

Queenstown Lakes Proposed District Plan – Stage 1
Expert conferencing – Coneburn Industrial Submission

PLANNING EXPERT CONFERENCING STATEMENT – 15 SEPTEMBER 2017

INTRODUCTION

As directed by the Commissioners verbally on 12 September 2017, expert conferencing occurred over the period of Wednesday 13 (in person) and Thursday 14 (by phone and email) of September 2017.

Participants in the expert conferencing were:

Alyson Hutton For Hensman and Others – Submitter 361

Robert Buxton (for Queenstown Lakes District Council)

In preparing the joint statement, both experts have read and understood the Code of Conduct for Expert Witnesses and the requirements for expert conferencing as included in the Environment Court of New Zealand Practice Note 2011.

The major focus of the expert conferencing was three-fold:

- (i) To undertake a critical analysis of the draft provisions provided by Alyson Hutton at the hearing promoting a specific zone entitled “Coneburn Industrial Zone” for their conciseness, appropriateness for possible insertion in the Proposed District Plan (if considered appropriate by the Council);
- (ii) To address the questions raised in the course of the hearing by the Commissioners; and
- (iii) To perform a Section 42AA analysis to assist the commissioners in their decision making

1. PROPOSED CHAPTER 18 – CONEBURN INDUSTRIAL ZONE

It was agreed the following purpose was appropriate for the Zone:

The **Coneburn Industrial Zone** provides for industrial and service activities. Conversely, standalone offices, residential and almost all retail uses are excluded within the zone in order to ensure that it does not become a mixed use zone where reverse sensitivity issues and land values make industrial and service activities unviable within the zone.

The following changes were made to the Objectives and Policies

- Objective: “Industrial and Business” was amended to “Industrial and Service” to reflect defined terms in the District plan. The importance of avoiding residential, standalone offices and most retail is included as well as the importance of the zone fitting into the landform and mitigation of visual effects
- Policies that were superfluous or were repeated were deleted or amended and create a more succinct set of policies.

- Regard was included in 18.2.1.2 that the earthworks were linked to the ability of the zone being not highly visible when viewed from State Highway 6.
- We used the verb “exclude” to be clear that activities such as offices (not related to an industrial or service activity) were not to be provided for in the Zone. The reason for this (use of industrial land for non industrial purposes) was also included in the policies to provide a reason and context for the policy.
- The above working was repeated for retail and commercial activities “Commercial” activities are included as it is a wide ranging definition in the Operative and Proposed District Plans.
- The previous 18.2.1.7 was deleted as it is provided for in (amended) Policy 18.2.1.2
- Policy 18.2.1.6 (new) was amended as the second part of the policy is already provided for in the first part
- Policy 18.2.1.7 (new) was amended to reflect how the access rule works (contained in the subdivision section of the plan). This made the following policy superfluous and it was accordingly deleted.
- The Policy relating to custodial units was rewritten in the negative (restrict) to reflect the tests that a custodial unit must meet to be appropriate in the zone. This is discussed later in this statement.
- “Community Activities” were included in the policy to be excluded from the zone
- A policy reflecting the servicing needs of the zone was added in the case that a consent is sought before subdivision.
- The second objective and policies were deleted as we determined that they were already reflected in the proposed zone objective and policies, as discussed above.

Rules – Activities

18.4.1

We have amended the default rule (for activities not provided for in the table and that comply with the standards) to Non Complying. This was undertaken after an analysis of other Proposed District Plan Zones, most of the Rural Zone was drafted in this manner (where there are risks of un-intended consequences of activities not considered). The risk for the Coneburn Zone would be the use of valuable industrial land.

18.4.2

The examples were removed as they are not necessary. “Industrial activity” and “Service activity” are defined terms in the Proposed Plans.

18.4.8

A non complying status for Food and Beverage with a GFA of over 50m² was included. The policy test for this would be the following:

To exclude retail and commercial activities that do not directly support or are related to industrial and service activities, and to avoid the use of industrial land for non industrial purposes.

18.4.9

The control over Travel Demand Management was excluded as there was no supporting rule. It is anticipated that this may be addressed on a District Wide basis when the transportation Chapter of the PDP is reviewed.

Stormwater (on-site) has been included in the services control

Natural hazards (risk) can be addressed at the time of building if it has not already been addressed at subdivision

Fencing adjacent to Open Space area has been added – this resulted in a deleted fencing standard later in the zone.

18.4.10

The RD rule that provides the mechanism for the Ecological Management Plan and the open space management has been re-worded to reflect the experts proposed wording.

18.4.12

A new activity rule has been created to ensure that the Ecological Management Plan and its implementation occurs as a rate commensurate to development of the zone. This ensures that the burden or works (or cost) does not fall to the first developer and that it is also not left to the end. It is noted that the EMP will include the removal of significant areas of wildings species and replanting of native species which will take time to achieve.

18.4.16

We discussed the Non complying standard for Custodial Units at length. Alyson believes that making it a permitted standard if you can achieve (a to e) sends the wrong message to plan uses that these activities are appropriate. We are concerned that any potential for residential in the Zone may lead to both reverse sensitivity and the erosion of valuable industrial area (it may also raise the price of land making industrial activities unaffordable). As such if a landowner did want to provide a custodial unit then the requirements in the rule, as well as the 104 tests have to be met.

