

**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 Hearing Streams 1 B  
– Strategic Direction  
and Urban  
Development chapters

---

**RESPONSE TO MINUTE DATED 23 MARCH 2016**

**CRAIG ALAN BARR ON BEHALF OF QUEENSTOWN LAKES DISTRICT COUNCIL**

**30 March 2016**

---

---

 **Simpson Grierson**  
Barristers & Solicitors

J G A Winchester / S J Scott  
Telephone: +64-3-968 4018  
Facsimile: +64-3-379 5023  
Email: sarah.scott@simpsongrierson.com  
PO Box 874  
SOLICITORS  
CHRISTCHURCH 8140

## 1. INTRODUCTION

- 1.1 My name is Craig Alan Barr. I prepared the section 42A report for the Landscape Chapter of the Proposed District Plan (**PDP**). My qualifications and evidence are contained in that section 42A report dated 19 February 2016.
- 1.2 The purpose of this evidence is to respond to the Panel's minute dated 23 March 2016 which invited parties to comment on additional material that has been received by the Panel, in particular the expert witness conferencing statement filed on 22 March 2016 (**conferencing statement**). The conferencing statement records areas of agreement (and residual disagreement) reached between Mr Matthew Paetz for the Council, Mr John Kyle and Ms Kirsty O'Sullivan on behalf of the Queenstown Airport Corporation (**QAC**), and Mr Chris Ferguson on behalf of the Hansen Family Planning<sup>1</sup>, at a conferencing session that took place on Friday 18 March 2016.
- 1.3 The conferencing was initiated following mutual agreement between the parties and a direction from the Panel. The Panel noted that there were apparent differences between the notified provisions of the PDP and the relief sought by QAC that might be better resolved through expert caucusing. The QAC submission generally seeks that the provisions in the Strategic Direction chapter of the PDP are aligned with the provisions recently confirmed in the Operative District Plan through Plan Change 35 (**PC 35**).
- 1.4 This evidence is given on behalf of the Council and expresses different views to those recorded in the conferencing statement (although I do agree with some of the changes agreed to in the conferencing statement, which I also address below).
- 1.5 My evidence addresses the following issues:
- (a) the amendments to PDP Chapter 3 (Strategic Direction) recorded in the conferencing statement;
  - (b) the amendments to PDP Chapter 4 (Urban Development) recorded in the conferencing statement;

---

<sup>1</sup> Mr Ferguson's involvement was limited to existing Policies 4.2.2.4, 4.2.3.8, 4.2.4.3, proposed new Objectives 4.2.7 and 4.2.8, and new Policies 4.2.7.1 to 4.2.7.2 and Policies 4.2.8.1 and 4.2.8.2.

- (c) that several of the amendments in (a) and (b) are not within scope of the relief sought by QAC to integrate the PC35 outcomes into the PDP; and
- (d) that the changes inappropriately elevate Queenstown Airport and activities that could be regarded as 'regionally significant infrastructure'<sup>2</sup> to a pre-eminent position in the PDP that is out of kilter with the remainder of the PDP and overall intent of the Strategic Direction Chapter.

**1.6** I have not provided any revised provisions as part of this evidence. Rather, I confirm that in my opinion the version of the PDP provisions for Chapters 3 and 4 (that I discuss in this evidence) as attached to Mr Paetz' section 42A report dated 19 February 2016 should be preferred, except where I set out below that I support the amended provisions agreed in the expert conferencing. Where the provisions in Mr Paetz section 42A report are preferred, I also rely on the Council section 32 analysis and his section 42A report in support of those provisions.

## **2. CHAPTER 3: STRATEGIC DIRECTION**

### **Objective 3.2.1.2**

**2.1** The conferencing version of Objective 3.2.1.2 removes most of the aspirational elements of the objective by removing 'develop, sustain and integrate' and replacing with 'are recognised and provided for' at the end of the sentence. A goal to 'develop, sustain and integrate' the commercial resources in Frankton is more helpful and meaningful than 'recognise and provide'. I consider that 'recognise' is not a particularly useful word in an aspirational objective statement because it does not constitute an environmental outcome. Develop, sustain and integrate is preferred because I consider it best encapsulates the various land uses in Frankton including the Airport, the secondary school, the industrial and large format retail areas and that Frankton is an important central point in terms of the arterial and State Highway road network and that development is accessed efficiently.

