

BEFORE THE QUEENSTOWN LAKES DISTRICT COUNCIL

IN THE MATTER

of the Resource Management Act 1991

AND

IN THE MATTER OF

Queenstown Lakes Proposed District Plan –
Upper Clutha Mapping

**STATEMENT OF EVIDENCE OF IAN CHRISTOPHER GREAVES
ON BEHALF OF:**

581 – Lesley and Jerry Burdon

4th April 2017

Introduction

- 1 My name is Ian Christopher Greaves. I hold the qualification of Bachelor of Applied Science (Environmental Management (Hons)) from the University of Otago. I am a full member of the New Zealand Planning Institute.
- 2 I hold the position of Resource Management Consultant at Southern Planning Group. I have over ten years' experience as a planner in roles with, Southern Planning Group, Queenstown Lakes District Council, the Environment Agency (UK) and Opus International Consultants (NZ). This experience includes over six years based as a planner in Wanaka.
- 3 Throughout my professional career, I have been involved in a range of resource consent and policy matters. I have made numerous appearances in front of hearing panels and I have also given evidence in the Environment Court.
- 4 I have been engaged by Lesley and Jerry Burdon (Submission # 581) to present expert planning evidence in relation to the zoning of their property, Lot 1 DP 396356, Makarora - Lake Hawea Road ('the Site'). I was the author of the Section 32 report that was lodged with the submission. The submission seeks the inclusion of the Site in the Rural Lifestyle zone with the identification of a no build restriction area ('BRA') and specific objectives, polices and rules to be included in the Proposed District Plan ('PDP').
- 5 I confirm that I have visited the Site on several occasions.
- 6 I have read the Code of Conduct for Expert Witnesses outlined in the Environment Court's Consolidated Practice Note and have complied with it in preparing this evidence. I have read the Section 32 reports and supporting documentation and the Section 42A reports prepared by the Council officers with respect to the relevant chapters of the PDP. I have considered the facts, opinions and analysis in this documentation when forming my opinions which are expressed in this evidence.

Scope of Evidence

- 7 My evidence will focus on the principal planning issues that have been raised in the section 42A report and expert evidence. I will also provide an overview of the submission and the proposed planning provisions.
- 8 The submission included a Section 32 report, landscape assessment, servicing feasibility report, geotechnical report and correspondence from the New Zealand Transport Agency. I have relied upon these reports and the brief of evidence prepared by Ms Michelle Snodgrass.
- 9 My brief of evidence is set out as follows:
 - Summary of the Submission and Section 32 Assessment
 - Matters to be Considered by Territorial Authority - Section 74
 - Contents of District Plans – Section 75
 - Environmental Effects – Section 76
 - Resource Consent verses Rezoning
 - Conclusion

Summary of the Submission and Section 32 Assessment

- 10 I was engaged Lesley and Jerry Burdon prior to the notification of the Council's PDP to provide an assessment of the resource management outcomes for their site to inform a potential submission. Following my engagement Ms Snodgrass was engaged as well as engineering expertise to assist with this assessment. Through these assessments in conjunction with the Section 32 report it was concluded that the Site had capacity to absorb controlled rural living opportunities. This is accepted to varying degrees by Council experts.
- 11 The key resource management issues addressed within the Section 32 report were:
 1. Whether the zoning of the Site can provide for rural living opportunities whilst ensuring the effects of development on the Sites position within an

Outstanding Natural Landscape ('ONL') can be protected from inappropriate use and development.

2. Whether zoning can give greater protection to sections of the Site that do not have the capability of absorbing change.
3. Whether zoning can give greater protection to the maintenance and enhancement of indigenous vegetation on Site.

