

**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 the Open Space and
Recreation / District
Wide Hearing Stream
15 (Open Space and
Recreation, Earthworks,
Signs, Transport, Visitor
Accommodation)

**STATEMENT OF EVIDENCE OF JEANNIE ELLEN GALVAZI
ON BEHALF OF QUEENSTOWN LAKES DISTRICT COUNCIL**

OPEN SPACE AND RECREATION ZONES: PLANNING

23 July 2018

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1. INTRODUCTION

- 1.1 My full name is Jeannie Ellen Galavazi. I am the Acting Parks Planning Manager in the Parks and Reserves Department (**Council Parks or Parks**) at Queenstown Lakes District Council (**Council or QLDC**).
- 1.2 I hold a Bachelor of Parks, Recreation and Tourism Management from Lincoln University (1999). I am a member of the New Zealand Recreation Association and an associate member of the New Zealand Planning Institute. I have worked in the field of parks and planning for 16 years.
- 1.3 I have held the position of Acting Parks Planning Manager at the Council since 16 May 2018. Prior to this I was a Senior Parks and Reserves Planner at the Council from August 2015 and a Parks and Open Space Specialist at Auckland Council (Auckland Regional Council prior to amalgamation) for five years. Before this I worked for Tonkin and Taylor Ltd and Greater Wellington Regional Council as a Resource Management Planner.
- 1.4 During this time, I have prepared Reserves Management Plans (**RMPs**), Notice of Requirements, Outline Plans and Resource Consent Applications for a variety of parks activities. I authored the QLDC Parks and Open Spaces Strategy which was adopted in 2017. I have also been involved in the assessment of various types of Resource Management Act 1991 (**RMA**) applications that would affect council owned reserve land (including resource consents, notices of requirement, outline plans and outline plan waivers). I have prepared these on behalf of Council Parks and I have also assessed these types of applications prepared by third parties. I have been involved in the review of District, Regional and Unitary Plans as they relate to planning provisions addressing reserve and open space zoned land.
- 1.5 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 authorised that I give this evidence on its behalf.

1.6 The key documents I have used, or referred to, in forming my view while preparing this brief of evidence are:

- (a) QLDC operative District Plan (**ODP**);
- (b) QLDC proposed District Plan (**PDP**);
- (c) QLDC Parks and Open Space Strategy 2017 (**the Strategy**);
and
- (d) Ben Lomond and Queenstown Hill Reserve Management Plan.

1.7 Throughout my evidence I refer to **Provision X.2.1**: to refer to the notified version of a provision (i.e. Objective 31.2.1).

1.8 When referring to the Stage 1 PDP provisions, I am referring to the Council's Decisions Version notified on 7 May 2018, (i.e. Decisions Objective 3.2.1).

2. EXECUTIVE SUMMARY

2.1 My evidence relates to the five new open space zones (and associated sub-zones) that Council has included in Stage 2 of its PDP. My evidence explains the rationale behind moving from managing open space land through designations to having specific open space zones and why these zones have generally only been applied to Council controlled land, (which includes Land Information New Zealand (**LINZ**), Department of Conservation (**DOC**) and Crown owned land that is administered by Council Parks in the same way that they administer council reserves). It will also address:

- (a) the overall approach to the Ben Lomond Sub-Zone and whether any changes are required from the PDP to manage adverse effects on the environment; and

- (b) the standards that manage the type and scale of development permitted in the open space zones and whether these controls have been set at an appropriate level.

2.2 Where relevant, I also address and respond to the submissions and further submissions received by the Council that seek to change the type of open space zone applied to a particular piece of land.

2.3 The key conclusions in my evidence are that:

- (a) The change in approach from using a designation-based process to a district plan zone framework to manage the open spaces and reserves of the Queenstown Lakes District (**District**) is entirely appropriate. It is in line with how most open spaces are managed throughout the country and resolves many of the operational challenges facing Council Parks in relation to reserves and open space, including managing third party activities and undertaking basic parks projects;
- (b) The open space zone framework is not the most appropriate place to address all of the concerns raised by submitters. In some cases there are other more appropriate places or processes to provide direction on reserve use and management, for example RMPs or through the implementation of the Strategy;
- (c) The open space zone framework has been specifically designed to apply to Council-controlled land only. It is not appropriate for open space zones to be applied to privately-owned land for a number of reasons, including a lack of Council Parks oversight as landowner; to ensure activities are appropriate, fewer incentives for developers to vest land for reserves for public use if they can be held privately; and no guarantees that privately-owned open space land will be protected for public use in perpetuity;
- (d) It is appropriate to provide a separate sub-zone to manage the Bob's Peak part of the Ben Lomond Reserve as it is an iconic location with a unique density and mixture of activities, with high levels of landscape and recreation value and

infrastructure investment. I see this as a unique situation within the District and I would not recommend using a location specific sub-zone approach to manage any other open spaces in the District;

- (e) I agree with the reporting officer Ms Christine Edgley with respect to the proposed changes to Section 38.10 for the reasons set out below in my evidence;
- (f) I do not support the majority of rezoning requests for the reasons set out below in my evidence; and
- (g) I do support three rezoning requests from Millbrook Country Club (2295), Ngāi Tahu Property Limited and Ngāi Tahu Justice Holdings Limited (2335) and Ngāi Tahu Property Limited (2336).

