

Before Queenstown Lakes District Council

In the matter of The Resource Management Act 1991

And The Queenstown Lakes District proposed District Plan –
Rezoning Hearing Topic 12 – Upper Clutha mapping

SUMMARY STATEMENT OF EVIDENCE OF JOHN DARBY FOR

Glendhu Bay Trustees Limited (#583)

Dated 07 June 2017

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Introduction

- 1 My full name is John Gerard Darby.
- 2 My evidence in chief dated 4 April 2017 outlines my experience and qualifications relevant to this evidence in respect of the Upper Clutha mapping hearings.

Background

- 3 The original Parkins Bay proposal was an aspiration for sustainable, holistic, and integrated land use management of a unique high country station within the District. My evidence in chief explains in detail the background to the original proposal, and how intrinsic to its development was the family focus of the McRae family and their vision for a diversified form of high country farming.
- 4 This joint aspiration was at the heart of informing all of our objectives and design outcomes for the Parkins Bay proposal. It is entirely appropriate that those aspirations and the commendable vision that the McRae family have become formalised in the district plan framework to enable longer term planning so that the legacy can grow and consolidate in order to bring even greater benefits to the wider community.
- 5 Intrinsic to the reasoning behind achieving a zone outcome based upon the Parkins Bay proposal, is the philosophy and purpose of the District's Rural Zone, which I address in my Evidence in chief at paras 10-15. I consider the biggest travesty of the PDP Rural Zone would be an outcome where landowners (particularly farmers) are not encouraged and enabled to diversify historic farming practices to ensure ongoing viability and versatility of their land. I do not consider that a zone which provides for the status quo in terms of farming methods and ancillary activities only is forward-looking in a way which is necessary for this District to survive and protect its celebrated landscapes as well as its people and communities. My vision is that landowners, like the McRaes, who have innovative ideas for sustainable farming methods and other activities suitable for their farmland, are supported and encouraged to realise those outcomes. It seems contrary to the very purpose of protecting outstanding natural landscapes that landowners would not be enabled to seek an alternative source of income, say from visitor accommodation or recreation which also achieves a better environmental outcomes, for example retiring high country land from grazing or vegetation restoration or providing enhanced public access and recreational opportunities. That balance is exactly what the Glendhu Station Zone seeks to achieve, and which fills a gap that I think currently exists in the Rural Zone.

Implementation of consent

- 6 Significant time and expense has been invested to implement the consent to-date. We continue, for example, to undertake significant site investigations as to the suitability of different areas for the construction of golf holes, which would have a lesser environmental impact in terms of earthworks required, better utilise natural landforms and improve environmental outcomes overall, however some of these changes require a variation of the consent.
- 7 Commencing construction is imminent on the Site; however this is a considerable financial investment which relies on the enduring certainty of the consents granted in a zoning framework as opposed to a myriad of complex and cross-referencing resource consents.

Key outcomes of the Glendhu Station Zone

- 8 The GSZ also addresses some ambiguous and complex provisions in the existing consent, particularly in relation to staging. Some of the conditions imposed have eventuated to be rather arbitrary in their application and in terms of managing effects on the environment. The GSZ fully respects the existing consent, but provides a better framework going forward that can accommodate refinement and even improvements to the original scheme first designed in 2004. The architecture for example has been updated rather than changed dramatically. In this respect, the Zone will be a better way of managing effects of development moving forward.
- 9 This Zone correctly reflects the current and long term land use for this part of Glendhu Station; it is no longer part of the active farm (referring to the reduced Structure Plan area). It provides a better framework for delivering positive outcomes and minimising any adverse effects without the need for protracted and prescribed consenting processes. Other projects we have been involved in have been very successfully implemented through a zoning process, which provides for specific resource use outcomes and which reflect the use of that land already assessed as appropriate by the Council and the Environment Court. This has proven to be a more efficient way to ensure protection, development and use of resources in an area are most appropriate, and that outcomes of development are consistent. An overarching policy and objective framework for the Zone can ensure the original vision and philosophy for the use of the land is realised. This leaves less room for future ambiguity and interpretation in consents.
- 10 In light of those objectives stated above, the following are the key outcomes which the GSZ seeks to achieve:

- (a) It provides a comprehensive planning framework for Glendhu Station implementing the Parkins Bay development without creating adverse effects. With works well underway in accordance with the existing consent, including planting mitigation, we now have the benefit of hindsight as to what mitigation measures are actually achieving their intended purpose, and what could be done better. The proposed zone establishes a framework to enable variation of sequencing requirements while still in the long term achieving the same environmental benefits.
- (b) The zone provides a refined overall structure plan that remains rooted in protecting and enhancing recreational, ecological, conservation, and amenity values while providing for 8 of the originally proposed residences without adverse effects through careful siting of homesites and integration with the landscape
- (c) It enables the McRae family to diversify their large landholding by providing for activities through a planning and consent framework that balances certainty, economics and landscape and environmental protection for generations to come.

