

Form 5

Submission on a Publicly Notified Proposal for Policy Statement or Plan

Clause 6 of First Schedule, Resource Management Act 1991

To: **Queenstown Lakes District Council** (“the Council”)

Name of Submitter: **The Jandel Trust**

Introduction:

1. This is a submission on the proposed **Queenstown Lakes District Plan** (“the Proposed Plan”) notified on 26 August 2015.
2. The submitter could not gain an advantage in trade competition through this submission.
3. The submitter has an interest in the Proposed Plan as a whole, and as such the submission relates to the Proposed Plan in its entirety.
4. The specific provisions of the Proposed Plan that this submission relates to are those referred to in **Annexure A**, including, but not limited to, the provisions in the following chapters:
 - a. Chapter 3: Strategic Direction;
 - b. Chapter 8: Medium Density Residential;
 - c. Chapter 16: Business Mixed Use;
 - d. Chapter 27: Subdivision & Development;
 - e. Chapter 28: Natural Hazards
 - f. Chapter 36: Noise; and
 - g. Planning Maps.
5. The submitter's property is located at 179 Frankton-Ladies Miles Highway.
6. The Proposed Plan has identified this site and the surrounding properties as being located in the Medium Density Residential Zone.

General Reasons for Submission:

Zone

7. The submitter generally supports the removal of the Rural General zone from the site and surrounds, being a zone that is not truly reflective of the environment. The submitter recognises however that this zone has some benefits to the environment that have not been reflected in the proposed Medium Density Residential zone.
8. The submitter considers that the most appropriate zone for the site and surrounds would be a mixed use zone that provides for residential and lighter industrial/commercial uses. Such a zone would best reflect the existing land uses, and the proximity to Frankton Industrial, State Highway 6 and the nearby commercial land at 5 Mile.
9. The submitter considers that the most appropriate zone would be the Business Mixed Use zone or Industrial zone.
10. If the Medium Density Residential zone is adopted by the Council, the submitter requests that changes are made to the provisions to provide for more mixed use activity than is currently provided for. In addition amendments would also be required to protect the submitter's lawfully established business from reverse sensitivity effects, primarily noise and nuisance effects.
11. At the time resource consent RM090499 was granted to the submitter, compliance with the Rural General noise standards was at the notional boundary of residential units. At the time of the consent approval, residential development in the area was very limited. Altering the zone as proposed will introduce more noise sensitive activity into the area and will have significant reverse sensitivity effects on the submitter.

Access to alternative road to SH6

12. The submitter's property is relatively unique in that it is a smaller parcel of land in this location and has direct access onto the State Highway. Provision needs to be made for an alternative access to be provided as part of the development on adjoining sites to enable the submitter's property to connect to this alternative roading network. Achieving this would best enable the objectives and policies in the Proposed Plan regarding protecting the functioning of SH6.
13. If this is not adopted, an exemption needs to be made for additional development to be serviced from the submitter's existing access onto SH6.

Quail Rise Zone

14. It is noted that Planning Map 31a has retained the extent of the Quail Rise Residential zone into the Outstanding Natural Landscape.

15. This land would more appropriately be zoned Rural General to give effects to the strategic directions and landscape chapters of the Proposed Plan. Retaining this zoning and the location of the urban growth boundary implies that this land may be suitable for more intensive residential development, which would be inappropriate in this location.

16. Adopting the changes as proposed will:

- a. Promote the sustainable management of natural and physical resources, will be consistent with Part 2 of the Resource Management Act 1991 ("RMA") and ultimately achieve its purpose;
- b. Enable the social, economic and cultural well-being of the community;
- c. Meet the reasonably foreseeable needs of future generations; and
- d. Represent the most appropriate means of exercising the Council's functions, having regard to the efficiency and effectiveness of the provisions relative to other means.

17. The relief sought by the submitter will result in an outcome that aligns with the purpose of the RMA, along with implementing the relevant objectives and policies of the Proposed Plan.

Relief sought:

18. The submitter seeks the following relief:

- a. The rezoning of the site and wider area to Business Mixed Use zone or Industrial zone; or
- b. Amending the Medium Density Residential zone provisions (and related provisions) as set out in **Annexure B**; and
- c. Any other additional or consequential relief to the Proposed Plan, including but not limited to, the maps, issues, objectives, policies, rules, discretions, assessment criteria and explanations that will fully give effect to the matters raised in the submission.

