

## SUMMARY OF KATRINA ELLIS - For The Panel considering PPC54 – 25 July 2023

Tēnā koutou.

I am Katrina Ellis, the planning consultant for the Office for Māori Crown Relations, Te Arawhiti. I assist Te Arawhiti with planning matter relevant to the land known as Sticky Forest, and am familiar with the site and various District Plan proceedings relating to Sticky Forest and the surrounding land.

Overall, I consider the Proposed Plan Change and its objectives the most suitable outcome for the land and the best way to achieve Part 2 of the RMA. Specifically, objective a. of the plan change *to enable legal access and infrastructure corridor through the Northlake Special Zone (NSZ) to Sticky Forest*, is, in my opinion, the best way to give effect to the principles of the Treaty of Waitangi, including the principle of redress. It is also the best way to achieve the policy direction of the Regional Policy Statement and Iwi Management Plans, which require decision makers to give effect to the Treaty of Waitangi.

At the present point in time Plan Change 54 represent the only practical, timely and realistic option to provide access to 'Sticky Forest'. As per the section 3.2 of the s32 report, achieving access to Sticky Forest through Northlake is the only concrete reasonably practical option for providing access to Sticky Forest.

I also consider the proposed plan change to be the best option to achieve the objectives of the Northlake Special Zone, including, but not limited to, Objective 3 – Connectivity, which requires *Development that is well-connected internally and to networks outside the zone*.

Many of the plan change and provision are agreed between planners as suitable. There are some areas where I do not support the proposed provisions, and comment on these.

### **Policy 3.1 and Rule 15.2.3.4(xx)**

I understand from Mr Munro's supplementary evidence, that wording of policy 3.1 is agreed and the inclusion of reference to infrastructure in rule 15.2.3.4(xx) is also agreed as appropriate between Mr Munro, Mr Brown and myself. As such I will not talk to these points further, unless in response to questions.

In relation to rule 15.2.3.4(xx) for non-complying subdivisions in proposed AAB6, the matter unresolved is whether there should be reference to including a weight restriction to the road to limit use by High Productivity Motor Vehicles (HPMV).

I consider the wording inclusion relating to HPMV inefficient and effective because:

- The purpose of the plan change, and of the rule, is to ensure road access is provided to Sticky Forest. To impose restrictions for using that access via the Northlake Special Zone would go against the very purpose of the plan change, and, in my opinion, be contrary to the Treaty of Waitangi principle for redress, which is a RMA Part 2 consideration for these proceedings.
- I do not consider there to be adverse effects that need managing as a result of the creation of the access to Sticky Forest. My understanding from Mr Carr's evidence is that use of HPMVs require a permit from the roading authority anyway for their use, and that there are separate requirements for temporary traffic management plans which will

consider matters such as transport route, hours of operation, etc. To my knowledge HPMV restrictions are not controlled by the ODP or PDP in any other instance, and they are managed by the standard processes, being a permit. Further, there are no specific ODP or PDP rules relating to other construction or heavy vehicle traffic, and these are managed case by case when resource consents are lodged, or via traffic management plans under the LGA.

- I interpret the rule to mean that the road needs to be designed in such a way that it cannot physically cope with heavy vehicles. It seems impractical to require a road with a restriction that it cannot physically handle heavy vehicles. My view is that the road should be designed to the QLDC Code of Practice.
- The standard of the road required has been agreed by Te Arawhiti, Northlake Investments Limited and Queenstown Lakes District Council, and there is an existing access deed that binds the agreements.

### **Rules 12.34.2.3(i)(b), 12.34.2.3(v), 12.34.3 and Policy 3.7**

The s42a report recommended additional traffic rules be included in the ODP Northlake Special Zone chapter, to manage potential future traffic from Sticky Forest, and Mr Brown included proposed Policy 3.7. Mr Brown comments on these provisions too in his evidence, and suggested amendments. I do not support these inclusions, or consider them necessary as:

- In line with my points above, the purpose of the plan change is to ensure road access is provided to Sticky Forest. It will then be counter intuitive to create provisions preventing use of that road by users of Sticky Forest. I consider the Plan Change, but without the inclusion of these provisions, to best give effect to the objectives of the Plan Change.
- Under current zoning and PDP rules, there is very limited use of Sticky Forest that can occur without resource consent being required, a single residential house would require at least a fully Discretionary consent for example. Forestry within the ONL would be non-complying. The PDP also has rules for heavy traffic generating activity, rule 29.4.11 would apply to the Sticky Forest land. Permitted traffic would be limited to:
  - a) Users of Sticky Forest for recreation,
  - b) Emergency services,
  - c) Landowner access and forestry management, and
  - d) Plantation harvesting over the Rural Character Landscape portion of the site, that fits within the definition for "harvesting" in the NES-PF.
- In relation to a) – c) I consider this traffic to be minor and not warrant controls.
- In relation to d) harvesting is controlled by the NES-PF and I consider that the District Plan cannot include more restrictive rules than the NES-PF on this matter. As noted, any forestry harvesting in the ONL will be subject to a non-complying activity resource consent.
- Various options will be considered for harvesting Sticky Forest, should it be harvested in the future; such as access options, use of trucks, the extent and timing of harvesting, and whether it is more suitable to take the trees out as logs, firewood or chip. The inclusions of rules managing the use of the Northlake Special Zone area, especially in light of any consent being subject to notification assessment, might preclude the most efficient and suitable harvesting transport solutions.

- I do not know of any other instances where logging traffic is specifically managed in the ODP or PDP. While there is limited plantation forestry in the District, there is wilding pines which are controlled and managed, and sometimes removed from site, including through residential areas (e.g. Queenstown Hill to prepare the ground the subdivision). I understand the removal of trees (and associated transport) is permitted in those instances, with traffic being managed via the non-RMA methods described by Mr Carr and Mr Penny however they may result in earthworks that trigger the need for consent.
- Further, I consider the extent of amenity effects from forestry vehicles to be similar to other construction vehicles, and do not warrant a specific additional District Plan rule regime. Noting Northlake is subject to on-going construction and development, it would not be unexpected within that community to have temporary large vehicle movements.
- As per Ms King's evidence, the land was original part of a larger block of land with access to Aubry Road, however this access was lost in the 1990's or thereabouts. There is a historic issue with residential development encroaching on an existing, established forestry block, that was created before these residential developments around it (Peninsula Bay, Kirimoko, Northlake). This is not a problem created by this Plan Change, but by previous ones. It is inevitable that harvesting vehicles therefore need to go through residential roads to harvest the trees in due course.
- Regarding notification, restricted discretionary activities within the Northlake Special Zone are subject to a non-notification rule. Should Mr Munro's suggested restricted discretionary rule be added, I do not see reason why going against the status quo and requiring notification assessment would be necessary. Notification could add undue delays and costs to the use of the road by the future owners, bikers, or emergency services, which seems unreasonable.
- Should Sticky Forest be re-zoned in part in due course, the effects from such rezoning will be considered by the Environment Court and the appropriate provisions to address those effects will be determined by the Court. It is for that process, not this one, to consider the potential traffic effects from future uses of Sticky Forest that may arise from re-zoning.
- I consider it would be an unworkable planning outcome to have rules that manage traffic to/from Sticky Forest sitting within the ODP. Once the appeal on Sticky Forest zoning is determined, activities on the Sticky Forest land will be subject to the rules of the PDP only. It is not logical to expect plan users to look in the NSZ or any other chapter of the ODP to check if an activity will be compliant when the Sticky Forest land will be subject to rules of the PDP.
- I consider that rule 12.34.2.3.v would be difficult to enforce or monitor. Mr Brown's refined wording to the proposed rule would go some way to addressing this issue.

## Conclusions

The plan change and the plan change objective to enable legal access and infrastructure corridor through the Northlake Special Zone (NSZ) to Sticky Forest is supported. I consider the road access to Sticky Forest helps enable Sticky Forest as redress land to be utilised, and, at the very least, will enable the land to be accessed by the intended owners.

I do not support the proposed provisions Rules 12.34.2.3(i)(b) and 12.34.2.3(v), 12.34.3, Policy 3.7, or the reference to heavy vehicle traffic in rule 15.2.3.4(xx). They are onerous, pre-empt

outcomes of other RMA proceedings, and address matters that are sufficiently covered by another proceeding, other RMA documents (the NPS-PF which does not allow District Plans to include more stringent rules) or non-RMA processes (traffic permits for heavy vehicle use). The additional provisions proposed are not justified in a s32 sense given the potential impact on Sticky Forest as redress land, and in light of the evidence from Mr Carr and Mr Penny as to the actual effects.

Those provisions would prevent use of the road to Sticky Forest by Sticky Forest users, absent a resource consent, and therefore would be ineffective at achieving the objectives of the plan change.

Thank you. I'm happy to take questions.