

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

STATEMENT OF EVIDENCE OF SCOTT SNEDDON EDGAR

ON BEHALF OF THE FOLLOWING FURTHER SUBMITTERS:

CRESCENT INVESTMENTS LIMITED (FURTHER SUBMISSION #1311)

AND

KIRIMOKO PARK RESIDENTS ASSOCIATION INCORPORATED (FURTHER SUBMISSION #1326)

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 have been involved in the consenting and implementation of the Kirimoko Park subdivision since 2009. Through that involvement I have taken the role of Manager of the Kirimoko Park Residents Association, a role which involves the administration of the Kirimoko Park covenants and design approval process.
- 6 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.
- 7 Pursuant to Section 7.2(b) of the Code of Conduct I hereby declare that I have recently purchased a property at Kirimoko Park and as such am a member of the Kirimoko Park Residents Association.

Scope of Evidence

- 8 I have been engaged by Crescent Investments Limited (Further Submission #1311) and the Kirimoko Park Residents Association Incorporated (Further Submission #1326) to provide expert planning evidence relating to the following submissions:
 - Alistair Munro (Submission #3) which seeks the removal of the Building Restriction Area on Proposed Planning Map 20 and the rezoning of the underlying land from Rural to Large Lot Residential; and

- Wanaka Central Developments Limited (Submission #326) which seeks the rezoning of 8.33 hectares of Low Density Residential Zoned land within the Kirimoko Block as Medium Density Residential.

9 In preparing this evidence I have read the submissions and Council’s s42A reports relating to the Strategic Overview and Common Themes and Group 1A Wanaka Urban and Lake Hawea. I have also read Council’s supporting landscape, infrastructure and transport evidence and the background s32 material.

10 My brief of evidence is set out as follows:

- Background
- Statutory Framework
- Submission #3 – Alistair Munro
- Submission #326 – Wanaka Central Developments Limited
- Part 2 Assessment
- Conclusion

Background

11 The submissions of Alistair Munro and Wanaka Central Developments Limited relate to land within what is generally referred to as the ‘Kirimoko Block’. The Kirimoko Block comprises the land on either side of Kirimoko Crescent as it sweeps from Aubrey Road at its southern extent round to Rata Street to the west. The Plantation/Sticky Forest lies to the north and Peak View Ridge lies to the east. The landform is a shallow basin which rises more steeply to the north and east.

12 Prior to Plan Change 13, which was publicly notified on 4th April 2007 and ratified 28th March 2008, the Kirimoko Block was zoned Rural General under the Operative District Plan and included 13 land parcels. The Plan Change rezoned the majority of the Kirimoko Block from Rural General to Low Density Residential while the upper parts of the basin landform were retained in the Rural General zone with a Building Restriction imposed.

- 13 Since the plan change was made operative a public walkway has been constructed around the upper edge of the basin landform and the Kirimoko Park subdivision, which comprises the land on to the south and west of Kirimoko Crescent, has been completed by Crescent Investments. The majority of the lots created within Kirimoko Park have been built on. The Kirimoko Park Residents Association was established on completion of the subdivision and represents the interests of the residents at Kirimoko Park.
- 14 In addition the Peak View Heights subdivision, to the east of Kirimoko Crescent, has been completed and the Kirimoko Heights subdivision is under construction.
- 15 When Kirimoko Park was consented it was somewhat unique within the Low Density Zone in that it provided a range of lot sizes to provide variety, interest and contribute to housing affordability. A design led approach was used to ensure that good urban design outcomes were achieved. While the initial stage of Kirimoko Park included some lots as small as 400m² an overall density of 1 dwelling per 650m² was achieved.

Statutory Framework

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

- 16 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.
- 17 While there are no matters of national importance (s6) relevant to the consideration of these submissions the following other matters, as out under section 7 of the Act, are of relevance:
- (c) *the maintenance and enhancement of amenity values:*
- (f) *the maintenance and enhancement of the quality of the environment:*
- 18 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.

Operative Regional Policy Statement for Otago (ORPS)

19 The Objectives and Policies of the ORPS that are of particular relevance to the consideration of these submissions are as follows:

9.4 Objectives

9.4.1 *To promote the sustainable management of Otago’s built environment in order to:*

- (a) *Meet the present and reasonably foreseeable needs of Otago’s people and communities; and*
- (b) *Provide for amenity values, and*
- (c) *Conserve and enhance environmental and landscape quality; and*
- (d) *Recognise and protect heritage values.*

9.4.3 *To avoid, remedy or mitigate the adverse effects of Otago’s built environment on Otago’s natural and physical resources.*

9.5 Policies

9.5.4 *To minimise the adverse effects of urban development and settlement, including structures, on Otago’s environment through avoiding, remedying or mitigating:*

.....

