

**BEFORE THE HEARINGS PANEL
FOR THE QUEENSTOWN LAKES PROPOSED DISTRICT PLAN**

IN THE MATTER of the Resource Management
Act 1991

AND

IN THE MATTER of the Open Space and
Recreation / District Wide
Hearing Stream 15

**STATEMENT OF EVIDENCE OF STUART JOHN CROSSWELL
ON BEHALF OF QUEENSTOWN LAKES DISTRICT COUNCIL**

TRANSPORT STRATEGY

23 July 2018

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Attachment 1: Qualifications and Experience

Attachment 2: Supplementary Technical Comment

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1. INTRODUCTION

- 1.1 My full name is Stuart John Crosswell. I hold the position of Senior Planner, at MRCagney Pty Limited (**MRCagney**). I have been in this position since July 2008 and have been employed at MRCagney since 2003.
- 1.2 I hold the academic qualifications of a Bachelor of Planning from the University of Auckland. I have been a Full Member of the New Zealand Planning Institute since 2009.
- 1.3 Since 2003, I have provided statutory land use and transport planning consulting services to public and private sector clients in New Zealand and Australia. In this time, I have developed considerable expertise in administering transport related district plan provisions through preparing and processing resource consent applications and contributing to the preparation of district plan provisions related to the same. I have also developed considerable expertise in parking policy and management, including the integration of policy across the district plan and non-district plan parking regulation and management activities. I have led the preparation of parking management plans, such as the Henderson, Otahuhu, Panmure and Onehunga Town Centre Comprehensive Parking Management Plans in the Auckland Region, and have been involved with providing strategic policy advice, for example, by way of involvement in the preparation of the Christchurch Parking Strategy 2013 and subsequently the recommended car parking provisions for the Christchurch City District plan review.
- 1.4 Full details of my qualifications and relevant experience is contained in **Attachment 1**.
- 1.5 I am providing this evidence on behalf of the Queenstown Lakes District Council (**Council**) in relation to the provisions of Chapter 29 Transport of the Proposed District Plan (**PDP**), and which were notified by the Council as part of Stage 2 of the PDP. I was previously involved in the preparation of a series of technical notes that supported the Council's Section 32 report on Chapter 29 Transport

(Section 32 report)¹, which appear as Appendix 2 to that report. These technical notes (**the MRCagney Technical Notes**) are:

- (a) *'Parking Advice'*, dated 18 October 2017;
- (b) *'Developer Provision of Public Transport and Active Modes Infrastructure'*, dated 18 October 2017;
- (c) *'High Trip Generating Activities Provisions'*, dated 18 October 2017;
- (d) *'National and Regional Policy Context'*, dated 18 October 2017;
- (e) *'Standards for Cycle Parking and End of Trip Facilities'*, dated 17 October 2017; and
- (f) *'Providing for public transport and active modes'*, dated 18 October 2017.

1.6 My evidence will reference and rely on these technical notes where applicable.

1.7 Other MRCagney staff provided specialist input into the preparation of the technical notes, and I have relied on their expertise in the preparation of my evidence, incorporating supporting notes and memoranda prepared by them, which I refer to in my evidence when required.

2. CODE OF CONDUCT

2.1 Although this is a Council hearing, I confirm that I have read the Code of Conduct for Expert Witnesses contained in the Environment Court Practice Note 2014 and that I agree to comply with it. I confirm that I have considered all the material facts that I am aware of that might alter or detract from the opinions that I express, and that this evidence is within my area of expertise, except where I state that I am relying on the evidence of another person.

2.2 With respect to this evidence I declare that a colleague of mine with MRCagney was previously engaged by Remarkables Park Ltd (**Remarkables Park**), a submitter on Chapter 29 Transport, to provide a series of seminars on the topics of urban design and parking management for their staff and guests. However, I had no involvement in those seminars and no involvement in the preparation of the Remarkables Park submissions on the PDP (#2468, and #2462 in the name of Queenstown Park Ltd).

1 The Section 32 report can be found here: <https://www.qldc.govt.nz/assets/Uploads/Planning/District-Plan/PDP-Stage-2/Section-32-Stage-2/Section-32-Chapter-29-Transport.pdf>

3. SCOPE

3.1 I have been asked to provide evidence in relation to the objectives and policies, rules, standards, and assessment matters in Chapter 29 Transport of the PDP as they relate to: the provision of accessory car parking and non-accessory coach parking, the provision of preferential parking and charging infrastructure, requirements for bicycle parking and end-of-trip facilities, the regulation of public transport and public water ferry services, and high traffic generating activities (**HTGA**). More specifically, this statement of evidence covers the following:

- (a) Principles of management of accessory parking, including the identification of the relative benefits and costs of the proposed accessory parking provisions in a general sense, with reference to Appendix 2 of the Section 32 Report (**the MRCagney Technical Notes**);
- (b) Discussion on the relative benefits and costs as they relate to specific issues raised in submissions, including:
 - (i) Areas where minimum parking requirements (**MPRs**) are not to be applied;
 - (ii) Parking spill over in areas where minimum parking requirements are not to be applied;
 - (iii) Applying MPRs to the high density residential (**HDR**), medium density residential (**MDR**), and low density residential (**LDR**) zones;
 - (iv) Applying minimum parking requirements to the Local Shopping Centre Zone (**LSCZ**);
 - (v) Applying minimum parking requirements to industrial activities;
 - (vi) Including provisions relating to preferential parking for electric bicycles, electric vehicles, and associated charging infrastructure;
 - (vii) Applying minimum cycle parking requirements to park and ride facilities;
 - (viii) End-of-trip facility requirements for educational activities;
 - (ix) The HTGA provisions and their relationship with other provisions in Chapter 29, and their relationship with development contributions;

- (x) An assessment framework for assessing resource consent applications for dispensations to minimum car parking requirements, including the application of a parking adjustment factor and the management of parking demand via time limits and pricing; and
- (xi) Distinguishing between public water-based transport and private water-based transport in the PDP provisions.

3.2 The key documents I have used, or referred to, in forming my view while preparing this brief are either included in **Attachments 2 and 3** or referred to in section 1.5 above.

3.3 In preparing this evidence, I have drawn upon the evidence of Ms Vicki Jones in respect of the version of the Chapter 29 Transport provisions amended in response to submissions.

4. APPROACH TO COSTS AND BENEFITS

4.1 A 2013 amendment to section 32 (**s32**) of the Resource Management Act 1991 (**RMA**) strengthened requirements for evaluation of proposed planning provisions. Under the amended s32, there are several levels of evaluation that can be conducted:

- (a) Section 32(2)(a) requires a qualitative identification and assessment of costs and benefits, including environmental, economic, social, and cultural effects; and
- (b) Section 32(2)(b) requires, if practicable, the quantification of benefits and costs.

4.2 In my view, it is possible to quantify many of the costs and benefits arising from the minimum accessory car parking provisions (**MPRs**) contained in the PDP. The impacts of these provisions can, for the most part, be assigned monetary values. This does not mean it is necessary, or even desirable, to quantify *all* benefits and costs. Instead, it is more important to focus on the most tangible benefits and costs, to gain an understanding of the relative net benefits, or otherwise, of the proposed policy. It is, however, good practice to consider the relative magnitude of benefits and costs, even if they have not been explicitly quantified. This is the approach I adopt in my evidence.

4.3 I assume the costs which policies impose on developers are ultimately passed on to the people who buy or rent the resulting building. These costs can be passed on either by way of increased prices and/or reduced supply. The assumption that costs are passed on to end-users is intuitive: why would a developer choose to develop a new building if they could not sell or lease it for a price that covered their costs, including financing costs, resource costs, and profit/risk margins? Consequently, it is my view that the costs of planning regulations in general and parking policies specifically must be understood as applying to end users, such as the owners/tenants of commercial and residential buildings².

4.4 The benefits of planning regulations apply to the Council in the form of a reduced need to undertake monitoring and enforcement of parking activity within the road reserve. Benefits may also apply to surrounding land owners or occupiers as a reduced need to manage access to the parking resources on their own sites³.

5. SUMMARY

5.1 As referenced in the MRCagney Technical Notes, Treasury recommends basing an investigation into the desirability of regulatory interventions by asking whether there are any problems that would arise under a 'status quo' scenario in which no further regulations were implemented, and if there is a case to regulate it is also necessary to show that the benefits of regulating exceed the costs. If not, then regulation is likely to be adverse rather than beneficial.

5.2 Parking is a private good, rather than a public good or mixed good⁴ in that the consumption of private goods is: a) rivalrous (one person's consumption of a private good impinges on the ability of another to consume that good), and so it may be efficient to charge consumers so that the right amount is produced and it is consumed by those who value it most; and b) excludable (people can be excluded from consumption), and so it will be possible to charge consumers. Also, private goods have an opportunity cost, e.g. if space is used to provide parking, the space cannot then be used to provide footpaths / cycleways / bus

2 The MRCagney Technical Note 'Parking Advice' addresses this aspect in section 4.1.2 under the heading Economic Viability.

3 The MRCagney Technical Note 'Parking Advice' addresses this aspect in section 4.1.3 under the heading Reduced Parking Spillover.

4 The New Zealand State Services Commission provides a definition of different kinds of 'goods' in the resources section of their website here: <http://www.ssc.govt.nz/node/6058>

lanes or commercial or community floor space. Therefore, the rationale to regulate parking rests upon the existence and magnitude of externalities associated with the supply of parking, i.e. 'spillover' to the rest of the transport system or to neighbouring properties. Regulating for increased parking supply will generally generate several negative externalities in the following areas:

- (a) Negative transport externalities;
- (b) Reduced economic viability of centres leading to lower economic performance; and
- (c) Reduced urban amenity.

5.3 Minimum parking requirements may generate several positive externalities in the following areas:

- (a) Reduced parking spillover; and
- (b) Reduced localised congestion from searching for parking.

5.4 My views on the notified version of the objectives, policies, rules, standards, and assessment matters of Chapter 29 Transport as they relate to matters raised in submissions are summarised as follows:

- (a) 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);
- (b) I hold this view because the land use and transport efficiencies that arise from the removal and/or reduction of MPRs exceed the costs of increased parking management, as informed by the Parking Advice Technical Note. The high-level benefits and costs are discussed in the Section 32 Report Appendix 2;
- (c) Notwithstanding my statement in 5.1 (a), I can support submissions seeking a further reduction in minimum parking requirements in the LCSZ and for industrial activities, for reasons explained in my evidence;
- (d) Retaining minimum parking requirements (MPRs) in the Town Centre zones, or increasing the rate of MPRs in the HDR, MDR and Business Mixed Use (BMUZ) Zones would have significant adverse economic

effects. These negative effects would arise due to the relatively high value of land (and floor space) that prevails in those areas. The MRCagney Technical Notes assess that these costs would be highly likely to outweigh the potential benefits of imposing MPRs, such as reduced potential for parking spill over. In my view, imposing MPRs in the town centre areas, or increasing the rate of MPRs in the HDR, MDR and Business Mixed Use (BMUZ) Zones, is not supported by conventional economic or transport planning evidence;

- (e) Maintaining no MPRs in town centres or reducing MPRs where they do apply under the operative district plan will also have significant direct and indirect transport benefits. Evidence suggests the availability and price of parking is an important factor influencing people's decision to drive. Over time, the reduction and removal of MPRs can be expected to reduce the supply and increase the price (monetary and non-monetary) associated with parking. This will contribute directly to reduced traffic congestion. Removing minimums will also, over time, enable an increase in the density of urban development and thereby indirectly support the use of non-car transport modes. For these reasons removing or reducing MPRs is, in my view, likely to lead to considerable transport benefits, especially in the long run;
- (f) The costs of specific provisions requiring a minimum quantity of electric charging infrastructure associated with electric vehicle and electric bicycle (e-bike) parking are likely to outweigh any stated transport and environmental benefits;
- (g) I support the proposed rule 29.4.8 that classifies park and ride facilities as restricted discretionary activities enabling regulation of cycle parking at park-and-ride facilities to accommodate those who wish to cycle to access public transport services. Cycle parking regulated by this rule will also facilitate 'park-and-bike' trips, which likely require no additional facilities in addition to those provided at a park-and-ride station. If bicycle parking is demanded for park-and-bike trips, provision will be covered in accommodating people accessing the station by bicycle;
- (h) To assist in achieving the objectives aimed at reducing dependency on private motor vehicles and promoting the use of public and active transport, I consider it beneficial to retain the distinction between public transport and private commercial transport; and

- (i) There is an overall benefit in retaining the High Trip Generating Activity (**HTGA**) provisions in the PDP, as these provisions allow a nuanced consideration and response to the potential transport effects of a development proposal. However, it is my view that:
 - (i) Minimum parking requirements should not apply to HTGAs;
 - (ii) There should be no requirement (or implication in the PDP) that HTGA developers pay for, either by a monetary contribution to or constructing infrastructure, infrastructure upgrades or expansion, unless the upgrade or expansion is required to avoid, remedy, mitigate, or off-set adverse effects associated with their development that are not accounted for in development contributions; and
 - (iii) Reference should be made in the HTGA provisions to Development Agreements as a means of managing the monetary contributions and facilitating the necessary transport infrastructure to support a HTGA development.

