

**BEFORE THE QUEENSTOWN LAKES DISTRICT COUNCIL
AT QUEENSTOWN**

IN THE MATTER OF the Resource Management Act 1991

AND

IN THE MATTER OF the hearing of submissions by **M & C Burgess (669, 2591/2712); Ashford Trust (2535/2711); Philip Smith (2500/2770)** on the Proposed Queenstown Lakes Proposed District Plan Stage 2 Stream 14 – Wakatipu Basin

STATEMENT OF EVIDENCE OF BEN FARRELL

13 JUNE 2018

EXECUTIVE SUMMARY

1. My name is Ben Farrell. I am an Independent Planning Consultant with 20 years involvement in New Zealand's environmental and resource management sector, including over 15 years practical application of the RMA working as a planner on a wide variety of matters for a range of public and private parties. I am familiar with the Wakatipu Basin and the administration of the Queenstown Lakes District Plan. I have worked on a variety of subdivision and development proposals in the Wakatipu Basin.
2. In 2015 the Council recommended **the site**¹ be rezoned from Rural General to Rural Lifestyle with an average allotment size of 2ha. Nobody opposed this rezoning. Now the Council is recommending an about turn by discouraging subdivision and development below 80ha. I understand this has come about primarily by a different opinion from the landscape evidence supporting the s32 and s42A evaluations and recommendations.
3. I support the rezoning proposed by the Council and supported by expert assessment in 2015 and now being sought by supporting the submitters because it is the most appropriate way of achieving sustainable management of their land. In this regard:
 - (a) Nobody in the local community (that I am aware of) opposed the rezoning of the site from Rural General to Rural Lifestyle, and nobody opposes the submitters request to rezone the site from Rural Amenity to Precinct².
 - (b) The rezoning is consistent with the outcomes (and all reasons for those outcomes) proposed by QLDC in its 2015 proposed district plan. There was no opposition to the rural lifestyle rezoning and no evidence provided against the proposed rezoning.

¹ Throughout my evidence I refer to "the site". The site I am referring to is the piece of land identified as "the site" in Mr Skelton's evidence, which I understand to be more or less the same as the land sought to be rezoned by the submitters.

² The only people that do not support the rezoning are Ms Gilbert and Mr Langman who in my view have not taken into proper account the amenity values of the submitters and people who reside in or otherwise spend a lot of time in the Wakatipu Basin.

- (c) In adopting and notifying the variation in 2017, I consider Council relied on a deficient and inaccurate assessment of the existing environment which underestimated the absorption capability of the landscape and did not give sufficient weight to the benefits of rural living. Mr Skelton provides a closer and more refined examination of the landscape unit and its ability to absorb further development.
- (d) Given the uncertainty with the provisions in the Regional Policy Statement and Strategic Provisions, coupled with the failure (in my opinion) of the proposed district plan objectives to satisfactorily recognise and provide for rural living, I believe the sections 5, 7(b), 7(c), and 7(f) should carry substantial weight in this particular enquiry.
- (e) The rezoning will facilitate a more efficient use of land than not rezoning the land, including enabling and economic benefits to the landowners and the community.
- (f) The rezoning will not result in adverse effects on outstanding natural landscape values. The Outstanding Natural Landscape values will be protected.
- (g) Further rural living subdivision and development can occur within the site whilst maintaining or enhancing the highly valued landscape attributes within and adjoining the site, thus any consequential changes to landscape values (including cumulative effects) will appropriately fit with the local rural character;
- (h) There is no valid effects basis to “protect” the landscape values associated with the site, and even if protection is ultimately sought by the Council, protection can be achieved through management of further subdivision and development (for example via the restricted discretionary regime).
- (i) Ultimately, in my view the costs, benefits and overall effectiveness and efficiency of the rezoning outweigh the benefits and effectiveness and efficiency of not rezoning the land.