- (c) *Visual intrusion and a reduction in landscape qualities; and*

.....

9.5.5 *To maintain and, where practicable, enhance the quality of life for people and communities within Otago’s built environment through:*

.....

- (c) *Avoiding, remedying or mitigating the adverse effects of subdivision, landuse and development on landscape values.*

Proposed Regional Policy Statement (PRPS)

20 The PRPS was notified on 23 May 2015 with decisions on submissions being released on 1st October 2016. The objectives and policies of the PRPS that are of particular relevance are as follows:

Objective 3.2 Otago’s significant and highly-valued natural resources are identified, and protected or enhanced

Policy 3.2.5 Identifying highly valued natural features, landscapes and seascapes

Identify natural features, landscapes and seascapes, which are highly valued for their contribution to the amenity or quality of the environment but which are not outstanding, using the attributes in Schedule 3.

Policy 3.2.6 Managing highly valued natural features, landscapes and seascapes

Protect or enhance highly valued natural features, landscapes and seascapes by all of the following:

- a) Avoiding significant adverse effects on those values which contribute to the high value of the natural feature, landscape or seascape;*
- b) Avoiding, remedying or mitigating other adverse effects;*
- c) Recognising and providing for the positive contributions of existing introduced species to those values;*
- d) Controlling the adverse effects of pest species, preventing their introduction and reducing their spread;*
- e) Encouraging enhancement of those areas and values which contribute to the high value of the natural feature, landscape or seascape.*

Higher Order Proposed District Plan Provisions

21 The Strategic Direction Chapter of the Proposed District Plan establishes a policy framework which seeks to provide for and appropriately manage urban growth, enable a mix of residential densities within urban areas and minimise adverse landscape effects. The following objectives and policies are of particular relevance:

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

3.2.2.1.4 *Encourage a higher density of residential development in locations close to town centres, local shopping zones, activity centres, public transport routes and non-vehicular trails.*

Goal 3 – *A quality built environment taking into account the character of individual communities*

Objective 3.2.3.1

Achieve a built environment that ensures our urban areas are desirable and safe places to live, work and play.

Policies

3.2.3.1.1 *Ensure development responds to the character of its site, the street, open space and surrounding area, whilst acknowledging the necessity of increased densities and some change in character in certain locations.*

Goal 5 – *Our distinctive landscapes are protected from inappropriate development.*

Objective 3.2.5.2

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

Policies

3.2.5.2.1 *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.*

Goal 6 – *Enable a safe and healthy community that is strong, diverse and inclusive for all people.*

Objective 3.2.6.1

Provide access to housing that is more affordable.

Policies

3.2.6.1.1 *Provide opportunities for low and moderate income Households to live in the District in a range of accommodation appropriate for their needs.*

3.2.6.1.2 *In applying plan provisions, have regard to the extent to which minimum site size, density, height, building coverage and other controls influence Residential Activity affordability.*

Objective 3.2.6.2

Ensure a mix of housing opportunities.

Policies

- 3.2.6.2.1 *Promote mixed densities of housing in new and existing urban communities.*
- 3.2.6.2.2 *Enable high density housing adjacent or close to the larger commercial centres in the District.*
- 3.2.6.2.3 *Explore and encourage innovative approaches to design to provide access to affordable housing.*

22 The Urban Development Chapter of the PDP is also of relevance to the consideration of the submission of Wanaka Central Developments Limited (#326) with the following objectives and policies being of particular relevance:

4.2.1 Objective

Urban development is coordinated with infrastructure and services and is undertaken in a manner that protects the environment, rural amenity and outstanding natural landscapes and features.

Policies

- 4.2.1.3 *Encourage a higher density of residential development in locations that have convenient access to public transport routes, cycleways or are in close proximity to community and education facilities.*

4.2.3 Objective

Within Urban Growth Boundaries, provide for a compact and integrated urban form that limits the lateral spread of urban areas, and maximises the efficiency of infrastructure operation and provision.

