

**FORM 5**  
**SUBMISSION ON PROPOSED QUEENSTOWN LAKES DISTRICT PLAN**

**Clause 6 of Schedule 1, Resource Management Act 1991**

**To:** Queenstown Lakes District Council

**Submitter Details:**

Name of submitter: Varina Propriety Limited

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**1. This is a submission on the Proposed Queenstown Lakes District Plan.**

**2. Trade Competition**

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

**3. Omitted**

**4. Varina Propriety Limited submission is that:**

Varina Propriety Limited has owns land in the proposed Medium Density Residential, Low Density Residential and Business Mixed Use zones.

Varina Propriety Limited in part **supports** the Proposed District Plan (PDP) on the following basis:

Business Mixed Use Zone

4.1 The Business Mixed Use zoning of the Anderson Heights Business Zone and the associated objectives, policies and rules.

Varina Propriety Limited in part **opposes** the Proposed District Plan (PDP) on the following basis:

#### Wanaka Town Centre Transition Overlay

- 4.2 The District Plan map and the identified zoning as it relates to the land within the Wanaka Town Centre Transition Overlay. It is submitted that this zone should be replaced with the Wanaka Town Centre Zone.
- 4.3 The objectives, policies and rules of Chapter 8 that require all non-residential buildings in the Wanaka Town Centre Transition Overlay to comply with the Medium Density Residential built form bulk and location standards.

#### Low Density Residential Zone – Corner of Upton, McDougal and Brownstown Streets, Wanaka

- 4.4 The District Plan map and the identified zoning as it relates to the land shown in Figure 1 of this submission. It is submitted that this area should be Medium Density Residential Zone and overlaid with a Visitor Accommodation Sub-Zone.

#### Medium Density Residential Zone

- 4.5 Objective 8.2.2 and Objective 8.2.5 and their associated policies where those provisions provide prescriptive urban design outcomes and fail to recognise that a significant portion of residential development that will occur in this zone will do so without requiring resource consent.
- 4.6 Objective 8.2.9 and associated policies and non-complying Rule 8.4.1 where those provisions discourage visitor accommodation activities that do not fall within the category of a bed and breakfast, homestay or commercial letting of a residential unit.

- 4.7 The objectives, policies and rules that informs and supports the management and use of visitor accommodation activities within the Medium Density Residential Zone Visitor Accommodation Sub-Zones.
- 4.8 Objective 8.2.4, associated Policy 8.2.4.1 and Rule 8.5.6 that requires sloping sites to comply with recession plane requirements.

#### Subdivision Chapter

- 4.9 The objectives, policies, rules and subdivision guideline that informs and supports Rule 27.4.1 making all subdivision activities discretionary.

#### Definitions Chapter

- 4.10 The definition of 'visitor accommodation'.

**Without derogating from the generality of the above, Varina Propriety Limited further submit that:**

#### Business Mixed Use Zone (BMUZ)

- 4.11 The PDP states that the purpose of the BMUZ is as follows:

*'The intention of this zone is to provide for complementary commercial, business, retail and residential uses that supplement the activities and services provided by town centres. Higher density living opportunities close to employment and recreational activities are also enabled. Significantly greater building heights are enabled in the Business Mixed Use Zone in Queenstown, provided that high quality urban design outcomes are achieved'.*

The submitter agrees with the overarching purpose of the BMUZ, as this zoning structure will allow the regeneration of the Anderson Heights Business area with an appropriate mix of compatible commercial and residential activities. In light of Three Parks commercial zones the Anderson Heights Business area will become superfluous for true commercial use and providing a planning regime that facilitates redevelopment including high density residential forms in light of the urban growth policy framework is an appropriate outcome.

- 4.12 The submitter supports the objective, policies and rule framework of the zone that will provide a compatible mix of activities with appropriate built form controls.

Wanaka Town Centre Transition Overlay (TCTO)

- 4.13 Council through their Section 32 analysis have recognised that the south side of Brownston Street is appropriate for the ‘managed’ expansion of the Wanaka Town Centre in recognition of the existing creep of commercial activities into this area. The submitter agrees with this analysis.
- 4.14 The submitter accepts that a key issue for the proposed zone is the management and protection of residential amenity values of residential neighbours. However, the submitter disagrees that the best method for protecting residential amenity values is placing controls on commercial built form by requiring it to comply with the full spectrum of residential bulk and location requirements (as required by the MDRZ rule framework).
- 4.15 The mechanics of Section 32 1(b) requires an assessment of whether the proposed provisions are the most appropriate way to achieve the relevant objective. The relevant objective for the TCTO is:

***8.2.12 Objective – The Wanaka Town Centre Transition Overlay enables non-residential development forms which support the role of the Town Centre and are sensitive to the transition with residential uses. (my emphasis)***

- 4.16 It is submitted that the proposed rule framework does not achieve this objective. Primarily because the proposed rules require compliance with residential bulk and locations standards whereas the proposed objective promotes ‘non-residential development forms’. In addition, policy 8.2.13.3 promotes the relaxation of built form rules within the TCTO but this does not follow into the rule framework.

