

**BEFORE THE QUEENSTOWN LAKES DISTRICT COUNCIL**

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

**AND**

**IN THE MATTER** of the Publicly Notified Plan Change  
50

**AND**

**IN THE MATTER** of a Submission by Adam and  
Kirsten Zaki

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**SUBMISSION ON A PUBLICLY NOTIFIED PLAN CHANGE**

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## **SUBMISSION ON A PUBLICLY NOTIFIED PLAN CHANGE**

**TO:** Queenstown Lakes District Council  
Private Bag 50072  
Queenstown 9348

**SUBMITTERS' NAME:** Adam and Kirsten Zaki

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Attention: Chris Thomsen

**PLAN CHANGE to which this submission relates to:** Plan Change 50 (Queenstown Town Centre Zone Extension)

The submitter **does not** gain an advantage in trade competition through this submission.

### **SPECIFIC PROVISIONS of the proposal that our submission relate to are:**

Plan Change 50 ("PC 50") as it relates to Lot 1 DP15037, Section 10 Blk VIII Town of Queenstown, Section 11 Blk VIII Town of Queenstown, Section 17 Blk VIII Town of Queenstown and Section 18 Blk VIII Town of Queenstown and more specifically the matters set out in this submission.

### **OUR SUBMISSION IS:**

#### **Background**

1. The submitter's are the owners of a reasonably new high quality residential apartment that is located at 40B Man Street, Queenstown. The submitter's apartment is contained within a duplex built arrangement.
2. The submitters are opposed to PC 50 insofar as it relates to the extension of the Queenstown Town Centre Zone ("QTCZ") over the block of land bounded by Beach Street, Lake Street, Man Street and Hay Street (the "Beach Street Block").
3. The submitters understand that the Beach Street Block was a late addition to the rezoning framework proposed by PC 50.
4. The Beach Street Block is presently contained within the High Density Residential Zone (Sub-Zone A).
5. The submitters note that the owners of Lot 1 DP 15307, Sections 10-11 and Sections 17-18 Block VIII Town of Queenstown (being IHG Queenstown Limited/Carter Queenstown Limited) were

granted significant additional development rights through Plan Change 10 (Improving Amenity in the High Density Residential Zones). With the exception of Section 17, development on the remainder of the land owned by IHG Queenstown Limited/Carter Queenstown Limited is significantly more enabling than the standard provisions within the High Density Residential Zone (Sub-Zone A).

6. In particular, the land owned by IHG Queenstown Limited/Carter Queenstown Limited (excluding Section 17) has dispensations in terms of the following rules under the High Density Residential Zone (Sub-Zone A):
  - Provision for buildings to be consented as a Controlled Activity (rule 7.5.3.2(iv))
  - Avoidance with complying with the 'Multi-Unit Developments' rule (rule 7.5.3.3(i))
  - Avoidance with complying with the maximum 'Building Footprint' rule (rule 7.5.3.3(ii))
  - The ability for the Council to issue non-notified resource consents (without affected party approval) for failure to comply with the minimum landscape coverage requirement and the minimum 4.5m road setback requirement (rule 7.5.4(v)&(vi))
  - Avoidance with complying with the 'Mutual Setback' rule (rule 7.5.5.2(iv)(d)(ii)(b))
  - Avoidance with complying with the 'Continuous Building Length' rule (rule 7.5.5.2(vii)(f))
  - Special height controls for Lot 1 DP 15307 (rule 7.5.5.3(v)(vi)(vii))
7. The imposition of the QTCZ as presently proposed will significantly increase the development potential for Lot 1 DP 15307, Sections 10-11 and Sections 17-18.
8. The Section 32 analysis<sup>1</sup> for PC 50 states the following in relation to the Beach Street Block:

*The Beach Street site has been identified as suitable for rezoning to Town Centre due for the most part to its location immediately adjacent to the Queenstown Town Centre Zone on two sides – Hay Street and Beach Street. The block accommodates a large visitor accommodation activity which announces the entrance to the Town Centre when approaching from the southwest. Extending the town centre over this site will enable the development of commercial activities that could enhance this site, particularly along the Beach Street frontage.*

*Provisions proposed for the Beach Street site include the existing Queenstown Town Centre provisions without amendment, with the exception of:*

- *Noise rules – it is proposed to retain the current noise rules applicable at this to avoid any change in noise effects at this location;*
- *Maximum building height limits – again, the maximum building height limits that currently apply at this site have been retained.*

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<sup>1</sup> Section 32 Analysis – Page 11

The statement above from the Section 32 analysis places all attention on the 'large visitor accommodation activity', which is the Crowne Plaza Hotel. No mention is made of the existing residential dwellings that are located at the top of the Beach Street Block on Man Street.

### Proposed PC50 Rules

9. The submitters have considered the notified PC 50 planning provisions that govern development and land use activities within the Beach Street Block. The submitters are greatly concerned that if such planning provisions are confirmed, there will be significant adverse effects on their residential amenity particularised below.

### Height

10. The eight bullet point associated with proposed rule 10.6.5.2(i)(a) states the following:

*The maximum height for buildings on Lot 1 DP 15307 shall be defined by the measurements and images held with the electronic file described as Lot 1 DP 15307– Building Height. Refer Appendix 4 – Interpretative Diagrams, Diagram 8, except that the height of any lift or plant tower on Lot 1 DP 15307 shall be permitted to exceed this height limit by up to an additional 3 metres, provided that the area of that additional over-run shall have a total area of no more than 40m<sup>2</sup> and shall be located at least 10 metres from a road boundary.*

This proposed rule replicates the existing building height rules for Lot 1 DP 15307 within the High Density Residential Zone, being rule 7.5.5.3(v)(b)(vi) & (vii).

