

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

UNDER THE Resource Management Act 1991 ("**Act**")

IN THE MATTER OF Stage 3 of Proposed District Plan Stream 18
Chapter 20 (Settlement Zones); and
variations to Chapter 10 (Utilities); various
chapters (Glare); and the Open Space and
Recreation Zone

BETWEEN **WAYFARE LIMITED**

Submitter #31022

CARDRONA ALPINE RESORT LIMITED

Submitter #31018

AND **QUEENSTOWN LAKES DISTRICT COUNCIL**

Planning Authority

PLANNING EVIDENCE OF BEN FARRELL

12 JUNE 2020

PROFESSIONAL DETAILS

Qualifications and experience

1. My full name is Ben Farrell. I am an independent planning consultant based in Queenstown. I am the Owner and Director of Cue Environmental Limited, an independent consultancy service I established in 2018. My qualifications and experience are set out in my evidence in chief dated 29 February 2016 in relation to the Proposed District Plan (PDP) Council Hearing Stream 1b. I have worked as a planner across New Zealand and I am familiar with the Otago Regional Policy Statement (RPS) and District Plan Review (DPR) processes. Since preparing my evidence on Hearing Stream 1b I have:
 - (a) Presented expert planning advice on the Proposed Otago Regional Policy Statement (PORPS) council hearing, as well as provision of strategic planning advice in relation to the High Court appeal process.
 - (b) Provided expert planning evidence to the Environment Court in relation to the Strategic Direction Chapters (Topics 1, 2, and 4).
 - (c) Prepared submissions and provided planning evidence and strategic advice to a range of parties in respect of numerous Hearing Streams, and Stages 2 and 3 of the DPR.
 - (d) Participated in numerous appeal and mediation processes in relation to the DPR, including on Chapters 21 (Rural) and 25 (Earthworks).
 - (e) Provided expert planning evidence to the Environment Court in relation to development proposals within the Outstanding Natural Landscapes (ONL).
 - (f) Presented expert planning evidence to the Environment Court on behalf of the Royal New Zealand Forest and Bird Protection Society and Southland Fish and Game on the proposed Southland Water and Land Plan.
 - (g) Also, over the last three years I have represented the New Zealand Resource Management Law Association through the preparation of submissions. I have also provided commentary/feedback to Central Government in respect of numerous Resource Management Act 1991 (RMA) related guidance documents, legislative reform, and policy development.
2. I have resided in the lower South Island since 2013 and Queenstown since 2015.

3. Through my experience as a planner engaged by Wayfare, Cardrona Alpine Resort Limited (CARL) and Ngāi Tahu Tourism respectively, I am aware of worker accommodation developments developed and operated by Wayfare (for example at Walter Peak) and the staff accommodation issues facing companies who operate in remote locations such as CARL and Ngāi Tahu Tourism. I am also familiar with a few worker accommodation activities and development proposals (some which have not eventuated), including a large worker accommodation development in Frankton, as well as an approved apartment complex in Gorge Road, and worker accommodation at the Queenstown Country Club.

SCOPE OF EVIDENCE

4. I have been asked by Wayfare Limited (#31022) (**Wayfare**) and Cardrona Alpine Resort Limited (#31018) (**CARL**) to provide planning evidence regarding parts of their submissions in respect of their reasonably discrete submissions on Chapter 20 (Settlement Zones), the variation to Chapter 10 (Utilities); and the variation to various chapters (Glare). I note CARLs submission is limited to Chapter 20 (Settlement Zones).
5. I have read the respective s.42A reports relating to the Wayfare and CARL submissions.

SETTLEMENT ZONE PROVISIONS

6. Wayfare and CARL are requesting provisions that encourage worker accommodation and to relax rules for them. The reporting officer is opposed to the relief being sought and states that:

“In my view differentiating these types of residential occupation would add significant complexity to the provisions and would result in substantial enforcement challenges. If one was to apply the framework sought by the submitters, once a building is established under this policy, the manner of its occupation would need to be monitored, placing a potential burden on the Council and significant restrictions on the future use of the development. This is not efficient or effective.”

7. I am surprised that QLDC is not differentiating worker or long-term rental accommodation from other residential accommodation types, and I do not understand why the framework would result in substantial enforcement challenges.
8. I draw Council and Commissioner’s attention to the standards for Visitor Accommodation activities within the Settlement Zone which provide an exemption to some of the residential activity standards (e.g. density). I also draw the Council and Commissioners attention to the Residential Visitor Accommodation provisions, which by definition provide a different type of residential activity and would be no less difficult to monitor and enforce compared to worker accommodation.

9. I accept there could be infrastructure capacity matters associated with encouraging increased densities within urban zones. However, I would expect this modelling and provision to be undertaken by QLDC. There would be no impediment to amending the relief sought to include additional assessment matters or requirements to ensure that effects on services and infrastructure are acceptable.
10. In respect of parking, amendments could be introduced to determine the most appropriate parking requirements for worker accommodation proposals. An appropriate option would be to introduce a matter of discretion to parking and require the provision of a transportation assessment.
11. I consider the relief sought by Wayfare and CARL to be generally appropriate. However, in response to the concerns raised by the reporting officer a more appropriate option could be to include a bespoke definition for worker accommodation and provision of more explicit policy direction couple with a restricted discretionary rule framework to address all the matters raised in the s.42A Report (for example infrastructure capacity, built form and urban character, onsite amenity values, and transportation / parking matters).

