

**QLDC Council
8 November 2017**

Report for Agenda Item: 1

Department: Planning & Development

Stage 2 Proposed District Plan Notification - Transport

Purpose

- 1 The purpose of this report is to present parts of Stage 2 of the Proposed District Plan (PDP) addressing Transport for Council's approval to proceed to statutory public notification. The material presented includes a new chapter, Chapter 29 Transport, and consequential variations to a number of chapters previously notified as part of Stage 1 of the district plan review.
- 2 References to "Stage 2" of the PDP in this report refer to both the introduction of new chapters and provisions into the PDP and to proposed variations to existing parts of the PDP introduced with Stage 1 of the district plan review.

Recommendation

That Council:

1. **Note** the contents of this report.
2. Having particular regard to the section 32 evaluation reports, **approve** pursuant to section 79(1) and clause 5 of the First Schedule of the Resource Management Act 1991 the Stage 2 provisions of the Queenstown Lakes District Council Proposed District Plan 2015 for notification:
 - a) Chapter 29 Transport;and
 - b) New definitions in Chapter 2 Definitions, in relation to Park and ride, Accessory car parks, Active Transport network, Balcony, Elderly care home, Large format retail, Mobility parking space, Motor vehicle repair and servicing, Non-accessory parking, Offsite parking, Staff, Public amenities, Public transport facility, Transport infrastructure, Transport network, Unformed road, Public water ferry service.
3. Having particular regard to the section 32 evaluation reports, **approve** pursuant to clauses 5 and 16A of the First Schedule of the Resource Management Act 1991 the following variations to the Stage 1 provisions of the Queenstown Lakes District Council Proposed District Plan 2015 for notification:
 - a) Changes to Planning Maps 1-41 (inclusive) varying the spatial extent of Stage 1 zones as a consequence of new roads having been

created or existing roads having been stopped since the planning maps were notified;

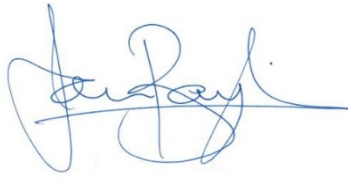
- b) Changes to Chapter 2 Definitions in relation to Park and ride areas;
- c) Changes to Chapter 9 High Density Residential Zone, Rule 9.2.6.7 addressing reductions in parking requirements close to bus stops and the town centre zone;
- d) Changes to Chapter 12 Queenstown Town Centre Zone, addressing the provision of public water ferry services;
- e) Changes to Chapter 21 Rural, addressing the provision of public water ferry services;
- f) Changes to Chapter 37 Designations
 - i. removing from Rule 37.2 Schedule of Designations, text deeming all roads to be designated;
 - ii. removing Rule A.1 Stopped Roads, text requiring rezoning of stopped roads to zones.

4. **Authorise** the Manager Planning Policy to:

- a) make minor edits and changes to the chapters, maps and section 32 reports to improve clarity and correct errors and to notify Stage 2 of the Queenstown Lakes District Council Proposed District Plan 2015 in accordance with clause 5 of the First Schedule of the Resource Management Act 1991
and
- b) notify Stage 2 of the Queenstown Lakes District Council Proposed District Plan 2015 in accordance with clause 5 of the First Schedule of the Resource Management Act 1991 from 23 November 2017 for a period of 50 working days.

- 5. **Note** that a detailed table of changes to parcels and properties affected by updating new roading data into the Planning Maps will be notified along with the new maps.
- 6. **Note** that the (Stage 2) Planning Maps contain all the changes applicable to notification of Stage 2 of the Proposed District Plan including the Wakatipu Basin Variation, Open Space and Recreation Zones, Visitor Accommodation Sub-zones and roads applicable to the Transport Chapter.
- 7. **Note** the zones and mapping notations notified in Stage 1 that are not amended by the Stage 2 changes remain part of the Proposed District Plan.

