

Before 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

STATEMENT OF REBUTTAL EVIDENCE OF CHRISTOPHER FERGUSON FOR

Jacks Point Residents and Owners Association (#1277)

Dated 07 July 2017

Solicitors

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**anderson
lloyd.**

QUALIFICATIONS AND EXPERIENCE

- 1 My name is Christopher Bruce Ferguson. I hold the position of Principal with the environmental consultancy firm Boffa Miskell Limited. I am based in Queenstown and have been employed by Boffa Miskell since April 2015. I hold the qualification of a Bachelor of Resource and Environmental Planning (Hons) from Massey University and have 20 years' experience as a resource management practitioner.
- 2 The full details of my experience and qualifications are set out in my Evidence in Chief, dated 29 February 2016.
- 3 In preparing this evidence I have reviewed:
 - (a) Submission (#715) from the Jardine Family Trust & Remarkables Station Ltd (the '**Jardine's**') and related Memoranda to the Panel dated 14 March 2017 and 15 May 2017 (also containing amended Chapter 41 provisions and structure plan);
 - (b) The statements of evidence prepared for the Jardine Family Trust & Remarkables Station Ltd by Mr N Geddes (5 June 2017), Mr B Espie (9 June 2017), Mr J Bartlett (9 June 2017), Mr C Hansen (4 June 2017) and Mr D Rider (9 June 2017); and
 - (c) The s.42A report prepared by Ms V Jones (24 May 2017) and associated expert evidence prepared for the Council by Dr Read (Landscape), Mr Davis (Ecology), Mr Glasner (Infrastructure), Dr Chiles (Acoustic) and Ms W Banks (Transport);
- 4 I have read the Code of Conduct for Expert Witnesses in the Environment Court Practice Note. This evidence has been prepared in accordance with it and I agree to comply with it. I have not omitted to consider material facts known to me that might alter or detract from the opinions expressed.

SCOPE OF EVIDENCE

- 5 I have been asked to prepare this statement of evidence to the Queenstown Mapping Hearing (Stream 13) by the Jacks Point Owners and Residents Association ('**JPROA**'). I had input into the drafting to the further submission by the JPROA.
- 6 As detailed within my Statement of Evidence to the hearing of the Jacks Point Zone (Chapter 41), I was involved in the drafting of the Chapter 41 provisions for the Council prior to its notification as part of Stage 1 of the District Plan Review. Through the subsequent hearing on Chapter 41 I have prepared a Statement of Evidence (dated 3 February 2017), a Statement of Supplementary

Evidence (dated 15 February 2017) and a further Second Statement of Supplementary Evidence (dated 20 February 2017). I reference the provisions attached to my Second Statement of Supplementary Evidence as being the most recent provisions by Jacks Point and as agreed to by the JPROA.

EXECUTIVE SUMMARY

- 7 This evidence provides a focussed examination of four discrete issues for the JPROA of the proposed expansion of the Homestead Bay area by the Jardines.
- 8 There are desirable urban design and traffic reasons to facilitate an access connection between Jacks Point and Homestead Bay and I support the retention of the Primary Road Access being identified on the JPZ structure plan for this purpose. The JPROA are however concerned with how the potential uplift in development capacity within the Homestead Bay land, beyond the JPZ as notified, is managed with respect to the safety and amenity of the Jack's Point residents. My evidence supports the mechanism proposes in the evidence for the Jardines by Mr Bartlett to control the traffic safety and amenity effects through the introduction of a new standard triggered by development (residential or non-residential) above the 244 lots (or equivalent) enabled through the JPZ as notified.
- 9 The development of the private infrastructure to service the proposed development within Homestead Bay has the potential to adversely affect the landscape values of Jacks Point, particularly if a new high level reservoir is proposed to be located high up on Jacks Point itself. Ideally this should co-located with the existing Coneburn reservoir to take advantage of screening available. In the event a new reservoir is required on the Homestead Bay land I consider a new rule will be necessary to appropriately manage its effects on this part of the Outstanding Natural Landscape.
- 10 The proposal is to extend the approach taken for the treatment of the interface of the Jack's Point Residential State Highway Activity Areas to the mitigation of future development and to achieve the policies of the JPZ. This approach does not however recognise the topographical differences between these areas and will result in an artificial form of mitigation out of character with the relatively flat and open part of the landscape across this part of Homestead Bay. No quantitative evidence has been produced to support the evaluation of visual effects from the State Highway and given the complex approach to height rules, it is impossible to properly understand the visibility of future development.
- 11 The proposal is to partially include the Skydive Airstrip into the JPZ through identification of this land within the OSL Activity Area, identification of separate State Highway access and recognition within the Structure Plan – Activities rule. This approach fails to address and reconcile the significant issues Jacks Point

residents have with the existing airstrip. The proposal uncomfortably recognises the airstrip within the JPZ but not in an inclusive and thorough way using mechanisms such as noise contours, policies and related protections for sensitive activities, to ensure its full integration with the zone. Considering the alternative framework which exists under the rural zone, I believe a more appropriate outcome would be to retain the Skydive Airstrip land within the rural zone.