12 Through the Section 32 assessment it is my opinion that the most appropriate and effective zone for this Site is its inclusion as part of a Rural Lifestyle Zone with a specific objective, policies and rules that can ensure future development protects the ONL and provides for and enhances native ecosystems. The Section 32 report concludes:

'The identified resource management issues are met through:

- *Enabling rural living development in appropriate locations whilst specific provisions are included in the plan to ensure any adverse effects on landscape values and amenity values of the Outstanding Natural Landscape are avoided, remedied or mitigated*
- *The protection of vast areas of the site considered the most sensitive to change from a landscape perspective from development. The area in which development may occur is limited to five specified areas (including the existing house).*
- *Encouraging the protection and regeneration of indigenous vegetation throughout the site enhancing natural character.*

The proposed zone change is considered to be the most appropriate option to address the identified resource management issue when considered against the alternatives. The proposal is consistent with the purpose of the Act and aligns with existing and proposed Regional Policy Statement and the provisions of the Proposed District Plan. The effects on the environment as a result of the zone

change are addressed under the cost and benefit analysis above and are assessed as minor'.

13 The following objectives, policies and rules are proposed to be included into the PDP:

Objective – The Dene Rural Lifestyle Zone. *To enable rural living development in a way that protects and maintains the outstanding natural landscape and visual amenity values as experienced from Makarora – Lake Hawea Road, the Lake Hawea Township and Lake Hawea.*

Policies

(a) *The subdivision design, identification of building platforms and associated mitigation measures shall ensure that built form and associated activities within the zone are inconspicuous when viewed from Makarora – Lake Hawea Road, the Lake Hawea Township and Lake Hawea. Measures to achieve this include:*

- *Prohibiting development over the sensitive areas of the zone via building restriction areas;*
- *Appropriately locating building platforms within the zone so they are minor components within the landscape vistas of the Zone, including restrictions on future building bulk and recessive colour tones;*
- *The identification of residential curtilage areas;*
- *Using native vegetation to assist visual screening of development;*

(b) *To maintain and enhance indigenous vegetation and ecosystems within building restriction area. This shall include appropriate on-going controls to manage and remove pest and weed species.*

Rules

1. *The maximum number of residential building platforms permitted within 'The Dene' Rural Lifestyle Zone is five (including one building platform encompassing the existing residential dwelling). Noncompliance with this rule to be a non-complying activity.*
2. *The maximum height of all buildings within 'The Dene' Rural Lifestyle Zone shall be 5m. Noncompliance with this rule to be a non-complying activity.*

Matters to be Considered by Territorial Authority - Section 74

- 14 Under section 74 a territorial authority must prepare a district plan in accordance with its functions, the provisions of Part 2 and its duty under section 32.
- 15 Section 32(1)(a) of the RMA requires an examination to the extent that a new objective is the most appropriate way to achieve the purpose of the RMA.
- 16 With the effective land use management controls, it is my view that the rezoning of the Site will be consistent with section 5 of the RMA.
- 17 Development enabled by the rezoning will be strictly controlled and managed to ensure that the environmental effects arising as a result of this zone change are appropriately avoided, remedied or mitigated.
- 18 In terms of other relevant matters inherent in Part 2 of the Act, it is my assessment that section 6 matters are properly recognised and provided for by the zone change. The evidence of Ms Snodgrass shows that the development enabled by the rezoning is appropriately located within the ONL to ensure the values of the site and wider landscape are protected, particularly when viewed from the lake and adjoining State Highway. The proposal will have a positive effect in terms of the protection of significant indigenous vegetation.
- 19 In my opinion the submission has appropriate regard to section 7 matters. The submission promotes the use of this land resource in a manner where there is capacity to absorb such development. The proposed provisions will maintain

amenity values and maintain and enhance the quality of the environment by promoting:

- The efficient use and development of natural and physical resources;
- the maintenance and enhancement of amenity values;
- maintenance and enhancement of the quality of the environment; and

20 In terms of assessing the submission against section 8, there are no known Treaty principles that will be affected by this zone change.

21 It is my opinion that the relief sought in the submission achieves the purpose of the RMA.

Contents of District Plans – Section 75

22 Section 75 of the RMA set out the required contents of a district plan. A district plan must state the objectives for the district, must have policies to implement the objectives and rules to implement the policies. Furthermore, the district plan must:

- a) “give effect to” any national policy statement
- b) “give effect to” any regional policy statement
- c) “must not be inconsistent with” a regional plan

National Policy Statements

23 There are no relevant National Policy Statements.

Operative and Proposed Regional Policy Statement (RPS)

24 Part 4 of the Section 32 report sets out the relevant provisions of the Operative and Proposed Regional Policy Statements as they relates to this submission and for succinctness I will not repeat in this evidence.

