

**Before the Panel of Hearing Commissioners
For the Queenstown Lakes Proposed District Plan**

In the Matter of the Resource Management Act
1991
And
In the Matter of the Queenstown Lakes Proposed
District Plan - Stage 2
And
In the Matter of Hearing Stream 15 – Open Space
and Recreation, Earthworks, Signs,
Transport, Visitor Accommodation

**Statement of Evidence of
Amanda Leith**
for Ngai Tahu Property Limited and Ngai
Tahu Justice Holdings Limited (Submitters
2335, 2336 and 2739)

Dated: 6 August 2018



RESOURCE MANAGEMENT CONSULTANTS

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INTRODUCTION

Qualifications and Experience

1. My full name is Amanda Jane Leith. I am a Resource Management Planner and I hold a Bachelor of Arts and a Masters in Regional and Resource Planning from the University of Otago. I am a full member of the New Zealand Planning Institute.
2. I have 13 years' experience in planning and resource management including 11 years in local government in New Zealand and Australia. I am employed by Southern Planning Group (2017) Limited.
3. During 2015 and 2016 I was employed by the Queenstown Lakes District Council and I prepared the s42A reports in relation to Chapters 2 - Definitions, 7 – Low Density Residential, 8 – Medium Density Residential and 11 – Large Lot Residential of the Proposed District Plan. I have also prepared the s42A report for Chapter 31 – Signs on behalf of Queenstown Lakes District Council which is part of Hearing Stream 15.
4. I have extensive experience in both the assessment of resource consent applications whilst working in local government as well as the preparation of resource consent applications in private practice. This has frequently involved the assessment of District Plan traffic standards.

CODE OF CONDUCT

5. I confirm that I have read the Code of Conduct for Expert Witnesses as contained in the Environment Court Practice Note dated 1 December 2014. I agree to comply with this Code. This evidence is within my area of expertise, except where I state that I am relying upon the specified evidence of another person. I have not omitted to consider material facts known to me that might alter or detract from the opinions that I express.

SCOPE OF EVIDENCE

6. My evidence will deal with the following:
 - (a) Background;
 - (b) High traffic generating activities;
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- (c) Accessory parking;
- (d) Off-site parking;
- (e) Minimum distance between vehicle crossings and intersections;
- (f) Minimum aisle dimension for car parking;
- (g) Heavy vehicle parking layouts;
- (h) Bike parking layouts;
- (i) Conclusions.

EXECUTIVE SUMMARY

7. Ngai Tahu Property Limited and Ngai Tahu Justice Holdings Limited lodged submissions¹ in relation to Stage 2 of the PDP. The relief sought by the submitters has largely been resolved by the recommendations made within the Council s42A reports, aside for a few transport related matters which are the subject of this evidence.
8. The provisions relating to High Traffic Generating Activities require modification to ensure that their application is equitable and takes into account the context. Further amendments to the provisions relating to these activities are proposed to take into account permitted activities, existing access to public transport and active transport networks, the existing level of traffic generation occurring on a site and ensuring that any required works or contribution is commensurate to the scale of the development.
9. Minor amendments are proposed to the provisions relating to accessory parking, off-site parking and the minimum separation distance between vehicle crossings and intersections.
10. The relief sought by the submitters in relation to the minimum aisle dimension for car parking, heavy vehicle parking layouts and bike parking layouts is still sought.
11. It is considered that the relief outlined within this evidence would result in the applicable provisions being the most effective and efficient way of achieving

¹ #2335, #2336 and #2739

the purpose of the Resource Management Act in that the recommended provisions will be clear in their intent and anticipated outcome and will ensure that any potential adverse effects are avoided or mitigated.

