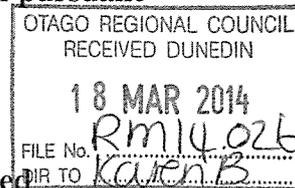


### Submission Form 13

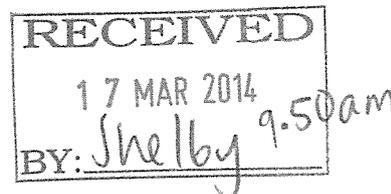
File No: RM14.026

This is a Submission on a publicly notified resource consent application pursuant to the Resource Management Act 1991.



#### Applicant Details:

Name of Applicant: Lakes Marina Projects Limited  
 Application Number: RM14.026.01 - RM14.026.03  
 Type and Description of Applications: }  
 Location: } See Appendix One  
 Legal Description: }  
 NZTM 2000 Map Reference: }



#### Submitter Details:

(please print clearly)

Full Name/s WARRINGTON FAMILY  
 Full Postal Address: 4 - D. M. WARRINGTON  
5 GREENHILL AVENUE  
DUNEDIN Post Code: 9010

(please tick your preferred Daytime contact number)

- Work Ph: \_\_\_\_\_
- Home Ph: (03) 4667020
- Mobile Ph: \_\_\_\_\_

D.M. Warrington  
 Signature/s of submitter/s (or person authorised to sign on behalf of submitter/s)

16-3-2014  
 (Date)

Please tick one of the following submission types regarding the application,

Do you:

- Support much of the proposed development
- Neutral
- Oppose some aspects

Do you:

- Wish to be heard
- Not wish to be heard

in support of my/our submission.

If others make a similar submission, I/we will consider presenting a joint case with them at a hearing.

- Yes
- No

PTO

The specific parts of the application that my submission relates to are: *(Give details)*

*(see attached submission)*

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My/Our submission is *(the reasons for your views, use a separate sheet if necessary)*

*(see attached submission)*

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I/We seek the following decision from the consent authority *(give precise details, including the general nature of any conditions sought)*

*(see attached submission)*

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**Date submissions close: 5 pm Wednesday 19<sup>th</sup> March 2014**

A copy of your submission must be served on the applicant as soon as reasonably practicable after the service of your submission on the Otago Regional Council

**Address for Otago Regional Council:**

**Otago Regional Council, Private Bag 1954, Dunedin, 9054**

**Address for Applicant:**

**Lakes Marina Projects Limited, C/- Alan Kirker, PO Box 1380, Queenstown 9348**

**Appendix One**

**Application Number: RM14.026.01**

Purpose: To disturb, reclaim, remove and place structures and deposit material on, over or under the bed of Lake Wakatipu/Whakatipu-wai-maori and Marina Creek, for the purpose of constructing a marina.

Location: Lake Wakatipu/Whakatipu-wai-maori and Marina Creek  
Approximately 130 metres south west of the intersection of Sugar Lane and Frankton Road (State Highway 6A), Frankton, Queenstown

Legal Description: Crown Land Lake Bed, Secs 48, 52 and 53 Blk XXI Shotover SD, Pt Sec 39 Blk XXI Shotover SD, Sec 1 SO 21582, Sec 1 SO 24208

Grid Reference: Mid Point NZTM 2000 E1262504 N5006069

**Application Number: RM14.026.02**

Purpose: To permanently divert the flow of Marina Creek into a pipe for the purpose of constructing a marina.

Location: Marina Creek, approximately 190 metres south west of the intersection of Sugar Lane and Frankton Road (State Highway 6A), Frankton, Queenstown

Legal Description: Sec 48 and 52 Blk XXI Shotover SD

Grid Reference: NZTM 2000 E 1262425 N5006038

**Application Number: RM14.026.03**

Purpose: To discharge sediment to water for the purpose of constructing a marina.

Location: Lake Wakatipu/Whakatipu-wai-maori and Marina Creek  
Approximately 130 metres south west of the intersection of Sugar Lane and Frankton Road (State Highway 6A), Frankton, Queenstown

Legal Description: Crown Land Lake Bed, Secs 48, 52, and 53 Blk XXI Shotover SD, Pt Sec 39 Blk XXI Shotover SD, Sec 1 SO 21582, Sec 1 SO 24208

Grid Reference: Mid Point NZTM 2000 E1262504 N5006069

## **Lakes Marina Projects Ltd: RM14.026.01 – RM14.026.02**

### **Application for Resource Consents – for the construction of a 195 berth Marina, wave attenuator, associated buildings, car parking and public open space, on the Frankton Marina Reserve, and Lake Wakatipu.**

#### **Qualification, Authority, and Representation of this Submission:-**

This submission is made on behalf of a number of members of the Warrington family, some of whom are joint owners of the two properties at 819 and 823 Frankton Road. These lie between Sugar Lane and the Frankton-Queenstown State Highway with access and frontages to Sugar Lane, and are immediately adjacent to the Western end of the Frankton Marina Reserve area which is proposed for development by the applicants.