25 In my opinion, the relief sought in the submission is consistent with this policy framework, particularly with regards directing development to parts of an ONL

that can absorb change, protecting sensitive parts of the ONL from further development and promoting the maintenance and enhancement of indigenous ecosystems across the Site.

Higher Order Proposed District Plan (PDP) Provisions

26 Part 5 of the Section 32 report sets out the relevant provisions of the Strategic Direction and Landscape chapters of the PDP as it relates to the submission and for succinctness I will not repeat in this evidence.

27 Paragraphs 11.20 and 11.21 of the Section 42a report outline why the Reporting Planner considers the submission fails to align with the higher order PDP provisions. I disagree and stand by the conclusions of the Section 32 report and also rely on the additional landscape evidence that provides me with confidence that the proposed zone change will not result in any significant detracting of the landscape values and character of the Site nor will it detract from the wider ONL. In my opinion the primary reasons that submissions aligns with the higher order PDP provisions are:

- The proposed rezoning will enable rural living development within an area of the ONL landscape that can comfortably absorb change whilst the sensitive parts of this landscape will be protected from any further development for the life of the PDP. Policy 6.3.1.6 of the PDP is particularly relevant to this point. This policy promotes enabling rural lifestyle living through applying Rural Lifestyle Zone and Rural Residential Zone plan changes in areas where the landscape can accommodate change. This evidence and in particular that from the landscape architects confirm that this scenario should be applied to the Site.
- The zone change has been carefully designed to recognise the landscape character and visual amenity values of the Site particularly from the State Highway, Lake Hawea and Lake Hawea Township.
- The zone change will enhance natural character through specified new provisions promoting the maintenance and enhancement of indigenous vegetation on Site.

Environmental Effects – Section 76

28 Under section 76(3) a territorial authority must have regard to the actual or potential effects on the environment of activities when making a rule. In my view, the key effects relevant to the proposed rezoning of the Site are:

- a. Landscape and visual effects;
- b. Ecological effects;
- c. Natural hazard effects;
- d. Servicing effects;
- e. Transport effects.

Landscape and Visual Effects

29 One of the key resource management constraints of the Site is the landscape and visual effects arising as a result of the proposed rezoning. I do not intend to repeat the findings of Ms Snodgrass, however will draw from them where, in my opinion, there are outstanding matters of contention between the views expressed by Ms Snodgrass and Ms Helen Mellsop for the Council. The key matters which fall to be assessed in my opinion include:

- (a) The effect of the zone change on the natural character and landscape quality of the Site;
- (b) The visual effects of the proposal particularly from the State Highway;
- (c) The sprawl of domestication along the State Highway; and
- (d) The benefit of the ecological enhancement from a landscape perspective.

- Natural Character and Landscape Quality

30 Both Ms Snodgrass and Ms Mellsop opine that the Site sits within ONL.

31 Ms Mellsop considers that the proposed rezoning will result in degradation of the Site's landscape character and qualities and believes the benefits of native revegetation would not outweigh this adverse effect.

32 Ms Snodgrass's opinion differs in that whilst she acknowledges that four potential new dwellings will alter the character and landscape quality of the Site, in her opinion the domestic elements of the Site following development will be a minor component of the sites character with the Site's natural character being both enhanced and dominant. Ms Snodgrass is of the opinion that the effects on natural character and landscape quality will be mitigated, through the avoidance of any development from the most prominent and valued parts of the Site (through the no build zone) and proposed design controls and planting requirements.

33 In general, if the rezoning is approved the Site's character will change. However, on the basis of the evidence of Ms Snodgrass's this change will predominately be from a mixture of pastoral and natural landscape to one that is more natural in character with pockets of domestic use that for the most part will not be dominant and locally contained.

