

Before the Queenstown Lakes District Council

In the matter of the Queenstown Lakes Proposed District Plan Stage 1 Stream 6 - Low, Medium and High Density Residential, Arrowtown Residential Historic Management Zone and Large Lot Residential - Chapters 7,8,9,10 and 11

Submission prepared by Sean McLeod on behalf of submitters:

389 Body Corporate 22362

391 Sean and Jane McLeod

Submitter Number: 389

Submitter: Body Corporate 22362

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Preamble

My name is Sean McLeod and I have been chairperson of Body Corporate for over 10 years. I am also employed as a surveyor at Paterson Pitts and have worked on a number of developments within the district. I have lived and worked in Queenstown for over 30 years and know the district plan reasonably well, however this submission is not made in any professional capacity, it is my and other owners of Body Corporate 22362 view, and as residents and owners within the district. The Section 42A report states that I am the submitter but this is incorrect - it is actually Body Corporate 22362, and I and my wife have our own separate submission to create a separation of interests.

After reading the section 42A reports, including the appendixes of new rules, and as most of the submission from Body Corporate 22362 was in regard to changing the zoning of its land in Goldfields from low density residential to medium density residential, which has been deferred to the rezoning/mapping hearings. I would much rather speak to the panel during that stream and wish to submit the following comments instead.

General

The submission has been discussed with other owners and at the AGM, and although we have submitted to rezone the Body Corporate to medium density the general consensus is that further intensification of the development is unwanted. To preclude residential flats and further intensification of the development our Body Corporate rules already includes a rule restricting kitchens and laundries to one per unit, although I do know of 5-6 flats which existed before the rule was adopted.

A motion to break up the Body Corporate failed a few years ago and at the last AGM a motion to subdivide two residential units into three also failed. At the AGM a poll was taken on whether the committee should also look at subdividing sites off the common property, leasing common property or constructing residential flats as rentals, for an income stream. The answer was an overwhelming “no” to all intensification and because of the Unit Titles Act 2010 any changes to the development will require a special resolution passed with approval of 75% of the owners, or by court action.

As the rezoning/mapping hearings are not happening until a later date, this submission is written as if Body Corporate 22362 was staying in the LDRZ.

Urban Design

In his Urban Design evidence Garth Falconer stated that:

4.15 Medium density housing is a relatively new form of residential development in New Zealand. The dominance of low density residential development has allowed a relaxed planning approach to design. However, most towns and cities across New Zealand have sought to contain urban sprawl and have encouraged the development of more consolidated forms of residential living. What is referred to as medium density is an area of strong focus within residential design and provision.

5.6 Generally across New Zealand, high density residential development is not a widespread or familiar type of development, and there is usually a lot of reservation in the broader community about the quality of living and effects on neighbourhood character. However in Queenstown there is a long established presence of high density residential apartments, hotels and other forms of visitor accommodation.

I would like to add that although in general New Zealanders are more accustomed to their quarter acre section rather than a medium or high density residential development, Queenstown is not necessarily typical of the rest of New Zealand. There is a large section of the local population who are either from overseas or are New Zealanders who have lived overseas, and are more accustomed to this type of lifestyle. There are the medium term visitors, 1-2 years, who would prefer smaller, cheaper, low maintenance rental accommodation and there are also a large number of holiday home properties which do not require large LDR lots for amenity and outdoor living as they are generally are out participating in activities or dining, and would more likely prefer that to maintaining a property and mowing lawns. I would submit that for a number of reasons Queenstown should be leading the way in medium and high density living.

Definition of Site

There have been submissions and suggestions for changes to the definition of “site” in the district plan. This submission is written based on the current and notified definition. Any changes to the definition of site will have to take into consideration Body Corporate 22362, which is a special case as it was originally the subdivision of bare land by way of a Unit Title subdivision. There are very few bare land unit subdivisions within the district as there was doubt as to the legality, but changes to the Unit Titles Act in 2010 specifically made such subdivisions definitely illegal.

