

**BEFORE THE HEARINGS PANEL
FOR THE PROPOSED QUEENSTOWN LAKES DISTRICT PLAN**

IN THE MATTER of the Resource Management Act 1991

AND

IN THE MATTER of the Queenstown Lakes Proposed
District Plan – Wakatipu Basin

AND

IN THE MATTER of Hearing Submission 2332, Middleton
Family Trust

**STATEMENT OF EVIDENCE OF NICHOLAS KARL GEDDES
ON BEHALF OF**

Middleton Family Trust (#2332)

Dated 13th June 2018

1.0 QUALIFICATIONS AND EXPERIENCE

- 1.1 My name is Nicholas Karl Geddes. I hold a degree of Bachelor of Science majoring in Geography and Graduate Diploma in Environmental Science from Otago University.
- 1.2 I have fifteen years' experience as a resource management practitioner, with past positions as a Planner in local Government in Auckland, private practice in Queenstown and contract work in London, England. I have been a practicing consultant involved in a wide range of developments, district plan policy development and the preparation and presentation of expert evidence before Councils.
- 1.3 I was employed by a Queenstown consultancy in 1999 before moving to Auckland City Council in 2001 where I held a senior planning position with Auckland City Environments. Leaving Auckland in 2005 I worked in London as a planner for two and a half years before returning to Queenstown where I have been practicing as a planning consultant since. I currently hold a planning consultant position with Clark Fortune McDonald & Associates Limited.
- 1.4 I have read the Code of Conduct for Expert Witnesses in the Environment Court consolidated Practice Note (2014). I agree to comply with this Code of Conduct. This evidence is within my area of expertise, except where I state I am relying on what I have been told by another person. I have not omitted to consider material facts known to me that might alter or detract from the opinions that I express.
- 1.5 I authored submissions on Stage 1 of the plan review, prepared evidence and attended hearings in relation to the following submissions: 121, 228, 233, 235, 314, 323, 328 336, 342, 338, 347, 354, 411, 414 & 715.
- 1.6 I authored submissions on Stage 2 of the plan review and/or have prepared evidence in relation to the following submissions: 2332, 2254, 2247-2249, 2400, 2250, 2252, 2298 & 2300.

2.0 SCOPE OF EVIDENCE

- 2.1 The purpose of this evidence is to assist the Hearings Panel within my expertise of resource management planning in relation to the submission lodged by Middleton Family Trust on the Queenstown Lakes Proposed District Plan.
- 2.2 I have prepared evidence where I assess and explain:
 - a) Submission 2332, part 3 / page 3;
 - b) National Policy Statements, part 4 / page 11;
 - c) Regional Policy Statements, part 4 / page 12;
 - d) PDP – Strategic Chapters, part 4 / page 15;

- e) Part 2 of the Act, part 4 / page 19;
- f) Assessment of Environmental Effects, part 5 / page 20;
- g) Section 32A(A) Evaluation, part 6 / page 22;
- h) Other Statutory requirements, part 7 / page 24;
- i) Further Submissions, part 8 / page 24;
- j) Section 42A Report, part 9 / page 25.

2.3 In the preparation of this evidence I have reviewed the following:

- a. Stage 1 Section 32 Evaluation Reports, Council s.42A Reports and QLDC right-of-reply for the following PDP Chapters; Strategic Chapters 3-6, Rural Residential and Rural Lifestyle, Rural, Residential, Subdivision and Wakatipu Basin;
- b. Stage 1 associated evidence submitted on behalf of QLDC prepared by Mr Glenn Davis, Mr Ulrich Glasner and Mr Phillip Osborne.
- c. Stage 2 s.42A reports by prepared on behalf of QLDC by Mr Marcus Langman, Mr Craig Barr and Ms Anita Vanstone;
- d. Stage 1 associated evidence submitted on behalf of QLDC prepared by Ms Helen Mellsop, Mr Glenn Davis, Mr Vaughn Crowther, Ms Bridget Gilbert, Mr David Smith and Ms Andrea Jarvis.
- e. The relevant submissions and further submissions of other submitters.

Abbreviations:

Queenstown Lakes District Council - "QLDC"
 Proposed District Plan – "PDP"
 Operative District Plan – "ODP"
 Resource Management Act 1991 – "The Act"
 New Zealand Transport Agency – "NZTA"
 Special Housing Area – "SHA"
 Expression of Interest – "EOI"
 Wakatipu Basin Landuse Study – "WBLS"
 Ladies Mile Gateway Precinct – "LMGP"
 Rural Residential Zone – "RRZ"
 National Policy Statement: Urban Development Capacity 2016 – "UDC"
 Operative Otago Regional Policy Statement – "OORPS"
 Proposed Otago Regional Policy Statement – "PORPS"

3.0 SUBMISSION 2332

The Site

- 3.1 For the purposes of my evidence I refer to the site as the land identified in 'yellow' and 'dark blue' borders on the plans contained in Appendix 1 of my evidence. This land is legally described as sections 24, 40, 41, 44 & 61 Block XXI, Shotover Survey District.
- 3.2 The site has been used for pastoral farming purposes by generations of the Middleton Family where the upper and lower terrace formations have been used as home blocks due to their proximity to the farm's homestead. As such, there are a number of implement sheds and large trees throughout this part of the family farm.
- 3.3 The landscape within the area of the proposed re-zoning has been described in detail within the evidence of Mr Espie.
- 3.4 Without derogating from Mr Espie's evidence, I would like to note that this portion of the Middleton Farm is bound by the Shotover River to the north where the river begins to gorge above Tucker Beach. The land rises steeply to the west being Queenstown Hill and it also rises steeply to the south towards Lake Johnson. For these reasons I believe the topography has confining elements where the two terrace formations are discrete pockets in the wider topography of the area.

Tucker Beach Residential Precinct

- 3.5 Stage 1 Submission 338 sought re-zoning of rural land to Low Density Residential (LDR) provisions (as promoted in the Council's right-of-reply for Hearing Stream 6) be applied to land now contained in the current submission 2332 and identified with a 'yellow border'.
- 3.6 The LDR provisions were chosen as this zone is the most predominant residential zone in the Wakatipu Basin. I also observe that almost all LDR zones adjoin ONL landscapes. I consider that this zone has a known residential (environmental) outcome and this residential outcome adjoins ONL landscapes in various parts of the Wakatipu Basin.
- 3.7 The Stage 1 LDR outcome was not accepted by QLDC planners. However, the QLDC right-of-reply for submission 338 recommended the site be rural lifestyle as detailed in the information contained in Appendix 2 to my evidence.
- 3.8 The LDR outcome sought under Stage 1 submission 338 for the land contained in the current submission 2332 has not changed. Albeit that the residential outcome previously sought has now been introduced into Chapter 24 policy suite.

- 3.9 Chapter 24 as notified did not contain any residential zoning to which the outcome sought could be incorporated. Rather, Chapter 24 only provides for limited rural living densities. In order to introduce LDR residential living densities I elected to introduce a residential policy suite (Appendix 3) which is intended to remain suitably benign to the main rural thrust of Chapter 24 yet functional within TBRP to achieve a high quality residential outcome.
- 3.10 The rules, standards and assessment criteria for the TBRP are derived from the Lower Density Residential Zone (LDRZ) of the PDP. I consider this zone has produced a built environment in other parts of the District that provides desirable, healthy and safe places to live and play. I believe this built environment is well suited for the subject site.
- 3.11 Each TBRP standard contains specific assessment matters. Each seeks to address residential amenity / living issues which I believe exist within the TBRP only and can be assessed against specific objectives and policies which would not otherwise be applied to either than Lifestyle Precinct or the Amenity Zone of Chapter 24.
- 3.12 Where the height standard is breached this is a non-complying activity to be assessed against the specific TBRP objectives and policies as well as those of the Lifestyle Precinct, because this breach could result in effects which extend beyond the TBRP and further into the wider Wakatipu Basin zone.

