

**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 Streams 17 & 18

BETWEEN

WAYFARE LIMITED

Submitter #31022

CARDRONA ALPINE RESORT LIMITED

Submitter #31018

AND

QUEENSTOWN LAKES DISTRICT COUNCIL

Planning Authority

SUPPLEMENTARY PLANNING EVIDENCE OF BEN FARRELL

24 AUGUST 2020

QUALIFICATIONS

1. My full name is Ben Farrell. I am an independent planning consultant based in Queenstown. My qualifications and experience are set out in my evidence in chief dated 29 February 2016 and 12 June 2020.

SCOPE

2. This supplementary evidence:
 - (a) has been prepared in lieu of presenting to the hearings panel;
 - (b) focuses on responding to questions raised by the hearings panel in Minute 33 dated 17 August 2020;
 - (c) doubles as a summary of my planning evidence prepared 12 June 2020 (in relation to some submissions points raised by Wayfare and Cardrona Alpine Resort).

Stream 17 Evidence

Response to Questions

(a) As regards paragraph 5(b), has Mr Farrell considered the implications of Policy 3.3.8?

3. I had not considered the implications of Policy 3.3.8 when preparing my evidence dated 12 June 2020. Clearly, Policy 3.3.8 seeks avoidance of non-industrial activities within industrial zones. Consequently, paragraph 5 of my [12 June] evidence can be struck out.
4. In my opinion providing for some transient activities (for example those which are temporary/short term and not incompatible with existing industrial land uses), will not undermine the strategic intention of Policy 3.3.8 (because the short term nature of the activity should not undermine the supply of land for Industrial Activities or allow any reverse sensitivity issues to arise).
5. I question whether Policy 3.3.8 accords with the NPSUDC on the basis that QLDC has not (from my reading of all the evidence) demonstrated that there is sufficient land supply/capacity for urban based commercial recreation activities (nor has it demonstrated that any available land passes the competitive margin thresholds in Policy 3.22 of the NPSUDC 2020).
6. If there is doubt that there is sufficient land supply for commercial recreation activities in urban zoned land (my opinion), then:
 - (a) There is a gap in the evidence and a potential gap or error in the strategic policies applying to urban zoned land;

- (b) The avoidance requirements in Policy 3.3.8 may be an invalid approach to the sustainable management of Queenstown's urban environment (particularly as providing for commercial recreation and community activities is required to enable people and communities to provide for their social, economic, and cultural wellbeing); and
- (c) Provision for some non-industrial activities (namely transient community and commercial recreation) may be appropriate in the General Industrial Zone.

(b) As regards paragraph 7, if commercial recreational activities are transient, is there potential that they might be already addressed under the provisions of Chapter 25?

- 7. There is no provision for commercial recreation or activities in Chapter 35¹ that I am aware of. In this regard commercial recreation activities are not provided for in the PDP definitions for "Temporary Event" or "Temporary Activity".

(c) As regards paragraph 8, how many industrial buildings within the General Industrial Zone in fact provide the kind of "large utilitarian designed buildings" described?

- 8. I am unsure. As an example, there appear to be around a dozen or so along Glenda Drive.
- 9. By way of a real world example, "Site" (a very popular indoor commercial recreation trampolining activity), is a commercial recreation activity that previously operated [temporarily] from one of the buildings along Glenda Drive² before finding its current/permeant location in Remarkables Park Special Zone.

(d) Is the BMUZ or the Remarkables Park Special Zone a better fit for the kind of commercial recreation and community activities described?

- 10. On the face of it, yes, the BMUZ or the Remarkables Park Special Zone would appear to provide a better fit for the commercial recreation and community activities described. However, it is unclear whether these zones provide sufficient land supply/capacity and pass the competitive margin thresholds. My lay experience on this matter, is that there is insufficient supply/capacity within these zones to accommodate such activities. I understand (anecdotally) that various commercial recreation activities have established in the Remarkables Park Special Zone but have ceased because of costs associated with "doing business" in this zone.

¹ I assume the question is intended to relate to Chapter 35 (Temporary Activities) as Chapter 25 relates to Earthworks

² Either 153 Glenda Drive or one of the buildings in this location

Evidence Summary

11. I assume there is insufficient land supply/capacity for indoor commercial recreation activities, within appropriate competitive thresholds, in Queenstown. It is hard to see how providing for some non-industrial activities (e.g. those which are short term and utilise existing buildings) would fall foul of the strategic intent of Policy 3.3.8. Subject to the weight given to Policy 3.3.8, I maintain it is appropriate to provide for some types of commercial recreation (e.g. indoor non-permeant activities that use existing buildings) in the General Industrial Zone.

Stream 18 Evidence

Settlement Zones - Response to Questions

As regards provision for workers accommodation in Settlement Zones, how does Mr Farrell propose that provision for "workers' accommodation" be defined given that a substantial proportion of the community are undertaking either paid or unpaid 'work'?

12. I had not turned my mind to a specific definition but propose the following definition for consideration. In my opinion there is no need to differentiate between paid or unpaid work:

Worker Accommodation (Settlement Zone): Means the use of land (including the construction or use of buildings) for accommodation designed and operated to provide long term or seasonal rental accommodation for staff/contractors (paid or unpaid) working for business located within or near a Settlement Zone.

