

BEFORE THE QUEENSTOWN LAKES DISTRICT COUNCIL

IN THE MATTER

of the Resource Management Act 1991

AND

IN THE MATTER OF

Queenstown Lakes Proposed District Plan – Upper Clutha
Mapping Hearing

STATEMENT OF EVIDENCE OF SCOTT SNEDDON EDGAR

ON BEHALF OF THE FOLLOWING SUBMITTER:

JACKIE REDAI AND OTHERS (SUBMISSION #152)

4th April 2017



SOUTHERN LAND

SURVEYING | PLANNING | LAND DEVELOPMENT

Introduction

- 1 My name is Scott Sneddon Edgar. I am a Resource Management Planner and hold a Bachelor of Arts Degree (Honours) in Town and Country Planning from Strathclyde University in Glasgow, Scotland. I am an Associate Member of the New Zealand Planning Institute.
- 2 I have been employed by Southern Land Limited, a Wanaka based survey and planning consultancy, since October 2006. During my time at Southern Land I have been involved principally with the preparation of resource consent applications and the presentation of planning evidence at Council hearings.
- 3 Prior to relocating to New Zealand in 2005 I worked as a development control planner with various Scottish local authorities in both rural and urban regions.
- 4 Upon my arrival in New Zealand I was employed as a resource consents planner in the Wanaka office of Civic Corporation Limited before taking my current position with Southern Land Limited. I have a total of 17 years' planning experience, 11 of which have been gained in New Zealand.
- 5 I confirm that I have read the Code of Conduct for Expert Witnesses contained in the Environment Court of New Zealand Practice Note 2014 and I agree to comply with it. In that regard I confirm that this evidence is written within my expertise, except where I state that I am relying on the evidence of another person. I have not omitted to consider material facts known to me that might alter or detract from the opinions expressed.

Scope of Evidence

- 6 I have been engaged by Jackie Redai and Others (Submission #152) to provide expert planning evidence relating to their submission seeking the rezoning of the Riverbank Road/Orchard Road Block to Rural Residential.
- 7 I have read the relevant Section 42A Reports, the associated Section 32 Evaluation Reports and Council's expert evidence relating to ecology, landscape, transport and infrastructure as they relate to this submission. I have considered the facts, opinions and analysis therein when forming my opinions set out in this evidence.
- 8 My brief of evidence is set out as follows:
 - Background
 - Statutory Framework
 - Rural Residential Zoning
 - Part 2 Assessment

- Conclusion

Background

9 The submission of Jackie Redai and Others (#152) relates to a group of nine properties being Lots 1 to 9 DP 300773 (the site) bound to the east by Riverbank Road and to the south by Orchard Road. Please refer to figure 1 below. The site is zoned Rural General under the Operative District Plan and Rural under the Proposed District Plan. The combined area of the site is 38.8 hectares.