Policies

- 4.2.3.2 *Enable an increased density of residential development in close proximity to town centres, public transport routes, community and education facilities.*

4.2.6 Objective

Manage the scale and location of urban growth in the Wanaka Urban Growth Boundary.

Policies

4.2.6.2 *Ensure that development within the Wanaka Urban Growth Boundary:*

- *Supports increased density through greenfield and infill development, in appropriate locations, to avoid sprawling into surrounding rural areas*

23 In addition the Landscapes Chapter of the PDP is of relevance to the consideration of the submission of Alistair Munro (#3) with the following objectives and policies being of relevance:

Objective 6.3.1

The District contains and values Outstanding Natural Features, Outstanding Natural Landscapes, and Rural Landscapes that require protection from inappropriate subdivision and development.

Policies

6.3.1.4 *That subdivision and development proposals located within the Rural Landscape be assessed against the assessment matters in provisions 21.7.2 and 21.7.3 because subdivision and development is inappropriate in many locations in these landscapes, meaning successful applications will be, on balance, consistent with the assessment matters.*

6.3.1.11 *Recognise the importance of protecting the landscape character and visual amenity values, particularly as viewed from public places.*

6.3.1.12 *Recognise and provide for the protection of Outstanding Natural Features and Landscapes with particular regard to values relating to cultural and historic elements, geological features and matters of cultural and spiritual value to Tangata Whenua, including Tōpuni.*

Objective 6.3.2

Avoid adverse cumulative effects on landscape character and amenity values caused by incremental subdivision and development.

Policies

- 6.3.2.1 *Acknowledge that subdivision and development in the rural zones, specifically residential development, has a finite capacity if the District's landscape quality, character and amenity values are to be sustained.*
- 6.3.2.2 *Allow residential subdivision and development only in locations where the District's landscape character and visual amenity would not be degraded.*
- 6.3.2.3 *Recognise that proposals for residential subdivision or development in the Rural Zone that seek support from existing and consented subdivision or development have potential for adverse cumulative effects. Particularly where the subdivision and development would constitute sprawl along roads.*
- 6.3.2.4 *Have particular regard to the potential adverse effects on landscape character and visual amenity values from infill within areas with existing rural lifestyle development or where further subdivision and development would constitute sprawl along roads.*
- 6.3.2.5 *Ensure incremental changes from subdivision and development do not degrade landscape quality, character or openness as a result of activities associated with mitigation of the visual effects of proposed development such as screening planting, mounding and earthworks.*

Objective 6.3.5

Ensure subdivision and development does not degrade landscape character and diminish visual amenity values of the Rural Landscapes (RLC).

Policies

- 6.3.5.1 *Allow subdivision and development only where it will not degrade landscape quality or character, or diminish the visual amenity values identified for any Rural Landscape.*
- 6.3.5.2 *Avoid adverse effects from subdivision and development that are:*
 - *Highly visible from public places and other places which are frequented by members of the public generally (except any trail as defined in this Plan); and*

- *Visible from public roads.*

24 I agree with and support these higher order provisions of the PDP and consider that they appropriately give effect to the ORPS and have appropriate regard to the PRPS and achieve the purpose of the Act.

Submission #3 – Alistair Munro

25 The submission of Alistair Munro seeks the following:

- That the Building Restriction Area imposed as part of Plan Change 13 is removed; and
- That the underlying land, which is zoned Rural General under the Operative District Plan and Rural under the Proposed District Plan, is rezoned as Large Lot Residential.

26 Crescent Investments Limited and the Kirimoko Park Residents Association oppose the submission of Alistair Munro on the basis that:

- The Rural General zoning and Building Restriction Area were an integral part of Plan Change 13 and were required in order to preserve the landscape values of the more elevated parts of the basin landform and to provide separation from the existing and future dwellings along Peak View Ridge;
- The fact that development is occurring within the Kirimoko Block is no justification to remove the Building Restriction Area and Rural General zoning that was put in place to avoid adverse landscape effects and enable development in the first place;
- The amenity and landscape values appreciated from the public walkway (also an integral part of Plan Change 13) would be compromised.

27 In her evidence Ms. Helen Mellsop has assessed the relief sought by the submitter from a landscape perspective. Ms. Mellsop confirms that the protection of the elevated parts of the basin landform was an integral part of Plan Change 13 with the Rural General zoning and Building Restriction Area coming as the result of four landscape assessments which highlighted the importance of retaining these areas as a landscape backdrop for the lake and urban Wanaka.

