

**BEFORE THE HEARINGS PANEL
FOR THE PROPOSED QUEENSTOWN LAKES DISTRICT PLAN**

IN THE MATTER of the Resource Management Act
1991

AND

IN THE MATTER of the Queenstown Lakes Proposed
District Plan

AND

IN THE MATTER of Hearing Submissions Seeking
Amendments to the Planning Maps
covering Queenstown and
Queenstown Rural (Excluding
Wakatipu Basin)

**STATEMENT OF EVIDENCE OF NICHOLAS KARL GEDDES
ON BEHALF OF**

Noel Gutzewitz & J Boyd

(Submitter 328)

Dated 4th June 2017

1.0 QUALIFICATIONS AND EXPERIENCE

- 1.1 My name is Nicholas Karl Geddes. I hold a degree of Bachelor of Science majoring in Geography and Graduate Diploma in Environmental Science from Otago University.
- 1.2 I have fifteen years' experience as a resource management practitioner, with past positions as a Planner in local Government in Auckland, private practice in Queenstown and contract work in London, England. I have been a practicing consultant involved in a wide range of developments, district plan policy development and the preparation and presentation of expert evidence before Councils.
- 1.3 I was employed by a Queenstown consultancy in 1999 before moving to Auckland City Council in 2001 where I held a senior planning position with Auckland City Environments. Leaving Auckland in 2005 I worked in London as a planner for two and a half years before returning to Queenstown where I have been practicing as a planning consultant since. I currently hold a planning consultant position with Clark Fortune McDonald & Associates Limited.
- 1.4 I have read the Code of Conduct for Expert Witnesses in the Environment Court consolidated Practice Note (2014). I agree to comply with this Code of Conduct. This evidence is within my area of expertise, except where I state I am relying on what I have been told 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.
- 1.5 I have authored submissions on the plan review, prepared evidence and attended hearings in relation to the following Chapters:
 - a. Chapter 4 – Hearing Stream 1B in relation to Submission 414;
 - b. Chapter 21 & 22 – Hearing Stream 2 in relation to Submissions 228, 233, 235, 411 & 414;
 - c. Chapter 27 – Hearing Stream 4 in relation to Submission 414;
 - d. Chapter 7 – Hearing Stream 6 in relation to Submission 336;
 - e. Chapter 41 – Hearing Stream 9 in relation to Submissions 342 & 715;

f. Planning Maps – Hearing Stream 12 in relation to Submission 314.

2.0 SCOPE OF EVIDENCE

2.1 The purpose of this evidence is to assist the Hearings Panel within my expertise of resource management planning in relation to the submission lodged by Noel Gutzewitz & J Boyd (#328) on the Queenstown Lakes Proposed District Plan.

2.2 I have prepared evidence where I assess and explain:

- a) Submission 328;
- b) National Policy Statements;
- c) Regional Policy Statements;
- d) Proposed Queenstown Lakes District Plan – Strategic Chapters;
- e) Part 2 of the Act;
- f) Assessment of Environmental Effects;
- g) Section 32A(A) Evaluation;
- h) Other Statutory requirements;
- i) Further Submissions;
- j) Section 42A Report.

In the preparation of this evidence I have reviewed the following:

- a. Section 32 Evaluation Reports, Council s.42A Reports and QLDC right-of-reply for the following PDP Chapters; Strategic Chapters 3-6, Rural Residential and Rural Lifestyle, Subdivision Rural and Residential.
- b. Associated evidence submitted on behalf of QLDC prepared by Mr Glenn Davis, Dr Marion Read, Mr Ulrich Glasner, Mr Denis Mander and Mr Phillip Osborne.
- c. The relevant submissions and further submissions of other submitters.

Abbreviations:

Queenstown Lakes District Council - "QLDC"

Proposed District Plan – "PDP"

Operative District Plan – "ODP"

Resource Management Act 1991 – "The Act"

Rural Residential Zone – "RRZ"

Strategic section 42A report – "Ss.42A"

Group 2 Rural– Frankton and South section 42A report – "s.42A"

National Policy Statement: Urban Development Capacity 2016 – "UDC"

Special Housing Area – "SHA"

Operative Otago Regional Policy Statement – "OORPS"

Proposed Otago Regional Policy Statement – "PORPS"

3.0 SUBMISSION 328

- 3.1 The original submission opposes the Rural Lifestyle minimum lot size and density provisions 22.5.12.3 and 27.5.1 of the PDP in relation to land within the proposed re-zoning.
- 3.2 Rural Residential would promote 26 allotments which is considered to intensive and not retain sufficient rural amenity between RBPs. Traditional Rural Lifestyle would promote 5 allotments which is not considered to make the most efficient use of the land while a minimum lot size and density of 1 hectare (10 lots / RBP) is considered to be more appropriate due to characteristics and location of land within the submission area.
- 3.3 Due to the existing topography, vegetation and the boundary configuration 8 further RBPs can be located without conflicting views or compromised outlook. The site is almost entirely covered in mature trees ensuring privacy between RBPs and restricting views into the site from public land. Overall, the rural amenity values promoted by Chapter 22 can be achieved.

4.0 STATUTORY CONSIDERATIONS

- 4.1 The statutory framework for assessing the merits of any submission seeking to apply a zone has been correctly set out in paragraph 9.2 of the Ss.42A report where the matters listed (a) to (j) have been addressed under relevant headings within this Part of my evidence.

National Policy Statements

- 4.2 Section 75(3) requires that a district plan must give effect to any national policy statement; any New Zealand Coastal Policy Statement; and any regional policy statement.
- 4.3 The following National Policy Statements have been considered:
- Urban Development Capacity
 - Freshwater Management
 - Renewable Electricity Generation

- Electricity Transmission
- Coastal Policy Statement

4.4 With the exception of Urban Development Capacity, in my opinion, none of the remaining policy statements listed above are relevant.