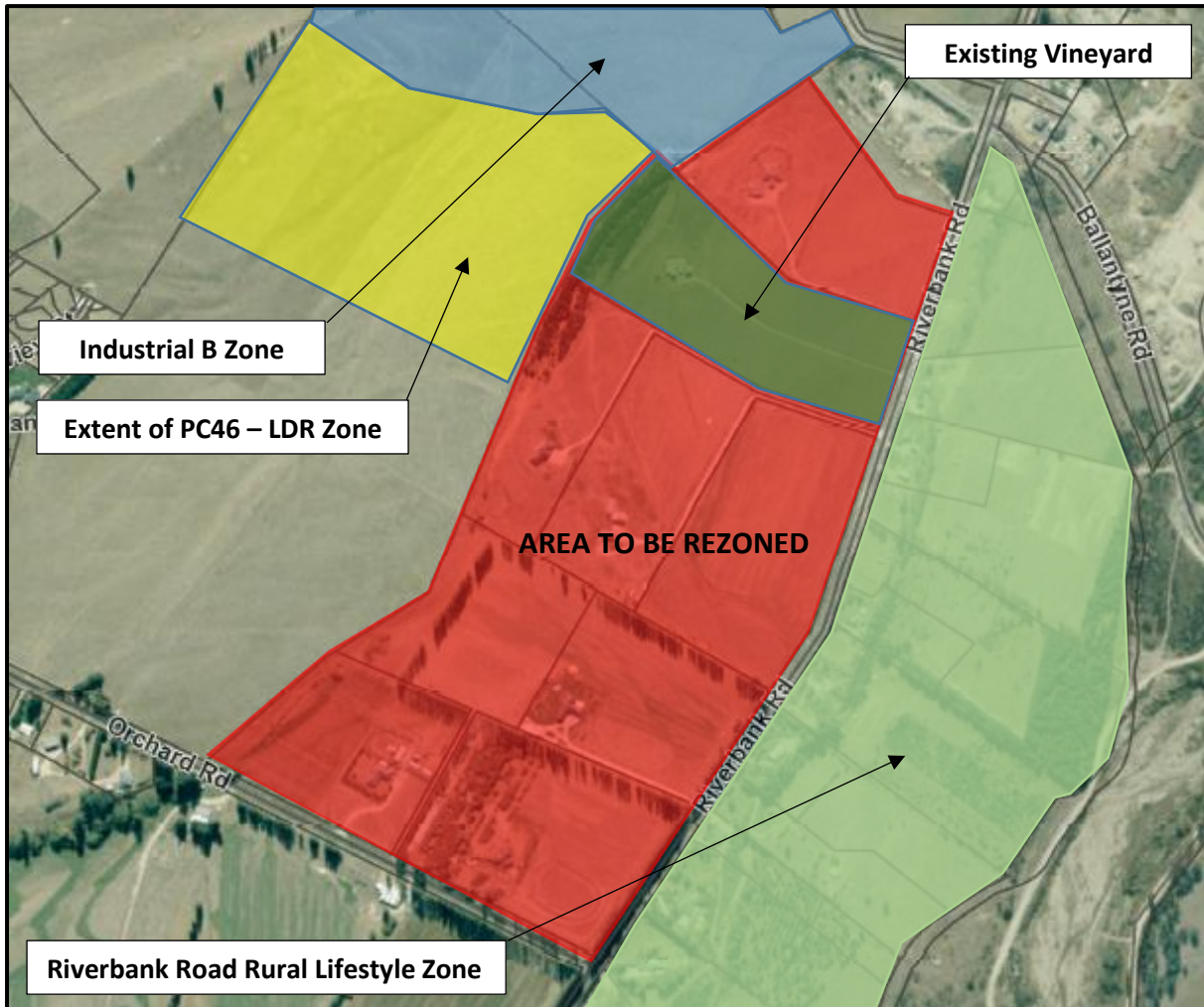


Figure 1 : Location Plan

- 10 Of the nine property owners seven are party to, and support, the submission while one is neutral and one (Ian Percy, further submitter #1136) opposes the submission.
- 11 The topography of the site is generally flat and vegetation includes expanses of open pasture grass, poplar shelter belts, landscape planting associated with dwellings and productive planting associated with a berry farm on Lot 1 and a vineyard on Lot 8.

- 12 Eight of the nine lots (Lots 1 – 6, 8 and 9 DP 300773) contain existing residential dwellings and Lot 7 has an approved building platform. The existing residential development results in a level of residential development that is inconsistent with the current Rural General and proposed Rural zoning. The berry farm and vineyard do however ensure that rural productive activities form part of the site’s established character. Overall the site has a character that is more akin to the Rural Living Zones.
- 13 The site is situated between the land comprising Plan Change 46 which was recently made operative and an area of land zoned Rural Lifestyle on the eastern side of Riverbank Road.
- 14 Plan Change 46 included the re-zoning of approximately 13.3ha of land from Rural General to Low Density Residential and 2.5ha from Rural General to Industrial B zoning. The ratification of Plan Change 46 has resulted in the site becoming a pocket of Rural General zoned land sandwiched between two residential areas (Low Density Residential within PC 46 and Rural Lifestyle along the eastern side of Riverbank Road. In addition industrial zoned land and established activities lie to the north.
- 15 The northern end of the site adjoins the proposed Urban Growth Boundary and the site is located within the Wanaka water and wastewater scheme boundaries.
- 16 In order to seek rezoning through the District Plan Review process seven of the nine land owners have come together to request that the site is rezoned from Rural to Rural Residential.