Structure Plan

- 3.13 A number of plans are contained in Appendix 1 of my evidence which seek to provide further detail of the residential and rural living components of submission 2332. Sheet 1 is labelled 'structure plan' with the intent this will become part of Chapter 27 (27.13.7) to offer a high level of certainty for parties on how and where residential development will occur.
- 3.14 The proposed lifestyle precinct is discussed below and is not part of the structure plan.
- 3.15 An indicative subdivision layout is contained on sheet 2 of Appendix 1 in order to illustrate the subdivision layout and internal roading circulation whilst demonstrating an indicative residential yield of the TBRP being approx. 200 residential allotments. The proposed structure plan does not include the individual allotment boundaries as these will be subject to further detailed design as part of the future subdivision consent process.
- 3.16 Residential buildings that are located on sites adjoining the escarpment edge of the upper and lower terraces are required to be setback by the Escarpment Protection Area which is a no build area as detailed on sheet 4 of Appendix 1. This area then provides for the detailed landscape treatment at the time of subdivision consent.

- 3.17 The extent of the setback from the edge has been determined by preliminary discussions with geotechnical consultants. Further detailed investigations will be required at the time of any future subdivision consent.
- 3.18 The ONL line has been depicted on the plans in 'dashed orange'. There are a number of areas where the structure plan extends into these. Any area within the ONL landscape has the no build EPA area overlaid as depicted on sheet 3 of Appendix 1.

Lower Density Suburban Residential

- 3.19 Stage 1 Submission 338 sought re-zoning of rural land to Low Density Residential (LDR) provisions and the current submission 2332 seeks the same outcome by introducing residential living densities into Chapter 24 as notified.
- 3.20 It is accepted that Chapter 24 as notified does not contain any provisions for residential zoning. While the residential policy suite (Appendix 3) intends on remaining suitably benign to the main rural thrust of Chapter 24 there is an obvious bespoke set of provisions which need to be introduced to facilitate the relief sought in submission 2332.
- 3.21 On the basis that the proposed residential policy suite does not remain suitably benign to the main rural thrust of Chapter 24 but is considered to disrupt the balance of the Chapter I have provided the recommended Low Density Residential from submission 338 with subsequent modifications in Appendix 4.

Lifestyle Precinct

- 3.22 Stage 1 Submission 338 sought re-zoning of rural land to Rural Residential provisions as promoted in the Council's right-of-reply for Hearing Stream 2 (Chapter 22) and applied to land identified on sheet 1 of Appendix 1 in 'dark blue'.
- 3.23 Submission 2338 seeks that the land identified with a 'dark blue' border is zoned Lifestyle Precinct. The ability of this land to absorb a rural living density has been discussed in detail within the evidence of Mr Espie, Landscape Architect. He confirms the submission seeks an appropriate density of residential living with respect to the characteristics of the land.
- 3.24 As discussed above, the QLDC right-of-reply for submission 338 recommended the site be zoned Rural Lifestyle.
- 3.25 The Lifestyle Precinct is not included in the Structure Plan as the process set out in Chapter 24 (as notified) and Chapter 27 is considered sufficiently robust to ensure certainty that 9 rural living allotments can be created and platforms identified in each and this can be completed independent of the structure plan process for the Low Density Residential Zone or the TBRP.

Escarpment Protection Area

- 3.26 The Escarpment Protection Area (EPA) occupies 11.4ha (34%) of the 33.15ha contained within the area of the proposed rezoning.
- 3.27 The EPA area occupies the sensitive escarpment edges of the upper and lower terraces where Mr Espie, has undertaken detailed consideration of the treatment of these edges.
- 3.28 The escarpment edge on the upper terrace seeks to provide a level of screening to soften the appearance of future residential building bulk whilst providing low level vegetation / ground cover on the slope of the escarpment.
- 3.29 At the time of any future subdivision consent this area will become an “Escarpment Consent Notice Area” where no building or further subdivision can occur. Prior to any subdivision activity these areas will be cleared of any pest species being gorse, broom, briar, tree lupin, hawthorn, crack willow, buddleia, Californian thistle, and any other Pest Plant as specified in the Regional Pest Management Strategy for Otago.
- 3.30 Native ‘Grey Shrubland’ planting on these areas will be introduced to achieve a 15% site coverage (canopy closure) at maturity. A comprehensive species list and location is provided within the evidence of Mr Espie.
- 3.31 A condition of any future subdivision consent will require all planting to be implemented and irrigated prior to 224(c) approval and a maintenance period of five years on all tree species.

Tuckers Beach Trail

- 3.32 A trail is denoted in ‘pink’ to provide pedestrian and cycle access to the southern end of Lake Johnson from Tucker Beach Road where it adjoins Tucker Beach Reserve. Where the trail meets Lake Johnson this land is held under Crown ownership which extends along the entire eastern side of Lake Johnson.
- 3.33 The proposed trail enables access to the northern end of Lake Johnson which has not currently readily accessible to the public. In addition, there is potential to create an active transport link from the northern end of Lake Johnson via Crown Land to Hansen Road and Frankton.
- 3.34 The Wakatipu Trails Trust have provided their support to the proposed trail and confirm the potential active transport link this may facilitate in the future as set out in the letter contained in Appendix 5.

- 3.35 The proposed trail is intended to be held in an easement in favour of QLDC and will meet QLDC “Cycle Trail Design Standards and Specifications”.

Access

- 3.36 Internal road location has been depicted on the plan sets contained in Appendix 1 of my evidence. All of these roads have been located where they can be designed and constructed to meet QLDC standards.
- 3.37 The current formation of Tucker Beach Road from the Hansen Road intersection to the site is considered to be substandard and will be upgraded as discussed in the evidence of Mr Hansen, Manager, Clark Fortune McDonald & Associates.
- 3.38 The residential yield contained within the structure plan anticipates 200-210 residential units while the proposed Lifestyle Precinct anticipates 9 units equating to a total of some 209-219 residential units. The demand this places upon Tucker Beach Road and further the State Highway is discussed in the evidence of Mr Jason Bartlett, Traffic Engineer.

Servicing

- 3.39 The requirements to fully service the residential component of submission 2332 has been discussed in detail within the evidence of Mr Hansen.

4.0 STATUTORY CONSIDERATIONS

- 4.1 The statutory framework for assessing the merits of any submission seeking to apply a zone was set out in paragraph 9.2 of QLDC’s strategic section 42A report prepared by Ms Kim Banks towards hearing stream 13, stage 1 of the District Plan Review. Pages 35-39 of the Commissioners Report 17-1 provided additional clarification and comment on the strategic section 42A report with reference to “zoning principles”.
- 4.2 Matters listed (a) to (j) in paragraph 9.2 of the strategic section 42A report were amended by Commissioners in Report 17-1 to become principals (a) to (k) with two other relevant factors. All of which are acknowledged and have been addressed under relevant headings.

National Policy Statements

- 4.3 Section 75(3) requires that a district plan must give effect to any national policy statement; any New Zealand Coastal Policy Statement; and any regional policy statement.
- 4.4 The following National Policy Statements have been considered:

- Urban Development Capacity
- Freshwater Management
- Renewable Electricity Generation
- Electricity Transmission
- Coastal Policy Statement

4.5 With the exception of Urban Development Capacity, in my opinion, none of the remaining policy statements listed above are relevant.