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30/10/2017

Reviewed and Authorised by:



Tony Avery
General Manager Planning
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31/10/2017

Background

- 3 The Proposed District Plan (PDP) was notified on 26 August 2015 as a staged review, commencing with the areas most urgently requiring attention and delivering most immediate benefit contained in Stage 1 (see attachment 1 Proposed for details).
- 4 Stage 1 of the review commenced with 30 key chapters including the strategic direction and landscape, residential, rural and commercial zones, designations and maps. Transport has been one of the most notable omissions from Stage 1. Matters raised in submissions have been considered at a series of 13 hearings the last of which was completed in September 2017.
- 5 Recommendations from the Independent Hearings Panel on the Stage 1 provisions are expected in February/March of 2018, which will allow Council to issue decisions in the first or second quarter of 2018.
- 6 In the mean-time a number of changes have been made to the Operative District Plan (ODP) which have not been duplicated in the Proposed District Plan¹. Council instead agreed on 29 September 2016, to separate the new plan conceptually and by geographic area into two volumes, which at the end of the staged review process will contain:
 - **Volume A**, the geographic areas that have been notified into the PDP, and District Wide chapters to cover these areas, including the strategic chapters and PDP definitions; and
 - **Volume B**, the ODP as it relates to geographic areas that are excluded from the partial review, and the operative district wide chapters to cover these areas, including ODP definitions.
- 7 The intent of this conceptual two-volume approach is to manage areas of land within the District that were subject to a plan change since the Proposed District

¹ Plan Change 51 Peninsula Bay North; Plan Change 50 - Queenstown Town Centre Zone Extension; Plan Change 46 Ballantyne Road Industrial and Residential Extension; Plan Change 45 – Northlake; Plan Change 44 – Hanley Downs;; Plan Change 41 Shotover Country; Plan Change 34 – Remarkables Park; Plan Change 19 – Frankton Flats B.

Plan was notified in August 2015. As PDP provisions become operative the equivalent provisions in Volume B will cease to apply for that land².

Monitoring and the Need for Review

- 8 The District Plan Monitoring Report Section 14: Transport (2012) identified the following general issues with the operative Transport Chapter:
- a) the rules are frequently not efficient or effective in practice;
 - b) the provisions do not align with the Council's Code of Practice, NZ standards, or best practice or align with the Council's transportation strategies, which focus on encouraging an integrated transportation network that caters for cycling, walking, public transport, and private vehicles;
 - c) there are issues with some specific parking provisions, the design of access points, off street manoeuvring space, vehicle crossings, pedestrian safety, surfaces, the design and provision of street lighting;
 - d) the Road Hierarchy and Traffic Design Standards and designation status need to be updated.
- 9 On the basis of the above report and further work undertaken as part of a 2017 review (as detailed in the attached section 32 analysis), the operative Transport Chapter is not considered to be the most appropriate way of achieving the purpose of the RMA.
- 10 Council have informally considered the substantive matters addressed in these proposed provisions through a series of workshops and elected member briefings have been held on the draft chapters and provisions. This paper brings these matters together for Council's final approval.

Comment

Consultation for the Transport Chapter Review

- 11 The development of the Transport chapter has built on previous public consultation undertaken to develop many of transport strategies and business cases that have fed into this report listed in paragraph 44 of this report. In addition to this:
- a meeting was held with private sector traffic engineers to understand key concerns with and ideas for improving the ODP provisions and to gather ideas for the new chapter;
 - transport related submissions on Stage 1 of the District Plan review were consolidated and considered;
 - an 'all of council' internal project team was established and several meetings were held;

² Volume B chapters (including district-wide operative chapters) will however remain in the district plan where they apply to provisions not being reviewed such as Remarkables Park Zone the Queenstown Town Centre extension and Frankton Flats B.

- two meetings were held with New Zealand Transport Agency, comments were exchanged on the draft chapter and discussed;
 - written communication was sent to the Otago Regional Council and comments were exchanged in relation to public ferry services; and
 - written communication was sent to Iwi authorities.
- 12 Other statutory agencies (the Minister for the Environment and neighbouring district councils) have all been consulted on these proposed changes, provided with information and offers have been made to meet and discuss the proposals further.
- 13 Any feedback received from statutory agencies after the close of the agenda item will be tabled on 8 November along with any changes that may result from this feedback.

