

**BEFORE INDEPENDENT HEARING
COMISSIONERS ON BEHALF OF THE
QUEENSTOWN LAKES DISTRICT COUNCIL**

**IN THE MATTER OF
the Resource Management Act 1991**

AND

**IN THE MATTER OF
a Plan Change Request**

**BY
Northlake Investments Limited**

**SUMMARY AND REBUTTAL
STATEMENT OF EVIDENCE OF JOHN EDMONDS FOR**

Northlake Investments Limited

Dated 4 June 2018

I INTRODUCTION

- 1.1 My full name is John Bernard Edmonds. I live in Queenstown. I am a planner, and for the last 17 years, I have been a director of John Edmonds & Associates Ltd (JEA).
- 1.2 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.
- 1.3 My evidence:
- a. Provides a summary of my pre-circulated statement; and
 - b. Responds to the Pre-Circulated Expert Evidence filed by Willowridge Developments Limited and Central Land Holdings Limited (submitters 6 and 7);

II SUMMARY

- 2.1 Plan Change 53 seeks to amend the operative Northlake Special zone that was created via Plan Change 45. The changes are:
- a. To increase the area of land included in Activity Area D1, so as to enable either greater residential density or a retirement village. This involves a change to the boundaries of the Structure Plan.
 - b. To make adjustments to the Activity Area B1/ C1 and E1 boundaries on the Structure Plan
 - c. To Amend Rule 12.34.4.1 (iii): to increase the setback distance adjacent to part of Outlet Road
 - d. To amend Rule 12.34.4.1 (viii) to prevent any lot in the expanded part of AA D1 from having direct vehicle access to Outlet road
 - e. To amend Rule 12.34.4.1 (x) to allow the Outlet Road margin to be fenced and planted with a hedge, rather than a 3.5m wide tree planting strip
 - f. To amend the building height rule within 40m of Outlet road to 2-level structures only
 - g. To delete the subdivision rule (15.2.16.3) relating to Community Facilities
 - h. To amend the Prohibited Activity rule to delete reference to 'fish and meat processing'
 - i. To adopt the Corner Shopping Zone rules for signage within Activity Area D1
 - j. To amend the retail footprint rule in activity Area d1 to enable 2,500m² of retail, of which 1,250m² is for the purpose of a supermarket.
- 2.2 The request did not seek to make any change to the objectives or policies of the operative zone.
- 2.3 There are three elements of the Plan Change request that are at issue, which I provide a summary on:
- Outlet Road
- 2.4 First, The changes to the rules alongside Outlet Road. The key issue relates to the C2 area changing to D1.

- 2.5 The extension of the D1 area to the north will incorporate part of Areas B3, C2 and a small part of E1. The D1 area is the higher density sub-zone, which enables the highest level of building coverage, greater height and reduced boundary setbacks; compared to the other lower density neighbourhoods
- 2.6 The request recognises that it is appropriate to manage the effects of changing to a higher density activity area, by managing the effects of development close to the edge of the zone – adjacent to Outlet Road.
- 2.7 The changes set out at (c) – (f) above are intended to balance the scale of and density of buildings enabled in the D1 area with the underlying pattern of zoning that was developed through the original plan change.
- 2.8 The issues narrow to managing that interface at Outlet Road. Mr. Baxter and Ms. Skidmore both agree that re-zoning to D1 is generally appropriate – the matters that separate them are the landscape treatment of that threshold.
- 2.9 The operative plan requires that a 3.5m wide strip be planted with trees at a mature height of at least 1.5m at a spacing of up to 5m. the alternative that is proposed by the request is to construct a post and rail fence along the boundary of the site, and to plant and maintain a Grisilinea hedge up to 1.5m high.
- 2.10 The setback requirement for buildings along this frontage increases through this plan change request from 4.5m to 7m. The building height also increases from 8m to 10m.
- 2.11 Overall, I consider that the changes sought in respect of the Outlet Road edge are appropriate mitigation for the extension of the D1 area because they balance the additional density and height with increased setbacks and a more consistent edge treatment.

Policy Amendments for the Design of Larger Footprint Buildings in D1

- 2.12 The second issue is whether there needs to be new design-related policies for larger footprint buildings in the D1 area.
- 2.13 The request seeks to enable a single building up to 1,250m² for the purpose of a supermarket. The remainder of the retail buildings would remain limited to a maximum 200m² footprint.
- 2.14 No changes are proposed to the policies regarding building design.
- 2.15 Mr. Barr proposes the replacement of Policy 2.6 and the addition of new policies 2.8, 2.9 and 2.10.
- 2.16 The Northlake zone is currently being developed, and three consents have been issued by the Council for commercial buildings/ activities in the D1 area, including a multi-tenancy health centre building which has a floor area of approximately 1,000m². This building has been thoroughly assessed by the Council staff, relying upon the operative objectives, policies and assessment matters. The outcome is that the Council was able to properly assess the building without any confusion of the intent of the D1

area. The Council did not need any additional policies. I consider that the existing framework is appropriate and works; it sets the direction – and the detail is picked up in the ‘matters of discretion’ and by the ‘assessment matters’.

