

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 DAVID FREDERICK SERJEANT ON BEHALF OF
REMARKABLES PARK LIMITED AND QUEENSTOWN PARK LIMITED**

PLANNING

CHAPTER 17 – AIRPORT MIXED USE ZONE

18 November 2016

**BROOKFIELDS
LAWYERS**

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1. QUALIFICATIONS AND EXPERIENCE

1.1 My name is David Frederick Serjeant.

1.2 I am a Town Planner and Director of Merestone Limited, an independent planning and resource management consultancy. I have the following qualifications and experience relevant to provide expert evidence in all areas of planning:

- (a) I hold the qualifications of Bachelor of Town Planning from Auckland University (1979) and Master in Business Studies (Economics) from Massey University (1985). I am a full member of the New Zealand Planning Institute;
- (b) I have 37 years' professional experience in planning and resource management. My experience has included being both a regulator and consultant adviser to parties on resource consents and policy matters. The subject matter of my experience has include;
 - (i) Advising clients on many urban, infrastructure, and natural resource development matters including structure plans and new suburban development, retail developments, energy, water and wastewater treatment, hazardous materials management, solid waste management, mining, dairying, forestry, coastal and marina developments in relation to both resource consents and policy submission matters;
 - (ii) Acting as reporting officer for both territorial authorities and regional councils on resource consent applications and plan preparation matters.
- (c) In relation to these submissions I have recently been advising and providing evidence to the Independent Hearing Panel in Auckland on the Proposed Auckland Unitary Plan for a zoning and precinct provisions for 150ha of land adjacent to the eastern end of Auckland International Airport. This required me to understand the precinct provisions for the Airport and to consider the interface between the airport and all adjacent activities; and

- (d) I provided expert planning evidence to the Environment Court on Plan Change 19 for the FFSBZ.

Code of Conduct

- 1.3 I have read with the Code of Conduct for Expert Witnesses contained in the Environment Court's Practice Note 2014. I agree to comply with the Code and confirm that my evidence has been prepared in accordance with it.
- 1.4 The matters which I give expert opinion evidence are within my area of expertise and on which I am qualified to express an opinion. I have not omitted to consider material facts known to me that might alter or detract from the opinions expressed in this evidence.

2. MY INVOLVEMENT AND SCOPE OF THE SUBMISSIONS

- 2.1 Remarkables Park Limited (**RPL**) and Queenstown Park Limited (**QPL**) lodged submissions to the Queenstown Lakes District Council's Proposed District Plan (**PDP**). I was approached by RPL and QPL at the end of October 2016 with a request to support their submission with expert planning evidence. To the extent expressed in the conclusions to this evidence I support their submission.
- 2.2 The RPL and QPL submissions included submissions on the Queenstown Airport Mixed Use Zone (**AMUZ**) (now referred to as the Airport zone) and the relief sought was to:
 - (a) Amend the zone purpose to remove repetition [the relief included alternate wording]
 - (b) If the existing AMUZ is to be amended to enable a range of activities including ASANs, then Activity Area 8 (**AA8**) of the RPZ be amended to also enable the same range of activities; or the noise restrictions imposed on the RPZ under PC35 be imposed on the Queenstown Airport Corporation (QAC);
 - (c) Delete the extension of the AMUZ from land not currently zoned AMUZ;

- (d) Delete Policy 17.2.1.3;
- (e) Retain the existing AMUZ rules in relation to height, setbacks, building coverage, and landscaping.

2.3 In relation to paragraph 2.2(a), I have reviewed the section 42A report and have a large measure of agreement with the various statements on the strategic, indeed national, significance of Queenstown Airport. Where I disagree is that the recommended solution to ensure that this significance is recognised through the expansion of the AMUZ and the nature and extent of the provisions for a wide range of airport related activities throughout the land designated for airport purposes.

2.4 In relation to paragraph 2.2(b), the proposal to allow ASANs within the AMUZ represents a 180 degree about face from the existing AMUZ provisions and the provisions of the neighbouring land, with which the Airport zone provisions must comprise an integrated whole. The inconsistency of this change is a matter for legal submission. From a planning viewpoint, I consider that this provision is inconsistent with the broader planning framework for the Frankton Flats and the approach to urban amenity to be provided for visitors and residents alike. I also rely on the evidence of Malcolm Hunt in this regard.

2.5 In relation to paragraph 2.2(c), I consider that the Council has presented insufficient evidence that the application of the amended provisions to an extended AMUZ is the most appropriate means of achieving the objectives for the zone. While the RPL/QPL submission does not state what zoning should apply to the area over which the AMUZ has been extended, this area is largely zoned Rural General in the Operative District Plan (**ODP**), and I assume that this zoning would be the default status quo (as it has been in the section 32 report). The decision of the Panel on zoning could therefore be comprised of a combination of the AMUZ and the Rural General zone, or other zones and development standards that provide for similar activities.

2.6 In relation to paragraph 2.2(d), I propose to delete Policy 17.2.1.3. This is further discussed in paragraphs 7.5 to 7.17 of this evidence where I review the objectives and policies of the AMUZ in both the ODP and PDP. My

conclusions on the proposal to delete Policy 17.2.1.3 are based on that review.

2.7 In relation to paragraph 2.2(e), in paragraphs 6.17 to 6.22 of this evidence I compare the various options for development controls within the AMUZ. I consider that the development controls for the AMUZ should have more alignment with both the existing AMUZ and the adjacent zones.

3. SUMMARY OF EVIDENCE

3.1 My evidence is divided into the following sections:

- (a) A review of the planning framework focussing mainly on the objectives and policies of the existing and proposed AMUZ, but also examining the adjacent zones, and the approach taken in the now operative Auckland Airport Precinct, for comparative purposes;
- (b) A commentary on the narrow approach taken by the Council's section 32 evaluation;
- (c) A review of the environmental effects in terms of economic, traffic and urban design and amenity effects;
- (d) A planning analysis in terms of the Otago Proposed RPS and the proposed AMUZ provisions; and
- (e) A conclusion with alternative recommendations for the proposed AMUZ including suggestions for improving the approach taken by Council.