National Policy Statement on Urban Development Capacity 2016 (NPSUDC)

4.6 The NPSUDC has been discussed in part 5 of the s.42A report compiled by QLDC Planner Ms Anita Vanstone where she confirms only three relevant rezoning submissions as the land in question (Wakatipu Basin) is largely outside the Queenstown Urban Environment.

4.7 I am mindful of the development capacity which has been accounted for in the Wakatipu Basin as part of the Stage 1 of the NPSUDC evidence and discussions. However, I accept that the land as part of the current submission is not within the Queenstown Urban Environment and therefore the NPSUDC is of limited consideration.

4.8 Notwithstanding, I believe the current housing market is part of an important economic consideration of the current submission where evidence towards the NPSUDC as part of Stage 1 is relevant. I have discussed this in part 5 of my evidence.

Operative Otago Regional Policy Statement

4.9 Objectives and Policies of the Operative Regional Policy Statement are contained within Appendix 6 of my evidence. In particular;

4.10 Objective 5.4.1 relates to the sustainable management of Otago land resource and 5.4.2 seeks to avoid, remedy or mitigate degradation of the natural and physical resources from activities using the land resource.

4.11 Objective 5.4.3 seeks to protect outstanding natural features and landscapes.

4.12 Policy 5.5.4 promotes the diversification and use of the land resource to achieve sustainable land use and management systems and uses. This is supported by Strategic Chapter Objective 3.2.1.4.

4.13 Policy 9.4.1 seeks to promote the sustainable management of Otago's built environment in order to meet the present and reasonably foreseeable needs of Otago's people and

communities, provide for amenity values, conserve / enhance environmental and landscape quality while recognising and protecting heritage values.

- 4.14 Objective 9.4.2 seeks to promote the sustainable management of Otago's infrastructure to meet the present and reasonably foreseeable needs of Otago's communities (Policies 9.5.2 and 9.5.3)
- 4.15 Objective 9.4.3 seeks to avoid, remedy or mitigate the adverse effects of Otago's built environment on Otago's natural and physical resources. (Policies 9.5.1 and 9.5.3 to 9.5.6)
- 4.16 Policy 9.5.4, addresses the effects of urban development and settlement.
- 4.17 Policy 9.5.5 promotes the quality of life for people and communities within Otago's built environments, through the identification and provision of an acceptable level of amenity; management of effects on communities' health and safety from the use, development and protection of natural and physical resources; and managing effects on landscape values.
- 4.18 I believe that submission #2332 is consistent with relevant objectives and policies of the Operative Regional Policy Statement for the following reasons:
 - a. The effects of the proposed re-zoning have been discussed in part 5 where it is concluded that any adverse effects are acceptable.
 - b. The area to be re-zoned is not considered to contain any high-class soils. Any loss of rural productive capacity must be appropriately balanced with contributing to a healthy functioning housing market in creating development opportunity in a central location and offering people and communities choices for their social and economic wellbeing in the short and long term.
 - c. For the reasons set out in the evidence of Mr Espie and summarised in part 5 of my evidence I consider that the proposed re-zoning will not compromise the wider outstanding natural landscape.
 - d. No significant natural systems or items of heritage have been identified within the areas proposed to be rezoned.
 - e. Runoff from the development area and infrastructure has been discussed in the evidence of Mr Hansen where it is confirmed that any post-development stormwater runoff can be appropriately disposed and the future development contained in the proposed re-zoning can be fully serviced.

- f. The proposed zoning is not within a statutory management area with respect to Iwi and is not considered to frustrate the partnership between Council and Ngai Tahu to collaboratively manage the District's natural and physical resources.
- g. No significant areas of existing indigenous vegetation within the area of the proposed re-zoning have been identified. Escarpment Protection Areas within the land to be re-zoned have been identified for the introduction, maintenance and protection of native species enhancing the indigenous biological diversity.
- h. Air quality will be maintained by Air Standards under the Regional Plan: Air.
- i. An assessment of natural hazards has been undertaken in part 5 of my evidence where it is concluded that while hazards do exist these should not preclude the proposed re-zoning and can be addressed as part of any future subdivision consent process.
- j. Efficient and effective infrastructure can be developed to service the proposed re-zoning.
- k. Residential development can be undertaken within land proposed to be re-zoned without giving rise to reverse sensitivity effects.
- l. PSI and DSI investigations have been discussed in part 5 of my evidence where it is considered that any areas subject to HAIL activities will be limited. If identified, these areas can be adequately avoided and/or remedied to provide land fit for residential occupation.
- m. Open Space areas (EPA) protect key landscape amenities, re-generate indigenous species in areas with mechanisms to protect these areas in the future while these areas are located in close proximity to residential activities ensuring ongoing enjoyment of these spaces.
- n. I believe the objectives and policies which relate to the TBRP promote the principles of good urban design while those of the Lifestyle Precinct promote similar principles in relation to rural living. I believe the application of these zones over land within Submission #2332 will not compromise the ability of these Objectives and Policies to establish and administer successful living amenities.
- o. The proposed re-zoning includes a trail to Lake Johnson which enables public access to the northern end of Lake Johnson and potentially could facilitate a strategic active transport link to Frankton.

Proposed Otago Regional Policy Statement

- 4.19 Having regard to the provisions of the Proposed Otago Regional Policy Statement (PORPS) is further limited as a majority of the provisions have been appealed and mediation is currently taking place. As such, I believe limited weight can be given to the relevant objectives and policies of the PORPS.
- 4.20 Part 6.2 of the QLDC s.42A report by Mr Langman specifies the relevant objectives and policies in the PORPS. For the reasons listed (a) to (o) above I believe that the proposed re-zoning is consistent with each of the relevant objectives and policies of the Proposed Otago Regional Policy Statement.

Proposed Queenstown Lakes District Plan – Strategic Chapters

Chapter 3 - Strategic Directions

- 4.21 A full set of the Strategic Directions Objectives and Policies are contained in Appendix 7 for ease of reference.

Objective 3.2.1

- 4.22 In relation to Objective 3.2.1 and its related policies, in my opinion, policies 3.2.1.6, 3.2.1.8 and 3.2.1.9 are the only relevant policies for the following reasons:
- a) The proposed re-zoning does not include visitor industry facilities, services or agricultural landuse;
 - b) The area of the proposed re-zoning is not located in the Town Centre Zone, Frankton urban area, Three Parks Zone, commercial or industrial centre;

3.2.1.6 Diversification of the District's economic base and creation of employment opportunities through the development of innovative and sustainable enterprises.

- 4.23 The proposed re-zoning is considered to be consistent with 3.2.1.6 for (but not limited too) the following reasons:
- a) The proposed re-zoning includes re-zoning to a residential prescient or LDR which is not considered to diversify the District's economic base. However, it does create employment opportunities;

3.2.1.8 Diversification of land use in rural areas beyond traditional activities, including farming, provided that the character of rural landscapes, significant nature conservation values and Ngāi Tahu values, interests and customary resources, are maintained. (also elaborates on S.O.3.2.5 following)

- 4.24 The proposed re-zoning is considered to be consistent with 3.2.1.8 for (but not limited too) the following reasons:

- a) The proposed re-zoning is considered to represent diversification of land use;
- b) Any impact upon the character of the rural landscape and significant nature conservation values in relation to the proposed re-zoning has been considered in detail within the evidence of Mr Espie. For the reasons set out in his evidence and summarised in part 5 of my evidence I confirm that any impact upon the character of the rural landscape are acceptable;
- c) QLDC consultant Ecologist Glen Davis did not oppose the proposed re-zoning as part of his Stage 1 assessment as there was a lack of indigenous vegetation communities in the area of the proposed re-zoning;
- d) For the reasons outlined under Chapter 6 policies below; Ngāi Tahu values, interests and customary resources are not considered to be compromised as part of the proposed re-zoning.

