

BEFORE THE QUEENSTOWN LAKES DISTRICT COUNCIL

IN THE MATTER

of the Resource Management Act 1991

AND

IN THE MATTER OF

Queenstown Lakes Proposed District Plan –
Chapter 7 – Low Density Residential Zone

**STATEMENT OF SCOTT FREEMAN
ON BEHALF THE FOLLOWING SUBMITTER:**

#555 – Scott Freeman & Bravo Trustee Company Limited

27th October 2016

Introduction

1. My name is Scott Freeman. At the time of lodging the submission #555 I was the registered owner of the property located at 62 McBride Street, Frankton, Queenstown. I have since sold this property, however, I am now a tenant at this address. I have lived at this address since 2005.
2. I am presently a committee member of the Frankton Community Association. I was also previously involved in the community group referred to as Wakatipu Residents Against Aircraft Noise ("WRAAN") that was involved in the Plan Change 35 ("PC 35") proceedings. I am the Frankton community representative on the Queenstown Airport Liaison Committee that was established as a consequence of PC 35 and the associated Notice of Requirement. Having been on Airport Liaison Committee for three years, I have been directly involved in the finalised of the Queenstown Airport Noise Management Plan and the Land Covenant (including the non-objection requirements) which will apply when the Queenstown Airport Corporation ("QAC") retrofits qualifying residential dwellings from a noise insulation/mechanical ventilation perspective. Until I sold my property, I had extensive dealings with the QAC in terms of the retrofitting of my former dwelling.
3. I am a qualified resource management planner, however, my views today are not presented on a professional basis.

Submission #555

4. Submission #555 is clear in its intention, which is the protection of the existing Operative District Plan ("ODP") residential development rights for residential properties located within the Air Noise Boundary ("ANB") that is associated with the Queenstown Airport (and contained within the Low Density Residential Zone). This development right affords the ability to develop one residential unit per 450m² (net area) at land use stage. Any property over 900m² net within the ANB has the 'right' for two residential dwellings (62 McBride Street is 1012m² in area). Notified Rule 7.4.11 within the PDP seeks to extinguish the right for a second residential for such properties.
5. Following the notification of the PDP and becoming aware of the existence of notified Rule 7.4.11, I approached the QLDC Policy Planning Department. The response from the QLDC was quite candid, in that notified Rule 7.4.11 was a mistake – there was no intention of removing the one dwelling per 450m² (net) requirement for properties in the ANB. As a consequence, the QLDC in its corporate submission sought to rectify this mistake.
6. At this time I also approached the Queenstown Airport Corporation ("QAC") in relation to notified Rule 7.4.11. After some dialogue, the QAC resolved to not support Rule 7.4.11 (in effect maintaining the ODP development rights of one residential dwelling per 450m²).

7. I also contacted a number of private landowners within the ANB that would lose development rights should Rule 7.4.11 be eventually confirmed. Such landowners were not enthralled with this prospect, hence the number of submissions from such parties.

PC 35

8. I had personal involvement in PC 35 for a number of years. And one of the main drivers of my involvement in PC 35 was to ensure that the existing development rights (i.e. two residential dwellings) for certain land within the ANB would not be removed via this planning process. Through various meetings (both private and public) with QAC staff and consultants, it was confirmed by the QAC that PC 35 would not seek to remove such development rights.

9. In this regard, I have had the benefit of reading the Statement of Evidence compiled by Mr John Kyle (dated 30th of September 2016) that was prepared on behalf of the QAC. In terms of the background associated with PC 35, I agree with the following statements by Mr Kyle:

"Enablement of future infill residential development on those sites within the zone capable of accommodating additional residential units, subject to meeting the building standards set out above. The minimum site density requirement of one residential unit per 450m² and the minimum subdivision allotment size of 600m² which are included in the operative District Plan were not altered as an assessment at the time PC35 was prepared revealed that the most likely outcome for infill development inside the OCB would be relatively low number of additional dwelling units under this density/subdivision scenario".¹(my emphasis)

"I note that the New Zealand Standard for Airport Noise Management and Land Use Planning, NZS6805:1992 ("NZS6805") promotes an approach whereby all new ASAN within an airport's ANB and OCB are prohibited. This approach adopted for the Low Density Residential zone was a compromise, which endeavoured to balance the future needs of the airport and the needs and aspirations of the Frankton residential community. In the end, this approach was widely accepted by the community and members of the community continue to work closely with the QAC on noise management matters via their representation on the Airport Noise Management Committee".²

10. Clearly, PC 35 was promulgated on the basis of the existing (and operative) development rights for land contained within the ANB being maintained.

¹ Paragraph 2.7.2 – Statement of Evidence of John Kyle (30th of September 2016)

² Paragraph 2.8 - Statement of Evidence of John Kyle (30th of September 2016)

Submissions by the Board of Airline Representatives of New Zealand Inc ("BRANZ")

11. After the submission periods for the PDP in late 2015, I spoke with Ms Katrina Cooper (Legal & Regulatory Counsel for BRANZ) concerning the implication of the notified Rule 7.4.11, and that the QLDC has informed me that this planning provision was a mistake. Ms Cooper informed me that the view of BRANZ was that there should be a limit of residential dwellings next to Queenstown Airport. Ms Cooper further outlined that one way to deal with BRANZ's concern was to place non-objection covenants on the affected property owners Certificates of Title, so as to avoid future complaints against operations at Queenstown Airport. I have not dealt with BRANZ since.
12. BRANZ in my view has taken an opportunistic approach to pounce on a genuine mistake in the form of notified Rule 7.4.11. Both the QLDC and QAC have accepted this mistake and have acted appropriately in my view. BRANZ has quite rightly promoted NZS6805 as the means to support notified Rule 7.4.11, and in a perfect world, there would be no ASAN's in close proximity to Queenstown Airport, or alternatively, Queenstown Airport would be relocated to a position where existing ASAN's are not compromised. Clearly, neither outcome will occur. And, it is my understanding that BRANZ could have challenged this density issue to the Environment Court via PC 35, but did not.
13. Whilst Mr Kyle supports in principle the position of BRANZ, Mr Kyle has stated the following:

"However, as discussed in paragraph 2.8 QAC adopted a compromise position in promulgating PC35. In my opinion, this approach remains sound in the circumstances and it should be noted was accepted by the Court in deciding PC35".³
14. If it were not for the fact that my day job required input into the PDP, a number of landowners who were affected by notified Rule 7.4.11 would have missed the fact that their development rights (and property values) were being considerably reduced – by a mistake in the PDP which had no real justification and was contrary to the long and lengthy PC 35 process, that has ultimately been accepted by all parties (QAC and residents) and the Environment Court.
15. In my view, BRANZ needs to accept that the operative residential density within the ANB/OCB has already been dealt with via PC 35. The outcome maybe a not be perfect to all parties involved, but the end result is that Queenstown Airport can expand out to 2037, and a limited number of landowners within the ANB/OCB might develop in accordance with long term development rights for their respective properties.
16. In conclusion, I respectfully request that the Commissioners disallow notified Rule 7.4.11 and reconfirm the development rights for the subject properties to that of one residential dwelling per 450m²

³ Paragraph 3.27 - Statement of Evidence of John Kyle (30th of September 2016)

as per the ODP in the ANB. In this regard, I support the conclusions of the findings of Ms Leith in the Section 42A for land contained within the ANB.



Scott Freeman

27th October 2016