

BEFORE THE QUEENSTOWN LAKES DISTRICT COUNCIL

UNDER

THE RESOURCE MANAGEMENT ACT 1991

IN THE MATTER

of Queenstown District Lakes District Council's Plan Change 50

SUBMISSION ON BEHALF OF REMARKABLES JET LIMITED

JENNIFER JANE CARTER

21 November 2014

1. INTRODUCTION

- 1.1 My name is Jennifer Jane Carter. I am presenting this submission on behalf of Remarkables Jet Limited (RJL). RJL is a CBD investor in wharf, future jet boating and tourism facilities.
- 1.2 I acknowledge that I am an employee of Porter Group Limited, and therefore cannot be seen as an independent expert. However I am a qualified planner with the following experience and expertise, and my evidence is given as an individual who supports the submission by Remarkables Jet Limited. I rely on my knowledge and experience when giving my evidence.
- 1.3 I have been a Queenstown resident since April 2001 (I spent 2007 and 2008 in Dunedin, however, during that time all of my work was located in Queenstown). I am a committee member of the Lake Hayes Estate Community Association.

2. QUALIFICATIONS AND EXPERIENCE

- 2.1 I hold a Bachelor of Resource and Environmental Planning with First Class Honours from Massey University. I am a full member of the New Zealand Planning Institute and have over 15 years' experience in both policy and resource consent planning.
- 2.2 Between 2001 and 2003 I held the role of Policy Planner and between 2003 and 2005 I was the Principal: Policy at CivicCorporation Limited. During that time the policy team at CivicCorporation was responsible for resolving all of the appeals to the District Plan, convening community workshops and developing the community plans for both main centres and the smaller townships. We were also responsible for the preparation of new variations to the District Plan including earthworks, visitor accommodation, Peninsula Bay (expansion to Wanaka residential) and Jacks Point (new resort zone).
- 2.3 Between 2005 and 2008 I was director of Arrow Resource Management. In this role I provided policy advice to Council, and primarily worked on large scale zone changes, including Peninsula Bay and Riverside in Wanaka, and the Mount Cardrona Station and Kingston plan changes. These plan changes were the result of the community planning workshops. For instance, Wanaka 2020 identified areas within which Wanaka should expand, including Peninsula Bay and Riverside. Likewise, the Mount Cardrona Station and Kingston Plan Changes were the result of the community plans for those townships. During this time I also provided policy advice to Remarkables Park Limited, and worked on what would become Plan Change 34 to the Remarkables Park Zone.
- 2.4 In 2008 I participated in a study tour of United States resort villages. This tour was organised by the directors of Remarkables Park Limited and took in resort villages throughout the US and Canada, including Mill Valley in San Francisco, Whistler and Mont Tremblant in Canada, Celebration, San Destin and Seaside in Florida, and Vail and Aspen in Colorado.
- 2.5 Between 2009 and 2013 I was Principal Planner at Lakes Environmental. In this role I managed the resource consents team responsible for processing all of the resource consents for the Queenstown Lakes District Council.

- 2.6 I have held the position of Resource Management Planner at Porter Group Limited since May 2013. In my current role I am responsible for all planning matters relevant to Porter Group companies including Remarkables Jet Limited.

3. SCOPE OF SUBMISSION

- 3.1 RJL lodged a submission in opposition to Plan Change 50 (PC50). The submission requests that the Plan Change is rejected.
- 3.2 In this brief of evidence I outline my concerns with the Plan Change from a planning perspective. There is a significant amount of material presented with the Plan Change and I have not read all of the information. I have focussed on the proposed changes to the Plan provisions, the Section 32 analysis, and I have also reviewed Council's District Plan review process.

4. PC50 PROCESS

- 4.1 From my review of Council agenda items, and involvement in consultation on the Strategic Directions Chapter to the District Plan, I understand that the process leading to PC50 and Council's review of the Town Centre Zone is as follows:

October 2013: Consultation on draft strategic directions chapter

November 2013: McDermott Miller Strategies Report

January 2014: McDermott peer review

April 2014: Council resolution to proceed with District Plan Review (presented and discussed in public excluded)

July 2014: Draft Strategic Directions Chapter and Section 32 adopted by Council

August 2014: Commissioner appointed to hear PC50

September 2014: PC50 ratified for notification, and immediately notified for submission

October 2014: Town Centre and business zones chapter and Section 32 report presented to full Council as part of District Plan Review.

