

**BEFORE THE HEARINGS PANEL FOR THE QUEENSTOWN LAKES
PROPOSED DISTRICT PLAN**

IN THE MATTER of the Resource Management
Act 1991

AND

IN THE MATTER of Hearing Stream 13 –
Queenstown Mapping

BETWEEN **B GIDDENS**
Submitter (#828)

EVIDENCE OF BRETT JAMES GIDDENS

9 June 2017

1. INTRODUCTION

- 1.1 My name is Brett James Giddens and I own the property located at 18 McBride Street in Frankton, which is currently the offices for my resource management consultancy, Town Planning Group Limited.
- 1.2 I am a qualified and experienced town planner; however, I am providing this brief of evidence as the landowner and occupier in support of my request (submission #828) to rezone the property and surrounding properties from Low Density Residential Zone (“LDRZ”) to a more appropriate zone.
- 1.3 At the time my submission was made, I was also the owner of 20 McBride Street but have since sold that property. The new owner, Mr Revell Buckham, supports the outcomes sought in my submission.
- 1.4 In preparing this evidence I have also considered the following evidence:
 - (a) Mr Chris Hansen for 18B McBride Street and submission #840
 - (b) Mr Jason Bartlett, Transportation Expert
 - (c) Mr Nick Geddes, Planning Expert and submission #840
- 1.5 I have also reviewed the evidence from the Queenstown Lakes District Council (“QLDC”) in regard to my submission, and that of Mr Hansen who is seeking similar relief.

2. SCOPE OF MY EVIDENCE

- 2.1 My evidence will cover the following matters:
 - (a) Why I purchased my property and how the environment has changed from 2003 to 2017;
 - (b) The use of my property and surrounding environment;
 - (c) Why the LDRZ is not an appropriate zone for my site and the surrounding properties;
 - (d) Why the Local Corner Shopping Zone (“LCSZ”) is the most appropriate zone; and

(e) Comments on the Council evidence.

3. WHY I PURCHASED MY PROPERTY AND HOW THE LOCALITY HAS CHANGED FROM 2003 TO 2017

- 3.1 As is plainly obvious to any person who has resided in Queenstown since the early 2000's, this area of Frankton has changed significantly.
- 3.2 I purchased 18 McBride Street in 2003 as I was attracted to the convenient 5-minute drive into Central Queenstown. The property was far away from the rat race such that it was enjoyable to reside in this part of Frankton.
- 3.3 I purchased 20 McBride Street in 2009 for my residence and moved my planning company into 18 McBride Street at the same time.
- 3.4 Fast forward to 2017 and this locale is the centre of Queenstown (not to be confused with the town centre itself). It is at the junction two highways that garnish significant traffic and noise. Night flights have been introduced which have had a significant impact on this environment. I will touch on this further below.
- 3.5 The bus shelter at the rear of 18B and 20 McBride Street was expanded by the QLDC in around 2008 to provide for commercial bus services, tour groups and parking, and is houses a homeless person who resides in the disabled toilets. When I resided at 20 McBride Street, it was not uncommon for my wife and I to be woken up a few times each week in the small hours by boy racers and thumping bass, or the idling of buses at 5am in the morning before they head to Milford.
- 3.6 Kawarau Road (SH6) is an unregulated mess from roadside and foot path parking. This has been brought about from the demands for Queenstown Airport. This demand has placed pressure on McBride Street off-street parking; this is not from activities within Frankton Village from my observations and experience as this area has always been well catered for. Mr Bartlett addresses these matters in his evidence and addresses what solutions are being put in place by the QLDC and NZTA.
- 3.7 The Queenstown Airport Corporation (**QAC**) embarked on Plan Change 35 to increase the noise output (and frequency) of flights to and from

Queenstown Airport. This has had a significant impact on the environment. Coupled with sporadic and regular movements of helicopters, and international flights just after 7am and just before 10pm seven days, this is not an environment that is conducive to quality residential living.

- 3.8 Both 18 and 20 McBride Street are older dwellings and single glazed. I have measured internal noise at 70-75db internally when planes are taking off. The vibration effects are most significant, from planes and also buses and trucks at the bus shelter.
- 3.9 The QAC opposed the QLDC's initial recommendation to alter the zone of this area of Frankton to Medium Density Residential. Higher density zoning ticks a lot of boxes but the QLDC did an about-face when the QAC got involved and the zone did not make its way into the Proposed District Plan.