3. CURRENT OPEN SPACE MANAGEMENT APPROACH

3.1 The current (ODP and PDP) approach to managing areas of open space in the District relies on bespoke designations for each individual park. These designations are applied over an underlying zone, which is usually the same zoning as the adjacent land. The designations only apply to Council controlled land, where the Council is the Requiring Authority. In most cases this is land owned by Council, however in some cases the land is owned by DOC, LINZ or the Crown, with the Council controlled reserve designation over the top to enable Council Parks to manage it in the same way as they manage Council owned reserves.

3.2 The purpose of using a designation for open space is to identify and protect this land from use or activities that would hinder or detract from its reserve purpose. It also ensures that the Council can rely on the designation conditions to undertake any necessary upgrading or maintenance works, to allow for the continued enjoyment of this land as reserve.

3.3 There are currently over 200 reserve designations included in the ODP and now the PDP¹. These are applied to land with a range of underlying zones, the Rural zone being the most common (older reserves in town centres often have a rural zoning). A number of reserves, typically new reserves acquired through subdivisions, have not yet been designated.

3.4 Although the current reserves designations do allow Council Parks to manage activities within public reserves, there are several disadvantages to relying solely on this approach for the majority of Council reserves. Paragraphs 3.5 – 3.17 of my evidence set out the operational challenges that face both Council Parks and the third parties that regularly use reserve land, which result from the use of reserve designations.

Reserve designations do not support third parties

3.5 Designations only authorise the relevant requiring authority to undertake works within the designation. In relation to public reserves, Council Parks are not the only party that may need to undertake works or carry out activities within the reserve. Third parties, such as commercial operators leasing land or community groups using buildings on reserves for their activities, are also active users of reserve land. Reserve designations only enable the Council to undertake works in accordance with the designation conditions (if any); all other lease holders and third parties are required to go through the requiring authority approval process under section 176 of the RMA, or more commonly, rely on the underlying zone provisions.

3.6 This approach is inefficient as often the activity proposed by the third party is in accordance with the reserve designation, but they are unable to proceed without obtaining approval from Council Parks. From an operational perspective, processing section 176 approvals for very basic activities that are entirely appropriate for the reserve is an unproductive use of staff time and results in project or activity delays for third parties.

¹ Stage 1 of the PDP included decisions on Chapter 37 – Designations. This included decisions on reserve designations where the Council was the requiring authority, as well as decisions on other designations across the District.

The underlying zone framework applying to the designated land is not always appropriate

- 3.7** As third parties are unable to use the designation process to approve their activities (unless they too are a requiring authority), they are required to meet the permitted activity and development standards of the underlying zone (or obtain resource consent to authorise the use / activity). As set out in Paragraph 3.1 of my evidence, the underlying zone of each reserve varies as the zoning applied to the land is usually the same as for adjacent land, which might be rural, commercial or residential. Common parks activities undertaken by third parties, such as upgrading sports club facilities or using a building for a community event, are typically not anticipated by the underlying zone, which results in the need to obtain resource consents.
- 3.8** Council officers processing consent applications for third party activities in public reserves are not provided with clear district plan direction as to whether the activities are appropriate. As the underlying zones have not typically been drafted to manage reserve land (and the use of that land for such purposes), the objectives or policies provide little, if any, guidance as to what outcomes the zone is trying to achieve or what effects are acceptable in relation to a public reserve. This leads to uncertainty among Council staff as to whether consents should be granted (particularly when applications are for non-complying activities) and uncertainty for applicants as to whether they are likely to obtain consents for their projects.
- 3.9** For example, the Wanaka Coast Guard wishes to locate a boat storage facility on or near the Eely Point Reserve. Council Parks are supportive of this proposal as a building for the storage of boats and other equipment is entirely appropriate from an operational perspective. However, as this land is currently zoned Rural, the facility is a non-complying activity and will have to go through a resource consent process and be assessed against a planning framework that does not specifically enable or provide for this type of facility.

- 3.10** One of the benefits of the proposed open space zones is that they better support third party activities that have been historically located in Council-controlled reserves but have not been supported by either the designation conditions or the underlying zone rules. From my perspective, the most helpful planning regime for open space areas is one that enables third party activities that genuinely support the community, such as buildings for community groups or sports clubrooms. The proposed open space zones recognise the types of third party activities that are appropriate in public open space areas and provide them with a more enabling regulatory framework. This provides third parties with security for their ongoing operations and provides them with a more certain consent pathway should they wish to change their operations in the future.

