

BEFORE THE QUEENSTOWN LAKES DISTRICT COUNCIL

IN THE MATTER OF the Resource Management Act 1991

AND

IN THE MATTER OF The Proposed District Plan Visitor Accommodation Variation,
Chapter 38 Open Space and Recreation and Chapter 31
Signs

Statement of Evidence of Deborah Rowe

Darby Planning LP (Primary submitter #2376)

Henley Downs Farm Holdings Ltd and Henley Downs Land Holdings Ltd (Primary submitter #2381)

Jacks Point Residential No. 2 Limited, Jacks Point Village Holdings Limited, Jacks Point Developments Limited, Jacks Point Land Limited, Jacks Point Land No. 2 Limited, Jacks Point Management Limited, Henley Downs Land Holdings Limited, Henley Downs Farm Holdings Limited, Coneburn Preserve Holdings Limited, Willow Pond Farm Limited (Further submitter #2788)

Soho Ski Area Limited, Blackmans Creek No.1 LP (Primary submitter #2384, further submitter #2789)

Treble Cone Investments Limited (Primary submitter #2373, further submitter #2790)

6 August 2018

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Introduction

Qualifications and Experience

- 1 My name is Deborah Olivia Rowe. I hold the position of Principal with the environmental consultancy firm Boffa Miskell Limited (Boffa Miskell). I am based in Christchurch and have been employed by Boffa Miskell since March 2018.
- 2 I have over 15 years' experience as a resource management practitioner and am a full member of the New Zealand Planning Institute. I have held positions as a Planner in both local government and private practice at Auckland City Council, URS New Zealand Limited, as well as in London, England.
- 3 Prior to commencing employment at Boffa Miskell, I was employed by Regenerate Christchurch as a Principal Planner, based in Christchurch. I was also the director of my own planning practice between 2012 and 2017 in Auckland. My work experience in Queenstown has included working with colleagues at Boffa Miskell on various aspects of the Stage 1 District Plan processes.
- 4 I have been involved with many policy and transport processes over the last decade, including the provision of advice to Auckland Transport on the draft Auckland Unitary Plan, assistance to Auckland Transport with preparing submissions on the Proposed Auckland Unitary Plan (**PAUP**), and acting as the Council's lead planner for the various heritage provisions in the PAUP.
- 5 More recently, I have been involved in the preparation of appeals for a range of clients involved in Stage 1 of the Proposed District Plan (**PDP**).
- 6 In accordance with the directions of the Hearing Panel Chair, this evidence has been prepared and presented in the same manner as expert evidence presented to the Environment Court. I have read the Code of Conduct for Expert Witnesses in the Environment Court Practice Note. This evidence has been prepared in accordance with the Practice Note and I agree to comply with it. I have not omitted to consider material facts known to me that might alter or detract from the opinions expressed.

Scope of Evidence

- 7 I have been asked to prepare evidence on Chapter 29 of the PDP by the following submitters and further submitters:
 - (a) Darby Planning LP (primary submitter #2376) (**Darby Planning**)
 - (b) Jacks Point Residential No. 2 Limited, Jacks Point Village Holdings Limited, Jacks Point Developments Limited, Jacks Point Land Limited,

Jacks Point Land No. 2 Limited, Jacks Point Management Limited, Henley Downs Land Holdings Limited, Henley Downs Farm Holdings Limited, Coneburn Preserve Holdings Limited, Willow Pond Farm Limited (primary submitter 2381, further submitter #2788) (**Henley Downs et al**)

- (c) Soho Ski Area Limited, Blackmans Creek No.1 LP primary submitter #2384, further submitter #2789) (**Soho**)
- (d) Treble Cone Investments Limited (primary submitter #2373, further submitter #2790) (**Treble Cone**)

8 Chapter 29 sets out the Transport provisions for the district. Submissions and further submissions on behalf of the entities listed above were made by my colleague Chris Ferguson. I have reviewed the submissions and further submissions in preparing my evidence.

9 Following the minute and directions of the Hearings Panel Chair,¹ this brief of evidence has been structured to include all of the submitters identified above within this hearing stream. I have structured my evidence to focus on the themes listed below as they relate to the points raised in the submissions and further submissions of the parties outlined in paragraph **Error! Reference source not found.** above:

- (a) High Traffic Generating Activities (**HTGA**)
- (b) Parking requirements in the Jacks Point Village Activity Area;
- (c) Policy support for a reduction in minimum parking requirements;
- (d) Road and access design;
- (e) Activities in roads;
- (f) Transportation to ski area sub zones (**SASZs**);
- (g) Some miscellaneous matters

10 For each of the themes above, my evidence addresses the following points:

- (a) The relief sought in the submissions and further submitters listed in paragraph 7 above (including an overview of the relevant provisions as notified, where helpful);
- (b) An overview of the council witnesses' position;

¹ Dated 25 January 2016

- (c) My analysis of that response; and
 - (d) My conclusion on the particular theme, along with any amendments to the provisions I consider necessary as a result of my analysis.
- 11 In preparing this evidence I have reviewed:
- (a) The Otago Regional Policy Statement 2013 (**ORPS**);
 - (b) The proposed Otago Regional Policy Statement (**PRPS**);
 - (c) The Council's decisions on Stage 1 of the PDP, including Chapters 21, 27 and 41;
 - (d) The section 32 report associated with Chapter 29 Transport;
 - (e) The Technical Memo prepared by MRCagney on High Trip Generating Activities Provisions dated 18 October 2017;
 - (f) The relevant submissions and further submissions of other submitters;
 - (g) The Council s42A Report prepared by Victoria (Vicki) Jones in relation to Chapter 29 Transport dated 23 July 2018;
 - (h) The statement of evidence prepared by Michael Smith dated 23 July 2018; and
 - (i) The statement of evidence prepared by Stuart Crosswell dated 23 July 2018.

EXECUTIVE SUMMARY

- 12 This evidence has been prepared for the hearing on Chapter 29 of the PDP (Transport). It addresses the key planning issues and matters raised in the submissions to these chapters by Darby Planning, Henley Downs et al, Soho, and Treble Cone.
- 13 By way of overview, the combined scope of matters raised in submissions by the above submitters addressed the following:
- 14 My evidence is that:
- (a) the HTGA rule should not apply to subdivision and land use within the Jacks Point Zone that is otherwise provided for as a permitted or controlled activity given that the level of development anticipated by those activities, and its associated transportation effects, is appropriately managed by the provisions of Chapter 41 and 27;

- (b) That the Jacks Point Village Activity Area is anticipated to be of a nature and scale similar to the Local Centre Zone insofar as its function and proximity to a residential area that it is intended to service, and relationship to a public transport route such that the reduced minimum parking requirements for residential activities that the Council proposes to apply to the Local Centre Zone should also apply to the Jacks Point Village Activity Area;
- (c) That the amendments to Policy 29.2.2.5 by Ms Jones that relate to the circumstances in which a reduction in the amount of required parking are acceptable are appropriate amendments;
- (d) That the amendments to Policy 29.2.3.1 and related Rule 29.5.14 that require road and access design to be in accordance with Table 3.2 of the QLDC Land Development and Subdivision Code of Practice are appropriate; and
- (e) That in order to ensure applications for resource consent to enable parking and access to ski area activities are considered against an appropriate policy framework, that a new policy should be included within Chapter 29 under Objective 29.2.1 as set out in the body of my evidence.