3.2.1.9 Infrastructure in the District that is operated, maintained, developed and upgraded efficiently and effectively to meet community needs and to maintain the quality of the environment. (also elaborates on S.O. 3.2.2 following)

4.25 The proposed re-zoning is considered to be consistent with 3.2.1.9 for (but not limited to) the following reasons:

- a) Mr Chris Hansen has provided an assessment of the required services within his evidence and concludes the proposed re-zoning can be fully serviced;
- b) QLDC raised no opposition to the current submission 2332 in relation to traffic and transport;
- c) Mr Jason Bartlett has provided an assessment of the traffic and roading within his evidence and concludes the proposed re-zoning can be managed and minimised through engineering;

4.26 In summary, for the reasons set out above I believe that the proposed re-zoning is consistent with Objective 3.2.1 of Chapter 3 and its related policies 3.2.1.1 – 3.2.1.9.

Objective 3.2.2

4.27 In relation to this Objective and (a) to (h) of its policy, I consider that the proposed re-zoning is consistent with each for (but not limited to) the following reasons:

- a) The proposed re-zoning includes two areas of residential which are confined to level paddock spaces which are considered to be discrete pockets within the existing landscape setting;
- b) The existing settlement pattern has been discussed in the evidence of Mr Espie and I rely on his opinion in this regard;
- c) The Objectives, Policies, Standards and Rules within the Tuckers Beach Residential Precinct are based upon those of the Lower Density Residential. A zone which I consider has produced a built environment in other parts of the District that provides desirable, healthy and safe places to live and play. I

- believe the TBRP will deliver the same or very similar outcome in terms of residential environment within the two areas identified on the structure plan;
- d) Natural Hazards have been considered in part 5 where it is considered that based upon the nature of the hazards identified and the proposed re-zoning that these can be assessed in detail and avoided or mitigated as part of any subdivision consent;
 - e) The protection of the Districts rural landscapes has been discussed by Mr Espie. Based upon his evidence, I do not consider that the proposed re-zoning represents development which is sporadic or sprawling and I do not consider that the proposed re-zoning will compromise the District's rural landscapes.
 - f) Mr Chris Hansen has provided an assessment of the required services within his evidence and concludes the proposed re-zoning can be fully serviced;

Objective 3.2.3

- 4.28 This Objective and its policy are not considered relevant as the site of the proposed re-zoning does not contain any items recognised by the District Plan of historical importance.

Objective 3.2.4

- 4.29 Objective 3.2.4 and related policies 3.2.4.1 – 3.2.4.5 have been assessed and the proposal is considered to be consistent with each for (but not limited too) the following reasons:
- a) The land does not contain any high-quality soils which would otherwise be lost or compromised. The no build area of the EPA occupies 34% of the area within the proposed re-zoning;
 - b) The spread of wilding exotic vegetation is avoided by the removal of pest species as listed in proposed standard 27.7.13.1;
 - c) For the reasons set out in the evidence of Mr Espie I do not consider that the proposed re-zoning will compromise the natural character of the of the beds and margins of the District's lakes, rivers and wetlands;
 - d) For the reasons set out in the evidence of Mr Hansen I do not consider that the proposed re-zoning will compromise the water quality and functions of the District's lakes, rivers and wetlands;
 - e) In addition, the QLDC subdivision code of practice will ensure that any servicing (including stormwater) is adequately provided prior to the completion of any subdivision consent approval;
 - f) There is currently no public access over the area of the proposed re-zoning. The proposed re-zoning provides a pedestrian / cycle link from Tucker Beach Reserve to Lake Johnson which is considered to enhance public access to the natural environment.

Objective 3.2.5

- 4.30 In relation to this Objective 3.2.5 and its policies 3.2.5.1 and 3.2.5.2, I believe these matters have been adequately considered in the evidence of Mr Espie. For the reasons set out in his evidence and summarised in part 5 of my evidence I consider that the proposed re-zoning will not compromise the landscape and visual amenity values and the natural character of Outstanding Natural Landscapes or Outstanding Natural Features.

Objective 3.2.6

- 4.31 Based upon the evidence of Mr Copeland I believe that a healthy functioning market is required which is one that is supported by multiple development opportunities in multiple locations and these should be derived from people and communities providing choices for their social and economic wellbeing in the short and long term. I believe the proposed re-zoning contributes to a healthy market and provides for the social and economic wellbeing of the community. Therefore, I believe the proposed re-zoning is consistent with Objective 3.2.6.

Objective 3.2.7

- 4.32 Objective 3.2.7 and policies 3.2.7.1 and 3.2.7.2 have been assessed and the proposal is considered to be consistent with these as the site is not recognised as containing any items of cultural significance.

Strategic policies 3.3.1 – 3.3.35

- 4.33 These policies have been assessed and are either not considered to be relevant or the proposal has been identified as consistent with each for (but not limited to) the following reasons:
- The site of the proposed re-zoning is not located in a Town Centre, Commercial, Industrial Zone, Significant Natural Area, Rural area, Outstanding Natural Landscape;
 - The proposed re-zoning seeks that the TBRP is located inside the Urban Growth Boundary;
 - The reasons set out above in confirming the proposed re-zoning is consistent with Objectives 3.2.1 – 3.2.7 and related policies;
 - The subject site does not contain any District Plan references of historical importance;
 - Policies 3.3.33 to 3.3.35 have been assessed and the proposal is considered to be consistent with this policy as the site is not recognised as containing any items of cultural significance.

Chapter 4 – Urban Development

Objective 4.2.1

- 4.34 Urban Growth Boundaries used as a tool to manage the growth of larger urban areas within distinct and defensible urban edges. (from Policies 3.3.12 and 3.3.13)
- 4.35 Policies 4.2.1.1 - 4.2.1.7 have been assessed and I consider that the proposed re-zoning is consistent with each for the following reasons:
- a) The proposed re-zoning seeks that the Urban Growth Boundary is located around TBRP;
 - b) For the reasons set out in the evidence of Mr Copeland, I believe that the proposal contributes to a healthy functioning housing market in creating development opportunity in a central location and offering people and communities to afford choices for their social and economic wellbeing in the short and long term. As such, the proposed re-zoning is considered to ensure the ongoing availability of a competitive land supply for urban purposes;
 - c) The natural topography of the area confines any development to the areas set out on the plan contained in Appendix 1 while each of these residential edges borders ONL or ONF which represents an added restriction on any future residential development which seeks to establish outside;
 - d) QLDC consultant Ecologist Glen Davis did not oppose the proposed re-zoning as part of his Stage 1 assessment as there was a lack of indigenous vegetation communities in the area of the proposed re-zoning;
 - e) I do not consider there to be any constraints on land development in relation to heritage or cultural issues for the reasons set out under Chapter 5 below;
 - f) Based upon the evidence of Mr Hansen I consider that the proposed re-zoning can be efficiently and effectively serviced with infrastructure to accommodate the demand from the proposed residential development;
 - g) There are a number of constraints on development with reference to landscape significance. These have been identified in the evidence of Mr Espie and I consider these to be appropriately addressed in his evidence and the proposed Objectives, Policies, Standards and Rules contained in Appendix 3 or Appendix 4;
 - h) QLDC raises no opposition to the current submission 2332 in relation to traffic and transport;
 - i) Mr Jason Bartlett has provided an assessment of the traffic and roading and based assessment it is considered that although engineering works at the time of subdivision consent would be required the anticipated traffic as a result of the submission can be accommodated within the local transport network;
 - j) The aspirations of NZTA to upgrade the current intersection between Tucker Beach Road and State Highway 6 can be released through the additional number of residences contained in the area of the proposed re-zoning. Upon completion this intersection will provide increased connectivity between all

users of Tucker Beach Road and the State Highway network to Frankton and Queenstown;

