleways or are in close proximity to community and education facilities <u>provided adverse effects can be avoided, remedied, or mitigated.</u></p>
34	Policy 4.2.3.2	Oppose	As above, effects on neighbours and neighbourhood character, and achieving high quality developments are important considerations, particularly in high density zones where increased density can have a significant effect on amenity and character. Accordingly, amendments are sought to ensure those effects are appropriately dealt with.	<p>Amend as follows:</p> <p>Enable an increased density of residential development in close proximity to town centres, public transport routes, community and education facilities, <u>provided adverse effects can be avoided, remedied, or mitigated.</u></p>
35	Policy 4.2.4.2	Oppose	As above, effects on neighbours and neighbourhood character, and achieving high quality developments are important considerations, particularly in high density zones where increased density can have a significant effect on amenity and character. Accordingly, amendments are sought to ensure those effects are appropriately dealt with.	<p>Amend as follows:</p> <p>Ensure that development within the Queenstown Urban Growth Boundary:</p> <ul style="list-style-type: none"> • Provides a diverse supply of residential development to cater for the needs of residents and visitors • Provides increased density in locations close to key public transport routes and with convenient access to the Queenstown Town Centre <u>provided adverse effects can be avoided, remedied, or mitigated</u> • Provides an urban form that is sympathetic to the character of the <u>surrounding area, the natural setting and enhances the quality of the built environment</u> • Provides infill development as a means to address future housing demand <u>provided adverse effects can be avoided, remedied, or mitigated</u> • Provides a range of urban land uses that cater for the foreseeable needs of the community • Maximises the efficiency of existing infrastructure networks and avoids expansion of networks before it is needed for urban development • Supports the coordinated planning for transport, public open space, walkways and cycleways and community facilities • Does not diminish the qualities of significant landscape features

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Sub #	The provisions that relate to the Bodlesy Corporate's submission	The Bodlesy Corporate's submissions are that:		The following relief is sought (or such similar amendments that achieves the same outcome): (Note changes are shown underlined and struck through)
		Oppose/Support in Part/Support	Reasons	
Subdivision Provisions				
36	Policy 27.2.2.7	Support	This is a positive policy which appropriately recognises view shafts and design which is responsive to the surrounding environment and is supported.	Retain the policy
37	Objective 27.2.3	Oppose	Comprehensive design can often still be achieved in infill development. There are many large lots still able to be developed in the high and medium density zones in Queenstown for example where comprehensive design can be achieved. The Objective needs to recognise that. It is otherwise inconsistent with Policy 27.2.3.1 which does recognise that.	Amend as follows: Recognise the potential of small scale and infill subdivision while acknowledging that the opportunities to undertake comprehensive design may, in some instances, be are limited.
38	Policy 27.2.3.3	Support	The policy appropriately recognises important matters such as encouraging site development to maintain, create and enhance positive visual coherence with surrounding neighbourhoods.	Retain the policy
39	Rule 27.5 Minimum lot size of 450m ² for high density and low density zones	Support	The minimum lot size is appropriate for these zones.	Retain the rule
40	Rule 27.5.1.2 Minimum Dimension of 15 x 15m for Township and All Others	Support	This is an appropriate minimum dimension for Low and High Density Residential zones.	Retain the minimum dimension rule
41	Rule 27.5.2 Lot size exemption	Oppose	Coupled with the other significant changes to the High Density zone, this provision will allow very dense development to occur, particularly without due regard to neighbourhood character and amenity and urban design assessment and is opposed.	Delete the rule
Zoning				
42	Planning Maps 35 and 37	Support	The submitter supports the retention of Low Density Residential Zoning over that portion of land south of Frankton Road bounded by Suburb Street, Park Street, Frankton Road and east of 129 and 131 Frankton Road, as per the Operative Plan.	Retain the Low Density Residential Zoning over those properties
Definitions				
43	Floor area ratio	Oppose	Is overly complicated and unnecessary.	Delete the definition
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Form 6

Further submission on publicly notified proposal for policy statement or plan, change or variation

Clause 8 of Schedule 1, Resource Management Act 1991

To: Queenstown Lakes District Council

services@qldc.govt.nz

NAME OF THE FURTHER SUBMITTER:

1. Pounamu Bodiesy Corporate Committees and Panorama Body Corporate (Bodiesy Corporate).

FURTHER SUBMISSION:

2. This is a further submission by the Bodiesy Corporate (submitter 208) in support of, or opposition to, various original submissions on the Queenstown Lakes Proposed District Plan (Proposed Plan).