Statutory Framework

The Resource Management Act 1991 (RMA)(the Act)

- 17 The RMA requires Council’s to promote the sustainable management of natural and physical resources through the management of use, development and protection of natural and physical resources to provide for the social, economic and cultural well-being and health and safety of people, communities and future generations.
- 18 The following matter of national importance, as set out under section 6 of the RMA, is of relevance to this submission:
- (b) the protection of outstanding natural features and landscapes from inappropriate subdivision, use, and development:*
- 19 In addition the following other matters, as set out under section 7 of the Act, are of relevance to this submission:
- (b) the efficient use and development of natural and physical resources:*
- (c) the maintenance and enhancement of amenity values:*

(f) *the maintenance and enhancement of the quality of the environment:*

20 Section 79 of the Act directs that a district plan must be reviewed in the manner set out in Part 1 of Schedule 1 of the Act. In making changes to a district plan the local authority is required to:

- “give effect to” any national policy statement;
- “give effect to” any regional policy statement;
- “must not be inconsistent with” a regional plan;
- “have regard to” any proposed regional policy statement.

The National Policy Statement on Urban Development Capacity (NPSUDC)(NPS)

21 The NPSUDC came into effect on 1 December 2016 and must be given effect to through the Proposed District Plan.

22 The NPS seeks to ensure that planning decisions result in effective and efficient urban environments that enable people and communities and future generations to provide for their wellbeing, provide opportunities to meet demand for housing and business land and provide choices in terms of dwelling type and location. The NPS directs Councils to provide in their plans enough development capacity to ensure that demand can be met and to ensure that the development capacity provided in plans is supported by infrastructure.

23 The NPS defines ‘urban environment’ as *“an area of land containing, or intended to contain a concentrated settlement of 10,000 people or more and any associated business land, irrespective of local authority or statistical boundaries”*¹. While the site is located outside of (but partially adjoins) the Wanaka Urban Growth Boundary as defined in the Proposed District Plan I consider that the site forms part of the wider ‘urban environment’ of Wanaka and as such I consider the NPS to be of relevance to the consideration of the submission.

24 I consider that the proposed rezoning to Rural Residential will assist in giving effect to the NPS through the provision of additional development capacity such that demand for a range of different residential opportunities (type, size and location) can be met.

25 While the NPS requires that development capacity is supported by infrastructure it also seeks to ensure that Councils respond and adapt to changes in demand for development capacity in a timely manner and I do not consider that the absence of available services or planned infrastructure upgrades should preclude rezoning in itself. I consider that infrastructure upgrades or extension could be included in future Long Term Plans such that the rezoned land may be developable in the medium to long term. I also note that the site is located well within

¹ National Policy Statement on Urban Development Capacity 2016, pg. 8

the Wanaka water and wastewater scheme boundaries. I therefore consider that the proposed rezoning to Rural Residential generally aligns with the provisions of the NPS.