VARIATION TO UTILITY PROVISIONS

12. Mr. Barr (at 6.15) discusses the Wayfare and Otago Regional Council (ORC) request for Rule 30.5.1.13 to have a restricted discretionary activity (RDA) status. I support an RDA status and do not agree with Mr. Barr's rationale for full discretion.
13. Firstly, I do not understand why QLDC should have "unfettered discretion to implement the policy framework that sits under Objective 30.2.9". In my opinion natural hazard matters are discrete and do not warrant consideration of "unfettered discretion". All the concerns raised by Mr. Barr can be addressed via the restricted discretionary activity status, irrespective of the variable nature of the type of natural hazard to be managed (acknowledging that further matters of discretion will need to be added to the matters suggested by ORC).
14. Secondly, there is a practical issue with the discretionary status in that, through bundling, the discretionary status can unintentionally elevate the activity status of an entire proposal that would otherwise be provided for as a controlled or restricted discretionary activity (and thus potentially undermining the intent of some PDP provisions seeking to enable certain activities). An example of this is where a discrete earthworks bund (up to say 0.5m in height) is proposed around a building in the rural zone or some of the sub-zones, including the Gibbston Special Zone and Ski Area Sub Zones. Broadening the discretion of activities can be problematic to applicants (and the QLDC consenting department), because it increases costs and uncertainties with resource consent application processes.

VARIATION TO THE GLARE PROVISIONS

15. The proposal relates to the PDP urban zones and Wayfare is seeking a discrete amendment to the proposed matters of discretion relating to Glare.
16. There are numerous examples of urban zones adjoining or being in close proximity to lakes where navigational safety in respect of vessels could potentially be problematic, including for example in Queenstown and Frankton. The majority of the Frankton Arm is surrounded by either low, medium or high density residential development; Queenstown Bay is zoned, Queenstown Town Centre and high density residential; and "the approach" into Queenstown Bay is visually dominated by lights from urban activities on the surrounding hills at night.
17. I understand¹ a particular navigational safety issue arises on calm winter nights where the lake reflects lights from surrounding land uses. Such reflections can reduce a Launch Masters situational awareness (for example making it difficult for them to figure out what is a light on the land or a reflection in the water). This outcome compromises navigational safety.
18. The Reporting Officer appears to be suggesting that the relief sought by Wayfare is not appropriate because the majority of land adjoining Lake Wakatipu is zoned rural or open space. In my opinion this is not sufficient rationale for rejecting Wayfare's requested relief (as mentioned above there are a range of urban zones in locations near the lake which could potentially adversely affect navigational safety).
19. I consider the relief sought by Wayfare provides for the health and safety of people, this is more important than effects on amenity values (which is included in the matters of assessment) and will not impose any significant costs or burden on resource consent applicants. Accepting the following relief requested by Wayfare is consistent with Strategic Objective 3.2.6² and is more appropriate than not:
 - a. the effects of lighting and glare on amenity values, the transport network, navigational safety, and the night sky

¹ From personal communication with Wayfare staff, including Launch Masters

² *The districts residents and communities are able to provide for their social, cultural and economic wellbeing and their health and safety*

VARIATION TO THE OPEN SPACE AND RECREATION ZONE – QUEENSTOWN BAY

20. The s.42A Report (at 9.3) responds to the relief sought by Wayfare to retain the Queenstown Bay Waterfront subzone (QTWSZ) over land zoned Open Space:

The relief sought to retain the QTWSZ over land zoned Open Space would retain the uncertainty of the application of the rules in Chapters 12 and 38 that the variation seeks to resolve. The lack of consistency between the policy directions of the Open Space chapter and the QTWSZ is likely to result in poor alignment with the underlying requirement of the Reserves Act 1997 to manage reserve land for public use and enjoyment. Neither submission offered an alternative resolution to this issue. The deletion of the Informal Recreation zoning would result in the land being unzoned, as QTWSZ is a subzone. I recommend that the submissions be rejected.

21. I am unclear on the resource management issue the rezoning is trying to address. The subject land is (or was) zoned QTWSZ and in my opinion this zoning is appropriate giving the location of the land in the Queenstown Town Centre and the level of integration that the subject land has sandwiched between the land based central business activities and the waterfront / lake based surface water activities undertaken in Queenstown Bay (which are the focal point for water based transport activities servicing the Queenstown town centre).
22. I agree there could be a “lack of consistency” between the policy directions of the Open Space chapter and the QTWSZ. However, I consider that retaining the land as QTWSZ is a more appropriate option.
23. I do not agree that retaining the land as QTWSZ will necessarily result in poor alignment with the underlying requirement of the Reserves Act 1997 to manage reserve land for public use and enjoyment. There is sufficient policy support and direction in the Queenstown Town Centre Zone (QTC) provisions that promote use and enjoyment of public land, namely Objective 12.2.5 and supporting policies 12.2.5.2, 12.2.5.3, 12.2.5.4, and 12.2.5.5.
24. Contrary to the findings in the s.32 and 42A Reports I consider that retention of the QTWSZ zoning provides a better integrated approach to the management of this urban waterfront location.

Ben Farrell
12 June 2020