

Before Queenstown Lakes District Council

In the matter of The Resource Management Act 1991

And The Queenstown Lakes District proposed District Plan Topic
12 Upper Clutha Mapping

SUMMARY OF EVIDENCE OF DUNCAN WHITE FOR

Allenby Farms Limited (#502 and #1254)

Dated 31 May 2017

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- 1 My name is Duncan Lawrence White. I am a planner with Paterson Pitts Limited Partnership based in Wanaka. I produced planning evidence on behalf of Allenby Farms Ltd (Allenby) in relation to its submissions to the Proposed District Plan (#502 and #1254). The following is a summary of that evidence and a response to issues raised in rebuttal evidence.
- 2 I consider that sustainable management for Mt Iron and Little Mt Iron needs an integrated, holistic and enduring solution that provides guaranteed environmental outcomes that protect and enhance the sites' ecological, landscape and recreational values in such a way that is economic for the owners and secures recreational and ecological benefits for the wider community and environment. I consider that the planning regime for Mt Iron as notified in the Proposed District Plan does not best provide for these opportunities.

Mt Iron Park Rural Lifestyle Zone and Structure Plan

- 3 Evidence for Allenby proposed a new Mt Iron Park Rural Lifestyle Zone (MIPRL) including a specifically tailored set of objectives, policies and rules with a specific Mt Iron Part Structure Plan. A revised Mt Iron Park Structure Plan was attached to Mr Goldsmith's legal submissions. The proposed provisions would be included in Chapter 22 (Rural Living) and Chapter 27 (Subdivision and Development) of the PDP.
- 4 The proposed MIPRL provides for a comprehensively designed rural lifestyle development of up to 15 houses on 19.7 hectares on the north-western slopes of Mt Iron within the existing indigenous vegetation and adjacent to large lot residential activities. Specific objectives and policies are proposed to minimise the removal of existing indigenous vegetation and are directive in maintaining and enhancing the ecological values of Mt Iron and Little Mt Iron (not just the MIPRL area).
- 5 These objectives and policies are also directive in enhancing permanent public access to Mt Iron and Little Mt Iron through additional recreational trails and integrated recreation management with adjacent DoC land. These trails are secured by specific objectives, policies and rules that require the creation of these trails and the securing of easements for public recreational use as part of the first subdivision within the MIPRL, along with access for DoC to maintain its adjacent land and ongoing maintenance of the public trails within the Mt Iron and Little Mt Iron Protection Areas. In addition these policies require the implementation of legal mechanisms to ensure these objectives and policies are achieved on an ongoing, permanent basis at no cost to the community. These objectives and policies are specific, prescriptive, and provide for secured long term environmental and public access benefits.

- 6 A slightly revised version is appended to Mr Goldsmith's legal submissions to respond to matters identified in the rebuttal evidence.