- Visual Effects

34 There is general agreement between Ms Snodgrass and Ms Mellsop with respect to the visual effects of the proposed rezoning. The key point of difference is with respect to views from the State Highway and in particular the visual effects of entries, access roads, vehicle movements, smoke from fires and lighting at night.

35 The additional entries onto the State Highway as a result of this rezoning will be limited to one entry point given the requirements specified by the New Zealand Transport Agency. Ms Snodgrass's opinion is the visual effects of entries, access roads, vehicle movements, smoke from fires and lighting at night to any observer from the State Highway will be slight and the natural character of the road corridor and wider landscape will be maintained.

36 In terms of smoke from fires and lighting at night Ms Snodgrass whilst agreeing with Ms Mellsop that the aspects of future development will indicate domestic activity of the Site, the extent of this effect is assessed as moderate at its worse. Visual effects associated with lighting and smoke will be assisted with screening effects from the Site's undulating topography and future screen planting.

37 Overall, Ms Snodgrass's landscape report and landscape evidence provides a detailed analysis of the potential visual effects associated with this rezoning which she concludes will be slight to moderate. In this regard, I note that the development controls, including building restriction areas, maximum height, colour controls and planting requirements provide a high level of visual mitigation for future development that would be enabled by this submission.

- Domestication

38 Ms Mellsop comments that the spacing of the development along the highway north of Lake Hawea could be perceived as domestic sprawl. However, Ms Snodgrass disagrees with this comment as future development within the Site will be of limited visibility and will not be seen together in one viewing location. In this regard, I also highlight that the proposed planning provisions require development to be inconspicuous when viewed from the State Highway through the proposed building restriction area, building design controls and planting requirements. The extent that any domestication within this zone is likely to be readily visible from the State Highway is low.

- Ecological Enhancement from a Landscape Perspective

39 There is general agreement between Ms Snodgrass and Ms Mellsop with respect to the benefits of native planting on the Site. Ms Mellsop considers that the Site already has a high degree of natural character and therefore further native planting whilst positive will only enhance this natural character to a small extent. Ms Snodgrass gives greater weight to the benefits of native planting and considers that revegetation within the no build area would significantly add to the natural character of the Site and whilst the Site is small the native planting would be in comparison to the much larger dominant landscape.

40 From a planning perspective it is relevant to consider both the Operative and Proposed Regional Policy Statement and the higher order provisions of the PDP which all consistently recognise the importance of native ecosystems and where possible the maintenance and enhancement of these ecosystems. As outlined within the Section 32 report this submission aligns with these provisions.

- Landscape Effects Conclusion

41 In my opinion, based on the evidence of the landscape architects, the overall landscape and visual effects of the rezoning will be minor and any effects created will be localised effects.

42 In my view:

- (a) The proposed rezoning avoids inappropriate subdivision, use and development within the ONL through locating proposed development within parts of the Site that are capable of absorbing change from a landscape effects point of view and ensuring built form will be discreet from important viewpoints such as Makarora – Lake Hawea Road, Lake Hawea and the surrounding beaches.
- (b) The proposed rezoning will assist in enhancing the natural character of the Site resulting in a positive contribution to the wider landscape appreciation of the ONL setting.

Ecological Effects

43 A key foundation of this proposed zone change is the maintenance and enhancement of indigenous vegetation and ecosystems within the Site. This is reflected in the proposed objective and policy provisions. At the time of land use or subdivision consent to establish building platforms on site the development will be required to give effect to the objective and policy outcomes for the zone where ecological enhancements will be taken into consideration. Overall, in my opinion this proposed rezoning will have a positive effect on ecological values.

Natural Hazard Effects

44 The assessment from GeoSolve attached to the submission has confirmed that the Site is acceptable for rural living development from a natural hazard perspective.

Servicing Effects

45 The Servicing Feasibility Report from Patterson Pitts Partners attached to the submission confirmed that the development provided for by the proposed submission is feasible and is not likely to result in any servicing effects.

