

**BEFORE THE QUEENSTOWN LAKES DISTRICT COUNCIL HEARINGS
PANEL**

UNDER The Resource Management Act 1991

IN THE MATTER of the Rezoning Hearing -Stream 12
(Upper Clutha Mapping)

AND
IN THE MATTER of submissions by Lake McKay Station Limited.

Statement of Evidence of Michael Kelly on behalf of Lake McKay Station Limited

**Response to Council S42A Report on Submission 483 and 484,
Proposed Rural Residential Zones on Lake McKay Station.**



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1. INTRODUCTION

- 1.1. My full name is Michael Robert Kelly. I am a Senior Planning Consultant employed by Opus International Consultants. My qualifications are a Masters of Applied Science degree in Resource Management from Lincoln University and a Bachelor of Science degree in Geology from Victoria University. I have twenty years experience in Planning work in New Zealand under the RMA (1991).
- 1.2. Although this is a Council hearing, 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. PURPOSE

- 2.1. The purpose of this report is **a response to the S42A reports** from Council on the **Lake McKay Station submission numbers 483 and 484**. The Section 42A Reports from Council that are referred to are:
 - a. Statement of Evidence of Craig Barr on behalf of QLDC – Strategic Overview and Common Themes – 17 March 2017.
 - b. Statement of Evidence of Craig Barr on behalf of QLDC –Group 3 Rural – 17 March 2017.
 - c. Statement of Evidence of Ulrich Glasner on behalf of QLDC – Infrastructure – 20 March 2017.
 - d. Statement of Evidence of Wendy Banks on behalf of QLDC – Transport – 17 March 2017.
 - e. Statement of Evidence of Helen Juliet Mellsop on behalf of QLDC – Landscape – 17 March 2017.
 - f. Statement of Evidence of Glenn Alister Davis on behalf of QLDC – Ecology – 17 March 2017.

3. SUBMISSION 483 – ATKINS ROAD RURAL RESIDENTIAL SUBDIVISION

- 3.1. Background Submission 483 - Lake McKay Station Ltd made a submission (483) to rezone an area of 17 hectares from Rural zone to Rural Residential. The land is on the west side of Luggate town and is accessed by Atkins Rd. The proposed area included two zones of building restrictions being the terrace riser on the west side of the site and the flats beside Luggate Creek to the south of the site. The available land for rural residential sections is 9 hectares which allows for approximately 22 sections of area 4000m². This a correction to our submission which states that either 25 or 29 sections could be developed. The number of potential sections on the site has been revised due to a re-assessment of the flood prone land at the south end of the site and increased allowance for roads and reserves on the site. The flats beside Luggate creek at the south end of the site are proposed for public recreation reserve to add on to the existing public reserve area between Luggate Creek and Kingan Rd.
- 3.2. Area of Residential Zone - Mr Barrs report – Group 3 Rural – recommends that Residential development should be restricted to the higher terrace which reduces the development area to 4.5ha and the number of RR sections to 10. Mr Barrs evidence states that Rural Residential development on the north side of Atkins Rd, on the lower level terrace next to the existing farm managers house, would be inappropriate and give rise to sprawl effects. Also that he considers that a residential zone should have a natural boundary and that on this side of Luggate, Atkins Road provides the natural boundary. Mr Barr states that he is relying on the evidence of Ms Mellsop. However in her Report, Ms Mellsop did not express any concerns with the rural residential development carried out on the low and higher terraces at the end of Atkins Rd.
- 3.3. We disagree with Mr Barrs reasoning as the existing farm managers house and another farm building are already established on the north side of the Atkins Rd and we consider the idea of Atkins Rd forming a natural boundary to residential activity is already lost. However we note that the LMS land boundary is set back around 200m from SH6 and if the new houses are set back at the foot of terrace and have vegetation screening then any urban sprawl effect could be mitigated. We request that the RR zone is allowed over the full 9 hectares as in our original submission.
- 3.4. Services - Mr Glasner opposed the establishment of a Rural residential zone on the basis that there is no available capacity in the Luggate town water supply scheme to supply water to the new RR zone and no capacity in the Luggate wastewater network. LMS has an existing spring fed water supply to the houses on the property and a stock water scheme. It is considered that there is sufficient capacity in this scheme to supply the proposed RR zone. The spring is at a sufficient altitude for a gravity feed supply to storage tanks. The storage tanks could be established in the gully to the SW of the site at a suitable height to gravity feed under pressure to the RR zone.
- 3.5. In regard to waste water disposal an RR zone has a minimum site requirement of 4000m² which is more than adequate area available for onsite waste water treatment by septic tank and soakage field. As described in the Engineering Assessment report the terraces within the proposed RR area are composed of Clutha outwash gravels that are deemed suitable for soakage field disposal.
- 3.6. Building Restriction areas. - We accept the building restriction areas (BRA) on the terrace riser to the west and on the flats near Luggate Creek to the south. It has been proposed for the flats near Luggate Creek to be transferred to Council for recreation reserve. As noted above we don't agree with a BRA on the lower terrace at the end of Atkins rd as we consider this is suitable land for residential development