---

<sup>2</sup> A recommendation on the definition of 'Regionally Significant Infrastructure' is not yet finalised.

- 2.2** I consider that the Section 32AA appended to the Expert Witness conferencing Statement<sup>3</sup> is too narrowly focused on the Airport and activities that may constrain the Airport's operation. The Objectives (discussed below) and policies in the Urban Development Chapter provide the required level of intervention. The objective therefore, while still addressing the multiple land uses in Frankton has been knocked out of balance and elevates the Airport to a pre-eminent status.
- 2.3** In my opinion the objective as recommended by Mr Paetz in his S42A report is the most appropriate and is therefore preferred.

#### **Policy 3.2.1.2.1**

- 2.4** I do not support the conferencing version of Policy 3.2.1.2.1 which deletes the word 'integrated'. I consider the word 'integrated' is helpful and important in terms of accommodating and managing the effects of the wide range of activities that occur in this part of Frankton. While the Queenstown Airport is an important part of the District, at a higher strategic level its integration with other surrounding land uses is appropriate and will not impose inappropriate restrictions on the economic growth of the Airport. I note the s32AA attached to the conferencing statement does not give any reasons for deleting the word 'integrated' from this policy. For these reasons I consider that the word 'integrated' should be retained.

#### **Policy 3.2.1.2.3**

- 2.5** I do not support the addition of the word 'future' to Policy 3.2.1.2.3 as in my view it does not add any value or clarity of meaning. The purpose of the addition of the word 'future' is to ensure that current commercial rezoning proposals contained within the PDP will not be inadvertently captured by this policy. It will only become relevant if commercial re-zonings are pursued after the PDP becomes operative, however the policy is therefore out of context because the drafters are treating the policy as if it is already operative, but the rest of the PDP is not. The policy should be phrased in the same tense as the rest of the PDP and the supporting evaluation would set out what zoning, both anticipated and existing is not applicable.

---

<sup>3</sup> General Comments and the appropriateness of achieving the purpose of the Act/Purpose of the Objective.

- 2.6** Finally, I do not consider the amendments to Objective 3.2.1.2 and related policies to be within scope of the conferencing because there are not any confirmed PC 35 provisions that are applicable. These matters might be related to QAC's submission more generally, but the specific relief identified in the QAC submission does not address this objective.

#### **Objective 3.2.1.7 and Policy 3.2.1.7.1**

- 2.7** Objective 3.2.1.7 and Policy 3.2.1.7.1 have been deleted, presumably because they are addressed through the new goal, objectives and policies included in the conferencing provisions. For the reasons set out below, I do not support the new Goal 3.2.8 and subsequent objectives and policies and therefore consider that Objective 3.2.1.7 and Policy 3.2.1.7.1 as recommended in Mr Paetz s 42A report should be retained.

- 2.8** The deletion of the objective also has the ability to constrain key roading networks that would not qualify as regionally significant infrastructure. Its suggested deletion therefore has implications that go beyond QAC's principal concerns around the airport and I have significant concerns that these broader implications were not fully considered at the conferencing and/or in the provisions that were agreed at conferencing. While I accept that the Queenstown Airport is important infrastructure for the District and is regionally significant, I consider that the QAC's principal concerns around the airport need to be balanced with wider District issues.

#### **Objective 3.2.5.1**

- 2.9** Objective 3.2.5.1 has been modified to include the word 'inappropriate'. While this amendment has been sought by QAC in its submission, this matter is not within scope of the PC35 provisions. I note that Mr Paetz has not agreed to the addition of the word in the conferencing statement and, in my view, has correctly pointed out that there are a number of submitters who have an interest in this provision and that there are wider interests beyond QAC's that need to be balanced. I do not support the inclusion of this word within a Strategic Direction policy because it would have the potential to conflict with and unduly constrain the objectives and policies in the Landscape and Urban Development chapters.

