

Before the Queenstown Lakes District
Council

In the matter of The Resource Management Act 1991

And The Queenstown Lakes District Proposed District Plan Topic 13
Queenstown Mapping – Group 1B (Queenstown Urban
(Frankton and South))

SUMMARY STATEMENT OF EVIDENCE OF CHRISTOPHER FERGUSON FOR

Hansen Family Partnership (#751)
FII Holdings (#847)
Peter and Margaret Arnott, Fernlea Trust (#399)
The Jandel Trust (#717)
Universal Developments (#177)

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SUMMARY EVIDENCE

- 1 My name is Christopher Ferguson. I hold the position of Senior Principal with the environmental consultancy firm Boffa Miskell Limited. I hold the qualification of a Bachelor of Resource and Environmental Planning (Hons) from Massey University, have 20 years' experience as a planning practitioner and am based in Queenstown.
- 2 My Evidence in Chief ('EIC') dated 9 June 2017 outlines my experience and qualifications relevant to this evidence in respect of the Queenstown Mapping Hearings of the Proposed District Plan ('PDP').
- 3 My EIC examines the most appropriate zoning for a collective area of land along the northern side of State Highway 6, located within the Urban Growth Boundary and at the northern end of the Frankton Flats. In my opinion, this land is a valuable land resource, currently under-utilised within the urban area, and subject to multiple and unrelated constraints, including aircraft noise, landscape values, a Transpower transmission line and within close proximity to State Highway 6.
- 4 Despite these constraints, the land is a valuable part of the future urban area for Queenstown and Frankton because of its ability to gain access onto the State Highway network and its proximity to existing Council infrastructure. It forms a logical expansion to existing urban areas (both residential and commercial) without inappropriate sprawling or encroachment of those urban areas. My EIC considers a range of reasonably practical zoning options for the land and finds that the BMUZ is the most appropriate overall at achieving the objectives of the PDP, as well as Part 2 of the RMA. In arriving at this view, I have considered how to best make an efficient use of land within the notified UGB and implement the higher order strategic and urban development objectives within Chapters 3 and 4, including in particular the key strategic objective for Frankton to recognise, develop, sustain and integrate the key mixed use function of Frankton¹.
- 5 My EIC suggests a number of site – specific amendments to the notified BMUZ provisions, including to insert a new objective and attendant policies for that part of the zone fronting SH6 between Hansen Road and Ferry Hill Drive, to provide for a planted buffer along the SH6 interface, to provide for safe and legible transport, walking and cycle and connections, to address road noise and to prevent activities sensitive to aircraft noise. In order to recognise and provide for the interface with the adjoining rural zone, I have also recommended further matters of discretion for building rules so as to manage the transition between

¹ Objective 3.2.1.2.3, Chapter 3 Strategic Directions (my evidence to Stream 01B)

zones and ensure greater proportions of open space and lower building heights are provided.

- 6 The rebuttal evidence by Ms K Banks for the Council continues to oppose BMUZ for this land and maintains the view, as advanced within the s.42A report, that the land east of the EAR roundabout, below the ONL and outside of the OCB be included within the HDRZ. No change is proposed to the location of the UGB and a further recommendation is to maintain a 50m setback within the new area of HDRZ from the boundary with SH6. This recommendation is a significant change from the PDP as notified, which was to include all of the land outside of the OCB and within the UGB within the MDRZ. The rebuttal evidence from Ms K Banks raises several key issues and points of difference that I address below.

50m building setback

- 7 Paragraph 5.16 of the rebuttal evidence of Ms K Banks discusses the extent of a proposed 50m Building Restriction Area from the boundary with the State Highway and which is recommended to apply to any urban zoning in this area. This recommendation stems back to the s.42A report and appears to be based on consistency with the Frankton Flats Special Zone (B), and the possible future need for future open space and infrastructure provision. My EIC recommends a 20m building setback, except where elevation physically separates the land towards the eastern part of the land and State Highway 6 and where this cuts into the terrace landform on its descent onto the Shotover River Bridge.
- 8 The purpose of the 50m setback (Activity area A) within the Frankton Flats Special Zone (B) was twofold: to create a landscaped corridor acting as a method of increasing visual amenity and sense of arrival into the destination of Queenstown; and to retain the view of the outstanding natural landscape of the Remarkables from the State Highway².
- 9 I agree that the visual amenity of the State Highway 6 frontage is important within this area because of that sense of arrival and also as it has been recognised already within the PC 19 land. However, the dimensions do not in my view need to be the same as they are linked to the specific relationship of building height on views to the mountain backdrop of the Remarkables.
- 10 I consider 20m sufficient width for the maintenance of the visual amenity of the approach to Queenstown and which is reflective of the general design approach taken in PC 19. I note that the Council has not produced any landscape evidence in support of the proposed 50m Building Restriction Area. 20 m also allows for possible future road widening and/or installation of roadside services.

² Para 3.1, Page 4 Appendix 9 – Landscape Report, Plan Change 19 Section 32 Report (undated)

The Mixed-Use function of the BMUZ

- 11 At para 5.18, the rebuttal evidence of Ms K Banks acknowledges that, with some modification, the provisions of the BMUZ could allow for the use of land which excludes ASAN, within the OCB. However, Ms K Banks considers that the required amendments to address ASAN would be at odds with the purpose of the BMUZ that is intended to provide a 'mixed use' function integrating commercial and residential uses.
- 12 Delivery of mixed-use outcomes exclusively within individual landholdings is not an outcome that I take from a review of the BMUZ, but rather the zone as a whole has the flexibility or capability to "enable" a range of compatible and mixed use outcomes. Regardless, if there are small adaptations necessary to the zone to achieve high order policies relating to management of the airport and to achieve the mixed-use outcome for Frankton Flats and of the integration of activities, that is ultimately more efficient in achieving the objectives of the plan than retaining the land as rural.
- 13 The BMUZ is generally well placed to manage integrated and mixed use outcomes, as illustrated through the objectives and policies that seek to accommodate a variety of activities, while managing the adverse effects that may occur and potential reverse sensitivity³; and to require a high standard of amenity, and manage compatibility issues of activities within and between developments through site layout, landscaping and design measures⁴.