- 4.17 It is accepted that some built form controls should be applied where the TCTO adjoins the MDRZ to reduce shading and dominance effects. However, this should be more focused so it does not need to apply across all components of the TCTO sites. The Wanaka Town Centre Zone rule framework effectively deals with this issue with the inclusion of the following rule. A similar rule in the TCTO would be effective.

**13.5.1 Setbacks and sunlight access – sites adjoining a Residential zone**

**13.5.1.1** *Buildings shall not project beyond a recession line constructed at an angle of 34° inclined towards the site from points 3m above any Residential Zone boundary.*

**13.5.1.2** *Where a site adjoins a Residential Zone all buildings shall be set back not less than 3m.*

- 4.18 There are real benefits in allowing non-residential development in the TCTO to adopt more recognised commercial built form controls. This position is supported by an Urban Design Review the Submitter had prepared for the South Side of Brown Street the by Corson Consultancy dated February 2012, attached as **Attachment [A]**. The report concludes that for Brownston Street to become a functional entrance into Wanaka an entry precinct of two to three storey commercial style buildings established on or near the Brownston Street road boundary should be developed on either side of the carriageway. The report identifies this would give visual balance, spatial definition and a stimulating town entrance. The report concludes the south side of Brownston Street would suit high density development of professional offices mixed for high density residential and visitor accommodation developments.

- 4.19 Overall, to achieve an effective commercial zone on the south side of Brownston Street there are sound reasons to allow non-residential development within the TCTO to adopt more recognised commercial built form controls with specific controls for managing the built form interface with the adjoining residential zone. Two ways this could be achieved are:

1. Replace the TCTO with Wanaka Town Centre Zoning.

2. Amend the provisions of the TCTO to allow more liberal non-residential built forms.
- 4.20 The submitters preferred option is option 1. Adopting the Wanaka Town Centre Zone retains a consistent approach for all town centre activities. Proposed Rule 13.5.1 (or similar) will be effective in managing the interface of residential built form with the Medium Density Residential Zone. Rule 13.5.10 (Nosie) would be effective in managing amenity effects associated with non-residential noise. There would be some benefit to relaxing Rule 13.5.6 (setback from road boundaries) to allow some flexibility in buildings on the south side of Brownston Street not being required to be built up to the street boundary. In addition provisions should be included within the Wanaka Town Centre Zone to recognise existing residential use on the south side of Brownston Street. The Wanaka Town Centre Zone provisions promote a mixed use of commercial, visitor accommodation and residential (above first ground floor) which the Corson Consultancy urban design report sees as an appropriate outcome for the south side of Brownston Street. The Wanaka Town Centre Zone provisions also have a strong urban design focus which is seen as an important outcome for future development on the south side of Brownston Street.
- 4.21 Option 2 would effectively involve replacing the proposed residential bulk and location controls of the TCTO with those of the Town Centre Zone. Given this it starts to make the benefit of the TCTO seem less relevant and it highlights why Option 1 is likely to be more effective and efficient.

Low Density Residential Zone – Corner of Upton, McDougal and Brownstown Streets, Wanaka

- 4.22 The PDP proposes to zone the land shown in Figure 1 (Corner of Upton, McDougal and Brownstown Streets, Wanaka) Low Density Residential (LDR) with a Visitor Accommodation Sub-Zone over 181 Upton Street. It is submitted that the full block highlighted in Figure 1 should be Medium Density Residential Zone overlaid with a Visitor Accommodation Sub-Zone.