Proposed Provisions – Transport

- 14 The quality of the environment and the well-being of people and communities (including the economy) are affected by choices about the management of transport activities, the development of quality street networks and highway infrastructure, traffic management and providing for a range of transport modes.
- 15 Transport activities can be an activity in their own right (e.g. a public transport facility) or are often an integral part of land use, subdivision, and development (e.g. the provision of onsite parking and access). In both instances, they can have adverse effects on the transport network, mobility options, landscape, nature conservation values and amenity values in both rural and urban locations that need to be managed in order to promote the sustainable management of natural and physical resources.
- 16 An evaluation report prepared under section 32 of the RMA accompanies the chapter (see **Attachment 1** – Section 32 Evaluation). This evaluation has helped determine the appropriateness of objectives to achieve the purpose of the RMA in light of the issues. It identifies the following as key issues:
- Issue 1 - Increasing road congestion and reduced liveability, amenity, and quality of living.
 - Issue 2 - Roads that are not laid out or designed in a manner that provide for all modes of transport and do not necessarily provide a quality of urban design appropriate to the location.
 - Issue 3 - The transport network and parking provisions prioritise travel by private vehicle with considerably less emphasis on alternative modes of travel..
 - Issue 4 - Localised congestion, safety, and amenity issues in discrete instances due to inadequate parking, access, and loading space being provided onsite.
 - Issue 5 – In some instances, on-site parking requirements and zoning contribute to unaffordable housing through increased development costs and

reduced developable area; and enable dispersal of employment, commercial, and community activities.

17 The section 32 evaluation report for this chapter considers whether the proposed provisions are the most appropriate way to achieve the relevant objectives. The proposed policies, rules and other methods are examined for their costs, benefits, efficiency, effectiveness and risk in terms of achieving the objectives, and a range of alternative approaches and methods are considered.

18 The report concludes that the proposed Transport Chapter (see Attachment 2) will assist the Council to fulfil its statutory functions and responsibilities through the following objectives, and associated policies and rules:

- Objectives that promote
 - i. an integrated, safe, and efficient transport network:
 - for all transport modes
 - future growth needs and continued economic development
 - public and active transport and reducing private motor vehicle dependence
 - addressing the effects on climate change; and
 - reducing the impacts of vehicles on the Town Centre Zones;
 - ii. parking, loading, access, and onsite manoeuvring that
 - are consistent with the character, scale, intensity, and location of the zone
 - address safety and efficiency, compact urban growth, economic development, facilitate walking and cycling and achieve appropriate levels of urban design;
 - iii. roads that facilitate continued growth and safe and efficient road use for all users and modes while supporting the aims of adjoining zones;
 - iv. an integrated approach to subdivision, land use and transport supporting active and public transport, reducing traffic generation, and managing transport effects.
- Policies that explain how the objectives will be achieved in practice and address the issues identified above.
- Rules designed to be the best reasonably practicable options for achieving the objectives.

19 This District Wide Transport Chapter applies to all land notified in Stage 1³ of the Proposed District Plan on 26 August 2015, and all additional land notified in Stage 2. This land collectively forms the geographic area currently subject to Volume A of the District Plan.

³ With the exception of land formally withdrawn from the PDP (Plan Change 50 Queenstown Town Centre extension, Plan Change 41 Peninsula Bay North, Plan Change 45 Northlake Special Zone, Plan Change 46 Ballantyne Road Industrial and Residential extension).

20 The proposed Transport Chapter results in a consequential need to notify a variation to Stage 1 PDP provisions, located in the following Stage 1 chapters:

- a) New definitions and amended definitions in Chapter 2 Definitions, in relation to Park and ride, Accessory car parks, Active Transport network, Balcony, Elderly care home, Large format retail, Mobility parking space, Motor vehicle repair and servicing, Non-accessory parking, Offsite parking, Staff, Public amenities, Public transport facility, Transport infrastructure, Transport network, Unformed road, Public water ferry service;
- b) Chapter 9 High Density Residential Zone, Rule 9.2.6.7 addressing reductions in parking requirements close to bus stops and the town centre zone;
- c) Chapter 12 Queenstown Town Centre Zone Rule 12.2.5.7 addressing the provision of public water ferry services;
- d) Chapter 21 Rural Zone, Rule 21.5.43A addressing the provision of public water ferry services;
- e) Chapter 37 Designations
 - i. removing from Rule 37.2 Schedule of Designations, text deeming all roads to be designated;
 - ii. removing Rule A.1 Stopped Roads, text requiring rezoning of stopped roads to zones.