Transport Effects

46 Additional vehicle movement on the adjoining State Highway will be a direct consequence of this submission if accepted. The potential effects associated with this have been discussed with the New Zealand Transport Agency (NZTA) and their feedback was attached to the submission. NZTA do not hold any concerns with the proposed rezoning. It was recommended that the development be serviced by a single access point given the limited visibility along the State Highway.

Summary of Effects

47 Overall, on the basis of the above assessment it is my conclusion that any environmental effects as a result of the proposed submission will be minor.

Resource Consent Verses Rezoning

48 The overall recommendation within the Section 42a report is to reject submission #581. The reporting officer concludes that whilst this submission has some 'merit', development of the Site is more appropriately managed under the provisions of the Rural Zone via a resource consent process. This conclusion is made on the basis of the level of detail that will be required to manage the effects of any building development on the Site. I disagree with this conclusion.

49 Whilst on some level I understand the Reporting Officer's hesitance to accept the submission and recommendation to rely on the resource consent process to assess the merits of future development on the Site I do not believe this adequately gives effect to the higher order planning documents nor meets the purpose of the RMA. Policy 6.3.1.6 of the PDP is particularly relevant to this point. The policy states:

'Enable rural lifestyle living through applying Rural Lifestyle Zone and Rural Residential Zone plan changes in areas where the landscape can accommodate change'.

50 The evidence presented on behalf of the Burdons provides a case that the Site can accommodate change with particular reference to the landscape effects. Given this information, the planning framework directs consideration for future development on the Site through a rezoning process rather than through the provisions of the Rural chapter. The proposed rezoning aligns with this outcome. I also consider that the ecological aspects promoted through this zone change are strongly supported by the Operative and Proposed Regional Policy Statements and the Strategic Direction Chapter of the PDP. The extent that this positive outcome is likely to be fully realised through a resource consent under the provisions of the Rural Chapter in my opinion would be less.

51 It is also my opinion that the framework of both Rural Lifestyle Chapter (22) and Subdivision Chapter (27) of the PDP provide Council with a robust planning framework to manage any adverse effects from the development that would be enabled by the rezoning. If this rezoning was successful, under the PDP provisions no residential development could take place on the Site without the approval of a resource consent.

52 Under Chapter 22 the identification of a residential building platform would be a full discretionary activity under Rule 22.4.3.3 and any residential unit established prior to the establishment of a building platform is a non-complying activity under Rule 22.4.1.

53 Under Chapter 27 any subdivision (and associated building platform identification) would be a full discretionary activity under Rule 27.4.1. The assessment of any application under these rules would require consideration firstly of the additional planning provisions recommended in this submission (paragraph 15) in addition to the following proposed PDP provisions which I highlight and would be of relevance to any development of this site:

22.2.1 Objective - *Maintain and enhance the district's landscape quality, character and visual amenity values while enabling rural living opportunities in areas that can avoid detracting from those landscapes.*

Policies

22.2.1.1 *Ensure the visual prominence of buildings is avoided, particularly development and associated earthworks on prominent slopes, ridges and skylines.*

22.2.1.4 *Manage anticipated activities that are located near Outstanding Natural Features and Outstanding Natural Landscapes so that they do not diminish the qualities of these landscapes and their importance as part of the District's landscapes.*

22.2.1.5 *Maintain and enhance landscape values by controlling the colour, scale, location and height of permitted buildings and in certain locations or circumstances require landscaping and vegetation controls.*

22.2.1.6 *Have regard to the location and direction of lights so they do not cause glare to other properties, roads, public places or the night sky.*

22.2.3 Objective - Manage new development and natural hazards

Policies

22.2.3.1 *Parts of the Rural Residential and Rural Lifestyle zones have been, and might be identified in the future as susceptible to natural hazards and some areas may not be appropriate for residential activity if the natural hazard risk cannot be adequately managed.*

27.2.4 Objective - Identify, incorporate and enhance natural features and heritage.

Policies

27.2.4.1 *Enhance biodiversity, riparian and amenity values by incorporating existing and planned waterways and vegetation into the design of subdivision, transport corridors and open spaces.*

27.2.5 Objective - Require infrastructure and services are provided to lots and developments in anticipation of the likely effects of land use activities on those lots and within overall developments.

