

**BEFORE THE QUEENSTOWN LAKES
DISTRICT COUNCIL**

IN THE MATTER of the Resource Management Act 1991
(the "Act")

AND

IN THE MATTER of the Queenstown Lakes Proposed
District Plan

**Statement of Evidence of
Duncan Lawrence White**

**For Allenby Farms Limited
and Crosshill Farm Limited**

26 February 2016

1.0 Introduction

- 1.1 My name is Duncan Lawrence White. I hold the qualifications of a Bachelor of Science in Geography, a Diploma for Graduates and a Post Graduate Diploma in Science. Both of the latter two qualifications are in Land Planning and Development. These qualifications are all from the University of Otago.
- 1.2 I have over 13 years experience as a planner. I have seven years planning experience with the Manukau City Council, including three years as a subdivision officer processing subdivision resource consent applications, followed by four years as an environmental policy planner undertaking district plan changes, policy development and the acquisition of reserves. For the past six years I have lived in Wanaka and worked as a planner for Paterson Pitts Partners (Wanaka) Limited (Paterson Pitts). Paterson Pitts is a land development consultancy that undertakes a variety of rural and urban subdivision, resource consent applications and plan change work, primarily around Wanaka.
- 1.3 While this is a Council hearing, rather than an Environment Court process, I confirm I have read the Code of Conduct for Expert Witnesses contained in the Environment Court Practice Note 2014, and agree to comply with it. I can confirm that this evidence is within my area of expertise, except where I state that I have relied on material produced by other parties, and that I have not omitted to consider material facts known to me that might alter or detract from the opinions expressed.

2.0 Scope of Evidence

- 2.1 This evidence has been prepared on behalf of Allenby Farms Ltd (Allenby) and Crosshill Farm Ltd (Crosshill). This evidence covers Objective 3.2.5.1, Policy 3.2.5.1.1, and Objective 3.2.5.2 from Chapter 3 of the Proposed District Plan. It also covers Policy 4.2.6.1 and 4.2.6.2 from Chapter 4, and Policies 6.3.1.3, 6.3.1.7 and 6.3.1.11 of Chapter 6.
- 2.2 In this evidence all references to the Act or the RMA are to the Resource Management Act 1991.

3.0 Chapter 3 – Strategic Direction

- 3.1 **Objective 3.2.5.1** – *Protect the natural character of Outstanding Natural Landscapes and Outstanding Natural Features from subdivision, use and development* (as notified).
- 3.2 The recommended changes to Objective 3.2.5.1 contained in the s42A report (at para 12.103 pp32-33) have been noted, specifically to “*Protect the quality of the Outstanding Natural Landscapes and Outstanding Natural Features from subdivision, use and development*”. The recommended change to replace the words ‘natural character’ with ‘quality of the’ is not supported. Firstly, as a planner I question whether adding reference to ‘quality of’ an Outstanding Natural Landscapes (ONL) or Outstanding Natural Features (ONF) actually changes the meaning of the objective. Secondly I consider that ‘natural character’ is the significant feature of ONLs and ONFs. The words ‘natural character’ are more specific to protecting what is particularly significant in these areas, and therefore adds an appropriate emphasis.
- 3.3 I consider that Objective 3.2.5.1 should be amended to read “*Protect the natural character of Outstanding Natural Landscapes and Outstanding Natural Features from inappropriate subdivision, use and development*” (my emphasis).
- 3.4 This objective provides for one of the matters of national importance (RMA s6(b)) which is “*the protection of outstanding natural features and landscapes from inappropriate subdivision, use and development*”.
- 3.5 The exclusion of the word ‘inappropriate’ from the s42A version results in a wider, and very much more restrictive test than the outcome sought by s6(b). The Council’s s32 documentation contains no factual analysis that justifies such a strong restriction on all subdivision, use or development in areas with an ONL or ONF classification, particularly bearing in mind that farming and agriculture are activities which use and potentially develop land.
- 3.6 I consider that the ‘inappropriate’ test should be explicit in the wording of Objective 3.2.5.1, rather than implicit as recommended in the s42A report version. This would clarify the intention of the Objective and avoid any difference in interpretation. This would also be consistent with the wording of

the relevant Goal 3.2.5 “*Our distinctive landscapes are protected from inappropriate development.*”