21 New roads have been created and existing roads having been stopped since the Stage 1 planning maps were notified in August 2015 and updating these changes requires varying Planning Maps 1-41 and in some cases amends the spatial extent of Stage 1 zones. A detailed table of changes to parcels and properties affected by updating new roading data into the Planning Maps will be notified along with the new maps.

22 The Operative Transport chapter has been used as a base for the proposed Stage 2 PDP Transport provisions and the key changes that are recommended are as follows:

- a) Replace the rule deeming all roads to be designated with a rule whereby all land (including vested, formed and unformed roads) that meets the definition of a "road" (as defined under the Local Government Act 1973) is identified as a road but is not zoned.
- b) Apply a simplified version of the One Network Road Classifications (not including the specific classifications of the State Highways) to provide an up to date road network classification of roads within the District Plan. The updated classification distinguishes between State Highways, Arterial Roads, Collector Roads and Local Roads for the purpose of applying rules for access design and location.
- c) Buildings within roads associated with transport infrastructure and public amenities are permitted but require buildings that don't comply with the standards relating to height and location in adjoining zones subject to a restricted discretionary consent.

- d) New policies and rules supporting water-based public ferry services and associated public transport facilities.
- e) Permit walking and cycling trails, bicycle parking, and bus shelters but require restricted discretionary consent for park and ride, bus interchanges and other transport network activities.
- f) Reduce on-site minimum parking requirements below what is currently required in those areas that are most accessible to other modes of travel and for residential flats.
- g) Amendments to the rules managing accesses, loading and parking to reflect best practice, duplicate current technical standards where appropriate and include reference to other documents in assessment matters, indicating that failure to meet the rule may be acceptable provided relevant national standards are complied with.
- h) Requiring a restricted discretionary consent for all High Traffic Generating Activities to mitigate effects of traffic generation through integrated design, improvements to active and public transport infrastructure, employing travel plans and implementing travel demand management.
- i) Requiring a restricted discretionary consent for rental vehicle activities in all zones where commercial activities (including retail activities) are permitted.

Legal effect of these decisions

- 23 As the proposed provisions proceed through the review process from notification, to decisions on submissions, to resolution of any appeals, to being made operative, the legal effect of those provisions will change.
- 24 Following notification, an application for consent on land affected by the Stage 2 provisions, will need to be assessed considering all relevant Operative District Plan (ODP) provisions, and the Stage 1 and 2 PDP objectives policies and definitions can also be considered. If no submissions are made on a PDP rule, it must be treated as operative and any previous rules must be treated as inoperative after the close of submissions. For all rules except those in the following paragraph, the proposed Stage 1 and 2 rules will have legal effect when a decision on submissions relating to the rules is publically notified.
- 25 Under section 86B(3) of the RMA a number of the Stage 2 provisions will take immediate legal effect including all rules that protect or relate to water, air, or soil (for soil conservation) and these are as follows:
- a) Proposed Rule 21.5.43A Public water ferry services within the Rural chapter. This rule sets out the restricted discretionary activity status and matters of discretion.
 - b) Proposed Rule 12.2.5.7 Provide for public water ferry services within the Queenstown Town Centre Waterfront Subzone within the Queenstown Town

Centre Zone. This rule sets out the restricted discretionary activity status and matters of discretion.

Submissions and Hearings

26 A communications plan has been prepared for this Stage 2 phase of the district plan review, which includes (but is not limited to) the following:

- Direct mail out of the public notice and a detailed information brochure to all ratepayers in the district
- Notify a public notice in local papers
- Setting up a dedicated email address which will log all enquiries and responses
- 10 week (50 working days) public submission period from 23 November 2017 - 23 February 2018
- 2 week (10 working day) further submission period in March-April
- Facebook advertising including information videos and fact sheets (also available from the Council website and from Council service centres)
- Notification emails to everyone on the District Plan database (includes around 600 submitters on Stage 1).

