

**BEFORE THE HEARING COMMISSIONERS
AT QUEENSTOWN**

IN THE MATTER of the Resource Management Act 1991
(RMA or the Act)

AND

IN THE MATTER of proposed Private Plan Change 44 to
the Queenstown Lakes District Plan
pursuant to Part 2 of the First Schedule to
the Resource Management Act 1991

BETWEEN RCL Queenstown PTY Ltd (RCL)

Requestor

AND Queenstown Lakes District Council

Local Authority

STATEMENT OF EVIDENCE OF DANIEL GARTH WELLS

25 June 2015



ATKINS | HOLM | MAJUREY

Mike Holm
PO Box 1585
Shortland Street
AUCKLAND 1140

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INTRODUCTION

Qualifications and experience

1. My name is Daniel Garth Wells. I am a planning consultant based in Queenstown and am employed by John Edmonds and Associates Ltd. My qualifications are a Bachelor of Resource and Environmental Planning (Hons) and a Post Graduate Diploma in Development Studies, both from Massey University. I have over 10 years' experience in planning, in New Zealand and the United Kingdom. This includes working for Queenstown Lakes District Council from February 2007 until September 2010, and working as a planning consultant with my current employer John Edmonds and Associates since 2012. Much of my experience in planning has been centred on the preparation of plan changes, and analysis and policy responses in regard to housing affordability and supply.
2. I became involved with Plan Change 44 ('PC44') in November 2012. I coordinated contributions from specialist advisors, participated in consultation with key stakeholders and the Jacks Point community, authored the plan change request (Section 32 analysis) report and led the drafting of the proposed plan change provisions. Similarly, I took a lead role in drafting the provisions recently proposed as "the requestor's revised position".

Code of Conduct Statement

3. I have read the Code of Conduct for Expert Witnesses contained within the Environment Court Practice Note 2014, and I have complied with it in the preparation of this evidence. This evidence is within my area of expertise and I confirm I have not omitted to consider material facts known to me that might alter or detract from the opinions I have expressed.

Evidence Structure

4. My evidence is structured as follows:
 - (a) Part 1 - An overview of PC44
 - (b) Part 2 – Explanation of Changes to PC44
 - (c) Part 3 – An assessment of how PC44 meets the requirements of the RMA.

Focus of Evidence

5. The focus of my planning evidence is on the land owned by RCL within the broader area covered by PC44.

PART 1 – OVERVIEW OF PLAN CHANGE 44 TO THE QUEENSTOWN LAKES DISTRICT PLAN

Hanley Downs

6. I believe that Hanley Downs is an important resource for the Wakatipu. It is capable of enabling housing at a significant scale, in a well located high amenity environment, without degrading the natural and visual values so important to the community. In doing so, it can relieve pressure to develop other more sensitive parts of the District. An inefficient District Plan zoning is a leading reason as to why Hanley Downs has yet to be developed for residential purposes. Addressing those issues through this plan change has the potential to enable it to make a meaningful contribution to the supply of residential sections in the Wakatipu in the near future.
7. Hanley Downs is approximately 5 km south of Frankton. As discussed in the submission to Plan Change 44 from the Queenstown Historical Society, the name derives from an early settler of the land.¹ It falls within the Coneburn Valley which encompasses Jacks Point and the surrounding area, running on a north south alignment with the Remarkables Range to the east and Peninsula Hill and Lake Wakatipu to the west. The area named 'Hanley Downs' in this plan change covers parts of Peninsula Hill, lower foothills and the valley floor.
8. Hanley Downs (particularly along the valley floor) is in my opinion an ideal location for residential development. The land is mostly gently undulating while enjoying views of the spectacular surrounding landscape. As set out in my evidence and the evidence of RCL's expert witnesses, the location enables PC44 to meet the various tests for urban development set by the District Plan and the Resource Management Act ("the Act").
9. The site is close to the future Jacks Point Village and the amenities already available in Jacks Point such as walking

¹ The name of the PC44 area has been changed in response to the submission of the Queenstown Historical Society, from the notified 'Henley Downs' to the historically correct 'Hanley Downs'.

tracks and recreational facilities. It is also a short drive to Frankton which is becoming a significant commercial and employment centre. Much of the site is held in contiguous ownership which enables integrated, large scale development. In my opinion, there is perhaps no location more appropriate for future residential development within the Wakatipu Basin.

10. Much of the RCL land is already zoned in the District Plan for urban development. Therefore, the proposals for the RCL land represent a consolidation of residential zoning (with only a few extensions of the existing urban zoning). The purpose of this plan change, as it relates to the RCL land, is chiefly to provide more efficient zoning. Land suitable for new residential expansion in the Wakatipu area of any substantial scale is a scarce resource and Hanley Downs is a crucial opportunity which I believe should be made the most of.

Current zoning

11. The current zoning for the RCL land, which has been in place since 2003, is not as effective or efficient as it could be. The main shortcomings of the current zoning are:
 - (a) The layout of the residential areas is inefficient, and the numbers of potential dwellings provided for is in my opinion unnecessarily low;²
 - (b) The Residential area provides exclusively for residential activities and limits the allowable density to a narrow range. However, no clear justification is given for limiting density to that narrow range;
 - (c) A controlled activity is required for every residential building, which creates onerous compliance costs;
 - (d) All vehicular access to State Highway 6 must be via Maori Jack Road. Evidence shows that this will lead to significant traffic congestion in the future;³
 - (e) There is a requirement that a certain proportion of development in the Village is commercial. Given the area's proximity to the Jacks Point Village this is

² I calculate that around 1300 dwellings could be achieved at a maximum under existing zoning, around 800 of which may occur in the Village, and around 544 in the Residential neighbourhoods. The distribution of development potential was therefore rather skewed toward the Village.

³ Evidence of Tim Kelly for RCL

unnecessary as consolidating commercial uses at Jacks Point Village would be logical;

- (f) Development in the area currently described as the Henley Downs Village (proposed to be R(HD)-E is allowed up to 10m above an existing hill at the southern end of Hanley Downs. This could give rise to very elevated buildings that could be prominent in the views of surrounding neighbourhoods.

12. To illustrate the inefficiency of the current residential layout, Annex 2 to this evidence shows the existing structure plan over an aerial photo:

- (a) The “pod” boundaries of the areas labelled R(HD) and V(HD) relate to no obvious topography or landscape features.
- (b) The irregular shapes have the potential to promote unnecessarily meandering road alignments and irregular lot shapes (which I understand to be particularly problematic when designing for higher density development with smaller lots).⁴
- (c) The layout leads to either a large number of lots fronting open space (with associated design challenges) or alternatively a lot of roading accessed by residential property on only one side (which is inefficient and expensive).
- (d) What would come of the areas between the “pods” is uncertain:
 - i. Landscaping at this scale could be expensive to undertake and maintain (and is not in my view warranted given the abundance of natural areas accessible around Hanley Downs).
 - ii. Farming could be impracticable in these areas and may increasingly conflict with a residential environment.

13. There does not appear to be a compelling rationale for the current zoning layout. The area was rezoned as part of

⁴ The example of the outline development plan approved for Hanley Downs in 2008, a copy of which accompanied the notified plan change, I believe illustrates some of these issues.

Variation 16 to the proposed Queenstown Lakes District Plan.⁵ A key piece of analysis which underpinned Variation 16 was the Coneburn Resource Study, which examined the appropriateness of development within the Coneburn Valley.⁶ The Coneburn Resource Study was produced in October 2002, a copy of which can be seen in the section 32 report for PC44. Virtually the whole of the RCL land subject to PC44 was considered to have a “high capacity to absorb change” in that report (see the map in Figure 12 of that report). However, the current zoning does not achieve this potential.

14. Little development has occurred on Hanley Downs since the Decision on Variation 16 was issued in 2003.

Private Plan Change Request

Application and Notification

15. John Edmonds and Associates Ltd were engaged in 2012 to investigate a private plan change request for Hanley Downs.
16. In preparation for the request, consultation was undertaken in 2012 and 2013. This included letters to and discussions with key stakeholders (including neighbours, infrastructure providers and iwi authorities) and liaison with Jacks Point residents (by way of public meetings and information in newsletters). Several meetings were held with Council staff, including with its Urban Design Panel.
17. I was responsible for the preparation of the plan change request which was submitted to Queenstown Lakes District Council ('Council') in February 2013. The request was accepted, and Plan Change 44 was notified in March 2013.

Intention

18. Council described for PC44 in its public notice advising notification as follows:

To re-zone approximately 520 hectares of the northern-most (currently undeveloped) part of the 'Resort Zone' at Jacks Point as a new 'Hanley Downs Zone'. In summary, the re-zoning will expand the urban area and enable a higher density of residential development; remove the requirement to create a commercial

⁵ There is a more detailed account of the planning history of the site in the Section 32 report that formed part of the request for Plan Change 44. Hanley Downs was not a part of the original Variation 16 application, but alongside Homestead Bay, the Hanley Downs land was rezoned as a result of submissions.

