

FORM 5
SUBMISSION ON PROPOSED QUEENSTOWN LAKES DISTRICT PLAN

Clause 6 of Schedule 1, Resource Management Act 1991

To: Queenstown Lakes District Council

Submitter Details:

Name of submitter: Skyline Investments Limited &
O'Connells Pavilion Limited

Address for Service: Skyline Investments Limited &
O'Connells Pavilion Limited

C/- Southern Planning Group
PO Box 1081
Queenstown 9348

Attention: Tim Williams
tim@southernplanning.co.nz
021 209 8149

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

2. Trade Competition

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

3. Omitted

4. Skyline Investments Limited (SIL) & O'Connells Pavilion Limited (OPL) submission is that:

SIL owns several properties located within the Queenstown Town Centre zone. 48 & 50 Beach Street (Sections 4 & 5 Block XV Town of Queenstown) "**AVA Backpackers**", 18 – 26 Rees Street (Lot 1 -4 DP 4350 & Section 12 -15 Block XIV Town of Queenstown) "**Dairy Corner**", Lots 2-4 Deposited Plan 338525 corner of Marine Parade and Church Street "**Marine Parade Site**".

OPL owns Lot 1 DP 20117 "**O'Connells**".

The PDP zoning is identified on Proposed Planning Map 36 – Queenstown Central.

SIL & OPL in part **supports** the Proposed District Plan (PDP) on the following basis:

- 4.1 The PDP zones SIL & OPL land Town Centre Zone.
- 4.2 The PDP objectives, policies and rules that enable and promote development in the Town Centre Zone.
- 4.3 The PDP objectives and policies that support:
 - Rule 12.5.9.1 & 12.5.10.1 relating to height in Precinct 1.

SIL & OPL in part **opposes** the Proposed District Plan (PDP) on the following basis:

- 4.4 The PDP objectives, policies and Queenstown Town Centre Design Guidelines 2015 that inform and supports Rule 12.4.6.1 Buildings (design and external appearance).
- 4.5 The PDP objectives, policies and Queenstown Town Centre Design Guidelines 2015 that inform and supports Rule 12.5.2.2 Building Setback.
- 4.6 The PDP objectives, policies and Queenstown Town Centre Design Guidelines 2015 that inform and supports Rule 12.5.14 Glare.
- 4.7 The proposed Height Precinct Map to the extent it does not identify all of the **Marine Parade Site** within a height precinct.
- 4.8 The above rules do not promote the purpose of the Resource Management Act 1991 because they:
 - do not promote or give effect to Part 2 of the Act,
 - do not promote or give effect to the objectives and policies of the District Plan;
 - do not meet section 32 of the Act, and

- are not the most appropriate method for achieving the objectives of the Proposed District Plan having regard to its efficiency and effectiveness, and taking into account the costs and benefits.

Without derogating from the generality of the above, SIL & OPL further states that:

- 4.9 The SIL & OPL land is zoned Town Centre Zone in the District Plan. SIL & OPL supports the zoning of this land Town Centre Zone in the PDP.
- 4.10 SIL & OPL supports the PDP objectives & policy framework to the extent it promotes a regime where no control over site coverage is provided in the Town Centre Zone.
- 4.11 SIL & OPL supports the PDP objectives & policy framework to the extent it promotes a regime where no parapet height control would apply to **Dairy Corner**, the **Marine Parade Site** and **O'Connells** and no recession plane control would apply to Lots 2 & 4 of the **Marine Parade Site** and **Dairy Corner** (Height Precinct 3). The amended rule framework will provide a more efficient regime whilst ensuring provisions remain effective to control buildings within the Town Centre zone.
- 4.12 SIL & OPL supports the PDP objectives & policy framework to the extent it promotes a regime where the height recession plane relating to **O'Connells** is relaxed to better facilitate development of the site. SIL & OPL considers appropriate control exist to manage buildings without undue bulk and location controls.
- 4.13 SIL & OPL recommends Rule 12.5.10.5 (a) is clarified to remove the reference to the block description that follows on from the reference to Height Precinct 4 because:
- it is unclear what the description adds that is not already covered by the reference to the precinct,
 - the precinct boundaries are clearly defined on the Height Precinct Map, and