Mt Iron Park Rural Lifestyle Zone

- 7 The MIPRL has been designed to create a rural lifestyle development on Mt Iron with minimal impact on the site's bush setting and landscape values. To achieve this the building platforms have been located and designed with specific and restrictive controls placed on building height, coverage, design, colours and materials to ensure future houses will be reasonably difficult to see and avoid the skyline. The locations of access and services have also been carefully considered and for the main part follow existing tracks and contours to reduce the amount of vegetation removal and earthworks required.
- 8 The proposed controls are predicated around the subdivision occurring prior to the development of buildings. Specific rules require the establishment of 15 building platforms (BPs) at the time of the first subdivision within the MIPRL.
- 9 The location of these BPs is to be in accordance with the Structure Plan. I have been instructed to modify the area of BPs to 1,700m², with the exception of BPs 10-12 which remain at 1,500m². This size has been determined to provide enough space for building (limited in coverage to 500m² for BPs 1 - 9 and 13 - 15, and 275m² on BP 10 - 12), sufficient room around each house for 10m of fire protection, planting of 400m² of indigenous vegetation of low flammability as well as some space for access, lawns, gardens etc. The increase in the area of the BPs has been specifically undertaken to enable a buildable area in the centre of the building platform that is 10 metres from the edge of the platforms for fire protection. This is a specific response to the FireSmart principles identified in Mr Barr's rebuttal evidence.
- 10 The first subdivision is to provide for one lot, including at least one building platform that includes all the Protection Areas and the Revegetation Area shown on the Structure Plan and the creation of access easements and public access tracks.
- 11 The first subdivision is also to prepare the Mt Iron Park Implementation and Management Plan. This plan is to provide for initial and ongoing pest and animal control, the prevention of grazing within the Protection Areas, and replanting within the Revegetation Area. In addition to the Implementation Plan the first subdivision is also to provide a Recreation Management Plan.
- 12 The first subdivision will also result in the registration of consent notices requiring compliance with the design controls (discussed below), the planting of 400m² of indigenous vegetation within each building platform, the protection of all indigenous vegetation outside the building platform, ongoing compliance with the

Implementation Plan (including ongoing monitoring) and legal obligations to contribute towards the cost of the implementation of the Implementation Plan. The consent notice rule also includes a prohibition on the keeping of cats and mustelids (ferrets, stoats etc).

- 13 No minimum lot size is proposed in the zone, as the number and location of future housing is controlled by compliance with the Structure Plan. Lot size is effectively controlled by the size of the building platforms and the prevention of any more than 15 residential units within the zone.
- 14 Specific and stringent building controls on height (4.5m except BP 10 – 12 which are to be limited to 3.8m) coverage (500m² total floor area, except BP 10 – 12 which are to be limited to 275m²), materials and colours, lighting (not outside the building platforms, downward and limited to 1.2m above ground level) are proposed to ensure dwellings are able to be absorbed into the landscape. Fencing is to be limited to around the building platform or along the zone boundary and is to be limited to post and wire fencing limited to 1 metre in height. Infringements of these standards are to require resource consent as either Non-Complying or Discretionary Activities.
- 15 These rules are stringent and comprehensive, particularly in relation to the ongoing recreation and ecological obligations, the building design controls (especially those applying to BPs 10 – 12) and the keeping of domestic animals. The objectives and policies are also specifically tailored to the outcomes sought in the zone. Mr Barr's statement at paras 12.18 – 12.19 about the level of information provided to support the submission is correct, but this level of information is considered necessary.
- 16 As a result of the site constraints and Allenby's development, recreational and ecological aspirations, the rules are more comprehensive than would be normally expected. I have noted Mr Barr's concerns at para 12.33 about the enforceability of these conditions. These conditions are to be registered on the titles (the CFRs) to the properties within the MIPRL as consent notices and so are to be complied with on a continuing basis. This is a standard approach with almost all recent rural subdivisions being subject to consent notice conditions. These conditions are visible on the CFR and are therefore known to purchasers at the time they purchase the site. These conditions are monitorable in the same way as other consent conditions and at no more cost. The consent notice will not stop cats from entering the site but it will prevent them from living on the site. If potential purchasers think the conditions too onerous they can choose not to purchase sites within the MIPRL.