November 2014: PC50 hearing

- 4.2 While I have not seen any reference to the District Plan review within the PC50 documentation, both PC50 and the District Plan review rely on the findings of the McDermott Miller report (and the peer review by McDermott). Both PC50 and the District Plan Review attempt to address the key issues facing Queenstown, and they are both prepared by the Queenstown Lakes District Council. I understand that the Council proposes to adopt each of the sections of the Plan (and associated Section 32 analyses) as they are prepared, and to notify them together in May 2015. PC50 is not part of that process.
- 4.3 Therefore, on one hand the Council is undertaking a District Plan Review that relies on background strategic documents (adopted by formal resolution of Council) and associated consultation, while on the other hand, it has prepared a plan change that 'leap-frogs' the

Council's own processes. The first stage of the District Plan review will be notified in May 2015. As part of that notification will be the new 'Strategic Directions Chapter'. That chapter has not been tested, and 'sets the scene' for the planning framework of the District Plan. PC50 has been notified before the Strategic Directions Section, and before the Town Centre Zone. It proposes changes to the Town Centre Zone but is not part of the District Plan Review. It is clearly a Council plan change. However, it has been prepared by external consultants. The District Plan Review has been prepared by internal staff.

5. Section 32 analysis- the resource management issue

5.1 The Section 32 report identifies the key resource management issue as:

'That there is a shortage of commercially zoned land in the Queenstown Town Centre' (2.4, page 5)

5.2 Interestingly, the Section 32 report for the Town Centre Review (Town Centre S32) adopted by Council on 30 October, states that

It is also noted that consultation with the development community as part of this S 32 evaluation confirms that it is the ground floor retail space within the Town Centre that is the scarce resource but that there is still available above ground floor space and ample capacity for additional levels to be added, if this proves feasible. (page 5, para 3 of Section 32 report for Town Centre District Plan Review, dated October 2014)

5.3 The Town Centre S32 then identifies the following issues with respect to town centre expansion:

Specific issues and opportunities related to the matter of expansion include:

- *There is ongoing demand to locate non-residential activities within the High Density Residential Zone around the Town Centre and as a result, the character of certain peripheral areas (mainly the Man/ Isle St area) is changing through incremental and potentially inconsistent resource consent decisions.*
- *The potential incompatibility between noise generated in the Town Centre and the desire to maintain reasonable amenity levels in the High Density Residential Zone, suggesting a transitional commercial zone may provide a good buffer between the two.*
- *The fact that landuse needs to provide an appropriate interface with the Inner Link Road*
- *The effect on walkability of the Town Centre, as a whole, if it were to expand outwards.*
- *Commercial and community uses such as community facilities, (private sector) education, and affordable office space are moving out to Frankton and other areas due to a lack of competitively priced, comparable leases in and around the Town Centre, which threatens the ability of the Town Centre to remain relevant to the local population.*

5.4 I recognise that the Town Centre S32 states that it is PC50 that provides for the supply recommended by McDermott Miller (page 5 of the Town Centre S32). However, it seems to me that the direction and size of the expansion proposed by PC50 works against the walkability issue raised by Council in the Town Centre S32. PC50 also removes controls on premises licensed for the sale of liquor, and reduces noise controls. Therefore, I question

how it addresses the issue around incompatibility of town centre noise with residential amenity.

- 5.5 One of the key themes of the Town Centre Strategy is the importance of keeping the Town Centre relevant to locals (see Introduction, page 6). This is reflected in the fifth issue identified in the Town Centre S32. This is not reflected within PC50, which places emphasis on the importance of tourist growth (see final paragraph on page 6 of PC50 S32, which refers to pages 74 and 75 of McDermott Miller Strategies report). Both PC50 and the Town Centre Review aim to address the resource management issues faced by Queenstown. There is an inconsistency between the two sets of resource management issues.

6. Section 32 analysis – Reference to non-statutory documents

- 6.1 In a report to the Council dated 14 April 2014, the following was recommended. (That Council):

Agrees that the following QLDC Strategies are not formally reviewed, but that the relevant components are incorporated into the District Plan as a means of achieving statutory weight:

- i. Growth Management Strategy*
- ii. Wanaka Structure Plan*
- iii. Cardrona Valley Structure Plan*
- iv. Queenstown Town Centre Strategy*
- v. Wanaka Town Centre Strategy*
- vi. Urban Design Strategy*

- 6.2 I cannot find the minutes from this item; I assume that this is because the item was considered in public excluded. In the minutes included in the May 2014 agenda, it references the District Plan review as item 13 and states that the reason for the report being considered in public excluded as:

That the public conduct of the whole or the relevant part of the proceedings of the meeting would be likely to result in the disclosure of information where the withholding of information is necessary to:

- g) maintain legal professional privilege;*

- 6.3 I assume that the report was adopted, given that it is now provided as a public document within the 'District Plan Review Library', contained on the Council website.