The supporting policy is:

To restrict residential activities in the Zone to only custodial units for people whose duties require them to live on site.

An amendment to (d) has been included to capture the implementation issues at Christchurch City Council discussed by the commissioners at the hearing. The custodial unit must be much smaller than the industrial unit it is supporting. The wording “*for people whose duties require them to live on site*” has been copied from the Auckland Unitary Plan.

Previous Policy 18.2.24

Wilding species rule deleted as provided for elsewhere in the PDP

Rules – Standards

18.5.1

Part 1 of the rule deleted as there are no building setbacks in this zone.

18.5.3

Fence height rule deleted as fences at the boundary of an Open Space area can be assessed at time of building landuse consent if relevant.

18.5.4

A standard for Offices has been included to ensure they are subservient to the industrial or service activity they support.

Previous 18.5.7

The noise rule has been deleted as discussed in the hearing – reliance is on the PDP Noise chapter to ensure residential activities outside of the zone are not affected by noise from the zone. Note that in the Right of Reply version of the Noise Chapter “industrial” has been deleted from new Standard 36.5.5 and this should be reinstated.

18.5.8

This rule has been cross referenced in the Chapter 27 Subdivision provisions as these should also be assessed at subdivision stage.

18.6.2.1

A clarification has been included so landscaping of an individual building is not considered.

Discussion on Prohibited Status – Section 32AA Analysis

We have discussed the use of prohibited status for activities that should be avoided in the Zone, namely Residential, Visitor Accommodation and Retail (that is not already provided for).

There are a number of reasons for this:

- The locations suitable for Industrial and Service activities (in whole or with mitigation) are scarce or finite in the Queenstown District. The Coneburn area provides one of the few areas for this use. It’s use for industrial and service purposes should not be compromised by other activities that can be provided for in any other Zone in the District Plan.
- Prohibited Status has been used in Frankton Flats (B) Zone, this was the subject of extensive discussions by the Court. Examples include Residential activities in the ground floor of the Showroom retail Activity Area, Residential activities within the Large Lot Size industrial area, as well as for Activities Sensitive to Aircraft Noise in the Outer Control Boundary.
- Should the Industrial needs of the District not match the expected demand, a Plan Change or review of the District Plan can amend the prohibited status. In the contrary it is often very difficult to “downzone land” for industrial purposes when there are other options available that may be more profitable such as mixed use.
- The amendments to the policies to use terms such as “exclude” provide clarity that only certain types of retail are appropriate in the zone and the reason for this is to be retain the land for industrial and service activities.

- In terms of effectiveness and efficiency the amended provisions provide clear direction that industrial land is valuable.
- The proposed prohibited status will aid in the administration of the Plan, as it is very clear that the purpose of the Zone is to provide for Industrial and Service activities and that other activities that have the potential to conflict with these (such as residential and visitor accommodation) are avoided.

2. AMENDMENTS TO THE SUBDIVISION SECTION

It was agreed the subdivision provisions relating to the proposed zone could be better amalgamated with the general Subdivision provisions (based on the Council's Right of Reply version). This would reduce any duplication. The changes made were as follows:

- The objectives and policies were reduced to those that would be specific to the zone, in line with the level of objectives and policies for other specific zones in 27.3. Reliance is placed on the district-wide objectives and policies in 27.2.
- District-wide Rule 27.7.1 provides for subdivision in accordance with a structure plan as a controlled activity, which is the status proposed in the Coneburn Industrial zone. The matters of control in Rule 27.7.1 cover most matters that were proposed for the Coneburn Industrial zone.
- Rule 27.6.1 addresses minimum lot size. The minimum lot size for Activity Area 1a has been set at 3000m² to ensure that this area can provide for yard or transport based industrial activities. The minimum lot size for Activity Area 2a has been amended from no minimum to 1000m². A 1000m² minimum gives flexibility to provide for a range of industrial activities, noting that in Glenda Drive a bus company is using a site of approximately 1000m². Subdivision below 3000m² for Activity Area 1a would require application for a non-complying activity, in line with the district wide rule 27.5.16, and in recognition that larger sites need to be retained in Activity Area 1a. Subdivision below 1000m² for Activity Area 2a would require application for a discretionary activity, to provide for some flexibility in lot sizes.
- The site specific standards have been reduced to those considered necessary for the zone, in line with the level of site specific standards for other specific zones. New Rule 27.7.13 requires that: the subdivision be in accordance with the structure plan with some flexibility on the location of roads, intersection and the open space boundary; that work required by the Ecological Management Plan is progressively undertaken as the Activity Areas are developed; and that the access points to the State Highway are constructed at appropriate stages of subdivision.

Traffic Amendments

The proposed changes to the policy framework and rules have been assessed by Jason Bartlett who agrees that they are appropriate.

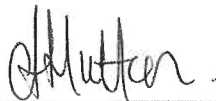
Matters of disagreement

Robert considers the following matters have not been adequately addressed:

1. An up to date report on natural hazards on and above the site. Given that the relief would enable a reasonably intensive urban development with extensive infrastructure, he considers there needs to be a good level of comfort that the site is suitable.
2. The visual effects of buildings built to the "Registered Level as specified on the Coneburn Structure Plan Height Limits" has not been adequately assessed including no visual impressions of what the development may look like from various viewing sites.

Signed by:

Alyson Hutton



Robert Buxton



Dated 15 September 2017