

**Nigel Roland Bryce for QLDC – Summary of Evidence – 22 July 2016**

**Chapter 27 Subdivision and Development – Hearing Stream 4**

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1. I have been engaged by Queenstown Lakes District Council (**QLDC**) to provide section 42A planning evidence on Chapter 27 Subdivision and Development of the Proposed District Plan (**PDP**).
2. The purpose of Chapter 27 is to ensure that subdivision is well designed, located in the appropriate areas anticipated by the PDP, and with the appropriate infrastructure capacity for servicing and integrated transportation. A key change from the default controlled activity (**CA**) framework in the Operative District Plan (**ODP**) was a fully Discretionary activity (**DA**) framework in the PDP.
3. 1,519 points of submission (both primary and further submissions) have been coded to Chapter 27.<sup>1</sup> A significant number of submitters seek a variety of relief related to the default DA status under notified Rule 27.4.1 pg.10 [Redrafted Rule 27.5.5 and Rule 27.5.6]. These submissions broadly seek the same relief, being either retention of the existing CA rule framework under the ODP, or the replacement of existing DA status under notified Rule 27.4.1 pg.10 [redrafted Rule 27.5.3] with a new CA status.
4. While the planning evidence submitted by submitters in support of a new CA status have argued that a CA framework can deliver effective urban design responses,<sup>2</sup> ultimately, a CA status only allows QLDC to impose conditions over those matters of control. The evidence of Mr Wallace reinforces that while a CA status for subdivision generally works in terms of infrastructure requirements, a RDA status allows QLDC discretion to decline substandard applications that have inappropriate road and vehicle access widths, among other infrastructure concerns. Further, the evidence of Mr Falconer considers that a RDA status will allow for required improvements in subdivision design and give greater surety of quality outcomes. I agree with these witnesses and consider that a RDA status to be a more effective method in delivering good subdivision design outcomes for the District, in particular when QLDC officer's

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1 I note that some of the submission points are on rezoning, and/or seek relief relating to the addition or removal of provisions to Chapter 27 that are specifically related to a rezoning, as discussed earlier in this report these submission points will be addressed in the Planning Maps hearing later in this process.

2 Evidence of Mr Jeff Brown at paragraph 6.2, evidence of Mr Chris Ferguson at paragraphs 77 to 84

are unsuccessful in persuading an applicant or their agents that the subdivision does not otherwise achieve good subdivision design.

5. A key concern raised in submitter's planning evidence is that a RDA status will not improve certainty over a DA status.<sup>3</sup> I note that consent risk and uncertainty, linked with the same, is a feature of the existing ODP subdivision chapter where the majority of subdivision applications advanced between 2009 to 2015 had an activity status where Council could decline consent.<sup>4</sup> I consider that the redrafted rule framework set out in my s42A report and further changes to these rules as set out in QLDC's opening legal submissions in this hearing will offer greater certainty and better respond to the concerns of submitters.
6. The most significant amendments to the Chapter 27 provisions include:
  - a. Inserting a CA status in the PDP for certain subdivision activities such as subdivision that is in accordance with a structure plan or spatial layout plan attached to the subdivision chapter,<sup>5</sup> and boundary adjustments<sup>6</sup> (excluding boundary adjustments within Arrowtown's urban boundary and within more sensitive areas of the District, which is addressed through redrafted Rule 27.5.4);<sup>7</sup>
  - b. The deletion of the default DA status for subdivision under notified Rule 27.4.1,<sup>8</sup> in favour of a RDA status particularly geared towards subdivision within rural living and urban zones;<sup>9</sup>
  - c. Amending a number of objectives to read more like outcome statements; and
  - d. Integrating a new policy and method to respond to reverse sensitivity effects associated with existing high voltage transmission corridors.
7. As mentioned, QLDC's opening submissions set out my views on submitter evidence filed and where I agree to further changes. I am happy to talk you through those changes if that would assist.

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3 Evidence of Mr Jeff Brown at paragraph 5.8.

4 Paragraph 10.50 of the s42A report provides that the s32 analysis for Chapter 27 states that a review of the activity status of granted subdivision consent applications processed from 2009 to 2015 under the ODP identifies that 31% of applications processed and granted had a CA status. The majority of applications (69%) had an activity status that enabled the Council to decline consent, and therefore represented an elevated risk to developers.

5 [redrafted Rule 27.7.1; notified Rule 27.4.3 pg.10]

6 redrafted Rule 27.5.3 [notified rule 27.4.1 pg.10]

7 [notified Rule 27.4.1 pg.10 and notified Rule 27.5.1.4 pg.13]

8 pg.10 [Redrafted rule 27.5.5 and rule 27.5.6]

9 (redrafted Rule 27.5.5 [notified Rule 27.4.1 pg.10] and rural living, redrafted Rule 27.5.6 [notified Rule 27.4.1 pg.10];