

**BEFORE THE QUEENSTOWN LAKES DISTRICT COUNCIL**

**IN THE MATTER**

of the Resource Management Act 1991

**AND**

**IN THE MATTER**

Plan Change 50 (Queenstown Town Centre Zone  
Extension) to the Queenstown Lakes District Plan

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**SUBMISSIONS OF COUNSEL FOR MEMORIAL PROPERTIES LTD**

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## **1. Introduction**

- 1.1 These submissions respond to the supplementary evidence of Council - and certain issues of process. The submissions do not cover earlier evidence of the Council - except where this is unavoidable due to Council's expert's repeating their earlier assertions.
- 1.2 Due to supplementary evidence being made available on Christmas Eve there has been insufficient time to obtain any further expert evidence in rebuttal.
- 1.3 The conferencing directed by the Commissioners was apparently only intended by Council advisors to seek to settle "minor points of disagreement" (see letter of 2 December attached) and there was therefore no point in seeking to conference on any matters of substance.

## **2.0 Rationale for PC50**

- 2.1 In supplementary evidence My Kyle (paragraph 31) states "..... fundamental zoning questions such as this one should adopt a much longer perspective (in the order of 50 years)".

However he does not explain anywhere how his vision or long term perspective for the future of Queenstown CBD can be wisely or properly developed in a plan change, which has been so hastily promoted and driven.

- 2.2 On reflection there is notable contradiction within the Council approach to PC50 between:

a) a long term zoning proposal steering the CBD in a certain direction has been bundled with a convention centre project. The importance of the latter to the former has been denied. Those supportive of the convention centre have naturally hesitated to express concerns or criticisms of the new CBD zone because of this linkage.

b) The proposed convention centre may well not proceed - what then?

- 2.3 The CEO of Council is on public record as stating that the Council intend to use the convention centre "catalyst" for the CBD expansion and that it would be illogical to create "an island" of Council owned land for a convention centre without adding the "links" to the CBD.

The “catalyst” may well never exist and an “island” would then be the most likely outcome.

2.4 Mr Kyle in his supplementary evidence appears to be expressing a different rationale (in paragraph 31): “a failure to take such a long term view in the context of the growth that Queenstown has and continues to experience would inevitably mean that land located around the established town centre will be developed for other purposes, and opportunities to provide for a town centre with a more diversified range of core functions would likely be foreclosed”.

2.5 No mention of “islands” or “links” but the far more serious sounding foreclosure of “diversified core functions”.

Putting to one side the planner-speak, this statement has no credible foundation whatsoever and illustrates the paucity of a coherent planning rationale for PC50.

2.6 The CEO of the Council also publicly stated that PC50 needed to “move ahead” of the District Plan Review (to be published in May 2015) to avoid the convention centre becoming “caught up in the delays” of the Plan Change.

2.7 Thus, speed to establish a resource consent baseline for the centre appears to be the main rationale for PC50. In addition there may be perceived financial gains for Council derived from rezoning a large area of its own land for a broader range of uses - regardless of whether or not a convention centre is viable.

There is obviously nothing inherently wrong with Council managing its public land in a fiscally responsible manner. But it is somewhat ironic that no private plan change would ever obtain approval on the basis of a speculative major project as an anchor or catalyst.

2.8 The undue haste may have resulted from the regulatory and land owner roles of Council having become crossed. The potential conflict of interest in this situation requires special care and attention with regard to the regulatory function rather than the hasty process the Council has driven.

2.9 There are issues of fairness, which arise from the undue haste, which there is little point in repeating - except to note that a plan change of this magnitude and significance should have been undertaken with utmost care, depth of analysis, and fairness on the part of

Council. The opposite has been the case - despite the plethora of independent experts and the procedural trappings of so-called conferencing.

### **3.0 Transport issues**

- 3.1 The key points raised in the evidence of Mr Tim Kelley have not been adequately answered in the supplementary evidence of Mr McKenzie. In particular the key assumptions of transport modelling have not been tested or subject to peer review.
- 3.2 In the supplementary evidence of Mr Kyle and Mr McKenzie they emphasise the requirement on each individual development to prepare an “integrated transport assessment”. This is to include a “comprehensive travel plan” in order to show how transport impacts related to the activity would be managed.
- 3.3 This means the potential effects of each application are considered at the individual rather than the collective level. It also places responsibility on the applicant for each individual development to assess travel demands - rather than at a town-wide level. In addition how will such plans be monitored and/or enforced. What action would be taken if traffic and parking demands are greater than forecast in individual assessments.
- 3.4 As Mr Kelley noted, current modelling shows congestion in the current town centre area without any new development - presumably any individual assessment would struggle to demonstrate that a specific development would not aggravate the situation.
- 3.5 The forthcoming transport plan for Queenstown will presumably include properly structured strategies to deal with the consequences associated with additional traffic activity and parking demands. However the current speed of PC50 means that decisions are sought before any broader future transport plan or strategy is available - even though these broader strategies are imminent.