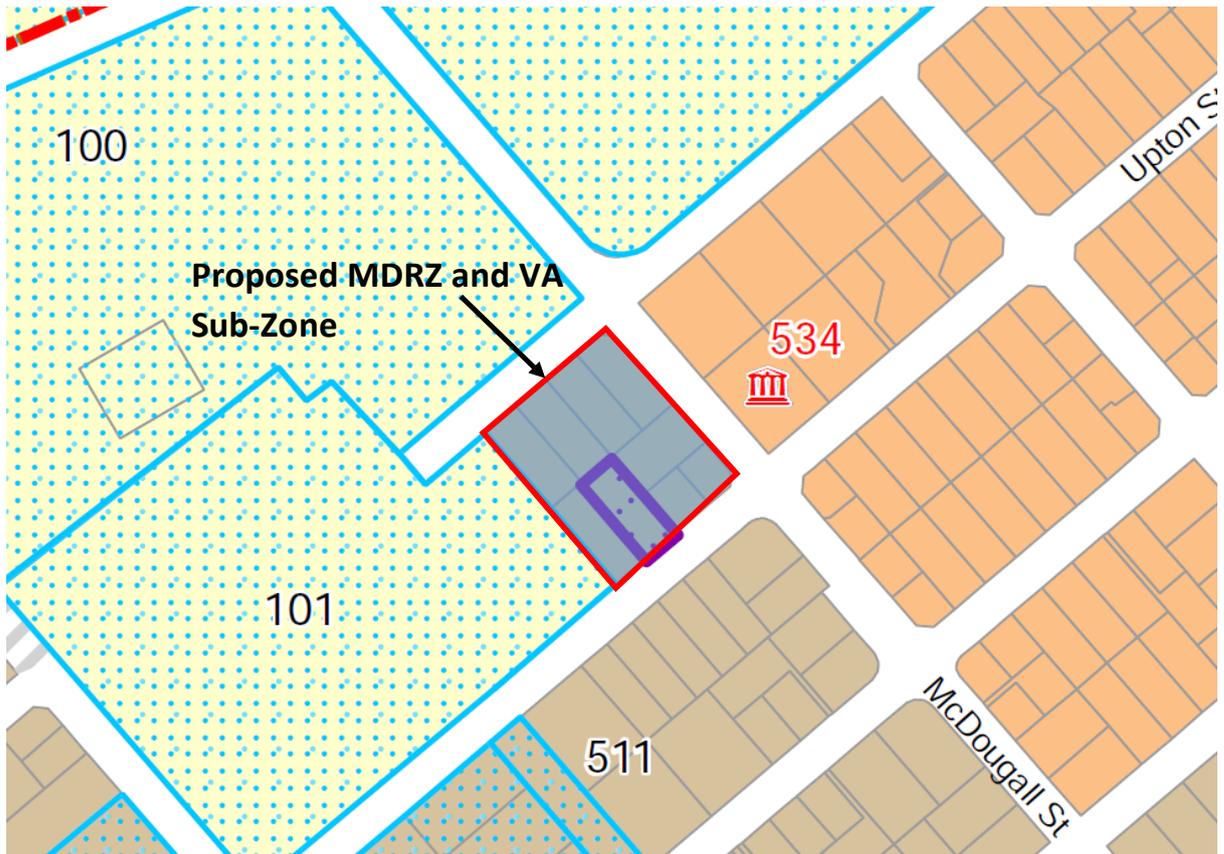


Figure 1: Proposed MDRZ and Visitor Accommodation Sub-Zone

4.23 The proposed LDR zoning regime of this block does not accurately reflect the nature of existing visitor accommodation facilities contained within the block. The submitter owns the following sites within this block:

- 185 Upton Street;
- 181 Upton Street;
- 177 Upton Street;
- 41 McDougal Street;
- 37 McDougal Street, and
- 200 Brownston Street.

Each of these sites are utilised in some form for visitor accommodation purposes. In particular 181 & 185 Upton Street and 37 McDougal Street that contain the Peak Apartments and associated facilities.

4.24 The reasons why the land to which this submission relates should be rezoned Medium Density Residential Zone with a Visitor Accommodation Sub-Zone (rather than leaving the zoned Low Density Residential) are:

- Delivers on the longer term goal of delivering a compact urban form that is consistent with and gives effect to the Council's strategic Directions Chapter, the Proposed Urban Development Chapter, and the Proposed Regional Policy Statement.
- It is a strategic development location that is in close proximity to the Wanaka Town Centre which is ideally suited to creating a greater supply of residential and visitor accommodation options within Wanaka.
- The PDP proposes MDRZ of the land on the opposite side of McDougal Street. A considered and measured extension of this zone is seen as an appropriate response in managing urban development in Wanaka.
- The Medium Density Residential Zone creates opportunities to encourage more sustainable building forms, with less demand on infrastructure, water and energy use.
- The recent report by Insight Economics dated 8 April 2015 commissioned by QLDC predicts a high growth in visitor accommodation capacity requirements across the Queenstown Lakes region up until 2035. Given this predicted level in visitor accommodation growth and the subject sites close proximity to the Wanaka Town Centre and the nature of existing visitor accommodation activities makes this site ideally suited to a Visitor Accommodation Sub-Zone
- Enabling visitor accommodation activities in style and form consistent with that present on the subject sites and adjoining the subject sites (Wanaka Camp Ground) will reduce the uncertainty around further investment and administrative costs associated with the current consenting regime.
- Enabling visitor accommodation activities whilst District Plan provisions will ensure future visitor accommodation expansion although provided for is still appropriately managed to ensure the activity is compatible with surrounding residential amenity values.
- Promotes the efficient use of land within the Wanaka urban growth boundary.