BACKGROUND

12. Ngai Tahu Property Limited (NTP) and Ngai Tahu Justice Holdings Limited (NTJH) lodged submissions² on Stage 2 of the PDP in relation to Chapters 29 – Transport, 38 – Open Space and Recreation and the variation relating to Visitor Accommodation.
13. Having reviewed QLDC's s42A reports in relation to the NTP and NTJH submissions, the majority of the relief sought by the submitters has been recommended by Council representatives to be accepted, or alternative relief has been recommended which addresses the submitter's concerns. Consequently, my evidence will concentrate on only those remaining matters of contention.
14. Transport evidence has been prepared in relation to the NTP and NTJH submissions by Mr Andy Carr. I rely upon his evidence where appropriate below.

HIGH TRAFFIC GENERATING ACTIVITIES

15. High Traffic Generating Activities (HTGAs) are specifically addressed by the following provisions within Chapter 29³:
 - a. Policy 29.2.1.3
 - b. 29.2.1.X
 - c. Policy 29.2.4.4
 - d. Rule 29.4.10
 - e. Table 29.6
16. Having read the chapter, the Section 32 and Council's evidence, my interpretation of the aim of these provisions collectively is to require large

² #2335, #2336 and #2739

³ Section 42A version of Chapter 29

scale developments to put in place measures which avoid or mitigate the potential adverse traffic effects related to the development and encourage the use of alternative transportation modes other than use of private vehicles.

17. Based on this interpretation, I support the intent of these provisions, however I consider the current wording of the abovementioned provisions should be clarified so to be equitable and take into account context.
18. The NTP and NTJH submissions sought amendments to Policy 29.2.1.3 so that the following additional matters could be taken into account in the assessment of HTGAs:
 - a. Whether the activity is permitted within the zone;
 - b. Whether the activity will result in additional vehicle trips beyond what is already established or consented on the site;
 - c. Whether the site is already accessible by a range of transport modes;
and
 - d. The scale of the proposed activity to ensure that the required works or contribution are commensurate.
19. These points have been individually addressed by Mr Carr in his evidence⁴ and I concur with his findings.
20. Ms Jones in her s42A report has responded to the NTP and NTJH submissions (and others) in recommending an amendment to Policy 29.2.1.3 and a new Policy 29.2.1.X⁵ to focus the provision on avoiding or mitigating potential adverse effects on the transport network and amenity and to recognise the role that Development Agreements can play in this assessment.
21. I support the amendments recommended by Ms Jones to Policy 29.2.1.3 in this regard as the provision is now focused on avoiding or mitigating the potential effects that may arise from a specific development.

⁴ Paragraphs 3.4 – 3.21

⁵ Paragraph 8.4 of Ms Jones s42A report

22. I also support the intent of recommended Policy 29.2.1.X in that Development Agreements can provide a suitable way in which better transport and amenity outcomes can be agreed between a developer and Council. I however do not support the wording of the policy as currently drafted.
23. The wording of recommended Policy 29.2.1.X is directive which results in the implication that all developments are to use Development Agreements. This conflicts with the wording in Policy 29.2.4.4 in which Development Agreements are included within a non-exhaustive list of methods that may be used. Development Agreements are also voluntary and require the agreement of both the developer and the Council and it is foreseeable that in some cases agreement may not be able to be reached and in these situations reliance upon the Development Contribution policy would need to occur. On this basis, I recommend that the use of Development Agreements be 'enabled' within the policy.
24. Although I agree with the s42A recommendation in relation to Policy 29.2.1.3 and 29.2.1.X, I still consider that the NTP and NTJH submission points warrant inclusion within the PDP provisions for the reasons outlined within the primary submission and within Mr Carr's evidence. Consequently, as an alternative relief, I consider that three of these four matters could be included as matters of discretion within Rule 29.4.10 as outlined below⁶. I address the remaining matter pertaining to whether the activity will result in additional vehicle trips beyond what is already established or consented on the site below in paragraph 34.

