

**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 District Wide Hearing
Stream 15 – Open
Space and Recreation

**REBUTTAL EVIDENCE OF JEANNIE ELLEN GALAVAZI
ON BEHALF OF QUEENSTOWN LAKES DISTRICT COUNCIL**

CHAPTER 38: OPEN SPACE AND RECREATION: REZONINGS

22 August 2018

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1. INTRODUCTION

- 1.1** My full name is Jeannie Ellen Galavazi. I am the Acting Parks and Reserves Planning Manager in the Parks and Reserves Department (**Council Parks or Parks**) at Queenstown Lakes District Council (**Council or QLDC**).
- 1.2** My qualifications and experience are set out in my statement of evidence dated 23 July 2018.
- 1.3** I confirm that I have read the Code of Conduct for Expert Witnesses contained in the Environment Court Practice Note 2014 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 agreed for me to give expert evidence on its behalf.

2. SCOPE

- 2.1** My rebuttal evidence is provided in response to the following evidence filed on behalf of various submitters:
- (a) Mr Dent for Skyline Enterprises Ltd (2493);
 - (b) Dr Galloway for Bridesdale Farm Developments Ltd (655, 2391);
 - (c) Mr Edmonds for the above;
 - (d) Mr Edmonds for Millbrook Country Club Ltd (2295); and
 - (e) Mr Kyle for QAC (2618, FS2759).
- 2.2** I have read the evidence of the following experts, and consider that no response is needed:
- (a) Mr Brown for ZJV (NZ) Ltd (2485);
 - (b) Ms Snodgrass for Skyline Enterprises Ltd (2493);
 - (c) Mr Knight for Bridesdale Farm Developments Ltd (655, 2391);
 - (d) Mr Skelton for the above;

- (e) Mr Carr for the above;
- (f) Mr Clay for QAC (2618, FS2759);
- (g) Mr White for Wanaka Yacht Club (2232);
- (h) Mr Kavanagh for Kiwi Birdlife Park Ltd (2569, 2756);
- (i) Mr Williams for Remarkables Park Limited and Queenstown Park Limited (2462); and
- (j) Mr Ferguson for Darby Planning LP et al (2376, 2381, 2383, 2382, 2379, 2384, 2373);

3. SEAN DENT FOR SKYLINE ENTERPRISES (2493)

- 3.1 Mr Dent has filed evidence in relation to the spatial extent of the Ben Lomond Sub Zone 'Bob's Peak Area' (**BLSZ – Bob's Peak Area**). In paragraph 129 Mr Dent disagrees that the absence of an agreed lease extension or likely consented development are valid reasons for declining an expansion of the BLSZ – Bob's Peak Area to the immediate west of the existing Skyline lease area. He also states at paragraph 130 that the Council has not considered or provided for further developable land to manage growth pressures in the BLSZ – Bob's Peak Area.
- 3.2 I wish to clarify paragraph 7.7 of my evidence in chief. The key point that I was making was that the Reserve Management Plan (**RMP**) should be the primary driver when considering the suitability of future activities in the BLSZ- Bob's Peak Area and any potential extensions to this. This should not be pre-empted by the Proposed District Plan (**PDP**). This was the basis for my comments that there were no imminent lease applications or proposals for new development from new parties which, in the first instance, would be considered by Council Parks to determine whether they aligned with the RMP.
- 3.3 The full implications of allowing additional land to be made available for commercial development in the Ben Lomond Reserve need to be considered as part of a wider review of how the reserve will be managed as a whole. The Ben Lomond and Queenstown Hill RMP was adopted by the Council on 3 August 2005. This RMP is subject to a rolling review. However, it is likely that it will undergo a more comprehensive review in the very near future. I consider that the RMP

review is the most appropriate place to assess whether allowing for expanded commercial operations within the Ben Lomond Reserve is necessary and/or desirable. Without going through this process, allowing an extension to the BLSZ – Bob’s Peak Area at this stage would be premature and essentially pre-empt the future RMP review process.

3.4 The statement that Mr Dent makes in paragraph 134 regarding a potential operator interested in setting up in the extended BLSZ – Bob’s Peak Area is not appropriate as any future operators must first seek consent from the Council and the Minister of Conservation – the desire for commercial activity is not sufficient evidence that a BLSZ extension is warranted.

3.5 In relation to the second rezoning request for the land to the north of the Skyline lease, Mr Dent states in paragraph 139 of his evidence that the Department of Conservation (**DOC**) has not opposed Skyline’s submission or opposed the rezoning during Stage 1 of the PDP process. He goes on to state in paragraph 140 that DOC has been receptive to initial discussions about applying for a concession to allow an informal airport on this land. Paragraphs 141-145 then outline the reasons why Mr Dent considers that a concession application to DOC is likely to be successful.