National Policy Statement on Urban Development Capacity 2016 (UDC)

- 4.5 QLDC provided a supplementary memorandum regarding the UDC on the 19th April 2017 which considered the definition of 'urban environment' as it would apply to Queenstown. It was concluded and it is concurred that this environment should include the collection of areas within the Wakatipu Basin that together function as a single urban environment and should not be limited by the physical constraints (natural features) which may geographically dissect the basin.
- 4.6 Based upon the contents of the 19th April 2017 memorandum I consider that the subject site is firmly placed within the 'urban environment' for the purposes of assessment under the UDC.
- 4.7 A full copy of Objectives and Policies set out in the UDC are contained within Appendix 1.
- 4.8 The revised supplementary statement of evidence of Craig Barr (2nd May 2017) towards Hearing Stream 12 provides an assessment against the UDC as it applies to the Wanaka Urban Environment. I concur with the reasons set out in paragraphs 8.24 – 8.27 of Mr Barr's evidence which conclude Policies PB1-PB7, PC2, PC3, PC5-PC11 and PD1-PD4 are not relevant for assessment purposes. In my opinion, these reasons are applicable to the Wakatipu Urban Environment.
- 4.9 The remaining applicable UDC Objectives and Policies are highlighted in bold within the set contained in Appendix 1.
- 4.10 Policy PA1 asks for sufficient housing development capacity at any one time over three time periods up to 2045. The capacity must be feasible (commercially viable) and identified in relevant plans and strategies.

- 4.11 Policies PA3 and PA4 have particular regard for requirements to be recognised at the time of any planning decision. These policies ask the decision maker to not only provide for the social, economic, cultural and environmental wellbeing of people but to have particular regard to providing for choices for a range of dwelling types and locations.
- 4.12 Paragraph 9.22 of the Ss.42A report outlines the DCM is to be provided supplementary evidence and confirms in paragraph 9.23 an informed and strategic approach to the delivery of additional capacity will be offered by the end of 2017.
- 4.13 Residential capacity was identified for the Upper Clutha through the evidence of Mr Phillip Osborne, 1st May 2017 and summarized in the supplementary evidence of Mr Barr. Within the “Summary of updated development capacity model for outputs for Upper Clutha” paragraph 7.13 Mr Osborne’s evidence includes:

“In assessing the sufficiency of the feasible and realised capacity there is economic justification for considering a longer period of time than that covered by the PDP reviews. A period of 10 years would suggest that a capacity of only 2,500 units would meet the estimated demand however it is considered that a well-functioning housing market requires a large number of potential development opportunities to be available, so that developers and prospective homeowners have a wide variety of choices, and the downward competitive pressure is applied to land prices across the district. If the market has confidence in the sufficiency of future development capacity and supply over the long term, then this will help reduce speculation-driven price increases, as well as encouraging landowners to develop their land sooner rather than hold out for higher prices later (i.e. land-bank).”

- 4.14 Speculative driven price increase was identified in the evidence of Mr Osborne towards hearing Steam 6 as being a concern to the Queenstown Residential Environment along with an insufficient supply of residential land and it was noted that a significant proportion of development opportunities

are located in more dispersed high priced areas that do not cater for a growing proportion of the residential population.

4.15 I believe the proposed re-zoning results in feasible residential development capacity which increases the supply of residential land and creates development opportunities outside of existing high priced residential areas.

4.16 I believe Paragraph 7.13 of Mr Osborne's evidence highlights that a well-functioning housing market requires a large number of potential development opportunities. Paragraph 5.2 of Mr Michael Copeland's evidence towards Hearing Steam 2 contains:

"There is now a general acceptance in New Zealand and other countries that economic wellbeing and economic efficiency are maximised when investment decisions are left to individual entrepreneurs or firms, without intervention from Government. The essence of this approach is that the efficient use of resources, and therefore "sustainable management" results from the creation of a climate where the market enables people to make investment decisions "to provide for their economic well being". Sometimes "market imperfections" or "externalities"⁶ arise because the actions of individuals or firms create positive or negative impacts on others."

4.17 Based upon the evidence of Mr Osborne and Mr Copeland I believe that notwithstanding the findings of the DCM and supplementary reporting to be released 16th June 2017 a healthy functioning market is required which is one that is supported by multiple development opportunities in multiple locations and these should be derived from people and communities providing choices for their social and economic wellbeing in the short and long term. I believe the proposed re-zoning contributes to a healthy market and provides for the social and economic wellbeing of the community. This should be supported by decision markers as set out in policies PA1, PA3 and PA4 of the UDC.

4.18 Paragraph 9.24 of the Ss.42A report reads:

“Further, the PDP is not the only method by which the Council may give effect to the NPS-UDC. Other statutory (for example, Special Housing Areas (SHAs) under the Housing Accords and Special Housing Areas Act 2013) and non-statutory methods are available.”

- 4.19 The table contained in Policy PA1 of the UDC states that long term development capacity must be feasible, identified in relevant plans and strategies. Plans are defined under the UDC as any plan under s.43AA of the Act or proposed plans s.43AAC of the Act:

s.43AA: *Plan means a regional plan or a district plan.*

s.43AAC: *Means a proposed plan, a variation to a proposed plan or change, or a change to a plan proposed by a local authority that has been notified under clause 5 of Schedule 1 or given limited notification under clause 5A of that schedule, but has not become operative in terms of clause 20 of that schedule; and*

Includes a proposed plan or a change to a plan proposed by a person under Part 2 of Schedule 1 that has been adopted by the local authority under clause 25(2)(a) of Schedule 1.

- 4.20 SHAs are approved as consents under the Housing Accords and Special Housing Areas Act 2013 and the Act. Mindful of the definition above, I am dubious as to whether a consent approval for a SHA should be considered as being “identified in relevant plans” as required by Policy PA1 of the UDC.

Operative Otago Regional Policy Statement

- 4.21 Objectives and Policies of the Operative Regional Policy Statement are contained within Appendix 2 of my evidence along with those of the Proposed Regional Policy Statement. In particular;
- 4.22 Objective 5.4.1 relates to the sustainable management of Otago land resource and 5.4.2 seeks to avoid, remedy or mitigate degradation of the natural and physical resources from activities using the land resource.

