

**BEFORE THE QUEENSTOWN LAKES DISTRICT COUNCIL
INDEPENDENT HEARINGS PANEL**

IN THE MATTER of the Resource Management Act 1991

AND

IN THE MATTER of submissions to the Stage 1 Proposed
Queenstown Lakes District Council Plan
by Otago Foundation Trust Board

**STATEMENT OF EVIDENCE OF ALYSON ANNE HUTTON
ON BEHALF OF OTAGO FOUNDATION TRUST BOARD**

**(SUBMITTER 430)
STREAM 6**

30 September 2016

1 Introduction

- 1.1 My name is Alyson Anne Hutton (nee Schuler). I have the qualification of Bachelor of Resource Studies from Lincoln University (2000). I also have a post graduate diploma in Business and Administration from Massey University (2010). I am a full member of the New Zealand Planning Institute and am a member of the New Zealand Resource Management Law Association. I am a self-employed planner. I currently provide planning services on a contract basis to Brown & Company Planning Group as well as providing planning services to my own clients. Previously I worked for Queenstown Lakes District Council (2006-2013), Civic Corporation (2002-2006), Beca Carter Hollings & Ferner (2001-2002) and the Bay of Plenty Regional Council (2000-2001).
- 1.2 **Attachment A** contains a more detailed description of my work and recent experience.
- 1.3 I have complied with the Code of Conduct for Expert Witnesses contained in the Environment Court Consolidated Practice Note 2014. This evidence is within my area of expertise, except where I state that I am relying on another person, and I have not omitted to consider any material facts known to me that might alter or detract from the opinions I express.
- 1.4 This evidence is in relation to the Otago Foundation Trust Board (“the Board”) submission (submission 408) but excluding all points specific to the Frankton Medium Density Zone.
- 1.5 I prepared the Board’s original and further submissions in relation to Stage 1 of the Proposed District Plan Review.
- 1.6 I have read the Section 42A report prepared by Ms Amanda Leigh.

2 Overview of Submission and the Board's aspirations

- 2.1 The Board has a sale and purchase agreement with the Hansen Family Partnership to purchase approximately 2.9ha of land on the northern side of State Highway 6 in Frankton on land promoted by the Council to be zoned Medium Density Residential.
- 2.2 The Board's submissions are on the Medium Density Residential Zone (General) as well as specific submissions on the Medium Density Residential Zone in Frankton. The Frankton specific submission will be heard in 2017. In the mean time the Board is preparing a resource consent application to build a church, a hall and some associated residential living areas in the first instance. They will likely be lodging resource consent later this year.
- 2.3 This evidence only affects the parts of the Board's submission that are not specific to the Proposed Medium Density Residential Zone (in Frankton).

3. Chapter 8: Medium Density Residential

- 3.1 The submission supports the amendments to amended Policy 8.2.6.3 in the encouragement of low impact approaches as it is noted that they are not possible to implement in all cases.
- 3.2 The submission supports the rules in Chapter 8, but seeks that Community Activities are considered as Restricted Discretionary as opposed to Discretionary activities for resource consent under proposed Rule 8.4.9.
- 3.3 The definition of Community Activity is:

COMMUNITY ACTIVITY

Means the use of land and buildings for the primary purpose of health, welfare, care, safety, education, culture and/or spiritual well being. Excludes recreational activities. A community activity includes schools, hospitals, doctors surgeries and other health professionals, churches, halls, libraries, community centres, police stations, fire stations, courthouses, probation and detention centres, government and local government offices.

3.4 As discussed by Ms Leigh in her Section 42A report, community activities can be highly varied in scale, nature and effects. She concludes that it would be difficult to draft satisfactory matters of discretion.¹ In my opinion the potential effects of any of the community activities listed in the definition are as follows:

- a. The design and appearance of any buildings – such as large buildings with little articulation;
- b. Traffic effects including parking and access;
- c. The scale of buildings within their surroundings – such as imposing, shading etc;
- d. The need for appropriate landscaping;
- e. The height of buildings;
- f. Reverse sensitivity effects ;
- g. Noise and hours of operation.

3.5 All of these can be adequately provided for in the matters of discretion suggested in the submission and included in paragraph 3.8 below. Other factors such as height can be provided for in the zone standards. A Restricted Discretionary regime for Community Activities gives security that these activities can locate in the Medium Density Residential Zone provided they can meet the matters of discretion.

