

**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 Hearing Stream 12 –
Upper Clutha Mapping
Annotations and Rezoning
Requests – Group 3 Rural

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

**Wakatipu Holdings Ltd
(Submitter 314)**

Dated 3rd April 2017

QUALIFICATIONS AND EXPERIENCE

- 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.
- 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.
- 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.
- 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.

SCOPE OF EVIDENCE

- 5 I have prepared evidence where I assess and explain:
 - a. Clarification of primary submission;
 - b. Non-Statutory Plans & Publications;
 - c. Subject site and Surrounds;
 - d. Indigenous Vegetation, Infrastructure & Traffic;
 - e. Landscape;
 - f. Reverse Sensitivity;
 - g. Consent verses Re-Zone.

- 6 In the preparation of this evidence I have reviewed the following:
 - a. Section 32 Evaluation Reports; Landscape Chapter, Strategic Direction and Urban Development Chapters, Rural Residential and Rural Lifestyle Chapter and Rural Chapter.
 - b. Non-Statutory Plans & Publications: Luggate Community Plan, September 2003.
 - c. QLDC right-of-reply in relation to Landscape Chapter, Strategic Direction and Urban Development Chapters, Rural Residential and Rural Lifestyle Chapters and Rural Chapter.
 - d. The relevant submissions and further submissions of other submitters; and
 - e. The Council s.42A Reports prepared in relation to Hearing Stream 12 including the associated evidence prepared by Ms Helen Mellsop, Mr Glenn Davis, Mr Timothy Heath, Ms Wendy Banks and Mr Ulrich Glasner.

- 7 I have authored submissions on the plan review, prepared evidence and attended hearings in relation to the following Chapters:

- a. Chapter 4 – Hearing Stream 1B in relation to Submission 414;
- b. Chapter 21 & 22 – Hearing Stream 2 in relation to Submissions 228, 233, 235, 411 & 414;
- c. Chapter 27 – Hearing Stream 4 in relation to Submission 414;
- d. Chapter 7 – Hearing Stream 6 in relation to Submission 336;
- e. Chapter 41 – Hearing Stream 9 in relation to Submissions 342 & 715;

Abbreviations:

Queenstown Lakes District Council - “QLDC”

Proposed District Plan – “PDP”

Operative District Plan – “ODP”

Resource Management Act 1991 – “RMA 91”

Rural Lifestyle Zone – “RLZ”

Residential Building Platform – “RBP”

Rural Industrial Sub-Zone – “RISZ”

Clarification of Primary Submission – Wakatipu Holdings Ltd #314

Submission Part 1: Designation 429

- 8 The primary submission opposed the imposition of designation 429 as detailed on paragraphs 3.1 – 3.4 and sought that the designation be removed or amended to accurately depict the extent of the landfill on the subject site.
- 9 Subsequent to the lodgement of this submission QLDC confirmed that they no longer wished to proceed with the designation but preference was to note the landfill on District Plan maps and formalise a right to access the site via encumbrance.
- 10 The encumbrance was agreed to by the landowner and the title for the property has been amended accordingly. The submitter cannot confirm what steps QLDC has undertaken to change planning maps.

Submission Part 3: Hydro Generation Zone

- 11 The primary submission opposed the Hydro Generation Zone which extends over part of the subject site and sought that this zone is revised to reflect the property boundaries.
- 12 Paragraph 20.2 of the s.42A report suggests the Hydro Generation Zone was shown on planning maps for information purposes only and is not part of Stage 1 of the District Plan Review.
- 13 *Submission Parts 4 & 5: Minimum allotment size*
- 14 These submission points were not pursued within previous hearings on the text of Chapters 22 and 27 as I accept the absorption of 10 RBPs within the subject site is ambitious. With emphasis on distances between any future RBP, escarpment edges, access and existing activities parts 4 & 5 of submission 314 should no longer be considered relevant to the subject site.
- 15 Effectively, the submission would relate to five RBPs as stated in paragraph 20.3 of the rural s.42A report and assessed accordingly.