4. In arriving at the above conclusions I rely on the evidence of Mr Skelton and Dr Read (to a lesser extent) that the subject land can absorb further subdivision and development of a rural lifestyle density. I prefer the evidence of Mr Skelton over Ms Gilberts. Mr Skelton's evidence is more informed and "intune" with the local environment.

QUALIFICATIONS AND EXPERIENCE

5. My full name is Ben Farrell. I am an Independent Planning Consultant, based in Queenstown.
6. I have been involved in New Zealand's environmental and resource management sector for the last 20 years. I studied planning, tourism and resource management at Lincoln University from 1999 to 2003 graduating with a Bachelor of Resource Management and a Master of Environmental Policy. During my studies I was employed by Auckland Regional Council, Greater Wellington Regional Council, and Connell Wagner Limited (in Christchurch). Since graduating, I have been employed as a planner by Upper Hutt City Council (2004), Boffa Miskell Limited (Wellington 2005-2010), Andrew Stewart Limited (Wellington and Invercargill 2013-2015), and also by the Southland Regional Council (2014-2015). During 2010-2013 I was a self-employed planning consultant primarily working for the New Zealand Wind Energy Association and Ryman Healthcare Limited on a range of resource management policy and project developments across New Zealand.
7. Over the last 15 years I have been engaged by a wide variety of clients, government employers³ to provide strategic and statutory planning advice on a wide variety of resource management projects. Throughout my career I have provided pro-bono advice to numerous parties.
8. Since moving to the south island in 2014 I have worked primarily on regional planning issues in Otago and Southland, and district planning

³ Local Authorities; Iwi authorities; The Environmental Protection Authority; Network Utility Providers (including Transpower, NZTA); Fish and Game; Urban and Rural Business; Landowners; Property Developers; NGOS

issues in Queenstown including within the Wakatipu Basin. My recent experience includes:

- (a) Preparation of numerous submissions and planning evidence on the Proposed Otago Regional Policy Statement 2015;
- (b) Preparation of numerous submissions and planning evidence on the Proposed Queenstown Lakes District Plan 2015 Stage 1;
- (c) An objection to QLDC for conditions relating to a building platform in the Rural General Zone within the Wakatipu Basin;
- (d) Within Queenstown and the Wakatipu Basin:
 - (i) Strategic planning advice to QLDC and a variety of land owners and companies with a strong interest in the future of Queenstown;
 - (ii) Preparation of resource consent applications (including AEE's) for new subdivision and development;
 - (iii) Preparation of Planning Evidence before a Hearing Commissioners;
- (e) Preparation of s42A reports for the Proposed Southland Regional Policy Statement;
- (f) Preparation of the Draft Regional Water Plan for Southland 2015.

9. In addition to my qualifications and experiences as a planner I am a full member of the New Zealand Planning Institute. I was on the Institute's Wellington regional branch committee from 2004-2013 and I was chairman of that branch in 2010 and 2011. I was on the NZPI Central Otago Branch 2015-2017. I am currently a member of the National Committee of the New Zealand Resource Management Law Association.

SCOPE OF EVIDENCE

10. I have been commissioned by M & C Burgess (669, 2591/2712); Ashford Trust (2535/2711); Philip Smith (2500/2770) ("**the submitters**") to provide planning evidence in relation to their submissions. The submitters own and reside on land proposed to be

zoned Rural Amenity and seek that you recommend reinstating the rural lifestyle (or precinct) zoning QLDC proposed for their land as part of Stage 1. The primacy of their submissions is to ensure they and all respective landowners within the site have certainty that they can undertake rural lifestyle subdivision and development on their properties.

