

Late Submission on the Proposed Queenstown Lakes District Plan

Queenstown Gateway (5M) Limited – Grant Road

To: Queenstown Lakes District Council

1. SUBMITTER DETAILS

Name of Submitter: Queenstown Gateway (5M) Limited (QGL)

This is a late submission on the proposed Queenstown Lakes District Plan.

QGL could not gain an advantage in trade competition through this submission. In any event, QGL is directly affected by effects of the subject matter of the submission that:

- a) Adversely affect the environment; and
- b) Do not relate to trade competition or the effects of trade competition.

2. SCOPE OF SUBMISSION

The specific aspects and provisions of the proposed District Plan that this submission relates to are:

- a) Map 33 – The rezoning of Lots 4 and 6 DP 476309 from Rural to Frankton Flats Special Zone (A). The relevant certificates of title are attached as **Appendix 1** and an annotated zoning map is attached as **Appendix 2**.
- b) Consequential changes to the other provisions arising from the rezoning of the land including:
 - (i) An amendment to the *Frankton Flats – Figure 1 – Structure Plan* to include the land within that structure plan as shown on the drawing attached as **Appendix 3**.

3. BACKGROUND

QGL owns the Five Mile retail centre located on the corner of SH6 and Grant Road. That land is zoned Frankton Flats Special Zone (A) under both the operative and proposed District Plans. In 2008, the then owners of the land entered into an agreement with Council to exchange the western

portion of the FFA zoned land for an area of Council-owned and rural zoned land to the south of the Five Mile retail centre.

Following further agreements between the parties, the exchanged FFA zoned land was subsequently developed by Council for sportsfields whilst the exchanged rural zoned land was subsequently developed by QGL as part of the Five Mile Retail centre (principally for car parking).

Despite the ownership of the land having been transferred and that it has been developed for alternatives uses, the zoning under the proposed District Plan has not been updated to reflect these changes.

It is considered that rezoning the land and granting the other relief as set out in section 4 below will:

- a) Promote the sustainable management of resources;
- b) Otherwise be consistent with Part 2 of the RMA; and
- c) Be appropriate in terms of section 32 of the RMA.

4. DECISIONS SOUGHT

QGL seeks the following relief from Council (or other relief or other consequential amendments as are considered appropriate or necessary to address the concerns set out in this submission):

- a) Map 33 - Rezone Lots 4 and 6 DP 476309 from Rural to Frankton Flats Special Zone (A) as shown on the map attached as **Appendix 2**.
- b) Make consequential changes to the other provisions arising from the rezoning of the land including:
 - (i) Amend the *Frankton Flats - Figure 1 - Structure Plan* diagram to include the land within that structure plan as shown on the drawing attached as **Appendix 3**.

QGL wishes to be heard in support of this submission.

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

5. CONSIDERATIONS IN RESPECT OF LATE SUBMISSIONS

Sections 37 and 37A of the RMA allow Council to accept late submissions, but in doing so, Council must take account of the matters set out in s 37A(1) of the Act. The following comments are made with respect to those matters:

- a) The land affected by the submission is all owned by QGL. It is not considered that there are any other parties who would be directly affected by the rezoning of the land.
- b) It is considered that the interests of the community are better served by the rezoning of the land as the rezoning as proposed will better reflect the existing, and likely future, uses of the land. By having the appropriate zoning in place, the community will have greater certainty with respect to the intended use of the land.
- c) Whilst this submission is late, it is not considered that it will cause any unreasonable delay or prejudice. This submission relates to a relatively discreet matter and the hearings on the rezoning topic have not yet been held, or even scheduled.



