

Ruth Evans for QLDC – Summary of Evidence, 14 February 2017

Chapter 43 Millbrook Resort Zone – Hearing Stream 09

1. I have been engaged by Queenstown Lakes District Council (**QLDC**) to provide planning evidence on Chapter 43 of the proposed District Plan (**PDP**).
2. While I recommend that the policy direction and general intent of the notified Chapter 43 Millbrook Resort Zone (**MRZ**) provisions should remain largely unchanged, I also recommend a number of changes aimed at improving the effectiveness and/or efficiency of the chapter. The provisions as recommended in my S42A report and as further recommended to be changed in this evidence summary, are considered to be effective and efficient, and an appropriate means of achieving the purpose of the Resource Management Act 1991 (**RMA**) and the strategic direction objectives of the PDP.
3. The key issue is the expanded area of the MRZ over the Dalgleish Farm. The majority of the substantive amendments reflect the agreed position reached between MCCL (696) and X-Ray Trust Limited (356). The exception appears to be how the chapter references design guidelines, and whether some detail should sit within the non-statutory design guidelines and/or standards or within the zone provisions. On Monday 13th February I caucused with the planners for these two submitters and outline the agreed position later in this summary at a high level. The detail will be provided in my reply evidence.
4. Recommended amendments outlined in my s42A report included:
 - (a) an updated structure plan that provides for improved mitigation of adverse effects beyond the MRZ;
 - (b) introduction of more specific overlays to manage planting, earthworks and building restrictions;
 - (c) introduction of indicative residential sites in R15 and R16 Residential Activity Areas and associated controls;
 - (d) a rule requiring amended design guidelines be submitted to QLDC to cover the Dalgliesh Farm for approval prior to development proceeding (I have now changed my position on this, as explained below);
 - (e) a rule requiring development to proceed in general accordance with the structure plan and design guidelines (I have now changed my position on this, as explained below); and

- (f) non-substantive amendments to policies and rules to improve clarity, consistency and effectiveness.
5. In light of the evidence filed on behalf of MCCL and X-Ray Trust and without prejudice caucusing with their planners, I have reconsidered some matters and now recommend some additional changes.
 6. I now recommend that all references to guidelines in the chapter are deleted.
 7. I agree to include in the rules the site specific height above sea level and recession plane controls agreed to between MCCL and X-Ray Trust.¹ I had initially recommended that these bespoke provisions sit in the guidelines. However, I agree with the submitters that these controls should be located in the chapter, to remove uncertainty or discretion of their application.
 8. The remaining outstanding matters to be addressed are the landscaping species and building colours and materials. In his evidence Mr Edmonds provided for building colours and materials in his Rule 43.4.17, with landscaping species in an appendix. He consequently removed any reference to the guidelines in the chapter. While ordinarily my preference is for more fine grained matters such as cladding and plant species to sit outside the plan or to be dealt with as conditions of consent, I acknowledge that Millbrook is a special zone and therefore some more bespoke rules may be acceptable within the chapter.
 9. Given that these two issues would now be the only matters required in the updated guideline, I consider the inclusion of a rule and an appendix to be more efficient. This also provides more certainty for PDP users, compared to having to also refer to a guideline for these two matters. I therefore recommend reference to the guidelines, and any rule requiring their preparation, to be deleted from the chapter and the building materials and colours, and landscaping species to be contained within the chapter as a standard or appendix, creating a one stop shop for PDP users. This will also require colours and materials to be specified for R13, R17, and R18.
 10. With regard to the proposed rule requiring the design guidelines to be submitted and approved prior to development proceeding (redraft Rule 43.4.26) and rule requiring development proceeding in accordance with the guidelines (revised Rule

1 I therefore recommend that Rule 43.5.5 be updated to include the heights above sea level and recession plane restrictions set out in the revised MCCL position (Appendix 5 of my s42A report).

43.4.27), these would no longer be required. With regard to revised Rule 43.4.27 I recommend that reference to "Council approved design guidelines" be removed, and the activity status changed to discretionary. This is consistent with the rule² in the subdivision chapter that requires development to proceed in accordance with the structure plan and has a discretionary activity status.

11. Mr Edmonds for MCCL has provided an updated Chapter 43 with his evidence (**MCCL updated chapter**). My further comments on Mr Edmonds evidence and revised chapter are as follows:

- (a) In paragraph 37 Mr Edmonds states that in the s42A the height for R14 has been reduced and there is an additional exception for R15. This is incorrect, the height for R14 and exceptions for R15 and R16 remain the same in the notified and s42A versions of the chapter. From my check of these details I note that the height for R14 was changed to 6.5m in MCCL's revised (2 December) version but this had not been shown as a tracked change. Similarly the height overlay exception for R16 (not R15) has been removed from MCCL's revised (2 December) version but not shown as a tracked change. These changes have been carried through into the MCCL updated chapter. At the time of filing this summary, I understand that MCCL and X-Ray trust planners were conferring with their landscape architects, to determine what height was utilised in their visual assessments;
- (b) Mr Edmonds has also suggested the deletion of some rules (for example notified Rules 43.5.10, 43.5.12 and 43.5.13), where I do not consider there is scope to do so. Regarding the merits of the deletion of these rules, with respect to Rule 43.5.10 (in relation to water for fire fighting) I have sought advice from Council's development engineer who considers the rule should be retained as fire hydrants need to be installed in accordance with the code of practice, which applies to all fire fighting, both for reticulated and non reticulated supplies;
- (c) With respect to Rule 43.5.12 I agree air emissions are a regional plan matter, although I note the focus of this rule appears to be with regard to amenity, and is directly linked to Policy 43.4.2.5. If the Panel were of a view to delete the rule, then I consider that the policy should also be deleted;
- (d) With regard to Rule 43.5.13 regarding helicopter landing areas, I consider this should be retained, to control the number of helicopter

2 Rule 27.7.12 in Mr Nigel Bryce right of reply for the subdivision chapter dated 26 August 2016.

landing areas in the zone, but that the words ‘approved via resource consent’ should be deleted;

- (e) I agree with Mr Edmond’s suggested amendment to the proposed Roadside Planting Overlay, however I consider the proposed rule also needs to require trees to be replaced if they become diseased or die, as recommended by Ms Ayres. This could be achieved by adding “Retention and long term replacement (when required) of those trees within the Landscape Protection (Malaghan) Activity Area to the end of Mr Edmond’s proposed Rule 43.4.5”; and
- (f) I understand that Ms Ayres still has concerns about the wording of a number of rules, including control of farm, accessory and utility buildings, in the MCCL updated chapter.