11. Having regard to the evidence of Mr Skelton (which recommends amendments to the boundaries and description of LCU 11 Slopehill 'Foothills'), my evidence is confined to the issues of:
 - (a) The description and extent of LCU 11 Slopehill 'Foothills'; and whether or not a new (or sub) landscape unit and features should be included in the district plan
 - (b) Whether or not **the site** should be rezoned from Rural General/Amenity Zone to Rural Lifestyle/Precinct
12. I confirm this evidence is within my area of expertise except where I state that I am relying on facts or information provided by another person. I have not omitted to consider material facts known to me that might alter or detract from the opinions that I express. I am familiar with the Code of Conduct for Expert Witnesses (Environment Court Practice Note 2014) and will generally conform to it⁴.
13. In preparing this evidence I have reviewed and may refer to various planning documents, reports and statements of evidence of other experts giving evidence are relevant to my area of expertise, including:
 - (a) The s.32 Reports, s42A Reports, and accompanying evidence supporting proposed district plan chapters 3, 6, 21, 22 (as part of the Stage 1 hearings);
 - (b) The s.32 Reports and two s.42A Reports prepared by Mr Langman and Mr Barr dated 30 May 2018, along with the supporting evidence of Ms Jarvis, Mr Davis, Mr Smith, Ms Mellsop; and Ms Gilbert all dated 28 May;

⁴ If this matter were before the Environment Court I would not completely comply with the code of conduct because I have not stated the methods for reaching all the conclusions I have reached; and I have not properly referenced statements of others upon which I rely.

- (c) The legal submission of Mr Warwick Goldsmith, and supporting evidence (including my own planning evidence), presented in the hearing of Streams 1b, 2, and 4 in relation to the issue of rural living in the Wakatipu Basin;
 - (d) The Operative Regional Policy Statement “ORPS”
 - (e) The Proposed Regional Policy Statement “PRPS”;
 - (f) The Proposed Queenstown Lakes District Plan Stage 1, including decision reports;
 - (g) The Proposed Queenstown Lakes District Plan Stage 2 (inclusive of the supporting s.32 evaluations);
 - (h) The evidence of Mr Steve Skelton dated 13 June 2018.
14. I have prepared my evidence based on my:
- (a) Previous experience in this District Plan review process, including provision of planning evidence for the submitters⁵ in the hearings for Streams 1B (Strategic Direction, Urban Development, Landscape), 2 (Rural, Rural Residential and Rural Lifestyle); and 4 (Subdivision);
 - (b) Expertise as a planner familiar with district plan preparation;
 - (c) Applied experience with QLDCs administration of the district plan in respect of subdivision or development proposals in the Wakatipu Basin;
 - (d) Familiarity with the above mentioned reports, evidence, and planning documents.
15. I confirm I am familiar with the Wakatipu Basin environment. I have resided in Queenstown since 2015 and lived in the Wakatipu Basin from 2015 to 2017. I visit the Wakatipu Basin regularly for work and personal reasons. I have also carried out numerous site visits in relation to the land subject to this matter.

⁵ Except I have not previously provided evidence for Mr Philip Smith

STATUTORY MATTERS

16. I believe the following objectives and strategic policies are those to be considered and weighed⁶:

Proposed Regional Policy Statement

- (a) Objective 1.1 and supporting policy 1.1.2 in regard to recognising and providing for the integrated management of natural and physical resources to support the economic wellbeing of people and communities in Otago.
- (b) Objective 3.2, supporting Policies 3.2.3-3.2.6 and Schedule 4 of the PRPS (in relation to the identification and management of “highly valued natural features and landscapes”)
- (c) Objective 5.3 and supporting policy 5.3.1 (use of rural land)

Proposed District Plan Strategic Provisions

- (d) I agree the provisions listed in Mr Barr’s evidence⁷ are relevant. These provisions remain subject to challenge and are therefore uncertain.

Proposed District Plan Chapter 24 Objectives

- (e) I consider all the objectives and policies in Proposed Chapter 24 relevant. These provisions remain subject to challenge and are therefore uncertain.
- (f) I note I have provided evidence (dated 13 June 2018) for Wakatipu Equities Limited and Slopehill Properties Limited outlining why the objectives and policies should be amended.