- 12 This evidence provides a focussed evaluation of these issues, analysis of the cost and benefits and their appropriateness with respect to any relevant objectives. I rely on my earlier evidence¹ to the Panel at Stream 09 (Jacks Point) for a more complete evaluation of the relevant higher order objectives policies of the PDP, the operative Regional Policy Statement, the proposed Regional Policy Statement and other relevant national directives.

THE JPROA FURTHER SUBMISSION

- 13 The further submission by the JPROA was in the category of conditional support and sought to allow the relief sought in the submission subject to any further refinements to the Structure Plan and Jacks Point Zone ('JPZ') provisions to provide for the matter raised in the further submissions. The matters raised in the further submission included:

- (a) Protection of landscape and amenity values, including landscape protection areas
- (b) Sensitive design of the marina village
- (c) Additional water transport connections
- (d) Sensitively designed and limited residential and other activities that complement and do not adversely effect or detract from the wider Jacks Point Zone
- (e) Staging of development
- (f) Integration of the Homestead Bay area with the rest of the Jacks Point Zone

- 14 Having reviewed the revised package, the concerns by the JPROA can be more focussed to the following three matters:

- (a) Issue 1 - The potential increase in traffic from Homestead Bay through Jacks Point and integration with the JPZ roading network;

¹ Statement of Evidence of Chris Ferguson, Stream 09 Hearing (3 February 2017).

- (b) Issue 2 - The integration and capacity of new infrastructure with the existing Jacks Point Zone infrastructure, and the water quality, landscape and visual effects of new infrastructure, including a potential new water reservoir on Jacks Point; and
- (c) Issue 3 – The visual effects of future development, including the appropriateness of the proposed mitigation on the characteristics of the landscape.
- (d) Issue 4 - The inclusion of the Skydive Airstrip into the Jacks Point Zone, together with identification of vehicle access and inclusive into the structure plan – activities rule.

EVALUATION

Issue 1 – Traffic

- 15 The proposal by the Jardine's is to extend the JPZ south to include the land owned by Jardine Family Trust and Remarkables Station Ltd and Homestead Bay Trustees Ltd. This land includes the current Homestead Bay area of the Jacks Point Resort Zone identified within the Homestead Bay Structure Plan (Figure 3) under the Operative District Plan ('ODP'). The Proposed District Plan ('PDP') rolled over the Homestead Bay area into the new JPZ and provided for the spatial layout of development through a single structure plan for the entire zone. The main differences in this single structure plan from the ODP are the identification of key design elements such as Public Access Routes, Primary and Secondary Road Access and Key Road Connections. These are integral to achieving the overall objective for the JPZ of achieving an integrated community.
- 16 The structure plan provides for a central spine road, through the identification of a Primary Access Road, which extends from Homestead Bay in the south to Woolshed Road in the north. This is intended to facilitate connections with the overall Jacks Point community without involving trips onto the State Highway. Under the JPZ as notified Homestead Bay is accessed entirely through the Primary Access Road (Maori Jacks Road), which followed from the original extent of that area being limited to the ODP structure plan that does not extend as far as State Highway 6. I consider physical expansion to the area of Homestead Bay east as well as the increase to the expended transport demand will require a rethink of vehicle access to and between this area.
- 17 The evidence for the Jardines proposes to accommodate the expanded residential opportunities within Homestead Bay through the identification of a new access road onto State Highway 6 towards the southern extent of the expanded zone and close to Lakeside Estates. If the submission by the

Jardines is accepted, the development of a further State Highway access is logical and not opposed by the JPROA. I note however, it is unclear from the revised structure plan contained within Appendix 1 to the evidence of Mr Geddes whether this will be a Primary or Secondary Road Access.

18 The concern for the JPROA is the potential adverse effects on the transportation network within Jacks Point from any increase in traffic above what could have resulted from the notified JPZ Structure Plan. This concern extends to the design capacity of that road to accommodate that increase in traffic demand and the amenity and safety effects that could occur. Ultimately the decision over whether a new access onto SH 6 can be established for Homestead Bay to accommodate this planned growth rests with the NZ Transport Agency and that is proposed to be the subject of a resource consent process and approval outside of the RMA. Given the uncertainty which exists through this process, the JPROA supports the mechanism proposed within the evidence of Mr Bartlett that development at Homestead Bay is not to increase beyond the current provisions of the ODP of 244 residential lots without prior agreement of JPROA who own and maintain Maori Jack Road.

