

# Form 5

## Submission on a Publicly Notified Proposal for Policy Statement or Plan

*Clause 6 of First Schedule, Resource Management Act 1991*

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To: **Queenstown Lakes District Council (“the Council”)**

Name of Submitter: **C & J Properties Ltd**

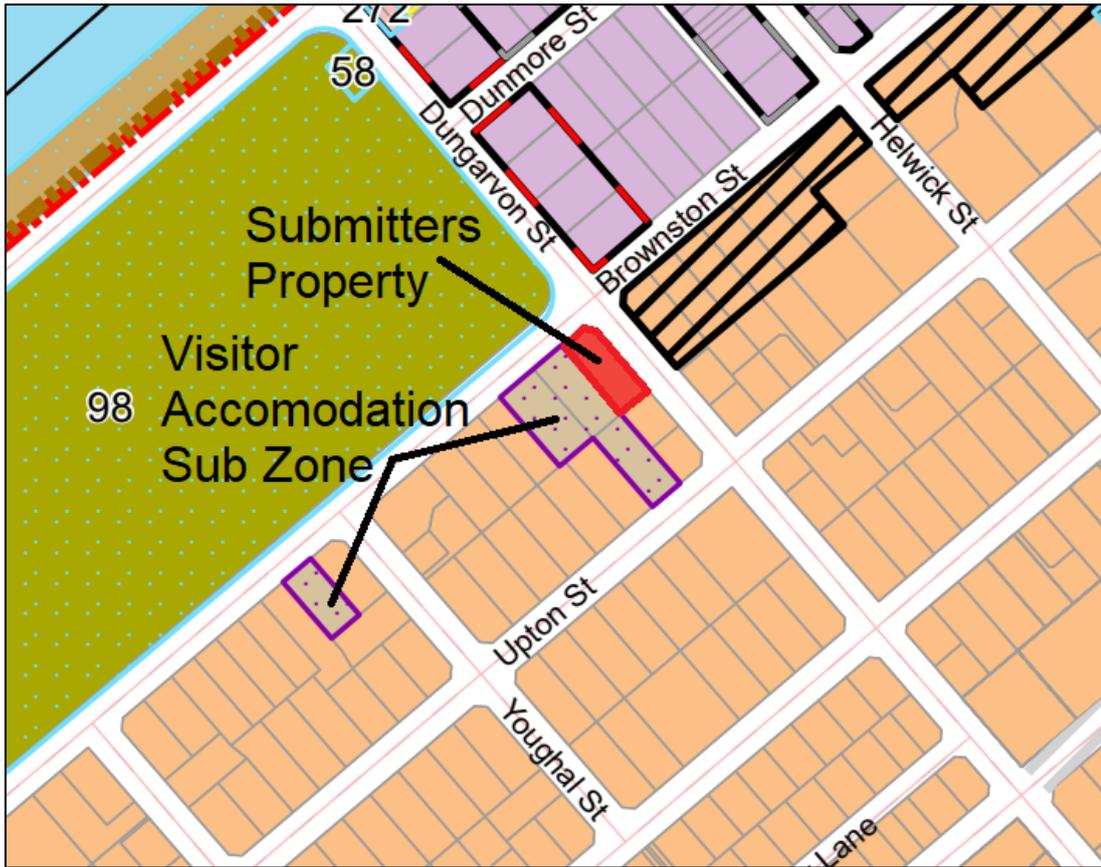
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### Introduction:

1. Stage 3 of the Proposed Queenstown Lakes District Plan (“**PDP**”) was notified on 19 September 2019 and “proposes a number of new zonings, mapping annotations and variations and amendments to land and provisions decided through Stages 1 and 2 of the PDP”.<sup>1</sup>
2. The submitter has an interest in the PDP as a whole, and as such, the submission relates to the PDP in its entirety, including those chapters listed in the public notice.
3. The submitter could not gain an advantage in trade competition through this submission.
4. The submitter has particular interest in the variation to Chapter 8 (Medium Density Residential) and the District Plan Maps.
  - a. The section 32 report states that the purpose of this variation is to provide for zoning of the sites located at 88-94 and 122 Brownston Street as Medium Density Residential.
  - b. In effect, the only change that is required to give effect to the variation is the alteration of Planning Map 21.
5. The submitter’s property is located at 86 Brownston Street, Wanaka. This property is zoned Medium Density Residential under the PDP, as shown on Planning Map 21.
6. The site is shown in the excerpt below from Planning Map 21 – Wanaka Central (Decisions Version).

