

FORM 5: SUBMISSION

ON NOTIFIED PROPOSED DISTRICT PLAN OR PLAN
CHANGE OR VARIATION OR POLICY STATEMENT



Clause 6 of Schedule 1, Resource Management Act 1991



TO // Queenstown Lakes District Council

Name of submitter {full name} Scott O'Donnell

This is a submission on the following proposed policy statement (or on the following proposed plan or on a change proposed to the following policy statement or plan or on the following proposed variation to a proposed policy statement or on the following proposed variation to a proposed plan or on the following proposed variation to a change to an existing policy statement or plan) (the **proposal**):



NAME OF // Proposed or existing policy statement or plan and (where applicable) change or variation

QLDC URBAN INTENSIFICATION VARIATION to Proposed District Plan - High Density and Medium Density Residential Rezon

I could / could not**

gain an advantage in trade competition through this submission.

*I am / am not**

directly affected by an effect of the subject matter of the submission:

- (a) adversely affects the environment; and
- (b) does not relate to trade competition or the effects of trade competition.

* Delete entire paragraph if you could not gain an advantage in trade competition through this submission.

** Select one.



SPECIFIC PROVISIONS // Of the proposal that my submission relates to are:

[give details] QLDC Urban Intensification Variation to the Proposed District Plan - High Density Residential Zone and Medium Density Rezoning of the land on Panorama Terrace



MY SUBMISSION

[include: whether you support or oppose the specific provisions or wish to have them amended; and reasons for your view]

SUBMISSION QLDC URBAN INTENSIFICATION VARIATION

Submission on behalf of Scott and Jocelyn O'Donnell 11 Panorama Terrace, Queenstown

This submission is on Queenstown Lakes District Council's Urban Intensification Variation to the Proposed District Plan.

We are directly affected by the proposed variation.

We oppose the proposed Urban Intensification Variation as it currently stands.

Specifically we oppose the proposed changes to the High Density Residential Zone and the rezoning of land on Panorama Terrace, Queenstown as High Density Residential and Medium Density Residential.

We own a home at 11 Panorama Terrace which we built in 2010. Our home has great views across Lake Wakatipu to Cecil Peak to the south and a reasonable amount of sun from the north and west.

We designed and built our home to take advantage of these views and the available sunlight and have invested a significant amount in constructing a high quality home, as have many of our neighbours along Panorama Terrace and Panorama Place.

*If your submission relates to a proposed policy statement or plan prepared or changed using the collaborative planning process, you must indicate the following:

- > whether you consider that the proposed plan or policy statement or change fails to give effect to a consensus position and therefore how it should be modified; or
- > in the case that your submission addresses a point on which the collaborative group did not reach a consensus position, how that provision in the plan or policy statement should be modified.

* This paragraph may be deleted if the proposal is not subject to a collaborative planning process.

**I SEEK THE FOLLOWING DECISION // From the local authority**

[give precise details]

Decision Sought:

We therefore ask that our property and the land on the southern and northern sides of Panorama Terrace remains zoned Low Density Residential.

We also ask that the height limit in the High Density Residential zone stays at 12m.

Alternatively we ask that the urban intensification plan change is rejected entirely.

*I wish / do not wish**

to be heard in support of my submission.

I will / will not**

consider presenting a joint case with others presenting similar submissions.

* In the case of a submission made on a proposed planning instrument that is subject to a streamlined planning process, you need only indicate whether you wish to be heard if the direction specifies that a hearing will be held.

** Select one.

**SIGNATURE**

**Signature

[or person authorised to sign on behalf of submitter]

Digitally signed by Scott O'Donnell
DN: C=NZ, CN=Scott O'Donnell, E=scott.odonnell@hwr.co.nz
Reason: I am the author of this document
Location: Invercargill
Date: 2023.10.04 07:53:43+13'00'
Foxit PDF Reader Version: 11.1.0

Date 4th October 2023

** A signature is not required if you make your submission by electronic means.

**YOUR DETAILS // Our preferred methods of corresponding with you are by email and phone.**

Electronic address for service of submitter [email]scott.odonnell@hwr.co.nz

Telephone [work]0292334401

[home]

[mobile]0292334401

Postal Address 11 Park Street, Gladstone, Invercargill,

[or alternative method of service
under section 352 of the Act]

Post code
9810

Contact person [name and designation, if applicable]Scott O'Donnell (owner)

**NOTE // To person making submission**

If you are a person who could gain an advantage in trade competition through the submission, your right to make a submission may be limited by clause 6(4) of Part 1 of Schedule 1 of the Resource Management Act 1991.