The properties have been in the Warrington family for 58 years now, and four generations have so far enjoyed the land, the lake and the foreshore. The freehold titles are held by some family members, while others regularly contribute financially to the operating and maintenance costs of the two properties and the houses on them. All the family members referred to are regular visitors to and residents of the properties, at various times throughout the year, while David Warrington is a permanent resident at one property, and has been for many years. No significant changes to their use and ownership amongst the family are presently envisaged.

Details of the legal ownership of each, and the legal description of the land titles covered, and of the permanent rights of access to them, can be provided if required.

#### **Some History and Observations Relevant to the Present Marina Application**

The area of the family properties, the Marina Reserve area, the road access, the buildings nearby, and the nature and extent of the activities on land and lake edge bear little comparison to those which existed when the family first took over the properties.

We have not sought, nor would we have expected the area to remain unchanged in use or ownership over that 58 year period. (In that context, the Planning Report's comment suggesting we "cannot realistically expect the Sugar Lane area to remain unchanged" is unnecessary, as can easily be shown by a quick review of the various submissions of support made to QLDC by the family, in respect of previous proposals for the Marine Reserve area, and associated developments.)

There have been, over the years, at least three separate Marina developments, of varying type and characteristics of construction and use – none of which have stood the test of time, stormy weather, lake bed geology, maintenance, and operating arrangements.

There have also been at least two formal planning proposals by the QLDC and its predecessors, for the planned development of the Marina Reserve area – one without, and one with the proposal for the development of a Marina facility on the Lake. (We made submissions to both of these.)

Some time later, QLDC resolved to seek private proposals for the development of a suitable Marina facility, and to commit themselves to alienating the land-based Reserve area to a successful proposer for an Approved Marina Development project.

Most recently, this then led to the Proposed Marina Development Project of QMDL (Buzz March and others), which was the subject of various processes, submissions, tribunal hearings and determination, objections to the Environment Court, and conciliation leading to agreements on certain key issues, and Consents issued by the Court. (Most of this history is documented adequately in the present application – albeit that it fails to record adequately a part of that Agreement and Consent process, which provided for the 10 year delay to one of the proposed buildings which was to be directly in front of 823 Frankton Road; and to the shifting of the proposed public toilet facilities to another building at the Eastern end of the planned development.)

### **Our Comments and Submissions, in respect of Consents sought**

While the present Marina Development Proposal of Lakes Marina Projects Ltd stands on its own, it does draw extensively within the text, and by helpful comparison, with the components and intentions of the most recent proposals (Buzz March & others). In a similar manner, it offers the chance for our comments now to make comparative comments about those things which we find more appealing and satisfying to public use of the area and our own properties, to those things which we would still seek some assurances over, to those things which we have continuing concern for, and to approaches which could help alleviate such areas of concern.

### **Aspects of the present proposal which are agreeable to us:-**

- (a) The provisions for public walking / access to all of the lake edge (albeit along a raised esplanade, rather than the present gravel/water boundary) between the present boat launching ramps, and the Eastern end of the proposed Marina Reserve developments.
- (b) While we might prefer a proposal with no buildings at all, the proposed placement of the land-based buildings at the Eastern end of the development area, and the low-rise small floating “boatshed buildings”, mostly at the lake edge, on pontoon structures, is far more acceptable than the buildings of the previous proposal. The reasonable maintenance of the views from our properties of the scenes beyond the Marina are still of major significance to us, 58 years later!
- (c) That no parking of vehicles is to be allowed / provided for along the length of the front boundary of our two properties, on the Sugar Lane frontage. (We objected to this and it was deleted from the previous proposal).
- (d) That the proposed public toilet block will not be placed immediately outside our boundaries, nor in a building immediately in front of them, between Sugar Lane and the lake edge. (We objected to this and it was deleted from the previous proposal.)
- (e) The proposed access to, traffic circulation within, surface parking provisions of, and landscaping within the designated parking areas for Marina users.