Ecological

- 17 Dr Lloyd has responded to the rebuttal evidence of Mr Davis. I have reviewed Mr Barr's comments and analysis and consider that the discussion about the extent of the Significant Natural Area E18C (SNA) has not been fully cognisant of the proposed MIPRL controls that protects all indigenous vegetation within the MIPRL outside a building platform and access (and all the Mt Iron Protection Area and the Little Mt Iron Protection Area), the planting of the Revegetation Area, and the eradication of pest plants and animals and the prohibition of livestock grazing from the Protection Areas.
- 18 I also note that the proposed controls provide for a higher level of protection that provided for in SNAs and over a larger area. These controls require active ecological management over an area of 92.81 hectares minus the area of building platform and access on MIPRL. The notified SNA only provided for passive protection of 48.08 hectares. I also note that, of this 92.81 hectares, 53.9 hectares will have the additional layer of protection provided by the SNA overlay.
- 19 Appendix **A** of this summary includes a revised kanuka retention and removal plan. This plan has been revised as a result of the change in building platform areas described previously. As shown on this plan 1.2 hectares of kanuka (calculated from areas that existed prior to the recent clearance) would be required to be removed for the access and building platforms. Half of the area cleared to provide access and for the building platforms will be replanted in the building platform areas (15 x 400m² = 0.6 hectares). With the 0.5 hectare revegetation area the net loss of indigenous vegetation from the implementation of the MIPRL is 0.1 hectares. I note also that natural regeneration will be enhanced by pest animal control and the prevention of grazing.
- 20 For these reasons I disagree with comments in Mr Barr's paragraph 12.20 (b) and consider that the adverse effects on the ecological values of Mt Iron are sufficiently mitigated or offset by the proposed controls, including the revised SNA, the proposed mitigation planting and most significantly by the active ecological management required. Within the building platforms and access the proposal will not protect indigenous vegetation, but over the remainder of the MIPRL and within the Mt Iron and Little Mount Iron Protection Areas the proposal will better protect areas of significant indigenous vegetation and so better accord with s6(c) of the RMA, and the Regional Policy Statement, than will the notified PDP regime. I also maintain my opinion that the required ecological outcomes will achieve and exceed the outcomes sought by the objectives and policies (the S42A report versions) of Chapter 3 – Strategic Direction, Chapter 6 – Landscape, Chapter 33 – Indigenous Vegetation and Biodiversity, and Chapter 34 – Wilding Exotic Trees. The proposed MIPRL objectives and policies go further than those

of the PDP as they require ongoing action by residents of the MIPRL on a permanent basis and without recourse to public funds.

- 21 In preparing my evidence in chief I overlooked the following two key objectives from the Council's right of reply version of the Landscape Chapter 6:

6.3.6 Objective – The protection, maintenance or enhancement of indigenous biodiversity where it contributes to the visual quality and distinctiveness of the District's landscapes

6.3.7 Objective - The use and enjoyment of the District's landscapes for recreation and tourism.

I consider the proposal to be consistent with these objectives.

Recreation

- 22 Mt Iron receives a high level of use from local residents, regional visitors and tourists as a multiple use recreational area. Formalising the existing informal trails on Mt Iron, and providing access to Little Mt Iron and the commuter trail along the base of Mt Iron, will add considerable value to the existing recreational amenities. I was surprised that this issue was not covered in detail in Mr Barr's rebuttal evidence.

- 23 Dr Galloway concludes that development within the proposed MIPRL will not affect the recreational amenity of Mt Iron or Little Mount Iron. I therefore consider that the proposal will comply with Objective 6.3.7 (from the right of reply version of Chapter 6) as it will not affect the use and enjoyment of the Mt Iron landscape for recreation and tourism.

- 24 In relation to the proposed objectives and policies of the MIPRL I consider these objectives to be specific in that they provide for practical and permanent public access to Mt Iron, the legitimisation of public access to existing informal trails, and provide for these outcomes to be secured by ongoing legal methods. These objectives are an appropriate way of achieving the recreational benefits outlined in Dr Galloway's evidence and summary. The proposed provisions of the Rural or the Rural Lifestyle zones do not provide for such outcomes, and so I consider the proposed MIPRL objectives to be more appropriate in these circumstances.

- 25 I consider the level of recreational benefits provided for by the MIPRL provisions to be significantly positive as they open up areas of Mt Iron and Little Mt Iron for recreational activities that are not currently legally available. As Dr Galloway notes, Mt Iron and Little Mt Iron are already used for a range of recreational activities and the benefits, both socially and economic, from increased recreational use are also significantly positive. There are no particular environmental costs associated with the recreational benefits. I therefore

consider the proposed MIPRL provisions will be efficient and effective in achieving the recreational outcomes sought and that there are no risks or uncertainties about the provisions in relation to recreation.