STATUTORY FRAMEWORK

- 15 Section 79 provides for a review of district plans in the manner set out in Part 1 of Schedule 1 of the Resource Management Act 1991 (RMA).
- 16 In changing its district plan, the Council is required to:
 - (a) “give effect to” any national policy statement;²
 - (b) “give effect to” any regional policy statement;³
 - (c) “must not be inconsistent with” a regional plan;⁴ and
 - (d) “have regard to” any proposed regional policy statement.⁵

² RMA s 75(3)

³ Ibid

⁴ RMA s 75(4)

⁵ RMA s 74(2)

National Policy Statements

- 17 Of the National Policy Statements (**NPS**) currently in effect, I consider that the National Policy Statement on Urban Development Capacity (**NPS-UDC**) is the NPS that is of most potential relevance to transportation matters in the district. The NPS-UDC contains two key objectives that are of relevance to transport provisions, directing decision-makers to plan for “*urban environments that have sufficient opportunities for the development of housing and business land to meet demand, and which provide choices...*”;⁶ and seeking that “*urban environments... over time, develop and change in response to the changing needs of people and communities and future generations.*”⁷
- 18 The NPS-UDC also requires urban environments to be planned for in a manner that integrates land use, development, development infrastructure and other infrastructure,⁸ signalling the importance of integrating

Otago Regional Policy Statement

- 19 In changing its district plan, the Council is required to “give effect to” any regional policy statement.⁹ I note that the ORPS has been reviewed by the Otago Regional Council, and that consent orders have been issued on various matters relating to the Council’s decision that were appealed (as addressed below)
- 20 Policies 9.5.3 and 12.5.3 seek to promote and encourage the sustainable management of Otago’s transport network and to promote improved energy efficiency through encouraging energy efficient transport modes in Otago are of most relevance to Chapter 29.
- 21 The relevant policies of the ORPS are contained within **Appendix 1**.

Proposed Otago Regional Policy Statement

- 22 In reviewing its District Plan, the Council is required to “have regard to” any proposed regional policy statement.¹⁰ The Otago Regional Council released its decision on submissions to the PRPS on 1 October 2016 and many appeals are now well advanced towards resolution. Consent Orders have been issued in respect of a range of matters, including Urban Growth and Development.

⁶ NPS-UDC Objective OA2

⁷ NPS-UDC Objective OA3

⁸ NPS-UDC Objective OD1

⁹ s.74(2), Resource Management Act 1991

¹⁰ s.74(2), Resource Management Act 1991

- 23 The provisions of the PRPS that are of most relevance to transport matters are Objective 4.4 (sustainability of energy supplies to Otago's communities) and Policy 4.4.6, that seeks to enable energy efficient and sustainable transport through compact urban form.
- 24 Objective 4.5 seeks to ensure that urban growth and development is well designed, occurs in a strategic and coordinated way, and integrates effectively with adjoining urban and rural environments. It is supported by Policy 4.5.1 which seeks to manage urban growth and development in a coordinated way. In addition, Policy 4.5.2 seeks to integrate infrastructure with land use including by coordinating the design and development of infrastructure with land use change in growth and redevelopment planning¹¹.
- 25 The relevant provisions from the PRPS are contained within **Appendix 2**.

Summary – NPS, ORPS, PRPS

- 26 I consider that the amendments I have proposed in particular to the HTGA rule as it relates to Jacks Point Zone are appropriate in light of the NPS-UDC, ORPS and PRPS as they seek to avoid unnecessary constraint on the housing capacity enabled and provided for in Jacks Point, while ensuring that effects on the transport network are appropriately addressed.

ISSUE 1 – High Traffic Generating Activities

Summary of relief sought

- 27 Henley Downs et al and Darby Planning made primary submissions seeking to delete Rule 29.4.10 (that stipulates that HTGAs require consent as a restricted discretionary activity). The submitters opposed this rule on the basis that this type of assessment should be incorporated into the rules relating to activities within the relevant zone, including throughout the specific matters of control or discretion. The submitters also highlighted that the wording of the rule includes subdivision, which the submitters considered does not allow for an assessment of the actual traffic demands that would result from the eventual land uses. Finally the submitters noted that the reference in the rule to Table 29.6 appears to be incorrect.
- 28 In its further submissions, Henley Downs et al:
- (a) supported the submission by Cardrona Alpine Resort Ltd (#2492) seeking the deletion of Policy 29.2.1.3; and

¹¹ Consent order on Urban Growth and Development dated 28 June 2018

- (b) supported the submission by RCL Henley Downs Ltd (#2465) seeking the deletion of Policy 29.2.4.4 and its replacement with a new policy focussing on enabling lower levels of accessory parking to be provided in certain circumstances; and
- (c) supported the submission by RCL Henley Downs Ltd (#2465) seeking to delete Rule 29.4.10.

Overview of provisions as notified

- 29 Chapter 29 as notified included a range of provisions that related to the management of HTGAs:
- (a) Policy 29.2.1.3, which sought to require HTGAs to contribute to the development of well-connected public and active transport networks and/or infrastructure;
 - (b) Policy 29.2.4.4, which sought to avoid or mitigate the adverse effects of HTGAs on the transport network using a range of assessment mechanisms as set out in the policy;
 - (c) Activity Rule 29.4.10, which stated that land use or subdivision activities that exceed the traffic generation standards stipulated in Table 29.6 require consent as a restricted discretionary activity. Matters of discretion related to effects of the activity on the transport network.

Overview of the Council's positions

- 30 The issue of HGTAs is addressed in the statement of evidence prepared by Mr Crosswell¹² and the s42A report prepared by Ms Jones.¹³ I note that MRCagney prepared a Technical Memo on this issue dated 18 October 2017, which was attached to the Section 32 Report for the Transport Chapter.
- 31 Mr Crosswell is of the view that there is an overall benefit in retaining the HTGAs in the PDP, but considers that:
- (a) The minimum parking requirements should not apply to HTGAs;
 - (b) There should be no requirement that developments pay for infrastructure upgrades or expansion unless the upgrade or expansion is required to avoid, remedy, mitigate or off-set adverse effects associated with a development that are not accounted for in development contributions; and

¹² Statement of evidence dated 23 July at [5.4(i)]; [6.8–6.15]; and [7.26–7.30]

¹³ S42A report at [8.9-8.10]; [8.14-8.22]

(c) Reference should be made in the HGTA provisions to Development Agreements as a means of managing the monetary contributions and facilitating the necessary transport infrastructure to support a HTGA development.

32 These points have informed the amendments proposed by Ms Jones to Policy 29.2.1.3; Policy 29.2.4.4; the insertion of a new policy to recognise and provide for the role of Development Agreements in managing HGTA's; and amendments to Rule 29.4.10. For completeness I note that Ms Jones does not propose any amendments to the thresholds as to what constitutes a HGTA in Table 29.6.

Evaluation

33 My analysis focusses on this issue in the context of the planning framework that applies to the subdivision, use and development of land within the Jacks Point Zone, which is provided for primarily within Chapters 41 and 27 of the PDP.

34 By way of context, the Jacks Point Zone applies to an area of greenfield development that has been informed by structure planning. There are a series of activity areas within the Jacks Point Zone that provide for specific development outcomes, and a specific development capacity, built form, and/or mix of uses. The structure plan also sets out the key movement networks that are to be provided for through subsequent subdivision and development, both within the Jacks Point Zone, and into the surrounding area.

35 All vehicular traffic entering or leaving the Jacks Point Zone is via one of three points of access to State Highway 6, as shown on the Structure Plan. It is noted that the Jacks Point Zone is currently served by a bus route. The zone also connects to a trail that traverses through Jacks Point and along the shores of Lake Wakatipu to Kelvin Heights, thus providing a connection to a wider active transport network.

36 Subdivision of land within the Jacks Point Zone is a controlled activity provided it is in accordance with the Structure Plan for the zone.¹⁴ It is noted that this rule is subject to appeal seeking a more restricted activity status for subdivision in the Peninsula Hill Landscape Protection Area, but Henley Downs et al support the controlled activity status for subdivision in accordance with the Structure Plan.

