

**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 Hearing Stream 13
– Queenstown
Mapping Annotations
and Rezoning
Requests

**REBUTTAL EVIDENCE OF VICKI JONES
ON BEHALF OF QUEENSTOWN LAKES DISTRICT COUNCIL**

GROUP 1D QUEENSTOWN URBAN – JACKS POINT ZONE EXTENSION

11 July 2017

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1. INTRODUCTION

- 1.1 My full name is Victoria (Vicki) Jones. I am a Policy Planner and have been a director of Vision Planning Limited since 2007.
- 1.2 My qualifications and experience are set out in my statement of evidence in chief dated 24 May 2017.
- 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.

2. SCOPE

- 2.1 My rebuttal evidence is provided in response to the following evidence:
- (a) Nicholas Geddes for Jardine Family Trust, Remarkables Station Ltd and Homestead Bay Trustees Ltd (715); and
 - (b) for the NZ Transport Agency (**Transport Agency**, 719):
 - (i) Antony Sizemore;
 - (ii) Tony MacColl; and
 - (c) Timothy Williams for Tim & Paula Williams (601).
- 2.2 I have read the evidence of the following experts and consider that no specific response is needed although I note that I refer to some of the below evidence, when responding to Mr Geddes' evidence:
- (a) for Jardine Family Trust, Remarkables Station Ltd and Homestead Bay Trustees Ltd (715);
 - (i) Jason Bartlett (transport);
 - (ii) Ben Espie (landscape);
 - (iii) Christopher Hansen (infrastructure);
 - (iv) David Rider (natural hazards);

- (b) Jason Bartlett (transport) for Grant Hylton Hensman, Sharyn Hensman & Bruce Herbert Robertson, Scope Resources Ltd, Grant Hylton Hensman & Noel Thomas van Wichen, Trojan Holdings Ltd (361).

3. MR NICHOLAS GEDDES FOR JARDINE FAMILY TRUST, REMARKABLES STATION LTD AND HOMESTEAD BAY TRUSTEES LTD (715)

- 3.1** In summary, after considering the submitter's evidence, I continue to recommend extending and intensifying the zone to enable only an additional 27 dwellings within the Open Space Residential (**OSR**) Activity Area on the basis that there is still insufficient information in relation to wastewater disposal and traffic effects. It remains the case that I cannot support any expansion or additional intensification of the Jacks Point Zone (**JPZ**) without additional information from Jardine in regard to these matters.
- 3.2** To clarify, in paragraphs 3.3, 3.4, 3.8, and 3.9 of his rebuttal evidence Mr Glasner has accepted the evidence of Mr Hansen in respect of water supply (subject to ensuring it is not contaminated by wastewater disposal) and stormwater disposal and, in paragraphs 11.1 - 11.4 of his rebuttal evidence, Mr Watts has accepted the evidence of Mr Rider in respect of natural hazards.
- 3.3** As such, those matters no longer constrain the ability to rezone rural zoned land to JPZ or to intensify the existing Homestead Bay portion of the JPZ in the manner sought. I accept Mr Watts' evidence in this respect and, as such, have recommended adding natural hazards mitigation as a matter of control at the time of building within the OSR area (Rule 41.4.3.2). This matter is discussed in more detail below in paragraphs 3.23 – 3.24 of this evidence.
- 3.4** Mr Geddes has filed evidence in relation to all planning aspects related to the intensification and expansion of the JPZ.
- 3.5** Mr Geddes states at paragraph 4.15 that "*the mounding seeks to obscure any visual perspective of built [sic] from State Highway 6*". In response, this and Mr Espie's evidence seems to be starting from a

premise that the desirable outcome is that buildings be hidden from view from the State Highway. In fact, the relevant policies (41.2.1.1, 41.2.1.3, and 41.2.1.4) require that the visibility from State Highway 6 shall be taken into account when undertaking building and activities; that views across the site to the mountain peaks beyond be maintained and protected when viewed from the State Highway; and that residential development is not readily visible from the State Highway. In this respect, I concur with Dr Read that it is not necessary to hide development from the State Highway.

