

Appendix B - A copy of the Appellant's submission;

Submission on Queenstown Lakes Proposed District Plan 2015 - Stage 1

Clause 6 of the First Schedule, Resource Management Act 1991

To: Queenstown Lakes District Council
By email: services@qldc.govt.nz

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1. This is a submission on the Queenstown Lakes Proposed District Plan 2015 - Stage 1 ("**the Proposed Plan**").
2. I am not a person who could gain an advantage in trade competition through this submission (clause 6(4) of Part 1 of Schedule 1 of the RMA 1991)
3. The specific provisions of the proposal that my submission relates to are: Chapter 3 (Strategic Direction), Chapter 4 (Urban Growth) Chapter 9 (High Density Residential) and Chapter 27 (Subdivision)
4. I support the Proposed Plan Chapters 9 and 27 subject to the amendments sought through this submission. My submission relates to the block of land identified below.
 - *595 Frankton Road, Frankton (legal description LOT 1 DP 12665) in Computer Freehold Register OT15C/1071.*
5. I seek the following decision from the local authority: that the Proposed Plan be amended as requested in the Table below, together with any alternative, additional, or consequential relief necessary or appropriate to give effect to the matters raised in this submission and or the relief requested below.

Provision	Support/ Oppose	Reason	Decision sought [New text shown as <i>underlined italics</i> and deleted text shown as <i>italics strike through</i>]
Chapter 9- High Density Residential			
<p>Policy 9.2.3.2</p> <p>Ensure that where development standards are breached, impacts on the amenity values of neighbouring properties, and on public views (especially towards lakes and mountains), are no more than minor relative to a complying development scenario.</p>	Support in part	<p>The wording in this policy should be amended to better reflect the purposes of the RMA and terminology.</p>	<p>1. Amend policy 9.2.3.2 as follows:</p> <p>Ensure that Where development standards are breached, impacts on the amenity values of neighbouring properties, and on public views (especially towards lakes and mountains), <u>are adequately mitigated</u> no more than minor relative to a complying development scenario.</p>
New rule		<p>The following new rule is proposed to recognise the site specific issues that exist for development along Frankton Road.</p> <p>This rule is uplifted from the Operative District Plan and should be retained. Where references are made to the Operative District Plan rules, these should be amended to reference the equivalent rule in the Proposed Plan or deleted if no equivalent rule is proposed.</p>	<p>Add the following new rule:</p> <p><u>iv Height and Elevation Restrictions along Frankton Road</u> <u>The intrusion of a single building element on the south side of Frankton Road (SH6A) in the High Density Residential Zone of no more than one story in height above the centreline of Frankton Road and limited to a length parallel to the road of not more than 10% of the length of the road frontage (to a maximum of 16 metres), used solely for access, reception and lobby uses related to the predominant use of the site shall be a</u></p>

Provision	Support/ Oppose	Reason	Decision sought [New text shown as <i>underlined italics</i> and deleted text shown as <i>italics strike through</i>]
			<p><i>Restricted Discretionary Activity in respect of Assessment Matter 7.7.2 xiii Urban Design Protocol</i> <i>This rule applies to those properties from Cecil Road (Paper Road) to, and including, Lot 1 DP 12665.</i></p>
New rule		<p>The following new provision is proposed to recognise the site specific issues that exist for development along Frankton Road.</p> <p>This rule is from the Operative District Plan and should be retained. Where references are to the Operative District Plan rules, these should be amended to reference the equivalent rule in the Proposed Plan or deleted if no equivalent rule is proposed.</p> <p>The rule enables the most effective and efficient ruse of the land resource.</p>	<p>1. Add the following rule:</p> <p><i>The following applications shall be non-notified:</i></p> <p><i>Applications in relation to land contained in, or formerly contained in Lot 1 DP12665 (commonly known as 595 Frankton Road) made pursuant to rules 7.5.3.3 ii Building Footprint; 7.5.3.3 (iv) Height and Elevation Restrictions along Frankton Road (intrusion of a single building element); 7.5.5.2 iv(d) Setback from Internal Boundaries; 7.5.5.2 vii Continuous Building Length, and 7.5.5.2 xvii Landscape Coverage, provided that the application is accompanied by a report from the Council's Urban Design Panel supporting the application in respect to breaches of the relevant rule, except that the owners of any adjoining properties may be serviced with a copy of any resource consent application pursuant to Section 94(1) of the Act. When forming an opinion as to whether an adjoining</i></p>