37 Residential subdivision within the Jacks Point Zone is subject to the minimum lot standards in Chapter 27 (380m²), as well as the density requirements in Chapter 41 (which vary across the activity areas). The effect of these combined provisions is that the development capacity associated with the residential land use (and

¹⁴ Chapter 27, Appeals Version, Rule 27.7.1

therefore the expected traffic generation) is known, and has been recognised and provided for by enabling this development via the District Plan provisions as a controlled activity.

38 In addition, the matters of control associated with subdivision that is in accordance with the Structure Plan include internal roading design and provision; property access and roading; and any additional matters relevant to achieving the objectives and policies in Part 27.3. Those objectives and policies include, of particular relevance to transport:

(a) Policy 27.3.7.1 which seeks to ensure that subdivision and development achieves the objectives and policies in Chapter 41. The key transport related issues that are addressed in those objectives and policies include:

(i) Policy 41.2.1.1 requiring activities to be located in accordance with the structure plan, taking into account road, open space and trail networks;

(ii) Policy 41.2.1.3, seeking to provide safe and efficient road access from State Highway 6;

(iii) Policy 41.2.1.4, seeking to ensure that subdivision and development incorporates the roads, road connections, open space, access connections and trails shown on the Structure Plan; and the efficient provision of servicing infrastructure, roading and vehicle access.

(b) Policy 27.3.7.2, seeking that subdivision design in the Residential Henley Downs areas shall provide for the development and suitability of public transport routes, pedestrian and cycle trail connections within and beyond the Activity Area; and road and street design.

39 The provisions of the Jacks Point zone provide for limited commercial and community activities to establish within certain of the Residential Hanley Downs activity areas (as a restricted discretionary activity).¹⁵ Matters of discretion include vehicle access, street layout and car parking; and provision for walkways, cycle ways and pedestrian linkages. Within the R(HD)-E activity area, the matters of discretion also include traffic generation, and visitor accommodation is also provided for as a restricted discretionary activity in this particular activity area.¹⁶ In addition, commercial activity across the R(HD)A Activity Area is limited to 550m², noting Henley Downs et al have appealed this and sought that the 550m² cap apply across the R(HD) A-E activity areas, rather than just R(HD)A.

¹⁵ Chapter 41, Appeals Version, Rule 41.4.1.7

¹⁶ Chapter 41, Appeals Version, Rule 41.4.1.8

- 40 The policies in Chapter 41 that relate specifically to the Village activity areas seek to enable the Jacks Point Village to develop as a vibrant mixed-use hub of the Jacks Point Zone comprising a range of activities including a small local shopping centre that services the needs of Jacks Point residents and provides for small scale destination and office space.¹⁷ This policy reiterates that the Village is not intended to become a retail/commercial destination in its own right, but only as a centre to service the needs of the local residents.
- 41 Commercial development within the Village Activity Areas is limited to 200m² for any single commercial activity. It is noted that Henley Downs et al have appealed this development standard, instead seeking that the cap on the scale of commercial activities only applies to retail activities; changes the cap from 200m² to 300m²; provides an exemption for a supermarket serving the needs of the local Jacks Point residents; and seeks to amend the activity status for non-compliance with this rule from discretionary to restricted discretionary.
- 42 Development within the Village activity areas is intended to be managed via a Comprehensive Development Plan (**CDP**) process. It is noted that the Council's decision on Chapter 41 requires that a CDP is required to be incorporated into the District Plan and that development within the Village is then undertaken in accordance with that CDP.
- 43 Henley Downs et al have appealed this aspect of the Council's decision and instead seek that the CDP is required as an information requirement to support the first land use consent that seeks to establish any commercial, community, residential or visitor accommodation activity within the Village Activity Areas and thence provide for the use and development of land in accordance with that CDP as a permitted activity.
- 44 The matters of control of particular relevance to transportation matters that relate to the assessment of any such CDP include:
- (a) The layout and orientation of built form, open spaces, roading pattern, car parking, and pedestrian and cycle access; and
 - (b) Traffic effects
- 45 Access to the State Highway from the Jacks Point Zone is limited to the three locations shown on the Structure Plan.¹⁸ It is noted that this provision is subject to appeal by certain parties seeking the addition of a fourth access to the State

¹⁷ Chapter 41, Appeals Version, Policy 41.2.1.17

¹⁸ Chapter 41, Appeals Version, Rule 41.5.5.3

Highway associated with an expansion to the Jacks Point Zone that those parties are seeking.

- 46 It is noted that the issue of effects on the State Highway network arising from development enabled within the Jacks Point Zone was considered both through the original Variation that created the Jacks Point Zone, as well as during proceedings related to Jacks Point Zone in Stage 1 of the District Plan Review process. In addition, Chapter 41 states that the scale of use of Woolshed Road shall not increase until an amended design for its intersection with State Highway 6 has been upgraded, completed and available for use unless otherwise provided for through the approval of a Traffic Management Plan by the NZTA.¹⁹ This provision is not subject to appeal.
- 47 Collectively therefore, the provisions outlined above seek to recognise the level of development anticipated and provided for through the structure planning of Jacks Point in a manner that seeks to manage potential effects on State Highway 6; requires the assessment of transport networks at the subdivision stage (including the extent to which they are provided in accordance with the Structure Plan); and consideration of traffic, parking, walkways, cycle ways and pedestrian linkages for the establishment of commercial, community and visitor accommodation activities within the Jacks Point Zone.
- 48 I understand that the intent of the HTGA rule is to assist in meeting objectives 29.2.1 (an integrated, safe, and efficient transport network providing for a range of modes and reducing reliance on the private vehicle); and 29.2.2 (an integrated approach to managing subdivision, land use and the transport network).
- 49 Rule 29.4.10 seeks to contribute to these outcomes by requiring an assessment of effects on the transport network for specific land uses and subdivisions that are HTGAs as per the thresholds set out in Table 29.6.
- 50 In the case of areas such as the Jacks Point Zone that have been structure planned; embedded into the District Plan via zone-specific provisions that manage effects on the adjoining transport network; seek to provide appropriate connections into that transport network; and collectively provide for a known level of development via density provisions and/or caps on certain types of activities, the application of the HTGA rule would result in unnecessary duplication of issues that have already been traversed through the structure planning process and the development of the related planning provisions for that structure planned area.
- 51 I consider that the HTGA rule is more appropriately targeted to manage activities in existing urban, suburban or rural environments where the impacts of those

¹⁹ Chapter 41, Appeals Version, Rule 41.5.5.4

developments on the surrounding transport network are less likely to have been anticipated and provided for in the underlying zone provisions.

Summary – High Traffic Generating Activities

52 For the reasons outlined above, I consider that Rule 29.4.10 should be amended such that it does not apply to the Jacks Point Zone given that the area has been structure planned, has a level of development that is known and anticipated (and manged via the zone provisions), and provides for consideration of the types of matters set out in the HTGA rule through the provisions of Chapter 41 and Chapter 27.

53 In light of the above, I propose the following amendments to Rule 29.4.10 (shown as red text, with Ms Jones' amendments shown as black struckthrough/underlined text):

29.4.10 High Traffic Generating Activities RD

Any land use *or subdivision* activity that exceeds the traffic generation ~~standards~~ thresholds set out in Table 29.6.

Except that this rule shall not apply to any land use or subdivision activity that is otherwise provided for as a permitted or controlled activity in the Jacks Point Zone via Chapters 41 and 27 of this Plan.

