

# Appendix A

## Submission on the Proposed QLDC District Plan (Stage 3)

Pursuant to Clause 6 of Schedule 1, Resource Management Act 1991

3343

**To:** Queenstown Lakes District Council

**Address:** Sent via email to: [pdpsubmission@qldc.govt.nz](mailto:pdpsubmission@qldc.govt.nz)

**Name of submitter:** WAYFARE GROUP LIMITED (**Wayfare**)

**Submitter interests:** WAYFARE is the parent company of Real Journeys, Cardrona Alpine Resort, Go Orange, International Antarctic Centre, and Te Anau Developments. Through these companies Wayfare has an interest in, and will be affected by, various new or varied provisions proposed under the QLDC District Plan Review Stage 3. An overview of the respective interests of Real Journeys, Te Anau Developments Cardrona Alpine Resort, Go Orange<sup>1</sup> in the QLDC District Plan have previously been provided to QLDC in relation to Stages 1 and 2 of the review process. This submission is written with the understanding that the intertwining matters raised by Real Journeys, Te Anau Developments, Cardrona Alpine Resort, and Go Orange in the Stage 1 and 2 processes remain valid and will be carried through to the Stage 3 decision-making process (to the extent they are applicable).

**General Relief sought:** WAYFARE requests that the proposed district plan provisions be:

- a) Amended as described on the following pages.
- b) Except for (a) above, retained as notified, unless they are amended in a manner which aligns with this submission.
- c) WAYFARE seeks the relief referred to above or such further, more refined, additional, other or alternative relief that might give effect to this submission and/or better serve the overall objectives of the district plan and the purpose and principles of the Resource Management Act 1991.

This relief is made in addition to the relief sought by Real Journeys, Te Anau Developments, Cardrona Alpine Resort, and Go Orange in the Stage 1 and 2 processes in their respective submissions on Stages 1 & 2.

**Trade Competition:** WAYFARE cannot gain an advantage in trade competition through this submission.

**Hearings:** WAYFARE wishes to be heard in support of this submission. WAYFARE would appreciate the opportunity to work collaboratively with QLDC staff / advisors and other submitters to help determine the most appropriate district plan provisions.

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**Date:** 18 November 2019

<sup>1</sup> Canyon Food & Brew Co is now part of "Go Orange"

**PROPOSED CHAPTER 39 “WĀHI TŪPUNA”****Commentary**

1. Wayfare has considerable interests in the management and use of resources identified within various wāhi tūpuna sites.
2. Wayfare supports embedding Mana whenua rights and interests (or values) in the District Plan framework. However, Chapter 39, as proposed, is unlikely to be the most efficient or effective, or the most appropriate plan framework for managing Mana whenua values. It creates a restrictive and ambiguous district planning framework that is likely to give rise to inefficient and ineffective decision-making processes.
3. A more appropriate framework is likely to be locating/integrating any Mana whenua specific objectives, policies and schedules in the strategic provisions (e.g. Chapters 3-6) with the applicable methods (rules and assessment matters) to be spread throughout the zone specific and district wide chapters (for example tweaking existing development standards and assessment matters). This will also enable users of the District Plan to have more certainty as to their rights and obligations in respect of Mana whenua values, specific to any location/ site.
4. It is likely to be more appropriate to achieve the intent of the plan change without requiring additional resource consents and without requiring Cultural Impact Assessments. The need for, and effectiveness of, requiring Cultural Impact Assessments is questionable and may not encourage or promote meaningful collaboration between parties and Mana whenua.

**Relief Sought**

5. The following specific relief is sought:
  - a. Delete Chapter 39 as notified.
  - b. Rely on existing provisions of the District Plan to achieve the purpose/intent of the plan change. Where necessary, add matters of discretion related to Mana whenua values to those existing provisions.
  - c. Insert new or alternative provisions, including rules, which allow Mana whenua values to be recognised and provided for without requiring resource consents or cultural impact statements.