### Medium Density Residential Zone

- 4.25 Objective 8.2.2 and Objective 8.2.5 and their associated policies sets out prescriptive urban design outcomes for development within the zone. It is accepted that these urban design outcomes are an important outcome for large scale multiunit residential or visitor accommodation developments. However, these urban design outcomes are less relevant for low intensive forms of residential development such as individual residential dwellings. The proposed rule framework recognises this by allowing three dwellings or less per site to be established as a permitted activity (Rule 8.4.10) without consideration of urban design matters. It is submitted that Objective 8.2.2 and Objective 8.2.5 and their associated policies should be more focused so the specified urban design outcomes apply only to multiunit residential or visitor accommodation developments rather than all development.
- 4.26 Any visitor accommodation activities beyond bed and breakfast, homestay or commercial letting of a residential unit in the MDRZ are discouraged under Objective 8.2.9 and associated policies and is subject to a non-complying resource consent under Rule 8.4.1. It is submitted that the MDRZ is a logical and appropriate zone to allow for a wider group of visitor accommodation activities with specified controls in place. The recent report by Insight Economics dated 8 April 2015 commissioned by QLDC predicts a high growth in visitor accommodation capacity requirements across the Queenstown Lakes region up until 2035. This growth is predicted across a range of visitor accommodation providers including Hotels, Motels, Backpackers and peer to peer accommodation. The highest growth projection are hotel guest nights. Given this predicted level in visitor accommodation growth, the location of the MDRZ in close proximity to town centres and with an expected intensive residential density and the amenity values associated with this, a wider group of visitor accommodation providers should be catered for within this zone. Existing areas of the Wanaka MDRZ successfully cater for a number of existing visitor accommodation providers and there is no reason why these activities should be discouraged within this area.
- 4.27 Further to the above the proposed Medium Residential Zone provisions do not recognise and provide for activities within Visitor Accommodation Sub-Zones.

It is understood that the Council intend to develop rules for the Visitor Accommodation Sub-Zone as part of the District Plan review, Stage 2. Until then, applicants and landowners have to rely on the Operative District Plan provisions that relate to the Visitor Accommodation Sub-Zones. This approach is inefficient as if the PDP becomes operative before Stage 2 is progressed applicant's will be required to seek a non-complying activity consent for development of their sites which will be inconsistent with the relevant objectives and policies of the PDP. It is submitted that the PDP should contain objectives, policies and rules that enable and provide for visitor accommodation activities within Visitor Accommodation Sub-Zones.

- 4.28 Rule 8.5.6 requires all sites (including sloping sites) in the MDRZ to comply with recession plane requirements. All other residential zones in the Proposed District Plan provide for sloping sites to be excluded from recession plane requirements. Recession planes on sloping sites can severely restrict the available building envelop and it is submitted that there is no justification for sloping sites in the MDRZ to be subject to recession plane controls.

#### Subdivision Chapter

- 4.29 The submitter opposes the PDP as it relates to the provision of subdivision as a discretionary activity. The s32 analysis that accompanies Part Five – 27 Subdivision & Development provides no evidence that the monitoring of the operative provisions and the controlled activities status for subdivision has been ineffective or inefficient.
- 4.30 The submitter considers the proposed discretionary regime for subdivision will impose significant uncertainty on development and therefore cost without any justifiable benefits. The submitter considers the existing controlled activity regime for subdivision in urban areas has provided an appropriate framework for ensuring good subdivision outcomes. A controlled activity regime enables council to exercise its control to ensure good design without creating significant uncertainty and cost to the subdivision and development process.

