

Vicki Jones for QLDC – Summary of Evidence, 21 July 2017

Queenstown Mapping – Hearing Stream 13

1. My evidence for Queenstown Lakes District Council (**QLDC**) relates to planning matters regarding rezoning requests in the Jacks Point area of the District.
2. My evidence considers a submission from Wild Grass Partnerships (567) (**Wild Grass**), which relates to an area of land commonly known as Jacks Point hill, which is located wholly within the notified Jacks Point Zone, and a submission from Jardine Family Trust and Remarkables Station Limited (715) (**Jardine**), which relates to the Homestead Bay part of the Jacks Point Zone and extending the Jacks Point Zone (**JPZ**) over the adjacent Rural zoned land.
3. Given that the substance of the Wild Grass submission was fully considered in Hearing Stream 9, this summary focuses on the Jardine submission.
4. In response to that part of the Jardine submission seeking that the JPZ be extended by approximately 163 ha, in the absence of sufficient evidence from Jardine relating to wastewater disposal or the transportation effects of significantly increasing the development capacity of Homestead Bay, I consider that only a small extent of re-zoning and only minor changes to the Structure Plan and provisions are appropriate.
5. Therefore, the only changes to the Structure Plan and JPZ provisions that I have recommended are to:
 - (a) expand the Open Space Residential Activity Area(s) (**OSR**) within and 4 ha beyond the notified JPZ boundary, and to align the Urban Growth Boundary (**UGB**) with the slightly expanded JPZ boundary. This results in deleting the Farm Buildings and Craft Activity Area (**FBA**) from the Structure Plan and all associated provisions;
 - (b) amend Policy 41.2.1.28 relating to integrated infrastructure to provide clearer direction and to acknowledge that the establishment of new private schemes may be acceptable under particular circumstances;
 - (c) replace part of the Open Space Foreshore Activity Area (**OSF**) with Open Space Landscape Activity Area (**OSL**);
 - (d) amend Rule 41.4.3.2 to make all buildings within the OSR a controlled activity, which will provide Council with control over building design,

- landscaping, nature conservation values and the extent of native planting, and natural hazards;
- (e) remove Rule 41.5.3.7 requiring that 50% of each site within the OSR be planted with native planting and, as a consequence, amend Policy 41.2.1.26 to ensure substantial native revegetation only of the gully within the OSF and to encourage, rather than 'ensure', native planting of the Homestead Bay Open Space Activity Areas; and
 - (f) amend the ONL line to align with the OSR Activity Area boundary, although I acknowledge that there is unlikely to be scope for this.
6. The effect of these changes is to enable up to 14 additional dwellings as a controlled activity within an expanded OSR Area.
7. In summary, the amendments will better achieve the relevant district-wide Objectives 3.2.2.1, 3.2.4.1, 4.2.2 (Policy 4.2.2.2 in particular), and 6.3.1 - 6.3.6 and zone-specific Objective 41.2.1. The amendments will also improve the alignment between the rules and the objectives and policies, by enabling greater development capacity within the zone, and therefore enabling more efficient use of resources while maintaining landscape and ecological values and more effectively encouraging appropriately designed development and landscaping within the OSR Area.

Comments on submitter rebuttal evidence

8. I have considered the following rebuttal evidence:
- (a) for the Jacks Point Residents and Owners Association (**JPROA**):
 - (i) Mr Carr;
 - (ii) Mr Ferguson;
 - (iii) Mr Gousmett;
 - (iv) Mr Coburn;
 - (b) for the NZ Transport Agency:
 - (i) Mr Sizemore;
 - (ii) Mr MacColl.
9. None of this evidence changes my recommendations as outlined above, or my overarching view that there is insufficient infrastructure and traffic evidence to

support the large scale expansion and intensification of the Homestead Bay part of the JPZ that is sought by Jardine.

10. However, if Jardine is able to demonstrate at the hearing that the expansion and intensification as sought can be serviced and traffic effects avoided or mitigated, then I would consider modifying the provisional recommendations outlined in my S42A report in the following manner.

Traffic trigger rule

11. In response to the rebuttal evidence of Mr Carr (paragraphs 36-38) and Mr Ferguson (paragraphs 8 and 18-19), if intensification of the Homestead Bay area were to proceed then I agree in principle that some form of trigger rule would be appropriate to ensure that the Council can fully consider traffic effects once development exceeds 243 residential unit equivalents. This general approach was initially suggested by Mr Bartlett in paragraph 19 of his evidence for Jardine although I note that while he suggests a trigger of 244 lots, which he understands to be the extent of development enabled by the Operative District Plan (**ODP**). I prefer the figure of 243, which is consistent with the JPZ yield figures attached to my evidence summary for Hearing Stream 9.
12. Specifically, I would recommend the addition of a new rule in both chapters 27 (subdivision) and 41 (JPZ), which would trigger the need for either a full or restricted discretionary consent for development or subdivision that resulted in a total of over 243 units/ lots being approved within the Homestead Bay Village (**V(HB)**) or Homestead Bay residential (**R(HB)**) Activity Areas, with the discretion being in relation to traffic effects on the local roading network and the adjacent State Highway.
13. I prefer the approach I have outlined above (ie. that either the efficiency of Woolshed Road at full development capacity be a matter of discretion or that any intensification of Homestead Bay be discretionary until such time as an additional point of access is developed) to the options suggested by Mr Carr in his rebuttal evidence. In my view, neither of his options enable a sufficiently comprehensive assessment of the options and their respective effects.
14. I do not agree with Mr Ferguson's opinion that there should be mandatory notification of the owner of Maori Jack Road for any increase in development in