Non-Statutory Plans & Publications

- 16 Part 6 of the strategic s.42A report includes reference to a number of community plans which includes the Luggate 2020 Community Plan. In 2003 this plan

captured the community's vision, strategic goals and priorities. This plan was issued September 2003 with a stated expiry of 2020 or three years from now.

- 17 I do not believe any great reliance can be placed on these plans in the absence of a contemporary plan which at least extends into the anticipated "operative" time of the PDP.
- 18 In terms of submission 314, I am unsure of the weighting to be placed upon key community outcomes listed on paragraph 6.10 of the strategic s.42A report:
- (a) *consider rezoning land for industrial purposes, this should be outside the township and setback from the river;*
 - (b) *ensure that the ridgeline north east of Hopkins Street is kept free of built form; and*
 - (c) *retain the rural character of the surrounding rural land.*

Subject Site and Surrounds

- 19 I believe that the subject site is somewhat unique. It contains a former landfill which has been remediated within the northern portion of the site and that area now with a mixed cover of vegetation types.
- 20 A large portion of the site is covered in Pine trees and I would expect these to spread across the site depending on the future landuse.
- 21 Located on the property is an approved RBP which is situated some 145 metres from the western boundary which is shared with a proposed RISZ.
- 22 The buildings within the RISZ are already visible from Church Road and they denote the urban edge to Luggate when approached from Red Bridge. These buildings and associated activities are also visible from public walking tracks to the south of Devil's Nook.
- 23 The urban edge of Luggate Township in the vicinity of the subject site does not afford an Urban Growth Boundary.
- 24 The Clutha River corridor is recognised by the ODP and PDP as ONF.
- 25 By virtue of its size, former uses, topography and existing land covers I consider that the subject site will struggle to ever become a working landscape.

Indigenous Vegetation, Infrastructure & Traffic

- 26 An assessment of the re-zoning sought by Wakatipu Holdings Ltd has been completed by Mr Davis (Indigenous Vegetation), Mr Glasner (Infrastructure) and Ms Banks (Traffic).
- 27 Mr Davis confirms the re-zoning of this land will not compromise any indigenous vegetation.
- 28 Mr Glasner is satisfied that the re-zoning of this land can be adequately serviced.
- 29 Ms Banks considers that the re-zoning of this land will not compromise the surrounding road network.
- 30 These assessments are set out in the evidence of each respective expert and summarised in the statement of evidence of Craig Barr. I concur each of these experts as their evidence relates to submission 314.

Landscape

Landscape Objective 6.3.4

- 31 Paragraph 20.14 of s.42A report states that the submission does not align with Landscape Objective 6.3.4 and related policies.
- 32 Objective 6.3.4 of the recommended chapter attached to QLDC right-of-reply, Landscape Chapter reads:
- “Objective – Subdivision use and development is undertaken in a manner that does not degrade landscape character or diminish visual amenity values of the Rural Landscapes (RL)”*
- 33 The contents of paragraph 20.14 appears to relate more to Objective 6.3.3:
- “Objective – The protection, maintenance or enhancement of the District’s Outstanding Natural Features and Landscapes (ONF/ONL) from adverse effects of inappropriate development.”*
- 34 Given the relationship of the subject site to ONF my evidence places more emphasis on the later policy.
- 35 An assessment of the re-zoning sought by Wakatipu Holdings Ltd has been completed on behalf of the submitter by Ms Anne Steven, Landscape Architect. I rely (in part) on the assessment and evidence of Ms Steven.

36 I am not confident that the landscape assessment and evidence undertaken by Ms Helen Mellsop on behalf of QLDC has been accurately recorded in the rural s.42A report.

37 Paragraph 20.14 of rural s.42A report includes:

“As per the evidence provided by Ms Mellsop, any development on the subject site would be visible from public locations off site, adversely affecting visual amenity of the landscape in this location.”

My emphasis added.

38 In my reading, this paragraph suggests **any** development would be visible from an offsite perspective which would affect the visual amenity of the landscape.

39 However, paragraph 8.90 of Ms Mellsop’s evidence contains:

“Buildings could potentially be visible from Church Road, the Clutha River corridor to the east, and from the Luggate Creek walkway.”

My emphasis added.

