

Summary of Evidence Hearing Stream 04: Subdivision – Chris Ferguson

- 1 My name is Christopher Bruce Ferguson. I hold the position of Principal with the environmental consultancy firm Boffa Miskell Limited. I hold the qualification of a Bachelor of Resource and Environmental Planning (Hons) from Massey University, have 20 years' experience as a planning practitioner and am based in Queenstown.

Corrections to Evidence

- 2 At para 8 of my Evidence, I explained that the scope of my evidence related to the submissions on Chapter 27, by the following entities:

- (a) Darby Planning LP (#608)
- (b) Soho Ski Area Limited (#610)
- (c) Treble Cone Investments (#613)
- (d) Lake Hayes Limited (#763)
- (e) Jacks Point Residential No.2 Ltd, Jacks Point Village Holdings Ltd, Jacks Point Developments Limited, Jacks Point Land Limited, Jacks Point Land No. 2 Limited, Jacks Point Management Limited (collectively referred to as '**Jacks Point**') (#762)
- (f) Glendhu Bay Trustees Ltd (#583) and
- (g) Hansen Family Partnership (#751).

- 3 This list is incomplete and also inaccurate in respect to the Jacks Point entities and I wish to make two corrections, as follows:

- (a) As explained in para 10, the submissions by Lakes Hayes Cellar Ltd (#767) and Mt Christina Ltd (#764) sought changes to existing zones and for rezoning land, in reliance on the underlying framework of subdivision rules and do not require changes to Chapter 27 particular to these areas. However, the scope of these submissions also provides support to the more general issues arising from the default status of subdivision. On reflection, I should have made it clearer that my evidence should properly record that it has also been prepared in support of the submissions by Lake Hayes Cellar and Mt Christina.
- (b) My summary of the Jacks Point entities under submissions #762 is also incomplete and in reliance on this submission, should be corrected to be:

Jacks Point Residential No.2 Ltd, Jacks Point Village Holdings Ltd, Jacks Point Developments Limited, Jacks Point Land Limited, Jacks Point Land No. 2 Limited, Jacks Point Management Limited, Henley Downs Land

Holdings Ltd, Henley Downs Farms Holdings Ltd, Coneburn Preserve Holdings Limited, Willow Pond Farm Limited

- 4 For clarity and completeness, I attach a replacement cover page for my evidence correcting these two matters.
- 5 I have structured this evidence along three main issues, relating to the default subdivision regime for all zones excluding Rural; the provisions relating to subdivision within the Jacks Point Zone; and subdivision within the Ski Area Sub Zones. Below is a summary of my evidence in respect to these issues.

Refinements to the Councils Position

- 6 Since preparing my evidence¹, the position of the Council has been refined through legal submissions² to accept my suggested changes to the wording of redraft Rule 27.5.5 as it relates to “*all subdivision activities, except as otherwise stated ...*” and the removal of the element of discretion over lot sizes. In addition, Mr Bryce has prepared a statement of “*Additional Information*” (dated 29 July), in response to questions from the Panel on access. This statement reconsiders the discretion to provide a more focussed matter of discretion over “*lot size and dimensions*”, which is limited to the reconfiguration of existing roads for widening, formation or upgrading; and any provisions relating to access and service easements for future subdivision on adjoining land, which may necessitate changes to lot sizes and dimensions.
- 7 I support the concept of providing discretion/control over legal access widths within subdivisions; any consequential changes to the lot layout and dimensions arising from that; and making provision for access and service easements to accommodate subdivision or development on adjoining land.

Default status of subdivision

- 8 Through the Council’s further evidence and legal submissions, the extent of differences to the provisions are becoming increasingly narrowed to the default status for subdivision, being either a controlled or a restricted discretionary activity.
- 9 My evidence promotes a retention of the status quo in respect of the default status of subdivision as a controlled activity across all of the district, but not necessarily under the same structure as the operative District Plan. In arriving at this view, I have considered the evidence for the Council against my own experiences, the future decisions yet to be made in respect to new zones, and the ability to use more targeted methods within Chapter 27 to address issues where they may result in adverse outcomes.

¹ Statement of Evidence of Chris Ferguson, 15 July 2016

² Opening Representations / Legal Submissions for QLDC, 22 July 2016

- 10 The structure of Chapter 27 provides a table of listed activities that apply to subdivision across the district; a second table of standards that apply to all subdivision; and a third table of Zone and Location Specific Standards. Through this structure the chapter has the ability to address targeted issues commonly associated with subdivision such as minimum lot sizes) and provisions that respond to a particular area.
- 11 As part of iterative process of hearing submissions on the PDP, it is entirely appropriate for the Panel to establish a default status for subdivision as a controlled activity on a district wide basis in the knowledge that this framework may not suit all of the future changes being addressed as part of the hearings on the planning maps. Chapter 27 is structured in a way to accommodate location specific provisions and these may provide the appropriate means by which to address location specific responses for future decisions on the planning maps that cannot be appropriately dealt with under a controlled, restricted discretionary or even discretionary activity approach.

Jacks Point

- 12 The Council's evidence supports controlled activity status for subdivision within the Jacks Point and other Zones where subdivision will be undertaken in accordance with a Structure Plan. I also support controlled activity status for subdivision within Jacks Point, not just because of the Structure Plan, but also because of the additional location specific rules relating to Jacks Point providing a range of further and detailed matters of control (or discretion) providing confidence that access, open space, landscape and amenity values, recreation values and housing needs are appropriately addressed.

SASZs

- 13 My evidence examines the range of higher order objectives and policies that relate to ski area activities located within the SASZs and the land use rules that give effect to them in the rural zone (Chapter 21). These provisions establish a clear basis for enabling growth, development and consolidation of activities and include exempting these areas from the landscape categories. With a regime for development within the SASZs that is substantially different from the remainder of the rural zone I consider the opportunity for subdivision as a controlled activity would enable ski area operators to facilitate investment and achieve the objectives to grow, develop and consolidate activities.

Chris Ferguson 8 August 2016

BEFORE THE QUEENSTOWN LAKES DISTRICT COUNCIL

IN THE MATTER of the Resource Management Act
1991

AND

IN THE MATTER of the Proposed District Plan
Review, Stream 4 Hearing: Chapter
27 Subdivision

STATEMENT OF EVIDENCE OF CHRISTOPHER BRUCE FERGUSON

Darby Planning LP (#608)
Soho Ski Area Ltd (#610)
Treble Cone Investments Ltd (#613)
Lake Hayes Ltd (#763)
Jacks Point Residential No.2 Ltd, Jacks Point Village Holdings Ltd, Jacks Point
Developments Limited, Jacks Point Land Limited, Jacks Point Land No. 2
Limited, Jacks Point Management Limited, Henley Downs Land Holdings Ltd,
Henley Downs Farms Holdings Ltd, Coneburn Preserve Holdings Limited,
Willow Pond Farm Limited (#762)
Lakes Hayes Cellar Ltd (#767)
Mt Christina Ltd (#764)
Glendhu Bay Trustees Ltd (#583)
Hansen Family Partnership (#751)

15 July 2016

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