“High Traffic Generating Activities

Any landuse or subdivision activity that exceeds the traffic generation standards set out in Table 29.6

Discretion is restricted to:

- *Whether the activity is permitted in the zone;*
- *Whether the site is already accessible by a range of transport modes;*
- *The scale of the proposed activity to ensure that the required works or contribution are commensurate;*
- *Effects on the transport network, including as a result of:*

⁶ First three bullet points

- ~~a. Any proposed travel planning, provision of alternatives to private vehicle, or staging of development;~~
- ~~b. Any proposed improvements to the transport network within or in the vicinity of the site, including proposed additions or improvements to the active and public transport network and infrastructure and the roads themselves, in accordance with road controlling authority's standards and adopted infrastructure network development plans either within or beyond the site. This may be required by direct construction activities, or by collecting funds towards a wider project that would achieve the modal shift aim of the specific development, as promoted in the application;~~
- c. The amount, design, and location of cycle parking, e-bicycle charging areas, showers, changing rooms and lockers provided;
- d. The amount of accessory parking and any non-accessory parking proposed; and
- e. The design of the site and / or its frontage in regard to its ability to accommodate any planned public transport infrastructure proposed by Council;
- f. The provision or upgrading of pedestrian and cycle infrastructure;
- g. The provision of a Travel Demand Management Plan; and
- h. The provision of electric vehicle charging points / parking spaces.”⁷
25. Also in relation to Rule 29.4.10, NTP and NTJH requested that sub-clause (a) be deleted due to it being the same as that which would be covered by the Travel Demand Management Plan in sub-clause (g). This submission point has not been specifically addressed in the s42A report, however I still consider that it has merit and therefore show this amendment above.
26. The NTP and NTJH submissions also requested deletion of sub-clause (b) or clarification as to how this provision would relate to development contributions, whether contributions would be commensurate with the scale of the development, how infrastructure network development plans would be adopted and what distance from the site would the funds levied from the development be expended. Mr Carr in his evidence also questions how the achievement of a modal shift would be measured.
27. In reviewing the s42A evidence and the other changes that have been recommended by Ms Jones as well as Mr Carr's evidence, I consider that the last sentence of sub-clause (b) should be deleted as sufficient guidance

⁷ S42A version of the rule with my recommended changes in red underline or ~~red strikethrough~~

is now provided via recommended Policy 29.2.1.X in relation to Development Agreements. Alternatively, the sentence could be modified to reference Development Agreements to be consistent.

28. The last matter of contention in relation to HTGAs is the residential threshold of 50 dwellings included within Table 29.6. As outlined by Mr Carr, setting the residential threshold at 50 dwellings and the visitor accommodation (unit type) threshold at 100 units favours visitor accommodation development. I do not see any reason that the PDP would be favouring visitor accommodation development over residential given the current demand for residential accommodation in the District.
 29. In considering an appropriate threshold for residential development, Mr Carr recommends that the threshold be amended to 100 dwellings, but only for medium and high density residential developments on the basis that these types of developments result in less traffic generation rates per unit in the peak hour.
 30. In converting this recommendation into a workable threshold, I consider that there are two options:
 - a. Identifying a separate threshold for residential developments within zones which are capable of containing medium and high density residential developments; or
 - b. Identifying the parameters around medium and high density residential developments to incorporate into Table 29.6 (i.e any development with a density of one residential unit per 250m² or greater).
 31. I consider that the zone approach is the most workable as there are discrete zones in which medium and high density residential development is anticipated within the PDP and these zones are (in most instances) in locations where residents would have good access to non-car modes of transport. I consider that these zones would be the Queenstown and Wanaka Town Centre Zones, the Business Mixed Use Zone and the Medium and High Density Residential Zones. There are also areas within the Resort zones which have pockets of land which may also be suitable for this scale of development, however I do not consider these to be as suitable given their relative isolated locations.
-

32. As a result, I recommend that 29.10.1 be amended as follows:

Activity	Development type	Threshold
<i>Residential</i>	<i><u>Dwellings</u></i> <i><u>Residential Units</u></i>	<i><u>100 residential units in the following zones:</u></i> <ul style="list-style-type: none"> • <i><u>Queenstown Town Centre</u></i> • <i><u>Wanaka Town Centre</u></i> • <i><u>Business Mixed Use</u></i> • <i><u>High Density Residential</u></i> • <i><u>Medium Density Residential</u></i> <i><u>50 dwellings residential units in all other zones</u></i>

33. Furthermore, 'dwellings' are not defined within the decisions version of Chapter 2 – Definitions and the standard should reference 'residential units' instead to be consistent with the remainder of the PDP. This was not included within the NTP or NTJH submissions, however I consider that this could be amended via Clause 16 of Schedule 1 of the RMA.

