

QUEENSTOWN LAKES DISTRICT COUNCIL

Hearing of Submissions on Proposed District Plan

Report 17-5

**Report and Recommendations of Independent Commissioners
Regarding Mapping of Queenstown Hill**

Commissioners

Denis Nugent (Chair)

Jan Crawford

David Mountfort

PART C: MT CRYSTAL LIMITED

Submitter Mt Crystal Limited (Submission 150)

Further Submission

FS1340.64 – Queenstown Airport Corporation – oppose

9. PRELIMINARY MATTERS

9.1. Subject of Submissions

61. This submission related to a 2.7360 hectare property located at 634 Frankton Road within the LDRZ (Lot 1 DP9121) (see Figure 5-3 below).

9.2. Outline of Relief Sought

62. The submission requested rezoning of the site to either a mix of MDRZ (1.24 ha) and HDRZ (1.49 ha) or, in the alternative, MDRZ with a 12m height limit and provision for visitor accommodation as provided for in the HDRZ.

9.3. Description of the Site and Environs

63. The site is moderately steep to steeply-sloping and contains two streams which join in the south-eastern corner. The gully of the main stream is deeply incised. Riparian vegetation comprises trees and scrub. The eastern half of the site is covered in broom whereas the western side of the main gully is in pasture. There is a house located in the south-western corner with vehicle access from Frankton Road.

64. To the north, the property shares a boundary with the vacant Middleton land (Submission 336) which is located within the notified Queenstown Hill Overlay Area. The Holiday Inn is on the adjacent site to the west. Generally, there is a mix of housing and visitor accommodation on the slopes overlooking the marina and lake to the east and west of this property. Land on the southern side (or lakeside) of Frankton Road is also residential in character and zoned MDRZ.

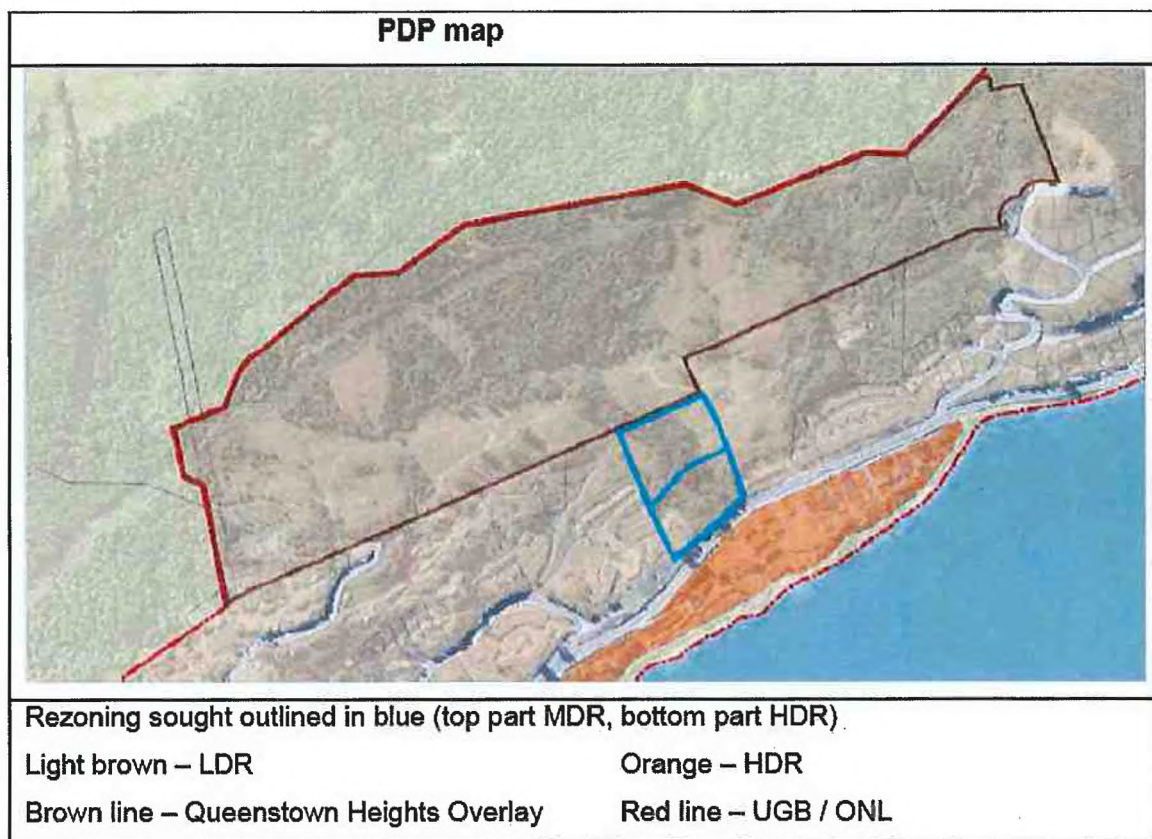


Figure 5-3 –The land subject to the submission outlined in blue.