- 4.23 Objective 5.4.3 seeks to protect outstanding natural features and landscapes.
- 4.24 Policy 5.5.4 promotes the diversification and use of the land resource to achieve sustainable land use and management systems and uses. This is supported by Objective 3.2.1.4 and must be considered with reference to UDC Objectives and Policies.
- 4.25 Policy 9.5.4, addresses the effects of urban development and settlement.
- 4.26 Policy 9.5.5 promotes the quality of life for people and communities within Otago's built environments, through the identification and provision of an acceptable level of amenity; management of effects on communities' health and safety from the use, development and protection of natural and physical resources; and managing effects on landscape values.
- 4.27 I believe that submission 328 is consistent with relevant Objectives and Policies of the Operative Regional Policy Statement for the following reasons:
- a. The environmental effects of the proposed re-zoning have been assessed in Part 5 where it is concluded that any adverse effects associated with the proposed re-zoning are acceptable.
 - b. The continued use of the land as a tree nursery is not economic. The proposed re-zoning creates development opportunity and offers people and the community to provide for their social and economic wellbeing.
 - c. No significant natural systems have been identified within the areas proposed to be rezoned.
 - d. The proposed zoning is not within a statutory management area with respect to Iwi and is not considered to frustrate the partnership between Council and Ngai Tahu to collaboratively manage the District's natural and physical resources.

- e. No significant areas of existing indigenous vegetation within the area of the proposed re-zoning have been identified.
- f. Air quality will be maintained by Air Standards under the Regional Plan: Air.
- g. Efficient and effective infrastructure can be developed to service the proposed re-zoning.
- h. Residential development can be undertaken within land proposed to be re-zoned without giving rise to reverse sensitivity effects.
- i. Natural hazards can be adequately addressed at the time of any future resource consent.
- j. PSI and DSI investigations have been discussed in Part 5 of my evidence where it is considered that any areas subject to HAIL activities will be limited. If identified, these areas can be adequately avoided and/or remedied to provide land fit for residential occupation.
- k. It is acknowledged there is a need for further residential land uses.

Proposed Otago Regional Policy Statement

- 4.30 I believe the most relevant Objectives and Policies with the PORPS relate to the identification and management of landscape values, urban growth and development and ensuring there is sufficient residential and commercial land capacity to cater for a 20 year demand. This is supported by Objective 3.2.1.4 and must be considered with reference to UDC Objectives and Policies.
- 4.31 Objectives and Policies of the LDRZ and RRZ promote the principles of good urban design. I believe the application of these zones over land within Submission 338 will not compromise the ability of these Objectives and Policies to establish and administer successful living amenities.

- 4.32 Open Space areas protect key landscape amenities, re-generate indigenous species in areas with mechanisms to protect these areas in the future while locating walking / bike trails within these areas to ensure ongoing enjoyment of these spaces. In addition, these trails provide strategic links to existing public amenity areas such as Tuckers Beach Reserve and Lake Johnson.
- 4.33 I consider that the Objectives and Policies of the PORPS are not materially different to the extent that the reasons outlined in paragraph 4.27 earlier in my evidence could not confirm that submission 328 is consistent with key Objectives and Policies within the PORPS.

Proposed Queenstown Lakes District Plan – Strategic Chapters

Chapter 3 – Strategic Directions

- 4.35 A synopsis of this Chapter has been provided on paragraphs 8.2 – 8.7 of the Ss.42A report and I believe this is an accurate description of Chapter 3 and would like to adopt these paragraphs for the purposes of preamble.
- 4.36 For the reasons outlined in paragraph 4.27 earlier in my evidence, I believe that submission 328 is consistent with each Objective and Policy within Chapter 3.
- 4.37 In addition, I would like to place particular emphasis on Objectives 3.2.6.1 and 3.2.6.2 which directly correlate to the obligations, objectives and policies of the UDC discussed earlier. For the reasons outlined earlier in my evidence I believe that submission 328 provides added security that these objectives will be met.

Chapter 4 – Urban Development

- 4.38 A synopsis of this Chapter has been provided on paragraphs 8.8 – 8.14 of the Ss.42A report and I believe this is an accurate description of Chapter 4 and would like to adopt these paragraphs for the purposes of preamble.

- 4.39 I must note that by adopting paragraphs 8.8 – 8.14 this does not change my evidence filed towards Hearing Stream 1B in relation to Submission 414. I remain that the intentions of this Chapter will largely be met by bespoke provisions within each relevant lower order Chapter.
- 4.40 Submission 328 seeks re-zoning from Rural to Rural Lifestyle with a minimum lot size and density of 1 hectare. I do not believe this necessarily frustrates the Objectives and Policies of Chapter 4.

Chapter 5 – Tangata Whenua

- 4.41 A synopsis of this Chapter has been provided on paragraphs 8.15 – 8.23 of the Ss.42A report and I believe this is an accurate description of Chapter 5 and would like to adopt these paragraphs for the purposes of preamble.
- 4.42 I believe that submission 328 is consistent with each Objective and Policy within Chapter 5 for the following reasons:
- The proposed re-zoning is not within a statutory management area with respect to Iwi.
 - The proposed re-zoning is not considered to frustrate the partnership between Council and Ngai Tahu to collaboratively manage the District's natural and physical resources.
 - There is no known waahi tapu within the area of the proposed re-zoning.
 - If required, Accidental Discovery Protocol can be imposed by conditions of any future resource consent.

Chapter 6 – Landscape

- 4.43 A synopsis of this Chapter has been provided in paragraphs 8.24 – 8.35 of the Ss.42A report and I believe this is an accurate description of Chapter 6 and would like to adopt these paragraphs for the purposes of preamble.
- 4.44 Key to this strategic chapter are the management and protection of landscapes, from adverse effects of subdivision, use and development. Particular emphasis must be attributed to the protection of ONF and ONL landscapes. Provision for residential subdivision and development is

afforded only in areas where the character and value of landscapes are maintained.

- 4.45 A landscape assessment was undertaken on behalf of QLDC by Dr Marion Read whom raises no issues with reference to ONL / ONF landscapes.