19. The submitter also seeks that the Quail Rise Residential zone that is shown over the Outstanding Natural Landscape on Planning Map 31a is amended to Rural General.

20. The suggested revisions do not limit the generality of the reasons for the submission.

21. The submitter wishes to be heard in support of its submission.

22. If others make similar submissions, the submitter will consider presenting a joint case at any hearing.



Brett Giddens
(Signed on behalf of the Jandel Trust)

23-10-15

Date

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Annexure A: General Provisions

| Point # | Provision | Support, Oppose, Amend | Submission | Decision Sought (strike out , <u>bold and underlined</u>) |
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| Chapter 8: Medium Density Residential Zone | | | | |
| 1 | 8.1 Zone Purpose | Amend | <p>The Zone purpose needs to be amended to reflect existing and consented non-residential land uses, while acknowledging the residential activity is the primary activity, it is not the only activity that will occupy this zone.</p> <p>Non-residential activity could be appropriately located in some areas of the proposed zone where amenity is already affected and the zone purpose should reflect this.</p> | <p>The Medium Density Residential Zone has the purpose to provide land for <u>primarily</u> residential development at increased densities. In conjunction with the High Density Residential Zone and Low Density Residential Zone, the zone will play a key role in minimising urban sprawl and increasing housing supply. The zone will primarily accommodate residential land uses, but may also support limited non-residential activities where these enhance residential amenity or support an adjoining Town Centre <u>or are located in areas that have lower residential amenity as a result of proximity to industrial zones or busy roads</u>, and do not impact on the primary role of the zone to provide housing supply...</p> |
| 2 | Policy 8.2.1.1 | Amend | <p>Workers accommodation is an integral activity to provide for and this policy has been updated to reflect this.</p> | <p>8.2.1.1 The zone accommodates existing traditional residential housing forms (dwelling, residential flat), but fundamentally has the purpose to provide land close to town centres, local shopping zones, activity centres and public transport routes that is appropriate for medium density housing, <u>workers accommodation</u> or visitor accommodation uses.</p> |