- the addition of the description creates a suggestions that the scope of the rule is being confined further than the entirety of Height Precinct 4 which does not in fact appear to be the intention.
- 4.14 SIL & OPL supports the location of **AVA Backpackers** within Height Precinct 1 and the accompanying height controls that promote a building height of 15 m via a restricted discretionary consent within Precinct 1.
- 4.15 SIL & OPL considers the height limits proposed in Height Precinct 1 and specifically on the **AVA Backpackers** site will provide for the efficient use of Town Centre sites.
- 4.16 SIL & OPL recommends Rule 12.5.10.5 (a) is clarified to remove the reference to the block description that follows on from the reference to Height Precinct 4 because:
- it is unclear what the description adds that is not already covered by the reference to the precinct,
 - the precinct boundaries are clearly defined on the Height Precinct Map, and
 - the addition of the description creates a suggestions that the scope of the rule is being confined further than the entirety of Height Precinct 4 which does not in fact appear to be the intention.
- 4.17 SIL & OPL opposes the PDP rule relating to buildings where it has changed the status of buildings and/or external appearance changes from controlled to restricted discretionary because:
- there is no monitoring or other evidence provided by Council in its s32 or other documents to identify that the existing controlled activity regime is ineffective or inefficient and therefore that a restricted discretionary status is justified,
 - requiring a restricted discretionary consent for all buildings and external alterations will create significant uncertainty, cost and complexity.
 - a controlled activity regime can provide appropriate control to ensure a good design outcome whilst providing certainty to landowners, and

- in seeking to streamline and simplify the District Plan a controlled activity regime would be more appropriate.
- 4.18 SIL & OPL opposes a setback requirement of 1m from the south side of Beach Street as there is no rational for this setback, particularly on Lower Beach Street.
- 4.19 The road characteristics and built form environment of Lower Beach Street is different to Upper Beach Street. It is considered that the Lower Beach streetscape is such that a setback of 1m is unnecessary and results in an inefficient use of commercial land.
- 4.20 The operative District Plan only requires a building setback of 1m within Precinct 3 of the Special Character Area which only relates to Upper Beach Street (Camp Street to Rees Street). However, the way the PDP is drafted the rule is related to Beach Street rather than a precinct therefore, extending the effect of this rule. It is not clear that there is any rational or justified reason for this change.
- 4.21 SIL & OPL opposes the PDP rule relating to the control of glare as it unnecessarily restricts the range of colours and materials that can be used on a building. In particular the rule would limit the choice of colours on buildings to those with a reflectance of between 0 and 36%.
- 4.22 SIL & OPL considers a rule effectively limiting the choice of colours and materials is inefficient and unnecessary within a town centre environment. Appropriate controls exist to consider the external appearance of buildings and therefore colour without limiting those considerations through this rule.
- 4.23 Given the status of a breach of this rule the external appearance consideration of a building could be elevated to a non-complying activity. This is considered inappropriate given the wide range of colours and materials present within the Town Centre zone.
- 4.24 The implications of this rule are considered contrary to the general framework of the PDP and QLDC design guideline that do not support limiting the range

of colours and materials on buildings as promoted in this rule and is not supported by any s32 analysis.

- 4.25 The **Marine Parade Site** is identified on the proposed Height Precinct Map as being located partially within Height Precinct 3. However the portion of the site adjoining the access to Searle Lane is not identified within a height precinct. It is considered this is an error.
- 4.26 To provide for no height precinct over a portion of the site would be inconsistent with the general approach to controlling height promoted in the PDP and create significant administrative uncertainty and complexity around what if any height control would apply to this portion of the site.
- 4.27 SIL & OPL considers the rear portion of the **Marine Parade Site** should be identified within Height Precinct 4 to be consistent with the rest of Church Street.