Rule 7.4.9.2

As notified Rule 7.4.9.2 allowed for two residential units to be constructed on site as a permitted activity. With Rule 7.5.6 allowing for a density of one residential unit per 300m² also as a permitted activity, this allowed two residential units to be constructed on a 600m² site. The proposed changes removing Rules 7.4.9.2 and 7.5.6 and adding 7.4.10.1 as a restricted discretionary activity is a significant change from what was notified. The ethos of the District Plan review and most submissions was to stop urban sprawl across the district and make better use of the land already zoned residential. The changes suggested by Amanda Leith in her revised rules, contained in Appendix 1, bring the permitted rules back in line with the operative District Plan. The new residential areas of Shotover Country and Hanley Downs both allow for greater density as permitted activity than what is now proposed for the LDRZ. Although both use other methods to control the overall density both have areas with no minimum lot size under the subdivision rules. Shotover Country has sites down to 300m² while Hanley has proposed sites in the 350-400m² range. The residential zoning in town should be denser than the residential in the rural areas, not the other way around.

The operative district plan has rule 7.5.5.3.iii in regards to a 450m² site density, but also has the savings clause 7.5.5.3.iii(a) allowing for two residential units to be constructed on a site of between 625m² and 900m², if the site existed as of 10 October 1995 and (b) for comprehensive developments to have a density of 200m² except in the Wanaka LDRZ which allowed 350m². Currently if a 650m² site existed before 1995 it could accommodate 2 units, while a 2000m² comprehensive site 10 units. Under what was notified this would have been 2 and 6 respectively, and what is now proposed 1 and 4 respectively. In reducing the density from 300m² to 450m² in the revised rules contained in Appendix 1, Amanda Leith has totally missed these two existing rules with the overall outcome of the LDRZ actually possibly becoming less dense than it currently is, which is not the desired outcome of the district plan review.

The rule as written also means an existing site under 450m² cannot be built on without consent. As we have a number of sites of under 450m² Body Corporate 22362 is concerned that any alterations or replacement of dwellings on these sites will now require a restricted discretionary consent and we suggest the following changes are more like what was publicly notified:

7.4.9 Residential Unit

7.4.9.1 One (1) per site in Arrowtown.

7.4.9.2 For all other locations, two (2) or less per site.

7.4.9.3 Development of no greater than one residential unit per 300m² net site area

Note – Additional rates and development contributions may apply for multiple units located on one site.

Being a permitted activity

7.4.10 Residential Unit

7.4.10.1 Two (2) or more per site in Arrowtown.

7.4.10.2 For all other locations, three (3) or more per site.

7.4.10.1 Development of no greater than one residential unit per 300m² net site area except within the following areas

(a) Sites located within the Air Noise Boundary or located between the Air Noise Boundary and Outer Control Boundary of Queenstown Airport

Control is reserved to the following:

- How the design advances housing diversity and promotes sustainability either through construction methods, design or function*
- Privacy for the subject site and neighbouring residential units*
- In Arrowtown consistency with Arrowtown's character, utilising the Arrowtown Design Guidelines 2016 as a guide*
- Building dominance on neighbouring properties and the public realm*
- Parking and access: safety and efficiency and impacts to onstreet parking and neighbours*
- Design and integration of landscaping*
- Where a site is subject to any natural hazard and the proposal results in an increase in gross floor area: an assessment by a suitably qualified person is provided that addresses the nature and degree of risk the hazard(s) pose to people and property, whether the proposal will alter the risk to any site, and the extent to which such risk can be avoided or sufficiently mitigated.*

Note – Additional rates and development contributions may apply for multiple units located on one site.

Being a restricted discretionary activity

If the above rules are not accepted, we would like a 'savings' clause inserted, to protect the exiting rights of owners within Body Corporate 22362 to build and modify their units, however as this will likely affect a large number of existing units in the district, ie any two unit developments under 900m², then the clause should probably be more generic and would suggest :

7.4.9.1 Development of no greater than one residential unit per 450m² net site area, except on existing sites under 450m² where one (1) residential unit can be constructed, extended or altered as of right or if two (2) or more residential units exist on a site with less than a 450m² per unit density then the residential units can be extended or altered as of right.

If the density for the LDRZ stays at 450m² savings clauses in the Operative District Plan 7.5.5.3.iii(a) allowing for two residential units to be constructed on a site of between 625m² and 900m² if the site existed as of 10 October 1995 and (b) for comprehensive developments, should also be written back into the proposed plan. If the LDRZ density is returned to the 300m² only the comprehensive rule requires addition.

Rule 7.5.3 Height Limit

Modified Rule 7.5.3.d states:

d. Items (a) and (b) above do not apply in Queenstown where the site was created in a separate Certificate of Title as at 10 October 1995 and no residential unit has been built on the site (then the maximum height limit shall be 8 metres).