3.6 Mr Geddes states at his paragraph 5.42 that the proposed rezoning is consistent with the Objectives and Policies of Chapter 6, Landscape.

3.7 In response, I do not agree that the development and mitigation enabled by the proposed R(HB-SH)A - C areas is consistent with Chapter 6 for the reasons set out below. Rather, I consider that including these areas on the JPZ Structure Plan:

- (a) would not achieve Objectives 6.3.1, 6.3.2 and 6.3.4;
- (b) would be inconsistent with Policies 6.3.1.10, 6.3.2.4, 6.3.2.5 and 6.3.4.3; and
- (c) will not be the most appropriate way of achieving the relevant objectives and policies of the PDP.

3.8 In summary, these policies relate to protecting landscape character and visual amenity values as viewed from public places; having particular regard to effects where development constitutes sprawl along roads; ensuring that incremental changes do not degrade landscape quality and character as a result of activities associated with mitigation of the visual effects of proposed development such as screening planting and mounding; and avoiding planting and screening where it will reduce openness.

3.9 Mr Geddes states at his paragraph 4.18 that the maximum height of any building above the finished level on the site can be registered on the title for the property informing any lot owner as part of any future subdivision consent. In response, should the Panel recommend accepting the JPZ extension and Areas R(HB)A - C (being those

which rely on such mitigation measures), then amendments may be required to the Chapter 27 (subdivision rules) to ensure this occurs.

- 3.10** Mr Geddes states at his paragraph 4.20 that the mounds should be exempt from the need to obtain resource consent on the basis that if their effects are considered acceptable at the plan drafting stage (i.e. now), then a subsequent resource consent is not necessary. I do not concur with this view as that would mean that if the earthworks are undertaken independent of any subdivision, which is feasible in my view under the PDP provisions, then the Council would be unable to impose conditions to manage the potential adverse effects such as effects on landscape, amenity values, land stability, flooding, water quality, cultural and archaeological values, and as identified in the matters of discretion in Rule 41.5.5.
- 3.11** Mr Geddes states at paragraph 4.24 that the NZone operation should be provided for by expanding the range of activities that are allowed within the Open Space Landscape (**OSL**) Activity Area. In response, this is unnecessarily complex in my view when the activity can be provided for through the existing rule framework and without the need for specific provisions by reclassifying the land as Open Space Golf (**OSG**) Activity Area, which as drafted, already provides for recreational activities. This is the method proposed in the S42A report under Scenario B.
- 3.12** Mr Geddes considers at paragraph 5.27 that the rezoning is consistent with the relevant Objectives and Policies of the Operative Regional Policy Statement (**ORPS**) for various reasons, including that efficient and effective infrastructure can be developed to service it.
- 3.13** On the basis that Mr Glasner is not convinced by the submitter's evidence that efficient and effective infrastructure can be developed to service the increased capacity, in my view the JPZ will not give effect to the ORPS in this respect. Similarly, contrary to Mr Geddes' comments at his paragraphs 5.28 to 5.31 in relation to the proposed Regional Policy Statement (**PRPS**), in my opinion the rezoning does not have regard for Objective 4.3 in relation to managing and developing infrastructure in a sustainable way.

3.14 I also note that due to the lack of evidence in regard to wastewater disposal, I do not concur with Mr Geddes' conclusion at his paragraph 5.49 that the rezoning is fully consistent with the purpose and principles of the RMA, in that there is no certainty that water and soil quality will be maintained or people's health, safety, and wellbeing provided for (sections 2(b), 7(f) and 7(g)).

