

**BEFORE THE HEARINGS PANEL
FOR THE QUEENSTOWN LAKES PROPOSED DISTRICT PLAN**

IN THE MATTER of the Resource
Management Act 1991

AND

IN THE MATTER of Stages 3 and 3b of the
Proposed District Plan

**SECTION 42A REPORT OF GABRIELA GLORY
ON BEHALF OF QUEENSTOWN LAKES DISTRICT COUNCIL**

Stage 3 and 3b General Submissions

18 March 2020



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CONTENTS

	PAGE
1. PROFESSIONAL DETAILS	1
2. INTRODUCTION	1
3. SPORTS OTAGO (SUBMISSION 3005.2)	2
4. BRENDON CUTT (SUBMISSION 3138.3)	2
5. SUBMISSION 31025 AND 3152 – MINISTRY OF EDUCATION (INCORPORATION OF THE NATIONAL PLANNING STANDARDS)	3
6. SUBMISSION 3080 – TRANSPOWER NEW ZEALAND LIMITED	4
7. OTHER MATTERS	6

Appendix 1: Summary of submissions and recommended decisions

1. PROFESSIONAL DETAILS

- 1.1 My full name is Gabriela Glory. I hold the position of Graduate Policy Planner at Council. I have been in this position since December 2019. I hold a Bachelor of Urban Planning (Hons) degree from University of Auckland. I am a graduate member of the New Zealand Planning Institute.
- 1.2 Although this is a Council hearing, I confirm that I have read the Code of Conduct for Expert Witness contained in the Environment Court Practice Note and that I agree to comply with it. I confirm that I have considered all the material facts that I am aware of that might alter or detract from the opinions that I express, and that this evidence is within my area of expertise, except where I state that I am relying on the evidence of another person. The Council, as my employer, has authorised that I give this evidence on its behalf.

2. INTRODUCTION

- 2.1 In this section 42A report, I provide recommendations on submission points¹ that have been categorised as 'general' submissions on the Queenstown Lakes District Proposed District Plan (**PDP**) Stage 3 and 3b, which do not relate specifically to Stage 3 and 3b chapters or variations.
- 2.2 A total of seven (7) submission points from four (4) submitters, and eleven (11) further submission points were received on general matters. I have grouped my analysis of these submissions as follows:
- (a) Submission 3005 – Sports Otago;
 - (b) Submission 3138 – Brendon Cutt;
 - (c) Submission 31025 and 3052 – Ministry of Education (Incorporation of the National Planning Standards);
 - (d) Submission 3080 – Transpower New Zealand Limited;
 - (e) Millbrook variation; and
 - (f) Topics with submissions only in support (Chalmers Cottage variation, definition of Residential Flat and Waste and Recycling variation);

¹ Submission Points: 3005.2, 3052.1, 3080.9, 3080.10, 3138.3, 31025.4, 30125.5.

2.3 For each topic, I summarise the relief sought in the submissions, consider whether the relief sought better achieves the relevant objectives of the applicable policy documents, and evaluate the appropriateness, in relation to achieving the purpose of the RMA.

2.4 The key documents I have used, or referred to, in forming my view while preparing this section 42A report are:

- (a) PDP Stage 1 & 2 Decision Version (**PDP**);
- (b) The Stage 3 Strategic s42A Evidence (**Strategic Evidence**);

2.5 A non-substantial amendment sought by submission 3080.10 is recommended which can be made pursuant to Clause 16 Schedule 1 of the RMA. No further amendments to the PDP are recommended. My reasons for accepting or declining submissions are included in **Appendix 1** alongside a summary of the relief sought. My recommendation for accepting or declining further submissions, will stand or fall with the primary submission.

3. SPORTS OTAGO (SUBMISSION 3005.2)

3.1 Sports Otago² has requested a rezoning in the Ladies Mile area.

3.2 The land was confirmed Rural Residential as part of Stage 2, and is subject to two appeals³. The submission requested rezoning to Open Space and Recreation (**OSR**) zone.

3.3 For these reasons I recommend that this submission be struck out under section 41D of the RMA.

4. BRENDON CUTT (SUBMISSION 3138.3)

4.1 Mr Cutt's submission (**3138.3**)⁴ requests opposition of a hotel in Fernhill.

4.2 The land on which the hotel is located was not notified on Stage or 3b PDP plan maps. It was reviewed during Stage 1 of the PDP review. The submitter also

² Submission Point: 3005.2.

³ GW Stalker Family Trust (ENV-2019-CHC-070) and Tylden M (ENV-2019-CHC-069)

⁴ Submission Point: 3138.3.

does not seek a zone over the hotel that is within the scope of Stage 3 or 3b of the PDP. I consider the relief sought by the submitter not within scope of Stage 3 and 3b PDP review.