Part 2 of the Act

Section 5

- 4.46 Submission 328 seeks to change zoning and has been prepared in order to achieve the purpose of the Resource Management Act 1991 “the Act”, which is to promote the sustainable management of natural and physical resources.
- 4.47 Matters listed (a) to (c) within section 5(2) have been considered and this submission is considered to support the purpose of the Act for the (but not limited too) following reasons:
- Provides for additional residential land to meet future needs enabling the community to provide for their economic well-being;
 - Can be efficiently and effectively serviced;
 - Affords direct access to Boyd Road which intersects with State Highway 6’
 - The effects of the proposed re-zoning have been discussed in Part 5 where it is concluded that any adverse effects associated with the proposed re-zoning are acceptable.
 - The continued use of the land as a tree nursery is not economic. The proposed re-zoning creates development opportunity and offers people and the community to provide for their social and economic wellbeing.
 - No significant natural systems have been identified within the areas proposed to be rezoned.
 - The proposed zoning is not within a statutory management area with respect to Iwi and is not considered to frustrate the partnership between Council and Ngai Tahu to collaboratively manage the District’s natural and physical resources.
 - No significant areas of existing indigenous vegetation within the area of the proposed re-zoning have been identified.

- Air quality will be maintained by Air Standards under the Regional Plan: Air.
- Efficient and effective infrastructure can be developed to service the proposed re-zoning.
- Residential development can be undertaken within land proposed to be re-zoned without giving rise to reverse sensitivity effects.
- Natural hazards can be adequately addressed at the time of any future resource consent.
- It is acknowledged there is a need for further residential land uses.

4.48 I believe that proposed re-zoning does not compromise the potential of any natural or physical resources. The life supporting capacity of air, water and ecosystems will be safeguarded.

4.49 The life supporting capacity of soil will be slightly diminished by the introduction of residential buildings being 2% of the land area. However, rural buildings under the current zoning could result in the same (if not more) loss.

Section 6

4.50 Matters of National Importance. This requires that any submission seeking to locate any zone shall recognise and provide for the appropriate management, use, development, and protection of natural and physical resources.

4.51 Matters listed (a) to (g) under this section of the Act provided for in the PDP by ONF, ONL and SNA areas with particular reference to the strategic chapters of the PDP which have been discussed above in Paragraphs 4.34 to 4.45. For reasons listed in these paragraphs the submission is considered to recognise and provide for the protection of natural and physical resources.

Section 7

4.52 Matters listed (a) to (j) in s.7 of the Act have been considered and for the reasons listed in paragraph 4.47 and further supported by paragraphs 4.34

to 4.45 I believe submission 328 is fully consistent with the purpose and principles of the Resource Management Act.

5.0 Assessment of Environmental Effects

Landscape and Visual Amenity

5.1 A landscape assessment was undertaken on behalf of QLDC by Dr Marion Read whom comments:

“Subdivision at the RL density as provided for in the Right of Reply version of the PDP allows for a minimum lot size of 1ha with an average of 2ha at the time of subdivision. This would mean that the western block could not be subdivided further, and that the eastern block could be subdivided into three lots allowing for two more dwellings. It is my opinion that the landscape of the site and its vicinity could absorb this level of development.”

5.2 The assessment of Dr Read is (in part) accepted. Dr Read’s assessment does not account for the 1 hectare minimum lot size as discussed in Part 1 of my evidence.

5.3 It is considered that the land within the submission can accommodate eight further residential dwellings for the following reasons:

- a. Land to the north of the site is zoned Remarkables Park Zone where built form is expected to a maximum height of 10m - 21m in height.
- b. Existing vegetation on the site removes any visual perspective from public land.
- c. The density and prominence of the existing vegetation on the site will ensure adequate levels of privacy between platforms.
- d. The configuration of the existing boundary coupled with the topography of the site enables platforms to be located where they will not be seen above skylines or ridgelines.

Traffic

- 5.4 An assessment was undertaken on behalf of QLDC by Mr Dennis Mander in terms of any adverse effects on traffic:

“The development proposes an additional ‘yield’ of three dwellings, which amounts to 32 additional trips per day (and four additional trips per peak hour). I consider that this increase in volume of traffic will not affect the safety or efficiency of traffic movement on Boyd Road or through the State Highway 6 / Boyd Road intersection. I therefore do not oppose the submitter’s request.”

- 5.5 Mr Mander is satisfied that the existing roading network can accommodate the vehicle movements associated with an additional three residential dwellings. Mr Mander’s assessment does not account for the 1 hectare minimum lot size as discussed in Part 1 of my evidence.

- 5.6 Boyd Road currently serves the two residential buildings on land contained within the submission and one other residence (M Mee) located to the east. Boyd Road shares intersections with State Highway 6. Based upon the existing level demand on Boyd Road coupled with an additional eight residential units any adverse effects on the roading network are considered acceptable.

Infrastructure

- 5.7 An assessment was undertaken on behalf of QLDC by Mr Ulrich Glasner in terms of any adverse effects on infrastructure:

“It is assumed that Rural Lifestyle outside the scheme boundary will be serviced privately onsite.

I do not oppose the rezoning to Rural Lifestyle, from an infrastructure perspective, if the site is serviced privately at the developer’s cost because there is no increase in the QLDC infrastructure requirements as the water and wastewater will be serviced onsite.”

- 5.8 The subject site shares a boundary with the Kawarau River providing a viable water source for development subject to any required treatment. The

daily permitted water take from this source is 25,000 litres per day which could supply 11 residential units based upon the QLDC standard of 2,100 litres per day per unit.

- 5.9 I consider that there is sufficient room available within the site to provide areas suitable for wastewater disposal. A disposal system can be designed for tertiary treatment if the proximity any water body requires. The design and installation of any wastewater system can be submitted with any future resource consent to subdivide and a suitably worded consent notice can be registered on titles requiring the future land owner to engage an appropriately qualified person at the time of building construction to submit a design for approval to QLDC.
- 5.10 The new subdivision roading will create new impervious areas. The RDAgritech report indicated that suitable free draining materials were found on site at varying depths. Any new roading can be specified to have grassed swales to convey the water to berm sumps. The swales and sumps will treat the stormwater before disposal to ground via soak hole or cauldwell pit.
- 5.11 Stormwater from new buildings or access would also be disposed off to ground. At the time a building is erected the land owner shall engage a suitably qualified person to design and supervise the installation of an appropriate stormwater treatment and disposal system.
- 5.12 The subject site already contains two dwellings which are both serviced with telecoms and power. All necessary mains can be extended to service future allotments with a suitable usable supply in accordance with the network owners specifications. It is not anticipated that there will be any supply or capacity issues for these services and connection will be made available from existing infrastructure at the time of development in accordance with the relevant service provider's specifications.