Policy Amendments for Use of Larger Footprint Buildings in D1

- 2.17 The third aspect is the increase of the retail footprint. Mr. Barr suggests that he considers that Policy 1.7 should be deleted, and new objective 7 and policies 7.1 to 7.4 should be included.
- 2.18 The outcomes intended through Mr. Barr’s suggested changes are already achieved by the operative suite of objectives, policies and rules, and I do not consider that his suggested changes are necessary.

III REBUTTAL OF MR. VIVIAN’S EVIDENCE

- 3.1 At paragraph 2.8 of his statement, Mr. Vivian identifies the area of land included in the proposed Business Mixed Use Zone as 8.2 hectares. My calculation is 7.8 hectares.
- 3.2 The purpose of the Business Mixed Use Zone is to provide for a range of commercial, business, retail and residential activities. The area is already substantially developed. It is home to wide range of activities that service Wanaka, including light industrial, servicing, commercial offices, convenience retail, large format retail, visitor accommodation and numerous other activities. I accept that this is reasonably permissive zoning, and that appears to have been the intention of the Council in creating this zone.
- 3.3 It is unclear from Mr. Vivian’s evidence if he is stating that the he considers that the provision of a second supermarket for the Wanaka community (in particular the north Wanaka Catchment) should be deferred, and that his client should be given an open-ended option of converting their existing hardware store into a supermarket at a time that suits them.
- 3.4 At paragraph 3.20 Mr. Vivian identifies one of the Tables included in the section 32 evaluation. He quotes from the evaluation that one of the ‘risks’ of maintaining the current zoning and relying upon the resource consent process – is that there is a “high risk of consent application being refused given the current rule framework of the District Plan.”.
- 3.5 He says that an increase in the retail footprint, without a change to the policies could make it easier to pass through the s.104D gateway. He does not however, distinguish between getting through a gateway and getting consent. The rule is clear and on the face of it – has no discretion. I still remain of the view that obtaining a non-complying activity consent to breach a stated floor area for retail would be difficult to achieve through the consent process.
- 3.6 In preparing the request I gave considerable thought to the process options and reached the view that a plan change is the most appropriate. I concluded that the policies regarding retail are suitable, but that the rule is not.
- 3.7 At paragraph 3.22 Mr Vivian states that the purpose of Plan Change 53 is to seek “a 150% increase in retail activities with no limitation on the type or number of retail activities”. To clarify; the operative zoning provides for an unrestricted range of retail activities with a maximum footprint of 200m² per

activity and 1,000m² total. The request only adds the provision for a single supermarket activity of 1,250m² plus an additional 250m² of other retail.

3.8 At paragraphs 3.45 and 3.46 Mr. Vivian assesses the changes to the Retail footprint rule. He says that the proposed wording of the rule is “confusing and uncertain”. He has an issue with whether (b) could be interpreted to allow two retail activities of 650m² and 600m² within a single building.

3.9 My suggested wording for this rule is:

- (a) No retail activity shall occur within the Northlake Special Zone except in Activity Area D1.*
- (b) No retail activity shall have a gross floor area exceeding 200m², except for one activity with a maximum gross floor area of 1,250m² limited to a supermarket/ food retail activity*
- (c) The total amount of retail gross floor area within the Northlake Special Zone shall not exceed 1,250m², excluding a supermarket/ food retail activity established under (b).*

3.10 With respect to Mr. Vivian the proposed rule states “one activity with a maximum gfa of 1,250m². The rule also limits that activity to “a supermarket / food retail activity”. I consider that the rule is very clear. However, to add to the certainty of what is intended, the words “/ food retail activity” could be deleted.

3.11 Mr Vivian adopts a view that the retail footprint rule should only be amended so that it is consistent with the proposed Local shopping centre Zone. This zone has a proposed rule that limits retail to 300m². He states at paragraph 3.50 that the retail rule should be amended consistent with that 300m² cap and a new definition of ‘grocery store’ should be inserted into the District Plan.

3.12 This is inconsistent with the overall tone of his statement of evidence that cites jurisdiction on many occasions. The change that he proposes is significantly different to the request and goes much further than the recommended changes of Mr. Barr.

John Edmonds

5 June 2018