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

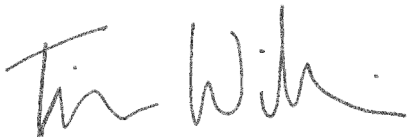
- 5.1 The Proposed District Plan as notified is confirmed as it relates to:
- The zoning of SIL's & OPL's land Town Centre,
 - The removal of controls over site coverage,
 - The removal of parapet height and recession plane controls applicable to **Dairy Corner**,
 - The removal of parapet height controls from the **Marine Parade Site** and removal of the recession plane control applicable to the Marine Parade frontage of the **Marine Parade Site**,
 - The removal of parapet height controls and relaxation of the height recession plane controls for the **O'Connells** site, and
 - The location of **AVA Backpackers** within Precinct 1 and Rules 12.5.9.1 & 12.5.10.1 enabling a height limit of 15m.
- 5.2 The Proposed District Plan is modified so:
- Rule 12.4.6.1 triggers a controlled activity consent not restricted discretionary,

- Rule 12.5.2.1 Building Setback is deleted,
- Rule 12.5.14.4 External Building Materials is deleted, and
- The portion of the **Marine Parade Site** that is currently not shown within a Height Precinct is identified within Height Precinct 4 and the Height Precinct Map is amended accordingly.

5.3 Any consequential relief or alternative amendments to objectives and provisions to give effect to the matters raised in this submission.

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

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



(Tim Williams on behalf of SIL & OPL)

23 October 2015

FORM 5
SUBMISSION ON PROPOSED QUEENSTOWN LAKES DISTRICT PLAN

Clause 6 of Schedule 1, Resource Management Act 1991

To: Queenstown Lakes District Council

Submitter Details:

Name of submitter: Skyline Properties Limited & Accommodation and Booking Agents Queenstown Limited

Address for Service: Skyline Properties Limited & Accommodation and Booking Agents Queenstown Limited
 C/- Southern Planning Group
 PO Box 1081
 Queenstown 9348

Attention: Tim Williams
tim@southernplanning.co.nz
 021 209 8149

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

2. Trade Competition

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

3. Omitted

4. Skyline Properties Limited (SPL) & Accommodation and Booking Agents Queenstown Limited (ABAQL) submission is that:

SPL owns several properties located within the Queenstown Town Centre zone. 1 Ballarat Street (Part Section 15 Block II Town of Queenstown, Section 16 Block II Town of Queenstown & Lot 1 DP 338525) “**Eichardts**”, 2 Ballarat Street (Lot 1 DP 20357) “**Town Pier**” and 19 -23 Shotover Street (Lot 1 DP 20166) “**Chester Building**”.

ABAQL owns Lot 2 DP 19416 “**Skyline Arcade**”.

The PDP zoning is identified on Proposed Planning Map 36 – Queenstown Central.

SPL & ABAQL in part **supports** the Proposed District Plan (PDP) on the following basis:

- 4.1 The PDP zones SPL & ABAQL land Town Centre Zone.
- 4.2 The PDP objectives, policies and rules that enable and promote development in the Town Centre Zone.
- 4.3 The PDP objectives and policies that support:
 - Rule 12.5.9.1 & 12.5.10.1 relating to height in Precinct 1.

SPL & ABAQL in part **opposes** the Proposed District Plan (PDP) on the following basis:

- 4.4 The PDP objectives, policies and Queenstown Town Centre Design Guidelines 2015 that inform and supports Rule 12.4.6.1 Buildings (design and external appearance).
- 4.5 The PDP objectives, policies and Queenstown Town Centre Design Guidelines 2015 that inform and supports Rule 12.5.14 Glare.
- 4.6 The above rules do not promote the purpose of the Resource Management Act 1991 because they:
 - do not promote or give effect to Part 2 of the Act,
 - do not promote or give effect to the objectives and policies of the District Plan;
 - do not meet section 32 of the Act, and
 - are not the most appropriate method for achieving the objectives of the Proposed District Plan having regard to its efficiency and effectiveness, and taking into account the costs and benefits.

