

IN THE MATTER of the Resource Management Act ('Act')

AND

IN THE MATTER of the submission by Lake Wakatipu Station Limited on the QLDC Proposed District Plan 2015 (Stream 13) to rezone a piece of land from Rural General to Rural Visitor

**STATEMENT OF EVIDENCE OF BEN FARRELL FOR
Lake Wakatipu Station (Submitter #478)**

9th June 2017

INTRODUCTION

1. My name is Ben Farrell. I am an Independent Planning Consultant employed by John Edmonds & Associates Limited, a firm of independent planners and project managers based in Queenstown.
2. My qualifications and experience are provided in my evidence in chief dated 29 February 2016. I confirm the matters raised in my evidence in chief relating to the code of conduct for expert witnesses also apply to this evidence. I note that, since February 2016, I have been continually involved numerous statutory planning and consenting processes in Otago and Southland, including preparation of planning evidence in relation to:

Council Hearings

- Proposed QLDC District Plan (PDP) Chapters 12, 21, 22, 26, 27, 33
- The natural environment provisions on the proposed Dunedin City District Plan (2GP)
- The proposed Benmore Irrigation Scheme (for the Minister of Conservation)
- The Queenstown Country Club (for the Sanderson Group)
- IFly Indoor Skydiving Facility (for IFly New Zealand)

Environment Court

- A proposed wind farm at Blueskin Bay (for Blueskin Energy)
- Plan Change 50 (for landowners within the area affected by PC50)
- A proposed Wanaka Watersports Facility (for Save Wanaka Lakefront)
- The Around the Mountains Cycle Trail (for Fish & Game New Zealand)

3. In preparing this evidence I have reviewed [some or all of] the following documents of particular relevance to this matter:
 - Hearing Panel Minutes dated 29 May and 8 June relating to this matter
 - QLDC s.42A Report prepared by Ms Kim Banks dated 25 May
 - QLDC s.42A Report prepared by Mr Robert Buxton dated 24 May
 - Evidence in support of the s.42A Report prepared by Mr G Davis, Dr M Read, Mr U Glasner, D Mander all dated 24 May 2017
 - Evidence in support of the submission by Lake Wakatipu Station Limited prepared by Messrs S Skelton (landscape), A Steel (Infrastructure), P Faulkner (Natural Hazards), all dated 9 June 2017
 - S.42A Report for Stream 12 prepared by Mr Barr dated 17 March, and rebuttal evidence dated 5 May 2017
 - Supplementary evidence of Mr Whyte dated 6 June 2017 for Sarah Burdon (Submission #282)
 - Rural Visitor Zone Monitoring Report prepared by QLDC dated April 2010
4. In preparing this evidence I have also listened to part of the recording of part of the Stream 12 Mapping Hearing in relation to the questioning of Mr Whyte by the panel in relation to his planning evidence.

SCOPE AND SUMMARY OF EVIDENCE

5. This planning evidence is written at the request of the landowner of Halfway Bay Station¹ in support of its request to rezone 32ha from Rural to Rural Visitor. Hereafter I refer to this land as the 'subject land' or the 'site'.
6. I consider the submission by Lake Wakatipu Station provides scope for the PDP to include the operative Rural Visitor zone provisions to apply to the site, or any amendments to those provisions that may be considered necessary by the decision-makers to support the rezoning.
7. I acknowledge the operative Rural Visitor zone may have some potential shortcomings in particular circumstances (evident in the opinions expressed in the QLDC 2010 monitoring report and evidence of Mr Barr referred to above). However, any such potential shortcomings are not supported by any actual evidence (that I am aware of), nor do they appear to be of particular relevance or necessarily apply to this particular case.
8. In the evidence below I set out reasons why the Rural Visitor zone (inclusive of the operative Rural Visitor zone provisions) is more appropriate than the Rural zone to implement the relevant objectives of the PDP (as notified), and the purpose and principles of the RMA. My reasons can be summarised as follows:
 - a. The land can be used for purposes other than farming to help manage the station. The landowner wants to ensure they can use and develop their land for rural visitor activities.
 - b. Visitors are anticipated to be attracted to the rural qualities and characteristics of the site. The land is isolated with a sense of remoteness. However, it is easily accessible by water and air.
 - c. Adverse effects on environmental values can be appropriately avoided, remedied or mitigated to the extent that:
 - i. Any adverse effects on the environment should be no more than minor;
 - ii. Any loss of productive soil values will be insignificant;
 - iii. Ecosystem values can be maintained;
 - iv. ONL values can be protected;
 - v. Freshwater quality can be maintained;
 - vi. Risk from natural hazards can be avoided or mitigated;
 - vii. There will be no obvious increase in the use of, or demand for, public infrastructure;
 - viii. There are no traffic effects to consider.
 - d. The Rural Visitor zone specifically provides for rural visitor land use and development. The proposed Rural zone provisions are overly restrictive and create a highly uncertain framework. The most efficient method for enabling rural visitor activities on the land is through the district plan review, not resource consent applications under the rural general framework or a via private plan change request.