⁶ The Coneburn Resource Study was produced in October 2002, and a copy is included in the section 32 report for PC44 at Appendix E.

village within the Henley Downs area; and retain the surrounding land as predominantly rural (through a 'agricultural, conservation, and recreation' activity area).

19. The area covered by the proposed Henley Downs Zone was slightly different to the area covered by the Henley Downs Structure Plan in the current District Plan. A map showing the boundary of the proposed Hanley Downs Zone is attached as Annex 1. The intention of PC44 was to leave the golf course and homesites unchanged, allowing them to be incorporated into the balance of the Jacks Point Structure Plan in the Resort Zone.
20. PC44 proposed a structure plan which contained two 'Activity Areas' – an 'Agriculture, Conservation and Recreation Activity Area' (ACRAA) and an Urban Activity Area.
21. The intention behind the ACRAA was to simplify the open space activity areas of the current zoning. RCL's focus for PC44 was urban residential development, so I considered that residential development in the more remote areas of the ACRAA would best be assessed on a discretionary basis. This would allow detailed analysis of the development potential of these areas to be undertaken in the future, if that were of interest to the owner. I also proposed rules protecting biodiversity values in identified locations. The former ACRAA is now not to be controlled by RCL. On this basis, the provisions now proposed for that part of the site will be addressed by the landowners of the former ACRAA areas.
22. The balance of the zone was to be an Urban Activity Area, where development was anticipated. The Urban Activity Area was broken up into eleven 'Development Areas' on the structure plan. The Development Areas were marked by the anticipated extent of outline development plans and acted as a reference for various rules and assessment matters. One rule prescribed a maximum number of residential units for each Development Area.
23. In total, a maximum of 2751 homes may have been built under the notified zoning in Hanley Downs. In reality, some of the Development Areas to the west of the Urban Activity Area were anticipated to be more of a rural residential density, with rules and assessment matters designed to ensure such development occurred in an appropriate manner.
24. In the Urban Activity Area, an outline development plan needed to be approved as a restricted discretionary resource consent in order for development and subdivision to occur.

Subsequent resource consents were required for the design of some higher density residential activity (more than 3 residential units) and non-residential activities. Lower density residential development was to be permitted subject to compliance with design standards.

Submissions

25. The submissions on PC44 are summarised in Ms Jones's Section 42A report ('the planner's report').

Post-Notification, Prior to the Hearing

26. After notification, I and other advisors continued work on PC44. This included more detailed design work to look at potential subdivision layouts which might be appropriate for Hanley Downs. By identifying possible road and lot layouts, open space and trail networks, and stormwater networks, the appropriateness of provisions was tested and the potential residential yield was better understood. Development yields referred to in my evidence are underscored by work which occurred in this time. As an example, I have attached an early development layout for RCL's land (as Annex 3). This is not a refined plan, and will no doubt be revised over time, but shows the work undertaken to understand the realistic potential of the site.
27. Prior to the original hearing, RCL was invited by the Chair of the Hearings Panel to submit a summary of its revised position in light of submissions and the planner's report. A new set of provisions was prepared and sent to Council on 6 November 2013 and subsequently circulated to submitters.
28. RCL requested an adjournment of the hearing for commercial reasons.

Changes to PC44 – Henley Downs Farms

29. These matters took some time to resolve, but in late 2014 I was asked to undertake collaborative discussions with another submitter and landowner (henceforth called Henley Downs Farms) to come to a set of provisions which would accommodate their submissions. Many of the changes agreed through this process related to land owned by the Henley Downs Farms, and not by RCL.
30. The Henley Downs Farms retained ownership of some parts of the area proposed to support urban residential development.

On that basis, both parties had input into the Residential (Hanley Downs) Activity Area.

31. The provisions agreed between RCL and the Henley Downs Farms were submitted to Council prior to this hearing and were available for viewing on the Council website from 16 June 2015.
32. In light of this ownership change, as well as issues raised in the Section 42a report, and further scrutiny which I have applied to the provisions in preparing this evidence, I will be recommending a final set of provisions at or prior to the hearing. Time and circumstances have not allowed those provisions to be prepared in time to attach to this evidence, but I shall foreshadow the types of changes I believe to be appropriate in this statement.
33. I consider that such provisions will show that:
 - (a) PC44 is able to be closely aligned with the s42A planner's report; and
 - (b) PC44 is able to accept and address a large number of submissions made.

PART 2 – EXPLANATION OF CHANGES TO PC44

34. In this section I discuss specific issues that have (mostly) arisen through submissions to PC44. I set out how I believe the issues have been or should be addressed, having regard to the requirements of the Act.
35. Essentially, PC44 has changed since notification for four reasons:
 - (a) To provide a comprehensive response to the submissions of Henley Downs Farms;
 - (b) To remove the Outline Development Plan from PC44 in response to the Environment Court's decision on Plan Change 19 (PC19);
 - (c) To incorporate PC44 into, and ensure consistency with, the Jacks Point Resort Zone provisions;
 - (d) To address a number of other discrete issues raised by submitters.
36. These changes have together produced a revised PC44 which appears considerably different from the notified PC44.

I will explain the reasons for the changes in detail below, and I consider that the reasons provide sufficient justification for the changes. Importantly, in my opinion PC44 as it relates to the RCL land remains consistent with the original intent and effect of the notified PC44.

Outline Development Plan

37. A major reason for considerable changes to the plan change is that the Outline Development Plan (ODP) has been removed. This was considered necessary in light of the Environment Court's decision on PC19 to the Queenstown Lakes District Plan.
38. ODPs (and other similarly named methods) have been used in the District and elsewhere for some time. Their intention is usually to provide a preliminary step between the plan change process and subsequent resource consents. A level of detail between a typical plan change and subdivision is usually required to be shown. They have been seen as an appropriate method to promote integrated planning (for example connected road layouts) while also remaining flexible to changes and limiting the amount of investment necessary by a developer in design processes when there is no certainty as to a plan change outcome.
39. However, the Environment Court's decision on PC19 (*Queenstown Airport Corporation Ltd v Queenstown Lakes District Council* [2014] NZEnvC 93) found jurisdictional issues with ODPs. Amongst the Court's findings on this matter, it appears that the Court considered it important that a user of the Plan is able to read that plan in isolation (along with the rules of other RMA plans and national environmental standards) and determine the activity status of any consent.
40. The ODP proposed in the notified PC44 faced a similar jurisdictional issue and therefore was changed. This issue has occurred elsewhere in the District, with well advanced plan changes needing to be amended to address this concern and ensure that plan changes meet jurisdictional requirements.
41. The approach taken here was to employ a combination of:
 - (a) Additional rules and standards in both the Subdivision Chapter and the JPRZ; and

- (b) More detail in the Structure Plan, such as indicative road alignments and road connections.
- 42. This approach appeared to be equally effective in achieving the objectives and policies of the Plan as ODPs, and by removing an intermediate step, more efficient.
- 43. I have however considered the points raised by Ms Jones in her concerns that there may be elements of the former ODP which may have not been entirely replaced in the latest version of the provisions recommended by RCL and Henley Downs Farms. In the version of the provisions I intend to submit at or prior to the hearing I will be accepting that all subdivision should be restricted discretionary in the urban parts of Hanley Downs. I will also be considering the need for further additions to ensure all parts of the former ODP are addressed.

Format of the Plan Change - JPRZ

- 44. Submissions, including that of QLDC, opposed the formation of a Henley Downs Special Zone. They sought that the plan change be amended to form part of the JPRZ, and were concerned about adding unnecessarily to the length of the Plan.
- 45. The concerns of the Council (and others) are that the District Plan is becoming unnecessarily long with such zones being created. It was agreed that the plan change should be integrated into the JPRZ. The latest provisions are drafted in this way.
- 46. This is the major reason why the plan change appears different from the notified version. It would be in my view unnecessary and inefficient to include large numbers of new objectives, policies, rules and other methods when similar such provisions already exist in the Plan. As such, I have only made amendments where the outcomes sought by PC44 were not already addressed in the operative Plan.
- 47. As it affects RCL's land, PC44 remains focused around the original intent, which was to provide for more efficient residential development than was provided for under current zoning.