Without derogating from the generality of the above, SPL & ABAQL further states that:

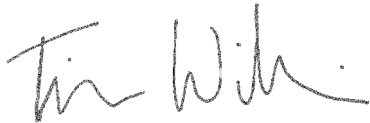
- 4.7 The SPL & ABAQL land is zoned Town Centre Zone in the District Plan. SPL & ABAQL supports the zoning of this land Town Centre Zone in the PDP.
- 4.8 SPL & ABAQL supports the PDP objectives & policy framework to the extent it promotes a regime where no control over site coverage is provided in the Town Centre Zone and no parapet or recession plane control relate to the **Town Pier** and **Eichardts** (Part Section 15 and Lot 1) sites (Height Precinct 3).
- 4.9 SPL & ABAQL supports the location of the **Chester Building** within Height Precinct 1 and the accompanying height controls that promote a building height of 14 m via a restricted discretionary consent within Precinct 1.
- 4.10 SPL & ABAQL considers the height limits proposed in Height Precinct 1 and specifically on the **Chester Building** site will provide for the efficient use of Town Centre sites.
- 4.11 SPL & ABAQL opposes the PDP rule relating to buildings where it has changed the status of buildings and/or external appearance changes from controlled to restricted discretionary because:
- there is no monitoring or other evidence provided by Council in its s32 or other documents to identify that the existing controlled activity regime is ineffective or inefficient and therefore that a restricted discretionary status is justified,
 - requiring a restricted discretionary consent for all buildings and external alterations will create significant uncertainty, cost and complexity.
 - a controlled activity regime can provide appropriate control to ensure a good design outcome whilst providing certainty to landowners, and
 - in seeking to streamline and simplify the District Plan a controlled activity regime would be more appropriate.
- 4.12 SPL & ABAQL opposes the PDP rule relating to the control of glare as it unnecessarily restricts the range of colours and materials that can be used on a building. In particular the rule would limit the choice of colours on buildings to those with a reflectance of between 0 and 36%.

- 4.13 SPL & ABAQL considers a rule effectively limiting the choice of colours and materials is inefficient and unnecessary within a town centre environment. Appropriate controls exist to consider the external appearance of buildings and therefore colour without limiting those considerations through this rule.
- 4.14 Given the status of a breach of this rule the external appearance consideration of a building could be elevated to a non-complying activity. This is considered inappropriate given the wide range of colours and materials present within the Town Centre zone.
- 4.15 The implications of this rule are considered contrary to the general framework of the PDP and QLDC design guideline that do not support limiting the range of colours and materials on buildings as promoted in this rule and is not supported by any s32 analysis.

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

- 5.1 The Proposed District Plan as notified is confirmed as it relates to:
- The zoning of SPL's & ABAQL's land Town Centre,
 - The removal of controls over site coverage,
 - The removal of parapet height and recession plane controls applicable to the **Town Pier** site and Part Section 16 and Lot 1 of the **Eichardts** site (Height Precinct 3), and
 - The location of the **Chester Building** within Precinct 1 and Rules 12.5.9.1 & 12.5.10.1 enabling a height limit of 14m.
- 5.2 The Proposed District Plan is modified so:
- Rule 12.4.6.1 triggers a controlled activity consent not restricted discretionary, and
 - Rule 12.5.14.4 External Building Materials is deleted.
- 5.3 Any consequential relief or alternative amendments to objectives and provisions to give effect to the matters raised in this submission.

6. The submitter wishes to be heard in support of their submission.
7. If others make a similar submission the submitter will consider presenting a joint case with them at a hearing.