- 3.7. Township zone - Since our submission was lodged in August 2015 it has become more apparent that there is a shortage of higher density lower cost housing in the Upper Clutha area. This has led to the consideration of the subject site for the development of a Township Zone (TZ). A TZ zone has a minimum Lot size of 800m² and on this 9 ha site it would be feasible for the development of up to 80 Lots. Mr Barr's evidence (para 8.14) notes that from a planning perspective and from the perspective of efficient use of land that this site could be suitable for an increased density of development and suggested that Low Density Residential development may be suitable. In consideration of an increased density of housing we realised that for this site the minimum lot size would need to be of an adequate size to be able to contain an onsite waste water treatment system which is a Lot size of 800m². The minimum Lot size in a Low Density Residential development is 450m². Hence from a perspective of an adequate Lot size for onsite waste water treatment a Township zone is preferred. An investigation of the water supply would be required to determine if the spring was adequate for an increased number of Lots.

4. SUBMISSION 484 – RURAL LIFESTYLE ZONES

- 4.1. **Area 1 – Summary of responses and comments on points of difference.**
- 4.2. Background - Submission 484 proposed a 100 ha area in the Mid-run area to be zoned for Rural Lifestyle zone. The proposal is for 17 to 20 lots to be discretely located within the mounded terrain and so that each lot is not visible to the other lots or to views from the Upper Clutha Valley area.
- 4.3. Council Ecology report – oppose Rural Lifestyle zoning - but agrees that discrete residential development could be achieved in this landscape with minimal effects on indigenous vegetation.
- 4.4. Council Landscape report - opposes on the grounds of adverse effects on landscape
- 4.5. QLDC Roading report – oppose – potential for QLDC to end up with liability of a long road to back country.
- 4.6. Council Infrastructure report – Agree - services all have to be provided by developer so no risk for QLDC services.
- 4.7. Council Planning Report – oppose – for the reason that if the area is changed to Rural Lifestyle zone there would be less control on development and no ability for Council to lock development in to sparse low impact residential.

4.8. **Area 3 - Summary of responses and comments on points of difference**

- 4.9. Background – Submission 484 proposed a 6ha area to be zoned Rural Lifestyle zone. The area is on a terrace on the south boundary of Luggate town. The proposal is for 2 to 3 sections of 2 ha average with Building Restriction Areas on the terrace riser and front of terrace. Also conditions for building platforms set to the back of the terrace, single story buildings with usual conditions for building materials and colours.
- 4.10. Ecology report – no concerns – no indigenous vegetation on terrace.
- 4.11. Landscape report - sort of opposes but notes some limited development at the rear of the terrace is possible.
- 4.12. QLDC Rooding Rp – oppose – consider single lane track can't be widened and risk of erosion. *Disagree with this assessment. The hillside that contains the access track has full cover of mature pines and is a stable slope. Potential low traffic volumes and possible to construct passing bays with visibility between bays. Council has existing easement over the road for access to Luggate water supply tanks.*
- 4.13. QLDC Infrastructure Rp – Agrees - could connect to Luggate water supply (2,500 l/day) and onsite wastewater disposal okay.
- 4.14. QLDC Planning Report – oppose –for the reason that if changed to Rural Lifestyle zone there is less control on development – no ability to lock development in to sparse low impact residential. *Disagree with this assessment as the proposed area is only 6 hectares and RL zone is restricted to 2ha average so few options available.*

4.15. **Area 4- Summary of responses and comments on points of difference.**

- 4.16. Background - Submission 484 proposed a 42ha area to be zoned Rural Lifestyle zone. The site is located 1.5km east of Luggate. The site is situated on two terrace levels that are set back from the highway by 200m and 400m respectively. Plan for up to 12 Rural Lifestyle Lots with Building Restriction Areas on the terrace riser and front of terrace. Conditions will require building platforms set to the back of the terrace, single story buildings with usual conditions for building materials and colours.
- 4.17. Ecology report – opposes Rural Lifestyle zoning - but agrees that discrete residential development could be achieved.
- 4.18. Landscape report - opposes.
- 4.19. QLDC Rooding Rp – oppose – due to inadequate sight distances at highway access. *Don't agree with the assessment. The writer has confused this access with another access option that was discontinued. The sight distances at the proposed access comply with NZTA standards.*
- 4.20. QLDC Infrastructure Rp – no concerns - private developer provides all services. Water supply is available and ground is suitable for onsite wastewater disposal.
- 4.21. QLDC Planning Report – oppose – for the reason that if the area is changed to Rural Lifestyle zone there would be less control on development and no ability for Council to lock development in to sparse low impact residential.