

## Appendix 3: CONSULTATION SUMMARY

### CONSULTATION REQUIREMENTS OF THE RESOURCE MANAGEMENT ACT 1991 AND THE LOCAL GOVERNMENT ACT 2002

Under Clause 3 of the 1<sup>st</sup> schedule of the Resource Management Act a local authority is required to undertake consultation.

#### **3 Consultation**

- (1) *During the preparation of a proposed policy statement or plan, the local authority concerned shall consult –*
  - (a) *The Minister of the Environment; and*
  - (b) *Those other Ministers of the Crown who may be affected by the policy statement or plan; and*
  - (c) *Local authorities who may do be affected; and*
  - (d) *The tangata whenua of the area who may so be affected, through iwi authorities...[;and]*
  - (e) *The board of any foreshore and seabed reserve in the areas.]*
- (2) *A local authority may consult anyone else during the preparation of a proposed policy statement or plan.*
- (3) *....[not relevant to this plan change]*
- (4) *In consulting persons for the purposes of subclauses (2), a local authority must undertake the consultation in accordance with section 82 of the Local Government Act 2002.*

Section 82 of the Local Government Act 2002 states the following:

#### 82 **Principles of Consultation**

- (1) *Consultation that a local authority undertakes in relation to any decision or other matter must be undertaken, subject to subsections [\(3\)](#) to [\(5\)](#), in accordance with the following principles:*
  - (a) *that persons who will or may be affected by, or have an interest in, the decision or matter should be provided by the local authority with reasonable access to relevant information in a manner and format that is appropriate to the preferences and needs of those persons:*
  - (b) *that persons who will or may be affected by, or have an interest in, the decision or matter should be encouraged by the local authority to present their views to the local authority:*
  - (c) *that persons who are invited or encouraged to present their views to the local authority should be given clear information by the local authority concerning the purpose of the consultation and the scope of the decisions to be taken following the consideration of views presented:*
  - (d) *that persons who wish to have their views on the decision or matter considered by the local authority should be provided by the local authority with a reasonable opportunity to present those views to the local authority in a manner and format that is appropriate to the preferences and needs of those persons:*

- (e) *that the views presented to the local authority should be received by the local authority with an open mind and should be given by the local authority, in making a decision, due consideration:*
- (f) *that persons who present views to the local authority should be provided by the local authority with information concerning both the relevant decisions and the reasons for those decisions.*
- (2) *A local authority must ensure that it has in place processes for consulting with Maori in accordance with subsection (1).*
- (3) *The principles set out in subsection (1) are, subject to subsections (4) and (5), to be observed by a local authority in such manner as the local authority considers, in its discretion, to be appropriate in any particular instance.*
- (4) *A local authority must, in exercising its discretion under subsection (3), have regard to—*
  - (a) *the requirements of section 78; and*
  - (b) *the extent to which the current views and preferences of persons who will or may be affected by, or have an interest in, the decision or matter are known to the local authority; and*
  - (c) *the nature and significance of the decision or matter, including its likely impact from the perspective of the persons who will or may be affected by, or have an interest in, the decision or matter; and*
  - (d) *the provisions of Part 1 of the Local Government Official Information and Meetings Act 1987 (which Part, among other things, sets out the circumstances in which there is good reason for withholding local authority information); and*
  - (e) *the costs and benefits of any consultation process or procedure*
- (5) *Where a local authority is authorised or required by this Act or any other enactment to undertake consultation in relation to any decision or matter and the procedure in respect of that consultation is prescribed by this Act or any other enactment, such of the provisions of the principles set out in subsection (1) as are inconsistent with specific requirements of the procedure so prescribed are not to be observed by the local authority in respect of that consultation.*

Public consultation, proposed zoning options, and Council and Environment Court proceedings for this site have been ongoing for approximately 12 years. As Part 3 of the Section 32 document details the site of the proposed Plan change having a rich litigious history spanning several ownerships.

The Frankton Flats area is an important greenfield's site within the Queenstown urban area, as such the Council and the developers of the land have been involved in ongoing consultation to enable the development of the area as a mixed use special zone to cater for future required uses (including industrial, commercial, residential and business zoning).