Unnecessary outline plan or waiver processes

- 3.11** Under section 176A(1) of the RMA, the requiring authority for public reserves (in this case the Council) is required to submit an outline plan of works to the territorial authority (also the Council) before they can undertake any type of work or project on designated reserve land (because the designation itself does not provide sufficient detail). This creates an unnecessary layer of approval for Council Park's projects unless the designation has specifically incorporated the details of the project into the designation conditions. In situations where designations are older and have fewer specific conditions, or where Parks projects have not been specifically anticipated by the designation, Parks are required to apply for an Outline Plan waiver under section 176A(2)(c).
- 3.12** Requiring proposals for very simple Parks activities with few effects, and that are in accordance with the purpose of the reserve, to go through the Outline Plan or Outline Plan waiver step is inefficient. For example, a playground upgrade on the Wakatipu lakefront adjacent to the Queenstown Gardens is currently underway. Under the current designation this upgrade required an Outline Plan. The project straddles two land parcels and two designations, neither of which have conditions that would indicate that playground upgrades are anticipated or acceptable. Adding to the complexity of the regulatory

framework, a resource consent was also required due to a pedestrian footbridge over Horne Creek.

- 3.13** Requiring compliance with both designation and zone requirements that often do not anticipate very simple Parks projects creates an operational difficulty for Council Parks. Approximately 30% of the reserve designations in the District have no specific conditions, with around 60-65% being subject to general conditions that do not anticipate specific works. Only approximately 5% of reserve designations have bespoke conditions that manage activities in these reserves (such as the Queenstown Events Centre). The nature of designations means that in all cases an Outline Plan or an Outline Plan waiver is required, regardless of how general or specific the conditions are.

Application of inconsistent underlying zones

- 3.14** The reserve designations were all introduced at various stages through the creation of the two previous district plans. Although many of the original designations had inconsistent conditions, this has largely been resolved through the review of reserve / open space designations as part of Stage 1 of the PDP. It is the expectation of Council Parks that, should Chapter 38 – Open Space and Recreation be confirmed, there will be a staged removal of the underlying designations over most reserves.² The only reserve designations that are likely to be retained are those that manage larger, more complex sites where the existing designation contains bespoke conditions for managing the use of, and activities occurring on, the site (for example the Queenstown Events Centre).
- 3.15** However, if Chapter 38 was not adopted and the current designation approach was retained in the PDP, there would still be inconsistencies in the way very similar types of reserves are managed (despite the designation wording having recently been updated). This is largely due to the land having a variety of underlying zones, with similar reserve

² Following the process in section 182 of the RMA.

designations not providing for the same types of activities because third parties have to contend with varying underlying zone rules.

- 3.16** Having a consistent underlying zone specifically tailored to managing open space is necessary, as most reserve designation conditions do not include specific development controls such as building height and setbacks, and do not provide much guidance on the sorts of future activities that would be acceptable in the reserve. Similarly, RMPs only set the management objectives and policies for individual reserves – they are not intended to have a regulatory function in place of district plan controls.
- 3.17** Applying different underlying zones to land used for similar types of reserves sends a confusing message as to the purpose of each reserve, particularly when there are no operational reasons why similar reserves should be subject to different zone provisions. For example, the reserves in the Queenstown Bay area (which include One Mile, Earnslaw Park, Brian Smith Park, Marine Parade and the Queenstown Gardens) are all managed as high profile, premier reserves that host large events and have a high level of service. The underlying zonings for these reserves are a mixture of Rural, Queenstown Town Centre and High Density Residential. Applications for projects in these premier reserves may end up being treated differently through the consenting process in terms of both activity status and notification, as they will be subject to different zone rules, even though the effects of the project may be similar in each reserve.

4. GENERAL SUBMISSIONS IN OPPOSITION

- 4.1** I note that a number of submitters have requested that the proposed introduction of an Open Space and Recreation chapter and associated open space zones be rejected. I support the retention of Chapter 38 – Open Space and Recreation for the reasons set out in the s42A report. From a Council Parks operational perspective, Chapter 38 is the most effective and efficient way to manage reserve land. This was demonstrated prior to the section 32 evaluation through a Council Parks wider review of how other councils around the country manage

their open spaces, including authorities such as Auckland through the provisions of the Auckland Unitary Plan.

4.2 The PDP process has provided Council Parks with the opportunity to remedy many of the operational challenges created by the current designation-based regime. I was part of the Parks team that began investigating alternatives to the Council's current approach to open space management in late 2016 (**the Open Space review**). At the time the Queenstown Lakes Parks and Open Spaces Strategy 2017 (**the draft Strategy**) was in draft form, so the Open Space review also considered which type of open space management approach would best give effect to the draft Strategy.

4.3 The Open Space review process identified a specific need to change the current approach to managing open space. As well as the operational issues outlined in Paragraphs 3.5 – 3.17 of my evidence, the draft Strategy available at the time identified that the continued development within Queenstown, along with the associated increase in residents and visitor numbers, is putting pressure on the use of reserves land as more people want to use and enjoy these areas. Council considers that the provision, development and protection of Queenstown Lakes' parks and reserves, and improvements to the quality of them, is important, particularly in response to this increasing pressure. This necessitates a comprehensive approach to managing open spaces that provides strategic direction, clarity around anticipated outcomes and operational efficiency.