- k) Natural Hazards have been considered in part 5 where it is considered that based upon the nature of the hazards identified and the proposed re-zoning that these can be assessed in detail and avoided or mitigated as part of any subdivision consent;
- l) The Objectives, Policies, Standards and Rules within the Tuckers Beach Residential Precinct are based upon those of the Lower Density Residential. A zone which I consider has produced a built environment in other parts of the District that provides desirable, healthy and safe places to live and play. I believe the TBRP will deliver the same or very similar outcome in terms of residential environment within the two areas identified on the structure plan;
- m) The site of the proposed re-zoning is not located in Outstanding Natural Landscape or on Outstanding Natural Feature;

Objective 4.2.2A

- 4.36 For the reasons set out (f), (h) and (j) under Policies 4.2.1.1 - 4.2.1.7 above, I consider that the proposed re-zoning is consistent with Objective 4.2.2A.

Objective 4.2.2B

- 4.37 I believe that the proposed re-zoning is consistent with Objective 4.2.2A and its policies 4.2.2.1 – 4.2.2.12 for the following reasons:
- a) Reasons set out (a) to (m) under Policies 4.2.1.1 - 4.2.1.7 above;
 - b) There is no public transport route provided along Tucker Beach Road at present. However, there is no reason why a convenient linkage to public transport could not travel Tucker Beach Road and the TBRP;
 - c) The EPAs within the proposed TBRP provide open spaces while the area proposed within the zoning is located within immediate proximity to Tucker Beach Reserve.
 - d) The proposed re-zoning includes a trail link to the northern end of Lake Johnson where a potential connection over Crown Land exists to connect a trail to State Highway 6 via Hansen Road. This would establish an active transport connection between shopping facilities on Frankton Flats and TBRP;
 - e) The proposed re-zoning is not within any Town Centres or other Commercial or Industrial Areas while there is no strategic relevance for emergency services.
 - f) CPTED measures can be adequately contemplated during the subdivision consent process;
 - g) Lighting standards are set out in the QLDC Subdivision Code of Practice and QLDC's Southern Lighting Strategy which enables a full consideration of lighting during the subdivision consent process.

Wakatipu Basin Specific Policies

- 4.38 I believe that the proposed re-zoning is consistent with policies 4.2.2.13 – 4.2.2.21 for the following reasons:
- a) Reasons set out (a) to (m) under Policies 4.2.1.1 - 4.2.1.7 above;
 - b) The area of the proposed re-zoning is not located within any proximity to Arrowtown;
 - c) The site of the proposed re-zoning is not located in Outstanding Natural Landscape or on Outstanding Natural Feature;
 - d) The site of the proposed re-zoning is not within critical air noise boundaries;

Chapter 5 – Tangata Whenua

- 4.39 Objectives 5.4.1 – 5.4.5 and related policies have been assessed and I consider that the proposed re-zoning is consistent with each for (but not limited too) the following reasons:
- a) The proposed re-zoning is not within a statutory management area with respect to Iwi;
 - b) The proposed re-zoning is not considered to frustrate the partnership between Council and Ngai Tahu to collaboratively manage the District's natural and physical resources;
 - c) There is no known waahi tapu within the area of the proposed re-zoning;
 - d) If required, Accidental Discovery Protocol can be imposed by conditions of any future resource consent.

Chapter 6 – Landscape

- 4.40 In my opinion, Policies 6.3.1 – 6.3.3, 6.2.12– 6.3.18 and 6.3.30 – 6.3.33 are not relevant as the site of the proposed re-zoning is not located:
- Within any ONL or ONF landscapes;
 - Within the Zones specified in policies 6.3.2 and 6.3.3;
 - On any Lakes or Rivers.
- 4.41 Policies 6.3.4 – 6.3.11 have been assessed and I consider that the proposed re-zoning is consistent with each for (but not limited too) the following reasons:
- a) The site of the proposed re-zoning is not located within any of the Rural Zone, the Gibbston Character Zone, the Rural Residential Zone or the Rural Lifestyle Zone;
 - b) Any adverse effects of the proposed re-zoning have been considered in part 5 of my evidence and have been determined as acceptable. Policy 4.2.1.2 focuses urban development on land at selected locations and to a lesser extent within smaller rural settlements;

- c) The proposed re-zoning does not include any production forestry planting or harvesting activities;
- d) The continued low-intensity farming on the land contained within the proposed re-zoning has been confirmed by the occupier / farmer of some 50 years as no longer being economic in this landuse;
- e) QLDC consultant Ecologist Glen Davis did not oppose the proposed re-zoning as part of his Stage 1 assessment as there was a lack of indigenous vegetation communities in the area of the proposed re-zoning;
- f) In my opinion, the establishment and maintenance of indigenous vegetation in the EPA areas will promote indigenous biodiversity protection and regeneration;

4.42 Policies 6.3.19 – 6.3.29 have been assessed and I consider that the proposed re-zoning is consistent with each for (but not limited to) the following reasons:

- a) The evidence of Mr Espie has confirmed that the proposed re-zoning is located within an area which has the ability to accommodate the level of development contained in the current submission;
- b) There are no existing or consented subdivisions / developments within the vicinity which require consideration as potential cumulative effects;
- c) The location of the proposed re-zoning has no through-a-fare by way of a road which extends past the Middleton's property. For this reason coupled with those contained in the evidence of Mr Espie I do not consider the proposed re-zoning to constitute sprawl along roads;
- d) Mr Chris Hansen has provided an assessment of the required services within his evidence and concludes the proposed re-zoning can be fully serviced;
- e) QLDC raises no opposition to the current submission 2332 in relation to traffic and transport;
- f) Mr Jason Bartlett has provided an assessment of the traffic and roading and based assessment it is considered that although engineering works at the time of subdivision consent would be required the anticipated traffic as a result of the submission can be accommodated within the local transport network;
- g) For the reasons set out in part 5 coupled with the evidence of Mr Copeland, I believe that the proposal contributes to a healthy functioning housing market in creating development opportunity in a central location and offering people and communities to afford choices for their social and economic wellbeing in the short and long term. As such, the proposed re-zoning is considered to ensure the ongoing availability of a competitive land supply for urban purposes;
- h) The site of the proposed re-zoning is not located within the Upper Clutha Basin;

Part 2 of the Act

Section 5

- 4.43 Submission 2332 seeks to change zoning and has been prepared in order to achieve the purpose of the Resource Management Act 1991 “the Act”, which is to promote the sustainable management of natural and physical resources.
- 4.44 This submission is considered to support the purpose of the Act for the following (but not limited too) reasons:
- Provides for additional residential land to meet future needs enabling the community to provide for their economic well-being;
 - Can be efficiently and effectively serviced;
 - The effects of the proposed re-zoning have been discussed in Part 5 where it is concluded that any adverse effects associated with the proposed re-zoning are acceptable.
 - The predominant use of the land in farming is no longer economic. The proposed re-zoning creates development opportunity and offers people and the community to provide for their social and economic wellbeing.
 - No significant natural systems have been identified within the areas proposed to be rezoned.
 - The proposed zoning is not within a statutory management area with respect to Iwi and is not considered to frustrate the partnership between Council and Ngai Tahu to collaboratively manage the District’s natural and physical resources.
 - No significant natural systems have been identified within the areas proposed to be rezoned.
 - Protects areas of land from any development coupled with comprehensive landscaping design to reduce potential visual effects of the development;
 - All open space areas provided preclude any future building, subdivision and remove pest species;
 - A majority of open space areas seek to re-generate, maintain and protect native plantings.
 - Affords access directly from the State Highway network via Tucker Beach Road.
 - Air quality will be maintained by Air Standards under the Regional Plan: Air.
 - Residential development can be undertaken within land proposed to be re-zoned without giving rise to reverse sensitivity effects.
 - Natural hazards can be adequately addressed at the time of any future resource consent.