The following table outlines the consultation process and projects undertaken prior to the initiation of this Plan Change.

Action	Date
Public meeting to discuss the Woodbury Park proposed Variation.	5 September 2001
Statutory consultation undertaken with the Ministry for the Environment, Kai Tahu ki Otago and Ngai Tahu Group, Wakatipu Environmental Society and the Frankton Residents Association.	September 2001
Tomorrow's Queenstown 2020 Community Planning Exercise.	Workshops held 7-11 June 2002
Planning Charrette held at the Queenstown Events Centre, members of the public were invited to take part. Approximately 100 people attended. Whilst this charrette concentrated on the Dave Henderson's land, it also considered the Frankton Flats area comprehensively.	24 August – 2 September 2003
Meeting between all landowners and major stakeholders within the Frankton Flats Section 293 area.	21 September 2004
Section 293 application publicly notified.	27 November 2004
Half page article and aerial photo of Frankton Flats in Scuttlebutt, Queenstown Lakes District Council's newsletter delivered to all households in the District.	Scuttlebutt Summer Edition December 2004
Public consultation meeting held to discuss the Section 293 application and provide information on how to lodge submissions to the Environment Court. Held at the Events Centre, widely advertised, including press releases. Approximately 60 persons attended.	6 December 2006
Letter sent to interested parties and community associations inviting submissions on the Plan Change and including a copy of the public notice.	28 November 2004.

Key points raised at the consultation meetings and subsequent meetings with interested parties were as follows:

- Heights of buildings within the area and the protection of views of the Remarkables
- If a primary and secondary school were to be provided for within the area of the Section 293
- Provision of residential units that are suitable for elderly or pensioner housing near shops and other facilities such as doctors.
- Setback from the State Highway and reserve areas
- Require walking tracks and easy pedestrian access through the site

- The use of energy efficient technology
- The ability for the development to be serviced adequately for water, sewerage and stormwater.
- The need for additional zoning for commercial activities and the effect that this may have on the Queenstown Town Centre.

Appendix 11 provides a summary of the formal submissions that were received to the Section 293 application. In total 24 submissions were received; 6 in opposition, 16 in support and 2 with unclear views on the proposed zoning. The comments and suggestions made have, where possible, been endorsed in the drafting of this Proposed Plan Change.

The submissions to the Section 293 application were specific to the proposals notified. Key points made respect to the proposed Zone were:

- Concerns that the views towards the Remarkables would be obstructed
- Concerns that the development is not necessary, and that there are servicing constraints
- Concerns that the provisions of large apartment buildings for student accommodation may create a ghetto environment
- Concern that new commercial zoning in this location will adversely affect other existing commercial areas
- Identified the need for recognition and provision for community activities
- Concern about the reverse sensitivity issues between the site development and the airport and the state highway
- That additional land within the zone should be zoned for industrial purposes
- There is a need to ensure provisions require solar orientation for social access, combining acoustic building specifications with energy efficiency specifications to all buildings.

As summarised in Part 3 of the Section 32 document, the Section 293 for the entire area was dismissed by the Environment Court as it deemed the area covered by the Section 293 covered a greater area than the original reference and therefore lacked jurisdiction. The Council then commenced work on a Plan Change/Variation. The table below shows the consultation that has been undertaken since this process began.