3.6 I disagree with Mr Dent’s assertion in paragraph 145 that the absence of opposition from the land administrator and potential alignment of the airport proposal with DOC’s Conservation Management Strategy are reasons to allow the rezoning to proceed. As set out in paragraph 6.2 of my evidence in chief, DOC confirmed that they did not wish to seek open space zoning for any of their land during consultation with Council Parks. The fact that DOC neither specifically supports or opposes open space zoning of this land may simply mean that they are neutral on the matter.

3.7 Mr Dent acknowledges the primary reasons why I recommended rejecting the rezoning request in paragraph 136 of his evidence. However he does not include an argument as to why these issues should be overridden in favour of the rezoning request. I do not

consider DOC's lack of submission on the rezoning or the likelihood of a concession application being granted as factors that change my opinion on this matter. As such, I rely on the arguments that recommend rejection of the rezoning request set out in paragraph 7.6 of my evidence in chief, which in turn relies on the broader arguments against application of open space zones to non-council controlled land set out in Section 6 of my evidence in chief.

4. DR GALLOWAY FOR BRIDESDALE FARMS DEVELOPMENT LTD (655, 2391)

4.1 Dr Galloway has filed evidence in relation to recreation management and planning on behalf of Bridesdale Farm Developments Ltd (**Bridesdale**). As a whole, Dr Galloway's evidence argues for the rezoning of two parcels of Council land (Lot 321 DP 379403 and Lot 400 DP 445230) (**Council land**) and one parcel of land owned by Bridesdale (Lot 404 DP 505513) (**Bridesdale land**) from Informal Recreation (**IRZ**) and Rural zone respectively to Active Sport and Recreation Zone (**ASRZ**).

4.2 Dr Galloway makes several key points in his evidence that I disagree with. At paragraphs 6b and 13, Dr Galloway makes it clear that for the purposes of his evidence he is effectively treating all three lots as a development unit and is assessing their development potential as a whole, referring to them collectively as the River Flats. This is despite the fact that the land is currently in split ownership between the Council and Bridesdale. As stated in paragraph 9.17 of my evidence in chief, Council Parks may be in a position to revise its assessment of the open space development potential of these three parcels if Council acquires the Bridesdale land as a public reserve at some point in the future. However, while the land remains in split ownership and part of the land remains private, the development potential of the three blocks of land cannot and should not in my opinion be considered together. I will refer to the application of open space zones to private land later in my rebuttal in response to Mr Edmonds.

4.3 Secondly, Dr Galloway states in paragraphs 19-22 of his evidence that there is very little ASRZ land available in the Wakatipu Basin and goes

on to discuss the previous research he has conducted in paragraph 23 that demonstrates the need for additional ASRZ land. While I agree there is not an abundance of land zoned ASRZ in the Wakatipu Basin, there are a number of areas of open space that are in the pipeline as part of current and proposed developments. It is appropriate in my opinion that these areas are identified through development to service the surrounding areas rather than by rezoning large areas of undeveloped land as ASRZ. A new sports field developed as part of the Shotover Country subdivision is very near to completion and will soon be vested in Council as public reserve. The land along Ladies Mile is in the early stages of subdivision planning and will provide more public open space and recreation opportunities. Additionally, any of the activities described in Dr Galloway's evidence can still occur on Informal Recreation zoned land and do not require land to be zoned ASRZ.

- 4.4** Dr Galloway also refers to the current Parks and Open Space Strategy (2017) (**the Strategy**) in paragraphs 34-35 of his evidence and highlights that the Strategy requires '*pro-active and strategic management now and into the future*' to accommodate future residential growth and usage demands. He then uses the Strategy in paragraphs 36-40 to further the argument that the three parcels of land should be rezoned ASRZ as part of the PDP process to enable recreation activities in a proactive manner.
- 4.5** Although I fully support the wording of the Strategy and acknowledge the need to be proactive, Council Parks are currently in the middle of two projects that will address the supply and demand issues around sports facilities. These are the Regional Sport and Recreation Facilities Strategy, which is soon to be adopted, and the QLDC Sportsfield Demand Analysis. These projects will be looking at exactly the supply issues that Dr Galloway has raised and will provide Council Parks with a sound, informed basis for making future decisions about land acquisition and development of active sport and recreation facilities. It will also assess the exact demand for different types of facilities now and into the future in a more holistic sense. Decisions about further open space land requirements beyond what is provided for in the PDP should in my view be made once these projects have been completed

and it is not appropriate to pre-emptively zone the requested land ASRZ simply because the opportunity is available through the PDP process.