Operative Regional Policy Statement (ORPS)

- 26 The ORPS contains a number of objectives and policies of relevance to the submission, specifically Objectives 5.4.1 and 5.4.2 (Land) and related policies which seek to maintain the primary productive capacity of the land resource.
- 27 Objectives 9.4.1 and 9.4.3 (Built Environment) and their associated policies are also of relevance to the consideration of this submission. Those objective and policies seek to promote the sustainable management of Otago's built environment while avoiding, remedying or mitigating the adverse effects of the built environment on Otago's natural and physical resources.
- 28 In my opinion the proposed rezoning will provide rural living opportunities in close proximity to urban Wanaka. The area to be rezoned comprises relatively small land holdings with an average size of 4.3ha and as such their productive capacity is already likely to be somewhat compromised when compared to larger rural properties. I therefore consider that directing Rural Residential development to areas which have already been somewhat fragmented will help to avoid similar development encroaching into larger landholdings.
- 29 I therefore consider that the relief sought in the submission of Jackie Redai and Others is generally consistent with the provisions of the ORPS.

Proposed Regional Policy Statement (PRPS)

- 30 The PRPS was notified on 23 May 2015 with decisions on submissions being released on 1st October 2016.
- 31 Objective 5.3 and Policy 5.3.1 relate to the retention of land for economic production and seek to restrict activities in rural areas that may lead to reverse sensitivity effects and to minimise the subdivision of productive rural land to provide for rural residential activities.
- 32 With regard to reverse sensitivity effects and the development of productive rural land I consider that the land to be rezoned is already somewhat compromised due to reverse sensitivity effects resulting from existing and zoned residential neighbours in the vicinity. While the proposed rezoning will increase the extent of residential development within the site I consider that the densities provided for in the proposed Rural Residential area would assist in providing a transition between urban Wanaka and the Rural Lifestyle zone to the east of the site.
- 33 I therefore consider that the relief sought by the submitter is not contrary to the provisions of the PRPS.

Higher Order Proposed District Plan Provisions

- 34 The Strategic Direction Chapter of the Proposed District Plan establishes a policy framework which seeks to, amongst other things, manage urban growth in a strategic and sustainable manner and direct urban development to occur within urban areas while providing for rural living opportunities in appropriate locations.
- 35 I consider the following provisions of the Strategic Direction Chapter to be relevant to the consideration of the submission:

3.2.1 Goal – *To develop a prosperous, resilient and sustainable economy.*

Objective 3.2.1.4

Recognise the potential for rural areas to diversify their land use beyond the strong productive value of farming, provided a sensitive approach is taken to rural amenity, landscape character, healthy ecosystems, and Ngai Tahu values, rights and interests.

Goal 2 – *The strategic and integrated management of urban growth*

Objective 3.2.2.1

Ensure urban development occurs in a logical manner;

- *to promote a compact, well designed and integrated urban form;*
- *to manage the cost of Council infrastructure; and*
- *to protect the District's rural landscapes from sporadic and sprawling development.*

Policies

3.2.2.1.1 *Apply Urban Growth Boundaries (UGBs) around the urban areas in the Wakatipu Basin (including Jack's Point), Arrowtown and Wanaka.*

3.2.2.1.2 *Apply provision that enable urban development within the UGBs and avoid urban development outside of the UGBs.*

Objective 3.2.5.2

Minimise the adverse landscape effects of subdivision, use or development in specified Rural Landscapes.

Policies

3.2.5.2.2 *Identify the district's Rural Landscape Classification on the district plan maps, and minimise the effects of subdivision, use and development on these landscapes.*

Objective 3.2.5.3

Direct new subdivision, use or development to occur in those areas which have potential to absorb change without detracting from landscape and visual amenity values.

Policies

3.2.5.3.1 *Direct urban development to be within Urban Growth Boundaries (UGB's) where these apply, or within the existing rural townships.*

Objective 3.2.5.4

Recognise there is a finite capacity for residential activity in rural areas if the qualities of our landscape are to be maintained.

Policies

3.2.5.4.1 *Give careful consideration to cumulative effects in terms of character and environmental impact when considering residential activity in rural areas.*

3.2.5.4.2 *Provide for rural living opportunities in appropriate locations.*

Objective 3.2.5.5

Recognise that agricultural land use is fundamental to the character of our landscapes.

