

QUEENSTOWN LAKES DISTRICT COUNCIL

Hearing of Submissions on Proposed District Plan

Report 17-5

Report and Recommendations of Independent Commissioners
Regarding Mapping of Queenstown Hill

Commissioners

Denis Nugent (Chair)

Jan Crawford

David Mountfort

CONTENTS

PART A: REMARKABLE HEIGHTS LIMITED	2
PART B: MIDDLETON FAMILY TRUST	7
PART C: MT CRYSTAL LIMITED	14
PART D: BODY CORPORATE 22362 AND SEAN & JANE MCLEOD	19
PART E: FRANKTON MARINA/SUGAR LANE AREA	27
PART F: BRUCE GRANT	32
PART G: MIDDLETON FAMILY TRUST	39
PART H: SUMMARY OF RECOMMENDATIONS	42

PART A: REMARKABLE HEIGHTS LIMITED

Submitter Remarkable Heights Limited (Submission 347)

Further Submissions

FS1340 – Queenstown Airport Corporation - oppose

1. PRELIMINARY MATTERS

1.1. Subject of Submission

1. This submission related to a 17 hectare block of land at the top of Middleton Road (Lot 102 DP 411971¹).

1.2. Outline of Relief Sought

2. The submission sought that all of Lot 102 be rezoned as LDRZ and that the UGB be aligned with the property boundaries. In other words, the submitter requested that the area within the subject site that is currently zoned Rural be rezoned to LDRZ. The submission did not seek alignment of the ONL line with the UGB and property boundary however such realignment would be a logical result of accepting this submission.

1.3. Description of the Site and Environs

3. The subject site is part of the steep, glaciated southern face of Queenstown Hill. It is currently being developed for 158 residential lots in accordance with a subdivision consent². Some of the consented development is within the Rural Zone. The site is shown in Figure 5-1 below.

¹ While the submission listed this as the legal description, we note that the consents granted cite the legal description as Lots 102 and 104 DP 411971

