

BEFORE THE QUEENSTOWN LAKES DISTRICT COUNCIL HEARINGS PANEL

UNDER

the Resource Management Act 1991

IN THE MATTER

of the review of parts of the Queenstown Lakes District Council's District Plan under the First Schedule of the Act

AND

IN THE MATTER

of submissions and further submissions by
REMARKABLES PARK LIMITED and
QUEENSTOWN PARK LIMITED

**STATEMENT OF EVIDENCE OF TIMOTHY TURLEY WILLIAMS ON BEHALF OF
REMARKABLES PARK LIMITED AND QUEENSTOWN PARK LIMITED**

(PLANNING)

**HEARING STREAM 15, CHAPTER 25 (EARTHWORKS), CHAPTER 29 (TRANSPORT),
CHAPTER 38 (OPEN SPACE AND RECREATION)**

6 August 2018

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TABLE OF CONTENTS

1.	QUALIFICATIONS AND EXPERIENCE.....	3
2.	CODE OF CONDUCT.....	3
3.	SUMMARY.....	3
4.	INTRODUCTION.....	4
5.	CHAPTER 25 (EARTHWORKS).....	4
6.	CHAPTER 29 (TRANSPORT).....	8
7.	CHAPTER 38 (OPEN SPACE AND RECREATION).....	14

1. QUALIFICATIONS AND EXPERIENCE

- 1.1 My name is Timothy Williams. I hold the qualifications of Bachelor of Resource Studies from Lincoln University and Masters of Urban Design and Development with Distinction from the University of New South Wales. I reside in Queenstown.
- 1.2 I have practiced in the planning and urban design fields since 2003. I am currently employed by Remarkables Park Limited (**RPL**) as Project Design and Planning Manager. I have been employed in this role since November 2016.
- 1.3 My experience includes a mix of local authority and consultancy planning and urban design work. Of particular relevance to matters pertaining to Stream 15 I have been involved in various changes to Earthworks rules, including for QLDC in relation to the variations to the District Plan that first introduced earthworks controls. In terms of transport matters I have been involved in variety of high density and commercial developments and subdivision applications where parking controls and transport provisions have been a particular focus.

2. CODE OF CONDUCT

- 2.1 As I am an employee of RPL, I am unable to comply with the Code of Conduct for expert witnesses contained in the Environment Court Practice Note. However, I have prepared this evidence with reference to it. I confirm that I have read the Code of Conduct for expert witnesses contained in the Environment Court Practice Note. I confirm that I have considered all the material facts that I am aware of that might alter or detract from the opinions I express. In particular, unless I state otherwise, this evidence is within the scope of expertise and I have not omitted to consider material facts known to me that might alter or detract from the opinions I express.

3. SUMMARY

- 3.1 My main conclusions are as follows:
- (a) I suggest refinement of several Objectives and Policies in Chapter 25 (Earthworks) to reflect the principle of managing adverse effects rather than minimising them given that earthworks effects are typically temporary in nature with environmental effects that can be mitigated or remedied.

- (b) I support the enabling policy framework associated with farming and in particular for maintenance and improvement of track access and fencing. However, I suggest changes to rules to better reflect this policy direction.
- (c) I support the policy direction adopted in Chapter 29 (Transport) and reduction in Minimum Parking Ratios (**MPR**) however I consider this should apply to guest room type accommodation.
- (d) I consider provision of on-street parking ratios should form part of and be addressed as part of an integrated solution in Chapter 29 rather than left to an external document.
- (e) I have suggested an amendment to the definition of Public Water Ferry Service.
- (f) I consider the Council owned land on the lower Shotover Delta should be zoned Active Sport and Recreation rather than Informal Recreation.

4. INTRODUCTION

4.1 Queenstown Park Limited (**QPL**)¹ and RPL² both lodged submissions relating to matters relevant to this hearing.

4.2 Having reviewed the s42A Reports prepared by the Council officers my brief of evidence addresses the following matters:

- a) Chapter 25 (Earthworks)
- b) Chapter 29 (Transport)
- c) Chapter 38 (Open Space and Recreation)

5. CHAPTER 25 (EARTHWORKS)

Objectives and Polices

5.1 Objective 25.2.1, as recommended by Mr Wyeth states:

Objective – Earthworks are undertaken in a manner that minimises adverse effects on the environment, protects people and communities, and maintains landscape and visual amenity values.