Policies

3.2.5.5.1 *Give preference to farming activity in rural areas except where it conflicts with significant nature conservation values.*

3.2.5.5.2 *Recognise that the retention of the character of rural areas is often dependent on the ongoing viability of farming and that evolving forms of agricultural land use which may change the landscape are anticipated.*

36 I agree with and support these higher order provisions of the PDP and for the reasons set out in this evidence I consider that the relief sought in the submission of Jackie Redai and Others generally aligns with the higher order provisions and would not compromise those provisions if the relief sought were to be adopted.

Rural Residential Zoning

37 Further submissions were received from Orchard Road Holdings Limited (FS #1013) and Ian Percy (FS #1136) and raised a number of issues relating to the submission of Jackie Redai and Others. In addition Mr. Barr's s42 Report and the supporting evidence relating to infrastructure, landscape and transport raised a range of issues relating to the proposed Rural Residential zoning. The various issues are discussed as follows:

Status of Plan Change 46

38 The further submission of Orchard Road Holdings Ltd sought that the submission is rejected until such time as Plan Change 46 is made operative. Plan Change 46 was made operative on 25 August 2016 and I therefore consider that the further submission of Orchard Road Holdings Ltd falls away.

Reverse Sensitivity Effects

39 The submission of Ian Percy opposes the proposed rezoning on the basis that it will result in adverse reverse sensitivity effects on their established vineyard located on Lot 8 DP 300773 (being part of the land to which the proposed rezoning relates). Mr. Percy points out that the vineyard includes an existing frost fan and may, on occasion, need to employ a helicopter to hover over the vines to fight frost in the event that the frost fan fails.

40 Both residential and farming activities are provided for within the Rural Residential Zone under the Operative and Proposed District Plan Rules as controlled or permitted activity respectively. As such the existing day to day farming activities located within the subject site will not be disadvantaged in terms of their existing operations.

41 The noise limits within the Rural Residential and Rural Zones are essentially the same being:

daytime (0800 to 2000 hrs) 50 dB LAeq(15 min)

night-time (2000 to 0800 hrs) 40 dB LAeq(15 min)

night-time (2000 to 0800 hrs) 70 dB LAFmax

42 In addition the Proposed District Plan noise rules make a specific exception for frost fans, setting a height noise limit of 85 dB L_{AFmax}.

43 However, while sound from farming activities is exempt from the noise limits within the Rural General and Gibbston Character Zones the same exemption does not apply within the Rural Residential Zone and as such I consider that the proposed rezoning does have the potential to compromise Mr. Percy's ability to use a helicopter for frost fighting in the event that the frost fan fails. It is unclear how likely such a scenario may be but the potential reverse sensitivity effects associated with the noise limits that would apply must be acknowledged.

44 Overall in terms of noise I consider that the re zoning from Rural General to Rural Residential should not impact Mr. Percy's ability of the use of the frost fan but may cause him difficulties on the odd occasion that he may need to use a helicopter for frost fighting.

45 I note that the relief sought in Mr. Percy's submission, being the rezoning of his property to something similar to the Gibbston Valley Character Zone could assist in addressing this potential reverse sensitivity issue. In addition I consider that there may be scope for the submitters to come to some agreement with Mr. Percy to resolve this matter.

Landscape Effects of Rezoning

46 In her landscape evidence Ms. Mellsop opposes the proposed re-zoning to Rural Residential stating²:

It would result in a loss of the remaining rural character in the landscape setting of south-eastern Wanaka and would blur the distinction between urban and rural areas.

47 I note that existing and zoned development in the vicinity of the site provides a character that is not entirely rural. This includes the recently rezoned Low Density Residential and Industrial B land to the north west and the topographical constrains of the neighbouring Rural Lifestyle zone along the eastern side of Riverbank Road which has for the most part restricted residential development to the upper river terrace adjacent to the road. Consequently the density of development along the eastern side of Riverbank Road appears closer to that of Rural Residential than Rural Lifestyle.

