

**BEFORE THE QUEENSTOWN LAKES  
DISTRICT COUNCIL**

**IN THE MATTER** of the Resource Management Act 1991  
(the "Act")

**AND**

**IN THE MATTER** of the Queenstown Lakes Proposed  
District Plan

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**Statement of Evidence of  
Duncan Lawrence White**

**For Wanaka Yacht Club  
Submission #2232**

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**6 August 2018**

## **1.0 Introduction**

- 1.1 My name is Duncan Lawrence White. I hold the qualifications of a Bachelor of Science in Geography, a Diploma for Graduates and a Post Graduate Diploma in Science. Both of the latter two qualifications are in Land Planning and Development. These qualifications are all from the University of Otago.
- 1.2 I have over 15 years experience as a planner. I have seven years planning experience with the Manukau City Council, including three years as a subdivision officer processing subdivision resource consent applications, followed by four years as an environmental policy planner undertaking district plan changes, policy development and the acquisition of reserves. For the past eight years I have lived in Wanaka and worked as a planner for Paterson Pitts Limited Partnership (Paterson Pitts). Paterson Pitts is a land development consultancy that undertakes a variety of rural and urban subdivision, resource consent applications and plan change work, primarily around Wanaka.
- 1.3 While this is a Council hearing, rather than an Environment Court process, I confirm I have read the Code of Conduct for Expert Witnesses contained in the Environment Court Practice Note 2014, and agree to comply with it. I can confirm that this evidence is within my area of expertise, except where I state that I have relied on material produced by other parties, and that I have not omitted to consider material facts known to me that might alter or detract from the opinions expressed.

## **2.0 Scope of Evidence**

- 2.1 This evidence has been prepared in support of Proposed District Plan Stage 2 submission #2232 from the Wanaka Yacht Club. The submission has only two components:
- The first component is the addition of a rule into the activity table providing for carparking etc associated with a permitted activity be a permitted activity in the Active Sports/Recreation Zone.
  - The second component sought that reserve land around the Wanaka Marina, the boat ramps and jetties and the Wanaka Yacht Club be rezoned from the as notified Informal Recreation zone to Active Sport and Recreation zone. This

area is legally defined as Section 9 Block XV Town of Wanaka (SO 12630), Section 6 Block XV Town of Wanaka (SO 14792) and Section 14 Block XV Town of Wanaka (SO 21827).

- 2.2 This evidence firstly examines whether the above areas are more appropriately zoned Informal Recreation as notified and recommended in the S42A report or as Active Sport and Recreation as sought by the submission.
- 2.3 This assessment compares the objectives from the S42A version of the Informal Recreation Zone (38.4.1) and compares these to those from the proposed Active Sport and Recreation Zone (38.5.1) to consider which of these represents the most appropriate way to achieve the sustainable management of natural and physical resources (the purpose of the Resource Management Act 1991) as required by Section 32(1)(a). In this evidence all references to the Act or the RMA are to the Resource Management Act 1991.
- 2.4 This evidence then considers which of the provisions (the policies and methods) are the most appropriate way to achieve the objectives (Section 32(1)(b)) by identifying other reasonably practicable options for achieving the objectives, and assessing the efficiency and effectiveness of the provisions in achieving the objectives.
- 2.5 This evidence has been prepared to provide the level of assessment required by Sections 32 and 32AA of the Act in relation to the provisions sought by the submissions (S32(3)) at a level of detail that corresponds to the significance of the anticipated effects from the proposed changes to zoning (S32(1)(c)).
- 2.6 In preparing this evidence I have reviewed (amongst other documentation) the following:
  - The Stage 2 - PDP planning maps, primarily Map 21;
  - The S32 Evaluation Report – Open Space and Recreation Zones;

- S42A Hearing Report - Chapter 38 Open Space and Recreation Zones, including the S32AA evaluation of recommended changes.