¹ Submitter 2462 and Further submitter 2755

² Submitter 2468 & Further submitter 2754

5.2 In my opinion the use of the words *minimise* and *protect* in this objective sets the test too high where *management* better reflects a practical and workable approach to earthworks. For example, remediation or mitigation are appropriate techniques to adopt when considering effects of earthworks and in my opinion the use of the words “minimise” and “protect” potentially foreclose these opportunities. I note that Policy 25.2.1.3 acknowledges this spectrum of management techniques. I accept that in particular circumstances minimising may be the most appropriate approach. However, this is better expressed within the policies to target those particular matters rather than across the board at the objective level.

5.3 Accordingly, I support the following amendment to the objective:

Earthworks are undertaken in a manner that ~~minimises~~ manages adverse effects on the environment, ~~protects~~ people and communities, and maintains landscape and visual amenity values.

5.4 Policy 25.2.1.2 as recommended by Mr Wyeth states:

Manage the adverse effects of earthworks to avoid inappropriate adverse effects and minimise other adverse effects to:

5.5 This policy is followed by a number of sub-policies dealing with specific areas with varying degrees of management of each. I consider this first part of the policy could be better worded to acknowledge the management of adverse effects of earthworks but to then let each of the sub-policies address the particular degree of management.

5.6 Therefore I would support the following amendment:

Manage the adverse effects of earthworks to ~~avoid inappropriate adverse effects~~ and ~~minimise other adverse effects to:~~

5.7 Policies 25.2.1.2 b) relating to amenity values of rural landscapes and g) relating to public access both adopt use of the words “maintain” and “enhance”. In my opinion the use of “enhance” does not fit comfortably with earthworks activity where typically you are looking to manage the potential of earthworks to affect amenity values or public access. For example, if earthworks were proposed near an existing walking track associated with a development, ensuring public access was maintained along

the track would be an appropriate outcome. However, enhancing public access as part of this consideration is unnecessary in my view. A similar management approach is considered applicable to consideration of amenity values in rural landscapes.

- 5.8 Therefore I would support the deletion of *enhance* from Policy 25.2.1.2 b) and g) as follows:

b. Maintain ~~and enhance~~ the amenity values of Rural Landscapes.

d. Maintain ~~and enhance~~ public access to and along lakes and rivers.

Earthworks Rule Exemptions

- 5.9 Maintenance of fence lines and construction of new fence lines is a key component of the farming operation at Queenstown Park and is essential for efficient farming. In this regard I support the policy framework in particular Objective 25.2.2 and Policy d) where it states:

d. enhancing the operational efficiency of farming including maintenance and improvement of track access and fencing;

- 5.10 This is followed through into the rule framework by providing an exemption for construction of fences. However, a 1m cut and width limit are imposed. In my experience, achieving a cut no higher than 1m in association with the formation of a fence line on all but the reasonably flat terrain is difficult if not impossible. Similarly, not exceeding a 1m width is just as difficult. Taking into account the majority of operational farms in QLDC occupy sloping country in particular high country farms these restrictions become particularly unworkable and, in reality, there is no practical or usable exception for tracks and fencing. As such, the rule does not implement objective 25.2.2 or policy d) (set out above).

- 5.11 In addition, having the ability to modify the cut batter angle assists to provide a batter slope that can be revegetated and is less prone to scaring. This is very difficult with a 1m threshold.