4.6 Dr Galloway recognises in paragraphs 57-62 that the three parcels of land face some challenges with respect to developing the land for active sports or recreation facilities, namely flooding. These paragraphs set out potential options for types of sporting facilities that could be designed to accommodate flooding issues. I would like to clarify that mitigating the flooding issues is not the critical concern when deciding if the land is appropriate for rezoning. Council Parks needs to undertake a wider review of opportunities for sports facilities in the Wakatipu Basin and this will include looking at alternative land that does not face the same challenges as the Bridesdale and Council owned land; flooding is just one of the challenging factors. It may be that the outcome of Council Park's analysis is that it is more efficient to develop or upgrade sports fields on land that requires fewer resources to make it suitable for formal use.

4.7 In my view, the land also faces access challenges as set out in paragraph 9.17 of my evidence. I have not responded directly to the traffic engineering evidence provided by Mr Carr on this issue as it is not my area of expertise. However, to clarify I see the access issues from an operational perspective as being greater than Mr Carr suggests. My experience with sportsfields and facilities are that private vehicles are the main form of transport as it is not practical to walk or cycle to organised sporting activities due to the young age of some children or the need for carrying sports equipment. The higher levels of service required for such facilities also results in more frequent and larger maintenance vehicles accessing the area.

5. JOHN EDMONDS FOR BRIDESDALE FARMS DEVELOPMENT LTD (655, 2391)

5.1 Mr Edmonds has filed planning evidence in relation to the Bridesdale submission. More specifically, he has challenged the reasoning set out in Section 6 of my s42 report relating to why open space zones have

only been applied to Council controlled land in paragraphs 19-25 of his evidence.

- 5.2** With respect to Mr Edmonds, Section 6 of my evidence in chief sets out the reasons why it is not appropriate to apply open space zones to private land as a *district wide approach*. It was never intended for my arguments in Section 6 to be applied literally to each individual private land zoning request, hence why I did not provide any specific examples of 'operational reasons', as the types of operational challenges that occur managing parks and reserves vary depending on the site. Operational issues could include facility booking services, consistent fees and charges, expectation around opening hours and public accessibility, levels of service, and a complaints process for issues arising.
- 5.3** In paragraph 20, Mr Edmonds states that there is nothing in the wording of the open space zones that indicates that the zones have been designed for Council controlled land only. I agree that this has not been spelt out in the zone wording explicitly, nor is there a need for it to be as the provisions themselves have been designed on the basis that Council is the administrator of the land. Paragraph 6.3 of my evidence in chief explains that proposed zone activity rules and standards have been designed to work in tandem with Council Park's land owner approval process, which has allowed Council Parks to include more enabling provisions that are only appropriate because Council Parks retains oversight as land administrator. This is why I disagree with Mr Edmonds that land tenure is not relevant when deciding what land should be zoned open space.
- 5.4** In paragraph 21, Mr Edmonds asserts that there is no greater risk having Bridesdale as the developer and administrator of open space zoned land compared to Council Parks being the administrator. He also asserts that such an arrangement would be beneficial from an integration perspective between the Bridesdale land and the adjacent Council controlled reserves. Mr Edmonds does not provide any specific reasons as to why he considers the risks as minimal or non-existent.

- 5.5** To expand on my point in paragraph 6.3 of my evidence in chief, it is important that Council Parks retains a level of control over land zoned open space to ensure the land is developed with the public good in mind. Without the land owner approval process, private land zoned open space could be developed using the more permissive zone rules to provide for facilities that are not needed by or freely available to the general public which may result in a surplus or deficit of a particular type of recreational resource. Private open space facilities would be able to be developed outside of the Strategy and are likely to be driven by the needs of the landowner rather than by a genuine need to fulfil a wider district requirement. In my opinion, if the Bridesdale land is zoned ASRZ, the risk of the land being developed in a way that does not align with Council Parks wider strategic goals for open space, sports and recreation in the Wakatipu Basin is a genuine possibility.
- 5.6** For the reasons above, I do not consider that pre-emptive open space zoning of this land through the PDP process while it remains in private ownership can achieve this desired integration between Council controlled reserve land and Bridesdale.
- 5.7** Mr Edmonds states in paragraph 23 of his evidence that public confusion over who administers the reserve is ‘unlikely and of minimal distraction’. My experience working within Council Parks and other parks departments around the country has demonstrated that this is an issue that can result in Council Parks being viewed in a negative light for management issues outside of their control, and results in confusion arising around levels of service and public messaging. I consider it to be a valid consideration when deciding whether private land should be able to have an open space zone.
- 5.8** For the additional reasons set out in paragraphs 5.1-5.7 of this evidence, combined with Section 6 of my evidence in chief, I disagree with Mr Edmonds conclusion in paragraph 25 that it is appropriate for open space zones to be applied to privately owned land.
- 5.9** Mr Edmonds also states in paragraph 32 of his evidence that ‘*the Council has not undertaken an informed analysis of the necessary future needs of this community*’ with respect to open space. He points

out in paragraph 30 that a plan change or resource consent application will be required to create additional areas of open space not currently envisaged by the PDP. As discussed previously in response to Dr Galloway's evidence in paragraph 4.5 of this evidence, Council Parks is in the middle of several strategic projects that will provide the informed analysis described by Mr Edmonds. I agree that having this informed analysis is critical to ensuring that the right types of open spaces are developed in the correct locations.