Gerard Thompson, Barker & Associates Ltd

Date: 15 December 2016

6. ADDRESS FOR SERVICE

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**COMPUTER FREEHOLD REGISTER
UNDER LAND TRANSFER ACT 1952**




R. W. Muir
Registrar-General
of Land

Search Copy

Identifier **659430**
Land Registration District **Otago**
Date Issued 13 October 2014

Prior References

OT17A/471

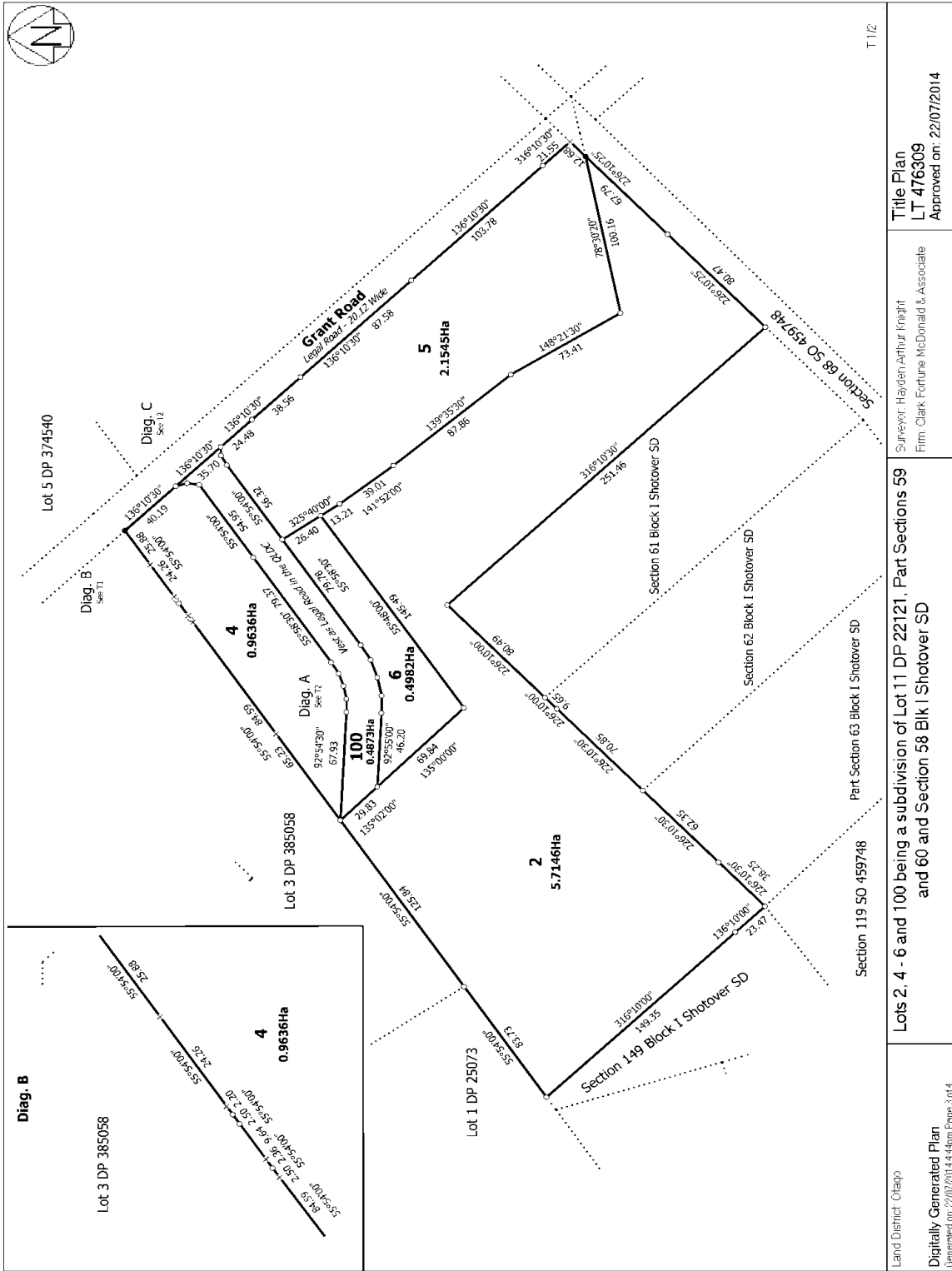
Estate Fee Simple
Area 4982 square metres more or less
Legal Description Lot 6 Deposited Plan 476309