Ecology

- 5.13 A assessment of the ecology within the submission area was undertaken on behalf of QLDC by Mr Glen Davis whom comments:

“I have used aerial photography to assess this site and consider the site has largely been developed and indigenous ecological communities have been removed from the site. I therefore do not oppose the proposed rezoning of this site.”

- 5.14 The assessment of Mr Davis is accepted.

National Environmental Standard (NES) for Assessing and Managing Contaminants in Soil to Protect Human Health.

- 5.15 Further investigation towards whether land is actually or potentially contaminated within the subject site will be required at the time of any future subdivision consent as a Preliminary Site Investigation (PSI).

- 5.16 HAIL activities which are generally associated with activities such as the storage of pesticides, fertilisers, machinery and/or fuel. The areas in which these activities occur are not widespread but confined and are able to be avoided or remediated to provide land fit for residential purposes.

Hazards

- 5.17 Land identified for Large Lot Residential zoning is identified on the Council’s hazard information as comprising of alluvial fan, debris flow and flooding (rainfall) hazards where the s.32 evaluation report submits that *“Prior to any further development, potential hazards would be required to be assessed and the hazard mitigated or avoided as required.”*

- 5.18 In particular, land at 361 Beacon Point Road is proposed by QLDC from Rural General to Large Lot Residential. This land is an area identified on the Council’s hazard register as comprising a LIC 2 ‘Possibly Moderate’ liquefaction risk and is within the flooding return period 75 – 150 year return period. The s.32 evaluation report for this re-zone states:

“These hazards are located within other urban areas and any future development should be entitled to the opportunity to undertake design and mitigation investigations.”

5.19 I concur with the s.32 evaluation report for Large Lot Residential zoning that hazards can be assessed at the time of subdivision and at this point any mitigation or avoidance of the hazard will provide for the social well being of any future end-resident.

6.0 SECTION 32 EVALUATION

Section 32A(A)

6.1 The submission seeks to re-zone land from Rural to Rural Lifestyle and opposes the Rural Lifestyle minimum lot size and density provisions 22.5.12.3 and 27.5.1 of the PDP. Recommended amendments to Chapter 22 and 27 are set out in Appendix 3.

6.2 Rural Residential is considered to intensive and cannot retain sufficient rural amenity between any future residential dwellings. Traditional Rural Lifestyle would promote 5 allotments which is not considered to make the most efficient use of the land while a minimum lot size and density of 1 hectare (10 lots / RBP) is considered to be more appropriate due to characteristics and location of land within the submission area.

6.3 Due to the existing topography, vegetation and the boundary configuration 8 further RBPs can be located without conflicting views or compromised outlook. The site is almost entirely covered in mature trees ensuring privacy between RBPs and restricting views into the site from public land. Overall, the rural amenity values promoted by Chapter 22 can be achieved.

6.4 Reasonably practicable options are:

- 1 Retain the Rural Zone;
- 2 Re-zone all of the land Traditional Rural Lifestyle;
- 3 Re-zone all of the land Rural Lifestyle (1Ha Minimum).

Retain the Rural Zone

6.5 Costs:

- Unlikely to cater for predicted levels of growth.

- Rural Zone objectives and policies will not facilitate residential development.
- An attempt to seek development on the basis of the Rural Zone rules would involve a detailed prescription of controls relating to residential building platforms to replicate appropriate building design, height and landscape controls and significant detail relating to the staging of development to sequence the development over the construction period.

6.6 *Benefits:*

- Fewer costs resulting in the District Plan Review Process.

Traditional Rural Lifestyle

6.7 *Costs:*

- Has costs associated with going through the District Plan Review process.

6.8 *Benefits:*

- Provides for a diverse range of residential activities to occur to serve the needs of the community.
- The operative / proposed provisions are generally creating appropriate environmental outcomes.
- Enables additional areas that are currently undeveloped to be considered for inclusion in the zone.
- The re-zoning enables diversity of housing options in the District, and makes a positive contribution to the District's economy.
- Maintains the established policies set by the Rural Lifestyle Zone.

Rural Lifestyle (1Ha Minimum)

6.9 *Costs:*

- Has costs associated with going through the District Plan Review process
- Increasing density from 2 hectare average to 1 hectare minimum could potentially diminish rural amenity, however characteristics of

the land within the submission will ensure rural amenity is maintained.

- Does not achieve the goal for a streamlined District Plan.

6.10 *Benefits:*

- Provides for a diverse range of residential activities to occur to serve the needs of the community.
- Enables the policy framework to be critically assessed and strengthened where necessary.
- Enables additional areas that are currently undeveloped to be considered for inclusion in the zone.
- The re-zoning enables diversity of housing options in the District, and makes a positive contribution to the District's economy.
- Supports 5(2) of the RMA through ensuring development enables people and communities to provide for their social, economic and cultural wellbeing. Meets the intent of Section 7 (Other Matters) of the RMA which requires particular regard to "*the maintenance and enhancement of amenity values*".
- Acknowledges that the amenity and character of some Rural Lifestyle land can enable increased rural living densities.
- Recognises that increased density development shall only occur where characteristics of the land permit.
- Supports the purpose of the RMA through mitigating adverse effects of development, whilst enabling social and economic wellbeing through support for efficient land densities.

6.11 The proposed re-zone to Rural Lifestyle with a 1ha minimum lot size remains the primary relief sought by submission 328, secondary relief would include Traditional Rural Lifestyle.

7.0 OTHER STATUTORY REQUIREMENTS

7.1 A number of requirements remain outstanding in relation to the proposed re-zoning where I consider:

- There are no relevant management plans or strategies prepared under other Acts;

- There are no relevant entries on the New Zealand Heritage List/Rārangi Kōrero;
- There is no relevant planning document recognised by an iwi authority and lodged with the territorial authority, that has a bearing on the resource management issues of the land affected by this submission or any land further afield;
- The submission does not give rise to any potential for trade competition.