9.4. The Case for Rezoning

65. The submitter’s planning expert, Mr Sean Dent, presented evidence at the hearing confirming his support for the Council’s revised recommendation that the whole site be zoned MDRZ.²⁴ While he originally provided evidence that supported rezoning the whole property to HDRZ, Mr Dent’s Executive Summary stated his reasons for concluding that the MDRZ would be an efficient and effective planning solution.²⁵ Mr Dent was the only expert to attend the hearing for the submitter however the submitter had provided a geotechnical report²⁶ and a statement of evidence prepared by a civil engineer on infrastructure services.²⁷
66. We record that Mr Dent’s original evidence in support of HDR zoning for the whole site went beyond the scope of the submission.²⁸ The submission sought HDRZ for the lower area only. MDR zoning for the whole site however is within scope therefore there was no need for the Panel to formally deal with matters of scope.
67. Mr Dent relied in part on the opinions of various technical experts in coming to his conclusion that the MDRZ was appropriate for this land. With respect to transport, he relied on Ms Wendy Banks for the Council, who did not oppose the MDRZ because she considered the intensification at this level of density to be insignificant.²⁹

²⁴ R. Devlin, Supplementary Rebuttal Evidence, 11 July 2017, paragraphs 4.1 – 4.11

²⁵ S. Dent, Executive Summary, 22 August 2017, paragraph 1.10

²⁶ S. Dent, EIC, 9 June 2017, Appendix B - Report by Geosolve, August 2016

²⁷ J. McCartney, EIC, 8 June 2017

²⁸ S. Dent, EIC, 9 June 2017

²⁹ W. Banks, EIC, 25 May 2017, paragraph 8.15

68. The geotechnical experts for the Council (Mr Watts)³⁰ and the submitter (Ms Georgia Scott) agreed that the site was suitable for development at an MDRZ density subject to more detailed geotechnical assessment.³¹
69. Mr John McCartney, a civil engineer, provided written evidence on infrastructure and, in particular, the feasibility of servicing the site with wastewater and water supply services. He met Council staff, including Mr Glasner, to discuss the various issues including provision of adequate water for firefighting should HDRZ be adopted. Mr Glasner opposed HDRZ due to concerns about providing sufficient water for firefighting but did not oppose MDR zoning over the site as there would be no change in firefighting requirements compared with the notified LDRZ.³² Mr Dent relied on their expert opinion that there were no insurmountable issues with respect to infrastructure servicing of the subject site if developed at a MDRZ density.³³
70. There was considerable agreement between Mr Dent and Ms Devlin for the Council on planning matters. They agreed that the adjoining properties have been developed to greater densities than conventional LDR through comprehensive developments or as visitor accommodation complexes, such that the surrounding area is not traditionally suburban in appearance and character.³⁴
71. Mr Dent considered it was not an effective or efficient planning approach to try and maintain a LDRZ characteristic that presently does not exist and which cannot be regained in this area.³⁵ Ms Devlin considered upzoning would facilitate more efficient use of the land for residential purposes (taking into account the stream and geotechnical constraints that will restrict the developable area) and development at MDR scale would not result in significant amenity concerns in regard to adjoining properties.
72. Mr Dent assessed the likely yield under MDR zoning as 34 lots, after first deducting the area of land that is unsuitable for development due to natural hazards.
73. Ms Devlin considered that the provisions of Chapter 28 Natural Hazards would ensure that any development on the parts of the site subject to natural hazards only occurs where the risks to the community and the built environment are avoided or appropriately managed or mitigated (notified Objective 28.3.2).
74. Finally, it was Mr Dent's opinion that applying the MDRZ to the subject site as opposed to HDRZ still accords with the Strategic Direction of the PDP to facilitate higher density living near public transport routes, efficient and sustainable use of infrastructure servicing and providing for mixed densities of housing in existing and new urban communities. The MDRZ will also maintain a high quality built environment by requiring assessment of the urban design of multi-unit developments.³⁶
75. QAC lodged a further submission opposing the rezoning of currently vacant land and/or enabling intensification of existing or residentially zoned land because this will bring more people to the aircraft noise effect now and into the future. Mr Kyle's evidence was that the

³⁰ C. Watts, Rebuttal Evidence, 11 July 2017, paragraphs 4.1 - 4.4

³¹ S. Dent, Executive Summary, 22 August 2017, paragraph 1.7

³² R. Devlin, Rebuttal Evidence, 7 July 2017, paragraph 4.8

³³ Ibid, paragraph 1.5

³⁴ Ibid, paragraph 4.4;

³⁵ S. Dent, EIC, 9 June 2017, paragraph 64, see also paragraphs 55 – 64 for a full discussion of this matter

³⁶ S. Dent, Executive Summary, 22 August 2017, paragraph 1.10

best form of protection available to avoid potential reverse sensitivity effects is to avoid development coming to the effect in the first place.³⁷ However the submission site is not located within the OCB and QAC has not initiated a plan change seeking to extend the OCB.

