

**Attachment 1 - a copy of the appellant's submission**

# Form 5

## Submission on a Publicly Notified Proposal for Policy Statement or Plan

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

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To: **Queenstown Lakes District Council** (“the Council”)

Name of Submitter: **B. Giddens**

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### Introduction:

1. This is a submission on the proposed **Queenstown Lakes District Plan** (“the Proposed Plan”) notified on 26 August 2015.
2. The submitter could not gain an advantage in trade competition through this submission.
3. The submitter has an interest in the Proposed Plan as a whole, and as such the submission relates to the Proposed Plan in its entirety.
4. The submitter's properties are located at 18<sup>1</sup> and 20 McBride Street.
5. As part of the formulation of the Proposed Plan, the Council identified the submitter’s property and the surrounding area of Frankton as suitable for higher density residential development (medium density residential zone). This zoning, or a similar zoning, was supported by the submitter. During this initial consultation the submitter also requested consideration be given to a number of specific properties (16, 18A, 18B, 20 and 22 McBride Street) being changed to a commercial zoning to best reflect the existing land uses and enable a small level of growth commensurate with this environment.
6. The site is zoned Low Density Residential under the Operative Queenstown Lakes District Plan (“the Operative Plan”). The Proposed Plan seeks to retain this zoning. The applicable section 32 report is silent on the reason why the Low Density Residential Zone is sought to be retained.
7. The submitter considers that the Low Density Residential zoning is inappropriate for the sites and wider area for the reasons outlined in this submission.

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<sup>1</sup> Also referred to as 18A McBride Street

8. Notwithstanding the above, the submitter opposes the Proposed Plan for the following reasons:
  - a. It does not accord with, or assist the Council to carry out its functions to achieve, the purpose of the Resource Management Act 1991 (“the Act”);
  - b. It does not promote the sustainable management of resources;
  - c. It does not meet section 32 of the Act;
  - d. It is not consistent with Part 2 of Act;
  - e. It does not represent integrated management or sound resource management practice;
  - f. It does not meet the reasonably foreseeable needs of future generations; and
  - g. It does not implement the most appropriate standards, rules or methods for achieving the objectives set out in the Proposed Plan.

**Outline of Submission:**

9. In reviewing the Low Density Residential zone, the Council has failed to take into account the changing nature of land use along the eastern side of McBride Street. The sites are located adjoining Queenstown’s most active bus terminal, the State Highway, Queenstown Airport, and commercial premises which continue to occupy and support the residential area with the benefit of approved resource consents.
10. Council has failed to adequately consult with landowners as to the appropriate zoning for their land or provide reasons as to why the Low Density Residential zone has been retained.
11. The Council’s evaluation of land to be rezoned as part of the District Plan Review is inadequate and has failed to undertake a detailed analysis of zoning requirements and community needs.
12. The submitter requests that the Low Density Residential zoning over the land bound by McBride Street, Grey Street, Burse Street and State Highway 6 is most appropriately zoned Local Shopping Centre. This zone would reflect some of the current land uses, provide the opportunity for commensurate growth, enable activities to be undertaken that would complement the surrounding residential area while not detracting from the Town Centres, introduce activities that are not directly sensitive to airport operations, while being an appropriate location for commercial activity such that effects to the wider area would be minimal.
13. Rezoning the sites Local Shopping Centre would also present an opportunity for the Council to potentially enlarge the existing public transportation hub at Frankton; retaining this land as residential would make such expansion very difficult, if not impossible, meaning that at some stage in the future the Council will be tasked with relocating the bus shelter to cope with growth demands in Frankton and Queenstown.

14. The area of land is relatively unique in that in that the sections are confined by legal road and there are no neighbours at the front or rear of the properties. This area is considered to be appropriate for additional building height on the basis that the effects could be largely contained within the properties, with the adoption of appropriate internal setback requirements with other measures, such as landscaping. In addition the land is very flat. The submitter considers that a building height of 12 metres (enabling three levels) in this location would be suitable to help achieve a higher density of potentially mixed use development.
15. The submitter opposes any objectives, policies and rules in the Proposed Plan that seeks to constrain commercial or higher density residential land uses over and above what is specified in the Operative Plan.
16. Rezoning of the land as requested will:
  - a. Promote the sustainable management of natural and physical resources, will be consistent with Part 2 of the Act and ultimately achieve its purpose;
  - b. Enable the social, economic and cultural well-being of the community;
  - c. Meet the reasonably foreseeable needs of future generations; and
  - d. Represent the most appropriate means of exercising the Council's functions, having regard to the efficiency and effectiveness of the provisions relative to other means.

**Relief sought:**

17. The submitter requests the following relief, that:
  - a. The land bound by McBride Street, Burse Street, Grey Street and State Highway 6 are altered from Low Density Residential zone to Local Shopping Centre zone; or as secondary options that are more appropriate than the Low Density Residential Zone:
    - i. High Density Residential zone; or
    - ii. Medium Density Residential; or
    - iii. Another zone or amended zone that will achieve the outcomes sought in this submission.
  - b. Any other additional or consequential relief to the Proposed Plan, including but not limited to, the maps, issues, objectives, policies, rules, discretions, assessment criteria and explanations that will fully give effect to the matters raised in this submission.
18. The suggested revisions do not limit the generality of the reasons for the submission.
19. The submitter wishes to be heard in support of its submission.

20. If others make similar submissions, the submitter will consider presenting a joint case with him at any hearing.



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Brett Giddens

23 October 2015

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Date

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