- 4.1 For similar reasons to the Sports Otago submission, I recommend that this submission be struck out under section 41D of the RMA.

5. SUBMISSION 31025 AND 3152 – MINISTRY OF EDUCATION (INCORPORATION OF THE NATIONAL PLANNING STANDARDS)

- 5.1 Three submission points⁵ seek amendment to the definition of ‘community facility’ and ‘educational facility’ to align with the National Planning Standards (NPS).

- 5.2 These same submissions request alignment of the PDP with the National Planning Standards 2019 (NPS).

- 5.3 The NPS is addressed in Mr Barr’s strategic evidence, including implementation of those standards. The NPS came into force on 3 May 2019 to improve consistency in plan and policy statement, structure, format and content across New Zealand⁶. Section 17 of the NPS specifies that QLDC has nine years to implement the NPS definitions, as follows:

District Plan⁷

...

6. Territorial authorities and unitary authorities with separate district plans, must comply with 14. *Definitions* standard through either a), b) or c) whichever is sooner:

...

- b. Amendments to the district plan of a territorial authority in direction 5 above made by 9 years from when the planning standards come into effect.

- 5.4 Whilst I recognise there is a requirement to reconfigure the district plan to implement the NPS, it is not efficient or effective to implement the NPS definitions into the PDP in a piecemeal fashion. In my view, it is more efficient

5 Submission Points: 3152.1, 31025.4, 31025.5.

6 National Planning Standards (NPS).

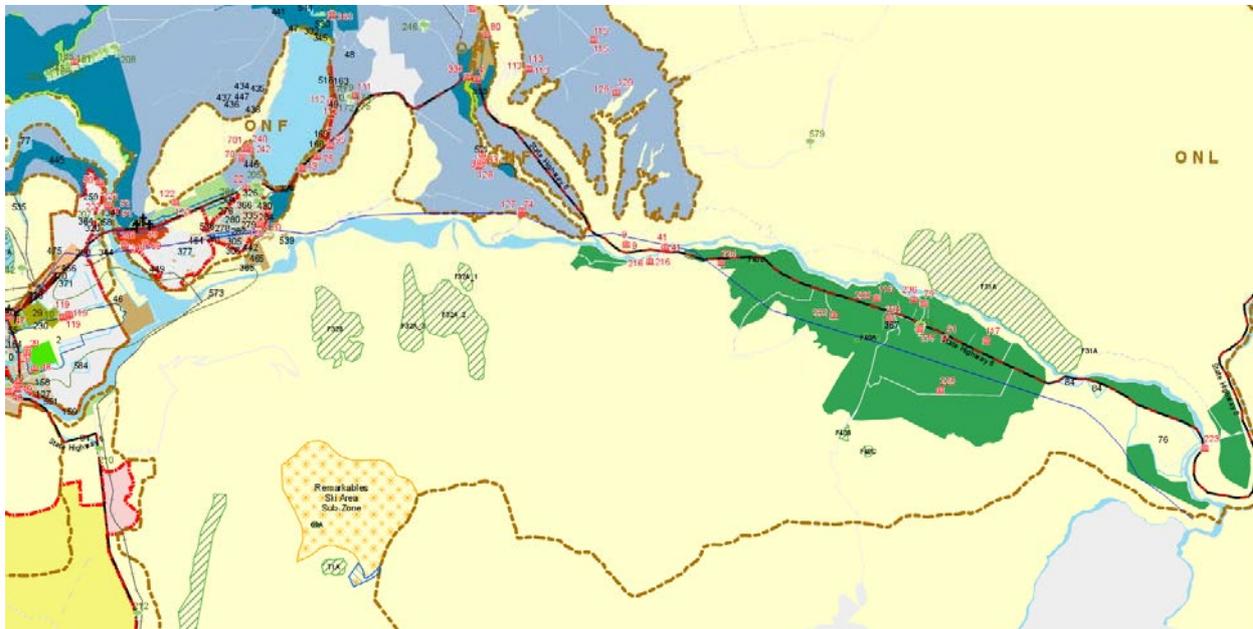
7 National Planning Standards - Section 17. Implementation.

and effective to look at the plan in its entirety and implement the NPS definitions in one go. In addition, changes to definitions at this time may have flow on effects to other parts of the PDP that are not subject to Stage 3 or 3b (for example by changing a definition, the regulatory effect of a rule that uses that defined term, may change). The exact timing of when the Council will do that is not currently known as the status of the PDP (i.e. stages, appeals, operative etc) will need to carefully be taken into account.