4. THE USE OF MY PROPERTY AND THE SURROUNDING ENVIRONMENT

- 4.1 The properties at 14 McBride (public car park), 16 McBride (dental surgery and offices), 18 McBride (offices) and 18B McBride (consented offices) are commercial properties in terms of current and authorised land uses.
- 4.2 Further afield, 15 Grey Street (LDRZ) is used for commercial vehicle parking associated with the commercial catering business Flying Trestles at 5 McBride Street.
- 4.3 1055 Frankton Road (LDRZ) was converted to commercial car parking via resource consent associated with the adjoining McDonalds.
- 4.4 The property at 15 McBride Street (which is now two residential units) was previously consented as commercial offices. The decision recognised that this activity was appropriate for the environment even as far back as 2002.
- 4.5 In the 1995 Proposed District Plan, the property at 14 McBride Street owned by the QLDC was zoned as LDRZ. In the 1998 version of the Partially Operative District Plan, this property was rezoned to LCSZ. I understand that this site has been earmarked for a Frankton Library in the past but this never eventuated and the property has remained a car park.
- 4.6 I have shown these properties in my Figure 1 below.

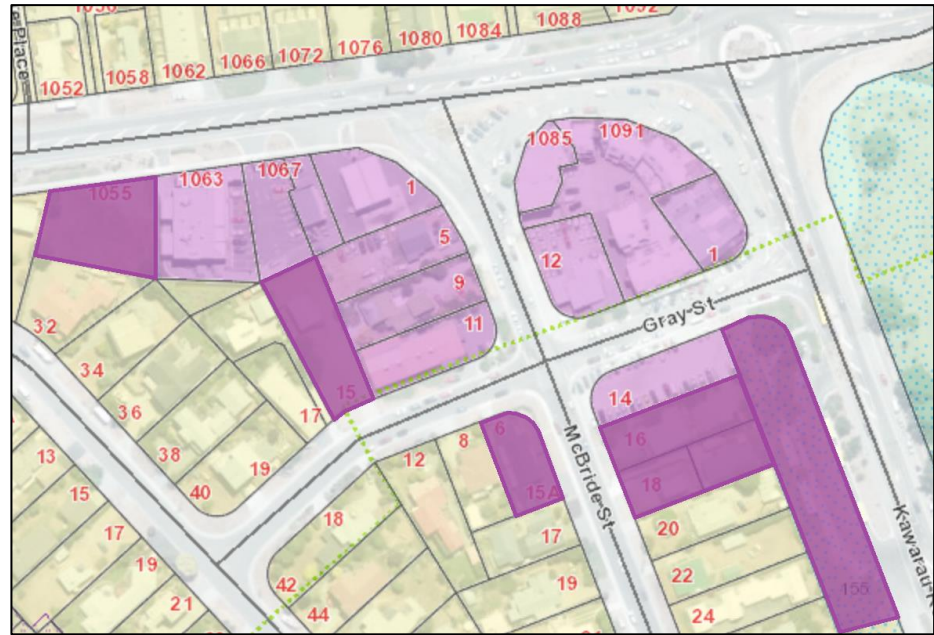


Figure 1: Properties with non-residential uses or consent for non-residential uses (highlighted in purple)

- 4.7 The properties from 16 to 30 McBride Street do not have views to Lake Wakatipu, rather they back directly onto SH6 and the commercial bus hub, and front McBride Street. They are bordered to the north by the commercial car park at 14 McBride Street and the Retirement Village at 32 McBride Street, which then abuts the Church to round out the block.
- 4.8 The properties at 17, 19, 21, 23, 25 and so on are all orientated towards Lake Wakatipu with the rear of the properties against McBride Street. All have high fencing (1.8 metres) and/or garaging along McBride Street with living on the lake side of the properties, which is to seemingly block themselves from McBride Street and to maximise solar gain and outlook.



Figure 2: Lake orientation of properties on opposite side of McBride Street

- 4.9 The properties on the west (lake) side of the street have a vastly different outlook and are protected from the disturbances on McBride Street and SH6 further afield. They have a distinct separation from the sites seeking to be rezoned.
- 4.10 Privacy and dominance of a greater bulk of built form on the sites seeking an alternative zone would not impact on these properties or their inhabitants.
- 4.11 I note that none of the residents in the area have opposed the rezoning sought in my submission or the submission of Mr Hansen. I expect that this is because commercial activity has had and will continue to have no adverse impacts on them and their properties.

5. WHY THE LDRZ IS NOT THE MOST APPROPRIATE ZONE FOR MY SITE AND THE SURROUNDING PROPERTIES

- 5.1 Residential activity in this particular location is not desirable. The noise impacts are significant and the loss of amenity from this is not mitigated with other amenities, such as lake views, private living areas and distance from

public amenities (toilets, parking, bus shelter, etc), like the properties on the opposite side of McBride Street.