**PROPOSED VARIATION TO MULTIPLE CHAPTERS REGARDING “DESIGN GUIDELINES”****Commentary**

6. The Design Guidelines promote good practice, but it is not necessary to require consistency with the Design Guidelines to achieve the purpose of the RMA or implement the suite of relevant Objectives. Reference to the Design Guidelines in the District Plan may result in inefficient and ineffective land use and decision-making processes. It is also currently unclear the extent to which Design Guidelines are applicable within a permitted activity rule framework. The section 32 reports and the Guidelines themselves purport that these are applicable to permitted activities, as well as activities requiring consent, however no amendments have been made to permitted activity rules within the PDP Chapters. The Guidelines are not considered to be sufficiently certain to be applied within a permitted activity framework and would create an unnecessary and inefficient control for building and development.

**Relief Sought**

7. The following specific relief is sought:
  - a. Delete the Design Guidelines and reference to the Design Guidelines in the District Plan; or
  - b. Amend the respective policies and rules (including assessment matters) to “encourage” consistency with the Design Guidelines (rather than require or ensure consistency);
  - c. Remove any duplication between the matters contained within the Design Guidelines and provisions already in the text of the PDP, for example within matters of restricted control / discretion, and standards;
  - d. Clarify that the Design Guidelines do not apply to any permitted activities.

**PROPOSED VARIATION TO CHAPTER 30 “ENERGY AND UTILITIES”****Commentary**

8. Utilities and works which protect people and property from natural hazard risk are significant physical resources that should be provided for.
9. It is unclear from the material available what Rule 30.5.1.e permits. It is also unclear if underground cabling for the transmission and distribution of telecommunication (signals / data / information) is permitted. Underground telecommunication services should be a permitted activity (including natural hazard monitoring equipment).

**Relief Sought**

10. The variation is supported and is requested to be retained as notified except for the following amendments:
  - a. Insert new clause to clarify that reference to “the community” includes individual people and property (i.e. not just a group or the broader community).
  - b. Permit structures, facilities, plant, equipment, and associated works including earthworks for the protection of the community from natural hazards.
  - c. Permit underground telecommunication services (including associated earthworks).
  - d. Amend status of 30.5.1.13 from Discretionary to Controlled or Restricted Discretionary.
  - e. Insert additional matter of discretion for Restricted Discretionary activities to ensure “positive effects” of the activity are to be considered.

**PROPOSED VARIATION TO MULTIPLE CHAPTERS REGARDING “GLARE”****Commentary**

11. Glare has the potential to create navigational safety risks. It is important, for navigational safety, for Glare to be managed to avoid inappropriate navigational safety risks.

**Relief Sought**

12. Insert additional matter of discretion to include “navigational safety” where these provisions apply to land use that may affect navigational safety (e.g. chapters 7, 8, 9, 12, 13, 15, 16).

**PROPOSED VARIATION TO CHAPTER 38 “OPEN SPACE AND RECREATION ZONE”****Commentary**

13. Wayfare is affected by the provisions applying to the Queenstown Town Centre Waterfront Sub Zone (QTCWSZ). Wayfare supported retention of the QTCWSZ throughout the Stage 1 Review process. Wayfare opposes rezoning the waterfront to Open Space or Recreation. Retaining the area as town centre is consistent with previous district planning regimes (including the operative district plan and Stage 1 of the PDP Review process). Rezoning the area also creates an uncertain and unnecessarily complicated management framework. It is more appropriate to retain the status quo by applying the QTCWSZ provisions to the subject land<sup>2</sup>.

**Relief Sought**

14. Retain the Queenstown Town Centre Waterfront Sub Zone and provisions, to the extent that is consistent with the relief sought in the appeals by Real Journeys Limited and Te Anau Developments Limited in Stages 1 and 2.
15. Insert additional matter of discretion for Restricted Discretionary activities in Table 38.5, to ensure “positive effects” of the activity are to be considered.

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<sup>2</sup> Except as Wayfare has previously sought to be amended in the PDP Stage 1 and 2 Review processes.