27 In addition to the above (apart from during the annual Christmas closedown⁴) members of the council policy team will be available during the submission period to answer enquiries and provide information as well as attend meetings on request.

28 Once the Stage 2 provisions are notified (November 2017), the submission period is 50 working days (10 weeks) concluding on 23 February 2018. Following this submission period, a summary of decisions requested is prepared by staff and a public notice will be made stating the availability of this summary and a period of 10 working days then allows for further submissions to be made.

29 A detailed plan for hearing streams has not yet been confirmed and will depend on the number, extent and content of submissions. In broad terms however, hearings are programmed to occur in the second and third quarter (June – August) of 2018.

Options

30 This report identifies and assesses the following reasonably practicable options for assessing the matter as required by section 77 of the Local Government Act 2002:

31 **Option 1** Approve the PDP (Stage 2) for public notification

Advantages:

⁴ Council is closed between Monday 25 December and Tuesday 2 January 2018 other than for emergency and core essential services.

32 Progresses the PDP, which addresses a number of fundamental shortcomings in the Operative District Plan.

33 Responds to statutory requirements of the Resource Management Act 1991. In particular, Section 79(1) requires local authorities to commence a review of provisions in its District Plan if the provisions have not been the subject of a review or change during the previous 10 years. Many of the provisions in the Operative District Plan have now been operative for more than 10 years. While no explicit specification exists as to timeframes for notification following commencement of a review, the requirement under section 21 to avoid unreasonable delay applies.

Disadvantages:

34 None

Option 2 Not proceed to approve Stage 2 of the PDP for notification (for example to enable more consultation or analysis to occur).

Advantages:

35 Given the breadth of the issues addressed in Stage 2, and the number of potentially interested parties, it is considered unlikely that substantial material progress would result from further pre-notification consultation or discussions such that a delay would be warranted.

36 A large amount of analysis has been undertaken for Stage 2 which builds on the strategic chapters of Stage 1 of the plan review, for which extensive non-statutory consultation occurred prior to and after notification. Submissions on Stage 1 of the plan have also been considered.

37 The public notification process allows for careful and informed consideration of submissions to be undertaken and for the issues raised to be addressed in a managed and transparent process.

Disadvantages:

38 Would unnecessarily delay progression of the PDP. Further, it would delay the introduction of parts of the PDP that are considered necessary to have a well-functioning and integrated PDP.

39 This report recommends **Option 1** for addressing the matter.

Significance and Engagement

40 This matter is of high significance, as determined by reference to the Council's Significance and Engagement Policy because the PDP impacts on a large number of residents and ratepayers and residents, many of whom will be specifically affected by the proposed provisions.

Risk

- 41 This matter relates to the strategic risk SR1 'Current and future development needs of the community (including environmental protection), as documented in the Council's risk register. The risk is classed as high. This matter relates to this risk because the District Plan, along with the 10 Year Plan and Asset Management Plans, is central to the current and future development needs of the community.
- 42 The recommended option considered above mitigates the risk by providing the necessary regulatory framework to provide for these needs.

Financial Implications

- 43 Costs associated with the recommended decisions are accounted for in operational budgets.

Council Policies, Strategies and Bylaws

- 44 A number of Council policies, strategies and bylaws have been considered in developing the PDP, including:

NZTA Planning Policy Manual 2007
 Plan Change 6 Decision (operative 2009)
 Plan Change 8 Decision (operative 2009)
 Queenstown Lakes District Plan Monitoring Report Section 14: Transport 2012
 Wanaka Town Centre Character Guidelines 2011
 Queenstown Town Centre Guidelines 2014
 Wanaka Lakefront Reserves Management Plan 2014
 QLDC Land development and Subdivision Code of Practice 2015
 QLDC Subdivision Design Guidelines 2015
 Arrowtown Design Guidelines 2016
 Queenstown Town Centre Transport Strategy 2016
 Arrowtown Design Guidelines 2016
 Queenstown Town Centre Master Plan working drafts 2017
 Queenstown Integrated Programme Business Case 2017 (QITPBC)
 Queenstown Town Centre Business Case 2017
 Frankton Business Case 2017
 Wakatipu Basin Public Transport Detailed Business Case 2017
 Queenstown and Wanaka Parking Surveys 2017
 Wanaka Strategic Case Review Evidence 2017
 Queenstown Lakes District Council Southern Light Part One - A Lighting Strategy and Queenstown Lakes District Council Southern Light Part Two – Technical Specifications March 2017.