STATUS OF FURTHER SUBMITTER:

3. The Bodiesy Corporate has an interest in the Proposed Plan and the submissions that is greater than the interest the general public has as they represent the interests of apartments, including the owners of the Pounamu Apartments, which are 68 luxury apartments at 110 Frankton Road, Queenstown. The Pounamu Apartments are within the High Density Residential Zone in the Proposed Plan and adjoin a large site to their rear, which is also within the High Density Residential Zone (Lot 5 351561, former intended site of the Hilton Hotel). The development of this vacant site has the potential to significantly impact the amenity of the Pounamu Apartments.

ORIGINAL SUBMISSIONS THAT THE BODY CORPORATE SUPPORTS OR OPPOSES:

4. Annexure A, which is attached to and forms part of this this further submission, comprises a schedule of the original submissions that this further submission relates to and summarises which parts of the submissions that are supported or opposed by the Bodiesy Corporate, with reasons, and the decisions sought.

THE BODIESY CORPORATE WISHES TO BE HEARD IN SUPPORT OF THEIRS SUBMISSION:

5. If others make a similar submission, the Bodiesy Corporate will consider presenting a joint case with them at a hearing.

POUNAMU BODIESY CORPORATE COMMITTEES AND PANORAMA BODY CORPORATE

Solicitors and authorised agents **LANE NEAVE**

Per:

RM Wolt / J E Walsh



Date: 18 December 2015

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Contact person: Rebecca Wolt

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ANNEXURE A – FURTHER SUBMISSIONS AND DECISIONS SOUGHT BY THE BODIES CORPORATE

Submitter Name	Plan Provision	Support/ Oppose	Particular Part of Submission the Bod ies y Corporate Supports/Opposes	Reason for the Bod ies y Corporate's Support/Opposition	Decision sought by the Bod ies y Corporate
CHAPTER 9: HIGH DENSITY RESIDENTIAL					
Trustees - Panorama Trust c/- Gordon and Alison Sproule 50 Oriel Avenue Tawa Wellington 5028 sproule@xtra.co.nz (Submitter 64)	Not Stated	Support	The submission that the 7 metre height limit be enforced for the site(s) at 94-130 Frankton Road;	The Bod ies y Corporate supports this submission for the reasons stated in the submission and in its original submission and for the further reasons that increased height limits in this location have the potential to significantly affect the amenity, outlook and access to sunlight and of neighbouring and nearby sites; to give rise to adverse privacy and shading effects; and to result in buildings that are overbearing, dominant and inconsistent with the form and scale of existing development in the area.	That this submission be accepted.
	Not Stated	Support	The submission that that full notification is required if the 7 metre height limit is exceeded for the site(s) at 94-130 Frankton Road;	The Bod ies y Corporate supports this submission for the reasons given in the submission and in theirs original submission and for the further reasons that taller buildings have the potential to affect not only adjoining properties but also the wider community. Taller buildings would not be in keeping with the neighbourhood and would have a significant visual effect when viewed from Frankton Road, which is the main entry route to Queenstown. Taller buildings may also cause shading on Frankton Road which may cause ice on the road in winter.	That this submission be accepted.

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<p>Mount Crystal Limited c/- Mactodd PO Box 653 Queenstown 9348 tray@mactodd.co.nz (Submitter 150)</p>	<p>Rule 9.5.2</p>	<p>Oppose</p>	<p>The submission to amend Rule 9.5.2 by deleting '10 metres' and inserting '12 metres'. "not exceed 40 metres 12 metres, a Restricted Discretionary activity consent shall be required".</p>	<p>The Bodiesy Corporate opposes this submission. The effect of the amendment sought by the submitter is to allow buildings between 7 metres and 12 metres as a restricted discretionary activity, which is inappropriate as it would further enable development while failing to ensure amenity, privacy, views and outlook of nearby and neighbouring sites are maintained.</p> <p>Buildings of this height also have the potential to be overbearing, dominant, restrict access to sunlight and cause shading problems for nearby and neighbouring sites, especially in winter, and would be out of character with the existing surrounding environment.</p> <p>As stated in theirs original submission, the Bodiesy Corporate considers that the height restrictions in the Operative Queenstown Lakes District Plan, which require non-complying resource consent to be obtained for buildings exceeding a height of 7 metres (sloping sites) and 8 metres (flat sites), are appropriate.</p>	<p>That this submission point be rejected.</p>
<p>—</p>	<p>Rule 9.5.3</p>	<p>Oppose</p>	<p>The submission to amend Rule 9.5.3 so that the maximum building height is 12 metres instead of 10 metres.</p>	<p>The Bodiesy Corporate opposes this submission. The effect of the amendment sought by the submitter is to allow buildings between 7 metres and 12 metres as a restricted discretionary activity, which is inappropriate as it would further enable development while failing to ensure amenity, privacy, views and outlook of nearby sites are</p>	<p>That this submission point be rejected.</p>