Discretion is restricted to:

- Effects on the transport network, including as a result of:
 - a. any ~~the~~ proposed travel planning, provision of alternatives to the private vehicle, or staging of development;
 - b. any proposed improvements to the ~~local~~ transport network within or ~~beyond~~ in the vicinity of the site, including proposed additions or improvements to the active and public transport network and infrastructure and the roads themselves, in accordance with the Council road controlling authority's standards and adopted infrastructure

- network development plans either within or beyond the site. This may be required by direct construction activities, or by collecting funds towards a wider project that would achieve the modal shift aim of the specific development, as promoted in the application;*
- c. the amount, design, and location of cycle parking, e-bicycle charging areas, showers, changing rooms and lockers provided;*
 - d. the amount of accessory parking and any non-accessory parking proposed; and*
 - e. the design of the site and/ or its frontage in regard to its ability to accommodate any ~~proposed~~ planned public transport infrastructure proposed by Council;*
 - f. the provision or upgrading of pedestrian and cycle infrastructure; ~~and~~*
 - g. the provision of a Travel Demand Management Plan; and*
 - h. The provision of electric vehicle charging points/ parking spaces*

ISSUE 2 – Parking requirements – Jacks Point Village

Summary of relief sought

54 Henley Downs et al and Darby Planning sought that Policy 29.2.2.3 be amended such that the approach of providing a lower rate of accessory parking for residential activity in certain areas of the District also apply within the Village Activity Area of the Jacks Point Zone. This was on the basis that the Village Activity Area is zoned to provide a comparable density and character to the urban environments listed in the policy as notified. Policy 29.2.2.3 applied this approach to the following zones:

- (a) Town Centre Zone
- (b) Business Mixed Use (BMU) Zone
- (c) High Density Residential (HDR) Zone; and

(d) Medium Density Residential (MDR) Zone

- 55 It is noted that the Minimum Parking Requirements in Table 29.5 reflect the policy position in Policy 29.2.2.3 by requiring the following parking provision for residential activities in the zones listed above:

Zone	Parking Requirements (as notified)
	Resident/visitor
Town Centre Zone	0
HDR Zone; and MDR Zone between Park and Suburb Streets in Queenstown	0.25 per studio unit and/or 1 bed unit 0.5 per unit/flat for all other units
MDR zone in Arrowtown and Wanaka	0.7 per studio unit and/or 1 bed unit 1 per 2 bed unit/flat 1.5 per unit/flat comprising 3 or more bedrooms
All other MDR zones	0.5 per studio, 1-bed and 2-bed units/flats 1 per unit/flat comprising 3 or more bedrooms
BMU zones	0.7 per unit comprising 3 bedrooms or less For units comprising more than 3 bedrooms, 0.7 for every three bedrooms.

- 56 It is noted that no visitor/guest parking requirements apply to any of the above, and that the 'standard' parking requirement for residential activities in all other zones is 2 per unit, except that residential flats are only required to provide 1 parking space per unit.

Overview of the Council's position

- 57 These issues are addressed in the statement of evidence prepared by Mr Crosswell and the s42A report prepared by Ms Jones.
- 58 In relation to the relief sought by Darby Planning and Henley Downs et al to apply a reduced minimum parking requirement for residential in the Jacks Point Village Activity Area, Mr Crosswell notes that the Village Activity Area of the Jacks Point zone is largely a greenfield site, and that the scale of development anticipated for the zone would likely trigger the HGTA rule in the PDP.
- 59 Noting Mr Crosswell and Ms Jones' amendments to the suite of provisions that manage HGTA's such that the minimum parking requirements would not apply to HGTA's, Mr Crosswell considers that most development in the zone would be exempt from minimum parking requirements and the parking needs for the development could be assessed holistically at the time of resource consent. Mr Crosswell notes that "it may be appropriate to update the policy wording as requested by the submitters."²⁰
- 60 Ms Jones however does not consider that it is necessary to amend Policy 29.2.2.3 to refer to the Jacks Point Zone Village Activity Area in the policy given that the majority of the development in this area will be a HGTA and therefore exempt from minimum parking requirements.

Evaluation

- 61 Notwithstanding the potential for the development of the Jacks Point Village to trigger the HTGA rule (thereby being exempt from any minimum parking requirement), I consider that a more fundamental issue remains at play, and that is whether or not Jacks Point Village has the same or similar characteristics to those parts of the district where a reduced minimum parking requirement for residential development is provided for, and if it does, whether that should be reflected in the policy framework in Chapter 29.
- 62 The zones that are referred to in s42A Policy 29.2.2.3 as being appropriate locations for a reduced minimum parking requirement for residential activities are:
- (a) Town Centre Zone;
 - (b) BMU Zone;
 - (c) HDR Zone;

²⁰ Statement of evidence of Stuart Crosswell at [7.21]

(d) MDR Zone; and

(e) Local Centre Zone.

63 I consider that the Local Centre Zone has a number of similarities to the Jacks Point Village Activity Area as informed by the description of the Local Centre Zone, the types of activities anticipated in the zone, its intended relationship to adjoining residential areas, and the way in which residential activities and commercial activities are managed in the zone.

64 By way of illustration, the Local Centre Zone is described as seeking to reduce the necessity for people to travel longer distances to town centres to purchase convenience goods and access services. By virtue of its distance from town centres, the Jacks Point Village Activity Area is anticipated to perform a similar function for the wider Jacks Point Zone.

65 In addition, the Local Centre Zone is described as enabling small scale commercial and business activities in discrete pockets of land that are accessible to residential areas and people in transit. The small scale of commercial activities in the Local Centre Zone is reflected in development standards that limit the size of individual retail and office tenancies to 300m² and 200m² respectively. The decision version of Chapter 41 similarly limits commercial activities in the Jacks Point Village to 200m² per tenancy. It is noted that this rule is subject to appeal by Henley Downs et al seeking that:

(a) The cap on the scale of commercial activities only applies to retail activities; and

(b) That the cap be amended from 200m² to 300m² per tenancy; and

(c) That the cap provides an exclusion for one supermarket

66 Jacks Point, and the area that will become the Village area, is served by the Lake Hayes Estate to Jacks Point bus service (that also travels via the Frankton Hub to enable connections to other areas serviced by the Queenstown bus services). Therefore it is to be expected that people visiting the Jacks Point Village Activity Area could include those in transit using the bus service, in a similar manner to that expected within the Local Centre zone.

Summary – Parking requirements – Jacks Point Village

67 For the reasons set out above, I consider that the Jacks Point Village Activity Area is similar to the Local Centre Zone insofar as its function, proximity to a residential area that it will service, and relationship to a public transport route such that the reduced minimum parking requirements for residential activities that

apply to the Local Centre Zone should also apply to the Jacks Point Village Activity Area.

- 68 I therefore propose the following amendments to Chapter 29 (as shown in red text, with Ms Jones' amendments shown as black struckthrough/underlined text):

Policy 29.2.2.3

~~Enable a lower rate of~~ Require less accessory parking to be provided for residential flats district wide, and for residential and visitor accommodation activity in the Town Centre, Local Shopping Centre, Jacks Point Zone Village Activity Area, Business Mixed Use, High Density Residential, and Medium Density Residential zones compared to other zones to support intensification and increased walking, cycling, and public transport use and in recognition of the land values, high pedestrian flows, amenity, accessibility, and existing and anticipated density of these zones.

- 69 I note that while Mr Crosswell and Ms Jones are of the view that the Local Centre Zone should be subject to these reduced parking requirements, and have reflected that position in the amendments to Policy 29.2.2.3, no such amendment has been made to Table 29.5. I am not qualified to determine which parking rate should apply to the Local Centre Zone (and therefore the Jacks Point Village Activity Area given the similar characteristics it exhibits), so propose that the Jacks Point Village Activity Area should also be subject to that reduced rate for residential activity.