4. PLANNING FRAMEWORK

4.1 As set out in the Council's section 32 analysis and the Council's section 42A report, the proposed AMUZ provisions must be considered against the matters in section 74 and 75 of the Resource Management Act (**Act**) 1991 in relation to the preparation of district plans, and be subject to an evaluation as required by section 32. In this section of my evidence I introduce and review the following matters which I consider relevant to this planning framework:

- (a) The provisions of any national policy statements, regional policy statements or iwi management plans relevant to the Airport zone;
- (b) The objectives and policies of the existing AMUZ and the proposed AMUZ;
- (c) The broader environment of Frankton Flats, in particular the planning provisions of Remarkables Park Zone (**RPZ**) and AA8, and Frankton Flats Special (B) Zone (**FFSBZ**) and Activity Area D (**AAD**); and
- (d) The Airport Zone (Precinct) at Auckland Airport, for comparison purposes.

National and Regional Policy and Iwi Management Plans

4.2 I agree that the legislative framework, national policy statements and iwi management plans have been appropriately identified in the Council's documents. In particular I agree that the provisions of the Operative Otago Regional Policy Statement and the Proposed Otago Regional Policy Statement (**ORPS**) identified in Section 5 of the section 42A report must be 'given effect to¹ and had regard to'² respectively.

4.3 In relation to the Proposed ORPS I consider that Objective 4.3 and related policies should also be referred to as a matter to be had regard to. Objective 4.3 seeks that:

"Objective 4.3 Infrastructure is managed and developed in a sustainable way"

4.4 The related policies refer to reverse sensitivity effects and effects on the 'functional needs' of nationally and regionally significant infrastructure.

¹ Section 74(2) Resource Management Act 1991

² Section 75 (3) Resource Management Act 1991

Objectives and policies of the Operative Airport Mixed Use Zone and Proposed Airport Mixed Use Zone

- 4.5 I have examined the existing and proposed objectives and policies for the airport zones.³ There is a degree of similarity between the provisions, and in summary they both refer to:
- (a) The provision for airport and airport related activities;
 - (b) The maintenance of environmental quality or amenity, for both users and residents of adjacent areas; and
 - (c) Avoidance of or restriction of activities not associated with day to day needs of travellers or which do not require an airport location.
- 4.6 The existing AMUZ policy is to apply standards to protect ‘the environment’ from unacceptable noise, glare, and traffic from the airport. The proposed AMUZ does not have an equivalent policy, apart from the newly inserted multi-modal travel policy, which relates to traffic. The proposed AMUZ also has a broad aspirational policy of maintaining Queenstown Airport as a “memorable and attractive gateway to the District”.
- 4.7 The proposed AMUZ objectives and policies do not specifically address ASANs. However, I note that the Council’s closing position in the hearing on Chapter 4 Urban Development was to clarify the notified position on prohibiting ASANs within the Air Noise Boundary (**ANB**) (notified Policy 4.2.3.8) and instead just manage them (Policy 4.2.5.2).
- 4.8 Finally, the proposed AMUZ has a policy of zoning sufficient land to meet the future requirement of activities that “support or complement the functioning of Queenstown Airport”.

Provisions of adjacent zones

- 4.9 The RPZ, AA8, FFSBZ and AAD comprise a significant part of the interface with the proposed AMUZ extension. The environmental factors considered for the creation of these zones are the same, or similar, as those relevant to the Airport zone. Consequently, I consider that a review of the key provisions is an important input to the current zoning matter.

³ For the AMUZ I have referred to the tracked change provisions attached to the section 42A report.

- 4.10 I have attached the key provisions (**Attachment 1**) and summarise these in the following paragraphs.
- 4.11 RPZ, AA8 provides a buffer between the airport and noise sensitive activities in the remainder of the Remarkables Park zone. The provisions for AA8 have a strong focus on protecting the operational capability of the airport. Residential activities, visitor accommodation and community activities are prohibited in this area within the Outer Control Boundary (**OCB**). AA8 provides for activities of a rural/recreational nature, infrastructural utilities and parking.
- 4.12 Development in AA8 must also protect and enhance the surrounding landscape and natural resources. To this end all activity is to be considered as a controlled activity, with control to be exercised over site layout, size, orientation and density of development, building design and appearance and streetscape.
- 4.13 The FFSBZ and AAD provides for yard based industrial and service activities. Although not noise sensitive activities, these are not activities which attract large numbers of employees or visitors. Residential, visitor accommodation and community activities are prohibited within the OCB, which is essentially all of AAD. All buildings in AAD are controlled activities, with control exercised over building design and site layout.

Airport Zones

- 4.14 The provision of a wide range of airport and visitor related facilities in close proximity to an airport is a modern day phenomenon that has been recognised in case law through **McElroy v Auckland International Airport**⁴. An important element of this case was what constituted airport purposes, as the claimant's (Craigie Trust) land had been developed for a range of activities which would not historically have been associated with an airport. The **McElroy** decision makes reference to the fact that many airports have expanded beyond the boundaries of traditional airport business by using neighbouring land for hotels, office complexes, light industries, freight warehousing, distribution centres and business parks. In

⁴ **McElroy v Auckland International Airport Limited** [2008] 3 NZLR 262 and **McElroy v Auckland International Airport** [2009] NZCA 621

the case of the Craigie Trust land there was retail and recreational activity in this mix as well.

- 4.15 References to this case were made at length in the QAC legal submissions on the designation. I accept that such provision may be appropriate.
- 4.16 However, there is an important spatial aspect in the specifics of the **McElroy** case that can be contrasted with the Queenstown situation.
- 4.17 The Auckland Airport designation covers more than 1000ha of land, a great deal larger than the 125ha at Queenstown. The Auckland Airport designation (landside only) spans both the existing runway and the proposed second runway and all that land in between. There is a large amount of land located outside the ANB (65dB Ldn) for the airport (see **Attachment 2**). It is on the land in between the runways that the claimant's (Craigie Trust) land was situated.
- 4.18 The now operative provisions for the Auckland Airport precinct in the Proposed Auckland Unitary Plan (**PAUP**) provide for airport related activities as permitted activities throughout the Core sub-precinct which covers the majority of the overall precinct. There are no development standards in terms of Indoor Design Sound Level written into the PAUP.
- 4.19 However, the key point is that the Auckland Airport precinct is so extensive that ASANs do not need to be located in close proximity to the runway. In the Queenstown situation, the whole AMUZ is within the ANB, which is situated generally 180m – 200m from the main runway. Whereas, at Auckland Airport 180m – 200m scarcely extends beyond the immediate terminal area.
- 4.20 The second point is that the Airport Precinct responds to the land, activities and environment around it. Objectives and policies relate to the coastal, heritage and landscape features of the environment. These are locationally specific. However the proposed AMUZ contains no provisions which relate the zone to its environment beyond a few generalities in the objectives and policies about a 'memorable and attractive gateway' and acceptable amenity values, neither of which have any follow through in the rules.
- 4.21 Finally, Auckland Airport is not centrally located like Queenstown Airport. Queenstown Airport is located in the middle of the Frankton Flats and the

surrounding land is zoned for all the activities that the airport seeks to conveniently provide to travellers. In short the convenience is already provided.