4.4 The starting point for the Open Space review was looking at how other local authorities nationwide manage their open space areas. This review involved looking at five local authority responses to the management of Reserves, Recreation and Open Spaces, being:³

- (a) Auckland Council;⁴
- (b) Tauranga City Council;

³ With the exception of the Waitakere City Council, all of the above authorities have advanced second generation District Plan Reviews, which was the primary criterion for selection. The former Waitakere City Council approach was chosen as an example of an urban 'effects based plan' to show an alternative approach to focusing on the effects of activities rather than managing lists of activities.

⁴ A Unitary Authority.

- (c) Waitakere City Council (prior to notification of the Unitary Plan);⁵
- (d) Dunedin City Council; and
- (e) Christchurch City Council.

4.5 The broad conclusions of the Open Space review that drove the drafting of Chapter 38 as notified were:

- (a) All of the local authorities used open space zones in some form as the primary tool for managing activities within reserves and open space. None of the local authorities relied on designations to direct appropriate development and use of reserves and open space;
- (b) All of the local authorities used a combination of overlays and / or special purpose zones to manage unique or complex open spaces where a more tailored approach to management was justified; and
- (c) The diverse range of open spaces in Queenstown necessitated more than just a single open space zone but did not require more than a maximum of 5 or 6 different zones.

4.6 These broad recommendations were the basis for the development of five primary open space zones and four sub-zones within Chapter 38, as described in the section 42A report. From an operational perspective, the five open space zones capture all of the reserve land that Council Parks administer, from natural areas like foreshore and esplanade reserves and wetlands, to larger scale informal and active recreation spaces, through to smaller pocket parks and neighbourhood reserves, and the zones will allow Council to administer these different areas in a consistent way, regardless of where they are located in the District.

4.7 The use of sub-zones will allow Council to manage some reserves that have a specific function, or which have certain operational needs (e.g. golf courses and cemeteries). Council Parks see the use of sub-zones as an appropriate response to situations where reliance on the majority

5 Which was a Territorial Authority that has since been amalgamated with Auckland Council.

of the underlying open space zone rules is appropriate, but some specific varied activity thresholds are required to better provide for the relevant activities / use. I will cover the use of sub-zones later in my evidence in response to submissions, particularly in relation to the Ben Lomond Sub Zone.

4.8 Overall, Council Parks are supportive of proposed Chapter 38 (including changes recommended in the section 42A report) for a number of reasons. In particular:

- (a) Chapter 38 provides a clear and consistent planning framework that gives all users an understanding of how parks should be appropriately used and managed;
- (b) The provisions enable both Council and other park users to apply for consents or undertake permitted activities without the additional layer of the designation process, with consequential administrative benefits for the Council Parks team;
- (c) The objectives and policies for each zone assist both applicants and the consent authority to understand the purpose of the zone and properly assess the effects of proposals; and
- (d) Reserves that are used for similar activities will be treated consistently, with rules that users will become increasingly familiar with over time.

5. USE OF RESERVE MANAGEMENT PLANS AND OTHER MECHANISMS

5.1 Several submitters have asked that Chapter 38 be amended to manage a range of issues that Council Parks consider are better dealt with through other mechanisms, such as RMPs, or the Strategy. The reporting officer has responded to these submissions in the section 42A report.

5.2 Some submitters⁶ raised several matters that they wanted to be included in Chapter 38, such as restricting the use of buildings in parks,

⁶ King, Loris (2076), Lake Hayes Estate and Shotover Country Community Association (2401), Queenstown Park Limited (2462) and Remarkables Park Ltd (2468).

improving the management of campgrounds and removing protection for established parks activities. All these submissions focus on issues that Council Parks consider are better dealt with through RMPs, so I support the reporting officer's decision to not make changes as a result of these submissions.

- 5.3** Under the Reserves Act 1977 (**Reserves Act**) all administering bodies are required to prepare and develop management plans for reserves under their control. The purpose of a RMP under section 41(3) of the Reserves Act is to *"...provide for and ensure the use, enjoyment, maintenance protection and preservation, as the case may require, and to the extent that the administering body's resources permit, the development as appropriate, of the reserve for the purposes of which it is classified..."*. RMPs differ from district plan controls in that they prepare a specific set of objectives and goals for each individual reserve, which provides guidance to both Council Parks and park users as to what sorts of activities are appropriate in each reserve.
- 5.4** RMPs are the most appropriate place to set out the activities that are currently taking place in each reserve, include specific direction as to how activities are to be managed in the reserve and provide guidance as to what sorts of future activities might be appropriate. Council Parks is required to *"keep its management plan under continuous review"* so that the RMP can be *"adapted to changing circumstances or in accordance with increased knowledge"*.⁷ This allows RMPs to be more dynamic than district plan controls and respond to individual proposals in a more bespoke manner. For these reasons, I consider that the specific matters raised by submitters, as set out in the section 42A report, are more appropriately dealt with by RMPs.
- 5.5** Active Transport Wanaka (2778) has requested that Active Transport Plans with corresponding maps be established to support open space and recreation policy 38.2.1.1(c), which provides for public access connections to walking and cycling networks. The submitter also requests that Council implement an Active Transport Wanaka Masterplan. I do not think that the PDP should include Transport Plans

