

BEFORE THE QUEENSTOWN LAKES DISTRICT COUNCIL HEARINGS PANEL

UNDER

the Resource Management Act 1991

IN THE MATTER

of the review of parts of the Queenstown Lakes District Council's District Plan under the First Schedule of the Act

AND

IN THE MATTER

of submissions and further submissions by **REMARKABLES PARK LIMITED** and **QUEENSTOWN PARK LIMITED**

**STATEMENT OF EVIDENCE OF TIMOTHY TURLEY WILLIAMS ON BEHALF OF
REMARKABLES PARK LIMITED AND QUEENSTOWN PARK LIMITED**

(PLANNING)

CHAPTER 2 (DEFINITIONS), CHAPTER 28 (NATURAL HAZARDS) AND ENTIRE PLAN

3 March 2017

**BROOKFIELDS
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1. QUALIFICATIONS AND EXPERIENCE

- 1.1 My name is Timothy Turley Williams. I hold the qualifications of Bachelor of Resource Studies from Lincoln University and Masters of Urban Design and Development with Distinction from the University of New South Wales. I reside in Queenstown.
- 1.2 I have practiced in the planning and urban design fields since 2003. I am currently employed by Remarkables Park Limited as their Project Design and Planning Manager having been employed in this role since November 2016.
- 1.3 My experience includes a mix of local authority and consultancy planning and urban design work. Of particular relevance to matters pertaining to Natural Hazards I have been involved in mediation relating to the Otago Regional Policy Statement on behalf of Remarkables Park and Queenstown Park Ltd.

2. CODE OF CONDUCT

- 2.1 As I am an employee of Remarkables Park Ltd, I am unable to comply with the Code of Conduct for expert witnesses contained in the Environment Court Practice Note. However, I have prepared this evidence with reference to it. I confirm that I have read the Code of Conduct for expert witnesses contained in the Environment Court Practice Note. I confirm that I have considered all the material facts that I am aware of that might alter or detract from the opinions I express. In particular, unless I state otherwise, this evidence is within the scope of expertise and I have not omitted to consider material facts known to me that might alter or detract from the opinions I express.

3. SUMMARY

- 3.1 My main conclusions are as follows:
- (a) I support the introduction of a definition providing for “passenger lift systems” and the definition as proposed in Craig Barr’s right of reply in relation to Chapter 21, which includes “gondolas and associated structures”; and
 - (b) I generally support amendments proposed by Amy Bowbyes in terms of those matters raised by RPL & QPL in relation to Chapter 28 (Natural Hazards).

4. INTRODUCTION

- 4.1 Queenstown Park Limited (**QPL**)¹ and Remarkables Park Limited (**RPL**)², both lodged submissions relating to matters relevant to this hearing.
- 4.2 Having reviewed the s42A Reports prepared by the Council officers a number of the matters raised by QPL and RPL have been adopted in the recommendations of the officers, particularly the suggested amendments to the provisions in Chapter 28 (Natural Hazards).
- 4.3 In light of the recommendations provided in the s42A Report my brief of evidence address the following matters:
- a) Definition of Building/Passenger Lift Systems
 - b) Natural Hazards Chapter

5. DEFINITION OF BUILDING/PASSENGER LIFT SYSTEM

- 5.1 The Operative District Plan defined “Building” by reference to the Building Act 1991, which in turn excluded from the definition of Building “cableways and gondola towers”. The Proposed District Plan (**PDP**) defines “Building” by reference to the Building Act 2004, which does not exempt “cableways and gondola towers”.
- 5.2 As noted in Amanda Leith’s s42A Report, the PDP hearings have already considered various matters relating to gondolas and their status as part of the consideration of Chapter 21 (Rural). As a result of that process a new definition has been proposed for “passenger lift systems”. The definition as recommended by Mr Barr’s in his right of reply on Chapter 21 includes:

Means any mechanical system used to convey or transport passengers within or to a Ski Area Sub-Zone, including chairlifts, gondolas, T-bars and rope tows, and including all moving, fixed and ancillary components of such systems such as towers, pylons, cross arms, pulleys, cables, chairs, cabins, and structures to enable the embarking and disembarking of passengers. Excludes base and terminal buildings.

- 5.3 I support the approach of specifically defining “passenger lift systems” for the following reasons:

¹ Submitter 806 and Further submitter 1097
² Submitter 807 & Further submitter 1117

- (a) There are a number of ski areas within the district;
- (b) These facilities provide an opportunity for the efficient transport of people;
and
- (c) Opportunities they would provide for economic growth of ski areas.

