

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, QUEENSTOWN PARK LIMITED** and **QUEENSTOWN WHARVES (GP) LIMITED**

**SYNOPSIS OF SUBMISSIONS ON BEHALF OF REMARKABLES PARK LIMITED ,
QUEENSTOWN PARK LIMITED AND QUEENSTOWN WHARVES (GP) LIMITED**

**CHAPTERS 12, 13, 14, 15, 16 AND 17 – BUSINESS ZONES – CHAPTER 12 TOWN
CENTRE ZONE AND CHAPTER 17 AIRPORT MIXED USE ZONE**

18 NOVEMBER 2016

BROOKFIELDS

LAWYERS

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MAY IT PLEASE THE PANEL

1. INTRODUCTION

1.1 These submissions are made on behalf of Remarkables Park Limited (**RPL**) and Queenstown Wharves (GP) Limited (**QWL**).

2. CHAPTER 17 - AIRPORT MIXED USE ZONE

2.1 RPL opposes the proposed extension of the Airport Mixed Use Zone (**AMUZ**). RPL owns land that adjoins the proposed extension of the AMUZ (to the south of the main runway). It does not oppose the extent of the existing AMUZ nor the proposed expansion of the types of activities that may be undertaken in that existing zoned area, with the exception of visitor accommodation.

2.2 RPL opposes the proposed expansion of the AMUZ because:

- (a) It does not meet the purpose and principles of the Resource Management Act 1991 (**Act**). In particular, adverse environmental effects are not avoided, remedied or mitigated because they have not been properly identified or assessed;
- (b) There has been no proper consideration of, or integration with, adjoining zones;
- (c) The section 32 analysis is flawed because it fails to consider all other reasonable alternatives (such as, for example, adjoining zones providing convenient accommodation and commercial services to users of the airport). In fact, there is no acknowledgement of zoned activities on adjoining land that will be conveniently located for airport users. This deficiency is not remedied by any subsequent report under section 32AA or 42A;
- (d) It does not have regard to or give effect to relevant regional documents which seek to protect infrastructure from reverse sensitivity effects;
- (e) It does not meet the requirements of sections 74 to 76 of the Act, does not achieve sustainable or integrated management of the resources of the district, and is not better than the operative zoning;

- (f) It is contrary to Plan Change 35 and Plan Change 19. In both cases, the QAC stridently opposed ASANs¹ within the Outer Control Boundary (**OCB**) and Air Noise Boundary (**ANB**). The airport company sought prohibited activity status for such activities, a position that was supported by the same experts that now support visitor accommodation within the ANB and OCB. It also sought no complaints covenants beyond the OCB;
- (g) It is contrary to accepted practices in relation to the ASANs and New Zealand Standard NZS 6805:1992 *Airport Noise Management & Land Use Planning*;
- (h) The significance of the proposed extension of the AMUZ and its potential effects cannot be assessed because the extent and location of development is not known. In this regard, the economic and traffic assessments are of limited assistance. They do not acknowledge opportunities for the same activities to occur on adjoining land. They model scenarios that may not be plausible or probable;
- (i) The amenity and urban design impacts have been grossly understated or not addressed at all. In particular, it is proposed that the permitted height limit be increased to 15 metres (not the 9m to 12m limit identified and evaluated in the section 32 report) and that setbacks be reduced from 10m to 3m. In the Lot 6 proceedings² the Environment Court found that such modifications (in particular height) had the potential to generate significant adverse effects on the RPZ. There has been no assessment of the provisions of the RPZ in relation to amenity and, for example, the preservation of viewshafts. Generic references to “urban design outcomes” (Rules 17.6.2 and 17.6.3) are inadequate. This regime is not comparable to the adjoining zones;
- (j) The impacts of further commercial expansion at Frankton on the Queenstown Town Centre have not even been considered. Pan Change 50 was promulgated by the Council to response to the perceived threat of oversupply of commercial land at Frankton. Further, while commercial development at Frankton may be advantageous to RPL in terms of agglomeration, RPL considers that a vibrant Queenstown town centre is essential for the District;

¹ The definition of ASAN in PC35 includes visitor accommodation activities.
² [2012] NZEnvC 206.

- (k) Many of the assumptions underlying the experts' reports are tenuous and are not delivered by the rules. For example, there is no reasonable basis to assume that users of an airport hotel will be more tolerant of noise or will be transiting tourists. How would a hotel operator monitor the tolerance levels or travel intentions of a customer?
- (l) It is not supported by other comparable to activities at other airports in New Zealand; and
- (m) It appears to be solely motivated by a "wishlist" of activities proffered by the Airport without any genuine or proper assessment of need, alternatives of effects.

2.3 RPL is not a trade competitor and relies on the High Court's decision in **Queenstown Central Limited v Queenstown Lakes District Council** ([2013] NZRMA 239 (HC)).

2.4 RPL will call evidence from David Serjeant and Malcolm Hunt.

3. CHAPTER 12 - QUEENSTOWN TOWN CENTRE

3.1 QWL is specifically concerned with the district plan provisions for wharves and jetties, and commercial activities on the surface of water.

3.2 QWL seeks that:

- (a) The Queenstown Town Centre Waterfront Sub Zone (**QWZ**) is shown accurately and clearly on the planning maps;
- (b) The relevant provisions recognise or provide for the resource management issues faced by the QWZ now and into the future. In particular, the relevant provisions should acknowledge the transportation pressures contributed to by growth and the variety of water based activities that are known common place; and
- (c) The provisions provide support for passenger ferry services.

3.3 QWL will call evidence from Jenny Carter.

Dated the 18th day of November 2016

J D Young

Counsel for Remarkables Park Limited, Queenstown Park Limited and Queenstown Wharves (GP) Limited