Discrete Issues

- 48. A number of discrete issues were raised in the s42A report and in submissions. Below I address the extent to which these issues

were appropriate to be, and able to be, accommodated in PC44. These issues are:

- (a) The need for additional residential zoning
- (b) Integrating Character;
- (c) Development layout;
- (d) Height Limit;
- (e) Design Controls;
- (f) Residential Development Controls;
- (g) Notification;
- (h) Non-Residential Activities;
- (i) Wastewater;
- (j) Natural Hazards;
- (k) Lighting;
- (l) Traffic Safety and Efficiency;
- (m) Service yard; and
- (n) Reverse Sensitivity.

49. I have accepted a number of submissions, and changed (or plan to change) the provisions accordingly, and some submissions or matters raised I disagree with as set out below. I wish to note for completeness that I consider that the broader public good of increasing the availability of land for housing in the Wakatipu would generally outweigh any comparatively minor adverse effects resulting from the development of the Hanley Downs residential areas in a manner anticipated by PC44.

The need for additional residential zoning

50. Some submissions claimed that PC44 is unjustified on the basis that there is no need for more residential land to be zoned. However in my opinion similar opportunities for urban development are highly limited in the Wakatipu and that there is a good case for increasing the supply of land zoned for residential purposes in the area.⁷
51. While the Wakatipu is not a large housing market, it is growing quickly. It is reasonable to assume that at least 200 dwellings will be needed on average each year for the next 20 years. Growth may be faster than this, with the availability of affordably priced sections potentially being a factor in the rate of growth.

⁷ In the AEE I wrote for the plan change I may not have expressed such a strong view. However I believe this to be the case.

52. The focus of the housing supply proposed in Hanley Downs is what I would generally describe as 'standard residential'. By this I mean that I envisage development would be mostly detached homes, with a few attached townhouses or terraced homes. Apartments are also achievable under the proposed rules, but it appears unlikely many would be developed. In my opinion it is not particularly meaningful when assessing how PC44 responds to potential shortages in land zoned for residential development to compare those zones where apartments are the main outcome provided for.
53. From analysing the QLDC Dwelling Capacity Model's data as it applies to this 'standard' sector of the housing market I reach the following conclusions:
- (a) In the Low Density Zone (and similar zones), much of the stated capacity in the Dwelling Capacity Model is what is described as "small infill" development, where one or more lots can be added to existing sites on which there is already a house. From what I have observed, this type of development is rare in the Wakatipu. I suspect that one of reasons for this is that many such development opportunities are impracticable,⁸ being hard to access or requiring the removal of a not-so-old house (bearing in mind that most of the Wakatipu's housing stock is quite young). In Auckland such redevelopment sites have been widely developed, probably because they are often significantly better located than peripheral greenfield areas. But in a smaller town like Queenstown, I doubt that the locational advantage compared to greenfield areas is as significant.
 - (b) An important part of the District's housing supply is made up of smaller undeveloped greenfield sites scattered throughout the District. However in my experience, larger greenfield development can, if undertaken well, provide particular opportunities for well-designed and integrated neighbourhoods. It can also be comparatively cost efficient in bringing large numbers of sections to the market⁹. In my view,

⁸ The Model does discount for such matters but I have looked at sample areas and I believe it substantially underestimates how many sites are compromised by such circumstances.

⁹ The New Zealand Productivity Commission's Housing Affordability Inquiry of March 2012 made conclusions to this effect.

from a housing supply perspective, easily developable greenfield land in large contiguous ownerships would serve the Wakatipu well.

- (c) Some of the larger greenfield sites have constraints such as very rocky terrain, poor sun aspect or land stability issues. Often these issues can be overcome, but they can cause increased land development costs, and even when developed I suspect that several of these sites would not offer a standard of amenity as high as Hanley Downs.

54. By my analysis there are three large greenfield areas that are of a comparable size that would provide a similar type of housing to Hanley Downs. These are:

- (a) Kelvin Heights: In spite of this area having enabling zoning for many years, the landowner has chosen only to develop a fairly small part of the potential zoning. Parts of this site would offer a very high standard of amenity, and some parts appear particularly rocky and difficult to develop. Development of these high amenity areas would I believe potentially detract from the view of Peninsula Hill and the Remarkables when viewed from many existing parts of Queenstown. On this basis, it could be counterproductive to constrain the supply of land in ideal alternative greenfield locations such as Hanley Downs on the basis of incentivising development in locations such as Kelvin Heights.
- (b) Jacks Point: The existing residential neighbourhoods within Jacks Point have mostly been developed, but there are still quite a number of sections that have yet to be built on. RCL's view (which I share) is that the uptake of these sections has been slowed by up-front costs for wastewater infrastructure; design review board; and body corporate fees. The design requirements and consequent build costs also make house and land packages in this part of Jacks Point considerably more expensive than alternatives such as Shotover Country.
- (c) Shotover Country: This development is now well progressed, with 350 sections brought to the market

since late 2012¹⁰. At this rate of development it is conceivable that the 'standard residential' components of the development could be largely complete in 3 years or so at current development rates. Had it not been for Shotover Country, I consider that housing shortages in this sector of the market may have been far more noticeable in the Wakatipu. Hanley Downs in my opinion offers an even better standard of amenity and is similarly well located. An active development in Hanley Downs could bring more alternatives to the Wakatipu housing market, but also help keep supply of this type of land for housing available when the Shotover Country development nears completion.

55. In summary, I think that the notion that there is no demand for further or more efficient residential zoning in the District is misconceived. To the contrary I believe that it is in the interests of the community to enable a new location for the type of housing development proposed in PC44. For the benefit of present and future generations, it is prudent that from the outset of development a planning framework is in place to realise the potential of Hanley Downs in an efficient manner.

Integrating character

56. An issue that has been raised in submissions, the Section 42a report and accompanying reports is a wish to see consistent design between Hanley Downs and the existing Jacks Point settlement, particularly with respect to landscaping, road and street designs building controls and design guidelines.
57. I am unconvinced that it is either necessary or appropriate to achieve consistent character between Hanley Downs and Jacks Point. It is common in my experience for different suburbs within settlements to display different characters, and I believe that in the interests of promoting distinctive places, this can be a desirable outcome.
58. Hanley Downs is in my view a different place with different characteristics from the existing parts of Jacks Point. Much of the terrain is flatter. Unlike much of Jacks Point, only very limited parts of RCL's land have any visual link with Lake Wakatipu. This separation from the lake may also explain why it is my experience that the site is less exposed to southerly

¹⁰ As reported in Shotover Country's recent Special Housing Area application

winds. With this different pre-development character, it seems natural to me that the settlement develops in a manner which expresses its own character.

59. However, notwithstanding my view that consistency of design elements is unnecessary, I have considered amendments appropriate to achieve broader integration in accordance with the overarching JPRZ objective.
60. The provisions impose colour controls on roofs and building materials to ensure that when viewed from a distance (such as the more elevated suburbs of Jacks Point), buildings do not contrast starkly against the surrounding landscape or appear considerably different from the rest of Jacks Point at a distance. Improvements on these rules are suggested in the latest version submitted by RCL and Henley Downs Farms and I will consider any further amendments recommended in the Section 42a report when I submit my final recommended provisions at or prior to the hearing.
61. The latest subdivision provisions make it clear that road and street designs are a matter for design consideration for subdivision applications in Hanley Downs (see the proposed amendments to Rule 15.2.7.1 in the provisions submitted by RCL and Henley Downs Farms prior to the hearing. I support adding further assessment matters to help clarify the information and assessment expectations with respect to roads in subdivisions. I envisage design expertise being utilised at that point in the development process to establish high standards of amenity.
62. I have considered the option of assessment matters being added in the Subdivision chapter requiring that at the edges of Hanley Downs, street materials, landscape planting and other design elements be consistent with Jacks Point. In virtually all area between Hanley Downs areas and Jacks Point, there will be some open space separating the neighbourhoods. This kind of physical separation will exist due to the zoning and subdivision layout in Hanley Downs and the balance of Jacks Point. It is the open spaces on some of the edges of Hanley Downs that will largely provide the transition between that area at the rest of Jacks Point. Beyond this I don't believe that there is much value in promoting a gradual transition in character between the two areas.
63. To ensure the landscape treatment in the open space at the boundaries provides for an appropriate transition in character

in an integrated manner I support assessment matters to make this expectation clear. I will be making recommendations to that effect in the provisions I circulate at or prior to the hearing.

64. I agree with Ms Jones and Ms Read that the main road experience is important for Hanley Downs. I have had discussions with RCL and consultant designers about such matters, in regards to work done to prepare the plan in Annex 3 for example. It is agreed that this road would be an important part of how people experience Hanley Downs, and that attention to landscaping and urban design elements would be important, as well as traffic and pedestrian safety and enabling future public transport use. Accordingly, I consider that assessment matters need to draw attention to the particular importance of this road. My preference however is that the Plan not be overly prescriptive as to the outcome envisaged, allowing design expertise to consider this and develop an appropriate character for Hanley Downs in due course.