Location and Landscape Effects

- 26 Para 3.25 of Ms Mellsop's rebuttal evidence refers to a concept earthworks plan in the infrastructure report order to determine the extent of cut and fill slopes. This plan was prepared in order to ascertain the extents of earthworks necessary to form the accesses so as to calculate the possible extent of vegetation clearance. The maximum height of cut in the access is 1.6m and the maximum height of fill is 1.5m, whereas Ms Mellsop's conclusion was based on cuts of up to 2.5m and fill of up to 2.0m. I also note that the earthworks design is only conceptual at this stage and so the extent of cut and fill may be able to be reduced by design measures such as retaining.

Infrastructure

- 27 The infrastructure report and Council engineering and transport comments note no particular infrastructural or natural hazard constraints that would preclude the proposed development. Specific design of infrastructure can be undertaken at the time of development in accordance with Council standards including a pumped water supply system with each lot having 20,000 litres of fire water storage.

Building Restriction Area

- 28 Allenby's submission sought that the BRA covering an area of 8.6 hectares between the Anderson Road roundabout, the DoC carpark on the Wanaka-Luggate Highway (SH84) and below the houses on the southern side of Mt Iron Drive, Rob Roy Lane, and Allenby Place be removed and an 8.9 hectare BRA be established on the lower western slopes of Mt Iron.
- 29 I consider the need for the BRA in this location has been superseded. The SH6/SH84/ Riverbank Road intersection, the welcome to Wanaka sign, Puzzling World, the Three Parks area under development on the southern side of SH84, all mean that the perceived entrance to Wanaka is now at the welcome to Wanaka sign south of Mt Iron and this perception will be strengthened as the Three Parks area develops.
- 30 I believe that the proposed Rural zone provisions are adequate to protect the values of this area. I also consider that the S42A report does not adequately assess the effectiveness of those Rural provisions against the proposed BRA in order to justify the BRA under S32.

31 In the case of the revised BRA I consider this is offered by the submitter and provides an additional layer of protection.

Fire Risk

32 I have reviewed the FireSmart Home Owners Manual 2009. I note that the contents of this document are not requirements, rather they are recommendations to avoid risk to life and protect or reduce damage to property from wildfire, these. I also note that vegetation control is just one of the recommendations of the FireSmart manual (see pages 10-14). With these mitigation measures it is possible to have vegetation close to dwellings and still be of low fire hazard and risk. In light of this I consider that there are effective fire mitigation measures that are possible to be implemented that do not require vegetation control beyond that provided for in the proposed MIPRL rules.

RMA Part II Matters and Section 32

33 I have assessed the proposal against the matters contained in Sections 5, 6 and 7 matters of the RMA in my primary evidence. Having now considered the Council's rebuttal evidence, my opinion remains unchanged.

34 The proposal has been specifically developed to manage the resources of Mt Iron to specifically protect and actively enhance the ecological and recreational amenities of Mt Iron and Little Mt Iron. The ecological management and public access will specifically enable the local community and visitors to provide for their social wellbeing, while the additional recreational amenities will provide for enhanced economic benefits to the Wanaka area. The proposed ecological management and the trail network will meet the foreseeable needs of future generations to be able to access natural areas in close proximity to urban areas and provide a more complete trail network within Wanaka. The proposal also provides safeguards for the life-supporting capacity of ecosystems and avoids or mitigates adverse effects on the environment.