40 Paragraph 8.91 of Ms Mellsop’s evidence contains:

“Rural Lifestyle zoning also has the potential to degrade the natural character and visual amenity values of the Clutha River ONF if built development and domestication were visible along the edge of the river escarpment.”

41 Based upon the evidence of Ms Mellsop I conclude that **if** any building platforms are inappropriately located in the future these platforms and associated activities **could** degrade the natural character and visual amenity of the neighbouring ONF.

42 The location of any future building platforms will be the subject of a discretionary activity consent application and must satisfy the relevant Objectives and Policies of Chapters 22, 3, 4 and 6.

43 Part 6 of Mr Barr’s right of reply towards Chapter 22 considers the discretionary status of building platforms. Paragraph 6.6 contains:

“The area parameters were omitted intentionally because primarily and in most instances the identification of a building platform will be undertaken through Rule 27.5.1.1 of the Subdivision Chapter, which specifies the 70m² to 1000m² size range. It is considered unlikely that an application for land use consent would seek to create a building platform through Rule 22.4.3.3 that exceeds 1000m², or identifies a building platform over the entire site. This is particularly the case given that the Council has unrestricted discretion and can seek certainty over the location”

of future buildings to ensure that matters such as rural amenity and character, hazards, reverse sensitivity and servicing are appropriately managed.”

My emphasis added.

- 44 As per my evidence in Hearing Steam 2 I believe that the relevant objectives and policies are sufficiently robust to reply upon the appropriate location of any future building platforms with reference to the adjoining ONF and require any adverse effects to an acceptable level.
- 45 Further, I believe that with QLDC reserving the right to refuse any application made to locate building platforms in the RLZ can demand any future RBP can be located within the site where each avoids or mitigates any unacceptable adverse effects upon the adjoining ONF.
- 46 The topographical plan contained in Attachment B to the primary submission demonstrates the undulation and nature of the existing topography of the site which I consider to be dramatic while I refer to my earlier comments of the sites characteristics in paragraphs 19 to 25.
- 47 Based upon the nature of the existing topography I believe that the re-zoning of land to Rural Lifestyle on the subject site will not result in the location of future RBP where they will compromise values of the ONF.

Summary

- 48 Council experts remain satisfied in relation to the rezoning of the subject site with the exception of some reservations as outlined in the evidence of Ms Mellsop whom identifies that there is potential for future development to diminish the neighbouring ONL (Clutha River). I believe that this potential is not sufficient to reject submission 314.
- 49 I believe the site as discussed earlier has merit towards locating future development where it will not compromise the neighbouring ONF and the Objectives and Policies which any future development will be assessed against will ensure that any adverse effects upon the ONF are acceptable.

Reverse Sensitivity

Rural Residential & Lifestyle Objective 22.2.5 and Policy 22.2.5.1

Objective – Sensitive activities conflicting with existing and anticipated rural activities are managed.

Policy – Recognise existing and permitted activities, including activities within the surrounding Rural Zone might result in effects such as odour, noise, dust and traffic generation that are established, or reasonably expected to occur and will be noticeable to residents and visitors in rural areas.

- 50 It is accepted that the subject site contains one RBP which is registered on the title of the property a copy of which is contained in Attachment A to this evidence while the RBP and appears on the topographical plan contained in Attachment B of the primary submission.
- 51 The existing platform is located approximately 145 metres from the neighbouring RISZ.
- 52 The existing Rural Residential Zone which extends around the existing Township Zone of Luggate is located approximately 61 metres from the RISZ. With the location of this rural living zone in close proximity to the RISZ policy makers must be satisfied that this zone (and / or those of the RISZ) contains sufficiently robust policies and standards to address cross boundary issues such as the one raised in relation to submission 314.
- 53 I believe that the rural living land use offers considerable ability to modify its immediate surrounds to reduce any cross boundary nuisances to a level which would be palatable to residential occupants and neighbouring activities in the RISZ.
- 54 Based upon the existing proximities of future residential development to activities permitted in the RISZ I believe that Objective 22.2.5 and Policy 22.2.5.1 offers the consenting authority the ability to demand that any issues of reverse sensitivity are removed and this is likely to be addressed by a non-objection / reverse sensitivity covenant and/or consent notice which requires any future landowner to be aware of potential cross boundary effects such as odour, noise, dust and/or traffic generation.