6. REAFFIRMATION OF MRCAGNEY TECHNICAL NOTES / DEPARTURES

National and Regional Policy

- 6.1** The MRCagney Technical Note on 'National and Regional Policy' was prepared to consider the provisions from the national and regional policy context that need to be given effect to by provisions included in the PDP, thus providing a reference to ensure the recommendations in the associated technical notes would give effect to the higher order policy direction. The technical memo also identifies several other supporting national or regional level policies that are relevant to integrated transport planning.
- 6.2** In my view the Chapter 29 Transport provisions give effect to the national and regional policy directives, and I rely on the contents of this technical note in drafting my evidence.

6.3 Since the technical note was completed in October 2017 the following changes have occurred, and I have been cognisant of these proposed changes while drafting this evidence:

- (a) I referenced the Draft Government Policy Statement on Land Transport in section 3 of the above technical note, and the Government has since released the finalised Policy Statement⁵. The policy signals increased investment in footpaths and cycleways to support access to and uptake of active travel modes, and an increased focus on urban centres to ensure that transport and land use planning reduces the need to travel by private motor vehicle.
- (b) I referred to the Regional Land Transport Strategy in section 5 of the above technical note, and the regional councils have since embarked on a review of the Otago and Southland Regional Land Transport Plans and have proposed changes to these documents⁶. The proposed changes include a list of new projects and within this list are significant walking, cycling and public transport improvement projects for Queenstown Lakes District (QLD).

Developer Provision of Alternative Modes

6.4 The MRCagney technical note on 'Developer Provision of Public Transport and Active Modes Infrastructure' investigates the scope of the PDP provisions to require developers in QLD to construct public and active transport infrastructure (e.g. shelters, walkways, cycleways) as part of their developments. In doing so the technical note explores the mechanisms that can contribute to the provision of transport infrastructure, including development contributions (DCs) and financial contributions⁷, subdivision and land use development processes, including the Council development and subdivision code of practice, design guidelines⁸, and the Council's transport infrastructure maintenance and upgrading activities⁹.

5 <https://www.transport.govt.nz/multi-modal/keystrategiesandplans/gpsonlandtransportfunding/>

6 <https://www.orc.govt.nz/plans-policies-reports/transport-plans/proposed-variations-to-otago-southland-regional-land-transport-plans-2015-2021>

7 Refer to section 1.1 of the MRCagney Technical Note on 'Developer Provision of Public Transport and Active Modes Infrastructure'.

8 Refer to section 1.2 of the MRCagney Technical Note on 'Developer Provision of Public Transport and Active Modes Infrastructure'.

9 Refer to section 1.3 of the MRCagney Technical Note on 'Developer Provision of Public Transport and Active Modes Infrastructure'.

- 6.5** I am the primary author of this technical note and rely on its contents in drafting my evidence.
- 6.6** As addressed in subsequent sections of this evidence, that technical note states “... with the introduction of the HTGA provisions in the transport chapter the Council will have the ability to require developers of large scale activities to provide or contribute funds towards PT and alternative modes infrastructure.”¹⁰. This statement may be clarified by adding ‘... where the need is directly attributable to the effects of development and is not already accounted for by development contributions’.
- 6.7** Currently the Council takes DCs for roading in a general sense, but not specifically for public transport facilities or for cycleway development. Importantly, the DC for roading is calculated based on an assumed number of car trips to/from the development, and if fewer car trips are anticipated there is the opportunity to reallocate a proportion of a contribution that may otherwise have been used for car infrastructure to walking, cycling, or public transport infrastructure.

High Trip Generating Activities Provisions

- 6.8** The MRCagney technical note on ‘High Trip Generating Activities Provisions’ offers advice on district plan provisions to ensure that, in relation to ‘large scale’ developments, all transport options and solutions are considered at the resource consent stage and that the potential effects of a proposed development are controlled in a way to best achieve the objectives of the PDP. This technical memo provides recommendations on a definition of HTGA and triggers for requiring varying levels of integrated transport assessment to be incorporated into an assessment of environmental effects submitted in support of an application, along with justification for these recommendations.
- 6.9** The sections that deal with the ‘definition of HTGAs’, i.e. the thresholds for an activity to be classified as a HTGA¹¹, were prepared by David Mitchell of T2 Traffic & Transportation Engineers Ltd. I adopt the recommendations of Mr Mitchell, consider they are appropriate thresholds and that they have been adequately justified in the technical memo.

10 Refer to section 1.4 paragraph 1 of the MRCagney technical note ‘*Developer Provision of Public Transport and Active Modes Infrastructure*’ dated 18 October 2017.

11 Refer to sections 4 and 5 of the MRCagney technical note ‘*High Trip Generating Activities Provisions*’.

6.10 MRCagney prepared the sections of the technical memo that deal with the assessment of HTGAs¹² in collaboration with Mr Mitchell, and it is my view that the recommended assessment approach is appropriate.

6.11 However, whilst I support the recommended approach to assessing HTGAs from the technical note, I clarify below certain aspects of the recommendations:

- (a) The technical note does not state explicitly that HTGAs should not be subject to the MPR rules of the PDP, but it is important that they are not. The reason for this is that the appropriate amount of parking for a HTGA should be the subject of the integrated transport assessment (ITA) and assessed during the resource consent process. This is reflected in the inclusion of *“the amount of accessory parking and any non-accessory parking proposed”* in the matters for discretion in Rule 29.4.10 of the notified version of the PDP. The intent of including this matter is so that, rather than requiring HTGAs to meet a relatively blunt MPR standard which might unnecessarily stymie potential developments, travel to the development can be considered in a more contextual and holistic way. This allows for account to be taken of the expected trips to the development by alternative modes, how parking is managed on a site and how this may influence the actual vehicle trips for the development, e.g. time limits, validated parking or paid parking can reduce the demand for car parking on a site. This aspect should be considered in a suitably comprehensive ITA and submitted in support of a resource consent application; and
- (b) In assessing the effects on the transport network, including integrating the HTGA with the public transport network and upgrading infrastructure, any requirement to avoid or mitigate adverse effects of the development should be limited in scope to those aspects that are a direct effect of the development, i.e. not general growth-related effects that are accounted for by development contributions. These aspects would presumably be covered by an application AEE that includes an ITA.

6.12 Considering direct effects of a development, when a development proposes to connect to Council administered network infrastructure (including transport

12 Refer to section 5 of the MRCagney technical note *‘High Trip Generating Activities Provisions’*.

infrastructure), the developer is responsible for constructing the connections to the requisite Council standard and for mitigating any potential adverse effects from the connection on the efficiency and effectiveness of the network. In the case of transport infrastructure this typically involves developing vehicle crossings and footpaths to comply with the Council engineering code of practice. For larger scale developments, this can include additional works such as widening the formed road and realigning infrastructure in the road reserve to develop slip lane/s so that use of the vehicle crossing is safe, or modifying intersection designs near the development to ensure any consequential safety and efficiency effects of access design and location are addressed.

- 6.13** The process of calculating and collecting development contributions is, for administrative reasons, a generalised process that has inherent assumptions about the type and level of transport activity associated with types of development. A review of the current QLDC development contributions policy (**the DCs Policy**) shows that there are assumptions within the calculations of transport contributions that become less tenable for HTGAs, and in my view significant benefits may be derived from taking a more nuanced approach to financing transport infrastructure near a HTGA development.
- 6.14** For example, the DCs Policy calculates a transport contribution based on a 'dwelling equivalent'¹³ that assumes a number of 'vehicle' trip movements to/from a development¹⁴ per dwelling equivalent rather than being a function of the number of car parks actually provided by the development. Therefore, in the case of a development that would have a relatively high walking, cycling and/or public transport mode share, and fewer car parks accordingly, the demands and effects on the road network from cars / trucks may be substantially less than implicit if DCs were levied in this standard way. At the same time, there may be a need to develop walking, cycling or public transport infrastructure to support the mode share aspirations of the development and ensure an appropriate standard for connections to these networks. Benefits in re-allocating money that may have otherwise been paid by the developer as a 'miss-allocated' standard DC, to an upgrade or extension of alternative modes infrastructure near or connecting the development to the network/s could be realised via a 'Development Agreement' with the Council. Whilst the

13 Refer to the 'Land Use Differentials' section and 'Dwelling Equivalent Calculation Table' outlined on pages 156 and 157 of the Queenstown District Council Policy on Development and Financial Contributions.

14 Refer to pages 191 and 192 of the Queenstown District Council *Policy on Development and Financial Contributions: Detailed Supporting Document* (Effective 01/07/2015).

development agreement process would be outside of the resource consent process, the ITA forming part of the resource consent application should also justify any diversion / dispensation from the standard DC process.

- 6.15** Development Agreements are provided for in sections 207A to 207F of the Local Government Act 2002. I have attached a relevant fact sheet published by the Department of Internal Affairs for reference purposes at **Attachment 3**. This fact sheet outlines the scope and purpose of developer agreements, along with mandatory contents and protections for developers and the Councils entering into development agreements.

Parking

- 6.16** The MRCagney technical note titled 'Parking Advice' reviewed the existing strategic and statutory approach towards parking supply and management in QLD, and in particular, the ways in which accessory parking is presently regulated by the Operative District Plan. This technical note provides a high-level analysis on the rationale for regulating accessory parking through minimum parking requirements and maximum parking requirements, including providing an overview of the potential negative and positive externalities of both types of policies in the Queenstown Lakes context¹⁵, in relation to transport effects, economic viability, and urban amenity.
- 6.17** Whilst minimum parking requirements have already been well defined earlier in this statement of evidence, for the sake of clarity, maximum parking requirements are defined as regulation which caps the amount of accessory parking new developments can provide. The aim of maximum parking requirements is to manage parking supply and the associated effects that this parking may have on the transport network, urban form outcomes, and modal shift outcomes towards public transport and active transport. Parking maximums are already used in the Frankton Flats Special Zone (B) of the Operative District Plan.
- 6.18** With the overview of the externalities of parking minimums and maximums defined within the Queenstown Lakes context, this technical note provided strategic advice on where minimum parking requirements are likely to be inappropriate, where minimum parking requirements could be applied to the

15 Refer to section 4 of the MRCagney technical note 'Parking Advice'.

extent that negative externalities would not outweigh the positive externalities, and the circumstances where maximum parking requirements could be applied. To provide this advice, this technical note sorted the proposed zones within the PDP into two groups within a hierarchy, as follows:

	Zones
Group 1	Queenstown Town Centre; Wanaka Town Centre; Arrowtown Town Centre; High Density Residential; Medium Density Residential; Arrowtown Residential Historic Management Zone; Local Shopping Centres; Business Mixed Use Zone
Group 2	Queenstown Airport Mixed Use Zone; Low Density Residential; Large Lot Residential; Rural Zones; Special Zones

6.19 Zones belonging to Group 1 are assumed to be characterised by areas currently exhibiting or anticipated to exhibit one or more of the following characteristics:

- (a) High density of activities such as residential or commercial land uses;
- (b) High pedestrian traffic;
- (c) High amenity retail frontages;
- (d) Relatively high land values;
- (e) Smaller sites; and
- (f) Areas of anticipated change from sparse to higher density development (e.g. Business Mixed Use).