48 I therefore consider that while the proposed rezoning may result in a loss of the remaining rural character the existing rural character is already exhibits higher densities than might be expected elsewhere in the zone and that the proposed rezoning will provide a transition from urban to rural character.

49 I consider that the provision of further rural living opportunities in close proximity to urban Wanaka and within an area that already includes residential development on almost every property will not constitute urban sprawl but rather infill development. In addition I consider that any perceived sprawl can be appropriately managed through aligning zone boundaries with solid physical features, in this case Riverbank Road and Orchard Road.

50 With regard to the urban rural edge the Urban Development Chapter of the Proposed District Plan seeks to manage urban growth, ensuring urban development occurs within Urban Growth Boundaries and in a coordinated manner in terms of infrastructure. Objectives 4.2.3 and 4.2.6 and their associated policies 4.2.3.7, 4.2.6.1 and 4.2.6.2 seek to control urban

² Pg. 32, Para. 7.58

development at the edges of the Urban Growth Boundaries to provide a sensitive transition to rural areas.

51 In describing the purpose of the Rural Residential and Rural Lifestyle Zones the Proposed District Plan states:

“The Rural Residential and Rural Lifestyle zones provide residential living opportunities on the periphery of urban areas and within specific locations amidst the Rural zone. In both zones a minimum allotment size is necessary to maintain the character and quality of the zones and, where applicable, a buffer edge between urban areas, or the open space, rural and natural landscape values of the surrounding Rural Zone.”³

52 I therefore consider that the Rural Residential Zone contemplates and directs development towards the edge of urban areas. In addition I note that subdivision and development located on the periphery of residential areas is not precluded but rather that the urban rural edge is not compromised.

53 The urban edge which adjoins the subject site is formed by the proposed Urban Growth Boundary and the Low Density Residential and Industrial B Zones to the north west. The minimum lot size for the Low Density Residential Zone is Residential Zone to the north west is 450m². When compared to the minimum lot size for the Rural Residential Zone of 4000m² I consider that there would be a noticeable difference in terms of the density of development on either side of the urban/rural edge. I consider that this will assist in providing a sensitive and recognisable transition from urban to rural.

54 Further I consider that the likely layout and design of development within the proposed Rural Residential Zone would create a distinction between urban and rural. This would include the design and formation of roading, the presence or otherwise of street lighting and the ratio of landscaping and open space to built development. In addition I consider that the objectives and policies of the Rural Residential Zone provide scope to require specific design outcomes through the subdivision and development process to ensure that the urban/rural edge is not compromised.

Infrastructure

55 I accept Mr Glasner’s evidence that the site is not connected to Council’s wastewater and water supply reticulation but note that it is within the scheme boundary.

56 I consider that Council services could be extended to the site at the expense of the developers with development contributions assisting with capacity upgrades that may be required. In addition I consider that potential servicing constraints are likely to encourage the land owners within the site to work together when it comes to developing the site such that a design let

³ 22.1 Zone Purpose

approach can be taken. I consider that such an approach would provide scope for cost sharing between the property owners and the development of more efficient servicing infrastructure. In addition such an approach may provide the opportunity to employ alternative solutions in terms of water supply and/or wastewater treatment and disposal.

57 I consider that the objectives and policies of the Proposed District Plan's Subdivision & Development Chapter adequately address servicing, particularly Objectives 27.2.5 and 27.2.6 and their associated policies.

58 I do not consider that the proposed rezoning would create an expectation that Council services would be extended to the rezoned areas in the immediate term and the availability of services (or otherwise) will control the availability and development of the land (i.e. it may not be able to be developed until such time as service capacity and connections are available).