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				<p>maintained.</p> <p>Buildings of this height also have the potential to be overbearing, dominant, restrict access to sunlight and cause shading problems for nearby sites, especially in winter, and would be out of character with the existing surrounding environment.</p> <p>As stated in its original submission, the Bodiesy Corporate considers that the height restrictions in the Operative Queenstown Lakes District Plan, which require non-complying resource consent to be obtained for buildings exceeding a height of 7 metres (sloping sites) and 8 metres (flat sites), are appropriate.</p>	
<p>Bevan and Aderianne Campbell 9 Earnslaw Terrace Queenstown 9300 stay@campbellsonne arnslaw.co.nz (Submitter 184)</p>	Not stated	Support	The submission that the 7 metre height limit be enforced for the site(s) at 94-130 Frankton Road.	<p>The Bodiesy Corporate supports this submission for the reasons stated in the submission and for the further reasons that allowing taller buildings may fail to ensure amenity, privacy, views and outlook of nearby sites is maintained. Taller buildings also have potential to be overbearing, dominant, restrict access to sunlight and cause shading problems for nearby sites, especially in winter, and would be out of character with the existing surrounding environment.</p> <p>As stated in its original submission, the Bodiesy Corporate considers that the height restrictions in the Operative Queenstown Lakes District Plan, which require non-complying resource consent to be obtained for buildings exceeding a</p>	That this submission be accepted.

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	Not stated	Support	The submission that full notification is required if the 7 metre height is exceeded for site(s) at 94-130 Frankton Road.	height of 7 metres (sloping sites) and 8 metres (flat sites), are appropriate. The Bodiesy Corporate supports this submission for the reasons stated in the submission and for the further reasons that taller buildings have the potential to affect not only adjoining properties but also the wider community. Taller buildings would not be in keeping with the neighbourhood and would have a significant visual effect when viewed from Frankton Road, which is the main entry route to Queenstown. Taller buildings may also cause shading on Frankton Road which may cause ice on the road in winter.	That this submission be accepted.
Nicholas Kiddle 249 Frankton Road Queenstown 9300 nikkiddle@yahoo.co m (Submitter 187)	Rule 9.5.2	Oppose	The submission that seeks to raise the permitted height on sloping sites to 14 metres.	The Bodiesy Corporate opposes this submission as a 14 metre permitted height limit would result in significantly reduced amenity for neighbouring and nearby sites including adverse effects on privacy, views and outlook. Allowing for buildings of such substantial height as a permitted activities precludes neighbours and the surrounding community from expressing comments or concerns on any development proposal or for conditions addressing any potential adverse effects to be imposed. A permitted height of 14 metres would	That this submission point be rejected.

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				<p>result in dominant and overbearing buildings that are significantly out of character with the existing environment.</p> <p>Buildings of this height also have the potential to restrict access to sunlight and cause shading of neighbouring and nearby sites, especially in winter.</p> <p>As stated in its original submission, the Bodiesy Corporate considers that the height restrictions in the Operative Plan are appropriate.</p>	
	Rule 9.5.3	Oppose	The submission seeking to raise the maximum height on sloping sites to 20 metres.	<p>The Bodiesy Corporate opposes this submission as a 20 metre maximum height limit would result in significantly reduced amenity for neighbouring and nearby sites including impacts on privacy, views and outlook.</p> <p>A maximum height limit of 20 metres would result in dominant and overbearing buildings that are significantly out of character with the existing environment.</p> <p>Buildings of this height also have the potential to restrict access to sunlight and cause shading of neighbouring and nearby sites, especially in winter.</p> <p>As stated in its original submissions, the Bodiesy Corporate considers that the height restrictions in the Operative Plan are appropriate.</p>	That this submission point be rejected.