Section 6

- 4.45 Matters of National Importance. This requires that any submission seeking to locate any zone shall recognise and provide for the appropriate management, use, development, and protection of natural and physical resources.
- 4.46 In the appropriate management, use, development and protection of natural and physical resources a balance must be achieved within the development area. I believe a balance between open space and residential development has been achieved.

Section 7

- 4.47 Matters listed (a) to (j) in s.7 of the Act have been considered and for the reasons listed in paragraph 4.18 and further supported by paragraphs 4.22 to 4.42 I believe submission 2332 is fully consistent with the purpose and principles of the Resource Management Act.

5.0 ASSESSMENT OF ENVIRONMENTAL EFFECTS

Landscape and Visual Amenity

- 5.1 Mr Ben Espie has provided a comprehensive assessment in terms of Landscape and Visual Amenity. In summary he states:

“In relation to Schedule 24.8 of the PDP (which is derived from the WBLUPS), I consider that the western end of LCU4 has more capability to absorb additional development than is stated in the notified version of the PDP.

The relief that is sought has been amended since the time of the submission. I consider that development enabled by the amended relief has considerable logic in relation to landscape character and visual amenity issues. I consider that it can appropriately be absorbed without broad-scale landscape character effects and with only particularly localised visual effects.”

- 5.2 Based upon the evidence of Mr Espie I conclude that any adverse effects in terms of visual amenity values, outstanding natural landscapes, landscape character and/or on the environment in this regard are acceptable.

Traffic

- 5.3 Mr Jason Bartlett has provided an assessment in terms of traffic and transport where he concludes:

“The Middleton Family Trust Submission (2332) seeks to rezone an area of land by extending the proposed Wakatipu Basin Lifestyle Precinct to the west. This Submission

seeks to establish Low Density Residential and Rural Residential lots which would be accessed via Tucker Beach Road. It is possible that this zone change could provide up to 200 low density residential lots and 9 rural residential lots.

Based on my assessment I considered that engineering works would be required at the time of subdivision. With these engineering works I consider that the anticipated traffic, as a result of the submission, can be accommodated within the local transport network. 29 It is likely that proposed NZTA works at the intersection of Tucker Beach Road with SH6 will minimise any potential at this intersection. In addition, it is considered that further engineering works at the time of subdivision consent at the intersection of Tucker Beach Road and Ferry Hill Road (Quail Rise) can minimise any potential traffic impacts at this intersection.

The transport effects of this zone change will need further consideration which would be undertaken at the time of development. This would need to consider local traffic effects on Tucker Beach Road. It is my opinion that, at a high level, any potential transport effects as a result of development enabled by the Submission can be managed and minimised through engineering works which can be detailed at the time of any future subdivision.”

- 5.4 Based upon the evidence of Mr Bartlett I conclude that any adverse effects in terms of the use and operation of Tucker Beach Road and State Highway 6 and/or on the environment in this regard are acceptable.

Infrastructure

- 5.5 Mr Hansen undertook a comprehensive assessment of the development contained in the Stage 1 submission 338. Following consultation with QLDC’s Chief Engineer Mr Ulrich Glasner QLDC were satisfied the development contained in this submission could be adequately serviced subject to off peak pumping of wastewater into QLDC’s reticulation network at Hawthorne Drive.
- 5.6 Mr Hansen has incorporated the added aspects of infrastructure design agreed with Mr Glasner into a revised report which is attached to his evidence. In summary, Mr Hansen confirms:

“The proposed re-zoning of the Tucker Beach Residential Area is not considered to have any impacts on the infrastructure network. New infrastructure already exists that can be augmented as required to cater for additional demand.

The infrastructure will be constructed and paid for the by the applicant as the development proceeds. It is anticipated that new infrastructure required would be constructed at little or no cost to QLDC. It is possible that the construction of new infrastructure required for

this development could also have a wider network or community benefit by augmenting or providing additional security to existing infrastructure.

The two components of QLDC infrastructure that the development would rely upon will be the Shotover Waste Water Treatment Plant and the Shotover Country water bore field and treatment plant. Appropriate headworks fees can be levied to mitigate the effects of the additional demand.

Stormwater will be managed for the development on site and is not expected to have any effects on existing infrastructure.

Other non-Council infrastructure and network utilities exist and have capacity to supply this development. Should additional capacity to accommodate the cumulative demand of the residential on the non-Council infrastructure be required, it can readily be provided.”

- 5.7 Based upon the evidence of Mr Hansen I conclude that the proposed re-zoning can be adequately serviced and no adverse effects upon any existing infrastructure or the environment in this regard are acceptable.

Ecology

- 5.8 An assessment of the ecology within the submission area was undertaken on behalf of QLDC by Mr Glen Davis and the Stage 1 s.42A report for Stream 13 concluded:

“Based on the lack of indigenous vegetation communities on the site, Mr Davis does not oppose the rezoning.”

- 5.9 Based upon the assessment of Mr Davis I consider that the site does not contain any notable indigenous vegetation. The Stage 2 evidence of Mr Davis on behalf of QLDC has been considered and I note the species list set out in the evidence of Mr Espie for the EPA includes a number of the extant indigenous species mentioned in paragraphs 4.6-4.9 of Mr Davis’s evidence.

Natural Hazards

- 5.10 The site is recognised by QLDC Hazards Register as containing a “probably low” liquefaction risk and an alluvial fan hazard. These are the same hazards which were the subject of a detailed geotechnical investigation under RM100378 which consented and now constructed for five rural living allotments some 600m from the area of the proposed re-zoning.

- 5.11 Mr Paul Faulkner whom specialises in rock and soil slope stability in terms of associated risk assessments and remediation, geological hazards and undertaking construction on steep slopes and areas with unfavourable ground conditions undertook investigations as

part of RM10038 and he has informally commented that these hazards can all be adequately investigated and addressed as part of any future subdivision consent process. As such, I do not consider there will be any adverse effects from the proposed re-zoning in terms of natural hazards.

Economic

5.12 I believe the executive summary of Mr Osborne's Economic Evidence towards hearing stream 6 provides an accurate synopsis of the existing residential environment and the intended PDP intensification ambitions. I have paraphrased his summary below:

- Substantial growth in the residential market;
- Demand for residential housing rises where a shortfall in 2013 was already at 800 homes;
- Housing prices and sales continue to rise;
- A highly speculative vacant site market exists;
- Overall affordability for the District is one of the lowest in the country;
- By 2045 the District is expected to require 10,000 – 16,000 new houses to cater for demand;
- To maintain the growing employment base affordability must be addressed;
- Issues are not primarily insufficient supply of residential land but development locations and options currently provided by the market;
- Intensification of residential activity is often accompanied by both economic costs and benefits;
- There are factors which are likely to mitigate / reduce risks of medium / high density developments;
- There are economic benefits of intensification;
- Medium / high density residential options offer significant economic benefits rather than adding to land available;
- Encouraging medium / high density will improve community well-being and economic viability of the District.