6.20 In such areas, 'liveable' or higher quality urban environments typically provide relatively good access to high quality walking, cycling, and public transport infrastructure, as the Council responds to the transport demands by investing in these modes.

6.21 On the other hand, Group 2 zones generally involve larger site sizes, lower pedestrian activity, lower density of activity, and in the case of zones like the Queenstown Airport Mixed Use Zone and Rural Zones, lower amenity and streetscape values. The Group 2 zones are also likely to have relatively lower land values on a per square metre basis compared to land within the Group 1 zones.

6.22 The characteristics that define each group influenced the appropriateness or otherwise of the application of parking minimums and maximums. In summary, this technical note recommended that minimum parking requirements were not appropriate or should be significantly reduced for the Group 1 zones¹⁶, and in relation to maximums, these were more appropriate for activities with high peak private vehicle travel demands such as offices, educational facilities and health care facilities¹⁷. For Group 2 zones, the technical note reasons that minimum parking requirements could be justified for these zones as it is likely the economic costs and negative externalities from regulation would not outweigh the benefits¹⁸. The technical note reasons that parking maximums are suitable for office activities with highly peaked travel demands in Group 2 zones¹⁹.

6.23 Following the preparation of this technical note, the Council drafted their notified accessory parking provisions in Chapter 29 of the PDP. The notified provisions do not align completely with the recommendations of the technical note, and I discuss the departures from the recommendations below.

6.24 The PDP provisions relating to accessory car parking tend to define two primary categories of zones:

- (a) Those areas where minimums do not apply or are reduced compared to the Operative District Plan; or
- (b) Those areas where minimums continue to apply, either at a rate similar to or, in isolated instances, higher to that of the Operative District Plan.

6.25 These two categories of zones correspond roughly with the division of zones in the technical note. This situation is summarised in the following table:

Regulation	PDP Zones
No MPRs	Town Centre Zones
Reduced MPRs	<ul style="list-style-type: none"> • BMUZ • HDR and MDR

16 Refer to section 5.2.1 of the MRCagney technical note 'Parking Advice'.
 17 Refer to section 5.2.2 of the MRCagney technical note 'Parking Advice'.
 18 Refer to section 5.3.1 of the MRCagney technical note 'Parking Advice'.
 19 Refer to sections 5.3.2 of the MRCagney technical note 'Parking Advice'.

Same or higher MPRs	<ul style="list-style-type: none"> • Queenstown Airport MUZ • Low Density Residential • Large Lot Residential • Rural Zones • Special Zones • Local Shopping Centre Zone • Arrowtown Residential Historic Management Zone
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6.26 Considering the table above, it is apparent that the zones subject to no minimums or reduced minimums correspond to the Group 1 zones in the technical note. Therefore, the accessory parking provisions in these zones align with the recommendations of the technical note.

6.27 The Local Shopping Centre Zone (LSCZ) and the Arrowtown Residential Historic Management Zone (ARHMZ), which were in the Group 1 zones in the technical note, are not subject of removal or reduction of MPRs as recommended in the technical note. The approach adopted by the PDP provisions to regulating accessory parking in these zones can be considered as inconsistent with the recommendations of the technical note.

6.28 There are submissions on the proposed MPRs in the LSCZ, which I address in section 7.9 of my evidence; I do not support maintaining MPRs in the LSCZ.

6.29 The remaining zones in the table above are subject to the same or higher parking minimums compared to the Operative District Plan, which is not inconsistent with the commentary in the technical note for the Group 2 zones, i.e. it is likely these zones would have lower opportunity costs and development costs of complying with the parking minimums, and there is likely to be greater benefit from supplying accessory parking due to the areas in the Group 2 zones having poorer access to alternative transport modes. These reasons are further explained in section 5.3.1 of the technical note.

PT and Active Modes

6.30 The objectives of the PDP include improvements in the provision for public transport, walking, and cycling. The MRCagney technical note on 'Providing for Public Transport and Active Modes' assesses the existing environment for

public transport and active modes in QLD; reviews existing levels of walking and cycling; outlines existing planning documents; recommends a process for developing the network of active modes infrastructure; and discusses some of the potential impacts of walking and cycling infrastructure provision. It concludes that as at October 2017 the use of public transport is currently lacking although improvements are planned. In relation to active transport, facilities for everyday transport as opposed to recreation are generally limited or compromised.

- 6.31** Since drafting that technical note in October 2017, implementation of some of the improvements has occurred, e.g. the Wakatipu-wide bus system has been established and I understand that ridership has been increasing month on month since being established.
- 6.32** Recommended changes deal mostly with non-district plan measures to plan for alternative modes infrastructure, although the measures should be supported by related PDP provisions. For example, a clear active modes network plan and associated active modes design guide does not necessarily need to be incorporated into the district plan, provided the process for implementing the network and reviewing development proposals to ensure development is consistent with the plan and best practice design are integrated into the PDP provisions. This can be done by way of the scope and assessment matters of HTGA and subdivision activities, supported by direction from the objectives and policies of the PDP.
- 6.33** The technical note recommends carrying over the enabling approach applied in the Operative District Plan to on-road infrastructure activities, to also include off-road and water-based infrastructure, albeit with greater clarity, and to bundle the activity classifications for on-road and off-road transport infrastructure into a unified Transport Chapter of the PDP. This would have the benefit of streamlining the consenting and planning process for the public and active transport infrastructure planned for the District.
- 6.34** In my view, and accepting that a staged approach to the district plan review poses some challenges to the comprehensive integration of transport related provisions, sufficient provisions have been included in the PDP to support the initiatives or measures outlined in this technical note.

- 6.35** This technical note also briefly addresses the regulatory situation applying to water-based transport, as the Council is interested in the potential for scheduled ferry services to contribute to servicing transport demand. The technical note suggests that the provisions related to activities on the surface of lakes and rivers should be included in a section of the district plan separate from the transport provisions, as these activities are dealt with under a separate section of the RMA. This is already reflected in the PDP provisions, as water-based transport is covered in the Rural part of the PDP. However, because the Rural and Queenstown Town Centre chapters of the PDP were notified as part of Stage 1 of the process, the technical note also recommended adding objectives and policies to the relevant parts of the Queenstown Town Centre Zone and Rural Zone via a plan variation to align the objectives and policies that would apply to ferry services on the surface of lakes and rivers with the transport chapter objectives and policies. These recommendations were not fully carried through into the notified variations to the Rural and Queenstown Town Centre Zones but as this matter was not raised in submissions I have not discussed it any further in this evidence.
- 6.36** Issues raised in submissions²⁰ question the distinction made between 'Public Water Ferry Service' and other private commercial boating activities and seek that this distinction is removed from the PDP provisions. In response to the issues raised, QLDC requested additional advice from MRCagney on the significance of distinguishing between the public and private activities in the PDP. Subsequently, Ms. Gail Davies, who is a Principal Transport Strategist working from the Brisbane office of MRCagney and who has had considerable experience planning and managing the Brisbane CityCat water ferry services, has prepared an additional memorandum that deals with this matter. This memorandum along with Ms. Davies CV is included in **Attachment 2** to my evidence.
- 6.37** Ms. Davies' memorandum recommends that QLDC does not dilute the strong message of intent to prioritise public and active transport modes including scheduled public water-based transport as part of the transport network, and comments that this is especially important given the variable nature of general water-based activities and potential conflicts with a scheduled, fixed route service. Ms Davies recommends that the provisions retain reference to the term "public".

20 Refer to submissions 2466, 2492, 2494, 2581, 2465, and 2453.

6.38 I rely on the specialist advice of Ms. Davies in relation to retention of the term “public” in the definition and note that Ms Jones has outlined her views on the definition of “Public Water Ferry Service” in her section 42A report, which addresses the issue raised by submitters.

Standards for Cycle Parking and ETFS

6.39 An increased share of trips by active modes satisfies several objectives of the PDP. One means of improving conditions for pedestrians and cyclists is the provision of cycle parking and end of trip facilities (such as showers, changing rooms and lockers) as an accessory to development. The MRCagney technical note analyses the benefits and costs of cycle parking and end of trip facilities; reviews the regulatory practices of QLDC and other councils in New Zealand as well as internationally; outlines best practice principles for providing cycle parking and end of trip facilities; and recommends provisions for the PDP.

6.40 The main product of the technical note is a table which recommends the quantity of cycle parking and end of trip facilities which are to be required of development by activity type²¹. This technical note was prepared by my colleague Mr Lukas Adam, who is a Senior Walking and Cycling Consultant at MRCagney. The PDP adopted the recommended provisions table with the addition of reference to providing facilities for e-bikes.

6.41 In response to matters raised in submissions, including submissions on references to e-bicycles in the PDP that were not covered by the MRCagney technical note, a supplementary memorandum has been prepared by my colleague Mr Lukas Adam that provides additional specialist evaluation of these matters. I have included this memorandum in **Attachment 2** to my evidence. The memorandum provides:

- (a) Supplementary comment on the value of providing end of trip facilities to support the use of alternative modes of transport, and reasons that the recommendation included in the technical note represents an appropriate balance to ensure the costs developers incur does not outweigh the benefits of the rules, including end of trip facilities for education facilities;

21 Refer to Table 5 of the MRCagney technical note ‘Standards for Cycle Parking and End of Trip Facilities.’

- (b) An evaluation of the costs and benefits of requiring e-bicycle charging facilities at the end-of-trip, concluding that this requirement should not be included in the rules;
- (c) Consideration of the costs and benefits of requiring cycle parking at park and ride facilities, concluding that these should be required in the same way that bicycle accessibility should be provided for at major transport interchanges;
- (d) Advice on the costs and benefits of the provision of end of trip facilities at schools, concluding they should not be required; and
- (e) Advice on the provisions relating to restaurants.

6.42 I rely on the specialist advice of Mr Adam and adopt his conclusions in my evidence.

7. RESPONSE TO MAIN ISSUES RAISED IN SUBMISSIONS

7.1 A range of issues were raised in submissions, as summarised in the evidence of Ms Vicki Jones. I now consider specific aspects of these issues as they relate to the transport benefits and costs of the PDP accessory parking provisions, non-accessory coach parking, the provision of preferential parking and vehicle / bike charging infrastructure, requirements for bicycle parking and end-of-trip facilities, the regulation of public transport and public water ferry services, and HTGAs.

Parking “Spill Over” Effects²²

7.2 Concerns have been raised in submissions that the proposed MPR rates will not result in a parking supply that would accommodate the demand for parking for some activities, and that there will be adverse spill-over effects.

7.3 In this regard, whilst not representing the ideal situation espoused by the MRCagney technical note on parking, in my view the PDP parking provisions represent a reasonable step towards balancing costs and benefits of regulation of accessory parking in the district plan, and submissions seeking higher MPR rates should be rejected.

22 Refer to submissions 2020, 2076, 2349 and 2238.

7.4 On the issue of spill-over effects, in areas of concern the Council can mitigate on-street spill-over effects by employing parking management measures such as time limits, and in instances of illegal parking on public roads or reserves can undertake enforcement, e.g. Council parking officers issuing infringement notices / fines or having non-complying vehicles towed. I understand that QLDC has recently been dealing with management measures of this type in the Frankton area to address effects of parking adjacent to the bus hub, including reducing parking areas, extended yellow lines, and "no parking on the verge" signs²³.