35 The proposal has also been assessed against the provisions of section 32(2)(a) which requires the identification and assessment of the anticipated benefits, costs, and the environmental, economic, social and cultural effects of the proposal. The rezoning will provide benefits in the funding of continuing and guaranteed ecological enhancement and pest control (both animal and weed) on Mt Iron and Little Mt Iron. The proposal also provides for the provision of additional public access to Mt Iron and Little Mt Iron, which is considered to be of considerable and ongoing benefit, as will the ongoing track maintenance provided for in the MIPRL.

36 At para 12.19 Mr Barr questions the cost, efficiency and effectiveness of the approach. Contrary to Mr Barr's assessment, I consider that the rezoning

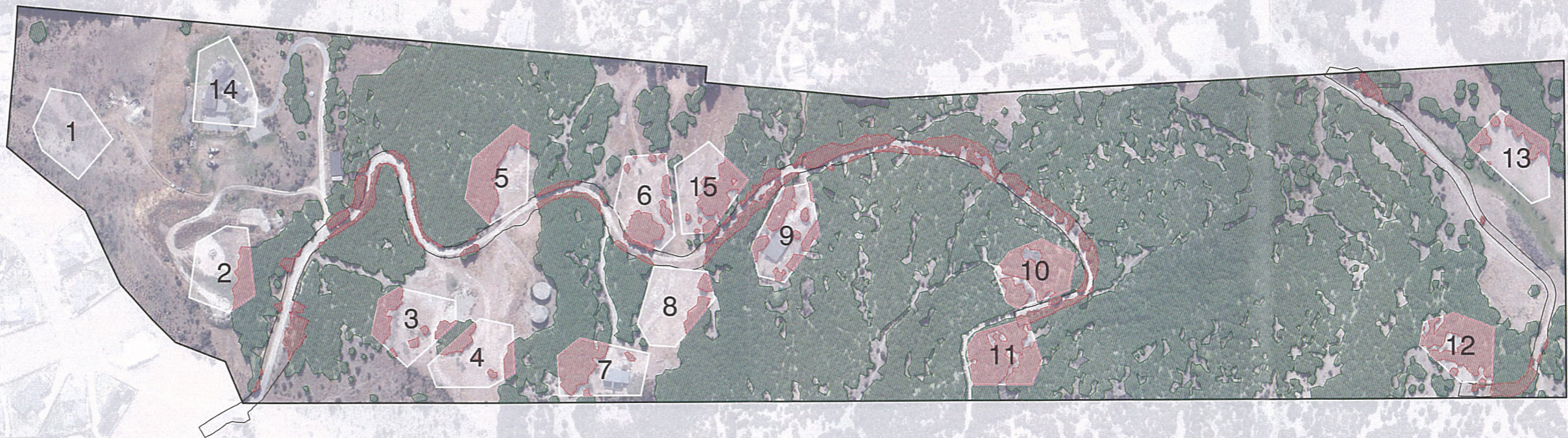
approach is more efficient and effective than a discretionary activity resource consent and I note that all the costs of the preparation of the rules has been borne by Allenby, as will the cost of the resource consent application. The ongoing costs associated with the ecological management and recreational management will be paid by future residents.

- 37 I consider that the MIPRL objectives, policies and methods are more appropriate to achieve sustainable resource management of the Allenby land resource area than the objectives, policies and methods of the Rural zone. The MIPRL policies and methods have been assessed against the requirements of s32(1)(b) to ensure they are the most appropriate way to achieve the relevant objectives in relation to the Allenby land.
- 38 I therefore consider that the proposal represents a sustainable management of the land resource and achieves the purpose of the Resource Management Act 1991.

Dated this 31st day of May 2017

Duncan White

Appendix A – Updated MIPRL Kanuka Retention and Removal Plan



19.7 ha	Proposed Mt Iron Park Rural Lifestyle Zone
- 8.8 ha	Balance Area (No Kanuka Cover)
= 10.9 ha	Kanuka Cover
- 1.2 ha	Kanuka to be removed to accommodate Building Platforms and Access
= 9.7 ha	Kanuka to be retained (Cover - Removal)