

**Before the Panel of Hearing Commissioners
For the Queenstown Lakes Proposed District Plan**

In the Matter of the Resource Management Act 1991

And

In the Matter of the Queenstown Lakes Proposed District Plan
(Stage 2 - Hearing Stream 14)

Statement of Evidence of
Jeffrey Andrew Brown
for Boxer Hills Trust (Submitter 2386)
Dated: 15 June 2018

lane neave.

Level 1, 2 Memorial Street
PO Box 701
Queenstown
Solicitor Acting: Rebecca Wolt
Phone: 03 409 0321
Fax: 03 409 0322
Email:
rebecca.wolt@laneneave.co.nz

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INTRODUCTION

1. My name is Jeffrey Andrew Brown. I have the qualifications of Bachelor of Science with Honours and Master of Regional and Resource Planning, both from the University of Otago. I am a full member of the New Zealand Planning Institute. I am also a member of the New Zealand Resource Management Law Association. I was employed by the Queenstown Lakes District Council (QLDC) from 1992 – 1996, the latter half of that time as the District Planner. Since 1996 I have practiced as an independent resource management planning consultant, and I am currently a director of Brown & Company Planning Group Ltd, a consultancy with offices in Auckland and Queenstown. I have resided in Auckland since 2001.
2. **Attachment A** contains a more detailed description of my work and experience.
3. Although this is not an Environment Court hearing, I confirm I have complied with the Code of Conduct for Expert Witnesses contained in the Environment Court Consolidated Practice Note 2014. This evidence is within my area of expertise, except where I state that I am relying on another person, and I have not omitted to consider any material facts known to me that might alter or detract from the opinions I express.
4. This evidence is on behalf of Boxer Hills Trust (**BHT**) (Submitter 2386). BHT owns the circa 8ha block adjacent to McDonnell Road, immediately north of the special housing area retirement village currently under construction and opposite the urban Arrow South Special Zone. I have visited the property on many occasions and I am familiar with the wider surroundings.
5. In this evidence I address the Proposed District Plan – Stage 2 (**PDP**) zoning of the land and the relief sought in BHT's submission.
6. I have reviewed the evidence of Mr Langman for the Council, and of Ms Pfluger, Mr Hadley and Mr Penny for BHT.
7. Chapter 24 zones the land Wakatipu Basin Rural Amenity Zone (**WBRAZ**). I support BHT's opposition to this zoning over the land. The BHT submission sought the Wakatipu Basin Lifestyle Precinct (**WBLP**) over the land.

8. My evidence addresses:
- (a) The WBLP zoning of the land;
 - (b) Future urban growth and the issue of how to hold land for future urban growth and the mechanisms for securing the potential for that; and
 - (c) The issue of identifying an urban fence and mechanisms for securing it.
 - (d) I also comment on the higher order provisions of the Plan.

THE WAKATIPU BASIN LIFESTYLE PRECINCT

9. My evidence dated 13 June 2018 for BHT's land northeast of the intersection of Arrowtown-Lakes Hayes Road and Hogans Gully Road (Submitter 2385) supports the WBLP over that land, but I proposed some modifications to the Chapter 24 purpose statement, the WBLP, objective and policies, and some of the rules. That evidence is equally applicable to BHT's McDonnell land which is the subject of this evidence, should it be included in the WBLP. I will not repeat my evidence in respect of Submitter 2385 but adopt it for this evidence, and refer the Panel to it. For ease of reference, a copy is also attached to this evidence.
10. I consider that the WBLP is a better outcome for the McDonnell land (and land to the north fronting McDonnell Road) than the WBRAZ, because:
- (a) the area can absorb development, given the "Capability to absorb additional development" rating of "High" rating in the Landscape Character Unit 24 (Arrowtown South) of Chapter 24;
 - (b) the retirement village to the south and the urban zoning on the opposite side of McDonnell Road (i.e. the Arrow South Special Zone) have and will continue to change the character of the area significantly;
 - (c) Ms Gilbert considers there are no landscape reasons for maintaining the WBRAZ over the land¹,

¹ Evidence of Bridget Gilbert for the Council, dated 30 May 2018

- (d) Ms Pfluger supports a WBLP zoning of the land;
 - (e) A WBLP zoning can be supported from an infrastructure perspective (as per the evidence of Mr Penny and Mr Hadley);
 - (f) A WBLP zoning is a more efficient use of the land; the WBRAZ is inherently inefficient for a property of this size in this location;
 - (g) A WBLP better achieves the higher order objectives and policies than the WBRAZ, for the reasons I discuss in my discussion of the Higher Provisions of the PDP later in this evidence.
11. The WBLP provisions that I discussed in my evidence for the BHT land at Hogans Gully (Submitter 2385) are appropriate for the McDonnell land with one site-specific modification being a minimum lot size of 2500m², which in my view would, along with the 1ha average, enable additional flexibility in the design of the subdivision of this 8ha block, and would be appropriate given the neighbouring high density retirement village and the extent to potential development across McDonnell Road.
12. The WBLP, while better in my view than the WBRAZ, may not be the most appropriate to achieve the higher order objectives. I address this in the next section of my evidence.

FUTURE URBAN GROWTH

13. Mr Langman's supplementary statement of evidence² indicates that the WBRAZ should be retained over BHT's McDonnell Road land to preserve the ability for efficient potential future development as greenfield urban land, and that fragmenting the land through WBLP development would foreclose future optimal outcomes.
14. I agree with Mr Langman's view on the capability of the land, along with other land adjoining the western side of McDonnell Road north of the retirement village, for urban development, and that the WBLP would likely compromise the ability of the land to be developed for urban purposes.
15. This raises several issues:

² Supplementary evidence of Marcus Langman for the Council, dated 1 June 2018, p6

- (a) If urban development on the land was being anticipated by the Council then this should have been addressed in the Wakatipu Basin Variation and the land either excluded from the Variation (as was the case for the Ladies Mile land which, like the Landscape Character Unit (LCU) 24 / Arrowtown South land, the Wakatipu Basin Land Use Study identified as suitable for future urbanisation) or Chapter 24 of the Variation should have included some form of zoning that recognises the land's urban capability;
 - (b) The suitable zoning for the land, and other land adjoining and west of McDonnell Road, and the choice between:
 - (i) the WBRAZ as a "holding pattern" zone; or
 - (ii) another holding pattern zone such as a "Future Urban" type zone; or
 - (iii) a live urban zone.
 - (c) The location of the Urban Growth Boundary (**UGB**), and whether it should be shifted now (subject to scope) or at a later stage;
 - (d) The timing of any new urban zoning and shift of the UGB, such as in Stage 3 of the PDP, and providing some level of certainty to owners;
 - (e) The implications of all of the above for Trojan Helmet's submission³ seeking a bespoke resort zone on the 162ha area of land west of BHT's McDonnell land, and particularly the analysis of landscape and rural character which is the critical issue for that submission.
16. On paragraph 15(a) above, the Council should withdraw the Variation as it relates to the relevant land or initiate a new Variation, and in either case, investigate and prepare an appropriate urban zoning framework, for notification as part of a later Stage (Stage 3) of the PDP, unless there is scope for an outcome other than the WBRAZ or the WBLP through Stage 2.