3.15 Mr Geddes considers traffic issues at paragraphs 6.3 - 6.4 where, relying on Mr Bartlett's evidence, he concludes that the proposed Homestead Bay access/ intersection is possible but requires formal approval from the Transport Agency. In my opinion, relying in part on Ms Banks' rebuttal evidence, neither the evidence of Mr Bartlett or Mr Geddes adequately address the concerns raised in my S42A report or in Ms Banks' evidence in chief regarding the inadequacy of the traffic evidence provided on behalf of the submitter. As such, it remains unclear to me:

- (a) whether the additional capacity enabled by the submission would result in adverse effects on the State Highway or internal roading network that cannot be mitigated;
- (b) whether the additional traffic generation can be catered for by the roading network and State Highway accesses already shown on the Jacks Point Structure Plan (reply version); and
- (c) whether an additional access or accesses onto the State highway is/ are the most appropriate way of minimising avoid adverse effects on the State Highway and internal network.

3.16 I note that the modelling that Mr Bartlett relies on in his evidence does not consider the traffic effects of what is enabled under either the notified or reply version of the Jacks Point Zone once fully developed, or the cumulative traffic effects of adding a further 541 permitted dwellings as would be enabled by the Jardine submission. Rather, he appears to have considered the traffic effects of predicted traffic volumes at a particular point in time and made the assumption that all this traffic will access the zone via Woolshed Road.

- 3.17** As such, I remain of the view that until the traffic effects are better understood it is not possible to determine that expanding and intensifying the Homestead Bay part of the JPZ is the most appropriate way of achieving the purpose of the Act or PDP objectives¹ relating to connected, efficient, and integrated roading.
- 3.18** Furthermore, having considered the evidence of Ms Banks and Mr Bartlett, I remain of the view that there is not adequate information to enable the new accesses into the JPZ that are sought by the submission as a permitted activity (albeit subject also to NZ Transport Agency approval and subdivision control) given that it is still not clear what the likely traffic volumes using those accesses will be. I briefly respond to the evidence that has been provided on behalf of NZ Transport Agency in paragraphs 3.29 - 3.30 of this evidence.
- 3.19** Mr Geddes considers infrastructure at paragraphs 6.5 - 6.6 and, relying on Mr Hansen's evidence, concludes that the zone can be adequately serviced with no adverse effects on any existing infrastructure or the environment.
- 3.20** In response, I note that at paragraphs 3.2 - 3.4 and 3.8 - 3.9 of his rebuttal evidence, Mr Glasner expresses the view that Jardine's evidence relating to stormwater disposal and water supply gives him confidence that effects can be managed provided the water supply is not affected by wastewater disposal. However, in his view, Jardine's evidence is insufficient to determine whether there will be adverse effects from the onsite disposal of wastewater (Mr Glasner's paragraphs 3.5 - 3.7). Concerns include the fact that the Lowe report attached as Appendix 2 to Mr Hansen's evidence shows a disposal area of just 2.6 ha, which is sufficient to cater for 130 dwellings but does not confirm that there is suitable land available of a size needed for the whole development; and that the modelling has used/

¹ 4.2.3.1: *Provide for a compact urban form that utilises land and infrastructure in an efficient and sustainable manner, ensuring: connectivity and integration; ...*
41.2.1.27: *Provide safe and efficient road access from State Highway 6*
41.2.1.28: *With respect to infrastructure: a) Ensure that the roading network and vehicle access is integrated.*
41.2.1.33: *Ensure subdivision and development complies with the Structure Plan in order to achieve a diversity of residential opportunities and a range of complementary activities; recognition of landscape and amenity values; connected roads, open space, and trail networks; and the integration of activities and servicing.*

assumed low flows. Mr Glasner also raises the concern that the Lowe report confirms that the submitter has not spoken to either Hanley Downs or Jacks Point in respect of wastewater disposal options.