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<sup>1</sup> <https://www.qldc.govt.nz/assets/Uploads/Planning/District-Plan/Proposed-District-Plan/PDP-Stage-3/1909.2019-PDPS3-Mountain-Scene-Notice.pdf>



**General Reason for Submission:**

7. The submitter **opposes** the proposed variation in the form notified and seeks alternative relief.
8. The section 32 report has no regard to the effect of the variation on the submitter and the submitters property. The current zoning of the variation site is low density suburban residential with a visitor accommodation sub-zone. This zoning dictates the anticipated level of development that can occur on the site and the submitter was aware of this at the time that it purchased the property.
9. In the submitter’s opinion, the Council should not be increasing yields on an adjoining site without considering the effects on the submitter’s land and whether the issues could be overcome by other methods, namely extending the visitor accommodation sub zone over the submitter’s property.
10. By the section 32 placing a narrow focus on just the underlying zoning, it fails to recognise the impact that the rezoning could have by intensifying the visitor accommodation activity on the sites and the effect that would have on the submitter. Changing the zoning from low density suburban residential to medium density residential will increase the permissible visitor accommodation activity on the site from 7 units to 23 units (paragraph 8.11 of

section 32 report), creating conflict with Objectives 8.2.3 and 8.2.10 and the associated policies.

11. The section 32 report states that “this variation considers the impact on land capacity”.<sup>2</sup> The section 32 report fails to evaluate the rezoning in light of the visitor accommodation sub zone and the reality that the new zoning would lead to an increase in visitor accommodation activity, not residential.

12. If the submitters property is further developed for residential purposes, there will be an inherent conflict created with rezoning the adjoining land medium density residential with a visitor accommodation sub zone (such as smaller building setbacks, higher yields, significantly greater continuous building length). This issue could be overcome by extending the sub zone over the submitter’s property, effectively removing the reverse sensitivity and amenity issues that would arise.

13. At paragraph 4.14 of the section 32 report it is stated that:

“The MDRSZ within the sites achieve this intention being located between approximately 50m and 230m from the edge of the Wanaka town centre where there is a range of amenities and services (Objective 8.2.1, Policies 8.2.1.1, 8.2.1.3). The surrounding area is MDRZ and therefore the level of effects and the extent that maintenance of amenity values for adjoining site would be consistent with the surrounding areas”.

14. The above statement ignores that there is one residentially zoned land parcel between the YHA and the Wanaka Town Centre Zone, and overlooks the extent of effects that could arise on that property as a result of the variation.

15. At paragraph 5.1 of the section 32 report it is stated:

“The key resource management issue is the most appropriate zoning of the two sites. The presence of the LDSRZ does not provide a consistent approach with the surrounding area. Spot zones are generally not considered an appropriate planning approach unless there is an otherwise sound resource management reason. As such, it is considered there is a case for zoning the sites as MDRZ, which better reflects the use of the sites and integration with the surrounding MDRZ”. [emphasis added]

16. The cost benefit analysis at paragraph 8.4 of the section 32 report states that a benefit of rezoning the land to medium density residential will be to provide for a higher *residential* yield. This outcome is unrealistic given the current uses of the sites are visitor accommodation and the rezoning would enable a higher visitor accommodation yield given the sub zone exists. This creates an

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<sup>2</sup> Paragraph 4.4

inconsistency with the adjoining medium density residential zoned land that is sandwiched between the variation sites and the Town Centre Zones.

17. Table 1 below provides an “Option 5” to the cost/benefit analysis undertaken in paragraph 8.4 of the section 32 report, with specific focus on the submitter’s property and the adjoining YHA site.

	Costs	Benefits	Effectiveness and Efficiency
<p><b>Option 5:</b> Apply surrounding MDRZ and extend the VA subzone over the adjoining properties</p>	<p>Visual and amenity effects of increased density limited to the western side of the YHA.</p> <p>Policy conflicts with Chapter 3 and 8 of the PDP.</p>	<p>Ensures that the adjoining properties will have the option to establish as VA, consistent with the adjoining YHA site meaning the increased yields from development of the YHA site are commensurate with the adjoining sites.</p> <p>Avoids adhoc zoning and creates a consistent planning framework across an area bound by VA and town centre activities (removing risk of pocket development that is compromised by VA).</p>	<p>Enable the property owners to commercially develop their sites.</p> <p>Avoids adverse amenity and residential character effects on the submitters property from being an isolated pocket of residential development adjoined by intensive VA and town centre activities.</p> <p>Will resolve the inconsistency of having spot zoned VA.</p> <p>Consistency with strategic approach promoted within the PDP</p>

**Relief sought:**

18. The submitter requests the following decision:

- a. that the variation as notified is **rejected**;
- b. in the alternative, **authorise** the relief as notified while amending Planning Map 21 of the PDP to include the submitter’s property within the visitor accommodation sub zone. This outcome will sufficiently address the reverse sensitivity concerns of the submitter and provide a planning framework that is more coherent and efficient within this environment;
- c. consideration of the relief noted in (b) to also extend over the properties at 33 and 37 Dungarvon Street; and
- d. any other additional or consequential relief to the PDP, including but not limited to, the maps, issues, objectives, policies, rules, discretions, assessment criteria and explanations that will fully give effect to the matters raised in this submission.

19. The submitter wishes to be heard in support of its submission.

20. If others make similar submissions, the submitter will consider presenting a joint case at any hearing.



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Signed by Brett Giddens on behalf of the submitter

**18 November 2019**

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Date

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