There was an error in the notified rules and this has been carried forward by Amanda Leith in the revised rules contained in Appendix 1. The maximum height in the LDRZ for a sloping site is 7m and a flat site 8m. The 7m height limit should apply to sloping sites on sites existing before 10 October 1995. Rule 7.5.3.d should be rewritten to be :

d. Items (a) and (b) above do not apply in Queenstown where the site was created in a separate Certificate of Title as at 10 October 1995 and no residential unit has been built on the site (then the maximum height limit shall be 8 metres on flat sites or 7 metres on sloping sites).

Rule 7.5.09 Minimum Boundary Setbacks

In my original submission reference to the operative district plan rule 7.5.5.2.iii seems to be missing the last digits. The operative plan has the following site standard. This is the rule I was trying to replace, not 7.5.3.2(i) as in the section 42A report :

7.5.5.2(iii) Setback from Roads

(a) In the Low Density Residential Zone The minimum setback from road boundaries of any building, other than garages, shall be 4.5m.

I would still say that this rule has existed for a number of years. There appears to be few problems with garages within the road setback and by removing it the effects on steep land could be greater. Suggest that it becomes a restricted discretionary rule, with discretion restricted to the controls in rule 7.5.3.2(i)

Rule 7.5.10 Building Separation Within sites

The proposed changes in Appendix 1 include reducing the notified separation between buildings from 6 to 4 metres. We agree with these changes, but disagree with changing the compliance status from restricted discretionary to discretionary. Rules 7.4.11 building length, 7.5.14 Setback of buildings from water bodies and 7.5.16 Height Restrictions along Frankton Road are all similar items which have similar types of effect, and which are all restricted discretionary.

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General

In regards submission 389 Goldfields Body Corporate above, Sean and Jane McLeod have similar concerns and have the same comments as above, further they also have the following additional comments to make.

Visitor Accommodation

QLDC withdrew the provisions of Visitor Accommodation from the Proposed District Plan after it was notified and before submissions closed. If there were submissions on VA then they have been ignored. In the section 42A report Amanda Leith confirmed the withdrawal of the VA provisions and has removed the VA provisions in her revised rules contained in Appendix 1. We understand why the provisions were removed, but would rather have had the rules and policies around VA addressed sooner rather than later. All references to Visitor Accommodation should be removed from Section 7, 8, 9, 10 & 11 of the proposed district plan.

Rule 7.5.2 Height limit

When first put out for public comment the LDRZ had a height limit of 8 metres for both flat and sloping sites, being the same as the MDRZ. The section 42A report opts to retain the rules as modified although there were a number of submitters asking for changes. I had asked that the height limit be increased to 8m, with others asking for greater. If the effects for the increase are minimal for the MDRZ, then they should be the same in the LDRZ. With a rule change there is not a sudden change, but a gradual increase over a number of years. It is unlikely all of the existing dwellings in the LDRZ will be knocked down and rebuilt a metre taller, but it does allow for a gradual increase over time as houses are replaced.

Rule 7.5.3 Height limit

Our original submission asked for this to be removed in its entirety. We still seek this outcome. Queenstown requires additional rental properties and home ownership and going up is one way of obtaining the desired result without further urban sprawl and the traffic it produces.

Rule 7.5.09 Minimum Boundary Setbacks

There are comments above but going further I would suggest that on steep sites garages within the front yard should be permitted in all residential zones.

Rule 7.4.9.1(a)

My original submission included a submission that any land zoned for large lot residential be changed to low density residential. This is incorrect. What was meant was to refer to the Queenstown Heights Overlay Area. I wish to withdraw this submission in regards to Large Lot residential and replace it with Queenstown Heights Overlay Area and that the reference to the Queenstown Heights Overlay area be removed and the land to be rezoned LDR.

The section 42A report questions the steep topography and the geotechnical stability of the land. The overlay area is a large block of land with only approximately half the area covered by the landslide hazard as shown on the QLDC GIS. The land is not as steep as some of the sites already developed within Goldfields, Middleton Road and Larchwood Heights. The geotechnical stability of the land is only an engineering problem and various solutions are available either to hold the land in place or protect it from falling debris. The hazard will exist whether the lots are 1500m² or 600m². Being allowed to create additional sites may make any geotechnical remedial works more economic and the land more likely to be developed. If it is not economic to develop then it is likely to remain the gorse, broom, wilding pine covered hillside it currently is. At a minimum the reference to the Queenstown Heights Overlay should be removed from the area outside of the landside area as shown on the QLDC GIS and move again if a geotechnical report is produced saying that it is stable or that the risk can be mitigated.

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