

Before the Queenstown Lakes District
Council

In the matter of The Resource Management Act 1991

And The Queenstown Lakes District proposed District Plan Topic 13
Queenstown Mapping (Group 1D – Jacks Point Zone
Extension)

SUMMARY STATEMENT OF EVIDENCE OF CHRISTOPHER FERGUSON FOR

Jacks Point Residents and Owners Association (#1277)

Dated 24 August 2017

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**anderson
lloyd.**

SUMMARY EVIDENCE

- 1 My name is Christopher Bruce Ferguson. I hold the position of Senior Principal with the environmental consultancy firm Boffa Miskell Limited. I hold the qualification of a Batchelor of Resource and Environmental Planning (Hons) from Massey University, have 20 years' experience as a planning practitioner and am based in Queenstown.
- 2 The full details of my experience and qualifications are set out in my Evidence in Chief, dated 29 February 2016.
- 3 Following preparation of my Statement of Rebuttal Evidence dated 7 July 2017, I have reviewed the following statements:
 - (a) Summary Evidence prepared by Vicki Jones dated 21 July 2017;
 - (b) Summary Statement prepared by Nick Geddes dated 7 August 2017;
 - (c) Summary Statement prepared by Chris Hansen dated 4 August 2017;
 - (d) Summary Statement of Ben Espie dated 8 August 2017;
 - (e) Summary Statement of Jason Bartlett dated 8 August 2017; and
 - (f) Extracts from the hearing transcript from the case presented by the Jardine Family Trust on 8 August 2017.
- 4 This Summary Statement provides a response to those aspects of the Statements above falling within the ambit of the four matters raised in my Rebuttal Evidence.

Traffic Rule

- 5 Ms Jones agrees with the need to impose a trigger rule to manage the traffic effects from intensification of Homestead Bay above the ODP capacity. Ms Jones proposes a trigger threshold of 243 lots, rather than 244 lots proposed in the evidence of Mr Bartlett. I am happy to adopt either. I maintain the view that any trigger should be capable of being expressed in residential equivalents.
- 6 Ms Jones disagrees that the trigger rule should include mandatory notification of the owner of Maori Jacks Road on the understanding that such a rule is *ultra vires*. I defer to Counsel on this matter and note that a more general mandatory notification provision, not specific to one person, is considered within the law.
- 7 The concerns of the JPROA above the increase in intensity are on the basis of the increased traffic on the safety, function and amenity of Maori Jack Road. This includes factors impacting on capacity of this road, the design and potential

changes in design from the current carriageway that may be necessary to increase its capacity. Based on the evidence of Mr Carr, I continue to support provision of a new traffic trigger rule, whereby more than 243 residential units (or equivalent) is a discretionary activity to enable an assessment of the traffic effects both on the internal roading network as well as the State Highway. The plan should specify notification to ensure those effects are properly informed and understood and affected parties such as the JPROA and the NZ Transport Agency can make submissions.

Visual and Landscape Effects

- 8 The Summary Statement of Mr Geddes disagrees with the evidence of Ms Jones that proposed residential areas A – C are inconsistent with the relevant Objectives and Policies from Chapter 6 (Landscapes). Mr Geddes states that these are not intended to be visible from any visual perspective afforded from the State Highway by virtue of the mounds located some 350m from the highway.
- 9 I accept that the Strategic Directions, Urban Development and Landscape Chapters are relevant and will inform the zoning options available to meet the objectives from those chapters including whether that is the notified rural zone, the adjacent Jacks Point Zone or some other Zone.
- 10 The Statement of Evidence from Ms Jones identifies the relevant higher order provisions from the PDP, including Objective 3.2.2.1 ensuring development occurs in a logical manner that promotes a compact well designed and integrated urban form, that manages the cost of infrastructure, and protects the District's rural landscapes from sporadic and sprawling development; and Objective 4.2.2 Urban Growth Boundaries are established as a tool to manage the growth of major centres within distinct and defensible urban edges.
- 11 The inclusion of this area into the JPZ has the corresponding impact of shifting the Queenstown Urban Growth Boundary, thus bringing into consideration the objectives from Chapter 4 Urban Development, including:
- (a) Objective 4.2.1 - Urban development is integrated with infrastructure and services and is undertaken in a manner that protects the environment, rural amenity and outstanding natural landscapes and features.
 - (b) Objective 4.2.2 – Urban Growth Boundaries are established as a tool to manage the growth of major centres within distinct and defensible urban edges.
 - (c) Objective 4.2.4 - Manage the scale and location of urban growth in the Queenstown Urban Growth Boundary.