19 This recommendation from Mr Bartlett has not however been carried through into the revised provisions contained within Appendix 2 to the evidence of Mr Geddes. Given the uncertainty regarding the creation of the State Highway access and the scale of the potential increase of traffic through Maori Jack Road (541 additional lots) the formulation of this standard is critical to maintain safety and amenity for the residents and Jacks Point. I consider the important elements of this standard as being to provide for:

- (a) Any increase above 244 lots (or equivalents) as triggering the requirement for resource consent as at least a discretionary activity to ensure effects on the State Highway and internal road networks are assessed; and
- (b) Mandatory notification to the owner of Maori Jack Road for any increase in development in Homestead Bay that will connect to Maori Jack Road.

Issue 2 – Infrastructure

20 The evidence of Mr Hansen for the Jardines proposes that private infrastructure be developed to service development within the zone. This infrastructure is recommended to include establishing an “on-demand” water supply system involving a new water reservoir constructed on Jacks Point, presumably to provide for the necessary water pressure for a gravity based system. It appears this reservoir would be located on the Jardine land in the general vicinity of but not co-located with the Coneburn reservoir serving Jacks Point. Although Mr

Hansen raises the possibility of links being development between the systems to enhance resilience.

- 21 The topographical feature of Jacks Point forms part of the Outstanding Natural Landscape for the Wakatipu Basin and is included within the Open Space Landscape Activity Area and the Lake Shore Landscape Protection Area. The eastern slopes are highly visible from State Highway 6 and its southern and western slopes highly visible from Lake Wakatipu. The eastern, western and southern flanks are presently free of development and with large areas of regenerating native vegetation it displays a high level of natural character.
- 22 JPROA are concerned with the effects of a new large reservoir on the landscape values of that new infrastructure being development on the prominent slopes of Jacks Point. The landscape evidence of Mr Espie fails to consider the visual impacts of this infrastructure and further noting (incorrectly) that the rounded rocky hill of Jacks Point hill would remain free of development².
- 23 I note that Jack's Point has constructed one of three proposed reinforced concrete reservoirs in a hollow located near the top (northern) side of Jacks Point. The design places all reservoirs below original ground level, with rock having been excavated for all three reservoirs to enable expansion in the future, as required. I understand from discussions with Mr Gousmett that the design of the same type of reservoir used at Shotover Country, it cannot be buried or mounding placed against the tank making it less capable of mitigation.
- 24 The JPZ did not set out to address the effects of such new large scale infrastructure, because it was envisaged existing services could be utilised and developed to cater from growth within the Zone. In more general terms infrastructure is incorporated as a matter of control or discretion in association with certain listed activities or as part of the general discretion available through subdivision. The JPZ policies (revised) do however establish relevant direction on visibility and infrastructure through the following:

Policy 41.2.1.3 *Maintain and protect views into the site when viewed from the lake, and to maintain and protect views across the site to the mountain peaks beyond when viewed from the State Highway.*

Policy 41.2.1.4 *Ensure that residential development is not readily visible from the State Highway.*

Policy 41.2.1.31 *Ensure an adequate level of sewage disposal, water supply and refuse disposal services are provided which do not adversely affect water or other environmental values*

² Para 6.10, Page 14, Statement of Evidence of Mr B Espie (9 June 2017)

25 In the event the Jardines seek to establish a second reservoir on Jacks Point, I consider further provisions within Chapter 27 (Subdivision) and Chapter 41 (Jacks Point) should be crafted to address the potential impacts on landscape and amenity values. I also suggest the addition of a new standard to the JPZ rules relating to any utility infrastructure, as follows:

- (a) Any network utility infrastructure in any Outstanding Natural Landscape be listed as a Discretionary activity;
- (b) Except this rule would not apply to any utility infrastructure that is located below ground; or less than 10m² in area and less than 3m in height.

Issue 3 – Visual Effects

26 There are two important policies for the JPZ relating to visibility: to maintain and protect views across the site to the mountain peaks beyond when viewed from the State Highway³; and to ensure that residential development is not readily visible from the State Highway⁴. As pointed out within the evidence of Mr Espie, “not readily visible” does not mean invisible and in practice has resulted in a small degree of built form being visible, but that is well set back from the road and where its visible effects are increasing reducing over time as mitigation planting matures.

27 The proposal from the Jardine’s is to replicate and extend the same pattern of treatment along the interface of the JPZ used alongside the Jacks Point Area alongside the Residential State Highway Activity Areas 1 – 4. It is not apparent that this approach recognise the differences in the way that the hummocky topography alongside the Jacks Point Residential neighbourhoods provides greater opportunity for landscape absorption within the elevated terrain relative to the road. By contrast the Homestead Bay land alongside State Highway slopes in a more uniform manner away from the road opening up as a wide vista extending west towards Lake Wakatipu and the *roche moutonnee* of Jacks Point.