59 I note that the NPSUDC and the objectives and policies of the Proposed District Plan seek an integrated planning approach whereby zoning and servicing are addressed concurrently and Mr. Glasner points out that there are no Long Term Plan projects scheduled to extend services to this area. While I acknowledge the efficiencies of an integrated planning approach where practicable it is unclear how such an approach can provide for rezoning on the periphery of urban areas, outside of Urban Growth Boundaries. The NPSUDC seeks to provide a range of living opportunities and the Proposed District Plan seeks to provide for rural living opportunities on the periphery of existing urban areas.

60 The rezoning of such areas requires careful consideration and must go through a Plan Change or District Plan Review process. I therefore consider that it would be difficult and unrealistic for such areas to be serviced or to have service extensions planned and included in a LTP at the time the rezoning is considered.

61 I therefore consider that the proposed rezoning is not necessarily reliant on Council services being available or extended and the absence of services or planned upgrades should not preclude the proposed rezoning in itself.

Transport

62 In her transport evidence Ms. Banks opposes the proposed rezoning of the site on the basis that, while the road network could accommodate the extra traffic generated, she is concerned about the additional accesses that would be created and the impact on the Ballantyne Road and Riverbank Road intersection.

63 I consider that at the time of subdivision the appropriateness of the subdivision design in terms access design can be assessed and controlled and that there is scope through the subdivision process to require upgrades to the existing roading network where required to address adverse effects on the safety and efficiency of the public road resulting from the development of the rezoned land.

64 I therefore consider that the current situation in terms of roading relating to Riverbank Road and Ballantyne Road should not negate the proposed rezoning.

Overall Planning Assessment

65 Overall I consider that there is scope to rezone the site as Rural Residential while addressing servicing and access issues through the subdivision design process. In addition I consider that the proposed rezoning will provide for a distinct transition from urban to rural given the difference in densities provided for in the Rural Residential Zone and adjoining Lot Density Residential Zone. I acknowledge that the proposed rezoning has potential to result in reverse sensitivity effects on, or complicate the operation of, the existing farming activities within the site. I consider however that there may be scope to resolve these through the relief sought in Mr. Percy's submission and/or agreements between Mr. Percy and the submitters.

Part 2 Assessment

66 Under Section 32 of the RMA the extent to which the objectives of a proposed plan are the most appropriate way to achieve the purpose of the Act, and whether the provisions of the proposed plan are the most appropriate way of achieving those objectives, must be examined.

67 I consider that the objectives and policies of the Proposed District Plan, as they relate to landscapes, rural living and urban development, are the most appropriate means of achieving the purpose of the Act.

68 I consider that on balance, if reverse sensitivity effects can be appropriately addressed, the relief sought is the most appropriate means of achieving the objectives of the Proposed District Plan and would be consistent with Section 5 of the Act in that it will provide for the use, development, and protection of natural and physical resource in a way, or at a rate, that enables people and communities to provide for the social, economic, and cultural wellbeing and for their health and safety while safeguarding the life-supporting capacity of air, water, soil and ecosystems.

69 Through the provisions of the Proposed District Plan the development enabled by the proposed rezoning will be appropriately controlled and managed to ensure that the environmental effects arising are appropriately avoided, remedied or mitigated.

70 In addition I consider that the proposed amendments have appropriate regard to the relevant Section 7 matters, specifically the efficient use and development of natural and physical resources (*s7(b)*), the maintenance and enhancement of amenity values and the quality of the environment (*s7(c) and (f)*) and the finite characteristics of natural and physical resources (*s7(g)*).

71 With regard to Section 8 there are no known Treaty principles that will be affected by the proposed amendments to the Proposed District Plan.

72 I therefore consider that, if reverse sensitivity effects can be appropriately mitigated, the relief sought in the submission of Jackie Redai and Others achieves the purpose of the RMA.

Conclusion

73 Overall, having carefully considered the matters set out in Section 32, I consider that the rezoning of the site to provide rural living opportunities has the potential to meet the purpose of the RMA.

A handwritten signature in black ink, appearing to read 'Scott Sneddon Edgar', written in a cursive style.

Scott Sneddon Edgar

4th April 2017