Please note that your submission (or part of your submission) may be struck out if the authority is satisfied that at least 1 of the following applies to the submission (or part of the submission):

- > it is frivolous or vexatious;
- > it discloses no reasonable or relevant case;
- > it would be an abuse of the hearing process to allow the submission (or the part) to be taken further;
- > it contains offensive language;
- > it is supported only by material that purports to be independent expert evidence, but has been prepared by a person who is not independent or who does not have sufficient specialised knowledge or skill to give expert advice on the matter.



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SUBMISSION QLDC URBAN INTENSIFICATION VARIATION

Submission on behalf of Scott and Jocelyn O'Donnell – 11 Panorama Terrace, Queenstown

This submission is on Queenstown Lakes District Council's Urban Intensification Variation to the Proposed District Plan.

We are directly affected by the proposed variation.

We oppose the proposed Urban Intensification Variation as it currently stands.

Specifically we oppose the proposed changes to the High Density Residential Zone and the rezoning of land on Panorama Terrace, Queenstown as High Density Residential and Medium Density Residential.

We own a home at 11 Panorama Terrace which we built in 2010. Our home has great views across Lake Wakatipu to Cecil Peak to the south and a reasonable amount of sun from the north and west.

We designed and built our home to take advantage of these views and the available sunlight and have invested a significant amount in constructing a high quality home, as have many of our neighbours along Panorama Terrace and Panorama Place.

The proposed rezoning of Panorama Terrace and Panorama Place as High Density Residential and Medium Density Residential and the changes to the height limits and recession planes will have significant adverse effects on our existing views, sunlight and amenity.

The Copthorne Hotel, which is located immediately to the south of our home, could be redeveloped to a height of 16.5m, blocking our lake views. The adjoining properties to the east and west of our property could also be developed to 16.5m while the properties to the north could be developed to 12m in height. The resulting intensification would have significant adverse effects on our property through loss of views, shading on our property and a loss of privacy and amenity.

While we do not oppose the idea of urban intensification the almost complete disregard for our views, amenity and privacy, our connection to Queenstown and the investment we have made in Queenstown is unacceptable and goes against principles of natural justice.

We do not believe rezoning of our property or the land in the wider area will achieve the intended outcome of the variation, being increased housing supply and affordability. The proposed changes to the rules are likely instead to result in larger individual dwellings, increased build costs and an inefficient use of resources by forcing property owners to redevelop existing high quality homes if they do not want to sit in the shadows of their neighbours and have no outlook.

In order to recoup the loss of demolishing perfectly good and cherished family homes property owners are likely to construct larger individual homes to regain what views and

access to sunlight they can or develop high end apartments which will do nothing to improve the affordability of housing or address the lack of low cost properties.

So we fail to see how forcing urban intensification on landowners in high value locations will achieve housing affordability. The locations that are being rezoned are valued for a reason, being the existing amenity and views that they provide. It seems perverse and extremely unfair to dismiss the amenity values and views enjoyed by existing property owners in favour of amenity values and views of future residents.

Decision Sought:

- We therefore ask that our property and the land on the southern and northern sides of Panorama Terrace remains zoned Low Density Residential.
- We also ask that the height limit in the High Density Residential zone stays at 12m.
- Alternatively we ask that the urban intensification plan change is rejected entirely.