28 The suggested design response to extend the treatment alongside the State Highway at Jacks Point has been to cut the development areas into shallow depressions and manufacture long wide earth berms along the eastern perimeter of the R(HB) – A to C Activity Areas.

29 Appreciating the work of Mr Espie in his written assessment of the potential visibility of development from the State Highway, his evidence is not supplemented by conventional Zone of Theoretical Visibility (ZTV) analysis,

³ Policy 41.2.1.3 (revised proposal)

⁴ Policy 41.2.1.4, *Ibid*

cross-sections or other quantitative measures to determine the visibility of future development, inclusive of its mitigation.

- 30 The proposed plans attached to the Memorandum to the Commissioners dated 15 May 2017 the Jardine's include a complex set of height diagrams based on what appears to be maximum RLs. It is impossible to tell from these diagrams when read together with the height rules how high buildings can be above either natural or finished ground level following earthworks. In effect the future land owners will need to commission the surveyors that produced these plans to calculate the available height envelope. In my view this approach is not efficient, effective or certain. It is also impossible to understand the visual effects of future buildings in the proposed areas without further information by the submitter.

Issue 4 – Skydive Airstrip

- 31 The structure plan and revised JPZ is proposed to be extended to include the established Skydive Queenstown Ltd airstrip (the '**Skydive Airstrip**') on the land immediately south of Jacks Point. The revised provisions and structure plan attached to the evidence of Mr Geddes seek to recognise and provide for the Skydive Airstrip through the following:
- (a) Incorporating into the JPZ and structure plan as part of the Open Space Landscape Activity Area (OSL);
 - (b) Identification of an access route, labelled as 'Airport Access' onto the State Highway;
 - (c) Amendments to Rule 41.5.1.10 'Structure Plan – Activities', providing for activities within OSL to include the airport within Lot 8 443832 and associated aviation and commercial recreation activities; and
 - (d) Amendments to Rule 41.5.7.1 'Access to the State Highway' recognising that access from the State Highway 6 shall be only at the intersections at Maori Jack Road, Woolshed Road and the Airport Access (as identified on the revised structure plan).
- 32 This Skydive Airstrip is located within the rural zone under the ODP and the PDP as notified. It operates pursuant to resource consent RM960447. More recently Skydive sought to increase flights from the airstrip through direct referral to the Environment Court (RM120052). Both Jacks Point and the JPROA were involved in the court's hearing of this application and opposed the grant of consent. In a decision issued on 16 May 2014⁵ the Environment Court

⁵ Decision No. [2014] NZEnvC 108

refused resource consent for Skydive to operate more flights from the airstrip on Remarkables Station.

- 33 JPROA hold long standing concerns with the effects of the Skydive airstrip on the amenity values of its residents, as evidenced through its involvement in the direct referral and question whether the Skydive Airstrip should form part of the Jacks Point Zone. The evidence of Dr Chiles for the Council further expands on the effects of existing use of the airstrip on existing Jacks Point residential areas and the implications of locating new noise sensitive activities within the flight path. A policy of avoidance of the effects of aircraft noise within the 55 dB sound level contour has been adopted within Frankton in relation to the Queenstown Airport and is based on the framework of New Zealand Standard NZS 6805:1991 Airport Noise Management and Land Use Planning.
- 34 JPROA's concern with the inclusion of the Skydive Airstrip to the JPZ is that it does not provide an equivalent policy framework to manage what is a clear conflict in the use and development of the resources of this area and therefore protect the amenity values of the JPZ. By comparison, leaving the Skydive Airstrip within the Rural Zone carries the support of the following objective and policies from Chapter 21:

21.2.11 Objective - *The location, scale and intensity of informal airports is managed to maintain amenity values while protecting informal airports from incompatible land uses.*

Policies:

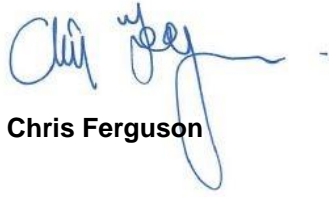
21.2.11.1 *Ensure informal airports are located, operated and managed to maintain the surrounding rural amenity.*

21.2.11.2 *Protect rural amenity values, and amenity of other zones from the adverse effects that can arise from informal airports.*

21.2.11.3 *Protect legally established and permitted informal airports from the establishment of incompatible activities.*

- 35 The evidence for the Jardines does not address how the conflicts between the airstrip and existing and proposed residential activity can be reconciled. In my view, incorporating the Skydive Airstrip into the JPZ through the simple recognition of this activity as a part of the structure plan and access rules is inappropriate having regard to the alternative under the *status quo*.

Dated this 07th day of July 2017

A handwritten signature in blue ink, appearing to read "Chris Ferguson", with a long horizontal flourish extending to the right.

Chris Ferguson