### **Goal 3.2.8, Objectives 3.2.8.1 and 3.2.8.2 and policies**

- 2.10** The conferencing version of Chapter 3 includes a new Goal 3.2.8 and a number of subsequent objectives and policies. In my opinion, these provisions are too narrowly focused on infrastructure and do not align with the intent of the wider Strategic Direction chapter nor the Urban Development and Landscape Chapters. I am not opposed to a Goal and suite of objectives or policies in the Strategic Direction chapter that promote infrastructure security, supply and resilience for the benefit of the District. However, if Goal 3.2.8 is to be included in the PDP it should in my view express the benefit of infrastructure security and reliability to the District, rather than focusing on enabling the provision and growth of infrastructure.
- 2.11** I do not support Objective 3.2.8.1 as drafted in the conferencing version of Chapter 3. In my opinion it serves to predetermine the placement of infrastructure without appropriately balancing the effects that infrastructure might have in terms of the sustainable management of our natural resources and sections 5, 6 and 7 of the RMA.
- 2.12** Policy 3.2.8.1.1 is worded as though it is a lower order policy that is targeted too far towards enabling infrastructure. It effectively provides a foundation for a resultant permitted activity status for such activities that may not allow for adequate consideration of effects. I do not support this Policy at a strategic level.
- 2.13** Policy 3.2.8.1.2 does not accord with sections 6(a) and (b) of the RMA in that it only requires mitigation in ONF/ONLs 'where practicable'. The policy provides no further direction on what is practicable and would appear to apply to both existing and potential future infrastructure. The RMA requires all persons to recognise and provide for the preservation of the natural character of lakes, rivers and their margins and the protection of outstanding natural features and landscapes from inappropriate subdivision, use and development. The wording of the policy is in my view potentially inconsistent with those matters of national importance.
- 2.14** Objective 3.2.8.2 is derived from a new objective recommended by Mr Paetz. I support the further refinement of the identification of Queenstown and

Wanaka Airports in favour of 'designated airports' as recommended through the conferencing provisions.

- 2.15** Policy 3.2.8.2.1 should not identify specifically the two airports because it could be misread as elevating these above other infrastructure, in particular infrastructure supported by National Policy Statements. I consider that because the policy is a higher order policy it should not identify the actual infrastructure elements. However this is where the definition of Regionally Significant Infrastructure and its application would be useful. I do not support the reference of 'not now or into the future'.
- 2.16** I do not consider that this offers any added value, because when a policy is applied and affects the resources it identifies will depend on the status of the policy. If a policy is applicable it is relevant now and into the future until it is changed or removed from the planning document it is located within.
- 2.17** I do not support Policy 3.2.8.2.2 in the conferencing version because it repeats the Civil Defence Emergency Management Act. The status of the Queenstown Airport as an essential lifeline utility is recognised in statute and does not need to be recorded as such in an RMA planning document.
- 2.18** I do not support Policy 3.2.8.2.3 in the conferencing version because it elevates airports in terms of hierarchy, over other [regionally significant?] infrastructure in the District. It also specifies that there are 'nationally or regionally significant airports' however it seems clear from the other policies that there are only two, and that they are the Queenstown and Wanaka Airports. If one is of national significant and the other airport is of regional significance, then the policy should state this.
- 2.19** In my opinion, Objective 3.2.1.7 and Policy 3.2.1.7.1, as set out in Mr Paetz' section 42A report, strike the appropriate balance of recognising and providing for infrastructure in the Strategic Direction chapter. It might be appropriate to include a separate goal relating to infrastructure specifically. However, that goal should focus on the provision of secure and reliable infrastructure for the District generally and should not elevate the Queenstown Airport above all other nationally or regionally significant infrastructure.

### **3. Chapter 4 Urban Development**

#### **Policy 4.2.2.4**

- 3.1** I do not support the amendments made to Policy 4.2.2.4 in the conferencing version of Chapter 4. The reference to the Outer Control Boundary is too specific and does not fit within the context of the other parameters specified in the policy. The policy is not intended to identify all constraints that affect urban development. If any addition is justified, I consider that it should relate to constraints from infrastructure or existing noxious land uses in a general sense and not something as specific as the Outer Control Boundary. There are specific policies relating to the Outer Control Boundary in the respective urban development and rural areas chapters. I consider that the version of policy 4.2.2.4 contained in Mr Paetz' section 42A report is more appropriate than that recommended through witness conferencing.