(Tim Williams on behalf of SPL & ABAQL)

23 October 2015

FORM 6
FURTHER SUBMISSION ON PROPOSED QUEENSTOWN LAKES DISTRICT PLAN

Clause 8 of First Schedule, Resource Management Act 1991

To: Queenstown Lakes District Council

Submitter Details:

Name of submitter: Skyline Investments Limited &
O'Connells Pavilion Limited

Address for Service: Skyline Investments Limited &
O'Connells Pavilion Limited
C/- Southern Planning Group
PO Box 1081
Queenstown 9348

Attention: Tim Williams
tim@southernplanning.co.nz
021 209 8149

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

2. The following submissions are opposed:

- Submission 82 – Toni Okkerse
- Submission 238 – NZIA Southern and Architecture + Women Southern
- Submission 417 – John Boyle

3. The following submissions are supported:

NA

4. The submitter has an interest in the proposal that is greater than the interest of the general public.

The submitter's interest is greater than the interest of the general public because Skyline Investments Limited & O'Connells Pavilion Limited was a submitter on the Proposed District Plan and owns land that is directly affected by outcomes requested in the submissions listed above.

5. The reasons for this submission are:

Submitter #	Support, Oppose or Neutral	Further Submission
82	Oppose	The submitter opposes this submission and considers requirements for parking within the CBD is inappropriate and inefficient. Amendments to height as detailed in the submission are inappropriate and inefficient. The submission and matters sought in it will therefore not promote or give effect to Part 2 of the Act. Matters raised in the submission do not meet section 32 of the Act. Are not the most appropriate method for achieving the objectives of the Proposed District Plan having regard to its efficiency and effectiveness, and taking into account the costs and benefits
238	Oppose	The submitter opposes this submission. Submission 238 will not promote or give effect to Part 2 of the Act. Matters raised in the submission do not meet section 32 of the Act. Are not the most appropriate method for achieving the objectives of the Proposed District Plan having regard to its efficiency and effectiveness, and taking into account the costs and benefits.
417	Oppose	The submitter opposes this submission and considers that operative provisions relating to height are not the most appropriate or effective method to promote or give effect to Part 2 of the Act. Matters raised in the submission do not meet section 32 of the Act. Are not the most appropriate method for achieving the objectives of the Proposed District Plan having regard to its efficiency and effectiveness, and taking into account the costs and benefits

6. The submitter seeks the following from the Queenstown Lakes District Council

- Submission 82 – Toni Okkerse be disallowed.
- Submission 238 – NZIA Southern and Architecture + Women Southern be disallowed.
- Submission 417 – John Boyle be disallowed.

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

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

A handwritten signature in black ink that reads "Tim Williams". The signature is written in a cursive, slightly slanted style.

Tim Williams (on behalf of Skyline Investments Limited & O'Connells Pavilion Limited)

FORM 6
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Clause 8 of First Schedule, Resource Management Act 1991

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Submitter Details:

Name of submitter: Skyline Properties Limited &
Accommodation and Booking Agents
Queenstown Limited

Address for Service: Skyline Properties Limited &
Accommodation and Booking Agents

C/- Southern Planning Group
PO Box 1081
Queenstown 9348

Attention: Tim Williams
tim@southernplanning.co.nz
021 209 8149

- 1. This is a further submission on the Proposed Queenstown Lakes District Plan.**
- 2. The following submissions are opposed:**
 - Submission 82 – Toni Okkerse
 - Submission 238 – NZIA Southern and Architecture + Women Southern
 - Submission 417 – John Boyle
- 3. The following submissions are supported:**

NA
- 4. The submitter has an interest in the proposal that is greater than the interest of the general public.**

The submitter's interest is greater than the interest of the general public because Skyline Properties Limited & Accommodation and Booking Agents was a submitter on the Proposed District Plan and is directly affected by outcomes requested in submissions listed above.

5. The reasons for this submission are:

Submitter #	Support, Oppose or Neutral	Further Submission
82	Oppose	The submitter opposes this submission and considers requirements for parking within the CBD is inappropriate and inefficient. Amendments to height as detailed in the submission are inappropriate and inefficient. The submission and matters sought in it will therefore not promote or give effect to Part 2 of the Act. Matters raised in the submission do not meet section 32 of the Act. Are not the most appropriate method for achieving the objectives of the Proposed District Plan having regard to its efficiency and effectiveness, and taking into account the costs and benefits
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Tim Williams (on behalf of Skyline Properties Limited & Accommodation and Booking Agents)