## Definitions Chapter

- 4.31 It is submitted that the definition of ‘visitor accommodation’ which requires centralised services or facilities to be ‘associated’ with the visitor accommodation activity is ambiguous and difficult to interpret.
- 4.32 The same terminology is present within the operative District Plan which has resulted in various interpretations. The most restrictive interpretation is any centralised services or facilities associated with visitor accommodation can only be used by guests staying within the visitor accommodation facility. This is a significant departure from the many existing visitor accommodation facilities throughout the District that have conference facilities that are routinely used without any requirement that persons using those facilities must be staying on site.
- 4.33 To avoid this ambiguity it is submitted that the definition of ‘visitor accommodation’ should be amended as follows (added text underlined):

*Means the use of land or buildings for short-term, fee paying, living accommodation where the length of stay for any visitor/guest is less than 3 months; and*

*i. Includes such accommodation as camping grounds, motor parks, hotels, motels, boarding houses, guest houses, backpackers’ accommodation, bunkhouses, tourist houses, lodges, homestays, and the commercial letting of a residential unit; and*

*ii. May include some centralised services or facilities, such as food preparation, dining and sanitary facilities, conference, bar and recreational facilities if such facilities are associated with the visitor accommodation activity (for the avoidance of doubt such facilities shall be treated as associated with the visitor accommodation activity whether or not the persons using the facilities are staying guests).*

## Conclusion

4.34 As it stands, and without the amendments (or other such appropriate relief) sought through this submission, the PDP:

- does not promote or give effect to Part 2 of the Act,
- does not meet section 32 of the Act,
- is contrary to the purposes and provisions of the Act and other relevant planning documents;
- is inappropriate and inconsistent with the purpose and principles of the Act; and
- is not the most appropriate method for achieving the objectives of the PDP having regard to its efficiency and effectiveness, and taking into accounts the costs and benefits.

## **5. The submitter seeks the following decision from the Queenstown Lakes District Council:**

### Business Mixed Use Zone

5.1 The Business Mixed Use Zone is approved as notified.

### Wanaka Town Centre Transition Overlay (TCTO)

5.2 The Wanaka Town Centre Transition Overlay Zone is deleted and replaced with the Wanaka Town Centre Zone.

Should some or all of the Wanaka Town Centre Transition Overlay be approved, the Submitters seek the following particular outcomes and otherwise reserve their position:

5.3 The objectives, policies and rules of the Medium Density Residential Zone are modified to allow non-residential built forms within the Wanaka Town Centre Transition Overlay more enabling built form bulk and location controls.

Low Density Residential Zone – Corner of Upton, McDougal and Brownstown Streets, Wanaka

- 5.4 The extension of the Medium Density Residential Zone and a Visitor Accommodation Sub-Zone over the land highlighted in Figure 1.

Medium Density Residential Zone

- 5.5 Objective 8.2.2 and Objective 8.2.5 and their associated policies are modified so the specified urban design outcomes apply only to multiunit residential or visitor accommodation developments rather than all development.
- 5.6 Objective 8.2.9 and associated policies and the relevant rule framework are modified to allow for a wider group of visitor accommodation activities.
- 5.7 Amend the objectives, policies and rules to provide for and enable visitor accommodation activities in the Visitor Accommodation Sub-Zones.
- 5.8 Sloping sites (as defined by the PDP) are excluded from the recession plane requirements specified in Rule 8.5.6.

Subdivision Chapter

- 5.9 The provisions are modified so that subdivision within the Urban Zones are a controlled activity provided it meets the minimum lot sizes as identified in the PDP.

Definitions Chapter

- 5.10 The definition of 'visitor accommodation' is amended as follows (added text underlined):

*Means the use of land or buildings for short-term, fee paying, living accommodation where the length of stay for any visitor/guest is less than 3 months; and*

*i. Includes such accommodation as camping grounds, motor parks, hotels, motels, boarding houses, guest houses, backpackers' accommodation,*

*bunkhouses, tourist houses, lodges, homestays, and the commercial letting of a residential unit; and*

*ii. May include some centralised services or facilities, such as food preparation, dining and sanitary facilities, conference, bar and recreational facilities if such facilities are associated with the visitor accommodation activity (for the avoidance of doubt such facilities shall be treated as associated with the visitor accommodation activity whether or not the persons using the facilities are staying guests).*

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The submitters also seek such further or consequential or alternative amendments necessary to give effect to this submission, and to:

- (a) promote the sustainable management of resources and achieve the purpose of the Resource Management Act 1991 ("Act");
- (b) meet the reasonably foreseeable needs of future generations;
- (c) enable social, economic and cultural wellbeing; (d) avoid, remedy or mitigate the adverse effects of the activities enabled by the Variation; and
- (d) represent the most appropriate means of exercising the Council's functions, having regard to the efficiency and effectiveness of other means available in terms of section 32 and other provisions of the Act

**6. The submitter wishes to be heard in support of their submission.**

**7. If others make a similar submission the submitter will consider presenting a joint case with them at a hearing.**



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**Ian Greaves (on behalf of Varina Propriety Limited)**

22 October 2015

**Attachment [A]: Urban Design Review South Side of Brownston Street**