- 3.21** In response, I continue to hold the view that the rezoning of Rural land and intensification of the JPZ beyond the small amount recommended in my S42A report is not the most appropriate way of achieving the purpose of the Act or either the Jacks Point or Strategic objectives of the District Plan.
- 3.22** Mr Geddes considers natural hazards at paragraphs 6.10 - 6.13, in which he outlines the Council's approach to zoning land which contains known potential hazards (citing other specific examples). Relying on Mr Rider's evidence, he concludes that any adverse effects in terms of natural hazards are acceptable.
- 3.23** In response, relying in part on the evidence of Mr Watts, I accept Mr Rider's evidence and agree (in part) with Mr Geddes' conclusion that the risks posed by the natural hazards present onsite can be sufficiently mitigated. I accept that standard investigation and design at the time of resource consent will mitigate the potential liquefaction hazard that exists over an approximately 2.3 hectare portion of the recommended OSR Area (shown as Area A on the attachment to Mr Rider's evidence) provided Rule 41.4.3.2 is amended to ensure that Council maintains control over hazard mitigation at the time of building.
- 3.24** Given that both residential dwellings and subdivision in the OSR Area is recommended to be controlled; that the allowable residential density in this area is low (i.e. only 2 dwellings would be expected to locate in that area in any case); and that the rules would enable those dwellings to be located outside the hazard area if necessary, I recommend that the OSR classification be retained over this area. In addition, I recommend that Rule 41.4.3.2 be amended as follows (with the addition shown as green double underlined text):

| | | |
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| 41.4.3.2 | <p><u>Residential buildings located within the Homesite (HS), Open Space Residential (OSR) and Rural Living (RL) Activity Areas (HS Activity Areas), with Council's control reserved to the matters listed above in Rule 41.4.3.1 (Lodge Area) and, in addition:</u></p> <ul style="list-style-type: none"> • <u>The protection and enhancement of Wetland areas within and adjacent to the site in the Homesite Activity Area.</u> • <u>Any effects on the ability to implement and maintain the comprehensive vegetation plan required at the time of subdivision and to protect existing native vegetation in the Rural Living Activity Area</u> • <u>The extent of native planting proposed in the OSR Area and the positive effects on nature conservation values as a result of such planting.</u> • <u>Natural hazards in the OSR Activity Area</u> | <u>C</u> |
|----------|---|----------|

3.25 I note that the other land containing natural hazards is classified variously as OSL, OSG, and Highway Landscape Protection (**HLP**A) Areas; which variously allow only farm buildings or recreation buildings associated with outdoor recreation and none of which enable residential development. As such, I am comfortable that from a natural hazards perspective, the Structure Plan recommended in the S42A report (Scenario A) is appropriate (with no change to OSR) and that, purely from a natural hazards perspective, the Structure Plan shown as Scenario B in the S42A report would also be appropriate.

3.26 Turning to Mr Geddes' proposed amended provisions attached as Appendix 2 to his evidence, I make the following additional specific comments. Where these provisions are also discussed elsewhere in this evidence, I refer to the relevant paragraphs:

- (a) I support Mr Geddes' proposed Policy 41.2.1.38² although I note that under my recommended Zone boundary and Structure Plan (Scenario A), this policy would very likely only apply to development within a small portion of the extended OSR area given that the Rural zoning is recommended to be

² "Provide for development within the Homestead Bay area in a way that maintains an open rural form of landscape character and visual amenity as experienced from State Highway 6".

retained along the State Highway. Under Scenario B the policy would be an important addition to the policy framework;

- (b) I support Mr Geddes' proposed Rule 41.5.1.13 requiring the planting of the gully within the Open Space Foreshore (OSF) area and accept that showing the gully specifically on the Structure Plan is more appropriate than describing it in words as I have provisionally recommended as Scenario B in my S42A report. I note for completeness that this gully has not been shown in the Structure Plan within Mr Geddes' Appendix 2 and that this needs to be rectified;
- (c) I do not support Mr Geddes' proposed amendments to Rule 41.5.3.7 requiring 20% of each site within the OSR Area to be planted in native plants for the reasons outlined in my S42A report;
- (d) I do not support Mr Geddes' proposed amendments to Rule 41.5.5 exempting the mitigation mounding from the earthworks rules for the reasons outlined in paragraph 3.10 of this evidence; and
- (e) I do not support Mr Geddes' proposed amendments to Rule 41.5.7 relating to access onto the State Highway for the reasons outlined in paragraph 3.15 of this evidence.