Land within the OCB and the residual area of rural land

- 14 At para 5.21 the Rebuttal Evidence of Ms K Banks acknowledges some type of urban use (other than ASAN) could be appropriate within the land affected by the OCB. Ms Banks relies on the Council's economic evidence and states that there is however no robust evidence to show there is a 'need' to provide for additional commercial use in this location and no certainty that the possible effects on the existing zoned town centres and traffic will be appropriately managed. This statement fails to recognise that the converse is true for any zoning outcome which is applied to the land. The rural zone does not exist in a policy vacuum and is not a planning repository for land that does not neatly fit any other available planning zone, as it too needs to be justified as being an appropriate option to achieve the objectives of the PDP.
- 15 Paragraph 7.30 assess the status quo under the ODP of retaining the land as rural. I consider this option to be the less appropriate of the five options I have

³ Policy 16.2.1.1, Chapter 16 (QLDC Right of Reply version)

⁴ Policy 16.2.2.3, *Ibid*.

identified from a District Plan perspective, because it would not achieve any of the objective and policies relating to the mixed-use function of Frankton, urban growth and development, opportunities for housing or commercial growth. Moreover, it would create greater tension than other options with the objective to provide for compact and integrated development within the UGB's.

- 16 A further aspect to consider in the context of this land is the overall integrity of returning to a rural zone which will fail to integrate with surrounding land uses, and based on existing use, will clearly be unrelated to the outcomes anticipated for this zone. How realistic is it for that zone to remain intact in the long term?

Oversupply of Commercial Land

- 17 A key concern Ms K Banks has with the BMUZ proposal is with the alleged adverse effects of the oversupply of commercial land, including to undermine the viability and amenity of existing town centres. This is based on the rebuttal evidence of Mr Osborne who considers that if the cost of rezoning additional commercial land is not balanced against benefits (that are unique to the rezoned land and cannot be accrued elsewhere for land that is already zoned), then it has potential to cause a net cost to the community. The rebuttal evidence of Ms K Banks does not go any further to then analyse whether this land has any of the unique factors which cannot be replicated elsewhere to mitigate the net loss in economic terms to the community.
- 18 The submitters have not called economic evidence in support of the proposed relief and so I can only rely on the evidence of Mr Osborne with respect to the economic analysis. From reviewing that evidence however, it is my opinion that this does not provide an evidential basis that the rezoning of this land is either unnecessary, or would otherwise have the adverse effects or costs on other commercial centres which are discussed. I address the planning context for Mr Osborne's analysis and whether the net economic losses he considers possible can be balanced against other benefits that would arise from the creation of a mixed-use zoning outcome which can integrate land uses and ultimately make an efficient use of the limited supply of urban land located within the UGB.
- 19 Council's economic evidence from Mr Osborne and Mr Heath considers there is sufficient existing capacity to meet expected demand for commercially zoned business land through to 2048, through vacant commercially zoned business land of approximately 72ha. However, within the Wakatipu Ward the vacant commercial supply (46.9ha) is not considered sufficient to accommodate estimated commercial land demand by 2048 (63.0ha), resulting in an estimated shortfall of 16.1ha.
- 20 This evidence suggests the District is currently in an over supplied commercial land market, but that there will be a projected shortfall over the longer term (20-

30 years). With this as a backdrop, Mr Osborne considers that the evidence for the submitters does not establish "a need" for the additional rezoning and goes onto list several "potential" economic costs. Importantly, the evidence of Mr Osborne does not address or provide evidence of whether or how these potential economic costs are being incurred now, given the oversupplied market which already exists.

- 21 From a policy perspective, the version of Policy 3.2.1.2.3 advanced within my Statement of Evidence to the Panel on Stream 01B is to avoid additional commercial rezoning within Frankton that will fundamentally undermine the function and viability of Frankton's commercial areas, or which will undermine increasing integration between the nodes in the area. From my understanding of the evidence of Mr Osborne, he is not saying the proposed BMUZ will fundamentally undermine the function or viability of Frankton's commercial centres, it merely identifies potential risks or possible outcomes based on the predicted oversupply (over the short to medium term) without then establishing that these risks or possible outcomes will eventuate.
- 22 The rebuttal evidence of Mr Osborne establishes a framework for qualifying economic losses from rezoning which may be offset by the benefits being unique to this land and that cannot be replicated elsewhere. In a planning sense, I consider the land distinct in the way that it is situated adjacent to a significant commercial area (Frankton), an existing residential area at Quail Rise to the east, rural land to the north and a range of constraints from airport noise and landscape values, and already readily serviced by Council infrastructure.
- 23 A BMUZ provides an opportunity to provide an integrated framework for the management of this land that responds to these unique factors. It is also very important to consider the range of potential land use outcomes possible under this zone, of which commercial may form a part, but which are likely to also include residential development, and a church and community activity.
- 24 One of the benefits of a BMUZ is that it can accommodate variety of land use outcomes and as a planning tool it can be more responsive to changes in market demand over time.

Chris Ferguson 15 August 2017