7.5 There may also be effects on other land owners or occupiers in the area, who may have to more actively manage access to car parks on their properties, although this is a typical characteristic of vibrant and successful urban areas. For example, in busy urban centres accessory parking may have signage stating the parking is for customers of the associated commercial activity and others will be towed away, or parking can have access controls and users are required to pay for parking or validate their parking with a receipt from the associated commercial activity to receive free parking. Both of the above methods can be combined with time limits to ensure parking is used for short stay purposes rather than long stay purposes. Moreover, concerns related to spill-over effects assume that developers will not, as part of ensuring the economic success of their businesses, plan, construct and manage a quantity of car parking to ensure optimised access to their development for potential users. In other words, in my view it is counterintuitive that a developer would invest in an activity / development but not ensure that the requisite / optimum number of users had access to that activity / development.

7.6 Therefore, in my view the adverse effects of increasing MPR rates would substantially outweigh any benefits from avoiding spill-over effects.

Reduce or Remove MPRs in the LSCZ²⁴

7.7 Several submissions seek no or relaxed MPRs for LSCZ. As noted above, the MRCagney technical note that addresses parking recommended the LSCZ having no or reduced minimums.

²³ <https://www.odt.co.nz/regions/queenstown/council-vote-frankton-parking-crackdown>
²⁴ Refer to submissions 2585 and 2593.

7.8 I have reviewed the location and characteristics of the LSCZ within the district, which is a relatively small zone in terms of land area, and the number of discrete areas of zoned land, and have observed the following generally distinct development characteristics:

- (a) Existing commercial development supported by on-street parking that tends to be relatively small scale, e.g. corner of Capell Avenue and Parry Crescent in Hawea and Adamson Drive in Arrowtown;
- (b) Existing commercial development with off-street accessory parking is both large and small scale, e.g. Frankton Junction and Alison Avenue in Albert Town; and
- (c) Currently vacant sites, e.g. Wanaka opposite West Meadow Drive and Kelvin Heights opposite Lewis Road, and in Frankton adjacent to the cemetery.

7.9 In my view, imposing MPRs in the LSCZ would result in a greater magnitude of costs than benefits. The reasons for this are that:

- (a) The LSCZ is a very limited zone in terms of total area. Although land values may not be high, there is a physical constraint on redevelopment due to the constrained areas of land the zone is applied to. Furthermore, because the LSCZ zoned land consists of isolated small areas, and corresponding small floor areas, there is no issue in terms of cumulative spill-over effects from multiple activities of the same nature in the same general area, as might be the case in an industrial or residential zone. Therefore spill-over effects would likely be very limited in any case;
- (b) The physical layout of the LSCZ sites would not typically support increased on-site parking. The existing small-scale commercial developments within the LSCZ are supported mainly by on-street parking and would face significant hurdles to change of use or redevelopment, as any change of use would require a fundamental change to the development layout on the site to include on-site accessory parking, or would require a resource consent for an MPR dispensation. These requirements would impose a significant cost on a developer that may either dissuade the redevelopment or unnecessarily displace other activity on the site to accommodate car parking; and

- (c) For existing LCSZ activities that have on-site parking, or for future LCSZ activities on currently vacant land that develop on-site car parking, this is presumably part of the business model to ensure the financial success of the activity, and therefore the developer would choose to provide the necessary on-site parking to support their business in any case. In other words, the MPRs would be non-binding for this type of LCSZ activity, as it seems a reasonable presumption that a developer would not invest in an activity where they did not have certainty around accessibility for their customers²⁵.

7.10 In the case of the large areas of undeveloped LSCZ, these may also be subject to the HTGA rules and would therefore be exempt from having to necessarily meet the MPRs if any such MPRs were applied.

7.11 Accordingly, I am of the view that MPRs should not apply to activities within the LCSZ.

MPRs for Residential Flats²⁶

7.12 Several submissions seek that residential flats be exempt from MPRs. In this regard it is expected that residential flats will establish primarily in the LDR zone, as in the higher density zones residential flats are treated as though they are stand-alone residential units in any case, with the same applicable MPRs.

7.13 If MPRs are applied to residential flats, my view is that to provide flexibility for the configuration of the site and to allow occupants of a site flexibility to manage the parking resources on the site to suits them, the car parking required for the flat/s should be covered by clause 29.5.8 (e) of the PDP, which allows parking to be provided in a tandem configuration²⁷.

7.14 Allowing tandem parking for residential flats also has the benefit that unnecessary areas of impervious surface on a site, which might otherwise be required to provide non-tandem car parks for flats, can be avoided.

²⁵ This statement is premised on the Council employing appropriate parking management measures to on-street car parking in the area and consistently enforcing the district roading bylaws, e.g. The Queenstown Lakes District Council Traffic and Parking Bylaw 2012.

²⁶ Refer to submissions 2014, 2448, 2466, 2492, 2494, and 2581.

²⁷ It is noted that submissions including submission numbers 2448, 2453, 2465, 2466, 2492, 2494, and 2581 seek that tandem parking be a permitted activity on all residential sites.

Parking for Industrial Activities²⁸

7.15 Submissions seek an alternative parking ratio for industrial activities, e.g. providing for either a gross floor area (GFA) ratio or a full-time employee (FTE) ratio, whichever is lowest rather than the blunt GFA ratio in Rule 29.9.18.

7.16 I support the approach of enabling greater flexibility in terms of complying with MPRs for industrial activities. The reasons for this are that:

- (a) There are a variety of different industrial formats that might be developed on a premise, including highly automated processing or manufacturing, which may require a substantial floor area but relatively few employees to operate;
- (b) I expect industrial developers would act in their own interest and ensure an adequate supply of parking to support their investment, and if a greater amount of parking was needed to support their business model they would act to provide this, either by strategic site selection, works on the premises to provide the requisite amount of parking, or arranging for an off-site parking supply. To ensure developers are cognisant that it is in their interest to secure a private supply of parking to support their development, it is assumed that the Council will employ appropriate parking management measures to on-street car parking in the area and consistently enforce the district roading bylaws. I also suggest that a district parking management strategy, which outlined the principles applying to the use and management of on-street parking resources, would assist in highlighting to developers that they should not rely on on-street parking to support their developments; and
- (c) Reduced MPRs will in turn reduce the regulatory burden for industrial activities in the district, and contribute to a more diverse, efficient and productive industrial environment.

Public Transport and Water-Based Transport²⁹

7.17 As per the comments in paragraphs 6.36 through 6.38 above, relying on the specialist evaluation of Ms. Gail Davies included in **Attachment 2**, the term

28 Refer to submission 2460.

29 Refer to submissions 2466, 2492, 2494, 2581, 2594, and 2465.

“public” should be retained in the definition of ‘Public Water Ferry Service’ in the PDP provisions.

- 7.18** Ms Vicki Jones discusses this aspect, including the scope for changes to the definition in her evidence.

Reduced MPRs in the Village Activity Area – Jacks Point³⁰

- 7.19** Several submissions seek that the policies of the PDP should include enabling a lower rate of accessory parking to be provided for residential activity in the Village Activity Area of the Jacks Point Zone compared to other zones, by including reference to it in policy 29.2.2.3.

- 7.20** My understanding is that the Village Activity Area of the Jacks Point Zone area is largely a greenfield site, and that the scale of development anticipated for the zone would likely trigger the HTGA rule in the PDP. Therefore, if the recommendation to exempt HTGAs from MPRs is accepted, most development in the zone would be exempt from MPRs and the parking needs for the development would be assessed holistically at the time of resource consent.

- 7.21** The recommended structure of the MPR and HTGA rules effectively enable a lower rate of accessory parking for residential activities, albeit that this is subject to the assessment that is required in an integrated transport assessment, and therefore it may be appropriate to update the policy wording as requested by the submitters.

A Framework for Assessing Resource Consent Applications for MPR Dispensations³¹

- 7.22** Submissions also seek a more robust assessment framework for assessing a resource consent for a parking shortfall, or that the objectives and policies provide a clearer framework and level of guidance for assessing resource consent applications.

- 7.23** Given that MRPs are used as a method in this PDP, it is useful to consider the assessment framework. On this point, development that does not meet the

30 Refer to submissions 2376 and 2381.

31 Refer to submissions 2297 and 2339.

MPRs is classified as a restricted discretionary activity and discretion is restricted to the number of parking spaces provided and the allocation of parks on the site, as per Rule 29.5.1. There are no specific assessment criteria for this type of consent, but the PDP does include objectives and policies that can guide the preparation and assessment of a resource consent and can inform an assessment of an application, e.g. policy 29.2.2.5 outlines the circumstances when a dispensation from the MPRs is justified.

7.24 I have reviewed the amended version of policy 29.2.2.5 outlined in the evidence of Ms Vicki Jones and note that this policy addresses: effects on the functioning of the surrounding transport network, amenity of the surrounding environment, the level of public transport and active transport service in the area and measures incorporated to encourage the use of public and active transport as an alternative to cars, the characteristics of the activity or site that justify less parking, shared or reciprocal parking, and whether it can be demonstrated that demand would be lower than the MPR.

7.25 Whilst there are no prescriptive criteria included in the policy, the assessment of the actual parking requirements for an activity can be influenced relatively strongly by the context of the site and the activity proposed. For example, the accessibility to active transport networks can be influenced by the quality of local connections rather than just proximity, and the management of parking demand by way of a parking management plan needs to be assessed on a case by case basis. Therefore, in my view the amended policy 29.2.2.5 provides a reasonable guide to the types of mitigating factors that would come into play when assessing a resource consent application for a dispensation from MPRs, and there is no need to include an additional framework in the provisions.

High Trip Generating Activities³²

7.26 There are a variety of submissions addressing the HTGA provisions of the PDP, some seeking the complete removal of the provisions, and others seeking changes to the scope of the matters of discretion or limiting the application of the rules in a geographical sense or amending the threshold for residential dwellings from 50 to 100. Given the broad range of changes sought in submissions, there is a relatively broad scope for amendments, and I rely on the

³² Refer to submissions 2552, 2335, 2408, 2465, 2560, 2618, 2239, 2336, 2339, 2376, 2381, 2448, 2453, 2460, 2466, 2474, 2492, 2494, 2538, 2581, 2590, 2601, and 2151.

evidence of Ms Vicki Jones to provide greater definition on the scope available. Furthermore, as discussed above in paragraphs 6.8 through 6.13, and although not specifically sought in a submission, it is my view that the PDP provisions should be updated to exempt HTGAs from the MPR standards.

- 7.27** Concern has also been raised that the intention of including the HTGA provisions is to levy financial contributions or to require payment for works or require works to be undertaken by the developer where these works have already been planned and accounted for in the development contributions policy and processes.
- 7.28** As per the clarification provided above in paragraphs 6.8 through 6.13, the PDP provisions should be updated to make it clear that any works required by a resource consent condition are directly related to the effects of the development and are not related to the general growth effects of the development. For example, 'growth effects' would be effects that are described and addressed in the Council DCs policy, with associated capital works projects being planned for in the Council Ten Year Plan, and effects directly attributable to the development might be local road works to accommodate the connection of the proposed activity to the road network to the appropriate standard of service and level of safety.
- 7.29** Reference to the Development Agreement method of assessing and developing infrastructure to support a proposal could also be made in the provisions, to clarify that the intent of the HTGA rules is to ensure the developer has the opportunity to design the most efficient land use outcome for the site with regard to the balance of transport infrastructure (including car parks) and other activity areas such as retail or residential floor area, and to ensure that investment in transport infrastructure is targeted in the most effective way possible. This is rather than the relatively blunt application of MPRs and standard development contributions that would otherwise take place during the design and consenting process.
- 7.30** Regarding the request to amend the HTGA threshold for residential dwellings from 50 to 100, in my view the thresholds included in the notified version of the PDP represent current best practice, as articulated in the *'High Trip Generating Activities Provisions'* technical note, and therefore no changes should be made.