ISSUE 3 – Policy support for a reduction in required parking

Summary of relief sought

- 70 Henley Downs et al and Darby Planning submitted in support of Policy 29.2.2.5 which enables a reduction of required car parking spaces in the particular circumstances listed in the Policy. It is noted that Henley Downs et al made a further submission in support of RCL Henley Downs submission seeking that the 'narrowing effect' of the word "only" is deleted from the policy.

Overview of the Council's position

- 71 These issues are addressed in the statement of evidence prepared by Mr Crosswell and the s42A report prepared by Ms Jones.

72 In relation to the relief sought by RCL Henley Downs to amend Policy 29.2.2.5, Ms Jones is of the view that the removal of the word 'only' from this policy is inappropriate as a reduction in parking will not be appropriate unless the matters in the policy are 'met', and the removal of the word 'only' would considerably weaken this policy.²¹

Evaluation

73 I consider that the amendments to Policy 29.2.2.5 proposed by Ms Jones are appropriate, particularly given the wider strategic approach of applying parking maximums and reduced parking minimums in particular areas of the District. I do not propose any further amendments to this policy.

ISSUE 4 – Road and access design

Summary of relief sought

74 Darby Planning and Henley Downs opposed the wording of Policy 29.2.3.1 insofar as it required, as a minimum, road designs in accordance with the Council's Land Development and Subdivision Code of Practice (2015) (**COP**). The reasons for the submission included:

- (a) that environmental factors and urban design considerations may justify a lesser standard of road design than that prescribed in the COP;
- (b) That Section 3 of NZS4404:2010 (upon which the COP is based) explicitly states that the tables in Section 3 are the basis for road design and that alternative carriageway widths may be adopted to suit particular design considerations, subject to specific consideration and approval by the territorial authority; and
- (c) That adherence to the design standards as a minimum is therefore inconsistent with the wording of the Council Code and is not supported in the assessment framework anticipated within that document.

75 Darby Planning and Henley Downs et al sought that Policy 29.2.3.1 be replaced with the following:

Adopt the QLDC Land Development and Subdivision Code of Practice (2015) as the basis for road design within the District.

²¹ S42A Report, 23 July 2018 at [12.17]

- 76 Ms Jones proposes that Policy 29.2.3.1 be 'narrowed' to only require compliance with Table 3.2 of the COP except where the effects of non-compliance are no more than minor²². Ms Jones' amendments to this policy are set out below:

Policy 29.2.3.1

Require as a minimum, that roads be designed in accordance with Section 3 and Appendices E and F of the QLDC Land Development and Subdivision Code of Practice (2015). and accesses are designed in accordance with Table 3.2 of the QLDC Land Development and Subdivision Code of Practice (2015) and the rules set out in Table 29.3 of the District Plan unless it can be demonstrated that the effects of the proposed design on the active and public transport networks, amenity values, urban design, landscape values, and the efficiency and safety of the roading network are no more than minor.

- 77 Ms Jones also proposes the following amendments to the related rule that gives effect to this policy in Table 29.3:

29.5.14 Access and Road Design RD

a. All vehicular access to fee simple title lots, cross lease, unit title or leased premises shall be in accordance with ~~Section 3 and Appendices E and F of~~ Table 3.2 (Road Design Standards) of the QLDC Land Development and Subdivision Code of Practice ~~(2015)~~ 2018, including the notes within Table 3.2 and Appendices E and F; except as provided for in 29.5.14b below.

b. All shared private vehicular accesses serving residential units and/or visitor accommodation units in the High Density Residential zone, Medium Density Residential Zone, and Low Density Residential Zone shall comply with the following standards:

²² S42A Report, 23 July at [13.6(a)]

Evaluation

- 78 Table 3.2 of the COP sets out the road design standards that apply to roads servicing various land uses in the rural; suburban; urban; and centre contexts. The design standards relate to the target operating speed, minimum road width, maximum grade, and the way in which pedestrians; cyclists; parking; and passing areas should be provided.
- 79 I note that the issue of road layout and design is also addressed via the provisions of Chapter 27 that relate to subdivision, albeit that the provisions of Chapter 27 take a less prescriptive approach to the application of the standards of the COP. I am of the view that this is appropriate given that subdivision requires consent and is subject to an assessment process whereas the access and road design rule in Chapter 29 needs to be a measurable standard.

Summary – Road and access design

- 80 In conclusion I consider that the amendments proposed by Ms Jones to Policy 29.2.3.1 and the related Rule 29.5.14 are appropriate.

ISSUE 5 – Activities in roads

Summary of relief sought

- 81 Darby Planning and Henley Downs et al made a series of primary and further submissions on the relationship between certain provisions in Chapter 29 that managed activities in roads,²³ and the implications on these provisions given that roads in the District are designated.
- 82 These submission points were made on the basis of an understanding that all roads in the District are designated, as was stated in Chapter 37 of the PDP. However, I note that the Council's proposed variation to Chapter 37 removes the statement that all roads in the District are designated.

Overview of Council's position

- 83 Ms Jones has clarified in her s42A report that the deeming Rule 37.2 in Chapter 37 is proposed to be deleted as a consequential amendment of the notified

²³ Primary submissions on: General Rules 29.3.3; and Rule 29.3.3.2. Further submissions in respect of Rules 29.4.13; 29.4.15; 29.4.16; 29.4.17; and 29.4.18.

Chapter 29.²⁴ This is on the basis that the deeming rule was considered to be *ultra vires* by Council's counsel during the State 1 hearings.²⁵

Evaluation

- 84 The general rules in 29.3.3 as notified set out the process involved in the deeming and stopping of roads (and the associated cessation or application of zoning as a result); and describes the way in which activities within roads shall be managed.
- 85 Rule 29.3.3.2 as notified set out the zoning that would apply to stopped roads, specifically that the provisions from the adjoining zone (as shown on the Planning Maps) apply from the date of stopping, and that where there are two different zones adjoining either side of the road, the adjacent zone extends to the centre line of the former road.
- 86 Darby Planning and Henley Downs et al noted that a similar but different process for the application of zoning to stopped roads was set out in Chapter 37 of the PDP. I note that the Council's variation to Chapter 37 seeks to remove that process, and rely instead upon the process set out in Chapter 29. Ms Jones has not proposed any amendments to Rule 29.3.3.2.
- 87 I consider that the removal of the alternate approach from Chapter 37 and the reliance on the approach in Chapter 29 is appropriate as it removes duplication.
- 88 Darby Planning and Henley Downs et al made a further submission in respect of the primary submission by C Dagg on Rule 29.4.13. As notified, this rule stipulated that any activity in a road not otherwise provided for in Table 29.2 requires consent as a discretionary activity. One of the points raised in the further submission by Henley Downs et al in its further submission in relation to this rule was that this approach overlapped with the Council's ability to manage activities in the roads under s176 of the RMA (on the basis of an understanding that the roads were designated). Now that it is clear that this is not the case, I consider that this rule is appropriately provided as a discretionary activity.
- 89 Rule 29.4.15 provides for public amenities in the road reserve as a permitted activity. The further submission by Henley Downs et al noted that the term 'public amenities' is ambiguous and supports further clarification of the term. I note that there is a definition of public amenities proposed as part of the Council's variation to Chapter 2 and consider that the definition appropriately captures the types of public amenities that can be expected to be provided within the road.

²⁴ S42A Report, 23 July 2018 at [9.5]

²⁵ S42A Report, 23 July 2018 at [9.6]

- 90 Rule 29.4.16 provides for the construction of any unformed road into a formed road for vehicular access as a restricted discretionary activity. Rules 29.4.17 and 29.4.18 both seek to manage the intrusion of building elements into the road reserve as either controlled or discretionary activities, depending on the activity status of the building in the adjoining zone. As it is clear that the roads are not designated due to the deletion of the deeming rule, I consider that it is appropriate for these activities to be managed as such.
- 91 Accordingly I propose no further amendments to the provisions of Chapter 29 in this respect.

