

FORM 5

Submission on a Variation to the Proposed Queenstown Lakes District Plan

Clause 6 of Schedule 1 Resource Management Act 1991

To: **Queenstown Lakes District Council (Council)**

Name of Submitter: **Corona Trust**

INTRODUCTION

1. This is a submission on the Te Pūtahi Ladies Mile Plan Variation to the Queenstown Lakes Proposed District Plan (**PDP**) to rezone areas of Rural, Rural Lifestyle, and Large Lot Residential land located in Te Pūtahi/Ladies Mile Corridor between Kimi-ākau/Shotover River and Te Whaka-ata a Haki-te-kura/Lake Hayes (**Variation**).
2. The Corona Trust (**Submitter**) owns a 4.1047 ha parcel of land located at 53 Maxs Way and legally described as Lot 1 DP 325561 (the **Site**). The site currently contains two dwellings and ancillary buildings, and is consented for the subdivision and establishment of four dwellings each on four allotments. The site is indicated in Figure 1 below.

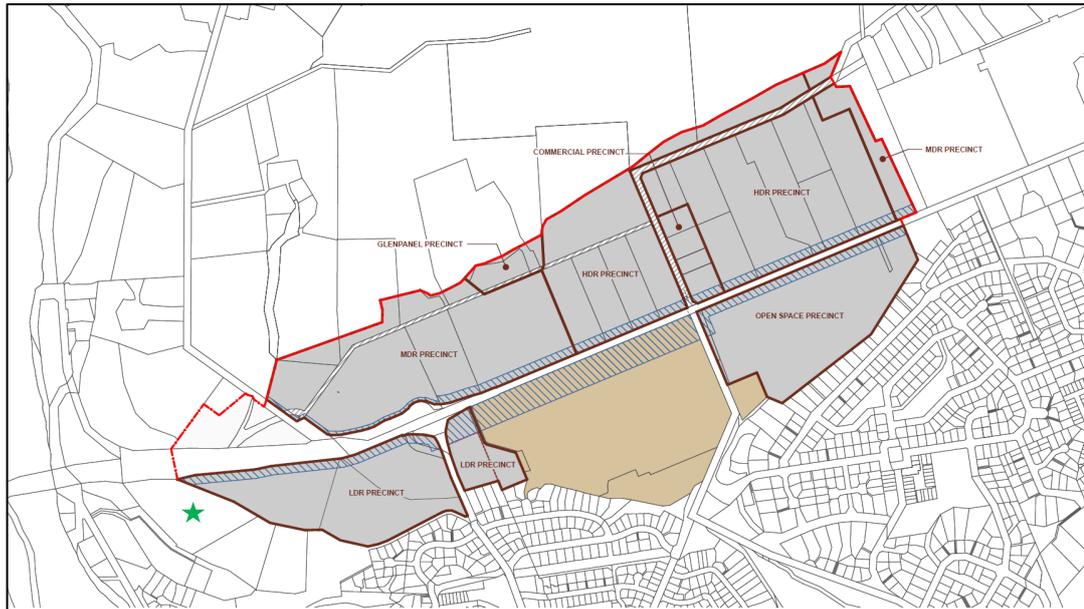


Figure 1: Green star identifies the Submitter's site.

3. The site is not included within the confines of the Variation, however it directly abuts land that is sought to be rezoned under the Variation. This land is specifically referred to in the Variation as "Sub Area H2" and is proposed to be included as part of the Low-Density Residential (**LDR**) Precinct, as shown in Figure 2. The Submitter is directly affected by development and land uses within this land and is therefore directly affected by the Variation.

