

Appendix 1: Copy of the Appellant's Submission

FORM 5**SUBMISSION ON THE PROPOSED URBAN INTENSIFICATION
VARIATION TO THE QUEENSTOWN LAKES PROPOSED
DISTRICT PLAN****Clause 6 of Schedule 1, Resource Management Act 1991**

To: Queenstown Lakes District Council

Name of submitter: Pro-Invest NZ Property 1 Limited
Partnership

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1. This is a submission on the Urban Intensification Variation (Proposed District Plan)

2. Trade Competition

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

3. Omitted

4. Pro-Invest NZ Property 1 Limited Partnership's (The Submitter) submission is that:

Site Details

- 4.1 The Submitter is the owner of the 5720m² site that is bounded by Frankton Road, Sydney Street and Melbourne Street. The site has the legal description of Lot 1 DP 525804.
- 4.2 A reasonably new 227 room hotel is established on the site. The hotel operates under the brand of the Holiday Inn Express.
- 4.3 The main entry and vehicle access to the site is obtained from Sydney Street.

Proposed District Plan

- 4.4 In terms of the Proposed District Plan (PDP), the site is contained within the High Density Residential Zone (HDRZ).

Supporting Submission Points

- 4.5 The Submitter supports the overall intent of the Variation, including the following amendments within the HDRZ as proposed by the Variation (numbering based off the notified version of the Variation):

Chapter 9 - High Density Residential Zone

- a) The deletion of 'low rise' in the second paragraph under the HDRZ Zone Purpose.
- b) The amendments to Policy 9.2.3.1, in particular the deletion of the words 'will be maintained'.
- c) The deletion of Policy 9.2.3.2.
- d) The amendments to Rule 9.4.5.
- e) The new recession planes that apply via Rule 9.5.3 which applies to all land within the HDRZ (with the exception of the land located at Frankton North).
- f) The amended minimum boundary setbacks as proposed within Rule 9.5.6.1.

- g) In part and subject to the comments below, Rule 9.5.7.1 which requires an additional 2m setback from all boundaries (in addition to the required minimum boundary setbacks in Rule 9.5.6), which applies to the area of buildings that have a height of 10m from the ground level.
- h) The inclusion of Outlook Space as per Rule 9.5.8.
- i) The amended Rule 9.6.2.1 that now includes 'building height setback at upper floors'.

4.6 The Submitter considers that the proposed changes will assist in meeting the obligations under the National Policy Statement on Urban Development (NPS-UD), in particular Policy 5 that seeks to enable building height and density of urban form that is commensurate with the level of accessibility in the HDRZ.

Opposing Submission Points

4.7 The submitter opposes the following provisions within the HDRZ:

- a) Rule 9.5.1.1 that provides a permitted height of 16.5m (and other provisions that deal with the 16.5m height limit).
- b) Rule 9.5.4 that requires at least 20% of the site area to be comprised of landscaped (permeable) surfaces.
- c) Rule 9.5.7.1 that requires an additional 2m setback based on the requirements of Rule 9.5.6.

4.8 Commentary on the opposing submission point are detailed below.

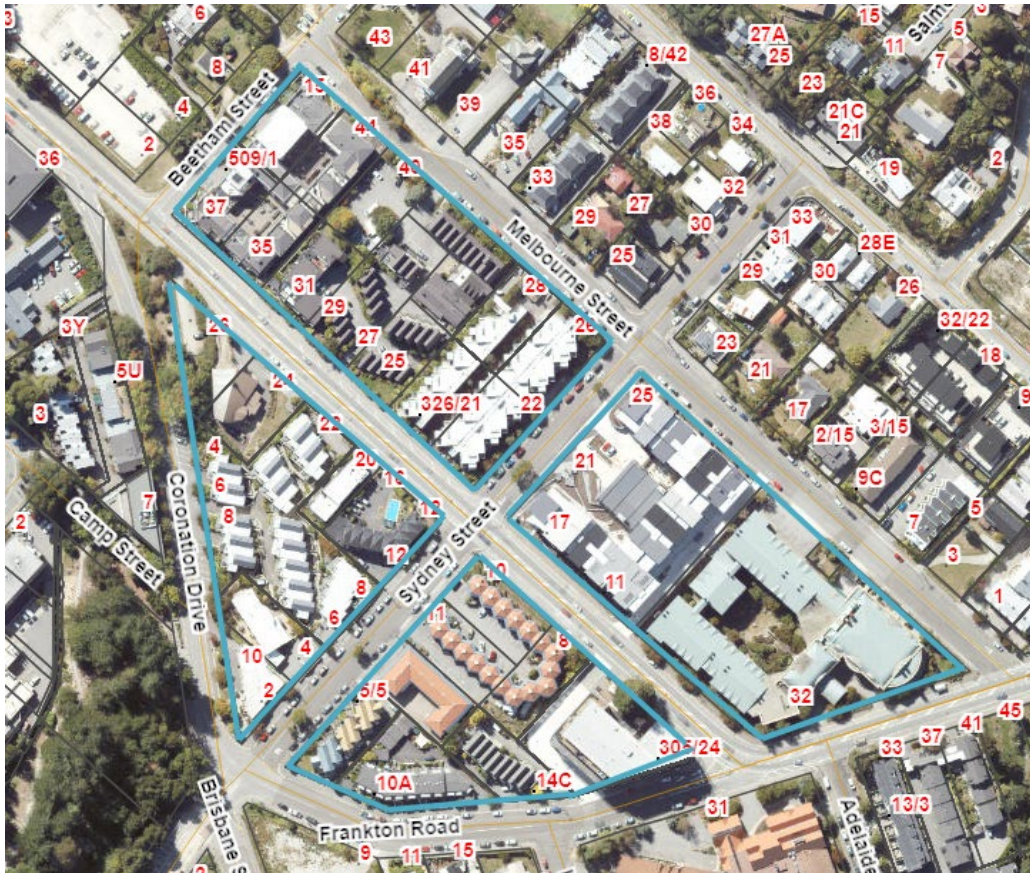
Rule 9.5.1.1 – Permitted Building Height

4.9 Rule 9.5.1.1 proposes to increase the permitted height to 16.5m in the HDRZ. Under the current height rules in the PDP, due to the site being a 'flat site', the permitted height is 12m, while via a restricted discretionary activity, building height can be increased to 15m. Above 15m metres in height, the planning status is that of a discretionary activity.