- 3.7 This change would align the wording of the Objective and RMA s6(b) and so is more appropriate than the notified or s42A version in achieving the purpose of the RMA as required by s32 of the Act, and has the same costs, benefits and effectiveness and efficiency as the notified or s42A versions.
- 3.8 **Policy 3.2.5.1.1** - *Identify the district’s Outstanding Natural Landscapes and Outstanding Natural Features on the District Plan maps, and protect them from the adverse effects of subdivision and development (as notified).*
- 3.9 The removal of Policy 3.2.5.1.1 as recommended by the s42A Report (at para 12.101 p32) is supported for the reasons recommended in the Report.
- 3.10 **Objective 3.2.5.2** - *Minimise the adverse landscape effects of subdivision, use or development in specified Rural Landscapes (as notified).*
- 3.11 The recommended changes to Objective 3.2.5.2 contained in the s42A report (at paras 12.104 to 12.105 p33) have been noted, specifically to “*Maintain and enhance the landscape character of the Rural Landscape Classification, whilst acknowledging the potential for managed and low impact change.*” These changes are supported. I note that the s42A report for Chapter 6 recommends amending the name of the Rural Landscape Classification to Rural Landscape, and this change (if adopted) would require a minor consequential amendment to this Objective.

4.0 Chapter 4 – Urban Development

- 4.1 Allenby’s submission requests that the Mt Iron ONF and land on SH84 from Puzzling World to Riverbank Road and Albert Town – Lake Hawea Road, and the Hikuwai Conservation Area, be included within the Urban Growth Boundary (UGB) in order to give effect to the relevant objectives and policies and provide a logical location for the UGB.
- 4.2 The function of UGBs is to limit urban growth. Protection of ONL and ONF areas is specifically and primarily provided for by other objectives and policies

(for instance Objectives 6.3.1 to 6.3.4 and associated policies¹). Proposed provisions such as Objective 4.2.1 and Policies 4.2.2.4 and 4.2.6.2² (which also protects ONFs within the Wanaka UGB) note that not all areas within the UGBs will be suitable for urban development. Consequently Policy 4.2.6.1 4th bullet point “*Outstanding Natural Landscapes and Outstanding Natural Features are protected from encroachment by urban development*” essentially repeats other proposed provisions and is therefore unnecessary.

4.3 The factual reality is that Mt Iron (and its surrounds) and the Hikuwai Conservation Area are integral elements of the wider Wanaka urban area, and therefore should be within the Wanaka UGB.

¹ *Objective 6.3.1 - The District contains and values Outstanding Natural Features, Outstanding Natural Landscapes, and Rural Landscapes that require protection from inappropriate subdivision and development.*

Objective 6.3.2 - Avoid adverse cumulative effects on landscape character and amenity values caused by incremental subdivision and development.

Objective 6.3.3 - Protect, maintain or enhance the district’s Outstanding Natural Features (ONF).

Objective 6.3.4 - Protect, maintain or enhance the District’s Outstanding Natural Landscapes (ONL).

² *Objective 4.2.1 - Urban development is coordinated with infrastructure and services and is undertaken in a manner that protects the environment, rural amenity and outstanding natural landscapes and features.*

Policy 4.2.2.4 - Not all land within Urban Growth Boundaries will be suitable for urban development, such as (but not limited to) land with ecological, heritage or landscape significance; or land subject to natural hazards. The form and location of urban development shall take account of site specific features or constraints to protect public health and safety.

Policy 4.2.6.2 - Ensure that development within the Wanaka Urban Growth Boundary:

- *Supports increased density through greenfield and infill development, in appropriate locations, to avoid sprawling into surrounding rural areas*
- *Provides a sensitive transition to rural land at the edge of the Urban Growth Boundaries through the use of: appropriate zoning and density controls; setbacks to maintain amenity and open space; and design standards that limit the visual prominence of buildings*
- *Facilitates a diversity of housing supply to accommodate future growth in permanent residents and visitors*
- *Maximises the efficiency of existing infrastructure networks and avoids expansion of networks before it is needed for urban development*
- *Supports the coordinated planning for transport, public open space, walkways and cycleways and community facilities*
- *Does not diminish the qualities of significant landscape features*
- *Rural land outside of the Urban Growth Boundary is not developed until further investigations indicate that more land is needed to meet demand.*