8.0 FURTHER SUBMISSIONS

- 8.1 Submission 328 received one further submission which has been accurately recorded in the s.42A report.
- 8.2 The submitters property is located outside the ANB and OCB, consequently I do not recommend accepting this further submission.

9.0 SECTION 42A REPORT

- 9.1 The s.42A report accurately records the assessment of relevant experts based upon a traditional Rural Lifestyle lot size / density average of 2ha and provides analysis which is set out in paragraph 18.12:

“Although Dr Read advises that from a landscape perspective she does not oppose the submission, I consider the requested zoning to be a spot zone for a small site within the rural environment. The submitter states that the area has diminished pastoral character due to the trees and the domesticated environment. I see the trees as characteristic of smaller rural blocks that are often used for more intensive rural activities where wind breaks are important. I note that the site has been used as a nursery for trees, which is the type of activity a block like this can usefully provide for in the rural environment (Objectives 3.2.5.5 [CB3] and 21.2.2 [CB15]).”

Spot Zoning

- 9.2 QLDC Planner Mr Craig Barr filed rebuttal evidence 5th May 2017 for the hearing stream 12 which raised concern that my evidence towards Chapter 22 as suggesting that this evidence was to promote a minimum lot size of 1ha with no average is being appropriate across the entire Rural Lifestyle Zone. For clarity, I reiterate my evidence on Chapter 22 was in support of submissions which all sought amendments to the notified minimum lot sizes and density provisions within proposed Rural Lifestyle Zones but they do not seek amendments to planning maps. As noted in paragraphs 7-8 of my Stream 2 evidence I was not wanting to consider amendments to minimum lot sizes and density provisions in isolation from the particular physical characteristics or merits of each property listed in the Stream 2 evidence.
- 9.3 I still believe this to be the case where a property has characteristics which may enable a reduced lot size and increased density. Or vice versa. This approach inevitably results in a finer grained zoning regime where zones are based upon the most efficient use of a site or sites. Sometimes I believe we are required to micro manage zones in order to ensure the most efficient use of the land. Especially in the Lakes District where the planning map is not a blank canvas but is more confined than most Districts by a mixture of unmoveable features in geography, past land uses and other requirements such as servicing and access.
- 9.4 I accept that spot zoning is generally undesirable. However, as set out above, I believe where it facilitates the most efficient use of the land and is confined to land which affords unique characteristics it should not be ruled out but indeed applied. This approach is supported by the Environment Court in cases such as *Mullen v Auckland City Council*¹.
- 9.5 I consider and the land contained within the proposed re-zoning to be unique in character and the proposed Rural Lifestyle Zone as sought in the submission will make the most efficient use of the land.

Intensive Rural Activities

- 9.6 The continued use of the land as a nursery for trees is uneconomic and does not ensure development enables people and communities to provide for their social, economic and cultural wellbeing contrary to part 5(2) of the Act.

¹ RMA5421/02 (Decision A129/2004)

Nick Geddes

4th June 2017

Appendix 1

National Policy Statement: Urban Development Capacity 2016

Outcomes for planning decisions

Policies PA1 to PA4 apply to any urban environment that is expected to experience growth.

PA1: Local authorities shall ensure that at any one time there is sufficient housing and business land development capacity according to the table below:

<u>Short term</u>	<u>Development capacity must be feasible, zoned and serviced development infrastructure.</u>
<u>Medium term</u>	<u>Development capacity must be feasible, zoned and either: serviced with development infrastructure, or the funding for the development infrastructure required to servi development capacity must be identified in a Long Term Pla required under the Local Government Act 2002.</u>
<u>Long-term</u>	<u>Development capacity must be feasible, identified in relevant and strategies, and the development infrastructure required service it must be identified in the relevant Infrastructure Str required under the Local Government Act 2002.</u>

PA2: Local authorities shall satisfy themselves that other infrastructure required to support urban development are likely to be available.

PA3: When making planning decisions that affect the way and the rate at which development capacity is provided, decision-makers shall provide for the social, economic, cultural and environmental wellbeing of people and communities and future generations, whilst having particular regard to:

- a) Providing for choices that will meet the needs of people and communities and future generations for a range of dwelling types and locations, working environments and places to locate businesses;**
- b) Promoting the efficient use of urban land and development infrastructure and other infrastructure; and**
- c) Limiting as much as possible adverse impacts on the competitive operation of land and development markets.**

PA4: When considering the effects of urban development, decision-makers shall take into account:

- a) The benefits that urban development will provide with respect to the ability for people and communities and future generations to provide for their social, economic, cultural and environmental wellbeing; and**
- b) The benefits and costs of urban development at a national, inter-regional, regional and district scale, as well as the local effects.**

Evidence and Monitoring to Support Planning Decisions

Policies PB1 to PB7 apply to all local authorities that have part, or all, of either a medium-growth urban area or high-growth urban area within their district or region.

The application of these policies is not restricted to the boundaries of the urban area.

- PB1: Local authorities shall, on at least a three-yearly basis, carry out a housing and business development capacity assessment that:
- a) Estimates the demand for dwellings, including the demand for different types of dwellings, locations and price points, and the supply of development capacity to meet that demand, in the short, medium and long-terms; and
 - b) Estimates the demand for the different types and locations of business land and floor area for businesses, and the supply of development capacity to meet that demand, in the short, medium and long-terms; and
 - c) Assesses interactions between housing and business activities, and their impacts on each other.

Local authorities are encouraged to publish the assessment under policy PB1.

- PB2: The assessment under policy PB1 shall use information about demand including:
- a) Demographic change using, as a starting point, the most recent Statistics New Zealand population projections;
 - b) Future changes in the business activities of the local economy and the impacts that this might have on demand for housing and business land; and
 - c) Market indicators monitored under PB6 and PB7.

- PB3: The assessment under policy PB1 shall estimate the sufficiency of development capacity provided by the relevant local authority plans and proposed and operative regional policy statements, and Long Term Plans and Infrastructure Strategies prepared under the Local Government Act 2002, including:
- a) The cumulative effect of all zoning, objectives, policies, rules and overlays and existing designations in plans, and the effect this will have on opportunities for development being taken up;
 - b) The actual and likely availability of development infrastructure and other infrastructure in the short, medium and long term as set out under PA1;
 - c) The current feasibility of development capacity;
 - d) The rate of take up of development capacity, observed over the past 10 years and estimated for the future; and
 - e) The market's response to planning decisions, obtained through monitoring under policies PB6 and PB7.