³ Submission 2387

17. On paragraph 15(b) above:

(a) ***The WBRAZ:***

- (i) The WBRAZ may not be a very resilient holding pattern because the LCU 24 has a “Capability to absorb additional development” rating of “High”. (Most if not all other LCUs with a “High” rating have been included in the WBLP). The site can easily absorb new development at a scale and form that would not adversely affect the amenity values of neighbouring properties, and the site is within a wider area with significant development already established or consented, including the high density retirement village to the south, and the Arrow South Special Zone opposite. Even in the circumstances of rules requiring non-complying consent for subdivision below a minimum lot area of 80ha, an application for a non-complying density would likely pass both s104D tests.
- (ii) I have provided evidence in support of Trojan Helmet’s submission in respect of⁴ The Hills Resort Zone (**THRZ**). The THRZ provides a Structure Plan that spatially arranges the Zone through “Activity Areas”. The Activity Area “G” allows only golf course, open space and farming. Non-complying activity status is applied to any activity in an Activity Area not provided for by any rule. Hence, any subdivision or development of the “G” area would be non-complying. Given the proposed objectives and policies of the THRZ, which I addressed in my Trojan Helmet evidence (Submitter 2387), I consider that it would be very difficult to develop within the vast majority of THRZ and therefore this acts as a defensible boundary to the westward edge of the UGB, if it were to be shifted west of McDonnell Road. The THRZ is therefore better than the WBRAZ in this regard.

(b) ***A “holding pattern” zone or a live urban zone***

- (i) I consider that a more appropriate outcome than the WBRAZ would be a “holding pattern” future urban zone, or a live urban

⁴ Ibid

zone. This would depend on whether the Panel has scope, which I understand will be addressed in legal submissions.

- (ii) **Attachment B** contains a copy of the Future Urban Zone (FUZ) from the Auckland Unitary Plan (AUP). The Auckland Council has a future urban development strategy – that sits outside the AUP – that integrates the timing of live zoning of the FUZ areas (through plan changes) with the timing of associated infrastructure rollout. The FUZ discourages any subdivision that would foreclose or compromise the efficient urban development of the land in the interim period before infrastructure provision and live zoning. I consider a very similar approach could be adopted, with some minor adaptations, for the McDonnell Road land.
- (iii) I note that this or a similar approach is contemplated in the Wakatipu Basin Land Use Study (WBLUS), where it is stated “A precinct overlay should be applied to Arrowtown and Ladies Mile to give certainty as to their suitability for urban development. The application of urban zoning (and the applicability or not of Urban Growth Limits) will require a more fine-grained consideration of matters which can only be progressed through a structure plan process.”⁵
- (iv) Accordingly, as foreshadowed in WBLUS, any live zone would need to be based on appropriate urban design principles. This would involve the background research and investigations into the most appropriate urban outcomes and would likely involve a masterplanning process and a structure plan, to ensure co-ordination of roading, open space, pedestrian and cycleway routes, and services infrastructure across multiple parcels in different ownerships, and to recognise and integrate with other adjoining activities. It would also identify the most appropriate location of the UGB.

18. On paragraph 15(c) above, I addressed this in part above in relation to the WBRAZ and THRZ, but the location of the UGB would likely emerge from any masterplanning process.

⁵ Pg 51

19. On paragraph 15(d) above, it would be preferable for this to be addressed sooner rather than later, so that landowners are not beset with sanitised land indefinitely.
20. On paragraph 15(e) above, I consider that the potential future urbanisation of the land adjacent to McDonnell Road has significant implications for how the Trojan Helmet's THRZ is assessed. Urban development will change the character of the area considerably, particularly the foreground of views from parts of Arrowtown and more elevated locations, and this would change the environment within which the THRZ would be perceived.

HIGHER ORDER PROVISIONS OF THE PDP – DECISIONS VERSION

Chapter 3 – Strategic Direction

21. The most relevant Chapter 3 provisions, along with my comments on them, are:
- 3.2.2 *Urban growth is managed in a strategic and integrated manner.*
- 3.2.2.1 *Urban development occurs in a logical manner so as to:*
- a. *promote a compact, well designed and integrated urban form;*
 - b. *build on historical urban settlement patterns;*
 - c. *achieve a built environment that provides desirable, healthy and safe places to live, work and play;*
 - d. *minimise the natural hazard risk, taking into account the predicted effects of climate change;*
 - e. *protect the District's rural landscapes from sporadic and sprawling development;*
 - f. *ensure a mix of housing opportunities including access to housing that is more affordable for residents to live in;*
 - g. *contain a high quality network of open spaces and community facilities; and.*
 - h. *be integrated with existing, and planned future, infrastructure.*
- 3.2.3 *A quality built environment taking into account the character of individual communities.*
22. If the land is to be urbanised, fulfilment of these provisions would follow a masterplanning / structure plan exercise as I discussed under the heading

'Future Urban Growth' above, including a range of disciplines (urban design, civil engineering / stormwater management, geotechnical engineering, traffic engineering, ecology, soil contamination, economics (in relation to affordable housing) and recreation.

3.2.4 The distinctive natural environments and ecosystems of the District are protected.

23. There are no relevant ecosystems and the environment is not particularly natural. The WBRAZ would be consistent with this provision. Given the LCU description and the Council's indication that there is potential for urban development, the WBLP or a future urban / urban zoning would also be consistent with this provision.

3.3.13 Apply Urban Growth Boundaries (UGBs) around the urban areas in the Wakatipu Basin (including Jack's Point), Wanaka and Lake Hawea Township

3.3.14 Apply provisions that enable urban development within the UGBs and avoid urban development outside of the UGBs.

24. The UGB would be applied, following the investigative phase that I discussed above. The THRZ would satisfy the need to avoid urban development outside of the UGB because it is a resort development and provides a defensible boundary to the UGB, as I discussed above.

3.3.23 Identify areas on the District Plan maps that are not within Outstanding Natural Landscapes or Outstanding Natural Features and that cannot absorb further change, and avoid residential development in those areas.

3.3.24 Ensure that cumulative effects of new subdivision and development for the purposes of rural living does not result in the alteration of the character of the rural environment to the point where the area is no longer rural in character.

25. The WBLP or a future urban / urban zone would not offend 3.3.23. The WBLP achieves 3.3.24 because of the ability of the landscape to absorb development, as recorded in LCU24.

Chapter 4 – urban development

26. All of the provisions of Chapter 4 are relevant. They address:

- (a) the UGBs generally and their role in accommodating growth;
 - (b) how development should occur within UGBs, having regard to a broad range of site attributes, opportunities and constraints.
27. The provisions require that a range of investigations is necessary before UGBs are established and zones are applied.
28. I consider that the urban zoning of the land west of McDonnell Road accords with the higher order provisions as to location, while form and function would need to be addressed with in a focused process.