Summary

- 55 I do not share Council's concerns or those contained in further submission The Alpine Group (FS1309) in terms of reverse sensitivity being a reason to reject the rezoning to a rural lifestyle land use on the subject site but prefer to rely on this being addressed at the time of any future resource consent.

Spot Zoning

- 56 Paragraph 20.15 of the rural s.42A report discourages spot zoning.
- 57 The subject site is 10.4ha. Policy makers have promoted the neighbouring RISZ which extends over two private land holdings totalling 2.6ha. I consider this to be more akin to the type of spot zoning the rural s.42A report seeks to avoid.
- 58 In addition, the balance between what is considered 'spot zoning' and what is 'strategic zoning' must be fine. To my knowledge, a majority of submissions towards the plan review pertain to the submitter's property holding and rarely does a submission extend beyond.

Summary

- 59 I do not believe that submission 314 represents 'spot zoning' and on this basis reject the rezoning to a rural lifestyle land use on the subject site

Consent verses Re-Zone

- 60 As identified in paragraph 2.14 of the strategic s.42A report consideration must be whether the proposed re-zone would be better facilitated by resource consent or a re-zone.
- 61 Over the last four years I lodge on average 56 resource consents a year with 60% of these seeking to subdivide and/or obtain consent for residential land use within the Rural General Zone of the ODP. With the exception of one, all of these consents have been approved by Council or Commissioners.
- 62 All of these consent applications require a fair assessment into the merit of the existing physical attributes pertaining to the subject site and the potential to accommodate RBPs in order for each consent to receive a favourable outcome from consent authorities.
- 63 I believe that the subject site has sufficient merit to result in a approved resource consent.
- 64 I consider that the Objectives and Policies of the proposed RLZ provide a robust discretionary regime for the location of platforms and will ensure the adequate provision of rural living amenity values and will result in a physical outcome on the property well suited for rural living whilst avoiding, remedying and/or mitigating any adverse effects on the environment.

- 65 Not only do these objectives and policies provide a particularly fine grained and well-tuned assessment regime towards approving any RBP they also provide sufficient support to provide well-tailored rural living land management in the future.
- 66 Any future resource consent to subdivide or establish a residential landuse under the Objectives and Policies of the proposed Rural Zone may lead to a comparative physical outcome. However, as with nearly all consent applications approved for rural living under the Rural Zone this is always unsupported by objectives and policies tailored for rural living in the future.
- 67 In the absence of Objectives and Policies which have been tailored to the future management of rural living land any consent approved under the Rural Zone requires a 'set' of consent notices to remain acceptable to consent authorities.
- 68 A 'set' being a comprehensive list of requirements for future administration of rural living in a rural zone such as house design, material appearance etc.
- 69 As detailed in paragraph 54 of my evidence, the consent notice mechanism of future land administration is not entirely without merit. In my opinion, it should not be preferred over appropriating the correct zone.
- 70 In my experience the correct administration of consent notices to administer the intentions otherwise set out in District Plan policy is problematic. The approved consent remains unaltered by any future changes in policies that relate to the landuse the consent approves. Subsequently, a high number (not a majority) of the consent notices become obsolete, diluted from the author's original intentions and seemingly inappropriate.
- 71 To amend these consent notices requires an application made to the original consent relying on effective recording of consent documents on Council systems and not relying upon amended and updated policies pertaining to the appropriate zone for the landuse approved under the consent. This process is often inefficient and certainly clumsy at arriving at well derived rural living outcomes on land which is zoned Rural.
- 72 Submission 314 seeks to avoid future rural living land administration by consent notice by establishing the Rural Lifestyle Objective and Policy Framework on the subject property.