Increased Requirements for End-Of-Trip Facilities³³

7.31 As per the comments in paragraphs 6.39 through 6.42 above, relying on the specialist evaluation of Mr Lukas Adam included in **Attachment 2**, the end of trip facility thresholds and rates outlined in Table 29.7 of the PDP should be maintained except that:

- (a) the requirement to include e-bike charging facilities is not supported; and
- (b) there should be no requirement for primary schools or secondary schools to provide showers and lockers.

Park and Ride Bicycle Parking³⁴

7.32 As per the comments in paragraphs 6.39 through 6.42 above, relying on the specialist evaluation of Mr Lukas Adam included in **Attachment 2**:

- (a) Bicycle parking at park and ride facilities should be required in the same way that bicycle accessibility should be provided for at major transport interchanges and this is best achieved through the matters of discretion in relation to park and ride activities rather than specifying the number of cycle parks required; and
- (b) Park-and-walk facilities are not supported because this simply comprises conventional parking as all private car trips involve some walking.

References to E-Bikes and E-Bike Charging Facilities³⁵

7.33 As per the comments in paragraphs 6.39 through 6.42 above, relying on the specialist evaluation of Mr Lukas Adam included in **Attachment 2**, a requirement for e-bicycle charging facilities at the end-of-trip should not be included in the rules.

33 Refer to submissions 2151, 2239 and 2552.

34 Refer to submission 2369.

35 Refer to submission 2239.

8. CONCLUSIONS

- 8.1** The proposed accessory parking provisions in the PDP are likely to have significant positive economic and transport impacts where they remove or reduce the MPRs applied to new developments, change-of-use developments, or redevelopments as compared to the ODP (status quo). This is because the land use and transport efficiencies that arise from the removal and/or reduction of MPRs exceed the costs of increased parking management.
- 8.2** Notwithstanding the above, I support submissions seeking a further reduction in minimum parking requirements in the LSCZ and for industrial activities.
- 8.3** Imposing MPRs in the Town Centre zones, or increasing the rate of MPRs in the HDR, MDR and Business Mixed Use (BMUZ) Zones would have significant adverse economic effects. These negative effects would arise due to the relatively high value of land (and floor space) that prevails in those areas. These costs would be highly likely to outweigh the potential benefits of retaining MPRs, such as reduced parking spill over.
- 8.4** Maintaining no MPRs or reducing the MPRs in higher density areas will have significant direct and indirect transport benefits, as over time, the removal or reduction of MPRs will reduce the supply and increase the price (monetary and non-monetary) associated with parking, which will contribute directly to reduced traffic congestion. Removing or reducing MPRs will also, over time, enable an increase in the density of urban development and thereby indirectly support the use of non-car transport modes. For these reasons, reducing MPRs is, in my view, likely to lead to considerable transport benefits, especially across the long term.
- 8.5** The costs of specific provisions to require a minimum quantity of electric charging infrastructure associated with electric vehicle and electric bicycle (e-bike) parking are likely to outweigh any stated transport and environmental benefits.
- 8.6** Providing cycle parking at park-and-ride facilities is supported, with this cycle parking provided as a component of the public transport facility cycle parking.

- 8.7** The requirement for primary and secondary schools to provide end of trip facilities should be removed from the PDP provisions.
- 8.8** It is beneficial to retain the distinction between public transport and private commercial transport in the PDP provisions, but the definitions of 'water based public transport' should be more closely aligned with the Public Transport Management Act 2008 and the Land Transport Act 1998.
- 8.9** There is an overall benefit in retaining the HTGA provisions in the PDP, as these provisions enable a nuanced consideration and response to the potential transport effects of a development proposal.
- 8.10** I support HTGAs being exempt from minimum parking requirements, as per the amended provisions included in the evidence of Ms Vicki Jones.
- 8.11** I support the amended wording of the HTGA provisions that clarify that a monetary contribution for or constructing infrastructure should only be required from a developer to avoid, remedy or mitigate, or off-set adverse effects of their development not accounted for in development contributions, or as agree by way of a Development Agreement.
- 8.12** I support the reference in the amended HTGA provisions to Development Agreements as a means of managing the monetary contributions and facilitating the necessary transport infrastructure to support a HTGA development.



Stuart John Crosswell

23 July 2018

ATTACHMENT 1
QUALIFICATIONS AND EXPERIENCE

Stuart Crosswell

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Contact

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Qualifications

Bachelor of Planning
University of Auckland
Auckland, New Zealand, 2004

Affiliations

Full Member
New Zealand Planning Institute, 2009

Senior Planner

I am involved with providing regulatory and policy planning services to a variety of territorial authorities in the Auckland and Northland regions, as well as providing policy planning advice to Councils in various parts of New Zealand. This work includes providing both in-house services and acting on behalf of Councils while based in our Auckland office, including reporting at Council hearings on large scale complex development applications.

Currently, I am providing regulatory planning services to Auckland Council for the Southern, Central, and Northern area offices, and working with integrated transportation planning at the policy/plan development level, preparing Comprehensive Parking Management Plans for town centres in the Auckland Region, and providing planning advice and preparing resource consents for private sector clients.

Career History

Planning Consultant, MRCagney Pty Ltd, Auckland, New Zealand (2003 – Present)

Relevant Expertise

- Local government policy and planning advice
- Land use and transport integration, and transport-oriented development
- Structure planning
- Land use development and subdivision regulation and consenting
- Discharge and water use regulation and consenting
- Preparation of Comprehensive Parking Management Plans
- Local authority car parking policy and regulation
- Local authority transport policy and regulation
- Strategic site selection and feasibility studies
- Expert Witness at local authority hearings
- Communications, presentations and IT skills
- ArcGIS & QGIS – geographic information systems

Selected Project Experience

Strategic and Policy Planning

- Otahuhu Town Centre & Panmure Town Centre Comprehensive Parking Management Plans – Auckland Transport (2017)
- Policy advice on the Auckland Unitary Plan coastal provisions, assistance with hearing evidence – Auckland Council (2015)
- Policy advice on the Auckland Unitary Plan parking provisions, 'The Economic Impacts of Parking Requirements in Auckland' – Auckland Council (2013)
- Planning assistance with the analysis of policy options for a National Policy Statement on Urban Development – Ministry for the Environment (2016)
- Christchurch City Council Parking Strategy – Christchurch City Council (2013)
- Proposed District Plan Transport Chapter Strategic Policy Advice - Queenstown Lakes District Council (2017)

Regional Level Resource Consents

- Regional consenting under the Auckland Unitary Plan – landfill, streamworks, earthworks, stormwater, contaminated land, air discharges – Auckland Council (2016 - 2018)
- Stormwater Network Discharge Consent – Orewa West, Silverdale South and Silverdale Township, Papakura – Auckland Council (2012-13)
- Wastewater Network Discharge Consents – Papakura, Takanini and Hingaia Growth Areas, and Pukekohe Urban Area – Auckland Council (2011-12)

District Level Resource Consents

- Large scale cleanfill, managed fill and landfill developments, winery expansion, service station development, network utility infrastructure, industrial, commercial and retail developments, out-of-zone development, and outdoor recreation facilities – Auckland Council and Northland areas (2004-present)
- Multi-Lot urban and rural subdivisions including environmental lot, coastal, farm park development, horticultural / intensive use, and transferable title subdivision – Auckland Council and Northland areas (2004-present).

Private Sector

- Submissions on Proposed District / Regional Plans and Plan Changes, including acting as an expert witness for submitters at hearings
- Private Plan Change Request, Auckland Council – Patumahoe Hill Structure Plan Area, Patumahoe Village
- Preparation and Lodgement of Resource Consents

ATTACHMENT 2
SUPPLEMENTARY TECHNICAL COMMENT

Memorandum

To:	Stuart Crosswell	Of:	MRCagney Auckland Office
From:	Gail Davies	Date:	24 May 2018
Copies:	Anthony Leung		
Project:	Queenstown Proposed District Plan Stage 2		
Subject:	Chapter 29 Transport – Response to Public Water Transport submissions		

1 Introduction

MRCagney has reviewed the proposed District Plan (PDP), Chapter 28 – Transport and the public submissions received relating to the definitions and treatment of ferry transport.

Advice has been sought regarding the benefits of distinguishing between public ferry services and general water taxi services and other water transport services (such as cruise and charter operations) in the PDP / objectives, policies, and rules.

It is noted that objectives and rules for general activities that occur on the surface of lakes and rivers are covered comprehensively under Chapter 21 (Rural Zone) of the PDP which addresses commercial boating, recreational boating, and structures such as wharfs and jetties. This chapter has been updated by way of a variation to cover public transport, and Chapter 29 has now addressed PT and associated structures to expressly refer to water-based public transport activities.

The Proposed District Plan as currently drafted provides a very clear strategic direction for the District that over-reliance on the use of the private vehicle will be managed through a strong commitment to facilitating the provision of accessible and integrated public and active transport modes.

Submissions requesting amendments to the proposed treatment of public transport and public water transport have been minimal to date. However, given the significant contribution of these tourism operators/developers in attracting visitors to the lakes district and to the region's economy, and providing services that are also available for local residents, a considered review and response to the issues raised is warranted.

It is recommended that QLDC does not dilute the strong message of intent of the importance of prioritising public and active transport modes including scheduled public water-based transport as part of the PT network. This is especially important given the variable nature of general water-based activities and potential conflicts with a scheduled, fixed route service.

To ensure appropriate controls are in place against potential adverse impacts of water-based activities that are more "variable" in nature than scheduled public transport operations, it is also recommended that the distinction between 'public' and other transport activities, especially water-based transport, is retained.

Notwithstanding, there may be opportunities without diminishing the strategic intent or regulatory powers, to adjust some of the draft wording to provide greater clarity and support of scheduled transport operations in general, along with potentially re-considering the discretionary/restricted discretionary activities listing.

A summary of the issues raised and recommendations for addressing these water transport issues are provided.

The commentary which follows is limited in scope to the issue of water transport. A review of public lakeside facilities including design standards/specifications/permissions for terminals, pontoons, and parking facilities for lake users/transport operators is beyond the scope of this advice.

2 Submissions relating to Ferry Transport

Of the 69 submissions received (as at 17 April 2018), incorporating 839 submission points, only seven submitters specifically raised the issue of water/ferry transport and four submitters only raise the issue due to participating in a 'class funded' pro-forma submission prepared.

These are listed below including context, the key issues raised, and requested amendments to Chapter 29.

- **Real Journeys Ltd**
 - **Cruise operator, Milford Sounds**
 - *The benefits of all forms of transport services and infrastructure, in particular transport provided by private commercial operations, to the districts economy and overall transport network be specifically recognised; and*
 - *All transport services and associated infrastructure is provided for and not discouraged. This includes providing equally for both public and private transport services. The different modes of transport should be articulated, particularly: Land transport; inclusive of walking access and the cycle trails network; Water transport; particularly passenger transport services; Air transport; including the use of private helicopter services.*

- **Cardrona Alpine Resort Limited**
 - **Alpine resort/snow sports operations**
 - Transport issue raised only relates to air transport, mostly seeking amendments/relief re signage and earthworks.
 - Some relevant wording amendments proposed to 31 (signs) to broaden network definitions to consider.