- 12 Of relevance to the proposed expansion to Homestead Bay, Chapter 6 also addresses the relationship between UGBs and landscape values. Where UGBs expand urban settlements, through plan changes, Policy 6.3.1.6 seeks to minimise degradation of the values derived from open rural zoned landscapes.
- 13 The concerns that I raise within my Rebuttal Evidence relate to the nature of the interface of the land alongside the State Highway and the appropriateness of the design response to that. In particular, the nature of the hummocky topography alongside Jacks Point provides a greater opportunity to absorb development and to create more natural looking mitigation that matches with existing terrain. The same cannot be said for the Homestead Bay land that slopes more uniformly away from the State Highway where significant earthworks are proposed to mitigate the visual effects of future development (approximately 600,000m³ in volume and mounds up to 4.5m in height).
- 14 At this scale the degree of mitigation and its relationship to the surrounding landform will in itself generate effects and degrade the values derive from open rural zoned landscapes. I acknowledge that landscape mitigation can be appropriate and is proposed to be applied along parts of the north end of the Hanley Downs part to the JPZ. The key difference between to this area is that in Hanley Downs there is the backdrop of existing and zoned development areas that have already impacted on the values derived from the open rural landscape.

Skydive Airstrip

- 15 The summary statement from Ms Jones maintains her view that the Skydive airstrip should be incorporated into the JPZ. Having regard to my rebuttal evidence, she recommends the addition of “specific policies to guide any further development or increased use of the airstrip” as well as changes to the Airports Rule 41.4.15.2 such that airports are a discretionary activity on the legally described parcel containing the Skydive airstrip, with airports elsewhere remaining as non-complying. It appears from Ms Jones’ summary that these provisions would rely on incorporation of the 55 dBA contour within which it is recommended the policies should avoid the adverse effects of aircraft noise on residential activities.
- 16 The focus of the evidence by Ms Jones for the Council is how to provide for the ongoing use of the airport and to manage the effects of any increased use. Likewise, the Summary Statement by Mr Geddes seeks to amend the structure plan to include the airstrip with activity area OSG and the effects of any potential 55 dBA contour might have on residential activity within residential areas A – C.

- 17 If the Panel accept this evidence, the Skydive airstrip will be elevated in status from an informal airport to one "incorporated" into the JSZ where the mapping of the 55 dBA noise contour from that airstrip will be deferred until after the zone is created, but new policies will be introduced to avoid the adverse effects of residential activities within the 55 dBA contour. The effects of these methods are at this stage unknown.
- 18 I note that the Panel have issued a minute in this regard, noting that Counsel for the Jardine's have undertaken to provide the Panel with mapping calculating noise contours for the NZone airstrip and timeframes for when that information is to be lodged and subsequent comments from further submitters (8 September 2017).
- 19 I remain very concerned with the implications of incorporating the Skydive airstrip into the JPZ. My concerns are:
- (a) The absence of any evidence on the nature of the operations of the Skydive airstrip, the operational parameters used to determine the 55 dBA contour, whether a 55 dBA noise contour is appropriate for the scale and nature of this type of airstrip, whether use of the airstrip could change over time, the duration of the underlying land tenure and the independent testing of any expert noise evidence called by the Jardine's; it is being assumed that the Skydive consent can be incorporated into the JSZ based on the current parameters of that consent. We have no evidence from the operator of that consent those assumptions are valid.
 - (b) The absence of a considered evaluation of the impact of the airstrip, the 55 dBA contour and the related policies on the existing Jacks Point community; because the 55 dBA line has not been mapped the effect of this line and the related policies may well operate to constrain the establishment of residential activity within the existing Jacks Point residential neighbourhoods for which there would be no scope.
 - (c) The absence of any further policies that would be used to manage the effects of the airstrip itself; given that the framework for the management of the effects of the airstrip would be changing through its incorporation into the JPZ as a discretionary activity and that any changes from the current consent would need to be assessed under this new regime, the provisions will need to establish the appropriate policy direction for that. Incorporating the airstrip into the zone with a suite of policies to manage reverse sensitivity would exacerbate existing tensions. No attempt has been made to reconcile how the operations of the airport could be modified to address these known effects.
 - (d) The lack of any integration with the JPZ:

- (i) The objective for the JPZ is the Development of an integrated community, incorporating residential living, visitor accommodation, community and small scale commercial activities within a framework of open space and recreation amenities. The airstrip is a known source of concern for the existing residential areas and the recreational experience of the golfers. It does not contribute towards an integrated community.
- (ii) The operation of an airstrip is completely anomalous with the description of any of the current activity areas, including Open Space Golf that has no association with airstrips either in description or function.
- (iii) The identification of access to the State Highway is restricted to the airstrip and has no relationship to the provision of integrated access to any other area.

20 Based on these concerns and the absence of the evidence or information on the nature of the proposed airstrip operation proposed to be included within the JPZ I am unable to properly assess the appropriateness of this option. In my opinion the framework of objectives and policies under the rural zone dealing with informal airports is the most appropriate option for the management of this land. Conversely if it were not for the Airstrip and in the event the situation with the Skydive airstrip changes, I would be confident that the framework of the rural zone provides an appropriate interface with the JPZ and a sustainable basis for the ongoing use of that land.

Infrastructure

21 My Statement of Rebuttal Evidence recommends the introduction of a new standard/rule to the JPZ to address the effects of the establishment of any new above ground network utility infrastructure (designed to capture a water reservoir) on the Jacks Point ONL. The Summary Statement prepared by Ms Jones disagrees and considers that the rules within the Utilities chapter (Chapter 30) would effectively manage this issue without the need for a new rule. Ms Jones' reasoning is that:

- (a) A water reservoir is a "building" by definition;
- (b) Rule 30.4.10 make any building associated with a Utility within an ONL a discretionary activity; and
- (c) Rule 41.4.3.82 [*sic* - Rule 41.4.3.8] make buildings other than for recreation purposes a discretionary activity within the OSG Activity Area.

- 22 I have reviewed the Council's latest version of the definition of "building" from its right of reply to this chapter, which does not change the notified versions reference to the Building Act 2004. Under that Act, s.9 states that building does not include a Network Utility Operators (**NUO**) system. A NUO would include water supply infrastructure undertaken by any person.
- 23 In my opinion a water reservoir is not a Building under the definition of the PDP and is not therefore captured by Rule 30.4.10.
- 24 The way in which the Utilities chapter works, means that the rule in that chapter takes precedence over any other rules that might apply to Utilities in the PDP (Refer Rule 30.3.3.3). Infrastructure for the storage and piping of water fits squarely within the definition of Utility. This means that the application of Rule 41.4.3.8 relied on by Ms Jones would not apply. It also means that my original suggestion of a specific rule listing any network utility infrastructure in any ONL as a discretionary activity would equally not apply.
- 25 Under the Councils re-drafted Chapter 30 presented at the Right of Reply to the Stream 5 Hearing, it is proposed to insert a new Rule 30.4.1 listing any Utilities, which are not otherwise listed in the rules as a Discretionary Activity. If this recommendation is carried through, it would indirectly require a new water reservoir to gain consent.
- 26 I consider the construction of these rules rather odd and would give rise to confusion where the building associated with a Utility is listed as being a discretionary activity in an ONL, but that same rule does not apply to the Utility itself. In my opinion, it would be more efficient and effective to amend Rule 30.4.10 to make the status of any Utility infrastructure on the Jacks Point ONL a discretionary activity. My suggested amendments to Rule 30.4.10 (QLDC Right of Reply version), as below.

	General Standards	Non-Compliance status
30.4.10	<p><u>Buildings (associated with a Utility), and any Utility infrastructure within the Jacks Point Zone, that is located within an Outstanding Natural Landscapes (ONL) and or Outstanding Natural Features (ONF)</u></p> <p>Any building within an ONL or ONF shall be less than 10m² in area and less than 3m in height.</p> <p>Excluding masts for wind electricity generation, telecommunication and radio communication, navigation or meteorological communication or supporting structures for lines.</p>	D

Dated this 24th day of August 2017

Chris Ferguson