¹ I have been engaged by the Warburton Group, who purchased the station off Lake Wakatipu Stations Limited in 2017.

SCOPE OF THE SUBMISSION

9. The submission opposes the Rural zoning of the land and seeks that an area of this flat land be zoned to enable diversification (including tourism) of the station, similar to what the Council has enabled with the Rural Visitor zones located at Cecil Peak and Walter Peak Stations.
10. It is clear from the submission that the operative Rural Visitor zone provisions (similar to those applying to Cecil Peak and Walter Peak) are those which are sought for the land. The operative Rural Visitor zone framework enables a bespoke framework for each particular Rural Visitor zone.
11. If the Panel determines there is merit in the land being rezoned to Rural Visitor (or something similar), but the operative provisions are not the most appropriate (i.e. if additional or alternative provisions should be included), then the submission provides scope for the Panel / decision-maker to include a new bespoke set of provisions (and even a new zone) for Halfway Bay.

MATTERS RAISED IN THE S.42A REPORT

12. The following addresses the matters raised in the s.42A report specific to the rezoning request.

Ecological values

13. The s.42 report and evidence of Mr Davis raises no concerns regarding the rezoning from an ecological perspective because of the lack of ecological values.

Infrastructure

14. The s.42A report and the evidence of Mr Glasner raises concern regarding the feasibility to service development on the site given natural hazard and water quality constraints.
15. The evidence prepared by Mr Steel attached to this evidence addressees these concerns and identifies that it is feasible for rural visitor development on the site to be designed and implemented in such a way that:
 - a. Is self-sufficient in that the site can be readily and appropriately serviced in respect of water supply, stormwater and wastewater without relying on any Council or offsite infrastructure.
 - b. Will not create any significant environmental effects on the receiving environment (Lake Wakatipu and the Short Burn and Lochy Rivers).

16. The actual and specific design of any infrastructure would need to be identified at a later date to be commensurate with the nature and scale of any development. In my opinion this accords with the ODP Rural Visitor framework which ensures this occurs (through policy 5, 12.4.3.2(iii)(a)(ii), and 12.4.5.1((iii)).

Landscape

17. The s.42A report and the evidence of Dr Read has raises concerns around the landscape effects of the rezoning. The attached landscape evidence from Mr Skelton has responded to these concerns. Mr Skelton concludes that, with additional standards to be applied to rural visitor development on the land, the site has capacity to absorb appropriately controlled development without adversely affecting the landscape character and quality or the visual amenity.
18. The additional standards recommended by Mr Skelton relate to: building location (15m setback from terraces); building colours and surface finishes; and exterior lighting. In my opinion these standards can easily be incorporated into the Rural Visitor framework or taken into consideration by the decision-maker

on an application for resource consent (noting that all these matters would fit within the matters of control under the operative Rural Visitor zone standards for buildings).

Natural Hazards

19. The s.42A report identifies the site as being subject to natural hazards but no further detail or assessment has been provided.
20. The attached evidence prepared by Mr Faulkner has addressed that the potential for natural hazards on the site and concludes that it is highly feasible that rural visitor and residential activity could occur at the site. Mr Faulkner identifies that detailed assessments will be required to determine the need for any specific mitigation measures and, if required, ensure future buildings are located and designed accordingly. In my opinion this accords with the operative Rural Visitor zone provisions which includes a rule (12.4.3.2(iii)(b)) which controls buildings in respect of the avoidance or mitigation of natural hazard risk.

Access

21. The s.42A report [paragraph 23.10] and evidence of Mr Mander identifies that access to the station has not been addressed. The report goes on to say that, if access is to be by boat, then consideration needs to be given to where visitors would park their cars and the need for any new jetties on the eastern side of Lake Wakatipu and upgrades to the existing jetty at the station.
22. Access to the site is, and will continue to be, provided via boat and air (helicopters). There is no road access (legal or formed) to the farm. There is an existing marina facility at the farm.
23. I do not envisage the need for any discernible upgrading of any existing infrastructure.
24. I expect visitors and any staff travelling via boat would primarily do so via existing passenger transport services operated from Queenstown (namely water taxis or private cruises).
25. The existing farm operation has access rights to a landing for its barge (which transports animals and equipment) near Wye Creek. No infrastructure upgrades at this location are expected to be required as a result of the rezoning.