- 5.2 I initially considered that a higher density of residential activity would be most appropriate in this location given its convenient access to amenities and public transport, however this was opposed by the QAC. The proposed LDRZ does not go far enough to enable any additional opportunities for the properties, either residential or commercial, and in my view represents an inefficient zone for this location; retaining the LDRZ really puts me and the other property owners in no-man's land.
- 5.3 If residential activity was to be maintained in this location, a considerable amount of money would be required on both 18 and 20 McBride Street to mitigate the significant noise effects from the airport operations and SH6. Given the age of the buildings, I doubt that this would be viable.
- 5.4 The sites in question (except 20 McBride Street) are consented or used for commercial activity already so the only issue that remains is the impact that built form under a commercial zoning would have on this environment (bearing in mind that traffic effects have been addressed in the evidence of Mr Bartlett).
- 5.5 The sites are in a built-up area however this zone provides no opportunities to provide for any growth that would benefit Queenstown. The QAC oppose any residential intensification of the land. All sites are fully serviced.

6. WHY THE LCSZ IS THE MOST APPROPRIATE ZONE FOR THE SITE

- 6.1 I know first-hand that the land uses that are anticipated within this zone will be a viable proposition as I have successfully and without issue used 18 McBride Street as a commercial office for 8 years now. My wife also used about half of 20 McBride Street (around 70m²) as a home office and storage associated with her winery.
- 6.2 Under the LDRZ framework, the buildings that are not used for residential purposes could be demolished and new non-residential buildings could be put up in their place that generally resemble typical commercial buildings, with the only real controls being the 40% site coverage, 8m building height,

2m side setbacks, 4.5m road setback, recession plane requirements, and car parking (1 park per 50m² of office space).

- 6.3 Having the sites *zoned* LCSZ would enable a more efficient use of the properties while still having to adhere to planning standards to protect residential amenity, coherence, and character.
- 6.4 The zone allows for some residential activity on upper levels which will provide flexibility in the end design if the sites were redeveloped. This would potentially enable a work/live situation and assist with maintain some residential coherence if this was a concern of the panel.
- 6.5 The zone provisions include requirements to deal with the interface with the LDRZ, which would be applicable between the boundary of 20 and 22 McBride Street or potentially the site occupied by the retirement village. I have previously spoken with the owner of 22 McBride Street who expressed no concerns with the commercial uses of the adjoining properties.
- 6.6 Bulk and location controls are in place in the zone which will ensure a high level of built form is established with an appropriate level of amenity.

7. COMMENTS ON THE COUNCIL EVIDENCE

- 7.1 I have read the QLDC report from Ms Evans (planning) and the associated supporting reports from Ms Banks (traffic) and Mr Glasner (infrastructure).
- 7.2 I note that the QLDC's assessment is based on the area from Grey, McBride and Burse Street being rezoned to LCSZ. While I consider that this is entirely appropriate, my evidence principally relates to the properties covering 16, 18, 18B and 20 McBride Street, which is a reduction in land area of approximately 87% from that originally sought (18,617m² to 2,424m²).
- 7.3 Ms Evans summarises her opinion that:
- (a) ***The notified Proposed District Plan LDR zone will:***
- (i) ***provide efficient use of land;***
 - (ii) ***reflects the majority of established activities located on the subject sites; and***
 - (iii) ***will maintain residential amenity of the Frankton residential area.***

- (b) Rezoning the area to commercial could have significant traffic and infrastructure network effects and be contrary to a number of Strategic Direction Chapter policies.**

Retaining the LDRZ

- 7.4 I have addressed above the comment that “*the notified PDP LDR zone will provide efficient use of land*”. This is not the case in my view and this statement is not accompanied by any supporting evaluation. This zone does not enable any more efficient or improved use of my property or the others than their present use and I cannot understand how this conclusion can be reached. The proposed LDRZ essentially enables the status quo to remain which is not an efficient use of the land resource in this particular location.
- 7.5 If the sites were redeveloped, they would likely be advanced as a non-complying resource consent to provide for a commercial building to better contain the consented commercial activities. This in my opinion is not the best way to advance commercial activity on the sites. While it is an option, it does not foster integrated land use planning compared to the rezoning to LCSZ.

Existing Commercial Land Uses

- 7.6 I have addressed the statement that the zone does not reflect the “*majority of established activities located on the subject sites*”. The land in question as part of the zone request has been reduced so that this comment is not directly relevant. All properties, except 20 McBride, have existing commercial uses (or are consented for such activity).
- 7.7 I am confused by the statement that the LDRZ will “*maintain residential amenity of the Frankton residential area*”. The current and consented uses are for commercial activities. The redevelopment of these properties would have no significant effect on the wider Frankton residential area, rather complementary commercial activities would support the neighbourhood and provide an important buffer between SH6 and the residential area to the west (towards the lake).