CONCLUSION

29. In my view the WBLP is a better option than the WBRAZ because it enables more efficient use of the 8ha Site and better achieves the higher order provisions of the PDP.
30. The WBLP is not a better option than an urban zone option because the WBLP would likely foreclose efficient urban use of the land.
31. The opportunity for any urban zone options as part of this Variation depends on scope. Even if there is scope, the higher order provisions of the PDP require – in line with best practice – a range of investigations and assessments to determine the optimal urban outcome. Live zoning of the land now, if in scope, would seem premature because the requisite background work has not been undertaken.
32. The options would therefore be:
- (a) apply a holding pattern Future Urban Zone (**FUZ**), either through decisions on this Stage of the PDP (if within scope), or (if there is not scope) as a new Variation to or Stage of the PDP; or
 - (b) commence work on the necessary background investigations and initiate a new Variation to or Stage of the PDP for a live urban zone for the McDonnell Road land.
33. My preference would be the latter of these options, taking into account the desire of landowners to pursue zoning options in the near, not in the distant, future. A FUZ option would require an additional stepping stone public

process, with all of the time and transaction costs that such a process entails. That effort would be better dedicated to the work required to achieve a live zoning.

J A Brown

June 2018

Attachment A

Curriculum vitae – Jeffrey Brown

Professional Qualifications

1986: Bachelor of Science with Honours (Geography), University of Otago

1988: Master of Regional and Resource Planning, University of Otago

1996: Full Member of the New Zealand Planning Institute

Employment Profile

May 05 – present: Director, Brown & Company Planning Group Ltd – resource management planning consultancy based in Queenstown and Auckland. Consultants in resource management/statutory planning, strategic planning, environmental impact assessment, and public liaison and consultation. Involved in numerous resource consent, plan preparation, changes, variations and designations on behalf of property development companies, Councils and other authorities throughout New Zealand.

1998 – May 2005: Director, Baxter Brown Limited – planning and design consultancy (Auckland and Queenstown, New Zealand). Consultants in resource management statutory planning, landscape architecture, urban design, strategic planning, land development, environmental impact assessment, public liaison and consultation.

1996-1998: Director, JBA, Queenstown – resource management consultant.

1989 – 1996: Resource management planner in several local government roles, including Planner (1992 – 1994) and District Planner (1994 – 96), Queenstown-Lakes District Council. Held responsibility for all policy formulation and consent administration.

Other

- New Zealand Planning Institute – presenter at *The Art of Presenting Good Planning Evidence* workshops for young planners (2016 –)
- Judge, New Zealand Planning Institute Best Practice Awards (2017 –)

ATTACHMENT B

H18. Future Urban Zone

H18.1. Zone description

The Future Urban Zone is applied to greenfield land that has been identified as suitable for urbanisation. The Future Urban Zone is a transitional zone. Land may be used for a range of general rural activities but cannot be used for urban activities until the site is rezoned for urban purposes.

Refer to Chapter B Regional Policy Statement and Appendix 1 Structure plan guidelines when preparing structure plans and plan changes to rezone sites for urban activities.

H18.2. Objectives

- (1) Land is used and developed to achieve the objectives of the Rural – Rural Production Zone until it has been rezoned for urban purposes.
- (2) Rural activities and services are provided for to support the rural community until the land is rezoned for urban purposes.
- (3) Future urban development is not compromised by premature subdivision, use or development.
- (4) Urbanisation on sites zoned Future Urban Zone is avoided until the sites have been rezoned for urban purposes.

H18.3. Policies

- (1) Provide for use and development which supports the policies of the Rural – Rural Production Zone unless that use and development is inconsistent with policies H18.3(2) to (6).
- (2) Enable activities that are reliant on the quality of the soil or require a rural location to operate or which provide for the day to day needs of the local rural community.
- (3) Require subdivision, use and development to maintain and complement rural character and amenity.
- (4) Avoid subdivision that will result in the fragmentation of land and compromise future urban development.
- (5) Prevent the establishment of more than one dwelling on a site except for the provision for minor dwellings and workers' accommodation.
- (6) Avoid subdivision, use and development of land that may result in one or more of the following:
 - (a) structures and buildings of a scale and form that will hinder or prevent future urban development;
 - (b) compromise the efficient and effective operation of the local and wider transport network;

- (c) require significant upgrades, provisions or extension to the wastewater, water supply, or stormwater networks or other infrastructure;
- (d) inhibit the efficient provision of infrastructure;
- (e) give rise to reverse sensitivity effects when urban development occurs;
- (f) give rise to reverse sensitivity effects in relation to existing rural activities or infrastructure; or
- (g) undermine the form or nature of future urban development.

H18.4. Activity table [rp/dp]

Table H18.4.1 specifies the activity status of land use activities in the Future Urban Zone pursuant to sections 9(2) and 9(3) of the Resource Management Act 1991.

If any activity listed in rules (including standards) H18.4.1 to H18.6.16 is regulated by the Resource Management (National Environmental Standard for Plantation Forestry) Regulations 2017 (“NESPF”) then the NESPF applies and prevails.

However, the NESPF allows the plan to include more restrictive rules in relation to one or more of the following:

- Significant Ecological Areas Overlay;
- Water Supply Management Areas Overlay;
- Outstanding Natural Character Overlay;
- High Natural Character Overlay;
- Outstanding Natural Landscapes Overlay;
- Outstanding Natural Features Overlay; or
- activities generating sediment that impact the coastal environment.

Where there is a rule in the plan that relates to any of the matters listed above then the plan rule will apply. In the event that there is any conflict between the rules in the plan and the NESPF in relation to any of the above, the most restrictive rule will prevail.

If the NESPF does not regulate an activity then the plan rules apply.

Table H18.4.1 Activity Table

Activity		Activity status
Development		
(A1)	Demolition of buildings	P
(A2)	New buildings, building additions and accessory buildings	The same activity status and standards as applies to the land use activity that the new building, building addition or accessory building is designed to accommodate
Use		
Rural		
(A3)	Farming	P

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(A4)	Post-harvest facilities	D
(A5)	Rural airstrips	P
(A6)	Greenhouses	P
(A7)	Intensive farming	D
(A8)	Intensive poultry farming	D
(A9)	Free-range poultry farming	P
(A10)	Free-range poultry farming that does not comply with Standard H18.6.6	D
(A11)	Mustelid farming	Pr
(A12)	Forestry	P
(A13)	Forestry that does not comply with Standard H18.6.10	D
(A14)	Conservation planting	P
(A15)	Rural commercial services	RD
(A16)	Animal breeding or boarding	P
(A17)	Animal breeding or boarding that does not comply with Standard H18.6.11	D
(A18)	Produce sales	P
(A19)	Produce sales that do not comply with Standard H18.6.7	D
(A20)	Rural industries	RD
(A21)	On-site primary produce manufacturing	P
(A22)	Equestrian centres	RD
(A23)	Quarries - farm or forestry	P
(A24)	Quarries - farm or forestry that do not comply with Standard H18.6.13	D
(A25)	Disposal of non-residential waste or composting that complies with Standard H18.6.1.	P
(A26)	Disposal of non-residential waste or composting that does not comply with Standard H18.6.1.	D
Accommodation		
(A27)	Dwellings	P
(A28)	Dwellings that do not comply with Standard H18.6.8	NC
(A29)	Minor dwellings	RD
(A30)	Minor dwellings that do not comply with Standard H18.6.15	NC
(A31)	Workers' accommodation	RD
(A32)	Workers' accommodation that does not comply with H18.6.16	NC
(A33)	Home occupations	P
(A34)	Home occupations that do not comply with Standard H18.6.9	NC
(A35)	Camping grounds	RD