Loss of flat farm land

26. The s.42A report [paragraph 23.9] raises concerns that the proposed zoning could remove approximately 32 hectares of flat farm land which appears to be a limited resource for the farming operations, with reference to Objectives 3.2.5.5 and 21.2.2.
27. In my opinion the loss of this land for productive farming purposes is insignificant and not inappropriate:
 - a. The loss of productive farming land is small. The station is 14,305ha in area, with a minimum of around 130ha-180ha² of flat paddocks remaining for primary production.
 - b. Any loss of productive capacity of the soil can be offset by the economic benefits associated with diversification into rural visitor activities and development.

² Based on a rough assessment of the QLDC GIS maps

ASSESSMENT AGAINST THE PDP STRATEGIC OBJECTIVES

28. Table 1 below compares the appropriateness of each zone (Rural or Rural Visitor) against each of the relevant strategic objectives set out in Chapter 3 (Strategic Direction) of the PDP³. As landscape is a key strategic issue for the district and an issue in this case, I have also considered the objectives of Chapter 6 (Landscape).
29. I have undertaken this assessment on the understanding that the Panel considers this to be a particularly relevant (if not the most determinative) assessment matter to evaluate the rezoning request.
30. In undertaking this assessment, I have not given any consideration to the weighting that should be applied to the respective provisions. My rationale for not doing so is that the status of each provision is uncertain at this point in time. Notwithstanding this, I observe the following provisions set directive environmental bottom lines:
- 3.2.3.2 Protect the District's cultural heritage values and ensure development is sympathetic to them.
 - 3.2.4.2 Protect areas with significant Nature Conservation Values.
 - 3.2.4.4 Avoid exotic vegetation with the potential to spread and naturalise.
 - 3.2.4.5 Preserve or enhance the natural character of the beds and margins of the District's lakes, rivers and wetlands.
 - 3.2.5.1 Protect the natural character of Outstanding Natural Landscapes and Outstanding Natural Features from subdivision, use and development.
 - 6.3.2 Avoid adverse cumulative effects on landscape character and amenity values caused by incremental subdivision and development.
31. Upon assessment I consider the Rural Visitor zone is more appropriate than the Rural zone. While the Rural zoning better implements the more restrictive landscape provisions, the Rural Visitor zoning is more aligned to the suite of strategic direction objectives because it facilitates diversification of rural land uses that will enhance the attraction of visitors to the District while appropriately protecting the Districts landscape values.

³ As listed in the version publicly notified in 2015.

Table 1 Comparison of Rural General and Rural Visitor Zone provisions against the relevant PDP strategic objectives

<p>3.2.1.1: Recognise, develop and sustain the Queenstown and Wanaka central business areas as the hubs of New Zealand's premier alpine resorts and the District's economy.</p>	<p>The Rural Visitor zone (RVZ) is more consistent with this objective by supporting Queenstown CBD through facilitating and accommodating visitors to (via) Queenstown.</p>
<p>3.2.1.2: Recognise, develop and sustain the key local service and employment functions served by commercial centres and industrial areas outside of the Queenstown and Wanaka central business areas in the District.</p>	<p>The proposed RVZ zoning will not detract from the key local service and employment functions of the commercial centres and industrial areas outside of Queenstown. The RVZ is more consistent with this objective by accommodating visitors travelling to or from, and services providers based in, Frankton.</p>
<p>3.2.1.3 Enable the development of innovative and sustainable enterprises that contribute to diversification of the District's economic base and create employment opportunities.</p>	<p>RVZ is more consistent with this objective because it directly enables diversification of the economic base and creates employment opportunities.</p>
<p>3.2.1.4 Recognise the potential for rural areas to diversify their land use beyond the strong productive value of farming, provided a sensitive approach is taken to rural amenity, landscape character, healthy ecosystems, and Ngai Tahu values, rights and interests</p>	<p>RVZ is more consistent with this objective because it directly provides for rural areas to diversify their land use beyond productive farming – provided a sensitive approach is taken.</p> <p>Requiring resource consent for development (as is the case with the RVZ) is an example of providing a “sensitive” approach.</p>
<p>3.2.1.5 Maintain and promote the efficient operation of the District's infrastructure, including designated Airports, key roading and communication technology networks.</p>	<p>Neither zone would be contrary to this objective, it is not particularly relevant to the proposed rezoning.</p>
<p>3.2.2.1 Ensure urban development occurs in a logical manner: to promote a compact, well designed and integrated urban form; to manage the cost of Council infrastructure; and to protect the District's rural landscapes from sporadic and sprawling development</p>	<p>Neither zone supports or is inconsistent with this objective – not relevant</p>
<p>3.2.2.2 Manage development in areas affected by natural hazards</p>	<p>The land is an area affected by natural hazards and can be managed. As the RVZ promotes the creation of a structure plan, there would be a more specific mechanism for ensuring natural hazard risks can be managed.</p>
<p>3.2.3.1 Achieve a built environment that ensures our urban areas are desirable and</p>	<p>Neither zone supports or is inconsistent</p>