Homestead Bay that will connect to Maori Jack Road and understand that such a rule is, in fact, *ultra vires*, in that under section 77D councils can make a rule specifying the activities in respect of which applications must be notified or non-notified, not the parties to which notification is mandatory.¹

The zoning and provisions for the land containing the airstrip (Lot 8 443832)

15. At paragraph 34 of his rebuttal evidence, Mr Ferguson opines that it would be more appropriate to retain the Rural zone over the NZone airstrip.
16. In the PDP, this airstrip is an "informal airport" and is controlled by Rule 21.5.26 (of the Rural chapter) and Rule 26.5.12 of the Noise chapter (which is the same regardless of the zone of the airstrip), and by Objective 21.2.11 and associated policies.
17. As provisionally recommended in my S42A report, the airstrip landing would be included within the JPZ as an OSG Area but Rule 41.4.15.2 would render it a non-complying activity to undertake any activity beyond what is enabled by the existing resource consent, which is more onerous than Rule 21.5.26. This was not my intention and, in response to Mr Ferguson's rebuttal evidence, if the JPZ is extended as sought by Jardine then I would recommend that Rule 41.4.15.2 be amended such that airport activity, aerodromes, or informal airports on this land are a discretionary activity, while all such activities elsewhere in the JPZ would remain non complying.
18. Also, in response to the rebuttal evidence of Mr Ferguson, if the JPZ is extended to include the existing airstrip and the land surrounding it, then I consider it would be appropriate to include specific policies to guide any further development or increased use of the airstrip. In my opinion, such policies should aim to enable the ongoing use of the airstrip while avoiding the adverse effects of aircraft noise on residential activities within the 55 dB sound level contour and protecting residential amenity from the adverse effects that can arise from informal airports. This would be achieved through Rule 41.5.1, which permits only recreation and/ or farming within the 55 dBA sound level contour and Rule 36.5.12, which imposes noise limits on fixed wing craft.

1 <http://www.qldc.govt.nz/assets/Uploads/Planning/District-Plan/Hearings-Page/Hearing-Stream-8/Council-Right-of-Reply/QLDC-08-Business-Legal-Reply.pdf>. at 3.9-3.12

19. This approach would essentially retain the policy framework and activity status that would exist for the NZone airstrip in the Rural Zone.
20. Alternatively, from the perspective of managing the effects of the existing airstrip, I agree with Mr Ferguson that the Rural zone would also provide an appropriate policy and rule framework for the continued operation of the airstrip. However, on balance if the surrounding land is rezoned as JPZ as per my provisional recommendations, then I do not favour retaining the Rural zoning only over the airstrip as this would result in a relatively small parcel of Rural zoned land surrounded on all four boundaries by JPZ. As such, my preference is to include the airstrip within the JPZ and provide more policy guidance as to what the limitations on its operations would be.

Rules relating to a new water reservoir

21. In response to the rebuttal evidence of Mr Ferguson (paragraphs 21-25), I disagree that a new rule is required to manage any potential landscape effects of a new reservoir if intensification and expansion of the Homestead Bay area proceeds. There are a number of reasons for this. Firstly, such a reservoir would be deemed to be a "building" under the Definitions chapter (**SCB86**, page 5). Also, Rule 30.4.10 makes any building (associated with a Utility) within an ONL or ONF greater than or equal to 10m² area and less than 3m in height a full discretionary activity. Finally, Rule 41.4.3.82 makes any buildings other than recreation buildings a full discretionary activity in the Open Space Golf (OSG) (Tablelands) Activity Area, which is the category ascribed to Jacks Point hill in the Structure Plan.
22. These rules, together with Policies 41.2.1.1, 41.2.1.3, 41.2.1.9, 41.2.1.11, 30.2.6.2, 30.6.2.3, 30.2.7.1, 30.2.7.4, and 30.2.7.5 will effectively achieve Objectives 41.2.1, 30.2.6, 30.2.7, and those of Chapter 6. I note that the single JPZ objective includes the protection of the outstanding natural landscape and the need to have regard to visual amenity values of the open space areas.

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41.4.3.8	Any building within the Open Space Golf Activity Area outside the Highway and Lakeshore and Peninsula Hill Landscape Protection Areas other than recreation buildings ancillary to outdoor recreation activity.	D
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