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(A36)	Visitor accommodation	D
Commerce		
(A37)	Restaurants and cafes ancillary to farming carried out on the same site	RD
(A38)	Restaurants and cafes not otherwise provided for	D
(A39)	Garden centres	RD
(A40)	Markets	P
(A41)	Markets that do not comply with Standard H18.6.12	D
(A42)	Storage and lock-up facilities	D
(A43)	Show homes	D
(A44)	Veterinary clinics	RD
(A45)	Rural tourist and visitor activities	D
Community		
(A46)	Care centres for up to 10 people	P
(A47)	Care centres for more than 10 people	RD
(A48)	Community facilities	D
(A49)	Healthcare facilities	D
(A50)	Education facilities	D
(A51)	Information facilities	P
(A52)	Artworks	P
(A53)	Informal recreation	P
(A54)	Organised sport and recreation	RD
(A55)	Emergency services	RD
(A56)	Clubrooms	RD
Coastal		
(A57)	Navigational aids	P
(A58)	Boat launching facilities	D
Mana Whenua		
(A59)	Urupā	D
(A60)	Marae	D
(A61)	Customary use	P
Mineral activities		
(A62)	Mineral extraction activities	D
(A63)	Mineral prospecting	P
(A64)	Mineral prospecting that does not comply with Standard H18.6.14	D
(A65)	Mineral exploration	P
(A66)	Mineral exploration that does not comply with Standard H18.6.14	D

Cleanfill, managed fill and landfill		
(A67)	Cleanfill	D
(A68)	Managed fill disposal site	D
(A69)	Landfill	NC

H18.5. Notification

- (1) Any application for resource consent for an activity listed in Table 18.4.1 Activity table will be subject to the normal tests for notification under the relevant sections of the Resource Management Act 1991.
- (2) When deciding who is an affected person in relation to any activity for the purposes of section 95E of the Resource Management Act 1991 the Council will give specific consideration to those persons listed in Rule C1.13(4).

H18.6. Standards

All activities in Table H18.4.1 Activity table must comply with the relevant applicable standards in H18.6.1 to H18.6.16.

H18.6.1. Disposal of non-residential waste or compost

- (1) Areas used for disposal of non-residential waste or composting must be located at least 100m from the boundary of adjoining sites in the Rural – Countryside Living Zone, any urban residential zones, or the Rural – Rural and Coastal Settlement Zone.
- (2) Areas used for disposal of non-residential waste or composting must be located at least 20m from the boundary of adjoining sites in all rural zones other than the Rural – Countryside Living Zone.

H18.6.2. Maximum building height

Purpose: to manage the bulk and scale of buildings to ensure they are in keeping with rural landscape, character and amenity.

- (1) Dwellings and buildings accessory to dwellings must not exceed 9m in height.
- (2) Other accessory buildings must not exceed 15m in height.

H18.6.3. Yards

Purpose: to ensure adequate and appropriate separation distance between buildings and site boundaries to minimise:

- adverse effects of buildings on the character and amenity values enjoyed by occupiers of adjoining properties; and
- opportunities for reverse sensitivity effects to arise.

- (1) Buildings and accessory buildings or parts of such buildings must be set back from the relevant boundary by the minimum depth listed in Table H18.6.3.1 Yards below

Table H18.6.3.1 Yards

Yard	Minimum depth
Front yard of sites adjoining arterial roads as shown on the planning map (unless otherwise specified)	20m
Front yard all other sites	10m
Side or rear yard for buildings other than dwellings and their accessory buildings (unless otherwise specified)	12m
Side or rear yard for dwellings and their accessory buildings within a Quarry Buffer Area Overlay	20m
Side or rear yard of the site for dwellings and their accessory buildings (unless otherwise specified)	6m
Riparian yard	20m from the edge of permanent and intermittent streams
Lake yard	30m
Coastal protection yard or as otherwise specified for the site in Appendix 6 Coastal protection yard	50m

H18.6.4. Buildings housing animals – minimum separation distance

Purpose: To ensure adequate and appropriate separation distance between buildings and site boundaries to minimise the:

- adverse effects of buildings on the character and amenity values enjoyed by occupiers of adjoining properties, and
- opportunities for reverse sensitivity effects to arise.

(1) Buildings housing animals must be located at least 12m from any site boundary.

H18.6.5. Maximum size of buildings for animal breeding or boarding, produce sales, and on-site primary produce manufacturing

(1) Buildings required for, or accessory to, the following activities must not exceed the following in gross floor area:

- (a) animal breeding or boarding, produce sales: 200m²; and
- (b) on-site primary produce manufacturing: 500m².

H18.6.6. Free-range poultry farming

- (1) Coops and associated hard stand areas must be set back at least 20m from the nearest site boundary.

H18.6.7. Produce sales

All of the following standards apply to produce sales:

- (1) produce sales must be carried out on the site;
- (2) produce sales are not permitted on any road or on any site that has its vehicle access from a State Highway or motorway;
- (3) only produce grown or produced on the site, or on a site owned by the same landholder may be sold or offered for sale;
- (4) the type of produce offered for sale or sold must be confined to fruit, vegetables, plants, eggs, flowers, honey, dairy products, meat, wine, juices, or produce or products from on-site primary produce manufacturing or handcrafts; and
- (5) the area set aside for retailing produce (comprising any land, buildings, parts of a building, tables, tractors, barrows, platforms, boxes or any other structure or vehicle used for that purpose), must not cover more than 100m² of site area.

H18.6.8. Dwellings

- (1) A proposed dwelling must not be located on a closed road or road severance allotment.
- (2) No more than one dwelling is permitted on any site.

H18.6.9. Home occupations

The following standards apply to home occupations:

- (1) at least one person engaged in the home occupation must use the dwelling on the site as their principal place of residence;
- (2) no more than two people who do not use the dwelling as their principal place of residence may work in the home occupation;
- (3) no more than 10 guests may be accommodated within an existing single dwelling;
- (4) except for homestay accommodation, customers and deliveries must not arrive before 7am or after 7pm daily;
- (5) car trips to and from the home occupation must not exceed 20 per day;
- (6) heavy vehicle trips to and from the home occupation must not exceed two per week;
- (7) no more than one commercial vehicle associated with the home occupation may be on site at any one time;
- (8) at least one additional car parking space must be provided in addition to any car parking required for the dwelling except where:

- (a) there are no employees of the home occupation who do not use the dwelling as their primary place of residence; or
- (b) the home occupation does not involve the sale of goods from the site apart from those purchased by mail, telephone or the internet;
- (9) storage for rubbish and recycling must be provided on site and must be screened from public view;
- (10) materials or goods manufactured, serviced or repaired in the home occupation must be stored within a building on the same site; and
- (11) goods sold from the home occupation must comply with the standards for produce sales in H18.6.7.