⁷ Reserves Act 1977, s41(4).

or Masterplans as these are stand-alone documents that are developed using a separate process to the RMA framework. Transport Plans and Masterplans are non-statutory documents that are developed using the Local Government Act Special Consultative Process. These documents primarily deal with transport issues and the process to create these documents is not led by Council Parks so they should not be incorporated into the PDP open space and recreation chapter.

5.6 The Strategy provides more detailed direction as to how policy 38.2.1.1(c) should be achieved. One of the key objectives of the Strategy is that *'open spaces are well designed, connected, accessible and valued'*. The Accessibility principle in the Strategy states that:

- (a) all residents within urban/built up areas should live within reasonable walking distance to a Local Park.
- (b) Pathways to the reserves should be easily accessible for parents with young children, people with limited mobility and the elderly.
- (c) For a reserve to be 'accessible' it should generally be within 600m (an easy 5 to 10 minute walk) of a property it serves and easily and safely accessible by foot.

5.7 A submitter⁸ has requested that Chapter 38 include more specific direction about providing new open spaces as urban areas expand or new urban areas are created. For the reasons set out below, I support the reporting officer's decision to reject these submissions as the PDP is not the most appropriate place to be specifying new opportunities to provide parks and reserves.

5.8 The Strategy contains specific guidance for developers of greenfield land, setting out the types of open spaces that are expected to be provided, the maximum walking distances for the catchment the open spaces are serving and how to identify opportunities for walkable connections. This more detailed guidance is appropriately located in the Strategy as opposed to the PDP and will be taken into account

⁸ Ralston, Georgina (2546).

when discussing proposals with developers at the subdivision stage. Section 7 of the Queenstown Lakes District Council Land Development and Subdivision Code of Practice 2018 requires consultation with Council Parks and incorporation of the Strategy into subdivision scheme plans, so this information, in my view, does not need to be repeated in the PDP.

6. APPLICATION OF OPEN SPACE ZONES TO PRIVATE AND GOVERNMENT CONTROLLED LAND

6.1 Several submitters have requested that an open space zone be applied to areas of private land that were not notified as part of the variation on the Stage 2 plan maps. At the time of writing this evidence, they are being considered by the Chair of the Panel as to whether they should be struck out as not on the PDP, Stage 2. In addition to any legal reasons why these submissions are not on the PDP, Stage 2, there are also several operational reasons why open space zones have only been applied to Council-controlled land and not private land (with a few unique exceptions, for example, some Department of Conservation reserve land and LINZ owned land that has been given an open space zoning because the Council is the administrator of the land and the reserve is contiguous to a Council-controlled reserve, creating a situation where, practically, the two pieces of land need to be managed together).

6.2 Secondly, the open space and recreation zones in Chapter 38 have been drafted specifically to manage land that is controlled by Council Parks; not private land owners, government departments or other organisations. Initial consultation with the Department of Conservation and Land Information New Zealand confirmed that neither of these organisations would seek to have their land zoned for open space and recreation under the District Plan (with a few specific exemptions as noted above), so the rules were not designed to cater for this land.

6.3 One of the key goals of Chapter 38 from Council Park's perspective was to provide a consistent planning framework for Council-controlled land to simplify the consenting process for both the Council and for third parties that use reserves. The proposed provisions have been

drafted on the basis that Council Parks is the administrative body, not a private land owner. The proposed zone activity rules and standards have been designed to work in tandem with Council Park's land owner approval process, as some of the zones (for example the Community Purposes – Campground or Golf sub zones) contain more enabling provisions than the Rural zone under the PDP. As Council approval is still required for third party activities, it can maintain an appropriate level of control and can decide from both an asset management and wider community interest perspective what activities are appropriate on public reserve land.

- 6.4** If the same open space zone provisions were applied to private land, there would be confusion as to who was responsible for administering the open space. If the land appeared to be a public reserve but was in fact managed privately, Council Parks are likely to be the recipient of any inquiries or complaints relating to the use or management of the land, which would place Council Parks in the difficult position of not being able to respond to or resolve those queries.
- 6.5** In addition, if the land is in private ownership then there is no guarantee to the public that the land will be available for public use in perpetuity, as the controlling land owner would not be required to manage parks assets appropriately for the public good. Another possible outcome is that private land owners may be less incentivised to vest land for full public use as a reserve if there is an option to apply one of the open space zones and retain the land in private ownership, thus resulting in fewer opportunities for public reserve land to be provided through development projects and the potential for later private plan change applications to rezone the land. For these reasons, I do not consider it appropriate to apply the proposed open space zones to any privately-owned land.