5.13 Based upon my 13 years of experience in this District seeking approval for resource consents within existing residential zones in Queenstown I believe that the intensification will not facilitate sufficient housing to meet demand as a majority of centrally located residential areas are located on hillsides. In my opinion this has the following limiting factors:

- Confines the ability to increase the existing capacity of arterial roads without prohibitive costs.
- Site size is required to be 30%-50% greater to facilitate conventional residential building platforms if seeking to establish between 30-40% of the net site area.
- Building costs are greatly increased on any sloping site.
- Provision of two car parking spaces per allotment is difficult in some circumstances and to introduce further residential units and further parking to service is almost always problematic if not implausible.

- Second and third storey levels cannot be achieved without compromising the amenity values on properties downslope of the development site.

5.14 In summary, I believe that the current residential market is not healthy and I remain dubious about the ability of residential intensification to yield a large supply of housing within the short to medium term which is affordable and addresses the issues raised in Mr Osborne's evidence.

5.15 Residential capacity was identified for the Upper Clutha through the evidence of Mr Phillip Osborne, 1st May 2017. Within the "Summary of updated development capacity model for outputs for Upper Clutha" paragraph 7.13 Mr Osborne's evidence includes:

"In assessing the sufficiency of the feasible and realised capacity there is economic justification for considering a longer period of time than that covered by the PDP reviews. A period of 10 years would suggest that a capacity of only 2,500 units would meet the estimated demand however it is considered that a well-functioning housing market requires a large number of potential development opportunities to be available, so that developers and prospective homeowners have a wide variety of choices, and the downward competitive pressure is applied to land prices across the district. If the market has confidence in the sufficiency of future development capacity and supply over the long term, then this will help reduce speculation-driven price increases, as well as encouraging landowners to develop their land sooner rather than hold out for higher prices later (i.e. land-bank)."

5.16 I believe Mr Osborne's evidence highlights that a well-functioning housing market requires a large number of potential development opportunities. This is supported by the evidence of Mr Copeland in relation to the current submission.

5.17 Based upon the evidence of Mr Osborne (Stage 1) and Mr Copeland (submission 2332) I believe that a healthy functioning residential market is required which is one that is supported by multiple development opportunities in multiple locations and these should be derived from people and communities providing choices for their social and economic wellbeing in the short and long term. I believe the proposed re-zoning contributes to a healthy market and provides for the social and economic wellbeing of the community.

5.18 I believe the proposed re-zoning results in residential development which increases the supply of residential land and creates development opportunities outside of existing high priced residential areas and this is considered to be a positive effect of the proposed re-zoning.

5.19 In my opinion it is of some significance that affordability and supply of housing are key objectives of SHAs. Nearly all of which are located on flat land located outside Urban Growth Boundaries and those which are being constructed or have recently been

completed on land which was actively farmed within the last ten years. None of these are located in existing residential zones.

- 5.20 The advantages in development of sites like that contained in the current submission has been discussed by Mr Neil McDonald. Without derogating from his evidence, I believe land with flat or moderately sloping topography has a higher chance of a comprehensive design creating economic efficiencies in infrastructure design, flexibility in access and roading alternatives and often enables extensive reserve spaces. Flat unoccupied land facilitates the adequate provision of residential amenities within the site and ensures amenity between the sites.
- 5.21 Land which has been traditionally farmed is outside Urban Growth Boundaries and is more likely than its residential counterpart to afford a 'raw' land value which is considerably lower. A factor which I consider is essential for residential development to offer affordability.
- 5.22 Based upon the above, I consider that the proposal contributes to a healthy functioning housing market in creating development opportunity in a central location and offering people and communities to afford choices for their social and economic wellbeing in the short and long term. In my opinion, to ensure the ongoing availability of a competitive land supply for urban purposes is a positive effect from the proposed re-zoning.

National Environmental Standard (NES) for Assessing and Managing Contaminants in Soil to Protect Human Health.

- 5.23 The site has been farmed by the Middleton family for generations. Further investigation towards whether land is actually or potentially contaminated within the subject site will be required at the time of any future subdivision consent as a Preliminary Site Investigation (PSI).
- 5.24 In my experience of subdividing former farmland for residential purposes NES considerations relate to the nature and location of potential HAIL activities which are generally associated with activities such as sheep dipping and the storage of pesticides, fertilisers, machinery and/or fuel. The areas in which these activities occur are not widespread but confined and are able to be avoided or remediated to provide land fit for residential purposes.

6.0 Section 32 Evaluation

- 6.1 The submission seeks to re-zone land from Wakatipu Basin Rural Amenity Zone to Wakatipu Basin Tuckers Beach Residential Precinct and Wakatipu Basin Lifestyle Precinct with recommended amendments to Chapters 24 and 27 which are set out in Appendix 3 of my evidence.
- 6.2 As discussed in part 3 of my evidence, the Objectives, Policies, Standards and Rules within the Tuckers Beach Residential Precinct are based upon those of the Lower Density Residential. A zone which I consider has produced a built environment in other parts of the District that provides desirable, healthy and safe places to live and play. I believe these will deliver the same or very similar outcome in terms of residential environment within the two areas identified on the structure plan.
- 6.3 I consider that for the purposes of a comparative section 32 analysis, it is of assistance to compare zoning options which are feasible and within the scope of the hearing. Therefore, I have made a comparative assessment to the notified zoning of the site and the most density which could be achieved through submissions. Any relief in between would also be open for consideration.
- 6.4 Reasonably practicable options are:
- 1 Retain the Wakatipu Basin Rural Amenity Zone;
 - 2 Re-zone part of the land Tuckers Beach Residential Precinct and part Wakatipu Basin Lifestyle Precinct;
 - 3 Re-zone part of the land Low Density Residential and part Wakatipu Basin Lifestyle Precinct.

Retain the Wakatipu Basin Rural Amenity Zone

- 6.5 *Costs:*
- Unlikely to cater for predicted levels of growth.
 - Wakatipu Basin Rural Amenity Zone objectives and policies will not facilitate residential development.
 - An attempt to seek development on the basis of the Wakatipu Basin Rural Amenity Zone rules would involve a overly detailed prescription of controls relating to residential building platforms to replicate appropriate building design, height and landscape controls.
- 6.6 *Benefits:*
- Fewer costs resulting in the District Plan Review Process.

Tuckers Beach Residential Precinct & Wakatipu Basin Lifestyle Precinct

6.7 *Costs:*

- Has costs associated with going through the District Plan Review process;
- Does not achieve the goal of a streamlined District Plan.

6.8 *Benefits:*

- Provides for a diverse range of residential activities to occur to serve the needs of the community.
- Enables the policy framework to be critically assessed and strengthened where necessary.
- Enables additional areas that are currently undeveloped to be considered for inclusion in the zone.
- The re-zoning enables diversity of housing options in the District and makes a positive contribution to the District's economy.
- Recognises that increased density development shall only occur where specific characteristics of the land permit;
- Supports the purpose of the RMA through mitigating adverse effects of development, whilst enabling social and economic wellbeing through support for efficient land densities.

Low Density Residential & Wakatipu Basin Lifestyle Precinct

6.9 *Costs:*

- Has costs associated with going through the District Plan Review process

6.10 *Benefits:*

- Achieves the goal of a streamlined District Plan.
- Provides for a diverse range of residential activities to occur to serve the needs of the community.
- Enables the policy framework to be critically assessed and strengthened where necessary.
- Enables additional areas that are currently undeveloped to be considered for inclusion in the zone.
- The re-zoning enables diversity of housing options in the District and makes a positive contribution to the District's economy.
- Recognises that increased density development shall only occur where specific characteristics of the land permit;
- Supports the purpose of the RMA through mitigating adverse effects of development, whilst enabling social and economic wellbeing through support for efficient land densities.