#### **Policies 4.2.3.8 and 4.2.4.3**

- 3.2** Policies 4.2.3.8 and 4.2.4.3 have been deleted, presumably on the basis that they have been replaced by a more comprehensive suite of provisions under objectives 4.2.7 and 4.2.8. I support the deletion but consider that the 'replacement' objectives and policies should be located under the sub heading of Queenstown (4.2.4), rather than under Wanaka which is the case in the conferencing version.

#### **Policy 4.2.4.4**

- 3.3** I agree with the deletion of this policy because it reflects the conditions of a designation and this framework is provided for though QAC's designation in chapter 37.

#### **Objectives 4.2.7 and 4.2.8**

- 3.4** As mentioned above Objectives 4.2.7 and 4.2.8 and related policies are not in the correct location because they are located under the sub heading of Wanaka Urban Growth Boundary in the conferencing version. If they are to be retained I recommend they are located under the sub heading for the Queenstown Urban Growth Boundary.



**3.5** Objectives 4.2.7 and 4.2.8 and related policies could be appropriate if they are derived from the confirmed outcome of PC 35. If the same provisions are already effectively peppered throughout the PDP urban chapters then I do not support them because they constitute unwarranted duplication, and their location is appropriate, and stated once only within the higher order Urban Development Chapter.

**3.6** I note that the PDP Low Density Residential Chapter (Chapter 7) does not contain any policies related to constraining development within the Queenstown Outer Control Boundary, however it does include rules to that effect (Rules 7.5.3 and 7.5.4).

#### **Objective 4.2.7 and Policies 4.2.7.1 and 4.2.7.2**

**3.7** Objective 4.2.7 and Policies 4.2.7.1 and 4.2.7.2 are derived from the Environment Court confirmed provisions of PC35 and the equivalent ODP text is Objective 7 - Queenstown Airport – Noise Management and Policies 7.1 and 7.2 within Part 4.9.3 District Wide – Urban Growth. I recommend the Objective and Policies are accepted.

#### **Objective 4.2.8**

**3.8** The Objective is derived from the Environment Court confirmed provisions of PC 35 and are in the ODP as Objective 8 – Queenstown Airport Urban Growth Management within Part 4.9.3 District Wide – Urban Growth. While acknowledging that this is an objective confirmed by the Environment Court, I do not support the reference to *managing urban growth ....now or into the future*. For similar reasons as I have addressed earlier, I do not believe this text offers any added value.

#### **Policies 4.2.8.1 and 4.2.8.2**

**3.9** Policy 4.2.8.1 appears to be an amalgam of Policies 8.1 and 8.2 and 8.3 as presented in the ODP<sup>4</sup>. The S32AA attached to the conferencing statement does not specify this but I understand that the reference to specific locations as identified in ODP policies 8.2 and 8.3 is removed because the noise

---

<sup>4</sup> Refer to the attached ODP provisions (Part 4 District Wide) as confirmed by the Environment Court.

boundaries as identified on the PDP planning maps will show what land is actually subject to the respective rules.

- 3.10** Policy 4.2.8.1 is intended to protect Queenstown Airport from reverse sensitivity and prohibit certain activities within a noise contour. Policy 4.2.8.2 establishes a requirement that all new buildings and alterations to buildings with critical listening environments within the Queenstown Airport Air Noise Boundary or Outer Control Boundary are designed to achieve indoor design sound levels.
- 3.11** The policies appear to be a consolidation of the Environment Court confirmed PC 35 provisions. I support the provisions because they appear to be a more efficient version than the ODP, without derogating from their effect in terms of directing lower order provisions or protecting Queenstown Airport from activities that could constrain its operations. The respective criteria are identified in the tables within lower order provisions and I do not consider that they need to be repeated within these higher order policies.
- 3.12** These higher order policies establish the framework and overall thrust for these lower order provisions that would be contained in the respective Low Density residential and Noise Chapters of the PDP.



Craig Barr  
Senior Planner  
31 March 2016