5.0 Chapter 6 – Landscape

- 5.1 **Policy 6.3.1.3** - *That subdivision and development proposals located within the Outstanding Natural Landscape, or an Outstanding Natural Feature, be assessed against the assessment matters in provisions 21.7.1 and 21.7.3 because subdivision and development is inappropriate in almost all locations, meaning successful applications will be exceptional cases (as notified).*
- 5.2 The matter is covered in paras 9.66 to 9.67 (p17) of the s42A report. Appendix 2 to the report recommends rejecting submissions relating to this policy, but paras 9.66 and 9.67 provide no justification or commentary as to why.
- 5.3 As with Objective 3.2.5.1, this provision provides for “*the protection of outstanding natural features and landscapes from inappropriate subdivision, use and development*” RMA s6(b). However, the objective as worded states that development will be inappropriate in almost all locations such that successful applications will be exceptional. This is unduly restrictive, seems to have predetermined the consideration of resource consent applications in these landscape classification areas, and represents a higher test than anticipated by s6(b) of the Act. In addition, the wording of the Policy does not seem to have been assessed against the provisions of s32 of the Act, and is not supported by landscape evidence.
- 5.4 I consider the component of the Policy that refers to the assessment matters in provisions 21.7.1 and 21.7.3 to be inappropriate drafting as it is worded as a method, not a policy and cannot be understood without reference to the assessment matters. The same also applies to Policy 6.3.1.4 for Rural Landscapes which refers to assessment matters in 21.7.2.
- 5.5 I note that the proposed assessment matters 21.7.1 states “*These assessment matters shall be considered with regard to the following principles because, in or on Outstanding Natural Features and Landscapes, the applicable activities are inappropriate in almost all locations within the zone: 21.7.1.1 The assessment matters are to be stringently applied to the effect that successful*

applications will be exceptional cases.” Since these assessment matters already cover the same ground, it is unnecessary to repeat them in the Policy.

- 5.6 Since both components of Policy 6.3.1.3 are problematic and the key point is contained twice in Assessment Matter 21.7.1, I consider this Policy could be deleted without affecting the operation of the plan.
- 5.7 **Policy 6.3.1.7** - *When locating urban growth boundaries or extending urban settlements through plan changes, avoid impinging on Outstanding Natural Landscapes or Outstanding Natural Features and minimise disruption to the values derived from open rural landscapes (as notified).*
- 5.8 In Queenstown proposed maps 26 and 27 for Arrowtown identify Feeley Hill as an ONF and as being within the UGB. Proposed map 18 identifies part of the Northlake area (north of Outlet Road), land north of Peninsula Bay as also being within an ONF and the UGB. The same map identifies Mt Iron as an ONF, but specifically places this outside the UGB. For the reasons stated above and to be consistent, all these areas (including Mt Iron) should be included within the UGB. Also the words “*or Outstanding Natural Features*” should be deleted from Policy 6.3.1.7.
- 5.9 **Policy 6.3.1.11** - *Recognise the importance of protecting the landscape character and visual amenity values, particularly as viewed from public places (as notified).*
- 5.10 This policy applies to all rural landscapes, not just ONLs and ONFs. The policy effectively states that every view from any public place is important and must be protected. This has not been justified in the s32 report or the related landscape assessments.
- 5.11 I consider that Policy 6.3.1.11 should be amended to read “*Recognise the importance of avoiding, remedying or mitigating adverse effects on landscape character and visual amenity values as viewed from public places.*”
- 5.12 The s42A report comments on use of RMA phrases (paras 9.32 to 9.37 pp12 to 13). I consider that this policy can appropriately use the RMA phrase ‘avoiding, remedying, or mitigating’ because this is in the context of a policy

which applies to a very wide range of views, some of which may be important and some may not.

- 5.13 I believe my recommended amendment is more appropriate than the notified version in achieving the purpose of the RMA as required by s32 of the Act, with the same costs, benefits and effectiveness and efficiency.