3.27 In regard to points b) and c) above, I note that Policy 41.2.1.26 would need to be amended as a consequence of adopting either Mr Geddes' proposed rule, or my recommended amended Rule 41.5.3.7 (which makes building and associated landscaping a controlled activity), and the recommended replacement of the 80% planting rule in the OSF Area (Rule 41.5.12) with a requirement to plant only the gully area. I recommend the following amendments:

41.2.1.26 Ensure substantial native revegetation of the gully within the lake foreshore (OSF) and the ~~open spaces within Homestead Bay and Home~~ site activity areas within the Tablelands Landscape Protection Area and encourage native planting of the open space Activity Areas (OSF, OSL, and OSG) within Homestead Bay.

3.28 The following rules (41.5.1.13 and 41.5.1.14) would also need to be amended in the following manner as a consequence of removing or relaxing the 50% and 80% planting rules:

41.5.1.13 Open Space - Foreshore (OSF) - The regeneration of native endemic species ~~over 80% of the land area~~, and retention of open space.

41.5.1.14 Open Space - Residential (OSR) - 39 residential units set ~~within a regenerating foreshore environment.~~

- 3.29** These recommended amendments will be reconsidered in light of any further progress at the hearing, and if still considered to be the most appropriate wording, they will be included in any amended provisions attached to my reply evidence.
- 3.30** Mr Espie has filed landscape evidence. While I do not intend to rebut his evidence as Dr Read has done that, I note that the trail that runs along the lake edge of Homestead Bay (as shown in the Structure Plan attached to the 15 May 2017 memorandum/ Geddes evidence) seems to be missing from Mr Espie's Appendix 6.

MR MACCOLL AND MR SIZEMORE FOR NZ TRANSPORT AGENCY (719/1092)

- 3.31** Mr MacColl states at paragraph 73 of his evidence that additional access ways to the State Highway should be considered separately from the District Plan review process, so that the NZ Transport Agency and any other relevant interested parties have the opportunity to fully participate in submissions. I agree with this statement to the extent that I consider there is insufficient information to determine at this stage whether the addition of further accesses in the vicinity of Homestead Bay would provide the most appropriate traffic outcome; and, if so, how many accesses are appropriate, and where they should be located. As such, retaining the restricted discretionary status of such accesses is most appropriate in my opinion.
- 3.32** Mr Sizemore states at paragraph 26 of his evidence that integration with the existing Jacks Point internal road network would be preferable to provision of new accesses to the State Highway. I agree with this statement to the extent that, in my opinion, it is critical that the roading within the Homestead Bay area of the JPZ (including any additional access points onto the State Highway if they are deemed appropriate in the future) are well connected to the rest of the zone.

MR WILLIAMS FOR TIM & PAULA WILLIAMS (601)

- 3.33** Mr Williams has filed evidence in relation to the proposed amendments and extensions to the JPZ Structure Plan and the proposed extension of the JPZ.
- 3.34** Mr Williams states at paragraphs 2.6 - 2.8 that if Areas R(HB)A - R(HB)C are approved then various amendments should be made to the provisions in order to better protect the amenity values of the existing JPZ residential area. Notwithstanding that I recommend in my primary evidence that these areas not be approved, if the areas are approved then I agree that these suggested amendments are appropriate.
- 3.35** Mr Williams states at his paragraphs 3.1 - 3.3 that a network of trails connecting the proposed Homestead Bay pods to each other and to the existing Jacks Point neighbourhoods should be identified on the Structure Plan and be required to be implemented through a rule. I agree that this would be appropriate. Such an approach is consistent with the rest of the JPZ Structure Plan and is an appropriate method of achieving the JPZ Objective 41.2.1 and, in particular, Policies 41.2.1.1 and 41.2.1.2 regarding consistency with the Structure Plan. That said, I note that other than the extension of the lakeside trail recommended in my S42A version of the Structure Plan, no other trails are specifically shown in any evidence.



Victoria (Vicki) Jones

11 July 2017