Settlement Zones – Evidence Summary

13. It is appropriate for worker accommodation to be distinguished from normal residential housing development and provided for in the Settlement Zone provisions.

Utility Variation – Response to Questions

As regards the reasoning in paragraph 14 of Mr Farrell's evidence, is there an issue by reason of the fact that measures to protect against natural hazards have potential for a wide variety of on and off-site effects?

14. There is no discernible issue (I do not agree with Mr Barr that the variable nature of the type of natural hazard to be managed justifies the consenting authority having an unfettered discretionary approach). While I agree measures to protect against natural hazards have potential for numerous adverse effects, such effects can be identified/prescribed as matters of discretion.

15. The example in paragraph 14 provides a situation where a resource consent application for a permitted or controlled activity building becomes unnecessarily frustrated/onerous by elevating the status of the building to full discretionary. This broadens the assessment of the building to include, for example, the potential for public notification and submitters raising concerns around the visual effects and overall merits of a building which is otherwise provided for as a permitted or controlled activity).

Evidence Summary

16. I do not agree the consenting authority requires unfettered discretion to assess the appropriateness of natural hazard mitigation activities. The RDA status is sufficient.
17. Unless applications for natural hazard mitigation works can be unbundled from activities otherwise specified as either permitted, controlled, or RDA, the fully discretionary consenting regime will create inconsistent consenting pathways (for example buildings otherwise permitted, controlled or RDA), which will be inefficient and place unnecessary costs on applicants.

Variation - Glare – Response to Questions

(c) As regards potential provision for navigational safety, which of the zones proposed to be amended by the 'Glare' variations are sufficiently close to navigable waters that glare or light spill beyond the property boundary could adversely affect navigational safety?

18. Chapters 7, 8, 9 (Low, Medium, and High Density Residential).
19. ***If the Panel agreed with Mr Farrell's reasoning, is there a need to be more specific that it is navigation of boats that is an issue?***
20. There is no need to be more specific. However, it would be appropriate to confine the issue of Glare to navigational safety given this is Wayfare's intention.
21. Moreover, in liaising with Wafare staff, the issue can be further refined to "*the navigational safety of passenger carrying vessels operating at night*".

Variation - Glare – Evidence Summary

22. The relief sought by Wayfare provides for the health and safety of people, which 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.
23. The amendments sought by Wayfare could be narrowed so that they only capture the navigational safety of "passenger carrying vessels operating at night" in the Low, Medium, and High Density Residential zones.

Variation - Open Space and Recreation Zone – Response to Questions

What land does the Wayfare submission relate to within Queenstown Bay, as several different areas are proposed to have the QTWSZ removed?

24. The submission relates to all land that the proposal seeks removal of the QTWSZ. Notwithstanding this, Wayfare is most interested in/affected by the land within in and around the areas near Convelle and Steamer wharves.

It appears that the rule provisions within the QTWSZ relate to activities on the surface of the water or on wharves, jetties and boardwalks that extend over the water. The rules of the Zones the variation removes the QTWSZ from manage activities on the land. Why is it appropriate for the QTWSZ to be applied over land, when that does not appear to be how the sub-zone is implemented through its rules?

25. Most jetties, wharves and boardwalks start on land and then proceed out over water. The QTWSZ provides for an integrated approach to activities on such structures (rather than having a zone boundary run through them). In addition, the QTWSZ rules do not only provide for activities on the surface of the water or on wharves, jetties and boardwalks that extend over the water. For instance, rule 12.4.3 provides for Commercial Activities within the Queenstown Town Centre Waterfront Sub-Zone (including those that are carried out on a wharf or jetty) except for those commercial activities on the surface of water that are provided for as discretionary activities pursuant to Rule 12.4.7.2. This provides for integrated assessment of such activities where they straddle the land/water boundary and clearly contemplates land-based activities within the QTWSZ.
26. Moreover, Objectives and Policies in the QTWSZ apply to the land the proposal seeks to rezone (particularly Objective 12.2.5 and its supporting policies 12.2.5.1-12.2.5.7). These provisions were subject to Environment Court appeal processes, then agreed by parties in recent mediation processes (on Chapter 12), and since been confirmed via a consent order.
27. The applicability of provisions in Chapter 12 will be ambiguous, and potentially problematic, if the QTWSZ is removed and these provisions remain in Chapter 12.

(iii) More generally, why is it appropriate for the QTWSZ to be applied over land zoned as one of the Open Space and Recreation Zones?

28. The Stage Two application of the Open Space and Recreation Zones (with the retention of the QTWSZ) should not be determinative. The QTWSZ applied in an efficient and effective manner in the ODP, and was also found to be "most appropriate" in the council's Stage 1 section 32 assessment. The open space zone would need to be removed as a consequential change of retaining the QTWSZ, with the effect that the underlying Town Centre zone of the QTWSZ would apply.

As regards paragraph 22, more appropriate than what?

29. More appropriate than removing the QTWSZ and rezoning the land Open Space and Recreation.

Variation - Open Space and Recreation Zone – Evidence Summary

30. Retaining the QTWSZ (the status quo) is more appropriate than removing the QTWSZ and rezoning the land Open Space and Recreation.
31. Removal of the QTWSZ will also result in ambiguity when applying the recently confirmed provisions in Chapter 12, which may result in further re-ligation of the provisions applying to the subject land.

Ben Farrell
24 August 2020