**Aspects of the proposal which we would seek assurances over:-**

- (a) That Consents granted would provide adequately and reasonably for suitable conditions for the construction period and methods to be used; for the standards required for the completed project; and for the continuing operation and maintenance requirements for the facilities.
- (b) That approval of the proposed Marina Development Project, on the Frankton Marina Reserve, places no new constraints on the ownership, use, or continuing enjoyment of our two properties.
- (c) That we would continue to have unencumbered access to our properties at all times throughout the construction period, and in terms of the ongoing operation of the Marina Project when completed.
- (d) The treatment of the existing stormwater disposal pipes that discharge to the present Marina/Hole in the ground. The proposal states that “Existing stormwater disposal points will be incorporated into the design of the marina.” Does this mean that they will be connected to a suitable alternative outfall, at no cost to our properties?
- (e) That the position of the fuel storage tank is indeed underground at the Western end of the car park, as shown on the plans and discussed in Attachment O, and that the statement (which occurs in Attachment A, section 1.7.13, and in the notifying advertisement)

“Two fuel tank locations have been identified on the plans. The preferred location is on the wave attenuator.”

refers to two possible positions of the fuel dispensing pumps, not the storage tank.

**Aspects of the project for which we have a continuing concern, and changes or conditions that may be required to alleviate these:-**

- (a) We are acutely aware, as regular users, of the fairly rapidly increasing problems of turning out of Sugar Lane on to Frankton Road. It used to be bad enough at rush hour times morning and late afternoon, but is now a regular feature at many times, especially on weekdays. Trying to turn right across Frankton Road toward the shops and airport is now often either impracticable, or at least very time consuming and frustrating. (The solution on most occasions now, is to turn left into Frankton Road, then U-turn back using the Z Garage entry area. However many non-regular users do not realise this option, so even 2 or 3 cars towing boats and wanting to turn right can produce substantial delays, and we often witness drivers attempting dangerous turns through frustration.) The additional traffic to be generated by the development surely makes the provision of a roundabout at this intersection a high priority.
- (b) On a smaller scale, we have always had, and increasingly so as boat launching and retrieval activities grow at the site, problems with cars and boats stopping immediately outside the driveway gate to 819 Frankton Road, at the end of the tar sealed portion of Sugar Lane. This is the first flat area they reach when they have pulled their boats from the water, and the last flat area before they start to manoeuvre to back their boat and trailer down the ramps to the water. Our entry and exit is regularly blocked to our vehicle access – often for only short periods of sorting boat, motor, people and belongings, but in the worst examples, with drivers abandoning their vehicle and boat while they do something else, or belligerently responding to polite requests to move a bit, so we can get into or out of our property. Perhaps it is an area

that could be cross-hatched in yellow for No Stopping, or some other way found of deterring traffic from stopping there? It is certainly an issue for traffic flows that needs addressing.

- (c) Acceptable use of the many small buildings in the proposal is not clearly defined. The previous proposal stated that the buildings would be “restricted to marina related activities” and that no accommodation/residential use would be permitted. Although there are places in the proposal which imply that this is the expected use, it is hard to see where 30 such businesses will come from, and what methods can be used to restrict inappropriate tenants when/if shops become empty. Also, Attachment A, section 1.7.16 (Hours of Operation) states that “No residential or visitor accommodation ... is to be permitted”, but then follows it with “except where ... (b) each person engaged in the activity outside the above hours resides permanently on the site”?? We would continue to oppose any accommodation, and inappropriate use for the buildings.
- (d) What will be the detailed provisions made, and where will they be placed, for the area where portions of the Frankton Walkway activity and people (bikers and walkers), meet the Sugar Lane roadway portions, and the proposed Marina Development controlled area, and the front boundaries of our two properties? (The description in paragraph 89 of Attachment H seems clear, but the plans in H and the artist drawings in Attachment E suggest differing sites and shapes of crossings, and a crossing from the Boat Shed cafe to the NW side of Sugar Lane is not shown at all.)
- (e) Diversion of Marina Creek through a culvert from the NW side of Sugar Lane, and under the Marina wall into the lake (under approximately building S1 or the shore end of the wave attenuator, depending on which plan you check). In the comparison of the current proposal with the previous consented one, in Attachment A, section 2.2.2, page 27, it notes that

The previous proposal realigned Marina Creek with the only culvert being under Sugar Lane and provided an attractive water feature whilst the new proposal culverts the Creek within the site.

and in the Comparison of Effects (section 2.2.9, page 45) concludes that

The culvert is not as good an option as stream realignment which provides an attractive water feature and is better from an ecological viewpoint

We completely agree, and strongly request the applicants to reconsider this decision, and take advantage of the opportunity to use the creek as an attractive and ecologically friendly water feature at the west end of the new marina, as in the previous consented proposal.