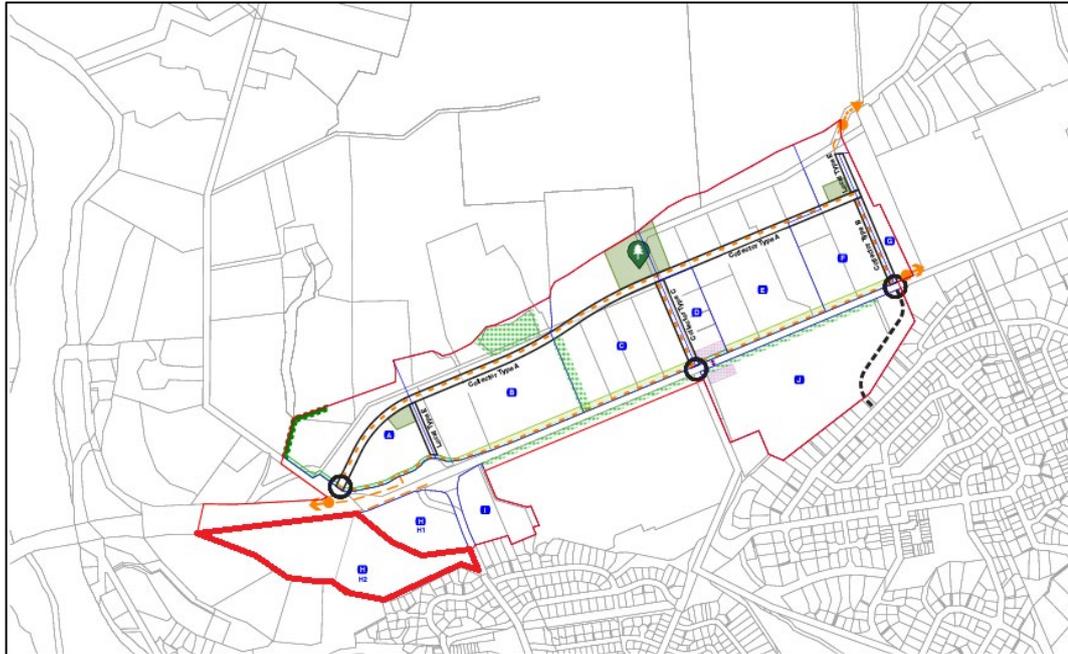


Figure 2: Area in bold red identifies approximate area of proposed Sub-Area H2.

4. The Submitter has a direct and particular interest in the Variation.
5. The Submitter could not gain an advantage in trade competition through this submission.

SUBMISSION – OVERVIEW

6. This submission relates to the Variation in its entirety (particularly insofar as consequential amendments may be required to address the issues raised in this submission).
7. The Submitter **supports** the Variation in part and **opposes** the Variation in part:
 - (a) The Submitter **supports** the general intent of intensifying development along Ladies Mile Highway (**SH6**) with the consolidation of the higher density development on the northern side of the highway;
 - (b) The Submitter **opposes** the proposed intensification of the land shown as Sub-Area H2 in the LDR precinct of the Zone. In this regard, the Variation has a number of significant shortcomings and a range of significant adverse effects have been overlooked. Inappropriate development and use of this land that affects the Site is of primary concern to the Submitter.
8. The Variation will enable the density and form of development in Sub-Area H2 to significantly intensify without appropriate consideration of the adverse effects of properties on Maxs Way, including the Submitter's property, which have been overlooked within the reports supporting the Variation.
9. In terms of section 32 of the Resource Management Act 1991 (**RMA**), development within Sub-Area H2 will create critical conflict against those proposed objectives and policies for the zone relating to integration with existing development along Ladies Mile. The costs of the Variation outweigh any positives as it relates to proposed Sub-Area H2 and ultimately, the notified provisions for Sub-Area H2 of the LDR precinct are not the most appropriate way to achieve the purpose of the RMA.
10. In the submitter's opinion, this critical disjoint can only be addressed by either:

- (a) removing the land encompassing Sub Area H2 from the Variation; or
- (b) amending the Variation to include the suggestions outlined further in this submission.

SPECIFIC SUBMISSION POINTS AND RELIEF SOUGHT

- 11. The following section of this submission sets out the Submitter's specific submission points in relation to the Variation, including the grounds for the submission and relief sought.
- 12. The Submitter's land sits below proposed Sub-Area H2 and against a prominent terrace edge to the direct north of the Site. The density, design and scale of development allowed by the Variation against this terrace will result in significant adverse effects on privacy, sunlight, dominance, character, amenity, reverse sensitivity and landscape values resulting from the scale, density and lack of controls on future built form allowed by the Variation. This outcome is at direct conflict with proposed Policy 49.2.7.8 and would not achieve the outcomes directed in proposed Objective 49.2.7:

Objective 49.2.7 – *An attractive built environment that positively responds to streets and open spaces, provides a high level of residential and neighbourhood amenity, achieves high quality urban design outcomes.*

Policy 49.2.7.8 – *In the Low Density Residential Precinct, ensure that the height, bulk and location of development maintains a low density suburban character and maintains the amenity values enjoyed by users of neighbouring properties, in particular, privacy and access to sunlight.*

(Our emphasis)

- 13. The bar is set high in proposed Objective 49.2.7 by directing a *high* level of amenity. Paramount to achieving this is ensuring that development maintains amenity values, including those enjoyed by users of neighbouring properties. This objective and policy directly engage with the issue at hand between the Submitter's site and the land encompassing Sub-Area H2 of the LDR precinct.
- 14. The Te Pūtahi Ladies Mile Masterplan Landscape Assessment Report dated 2 June 2022 concludes at [5.10] that "it is considered that the proposal will not be visible from the urban areas on the lower terraces associated with Shotover Country and Lake Hayes Estate". The landscape assessment has not considered effects received from properties along Maxs Way and the Submitters site to the south of Sub-Area H2.
- 15. With permission of the landowner of the land encompassing Sub-Area H2, profile poles were erected on the Sub-Area H2 land depicting-built form at 5.5m in height and 4m back from the boundary of the Submitter's site. These can be seen in the photographs contained in [Figure 3](#) to [Figure 7](#) below. These photographs clearly show the significant extent of adverse effect that could arise from development along this prominent terrace edge.