### **3.0 Assessment**

- 3.1 The above parcels contain the land based facilities for the Wanaka Marina, the boat ramps, two jetties, a public toilet block, sealed public car and boat trailer parking, the Wanaka Yacht Club building and associated gravel boat parking in the area leased to the Yacht Club. In addition to the built infrastructure the area contains the edge of the lake, several willow trees, grassed and landscaped areas, banks, retaining walls and safety fences. The area is used by boat owners with boats moored in the marina, by trailer boat users, by those launching kayaks and other water craft, in addition the area is used several times a week during the spring, summer and autumn for recreational sailing and racing and sailing training events organised by the Wanaka Yacht Club. Passive recreational uses of this area include recreational walking and cycling and to support these activities the lakeside track runs through the submission area and a walking/cycle track comes down the bank from Lakeside Road into the gravelled boat parking area. The built infrastructure supporting nautical activities is the most noticeable feature of the area, although this occurs in conjunction with the passive walking and cycle uses of the lakeside walking and cycle tracks.
- 3.2 I have compared the zone purpose of the Informal Recreation Zone (S42A versions of the PDP provision 38.4) with the purpose of the Active Sport and Recreation Zone (provision 38.5). The stated purposes of the Informal Recreation Zone include relevantly open space and recreation areas, easily accessible for the immediate community, a basic informal recreational experience, cycle ways or pedestrian access ways including large open areas fronting the District's lakes. The zone provides for facilities including public toilets, car parks, tracks and general park furniture. Foreshore reserves such as those along Roys Bay in Wanaka also contain the majority of the lake-related commercial leases and concessions. Buildings and structures located on the Informal Recreation Zone are generally limited to those that support informal recreation and are typically small-scale community buildings and structures.

3.3 The purposes of the Active Sport and Recreation Zone summarised from PDP provision 38.5 consist of larger parks and reserves primarily used for organised sport and events, usually with associated buildings and structures, used for indoor and outdoor organised sports, active recreation and community activities. Facilities provided in such areas include toilets, changing facilities, car parking and turf or playing surfaces formally maintained to an appropriate standard for the relevant sports code. These include sports fields, hard court areas, club facilities as well as associated infrastructure such as car parking and changing rooms. The Active Sport and Recreation Zone applies in the main urban centres and contain provisions that recognise the intensive use made of these areas, and the need to provide sufficient facilities to support these uses, while at the same time, providing for the open space and amenity values of a park or reserve within this zone, as well as avoiding or mitigating adverse effects on the surrounding areas.

3.4 Based on the above purposes I consider the Active Sport and Recreation Zone to be a better fit with the submission area than the Informal Recreation Zone for the following reasons. The area has been developed to provide facilities for active sports including car and boat parking for the yacht club, boat ramps and marina, toilet, the Wanaka Yacht Club building including boat storage, change facilities and club rooms. The area is used for active recreation (boating) and to support outdoor organised sailing sports. The facilities provided in this area are more for active recreation and organised sport, although passive recreational use also occurs and as such are also supported by the facilities provided for active sports.

#### **4.0 Evaluation of Proposed Objectives – Section 32 (1)(a)**

4.1 The following table compares the objectives from the Informal Recreation Zone as modified by the S42A report to those of the Active Sport and Recreation Zone in order to consider which of these represents the most appropriate method to achieve the sustainable management of natural and physical resources (the purpose of the Act) as required by Section 32(1)(a).

Informal Recreation Objective (38.4.1)	Active Sport and Recreation Objective (38.5.1)	Comparison of Appropriateness in Relation to Submission Area
Use and development for informal recreation maintains and enhances the environment	Active sport and recreation activities are provided for in appropriate locations, while managing adverse effects on surrounding areas and communities.	I consider the Active Sport and Recreation objective to be more appropriate for the submission area as it better recognises the predominant active sport uses of the area, but also seeks to manage adverse effects on surrounding areas and communities. The Informal Recreation objective has a more limited focus in that it only recognises the informal recreation element and seeks to maintain and enhance the environment, while the Active Sport objective enables a managed approach to effects of development on surrounding areas and communities. This is important for the subject site as a result of its proximity to residential uses and also as the area forms part of the cycle and walking track around the lake edge.