ISSUE 6 – Transportation for Ski Area Sub Zones

Summary of relief sought

- 92 Soho and Treble Cone made further submissions in support of the relief sought by Cardrona Alpine Resort Ltd (**CARL**) to amend Chapter 29 to:
- (a) recognise and provide for the benefits of air transport to the district's economy and overall transport network is recognised and provided for;
 - (b) Recognise that helicopters are an important transport method for Ski Areas and are not discouraged; and
 - (c) Recognise that private roads and carparks associated with accessing SASZs are important and integral parts of the local transport network and are able to be used, maintained, upgraded and extended without a discernible regulatory burden.
- 93 CARL did not appear to propose any specific amendments to Chapter 29 to achieve the outcomes outlined above.
- 94 In response to the relief sought by CARL seeking to recognise and provide for the benefits of air transport to the district's economy and the overall transport network, as well as recognising that helicopters are an important transport method for Ski Areas, Ms Jones is of the view that the effects of air travel are already managed through Chapters 17, 21 and 36 of the PDP. She considers that amending Chapter 29 to provide for these matters is not appropriate.²⁶
- 95 In response to the relief sought by CARL relating to private roads and car parks associated with accessing SASZs, Ms Jones outlines the regulatory regime that would apply to these types of facilities. She is of the view that activities such as the provision of off-site parking, non-accessory parking, public transport, and park

²⁶ S42A report 23 July 2018 at [14.6]

and ride facilities would be subject to a restricted discretionary consent, noting that if a private road is located in the same site as the activity to which the parking relates, then parking on the road would be 'accessory parking' and would be permitted.²⁷

- 96 Ms Jones concludes that the potential adverse effects of permitting private entities to undertake transport infrastructure works and construct public amenities on roads where such works would ordinarily require consent under the underlying zoning outweigh the regulatory costs and uncertainty. She also notes that this is particularly so where private roads are located within landscape sensitive areas, such as ski roads.²⁸
- 97 Ms Jones recommends that the relief sought by CARL in respect of these two points is rejected, along with the further submission points supporting this relief.

Evaluation

- 98 I concur with Ms Jones that the management of air transport and helicopters (to the extent possible under the RMA) is appropriately managed via other chapters in the PDP.
- 99 Ski area activities are provided for in SASZ, which are a sub-zone of the Rural Zone. The related provisions managing ski area activities are in Chapter 21. Some of these provisions are subject to appeal by various parties, including Soho and Treble Cone, with one of the themes sought to be addressed through these appeal points being greater recognition for the unique transport requirements for ski fields.
- 100 I have considered the extent to which the provisions in Chapters 21 and 29 appropriately recognise and provide for the land-based transport activities necessary to support ski area activities (such as new or expanded parking areas; new private roads connecting parking areas to the local road network; and non-vehicular mechanisms to transport passengers from the local road network to the base stations within ski fields (e.g. a gondola)).
- 101 My evaluation has focused on whether it is appropriate to enable these types of activities through a more permissive regulatory regime and/or to recognise the unique needs of ski area activities from a transport perspective in the policy framework of Chapter 29 such that when applications are made, there is appropriate policy recognition of the particularly unique circumstances that these types of activities face.

²⁷ S42A Report 23 July 2018 at [9.12]

²⁸ S42A report 23 July 2018 at [9.12 – 9.13]

- 102 My evaluation examines the regulatory regime that would apply to the following activities based on the decisions version of Chapter 21 (noting where appeal points are relevant), and the s42A version of Chapter 29:
- (a) The provision of additional parking areas for a ski area activity, both within a Ski Area Sub Zone, and within the Rural Zone. This includes consideration as to whether any such activity would trigger the HTGA rule in Chapter 29;
 - (b) The provision of new or upgraded vehicular access from the local road network to the Ski Area Sub Zone; and
 - (c) The provision of non-vehicular passenger transport mechanisms (passenger lift systems).
- 103 It is noted that s42A Rule 29.3.3.6 states that activities on zoned land are also subject to the zone-specific provisions, and that the provisions relating to activities outside of roads in Chapter 29 do not override those zone-specific provisions except that the rules in Table 29.1 (activities outside a road) take precedence over those zone rules which make activities which are not listed in a zone activity table and comply with all standards a non-complying or discretionary activity.²⁹
- 104 I have therefore considered the provisions of Chapter 21 in the first instance to ascertain whether transport related activities are provided for in the zone provisions before considering Chapter 29.

Parking areas

- 105 Ski area activities are provided for as a permitted activity within the SASZ,³⁰ and as a non-complying activity in the Rural Zone.³¹ It is noted that Soho and Treble Cone have appealed the non-complying activity status and instead seek that this is provided for as a discretionary activity.

²⁹ Chapter 29, s42A Version, Rule 29.3.3.6

³⁰ Chapter 21, Appeals Version, Activity Rule 21.12.1

³¹ Chapter 21, Appeals Version, Activity Rule 21.4.25

- 106 Soho and Treble Cone have also sought the insertion of the following as a restricted discretionary activity within the Rural Zone:

The establishment of land based vehicle access and any base or terminal buildings associated with the operation of, but not located within, a Ski Area Sub-Zone

- 107 If that appeal is successful, then the provision of parking and access to service ski area activities but which is not located in the SASZ will be a restricted discretionary activity, without needing to turn to the provisions of Chapter 29 to ascertain the activity status of parking and access provision.
- 108 However, in the event that the appeal is unsuccessful on that point, consideration needs to be given as to whether access and parking ancillary to ski area activities is captured under the definition of ski area activities (and therefore managed by the provisions of Chapter 21).
- 109 The definition of 'ski area activities' (set out below) does not expressly provide for parking and access to ski areas, but does include a reference to 'activities ancillary to commercial recreational activities'. It is noted that this definition is subject to appeal, with Cardrona Alpine Resort Ltd seeking to make the following amendments to this definition (shown as blue strikethrough/underlined text).

~~*Ski Area Activities*~~ *Alpine Resort Activities*

Means the use of natural and physical resources for the purpose of establishing, operating and maintaining the following activities and structures:

- a. recreational activities either commercial or non-commercial;*
- b. passenger lift systems;*
- c. use of snow groomers, snowmobiles and 4WD off-road vehicles for support or operational activities;*
- d. activities ancillary to commercial recreational activities including avalanche safety, ski patrol, formation of ~~snow~~ trails and terrain including earthworks and vegetation clearance;*

e. installation and operation of snow making infrastructure including reservoirs, pumps and snow makers; and

f. in the Waiorau Snow farm Ski Area Sub-Zone vehicle and product testing activities, being activities designed to test the safety, efficiency and durability of vehicles, their parts and accessories.

- 110 I understand that it is generally interpreted that ‘activities ancillary to commercial recreational activities’ captures parking and vehicular access (as part of the definition of the term ‘ski area activities’). However the types of activities that are set out as being examples of ‘activities ancillary to commercial recreational activities’ form a type of activity class that could equally preclude parking and access areas.
- 111 If parking and access are captured by the definition of ski area activities, they would require consent as a non-complying activity where it is provided for outside a SASZ,³² but would be a permitted activity within a SASZ. In accordance with s42A Rule 29.3.3.6, these zone rules would *not* be overridden by any rules in Table 29.1 of Chapter 29 that provide for transport activities outside a road (except that it appears the HTGA rule would still apply).
- 112 If parking and access are not captured by the definition of ski area activities, the provision of these facilities would be managed by the provisions of Chapter 29, which are addressed below.
- 113 The provision of parking outside a road for an activity that is not listed in Table 29.5 requires consent as a discretionary activity.³³ It is noted that ski area activities are not included in Table 29.5, and are specifically excluded from the definition of ‘commercial recreational activities’ (which is included in Table 29.5).
- 114 In summary therefore, my analysis concludes that if Soho and Treble Cone’s appeal to expressly provide for the establishment of land based vehicle access associated with the operation of, but not located within, a SASZ is unsuccessful, the provision of new parking areas for a ski area activity outside a SASZ would require consent as a non-complying activity (in accordance with the decisions version of Chapter 21), or a discretionary activity (in accordance with the relief sought by Soho and Treble Cone to Chapter 21) based on the presumption that parking and access is captured by the definition of ski area activities.