5. COUNCIL'S SECTION 32 EVALUATION

5.1 I have reviewed the Council's section 32 report.

5.2 The critical starting point in the analysis of any planning process is the recognition of the planning issue or issues that require some intervention or management response in order to achieve an outcome which is consistent with the purpose of the Act. The section 32 report identifies issues on page 5. I provide them in full in **Attachment 3**.

5.3 In summary, as recognised by the Proposed ORPS, and well-expressed in the Zone Purpose, Queenstown Airport is a strategically important asset to the district in terms being a generator of economic activity and employment, and a nationally significant asset in terms of its contribution to tourism. The issues identified are that there is a mis-match between the area designated for airport purposes and the area with an airport zoning, and further that only QAC can "rely on" the designation. Further, while the surrounding land in Frankton Flats and Remarkables Park has been subject to considerable planning review and new zoning provisions, the airport land zoning has not been reviewed since 2003, and is consequently outdated.

5.4 Section 9 of the section 32 report encapsulates these issues into two issue statements:

"Issue 1: Providing for long term sustainable management of Queenstown Airport; and

Issue 2: Balancing the operational requirements of the Queenstown Airport with residential amenity and outlook, including the Airport as a key strategic gateway to the District."

5.5 I have placed these issues in a spatial context in **Attachment 4**, which displays the following relevant information:

- (a) Approximately 25ha of airport land is zoned AMUZ in the ODP, to be Airport zone in the PDP;
- (b) A further approximately 100ha of airport land, zoned Rural General in the ODP is proposed to be AMUZ in the PDP;
- (c) The ANB (65 dBA Ldn) is fairly coincident with the proposed AMUZ boundaries, the main exception being the inclusion of some residential properties at the western end of the runway and some FFS(B) zone land and Event Centre land to the north. This has the effect of locating almost all airport related activities within the ANB; and
- (d) In terms of future land development, the proposed AMUZ has three potentially usable spaces,⁵ beyond the vicinity of the terminal area. These spaces interface respectively with the Queenstown Events Centre land (underlying zone Rural), FFSBZ zone AAD, and RPZ in particular AA8.

5.6 Section 9 of the section 32 report then examines 'broad options' to address the identified issues. The options examined essentially comprise retention or improvement of the existing zone provisions, and a consideration of where the zone boundary should lie. There appears to be no consideration of alternative zoning options, or more broadly whether in fact the issues are actually being, or could be, addressed beyond the airport's boundaries. This is a significant shortcoming in the analysis and it gives the impression that the section 32 is really about just zoning the airport land, not solving a resource management issue. The subsequent analysis of the 'pros' and 'cons' and costs and benefits of these options has the same limitation. I provide more specific comment on this analysis in the next section on environmental effects.

6. ENVIRONMENTAL EFFECTS ASSESSMENT

6.1 The environmental effects of extending the AMUZ have been assessed in the section 32 report. One of the difficulties with this assessment is the uncertainty as to the mix of development that will occur, due to the broad

⁵ I adopt the term 'usable' advisedly as each of these spaces is affected by the width of the runway strip which could be as wide as 300m, for safety purposes.

range of activity that has been enabled. Airport activities and airport related activities are both permitted activities. These activities have the definitions set out in **Attachment 5**.

- 6.2 I also note that airport related activity includes ‘commercial services’, which are not defined in the PDP, however my understanding is that typically this refers to businesses that sell services rather than goods (for example: banks, real estate agents, travel agents, dry cleaners and hair dressers).
- 6.3 Of the activities provided for as permitted activities above, only visitor accommodation is an ASAN.

Economic Effects

- 6.4 The section 32 evaluation contains an assessment of the benefits of the airport, supporting its recognition as nationally significant infrastructure (in Attachment 3 by Market Economics). I note that in Table 2-5 the report quantifies the current contributions the airport makes to the local, regional and national economies. The table distinguishes the direct contribution of Queenstown Airport from its ‘Environs’ and Tourism activity over a broader area. The value added contribution of the Queenstown Airport (year 2013) was \$3.6 million, compared with \$101.4 million within the airport Environs and Tourism ranging from \$576 million to \$621 million. While it is unclear how the ‘Environs’ is spatially defined, what is clear is that the airport’s benefit spreads far beyond its boundaries. For example, within the Frankton Flats and RPZ there is provision for a range of activities which rely largely on visitors. I make the observation that since the opening up of parts of the FFSBZ, already activities such as car rental businesses are establishing. Visitor accommodation is provided for within both of the above zones.
- 6.5 For the present purposes of assessing environmental effects, the report notes “that there is little detailed information about the specific allocation of space to different activities”.⁶ However based on the authors ‘understanding’, which is assumed to be provided by QAC, the report estimates the space allocated to different activities within the extended AMUZ and the potential economic value of these activities.

⁶ Queenstown Airport: Mixed Use Zone Economic Assessment m.e spatial November 2014 at page.27.

- 6.6 The report estimates that the estimated range of activities would generate a total of 385 jobs and \$40 million in output for the regional economy. The majority of this benefit derives from visitor related services such as rental cars, scenic and sightseeing transport, amusement and other recreational services, travel agency and tour arranging, and cafes and restaurants, and much of this the benefit is allocated to the terminal area, not one of the three potentially usable spaces identified above in paragraph 5.5.
- 6.7 The report assumes only one 'notional development' for visitor accommodation comprising an 80 bed establishment in an undetermined location.
- 6.8 The reports analysis on the 'opportunity costs' of uncertainty or not having the proposed zoning should be interpreted with caution as it is entirely focussed on the airport land, and does not account for the fact that many airport related activities can, and do, occur elsewhere.