Development Layout

65. I have already set out my views that the current 'pod' layout of development prescribes an inefficient approach to development. I note that some submitters, most notably Delta, oppose PC44's intention to change the structure plan to remove the current layout.
66. Mr Espie does not consider that the retention of this pod layout is important for landscape purposes.
67. In the bigger picture, I consider that retaining such a layout could be counteractive to landscape management, as restraining the potential development capacity of Hanley Downs would only serve to eventually add pressure to extend urban limits in other parts of the District. There is every chance that urban development in such locations would have much greater effects on visual amenity values.

The notified provisions enabled 800 dwellings in the area then described as Area G (now called R(HD)-E). This was thought to roughly equate with the maximum achievable under the existing zoning in the Henley Downs Village¹¹. The numbers now proposed for this part of

¹¹ Such a number of residential units is probably feasible with the use of apartment typologies, but RCL advise me that development at this intensity in a location such as this is unlikely to ever be economically feasible. RCL have considerable experience of residential development in a range of residential markets, including metropolitan

RCL's land would achieve at a maximum a similar number of dwellings, but over a wider area, meaning lower densities. I consider this lower density to be of relevance for considering the effects of PC44 as it applies to RCL's land. R(HD)E is the most visible part of Hanley Downs from many of the existing Jacks Point neighbourhoods.

68. With respect to R(HD)-E I note the concerns of Delta, who own land close to this area. I think context is important with respect to these concerns. There is a considerable level change between R(HD)B and E and the Delta lots. The Delta lots have mounding on the western boundary which reduces the visibility of the R(HD)-B and R(HD)-E land. As covered in the evidence of Mr Espie, the glacial mound to the southern end of R(HD)-E is proposed now to be better protected than under the current zoning, with buildings not allowed to locate at its highest point (addressing a potential adverse effect on the Delta lots). Extensions to the urban footprint in this area would not, in my opinion, have a significant effect on this submitter.
69. QLDC submitted seeking the introduction of provisions prescribing that the natural form of the land should be protected. I believe that the structure plan protects the distinctive land forms of the site, and I do not consider that there are other distinctive landforms in need of protection. I also do not consider that the District Plan gives particular weighting for such landforms in urban areas, for good reason.
70. Allowing urban development to be excessively driven by pre-existing landforms risks promoting poor urban design outcomes such as unnecessarily meandering streets and poorly connected roads. For these reasons I have recommended an assessment matter which limits the creation of cul-de-sacs (other than those that are straight).

Height limit

71. Delta opposed the 10m height limit proposed for non-residential activities and medium density housing in the former Area E (now chiefly within R(HD)-B). The ability for buildings to be built this high is proposed to only apply to activities of a restricted discretionary activity status or for lots which the Plan indicates the potential to apply more onerous height controls during the subdivision stage, allowing consideration of potential adverse effects from building height. Potential

areas and small towns. I therefore consider their assessment on such matters to be credible, and I rely on it.

adverse effects on neighbouring properties can thus be considered in due course and I do not consider it is sensible to unnecessarily preclude that possibility at this stage of the planning process by making all buildings non-complying above 8m.

Design controls

72. I have considered the submissions which express concern at the intention to allow higher density housing than enabled by the existing zoning. As I have covered, my view is that more intensive residential use in Hanley Downs would benefit the wider community by allowing greater numbers of houses to be built with little if any cost to landscape values. As a rule, greater densities can also enable more affordable housing.
73. I acknowledge that with greater density development the importance of well-designed communities increases. My view is that many people's adverse impressions of higher density neighbourhoods result from experiencing examples of where design could have been better employed. In light of this, I have reviewed the original plan change, the submissions, and the analysis of Mr Williams for the Section 42a report and have engaged further specialist urban design advice.¹²
74. Based on that advice, it is my view that the proposed 'Henley Downs Zone' provisions can be improved upon, and changes have been made in the latest provisions to address this.
75. I consider that the rules controlling residential development at higher densities in the notified PC44 were potentially ineffective and inefficient from various perspectives, as noted in submissions. I agree with Remarkables Park Ltd and Shotover Park Ltd that the plan change needed amendments to ensure the delivery of the intended medium density housing outcomes.
76. I agree with the advice of Mr Williams that the recession planes as promoted (which essentially replicated the existing Low Density Residential Zone) would not be suitable for smaller sites. They would unnecessarily limit development but also 'push' homes toward the middle of sites, and have the effect of preventing two storey development which in my experience can create more attractive street environments

¹² In the 2013 hearing RCL had intended to have a brief of evidence delivered by an expert in urban design, Rebecca Skidmore. Unfortunately due to other professional commitments she was not able to attend this reconvened hearing.

when higher densities are employed. There are various other rules that applied equally to small sites as to large sites which were not ideal for similar reasons, such as the building setback rules.

77. The urban design advice received pointed out that the plan change focused on three or more attached buildings being the design threshold for restricted discretionary consent. However smaller lots could be created without restricted discretionary consent, where in fact attention to design outcomes on sites was just as important.
78. The option of requiring resource consent for individual buildings on small sites (perhaps smaller than 400m²) was considered. However it appears that this is not an effective or efficient method. In my experience the costs and uncertainty of resource consents for individual homes are a major disincentive for many potential land and house buyers, particularly when looking to appeal to the more affordable sector of the market. If lots are hard to sell for this reason, a developer may simply choose the easy route of developing to lower densities. Such an outcome would be contrary to much of what I believe PC44 should achieve in enabling the efficient development of land for residential purposes.
79. Various options for providing better controls on small sites while still allowing for sites to be built upon as a permitted activity were also considered. I looked at other areas where similar densities have been achieved successfully and reviewed the design controls and district plan rules that applied. In these areas, streets and building controls are designed comprehensively, and matters such as geography, climate, sun access, key view points, and sites where certain street presences are desirable (e.g. corner sites) given particular attention. Often buildings are allowed to be built up to one boundary with no setback provided certain requirements are met.
80. I believe that the subdivision stage is the best time for such analysis to be undertaken. Consent notices are tools that can control built forms and set design controls. In the way that a building platforms and height limits are commonly applied via consent notice in the Rural General Zone in this District, more detailed controls can be set on small sites in Hanley Downs. I have recommended that several of the standard controls on bulk and location of residential buildings not apply to sites smaller than 550m², with the Plan clear that such sites should

not be created unless site specific controls are secured through the subdivision process.

81. As mentioned earlier I accept that all subdivision should be made Restricted Discretionary in the Hanley Downs Residential Activity Area. This will enable the provisions to be simplified from what was proposed in the most recent version of the provisions proposed by RCL and Henley Downs Farms.

Residential density controls

82. Rule 12.2.5.i x(e) sets the appropriate density range or maximum number of dwellings for the different Activity Areas. It is now expressed in terms of a density range (accepting a submission point from QLDC). Figures are also now stated in terms of 'dwellings per net hectare' rather than overall numbers of dwellings, or the alternative of 'dwellings per gross hectare'. This is to give some more certainty to the outcome, as in places the large amount of open space anticipated for stormwater paths etc has the potential to distort gross density figures.¹³
83. Ms Jones expresses concerns that there is insufficient direction in the proposed provisions around the need for a mix of densities. She would like to see a consolidation of higher density development into a few locations.
84. I am not convinced that there are shortcomings in the plan change in this respect. The density range does generally promote more density in R(HD)-E toward the south of Hanley Downs nearer the Jacks Point Village. More peripheral or sloping areas have lower density ranges. That said, I do not believe that there are any parts of the R(HD) areas that should be discounted at this stage as unsuitable for attached or small lot housing. All parts would have reasonable access to open spaces and walking trails and no parts appear to have poor transport access. If medium density housing were intermingled throughout the development I believe this would be an appropriate outcome.

Wastewater

85. Public Health South (PHS) expressed concern at proposal of large scale privately held wastewater management systems. I have had some discussions with PHS and I understand that

¹³ I agree with the recommendation of Ms Jones that the residential density rules to be expressed as zone standards.

their preference would be to see such infrastructure vested in Council, as they believe this provides more assurance as to the ongoing responsible maintenance of such systems.