³² Chapter 21, Appeals Version, Rule 21.4.25

³³ Chapter 29, s42A Version, Rule 21.4.11

- 115 If parking and access is not captured by the definition of ski area activities, parking would require consent as a discretionary activity under Chapter 29.
- 116 Increasing the parking capacity or trip generation of ski area activities may trigger consent for a restricted discretionary activity as a HTGA under Chapter 29, depending on whether this rule applies only to new activities that are not yet established; or to expansions to existing activities that result in the thresholds being triggered. I note that other rules such as earthworks may be triggered, and that Mr Henderson has addressed the extent to which these apply in the Rural zone in his evidence. In the case of the Soho ski field I note that any clearance of indigenous vegetation above 1070masl will trigger the requirement for a resource consent for a discretionary activity.

Vehicular access

- 117 I have addressed the extent to which access is provided for in the definition of ski area activities above, as well as the attendant activity status within the provisions of Chapter 21.
- 118 If access is not captured by the definition of 'ski area activities', consideration should be given to Chapter 29, where access is provided for as a permitted activity outside a road.³⁴ Access is subject to the standards set out in Table 29.3, and specifically Rule 29.5.14 which requires that *"all vehicular access to fee simple title lots, cross lease, unit title or leased premises shall be in accordance with Table 3.2 (Road Design Standards) of the QLDC Land Development and Subdivision Code of Practice including the notes within Table 3.2 and Appendices E and F, except as provided for in 29.5.14b below."* It is noted that 29.5.14b relates to access
- 119 Therefore as long as access to ski areas is provided in accordance with the standard in 29.5.14, it is a permitted activity under Chapter 29.

Park and ride facilities

- 120 It is noted that the definition of 'park and ride facilities' is specifically tied to supporting the frequent public transport network, and is therefore not relevant to supporting passenger transport facilities that a commercial ski operator may provide to transport passengers from the local road network to a SASZ.

Passenger Lift Systems

- 121 Passenger lift systems are defined in Chapter 2 as "any mechanical system used to convey or transport passengers and other goods within or to a Ski Area Sub-

³⁴ Chapter 29, s42A Version, Rule 29.4.4

Zone, including chairlifts, gondolas, T-bars and rope tows,... . Excludes base and terminal buildings.” It is noted that Soho and Treble Cone have appealed this definition to seek that base and terminal buildings are included in the definition of passenger lift systems.

- 122 Passenger lift systems are therefore one mechanism by which visitors to ski fields could be conveyed from the local road network to the SASZ as an alternative to vehicular based transportation.
- 123 Passenger lift systems are provided for as a controlled activity within SASZs, and as a restricted discretionary activity in the Rural Zone. It is noted that one of the matters of discretion relates to *“the positive effects arising from providing alternative non-vehicular access and linking Ski Area Sub-Zones to the roading network.”*

Summary – Transportation for Ski Area Sub Zones

- 124 To ensure that applications for resource consent to enable parking and access to ski area activities in SASZs are considered against an appropriate policy framework, I propose that the following policy is inserted into Chapter 29 under Objective 29.2.1:

29.2.1.X

Provide for the functional dependency of ski area activities on transportation infrastructure, such as vehicle access and passenger lift based or other systems, by enabling the linking of on-mountain facilities within Ski Area Sub Zones to the District’s road and transportation network.

ISSUE 7 – Miscellaneous

Summary of relief sought – Objective 29.2.1

- 125 Darby Partners and Henley Downs et al supported Objective 29.2.1 as notified insofar as it provided for an integrated, safe and efficient transport network that reduces the dominance of congestion of vehicles. Both submitters stated that the reduction of the dominance and congestion of vehicles should not necessarily be limited in focus just to the Town Centre Zones and sought the following amendment to the notified objective (shown as red struckthrough text):

29.2.1 Objective - An integrated, safe, and efficient transport network that:

- *provides for all transport modes and the transportation of freight;*
- *...;*
- *contributes towards addressing the effects on climate change; and*
- *reduces the dominance and congestion of vehicles in the Town Centre zones.*

Summary of relief sought – Policy 29.2.4.1

126 Darby Partners and Henley Downs et al supported Policy 29.2.4.1 as notified, which sought to avoid commercial activities and home occupations in residential areas that result in cars being parked either on-site or on roads in a manner that adversely affects residential amenity or the safety of the transport network. The submitters sought that the policy was retained.

Evaluation

Objective 29.2.1

127 Ms Jones addresses the matters raised in submissions that relate to Objective 29.2.1 at paragraph 8.6 of her s42A report, and accepts the relief sought by Darby Planning and Henley Downs et al in part by proposing the following amendment to Objective 29.2.1:

29.2.1 Objective - An integrated, safe, and efficient transport network that:

- *provides for all transport modes and the transportation of freight;*
- *...;*
- *contributes towards addressing the effects on climate change; and*
- *reduces the dominance and congestion of vehicles, particularly in the Town Centre zones*

128 Ms Jones view is that this amendment will broaden the focus of this part of the objective to reduce car dominance and congestion on a district-wide basis, and particularly in the Town Centre Zones.

- 129 I concur with Ms Jones on this point, and consider that the proposed amendment is appropriate as it retains the strategic focus on addressing this issue particularly in the Town Centre Zones, but has the effect of acknowledging that this is also an outcome that will be sought in other areas of the district.
- 130 Accordingly, I propose no further amendments to Objective 29.2.1 in this regard beyond those proposed by Ms Jones.

Policy 29.2.4.1

- 131 The matters raised in submissions relating to Policy 29.2.4.1 are addressed in paragraphs 14.16 – 14.19 of Ms Jones' s42A report. In response to these matters, Ms Jones proposes a series of amendments to Policy 29.2.4.1. I consider the amendments to appropriately focus the wording of the policy on the issue that is sought to be managed, namely the potential overspill of parking associated with commercial activities and home occupations in residential areas.
- 132 For completeness I note that as this issue relates specifically to the Jacks Point Zone (which is of particular interest to Darby Partners and Henley Downs et al), the following provisions are relevant in giving effect to Policy 29.2.4.1:
- (a) Educational and day care facilities are provided for as a controlled activity within the Residential Henley Downs Activity Areas in Jacks Point, with traffic generation, access, and parking one of the matters of control;³⁵
 - (b) Commercial activities, community activities and visitor accommodation are provided for as a restricted discretionary activity within certain of the Residential Henley Downs Activity Areas in Jacks Point. Vehicle access, street layout and car parking is one of the matters of discretion for all three land use activities, and traffic generation also a matter of discretion in relation to visitor accommodation activities only;³⁶
 - (c) It is noted that home occupations are not provided for within the Jacks Point zone; and
 - (d) S42A Table 29.5 sets out the parking requirements for various types of activities, including educational and day care facilities; commercial activities; community activities; and visitor accommodation. In addition, the standards in s42A Table 29.5 require that parking spaces are not provided on a private road or public road, but may in certain circumstances on a different site to that upon which the proposed activity is located.