7. BEN LOMOND SUB ZONE

- 7.1** The introduction of the Ben Lomond Sub Zone (**BLSZ**) was initially driven by a Stage 1 submission from Skyline Enterprises Limited (574⁹) requesting a separate zone for their gondola activity. Stage 1 notified the land now known as the BLSZ as Rural Zone. Skyline Enterprises were originally seeking a Commercial Tourism and Recreation Sub-Zone (as opposed to just Rural zone) in recognition of their existing established assets including the gondola, restaurant and associated commercial and commercial recreation activities on Bob's Peak.
- 7.2** The Council recognised that there was a valid argument for the PDP being more enabling of the range of activities that use the Ben Lomond Reserve, not just the Skyline Enterprises operations. In particular, the Bob's Peak part of the Ben Lomond Reserve is a unique tourist destination within the District. The landscape itself forms the backdrop to the Queenstown town centre, forms part of the visual identity of Queenstown and is recognised as an ONL on the PDP maps. The mixture of tourism operators is fairly unique in that several very well-known activities (e.g. the gondola, luge, zip line, Birdlife Park, bungy, and parapenting) share a very small geographic area but attract a large number of visitors. There are also very few opportunities for expansion and further development given the geographic landform at Bob's Peak, so there is likely to be future competition between operators for development rights and space.
- 7.3** The Council also recognises the significant investment in physical infrastructure that has been made recently by the Bob's Peak operators. It is understandable that submitters with a financial interest in this land would seek to protect their investment through a planning regime that both protected existing activities and supported future plans for upgrades or improvements, if appropriate.
- 7.4** Several options to better provide for the existing activities on Bob's Peak were considered by the Council. Options included a separate zone, an overlay or precinct or a sub-zone. A separate zone was not

⁹ Stage 1 reference.

preferred as it would be a spot zone that would largely duplicate the provisions of the Informal Recreation Zone, with only a few provisions specific to Ben Lomond. An overlay or precinct would also have been a suitable way to recognise the commercial recreation and tourist activities on the site. However, as the open space and recreation chapter already used sub-zones for cemeteries, campgrounds and golf courses, the same consistent structure could also be applied to the Bob's Peak part of the Ben Lomond Reserve.

7.5 I want to emphasise that the sub-zone should not be applied to any other commercial recreation or tourism area other than Ben Lomond, due to the unique nature of this area and established level of investment already provided for by existing tourism operators. Although other tourism operators could argue that they have also invested heavily in infrastructure, or accommodate significant tourist numbers, no other tourism area is comparable to the Bob's Peak area of Ben Lomond Reserve in terms of iconic location, density and mixture of activities, landscape value and infrastructure investment. It is this combination of factors that Council Parks see as being unique and unlikely to be replicated in any other parts of the District. I would not support the open space sub-zone approach being applied to any other tourism or commercial based location that I am aware of.

7.6 I was involved in discussions on the most appropriate zone boundary for the BLSZ prior to the notification of Chapter 38. Council Parks did not agree with an extension of the Bob's Peak area of the BLSZ for a helicopter landing area because it was on DOC land not controlled by the Council and would have resulted in split zoning of the adjacent DOC reserve. For the reasons set out earlier in my evidence, the open space zones should only be applied to Council controlled land and Council Parks have actively avoided creating any split zoned situations.

7.7 Council Parks also did not agree with the second Bob's Peak extension request to the west as it did not line up with Skyline's lease area at the time. Council Parks were not provided with any specific plans for activities in this area that were close to being consented or implemented, so there was no obvious operational need for the

extension. As far as I am aware, the circumstances in relation to these two pieces of land have not changed since Council Parks made their original decision to leave this land out of the Bob's Peak area of the BLSZ, so I would not support their inclusion.

8. 38.10 RULES – STANDARDS

- 8.1** A number of submitters have requested changes to the standards in Section 38.10 of the open space and recreation chapter. These have been addressed in the section 42A report.
- 8.2** I would like to provide an operational perspective on the request by Wanaka Golf Club (2277), who have submitted that the following rules applying to the Community Purposes Zone (Golf) should be amended:
- (a) Rule 38.10.2.6 be amended to increase the total floor area allowed for buildings to greater than 600 square metres.
 - (b) Rule 38.10.6.1 should be amended so that screening should be “from public places beyond the parameters of the golf course...”
 - (c) Rule 38.10.9, so that the maximum gross retail floor space is 200 square metres in the Community Purpose - Golf Zone.
- 8.3** The submitters' rationale for these changes is that the maximum floor areas provided for as a permitted activity do not reflect the size of buildings or the amount of retail activity likely to be required by a golf club and that the screening requirement should be linked to areas where the buildings can be seen from public places other than the golf course itself.
- 8.4** I agree with the submitter's request to amend Rule 38.10.6.1. The potential adverse visual effects that the screening rule is designed to avoid will only occur if the buildings are visible from publicly accessible areas outside of the golf course. There are no effects based on practical reasons to screen buildings located on a golf course from being viewed by users of the golf course.

