

BEFORE THE QUEENSTOWN LAKES
DISTRICT COUNCIL

IN THE MATTER of the Resource Management Act
1991

AND in the matter of the Queenstown Lakes
Proposed District Plan

AND in the matter of Hearing Stream 13 –
Queenstown Mapping

**LEGAL SUBMISSIONS FOR CHRISTOPHER & SUZANNE
HANSEN (#840) and BRETT GIDDENS (#828)**

Dated this 16th day of August 2017

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MAY IT PLEASE THE COMMISSIONERS

Extent of Rezoning, Current Land Use and Existing Environment

1. The extent of rezoning now sought by the Submitters *from* Low Density Residential (LDR) *to* Local Shopping Centre (LSCZ) is confined to the land located at 16, 18, 18B and 20 McBride Street (“the Sites”).¹
2. Current land uses on the Sites are as follows:

16 McBride Street – Dental Surgery and commercial activities.
18 McBride Street – office activity.
18B McBride Street - current use is residential with active consent for office activity.
20 McBride Street – current use is residential, application currently being processed for office activity.
3. The existing businesses operating from the Sites have been in existence since 2004 and 2006 in this location.²
4. So far as “neighbours” of the Sites are concerned, the Sites are bounded to the west or lake side by McBride Street, to the east by the Frankton Bus Terminal, to the north by the QLDC unformed parking space areas (located within the LSCZ in the Proposed District Plan “PDP”) and to the south the boundary is shared with a residential site – 22 McBride Street.
5. The evidence convincingly, in my submission establishes (and is not challenged by the Council) the complete lack of residential amenity on the Sites. At least since 2011, the traffic movement throughout the neighbouring “transport hub” has steadily increased in both frequency and extended hours of operation. The current noise associated with vehicle movements and people waiting at the bus

¹ Appendix 1 Geddes Evidence. Extent of rezoning highlighted in purple.

² Paragraph 3.12 to Geddes evidence.

terminal area has significantly diminished the residential amenity of the immediate area³. Noise is also an issue from increased airport operations⁴.

Local Shopping Centre Zone

6. The submission seeks a LSCZ zoning. The opening sentence to the purpose of the zone statement provides:

“The Local Shopping Centre Zone enables small-scale commercial and business activities in discrete pockets of land that are accessible to residential areas and people in transit.”⁵

7. That in my submission is a particularly apt description of the location of the Sites – *a discrete pocket of land accessible to residential areas and people in transit* and the range of activities currently occurring – *small scale commercial and business*.
8. This is not a case of seeking to extend the zone by “jumping” the street if you like. 14 Mc Bride Street, the Sites northern neighbour is to be zoned LSCZ in the PDP.
9. With respect to the authors of the Council reports, the flavour and direction of the zone purpose seems to have been overlooked, both in terms of the significance of the effects they say the rezoning will have on the residential environment (noting that this must necessarily include the receiving environment) and with respect to impacts on transport and car parking.
10. Ms Evans in her rebuttal evidence is critical of the proposal to introduce specific bulk and location standards intended to address the transition between the LSCZ and the LDR zone. She offers the view that this in itself indicates that there are potential adverse effects on residential amenity from the rezoning, and further that she doesn’t favour these type of bespoke provisions in the Plan.

³ Geddes at paragraph 3.3

⁴ Giddens at paragraph 3.7 and Hansen at paragraph 4.4

⁵ All references to the LSCZ are to the Council’s reply version

11. Providing for such a transition or buffer is however anticipated in the objective and policy framework for the zone. Objective 15.2.2 addresses buildings responding to existing character, quality and amenity values of their neighbourhood setting, while policy 15.2.4 anticipates placing specific controls on the bulk and location of building on sites adjoining Residential zoned properties to ensure that an appropriate standard of residential amenity is maintained.

The Most Appropriate Zone

12. The evidence for the submitters is that the proposed LDR zoning is not appropriate, does not reflect the current usage of the majority of the Sites, and takes no account of the complete lack of residential amenity within this part of the zone. It is submitted that there is a lack of any meaningful analysis to support Ms Evan's views on retaining the LDR zone over the Sites.
13. The evidence for the submitter undertakes a comparative analysis of LDR v's LSCZ. Mr Geddes evidence is to the effect that based on the modelling, the bulk and location of any building on land contained within the extended zone would be very similar to that which could be achieved by the LDR zoning. Mr Giddens notes that the built form presently occupying the site is only a third (some 300m²) of that which could be undertaken pursuant to the operative LDR zone rules (969.6m²).⁶
14. Of relevance to consideration of the appropriateness of the zone are the amendments proposed by Mr Geddes to provide for the front yard setback to give effect to policies 15.2.2.1 and 15.2.2.4. The proposed 4.5m setback facilitates the placement of built development back from the road (as opposed to that which would otherwise be provided by the LSCZ) thereby facilitating landscaping and pedestrian amenities in the front yard. Mr Geddes evidence⁷ is

⁶ Giddens Summary statement paragraph 7

⁷ Geddes at paragraph 5.5

that built form will thus not appear dominant and complement the existing pattern of development and amenity values on the lakeside of McBride Street.

15. Ms Evans confirms that the amendments proposed by Mr Geddes will assist in mitigating effects on residential amenity however considers that they won't mitigate the effect of potential increased intensity on the Sites. It is not clear from Ms Evans rebuttal statement what she means by this. It is noted that the LSCZ rules, in respect of retail and office activities, cap gross floor areas at 300m² for retail and 200m² for office activities.

Traffic

16. The evidence is that the enhancements to the roading network, recently completed, have been successful in reducing traffic congestion. Mr Bartlett considers that the rezoning will have minimal impact on the local transport network as a result of traffic and car parking.

Commercial land needs

17. The evidence for the submitters is that whilst rezoning of the Sites will provide some additional capacity towards the demand for business land, that will be insignificant given the fact that the Sites **already** contain existing commercial uses which will not be displaced but rather enabled by the rezoning. The rezoning is more akin to "infill" development utilising *discrete pockets of land* rather than opening up a new, undeveloped greenfield site for commercial development.

Section 32 Evaluation and achieving the purpose of the Act

18. Mr Geddes has completed this evaluation in his evidence from section 6. It is submitted that;
 - (a) The most appropriate zone for the Sites is that of Local Shopping Centre Zone. Residential use of the land is fundamentally at odds with the "neighbouring"

passenger transport related activities – the airport and the bus terminal. Both are set to expand and grow.

- (b) The zone enables and provides for a diverse range of activities to occur to serve the needs of the local community as is consistent with the zone's purpose.
- (c) Retaining the LDR zoning is an inefficient use of land resources and is contrary to the Act and the policy framework of the Proposed Plan.

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