

**BEFORE THE QUEENSTOWN LAKES DISTRICT COUNCIL**

**IN THE MATTER**                      of the Resource Management Act 1991

**AND**

**IN THE MATTER OF**                      Plan Change 50 to the Queenstown Lakes District  
Plan

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**SUPPLEMENTARY LEGAL SUBMISSIONS OF COUNSEL ON BEHALF OF**

**MEMORIAL PROPERTIES LTD**

**CHRIS MACE and**

**QUEENSTOWN TRUST**

**9 March 2015**

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**PLAN CHANGE 50 : SUPPLEMENTARY SUBMISSIONS TO COMMISSIONERS**

## **Introduction**

1. In the course of presenting submissions (on 23<sup>rd</sup> February) counsel was asked a question by Commissioner Taylor concerning a “*lacuna*” in the modified zoning proposals being suggested as an alternative to PC50 behalf of the above submitters.
2. In essence, what is being sought by the above submitters is for the Town Centre zoning proposals of PC50 to be declined. Despite caucusing, there remains:
  - (a) No convincing rationale for the scale or direction of the PC50 expansion of the existing town centre;
  - (b) potentially adverse impacts which have not been adequately addressed for an expansion of such magnitude and long term significance. In particular, the evidence of Mr Kelly demonstrates that traffic / parking effects have received only the most superficial evaluation. There are unnecessary risks posed by the scope of PC50 to the existing (and future) town centre character and amenity.
3. The proper time and place to consider future town centre expansion is the upcoming District Plan Review. This process was underway for the town centre and was cut across by PC50. If PC50 is declined (to the extent that it proposes Town Centre zoning), the question of future town centre growth can revert to the more considered and comprehensive approach of the Plan Review. There is no credible evidence that there is any “threat” to the Queenstown Town Centre that requires urgent or hasty planning decisions or responses.

## **Amendments to High Density Residential Zoning**

4. The question posed in earlier submissions was what can be “salvaged” from PC50. An alternative zoning was referred to in the original submission of Memorial Properties and in the planning evidence of Mr Wells (paragraphs 115-117, page 33). Provision could still be made in an amended High Density Residential Zone for a proposed convention centre (and associated hotels and commercial development) by creating a subzone or precinct within the existing High Density Residential Zone which applies to the Council’s Lake View Site. The so-called “Lynch Block” could also have its own subzone to enable a greater scale of development than is currently the case.
5. To illustrate how the existing zoning of the land (High Density Residential) could have been amended to provide for a convention centre subzone or precinct, an example of amendments needed is provided as follows:

- (a) A map (attachment 1) showing proposed changes to District Plan Maps (in effect a reduction of the areas included in the proposed PC50 plan)
  - (b) Amended "Residential Areas Issues Objectives and Policies" (attachment 2) of the current District Plan Chapter 7, (pages 7.1 to 7.18)
  - (c) Amended High Density Residential Zone rules (attachment 3) 7.1 to 7.56
  - (d) Amended transport rules (attachment 4) (Chapter 14 of the current District Plan)
  - (e) Other amendments to the District Plan (Attachment 5)
5. This would allow for a future convention centre with associated higher hotels and related commercial activities. It would have a "sunset clause" in the event that the convention centre project did not happen. If the convention centre is not built or consented within 5 years of the decision date, the ability to build a convention centre would revert to its pre-PC50 status. Associated commercial activities would only be enabled if ancillary to other approved or permitted activities, until such time as a convention centre is operating.
  6. This approach may require some further fine tuning but represents a far more realistic zoning approach to achieve QLDC's convention centre and increases to land value objectives – without attempting to incorporate it in an ostensibly well planned town centre expansion i.e. the misplaced need to "link" the convention centre to the existing town.

#### **More flexible alternative to PC50**

7. The changes set out above demonstrate that flexible provision for locating a convention centre on Council's Lakeview site (with associated commercial activities) could readily have been made by QLDC with relatively straightforward changes to the existing High Density Residential zoning. Similarly, increased height limits in most of the Zone allow for a variety of higher density uses including hotels and apartments similar to that proposed by PC50.

#### **More consistent with Existing District Plan**

8. The alternative zoning approach would also have been far better integrated and aligned with the settled objectives and policies of the existing QLDC

District Plan in relation to protecting the character, function and amenity of the Town Centre.

9. The Town Centre proposals of PC 50 are clearly directly contrary to the established policies and objectives of the District Plan. The rationale underpinning the District Plan is clearly expressed in the following Section 10.5.2 of the existing District Plan (Town Centres, Chapter 10, Page 10 -25):

*"10.5.2 Issues*

***The amenity and resources of the Queenstown Town Centre***

*The Council has rejected major expansion of the town centre beyond the existing Town Centre Zone boundaries because of the limited land area available and because it would require compromise in terms of density, parking, visual amenity and substantial traffic within the existing town centre. The impact of significant increased retail development beyond the existing boundaries would result in a deterioration of the Queenstown Town Centre resource and amenity. The Council acknowledges that some additional convenience shopping facilities will be required within the general Wakatipu locality in the future.*

*In considering the need for and extent of new retail activity within the Queenstown-Wakatipu area regard must be had not just to the shopping need of the existing and future residents but also to the impact of any major new retail activity on the physical resources and the amenities of the Town Centre.*

*The town centre and the retail activities therein are a valuable physical resource generating a level of amenity and character which important to the well being of the people in the District. New developments which threaten the viability of activities in the town centre and thereby the outstanding character, amenity, heritage, pedestrian and other values the Centre provides, should be avoided, or the effects mitigated.*

10. The key element of the change requested to PC50 is the exclusion of the future scale and growth of the town centre, leaving it to be dealt with in the forthcoming Plan Review. This means that QLDC will have time to develop coherent proposals for the future town centre which also take into account QLDC's key traffic and parking strategy – not made available until after this hearing concluded.
11. A further benefit of not extending the Town Centre zoning through PC50 will also be to ensure that the impact of PC50 on a range of interests not represented in the PC 50 hearings (or for which their jurisdiction to participate

is contested) can be fully and fairly considered and evaluated. This is not the case at present.