- **Te Anau Developments Limited**
 - **Resource consents for Real Journeys operations** mainly in Southland and Otago including maintaining about 26 coastal permits to provide for core commercial surface water activities in Fiordland and Stewart Island.
 - Mainly expressing issues relating to earthworks (and alignment with Regional Water Plan) and signage.
 - That recognition be given to the benefits of and provide for commercial recreation and transport activities in all open space zones. Ensure these activities are not discouraged.
 - *The benefits of water transport services to the districts economy and overall transport network to be specifically recognised and provided for; and*
 - *All transport services and associated infrastructure is provided for and not discouraged. This includes providing equally for both public and private transport services. The different modes of transport should be articulated, including water transport services and associated infrastructure.*
 - *The provisions concentrate on the road network and do not satisfactorily recognise the benefits or provide for other means of transport, including the provision of cycling and walking (including the trails network), air and water transport and their associated infrastructure. Specific recognition of and provision for each of these modes of transport should be articulated in the Transport chapter.*

- **Queenstown Water Taxis Ltd (QWT)**
 - **Scheduled Hilton-Queenstown water taxis + chartered cruises no set routes**
 - Amend provisions relating to Public Water Ferry Service to incorporate commercially owned and operated water transport systems used primarily for transporting sightseeing visitors but are equally available to the general public.
 - The more enabling approach to water ferry services is supported.
 - That the definition of Public Water Ferry Service is amended to remove the word 'Public' or removed and consequently amended in the rules.
 - That the distinction between a Water Ferry Service and a Commercial Boating Activity is reconsidered. The proposed rules, through a Restricted Discretionary consenting process, seek to distinguish a Water Ferry Service from a Commercial Boating activity (Discretionary). Such distinction cannot logically occur. It is entirely feasible that each of the QWT boats will operate all four of the types of service described in the proposed definition (a public scheduled ferry service, a M of E funded school trip, a specific event trip, a commercial trip) in a single day.

- **RCL Henley Downs Ltd**
 - **Housing developer, Hanley Farms - 2100 houses planned**
 - NB - part of a proforma submission prepared
 - Differentiating between "public" and "private" is opposed. The provisions should apply equally to both public and private transport systems
 - Considers the emphasis on 'public' may preclude private ventures from providing ferry services.

- **N W Cashmore**
 - **Owner of Lot 1 DP 363520, Lot 5 DP 19665, Lot 6 DP 19665 and Lot 1 DP 449145. The sites are located to the south of Fernhill Road. The four lots are currently undeveloped.**
 - Seeking visitor accommodation relief mainly. Otherwise part of a 'class' proforma submission.

- **Go Orange Ltd**
 - **Cruise operator Milford Sound/day tour cruise operator and has now acquired Queenstown Rafting. Go Orange also has an extensive shuttle bus and coach fleet.**
 - GO ORANGE has a key interest in provisions applying to Tourism activities including the transport network, waterbodies, Council's reserves, earthworks, signage, and visitor accommodation. To note, the explanatory part of its submission focuses on land-based issues predominantly.
 - *GO ORANGE requests the chapter (and any other district plan provision that may be applicable to transport) be amended as required to ensure: a. The benefits of all forms of transport services and infrastructure, in particular transport provided by private commercial operations, to the districts economy and overall transport network be specifically recognised; and b. All transport services and associated infrastructure is provided for and not discouraged. This includes providing equally for both public and private transport services. The different modes of transport should be articulated, particularly: i. Land transport; inclusive of walking access and the cycle trails network ii. Water transport; particularly passenger transport services iii. Air transport; including the use of private helicopter services.*

2.2 Summary of Key Requested Amendments

Noting some of the above submissions include identical proformas prepared by the same agency, submissions relating to water transport may be summarised as:

1. That the benefits of all forms of transport services and infrastructure, in particular transport provided by private commercial operations, to the district's economy and overall transport network be specifically recognised.
2. That all transport services and associated infrastructure is provided for and not discouraged. This includes providing equally for both public and private transport services and that reference to "public" in whole of Chapter 29 be removed.
3. That the different modes of transport should be articulated, particularly: Land transport; inclusive of walking access and the cycle trails network; Water transport; particularly passenger transport services; Air transport; including the use of private helicopter services.
4. That Policy 29.2.1.2 is amended to include private ferry services – i.e. (all) water ferry services, not only public water ferry services.
5. That the definition of Public Water Ferry Services is deleted or amended to include water taxi and water passenger transport services.

3 Response to submissions

3.1 Strategic Context

In the current drafting of the proposed District Plan, Council is sending a strong signal that a key guiding principle is to prioritise and facilitate PT/AT, and carefully manage the effects of development to achieve a balanced and sustainable transport network. A decision to agree to all requests of submitters, summarised above, would significantly dilute this message of intent.

Section 87A of the Resource Management Act 1991 (Act) specifies classes of activities.

Activities are usually afforded 'discretionary'/'restricted discretionary' status mainly:

- where there is a potential that 'permitted' or 'controlled' activities may not be suitable in all locations in a designated zone; or
- where the effects of the activity on the environment/urban amenity are so variable that it is not possible to prescribe appropriate standards to cover all circumstances in advance of an application.

Discretionary activities are those for which the council retains full discretion. "Restricted discretionary status" effectively means that Council limits the range of matters it considers and only sets conditions (if the resource consent is granted) that are relevant to the matters to which it has restricted its discretion. The set of accompanying 'rules' (conditions of focus) is important: too narrow will restrict the Council in setting consent conditions that avoid or mitigate significant adverse effects; or too wide and the restriction on discretion becomes meaningless and a full discretionary activity rule should be considered.

The key intent of listing water-based activities largely as discretionary activities is to preserve/enhance the quality of the natural environment, to preserve regional amenity, ensure safety for all lakes users, reduce potential conflicts arising from variable activities, and balance the different uses of the waterways for the benefit of residents and visitors. The effects of development must be managed and Council's stated commitments to facilitating efficient and effective PT/AT and achieving a balanced transport network is to be applauded.

Notwithstanding, the significance of water-based transport and general recreational activities on the tourism industry and thus the regional economy must also be acknowledged and fostered.

It is envisaged that a future PT water transport system (scheduled, fixed route, for the general public – closely aligning with definitions of "public transport" under the national legislation) would not be variable in nature and therefore justifiably falls within the 'restricted discretionary' classification.

Water transport services operated by taxis (which are excluded under the Public Transport Act as a public transport service) may be variable in nature. Tourism-based cruises and charters, whilst not excluding the public, certainly have the potential to be more variable in nature and have the potential to significantly impact scheduled operations – it is essential these activities are carefully managed and assessed to ensure an efficient and safe water-based public transport system can operate.

Section 87A(3) of the Resource Management Act states: *"If an activity is described in this Act, regulations (including any national environmental standard), a plan, or a proposed plan as a "restricted discretionary activity", a resource consent is required for the activity and: (a) the consent authority's power to decline a consent, or to grant a consent and to impose conditions on the consent, is restricted to the matters over which discretion is restricted (whether in its*

plan or proposed plan, a national environmental standard, or otherwise); and (b) if granted, the activity must comply with the requirements, conditions, and permissions, if any, specified in the Act, regulations, plan, or proposed plan”.

The key issue raised in the water transport related submissions is mostly relating to a commercial water-based taxi/transport service being classified as a discretionary activity, whereby the Council is not restricted in the matters it can consider in its decision, whereas it is in relation to a public water transport service. The salient point relates to the matters over which discretion is restricted because a decision to grant or decline a public water transport activity is limited to those matters.

As a public water ferry service is classified as a Restricted Discretionary Activity, the private operators may be subject (potentially) to a more onerous consent requirement than the hypothetical public operator. They are of the view they should be dealt with on an equal footing.

However, it must be stressed and re-iterated in Council’s decision and formal response to submissions that, regardless of classification, the District Plan cannot over-ride any obligations/requirements enacted under national maritime regulations including The Maritime Transport Act (MTA) and the Ship Registration Act administered by Maritime New Zealand, and Council by-laws pertaining to water-based activities, including the QLDC Waterways Navigation Safety Bylaw and the Lakes District Waterways Shotover River Empowering Act.

These compliances and assessment considerations will pertain to **all** transport operations regardless of classification under the District Plan.

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’.

The current situation under the operative district plan is that the private water taxi/transport operators need to apply for a (full) discretionary consent, so the requirements for them do not actually change except that if they can show that they operate on a fixed schedule and meet the other criteria in the notified definition then they will fall within the definition of a “Public water ferry service” and be subject to the more liberal activity status. Therefore, the new rules that introduce the public water ferry services activity are mostly perceived to favour this activity.

Regardless of the final decision on this matter, given the imperative to avoid lake operational conflicts and adverse effects on environment and amenity and safety – water-based transport activities falling under ‘commercial’ and ‘general’ should certainly remain classified as ‘discretionary’ activities – to provide Council with the necessary scope to impose conditions without being limited to the seven categories of restricted matters.

3.2 Definition of public and passenger transport

Relevant ‘public transport’ related definitions currently included in the Proposed District Plan are as follows:

Public transport facility

A facility for passenger movements on/off and between public transport services, including: • Passenger waiting areas • Shelters • Public ferry terminals • Ticketing and other passenger facilities • Bus interchanges

Public water ferry service

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.

3.2.1 Definitions recommendation

To limit potential doubt or conflicts across legislative requirements, and to assist with responding confidently to some of the issues raised by formal submissions, consideration could be given to aligning the definitions with the national **Public Transport Management Act 2008** and the **Land Transport Act 1998**.

This would provide very clear rationale/support for Council's definitions in its District Plan.

The Public Transport Management Act allows regional councils to:

- require all or any services to be provided under contract to the council; and
- regulate and impose controls (service standards) on commercial public transport services.

Public transport service:

(a) means, subject to paragraph (b), the carriage of passengers for hire or reward by means of— (i) a large passenger service vehicle; or (ii) a small passenger service vehicle; or (iii) a ferry; or (iv) a hovercraft; or (v) a rail vehicle; or (vi) any other mode of transport (other than air transport) that runs to a schedule and is available to the public generally; and

(b) does not include— (i) a taxi service: (ii) a dial-a-driver service: (iii) a shuttle service: (iv) an ambulance service: (v) a private hire service: (vi) a service— (A) that is contracted or funded by the Ministry of Education for the purpose of transporting school children to and from school: (B) carrying passengers that is operated to transport all those passengers to a predetermined event: (C) that is operated primarily for the purpose of providing a tourism experience, rather than for transporting people from place to place: (D) carrying passengers that is not available to the public generally. ¹

Commercial public transport service:

(a) means a public transport service for the supply of which the regional council has not contracted to pay; and (b) includes, to the extent that the regional council has not contracted to pay for the supply of only a part of the service, only that part.

Passenger service:

¹ Public Transport Management Act 2008. Accessed at <http://www.legislation.govt.nz/act/public/2008/0087/latest/DLM1179939.html>

The broader term Passenger service (which would apply generally to the category of 'taxi' services) has the same meaning as in section 2(1) of the Land Transport Act 1998:²

passenger service— (a) means— (i) the carriage of passengers on any road for hire or reward by means of a motor vehicle; and (ii) the carriage of passengers on any road, whether or not for hire or reward, by means of a large passenger service vehicle; and
(b) includes the carriage of passengers on any road— (i) that involves a specific charge on passengers for transport, including part payments to cover fuel and donations (which are expected as a condition of carriage); or (ii) by a person or an organisation that is funded by another person or organisation specifically for the provision of transport; or (iia) after a connection between a passenger and a small passenger service facilitated by a facilitator; or (iii) in which the carriage of passengers is an integral part of, or reasonably necessary to provide, another service or activity (other than a transport service) for which payment is made; or (iv) in which the carriage of passengers is made using the vehicle provided by one of the passengers and the driver is paid for the carriage; or (v) that involves the letting on hire of a vehicle by a person who drives the vehicle or provides a driver for the vehicle if, during the hiring, the vehicle is used for the carriage of passengers; but
(c) does not include— (i) private ambulance services provided by organisations primarily for their employees, being ambulance services that are available to the general public in an emergency only when public ambulance services cannot provide a service; or (ii) any service using a vehicle that is specified as an exempt passenger service vehicle in the regulations or the rules; or (iii) any service specified as an exempt passenger service in the regulations or the rules.