Summary

- 6.9 The economic assessment is useful for two reasons. Firstly, it supports the overall importance of the airport to the local and regional economy and its status as nationally significant infrastructure. It identifies that while the direct benefit of the airport operation in monetary terms is relatively small, activity which relies on the airport is very significant in monetary terms. This activity is located, and provided for throughout the Frankton Flats, RPZ, and locations further afield.
- 6.10 Secondly, it provides some information on the economic benefits of the activities within the extended AMUZ, based on one development scenario. The proposed zone activities and development standards do not in any way confine the actual development to this scenario, thus limiting its usefulness. For example, there may well be a greater component of visitor accommodation than assumed in the scenario.
- 6.11 Overall, I consider that the potential activities within the expanded AMUZ take advantage of the economic opportunities provided by the airport and so will add to the overall regional economic output. There does not appear to be any specific activity provided for which raises the potential for an over-supply situation, and potential adverse economic effects. However, from my involvement in PC50 for an expansion of the Queenstown CBD I

am aware that PC50 was promoted in response to concerns that too much commercial zoning at Frankton was undermining the primary position of the Queenstown CBD. The McDermott Miller report was commissioned by Council in support of that concern.⁷ For that reason, I question whether a wider analysis is in order for this zone change.

Traffic Effects

6.12 The section 32 evaluation also included an analysis of traffic and transportation matters.⁸ While the analysis recognises that the zoning is to be extended to all land currently used or designated for airport and airport-related purposes, it does not include any particular development scenario assumptions, or even any global estimates of the increase in trip generation from the proposed rezoning. Instead it adopts a 'marginal change' approach, examining the changes to permitted activity status of the potential activities within the extended AMUZ area. These activities were recognised in the report as follows:

- (a) Visitor accommodation (under operative rule 6.2.3.5(ii) this is a Prohibited Activity);
- (b) Commercial activity (under operative rule 6.2.3.4(ii) this is a Non-Complying Activity);
- (c) Industry (under operative rule 6.2.3.3 (ii) this is a Discretionary Activity);
- (d) Conference facilities (under operative rule 6.2.3.4(i) this is a Non-Complying Activity);
- (e) Office Accommodation and Land Transport Facilities no longer have site standards applied to them (operative rules 6.2.5.1(iv) and (v) respectively); and
- (f) Retail no longer has the zone standard applied to it (operative rule 6.2.5.2(iii)).

⁷ Review of District Plan Business Zones Capacity and Development of Zoning Hierarchy. McDermott Miller Strategies Limited in association with Allan Planning & Research Limited 15 November 2013.

⁸ Review of Queenstown Airport Mixed Use Zone Carriageway Consulting letter dated 26 November 2014.

- 6.13 The report concludes that the transportation-related effects of the proposed AMUZ activities will be “negligible”.
- 6.14 My view is that in the absence of any knowledge as to the composition, or location and access provisions, of future activities within the zone, I consider that drawing any conclusion on transport-related effects is not possible. For example, additional activities within the existing terminal area will have quite different traffic implications to the same activities in one of the three new ‘usable’ spaces.
- 6.15 The report notes that development within the zone is subject to the district-wide Transport Section 14. However Section 14, which contains rules controlling the overall scale of activities in other zones based on parking numbers, and requires minimum parking numbers for activities, will not apply to the main activities in the proposed AMUZ, albeit the uncertain reference to minimum car parking in proposed Rule 17.5.8. This is because the only traffic related assessment is in relation to activities other than airport and airport related activities, as restricted discretionary activities.

Summary

- 6.16 I accept that the report provides for a global level of comfort in relation to the effects of traffic generation on the network. However, the analysis is not sufficient to underpin a complete lack of control on the scale of the activities, the overwhelming majority of which are airport and airport related activities, and so exempt from any form of traffic assessment or parking demand.

Urban Design and Amenity Effects

- 6.17 The section 32 evaluation does not contain any supporting analysis of urban design and amenity effects. However it does refer to urban design in the achievement of Policy 17.2.2.1 (now 17.2.3.1), in relation to the maintenance of a “memorable and attractive gateway”. The evaluation considers that ‘development standards with respect to building design, coverage, and height are proposed to control the visual and amenity effects from beyond the zone boundary’. I consider that it is important to recognise that the ‘memorable and attractive gateway’ will be mainly

appreciated by visitors within the zone boundary, however, external effects are also important.

- 6.18 More broadly, there has been no analysis of the macro scale urban design matters that were extensively interrogated during Plan Change 19, including road access and interconnectivity of different activity areas, and viewshafts. At a more practicable level, the conclusions of the section 32 evaluation appears to rely on the development standards. As noted, airport and airport related activities are permitted activities and the standards comprise of height, setback and coverage rules, and design standards on reflectivity and outdoor lighting. This is a rather limited approach to achieving quality urban design and can be compared with the approach taken in the FFSBZ and in RPZ. It is also at odds with the findings of the Court in the First Interim Decision on the Notice of Requirement for Lot 6, where it was stated:

“[194] We agree with Dr Read and Mr McKenzie that the lack of control in the designation conditions over the form, bulk, location and exterior appearance of buildings could, unmitigated, create a significant adverse effect on the visual amenity of those parts of the RPZ located adjacent to the aerodrome. This is particularly so given that Designation 2’s building height restriction of 9.0 m does not apply to hangars. We agree also with Dr Read that a lineal pattern of development along the one km boundary with the balance of RPZ would be a new and notable pattern within the landscape and without mitigation this would be neither pleasant nor attractive.

[195] While development within the RPZ, including Activity Area 8, may obstruct views towards the north and, in the nature of any development, the remnant natural character of RPZ’s undeveloped land will be diminished; this does not detract from the relevance or significance of the views and the derived visual amenity for this zone. We find this to be the case even without assuming that any particular pattern of development will emerge in Activity Area 8 (such as a golf course and other recreational facilities as discussed by several witnesses).”

6.19 The proposed development standards do not attempt to address the type of effects that were criticised by the Court in this decision.