8.5 With respect to the requests for increased permitted retail activity floor area thresholds, I note that the retail floor area notified for the Community Purposes (Golf) Zone in Rule 38.10.9 is the same as currently provided in the Rural Zone (ODP Rule 5.3.5.1(iii)(a)). The intention when designing this provision was to keep the permitted level of retail development consistent with what is currently allowed in the District. As this current threshold is working appropriately for retail activities, I see no reason to alter the approach.

8.6 The total maximum ground floor area for buildings in the Community Purposes (Golf) Zone was increased from the 100m² allowed under the Rural Zone ODP Rule 5.3.5.1(iii)(a) to 600m² in recognition that some larger buildings are anticipated on golf courses but that 600m² is the maximum floor area deemed appropriate as a permitted activity. I consider that the 600m² permitted threshold provides a suitable middle ground between allowing some development as a permitted activity but triggering a resource consent process at a point where the potential effects of a new or expanded building should be assessed by Council consent staff.

9. REZONING REQUESTS

9.1 This section of my evidence addresses several rezoning requests and outlines whether the requested changes are appropriate from a Council Park's perspective.

Larchwood Reservoir

9.2 Queenstown Lakes District Council (790) has requested that the small parcel of land currently designated for Larchwood Reservoir Purposes (Designation 79) and notified as Informal Recreation Zone be rezoned to Medium Density Residential as part of the larger area of land known as 'The Commonage'. After a further review of the use of this land, I can confirm that it is not required for a reserve purpose and is only needed for water tanks. As such, the land does not need to be rezoned Informal Recreation and Ms Edgley can recommend an alternative zone.

Wanaka Yacht Club and Marina

- 9.3** Wanaka Yacht Club (2232) has requested that the zoning of land around the Wanaka Yacht Club and the Wanaka Marina be rezoned from Informal Recreation to Active Sport and Recreation.
- 9.4** I do not consider that an Active Sport and Recreation Zone is appropriate for this reserve given its highly public waterfront setting and the sensitive visual environment. The Active Sport and Recreation Zone is more permissive in terms of building bulk and location standards (particularly height), which is not appropriate for the Wanaka waterfront area due to its proximity to Lake Wanaka. The provisions of the Informal Recreation Zone are sufficient for the needs of the yacht club with respect to buildings and parking requirements. I therefore oppose this rezoning request.

Millbrook Park

- 9.5** Millbrook Country Club (2295) submitted that the proposed Active Sport and Recreation zoning at Millbrook Park is inappropriate and unnecessary because it extends the range of activities and structures that might be undertaken either as a permitted or discretionary activity beyond the outdoor recreation and open space scope that has been agreed with the Council for the future use of this reserve.
- 9.6** Council Parks has a RMP for Millbrook Park which sets out the sorts of activities and structures that are appropriate for the reserve. The RMP is the primary document that Council Parks use to manage the reserve and assess the appropriateness of activities – the fact that the Active Sport and Recreation Zone allows for a wider range of activities than the RMP anticipates does not mean that these activities will occur. One of the primary drivers for the Open Space review was to achieve a clear and consistent planning framework that treated similar reserves in the same way. Tailoring the zoning of Millbrook Park to exclude some types of activities would undermine this consistent zoning approach, especially given that the RMP provides specific reserve guidance for that area. I therefore oppose the rezoning request.

Coronet Forest

- 9.7** Millbrook Country Club (2295) opposes the inclusion of Coronet Forest as Informal Recreation Zone and proposes that it instead be included within the proposed Nature Conservation Zone. Several other submitters (TJ Investments Pte Limited (2564), C Dagg (2586), and Kim Fam (2589)) also opposed the Informal Recreation zoning but did not propose a replacement zone. I understand from the submissions that the primary concerns relate to potential loss of rural character or landscape values as a result of the rezoning.
- 9.8** Coronet Forest is a Council-controlled reserve that is currently a plantation Douglas Fir pine forest with some existing horse trails. It is likely to be harvested within the next few years and will be replanted with a mix of indigenous and exotic tree species. As part of the re-planting stage, the Council intend to create a number of mountain biking and walking trails in addition to the existing routes for horses. These types of passive recreation activities are envisaged by the Nature Conservation Zone as well as the Informal Recreation Zone so from my perspective either of these zonings would enable the type of development likely to occur within the forest.
- 9.9** However, after a review of the purpose of the Nature Conservation Zone and the fact that the objectives and policies of that zone recognise character and landscape values, I agree with the submitters that Nature Conservation Zone is the most appropriate zone for Coronet Forest.