Part 2

- (g) Section 5 in respect of enabling people to utilise their land to provide socioeconomic benefits whilst avoiding remedying or mitigating effects on the environment⁸);
- (h) Section 6a in respect of protecting ONFLs from inappropriate development;

⁶ I note there are no provisions in the ORPS of particular relevance to this matter

⁷ Paragraph 6.6

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- (i) Section 7(b) in respect the efficient use of the land resource;
 - (j) Section 7(c) in respect of maintaining and enhancing amenity values;
 - (k) Section 7(f) in respect of maintain and enhancing the quality of the environment.
17. In respect of s.5 I believe it is a fundamental intent of the purpose of the Act to enable people to use and develop their land, provided adverse effects are avoided, remedied or mitigated. This is set out in my evidence dated 29 February 2016⁹.
18. In respect of the relevance of sections 7(b), (c), and (f) I agree with the arguments in the legal submission (and supporting evidence) of Mr Goldsmith¹⁰. For brevity I do not repeat this. However, further commentary on this matter is provided in my evidence dated 13 June 2018 in support of the submissions by Wakatipu Equities Limited and Slopehill Properties Limited.

Response to Council's Evidence and s.42A Report

s.42 Reports

19. The Council is recommending an about turn in the zoning of the site. This has come about primarily by a different opinion from the landscape evidence supporting the s32 and s42A evaluations and recommendations.
20. In summary I agree with the 2015 and 2016 Council evaluations¹¹ that the rural lifestyle zone is (or was then) the most appropriate zoning for the site.
21. I do not agree with the current s42 evaluation that the Amenity Zone is the most appropriate zoning for the site. In my opinion the latest planning evidence for Council:
- (a) Fails to recognise or provide for the Community expectations and benefits of rural living opportunities;

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- (b) Relies on landscape evidence that is challenged by other experts and is inconsistent with Councils previous recommendations;
- (c) Fails to adequately address land that can appropriately accommodate further subdivision and development;
- (d) Has not demonstrated or justified the need to avoid rural living development within the proposed Rural Amenity Zone;
- (e) Inappropriately discourages rural living opportunities outside the areas of land which the Council has identified can accommodate further rural living development;
- (f) Fails to recognise and provide for existing and historic development rights/expectations.

Ecology

22. Mr Davis has examined the ecological values of the Wakatipu Basin and I understand there are no significant ecological values within or near the site, potentially for some small unspecified waterbodies (including wetlands).
23. Mr Davis does not appear to oppose the rezoning but concludes [without qualifying the term “must”] that:

Any rezone or landuse change activity must consider the environmental impact and avoid or mitigate negative impacts. Restoration and re-establishment of indigenous terrestrial and freshwater values, including improved surface and ground water quality, should be a priority for any proposed rezone and/or landuse change.

Infrastructure

24. Ms Jarvis¹² does not oppose the rezoning on the basis that:
- These sites will be serviced privately at the developer’s cost, and due to this on-site servicing, there is no increase in the QLDC infrastructure requirements (physical and financially). There should be no expectation that the on-site infrastructure will ultimately be joined to Council schemes.
25. Based my previous involvement with land use development within the site I understand there are no significant issues with servicing new

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rural living development. This includes the provision of potable water supply and electricity, as well as the ability to manage wastewater onsite.

Landscape

26. Mr Skelton has responded to the landscape evidence of Ms Gilbert. In my view, and relying on Mr Skelton's evidence, the site can absorb further rural living development.

Landscape Unit Boundaries and Description

27. I support changing the landscape unit boundaries and description as discussed in Mr Skelton's evidence.
28. In this case a geomorphological boundary (the 400m contour) can be used to define the zone (as discussed in the evidence of Mr Skelton) instead of the Lower Shotover Road boundary recommended by Ms Gilbert and Mr Langman. I observe Mr Langman clearly states that a geomorphological boundary should be applied as the preferred method to "protect the integrity of the landscape units":

Where geomorphological boundaries are available, they have been used to define the zones (and LCUs). In most cases, these will not follow cadastral boundaries. In order to protect the integrity of the landscape units, these geomorphological boundaries form an important function to prevent the creep of higher density development into those areas that are more sensitive to change from a landscape perspective¹³.