Traffic and Infrastructure

- 7.8 In regard to the comment that “*rezoning the area to commercial could have significant traffic and infrastructure network effects and be contrary to a number of Strategic Direction Chapter policies*”, I note:
- (a) Mr Glasner does not oppose the rezoning from an infrastructure perspective because it is expected this area is able to be serviced with planned upgrades, and Ms Banks as misreported this I her summary.¹
 - (b) Traffic effects have been addressed in the evidence of Mr Bartlett.
 - (c) The policy has been evaluated in the evidence of Mr Geddes as part of submission 840.
- 7.9 The zone request meets the purpose of the LCSZ which is to enable small scale commercial and business activities in discrete pockets of land that are accessible to residential areas and people in transit. The zone seeks to reduce the necessity for people to travel longer distances to town centres to purchase convenience goods and access services.
- 7.10 Ms Banks considers that increasing the intensification of development through rezoning to LSCZ will increase the demand for car parks and traffic, and considers the pressure on McBride Street will be intensified further and will affect through movements and the intersections in the vicinity of the submission site such as Ross Street, Birse Street and Gray Street and its role as an arterial road. Ms Banks and therefore opposes the rezoning from a traffic perspective.²
- 7.11 In terms of McBride Street being an arterial road, this will be a matter addressed in the next stage of the District Plan Review as the QLDC has already altered McBride Street sufficiently that it does not meet this classification or function of an arterial road (speed bumps). Mr Bartlett confirms in his evidence that McBride Street functions as a collector road.

¹ Paragraph 5.2 of Kim Banks Evidence

² Para 5.23 of Evans Evidence

Queenstown Airport

- 7.12 The further submission from QAC is that they remain neutral with respect to the submission point requesting rezoning of the area to LSCZ provided it does not result in the intensification of ASAN in the area. The rezoning will have no impact on airport operations.

Residential Amenity

- 7.13 At paragraph 5.4, Ms Evans states that she has concerns on the impacts on residential amenity of McBride Street if the properties were rezoned to LCSZ, although she forms this view in the context of the request for Medium Density Residential Zone.
- 7.14 At paragraph 5.26, she considers that “*potential effects of commercial development in this locality would be better assessed and managed through the resource consent process and development specific conditions*”. While this is an option, resource consents have been advanced in the past and they are costly and do not foster integrated planning.

Commercial Land Availability

- 7.15 At paragraph 5.30, Ms Evans cites as a reason to refuse the relief sought the “*evidence that there is sufficient supply of commercial land*”, which references that of Mr Heath for the QLDC.
- 7.16 This justification does not take into account that the properties in question will not add any considerable capacity, rather they predominantly provide for existing commercial uses.
- 7.17 Reliance has been placed on Mr Heaths’ evidence that there is no immediate need for additional commercial land in Queenstown. I do not agree that this big picture analysis is of direct relevance to a small expansion of an existing commercial zone covering land that is already used for commercial office purposes.
- 7.18 Mr Heath’s evidence does not cover situations where commercial business zoned land is being removed and replaced by housing land (which is what the QLDC is doing on Gorge Road at present). This is not a criticism of Mr Heath’s work, it is more an observation of what happens at the local micro level in Queenstown and that I do not believe that the big picture trend

analysis for 20-30 year commercial demands is relevant to a small expansion to an existing, functioning commercial zone in a location that already contains commercial activity.

- 7.19 In reference to Table 3 on page 13 of Mr Heath's evidence, it states that there is 2.9 ha of LCSZ in Frankton and 1.8 ha at Hansen Road.
- 7.20 The existing village is 1.03 ha from my review of the titles and the proposed expansion on 1 Hansen Road scale to approximately 1.71 ha.
- 7.21 The 2,424m² of land sought to be rezoned (totalling 2.98 ha) in my view fits within what I would expect to result in no discernible impact or the oversupply of land. I cannot see how this additional land could be construed to have any impact on other commercial areas in the district.

8. CONCLUSION

- 8.1 As set out above, I consider that it is inefficient and detrimental to retain the LDRZ as proposed by the QLDC.
- 8.2 The LCSZ recognises the existing environment and activities, and provides for an appropriate level of commercial activity and built form in a location that can provide for such activity.
- 8.3 Effects from development within the LCSZ can be managed through the existing planning provisions controlling bulk and location, activities, noise, landscaping, and car parking, such that the wider residential area is not adversely impacted on.

DATED 9 June 2017

Brett Giddens