34. Also in relation to the specified HGTA thresholds and the remaining matter of relief outlined in paragraph 18(b) above, Mr Carr in paragraphs 3.10 – 3.15 of his evidence recommends that the provisions should include some acknowledgement of the baseline traffic generation from the site, with a good example being the Auckland Unitary Plan approach which refers to thresholds for 'new development'. This would allow activities which are resulting in the same or a lesser traffic generation as a result of a redevelopment of a site to not trigger the HGTA Rule 29.4.10. I concur with Mr Carr's recommendation and consider that this is a suitable alternative relief to that sought within the submission (as an amendment to Policy 29.2.1.3). As such, I recommend that a notation be included within 29.10 as follows:

"Advice note: The thresholds in Table 29.6 only apply to new development. Where any redevelopment of a site results in the same or a lesser traffic generation as the existing or consented development on the site, the threshold is not exceeded."

ACCESSORY PARKING

35. NTP requested additional matters of discretion be included within Rule 29.5.1: Accessory Parking relating to the proximity of a site to the town centre or public transport facility, the availability of active transport networks to the development and the ability for shared or reciprocal parking arrangements to be considered.
36. Ms Jones has recommended amendments to this rule including the incorporation of an advice note stating that Policy 29.2.2.5 provides the framework for assessing the appropriateness of providing less accessory parking. In reading Policy 29.2.2.5, I note that all of the matters sought by NTP to be included as matters of discretion are now covered by the policy. Whilst I see merit in limiting repetition within the PDP, I consider that these matters should be inserted as matters of discretion⁸ within Rule 29.5.1 (and the advice note in the rule deleted), as it will allow the consideration of the matters in the assessment of effects under Section 95 of the RMA, rather than only under the Section 104 assessment. This would also be more consistent with the approach taken within the remainder of the chapter and PDP.

OFF-SITE PARKING

37. NTP also sought changes to sub-clause (d) of Rule 29.5.2: Location and Availability of Parking Spaces and Ms Jones has recommended amendments to the rule which have addressed the majority of their concerns. I however still question the need to include the 800m criteria within Rule 29.5.2(d)(i). This provision states:

i. "Residential units and visitor accommodation units or activities in any High Density Residential Zone, Medium Density Residential Zone, or Business Mixed Use Zone is located within 800m of an established public transport facility or a public transport facility identified on any Council Active Transport Network Plan may provide all of the car parking required off-site."⁹

38. Related to this is sub-clause (v) of Rule 29.5.2(d) states:

⁸ As per the NTP #2335 submission

⁹ Ms Jones Section 42A version

- (v) *“Off-site parking spaces provided in accordance with the above rules 29.5.2(d)(i)(iv) must be:*
- i. Dedicated to the units or rooms or floor space within the development; and*
 - ii. Located so that all of the “off-site” car parking spaces allocated to the development are within an 800m walking distance of the boundary of the development. This does not apply to coach parking.*
 - iii. Not located on a private road or public road; and*
 - iv. Secured by a legally binding agreement attached to the relevant land titles that guarantees the continued availability of the parking for the units the off-site parking is intended to serve.”¹⁰*

39. I consider that the proximity of a site to a public transport facility is a relevant factor for consideration of a lesser accessory car parking requirement (under Rule 29.5.1) but not necessarily for the ability to provide the required level of car parking on a site within walking distance (800m) of a development. Occupants of the development will not need to rely upon public transport if their vehicles are within walking distance of the development.