12. In this regard there are clearly a range of potential options for town centre expansion other than the “Man St hillside” area covered by PC50. Landowners in these other potentially suitable areas had limited time and opportunity (or no appreciation of the need) to make any case for the future of the town centre. It is possible, for example, that a less rushed consideration might lead to a combination of expansion options with far less adverse traffic impacts.
13. In terms of supporting the vitality of the Queenstown Town Centre, the objectives and policies of the High Density Residential Zone are clear. Intensively developed activities near the Town Centre support its vitality (refer Objective 3 of Section 7 of the current District Plan).

### **Haste**

14. The main reason why such a hasty and ill-considered planning approach was followed appears to have been because QLDC enthusiastically took off its public interest regulatory “hat” - and became a single minded fast track developer of its own land in the guise of “responsible future planning” for Queenstown. It is apparent in this context that the advocacy of PC50 relied predominantly on a cadre of out-of-town advisers who were not necessarily familiar with Queenstown and the resource management issues it faces. No other applicant or requestor for a plan change of this magnitude or long term significance would ever have been allowed to proceed to hearing with such large information gaps and in such reduced timeframes.
15. An important feature of the proposed amended zoning set out in para 16 below is that it simply amends the existing High Density Residential Zoning of the Lake View Site. The red line additions, wherever possible, use language or provisions prepared by Mr Kyle for the relevant parts of PC50.

### **The Key Changes**

16. For ease of reference the key changes to the existing High Density Residential Zoning (outlined in Attachments 1 to 5) can be summarised as follows:
  - a. Two new subzones to the High Density Residential Zone are created:
    - (i) High Density Residential Sub Zone E (Lake View – convention centre precinct) ; and
    - (ii) High Density Residential Sub Zone D (the Lynch Block).

- b. An existing objective of the High density Residential Zone is slightly amended and two policies are introduced to describe the outcomes anticipated in the new Convention Centre Precinct, particularly the possibility of additional height and the mixed use nature anticipated. A paragraph of text following these is added to further explain the intention of High Density Residential Sub Zone E.
- c. A restricted discretionary rule for convention centres in the Lake View Sub Zone (with a 'sunset clause') is included.
- d. Some 'site and zone standards' are amended to be consistent with what was proposed in PC50. This has the effect of making these Sub Zones more enabling for development than other High Density Residential Sub Zones.
- e. The height limit is set as a zone standard of 12 m for High Density Residential Sub Zone D (the Lynch Block), meaning breaches will be a non-complying activity.
- f. In the High Density Residential Sub Zone E (Lake View) the 12 metre height limit is set as a 'site standard'. This means applications can be considered on a restricted discretionary basis. Matters of discretion and assessment matters are intended to draw attention to what parts of the site may be suitable for additional height, and what matters shall be take account of (for example, effects on the cemetery and transport demands created by the extra floor space). A detailed resource consent application will allow these matters to be considered in more detail.
- g. The exception to f. above is an area where the height limit is limited to 4m, as denoted on the Planning Maps.
- h. A rule requires the 'Thompson Street chicane' to be realigned in accordance with the recommendations of the transport assessment that formed part of the s32 documentation.
- i. There is no Structure Plan. The detailed layout can be managed through subdivision applications, reserve statuses (and changes there to) and through the fact that large contiguous land ownerships are in place, meaning the risks of poorly integrated development are reduced.
- j. Car parking standards are as per the High Density Residential Zone Sub Zone A (i.e. the subzone that allows the most intensive development). Commercial recreation activities and convention centres will be considered on a discretionary and restricted discretionary basis

(respectively), meaning the assessment of parking demands can be better assessed at that detailed stage.

- k. Commercial activities are enabled in the Lake View Sub Zone, subject to a controlled activity. The total amount of retail is limited to 6500 m<sup>2</sup> with an additional rule limiting retail to 10% of the total floorspace within the subzone (a rationale for this '10%' figure can be drawn from a principle in the existing District Plan, as referred to in para 43 and the associated footnote in the evidence of Dan Wells). This will ensure the implementation of the position agreed in expert conferencing and echoed in the recommended policy that commercial activities are of a nature and scale that support other predominant activities. This additional commercial activity enabled is tied to the establishment of a convention centre.
- l. One new definition is to be introduced to the District Plan, for 'Convention Centre'

### **Summary**

- 17. The QLDC ambition for PC50 was not only to provide for a convention centre but also to achieve a significant uplift in the value of Council owned land. The suggested changes above make provision for both objectives to be secured but at far less risk of adverse effects to the existing (and future) town centre.

Mike Holm

**9 March 2015**