29. Notwithstanding the above, I am aware of Mr Langman's conflicting statement suggesting that the key issue is actually the ability to absorb additional development:

... the key issue in terms of defining appropriate boundaries between the Amenity Zone and Precinct is the ability of the landscape to absorb additional development¹⁴.

30. The ability of the landscape to absorb additional development is addressed in Mr Skelton's evidence. I would add that:

¹³ Langman evidence 30 May 2018 (par 5.14, p13)

¹⁴ Langman evidence 30 May par 20.10, p62)

- (a) The Council, inclusive of Mr Barr and Dr Marion Read, have previously determined that the majority of site can absorb rural lifestyle development of a 2ha average density;
- (b) From an amenity values and environmental quality perspective, it should be recognised that submitters (who live in the area) support the rezoning and no parties oppose the rezoning.

Transportation

31. Council's Transportation evidence by Mr David Smith effectively opposes all the submissions seeking increased subdivision and development in the Wakatipu Basin:

While many of the submissions relate to relatively small increases in activity which considered in isolation would have no noticeable effect on the performance of the transport network, there is a risk of cumulative effects if a number of these submissions are approved together. Cumulative effects are difficult to properly consider and address through the Resource Consent process, and in my view should be considered at the District Plan Change stage.

In light of the above, without appropriate mitigation being sought to address effects associated with an increase in household numbers / density along the SH6 corridor in the vicinity of the Shotover River Bridge, Edith Cavell Bridge and Arrow Junction, I oppose all submissions which propose to increase density.

While many of the submissions relate to relatively small increases in activity which considered in isolation would have no noticeable effect on the performance of the transport network, there is a risk of cumulative effects if a number of these submissions are approved together. Cumulative effects are difficult to properly consider and address through the Resource Consent process, and in my view should be considered at the District Plan Change stage. In light of the above, without appropriate mitigation being sought to address effects associated with an increase in household numbers / density along the SH6 corridor in the vicinity of the Shotover River Bridge, Edith Cavell Bridge and Arrow Junction, I oppose all submissions which propose to increase density.

32. There are no objectives or policies in Proposed District Plan Chapters 3 or 27 (Subdivisions and Development) directing that subdivision and land use should not occur because of insufficient infrastructure. Rather, the provisions enable the infrastructure improvements required to service new development. Proposed policy 27.2.5.1 appears to be the most directive but this policy relies on the land

zoning to determine the “expected level of traffic” (so the issue is catch a 22 issue).

33. Policy 4.3.4(b) and (c) and 4.5.7 of the PRPS are relevant (but uncertain and currently the subject of appeals). These policies (as currently worded) require avoidance of significant adverse effects on the functional needs of the State Highway; and avoiding, remedying or mitigating other adverse effects on the functional needs of such infrastructure; and the integration of infrastructure and land use.
34. I am not aware of any expert transportation evidence conflicting with the above. Accordingly, it is appropriate that you consider the risks around cumulative adverse effects on the efficiency of the transport.
35. If you are of mind to determine that the rezoning results in a significant adverse effect on the State Highway network then Policy 4.3.4(b) directs you to reject the rezoning. However, in my view the evidence base does not establish a cause for rejecting the rezoning submissions. In this regard:
 - (a) Mr Smith did not assess the actual impact of this particular rezoning and this particular rezoning request could fit Mr Smith’s criteria of a relatively small increase in activity which considered in isolation would have no noticeable effect on the performance of the transport network.
 - (b) Mr Smith has identified that the potential effects can be mitigated. In my opinion it is reasonable to assume that these traffic network improvements can or will be implemented at some point in time. When the transit Authority and Council carry out their respective statutory obligations in regard to those networks.
 - (c) The timing of infill development on the site will not occur overnight (as discussed in above) and I find it difficult to see how a gradual increase in traffic could give rise to significant adverse without being mitigated.
 - (d) Council has acknowledged the bridge will be at capacity soon and that it needs upgrading. A positive way at looking at the rezoning (along with other rezoning requests) is that it supports

Council's business case required to obtain funding for the upgrade.