### **4.0 Summary**

- 4.1 PC50 is a hasty and ill advised way to provide a planning framework for a convention centre which may or may not happen.
- 4.2 Given the upcoming plan review and Transport Plan, further consideration of PC50 should be adjourned pending the availability of far more in-depth evaluation and information.

- 4.3 The magnitude and scale of implications of PC50 for central Queenstown's future require care to ensure that the scale of any mistakes are reasonably and readily absorbed or managed in the future. There is no real basis for the current urgency. We are not in earthquake recovery mode, nor is there a tangible threat to Queenstown's economic future, which warrants such a risky and hastily driven zoning proposal.

1 December 2014

Julia Chalmers  
Queenstown Lakes District Council  
Private Bag 50072  
**QUEENSTOWN 9348**

**By email:** Julia.Chalmers@qldc.govt.nz

Dear Julia

**PLAN CHANGE 50**

Thank you for your note in relation to conferencing.

We have now discussed this with our client, Memorial Property Ltd, and have received instructions.

The benefits of conferencing are recognised as constructive and suitable for potentially resolving a range of issues in which there is disagreement. However, as it stands we are far from sure that our client's issues can be addressed by the conferencing proposed.

Our clients concerns go to:

1. The overall justification for the Plan Change - particularly with respect to the District Plan Review process. There appears to be no convincing justification for Plan Change 50, or any careful consideration of alternatives.
2. The potential adverse effects of a plan change of the proposed scale of Plan change 50 on both the amenity and viability of the existing CBD. In particular the adverse effects of additional traffic and parking created by Plan change 50 zoning.

Our client's fundamental concern is that neither (1) nor (2) have been addressed in evidence of the depth that would normally be expected for a plan change of such long term importance to the future of the Queenstown. It is important that additional information is available at conferencing to cover these issues. The additional relevant information would include:

- Projected town centre commercial (retail and office) demand over time;

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- The amount of retail and office development opportunities in the existing town centre;
- The future timeframe for which the overall Town Centre Zoning is intended to provide;
- Traffic modelling that covers that timeframe, including:
  - agreed assumptions on travel behaviour;
  - agreed assumptions on a feasible range of land use scenarios;
  - agreed assumptions on realistic upgrades to the road network, public car parking and investment in public transport infrastructure;
  - a peer review and sensitivity testing.

Without this information we consider that it will be difficult or impossible for experts and submitters to reasonably agree on how much rezoning should occur, when and how. The Council's proposed amended Plan Change 50 provisions and the agenda do not indicate an intention to deal with these matters in an integrated manner.

In the absence of such information there would seem to be little to be gained (including our client incurring further expense) addressing matters that will inevitably be incapable of resolution within the time frame proposed.

Our client would be happy to partake in conferencing over a longer timeframe than currently contemplated with the benefit of the information on the matters above and would be happy to discuss ways of developing the further information required.

Our client is reluctant to commit further resources to conferencing without clarity as to the above points.

Yours faithfully

**ATKINS HOLM MAJUREY**



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2 December 2014

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Mike Holm  
Atkins Holm Majurey Limited

Dear Mike

**Plan Change 50 conference**

We refer to your letter to Julia Chalmers yesterday. The Committee's direction to us came about during questioning of Mr Munro, a witness for Brecon Street Partnership. The Chair of the Committee observed during those questions that many submitters were generally in agreement with the plan change, and that he thought that the parties were not very far apart on a range of matters. He asked that the Council consider its position in relation to those matters and engage with such of the submitters as wished to be included with a view to seeing whether particular points where the parties were not far apart could be resolved and agreed.

Pursuant to that direction, the Council considered its position in relation to a range of matters and either adopted the changes sought by submitters or made some movement towards those requests. That is the version of the plan change rules that were attached to Ms Chalmers' email to submitters last week. Council has also arranged the conferencing session to enable discussion of those amendments and you have seen the agenda proposed. We hope that the scheduling of various topics will enable parties to attend matters that are of key concern to them in a time efficient manner.

The two matters that you set out as your client's concern go to the heart of the plan change. We understand that your client's position is different to that of the Council. We do not think that this matter can be resolved through conferencing and it is not one of the matters identified by the Judge where submitters are generally in agreement with the plan change and there are only small matters of detail between Council and the submitter.

It is not appropriate for substantial additional information to be generated outside of the public hearing process. The Council's case has been presented, as has your client's. As set out above, it is the minor points of disagreement that we wish to resolve at the meetings next week. If these smaller matters are not of interest to your client then there is no need for their representatives to attend.

Yours faithfully  
**Meredith Connell**

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