3.6 Ms Leigh's amended objective and policies provide a suitable framework for assessment of community activities under a restricted discretionary consenting regime²:

Objective 8.2.7 Community activities are generally best located in a residential environment close to residents.

Policy 8.2.7.1 Enable the establishment of community activities where adverse effects on residential amenity in terms of noise, traffic,

¹ Para 11.8, Section 42A report, Chapter 8, Medium Density, dated 14 September 2016

² Recommended Revised Chapter, Section 42A report, Chapter 8, Medium Density, dated 14 September 2016

hours of operation, lighting, glare and visual impact can be suitably avoided or mitigated.

Policy 8.2.7.2 Ensure any community activities are of a design, scale and appearance compatible with the residential context.

3.7 In light of the above objective and policies I consider the addition of the further matters for discretion are also required in order to be supported by the directions and outcomes sought by the Policy 8.2.7.1; these are to ensure that noise, glare and lighting and reverse sensitivity are also considered as part of any assessment of a community activity. Landscape should be added to the matters to ensure that this is used to mitigate the effects of buildings or provide additional mitigation between neighbouring properties.

3.8 My preferred wording of the Restricted Discretionary Rule for Community Activities is as follows:

Discretion is limited to all of the following:

- *The design, appearance, materials, impact on the street of the building containing the activity, and its landscaping;*
- *The location, nature and scale and frequency of activities on site;*
- *The impact of noise, lighting, and glare outside of the site and potential reverse sensitivities;*
- *Parking and Access; safety, efficiency and impacts to on-street parking and neighbours;*
- *Hours of operation.*

3.9 I note that the specific activity of undertaking a community activity requires consent, as does the Medium Density Residential specific rules such as breach of height and building coverage standards. Non-compliance with those rules requires non complying

resource consent. The combination of requiring Restricted Discretionary consent for the activity and Non Complying consent for any bulk and location breaches, ensures that community activities will need to fit into the urban fabric of the medium density residential zones in order to be consented. This will be assessed on a case by case basis.

3.10 I support the proposed deletion by Ms Leigh of notified Policy 8.2.8.2 as the effects of scale, intensity and traffic are adequately dealt with by other policies, as referred to in paragraph 11.6 of her Section 42A report.

Delete: Ensure any community uses or facilities are of limited intensity and scale, and generate only small volumes of traffic.

4.0 Conclusion

4.1 I support the changes proposed by Ms Leigh in relation to the Board's submission. I submit that the possible environmental effects of Community Activities are adequately provided for under the Restricted Discretionary framework as I have discussed them.

Alyson Hutton

30 September 2016

Attachment A

Recent Experience - Curriculum Vitae

January 2014 - Present

Self Employed Planning Consultant

Key projects

- Providing sub-contracting services to *Brown and Company Planning Group Limited*– this has involved the following to date:
 - Drafting of a Section 32 for the Huapai Proposed Variation (Special Housing Area) to the Auckland Unitary Plan
 - Drafting of submissions and further submissions to various Plan Changes for clients
 - Drafting of submissions to the QLDC District Plan Review
 - Drafting and lodgement of resource consents
- Provision of advice, evidence and participation in expert conferencing for Plan Change 19 to its conclusion in September 2014
- Preparation of Resource Consent applications
- Preparation of a submission and supporting Section 32 analysis to rezone rural land to industrial zoned land as part of the Proposed District Plan review Stage1.

February 2006 – December 2013

Senior Policy Analyst – Queenstown Lakes District Council

Key projects:

- Project management and lead council planner for Plan Change 19. It involved providing for growth needs in an area of multiple landowners, high quality landscape adjacent to a nationally significant international airport. This involved project management of a team of 11 experts, approximately 10 days of Environment Court conferencing and providing expert evidence at both the Council and Environment Court hearings
- Processing private plan changes
- All aspects of 1st schedule planning processes for plan changes including environment court mediation and evidence
- Strategic planning

November 2002 – February 2006

Policy Planner – Civic Corporation Ltd

Key Projects

- Project manager and author of community plans for the townships of Kingston, Cardrona and Makarora
- Processing private plan changes
- All aspects of 1st schedule planning processes for plan changes including environment court mediation and evidence
- Strategic planning
- Processing of various Section 292 and Section 293 applications
- Managing the timely processing of Section 120 appeals to resource consents, from lodgement, sourcing expert witnesses, to resolution
- Processing designation requests from requiring authorities.

June 2000 – November 2006

- Employment at Beca Planning and the Bay of Plenty Regional Council.