CONCLUSION

- 73 Council experts remain satisfied in relation to the rezoning of the subject site with the exception of "Landscape". Based upon the characteristics of the subject site and the future discretionary consent regime for the location of RBP in the RLZ I consider that the rezoning set out in submission 314 should be accepted.
- 74 I do not share Council's concerns or those contained in further submission The Alpine Group (FS1309) in terms of reverse sensitivity being a reason to reject the rezoning to a rural lifestyle land use on the subject site but prefer to rely on this being addressed at the time of any future resource consent.
- 75 I do not believe that submission 314 represents 'spot zoning' and on this basis reject the rezoning to a rural lifestyle land use on the subject site.
- 76 Submission 314 seeks to avoid future rural living land administration by consent notice by establishing the Rural Lifestyle Zone on the subject property as opposed to undertaking a resource consent to achieve the same.

Nick Geddes

PLANNER

BSc (Geog), GradDip EnvSci

3rd April 2017



**COMPUTER FREEHOLD REGISTER
UNDER LAND TRANSFER ACT 1952**

Search Copy



Identifier 654501
Land Registration District Otago
Date Issued 05 June 2014

Prior References

1113 OT15A/550

Estate Fee Simple
Area 13.8985 hectares more or less
Legal Description Lot 1 Deposited Plan 300025 and Lot 1 Deposited Plan 475297

Proprietors

Wakatipu Holdings Limited

Interests

Subject to Section 8 Mining Act 1971

Subject to Section 5 Coal Mines Act 1979

469056 Electricity Agreement pursuant to Section 50 Electricity Act 1968 - 19.11.1976 at 11.12 am (affects Lot 1 DP 475297)

599286.8 Electricity Agreement pursuant to Section 50 Electricity Act 1968 - 2.8.1983 at 1.47 pm (affects Lot 1 DP 475297)

Subject to a right to convey water over Lot 1 DP 475297 marked B, D and a right to conduct electric power over Lot 1 DP 475297 marked A, C both on DP 475297 created by Transfer 824737.12 - 26.2.1993 at 12:07 pm

Appurtenant to Lot 1 DP 300025 is a right to conduct electric power and convey water created by Transfer 824737.12 - 26.2.1993 at 12:07 pm

The easements created by Transfer 824737.12 are subject to Section 309 (1) (a) Local Government Act 1974

Land Covenant in Transfer 824737.12 - 26.2.1993 at 12.07 pm (affects Lot 1 DP 475297)

824737.15 Encumbrance to (now) Contact Energy Limited - 26.2.1993 at 12:07 pm (affects Lot 1 DP 300025)

Subject to a right to convey electricity over Lot 1 DP 300025 marked K-L and a right to convey water over Lot 1 DP 300025 marked I-J both on DP 300025 created by Transfer 889082.1 - 16.8.1995 at 10:02 am

937853.1 Certificate pursuant to Section 417 (2) Resource Management Act 1991 (affects Lot 1 DP 475297) - 10.10.1997 at 11.41 am

Subject to a right to convey electricity over Lot 1 DP 300025 marked K-L and a right to convey water over Lot 1 DP 300025 marked I-J both on DP 300025 created by Transfer 940268.1 - 28.11.1997 at 2:36 pm

Subject to a right to convey electricity over Lot 1 DP 300025 marked K-L and a right to convey water over Lot 1 DP 300025 marked I-J both on DP 300025 created by Transfer 940271.1 - 28.11.1997 at 2:38 pm

Subject to a right to convey electricity over Lot 1 DP 300025 marked K-L and a right to convey water over Lot 1 DP 300025 marked I-J both on DP 300025 created by Transfer 940272.2 - 28.11.1997 at 2:38 pm

951009.8 Encumbrance to Contact Energy Limited - 14.7.1998 at 9.26 am (affects Lot 1 DP 300025)

5008194.3 Consent Notice pursuant to Section 221 Resource Management Act 1991 - 31.8.2000 at 1:44 pm (affects Lot 1 DP 300025)

9732756.1 Encumbrance to Contact Energy Limited - 5.6.2014 at 3:25 pm (affects Lot 1 DP 475297)

Subject to Section 241(2) and Sections 242(1) and (2) Resource Management Act 1991(affects DP 475297)

Identifier **654501**

10622335.1 Encumbrance to Queenstown Lakes District Council - 15.11.2016 at 1:23 pm