40. As a result, I recommend that sub-clause (i) of Rule 29.5.2(d) be amended as follows:

- i. “Residential units and visitor accommodation units or activities in any High Density Residential Zone, Medium Density Residential Zone, or Business Mixed Use Zone ~~is located within 800m of an established public transport facility or a public transport facility identified on any Council Active Transport Network Plan~~ may provide all of the car parking required off-site.”¹¹*

¹⁰ Ms Jones' Section 42A version

¹¹ Ms Jones Section 42A version

MINIMUM DISTANCE BETWEEN VEHICLE CROSSINGS AND INTERSECTIONS

41. NTP submitted in relation to Rule 29.5.22(b) seeking that the required separation distances be amended to be consistent with the separation distances applied in the Christchurch District Plan and to take into account the intersecting road type.
42. As stated by Mr Carr in his evidence, the proposed distances prescribed by notified Rule 29.5.22(b) do not adequately take into account the lot sizes associated with medium and high density developments and the likely slow speed environments within these areas.
43. Ms Jones has not supported the relief sought by NTP and identifies that these are triggers for consent which will allow for an assessment of the potential safety effects on a case by case basis. This is acknowledged, and if the specified distances are to remain unchanged, I consider that the wording of the matter of discretion needs to be amended to be clear as to how the effects would be adequately assessment.
44. In order to provide this additional clarity, Mr Carr recommended in paragraph 4.14 of his evidence that an amendment to one of the matters of discretion in Rule 29.5.22 be made to allow for the consideration of the operating speed of the road to be taken into account in the assessment of any resource consent for a lesser separation distance.
45. Mr Carr states that the operating speed of the road is a critical factor in this assessment and on this basis, I agree with Mr Carr's recommendation as an alternative to the amendment of Rule 29.5.22(b). For completeness, I recommend that the applicable matter of discretion in Rule 29.5.2.2 be amended to state:

“Effects on the efficiency of landuse and the safety and efficiency of the transport network, including the pedestrian and cycling environment, taking into account the operating speed of the road.”

MINIMUM AISLE DIMENSIONS FOR CAR PARKING

46. As outlined in Mr Carr's evidence, no rationale has been provided as to why the aisle widths in notified Table 29.8 are greater than that specified in the Australian / New Zealand Standard for Off-Street Parking¹² (Standard).
47. A greater aisle width results in more land being taken up by car parking and manoeuvring, which on constrained sites would be a significant burden. This also represents an inefficient use of space and would create inconsistency with practice elsewhere in New Zealand for no identified reason.
48. The matter of discretion for Rule 29.5.3: Size of Parking Spaces and Layout is as follows:
- "The size and layout of parking spaces and associated manoeuvring areas."*
49. I consider this matter of discretion to be very generic and of not much value in considering the potential effects of car parking layouts which require resource consent but which comply with the Standard.
50. The Assessment Matter in 29.8 which relates to this rule only appears to relate to reduced stall widths. Furthermore, the most relevant objective and policies in relation to car parking layout being Objective 29.2.2 and Policy 29.2.2.1, also do not provide very specific guidance in relation to reduced aisle widths (which comply with the Standard).
51. On the basis that there appears to be no rationale for the increased aisle width compared to the Standard, I recommend that the aisle widths in Table 29.8 be amended to be the same as that in the Standard. As an alternative, I consider that a matter of discretion or assessment matter could be incorporated into the PDP placing reliance upon the Standard where aisle widths less than those prescribed in Table 29.8 are proposed.

HEAVY VEHICLE PARKING LAYOUTS

52. The NTP submission supports Table 29.9: Heavy Vehicle Parking Layout subject to an amendment to specify the minimum bay dimensions only and for a note to be incorporated stating that unimpeded manoeuvring is required into the spaces. This relief was sought on the basis that the notified layout

¹² AS/NZS 2890.1:2004

requirements are not intuitive and do not provide for kerbside (parallel) parking which is common.