- 5.12 In my opinion the key concern is typically the visibility of the fence line, which is largely driven by the height of the cut and length of the cut rather than the width.
- 5.13 From a farm operation perspective, particularly on hill country, the bench formed for the fence needs to be of sufficient width to ensure the stock can't jump over the fence due to the proximity of the fence to the uphill slope of the land. This typically means the bench is made a sufficient width to separate the fence line from the uphill slope. Furthermore, a 1m bench is not a practical width for machinery to create a bench. In my opinion achieving this within a 1m width would be very difficult. Furthermore, given the width of the disturbance for the fence line is not as critical to any visibility I consider the restriction on width of disturbance should be removed.
- 5.14 In terms of a threshold for the height of cut I consider 1m so restrictive as to largely prohibit the construction of new fences using this exemption in which case the general earthworks rules would apply. In my opinion, defaulting to the general earthworks rules for fences would not align with the policy direction provided by Objective 25.2.2 of enabling earthworks for farming and in particular fencing.
- 5.15 Accordingly, in my opinion the 1m cut threshold should be relaxed to ensure some genuine ability exists for new fences to be constructed through this exemption. I consider a max cut of 2m not exceeding an average of 1m along the length of the fence line would be an appropriate approach to ensuring the fencing exemption had some practical and useful application.
- 5.16 As an alternative a Controlled Activity regime for fencing exceeding the exemption thresholds would provide a more certain and appropriate approach to reflect the policy direction and importance of fencing to the continued operation of farms in the district. On this basis the farming operation would have certainty of consent being granted but the Council could impose conditions to manage potential adverse effects. I would support matters of control in terms of revegetation and sediment control.

Assessment Matters

- 5.17 Assessment Matter 25.8.2 d states:

Where applicable due to matters associated with the scale, area, duration of the works or the sensitivity of receiving environment. Whether the proposal is supported

with erosion and sediment management design by a suitably qualified person. In particular where resource consent is required for non-compliance with Rule 25.5.11.

- 5.18 QPL in its submission sought that the requirement for the design to be prepared by a suitably qualified person only apply to large scale earthworks i.e those triggering Rule 25.5.11.
- 5.19 I support the implementation of erosion and sediment management. However, requiring that the design needs to be prepared by a suitably qualified person in all cases does not reflect the varying scale of potential earthworks that may trigger the maximum volumes in each zone. In my experience the use of guidelines and the adoption of these for smaller scale earthworks can be an appropriate approach.
- 5.20 Therefore in my opinion the assessment matter could be re-worded to ensure erosion and sediment design is submitted for any earthworks, but more complex and large-scale earthworks require a design prepared by a suitably qualified person given the additional cost of engaging an expert involves.
- 5.21 I would support the following amendments to this assessment matter:

Whether the proposal is supported by an erosion and sediment management design. Where applicable due to matters associated with the scale, area, duration of the works or the sensitivity of receiving environment ~~Whether the proposal is supported with erosion and sediment management design by a suitably qualified person. in particular where resource consent is required for non-compliance with Rule 25.5.11 this design is prepared by a suitably qualified person.~~

6. CHAPTER 29 (TRANSPORT)

- 6.1 Policy 29.2.2.4 states:

Enable some of the parking required for residential and visitor accommodation activities to be provided off-site provided it is located in close proximity to the activity and is secured through legal agreements.

- 6.2 I support this policy but consider provision of off-site parking is equally applicable to commercial activities and therefore this policy should be amended as follows:

Enable some of the parking required for residential, commercial and visitor accommodation activities to be provided off-site provided it is located in close proximity to the activity and is secured through legal agreements.

6.3 Policy 29.2.2.5 as proposed in the s42a report states:

Enable a reduction in the minimum number of car parking spaces required only where:

a. There will be positive or only minor adverse effects on the function of the surrounding transport network and amenity of the surrounding environment will not be adversely affected; and/ or

b. there is good accessibility by active and/ or public transport and the activity is designed to encourage public and/ or active transport use and projected demand can be demonstrated to be lower than the minimum required by the rules ; and/ or

c. the characteristics of the activity or the site justify less parking and projected demand can be demonstrated to be lower than the minimum required by the rules and/ or

d. there is an ability for shared or reciprocal parking arrangements to meet on-site car parking demands at all times and demand can be demonstrated to be lower than the minimum required by the rules

6.4 In my opinion, provision of onsite parking can have negative impacts on design outcomes and potential density. Given this objective seeks to ensure parking assists to achieve a quality of urban design anticipated in the zone, the policy should include recognition of the potential design benefits and potential to realise anticipated density through a reduction in parking requirements. Therefore, I consider an additional matter should be added to this policy to ensure potential improved design outcomes and achieving higher densities is a factor taken into account when considering reduction in parking numbers.