5.5 I recommend that these submissions be rejected.

6. SUBMISSION 3080 – TRANSPOWER NEW ZEALAND LIMITED

6.1 Transpower New Zealand Limited (**Transpower**) seeks an amendment to the Stage 3 and 3b web mapping application⁸ (**Stage 3 and 3b web map**), to include the Cromwell-Frankton A 110kV National Grid Transmission Line (**Transmission Line**). The transmission line is currently shown on the Stage 1 and 2 Decisions and Appeals web mapping application⁹, as indicated on Figure 1 below:



8 Submission Point: 3080.9.

9 PDP Stage 1 and 2 Decisions and Appeals web mapping application.

Figure 1: PDP Stage 1 and 2 Decisions Map indicating location of the Cromwell-Frankton A 110kV National Grid Transmission Line

- 6.2** In my view, adding the Transmission Line to the Stage 3 and 3b web map will duplicate what is already on Stage 1 and 2 plan maps. If the Transmission Line was to be added to the Stage 3/3b plan maps, this will instead create ambiguity, as what is already on the Stage 1 and 2 plan maps will then be subject to the appeals process. When decisions are issued on stages 3 and 3b, the maps will be combined, therefore, showing the Transmission Line relative to Stage 3 and 3b zones. In essence, this part of the National Grid is already on the PDP plan maps. Based on this, I recommend that the submission be rejected.
- 6.3** Transpower¹⁰ also seeks an amendment to the Stage 1 and 2 Decisions legend, which is not notified on the Stage 3 and 3b maps. The amendments sought are as follows:
- (a) Transpower ~~AG~~ Frankton Substation
 - (b) Transpower ~~Pylons~~ Transmission Line Support Structure (approximate location)
 - (c) National Grid Transmission Line Corridor
- 6.4** I consider the term ‘Transpower Frankton Substation,’ and the term ‘Transmission Line Support Structure’ to be consistent with the terminology within Chapter 30 Energy and Utilities¹¹. I also consider the term ‘National Grid Transmission Line’ consistent with the terminology within Chapter 2 Definitions¹² and relevant higher order documents.
- 6.5** I agree these amendments are appropriate, and would improve consistency in the PDP. These amendments have no change in effect or policy direction, however they are not relevant to Stage 3 and 3b proposals. As they are neutral changes, they can be made pursuant to Clause 16 Schedule 1 of the RMA.

10 Submission 3080.10.

11 PDP Stage 1 Decisions Chapter 30 Energy and Utilities.

12 PDP Stage 1 Decisions Chapter 2 Definitions.

7. Other Matters

Variations with no submissions and variations with submissions only in support.

7.1 The Variation to Chapter 43 Millbrook had no submissions in support or against, therefore I recommend that the notified variations be accepted.

7.2 The following variations had submissions only in support:

- (a) Chalmers Cottage (One (1) submission);
- (b) Residential Flat Definition (Two (2) submissions); and
- (c) Variation to Waste and Recycling Storage Space provisions (One (1) submission).

7.3 In my view the notified provisions for the variations listed in 7.3 are appropriate in achieving the purpose of the RMA 1991, therefore I recommend that the notified variations be accepted.