53. Ms Jones has considered this relief in paragraphs 13.32 – 13.35 of the s42A report and has recommended amendments to the table, however the aisle width requirement has not been removed as requested.
54. Mr Carr has considered the requirements of Table 29.9 in his evidence and states that it is important to provide additional flexibility in the District Plan for the design of these parking spaces¹³. He notes that there is a relationship between the width of an aisle and the width of a parking space and an increased stall width could result in a lesser aisle width being required. This principle is accepted within Table 29.8 for standard car parking layout but is not used within Table 29.9.
55. The provision of a minimum aisle width also does not take into account a parallel parking or a drive through situation which may therefore trigger consent unnecessarily.
56. On the basis of Mr Carr's evidence, I recommend that the 'Minimum Aisle Width' column within Table 29.9 be deleted and a note is incorporated into Standard 29.13 as follows:

"Unimpeded manoeuvring into and out of the heavy vehicle parking space shall be provided (no more than one reverse movement when entering the space and exiting the space)."

BIKE PARKING LAYOUT

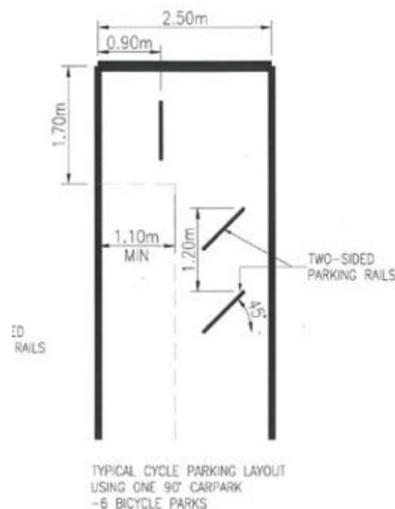
57. Diagram 5 (Standard 29.15.5) of Chapter 29 includes one bicycle parking layout. NTP and NTJH submitted on this provision requesting that additional layout options be included within the PDP given that many alternative bike parking configurations would be suitable. The submission also noted that the Christchurch District Plan includes various options¹⁴ which could be considered for inclusion within the PDP.
58. Rule 29.5.13 requires that bike parking is to be in accordance with the abovementioned Diagram 5 and a restricted discretionary activity resource

¹³ Paragraphs 6.3 and 6.4

¹⁴ In Appendix 7.5.2 Figure 2

consent would be required if an alternative bike parking layout was proposed for a development.

59. Mr Smith and Ms Jones contend that it is too complex to provide a more comprehensive range of acceptable cycle parking layouts and consider that the diagram as notified provides the key minimum dimensions to cater for most bike types¹⁵.
60. I disagree with the Council representatives in this regard, as alternative layouts could be incorporated within the PDP without adding too much complexity. Section 3 of the QLDC Cycle Facilities Guidelines 2009 document provides alternative cycle parking layouts which could be utilised such as the below:



61. If the incorporation of additional diagrams is problematic, I consider that standard criteria could instead be included. Taking guidance from dimensions in the notified PDP Diagram 5, this standard could require a minimum of 0.65m separation distance between parallel bike wheels and any solid wall or impediment and a minimum stall depth of 1.8m for parallel cycle parking layouts. For end on end cycle parking layouts only the 1.8m stall depth would be necessary. Notwithstanding, for ease of understanding, I consider that additional diagrams would be of more benefit.

¹⁵ Paragraph 11.12(f) of Ms Jones s42A report

CONCLUSION

62. I consider that the amendments that have already been recommended via the s42A report on Chapter 29 have gone a long way in addressing the relief sought by the submitters in order to provide additional certainty as to what is expected. However there are a few remaining matters detailed above which I recommend are amended to improve the application and outcomes of Chapter 29. Overall, I consider that the proposed relief outlined in this evidence is the most efficient and effective way of achieving the purpose of the RMA.



Amanda Leith.

6 August 2018