7.0 OTHER STATUTORY REQUIREMENTS

7.1 A number of requirements remain outstanding in relation to the proposed re-zoning where I consider:

- There are no relevant management plans or strategies prepared under other Acts;
- There are no relevant entries on the New Zealand Heritage List / Rārangī Kōrero;
- There is no relevant planning document recognised by an iwi authority and lodged with the territorial authority, that has a bearing on the resource management issues of the land affected by this submission or any land further afield;
- The submission does not give rise to any potential for trade competition.

8.0 FURTHER SUBMISSIONS

8.1 Submission 2332 received a number of further submissions and these are recorded in the s.42A report by Mr Langman.

FS2713.1: Oasis in the Basin Association ("Oasis")

8.2 This association supports submission 2332 subject to (a) and (b) which are discussed below:

“(a) The southern boundary of any area rezoned for residential purposes should be the Outstanding Natural Landscape (ONL) boundary as determined through Stage 1 of the Review. Residential development should not extend into the ONL.”

8.3 The location of the ONL boundary cannot be considered as part of Stage 2 proceedings. Residential allotments as described in part 3 of my evidence extend over the ONL boundary. Where they do so the area of the allotment shall be contained in a consent notice as a no build area. I believe this meets the what is intended by *“residential development should not extend into the ONL”* in (a) above.

“(b) The new zone provisions should include specific provisions enabling consideration of provision of public access from Tucker Beach Road through to the northern boundary of the Middleton Family Trust land containing the land being rezoned, in order to create an important public access link in a possible future public walking/cycling trail connecting Tucker Beach Road with Lake Johnson – as explained and detailed in paragraphs 6 and 7 below.

6. Oasis notes that Part 27 Subdivision of the PDP does contain the following objectives and policies relevant to the consideration of public trails:

‘27.2.2 Objective – Subdivision design achieves benefits for the subdivider, future residents and the community.

...

27.2.2.4 Subdivision will have good and integrated connections and accessibility to existing and planned areas of employment, community facilities, services, trails, public transport and adjoining neighbourhoods.

27.2.2.5 Subdivision design will provide for safe walking and cycling connections that reduce vehicle dependence within the subdivision.

27.2.2.6 Subdivision design will integrate neighbourhoods by creating and utilising connections that are easy and safe to use for the pedestrians and cyclists.

7. Oasis submits that these policies should be bolstered, in this case, by the inclusion of the following provisions specific to any proposed rezoning which would enable subdivision and development of any of the land subject to the Middleton Family Trust Submission:

27.7.21 Objective – Greenfields [Residential/Low Density Residential] Zone at Tucker Beach (legally described as [insert legal description]– Subdivision design that incorporates a public trail through the site.

27.7.21.1 Enable subdivision which provides for establishment of a public trail connecting Tucker Beach Road with the public esplanade reserve adjoining Lake Johnson.

27.7.22 Greenfield [Residential/Low Density Residential] Zone at Tucker Beach – Matters of Discretion for Restricted Discretionary Activities.

27.7.22.1 The District Wide objectives and policies in Part 27.2, with discretion also restricted to establishment of a public trail connecting Tucker Beach Road with the public esplanade reserve adjoining Lake Johnson.”

- 8.4 A trail is denoted in 'pink' to provide pedestrian and cycle access to the southern end of Lake Johnson from Tucker Beach Road where it adjoins Tucker Beach Reserve and discussed in part 3 of my evidence. The trail appears on the “Structure Plan” and the following Chapter 27 standard is recommended and appears in Appendix 4:

27.7.13.1 Walking Trail

- 8.5 No resource consent shall be granted for subdivision or subdivisions of land within Tucker Beach Overlay area of the Tucker Beach Structure Plan unless:
- (a) The Proposed New Walking Trail depicted on Tucker Beach Structure Plan has been completed and available for public use;

or (b) Any such resource consent includes a condition requiring the completion of the trail described in (a) above prior to the issuing of a s224 certificate.

- 8.6 I believe that the trail being identified on the "Structure Plan" and the standard above ensures the security the further submitter is seeking under (b) above.

FS2714.1: James Canning Muspratt

- 8.7 This further submission seeks that all of submission #2332 be disallowed for the following reason(s):

"The relief sought in the submission being a rezoning of the land referred to in the submission is inappropriate due to the location and characteristics of the land, and the adverse effects that will result from such a zoning on neighbouring properties and the district as a whole."

- 8.8 I believe that the proposed rezoning is appropriate to the location and characteristics of the land for the reasons discussed throughout my evidence and the evidence of Mr Espie, Mr Hansen, Mr Bartlett and Mr Copeland.

FS2802.1: Tucker Beach Residents

- 8.9 The Hearing Panel Chair issued a "*decision concerning further submissions lodged late*" which waived time for lodging Submission 2802 by Tucker Beach Residents. The relief sought and reasons for the relief are the same as the submission of James Canning Muspratt and addressed above.

Remaining Further Submitters

- 8.10 The s.42A report by Mr Langman records a number of other further submissions on primary submission 2332.
- 8.11 The Hearing Panel Chair issued a "*decision concerning further submissions lodged late*"¹ which refused a waiver of time and directed that these submissions are not to be considered as further submissions.

¹ Decision concerning further submissions lodged late, Issued 2nd June 2018

9.0 SECTION 42A REPORTS

- 9.1 The s.42A report by Mr Langman states that submission 2332 has not been assessed by QLDC in terms of ecology and traffic. Part 5 of my evidence relies upon the ecological assessment of Mr Davis completed as part of Stage 1 submission 338. As discussed in part 3 of my evidence, in terms of areas the site has not changed and the residential outcomes sought have not changed substantially. As such, I believe that the Stage 1 ecological assessment can be relied upon.
- 9.2 Part 15 of the traffic and transport evidence of Mr Smith on behalf of QLDC assesses the current submission albeit his evidence notes that the residential allotment / unit yield was not part of submission 2332 and his comments are subsequently made only in "general terms".
- 9.3 Mr Smith notes that the demand from development within the proposed re-zoning will contribute to congestion at the Hawthorne Drive roundabout. However, he adds that the intersection of Tuckers Beach Road and Frankton Ladies Mile Highway is proposed to be upgraded and this may address issues of congestion.
- 9.4 An assessment of infrastructure has been undertaken on behalf of QLDC by Ms Andrea Jarvis and her comments have been summarised as (a) to (d) in paragraph 13.2 of the s.42A report by Mr Langman. Each of the concerns raised in (a) to (d) I believe have been addressed by the evidence of Mr Hansen.
- 9.5 An assessment of landscape matters has been undertaken on behalf of QLDC by Ms Bridget Gilbert and her comments have been summarised as (a) to (d) in paragraph 13.3 of the s.42A report by Mr Langman. Each of the concerns raised in (a) to (d) I believe have been addressed by the evidence of Mr Espie.
- 9.6 Paragraphs 13.5-13.10 of the s.42A report by Mr Langman set out the objective and policy framework for assessment of any proposed re-zoning as per "principals" (a) to (k) and two other relevant factors set out on Pages 35-39 of the Commissioners Report 17-1 and discussed in paragraph 4.1 and 4.2 of my evidence.
- 9.10 For the reasons set out in the early parts of my evidence I believe that the proposed re-zoning is consistent with the objective and policy framework of the PDP and I rely upon the evidence of Mr Espie which confirms that the adjacent ONL will not be compromised and the proposed re-zoning can provide for compact, well designed and integrated urban form. As such, I disagree with the comments made by Mr Langman in paragraphs 13.11-13.13 of his s.42A report.

Nick Geddes

13th June 2017