- (e) It is reasonable to assume that the District Plan will be in effect for over a decade and potentially the next two decades. Accordingly, it is appropriate that the District Plan provides some future certainties by rezoning land where development can occur, based upon likely infrastructure upgrades, not just reliant on (and hamstrung by) existing capacity.
 - (f) If you have serious concerns about the impacts of the proposed rezoning the transportation network then, with the direction of policy 4.3.4(c) of the PRPS, you can include a directive policy in Chapter 24 to:
 - (i) Identify the threshold (bottom line) to measure cumulative effects against;
 - (ii) Stipulate that the transportation network is at or a near this bottom line;
 - (iii) Ensure that further subdivision within the Wakatipu Basin should be accompanied by a Transportation Assessment that considers the cumulative effects of the subdivision on the transportation network;
 - (iv) Direct that subdivision and development proposals be refused if it is demonstrated that the subdivision and consequential land use activities will result in the transport network not function safety or efficiently.
36. For the above reasons I consider it would not be an appropriate response to avoid the rezoning on the basis of transportation effects. A broader enquiry of all the issues raised by Council and all submitters needs to be taken into account.

APPROPRIATENESS OF REZONING THE SITE

37. For the following reasons I support rezoning the site as requested by the submitters:

- (a) Rezoning the site is an appropriate **legitimising** of the existing rural lifestyle pattern contained in the landscape unit identified by Dr Read and Mr Skelton. The precinct or lifestyle zone density sought is already established in parts of the site and is **highly compatible** with the existing pattern of development in the Hawthorne Landscape Unit (as defined by Dr Read and Mr Skelton, not Ms Gilbert). The land is **contiguous** to the proposed precinct boundaries (the Hawthorne Triangle) and is within the area previously proposed by QLDC to be zoned rural lifestyle.
- (b) Of the three landscape experts, I consider that Mr Skelton provides the most accurate description of the environment and its ability to absorb further development.
- (c) Similar to other parts of the proposed precinct zone, the subject land contains areas of underdeveloped land. Providing for the change in land use from farming to rural lifestyle development is a **much more efficient land use** than retention as paddock or unutilised open space.
- (d) The site is a **highly desirable** location for people to live, and the establishment of new residential activities (consistent with the established densities of the Hawthorne Triangle) **increases the supply and choice of housing** available to the local area.
- (e) All **landscape experts agree the site can absorb some further development. However, the proposed policy framework discourages subdivision and development** within the site. Realistic and appropriate development options are constrained by the operative and proposed rural amenity zone provisions, which do not provide for efficient land use development. The policy framework therefore imposes **unreasonable costs and risks** on the opportunity to provide more rural lifestyle development. This is **inefficient** and would provide a poor planning outcome.
- (f) Having carried out a high level analysis, I estimate the site is around 90ha in area and contains around 31 building platforms, of which about 25 have been developed. The visible (built) density is therefore about **3ha** per dwelling. I observe the

smallest landholdings¹⁵ are **969m²** (192 and 196 Speargrass Flat Road). The largest landholdings are between 8ha and 11ha. The majority of landholdings are between 2ha-4ha (consistent with the overall average). Without factoring any consideration of practical development constraints, design considerations, or land tenure arrangements, theoretically the site could provide for 60 more building platforms (at 1ha densities as provided for in the Precinct Zone) or 30 more building platforms (at 2ha densities as provided for in the operative rural lifestyle zone).