- 6.4 I also note that the Wakatipu Transportation Strategy (2007) is not listed as a non-statutory document to inform the District Plan Review. I understand that a new Strategy is currently being developed. (Evidence of Mr Mander)

- 6.5 The Section 32 report for PC50 makes reference to the Growth Management Strategy at Section 7.6, page 61 and to the Town Centre Strategy at Section 7.7, page 64. In my opinion there are some tensions between these documents and PC50, and I do not believe that these are addressed adequately in the Section 32 report.

- 6.6 At page 63 the Section 32 report concludes that

Overall, the proposed plan change achieves a high level of consistency with the Growth Management Strategy for the District. Where the plan change departs from the strategy is in providing for the expansion of the Queenstown Town Centre zone. However, this expansion will retain the compact town centre and provides an expansion in an area that will retain the walkability, mixed use and views sought to be retained in the Queenstown town centre. (my emphasis)

6.7 An additional 15ha almost doubles the size of the Town Centre Zone. The proposed expansion is up a steep hill. The topography, coupled with the size of the additional area, in my opinion, fails to achieve the 'retention of a compact town centre', and does not achieve walkability.

6.8 The purpose of the Queenstown Town Centre Strategy is to '*provide direction for the future improvement of the Queenstown Town Centre, and in particular,*

- *provide direction for planning within the Town Centre at all levels, including strategic planning, resource management, hard and soft infrastructure projects, social and community.'*

6.9 Section 8.12 of the Strategy identifies areas for possible expansion of the Town Centre. The PC50 Section 32 analysis refers to this Section of the Strategy at page 64 and states:

The plan change provides for the expansion of the town centre zone, as heralded in Section 8.12 of the Strategy.

This is simply not true. The expansion 'heralded' in the Town Centre Strategy is to expand to the north, as illustrated at Figure 6, page 39. It is in the opposite direction to that proposed by PC50.

6.10 The purpose of PC50 is to:

'Extend the Town Centre zone and to include new planning provisions that will enable efficient and effective development of this land in a manner that complements and contribute to the ongoing vitality of the Queenstown Town Centre Zone' (Section 3.1, page 9 Section 32 report).

6.11 Because the PC50 Section 32 fails to evaluate the alternative promoted by the Council in its own Strategy, it does not, in my opinion, identify why the expansion proposed is the most appropriate means of achieving the purpose of the Act.

6.12 It may be that there are reasons for expanding the Town Centre in the direction proposed by PC50. However, it needs to be recognised that this is a departure from the findings of the Town Centre Strategy, which in April 2014, the Council resolved to incorporate within the District Plan.

6.13 The Town Centre S32 states that PC50 resolves the supply issues raised by McDermott Miller (page 5 of the Town Centre S32), and it identifies the following areas for potential expansion:

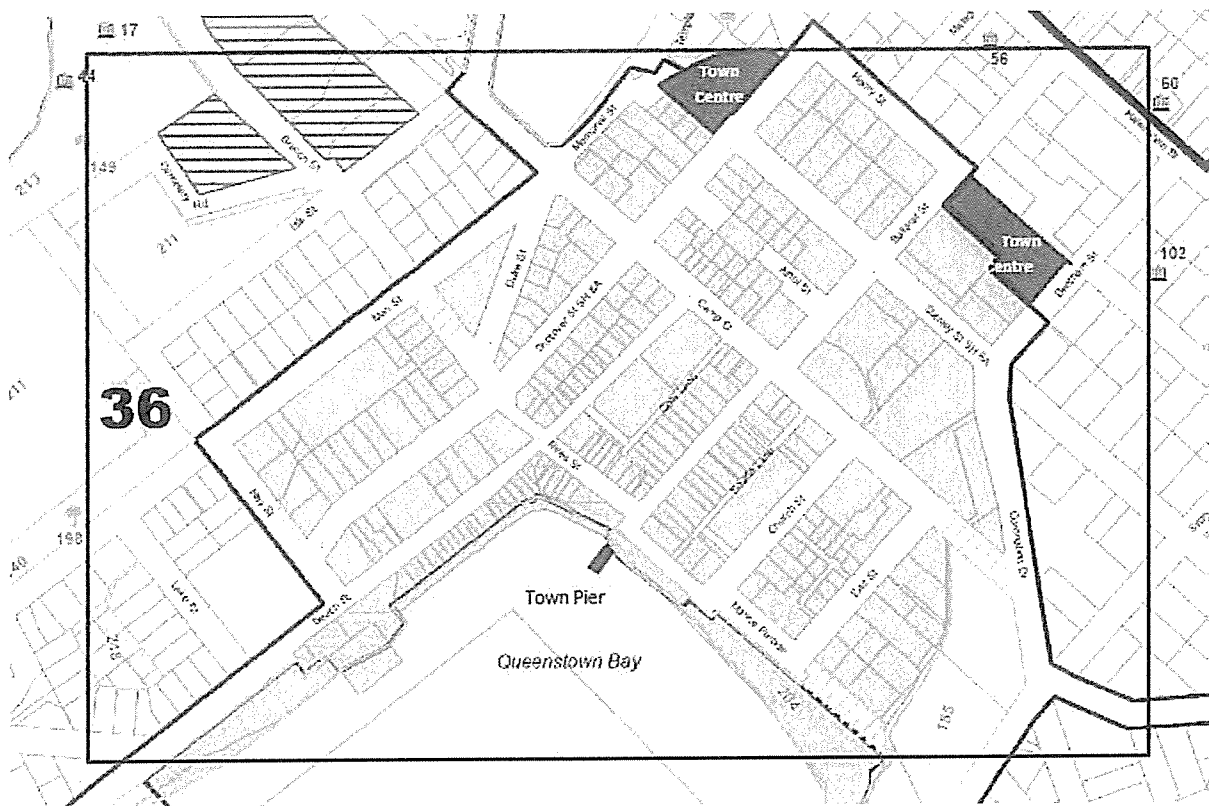


Figure 1: Appendix 1 to District Plan review Section 32 report

6.14 It is unclear as to the reason for this proposed expansion. I do not know whether this expansion will still be promoted if PC50 is successful. I do not see any issue in changing from a previous strategy. However, Section 32 of the RMA does provide the platform for assessing the options, and evaluating which objective best meets the purpose of the RMA. It is my opinion that, because PC50 fails to consider either of the above expansion options, which could achieve the purpose of the Plan Change, it fails to provide an adequate evaluation required by Section 32 of the Act.

7.0 DISTRICT PLAN PROVISIONS : EXISTING PROVISIONS AND CHANGES PROPOSED

7.1 In the table below I have summarised the key differences between the existing HDR zone, the existing Town Centre Zone, and the two sets of provisions promoted by the Council via PC50 and the Town Centre District Plan Review. Please note that I have attempted to provide a 'general overview'; some of these rules are complex in that they specify different rules for different areas of the zone (High Density or Town Centre). I have tried to simplify the provisions to gain an understanding of what the different zones mean.

Activities/Standards	High Density Residential Zone	Existing Town Centre	Proposed Town Centre (DPR)	Proposed Town Centre (PC50)
Buildings	Buildings for non-residential	Outside Special	RD	C

	activities: C	Character Area: C Inside Special Character Area: D		
Visitor Accommodation	C	C	C Subject to mechanical ventilation	C
Residential Activities	PER	PER, subject to Site standard regarding outdoor living space	PER Subject to site standards Not at ground level Subject to mechanical ventilation	PER, subject to site standards – not at ground level, Subject to mechanical ventilation
Retail sales	NC	PER	PER	PER
Premises licensed for Sale of Liquor	D (from visitor accommodation)	(between 11pm and 7am) C in TC Within TCTZ: RD	(between 11pm and 8am): RD	(between 11pm and 7am)
Motor Vehicle Repairs	PRO	D	NC (industrial activities at ground floor) PRO (motor vehicle repair, panel beating etc)	D
Residential Flat	PER	NC		NC
Height	7m or 8m	8-12m (depending on location)	Ranges- some increases; max 12m	
Coverage	70%	1: 95%, 2: 70% 3: 80% TCTZ: 70%	None (except TCTZ)	Lakeview: 80% Isle St: 70%

7.2 I note that PC50 includes rules specific to Convention Centres (listing them as controlled activities within Lakeview sub-zone and discretionary outside that sub-zone). There is however no definition of ‘convention centre’.