safe places to live, work and play.	with this objective – not relevant.
3.2.3.2 Protect the District's cultural heritage values and ensure development is sympathetic to them.	<p>Neither zone supports or is inconsistent with this objective – not particularly relevant.</p> <p>I note that activities in both the Rural zone and RVZ have the potential to affect water quality (highly significant to Ngai Tahu) but it is assumed compliance with the regional water quality plans will, and can be met under either scenario.</p>
3.2.4.1 Promote development and activities that sustain or enhance the life-supporting capacity of air, water, soil and ecosystems.	Both zones can promote development and activities that sustain or enhance the life-supporting capacity of air, water, soil and ecosystems. Depending on the scale of any rural visitor development, the Rural zone may safeguard soil resources more than the RVZ given the potential loss of some productive soil resources. However, any loss of productive soils would be very low and the RVZ is likely to provide more opportunities for safeguarding ecosystems through environmental enhancements and offsets (for example Walter Peak).
3.2.4.2 Protect areas with significant Nature Conservation Values.	No significant nature conservation values exist within the site. However, the diversification into tourism activities should enable opportunity for the landowners to help protect areas of significant conservation values outside the site (for example the areas of native beech trees and grey shrubland referred to in paragraph 5.47 of Mr Davis evidence).
3.2.4.3 Maintain or enhance the survival chances of rare, endangered, or vulnerable species of indigenous plant or animal communities.	As above, the diversification into tourism activities should enable opportunity for the landowners to help protect any rare or vulnerable species outside the site (for example grey shrubland referred to in paragraph 5.47 of Mr Davis evidence).
3.2.4.4 Avoid exotic vegetation with the potential to spread and naturalise.	Landscaping is controlled under the RVZ but not under the Rural zone, so there is greater potential to manage the effects of exotic vegetation on the site under the RVZ compared to the Rural zone. However, the PDP includes other methods (district wide rules) to prohibit the planting of trees irrespective of the underlying zoning so the comparison is mute.
3.2.4.5 Preserve or enhance the natural	The site is setback from the margins of

<p>character of the beds and margins of the District's lakes, rivers and wetlands.</p>	<p>Lake Wakatipu and the Lochy River. The Short Burn river traverses the southern boundary of the site.</p> <p>Both zones include methods for controlling/managing the location and design of buildings near waterbodies.</p> <p>The RVZ controls landscaping while planting in or along margins is permitted in the Rural zone. Accordingly, there is more ability in the RVZ to preserve or enhance the natural character of the Short Burn river under the operative RVZ regime.</p>
<p>6.3.6 Protect, maintain or enhance the landscape quality, character and visual amenity provided by the lakes and rivers and their margins from the adverse effects of structures and activities.</p>	<p>Same as 3.2.4.5 above.</p>
<p>3.2.4.6 Maintain or enhance the water quality and function of our lakes, rivers and wetlands.</p>	<p>Neither zone supports or is inconsistent with this objective – not relevant</p>
<p>3.2.4.7 Facilitate public access to the natural environment.</p>	<p>Public access to the site and its surrounds is currently restricted. Diversification into tourism activities will facilitate better public access outcomes to Halfway Bay – this is a key strength of the RVZ provisions and a particular benefit of the proposed rezoning.</p>
<p>3.2.4.8 Respond positively to Climate Change.</p>	<p>Neither zone supports or is inconsistent with this objective – not relevant</p>
<p>3.2.5.1 Protect the natural character of Outstanding Natural Landscapes and Outstanding Natural Features from subdivision, use and development.</p>	<p>Both zones implement this objective. However, the Rural provisions better protect the Outstanding Natural Landscape (ONL) values associated with the site – as it is more restrictive on building development (buildings in ONLs are discouraged).</p> <p>The RVZ implements this objective provided (as is the case with the proposed rezoning) that RVZ development will not give rise to more than minor adverse effects on ONL values.</p>
<p>6.3.1 The District contains and values Outstanding Natural Features, Outstanding Natural Landscapes, and Rural Landscapes that require protection from inappropriate subdivision and development.</p>	<p>While relevant, neither zone supports or is inconsistent with this objective. Both zones include (or can include) provisions that satisfactorily protect landscape values from inappropriate subdivision and development.</p>

