

Submission on a Resource Consent Application

Resource Management Act 1991 Section 96

To: **Queenstown Lakes District Council**

YOUR DETAILS

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APPLICATION DETAILS

Applicant's Name: LAKES MARINA PROJECTS LIMITED

Application Reference Number: RM140061

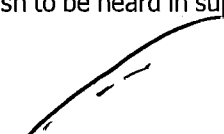
Details of Application: consent to construct a 195 berth marina and associated facilities and activities

Location of Application: Frankton Marina Reserve and Lake Wakatipu, Frankton Arm, Queenstown

SUBMISSION

I **Support/Oppose** the application **OPPOSE**

I **Do/Do-not** wish to be heard in support of my submission **DO**


Signature - to be signed for or on behalf of submitter

19 March 2014
Date

(If this form is being completed on-line you may not be able, or required, to sign this form)

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Resource Management Act 1991

The reason for our submissions are:

1. The submitters, via a limited liability company, Tulloch Marina Limited, own a unit in the Mantra Marina Apartment Complex located immediately north east of the site of the proposed development.
2. The submitters' unit is on the ground floor of the complex immediately adjacent to and overlooking Lake Wakatipu. The unit is used by the submitters and their family as a holiday home. Whilst resource consent is held for units in the complex to be let for visitor accommodation the submitters do not make their unit available for such use.
3. The submitters were submitters in opposition to the previous application for resource consent (RM070542) to establish a marina at Frankton and appealed the decision of the Commissioner appointed by the Queenstown Lakes District Council who granted consent. The submitters were party to a Consent Memorandum that resulted in the appeal being settled given the terms of the agreement then reached with the applicants which the agreement adequately mitigated the adverse effects of the then proposed development.
4. Notwithstanding the ultimate agreement as to the terms of the Consent Memorandum and agreement with the applicants for consent and the Council, it is submitted not only have the mitigation measures contained within the Consent Memorandum not been offered as proposed conditions of consent in terms of the current application, the submitters have not been consulted in regards to the current application and, for the reasons noted hereafter, the adverse effects of the development contemplated by this application are much greater than those that would have arisen from a development carried out in accordance with the terms of the consent to RM070542 and in particular the conditions imposed in respect of the same.
5. The adverse effects of the proposal are more than minor and the proposal is contrary to the Objectives and Policies of the Queenstown Lakes District Council District Plan ("District Plan"). Given such and, as it is noted the application is for a non-complying activity, there is no discretion available to the Council to approve the application.
6. If the Council rejects the above submission and determines it has discretion to consider the application, then the adverse effects on the submitters and the environment dictate that consent should be refused. The following are adverse effects that will arise from the application:
 - Visual effects given the size and scale of the development including the buildings associated with same
 - Traffic effects in terms of the number of vehicles that will be associated with use of the facilities and the buildings. In particular there will be adverse effects in terms of congestion and resulting safety issues with the intersection with the State Highway, conflict with the intersection into the adjoining residential and visitor accommodation properties and Mantra Marina Apartments.

- Parking effects – a large number of parks are provided but none of them are proposed to be located underground as was the case with the previously approved application. There is also a lack of larger parks for heavier vehicles servicing the commercial buildings (both proposed and existing) and for boat trailer parking for which there will inevitably be demand. This general area is already congested for parking at peak times. Adverse effects on residential neighbour's amenity will naturally occur from the lack of restrictions on parking at night and the ability for people to congregate, if not camp, in the carparks at night.
- Lack of on-site management 24 hours a day. It is noted that the application suggests certain adverse effects (noise in particular) will be able to be mitigated through management but nowhere does the application suggest there will be on-site management 24 hours a day 365 days of the year. This is required for the scale and type of development proposed.

- Noise

There will inevitably be noise effects on the adjoining residential neighbours especially at night. No assessment of such has been undertaken.

Noise will arise from:

- Traffic associated with use of the marina
 - Use of carparks
 - Use of the proposed concrete steps to the lake (such will be accessible at night)
 - Existence and use of public toilets
 - Noise from the structure elements of the marina
 - Noise from people returning to and exiting the marina late at night
 - People congregating and socialising on boats in the evening hours
 - Noise from unattended boats moored at the marina
- Commercial Buildings
 - Up to 30 commercial buildings are proposed. This means it is a significant commercial development. This is an inappropriate location for the extent of undefined commercial development proposed which will inevitably result in reverse sensitive issues with the adjoining Low Density Residential Zones.
 - There are no restrictions imposed on the use of the same.
 - The same will have significant visual effects especially those proposed to be located some 50-60m from the existing shoreline (Buildings 24-30).

- Given there are no restrictions on use of the same (such as type of use and hours of operations) it is impossible for submitters to assess what adverse effects may arise from the use of the same.
- No restrictions on proposed or the future licensing of the buildings for the sale of alcohol.
- The proposed controls on signage for such buildings and activities to be undertaken from them are unrealistic .

- Commercial Activity

The proposed application results in commercial boating activities being relocated toward the submitters' property. Inevitably adverse and reverse sensitivity effects will arise from such in terms of the residential amenity enjoyed by the submitters

- Scale of Proposed Development

The footprint of the development is larger than what has previously been approved. It will result in the privatisation of some seven hectares of lake surface as well as the on shore development. That is a very large scale of development.

- Construction Activity

No detail is provided as to how long each stage of the development will take to construct. Potentially affected parties are facing with up to 10 years of construction activity which, by its very nature, will be noisy, dusty, and result in disruption and adverse effects in terms of traffic movements and reverse sensitivity issues. Such level of development is inappropriate in close proximity to residential areas.

Given the adverse effects from construction, no construction should be allowed on Saturdays.

The application notes that some fabrication of concrete piles will occur on the adjoining land yet no detail is provided as to the proposed location of the proposed area where such activity will occur.

Greater detail as to what is proposed, likely effects and mitigating measures should be provided now so submitters can have the opportunity to respond to the same.

7. The proposed development and in particular the scale and location of the same is contrary to the provisions of the Resource Management Act (and in particular matters set out in Part II of the same) and the Reserves Act.
8. Given that it has publicly announced that the holder of consent RM 070542 is no longer proposing to proceed with that consent (it being noted that it no longer holds the necessary agreements with Council to enable it to give effect to the consent) and the fact the current application is proposing a totally different form of development, the development authorised by the existing consent should not form any part of the permitted baseline and/or the receiving environment.

9. The proposed development and the scale of the same is contrary to the provisions of the Rural General Zone in the District Plan.
10. The development has "shoe-horned" the maximum development potential on the site and lake surface with no regard to the landscape effects of the same, surrounding land uses and in particular the amenity of adjoining neighbours.
11. The application is also lacking in detail as to how adverse effects arising from the development are to be avoided, remedied or mitigated that the application must be refused.
12. The size and scale of the development was never contemplated in the Frankton Marina Reserve Management Plan and the proposal is contrary to the same.