4.2 This submission seeks an alternative proposed Open Space zone to replace the proposed zoning. The provisions of each of these zones have been considered appropriate elsewhere in the District, consequently either of the proposed zonings would be consistent with the Otago Regional Policy Statement (RPS) and the Proposed Otago Regional Policy Statement (PRPS), therefore this assessment is at a finer grained level to determine the appropriateness of proposed provisions at a site scale.

**5.0 Evaluation of Proposed Provisions – Section 32(1)(b)**

5.1 The following section considers whether the proposed Informal Recreation or the Active Sport provisions are the most appropriate way to achieve the relevant objectives in relation to the submission area. This section also considers the costs and benefits of the proposed provisions.

5.2 The Informal Recreation policies seek to enable a variety of informal recreational activities, whereas the focus of the Active Sport Zone is more focussed to provide for indoor and outdoor organised sports, active recreation, recreation facilities, community activities, accessory activities and associated

buildings and structures. On the submission site a variety of informal recreational activities would not be appropriate and would conflict with the active sports, organised sports and associated activities, although I note that this does not prevent informal use of the site, such as the cycle and walking track, and passive use of some of the facilities when not utilised for active or organised sports. I also note that immediately adjacent land will continue to be zoned for Informal Recreation (both in a zoning and use sense). The Yacht Club building is sometimes used for temporary community uses and this would continue no matter what zoning was applied. The site contains the town's main jetties and boat ramps and so would be an appropriate location for nautical commercial recreation and this activity already occurs already to an extent. The Active Sports Zone does not have the same policy, although this is unlikely to be significant as these uses are already occurring. As a result of the above I therefore consider the Active Sport policies relating to uses to be more appropriate for the zone.

5.3 Both zones have policies relating to buildings. The relevant Informal Recreation Zone policy (38.4.1.4) seeks to “[e]nsure that buildings and activities that exclude or restrict public access are limited so as to encourage public use and maintain open space for informal recreation, recognising that the existing facilities that have been established within this zone are appropriate to remain and in some instances, may be extended or redeveloped.” This contrasts with the relevant policy for the Active Sports zone (38.5.1.2) which deals only with the effects of the building and is discussed in detail in the following paragraph.

5.4 Both zones also have policies that relate to effects. The relevant policy (38.4.1.5) from the Informal Recreation zone is to “[l]imit the intensity of activities to minimise adverse effects such as noise, glare and traffic on amenity values, peace and enjoyment of the Informal Recreation Zones and surrounding environment.” The relevant policy from the Active Sport Zone is “[a]ctive sport and recreation and associated buildings, structures (including additions) and car parking, are designed, located and operated to be compatible with the surrounding environment in which they are located, particularly within or adjacent to residential environments, and to avoid or mitigate any adverse effects of the activities (such as noise, hours and frequency) and of buildings, including visual dominance, outlook from adjoining or nearby sites and buildings, and shading.” I prefer the Active Sport policy as it is more

comprehensive in managing the potential effects relating to activities and buildings and in doing so recognises the significance of the site and its proximity to residential uses. Also the statement “avoid or mitigate” can refer to any effects of activities or structures on the informal cycle and pedestrian uses of the lakeside track.

- 5.5 In relation to effects management I also note that Council has the ability through reserve management plans and through its control and management of reserves to control building design, appearance and function. These provide additional controls and more ability for Council to influence outcomes on reserves than solely provisions of the District Plan. For this reasons I consider that the statements in paras 37.4 and 37.5 (pp115-116) of the S42A report are not cognisant of the full range of powers that Council has to control design outcomes on reserves.
- 5.6 I have reviewed the differences in the Activity Table (38.9) and discuss significant differences between the Informal Recreation and Active Sports/Recreation Zones. Clubrooms would require resource consent as a Discretionary Activity in the Informal Recreation Zone and a Controlled Activity in the Active Sports Zone, given the site constraints and carparking it is unlikely that there would be any more than the one clubroom on the site. It is unlikely that a grandstand would be located on site and for that activity there is little practical difference between the assessment of Discretionary and Non-Complying Activities. There are other activities but consider these, as a result of site constraints, are unlikely to occur on this site.
- 5.7 I have also reviewed the development standard rules. The Informal Recreation Zone is subject to a 6m height limit, while the Active Sports Zone is subject to a 10m height limit. To put this in context for this site, the ground level below the Yacht Club is at 280.00 (Dunedin Vertical Datum 1958), while Lakeside Road footpath north-east of the clubrooms is at 287.00 so there is a 7m elevation difference behind the building. Houses on Lakeside Road are elevated more than 3m above the road due to the bank adjacent to the road and so would be above roof level. I also consider that as a result of the types of activities that occur on this site it is unlikely that a 10m high building would be necessary or built on this site, and any building would still be subject to