H18.6.10. Forestry

The following standards apply to forestry:

- (1) forestry must be carried out at least 10m from any adjoining site boundary unless the landowner of the forest also owns or controls the adjoining site, or the adjoining site is a scheduled significant ecological area or the adjoining site is already afforested;
- (2) forestry must be carried out at least 5m from permanent stream, river, lake, wetland or coastal edge;
- (3) forestry must be carried out at least 5m from a scheduled significant ecological area; and
- (4) portable sawmills must not be located on a site for longer than 6 months in any 12 month period.

H18.6.11. Animal breeding or boarding

The following standards apply to animal breeding or boarding:

- (1) no animal breeding or boarding may operate on a site with an area of less than 2,000m²;
- (2) no more than 20 cats may be bred or boarded on a site at any one time;
- (3) no dogs may be bred or boarded at any time;
- (4) no more than 25 domestic pets other than cats or dogs may be bred or boarded on any site at any one time; and
- (5) all buildings or areas used for animal breeding or boarding must be located at least 20m from any boundary of the site.

H18.6.12. Markets

- (1) No market may operate on a site with an area less than 1ha;
- (2) No market may operate on any rear site.
- (3) No market may offer for sale any goods other than food and beverages, agricultural or horticultural produce, or handcrafts.

- (4) No market may operate outside the hours of 7am to 7pm on any day.

H18.6.13. Quarries - farm or forestry

- (1) Any farm or forestry quarry must not be located closer than:
- (a) 50m from the edge of any lake, river or stream;
 - (b) 50m from the edge of any wetland larger than 1,000m²;
 - (c) 100m from either side of a foredune; or
 - (d) 100m from the landward boundary of the coastal marine area.

H18.6.14. Mineral prospecting and mineral exploration

- (1) Mineral prospecting and mineral exploration:
- (a) must not involve any blasting; and
 - (b) must not be undertaken outside the hours of 7am to 10pm on any day.

H18.6.15. Minor dwellings

- (1) There must be no more than one minor dwelling on any site.
- (2) A minor dwelling must comply with all of the relevant maximum height and minimum yard standards for buildings in H18.6.2 and H18.6.3.
- (3) No minor dwelling may be located on a site smaller than 1ha.
- (4) No minor dwelling may have a floor area greater than 65m² excluding outdoor decks and garaging.
- (5) Every minor dwelling must share the same driveway access with the principal dwelling.
- (6) The subdivision of the land on which a minor dwelling is located from the site on which the principal dwelling is located is a prohibited activity.

H18.6.16. Workers' accommodation

- (1) There must be no more than one building for workers' accommodation on any site.
- (2) A building for workers' accommodation must comply with all of the relevant maximum height and minimum yard standards for buildings in H18.6.2 and H18.6.3.
- (3) No building for workers' accommodation may be located on a site smaller than 5ha or greater than 40ha.
- (4) A building for workers' accommodation must not have a floor area which exceeds 120m² excluding decks and garaging.
- (5) A building for workers' accommodation may include a dormitory or equivalent shared habitable room.

- (6) A building for workers' accommodation may have more than one kitchen facility.
- (7) For the avoidance of doubt, a building for workers' accommodation may accommodate a number of seasonal workers.
- (8) The subdivision of the land on which a building for workers' accommodation is located from the site on which the principal dwelling is located is a prohibited activity.

H18.7. Assessment – controlled activities

H18.7.1. Matters of control

There are no controlled activities in this zone.

H18.8. Assessment – restricted discretionary activities

H18.8.1. Matters of discretion

The Council will restrict its discretion to the following matters when assessing a restricted discretionary resource consent application:

- (1) the scale of the buildings and structures and whether their size or location will affect the future subdivision, use or development of the site for urban purposes;
- (2) the requirement for infrastructure and whether the provision of infrastructure will affect the future subdivision, use or development of the site for urban purposes;
- (3) reverse sensitivity effects on future urban development;
- (4) reverse sensitivity effects on character and amenity values for adjoining rural or urban zoned sites;
- (5) the adverse effects of noise on adjoining properties;
- (6) traffic volume and safety and traffic effects on adjoining sites;
- (7) effects on areas scheduled for natural heritage, historic heritage or natural resource values or on scheduled sites and places of significance to Mana Whenua; and
- (8) the matters applicable to restricted discretionary activities in the Rural – Rural Production Zone under H19.12.1

H18.8.2. Assessment criteria

The Council will have regard to the following policies when considering the matters listed in H18.8.1:

- (1) Policies H18.3(1), (2), (3) and (6).
- (2) the assessment criteria applicable to restricted discretionary activities in the Rural – Rural Production Zone under H19.12.2

H18.9. Special information requirements

H18 Future Urban Zone

There are no special information requirements in this zone.

**Before the Panel of Hearing Commissioners
For the Queenstown Lakes Proposed District Plan**

In the Matter of the Resource Management Act 1991

And

In the Matter of the Queenstown Lakes Proposed District Plan
(Stage 2 – Hearing Stream 14)

**Statement of Evidence of Jeffrey Andrew
Brown for Boxer Hill Trust (Submitter 2385)**

Dated: 13 June 2018

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INTRODUCTION

1. My name is Jeffrey Andrew Brown. I have the qualifications of Bachelor of Science with Honours and Master of Regional and Resource Planning, both from the University of Otago. I am a full member of the New Zealand Planning Institute. I am also a member of the New Zealand Resource Management Law Association. I was employed by the Queenstown Lakes District Council (QLDC) from 1992 – 1996, the latter half of that time as the District Planner. Since 1996 I have practiced as an independent resource management planning consultant, and I am currently a director of Brown & Company Planning Group Ltd, a consultancy with offices in Auckland and Queenstown. I have resided in Auckland since 2001.
2. **Attachment A** contains a more detailed description of my work and experience.
3. While this is not an Environment Court Hearing, I confirm that I have read the Code of Conduct for Expert Witnesses contained in the Environment Court Consolidated Practice Note 2014. I agree to comply with this code. This evidence is within my area of expertise, except where I state that I am relying on another person, and I have not omitted to consider any material facts known to me that might alter or detract from the opinions I express.
4. This evidence is on behalf of Boxer Hill Trust (**BHT**) (Submitter 2385). BHT owns the 19.6ha block at the northeast corner of Arrowtown-Lake Hayes Road and Hogans Gully Road. I have visited the property on many occasions and I am familiar with the wider surroundings.
5. In this evidence I address the Proposed District Plan – Stage 2 (PDP) zoning of the land and the relief sought in the BHT's submission.
6. I have reviewed the evidence of Mr Barr, Mr Langman, and Ms Gilbert for the Council, and of Mr Hadley and Mr Penny for BHT. I have also reviewed BHT's Stage 1 PDP submission in respect of its land (Submitter 452) and the accompanying expert reports. Of particular relevance is Ms Pfluger's landscape assessment.

7. Chapter 24 zones the land Wakatipu Basin Lifestyle Precinct (**WBLP or Precinct**). I support the WBLP zoning over the land for the reasons expressed in the submission and in Ms Gilbert's evidence¹.
8. My evidence addresses the updated set of provisions for Chapter 24 – Wakatipu Basin, at Appendix 3 of the Council's s42A material², and I focus on:
 - (a) The purpose statement;
 - (b) Objective 24.2.5;
 - (c) Policies 24.2.5.1 – 24.2.5.6;
 - (d) Subdivision rules and assessment matters; and
 - (e) Land use activity rules, development standards and assessment matters.