Proprietors

Queenstown Gateway (5M) Limited

Interests

9794602.4 Consent Notice pursuant to Section 221 Resource Management Act 1991 - 13.10.2014 at 12:01 pm
Appurtenant hereto is a right to drain water created by Easement Instrument 9916739.7 - 21.5.2015 at 11:14 am
9916739.9 Mortgage to ANZ Bank New Zealand Limited - 21.5.2015 at 11:14 am
9916739.10 Mortgage to Clearmont (Queenstown) Limited - 21.5.2015 at 11:14 am
Land Covenant in Easement Instrument 10363193.10 - 22.3.2016 at 10:30 am



Land District: Otago	Surveyor: Hayden Arthur Knight Firm: Clark Fortune McDonald & Associate	T 1/2
Digitally Generated Plan Generated on: 22/07/2014 4:44pm Page 3 of 4	Title Plan LT 476309 Approved on: 22/07/2014	
Lots 2, 4 - 6 and 100 being a subdivision of Lot 11 DP 22121, Part Sections 59 and 60 and Section 58 Blk I Shotover SD		



COMPUTER FREEHOLD REGISTER UNDER LAND TRANSFER ACT 1952



Search Copy

Identifier 627621
Land Registration District Otago
Date Issued 22 July 2014

Prior References

340808

Estate Fee Simple
Area 2.2995 hectares more or less
Legal Description Lot 100 Deposited Plan 468142

Proprietors

Queenstown Lakes District Council

Interests

416858 Gazette Notice declaring State Highway No. 6 (Blenheim to Invercargill) to be a limited access road - 21.1.1974 at 9:14 am

Appurtenant hereto is a right to drain foul sewage and stormwater created by Transfer 939910.2 - 21.11.1997 at 3:40 pm

The easements created by Transfer 939910.2 are subject to Section 309 (1) (a) Local Government Act 1974 7498079.5 Consent Notice pursuant to Section 221 Resource Management Act 1991 - 10.8.2007 at 9:00 am