6.20 As I have noted above in paragraph 5.5, the potentially usable spaces within the extended Airport zone are quite separate. They are also quite disparate in terms of their adjacent land uses and access points. The question is whether a very simplistic permitted activity approach, with minimal controls for a wide range of activities, is sufficient to cater for the environmental outcomes.

6.21 In Table 1, I compare the relative controls in these zones, and the Events Centre land, with those proposed for the AMUZ, adopting a permitted activity comparison.

Zone	Height	Setback
RPZ AA8	9m	Nil
FFSBZ AAD	10m	5m (from airport boundary)
FFSBZ AAE	12m	5m (from airport boundary)
Events Centre (u/z Rural)	8m	20m
Operative AMUZ	9m	10m (zone boundary)
Proposed AMUZ	15m	3m (for non-residential neighbour such as in AAD, AAE or AA8)

6.22 I acknowledge that in the RPZ AA8 there is a nil setback required, however the approach taken in the RPZ, and in FFSBZ, is to require consent for all buildings. I further note that the reference to the 5m setback from the airport boundary for the FFSBZ, AAD and AAE relates to the fact that the airport currently has an underlying Rural zone. If this was to be altered then I consider that a consequent amendment to the FFSBZ, AAD and AAE rules would be needed to refer to a 5m setback for the new zone.

7. PLANNING ANALYSIS

Proposed Regional Policy Statement provisions

7.1 Objective 4.3 of the Proposed Otago RPS seeks that:

"Objective 4.3 Infrastructure is managed and developed in a sustainable way."

7.2 The policies that support this objective refer to airports as nationally significant infrastructure and the support that they provide to economic activity. The policies also refer to both the adverse effects of significant infrastructure (Policy 4.3.3), and adverse effects on significant infrastructure in terms of protecting infrastructure from other activities, particularly those with reverse sensitivity effects (Policy 4.3.4). I note that this policy is careful to refer to these adverse effects being restricted to the "functional needs of such infrastructure". In my view this policy only provides support to airport activities, not airport related activities. The latter are not 'infrastructure', and especially not part of the nationally significant infrastructure at Queenstown airport.

7.3 I disagree with the findings in paragraph 5.4f (ii) of the section 42A report that Objective 4.5 of the Proposed ORPS has been had regard to. This objective seeks that:

"Objective 4.5 Urban growth and development is well designed, reflects local character and integrates effectively with adjoining urban and rural environments."

7.4 My analysis demonstrates that the proposal for the extended AMUZ is far from effectively integrating with the adjoining urban environment. The evidence on the activities provided for, in particular ASANs, and the development controls for adjacent zones, demonstrates that the AMUZ provisions are inconsistent with its neighbouring zones, and do not have regard to the local environment.

Analysis of Airport Zone objectives and policies

7.5 My review of the existing and proposed objectives and policies of the two airport zones indicates that they have several common threads, which I support. However, they part company on two key matters

- 7.6 Firstly, the existing AMUZ policy on environment standards clearly provided the basis for ASANs to be prohibited in the zone. However, the proposed AMUZ rules provide for visitor accommodation (as an airport related activity), with the support of the Chapter 4 Urban Development policy I referred to previously. I consider that the location of such a policy within the Urban Development section is inappropriate, unless it is in some way integral to urban growth. In any event, even as a zone-specific policy in the proposed AMUZ I consider that such a policy would be inconsistent with the other policies on maintaining 'acceptable' levels of amenity for users of the airport, and a 'memorable and attractive gateway' for visitors.
- 7.7 A related point here is whether the proposed AMUZ objectives should refer to only 'acceptable' levels of amenity as being what is sought in Objective 17.2.3, when elsewhere in the Frankton Flats zones (FFAZ, FFBZ and RPZ) it is 'high' levels of amenity that are sought. Aiming to be 'acceptable' is inconsistent with these more aspirational objectives and with the broader thrust of the PDP on providing for high quality attractions, services and facilities.
- 7.8 The consistent policy approach throughout the Frankton Flats, as detailed in the adjacent zone provisions referred to in this evidence, is that ASANs are to be prohibited within the OCB. I have not seen any justification in the Council reports to support this change in position or to explain how it is consistent with wider policy goals in relation to the amenity around the airport for visitors and residents alike.
- 7.9 I acknowledge that the proposed rule would apply only to visitor accommodation, not other ASANs, however it effectively undermines the agreed regime of protecting ASANs around the airport, and in resource management terms it could then be used by adjacent property owners to seek rule changes for their own properties.
- 7.10 In terms of its application to visitor accommodation, I note that the emphasis in the definition of airport related activities is on activities that provide "support for the airport" and are "associated with the needs of Airport passengers". This connotes some sort of transit type accommodation need. However, is there a distinction that could practicably be drawn between visitor accommodation that did not support the airport

and visitor accommodation that did? In my view such a distinction is impracticable and makes the rule unenforceable.

- 7.11 Secondly, I am critical on the policy to “zone sufficient land” on two counts. Quoted in full the policy states:

“Zone sufficient land to meet the foreseeable future **requirements** of activities that support or complement the functioning of Queenstown Airport.”

[emphasis added]

- 7.12 These ‘activities’ include both “airport activities” and “airport related activities”, as defined in the PDP. The location of this policy within the proposed AMUZ chapter suggests that the intention is to meet these requirements solely through the AMUZ. No analysis has been undertaken as to what these requirements are, so I am unable to provide any opinion as to whether sufficient land has been zoned, either too much or too little. The close coincidence of the zone boundary with the airport designation simply suggests that QAC wants to zone its own land for its own purposes, and that the re-zoning has nothing to do with ‘sufficiency’. Or is it simply a happy coincidence that sufficiency is met at the proposed boundary? Alternative outcomes might have been to extend the zoning over more of the adjacent land, for example to apply the AMUZ to parts of the FFBZ and RPZ, or to apply one or more of the adjacent zonings to the airport land.

- 7.13 The policy also exposes confusion between the designation and the zoning. Queenstown Airport is recognised, and defined in the PDP, as regionally significant infrastructure. In my experience, whether they be for roads of national significance, electricity purposes, water infrastructure or airports, designations for the regionally significant infrastructure are serious matters, well able to supported in terms of the purposes of the Act (section 5), the efficient use of natural and physical resources (section 7(b) and more recently section 7(j) on renewable energy. I doubt that there is any question that land at Queenstown Airport is insufficient for airport purposes, or if it was, that it could not be expanded through designation. In other words, the PDP does not need to zone land for airport purposes.