- PB4: The assessment under policy PB1 shall estimate the additional development capacity needed if any of the factors in PB3 indicate that the supply of development capacity is not likely to meet demand in the short, medium or long term.

- PB5: In carrying out the assessment under policy PB1, local authorities shall seek and use the input of iwi authorities, the property development sector, significant land owners, social housing providers, requiring authorities, and the providers of development infrastructure and other infrastructure.

- PB6: To ensure that local authorities are well-informed about demand for housing and business development capacity, urban development activity and outcomes, local authorities shall monitor a range of indicators on a quarterly basis including:
- a) Prices and rents for housing, residential land and business land by location and type; and changes in these prices and rents over time;
 - b) The number of resource consents and building consents granted for urban development relative to the growth in population; and
 - c) Indicators of housing affordability.

PB7: Local authorities shall use information provided by indicators of price efficiency in their land and development market, such as price differentials between zones, to understand how well the market is functioning and how planning may affect this, and when additional development capacity might be needed.

Local authorities are encouraged to publish the results of their monitoring under policies PB6 and PB7.

Responsive Planning

Policies PC1 to PC4 apply to all local authorities that have part, or all, of either a medium-growth urban area or high-growth urban area within their district or region.

The application of these policies is not restricted to the boundaries of the urban area.

PC1: To factor in the proportion of feasible development capacity that may not be developed, in addition to the requirement to ensure sufficient, feasible development capacity as outlined in policy PA1, local authorities shall also provide an additional margin of feasible development capacity over and above projected demand of at least:

- 20% in the short and medium term,
- 15% in the long term.

PC2: If evidence from the assessment under policy PB1, including information about the rate of take-up of development capacity, indicates a higher margin is more appropriate, this higher margin should be used.

PC3: When the evidence base or monitoring obtained in accordance with policies PB1 to PB7 indicates that development capacity is not sufficient in any of the short, medium or long term, local authorities shall respond by:

- a) Providing further development capacity; and
- b) Enabling development

In accordance with policies PA1, PC1 or PC2, and PC4. A response shall be initiated within 12 months.

PC4: A local authority shall consider all practicable options available to it to provide sufficient development capacity and enable development to meet demand in the short, medium and long term, including:

- a) Changes to plans and regional policy statements, including to the zoning, objectives, policies, rules and overlays that apply in both existing urban environments and greenfield areas;
- b) Integrated and coordinated consenting processes that facilitate development; and
- c) Statutory tools and other methods available under other legislation.

Minimum Targets

Policies PC5 to PC11 apply to all local authorities that have part, or all, of a high-growth urban area within their district or region.

Local authorities that have part, or all, of a medium-growth urban area within their district or region are encouraged to give effect to policies PC5 to PC11.

The application of these policies is not restricted to the boundaries of the urban area.

PC5: Regional councils shall set minimum targets for sufficient, feasible development capacity for housing, in accordance with the relevant assessment under policy PB1 and with policies PA1 and PC1 or PC2, and incorporate these minimum targets into the relevant regional policy statement.

PC6: A regional council's minimum targets set under policy PC5 shall be set for the medium and long term, and shall be reviewed every three years.

- PC7: When the relevant assessment required under policy PB1 shows that the minimum targets set in the regional policy statement are not sufficient, regional councils shall revise those minimum targets in accordance with policies PC5, and shall incorporate these revised targets into its regional policy statement.
- PC8: Regional councils shall amend their proposed and operative regional policy statements to give effect to policies PC5 to PC7 in accordance with section 55(2A) of the Act without using the process in Schedule 1 of the Act.
- PC9: Territorial authorities shall set minimum targets for sufficient, feasible development capacity for housing, as a portion of the regional minimum target, in accordance with the relevant assessment under policy PB1, and with policies PA1, PC1 or PC2, and PD3 and incorporate the minimum targets as an objective into the relevant plan.
- PC10: If a minimum target set in a regional policy statement is revised, the relevant territorial authorities shall also revise the minimum targets in their plans in accordance with policy PC9.
- PC11: Territorial authorities shall amend their relevant plans to give effect to policies PC9 and PC10 in accordance with section 55(2A) of the Act without using the process in Schedule 1 of the Act.

Note that using section 55(2A) of the Act for policies PC8 and PC11 only applies to setting minimum targets and not to plan changes that give effect to those minimum targets.

Future Development Strategy

Policies PC12 to PC14 apply to all local authorities that have part, or all, of a high-growth urban area within their district or region.

Local authorities that have part, or all, of a medium-growth urban area within their district or region are encouraged to give effect to policies PC12 to PC14

The application of these policies is not restricted to the boundaries of the urban area.

- PC12: Local authorities shall produce a future development strategy which demonstrates that there will be sufficient, feasible development capacity in the medium and long term. This strategy will also set out how the minimum targets set in accordance with policies PC5 and PC9 will be met.
- PC13: The future development strategy shall:
- a) Identify the broad location, timing and sequencing of future development capacity over the long term in future urban environments and intensification opportunities within existing urban environments;
 - b) Balance the certainty regarding the provision of future urban development with the need to be responsive to demand for such development; and
 - c) Be informed by the relevant Long Term Plans and Infrastructure Strategies required under the Local Government Act 2002, and any other relevant strategies, plans and documents.
- PC14: The future development strategy can be incorporated into a non-statutory document that is not prepared under the Act, including documents and strategies prepared under other legislation. In developing this strategy, local authorities shall:
- a) Undertake a consultation process that complies with:
 - Part 6 of the Local Government Act; or
 - Schedule 1 of the Act;
 - b) Be informed by the assessment under policy PB1; and
 - c) Have particular regard to policy PA1.

Coordinated Planning Evidence and Decision-Making

Policies PD1 and PD2 apply to all local authorities that have part, or all, of either a medium-growth urban area or high-growth urban area within their district or region.