Transport, Access and Roads

Policies

27.2.5.1 Integrate subdivision roading with the existing road networks in an efficient manner that reflects expected traffic levels and the provision for safe and convenient walking and cycling.

54 At paragraph 11.19 of the Section 42a report the Reporting Planner has highlighted some key matters that would need to be managed as part of any development of the Site. These are:

- (a) the ability to provide a detailed vegetation management plan, that takes into account mitigation as well as biodiversity matters, including screening associated with driveways and accesses;*
- (b) the ability to ensure night lighting is assessed and managed;*
- (c) the ability to ensure that the driveways and accesses onto SH6 associated with the development are appropriately managed;*
- (d) earthworks;*
- (e) whether any covenants are necessary; and*
- (f) whether any opportunities for public access or walking are considered.*

55 I agree the matters raised by the Reporting Planner do need to be addressed as part of any resource consent process for development on the Site. However, my opinion differs in that I consider the discretionary activity rule framework and the provisions of Chapter 22 and Chapter 27 which I have highlighted and those recommended as part of the submission provide a robust planning framework to capture and appropriately address each of these matters.

56 Secondly, I consider that the Reporting Planner has failed to adequately account for the significant costs and resources involved in successfully obtaining resource consent for a residential building platform/s or subdivision in an ONL.

57 In my time as a planner in Wanaka I have been involved in numerous resource consent applications involving the establishment of building platforms or subdivision of land within the ONL as both a Council and consultant planner. From this experience I am aware that the required level of information and supporting reports from experts (such as planners, landscape architects and engineers) to prepare these types of applications is significant and takes considerable time and at considerable monetary cost. In almost all circumstances these consents are publically notified and determined at a hearing by

independent Commissioners. The applicant must pay for all Council and Commissioner costs (including experts) associated with this process. This point was one of the costs highlighted within the Section 32 analysis. I do not believe it should be overlooked when considering the merits of this submission and in particular the evidence presented that indicates the Site does have the ability to absorb a controlled form of rural living development.

58 Any resource consent required under the Rural Lifestyle framework whilst still requiring a high level of detail to successfully gain consent would be less onerous and is more likely of proceeding without public notification. This is merely due to the fact the Rural Lifestyle Zoning anticipates a level of residential development (in this case subject to restrictive mitigation controls) whereas the ONL provisions of the PDP contain no development rights.

59 I consider it is also relevant to recognise that addressing the development outcomes for the Site via this rezoning gives greater scope to view the identified issues at a Site wide level rather than on micro level or ad hoc basis that could occur with a resource consent under the Rural chapter. For example the benefits of planting and ecological enhancement across the Site is unlikely to be captured at a Site wide level under a resource consent application that is only dealing with one specific location on the Site where consideration is only been given to mitigating effects associated with that specific proposal.

60 The proposed rezone overtime will address the development outcomes across the full extent of the Site which I consider to be more efficient and gives Council greater control and certainty in terms of the long term development outcomes that will occur across the Site.

61 Overall, I do not agree with the Section 42a report that a 'belt and braces' approach to managing development on the Site is necessary. I consider that the management of development on the Site can be appropriately addressed under PDP Rural Lifestyle provisions for the reasons outlined above and therefore the rezoning of this site in my opinion is appropriate.

Conclusion

62 Overall I consider the proposed zone change of 'The Dene' to a Rural Lifestyle Zone with the inclusion of additional provisions into the PDP provides a

comprehensive solution for the development of the Site, along with suitable long term protection of the Site's important values.

63 It is my opinion that the zone change, when assessed against the requirements of s32, is consistent with achieving the purpose of the RMA.

64 The zone change is the first step in the approval process for establishing dwellings on the Site. The PDP provisions for the Rural Lifestyle zone sets up a consenting process which I am confident will ensure that all relevant landscape and vegetation management issues (for example) are given adequate consideration.

A handwritten signature in black ink, appearing to read 'Ian Greaves', written in a cursive style.

Ian Greaves

4 April 2017