## CHAPTER 18A GENERAL INDUSTRIAL ZONE

### Commentary

16. Wayfare opposes provisions which direct avoidance of recreation (including commercial recreation) activities, including the Non-Complying Activity status for recreation and commercial recreation. Wayfare also opposes the Non-Complying Activity status for community activities and facilities.
17. Use of industrial land and buildings, for example conversion of large buildings/warehouses into the recreation and community facilities, can provide appropriate land uses that optimise resource use and efficiency without compromising or adversely affecting industrial land use activities or having a material adverse effect on industrial land use supply. Community and recreation facilities are in short supply in Queenstown. There are few locations in the District where community and recreation facilities are permitted and it can be cost prohibitive for community and recreation groups to develop new buildings or lease buildings in zones where commercial and recreation activities are permitted.

### Relief Sought

18. The following relief is sought:
  - a. Amend policies 18A.2.2.1, 18A.2.2.3, and 18A.2.2.4 to clarify that recreation /commercial recreation activities need not be avoided. It is suggested that the text (excluding commercial recreation) be inserted after “Commercial activities” in these policies respectively.
  - b. Insert a new policy that provides for recreation activities. Suggested wording is:

Provide for recreation and community activities and facilities, including commercial recreation, where:

    - i. The applicant demonstrates it is difficult or impractical to locate the activity in other zones
    - ii. The activity is compatible with the use of industrial land and buildings; and
    - iii. The activity is compatible with neighbouring land uses.
  - c. Amend the activity status in rule 18A.4.8, in relation to recreation and commercial recreation, from Non-Complying to Discretionary.
  - d. Amend the activity status in rule 18A.4.9, in relation to community activities and facilities, from Non-Complying to Discretionary.

**PROPOSED CHAPTER 20 SETTLEMENT ZONES****Commentary**

19. Wayfare supports promotion and enabling of additional housing opportunities in all settlement zones, particularly for worker accommodation. Wayfare has commercial interests throughout the District and observes there is a lack of rental accommodation available to workers and it is difficult to recruit staff in settlement locations. There is a high cost of living in town centres and this contributes to the difficulty of retaining staff who reside in town centres.

**Relief Sought**

20. Insert new policy 20.2.1.X that provides for new residential accommodation including increased residential density if it is for the purposes of long-term rental or worker accommodation. Suggested wording is:

*Provide for increased residential increased density and built development that supports the provision of long-term rental and worker accommodation:*

21. Amend all development standards, as required, so that the construction and use of land and buildings for the purposes of long-term rental or worker accommodation activities cannot be non-complying activities, even if they breach Zone standards.



**PROPOSED FIREFIGHTING VARIATION TO MULTIPLE CHAPTERS****Commentary**

22. Wayfare has considerable investment in the Rural Zone including numerous buildings. Wayfare will also be developing new buildings in the Rural Zone and may build new buildings greater than 20m<sup>2</sup> in the Open Space and Recreation Zone. It is unclear why the amendments to Rules 21.7.5 and 38.10.11 are the most appropriate and how the amendments may affect Wayfare's interests, existing and future land uses.

**Relief Sought**

23. The following relief sought:
- a. Delete/withdraw proposed amendments.
  - b. Provide additional information clarifying how the proposed rules are to be interpreted and applied.
  - c. Provide an additional assessment matter to allow consideration of "whether the location and functional need of the activity may justify non-conformance with SNZ PAS 4509:2008 being complied with".

**GENERAL REASONS FOR THE ABOVE SUBMISSIONS**

24. WAYFARE has considerable interest in the management of the District's natural and physical resources and accordingly has invested heavily in the District Plan Review Process. In addition to the specific commentary provided below, WAYFARE is concerned that some of the proposals in Stage 3 do not fully achieve the applicable higher order provisions and do not meet the purpose of the Act. Wayfare is concerned that the proposals:
- a. Do not promote sustainable or integrated management;
  - b. Do not manage the use, development and protection of natural and physical resources;
  - c. Do not avoid, remedy or mitigate adverse effects;
  - d. Do not meet the requirements under section 32 of the Act;
  - e. Are not the 'most appropriate' way to achieve the purpose of the Act;
  - f. Are not efficient or effective; and
  - g. Are not representative of sound resource management practice.