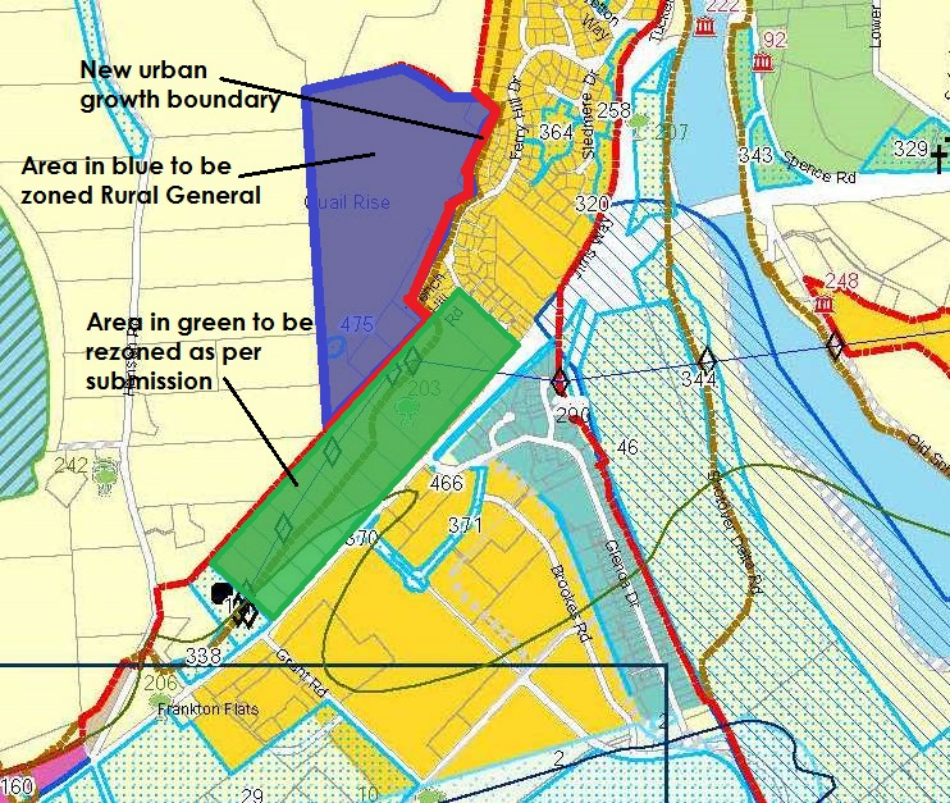
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| 3 | Policy 8.2.1.6 | New Policy | <p>Workers accommodation is an important aspect of residential environments and in locations close to Frankton Industrial and Five Mile, would be highly sought after.</p> <p>A new policy has been added to encourage workers accommodation in the Medium Density Residential Zone.</p> | <p><u>8.2.1.6 Encourage and provide for workers accommodation to be established higher densities and support workers accommodation as an ancillary land use to help offset potential adverse effects from non-residential activity.</u></p> |
| 3 | Policy 8.2.2.6 | Oppose | <p>There is no certainty to landowners in referring to documents that are formed outside of the planning process. This could have the impact of contradicting provisions in the District Plan. This policy should be deleted.</p> | <p>8.2.2.6 Development must take account of any design guide or urban design strategy applicable to the area.</p> |
| 4 | Policy 8.2.4.3 | New Policy | <p>It is important to acknowledge that amenity values will be impacted on with higher density living. It is also important to acknowledge that existing non-residential activities and the proximity of residential living to highways and industrial areas will also impact on amenity, and such impacts should be anticipated.</p> <p>A new policy has been added to provide for this.</p> | <p><u>8.2.4.3 Providing an appropriate level of amenity while acknowledging that amenity will be reduced as a result of the proximity to existing non-residential activity, the State Highway and nearby Industrial and Commercial Zones.</u></p> |
| 5 | Objective 8.2.10 | Amend | <p>The word "limited" offers no assistance to this policy.</p> | <p>8.2.10 Objective - Provide for limited small-scale commercial activities where such activities:</p> <ul style="list-style-type: none"> • contribute to a diverse residential environment; • maintain residential character and amenity; and • do not compromise the primary purpose of the zone for residential use. |
| 6 | Policy 8.2.10.3 | Amend | <p>This policy will have the impact of undermining the submitter's resource consent which relied on the noise standards in the rural general zone. This policy has</p> | <p>8.2.10.3 Commercial activities which generate adverse noise effects are not supported in the residential environment, <u>with the exception of any existing lawfully established uses.</u></p> |

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| | | | been amended to clearly exclude existing uses. | |
| 7 | Objective 8.2.1.1 | Amend | The land in question is not all “high quality” residential land. There are a range of uses (rural, commercial, industrial, residential) and this should be better reflected in the policy. | 8.2.11 Objective - The development of land fronting State Highway 6 (between Hansen Road and Ferry Hill Drive) provides a high-quality residential <u>mixed use</u> environment which some is sensitive to its location at the entrance to Queenstown, minimises traffic impacts to the State Highway network, and is appropriately serviced. |
| 8 | Policy 8.2.11.6 | | It is not the role of the NZTA to determine compliance with a policy, nor is it the role of the RMA to specify that a policy should be strictly complied with. | 8.2.11.6 A safe and legible walking and cycle environment is provided that: <ul style="list-style-type: none"> • links to the external network and pedestrian and cyclist destinations on the southern side of State Highway 6 (such as public transport stations, schools, open space, and commercial areas) along the safest, most direct and convenient routes • is of a form and layout that encourages walking and cycling • provides a safe and convenient waiting area adjacent to the State Highway, which provides shelter from weather • provides a direct and legible network. <p><i>Note: Attention is drawn to the need to consult with the New Zealand Transport Agency (NZTA) to determine compliance with this policy.</i></p> |
| 9 | Objective 8.2.13 | Support | This objective is supported. Reverse sensitivity is a real concern for the Medium Density Residential Zone in Frankton. | Retain |
| 10 | Policy 8.2.13.1 | Amend | Provision needs to be made to ensure that new residential activity located in close proximity to existing non-residential activity self-protects from potential noise impacts. | 8.2.13.1 All new and altered buildings for residential and other noise sensitive activities (including community uses) located within 80m of the State Highway or 100m from non- |