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<p>NZIA Southern and Architecture + Women Southern nortyqt@xtra.co.nz (Submitter 238)</p>	<p>Rule 9.5.6</p>	<p>Support in part</p>	<p>The submission to amend Rule 9.5.6 to use a more detailed compass similar to that used for Christchurch City Council Living H Zone but calculated for the specific topography and sun angles of Queenstown and Wanaka.</p>	<p>The Bodiesy Corporate supports this submission to the extent it seeks further guidance be provided in the Proposed Plan on recession planes for flat sites, provided that the Christchurch recession plane requirements are no less restrictive than those contained in the Operative Queenstown Lakes District Plan.</p> <p>Recession plane requirements have the potential to have a significant impact on maintaining and protecting neighbouring sites' amenity. It is appropriate that the Proposed Plan contains detailed recession plane requirements that take account of Queenstown's particular topography to ensure that the amenity of and outlook of neighbouring sites is maintained, their access to sunlight is appropriately provided for, and that buildings that are dominant, overbearing and overlook neighbouring properties are avoided.</p>	<p>That this submission point be accepted provided it results in recession plane requirements that are no less restrictive than those contained in the Operative Queenstown Lakes District Plan.</p>
<p>Queenstown Lakes District Council c/- Vanessa van Uden Private Bag 50072 Queenstown 9348 mayor@qldc.govt.nz</p>	<p>Rule 9.4.4</p>	<p>Support in part</p>	<p>The submission to amend Rule 9.4.4 to add privacy, screening and overlooking impacts as a matter of discretion.</p>	<p>The Bodiesy Corporate supports this submission to the extent that it is not inconsistent with its original submission as developments in the High Density Residential Zone have the potential to significantly affect neighbours' privacy and amenity. It is therefore entirely appropriate that these effects are considered at the time resource consent is sought for larger scale development.</p>	<p>That this submission point be accepted to the extent that it is not inconsistent with the Bodiesy Corporate's original submission.</p>

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(Submitter 383)	Policy 9.2.3	Support in part	The submission to amend Policy 9.2.3 to add new policy to address privacy/overlooking effects.	The Bodiesy Corporate supports this submission to the extent that it is not inconsistent with its original submission as developments in the High Density Residential Zone have the potential to significantly affect neighbours' privacy and amenity. Therefore it is entirely appropriate to have a policy which more specifically addresses potential privacy/overlooking effects of new buildings on adjoining properties.	That this submission point be accepted to the extent that it is not inconsistent with the Bodiesy Corporate's original submission.
	Rule 9.4.3	Support in part	The submission to consider amendment to Rule 9.4.3 to include the potential for a design review process to confirm permitted status and review the design and yield of buildings progressing without resource consent.	The Bodiesy Corporate supports this submission to the extent that it is not inconsistent with its original submission as it may assist in ensuring that permitted developments are appropriate and of a high quality design.	That this submission point be accepted to the extent that it is not inconsistent with the Bodiesy Corporate's original submission.
	Rule 9.5.2	Support in part	Queenstown Lakes District Council's submission to amend Rule 9.5.2 to add privacy, screening and overlooking impacts as a matter of discretion.	The Bodiesy Corporate supports this submission to the extent that it is not inconsistent with its original submission as developments in the High Density Residential Zone have the potential to give rise to significant adverse effects on neighbours' privacy and amenity. It is therefore entirely appropriate that privacy, screening and overlooking impacts are considered when assessing the effects of taller buildings on adjoining properties.	That this submission point be accepted to the extent that it is not inconsistent with the Bodiesy Corporate's original submission.
	Rule 9.5.5	Support in	Queenstown Lakes District Council's	The Bodiesy Corporate agrees that	That this submission point be

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		part	<p>submission to amend Rule 9.5.5 to ensure that voids are not used as a means to increase building floor area coverage under a FAR control. Suggested wording as below:</p> <p><i>“Gross floor area on a site shall not exceed a Floor Area Ratio of 2.0. For the avoidance of doubt, the creation of voids or open areas cannot be used to increase the achievable overall building footprint within a site.”</i></p>	<p>voids or open areas should not be used to increase the achievable building footprint within a site.</p> <p>However, the Bodiesy Corporate's preference, as stated in their original submission, is that Rule 9.5.5 be deleted and a building coverage rule used instead. The relief sought in this further submission is a less preferred alternative.</p>	<p>rejected and the Bodiesy Corporate's primary relief as stated in its original submission, that Rule 9.5.5 be deleted in its entirety, be accepted. If the Bodiesy Corporate's primary relief is not accepted, then the relief sought in this submission should be accepted.</p>
<p>Plaza Investments Limited c/- Scott Freeman Southern Planning Group PO Box 1081 Queenstown 9348</p>	Rule 9.5.4	Oppose	<p>The submission that seeks the maximum building coverage limit should be 70% for sloping sites.</p>	<p>The Bodiesy Corporate opposes this submission as it seeks to increase site coverage from 65% to 70% for sloping sites. The Bodiesy Corporate considers that this amendment is inappropriate as it would enable intensive development while failing to maintain amenity, views and outlook.</p>	<p>That this submission point be rejected.</p>
<p>scott@southernplanning.co.nz (Submitter 551)</p>	Rule 9.4.10	Support in part	<p>The submission which seeks that controlled activity status for visitor accommodation in the High Density Residential Zone should be maintained as per the provisions of the Operative District Plan.</p>	<p>The Bodiesy Corporate supports controlled activity status for visitor accommodation to the extent that it is not inconsistent with its original submission. More particularly, the submission is supported provided that the Bodiesy Corporate's original submission seeking appropriate development controls in the High Density Residential Zone is accepted, and/or its submissions that the vacant site adjacent to the Pounamu Apartments (Lot 5) is subject to development controls that require any development on that site to be cognisant of and integrated with the Pounamu</p>	<p>That this submission point be accepted in part to the extent it is not inconsistent with the Bodiesy Corporate's original submission and provided the Bodiesy Corporate's original submission is accepted.</p>