86. Large scale consents for wastewater disposal to land have already been granted by the Otago Regional Council for Jacks Point. I refer to the evidence of Mr Potts, who describes the types of conditions that could be imposed as part of a subdivision consent in order to provide confidence that a non-Council controlled wastewater system can be appropriately managed. Land disposal of wastewater is, as Mr Potts covers, a viable option for Hanley Downs.
87. In any event, as mentioned in the evidence of Mr Potts, it is RCL's preference now to construct a pipeline to Frankton. I have assisted RCL with commissioning work on this project and the company is now proceeding with the detailed design. My understanding is that they intend to construct the pipeline as soon as practical.¹⁴

Natural Hazards

88. Natural hazards are given particular attention in the RMA, in the Regional Policy Statement and in Section 4 of the District Plan. Otago Regional Council raised concerns as to whether flooding and alluvial fan hazards are adequately understood for the site.
89. Mr Dent and myself have had some discussions with Otago Regional Council on these matters. The evidence of Mr Dent sets out his view that the risks to life or property posed by this hazard can be appropriately mitigated in the urban residential parts of Hanley Downs.
90. This leaves the issue of drafting the plan provisions so as to ensure such precautions are undertaken. Earlier I discussed my recommendation that in addressing the jurisdictional issues of Outline Development Plans raised by *Queenstown Airport Corporation Ltd v Queenstown Lakes District Council* [2014] NZEnvC 93, I arrived at the conclusion that it was best to remove the ODP step entirely. I believe that most of the issues can be adequately addressed through other methods. With respect to natural hazard risks it appears that the

¹⁴ It has been suggested to me that the construction of this pipeline may afford an opportunity to construct a cycle lane / walking path to Frankton at the same time. This could address other issues raised by PHS in their submission. The feasibility of this will be considered in due course.

subdivision process would provide adequate capability for this to be assessed (via the rules of the Plan as they apply generally to subdivision or Section 106 of the Act).¹⁵

91. The Otago Regional Council submission also made reference to potential liquefaction risks. Conversations with staff members assured me that the ORC was satisfied the matter could be assessed at the ODP stage, however that stage is of course no longer proposed. There is no evidence to suggest that there is a serious liquefaction issue in Hanley Downs that cannot be addressed in due course through the development process (circumstances shared with many other parts of the District) and in a similar manner to other natural hazards I consider the matter can appropriately be dealt with at the subdivision stage.

Lighting

92. One submission raised concern as to the possibility adverse effects arising from light spill from the site. Greater light spill, whether it be in this location or other parts of the District is likely an inevitable consequence of urban growth. But my understanding is that efforts can be made to reduce such effects through careful design. QLDC have issued useful guidance on how to do this without unduly compromising public safety in the past. An assessment matter can be added to the Subdivision Chapter to draw attention to this expectation for lighting within streets etc.
93. I have also will suggest a small change to one of the rules (12.2.5.2 iv (d)) relating to light spill standards which I found to be problematic upon recent review. I will suggest recommendations to ensure that the standard is enforceable, without requiring subjective assessments as to whether the rule is breached or not.

Resort Services Area

94. I see no need for the type of resort services area suggested by QLDC in its submission and recommended by Ms Jones. Examples exist of such places in Millbrook and Jacks Point, but the circumstances differ in those locations which have extensive golf courses to maintain. Should one be needed I believe it is appropriate that it be applied for as a

¹⁵ I also consider that rules should prevent the unlikely scenario whereby development proceeds as a permitted activity prior to subdivision occurring. I shall address this matter in the provisions I will be recommending.

discretionary activity, or established on a temporary basis in accordance with the temporary activity rules of the Plan.

Traffic safety and efficiency

95. I rely on the evidence of Mr Kelly with respect to potential traffic effects.
96. The Traffic Assessment Report that accompanied the notified plan change identifies an issue with the operative Jacks Point Resort zoning. There is a looming problem for the state highway and internal road network resulting from the singular entry / exit arrangement for Jacks Point. The plan change seeks to address this, along with significant investment by RCL in a new roading connection.
97. NZTA have sought some reassurance that the new intersection will be appropriately designed for now and future use. The evidence of Mr Kelly demonstrates a point where a "T" intersection with extended queue lengths may become inefficient.
98. My suggestion is that the rules be amended to make it clear that the design of the intersection shall be assessed in consultation with NZTA when first built and again in the event that more than 1750 residential units are proposed in Hanley Downs. That way, the need for an upgraded intersection can be assessed in due course should development levels reach that point. I will recommend wording to this effect when I circulate proposed provisions at or prior to the Hearing.¹⁶

Reverse sensitivity

99. I note the submissions from those with an interest in Stoney Creek Quarry (Pure 1, Hensman and Scope Resources) raising concerns about reverse sensitivity resulting from more development near the quarry. The most northern end of the proposed Residential (Hanley Downs) Area is around a kilometre from the quarry operation. Development under PC 44 would be enabled only marginally further north than is currently the case. I have visited Hanley Downs many times and never heard the quarry operation.

¹⁶ At the time of writing conversations were continuing with NZTA about how rules would best be drafted. The final recommendation I make may therefore differ from that which I suggest here.

100. Further, I understand the relevant quarry consents are of a limited timeframe, that there is an expectation that the quarry activities will cease and that the area is to be restored. The Henley Downs Farms presumably share this expectation, as I note that in decision RM070294 twenty residential units were approved for development within the quarry. The landowners have developed building platforms intended for residential development much closer to the quarry than Hanley Downs. I therefore am doubtful that any adverse effects may arise from the location of development in Hanley Downs with respect to the quarry.

PART 3 – ASSESSMENT OF PLAN CHANGE 44 AGAINST THE REQUIREMENTS OF THE RESOURCE MANAGEMENT ACT

101. In this final part of my evidence I analyse how PC44 aligns with the necessary considerations for preparation of District Plans, as set out in the Resource Management Act. Sections 32 and 32AA of the Act have changed since the plan change was notified and the hearing began. However I am advised that the law applies as it stood when the plan change was notified. The tests the Act sets out for a plan change as they were at that point were helpfully summarised by the Environment Court in *High Country Rosehip Orchards Limited v McKenzie District Council* [2011] NZEnvC 387, and I have used the District Plan requirements set out in *High Country Rosehip* as headings for this section. I start with the more detailed matters for assessment, and end with the more general, or high-level, considerations.
102. Where I make reference to various objectives and policies in other plans, the full wording of those objectives and policies is shown in Annex 4.

Detailed Matters

A district plan (change) must state its objectives, policies and the rules (if any) and may state other matters.

103. PC44 as is now recommended states these matters.
104. In the latest provisions, as explained above, Hanley Downs remains part of the Jacks Point Resort Zone (JPRZ). This has meant that the number of new objectives, policies, rules and other methods is reduced. I have endeavoured to avoid unnecessary repetition to ensure the proper integration of the new PC44 provisions within the existing JPRZ provisions. I also

consider that this will help to address the QLDC concern regarding the length of the Plan.

105. Assessment matters as 'other methods' in the Act do not carry significant weight. The issues addressed by assessment matters in the original PC44 are now covered by a combination of:
- (a) Policies;
 - (b) More explicit matters of control and discretion for controlled and restricted discretionary activities;
 - (c) A more detailed structure plan; and
 - (d) Assessment matters in the Subdivision Chapter¹⁷.
106. I note Ms Jones' concerns that in losing most of the assessment matters of the notified Henley Downs Zone, there is a risk that some useful content then proposed will be lost. To minimise such a risk I will be undertaking a final review with a mind to recommending any amendments I consider appropriate to address issues previously set out in assessment matters. Any such changes will be able to be viewed in the provisions I recommend at or prior to the hearing.

Each proposed objective is to be evaluated by the extent to which it is the most appropriate way to achieve the purpose of the Act.

107. The latest recommended version of the plan change does not introduce any new objectives. It recommends two minor changes to the existing singular JPRZ objective¹⁸. The changes are as follows:

To enable development of an integrated community, incorporating residential activities, visitor accommodation, small-scale commercial activities and outdoor recreation - with appropriate regard for landscape and visual amenity values, integrated servicing, provision and management of open space and public access issues.

¹⁷ The JPRZ does not have any assessment matters, although there are some assessment matters at the end of the Rural Visitor Zone provisions that refer to the JPRZ. In the spirit of not adding unnecessarily to the length of the Plan, and ensuring Plan usability, I consider that the only assessment matters that needed to be added to the Plan as a result of Plan Change 44 can be in the Subdivision Chapter.

¹⁸ There are several other District wide objectives and policies that apply to Hanley Downs, but these are not proposed to be changed.

108. These changes form part of the agreed package which addresses the Henley Downs Farms' submission. While such changes are not in my opinion essential to facilitating PC44 or managing its effects, the effect of these changes is minor. The proposed changes increase the emphasis on integrated servicing and the provision of open space. Such land uses and integrated approaches to development would be entirely in keeping with Section 5 of the Act.

The policies are to implement the objectives

109. In full, this High Country Rosehip requirement is that:

The policies are to implement the objectives, and the rules (if any) are to implement the policies;

Each proposed policy or method (including each rule) is to be examined, having regard to its efficiency and effectiveness, as to whether it is the most appropriate method for achieving the objectives of the district plan:

(a) taking into account:

(i) the benefits and costs of the proposed policies and methods (including rules); and

(ii) the risk of acting or not acting if there is uncertain or insufficient information about the subject matter of the policies, rules, or other methods; and ... (continued separately below)

110. In this section I only discuss those policies that apply to RCL's land, which are those related to the Residential (Hanley Downs) Activity Area. Henley Downs Farms will be presenting evidence to support the policies that apply to their land.