- 7.14 The ‘sufficient’ zoning that is being targetted by this policy is therefore for airport related activity. This activity is already provided for around the

terminal area, and in zones and activity areas throughout Frankton Flats and Remarkables Park, as described previously. Any analysis of sufficiency would of necessity include how these zones and areas provide for airport related activity.

- 7.15 In summary, I doubt that Policy 17.2.1.3 is actually a policy at all. It is simply a statement of what the zoning in the District Plan is to be for the Airport land.
- 7.16 What appears to be missing from the policies which support the objective of Queenstown Airport being nationally significant infrastructure, is a policy which establishes a hierarchy within the airport land ensuring that airport activities are not displaced by airport-related activities.
- 7.17 Finally, based on my analysis of the urban design and amenity controls for the AMUZ I consider that additional objectives and policies are needed in relation to these matters, similar to those for the adjacent zones.

Section 32 Options

- 7.18 It is unfortunate that the analysis only examined the airport zone as a solution to addressing the identified issues. By not looking beyond the airport boundaries, or in effect just 'looking inwards', it excluded other zoning options and also failed to consider the wider land use context for the airport.
- 7.19 Having been involved in the extensive Plan Change 19 process, and in re-examining the Frankton Flat Special (B) zone provisions which resulted, it is eminently clear that the process, and resulting provisions, required a response to the wider environment within which the zone was located. The Activity Areas, the activity status of various activities, and the site and zone standards which resulted demonstrate this, as I have discussed above.
- 7.20 The strategic importance of the airport is an accepted fact, as is the efficiency in providing for a wide range of airport and visitor related facilities in close proximity to the airport. I also accept that a Rural zoning may be an inappropriate underlying zone for this airport, given the nature of surrounding urban activity. However I consider that the analysis should have considered whether the needs of the airport are being, or could be,

met on other land and zones within the airport vicinity. To not do so is to assume:

- (a) That the airport land is all eminently suitable for the purposes identified; and
- (b) No other land or zoning is addressing the issues identified above.

7.21 I consider that the section 32 analysis takes a very 'blinkered' approach in addressing the issues identified.

8. CONCLUSION

8.1 In conclusion I consider that an appropriate zoning for Queenstown Airport is important to underpin its status as regionally, and nationally, significant infrastructure. However, the proposed AMUZ suffers from an inward looking approach, both in terms of the activities considered necessary to provide for, and the proposed development controls. On both counts the zone provisions could benefit from a wider and comparative analysis and consideration of the provisions for the RPZ and the Frankton Flats zones. This more integrated approach would have regard to with the requirements of the Otago Proposed RPS.

8.2 On the basis of the existing designation and AMUZ, and the opportunities within Frankton and the wider area to provide for the visitor industry, there is no risk of not acting to change the underlying zone of the airport, pending a more comprehensive approach to a change in zoning. One option is therefore to stay with the existing AMUZ.

8.3 However, if the Panel is of a mind to extend the AMUZ then I consider that the following matters must be addressed in the provisions:

- (a) The inclusion of objectives and policies which more appropriately consider Queenstown Airport within its local environment;
- (b) The policy focus of "sufficiency" being on airport activities, with a wider appreciation of the way in which the surrounding zones support the airport;

- (c) Continuing the prohibition on ASANs within the ANB, including visitor accommodation;
- (d) All new buildings being at least a controlled activity, as with the RPZ and FFSBZ, taking into account a more aspirational approach to providing a memorable and attractive gateway; and
- (e) Development controls in relation to traffic and urban amenity which achieve the above and are more consistent with the neighbouring zones.

ATTACHMENT 1

Remarkables Park Zone and Activity Area 8

Remarkables Park zone, Activity Area 8 interfaces with most of the southern boundary of the proposed Airport Zone extension. Excerpts from the ODP on AA8 and the interface between the Remarkables Park zone and the airport more broadly are as follows:

Objective 1: Integrated management of the effects of residential, recreation, commercial, community, visitor accommodation, educational and Queenstown Airport activities.

Policies:

4 To ensure that development takes place in a manner complementary to the operational capability of Queenstown Airport.

5 To establish a buffer between the airport and noise sensitive activities in the Remarkables Park Zone.

Activity Buffer Area 8 Strategy

A northern perimeter area comprises Area 8 and has been created to function as a buffer zone enabling activities compatible with both the airport and other Remarkables Park Zone Activity Areas, and providing good separation between them.

Objective 2: Development Form

Urban development in a form which protects and enhances the surrounding landscape and natural resources.

Activity Area 8 Policy

- To enable the establishment of activities of a rural/recreational nature, infrastructural utilities and parking, which are not sensitive to nearby airport operations.

Explanation and Principal Reasons for Adoption

Activity Area 8 - Northern Perimeter Area

This is a significant “buffer” area of land adjacent to the Queenstown Airport. It is suitable for development for rural, recreational, infrastructural and parking facilities not of a noise sensitive nature. Much of it falls in close proximity to the airport and within higher noise control areas. As such residential activities, visitor accommodation and community activities are prohibited in this area within the Outer Control Boundary.

Frankton Flats Special (B) Zone and Activity Area D

Objective 3 Managing Interfaces, Integration and Improving Connections

- a Development physically and visually integrates within the Zone and with surrounding Zones including the Frankton Flats Special Zone (A), Glenda Drive Industrial Zone and the Events Centre.
- b The Eastern Access Road (EAR) develops as a corridor that has an important linking role as well as being an urban place in its own right formed by the road and adjacent development.
- c A connected internal roading network develops that helps to facilitate movement demands between activity areas while also providing a block structure that supports a quality urban environment.
- d Interfaces between incompatible activities are managed to avoid or mitigate adverse effects.

Policies

- 3.4 To develop a movement network which is highly permeable and provides a choice of routes and transport modes within and between Activity Areas based on function, convenience, expected traffic volumes and speeds, public safety and amenity.
- 3.5 To provide pedestrian and cycle linkages between the Zone and Frankton Flats Special Zone (A), the Events Centre and Glenda Drive as well as within the Zone.