7.3 I understand that it is anticipated that PC50 will provide a mixed use zone, including visitor accommodation, residential and commercial activities. Given that the HDR already provides for visitor accommodation as a controlled activity, the Plan Change does not provide greater benefit for this activity. Further, it reduces the anticipated amenity for residential activities, by enabling more commercial activities, and placing the onus on the residential activity to manage reverse sensitivity effects (mechanical ventilation, and including noise within non-

notification provision). Therefore, the Plan Change provides the greatest benefit for commercial activities, and convention centres (which are undefined). In my opinion, it is incorrect to suggest that the Plan Change will provide affordable housing. If anything, it promotes commercial over residential activities.

8.0 Key issue- Traffic

8.1 As presented to the Commissioners by Mr Tim Kelly, potential effects on the transport network are a major concern. I accept Mr Kelly's evidence, and in particular, his paragraph 63, where he states that *it is vital that a strategic framework for addressing the change in travel patterns and demands arising from PC50 is in place, but that it is demonstrably effective in securing changes in travel behaviour.*

8.2 It seems that the consultants for the Plan Change consider the potential effects acceptable because they are simply making a bad situation worse. (expert evidence of Mr McKenzie presented on Tuesday 19 November).

8.3 PC50 also includes as a matter over which control is reserved for Convention Centres the following:

10.6.3.2(vii)(a) Effects on the transportation network: an integrated transport assessment, including a comprehensive travel plan shall be provided to manage transport impacts relating to the activity and may include directional street map signage to assist pedestrian and vehicle movement to the site.

8.4 By using the term 'shall', this matter over which control is reserved is drafted as a rule. In my opinion it will have little effect. Its inclusion means that when a controlled activity consent application is being assessed, the Council can consider effects on the transport network. If a comprehensive travel plan is not provided, then all the Council can do is impose a condition requiring one. The lack of a travel plan does not trigger discretionary or non-complying activity status. Any condition imposed on a controlled activity cannot in effect refuse the application. Including directional signage is unlikely to reduce travel demand, or manage the effects of increased traffic volumes.

8.5 Mr Kyle states that there is a 'demonstrable and pressing need to provide additional commercially zoned land in central Queenstown' (para 0.5(i), page 2 of executive summary). This poses a risk to Council; if there is in fact a pressing need for additional land, then uptake will be fast, and this will have an immediate effect on the transport network. Mr McKenzie assumes that the Plan Change over a 10-12 year period could increase traffic. (para 8.3, page 13 Don McKenzie brief of evidence).

11. CONCLUSION

11.1 PC50 proposes to rezone 15ha of land Town Centre, in order to resolve the resource management issue

'there is a shortage of commercially zoned land in the Queenstown Town Centre' (para 2.4, page 6 of the Section 32 report)

- 11.2 It is my understanding that the shortage of commercially zoned land has not been quantified. In the McDermott Miller Strategies report it is stated that there is

An acute shortage of vacant land zoned Town Centre, meaning Queenstown Town Centre has to either expand or be redeveloped more intensely, otherwise activities appropriate to the Queenstown Town Centre will have to locate in other Zones. (page 42, McDermott Miller Strategies, Review of District Plan Business Zone capacity)

- 11.3 Contrary to what Mr Kyle states, this refers to a shortage of vacant land. It also states that the town centre either has to expand, or be redeveloped more intensely.
- 11.4 The Council has already, through its District Plan review process, identified means by which the Town Centre can be developed more intensely. It also proposes some areas for expansion (please refer to Figure 1 of the Section 32 analysis, provided at page 7 of my evidence). The Town Centre S32 also states that there is vacancy in the Town Centre.
- 11.5 The PC50 documentation appears to ignore the fact that the Council is undertaking a District Plan review, and that it is through this process that the solution could be found to the 'undersupply of commercially zoned land'.
- 11.6 There are a number of potential risks to the community should PC50 proceed. In particular, the adverse effects on an already struggling transport network, the adverse effects associated with over supply of commercial land and the ad hoc development that could occur.
- 11.7 It is my opinion that the Section 32 report is inadequate. It fails to provide an evaluation of options, and fails to confirm that the objective is the most appropriate in achieving the purpose of the Act.
- 11.8 It is my recommendation that PC50 is declined. The resource management issues that it proposes to resolve are better provided for by the District Plan Review process already underway. This pause would enable the Council to develop the Transport Strategy, which is needed before the Council can be certain that an expansion of the Town Centre will not cause significant adverse effects on the transport network.

Jennifer Jane Carter

21 November 2014