28 Ms. Mellsoy goes on to state that¹¹:

“There has been no significant change to the landscape anticipated at the time of Plan Change 13 and the landscape values of this part of the Beacon Point Ridge remain important namely:

(a) As a visually prominent and geologically significant terminal moraine ridge;

(b) As a natural landscape setting for the town when viewed from the lake; and

(c) As a more natural edge to urban development.”

29 On that basis Ms Mellsoy opposes the relief sought. I rely on and adopt Ms. Mellsoy’s opinion on this matter. I note however that Ms. Mellsoy comments that the proposed Large Lot Residential zoning would only be appropriate if the Building Restriction Area was retained with buildings being prohibited. I consider that the retention of the Rural zoning and the Building Restriction Area is more appropriate as the zoning of the land as Large Lot Residential (with the BRA retained) would remove the Rural Landscape Classification from the land and would mean that the objectives and policies of the Landscape Chapter of the Proposed District Plan would no longer be applicable to the same extent.

30 I therefore consider that the relief sought by the submitter is not the most appropriate means of achieving the objectives of the Proposed District Plan (the retention of the Rural zoning and Building Restriction Area being the more appropriate means) and consequently I agree with Mr. Barr in his recommendation that the submission is rejected.

Submission #326 – Wanaka Central Developments Limited

31 The submission of Wanaka Central Developments Limited seeks the following:

- That Lots 9 and 10 DP 300374 are rezoned from Low Density Residential to Medium Density Residential Zone.

32 Crescent Investments Limited and the Kirimoko Park Residents Association oppose the submission of Wanaka Central Developments Limited on the basis that:

- The proposed rezoning is inconsistent with the zoned, established and anticipated character of the Kirimoko Block and wider Low Density Residential Zone;

¹¹ Para 6.8

- The proposed rezoning is inconsistent with Objective 8.2.1 of the Proposed District Plan which seeks to locate medium density development close to town centres, local shopping centres and activity centres;
- The changes to the Low Density Residential provisions within the Proposed District Plan allow for a minimum lot size of 450m² and a maximum density of up to one residential unit per 300m² and as such will allow for a compact and integrated residential form while retaining some consistency with the adjoining residential development.

33 In his s42A report Mr. Barr notes that it is unclear whether the submitter seeks the removal of the Building Restriction Area but is of the opinion, based on Ms. Mellsop's evidence, that the removal of the Building Restriction Area would be inappropriate if it were proposed. I agree with Mr. Barr and Ms. Mellsop in this regard.

34 I note that Mr. Glasner and Ms. Banks have confirmed that the site can be appropriately serviced and accessed. I accept Mr. Glasner and Ms. Banks opinions on these matters.

35 In principle I agree with the submitter that greater residential density and compact urban form within Wanaka's urban areas is appropriate and will assist in meeting the District's growth pressures and contribute to housing affordability. In addition I consider that higher densities can be more effectively achieved on greenfield sites.

36 The Proposed District Plan however seeks to direct medium density development to locate in close proximity to town centres, local shopping zones or activity areas. I do not consider that the proposed rezoning achieves this intent and consider that the zoning, which provides for development to a density of one dwelling per 250m², would appear as an anomalous pocket of particularly dense development within the wider low density area.

37 In addition I consider that the amendments to the Low Density Residential Zone provisions that have been included in the Proposed District Plan effectively provide for higher densities and a compact urban form while retaining some consistency with existing residential development in the wider area.

38 I consider that the relief sought by the submitter is not the most appropriate means of achieving the objectives of the Proposed District Plan. I consider the retention of the Low Density Residential zoning as notified (including the increased density provisions) is the more

appropriate means of achieving the objectives. I therefore agree with Mr. Barr in his recommendation that the submission is rejected.

Part 2 Assessment

39 I consider that the relief sought in the submissions of Alistair Munro and Wanaka Central Developments Limited do not represent the most appropriate means of achieving the objectives of the Proposed District Plan and consequently I consider that the purpose of the Act, taking into account the relevant other matters set out in Section 7, could be more effectively met through the retention of the Building Restriction Area and the Rural and Low Density Residential zoning respectively.

Conclusion

40 For the reasons set out above I agree with Mr. Barr and consider that the submissions of Alistair Munro and Wanaka Central Developments Limited should be rejected.



Scott Sneddon Edgar

4th April 2017