Form 5

Submission on Proposed Queenstown Lakes District Plan – Variation : Urban Intensification

Clause 6 of Schedule 1, Resource Management Act 1991

To: Queenstown Lakes District Council

Submitter: Scott & Jocelyn O'Donnell (the Submitters)

Address for Service: Edgar Planning Limited, PO Box 716, Wānaka

1.0 Background

- 1.1 Scott & Jocelyn O'Donnell own 9 & 11 Panorama Place, Queenstown (Lots 13 and 14 DP 8728 on Record of Title OT392/118). The location of the Submitters property (the submission site) is shown in Figure 1 below.
- 1.2 Their property along with adjoining properties on the south side of Panorama Terrace is currently zoned Lower Density Suburban Residential, as are the properties on the north side of Panorama Terrace and along Panorama Place. Under the proposed Urban Intensification Plan Change the Lower Density Suburban Residential zoned properties on the southern side of Panorama Terrace (including the Submitters' property) will be rezoned High Density Residential. The land to the north of Panorama Terrace will be rezoned Medium Density Residential.
- 1.3 The Copthorne Hotel and Apartments lies immediately to the south of the Submitters' property and is currently zoned High Density Residential.
- 1.4 The Copthorne Hotel and Apartments building is approximately 13m in height. The proposed increased height limit of 16.5m within the High Density Residential Zone would enable the construction of an additional storey or the redevelopment of the Copthorne site to a height of

16.5m which would block the Submitters' views and adversely affect their amenity to a significant degree.

1.5 In addition the redevelopment of properties to the north, west and east may adversely affect their access to sunlight, amenity and privacy.

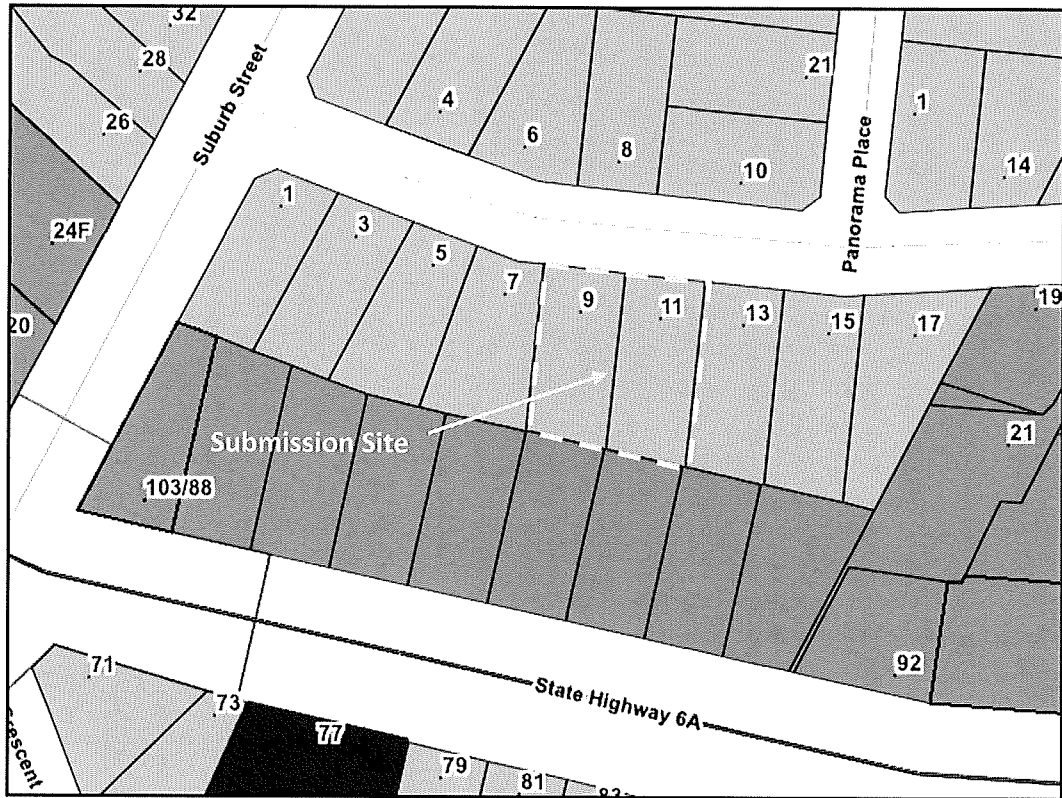


Figure 1 – Submitters' Property (shown yellow)

2.0 Scott & Jocelyn O'Donnell's submission relates to the following provisions of the Queenstown Lakes District Council's Proposed District Plan:

- Variation to the Proposed District Plan – Urban Intensification. Including:
 - (a) The mapping of the Medium Density and High Density Residential Zones
 - (b) Chapter 8 – Medium Density Residential
 - (c) Chapter 9 – High Density Residential

3.0 Without derogating from the generality of the above, Scott & Jocelyn O'Donnell's submission is that:

- 3.1 The Submitters **oppose** the Urban Intensification Variation in its current form.
- 3.2 The Submitters do not consider urban intensification in the vicinity of Panorama Terrace to be appropriate and do not believe that the urban intensification will achieve the intended outcome of improving housing availability or affordability. On that basis the Submitters preference is that the land to the south and north of Panorama Terrace and Panorama Place remains zoned Lower Density Suburban Residential and that the height limits in the High Density Residential Zone on the north side of Frankton Road remains unchanged.
- 3.3 However, acknowledging the national policy direction to enable urban intensification the Submitters consider that if urban intensification is enabled in the vicinity of Panorama Terrace amendments are required to the provisions to ensure the intended outcome of the variation is better achieved while striking a better balance between urban intensification outcomes and maintaining amenity.
- 3.4 The purpose of the proposed variation is to enable urban intensification in order to deliver smaller unit sizes and attached housing typologies as a means of increasing housing availability and affordability.
- 3.5 The proposed urban intensification is largely enabled through raising building height limits and relaxing recession plane requirements, allowing for larger buildings and (hopefully) more residential units at the expense of the amenity values of existing property owners and residents.
- 3.6 The proposed increased height limits and relaxed recession planes apply to all buildings regardless of their use.

Medium Density Residential Height Limit

- 3.7 The Urban Design Review appended to Council's s32 report states that the proposed height limit for the High Density Residential Zone is intended to enable 5 storey development, allowing floor to floor heights of 3.1m plus an additional 1m to allow for sloping roof lines (5 x 3.1m + 1m = 16.5m).

- 3.8 If the same rationale is applied to the Medium Density Residential Zone, which is intended to enable 3 storey development, the applicable height limit would be 10.3m. It would therefore appear that the intended outcome of 3 storey development could be achieved within the Medium Density Residential Zone with a height limit of 10.5m (rounded to the nearest half metre) rather than the 12m height limit proposed. The Submitters consider that a 10.5m height limit within the Medium Density Residential Zone would achieve the intended outcomes of the urban intensification variation while reducing potential effects on the amenity, sunlight and privacy of adjoining properties.

High Density Residential Zone Height Limit and Recession Planes

- 3.9 The High Density Residential Zone (HDRZ) is already quite enabling and is arguably more enabling of visitor accommodation development than it is of residential development.

- 3.10 While up to 3 residential units per site is a permitted activity in the HDRZ a restricted discretionary activity consent is required for 4 or more residential units per site (Rule 9.4.5). The matters of discretion are restricted to the following (including the additions proposed as part of the variation):

- whether the built form provides a high level of residential amenity for occupants of the site and neighbouring properties, through the consideration of outlook, sunlight and privacy;
- location, external appearance, site layout and design of buildings;
- building dominance relative to neighbouring properties and public spaces;
- how the design advances housing diversity;
- sustainability of design and construction;
- parking and access layout;
- landscaping;
- capacity of existing or planned infrastructure and servicing;
- low impact stormwater design;
- waste and recycling storage and collection;
- natural hazards;
- consistency with the Residential Zone Design Guide 2023.

3.11 Visitor Accommodation developments also require a restricted discretionary activity resource consent (Rule 9.4.6) however the matters of discretion are far more limited, being restricted to the following:

- location, nature and scale of activities;
- parking and access;
- landscaping;
- noise;
- hours of operation;
- external appearance of buildings.

3.12 As such, based on the matters of discretion, a visitor accommodation development may be subject to a lesser degree of scrutiny than a residential development which seems at odds with the purpose of the High Density Residential Zone.

3.13 As currently drafted visitor accommodation developments would benefit from the increased height limit and relaxed recession planes without having to address matters such as residential amenity, outlook, sunlight or privacy, bulk, location and layout of buildings, sustainability, infrastructure capacity, servicing, low impact design or natural hazards.