Action	Date
Letter to Sara Valk at Otago Regional Council Discussion of Plan Change and seeking comments.	11 May 2006
Letter to Kai Thu Ki Otago – Chris Rosenbrock inviting consultation/	15 May 2007
Site visit by Tim Popham (Kai Tahu ki Otago) to Frankton Flats plan change site	17 August 2007
Meeting with discuss Five Mile zoning – current and potential future zoning: Attendees: Duncan Field, Alyson Schuler, Ian Marshall (QLDC) Dave Henderson, Paul M, Justin P, Pru Stevens, Mike O’Cain) Discussions included: <ul style="list-style-type: none"> <li>• Round about at Grants Road</li> <li>• Traffic flows</li> <li>• Costs of roading</li> <li>• Transportation Study</li> <li>• Section 293</li> <li>• Landuses discussion including industrial, car parking, connectivity, provision for reserves, heights, density</li> </ul>	17 November 2006
QLDC letter to Sara Valk at the Otago Regional Council discussing the Frankton Flats Plan Change and requesting the opportunity to discuss and potentially undertake a site visit.	5 January 2007
Meeting with the Queenstown Airport Corporation and QLDC: Chris Reid, Mark Taylor, Bill Walker, Murrey Valentine, Pete Soundy (QAC) and Alyson Schuler, Clive Geddes, Rick Pettit(QLDC) Discussion covered the following: <ul style="list-style-type: none"> <li>• Industrial zoning parallel to the airport</li> <li>• Roading requirements within the Airport designation</li> <li>• Industrial zoning possible rules etc</li> <li>• Growth Options Study</li> <li>• Residential activities and the airport</li> </ul>	23 January 2007
Meeting between Alyson Schuler (QLDC) and Justin Prain (5 Mile) Discussion about 5 miles promotion of the s293 for the remainder of their land, Alyson reiterated that it was the Council’s wish to plan for the whole area comprehensively. Discussions on the plan change included: <ul style="list-style-type: none"> <li>• Effects of industrial zoning on the 5 mile concept</li> </ul>	9 February 2007

Action	Date
<ul style="list-style-type: none"> <li>• Buffer zone area, width, possible activity areas</li> <li>• Heights within the zone</li> <li>• Sustainable outcomes</li> <li>• Heating and cooling systems</li> <li>• Any staging of the zoning</li> <li>• Public transport provisions</li> <li>• Concerns about Council not notifying the Plan Change and it then being put off until after the election.</li> </ul>	
<p>Thursday 1 March 2007: Councillor / 5-Mile Liaison Meeting. Attended by Justin Prain, David Henderson, Ken Hitchens and others of the 5-Mile Team</p> <ul style="list-style-type: none"> <li>• Meeting generally about liaison over the 5 Mile project</li> <li>• A Schuler provided an update for 5 Mile on the plan change and specifically mentioned the development of the transport provisions was taking place within that process.</li> <li>• Some discussion over the width of the new Grants Rd, and the background re Council's 20m requirement versus 5 Mile's advocacy for 17m.</li> </ul>	1 March 2007
<p>Monthly meeting convened by Mark Kunath (QLDC). Attended by Justin Prain, Ray Edwards, and Ken Hitchens of the 5 Mile team.</p> <ul style="list-style-type: none"> <li>• Discussion surrounding the installation of utilities in the development.</li> <li>• Considerable discussion over new Grant Rd width issue.</li> </ul>	2 March 2007
<p>Meeting with Chris Pile, Justin Prain and Ken Hitchens, Dennis Mander</p> <p>- Informal discussion to get better understanding of the development. This covered 5 Mile approach to TDM and parking requirements. 5 Mile conveyed the view that TDM measures were core to the project philosophy, that they sought to reduce the residential parking requirement of the plan, but were unclear as to parking requirements/constraints on other activities.</p>	9 March 2007
<p>Alyson Schuler (QLDC) sent a letter sent to the Hillary's, Shotover Park Manapouri Beech Investments Limited and Monaghan Holdings Limited outlining the Plan Change process and requesting a meeting to discuss.</p>	12 March 2007
<p>Meeting with Justin Prain, David McGonigal (Transit NZ) and David Turner (GHD), Dennis Mander (QLDC)</p> <ul style="list-style-type: none"> <li>• Meeting to review work for the Wakatipu transportation study</li> <li>• This meeting enabled the Wakatipu project team to get an update on 5 Miles current thinking re the road network. Other areas of discussion included</li> </ul>	Thursday 29 March 2007