7520232.6 Consent Notice pursuant to Section 221 Resource Management Act 1991 - 29.8.2007 at 9:00 am

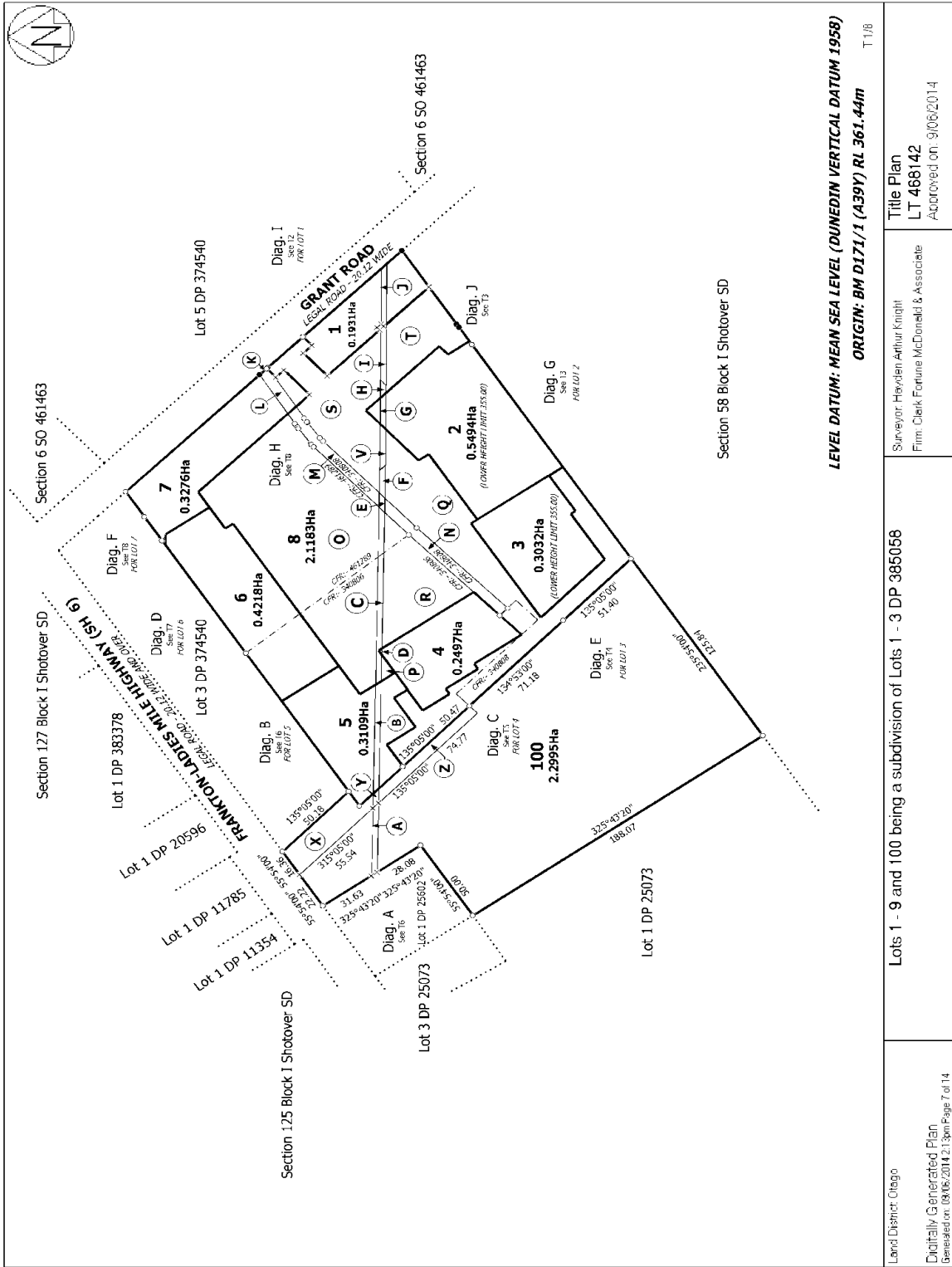
9581839.3 Consent Notice pursuant to Section 221 Resource Management Act 1991 - 22.7.2014 at 4:56 pm

Subject to a right to convey gas, electricity, water, telecommunications and computer media and a right to drain water and sewage over parts marked X, Y & Z on DP 468142 created by Easement Instrument 9581839.4 - 22.7.2014 at 4:56 pm