3.14 More importantly visitor accommodation developments would benefit from the increased height limit and relaxed recession planes without contributing in any way to housing availability or affordability. On the contrary the enabling nature of the HDRZ rules in relation to visitor accommodation in combination with the increased height limit and relaxed recession planes may have the opposite effect, resulting in a proliferation of large scale visitor accommodation developments occupying land that might otherwise accommodate residential development, reducing rather than increasing residential capacity.

3.11 The Submitters therefore consider that it is inappropriate and would defeat the purpose of the urban intensification plan change to further enable visitor accommodation within the HDRZ.

3.12 Overall Scott & Jocelyn O'Donnell submit that the Urban Intensification Variation to the Proposed District Plan as notified:

- does not promote or give effect to Part 2 of the Act,
- does not meet section 32 of the Act,
- is contrary to the purposes and provisions of the Act and other relevant planning documents;
- is inappropriate and inconsistent with the purpose and principles of the Act;
- conflicts with and does not give effect to the higher order provisions of the Proposed District Plan; and
- is not the most appropriate method for achieving the objectives of the Proposed District Plan having regard to its efficiency and effectiveness, and taking into account the costs and benefits.

4.0 Without derogating from the generality of the above, the Submitters seek amendments to provisions of the Variation as notified as follows, or alternative, consequential, or necessary amendments to provisions that would otherwise give effect to the issues set out in the above Submission:

4.1 That the zoning, height limits and recession planes remain unchanged in the vicinity of Panorama Terrace and Panorama Place.

4.2 Alternatively, if the land in the vicinity of Panorama Terrace and Panorama Place is rezoned the height limit for the Medium Density Residential Zone and the height limit and recession planes for the High Density Residential Zone are to be amended as follows (text based on the notified provisions with proposed additions shown underlined and deletions shown ~~struck through~~):

Chapter 8 – Medium Density Residential

	<i>Standards for activities located in the Medium Density Residential Zone</i>		<i>Non-compliance status</i>
8.5.1	Building Height		
	8.5.1.1	Arthurs Point: Within the areas specified on the District Plan web mapping application:	NC

		<p>a. a maximum of 8 metres; or</p> <p>b. on the know on the southern side of Arthurs Point Road: a maximum of 465masl.</p>	
	8.5.1.2	Queenstown Hill : Within the area specified on the District Plan web mapping application a maximum of 8 metres.	
	8.5.1.3	All other locations a maximum of <u>10.5 metres</u> ± metres plus an additional 1m for pitched roof forms only.	

Chapter 9 – High Density Residential

9.3.2 Interpreting and Applying the Rules

9.3.2.7 The existence of a residential building either permitted or approved by resource consent shall not be considered the permitted baseline for non-residential development within the High Density Residential Zone.

	Standards for activities located in the High Density Residential Zone	Non-compliance Status
9.5.1	<u>Building Height – Residential Buildings</u>	
	9.5.1.1 A height of 16.5 metres, including at Frankton North, except where specified in Rules 9.5.1.2, 9.5.1.3 or 9.5.1.4	<p>RD</p> <p>Discretion is restricted to:</p> <p>a. building design and appearance, including roof form articulation and the avoidance of large, monolithic building forms;</p> <p>b. building dominance and sunlight access relative to neighbouring properties and public spaces including roads;</p> <p>c. how the design advances housing diversity, including size and typology;</p>

			<p>d. promotion of sustainability either through construction methods, design or function;</p> <p>e. privacy and outlook for occupants of the subject site and neighbouring sites;</p> <p>f. effects on significant public views (based on an assessment of public views undertaken at the time of the proposal, in addition to any specified significant public views identified within the District Plan);</p> <p>g. the positive effects of enabling additional development intensity within close proximity to town centres.</p>
	9.5.1.2	<i>In the High Density Residential Zone immediately west of the Kawarau Falls Bridge the maximum building height shall be 10m provided that in addition no building shall protrude above a horizontal line orientated due north commencing 7m above any given point along the required boundary setbacks at the southern zone boundary.</i>	D
	9.5.1.3	<i>Within the area specified on the District Plan web mapping application on the south side of Frankton Road (SH6A), the highest point of any building shall not exceed the height above sea level of the nearest point of the road carriageway centreline.</i>	D
	9.5.1.4	<i>In Wānaka the maximum building height shall be 12m.</i>	D
	9.5.1.5	<i>Frankton North the maximum building height shall be 20m.</i>	NC
<u>9.5.2</u>	<u>Building Height – Visitor Accommodation Buildings</u>		
	<u>9.5.2.1</u>	<u>In all locations the maximum height for visitor accommodation developments shall be 12m</u>	<u>NC</u>