² RM081212, varied by RM150520, RM160924, RM161211 and RM170002

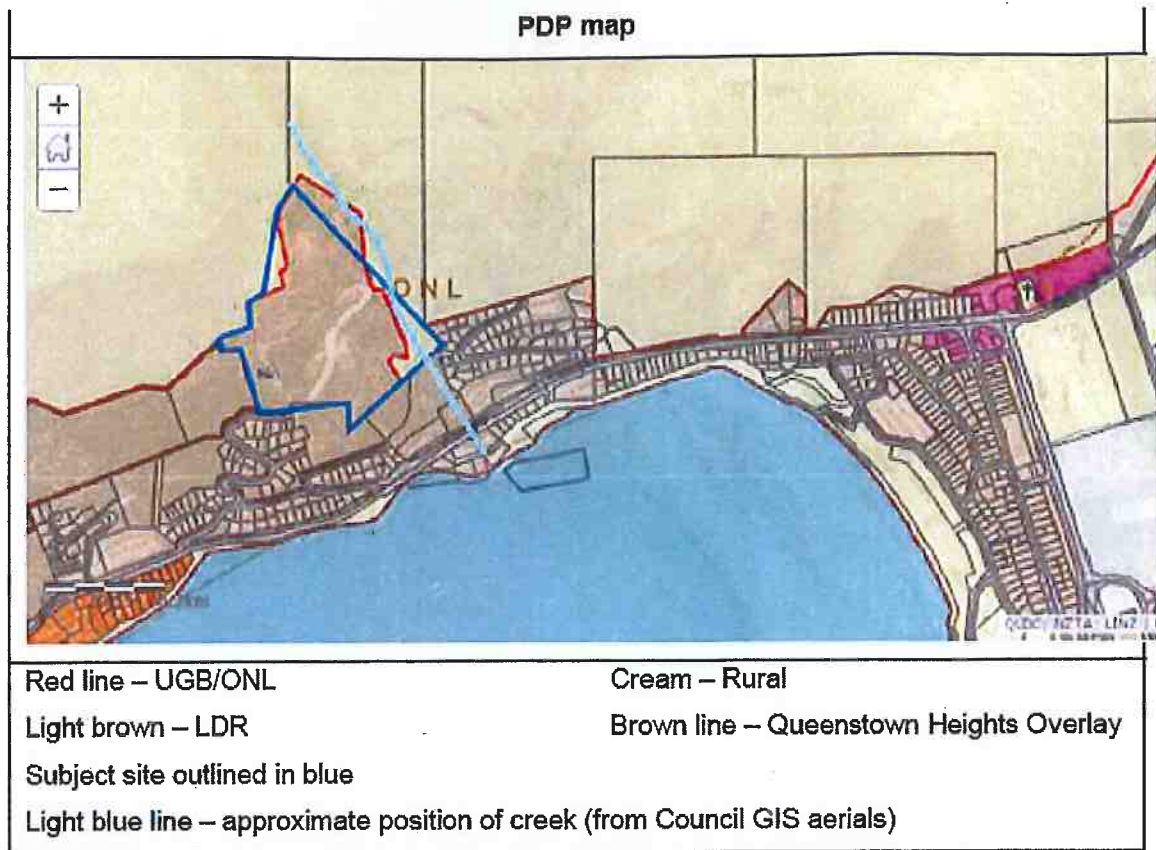


Figure 5-1 – Zoning map of Lot 102 DP411791 which is located at the top of Middleton Road, Queenstown Hill, outlined in blue

1.4. The Case for Rezoning

4. In light of the favourable recommendation in the Section 42A Report, the submitters' representative, Mr Nick Geddes, attended the hearing to answer questions about the zoning but did not give evidence. He provided plans of the approved subdivision showing the roading and lot layout.³

5. For the Council, Dr Read observed that the zone boundaries did not appear to relate to the underlying topography or any other landscape feature. She said that the LDRZ boundary in the eastern area appears to have been located so as to provide some protection to the creek, its margins and the gully in which it is located. Further upslope, however, the zone boundary follows the creek, rather diminishing any positive effect, and downslope the creek and its margins are within LDR zoning. Dr Read noted that subdivision in proximity to the unnamed creek to the east would trigger a requirement for the identification of marginal strips which would protect the character and quality of the stream and its corridor. For these reasons, Dr Read considered that both Rural-zoned areas within Lot 102 could be rezoned to LDRZ from a landscape perspective. Accordingly, the UGB and ONL could be moved to incorporate these two areas.⁴

6. Ms Rosalind Devlin, the Council's planning witness, recommended that the submission be accepted. In her opinion, the requested rezoning would achieve the relevant objectives and

³ Exhibit 13.12 - plan of approved subdivision consent (RM081212)

⁴ Dr M. Read, EIC, 24 May 2017, paragraphs 7.6 – 7.9

policies for the LDRZ (Chapter 7) and would be logical and appropriate. Realigning the UGB/ONL boundaries would better reflect the underlying topography by incorporating land within the same contour to the west (500masl) and by connecting land to the east with Marina Heights at the same elevation (at and below 400masl).⁵ There were no traffic or infrastructure issues arising from the rezoning.

7. QAC lodged a further submission opposing the rezoning of currently vacant land and/or enabling intensification of existing or residentially zoned land because this will bring more people to the aircraft noise effect now and into the future. Mr Kyle's evidence was that the best form of protection available to avoid potential reverse sensitivity effects is to avoid development 'coming to the effect' in the first place.⁶ However the submission site is not located within the OCB and QAC has not initiated a plan change seeking to extend the OCB.