5.4 The definition as proposed by Mr Barr provides a good description of those elements that would make up, for example, a gondola. Therefore, I support the wording of the definition as recommend in Mr Barr's right of reply.

6. CHAPTER 28 (NATURAL HAZARDS)

6.1 Objective 28.3.2 states:

Development on land subject to natural hazards only occurs where the risks to the community and the built environment are avoided or appropriately managed or mitigated

6.2 I generally support the wording of this objective.

6.3 However, the wording could be refined given the use of the terms "appropriately managed or mitigated" within the objective. In my opinion management would include mitigation, therefore the objective could be simplified to remove specific reference to mitigation in addition to the reference to management.

6.4 Accordingly, I would support the following amendment to the objective:

Development on land subject to natural hazards only occurs where the risks to the community and the built environment are avoided or appropriately managed ~~or mitigated~~

6.5 Policy 28.3.1.1, as recommended by Ms Bowbyes states:

Ensure assets or infrastructure are constructed and located so as to avoid or mitigate the potential risk of damage to human life, property and infrastructural networks ~~and other parts of the environment~~ to the extent practicable, whilst acknowledging the locational technical and operational requirements of regionally significant infrastructure.

- 6.6 QPL's submission sought the deletion of "other parts of the environment" and that those terms be replaced to clearly identify what parts of the environment are relevant.
- 6.7 I support the deletion of "other parts of the environment" as recommended by Ms Bowbyes. The policy identifies those parts of the environment to be considered, being; human life, property and infrastructural networks.
- 6.8 The use of the term "damage" as currently drafted within the policy appears to apply to "human life". In my view the term "damage" is most relevant to property and infrastructural networks. Therefore, I would support amending the policy to clarify this relationship (my suggested changes are shown in blue):

Ensure assets or infrastructure are constructed and located so as to avoid or mitigate the potential risk of damage to human life and damage to property and infrastructural networks ~~and other parts of the environment~~ to the extent practicable, whilst acknowledging the locational, technical and operational requirements of regionally significant infrastructure.

- 6.9 Policy 28.3.1.4 as recommend by Ms Bowbyes states:

~~Allow~~ Enable ~~Public Bodies~~ the regional and district council exercising their statutory powers to carry out natural hazard mitigation activities, while recognising the need to mitigate potential adverse effects that may result from hazard mitigation works.

- 6.10 I support the amendments proposed to this policy to clarify what is meant by "public bodies" and the substitution of "allow" with "enable" given the necessity of regional and district Council's to carry out natural hazard mitigation works.
- 6.11 The amendments also introduce wording to recognise the potential effects of any proposed measures. In my view this is appropriate given the potential these works have to displace risk and or affect neighbouring properties.
- 6.12 Policy 28.3.2.2 as recommend by Ms Bowbyes states:

~~Allow~~ Enable subdivision and development of land subject to natural hazards where the proposed activity does not:

- Accelerate or worsen the natural hazard ~~and/or its potential impacts~~ risk to an unacceptable level.
- Expose vulnerable activities to intolerable natural hazard risk.

- Create an unacceptable risk to human life.
- Increase the natural hazard risk to other properties to an unacceptable level.
- Require additional works and costs that would be borne by the ~~community~~ public.

6.13 I support the amendments proposed to the policy to recognise the enabling nature of the Act given the ability to manage the potential adverse effects and risk of natural hazards.

6.14 Policy 28.3.2.3 as recommend by Ms Bowbyes states:

Ensure all proposals to subdivide or develop land that is subject to natural hazards provide an assessment ~~covering that meets the following information requirements, ensuring that~~ the level of detail of the assessment is commensurate with the level of natural hazard risk:

- The type, frequency and scale of the natural hazard and the effects of a natural hazard on the subject site.
- The ~~type of the activity being undertaken and its vulnerability of the activity in~~ relation to the natural hazards.
- ~~The effects of a natural hazard event on the subject land.~~
- The potential for the activity to exacerbate the natural hazard risk both within and off beyond the subject land.
- The potential for any structures on the subject land to be relocated.
- The location, design and construction of buildings and structures to mitigate the effects of natural hazards, such as the raising of floor levels.
- ~~Site layout and Management techniques to avoid that manage or mitigate the adverse effects of natural hazards risk to a tolerable level, including with respect to access~~ ingress and egress during a natural hazard event.

6.15 I support amendments to this policy to acknowledge the level of information required will vary depending on the level of risk.

Timothy Turley Williams

3 March 2017