The application of these policies is not restricted to the boundaries of the urban area.

PD1: Local authorities that share jurisdiction over an urban area are strongly encouraged to work together to implement this national policy statement, having particular regard to cooperating and agreeing upon:

- a) The preparation and content of a joint housing and business development capacity assessment for the purposes of policy PB1; and
- b) The provision and location of sufficient, feasible development capacity required under the policies PA1, PC1 and PC2.

PD2: To achieve integrated land use and infrastructure planning, local authorities shall work with providers of development infrastructure, and other infrastructure, to implement policies PA1 to PA3, PC1 and PC2.

Policies PD3 and PD4 apply to all local authorities that have part, or all, of a high-growth urban area within their district or region.

Policy PD3 a) applies to all local authorities that have part, or all, of a medium-growth urban area within their district or region and choose to set minimum targets under policies PC5 to PC11.

PD3 b) and PD4 apply to all local authorities that have part, or all, of a medium-growth urban area within their district or region and choose to prepare a future development strategy under policies PC12 to PC14.

The application of these policies is not restricted to the boundaries of the urban area.

PD3: Local authorities that share jurisdiction over an urban area are strongly encouraged to collaborate and cooperate to agree upon:

- a) The specification of the minimum targets required under PC5 and PC9 and their review under policies PC6, PC7 and PC10; and
- b) The development of a joint future development strategy for the purposes of policies PC12 to PC14.

PD4: Local authorities shall work with providers of development infrastructure, and other infrastructure, in preparing a future development strategy under policy PC12.

Appendix 2

Relevant provisions of the operative Otago Regional Policy Statement

- Objective 5.4.1 To promote the sustainable management of Otago's land resources in order:*
- (a) To maintain and enhance the primary productive capacity and life-supporting capacity of land resources; and*
 - (b) To meet the present and reasonably foreseeable needs of Otago's people and communities.*
- Objective 5.4.2 To avoid, remedy or mitigate degradation of Otago's natural and physical resources resulting from activities utilising the land resource.*
- Objective 5.4.3 To protect Otago's outstanding natural features and landscapes from inappropriate subdivision, use and development.*
- Policy 5.5.4 To promote the diversification and use of Otago's land resource to achieve sustainable landuse and management systems for future generations.*
- Policy 9.5.4 To minimise the adverse effects of urban development and settlement, including structures, on Otago's environment through avoiding, remedying or mitigating:*
- (a) Discharges of contaminants to Otago's air, water or land; and*
 - (b) The creation of noise, vibration and dust; and*
 - (c) Visual intrusion and a reduction in landscape qualities; and*
 - (d) Significant irreversible effects on:
 - (i) Otago community values; or*
 - (ii) Kai Tahu cultural and spiritual values; or*
 - (iii) The natural character of water bodies and the coastal environment; or*
 - (iv) Habitats of indigenous fauna; or*
 - (v) Heritage values; or*
 - (vi) Amenity values; or*
 - (vii) Intrinsic values of ecosystems; or*
 - (viii) Salmon or trout habitat.**
- Policy 9.5.5 To maintain and, where practicable, enhance the quality of life for people and communities within Otago's built environment through:*
- (a) Promoting the identification and provision of a level of amenity which is acceptable to the community; and*
 - (b) Avoiding, remedying or mitigating the adverse effects on community health and safety resulting from the use, development and protection of Otago's natural and physical resources; and*
 - (c) Avoiding, remedying or mitigating the adverse effects of subdivision, landuse and development on landscape values.*

Relevant provisions of the Otago Regional Policy Statement, as amended by decisions on 1 October 2016

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

Policy 3.2.4 Managing outstanding natural features, landscapes and seascapes

Protect, enhance and restore outstanding natural features, landscapes and seascapes, by all of the following:

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

Policy 3.2.6 Managing highly valued natural features, landscapes and seascapes

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

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

Objective 4.5 Urban growth and development is well designed, reflects local character and integrates effectively with adjoining urban and rural environments

Policy 4.5.1 Managing for urban growth and development

Manage urban growth and development in a strategic and co-ordinated way, by all of the following:

- a) Ensuring there is sufficient residential, commercial and industrial land capacity, to cater for the demand for such land, over at least the next 20 years;*
- b) Coordinating urban growth and development and the extension of urban areas with relevant infrastructure development programmes, to provide infrastructure in an efficient and effective way.*
- c) Identifying future growth areas and managing the subdivision, use and development of rural land outside these areas to achieve all of the following:
 - i. Minimise adverse effects on rural activities and significant soils;*
 - ii. Minimise competing demands for natural resources;*
 - iii. Maintain or enhance significant biological diversity, landscape or natural character values;*
 - iv. Maintain important cultural or historic heritage values;*
 - v. Avoid land with significant risk from natural hazards;**
- d) Considering the need for urban growth boundaries to control urban expansion;*
- e) Ensuring efficient use of land;*
- f) Encouraging the use of low or no emission heating systems;*
- g) Giving effect to the principles of good urban design in Schedule 5;*
- h) Restricting the location of activities that may result in reverse sensitivity effects on existing activities.*

Appendix 3

Recommended amendments to Chapter 22 & 27

Chapter 22

Amended text underlined in **red**

22.3.2.10 In addition to Tables 1 and 2, the following standards apply to the areas specified:

Table 3: Rural Lifestyle Deferred and Buffer Zones

Table 4: Rural Residential Zone at Forest Hill.

Table 5: Rural Residential Bob's Cove and Sub Zone.

Table 6: Ferry Hill Rural Residential Sub Zone.

Table 7: Wyuna Station Rural Lifestyle Zone.

Table 8: Boyd Road Rural Lifestyle Zone.

Insert

Table 8	Boyd Road Rural Lifestyle Zone	Non-compliance Status
22.5.39	Residential Density There shall be no more than one residential unit per hectare.	NC

Chapter 27

27.6 Rules - Standards for Subdivision Activities

27.6.1 No lots to be created by subdivision, including balance lots, shall have a net site area or where specified, average, less than the minimum specified.

Insert

Zone		Minimum Lot Area
Rural Lifestyle	Boyd Road Rural Lifestyle	One hectare