Objective 4 Providing for and managing impacts on infrastructure

- a The development of the Zone does not diminish the on-going operation of the Airport and the Airport is protected from adverse reverse sensitivity effects.

Policies: - Airport Operation

- 4.1 To prohibit Activities Sensitive to Aircraft Noise within the Outer Control Boundary of Queenstown Airport.
- 4.2 To establish a buffer of industrial land (including yard based industrial and service activities) between Queenstown Airport and noise-sensitive activities in the Zone.

Objective 5 Creating a high quality urban environment

A high quality, urban environment develops with integrated built and open space elements, including roads.

- 5.7 To ensure that the design of the EAR and development on adjoining land, including associated landscaping of both areas, is considered in a comprehensive manner so that:

a It contributes positively to the urban form and integration of the adjacent Activity Areas;
and

b It maintains and enhances the viewshaft and corridor function of this road.

Objective 11 Activity Area D (Yard Based Industry)

An area dedicated to yard based industrial and service activities where there is a predominance of outdoor storage of goods, equipment and materials.

Policies

11.4 To exclude activities that conflict with the intended function of this Activity Area such as those involving a high percentage of building coverage, small lot sizes, generate reverse sensitivity effects or which would otherwise not be appropriate in close proximity to the Airport (including residential and visitor accommodation).

11.6 To require adequate parking, loading and manoeuvring of vehicles to occur within each site, provided that:

a there is sufficient area for large truck and trailer units, and other vehicles where a large number of vehicles use the same access point to exit on to the road in a forwards direction,
and

b all vehicles that exit onto the EAR can do so in a forwards direction.

11.7 To require buildings and outdoor areas that adjoin and are visible from the EAR, Grant Road and Road 5 to:

a have a high quality of building façade design and associated road frontage landscaping;
and

b appropriately screen outdoor storage of goods, materials and equipment (except for those goods, materials and equipment that are offered for sale adjoining the EAR) in order to provide high amenity values.

11.9 At the interface of Activity Area D and the Events Centre, provide a consistent landscaped edge inside of Activity Area D where it adjoins the Events Centre land to provide for screening of low amenity activities without precluding pedestrian connections.

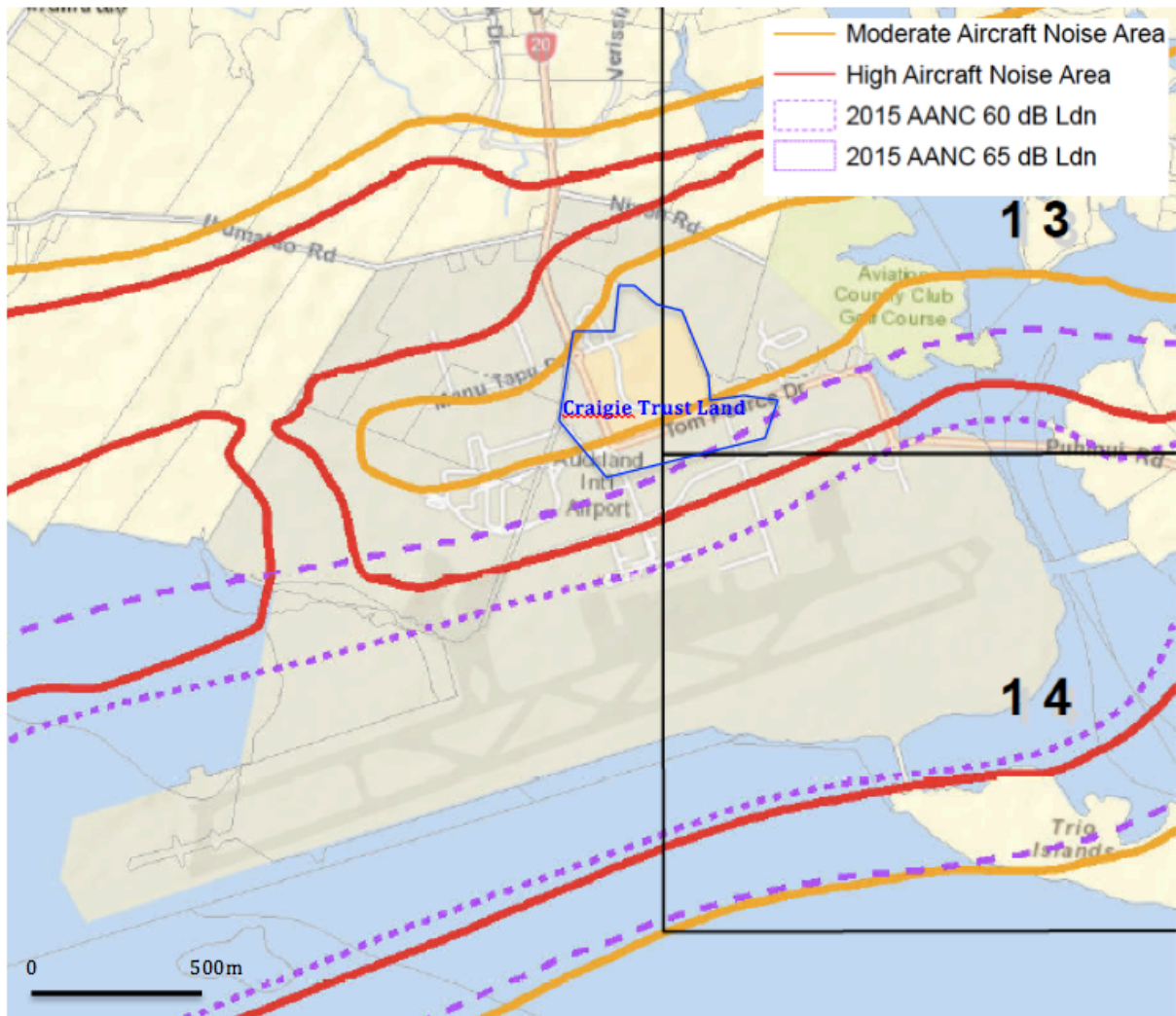
Explanation and Principal Reasons for Adoption

...

Because of the nature of activities occurring within this Activity Area and the location beside the Queenstown Airport, any form of residential, community or visitor accommodation activity is inappropriate. The more extensive industrial and service uses in this area will be compatible with the existing and reasonably foreseeable future effects of the Airport.