Passenger service vehicle:

(a) means a vehicle used or available for use in a passenger service for the carriage of passengers; but (b) does not include— (i) a vehicle designed or adapted to carry 12 or fewer persons (including the driver) provided by one of the passengers being carried; or (ii) a vehicle specified as an exempt passenger service vehicle in the regulations or the rules.

3.3 Jurisdictional comparisons

3.3.1 New Zealand District Plans

A high-level review of other District Plans across New Zealand indicates that designated activities relating to public transport pertain only to public transport infrastructure and facilities such as parking, park and rides, transportation access, and road hierarchy maps.

Public transport services are regulated via the assessment triggers and consent requirements of the Public Transport Management Act 2008, the Land Transport Act 1998, and Maritime New Zealand regulations to name a few.

It is interesting to note that some District Plans such as the Invercargill Plan do not make a clear distinction between restricted discretionary and full discretionary activities. In contrast, the Wellington Plan makes slightly higher use than other plans of Restricted Discretionary (but public transport operations, including water-based operations are not expressly covered).

It is noted that helipads are declared restricted discretionary activities under most plans, including the Auckland Council Hauraki Gulf Islands District Plan³. Jetties and marine recreation facilities are discretionary activities. Water

² Land Transport Act 1998. Accessed at <http://www.legislation.govt.nz/act/public/1998/0110/160.0/DLM433613.html>

³ <https://www.aucklandcouncil.govt.nz/plans-projects-policies-reports-bylaws/our-plans-strategies/hgi-district-plan/Documents/hauraki-gulf-islands-district-plan-text-part-13.pdf>

transport operations are listed as resource management issues with no specified rules except with respect to parking limits and access, and reference only to:

The significant resource management issues which need to be addressed in the Plan are: 1. How to ensure close working relationships between the council and the relevant statutory bodies and stakeholders, who have authority and interests in the coastal marine area, to ensure an integrated and sustainable approach is undertaken to water transport. 2. How to protect the character and amenity of the islands while providing the necessary infrastructure to serve the needs of water transport and freight operators and recreational users.

The significant resource management issues which need to be addressed in the Plan are: 1. How to ensure close working relationships between the council and the relevant statutory bodies and stakeholders, who have authority and interests in the coastal marine area, to ensure an integrated and sustainable approach is undertaken to water transport. 2. How to protect the character and amenity of the islands while providing the necessary infrastructure to serve the needs of water transport and freight operators and recreational users.

3.3.2 Australian City Plans

Australian City Planning schemes generally are consistent with the District Planning frameworks, although assessment categories may differ (self-assessment, code assessable etc.) Along with road hierarchy designation there is often reference and maps within the City Plans designating priority and preserved future public transport priority corridors and cycle networks.

City Plans focus on network and infrastructure, rather than 'activity based' plans for assessment categories. Registration of activities are covered under relevant legislation – passenger transport operations acts and regulations, environment and heritage, relevant maritime shipping and safety legislation, and workplace healthy and safety.

4 Importance of distinguishing between public water transport and general water-based activities

Key issues relating to water transport operations, which support not only the provision of strong planning controls (discretionary activities status) but also a clear and prescribed distinction between public water transport and private/commercial transport operations, include:

- The variable nature of non-public transport activities and navigation Conflicts (collisions and near misses)
- Disputes/conflict/river rage (including noise)
- Delays to PT schedule with private use of ferry terminals
- Embarkation/disembarkation safety
- Health and safety standards of operators
- Untrained/experienced operators
- Environmental damage
- Potential damage to/misuse of public transport pontoons
- Wash damage to moored vessels
- Injury to persons on vessels affected by wash

Furthermore, there is a foreseeable increase in risk associated with additional water transport traffic and exacerbated by the increase in competing uses including:

- An increase in recreation – both in volume and intensity.
- The increasing diversity of tourism/ recreation use.
- The increase in power boat use. The increase is also a factor in the rise of recreational fishing activity, which is common and growing activity.
- The need to manage for peak use times – holidays, long weekends, peak tourism seasons.
- A clear intent by Council to introduce a scheduled public water transport system on Lake Wakatipu.

5 Response to Submission Issues

5.1 That the benefits of all forms of transport services and infrastructure, in particular transport provided by private commercial operations, to the district's economy and overall transport network be specifically recognised.

It is considered that the current wording of the objective statement under 29.2.1 incorporates recognition of a safe and efficient transport network for all modes and facilitates economic development covers this point:

An integrated, safe, and efficient transport network that:

- **provides for all transport modes** and the transportation of freight;
- provides for future growth needs and **facilitates continued economic development**;
- reduces dependency on private motor vehicles and promotes the use of public and active transport;
- contributes towards addressing the effects on climate change; and
- reduces the dominance and congestion of vehicles in the Town Centre zones.

5.2 That all transport services and associated infrastructure is provided for and not discouraged. This includes providing equally for both public and private transport services and that reference to "public" in whole of Chapter 29 be removed.

Retain reference to 'public' in the provisions.

The lakes and aquatic ecosystems all have ecological, landscape, amenity, social, and economic values. Clearly these benefit from better protection and management and private transport activities (particularly non-scheduled, variable route passenger transport operations) must be carefully managed, not only for these reasons but also to ensure they do not impede the provision of an efficient, reliable, and safe public commuter transport service.

Consideration could also be given to more closely aligning / cross-referencing definitions of public transport. For example, the following wording and definitions are suggested:

Public transport service:

- (a) means, subject to paragraph (b), the carriage of passengers for hire or reward by means of— (i) a large passenger service vehicle; or (ii) a small passenger service vehicle; or (iii) a ferry; or (iv) a hovercraft; or (v) a rail vehicle; or (vi) any other mode of transport (other than air transport) that runs to a schedule and is available to the public generally; and*

(b) does not include— (i) a taxi service: (ii) a dial-a-driver service: (iii) a shuttle service: (iv) an ambulance service: (v) a private hire service: (vi) a service— (A) that is contracted or funded by the Ministry of Education for the purpose of transporting school children to and from school: (B) carrying passengers that is operated to transport all those passengers to a predetermined event: (C) that is operated primarily for the purpose of providing a tourism experience, rather than for transporting people from place to place: (D) carrying passengers that is not available to the public generally.

Water-based public transport service:

Means a 'public transport service' provided on the water.

The definition is limited to that part of the water-based public transport 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.

5.3 That the different modes of transport should be articulated, particularly: Land transport; inclusive of walking access and the cycle trails network; Water transport; particularly passenger transport services; Air transport; including the use of private helicopter services.

As per 5.1.

There may be value where Public Water Ferry Services are discussed, to add a Commercial Passenger Transport services sub-section in recognition of its significant/contribution currently – given the relatively small resident population, it is likely that serving visitor/recreational requirements is a greater potential 'share' of the Lake Use requirements both now and in to the foreseeable future.

Consideration may be given to Council articulating priority cycle and PT networks within its District Plan, 'when in the future the plans are adopted by the Council. These could be included in the district plan either directly or by reference via a plan variation. This would act to further reinforce the message of promoting the use of public and active transport. Currently, and consistent with other District Plans, only the road network/road hierarchy is articulated.

5.4 That Policy 29.2.1.2 is amended to include private ferry services – i.e. (all) water ferry services, not only public water ferry services

Retain 29.2.1.2 but with a slight adjustment to wording:

Recognise the importance of expanded public water ferry services as a key part of the passenger transport network and enable this by providing for park and ride, public transport facilities, and the operation of scheduled and fixed route water ferry services for the general public.

If there is considered merit in incorporating a reference to private ferry transport services (refer response in Section 5.3), this should not mean that private ferry services are granted restricted discretionary status. Public and commercially operated scheduled 'public transport' services, under the definitions of the Public Transport Act, should be included in any such amendment. Water Taxis (despite issue with name leading to treatment as a 'taxi'), if it operates fixed route, fixed timetables, charges fares, and is available to the general public at all times and is contracted under the provisions of the Public Transport Act – would be declared a restricted discretionary activity. Water Taxis which provide point to point services to individuals on a more demand-responsive and on-demand basis would be a discretionary activity for the purpose of resource consents process.

5.5 That the definition of Public Water Ferry Services is deleted or amended to include water taxi and water passenger transport services.

As discussed in Section 3.2.1, it is recommended that Council consider more closely aligning definitions to national legislation definitions. This may provide clarity as well as rationale for the separable treatment.

Also, if intended, the definition of '*Water-based public transport service*' could be drafted to exclude any service that is not contracted under the provisions of the Public Transport Act, paid for by the regional council and with the service levels controlled by the regional council. In this case, services that were not contracted by the regional council could be considered as discretionary activities rather than restricted discretionary activities, even if they met the other qualifications of being a regular scheduled point-to-point service accessible to the public, i.e. these services would be 'commercial public transport service' in terms of the Public Transport Management Act 2008.

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Qualifications

Bachelor of Arts with First Class
Honours
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Master of Regional Science
Faculty of Economics and Commerce
University of Queensland
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Diploma in Marketing Planning and
Strategies
Queensland University of Technology
Brisbane, Australia

Graduate Diploma in Transport
Management
University of Queensland
Brisbane, Australia

Principal – Transport Strategy

Gail has more than 20 years' experience with transport planning and product development.

Prior to joining MRCagney, Gail was Marketing and Strategic Development Manager for Brisbane Transport, and subsequently managed Brisbane's bus and ferry services and maintenance contracts for Brisbane City Council. She also managed the launch of, and the operating contract for, Brisbane's CityCycle bike share scheme between 2010-2012.

Gail also managed a number of sensitive and difficult projects including the restructuring and commercialisation of Brisbane Transport, so it could be more competitive with the private sector, along with negotiating on behalf of Brisbane City Council with the State Government for funding and delivery of bus and ferry transport services, and the joint provision of transport infrastructure.

Since joining MRCagney, Gail has been heavily involved in the development of innovative transport and personal mobility strategies for government agencies and universities, pricing and ticketing strategies, Mobility as a Service (MaaS) ecosystems, project managing the SEQ Passenger Transport Strategy and contributing to the preparation of Queensland Government's Regional Transport Plans as part of the EY Consortia.

Career History

Principal – Transport Strategy, MRCagney Pty Ltd, Brisbane, Australia (2014 – Present)

Contracted Consultant, TransDev Brisbane Ferries, Brisbane, Australia (2013 – 2014)

Integrated Transport Manager, Brisbane City Council, Brisbane, Australia (2001 – 2012)

Strategic Business Development Manager, Brisbane Transport (1997 – 2000)

Marketing Manager, Brisbane Transport (1992 – 1996)

Consultant, Marketshare (1990 – 1992)

Expertise

- Transport policy, strategy, and planning
- Passenger transport operations, pricing and ticketing, contract management and legislation
- Travel Demand Management and Travel Behaviour Change strategies
- Innovative solutions for 'first mile last mile' connectivity

Selected Project Experience

Projects with MRCagney

- On Demand and Demand Responsive Transport advisory services – ACT Government (2018)
- Travel Demand Management and Travel Behaviour Change Strategies – Tauranga City Council, Noosa Council
- Bay of Plenty Regional Council - Technology Road Map (2017-18)
- Queensland Regional Transport Plans – Mackay/Whitsundays prototype, Metropolitan, South Coast, North Coast. Mackay, Darling Downs and South West (2017)
- QUT Master Plan - Public Transport Strategy, Shared Services Strategy, Mobility as a Service Strategy, and EV/E-Bike Strategy (Queensland University of Technology, 2017)
- SEQ Passenger Transport Strategy and Network Plan (2016)
- Queensland Government Fares Taskforce Review (2016)
- University of Queensland Master Plan – Transport and Access Strategies and U-Pass feasibility assessment (2016)
- National Rural and Remote Transport Strategy and Community Transport (2016)
- Darwin Public Transport Network Plan (2015)
- Noosa Council Public Transport – Assessment of Options (2016)
- Ipswich City Council – Evaluation of the Value Proposition of Walk and Cycle infrastructure for Active Transport and Recreation with Strategic Leisure Services (2016)

Integrated Transport Manager, Brisbane City Council

- Specialist and strategic policy advice and analysis in relation to transport infrastructure and services, transport planning, priority infrastructure planning, investment, and funding frameworks.
- Lead for branch involvement in the analysis and negotiation on transport related legislation, policy and strategy issues arising from Council and external agency projects, including State and Federal governments.
- 2011 Flood Disaster transport management including operational management during the flood period, the flood recovery program, Brisbane Ferries/CityCycle contract variations due to Force Majeure, and the rebuilding and relaunching of the operational network.
- Developed and managed the branch's marketing and communication programs, including provision of effective communication and stakeholder engagement.
- Management of the Active Transport, CityCycle and Bikeways Infrastructure Teams (2012).