1.5. Discussion of Planning Framework

8. Part of the land is zoned Rural and is within an Outstanding Natural Landscape. Strategic Objectives and policies in Chapters 3 and 6 of the PDP require the identification of ONL's and avoidance of adverse effects on them that would be more than minor and or not temporary. Subdivision and development are discouraged in ONL's unless the landscape can absorb the change and where the buildings and structures and associated roading and boundary changes will be reasonably difficult to see from beyond the boundary of the site.⁷
9. The Zone Purpose for the Rural Zone states that the purpose of the zone is to enable farming activities and provide for appropriate other activities that rely on rural resources while protecting, maintaining and enhancing landscape values, ecosystem services, nature conservation values, the soil and water resource and rural amenity. The Zone Purpose also recognises that a substantial proportion of the Outstanding Natural Landscapes of the district comprises private land managed in traditional pastoral farming systems. Rural land values tend to be driven by the high landscape and amenity values in the district. The long-term sustainability of pastoral farming will depend upon farmers being able to achieve economic returns from utilising the natural and physical resources of their properties. For this reason, it is important to acknowledge the potential for a range of alternative uses of farm rural properties that utilise the qualities that make them so valuable.⁸
10. Objectives and policies of Chapter 21 provide for a range of land uses, including farming, to be enabled while protecting landscape and other natural and amenity values, recognising the need for economic diversification and providing for sustainable commercial recreation activities.⁹ Rules in the plan provide for residential and larger scale commercial recreation as discretionary activities.
11. The LDRZ is the largest residential zone in the District. In Chapter 7, as recommended, it is renamed the Lower Density Suburban Residential zone to more accurately capture the range of traditional and modern suburban densities and housing types enabled. Objective 7.2.1 provides for '*a mix of compatible suburban densities and a high amenity low density residential environment for residents...*'. Policy 7.2.1.2 encourages development that '*maintains suburban residential amenity values including predominantly detached building forms, and predominantly one or two storey building heights.*' Policy 7.2.1.3 seeks to maintain amenity

⁵ R. Devlin, Section 42A Report, 24 May 2017, paragraphs 4.11 – 4.15

⁶ J. Kyle, EIC, 9 June 2017, paragraphs 6.4 – 6.8

⁷ Objective 3.2.4.3, Policies 3.3.29 and 3.3.30, and Policy 6.3.11

⁸ Chapter 21, Clause 21.1

⁹ See Objectives 21.2.1, 22.1.8, 21.1.9, 21.1.10 and their related policies.

values between sites, in particular privacy and access to sunlight. A clear theme is the maintenance of suburban character and high amenity values. Commercial activities are generally discouraged.

12. The submission site is not located within the OCB of Queenstown Airport.

2. ISSUES

13. The most appropriate zone for the subject site
14. Landscape

3. DISCUSSION OF ISSUES AND CONCLUSIONS

15. We agree with Dr Read that there is no logical landscape basis for the current alignment of the ONL line and consequently for the Rural/LDR zone boundary. On Queenstown Hill, we consider that the notified position of the ONL line has been influenced by past decisions and indeed, may not have been well-defined in the first instance. It is arbitrary, perhaps necessarily so given land ownership, the physical geography and historic pattern of settlement.
16. A modest number of additional residential lots would be enabled by rezoning about 2 hectares from Rural to LDRZ which assists with increasing capacity. We find that the additional traffic generated at the Frankton Road intersection with Middleton Road is acceptable and the land can be serviced therefore there are few, if any, adverse effects arising from changing the zoning of these two small areas from Rural to LDRZ. The consented subdivision enables housing that is typical of suburban locations with high amenity values therefore LDR zoning is appropriate.
17. Rural zoning is not appropriate for these two small areas within Lot 102 because they are not suitable for farming. If left as Rural zoning, they would inevitably be developed for housing in accordance with a consent, as evidenced by RM170002, therefore it is inefficient to leave them within the Rural Zone.
18. With respect to QAC's further submission, we consider it is not sound resource management practice to limit development potential in the face of uncertainty about the future of the airport particularly in a location like Queenstown which has topographical constraints that limit the land available for urban development. For a full discussion of this matter, see Report 17-1.¹⁰
19. In the circumstances, we have taken a pragmatic approach to this submission and have concluded that aligning the title, LDRZ, UGB and ONL boundaries is logical and appropriate.¹¹
20. As a consequential amendment, we recommend that the area of land to the north of Lot 102 on the adjacent property is rezoned from LDR to Rural as part of this rationalisation. This rezoning slightly increases the area of land within the adjoining property that is both zoned Rural and within the ONL, a conjunction giving effect to the Plan's strategic direction.

¹⁰ Refer Report 17-1, Section 5.3

¹¹ Refer Report 17-1, Section 4.1

4. RECOMMENDATION

21. For the reasons set out above, we recommend that:

- a. Submission 347 be accepted; and
- b. Two areas of land within Lot 102 DP411971 be rezoned from Rural to LDRZ; and
- c. The UGB align with the legal boundary of Lot 102 DP411971; and
- d. The land zoned LDRZ in the notified PDP that is not within Lot 102 be rezoned Rural as a consequential amendment; and
- e. The ONL align with the title, LDRZ and UGB boundaries as shown on Maps 33 and 31a.