Attachment 2

Auckland International Airport ANBs

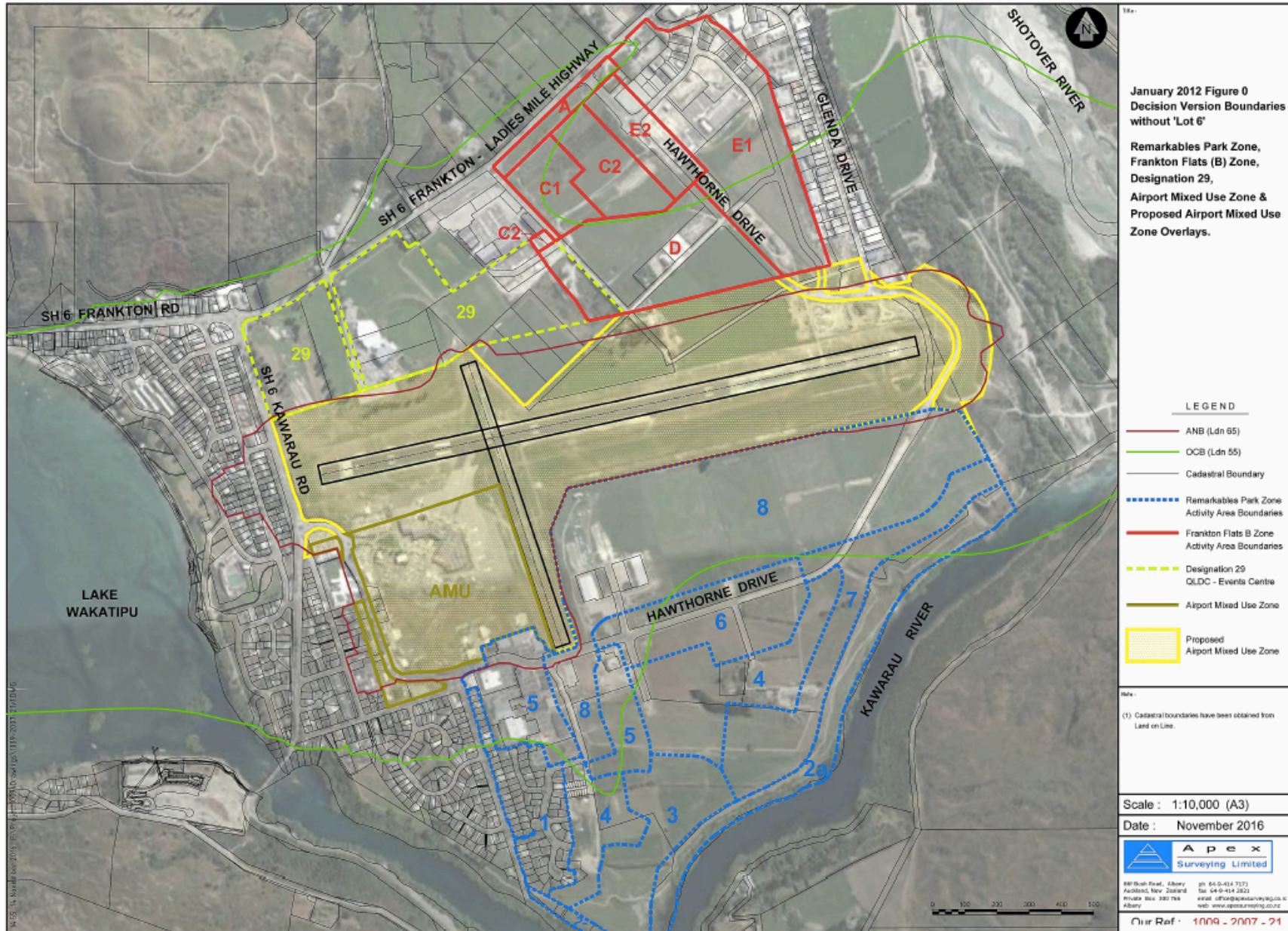


Attachment 3

Issues recognised in the Section 32 analysis

- (a) The operative Queenstown Airport Mixed Use Zone does not reflect the extent of the overlying Aerodrome Purposes designation (Designation D.1). The majority of the Aerodrome Purposes designation has an underlying Rural General zone which does not anticipate airport related activities. The operative District Plan therefore does not adequately recognise the entirety of Queenstown Airport land as a strategic transportation hub and centre of economic activity.
- (b) Only the requiring authority having the financial responsibility for a project or work (in this case, Queenstown Airport) can rely on the Aerodrome Purposes designation to establish activities which support, complement or enhance the efficient operation of the Airport.
- (c) Queenstown Airport and its immediate surrounds provide an important gateway to the District and wider region. The operational imperatives of Queenstown Airport therefore need to be maintained whilst balancing the amenity and preservation of the gateway to the District.
- (d) The Queenstown Airport Mixed Use Zone has not been reviewed since the District Plan became operative in 11 October 2003. Subsequent changes to the surrounding zones have resulted in inconsistencies in the built form anticipated in the adjacent Frankton Flats and Remarkables Park Zone. The Queenstown Airport Mixed Use Zone therefore requires amendments to create consistency with these planning frameworks.

Attachment 4



Attachment 5

Airport activity:

Means land used wholly or partly for the landing, departure, and surface movement of aircraft, including but not limited to:

(a) aircraft operations, private aircraft traffic, domestic and international aircraft traffic, rotary wing operations, aircraft servicing, general aviation, airport or aircraft training facilities and associated offices.

(b) Runways, taxiways, aprons, and other aircraft movement areas.

(c) Terminal buildings, hangars, control towers, rescue facilities, navigation and safety aids, lighting, car parking, maintenance and service facilities, catering facilities, freight facilities, quarantine and incineration facilities, border control and immigration facilities, medical facilities, fuel storage and fuelling facilities, facilities for the handling and storage of hazardous substances, and associated offices.

Airport related activity:

Means an ancillary activity or service that provides support to the airport. This includes, but is not limited to, land transport activities, buildings and structures, servicing and infrastructure, police stations, fire stations, medical facilities and education facilities provided they serve an aviation related purpose, retail and commercial services, industry and visitor accommodation associated with the needs of Airport passengers, visitors and employees and/or aircraft movements and Airport businesses.