Strategic Business Development Manager, Brisbane City Council

- Ferry Operations Contract Management.
- Bus and CityCat Fleet tendering and procurement.
- Development of the new Bus Contract and Ferries Funding Agreement between Brisbane City Council and TransLink Transit Authority.
- Patronage/revenue modelling and forecasting relating to Public Transport Ticketing and Fares Policies.
- Seconded to TransLink Transit Authority 2005/6: Development, implementation, marketing, and associated research programs for the new GoCard Integrated Ticketing System.

Consultant, Brisbane City Enterprises/Maunsell

- Provided specialist and strategic research and policy advice as part of Brisbane City Enterprise/Maunsell's commission to investigate feasibility of a new public water transport system for Dubai that could be integrated into multi-modal integrated metro rail, bus, and ferry network.

Marketing Research and Development Manager, Brisbane Transport

- Development of strategic marketing plans for Brisbane Transport and managing the marketing budget.
- Analysis, modelling, development, and implementation of pricing and ticketing strategies.
- Member of the management team that successfully introduced organisational reforms within Brisbane Transport (including structural, cultural, and work practice reforms) to secure Brisbane Transport's future within a competitive operating environment.
- Implementation of Brisbane's new CityCat ferry system: including market research, advertising, public relations, and promotional strategies.

- the typically short distance of riding a bicycle to school is unlikely to require the use of dedicated lockers; and
- it is likely that in many cases lockers will already be provided in existing school facilities.

Although not raised in submissions, a clarification for end of trip facilities for tertiary education is recommended. The rule should include a note that the requirement to provide lockers and showers for tertiary education activities is satisfied where it can be demonstrated that these facilities are adequately provided as part of the activity's general facilities or for other purposes e.g. gymnasium facilities. This could be included as a footnote to Table 29.11. The recommended wording is:

"Additional facilities are not required where it can be demonstrated that the locker and shower facilities are adequately provided elsewhere on the site of the tertiary education activity, e.g. as part of a gymnasium or other sports facility."

2.5.2 Showers

Submissions² request a change to require showers to be provided in situations where between two and eight secure bicycle parking spaces are required. This change is not supported. The proposed provisions for end-of-trip facilities in MRCagney's *Standards for Cycle Parking and End of Trip Facilities* technical paper are based on a review of recent New Zealand and international planning controls. The proposed levels of provision of showers will make Queenstown Lakes District's requirements among the highest nationally and representing international best practice. Review of the Auckland Unitary Plan (Operative in Part) and the Christchurch District Plan shows a lower requirement than that which is proposed for Queenstown Lakes District, supporting MRCagney's original recommendation.

Several factors have been considered, including benefits of showers to people other than cycle commuters, the cost to the developer, the District's topography, the urban form of its towns, existing and planned cycle infrastructure and the potential for increases in cycling levels due to the increasing popularity of e-bikes.

2.5.3 Cycle parking and end of trip facilities for restaurants

Submissions raised a duplication of requirements for cycle parking and end of trip facilities for restaurants in Table 29.7. It is recommended that provision 29.11.5 is retained and provision 29.11.9 removed. This aligns to existing provisions for the Three Parks Zone within QLDC and is simpler in that it is the same for restaurants, cafes, taverns and bars.

2.6 Electric bicycles

2.6.1 References to electric bicycles

Submissions proposed that electric bicycles (e-bikes) should be included under all definitions and policies relating to active modes infrastructure. This change is supported. E-bikes require mostly the same infrastructure as conventional bicycles, therefore do not need to be specifically mentioned each time bicycles are referred to. Emerging international best practice recognises differences in how e-bikes are used compared to conventional bicycles, but regulation and/or design guidance to account for this difference is not yet available.

² Submission 2040.10 from Public Health South

2.6.2 Electric bicycle charging facilities

Several submissions were made regarding provisions requiring places of work and education to install charging facilities for e-bikes in secure parking facilities. Submissions were received both for and against. MRCagney does not support requirements for charging facilities. While likely be useful to some people some of the time, to what degree and what effect this would have on inducing cycling is not clear. It is concluded that the provision of charging facilities is likely to be delivered by the market where there is sufficient demand, at a low marginal cost to the developer. Factors considered in reaching this decision include evidence on e-bike use trends and regulation precedents, the range of e-bikes relative to average commute distances and technical requirements for e-bike charging.

Little evidence exists on the usefulness of e-bike charging facilities in secure parking. Similarly, precedent legislation requiring the provision of charging facilities is not common internationally.

Utility of power points is related to the range of e-bikes. If people can easily ride from home to work and back without needing to recharge the battery in between, power points at workplaces will not be in high demand. It is impossible to accurately establish an average range of e-bikes, although 'range anxiety' has been established as a concern³. A New Zealand network of e-bike dealers suggest average ranges of 30-100km depending on a multitude of variables including topography, rider weight, riding surface rolling resistance and windspeed⁴. Average distance travelled to work could be used as a benchmark for whether charging facilities are likely to be in demand. The average distance travelled to work by all modes for all New Zealand between 2011 and 2014 was 10.9km and 7.2km for Dunedin⁵. Statistics for QLD are not available. These statistics suggest that many people would comfortably be able to make a return journey to work on a single e-bike charge.

Owing to different voltages and plug types specific to different e-bike models, providing charging facilities for privately owned e-bikes is logistically difficult. A uniform fleet of e-bikes provided in a place of employment or education overcomes this issue with a single connection type but accommodating e-bike fleets adds complexity which cannot reasonably be covered in the provisions of the PDP.

2.7 Park-and-ride and active transport

Submissions were made on providing for active transport at park-and-ride stations, including the provision of bicycle parking.

Bicycle parking at park-and-ride facilities is supported to accommodate those who wish to cycle to the station from its surrounding catchment. The requirements for bicycle parking are the same as those for major transport interchanges. 2013 guidance from Auckland, for example, requires "covered cycle stands and lockers provided near interchange entrance/s with CCTV surveillance" for major and intermediate interchanges⁶.

'Park-and-bike' trips should not require any additional facilities to those provided for park-and-ride, because the user would presumably not leave their bicycle on site overnight. If a demand to store bicycles overnight exists, the facilities will be the same as for people using a bicycle to access public transport stations ('long-term', secure bicycle parking).

Park-and-walk facilities are not supported because this simply comprises conventional parking as all private car trips involve some walking.

³ Jones, T., Harms, L. and Heinen, E. (2016) Motives, perceptions and experiences of electric bicycle owners and implications for health, wellbeing and mobility. *Journal of Transport Geography*, Vol. 53, pp. 41-49.

⁴ Electric Bikes NZ (no date) Understand the e-bike movement. Available at: <http://www.electricbikes.co.nz/learn/>. Accessed 13 June 2018.

⁵ Ministry of Transport (no date) Household Travel Survey data. Available at: <http://nzdotstat.stats.govt.nz/wbos/Index.aspx?DataSetCode=TABLECODE7432>. Accessed 13 June 2018.

⁶ Auckland Transport (2013) Public Transport Interchange Design Guidelines.

2.2 Conclusion: Recommended amendments

In conclusion, the following changes are proposed in response to submissions received on the PDP:

- Requirements to provide bicycle parking and end-of-trip facilities should be retained as such facilities have been shown to encourage increased cycling uptake.
- The requirement to provide lockers in primary and secondary schools as required by provision 29.11.7 should be removed. No end of trip facilities should be required for schools.
- A footnote should be added to Table 29.11 relating to provision 29.11.8: *“Additional facilities are not required where it can be demonstrated that the locker and shower facilities are adequately provided elsewhere on the site of the tertiary education activity, e.g. as part of a gymnasium or other sports facility.”*
- To resolve the duplication of the provision requiring cycle parking and end of trip facilities for restaurants, it is recommended that provision 29.11.5 is retained and provision 29.11.9 removed.
- The provision of showers should not be required as part of end of trip facilities where between two and eight secure bicycle parking spaces are required, as proposed in submissions on Chapter 29 Transport. The original recommendations are retained.
- Provisions requiring places of work and education to install charging facilities for e-bikes in secure parking facilities are not supported. Existing references to such facilities should be removed and no new references added.
- Bicycle parking at park-and-ride facilities is supported to accommodate station access by bicycle. 'Park-and-bike' types trips will likely be accommodated by standard park-and-ride facilities.

ATTACHMENT 3
DIA FACT SHEET – DEVELOPMENT AGREEMENTS

Better Local Government Fact Sheet



Development agreements (sections 207A to 207F)

Legislative context

- Section 12(2) of the Local Government Act 2002 gives a local authority full capacity to undertake any activity or business, do any act, or enter into any transaction for the purposes of performing its role.

What's changed?

Development agreements (sections 207A to 207F)

- A developer can request that a territorial authority enter into a contractual agreement with them to provide infrastructure as an alternative to paying all or part of a development contribution (or vice versa). The contractual agreement in this instance is called a “development agreement”.
- A territorial authority is now obligated to consider a request for a development agreement and must provide written notice of its decision on the request, and the reasons for the decision, to the developer without unnecessary delay.
- New section 207C sets out the mandatory and optional content of a development agreement.
- Sections 207D and 207E set out the effect of the development agreement and puts in place various limitations, clarifications and protections, including:
 - that the agreement creates no obligation on a territorial authority to grant a resource consent, building consent, issue a code compliance certificate, or grant an authorisation for a service connection;
 - the territorial authority cannot refuse to grant a consent, certificate or authorisation on the basis that a development agreement has not been entered into;
 - the development agreement prevails over a development contribution policy in the event of a conflict; and
 - a development agreement cannot be used to require a developer to provide infrastructure of a type, scale or standard that would not otherwise have been required had they been required to make a development contribution.
- Despite the limitations on development contributions, a developer may still voluntarily provide infrastructure of a type, nature or scale that is different to (or greater than) than that which would have been provided had they been required to make a development contribution.



Why? (What's the intent of this change?)

- Although some territorial authorities are known to have already entered into development agreements under the broad authority of section 12, the new provisions were inserted into the Local Government Act 2002 in order to:
 - remove any residual doubt as to the appropriateness or legality of development agreements;
 - encourage territorial authorities to consider alternative infrastructure provision arrangements that may benefit them, the community and the developer;
 - clarify the status of development agreements in relation to development contributions policies;
 - provide direction as to the content of development agreements, how requests may be made, and the circumstances under which they may be terminated; and
 - provide protections for territorial authorities and developers entering into development agreements.

What does this mean in practice?

- Territorial authorities are obligated to consider requests from a developer to enter into development agreements and provide the developer with a written response without unnecessary delay. However, a council need not agree to enter into an agreement.
- Where a territorial authority and a developer enter into a development agreement, that agreement has the force of a contract and overrides the development contributions policy of the territorial authority (but in respect to the development to which the agreement applies).
- New development agreements must contain the mandatory content set out in section 207C(1) and (2), but other content is optional (section 207C(3)). Additional content outside section 207(3) can be added at the discretion of the parties to the agreement.
- The existence of development agreement provisions does not preclude a territorial authority and developers from entering into other contractual agreements that are not development agreements. Section 207A(2) makes it clear that the enabling provisions and powers of section 12 are not limited by development agreement provisions.