Section 10 Block XVIII, Stanley Street

- 9.10** Ngāi Tahu Property Limited and Ngāi Tahu Justice Holdings Limited (2335) have requested that the notified Informal Recreation Zone is rejected for the site at Section 10 Block XVIII, Stanley Street; instead the Stage 1 Queenstown Town Centre is preferred. Council Parks agrees that the site is not required for an open space function and the Town Centre Zone will provide more development options should Council choose to redevelop this site in the future. Further, the site is a freehold parcel that is not vested as Council reserve so

there is no requirement for the land to have an open space zoning to be consistent with how Council Parks manages other vested reserves. As such I support this site being zoned Queenstown Town Centre Zone.

Warren Park

9.11 Ngāi Tahu Property Limited (2336) have requested that Warren Park be included within the Informal Recreation Zone, as opposed to the notified Active Sport and Recreation zone. The submitter has noted that the relocation of Wakatipu High School to Frankton has significantly reduced the need for Warren Park to be used entirely for sports fields. The submitter argues that potential future residential development on the former High School site would benefit from adjacent informal recreation space, which would encourage more passive recreation facilities such as a playground and shared barbeque areas.

9.12 I agree that the surrounding area is likely to accommodate increased residential densities in the future and there is a need to ensure there is sufficient access to informal recreation areas to support this development. A review of other sports and active recreation facilities in the wider area shows that the playing fields at the nearby Queenstown Recreation Ground will be sufficient for the foreseeable needs of the surrounding residents. As such, Council Parks do not require Warren Park as a long-term sports ground and it is more appropriately zoned Informal Recreation. I therefore do not oppose the rezoning.

Frankton Community Purposes Zone

9.13 Frankton Community Association (2369) requests that the proposed Community Purposes Zone - Campground for the properties at 8 and 10 Stewart Street, Frankton, be rejected and replaced with Low Density Residential Zone (now known as Lower Density Suburban Residential Zone since the release of decisions on Stage 1). The land is currently being used as part of the adjacent campground activity at the Frankton Motor Camp next door, although the management of the campground as a whole is currently under review by Council.

- 9.14** Regardless of the outcome of the campground operational review, the properties at 8 and 10 Stewart Street will continue to be managed as Council Park's assets and will be used for an open space purpose as opposed to a residential purpose. As such, I do not support the rezoning relief requested by the submitter.

Jacks Point

- 9.15** Henley Downs Farm Holdings Ltd and Henley Downs Land Holdings Ltd (2381) seeks that Map 41 is amended so that the area of notified Informal Recreation Zone is rezoned to Jacks Point Zone. I note that the surrounding land is zoned Jacks Point Zone and is in private ownership, but the reserve itself on Map 41 is owned by Council Parks and will continue to be managed as a Council Park's asset.
- 9.16** Council Parks will be preparing an RMP for this Informal Recreation Reserve and this document will be the most appropriate place to include direction on the future management of the reserve that will align with the wider structure plan for the Jacks Point Zone. Allowing a vested reserve managed by Council Parks to be zoned anything other than an open space zone would undermine the consistent zoning approach that Chapter 38 is trying to achieve. I consider the Informal Recreation Zone should remain for this land.

Council land adjacent to Bridesdale Farm

- 9.17** Bridesdale Farm Developments Limited (2391) has submitted that the two Council owned parcels (Lot 400 DP 44523 and Lot 321 DP 379403) be zoned Active Sport and Recreation rather than Informal Recreation. Council has yet to determine if the future use and development of the reserves on these two lots can accommodate Active Sport and Recreation activities; however, currently the land is not suitable for this zone because it is too small to accommodate active sporting facilities, does not have appropriate access and is subject to flooding issues that would make active recreation activities difficult. If more land was acquired at a future date and access and flooding issues were resolved, Council Parks may reconsider whether the reserves could be

used for a more active recreation purpose. The most appropriate zone for the overall reserve would need to be reviewed at the time these issues were resolved.

Lower Shotover Delta

9.18 Queenstown Airport Corporation (2618) seeks that the Informal Recreation Zone over the Lower Shotover Delta, at the end of the Runway End Safety Area, retain the Stage 1 zoning of Rural, or alternatively create a new “Shotover Delta Sub-Zone” (including a list of specific activities to be enabled/restricted in the sub-zone). Firstly, the land parcel with the legal reference Sec 4 SO 409393 was incorrectly split zoned as partially Rural Zone and partially Informal Recreation. This was a mapping error made during the notification process – this land is Crown land and the entire lot should be zoned Rural. As such I do not support Informal Recreation Zone over this land parcel.

9.19 With respect to the remainder of the land covered in this submission, I consider that the Informal Recreation Zone as notified is appropriate for this land. The land is currently undeveloped and is not suitable for any open space activities other than those enabled by the Informal Recreation Zone. The RMP that will be prepared for this land will ensure that adjacent airport operations are considered when approving future activities, which will avoid potential reverse sensitivity effects on the airport. Reverse sensitivity effects on the airport will also be managed through new objectives, policies and rules in the Revised Chapter 38 so there is no need for a bespoke list of appropriate activities in this area.



Jeannie Ellen Galavazi

23 July 2018