Responses to the Council's evidence

- 11 I note the rebuttal evidence of the Council acknowledges the vision and reasons provided in support of the GSZ proposal. However, I am concerned that this is not backed up by a more thorough analysis of how the GSZ will achieve the best management of resources, given the development already occurring in this area, and the positive benefits offered (particular compared to the Rural Zone).
- 12 I think the comments made by the Environment Court in its interim and final decisions are important to remember in this context, namely:

The Council appeared in support of the majority decision. Its case was that the proposal promotes a recreational facility of the type envisaged in the rural general zone; that the land most affected already displays the modified environment of a working sheep station; and that the higher (and less modified ground) off-site is either sufficiently remote or so dominant that the restrained development proposed on site will have negligible effect on it.¹

The appellants need not fear that a Millbrook is coming to west Wanaka. That is not this proposal. We hold that the proposal when

¹ Parkins Bay Interim Decision 1, at para 12

amended as approved in this decision will achieve the purpose of the Act, and will make orders accordingly.²

As for the future, Mr Haworth was concerned that future developers will rely on this case. Of course they will: and the court will consider all the facts and predictions carefully. It will then decide either that the Hillend and Infinity cases are more similar, or that this one is. It will all depend on the circumstances. It is a gross travesty of the sophisticated design put forward by Mr Darby for Mr Haworth to describe it as "...plant-something-in-front-of-it-and-it-will-be-all-right logic".³

- 13 Those extracts provide what I consider to be some of the most important findings from the Parkins Bay decisions, and which reflect the very detailed, considered and advanced design which was ultimately considered by the Court to achieve sustainable management of the land resource. The GSZ has carefully crafted its provisions to replicate those particular design elements and positive benefits, and enhance those where possible.
- 14 The Zone overall therefore seeks to achieve a combined land use, management and development package which is also economically sustainable, particularly through careful planning and design of built elements, identified activity areas, open space and landscape protection, as well as ecological and recreation / public access enhancement.

Design controls for homesites to be imposed

- 15 All buildings including homesites will be subject to design controls- as we have done in the case of other developments. This will be reflected in the provisions of the zone (by way of standards) specific to sites, covering building form, materials, and addressing potential adverse effects such as reflectivity. This would be supplemented by complementary privately imposed design controls as well. This will also result in building form consistent with that already approved by the Environment Court in terms of, for example, scale of built form.
- 16 The objective is that resulting buildings would have no greater environmental effects than those approved by the Environment Court. Bulk, location, form, and materials are consistent with the original design approved and these reflect the character of the landscape setting.
- 17 It is intended that a management regime for the homesites will be implemented so that the R Activity Area is managed comprehensively and will remain an

² Parkins Bay Interim Decision 2, at para 78

³ Parkins Bay Interim Decision 2, at para 75

integrated and high amenity resort community that provides for visitors, residents, and locals all being able to utilise and take benefit.

- 18 Overall these design controls will go well beyond what is provided for in the Rural Zone, which by its nature, is also in sensitive landscapes.

Refinement of the GSZ area

- 19 I consider that the historical entitlement of the consent should be reflected in the PDP. We had always intended and hoped that in the future the PDP or a private plan change would be pursued to ultimately reflect the consent and reflect the certainty of the Zone in the planning framework. The consent is an enduring land use, as reflected in the covenants which are enduring for terms of between 20 – 35 years. In reality a consenting framework with a limited term is not appropriate to reflect that long term intention.
- 20 Land that is being predominantly farmed may well be best served under the Rural Zone, however land that has diversified use would be better served by objectives and policies to recognise that.

Relationship between GBT and the McRae family

- 21 The McRae family's tenure review took longer than expected, after which time the resource consent was progressed. It was a protracted process which took years to ultimately traverse. We assisted the McRae's during this period and understood their objectives regarding succession and diversification of the Station.
- 22 We continue to work alongside the McRae family to realise their original vision and outcomes for the future of the Glendhu Station. This is a project I personally will remain active and committed too, subject to certainty being reflected in the District Plan.

Dated this 07th day of June 2017

John Darby