6.5 The following wording is proposed in this regard:

e. there will be positive design outcomes and/or opportunity for landscaping onsite or the reduction will assist in achieving anticipated higher densities within the zone

Minimum Parking Ratios (MPRs)

6.6 I support the general approach of the chapter in seeking to be cognisant of the potential cost of parking supply and seeking to reduce parking requirements. In this respect I concur with Mr Crosswell and his conclusion where he states:

The proposed accessory parking provisions in the PDP are likely to have significant positive economic and transport impacts where they remove or reduce the minimum parking requirements applied to new developments, change-of-use developments, or redevelopments as compared to the ODP (status quo);³

6.7 However, in my view it would appear the focus has not extended to guest room type visitor accommodation. The parking ratios (although proposed to be reduced when compared to the ODP for residential activity for example) remain unchanged for visitor accommodation guest room type.

6.8 In my view, a reduction in availability of parking, being an important factor influencing people's decision to drive including hiring of rental cars and the corresponding reduction in traffic congestion over time, is equally relevant to guest room type accommodation.

6.9 From a design perspective in my experience the parking requirements for guest room type accommodation (e.g Hotels) has a fundamental influence on the overall design, appearance and density of development. Looking to reduce parking requirements for such activities would improve opportunities to increase density of development and in my opinion lead to improved urban design outcomes where an increased density of development assists to support public transport and other non car based modes of transport.

6.10 As discussed above I support the general approach to reducing MPRs in zones where higher densities are sought given the cost associated with providing parking on-site, the impact providing parking has on potential design and the failure to encourage the use of public transport.

6.11 The technical advice provided to QLDC approached this by identifying two categories. Category 1 are the zones where higher density, amenity, mixed use

³ Statement of Evidence Stuart John Crosswell para 5.4 (a) pg 6

development etc are anticipated and it was recommended that parking minimums were not appropriate or should be significantly reduced for Category 1 zones⁴.

- 6.12 Taking into account this policy approach, which I support, I consider this approach to MPR reduction is equally relevant to guest room type visitor accommodation.
- 6.13 Therefore, in my opinion rather than rolling over the operative parking requirements for guest room type visitor accommodation I consider a reduced MPR should be provided. I note the addition of High Traffic Generating Activities (**HTGA**) may provide the opportunity to consider reduced onsite parking requirements for these activities but only when there are more than 150 rooms. In my opinion, a reduction should be provided for all guest room type accommodation in line with the general policy direction to reduce MPRs.
- 6.14 In this regard I would support a flat ratio of 1 car park per 5 guest rooms as a method for applying a reduction in MPRs to guest room type accommodation. This is instead of having the current two-step ratio of 1 car park per 3 guest rooms up to 60 guest rooms and thereafter 1 per 5 guest rooms.
- 6.15 I support the change in wording to the bus-parking requirements making it clear this only applies after a threshold is met. I note however that High Density Residential and Medium Density Residential Zone requirements (Rule 29.9.10) for unit type visitor accommodation still appear to require the coach park regardless of the number of units. I would support this rule being amended to clarify that bus parking is only required after the first 30 units. I note this is the wording in Rule 29.9.14 for unit type visitor accommodation for all other zones. Footnote 4 also implies the requirement is meant to be triggered when over 30 units are provided.

On Street Parking

- 6.16 The s42a report recommends removing a requirement to comply with the on-street parking requirements specified in the QLDC Code Of Practice (**COP**) from the Chapter 29 rules. However, the issue still remains that the policy direction for on-street parking is being set by the COP which has not had the testing and scrutiny afforded under the Resource Management Act.

⁴ Statement of Evidence Stuart John Crosswell para 6.1 - 6.22 pg 13- 14

- 6.17 In my opinion minimum on-street parking requirements (if necessary) should be considered within the District Plan context so the interrelationship between densities, design, on-site parking and proximity to off-site parking can all be considered together thereby ensuring a consistent policy and regulatory approach to parking in a holistic manner.
- 6.18 Leaving the consideration of on street parking to an external document such as the COP in my view disconnects this component of parking from the wider considerations and policy direction Chapter 29 is trying to support.