<p>6.3.2 Avoid adverse cumulative effects on landscape character and amenity values caused by incremental subdivision and development.</p>	<p>The Rural zone better implements this objective because it is more restrictive on development and thus is better at avoiding adverse cumulative effects.</p>
<p>6.3.3 Protect, maintain or enhance the district's Outstanding Natural Features (ONF).</p>	<p>The site does not contain any Outstanding Natural Features; therefore neither zone supports or is inconsistent with this objective – not particularly relevant.</p>
<p>6.3.4 Protect, maintain or enhance the District's Outstanding Natural Landscapes (ONL).</p>	<p>Both zones are consistent with this policy. However, the Rural zone better implements this objective because it is more restrictive on development and therefore is better able to protect, maintain or enhance the districts ONL values.</p>
<p>3.2.5.2 Minimise the adverse landscape effects of subdivision, use or development in specified Rural Landscapes.</p>	<p>The site is not within a specific Rural Landscape so neither zone supports or is inconsistent with this objective – not particularly relevant.</p>
<p>6.3.5 Ensure subdivision and development does not degrade landscape character and diminish visual amenity values of the Rural Landscapes (RLC).</p>	<p>Same as 3.2.5.2 above</p>
<p>3.2.5.3 Direct new subdivision, use or development to occur in those areas which have potential to absorb change without detracting from landscape and visual amenity values.</p>	<p>The Rural zone provisions do not provide direction for accommodating development (each development proposal is assessed on a case by case basis).</p> <p>Rezoning the subject land to RVZ will (or can) direct use and development of land to an area which has potential to absorb change. The extent to which landscape and visual amenity values may be detracted is entirely subjective but can be appropriately managed.</p>
<p>3.2.5.4 Recognise there is a finite capacity for residential activity in rural areas if the qualities of our landscape are to be maintained.</p>	<p>Neither zone supports or is inconsistent with this objective – not particularly relevant</p>
<p>3.2.5.5 Recognise that agricultural land use is fundamental to the character of our landscapes.</p>	<p>The Rural zone better implements this objective as the RVZ enables development other than agricultural land use.</p>
<p>6.3.7 Recognise and protect indigenous biodiversity where it contributes to the visual quality and distinctiveness of the District's landscapes.</p>	<p>The RVZ better implements this objective as it promotes bespoke land management through structure planning and the controlled activities status.</p>

6.3.8 Recognise the dependence of tourism on the District's landscapes.	Both zones implement this objective but the RVZ better implements the objective. The Rural zone better protects the District's landscapes but has no direct benefit for tourism. The RVZ both protects the landscape values and directly facilitates tourism activities that attract (and enhance the ability for) visitors to enjoy the District's landscape values.
3.2.6.1 Provide access to housing that is more affordable.	The RVZ better enables this objective as it enables housing, including affordable housing units.
3.2.6.2 Ensure a mix of housing opportunities.	The RVZ better enables this objective as it enables a mix of housing opportunities.
3.2.6.3 Provide a high quality network of open spaces and community facilities.	Neither zone supports or is inconsistent with this objective. However, the RVZ is likely to present more opportunities for enhancing the District's network of open spaces and community facilities compared to the Rural zoning.
3.2.6.4 Ensure planning and development maximises opportunities to create safe and healthy communities through subdivision and building design.	Neither zone supports or is inconsistent with this objective – not particularly relevant.
3.2.7.1 Protect Ngai Tahu values, rights and interests, including taonga species and habitats, and wahi tupuna.	Neither zone supports or is inconsistent with this objective – not particularly relevant.
3.2.7.2 Enable the expression of kaitiakitanga by providing for meaningful collaboration with Ngai Tahu in resource management decision making and implementation.	Neither zone supports or is inconsistent with this objective – not particularly relevant.

CONCLUSION

32. As detailed above, I consider that the Rural Visitor zone (inclusive of the operative Rural Visitor zone provisions) is more appropriate than the proposed Rural zone to implement the relevant objectives of the PDP (as notified), and the purpose and principles of the RMA. This will allow the use of the land to be diversified, effects on the environmental values of the site and surrounding area can be avoided, remedied or mitigated and the Rural Visitor zoning provides more certainty than the Rural zoning.

SIGNED

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

9 JUNE 2017