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| | | | | residential activities shall be designed to meet internal sound levels of AS/ NZ 2107:2000. |
| 11 | Rule 8.4.5 – Bulk Material Storage | Oppose and Amend | The storage of any material outside should not be prohibited in this environment. This discounts the benefits of mitigation and screening. | Alter activity status to discretionary for bulk material storage over 200m ² in area. Below this area is permitted if not directly visible from outside of the site. |
| 12 | Rule 8.5.3.1 | Oppose | A number of properties have existing access onto SH6 and these needs to be recognised and provided for in this rule. | 8.5.3.1 Transport, parking and access design that: a. Ensures connections to the State Highway network are only via Hansen Road, the Eastern Access Roundabout, and/or Ferry Hill Drive, or existing access locations . b. There is no new vehicular access to the State Highway Network. |
| 13 | Rule 8.5.3.2 | Oppose | This rule is excessive. Rule 8.5.3.1 places restrictions on access onto SH6 and Rule 8.5.3.2 results in excessive assessment of transportation effects and the resultant costs by involving a traffic engineer. This type of information would be more appropriate if new accesses were proposed onto SH6 which would be assessed as a non-complying activity under Rule 8.5.3.1. This rule should be deleted. | 8.5.3.2 A Traffic Impact Assessment which addresses all of the following: a. Potential traffic effects to the local and State Highway network (including outcomes of consultation with the New Zealand Transport Agency (NZTA) b. Potential effects of entry and egress to the local and State Highway network (including outcomes of consultation with the New Zealand Transport Agency (NZTA) c. An access network design via Hansen Road, the Eastern Access Roundabout, and/or Ferry Hill Drive, and the avoidance of any new access to the State Highway Network d. Integration with existing transport networks and cumulative effects of traffic demand with known current or future developments e. Integration with public transport networks f. Methods of traffic demand management. |

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| 14 | Rule 8.5.8.1 – Minimum Boundary Setback | Support | The submitter supports the road boundary setback of 3m. | Retain |
| 15 | Rule 8.5.10 – Window Sill Heights | Oppose | This is an unnecessarily onerous requirement that will have very little design merit or benefit to the environment. It will create costs and inefficiencies in the consenting process and should be removed. | Window sill heights above the first storey shall not be set lower than 1.5m above the floor level where the external face of the window is within 4m of the site boundary. Exceptions to this rule are where building elevations face the street or reserves, or where opaque glass is used for windows. In these scenarios the rule does not apply. |
| Chapter 27: Subdivision and Development | | | | |
| 16 | Rule 27.5.1 – Standards for Subdivision | Support | A minimum lot area of 250m ² is appropriate for a mixed use environment. | Retain |
| Chapter 36: Noise | | | | |
| 17 | Objective 36.2.1 | Support | Managing the potential for conflict between noise generating activities and sensitive activities is important to avoid reserve sensitivity issues. | Retain |
| 18 | Policy 36.2.1.2 | Amend | This policy is oddly worded such that it implies that only new noise generating activities can create reverse sensitivity effects. Locating residential activity into an area where existing noise generating activities are established can also create reverse sensitivity issues. | 36.2.1.2 Avoid, remedy or mitigate adverse noise reverse sensitivity effects, <u>and avoid or mitigate new noise sensitive activities from establishing in the proximity of consented or existing noise generating activities.</u> |
| 19 | 36.3.2 Clarification | New Matter | A number of clarifications to the rules have been provided. It is considered that a new clarification should be added to ensure that lawfully established noise generating activities in rural zones will be afforded existing use rights in terms of where noise | <u>36.3.2.11 Compliance with the noise standards for those activities lawfully established in the Rural Zones prior to the District Plan review being adopted shall be administered in accordance with the zone rules at the time that the activity was</u> |

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| | | | <p>levels are measured for compliance purposes.</p> <p>For instance, activities consented in the Rural General zone require compliance at the notional boundary of the closest residential dwelling or platform. Altering the zoning of the land a residential zone, for instance, would alter the compliance location, creating a significant reverse sensitivity effect that could impact on the ability of a person to carry out their business.</p> | <p><u>consented or lawfully established. To avoid doubt, compliance location would remain at the notional boundary of the residential units or platforms that were in place at the time that the consent was granted or activity was lawfully established.</u></p> |
| Planning Maps | | | | |
| 20 | Proposed District Plan Map 31a – Queenstown Airport | Amend | To help give effect to this submission, 31a will need to be amended | Amend the zone as sought in this submission. |



New urban growth boundary

Area in blue to be zoned Rural General

Area in green to be rezoned as per submission

Quail Rise

Frankton Flats