Policies 3.16 and 3.17

3.16 To use a Structure Plan for the Hanley Downs area to establish the spatial layout of development within the zone and diversity of living and complementary activities, taking into account:

a. Integration of activities and servicing and other parts of the Jacks Point Zone

b. Landscape and amenity values

c. Road, open space and trail networks

d. Visibility from State Highway 6 and Lake Wakatipu

3.17 To ensure subdivision and development incorporates the design elements shown on the Structure Plan, namely roads, road connections, open space, access connections and trails as shown on the Hanley Downs Structure Plan.

111. These policies set out in some detail how the Structure Plan is to be implemented. The Structure Plan takes particular importance under the recommended provisions now that the Outline Development Plan is no longer proposed. More details (such as roads) have been added to the Structure Plan.

112. I consider that these policies implement the objective of the JPRZ through promoting the development of an integrated community with the types of activities anticipated. They also are in keeping with broader objectives of the District Plan set out in Section 4 (and which are repeated in Annex 4 of this evidence) which establish where and how urban development should occur.
113. Ms Jones considers that these policies are insufficiently strong but I do not share that concern. That said, in the interests of streamlining, it could be argued that these policies are not strictly necessary. Policy 3.4 of the Jacks Point Resort Zone could be relied on.
114. I suggest that if these policies are to be included in the final plan change, some simplification of wording could occur, which I will set out in the provisions I recommend at or before the hearing.

Policy 3.19

3.19 To recognise the Residential (Hanley Downs) Activity Area as being appropriate to accommodate residential development at a greater scale and intensity than elsewhere in the zone.

115. I consider that Policy 3.19 is important as it underscores the predominant land use anticipated in Hanley Downs by Plan Change 44. The particular landscape characteristics (as identified in the original Coneburn Resource Study) and the terrain in the proposed residential parts of Hanley Downs make the RCL land in my opinion particularly suitable for residential development. There is an opportunity for a greater amount of development than has occurred (and than would likely be appropriate when taking account of the matters identified in the Jacks Point objective) in areas such as the existing Jacks Point neighbourhoods.
116. In my opinion, as noted above, the efficient use of land in the Hanley Downs (Residential) Activity Area offers a potentially significant community benefit by increasing the supply of land for housing. Support for such outcomes can be found in the overarching objectives of the Plan which I repeat in Annex 4 to this evidence. I believe that it may become increasingly difficult to provide for sufficient land for housing development in the Wakatipu (as is promoted by Section 7 Objective 4) while at the same time ensuring that development occurs in places that avoid, remedy or mitigate adverse effects on landscape and visual amenity values (refer to the objective of the Plan under Section 4.2).

117. Densities that can help promote a broader range of housing options will be enabled. This also implements objective 4.10 of the District Plan.

Policy 3.24

3.24 To enable commercial activities within the Residential (Hanley Downs) Activity Area, designed to service the needs of the local community, where they can locate along or near primary roads.

118. This policy is intended to ensure that a small community shopping centre can locate in an appropriate location within Hanley Downs. Associated rules limit the total amount of commercial activity on the RCL land to 500m² and require commercial activities to locate near the primary road shown on the structure plan. These are changes from the notified version following submissions from QLDC and Remarkables Park which expressed concern in submissions that the Plan Change appeared vague as to the nature and scale of commercial activities anticipated.
119. I believe such an outcome would appropriately implement the Jacks Point objective of creating an integrated community. There is a strong argument for consolidating what commercial activity occurs into the Jacks Point Village with only relatively minor areas of commercial activity in other parts of the Zone. This is partly why PC44 seeks to remove the requirement to provide commercial activity in the Henley Downs Village.

Policy 3.25

3.25 To enable commercial and community activities and visitor accommodation, provided residential amenity, health and safety are protected or enhanced through:

- a. Compatible hours of operation and noise;*
- b. A high standard of building design;*
- c. The location and provision of open space, buffers and setbacks;*
- d. Appropriate landscape mitigation;*
- e. The design of vehicle access and car parking; and*
- f. An appropriate scale of activity and form of building development.*

120. This policy sets out the circumstances where non-residential activities are anticipated and the matters to be considered in resource consents for them. In my opinion this implements the Jacks Point objective with attention to matters raised in that objective.

Policies 3.26 and 3.27

3.26 To use residential development controls to protect privacy, provide access to sunlight, achieve design cohesion and to provide appropriate opportunities for outdoor living.

3.27 To provide for medium density and small lot housing subject to ensuring the scale and form of built development provides an appropriate standard of residential amenity and design.

121. These policies set out the design expectations for housing, with particular regard to medium density housing. In my opinion for Hanley Downs to succeed and integrate within the Jacks Point community with appropriate regard to visual amenity values (amongst other matters) as promoted in the Jacks Point objective, such design controls are appropriate.

Policy 3.28

3.28 To avoid Industrial activities.

122. There is no need to enable industrial activities in Hanley Downs (they are better located elsewhere in the District where such uses are already anticipated) and allowing them would in my opinion be contrary to the Jacks Point objective.

Policy 3.29

3.29 To provide safe and efficient road access from State Highway 6.

123. This policy is appropriate to make it clear that access from the state highway is anticipated, which will have wider benefits for Jacks Point (as discussed earlier in this evidence). It is of course important that such access is safe and efficient. This implements the relevant transportation objectives of Section 14 of the Plan (see Annex 4 to this statement of evidence).

Policy 3.30

3.30 To ensure provision of integrated serving infrastructure, roading and vehicle access.

124. I am satisfied that this policy is in keeping with the Jacks Point objective and its promotion of the development of an integrated community.

Conclusion as to the appropriateness of PC44's policies in regards to the District Plan

125. Overall, I consider the policies are appropriate to implement the objectives, and are efficient and effective.
126. I am aware that the wording of the policies of the notified Hanley Downs Zone have changed considerably when compared to the revised wording. As set out earlier, this has

been caused by four main reasons, and largely as a consequence of accepting submissions, particularly those that sought that the plan change be integrated into the Jacks Point Resort Zone. I nevertheless believe that with respect to the proposed Residential Activity Areas of Hanley Downs (being the areas controlled by RCL), the policies achieve the same intent as the notified version of PC44. They establish an appropriate framework which the rules then implement.

127. As with the assessment matters I will be undertaking a final review of the policies when I circulate my final recommended provisions to consider whether there are any matters from the notified PC44 not addressed by the latest provisions recommended by RCL and Henley Downs Farms.

High Level Matters

(b) if a national environmental standard applies and the proposed rule imposes a greater prohibition or restriction than that, then whether that greater prohibition or restriction is justified in the circumstances.

128. There is no national environmental standard for which PC44 imposes a greater prohibition or restriction.

In making a rule the territorial authority must have regard to the actual or potential effect of activities on the environment.

129. The recommended rules with respect to the RCL land in the Hanley Downs Residential (Activity) Area have regard to the potential effect of activities on the environment. As this is intended to be an urban area the emphasis of the rules is very much on ensuring that the area is developed in a manner which provides for appropriate standards of amenity.

There are special provisions for rules about contaminated land.

130. The National Environmental Standard for Assessing and Managing Contaminants in Soil to Protect Human Health (the NES) came into effect on 1 January 2012. It requires at certain stages of development, including at the time of a change of use or subdivision, for assessments to be made as to the risk of sites being contaminated.
131. I discussed the applicability of the NES with QLDC staff prior to the notification of PC44, and in response to their feedback

added, as a matter for discretion at the time of an Outline Development Plan (ODP), the need to comply with this NES.

132. With the removal of the ODP stage this clause has been removed. Instead, the matter will most likely be dealt with at subdivision (which I believe is an appropriate stage). In the event that development proceeds prior to subdivision, the NES would be triggered and the matter would be assessed then.
133. RCL have recently commissioned further work on the issue of soil contamination and the results are to be reported in a statement of evidence from Mr Davies.

There must be no blanket rules about felling of trees in any urban environment.

134. No such blanket rules are proposed by PC44.
135. I note that, on a slightly separate matter, I have met the chair of the Wilding Conifer Group Incorporated on site. He agreed that there is no particular urgency to remove the *Pinus radiata* plantation located on the boundary of R(HD)-A and R(HD)-C. Given that I understand this species does not pose an especially serious wilding risk, I think that a gradual removal of this plantation in normal timeframes would be the most practical and economically beneficial approach. Other wilding trees on RCL's land located in shelter belts can be expected to be removed as development proceeds.