PART 24.1 – THE ZONE PURPOSE STATEMENT

9. The purpose statement contained in Mr Barr's Appendix 3 includes the following paragraph:

In the Precinct a limited opportunity for subdivision is provided with a minimum lot size of 6000m² in conjunction with an average minimum lot size of one hectare (10,000m²). Opportunities to dispense with the minimum lot size are provided for through a discretionary activity resource consent. Controls on the location, nature and visual effects of buildings are used to provide a flexible and design led response to the landscape character and visual amenity qualities of the Precinct.

10. I consider that the following changes are appropriate:

*In the Precinct ~~a limited opportunity for subdivision is provided~~ **for with a range of lot sizes to suit the locational attributes of the particular part of the Precinct, to reflect the variation in landscape values across the different Precinct areas in the Basin. In much of the Precinct, a***

¹ Evidence of Bridget Gilbert dated 28 May 2018, page 58, paragraph 26.8

² Specifically, Appendix 3 of Mr Barr's planning evidence, dated 30 May 2018.

minimum lot size of ~~6000m²~~ **4000m²** in conjunction with an average minimum lot size of one hectare (10,000m²) **is provided for**. Opportunities to dispense with the minimum lot size are provided for through a **restricted discretionary activity resource consent**. **In other areas, where land was within the legacy Rural Residential Zone, a minimum lot size of 4000m² applies**. Controls on the location, nature and visual effects of buildings are used to provide a flexible and design led response to the landscape character and visual amenity qualities of the Precinct.

11. The reasons for my proposed changes are as follows:
- (a) The words "... *limited opportunity for subdivision* ..." should be deleted because the primary purpose of the WBLP is rural residential living, and therefore the opportunity for subdivision for this purpose should be encouraged and enabled;
 - (b) Across the WBLP there is a spectrum of locational attributes, topographies, and degrees of potential visibility. I address this in other evidence also, for areas where there are different attributes³. For the BHT land, I generally agree with the average and minimum approach and agree with the 1ha average, however I consider that the minimum lot size should be reduced to 4000m² to provide more flexibility and innovation in subdivision design, and that subdivision below this minimum should be a restricted discretionary activity rather than fully discretionary, and using the matters of discretion already in Rule 27.7.6.1.
12. I address the minimum lot size and the status of subdivision where the minimum lot size is not achieved further in Part 5 of my evidence, below, in relation to subdivision.

OBJECTIVE 24.2.5

13. The version of the objective is recommended in the Section 42A Report is⁴:

³ In particular in relation to the operative rural lifestyle areas

⁴ As per Mr Barr's Appendix 3.

24.2.5 Objective - *The landscape character and visual amenity values of the Precinct are maintained and enhanced in conjunction with enabling rural residential living opportunities.*

14. I consider that this should be modified as follows:

24.2.5 Objective – ~~*The landscape character and visual amenity values of the Precinct are maintained and enhanced in conjunction with enabling rural residential living opportunities.*~~ **Enable rural residential living opportunities while managing effects of subdivision and development on the landscape character and visual amenity values of the Precinct.**

15. My reasoning for this modification is that, as I discussed above, the WBLP contains a spectrum of landscapes, ranging from:

- (a) at one end, sites and areas that already have an established rural residential character and visual amenity, because they have already been subdivided down and developed to a rural residential density, and where it is fair to say that new development should maintain (and, if possible, enhance) that existing established character and amenity; and
- (b) at the other end, sites and areas that are hitherto vacant, where the established character and visual amenity values are not based on rural residential development and where maintaining and enhancing that established character would be difficult because the change to rural residential development would change the existing character and visual amenity substantially.

16. Hence, the Section 42A recommended objective works for some but not all of the spectrum of landscapes within the WBLP. In the situation where subdivision is a restricted discretionary activity, and an application seeks to subdivide a bare paddock, a planning officer, reading the objective, could feel justified in recommending refusal because the change of the site from an existing open environment to a future rural residential environment would – despite findings in the relevant Landscape Character Unit as to absorptivity – not “maintain and enhance” that existing environment.

17. I can understand the objective's intent that it apply across the entire Precinct, but I consider that the Section 42A recommended wording would at some point lead inevitably to the problem I have outlined in the previous paragraph.
18. I consider that this potential problem is remedied by my suggested wording, which has two purposes:
- (a) it states up front what the Precinct is intended to enable – i.e. rural residential living; and
 - (b) it seeks to “manage” (i.e. avoid, remedy, or mitigate) effects on the landscape character and visual amenities of the Precinct, which is a more suitable test than “maintain and enhance” in the situation where a specific activity is being provided for and which will inevitably cause change.
19. My recommended wording also aligns the objective to the structure of Section 5 of the Act – i.e. appropriately enabling while appropriately regulating what is enabled.

POLICIES 24.2.5.1 – 24.2.5.6

20. The s42A recommended version of the WBLP policies 24.2.5.1 – 24.2.5.6, and my proposed modifications to them, are:

Policies

24.2.5.1 ~~*Provide for rural residential subdivision, use and development only where it protects, maintains or enhances the landscape character and visual amenity values as described within the Landscape Character Unit as defined in Schedule 24.8.*~~

Provide for rural residential activities and promote design-led and innovative patterns of subdivision, use and development.

24.2.5.2 ~~*Promote design-led and innovative patterns of subdivision and development that maintain and enhance the landscape character and visual amenity values of the Wakatipu Basin overall.*~~

Ensure that new subdivision, use and development avoids, remedies or mitigates adverse effects on, and wherever possible maintains and enhances, the landscape character and visual amenity values of the Precinct, taking into account the relevant values described in Schedule 24.8.

- 24.2.5.3 *Provide for non-residential activities, including restaurants, visitor accommodation, and commercial recreation activities while ensuring these are appropriately located and of a scale and intensity that ensures that the amenity, quality and character of the Precinct is retained.*
- 24.2.5.4 *Implement ~~minimum and average~~ lot size standards in conjunction with ~~building coverage and height~~ standards **development standards** so that the landscape character and visual amenity qualities of the Precinct are not compromised by cumulative adverse effects of development.*
- 24.2.5.5 *Maintain and enhance a distinct and visible edge between the Precinct and the Zone.*
- 24.2.5.6 *Retain vegetation where this contributes to landscape character and visual amenity values of the Precinct and is integral to the maintenance of the established character of the Precinct.*

21. The reasons for my recommended modifications are:
- (a) My modifications to Policies 24.2.5.1 and 24.2.5.2 combine the themes of the Section 42A versions and divide them into the enabling function (the new Policy 24.2.5.1) and the regulatory function (the new Policy 24.2.5.2);
 - (b) The deletion of “protect” from Policy 25.2.5.1 is necessary because it otherwise introduces a much more stringent test than even the Section 42A recommended Objective 25.2.5 provides for;

- (c) The deletion of “maintain and enhance” from Policy 24.2.5.1 is necessary for the same reasons as discussed in relation to the objective, above;
- (d) The new Policy 24.2.5.2 in my view gives better effect to the objective and the need for regulation in relation to the Precinct’s range of landscape characters and visual amenities;
- (e) The changes soften the significance of the LCU in the assessment by just “taking them into account” which is appropriate given that they represent a snapshot view of the landscape at the time of the WBLUS;
- (f) The modifications to Policy 24.2.5.4 are necessary, in my view, because:
 - (i) Given the spectrum of character and amenity within the WBLP, the “one size fits all” approach, with a minimum and average area, is not appropriate for all of the WBLP, in my view. Some areas are able to absorb smaller sites, some not, and in some areas an average may be appropriate. Accordingly, I have deleted the words “minimum and average” from the policy;
 - (ii) Building coverage and height are two of the relevant standards that assist in managing effects on landscape and visual amenity values. Setbacks from roads and other properties are also relevant standards. The policy should take into account all of the relevant standards, and the modification reflects this.