4.10 The existing hotel was consented to a height of 14.54m. While the variation is increasing the building height to 16.5m, the additional height over the consented height/existing hotel does not provide sufficient space to add another level to the existing hotel, without potentially going through a protracted planning process (assuming that 16.5m is eventually confirmed for the HDRZ).

4.11 As such, the Submitters considers that a higher building height should be proposed for the site and for a number of blocks that adjoin Frankton Road (in the vicinity of the site). The proposed permitted height is 18.5m as opposed to notified height of 16.5m in the HDRZ. It is noted that the Ramada hotel on the corner of Stanley Street and Frankton Road was approved at a building height of 17.5m.

4.12 The four blocks where it is proposed that an 18.5m height limit should apply are illustrated below:



4.13 The subject four blocks of land have the following similarities:

- a) Visitor accommodation is the predominant land use activity within each block.
- b) All blocks are within a short walking distance to the existing and proposed main vehicular thoroughfare into and out of central Queenstown (Stanley Street and Melbourne Street). Thus, there is ease of access to public transport.
- c) All blocks are a short walk to and from central Queenstown.
- d) Higher scaled development/redevelopment of the blocks will provide an appropriate built amphitheatre to central Queenstown.

4.14 Further to the above, the increased intensification when compared to the notified Variation in terms of building height is considered to meet the NPS-UD, in that intensification occurs at an appropriate height in scale, in close proximity to public access routes and an existing commercial centre.

4.15 The Submitters considers that the above circumstances justifies a higher building height limit for the subject land when compared to the notified height limit of 16.5m.

4.16 Further to the above, the HDRZ provisions (existing and proposed) provide ample discretion when dealing with a wide range of effects, and in particular urban design considerations. Such provisions will ensure appropriate outcomes that deal with buildings up to 18.5m in height within the four blocks.

Rule 9.5.4 – Minimum Landscaped Surfaces

4.17 Rule 9.5.4 requires at least 20% of the site area is to be comprised of landscaped (permeable) surfaces.

4.18 The maximum permitted building coverage in the HDRZ is 70% as governed by Rule 9.5.2.1. By the time access is provided to the site (together with pedestrian paths within a site), it can be challenging to provide at least 20% of the site area to be comprised of landscaped (permeable) surfaces.

4.19 Breaching Rule 9.5.4 requires a non-complying activity resource consent, which presents the most difficult consenting path for a development. So while the Variation is seeking to significantly increase the development potential within the HDRZ, the 20% requirement within Rule 9.5.4 (and the associated non-complying activity status) will potentially act as a handbrake to intensified development and consequently requires consequential amendment for the Variation methods to most appropriately achieve the outlined objectives.

4.20 Based on the above, the Submitter considers that the minimum landscaped (permeable) surfaces is either decreased to 15% or the activity status is downgraded to that of a restricted discretionary activity (with appropriate matters of discretion).

Rule 9.5.7.1 – Additional 2m Setback

4.21 The submitter is satisfied with an extra 2m setback for buildings over 10m in height when considering the proposed 1.5m setback to all boundaries.

4.22 The submitters site adjoins a State Highway, which means that a 4.5m setback applies from this road boundary pursuant to Rule 9.5.6.1. This would mean that buildings over 10m in height would need to be 6.5m from a State Highway road boundary. This is considered to be an inefficient use of land, and Rule 9.5.7.1 should be amended so that it does not apply to the 4.5m setback from a State Highway (i.e. the maximum setback should be 4.5m).

5 The submitters seek the following decision from the Queenstown Lakes District Council:

5.1 The submitter supports and seeks that the Council confirms the points contained within Point 4.5 of this submission.

5.2 As outlined above, the submitter opposes and seeks the following decision from the Council:

- a) The imposition of an 18.5m height limit for the four blocks identified above.

- b) The 20% minimum landscaped (permeable) surface via Rule 9.5.4 is reduced to 15% or the activity status if this rule is breached is lowered to that of a restricted discretionary activity.
 - c) That the additional 2m setback as per Rule 9.5.7.1 does not apply from a State Highway road boundary.
- 5.3 The proposed changes to the HDRZ contained in this submission will give better effect to the outcomes proposed in the Variation in terms of the appropriate intensification of the HDRZ, and further, the proposed changes are necessary to most appropriately give effect to the higher order provisions in the PDP, the relevant objectives and policies within the HDRZ, and ultimately Part 2 of the Act.
- 5.4 The submitter also seeks such further or consequential or alternative amendments necessary to give effect to this submission, and to:
- (a) promote the sustainable management of resources and achieve the purpose of the Resource Management Act 1991.
 - (b) meet the reasonably foreseeable needs of future generations;
 - (c) ensure the methods proposed are the most appropriate way to achieve the objectives of the Variation.
 - (d) enable social, economic and cultural well being;
 - (d) represent the most appropriate means of exercising the Council's functions, having regard to the efficiency and effectiveness of other means available in terms of section 32 and other provisions of the Act.

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.

Signature



Scott Freeman (on behalf of the Submitter)
16 September 2023