- (g) The site does not contain any matter (or environmental bottom line) afforded protection under s.6 of the RMA, except to the extent that part of the site is on the fringe of the Slopehill ONF. As Mr Barr states:

The Wakatipu Basin Zone itself does not comprise any land that is within either an Outstanding Natural Feature (ONF) or Outstanding Natural Landscape (ONL). The Wakatipu Basin Zone is adjacent to, and enclosed by, the ONLs of the District. Roche Moutonnee (ONF) are located amidst the valley floor of the Wakatipu Basin. Development adjacent to ONL/ONFs has the potential to degrade the important quality, character and visual amenity values of these features, and QLDC is required to protect these from inappropriate use, subdivision and development as a matter of national importance¹⁶.

- (h) I agree with the above statement except that QLDC is not “required” to protect ONFLs from inappropriate use, subdivision and development as a matter of national importance. Rather the requirements on QLDC are those collectively under sections 74 and 31 to review objectives, policies, and methods to achieve integrated management of the effects of the use, development, or protection of land and associated natural and physical resources of the district. In doing so the Council must “recognise and provide for” the protection of ONFLs from inappropriate subdivision, use, and development.
- (i) No parties other than the submission by Mr Todd, Mr Troon, Ms Todd, and Mr Brial are opposed to the rezoning. I have

¹⁵ I count multiple allotments held in the same ownership as a single landholding

¹⁶ Barr evidence 30 May 2018 (par 5.8, p8)

spoken with each of Mr Brial and Mr Todd and understand from those conversations, together with advice from Mr Burgess and Mr Harris (who have also had dialogue with Mr Todd and Mr Brial), that Mr and Mrs Todd, Mr Troon, and Mr Brial do not oppose the rezoning sought by M&C Burgess; Philip Smith; and the Ashford Trust.

38. For completeness, I confirm I have turned my mind to the **rezoning principles** outlined in par 5.7 of Mr Langman's evidence:
- (a) The rezoning accords with the overall strategic intention for the Wakatipu Basin by providing for rural living where it can be absorbed by the landscape.
 - (b) The rezoning gives effect to the PRPS. Specifically, it utilises rural land resources for economic benefits without affecting significant rural production or soil resources and satisfactorily maintaining and enhancing significant natural values.
 - (c) Economic costs and benefits have been considered. The economic benefits associated with rezoning the land outweigh the costs.
 - (d) Changes to the zone boundaries are consistent with the maps in the PDP.
 - (e) The rezoning takes into account the location and environmental features of the site
 - (f) There are no significant infrastructure concerns other than risks around cumulative effects on the roading network, which can be mitigated through long term planning and provision of roading improvements.
 - (g) The infrastructure required for the rezoning will not create discernible adverse environmental effects.
 - (h) There are no incompatible land uses nearby.
 - (i) Rezoning the site is more appropriate than separate resource consent application processes. This is particularly due to the size of the site and number of different landholdings and landowners. Also the propose policy framework for the Rural Amenity Zone actively discourages subdivision below 80ha –

so the risks and costs associated with individual resource consent application processes is likely to be unreasonably high.

- (j) There are limited existing use rights to be taken into account in this case.

DEVELOPMENT STANDARDS & CONSENT REQUIREMENTS

39. For reasons set out in my evidence in chief¹⁷ I support the controlled activity status for subdivisions for a minimum density of 1ha within the rural lifestyle zone. However, based on the evidence of Ms Gilbert and Mr Skelton, regarding the sensitivity of the site, I now believe it is more appropriate to manage subdivision and land use within 50m of the road boundaries and above the 400m contour line as a restricted discretionary activity to allow inappropriate development proposals to be refused.