Land Covenant in Easement Instrument 9581839.5 - 22.7.2014 at 4:56 pm

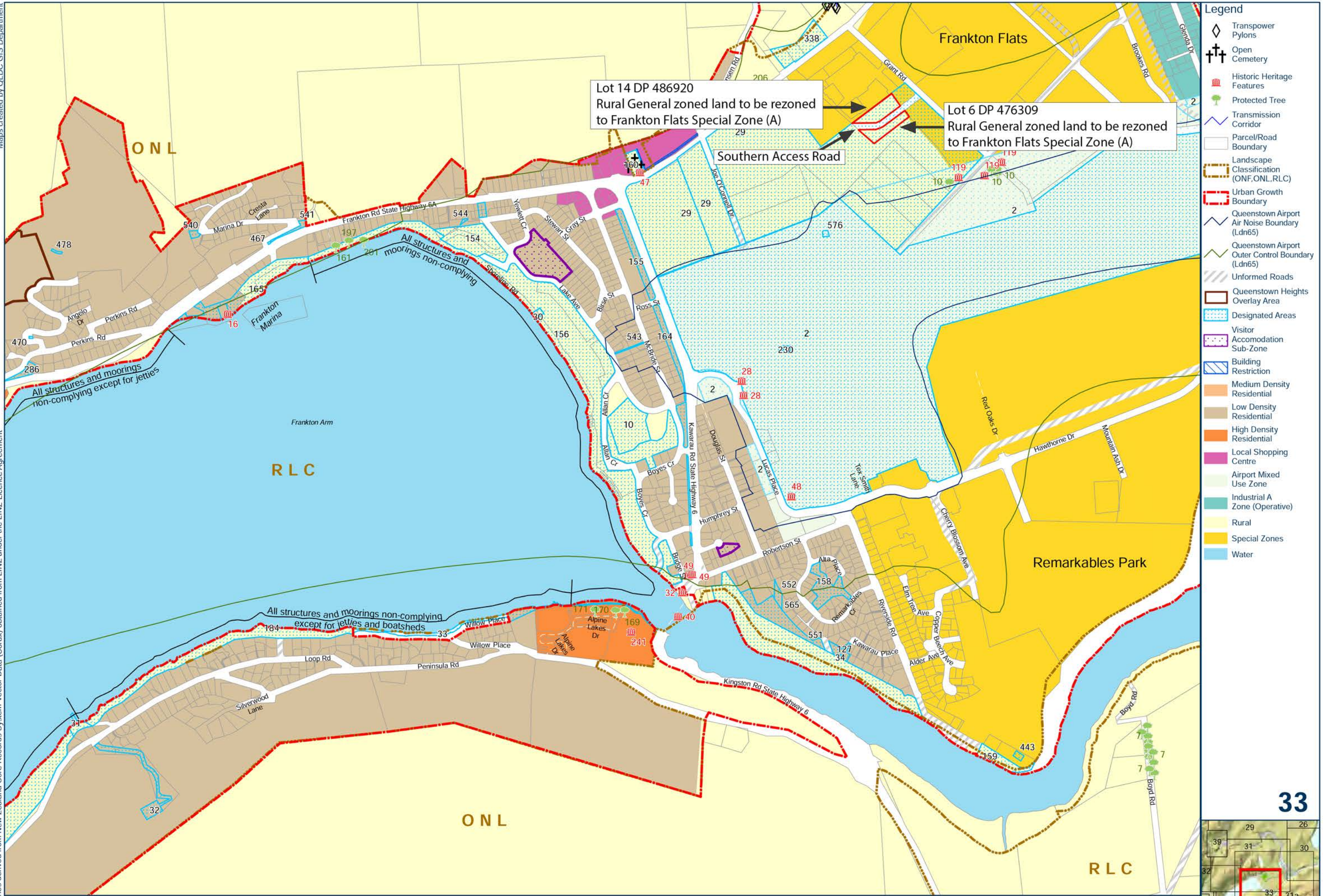
Land Covenant in Easement Instrument 9916739.5 - 21.5.2015 at 11:14 am

Subject to a right to drain water over the within land created by Easement Instrument 9916739.7 - 21.5.2015 at 11:14 am



LEVEL DATUM: MEAN SEA LEVEL (DUNEDIN VERTICAL DATUM 1958)
 ORIGIN: BM D171/1 (439Y) RL 361.44m

Land District: Otago Digitally Generated Plan Generated on: 08/06/2014 2:13pm Page 7 of 14	Lots 1 - 9 and 100 being a subdivision of Lots 1 - 3 DP 385058	Surveyor: Hayden Arthur Knight Firm: Clark Fortune McDonald & Associate	Title Plan LT 468142 Approved on: 9/06/2014
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- Legend**
- ◇ Transpower Pylons
 - ††† Open Cemetery
 - Historic Heritage Features
 - Protected Tree
 - Transmission Corridor
 - Parcel/Road Boundary
 - Landscape Classification (ONF, ONL, RLC)
 - Urban Growth Boundary
 - Queenstown Airport Air Noise Boundary (Ldn65)
 - Queenstown Airport Outer Control Boundary (Ldn65)
 - Unformed Roads
 - Queenstown Heights Overlay Area
 - Designated Areas
 - Visitor Accommodation Sub-Zone
 - Building Restriction
 - Medium Density Residential
 - Low Density Residential
 - High Density Residential
 - Local Shopping Centre
 - Airport Mixed Use Zone
 - Industrial A Zone (Operative)
 - Rural
 - Special Zones
 - Water

Lot 14 DP 486920
Rural General zoned land to be rezoned to Frankton Flats Special Zone (A)

Lot 6 DP 476309
Rural General zoned land to be rezoned to Frankton Flats Special Zone (A)

Southern Access Road