When preparing its district plan (change) the territorial authority must give effect to any national policy statement.

136. The only relevant national policy statement (NPS) at the time of notification was the Freshwater National Policy Statement made operative on 1 July 2011. This has now been superseded by the National Policy Statement for Freshwater Management 2014. The NPS provides national level guidance on issues relating to the use of water, including for irrigation and for discharges. Accordingly, it was mostly focused on the functions of regional councils and their plans. Its relevance to PC44 relates to the treatment of the wetland (as shown on the structure plan) and stormwater management.
137. The evidence of Mr Dent shows that the assessment matters sought by ORC in their submission can be met, ensuring a high standard of stormwater management which minimises any adverse effects on the environment. I consider that

assessment matters along these lines specific to the Hanley Downs part of the Resort Zone can be added to the subdivision chapter of the District Plan – under 15.2.12.3.

When preparing its district plan (change) the territorial authority shall give effect to any operative regional policy statement

138. The Regional Policy Statement was made operative on 1 October 1998. I have identified the policies relevant to PC44 and reproduced them in Annex 4. Generally speaking, these policies align with the requirements of the Act, outlining the need to avoid, remedy and mitigate effects of development on or from land and water. I note the emphasis on enhancing public access opportunities and believe that PC44 is positive in this respect. A number of trails are proposed on the Structure Plan which will enable enjoyment of Hanley Downs by the wider public.
139. Very recently a new RPS has been notified (the submission period is now open). I suspect that it would have little weight in this process given how advanced PC44 and the proposed RPS are. I have yet to analyse it closely but from what I have seen there is nothing in that RPS which would be potentially contrary to what is proposed in the Residential Activity Areas of Hanley Downs.

Consistency with Regional Plans

140. This requirement in full is:
- The plan (change) must:*
(a) not be inconsistent with an operative regional plan; and
(b) must have regard to any proposed regional plan on any matter of regional significance etc;
141. There are relevant regional plans for Air, Coast, Waste and Water. Having reviewed the provisions of these plans, I consider only the plan for Water to be of consequence for PC44.
142. The Regional Plan: Water (operative 1 March 2012) contains objectives, policies and rules relating to the use of water. The only relevant objectives from this Plan are from Chapter 7 (Water Quality) and Chapter 10 (Wetlands).¹⁹

¹⁹ Plan Change 6a (now operative) was notified shortly after PC44. I understand therefore that it is not, strictly speaking, relevant. Regardless I reviewed it and am satisfied that PC44 aligns with and has had appropriate regard to that plan change.

143. In respect of the objectives of both the operative Regional Water Plan, PC44's proposed provisions for the management of streams and stormwater are relevant. PC44 appears consistent with the Regional Water Plan, and consider appropriate regard has been given to Plan Change 6a.

Management Plans, Iwi Authority Documents, Trade Competition

144. This requirement reads in full:

When preparing its district plan (change) the territorial authority must also:

- (a) have regard to any relevant management plans and strategies under other Acts, and to any relevant entry in the Historic Places Register and to various fisheries regulations; and to consistency with plans and proposed plans of adjacent territorial authorities;*
- (b) take into account any relevant planning document recognised by an iwi authority; and*
- (c) not have regard to trade competition.*

145. In terms of relevant plans and strategies, probably the most notable strategy is Council's Growth Management Strategy produced under the Local Government Act. That strategy, produced in 2007, set out the Council's intention to manage growth and its effects through planning and other means. I believe PC44 comfortably aligns with this strategy, and it is important to note that Hanley Downs falls within the growth boundaries identified by that document.
146. I also note the Council's HOPE Strategy, the first version of which was adopted in 2006. That strategy set out Council's intentions for addressing the issue of a shortage of affordable housing in the District. A number of actions were identified. One was the Council's intention to seek contributions of 'community housing' from new developments. The developer of Hanley Downs is to provide such a contribution under pre-existing agreements. More broadly, the type of housing provided for by PC44 has in my opinion the potential to promote housing affordability. I consider that PC44 is consistent with the HOPE Strategy.
147. In the preparation of the plan change account was taken of The Kai Tahu ki Otago Natural Resource Management Plan (NRMP). In addition consultation with iwi raised no major concerns with the proposal, and support for the restoration of the wetland was expressed.
148. Regard has not been given to trade competition in the preparation of PC44.

The district plan (change) must be prepared in accordance with any regulation and any direction given by the Minister for the Environment.

149. I am not aware of any relevant regulation or ministerial direction with respect to this plan change.

A district plan (change) should be designed to accord with, and assist the territorial authority to carry out – its functions so as to achieve, the purpose of the Act.

150. The functions of a territorial authority are set out in Section 31 of the Act. In my view this plan change responds appropriately to the matters set out in that section. As discussed in the foregoing sections, the proposed zoning for Hanley Downs will provide objectives, policies and rules that Council can implement to manage appropriately effects resulting from development so as to achieve the purpose of the Act.

CONCLUSION

151. In conclusion, it is my opinion that proposed PC44 (as it applies to the urban residential parts of Hanley Downs controlled by RCL meets the relevant tests derived from the Resource Management Act. The intensity and geographical extent of urban development reflects a balanced consideration of the objectives and policies of the Queenstown Lakes District Plan. PC44 proposes methods which will give rise to positive environmental effects. The amended provisions create an effective and efficient framework for assessing development proposals, and I propose to make further improvements which I will present at the hearing. On my review of the submissions, none of them raises issues that cast doubt on the appropriateness of Plan Change 44 which have not been or cannot be addressed.
152. I believe the provisions ensure that development will be well managed in Hanley Downs so as to make a significant contribution toward enabling individuals and the Jacks Point and Wakatipu communities to provide for their social, economic and cultural wellbeing.

Daniel Wells

26 June 2015

**ANNEX 1 – LOCATION MAP FOR HANLEY DOWNS SHOWING THE OUTLINE
OF THE PROPOSED HANLEY DOWNS ZONE AS NOTIFIED**



Legend

Henley Downs Site Boundary

NB: This image has been sourced from Google Maps



Bosco Janson Pty Ltd
16 Eastern Road
South Melbourne Vic 3205 Australia
P.O. Box 5075 South Melbourne
VIC 3205 Australia
Tel (03) 9699 1400 Fax (03) 9699 5992

Date: 3 September 2013
Ref: 29656 001
Dwg: 29656001A
Scale @ A1: 1:8000
Scale @ A3: 1:12000



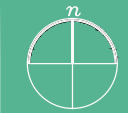
HENLEY DOWNS - Locality Plan

**ANNEX 2 – THE CURRENT STRUCTURE PLAN FOR HANLEY DOWNS AS
CURRENTLY INCLUDED IN THE RESORT ZONE OF THE PLAN, OVERLAID
OVER AN AERIAL PHOTO**



