

ANNEXURE B – Copy of the Relevant part of the Decision

QUEENSTOWN LAKES DISTRICT COUNCIL

Hearing of Submissions on Proposed District Plan

Report 17-3

Report and Recommendations of Independent Commissioners
Regarding Mapping of Fernhill

Commissioners

Denis Nugent (Chair)

Jan Crawford

David Mountfort

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PART C: JADE LAKE QUEENSTOWN LIMITED

Submitter Jade Lake Queenstown Limited (Submissions 97) **8**

Further Submissions
None

9. PRELIMINARY MATTERS

Subject of Submissions

28. This submission related to a block of land identified as 102 – 108 Wynyard Crescent, Fernhill.

Outline of Relief Sought

29. The submission requested rezoning of this site from LDRZ to MDRZ or HDRZ.

Description of the Site and Environs

30. The site has an area of 1.5237 ha and is located off Wynyard Crescent (see Figure 3-3). It is steep and bisected by a gully containing a stream running more or less in a north-west to south-easterly direction.

31. The surrounding area comprises single and two storey residential units and visitor accommodation. Several properties with frontage to Wynyard Crescent and Von Place back on to the site.

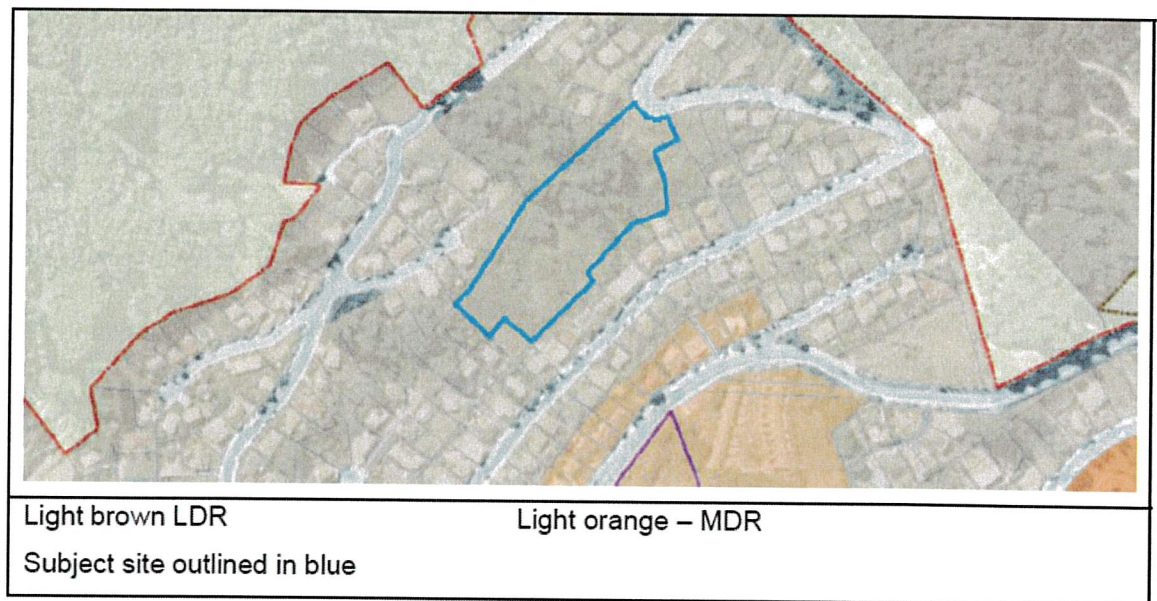


Figure 3-3 – Planning Map of 102 – 108 Wynyard Crescent showing the land subject to the submission outlined in blue

The Case for Rezoning

32. The submission states that without bridging the gully, half of the property remains landlocked. To date, it has proved uneconomic to develop. In the submitter's opinion, the land is suitable for medium density residential development as a block. It is also suitable for visitor accommodation which has proved successful elsewhere in Fernhill, given the steeper

⁸ Memorandum of Counsel for Jade Lake Queenstown Limited, 1 February 2018, advising that JLQL would be pursuing the submission as successors to Hurtell Proprietary Limited, Landeena Holdings Limited and Shellmint Proprietary Limited

topography and outstanding views but fewer sunlight hours. In the submitter's opinion, the land is inherently suitable for a higher density of development. The submitter did not attend the hearing or provide evidence.

33. For the Council, Ms Devlin recommended that the rezoning request be rejected and the notified LDR zoning be confirmed. In her opinion, a 'spot zone' of either MDRZ or HDRZ surrounded by LDRZ in this location would be inappropriate in regard to character and residential amenities.⁹
34. With respect to HDR zoning, Ms Devlin did not have any evidence to show whether there are any parts of the site that might qualify as 'flat' i.e., that would be eligible for building heights up to 12m. She said that substantial additional height and increased bulk and density would be enabled by HDR zoning with consequential effects on neighbouring residential amenity however there was no analysis provided in this regard.¹⁰
35. Ms Devlin considered proximity to the town centre in terms of transport. The site is 3.2km by road from Queenstown Town Centre and there are walking and cycling tracks. However, in her opinion, the steep uphill return journey may not encourage a reduction in private vehicle movements. Consequently, HDR zoning would not be consistent with the relevant objectives and policies of Chapter 9 HDRZ in regard to providing high density housing close to town centres.¹¹
36. Solely from a locational perspective, she considered that there could be merit in rezoning the land to MDR if adjoining land could also be rezoned MDR to join the Fernhill MDR zone as requested by Submission 391 (Sean & Jane McLeod). The site is reasonably accessible to a local shopping centre zone and public transport along Fernhill Road. The MDRZ provisions would result in development that would have lesser effects on the character and amenity of surrounding land in the LDRZ, compared to HDRZ.¹²
37. Mr Glasner did not support rezoning to HDRZ from an infrastructure perspective. He said that:

"...changing the zoning to HDR would increase the anticipated firefighting demand to FW3. The results showed that the growth scenarios cannot provide FW3 firefighting demand where the site adjoins Wynyard Cres. The area is part of the Upper Fernhill zone feed from Fernhill #3 reservoir. The model shows this area has high head loss, >10 m/km. Increasing the demand will further increase the head loss which may result in pipe upgrades."
38. He also said that the wastewater model showed there were downstream constraints which are identified to be remediated in the LTP. If this area is rezoned, the timeframe when it will be serviceable will depend on the timing of the related LTP projects.¹³
39. Ms Devlin relied on Mr Glasner's evidence in coming to her conclusion that the notified LDRZ was the most appropriate for this site. In her opinion, the rezoning request was not consistent with the relevant objectives and policies of Chapter 3 Strategic Direction and Chapter 4 Urban Development *"in regard to urban development being coordinated with infrastructure and*

⁹ R. Devlin, Section 42A Report, 24 May 2017, paragraphs 40.6

¹⁰ Ibid, paragraph 40.7

¹¹ Ibid, paragraphs 40.7 & 40.8

¹² Ibid, paragraph 40.10

¹³ U. Glasner, EIC, 24 May 2017, paragraphs 7.89 – 7.91

*services, and designed and located in a manner consistent with the capacity of existing networks.*¹⁴

10. ISSUES

- a. The most appropriate zoning for the subject land

11. DISCUSSION OF ISSUES AND CONCLUSIONS

40. We accept and rely on the evidence of Ms Devlin that a 'spot zone' of HDR would not be appropriate in this location because the development enabled by the provisions could lead to adverse effects on the character and amenity of the surrounding neighbourhood. Ms Devlin's evidence was uncontested.
41. We accept and rely on Mr Glasner that rezoning to HDR could not be accommodated by the existing firefighting infrastructure.
42. We find that rezoning this block of land to HDR would not be consistent with the objectives and policies of the PDP because it is not in close proximity to the Queenstown Town Centre. Further, it would create a 'spot zone' which is contrary to our zoning principles.
43. Ms Devlin considered that a 'spot zone' of MDR would be inappropriate. We agree.
44. She saw merit in MDR zoning solely from a locational perspective if adjoining land could also be rezoned MDRZ and joined to the MDR zoning sought by Submission 391 (Sean & Jane McLeod). Ms Devlin did not take this matter any further, appearing to rely on Mr Glasner's infrastructure evidence to reject MDR zoning as well as HDR zoning.
45. Submission 391 sought *"that the medium density zone is extend (sic) to include most Fernhill and sunshine bay on the lower slopes within 4-500m of Fernhill Road."* We interpreted this statement as referring to the lower slopes of Fernhill Road adjacent to Glenorchy-Frankton Road but not the land on the northern side (or upper slopes) of Fernhill Road. Ms Devlin took a similar interpretation of the area affected as depicted on the Planning Map included in the Council's Section 42A Report relating to Submission 391.¹⁵ Mr McLeod presented evidence on Submission 391 during the hearing and did not dispute this depiction. Ms Devlin was not prepared to recommend that we rely on Submission 391 for scope to change the zoning of this site or the wider area in a way that connected to other MDR zoning. We concur.
46. Accordingly, we are satisfied that the available relief is limited to 'spot zoning' the site to MDR and we have already said that this would not be consistent with our zoning principles. In our opinion, the notified LDR zoning is the most appropriate for this site because it encourages development that *'maintains suburban residential amenity values including predominantly detached building forms, and predominantly one or two storey building heights.'*

12. RECOMMENDATION

47. For those reasons, we recommend that;
 - a. Submission 97 be rejected; and

¹⁴ R. Devlin, Section 42A Report, 24 May 2017, paragraph 40.11

¹⁵ Ibid, paragraph 37.1

- b. LDR zoning be confirmed for 102 – 108 Wynyard Crescent, Fernhill, as shown on Planning Map 34.

PART D: SUMMARY OF RECOMMENDATIONS

48. For the reasons set out above, we recommend that:
 - a. Submission 479 be rejected and Further Submission 1271 be accepted [refer Part A];
 - b. Submission 699 be accepted in part [refer Part B];
 - c. Submission 97 be rejected [refer Part C].

49. As a consequence of those recommendations we recommend that all of 139 Fernhill Road and 10, 12, 14 and 16 Richards Lane be zoned Medium Density Residential.

For the Hearing Panel

A handwritten signature in blue ink, appearing to read 'Nugent', written in a cursive style.

Denis Nugent (Chair)

Dated: 4 April 2018