Council control on design (including height) and within an Outstanding Natural Landscape area.

- 5.8 More relevant is the increase in maximum permitted ground floor (38.10.2) of 100m<sup>2</sup> in the Informal Recreation Zone to 400m<sup>2</sup> in the Active Sports/Recreation Zone. Although, to exceed this in either zone would only require resource consent as a Restricted Discretionary Activity.
- 5.9 The only other difference between the development standards in in rule 38.10.10 where there are building colour controls in the Informal Recreation Zone, that are not required in the Active Sports/Recreation. Again I consider this not to be that significant as a result of the urban location and the level of design control that Council can exercise as landowner.
- 5.10 The submission sought the addition of a rule into the activity table providing for carparking etc associated with a permitted activity be a permitted activity in the Active Sports/Recreation Zone. While this activity already occurs this addition to the Activity Table is sought to make it clear that parking of cars, boats and other equipment is an expected element of the activity.
- 5.11 Costs and benefits associated with each possible zoning option are similar, but it is considered that the Active Sport/Recreation Zone will have a lower level of consenting cost for suitable activities to establish, and more likely, a less costly consent process for existing activities that wish to develop.

## **6.0 Risks of Acting or Not Acting**

- 6.1 Section 32(2)(c) requires an assessment of the risk of acting or not acting if there is uncertain or insufficient information about the subject matter of the provisions. In the case of the proposed Active Sports Zone there is very limited uncertainty as activities are already occurring and sufficient information in order to make a decision on the submissions. The risk associated with the zoning sought is very low as it is a zoning proposed through the District, in an area where the same activity already occurs there is little pressure for change. The level of risk associated with the rezoning is therefore considered very low.

## **7.0 Efficiency and Effectiveness of Provisions**

- 7.1 The Active Sport and Recreation Zone sought is just as efficient and effective as the Informal Recreation Zone as a zone, but in relation to this site is considered more efficient and effective as it better recognises the range of existing activities.

## **8.0 Conclusions**

- 8.1 Submission #2232 from the Wanaka Yacht Club seeks to rezone the land around Wanaka Marina, the boat ramps and jetties and the Wanaka Yacht Club be rezoned from the as notified Informal Recreation zone to Active Sport and Recreation zone. It is considered that the provisions of the Active Sport and Recreation Zone are more appropriate as these provisions better reflect the current and likely future uses of the submission area, and protect this resource while appropriately protecting the environment, the passive recreation uses that occur in the area and the amenity of nearby houses, the lake margin and the lake.
- 8.2 This evidence considers the proposed rezoning against the requirements of Sections 32 and 32AA of the Act. It is considered that the Active Sport and Recreation Zone objective and policies are more appropriate to achieve the sustainable management of natural and physical resources in the submission area than those of the notified Informal Recreation Zone and would be efficient and effective in achieving sustainable management. An additional rule is sought to the Activity Table in Chapter 38 to recognise parking and storage as a permitted component in the Active Sport and Recreation Zone.
- 8.3 The risks of acting or not acting have also been considered. It is considered that there is very limited uncertainty and sufficient information in order to make a decision on the submission. The risk associated with the zoning sought is very low as it is District-wide zone where this activity already occurs. The risks in this particular area and zone are very limited as Council controls the land and so has control over the design and appearance of buildings and the uses of reserve areas.

8.4 As a result of the above it is sought that the submission be accepted and the zoning of the submission area be amended to Active Sport and Recreation.