5.10 The PDP process has been driven by the need to revise the planning framework for the Queenstown Lakes District as a whole and the timing of this process has not aligned perfectly with the strategic work being undertaken by Council Parks. In fact, the PDP process has provided Council Parks with a better understanding of what further work needs to be done to identify future open space needs district wide. Not having the full picture of these needs is not justification to rush rezoning decisions simply because the PDP process is an opportunity to achieve efficient rezoning.

5.11 Council Parks is aware that plan changes may be required in the future to rezone more land for open space purposes, but this will allow for full public engagement and focus, which will likely achieve better outcomes once the rezoning is complete. Rather than this being an '*inappropriate process*', as suggested by Mr Edmonds, I assert that waiting to make critical rezoning decisions until we have more information at hand and can properly engage with the public is a more appropriate response than pre-emptively rezoning through the PDP process.

6. JOHN EDMONDS FOR MILLBROOK COUNTRY CLUB LTD (2295)

6.1 Mr Edmonds has also filed evidence in relation to the Millbrook Country Club submission. As in the original submission, Mr Edmonds seeks that the Millbrook Park reserve be zoned Millbrook Resort Zone. I remain of the opinion set out in my original evidence that Council-administered reserves should retain an Open Space and Recreation zoning. At paragraph 55 of his evidence however, Mr Edmonds now seeks an alternative zoning of IRZ for Millbrook Park.

6.2 The site was notified as ASRZ due to its development as a sports ground (cricket field). I note however that this is not determinative as there are instances where reserves containing sports fields have not been zoned ASRZ. For example, Jack Tewa Park at Jacks Point is zoned IRZ and shares similar characteristics as Millbrook Park. I do not agree with Mr Edmonds' point at paragraph 48 that the RMP for this reserve would be updated to reflect the ASRZ provisions to ensure consistency; as I have previously noted the RMP allows for more reserve-specific management than the broader provisions of Chapter 38. I also disagree with his assumption in paragraph 49 of his evidence that the Council has determined that all future sports-related buildings and hard-surface areas are appropriate on this land. At this time there are no plans to fundamentally change the reserve or the way in which it is used. I would also note that further development of this land for organised sport activity is likely to be constrained by the shape and size of the reserve.

6.3 I consider that the IRZ would be consistent with the current and likely future uses of Millbrook Park. I therefore consider that the IRZ would be an appropriate zone for this reserve.

7. JOHN KYLE FOR QUEENSTOWN AIRPORT CORPORATION (2618, FS2759)

7.1 Mr Kyle has filed planning evidence in relation to Queenstown Airport Corporation's (**QAC**) concerns with the zoning of the Lower Shotover Delta as Informal Recreation. His concerns with the recommendation are set out in paragraphs 4.12-4.22 of his evidence and he reiterates that a specific sub-zone is the most appropriate way to manage the potential conflicts between recreational activities and the airport operations.

7.2 My reading of Mr Kyle's evidence is that the key areas of potential conflict are reverse sensitivity effects on the airport, potential for bird strike as a result of conservation planting and increasing the risk of airport accidents by encouraging the use of land that could be affected in the event of an aircraft undershoot or overshoot (paragraph 4.12).

7.3 I acknowledge that QAC have valid reverse sensitivity concerns in relation to some of the activities provided for in the Informal Recreation

Zone, particularly those that are permitted or controlled. Mr Kyle lists those activities that are of particular concern to QAC in paragraph 4.17 of his evidence. I would like to emphasise that the activities listed by Mr Kyle are not being planned by Council Parks for the Lower Shotover Delta, nor would they be appropriate in the context of the proximity of the land to the airport. Council Parks has not yet prepared a RMP for this land but I consider the RMP as the most appropriate place to include specific direction as to what activities are anticipated in this area.

- 7.4** With respect to the increased risk of bird strike, I also consider that a RMP is the most appropriate place to provide specific direction about desirable tree species for conservation planting. Identifying the areas at most risk of over or undershooting aircraft and planning future development accordingly could also be managed by the RMP. In my opinion, these site specific issues do not justify the use of a sub-zone, particularly given my statements about the use of sub-zones in paragraph 7.5 of my evidence in chief. The significant investment in Queenstown Airport and its strategic importance are not justification for imposing a sub-zone on an adjacent piece of fairly undeveloped land used for passive recreation.



Jeannie Ellen Galavazi

22 August 2018