SUBDIVISION RULES AND ASSESSMENT MATTERS

22. The Section 42A Report recommended that the WBLP’s key subdivision rule (Rule 27.5.1) be revised so that subdivision to create a 1ha average lot size is provided for (as a restricted discretionary activity, with breach being non-complying) provided a minimum lot size of 6000m² is achieved (with breach being discretionary). I agree that this goes some way to enabling some additional flexibility and innovation, but the discretionary status would still be seen by many landowners as a bar not worth attempting to clear. In my view

imaginative design would be better encouraged and facilitated by a smaller minimum – 4000m² – and the breach status as restricted discretionary. This would:

- (a) enable design that can more easily integrate lots and development with the natural features, landscape character or amenity values of a site and wider surrounds; and
- (b) encourage (by not imposing an unnecessary procedural impediment of a fully discretionary process) design to avoid a uniform, “cookie-cutter” subdivision outcome and to achieve a best fit for the particular natural features, landscape character or amenity values of a particular site and area.

23. This would then better achieve both the s42A recommended Policy 24.2.5.2 and my Policy 24.2.5.1, which both refer to “design-led and innovative patterns of subdivision and development”. It would also better achieve the purpose statement which refers to a “flexible and design led response ...”.

24. I consider that the assessment matters for restricted discretionary activity subdivision, at Chapter 27, Clause 27.7.6.2 (Section 42A version) (except for clause (a) that I address below) , are generally adequate for allowing proper assessment of a subdivision making use of the restricted discretionary rule for breaching the minimum lot size. However, I consider that assessment matter (f), for subdivision design, should be amended so that it is the same wording in the land use provisions for the Precinct (Clause 24.7.3(e) as per Appendix 3 of the Section 42A Report), as follows:

*f. Whether clustering ~~or variation lot sizes~~ of future buildings **or varied allotment sizes in subdivision design** would offer a better solution for maintaining a sense of openness and spaciousness, or the integration of development with existing landform and vegetation **or lifestyle** patterns.*

25. In other areas, the 4000m² minimum with no average is appropriate in my view, for reasons I address in other evidence.

26. Also, in relation to the subdivision of balance allotments under Rule 27.4.2(g), I consider that this should be amended as follows:

*g. The further subdivision of an allotment that has previously been used to calculate the average lot size for subdivision in the Wakatipu Basin Lifestyle Precinct, **except in the instance that the further subdivision and any prior subdivision, together, complies with Rule 27.5.1.***

LAND USE ACTIVITY RULES, DEVELOPMENT STANDARDS AND ASSESSMENT MATTERS

27. For new WBLP areas including the BHT land, I generally agree with rules mechanisms for buildings⁵ recommended in the Section 42A Report. This addressed in my evidence for Lake Hayes Investments Limited (et al)
28. I note however that in the assessment matters, Clause 24.7.3(e) (which I have addressed above) refers to subdivision design, which is not an issue at the time of land use consent, and therefore this phrase should be deleted from the clause in my view.
29. The assessment matter in 24.7.2 and the equivalent in 27.7.6.2(a) for subdivision, as they relate to the WBLP, require that all proposals for restricted discretionary activities will also be assessed as to whether they are consistent with the relevant objectives and policies for the Zone or Precinct as well as those in Chapters 3-Strategic Direction; Chapter 4 - Urban Development, Chapter 6 - Landscapes and Chapter 28 - Natural Hazards. I consider this should be deleted because it opens up the discretion to practically any matter, rather than restricting it to the matters for which the rule is designed and is akin to the assessment required for a non-complying activity – they require applications to be ‘consistent’ with the policies (which is arguably a more stringent test than 104D which is ‘not contrary to’). The costs to the applicant and the Council of requiring such an assessment would be unreasonably high. The only reasonable exception is the provisions for natural hazards.

LANDSCAPE CHARACTER UNIT 8: SPEARGRASS FLAT

30. I consider that various changes to LCU 8 (Speargrass Flat) are necessary, as follows:
-

⁵ I have a different view for areas that are in the operative rural living zones, and I discuss that in other evidence.

8 : Speargrass Flat

Landscape Character Unit	8: Speargrass Flat
Landform patterns	Relatively open pastoral flat framed by the south-facing slopes of the Wharehuanui Hills to the north, and the steep margins of the Slope Hill 'Foothills' to the south.
Vegetation patterns	Scattered exotic shelterbelts and patches of mixed scrubland in gullies. Isolated bush fragment to eastern end. Exotic pasture grasses dominate.
Hydrology	A series of watercourses and overland flow paths drain southwards across Speargrass Flat from the Wharehuanui Hills to Lake Hayes.
Proximity to ONL/ONF	Unit does not adjoin ONL or ONF; however, has open longer-range views to surrounding ONL mountain context.
Character Unit boundaries	North: ridgeline crest, Millbrook Structure Plan area and <u>Hills golf course</u> East: crest of hill slopes, Lake Hayes Rural Residential landuse pattern/cadastral boundaries, Speargrass Flat Road. South: ridgeline crest, Hawthorn Triangle hedging. West: vegetation patterns/stream.
Land use	Predominantly pastoral land use with sparingly scattered rural residential lots.
Settlement patterns	Dwellings tend to be well separated and framed by plantings, or set into localised landform patterns. Generally dwellings are located on the flat land adjacent the road although a very limited number of consented but unbuilt platforms located on elevated hill slopes to the south (that enjoy northern aspect). Overall very few consented but unbuilt platforms (3). Typical lot sizes: the majority of lots are over 50ha.
Proximity to key route	Located away from a key vehicular route. <u>Part of the area is adjacent to Speargrass Flat/Hogans Gully Road and Arrowtown Lake Hayes Road.</u>
Heritage features	Two heritage buildings/features identified in PDP.
Recreation features	Speargrass Flat Road is identified as a Council walkway/cycleway. Forms part of Queenstown Trail 'Countryside Ride'.
Infrastructure features	No reticulated sewer or stormwater. Reticulated water in places.
Visibility/prominence	The relatively open character of the unit makes it highly visible from the public road network and the elevated hills to the north and south, <u>although the escarpment confining the character unit to the north blocks some views from the north.</u>
Views	Key views relate to the open and spacious pastoral outlook from Speargrass Flat Road (including the walkway/cycleway route) across to the escarpment faces and hillslopes flanking the valley, backdropped by mountains.
Enclosure/openness	The landform features to the north and south providing a strong sense of containment to the relatively open valley landscape.