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<p>Antony and Ruth Stokes 37 Suburb Street Queenstown 9300 (Submitter 575)</p>	<p>Rule 9.5.4 (paragraph 2.6 of the submission)</p>	<p>Oppose</p>	<p>The submission to maintain the proposed allowed site coverage of 70% for flat sites and potentially increase it to 75% (noting however that the submission is unclear whether it relates to the proposed rule 9.5.4.1 or 9.5.4.2, or both. This further submission relates to and opposes the submission as it is expressed).</p>	<p>Apartments, is accepted. The Bodiesy Corporate opposes this submission as the amendment sought would enable intensive development while failing to maintain amenity, views and outlook.</p>	<p>That this submission point be rejected.</p>
<p>Skyline Enterprises Limited c/- Tim Williams Southern Planning Group PO Box 1081 Queenstown 9348 tim@southernplanning.co.nz (Submitter 612)</p>	<p>Rule 9.5.4</p>	<p>Oppose</p>	<p>The submission seeks the maximum building coverage limit should be 70% for sloping sites.</p>	<p>The Bodiesy Corporate opposes this submission as the amendment would enable intensive development while failing to maintain amenity, views and outlook.</p>	<p>That this submission point be rejected.</p>
<p>tim@southernplanning.co.nz (Submitter 612)</p>	<p>Rule 9.4.10</p>	<p>Support in part</p>	<p>The submission that seeks controlled activity status for visitor accommodation in the High Density Residential Zone be maintained as per the provisions of the Operative District Plan.</p>	<p>The Bodiesy Corporate supports controlled activity status for visitor accommodation to the extent that it is not inconsistent with the Bodiesy Corporate's original submission. More particularly, the submission is supported provided that the Bodiesy Corporate's original submission seeking appropriate development controls in the High Density Residential Zones is accepted, and/or its submission that the vacant site adjacent to the Pounamu Apartments (Lot 5) is subject to development controls that require any development on that site to be cognisant of and integrated with the Pounamu Apartments, is accepted.</p>	<p>That this submission point be accepted in part to the extent it is not inconsistent with the Bodiesy Corporate's original submission and provided the Bodiesy Corporate's original submission is accepted.</p>

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<p>Neville Mahon c/- John Edmonds + Associates Ltd PO Box 95 Queenstown 9348 reception@jea.co.nz (Submitter 628)</p>	<p>Rule 9.4.16</p>	<p>Oppose</p>	<p>The submission to amend Rule 9.4.16 to clarify that the use of a retirement village is a permitted activity and the construction of buildings for the purpose of a retirement village is a restricted discretionary activity.</p>	<p>The Bodiesy Corporate opposes this submission as retirement villages are not consistent with the activities provided for and established in the High Density Residential Zone. A retirement village on the vacant site adjacent to the Pounamu Apartments (Lot 5) would not be an appropriate means of recognising and providing for the relationship between the Pounamu Apartments and Lot 5, as described in the Body Corporate's original submission, nor would it result in integrated development between the two sites.</p>	<p>That this submission point be rejected.</p>
<p>Firestone Investments Limited c/- James Aoake John Edmonds + Associates Ltd PO Box 95 Queenstown 9348 reception@jea.co.nz (Submitter 722)</p>	<p>Rule 9.5.1</p>	<p>Oppose</p>	<p>The submission supporting restricted discretionary activity status for buildings above 7m and below 10m in height.</p>	<p>The Bodiesy Corporate opposes this submission as <u>they</u> considers that the Operative Plan height provisions are appropriate and should be included in the Proposed Plan. Taller buildings have the potential to be overbearing and dominant, and to give rise to adverse privacy, amenity and shading effects, particularly given the siting of the Pounamu Apartments to the rear of their site, and noting the intention at the time the Apartments were built was that they would be integrated with the Hilton Hotel development, then intended for the adjacent lot (Lot 5).</p>	<p>That this submission point be rejected.</p>