Section 32(1) and s32(4) commentary

40. The following provides commentary in respect of s.32(1) and s.32(4):

Benefits

- (a) There are many benefits that can arise from rural living development including indigenous biodiversity restoration and enhancing landscape/amenity values through the establishment and upkeep of trees, grounds, and architecturally design buildings (basically rural living can enhance amenity values and the quality of the environment).
- (b) The rezoning increases the supply of land for housing and provides a choice for people to live outside the urban environment. This choice is highly desired by local people to people abroad and a relevant s32 matter.
- (c) The benefits to landowners from being able to diversify their land use from the status quote are significant.
- (d) I am not aware of any evidence disputing the benefits of Rural Living (even though this is not reflected in the proposed policy framework and supporting s.32 evaluation).

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Costs

- (e) There is disputing landscape evidence as to the environmental effects of the rezoning. In my view the landscape and transportation arguments Council has relied on do not justify rejection of the submission.
- (f) Not rezoning the land results in opportunity costs to the landowners and dis-benefits to the community in respect of the benefits of the rezoning not able to be realised.

Effectiveness and Efficiency

- (g) Rezoning the site is more effective and efficient than the status quo and retaining the site as Rural Amenity Zone.
- (h) The proposed provisions (as notified) are not efficient because they fail to provide for the benefits of rural living.
- (i) Rezoning the site is effective and efficient because it provides certainty to landowners and interested parties about the future development rights, without having the uncertainty and costs associated with individual resource consent processes.
- (j) The rezoning is effective in that it can provide an incentive for enhancing natural values and amenity values, which arise from new investment opportunities, which might not otherwise be recognised.

SPECIFIC AMENDMENTS TO PRECINCT PROVISIONS

- 41. For completeness, if the Lifestyle Precinct is confirmed, I draw to your attention to my evidence for Wakatipu Equities Limited and Slopehill Properties Limited (dated 13 June 2108) where I support a number of amendments to the Lifestyle Precinct Zone.

CONCLUSIONS

- 42. For the reasons set out in my evidence above, having regard to the information set out in paragraph 13 above coupled with my understanding of the site's environment (including listening to the submitters), I am of the opinion that:
 - (a) There are no certain and direct objectives or polices provisions to be implemented that will have a firm influence on the

outcome of this rezoning enquiry. Part 2 is relevant and ultimately you can apply an overall broad judgement to whether or not the zoning is the most appropriate means of implementing sustainable management of the site.

- (b) While there is disputed landscape evidence there is agreement that the landscape can absorb further residential subdivision and development. In my view (relying on the evidence of Dr Read and Mr Skelton), the landscape can absorb further subdivision and development while appropriately: maintaining and enhancing amenity values; maintaining and enhancing the quality of the environment; and protect the outstanding natural landscape values of Slopehill.
 - (c) Mr Smith's opposition to the rezoning on transportation grounds does not warrant the rezoning request being rejected.
 - (d) The existing landscape values associated with the subject land do not need to be protected. However, even if they do, they can be protected via district plan methods requiring resource consents to manage the design of subdivision and building development.
 - (e) The significant landscape values identified in Mr Skelton's evidence should be identified in the district plan and can be protected by introducing new rules that:
 - (i) Do not provide for buildings (e.g. are non-complying activities) if they are within 50m of a road boundary; and
 - (ii) Require resource consent (as a restricted discretionary activity) to ensure buildings will not break the skyline or encroach on the ridge feature.
43. From a rural land use perspective I consider the subject land is a very logical and obvious area to expand the precinct / lifestyle zoning. It is quite clear to me that the current zoning of the area as rural general or rural amenity is not appropriate for the reasons set out above.
44. In terms of the overall purpose of the Act, it is appropriate to rezone the land to either rural lifestyle or rural precinct, and provide for subdivision densities averaging either 1 or 2 ha, subject to inclusion of

rules or standards that manage and/or discourage built development affecting the significant landscape values identified by Mr Skelton.

A handwritten signature in blue ink, appearing to be 'D. Skelton', written in a cursive style.

DATED this 13th day of June 2018