³⁵ Chapter 41 (Appeal annotated version), Activity Rule 41.4.1.4

³⁶ n35, Activity Rule 41.4.1.7 and 41.4.1.8

- 133 Collectively the provisions outlined above enable certain non-residential activities within certain residential areas of Jacks Point variously as controlled or restricted discretionary activities; enable consideration of traffic, access and parking in the assessment of those activities establishing; and stipulate the number of parking spaces that are required to be provided to support the activity, as well as *where* they are to be provided.
- 134 I consider that collectively, these provisions will support the outcomes sought in the amended version of s42A Policy 29.2.4.1 and propose no further amendments to this policy.

Summary – Issue 5

- 135 Having reviewed the s42A report prepared by Ms Jones I consider that the amendment to s42A Objective 29.2.1 is appropriate as it retains the strategic focus on addressing this issue particularly in the Town Centre Zones, but has the effect of acknowledging that this is also an outcome that will be sought in other areas of the district.
- 136 Further I consider that the amendments to s42A Policy 29.2.4.1 appropriately focus the wording of the policy on the issue that is sought to be managed, namely the potential overspill of parking associated with commercial activities and home occupations in residential areas. I do not propose any further amendments to these provisions.

Conclusion

- 137 In conclusion, and in light of the relief sought by the submitters in relation to Chapter 29, I consider that the HTGA rule should not apply to subdivision and land use within the Jacks Point Zone that is otherwise provided for as a permitted or controlled activity given that the level of development anticipated by those activities, and its associated transportation effects, is appropriately managed by the provisions of Chapter 41 and 27.
- 138 In addition I am of the view that given that the Jacks Point Village Activity Area is anticipated to be of a nature and scale similar to the Local Centre Zone insofar as its function, proximity to a residential area that it is intended to service, and relationship to a public transport route such that the reduced minimum parking requirements for residential activities that the Council proposes to apply to the Local Centre Zone should also apply to the Jacks Point Village Activity Area.
- 139 I consider that the amendments proposed by Ms Jones to Policies 29.2.2.5 and 29.2.3.1, and rule 29.5.14 are appropriate. I am of the view that in order to ensure applications for resource consent to enable parking and access to ski area activities are considered against an appropriate policy framework, that a new

policy should be included within Chapter 29 under Objective 29.2.1 as set out earlier in my evidence.

A handwritten signature in black ink, appearing to read 'Deborah Rowe', with a stylized, cursive script.

Deborah Rowe

6 August 2018

APPENDIX 1 – RELEVANT RPS OBJECTIVES AND POLICIES

Policy 9.5.3

To promote and encourage the sustainable management of Otago’s transport network through:

- (a) Promoting the use of fuel efficient modes of transport; and
- (b) Encouraging a reduction in the use of fuels which produce emissions harmful to the environment; and
- (c) Promoting a safer transport system; and
- (d) Promoting the protection of transport infrastructure from the adverse effects of landuse activities and natural hazards.

Explanation and Principal Reasons for Adopting

Maintaining the transport network is essential for meeting the mobility and access needs of Otago’s communities. The adverse effects on transport infrastructure that undermine its ability to function efficiently and effectively also need to be considered.

These include traffic demands of landuse activities which are not appropriate for the function of the road, developments which impede access to sea ports, the effects of hazards such as slipping or earth movement and erosion.

However, the adverse effects of that network (which include pollution, reliance on non-renewable energy sources, congestion, road accidents, difficulties in using the network due to cost or disability and urban sprawl) must be balanced against the benefits of mobility and access. A long-term coordinated viewpoint based on the sustainability of Otago’s natural and physical resources is required.

Policy 12.5.3

To promote improved energy efficiency within Otago through:

- (a) Encouraging the use of energy efficient technology and architecture; and
- (b) Educating the public about energy efficiency; and
- (c) Encouraging energy efficiency in all industry sectors; and
- (d) Encouraging energy efficient transport modes in Otago.

Explanation and Principal Reasons for Adopting

This policy will ensure energy efficient concepts and practices are actively promoted and pursued in order to secure energy savings and to provide room for growth in energy consumption in the future.

APPENDIX 2 - RELEVANT PROVISIONS OF THE PROPOSED OTAGO REGIONAL POLICY STATEMENT (DECISION VERSION OCTOBER 2016 (AS AMENDED BY RELEVANT CONSENT ORDERS))

Objective 4.4 – Energy supplies to Otago’s communities are secure and sustainable

Policy 4.4.6 – Energy efficient transport

Enable energy efficient and sustainable transport for Otago’s communities, by all of the following:

- a) Encouraging the development of compact and well integrated urban areas, to reduce travel needs within those areas;
- b) Ensuring that transport infrastructure in urban areas has good connectivity, both within new urban areas and between new and existing urban areas, by all of the following:
 - i. Placing a high priority on walking, cycling, and public transport, where appropriate;
 - ii. Maximising pedestrian and cycling networks connectivity, and integration with public transport;
 - iii. Having high design standards for pedestrian and cyclist safety and amenity;
- c) Enabling the development or upgrade of transport infrastructure and associated facilities that both:
 - i. Increase freight efficiency; and
 - ii. Foster the uptake of new technologies for more efficient energy uses, and renewable or lower emission transport fuels

Objective 4.5 - Urban growth and development is well designed, occurs in a strategic and coordinated way, and integrates effectively with adjoining urban and rural environments

Policy 4.5.1 – Providing for urban growth and development

Provide for urban growth and development in a strategic and co-ordinated way, including by:

- a) Ensuring future urban growth areas are in accordance with any future development strategy for that district.
- b) Monitoring supply and demand of residential, commercial and industrial zoned land;
- c) Ensuring that there is sufficient housing and business land development capacity available in Otago;
- d) Setting minimum targets for sufficient, feasible capacity for housing in high growth urban areas in Schedule 6
- e) Coordinating the development and the extension of urban areas with infrastructure development programmes, to provide infrastructure in an efficient and effective way;
- f) Having particular regard to:
 - i. Providing for rural production activities by minimising adverse effects on significant soils and activities which sustain flood production;
 - ii. Minimising competing demands for natural resources;
 - iii. Minimising high and outstanding natural character in the coastal environment; outstanding natural features, landscapes, and

- seascapes; and areas of significant indigenous vegetation and significant habitats of indigenous fauna;
- iv. Maintaining important cultural or historic heritage values;
- v. Avoiding land with significant risk from natural hazards;
- g) Ensuring efficient use of land;
- h) Restricting urban growth and development to areas that avoid reverse sensitivity effects unless those effects can be adequately managed;
- i) Requiring the use of low or no emission heating systems where ambient air quality is:
 - i) below standards for human health; or
 - ii) Vulnerable to degradation given the local climatic and geographical context;
- j) Consolidating existing coastal settlements and coastal urban areas where this will contribute to avoiding or mitigating sprawling or sporadic patterns of settlement and urban growth

Policy 4.5.2 – Integrating infrastructure with land use

Achieve the strategic integration of infrastructure with land use, by undertaking all of the following:

- a) Recognising and providing for the functional needs of infrastructure;
- b) Locating and designing infrastructure to take into account all of the following:
 - i. Actual and reasonably foreseeable land use change;
 - ii. The current population and projected demographic changes;
 - iii. Actual and reasonably foreseeable change in supply of, and demand for, infrastructure services;
 - iv. Natural and physical resource constraints;
 - v. Effects on the values of natural and physical resources;
 - vi. Co-dependence with other infrastructure ;
 - vii. The effects of climate change on the long term viability of that infrastructure;
 - viii. Natural hazard risk.
- c) Coordinating the design and development of infrastructure with land use change in growth and redevelopment planning.