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			<p><i>residential property owner may be adversely affected by the activity for the purpose of Section 94(1) the consent authority may disregard adverse effects of the activity if those effects are permitted by the development consented under RM040624 dated 13 May 2005 and RM081099 dated 29 April 2009 whether or not these consents have lapsed.</i></p>
<p>27 Subdivision and development chapter – primary submission</p>			
<p>Chapter 27</p>	<p>Oppose</p>	<p>Chapter 27 is opposed.</p> <p>The notified provisions relating to subdivision and development in Chapter 27 of the Proposed District Plan provide a significant change in approach to the current regime of subdivision control under the Operative Plan. The default status of subdivision as proposed is "discretionary" (unrestricted), this removes matters of control and related assessment matters and the comprehensive objectives and policies which are well understood and defined in the Operative Plan. These changes are coupled with a non-notification clause relating to most discretionary activities.</p> <ul style="list-style-type: none"> • The basis for this change appears to be driven by a desire to increase efficiency through a reduction in the length and complexity of the provisions. • This submission considers that the Council has failed to properly assess the options in undertaking this approach in relation to transaction costs, resource consent processing time, uncertainty and relative efficiencies of other 	<p>1. Delete Chapter 27 and replace with the Queenstown Lakes District Council Operative District Plan -Chapter 15.</p>

Provision	Support/ Oppose	Reason	Decision sought [New text shown as <i>underlined italics</i> and deleted text shown as <i>italics strike through</i>]
		<p>approaches including retention of the status quo, as required under section 32 of the RMA.</p> <ul style="list-style-type: none"> Subdivision certainty is key to efficient and effective uses of resources in the district, and this is facilitated by clear understanding of the outcomes which can be achieved in any particular zone or area. If subdivisions are retained as a completely discretionary activity, then subdivision may be appropriate in any give zone, but not on every particular site. A case by case assessment is required and despite the certainty of non-notification there is no certainty as to what might be approved. This could result in undesirable and ad-hoc planning outcomes such as inconsistency as to what is recommended and what is nota and therefore increases in litigation. On this basis, this submission seeks changes to Chapter 27 Subdivision to reintroduce the existing operative subdivision regime, or to introduce a controlled activity status for subdivision where possible, and where prescribed standards relating to allotment size and services and other assessment matters are met. 	
<p>Chapter 27- alternative submission</p>			
<p>Rule 27.4.1 All subdivision activities are discretionary activities, except as otherwise stated</p>	<p>Oppose</p>	<p>In the alternative to the submission above, Rule 27.4.1 is opposed for the reasons identified above and should be amended as suggested in the relief column.</p>	<p>1. Amend Rule 27.4.1, as follows:</p> <p><i>All subdivision activities are discretionary <u>controlled</u> activities, except <u>as</u> otherwise stated:</i></p> <p><i><u>Council's control is limited to:</u></i></p> <ul style="list-style-type: none"> <i><u>Lot sizes, averages and dimensions</u></i>

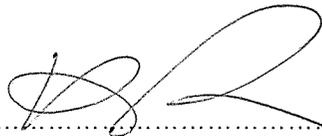
Provision	Support/ Oppose	Reason	Decision sought [New text shown as <i>underlined italics</i> and deleted text shown as <i>italics strike through</i>]
			<ul style="list-style-type: none"> • <i>Subdivision design</i> • <i>Property access</i> • <i>Esplanade provision</i> • <i>Natural hazards</i> • <i>Fire fighting water supply</i> • <i>Water supply</i> • <i>Stormwater disposal</i> • <i>Sewage treatment and disposal</i> • <i>Energy supply and telecommunications</i> • <i>Open space and recreation</i> • <i>Easements</i> • <i>The nature, scale and adequacy of environmental protection measures associated with earthworks</i> <p><i>All subdivision activities in the Rural Zone are Discretionary activities.</i></p> <p>2. Amend the relevant subdivision objectives and policies as appropriate so that they inform and achieve the controlled activity status subdivision described above.</p>

6. Further grounds for the submission points outlined in the above table are that:

- The section 32 evaluation does not establish that the objectives opposed are most appropriate to achieve the purpose of the Act.
- The benefits and costs of the effects of the provisions opposed in the submission referred to above have not been appropriately assessed or quantified in accordance with section 32 of the RMA by Council, nor have they been assessed with regards to their suitability for giving effect to the relevant objectives.
- The new provisions sought for the High Density Zone enable the most efficient and effective use of the land resource and support the relevant objectives for the zone.
- The new and alternative provisions sought by way of relief in this submission have not been appropriately assessed by Council in accordance with section 32 of the RMA.

7. I wish to be heard in support of my submission.

8. I will consider presenting a joint case with others presenting similar submissions.



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Fred Van Brandenburg
By its duly authorised agents
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Per: Vanessa Robb

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