9.5.6	<u>Recession plane (applicable to all residential buildings, including accessory buildings)</u>	
	<p>9.5.6.1 <i>From 8 metres above ground level a 60 degree recession plan applies to all boundaries, other than the southern boundary of the site where a 45 degree recession plan applies.</i></p> <p><i>Exclusions:</i></p> <p><i>a. gable end roofs may penetrate the building recession plane by no more than one third of the gable height;</i></p> <p><i>b. recession planes do not apply to site boundaries adjoining a Town Centre Zone, Business Mixed Use Zone, fronting a road, or adjoining a park of reserve.</i></p>	<p><i>RD – for boundaries where the High Density Residential zone applies on each side of the boundary.</i></p> <p><i>Discretion is restricted to:</i></p> <p><i>a. any sunlight, shading or privacy effects created by the proposal on adjacent sites and/or their occupants;</i></p> <p><i>b. effects on any significant public views (based on an assessment of public views undertaken at the time of the proposal, in addition to any specified significant public views identified within the District Plan);</i></p> <p><i>c. external appearance, location and visual dominance of the building(s) as viewed from the streets and adjacent properties.</i></p> <p><i>d. where Electricity Sub-transmission Infrastructure or Significant Electricity Distribution Infrastructure is shown on the District Plan web mapping application is located within the adjacent road and any proposed building is located within 9.5 metres of the road boundary, any adverse effects on that infrastructure.</i></p> <p><i>NC – for boundaries where there is a change of zone other than as specified in the exclusions.</i></p>
9.5.7	<u>Recession plane – Non-Residential Buildings</u>	
	<p>9.5.7.1 <u><i>From 2.5 metres above ground level a 45 degree recession plane applies to all boundaries, other than the southern boundary of the site where a 45 degree recession plane applies.</i></u></p> <p><u><i>Exclusions:</i></u></p>	<p><u><i>RD – for boundaries where the High Density Residential zone applies on each side of the boundary.</i></u></p> <p><u><i>Discretion is restricted to:</i></u></p> <p><u><i>e. any sunlight, shading or privacy effects created by the proposal on adjacent sites and/or their occupants;</i></u></p>

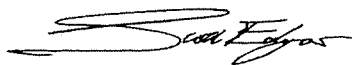
	<p>a. <u>gable end roofs may penetrate the building recession plane by no more than one third of the gable height;</u></p> <p>b. <u>recession planes do not apply to site boundaries adjoining a Town Centre Zone, Business Mixed Use Zone, fronting a road, or adjoining a park of reserve.</u></p>	<p>f. <u>effects on any significant public views (based on an assessment of public views undertaken at the time of the proposal, in addition to any specified significant public views identified within the District Plan);</u></p> <p>g. <u>external appearance, location and visual dominance of the building(s) as viewed from the streets and adjacent properties.</u></p> <p>h. <u>where Electricity Sub-transmission Infrastructure or Significant Electricity Distribution Infrastructure is shown on the District Plan web mapping application is located within the adjacent road and any proposed building is located within 9.5 metres of the road boundary, any adverse effects on that infrastructure.</u></p> <p><u>NC – for boundaries where there is a change of zone other than as specified in the exclusions.</u></p>
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4.3 Further to the above, the Submitters seek any further consequential, alternative, or necessary relief that would address the concerns and issues set out in this Submission.

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

6.0 The Submitters wish to be heard in support of their submission.

7.0 If others make a similar submission the Submitters would consider presenting a joint case at a hearing.



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Scott Edgar (on behalf of Scott & Jocelyn O'Donnell)

5 October 2023