Action	Date
<ul style="list-style-type: none"> <li>potential for accommodating park and ride on the 5 Mile site</li> <li>passenger transport routes through the site</li> </ul> <p><u>Key points</u></p> <ul style="list-style-type: none"> <li>5 Mile are aware of the plan change progressing</li> <li>5 Mile has had many opportunities to discuss progress with plan change – we in fact have not been in a position to discuss specifics because of the drafting of the plan change has been underway by our consultant (GHD)</li> <li>We have discussed in broad terms and informally 5 Mile approach to TDM and parking.</li> <li>We have discussed the progress for the Wakatipu Transportation study, which is informing the plan change</li> </ul>	
<p>Meeting between Alyson Schuler (QLDC) and Mr and Mrs, Vanessa Walker (Manapuri Beech Limited)</p> <ul style="list-style-type: none"> <li>Aspirations are still in line with their submissions to the Section 293 process</li> <li>Would like rules framework to allow for expansion of the business and additional office space</li> <li>Concern over the location of the new Glenda Drive and the possibility of the Council/Transit securing some of the carpark to cater for the provision of a new roundabout, would impact on business.</li> <li>Support the Council's process.</li> </ul>	30 March 2007
<p>Scuttlebutt – Queenstown Lakes District Council newsletter, sent to all ratepayers and inserted in the Wanaka Sun and the Mirror weekly newspapers.</p> <p>“The Council is working on this important plan change and plans to notify it in the middle of this year. The purpose of the plan change is to create a mixed use living and working environment in Frankton, the plan change will also rezone some additional industrial land to meet future growth needs. If you would like further information about this Plan Change check out the website or email Alyson at <a href="mailto:alyons@qldc.govt.nz">alyons@qldc.govt.nz</a>”</p> <p>Information about the Plan Change including the area that it will cover, proposed landuses is on the Council website: <a href="http://www.qldc.govt.nz">www.qldc.govt.nz</a> under “Plan Changes underway”.</p>	April 2007
<p>Five Mile meeting: Alyson Schuler, Dennis Mander, Duncan Field, Paul Wilson (QLDC) Dave Henderson, Justin Prain (5 Mile)</p> <p>Discussion on Plan change and consultation, agreement to send a draft of the Plan Change to all landowners before formal notification. This may allow the resolution of some issues before the formal notification process commences.</p> <p>Dennis Mander outlined transportation work being</p>	5 April 2007

Action	Date
<p>undertaken. Paul Wilson outlined the requirements for reserves and open space and gave Justin Prain a letter outlining requirements from the Council.</p> <p>Discussion on affordable housing and size of housing types to be provided.</p> <p>Robust discussion on the Council's wish to provide for industrial and yard based activities adjacent to the airport runway.</p>	
<p>Meeting with Shotover Park Limited (Alistair Porter, Debs Taylor, Amanda Treherne) and Alyson Schuler, Scott Figenshow, Dennis Mander (QLDC)</p> <ul style="list-style-type: none"> <li>• Do not considered that they were considered adequately with regards to the Commercial needs analysis</li> <li>• Dennis discussed transportation issues</li> <li>• Scott discussed affordable housing issues</li> <li>• Alyson discussed the timeframes for the Plan Change and what the Plan Change was seeking to achieve including the provision of additional industrial land, this was supported by Alistair Porter.</li> <li>• Does not support additional commercial/town centre area within the proposed zone.</li> </ul>	13 April 2007
<p>Letter and timeframes sent to all landowners within the Frankton Flats area. Letter notified landowners that as part of the consultation for the Plan Change the Council would be giving 2 weeks for comments to be received regarding a Draft Plan Change and Section 32 before notification of the plan change. Letter and timeframes send by email to the following:</p> <p>Justin Prain – Development Manger 5 Mile  Dave Henderson – Manging Director 5 Mile  Vanessa Walker- Legal counsel for Manapouri Beech Ltd  Jim Castiglione – Legal counsel for Manahan Holdings Limited  Debs Taylor – PA to Alistair Port - Shotover Park Limited  Mark and Julie Hillary  Chris Read – Queenstown Airport Corporation</p>	16 April 2007
<p>Meeting between Alyson Schuler (QLDC) and Mark and Julie Hillary.</p> <ul style="list-style-type: none"> <li>• Do not want there land re-zoned for recreational purposes</li> <li>• Would their landuses to be compatible with neighbouring landuses</li> <li>• Seems bizarre to be considering the site for the new primary school adjacent to the airport designation but not allowing residential zoning of their land</li> <li>• Airport is a good neighbour, noise is not a problem</li> <li>• Would like mixed use, light industrial zoning</li> </ul>	19 April 2007