Landscape Character Unit	8: Speargrass Flat
Complexity	The hillslopes and escarpment faces to the north and south display a reasonably high degree of complexity as a consequence of the landform and vegetation patterns. The valley floor itself displays a relatively low level of complexity as a consequence of its open and flat nature.
Coherence	The relatively simple and legible bold valley landform pattern, in combination with the predominantly open pastoral character, contributes an impression of coherence. Gully vegetation patterning serves to reinforce the landscape legibility in places.
Naturalness	The area displays a reasonable degree of naturalness, as a consequence of the relatively limited level of built development evident in parts of the LCU.
Sense of Place	Generally, the area displays a predominantly working rural landscape character with scattered and for the most part, relatively subservient rural residential development evident in places. Whilst Hawthorn Triangle and Lake Hayes Rural Residential LCUs form part of the valley landscape, their quite different character as a consequence of relatively intensive rural residential development sets them apart from the Speargrass Flat LCU, with the latter effectively reading as 'breathing space' between the two. To the eastern end of the unit, there is the perception of the Lakes Hayes Rural Residential area sprawling <u>west</u> into Speargrass Flat.
Potential landscape issues and constraints associated with additional development	Absence of a robust edge to the Lake Hayes Rural Residential LCU makes Speargrass Flat vulnerable to 'development creep'. Open character, in combination with walkway / cycleway, makes it sensitive to landscape change.
Potential landscape opportunities and benefits associated with additional development	Larger-scaled lots suggest potential for subdivision. Subdivision around the edges of the Lake Hayes Rural Residential Unit suggest the potential to consolidate the existing rural residential 'node' and integrate a defensible edge. Riparian restoration potential. Easy topography.
Environmental characteristics and visual amenity values to be maintained and enhanced	Sense of openness and spaciousness as a 'foil' for the more intensively developed rural residential areas nearby. Views from Speargrass Flat Road to the largely undeveloped hillslopes and escarpment faces to the north and south. Integration of buildings with landform and/or planting.
Capability to absorb additional development	High , <u>especially</u> around Lake Hayes Rural Residential LCU 12 edges. Low : Elsewhere.

31. I consider that the modifications are necessary to:

- (a) ensure that the evaluation of the LCU accurately reflects the existing environment, including zonings and consents;
- (b) ensure that surrounding topographical features are accurately taken into account.
- (c) correct errors in the terminology of activities and operations;
- (d) ensure it provides for the landscape character as it is anticipated to and will likely change under the relevant (proposed) zoning. The LCU's purpose should be to set 'bottom lines', rather than provide a snapshot in time (2017) of the landscape of each unit when that snapshot does not account for and may disenable appropriate development that is otherwise anticipated by the unit's zoning. The mark ups are one way in which this might be achieved, but there may be others.

S32 AND PART 2 OF THE ACT

32. Under s32 I consider that, subject to the modifications I have proposed:

- (a) The WBLP objective 24.2.5 is the most appropriate way to achieve the higher order objectives of the PDP, in particular, the following objectives in Chapter 3 (Strategic Direction):

3.3.22 Provide for rural living opportunities in areas identified on the District Plan maps as appropriate for rural living developments.

3.3.23 Identify areas on the District Plan maps that are not within Outstanding Natural Landscapes or Outstanding Natural Features and that cannot absorb further change, and avoid residential development in those areas.

3.3.24 Ensure that cumulative effects of new subdivision and development for the purposes of rural living does not result in the alteration of the character of the rural environment to the point where the area is no longer rural in character.

- (i) I comment:
 - (A) the land is identified as being appropriate for rural living development;
 - (B) the land can absorb change;

- (C) development in areas which are identified for rural living development and that accords with the subdivision and development standards does not in my view then cumulatively affect rural character, at the scale of the wider Basin.
- (b) The WBLP provisions, subject to the modifications I have proposed, are the most appropriate, practicable and most effective and efficient way, in my view, for achieving the relevant WBLP objectives, as I addressed in part 3 above; and
- (c) The provisions will have benefits, from better enabling flexible and innovative subdivision design, and hence better potential environmental outcomes; while having no particular costs;
- (d) I do not consider there is any risk of acting (by adopting my proposed modifications) because there is no uncertainty or insufficient information about the subject matter of the modifications.
33. Various matters in Section 7 of the Act are relevant, including:
- (b) the efficient use and development of natural and physical resources;*
- (c) the maintenance and enhancement of amenity values;*
- (f) maintenance and enhancement of the quality of the environment;*
- (g) any finite characteristics of natural and physical resources;*
34. I comment:
- (a) The enabling of more flexibility and innovation in subdivision design may well create more efficient outcomes, for example through clustering of sites and reducing driveway lengths and infrastructure works;
- (b) The location of the WBLP and the provisions, including the subdivision and development standards, all contribute to the wider goal of maintaining and enhancing amenity values and the quality of the environment of the Wakatipu Basin;
- (c) Land which is suitable for rural residential development in the Basin is finite, therefore it is important to enable it to be developed and to

function efficiently, and I consider the provisions, with my modifications, achieve that.

35. Under Section 5, I consider that the WBLP achieves the sustainable management purpose of the Act by enabling people and communities of the District to provide for their collective well-being and safety in a manner that: sustains the potential of the natural and physical resources of the WBLP for future generations; will continue to safeguard the life-supporting capacity of air, water, soil, and ecosystems; and will avoid or mitigate potential adverse landscape effects.
36. The purpose of the Act is therefore achieved by the WBLP and the proposed modifications sought in this submission.

SUMMARY AND CONCLUSION

37. For the reasons set out above I consider that the WBLP over BHT's Hogans Gully land is appropriate and the modifications I have proposed to the zone purpose, the objective and methods will achieve the relevant higher order objectives of the PDP and the purpose of the Act.

J A Brown

June 2018

ANNEXURE A

Curriculum vitae – Jeffrey Brown

Professional Qualifications

1986: Bachelor of Science with Honours (Geography), University of Otago

1988: Master of Regional and Resource Planning, University of Otago

1996: Full Member of the New Zealand Planning Institute

Employment Profile

May 05 – present: Director, Brown & Company Planning Group Ltd – resource management planning consultancy based in Queenstown and Auckland. Consultants in resource management/statutory planning, strategic planning, environmental impact assessment, and public liaison and consultation. Involved in numerous resource consent, plan preparation, changes, variations and designations on behalf of property development companies, Councils and other authorities throughout New Zealand.

1998 – May 2005: Director, Baxter Brown Limited – planning and design consultancy (Auckland and Queenstown, New Zealand). Consultants in resource management statutory planning, landscape architecture, urban design, strategic planning, land development, environmental impact assessment, public liaison and consultation.

1996-1998: Director, JBA, Queenstown – resource management consultant.

1989 – 1996: Resource management planner in several local government roles, including Planner (1992 – 1994) and District Planner (1994 – 96), Queenstown-Lakes District Council. Held responsibility for all policy formulation and consent administration.

Other

- New Zealand Planning Institute – presenter at *The Art of Presenting Good Planning Evidence* workshops for young planners (2016 –)
- Judge, New Zealand Planning Institute Best Practice Awards (2017 –)