11. The ninth bullet point associated with proposed rule 10.6.5.2(i)(a) states the following:

*For land legally described as Sections 14, 15, 16, 17 Block VIII Town of Queenstown, Lots 1 and 2 DP 444132, and Lot 1 DP 7187 Zone Standard 7.5.5.3(v) will apply for all building heights.*

Zone Standard 7.5.5.3(v) is the existing building height rule that is contained within the High Density Residential Zone. Within this zone, either a 8m or 7m building height limit applies, depending on the gradient of the land being developed. It is highly likely that a 7m height limit (sloping site) will apply for the land contained within proposed Rule 10.6.5.2(i)(a).

12. The imposition of a 7m height limit for land contained within the Beach Street Block located above Lot 1 DP 15307 is supported by the submitter. However, the **primary issue** with rule 10.6.5.2(i)(a) is that building height on Sections 10-11 and 18 is not controlled by that rule. As such, buildings could be constructed up to 12m high (plus a lift and plant allowance) as a controlled activity, rule 10.6.3.2.
13. Section 11 is located directly below the submitters' apartment. A 12m building constructed on Section 11 will completely block views obtained from the submitter's apartment, will compromise privacy, and have an overall adverse effect on the submitter's residential amenity. This will be exacerbated if buildings are also constructed to 12m on Sections 10-11 and 18 too.
14. The intention of proposed Rule 10.6.5.2(i)(a) was to place the existing High Density Residential Zone height limits over the land located above Lot 1 DP 15307 within the Beach Street Block. This exclusion of Sections 10-11 and 18 is an oversight which needs to be rectified.

### *General*

15. The submitters are concerned about the following changes the rezoning of the Beach Street Block will lead to:

- The QTCZ does not require internal setbacks (c.f. the High Density Residential Zone). Building could be constructed hard against the submitter's boundary, thereby eliminating any ability for mitigation planting (for instance);
- The maximum building coverage will increase from 65% to 80%;
- The QTCZ does not require road setbacks;
- Commercial activities can be located adjacent to the submitter's land as a permitted activity.

These changes will all compromise the submitters residential amenity.

### *Noise*

16. Adverse noise effects are also a key concern for the submitter. The QTCZ will allow a range of commercial activities to be undertaken from this land, of which some activities may generate noise which could affect the submitter's residential amenity. In this regard, if the QTCZ is imposed on the Beach Street Block, the submitter strongly supports Rule 10.6.5.2.(ii)(b) which provides for more stringent noise requirements than elsewhere in the QTCZ.

### **Conclusion**

17. In conclusion, the submitter acknowledges that the land owned by IHG Queenstown Limited/Carter Queenstown Limited can be developed in accordance with the present High Density Residential Zone provisions. Such development will have some effect on the residential amenity presently afforded to the submitter's land. However, the notified version of PC 50 in relation to the Beach Street Block will cause significant adverse effects, over and above which could occur 'as of right' presently on the land owned by IHG Queenstown Limited/Carter Queenstown Limited.

18. The submitters' apartment is reasonably new and the duplex arrangement was built with the full knowledge of what could be developed on the land below.

19. The duplex arrangement that contains the submitters' apartment was purpose built for residential use. These apartments have a significant lifespan as it is highly unlikely that the duplex arrangement will be demolished for a new commercial building, or converted to allow commercial activities to be undertaken from the site. This situation does not apply to the remainder of the existing dwellings in the Beach Street Block. A number of these dwellings are older housing stock and the land upon which these dwellings site are quite possibly ripe for redevelopment.

### **WE SEEK THE FOLLOWING from the local authority (give precise details):**

A. The submitters' seek the deletion of the Beach Street Block in its entirety from PC 50.

B. Alternatively, the submitter's seek the following for the Beach Street Block:

- Only Lot 1 DP 15307 is rezoned as QTCZ. Any future development within Lot 1 DP 15307 will be governed by the Diagram 8 (Appendix 4 – Interpretative Diagrams) and the present QTCZ provisions, including proposed Rule 10.6.5.2(ii)(a) for noise emissions.
- The existing High Density Residential Zone (Sub-Zone A) continues to apply to the remainder of the land contained within the Beach Street Block, namely Lots 1-2 DP 444132, Lot 1 DP 7187, Part Section 14 Block VIII Town of Queenstown, Sections 10-11, 15-18 Block VIII Town of Queenstown.

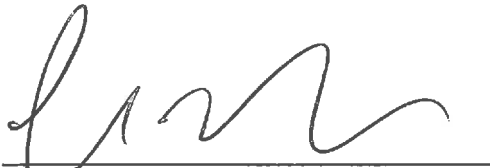
The alternative relief sought by the submitters will still allow IHG Queenstown Limited/Carter Queenstown Limited to develop Lot 1 DP 15307 to greater extent than presently provided for under the High Density Residential Zone (Sub-Zone A) – whilst enabling flexibility of use for commercial activities to occur on this land.

The remainder of the Queenstown Limited/Carter Queenstown Limited land can then be developed in accordance with the existing High Density Residential Zone (Sub-Zone A), noting that such provision are more enabling development wise than other land contained within this zone.

- C. Such further relief (including objectives, policies, rules or other methods) as is necessary to grant the relief sought at A or B above and to address the matters raised in this submission.

We **do** wish to be heard in support of my submission.

We **will** consider presenting a joint case with others presenting similar submissions.



C R Thomsen  
Signed for and on behalf of Submitters

9 December 2014