- 45 These policies and strategies are of varying age, currency and continued relevance, and are also referenced in the supporting s32 evaluation reports.
- 46 This matter is included in the 10-Year Plan/Annual Plan.

Local Government Act 2002 Purpose Provisions

47 The recommended option:

- Will help meet the current and future needs of communities for good quality local infrastructure, local public services, and performance of regulatory functions in a way that is most cost-effective for households and businesses;
- Can be implemented through current funding under the 10-Year Plan and Annual Plan;
- Is consistent with the Council's plans and policies; and
- Would not alter significantly the intended level of service provision for any significant activity undertaken by or on behalf of the Council, or transfer the ownership or control of a strategic asset to or from the Council.

Consultation: Community Views and Preferences

48 The persons who are affected by, or interested in this matter are residents and ratepayers of the District, Iwi, the Otago Regional Council, neighbouring district Council's and other statutory bodies.

49 The Council has consulted on draft versions of the Transport Chapter with a number of specific parties. In addition, some statutory consultation has been undertaken with Iwi / statutory bodies.

50 A range of views were expressed during consultation on Stage 1 of the proposed district plan review and these views have been taken into account when developing the provisions. Additionally, it is noted that Council has a duty under both the Local Government and Resource Management Acts to consider the wellbeing of people and communities into the future (i.e. Council's decision making has a strong intergenerational component).

51 Specific feedback on the draft provisions was provided by representatives of the New Zealand Transport Agency which sought various amendments, including:

- minor changes to policies addressing vehicle crossings; road safety and efficiency; integrated management of subdivision, land use and the transport system; commercial activities and home occupations in residential areas;
- exclusion of State Highways from rules controlling buildings overhanging roads;
- changes to minimum sight distances, minimum distances between vehicle crossings onto State Highways, and minimum distances of Vehicle Crossings from Intersections onto State Highways to be more consistent with NZTA regulations;
- access dimensions for shared vehicle access links and vehicle crossings adjacent to State Highways;
- rules controlling vegetation on private land which could shade roads.

52 A number of changes were made in response to NZTA's comments on the draft Transport chapter including:

- adding rules specific to State Highway's in relation to minimum sight distances, minimum distance between vehicle crossings onto State Highways, and minimum distances of Vehicle Crossings from Intersections onto State Highways;
- retaining less onerous access standards for council owned than those imposed by NZTA in relation to state highways and exempting State Highways from these rules;
- including State Highway's in a separate table in the classification (schedule) rather than classifying them all as arterials;
- adding effects on traffic safety and on the kerbside movement of high-sided vehicles as a matter of control/ discretion when considering consents for verandas, etc.
- minor amendments to objectives and policies.

53 Public notification of the PDP provides people with the opportunity to make submissions, to be heard at hearings, and ultimately, if not satisfied with decisions, to appeal to the Environment Court.

Legal Considerations and Statutory Responsibilities

54 Development of the PDP Stage 2 has occurred in accordance with the requirements of the RMA. Particular clauses of relevance include Sections 5-11, 31 and 32, 79 and Schedule 1.

55 The Local Government Act has also informed the review.

56 The process for notifying the PDP Stage 2 is stipulated by and will follow the procedures of the RMA.

Attachments

Attachment 1. Section 32 Evaluation Report – Proposed District Plan Chapter 29 Transport

Attachment 2. Proposed District Plan Chapter 29 Transport

Attachment 3. Proposed District Plan Maps – Stage 2

Attachment 1:

Section 32 Evaluation Report - Transport

Attachment 2:

Proposed District Plan Chapter 29 Transport

Attachment 3:

Proposed District Plan Maps – Stage 2

Circulated separately