Gabriela Glory

18 March 2020

Appendix 1

Summary of submissions and recommended decisions

APPENDIX 1
Summary of submissions and recommended decisions

Stage 3 General							
No.	Organisation	On Behalf Of	Point No.	Position	Submission Summary	Provision	Planner Recommendation
3005	Sport Otago	Sport Otago	3005.2	Oppose	That the Ladies Mile land recently purchased by Queenstown Lakes District Council at 516 Frankton-Ladies Mile Highway (legally described as Lot 4 DP 22156 with an area of 14.6 hectares located on the corner of Howards Drive and Frankton Ladies Mile Highway/State Highway 6) be zoned Active Sports and Recreation Zone as well as providing for educational use.	10-Stage 3 - General	Reject
3152	Beca Limited	Ministry of Education	3152.1	Oppose	That the definitions for 'educational facilities' and 'community facility' from the National Planning Standards be adopted during the Stage 3 review process.	10-Stage 3 - General	Reject
3153	Galloway Cook Allan Lawyers Dunedin	Aurora Energy Limited	3153.27	Oppose	That such further or other relief as is appropriate or desirable in order to take account of the concerns expressed in this submission are made.	10-Stage 3 - General	Addressed in individual s42A report for relevant topic
3153	Galloway Cook Allan Lawyers Dunedin	Aurora Energy Limited	3153.28	Oppose	That, in the event that the amendments set out in the submission are not implemented, the PDP be withdrawn.	10-Stage 3 - General	Addressed in individual s42A report for relevant topic
3161	Vivian and Espie Limited	Alpine Estates Ltd	3161.9	Oppose	That any other consequential changes be made that are necessary to achieve the relief sought in the submission.	10-Stage 3 - General	Addressed in individual s42A report for relevant topic
3211		Ken Muir	3211.4	Oppose	That in the alternative, the provisions be modified to provide the relief sought in the submissions.	10-Stage 3 - General	Addressed in individual s42A report for relevant topic
3269	Southern Ventures	Henley Property Trust	3269.13	Oppose	That further or consequential or alternative amendments necessary to give effect to the submission be made.	10-Stage 3 - General	Addressed in individual s42A report for relevant topic
3306	Mitchell Daysh Limited	Kingston Village Ltd	3306.16	Oppose	That if the amendments set out in submission 3306 are not implemented that Stage 3 of the Proposed District Plan be withdrawn.	10-Stage 3 - General	Addressed in individual s42A report for relevant topic
3383	4Sight Consulting Limited	Z Energy Limited, BP Oil NZ Limited & Mobil Oil NZ Limited	3383.20	Oppose	That the provisions should achieve the points outlined and that the provisions should address, as relevant, the considerations identified by the Environment Court for planning instruments in decisions such as Long Bay-Okura Great Park Society Inc. v North Shore City Council (and subsequent case law).	10-Stage 3 - General	Addressed in individual s42A report for relevant topic
3383	4Sight Consulting Limited	Z Energy Limited, BP Oil NZ Limited & Mobil Oil NZ Limited	3383.21	Oppose	That any alternative or consequential relief be granted, which is required to give effect to this submission, including any consequential relief required in any other sections of the Proposed District Plan that are not specifically subject of this submission but where consequential changes are required to ensure a consistent approach is taken throughout the document.	10-Stage 3 - General	Addressed in individual s42A report for relevant topic
Stage 3 Maps							
3080	AM Consulting	Transpower New Zealand Limited	3080.9	Oppose	That the planning maps be amended to show the Cromwell-Frankton A 110kV National Grid Transmission Line.	2-Maps	Accept - Clause 16
3138		Brendon Cutt	3138.3	Oppose	That a multi-level hotel on the current Q Resort site in Fernhill is opposed.	2-Maps	Reject
Stage 3b General							
31020	Galloway Cook Allan Lawyers Dunedin	Aurora Energy Limited	31020.3	Oppose	That, in the event that the amendments set out in the submission are not implemented, the Proposed District Plan be withdrawn.	6-Stage 3 - General	Addressed in individual s42A report for relevant topic
31023	BECA	Fire and Emergency New Zealand	31023.8	Oppose	That any further or consequential relief that may be necessary to address the matters raised in this submission be provided.	6-Stage 3 - General	Addressed in individual s42A report for relevant topic

31025	BECA	Ministry of Education	31025.4	Oppose	That the following definition from the National Planning Standards be included within the Proposed District Plan: Community Facility: means land and buildings used by members of the community for recreational, sporting, cultural, safety, health, welfare, or worship purposes. It includes provision for any ancillary activity that assists with the operation of the community facility.	6-Stage 3 - General	Reject
31025	BECA	Ministry of Education	31025.5	Oppose	That the following definition from the National Planning Standards be included in the Proposed District Plan: Educational Facility: means land or buildings used for teaching or training by child care services, schools, and tertiary education services, including any ancillary activities.	6-Stage 3 - General	Reject
Chalmers Cottage Variation							
3191		Heritage New Zealand Pouhere Taonga	3191.1	Support	That the inclusion of Chalmers Cottage in the Inventory of Listed Heritage Features and identification on Map 21, or provision to like effect, be retained.	2.3-Variation to Chapter 26 - Chalmers Cottage	Accept
Definition Residential Flat							
3013		Pia Condren	OS3013.4	Support	That the definition of residential flat be retained as notified.	2-Variation to the Proposed District Plan > 2.6-Variation to Chapter 2 - Definition of Residential Flat	Accept
3338	Todd & Walker Law	Roger Lindsay Donaldson	OS3338.1	Support	That the definition of Residential Flat be retained as notified.	2-Variation to the Proposed District Plan > 2.6-Variation to Chapter 2 - Definition of Residential Flat	Accept
Waste Variation							
3013		Pia Condren	3013.5	Support	That the Variation to Chapter 7 Lower Density Suburban Residential for the Waste and Recycling Variation be retained as notified.	2.7.1-Variation to Chapter 7 - Lower Density Suburban Residential	Accept