Figure 3: Photograph from near dwelling #2 on Site showing 5.5m profile poles significantly breaching the skyline and overlooking the site.



Figure 4: Photograph from dwelling #1 on Site showing 5.5m profile poles significantly breaching the skyline and overlooking the site.



Figure 5: Modified photograph from dwelling #1 on Site showing area depicting 5.5m profile poles (in red) and the 8m height (in blue) – heights shown are approximate only.

16. The land encompassing the majority of Sub-Area H2 is burdened by a private covenant that restricts development on this land, notably including a building height restriction of 5.5 metres¹. The 8-metre height restriction in the LDR precinct alongside the significant increase in density presents a conflict to Easement Instrument 5907860.3.
17. The issue with built form impacting the Submitter's property has been previously reviewed by Isthmus Group on behalf of the Council as part of their peer review of a resource consent on the land, finding that the adjacent neighbours along Maxs Way would be affected by the creation of four dwellings 5.5m high and 4m from the southern site boundary because of:
 - (a) the elevation difference between the land;
 - (b) the insufficient set back from the terrace edge;
 - (c) the resultant overlooking and privacy effects; and
 - (d) the lack of landscaping for mitigation.

¹ Land Covenant in Easement Instrument 5907860.3

18. The effects were found to be “more than minor” leading to a revised proposal being put forward to the Council. The landscape architect considered for the proposal for four 5.5m dwellings, the following mitigation was required:
- (a) increase the setback to a minimum of 10 metres from the southern site boundary;
 - (b) limit the building heights to single story;
 - (c) provide landscaping along the southern boundary to screen development and protect privacy.
19. Notably, with the density of development on Sub-Area H2 increased considerably, as proposed, alongside a height increase to 8m, the Submitter considers that this mitigation is insufficient.
20. Fundamentally the zoning of this land fails a number of key proposed objectives and policies, including a fundamental conflict with the purpose of the zone to “integrate with adjoining communities”. As notified, the zoning is at odds with Section 32 of the Resource Management Act 1991 (**RMA**) and will not give effect to the higher order plans. Ultimately, Sub-Area H2 of the LDR precinct fails to pass the requirements to be implemented as part of the wider variation.

Decision Requested

21. As **primary** relief, the Submitter seeks:
- (a) that the land encompassing Sub-Area H2 is removed from the Variation; and
 - (b) the density of development sought to be enabled in this location is accommodated on the northern side of Ladies Mile Highway.
22. As **secondary** relief, the Submitter seeks that changes are made to the provisions of the Variation, including Structure Plans, to fully address the issues raised in this submission, including any consequential changes to the Variation or Proposed Queenstown Lakes District Plan that are necessary to achieve the outcomes raised in this submission. The changes include:
- (a) updating the zone purpose to address the urban / rural living interface;
 - (b) amend the objectives and policies of proposed chapter 49 (including the addition of new policies) relating to a range of bulk and location controls to protect amenity values arising from development of the Sub-Area H2 of the LDR precinct, including on adjoining land outside of the zone;
 - (c) amend the rules relating to bulk and location controls on development of the Sub-Area H2 of the LDR precinct, including a reduced building height of no more than 5.5m above current ground levels (9 June 2023) and increased building setback from the southern boundary to no less than 20m;
 - (d) amend the structure plans to include the extension of the no build area along the southern boundary of the Sub-Area H2, include the landscape buffer within this no build area, and impose the 5.5m height limit over the area shown as Sub-Area H2 on the structure plan;
 - (e) amend the objectives and policies for chapter 4 (urban development) to provide for the need to maintain and enhance amenity values of adjoining rural living environments;

- (f) amend Chapter 27 (subdivision and development), including the matters of discretion for Rule 27.7.28 to give effect to the changes requested in this submission.
 - (g) retain the ability for the Council to serve notice (limited notification), publicly notify or decline resource consent applications in Sub-Area H2 of the LDZ precinct; and
 - (h) any further consequential relief necessary to fully give effect and respond to the issues raised in this submission relating to the development and use of land in what is shown as Sub-Area H2 in the LDR precinct of the Zone.
23. Suggested amendments to the provisions are set out in **Annexure A**
24. The submitter wishes to be heard at any hearing of the Variation.
25. If others make similar submissions, the Submitter will consider presenting a joint case at any hearing.



Brett Giddens

Signature of person authorised to sign on behalf of Submitter

Dated 9 June 2023

Address for Service:

Corona Trust
C/- Town Planning Group
PO Box 2559
Queenstown

Contact Person: Brett Giddens
Telephone: 0800 224 470
Cell: 021 365 513
E-mail: brett@townplanning.co.nz