Action	Date
<ul style="list-style-type: none"> <li>• May not develop for some time yet.</li> </ul>	
<p>Amended timeframes email sent out. This amended timeframes delated the requirements for the Plan Change to be taken to the Strategy Committee before Council ratification (the reason being that the Plan Change would have already been the subject of a Council workshop). This allows 4 weeks (20 working days) to provide feedback on the proposed Plan Change.</p> <p>Email sent to the following:</p> <p>Justin Prain – Development Manger 5 Mile  Dave Henderson – Managing Director 5 Mile  Vanessa Walker- Legal counsel for Manapouri Beech Ltd  Jim Castiglione – Legal counsel for Manahan Holdings Limited  Debs Taylor – PA to Alistair Port - Shotover Park Limited  Mark and Julie Hillary  Chris Read – Queenstown Airport Corporation  Bruce Richards – Transit New Zealand</p>	20 April 2007
<p>Send draft copies of the Plan Change and section 32 to all landowners within the area, and the following:</p> <p>Ministry for the Environment  Transit New Zealand  Kai Tahu</p>	
<p>Period for consultation on draft Plan Change and Section 32.</p>	11 May 2007 – 8 June 2007

## Summary of comments received during the consultation period:

### **Queenstown Airport Corporation summary of comments (received 7 June 2007):**

- Additional emphasis on importance of airport through issues, policies and objectives
- Design controls
- Rules to require acoustic insulation for life of building
- Industrial and yard based activities inappropriate in current form, require larger buildings
- Outline Development Plan process to include response to noise insulation requirements
- Amendments requested to table of activities
- Request a meeting or workshop to discuss Plan Change issues with all stakeholders.

### **Carhill Properties summary of comments (received 28 May 2007):**

- Remove of rules relating to only retailing goods if manufactured on site or connected to an industrial use
- Remove rules excluding residential, visitor accommodation, custodial units.
- Remove rules relating to minim lot sizes and excluding further subdivision.

### **Trojan Holdings Limited summary of comments (received 6 June 2007)**

- Key objective (2) is unattainable
- Area C activities are not appropriate adjacent to Areas D and E
- Site and zone standards discourage industrial zoning
- Site would be unreasonably restricted by rules about landscaping, setbacks etc
- Outline Development plan process unreasonable.
- Request a meeting or workshop to discuss Plan Change issues with all stakeholders

### **Five Mile comments (received 31 May 2007)**

- Should not cover any part of the Frankton Flats Special Zone
- Landscaping provisions covering Area and B in different ownerships
- Definition of "site"
- Alternative structure plan
- Comments on minimum permeable services
- Outdoor living space not necessary in a comprehensively planned development
- Residential activities should be permitted in Area B.
- Using Activity Area B as a soft edge does not follow development philosophy.

### **Transit New Zealand (received 9 June 2007)**

- Policies required to integrate with public transport and links
- Development must be assessed against a holistic structure plan for then entire Frankton Flats
- Require a policy and rules to be added to the Plan for financial contributions for state highways.

- Affected party approval from Transit for controlled activities may not be required if appropriate financial contributions are in place to remedy or mitigate adverse effects on the state highway
- Change outline plan to outline development plan to avoid confusion with the designation process under the RMA

**Shotover Park Limited comments (received midday 11 June 2007)**

- Queries with regards to some of the document appended to the Section 32
- No justification for the increase of retail under 500 square metres within the zone, effects on other zones
- Relationship between zone boundaries and property boundaries, dissection of SPL land
- Location of eastern access road
- No documentation explains or supports the realignment of Grant Road
- Contractual arrangement between QAC, SPL and QLDC
- Number of hoops required for applicants in the consent process, outline development plan, then resources consents
- Design guidelines – not included in the Section 32
- Area B and C to be used for rural or rural tourism uses
- No adequate consideration of rural activities and the effects on other zoned areas
- Strong demand for large format retailing
- Provision of land for industrial activities
- Provision of land for visitor accommodation areas
- Inadequate consultation, request further consultation with all parties
- Requirement for strategic planning of the entire Frankton Flats area (north and south of the airport)

**Otago Regional Council (8 June 2007)**

- Verbal comments that the Council is satisfied with the draft Section 32.