9.5. Discussion of Planning Framework

76. The LDRZ is the largest residential zone in the District. In Chapter 7 as recommended it is renamed the Lower Density Suburban Residential zone to more accurately capture the range of traditional and modern suburban densities and housing types enabled. Objective 7.2.1 provides for *'a mix of compatible suburban densities and a high amenity low density residential environment for residents...'*. Policy 7.2.1.2 encourages development that *'maintains suburban residential amenity values including predominantly detached building forms, and predominantly one or two storey building heights.'* Policy 7.2.1.3 seeks to maintain amenity values between sites, in particular privacy and access to sunlight. A clear theme is the maintenance of suburban character and high amenity values. Commercial activities are generally discouraged.
77. The purpose of the MDRZ is to enable a greater supply of diverse housing options for the District at a higher density than the LDRZ. Development controls are designed to ensure that the reasonable maintenance of amenity values is maintained. MDR zones should be easily accessible to local shopping centres, town centres or schools by public transport, cycling or walking.
78. The HDRZ provides for efficient use of land within close proximity to town centres that is easily accessible by public transport, cycle and walkways. In Queenstown, it enables taller buildings than in other residential zones, subject to high design quality. Development controls provide minimum of protections for existing amenity value and are otherwise prioritised towards enabling the community's wellbeing by promoting growth and development. There is a focus on intensification and small scale commercial activities are enabled to support larger residential developments, or to provide low impact local services.
79. Chapter 28 Natural Hazards and Chapter 27 Subdivision provide for a case by case assessment of natural hazards risks when subdivision and/or development is proposed.
80. The submission site is not located within the OCB for Queenstown Airport.

10. ISSUES

- a. The most appropriate zone for this land

11. DISCUSSION OF ISSUES AND CONCLUSIONS

81. We agree with Ms Wendy Banks and Ms Devlin that HDR zoning is not appropriate for this land because it is contrary to Objective 9.2.1 which requires that high density housing development occurs in urban areas close to town centres, to provide greater housing density and respond to expected population growth. This property is about 3.5km from Queenstown therefore it is not located *'in close proximity'* to the town centre. In our view, the role of Queenstown town centre as an economic, civic and cultural hub for the Wakatipu area would be undermined if high density housing was permitted in other locations further afield, including this site. This outcome would be contrary to Strategic Objective 3.2.1.2.

³⁷ J. Kyle, Rebuttal Evidence, 7 July 2017, paragraphs 2.2 - 2.3

82. Ms Devlin considered that the development enabled by an HDR zone would appear out of character or disparate in this location.³⁸ We agree.
83. We also agree with Mr Dent that the development enabled by the LDRZ would be out of character with the neighbouring development which is more intensive by comparison. It follows that we agree with both planners that MDR zoning is the most appropriate for this site for the reasons given in their evidence and summarised above.
84. We note that the submitter, in accepting MDR zoning for the whole site, did not pursue its request for MDR zoning with a maximum height limit of 12 metres and with the provision for visitor accommodation which applies in the HDR. Ms Devlin addressed this request and concluded that it would be inappropriate to apply a 12m building height to this site along with MDR zoning. In her opinion, the proposed 12m height would enable buildings that would appear as very dominant in this setting relative to the surrounding LDR neighbourhood. The likely pattern of development would be out of character and result in adverse effects in regard to neighbouring residential amenities. Ms Devlin did not support a bespoke height limit rule just for this area.³⁹ We agree.
85. With respect to QAC's further submission, we consider it is not sound resource management practice to limit development potential in the face of uncertainty about the future of the airport particularly in a location like Queenstown which has topographical constraints that limit the land available for urban development. For a full discussion of QAC's further submissions on sites not located within the ANB or OCB, see Report 17-1.⁴⁰
86. We are satisfied that the evidence demonstrated the suitability of this land for MDR zoning. It is easily accessible to local shopping zones, town centres or schools by public transport, cycling or walking. The land is supported by adequate existing or planned infrastructure and its development will enable a greater diversity of housing types, generally around two storeys in height. Subject to detailed assessment of natural hazards and implementation of risk management measures, the site is capable of being safely developed for housing and other activities enabled within the MDR.

12. RECOMMENDATION

87. For the reasons set out above, we recommend that:
- a. Submission 150 be accepted in part; and
 - b. FS1340.64 be rejected; and
 - c. MDR zoning be applied to the whole of the property located at 634 Frankton Road (Lot 1 DP9121) as shown on Planning Map 32.

³⁸ R. Devlin, Rebuttal Evidence, 7 July 2017, paragraph 4.5

³⁹ Ms Rosalind Devlin, Section 42A Report, 24 May 2017, paragraph 6.17

⁴⁰ Refer Report 17-1, Section 5.3