“Public Water Ferry Service” Definition

- 6.19 I support the principle as reiterated in the technical note provided by Ms Davis that ferry services will provide an important contribution to Public Transport in Queenstown. I also support having a more enabling regime for water ferry services that fulfil a Public Transport role. In this respect I support the restricted discretionary activity status for Public Water Ferry Services (**PWFS**). However I consider refinement of the definition of PWFS is warranted.
- 6.20 I note Ms Davis provided the following commentary in terms of the distinguishing characteristics of PWFS:

It should be noted that where Water Taxis operate scheduled passenger transport water services on a fixed route/times basis for the general public (although there is some issue under current national transport operations acts with the use of the word ‘taxi’ in the service branding and offering) and, where they may seek to expand/amend operations for this type of service, their application for consent would be assessed by Council under the notified PDP terms/rules of ‘Restricted Discretionary’⁵.

- 6.21 I have taken from this point that the key matter is providing a route/time table which I can understand then makes the particular service more convenient and therefore likely to support use by the general public as a mode of transport to get from A to B. However, the proposed definition of PWFS provides for specific exclusions in particular:

⁵ MRCagney - Chapter 29 Transport – Response to Public Water Transport Submissions prepared by Ms Davies pg7

'is operated for the sole or primary purpose of tourism'

- 6.22 In my opinion it is highly likely any public ferry service operated in Queenstown will carry tourists (either solely or primarily) and given the amenity of the surrounding environment, a ferry ride may well be an activity that some choose to do for sightseeing purposes (or for both transport and sightseeing).
- 6.23 I agree the key distinguishing factor of a PWFS is its frequency and consistency of route. However, in my view the purpose and relationship to tourism is unnecessary and could create complications for compliance and interpretation of this definition in the future (especially in the case of a ferry stop that is associated with a hotel development such as the Hilton Hotel at Kawarau Falls for example). Further, I would expect the transporting local residents would be beneficial from the perspective of reducing car use.
- 6.24 Therefore in my opinion given the body of the definition makes it clear the ferry service must be available to the public generally and is operated to a regular schedule it is not necessary, and complicates matters, to include the third bullet point of the definition. Therefore, I consider this point should be deleted from the definition so it reads as follows:

Means a ferry service for the carriage of passengers for hire or reward, which is available to the public generally and is operated to a regular schedule, but does not include any such service that:

- is contracted or funded by the Ministry of Education for the sole or primary purpose of transporting school children to and from school; or*
- is operated for the sole or primary purpose of transporting passengers to or from a predetermined event; ~~or~~*
- ~~is operated for the sole or primary purpose of tourism.~~*

The definition is limited to that part of the ferry service that occurs on the surface of the water and excludes any associated activity-that occurs on land or on a structure attached to land, including the lake bed.

7. CHAPTER 38 (OPEN SPACE AND RECREATION)

Lower Shotover Delta

- 7.1 As identified in submissions by RPL, zoning of this land for open space and recreation is supported. However, it is considered this area of Council owned land should be zoned Active Sport and Recreation rather than Informal Recreation.
- 7.2 In my opinion the site is strategically located within the Frankton environs and although under utilised at present provides a significant opportunity to contribute to sports fields or similar activities in the future.
- 7.3 The area in question is being operated as a fill site at present (RM170763) which at the completion of the fill operation will provide a flat area of land which would provide flexibility for a number of sports field or other active recreation uses. The area is also sheltered from prevailing winds and the general amenity of the area is significantly improving with various works associated with Project Shotover. Taking into account planned upgrades of the Tucker Beach intersection and trail connectivity in the area the site will become increasingly connected to the urban environment around it.
- 7.4 In my opinion just because the site is not utilised for sport and recreation purposes at present should not be the factor that determines its future use. Planning for various recreational opportunities not just now but for the future is in my opinion a sensible approach to open space and recreation planning. I consider this approach to planning of reserves is also supported by the policy framework and in particular the focus on the needs of the community.⁶
- 7.5 Therefore, I would support this land being zoned for Active Sport and Recreation rather than Informal Recreation.

Timothy Turley Williams

6 August 2018

⁶ Chapter 38 – Objective 38.2.1 Policy 38.2.1.1 a
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