- (f) We have been somewhat dismayed to find in this final version of the application a feature that has not been apparent in any of the documents we have seen earlier: the piles used to locate both the floating buildings and the pontoons forming the main marina accessway along the lake side of those buildings. These piles are shown in Attachment E, pages 13, 14, 15, and 17, but seem to be absent from all other plans, attractive artist impressions, etc. Their tops are said to be at level 314.5 m, which is 4.7 m above the mean lake level, so the tops of the piles at this lake level would be close to the peaks of the buildings. With 2 piles per building, and a further 8 along the lake side of the accessway, one must imagine a small ‘forest’ of over 30 of these piles in Stage 1 alone, the exact number depending on the number of buildings of each

size chosen. The effect on the marina appearance depicted in the artist impressions would be substantial – the 4 piles associated with the existing pontoon (which is to be removed) already look unnecessarily high and dominate its appearance.

The appearance of the piles could be less dominating if they could be smaller – if the stated 314.5 m level is chosen there would still be 2 m of pile above the top of the building pontoon even at the 50 year flood lake level of 312 m, when the water would be 0.5 m deep over the esplanade and a similar depth in Queenstown CBD, so a lower pile height could probably be used with acceptable safety. A different arrangement of the units which attach the buildings to the piles would allow a single pile, rather than 2, to be used between adjacent buildings. But really it seems to us that serious thought needs to be given to whether there are more acceptable ways of anchoring the buildings.

Another concern we have about the piles is the noise which they may generate – certainly the four similar standards anchoring the existing floating pontoon of Fisherman’s Pier produce very noticeable noise when moved by waves. The movements of the building pontoons should be less, due to the effect of the wave attenuator, but the number of units will be much higher than at present. This possible noise source is not mentioned in the Noise Assessment Report, though it would surely be similar to the problem of flapping halyards. It may depend on the materials chosen for the piles, which in section 5.6 of Attachment J is said to be concrete, while in section 3.5.3 of Appendix 1 of the same attachment they are said to be steel or PVC.

- (g) Finally we have noticed a number of inconsistencies in the documents – not surprising when this quantity of information has to be put together over a period when design ideas are being developed and refined. For example, Attachment A, section 1.7.15, states that for safety reasons, the public will not be able to walk on the wave attenuator, while section 6.2.7 of Attachment J says that this access will be controlled by a barrier beyond the fuel pumps, and opened to the public in calm conditions.

Perhaps more importantly, given the amount of attention paid to this topic in the previous marina design, section 2.2.15 of Attachment A says that no provision is included for boat wash down, while section 1.3 of Appendix 2 of Attachment J says it will include a wash down facility.

[A small correction, of no great significance: the panorama photos on the final page of Attachment H should have their captions reversed. Photo 7I is actually taken from the vicinity of the driveway to 819 Frankton Rd, while 7J is taken from near the gateway to 823.]

## **Presentation of Submissions, and Opportunity to be Heard in support**

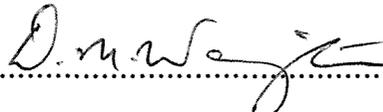
Dependent on the nature of any public hearings concerning the applications made for Resource Consent for the Lakes Marina Project, and of any consequential appointment of a Commissioner, or a tribunal to consider them further, we would formally request a recognition of our status (in a continuing way), and the opportunity to be heard in support of written submissions we make.

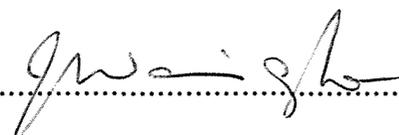
**Legal Representation**

While this submission has been contributed to and compiled by members of the Warrington family, we have previously engaged Mr Michael Parker to act for us, and present submissions, objections, and to lead conciliation discussions within the Environment Court processes, for the last proposed marina development project.

If the issues and processes prove to make this a desirable or necessary step to take again for this application, we may wish to approach Mr Parker again to request his advice, input, or representation on our behalf, for those issues and processes.

**Thank you for your consideration of our submissions.**

Signed by: .....  ..... 16/3/2014

And by: .....  ..... 16/3/2014

**(on behalf of the members of the Warrington family, and particularly for those who are part of the legal ownership of the 2 titles / properties)**