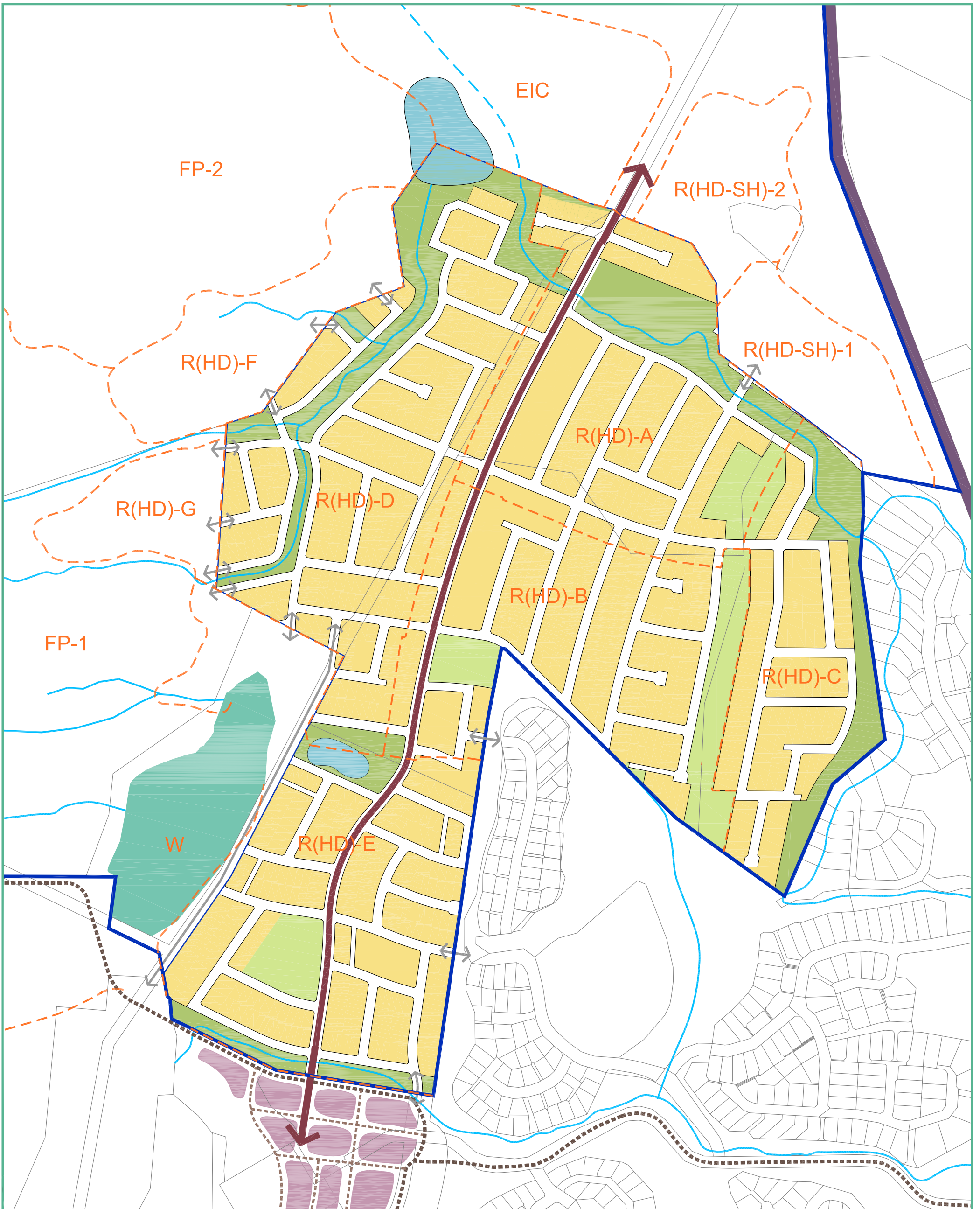
Bosco Jonson Pty Ltd
16 Eastern Road
South Melbourne Vic 3205 Australia
P.O. Box 5075 South Melbourne
VIC 3205
Tel (03) 9699 1400 Fax (03) 9699 5992

Date: 22 November 2013
Ref: 29866 001
Dwg: 2986600BD
Scale @ A1 1:6000
Scale @ A3 1:12000



HENLEY DOWNS - Original Structure Plan

**ANNEX 3 – INDICATIVE SUBDIVISION LAYOUT PREPARED FOR HANLEY
DOWNS**



HENLEY DOWNS - Concept Plan - Lots 1-5 (DP398514)



Date: 19 June 2015
Ref: 29656 001
Dwg: 2965600KB
Scale @ A1 1:3000
Scale @ A3 1:6000

Legend

Site Boundary	Existing Local Road	Municipal Reserve	Developable Area Boundary
Lot Boundary	Proposed Town Centre Road	Proposed Retarding Basin	
Collector Road	Standard Residential Lots	Existing Watercourse	
Local Road Connection	Existing Wetland	Proposed Watercourse Re-alignment	
Existing Highway	Waterway Reserve	Town Centre	

NOTE
THIS DESIGN IS CONCEPTUAL ONLY AND IS
SUBJECT TO FURTHER INVESTIGATION (ICRA,
FAUNA, ARCHEOLOGICAL, DRAINAGE, SURVEY,
TRAFFIC, ETC) AND ALSO PLANNING APPROVAL.

Bosco Jonson Pty Ltd
16 Eastern Road
South Melbourne Vic 3205 Australia
P.O. Box 5075 South Melbourne
DX20524 Emerald Hill
Tel 03 9699 1400 Fax 03 9699 5992



ANNEX 4 – SELECTED RELEVANT OBJECTIVES AND POLICIES FOR ASSESSING PLAN CHANGE 44

Queenstown Lakes District Plan

Section 4 – District-wide issues

Section 4.1 - Nature Conservation Values

Objective 1 –

The protection and enhancement of indigenous ecosystem functioning and sufficient viable habitats to maintain the communities and the diversity of indigenous flora and fauna within the District.

Improved opportunity for linkages between the habitat communities.

The preservation of the remaining natural character of the District's lakes, rivers, wetlands and their margins.

The protection of outstanding natural features and natural landscapes.

The management of the land resources of the District in such a way as to maintain and, where possible, enhance the quality and quantity of water in the lakes, rivers and wetlands.

The protection of the habitat of trout and salmon.

Section 4.2 – Landscape and Visual Amenity

Objective

Subdivision, use and development being undertaken in the District in a manner which avoids, remedies or mitigates adverse effects on landscape and visual amenity values.

Section 4.3 – Takata Whenua

Objective(s) 4 - Mahika Kai

The retention of the high quality of the mountain waters, and the retention and improvement of the water quality of the tributaries and water bodies of the District through appropriate land management and use.

Objective 5 - Wai (Water)

The management of the land resource and associated waste discharges in such a way as to protect the quality and quantity of water in the District to a standard consistent with the human consumption of fish, swimming and protects the mauri (life force) of the lakes and rivers.

Objective 6 - Repo Raupo (Wetlands)

The maintenance and enhancement of existing wetlands and their re-establishment, where practicable.

Section 4.8 – Natural Hazards

Objective

Avoid or mitigate loss of life, damage to assets or infrastructure, or disruption to the community of the District, from natural hazards.

Section 4.9 – Urban Growth

Objective 1 - Natural Environment and Landscape Values

Growth and development consistent with the maintenance of the quality of the natural environment and landscape values.

Objective 2 - Existing Urban Areas and Communities

Urban growth which has regard for the built character and amenity values of the existing urban areas and enables people and communities to provide for their social, cultural and economic well being.

Objective 3 - Residential Growth

Provision for residential growth sufficient to meet the District's needs.

Section 4.10 – Affordable and Community Housing

Objective 1

Access to Community Housing or the provision of a range of Residential Activity that contributes to housing affordability in the District

Section 7 - Residential areas

Objective 1 - Availability of Land

Sufficient land to provide for a diverse range of residential opportunities for the District's present and future urban populations, subject to the constraints imposed by the natural and physical environment.

Objective 3 – Residential Amenity

Pleasant living environments within which adverse effects are minimised while still providing the opportunity for community needs.

Objective 4 - Non-Residential Activities

Non-Residential Activities which meet community needs and do not undermine residential amenity located within residential areas.

Section 14- Transport

Objective 1 – Efficiency

Efficient use of the District's existing and future transportation resource and of fossil fuel usage associated with transportation.

Objective 2 - Safety and Accessibility

Maintenance and improvement of access, ease and safety of pedestrian and vehicle movement throughout the District.

The Otago Regional Policy Statement

Land (Chapter 5)

5.4.2 *To avoid, remedy or mitigate degradation of Otago's natural and physical resources resulting from activities utilising the land resource.*

5.4.4 *To ensure that public access opportunities exist in respect of activities utilising Otago's natural and physical land features.*

Water (Chapter 6)

- 6.4.2 *To maintain and enhance the quality of Otago's water resources in order to meet the present and reasonably foreseeable needs of Otago's communities.*
- 6.4.3 *To safeguard the life-supporting capacity of Otago's water resources through protecting the quantity and quality of those water resources.*
- 6.4.4 *To maintain and enhance the ecological, intrinsic, amenity and cultural values of Otago's water resources.*
- 6.4.5 *To avoid, remedy or mitigate degradation of water resources resulting from the use, development or protection of the beds and banks of Otago's water bodies and of adjacent land areas.*
- 6.4.7 *To maintain and enhance public access to and along the margins of Otago's water bodies.*

Built Environment (Chapter 9)

- 9.4.3 *To avoid, remedy or mitigate the adverse effects of Otago's built environment on Otago's natural and physical resources.*

Otago Regional Plan for Water Plan

Objectives:

- 7.A.1 *To maintain water quality in Otago lakes, rivers, wetlands, and groundwater, but enhance water quality where it is degraded.*
- 7.A.2 *To enable the discharge of water or contaminants to water or land, in a way that maintains water quality and supports natural and human use values.*
- 7.A.3 *To have individuals and communities manage the effects, including cumulative effects, of their activities on water quality.*

Plan Change 6a to the Otago Regional Plan for Water Plan

Proposed Objectives:

- 7.5.1 *To maintain or enhance the quality of water in Otago's lakes and rivers so that it is suitable to support their natural and human use values and people's use of water.*
- 10.3.1 *To maintain or enhance the following values of Otago's remaining wetlands:*
 - (a) *Habitat for flora and fauna;*

- (b) *Natural character;*
- (c) *Hydrological values; and*
- (d) *Kai Tahu cultural and spiritual beliefs, values and uses.*